

**REPORT OF THE COMMONWEALTH EXPERT
TEAM ON THE OBSERVATION OF THE
INSPECTION AND VERIFICATION OF THE
PROVISIONAL REGISTER OF ELECTORS IN
MALAWI**

26 – 30 April 2004



Commonwealth Secretariat

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THE PROVISIONAL REGISTER OF ELECTORS IN MALAWI**

1 May 2004

Dear Secretary-General,

I wish to thank you for granting the Team the opportunity to serve in Malawi during the inspection phase of the voter registration exercise, and to submit the attached report.

You will note from the Conclusions that the exercise failed to achieve the objective for which it was conducted.

It would appear that the Electoral Commission has to make improvements in the logistics and IT areas in order to plan and carry out its exercises efficiently and effectively.

Joycelyn Lucas
Former Chief Elections Officer
Trinidad and Tobago

INTRODUCTION

The Malawi Electoral Commission declared the period 26 – 30 April 2004 for the Inspection and Verification of the Voters register. This decision was made pursuant to Section 31 of the Malawi Electoral Law, which states that “a voters register shall be open to inspection, for purposes of verifying the entries therein, by voters, representatives of political parties and international observers, and for this purpose the Commission shall make copies of voters registers and post them for inspection at appropriate public places made known to the public.”¹

In response to an invitation by the Malawi Electoral Commission to the Secretary-General of the Commonwealth to observe the Inspection and the Verification of the Voters register, a two-member team was assigned to observe the exercise:

Ms Joycelyn Lucas
Former Chief Elections Officer
Trinidad and Tobago

Mr Linford Andrews
Senior Programme Officer
Political Affairs Division
Commonwealth Secretariat

BACKGROUND

Terms of Reference

The team's Terms of Reference were “to observe the display of the provisional register of electors, in accordance with the laws of Malawi, and to report to the Commonwealth Secretary-General and any Commonwealth Observer Group which may be present for the Parliamentary and Presidential Election”.²

Following the submission of the Expert Team's report to the Commonwealth Secretary-General, it will subsequently be made available to the Government of Malawi, the Electoral Commission and political parties contesting the elections.

¹ Parliamentary and Presidential Elections Act, “Registration of Voters”, Part III, Section 31

² See Commonwealth News Release “Commonwealth observes display of Malawi register of electors”, attached as **Annex I**

The Expert Team's work complements that of a Commonwealth Expert Team which was present in Malawi in January 2004 to observe the registration of voters.³

Arrival in Malawi

On arrival in Malawi, 25 April 2004, the team met with Mr Tim Neale, Commonwealth Media Adviser for the Elections, and was updated on the media situation in the country, in particular, as it related to the National Elections Consultative Forum (NECOF) and two articles which appeared in the Weekend Nation newspaper.⁴

Meeting with the Malawi Electoral Commission

The Team met with the Chairman and two senior officials of the Electoral Commission and was briefed on the registration process, including the preparations for the opening of the voters register for inspection and verification of the data contained therein.

An overview of the overall state of the preparedness for the Parliamentary and Presidential Elections was given. Attention was drawn to two articles⁵ in local daily newspapers in which President Muluzi had issued warnings to international observers not to interfere in the electoral process.

The team enquired whether the electorate fully understood the purpose of the inspection and verification exercise and its role. The Chairperson gave the assurance that the inspection was a second stage verification, and that notices of the voters register being open for inspection at the polling centres were published in various languages both in the electronic and print media.

A notice published by the Chief Elections Officer which appeared in The Chronicle, dated 26 April – 3 May 2004, read as follows:

"Notice is hereby given to the general public that the Malawi Electoral Commission will make available for inspection the voters roll for each centre from 26 to 30 April 2004, from 08h00 to 16h00.

"The objective of the exercise will be to enable political party representatives, civil society organisations, international

³ See "Voter Registration in Malawi - January 2004: Report of the Commonwealth Expert Team"

⁴ See **Annex II**

⁵ "Muluzi warns Observers", The Nation, 26 April 2004 and "I'll throw you out says Muluzi", Daily Times, 26 April 2004: See **Annex III**

observers and the electorate to verify the correctness of the poll and raise objections on any voter who may be considered to be ineligible to vote.”⁶

The team then received their accreditation letters and ID badges for visits to polling centres from the Commission.

Election Material

The team also received the following election material:

Voter Registration Figures 2004
Polling Centres for 2004
Parliamentary Candidates 2004
Parliamentary Nominations – Designated Data by District

Data on Voter Registration

Malawi is divided administratively into three regions: Northern, Central and Southern, with a total of 193 constituencies throughout the country.

The data gathered at the close of voter registration concluded as follows:

Northern Region

811 polling centres
927,400 registered voters
1258 established polling stations

Central Region

1618 polling centres
2,701,889 registered voters
3353 established polling stations

Southern Region

1455 polling centres
3,042,527 registered voters
3624 established polling stations

⁶ Full details of the Notice are attached as **Annex IV**

Country-wide

3884 polling centres

6,671,816 registered voters

8235 established polling stations

ACTIVITIES OF THE TEAM

Polling Centres Visited

The Team visited 28 polling centres in 13 constituencies⁷, located in all three regions i.e. Northern, Central and Southern.

All the polling stations visited as at 16h00 on Friday 30 April 2004 did not receive the computerised copy of the voters roll as stated in the notice published by the Chief Election Officer. At most polling centres, what was available were the binders with the registration certificates and sheets of photographs of the voters registered. In addition, by Thursday 29 April most polling centres had received the manuscript of persons who had applied for transfers.

The unavailability of the voters roll was a cause of grave concern, as without the voters roll; there was no way of determining whether the names on the registration certificates were captured and included in the voters register. Of even greater concern, as expressed by the attending officers at the polling centres, were the transfers. Most of the voters visiting the polling centres were anxious about whether their transfers were effected.

Two other problem areas mentioned were:

- (1) Persons who had lost their registration certificates and not given a duplicate by order of the Commission; and,
- (2) Persons who had registered, but did not have their photograph taken due to the lack of cameras and/or film.

⁷ The Constituencies visited (polling centres in brackets) were: **Blantyre City Central** (Blantyre Secondary School, Namalimwe Primary School, Ndirande Community Hall, Ndirande Kachere Primary School), **Blantyre Kabula** (Chemusa Assemblies Private School, Chirimba Primary School), **Blantyre North East** (Lunzu Primary School), **Blantyre North** (Lilangwe Primary School), **Ntcheu West** (Community Hall), **Dedza South** (Dedza Community Hall), **Lilongwe Msozi North** (Mwatibu Primary School, Nthenje Admarc), **Mzuzu City** (Mzuzu Government Secondary School, Mzuzu Stadium, Mzuzu CCAP School), **Mzimba East** (Chikangawa School, Wozi School), **Mzimba Solora** (Mtangatanga School, Lupuha School, Machecheta School), **Lilongwe City West** (Bwaila Secondary School, Kamuzu College of Nursing, Office of District Commissioner, Town Hall, Lilongwe Technical School), **Lilongwe City South West** (Lilongwe Girls Primary School, **Zomba Central** (Mponda Primary School, Zomba Community Centre)

There is great anxiety among these persons as to whether they would be allowed to vote, especially in light of Section 85 of the Electoral Laws, which states:

“For a person to be allowed to vote he (she) must first present to the polling station officer his (her) voters registration certificate.....”⁸

In addition to those problems, there was a very low turnout at the polling centres. Of the centres visited, except for the Kamuzu College of Nursing polling centre in Lilongwe City West constituency, which had 37 persons attending the centre, all the others reported less than 20 people turning up. At Lilongwe Girls Primary School in Lilongwe City South West constituency as at 13h00 on Thursday 29 April, not a single person had turned up at the centre to verify whether their names were on the voters register. Also, none of the polling centres visited in the Zomba Central constituency received any election material.

Meeting with Political Parties

The Team met with Mr John Tembo, presidential candidate of the Malawi Congress Party (MCP); Mr Gwanda Chakuamba, presidential candidate for the Mgwirizano Coalition⁹; and Dr Bingu wa Mutharika, presidential candidate for the United Democratic Front (UDF). Due to pressing party commitments, the team could not meet with Mr Brown Mpinganjira, presidential candidate of the National Democratic Alliance (NDA). (Time constraints prevented the Team from meeting with a broader cross-section of political parties, NGOs and other organisations.)

Opposition parties expressed similar dissatisfaction with the manner in which the voter registration exercise was conducted due to the lack of materials and the postponement of this exercise on more than one occasion. The management of both the voter registration and inspection exercises was seen to be inefficient and unprofessional. There have also been calls for the resignation of the Chairman of the Electoral Commission.

⁸ Parliamentary and Presidential Elections Act, “The Vote and the Voting Process”, Part VII, Section 85

⁹ The Mgwirizano Coalition comprises the Republican Party, People’s Progressive Movement (PPM), Malawi Forum for Unity and Development (Mafunde), Malawi Democratic Party (MDP), National Unity Party (NUP), Movement for Genuine Democratic Change (MGODE) and the People’s Transformation Party

An alternative view was, however, also expressed that the Electoral Commission was facing several logistical constraints; that given these constraints the fact that the voters roll was imperfect was understandable.

It was the opinion of some parties that alternative systems of voter registration should be explored.

Follow-up meeting with the Chairman of the Malawi Electoral Commission

The Team was unable to meet with the Chairman of the Malawi Electoral Commission and/or other Commissioners at the conclusion of the inspection and verification period. The team was informed by a member of staff of the Commission that one of the major problems faced during the voter registration phase was the lack of capacity of the computer equipment utilised to capture the large volume of information. To resolve the situation, a company from South Africa was contracted to improve the IT facilities utilised by the Electoral Commission, which would ensure that the 2004 voters roll would be ready prior to Election Day¹⁰.

CONCLUSION

An accurate voters register is pivotal to a valid electoral process, as it serves as the basis for exercising one's franchise. Hence, every measure must be put into place to ensure that the voters register is as accurate as possible. One such measure is the inspection and verification process, the purpose of which is to enable the public (registered voters in particular) to:

- (a) Check the voters roll (the document which reflects the data on the register) to ensure their names and particulars appear correctly;
- (b) Submit claims to have their names included, if they have registered, but the names do not appear;
- (c) Make objections to names appearing on the voters roll that should not be included.

Thus, failure to provide the 2004 voters roll during an inspection exercise can only be characterised as a lost opportunity to ensure a high level of accuracy of the voters register.

¹⁰ According to some print media reports on 1 May 2004, the Electoral Commission hoped to have a fully updated 2004 electoral register ready for inspection and verification by 10 May 2004.

Having observed the inspection exercise where the key document, the 2004 voters roll was absent, the implicit assumptions that can be made are:

- (a) The Commission was not fully prepared to conduct the inspection and verification of the voters roll exercise. Several postponements of the registration exercise have impacted negatively on the preparations for compiling the voters roll. In essence, there was insufficient time for capturing and verifying all the data gathered during registration, compiling the roll and distributing copies to the relevant centres.

In fact, the actual inspection exercise was postponed on three occasions. However, given its statutory obligation, as provided in Section 31 of the Electoral Laws, the Commission had no choice but to carry out the inspection exercise even in the absence of the computerised voters roll.

- (b) The extremely low voter turnout may be attributed to the lack of understanding on the part of the voters regarding their role during the inspection and verification phase, given the wording and style of the notices published in the media by the Chief Elections Officer.

Moreover, the notice as published on 26 April 2004, placed less emphasis on ensuring that one's name and particulars were included correctly, and what action should be taken if it is not, than objecting to a name on the voters roll.

While the inspection exercise was launched for the period 26 – 30 April 2004, the objective of the exercise as provided for in Section 31 of the Electoral Laws, i.e. "...opening the voters register to inspection for purposes of verifying the entries therein...", was not achieved due to the unavailability of the 2004 voters roll.

The low voter turnout may have in fact been a blessing in disguise, i.e. if large crowds had indeed turned up to inspect the registers, and were unable to determine with certainty whether their names were included in the voters register, that may have created further problems for the Commission.

RECOMMENDATIONS

Given all the problems experienced during the voter registration exercise and the compilation of the voters roll, the Electoral Commission may wish to consider the introduction of a system of continuous registration.

A continuous system will enable the Commission to conduct registration at its offices year round, during normal office hours, except for the cut off date prior to an election.

More importantly, it also allows for the updating of the master register, weekly or monthly as applicable to the specific situation, or as the Commission sees fit.

It should be noted that a continuous system of registration requires support staff at permanent centres within the districts to conduct registration transactions, and the requisite physical and human resources at the IT centre.

The benefits of a continuous system of registration are:

- The voters register is continuously updated;
- A voters roll can be compiled within the time it takes to print it;
- The problems and anxiety associated with conducting registration prior to elections will be eliminated.

The Commission may also wish to replace the fragile registration certificate with a more substantial document, possibly an identification card.

ACKNOWLEDGEMENTS

We are pleased to place on record our thanks to all those organisations and individuals who have assisted the Team during our stay in Malawi.

In particular, we wish to acknowledge the co-operation and assistance of the Chairman and staff of the Malawi Electoral Commission in Blantyre, and the officers at the various polling centres in the regions.

We thank the political parties with whom we were able to engage during the limited time available to the Team.

We also wish to thank Mr Tim Neale, Commonwealth Media Adviser, and Mr Rob Jamieson, publisher of The Chronicle, for their support during the Team's mission.

Special gratitude goes to our driver, Mr Faizar Bakari, for his patience and tenacity in ensuring that we were able to cover a wide area of the country during our observations.