VOTER REGISTRATION IN MALAWI
JANUARY 2004

REPORT OF THE COMMONWEALTH EXPERT TEAM

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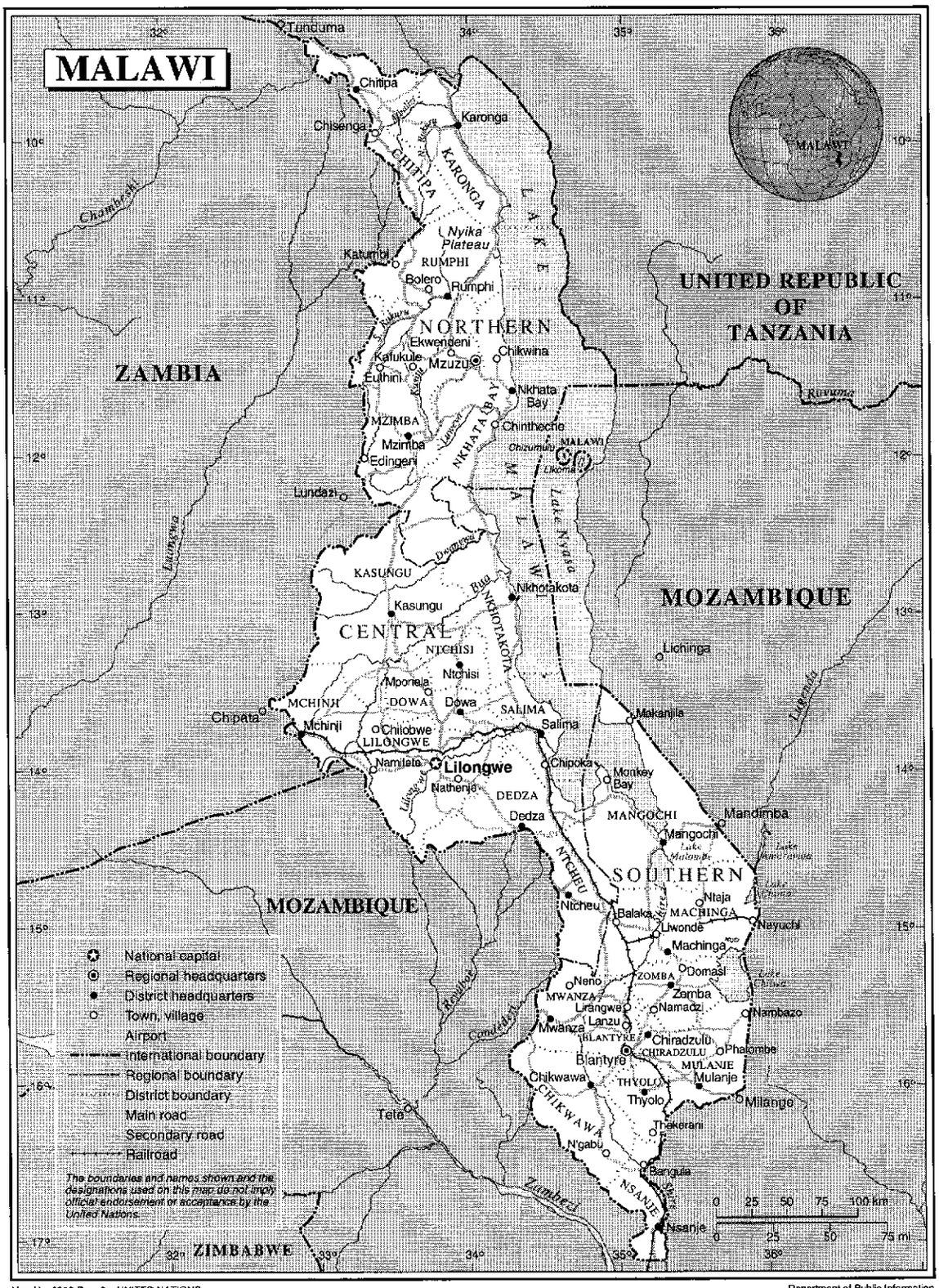

Map No. 3858 Rev. 2 UNITED NATIONS
July 2003

Department of Public Information
Cartographic Section

His Excellency Don McKINNON
Secretary General
Commonwealth Secretariat
Marlborough House
Pall Mall
SW1Y 5HX
February 6, 2004

Dear Secretary General

We are pleased to submit our preliminary report herewith on our observation of the registration of electors in Malawi from January 11 thru to January 17, 2004.

In our preliminary report we described the procedures that have been established to conduct the registration process and we have come to the conclusion that these procedures provide a sound basis for the proper registration of electors. We did point out some administrative weaknesses that should be addressed to improve the registration process and increase the logistical capacity of the Malawi Electoral Commission in preparation for the upcoming election

We appreciate the opportunity given to us to visit Malawi and review the registration procedures and hope our recommendations and conclusions are helpful.

Danville A Walker
Director of Elections
Jamaica

INTRODUCTION

This Report covers the work of the Commonwealth Expert Team which observed the Voter Registration Process in Malawi, from 11 - 17 January 2004. During its mission the team met with the Malawi Electoral Commission Commonwealth High Commissions, political parties, civil society representatives and voters on the ground.

BACKGROUND

Invitation

Following an invitation from the Chairman of the Malawi Electoral Commission, Justice James B. Kalaile, SC, (copy at **Annex 1**), the Commonwealth Secretary-General constituted a Commonwealth Expert Team comprising a senior Commonwealth electoral expert supported by an officer from the Commonwealth Secretariat. The team visited Malawi for part of the registration period scheduled for 5-18 January 2004 to observe the registration process. On Wednesday 14 January 2004, the Chief Election Officer announced that the registration period would be extended for 1 week beyond the period initially allocated.

The members of the Expert Team were:

Mr Danville Walker,
Director of Elections
Electoral Office of Jamaica,

Ms C. Lee Ling
Political Affairs Division
Commonwealth Secretariat

The terms of reference for the Team were as follows:

> *"Following an invitation to the Commonwealth Secretariat from the Chairman of the Malawi Electoral Commission to observe voter registration in Malawi, the Commonwealth Expert Team is to observe relevant aspects of the organisation and conduct of the voter registration process, in accordance with the laws of Malawi. They are to consider the various factors impinging on the credibility of this part of the electoral process and to determine in their own judgement whether it provides a sound basis for continued preparations for the General Election.*
>
> *The Expert Team will act impartially and independently. It has no executive role; its function is not to supervise but to observe the process and to form a judgement accordingly. It will submit its report to the Commonwealth Secretary-General, who will in turn forward it to any Commonwealth Observer Group which will be present in Malawi for the General Election. The Secretary-General may also decide to draw any major matters of concern to the attention of the Government of Malawi, the Electoral Commission, and the leadership of the political parties taking part in the elections and, if necessary, Commonwealth governments."*

Activities of the Team

The team commenced work on Monday 12 January 2004 with briefings from the members of the Malawi Electoral Commission. The team also toured the Commission's IT Centre to be briefed on its work and held meetings with the Commonwealth Secretariat funded media adviser, Mr Tim Neale. During the course of the week, they held meetings with a number of representatives of political parties and civil society groups. A full schedule of engagements is attached as **Annex 2**.

Malawi is comprised of the Northern, Central and Southern Regions. These regions are divided into 193 constituencies with 3,891 registration centres. During the course of the mission the team was able to visit ten constituencies and 18 registration centres in the Central and Southern Regions. (List of Centres visited at **Annex 3**). At these centres, they observed the registration process, staff and monitors. Team members were also able to speak to applicants waiting to register.

THE ELECTORAL FRAMEWORK

Electoral Legislation

The elections are governed by the laws of Malawi, Parliamentary and Presidential Elections, Chapter 2:01. This Chapter covers the Registration of Voters, Holding of General and By-Elections, Campaigning, Polling Stations, The Vote and Voting Process, Determination of the results of the Elections, Election Partitions in respect of Election as a Member of Parliament to the National Assembly or to the Office of President, International Observation, Complaints and Appeals, Offences and Penalties and Repeals and Savings. The Electoral Commission is governed by separate legislation.

The Malawi Electoral Commission

The Commission was established under Section 75 of the Constitution of Malawi following the enactment of the Electoral Commission Act No. 11 of 1998. The Commission is comprised of a Chairman, who is a Judge of the Supreme Court nominated by the Judicial Service Commission and at least six members, appointed by the President in consultation with leaders of political parties.

The current members of the Commission are:

Justice James Kalaile, SC Chairman
Commissioner Lilian Kapanda Phiri
Commissioner Marco Kanjo
Commissioner Monica Ngwembe
Commissioner Professor Kafwe C. Tembo
Commissioner Kasigele Nsanja
Commissioner Lusekelo Mwalughali
Commissioner Arthur V. Nanthuru
Commissioner Rev. Emmanuel Chinkwita Phiri

The current Commission was appointed in 2002 and its term ends in 2006. It is mandated under Section 76 of the Constitution to prepare for and conduct all elections. The Commission is serviced by a Secretariat headed by a Chief Elections Officer (CEO), Mr George R.E.K. Chimwaza, two deputies, Mr Willie Kalonga, Electoral Services and Mr Luke Kaliwo, Finance and Administration.

It has three Regional Election Offices. As it does not have a permanent structure, District Commissioners and Chief Executives of Assemblies are appointed Returning Officers and together with District Elections Supervisory Teams manage on the ground during election periods.

The four major tasks of the Electoral Commission are:

1. The Review and re-demarcation of constituency boundaries and ward boundaries.

2. The registration of all eligible voters or the updating of existing voters register and the provision of an identity document to each registered voter.

3. Arranging for the actual taking of the poll, counting the votes and declaring the results; and

4. The determination of electoral petitions and complaints related to the conduct of any elections.

Qualification for Registration

The laws of Malawi, Parliamentary and Presidential Elections, Chapter 2:01, Part III, Section 23, indicates the registration requirements to be eligible to vote in a constituency. These require that the person must not be registered at any other registration centre and shall present to a registration officer sufficient and cogent proof of his eligibility and may do so by producing:

- a passport, drivers licence, even if expired, tax certificate or marriage certificate, an employment identity card or employment discharge certificate or birth certificate or similarly authentic document of identity;
- written, verbal or visual testimony of-
    - the chief, a village headman or registered voter of the area; or
    - the registration officer.

It is the civic duty of citizens of Malawi who on or before polling day reach the age of 18 is eligible to register as a voter. A foreigner who has been resident in Malawi for more than seven years also qualifies to register as a voter.

The team was informed that a voter must vote at the same centre where they are registered. Each voter is given the right to choose to register in the constituency where they were born, live or work but can only register in one constituency. The team was informed that voters would not be able to register twice and that the computer would pick up any potential duplicate registrations. It is however noted

that further safeguards need to be built into this system to ensure that voters do not exploit the possibility of registering more than once under different names or addresses.

THE REGISTRATION PROCESS

During the registration period, it was expected that approximately 300,000 new registrants would apply for registration, along with other voters who would attend the registration centres to review details of previous registration or to provide photographs. The Register of Voters contains the name, photograph and voter's number for each registered voter.

The process for the preparation of the Voters' List includes the following:

- Application for registration
- Collection of registration materials in the field and verification and cleansing of the election data
- Processing the data at the IT Centre
- A period of claims and objections
- Hearing of objections
- Preparation and publication of the final Voters' List

During the registration period a preliminary Register of Voters was made available for inspection. Each registration centre was instructed to display the Register of Voters, which showed the names and photographs of all who have registered at that centre. The register enabled all those who registered to check whether their names and other particulars had been correctly recorded in the Register.

Each centre was staffed with a registration supervisor, three clerks, a photographer and a security officer. Also present in the centres were monitors from the political parties, National Initiative for Civic Education (NICE), Public Affairs Commission (PAC) and the Catholic Commission on Justice for Peace.

The registration material used is as follows:

- Registration Record Card – Part 1
- Registration Certificate – Part 2
- Data Amendment Card
- Duplicate registration certificate – Part 3
- Photo card – Part 4
- Film
- Plastic (tamper-proof) envelope

The forms used are Optical Mark Recognition (OMR) and provide a detachable section that became the voters' registration card after completion of the form. This card is to be retained by the voter and used on polling day as proof of eligibility to vote. For a copy of the form see **Annex 4.**

Procedures for Registration

A person can only register once, either in the area of their residence, business or employment. On arrival at a registration centre an applicant:

- submits identity documents to Clerk 'A'.
- Clerk 'A' checks and confirms ID, fills in the registration record card (Part 1) and hands the entire form to Clerk 'B'.
- passes to photo area and has two photographs taken by a camera operator who hands photographs to Clerk 'B'.
- goes to Clerk 'B' who records voter number at the back of each photograph and attaches the photographs to the record card (Part 1) and photo card (Part 4).
- Clerk 'B' records details on the registration voter certificate (Part 2).
- applicant is handed the voters' registration certificate and leaves the centre.
- Clerk 'C' completes the registration data card (Part 3), tears off and files the registration record card (Part 1), data card (Part 3) and (Part 4) are put in a tamper proof envelope.
- Clerk 'C' compiles voter list from record cards.

Verifying Entries in the Voters' List

Voters can also visit the registration centres to check their data for corrections and to transfer from one constituency to another.

They should go to the centre where they registered to ensure that all their particulars including their photographs are in order.

If any details are missing or incorrect they should point this out to the registration staff, who will ensure that the appropriate corrections are made.

Cleansing the Voters' List

To ensure the correct cleansing of the voters' List, the following procedure is observed:

i) The voter checks all details are correct; signs and leaves the centre.

ii) Where details are incorrect but photograph intact, Clerk 'A' fills in the amendment form.

iii) Where details are correct but photograph is missing:
    - Clerk 'A' enters the voter number on the photograph replacement form and hands it to the applicant
    - Applicant has two photographs taken by the camera operator
    - Applicant collects the two photographs from the camera operator and hands them together with the photograph replacement form to Clerk 'B'

- Clerk 'B' records the voter number at the back of each photograph and attaches one photograph to the photograph replacement form and keeps the other in a safe envelop

- Where details are incorrect and the photograph is missing, procedures (ii) and (iii) above are followed.

Transfers

The following procedures apply to a voter who has registered elsewhere but wishes to relocate to a new area:

- The applicant will arrive at a centre and tell Clerk 'A' that s/he would like to transfer to that centre.
- Clerk 'A' will refer that person to the Supervisor who will issue him/her with an Application for Transfer Form.
- The applicant must state full details of the Centre from which s/he is transferring from and show his/her Voter Registration Certificate.
- If not in possession of a Voter Registration Certificate then s/he should go to where s/he registered and collect a replacement certificate for processing at the new centre.
- Clerk 'B' will fill in the transfer option of the voter amendment form, issue a new certificate and advise the applicant that s/he can now vote at that station.
- The voter is then free to leave the centre.

Other data captured from voters previously registered include:

- Missing photographs
- Missing records
- Death reports

During the registration period, the centres remained open from 08:00 - 16:30. At the end of each day, the details of all daily registrants are reconciled on Electoral Commission forms and the following data recorded for transmittal to the Electoral Commission:

- Total new registrants
- Total transfers
- Total duplicate registration forms
- Number of unused forms
- Spoiled forms
- Refused applications
- Number of challenge forms

Registration Timescale

The team observed that the time taken to process an applicant was reasonably quick. The registration supervisor checked the identification of the applicant, Clerk

'A' verified documents to ascertain that the applicant was not already registered, Clerk 'B' wrote the voter form number on the back of both photographs and Clerk 'C' entered the details on the voter registration data card. The camera operator's role was required for new applicants or old registrants whose photographs were not available.

Recruitment and Training

Staff were employed on a temporary basis for the registration period and were trained together with party monitors from 2-4 January 2004. The team observed that the staff were competent, well-mannered, helpful and professional in their approach. They noted that many of the centres visited were located in schools and that most of the Registration Supervisors were either Head Teachers or teachers at the school.

Staff at the Registration Centres were also provided with a detailed *Voters Registration Procedures Manual* to assist them in their work during the registration process.

The Technology (hardware and database systems)

During a visit to the Malawi Electoral Commission IT Centre, the team was briefed by Mr Muhabi Chisi, the IT Manager, on the systems and processes in place to handle the registration process.

The team noted that the centre has the following equipment:

1. Compaq MI570 Server (900 MHz, 517 MB Ram -18.2 GBx10 Hard Disk)

2. 21 Desktop PC equipped with Digital Cameras to capture photographs taken in the field (700 MHz, 64 MB Ram, 6 GB HD)

3. 2 Hewlett Packard 8150N Printers (32 pages / min)

4. 2 OMR (Optical Mark Recognition) Scanners

The IT Centre is staffed with one IT Manager, a Systems Analyst, a Programmer and 22 Data Entry and Verification Clerks.

The IT Process

All completed registration forms will be sent to the IT Centre at the end of the registration period. Each registration record card, data amendment card and photographs will be scanned and entered into the database. All data is connected by a voter serial number which is on each registration document. The data is stored on each terminal and periodically transferred to the server on which all data for the entire Voters' List resides.

At the IT Centre, the only staff observed was the IT Manager. The team was informed that all the other staff were in the field checking on the quality of the data being collected. It was felt that this process could have been improved by having IT centre staff processing forms throughout the registration process rather than at the end. This point was brought the attention of the Electoral Commission who said they would consider commencing the inputting of data when staff returned from the field.

ISSUES AND CONCERNS

Generally the team was pleased with its observations. However, it would wish to place on record a number of issues and concerns that it has noted during its observation of the registration process. These are areas that could be reviewed to increase the confidence of electors in the overall process and to increase efficiency while reducing the possibility of malpractice.

Fieldwork

- Electors who registered in a prior registration exercise whose photographs are not available are not alerted and therefore will most likely not attend to have their photograph captured.

- The new addresses of electors who come in for transfers are not verified by any methodology. In constituencies where contests are expected to be close, this could be viewed as vulnerable to malpractice and therefore should be reviewed.

- Residency of a new elector in a constituency is not verified. This is especially necessary to ensure an accurate registration in advance of the election.

- It was noted that there was a shortage of forms, films, duplicate certificates, and other supplies. Estimates of required material appeared to have fallen short of actual demand.

- Monitors are seated too far from the registration desk and appear to be filling a statutory requirement rather than effectively overseeing the procedures.

- Logistical support for some centres appeared to be weak. When film or other supplies run out it took more than one day to re-supply. This should be revisited for future planning processes.

- Some electors were turned away due to shortage of film and registration cards.

Information Technology

- It was observed that completed registration forms are not sent to the IT Centre after the first day of registration. This should have been done after passing through a quality control procedure set up at the constituency level. This would have given the IT Centre an opportunity to test the facility and not remain idle for the three week of registration.

- No data entry and processing was being done during the entire registration period at the IT centre as a result of the above point.

- The team did not observe a facility which could adequately store, retrieve, separate, sort, batch process and then file forms so that they can be quickly retrieved for reprocessing if necessary.

- Printers in the IT Centre are out of date and too slow for the requirements of producing the new voters register.

- There is only one server and no tape back-up system. This has implications for the security and sustainability of the collected data.

- No back-up power supply was observed to support the IT facilities.

- No Uninterrupted Power Supply (IUPS) was observed for the server or Desk Top PC's.

- The team felt that the server should be removed from the IT Manager's office and a separate secure area be established.

- Since no processing had commenced, the team was unable to observe the procedures in place to ensure that forms scanned are reconciled to the databases. Transaction reports need to be tied into processed work brought over to the server.

- If an elector has a registration certificate and the name does not appear on the voter's list there must be a clear chain of custody of the forms so that the form can be found and reprocessed quickly. This was not able to be observed.

CONCLUSIONS AND RECOMMENDATIONS

- The registration staff appeared to be well trained, motivated and respectful in manner. The team observed that all tasks were carried out professionally.

- Extra financial assistance and technical support should be provided as a priority to increase the capacity and data security of the IT Centre.

- Additionally, it is recommended that the Electoral Commission seek to update its printing capability with, for example, 10 H.P. 900 printers. The Commission should seek to have the capacity to print the voters' list in under five days.

- A review of the registration procedures need to take place and adjustments made to protect the system from abuse and to increase accountability for forms and increase transparent record keeping so that the final voters' list can be independently verified. This will enhance the credibility of the system.

- A review of the logistical capabilities and plans should be undertaken immediately with a view to strengthen the capacity of the Commission prior to Polling Day.

- Immediately upon arrival of the forms at the IT Centre processing statistics should be gathered to determine if plant size needs any adjustments.

- A non-picture version of the voters' list should be produced and given to political parties. A period of time should also be given for constructive feedback.

- At the end of each day, political party monitors should be provided with a list of names, inclusive of registration number of all new registrants and transfers into the constituency. This should be reconciled to the Daily Registration Account Form (DRAF).

- Inventory logs should be kept of all form sent to the IT Centre. Returning Officers should note all forms used, which elector was registered and which tamper proof envelope they were placed in.

- The tamper-proof envelope should be double signed upon collection from the Returning Officer to show acceptance of delivery and receipt. After signature it should be stored in a secure storage box.

- A quality control procedure focusing on data capture on forms should be set up at the constituency level. All forms completed should be reviewed daily and corrected while still in the field.

ANNEX 1

MALAWI ELECTORAL COMMISSION

Development House,
Private Bag 113,
Blantyre.
In reply quote No.

Tel. 622 033/624 769
621 585/621 823
621 672
Fax 623 960/622 149

8th January 2004

The Commonwealth Secretariat
UK
Fax No: 00 44 207 930 2189

Attention: **Chris Child**

Dear Sir/Madam

INVITATION TO OBSERVE THE ELECTORAL PROCESS

As Malawi prepares for the May 18, 2004 Tripartite Elections, The Electoral Commission will conduct a Registration of Voters exercise from 5th January to 18th January 2004 in approximately 3,900 centres. About 300,000 eligible voters are expected to be added to the Voters Roll, which was first created in 1999. During the same period, 5.2 million registered voters who are on the Voters' Roll are expected to check the correctness of entries in the computerized Voters' Roll.

Consistent with its commitment to enhance the transparency of the electoral process, the Commission wishes to invite your participation as an Observer.

In order to facilitate the selection of members of your Mission, Section 102(1) of Malawi's Parliamentary and Presidential Act, 1993 has been used as a guide to the scope of observation consisting of the following activities:-

(a) to verify and monitor impartiality and the functioning of the Commission and its Officers in conformity with this Act;

(b) to verify and monitor impartiality and legality of the decisions taken by the Commission and its Officers in settling disputes;

(c) to verify and monitor the registration of voters;

(d) to observe the course of the campaign for elections;

(e) to verify and monitor the determination of the results of the elections at all stages of determination;

(f) to observe access to and the use of the media.

Should you be interested to observe the Registration exercise, please submit names, details and passport size photographs of your proposed Observers to the Chief Elections Officer with a copy to the Resident Representative of UNDP who will coordinate Observer activities.

Yours faithfully

Justice James B. Kalaile, sc
CHAIRMAN

ANNEX 2

BRIEFINGS

During the week in Malawi (11-18 January 2004), briefings were held with the following individuals and organisations:

Malawi Electoral Commission

Justice James B. Kalaile	Chairman,
Mr George R.E.K. Chimwaz	Chief Electoral Officer
Mr Harris Potani	Head of Electoral Services
Mr Fegus Lipenga	Public Relations Officer
Mr Tim Neale	Media Adviser
Mr Muhabi L. Chisi	IT Manager
Mr Christian Peters-Berries	National Initiative for Civic Education (NICE)
Mr Luke Marembo	National Democratic Institute (NDI)
H.E. Mr Nthutang Carter Seleka	High Commissioner for South Africa
H.E. Mr Ian C.B. Sikazwe	High Commissioner for Zambia
Ms Ofelia Tembe	Deputy High Commissioner for Mozambique
Mr Christopher Wraight	British High Commission
The Hon. Paul Maulidi, MP	Minister of Justice and Deputy Secretary-General, United Democratic Front (UDF)
Mr Jimmy Koreia-Mpatsa	Co-Chairperson, People's Progressive Movement (PPM)

Members of the National Democratic Association (NDA)

Mr Viva Nyimba	Vice President
Mr Wilford Dambuleni	Secretary-General
Mr Peter Chupa, MP	Director of Party Organisation
Mr Duncan Gumbi	Chairman of the Think Tank Group
Mr Sfeue Kasamu	Director of Transport
Mr H. Makande	Director of Election
Mr Aloisious Nthenda	Co-ordinator, Catholic Commission on Justice for Peace.

ANNEX 3

REGISTRATION CENTRES VISITED

Central Region

Nkhotakota South East	Centre
	Chakaka FP School Phwake FP School
Salima Central	Senga Bay School Kalonga School Kambwiri Kambwiri School

Southern Region

Zomba Changalume	St Anthony School
Zomba Malosa	Domasi Government School Domasi College
Zomba Central	Police Under Five Mponda School District Council's Office Zomba Central Prison[1]
Chiradzulu	Namadzi School
Blantyre City Central	Blantyre Secondary School
Blantyre Malabada	Blantyre Girl's School
Blantyre City South	Chitawira School
Blantyre City East	Chichiri School

[1]In the Malawi Government Gazette (Zomba, 19 December 2003) Constituency Code 137 Zomba Central, Centre Code 120 is listed as the Sacred Heart School. We visited Centre Code 120 in the Zomba Central Prison.

MALAWI ELECTORAL COMMISSION

Voter No. 30548950 (11)

VOTER REGISTRATION RECORD CARD

Staple photo to centre

1. Surname:
2. Other Names:
3. Marital Status:
4. Place of Birth:
5. Citizenship Status:
6. Occupation
7. I.D. Provided

8. Date of Birth:
9. Residential Status:
10. Date Residence taken up:
11. Have you been registered previously? Yes . No .
12. If yes, under what name?

13. T.A.
14. Village
15. Address:

(Passport/Birth Certificate/other documents/Certification by qualified person)

Malawi Electoral Commission

Voter No. 30548950 (11)

District | Constituency | Polling Centre

T.A. & Village

VOTER REGISTRATION CERTIFICATE

PLEASE KEEP SAFELY AND BRING TO THE POLLING STATION

Name

I certify that the above named person has today been registered as a voter in the Register of Voters of the above mentioned constituency in accordance with the provisions of the Parliamentary and Presidential Elections Act 1993

Registration Officer:

Date:

MALAWI ELECTORAL COMMISSION

VOTER REGISTRATION DATA CARD

A District | Constituency | Polling Centre | T.A. | Village

B Surname | Other Names

C Address: (please keep your address inside the box)

D Date of Birth: Day | Month | Year 19

E Sex: Male | Female

F Date of Registration: Day | Month | Year 20

Please mark like this ■ .
DO NOT USE RED INK.

MALAWI ELECTORAL COMMISSION

G Name

H Signature/Thumbprint

Staple photo to centre

30548950 (11)

ANNEX 4

MALAWI ELECTORAL COMMISSION

VOTER REGISTRATION DATA AMENDMENT CARD

Please mark like this ➡. DO NOT USE RED INK.

Voter Number

Amendment Type

Correction

Deletion

Transfer

Date of Amendment

Day	Month	Year
		20

Date of Birth

Day	Month	Year
		19

Sex

Male

Female

District	Constituency	Polling Centre	T.A.	Village

TRANSFER FROM

District	Constituency	Polling Centre	T.A.	Village

Surname

Other Names

DRS Data & Research Services plc/D65330703/MBOC