



SPEECH DELIVERED BY

MEC CHAIRMAN, JUSTICE DR CHIFUNDO KACHALE

**DURING AN AUDIENCE WITH MEMBERS OF THE MEDIA ON REVIEW
OF CONSTITUENCIES AND WARD BOUNDARIES**

20TH MAY, 2021

SUNBIRD CAPITAL HOTEL, LILONGWE

PROTOCOLS

- Director of Information in the Ministry of Information, Mr. Chikumbutso Mtumodzi
- The Chairperson of MISA Malawi, Mrs Tereza Ndanga
- The Chairperson of Media Council of Malawi, Mr. Wisdom Chingwede
- The Director of Broadcasting at MACRA, Mr. Fegus Lipenga
- Fellow Commissioners from Malawi Electoral Commission
- Managers from various media houses present here.
- MEC Acting Chief Elections Officer, Mr. Harris Potani
- Deputy Chief Elections Officer (Finance and Administration) Mr. Phaniel Hamsini and management from the Electoral Commission
- Members of the press
- Staff from Malawi Electoral Commission
- Distinguished Ladies and gentlemen

It is our pleasure, Honourable Ladies and Gentlemen from the media fraternity that the Malawi Electoral Commission (“the Commission”) can have an audience with you regarding the constituency and ward boundary review exercise.

This exercise is very important, yet it has been outstanding for so long. The last comprehensive exercise was in 1998 when new constituencies were created, and some existing boundaries reviewed. This year, the Commission is ready and set to conduct this comprehensive exercise to ensure that the constituencies and ward boundaries conform with the provisions of the Constitution of the Republic of Malawi (“the Constitution”). This exercise will address the anomalies that have crept in the past 23 years. We have constituencies that have more than 10 times eligible voters than others. This is against section 76 (2) (a) of the Constitution which provides that the determination of constituency boundaries must ensure that constituencies contain approximately equal numbers of voters eligible to vote subject only to population density, ease of communication and existing administrative areas.

Distinguished ladies and gentlemen, the Commission is aware that the process of reviewing constituency and ward boundaries is a sensitive political process. Perceptions and accusations of gerrymandering are often present. The Commission undertakes to follow the law to ensure *fairness* and *impartiality*. The Commission will take all precautionary measures to ensure that all stakeholders are given adequate information of the process. To that effect, the Commission started with meeting presidents of

political parties and their executive members. The Commission also engaged the Civil Society Organisations, Traditional Leaders, Government Departments and Agencies, members of Parliament and the academia.

Today, the Commission is before you to present our proposed position on how this constitutional mandate will be exercised.

REVIEW OF CONSTITUENCIES AND WARDS BOUNDARIES

The Commission is mandated by the Constitution and the Electoral Commission Act to among other things, determine and review constituency and ward boundaries at intervals of not more than *five* years.

The Constitution

Section 76 (2) (a) and (b) makes provision for this mandate and sets the parameters within which this mandate is to be exercised. It reads:

“The duties and functions of the Electoral Commission shall include-

- (a) *To determine constituency boundaries impartially on the basis of insuring that constituencies contain approximately equal numbers of voters eligible to register, subject only to consideration of:*
- (i) Population density*
 - (ii) Ease of communication; and*
 - (iii) Geographical features and existing administrative boundaries*
- (b) *To review existing constituency boundaries at intervals of not more than five years and alter them in accordance with the principles laid down in subsection (2) (a) above.*

The Electoral Commission Act

The Electoral Commission Act compliments and amplifies the roles and functions of the Commission. In relation to determination and review of constituency and ward boundaries, The Act in section 8 (1) (a) (b) and (c) stipulates: -

- (1) *In addition to the broad functions and powers conferred on the Commission by the Constitution and, subject to the Constitution, the Commission shall*

exercise general direction and supervision over the conduct of every election and without prejudice to the generality of such functions and powers, it shall have the following further functions –

- (a) To determine the number of constituencies for the purpose of elections;*
- (b) To undertake or supervise the demarcation of boundaries of constituencies;*
- (c) Subject to the Local Government Elections Act, and any other written law relating to local government elections, to undertake or supervise the demarcation of wards for the purposes of local government elections and to determine the number of such wards:*

Provided that-

- (i) In the case of City of Blantyre, the total number of wards shall not exceed thirty;*
- (ii) In the case of the City of Lilongwe, the total number of wards shall not exceed thirty:*

- (iii) In the case of the City of Mzuzu, the total number of wards shall not exceed fifteen;*
- (iv) In the case of City of the City of Zomba, the total number of wards shall not exceed ten;*
- (v) In the case of Kasungu Municipal Council, the total number of wards shall not exceed ten;*
- (vi) In the case of Luchenza Municipal Council, the total number of wards shall not exceed eight;*
- (vii) In the case of Mangochi Town Council, the total number of wards shall not exceed Ten; and*
- (viii) In all other cases, the number of wards shall not exceed two 2 for each parliamentary constituency,*

and the Commission shall ensure that ward boundaries do not cross local authority boundaries.

Proposed Outcome

The Commission anticipates that for purposes of the exercise the general outcome is that no council will lose an existing constituency. However, considering the formula and other considerations as provided by the law, some councils might gain constituencies.

Formula

The determination and review of the boundaries will not be arbitrary. The Commission has devised a standard formula that will be applied throughout the country. The application of the formula will be subject only to the factors listed under section 76 (2) (a) of the Constitution.

Formulation of a National Quotient.

The Commission has formulated a National Quotient (the “NQ”). The formulation of the NQ has been guided by the requirement of the Constitution that boundaries must be determined *impartially* on the basis of ensuring that constituencies must contain approximately equal number of voters eligible to register.

The NQ has been formulated by dividing the total number of voters eligible to register by the current number of seats in the National Assembly. The total number of voters eligible to register has been based on the National Statistics Census projections. The projection of the total number of voters eligible to register is set at 9,672,513.

This follows that NQ is equal to 9,672,513 divided by 193. The result has been rounded up to 50,117. This means in terms of Section 76

(2) (a) of the Constitution each constituency is supposed to contain approximately 50,117 voters eligible to register to vote.

Variance Tolerance

The NQ will then be applied subject to other factors like population density, ease of communication and existing administrative boundaries. The natural consequence is that it is not possible for all constituencies to be equal in terms of population. To resolve this, an allowance of plus or minus 20 per cent has been taken into account. This allowance has been termed as variance tolerance.

In terms of the variance tolerance of minus or plus 20%, an ideal constituency would contain approximately 50,117 people eligible to register. This means in some situations a smallest constituency will be 40,094 (being minus 20 per cent of the quotient) and the largest will be 60,140 (being plus 20 per cent of the quotient).

The number of eligible voters per local authority (City, town, municipal or district council) will then be divided by the NQ and the remainder of more than 0.50 will be considered as a whole constituency to the number of constituencies in the local authority.

Maintenance of Number of Seats

The Commission will ensure that no local authority loses a seat. Where the application of the formula as described above has resulted in a reduced number of seats, the current number of constituencies in the local authority has been maintained.

Administrative Boundaries

In instances where a seat did not exist in a town or municipal authority and the formula gives a result of less than 0.5, a seat will be created and provided since each local authority is a recognized administrative boundary. The total number of the seats in the district council will take into account the seat(s) created.

Illustration of Administrative Boundaries

The current projections as provided by NSO do not single out Kasungu Municipal from Kasungu district, Mangochi Town from Mangochi district. Luchenza too has no provision but the population involved is either accounted for in Mulanje or Thyolo districts.

For Kasungu district, there are nine constituencies including the municipality. Since the municipality is a stand-alone

administrative boundary, the population of the district needs to be distributed between the two local authorities whilst maintaining the same/current status in terms of number of constituencies. In reviewing the new boundaries, the district will have eight and the municipality will have one to maintain the total of nine for the entire geographical area.

For Mangochi district, there are 12 constituencies including the town. Now with the new projection, using the quotient, there are 13 constituencies. In reviewing the new boundaries in Mangochi, the district will have 12 and the town have one constituency and therefore a new total of 13 constituencies for the entire geographical area.

Luchenza municipal council will be treated differently. The local authority spans across two district councils of Mulanje and Thyolo and therefore it is not possible to apportion the voters to any of the two districts to Luchenza. It has just been given a constituency.

CONCLUSION

It is anticipated that the review is most likely going to result in an increase of number of constituencies.

The existing boundaries will have to be revisited. New boundaries will be drawn and will not necessarily follow the current ones since the current boundaries were drawn without regard to the constitutional provision and cannot hold considering the current demographics.

The administrative boundaries will be restricted to local authorities.

The review of constituency and ward boundaries, depending on the population and tolerance, could be a combination of several traditional authorities forming one constituency. A constituency will not split a traditional authority but can combine one or more traditional authorities.

The Commission will also consider any recent declarations setting up Town and Municipal Councils published in the *Gazette*. It has, however, been observed that any such declaration will not affect the number of constituencies but will only be distributed between the councils.

The Commission will share a calendar of events with all stakeholders for the entire process and will also be inviting written submissions from stakeholders outlining their expectations. The

calendar of events has indicated the last date on which the written submissions should be received by the Commission.

Distinguished ladies and gentlemen, without taking much of your time, allow me to stop here having outlined the general parameters within which the Commission will exercise its mandate to review and determine constituency and ward boundaries.

I will now invite your responses and views and expectations that you may have in this exercise.

Thank you very much.