



ELECTORAL COMMISSION

REVIEW OF CONSTITUENCIES AND WARDS BOUNDARIES 2021

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REVIEW OF CONSTITUENCIES AND WARDS BOUNDARIES

1. BACKGROUND

1.1. The Electoral Commission (“the Commission”) is mandated by the Constitution of the Republic of Malawi (the Constitution) to, among other things, determine and review constituency and ward boundaries at intervals of not more than five years¹. The last comprehensive review was conducted in 1998. there were no review exercises before the 2004, 2009, 2014 and 2019 general elections, hence no corrective measures on the disparities across wards and constituencies. The Commission has now embarked on such a review.

1.2. The primary factor of consideration for review of constituencies and wards is that constituencies and wards should contain *approximately* equal numbers of voters eligible to register.

2. LEGAL FRAMEWORK

2.1. The Commission’s mandate to determine and review constituencies and ward boundaries is set by law under the Constitution and the Electoral Commission Act.

2.2. The Constitution

¹ Section 76 (2) (a) and (b) of the Constitution

2.2.1. Section 76 (2) (a) and (b) of the Constitution makes provision for this mandate and sets the parameters within which this mandate is to be exercised. Section 76 (2) (a) and (b) 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.

2.3. **The Electoral Commission Act**

2.3.1. The Electoral Commission compliments and amplifies the roles and functions of the Commission. In relation to determination and review of constituency and ward boundaries, The Electoral Commissions Act Section 8 (1) (a) (b) and (c) sets the minimum of maximum number of wards per city or town council. This is as follows:

- (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,

2.3.2. The Electoral Commission Act also says that the Commission must ensure that ward boundaries do not cross local authority boundaries

3. THE REVIEW AND DETERMINATION PROCESS

3.1. General Outcome

3.1.1. The number of seats in the National Assembly will not be reduced. However, in accordance with the formula and in consideration of the factors provided by law, the constituency boundaries may be reviewed and altered.

3.2. **Formula**

3.2.1. The determination and review of the boundaries will not be arbitrary. The Commission will apply a standard formula throughout the country. The formula is based on the factors listed under section 76 (2) (a) of the Constitution.

3.3. **Formulation of a National Quotient or Voter Population Quota**

3.3.1. The review of the boundaries will be based on a National Quotient (the “NQ”). The formulation of the NQ is based on the constitutional requirement that boundaries must be determined *impartially* based on ensuring that constituencies must contain approximately equal number of voters eligible to register.

3.3.2. 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 Office projections for the year 2025. Therefore, the NQ is equal to the number of people eligible to register to vote divided by 193. In terms of Section 76 (2) (a) of the Constitution each constituency is supposed to have approximately equal number of people eligible to register to vote.

3.3.3. The NQ will be the primary factor of consideration.

3.3.4. The number of eligible voters per local authority (City, town, municipal or district council) will then divided by the NQ to come up with the number of seats and a

remainder of more than 0.5 will be considered as a whole constituency to the number of constituencies in the council.

3.4. Variance Tolerance

3.4.1. The NQ as a primary factor will be applied subject to the other factors listed under section 76 (2) (a) (i) (ii) and (iii).

3.4.2. These are:

- (a) population density;
- (b) ease of communication;
- (c) geographical features; and
- (d) existing administrative boundaries.

3.4.3. The natural consequence is that it is not possible for all constituencies to be equal in terms of population and land size. To resolve this phenomenon, the Commission will allow a variance of a percentage to be determined. This allowance has been termed as Variance Tolerance (“VT”). The variance tolerance will result in having some constituencies being bigger than others.

3.5. Population Density and Variance Tolerance

3.5.1. The application of the NQ will be subject to the population density of the area under review.

3.6. Application of the NQ

3.6.1. The NQ and the VT will be applied strictly in all councils, and this may result in the altering of the existing constituency boundaries.

3.7. Administrative Area Boundaries

3.7.1. 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 still be created and provided since each local authority is a recognized administrative boundary.

3.8. **Geographical Features**

3.8.1. The geographical features of the areas will be mainly considered as convenient boundaries of the Constituencies and Wards.

4. **CONSULTATIONS**

4.1. The Commission will hold consultative meetings and will receive oral and written submissions from stakeholders on how the boundaries are to be reviewed. Based on the submissions and in consultation with stakeholders, the boundaries and the respective names of the constituencies will be agreed upon.

5. **CONCLUSION**

5.1. The existing boundaries may be re-aligned, altered and new boundaries will be drawn.

5.2. If new constituencies are created, they will be given names after consultations with the constituents.

5.3. The administrative boundaries will be restricted to local authorities. Traditional Authority boundaries will not qualify as administrative boundaries for purposes of this process.

5.4. The review of constituency and ward boundaries, depending on the population and tolerance, could be a combination of several traditional authorities forming one

constituency. The Commission will ensure that the process does not split traditional authorities.

- 5.5. The Commission will also consider any recent declarations setting up Town and Municipal Councils published in the *Gazette*.