



**RESULTS DECLARATION SPEECH BY CHAIRMAN, JUSTICE DR
CHIFUNDO KACHALE
FOR 26 OCTOBER BY-ELECTIONS**

27 October, 2021, Capital Hotel Lilongwe

- My Fellow Commissioners,
- The Acting Chief Elections Officer, Mr Harris Potani and all staff from Commission
- Representatives of various political parties and independent candidates here present
- Representatives of various Civil Society Organizations
- Distinguished Invited Guests
- Members of the Press
- Ladies and gentlemen

Good afternoon

I am grateful to God, the Almighty that this afternoon the Commission is presenting to you the results of the by-elections, held on 26th October, 2021 in the following areas:

1. Mzimba East Constituency
2. Nkhotakota North East Constituency
3. Dedza Central East Constituency and
4. Chimwalire Ward in Balaka South Constituency

The Commission has been meeting since close of polls doing three things:

1. Reviewing the complaints submitted to it regarding polling
2. Reviewing null and void votes brought to the main tally centre by the Returning Officers; and

3. Determining on the results brought to the main tally centre by the Returning Officers

Before announcing the final results and declare the winners, please allow me to give a brief background of the process.

Background to the vacancies

Ladies and gentlemen, you might be aware that the three constituencies and one ward fell vacant because of deaths of the elected representatives as follows:

- Nkhotakota North East Constituency formerly held by late Martha Chanjo Lunji of the Democratic Progressive Party who died on 13th July, 2021.
- Dedza Central East Constituency formerly held by late Mcsteyn Swithin Mkomba, independent who died on 27th July, 2021
- Mzimba East Constituency on 1st September, 2021 due to death of the Independent MP, Wezie Gondwe
- Chimwalire Ward in Balaka South Constituency formerly held by Councillor Josephy Daniel of the DPP who died on 4th August, 2021.

The Commission sympathises and continues extending condolences to the bereaved families for loss of their loved ones. In accordance with section 63(2)(b) of the Constitution of the Republic of Malawi, section 32(2) of the Parliamentary and Presidential Elections Act and section 23(2) of the Local Government Elections Act, the Commission had to organise by-elections to fill these vacancies so that people

should continue to have representation in the Parliament and the council respectively.

Setting of calendar for the by-elections

In planning for these by-elections, the Commission held two tripartite meetings with the Presidential Task Force on Covid-19 and the board of the Centre for Multiparty Democracy (CMD).

During the first meeting held on 9th August, 2021 in Lilongwe, the Task Force and the CMD board suggested very strongly that the by-elections be deferred to October because the covid-19 prevailing situation then was not conducive to hold elections. Malawi was on level three of the pandemic preventive regulations which banned all political rallies, among others.

The implication of the suggestion was that the by-elections would be held outside the statutory period of 60 days. Consequently, in accordance with Section 63 (2) (b) of the Constitution of the Republic, the Commission wrote the Speaker of Parliament for her discretion to extend the period. The Speaker graciously granted that the by-elections be held no later than 1 November 2021.

The second meeting with the Task Force and the CMD board was held on 11th September 2021 in Blantyre. By the time of the meeting, the Task Force had announced new regulations which among others unbanned political rallies and allowed public gatherings of up to 250 people. During this meeting the Commission presented a proposal that by-elections be held on 26th October, 2021 and the meeting agreed to it.

The Commission launched the by-elections on 24th September 2021 through a televised address and also held stakeholders' meetings on 25th September, 2021 in all the three constituencies and one ward.

Inspection of voters' register and registration of voters

The Commission opened centres for two weeks for registration and inspection of the voter's register from 27 September to 10 October, 2021 in all the by-election areas. Those who registered for the 2019 elections in these areas were asked to go and verify their details or get replacement certificates if they had lost their first voter certificates.

The Commission managed to register a total of **6,368** new voters of which **2,877** were male while **3,491** were female. The breakdown for each area is as follows:

Ward/Constituency	New registered voters		
	Male	Female	Total
Mzimba East Constituency	619	517	1,136
Nkhotakota North East Constituency	771	861	1,632
Dedza Central East Constituency and	1,344	1,865	3,209
Chimwalire Ward	143	248	423

Total New registered voters	2,877	3,491	6,368
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Nomination of candidates

Distinguished ladies and gentlemen, the Commission opened up for collection of ballot papers on 25th September, 2021 to all aspiring candidates.

On 10th October 2021, the Commission received nomination papers from the candidates. The Commission met on 12th October 2021 to review the nomination papers received. The Commission approved all the candidates who had presented the nomination papers.

The Commission wishes to remind all stakeholders that the nomination process is guided by the law and is non-negotiable. In the course of the preparations there were some requests which the Commission could not entertain despite the circumstances like requests to pay nomination fees after nomination papers were already presented.

Official campaign period

The official campaign period started on 25th September 2021. As per requirement of the law, campaign ended at 06.00AM on 24th October, 2021 which was 48 hours to the polling day.

The Commission wishes to commend the people in the by-election areas for maintaining law, order, peace, and calm during the entire campaign period.

The Commission observed that some candidates and political parties attempted to adhere to some of the Covid-19 preventive measures, but we also noticed disregard of physical distancing and use of face masks during rallies. As leaders we need to lead by example in protecting the people we lead.

Polling, counting and results

Polling took place on the 26th October, 2021. Polling stations opened on time and ran uninterrupted. Counting of results began immediately after close of the polls in the same polling stations where polling took place. Results from the polling stations were taken to the Returning Officers who brought them to Lilongwe where MEC set the Main Tally Centre.

The Commission would like to thank all political parties and candidates who sent their representatives to polling and tally centres to monitor the counting process. Their presence enhanced the transparency and credibility of the entire results management process. And would like to appreciate the presence of all MEC Commissioners and staff in facilitating the entire process.

Civic and Voter Education

In order to fulfil its mandate of conducting civic and voter education, the Commission produced and distributed civic and voter education materials such as posters, brochures and voter information letters to all chiefs and religious leaders in the concerned areas.

The Commission also conducted voter education meetings with religious and traditional leaders to mobilize voters to inspect the register and register for those that had not registered and later the meetings focused on polling procedures and other related matters. The expectation was that when they go back, the message will trickle down to their subjects and congregations. In addition, the Commission deployed loudhailer vehicles to conduct voter awareness and mobilise voters to patronize the registration centres during registration and inspection period and polling stations on the polling day.

The Commission has noted the continued absence of CSOs including National Initiative for Civic Education Trust (NICE) during by-elections. It should be stated that the law makes voter education continuous. Therefore, it is our expectation that all CSOs and their Development Partners migrate to the electoral cycle philosophy and conduct civic and voter education throughout the electoral cycle instead of when they are general elections taking place.

Appreciation to stakeholders

The Commission wishes to extend its appreciation to Government through the Ministry of Finance for timely release of funds to conduct the by elections. The by-elections operations have run without any logistical challenges and uninterrupted because funding was provided according to the budget and corresponding cash flow that the MEC submitted. Special mention also to the Accountant General who personally made it possible that the new IFMIS does not affect operations and conduct of the by-elections.

The Commission also wishes to extend its gratitude to the Presidential Task Force on Covid-19 for the technical and material support rendered in the management of these by-elections. The Covid-19 Task Force provided face masks which the Commission gave out for free to all voters, polling staff, security officers, observers, and candidates' representatives. This gesture, we believe encouraged many people to show up for voting without which they could easily have stayed home for fear of Covid-19.

Further, the Commission appreciates the efforts by the faith-based organizations and religious leaders who helped in voter education by reading to their congregations the letters that the Commission sent to them with various voter information details.

As MEC, we continue to cherish the role the Malawi Police Service plays in providing security throughout the process. We also greatly

recognize the vital role that the media play in sensitizing the public on these by-elections and all our activities as MEC.

The National Democratic Institute (NDI) and the International Foundation for Electoral Systems (IFES) should also be commended for supporting training of political party representatives and also supporting Multiparty Liaison Committees (MPLC) meetings.

The Commission recognizes and appreciates the District Commissioners and other officials from the councils that were engaged as Returning Officers for a job well done. The Commission also acknowledges members of the District Election Supervisory Teams who managed the by-elections on our behalf on the ground. We would also like to thank the Multiparty Liaison Committees, and various political party leaders for the collaboration we had in preparation and conduct of these by-elections.

I would also like to convey my personal commendation to my fellow Commissioners and the MEC staff for their dedication, professionalism, commitment, and selflessness in managing the electoral process so well. To you all I say well done and keep it up!

In a special way, the Commission commends MEC field staff that braved the hot weather to conduct the electoral process on the ground.

Finally, the Commission expresses its sincere gratitude and appreciation to all registered voters for turning up for voting. That is the ultimate love a member of the society can show in a democratic dispensation.

Complaints and Offences

Distinguished Ladies and Gentlemen. It is a requirement that before beginning the determination of the results of an election the Commission must resolve all matters that have been subject of complaints.

Complaints to be lodged with the Commission must be in relation to irregularities at any stage of the electoral process. In accordance with section 113 of the Parliamentary and Presidential Elections Act and section 96 of the Local Government Elections Act only complaints that have not been satisfactorily resolved at the lower level of authority are the ones that must be determined upon by the full Commission.

Complaints alleging irregularities and reports of commission of electoral offences must be differentiated to eliminate the impression that the Commission has the capacity to resolve and make determination on each and every grievance that is lodged with it. Some of the complaints that the Commission receives are typical allegations that electoral offences have been committed. All

offences must be treated as such and must be dealt with in accordance with the procedures set by the law and by bodies and institutions that are mandated to handle criminal offences.

It must be highlighted therefore that most of the common reports that the Commission receives during elections relate to violence, soliciting, issuing, and receiving handouts, campaigning within forty-eight hours before opening of the poll, use of language which is inflammatory, defamatory, or insulting or which constitutes incitement to public disorder, hate or violence are all matters of criminal nature. It must be emphasized that these are offences and recognized as such under section 115 of the Parliamentary and Presidential Elections Act and under Section 98 of the Local Government Elections Act as well as under the Political Parties Act, 2018. The Commission is not mandated in law to penalize any candidate or person on a mere suspicion that they have committed an electoral offence.

It must be emphasized that the Commission is not endowed with any investigative powers into criminal acts and does not have any prosecutorial mandate. It is, therefore, important that reports alleging commission of an offence must be lodged with the Police with all particulars and evidence to make it easy for the Police to investigate the crime and prosecute the offenders within reasonable time. Once the report has been made, the Commission must be notified to be

following up with the Police on progress of the investigations and prosecution.

The relevant electoral law prescribes penalties for all electoral offences. Currently, a person who has been found guilty of an offence for which no penalty has been specified is liable to a fine of K500,000.00 and to imprisonment for 2 years.

In addition to imposition of a fine or imprisonment, the law empowers the Courts where applicable to bar the convicted person from performing the duties of the office in connection with the election, suspend the right of the convicted person to vote in an election. The Court may also give directions deemed appropriate in those circumstances.

In other words, even when the Commission has declared the results, the Court have the power to competently investigate and pursue cases related to elections.

It has been necessary to make this distinction to ensure that all electoral stakeholders should become conversant with the mandate that the Commission has in relation to criminal offences and complaints alleging irregularities.

COMPLAINTS, CHALLENGES AND INCIDENCES DURING POLLING

In accordance with section 70 (h) of the Parliamentary and Presidential Elections Act and the corresponding provision in the Local Government Election Act, the Commission placed Polling Station Complaints Logbooks at all polling stations in the constituency/ward.

There are no outstanding complaints in Dedza Central East Constituency and in Chimwalire Ward.

The Commission having retrieved and reviewed all Polling Station Complaints Logbooks took notice of complaints lodged by Malawi Congress Party in Mzimba East as follows:

1. Pre-signed Form 6A at the following centres – suspected to be written by one person
 - Thundwe
 - Katawa
 - Munyenyezi
 - Chikangawa
2. Form 6A signed by one person without polling station name and code
3. Chigude – Prepared in ink and duplicate
4. The pink copy produced in ink instead of the expected carbonated copies, e.g. Makali School, Kasangazi, Kamzomera,

Chibale School, Chinkhwengwe, Ulida School, Mbwiriwiza, Woziv School and Kajolwe School.

5. Carbonated copies not signed by the presiding officer, e.g.: Kasangazi School, and Chimpumulo School.
6. No Polling Officers names and signatures on the carbonated copies.
7. Not agreeing with the polling station results as seen to have been altered as either 77 or 44 e.g. Chipumulo station.

Having deliberated, the Commission has resolved the complaints as follows:

1. The Commission has determined the results based on original results sheets received from all the polling stations in the Constituency. All results have been signed by Presiding Officers, Polling Station Officers and Party Representatives.
2. The pink forms produced in ink instead of the expected carbonated copies: That this is not an anomaly. As a matter of fact, the Commission printed one white result form with three

pink self-carbonating copies attached for each polling station. All other booklets were pink to differentiate them from the original, but they still had to be filled in ink. The Commission has received all the original copies and all the carbonated copies, and they are in order.

3. The Commission has received the original copy of the results for Chigude School and the alleged irregularity has not been noted.
4. The Commission has received all original and carbonated copies from all polling stations, and they are all signed by respective presiding officers and polling station officers.
5. The Commission has received all carbonated copies and they have names and signatures of respective presiding officers and polling station officers.
6. The original copy which the Commission has received does not have this alleged alteration of "77 or 44" on any entry. The votes entry for candidate Wachepa Phiri for Chipumulo School is 44 votes not 77. He has not emerged the winner because of any wrong entry.

The Commission considers the integrity of its electoral record seriously, in that regard, the Commission would like to register strong disapproval that some of the results forms on which the complaints from Mzimba were based appear to have been deliberately tampered with or actually forged to create grounds for lodging complaints. The Commission will investigate the origin of these alleged altered results forms to establish the motive of the culprits. Upon completion of the investigation, the Commission will engage the responsible law enforcement agencies for prosecution.

For Nkhotakota North East Constituency, the Commission received a complaint from candidate Franklin Yonamu alleging malpractices in the run up to by-elections. The allegations are related to commission of offences and the Commission has treated the complaint in that manner and the complainant has been advised to report to the Police for investigations and possible prosecution.

Commission Observation On Submission of Complaints

The Commission has observed that candidates or political parties are not following the procedure for lodging of complaints. The Commission would like to remind all stakeholders that complaints alleging irregularities at any stage must first of all be lodged at the polling station or at the district. It is only when the complaints have not been satisfactorily resolved that can now be referred to the Commission for further consideration.

The Commission would like to inform all electoral stakeholders that some remedies to complaints lodged with the Commission do not lie entirely with the Commission. Some of the complaints that are lodged are electoral offenses and their remedies are provided under the law. Therefore, any allegation of commission of an electoral offense should be lodged with the Police for investigation and possible prosecution.

Examination of null and void votes

The Commission, having examined the null and void votes, in accordance with section 97 of the Parliamentary and Presidential Elections Act and section 81 of the Local Government Elections Act has made the following determinations:

- **Mzimba East Constituency:** The Commission examined 50 null and void votes, affirmed 43 as such and corrected 7 votes which have been allocated as follows:
 - Donnex Daniel MUVA (MCP): 4 votes
 - John PHIRI (Freedom Party): 2 votes
 - Wachepa Phiri (Aford): 1 vote
- **Nkhotakota North East Constituency:** The Commission examined 104 null and void votes, affirmed 90 as such and corrected 14 votes which have been allocated as follows:
 - Overstone KONDOWE (MCP): 13 votes
 - Aisha SILVER (DPP): 1 vote

- **Dedza Central East Constituency:** The Commission examined 289 null and void votes, affirmed 262 as such and corrected 27 votes which have been allocated as follows:
 - Solomoni KACHITSA (Independent): 6 votes
 - Joshua MALANGO (MCP): 20 votes
 - Patrick Siwinda (UTM): 1 vote
- **Chimwalire Ward in Balaka South Constituency:** The Commission examined 35 null and void votes, affirmed 30 as such and corrected 5 votes which have been allocated as follows:
 - Osman Sani MAPIRA (DPP): 4 votes
 - Doris NGALAWA (Independent): 1 vote

Declaration of Results

Distinguished Ladies and Gentlemen, on behalf of the Commission, I will now proceed to declare the results.

The Commission monitored the voting that took place on the 26th October 2021. We are satisfied that it was conducted in an environment where the electorate were free to elect a candidate of their choice without fear and intimidation. We are also confident that the results we are about to announce reflect the democratic will of the voters. The Commission, therefore, declares this election as a credible one that has met legal requirements and international best practices generally in as far as free and fair elections are concerned

There was a total of 87,271 voters in all the three constituencies and one ward of which 42,253 turned out for polling representing 48.42 percent overall. Total valid votes cast were 41,828 and total null and void results were 425 representing 1.01 percent. The results are as follows:

- **Mzimba East Constituency**

Mzimba East Constituency had six candidates. With a total of 18,833 registered voters, a total of 10,571 voters turned up for polling. This represents 56.13 percent voter turnout. There were 43 null and void votes. This represents 0.41 percent of the total votes cast. The results of the voting are as follows:

1. Wesley KUMWENDA (M), Democratic Progressive Party (DPP) got 149 votes
2. Christopher Chabe MNYENYEMBE (M), UTM got 1,322 votes
3. Donnex Daniel MUVA (M) Malawi Congress Party (MCP) got 3,619 votes
4. Dr. Reuben NGWENYA (M) INDEPENDENT got 1,521 votes
5. John PHIRI (M) Freedom Party, got 283 votes
6. Wachepa PHIRI (M) Alliance for Democracy (Aford) got 3,634 votes.

Distinguished Ladies and Gentlemen, the Commission declares Wachepa Phiri who contested as Aford candidate the winner in the Mzimba East Constituency by-election.

- **Nkhotakota North East Constituency**

Nkhotakota North East Constituency had nine candidates. With a total of 25,225 registered voters, a total of 10,932 voters turned up for polling. This represents 43.34 percent voter turnout. There were 90 null and void votes. This represents 0.82 percent of the total votes cast. The results of the voting are as follows:

1. Zelita Tankhulenji BANDA (F) INDEPENDENT got 726 votes
2. Chimwemwe CHIDOTHE F UTM got 472 votes
3. Panji CHIRAMBO (M) Assembly for Democracy and Development (ADD) got 82 votes
4. Aleke KAMANGENI (M) United Democratic Front (UDF) got 47 votes
5. Patrick Macloudys KAMPALIRO (M) Alliance for Democracy (AFORD) got 238 votes
6. Overstone KONDOWE (M) Malawi Congress Party (MCP) got 6,742 votes
7. Giff Gilead MBUNA (M) INDEPENDENT got 160 votes
8. Aisha SILVER (F) Democratic Progressive Party (DPP) got 1,930 votes
9. Franklyn Alinafe YONAMU (M) INDEPENDENT got 445 votes

Distinguished Ladies and Gentlemen, the Commission declares Overstone Frank Kondowe who contested as Malawi Congress Party candidate the winner in the Nkhotakota North East Constituency by-election.

- **Dedza Central East Constituency**

Dedza Central East Constituency had seven candidates. With a total of 29,630 registered voters, a total of 17,021 voters turned up for polling. This represents 57.45 percent voter turnout. There were 262 null and void votes. This represents 1.54 percent of the total votes cast. The results of the voting are as follows:

1. Rogean Connex GONDWE (F) INDEPENDENT got 194 votes
2. Solomon KACHITSA (M) INDEPENDENT got 5,992 votes
3. Elliot KASAWALA (M) Democratic Progressive Party (DPP) got 366 votes
4. Joshua MALANGO (M) Malawi Congress Party (MCP) got 6,266 votes
5. Loudon Titan Phiri MALINGAMOYO (M) INDEPENDENT got 744 votes
6. Bonnex MALUNGA (M) INDEPENDENT got 1,859 votes
7. Patrick J. M. SIWINDA (M) UTM got 1,338 votes

Distinguished Ladies and Gentlemen, the Commission declares Joshua Malango who contested as Malawi Congress Party candidate the winner in the Dedza Central East Constituency by-election.

- **Chimwalire Ward in Balaka South Constituency**

Chimwalire Ward had 10 candidates. With a total of 13,583 registered voters, a total of 3,693 voters turned up for polling. This represents 27.19 percent voter turnout. There were 30 null and void votes. This

represents 0.81 percent of the total votes cast. The results of the voting are as follows:

1. Francis CHAPITA (M) INDEPENDENT got 135 votes
2. Chiyembekezo CHILOMBO (M) INDEPENDENT got 96 votes
3. Anthony Stephen CHOKA (M) United Democratic Front (UDF) got 416 votes
4. Matebule KANGAUDZU (M) INDEPENDENT got 222 votes
5. Farook KANYENDA (M) INDEPENDENT got 184 votes
6. Lackson LIKAWA (M) Malawi Congress Party (MCP) got 826 votes
7. Osman Sani MAPIRA (M) Democratic Progressive Party (DPP) got 1,498 votes
8. John NAPOSE (M) Mafunde Party got 77 votes
9. Doris NGALAWA (F) INDEPENDENT got 150 votes
10. Lasten STEPHANO (M) Alliance for Democracy (AFORD) got 59 votes

Distinguished Ladies and Gentlemen, the Commission declares Osman Sani Mapira who contested as Democratic Progressive Party candidate the winner in Chimwalire Ward by-election.

Concluding remarks

Allow me on behalf of my fellow Commissioners to extend congratulations to the winners. Please go and deliver the promises made during the campaign period and please celebrate with

responsibility. To those that have not made it I say, there will always be next time. Go, reflect and plan on how to win next time.

I wish to thank everyone for participating in these by-elections and allow me to thank my colleagues in the Commission for all the hard work.

May God bless you

Bless our land of Malawi.