



**RESULTS DECLARATION SPEECH BY CHAIRMAN,  
JUSTICE DR CHIFUNDO KACHALE**

**FOR THE 26<sup>th</sup> SEPTEMBER 2023 MTIYA WARD BY-ELECTION**

**27 SEPTEMBER 2023, CRECCOMEX HALL, ZOMBA**

- My fellow members of the Commission,,
- The Chief Elections Officer, Mr Andrew Mpesi and all staff from the Commission,
- Representatives of various political parties and candidates here present,
- Representatives of various Civil Society Organizations,
- Distinguished Invited Guests,
- Members of the Press,
- Ladies and Gentlemen,

## **Good morning**

On Tuesday, 26 September 2023, registered voters in Mtiya Ward went to the polls to elect a new councillor. From the close of polling, the Commission has been meeting to make determination on the results brought to it by the Ward Returning Officer. Now that we have finished, we are ready to declare the winner, but before I do that, allow me to give a brief background to the process.

## **Background to the vacancy**

**Ladies and gentlemen,** you might be aware that Mtiya Ward fell vacant following the death of Councillor Ramsey Kajosolo of UTM on 22 June, 2023. The Commission sympathises with the family and extends its condolences to the bereaved family for the loss of their

loved one. May the Lord God Almighty continue to comfort and strengthen the family.

In accordance with section 23(1) of the Presidential, Parliamentary and Local Government Elections Act, the Commission had to organise a by-election to fill the vacancy, so that people should continue to have representation in the Council.

These were the first elections to be conducted using the new electoral laws, as such, there were several changes incorporated following the review of the legal framework.

**Ladies and Gentlemen,** You may recall that the Commission had initially planned to hold this by-election together with the one for Mwasu Ward in Mangochi Municipality. However, due to the challenges and irregularities experienced during the voter registration period, the process in Mwasu Ward had to be postponed. The Commission has re-launched the election in Mwasu Ward, and it will now be conducted concurrently with the one for Dedza Central Constituency on 16<sup>th</sup> November 2023.

## **Inspection of voters' register and registration of voters**

The new law mandates the Commission to determine the period for voter registration, to be a period of not less than seven days and not more than fourteen days. For this by-election, the Commission opened centres for seven (7) days for voter registration and inspection of the voters register from 20<sup>th</sup> August to 26<sup>th</sup> August 2023.

The Commission registered a total of **241** new eligible voters, out of which **119** were male and **122** were female. This brought to **6,459**, the total number of registered voters for this by-election.

The Commission also provided access to the voters' register for inspection by voters, representatives of political parties, independent candidates, and observers to verify the entries in the voters' register. This was done in accordance with section 21 (1) and (2) of the Presidential, Parliamentary and Local Government Elections Act. Throughout that period, the Commission did not receive any complaint relating to the status of the voters' register.

## **Nomination of candidates**

Distinguished ladies and gentlemen, the Commission made the nomination papers available for collection from 22 July 2023. The new law has brought in a change that requires aspirants to first pay a non-refundable fee before collecting the nomination papers. For Mtiya Ward, five nomination papers were paid for and collected. On 5<sup>th</sup>

September 2023 the Commission received all the five nomination papers.

The Commission met on 7 September 2023 to review the nomination papers received and approved all the candidates who had presented their nomination papers. There were three male) and two female candidates. One of the male contestants belonged to the youth category as he was less than 35 years.

### **Official campaign period**

The official campaign period started on 27 July 2023. This was in line with Section 51(1) of the Presidential, Parliamentary and Local Government Elections Act which provides that campaign period should run for 60 days ending 48 hours to the start of polling. So, candidates and political parties were allowed to start campaigning before presenting nomination papers. The official campaign period ended at 6.00am on 24 September 2023.

The Commission would like to commend the people of Mtiya Ward for their exemplary commitment to maintaining law, order, peace, and calm throughout the entire period. Keep up the excellent work and continue to be a shining example for others to follow. Your efforts do not go unnoticed, and they are greatly appreciated by the Commission and all electoral stakeholders.

## **Polling, counting and results announcement**

Polling took place on the 26 September 2023 from 6.00am to 4.00pm according to the provisions of the new electoral law. Polling stations opened on time and run uninterrupted.

The Commission operated a call centre where all voter identification related issues were referred to and addressed. On polling day, there were cases where individuals presented themselves at the wrong polling centres. For example, going to the DC's office when they registered at Satema Primary School. In such instances, the individuals were directed to the correct center to cast their votes.

There were also individuals who arrived at a polling station with valid National IDs but had registered outside the ward, for example, at Mponda Primary School. Unfortunately, these individuals could not be permitted to vote because their names could not be located in the voters' register at that particular centre.

There were also cases where some people brought their National IDs issued by the National Registration Bureau (NRB), but they had not registered as voters. These people were also not allowed to vote.

Ladies and gentlemen, during the polling process, we encountered a situation where some names had photos that were transposed. This issue affected newly registered voters. Fortunately, all such cases

involved voters who presented valid voter certificates that matched the details in the voters' registers, and they were all permitted to vote. It's crucial to emphasize that no one was denied voting due to a photo transposition, and party representatives can confirm this.

The counting of results commenced immediately after the polls closed at the same polling stations where polling occurred. The results from the polling stations were transported to the Ward Returning Officer, who subsequently delivered them to the Commission's main tally centre for further processing.

The Commission extends its gratitude to all political parties and candidates who deployed their representatives to polling stations and tally centres to monitor the counting and tallying processes. Their presence significantly contributed to enhancing the transparency and credibility of the entire results management process.

### **Appreciation to stakeholders**

The Commission wishes to express its appreciation to the Government, particularly the Ministry of Finance, for the timely disbursement of funds to conduct the by-election.

As the MEC, we continue to value the crucial role played by the Malawi Police Service in providing security throughout the process. Additionally, we greatly appreciate the vital role that the media

played in raising public awareness about this by-election and providing frequent updates during the various stages of the process. Their efforts helped keep the public informed and engaged.

The Commission also acknowledges members of the District Election Supervisory Team and the Ward Returning Officer who managed the by-election on the ground on behalf of the Commission. We would also like to thank the Multiparty Liaison Committee, and various political party leaders for the collaboration we had in preparation and conduct of this by-election.

I would also like to convey my personal commendation to my fellow members of the Commission 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!

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.

### **Examination of void votes**

The new electoral law allows the Commission to examine void votes only when there is a possibility of affecting the outcome of an



election. Section 96 of the Presidential, Parliamentary and Local Government Elections Act states:

*1. At the beginning of the determination of the national result of a general election, the Commission shall take a decision on any matter which has been a subject of a complaint and shall examine the votes which have been classified as void and may affirm or correct the determination thereof at the polling station or district tally centre.*

*2. Notwithstanding subsection (1), the Commission shall examine void votes only when such votes may have an effect of changing the outcome of the election.*

In the Mtiya Ward By-election there were 30 void votes and the difference between the winner and the second candidate was 50 votes. With the provision of the law above, the Commission did not examine the void votes because they could not affect the outcome of the election.

## **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 26 September 2023. 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 6,459 registered voters in Mtiya Ward, out of which 1,113 turned out for polling representing 17.2 percent voter turnout. Total void votes were 30 representing 2.7 percent. The results are as follows:

1. Maxwell FINIAS (M) representing the Democratic Progressive Party (DPP) got 505 votes;
2. Tereza KAMBALE (F) representing the Umodzi Party (UP) got 7 votes;
3. Mwalala MICAH (M) representing the UTM got 66 votes;
4. Humphrey RABETI (M) representing the Malawi Congress Party (MCP) got 455 votes;
5. Natasha THEWE (F) representing the United Democratic Front (UDF) got 50 votes.

Distinguished Ladies and Gentlemen, the Commission therefore declares Maxwell FINIAS who contested as Democratic Progressive Party (DPP) candidate the winner in the Mtiya Ward By-election.

### **Concluding remarks**

On behalf of all members of the Commission, please accept our heartfelt congratulations to the winner of the election. Your victory reflects the trust and confidence that the electorate has placed in you. As you embark on your journey to serve the people, we encourage you to fulfill the promises made during the campaign period with diligence and dedication. Celebrate your victory responsibly, keeping in mind the important responsibilities that lie ahead.

To those who did not emerge victorious in this by-election, remember that in a democratic system, there will always be another opportunity. Take this moment to reflect on your campaign, gather feedback from your constituents, and plan for the next election. Winning is not the only measure of success in politics; your commitment to your community and your willingness to represent their interests is what truly matters.

The democratic process is an ongoing one, and your participation is vital to its success. Use this experience as a steppingstone towards

future success. There will indeed be another chance to make a difference in the future.

May God bless you all, and  
Bless our land of Malawi.