

2018 Myanmar By-Elections:

Building the Foundation for Successful 2020 Elections

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Election Observation Mission Report



2018 Myanmar By-Elections: Building the Foundation for Successful 2020 Elections

Final Report of the International Election Observation Mission (IEOM)
to the 2018 By-Elections in the Republic of the Union of Myanmar



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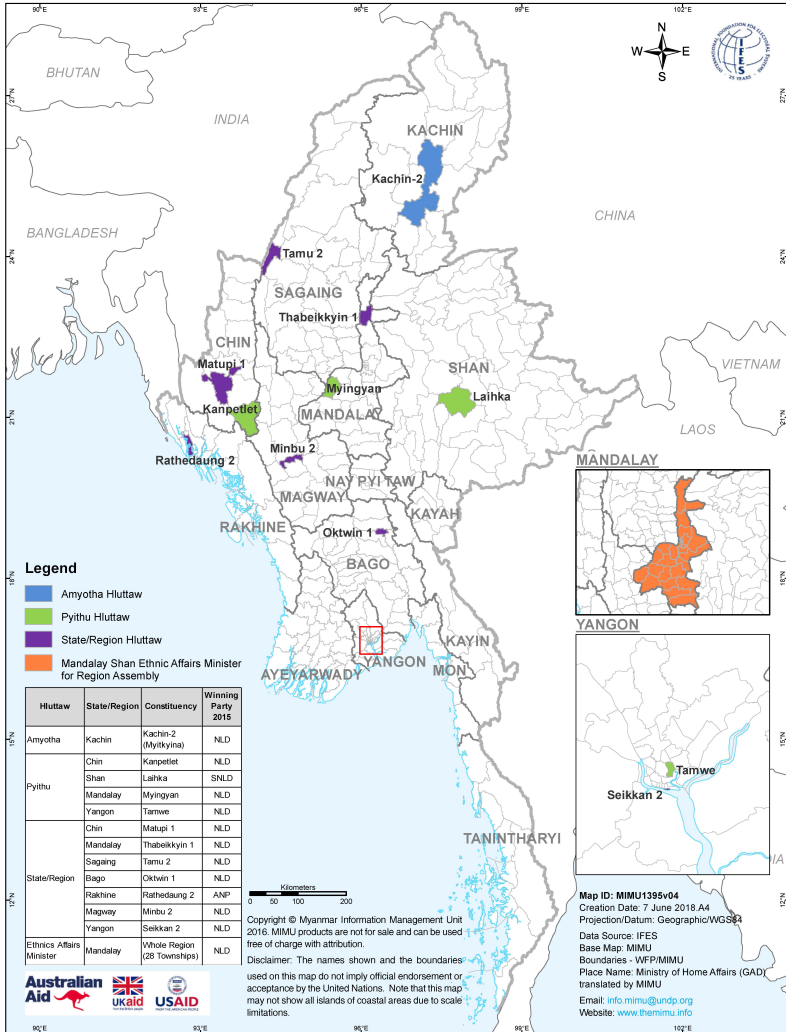
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2018 By-Elections Constituencies



Myanmar Information Management Unit



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Saving the best and most important for last, ANFREL would like to express its deepest gratitude to, and admiration for, the voters of Myanmar, as well as the Myanmar civil society organizations for their efforts to ensure the election's success. They should know that they will always have the support and respect of ANFREL and all freedom-loving people in Asia and around the world for their efforts.

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Abbreviations and Myanmar Specific Terms

ALD	: Arakan League for Democracy
<i>Amyotha Hluttaw</i>	: House of Nationalities (Upper House of the national legislature)
ANFREL	: Asian Network for Free Elections
ANP	: Arakan National Party
CLD	: Chin League for Democracy
CPP	: Chin Progressive Party
CSO	: Civil Society Organization
DPM	: Democratic Party of Myanmar
DPNS	: Democratic Party for a New Society
EA	: Electoral Analysts
EEOPs	: Election Education and Observation Partners
EMB	: Election Management Body
EU	: European Union
FPTP	: First-Past-the-Post
GAD	: General Administration Department
IDEA	: International Institute for Democracy and Electoral Assistance
IDP	: Internally Displaced People
IEOM	: International Election Observation Mission

IFES	: International Foundation for Electoral Systems
KDP	: Kachin Democratic Party
KIA	: Kachin Independence Army
KIO	: Kachin Independence Organization
LTO	: Long-Term Observer
MEON	: Myanmar Election Observation Network
MFDP	: Myanmar Farmers Development Party
MPDP	: Myanmar People's Democratic Party
NCA	: Nationwide Ceasefire Agreement
NDF	: National Democratic Force
NDP	: National Development Party
NLD	: National League for Democracy
NUD	: National United Democratic Party
NUP	: National Unity Party
PACE	: People's Alliance for Credible Elections
PLP	: People's Labor Party
<i>Pyidaungsu Hluttaw</i>	: Assembly of the Union
<i>Pyithu Hluttaw</i>	: House of Representatives (Lower House of the national legislature)
PWDs	: Persons with Disabilities
SNDP	: Shan Nationalities Democratic Party
SNLD	: Shan Nationalities League for Democracy
SNSP	: Shan-ni & Northern Shan Ethnic Solidarity Party

SSA-S	: Shan State Army-South
SSA-N	: Shan State Army-North
SSPP	: Shan State Progress Party
STO	: Short-Term Observer
<i>Tatmadaw</i>	: the armed forces of Myanmar
UEC	: Union Election Commission
UFLF	: Union Farmer-Labour Force
UNFDP	: Union Ethnic Federal Democratic Party
USDP	: Union Solidarity and Development Party

ORGANIZATION PROFILE

Formed in November 1997, the Asian Network for Free Elections (ANFREL) has established itself as the leading NGO in Asia working on the promotion of democratic elections. ANFREL's primary work is focused on election observation, developing and training civil society groups that are actively working on democratization in their home countries, and undertaking campaign and advocacy activities to address electoral challenges to foster democratic development in the region.

Since its formation, ANFREL has covered 60 election observation missions across Asia with over a thousand Asian election observers participating in these missions. ANFREL draws its observers from a network of partner civil society organizations in Asia. Our long-term aim is to build expertise on elections and governance in the region, entrenching a culture of democracy that is locally developed rather than externally imposed. By observing elections in various countries, our observers develop a strong understanding of international best practices – knowledge that can then be applied to strengthen electoral processes in their respective home countries.

In addition to direct election observation programs, ANFREL also carries out training and capacity building programs for civil society, media working on elections and democracy-related issues. Providing capacity building training, either directly or indirectly, to local organizations, has been an integral part of each of our election observation missions to date. ANFREL believes that capacity building for local stakeholders is one of the most important elements in democratization efforts, and hopes that these efforts will receive continuous support from the international community to advance electoral reform and democratization in the Asian region.

Finally, ANFREL also carries out election-related advocacy and campaigning, including disseminating information and publishing materials related to elections and other democratic processes. Since 2012, ANFREL has also organized the Asian Electoral Stakeholder Forum (AESF), which brings together election-related civil society groups and electoral management bodies from across Asia to foster greater understanding and cooperation on addressing the remaining challenges to free and fair elections in Asia.

By engaging diverse electoral stakeholders through our advocacy and campaign work and bringing together observers from across the region to participate in our observation missions, ANFREL seeks to create an environment conducive to democratic development in the spirit of regional solidarity. ANFREL's three areas of work--election observation, capacity building, and advocacy--support and complement one another to further our mission of improving the quality of elections across Asia.

FOREWORD

After the historic elections of 2015, the eyes of the international community are once again on Myanmar as the country tries to lay out democratic reforms amidst internal issues. Held two years prior to the 2020 General Elections, the 2018 By-Elections are an important step to gauge whether the situation has improved since the past two elections. It is a window which gives us a glimpse on electoral priorities, challenges and improvements, as well as as what lies ahead for the country as it slowly matures as a democracy.

Through this report, the ANFREL International Election Observation Mission humbly provides a narrative of its observations and analysis of what transpired during the elections, in an effort to capture what stakeholders have experienced during the entire election period. To accomplish this, the team met with various stakeholders and experts to gather an insight on the electoral dynamic, how the voters perceived this dynamic, and how it will affect future elections in the country. The report also contains a set of recommendations designed, in accordance to international norms on human and suffrage rights, to help the country in paving the path towards freer, fairer, and more inclusive elections.

The 2018 International Election Observation Mission in Myanmar is part of ANFREL's objective to assist Myanmar's democratic advancement -- a commitment which started long before the country opened its doors for democratization. It has been an honor and privilege to work with all stakeholders actively involved in this process.

Indeed, Myanmar has come a long way from its past history and way of life that is absolutely dominated by the military. ANFREL contribution to the democratic process in Myanmar has been active even before the country opened for democracy. Our engagement started with capacitating the civil society and media to advocate good, inclusive political processes. In particular, ANFREL engaged with various national election monitoring groups and media to prepare for the observation of the 2015 General elections, in addition to ANFREL's own mission of the deploying international election observers. This ANFREL engagement carried towards the 2017 By-Elections as it observed elections and further capacitated the national election monitoring groups.

In the 2018 by-elections, ANFREL has deployed international elections observers, covering all 13 constituencies holding elections. We believe that our engagement will give benefit the country as it sustains democracy which it gained in 2015. Our recommendations will serve as a useful and timely roadmap for the democratic actors, addressing areas to be strengthened for the upcoming 2020 general elections.

Finally, we trust that the 2018 - Mission Report will become an effective means to preserve and document the development of democracy in Myanmar. ANFREL is looking forward to work with our like-minded colleagues to ensure sustainability.



Chandanie Watawala

Executive Director

ANFREL

EXECUTIVE SUMMARY

A relatively new practice in Myanmar, by-elections are defined in the Political Parties Registration Law of the Union of Myanmar as “elections designated and held by the Commission from time to time for constituencies which become vacant due to the postponement of election in any constituency or resignation, death, termination or revocation of duty from a Hluttaw representative in accord with law within a regular term of Hluttaw.”

By-elections ensure that vacated slots in various parliaments are filled up. This is a commendable practice since it means continuing representation of constituencies which would have been ignored or marginalized if vacated slots remain unfilled. Needless to say, conducting by-elections entail expenses for the government because holding elections in a limited number of constituencies is more expensive on a budget-to-seat basis than holding a nationwide general election.

If media coverage was to be the marker for assessing public interest in the 2018 By-Elections, then these did not generate as much enthusiasm as the polls held on 1 April 2017. The reasons cited by political analysts were that the balance of political power in the parliaments would not be affected by the results, and that the announcement of the by-elections by the Union Election Commission came quite late (on 8 May 2018, six months before the election day).

The 2018 By-Elections were conducted in 13 constituencies across 9 regions and states involving a total of 1,383 polling stations and 901,300 eligible voters. The voter turnout was 42.4 percent, with 382,961 eligible voters out of 902,750 casting a ballot. The highest turnout was of 67.7 percent in Kanpetlet (Chin) while the lowest was in Laikha (Shan) with 31.6 percent. Overall, turnout in the 2018 By-Elections was marginally better than the 36.8 percent in the 2017 By-Elections.

The results of the 2018 By-Elections (7 constituencies won by NLD, 3 by USDP, 2 from minority parties, and 1 independent) can be seen as a gauge of voters' approval of the ruling party's performance. NLD party leaders rationalized the loss of six of their candidates by lukewarm campaign, poor party organization at the township and village tract or ward levels, and poor candidate selection procedure.

All of ANFREL election observation assessments are put together in a Final Report distributed to election stakeholders in the country. These reports present the integrated view and observations of trained and experienced international observers. The objectives for this report are to assess whether the 2018 by-elections abided by international norms and principles of democratic elections, and to compare the gains or setbacks shown vis-à-vis the 2015 General Election and the 2017 By-Elections.

ANFREL is encouraged by the candor of the Union Election Commission (UEC) of Myanmar in seriously considering and translating into an action plan the recommendations posed by international and domestic election monitors after the 2015 elections. Some of these were implemented for the 2017 By-Elections. This

gesture of openness and willingness to enhance its capacity in every election is a model for management election bodies (EMB) in other countries.

The next general election in 2020 will be crucial for Myanmar because it will provide an avenue for voters to express their opinion of the leaders they chose in the historic 2015 elections. The government will seek affirmation for a second term or face rejection of its performance. These are the tests of a sustainable democracy, something that is taken for granted in other countries but is still in its early stages in Myanmar. ANFREL supports the right of the people to choose their leaders in free, fair, clean, and periodic elections. This report focuses on areas for possible improvement ahead of the next general election in 2020.

Among the notable gains in the administration of the 2018 elections are: using computers to reinforce the tabulation of results at the township level, which allowed for a more accurate tally of votes and subsequently earlier release of results, clearer guidelines in appreciating and interpreting marks on ballot papers thereby reducing the number of invalid votes, maintaining the voter list by household order instead of in an alphabetical system, and enabling PWDs and elderly voters to vote during in-constituency advance voting.

The following are areas which need to be reviewed and given serious consideration: the suspension of the distribution of the voters' identification slip, the non-issuance by UEC of an electoral calendar which would have guided everyone concerned about activities leading to Election Day, the procedures and schedule for advance voting, and the inconsistent implementation of UEC directives at the township and village/ward levels.

The following are persistent aspects of the election system in Myanmar which may take a longer time to reform as these need legal and structural intervention: the 25 % quota allocation for the military in all parliaments, insufficient participation of women in the political landscape starting from the non-appointment of a female at the top level of the UEC and lack of female candidates, inadequate campaign finance regulations, and low representation of ethnic people in elected positions.

Overall, the gains made in the 2015 General Election and the incremental improvements achieved by the 2017 By-Elections were sustained in the 2018 By-Elections, indicating stability in the state of electoral democracy of Myanmar.

ANFREL MISSION PROFILE



ANFREL's International Election Observation Mission (IEOM) in the Myanmar's November 3, 2018, By-Elections is composed of eleven international election observers, which include two electoral analysts (EA) based in Yangon for three weeks, and nine short-term observers (STOs) deployed in the country's different states and regions for ten days.

The IEOM team observed the By-Elections campaign, conducted in-depth interviews of key electoral stakeholders, observed inside constituency advanced voting, visited by random sampling polling stations across all 13 constituencies, followed through the tabulation of counting results in the township centers, and checked the actual posting of Forms 16 and 19 outside the poll stations and township offices, respectively. In total, 25 polling stations were observed during the advance voting period (24 October to 2 November 2018) and 118 more on election day (3 November 2018).

This report contains an assessment of pre-election activities, including the inside-constituency advance voting, the campaign and cooling period, election day operations, from the opening of the polls to the counting, consolidation and publication of results, and an assessment of post-election electoral dispute resolutions and recommendations. The 2008 Constitution, legislations focused on the UEC and various Hluttaw, electoral procedures and manuals, print and online media, and other literature related to the election provide the additional data used for analysis.

ANFREL observation reports are guided by the standards and principles of free and fair elections stated under the Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers, the Bangkok Declaration for Free and Fair Elections (2012), the Dili Indicators of Democratic Elections (2015), and the Bali Commitments (2016).

1.1 Constitutional and Legal Framework

The 2018 By-Elections were conducted according to the same constitutional and legal framework that was applied in the 2017 By-Elections, as electoral laws have not been amended since. Overall, the legal framework for elections in Myanmar consists primarily of the Union Election Commission Law, the Political Parties Registration Law, the Pyithu Hluttaw Election Law, the Amyotha Hluttaw Election Law, the Region Hluttaw or the State Hluttaw Election Law, and relevant by-laws. There have been very few changes since 2010, so the governing law remains generally what was adopted by the military's State Peace and Development Council.

Despite promises made in 2015 and reiterated over the years, the National League for Democracy (NLD) has not yet taken steps to amend the 2008 Constitution. This issue has been quietly put on the back burner while the current government focuses on efforts to convince ethnic armed groups to sign the Nationwide Ceasefire Agreement (NCA). Nevertheless, many electoral stakeholders mentioned to ANFREL observers their support for constitutional reform, which they say is necessary for Myanmar to transition into a full-fledged democracy.

One sore point is the continued allocation of 25 percent of seats for the military in the parliaments, both at state/regional and national levels. This remains a fundamental democratic flaw which significantly affects electoral processes in the country. Even with its long history

of military governance, Myanmar will continue to fall short of international standards of democratic governance as long as the Constitution is not amended to provide for fully elected legislative assemblies representing the will of the people as expressed in free and fair elections.

The military quota in parliaments, as it still exists, impacts decision-making by elected officials every day. The quota makes it very difficult for MPs to pass legislation, to build coalitions, or to conduct routine parliamentary business, as the government needs to obtain a supermajority among elected parliamentarians every time the *Tatmadaw* (armed forces of Myanmar) opposes a legislative proposal. In theory, military MPs could coalesce with minority parties to promote or block pieces of legislation or even form a government despite the lack of popular support. Clearly, the quota of military seats runs contrary to basic democratic principles and therefore should be terminated.

In real terms, no constitutional reform can be undertaken without the approval of the military according to Section 436 of the 2008 Constitution. Indeed, constitutional amendments need the approval of “more than seventy-five percent of all the representatives of the *Pyidaungsu Hluttaw*”, the Assembly of the Union, to be adopted. Effectively, the *Tatmadaw* has full veto power over any change to the Constitution, and it seems unlikely that it will let go of this power anytime soon.

To fulfill the democratic aspirations of the people of Myanmar, constitutional and legal reforms should be undertaken to amend the present electoral framework, uphold individual and collective freedoms, and end the power of the military to exercise oversight authority over elected civilian governments. That will include

amending or deleting Section 6 of the Constitution, which recognizes the *Tatmadaw's* authority “to participate in the national political leadership role of the State”. The dilemma is that it will be very difficult for any civilian government to push for greater freedom without antagonizing military leaders, who are unlikely to loosen their long-time grip on their role in government affairs.

While ANFREL acknowledges that Myanmar has already made great strides towards democracy, the country cannot achieve its full democratic potential until an inclusive, civilian-led initiative is undertaken to review and update the constitutional and legal framework to reflect the will of the people and incorporate internationally recognized principles of civil and political rights.

Two constitutional articles proved controversial during the campaign in the 2018 By-Elections. These are Sections 64 and 232 (k) of the 2008 Constitution, which together provide that the President, Vice-President, or Union Ministers cannot take part in any party activity during their terms in office. As the NLD used extensively the image of Daw Aung San Suu Kyi and other high-profile figures like Union President U Win Myint in their campaign posters, much criticism was voiced by candidates of opposition political parties which considered this use of state officials' image as constituting a party activity.

As will be discussed in more details later, at least one official complaint was filed by a Union Solidarity and Development Party (USDP) candidate. The Union Election Commission (UEC) decided that the said NLD campaign posters were not in violation of the law. It seems that these constitutional articles are too vague to be enforceable, and the legal framework for elections would benefit from additional provisions indicating more clearly what constitutes

“prohibited party activities”. In this light, ANFREL suggests revising the aforementioned articles or enacting by-laws ahead of the next round of elections to provide clearly the “dos and don’ts” of electoral campaigning by all political parties and candidates, with as little room for interpretation as possible.

1.2 Electoral System of the By-Elections

Election laws in Myanmar provide for the holding of by-elections to fill vacancies in the country’s national or regional legislatures. By-elections are defined as “*the elections designated and held by the Commission from time to time for constituencies which become vacant due to the postponement of elections in any constituency or resignation, death, termination or revocation of duty from a Hluttaw representative in accord with law within a regular term of Hluttaw.*”

By-elections must be held within six months of a seat becoming vacant. Since June 2016 and the introduction of the fourth series of amendments to the electoral laws for *the Pyithu Hluttaw*, *Amyotha Hluttaw*, and *Region and State Hluttaws*, there were specific time limits within which these vacancies may be filled, based on how far along in the *Hluttaw* term they occur. Now, by-elections may not take place during the first and the last year of a government’s term, which means that the 2018 By-Elections are very likely to be the last of the 2015-2020 electoral cycle.

A first round of by-elections for the current electoral term was held in 19 constituencies in 8 states or regions on 1 April, 2017. ANFREL

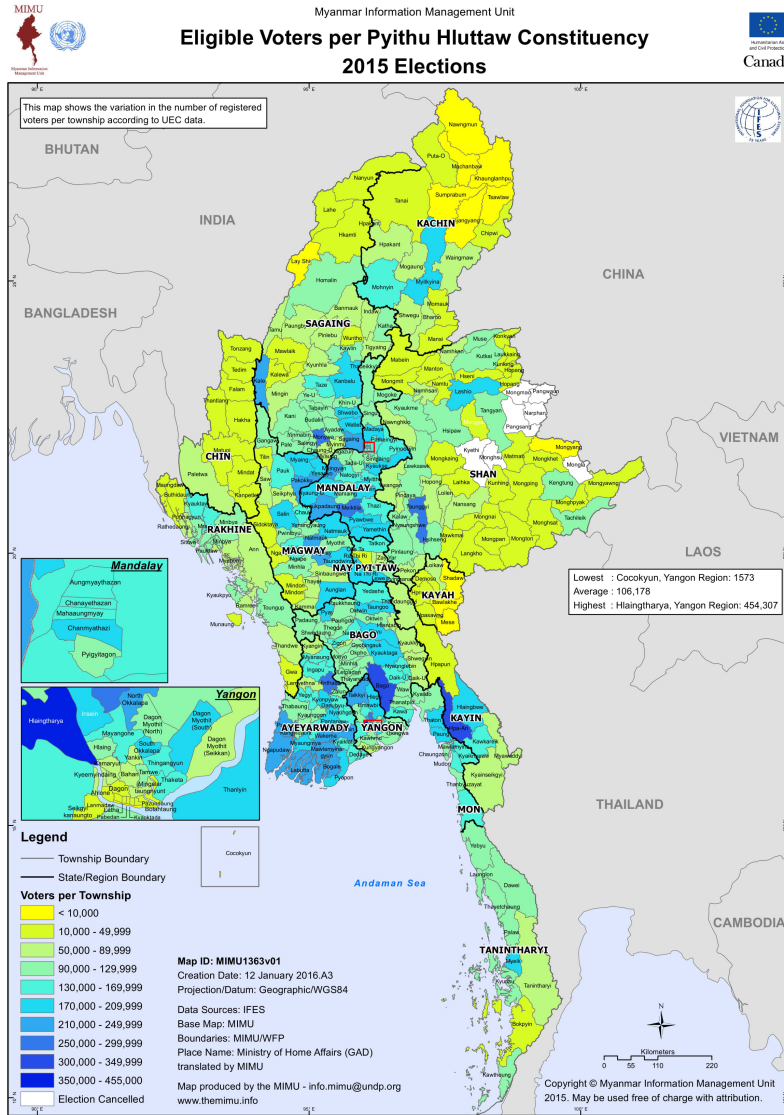
highlighted at the time notable improvements in the conduct of elections over the 2015 General Election, largely credited to the UEC's strong commitment to strengthen electoral processes and follow the recommendations issued by domestic and international stakeholders.

The 3 November 2018 By-Elections were called to fill 13 new vacancies in the country's legislative bodies. The vacancies were caused by the passing on of incumbent seat holders or their joining the national or regional executive branch of the government. These included one seat in the Amyotha Hluttaw, four seats in the *Pyithu Hluttaw*, seven seats in State or Region *Hluttaws*, as well as the Shan Ethnic Affairs Minister for Mandalay Region.

As in previous elections, Myanmar uses a first-past-the-post (FPTP) electoral system, dividing the country into single-member constituencies. According to the Constitution, constituencies for the *Pyithu Hluttaw* are drawn "on the basis of township as well as population". However, as the number of elected representatives nationwide and that of townships are equal, constituencies follow township boundaries but do not take into account the number of inhabitants.

This results in unequal or distorted representation in which the population of constituencies fluctuates widely, and therefore individual ballots carry different weight depending on the location of the polling station where it was cast. One of the extreme examples is the difference between Hlaing Thar Yar and Seikkan townships, both located in Yangon: the first has a population of over 200 times than that of the second, yet both have one seat in the *Pyithu Hluttaw*.

The following map illustrates the variances in the number of voters for each *Pyithu Hluttaw* constituency:



Source: Myanmar Information Management Unit

The same phenomenon can also be observed in the apportionment of *Amyotha Hluttaw* seats, although to a lesser extent. Each region or state is granted 12 representatives in the Upper House, regardless of its population. One seat is allocated for each self-administered zone or division, to guarantee that they are represented at the national level. However, not all of these areas are equal in population, which may again result in underrepresentation of voters, for instance in the case of the Wa self-administered division, whose population is over half a million people.

According to best electoral practices and instruments such as the Dili Indicators of Democratic Elections, states should refrain from allocating equal number of seats to areas with vast differences in population. To correct discrepancies in seat apportionment, Myanmar should consider the adoption of a fairer system in the delimitation of electoral boundaries, that will take into account the number of voters in each state or region. However, ANFREL understands that the current Constitution and electoral system have established a fragile balance of power throughout the country, and therefore this practice is unlikely to undergo reform in the coming years.

In region and state assemblies, the number of seats is determined by several factors, with the largest number of seats based on the number of townships in every region or state. Each township is divided into two single-member constituencies where members of parliament are elected according to first-past-the-post election ballots. Much like at the national level, the military holds a quota of seats equivalent to one third of elected seats, a number that results to approximately 25% percent of all seats in the assembly. ANFREL stands by the observations it made during its past elections in Myanmar, highlighting that such an arrangement runs contrary to universally accepted democratic principles.

The other kind of seats in state and region assemblies are National Race Representatives or Ethnic Affairs Ministers the number of which is determined by the area's ethnic composition. Minorities with more than 0.1% of the nationwide population are allocated one representative each, who is elected through first-past-the-post in a state wide or region wide contest. One of the elections that took place on 3 November was the replacement of the Shan ethnic affairs minister for Mandalay region. For this particular race, polling stations were open in all of Mandalay region to allow Shan voters to cast their ballots. In Myingyan and Thabeikkyin, where other by-elections occurred, polling stations featured two distinct ballot boxes to accommodate both polls at the same time.

1.3 Election Administration: The Union Election Commission (UEC)

In accordance to the 2008 Constitution, the Union Election Commission was created in 2010 to serve as Myanmar's electoral management body (EMB). The 2008 Constitution gave the UEC incredible powers to hold elections and administer the conduct of all aspects of the process, including creation of sub-commission offices, designation and postponement of elections due to security issues or natural calamities, and the creation and maintenance of voter lists. The UEC's various quasi-legislative and -judicial roles include defining and amending constituencies, prescribing rules, directives, and procedures relating to the conduct of elections and guidelines for political parties.

The UEC is based in Nay Pyi Taw, and is devolved through the established 14 regional/state level sub-commissions, 73 district level sub-commissions, 330 township sub-commissions, and 15,780 ward or village-tract sub-commissions. From the Central Office until the

township level sub-commissions, the UEC is staffed by permanent civil servants who perform no other role in any other government institution. This is a good practice which in ANFREL’s view should be encouraged to maintain UEC’s autonomy as an independent government office that is not under the control of any government ministry.

Structure, Function, and Appointment

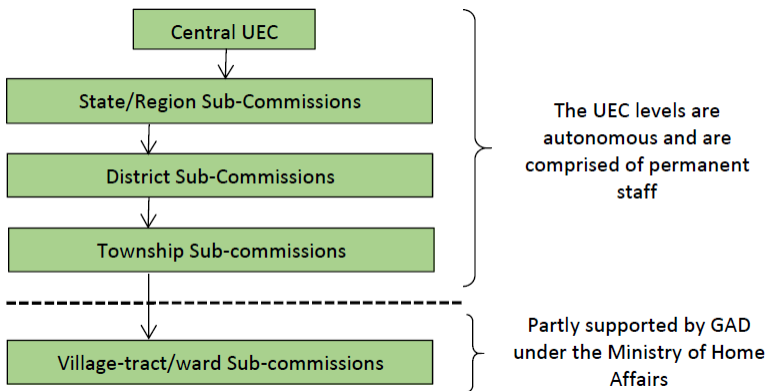


Figure: UEC Structure

Source: Myanmar Information Management Unit¹

The UEC ward/village level sub-commissions are at the frontlines of dealing with concerns from the people. This is the lowest level of in the hierarchy of electoral governance, which since 2015 Elections operates as an ad hoc body comprised mostly of officials from the GAD. These officers implement governmental policies and follow orders from the Ministry of Home Affairs during non-election period. In this sense, the implementation of election-related policies

¹ https://myanmar.gov.mm/en/union-election-commission?p_p_id=com_liferay_login_web_portlet_LoginPortlet&p_p_lifecycle=0&p_p_state=normal&p_p_state_rcv=1&_com_liferay_login_web_portlet_LoginPortlet_mvcRenderCommandName=%2Flogin%2Flogin

from the UEC are oftentimes sidelined when orders and tasks from the Home Affairs Ministry arrive. This leads to certain inefficiencies within the process, such as delays or mistakes. Furthermore, such practice may expose the implementation of electoral policies to a certain degree of influence from another government agency and the political inclinations of government officers. This may also create perceptions of partiality on ward- and village-level UEC, especially in a tightly knit community who knows which officer is affiliated with which party.

This practice of forming ad hoc electoral bodies are often observed in countries that lack the resources to fund permanent bodies, or those that wish to economize government spending, as well as to avoid fraternizing by local officials with permanent election bodies in the lowest government structures. To provide a more efficient service, other countries in Southeast Asia bulk up the resources for provincial, district/provincial and township level election sub-commissions to ensure efficiency in operations, thus reducing or removing any need for either permanent or ad hoc election management bodies in the village or ward level.

At the national level, the UEC members are nominated and appointed by the president, with the parliament having the authority to reject a nominee who fails to meet a set of broad requirements set forth in the Constitution. This gives the president considerable appointing power, since a nominee is only required to meet a minimal semblance of the qualifications for the positions. The incumbent ruling party, the National League for Democracy, criticized this administrative loophole before it came to power. However, at present this legal issue still remains unresolved.

At present, the commission membership is composed of U Aung Myint, U Soe Reh, U Tun Khin, U Hla Tint, U Myint Naing and U Than Htay, and led by Chairperson U Hla Thein. This is the commission that managed the 2017 and 2018 By-Elections and will also most likely manage the 2020 General Election. Unfortunately, there are no women appointed as members of the UEC in its current composition. While ANFREL found huge improvement in the gender ratio within the ranks of polling officers where women play important roles, unfortunately this ideal balance was not reflected at the top level of sub-commission officers. The same situation is reflected in the terms of ethnic representation in the central UEC.

While reforms are indeed needed with regard to the selection process for the members of the body, it is essential that the policies and actions exhibited by its members reflect independence itself. In this 2018 By-Elections, ANFREL observed that the EMB did neither decisions nor actions which unduly favored a particular candidate or party. An EMB's behaviour and attitudes are more important in building public trust and credibility in the institution and the electoral process itself ². While there are indeed policies implemented by the UEC which may induce an imbalance in the playing field, these are legislative issues which the Pyidaungsu Hluttaw has to resolve. Therefore, as the implementor of such policies, the UEC has to perform an active role in advocating for reforms in the said policy issues.

Management and cooperation

ANFREL observed that UEC sub-commission staff and polling officers were more confident in executing the elections 2018 than in previous years. Observer reports concluded that in 9 states/regions,

² Idem

the UEC sub-commissions performed well with exceptions in isolated cases. The sub-commissions have exhibited broad knowledge of the electoral systems, which is due to the experience and trainings they received in the past two elections. ANFREL acknowledges the help provided by the UEC Sub-Commission in Yangon, which provided a comprehensive presentation for the by-elections during the briefing held by ANFREL for its observers. Such engagement is an indication of the UEC's efforts to promote a transparent election. The UEC personnel seemed confident of their capacity and showed enthusiasm in working with international observers.

Incidentally, ANFREL encountered more bureaucratic requirements in 2018, such as the provision of an additional letter from the Central UEC before sub-commissions could work with ANFREL.

To build on the strength and experience it has accumulated, the UEC should pursue further capacity building and manpower development. At present, the management body is being supported by several foreign institutions, including the International Foundation for Electoral Systems (IFES), European Union (EU), and International Institute for Democracy and Electoral Assistance (IDEA). The IFES has been supporting the UEC in creating a more inclusive and more accurate voters' list. The EU has been assisting Myanmar's democratic transition and the development of its government and administrative institutions since 2013. Recently (July 2018), Myanmar Government and the EU signed an agreement for a grant of EUR 14 million (MMK 23.2 billion) to support Myanmar's democratic transition. Finally, IDEA provides structural and capacity building support to the UEC. As the election management body matures as an institution, it is expected that the UEC will be able to wean off support after the 2020 elections.

The UEC has exhibited a much better performance in election management given its experience in conducting several elections in the past years. Despite the observed improvement, there were still some persisting challenges within the election management system which ANFREL pointed out in 2015 General and the 2017 By-Elections. One main issue was the variances in the implementation of electoral policies among various UEC sub-commissions states/regions. These policies that were unevenly implemented include the abolition of the use of the voter identity slip, visiting elderly and sick voters to facilitate advance voting, and door-to-door voter registration. To reduce such occurrence in the 2020 General Election, if the UEC decides to change or add procedures, it needs sufficient time and strong coordination to make sure the same policy is applied evenly across the country. Training for the UEC Sub-commission members, especially at the township and village-tract or ward levels, is still required to prepare for the 2020 General Election.

To enhance cooperation with other stakeholders, it would also be useful to resume holding regular coordination meetings between civil society organizations, political parties, and the UEC, which were halted after the recomposition of the body. Such activity will complement the transparency efforts the UEC has tried to implement. This will also facilitate common understanding regarding the needs of the various sectors relating to the promotion of democratic electoral policies. These meetings have been a helpful instrument during the term of the previous UEC chair in finding common activities which CSOs and the UEC can collaborate on, thus promoting trust, inclusivity, and common ownership of the process. Such meetings would also facilitate access and continuous communication with the election managers and the civil society organizations, which in the

recent elections proved to be lacking. Efforts such as voter education and information dissemination regarding the elections was hampered by this lack of coordination.

Application of technology by the UEC may help enhance election management, but progress on this front has been mixed. During the 2015 General Election and the 2017 By-Elections, the UEC website was available in Burmese and English. Unfortunately, during the 2018 By-Elections, the UEC website was only available in Burmese, limiting accessibility to international stakeholders (<http://www.uecmyanmar.org/>). In the 2015 General Election and the 2017 By-Elections, there was a user-friendly website which allowed people to check the data tied to their voter registration (<https://checkvoterlist.uecmyanmar.org/>).

To summarize, since the 2015 General Election, the UEC performed credibly in spite of limitations in legal framework. For the 2017 By-Elections, ANFREL concluded that, despite falling short of international standards, the elections were generally legitimate, free and fair. In the case of the 2018 By-Elections, the UEC has fulfilled the basic indicators of a good election management, but some improvements can be made to ensure a more inclusive and credible electoral conduct in 2020.

2.1 Campaign Environment and Activities

By-election campaigns usually do not rival in intensity with those of nationwide elections, and especially that of the last general election in 2015, which was accompanied by a festive atmosphere and strong interest from the public. Nonetheless, the campaign period for the 2018 By-Elections was noticeably quieter than that of the 2017 By-Elections, and displayed fewer campaign activities as well as less enthusiasm from voters.

The campaign period started on 3 September and lasted for 60 days. Overall, the political parties and candidates conducted a peaceful and cordial electoral campaign of modest intensity. The guidelines set forth in the 2015 “Code of Conduct for Political Parties and Candidates” were once again agreed upon by political parties and was instrumental in defusing tensions from arising ahead of the by-elections.

The most utilized campaign tools were posters and rallies in villages. Probably because the houses in villages were set far apart from each other, there were very few instances of house to house visits. Rallies were held in village halls, with only juice or bottled water refreshments served at the end, when the audience was dispersing.

In most constituencies, election sub-commissions coordinated with candidates to arrange a schedule of activities so no two candidates will campaign in the same village tract on the same day. These rotations

minimized friction and made for a relaxed pre-election period, along with the relatively low stakes of the elections and generally low voter interest. Candidates were asked by local UEC staff to submit the content of their campaign documents or speeches, but none have expressed frustration over the issue when interviewed by ANFREL observers. Generally, candidates did not feel the limitations imposed on them were encroaching on their freedom of movement or speech, and they recognized that the UEC took appropriate measures to ensure that the by-elections took place in an orderly and peaceful fashion.



Campaign posters for the candidates of NDF (in yellow) and USDP (in green) displayed in Seikkan

Source: ANFREL

The smallest constituency where a by-election took place was in Seikkan 2 in Yangon region. Despite having only two polling stations and a population of merely 1,434 registered voters, this constituency

was also the busiest and most competitive with no less than nine candidates vying for a seat in the Yangon Regional Assembly. This affluence of candidates was bound to create campaign disputes in such a compact area, and some complaints were raised when one political rally was held in a location other than the two sites earmarked for the purpose by the local election sub-commission. However, a third location was soon authorized and made available to all political parties for their campaign activities. In the last days before the ballot, it was not uncommon to see candidates and their supporters crossing paths while campaigning in the neighborhood, yet the mood remained civil.

There were only few reports of election-related violations, with most of them having to do with damaged or removed campaign posters. Those were isolated incidents that were did not replicated in other areas. In the Myitkyina 2 constituency of Kachin state, candidates were advised not to campaign in a handful of remote villages controlled by the Kachin Independence Army (KIA), but otherwise there were no security concerns during the election period. Therefore, ANFREL commends all stakeholders for their diligence and contribution to the most peaceful electoral campaign it has observed to date in Myanmar.

One issue that arose during the campaign period was that the NLD used extensively the image of state officials in their campaign materials. In most constituencies, NLD candidates would feature prominently State Counsellor Daw Aung San Suu Kyi on their campaign posters and rallies. Although this is a practice that has been existing for some time, including under the previous government, it was the subject of criticism from the candidates of some political parties, who felt that it constituted an unfair advantage for the NLD.



The campaign poster of U Toe Win, NLD candidate in Tamwe township (Yangon region), featuring both State Counsellor Daw Aung San Suu Kyi and the President of Myanmar U Win Myint
 Source: ANFREL

With regard to the campaign poster picture above, the USDP candidate for Tamwe lodged a complaint with the UEC sub-commission in Yangon, citing Articles 64 and 232 (k) of the 2008 Constitution, stating that if the President or a Union Minister are members of a political party, “they shall not take part in their party activities during their term of office”. Some candidates from other political parties running in Tamwe and Seikkan echoed this concern, though they mentioned that they did not consider lodging a complaint.

In the end, the election management body ruled that the inclusion of the image of a government official in campaign materials does not constitute a party activity, and therefore the campaign posters in

question were authorized. Nevertheless, the law should state more clearly what constitute a “party activity” for government officials, in order to draw a more explicit line that candidates and political parties can refer to during their electoral campaigns.

NLD candidates also benefited from the support of national or regional level politicians who visited constituencies on official business in the weeks leading up to the election day. Most notably, State Counsellor Daw Aung San Suu Kyi traveled to Kachin and Chin states to inaugurate government facilities, but several other union, state, or region ministers also unveiled development projects. As stated in ANFREL’s mission report for the 2015 General Elections, the law should draw clear definition and limitations on the use of state resources to avoid any misuse or unfair campaign advantage.

Finally, ANFREL team members have reported that the cooling period (2 November all day) was properly implemented, with no electoral signage observed, and all political parties and candidates refrained from conducting any campaign activities.

2.2 Voter List Update

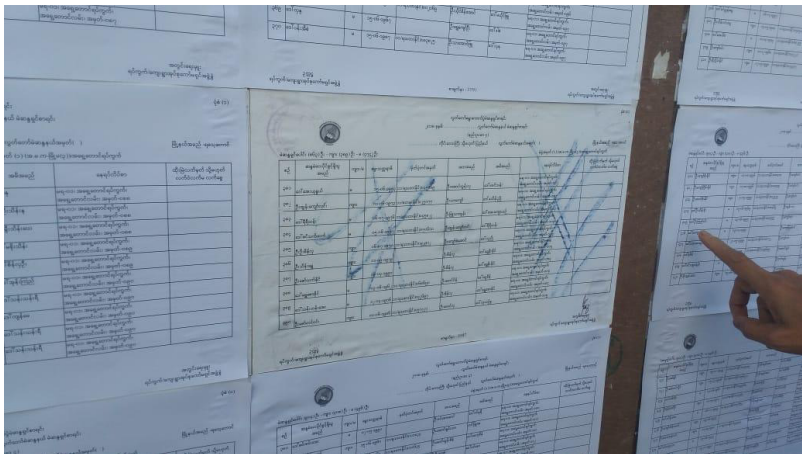
Various stakeholders raised concerns regarding the poor quality of the voters' list for the 2018 by-elections, which indeed contained substantial errors on voter information and numerous missing names. In comparison to the process in the 2017 By-elections, the door-to-door validation of voter list was not employed by the UEC officially. However, some constituencies still observed the door-to-door verification anyway, due to its efficacy in creating a cleaner, more efficient voter list. This proved to be most effective and most appreciated in rural and mountainous areas, where people often have to travel hours just to check their voter list.

The existing voter lists were created with support from the IFES, which has been working the UEC since 2015. For the 2018 By-elections, the UEC maintained the format of the voter list which was based on the family or household list. The voter lists used in the 2017 By-elections were the most accurate to date, earning praises from various civil society organizations and voters. During the 2015 General Elections, the voter lists were arranged alphabetically, which created confusion among the voters as most are used to household list format. ANFREL hopes that such format will be maintained for future elections to facilitate ease of finding names.

Essentially, the voter lists used in the 2017 elections was re-published, with only minor edits received during voters list verification period. This period is when the UEC posts the voter lists in public places, mostly in the village tract or ward offices, for the voters to check their data. Each period lasts for two weeks, and was done twice prior to the elections: the first round on July 9 to 27, and the second round on October 1 to 14, 2018.

Displaying the voters' list in the UEC sub-commission offices in the village-tract or proved to be unsuccessful, with only a few people coming to check the list. Based on ANFREL observer reports, only around 30% of the people came to check in Tamwe, 46% in Seikkan, and 19% in Myitkyina. There was an initiative in Myitkyina, Thabeikkyin and Minbu by the election sub-commission of using loudspeakers in late evening to encourage people to come to check their name on the list. But relatively few people bothered to come to check.

Indeed, this satisfies the basic and essential procedure for voters to verify their own information in the system. However, an additional step such as the compulsory door-to-door verification could have helped minimize the errors in the list. Employing this complementary approach of performing public voter list verification and door-to-door verification proved to be effective in the 2017 By-elections.



Missing sheet of the update voters' list found during 2nd round display in Rakhine

Source: ANFREL

ANFREL has discussed the voters' list issues in all of its final election reports (2015 and 2017) and reiterates that expecting people to voluntarily come and raise complaints when they spot a problem is too optimistic. Furthermore, the venues where the voter lists are posted often influence willingness of the voters to check the lists, especially in controlled environments such as military and government offices. One practical suggestion is for the UEC to display the voters' list in more friendly public places such as a market, school, or park, which would likely generate more public viewing. This strategy has been quite successful in several Asian countries such as Indonesia and Thailand. Another problem noted was that there were one or more missing pages in the voters' list in Rakhine and some pages disposed of carelessly, or intentionally, in Kachin.



Voter list pages were disposed of carelessly before election day in Kachin

Source: ANFREL

ANFREL observers did not find any common or systemic problem as it did during the 2015 Elections but instead found only isolated problems such as missing names for people living in IDP camps in

Kachin, disenfranchised Rohingya voters in Rakhine, and having duplicating names for a village in Laikha, Shan state.

The change in the number of voters registered in these by-elections vis-a-vis the 2015 elections can be seen below. Of 13 constituencies, 12 had an increased number of voters, while Seikkan 2, the constituency with the smallest number of voters, showed 8.22 percent decrease. It is odd to see an exception in a consistent pattern of increased number of voters among the 13 constituencies. Interestingly, ANFREL's observers deployed in Seikkan 2 did not receive any complaint about disenfranchisement.

Table O1: Comparison in the Number of Eligible Voters between 2015 General Election and 2018 By-Elections

No	Hluttaw	State/Region	Township	Eligible Voters 2015	Eligible Voters 2018	Variation
1	Amyotha	Kachin	Myitkyina (Kachin 2)	178,579	203,292	12.15%
2	Pyithu	Shan	Laikha	35,165	39,321	10.56%
3	Pyithu	Chin	Kanpetlet	11,484	12,449	7.75%
4	Pyithu	Mandalay	Myingyan	211,043	221,865	4.87%
5	Pyithu	Yangon	Tamwe	92,987	99,119	6.18%
6	Region	Magway	Minbu 2	66,029	68,414	3.48%
7	Region	Mandalay	Thabeikkyin 1	47,663	49,622	3.94%
8	Region	Yangon	Seikkan 2	1,552	1,434	-8.22%
9	State	Chin	Matupi 1	16,445	17,362	5.28%
10	Region	Sagaing	Tamu 2	32,158	35,434	9.24%
11	State	Rakhine	Rathedaung 2	51,131	52,300	2.23%
12	Region	Bago	Oktwin	55,249	59,675	7.41%
13	Region	Mandalay	Shan ethnic minister seat	39,599	42,463	6.74%

Source: UEC

Myitkyina constituency in Kachin had the greatest increase in the number of voters between 2015 and 2018. ANFREL's observer received a report that in IDP camps, many eligible voters were not included in the voters' list for this by-election. According to the

IDP coordinator and one of the candidates, in one of the IDP camps in Kachin, there were almost 30 eligible voters listed in the 2015 General Election who were removed from the voters' list in 2018.

In the case of Rathedaung 2 Constituency in Rakhine, only 1,169 voters were added for this By-Elections, when contrasted with the 2015 voters' list. Of course, since 2015, Rakhine has been wracked by violence, with the Rohingyas being disenfranchised and denied citizenship under the 1982 Myanmar Nationality Act. It was difficult for the ANFREL observer to access information related to the Rohingya. Interviewees were reluctant to discuss the Rohingya ethnic group and concerns about their security. This “hear no Rohingya problem, see no Rohingya problem, talk no Rohingya problem” stance was also experienced in 2015. It is safe to say that the disenfranchisement of Rohingyas will again be an issue in the 2020 General Elections.

Disenfranchisement of Rohingya to Participate in Election:

Rakhine, the poorest region in Myanmar, is home to more than a million Rohingya. The Rohingya people are stateless since they are denied citizenship under the 1982 Myanmar nationality law. Despite being able to trace Rohingya history to the 8th century, Myanmar law does not recognize the ethnic minority as one of the eight “national indigenous races”. The legal conditions faced by the Rohingya have been widely compared to apartheid. A military crackdown in 2016 and 2017 causes over 900,000 Rohingya refugees have fled to surrounding countries and around 100,000 Rohingyas in Myanmar are confined in IDP camps. Shortly before a Rohingya rebel attack

that killed 12 security force on, August 25, 2017, the Myanmar military had launched “clearance operations” against the Rohingya Muslims that left over 3,000 dead³, many more injured, tortured or raped, villages burned. The Myanmar government banned to the use of “Rohingya” and prefer the term “Bengali”. The UN’s Universal Declaration of Human Rights states that a person is entitled to reveal or announce or express their own ethnicity.

They are also restricted from freedom of movement, state education and civil service jobs includes right to participate in election. Majority they are poor, uneducated and are not allowed to travel. Most likely they are not able to participate with the 2018 by-election as they are not considered eligible since not having national identification or categorized as not Myanmar citizen - the same case in 2015 General Election.

From 2010 to 2015, the law in Myanmar permitted citizens, associate citizens, naturalized citizens, and “other persons” eligible according to the law to vote and run for public office. In fact, it appears that at least some Rohingya were able to run for public office in 1990s. In 2010 and 2012 General Elections, temporary identity - white card holders were permitted to vote and to run in the elections. Three Rohingya members were elected to the Union Parliament as members of the USDP to represent constituencies in northern Rakhine State⁴.

While members of ethnic minorities including those of Indian and Chinese descent also hold white cards, about two thirds are Rohingya, according to the government⁵.

³ <https://www.theguardian.com/world/2017/oct/11/rohingya-refugees-myanmar-aung-san-su-kyi-un-report>

⁴ <https://www.lowyinstitute.org/the-interpreter/elections-sham-rakhine-state>

⁵ <https://www.reuters.com/article/us-myanmar-rohingya/myanmar-nationalists-threaten-protests-over-rohingya-vote-change-idUSKBNOLA10D20150206>

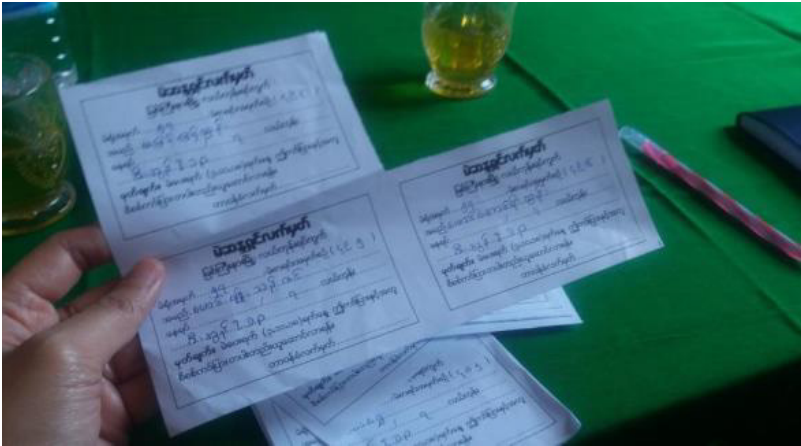
By 2013, members from the (Buddhist) Rakhine National Development Party proposed legislative amendments that were intended to deny the Rohingya the right to vote and run for office. The actions of parliament, the Constitutional Tribunal and the Union Election Commission resulted in the disenfranchisement of the Rohingya. This was the final stage in the formal legal exclusion of the Rohingya from the political community of Myanmar.

|| Voter Identification Slip

A voter identification slip is a small piece of paper prepared by the UEC and sent to individual voters several days before election day. This helps make the voting process, as the voter can identify this polling station and the polling officer can find names more easily in the voters' list. ANFREL commended the positive impact of using voter identification slips to reduce long queues on election day. This is especially useful in polling stations with high number of voters. While there is some concern about the possibility of misuse of voter identification slips, ANFREL observers did not observe the occurrence of such misuse in previous elections.

Regrettably, the UEC decided to discontinue the release of voter identification slips in the 2018 By-Elections. ANFREL observers still found certain regions or states using voter identification slips such as in Kachin, Rakhine, and several townships in Mandalay. This shows weak coordination between the central UEC and the region or state UEC as policies are not being applied uniformly across the country. Since use of slips was upon the initiative of sub-commissions, it is no surprise that such slips varied in size, design, and format from one place to another. In Kachin, polling stations which used voter

identification slips had different designs from one polling station to the next. See the next three pictures.



Voter identification slip in one of the villages in Kachin

Source: ANFREL



Voter identification slip in one of the polling stations inside the military camp in Kachin

Source: ANFREL

The decision to use voter identification slips and the variation in design, presents an opportunity for abuse, since it would be difficult to determine which voter identification slips were officially issued by the local sub-commission. ANFREL still believes voter identification slips are useful and effective, and recommends that they should be used nationwide in 2020 with only one official design.

Furthermore, ANFREL also observed that many people in 2018 assumed that a voter identification slip is a document that determines that someone is an eligible voter. If they did not receive a voter identification slip, they assumed they were not eligible to vote. ANFREL recorded some cases where voter simply did not go to the polling station on election day because of this reason. As stated in the manual for polling staff, if a voter did not receive or bring a voter identification slip to the polling place, but their name is on the voters' list, they still has the right to vote. The UEC should make sure the people understand that they do not need to rely on voter identification slips, and emphasize importance of checking their names on the voters' list.

2.3 Registration of Parties and Candidates

On May 8, 2018, the UEC announced that the registration period for the political parties and candidates will be on 2-12 July. There were a total of 69 candidates who registered under 23 political parties. In addition, there were 7 independent candidates who contested. There were seven women candidates out of 76 both party and independent candidates.

Table O2: List of Candidates for the Shan Ethnic Minister Seat in Mandalay

No.	Constituency	No.	Name of the Representative	Party/ Affiliation	Date
1.	Shan Nationality	1	Dr. Sai Kyaw Ohn	Shan Nationalities Democratic Party	3-7-2018
		2	U Sai Pan Hsai (a) U Sai Tun Sein (a) U Kyaw Sein	National League for Democracy	9-7-2018
		3	U Sai Aung Kyi	Union Solidarity and Development Party	8-7-2018
		4	Daw Nan Htwe Hmon	Shan Nationalities League for Democracy	10-7-2018
		5	U Aung Htay	Independent	9-7-2018

Table O3: List of Candidates for Region/State Hluttaw Representative

No.	Constituency	No.	Name of the Representative	Party/ Affiliation	Date
1.	Matupi	1	U Aung Htan	National League for Democracy	9-7-2018
		2	U Aung Hlyan	Chin League for Democracy	10-7-2018
2.	Tamu 2	1	U Zam Kem Man	Zo Ethnic Region Development Party	10-7-2018
		2	U Ro Htan Pwe Yar	Union Solidarity and Development Party	10-7-2018
		3	U Aung Shwe	National League for Democracy	3-7-2018
		4	U Oun Kho Htan (a) U Chit Maung	Chin League for Democracy	7-7-2018
3.	Oktwin 1	1	U Kyaw Zeya	National League for Democracy	3-7-2018
		2	U Chit Khaing	Myanmar People's Democratic Party	2-7-2018
		3	U Myint Soe	National United Democratic Party (N.U.D)	9-7-2018
		4	U Myint Thein	Myanmar Farmers' Development Party	11-7-2018
		5	U Win Htoo	People's Labour Party	5-7-2018
		6	U Win Myint	Union Solidarity and Development Party	9-7-2018
		7	U Thet Naing	National Progressive Party	11-7-2018
		8	U Than Win	Independent	9-7-2018
4.	Minbu 2	1	U Kyaw Ngwe	National League for Democracy	2-7-2018
		2	U Sein Shwe Min (a) Maung Paik	Union Solidarity and Development Party	6-7-2018
		3	U Thaug Soe	Independent	11-7-2018
		4	U Thein Htet Wai	Independent	10-7-2018
		5	U Aung Htay	National United Democratic Party (N.U.D)	10-7-2018
5.	Thabeikkyin 1	1	U Soe Lwin	National League for Democracy	5-7-2018
		2	U Zaw Min Tun Shein	National Democratic Force Party	7-7-2018
		3	U Nyi Nyi	National Unity Party	4-7-2018
		4	U Min Thu	Union Farmer-Labour Force	11-7-2018
		5	U Myint Soe	Union Solidarity and Development Party	8-7-2018
		6	U Myint Naing	National United Democratic Party (N.U.D)	11-7-2018
		7	U Aung Kyi Myaing	Democratic Party (Myanmar)	9-7-2018
6.	Yathedaung 2	1	U Khin Than Maung	National League for Democracy	9-7-2018
		2	U Tin Maung Win	Independent	4-7-2018
		3	U Maung Hla Myint	Arakan National Party	7-7-2018
		4	U Thein Maung	Arakan League for Democracy	9-7-2018
7.	Seikkan 2	1	Daw Khin Malar	National Democratic Force	5-7-2018
		2	U Khin Hlaing	Independent	4-7-2018
		3	U Ziwa	Myanmar People's Democratic Party	6-7-2018
		4	U Nay Myo Aung	Union Solidarity and Development Party	10-7-2018
		5	U Maung Hla Kyaw	Arakan League for Democracy	11-7-2018
		6	U Yan Naung Soe Myint	People's Labour Party	9-7-2018
		7	U Thet Tun	National Progressive Party	8-7-2018
		8	U Than Htaik Aung	National League for Democracy	10-7-2018
		9	Daw L. Bauk Sai	Union Ethnic People's Federal Democracy Party	9-7-2018

Table 04: List of Candidates for Amyotha Hluttaw Representatives

No.	Constituency	No.	Name of the Representative	Party/ Affiliation	Date
1.	Kachin 2	1	U Kwan Gaung Aung Kham	Kachin Democratic Party	10-7-2018
		2	Daw Khin Ohn	Red Shan (Taijai) and Northern Shan Ethnic Solidarity Party	9-7-2018
		3	U Hsi Hu Dwe	Union Solidarity and Development Party	10-7-2018
		4	Daw Yam Khawn	National League for Democracy	6-7-2018
		5	Dr Than Htaik Oo	Independent	9-7-2018
		6	Daw M D Khaw Nyun	Union Ethnic People's Federal Democracy Party	9-7-2018

Table 05: List of Candidates for Pyithu Hluttaw Representatives

No.	Constituency	No.	Name of the Representative	Party/Affiliation	Date
1.	Kanpetlet	1	U Ki Htan Lwin	Chin National Democratic Party	10-7-2018
		2	U Nyunt Win	National League for Democracy	9-7-2018
		3	U Manar Naing	Union Solidarity and Development Party	10-7-2018
		4	U Manar Shin	Chin Progressive Party	9-7-2018
2.	Mingyan	1	U Sein Myint	National League for Democracy	9-7-2018
		2	U Phyo Han	Democratic Party for a New Society	9-7-2018
		3	U Ye Kyaw Aung	People's Labour Party	8-7-2018
		4	Dr. Than Win	Union Solidarity and Development Party	10-7-2018
3.	Tamwe	1	U Si Si Naw Jar	Union Ethnic People's Federal Democracy Party	10-7-2018
		2	U Zin Aung	Democratic Party for a New Society	4-7-2018
		3	U Toe Win	National League for Democracy	10-7-2018
		4	U Tun Tun Win	People's Labour Party	4-7-2018
		5	U Myo Win Kyaw	Union Solidarity and Development Party	10-7-2018
		6	U Myint Kyi	Democratic Party (Myanmar)	8-7-2018
		7	U Myint Hsan Tun	Myanmar People's Democratic Party	5-7-2018
		8	Daw Thet Thet Aye	Arakan League for Democracy	11-7-2018
4.	Laikha	1	Sai Shwe Hsai	Shan Nationalities Democratic Party	6-7-2018
		2	Sai Okka	Shan Nationalities League for Democracy	5-7-2018
		3	Sai Aung Tun Lay	National League for Democracy	5-7-2018

Source: Global New Light of Myanmar

As per the UEC record, the ruling party (NLD) fielded candidates in all 13 vacant positions. The opposition party (USDP) participated in 10 of the 13 constituencies. Of the 7 independent candidates, 5 contested a position in the regional hluttaws.

2.4 Voter Education

It is generally accepted that the 2018 By-Elections received little or low interest among the voters, in both the mainstream and social media, and the general population. It will be interesting to establish the connection between little interest in the elections and the almost nil voter education campaign.

It appears that the UEC was not able to conduct voter education program in constituencies where the By-Elections were held. The CSOs which were in the forefront of voters' education in 2015 were also not active. Other traditional agencies which conducted voter education in the past elections were not able to mount efforts this time as well.

Samples of Valid Vote

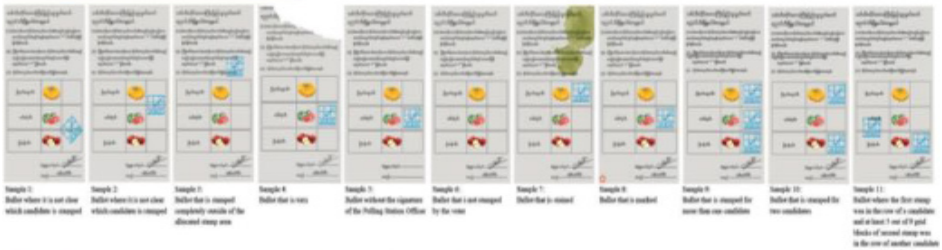
Sample 1: Ballot where a clear mark only one candidate is stamped	Sample 2: Ballot stamped for one candidate with the stamp in abutting direction	Sample 3: Ballot where at least 1 out of 4 gold circles of stamp are on one candidate	Sample 4: Ballot that is stamped on the reverse of one candidate	Sample 5: Ballot that is stamped on the part lower of one candidate	Sample 6: Ballot where it is clear that only one candidate is stamped	Sample 7: Ballot where it is clear that only one candidate is stamped	Sample 8: Ballot where it is clear that only one candidate is stamped	Sample 9: Ballot where it is clear that only one candidate is stamped	Sample 10: Ballot that is stamped more than one time but only for one candidate	Sample 11: Ballot that is stamped more than one time but only for one candidate	Sample 12: Ballot that is stamped more than one time but only for one candidate	Sample 13: Ballot where the first stamp is in the one of a candidate and the second stamp is also in the one of the same candidate

Remark Above are some examples of valid ballots. Ballots that have the same nature as these samples shall be considered valid.

Poster showing invalid and valid ballots

Source: <https://merin.org.mm>

Samples of Invalid Vote



Remark Above are some examples of invalid ballots. Ballots that have the same nature as these samples shall be considered invalid.

Poster showing invalid and valid ballots

Source: <https://merin.org.mm>

Voters received information about the coming elections from family or relatives or from the candidates themselves when they campaigned in the area. In Tamu District in Sagaing Region where observers watched 3 campaign rallies, every rally included a speaker who instructed the audience – partisan followers – on how to mark the ballots to make sure these do not become invalid. The village officers also sent out notices through mobile public address system on election day.

The UEC used the same informational posters it released during the 2017 By-Elections. (See picture above).

Actually, this poster was primarily intended for the Poll Station officials as guide in appreciating the marks on the ballots during the counting, secondarily for the voters to ensure that their votes are counted for their candidates

The actions of some voters inside the poll stations on election day are indications of lack of voters' education, specially in the rural areas. Some voters took a long time marking the ballot inside the voters'

booth, folded the ballots inside out when inserting these in the hole of the box, proceeded to exit at the entrance door, and still some obviously handicapped or persons with disabilities voted on election day, not being aware of advance voting privilege for them.

The UEC is enjoined to prepare an integrated voters' education program starting with the basic module on how to vote, citizens' role in ensuring free and honest elections, civic awareness in making incumbent candidates accountable for the promises made during the campaign, and making informed selection based on the platform and program of the parties and candidates. As it is, the capacity of the UEC region, district and township officials was on administering the elections and in conducting workshops for election day management of the poll station.

3

Election Environment

3.1 Campaign Environment and Activities



Conflict Zone in Myanmar
Source: https://en.wikipedia.org/wiki/Internal_conflict_in_Myanmar

The internal conflict in Myanmar between the Tatmadaw (Myanmar Armed Forces) and active resistance groups is still ongoing, especially in five states: Kachin, Kayah, Kayin, Rakhine, and Shan (see map).

The initial objective of these resistance groups was to achieve autonomy or outright independence. Ceasefire agreements were forged with several insurgent groups. Of the nine states/regions conducting by-elections in 2018, there were three regions/ states with serious security concerns based on ANFREL's analysis: Kachin, Shan, and Rakhine. In Kachin, a single seat is being contested in Myitkyina (Kachin 2) constituency for the Amyotha Hluttaw. The same goes in Rakhine State where there is one vacant State Hluttaw seat in Rathedaung 2 constituency, and in Shan State one seat for Pyithu Hluttaw in Laikha constituency is being contested.

Rakhine State

Since taking power, the NLD government and Aung San Suu Kyi's leadership has been strongly criticized by the international community on its response to the encounters between the Rohingya and the Myanmar military. In this by-election, ANFREL submitted a special request to the UEC to observe the by-election in Rathedaung 2 constituency and received an approval letter on 26 October 2018. In spite of this authorization however, ANFREL observers were not able to enter Rohingya villages for security reasons.

In the 2015 General Election, the seat was won by the Arakan National Party (ANP), which in this by-election has split into various factions. Meanwhile, other state ethnic parties decided to unite in order to gain leverage against the NLD. The competition in Rathedaung 2 constituency happened among ANP, its offshoot the Arakan League for Democracy Party (ALDP), and an independent candidate - U Tin Maung Win (son of Dr. Aye Maung). In 2017, Dr. Aye Maung resigned from the ANP because he felt that ANP was cooperating too much with the NLD. He is now in jail and threatened to withdraw from politics if his son did not win the by-election in 2018. His threat seemed to have worked, since his son was elected to take his seat. The ANP party retains a platform of strident Rakhine ethno-nationalism and are strongly opposed to granting citizenship to Rohingyas⁶.

With the Rohingya crisis and underlying tension created by Aye Maung's supporters, the security situation in Rakhine was quite complicated to navigate. Yet, ANFREL did not find any major security incident related to the by-elections. Security conditions in Rathedaung 2 constituency were still considered by the authorities

⁶ <https://www.reuters.com/article/us-myanmar-rohingya/myanmar-nationalists-threaten-protests-over-rohingya-vote-change-idUSKBNOLA10D20150206>

consulted by the mission as safe and controlled, but asked international observers to be cautious and sensitive with regard to questions relating to Rohingyas. Indeed, interlocutors were afraid to discuss the Rohingya out of concern for their security.

|| Kachin State

The Kachin Independent Organization (KIO) was established in 1961. It was formed to realize the internal autonomy promised to the Kachin people in accordance to the Panglong Agreement created in 1947 by the Kachin leaders and General Aung San (Suu Kyi's father) which was instrumental in creating the the state of Burma after its independence from the British Empire. According to the Myanmar Peace Monitor, the Kachin Independence Army (KIA), the KIO's armed wing, is the second largest ethnic armed group in Myanmar and claims to have 10,000 troops with another 10,000 reservists in the civilian population ready to fight⁷.

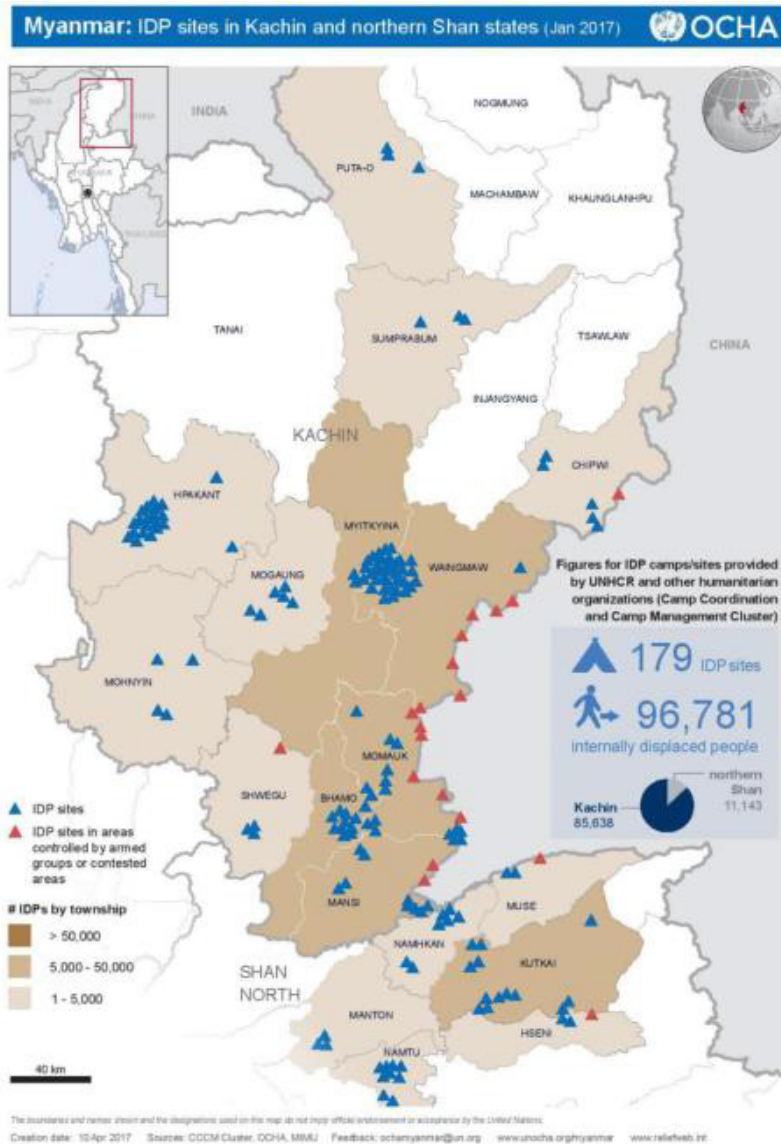
According to the secretary of the Kachin UEC Sub-commission, there are 14 villages considered unsafe due to the conflict between the KIA and Tatmadaw. These villages are located across the Irrawaddy River. Due to security concerns, candidates cannot campaign in these villages and are only able to send pamphlets. However, according to some reporters, NLD and USDP still managed to campaign in those conflict areas. The UEC sub-commission and the police strongly advised the ANFREL observer not to visit the following villages: Khoun Phuu New, Khoun Phuu Old, Tar Law Gyi, San Kinn, Ho Kat, Win Lone, Tar Hoe Narr, Nyaung Phin Thar, Man Phwar, Naung Pwe, Aung Chan Thar, Aung Mingalar, Wel Gyi, and Pin Taw.

Additionally, based on an interview with a deputy police officer in Myitkyina township, there were 6 polling stations near the town considered not fully safe due to tensions between the KIA and the military. These stations are Gyt Yang Village Track, Ta Yan Zup Village Track, A Kyal Village Track, and Malihka Village which is a particular village from Nan Kway Village Track.

In 2018, the police provided 1 chief officer and 5 police officers to accompany each candidate every time they were out for campaign activities. In total, there were 3 candidates accompanied, as only 3 applied to the UEC for permission to campaign in the areas mentioned above.

In general, the by-election situation in Myitkyina township was considered peaceful. There were no major election-related incidents which arose, except for village-tracts or wards that were considered not secure. However, due to the prolonged conflict, there were numerous internally displaced people (IDP) camps in Kachin and Northern Shan. Many IDPs have been living in temporary camps since 2011. ANFREL is concerned with the situation of the population as it relates to elections. From experience in election observation in other missions, it is common to find abuses of electoral rights of people living in IDP camps: disenfranchisement of voters, vote buying, restriction of voting rights, etc.

Location of IDP camps in Kachin and Northern Shan State based on OCHA in 2017



Source: <https://reliefweb.int/map/myanmar/myanmar-idp-sites-kachin-and-northern-shan-states-july-2017>

On 19 October the State Counselor and NLD leader Daw Aung San Suu Kyi travelled to Myitkyina in Kachin State, where she visited IDP camps in the area. The party has denied claims from local parties that the trip was part of the NLD's election campaign⁸. However, most local stakeholders saw such trip as merely party propaganda. To understand more about IDP camps in Kachin as they relate to the 2018 By-election, the box below may give further context.

Vulnerable Persons in IDP Camps in Kachin State

As of 31 January 2018, there were 165 internally displaced persons (IDP) sites in Kachin and northern Shan States, with a total of 99,678 IDPs⁹. Many of the people living in these camps have faced repeated displacement since the resumption of the conflict, and the majority are farmers and their families. As recently as April 2018, more than 2000 local people fled their homes due to fighting between the Tatmadaw and the KIA in Hpakant and Tanai townships¹⁰.

Making things worse, some of those IDP camps are controlled by armed groups or are located in contested areas, with the rest being controlled by the Tatmadaw. The living conditions in the camps are generally poor, with people unable to work and relying on handouts of food supplies. In addition, they have only limited access to health care and few legal protections. Children in the camps have little or no access to education, and women are vulnerable to sexual abuse and trafficking¹¹. Some of the camps already exist since 2011. There

⁸ <https://www.irrawaddy.com/news/usdp-criticizes-ruling-partys-trips-minority-areas-ahead-elections.html>

⁹ <https://reliefweb.int/map/myanmar/myanmar-idp-sites-kachin-and-northern-shan-states-31-january-2018>

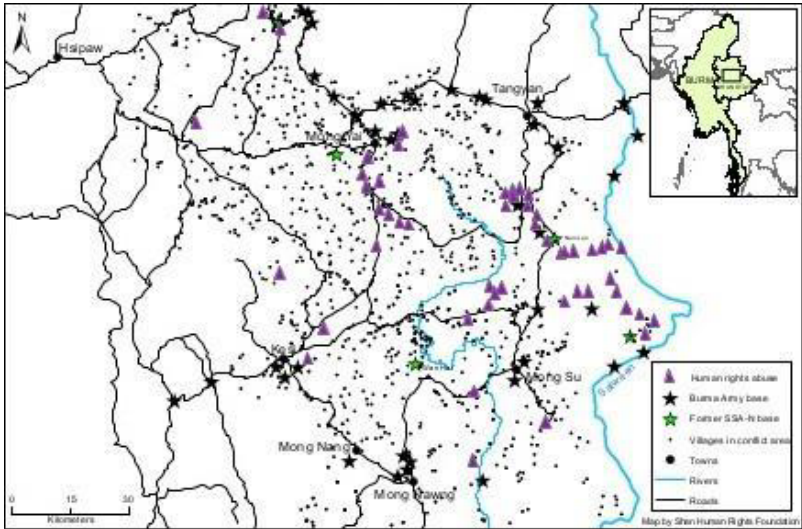
¹⁰ <https://www.mmtimes.com/news/over-2000-kachin-villagers-flee-kia-military-battles.html>

¹¹ <https://www.irrawaddy.com/news/burma/ministry-announces-plan-close-idp-camps-4-states.html>

is expectation after NLD lead government the number of camps will decline but on the contrary, IDP camps added. In general, the people living in the camps do not feel entirely free, since their lives are subject to the dictates of the government or an armed group. Such control is not conducive to free and fair participation in an election. Indeed, each camp usually has a coordinator who oversees all activity in the camp and, vested with enormous power, the coordinator is able to exert tremendous influence on the inhabitants of the camp. Several polling stations were located near IDP camps. While, technically, camp inhabitants were supposed to vote in the polling station located in their village-tract or ward, some were allowed to vote at polling stations near their camps. The legality of such voting should be clarified prior to the 2020 General Elections. Basically, every eligible voters will receive voter identification slip from camp coordinator. In this 2018 By-Elections, one camp coordinator informed ANFREL that some names are missing in the voter list. His assumption is based on missing voter slip. He also confuse receiving voter identification slips with Burmese names while people living in IDP camps are all Kachin. Other cases found in this particular camp such as dead people still received voter slip while many 1st voters did not. Some candidates campaigned in the camps, bringing with them some aid for the inhabitants, a common election practice. The State Counselor herself visited some IDP camps in Kachin before the by-elections in what appeared to amount campaign activity on behalf of her political party.

Shan State

In Shan State, there was one vacated seat for Pyithu Hluttaw in Laikha constituency in the 2018 By-Elections. Laikha was won by the Shan Nationalities League for Democracy (SNLD) candidate with a decisive 77.8 percent of the votes in 2015¹².



Location of reported human rights violations by Tatmadaw (March 13 - April 6, 2011)

Source: Burma Briefing - Crisis in Shan State, published by Burma Campaign UK, London, 2011

As in Kachin, Laikha Township has had a turbulent and unstable history of conflicts between the Shan State Army-South (SSA-S) and the Tatmadaw. At the end of July 2009, more than five hundred houses were burned and 30 villages forcibly relocated. In 2015, local authorities erected security checkpoints to search vehicles in Monghsu, Kyethi, Laikha, Namzang, and Loilem Townships in

¹² <https://frontiermyanmar.net/en/by-elections-are-coming-heres-why-you-should-pay-attention>

central and southern Shan State. Relations between the Tatmadaw and the Shan State Progress Party/Shan State Army-North (SSPP/SSA-N) in the area remain tense following recent clashes. There are an estimated 700 IDPs in Laikha (2015)¹³, with more than 3,000 people forced to flee their homes due to the conflict since 2011¹⁴.

The Shan State Army (SSA) is the armed wing of the Shan State Progress Party (SSPP). “North” is added to the name to differentiate it from the Shan State Army – South, which does not have a ceasefire agreement with the government. The SSA was founded in 1964, and the SSPP in 1971. The political goal of the SSPP is for an autonomous Shan State within a Federal Union of Burma. The SSA agreed to a ceasefire with the then ruling authority in 1989. In April 2010, the SSA split into two groups, one of which agreed to become a militia under control of the Burmese Army, while the other refused. It is estimated that the SSA has a total of 5,000 soldiers. Brigade 1 of the SSA, which has refused to be placed under control of the Burmese Army, was estimated to have up to 3,000 soldiers.

ANFREL received no reports of security concerns in the area during the by-election period. There appeared to be little concern regarding security issues in Laikha among government officials. All UEC and GAD officials stated that they were not concerned about security during polling days, and the township GAD only deployed the minimum two police officers per polling station.

Likewise, the stakeholders interviewed reported no security issues in this by-election. Most sub-commissions generally secured election material at the end of each day of advance voting by taking election

¹³ <https://www.bnionline.net/en/news/shan-state/item/1320-army-tightens-security-in-central-and-southern-shan-state.html>

¹⁴ Burma Briefing - Crisis in Shan State, published by Burma Campaign UK, London, 2011

materials (ballot boxes, papers, official registers, etc.) home at night and brought them back each morning since they considered that the GAD office was not secure enough to leave the materials overnight.

The situation in 2018 in Shan State seemed better than in the 2017 By-Election, where security was a significant issue, especially in Monghsu, Kyethi and Kengtung townships, when some polling stations had to be moved to new locations shortly before election day. Indeed, there are still some vacant legislative seats in Shan State due to the inability to conduct elections because of security concerns. Prior to the 2020 General Election, Shan will have to be carefully managed in order to successfully conduct polling throughout the state.

Despite better security in 2018, at least one ANFREL observer was followed by police or immigration, just as in 2017, even though the observer had secured permission and accreditation from the UEC. Such monitoring by officials made the work of the observer more complicated and difficult, as informants were reluctant to talk to ANFREL when security personnel are present. Moreover, ANFREL's observer was prohibited from staying overnight in Laikha and was not allowed to visit a remote village outside the city area.

The observation stated above compromises the freedom of movement and access to information of election stakeholders, which of course is detrimental to the quality of election.

■ Polling Station in Military Compounds

In the 2018 By-Elections, several polling stations were located inside military compounds. See the following table:

Table O6: List of Polling Stations in 2018 By-Elections

No	Region/ State	Constituency	Hluttaw	Number of voters	Number of polling Stations
1	Kachin*	Amyothar 2	Amyothar	204,165	114
2	Chin	Kanpetlet	Pyithu	12,442	69
		Matupi	State 1	17,406	70
3	Sagaing*	Tamu	Regional 2	34,891	38
4	Bago*	Oktwin	Regional 1	59,552	72
5	Magway*	Minbu	Regional 2	68,382	96
6	Mandalay*	Thabeikkyin	Regional 1	48,949	45
		Myingyan	Pyithu	221,359	268
		Shan Ethnic	Regional	41,628	364
7	Rhakhine	Rathedaung	State 2	51,693	86
8	Yangon	Tamwe	Pyithu	100,090	123
		Seikkan	Region 2	1,422	2
9	Shan	Laikha	Pyithu	39,321	36

*Note: *State/region having polling station in military camp.*

Source: Translation from Burmese -

Polling Station list from the UEC

In Shan State, ANFREL's observer did not witness any overt military involvement in the voting process at the polling station located inside the camp. The observer also managed to visit one military polling station in Myo Ma Village Tract. As in other military polling stations, most voters cast their ballots early in the day. In the military polling station in Myo Ma Village Tract, by 1pm there had been 102 votes cast on election day and 268 advance votes cast out of a total of 470 eligible voters.

During the 2015 elections, ANFREL observers encountered difficulties accessing the military camps, even during election day. Since then, the situation has improved tremendously. ANFREL was able to gain access to the camps for polling observation in both 2017 and 2018.

In Kachin, there are three military polling stations, two near the town of Myitkyina and the other one across the Irrawaddy River. ANFREL was able to observe the voting in one polling station in Kachin. The issue appeared to be poor polling station management rather than the sinister possibility of influencing the votes of the military personnel and their families. Voters were transported to the station by military trucks hence there would be a surge of voters everytime the trucks unloaded passenger voters. Consequently, long and disorderly queues crowded the approach to the poll stations as well as in the voters' verification desks. (See pictures below).



Military trucks bring voters to a polling station inside a military compound in Kachin



Queues piled up outside a polling station in a military camp in Kachin



Huge number of voters jostling inside a polling station in a military camp in Kachin

Source: ANFREL

Despite the improved transparency in the conduct of elections in polling stations in military camps, ANFREL remains concerned about locating polling places in military compounds, since a military camp is considered a “controlled area”. This does not conform to international standards of a free and fair election. Indeed, in some

cases a commanding officer had to grant permission for a party or candidate to campaign, for voter education efforts, or for other election-related activities. The real question, of course, is whether members of the military and their family members are free to exercise their own judgment when it comes to casting ballots.

3.2 Women Participation

The participation of women in 2018 decreased in comparison to 2017, despite the fact that the government is headed by a woman.

The number of female candidates who ran in the By Elections was only 10 percent of the total number of registered candidates (7 out of 69). In the 2017 By-Elections, 17 percent of the registered candidates were women. At the Amyotha Hluttaw vacancy in Kachin 2 in Myitkyina, 3 of the 6 candidates were female. Out of the 4 posts at the Pyithu Hluttaw, specifically in the constituencies of Kanpetlet in Chin State, Myingyan in Mandalay Region, Tamwe in Yangon Region, and Laikha in Shan State, there was only 1 female out of 19 candidate.

The ratio of female to male candidates was even more lopsided at the State and Region Hluttaw contests. There were 44 registered candidates in the vacated posts in 8 regions and states. Of these, 44, only 3 were women (2 in Seikkan 2 in Yangon Region and 1 in Shan Ethnic Minister State in Mandalay Region). There were no women candidates at all in Matupi 1, Tamu 2, Oktwin 1, Minbu 2, Thabeikkyin 1, and in Rathedaung 2.

Not a single woman candidate won in 2018. Moreover, the NLD, a party led by a woman, nominated only 1 female candidate (in Kachin 2) out of the 13 candidates it fielded.

On the other hand, the majority of the poll station officers were women, a consequence of the recruitment process which focused on recruiting teachers, a profession dominated by women in Myanmar.

One of the more active CSOs that fielded domestic observers during the By – Elections, the New Myanmar Foundation, is headed by a dynamic lady, Ms. Mya Nandar Thin. She and her pool of observers have more than 10 years of election monitoring experience.

Despite there being few women candidates, ANFREL did not observe any outright bias against the participation of women in politics, as candidates, administrators, or as voters. Neither, however, was there any affirmative action legislation to support more inclusion of women in the politics or governance in the country.

3.3 Voters with Disabilities

One major improvement in the 2017 By-Elections was that the UEC assigned 12 polling stations in several states/regions for persons with disabilities (PWDs). Said polling stations had provisions like improvised ramps that facilitated access for PWDs. This did not happen in the 2015 General Elections and unfortunately was not repeated in the 2018 By-Elections. ANFREL was pleased with this pilot project and highlighted it in its 2017 Final Report.

The 11 ANFREL observers spread in 13 constituencies did not find any polling station that was PWD-friendly on election day. The mission hopes that the UEC will reintroduce the PWD - friendly poll stations during the 2020 General Elections, particularly for those voting during the in-constituency Advance Voting period. It is not

necessary to make 100 percent of the polling stations to be such, considering the huge amount of budget required for this endeavor.

UEC has to do careful planning regarding the identification of PWDs from the voters' list, alerting the townships concerned, and ensuring that adequate provisions are available in the respective polling stations. For example, in wards or villages where there are blind voters, UEC can make available the Braille ballot format.



One example of one polling station with poor condition and might not be accessible for disabled voters in Shan State

Source: ANFREL

The other activity which was done in 2017 By-Elections that was missing in the 2018 By-Elections, was voter education for disability awareness given by Myanmar Independent Living Initiative (MILI), an NGO for disabled people with support from International Foundation for Electoral Systems (IFES) and other CSOs. In general, voter education programs were not given in this year's by-elections, hence it is not surprising that there was none for disabled people.

The UEC sub-commission in Yangon explained that Braille ballot papers were available for this by-elections but it was unclear in which area. Last year, ANFREL was informed that adopting Braille ballot papers was supported by the Japan Government.



Elderly voters having difficulty to vote as the polling station facility is not prepared for them

Source: ANFREL

There is no specific regulation related to voting by disabled persons; the legal framework has to be revisited to ensure this. In the 2017 Myanmar By-Elections, the Polling Station Officer, Deputy Polling Station Officer and Polling Station Member's Manual contained sections dedicated to facilitate disabled voters. This manual is expected to be used in the 2020 General Elections. One additional consideration that could be made to facilitate a more inclusive election process is to create alternative voting procedures for PWDs such as postal voting,

which can be done ahead of the elections.

While in the UEC sub-commission staff structures have increasingly included women but so far ANFREL observers did not find a disabled person in the staff. Voter education materials had included these marginalized group and this was highly appreciated, therefore ANFREL encourages to continue this program in the future.

3.4 Role of CSOs, Observers and Party Agents

The role of civil society in elections often takes the form of support for the institutional processes of a democratic election as well as in voter education. Furthermore, the involvement of civil society in the electoral process is one of the key indicators of a transparent, free and fair election.

In general terms, apart from the political parties and the candidates who competed in each constituency, civil society (except domestic election monitors) and the general public had less involvement and interest in the 2018 By-Elections than in the 2015 General Elections and the 2017 By-Elections. Probably because by-election results would have less impact on the composition of the parliament.

Local election monitors like the People's Alliance for Credible Elections (PACE), Election Education and Observation Partners (EEOPs) and Myanmar Election Observation Network (MEON) conducted local election observation missions covering all 13 constituencies with contests in 2018. According to reports, PACE deployed 579 observers while EEOPs and MEON deployed 149 and 148 observers, respectively.

ANFREL noted the presence of local observers in all the polling stations it observed. While ANFREL is encouraged by the participation of local observers, it believes that they would benefit from more training and experience so that they can better analyse factors such as political, economic and social conditions which can

enhance the quality of their outputs. Local observers also need to know how to tackle challenges such as polling officers who refuse to allow observers to observe the polling process. For example, there were several incidents where local observers were at first denied the right to monitor voting due to lack of knowledge of the polling officers. These were only eventually addressed after officers heard of the situation.

In one of the polling stations In Yangon, in Tamwe constituency, ANFREL observers were not allowed to observe the polling process inside the polling station initially. Through the observers' persistent efforts and the polling officers' further communication with the township and regional level UECs, ANFREL observers were able to observe the process. This incident reflects the lack of communication between Sub commission level UEC and the polling officers.

In the 2018 election, ANFREL helped develop the skills of local observers through a mentoring program. The local observer joined his ANFREL counterpart in his daily activities for 10 days. The objective of this program was to share the experience of international monitors with local organizations and individuals to enhance their observation skills.

3.5 Role of Media and Freedom of Expression

Media personnel interviewed by the ANFREL mission relayed that they did not expect to experience a drastic decline in media freedoms under the government of the NLD headed by Aung San Suu Kyi.

According to the media advocate Free Expression Myanmar¹⁵ and its partner organizations, almost half of the 200 journalists they surveyed between January and April 2018 expressed that they feel more restricted in contrast to last year. Between 2017 and 2018, various arrests of journalists made the headlines including those of the two Reuters reporters, Wa Lone and Kyaw Soe Oo, who were working on the investigation of the murder of 10 Rohingya boys. The two reporters were arrested on 12 December 2017 in the outskirts of Yangon for allegedly possessing confidential state documents, in violation of Section 3 (1) (c) of the Myanmar Official Secrets Act. The prosecutors argued that the alleged possession of the confidential documents by the two reporters establish their direct links with the armed Rakhine groups. Aung San Suu Kyi, in her interview with the Japanese broadcasting network NHK justified that the arrests followed due process and that there was no miscarriage of justice. Her responses has done nothing but to amplify her and her Government's reputation as anti-media¹⁶. In post-conflict or emotionally charged situations, such conflict-ridden relationships between the media and other stakeholders are a common occurrence.

The arrest of three journalists from the Eleven Media Group¹⁷ on October 2018 after they published reports on “rumors” questioning the transparency of the Yangon Regional Government budget spending also made headlines. The complaint arose from a news article that referred to controversial business ventures by the region. The article, written by senior reporter Phyo Wai Win and published in the Weekly Eleven news journal, criticized the Yangon government's

¹⁵ <https://frontiermyanmar.net/en/myanmar-journalists-believe-media-freedom-has-declined-survey>

¹⁶ <https://www3.nhk.or.jp/nhkworld/nhknewsline/backstories/aungsansuukyi/>

¹⁷ <https://frontiermyanmar.net/en/three-eleven-media-journalists-facing-incitement-charges-executive-editor>

use of taxpayer funds for a project to provide school bus services. In this case, the NLD central committee intervened, and asked for “proper” procedures in handling the media. Yangon Government later on negotiated with Media Press Association, but came to a dead end, as the Government would only order the release of the three reporters if they resigned. This is not the first time the Eleven Media Group had a disharmonious relationship with the NLD.

Such arrests, according to various civil society and media personnel, are indicative of a trend of a continuously declining media freedom in Myanmar which, if sustained, will be detrimental to the General Elections to be held in 2020.

Media performance and how it affected the 2018 By-Elections

ANFREL observers conducted various meetings with various stakeholders discussing the performance of the media prior to and during the elections. All resource persons observed that indeed, the national media’s coverage of the by-elections was not as vibrant as in 2015 General Elections and 2017 By-Elections, and that the regional media monitored only some portions of the campaigns in the local constituencies. Furthermore, only during the Election Day did the national media report on the by-elections. Prior to the polling day, the by elections were only mentioned by the national media if there were important announcements from the UEC which needs to be broadcasted.

Some civil society organizations and journalists also lamented that most government run newspapers did not contain articles which could promote discourse and debate on government policies. Instead, these publish only government press releases and government events. Government-owned media also need to ensure that all parties

contesting the elections have equitable access to state papers. The mission was not able to see a government-owned paper which printed a campaign advertisement by other contesting parties.

There was no air time allotted for debates between actual candidates or party representatives contesting in the various constituencies. This would have helped the voters in knowing the positions of their candidates to help them make informed decisions. Rather, they had to rely on the one-sided information from the campaign materials distributed by candidates which do not provide an in-depth look into the policies proposed by the candidates. In the past elections, public debates contributed to the vibrancy of political discourse during elections. While reservation may be raised that the elections were held only in a small number of constituencies, voters in these areas should still be given the opportunity to witness such party to party interaction.

Generally, when asked about the performance of the media, voters tend to say that the information they gathered regarding elections from the media was not enough for them. ANFREL observed that media was indeed less enthusiastic in covering pre-election events, a period crucial for voters in their forming their choice. This, according to some stakeholders, are an indication of the low morale of media in the country. While the responsibility to provide important information to the public was UEC's, the media also shares this responsibility as an agent of public awareness. Such lack of access to information by the voters may result in dire consequences such as huge number of invalid ballots or weak voter participation, which was the case in the last elections.

The media has an important role during election and one of them is voters' education. Access to information is essential to the health of

democracy for at least two reasons. First, it ensures that citizens make responsible, informed choices rather than acting out of ignorance or misinformation. Second, publication of policy initiatives also aids in candidate and party accountability by ensuring that voters can keep track of campaign promises and oaths of office made by candidates and parties¹⁸. Therefore, ANFREL recommends that the media be more active in covering election activities of all stakeholders in the future.

The government media's bias for the incumbent party is still present. Furthermore, ANFREL observers received reports of local media personnel actively supporting and campaigning for parties and candidates. On the other hand, the growth of public media has become stunted due to the still existing draconian laws put in place during Myanmar's junta-controlled era. Such laws control the flow of information regarding sensitive issues and opinion pieces critical to the policy direction of the ruling party are often not published as a result. This situation of the media has only tilted the political and campaign space to benefit the ruling party, for now the NLD.

In the context of supporting democratic transitions, the goal of media development generally should be to move from one that is directed or overtly controlled by government or private interests to one that is more open and has a degree of editorial independence. Furthermore, much action needs to be done to uphold the role of media as an agent of awareness, especially in a democratizing society such as Myanmar.

3.6 Ethnic Dynamics

The State officially recognizes 135 ethnic groups and its members as citizens. Theoretically, each of these groups has the freedom to assemble and form political parties.

After the two leading parties (NLD with 13 candidates and USDP with 10), most of the other parties which participated in the By-Elections were ethnic minority parties with limited reach and influence. The ethnic parties which fielded candidates were:

Table 07: Ethnic Parties Contesting in the By-Elections 2018

Party	Parliament	Constituency / Region or State
Kachin Democratic Party	Amyotha	Kachin 2, Myitkyina
Shan-ni and Northern Shan Ethnic Solidarity Party (SNSP)	Amyotha	Kachin 2, Myitkyina
Chin National Democratic Party	Pyithu	Kanpetlet, Chin State
Chin Progressive Party	Pyithu	Kanpetlet, Chin State
Arakan League for Democracy Party	Pyithu State / Region State / Region	Tamwe, Yangon Region Rathedaung 2, Rakhine State Seikkan 2, Yangon Region
Shan Nationalities Democratic Party (SNDP)	Pyithu Shan Ethnic	Laikha, Shan State Shan Ethnic Minister Seat, Mandalay Region
Shan Nationalities League for Democracy (SNLD)	Pyithu Shan Ethnic	Laikha, Shan State Shan Ethnic Minister Seat, Mandalay Region

Party	Parliament	Constituency / Region or State
Chin League for Democracy	State / Region State / Region	Matupi 1, Chin State Tamu 2, Sagaing Region
Arakan National Party (ANP)	State / Region	Rathedaung 2 (Rakhine State)

Source: ANFREL translation of data from the UEC reports.

It is worth noting that there were sometimes different contending parties from the same ethnic group. Instead of joining together to compete against the two big national parties (NLD and USDP), they competed against each other. For example, the Arakan National Party and the Arakan League of Democracy Party fought for the regional parliament seat in Rathedaung 2 in Rakhine State. Similarly, two Shan ethnic parties, the SNDP and the SNLD, competed for vacant posts in Laikha and the Shan Ethnic Minister Seat.

Two ethnic based parties, the SNLD and the Chin League for Democracy, won the Pyithu Hluttaw and the Chin State posts, respectively.

One party, the Democracy and Human Rights Party (DHRP), a predominantly Muslim Rohingya group, attempted to canvass in the Rakhine region about August 2018 to file application papers to run for parliament, but it ended up not participating in the elections, allegedly because the UEC disqualified the party candidates, the most prominent of whom was Shwe Maung, a parliamentarian since 2010.

There were also reports of disenfranchisement of ethnic group voters because they had earlier fled their homes to escape armed conflicts and then they faced the withdrawal of “white cards” (temporary ID

cards) that previously conferred voting rights. These were reported in Kachin and northern Shan states.

Changing ethnic dynamics is one of the most important factors that can be seen in the 2018 By-Elections as ethnic parties have taken the initiative to merge themselves to achieve more control over the ethnic votes in 2020 elections. In Chin, Kachin and Mon states certain parties have agreed on possible mergers. The opposite is happening in Rakhine state. The Arakan National Party, a coalition of Nationalities Development Party (RNDP), and the Arakan League for Democracy (ALD) that was formed in 2014, are falling apart.

In the 2015 elections, 91 political parties participated of which 59 represented ethnic minority parties. Major ethnic groups such Shan, Kachin, Kayah, Chin, Mon and Karen ethnicities were represented by at least two parties each. Splitting votes among the same ethnic groups have resulted to decline by 4 percent in seats held by ethnic parties compared to the 2010 elections¹⁹. Apart from realizing the advantages of competing as coalitions, the growing dissatisfaction towards the NLD government over slow developments to ethnic minorities has led the way to merge and demand for greater ethnic rights.

¹⁹ <https://www.irrawaddy.com/news/politics/ethnic-political-parties-merge-to-seek-stronger-representation-in-2020-election.html>

4

Voting process

4.1 Advance voting

Advance voting is a process by which voters are able to cast their ballots ahead of election day, to ensure equal access to right of suffrage to citizens who otherwise are constrained from voting. Myanmar has long used such mechanism to provide voters who would be away on election day and those with other legitimate reasons the opportunity to take part in the democratic process.

In the past, advance voting was one of the most controversial aspects of Myanmar elections. ANFREL election observation missions in both 2015 and 2017 have highlighted the potential for mismanagement and manipulation in this process, and posed recommendations for improvement, some of which were implemented in the 2017 By-Elections.

Advance voting in Myanmar takes place according to two different procedures provided in the electoral system. First is out-of-constituency advance voting, for voters who are outside of the constituency where they are registered to vote on election day. These may include hospital patients, prisoners, students, and members of the armed forces on duty and their families, as well as migrant workers, foreign service officials and other voters who are staying out of the country.

As soon as the election is announced, voters falling in this category need to register for out-of-constituency advance voting using Form

15 stating the reason for their request and current address at the nearest township election commission, or embassy if abroad. The commission or embassy is then responsible for registering advance voters and sending all accomplished Form 15 to their home wards or villages to ensure they are removed from the voters' list there. In the case of members of the Tatmadaw and their families, it is the responsibility of the commanding officer to list the names of soldiers, officers, and family members who will be outside their constituencies on election day and hand over the list to the township election commission.

Out-of-constituency voters are invited by their township election commission or embassy to cast their ballots around one month before election day. These ballots are then sent through the postal service in a sealed bag to their respective township sub-commissions, where they will be counted after the closing of the polls. Any votes arriving at the sub-commission office later than 4 PM on election day are declared invalid.

The other procedure is inside-constituency advance voting, for voters who are unable to get to the polling station on election day but will remain registered to vote in their constituency. Groups that often rely on this mechanism include persons with disabilities, the elderly, prisoners, students, and government employees such as teachers, police officers or local administration staff. Government employees especially tend to utilize inside-constituency advance voting, as many of them are assigned as polling staff or security officers on election day.

Inside-constituency advance voting has a different duration depending on who the voters are: government employees have ten days to cast their ballot before election day (from 24 October to 2 November for

the 2018 By-Elections), while everyone else has two days only (1 and 2 November). The casting of ballots takes place at the ward or village level sub-commission, where one ballot box is kept for each polling station. At the end of the advance voting period, ballot boxes are sealed and transferred to their respective polling stations, where they must be publicly displayed along with the corresponding Form 13. Upon closing of the polls, inside-constituency advance ballots are the first ones to be counted before election day ballots.

For the 2018 By-Elections, ANFREL team members were able to observe inside-constituency advance voting procedures in all constituencies where voting would take place. Overall, the most observed shortcoming was that polling stations for advance voting were closed during the first phase when government employees were the only ones who could cast a ballot, between 24 – 31 October. Election management staff at the region/state level and township level were generally knowledgeable about the rules and dates of the advance voting process, but the information sometimes failed to properly trickle down to local sub-commissions who were in charge of the actual operations, which resulted in the inconsistent enforcement of the rules from UEC.

In Mandalay region, where there was a region wide election for Shan ethnic voters, many stakeholders including candidates and local election sub-commissions, seemed to be under the misinformed impression that advance voting was held on 1 and 2 November only. As a result, there was lack enforcement of advance voting procedures, and the majority of village or ward sub-commissions visited before or on 31 October were found to be closed. In Pyin Oo Lwin township, one of the areas with the highest concentration of Shan voters in Mandalay, several village sub-commission officials said they expected to conduct advance voting on 2 November only.



Advance voting polling station of Myittar Nyunt ward, in Tamwe township (Yangon), found closed on October 30.

Source: ANFREL

In other locations, there were instances of ballot boxes being sealed prematurely or stacked on top of each other in a corner of the room, both of which would be inauspicious for prospective voters who may feel like they have no choice but to turn away without casting a ballot. The failure to uphold advance voting regulations in a uniform fashion stems from several factors, among which are the complexity of the advance voting mechanisms and schedule, and often lack of training or engagement from local election staff who may not see the point of enforcing rules they do not understand.

In any case, it certainly led to disenfranchisement for some voters and should be addressed accordingly by the UEC.

There were some reported instances of ballot boxes being kept at night in sub-commissioners' homes. Polling staff usually justified these by

lack of security or storage space in the ward or village tract office, and these arrangements were uncontroversial among the population, yet they should be avoided to guarantee that essential voting material is not tampered with. Advance voting also relies heavily on resources from the General Administration Department, whose personnel often overlaps with that of election sub-commissions, and therefore is sometimes influenced by voters' perceptions of their local government.

Nevertheless, in a marked improvement over both 2015 and 2017, most of the advance polling stations visited by ANFREL displayed orderly conduct of advance voting and adequate implementation of all UEC procedures, including the use of a pen instead of a stamp to mark ballots. The vast majority of polling stations recorded and displayed properly the names of advanced voters. While polling stations were often cramped or overcrowded, as local government business had to take place as usual, secrecy of the ballot was a problem in a few locations. The setup of polling stations, while not quite reaching the level of those for election day, showed improvements over the 2017 By-Elections.

ANFREL also highlighted that in many areas, election sub-commissioners took it upon themselves to bring the ballot boxes to the homes of the elderly, blind, or otherwise disabled who could not come to the ward or village tract office. There seemed to be no clear across-the-board guidelines for the process, but the extra steps taken by election management officials, often at their own initiative, were instrumental in enfranchising people who would otherwise have been unable to cast their ballots.

The process was usually done under the scrutiny of party agents, and the only drawback was that it was not conducted systematically.

The practice of mobile ballot boxes for the weakest members of the electorate is a good practice that deserves praise and should be encouraged, as long as safeguards are properly implemented and secrecy of the ballot is protected.

There were very few party agents monitoring the advance voting period, and even less domestic election observers. National election monitoring groups have expressed disappointment with the UEC for its failure to publish a comprehensive Election Calendar, which prevented them from organizing appropriately and covering more advance voting polling stations. For this reason, as well as for improved overall transparency and increased voter engagement, ANFREL recommends that the UEC publishes an Election Calendar well ahead of election day, as was the practice in the past.

With regards to the advance voting time frame, ANFREL recommends shortening the length of inside-constituency voting for government employees, which uses up many resources during 10 days for a small number of voters. A voting window of 3 to 5 days may well be more effective, as it would allow the UEC to exert greater control over the process and reduce the potential for fraud, while saving time and money.

Overall, ANFREL observers found the in-constituency advance voting process to be reliable and trustworthy, despite inconsistencies in the enforcement of some ground rules. These were to some extent unavoidable given the complexity of advance voting procedures and the logistical obstacles that local sub-commissions often had to overcome. ANFREL encourages the UEC to take further steps to ensure that advance voting will be strengthened ahead of the next round of elections. For this purpose, publishing and disseminating a Manual on Advance Voting for Polling Staff similar to the one for

election day produced in 2017 and again used this year will be useful. This would be instrumental in raising awareness and knowledge of advance voting among polling staff, and in turn make for a smoother and more transparent ballot casting process.

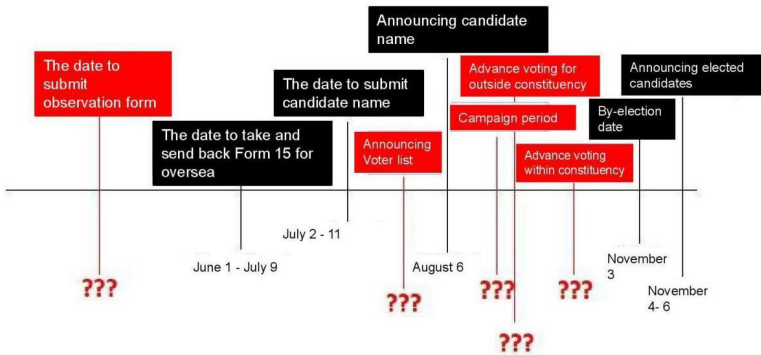
Out-of-constituency advance voting is another matter entirely, as it is conducted by government officials over which the UEC holds no supervisory power. International and domestic election observers, as well as party agents, were not able to observe it due to late announcements and uneven procedures. In the absence of any internal control or outside scrutiny, this part of the electoral process is the most likely to be subject to fraud or manipulation. While the number of out-of-constituency advance voters remain small in proportion to the general population, their ballots have the potential to taint the larger election result if they are the subject of controversies between political parties or other stakeholders.

ANFREL urges the government and election management bodies of Myanmar to adopt and implement a more transparent out-of-constituency advance voting mechanism, which will replicate the inside-constituency advance voting or election day voting. This remains one of the most vulnerable areas ahead of the 2020 General Elections, and efforts should be taken to strengthen public trust in the electoral process, which remains fragile until now.

4.2 Election Day

Preparations

One of the most obvious differences between the 2018 and 2017 By-Elections was the time allocated for election preparation. It seemed that for this year, the UEC had less preparation in contrast to 2017. The UEC this time failed to publish a complete election calendar, and resorted to intermittent announcement of the electoral schedule. According to IFES, the 2018 By-Elections was a “last minute decision”. Many donors that have been committed to assisting elections in Myanmar were not prepared and not able to provide any aid.



The 2018 By-Elections Calendar

Source: ANFREL reconstruction of the 2018 By-Elections Calendar from PACE

A complete calendar is important so stakeholders such as election observers can mobilize, map out deployment plan and gather sufficient resources. The following graphics taken from the PACE website (original written in Burmese), shows black boxes where dates are provided and red boxes are not provided by the UEC. One

of the stages in the by-elections that is considered significant was the out of constituency advance voting.

Regarding in-constituency voting, ANFREL received information that this was conducted on 24 October - 2 November 2018. The UEC also displayed the voters' list twice, on 9-22 July 2018 for 1st period and 1-14 October 2018 for the 2nd and final period. Cooling period was to be held on 2 November 2018.

Similar to the last elections, the UEC did not provide clear dates for the out-of-constituency advance voting, thus observers were not able to witness this. For elections with a small number of voters like this by-elections, this may not appear significant; but for general elections this can influence the results. A huge number of out-of-constituency advance votes are usually from military personnel who were assigned outside of their home states. ANFREL was not able to observe advance voting outside constituency both in 2017 and 2018.



Electoral logistics received by the polling officer before election day

Source: ANFREL

Based on STO reports, ANFREL observed that there were no significant problems raised for the by-election preparation. It is safe to conclude that in all 9 states/regions, election material arrived on time and were adequately secured. This is a big improvement over the 2015 General Election situation when the delivery of election materials was a big challenge due to poor road conditions. Ballot boxes, baskets, informational posters, and polling booths were the same that was used during the 2015 elections. The new materials released are mostly ballot papers, ink, and stamps.

One improvement made by the UEC in 2017 which continued in this by-election was the posting of in-constituency advance voters' list (Form 13) outside every single polling stations on election day. This was a huge difference compared with the 2015 General Elections where advance voters' list was not published, the ballot boxes were not visible, and ballot boxes were without seal.

The setup of polling stations was the same as in the two previous elections. In certain areas with a high number of eligible voters, the UEC formed several polling stations in one compound and the whole setup was called polling centers. Areas with smaller number of voters were only provided a polling station rather than center. Lacking this year are polling stations with ramps for disabled voters.

In Kachin, where some of villages-tracts or wards were considered not safe due to security issues, polling stations were moved and merged with the nearest polling stations, the distance to the polling stations became further and less accessible to voters.



Example of a polling station moved to new location in Kachin due to security concern.

Source: ANFREL

In Kachin, where some of villages-tracts or wards were considered not safe due to security issues, polling stations were moved and merged with the nearest polling stations, the distance to the polling stations became further and less accessible to voters.

ANFREL found the UEC to be very helpful and cooperative in providing accreditation cards for local and international observers this year. PACE likewise cites that, this time the UEC made the procedure more efficient. This good practice should be replicated in future elections.

Opening

ANFREL observers managed to cover 15 polling stations during the opening process on 3 November 2018 through eleven STOs in ten constituencies: Kachin 2 (three polling stations), Rathedaung 2, Oktwin 1, Thabeikkyin 1, Myingyan, Kanpetlet, Laikha, Tamu 2, Tamwe (three polling stations), and Seikkan 2.

According to the UEC manual, polling stations should open at 6 am sharp and shall consist of at least 7 members: 1 Polling Station Officer, 1 Deputy of Polling Station Officer, 1 Voter List Checker, 1 Ballot Paper Issuer, 2 Polling Station Security, and 1 Ink Marker²⁰. Based on STO's observation checklist submissions, overall assessment of the opening process is good. All polling stations visited opened on time except three (3) stations in Kachin State and one (1) in Tamwe. Three polling stations in Kachin opened late due to slow preparation by the polling members and the one in Tamwe due to protest from a voter.

Generally, all polling station officials were present during the opening time. In cases when party agents were not available, polling officers showed reluctance to start the opening process because there were no witnesses. Absence of observers from parties can also bring about a lax attitude on procedures. In Kachin, a polling officer insisted on refusing to seal the ballot box due to the absence of observers. Such demeanor reflects the poor quality of training received by polling officers. UEC can conduct mock elections to determine the level of polling members' knowledge of the election procedures, as measure of the effectiveness of all training conducted so far.

By-elections generated less interest hence there were less people in the polling stations during the opening, unlike during general elections which are often crowded from early morning.

²⁰ 2017 Myanmar By-Elections: Polling Station Officer, Deputy Polling Station Officer and Polling Station Member's Manual



Ballot box is still not sealed pass 6am in Kachin

Source: ANFREL

Similar to the 2017 By-Elections, most election materials were complete and placed in their respective arrangements at the opening of the polls. Polling officers showed the empty ballot box before sealing, Form 13 (list of advance voters) was displayed in front of each polling station, and advance voting ballot box was visible inside each polling station (except where there were no advance voters). ANFREL was informed in the 2018 by-election, poll officials were required to seal all four sides of the ballot box. Observers found that these were not uniformly implemented. Voter identification slips which were supposed to be dropped in this by-election were still implemented in several polling stations. This shows that the central UEC has to ensure rigidity in its structure in order to effectively change or add new election procedures in short notice. UEC has to monitor whether their policies are being implemented uniformly nationwide.



This ballot box only has one seal on the front side in Mandalay

Source: ANFREL

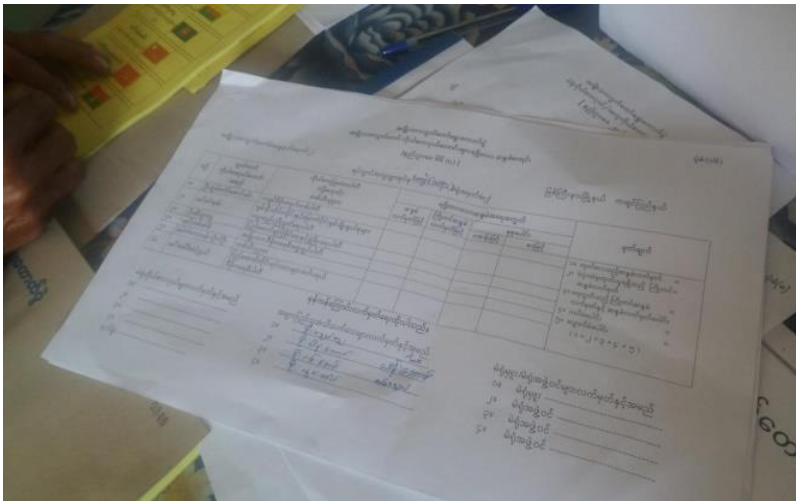
ANFREL received reports of several incidents in Yangon and Kachin where local observers were not able to enter polling stations. According to the PACE report, 96 percent of the polling stations permitted monitors to observe inside polling stations. This means 4 percent of the polling stations in the 13 constituencies did not have the benefit of election observation by local observers.

Voting

With eleven (11) international observers, ANFREL managed to observe at least 93 polling stations in 10 constituencies during the voting process. Based on ANFREL observers' reports, the polling was generally organized despite some minor errors which however did not compromise the integrity of the ballot.

ANFREL found the quality of implementation of the polling procedures in 2018 at par in 2017, which if compared with the 2015 General Elections is much organized. Most polling station members were experienced in handling the process and are therefore more

confident in manning voting stations this time. However, inadequate voters' education became apparent from the confusion about the voting procedure in both city and in the rural areas. Voter education posters were visibly displayed near the polling stations, however these were not adequate in informing voters. Besides, a high number of people are illiterate or are only able to read in their ethnic language while posters (or every info or document related with the election) are written in Burmese.



UEC sub-commission comes to polling station and asked people to sign Form 16 during voting process.

Source: ANFREL

A minor incident that bears watching was observed in Kachin. A UEC sub-commission member came to a polling station and asked random people to sign Form 16 as witness while voting was going on (picture above). Form 16 is an official UEC document that shows the result of counting. In order for the result of counting to be legitimate it requires 5 witnesses to sign after the counting process is finished [from the 2017 Myanmar By-Elections: Polling Station Officer, Deputy Polling Station Officer and Polling Station Members

Manual. It is not clear if those people who signed were eligible voters or not, or if they would witness the counting process later, as alleged in the official form they signed. The reason given by the UEC sub-commission was the difficulty finding witnesses who would sign it. This incident should be investigated to prevent future occurrence.

Incorrect or irregular practices, like failing to check the ink on the voters' fingers, or not asking voters to sign the voters' list books were observed or were not properly implemented in a few polling stations. Variances in following procedures were also found such as some polling stations displayed advance voting list while others did not and some required a presentation of IDs whereas some did not ask at all.



Transparency and electoral integrity require that the election body must submit itself to scrutiny in all aspects of the electoral process. The cardinal rules for observers inside the polling station are, first, they must not interfere with or disturb the polling officials, second, secrecy of the vote is sacred and cannot be violated. That said, taking photos inside (which was allowed in 2015 and 2017 elections) the polling station ought to be allowed specially if it captures wrongdoing so long as it does not interfere or distract the polling process. Further, some of the polling officials are guilty of “double standard”. ANFREL observed a case in Yangon where the Polling Officer reminded all to refrain from taking photos before the count started yet a crew from Myawaddy TV - army-run network was allowed to take videos and photos.

Citizens, technologists and civil society organizations across the globe are demanding more openness in government, including government data, so that they can ensure public institutions are more transparent, responsive and accountable while at the same time, EMBs are making more electoral data public in a variety of ways²¹. ANFREL recommend for applying the concept of Open Election Data (OED) which NDI and other like-minded institutions advocate. This trend is particularly relevant to - and much needed in - elections, which are subject to basic democratic standards for transparency. OED includes information like voter registration statistics, candidate nomination information, polling station locations, campaign expenditures, and other data typically housed within government institutions²². Such transparency can help keep citizens and stakeholders informed on election procedures and developments, while also holding electoral stakeholders accountable and improving government performance.

It was observed that voters who do not check their names in the voters' list posted outside the polling stations take much longer time to locate their names in the list of voters inside the polling station before they are issued a ballot. This can cause crowding and clogging of voters waiting for their turn to vote. It has to be noted that in 2020, the voters will again be voting for three positions and will be issued three ballots. The issuance of voters' identification slip will be very useful in this case.

²¹ <https://www.ndi.org/open-election-data-initiative>

²² <https://www.opengovpartnership.org/stories/open-election-data-initiative-expanding-and-using-data-improve-electoral-processes>

Closing, Counting and Tabulation

ANFREL observed 10 polling stations during the closing process and found most polling stations closed on time at 4 pm sharp. The polling station officers gave adequate announcement 15 and 5 minutes before the closing of polls. There was a polling station which closed at midday because all voters already voted. There are no reports of who were still in queues and not being allowed to vote. This is understandable, there are lesser voters in by-elections compared with the general election.

Before starting the counting process, there were many steps that needed to be carried out immediately after closing the polls, following the Manual. These included cancellation of extra ballot papers, verification of the number of used and unused ballot papers, counting and sorting of valid and invalid ballots, etc²³. The steps for closing were not implemented uniformly from one polling station to another, at least the sequence of steps and who would do what tasks. This did not however compromise the results of the count.

The next phase was vote counting which also included aggregation and tabulation, through the final announcement of results. Based on two previous elections in 2015 and 2017, the counting process has been considered as the most problematic phase and requires more attention from the UEC. ANFREL is pleased to see in this 2018 By-Election, most polling officers understood their role, the counting procedures, and were confident in implementing the process. No significant untoward incident happened and no complaints were reported. This is so because the counting process was followed in

²³ 2017 Myanmar By-Elections: Polling Station Officer, Deputy Polling Station Officer and Polling Station Member's Manual

polling stations nationwide. This phase should be one of the priority subjects in conducting training for polling station officers in the future.



Counting process in a polling station in Tamu, Sagaing

Source: ANFREL

One of the positive improvements from the 2017 By-Elections was the change in the manner of appreciating the marks on the ballots during the counting. This was introduced to minimize invalid ballots and to honor the concept of voters' intent. Previously, the volume of invalid votes was very high because the rules on considering valid votes were very stringent. For example, a mark of more than one stamp on a ballot was considered invalid. The UEC changed the regulation to consider as valid ballots stamped more than once if there is strong indication of preference for one particular candidate.

As a result, the percentage of invalid ballots is lower compared to the 2015 General Elections (5.38 percent) and to the 2017 By-Elections, has decreased by one – half. In the next table it is visible that in

this 2018 By-Election, the invalid votes are only 2.3 percent which is considered small. Laikha township in Shan State has the highest number of invalid votes at 10 percent and Tamwe in Yangon has the lowest invalid votes at only 1.1 percent. This somehow arrested the alarming figure of 10 percent invalid votes like in Shan in the 2017 By-Elections.

Table 08: 2018 By-Elections Results

Constituency	Hluttaw	State/ Region	Eligible Voters	Turnout	% turnout	% invalid
Myitkyina	Amyotha	Kachin	203,292	69,443	34.2	2.1
Matupi	Pyithu	Chin	17,362	11,394	65.6	2.0
Kanpetlet	Pyithu	Chin	12,449	8,432	67.7	1.6
Tamu	Region	Sagaing	35,434	20,313	57.3	2.7
Oktwin	Region	Bago	59,675	28,620	48.0	2.0
Minbu	Region	Magway	68,414	37,731	55.2	1.6
Thabeikkyin	Region	Mandalay	49,622	21,189	42.7	3.0
Seikkan	Region	Yangon	1,434	933	65.1	1.5
Tamwe	Pyithu	Yangon	99,119	32,934	33.2	1.1
Myingyan	Pyithu	Mandalay	221,865	91,130	41.1	2.1
Laikha	Pyithu	Shan	39,321	12,418	31.6	10.0
Rathedaung	State	Rakhine	52,300	30,478	58.3	2.5
Shan	ethnic minister seat	Mandalay	42,463	17,946	42.3	1.9
Total			902,750	382,961	42.4	2.3

Source: UEC

Mostly, ANFREL observers focused in observing closing and counting process in polling stations and missed the same process in sub-commission in township offices for advance voting from outside constituency as this was conducted at the same time after 4 pm sharp. ANFREL did not receive any report on major infractions in counting from local observers who were able to witness in the township sub-commission office. Earlier findings show that the problem with advance voting is the voting process rather than the counting especially for outside constituency.

As provided in the UEC Election Manual, the result of counting should be written in Form 16 (consolidation form), signed by 12 people (4 polling members, 4 party agents, and 4 public witness), One copy should be displayed outside the polling station and another copy shall be sent to the UEC township for consolidation.



Computer and manual tabulation at UEC township sub-commission in Yangon
Source: ANFREL

In this by election, counting and tabulation were conducted in a transparent manner. On this note, ANFREL welcomes the initiative to computerize tabulation operations which makes for a faster and more secure consolidation of final results. This will improve the validity of the election results. After counting and consolidation, the Polling Officers must send the final tamper evidence bags (bag for ballot papers, advance ballot papers, invalid votes, unused ballot papers, receipts and Form 16, voter list, and Form 17) to township sub-commission office. All results from each polling station are sent to township sub-commission that will be compiled with outside

constituency results. After completing aggregation of all polling stations in a constituency, the township sub-commission filled up Form 19 and announced the results.

It is important to note that the tabulation process this time was faster and more transparent compared to the procedure in 2015. The candidates and party agents observed the process in all townships without restrictions. As the election was held on 3 November 2018, the UEC has officially announced the results and these were published in public newspapers on 4-5 November 2018 which is considered quite fast. Observers in certain areas were not able to see the tabulation process in 2015; it was accessible and transparent in 2017 and in 2018. The presence of observers and party agents during aggregation and tabulation process ensured the transparency and integrity of the election.

4.3 Voter Turnout

By-elections usually face poor voter awareness and/or interest, which lead to low participation rates. This proved true once again in the 2018 by-elections in Myanmar, in which 382,961 out of 902,750 eligible voters cast a ballot, resulting in a voter turnout rate of 42.42%. This is better than the voter turnout in the 2017 By-Elections at 36.77%, but is very low compared to the 2015 General Elections at 69.72%.

The participation rate was therefore a little higher than in the previous by-elections, although direct comparisons are difficult as they did not take place in the same constituencies and encompassed several elections, each with their own dynamics. Voter turnout for the 2015

elections was much higher because they were highly anticipated national and local elections, and election day was declared a holiday, which allowed many laborers to travel to their polling stations.

Among the factors that contributed to an overall low voter turnout were the low stakes of the-elections in comparison to a general election, the poor dissemination of election-related information and media coverage, and the low number of voter education efforts.

Table 09: Voter turnout in the 2018 Myanmar By-Elections

Constituency	State/ Region	Registered voters	Votes cast	Turnout rate
Oktwin 2	Bago	59,675	28,620	47.96%
Kanpetlet	Chin	12,449	8,432	67.73%
Matupi 1	Chin	17,362	11,394	65.63%
Myitkyina	Kachin	203,292	69,443	34.16%
Minbu 2	Magway	68,414	37,731	55.15%
Myingyan	Mandalay	221,865	91,130	41.07%
Thabeikkyin 1	Mandalay	49,622	21,289	42.70%
Shan ethnic minister seat	Mandalay	42,463	17,946	42.26%
Rathedaung 2	Rakhine	52,300	30,478	58.28%
Tamu 2	Sagaing	35,434	20,313	57.33%
Laikha	Shan	39,321	12,418	31.58%
Seikkan 2	Yangon	1,434	933	65.06%
Tamwe	Yangon	99,119	32,934	33.23%
Total		902,750	382,961	42.42%

Source: UEC

13 constituencies in which by-elections took place on 3 November 2018, six demonstrated high voter turnout of over 50 percent. The highest voter turnout rates, as is often the case, could be found in Chin state, with the constituencies of Kanpetlet (Pyithu Hluttaw) and Matupi 1 (State Hluttaw) reaching almost 68 and 66 percent respectively. The other constituencies with a majority of voters showing up at the polls were Seikkan 2 (Yangon Region Hluttaw), Rathedaung 2 (Rakhine State Hluttaw), Tamu 2 (Sagaing Region Hluttaw) and Minbu 2 (Magway Region Hluttaw).

On the other hand, the following constituencies registered voter turnout rates lower than 50 percent: Oktwin 2 (Bago Region Hluttaw), Thabeikkyin 1 (Mandalay Region Hluttaw), the Shan ethnic minister seat in Mandalay Region, Myingyan (Mandalay, Pyithu Hluttaw), Myitkyina 2 (Kachin, Amyotha Hluttaw), Tamwe (Yangon, Pyithu Hluttaw), and Laikha (Shan, Pyithu Hluttaw). The lowest turnout rate recorded was in Laikha, with only 31.58 percent of voters participating in the by-election.

Discrepancies in voter turnout across constituencies remain high and cannot be accounted for by geographical factors only. Instead, these suggest that some communities have achieved a culture of active political participation which others are still missing. ANFREL encourages all stakeholders, both national and local to cultivate political engagement and encourage periodic ballot casting in order to increase voter turnout and strengthen the legitimacy of elected officials in the future.

5.1 Election Results

The results of the 2018 By-Elections were announced promptly by the UEC, thanks in part to the use of computers for vote tabulation at the township level. Out of the 13 constituencies, 12 of the winners' names were published on 5 November in the government-owned *Global New Light of Myanmar newspaper*, with only the announcement for Kanpetlet (Chin State) to be issued later. On the same day, results were also published on the UEC website, although in Myanmar language only. The results were also available in English during the 2017 By-Elections.

Overall, Aung Saan Suu Kyi's NLD won 7 out of the 13 constituencies, a relatively poor performance given that it held 11 of those seats following the 2015 General Elections. These results show that the people's support for the ruling party is declining, according to senior NLD members²⁴. Nevertheless, the party still enjoys a high popularity and carried home majority of the seats, including its strongholds of Myingyan (Mandalay Region) and Tamwe (Yangon Region) with over 75 percent of the votes.

Of the 4 seats lost by the NLD, 3 went to its main national competitor, the military-backed USDP: the Amyotha Hluttaw seat of Kachin-2 and the regional seats of Tamu-2 (Sagaing) and Seikkan-2

(Yangon). Unlike the NLD, the USDP did not field candidates in every constituency, claiming instead to leave 3 seats open for ethnic political parties or candidates.

In the 2018 By – Elections, ethnic parties encountered some success, with the Chin League for Democracy winning over the regional seat of Matupi-1 (Chin State) and the Shan Nationalities League for Democracy holding the Pyithu Hluttaw seat in Laikha (Shan State). In Rathedaung 2 (Rakhine State), U Tin Maung Win, the son of jailed Rakhine nationalist leader Dr. Aye Maung, ran as an independent candidate and won against two Arakan ethnic parties and the NLD.

However, the alliance of four ethnic Kachin parties behind the candidate of the Kachin Democratic Party came only second behind the candidate from USDP. The by-election served as a practice run as the four parties have agreed to establish a joint Kachin State Party ahead of 2020. Ethnic candidates also failed to win the races in Kanpetlet (Chin State) and for the Mandalay Region Shan Ethnic Minister seat.

5.2 Electoral Dispute Resolution

Referring to the system of appeals through which electoral procedures and results can be challenged, electoral dispute resolution (EDR) is a vital part of election management. According to the Dili Indicators of Democratic Elections, settling disagreements must be “done in an impartial, transparent, independent and timely manner consistent with respect for the rule of law”²⁵, otherwise the integrity of the

whole process would be undermined. EDR mechanisms ensure that the playing field is level for all actors and that the election results can be trusted to reflect the will of the people.

In Myanmar, most electoral disputes related to the pre-election period and election day are handled since 2015 by election mediation committees, which are convened by the UEC or its sub-commissions and designed to handle incidents in a peaceful manner through dialogue. Disputes that arise are first arbitrated by a township-level mediation committee, and then elevated to a regional or state-level mediation committee, and ultimately handled at the national level if no agreement is reached.

The UEC and its sub-commissions have enacted a passive approach to dispute resolution, in which they refrain from taking action until a candidate or the political party submits an official complaint. Several candidates and political members have expressed disappointment with this approach, that in their opinion benefits more often than not the ruling party, and voiced their support for a more proactive stance where the “referee” would step in when necessary, without waiting for official complaints to be lodged.

Nevertheless, mediation committees worked well during the campaigns of the 2017 and 2018 By-Elections by settling many disputes at the township level. However, as their success depends largely on the good faith of their members and the transparency of their procedures, it is dubious whether they will be able to handle all complaints in the 2020 elections without causing delays or discontent. Therefore, ANFREL invites the UEC to reinforce EDR mechanisms early by formulating and implementing more a more comprehensive EDR approach in order to increase the transparency and efficiency of the process.

According to the electoral laws, all objections regarding poll results and challenging the validity or fairness of an election are handled by electoral tribunals set up by the UEC and staffed by commissioners or legal experts²⁶. These tribunals are to conduct an investigation and hearing for each claim, with the help of the Attorney General's Office. They have the power to invalidate an election if there is sufficient evidence of fraud or malpractice, or to dismiss complaints if they are not corroborated or if the malpractice has not impacted the outcome of the election.

There is a non-refundable filing fee of 500,000 Kyats in order to have a complaint reviewed by an electoral tribunal, which may constitute a deterrent even for plaintiffs who may have a solid legal basis for their case. The same holds true for appeals against the decisions of electoral tribunals, which are reviewed by the central Union Election Commission. Costly filing fees constitute a barrier to accessible electoral dispute resolution for all citizens, and therefore should be lifted.

The fact that election commissioners are Presidential appointees leaves electoral tribunals potentially vulnerable to political influence. A process exposed to partisan influence runs contrary to the principles stated in the Bangkok Declaration on Free and Fair Elections²⁷. This is even more true as the UEC and electoral tribunals hold the sole jurisdiction for decisions made under the provisions of electoral laws, and because there is no third-party court that plaintiffs can appeal to in last resort.

²⁶ Pyithu Hluttaw Election Law, Amyotha Hluttaw Election Law, and Region or State Hluttaw Election Law, Articles 69

²⁷ Bangkok Declaration on Free and Fair Elections, Article 22

At the time of printing, there were two post-election complaints that were lodged and remained to be resolved by electoral tribunals. The first one relates to an alleged case of vote-buying in the constituency of Seikkan-2. NLD candidate U Than Htike Aung has filed a criminal complaint against USDP candidate U Nay Myo Aung, who won the vote on November 3, for mediating micro-loans between voters of the constituency and a finance company. He argues that these actions constitute a violation of Article 58 (a) of the Region or State Hluttaw Election Law and that the legal proceedings he has initiated are motivated by the desire for a free and fair election²⁸.

The second case relates to the seat for Shan Ethnic Minister in the Mandalay Region. In her complaint, SNLD candidate Daw Nan Htwe Hmon details alleged irregularities in the victory of her opponent from NLD, **won** won this by-election. Among the incidents mentioned were the facts that some voters who cast ballots were of the Bamar ethnic group instead of Shan, that one party agent was wearing the party logo in a polling station, as well as an alleged instance of vote-buying and several undisclosed campaign expenses.

Overall, the EDR process for the 2018 By-Elections is deemed efficient, but there are structural reforms that the UEC should undertake to ensure more transparent, independent, and fair dispute resolution mechanisms, which in turn would foster the trust voters and stakeholders have in the broader electoral process. Especially, there remains doubt regarding the capacity of electoral management bodies to handle the many complaints expected for the 2020 general and local elections in a timely and satisfactory fashion.

ANFREL offered a plethora of recommendations to the Myanmar authorities in its Reports on the 2015 General Election and 2017 By-elections. These reports were submitted to the UEC and were shared with domestic and international electoral stakeholders. The recommendations remain relevant because these are anchored on international standards and principles of democratic elections, and there is still much to be done by the UEC and by the government of Myanmar.

ANFREL is encouraged that the UEC took serious cognizance of the recommendations made by domestic and international observation missions in the 2015 General Election. The UEC organized the recommendations, evaluated the important, necessary and doable ones, and implemented reforms accordingly. One of the most impactful reforms it pursued was the cleansing of the Voters' List which it adopted as a flagship project in 2016. The voters' list was tested in the constituencies where by-elections were held in 2017 and these really served the purpose of clean and fair and inclusive elections.

Other incremental improvements which were implemented arising from the recommendations made by ANFREL include, and are not limited to:

1. posting of voters' list on 2 separate time periods (version 1 and updated version) before the elections to enable voters to check their names and request for correction of entries from the UEC;
2. posting of different UEC accountable forms outside the poll stations or Township UEC Sub commissions at appropriate

times, e.g. Form 13 (Inside Constituency Advance Voters' List), Form 16 (Results of Count), Form 19 (Consolidated Results), etc.

3. clearer rules during counting in recognizing voters' intent based on the stamped marks on the ballots thereby minimizing invalid ballots to 2.3 percent in the 2018 By - Elections;
4. providing facilities for PWD voting like ramps for wheelchairs and Braille ballots for the visually impaired (greater initiative in 2017 than in 2018);
5. easier facilitation in accrediting international and domestic election observers;
6. facilitated access by election monitors in observing poll stations located inside military camps; and
7. quicker and more transparent tabulation of results of poll station counting with use of Excel format in the computer.

There will be another General Election in 2020. Candidates, political parties, international and domestic election monitors are as engaged as the UEC in gearing up for this election. The stakes in 2020 are as great as those in the 2015 elections as it will dictate the trajectory of maturity of democracy in Myanmar. There was a peaceful turnover of power from one ruling party to another, primarily because that election was seen as free, clean, fair, and honest. The momentum and the consciousness about free and fair elections as requisites for assuming power have to be maintained.

Thus, ANFREL would like to present a set of recommendations which we offer to the electoral stakeholders in Myanmar for their consideration:

Legal Reforms

1. ANFREL recommends that the role of election monitors, both domestic and international, be added to Myanmar's body of electoral laws, in recognition of their continuing efforts to promote sustainable political processes.
2. To ensure full democratic development, ANFREL reiterates, as it did in its 2015 and 2017 reports, that the ratio of military representation in the Pyidaungsu Hluttaw be significantly lowered. The mandatory appointment of military representatives in 25% of the parliamentary seats should be removed.
3. A more impartial and transparent policy on the appointment of the UEC members should be created to foster further trust in the body.

Election Management

1. The UEC should consider creating a constituency delimitation regulations that takes into account geography and population to ensure that the value of each vote remains equal all throughout the country. A formula or a set of criteria has to be made to fulfill this need.
2. An election calendar should be published at least two to three months before the election day, and should be published in public places where voters can easily see them.
3. The UEC should consider translating into ethnic languages the body of electoral laws and electoral procedures for ease of understanding by local officers.
4. The UEC should consider restructuring the management of elections in ward or village tracts. One way to achieve this is ensuring that the township sub-committees are better capacitated in terms of resources, manpower, and legal powers. Once the

townships are better capacitated, ward and village level sub-committees can be taken off the management structure.

5. Election officers should receive further training to eliminate any deviation in the implementation of polling procedures, and make them more confident in implementing such policies.
6. The conduct of mock elections prior to the elections should be done to illustrate how the electoral procedures should be applied, and to find possible areas for improvement.
7. Polling stations within military camps should be relocated to areas which are not considered as controlled areas. Furthermore, access by political parties in these areas during campaigns should be made easier.
8. The UEC should consider rotating the assignment of the township sub-commission officers to other townships within the same district to avoid fraternizing with local officials. Same goes with polling officers.
9. The UEC should consider computerized tabulation in the township or district level for ease of result aggregation.

|| Campaign and Campaign Finance

1. The implementation of campaign finance regulations should be enforced evenly in all constituencies. The UEC can look for EMB models for monitoring campaign finance in other Southeast Asian countries or in Taiwan and South Korea. Effective implementation will greatly level the playing field.
2. The UEC should ask political parties and candidates to declare their spending in social media, website, and blogs within a period to be determined by the UEC prior to the elections. This should be included in the audit of their campaign expenditures.

3. Minimize requirements for political parties to mount campaigns. The process of requiring campaign permits should be removed, except in conflict and highly contested areas.
4. Create a policy defining what constitutes use of government resources and unfair advantage by incumbent parties.

■ Voter awareness, media, and access to information

1. Regular coordination meetings between CSOs, the UEC and political parties should continue to ensure that each sector relays and gets the uniform information regarding the elections. This will significantly improve transparency and the quality of communication between these sectors.
2. The UEC should conduct aggressive and massive voter education regarding polling procedures, political party platforms, and other topics which can affect the quality of public engagement. It is impossible for the UEC to conduct it alone, best practice on this requires intensive cooperation with academe, media and civil society organizations.
3. Both CSOs and the UEC should give more attention to the quality of information and performance of media, both public and private, during campaign period.
4. Voter identification slips should be reintroduced as it will help lessen time needed to find names in the voters' list during elections, therefore reducing time within the premises of the polling center.
5. ANFREL found the Election Manual Book helpful in providing uniform information for the polling officers regarding the electoral process. Such book should be updated for the 2020 elections, and translated to ethnic languages to make it more understandable for them.

|| Voter list management

1. Reestablish the door-to-door voter list verification to complement the public posting of the voter list.
2. The public posting of the voter list should be done not only in the GAD offices, but also to more friendly, easily accessible places such as markets and schools.
3. The UEC have a system within the voter list to identify PWDs. This will make it easier for the UEC to prepare for the necessary assistance when they vote.
4. Maintain the use of voters' lists based on households. The voters are more familiar with it.

|| Advance voting and election day process

1. More efforts have to be made to make voters and cobserver aware of the advance voting schedule. One helpful tool is the publication of a separate calendars and announcements for within- and out-of-constituency advance voting.
2. Advance voting outside the constituency should be conducted transparently with a minimum requirement: date announced earlier in public, located at least in ward/village-tract office just like AV inside constituency, operated by sub-commission officers, and available to be observed by observers and party agents. A simulation will be helpful in front CSOs, political party, and observers. To have a least minimum number of witness can also enhance transparency.
3. Observers and party agents should be allowed to take photos or record video and audio inside the polling station as long do not interrupt the polling process nor impinge on voter privacy, in order to maintain transparency.

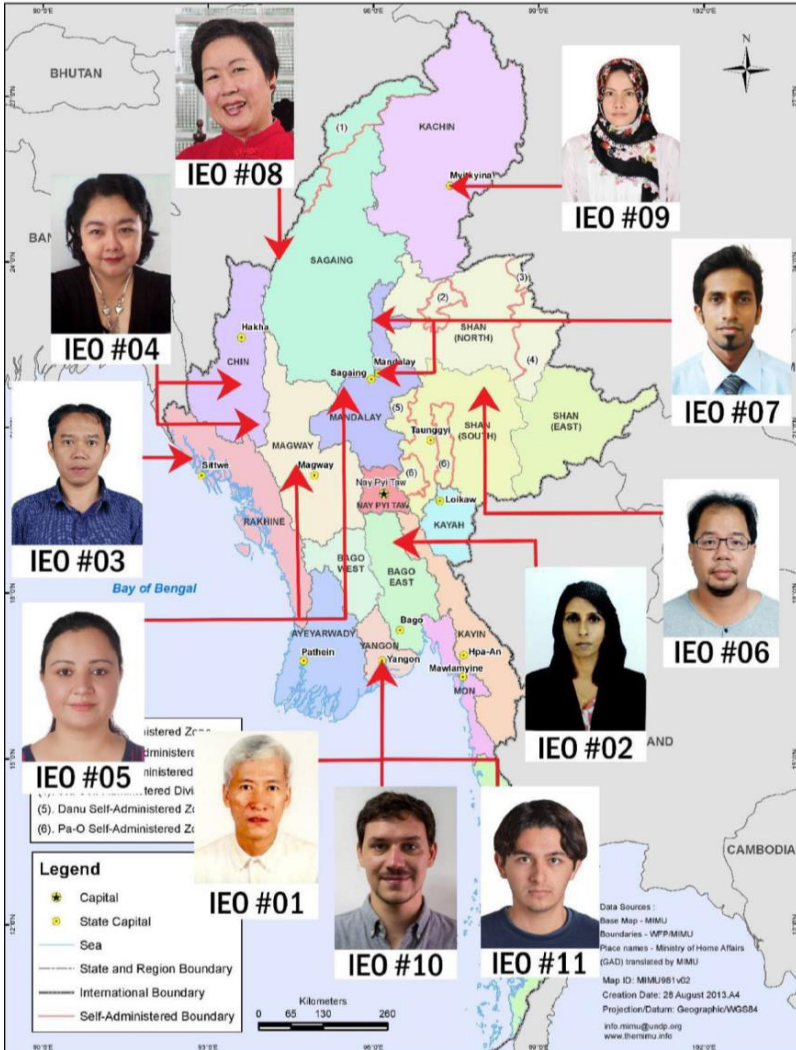
4. Media, civil society, and UEC should further cooperate to enhance voter awareness initiatives. Voters can always benefit from more policy discussions through debates and infomercials.

|| Women and ethnic participation

1. The UEC's composition should always include at least one woman and one ethnic representative in all levels of electoral governance to ensure that the voices of these sectors will not be neglected in important decision making.
2. Women and ethnic minorities should have a place in media coverages during elections. Their perspectives on policies and governmental issues may help voters in selecting their choice of candidate.
3. Women representation in parties' candidates list should also be improved. UEC can also partner with women's rights groups in trying to educate political parties on their responsibility to enhance women's participation in Myanmar.

Annexes

Annex 1: Deployment Map



Annex 2: Final Results of the 3 November 2018 Myanmar By-Elections

Source: Union Election Commission

Results for the *Amyotha Hluttaw* by-election in Kachin-2

Candidate	Political party	Votes
Candidate	Political party	Votes
U See Huu Dway	USDP	23,886 (35.13%)
U Kwan Gaung Aung Kham	KDP	19,112 (28.11%)
Daw Yan Khawn	NLD	18,999 (27.94%)
Daw Khin Ohn	SNSP	3,541 (5.21%)
Dr. Than Htike Oo	Independent	1,504 (2.21%)
Daw Andie Khawn Nywae	UNFDP	950 (1.40%)
Total valid votes		67,992
Invalid ballots		1,451 (2.09%)
Total votes cast		69,443

Results for the *Pyithu Hluttaw* by-election in Kanpetlet (Chin State)

Candidate	Political party	Votes
U Nyunt Win	NLD	3,083 (37.16%)
U Ma Nar Naing	USDP	2,527 (30.46%)
U Kee Htan Lun	CNDP	2,445 (29.47%)
U Ma Nar Shin	CPP	242 (2.91%)
Total valid votes		8,297
Invalid ballots		135 (1.60%)
Total votes cast		8,432

Results for the *Pyithu Hluttaw* by-election in Myingyan (Mandalay Region)

Candidate	Political party	Votes
U Sein Myint	NLD	67,659 (75.82%)
Dr. Than Win	USDP	17,025 (19.08%)
U Phyo Han	DPNS	3,425 (3.84%)
U Ye Kyaw Aung	PLP	1,129 (1.26%)
Total valid votes		89,238
Invalid ballots		1,892 (2.08%)
Total votes cast		91,130

Results for the *Pyithu Hluttaw* by-election in Tamwe (Yangon Region)

Candidate	Political party	Votes
U Toe Win	NLD	27,809 (85.39%)
U Myo Win Kyaw	USDP	3,714 (11.41%)
Daw Thet Thet Aye	ALD	315 (0.97%)
U Zin Aung	DPNS	192 (0.59%)
U Si Si Naw Gyar	UNFDP	187 (0.57%)
U Tun Tun Win	PLP	172 (0.53%)
U Myint Kyi	DPM	128 (0.39%)
U Myint San Tun	MPDP	49 (0.15%)
Total valid votes		32,566
Invalid ballots		368 (1.12%)
Total votes cast		32,934

Results for the *Pyithu Hluttaw* by-election in Laikha (Shan State)

Candidate	Political party	Votes
Sai Okkar	SNLD	8,550 (76.5%)
Sai Shwe Saing	SNDP	1,613 (14.43%)
Sai Aung Tun Lay	NLD	1,013 (9.07%)
Total valid votes		11,176
Invalid ballots		1,242 (10.00%)
Total votes cast		12,418

Results for the *State Hluttaw* by-election in Matupi 1 (Chin State)

Candidate	Political party	Votes
U Aung Lyan	CLD	5,964 (53.39%)
U Aung Htan	NLD	5,206 (46.61%)
Total valid votes		11,170
Invalid ballots		224 (1.97%)
Total votes cast		11,394

Results for the *Regional Hluttaw* by-election in Tamu 2 (Sagaing Region)

Candidate	Political party	Votes
U Ro Htan Pwi Yar	USDP	10,587 (53.58%)
U Aung Shwe	NLD	6,602 (33.42%)
U Oun Kho Htan (a) U Chit Maung	CLD	1,490 (7.54%)
U Zam Kae Mam	ZNRD	1,079 (5.46%)
Total valid votes		19,758
Invalid ballots		555 (2.73%)
Total votes cast		20,313

Results for the Regional *Hluttaw* by-election in Oktwin 1 (Bago Region)

Candidate	Political party	Votes
U Kyaw Zay Ya	NLD	13,010 (46.40%)
U Win Myint	USDP	8,265 (29.48%)
U Than Win	Independent	4,344 (15.50%)
U Myint Thein	MFDP	889 (3.17%)
U Thet Naing	NDP	519 (1.85%)
U Win Htoo	PLP	376 (1.34%)
U Chit Khine	MPDP	328 (1.17%)
U Myint Soe	NUD	306 (1.09%)
Total valid votes		28,037
Invalid ballots		583 (2.04%)
Total votes cast		28,620

Results for the Regional *Hluttaw* by-election in Minbu 2 (Magway Region)

Candidate	Political party	Votes
U Kyaw Ngwe	NLD	21,243 (57.21%)
U Sein Shwe Min (a) Maung Paik	USDP	11,083 (29.85%)
U Thein Htet Wai	Independent	3,878 (10.45%)
U Thaug Soe	Independent	716 (1.93%)
U Aung Htay	NUD	209 (0.56%)
Total valid votes		37,129
Invalid ballots		602 (1.60%)
Total votes cast		37,731

Results for the Regional *Hluttaw* by-election in Thabeikkyin 1 (Mandalay Region)

Candidate	Political party	Votes
U Soe Lwin	NLD	12,502 (60.85%)
U Myint Soe	USDP	5,220 (25.41%)
U Nyi Nyi	NUP	1,971 (9.59%)
U Aung Kyi Myaing	DPM	320 (1.56%)
U Zaw Min Tun Shein	NDF	314 (1.53%)
U Min Thu	UFPF	172 (0.84%)
U Myint Naing	NUD	46 (0.22%)
Total valid votes		20,545
Invalid ballots		644 (3.04%)
Total votes cast		21,289

Results for the State *Hluttaw* by-election in Rathedaung 2 (Rakhine State)

Candidate	Political party	Votes
U Tin Maung Win	Independent	24,417 (82.13%)
U Maung Hla Myint	ANP	3,794 (12.76%)
U Khin Than Maung	NLD	946 (3.18%)
U Thein Maung	ALD	572 (1.93%)
Total valid votes		29,729
Invalid ballots		749 (2.46%)
Total votes cast		30,478

Results for the Regional *Hluttaw* by-election in Seikkan 2 (Yangon Region)

Candidate	Political party	Votes
U Nay Myo Aung	USDP	514 (55.93%)
U Than Htike Aung	NLD	356 (38.74%)
U Khin Hlaing	Independent	39 (4.24%)
Daw Khin Marlar	NDF	5 (0.54%)
U Thet Tun	NDP	3 (0.33%)
U Ziwa	MPDP	1 (0.11%)
U Maung Hla Kyaw	ALD	1 (0.11%)
U Yan Naung Soe Myint	PLP	0 (0.00%)
Daw Albauk Seng	UNFDP	0 (0.00%)
Total valid votes		919
Invalid ballots		14 (1.50%)
Total votes cast		933

Results for the Shan Ethnic Minister seat by-election in Mandalay Region

Candidate	Political party	Votes
U Sai Pan Sai (a) U Sai Tun Sei (a) U Kyaw Sein	NLD	7,167 (40.71%)
Daw Nan Htwe Hmone	SNLD	4,652 (26.42%)
U Sai Aung Kyi	USDP	4,103 (23.30%)
Dr. Sai Kyaw Ohn	SNDP	954 (5.42%)
U Aung Htay	Independent	730 (4.15%)
Total valid votes		17,606
Invalid ballots		340 (1.89%)
Total votes cast		17,946

