



2018 By-Elections Observation Preliminary Findings

People's Alliance for Credible Elections, Phan Tee Eain

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1. Executive Summary

On November 3, the People's Alliance for Credible Elections (PACE) and Phan Tee Eain (PTE) deployed 579 observers to observe by-elections in 12 of the 13 vacant constituencies. Generally, election-day was smooth, and no big incidents have been reported. According to the observation findings, there are no major improvements in the election administration compared with the 2017 by-elections. Instead, a lack of specific guidelines and procedures resulted in an inconsistent in election management. For instance, the polling stations were not setup to make them accessible to persons with disabilities, there was confusion among polling station officers on the roles and rights of party agents and observers, and there were inconsistencies on the use of the voter list. Some of these issues could be addressed with more effective training of polling station officials.

2. Election Day Observation

In order to assess the level of inclusiveness, transparency and accountability of the election day process, the People's Alliance for Credible Elections (PACE) and Phan Tee Eain (PTE) deployed 579 short-term-observers (STOs) to 12 vacant constituencies. All STOs were instructed to arrive the assigned polling stations by 5 am to observe the preparation and the set-up of the polling stations, voting, closing and counting process using a systematic election day checklist. The findings are as follows:

2.1 Arrival and Setup

- Almost all observers (96%) were permitted to enter their assigned polling stations before voting began. The incidents of observers (4%) who were initially not allowed to monitor the setup procedures were quickly addressed with the assistance of election authorities. In most of these isolated cases, polling station officials incorrectly asked observers to provide Form 8, which is the assignment form of party agents.
- More than half of the polling station officers (55%) are women, including 97% in Yangon and 49% outside of Yangon. Of all the polling station members, 59% are women and 41% are men.
- Around half (54%) of polling station facilities were accessible to voters who use wheelchairs. However, these voters would not be able to access 46% of the polling stations without assistance. A slightly lower proportion of polling stations (44%) provided at least one voting booth for voters who use wheelchairs; in the remaining 56%,

those voters using wheelchairs would lack accessible voting booths.

- In 89% of polling stations, the advance ballot boxes were delivered before the station opened as required by election regulations. In 11% of polling stations, observers reported that they did not see advance ballot boxes being delivered on time.
- In 78% of polling stations, Form 13 (Advance Voting) was posted outside the polling station; this was not the case in 22% of polling stations.
- At the time of opening, almost all polling stations (97%) had all necessary materials. In 3% of the polling stations, Forms 16 and 17 were missing.
- In most polling stations (95%), voting began by 6:30 am, while in 5% voting started after that time.

2.2 Voting Process

- No party or candidate agents were present during the voting process in 12% of polling stations. Agents for the USDP were present in 69% of polling stations and agents from NLD in 83%, while agents from ethnic parties were present in 26% and agents from independent candidates were present in 19% of polling stations. Agents from other parties were present in 9% of the polling stations. Representatives from NLD and USDP had greater presence in Yangon than in other locations, while agents for ethnic parties had more presence outside of Yangon.
- There were no unauthorized persons present at the polling stations.
- In 80% of polling stations, voters' fingers were checked if inked before they entered the polling stations. However, in 9% of polling stations, few people (1-20) and in 11% of polling stations, more than 20 people were allowed to enter the polling stations without their fingers being checked. More than 20 people were allowed to enter the polling stations without checking their fingers more often in urban polling stations (22%) than in rural ones (7%). At 24% of polling stations in Yangon, more than 20 people were allowed to enter the station without checking their fingers, compared to 9% of the polling stations outside Yangon.
- All voters were asked to show proof of identity documents (such as a voter slip or National Registration Card) at 65% of polling stations. However, in 15% of polling stations between 1 and 20 people were allowed to vote without checking any proof, and more than 20 people were allowed to vote without checking any proof in 20% of the polling stations.
- In 50% of polling stations, there were no cases of people coming to vote but being turned away because they were not on the voter list. However, in 42% of polling stations, 1-10 people were turned away and in 5%, 11-20 were turned away because they were not on the voter list. To minimize this issue for the 2020 elections, PACE and Phan Tee Eain urge the UEC to seek simpler ways for voters to verify and update their information on the list, and to find their name on the list on election day.
- In nearly all polling stations (90%), every voter whose name was on the voter list was allowed to vote. However, in 9% of stations, a few voters (1-10) and in 1% (11-20) voters whose names were on the voter list were not allowed to vote.
- In almost all polling stations (94%), observers found that people whose names were not on the voter list were not

allowed to vote. However, in 5% of the polling station a few voters (1-10) whose names were not on the list were allowed to vote.

- Voters were able to cast their votes in secret in nearly all polling stations (94%).
- In nearly all polling stations (96%), all voters' fingers were marked with ink before they left. However, in 4% of polling stations, between 1 and 10 voters left without having their fingers inked.
- Observers did not witness any instances of intimidation or harassment of voters inside or in the immediate vicinity of the polling station during the voting process.
- In nearly all polling stations (92%), no voters were in queue at 4 pm; all voters who were in queue at 4 pm were allowed to vote.
- At nearly all polling stations (96%), no voters arrived after 4 pm. At the 4% of polling stations where voters arrived after closing time, these voters were not allowed to vote.
- At most polling stations (96%), no parties were allowed to campaign within 500 yards of the polling station premises. Observers witnessed the USDP campaigning at 3% of polling stations, and both NLD and independent candidates campaigning at 1.5% of stations.
- Observers were allowed to fully observe the voting process at 97% of polling stations. However, in a few polling stations (3%), observers were allowed to monitor the process with some restrictions.

2.3 Closing and Counting

- In almost all polling stations (99%), observers, agents and eyewitnesses were allowed to remain in the station after it closed.
- In almost all polling stations (98%), the count was conducted so that observers could see how the ballots were marked.
- Officials declared ballots invalid in a consistent manner at most (99%) polling stations.
- There were no party or candidate agents present during the count in 10% of polling stations. Agents for USDP were present at 70% of polling stations and NLD at 83%. Agents from ethnic parties were present at 27% and agents from independent candidates were present at 20% of polling stations. Agents from other parties were present at 10% of polling stations.
- After the count, ballots and forms were sealed inside tamper evident bags in almost all (99%) polling stations.
- In 97% of polling stations, results forms (Form 16) were posted for public viewing after the count was completed. However, in 3% of polling stations, results forms were not posted
- In almost all polling stations (98%), there was no intimidation, harassment or interference in the counting process.
- At nearly all polling stations (93%), no party or candidate agents raised complaints to the station officer during the counting process. Agents for the USDP raised complaints at 4% of stations, NLD agents raised complaints at 6% of stations, ethnic party agents at 1% of stations, and agents for other parties and independent candidates' agents at less than 1% of stations.

3. Tabulation of Results

After polling stations closed on November 3, PACE deployed observers to all 12 townships election sub-commissions to

monitor the tabulation of results. Observation's main findings include:

PACE and PTE received reports from all observers on yesterday's tabulation process. In five locations, tabulation ended last night. Today, observers are monitoring the remaining tabulation processes in Oktwin, Kanpetlet, Matupi, Minbu, Rathedaung, Tamu and Laikha.

- So far, all observers have reported that they are being allowed to observe the process in all tabulation centers. Observers were also able to see the marks on out of constituency advance votes as they were counted.
- There have been reports that some observers are not being allowed to see the form summarizing the results of the out of constituency advance voting (Form 18). We have also received reports that some observers have not been able to witness as the results form (Form 19) is being filled. Observers have not reported any cases of tabulation officials making significant changes to the polling station results (Form 16).
- Yesterday, party agents were present at all tabulation centers.
- In Myitkyina, the election authorities received and accepted out of constituency advance votes, even though they arrived after the 4pm deadline. No other tabulation centers accepted advance votes after 4pm.
- Election materials were stored securely at all tabulation centers.
- Observers have not reported any instance of interference, harassment or intimidation during the tabulation process.
- So far, our observers have not reported any instances of official complaints being lodged at the tabulation centers.
- So far, we have received no reports of the township-level results form (Form 19) not being posted once the tabulation process has been completed.

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4. In-Constituency Advance Voting

On November 1 and 2, PACE and PTE deployed 12 long-term observers to 12 wards and village tracts to monitor the in-constituency advance voting process. Observers assessed the quality of both the mobile voting and the process conducted at the sub-commission office. PACE and PTE were unable to monitor the in-constituency advance voting conducted in institutions prior to November 1 because the schedule was publicly released just a few days before the advance voting began and there was not sufficient time to prepare to observe the process. Observers also were unable to monitor the out-of-constituency advance voting process, which was conducted in a non-transparent manner outside of the control of the election authorities. PACE and PTE's findings include:

- For the most part, PACE and PTE's observers were allowed to observe both the stationary and mobile voting without restrictions. Only in one instance an observer was not allowed to access the sub commission office.
- In all observed locations, the secrecy of the vote was respected both at the sub-commission offices and during mobile voting.
- Observers reported that all citizens who voted either at the sub commission office or during mobile voting were added to the Advance Voter List (Form 13).

- PACE observers witnessed no major problems during either their stationary or mobile observation.
- Observers reported that materials were stored securely overnight at all observed wards and village tracts.

5. Election Context

This is the second time that Myanmar has conducted by-elections under the current National League for Democracy Party government. In most cases, the vacancies occurred when the incumbent passed away. The only exception is Minbu, where the incumbent resigned, and Tamwe, where incumbent U Win Myint was elected President by the Pyidaungsu Hluttaw. At this point, there is at least one additional vacancy due to the incumbent's death. Rather than defining a set of criteria to balance the ideal of granting parliamentary representation to all citizens with the expense and effort involved in conducting by-elections, the election law grants the speakers of the respective legislatures discretion to unilaterally decide whether and when by-elections should be conducted.

Like 2017 by-elections, the results of these by-elections would not change the balance of power in parliament. However, as this is the half-way of the current government's five year-term, these by-elections could be seen as an indicator of the impact of the government's performance over the last two and half years on its popularity. Moreover, it is also an opportunity for all political parties to begin to prepare for the next national elections in 2020.

To assess the quality of the by-election process, PACE and PTE deployed more than 600 short-term and long-term observers to the 12 vacant constituencies to conduct a comprehensive observation of the process. This included conducting pre-election survey, monitoring the July voter list display, the campaign environment, the in-constituency advance voting process and the results tabulation, and conducting a sample-based observation of the election day process. Based on the findings, PACE and PTE will present recommendations to the Union Election Commission, parliament and political parties to advocate for electoral reform before the 2020 elections.

6. Methodology

6.1 Election day observation (Sample Based-Observation)

On election day, PACE deployed more than 579 nonpartisan citizen observers to polling stations in 12 vacant constituencies where by-elections were held to conduct a Sample Based Observation (SBO) of the election day process. The Sample Based Observation (SBO) is an advanced observation methodology that employs well-established statistical principles and sophisticated information technology. An SBO involves the use of a representative sample of polling stations across the by-election townships to systematically assess the quality of the voting and counting process on election day. SBOs provide the most timely and accurate information on the conduct of voting and counting. The SBO for these by-elections involved deploying citizen observers to a random sample of 271 polling stations in 12 constituencies. PACE and PTE also deployed observers to an additional 22 polling station throughout the by-election area.

PACE's citizen observers arrived to their assigned polling stations at 5:00 am. They observed the setup of polling stations,

voting, counting, and the announcement and posting of results. Throughout the day, PACE's observers called the data center at four designated times to report their observations. The SBO observers collected and reported at least 22,000 data points.

6.2. Tabulation and in-constituency advance voting observation

PACE and Phan Tee Eain deployed 12 long-term observers to 12 townships to observe the tabulation process. All LTOs were instructed to arrive to the township sub-commission offices at 3:30 pm on November 3 to observe the tabulation. If the tabulation process was not completed on November 3, they were instructed to observe the next day.

In order to observe the in-constituency advance voting at the ward/village tract sub-commission offices, PACE and Phan Tee Eain deployed 11 LTOs¹ to 11 constituencies on November 1 and 2. All 11 LTOs were tasked with observing both the voting process at the sub-commission offices and to accompany the sub-commission members if mobile voting was conducted at their assigned locations.

The People's Alliance for Credible Elections (PACE) is an independent, non-partisan, non-government domestic election observer group based in Yangon. PACE was founded in 2013 to strengthen democratic institutions in Myanmar through safeguarding citizen rights and promoting public participation in the electoral process. To promote transparency, accountability and inclusiveness in the electoral process, PACE mainly works on election observation, electoral reform, and civic and voter education.

Phan Tee Eain (PTE) was established in 2009 and provided civic and voter education for the 2010 Election. PTE promotes gender equality among parliamentarians and political parties by strengthening the leadership capacity and skills of elected and potentially elected women in Myanmar. PTE conducted voter education, voter list awareness and vote- for- women campaign.

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¹ One LTO from Matupi dropped out during the observation.