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 PEOPLE'S ALLIANCE FOR CREDIBLE ELECTIONS

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2020 General Elections Observation Preliminary Findings

People's Alliance for Credible Elections

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1. Executive Summary

Overall, the election-day process was peaceful, and no major incidents were recorded. Firstly, it is important to acknowledge the efforts of poll workers and their sacrifice for the country under this very difficult working environment of the COVID-19 situation. In order to assess the quality of the election-day process, using sample-based observation methodology, PACE developed indicators to measure the level of transparency, inclusiveness and accountability of the process. A total of 1,885 STOs were deployed to observe the election-day process and 305 LTOs were deployed to observe the tabulation process at the township sub-commissions.

Generally, the elections were smooth except for refusing both the STOs and LTOs to observe because of the misunderstanding of the role and regulation of observers by the sub-commission and polling station officials. Even though the numbers of cases were not big but it is important that allowing observers to observe the process could promote the transparency of the process. On election-day almost all observers were allowed to observe the whole process openly but there were a few locations where observers were asked to leave temporarily or were only

allowed to observe from outside.

One of the indicators to measure the level of inclusion or the quality of the election-day process is the polling station set-up. Generally, all the polling stations are accessible to ordinary voters but only one-third of the polling stations accessible to voters in wheel-chair and a few polling stations provided a polling booth accessible to voters in wheel-chair. All polling stations were well prepared for COVID-19 precaution measures. The majority of polling stations were able to enforce the voters to wear masks, but at more than one-fourth of polling stations, the safe distance was not met during the queue. In terms of gender proportion, two-thirds of the polling station officers were women and the same proportion of polling station members present when voting began were women. At all polling stations, all necessary materials for voting were present but at one-fourth of the polling station, Form-13 was not displayed. Posting the record of voters who had participated in the advance voting is an important mechanism to promote transparency of the voter list.

In terms of the quality of the voter list, in one-third of the polling stations, 1-10 people turned away from polling stations because their names were not on the list and there a few polling stations, 1-10 people were allowed to vote even though their names were not on the list.

At almost all polling stations, all observers were allowed to observe the whole counting process but at some polling stations, observers were asked to leave sometimes. Overall there were no major discrepancies in displaying the marks on the ballots, decision of invalid votes, and securing ballot papers and forms. Among those party agents, NLD and USDP were the most complained during the counting process. While almost all polling stations, Form-16 were posted but at 7% of the polling stations were not posted.

2. Election Context

The 2020 general elections mark the third round of Myanmar elections since 2010, and these elections will be as crucial for the country's democratic transition as those conducted in 2015. A total of 5,639 candidates from 91 political parties will be competing for 1,119 seats in these elections.¹ As in previous cycles, the 2020 elections are facing several challenges similar to previous cycles, including trust between political parties and the Union Election Commission (UEC), voter registration, and armed conflict between the Tatmadaw and ethnic armed organizations etc. However, the COVID-19 pandemic introduced unprecedented challenges for all stakeholders, including voters, political parties, the UEC and civil society groups. Candidates were not able to organize campaign activities as they did in previous elections, especially in areas like Yangon region and Rakhine state, where "stay-at-home" orders

¹ Initially, 6,969 candidates from 92 political parties were participating in the process. Following the dissolution of the UDP, the UEC announced that the 1,130 candidates competing under UDP were ineligible and 189 candidates were excluded because of cancellation of election in 10 townships.

were enforced throughout the entire state or region. As a result, compared to the 2015 general elections, there have been fewer campaign activities, and significantly limiting the ability of political parties to deliberate or discuss their campaign promises and party platforms with their electorate. This created an uneven playing field between those who have better access to financial resources, media and social media and those with limited resources, as well as between incumbent and the rest of the parties. Several political parties have sent open letters asking the UEC to review the decision to hold the election on November 8 as scheduled.

Unlike in previous elections, 26 political parties² declined to sign the code of conduct for the political party campaigns. Six political parties decided not to broadcast their speeches on the state-owned television, MRTV, because they were censored by the UEC. Incidents observed this year, such as clashes between party supporters, destroyed campaign materials or disturbing campaign activities, had been seen in previous elections. However, for the first time candidates – three from NLD -- were abducted during the campaign, and the blast at the Bago regional sub-commission office indicated the security challenges of the pre-election process. The total cancellation of elections in 15 townships in Rakhine and Shan states and parts of 41 additional townships has a huge impact not only on the inclusiveness of the electoral process, but also on the country's democratic transition process.

Unlike in previous elections, the COVID-19 pandemic requires that the UEC implement measures to make sure voters were informed, and to allow political parties and observers sufficient time to prepare in terms of logistics and COVID-19 prevention. However, the UEC released the timeline for different aspects of the election process such as the voter list display, campaign and advanced voting too close to the actual dates, leaving observers unprepared and unable to monitor the process. Moreover, the UEC did not conduct substantive consultations with different electoral stakeholders before making important decisions, such as implementing changes to both international and domestic observer guidelines, issuing campaign regulations, and canceling elections. This lack of consultation has caused tensions with some political parties. Transparency and inclusiveness are key democratic principles that promote trust and integrity in the electoral process. It is important for the UEC to have strategic communication with different stakeholders, including other government agencies like the MOHS, and open the process to substantive engagement with civil society groups.

3. In-Constituency Advance Voting

During the period of November 3 to 7, PACE deployed 308 long-term observers to 663 wards and village tracts to monitor the inside-constituency advance voting process. Observers assessed the quality of both the mobile voting and the process conducted at the sub-commission office. PACE was unable to monitor the in-constituency advance voting conducted in institutions prior to November 3 because the schedule was publicly released just a few days

² 85 out of 91 political parties signed the COC in 2015.

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, particularly the out-of-constituency advance voting processes at the institutions and the quarantine centers.

PACE's findings include:

- For the most part, PACE's observers were allowed to observe both the stationary and mobile voting without restrictions. Only in one percent of the cases an observer was not allowed to access the sub commission office.
- At most observed locations (96%), the secrecy of the vote was respected both at the sub-commission offices and during mobile voting.
- Observers reported that citizens who voted in advance were added to the Advance Voter List (Form 13) at 94% of sub-commission offices and 93% of mobile ballots.
- Among observed townships, health risk mitigation measures were enforced in the advance voting throughout the day in 94% of cases, including enforcing the use of masks (87%), encouraging hand sanitation (86%) and enforcing physical distance (34%).
- Health safety supplies and equipment, such as masks (94%), hand sanitizer (84%) and face shields (39%), were used by ward/village tract sub-commissions election officers during advance voting. Only in 3% of cases sub commissions did not use any kind of protective equipment.
- In almost all cases (99%), no voters were prevented from voting because of high body temperature.
- In 13% of cases, a small number of voters were not allowed to cast the advance voting because they could not show the required documents.
- Observers reported that materials were stored securely overnight at all observed wards and village tracts.
- The groups most likely to cast advance votes at the sub-commission offices were senior citizens, civil servants and election officials. The vast majority of reports of mobile voting involved sick or hospitalized people casting ballots.
- PACE observers witnessed no major problems during 96% of their stationary or mobile observations.
- There were no party agents at 11% of observations at sub-commission offices and 9% of mobile voting observations. The parties most likely to have agents present during advance voting were NLD, USDP and independent candidates.

4. Election Day Observation

As a part of its comprehensive election observation, PACE deployed 1,888 short-term-observers to all 14 states and

regions to observe the election day process. To assess the quality of the election-day process, all STOs were instructed to arrive at the assigned polling stations by 5:30 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:

4.1 Arrival and Setup

- Most observers (95%) were permitted to enter the polling stations by 6 am. However, 5% of the observers were initially prevented by polling station officers from observing the election process at their assigned polling stations. In most of these cases, polling station officials incorrectly asked for additional permission from the township sub-commissions even though PACE was accredited at the national level. Most observers were able to gain access to the polling stations later.
- Form 13 (Advance Voting) was posted outside 76% of polling stations. On average, in-constituency advance voters represented 15% of registered voters.
- At almost all polling stations (93%), COVID-19 prevention guidelines were displayed publicly. Regarding the implementation of COVID-19 prevention measures, almost all polling stations (98%) provided hand sanitizing gel, 93% provided masks, 87% conducted temperature tests, 84% displayed marks on the floor to encourage social distancing and 23% provided gloves. However, only a few polling stations (7%) had a separate room or space for voters who might have COVID-19 symptoms.
- Two-thirds of the polling station officers (66%) are women. Women comprised a similar proportion (66%) of polling station members present when voting began.
- Less than a third (28%) of polling station facilities were accessible to voters who use wheelchairs. Only a small fraction of polling stations (13%) set up an accessible booth.
- In most polling stations (93%) the advance ballot boxes were delivered before the station opened as required by election regulations. At 7% of polling stations, observers reported that they did not see advance ballot boxes being delivered before voting began.
- At the time of opening, almost all polling stations (99%) had all the necessary materials. Some materials, including ballot boxes and ballots, were missing at less than 1% of polling stations.
- At most polling stations (84%), voting began between 6 and 6:30 am.

4.2 Voting Process

- At most polling stations (92%), PACE's observers were allowed to observe the voting process from inside the polling stations all the time. However, 6% of the observers reported that they were only allowed to observe from outside of the polling stations, and 2% reported that they were asked to leave at times. Most

observers 86% reported being able to observe the whole process, while 8% said they could only observe some part of the polling station. According to polling station regulations from the Union Election Commission (UEC), unauthorized persons were not allowed to be inside the polling station to make sure the voters were able to cast their votes securely and free from intimidation or external influence. During the observation, PACE's observers found that there were no authorized persons present at most of the polling stations (87%). However, local authorities or village heads were present at 7% of the polling stations, and police was present at 3% of stations.

- The most important administrative requirement for citizens to be able to participate in the elections is a clean, correct and updated voter list. At two-thirds of polling stations (67%), PACE observers did not witness anyone being turned away because they did not find their names on the list. However, at about one-third of the polling stations (30%) up to 10 people were turned away because their names were not on the list. On the other hand, PACE's observers assessed that nobody who was not on the list was allowed to vote at almost all polling stations (95%). There were a few polling stations (4%) where up to 10 people were allowed to vote even though they were not on the list.
- In these elections, the UEC and polling station officials had the challenge of empowering eligible citizens to vote while mitigating their risk of COVID-19 infection. At less than 1% of polling stations, PACE's observers witness a small number of citizens being unable to vote because they had high temperatures.
- When PACE's observers assessed to what extent the COVID-19 precaution measures were followed during election day, at 95% of the polling stations, voters were asked to wear masks all the time. However, only 72% of the polling stations enforced safe distance requirements all the time. PACE's observers found at 82% of the polling stations, polling station staff were wearing masks and hand gloves all the time.
- To make sure all voters who arrived at the polling station on time are able to exercise their rights, in accordance with Hluttaw's elections by-laws, polling station officials should allow voters in queue when the polling stations closed. Based on PACE's observation, at most polling stations (85%) there were no voters in the queue at 4 pm, when the polling stations were scheduled to close. At most of the 15% where there were people in the queue at 4 PM, all those in line were allowed to cast their votes.

4.3 Closing and Counting

- At almost all polling stations (99%), agents and eyewitnesses were allowed to remain in the station after it closed to observe the counting process. Observers were allowed to stay inside the polling station to observe the counting process in 98% of the polling stations.

- At almost all polling stations (95%), the count was conducted so that observers could see how the ballots were marked.
- Officials declared invalid ballots in a consistent manner in almost all (99%) polling stations.
- In the majority of polling stations, there were party or candidate agents present during the count. Agents of NLD were present at 92% of polling stations and agents for other parties were present at 92% of polling stations.
- After the count, ballots and forms were sealed inside tamper evident bags in almost all (98%) polling stations.
- In 94% of polling stations, results forms (Form 16) of the Pyithu and Amyotha Hluttaw were posted for public viewing after the count was completed, while 93% of the polling stations posted results of the state/region hluttaw.
- In almost all polling stations (98%), there was no intimidation, harassment or interference in the counting process.
- At the majority of polling stations (91%), no party or candidate agents raised complaints to the station officer during the counting process. Agents for the USDP raised complaints at 5% of stations, NLD agents raised complaints at 6% of stations, ethnic party agents at less than 1% of stations, and agents for other parties and independent candidates' agents at 1% of stations.

5. Tabulation of Results

After polling stations closed on November 8, PACE deployed observers to 305 townships election sub-commissions to monitor the tabulation of results. So far, PACE has received reports from 301 observers on yesterday's tabulation process. In 62 of those townships, tabulation ended last night. Today, observers are monitoring the remaining tabulation processes.

- So far, all observers have reported that they are being allowed to observe the process in all tabulation centers. Observers were unable to see the marks on out of constituency advance votes as they were counted at 18 townships.
- 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. At at least 13 townships, candidate/party agents raised complaints during the counting process. NLD and USDP agents were more likely to raise complaints, followed by representatives of independent candidates.

- Election materials were stored securely at all tabulation centers.
- Observers have reported instances of interference, harassment or intimidation during the tabulation process at five townships.

As the tabulation process is still ongoing, PACE would like to call for electoral contestants, citizens and other actors to have patience while the sub commissions tabulate votes and certify election results, and for the UEC to ensure full transparency in the rest of the process, including vote tabulation and electoral dispute resolutions.

6. Methodology

6.1 Election day observation (Sample Based-Observation)

On election day, PACE deployed 996 non-partisan citizen observers to 498 polling stations in all 14 states and regions 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 country 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 involved deploying citizen observers to a random sample of 499 polling stations in 288 townships.

PACE's citizen observers arrived at their assigned polling stations at 5:30 am. They observed the setup of polling stations, voting, counting, and the announcement and posting of results. Throughout the day, PACE's observers sent via SMS to the data center at five designated times to report their observations. The SBO observers collected and reported at least 30,800 data points.

To further increase citizens' participation in the elections and increase the transparency of the process, PACE deployed 886 observers to additional 463 polling stations across the country. All short-term observers reported information on the quality of the election day process, as well as any critical incidents they witnessed.

6.2. Tabulation and in-constituency advance voting observation

PACE deployed 305 long-term observers to 305 townships to observe the tabulation process. All LTOs were instructed to arrive at the township sub-commission offices at 3:30 pm on November 8 to observe the tabulation. If the tabulation process was not completed on November 8, they were instructed to observe the following day.

In order to observe the in-constituency advance voting at the ward/village tract sub-commission offices, PACE

deployed 305 LTOs to 305 constituencies for the period of November 8 and 9. All 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 founded in 2014 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 works on civic and voter education, election observation and electoral reform.

Upholding the principles enshrined in the Universal Declaration of Human Rights, PACE conducts its work regardless of race, religion and gender. Moreover, PACE has signed the Declaration of Global Principles for Nonpartisan Observation and Monitoring by Citizen Organizations,³ which has been endorsed by more than 251 organizations from 89 countries and territories and is a member of the Global Network of Domestic Election Monitors (GNDEM) and the Asian Network for Free Elections (ANFREL).

For additional information, please visit www.pacemyanmar.org.

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³ <http://www.gndem.org/declaration-of-global-principles>