



2018 Myanmar By-elections

EEOP Preliminary Statement

(November 5th, 2018)

By-elections, which were held on November 3, 2018 was the second by-elections after the first by-elections held after the general elections in 2015. The 2018 by-elections were held to elect 13 vacant seats in different parliaments. The 13 seats, which need to be filled, became vacant because either the elected candidates were appointed in executive positions or some were due to the death of the elected incumbents.

2018 by-elections was held to elect the candidates for both Union parliaments (*Pyidaungsu Hluttaw*) and State/Region parliaments (*State/Region Hluttaw*). The by-elections were conducted in a total of 13 places: 4 seats for Pyithu Hluttaw constituency, 1 seat for Amyotha Hluttaw constituency and 8 seats for State/Region Hluttaw constituencies. These by-elections were conducted in a total of 35 townships which located in 9 States and Regions.

Overall, although the by-elections, which were held on November 3, 2018 in respective constituencies, had some weaknesses, it was conducted successfully. EEOP observers stationed in all 15 townships where the by-elections took place filed a total of 380 reports throughout election day. Despite some complaints, the preliminary assessment of the observers could conclude that 95% of the polling stations observed as well-conducted. It is important to note that this estimate is based on preliminary data, and may be revised once all observer reports have been processed and analyzed.

This preliminary statement is based on EEOP's observations of the electoral process and on its observations on by-elections day. The current findings will be integrated in the assessment to issuing the final by-elections report. Details will be discussed in the upcoming final report.

Observation of the Electoral Process

Pre-election Period

According to the reports by long-term election observers, it can be assessed that pre-election period is good overall though a few weaknesses were identified in some areas. However, these weaknesses do not have significant impact on the whole electoral process.

Campaigning

It is assessed that campaign period was quite good and electoral campaigns were conducted peacefully and freely. However, some independent candidates reported some difficulties. Most of the candidates followed the electoral code of conducts though reports were received about the campaign posters being destroyed. Only a few reports on vote buying and unfair use of national resources were received.

Voter Education

Though voter education activities were reported in electoral constituencies, reports received claimed that they were inadequate. It is observed that voter education was usually more delivered as part of political campaign events by campaigning parties than by civil society organizations. Assessment of the



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voter education activities demonstrated the needs of more voter education support. Regarding access to information by the voters, 50% of long-term observers claimed that the voters did not receive adequate information, especially about the policies of candidates and political parties.

Management of the Election Commission

In their assessment of management of the pre-election period, two thirds of long-term observers analyzed that the management of the pre-election period was good. However, there were reports about the weaknesses of electoral information access and insufficient distribution of electoral information in some areas. Most of the long-term observers observed that election commission was unbiased in its management. Although electoral trainings provided to sub-election commissions and polling station officers were reported, a more skillful conduct of these trainings was assessed as necessary.

Compilation and Announcement of Voter List

Some observers reported that there were only few voters who did check the voter list during the voting list announcement. There could be different procedures in compiling voter list and there were some weaknesses regarding the cooperation of ward/village administrators in some areas.

Security

Although electoral stakeholders expressed concerns for security during interviews, long-term election observers assessed that the condition necessary to hold independent and fair elections were met.

Women's participation

Compared to the 2017 by-elections, women's participation in the electoral process has decreased. The number of female candidates who registered to contest the 2018 by-elections is 10% of the total number of registered candidates. This shows the decrease compared to the 17% female candidates registered to contest in the 2017 by-elections.

Advance Voting

The UEC made an announcement on October 20 that it would welcome observation on advance voting in constituencies where by-elections are planned. It is observed that UEC invited to the election observers to observe the advance voting which will be held on November 1st and 2nd at respective ward/village tract election sub-commissions for the voters who, for various reasons, could not come and vote at polling stations on election day. An announcement was also made for the voters who were out of the constituencies that they could give advance votes from October 24 to November 2.

Observation on Election Day

Opening: The 93 polling stations where the opening was observed by EEOP observers opened without significant problems; 95% of observers assessed the opening process positively. Polling stations were set up and almost all staff and election materials were present before the opening. In most polling stations, voters lists and voting instruction posters were posted in places where voters were able to see them easily and polling station set up was in accordance with the guidelines. On the way to polling stations, there were no blockage, barriers or stoppage which would hinder voters to access to polling stations. In 93% of polling stations observed, observers assessed that the stations' setup allowed voters to cast their votes secretly.

During the opening process, empty ballot boxes were shown and sealed securely. Other observer groups were present in 74% of polling stations observed during the opening. Party agents were present in 89%



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of the polling stations visited, most of them from NLD and USDP. In most cases, advance votes arrived securely to polling stations and were noted in voter lists as casted voters. Some 15% of polling stations visited by observers did not display Form 13, which lists voters who cast advance votes. In 93% polling station observed, polling stations opened on time at 6 am.

Initially, some EEOP observers were denied entry to the polling station because of the misunderstanding of chief polling officer regarding the procedure for handling election observers, but these issues were quickly resolved after explanation from EEOP office to concerned chief polling officers. Polling officials performed the opening process transparently. Their skillful performance, such as following UEC guidelines and procedures, was assessed positively by over two thirds of observers.

Voting Process: The assessment of the voting process observed by EEOP observers was also positive (95%). Polling station environment was overwhelmingly peaceful and canvassing near polling stations, and tension or fight were found in very rare instances. EEOP observers noted that 36% of polling station they visited on election day were not easily accessible for people with disabilities.

In the polling stations observed, the layout ensured that voters could stamp and cast their ballots in secret. Ballot boxes were secure and chief polling officer's signature and the election commission's stamp were found on most of the ballot papers. Some 14% of polling stations observed were crowded and other reports reveal that the polling stations were packed with not enough space. No canvassing nor canvassing materials were found inside the polling stations. Other domestic observer groups were present in 62% of polling station visited and party agents were present in almost all of the polling stations. In most cases, only those who are allowed to enter the polling stations were actually let in.

For the verification of traces of indelible ink on voter's fingers when entering the polling stations was found to be weak and observers reported a careful check of all voters in only 71% of the polling stations observed. In some 11% of polling stations, the checking was not done at all and in other 18% of polling stations, the checking was only done occasionally. Other procedures, such as checking voters' IDs, asking voters to sign the voter list and to confirm receipt of ballots, and inking after voting were followed consistently in almost all polling stations observed and voters could cast the votes in secret.

EEOP observers reported that during the voting process, there were more than one voter present in voting booth in 10% of the polling stations visited. Some 76% of EEOP observers assessed positively to the capacity of polling officials in executing voting procedures and 88% of observers noted positively to the transparency of the voting process.

Closing and Counting: Most observed polling stations (96%) closed on schedule at 4:00 PM, and all voters waiting in line were allowed to vote. Party agents were present in 97% of polling stations visited by observers. Ballot boxes were safe and secure and observers rated positively to the closing and counting process. However, only 82% of polling station observed counted the unused/remaining ballots from the ballot books and 80% canceled those unused/remaining ballots by crossing them out. Following complaints from party agents, some polling stations counted and cancelled those unused/remaining ballots.

In almost all polling stations, ballot boxes were opened after showing to the people present inside the polling station. In 84% of polling stations, polling official checked whether there were missing ballots after opening the ballot boxes. 99% of polling stations differentiated valid and invalid votes carefully and allowed party agents and others to check the validity and invalidity of those votes. In 99% of polling stations, the witness signed the number of votes given to competing candidates and 97% of polling stations posted the results in front of the polling stations.



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The closing and counting process was rated positively by 87% of observers, and almost all of them (90%) assessed the impartiality of polling officials and 92% assessed the transparency of the closing and counting process positively.

Observation Methodology

To observe the 3 November 2018 by-elections, EEOP applied for accreditation with the UEC. A total of 149 EEOP observers including 13 long term observers were accredited and observed the by-elections.

Observers reported to the EEOP control center using paper forms and transmitting the results by phone, or by using ELMO, the Carter Center's open source software for data collection, reporting and analysis. Some election-day reports were also received through other channels, such as Viber, Facebook Messenger, email or SMS. The EEOP control center called observers three times during election day for information about their observations and for immediate ground reports.

About EEOP

Election Education and Observation Partners (EEOP) is a non-governmental coalition, comprised of an array of civil society groups based in different states and regions. Election observation, which is salient for the country's democratic reform, is one of the major activities of EEOP. In early 2008, EEOP and its member organizations delivered multiple voter education trainings across the country. In 2010, they engaged in election observation and monitored candidate registrations and campaigning. EEOP has established coordination with the UEC since 2012 and conducted a nationwide election observation in the 2015 general elections and 2017 by-elections.

Acknowledgement

Firstly, EEOP would like to thank and acknowledge the Chairman, U Hla Thein and members of Union Election Commission (UEC) of Republic of the Union of Myanmar and other election sub-commissions. We would like to express appreciation to The Carter Center for the generous support and advice it provided to EEOP during its observation of the 2018 by-elections. We also would like to express appreciation to the Asian Network for Free Elections – ANFREL for its partial support to EEOP election observation mission. Finally, we would like to express huge thanks to our observers from different regions and to our volunteers.