



EEOP Preliminary Statement April 3, 2017

In October 2016, the Union Election Commission (UEC) called by-elections for 1 April 2017. The UEC did so after it was formally notified of existing vacancies by the chairmen of the respective parliaments (*hluttaws*). Ten of the 13 seats filled in 2015 became vacant because the elected candidates assumed positions which are incompatible with that of a Member of Parliament (MP), while three became vacant due to the death of the incumbent. The remaining six seats, in Kyethi and Monghsu townships in Shan State, could not be filled in 2015 because the election there had to be cancelled for security reasons. These were the first by-elections since the November 2015 general elections. They were also the first elections that were administered by the new UEC, which took office on 1 April 2016. The by-elections were held in 22 townships in 8 states and regions to fill a total of 19 seats in the Union Parliament and in two state parliaments.

Overall, the by-elections were conducted without major problems. EEOP observers polling stations in all 22 townships where the by-elections took place and filed a total of 516 reports throughout election day. Despite some procedural problems, based on the amount of data we have received so far, we are confident to assess 95% of the polling observed as well-conducted. It is important to note that this rating is based on preliminary data, and may be revised once all observer reports have been processed and analyzed. We would like to acknowledge the contribution of the UEC, political parties, security forces, media, voters, and international and domestic observers to achieving peaceful and successful elections.

This preliminary statement is based on EEOP's observations of the electoral process and on its observations on election day. Details will be discussed in the upcoming final report.

Observation of the electoral process

Legal Framework: The legal framework remains almost unchanged since the 2015 general elections, apart from two amendments to the *hluttaw* election laws adopted in 2016. The second of these amendments, passed in June 2016, stipulates that vacancies that occur during the first year of a parliament's term must be filled within one year of the UEC being notified of the vacancies.

Performance of EMB: The UEC, which in its current composition was appointed in late March 2016, introduced a number of institutional changes. These include a call for applications for the positions of chairs and members of UEC sub-commissions at different levels and the recruitment of electoral chief of staffs in more than 200 townships, as well as the formation of mediation committees at different levels. Those changes and the de facto delegation of some powers to sub-



ELECTION EDUCATION AND OBSERVATION PARTNERS (EEOP)

No. 35 (Fifth Floor - Right), Pyar Yay Gone Street, Pyar Yay Gone Ward, Tamwe Township (11211), Yangon, Myanmar.

Phone/Fax: (+95) 09-265468511, Hotline: (+95) 09-250079547

Email: contact@eeop.org, Website: <http://www.eeop.org>

commissions led to positive results in the performance of the election administration. They also increased the level of engagement between the different levels of election commissions and with different departments as regards electoral activities, and resulted in a faster information flow between the different levels of the election administration.

Women's participation: Compared to the 2015 general elections, women's participation in the electoral process has somewhat increased. The number of female candidates who registered to contest the 2017 by-elections was 16, or 17% of the total number of registered candidates. While this is an increase compared to the 13% female candidates in the 2015 general elections, women are still strongly underrepresented as candidates. In the election administration, the number of women increased when the UEC recruited 175 women to fill a total of 221 positions of chief of staff at the UEC and sub-commissions at different levels. This followed the UEC's commitment to adopt a gender policy. However, it is important to highlight that women's participation in other significant electoral institutions, such as the UEC itself (all five commission members are male) and the central mediation committee (which includes only one woman), remains extremely low.

Voter lists updating, voter lists display and voter slips: In preparation for the by-elections, the UEC put significant efforts into updating the voter list, in order to make it as complete and inclusive as possible. This included going door to door and urging voters through different channels to check the voter list. Despite these efforts, few voters checked the voter list. After the first round of public display of the voter list in February, the UEC announced that only 12% of voters showed up to check it. When EEOP conducted a voter list survey after the second round of the voter list display in March, the percentage among those interviewed showed an increase among voters who checked the voter list, but 44% said they had not checked. The UEC also produced voters slips to speed up the process of finding voters on the voter list on election day. However, the requirement to physically collect voter slips from 17 March onward required the cooperation of voters and put a burden on them. In addition, as a voter slip cannot be used to verify a voter's identity, it caused some problems such as delays on election day.

Advance voting: The UEC distributed ballots to Myanmar embassies for voters overseas to cast an advance vote. It also handed out working guidelines for advance voting. Despite the UEC's efforts and the fact that it published the announcement on its website, voters appeared to know little about the specific date and time when sub-commissions would collect advance votes, or the procedures for advance voting. Furthermore, a lack of information about how to cast an advance vote abroad was noted. A total of 357 citizens applied to vote abroad, of whom 18 were not registered due to a wrong or incomplete home address (particularly because of migration), wrong constituencies (particularly for the state assembly seats), or because they were not on the voter list.



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While observers were invited to observe the preparations for out-of-constituency advance voting, EEOP observers were rarely invited to observe in-constituency voting.

Voter education: The UEC and some civil society organizations conducted voter education activities in most constituencies. However, more voter education support is necessary for rural and remote areas which are not readily accessible in terms of transportation. Migrants were not well informed whether they are eligible to vote under the law. Voter education efforts were in part hampered by low voter interest in the by-elections, compared to the 2015 general elections.

Campaigning and campaign environment: Campaigning was unrestricted but overall low-key in most constituencies, and only intensified during the last week of the campaign period. Although most parties followed the code of conduct and the overall campaigning environment was generally peaceful, there were some incidents, including confrontations during campaigning and destruction of campaign materials and campaign vehicles. The main campaign methods for candidates were door-to-door campaigning and putting up vinyl and posters. Only a few candidates used social media for campaigning. The UEC informed about and publicized the period for campaigning, rules for campaigning, and the silence period on its website. However, some candidates who contacted EEOP seemed to be unclear about the UEC's campaign rules.

Observations on Election Day

Opening: Election day started peacefully and the 115 polling stations where the opening was observed by EEOP observers opened without significant problems; 96% of observers assessed the opening process positively. Polling stations were set up and almost all staff and election materials were present before the opening. Party agents were present in 77% of the polling stations visited, most of them from NLD (in 92% of polling stations where opening was observed) and USDP (in 67%). Other observer groups were present in 73% of polling stations observed during the opening. All polling stations observed opened on time. Some 14% of polling stations visited by observers did not display Form 13, which lists voters who cast advance votes. Initially, nine EEOP observers were denied entry to the polling station, but these issues were quickly resolved. Polling officials performed the opening process transparently, and their performance, such as following UEC guidelines and procedures, was assessed positively by nearly two thirds of observers (61%).

Voting Process: The assessment of the voting process, which was observed by EEOP observers in 301 polling stations, was also overwhelmingly positive (96%). Observers noted that voters did not turn out in the same high numbers as in the 2015 general elections. Although voter turnout was lower, 14% of polling stations observed were overcrowded, which created some problems and



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may, at times, have led to group voting (i.e. more than one voter being in the polling both at the same time), which was observed in 12% of polling station visited. In 9% of polling stations observed, the layout did not ensure that voters could stamp and cast their ballots in secret. EEOP observers noted that 31% of polling station they visited on election day were not easily accessible for people with disabilities. They also noted a limited number of instances of people campaigning for certain candidates, and some polling station where the situation inside or in the vicinity was tense. During voting hours, the presence of party and candidate agents inside polling stations observed increased to 94%, with NLD and USDP being represented in over 75% of polling stations observed. Other domestic observer groups were present in 60% of polling station visited. In 15% of polling stations observed, voter's fingers were rarely or never checked for traces of indelible ink, an important safeguard against multiple voting. 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 (97–98%). Overall, the transparency of the voting process was assessed positively, which over 95% of observers reporting that they were able to observe without restriction and that polling official cooperated with them during their observation.

Closing and Counting: EEOP observers were present for the vote count in 100 polling stations. Most polling stations observed closed on schedule at 4:00 PM, and all voters waiting in line were allowed to vote. The closing and counting process was rated positively by 95% of observers, and almost all of them assessed the impartiality of polling officials and the transparency of the closing and counting process positively. EEOP observers reported that during the counting process, polling staff in many polling stations did not follow prescribed procedures; in a significant number of stations observed (20%), they did not cancel unused ballots, in 14% of polling stations they did not check whether the number of ballots in the ballot box matched the number of signatures on the voter list, and in 11% they did not publicly display the tabulated results of candidates (Form 16). The determination of ballot validity was assessed positively in 99% of polling station where EEOP observers were present for the count. In all polling stations observed, polling officials showed marked ballots to those present, and in all but one polling station they allowed party and candidate agents to inspect ballots upon request. The presence of party agents in polling stations was at its highest during the vote count (98%), and parties and candidates are to be commended for their effort to ensure the transparency of the counting process. There was also a high number of non-partisan observers, both international and domestic, present at polling stations to observe the counting process (80%). A limited number of EEOP observers (3%) reported interference and attempts to influence the count, or intimidation, during counting process.



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Observation Methodology

To observe the 1 April 2017 by-elections, EEOP applied for accreditation with the UEC. A total of 220 EEOP observers were accredited. EEOP observers polling stations in all 22 townships where the by-elections took place and filed a total of 516 reports throughout election day. 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, with 1,500 observers.

Acknowledgement

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 2017 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 trainings. Finally, we would like to express huge thanks to our observers from different regions and to our volunteers.