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(New Myanmar Foundation)

## Yangon City Development Committee (YCDC) Election Election Observation Preliminary Report

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Yangon City Development Committee (YCDC) Election held in Yangon on 31<sup>st</sup> March 2019 (Sunday) was a regional election to partly nominate the committee members for the second term of the Committees. Election for the first term was held on 27<sup>th</sup> December 2014 and for the second term, this election was held after making amendments in YCDC Law and Electoral procedures.

YCDC Election was held simultaneously for both levels of the Committee, 1 Yangon City Development Committee at City-level Committee and 33 Township-level Development Committees. In this Election, the voters across Yangon could vote for 6 members<sup>1</sup> of Yangon City Development Committee, 3 positions for each township; Chairman, Member-1, and Member-2, positions for all townships<sup>2</sup> summing at 99 positions, and altogether 105 positions for both levels of the Committee.

Firstly, YCDC Election, for which relevant voting for all constituencies and townships held at the same time, was a very important step for Myanmar's local elections and local democracy but there were some challenges in realizing this to be an effective election. In summary, there was very low interests from voters for this election and some weaknesses were observed in preparations for electoral processes. New Myanmar Foundation (NMF) assigned more than 300 observers for the election in every township who produced 1030 election observation reports. According to these reports, although there were some people who were not able to vote and some cases of disputes, the assessment for the election day processes were 95% well-conducted and the situation was peaceful. This report is the summarization of the observation findings based on the Election Day.

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<sup>1</sup> According to YCDC Law 2018, there are 11 members in the Yangon City Development Committee, the public can elect 6 members and only one among them will become the Vice Mayor.

<sup>2</sup> There are total of 45 townships in Yangon Division and only 33 townships in Yangon City Area are eligible for this election and the other 12 townships are not included.



## Observation of the Election Processes

### Pre-election situation

12 Long-term observers observed the election situation from 25<sup>th</sup> to 30<sup>th</sup> March and the election situation according to their observation is as follows.

#### **Electoral Legal Framework**

The electoral components of the YCDC Law passed on 28<sup>th</sup> June 2018 after the YCDC served a first term, and related YCDC Election procedures, provided an improved, better election legal framework. According to the Yangon City Development Law, Yangon City Development Committee (YCDC) has been restructured except the appointment of Yangon Mayor (Chair of the committee), which is described in a union-level law<sup>3</sup> and there are 11 positions of Committee members of which the public can elect 6 positions. (District-level Yangon City Development Committees had been omitted in the new law.) To be elected 6 committee members at city-level, 6 constituencies had to be determined according to the new law. From each constituency, one winning candidate was elected and one person among them will become the Vice Mayor (Vice Chairman of the Committee)<sup>4</sup>. There is a boundary delimitation process for city-level constituencies defined by the new law and it is the responsibility of the Election Commission. At Township level, there are a total of 5 members in each Township Development Committees and for each township, voters can elect the Chairperson, Member-1 and Member-2.

According to the new law and by-law, age limitations had been amended and candidates over 25 years old could participate, which opened up an opportunity for youths to participate in the election as candidates. Moreover, every citizen who is 18 years old can now take part in voting; making the way for a better local election in Myanmar. Each candidate can only participate in the constituency or township they are living in and they could not change to another constituency or township to take part in the election process.

#### **Management of the Election Commission<sup>5</sup>**

As an election management body, at City-level, there is Yangon City Development Election Commission and at Township-level, there are Township and Ward/Village-Tract Election Sub-Commissions. Township-level Sub-commissions have to attend the preliminary training for polling stations and cascade the trainings to Ward/Village-Tract Sub-commission members. Trainings for polling station officers have been carried out in all the township/polling locations but it was concluded

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<sup>3</sup> Regional or State Government Law – SPDC law number 16/2010 – Section 4(B)

<sup>4</sup> According to one of the Union Law, Union Peace and Development Council Law Art No. 16/2010, Division or State Government Law Article 60, the President shall assign the Mayor (Chairman of the Committee).

<sup>5</sup> Yangon City Development Committee Election Commission



by the long-term observers that there were some needs, such as more detail information for the polling station officials, to make the trainings more effective.

### **Voter registration and Voter list display**

There were some concerns about voter registration process identified from long-term election observers. There were questions about the transparency of the voter registration process and it was observed that there were some needs to use ICT. Implementation of the provisions of the Election Law<sup>6</sup> such as doing the voter registration on a house-to-house data collection basis and building the voter list based on household list (or temporary household list), etc. increased unnecessarily complexities and it was noted that there were very low number of voters who could provide the necessary supporting documents mentioned in the law.

According to the interviews with the voters, there were reports that very few people checked the list when the voter list was displayed and there were also very few people who tried to correct the list.

### **Voter Information**

Long term observers evaluated that the voters had very low interest on YCDC Election and that many expressed that election timeline should be longer to let the public have sufficient exposure to the importance of local elections such as YCDC Elections, news and information about the election, information about the candidates and their policy and promises. They have also expressed their evaluations that there were requirements in making the election related information known widely to the voters such as voting procedure, the information of committee candidates within a respective township and constituency, and especially information regarding eligible voter list information.

According to interviews with the voters, although most people knew about the Yangon City Development Committee, they did not have sound knowledge about the new YCDC Law and Elections.

### **Campaign Environment**

Based on the reports received from the long-term observers, campaigning was mostly peaceful and there was no confrontations or problems. From the interviews with the candidates, it was observed that although they were allowed to do campaigns from 28<sup>th</sup> February to 29<sup>th</sup> March, many did not plan on campaigning during the Matriculation examination period and only started campaigning from third week of March.

In the campaigning process, public rally were rarely found and most of the campaigning was done by canvassing with cars, distributing flyers and posting billboards and campaign signboards. There were also campaign advertisements on social media. The long-term observers have also reported that there were poor security provisions from security forces and police for canvassing campaigns but that most of the time, the campaigning could be done without facing security threats and obstacles. Moreover,

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<sup>6</sup> Rules and Regulations on Yangon City Development Committee Election – Chapter 6: Compiling the Voters Listing



although candidates could freely campaign, it was evaluated that the access to information needed by the voters to make an informed choice, such as the candidate's electoral policy platforms, was low. Although there were some talks about hate speech and speeches promoting discord between racial or religious communities, long-term observers have reported that they have not observed such types of speech at the campaign speeches they have attended. In addition, there was no incident reported of abuse of public resources, bribery, threats to influence the voters or gender discrimination. According to observation reports, campaigning conditions allowed the women and vulnerable groups to also take part in it.

## **Election Day Situation**

### **Opening of the Polling Stations**

Observers from New Myanmar Foundation have observed the opening processes of 318 polling stations and 94% of the observers have evaluated the processes is good and 6% have reported that there were some weaknesses. Earlier in the day, access into the polling station for the observers has been denied and some observations have faced obstacles but they could enter most of the polling stations and do the observations later on.

On the observation of the polling station environment, 98.7% had answered that polling stations were located and opened at the announced location and time while 1.3% has answered that it was not the case. According to supplementary reports, voters had problems finding the location of the polling station. 92.4% of the observers has reported there was no barricades and obstacles on the way to polling stations and 7.6% reported about barricades and obstacles. Provisions for access of persons with disabilities to polling stations was quite insufficient, only 78.1% of the polling stations had prepared for disabled persons and 21.9% were lacking the preparations. Moreover, it was observed that 89.2% of the polling stations had conditions for the voters to queue conveniently but 10.8% do not have the same conditions.

On the further observation of the opening of the polling stations, apart from voter list display, other processes were generally smooth and convenient. 60% of the polling stations had posted the voters list and posters of the voter list could not be found in 39.9% of the polling stations.

On polling station layout, 94.5% of the polling stations adhered to the standard layout format while 5.5% did not. Regarding the polling station condition, there were follow-up reports about the small building of the polling stations and opening of those polling stations had faced some difficulties in terms of space. 90.7% of the polling stations had preparations enabling voters to cast votes confidentially and 9.3% had weaknesses in that aspect. Almost all of the polling stations, 97.4%, had enough polling station materials and 2.6% had not. Most of the polling stations, 95.2% had enough ballots for all voters and 4.8% did not have enough of them. 95.8% of the polling stations showed empty ballot boxes to the public before sealing and reports indicate that in 96.5% of cases, sealing the ballot boxes after showing them empty was done in a safe and conform way.

It was observed that there were other election observers in 61.4% of the polling stations, party or candidates agents could be seen in 78.2% of the polling stations and in each station there were 3 agents



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on average and half of them happened to be women. 82.7% of the polling station officers were women. There was almost no incident of voters denied access at opening of the polling stations.

74.3% of the observed polling stations received advance votes and a third of them did not announce the advance votes at the station. Although most of the advance votes arrived safely to the polling station, in some of the polling stations, advance votes were not recorded in voter list, that could be seen in 10.6% of the polling stations.

Most of the polling stations 92.0% opened according to the schedule, and a few polling stations could only open a little bit later, between 6:00 am and 6:30 am. Most of the polling stations had enough polling stations personnels at the time of opening and processes were generally smooth.

### **Voting**

After observing the opening processes of the polling stations, the observers continued observing the voting processes in 425 polling stations. Apart from the low number of voters generally, there was no threats, pressure, problem or major dispute. Only in 5.2% of the polling stations, it was observed that more than one voter at a time entered the voting booth and the observers have evaluated that voting process is 95% good overall.

Voting was generally peaceful, and tension and conflict were virtually non-existent. During the voting period, it was observed that the ballot boxes were secure and the ballots had signature and stamp of the polling station officer. Upon the observation of the polling stations during voting, it was observed that there were other observers at about half of the polling stations and there were about 84.8% of agents of the candidates. Unauthorized persons present at the polling station were noticed in 5 % of the cases.

There were reports that people could not vote and had to leave without voting from 30.2% of the observed polling stations. Specific reports indicate they could not vote because they could not find their names on the voter lists or they did not bring their national ID card. In other instances, voters could not find the designated polling station for them.

At the polling station entrance, the observers observed the process of ink marking verification and even though there were 67.9% systematic check for all voters, 10.9% frequent check, 5.4% intermittent check and 15.8% no checking, no abnormal cases were observed such as a person voting more than one time or voting on behalf of other (or) impersonating and voting as other person, etc.. Moreover, almost every polling stations applied indelible ink to voters who have already voted. Eligible voter list checker verified the voters with 90.8% thorough check and 7.6% general check. Generally, after verification of the voter, collecting signatures was carried out and issuing ballots was done in a careful manner.

On observation of the abnormal activities, there was almost no issues of pressuring the voters, threats, and violence to voters or polling station staff and there was also no incidents of taking too long in a confidential ballot chamber. However, there were 5.2% of groups of people going into the booth at the same time (e.g. family members casting votes together).



Concerning the transparency of the voting process, 98.3% of the polling stations could be observed freely, 97.1% of the polling stations cooperated with the observers and observation could be done in 96.7% of the polling stations without any restrictions.

The observers evaluated the voting process and the polling station conditions to be 80.5% good and 17.1% average; polling station staff skillfulness was evaluated to be 77.4% good and 20.9% average; transparency of the voting process was evaluated to be 86.4% good and 12.6% average.

## **Closing and Counting**

270 reports about closing of the polling stations and ballot counting processes were received and overall evaluation that apart from very few weaknesses, the processes were 98.9% good generally. At the time of closing the polling stations, some voters were queuing at 14.3% of the polling stations and most of them could voted.

After closing the polling station, 90.3% of the polling stations counted the number of leftover ballots in front of the public. Afterwards, 88.4% of the polling stations opened the ballot boxes and checked whether there were missing ballots or not but it was observed that 11.6% did not do that. Almost all of the polling stations separated the approved ballots and rejected ballots accurately in front of the public according to rules and regulations. They also allowed the polling station agents of the candidates to have close look at the rejected ballots. At the time of counting, there were the agents of the candidates in 88.8% of the polling stations and they were absent in the rest 11.2%. Observers were present in 50.6% of the polling stations.

At the time of counting, there were witnesses at most of the polling stations 96.5% and they signed the ballot record for candidates. Only 69.9% of the polling stations announced the poll result at the station and 30.1% did not do so. After counting the ballots, almost all of the polling stations put the ballots into the bags carefully, put the markings and sealed them and then sent the ballots together with data and records to the township commission; some observers were allowed to tag along.

On the observation of the irregularities regarding closing and counting, there were no interruptions or external influences and no intentional changes in the results were observed. There were reports stating that in 4.5% of the polling stations, unauthorized persons cooperated in counting the ballots and there were no cases of tension or disturbances.

On the observation of closing and counting, 98.9% visible on the processes and there was no restriction to observe in 96.6% of the polling stations, and the cooperation from the responsible persons was evaluated to be 98.5%. Regarding the transparency, it was evaluated to be 92.9% transparent and 5.6% average. Following rules and regulations during ballot counting process was evaluated to be 87.7% good and 10.8% average. Integrity of the polling station staff was evaluated to be 92.5% good and 5.6% average.



## **Observation Methodology**

12 Long-term observers from New Myanmar Foundation (NMF) observed the conditions related to election from 25<sup>th</sup> March to 30<sup>th</sup> March prior to the election and NMF assigned 373 selected short-term observers to randomly selected polling stations.

The observers observed the opening the polling stations, voting and closing polling stations and ballot counting; data were collected through ELMO<sup>7</sup> data transfer software and through phone calls to observers from Situation Room. In addition, some observers sent their observation reports through email, Viber and Facebook Messenger.

## **About New Myanmar Foundation**

New Myanmar Foundation (NMF) has started working on electoral issues since 2010. In 2013 NMF founded the Election Education and Observation Partners organization and lead the activities. NMF got the official approval from the Union Election Commission and carried out the observations in 2015 General Election and 2017 and 2018 By-elections. NMF organization has been working on human rights activities, civics building and election awareness activities, and election observation activities, encouraging law amendments for public benefits and Democracy transition, etc. based on clearly planned organization's projects. NMF also worked on encouragement of ward or Village-Tract governance law amendment, State/Division Development laws amendments, and comparison and research activities to help in setting up the policies properly.

NMF has observed the 2014 Yangon City Development Committee Election, 2016 Chin State Development Election and cooperated with partner organizations for the Mandalay City Development Committee Election.

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<sup>7</sup> Election Monitoring software – <https://getelmo.org>



## **Acknowledgement**

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New Myanmar Foundation (နယူးမြန်မာဖောင်ဒေးရှင်း)

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