



April 1, 2017: Press Summary

Election Context

Yangon, April 2

The Hluttaw Election laws amended and passed in June 2016 require that if Parliament notifies the Union Election Commission (UEC) of a vacant seat during the Parliament's first year, that seat should be filled within one year. In response to a notification by the Hluttaws, the UEC announced by-elections for 19 of the 31 seats currently vacant. By-elections will not be held for the remaining seats .

These elections, conducted almost exactly one year after the current NLD-led government assumed power in March 2016, are the first organized by the election commission appointed by President U Htin Kyaw. PACE and other observers have seen several improvements since the 2015 elections. The most obvious and important changes are the release of a specific election timeline and detailed polling station lists to the public, and allowing observers to monitor the advance voting process. Even though some laws and administrative procedures have been improved, there are still areas of the legal framework that need to be discussed and amended before the 2020 elections.

Even though the number of vacant seats is too small to change the balance of power in the Hluttaws, these by-elections are an important political process for the ruling party. For small parties and non-Burman ethnic parties, they provided an opportunity to engage citizens. Moreover, these by-elections will allow people in Shan state who did not have the opportunity to vote in 2015 to participate in an important part of the country's democratic process.

Since January 26, PACE has been assessing key aspects of the pre-election period in all the by-election constituencies. PACE measured voters' opinions on the voter list and voter registration process, monitored the voter list display, and observed the campaign environment the inside-constituency advance voting process. Generally, the pre-election period was calm and PACE did not witness any major incidents. However, compared to the 2015 elections, the level of public interest and engagement in these by-elections is low, and political parties conducted less active campaigns.

Key Findings from the Pre-Election Period

In general, PACE did not witness any major incidents during the pre-election period, but noted a lower level of awareness of, and engagement in, the elections compared to 2015. During the survey conducted in January 2017, almost two thirds (62%) of the respondents said that they were aware of the upcoming by-elections. When PACE's enumerators asked if they would vote on April 1, 57% said they planned to.



PACE's observation of the voter list display in February found that few people went to the sub-commission offices to check their names, and even fewer submitted forms to request changes to the list. At the majority of the display centers, the lists were displayed to make it easy for all voters to check, including senior citizens and people with disabilities. Display officials provided equal assistance to voters.

Between February 1 and March 30, PACE's Long-Term Observers (LTOs) monitored campaign activities organized by USDP, NLD, other big parties, and small parties and independent candidates. In general, the campaign environment was peaceful, but the level of party activities was low, especially during the first five weeks. The most common party outreach activities were distributing materials, holding rallies and hanging posters. Very few candidates used technology and media. There were no comments made by candidates about other groups or persons based on their religion, race or gender.

Main findings of the Sample-Based Observation

PACE has received reports from observers around the by-election constituencies. Due to problems in the communication network, PACE has not been able to contact a small number of observers in parts of Chin and Shan states.

Nearly all observers were permitted to enter the polling station before voting began. The isolated incidents of observers who initially were not allowed to monitor the process were quickly addressed with the assistance of election authorities. So far, PACE has received isolated reports of incidents in Sagaing and Yangon that polling stations were missing important materials, such as voter list displays and Forms 16 and 17, and that a few people voted on behalf of others.

Detailed Findings

Arrival and Setup

- 99% of observers were permitted to enter the polling station before voting began. The isolated incidents of observers who initially were not allowed to monitor the setup procedures were quickly addressed with the assistance of election authorities.
- 88% of polling station facilities were accessible to all voters, including elderly and disabled voters.
- At least 10 polling station members were present in 88% of polling stations.
- In 93% of polling stations, the advanced ballot boxes were delivered before the station opened.
- In 85% of polling stations, Form 13 (Advanced Voting) was posted outside the polling station.
- At the time of opening, 96% of polling stations had all necessary materials, while 3% were missing results forms 16 and 17, and 1% were missing voter lists. Less than 1% of polling stations were missing indelible ink.
- In 92% of polling stations, voting began by 6:30, while in 8% voting began after that time.

Voting Process

- Party or candidate agents were present during the voting process in 86% of polling stations across



the by-election areas, but coverage was higher in Yangon (94%) than in other locations (79%). Agents for the USDP were present in 79% of polling stations and agents from NLD in 77%, while agents from other Burman parties were present in 8% and ethnic parties 19%. Agents from independent candidates were present in 2% of 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.

- In 91% of polling stations, there were no unauthorized people present. However, in 9% of polling stations, unauthorized persons were present.
- Voters were asked to show proof of identity documents (such as a voter slip or National Registration Card) at 92% of polling stations.
- In 25% of polling stations, less than 10 people who came to vote were turned away because they were not on the voter list. This number was higher in Yangon (35%) than in other locations (16%). In 2% of stations, between 11 and 50 voters were turned away because they were not on the voter list.
- In 94% of polling stations, every voter whose name was on the voter list was allowed to vote. However, in 5% of stations, a few voters whose names were on the voter list were not allowed to vote.
- In 97% of stations, only people with names on the voter list were allowed to vote. However, in 3% of stations, people whose names were not on the voter list were allowed to vote.
- Voters were able to cast their votes in secret in 98% of polling stations.
- In 98% of polling stations, there was no intimidation or harassment of voters inside or in the immediate vicinity of the polling station.
- In almost all stations, voters' fingers were marked with ink as they left the premises.
- Police were present outside 80% of polling stations.
- Observers were allowed to fully observe the voting process at 97% of polling stations. At fewer than 4% of polling stations, observers were allowed to monitor the process, but with some restrictions.

Closing and Counting

- In almost all polling stations, observers, agents and eyewitnesses were allowed to remain in the station after it closed.
- Advanced vote ballots were counted before other ballots in 86% of polling stations, in accordance with UEC guidelines.
- In 97% of polling stations, the count was conducted so that observers could see how the ballots were marked.
- In 97% of polling stations, officials declared ballots invalid in a consistent manner.
- Party or candidate agents were present during the count in 91% of polling stations. Agents for both the NLD and USDP were present in 83% of polling stations, while agents from other Burman parties were present in 7% and ethnic parties 22%. Agents from independent candidates were present in 3% of polling stations.
- After the count, ballots and forms were sealed inside tamper evident bags in 99% of polling stations.
- In 97% of polling stations, results forms (Form 16) were posted for public viewing after the count was completed.



- In 96% of polling stations, there was no intimidation, harassment or interference in the counting process.
- In 10% of polling stations, party or candidate agents raised complaints to the station Officer during the counting process. Agents for the USDP raised complaints in 7% of stations, NLD agents raised complaints in 3% of stations, ethnic party agents in 2% of stations, and agents for other Burman parties and independent candidates' agents in less than 1% of stations.

In-Constituency Advanced Voting

In the days prior to election-day, PACE deployed long-term observers to 22 randomly-selected wards and village tracts to monitor the in-constituency advanced voting process. PACE assessed the quality of both the mobile voting and the process conducted at the sub-commission office. PACE's findings include:

- PACE observers were allowed to observe both the stationary and mobile voting without restrictions.
- Most mobile voting teams visited citizens' homes (93%), while 10% visited institutions, 5% prisons and 2% government facilities.
- At the sub-commission office, observers witnessed civil servants voting 43% of the time, followed by election officials (32%), senior citizens or people with disabilities (29%) and ill people (14%).
- During mobile voting, observers witnessed senior citizens or people with disabilities 93% of the time, followed by ill people (62%), election officials (10%), civil servants (7%) and people in prison (5%).
- While the secrecy of the vote was respected 98% of the time, both at sub-commission offices and during mobile voting.
- Observers reported that all voters who participates in mobile voting were added to the Advanced Voter List (Form 13). However, at the sub-commission offices voters were not added to Form (13) 8% of the time.
- PACE observers witnessed virtually no major problems during either their stationary or mobile observation.
- There was more presence by party agents during mobile voting (59%) than at sub-commission offices (37%). NLD was the party with the most presence during the advanced voting process (40%), followed by USDP (22%).
- Observers reported that materials were not stored securely overnight at 3% of observed wards and village tracts.
- In 81% of the observed wards and village tracts, in-constituency advanced voting began as expected on March 22. In 13% of the locations, advanced voting was available only in the days immediately preceding the election. Two of the selected wards in Yangon did not conduct in-constituency advanced voting.

Tabulation of Results

After polling stations closed on April 1, PACE deployed observers to all 22 townships election sub-commissions to monitor the tabulation of results. PACE's main findings include:



- PACE observers were allowed to monitor the tabulation process in all townships without restrictions.
- There were party and candidate agents present at all sub-commissions. NLD agents were present at 21 of the 22 tabulation centers, USDP at 20, other Burman parties at 10, ethnic parties at 8, and agents for independent candidates at 5.
- The sub-commissions did not accept any advance votes after the 4pm deadline.
- PACE observers reported being able to see the marks on the advance voting ballots in 21 of the 22 tabulation centers.
- All sensitive materials, such as ballots and results forms, were stored securely in 20 of the 22 tabulation centers.
- PACE observers did not witness any instances of interference, intimidation or harassment in the tabulation process.
- Party agents did not submit any complaints at 20 of the 22 tabulation centers. USDP submitted complaints at 2 centers, and NLD in 1.
- The tabulation process was completed on April 1 in 13 of the 22 townships.

PACE will release a final report on its observation findings from the voter list update process, the campaign process, electoral preparations and election day in the coming weeks.

Methodology

On election day, PACE deployed more than 600 nonpartisan observers to polling stations in every by-election constituency. PACE is conducting a Sample-Based Observation (SBO) as part of its overall election day exercise. Sample-Based Observation (SBO) is an advanced observation methodology that employs well-established statistical principles and sophisticated information technology. SBO involves the use of a representative sample of polling stations across the by-election townships to systematically assess the quality of 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 the 2017 by-elections involved deploying citizen observers to a random sample of 301 polling stations in all by-election constituencies. 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 18,000 data points.

In the lead up to the 2017 by-elections, PACE deployed 22 long-term observers (LTOs) for eight weeks of the campaign period (February 1 - March 30, 2017) to interview candidates voters, and members of township sub-commissions, and observe campaign rallies. Currently, PACE's 22 LTOs are monitoring the results tabulation process at each of the township election commissions. PACE was accredited to observe the 2017 by-elections by the Union Election Commission.



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PEOPLE'S ALLIANCE FOR CREDIBLE ELECTIONS

About PACE

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.

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