



Christian Churches Monitoring Group Statement on Observation of the 4 November Council Chairperson By-Election in Mwense District

For Immediate Release

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I. Introduction

Zambia's electoral legal framework provides for holding of elections to fill any vacancy created in the office of a Member of Parliament, Mayor, Council Chairperson and Councillor. This is specifically provided under Article 57 (1). The Article provides ninety (90) days as a period within which a by election shall be held. In compliance with this provision, the Electoral Commission of Zambia (ECZ) set 4th November 2022 as the date for the by-elections in Chama (Councillor), Lusangazi, Mwense and Mkushi Districts (Council Chairpersons).

In contributing to enhanced transparency and accountability of elections and the electoral process in Zambia, CCMG recruited, trained and deployed thirteen (13) Long-Term Observers to observe the pre-election environment in all twenty-one (21) wards of Mwense and Mambilima constituencies of Mwense District. For election day, CCMG recruited, trained and deployed one hundred and four (104) election monitors stationed across all the one hundred and four (104) polling stations in Mwense District. CCMG's Long-Term Observers also deployed as roving monitors on election day to provide support to their election day monitors, and to report on any critical incidents they witnessed or heard of. CCMG's election day monitors arrived at their assigned polling station by 05:30 hours and remained at their assigned polling station to observe the polling station setup and opening, voting, counting and the official announcement of results. The objective of CCMG's by-election project was to contribute to enhanced **transparency and accountability** of the Mwense Mayoral by-election by providing systematic and factual information on the conduct of the electoral process, and **inclusion** by giving voters the confidence to participate in the electoral process.

II. Pre-Election Assessment

Despite the electoral environment being generally calm and peaceful, CCMG noted with great concern isolated incidents of violence mainly involving UPND and the PF. CCMG is dismayed by the lack of and slow action by Police to effect arrests on known perpetrators of violence. Furthermore, CCMG noted ECZ's statement dated 3 November and released on 4 November 2022 in which the Commission condemned acts of violence which characterised the last few days of the campaign period in Luangwa, Mkushi, Mwense and Chama Districts. It is our considered view that the ECZ should have invoked the Electoral Process Act and taken appropriate action immediately to demonstrate the Commission's commitment to holding transparent and credible elections. CCMG welcomes ECZ action to invite Mr. Raphael Nakachinda to a meeting in connection with his allegations about pre-marked ballot papers. It is our view that the matter is serious and must be treated with the seriousness it deserves.

Furthermore, we will follow the matter with keen interest and expect the ECZ to share with the public the outcome of the said meeting.

III. Election Day Key Findings

Based on reports from CCMG's 104 Election Day Monitors and 13 Long-Term Observers, CCMG finds that the Mwense Council Chairperson followed the standard procedures for the set-up and opening, voting and counting processes. In 3% of the polling stations, CCMG monitors were not permitted to observe opening of polls initially. However, after interventions all were ultimately permitted to observe. CCMG again urges the ECZ to educate its polling officers on the rights of monitors to prevent the repeated incidents of denial of initial access that have occurred across multiple elections.

At 100% of the polling stations, polling officials checked the fingers of potential voters for indelible ink before voting and marked the voters' fingers/thumbs with indelible ink before voting. At 100% of polling stations, no one voted without the requisite documents (NRC and voter ID) or had ink on their finger. CCMG further notes that 45% of polling stations did not have Braille Jackets for blind voters while all other required materials were present at the start of voting.

At those polling stations where there were voters in the queue at 18hrs, all were given an opportunity to vote. Both PF and UPND party agents were present for counting at 100% of polling stations and at 71% of polling stations, polling agents for other parties were present for counting. In all the polling stations that had party/candidate agents present, party/candidate's agents all agreed with the results, signed the results forms and each was given a copy. At all polling stations, ballot papers were counted at the polling station where they were cast; all ballot papers were shown to all party agents and monitors present so they could see how each ballot paper was marked; all ballot papers were sorted into individual piles by candidate. At all polling stations, official results were posted outside for the public to see.

CCMG Results Verification

The table below shows the comparison between the ECZ official results and the CCMG results.

Comparison of the ECZ official results with CCMG Estimates for the Mwense District Council Chairperson By-Election						
Candidate Name	Political Party	ECZ Results	%ECZ Results	CCMG Results	% CCMG Results	Match?
Chikota Stephen	UPND	11,313	49.5%	11,313	49.5%	Yes
Mkandawire, Chigomezzyo	LM	187	0.8%	187	0.8%	Yes
Mwelwa Charles	PF	10,987	48.1%	10,987	48.1%	Yes
Mwewa Abel	SP	353	1.5%	353	1.5%	Yes

In addition, CCMG estimates the rejected ballots at 2.0%. The turnout for the by-election for both ECZ official results and CCMG results is 42.4%.

IV. Recommendations and Conclusion

CCMG will continue to engage with key stakeholders, including the ECZ, the Zambia Police, political parties, media and CSOs, to share its findings and key recommendations below:

Electoral Commission of Zambia

- **Code of Conduct Violations:**

Violence and Insulting Language: CCMG noted acts of violence involving UPND and PF supporters with UPND supporters and party members being the perpetrators. CCMG calls on ECZ, the Police and other law enforcement agencies to proactively investigate matters relating to violations of the code of conduct and further sanction those involved.

Distribution of Money and Goods: CCMG documented acts of voter inducement involving distribution of chitenge material, money and food items on 4 November 2022 by UPND cadres and PF party members. CCMG calls on the UPND, PF and other political parties and candidates to refrain from acts of voter inducement as is provided for by law.

- **Campaign Schedules:** While we commend the ECZ for sharing a detailed and well-timed campaign schedule, we noted with concern that campaign schedules were not adhered to by political parties, hence the clashes between PF and UPND during rallies. We therefore call on political parties/candidates to ensure strict adherence to campaign schedules, and on the ECZ to ensure strict enforcement of the same.

- **Monitor Access:** CCMG noted with concern the continued different understanding of access requirements for monitors/observers by polling officials. According to the Electoral Process Act No. 35 of 2016 and as amended in 2019, ECZ issues accreditation to monitors/observers and party agents, and it is this accreditation that grants monitors/observers access to polling stations. In three (3) polling stations; Chibondo Primary School-01, Chimbili Farm-01 and Isubilo Oil Palms-01, CCMG monitors were initially denied access to polling stations despite being duly accredited and in possession of valid accreditation cards. In all instances, ECZ poll staff either demanded stamped letters from Mwense Council or an oath of affirmation, neither of which are required. This is a persistent issue across multiple elections that ECZ has yet to address; therefore, CCMG urges the ECZ to quickly and seriously address the continued demands of some of its polling officials that fall outside the law.

Political Parties

- **Candidate Nomination and Participation of Women, Youth and PWDs:** CCMG noted adherence to nomination procedures by both ECZ and aspiring candidates in Mwense Districts. CCMG calls on political parties to take deliberate steps towards adopting women, youth and PWDs in future elections in order to enhance their participation in politics.

- **Inducement of Voters:** Having documented a number of incidents involving inducement of voters, CCMG calls on the UPND and the PF as the main perpetrators to desist from such acts as they are a serious violation of the electoral code of conduct

- **Use of Military Attire/Ferrying of Youth:** CCMG also documented use of military attire, and ferrying of youths from Lusaka to Mwense district by the UPND. CCMG

therefore recommends that political parties refrain from ferrying youths from areas outside the locations of elections, and the use of military-like attire. CCMG also notes that the Public Order Act under Section 3(1) prohibits the use of uniforms and flags in connection with political objects.

Zambia Police

- **Equitable Provision of Security and Response:** We encourage the Zambia Police to continue providing equitable security to all political parties during campaigns

Civil Society Organisations

- **Voter Education:** CCMG commends civil society organisations' efforts towards providing voter education and urges CSOs to enhance their efforts in this regard in future elections.

Media

- **Voter Education and Information:** While the media plays a critical role in shaping opinions of society, CCMG urges the media to remain politically neutral and to always verify information to avoid misinformation and disinformation particularly in the context of elections. CCMG further urges local and national media to enhance their voter education/information activities during election periods to facilitate increased citizen engagement.

Conclusion

CCMG is deeply concerned by the continued dreadful trend of election related violence and vote buying. CCMG is of the view that the trend not only undermines the credibility of elections but also has the potential to stir instability. CCMG condemns, in the strongest terms, reports of the attack on PASME Radio station in Petauke District by suspected party cadres and voter inducements involving distribution of chitenge material, money and food items. Our appeal goes to all political parties to tame their supporters by taking practical steps in educating their members on the electoral code of conduct and to expel any party member that is found wanting. CCMG calls on the Zambia Police, Anti-Corruption Commission, and other relevant law enforcement agencies to thoroughly investigate all reports of violence, intimidation and vote buying and arrest perpetrators irrespective of their political affiliation. CCMG commends the voters who exercised their democratic rights in the 4 November by-elections. Finally, we thank our 13 LTOs who worked tirelessly to document events leading up to the poll and the 104 election day monitors who deployed to their polling stations at 05:30 and remained there until announcement of results.

ENDS//



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Overview of CCMG

The Christian Churches Monitoring Group (CCMG) is an alliance of four faith-based organisations formed to help promote credible elections through non-partisan citizen monitoring. The CCMG partner organisations are Council of Churches in Zambia (CCZ); Evangelical Fellowship of Zambia (EFZ); Jesuit Centre for Theological Reflections (JCTR); and Zambia Conference of Catholic Bishops (ZCCB), formerly the Zambia Conference of Catholic Bishops (ZCCB), through Caritas Zambia. CCMG was founded ahead of the 20th January 2015 presidential by-election. CCMG is a member of the Global Network of Domestic Election Monitors (GNDEM) (<https://gndem.org/>) and conducts all of its observation efforts in conformity with the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations (<https://gndem.org/declaration-of-global-principles/>). CCMG is strictly independent and non-partisan. We support no political party or candidate.

Detailed Findings Addendum**A. Detailed Findings from Election Day***Setup and Opening of Polling Stations*

- 100% of the polling stations were open by 06:30. 10% of polling stations opened by 06:00 and 90% of polling stations opened between 6:01 and 06:30;
- At 99% of polling stations, an agent for PF was present during the opening and setup; At 99% of polling stations an agent for UPND was present during opening and setup; while at 53% of polling stations, an agent representing LM or SP parties was present during opening and setup
- At 100% of polling stations, a security officer was present during opening and setup; the ballot box was shown to be empty before being closed and sealed at the polling station; and had a voters' register, the correct ballot papers, the official stamp/mark, and permanent/indelible ink for marking voters' fingers.

Voting Process

- At 100% of polling stations election officials stamped ballot papers with the official mark/stamp;
- At 100% of polling stations indelible ink was applied to voters' fingers;

- At 100% of polling stations no one was permitted to vote if they did not have their NRC and Voter's Card with them, if they already had indelible ink on their finger, or if they did not appear in the voters register;
- At 2% of polling stations a few (one to five) eligible voters were turned away and not permitted to vote even though they had their NRC and Voter's Card with them, did not have indelible ink on their finger, and their names were on the voters register;
- At 42% of polling stations a few (one to five) men voted on behalf of an able-bodied woman (not physically disabled); and
- At 100% of polling stations, no one (other than polling officials) assisted multiple people to vote.

Counting Process

- At 100% of polling stations all party polling agents present were permitted to observe the counting of ballot papers;
- At 100% of polling stations there was sufficient light during the counting of ballot papers;
- At 100% of polling stations, polling officials showed the ballot papers to all party representatives so that they could see how each was marked;

Party Agents during Counting Process

- At 100% of polling stations a representative for PF was present during counting;
- At 100% of polling stations a representative for UPND was present during counting;
- At 68% of polling stations a representative for LM or SP party was present during counting;
- At 100% of the polling stations where PF agents were present during the counting processes, all agreed with the results, signed the results forms and were issued with a copy of the form;
- At 100% of the polling stations where UPND agents were present during the counting processes, all agreed with the results, signed the results forms and were issued with a copy of the form; and
- At 100% of the polling stations where party agents representing LM or SP parties other parties or independent candidates were present during the counting processes, all agreed with the results, signed the results forms and were issued with a copy of the Gen 20 results form;

Accessibility of Voting for People with Disabilities

- 55% of polling stations had Braille jackets for blind voters.
- At 96% of polling stations, voters had to use steps to reach the polling station.
- At 100% of polling stations, people with disabilities, pregnant women and nursing mothers were allowed to go to the front of the queue.

Participation of Women

- There was an average of 6 ECZ officials in the polling stations, and 3 were women; in addition, 32% of the presiding officers were women.
- 39% of the polling stations had a female security officer; and,

- 34% of party representatives for PF were women, 33% of party representatives for UPND were women, and other parties' (LM and SP) representatives were 64% women.

Election Day Critical Incidents

On election day, CCMG received two (2) critical incident reports as follows:

- A CCMG Monitor witnessed UPND members distributing K20s and food items at Lukwesa Market while PF members were distributing K10s in Lukwesa area.
- A CCMG Monitor in Mwense ward witnessed a light truck (Canter) that belongs to the Mwense area Member of Parliament loaded with mealie-meal and other food items reported to be meant for distribution to voters. The incident is reportedly being investigated by Police for suspected vote buying.

Detailed Key Findings from the Pre-Election Period

Voter Education/Information

Voter education, particularly targeting women, youth, and persons with disabilities, was low with only 63% of CCMG's monitors reporting witnessing or hearing of voter information/education activities aimed at youth, 58% reporting witnessing or hearing of voter information/education activities aimed at women, and 11% reporting witnessing or hearing of voter information/education activities aimed at persons with disabilities. CCMG calls on the ECZ, the District Voter Education Committees (DVEC), Civil Society Organisations (CSOs), and the media to increase their efforts in future elections to provide accessible information to all voters, with a particular focus on marginalised groups.

Election Preparations

96% of CCMG's Long-Term Observers reported having witnessed or heard of election preparations by the ECZ, while 74% reported having witnessed or heard of training of ECZ officials with activities peaking in the last week to the by-election.

D. Critical Incidents

Critical incidents are incidents that are serious in nature and which are reported immediately by CCMG observers and on which there is follow-up and verification of all available details. CCMG received and confirmed six (6) critical incident reports in the pre-election period as follows:

- On October 28, a CCMG Observer reported that the PF MP for Mwense was seen distributing K10s to party supporters after their meeting in Katuta Kampemba in Bwele village in Mpsa ward.
- On October 30, a CCMG Observer reported an incident of UPND members distributing chitenge materials and money to residents of Mwense ward at Mwense main market in Mwense District.
- On November 2, a CCMG Observer witnessed UPND members distributing money, mealie meal and chitenge materials opposite Mwense roundabout in Chachacha ward of Mwense District.
- On November 2, a CCMG Observer witnessed UPND cadres using threatening, abusive and insulting language against PF youths in Luche ward whom they forced to take off

the PF branded t-shirts they were wearing and had them walk half naked. Some PF youths are reported to have been beaten by the UPND cadres with no injuries or police involvement reported. On the same date, a CCMG Observer reported an incident where UPND cadres threatened to beat residents of Luche ward if they did not vote for the UPND candidate in the Mwense by-election.

- On November 3, a CCMG Observer reported witnessing UPND youth wearing military berets and military boots at Kalanga Market in Kasengu Katiti ward. The youths are reported to have been ferried from Lusaka to participate in the campaigns.
- On November 3, a CCMG Observer reported an incident involving the use of vehicles without number plates by UPND officials which vehicles were part of the Head of State's entourage when he held a rally in Luche ward in Mwense District.