



# THE VOICES AND HOPES OF VOTERS IN SOUTHEAST BURMA

Findings on the 2020 Election and Voices and Hopes of Voters for a New Government

MARCH 2021

Human Rights Foundation of Monland (HURFOM)





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VOTERS IN SOUTHEAST BURMA**  
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A Report by

Human Rights Foundation of Monland

March, 2021



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To ensure the 2020 election process was more informed and inclusive and in line with the full will of the voters, the Human Rights Foundation of Monland (HURFOM) has started a project called **“Restoring Voting Rights to Marginalized Populations in Southern Myanmar.”** We started this project in August 2020 with funding from USAID and FHI 360.

# INSIDE

<b>Chapter (1) Preface</b> .....	8
<b>Chapter (2) Methodology</b> .....	10
<b>Chapter (3) The 2020 Election at a Glance</b> .....	13
a) The number of voters and the number of people who cast their votes .....	13
b) The Union and the State Parliaments .....	14
c) The political parties.....	15
<b>Chapter (4) Areas of Neglect in the 2020 Election</b> .....	16
a) Constituencies excluded from the 2020 election .....	16
b) Unfair electoral laws (by-election law #10) .....	17
c) No parliamentary seat for the ethnic affairs minister in Yebyu .....	18
d) Winner takes all .....	19
<b>Chapter (5) 2020 Election Monitoring</b> .....	21
a) The findings of election monitoring groups in Mon State .....	22
b) Election monitoring by a Person with Disabilities (PWD) group .....	23
c) Election monitoring by the candidates .....	23
<b>Chapter (6) Lawsuits, Restrictions, Intimidation and Objections</b> .....	26
a) Lawsuits .....	26
b) Restrictions .....	27
c) Intimidation .....	28
d) Lawsuits and objections against the election winning candidates .....	28
<b>Chapter (7) Advance Voting</b> .....	30
a) Reasons for casting advanced votes .....	32
b) Receiving all of the ballot papers .....	32
c) Process of Delivering Ballot Papers .....	33
d) Assistance During Voting .....	34
e) Envelopes of ballot papers .....	35
f) Influence from political parties and/or polling station staff .....	36
g) COVID-19 Procedures .....	37
h) Concern for the rejected votes .....	39

<b>Chapter (8) Election Day Voting Process</b> .....	40
a) The voting process in the government controlled areas .....	40
a-1) Problems with the voting process .....	41
a-2) Election campaign on the election day .....	42
a-3) No vote .....	43
b-1) Participation in the election .....	44
b-2) The voting process .....	45
<b>Chapter (9) Voting Process for People with Disabilities</b> .....	47
a) Advanced vote for the PWD .....	48
b) Voting Challenges .....	48
c) Changes needed .....	49
<b>Chapter (10) Voters Voices; Their Hopes</b> .....	51
10-a) The Hopes of the Voters .....	52
10-aa) The voices for the development .....	52
10-ab) The voices for human rights .....	53
10-ac) The voices of ethnic rights and equality .....	54
10-b) the voices of the election candidates .....	54
<b>Chapter (11) Conclusion</b> .....	56
<b>Chapter (12) Recommendations</b> .....	59
To the Union Election Commission .....	59
To the Union Government .....	59
To the Ethnic Armed Organizations (EAOs) .....	59
To CBOs and CSOs .....	60



## မွန်ပြည်လူ့အခွင့်အရေးဖောင်ဒေးရှင်း

The Human Rights Foundation of Monland [HURFOM] was founded by pro-democracy students from the 1988 uprising and more recent activists and Mon community leaders and youths, and its main aim is for the restoration of democracy, human rights and genuine peace in Burma. HURFOM provides information and reports to all campaign organizations to get help from the international community for democratic reform in Burma. Copyright © 2020 Human Rights Foundation of Monland [HURFOM] All Rights reserved. October 2020 Human Rights Foundation of Monland – Burma

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## Chapter (1) Preface

For the first part of the project, HURFOM released a pre-election report called *“Inclusivity: Free and Fair Elections Needed in Southern Myanmar”* in October 2020. The report highlighted the difficulties and challenges faced by rural communities, people with disabilities, first-time youth voters, and communities in areas controlled by ethnic armed organizations in Southeast Myanmar when participating in the 2020 election. The 100-page report has nine chapters and also includes the recommendations to help solve the electoral challenges of the Southern Burma’s voters.

For the second part of the project, HURFOM would like to release a post-election report called **The Voices and Hopes of Voters in Mon State: Findings on the 2020 Election and Voices and Hopes of Voters for a New Government**. The report includes key processes of the 2020 elections and important statistics related to election neglect, monitoring, the voting process and the voices and hopes of the voters. The report does not intend to make a decision about whether or not the 2020 election was free and fair, but rather focuses on an improved and inclusive election which can produce a new government in accordance with the will of the people.

HURFOM would like to extend our deepest gratitude and thanks to USAID and FHI 360 for their financial and technical support to the project as well as contact persons and field volunteers from six townships. We appreciate their hard work. HURFOM is also grateful to the government departments and civil society organizations for sharing information with our field staff. Voters from six townships provided information as well and provided interviews. We also express our sincerest thanks to them. Last but certainly not least, thanks to HURFOM staff for their enthusiasm and commitment to their work.





## Chapter (2) Methodology

It took HURFOM four months to finalize the report from November 2020 to February, 2021. The data, information and interviews were collected from November to December 2020 and data collection and analysis, research and report writing was completed between January to February 2021.

HURFOM was founded by exiled pro-democracy students from the 1988 uprisings, recent activists and Mon community leaders and youth. Its primary objective is the restoration of democracy, human rights and genuine peace in Burma. HURFOM is a non-profit organization, and all its members are volunteers with a shared vision for peace in the country. We have been documenting human rights violations and the voice of the public since its inception in 1995 using a methodology developed from over 25 years of experience.

While compiling data for this report HURFOM operated on a policy of “community trust and cooperation”, which was vital to our methodology. While gathering information our Field Team encouraged the community, particularly village committees, to cooperate and engage in the process of coordinating and gathering information.

The project area included villages in Kyaikmayaw, Mudon, Thanbyuzayat, and Ye townships, Mon State; Kyaikmayaw Township, Karen State; and Yebyu Township, Tenasserim Region. In each township, HURFOM appointed one local advisor and two local volunteers for a total of six local advisors and 12 local volunteers who compiled the information throughout the project area.

Training was provided to the 12 local volunteers for three days in Mawlamyine, Mon State. These volunteers had worked with HURFOM previously, collecting data on prior projects and also participating in human rights campaigns. Therefore, in terms of qualifications, they were adequately qualified. The field team traveled across six townships to 30 villages and interviewed 97 locals which consisted of 35 advance voters and 62 individuals who cast their votes on the election day. The team also interviewed them about the election processes and their hopes on the new government.

In addition, two permanent HURFOM staff members also conducted exclusive individual interviews with 3 election candidates, 2 election monitoring groups and an election monitoring volunteer, 9 people with disabilities including the Chair of the Mon State Disabled People’s Association, and 3 individuals from the area controlled by the ethnic armed organization (EAOs). Further, this report includes 113 interviews.

The HURFOM team faced several difficulties and challenges through the implementation of this project. With the COVID-19 pandemic, much like the rest of the world, traveling and meeting community members in Mon State was acutely hampered. HURFOM had to cancel its original plans of traveling to the field for data collection and instead had to reach out through other means, namely the Internet and mobile phones. Due to travel restrictions, it was difficult to collect data and information and interview MP3 files from the field volunteers. HURFOM’s team had to travel by land and by water making overnight trips. Due to harsh transportation routes and travel conditions, the team also faced hindrances while traveling.

The field team again faced difficulties when confirming information collected and conducting research. Due to travel restrictions, field coordinators faced challenges conducting interviews with relevant government departments. They were unable to send by mail.

The Field Team was also advised to follow the COVID-19 Prevention and Protection Methods instructed by the Ministry of Health and Sports. They were provided with adequate protection materials against COVID-19. HURFOM implemented its project by prioritizing the health and safety of its Field Team and the communities they visited.





## Chapter (3)

# The 2020 Election at a Glance

The general election on 8 November 2020 was the third election after the approval of the 2008 military drafted Constitution.

### **a) The number of voters and the number of people who cast their votes**

On November 9 and 10, the State Media stated that there were over 37 million voters (37,268,876) who participated in the 2020 election. Similarly, on November 12 the Spokesperson of the Union Election Commission (UEC) U Myint Naing said at a press conference in Naypyidaw that there were 37.2 eligible voters in the election. However,

those numbers had excluded the voters in the constituencies where the election was not held. Therefore, the actual number of the eligible voters across the country was 38 million (38,271,447), as stated by the State Media on December 2, 2020.<sup>1</sup>

On November 11, at a press conference in Naypyidaw, U Myint Naing said that more than 70% of the eligible voters came to the polling stations to cast their votes in the 2020 election.<sup>2</sup> Mon State had 1.8 million (1,847,780) eligible voters and 1 million voters (1,079,265) cast their votes in the 2020 election, so that 58% of eligible voters participated in the election.<sup>3</sup> This number was slightly more than the number of voters in 2015.

### b) The Union and the State Parliaments<sup>4</sup>

According to the statistics released by the UEC from November 9 to 15, Burma had 1,227 constituencies in the 2020 election and the National League for Democracy (NLD) won 920 of them.<sup>5</sup> The NLD won 258 seats in House of Representatives (Pyithu Hluttaw) and 138 seats in House of Nationalities (Amyotha Hluttaw).<sup>6</sup> The Union Parliament had 664 seats and the NLD won 59.6% of the seats, meaning they did not need to negotiate with other parties to form a government. This number increased from the 2015 election (58%).<sup>7</sup>

The Mon State Parliament had 23 seats for the elected candidates. The NLD won 17 seats while the Mon Unity Party (MUP) won 6. The NLD won all three seats for the ethnic affairs ministers in Mon State.<sup>8</sup> The Mon State Parliament had 31 seats for both elected candidates and military candidates and the NLD had occupied 17 seats. The MUP had occupied 6 seats while there were 8 military candidates. The NLD who already had the full control of the Union Parliament also won 55% of the Mon State Parliament so that they could fully control the State Parliament also.

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1 ရွေးကောက်ပွဲအပြီးထုတ်ပြန်သော မဲပေးပိုင်ခွင့်ရှိသူ စုစုပေါင်းစာရင်း ကွာဟနေ - 7Day News - ဒီဇင်ဘာ ၃၊ ၂၀၂၀  
 2 မဲပေးခွင့်ရှိသူ၏ ၇၀ ရာခိုင်နှုန်းခန့် မဲလာပေးကြောင်း ရွေးကောက်ပွဲကော်မရှင် ပြော - THE VOICE - နိုဝင်ဘာ ၁၁၊ ၂၀၂၀  
 3 မွန်ပြည်နယ်၏ ၂၀၂၀ အထွေထွေရွေးကောက်ပွဲရလဒ် ကိန်းဂဏန်းဖော်ပြချက်များ - သံလွင်တိုင်းမိ - နိုဝင်ဘာ ၁၁၊ ၂၀၂၀  
 4 The Union and State Parliaments had already been abolished by the military coup on February 1, 2021.  
 5 NLD အနိုင်ရ မဲဆန္ဒနယ် ၂၀၀ နီးပါးကို ပြည်ခိုင်ဖြိုး ကန့်ကွက် - Myanmar Now - ဒီဇင်ဘာ ၂၈၊ ၂၀၂၀  
 6 လွှတ်တော်အခင်းအကျဉ်း ကော်မရှင် အတည်ပြု - BBC News မြန်မာ - နိုဝင်ဘာ ၁၅၊ ၂၀၂၀  
 7 တိုင်းရင်းသားများအား 'ဖက်ဒရယ်အငွေ့အသက်' ဝင် ရှုရှိုက်ခွင့်မပေးဟု ရခိုင်အမတ်ပြော - မတ် ၁၇၊ ၂၀၂၀  
 8 မွန်ပြည်နယ်၏ ၂၀၂၀ အထွေထွေရွေးကောက်ပွဲရလဒ် ကိန်းဂဏန်းဖော်ပြချက်များ - သံလွင်တိုင်းမိ - နိုဝင်ဘာ ၁၁၊ ၂၀၂၀



### c) The political parties

There were 93 political parties which had registered to compete in the 2020 election. Two of them were abolished. Myanmar's election authority disbanded the United Democratic Party (UDP) for breaching the Political Party Registration Law, as the party's leader was found to have financially supported the party with money illegally transferred from China, a violation of Article 6(f) of the law. The Union Democratic Party fails to contest as Hluttaw candidates from its party in at least three constituencies in the General Elections to be held on 8 November, 2020. The Union Election Commission (UEC) decided in its plenary meeting (30/2020) on 13-8-2020 to terminate the registration of Union Democratic Party as a political party and to dissolve it in line with Section 12(b) of the Political Parties Registration Law.

There were four parties who could not compete in the elections as their constituencies were canceled by the UEC. There were 87 political parties who competed in the 2020 election and only 19 of them won the election. According to the records from the National Enlightenment Institute, there were 50 political parties who did not win a seat in both the 2015 and 2020 elections.<sup>9</sup> Mon State had 16 political parties and 257 election candidates in the 2020 election but only two parties won the election. The NLD had 34 elected candidates while the MUP had 11.<sup>10</sup>

9 ရွေးကောက်ပွဲ နှစ်ကြိမ်ဆက်ရှုံးသည့် နိုင်ငံရေးပါတီ ၅၀ ရှိ - Myanmar Now - နိုဝင်ဘာ ၁၉၊ ၂၀၂၀

10 National Enlightenment Institute - နိုဝင်ဘာ ၁၀၊ ၂၀၂၀



## Chapter (4) Areas of Neglect in the 2020 Election

### a) Constituencies excluded from the 2020 election

Even though there were three consecutive elections after the 2008 constitution, Burma had constituencies that had no election. According to the statement released by the UEC on 16 October 2020, there were 9 townships in Northern Arakan State, 6 townships in Shan State and 558 village tracks in Arakan, Shan, Mon, Karen and Kachin States and Pegu Division all of which were excluded from the 2020 election. These numbers have shown that there were more than 8 townships, 23 wards and 105 village tracks excluded from the 2020 election compared to 2015.<sup>11</sup>

Baw Naw Hkee village track, Belin Township, Mon State was also excluded from the 2020 election. This marked the third consecutive time that the villagers had lost their right to vote:

“We can’t do anything [about collecting voters list] in Baw Naw Hkee this year. The village has no administrator and we can’t collect the population list which means we

<sup>11</sup> ရွေးကောက်ပွဲ မကျင်းပမည့် မဲဆန္ဒနယ် ၂၀၁၅ ထက် ပိုများလာ - စရပ်စာတမ်းဌာန - အောက်တိုဘာ ၁၇၊ ၂၀၂၀။

can't make a voter list. The reason is for security" said U Hein Lin Htet, the Secretary of the Mon State Election Sub-commission.<sup>12</sup>

Five villages in Baw Naw Hkee village track are under the control of the Karen National Liberation Army (KNLA) Brigade #1 and #5. It appeared that the UEC had not made a strong attempt to provide the residents with the right to vote as they had been under the control of EAOs. Moreover, 9 village tracks in Kyarinnseiky Township, Karen State which were also included in the project area of HURFOM, were excluded from voting in the 2020 election.

## b) Unfair electoral laws (by-election law #10)

The By-election law #10 is the law which allows migrants to easily cast their votes. However, ethnic political parties have fought against the laws as they have a significant impact on the rights of indigenous people. The ethnic parties criticized the fact that those who stay 90 days in a place have the right to cast their votes in areas controversial to the representation of the ethnic candidates.

In Thanbyuzayat Township of Mon State, there were 4 parliamentary seats available in the election, and the NLD won 3 of those seats. The local ethnic party, the MUP won only one seat. The Chair of the MUP election campaign, Naing Kho Seik believes the NLD won the Thanbyuzayat election due to the votes cast by migrant workers.



"We hoped we would get half of the votes of the urban people. But in reality, we didn't get this number. We only won two wards. We lost by a wide range in some wards. We checked the voter list and found the number of voters exceeded eligible resident voters. That means there were more migrant workers. I think we lost the election by the votes of the migrants. To witness the situation, we'll call a meeting and discuss the issue," said Nai Kho Seik.<sup>13</sup>

<sup>12</sup> Baw Naw Hkee villagers lose right to vote for three consecutive elections – HURFOM – August 29, 2019

<sup>13</sup> MUP Election Campaign Committee suspects NLD win is due to migrants' votes – HURFOM – November 12, 2020

### c) No parliamentary seat for the ethnic affairs minister in Yebyu

According to Chapter 4, Article #161-B and C of the 2008 Myanmar Constitution, representatives for the Region/State Hluttaw are elected from each national race. The rationale used to fulfill this constitutional directive is when a race constitutes 0.1 percent and above of the population of the Union.

Mon State had 3 parliamentary seats for the Bamar, Karen and Pa’O ethnic affairs ministers but Tenasserim Division did not get a seat for the Mon ethnic affairs minister. There are many Mon people in Yebyu Township, Tenasserim Division.

“When collecting Mon population data (in Tenasserim Division) in 2013, we received more than 60,000 people and sent it to the particular government department before the 2015 election. But we didn’t get a seat for the Mon Ethnic Affairs Minister. They [the government] said there were over 30,000 Mon people on their list, so the seat for the Mon Ethnic Affairs Minister couldn’t be granted. We’ve sent a report again in 2020, but a seat for Mon Ethnic Affairs Minister in Tenasserim Division hasn’t been granted,” said Mi

Ngwe Lay who works on data collection of the Mon population in Tenasserim Division.<sup>14</sup>



The NLD won all seats for the ethnic affairs ministers in Mon State<sup>15</sup> while the MUP won a parliamentary seat for the Mon ethnic affairs minister in Karen State.<sup>16</sup> According to the 2014 Myanmar census, the national population is more than 50 million people, so a

national race with a population of 50,000 people has the right to be granted an ethnic affairs representative seat for their region/State Hluttaw.

14 Non-Burmese people lose ethnic representation rights when registered as “Bamar” – HURFOM – August 14, 2020

15 မွန်ပြည်နယ် တိုင်းရင်းသားလူမျိုးမဲဆန္ဒနယ် သုံးခု၏ ရွေးကောက်ပွဲမဲရလဒ် လက်မှတ်ရေးထိုးအတည်ပြု၊ အနိုင်ရရှိသည့်စားလှယ်လောင်းစာစီဦး တက်ရောက်ခြင်း မရှိသဖြင့် ဝေဖန်ရှုတ်ချခံရ - BNI Multimedia Group - နိုဝင်ဘာ ၁၁၊ ၂၀၂၀။

16 ကရင်ပြည်နယ်က တိုင်းရင်းသားမဲနေရာရလဒ်တွေကို ရွေးကော်ကြေညာ - 7Day News - နိုဝင်ဘာ ၁၄၊ ၂၀၂၀

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၁၄	မန္တလေးတိုင်းဒေသကြီး	ဦးစိုင်းပန်းဆိုင်	ရှမ်းတိုင်းရင်းသားလူမျိုး ရေးရာဝန်ကြီးဌာန
၁၅	မွန်ပြည်နယ်	ဦးရွှေမြင့်	ဗမာတိုင်းရင်းသားလူမျိုး ရေးရာဝန်ကြီးဌာန
၁၆		ဒေါ်စံဝင့်ခိုင်	ပအိုဝ်းတိုင်းရင်းသားလူမျိုး ရေးရာဝန်ကြီးဌာန
၁၇		ဦးအောင်မြင့်ခိုင်	ကရင်တိုင်းရင်းသားလူမျိုး ရေးရာဝန်ကြီးဌာန
၁၈	ရခိုင်ပြည်နယ်	ဦးပုန်ဘွေ	ချင်းတိုင်းရင်းသားလူမျိုး ရေးရာဝန်ကြီးဌာန
၁၉	ရန်ကုန်တိုင်းဒေသကြီး	ဒေါ်ပန်းသဉ္ဇာမျိုး	ကရင်တိုင်းရင်းသားလူမျိုး ရေးရာဝန်ကြီးဌာန
၂၀		ဦးဇော်အေးမောင်	ရခိုင်တိုင်းရင်းသားလူမျိုး ရေးရာဝန်ကြီးဌာန
၂၁	ရှမ်းပြည်နယ်	ဒေါက်တာအောင်သန်းမောင်	ဗမာတိုင်းရင်းသားလူမျိုးရေးရာဝန်ကြီးဌာန
၂၂		ဦးဇုတ်ဒေါင်	ကချင်တိုင်းရင်းသားလူမျိုးရေးရာဝန်ကြီးဌာန
၂၃		ဦးဂူဆာ	လီဆူတိုင်းရင်းသားလူမျိုး ရေးရာဝန်ကြီးဌာန
၂၄		ဦးယောသပ်	လားဟူတိုင်းရင်းသားလူမျိုး ရေးရာဝန်ကြီးဌာန
၂၅		ဦးအာဗေလှ	အာခါတိုင်းရင်းသားလူမျိုးရေးရာဝန်ကြီးဌာန
၂၆		ဒေါက်တာထွန်းလှိုင်	အင်းသားတိုင်းရင်းသား လူမျိုးရေးရာဝန်ကြီးဌာန
၂၇		ဦးခွန်အေးမောင်	ကယန်း(ခ)ပဒေါင် တိုင်းရင်းသားလူမျိုးရေးရာ ဝန်ကြီးဌာန
၂၈	ဧရာဝတီတိုင်းဒေသကြီး	ဂျိမ်းမြတ်မြတ်သူ	ကရင်တိုင်းရင်းသားလူမျိုး ရေးရာဝန်ကြီးဌာန
၂၉		ဦးတင်စော	ရခိုင်တိုင်းရင်းသားလူမျိုး ရေးရာဝန်ကြီးဌာန

**d) Winner takes all**

The electoral system of Burma is “winner takes all” – First Past the Post (FPTP). This makes it unfair for the ethnic political parties who can not compete in all constituencies across Burma.



According to the 2008 constitution, the President must have been elected by the Union Parliament (Pyidaungsu Hluttaw) so that the party who wins the majority of the parliamentary seats will have full control on both the Executive body and the Legislative body.

Moreover, the State and Division Chief Ministers are appointed by the President so that the party who won more than 332 seats(50%) in the Union Parliament will have another opportunity to take control of the States and the Divisions. Burma has vowed that the country will exercise the federal system but if the electoral system is the FPTP, the regional ethnic political parties are unable to compete with the giant mainland political parties meaning they will disappear gradually.<sup>17</sup>

Due to the way the electoral system is designed, only a few candidates from the ethnic political parties will be in the Union Parliament. This means that they cannot propose or discuss ethnic affairs. They cannot even approve even a single law related to the ethnic affairs.

17 လက်ရှိရွေးကောက်ပွဲစနစ်က လူနည်းစုတိုင်းရင်းသားပါတီများအတွက် ဖွဲ့တမ္မရှိပါသလား - မွန်သတင်းအေဂျင်စီ - နိုဝင်ဘာ ၂၀၊ ၂၀၂၀



## Chapter (5) 2020 Election Monitoring

HURFOM itself had not completed the election monitoring but it has met with organizations and groups who did so, including the election candidates and the volunteers who participated in the election monitoring processes.

Despite the shortcomings in the electoral legal framework and some inconsistencies in the election administration as well as weaknesses in implementation during the COVID-19 pandemic situation, the Burma 2020 election results were credible, and reflected the will of the majority voters, said U Sai Ye Kyaw Zwa Myint, the Executive Director of the People's Alliance for Credible Elections who monitored 39,000 polling stations across Burma.<sup>18</sup>

In the 2015 election, Mon State had 17 election monitoring groups<sup>19</sup> but HURFOM knew that the 2020 election had only two official monitoring groups. In order to get the exact number of the election monitoring groups in Mon State, HURFOM contacted the Mon State Election Sub Commission many times but was unable to get a response.

18 ရွေးကောက်ပွဲဆိုင်ရာ စီမံခန့်ခွဲမှု အားနည်းချက်ရှိသော်လည်း ရလဒ်မှာ လက်ခံစေရာရှိသည်ဟု ဆို - The Voice - ဒီဇင်ဘာ ၂၂၊ ၂၀၂၀။

19 ဗွန်ပြည်နယ်၌ ရွေးကောက်ပွဲစောင့်ကြည့်လေ့လာမည့်အဖွဲ့ လျှောက်ထားမှု မရှိသေး - DVB - ဩဂုတ် ၁၈၊ ၂၀၂၀။

## a) The findings of election monitoring groups in Mon State

According to the election monitoring groups who officially registered with the Mon State Election Sub Commission, nearly all elderly voters cast advance votes due to COVID-19 regulation. There were weaknesses in the safety of the ballot boxes and the secret voting processes.

“To ensure elderly voters did not need to come to the polling station and to reduce the number of voters on the actual election days amid COVID-19, the UEC allowed the elderly voters to cast advance votes. The result was that there were more voters but also errors in some of the voting steps. We found that the seal of the ballot boxes were broken,” said U Maung Maung Zaw Tun, the Chair of the Mon State Common Space.

Our pre-election report *“The Inclusivity”* already stated that voters did not receive enough election training and voter education due to COVID-19 restrictions. This situation significantly impacted the voting process.

“The elders forgot how to vote as there were weaknesses in voter education due to COVID-19. They asked the staff how to cast the votes and requested them to stamp the seal instead. This situation had impacts on secret voting regardless. Most of the voters said they voluntarily requested the staff for help,” said U Maung Maung Zaw Tun.

The Ministry of Health and Sport (MOHS) requested voters to follow the rules and regulations on election day, but in reality, there were a lot of weaknesses.

“On November 8 2020, the voters were provided with hand sanitizer and masks. Their body temperature was also tested. But some voters did not wash their hands. Rules and regulations were applied just in the polling stations but no one followed the rules outside the stations,” said Min Yatu Htaw, a volunteer who participated in election monitoring processes.

“Everything is in accordance with the rules in the polling stations but no one followed COVID-19 regulations outside the stations. We wanted to finish voting early so they lined up too closed not 6 feet apart,” said the Chair of the Common Space.

The Mon State Common Space is an election monitoring group who officially registered with the Mon State Election Sub Commission. They visited 66 Village/Ward Election Sub-commissions during the second announcement of the eligible voter list. On election day, they did election monitoring in 79 polling stations. They also monitored 127 advance voting processes. They implemented the project in all 10 townships in Mon State.

## **b) Election monitoring by a Person with Disabilities (PWD) group**

The Chief of a polling station will be responsible to provide assistance that allows for a secret vote for those who have disabilities, said U Hein Lin Htet, Secretary of the Mon State Election Sub-commission.<sup>20</sup>

However, according to the Myanmar Independent Living Initiative, a group that monitored the voting processes of people with disabilities (PWD), there was no special arrangement for the PWD voters in the 2020 election.

“We monitored how much awareness the polling staff have about the PWD voters and how they were trained to help the PWD. But we found that the election commission failed to provide 75% of the support to the PWD voters,” said U Zaw Tun Oo, the Chair of the Ye Township Independent Living Initiative.

The Mon State Election Sub-commission said there would not be a separate polling station for the PWD voters in Mon State. There were many defects in the PWD voting processes on the election day.

“There was no wheelchair. There was no special procedure for the PWD voters. The polling staff had no awareness about the PWD voters,” said U Zaw Tun Oo.

In order to reduce the number of voters in the actual election day, PWD voters were allowed to cast advance votes. Therefore, just a few PWD voters had to present at the polling stations.

“I did not see many PWD voters on the election day. I do not like that PWD voters must have a special procedure for the voting. It is unacceptable that every PWD voter must cast advance votes. That might impact on the transparency,” said U Zaw Tun Oo.

The Myanmar Independent Living Initiative of Ye Township, Mon State advised that there must be more wheelchairs, wheelchair lanes and ballot papers written in Braille in the next coming election.

## **c) Election monitoring by the candidates<sup>21</sup>**

Some election candidates claimed that there are weaknesses within some Election Sub-commissions where irregularities, influence and threats from the political parties might jeopardize a “free and fair” election from happening.

Min Aung Htoo, an election candidate for #2 Constituency of Mon State Parliament in Ye Township, explained, “The Commission has delivered the wrong ballots. For instance,

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20 UEC to provide assistance for voters with disabilities – HURFOM – June 23, 2020

21 Candidates say weakness, irregularities and party influence impacting advance voting – HURFOM – November 7, 2020

instead of delivering State parliament ballots, they gave out ethnic affairs candidate ballots. There were also inconveniences where they delivered election slips. According to the electoral law, the Commission has to deliver the slip to the voters' house. In reality, the voters had to go to the Commission office to get the slips."

Daw Nyunt Yi, or Mi Jondal Non, an election candidate for the first Constituency of Mon



State Parliament in Kyaikmayaw Township said, "Elderly people have the right to have their family members assist them but the village Commission didn't accept that. The village Commission didn't want family members to assist elderly voters. They were either forcing elderly voters to vote themselves or polling staff would assist, but the voters didn't trust the staff. We had to send a complaint to the township Commission. It was okay after that, but the

village Commission still made things difficult."

Normally, each voter must have 3 ballot papers for the House of Representatives (Pyithu Hluttaw), the House of Nationalities (Amyotha Hluttaw) and the State/Division Parliament and those who have a parliament seat for the ethnic affair minister must have 3 ballot papers. At some polling stations, voters did not have all their ballot papers.

Mi Jondal Non said, "On the first day [of advance voting] in Kyaikmayaw Town, the Commission didn't give the ballots for Mon State parliament. They just gave ballots for House of Nationalities (Amyotha Hluttaw), House of Representatives (Pyithu Hluttaw) and Ethnic Affair Candidates. We had to bring the voters to the polling station and let them vote again."

The election candidates found that there was influence from the giant political parties during the election processes.

Nai Min Latt, a candidate of the Thanbyuzayat Mon Unity Party, said, "When delivering election slips, some Commission Members were known to be NLD supporters, and they delivered the slips to the voters who supported NLD. Only those who support NLD received the slips. Other voters did not get them."

Min Aung Htoo observed that, "In some polling stations, there was influence from the political parties. For instance, let's talk about the NLD. They did what they wanted where they had power and interrupted the voting process. They even intimidated the voters."

The candidates expressed concerns with the electoral results in some constituencies in Mon State. In an effort to investigate they requested specific information from a select number of Township Election Sub-commissions, but their requests have been denied.

“On November 11, we went to the township Sub-Commission to request Form #16. But they replied that we must go to the village Sub-Commissions to collect the forms. Kyaikmayaw has about 90 polling stations so we have no time to do that. I also contested the election in 2015 and the 2015 township Sub-Commission gave me both Form #16 and #19. This year, they gave us nothing even though we requested them,” said Mi Jondel Non, a MUP candidate.<sup>22</sup>

Political parties from Thanbyuzayat Township, in Mon State are unsatisfied with the response of the Union Election Commission (UEC) and the Township Election Sub-commission, who have both denied requests to share electoral information.

“We want to re-check the voting list and check the list of eligible voters from the Township election sub-commission. They replied they would provide the documents after getting approval from the District election sub-commission. But later, they said they needed approval from the UEC to share the information. Then, they said they couldn’t fulfill our demand,” said Nai Aung Myint Sein, a Mon Unity Party (MUP) candidate with the Thanbyuzayat House of Representatives.<sup>23</sup>

In order to achieve a better and more free and fair election, there must be more election monitoring processes, mentioned the election candidates.

“Advance voting process across the country isn’t totally free and fair,” said Nai Min Latt. He concluded his interview saying, “The political parties, CSO and election monitoring groups must watch this election closely. It’s not easy to hold an election during the Covid-19 period.”

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22 MUP questions some electoral results: Township Election Sub-commission refuse to provide information – HURFOM – November 21, 2020

23 Thanbyuzayat political parties unsatisfied with UEC response – HURFOM – December 15, 2020



## Chapter (6) Lawsuits, restrictions, intimidation and objections

During the 2020 election of the Mon State, there were three lawsuits of destruction of the signboards of the political parties, one lawsuits of defaming the election candidate, two restrictions from the local authority to oppress the election campaign, one of intimidation against the voters, two voting fraud attempts in the polling stations, one legal charge against the winning candidate and one objection against the winning candidate. The above-mentioned numbers were just the information collected by HURFOM and it can be more in reality.

### a) Lawsuits

Election campaign materials including campaign vinyls and the party signboards of the NLD were destroyed in Kaw Tet village, Kyaikmayaw Township on September 11, 020<sup>24</sup>;

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24 NLD's election campaign poster destroyed in Kyaikmayaw – HURFOM – September 15, 2020

in Htan Pin Chaung Gyi village, Paung Township on September 14, and in Andin village, Ye Township on November 12<sup>25</sup>.

MP U Khin Zaw Oo, whose picture was included on the destroyed poster, said, “We sued him to protect the reputation of the NLD and the candidates. The poster also included the picture of State Counselor Daw Aung San Suu Kyi, and the patron of the NLD. If we don’t sue him, all of our posters will be destroyed.”<sup>26</sup>

On October 3, 2020, U Nyne Nyne Win, a village Secretary with the NLD for Ka Ma Nam village, Chaung Zone Township, Mon State, initiated a lawsuit against Facebook user, Mi Htaw Mon, aka Mi Thin Htay Mon.

The Chaung Zone Police Station summoned Mi Htaw Mon on October 4.

“U Nyne Nyne Win has sued me because of my post. The police will check if I breached the law or not, and if I am found guilty, I’ll go on trial. The police have seized my phone at the moment. Now I’m released on bail, after someone signed a guarantee document for me.” said Mi Htaw Mon.<sup>27</sup>

On October 29, 2020, voters were found to be using an improper stamp on their election ballots. The incident took place at Polling Station #1 in Ta Gon Tie village, In Byaung village track, Paung Township, Mon State.<sup>28</sup>

Similarly, on the election day – November 8, 2020, a polling station representative with the Union Solidarity and Development Party (USDP) was caught with an authentic election stamp and a fake election stamp by the police at Polling Station #6 of Region #10, Ah Sin village, Ye Township, Mon State.

The individual was charged under the Burmese Criminal Act Section #420 – Cheating and dishonestly inducing delivery of property, and Section #468 – Forgery of purpose of cheating by the Ye Town Police.<sup>29</sup>

## b) Restrictions

In the central market of Ye City, Mon State, the shopkeepers raised the flags of other political parties in order to show their support. The Township Municipal Committee followed by releasing a statement to ban the action. The October 6 statement said shopkeepers in the premises of Ye Township Municipal Committee were not allowed to promote electoral campaigns in order to catch the attention of consumers.

25 ရေးမြို့ အခင်ကျေးရွာရှိ NLD ပါတီရုံးဆိုင်ခွက် ဖျက်ဆီးခံရ - Myanmar Pressphoto Agency - November 14, 2020

26 NLD’s election campaign poster destroyed in Kyaikmayaw - HURFOM - September 15, 2020

27 NLD village Secretary cites defamation citing Section 66(d) of the Telecommunication law - HURFOM - October 7, 2020

28 Improper voting ballot stamps found in Paung Township - HURFOM - November 6, 2020

29 USDP polling station representative charged for violations of electoral and criminal laws - HURFOM - November 11, 2020

Moreover, a Facebook page from the “Mon State Theatrical Association” posted that their association does not allow its members to perform during COVID-19 period, and the Mon State Chief Minister verbally ordered, “that if any member does perform to show political support, he/she will face legal action.” The post appeared on the page at 9:10 pm on October 6 but was removed at 8 am on October 7.

One of the most popular Mon traditional dancers, Chan Nyi Chan had publicly shown his support to election candidates with the MUP in Kaw Ka Rake Township, Karen State on October 5 and 6th. It was reported that the Mon State Theatrical Association issued a warning after the action.<sup>30</sup>

“That’s a type of intimidation. We all have the right to [participate in] election campaigns. No one can stop that. I think now the political support to the ethnic parties has dramatically risen so that the authorities didn’t like that. Anyhow, their action means intimidation,” said a Ye resident.

### **c) Intimidation**

Voters who had received monetary support from the government were threatened to vote for a certain political party.

“In Kwan Ngan village, voters who had accepted 20,000 Kyat in government monetary support didn’t want to cast an advance vote because they were afraid that they couldn’t vote for the parties they supported. Those who provided monetary support intimidated them to vote for NLD. They were told that a car would pick them up on the election day and they had to vote for NLD. The problem here is intimidation against the voters who received monetary support,” said Mi Jondal Non, an election candidate from Kyaikmayaw Township.

### **d) Lawsuits and objections against the election winning candidates**

On November 23 2020, Daw Khin Myo Myint, a NLD candidate in the Kyaikmayaw Mon State Parliament Constituency 1 race, was charged with breaching electoral laws. The charges were filed by a polling station representative for the MUP candidate at the Chaung Hna Khwa Police Station. According to the charges on election day, Daw Khin

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30 Authorities attempt to restrict growing support to competing political and ethnic parties – HURFOM – October 8, 2020

Myo Myint intimidated the Village Election Sub-Commission to accept the votes of 18 villagers from Paw Law village. The villagers were not on the voters' list.

“The main point is that she [insisted] villagers who weren't on the voters' list [could] cast their votes. Using her power as a member of parliament (MP), she threatened the Village Election Sub-Commission. “I've opened a charge against her to end this kind of injustice,” said Mi Su Mon, a representative for the MUP.<sup>31</sup>

On December 29, 2020, the NLD held a Central Executive Committee Meeting. The NLD Vice Chair Dr Zaw Myint Maung told the press that one of the outcomes of the meeting was that the party sent 17 objection letters to the UEC. One of the objection letters concerned Dr. Aung Naing Oo of the MUP, who is the incumbent Deputy Speaker in the Mon State parliament. Dr. Aung Naing Oo has won three consecutive elections in 2010, 2015 and 2020.

“I've just heard about the objection but don't know about the details. That's why I don't want to give any comments. I even don't know the main causes of the objection. If the UEC contacts me, I'll share the information,” said Dr Aung Naing Oo.

During the 2020 general election, Dr Aung Naing Oo competed against U Min Kyaw Lwin of the NLD, former Minister for the Mon State Ministry of Municipal and Construction in the Constituency #1 in Chaung Zone Township.<sup>32</sup>

The NLD had filed 17 objections to the UEC while the Union State Development Party (USDP) had objected to about 200 constituencies won by the NLD candidates.<sup>33</sup>

31 NLD candidate faces charges for allegedly breaching electoral laws – HURFOM – November 26, 2020

32 NLD sends 17 objection letters to UEC following 2020 election – HURFOM – January 8, 2021

33 ဒီချုပ်အနိုင်ရခဲ့သည့် မဲဆန္ဒနယ်ခြေ ၂၀၀ ခန့်ကို ပြည်ပိုင်ဖြိုး ကန့်ကွက် - 7Day News - ဒီဇင်ဘာ ၂၈၊ ၂၀၂၀



## Chapter (7) Advance Voting

According to the electoral laws, those who have right to cast advance votes are eligible voters abroad, leprosy patients, anyone who has severe illness, the elderly persons, anyone who gives birth, anyone who has been detained at the police cell or the prison, patients in ICU and government staff or police forces or soldiers who has performed their duty outside their constituencies. However, due to the COVID-19 pandemic situation, more groups of people were allowed to cast advance votes in the 2020 election.

To reduce public gathering on the election day, the Union-level government staff, members of the UEC, the polling station staff, those who could not go to their hometowns because of travel restrictions, the elderly persons above 60 years old and those who had to stay at the quarantine centers were allowed to cast advance votes, according to the statement by the UEC on October 24, 2020.

“Those who have stayed in quarantine are similar to the situation of those who have been admitted to hospitals. As they are under the MOHS protocols, they are assumed to be patients, and voting laws allow them to cast their advanced ballots,” said U Hein Linn Htet, the Director of Mon State Election Sub-commission.<sup>34</sup>

Mon State had 270,219 advance votes which were cast and 20,326 of them were outside their constituencies.<sup>35</sup>HURFOM visited 20 villages of six townships and met with 35 advance voters (19 males and 16 females). This is when HURFOM learned about the situation of advance voting. To reduce the size of the crowd due to the COVID-19, most voters enjoyed casting advance votes. However, some of the voters did not trust the advanced voting procedure.

“I’ve worried that my advanced vote won’t be counted,” said a voter from Thanbyuzayat Township.

“The benefit of advanced voting is that we can reduce the size of the crowd on the election day but I’ve found the procedure of the advanced voting was not clear, or incorrect in some steps,” said an election candidate Min Aung Htoo.

“I have nothing to say. Everything is good but I’ve worried about the envelope of the advanced ballots,” said a 63-year-old male voter from Mi Htaw Hlar Gyi village, Ye Township.



“After counting the advanced votes, the Mon candidate had had a few votes. I’m feeling sad,” said a 76-year-old female voter from Bo Ka Dot village, Kyarinnsaikyi Township.

Similarly, a 24-year-old young voter from Kaw Don village, Kyaikmayaw Township said, “I correctly cast my vote but I’ve been worrying about if it was counted.”

HURFOM had asked the advanced voters six questions and the results are as follows:

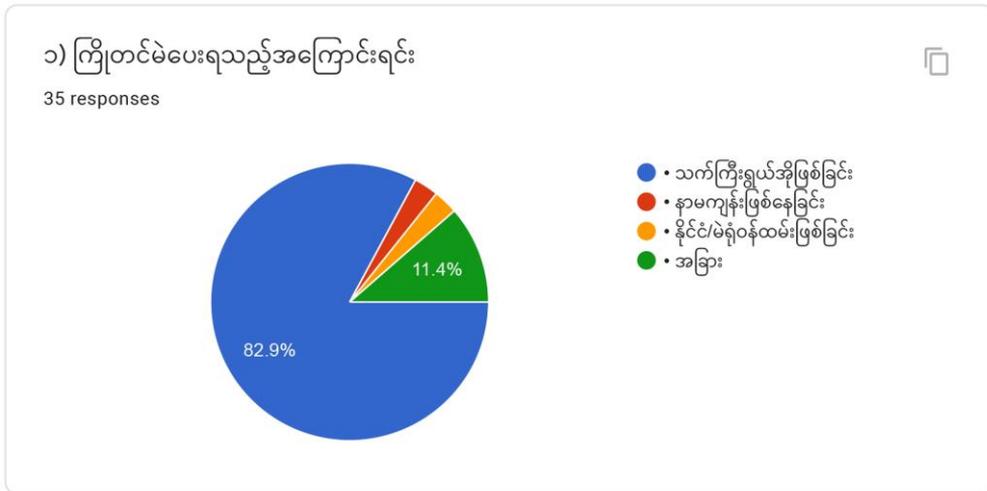
34 Those who were in quarantine due to COVID-19 movement restrictions still have rights to cast advance ballots – HURFOM – July 22, 2020

35 ဖွံ့ဖြိုးတိုးတက်ရေးအဖွဲ့မှ မဲပေးပိုင်ခွင့်ရှိသူ (၁,၈၄၀,၀၀၀) ကျော်ရှိရာ မဲလားပေးသူ (၁,၀၆၀,၀၀၀) ကျော်သာရှိ - ရာမညာတိုင်း(မဲ)သတင်းအေဂျင်စီ - ဇူလိုင် ၁၁၊ ၂၀၂၀

### a) Reasons for casting advanced votes

The main reason to cast an advanced vote was for being an elderly person. Some cast advanced votes due to their chronic illness while some advanced voters were pregnant women, polling station staff, and representatives of election candidates.

“This year's election is different from the others because of the COVID-19 pandemic. I have to serve at a polling station so I cast an advanced vote,” said a 24-year-old male voter from Kaw Don village, Kyaikmayaw Township.



A 29-year-old female voter from Ma Gyi village, Ye Township, said, “I’m a pregnant woman so I cast my advanced vote to avoid the crowd on the election day.”

“I’m busy with my baby so I cast an advance vote,” said a 35-year-old female voter from Kaw Pa Naw village, Kyaikmayaw Township.

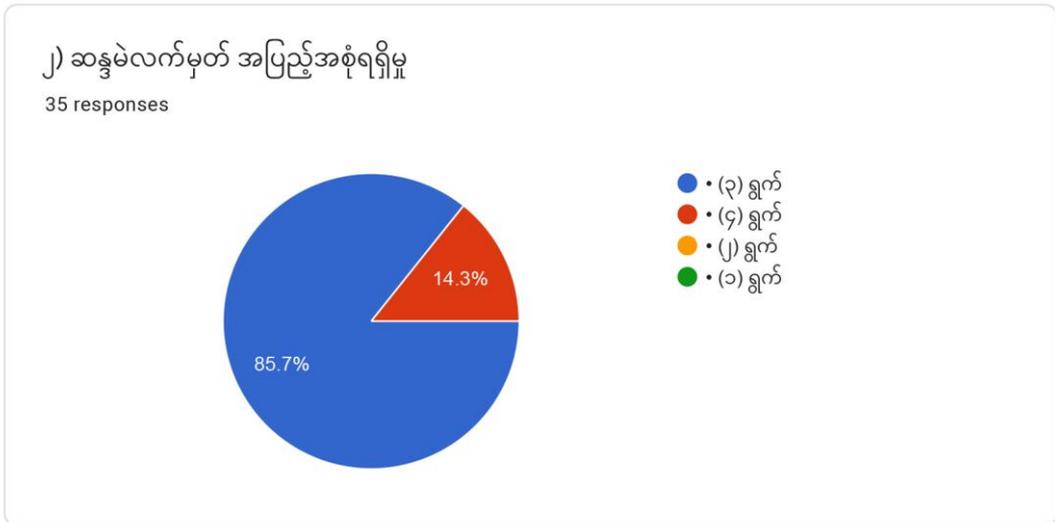
### b) Receiving all of the ballot papers

Some advanced voters in Mon State did not receive all their ballot papers.

“It took place on the first day of advanced voting. The voters did not get the ballot papers of the Mon State Parliament,” said Mi Jondal Non, an election candidate from Kyaikmayaw Township.

“I’ve heard there were problems related to advanced voting. Some voters just got two ballot papers,” said a 29-year-old female voter from Yar Phu village, Yebyu Township.

However, HURFOM interviewed 33 advanced voters and they all replied that they received 3 ballot papers in Mon State and Tenasserim Division and voters from Kyarinnseikyi Town, Karen State who also had a parliamentary seat for the Mon Ethnic Affairs Minister, got 4 ballot papers.



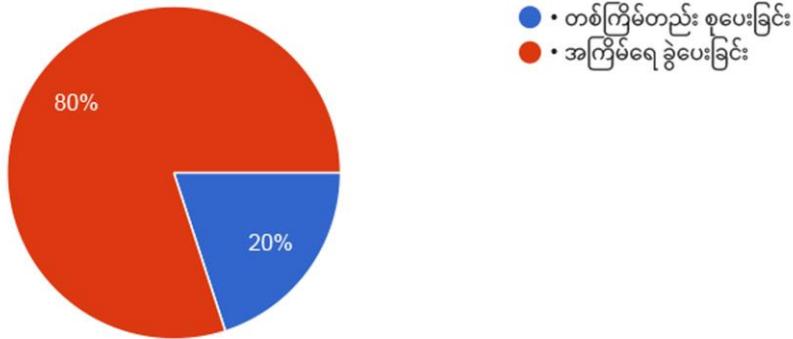
“I’ve voted four times,” said a 76-year-old female voter from Bo Ka Dot village, Kyarinnseikyi Township.

### c) Process of Delivering Ballot Papers

The way of delivering ballot papers had an impact on the voting system. Some voters received all the ballot papers at once and they put their ballots into the wrong boxes. After receiving one ballot paper after another was also a problem.

၃) ဆန္ဒမဲလက်မှတ် ပေးဝေခြင်း

35 responses



“The polling station staff gave all three ballot papers at once,” said a 62-year-old female voter from Mi Htaw Hlar Gyi village, Ye Township.

“They let me get one ballot paper after another. Some elderly people went back just after they put a ballot paper. Every voter has to vote three times. Some grandfathers and grandmothers had their single ballot paper and went back home,” said a 24-year-old young polling station staff in Kyaikmayaw Township.

**d) Assistance During Voting**

Most interviewees were elderly people but only 30% of them requested assistance during the voting period.

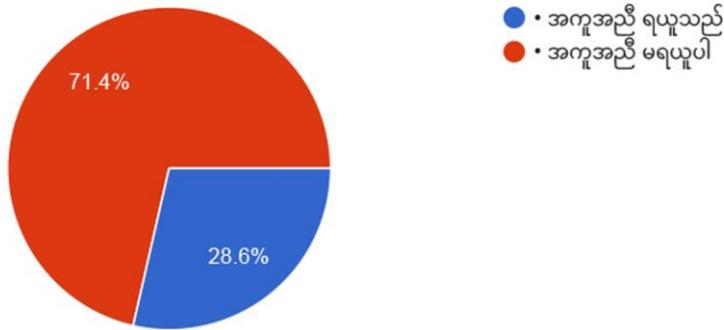
“I went to the polling station alone. The polling station staff helped me how to vote,” said a 63-year-old female voter from Tin Gan Taw village, Yebyu Township.

“I went alone. The polling station staff were from the government and we live under the control of the ethnic armed group so we don’t trust them. Most of us didn’t request

assistance,” said a 69-year-old male voter from Taung Pauk village, Kyarinnseikyi Township.

၄) ဆန္ဒမဲပေးရာတွင် အကူအညီရယူခြင်း

35 responses



“When going to the polling station, I called my grandson with me,” said a 62-year-old male voter from Mi Htaw Hlar Gyi village, Ye Township.

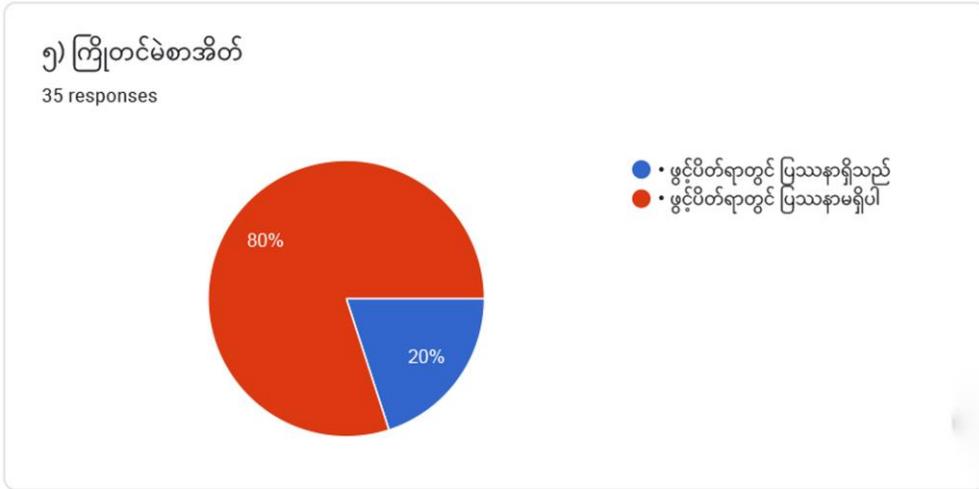
“My eyes are too bad to read the ballot paper so my grandson and daughter accompanied me,” said an 85-year-old male voter from Kyone Ngael village, Ye Township.

A 63-year-old female voter from Wel Kha Ru village, Thanbyuzayat Township, said, “I went to the polling station with my grandson. My grandson helped me with stamping the ballot paper but the polling station staff didn’t allow him to do so. So, I had to vote myself.”

**e) Envelopes of ballot papers**

There were some problems with the envelopes of the ballot papers during the advanced voting. They were difficult to close and the glue used to close them stained the ballot papers. When opening the envelope, the ballot papers were torn. Some envelopes of the ballot papers remained opened. The UEC announced that ballot papers in the opened envelope, stained ballot papers and torn ballot papers were not excluded from counting.<sup>36</sup> There were 20% of interviewees who responded that they faced certain kinds of problems with the envelopes of the ballot papers.

36 ၂၀၂၀ အထွေထွေရွေးကောက်ပွဲ ထူးခြားချက်အချို့ - 7Day News - နိုဝင်ဘာ ၁၁၊ ၂၀၂၀



“It’s easy to open but I didn’t have glue to close it. I had to put it in the box with an opened envelope,” said a 62-year-old male voter from Mi Htaw Hlar Gyi village, Ye Township.

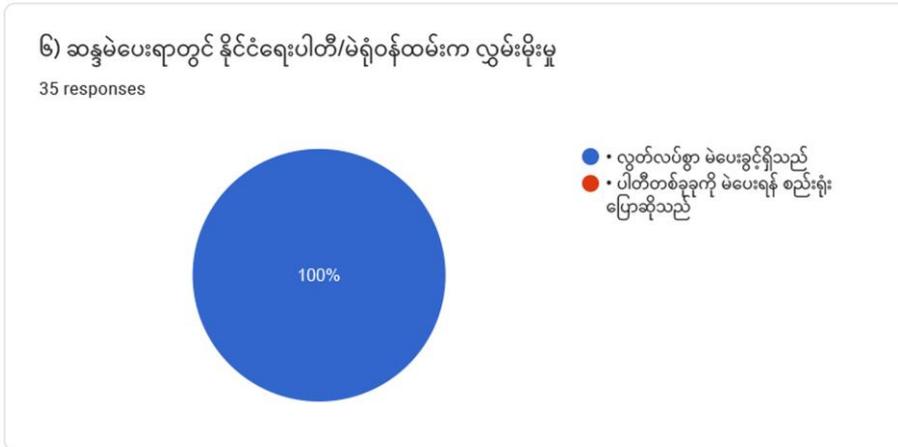
Similarly, a 63-year-old male voter from Mi Htaw Hlar Gyi village, Ye Township, said, “After stamping the ballot paper, I felt unsafe when closing the envelopes. I’ve worried about that.”

A 70-year-old female voter from Khaw Zar Town, Ye Township, said, “The envelopes were small and the ballot papers were big. It isn’t convenient to put the ballot papers into envelopes. I also worried my ballot papers got stained.”

**f) Influence from political parties and/or polling station staff**

During advanced voting in Kwan Ngan village, Kyaikmayaw Township, voters experienced intimidation.

All interviewees responded HURFOM that they did not receive pressure from any side and could vote freely.



“I experienced no influence or intimidation. I stamped the paper myself. No one said anything,” said a 60-year-old female voter from Kaw Pa Naw village, Kyaikmayaw Township.

“I could vote for the party I support,” said a 57-year-old male voter from Tin Gan Taw village, Yebyu Township.

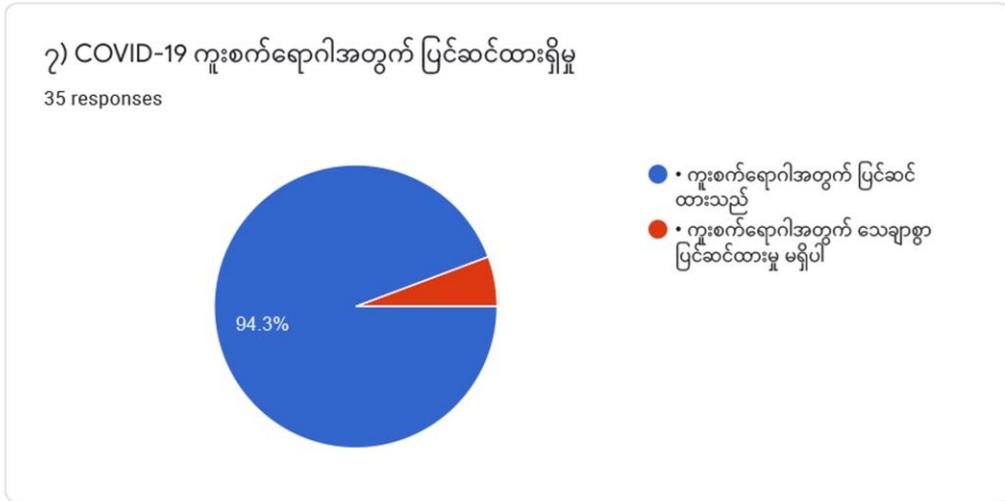
“The polling station staff said nothing. I voted for the party I like,” said a 67-year old female voter from Kwan Hlar village, Mudon.

**g) COVID-19 Procedures**

Nearly all interviewees said the UEC was well prepared for the COVID-19 in the polling stations, but it was impossible to follow social distancing rules during the voting.

“The polling station serviced us in accordance with the COVID-19 rules,” said a 29-year-old female voter from Ma Gyi village, Ye Township.

“We couldn’t line up six-feet apart because the polling station was small and there were lots of people,” said a 69-year-old female voter from Mudon.



“There were just a few people but no one followed social distancing rules. We voted one after another. We had to wash our hands and wear masks,” said a 63-year-old male voter from Tin Gan Taw village, Yebyu Township.

“We had to wear masks and wash our hands but we didn’t line up 6 feet apart,” said a 69-year-old male voter from Taung Pauk village, Kyarinnseiky Township.

The 2020 election was the first election to be held amid a pandemic. There were many challenges.

Nai Min Latt, an election candidate from Thanbyuzayat Township, concluded, “It is not easy to hold an election during the Covid-19 period.”

Before the election, Mon State had less than 1,000 COVID-19 patients. Just two months after the election, another 2,000 patients were added to the list, according to, Dr Thet Kyaw Soe, an official at Fever Clinic Isolation Ward #3 at the Mawlamyine General Hospital. The clinic has received considerably more COVID-19 patients than before the election.

“The fever clinic has detected about 15 to 20 COVID-19 patients daily, and when testing their family members, we have found that another 10 to 20 individuals are also infected. It means we now have 20 to 30 patients daily. It has been consistent. There have been

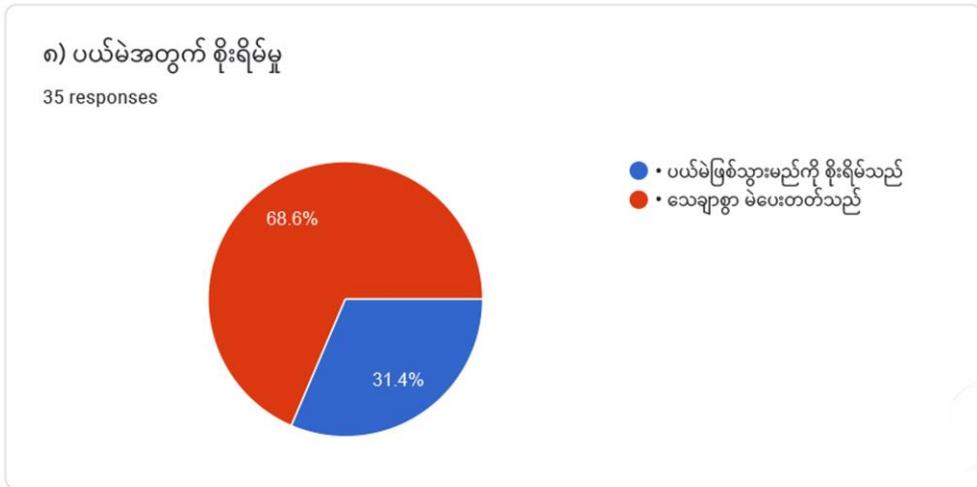
more patients since after the election,” said Dr. Thet Kyaw Soe.<sup>37</sup> As of January 21, 2021, Mon State has 3,158 Covid-19 positive patients and more than 300 houses have been put under ‘strict home quarantine’ order.

### h) Concern for the rejected votes

Voter education was weak due to the COVID-19 restrictions. However, 70% of advanced voters responded that they could vote properly. One third expressed concern that their vote would be rejected for various reasons.

“I’m worried my vote will be rejected. I’m also worried that my ballot was ruined by the glue,” said an 85-year-old male voter from Kyone Ngel village, Ye Township.

“I voted properly but I am still worried. I don’t trust the procedure of the advanced voting. I felt unsafe thinking about who is guarding the boxes of our advanced ballots at night,” said a 24-year-old male voter from Kaw Don village, Kyaikmayaw Township.



A 69-year-old male voter from Taung Pauk village, Kyarinnseikyi Township, said, “Some voters didn’t stamp their ballot papers. They just put them into the boxes.”

37 Covid case count increases since election – HURFOM – January 21, 2021



## Chapter (8)

# The Election Day Voting Process

### a) The voting process in the government controlled areas

HURFOM interviewed 57 voters from 38 villages in six townships. They all cast their votes at the polling stations and responded that they had all ballot papers.

However, the very first voters from Kyarinnseikyi Township experienced some problems and expressed their worry.

“It’s the first time for me to cast my vote so I had some problems. I didn’t know what to do or how to cast the vote. I’m a bit excited,” said a 43-year-old male voter from Kyarinnseikyi Township.

### a-1) Problems with the voting process

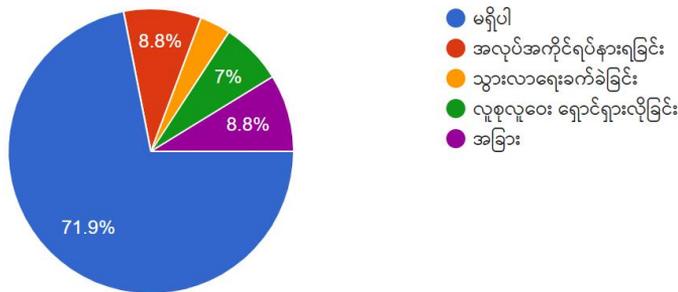
The voters from the government-controlled areas did not have too many problems related to the voting procedures. The interviewees responded that they had to stop their work on the election day while some said they had transportation problems. Some voters wanted to avoid the crowd due to the COVID-19.

“I didn’t have too many problems. I just had an issue with my work. I work at night so I have to sleep during the day. Voting in the morning meant I did not have enough sleep,” said a 22-year-old male voter from Thit Hla Taw village, Yebyu Township.

“I had to abandon my work on the day. I had to give time,” said a 21-year-old male voter from Htin Yu village, Thanbyuzayat Township.

ဆန္ဒမဲပေးခြင်းဆိုင်ရာ အခက်အခဲများ

57 responses



“As we had to follow the social distancing rules, it took time. I didn’t want to quit my job so I went early to vote. Then I went back to work. It was a bit inconvenient,” said a 27-year-old female voter from Kyone Karote village, Thanbyuzayat Township.

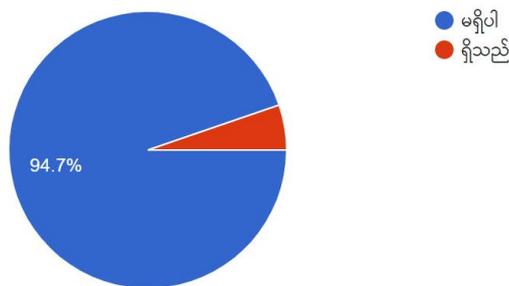
The voters had responded that the polling stations were small. First time voters did not know how to vote. Social distancing guidelines took too much time, and there were other small problems in the 2020 general election.

### a-2) Election campaign on the election day

There were 5% of the 57 interviewees who responded that they experienced election campaigning around the premises of the polling stations on the election day.

“There was no election campaign in the polling stations. But there were outside the stations,” said a 49-year-old male voter from Kwan Ngan village, Kyaikmayaw Township.

မဲရုံအတွင်း သို့မဟုတ် မဲရုံပြင်ပတွင် စည်းရုံးပြောဆိုမှု  
57 responses



“I experienced the election campaign on the election day. The NLD party and the USDP party told us to vote for them at the polling station #2,” said a 53-year-old male voter from Karote Pi village, Thanbyuzayat Township.

“Yes, there was the election campaign. When the local people asked how to vote, the polling station staff told them to vote for their party,” said a 58-year-old male voter from Kwan Ngan village, Kyaikmayaw Township.

### a-3) No vote

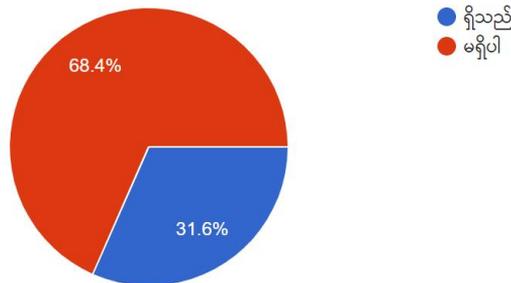
According to the UEC, more than 70% of the eligible voters came to the polling stations and some interviewees said that their neighbors did not appear there. Some voters did not cast their votes due to the fact that they were not in the voter list. Others were not interested in the election. Some thought voting by one person per household was enough and some were busy with work, traveling or did not get voting slips.

“Those who weren’t on the voter list didn’t appear at the polling stations. The villagers who didn’t have ID cards also didn’t come to vote. Some villagers didn’t value their right to vote so they didn’t vote,” said a 20-year-old young female voter from Ya Tae Taung village, Thanbyuzayat Township.

“There were two or three neighbors who didn’t vote. They thought nothing would change, regardless of who they voted for,” said a 40-year-old female voter from Set Thwe village, Mudon Township.

အိမ်နီးနားချင်းများတွင် မဲလာမပေးသူ ရှိသည်/မရှိပါ

57 responses



“I experienced the election campaign on the election day. The NLD party and the USDP party told us to vote for them at the polling station #2,” said a 53-year-old male voter from Karote Pi village, Thanbyuzayat Township.

“Yes, there was the election campaign. When the local people asked how to vote, the polling station staff told them to vote for their party,” said a 58-year-old male voter from Kwan Ngan village, Kyaikmayaw Township.



### **b-1) Participation in the election**

Amongst the 19 villages in Ye Township controlled by the NMSP, only 10 villages had the chance to participate in the previous elections. The 9 villages in Ye Chaung Phya region which is very close to the NMSP Headquarter have had the right to vote only in the 2020 election. According to the voter list which was announced on October 1, 2020, more than 2,000 villagers in the 9 villages in Ye Chaung Phya region were in the voter list.

“This time, people from Ye Chaung Phya have been included in the list. There were 2,232 people, but more than 500 people were still left out because there were errors in their date of birth and other facts. We’ll re-apply with Form #3,” said Nai Loon who helped the local villagers secure their voting rights.<sup>38</sup>

The nine villages controlled by the NMSP in Yebyu Township voted in 2019 and/or the 2015 elections. According to the polling stations list by the UEC, Myauk Chaw and Kwan Kyar Tane villages had polling stations. However, due to the COVID-19 restrictions some villagers were excluded from the voter list.

<sup>38</sup> Updated voter list now includes 2,000 Ye Chaung Phya voters – HURFOM – October 4, 2020

“The Union Election Commission hasn’t collected their voter list yet, but they did in the 2015 election. Since there has been no declaration of a voter list, villagers are worried about losing their voting rights,” said a Village Administrator to HURFOM on August 8, 2020.<sup>39</sup>

The 2020 election is the first ever election for the villagers in the 36 villages controlled by the EAOs in Kyarinnseikyi Township. Nai Thein Zaw, Secretary of the Kyarinn Seiki Township MUP also noted that “It’s the first time for Kyarinnseikyi villagers to exercise their voting rights. We’ve been worried people won’t come to the polling stations. Even if they do come, I’m afraid their ballots might be deemed invalid, if they don’t understand how to mark them.”<sup>40</sup>

## b-2) The voting process

There were more than 2,000 eligible voters in the 9 villages in Ye Chaung Phya region but only 1,600 voters had appeared at the polling stations, according to the record of the Ye Election Sub Commission. The transportation routes in the area were very bad and the voters had to come to the polling stations for one day prior to the election day.<sup>41</sup> In order to ease the voting challenges in the area, the villagers had requested the Ye Election Sub Commission to locate a polling station nearby their villages but the commission did not fulfill their demand.

“Ye Chaung Phya has nine villages and 2,232 eligible voters. Chell Tike village has 193 voters, and they have to cast their votes at Kyaung Yaw village controlled by the government. The remaining eight villages have 1,939 voters and they have to vote in Kyone Long village (also controlled by the government). It’s difficult for them to travel to the polling stations, and there will be more than 2,500 voters in a polling station so we’ve requested the Election Sub-commission to establish another polling station,” said Nai Loon.<sup>42</sup>

Bad transportation routes, no experience with elections and little voter education made the villagers under the EAOs control less interested in the process.

39 Tavoy District residents worry about losing voting right – HURFOM – August 22, 2020

40 Candidates says Kyarinnseikyi voter education urgently needed for new voters – HURFOM – September 7, 2020

41 မွန်ပြည်သစ်ထိန်းချုပ်ဒေသက ဒေသခံ (၁,၆၀၀) ကျော် ဆန္ဒမဲ လာပေး - သံလွင်တိုင်းမ် - ဇူလိုင်ဘာ ၁၁၊ ၂၀၂၀

42 Updated voter list now includes 2,000 Ye Chaung Phya voters – HURFOM – October 4, 2020



“The NMSP should arrange something for the voters because it’s very far to go to the polling stations. If no one does anything and the villagers have to go vote themselves, the number of voters who will go to vote on the election day will be very little. I think the NMSP will do something,” said Nai Hta Poe, the administrator of Pa Nan Bain village, Ye Chaung Phya region.

It is reportedly known that no one came to vote at the polling station #3 of the constituency #1 in Taung Kalay village track, Kyarinnseikyi Township, Karen State. The officials explained that no voters appeared at the polling station because the polling station was very far from the villages and there was a bad transportation route also.<sup>43</sup>

43 ကြာအင်းဆိပ်ကြီးရှိ မရံတစ်ခုတွင် ဆန္ဒမပေးခွင့်ရှိသူ (၅၀၀) ကျော် ရှိသော်လည်း မဲလာထည့်သူတစ်ဦးမျှ မရှိခဲ့ - BNI (KIC) - နိုဝင်ဘာ ၁၂၊ ၂၀၂၀



## Chapter (9) The voting processes of the people with disabilities

The Mon State Election Sub-commission announced that there were more than 4,000 PWD voters in Mon State but the Mon State Disabled People's Association responded the number was much more than that and urged the commission to collect an exact list of the PWD voters.

Our first report titled *"Inclusivity"* already stated that the PWD voters had faced many barriers and challenges to participate in the election process and to personally cast their votes.

## a) Advanced vote for the PWD

The 2020 election was held during the world pandemic COVID-19 so that all PWD voters had the right to cast an advanced vote.

“The PWDs are also citizens. They want to go to the polling stations to cast their votes. But there have been many challenges. Most of them have cast advanced votes. But some of them want to vote in person. I also don’t like advanced voting,” said a 20-year-old male PWD from Kyaik Hto.



HURFOM had met with seven PWD voters from Kyaikmayaw and Mudon Townships and all of them replied that they cast advanced votes at home or at the polling stations.

“Casting an advanced vote was more comfortable for us. It wasn’t tiring. But I felt worried after voting. I was afraid that my advanced vote might be manipulated,” said a 50-year-old male PWD voter from Mudon.

“I cast my vote at home and there was no inconvenience. I was supposed to receive four ballot papers but they only gave me three. Someone who knew a lot about the voting process informed them of this and they gave me another one. I have to vote for the ethnic affairs minister also,” said a 54-year-old male PWD voter from Kyaikmayaw.

“I told my mother about the party I wanted to vote for and she cast the vote for me,” said a 33-year-old female PWD voter from Kyaikmayaw.

## b) Voting Challenges

For the November 2020 general election, there was not a separate polling station for voters with disabilities in Mon State. Instead, U Hein Lin Htet, Secretary of the Mon State Election Sub-commission announced there will be a different approach.<sup>44</sup> However, there

44 UEC to provide assistance for voters with disabilities – HURFOM – June 23, 2020

was no appropriate or specific procedure for the PWD voters and they faced many challenges even most of them cast the advanced votes.

“The polling station was small. It’s not suitable for the PWD who had to use a wheelchair,” said a 50-year-old male PWD voter from Mudon.

“I can move well so I had no trouble. The polling station staff also helped me. But the polling station wasn’t okay for the PWD who had to use a wheelchair,” said a 27-year-old male PWD voter from Mudon who cast his vote at the polling station.

“Some polling stations are located at Dhamma Hall so we had to climb the stairs to cast the votes. There was no way for the wheelchair,” said a 20-year-old PWD voter from Kyaik Hto.

“The PWD who had to use a wheelchair and the PWD with visual disability surely had problems,” said a 27-year-old male PWD voter from Mudon.

### c) Changes needed

“The UEC must provide assistance to make sure that the PWD voters can cast their votes easily”<sup>45</sup> as stated in the Rights of People with Disabilities Act. The UEC is the most responsible body to ease the challenges of the PWD voters.

“In the next coming elections, the UEC must do as stated in the Chapter #8 of the 2015



Rights of People with Disabilities Law. There must be a lane for the wheelchair. There must be education for the PWD with visual disabilities. For those who had hearing impairment, the voter education must be presented with projectors or flip charts,” said U Saw Aung Thein Tin, the Chair of the Mon State Disable People’s Association.

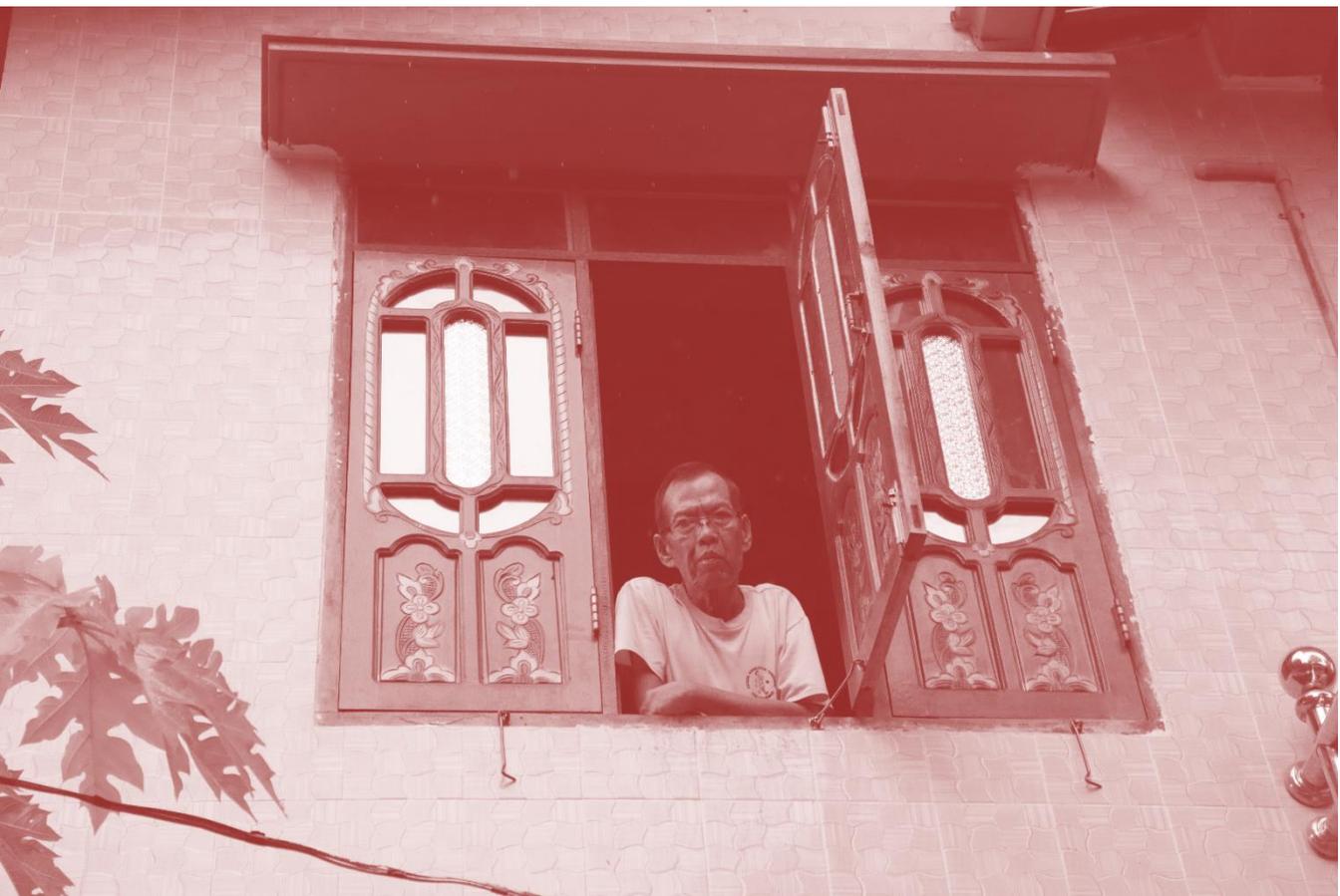
45 The Rights of People with Disabilities Law – 2015

Our pre-election report *"Inclusivity"* already mentioned that the PWD voters were excluded from the election and they were discriminated against in many ways.

"The PWD voters have no confidence. They've been discriminated against. The advanced voting wasn't free and confidential. We've worried a lot about our advanced votes. If possible, we want to cast our votes at the polling stations on the election day," said a 20-year-old young PWD voter from Kyaik Hto.

To achieve an inclusive election which has allowed the PWD voters to cast their votes easily, the PWD community must be allowed to participate in every step of the election processes.

"To make sure that the PWD voters don't lose their voting rights, they must have the right in adopting policies and doing election campaigns. The PWD must be allowed to be a member of the election commission or a chief or a staff of the polling station. The PWD issues must be included in every policy making process," said the Chair of the Mon State Disable People's Association.





## Chapter (10)

# The voices and hopes of the voters

The 2020 election had many challenges. There was the global COVID-19 pandemic and also on November 6, 2020, just two days before the election day, a bomb blast had happened at the Pegu Division Election Sub-commission Office in Ohm Taw Street, Oak Thar Myo Thit, Pegu City.<sup>46</sup> The security and the safety of the voters became a worrying issue.

During the interviews with the voters, they responded that there was less interest in the election because the winning parties failed to fulfill their election promises and those who came in power misused their authority for their personal interests.

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46 ပဲခူးတိုင်းဒေသကြီး၊ ရွေးကောက်ပွဲကော်မရှင်ရုံးတွင် ဗုံးပေါက်ကွဲမှုဖြစ် - Mizzima - နိုဝင်ဘာ ၆၊ ၂၀၂၀

“Our village Administrator has been advocating to people with loudspeakers to check the voter list. When I urged my relatives to go and check the list, they replied, ‘why do we have to care about the voter list? When a candidate is elected, only their relatives and family members profit. They did nothing for us’. Most of the villagers think in a similar way so they don’t keep the voter list in mind,” said a young activist from Thanbyuzayat, who is urging more youth engagement in the election.<sup>47</sup>

Since the 2015 election, there has been growing criticism against the ruling NLD government. They promised they would amend the 2008 constitution, restore the rule of law and guarantee basic human rights, but after winning the election, many feel they have failed to fulfill their election promises. However, on the election day of November 8, 2020, all the citizens had overcome the challenges and worries and immensely voted for the 2020 election. More than 70% of the eligible voters across Burma cast their votes and in Mon State, more than 58% of the eligible voters appeared at the polling stations. That number was a bit more than that of the 2015 election. The voters had to neglect worry and threat to come to the polling stations so the new government was fully responsible to fulfill their hopes.

In order to hear the voices and the hopes of the voters, HURFOM visited six townships and met with 62 voters. Also HURFOM contacted three election candidates from the two election winning political parties in Mon State – the MUP and the NLD and listened to their opinion.

## **10-a) The Hopes of the Voters**

During the meeting with the voters, HURFOM also asked what their hopes were beyond the election and most of them expressed their three main wishes: 1) development for the people 2) human rights 3) ethnic rights and autonomy

### **10-aa) The voices for the development**

“I want the government who provides development for the good of our village and treats all ethnic people equally,” said a 22-year-old young man from Thit Hla Taw village, Yebyu Township.

“I want education, clinics, roads and bridges. I also want modern agricultural technology,” said a 27-year-old woman from Kyone Karoke village, Thanbyuzayat Township.

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47 Interest in politics declines as election promises go unfulfilled – HURFOM – July 30, 2020

“I want the government to support the poor and build roads and bridges. I also want them to promote education,” said a 35-year-old Alae Sakhan village, Yebyu Township.

“I want a road for better transportation for the farmers,” said a 49-year-old man from Kwan Ngan village, Kyaikmayaw Township.

“I want the government to build road, electricity and Mon national high schools,” said a 21-year-old woman from Kapyar Gyi village, Ye Township.

“I want a better system of water, electricity and transportation. We mainly rely on agriculture and fishing, so I want factories which will benefit us. I also want more job opportunities,” said a 27-year-old woman from Kapyar Gyi village, Ye Township.

“I want the government to help us with agricultural technology,” said a 32-year-old man from Kyarinnseikyi Township.

## **10-ab) The voices for human rights**

“I want a government who can do the best for the people. Compared with other countries, the people of Burma don’t have full human rights. We don’t want to lose our rights,” said a 51-year-old man from Kyauk Hta Yan village, Yebyu Township.

“I want a government who fights against drugs and corruption,” said a 22-year-old woman from Kyauk Hta Yan village, Yebyu Township.

“I voted for the government who wants to do rural development and fight against drugs,” said a 53-year-old man from Wel Ngae village, Kyaikmayaw Township.

“We’re farmers so I want the government to do the Land Use Certificate – Form #7” for us. I also want modern agricultural technology,” said a 40-year-old man from Kywe Tone Nyi Ma village, Yebyu Township.

## 10-ac) The voices of ethnic rights and equality

“I want our people to have ethnic rights. There must be no discrimination on the ethnic people,” said a 43-year-old man from Alae Sakhon village, Yebyu Township.

“I want the people live peacefully and all ethnic people have equal rights and no discrimination,” said a 47-year-old man from Kywe Tone Nyi Ma village, Yebyu Township.

“Non-Burmese people cannot be discriminated against and must have equal rights. I want the government to listen to the voice of the people. I don’t want the government to do as they like by neglecting the wishes of the ethnic people,” said a 23-year-old woman from Kyauk Eain village, Ye Township.

“We have Mon national schools in our villages and I want the government to support them,” said a 33-year-old woman from Ya Tae Taung village, Thanbyuzayat Township.

“All ethnic people must have equal rights,” said a 24-year-old woman from Yar Phu village, Yebyu Township.

“I want a cooperative government which includes all ethnic people,” said a 40-year-old man from Kywe Tone Nyi Ma village, Yebyu Township.

“The government is elected by the people so I want them to build a federal union which provides equal rights to all ethnic people,” said a 53-year-old man from Karoke Pi village, Thanbyuzayat Township.

## 10-b) the voices of the election candidates<sup>48</sup>

All ethnic political party candidates that won in the Mon State election are calling for their State governments to use all legal avenues to strengthen the authority of the State. The constitutional hierarchy of authority is a concern for ethnic parties, and those

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48 What is working between the Union and State levels of government, and what needs to change? - HURFOM – January 18, 2021

concerned with having adequate autonomy to address governance issues that impact the rights and livelihoods of ethnic communities.

Due to speed and scope that decentralization has taken place, the State government is too weak to exercise its authority as allowed by the Constitution Table #2.

The first priority for the new government should be to ease the speed and scope of decentralization, and to promote the authority and capacities of the State government.

“The new government must start exercising the authority of the State government which was approved by the Union Parliament. If so, there are many opportunities for them. The Mon State will improve a lot after the decentralization,” said Nai Layi Tama of the MUP.



Priority must be sectors related to the people’s livelihoods such as transportation, electricity and market.

“The Ye Township hasn’t had electricity provided by the government. The people in Mon State livelihood are dependent on agriculture and fishing. The government must create a fair market for them,” said Min Aung Htoo of the MUP.

The incumbent government has implemented less than 50% of tasks and proposals approved by the Parliament, according to the Vice Speakers of the Mon State Parliament, Dr Aung Naing Oo.<sup>49</sup>

Parliament represents the people, — the Unity government must listen to the State Parliament.

“The Unity government must be in harmony with the State Parliament. They must respect the Parliament which represents the voice of the people. They must eradicate personal feelings and do things professionally,” advised Daw Khine Khine Lei of the NLD.

49 လွှတ်တော်ကတိကဝတ်တွေအား အစိုးရရဲ့အကောင်အထည်ဖော်မှု တစ်ဝက်တောင် မရှိ - သံလွင်တိုင်းမိမိ - ဇန်နဝါရီ ၁၂၊ ၂၀၂၁



# Chapter (11) Conclusion

The UEC, on November 11, 2020, had announced the 2020 election was smoothly and successfully ended and also, on January 29, 2021, the People’s Alliance for Credible Elections (PACE) and 11 other election monitoring groups announced the Myanmar 2020 election results were credible, and reflected the will of the majority voters. The groups acknowledged there are shortcomings in the electoral legal framework, and they did find some inconsistencies in election administration, as well as weaknesses in implementation due to the pandemic. However, these findings do not rule out the credibility of the election results.<sup>50</sup>

Meanwhile, the military has not acknowledged the result of the election and seized the power after declaring the State of Emergency. The Commander in Chief now controls all executive, legislative and judicial bodies.<sup>51</sup> The military has arrested the President, the Chief Ministers and detained the Members of Parliament. Therefore, the third Pyithu

50 Errors in voter lists must be solved by law, not by a coup – HURFOM – February 1, 2021  
51 ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော် နိုင်ငံတော်သမ္မတ ဥပဒေကိုသို့ အာဏာတည်သောအမိန့် အမိန့်အမှတ် (၁/၂၀၂၁) - ဖေဖော်ဝါရီလ ၁၊ ၂၀၂၁





Photo - BBC Burmese

As mentioned in the preface, the purpose of this report is not to decide if the 2020 election was free and fair but to present the actual findings without bias. The NLD strongly objected to the military coup and released a statement on February 2, 2021 demanding the release of all detainees, to acknowledge the result of the 2020 election, and to call the third Hluttaw (parliament).<sup>52</sup> According to the Joint Statement by Diplomatic Mission in Myanmar/Burma,<sup>53</sup> the military and all other parties in the country must adhere to democratic norms and must stop any attempt to alter the outcome of the elections or impede Burma democratic transition.

HURFOM has also urged all parties or individuals who have power to respect the will of the people in Burma. HURFOM has also strongly demanded to have free and fair elections in Burma and form the government in accordance with the result of the elections.

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52 အမျိုးသားဒီမိုကရေစီအဖွဲ့ချုပ် ဗဟိုအလုပ်အမှုဆောင်အဖွဲ့၏ သဘောထားကြေညာချက် - ဖေဖော်ဝါရီ (၂) ရက်၊ ၂၀၂၁

53 Joint Statement by Diplomatic Mission in Myanmar – U.S. Embassy Rangoon – January 29, 2021

# Chapter (12) Recommendation

## To the Union Election Commission

- To file an exact list of eligible voters across Burma
- To cooperate with particular departments and armed groups for holding elections in every constituency and not to exclude any village tract or ward from the elections
- To listen to the voice of Non-Burmese political parties and amend the electoral laws
- to reconsider the electoral system – Fast Past the Post (FPTP) which weakens the Non-Burmese ethnic political parties
- not to oppress the election monitoring groups but cooperate with them
- To locate special polling stations for the PWD voters
- To manage particular election sub-commissions properly to achieve free and fair elections
- To fairly judge the electoral disputes and objections

## To the Union Government

- To collect the exact list of ethnic people in particular State or Division to make sure they do not lose a parliamentary seat for ethnic affairs minister
- To show the race of Non-Burmese ethnic people clearly in ID card
- To stop the authorities who abuse the power and threaten the people and restrict their freedom of expression
- To closely cooperate with the UEC to make an exact voter list
- To fulfill election promises, to listen to the voices of the voters and to make their hope come true

## To the Ethnic Armed Organizations (EAOs)

- To discuss with the government and the UEC for holding election in EAOs controlled areas
- To allow CBOs and CSOs who provide voter education for free movement in EAOs controlled areas
- To file an exact list of eligible voters in EAOs controlled areas
- To cooperate with particular authorities to locate enough polling stations in EAOs controlled areas
- To build a better transportation route in EAOs controlled areas
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## To CBOs and CSOs

- To provide voter education to the people and help them with complete and correct voter list

