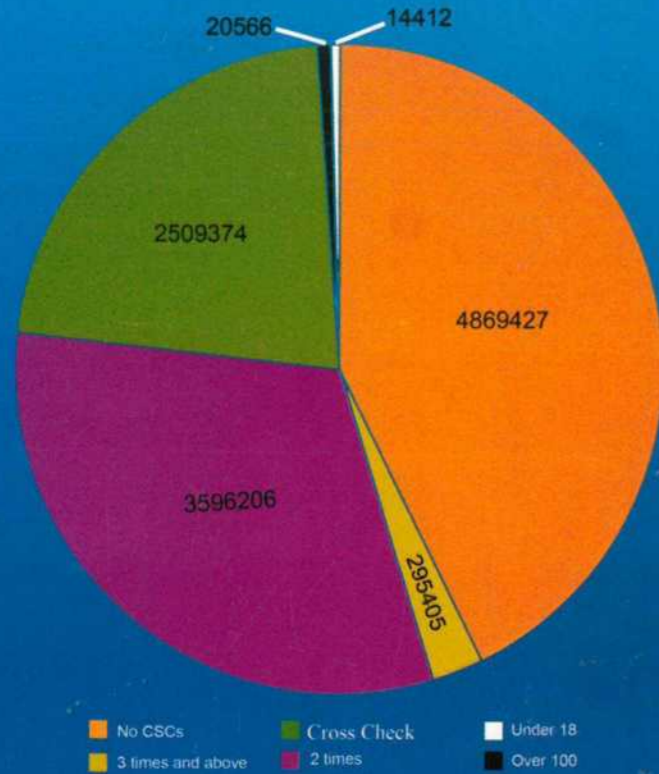


# Findings on Fraudulent Voter List



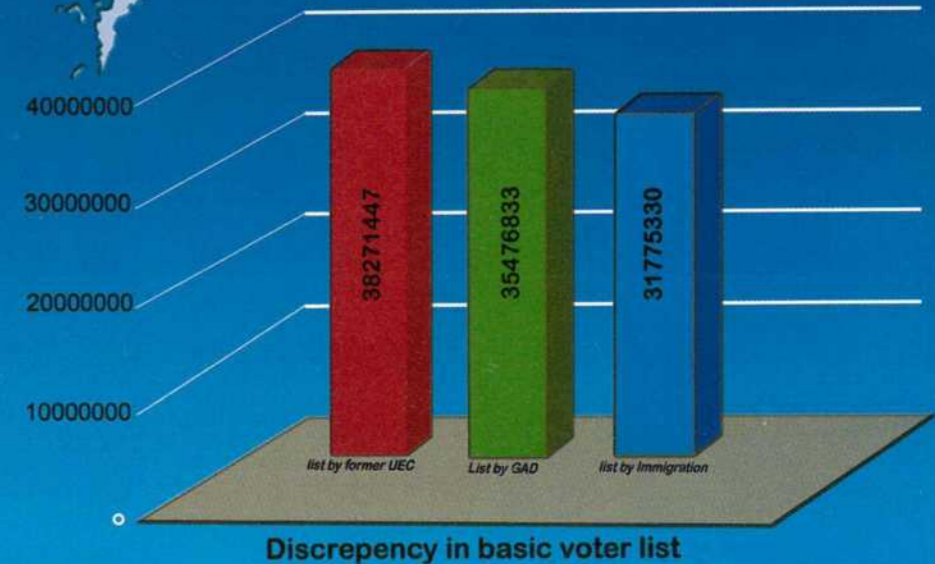
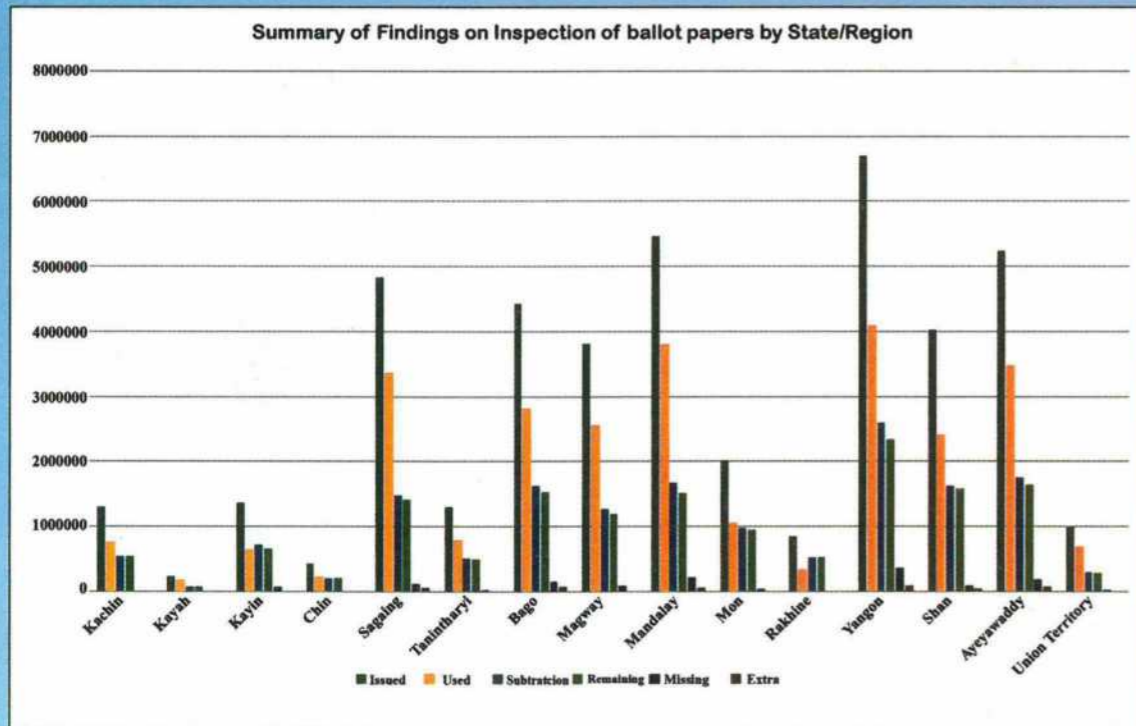
Number of fraudulent voters in voter list - 11305390

Electoral Frauds and Malpractices in 2020 Multi-party Democracy General Election



**Union Election Commission**

# Findings on the Investigation of Electoral Frauds and Malpractices in 2020 Multi-party Democracy General Election










**Union Election Commission**

**Findings on the Investigation  
of Electoral Frauds and Malpractices  
in 2020 Multi-party Democracy  
General Election**



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# **Introduction**

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## Introduction

1. A free and fair election is vital to a Multi-Party Democracy system. Only a free and fair election reflects people's will and desires. According to the Constitution of the Republic of the Union of Myanmar, a government that exercises the sovereignty of the State, respective Hluttaws, Union Government and Region/State Governments are directly or indirectly elected by the people. Therefore, elections shall be held in free and fair manner in accordance with the Constitution and existing laws of its country.

2. The 2020 Multi-Party Democracy General Election was held on 8<sup>th</sup> November, 2020. In this election, there were major errors in the voter lists, electoral frauds and malpractices. Political parties and Hluttaw candidates held press conferences, requesting the former Union Election Commission (UEC) to resolve the voter list errors and issued press releases regarding the voter list errors.

3. It was found that the Union Solidarity and Development Party (USDP), National Democratic Force Party, New National Democracy Party, Myanmar People's Democratic Party, People's Pioneer Party, National Development Party, Kayin Peoples Party, Shan Nationalities Democratic Party, Myanmar Farmers' Development Party, Federal Union Party, Chin National League for Democracy Party, Rakhine State National United Party, Public of Labour Party, Danu National Organization Party, Democratic Party of National Politics, 88 Generation Democracy Party, Public Contribute Students Party, People Force Party, Modern People Party, Democratic Party (Myanmar), The Party for People and National Political Alliance Party released the statements separately and 23 parties released the joint statements.<sup>1</sup>

4. On 18.11.2020, Pyithu Hluttaw candidate representing Pyaw-bwe Township U Thaug Aye held a press conference for the justice of the people because there were malpractices and voter list errors in Multi-party Democracy General Election which was held on 8<sup>th</sup> November 2020 and made first claim to former UEC. U Thaug Aye, a Pyithu Hluttaw candidate representing Pyaw-bwe Township, one Amyotha Hluttaw candidate and two other candidates representing Regional Hluttaw Constituency No. (1) and (2) held a press conference on 12.11.2020, informing the people that they signed

<sup>1</sup> Joint statements and press releases by 23 political parties regarding 2020 Multi-party Democracy General Election, UEC office file, Nay Pyi Taw



and submitted a request to Pyaw-bwe Township election sub-commission asking for permission to verify the voter list.<sup>1</sup> Moreover, on 26.11.2020, the leaders of Union Solidarity and Development Party, Democracy Party of National Politics, National Political Alliance Party, New National Democracy Party and some other parties, which contested in previous election, held a press conference on 2020 Multi-Party Democracy General Election in front of Ambassadors, local and foreign news media with evidence of frauds and malpractices.

5. According to the findings of scrutiny by Tatmadaw on voters list issued by former UEC and used in November 8<sup>th</sup> 2020 Multi-Party Democracy General Election, there were 2,946,532 duplicated voters within same township in total of 315 townships, 1,070,100 duplicated voters based on the cross-check between townships within same State/Region, 1,786,302 duplicated voters based on cross-check between states and regions, 4,648,270 persons without citizenship scrutiny cards, 11,943 persons under the age of 18, 18,356 persons over the age of 100, 613 persons by other means, and the total number is 10,482,116.<sup>2</sup> There were 30 announcements in total between 23.12.2020 and 28.1.2021, and also there were 2 statements before the election and 4 statements after the election, 6 in total.<sup>3</sup> Tatmadaw issued the statement that they have shared the findings transparently with proper documentation to the local and international media at the press conferences.

6. According to the statement issued by the former UEC, there were about 38 million eligible voters but it was found that approximately 10.4 million voters are potentially fraudulent and so it is more than a quarter of eligible voters. It can be seen that it is not a normal error or ordinary dispute. According to the announcement of office of the Commander-in-Chief of Defence Services on 1.2.2021, there were total of 124 demonstrations in 99 townships from 10.11.2020 and 29.1.2021 against the actions by former UEC.<sup>4</sup>

7. As first step, political parties and the Tatmadaw issued announcements, asking UEC to resolve the voter list errors in accordance with the laws and rules but UEC

1 26.11.2020, Press conference by USDP and 8 other political parties, UEC office file, Nay Pyi Taw

2 Releases by Tatmadaw on voter list in 315 townships for 30 times, UEC office file, Nay Pyi Taw

3 Statements by Tatmadaw for 6 times before and after Election, UEC office file, Nay Pyi Taw

4 1.2.2021, Press release by Office of the Commander in Chief, UEC office file, Nay Pyi Taw

rejected these requests. Secondly, in accordance with Section 84 of the Constitution and Section 17 of the Pyidaungsu Hluttaw Law, 36 Hluttaw representatives from Union Solidarity and Development Party, 4 from Rakhine National Party, 1 from National Democracy Party,<sup>2</sup> individual representatives and 160 military Hluttaw representatives, 203 members of Pyidaungsu Hluttaw in total submitted the request to call Pyidaungsu Hluttaw special session to resolve the issues through Pyidaungsu Hluttaw but the Hluttaw rejected that lawful request.<sup>1</sup> Thirdly, it was requested again to address these issues by either government or Pyidaungsu Hluttaw or UEC. After all these efforts were rejected, it was asked twice in accordance with the Laws to convene National Defence and Security Council meeting which is led by the President and has civil and military representation. Although political parties and the Tatmadaw took these steps in accordance with the law, the former President, former Union Government, Pyidaungsu Hluttaw and former UEC did not take any actions to resolve the issues.

8. In accordance with Section 4 of the 2008 Constitution “The Sovereign power of the Union is derived from the citizens and is in force in the entire country”, Section 6(d) and 7 “flourishing of a genuine, disciplined multi-party Democracy system”, Section 6 (f) “enabling the Defence Services to be able to participate in the National political leadership role of the State”, as Tatmadaw is responsible to uphold 2008 Constitution, the former UEC was asked to address voter list issues in order to hold free and fair elections so that the election results would be accepted without doubt but UEC refused to take actions. Without taking any actions on voter list and other electoral issues in 2020 Multi-party Democracy General Election, the attempts to call the respective Hluttaw sessions and to form the government is “Foreible seizure of State Power” as stated in Section 40 (c) and Section 417 of the 2008 Constitution.

9. Since there would be no way to democracy if these problems were not resolved, it is necessary to resolve the issue in accordance with the law and U Myint Swe, the acting President of the Republic of the Union of Myanmar, called a “National Defence and Security Council” meeting and announced the state emergency in accordance with Section 417 of the 2008 Constitution. Then, in accordance with Section 418 (a) of the Constitution, the legislative, the executive and the judicial powers were transferred to the Commander in Chief of Defence Services.<sup>2</sup>

1. 12.1.2021, Press release (1/2021) of Pyidaungsu Hluttaw, Republic of the Union of Myanmar, UEC office file, Nay Pyi Taw

2. 1.2.2021, Order No. (1/2021) by President Office, UEC office file, Nay Pyi Taw

10. The Commander-in-Chief of Defence Services formed the State Administration Council and laid down the following five action plans-

- (a) The Union Election Commission will be reconstituted and its mandated tasks, including the scrutiny of voter lists, shall be implemented in accordance with the law.
- (b) Effective measures will be taken with added momentum to prevent and manage the COVID-19 pandemic.
- (c) Actions will be taken to ensure the speedy recovery of businesses from the impact of COVID-19.
- (d) Emphasis will be placed on achieving enduring peace for the entire nation in line with the agreements set out in the Nationwide Ceasefire Agreement.
- (e) Upon accomplishing the provisions of the state of emergency, free and fair multiparty Democracy elections will be held in line with the 2008 Constitution, and further work will be undertaken to hand over State duties to the winning party in accordance with Democracy standards.

11. The State Administration Council assigned the newly-formed UEC to implement the action plan (a) and (e) from the Five-Point Roadmap by order No. (7/2021) in accordance with Section 419 of the 2008 Constitution on 2<sup>nd</sup> February 2021.<sup>1</sup>

12. According to the first plan of Five-Point Roadmap of State Administration Council, the current UEC conducted the inspections of ballot papers, investigations of voter list and interviews to find out the electoral frauds and malpractices in 315 townships where the elections were held. As the inspection and investigation were completed, the electoral frauds and malpractices are compiled and presented.

<sup>1</sup> 2.2.2021. Order No.(7/2021) by State Administration Council, UEC office file, Nay Pyi Taw

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**Chapter (1)**  
**Formation of the Union Election**  
**Commission**

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### Formation of the Union Election Commission

13. In order to take the appropriate measures, including the checking voter list in accordance with the laws, to hold free and fair Multi-party Democracy General Election in line with the 2008 constitution, and to hand over state power to winning party in compliance with Democracy norms and standards when it is completed in accordance with the provisions of State Emergency, current Union Election Commission was assigned by the State Administration Council with the Order No. 7/2021 issued by the State Administration Council on 2.2.2021, Order No. 43/2021 on 9.2.2021; Order No. 86/2021 on 23.2.2021; Order No. 93/2021 on 26.2.2021 according to Section 419 of the Constitution of the Republic of the Union of Myanmar, and the current UEC is chaired by U Thein Soe and has 14 commissioners, 15 in total:<sup>1</sup>

(a)	U Thein Soe	Chairman
(b)	U Than Tun	Member
(c)	U Aung Saw Win	Member
(d)	U Than Win	Member
(e)	U Saw Ba Hlaing	Member
(f)	U Soe Oo	Member
(g)	U Aung Moe Myint	Member
(h)	U Aung Lwin Oo	Member
(i)	U Than Soe	Member
(j)	U Bran Shaung	Member
(k)	U Myint Oo	Member
(l)	U Khin Maung Oo	Member
(m)	Daw Nu Mya Zan	Member
(n)	U Myint Thein	Member
(o)	Dr. Ba Maung	Member








<sup>1</sup> Order No. 7/2021 on 2.2.2021, Order No. 43/2021 on 9.2.2021, Order No. 86/2021 on 23.2.2021, Order No. 93/2021 on 26.2.2021, Formation, Appointment and Replacement of Union Election Commission by State Administration Council, UEC office file, Nay Pyi Taw

14. Starting from 5.2.2021, Union Election Commission inspected voter list of the townships where the elections were held, and conducted ground inspection according to Section 53 of respective Huttaw election law. Members of Union Election Commission together with respective election sub-commissions, representatives from political parties started inspections of voter list in detail in 315 townships from 17.2.2021 to 4.7.2021, and also checked the voting condition and ballot papers of each polling station in respective townships.

## **Chapter (2)**

### **Conspiracies during Pre-Election Period**

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-  Findings on the formation of former UEC and election sub-commissions
-  Interference in formation of election sub-commissions at different levels beyond laws, rules, orders and instructions
-  Interference and plan of authorities to win the election
-  Amendment of electoral laws and rules for its own party's benefits to win the election
-  Intervention of the former President and actions by taking the advice of international organizations in the process of amending the laws for the benefit of National League for Democracy (NLD)
-  Unlawful instructions that were not in compliance with laws and rules by former Union Government and UEC
-  Findings of inspections on Voter List





### Conspiracies during Pre-Election Period

15. An election is not a process that starts with voting and ends with announcing results. The entire process has a series of steps that are connected to each other and in that process, there is interaction between the respective stakeholders and institutions. The elections are held periodically as a cycle. As each process in an electoral cycle depends on other processes, it cannot be a fair election and will cause the negative impact if one of these processes fails and/or if there is an individual or institutional interference in the process;

### Findings on the formation of Former Union Election Commission (UEC) and Election Sub-Commissions

16. The former Union Election Commission was formed initially with Order No. 4/2016 dated 30.3.2016 by the President's Office appointing U Hla Thein as chairman and U Aung Myint, U Soe Reh, U Tun Khin and U Hla Tint as commissioners, then with Order No. 14/2017 dated 14.6.2017 appointing U Myint Naing and U Than Htay as Commissioners. Then there was Order No. 8/2019 dated 8.3.2019 by the President's Office appointing U Nyunt Sein, U Thet Tun, U Myint Aung, U Saw Daniel Kyi, U Aung Soe Win, U Than Aung, U Min Swe and U Swe Tint Lwin as commissioners, which made the former UEC composition as one chairman and 14 commissioners, 15 in total.<sup>1</sup>

17. Among the abovementioned former chairman and commissioners, U Than Htay was elected in 1990 General Election representing National League for Democracy (NLD) in constituency No.2 of Lashio township. He then contested as candidate representing National League for Democracy (NLD) in Amyotha Hluttaw constituency No. 2 of Shan State in 2015 General Election but was not elected at that time; U Sai Wam Hlaim Kham from Shan National League for Democracy Party won the seat instead. According to the summarized biography attached to his candidate nomination, U Than Htay had served as member of Lashio 1990 Central Strike Committee, Chairman of Exhortation Sub Committee, elected Representative for Pyijhu Hluttaw representing constituency No.2 of Lashio township in 1990, Chairman of Lashio Township Campaign Team, Member of

<sup>1</sup> Order No. 4/2016 on 30.3.2016, Order No.14/2017 on 14.6.2017, Order No. 8/2019 on 8.3.2019, Formation and Appointment of Union Election Commission by President Office, UEC, office file, Nay Pyi Taw

Shan State Campaign Committee (Chair of Finance Team as well), Team Leader of No.1 Campaign Team of Shan State, responsible person for NLD Headquarters (assigned to Yangon) and for Legal Aid Team (assigned to Headquarters), Lawyer for political cases, Chairman of campaign team of northern Shan State in 2012 and chairman of campaign team of Lashio township in 2015.<sup>1</sup>

18. After 2017 by-election, election sub commissions at all levels were re-constituted starting from November 2017. The former UEC has asked for the nominations for the State/Region Election Sub Commissions including Nay Pyi Taw Union Territory from the Region/State former Chief Ministers with the letters No. 4/yakapa(47)/kamaya dated 27-11-2017 and to Chairman of Nay Pyi Taw Council with Letter No. 4 /yakapa(55)/kamaya dated 7.12.2017. The nominations by former chairman of Nay Pyi Taw Council and former chief ministers of State/Region (chairmen of NLD party of States/Regions as well) were sent.<sup>2</sup> It was found that all these nominations were approved and former UEC issued the appointments for 7 States and Region Election Sub Commissions with notification No. (33/2017) dated 4.12.2017, the appointments for 7 States and Region Election Sub Commissions with notification No. (34/2017) dated 6.12.2017 and appointment for Nay Pyi Taw Union Territory with notification No. (5/2018) dated 9.1.2018 respectively.<sup>3</sup>

19. Similarly, the instructions on the formation of Self-administered Zones/Divisions, districts and township election sub commissions were sent to State/Region Election Sub Commissions including Nay Pyi Taw Union Territory with the letter No. 4 / yakapa (50)/ kamaya dated 4.12.2017, Letter No. 4 /yakapa (53)/ kamaya dated 6.12.2017, Letter No. 4 / yakapa (56)/ kamaya dated 8.12.2017 and Letter No. 4 /yakapa(1)/ kamaya dated 9.1.2018. It was found that the chairman (newly appointed at that time) and secretary of Region/State Election Sub Commissions were instructed to meet with former chief

1 Biography of U Than Htay, former UEC commissioner, UEC office file, Nay Pyi Taw

2 The former UEC has asked for the nominations for the State/Region Election Sub Commissions including Nay Pyi Taw Union Territory from the Region/State former Chief Ministers with the letters No. 4/yakapa(47)/kamaya dated 27-11-2017 and to Chairman of Naypyitaw Council, with Letter No. 4 /yakapa(55)/kamaya dated 7-12-2017, UEC office file, Nay Pyi Taw

3 The appointments for 7 States and Region Election Sub Commissions with notification no (33/2017) dated 4.12.2017, the appointments for 7 States and Region Election Sub Commissions with notification no (34/2017) dated 6.12.2017 and appointment for Nay Pyi Taw Union Territory with notification no (5/2018) dated 9.1.2018, Outgoing Letters File of Election department, UEC office, Nay Pyi Taw

ministers of States/Regions and ask for the nominations, then to report the final list to Chief Ministers again and to send the list back to UEC only when it was approved.<sup>1</sup>

20. Former UEC gave instructions to finalise the formation of ward/village tracts election sub commissions by 18.5.2018 to Region/State and Nay Pyi Taw Union Territory Election Sub Commissions with Letter No. 4 / yakapa (2)/ kamaya dated 7.2.2018 and Letter No. 4 / yakapa (16)/ kamaya dated 9.4.2018. It was found that ward/village tracts election sub commissions were formed by respective State/Region Election Sub Commission by getting the approval and consensus of Nay Pyi Taw Council, Region/State governments respectively and accordingly.<sup>2</sup>

21. The previous Union Election Commissions (before former UEC which was formed in 2016) used to independently appoint the State/Region Election Sub Commissions, Union Territory Election Sub Commission, Self-administered Zones/Divisions, districts and township election sub commissions in accordance with the duties and responsibilities given by sub-section (c), Section 10 of Union Election Commission Law, and the Region/State Election Sub Commissions used to form the ward/village tracts election sub commissions to respective Regions/States in accordance with the policy guided by UEC, and only the personnel who met the criteria according to Section 16 of Union Election Commission Law were appointed. But it was found that the election sub commissions at various levels were formed in 2017 by taking the approval from respective local governments and it indicated that NLD party members, party hard cores, party coordinators and partisan people were appointed in order to favor the governing political party in electoral process.

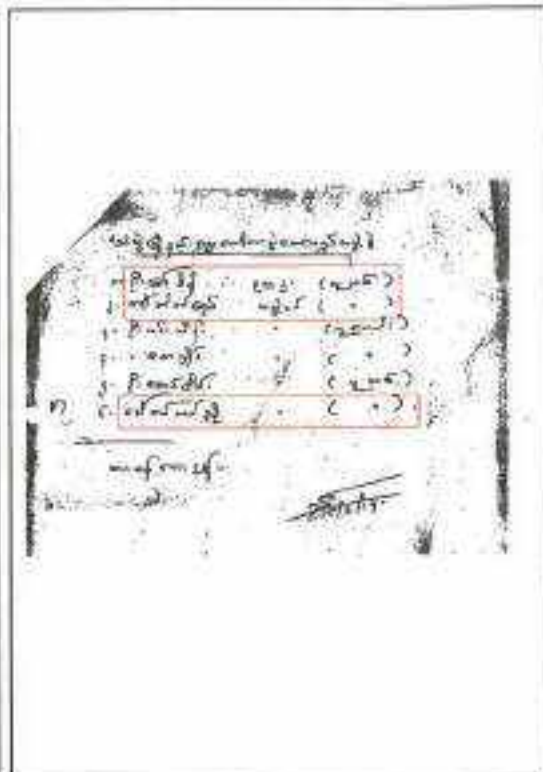
1. The instructions on the formation of Self-administered Zones/Divisions, (districts and township) election sub commissions were sent to State/Region Election Sub Commissions including Nay Pyi Taw Union Territory with the letter No. 4 / yakapa (50)/ kamaya dated 4.12.2017, Letter No. 4 / yakapa (53)/ kamaya dated 6.12.2017, Letter No. 4 / yakapa (56)/ kamaya dated 8.12.2017 and Letter No. 4 / yakapa (1) / kamaya dated 9.1.2018, Outgoing Letters File of Election department, UEC office, Nay Pyi Taw.

2. Former UEC gave instructions to finalise the formation of ward/village tracts election sub commissions by 18.5.2018 to Region/State and Nay Pyi Taw Union Territory Election Sub Commissions with Letter No. 4 / yakapa (2)/ kamaya dated 7.2.2018 and Letter No. 4 / yakapa (16)/ kamaya dated 9.4.2018, Outgoing Letters File of Election department, UEC office, Nay Pyi Taw.

**The letter sent by Former Chief Minister of Mandalay Region to re-form district and township election sub-commissions**



**Hand written letter by Former Chief Minister of Rakhine State on nominations of township election sub-commissions**



**Interference in formation of election sub-commissions at different levels beyond law, rules, orders and instructions**

22. Findings on interference by the NLD party throughout the election operation in 2020 Multi-Party Democracy General Election that was beyond the laws, rules, orders and instructions are as follows:

- (a) Although there was an announcement No. 32/2017 dated 17.11.2017 on formation of State/Region Election Sub Commissions issued by former UEC, there were further announcements such as No. 33/2017 dated 4.12.2017 and No.34/2017 dated 6.12.2017 on the formation of State/ Region Election Sub Commissions. It was found that NLD party hard cores, who were nominated by former Chief Ministers of States/ Regions, were appointed as chairpersons and commissioners in those announcements.

- (b) The list below showed chairperson and commissioners of Kayah State Election Sub Commission were linked with NLD party-<sup>1</sup>
- i. U Than Soe, Chairman (he was member of Kayah State National League for Democracy party campaign team and party hard core in 2015 General Election)
  - ii. Daw Cho Cho Than, member (her spouse is a member of NLD party campaign victory team and partisan campaign coordinator)
  - iii. Daw Nwe Nwe Khin, member (she is NLD supporter)
  - iv. U Tin Soe , member (he is NLD supporter)
- (c) The former UEC appointed district election sub commissions with Announcement No. 52/2017 dated 22.12.2017 and township election sub commissions with Announcement No. 53/2017 dated 23.12.2017 but Kayah State Election Sub Commission was not aware about those names since former UEC appointed NLD supporters and hard cores who were recommended by former Kayah State Chief Minister.
- (d) It was found that in Kayin State as well, malpractice was planned in advance by including NLD hard cores in formation of election sub commissions at all levels. The announcements of appointments of sub commissions were revoked and replaced with new ones that included the nominations by former Kayin Chief Minister.<sup>2</sup>
- (e) Similarly, in Chin State, when Chin State Election Sub Commission was formed, the former UEC did not act properly in accordance with Section 10 (c) of Union Election Commission Law to form State/ district/ township election sub-commissions but asked for the approval from State government or former State Chief Minister instead, which is not stated in Laws. The former UEC gave illegal instructions to State Election Sub Commission to meet with and take guidance from former Chief Minister. It was found that the former State Chief Minister also made phone calls to their friends and assigned them to take these positions. Although the

1 Letter No. 260 /yaka (36) /kumaya ( Kayah ) on 12.3.2021, UEC office file, Nay Pyi Taw

2 20.5.2021, Report by Kayin State Election Sub-Commission, UEC Office File, Nay Pyi Taw

- former UEC issued the announcement No. 32/2017 of appointment of State Election Sub Commission dated 17.11.2017, it was replaced with announcement No. 33/2017 of appointment of State Election Sub Commission dated 4.12.2017 because the former Chief Minister wanted to appoint the personnel who were connected with NLD party.<sup>1</sup>
- (f) It was found that U Wi Kaw, former Minister for Planning and Finance of Chin State sent the Letter No. 1/2-2(14)/U3 dated 11.2.2020 to State Election Commission to replace the members of wards/villages election sub commissions.<sup>2</sup> Thus, U Lin Kyaw, State Election Officer, had to coordinate by sending back the Letters No. 1/ (1)- kapasa/ chin-ka-ma-ya-khwe dated 17.2.2020 and No. 2/(3)- nangaya/ chin-ka-ma-ya-khwe dated 18.2.2020.<sup>3</sup> State Election Sub Commission had to ask for approval from former Chief Minister and respective former Ministers on nominations where the chairpersons and commissioners of the State/district/township/ ward/ villages election sub commissions were vacant due to health or social grounds. It shows that former State government and NLD party took control on former UEC and former State Election Commission.
- (g) The former Chief Minister of Sagaing Region U Myint Naing gave instructions to let former Hluttaw representatives lead the nominations to reconstitute election sub commissions and these former Hluttaw representatives interfered in the process and pressured the former UEC to replace the appointments of election sub commission when there was no NLD supporters in the formation of Katha district and Inn Daw township election sub commission.<sup>4</sup>
- (h) The former UEC formed election sub commission with announcement No. 32/2017 dated 17.11.2017 which included U Win Maung as chairman and other 5 commissioners. When the copy of that announcement was

1 17.5.2021, Report by Chin State Election Sub Commission, UEC Office File, Nay Pyi Taw

2 11.2.2020, Letter by U Wi Kaw, former Minister of Finance and Planning of Chin State to Chin Election Sub Commission, UEC Office file, Nay Pyi Taw

3 17.2.2020 and 18.2.2020, Replies by Chin State Election Sub Commission to U Wi Kaw, former Minister of Finance and Planning of Chin State, UEC Office file, Nay Pyi Taw

4 Letter No. 4/6-yakaga (207)/ kamayakha on 10.5.2021, Report by Sagaing Region Election Sub Commission, UEC office file, Nay Pyi Taw

sent to former Bago Region Chief Minister U Win Thein, he met with Bago Region Election Sub Commission Chairman U Win Maung at his home and said that he was not satisfied with the appointments, he would call the former UEC, and U Win Maung could not even imagine to become the chairperson. The former UEC gave instructions to revoke announcement and the election sub-commission was formed again with the announcement No. 33/2017 dated 4.12.2017 in which U Win Maung was not included anymore and the amended appointment is as following:<sup>1</sup>

- |     |                   |            |
|-----|-------------------|------------|
| (1) | U Moe Swe         | Chairman   |
| (2) | U Aung Myint      | Member (1) |
| (3) | Daw Khin Hla Swe  | Member (2) |
| (4) | Dr Kyi Soe        | Member (3) |
| (5) | Daw San San Myat  | Member (4) |
| (6) | Dr Ye Nyunt Naing | Member (5) |

- (i) It was found that most of the former members of Bago Region Election Sub Commission are connected with NLD party especially the 4<sup>th</sup> commissioner Daw San San Myat is niece of former Chief Minister of Bago Region U Win Thein.
- (j) According to Union Election Commission Law, election sub commissions at State/Region/district/township levels shall be formed by Union Election Commission and State/Region Election Sub Commission shall form ward/village tract election sub commission. However, the former Chief Minister of Bago gave instruction to Bago Region Election Sub Commission to appoint ward/village tract election sub commission only when he gave approval. In the past, the appointment for the vacant seats of ward/village tract election sub commission shall be discussed first at ward/village tract election sub commissions meeting and reported to township administration, then the township administrator took the confirmation after getting consensus from 4 Hluttaw Representatives. But previously,

<sup>1</sup> Letter No. 1/ takamaya(yakapakh/pakha) on 21.5.2021, Report by Bago Region Election Sub Commission, UEC office file, Nay Pyi Taw



ward/village tract election sub commissions were approved only by former Bago Region Chief Minister U Win Thein and the commissioners were mostly NLD supporters because the Hluttaw representatives he spoke with were also only the ones from the NLD party.<sup>1</sup>

- (k) Magway Region Election Commission was formed with 6 community trusted people and 10 departmental personnel, 16 in total. In doing so, the names of 6 community trusted people who are retired government personnel were submitted to the former UEC with their short biographies after asking them if they were interested to work for sub commission.<sup>2</sup> Since the elections shall be conducted in accordance with existing laws and rules, lawyers were prioritized amongst retired and community trusted personnel but the former UEC did not approve and appoint them because these nominations were not approved by the former Magway Region Chief Minister and NLD CEC members. The former UEC coordinated with former Magway Region Chief Minister and asked for the nominations confidentially in order to form Region/State/ district/ township election sub commissions. Although the community trusted people shall be assigned for election sub commissions at various levels in transparent manner, the names of NLD hard cores and supporters recommended Magway Region Hluttaw representatives were submitted to former Magway Region Chief Minister through former Speaker of Region Hluttaw and later the list was directly sent to the former UEC confidentially. It is found that the former chairman of UEC U Hla Thein and the former Magway Region Chief Minister Dr. Aung Moe Nyo, worked together against Laws and rules and planned in advance to commit malpractices since the election sub commissions were formed in 2017 in order to help the NLD party to win the election and be able to form the government.<sup>3</sup>

1. Letter No. 1/takamaya(yakapakh)/pakha) on 21.5.2021, Report by Bago Region Election Sub-Commission, UEC office file, Nay Pyi Taw

2. Letter No. 3/5-9(maula)(5)/Oofo on 4.12.2017, Letter by Magway Region Chief Minister Dr. Aung Moe Nyo, UEC office letter, Nay Pyi Taw

3. Report by Magway Region Election Sub Commission, UEC office file, Nay Pyi Taw

(l) The former UEC formed Mandalay Region Election Sub Commission by the announcement No.32/2017 dated 17.11.2017, which included 6 community trusted people and 10 departmental personnel, 16 in total. But that appointment was objected by former Mandalay Region Chief Minister and NLD CEC members and Mandalay Region Election Sub Commission was re-appointed by announcement No.33/2017 dated 4.12.2017.<sup>1</sup> The former UEC formed district election sub commissions in Mandalay Region by the announcement No. 44/2017 dated 18.12.2017 and township election sub commissions in Mandalay Region by the announcement No. 45/2017 and these appointments were done in coordination with former Mandalay Region Chief Minister.<sup>2</sup> Dr. Zaw Myint Maung, former Mandalay Region Chief Minister sent a Letter No. 1/2-1/5 U 6 (243) dated 20.12.2017 confidentially to U Hla Thein, Chairman of former UEC to replace the appointments of the township election sub-commissions in Madayar Township, Thabeikkyin Township, Mahlaing Township, Meikhtilar Township, Tharzi Township, Myingyan Township in Mandalay region and these township election sub commissions were re-appointed by the announcement No. 54/2017.<sup>3</sup> There was interference by Hluttaw representatives from the NLD party in the formation process of ward/ village tract election sub commissions in some townships. It was established that Hluttaw representatives from the NLD party in some townships selected the people to appoint in cooperation with district/ township management committees as chairpersons and commissioners where there were vacant positions, and the former UEC appointed them when these lists were approved by former Chief Minister.

(m) When the former UEC appointed Pyawbwe township election sub commission as former Mandalay Region government recommended, U Thaug Aye, Pyithu Hluttaw representative from Pyawbwe township in

1 The announcement No. 32/2017 dated 17.11.2017 and announcement No.33/2017 dated 4.12.2017, Formation and Amendments of Appointment of Mandalay Region Election Sub Commission, UEC office file, Nay Pyi Taw

2 The formation of district election sub commissions in Mandalay Region by the announcement No. 44/2017 dated 18.12.2017 and formation of township election sub commissions in Mandalay Region by the announcement No. 45/2017, Outgoing Letter File of Election Department, UEC office, Nay Pyi Taw

3 Letter No. 1/2-1/5 U 6 (243) dated 20-12-2017 sent by Dr. Zaw Myint Maung, former Mandalay Region Chief Minister to U Hla Thein, Chairman of former UEC, Outgoing Letter File of Election Department, UEC office, Nay Pyi Taw

Mandalay Region raised the question “whether there is any plan or not to amend the appointments as two appointed commissioners in the list of Pyawbwe township election sub commission by former UEC were wrong” on 5<sup>th</sup> day of 8<sup>th</sup> regular sessions of 2<sup>nd</sup> term of Pyithu Hluttaw.<sup>1</sup> U Aung Myint, a commissioner of former UEC did not give clear answer why the name list was wrong but responded that UEC did it only within the framework of duties and responsibilities of UEC. The former UEC did not admit that they took the recommendations and appointed the sub commissions as Mandalay Region government wished, at Pyithu Hluttaw which is legislative body of the country, and it shows that the former UEC was not impartial and independent institution, and the former regional government also took control of UEC and intervened in the process.

- (n) The former UEC appointed the Mon State Election Sub Commission by the announcement No. 32/2017 and it was sent to Mon State Election Sub Commission office on 17.11.2017 by fax but there was further instruction to seal and keep that announcement. It was found that the former Mon State Chief Minister directly communicated with former UEC and Mon State Election Sub Commission was formed again by announcement No. 34/2017 dated 6.12.2017 in which the earlier appointed 4 members were replaced with 4 other people recommended by NLD party.<sup>2</sup>
- (o) Similarly, the formation of district and township election sub commissions were done under the guidance by former UEC and approval by former Mon State Chief Minister. District election sub commissions were formed by the announcement No. 3/2018 dated 2.1.2018 and township election sub commissions were formed by the announcement No. 4/2018 dated 2.1.2018. But there was no scrutiny process to check if these appointed people actually met the eligibility criteria or not as stated in article 16 of Union Election Commission Law and it was found that most of them were NLD supporters and hard cores.
- (p) It was determined that the former UEC included NLD party members

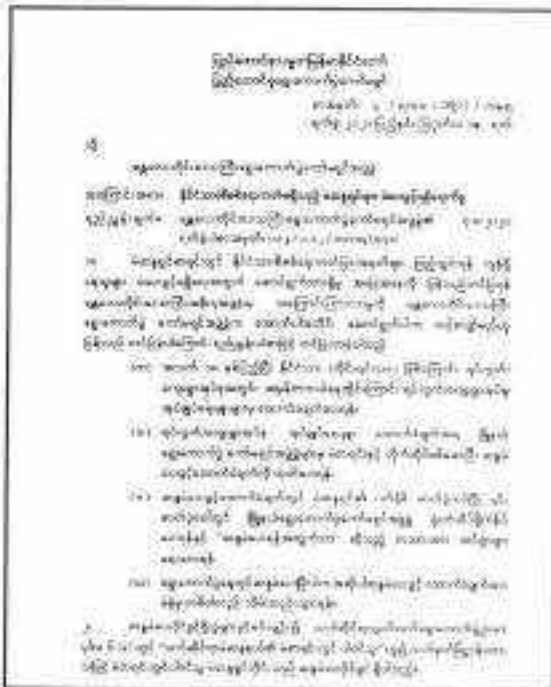
1 Meeting Minutes of Question raised by U Thuang Aye, Pyithu Hluttaw representative from Pyawbwe township in Mandalay Region on 5<sup>th</sup> day of 8<sup>th</sup> regular sessions of 2<sup>nd</sup> term of Pyithu Hluttaw, UEC office file, Nay Pyi Taw

2 19.5.2021, Report by Mon State Election Sub Commission, UEC office file, Nay Pyi Taw



- (s) The former UEC asked for nominations from Nay Pyi Taw Council, and it was appointed by announcement No. 5/2018 dated 9.1.2018. According to the instruction by U Hla Thein, former chairman of UEC to follow the guidance by former Chief Minister on formation of district and township election sub commissions, Chairman U Thein Htway and Secretary U Aung Soe Win of Union Territory Election Sub Commission met with member of Nay Pyi Taw Council U Aung Myint Tun and reported the list of nominations by Nay Pyi Taw Council to UEC. Afterwards, chairpersons and members of 2 district and 8 township election sub commissions in Union Territory were appointed by announcements No. 81/2018 and 82/2018 dated 8.6.2018.<sup>1</sup>

**Instructions by former UEC to allow the voters who do not have any Citizenship Scrutiny Cards**



<sup>1</sup> 16.6.2021, Letter No. 13015-6/kamaya(pyinhlaungsum' myay). Report by Union Territory Election Sub Commission, UEC office file, Nay Pyi Taw

### Interference and plan of authorities to win the election

23. The most important task for UEC to conduct a Multi-Party Democracy General Election is compiling the list of eligible voters (voter list). It was found that the previous government took control some Union Ministries and departments in order to win the elections and made plans in advance 2 years before the Multi-Party Democracy General Election was held.<sup>1</sup>

24. Section 5 (a) of respective Hluttaw Election Rules states, "In making the list of voters, ward/village-tract election sub-commissions make the list of voters according to the table defined by UEC and have to be based on the list made by heads of wards or village-tracts and the list of population made by township office of immigration and population department".

25. Therefore, according to the provisions in rules, ward/village-tract election sub-commissions compile the voter list based on the population list by ward/village-tract administrators who were appointed and assigned by township administration offices. In this regard, General Administration Department plays a very important role during the voter list compilation process by UEC and election sub commissions. General Administration Department was under the Ministry of Home Affairs when the voter list was being made for 2010 Multiparty General Election, 2012 By-election, 2015 Multiparty General Election, 2017 By-election and 2018 By-election. According to the decision made at a Union Government Meeting No. 23/2018, General Administration Department was moved and oversight by Union Government Office starting from 28.12.2018.<sup>2</sup> Then Interim Central Census Committee and Interim Census Committee for Nay Pyi Taw, States and Regions were formed by announcement No. 14/2019 signed by former President U Win Myint dated 23.1.2019.<sup>3</sup>

26. Moreover, the former UEC designated 2019 as Voter List year to compile voter list for 2020 Multiparty General Election and the project of collection of population list and compilation of Basic Voter List was launched on 13.6.2019. The population lists were

1 Section 5 (a) of Pyithu Hluttaw Election Rules, Section 5(a) of Amyotha Hluttaw Election Rules, Section 5 (a) of State/Region Hluttaw Election Rules

2 28.12.2018, Notification No. 1/2018, General Administration Department was moved and oversight by Union Government Office, UEC office file, Nay Pyi Taw

3 23.1.2019, Notification No. 14/2019, UEC office file, Nay Pyi Taw

prepared in advance by General Administration Department under Union Government Ministry through ward/village-tract administrators and clerks who participate throughout the electoral process. As part of interventions to win the election for the NLD party, the plans were made by the former UEC in advance to collect, amend and add to the voter list for the 2020 Multiparty General Election.<sup>1</sup>

27. Actually, the process to compile the population list shall be done by General Administration Department and scrutinized by Department of Immigration and Population. The NLD party government made systemic efforts by forming Immigration and Human Resources Ministries in States/Regions except Shan and Rakhine and appointing additional Ministers for these ministries by the order of the President's Office, thereby attempting to control the Immigration and Population department, which is crucial for elections.<sup>2</sup> These measures were controversial as it is inconsistent with the provisions of Table 2 of Constitution and the appointments of new ministries are as follows:<sup>3</sup>

No	Name	Region/State	Date	Order No.
1.	U Zaw Win	Kachin State	1.8.2019	(35/2019)
2.	U Khin Maung Phyu	Kayah State	17.2.2020	(7/2020)
3.	U Min Ko Khine	Karen State	10.7.2019	(27/2019)
4.	U Phway Ah	Chin State	1.7.2019	(23/2019)
5.	U Moe Kyaw Thu	Sagaing Region	28.6.2019	(22/2019)
6.	U Kyaw Min @ U Phoe Min	Tanintharyi Region	1.7.2019	(23/2019)
7.	U Tun Tun Oo	Bago Region	10.7.2019	(27/2019)
8.	U Myint Aung	Magway Region	5.7.2019	(26/2019)
9.	U Aung Kyi	Mandalay Region	15.7.2019	(28/2019)
10.	U Tun Min Aung	Mon State	15.7.2019	(30/2019)
11.	-	Rakhine State	-	-
12.	Daw Moe Moe Su Kyi	Yangon Region	2.7.2019	(24/2019)
13.	-	Shan State	-	-
14.	Dr. Soe Win	Ayarwady Region	20.9.2019	(40/2019)

28. It was found that the new ministry was formed just before starting to work on the voter list in collaboration with the General Administration Department and the Department of Immigration and Population for the 2020 Multi-party Democracy General Election.

<sup>1</sup> Report by current Union Election Commission on Findings of Inspection on 2020 Multi-party Democracy General Election

<sup>2</sup> Formation of Immigration and Human Resources Ministry in States/Regions, UEC office file, Nay Pyi Taw

<sup>3</sup> The provisions of Table 2 of Constitution (2008), State or Region Legislatures.

29. After being appointed as Minister for Immigration and Human Resources in Kachin State, U Zaw Win sat for an interview with the Myitkyina Journal, and said the main reason for establishing the new Ministry was to achieve the correct and accurate voter list. UEC, GAD and Immigration and Population Department would work together on compiling data to include eligible voters into the voter list; he would lead the team as patron but eventually the voter list had lots of errors.<sup>1</sup>

30. Voter list support groups for each State and Region were formed by the instruction of Union Government Office Letter No. 7/464-General /aphaya(2020) dated 4.8.2020 assigning the State/Region chief ministers as team leaders.<sup>2</sup> The former UEC also issued Letter No. 4/ yakapa (146)/kamaya dated 10.8.2020 informing that voter list support groups for an accurate and correct voter list were formed by Union Government Office and giving instruction to State/Region Election Sub Commissions and Union Territory Election Sub Commission to provide voter list (which was displayed once) in soft copy CD if the teams asked for the list. Later, State/Region Election Sub Commissions sent the voter list soft copy CDs to State/Region government offices.<sup>3</sup> Ministers of Immigration and Population under State/Region Governments led the volunteers and did on ground voter list collection and NLD party members and youths who were NLD party supporters were included in these volunteers, and there was no coordination with election sub commissions at various levels.

31. When the population list was collected in order to compile the voter list, ward/village tract administrators led the population list data collection groups. It was found that there were ward/village tract administrators who were appointed by NLD party government and they worked together with NLD party campaign teams when the voter list was being collected. During the process, they did not check whether the people actually lived in respective ward/village tract or not, had Citizenship Scrutiny Cards or not, and met eligible criteria as prescribed in respective Hluttaw Laws or not, but they did try to add people who do not have Citizenship Scrutiny Cards and/or hold Citizenship Scrutiny Cards into voter list and there was mass inclusion of duplicate voters twice or more than three times. Although Section 15(c) of Chapter 6 of the relevant Hluttaw Election Law states that "Whoever has the right to vote in any constituency shall not

1. News by Myitkyina News Journal pin 19.8.2019, UEC office file, Nay Pyi Taw

2. 4.8.2020, Letter No. 7/464-general/aphya(2020) by Union Government Office, UEC office file, Nay Pyi Taw

3. 10.8.2020, Letter No. 4/yakapa(146)/kamaya, Outgoing letter file of Election Department, UEC office file, Nay Pyi Taw



be included in the voting roll of any constituency other than that of the constituency concerned at the same time”, they have ignored the existing laws and worked only for the victory of NLD party.<sup>1</sup> According to Section 19(b) of the relevant Hluttaw Election Law, “the names not eligible are included in the voting roll, delete such names from the voting roll”, but the names were not deleted and still added in the voter list.<sup>2</sup>

32. In the 2020 Multi-party Democracy General Election, the total number of eligible voters reported by former UEC was 38,271,447, total number by Department of Immigration and Population was 31,775,330. The number of people by General Administration Department in November 2020 who are at the age of 18 was 35,476,833 and the difference between these numbers shows that it was planned in advance for malpractices and electoral frauds.<sup>3</sup>

33. The former UEC issued announcement No. (189/2020) dated 10-10-2020 allowing the voters who are 60 years and above to cast advance votes starting from 29.10.2020 before the election and after that, in some places, NLD party campaign teams joined when the advance votes were collected at voters' houses and it caused unlawful voting. On 8.10.2020 and 11.10.2020, the former UEC issued the instruction that allowed the people, who were unable to return to their respective constituencies, to cast advance votes. Because of these instructions, there was mass inclusion of people who do not have a Citizenship Scrutiny Card, and also people who hold the same Citizenship Scrutiny Cards were added to the voter list and were allowed to cast the votes twice or more than three times.

34. The former UEC issued the instruction Letter No. 4 / yakapa (170) /kamaya, dated 19.8.2020 and permitted the voters who do not have Citizenship Scrutiny Cards at polling stations and also allowed people who only had voter slips. The people who do not have Citizenship Scrutiny Cards were allowed to cast the votes and also people who hold the same Citizenship Scrutiny Cards could cast votes twice and more than

1. Section 15 (c), Chapter 6, Voter List of Pyithu Hluttaw Election Law, Amyetha Hluttaw Election Law, State/Region Hluttaw Election Law

2. Section 19 (b) of Chapter 6, Voter List of Pyithu Hluttaw Election Law, Amyetha Hluttaw Election Law, State/Region Hluttaw Election Law

3. Chapter 2: Report by current Union Election Commission on Findings of Inspection on 2020 Multi-party Democracy General Election

three times which were against the existing laws and was in violation of the provisions of Section 59 of the respective Hluttaw Election Law.<sup>1</sup> The former UEC<sup>2</sup> also issued the instruction Letter No. 4 / Yakapa (420) / Kamaya, dated 6.11. 2020 stating that ballot papers which were stamped with only (√) sign without UEC logo to be considered as valid votes. It shows that NLD party members intended well to use (fake) stamps which did not have a UEC logo during voting.<sup>3</sup>

#### Nomination by the former Chairman of Nay Pyi Taw Council for Union Territory election sub-commission



#### Nomination by the Chief Minister of Bago Region for Bago Region election sub-commission



### Amendment of electoral laws and rules for its own party's benefits to win the election

35. The former Union Election Commission (UEC) issued the fifth amendments of respective Hluttaw Election Rules in 2019 by Order No. (55/2019), (56/2019) and

1. Instruction Letter No. 4 /yakapa (170) /Kamaya, dated 19.8.2020 and permitted the voters who do not have Citizenship Scrutiny Cards at polling stations and also allowed people who only had voter slips. Outgoing Letters File of Election department, UEC office, Nay Pyi Taw

2. Instruction Letter No. 4 /Yakapa (420) /Kamaya, dated 6.11. 2020. Outgoing Letters File of Election department, UEC office, Nay Pyi Taw

(57/2019) dated 3.10.2019; and the sixth amendment of respective Hluttaw Election Rules by Order No. (9/2020), (10/2020) and (11/2020) dated 5-6-2020.<sup>1</sup> It was found that the former chairman of UEC U Hla Thein and former Commissioners U Myint Naing and U Than Htay met former President and State Counsellor in person and took the guidance from them to make these amendments that favored winning NLD party.

36. Among these amendments, the period of current residency for the advance voters out of constituency prescribed in Section 10 of respective Hluttaw Election Rules was changed from “at least 180 days” into “at least 90 days”. It allowed a massive number of migrant workers to be included in voter list if their residency is over 90 days in some constituencies especially Pha Kant, Mogoke, some mining areas and industrial zones, and there were reports by the local political parties that it was very unfair for local ethnic voters who have been living in these constituencies.<sup>2</sup>

37. Section 39 (a) of respective Hluttaw Election Rules was amended to “the township Election Sub Commission shall allocate the number of polling booth for military personnel and their families on the basis of places that are out of their military compounds/bases where they can cast the votes together with other civilian eligible voters and where the other voters can cast their secret votes transparently and conveniently”. Because of the legal changes, it was reported that it was difficult for voters who live in larger military regiments and bases to travel to polling station due to the distance between their residency and polling stations, and security concerns when they had to go out of their bases in conflict areas.

### **Intervention of the former President and actions by taking the advice of international organizations in the process of amending the laws for the benefit of National League for Democracy (NLD)**

38. Former President of the National League for Democracy (NLD) Government, U Win Myint gave instructions to add and also amend electoral laws and rules for its own party's benefits to win election. Moreover, it was found that they took advice of international organizations such as the International Foundation for Electoral Systems (IFES) and the International Institute for Democracy and Electoral Assistance

1. Notifications, Outgoing Letters File of Election department, UEC office file, Nay Pyi Taw

2. Report by Kachin State Election Sub Commission, UEC office file, Nay Pyi Taw

(International IDEA). The former UEC started the legal amendments starting from June 2016 which is 3 months after NLD party handed over the power until June 2020 before 2020 Multi-party Democracy General Elections.

39. According to the findings of the IFES Recommendation Paper, there were 2 meetings between former UEC and IFES on 3<sup>rd</sup> December 2018 and 9<sup>th</sup> April 2019, and some changes in electoral rules were submitted to be prioritized as part of the meeting minutes.<sup>1</sup> There was another term paper jointly made by IFES and IDEA in January 2019 on request by former UEC and it had recommendations to add and amend electoral laws and rules.<sup>2</sup>

40. The former UEC received a paper by IFES and IDEA that had 353 recommendations and there were discussions by former UEC chairman and commissioners to submit these recommendations to parliament. It was found that there were discussions related to changes in laws and rules according to the meeting minutes of 24.5.2019, 7.6.2019, 17.6.2019, 2.7.2019, 2.10.2019 and 19.9.2019.<sup>3</sup> It was found that there was a meeting on 2<sup>nd</sup> October 2019 and the former chairman U Hla Thein discussed about the recommendations submitted by IDEA and IFES, and the recommendations No. 177 “ANFREL report 2015: Out of Constituency advance voting for the military should be conducted at standard civilian polling stations, using the procedure that apply to civilians wherever possible. No advance voting should be allowed in military camps/installations, especially polling stations run by the military and located on bases”, the recommendations No. 178 “ANFREL report 2017: Ascertain that all polling stations are located in a neutral place instead of a controlled environment such as inside military camps. Voting in a controlled environment is never ideal on the voter’s right of free choice. Hence, polling stations in military camps should be avoided. Transparency and free choice take precedence over convenience. After all, they can always locate the polling station outside the gate of the camp.” the recommendations No. 179 “ANFREL report 2018: More efforts have to be made to make voters and observers aware of the advance voting schedule. One helpful tool is the publication of a separate calendars and announcements for within and out-of-

1. List of prioritized rules for amendments recommended by IFES, UEC office file, Noy Pyi Taw

2. Recommendations for legal amendments compiled by IDEA and IFES in January, 2019, UEC office file, Noy Pyi Taw

3. Meeting minutes of discussions by former UEC chairman and commissioners to submit these recommendations to parliament on 24.5.2019, 7.6.2019, 17.6.2019, 2.7.2019, 2.10.2019 and 19.9.2019, UEC office file, Noy Pyi Taw

constituency advance voting.” According to the meeting minutes, it was found that they intentionally discussed these points to take actions which would ruin the trust between Tatmadaw and people.<sup>1</sup>

41. After these discussions, based on the recommendations No.177,178 and 179 changes in rules including Section 39 (a) were amended and announced officially by former UEC with announcement No. 55/2019, 56/2019 and 57/2019 dated 3.10.2019, and submitted to and approved by Hluttaw.<sup>2</sup>

42. The former UEC also worked with 24 international organisations and signed MoUs with 12 international organisations. Political Parties and CSOs were funded by international organisations especially International Republican Institute (IRI) and the Carter Center (TCC) and it can be clearly seen that there were influences and control by the foreign countries that funded these international organisations.<sup>3</sup>

43. It was found that former President U Win Myint gave instructions on legal amendments to former UEC in favour of the NLD party to win the election. At the meeting for legal amendments at UEC office on 24.5.2019, the former chairman of UEC U Hla Thein said “we have met with the President on 21” (referred to 21.5.2019), I am concerned that the updates by the President won’t be included in our discussion, all participants here today, commissioners and I should discuss what the President has guided in his recent instruction”.

44. During the discussion on Section 10 of Pyithu Hluttaw Election Rules “at least 180 days” to be replaced by “at least 90 days” at the meeting for legal amendments at UEC office on 19.9.2019, the former commissioner U Hla Tint said “The President made it clear about the period when he met him on 21” May (referred to 21.5.2019), he asked if it was possible to make it “90 days” instead of “180 days”, that’s why we made the decision to change it into “90 days” at our internal meeting”. At the meeting for legal amendments at UEC office on 2.10.2019, the former Commissioner U Hla Tint again said that the President gave guidance on voting, polling stations and advance voting by military personnel and families when he met with the President.<sup>4</sup>

1 Meeting minutes of discussions by former UEC chairman and commissioners to submit these recommendations to parliament on 24.5.2019, 7.6.2019, 17.6.2019, 2.7.2019, 2.10.2019 and 19.9.2019, UEC office file, Nay Pyi Taw

2 Announcement No. 55/2019, 56/2019 and 57/2019 on 3.10.2019, Announcements, Outgoing Letters File of Election Tribunal Department, UEC office Nay Pyi Taw

3 24.12.2020, Page 60, Report by former UEC on Multi-party Democracy General Elections

4 Meeting minutes of discussions by former UEC chairman and commissioners to submit these recommendations to parliament on 24.5.2019, 7.6.2019, 17.6.2019, 2.7.2019, 2.10.2019 and 19.9.2019, UEC office file, Nay Pyi Taw

45. There were strong objections and demonstrations by ethnic and other political parties when the proposed changes related to Section 10 of Pyithu Hluttaw, Amyotha Hluttaw and State/Region Hluttaw Election rules were submitted to the parliament. On 24<sup>th</sup> February 2020, 14 political parties released a press statement expressing their objections and it was found that NLD party appointed President planned to systematically favor the NLD party to win the election in townships in States where there are less voters.<sup>1</sup> Former President U Win Myint misused his power to make changes related to Section 10 of Hluttaw Election rules, and he let the former UEC do this for his own party's benefit, and the former UEC issued announcement No. 55/2019, 56/2019 and 57/2019 dated 3.10.2019 that were submitted to and approved by Hluttaw.<sup>2</sup> There were influence and interference by former President U Win Myint and the NLD party on the actions by the former UEC. And it was also found that the former UEC did not perform well as an independent, free and fair institution and it made legal changes in favor of the NLD party to win the election.

#### **Unlawful instructions that were not in compliance with laws and rules by former Union Government and UEC**

46. The former union government and UEC released the following instructions on voter list that were not in compliance with electoral laws and rules-

- (a) Giving reasons for the errors from Voter List Display, the former Union Government Office formed Voter List Support Groups led by former Chief Minister of respective State/Region and included Immigration and Human Resources Minister, former UEC, General Administration Department, Immigration department on 4.8.2020.<sup>3</sup> By misusing the authority of that group, there were forcibly inclusion of voters by NLD party campaign teams until the Election Day and the local election sub commissions could not be able to verify and identify these voters which made the voter list more duplicative.

1 Statement of Objection by 24 political parties on 24.2.2020, UEC office file, Nay Pyi Taw

2 Announcement No. 55/2019, 56/2019 and 57/2019 on 3.10.2020, Announcements, Outgoing Letters File of Election Tribunal Department, UEC office Nay Pyi Taw

3 Formation of Voter List Support Groups led by former Chief Minister of respective State/Region, UEC office, Nay Pyi Taw

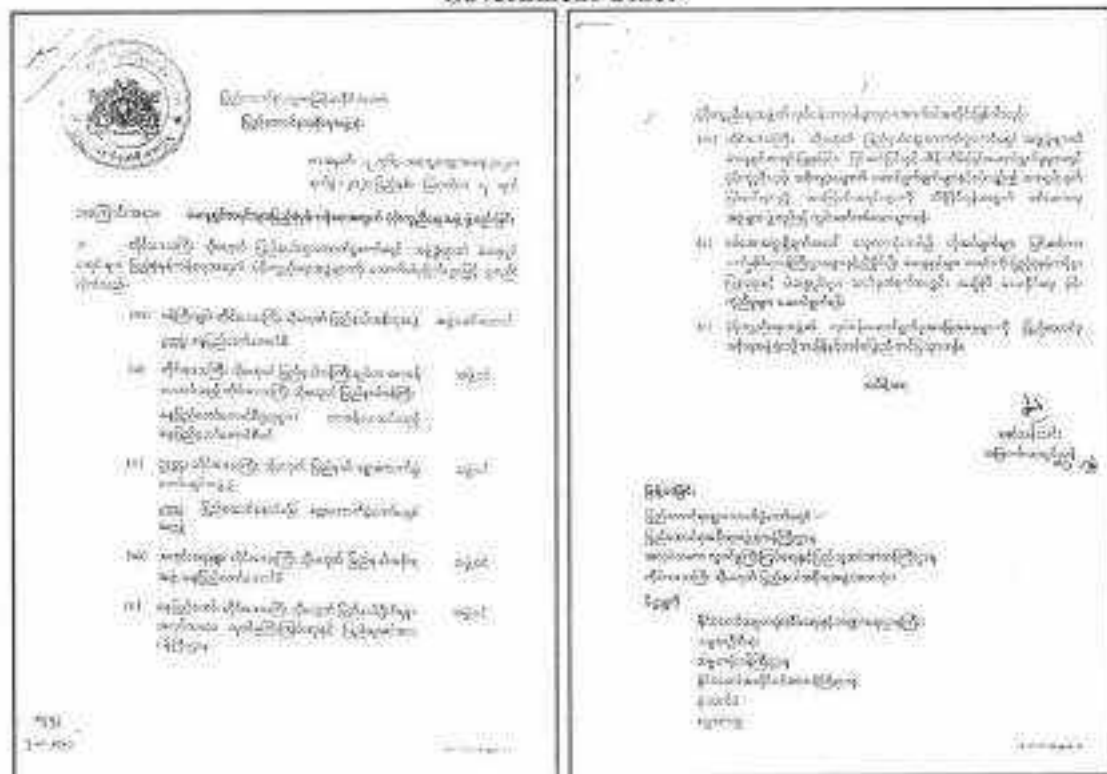
- (b) Although it is stated in Article (a) “citizen, associate citizen, naturalized citizen who has completed the age of 18 years on the day of commencement of election and who does not contravene the provisions of this Law; and according to Article (b) of Section 6, it is stated “person whose name has been included in the voting roll of the respective constituency” according to Section 6 of Chapter IV Eligible Voters in respective Hluttaw Election Law, the former UEC issued the instruction on 19.8.2020<sup>1</sup> allowing those, who can show either driving license, identity card for civil servant, student ID, ID card of Red Cross Association, ID card of Reservist Firefighters, ID card of Militia Group, ID card of Social Welfare organisations which can be identified as having their names included in the voter list, to cast votes in order to maintain the voting rights of voters who do not have complete information in voter list such as Citizenship Scrutiny Card numbers. Because of this instruction, there were voting by people at the polling stations with voter slips only in which their Citizenship Scrutiny Card numbers couldn't be verified, voting by people who do not have any Citizenship Scrutiny Cards, voting by people who had the same Citizenship Scrutiny Card number but were included in the voter list twice or more than three times. These are all violations of the provisions of Section 59 of the respective Hluttaw Election Laws.
- (c) According to COVID-19 outbreak conditions, since the former UEC gave instructions for the production of the voter slips on 6.10.2020<sup>2</sup> and planned to distribute the slips by the first week of November on 9.10.2020,<sup>3</sup> the unlawful actions were found such as the voter slips were bloated and given to unauthorized persons, and voting by these people who brought the slips but couldn't be verified was allowed at the polling stations. It was found that the fake voter slips were produced and distributed, for example- Ko Soe, son of former Amyotha Hluttaw Speaker Mann Win Khaing Than supervised the distribution of fake voter slips at the polling station in No.3 ward in Myawaddy township in Kayin State.

1 The instruction on 19.8.2019 allowing those, who can show either driving license, identity card for civil servant, student ID, ID card of Red Cross Association, ID card of Reservist Firefighters, ID card of Militia Group, ID card of Social Welfare organisations, Outgoing Letters File of Election Department, UEC office Nay Pyi Taw

2 Instructions for the production of the voter slips by extracting the data from voter list in Microsoft Excel Format, Outgoing Letters File of Election Department, UEC office Nay Pyi Taw

3 Instructions to distribute the slips by the first week of November, Outgoing Letters File of Election Department, UEC office Nay Pyi Taw

**Formation of support groups for accurate and correct voter list by the former Union Government Office**



**Findings of Inspections on Voter List**

47. As part of the preparation for 2020 Multi-party Democracy General Election, the former UEC set 2019 as voter list compilation year. The project on the collection of population list and compilation of basic voter list<sup>1</sup> was drafted jointly by Ministry of Union Government Office, Ministry of Labour, Immigration and Population and was implemented starting from third week of June 2019. When the data was collected for the Basic Voter List, ward/village-tract administrators led the Population List data collection groups as chairpersons. In some places, NLD campaign teams presented together with NLD appointed ward/village-tract administrators during data collection for the voter list. It was not verified whether the people actually lived there or not, if they have Citizenship Scrutiny Cards or not, whether they meet eligible criteria in line with respective Hluttaw Election Laws, and that is why there was mass inclusion of people who do not have any

<sup>1</sup> The project on the collection of population list and compilation of basic voter list, UEC office file, Nay Pyi Taw



Citizenship Scrutiny Cards, and people who have same the Citizenship Scrutiny Cards were included twice or more than three times.

48. Moreover, giving reasons for the errors from First Voter List Display, there were forcible inclusion of voters by NLD party campaign teams at various levels until the Election Day and the local election sub commissions could not verify and identify these people which made the voter list more duplicate and bloated.

49. Although Section 15 (c) of Chapter 6 of the relevant Hluttaw Election Law states that “Whoever has the right to vote in any constituency shall not be included in the voting roll of any constituency other than that of the constituency concerned at the same time”, there were measures which were not in compliance with laws during voter list data collection. According to Section 19 (b) of the relevant Hluttaw Election Law, “the names not eligible are included in the voting roll, delete such names from the voting roll”, but the names were not deleted in the voter list.<sup>1</sup>

50. It was found that the former UEC did not follow respective Hluttaw Election Laws and rules to compile the voter list, and issued instructions randomly, and it created duplication and errors in the voter list. It was also determined that the people who couldn't be verified if they had voter eligibility or not, were intentionally added into voter list by forming voter list support groups led by respective former State/Region Chief Ministers.

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<sup>1</sup> Page 289, Report by current Union Election Commission on Findings of Inspection on 2020 Multi-party Democracy General Election










## **Chapter (3)**

### **Conditions during Election Period**

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-  Announcement on the declaration of the constituencies for the 2020 Multi-party Democracy General Election
-  Findings on the postponement of the election
-  Findings on election campaign period / election observation
-  Findings on advance voting and Election Day
-  Findings on interference in the election process and electoral frauds



## **Announcement on declaration of the constituencies for the 2020 Multi-party Democracy General Elections**

51. The former Union Election Commission (UEC) declared 330 constituencies for Pyithu Hluttaw, 168 constituencies for Amyotha Hluttaw and 673 constituencies for Region or State Hluttaw on 29<sup>th</sup> June 2020. On 1<sup>st</sup> July 2020, the former UEC stated that 2020 Multi-party Democracy General Election would be held on 8<sup>th</sup> November. But at the same time, local transmission of Covid-19 started again throughout the country. The political parties requested the former UEC to postpone the elections in order to prevent the spread of Covid-19 pandemic. For the sake of preventing pandemic, twenty-four political parties including the Union Solidarity and Development Party (USDP) sent an open letter to UEC for reconsideration the election date. The People's Pioneer Party and Democracy Party for a New Society had also requested it. Regarding these requests, U Myint Naing, a former UEC member told the reporters on 19<sup>th</sup> September 2020 that General Election would not be postponed due to Covid-19. For the decision of holding election during the Covid-19 pandemic period without consulting with political parties, civil society organizations and medical experts, there was criticism that the former UEC intended to favor the ruling party to gain Power.<sup>1</sup>

### **Findings on the postponement of the election**

52. Though the former UEC declared 330 constituencies for Pyithu Hluttaw, 168 constituencies for Amyotha Hluttaw and 673 constituencies for Region or State Hluttaw on 29<sup>th</sup> June 2020, General Election was able to hold in only 315 townships. Nine townships in Rakhine State: Pauktaw Township, Ponnagyun Township, Rathedaung Township, Buthidaung Township, Maungdaw Township, Kyauktaung Township, Minbya Township, Myebon Township, Mrauk-U Township, and six townships in Shan State: Mong La Township, Pansan (Pankham) Township, Nafang Township, Mongmaw Township, Pan Wai Township, Mongkaing Township; altogether 15 townships in total were declared for postponement of the elections due to security concern on 16<sup>th</sup> October 2020. In addition, 8 wards and 136 village-tracts in 4 townships of Rakhine State; 10 wards and 165 village-tracts in 18 townships of Shan State; 192 village- tracts in 11 townships of Kachin State; 53 village- tracts in 6 townships of Kayin State; One village- tract in one

<sup>1</sup> Page 299, Report by current Union Election Commission on Findings of Inspection on 2020 Multi-party Democracy General Election.

township of Mon State; 42 village-tracts in 2 townships of Bago Region; altogether 18 wards and 589 village-tracts of 42 townships in total have been declared for postponement of elections.

53. There were accusations by some political parties that it was the political bias when UEC canceled some constituencies where there was less possibility for NLD to win. Five ethnic political parties including Kachin State People's party, Kayah State Democracy Party, Karen National Democracy Party, Chin National League for Democracy and Mon Unity Party, issued a joint statement to reconsider the postponement of elections in some townships. For holding an election in Mengkaing Township which was stable and peaceful, four political parties submitted the request with a petition signed by more than 10,000 persons. Similarly, it was the request to hold the elections for the postponement of the elections in the constituencies such as Muse, Lashio and Kyaukme districts. The Ministry of Defence also responded that there were some townships where elections could be held. On 27<sup>th</sup> October 2020, it was announced that three village-tracts in Kyaukphyu Township, four village-tracts in Ann Township, one ward in Muse Township, one ward in Lashio Township, one ward in Kunlong Township were removed from the list of postponement of elections.<sup>1</sup> However, it was issued that election had been cancelled in 94 ward/village-tracts in Paletwa Township in Chin State which already had the schedule to hold the election before.<sup>2</sup> The former UEC postponed the election in some areas favour for NLD party. Seikkam Township was demolished because NLD party used to lose the seat there in previous election. The Arakan Army (AA) issued a statement and asked to hold the election before December 2020 in 9 Townships of Rakhine State where the election was postponed. The AA also declared a unilateral ceasefire in Rakhine State. It was found that the postponement of the elections showed there was no transparency in 2020 General Elections. Elections in some areas were postponed due to the security reason but actually the reason was NLD party had less possibility to win the election.

### **Findings on Election Campaign Period/ Election Observation**

54. The former UEC issued an announcement on 6<sup>th</sup> September 2020 to allow to start the campaign for 2020 General Elections from 6:00 a.m on 8.9.2020 to 12:00 p.m

1. 27.10.2020, Announcement No. 201/2020 and 202/2020, Outgoing Letters File of Election Department, UEC office Nay Pyi Taw

2. 27.10.2020, Announcement No. 200/2020, Outgoing Letters File of Election Department, UEC office Nay Pyi Taw

on 6.11.2020.<sup>1</sup> As soon as the announcement was published, the National League for Democracy (NLD) party started their campaign activities and it indicates that NLD party got the information earlier than the other political parties. The former UEC also issued an announcement of campaign period to broadcast about the policy, attitude and plans of political parties from 8.9.2020 to 6.11.2020 through state media.<sup>2</sup> Out of 92 political parties, 85 parties expressed their interests and 7 parties refused to broadcast on State Media.

55. Giving the reason that it infringed with prescribed prohibitions, out of 85 political parties, the manuscripts by 64 parties including Union Solidarity Development Party were edited and revised. Therefore, some parties withdrew their requests and cancelled their broadcasting schedule. But it was found that NLD party and 20 other parties were allowed to broadcast their manuscripts without editing.

56. Giving the reason of COVID-19 outbreak, there were bias by local authorities and township healthcare support groups which favored NLD party during campaign by misusing the restrictions related to COVID-19 protection and prevention measures in respective constituencies in order to get the permission to do campaign activities such as gathering people, organizing rallies. Moreover, social media monitoring team to monitor Facebook and other social media platforms was established with the permission made after Union government office meeting No.16/2017 which was funded by the President's Special Funds. The team spent 6,426 million kyats on monitoring and censoring campaign activities by political parties on social media. It is found that NLD party well planned to take the advantage on social media campaign and it was not fair for the other political parties.

57. The former State Counselor and U Win Htein stood in front of State Counselor's house to show their support for car sticker campaign of NLD party in violation of the standard operation procedures (SOP) which prohibited the gathering of 50 people and above on 19.9.2020. The former president U Win Myint and the former State Counselor Daw Aung San Su Kyi welcomed and supported a car campaign which had 220 cars, 32 motorbikes and 760 people from NLD party on 19.9.2020 in violation of COVID-19

<sup>1</sup> Announcement for campaign period for 2020 Multi-party Democracy General Election by former UEC, Ongoing Letters File of Election Department, UEC office Nay Pyi Taw

<sup>2</sup> 23.7.2020, Announcement No. 138/2020, Ongoing Letters File of Political Parties Department, UEC office Nay Pyi Taw



related restrictions and it was an act of misusing their political positions. The former State Counselor Daw Aung San Su Kyi did door to door election campaign in Shwe Kyar Pin Ward in Zabuthiri township on 8.8.2020 in violation of COVID-19 related restrictions.

58. During campaign period, some Hluttaw representatives from NLD party funded the people by misusing their positions of member of parliament and also misused the funds for COVID-19 by the government which made people believe that it was funds from NLD party, it was found that NLD party took more advantages than other parties during campaign period.

59. After Election Day announcement, the former UEC issued the notification of the accreditation procedures for domestic and international election observers on 7<sup>th</sup> July 2020.<sup>1</sup> Although 13 phases were allowed to be observed in the 2015 Multi-party Democracy General Election, it was found that the following phases were cut off to observe in 2020 Multi-party Democracy General Election:

- (a) Election laws, rules, procedures, orders and instructions,
- (b) Voter Information,
- (c) Printing ballot papers and
- (d) Election Dispute Resolution.

60. Therefore, observers could not provide any recommendations on legal amendments of election laws, rules and procedures, and were not allowed to observe the printing process such as procurement of ballot papers, the number of damaged ballot papers and distribution plan such as the numbers of ballot papers issued to respective election sub commissions, the additional printing of ballot papers according to the updated voter list just before the election. Moreover, there was no official press release on the ballot paper printing and it indicates the lack of transparency.<sup>2</sup>

### **Findings on advance voting and Election Day**

61. The instructions on advance voting and voting on Election Day, that are not in compliance with respective election laws and rules, issued by the former Union Election Commission are as follows:

<sup>1</sup> 7.7.2020, Notification No. 20/2020, Accreditation Procedures for domestic and international election observers, Announcements, Outgoing Letters File of Election Tribunal Department, UEC office Nay Pyi Taw

<sup>2</sup> Page 295, Report by current Union Election Commission on Findings of Inspection on 2020 Multi-party Democracy General Election, UEC, Nay Pyi Taw



- (b) The eligible voters who are out of constituency and can cast the advance votes are prescribed under Section 45 of respective Hluttaw election law and Section 54 of respective Hluttaw election rules. According to the respective election rules, persons including students, trainees, detainees, in-patient at the hospital who are out of the constituency and the persons who are abroad with the permission of the Government are eligible to submit form (15) and cast advance vote. The former Union Election Commission issued an announcement on 8.10.2020<sup>1</sup> regarding to the persons who were not able to return to their respective constituencies due to COVID-19 restrictions and instructions to apply for advance voting by form (15), and the follow-up guidelines for this advance voting was issued on 11.10.2020.<sup>2</sup> Because of the instructions issued when it was so close to Election Day, it is found that it created voter list duplication and a mass inclusion of people who do not have Citizenship Scrutiny Cards the voter list and they cast votes.
- (c) Section 58 (c) of Hluttaw election rules states that the Township Election Sub-commission concerned shall stamp its official seal on the receipt and also on back side of the advance ballot paper, and the name and signature of the authorized person who issues it shall also be on the back of that advance ballot paper.<sup>3</sup> Section 66 (d) of the respective election rules states the types of advance ballot papers and sub-section 2 and 3 state that the advance ballot papers without seal of election sub commission and name and signature of authorized issuer of advance ballot papers shall be considered as invalid. The former UEC issued an instruction on 9.10.2020 that the votes by people who were out of country with the permission by the government to be considered as valid votes even if these ballot papers lacked the seal of respective election commissions, name and signature of authorized persons because it was already coordinated with Ministry of Foreign Affairs to stamp on the back of these ballot papers with official seal of respective embassies, permanent representative offices and counsellor offices, and to have signatures and names of either head of missions or its authorized persons.<sup>4</sup> Moreover, there were so many

1. An announcement on 8.10.2020 regarding to the persons who were not able to return to their respective constituencies due to COVID-19 restrictions and instructions, UEC office file, Nay Pyi Taw

2. Letter No. 4/yakapa(282)/kamaya on 11.10.2020, Outgoing Letters file of Election department, UEC, Nay Pyi Taw

3. Section 58 (c) of Amyotha/ Pyithu/ States' Region Hluttaw election rules.

4. Letter No. 39/yakapa-3(68)/kamaya on 9.10.2020, by the former UEC to State/Region/ Union Territory Election Sub Commissions, Outgoing Letters file of Election department, UEC, Nay Pyi Taw

oversea advance voters and another instruction was issued on 31.10.2020 to count the ballot papers that had the name, signature and seal of other district/township election sub commissions instead of respective township election sub commission and if it was done by any sub commission within same State/Region as valid votes.<sup>1</sup> There was confusion of valid and invalid votes during counting process on Election Day by township election sub commissions because of these instructions.

- (d) Section 44 (a) of respective Hluttaw election rules states that advance voter who cast the votes at ward/village- tract sub commission shall mark the ballot paper with stamp and Section 44 (b) of respective Hluttaw election rules states that advance voter who cast the votes at township election sub commission shall make a tick ✓ on the ballot paper. But when there were too much advance voters when people who are over 60 years old were allowed to cast advance votes giving the reason for COVID-19 outbreak, the former UEC issued an instruction on 30.10.2020. That instruction allowed to count the advance ballot papers, such as the one that had only tick ✓ instead of stamp, had stains because of the glue which was used to close the ballot paper envelopes, torn ballot papers that were damaged when the authorized persons opened the ballot paper envelopes and the ballot papers in wrong ballot paper envelopes, as valid votes.<sup>2</sup> These instructions created the confusion of valid and invalid votes during counting process on Election Day by respective election sub commissions and polling station officers.
- (e) There was an announcement on 6.11.2020<sup>3</sup>, just two days before Election Day by the former UEC to count the ballot papers which were marked with the stamp had only ✓ tick without UEC logo as valid voters on which whatever the political parties/ individual was voted for at the polling station on Election Day. That instruction was issued just 2 days before the Election Day and it created confusion of valid and invalid votes during counting process at the polling and it also created voting frauds.

1 Letter No. 4/yakapa(393)/kamaya on 31.10.2020 by the former UEC to State/Region/ Union Territory Election Sub Commissions, Outgoing Letters file of Election department, UEC, Nay Pyi Taw

2 Letter No. 4/yakapa(391)/kamaya on 30.10.2020 by the former UEC to State/Region/ Union Territory Election Sub Commissions, Outgoing Letters file of Election department, UEC, Nay Pyi Taw

3 Letter No. 4/yakapa(428)/kamaya on 6.11.2020 by the former UEC to State/Region/ Union Territory Election Sub Commissions, Outgoing Letters file of Election department, UEC, Nay Pyi Taw



### Findings on interference in the election process and electoral frauds

62. It was found that the electoral frauds occurred due to the interferences of Pyithu Hluttaw representatives from NLD party and some administrative authorities in the election process. The respective Township Election Sub-Commission rejected to include some migrant workers and jade mining workers in Phakant who submitted Form 3-A because these workers had incomplete documentation and could not provide their serial numbers in voter list in their places of origin. But U Tint Soe who was member of Pyithu Hluttaw representing Phakant township from NLD party and candidate of constituency No.1 of State Hluttaw insisted to include these migrant workers into voter list. When the township election sub commission responded that it was not possible to add these migrant workers without complete documentation and voter list serial number from their place of origin, U Tint Soe threatened that he would complaint to Union Election Commission by phone. Later the former UEC relaxed the restriction to include the people who could show Citizenships Scrutiny Cards in voter list and it was found that some workers who had the CSCs were added to voter list.<sup>1</sup>

63. Due to COVID-19 outbreak at that time, Phakant township was listed in Stay at Home areas. But on 26.10.2020, U Tint Soe who was member of Pyithu Hluttaw representing Phakant township from NLD party and candidate of constituency No.1 of State Hluttaw met with voters and local community at the house of U Nawli who was NLD party coordinator of Kahtayan village tract. On 27.10.2020 U Tint Soe, who was member of Pyithu Hluttaw representing Phakant township and candidate of constituency No.1 of State Hluttaw, and U Aung Hein Min who was NLD party candidate for Pyithu Hluttaw did campaign at the house of administrator of Nantsieaung village tract under the name of regional development activity. These activities were reported and complained as violations of Stay at Home restrictions and after investigation of the reports, it was found that they violated the restrictions and U Tint Soe, U Aung Hein Min, NLD party chairpersons and secretaries had to sign the pledges accordingly.<sup>2</sup>

<sup>1</sup> Chapter (2), Inspections of voter list, unlawful actions beyond laws, rules, orders and instructions, and voting conditions, (b) interferences in election processes, Report by current Union Election Commission on Findings of Inspection on 2020 Multi-party Democracy General Election (2021)

<sup>2</sup> -Ibid-

64. Although it was allowed to do campaign in accordance with COVID-19 standard operation procedures when Dr. Daw Khin Ma Gyi, No. (6) Amyotha Hluttaw Constituency candidate and other NLD party Hluttaw candidates requested for election campaign in Moekaung township, the written warning was issued to them because the campaign team had more than 50 people ( party followers were not counted there yet ) which was beyond the limited number in SoP.<sup>1</sup>

65. U Nay Win, the former Minister of Social Affairs in Kachin and a member of NLD party visited Tarlawgyi Village-Tract, Myitkyina Township and supported the financial assistance on behalf of the Government. U Aung San Htoo, a village-tract administrator, made his remarks which included "such financial assistance is only provided by NLD party and people should cast the vote for NLD party in return." Therefore, he canvassed for the votes when he was not allowed to do so as a village-tract administrator.<sup>2</sup>

66. It was found that U Nay Win, the former Minister of Social Affairs in Kachin and a member of NLD party forcibly give instruction to chairperson of Laekhone ward election Sub-Commission in Myitkyina Township to add the migrant workers who did not meet the requirement of 90 Days residency and did not have Citizenship Scrutiny Card in the voter list. When the chairperson of sub commission did not follow his instruction, the former minister forced U Than Win, Myitkyina Township Administrator to replace the chairperson of Laekhone ward election sub-commission.

67. U Nay Win, the former Minister of Social Affairs in Kachin and a member of NLD party through Rampu ward administrator U Mg Mg who is a member of NLD party threatened U Han Zin Oo, a clerk of ward administration office to add the persons who did not meet the voter eligibility in the voter list. Thus, U Han Zin Oo, added those persons to voter list illegally as supplementary voter list both manually and computerized. He also stole the ballot papers from township election sub-commission to use for the voters added supplementary voter list.<sup>3</sup>

68. NLD party campaign teams in Sankar village-tract in Wine Maw Township forced the banana plantation farm owners to submit form 3-A for their workers to include in

1 Chapter (2), Inspections of voter list, unlawful actions beyond laws, rules, orders and instructions, and voting conditions, (b) interferences in election processes. Report by current Union Election Commission on Findings of Inspection on 2020 Multi-party Democracy General Election (2021)

2 - *Ibid* -

3 - *Ibid* -

the voter list, threatened the village tract administrator, and forced Village-tract Election Sub-commission to allow the proxy application for mass inclusion of voters.<sup>1</sup>

69. The migrant workers who were temporarily living in Minekhonpaukwa at Minekhon village-tract in Ta Naing Township which could not be ruled by the respective administrator for the security concern were convinced by NLD party to submit the Form (3-A). When a representative submitted forms for these 40 workers, village tract administrator refused to provide recommendations since he could not identify them and they were out of his administrative control. Later U Lin Lin Oo, Member of Pyithu Hluttaw representing Ta Naing township who is from NLD party interfered and gave instructions to Ta Naing township election sub commission to include them as they were citizens who met voter eligibility and they should not lose their rights to vote.<sup>2</sup>

70. Dr. Zaw Jap, Amyothar Hluttaw candidate in Ingyanyan helped in adding 133 voters from 17 households into the household list Form (10) of his friends' families in Ingyanyan, and then requested to include these people into voter list by Form (3) and Form (4-B). U La Mar Naw Aung, a candidate of Kachin State People Party also helped in adding 162 voters from 29 households in Myitkyinar township into the household list Form (10) of his friends' families in Ingyanyan and then requested again to include these people into voter list by Form (3) and Form (4-B). Local people who were residing in Ingyanyan complained to Township Election Sub-commission and submitted the petition with their signatures. These Forms (3) were revoked because the township election sub commission did not accept to add them in the voter list because they were not actually residing there and there were complaints by local people. Unfortunately, the voters whose names were removed from their household lists (form 10) in Myitkyina also lost their voting rights since their names could not be added in the voter list due to time constraints.<sup>3</sup>

71. According to Instruction Letter No. 7/464- General /APhaYa (2020) dated 4.8.2020 by the Union Government Office, Kayah State Government formed voter list support group on 5.8.2020 which was led by State Chief Minister and it was found that

1 Chapter (2), Inspections of voter list, unlawful actions beyond laws, rules, orders and instructions, and voting conditions, (b) interferences in election processes, Report by current Union Election Commission on Findings of Inspection on 2020 Multi-party Democracy General Election (2021)

2 - Ibid -

3 - Ibid -



there were population duplication and voters were included twice or three times and above in voter list because of these support groups. Since the group gave instruction and the additional lists were sent by township administration office, township election sub commission had to add them in the voter list. These additional people were not thoroughly scrutinized by ward/village tract administration level and people who were already included in the voter list were added again and that is why the voter list was more bloated and duplicative.<sup>1</sup>

72. Speaker of Kayin State Hluttaw U Saw Chit Khin sent a letter to the former UEC, by misusing the power of State Hluttaw, requesting to postpone the elections in 7 village-tracts in Hlaingbwe Township. It indicates the interference and influence of State Hluttaw on the duties and authorities of UEC and misuse of State Hluttaw authority for political purpose.<sup>2</sup>

73. A leader of the NLD party campaign team in Hpa-pun Township, U Nyi Nyi Kyaw asked Karen State Election Sub-commission to add 54 voters from Hpa-pun Township in the voter list and Daw Nyein Nyein Aung, a coordinator of campaign team in Hpa-An Township asked former Chairman of Union Election Commission to add 775 voters from Hlaingbwe Township in the voter list.<sup>3</sup>

74. After scrutinizing 471 people who were objected for including in the voter list, Ministry of Immigration and Human Resources of Kayin State responded that these people had Citizenship Scrutiny Cards, Temporary Certificates, NVC numbers, and did not have any cards were of Indian descent and they were neither foreigners nor had foreign citizenship and to take further actions accordingly. The respective election sub commission had to add 158 people who were included and voted in 2015 General Elections in the voter list and removed 313 people from the voter list since they were not in compliance with respective election laws and rules.<sup>4</sup>

75. Nan Khin Htwe Myint, a former Kayin State Minister met with the secretary of State Election Sub-commission and gave instruction to add NLD party supporters who were mixed blooded people and did not have any CSCs in the voter list. She threatened

1. Chapter (2), Inspections of voter list, unlawful actions beyond laws, rules, orders and instructions, and voting conditions, (b) interferences in election processes, Report by current Union Election Commission on Findings of Inspection on 2020 Multi-party Democracy General Election (2021)

2 - Ibid -

3 - Ibid -

4 - Ibid -

him that she would submit the complaints on township and ward/village tract election sub commissions to Human Rights Commission after the election if they did not follow her instruction. The respective election commissions had to report back that they would add these people who did not meet the voter eligibility in the voter list.<sup>1</sup>

76. Although Kayin State Election sub-commission asked for guidance from the former UEC to use the indelible ink to mark the fingers of voters during advance voting in order to protect the voting frauds and from voting by same people more than once, the former UEC did not allow to use the indelible ink.<sup>2</sup>

77. It was found that there were malpractices in 2020 General Election such as the members of NLD party in Kayin State using the election campaign vehicles with NLD flags and logos, and played NLD campaign songs within 50 yards from the advance polling station on 5.11.2020. They also illegally sealed and locked the advance ballot boxes, convinced the voters to vote for NLD during advance voting and stamped the ballot papers on behalf of the voters.<sup>3</sup>

78. There were also complaints reported because U Saw Yhar Phaung Ayr, a candidate representing Amyothar Hluttaw No. (3) Constituency in Kayin State, gave 5000 Kyat to each NLD party supporter during the NLD's campaign in Kyain Seik Gyi Township in Kayin State.<sup>4</sup>

79. The former Thaninthayi government and NLD party interfered in formation of election sub commissions in order to include their party hard cores. The names of additional voters were filled in form (1) voter list and they were allowed to cast votes during advance voting and on Election Day. Some NLD party supporter also gathered near advance voting areas during advance voting for the people who are over 60 years old in order to put pressure on election sub commission and voters. Other malpractices were found in some places e.g pieces of paper which had NLD party logo were put inside the masks which were distributed at polling stations and it was an attempt to canvass for voting for NLD party. Election campaigns were conducted even on the day for advance

1. Chapter (2), Inspections of voter list, unlawful actions beyond laws, rules, orders and instructions, and voting conditions, (b) interferences in election processes. Report by current Union Election Commission on Findings of Inspection on 2020 Multi-party Democracy General Election (2021)

2 - Ibid -

3 - Ibid -

4 - Ibid -

votes, under the name of "party supporters" without following the election campaign instructions. By misusing his power, Deputy Speaker of Region Hluttaw who was also candidate at that time went inside the ward/village tract election sub commission office during advance voting and gave instructions to his party members to check and watch advance voting process carefully. The interference in voting process and committing unlawful activities were found and it included re-arranging to cast votes again after the wrong ballot papers for advance voting were issued.<sup>1</sup>

80. It was found that the former Chief Minister of Bago Region, U Win Thein told Region Election Sub Commission that his followers would cast votes on behalf of the voters who could not come back from foreign countries in his constituency. After second Voter List Display, Pyithu Hluttaw candidate Dr. Daw Shwe Pon from NLD party also contacted Bago district election sub commission to add the migrant workers in rubber plantation field in Wahmaram village in the voter list, and she said she would send her NLD campaign coordinator and respective ward administer with forms (3) and she already informed the former UEC on phone. On 1.11.2020, Wahmaram village tract administrator U Chit Shwe, chairperson of village tract election sub commission U Kyaw Aung and NLD ward/village coordinator came together with forms (3) (780 forms in total) and said they were given by NLD candidate Dr. Daw Shwe Pon to add them in the voter list. According to respective Hluttaw Election laws and rules, only the district election sub commission could include the mass voters after verification if it was found that there were groups of people who were left out 7 days before the Election Day. However, the former UEC member, who was assigned as in charge of Bago Region, U Htun Khin gave orders to add these people in the voter list and he would take responsibilities. NLD party candidate for Karen ethnic seat Daw Naw Pwe Sae contacted Bago district election sub commission and said over phone that the number of ethnic voters became less than before in Shwe Kyin township and she asked to include 70 people who were in the list of ethnic voters in 2015 General Election.<sup>2</sup>

81. It is found that former Bago Region Chief Minister U Win Thein and Hluttaw

1. Chapter (2), Inspections of voter list, unlawful actions beyond laws, rules, orders and instructions, and voting conditions; (b) interferences in election processes, Report by current Union Election Commission on Findings of Inspection on 2020 Multi-party Democracy General Election (2021)

representatives from NLD party did election malpractices by giving instructions to region, district and township election sub commissions and they interfered in election operations such as formation of election sub commissions, election campaign, advance voting and voting on Election Day.<sup>1</sup>

82. In Gyobingauk township, when the ballot papers from No.1 polling station of Sitgone (1) village tract for Kayin ethnic constituency were counted, it was found that 73 ballot papers (valid votes) which were from 2015 General Elections were mixed and included in the valid votes of candidate Daw Naw Pwe Sae representing NLD party.<sup>2</sup>

83. It was found that 9 unused ballot books did not have the serial numbers in Thaekone Township.

84. It was found that the advance ballot papers for Pyithu Hluttaw that had the candidates' names from Magway township such as Daw Tin Moe Khaing (Union Betterment Party), U Myint Oo (National League for Democracy), U Win Ko Ko (The People's Pioneer Party), U Than Htwe (National Unity Party), U Aung San Oo (United Democracy Party), and U Aung Thein Kyaw (Union Solidarity and Development Party) for Magway Township Pyithu Hluttaw were mistakenly issued on 26.10.2020, 27.10.2020 and 28.10.2020 by Yayzagyo township election sub commission instead of the ballot papers for Pyithu Hluttaw of Yayzagyo Township which had the candidates' names such as U Kyaw Naing Oo (Union Betterment Party), U Chan Min (Union Solidarity and Development Party), Tha Re Si Thu U Soe Maung (Democracy Party of National Politics), U Tin Aung (The People's Pioneer Party), U Paik Htay (United Democracy Party), U Lwin Myint Oo (National League for Democracy) and U Aung Myint Kyi (National Unity Party).<sup>3</sup>

85. The wrongly issued advance ballot papers with the names of candidates from Magway township were distributed to polling stations in 7 village tracts such as polling station No.5 in Waya village tract, polling station No.1 in Gwaygone village tract, polling station No.3 in Pahnyin village in Paykone village tract, polling station No.1 in Maukkalan

1 Chapter (2), Inspections of voter list, unlawful actions beyond laws, rules, orders and instructions, and voting conditions, (b) interferences in election processes, Report by current Union Election Commission on Findings of Inspection on 2020 Multi-party Democracy General Election (2021)

2 - Ibid -

3 - Ibid -

village tract and polling station No. 2 in Khin Mon(aka) Khway Hmyote village tract on 31.10.2020, polling station No-1 in Khin Mon(aka)Khway Hmyote Village-tract on 1.11.2020, polling station No.2 in Myaphyu Monhnyin village tract on 2.11.2020, polling station No.3 in MaU Aukseik village tract on 3.11.2020 respectively. Township election sub commission found out that 278 ballot papers were mistakenly issued and 667 ballot papers were already cast, 945 in total so the election sub commission kept 945 ballot papers and 5 unused ballot papers at government treasury in Yayzagyo Myoma police compound. 950 ballot papers (19 ballot books) were issued to replace the mistaken ones for not losing voting rights of these 945 voters. Later the unused ballot books which were kept at government treasury in Yayzagyo Myoma police compound were brought to township administration office and these 10870 ballot books for Amyotha Hluttaw, Pyithu Hluttaw and State/Region Hluttaw and 49 ballot papers for ethnic seat were inspected by township election sub commission, respective departmental personnel and staff from education department, clerks from ward/village tract administration offices. 2050 ballot papers (41 ballot books) that had the candidate names from Magway township instead of the names from Yayzagyo township were found and then they were sealed and kept at government treasury in Yayzagyo Myoma police compound. During the inspection by current UEC, these 2050 ballot papers (41 ballot books) were checked again.<sup>1</sup>

86. When the five sealed bags which contained the ballot books were opened and inspected, it was found that these bags were sealed and attached with label which had NLD logo, and it was found out to be voting fraud since these ballot papers were likely sent from the NLD office.<sup>2</sup>

87. Based on the report on voter list in Pyin Oo Lwin township by Mandalay Region NLD party and request by former Speaker of Mandalay Region Parliament U Aung Kyaw Oo, a letter signed by former chief minister of Mandalay Region and Minister of Immigration and Population was sent to Mandalay Region Election Sub Commission informing the sub commission to carry out the measures to include the voters who were not included in voter list yet in some villages in Amarapura township. It was against Hluttaw Election Laws and rules and it was found out as misuse of administrative power.<sup>3</sup>

1 Chapter (2), Inspections of voter list, unlawful actions beyond laws, rules, orders and instructions, and voting conditions, (b) interferences of election processes, Report by current Union Election Commission on Findings of Inspection on 2020 Multi-party Democracy General Election (2021)

2 - Ibid -

3 - Ibid -

88. The former Chief Minister of Mandalay Region instructed the Region Election Sub Commission to take actions on the report submitted by the South-East Asia Gas Pipeline Company Limited (Great Ocean Branch) and South East Asia Crude Oil Pipeline Company Limited (Great Ocean Branch) in order to allow Myanmar employees from their companies to cast advance votes and it indicates the interference by local authority on advance voting process.<sup>1</sup>

89. It is found that Mandalay Region Government interfered the election process by giving instructions to the Region Election Sub Commission and respective district and township mediation committees on election campaign of NLD party and Hluttaw Candidates, mediation, process, advance voting and voting on Election Day.<sup>2</sup>

90. Daw Moe Myat Thuzar, a Junior Assistant Teacher-JAT from Yaydwingone village tract in Mawlamyine Kyune township, who was assigned as polling station staff cast the votes twice, both in Mactaline village tract where her parents live and in Siewwachaung village tract where her husband lives. Her case was filed and taken actions according to Section 59 (g) of respective Hluttaw Election Law. Other cases of voters whose names were included in voter list twice/ thrice and cast the votes more than once in some townships were reported and filed, and these cases indicate the duplication of voter list which provided the opportunity for rigged votes.<sup>3</sup>

91. Regarding polling stations out of military compound in 8 townships in Union Territory in 2020 Multi-party Democracy General Election, there were 646 polling stations including 24 military polling stations which were located out of military compound. A month before the Election Day, candidates from NLD party such as Pyithu Hluttaw Candidate representing Pobbathiri township U Yee Mon, Pyithu Hluttaw Candidate representing Ottarathiri township U Kyaw Min Hlaing, Pyithu Hluttaw Candidate representing Lewe township U Myo Zaw Oo, Pyithu Hluttaw Candidate representing Tatkon township U Kyaw Tint and Amyotha Hluttaw Candidate of No.9 Constituency U Maung Maung Swe came together to Union Territory Election Sub Commission and said they were not satisfied with the designation of military polling station locations as they thought that was not in line with Hluttaw Election law and the military polling stations shall be located out of military compounds according to the laws.<sup>4</sup>

1. Chapter (2), Inspections of voter list, unlawful actions beyond laws, rules, orders and instructions, and voting conditions; (b) interferences in election processes. Report by current Union Election Commission on Findings of Inspection on 2020 Multi-party Democracy General Election (2021)

2 - Ibid -

3 - Ibid -

4 - Ibid -

92. Vice chairman of Pyimana township NLD party U Thant Sin and 3 people came at 10:00 am on 25.10.2020 to Pyinmana township election sub commission. They threatened the sub commission by telling that the advance voting for the people age of 60 and above should be carried out only in Stay at Home areas but being carried out in Pyinmana township so they would submit complaint to Union Election Commission.<sup>1</sup>

93. They also said that there were underaged and also dead persons' names in the voter list since the voter list for Pyinmana township in 2020 Multi-party Democracy General Election was collected by the group formed and led by Pyinmana township administrator office, there were difficulties occurred because it was arranged to allow 3000 voters at each polling stations, the teachers were assigned for advance voting process and NLD party campaign teams forced local sub commissions to add some people who did not have Citizenship Scrutiny Cards into the voter list without verification, they manipulated the laws to allow people who did not meet the residency criteria ( by saying they were living there for more than 90 days), they intervened in and disturbed the polling station officers, and it is also found that candidates polling agents also intervened the duties of polling station officers.<sup>2</sup>

94. In Tatkon township, the polling stations agents from party took pictures and sent them to their candidates, then Anyotha Hluttaw candidate from NLD party U Maung Maung Swe came to the polling station, disturbed and argued as he intervened with the duties of polling station officer. The polling station officer had to instructions to step back as some international media personnel came and took videos of polling. There were also influences by NLD party members at some polling stations e.g some NLD members did proxy voting, some NLD party youth members went around by motorbikes in the village, the house of ward/village tract administrator was attacked and there was a threat on social media to kill 50 people who were USDP party supporters.<sup>3</sup>

95. In Pobbathiri township, NLD party candidates U Yee Mon and U Maung Maung Swe interfered in election process and misused their power in voter list process. They

1 Chapter (2), Inspections of voter list, unlawful actions beyond laws, rules, orders and instructions, and voting conditions, (b) Interferences in election processes; Report by current Union Election Commission on Findings of Inspection on 2020 Multi-party Democracy General Election (2021)

2 - Ibid -

3 - Ibid -

asked for the military voters list when the parliament made decision to move the military polling stations out of military compounds, and also pressured to include the designation of polling station location for No.948 Garrison Engineer into Bae-kon village- tract. U Maung Maung Swe also forced the village tract administrator to include about 40 workers from Phyo-te-khwel village tract in the voter list although he was told it could be done only with the recommendation by township administrator. People who did not have household list or Citizenship Scrutiny Card came to live in these wards and U Maung Maung Swe also threatened and forced the ward/ village tract administrators to include them during advance voting.<sup>1</sup>

96. The migrant people who illegally lived in Dekkhinathiri township and staff and their members from construction site of hotel zones moved just before the Election and it was difficult to collect the data for voter list. Chairperson of Dhakhina district election sub commission U Tin Myint and commissioner U Than Wai, commissioners from township election commission, and U Aung and Daw Aye Aye Htet are NLD hard cores and it was found that they leaked electoral information to NLD party, interfered in electoral operations. And it is found that NLD party coordinators Daw Than Than Soe, U Nay Lin, U Myo Min Htike and U Zaw Lin interfered in the electoral process for their own party's benefit.<sup>2</sup>

97. Members of Lewe township election sub commission U Hla Win and U Myint Han are NLD party members and they were in close touch with U Saw Hla Tun, U Kyaw Myint Oo, U Myo Zaw Oo, U Maung Maung Thwin and U San Tun Kyaw who are campaign team members from NLD party. Chairperson of Dakkhina district election sub commission U Tin Myint lectured at the election training that people can vote with the recommendation by ward/village administrators until Election Day. Chairperson of Zabthuthiri township election sub commission U Kyaw Nyein gave instructions to add the people into voter list until 7<sup>th</sup> November 2020. There were people who wanted to be included in the voter list just before the Election Day and it was likely vote buying

1 Chapter (2), Inspections of voter list, unlawful actions beyond laws, rules, orders and instructions, and voting conditions, (b) interferences in election processes, Report by current Union Election Commission on Findings of Inspection on 2020 Multi-party Democracy General Election (2021)

2 - Ibid -



and proxy voting on behalf of elderly people and they were advised to cast the votes for NLD party.<sup>1</sup>

98. The numerous major errors in voter list at many polling stations were not accidental ones and it was because of interference of the NLD party campaign team in voter list data collection and also advance voting processes, and the misuse of power in voter list, campaign and advance voting processes by NLD party candidate such as U Yee Mon, U Kyaw Min Hlaing, U Myo Zaw Oo, U Kyaw Tint, U Maung Maung Swe, Vice Chairperson of Pyinmana township NLD party U Thant Sin, Members of Nay Pyi Taw Council U Aung Myin Tun and U Nyi Tun, Member of Nay Pyi Taw Municipality U Min Thu, Chairperson of Dakkhina district election sub commission U Tin Myint, its member U Than Wai and Chairperson of Zabthuthiri township election sub commission U Kyaw Nyein.<sup>2</sup>

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<sup>1</sup> Chapter (2), Inspections of voter list, unethical actions beyond laws, rules, orders and instructions, and voting conditions, (b) interferences in election processes, Report by current Union Election Commission on Findings of Inspection on 2020 Multi-party Democracy General Election (2021)

<sup>2</sup> - Ibid -

## **Chapter (4)**

### **Post-election events**

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-  Electoral Offenses and Complaints on Malpractices



### Electoral Offenses and Complaints on Malpractices

99. According to the statistics by the Ministry of Home Affairs, 546 cases had been reported to the relevant police stations as of 31.7.2021, 336 cases were filed, 192 cases were closed and 18 were on going cases. Although there were similar complaints filed and submitted by political parties to the former UEC, State/Region/District/Self-Administered Zone/Township Election Sub Commissions respectively but no actions were taken. Due to bias and unfair measures that were not in line with Laws by former union government and former UEC, there were 287 official electoral complaints to UEC and it was much more than before since there were 29 cases in the 2010 Multi-party Democracy General Election and 45 cases in the 2015 Multi-party Democracy General Election.

100. As it is necessary to submit voter list together when the election complaints were filed to submit to police forces for election offenses according to Chapter 13 of respective Hluttaw Election Laws and for malpractices according to Chapter 14 of respective Hluttaw Election Laws, political parties, individuals and institutions asked to get a copy of the final voter list in accordance with Hluttaw Election Laws and rules but the former UEC refused to provide a voter list copy. Although lawyers of candidates and voters who submitted the complaints sent request letters to respective election sub commissions, the former UEC lodged a complaint with the Supreme Court against these three advocates and one high court pleader under Section 10 of the Bar Council Act and Section 13 of the Legal Practitioners Act.

101. During the post-election period, the Union Solidarity and Development Party and The Democracy Party of National Politics filed a writ to Supreme Court over former President U Win Myint and Chairman of UEC as there was malpractices after the 2020 Multi-party Democracy General Election. The Supreme Court received the writ and decided to consider it and held a hearing. Chairperson of Democracy Party of National Politics U Soe Maung and Lawyer U Zaw Weik filed two writs, one against 4 people including the former President and the other one for former Chairman and 14

commissioners of the UEC. Central Executive of Union Solidarity and Development Party U Hla Thein requested the Supreme Court to release either a Writ of Mandamus or Writ of Quo-Warranto against former Chairman and 14 commissioners of UEC.<sup>1</sup>

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<sup>1</sup> Page No. 304, Electoral Offenses and Complaints on Malpractices, Report by current Union Election Commission on Findings of Inspection on 2020 Multi-Party Democracy General Election (2021), UEC, Nay Pyi Taw

## **Chapter (5)**

### **Investigation and Ground Inspection of Voter List in 315 townships where 2020 General Election was held**

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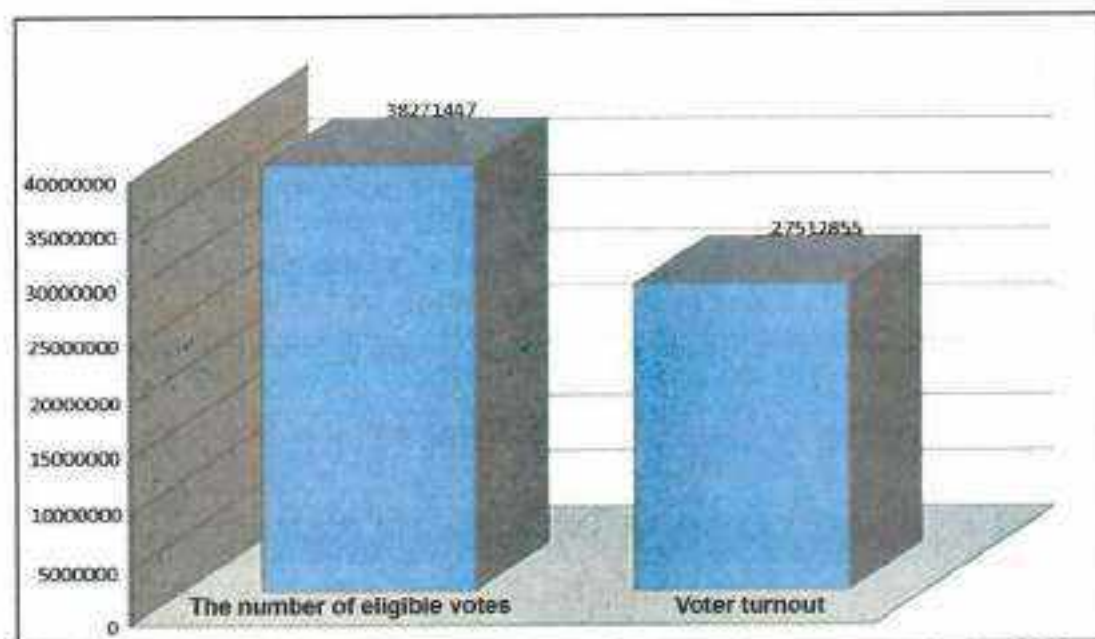
- Inspection of voter list in 315 Townships
- Field inspection of ballot papers in 315 Townships
- Findings of the inspection on voting conditions



### Investigation and Ground Inspection of Voter List in 315 townships where 2020 General Election was held

102. According to Section 53 of respective Hluttaw Election Law, the current Union Election Commission inspected the voter list of 315 townships where the Multi-party Democracy General Election was held on 8<sup>th</sup> November 2020, and investigated the voting conditions and ballot papers by each polling stations in each township. Commissioners together with former election sub commissions, commanders of township police, heads of township Immigration and Population department, township Administrators and representatives from political parties conducted field inspections on voter list and ballot papers from 17.2.2021 to 4.7.2021 and did interviews with respective election sub commissions, polling station officers and staff about election frauds and malpractices.

103. In 2020 Multi-party Democracy General Election, there were 39,963 polling stations, 71.89 % voter turnout as 27,512,855 voters out of 38,271,447 cast the votes, altogether 5,639 individual candidates and candidates from 87 political parties contested in the election in 315 townships in respective Regions/States.<sup>1</sup>



Comparative Chart of the number of eligible voters and voter turnout in the 2020 General Election

<sup>1</sup> Findings of Inspections on voter list in 315 townships, Report by current Union Election Commission on Findings of Inspection on 2020 Multi-party Democracy General Election (2021), UEC, Nay Pyi Taw



No.	Region/State	Pyithu Hluttaw		Amyetha Hluttaw		Region/State Hluttaw		Ethnic Affairs Ministers		Total	
		Constituencies	Number of candidates	Constituencies	Number of candidates	Constituencies	Number of candidate	Constituencies	Number of candidate	Constituencies	Number of candidate
1.	Kachin State	18	101	12	75	36	209	4	25	70	410
2.	Kayah State	7	48	12	83	14	99	1	7	34	237
3.	Karen State	7	34	12	61	14	80	3	24	36	199
4.	Chin State	9	40	12	52	18	80	-	-	39	172
5.	Sagaing Region	37	162	12	49	74	332	2	16	125	559
6.	Tanintharyi Region	10	45	12	56	20	119	1	6	43	226
7.	Bago Region	28	124	12	42	56	262	1	7	97	435
8.	Magway Region	25	110	12	49	50	222	1	10	88	391
9.	Mandalay Region	28	138	10	41	56	263	1	4	95	446
10.	Mon State	10	55	12	66	20	116	3	20	45	257
11.	Rakhine State	8	43	5	24	14	79	1	8	28	154
12.	Yagon Region	45	249	12	58	90	481	2	11	149	799
13.	Shan State	49	235	12	68	98	498	7	36	166	837
14.	Ayeyarwaddy Region	26	126	12	44	52	272	2	9	92	451
15.	Union Territory	8	55	2	11	-	-	-	-	10	66
<b>Total</b>		<b>315</b>	<b>1565</b>	<b>161</b>	<b>779</b>	<b>612</b>	<b>3112</b>	<b>29</b>	<b>183</b>	<b>1117</b>	<b>5638</b>

**Number of Hluttaw Candidates per constituency in 2020 General Election**

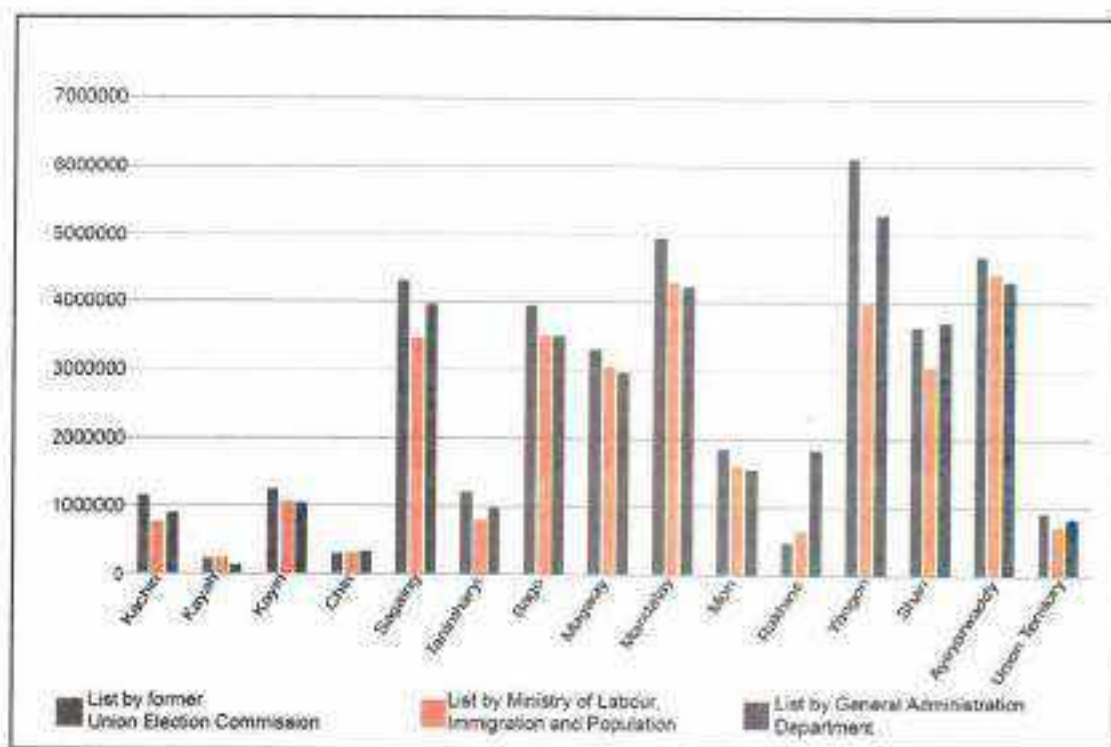
### Inspection of Voter list in 315 Townships

104. In 2020 Multi-party Democracy General Election, according to the findings of inspections on voter list and voting conditions in 315 townships in States/Regions, the total number of eligible voters was 38,271,447, and the total number of eligible voters who are age of 18 years according to the list by Ministry of Labour, Immigration and Population as of November 2020 was 31,775,330 so the difference in this regard is therefore 6,496,117 voters. The total number of eligible voters who are age of 18 years according to the list by General Administration Department as of November 2020 was 35,476,833 so the difference in this regard is therefore 2,794,614 voters. On 30.12.2020, the former UEC announced that the voter list we compiled by Ministry of Union Government, General Administration Department, Ministry of Labour, Immigration and Population and UEC itself. However, the discrepancy between the voter list by the former UEC which was used in 2020 General Election and population list compiled by the Immigration Department and the General Administration Department was found as follows.<sup>1</sup>

<sup>1</sup> Findings of Inspections on voter list in 315 townships, Report by current Union Election Commission on Findings of Inspection on 2020 Multi-party Democracy General Election (2021), UEC, Nay Pyi Taw

No	Region/State	Number of Townships	Number of Polling Stations	List by Union Election Commission	List by Ministry of Labour, Immigration and Population	List by General Administration Department
1	Kachin	18	919	1150407	755807	892574
2	Kayah	7	233	212916	214074	122607
3	Kayin	7	852	1236838	1047865	1041529
4	Chin	9	957	286308	297785	316899
5	Sagaing	37	4107	4305403	3456429	3962074
6	Tanintharyi	10	1205	1191890	778506	971818
7	Bago	28	4144	3951637	3505965	3493805
8	Magway	25	4548	3310132	3042674	2963480
9	Mandalay	28	5447	4941471	4287609	4225130
10	Mon	10	973	1847780	1602960	1538334
11	Rakhine	8	784	477957	630052	1837609
12	Yangon	45	5809	6137047	3979695	5294923
13	Shan	49	3591	3634283	3055597	3712846
14	Ayeyarwaddy	26	5748	4681152	4416766	4305170
15	Union Territory	8	646	906226	703546	798035
<b>Grand Total</b>		<b>315</b>	<b>39963</b>	<b>38271447</b>	<b>31775330</b>	<b>35476833</b>

### Summary of Findings on Inspections of Voter List per State/ Region



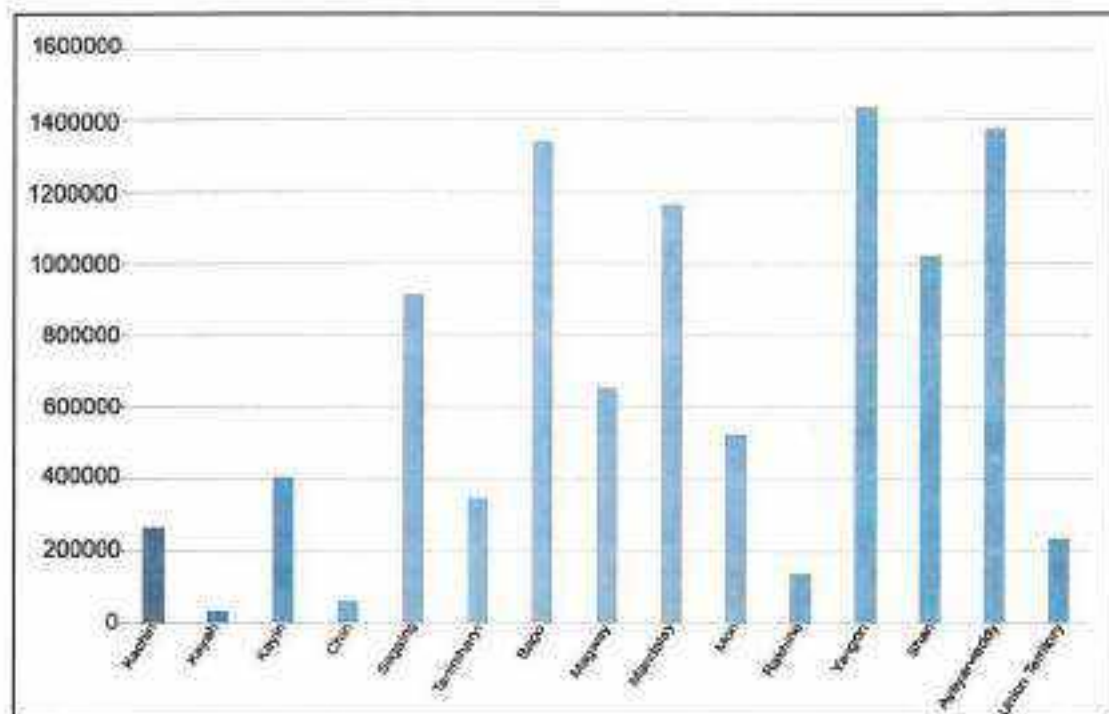
105. According to the findings of inspections on voter list, the total number of people who do not have any Citizenship Scrutiny Cards is 4,869,427, the number of people who have same Citizenship Scrutiny Cards but were included in the voter list 3 times and above is 295,405 and included twice is 3,596,206, there are 1,091,776 duplicated voters based on the cross-check between townships within same State/Region, 20,566 persons who are age of 100 and above, 14,412 persons who are under the age of 18, 1,417,598 duplicated voters based on cross-check between states and regions so the total number of potential fraudulent voters is 11,305,390. According to voter list scrutiny by Tatmadaw, the total number of potential fraudulent voters is 10,482,116 and according to the findings of inspection on voter list by current UEC, the total number of potential fraudulent voters is 11,305,390.

106. The findings of the inspections on the voter list by region /state are as follows:<sup>1</sup>

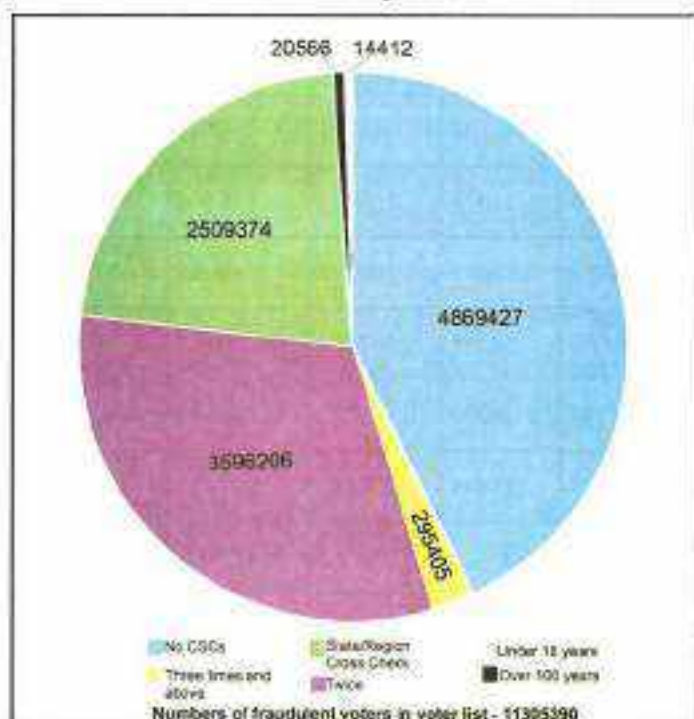
<sup>1</sup> Findings of Inspections on voter list in 315 townships. Report by current Union Election Commission on Findings of Inspection on 2020 Multi-party Democracy General Election (2021). UEC, Nay Pyi Taw

## Findings of voter list irregularities and frauds by State/Region

No	Region/State	Findings of UEC						
		No NRC Card	3 times and above	Twice	Region/State Cross Check	Above 100 years	Under 18 years	Total
1	Kachin	92452	7633	102876	60590	679	497	264727
2	Kayah	5552	930	16680	5912	238	44	29356
3	Kayin	241953	15258	128230	15294	917	822	402474
4	Chin	15580	2981	34248	1954	366	185	55314
5	Sagaing	337484	39220	460916	71872	1897	1466	912855
6	Tanintharyi	193991	8120	112756	28958	708	366	344899
7	Bago	858611	37162	382058	61008	1985	877	1341701
8	Magway	172976	33956	392504	45242	1567	650	651895
9	Mandalay	388282	38090	516776	217668	3151	1239	1165206
10	Mon	305987	13002	174268	26828	902	485	521472
11	Rakhine	77573	4101	47712	3598	341	223	133548
12	Yangon	747138	11070	269412	405366	2222	1909	1437117
13	Shan	616531	22697	309248	69054	2597	1996	1022123
14	Ayeyarwaddy	706984	54285	567300	39742	2707	3339	1374357
15	Union Territory	108333	6900	76222	38690	289	314	230748
	<b>Total</b>	<b>4869427</b>	<b>295405</b>	<b>3596206</b>	<b>1091776</b>	<b>20566</b>	<b>14412</b>	<b>9887792</b>
	<b>Nationwide Cross Check</b>				<b>1417598</b>			<b>1417598</b>
	<b>Total</b>	<b>4869427</b>	<b>295405</b>	<b>3596206</b>	<b>2509374</b>	<b>20566</b>	<b>14412</b>	<b>11305390</b>



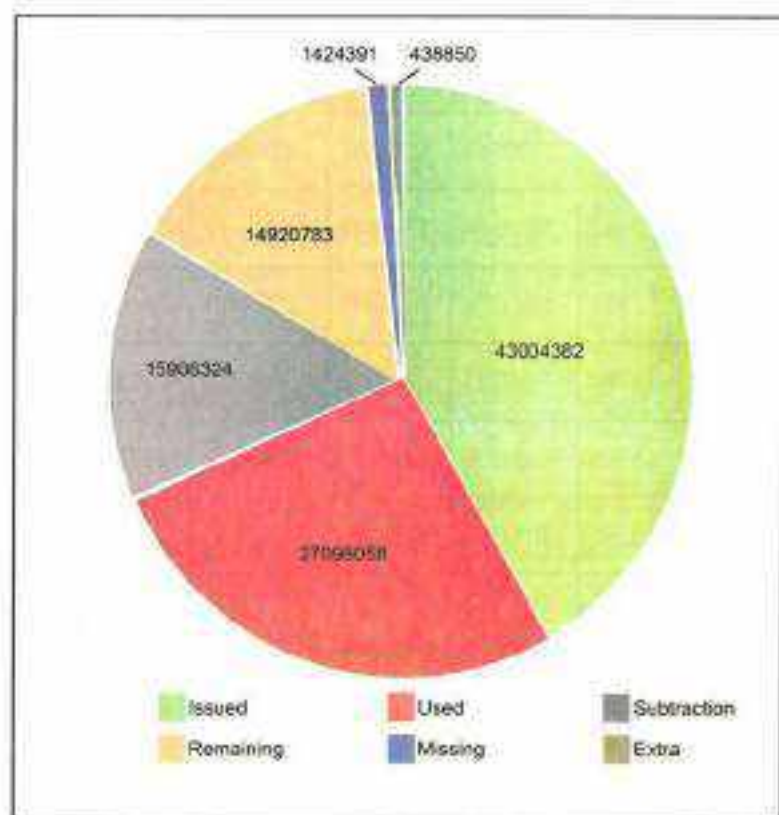
Findings of voter registration irregularities by region/ state  
(Total -No CSC, three times and above, twice, Region/ State Cross Check,  
over 100 years,



Findings of voter list irregularities and frauds across the country

### Field Inspection of ballot papers in 315 townships

107. The current UEC inspected voter list, ballot papers and documents used in 2020 General Election in accordance with Section 53 of Hluttaw Election Law. According to the findings of inspections conducted by commissioners of UEC together with respective township election sub commissions, commanders of township police force, heads of township Immigration and Population department, township administrators and representatives from political parties, there are 43,004,382 issued ballot papers, 27,098,058 used ballot papers and 39,963 polling stations in total. Although 15,906,324 should be left as unused but only 14,920,783 were found, and the number of missing ballot papers is 1,424,391 and there are 438,850 extra ballot papers, it was found that there were missing and illegal extra ballot papers at polling stations. The findings of inspection on ballot papers for Pyithu Hluttaw by State/Region are as follows:<sup>1</sup>

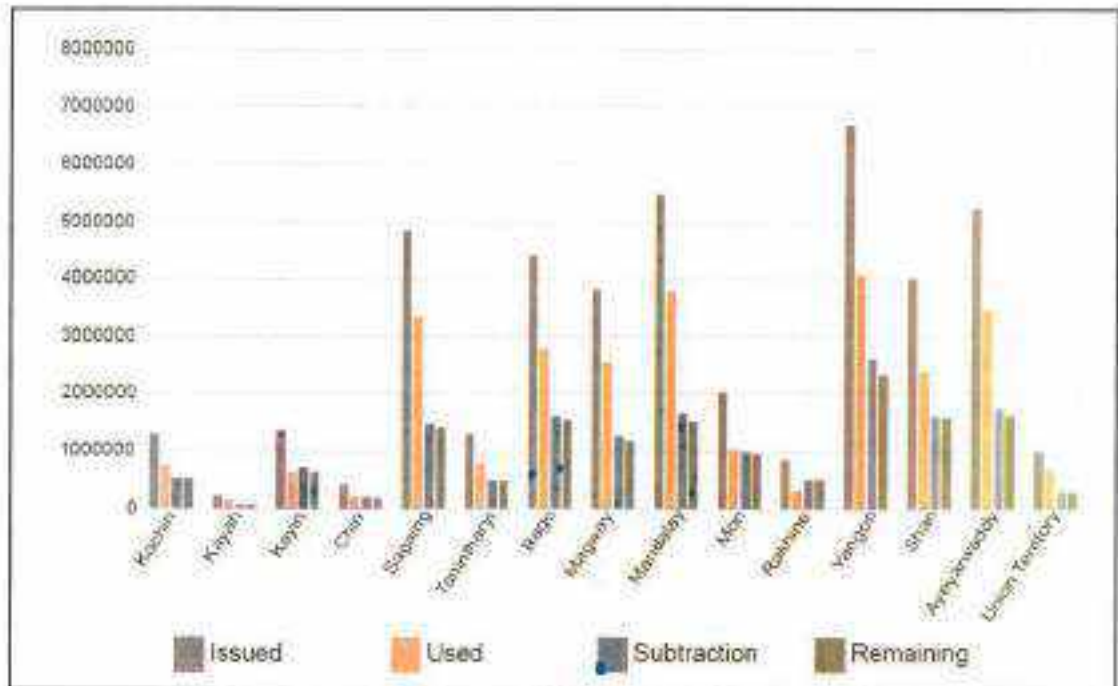


**Summary of Findings of Inspection on ballot papers by State/Region**

<sup>1</sup> Findings of Inspections on voter list in 315 townships, Report by current Union Election Commission on Findings of Inspection on 2020 Multi-party Democracy General Election (2021), UEC, Nay Pyi Taw

## Summary of findings on ballot papers by State/Region

No	Region/ state	Town- ships	Polling Stations	Issued	Used	Subtraction	Remain- ing on the Ground	Difference	
								Missing	Extra
1	Kachin	18	919	1301094	761324	539770	536889	9449	6568
2	Kayah	7	233	238805	162849	75956	75276	2468	1788
3	Kayin	7	852	1366222	641848	724374	654029	72272	1927
4	Chin	9	957	427455	218595	208860	196673	16746	4559
5	Sagaing	37	4107	4834052	3358659	1475393	1410220	129545	64372
6	Tanin- tharyi	10	1205	1299972	787976	511996	495219	24098	7321
7	Bago	28	4144	4421820	2801883	1619937	1536132	151867	68062
8	Magway	25	4548	3820561	2551681	1268880	1190533	86872	8525
9	Man- dalay	28	5447	5467884	3792347	1675537	1507778	221546	53787
10	Mon	10	973	2023776	1039295	984481	950625	45568	11712
11	Rakhine	8	784	857321	328918	528403	522502	9738	3837
12	Yangon	45	5809	6689270	4085686	2603584	2337150	357937	91503
13	Shan	49	3591	4023194	2399225	1623969	1574907	96666	47604
14	Ayeyar- waddy	26	5748	5238205	3479869	1758336	1641341	182719	65724
15	Union Territory	8	646	994751	687903	306848	291509	16900	1561
<b>Total</b>		<b>315</b>	<b>39963</b>	<b>43004382</b>	<b>27098058</b>	<b>15906324</b>	<b>14920783</b>	<b>1424391</b>	<b>438850</b>



Summary of findings on ballot papers by State/Region

108. According to the ground inspection, it was found that 27,098,058 ballot papers were used but it was reported by former UEC that there were 27,512,855 voters who cast the votes (the number of used ballot papers by former UEC) so 414,797 ballot papers were used less on ground.

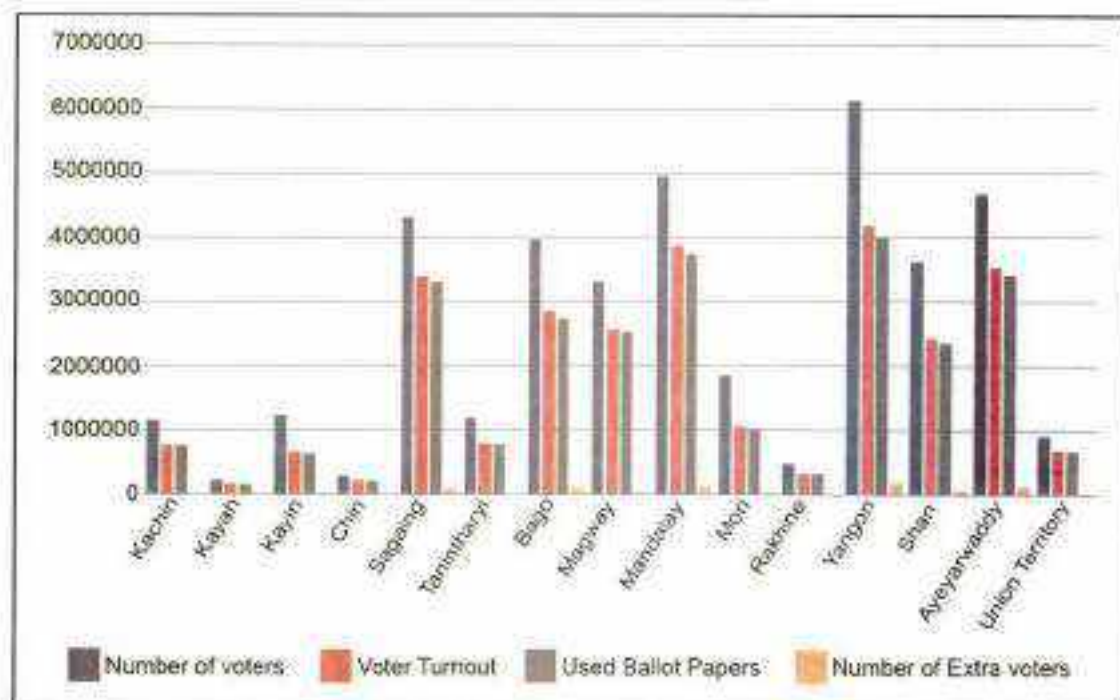
109. 44,169,334 Pyithu Hluttaw ballot papers were printed and 43,004,382 ballot papers were issued to the respective State/Region and the difference is 1,164,952. According to the announcement by former UEC, the voter turnout is 27,512,855 so 16,656,479 ballot papers was printed extra. Although the voter turnout is 27,512,855 it was found that only 26,659,208 ballot papers were used so 853,647 ballot papers were used less on ground. Therefore these 853,647 ballot papers were found fraudulent and the details are as follows:<sup>1</sup>

<sup>1</sup> Findings of Inspections on voter list in 315 townships, Report by current Union Election Commission on Findings of Inspection on 2020 Multi-party Democracy General Election (2021), UEC, Nay Pyi Taw.



## Summary of Findings of Inspections on extra ballot papers by State/ Region

No	Region/ State	Polling Station	Number of voters	Number of Voters			Ballot Papers Cast	Excess voter list
				Polling Station vote	Advance vote	Total		
1	Kachin	919	1150407	597856	163994	761850	754756	7094
2	Kayah	233	212916	128700	34157	162857	161061	1796
3	Kayin	852	1236838	475928	185770	661698	639921	21777
4	Chin	957	286308	179511	43394	222905	214036	8869
5	Sagaing	4107	4305403	2650094	733089	3383183	3294287	88896
6	Tanin tharyi	1205	1191890	624646	168079	792725	780655	12070
7	Bago	4144	3951637	2180513	658857	2839370	2733821	105549
8	Magway	4548	3310132	2050689	526871	2577560	2543156	34404
9	Man dalay	5447	4941471	3158053	712281	3870334	3738560	131774
10	Mon	973	1847780	786192	282333	1068525	1027583	40942
11	Rakhine	784	477957	250929	78335	329264	325081	4183
12	Yangon	5809	6137047	3325622	862627	4188249	3994183	194066
13	Shan	3591	3634283	1948314	473034	2421348	2351621	69727
14	Ayeyar waddy	5748	4681152	2740581	801352	3541933	3414145	127788
15	Union Territory	646	906226	530807	160247	691054	686342	4712
<b>Grand Total</b>		<b>39963</b>	<b>38271447</b>	<b>21628435</b>	<b>5884420</b>	<b>27512855</b>	<b>26659208</b>	<b>853647</b>



Findings of Inspection on extra ballot papers by State/ Region

### Findings of the inspections on voting conditions

110. Findings of voting conditions in the 315 townships where the 2020 Multi-party Democracy General Election was held are as follows:<sup>1</sup>

- (a) In 2020 Multi-party Democracy General Election, according to the findings of inspections on voter list and voting conditions in 315 townships in States/Regions, the total number of eligible voters was 38,271,447 and the total number of eligible voters who are age of 18 years according to the list by Ministry of Labour, Immigration and Population as of November 2020 was 31,775,330 so the difference in this regard is therefore 6,496,117 voters. The total number of eligible voters who are age of 18 years according to the list by General Administration Department as of November 2020 was 35,476,833 so the difference in this regard is therefore 2,794,614 voters.

1. Findings of Inspections on voter list in 315 townships. Report by current Union Election Commission on Findings of Inspection on 2020 Multi-party Democracy General Election (2021). UEC, Nay Pyi Taw.

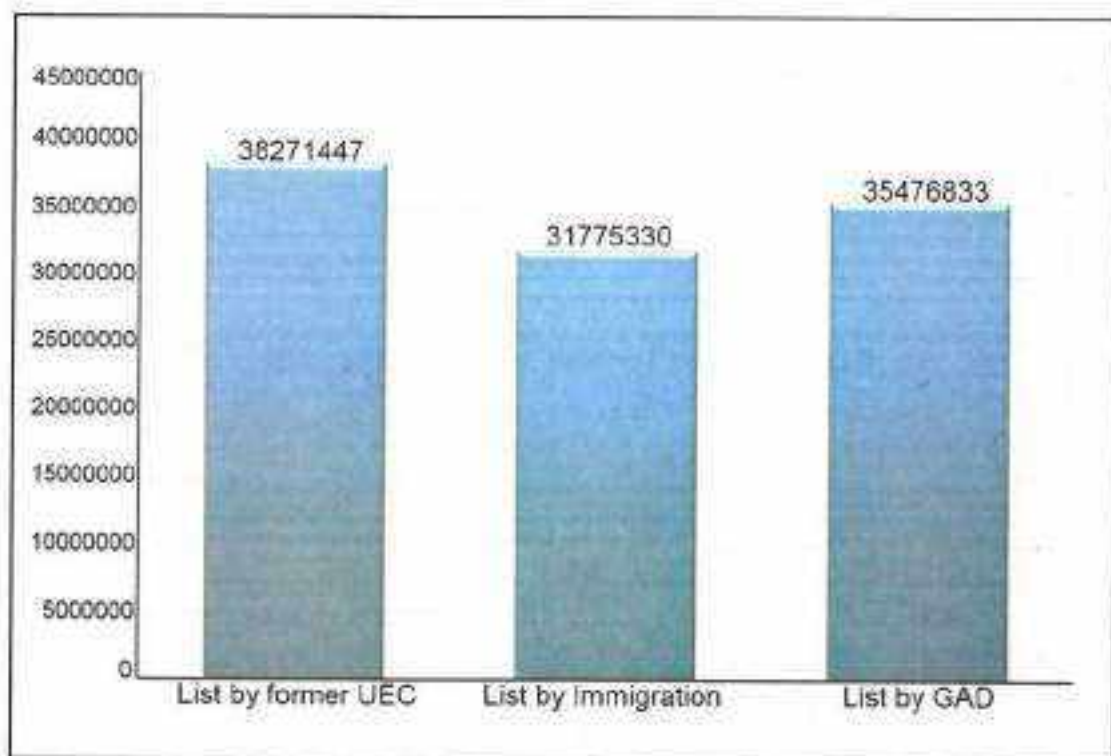
- (b) According to Section 6, Article (a) of Hluttaw Election Law, only citizen, associate citizen and naturalized citizen who has completed the age of 18 years on the day of commencement of election and who does not contravene the provisions of this Law shall be included in the voter list. In the voter list which was used in 2020 Multi-party Democracy General Election in 315 townships in States/Regions, the total number of people who do not have any Citizenship Scrutiny Cards is 4,869,427, the number of people who have same Citizenship Scrutiny Cards but were included in the voter list 3 times and above is 295,405 and included twice is 3,596,206, there are 1,091,776 duplicated voters based on the cross-check between townships within same State/Region, 20,566 persons who are age of 100 and above, 14,412 persons who under the age of 18, 1,417,598 duplicated voters based on cross-check between states and regions so the total number of potential fraudulent voters is 11,305,390 which indicates that there are unlawful irregularities in voter list.
- (c) The total number of polling station is 39,963, issued ballot papers is 43,004,382, used ballot papers is 27,098,058 and 14,920,783 ballot papers are left unused while it should be 15,906,324. 1,424,391 ballot papers are found missing and 438,850 extras. The missing and extra ballot papers were found at the polling stations in townships in States/Regions, the calculated and exact numbers of ballot papers were issued to the polling stations and the reason to have missing and extra ballot papers is due to unlawful and illegal acts.
- (d) 44,169,334 Pyithu Hluttaw ballot papers were printed out and 43,004,382 were issued to States/Regions which made the difference of 1,164,952. According to the announcement by former UEC, the voter turnout is 27,512,855 so the difference is 16,656,479. Although the official voter turnout is 27,512,855 but the total number of used ballot papers was 26,659,208 so 85,3647 ballot papers were used less on ground which indicates rigged votes.
- (e) In Multi-party Democracy General Election held on 8<sup>th</sup> November 2020, the voter turnout for Pyithu Hluttaw is 27,512,855 but the finding of on ground

inspections shows the number of used ballot papers is 27,098,058 so 414,797 ballot papers were used less on ground.

- (f) In Multi-party Democracy General Election held on 8<sup>th</sup> November 2020, the voter turnout for Pyithu Hluttaw is 27,512,855 the number of voters who cast the votes at polling station is 21,628,435 and the advance voters is 5,884,420 so it is 78.61% and 21.39%. In 2015 Multi-party Democracy General Election, the number of voters who cast the votes at polling station is 93.99% and the advance voters is 6.01%. The unlawful advance voting in 2020 Multi-party Democracy General Election created the higher number of advance voter turnout.
- (g) It is found some voters, whose names and data in Form (1) Voter List Form were corrected and manually updated, were allowed to cast the votes.
- (h) At some polling stations, it is found that some voters were allowed to cast the votes but their signatures or fingerprints of their left thumb were not found in Form (1) Voter List Form.
- (i) It is also found that there were cases at some places, some voters' names were filled manually and/or computerized in Form (1) Voter List Forms without reporting to and permission from township election sub commission, and the ballot papers for these additional voters were stolen from township election sub commission and were cast. The case was reported and actions were taken accordingly.
- (j) It is found that people who are under 18 years old were added into voter list and allowed to cast the votes.
- (k) It is found that at some places, there were no signatures by chairpersons and secretaries of ward/village-tract election sub commissions in Form (1) Voter List Forms as prescribed in Section 15 Article (a) of Hluttaw Election Law.
- (l) It is found that some ward/village-tract election sub commissions failed to return the receipt and unused advance ballot papers in line with the laws after advance voting.

- (m) It is found that the ballot papers were used but the name of voters, voter list number, polling station number, ward/village tract name, signature or fingerprint were not filled in the receipt at some places.
- (n) It is found that there was a mass inclusion of people who do not have Citizenship Scrutiny Cards and they were allowed to cast the votes with voter slips and without CSCs.
- (o) Unlawful voting actions were found during advance voting.
- (p) Giving reason on COVID-19 related health instructions, some unlawful instructions were issued when the Election Day was so close to collect and compile the voter list and to allow the advance voting.
- (q) It is found that the advance ballot papers were used but the name of voters, voter list number, polling station number, ward/village tract name, signature or fingerprint were not filled in the receipt at some places.
- (r) It is found that some bags of used ballot papers/ receipts and Form (1) Voter List Form were missing at some polling stations.
- (s) It was found that some bags of used ballot papers/ receipts were missed and the person who served as polling station officer on Election Day returned it during the on-ground inspection process.
- (t) After checking Form (1) Voter List Forms, the people, whose names only were shown in the voter list but no complete data such as age, Citizenship Scrutiny Card number, Father name, Mother name etc, were included in the list and were allowed for voting.
- (u) It is found that some ward/village-tract election sub commissions and polling station officers failed to return the receipt and unused advance ballot papers in line with the laws, rules and procedures, and returned these materials only after the Election separately to respective township election commissions.
- (v) Although every ballot book should have 50 ballot papers each, it is found that some books had more or less than 50 ballot papers.
- (w) It is found that some ward/village-tract election sub commissions kept some receipts of used ballot papers and also unused ballot papers.

- (x) It is found that some receipts of used ballot papers and also unused ballot papers were returned to township election commissions only after the election separately without complying with Section 66 Article (h) of respective Hluttaw Election Rules.



**Comparative Chart of eligible voter list by former UEC, list of CSC holders by the Immigration Department and list of people who are age of 18 by General Administration Department**



№	Տարի մի	Ազգանուն ընկեր	Գյուղ	Գրանցում	Կրթություն	Մասնագիտություն	Մեծագույն տնտեսական ակտիվություն	Բնակավայր	Կրթություն	Կարգավիճակ
1	1921	Սարգսյան	+	100	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ
2	1921	Սարգսյան	+	100	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ
3	1921	Սարգսյան	+	100	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ
4	1921	Սարգսյան	Գյուղ	100	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ
5	1921	Սարգսյան	+	100	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ
6	1921	Սարգսյան	+	100	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ
7	1921	Սարգսյան	+	100	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ
8	1921	Սարգսյան	+	100	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ
9	1921	Սարգսյան	+	100	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ
10	1921	Սարգսյան	Գյուղ	100	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ
11	1921	Սարգսյան	+	100	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ

Voters who are over 100 years old in voter list (Sittwe Township)

№	Տարի մի	Ազգանուն ընկեր	Գյուղ	Գրանցում	Կրթություն	Մասնագիտություն	Մեծագույն տնտեսական ակտիվություն	Բնակավայր	Կրթություն	Կարգավիճակ
1	1921	Սարգսյան	Գյուղ	100	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ
2	1921	Սարգսյան	+	100	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ
3	1921	Սարգսյան	Գյուղ	100	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ
4	1921	Սարգսյան	+	100	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ
5	1921	Սարգսյան	Գյուղ	100	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ
6	1921	Սարգսյան	Գյուղ	100	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ
7	1921	Սարգսյան	Գյուղ	100	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ	Միջնակարգ

Voters who are under the age of 18 years old in voter list (Ann Township)





Կոնցրետային շրջան  
 Կ. Կոնցրետային շրջանի քաղաքացիական քվեարկի  
 1 քվեարկի  
 Կոնցրետային շրջանի քաղաքացիական քվեարկի

0401

Քվեարկի կոդ 0 - 04 02 0 - 0 0 0 0

Քվեարկի կոդի համարը  
 0401 02 0 0 0 0

Գ	Քվեարկի կոդ	Քվե	Քվեարկի կոդ	Քվեարկի կոդ	Քվեարկի կոդ	Քվեարկի կոդ	Քվեարկի կոդ	Քվեարկի կոդ
01	01	01	01	01	01	01	01	01
02	02	02	02	02	02	02	02	02
03	03	03	03	03	03	03	03	03
04	04	04	04	04	04	04	04	04
05	05	05	05	05	05	05	05	05
06	06	06	06	06	06	06	06	06
07	07	07	07	07	07	07	07	07
08	08	08	08	08	08	08	08	08
09	09	09	09	09	09	09	09	09
10	10	10	10	10	10	10	10	10
11	11	11	11	11	11	11	11	11
12	12	12	12	12	12	12	12	12
13	13	13	13	13	13	13	13	13
14	14	14	14	14	14	14	14	14
15	15	15	15	15	15	15	15	15
16	16	16	16	16	16	16	16	16
17	17	17	17	17	17	17	17	17
18	18	18	18	18	18	18	18	18
19	19	19	19	19	19	19	19	19
20	20	20	20	20	20	20	20	20

Քվեարկի կոդի համարը  
 0401 02 0 0 0 0

Քվեարկի կոդ

Քվեարկի կոդի համարը  
 0401 02 0 0 0 0

The voting status and number of voters who were included in voter list without citizenship scrutiny cards (Kungyanon Township)

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**Chapter 6**  
**Report on the overall inspection of the  
entire Election Process**

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**Report on the overall inspection of the entire Election Process**

111. Many unlawful errors were found in Multi-party Democracy General Election which was held nationwide on 8<sup>th</sup> November 2020 as following:

- (a) The former Union Election Commission (UEC) appointed those who the former Region/State Chief Ministers favoured as chairpersons and members of the election sub-commissions.
- (b) Under the directives of the Union Government Office, a support group was formed and led by the former Region/State Chief Ministers to complete the voter lists and due to the group, there were voters duplicate twice, or more than three times in the voter list.
- (c) When the population list was collected in order to compile voter list, ward/village tract administrators led the population list data collection groups. It was found that there were ward/village-tract administrators who were appointed by NLD party/ government and they worked together with NLD party campaign teams when the voter list was being collected. During the process, they did not check whether the people actually lived in respective ward/village tract or not, had Citizenship Scrutiny Cards or not, and met eligible criteria as prescribed in respective Hluttaw Laws or not, but they did try to add people who did not have Citizenship Scrutiny Cards and/or hold Citizenship Scrutiny Cards into voter list and there was mass inclusion of duplicate voters who were included twice or more than three times. Although Section 15 (c) of Chapter 6 of the relevant Hluttaw Election Law states that "Whoever has the right to vote in any constituency shall not be included in the voting roll of any constituency other than that of the constituency concerned at the same time", NLD supporters have ignored the existing laws and worked only for the victory of NLD party. According to Section 19 (b) of the relevant Hluttaw Election Law, "the names not eligible are included in the voting roll, delete such names from the voting roll", but the names were not deleted and still added in the voter list.

- (d) After the former UEC issued an announcement which allowed the voters who are 60 years and above cast advance votes starting from 29.10.2020 and after that, in some places, NLD party campaign teams joined when the advance votes were collected at voters' houses and it caused unlawful voting. On 8.10.2020 and 11.10.2020, the former UEC issued the instruction that allowed the people, who were unable to return to their respective constituencies due to health restrictions related to COVID-19, to cast the advance votes. Because of these instructions, there was mass inclusion of people who do not have Citizenship Scrutiny Card, and also people who hold the same Citizenship Scrutiny Cards were added to voter list and were allowed to cast the votes twice or more than three times.
- (e) As the former UEC issued the instruction on 19.8.2020 allowing the voters who do not have Citizenship Scrutiny Cards at polling stations and also allowed people who only had voter slips. The people who do not have Citizenship Scrutiny Cards were allowed to cast the votes and also people who hold the same Citizenship Scrutiny Cards could cast votes twice and more than three times which were against the existing laws and was the violation of the provisions of Section 59 of the respective Huttaw Election Law. The former UEC issued the instruction to consider ballot papers which were stamped with only (√) sign without UEC logo at polling station on Election Day as valid votes. It made confusion during counting process and it was found that the results were not correct and fair.
- (f) During election campaign period, advance voting period and on Election Day in 2020, it was found that candidates and campaign teams from NLD party breached respective Huttaw Law, Rules, Orders, Directives, COVID-19 prevention and control related instructions and local instructions. It was also found that the former UEC did not perform well as an independent institution and since it was controlled and interfered by winning NLD party, the electoral process and operations were not conducted and overseen in line with electoral laws and rules.

- (g) Duplication of voter list provides opportunity to do voting frauds and legal actions are being taken on those who cast the votes more than once after their names being included in voter list twice or thrice. Voting twice or thrice can happen in following conditions and it is being inspected based on the evidence by looking at respective Form No. (1).
- i. Voter will be able to vote more than once not only during advance voting at polling station in his/her concerned ward/village-tract but also at the polling station on Election Day.
  - ii. If someone's name is duplicated in the voter list of nearby township or ward/village-tract, he/she will be able to cast advance vote before voting on Election Day.
  - iii. Voter will be able to cast vote more than once at any other polling station where his/her name appears again if he/she can avoid to mark his/her little finger by indelible ink.

112. According to the findings of inspections of voter list and voting conditions in 315 townships where 2020 Multi-party Democracy General Election was held on 8<sup>th</sup> November 2020, NLD party misused administrative power and the COVID-19 regulations and restrictions in electoral activities, including the campaigning of other political parties and Hluttaw candidates, and tried to grab State Power unlawfully.



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## **Chapter 7**

# **Announcement of annulment of November 8<sup>th</sup> Multi-party Democracy General Election Results**

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## **Announcement of annulment of November 8<sup>th</sup> Multi-party Democracy General Election Results**

113. The Union Election Commission assigned by the State Administration Council with Order No. 7/2021 according to Section 419 of the Constitution of the Republic of the Union of Myanmar inspected in detail the voter lists of 315 townships where the Multi-party General Election was held on 8<sup>th</sup> November 2020 in order to conduct the needed measures in accord with Section 402 of the Constitution, Section 11 of the Union Election Law and Section 53 of respective Hluttaw Election Law including the checking of voter lists in line with the future work plans of the State Administration Council. Moreover, the UEC inspected the voter lists and the casting of votes in each polling station of respective townships together with members of UEC, former members of respective township election sub-commissions, head of township police force, head of township Immigration and Population Department, township administrators and representatives of political parties, and interviewed the election sub-commission, polling station officers and members.<sup>1</sup>

114. According to the findings on voter lists of respective townships, there were 11,305,390 voter lists irregularities across the nation. Although the exact numbers of ballots were issued to the polling stations, there were missing ballot papers and also illegal extra ballot papers at each polling stations and it was found that it happened due to illegal unlawful activities. Findings in each State/Region were shown as attached supplementary files.<sup>2</sup>

115. In addition, the findings of the inspections on voter lists in each township, scrutiny of the ballot papers and the voting conditions were as follows: -<sup>3</sup>

- (a) The former Union Election Commission (UEC) appointed those who the region or state chief ministers favored as chairpersons and members of the election sub-commissions.
- (b) Under the directives of the Union Government Office, a support group was formed and led by the region or state chief ministers to complete the voter lists and due to the group, there were two or three times duplication of voter lists.
- (c) There was mass inclusion of people without citizenship scrutiny cards in

1 Chapter (5), Announcement of annulment of 2020 Multi-party Democracy General Election Results, Report by current Union Election Commission on Findings of Inspector on 2020 Multi-party Democracy General Election (2021), UEC, Nay Pyi Taw

2 -Ibid-

3 -Ibid-

- the voter list as well as there were voters included in the voter list twice or more than three times with the same citizenship scrutiny cards.
- (d) Following the directive issued by the former UEC to allow advance voting for voters aged 60 and above since 29.10.2020 prior to the Election Day, members of the NLD party campaign team visited the houses during the advance voting.
  - (e) Duplication of the voter lists and mass inclusion of voters without a national identification card occurred because the former UEC announced the advance voting of those who could not return home due to the COVID-19 pandemic on 8.10.2020 and 11.10.2020.
  - (f) Voters who did not have a citizenship scrutiny card were allowed to cast their ballots at the polling stations with the voter slips after the former UEC issued a directive on 19.8.2020 to enable voters who did not have a citizenship scrutiny card to cast their ballots, which did not comply with the respective Hluttaw Election Laws.
  - (g) With regard to the ballot papers used in polling stations on Election Day, it was instructed to consider ballot papers without UEC logo which had only (✓) to consider as valid.
  - (h) A large number of voter list errors in polling station were not accidental but deliberate acts.
  - (i) The NLD party also interfered in each election process including collecting and compiling voter lists, election campaign, and advance voting process and voting processes on the Election Day with their power.
  - (j) The NLD party misused administrative power and the COVID-19 regulations and restrictions in electoral activities, including the campaigning of other political parties and Hluttaw candidates to grab State Power unlawfully.
  - (k) The former UEC misused its mandate and power and performed beyond the laws and rules.

116. As the Multiparty Democracy General Election held on 8<sup>th</sup> November 2020 was not in compliance with the Constitution of the Republic of the Union of Myanmar, Union Election Commission Law, respective Hluttaw laws and rules, in addition to the fact that it was found that the election was not free and fair, the announcement No. 2/2021 of annulment of the results of the 8<sup>th</sup> November election was issued by current Union Election Commission on 26<sup>th</sup> July 2021.<sup>3</sup>

<sup>3</sup> Chapter (5), Announcement of annulment of 2020 Multi-party Democracy General Election Results, Report by current Union Election Commission on Findings of Inspection on 2020 Multi-party Democracy General Election (2021), UEC, Nay Pyi Taw

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**Chapter (8)**  
**Analysis of the 2020 Multi-party  
Democracy General Election**

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### Analysis of the 2020 Multi-party Democracy General Election

117. The standard of an election is often measured by whether it is held in free and fair manner. But it is not enough just to look at the process on Election Day but also the processes and how the operations were conducted before, during and after the election as described in electoral cycle.

118. It was found that the voter list was duplicate and more bloated during pre-election period in 2020 Multi-Party Democracy General Election because there were interference by former Regions/States Chief Ministers who were leaders of NLD party to include NLD party supporters and hardcore in formation of election sub commissions, attempts to make electoral legal annulment which favoured NLD party in respective Hluttaw election laws and rules, and the interferences and pressure by voter list support groups led by former Regions/States Chief Ministers and NLD party appointed ward/village tract administrators.

119. It was analyzed that NLD party took advantages of its government authority in the run-up to the 2020 Multi-Party Democracy General Election. During campaign period, NLD party misused its power and COVID-19 regulations and restrictions for its own party's benefit, the manuscripts by other parties were edited and censored during the broadcast campaign period of political parties on state media, and 4 out of 13 areas of election observation were cut off. NLD party also interfered in drafting process of Code of Conduct for Political Parties and Candidates (CoC), there were instructions which were not in compliance with electoral laws and rules, and the advance voting was conducted unlawfully and not in line with laws and rules.

120. It was found that there were failure to address the complaints on electoral offences and malpractices after 2020 Multi-Party Democracy General Election submitted by political parties and candidates, rejection of requests by political parties and candidates, as well as the Tatmataw to solve the voter list issues and also to provide a copy of the voter list, showing disregard for the statement by Tatmadaw on potential fraudulent voters (10,482,116 duplicate voters which is 28.17% of total eligible voters), and failure to take actions on 287 election dispute cases which was much more than the previous elections and were submitted by political parties and candidates, and to take actions on the lawful requests by Tatmadaw, political parties and candidates.

121. Although there were statements released by Tatmadaw for the benefit of people to address unlawful issues related to voter list, election campaign, advance voting, voting on Election Day, which happened before, during and after in 2020 Multi-party Democracy General Election either by Pyidaungsu Hluttaw or government or former UEC, there was no actions taken. Similarly, an open letter by chairpersons and deputy chairpersons of 19 political parties including USDP was sent to the former president to take actions on former UEC because of its failure to perform its duties in line with laws and rules but the President did not respond. The request by 203 Pyidaungsu Hluttaw representatives (more than one quarter of total representatives) including Pyithu Hluttaw representative from Pyawbwe township U Thaug Aye to call a Hluttaw special session was rejected. Instead of addressing issues, the former government and NLD party attempted to form the government and call the parliament based on the rigged election results to forcibly seize the State Power.

122. When it got closer to Election Day in 2020 Multi-party Democracy General Election, the former UEC announced the postponement of elections in some areas due to security concerns. Elections in 9 townships in Rakhine and 6 townships in Shan where there was less possibility to win by NLD party were postponed but elections in Paletwa township in Chin State where the security conditions were worse, was not cancelled. Although some political parties pointed out the unfair decisions, there was no action or response and it was found that former government and former UEC misused their authority to favor NLD party in order to win election.

123. 139,331,120 ballot papers were printed which was more than the required amount in 2020 Multi-party Democracy General Election. The ballot papers were printed out 8 times in total and still being printed out until 7.11.2020 which was a day before Election Day. It is advised the ballot papers should be produced systematically and shall not exceed more than required numbers.

124. There was unlawful advance voting for the voters at age of 60 and above, giving the reason of COVID-19 outbreak in 2020 Multi-party Democracy General Election, and campaign teams from NLD party joined the collecting process of advance votes. It is recommended to review laws, rules and procedures, and make legal amendments on eligibility of advance voters, the assigned responsible personnel for advance voting process in upcoming elections.

125. In 2020 Multi-party Democracy General Election, it was found that people were allowed to vote with voter slips including people who do not have any Citizenship Scrutiny Cards and could not be verified about their citizenship and voter eligibility in accordance with respective laws and rules. It is recommended that only the Citizenship Scrutiny Cards holders shall cast the votes in elections in the future.

126. In 2020 Multi-party Democracy General Election, the voter list was compiled by collecting on ground data of all residents in ward/village-tracts and also the data from household lists were added and that is why the list was very bloated and incorrect, the names of the people who do not have Citizenship Scrutiny Cards and cannot be verified as citizens or naturalized citizens, and there was lack of coordination between the government departments. It is recommended to establish proper and clear laws and rules in order to make accurate voter list which is vital in election process.

127. It was recommended to have proper and clear laws and rules regarding the election campaign for political parties and candidates since the issues were reported amongst political parties, their supporters and their followers although there were campaign instructions for political parties and candidates in 2020 Multi-party Democracy General Election.

128. According to the road map of State Administration Council, the current UEC did inspection of voter list and ballot papers in accordance with the constitution, Union Election Commission law, respective Hluttaw Election Laws in 315 townships where 2020 Multi-party Democracy General Election was held. According to the findings on voter list, the total number of potential fraudulent voters is 11,305,390 and according to the findings on ballot paper inspection, there was 1,424,391 missing ballot papers and 438,850 extra ones. Such missing and extra ballot papers can create the potential for electoral fraud.

129. The current UEC released the announcements on finding of inspections on voter list and ballot papers in each township and in each State/Region, announcement on the findings of election process in each State/ Region with proper documentation, facts and figures. Based on the findings, it was found that the election was not free and fair and thus, the result of 2020 Multi-party Democracy General Election was annulled



in accordance with the Constitution, Union Election Commission law, and respective Hluttaw Election Laws.

130. Union Election Commission will review and analyze the issues which happened before, during and after 2020 Multi-party Democracy General Election and will study electoral legal framework including election system and make changes accordingly and timely in order to conduct the forthcoming Multi-party Democracy General Election successfully and to establish a genuine and disciplined multi-party democracy system.

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## **Conclusion**

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### Conclusion

131. The Republic of the Union of Myanmar is an independent and sovereign country. It has been just over a decade since Myanmar was democratized and it can be seen that democracy in Myanmar is being manipulated and influenced in many ways. Due to the geopolitical changes and geographic location of country, it is necessary to carefully protect the sovereignty of country from the interference of other powerful countries. Democracy is a practice of consensus but its essence is law enforcement so it is important to follow the disciplines, and to be faithful to truth and integrity. To practice democracy, it should be a political system that is relevant with culture and customs of respective country. The constitution provides the legitimacy of a government and fundamental rights of its people. Thus, it is crucial to abide by the Constitution while practicing party-based politics. And only the free and fair election can implement the will of people while practicing democracy.

132. There were voter list errors, electoral frauds and malpractices during 2020 Multi-party Democracy General Election held on 8<sup>th</sup> November 2020. Political parties and candidates held press conferences, released press statements and submitted requests to the former UEC to solve voter list errors; Tatmadaw also issued findings on the voter list in order to support free and fair election in accordance with the Constitution. When former UEC did not take any actions on the requests to address voter list errors, it was further requested to Pyihtaungsu Hluttaw to solve in accordance with the Constitution. When Pyihtaungsu Hluttaw rejected to take actions, then there was a request to find a solution for that crisis either by government or Pyihtaungsu Hluttaw or former UEC. It was asked twice to call National Defense and Security Council Meeting. Tatmadaw asked for taking measures in line with the Constitution, laws and rules but the former President, former Pyihtaungsu Hluttaw, and former Union Government did not take any actions. As an institution responsible to uphold the 2008 Constitution, Tatmadaw had to announce State Emergency according to Section 417 of the Constitution and according to Section 418 of the Constitution, the legislative, executive and judicial powers were transferred to Commander in Chief of Defence Services. State Administration Council was formed by Commander in Chief of Defence Services and Five Points Road Map was laid down. To implement item no. 1 and no. 5 amongst five points, the new Union Election Commission was appointed by State Administration Council by Order No. 7/2021 dated 2<sup>nd</sup> February 2021 in accordance with Section 419 of 2008 Constitution.

133. In line with the first item of Five Points Road Map laid down by State Administration Council, the current UEC conducted inspections on voter list and investigations and interviews on election frauds and malpractices in 315 townships. According to the findings of inspections on voter list and voting conditions of Multi-party General Democracy Election which was held on 8<sup>th</sup> November 2020, it was found that NLD party misused its government power and also misused COVID-19 protection and control restrictions to win the elections and to form the government, and to forcibly take State Power. The Multi-party Democracy General Election held on 8<sup>th</sup> November 2020 was not in compliance with respective Hluttaw Election laws and rules, in addition to the fact that it was found that the election was not free and fair, the results of the 8<sup>th</sup> November Election were annulled and in this regard this report was compiled and presented with evidences and documentation pictures.

Union Election Commission



# Photographic Documentation





Photographic documentation of on ground inspection of the ballot papers in Kachin State





Photographic documentation of on ground inspection of the ballot papers in  
Kayah State



Photographic documentation of on ground inspection of the ballot papers in  
Kayin State



Photographic documentation of on ground inspection of the ballot papers in  
Chin State



Photographic documentation of on-ground inspection of the ballot papers in  
Sagaing Region



Photographic documentation of on ground inspection of the ballot papers in  
Tanintharyi Region



Photographic documentation of on ground inspection of the ballot papers in  
Bago Region



Photographic documentation of on ground inspection of the ballot papers In  
Magway Region



Photographic documentation of on ground inspection of the ballot papers in  
Mandalay Region

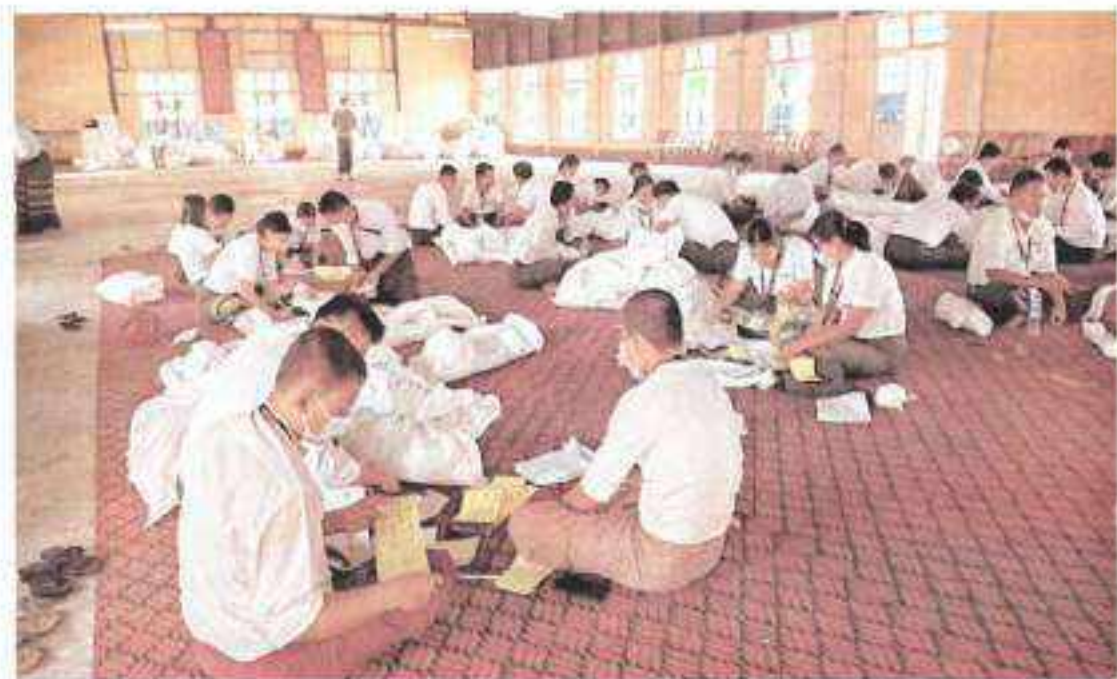




Photographic documentation of on ground inspection of the ballot papers in  
Mon State



Photographic documentation of on ground inspection of the ballot papers in  
Rakhine State



Photographic documentation of on ground inspection of the ballot papers in Yangon Region



Photographic documentation of on ground inspection of the ballot papers in Shan State



Photographic documentation of on ground inspection of the ballot papers in  
Ayeyawaddy Region



Photographic documentation of on ground inspection of the ballot papers in  
Union Territory



NLD's Amyother Hluttaw candidate Saw Shar Paung Aur giving cash to party supporters during campaign rally in Kyar-in-seit-kyee Township



Photographic documentation of Dr. Kyaw Kyaw, candidate for Regional Hluttaw (1) from NLD party campaigning within 500 yards from polling station during advance voting at the polling station of Zayityoe Village polling station, Mi-chaung-eaing Village Tract, Yay-dar-shay Township on 29.10.2020





Using a religious building during election campaign and unlawful activities to get votes on the pretext of religion, in violation of UEC's orders No. (1/2014) and (173/2020), in Kyi-ywar village tract in Pyaw-bwe Township



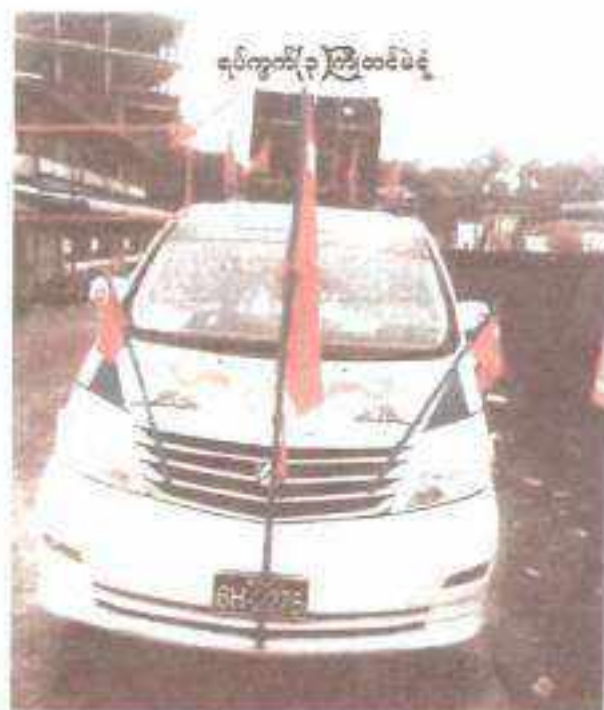
Using a religious building during election campaign and unlawful activities to get votes on the pretext of religion, in violation of UEC's orders No. (1/2014) and (173/2020), in Kyi-ywar village tract in Pyaw-bwe Township



Photographic documentation of unlawful campaign activities



Campaign song playing within 50 yards from the polling station



Photographic documentation of unlawful advance voting activities



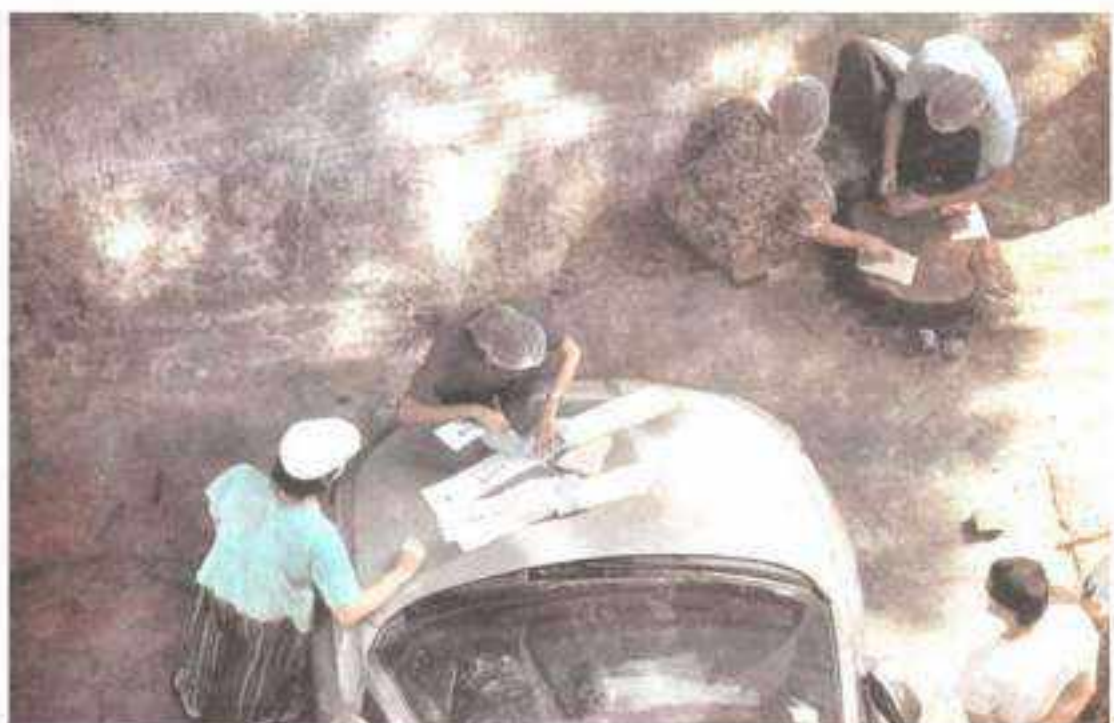
Photographic documentation of unlawful advance voting activities



Photographic documentation of unlawful advance voting activities



Photographic documentation of unlawful advance voting activities



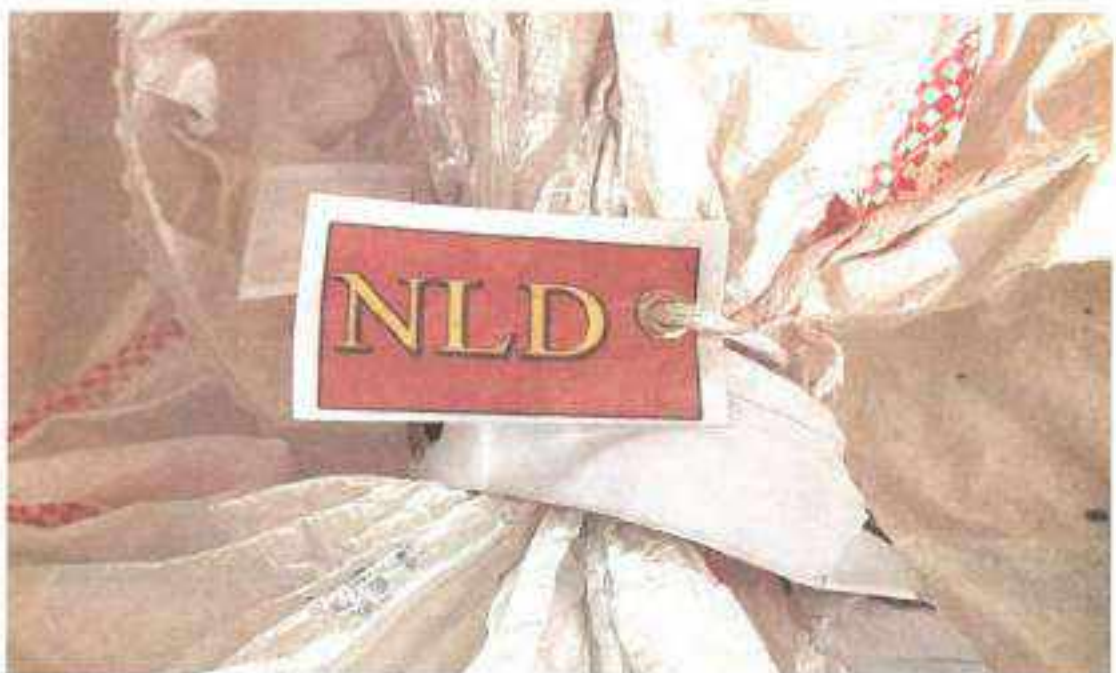




Ballot papers from 2015 General Elections which were mixed and used in 2020 General Election at No. 1 polling station in Sit-Kone village tract in Gyo-bin-gauk township



5 ballot paper bags which were sealed with NLD Party logoed labels



Photographic documentation of unlawful action by a Hluttaw candidate  
(Mottama Village election sub commission)



Photographic documentation of unlawful action by a Hluttaw candidate

(Kya-hkat-ngu Village election sub-commission)



Photographic documentation of the person who received the fraudulent blank voter slip given by NLD party members U Aung Naing (aka) U Kyaw Kyaw and Ko Soe



Photographic documentation of NLD party members U Aung Naing (aka) U Kyaw Kyaw and Ko Soe distributing fraudulent blank voter slips



Photographic documentation of issuing voter slips to voters near polling station

