

## **A Critique of the Analysis by the Union Election Commission of Myanmar of the Voting Process at the 8 November 2020 General Elections**

On 1 February 2021 the Burmese military, known as the Tatmadaw, staged a coup against the incumbent civilian government led by the National League for Democracy, arresting their leader Daw Aung San Suu Kyi, President Win Myint and other prominent politicians. The coup took place early in the morning of the last day of the outgoing NLD administration and was clearly designed to prevent the swearing-in later that day of the new NLD administration resulting from their land-slide election victory in General Elections held on 8 November 2020.

The main reason given for the coup, whose leaders have yet to consolidate their power and may never do so, was alleged massive electoral fraud. They at once dismissed the incumbent Union Election Commission (UEC) and appointed their own new team who were tasked with investigating and reporting on alleged election malpractice. The new UEC did so in a series of reports, culminating in their [Announcement of 26 July 2021](#) which summarised their findings and concluded by declaring that the elections were annulled.

There has been surprising little critical analysis of the UEC's findings. [The Asian Network for Free Elections \(ANFREL\) noted in their Final Report](#) on the elections issued in May 2021 (Page 123):

“The Tatmadaw later revised its allegations and claimed on 31 January that “the process of the 2020 election [was] unacceptable, with over 10.5 million cases of potential fraud, such as non-existent voters”. As previously mentioned, ANFREL is unable to independently verify these claims because of a lack of access to the voter list. The military led by Senior General Min Aung Hlaing would then use these uncorroborated allegations as justification for the 1 February coup. No solid evidence supporting the claims of massive voter list fraud has been made public since the coup either.”

It might be thought that access to the voter lists is essential if UEC allegations are to be properly examined and refuted. However, there is abundant internal evidence from the data presented by the UEC to show that their allegations of electoral fraud have no substance at all and frankly defy common sense.

It has long been known that Myanmar's electoral rolls are in a parlous state. At the time of the 2015 elections [Daw Aung San Suu Kyi decried the chaotic situation](#), leading her [to doubt whether the elections could be free and fair](#). Five years later she faced the same situation [and in August 2020 spoke of voter lists riddled with mistakes and inaccuracies](#), an issue which “must be given attention”.

The table below, taken from the Global New Light of Myanmar of 26 July 2021, summarises UEC allegations.

Voting frauds and ballots in each region or state																
Sr	State/Region	Townships	Polling stations	Finding on voter lists							On-the-ground finding on ballot papers					
				Non-IDs	Thrice & above	Twice	States/Regions crosscheck	Above 100-year-old	Under 18	Total Voting fraud	Withdrawal	Used	Exact remaining	Remaining on the ground	Loss	Extra
1	Kachin	18	919	92,452	7,633	102,876	60,590	679	497	264727	1301094	761,324	539,770	536,889	9,449	6,568
2	Kayah	7	233	5,552	930	16,680	5,912	238	44	29356	238805	162,849	75,956	75,276	2,468	1,788
3	Kayin	7	852	241,953	15,258	128,230	15,294	917	822	402474	1366222	641,848	724,374	654,029	72,272	1,927
4	Chin	9	957	15,580	2,981	34,248	1,954	366	185	55,314	427,455	218,595	208,860	196,673	16,746	4,559
5	Sagaing	37	4,107	337,484	39,220	460,916	71,872	1,897	1,466	912,855	483,4052	3,358,659	1,475,393	1,410,220	129,545	64,372
6	Taninthayi	10	1,205	193,991	8,120	112,756	28,958	708	366	344,899	1,299,972	787,976	511,996	495,219	24,098	7,321
7	Bago	28	4,144	858,611	37,162	382,058	61,008	1,985	877	1,341,701	4,421,820	2,801,883	1,619,937	1,536,132	151,867	68,062
8	Magway	25	4,548	172,976	33,956	397,504	45,242	1,567	650	651,895	3,820,561	2,551,681	1,268,880	1,190,533	86,872	8,525
9	Mandalay	28	5447	388,282	38,090	516,776	217,668	3,151	1,239	1,165,206	5,467,884	3,792,347	1,675,537	1,507,778	221,546	53,787
10	Mon	10	973	305,987	13,002	174,268	26,828	902	485	521,472	2,023,776	1,039,295	984,481	950,625	45,568	11,712
11	Rakhine	8	784	77,573	4,101	47,712	3,598	341	223	133,548	857,321	328,918	528,403	522,502	9,738	3,837
12	Yangon	45	5,809	747,138	11,070	269,412	405,366	2,222	1,909	1,437,117	6,689,270	4,085,686	2,603,584	2,337,150	357,937	91,503
13	Shan	49	3,591	616,531	22,697	309,248	69,054	2,597	1,996	1,022,123	4,023,194	2,399,225	1,623,969	1,574,907	96,666	47,604
14	Ayeyawady	26	5,748	706,984	54,285	567,300	39,742	2,707	3,339	1,374,357	5,238,205	3,479,869	1,758,336	1,641,341	182,719	65,724
15	Union Territory	8	646	108,333	6,900	76,222	38,690	289	314	230,748	994,751	687,903	306,848	291,509	16,900	1,561
	Total	315	39,963	4,869,427	295,405	3,596,206	1,091,776	20,566	14,412	9,887,792	43,004,382	27,098,058	15,906,324	14,920,783	1,424,391	438,850
	Whole country crosscheck						1,417,598			1,417,598						
	Total	315	39,963	4869427	295,405	3,596,206	2,509,374	20,566	14,412	11,305,390	43,004,382	27,098,058	15,906,324	14,920,783	1,424,391	438,850

To put these allegations in context, it is important to understand the voting process in Myanmar used for general elections. This is clearly set out in [an EU-funded guide released before the elections](#). The following diagram from this guide makes it crystal clear how the voting process should be completed by each individual voter:



The process highlights the checks and balances in casting a vote. Indeed, votes are cast not once, but at least three times by each voter (and even once more by some voters in some constituencies electing an “Ethnic Representative”). So all voters need to sign the electoral roll on at least three separate occasions in three different parts of the polling station; first, for the Pyithu Huttaw (the Lower House) when votes on a ballot slip can only be marked by using an election stamp (not a pen or pencil, except for advance voting) and then placed in the **green Pyithu Hluttaw ballot box**; second, for the Amyotha Hluttaw (the Upper House) when the stamped ballot slip is placed in the **blue Amyotha Hluttaw ballot box**; and third, for the State or Regional Huttaw when the stamped ballot slip is placed in the **purple State or Regional Hluttaw ballot box**; and even a fourth time if voting for an Ethnic Representative: in short, a three or even four stage identical process in three or even four separate sections of the polling station.

Given this triple check for each voter, concluding with dipping the left index finger in indelible ink, it is simply not credible that any discrepancies in the three identical working voter lists would not become apparent to election officials. The notion that some voters might unlawfully repeat the three-stage process because they had spotted a computer (or deliberate) error in the voter list which repeated their name not once, but even twice or more, is so improbable that it cannot be seriously entertained.

**This leads me to highlight the first deliberate obfuscation in the UEC allegations. The UEC in none of its pronouncements indicated which of the three main ballots it used for its analysis.**

Mostly probably it was the Pyithu Hluttaw, which is the high profile chamber. But if this is the case, why do they not say so? In passing, it is worth noting that there were **slightly fewer votes cast for Amyotha Hluttaw candidates than for Pyithu Hluttaw candidates**, though the number eligible to vote (38,271,447) was the same for both chambers - 27,512,855 Pyithu Hluttaw votes as against 27,495,555 Amyotha Hluttaw votes. It is not too difficult to imagine how this might have happened; for example, some voters might have supposed they only needed to vote once, not three times, and simply wandered off unnoticed in a busy polling station, without getting their left index finger indelibly inked at the third port of call.

Let us now look more closely at the 11,305,390 alleged instances of electoral fraud out of a total of 27,098,048 voting slips used. The suggestion that 41.72% of all votes reflected illegal action, whether wittingly or not, is bizarre. The main culprits were supposedly the 4,869,427 who are said to be “Non-ID” voters, presumably those who failed to produce an official ID - the National Scrutiny Card (NSC) - when registering at the polling station. It is true that

“Eligible Voters” are defined in all three separate Election Laws dated 8 March 2010 (for the Pyithu, Amyotha and State/Region Assemblies) in the following terms:

“6. Persons possessing the following qualifications shall be eligible to vote at the election irrespective of sex and religion:

(a) citizen, associate citizen, naturalized citizen or holder of temporary certificate 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;

(b) person whose name has been included in the voting roll of the respective constituency.”

But this did not mean that at all elections since 2010 the actual possession and presentation of an official ID - the NSC - was essential in order to vote. The documentation of all eligible citizens aged 10 or more with NSCs has yet to be completed. At the 2014 Census no fewer than 11,207,769 people, or 27.3% of all residents aged 10 or more, had no official ID. If you exclude foreigners and persons under the voting age of 18, it is still quite possible that up to 5 million eligible voters aged 18 or over, recorded on the voting roll, had yet to receive their NSC by the time of the 8 November 2020 elections.

Extract from Volume 2 - Page 2 - of the 2014 Census Report of the Union of Myanmar

Type of Identity Card (persons aged 10 years and over)	Number	Percent
Citizenship Scrutiny	28,397,519	69.3
Associate Scrutiny	37,429	0.1
Naturalised Scrutiny	170,352	0.4
National Registration	692,288	1.7
Religious	247,765	0.6
Temporary Registration	181,982	0.5
Foreign Registration	14,943	Less than 0.1%
Foreign Passport	38,646	0.1
None	11,207,769	27.3

In these circumstances, which could quite easily have affected all 4,869,427 “Non-IDs” noted by the UEC, assuming that the total is genuine, or 17.97% of those 27,098,058 who completed “used” votes, other forms of photo-identity may well have been presented. As Stage 3 of the EU-funded Election Process Guide puts it: “Any identification card/letter can be shown to the ballot paper issuer”. It did not have to be an NSC. This guide is not of course an official document, but it reflects known practice.

#### 14.4. Voting Process - Step by Step:

- 1) Check the Voter List in front of the Polling Station. If the name of the voter is found on the respective voter list, the voter can enter the PS;
- 2) All fingers of the voter will be checked by the PS security officer for traces of indelible ink;
- 3) Any identification card/letter can be shown to the ballot paper issuer;
- 4) The voter name is checked by the voter list checker in the voter list and the voter has to sign or thumb print beside his/her name on the voter list;
- 5) Before the ballot paper is issued, the voter must sign/thumb print on the Voter List section. The ballot paper receipt must be signed on the back by the ballot paper issuer. After that, the voter takes the ballot paper;
- 6) The voter goes behind the voting screen and marks the candidate of his choice with the voting stamp (Pen with any ink color will be used for out of constituency advance voting- domestic and aboard only). No pen/pencil will be used to mark the ballot paper during normal voting
- 7) The voter folds the ballot paper to ensure the secrecy of the vote and inserts the folded ballot paper into the respective ballot box
- 8) The voter has to vote at least three times for (1) Pyithu Hluttaw, (2) Amyotha Hluttaw, (3) State/Region Hluttaw and if the voter is entitled to vote for his/her Ethnic Race Representative, s/he also needs to vote for (4) Ethnic Race Representative according to Step 5-7
- 9) Before going out from the polling station, the left little finger will be marked with indelible ink by the ink marker. if a voter does not have the little finger, any finger can be marked.

**My second conclusion is that the reported 4,869,427 “Non-ID” voters in no sense acted illegally, and in most cases would have produced an acceptable photo-identity of some kind.**

I now move to the alleged duplication and triplication of voters on the electoral roll. This covers some 3,596,206 and 295,405 respectively, out of the total of 27,098,058. It is simply not credible that the voter lists on display and in use at polling stations would have included double or triple listings. No voter is likely to have noted at his first port of call, the Pyithu Hluttaw ballot, that his name occurred two or three times or more on the Pyithu Hluttaw voter list and that he might, could or should therefore be issued with double, triple or even more voting slips. It is also not credible to suppose that the (final) working lists used in the polling stations would have included large numbers of computer-generated or deliberate duplications, or that the Voter List published outside the station, though not as up-to-date as the working lists used inside, would not have attracted days before widespread attention if there had been duplications or triplications.

The UEC has not disclosed which voter lists and at what stages of their correction it used for its review. There have been unconfirmed reports that they deliberately used any lists available, especially the Uncorrected List as first posted because these initial lists contained so many errors and discrepancies. All polling stations are supposed to have posted outside the Second Revised List where any computer generated or reported errors would or should already have been corrected. But nor is it apparent that the total of 27,098,058 “used”, that is, actual votes cast, which compares with the NLD-appointed UEC’s election report of 27,512,855 Pyithu Hluttaw and 27,495,555 Amyotha Hluttaw votes cast, included any actual duplicate or triplicate votes, as the numbers would have been so much higher. In short, even if the Voter Lists at any stage included duplicate or triplicate entries, this does not mean that the voters themselves illegally voted for a second or third time at the same polling station.

**My third conclusion is that UEC reports of double, triple and even more electoral roll listings did not translate into double, triple or more actual voting in those cases, so that allegations of illegal voting practice remain totally without substantiation.**

I would finally draw attention to the third major alleged “fraud” committed, the alleged 2,509,374 “State/Region Crosschecks” which supposedly showed that this number of voters appeared on voting lists in more than one State or Region. The total number is plausible, but the UEC do not say which voting lists they are using - First Stage published, Second Stage published or Final Working Lists. I have no doubt that at the First Stage published level, the number of such cross-listings could have been considerable. But at the end of the day, cross-listing is not evidence of actual dual or triple voting, with voters recording their votes in one region, and then hastening to another region on election day to record a second or third vote. A handful of corrupt individuals might attempt this, but not over two million voters.

**My fourth conclusion is that no attempt has been made by the UEC to substantiate their reports of cross-regional duplicate voting, whatever the vagaries of the voter lists themselves.**

Despite the anomalies and inaccuracies of the voter lists, not a shred of evidence has been produced to show that there was any deliberate intention of fraud in their compilation or that the lists, however inadequate in themselves, were ever translated into massive voting fraud in the number of actual votes cast, as the leader of the coup, Senior General Min Aung Hlaing, alleged in a statement on Myawaddy Television on the day of the coup, 1 February 2021 when he said: “There was terrible fraud in the voter lists”. [The Global New Light of Myanmar on 2 February 2021](#) reported allegations made the same day, at a meeting of the National Defence and Security Council chaired by the Senior General, in these terms:

“In scrutinizing the official voter list issued by the Union Election Commission, the results showed the number of 10,482,116 votes (more than 10.4 million votes) which may cause vote-rigging, in the 2020 multi-party general election. According to the official announcement of the Union Election Commission, the number of eligible voters was 38 million, and it is found that of them over 10 million might cause vote-rigging, and it might be over one-fourth (over 25%) of eligible voters. The entire people can know it is not a minor fault or a minor questionable case.”

It is patently absurd to claim that over one-quarter of all eligible Myanmar voters were engaged in electoral malpractice. Local officials responsible for issuing faulty voter lists merit strong criticism and deserve to be penalised, but to allege criminal activity by a large section of the adult voting population simply cannot be taken seriously.

As it is, ANFREL has expressed its concern that the junta “coerced election officials into signing affidavits confirming that instances of electoral fraud took place.” As I have shown, absolutely no credence can be given to the arithmetical matrix of alleged fraudulent activities recorded by the UEC which would criminalise those responsible for recording 11,305,390 fraudulent votes out of 27,088,058 and who, if charged in Court and convicted, would face penalties of up to one year in prison, or a fine of Kyat 100,000, or both. The Senior General should also note that the penalty for dishonestly initiating criminal proceedings of electoral fraud is up to three years in prison, or a fine of Kyat 300,000, or both. But that is I suspect the very least of his concerns.

External observers were generally satisfied that, despite their faults, “the results of the 2020 general elections were, by and large, representative of the will of the people of Myanmar”, in the words of the Asian Network for Free Elections in their [Final Report released in May 2021](#).

There is a world of difference between anomalies in the voter lists and the criminal exploitation of these by over 40% of those who actually voted (or about one-third of all those eligible to vote). The allegations defy common sense and are an insult to the Myanmar people.

The justification of the attempted coup by Senior General Min Aung Hlaing on demonstrably false premises should be challenged internationally, and especially in the UN Human Rights Council.



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