

## ZIMBABWE ELECTION SUPPORT NETWORK



### **PRELIMINARY STATEMENT: NORTON PARLIAMENTARY BY-ELECTION**

**Harare – 23 October 2016-** The Zimbabwe Election Support Network (ZESN) as part of its observation of the 22 October Norton by-election deployed 72 observers consisting of mobile and static observers. The static observers were deployed at every polling station in the Constituency whilst the mobile teams were roving around the Constituency assessing the political environment outside the polling stations.

The by-election was called after the recall from Parliament of former ZANU PF Members of Parliament (MP) Mr Christopher Mutsvangwa in accordance with Section 129(k) of the Constitution which provides for the tenure of seat of an MP.

#### **Observation Methodology**

ZESN's election observation methodology is designed to ensure that all eligible Zimbabwean voters freely exercise their right to vote and to provide citizens and other stakeholders with independent and credible information on the process. ZESN conducts its observation efforts in conformity with the Declaration of Global Principles for Citizen Election Observation and Monitoring which was launched at the United Nations on 3 April 2012 as well as the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO). The findings and recommendations of this election observation are made in reference to the laws of Zimbabwe, the Southern African Development Community (SADC) Principles and Guidelines Governing Democratic Elections as well as other regional and African election standards.

#### **Polling Procedures and Conduct of ZEC Polling Staff**

ZESN observer reports showed that all polling stations successfully completed setup and opening procedures on time. In addition, observer reports revealed that all polling stations had all the required voting materials such as ballot boxes, ballot papers, ZEC official stamp, indelible ink and the voters roll at the time of opening. All polling stations covered by ZESN observers had adequate polling personnel who discharged their duties in a professional manner. ZESN commends ZEC for ensuring that observers were not asked to sign the Secrecy Declaration Form thereby addressing the concerns raised by ZESN in the previous by-election in Mazowe North.

## **Voting and Counting**

ZESN observer reports show that voting went on smoothly at all the polling stations. At all polling stations, counting took place according to procedures and results were displayed outside the polling stations. At all the ward and constituency collation Centres where ZESN observed, party agents who were present agreed that the process had gone well and signed the V11 form.

## **Turnout**

ZESN observed that voter turnout at some polling stations was significantly high for instance by close of poll at Proposed Secondary School in Ward 12 of the 1,329 registered voters on the main roll and the 166 on the supplementary roll 1,139 voted. While at PinPer Primary School the turnout was significantly low with total votes of 49 by close of poll out of 181 registered in both the main and supplementary rolls.

## **Turned Away Voters**

There were a significant number of voters who were turned away for various reasons such as turning up at the wrong polling stations, bringing wrong identity documents and not appearing on the voters' rolls. High numbers of turned away voters were observed at polling stations such as St Johns Primary School A in Ward 13 and CCAP Church in where over 80 and 100 voters were turned away respectively.

## **Voter Intimidation**

ZESN notes that the whole campaign period in Norton continued with a worrying trend of violence, intimidation and hate speech in highly contested elections in violation of the Electoral Code of Conduct. On election day, ZESN observed that suspected ZANU PF officials were recording voters' names on their way from polling stations for instance at Clifford Primary in Ward 14 and in Ward 15 in Kingsdale. This gave observers the impression that voters in Norton were under surveillance therefore may have felt compelled to vote in a particular way in violation of Section 133B (c) (1) of the Electoral Act which outlaws any attempts to compel voters to vote for a particular candidate or party.

## **Special Police Liaison Officer and Committee**

ZESN notes with concern the failure to set up the Special Police Liaison Committee on time as provided for by Section 133(H) of the Electoral Act. The Network believes that the absence of this Committee impeded investigation of incidents of politically motivated violence that were reported to both the Zimbabwe Human Rights Commission and the Police. Such cases include the abduction of 18 year old daughter of Independent Candidate's campaign team member in Ward 10, Norton (the daughter was allegedly detained and

physically assaulted by alleged ZANU PF cadres at a 'base in Ngoni Township'. The case was reported to the Zimbabwe Republic Police.

### **Undue influence of resources on electoral processes**

ZESN has previously indicated existing gaps in the regulatory framework on campaign financing. The existing laws only govern the party financing but do not regulate party and candidates spending on actual election campaigns. Such a vacuum opened up the electoral process to the undue influence of money and other incentives like food aid, residential stands and farming inputs which made the electoral playing field uneven.

### **Election Agents**

ZESN commends ZANU-PF and the Independent Candidate, Temba Mliswa for deploying election agents comprehensively across the Constituency thus taking full advantage of Electoral Act provision which allow every political party to have one agent inside the polling station and to have an additional agent stationed within the vicinity of the polling station. It is however regrettable that the NCA failed to deploy a significant number of elections agents in the by-election.

### **Recommendations**

1. Legal provisions providing for creation of mechanisms as well as other measures to eliminate political violence must be fully implemented in order to build a conducive political environment which guarantees the enjoyment of fundamental freedoms before the 2018 elections.
2. The Government should facilitate the setting up of the Special Police Liaison Officer for by-elections as this is an essential component in the overall election dispute resolution framework. Timely investigation and prosecution of perpetrators of violence deters future offenders.
3. The Code of Conduct needs to be reviewed and strengthened to ensure that there are punitive measures and sanctions for political parties and candidates who violate the code.
4. Political parties and candidates contesting in elections and by-elections must invest more resources in observing key electoral processes through the deployment of election agents in order to enhance their ability to speak authoritatively on the administration of electoral processes.
5. There is need for comprehensive voter education by ZEC and other stakeholders such as civic society organisations to ensure that voters are adequately informed about the requirements for voting and have adequate information about their specific polling stations.

## By-election results

| Candidate           | Political Party              | Sex      | Votes Received |
|---------------------|------------------------------|----------|----------------|
| Chindedza T Ronald  | ZANU PF                      | M        | 6,192          |
| Choga David         | NCA                          | M        | 89             |
| <b>Mliswa Temba</b> | <b>Independent Candidate</b> | <b>M</b> | <b>8,927</b>   |

*Source: ZEC*

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**PROMOTING DEMOCRATIC ELECTIONS IN ZIMBABWE**

**FOR COMMENTS AND FURTHER DETAILS CONTACT**

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