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ZIMBABWE ELECTION SUPPORT NETWORK



POLICY BRIEF

*Enhancing Citizen Participation in
Electoral Processes through Voter
Education*



Executive summary

The purpose of this brief is to articulate recommendations on a policy on voter education, a critical part of the electoral process. This brief outlines the nature of the problem and the policy options available for purposes of enhancing voter education. Voter education has generally been too restricted, severely under-funded and ineffective. While the law permits other actors apart from the Zimbabwe Electoral Commission (ZEC) to provide voter education, implementation has been restrictive. The problem of voter illiteracy requires a comprehensive, inclusive and continuous process of voter education. It is recommended that ZEC should IMMEDIATELY commence COMPREHENSIVE, INCLUSIVE AND CONTINUOUS VOTER EDUCATION AND OPEN IT UP TO OTHER STAKEHOLDERS. Voter Education needs to deliberately target women, youth, people with disabilities and other disadvantaged groups.

Statement of the Problem

Elections in Zimbabwe have in the past been affected by the problem of voter illiteracy, with significant numbers of voters lacking the capacity to participate freely in elections in order to make informed political choices. While most voters may be literate in that they can read and write, they nevertheless struggle to make informed choices because of the lack of education on the voting processes. This problem of voter illiteracy is therefore a direct result of poor voter education. Voter illiteracy makes the use of such strategies as fear, intimidation, vote-buying and other electoral malpractices effective, thereby affecting political choices and undermining the credibility of elections. The high numbers of voters who fail to register, who do not vote, are turned away on Election Day, are assisted to vote or contribute to spoiled votes demonstrate the magnitude of the problem of voter illiteracy. This problem of voter illiteracy is largely a result of structural weaknesses in the regime of voter education by the Commission, which is narrow, bureaucratic, underfunded and undemocratic. The problem can only be minimised through vast improvements in voter education as this brief recommends.

Legal framework of voter education

Voter education is governed by the Constitution and the Electoral Act. It is provided for in terms of Part IXA of the Electoral Act, which defines it as any course or programme of instruction on electoral law and procedure aimed at voters generally. It excludes academic courses.

The Constitution

There can be no doubt therefore that under the Constitution, both ZEC and other non-state actors, such as civil society organisations (CSOs), are eligible to conduct voter registration. The most important provision is section 239(h) of the Constitution which provides that ZEC has the power and function “*to conduct and supervise voter education*”. A broad interpretation of this provision demonstrates that voter education is not limited to ZEC. The

clause anticipates that other players can provide voter education with the supervision of ZEC. Thus, while ZEC has the power to conduct voter education, it can also supervise others carrying out the same function. There would be no need to include the supervisory function if other players were not permitted to provide voter education. To illustrate the point, it is useful to note that by contrast the section 239(c.) states that ZEC has the power “to register voters”, which means the registration of voters is strictly within ZEC’s exclusive domain. It would be different if the clause provided that ZEC could also supervise the registration of voters, which would mean that function might be carried out by other players under ZEC’s supervision. The framers of the Constitution intended voter registration to be strictly done by ZEC only, whereas they intended that other players could conduct voter education under ZEC’s supervision.

Electoral Act

Section 40B requires ZEC to provide voter education that is “adequate, accurate and unbiased”. Confirming that other actors are eligible to provide voter education under ZEC’s supervision, Section 40B(1)(b) also provides that ZEC must ensure that the voter education provided by others is adequate, accurate and unbiased. Furthermore, section 40B(3) provides that ZEC “may permit any person to assist it in providing voter education.” This means ZEC may appoint agents to work with it in providing voter education. However, there are stringent requirements imposed on providers of voter education: The identity of persons seeking to provide voter education must satisfy local qualifications. This has the effect of excluding Zimbabweans in the Diaspora, as the citizens involved individually or through associations must be “domiciled in Zimbabwe”. They are also required to seek approval of their courses and materials from ZEC to ensure they are not misleading or biased in favour of any political party. Individuals conducting voter education must be Zimbabwean and their personal details must be furnished to ZEC. They must also be locally funded. The manner and sources of funding of proposed voter education activities must be disclosed to ZEC. Foreign funding must be channeled through ZEC. Section 40E states that ZEC “may allocate” the foreign funding to the service provider, meaning it is discretionary. ZEC may choose not to allocate it or if it does, it may allocate only part of the funding and retain the rest. Apart from this these provisions are overly intrusive.

Section 40E requires ZEC to start a programme of voter education within a week of the proclamation of election dates. Although this does not preclude ZEC from carrying out its obligation to provide voter education at other times, in practice, ZEC has only waited for the proclamation of election dates before beginning voter education programmes. This means there is a very limited and ineffective window of voter education. Section 40E provides for ZEC’s mandate to monitor voter education provided by other persons. ZEC has the power to stop providers who do not meet its requirements and there are penalties for offences. However, the law provides an opportunity to an accused voter education provider to be

heard. Overall, while the Constitutional framework for voter education is flexible and permissive, the provisions of the Electoral Act are too restrictive and intrusive.

Policy Options

The following are key policy issues (inclusive of options) available regarding voter education:

1. Solving voter illiteracy:

Voter education plays a fundamental role in electoral processes. It includes educating voters on basic issues such as filling out ballot papers, voter registration, including where to register and the requirements for registration, inspection of the voters roll, legal prohibitions. In general, voter education helps to solve the problem of voter illiteracy and encourages people to exercise their constitutional right to vote.

2. Broadening participation:

As the law permits it, ZEC must broaden participation in voter education by granting permission to a wider group of voter education providers. In this case, ZEC has 3 options: the first is to conduct voter education on its own, the second is to conduct voter education with specially selected assisting organisations and the third is for ZEC to open up voter education to a broader group of independent voter education providers. In all cases, ZEC will retain a supervisory role. While ZEC has the option to carry out voter education on its own or with selected group of assisting organisations, it must adopt a more inclusive approach and allow CSOs and other non-state actors to play a role in this process. It is already evident that ZEC lacks the resources to cover the whole country and to do continuous voter education. This is why voter education programmes are often restricted to the very short period just before the elections. These limitations can be solved by opening up the space to others to carry out voter education. Current rules in the Electoral Act pertaining to provision of voter education by non-state actors are too restrictive and intrusive. As supervisor, ZEC must use its role to facilitate rather than impede voter education by other groups. Unfortunately, in the past ZEC has been too restrictive in its approach to independent CSOs wishing to provide voter education. Only a few have been accredited and this has been done late, just weeks before the election date.

3. Continuous and/or early voter education:

The Electoral Act requires voter education to be carried out on a continuous basis. However, this is evidently not the case in practice. At the very least, voter education must start early, that is, well before the period immediately preceding the election. In the past, voter education has been restricted to the few weeks before an election when voters also have to contend with attending political campaign rallies. This type of voter education has been ineffective and inefficient, leading to exclusion of many areas and vast numbers of voters. For voter education to be effective, it is fundamental that it starts long before the proclamation of election dates. It must

include the period preceding voter registration. For purposes of the 2018 elections, ZEC must immediately commence voter education, particularly in view of the impending Biometric Voter Registration (BVR) in order to allay fears of intimidation arising from the implementation of the process.

4. Language:

It is important to conduct voter education using languages that are suitable for the local area and population. The Constitution of Zimbabwe recognises sixteen (16) local languages namely; Shona, English, Ndebele, Chewa, Chibarwe, Kalanga, Nambya, Ndau, Shangaan, Sotho, Tonga, Tswana, Venda, Xhosa, Khoisan and Sign language as official languages. It is important to use vernacular languages, especially in rural areas so that voter education is more accessible and inclusive. Voter education for disabled persons must be tailored to suit their specific needs – for example, using braille literature for the blind sign language for the deaf.

5. Technology:

A wide and flexible array of tools should be used to conduct voter education, targeting specific demographic groups. It is particularly important to make use of new Information and Communication Technologies (ICTs) platforms and social media to carry out voter education. This will make voter education far more accessible to youths as information is rapidly and widely shared through social media platforms such as Facebook, WhatsApp and Twitter. ZEC does not have an active presence on these widely used platforms. These ICT tools are also cost-effective and environmentally friendly as they are paperless.

6. Targeting the elderly, women and first-time voters:

Voter education must also respond to the specific needs of the local population, including demographic groups such as the elderly, women and the youth. Young first-time voters are particularly an important demographic group that must be specifically targeted as they have no previous voting experience. Not only will voter education teach them the basics of the voting process, but it will also draw their interest to the electoral process, thereby broadening democratic participation.

7. Funding:

Traditionally ZEC has been under-funded. This trend has continued. Under the 2016-17 budget ZEC was allocated less than \$10 million, which is barely enough to cover its normal operations. This means it is incapable of conducting voter education on a continuous basis. CSOs on the other hand rely on donor funding for their operations and programmes. They sometimes have both the resources and expertise which can be channeled to voter education programmes. This additional support can be complementary to the government efforts through ZEC. However, it is important to improve funding for ZEC.

Policy Recommendations

ZESN hereby makes the following recommendations:

- Voter education must be continuous and in the present instance, must commence immediately
- Voter education must be broadened to include other non-state actors such as Civil Society Organisations(CSOs) and Community Based Organisations(CBOs) to complement ZEC's programmes
- The voter education process must deliberately target young first-time voters, women, the elderly, disabled persons and marginalised communities in remote areas
- Voter education must be conducted in local languages in accordance with the policy of broadening official languages under the Constitution
- Voter education programmes must incorporate and make use of new ICT tools and social media platforms such as WhatsApp, Facebook and Twitter
- There must be a comprehensive programme of voter education covering the proposed BVR system for voter registration
- ZEC must receive more funding, from government and donors, if necessary to support its voter education function.
- There is need to review legislation to remove restrictive measures on processes of voter education, for example the restrictions on foreign funding for stakeholders.
- ZEC must allow for long term accreditation of stakeholders who want to conduct voter education.
- ZEC needs to broaden the content of voter education material to ensure that it includes all aspects of voter information including the Biometric Voter Registration (BVR), voting rights, the role responsibilities and rights of voters; the relationships between elections and the conditions necessary for democratic elections, secrecy of the ballot; why each vote is important, impact on public accountability and how votes translates into seats.

Conclusion

Overall, it is recommended that ZEC should IMMEDIATELY commence COMPREHENSIVE, INCLUSIVE AND CONTINUOUS VOTER EDUCATION AND OPEN IT UP TO OTHER STAKEHOLDERS. Voter Education needs to deliberately target women, youth, people with disabilities and other disadvantaged groups.