

## ZIMBABWE ELECTION SUPPORT NETWORK



### PRELIMINARY STATEMENT ON THE MUTOKO NORTH AND CHEGUTU EAST BY-ELECTIONS

**Harare – 25 November 2018** – As part of its comprehensive efforts to observe the Mutoko North National Assembly and Chegutu East Local Authority by-elections, the Zimbabwe Election Support Network (ZESN) trained and deployed 82 election observers to every polling station, ward and constituency collation centres in the Mutoko North constituency and Ward 16 of Chegutu East Local Authority. The Mutoko North by-election is the first National Assembly by-election to be held after the 30 July 2018 Harmonised elections while the Chegutu East Local Authority by-election is the second.

This Preliminary Statement is based on reports from the observers who comprised of static observers based at polling stations and collation centres as well as mobile observer teams who were roving around the Ward. Generally, the two by-elections were held in a peaceful and calm political environment, despite incidents of partisan food aid distribution, destruction of campaign materials and hate speech during pre-election period.

#### **Observation methodology**

Prior to the holding of the by-elections, ZESN deployed Long Term Observers to monitor the political environment and the various electoral processes such as the nomination process, political parties' campaigns, voter education and preparations by the Zimbabwe Electoral Commission (ZEC). On Election Day, ZESN deployed 76 static and mobile observers to Mutoko North Constituency and 7 observers comprising static and mobile observers to the Chegutu East Local Authority by-election.

The findings and recommendations of this preliminary statement are made in reference to the Electoral Laws of Zimbabwe, the Revised Southern African Development Community (SADC) Principles and Guidelines Governing Democratic Elections as well as other regional and African election guidelines and principles.

#### **Set up and Opening of Polling Stations**

At all polling stations in Mutoko North and Chegutu East, ZESN observers reported that polling stations were set up in a manner that ensured that voters mark their ballots in secrecy. All the polling stations were adequately resourced with the essential Election Day voting materials namely ballot boxes, ballot papers, ZEC stamp, indelible marker and biometric voters roll with pictures.

In addition, observers reported that 100% of the polling stations opened on time and had started processing voters by 7:15AM. 100% of the polling stations in Mutoko North were reported to be easily accessible to everyone, including people with physical disabilities. ZESN observed that Polling stations were provided with specially designed (shorter) voting booths to cater for persons with disability particularly those in wheelchairs and those of short stature. In Chegutu East, there were 3 polling stations and only one polling station, Mbuya Nehanda was accessible to people with disabilities as it was a tent with no ramp. However the other two, Waze and Mkwasha polling stations were not accessible to people with disabilities.

There was an average of 7 polling officials in Mutoko North Constituency with an average of 4 men and 3 women. However, most Presiding Officers were male.

### **Voting Process and Procedures**

The voting process in the two by-elections was reported to have proceeded smoothly at all polling stations. Procedures such as checking voters' names against the voters' roll and examining voters' finger for indelible ink before being permitted to vote were duly followed. At 100% of polling stations in both Mutoko North and Chegutu East all voters had a finger marked with indelible ink before voting and ballot papers stamped with the ZEC stamp before being issued. Observers reported that all voters were required to present identification before voting with those having defaced or invalid identification being turned away.

### **Assisted and turned away voters**

ZESN observed significant numbers of assisted voters in the morning especially the elderly and illiterate in Mutoko North. By close of polling, observer reports indicated that polling stations generally had an average of 20 to 25 assisted voters. For instance, at Chitekwe Primary School Ward 12, 37 people were assisted to vote while at Dzenga Primary School in Ward 1 Mutoko North, 24 people were assisted to vote. 39 people were assisted to vote out of 173 by midday at Chindenga Primary School Ward 2, while 43 people were assisted to vote at Danda polling station Ward 1 due to illiteracy and blindness.

At Mangongoma Business Centre tent Ward 3, two out of 23 of the assisted voters are blind and the rest were illiterate. Moreso, 18 people had been assisted to vote by midmorning out of 79 who had cast their vote at Chirindi Primary School Ward 2. At Nyamakope primary School 29 people were assisted to vote, while 33 were assisted to vote at Gurure Primary School.

Most of the assisted voters did not bring relatives or friends to assist them resulting in the presiding officers and election officers rendering the assistance. In Chegutu East at Mkwasha Primary of the 227 who voted, 8 were assisted on the basis of illiteracy and blindness.

ZESN observer reported that few voters were turned away; the few instances of turned away voters were due to reasons such as voters presenting photocopies of their IDs, turning up at the wrong polling stations and not being registered to vote or wrong

constituency especially in the constituency and ward peripheries. For example, at Gwanza Baptist Church, a female voter was turned away for not appearing on the voters roll, she had assumed that when she moved residency from Mutoko East to Mutoko North her name would be transferred without her initiating the process.

### **Party Agents**

Political Parties and candidates are allowed to have one election agent inside the polling station and an additional agent stationed within the vicinity of the polling station. Of the three contesting parties in Mutoko North, only ZANU PF and the MDC Alliance deployed election party agents comprehensively with the NCA deploying very few party agents. ZESN commends the two major political parties for comprehensively deploying party agents as this enables the parties to authoritatively assess the election process.

### **Role of traditional leaders**

In the run up to the by-election, ZESN reported on the partisan involvement of traditional leaders in campaigns and in food aid distribution in Mutoko North Constituency. The participation of the traditional leaders continued with some of the village heads (sabhuku) reported to have been election party agents for ZANU PF. ZESN notes that the participation of traditional leaders in partisan politics is in contravention of the Traditional Leaders Act and Section 281 of the Constitution which clearly states that, “*Traditional leaders must not be members of any political party or further the interest of any political party*”. Partisan participation in politics compromises the constitutional duties of traditional leaders including resolving disputes amongst people in their communities.

### **Turnout**

ZESN observed short queues in the morning with the majority of voters being elderly women. The processing of voters by the polling officials including those with special needs was observed to be efficient. In Mutoko North, there was low turnout of youth voters as most queues observed were predominantly made up of elderly women and men. The turnout in Chegutu East was relatively low. ZESN notes a reduction in turnout in both by-elections when compared to the 30 July Harmonised elections, in Mutoko North for example, ZANU PF and MDC Alliance received 34% and 58% respectively less votes than in July.

### **Women’s Participation**

The constitution of Zimbabwe in line with regional and international best practices on gender issues mandates the State to promote gender balance in all spheres of life. However, the Electoral Act is silent on the matter of women being equally represented in political spheres. Worryingly, all the three contesting political parties in Mutoko North were represented by male candidates; whereas in the Chegutu East of the three candidates there was one female candidate for Local Authority by-election. The number of women political participants in electoral processes and key decision making posts continues on a downward trend like in the July polls as their participation remains limited to campaigning and canvassing for support.

## Counting and results management

In both by-elections, ZESN observers were permitted to observe counting at all polling stations. ZESN observed that closing and counting procedures were duly followed including checking the seals on ballot boxes, requesting election agents to sign V11 forms and posting results outside polling stations.

### Mutoko North National Assembly by-election Results

Candidate	Political Party	Sex	Results
Mugoma Edson	NCA	M	94
Mushore Boniface	MDC Alliance	M	1,329
<b>Nyabote Rambidzai</b>	<b>ZANU PF</b>	<b>M</b>	<b>11,141</b>
Rejected	115		
<b>Total Votes cast</b>	<b>12,679</b>		
<b>Total Valid Cast</b>	<b>12,564</b>		

### 30 July Harmonised Elections results

Candidate	Political Party	Sex	Results
<b>Chinomona Mabel</b>	<b>ZANU PF</b>	<b>F</b>	<b>16,902</b>
Kativu Shamu	FreeZim Congress	M	262
Mushore Boniface	MDC Alliance	M	3,151
Rejected			
<b>Total Valid Cast</b>	<b>20,315</b>		

### Analysis of the Mutoko North by-election results

When compared to the 30 July harmonised elections, votes received by ZANU PF reduced by a total of 5,761 representing a 34% decrease while votes received for the MDC Alliance reduced by 1,822 a 58% decrease.

### Chegutu East Local Authority by-election results

Candidate	Political Party	Sex	Results
Mapfurira Patricia	NCA	F	13
Muchenje N Tichaona	MDC Alliance	M	89
<b>Mutandinda S Obert</b>	<b>ZANU PF</b>	<b>M</b>	<b>326</b>
Rejected	2		
<b>Total Votes cast</b>	<b>428</b>		
<b>Total Valid Cast</b>	<b>430</b>		

## Recommendations

1. Contesting political parties and candidates must endeavour to comprehensively deploy party agents in elections to enable them to authoritatively monitor and make informed assessments of the electoral process.
2. Government should enforce Section 281 of the Constitution and the Traditional Leaders' Act to deter traditional leaders from active participation in partisan politics as this comprises their constitutional mandates as provided for in the law. Therefore, there is need to tighten the provisions on the role of traditional leaders vis-à-vis the electoral process.
3. Chapter 12 institutions should investigate partisan food distribution, damaging of political party campaign materials and hate speech during campaigns. There is need for enforcement mechanisms.
4. ZEC and civic society should continue to provide civic and voter education in between elections in order to reduce numbers of turned away voters and urge youth participation as candidates. Continuous voter and civic education will eradicate instances of voters being turned away for trivial reasons such as invalid IDs, wrong polling stations or constituencies amongst others.
5. Political parties, ZEC and civic society should conduct targeted voter mobilisation to enhance youth participation as voters and candidates in electoral processes.
6. There is need to put in place mechanisms to reduce instances of assisted voters and put administrative reform measures to help improve people with disabilities and assisted voters' access to a secret ballot.
7. There is need for ZEC to post V11 forms on its website as recommended by various election observer missions of the July 30 Harmonized polls to improve transparency in results management.
8. In addition, ZESN urges political parties to field female candidates and youths as contestants in elections to ensure that there is equal gender and youths representation in leadership positions.
9. There is need for organizations working with the youths and People with disabilities to continue lobbying them to participate in key political and electoral processes.
10. ZESN calls upon the Parliament of Zimbabwe to implement wholesome reforms to the Electoral Act with the Constitution to factor in recommendations by election observers to the 30 July 2018 Harmonised elections.
11. ZESN urges all key electoral stakeholders including ZEC and political parties to implement the July 2018 observer recommendations during the by-elections.

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