

ZIMBABWE ELECTION SUPPORT NETWORK



ZESN'S CONSTITUTIONAL REFERENDUM MIDDAY SITUATIONAL STATEMENT

Harare-16 March 2013 - As of mid-day, ZESN observers report that the opening of polling in the Constitutional Referendum appears to have proceeded smoothly except for some polling stations that opened late and some stations that experienced problems.

ZESN has deployed 600 observers in the country's 210 constituencies. Based on reports received from ZESN observers, about one in ten polling stations did not open on time due to the late arrival of polling officials and/or materials. At a few polling stations, observers reported missing ZEC official stamps, indelible ink or ballot papers.

ZESN has received reports of the presence of police officers inside polling stations, yet Section 19 of the Electoral Act as read with Schedule 2 of the Electoral Regulations 2005 as amended by Statutory Instrument 32 of 2008 states that only members of the Zimbabwe Electoral Commission, electoral officers on duty, election agents and accredited observers are allowed within the polling station.

There are isolated reports of police officers and polling officials assisting citizens to vote. Some of these voters have had their vote made public by the officials who assisted them. In one case the official assisting three elderly women was overheard instructing them to vote 'yes'. This violates the electorate's right to a secret ballot. Individuals who require assistance should be allowed to select a person of their choice (who is not a police officer or polling official) to assist them to vote.

Section 59 (1)(a) of Electoral Act states that a voter who is illiterate or physically handicapped is allowed to be assisted by someone of their choosing who does not need to be a registered voter and cannot be a minor, electoral officer, accredited observer, chief election agent, election agent or a candidate in the election. The only requirement is to identify themselves to the presiding officer by producing proof of identity, and signing the register. A person may not assist more than one voter in any election.

In addition, Section 59 (1) (b) of the same states that in the absence of a person of their choice, the voter may be assisted by the presiding officer in the presence of two other electoral officers or employees of the Zimbabwe Electoral Commission and a police officer on duty. ZESN has always condemned the presence of the police when voters are being assisted. ZESN firmly believes that the presence of four people assisting a voter compromises the secrecy of the vote.

A ZESN observer has reported the presence of a Zanu PF official in Mataga, Midlands Province, positioned within a five-metre radius of the polling station taking down names of the people who are voting. Similar incidents have been reported in other provinces. "This is seen as a calculated move to intimidate the electorate ahead of the harmonized elections," states the ZESN chairperson, Reverend Dr Solmon Zwana.

ZESN will continue to observe voting throughout the day and the counting process at the end of the day. ZESN will observe the collation of results at ZEC Constituency Centres.

ZESN has also set up hotlines for the citizens to share their views and comments about the referendum and its contact numbers will be: 0774584669, 0715596701, and 0738918420. Citizens can also participate on our social media platforms; <https://www.facebook.com/pages/Zimbabwe-Election-Support-NetworkZESN>, Twitter handle: [#ZESN1](#). ZESN anticipates issuing its preliminary statement on the Constitutional Referendum at 12:00 hours (noon) on Sunday 17 March 2013 at the Holiday Inn in Harare.

PROMOTING DEMOCRATIC ELECTIONS IN ZIMBABWE

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