

ZESN



**Zimbabwe Election
Support Network** ■
Promoting Democratic
Elections In Zimbabwe

BY-ELECTION REPORT



2023

Acronyms

CCC	Citizens Coalition for Change
CCCC	Changu Chimuti Chakapinda Chapinda
CITE	Centre for Innovation and Technology
CP	Community Podium
DOP	Democratic Opposition Party
FAZ	Forever Associate of Zimbabwe
VOA	Voice of America
ZANU-PF	Zimbabwe Africa National Union-Patriotic Front
ZAPU	Zimbabwe African Peoples Union
ZCC	Zimbabwe Council of Churches
ZEC	Zimbabwe Electoral Commission
ZBC	Zimbabwe Broadcasting Corporation

1 Executive Summary

On December 9, Zimbabwe conducted by-elections in Lupane East, Binga North, Beitbridge West, Bulawayo South, Lobengula-Magwegwe, Mpopoma-Mzilikazi, Nketa and Cowdray Park. National Assembly and Local Authority vacancies arose following recalls of nine (9) incumbent legislators and 17 Councillors by the ‘interim secretary general’ of the Citizens Coalition for Change (CCC) Sengezo Tshabangu who declared that they had ceased to be members of the political party with effect from 3 October 2023. However, instead of nine (9) National Assembly by-elections, only eight (8) were conducted. This followed a High Court judgment which barred recalled legislators from contesting, ruling acceptance of their candidature by the Nomination Court was unlawful. Therefore, the Mabvuku-Tafara by-election was cancelled since only two candidates had been nominated for election in the constituency and Sakupwanya Pedzai of ZANU-PF was duly nominated and elected as the Member of Parliament for Mabvuku-Tafara constituency.

In the run-up to the election, the Zimbabwe Election Support Network (ZESN) volunteers and members observed the pre-electoral environment and other electoral related events and processes such as the sitting of the Nomination Court that was conducted on 7 November 2023. On election day, ZESN deployed 256 static and 38 mobile observers who observed the election day processes. These observations helped ZESN in determining whether elections complied with national, regional and international standards of electoral integrity.

Aspiring candidates in the by-elections used various means to implore for voters’ support. Chief among the methods were rallies, posters, flyers, door-to-door visits and social media. While both CCC and ZANU-PF invested valuable resources into the campaigns, ZANU-PF, being the incumbent injected more resources campaigns across all constituencies. ZESN members and volunteers noted greater political activity by ZANU-PF in all constituencies and wards. Candidates affiliated to Tshabangu were not very visible on the ground in terms of campaigns.

On Election Day, ZESN observed that the environment was largely peaceful, with very few critical incidents recorded. ZESN also observed that the by-elections were characterized by low voter turnout. Observers reported on low numbers of people who turned up to exercise their Constitutional right to choose a representative of their choice in the National Assembly by-elections. At the backdrop of low voter turnout was the high numbers of rejected votes that were recorded across all electoral constituencies.

Announced results reflect ZANU-PF making in-roads in Bulawayo Metropolitan province, an opposition stronghold as it won three seats in Cowdray Park, Nketa, and Bulawayo South while two seats (Lobengula-Magwegwe and Mpopoma-Mzilikazi) went to the CCC-

(Tshabangu faction). ZANU-PF also won the Lupane East, Binga North and Beitbridge West constituencies. In total, ZANU-PF bagged seven out of the nine electoral constituencies.

2 Introduction and background to the elections

Zimbabwe conducted eight (8) by-elections on 9 December 2023 as per Statutory Instrument 188 of 2023, Proclamation 8 of 2023. Constituency and Ward vacancies occurred following a re-call of Citizens Coalition for Change (CCC) legislators by the ‘interim secretary general’ Sengezo Tshabangu who declared that they had ceased to be members of the political party with effect from 3 October 2023. The following MPs were affected by the recalls; Morgan Ncube - Beitbridge West, Prince Dubeko Sibanda - Binga North, Nicola Jane Watson - Bulawayo South, Pashor Raphael Sibanda - Cowdray Park, Eric Gono - Lobengula-Magwegwe, Bright Vanya Moyo - Lupane East, Munyaradzi Febion Kufahakutizwi - Mabvuku-Tafara, Desmond Makaza - Mpopoma-Mzilikazi and Obert Manduna - Nketa.

According to the declaration of electoral vacancies after the recalls, the President of Zimbabwe officially declared 7 November 2023 as the Nomination Court sitting date. Accordingly, nomination courts convened in Bulawayo, Matabeleland North, Matabeleland South and Harare to receive candidates’ nomination papers. Bulawayo Magistrates Court received nominations for Bulawayo South, Cowdray Park, Lobengula-Magwegwe and Mpopoma-Mzilikazi. Harare Magistrates Court received nominations for Mabvuku-Tafara. The Lupane Magistrates Court was responsible for nomination papers of Lupane East and Binga North candidates while Gwanda Magistrate Court was responsible for the Beitbridge West nomination papers. For Local Authority Councilors, nominations were received at the respective Local Authorities.

In terms of Section 125 (4) (b) of the Electoral Act, the number of duly nominated candidates exceeded the number of vacancies to be filled at the election hence, 9 December was fixed as the election date. However, while all nine (9) electoral constituencies had more than two (2) candidates, by-elections were conducted in eight (8). The Harare, Mabvuku-Tafara by-election got cancelled at the 11th hour following a High Court judgment that barred recalled legislators from contesting, ruling acceptance of their candidature by the Nomination Court as unlawful. Since there were only two candidates nominated for the Mabvuku-Tafara National Assembly constituency by-election, Sakwupwanya Pedzai of ZANU-PF became the sole candidate that was duly nominated and elected as the Member of National Assembly for Mabvuku-Tafara. By-elections proceeded in the eight (8) constituencies with the Zimbabwe Electoral Commission (ZEC) reprinting ballot papers in compliance with the Court order. The ZEC announced that as a result of the High Court order, it was going to throw away 222 550 ballot papers bearing the names of CCC-recalled MPs.

3 Legal Framework

The legal framework for by-elections in Zimbabwe consists of the 2013 Constitution, the Electoral Act as well as the Subsidiary and Subordinate legislation that usually takes form of Statutory Instruments. This legal framework governs the conditions under which by-elections are to be held and the electoral system to be used.

Sections 159 of the Constitution and Section 39 of the Electoral Act stipulates that whenever a vacancy occurs, it must be filled through a by-election. Accordingly, through Statutory Instrument 188 of 2023, and Proclamation 8 of 2023, President Emmerson Mnangagwa proclaimed 9 December 2023 as the election date for the affected constituencies. The proclamation ensured that the election date sits well with the Zimbabwean Law as enshrined under Section 158 (3) of the Constitution which further mandates that any vacancy should be filled through a by-election within 90 days of the date in which the vacancy occurred.

The Electoral Act outline the key procedures for candidate nomination, voting, counting and announcement of the results of the said by-election. ZEC, as mandated by the Constitution to conduct by-elections, was in charge and supervised the by-elections. The body used a voters roll based on a register the institution compiles and maintains. Voting was done by secret ballot and counting done at each polling station and results collated at ward/constituency level before final announcement.

4 Pre-election Observations

To effectively gather, disseminate and communicate objectively verifiable information about the by-elections, ZESN deployed observers to observe the Nomination Court sitting that was conducted on 7 November 2023. Observers also served to scan the political environment and various key aspects of the electoral process including campaigning, voting, counting and announcement of results. ZESN also trained and deployed observers on election day. A total of 256 static observers and 38 mobile observers were deployed on Election Day to observe the by-elections in the eight (8) constituencies. The observer deployment strategy ensured that ZESN had observers covering some of the Collation Centres at the respective Constituencies. To ensure evenness in reporting, a standard reporting checklist was used by all observers for the purpose of data collection and reporting.

4.1 Electoral Environment

In all the eight (8) constituencies in the southern region of Zimbabwe, ZESN volunteers and members observed that the environment was largely peaceful and calm. However, in Harare's Mabvuku-Tafara Constituency, ZESN members reported the political environment was characterized by tensions between ZANU-PF and CCC supporters emanating from the alleged abduction of three members of the CCC, torture and the subsequent death of one of CCC activists. The subsequent death of CCC supporter Pastor Tapfumaneyi Masaya

further heightened tensions between ZANU-PF and CCC supporters in Mabvuku-Tafara, as CCC leveled allegations against ZANU-PF over the abduction and death. Additionally, ZESN members and volunteers reported that ZANU-PF campaign teams moved around the area asking people why they did not vote for Pedzai Sakupwanya in the August 23-24 Harmonised Elections. They carried with them copies of the constituency voters' roll during their door-to-door visits, imploring the electorate to vote for their candidate. This was however found to be an intimidatory campaign strategy.

4.2 Highly Litigated By-elections

The 9 December by-elections, just as the August 23 Harmonised Elections were highly litigated. After the 3 October CCC MPs recall, the CCC party and the recalled MPs filed a court application to challenge the decision by the Speaker of Parliament to dismiss them from Parliament. The High Court, under Judgement number HH601/23 and case number HCH6649/23, dismissed the application by CCC legislators to be reinstated. The recalled CCC members made an appeal at the Supreme Court to overturn the High Court decision that denied their request to be reinstated. However, the Supreme Court ruled in favour of Tshabangu. Tshabangu further approached the High Court, seeking to bar the recalled MPs from participating in the December 9 by-elections. On December 7, the High Court approved the application, affirming that CCC recalled MPs should not participate in the by-elections.

4.3 Nomination Court Sitting Procedure and Outcome

In line with the presidential proclamation of the by-election dates, the Nomination Courts sat on 7 November 2023 in Bulawayo Metropolitan, Harare Metropolitan, Matabeleland North and Matabeleland South Provinces to receive candidates' nomination papers. Bulawayo Magistrates Court received nominations for Bulawayo South, Cowdray Park, Lobengula-Magwegwe and Mpopoma-Mzilikazi. Harare Magistrates Court received nominations for Mabvuku-Tafara. The Lupane Magistrates Court received nomination papers of Lupane East and Binga North candidates while Gwanda Magistrate Court was responsible for the Beitbridge West nomination papers.

4.3.1 Commencement of nomination and environment

Nomination Courts opened on time, the latest being at 10:10 am except the Harare Magistrates Court which opened an hour earlier (9am). Gwanda Magistrates Courts closed at 4pm and the rest exceeded the expected time with either one or two hours to allow for prospective candidates who were attending to issues raised by the court regarding their paperwork to re-submit.

It is important to note that the nomination process was conducted in a peaceful environment that was conducive to the process. The majority of prospective candidates arrived at the courts in the company of dozens of their supporters, however, there were no recorded undue political interference from candidates or their supporters. ZEC officers

were in charge and presided over the process. Media (Voice of America-VOA, Centre for Innovation and Technology-CITE and Zimbabwe Broadcasting Corporation-ZBC), Civil Society Organizations (Community Podium-CP and Zimbabwe Council of Churches-ZCC) and Forever Associates of Zimbabwe (FAZ) were present at the courts to either cover or observe the proceedings.

Bulawayo Court opened at 1000hours and had the largest number of political parties and independent candidates that thronged the Magistrates Courts to submit nomination papers. Candidates representing Democratic Opposition Party (DOP), ZANU-PF, CCC, ZAPU, Zimbabwe Coalition for Peace and Development (ZCPD) and Freedom Alliance submitted their nomination papers. A total of 23 candidates filed nomination papers but only 18 were successful, five were ultimately rejected, one on grounds of failure to bring in all the required documents and four candidates failed to raise the required funds. Candidates at national assembly level were clear on the requirements for nomination but, CCC had double candidates in almost all the constituencies except for Mabvuku-Tafara.

Lupane Magistrates Court opened at 10.10 am and Gwanda Magistrates Courts was on time, opening at 1000 hours. These two received nominations from ZANU-PF and CCC, with double submissions from the latter for the Lupane Magistrates Court.

ZESN members at the Rotten Row Magistrates Court in Harare observed that the courts opened at 9am, and proceedings were largely peaceful and smoothly conducted. Candidates representing ZANU-F, CCC and Changu Chimuti Chakapinda Chapinda (CCCC), a political party under the leadership of David Chitembwe, that has been challenged for bearing a name that is almost similar to that of the CCC. filed their papers. However, CCCC representative was later disqualified after he failed to pay nomination fees.

4.3.2 Readiness of the candidates

ZESN members observing the nomination gathered that some candidates appeared ill-prepared and not ready to submit nomination papers. It was observed that most candidates had not submitted nomination papers ahead of the sitting of Nomination Court.

In Harare, the ZANU-PF candidate for Mabvuku-Tafara filed his nomination papers a day before the sitting of the nomination court, the CCC candidate's submission done on 7 November was initially rejected on grounds that there were missing documents on his set of submissions. However, at the close of the nomination court, his papers were accepted after he had addressed the issues raised by ZEC. At Lupane Magistrate's Court, Lupane East aspiring candidate for CCC's first submissions did not sail through because the papers did not have all the required signatures. Brought in around 1430pm on 7 November, the CCC members had to make a last-minute rush to meet the requirements for submission. Fortunately, they all managed to finally submit their papers.

4.3.3 Rejected Submissions

Nomination papers presented by candidates at most of the Magistrates Courts were accepted. However, Bulawayo had a high number of rejected submissions. Harare's Rotten Row Magistrates Court rejected a submission from one aspiring candidate. The reasons for rejections were as follows:

Table 1: Rejected nomination papers.

Candidate	Party	Reason for rejection
Moyo Simo	ZAPU	Failure to raise funds
Moyo Silenkosi	ZAPU	Failure to raise funds
Moyo Danisa	ZAPU	Failure to raise funds
Ncube Bekezela	ZAPU	Failure to raise funds
Chitimbe David	CCCC	Failure to raise funds
Ndibali Innocent	EFF	Failure to submit original copies

4.3.4 Double Candidature

CCC recorded a very high number of double candidatures. Except for Mabvuku-Tafara, all other constituencies had double candidates. All CCC recalled candidates successfully filed nomination papers though they all failed to contest following the High Court ruling which barred them from participating in the by-elections.

Table 2: Successfully nominated candidate and CCC National Assembly double candidature.

Constituency	Name of Candidate	Sex	Political Party	Recalled but recontesting (RR)
Bulawayo South	Modi Rajeshkumari	M	ZANU-PF	
	Sithole James	M	CCC	
	Watson Nicola Jane	F	CCC	RR
Cowdray Park	Mujeyi Author	M	ZANU-PF	
	Chirwa Vusumuzi	M	CCC	
	Sibanda Pashor Raphael	M	CCC	RR
Lobengula - Magwegwe	Dube Menziwa	M	ZANU-PF	
	Gono Erec	M	CCC	RR
	Nyathi Tendayi Chitura	M	CCC	

Mabvuku - Tafara	Sakupwanya Pedzai	M	ZANU-PF	
	Kufahakutizwi Munyaradzi Febion	M	CCC	RR
Binga North	Muchimba Chineke	M	ZANU-PF	
	Sibanda Dubeko Prince	M	CCC	RR
	Sibanda Judith	F	CCC	
Lupane East	Machangu Phathisiwe	F	ZANU-PF	
	Nyathi David	M	CCC	
	Vanya Moyo Bright	M	CCC	RR
Beitbridge West	Ndou Thusani	M	ZANU-PF	
	Choeni Blessing	M	CCC	
	Ncube Morgan	M	CCC	RR
	Moyo Thoriso	M	ZAPU	
	Dube Blessing Brendan	M	INDEPENDENT	
Nketa	Mavunga Albert Tawanda	M	ZANU-PF	
	Manduna Obert	M	CCC	RR
	Sibindi Ambrose	M	CCC	
	Gwetu Luckmore	M	DOP	
Mpopoma - Mzilikazi	Kamamba Dzingai	M	ZANU-PF	
	Makaza Desmond	M	CCC	RR
	Moyo Charles	M	CCC	
	Sibanda Blessings	M	DOP	
	Tapfumaneyi Pardon	M	INDEPENDENT	

4.4 Campaigns

ZANU-PF and CCC invested valuable resources into the campaigns. ZANU-PF provided campaign organizers, it appointed Politburo members, tasking them to work with

provincial structures and campaign teams in the nine (9) affected constituencies. The party appointed Simbarashe Mumbengegwi (Bulawayo South), Richard M Ndlovu (Lobengula-Magwegwe), Headman Moyo (Mpopoma-Mzilikazi), Daniel Mackenzie-Ncube (Cowdray Park), Alice Dube (Nketa), Christopher Mutsvangwa (Mabvuku-Tafara), Dr Obert Mpfu (Lupane East), Jacob Mudenda and Munyaradzi Muchada (Binga North) and Kenneth Musanhi (Beitbridge West). ZANU-PF Harare provincial chairperson Godwills Masimirembwa also confirmed the party extensively deployed 1200 party members in Mabvuku-Tafara to drum up support for the party candidate. The Central committee, district, Politburo members, war veterans and collaborators were part of the campaign team.

ZESN members and volunteers noted that in Binga North, ZANU-PF had an upper hand in campaigns which were actively championed by the District Development Coordinator who made several inroads in the constituency, holding several meetings with traditional leaders. On 18 November, in Ward 8 and 10 of Binga North, a joint meeting was conducted by ZANU-PF at Chief Siachilaba's homestead. Village Heads present were instructed to encourage their subjects to rally behind ZANU-PF in the forthcoming by-elections. In another meeting held at Gideon Muleya's homestead, people were urged to vote for ZANU-PF and those who voted for CCC would be punished after the elections.

ZANU-PF National Chairperson who is also the Minister of Defence Oppah Muchinguri-Kashiri addressed a rally in Bulawayo South constituency at Sizinda Hall on 30 November, as the ruling party prepared for by-elections. On 1 December 2023, the Second Vice President Kembo Mohadi was at Nketa 8 in Bulawayo to drum up support for the ZANU-PF candidate for Nketa Constituency, Albert Mavhunga.

On 20 November, another campaign meeting was held at Manjolo Business Centre in Binga North, Muchimba Chineke, the aspiring National Assembly candidate allegedly told chiefs and traditional leaders that they would be struck off the payroll if people voted for the opposition.

On 26 November, ZANU-PF party secretary general Dr Obert Mpfu addressed party supporters at a rally to drum up support for the aspiring candidate for Lupane East constituency, Pathisiwe Ncube Machangu. The rally was conducted at Kernmaur in Matabeleland North province. Dr Mpfu urged the electorate to vote in numbers in support of the ZANU-PF candidate. He further stated that development is linked to voting patterns hence the region should not feel like it's a victim but rather take advantage of the opportunities that the ruling party rolled out. According to him, voting for ZANU-PF can be equated to choosing development in the area. On the same date of 26 November, an urban meeting failed to take off as ZANU-PF's Kamamba Dzingai of Mpopoma-Mzilikazi scheduled a meeting at Jairos Jiri Training Centre but failed to turn up to address the people who had gathered there.

In Cowdray park, ZANU-PF distributed fliers for candidates. On 21 November, ZANU-PF women, in their ZANU-PF party regalia held a small meeting at Hawkfight and distributed fliers of the contesting candidate, Aurther Mujeyi. Vice President Dr Constantino Chiwenga was also in Cowdray Park, Bulawayo drumming up support for ZANU-PF House of Assembly candidate, Arthur Mujeyi on 3 December 2023.

The Second Vice President Kembo Mohadi, accompanied by ZANU-PF deputy national commissar, was at Mhali Primary School in Lobengula-Magwegwe, Bulawayo for a ZANU-PF rally on 6 December 2023.

Most CCC meetings were not large-scale. The party chiefly conducted door-to-door visits, distributed flyers physically as well as online through social media, mainly X (former Twitter) and WhatsApp. On Saturday 8 November 2023, the CCC leader, Nelson Chamisa attended the burial of the CCC supporter of Mabvuku-Tafara, Pastor Tapfumaneyi Masaya. Chamisa called for peace and encouraged people to vote for CCC candidate Mr. Munyaradzi Kufahakutizwi come 9 December constituency by-elections. He emphasized that there is greater power in diversity, hence differences in politics must make us stronger as a nation and as a people.

In Ward 7 of Binga North, CCC under Chamisa conducted secretive door-to-door campaigns. In Cowdray Park, the CCC's recalled candidate Rapheal Pashor Sibanda erected his banner by the grounds, at Emabhasikilini.

CCC addressed the Bulawayo South supporters on 3 December where aspiring candidate Nicola Watson was officially introduced. Campaign issues raised were lack of medicine in hospitals, lack of cancer machines and cholera outbreak. On the same day, a CCC crowd in the Nketa constituency were addressed by the National Deputy Spokesperson of the party. A CCC rally scheduled for Cowdray Park failed to take place and CCC says the rally was banned by the police.

In Binga North and Cowdray Park, ZESN members and volunteers reflected that the Tshabangu faction candidates were not visible on the ground and there were no physical campaigns in most constituencies by this faction.

Overall, there has been a marked difference between urban and rural campaigns. In rural areas, the ruling party was dominant whereas in urban areas, CCC also invested in the campaigns. While admittedly, ZANUPF seems to have an upper hand, in campaigns the CCC also distributed posters, and pamphlets and conducted door-to-door visits in urban constituencies.

4.5 Vote buying and Intimidation.

The campaigns for the 9 December by-elections were characterized by vote buying. ZESN members and volunteers witnessed villagers receiving food hand-outs and farming inputs

at Manjolo Business Centre of Binga North constituency. The ZANU-PF candidate also distributed 10kgs mealie-meal at the same business centre.

Members and volunteers revealed that people were intimidated in rural constituencies- Beitbridge West, Lupane East and Binga North. The local leadership served as conduits and were instrumental in threatening people with unspecified action if ZANU-PF loses to CCC. In urban areas, Mabvuku-Tafara constituency, members and volunteers witnessed that intimidation and threats were rife. ZANU-PF allegedly moved around, threatening people with unspecified action if CCC wins. Campaign teams also moved around with copies of the voters' roll, imploring people to rally behind their candidate. However, people found this campaign strategy as intimidating and scary since by mere access to the voters' roll, campaign teams had already accessed the personal details of the electorate.

4.6 Voter Education

4.6.1 ZEC Voter Education

ZEC was expected to conduct voter education and information dissemination on critical information relating to the 9 December by-election. However, ZESN members and volunteers stated that ZEC was not very visible in the run-up to the by-elections. In Mpopoma-Mzilikazi and Mabvuku Ward, 21 volunteers and members recorded a last encounter with ZEC when it distributed flyers prior to the sitting of the Nomination Courts. Lupane East, ZEC also conducted pre-nomination voter education. This can be a factor that directly impacts voter turnout in the by-elections. ZEC mostly engaged with people online, a means that some of the electorate have no access to.

On the other hand, ZEC made preparatory processes that resulted in the successful conduct of the by-elections. ZEC trained Constituency Elections Officers (CEOs) in Kadoma. The Officers supervised the running of by-elections in their Constituencies inclusive of announcing results. ZEC also availed voters' rolls to contesting political parties' candidates for the forthcoming by-elections soon after the sitting of the nomination courts.

While ZESN members and volunteers professed they had not seen much of ZEC activities on the ground, the institution conducted preparations for the by-elections. ZEC managed to, in terms of section 51(3) of the Electoral Act (Chapter 2:13), identify and set up 513 polling stations, inclusive of Mabvuku-Tafara polling stations, print and re-print ballot papers and oversee the conduct of the by-elections.

4.6.2 ZESN Voter Education

ZESN organized and conducted two (2) roadshows in Cowdray Park and Bulawayo South constituencies of Bulawayo Metropolitan Province. The roadshows were conducted at Cowdray Park Terminus and Efusini shopping in preparation for by-elections. The main purpose was to sensitize the electorate to go out and vote and do so in peace. The roadshows employed an edutainment model that utilized arts as a medium of mobilizing and disseminating relevant information to the electorate. Information and Educational

Communication materials which included branded aprons (Zambias), caps and t-shirts were distributed at the roadshows.

5 Election Day Observations

Polling day environment was largely peaceful in most of the areas that ZESN observed.

5.1 Set up and opening of polling stations

The ZEC displayed voters' rolls outside polling stations to enable the electorate to check their names. However, in Lupane East at Mpofu Primary School, no voters' roll was displayed outside the polling station. Most polling stations opened exactly at the scheduled opening time.

5.2 Political parties' agents

ZESN members and observers reported that ZANU-PF comprehensively deployed political party agents at all polling stations they are contesting, while CCC in some polling stations that were visited by the ZESN mobile teams, the party agents representing candidates that had been removed from the ballot papers were either present or had been asked to leave by the Presiding Officers. For instance, at Phumakhanye Primary School in Lupane East, party agents for Vanya Moyo Bright were present at the polling station. ZESN commends the political parties for their consistency in deploying political party agents in all elections as this permits them to track polling processes which in turn empowers them to make any arbitrations where desirable.

5.3 Polling officials, Voting process and procedures

Each of the polling stations was manned by an average of seven (7) polling officers at the time of opening and the majority of the polling officials were female. ZESN observers noted that ZEC ensured gender parity by assigning both male and female Presiding Officers. Polling procedures were duly followed per the law, for example, checking voters' names on the voters' roll and checking their fingers for ink before they could be allowed to vote. Ballot papers were stamped with an official ZEC stamp before being issued to voters.

5.4 Assisted Voters

Section 59 of the Electoral Act provides for assisted voting by illiterate or physically handicapped voters by a confidante of choice. ZESN observers reported that there were low numbers of assisted voters during the by-elections. Varying numbers of assisted voters were recorded across all constituencies. These were assisted for various reasons but mainly due to illiteracy or visual impairment. Higher numbers of assisted voters were recorded in rural constituencies. In Binga North at Damba Primary School, 40 and 29 at

Sinampande School were assisted. Most of these were assisted by ZEC Officials. In Lupane East, 24 voters were assisted to vote at Daluka Primary School polling station.

5.5 Voter turnout

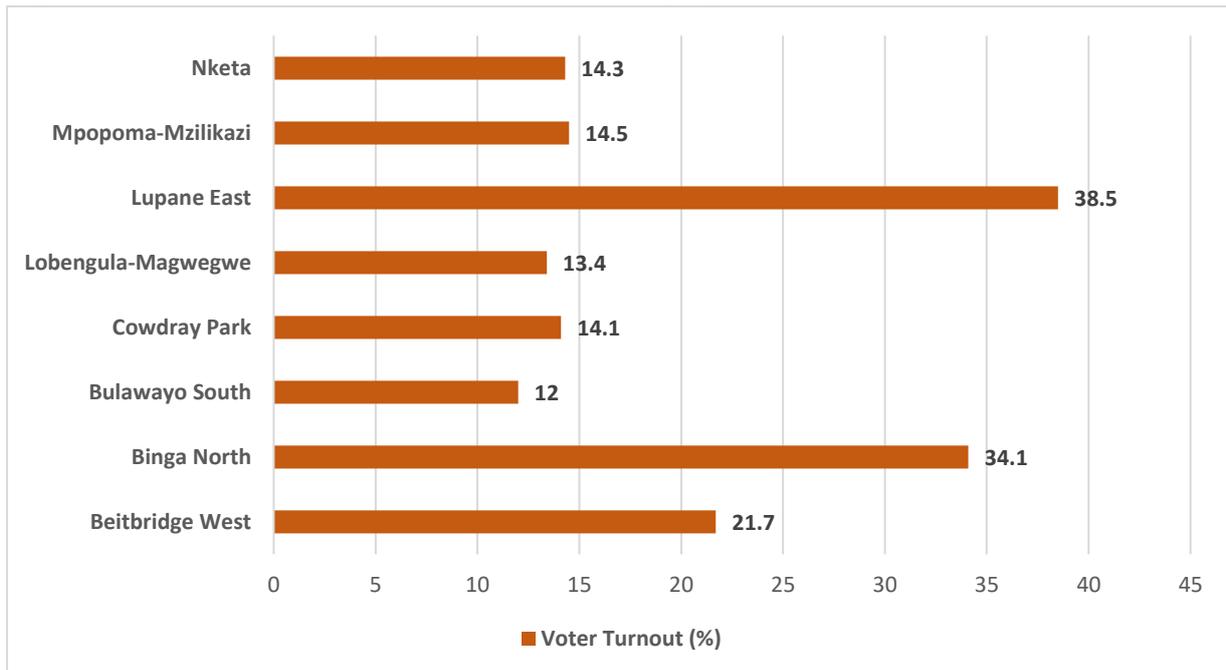
ZESN observers reported that there were low numbers of people who turned up to exercise their Constitutional right to choose a representative of their choice in the National Assembly and Local Authority by-elections. Furthermore, most of the voters who were turning up to vote were largely females. In Beitbridge West, at Mudzwiti Primary School, three (3) people turned out to vote out of a total of 325 registered voters. Mooray Primary School in Bulawayo South, 34 people turned out to vote out of a total 624 registered voters. ZESN expresses concern over voter apathy which was evident in the low turnout during the by-elections, which can also be classified as voter protest due to recalls. Recalls erode the value of the vote of the electorate, thereby directly contributing to apathy. They affect democratic essence and this has been evidenced by the decreasing numbers in voter turnout in by-elections that were caused by recalls since the 2023 Harmonised Elections.

Voter protests was evident in the just ended by-elections. Social media was awash with pictures of spoiled ballot papers which demonstrated frustration by some voters, who preferred candidates that has been barred by the courts from contesting the 9 December 2023 by-elections. It is also possible that citizens are now losing faith in the power of elections as a way of expressing a democratic and sovereign will.

Whereas Section 67 of the Constitution of Zimbabwe states that “*every Zimbabwean has the right to vote,*” there seems to be less uptake on exercising this constitutional right to elect leaders by eligible voters in Zimbabwe during by-elections. Voter apathy dilutes the value of democracy. Furthermore, lack of intra party democracy, processes and laws or rules governing the selection of leaders and candidates could also be attributed as one of the reasons which led to low turnout as it affects voters’ motivation and participation in electoral processes.

While voter turnout was overall low across all the eight electoral constituencies, it is important to note the difference between urban and rural areas. Urban areas had extreme low voter turnout, with only 12% voting in Bulawayo South, whereas at least, the lowest for the rural constituencies was 21% recorded in Beitbridge West.

Figure 1: Voter turnout for the National Assembly By-elections



5.6 Redirected and turned away voters

The numbers of redirected voters were significantly low in the by-elections. The major reason behind this was reported as turning up at the wrong polling station. In Beitbridge West, at Beitbridge Mission Primary School A Polling Station, 15 people were redirected. In Lupane East at Makhovula Primary School Polling Station, 12 voters were redirected and in Lobengula-Magwegwe, nine (9) voters at Mazwi Primary School polling station were also redirected. Fewer people were also turned away during these by-elections. However, a significant number of 50 people were turned away at Emganwini, in Nketa.

5.7 Rejected votes

The number of rejected votes for the by-election was worryingly high as presented in the Table below.

Table 3: Rejected Votes

Constituency	Number of Rejected Votes
Beitbridge West	307
Binga North	774
Bulawayo South	385
Cowdray Park	572
Lobengula-Magwegwe	457
Lupane East	592
Mpopoma-Mzilikazi	519
Nketa	324

5.8 Critical Incidents

There were a few isolated critical incidents recorded during the by-elections, for example;

- At T M Cowdray Park A polling station, CCC party agents for Pashor Sibanda were withdrawn from observing after the Presiding Officer cited that Pashor was supposed to contest as an independent candidate.
- Furthermore, the Presiding Officers at Lifehope Centre polling stations (A, BA, and BB) in Cowdray Park asked the CCC candidates representing Sibanda Pashor Raphael to leave the polling stations as the candidate they were representing was not on the ballot paper.
- At Life Hope Centre polling station (A, BA, and BB) in Cowdray Park Ward 28, CCC candidates from the Chamisa faction’s agents were ordered out of three (3) polling stations and beyond 300m radius.
- Another critical incident was recorded in Cowdray Park again, at Hlalani Kuhle Tent A where two men refused to vote because their preferred candidate was not on the ballot. The two refused to sign the register and the Presiding Officer warned them that he might get them arrested if they continued resisting orders and being violent. The Presiding Officer asked the police officer to stand by the door, and the two ended up voting.
- At Mkhombo Primary School, in Lupane East, it was reported that one of the two (2) CCC party agents set up a desk approximately 50 metres from the polling station and seemed to be writing down names of persons who came to the polling station.

5.9 By-Election Results

Table 4: The tables below show the results of the by-elections

BULAWAYO SOUTH							
2023 By-elections				2023 Harmonised Elections			
Candidate	Sex	Party	Votes	Candidate	Sex	Party	Votes
Modi Rajeshkumari	M	ZANU-PF	1 608	Modi Rajeshkumari	M	ZANU-PF	3 752
Sithole James	M	CCC	1 130	Gomba Admore	M	DOP	160
Watson Nicola Jane	M	CCC		Watson Nicola Jane	M	CCC	10 470

COWDRAY PARK							
2023 By-elections				2023 Harmonised Elections			
Candidate	Sex	Party	Votes	Candidate	Sex	Party	Votes
Mujeyi Arther	M	ZANU-PF	1 765	Mthuli Ncube	M	ZANU-PF	6 513
Chirwa Vusumuzi	M	CCC	1560				
Sibanda Pashor Raphael	M	CCC		Sibanda Pashor Raphael	M	CCC	8 411

LOBENGULA-MAGWEGWE							
2023 By-elections				2023 Harmonised Elections			
Candidate	Sex	Party	Votes	Candidate	Sex	Party	Votes
Dube Menziwa,	M	ZANU-PF	1 318	Ndibali Innocent	M	EFF	142
Nyathi Tendayi Chitura	M	CCC	1 648	Khanye Lwazi	M	MRP	782
Gono Ereck	M	CCC		Gono Ereck	M	CCC	10 114
				Zivavose Godwin	M	UFP	187
				Dube Anold	M	UZA	101
				Ncube Douglas	M	ZANC	139
				Ndlovu Butholezwe	M	ZANU-PF	2 400

					Ndlovu Nigel	M	ZAPU	438

Mabvuku-Tafara								
2023 By-elections					2023 Harmonised Elections			
Candidate	Sex	Party	Votes		Candidate	Sex	Party	Votes
					Kufahakutizwi Febion	M	CCC	15 680
Pedzai Sakupwanya	M	ZANU-PF			Pedzai Sakupwanya	M	ZANU-PF	12 038

BINGA NORTH								
2023 By-elections					2023 Harmonised Elections			
Candidate	Sex	Party	Votes		Candidate	Sex	Party	Votes
Muchimba Chineke	M	ZANU-PF	9 882		Munsaka Kudakwashe Mavula	M	ZANU-PF	9 663
Sibanda Judith	F	CCC	1 004		Nyoni Peter	M	Independent	174
Sibanda Dubeko Prince	M	CCC			Munsaka Million	M	NCA	289
					Siachami Wesselle Siankumba	M	MDC-T	288

					Sibanda Dubeko Prince	M	CCC	13 530
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LUPANE EAST							
2023 By-elections				2023 Harmonised Elections			
Candidate	Sex	Party	Votes	Candidate	Sex	Party	Votes
Machangu Phathisiwe and	M	ZANU-PF	6 863	Machangu Phathisiwe and	M	ZANU-PF	6 241
Nyathi David	M	CCC	1 750	Moyo Ezekiel	M	UZA	171
Vanya Moyo Bright	M	CCC		Vanya Moyo Bright	M	CCC	6 476
				Gumbo Mtenjwa	M	ZAPU	881

BEITBRIDGE WEST							
2023 By-elections				2023 Harmonised Elections			
Candidate	Sex	Party	Votes	Candidate	Sex	Party	Votes
Ndou Thusani	M	ZANU-PF	4 929	Ndou Thusani	M	ZANU-PF	7 332
Choeni Blessing	M	CCC		Ndou Cephass Moffat	M	Independent	1114

Ncube Morgan	M	CCC			Ncube Morgan	M	CCC	7 428
Moyo Thoriso	M	ZAPU	255		Gumbo Mtenjwa	M	ZAPU	881
Dube Blessing Brendan	M	Independent	366					

NKETA							
2023 By-elections				2023 Harmonised Elections			
Candidate	Sex	Party	Votes	Candidate	Sex	Party	Votes
Mavunga Albert Tawanda	M	ZANU-PF	1 550	Zidya Tavengwa	M	ZANU-PF	2 556
Manduna Obert	M	CCC		Manduna Obert	M	CCC	10 605
Sibindi Ambrose	M	CCC	1 439	Ndlovu Vincent Bhala	M	Independent	1 196
Gwetu Luckmore	M	DOP	177	Dube Catherine	M	UZA	183

MPOPOMA-MZILIKAZI							
2023 By-elections				2023 Harmonised Elections			
Candidate	Sex	Party	Votes	Candidate	Sex	Party	Votes
Kamanga Dzingai	M	ZANU-PF	1 097	Masikati Admire Tonderai	M	ZANU-PF	2 433

Moyo Charles	M	CCC	1 632	Zvikwete Innocent Mbano	M	ZANC	43
Makaza David	M	CCC		Makaza David	M	CCC	10 808
Sibanda Blessings	M	DOP		Sibanda Blessings	M	DOP	54
Taphumaneyi Pardon	M	Independent		Taphumaneyi Pardon	M	Independent	570
				Mukhandla Strike	M	Independent	107
				Muzenda Sihle	F	F.A	148

6 Results Analysis

In the just-ended by-election, ZANU-PF made in-roads in opposition strongholds. The Harare-Mabvuku-Tafara constituency slipped to ZANU-PF uncontested after the High Court ruling which barred CCC recalled candidates from participating. In Bulawayo urban, ZANU-PF won three seats in Cowdray Park, Nketa, and Bulawayo South while two seats (Lobengula-Magwegwe and Mpopoma-Mzilikazi) went to the CCC- (Tshabangu faction). Bulawayo has been an opposition stronghold since the formation of MDC in 1999 with ZANU-PF failing to clinch more seats in a square off election with the opposition parties. Except in instances where opposition either fielded double candidates or in years like 2015 where MDC boycotted elections, the ruling party has failed to grab more seats in Bulawayo. Whereas it won elections in five constituencies in 2015, it is important to note that the party had approximately 11450 votes out of over 100 000 registered voters in the five constituencies. In the December 9 by-election, ZANU-PF bagged three (3) seats of Bulawayo province, and two (2) went to the opposition CCC of Tshabangu faction. While Zimbabwe by-elections have been characterized by very low voter turn-out, the December 9 by-election can be attributed to voter fatigue, loss of electoral significance and confidence in elections.

It is also important to note that while the Lobengula-Magwegwe and Mpopoma-Mzilikazi seats were won by the opposition CCC, significant margins between the by-election winners and recalled MPs were noted. In August 2023, the winning CCC MP for Lobengula-

Magwegwe had 10 114 votes and the by-election winner had 1 648. Such margins also exist for the Mpopoma-Mzilikazi constituency that has been grabbed by the CCC, with 1 632 votes against the polled 10 808 by the recalled MP.

7 Conclusion and Recommendations

ZESN commends voters who took time off to cast their vote in peace during the by-elections despite the low turnout which can be attributed to voter fatigue and voter protest due to recalls. This is against the background that electoral turnout is greater in national Harmonised Elections compared to national assembly and local authority by-elections, and greater in the latter than in local authority elections.

The Network, therefore, proffers the following recommendations to improve the pre, polling and post-electoral periods in future elections.

- ❖ Parliament should amend Section 129 (k) of the Constitution as recalls place a heavy burden on the fiscus, contribute to voter apathy and erode the value of the vote of the electorate, thereby, impacting on the essence of democracy.
- ❖ There is a need to register and regulate political parties to address the issue of recalls as they bring into question the significance and relevance of elections.
- ❖ Political parties should enhance intra-party democracy, processes and laws or rules governing the selection of leaders and candidates to ensure the motivation of voters and participation in electoral processes.
- ❖ There is a need for electoral stakeholders to continue supporting voter education efforts on the need for voters to participate in by-elections.
- ❖ There is a need for political parties to strengthen and amplify voter engagements as it plays a significant role in the participation of the electorate in electoral processes.