

ZIMBABWE ELECTION SUPPORT NETWORK

ZESN'S COMMENT ON THE SIGNING OF THE ELECTORAL BILL INTO LAW

2 September 2014 - ZESN notes the signing of the Electoral Amendment Bill into law by President Mugabe during the week of 17 August 2014. The Act now forms part of the legislative framework that regulates electoral processes in Zimbabwe.

The Electoral Amendment Act introduces several amendments to the principal act, Electoral Act [Chapter 2:13]. Most of the amendments were necessitated by the promulgation of the New Constitution that introduces a new electoral framework.

ZESN applauds the expansion of the general principles of elections in the Amendment Act and these include; media access, reasonable access to electoral information and simplification of the voting method to ensure accuracy, transparency, verifiability and security of the vote.

In addition the Amendment Act expands the role of observers to comprehensively review the electoral process, in terms of the degree of impartiality shown by the Commission, the degree of freedom of political parties, the fairness of access to media afforded to political parties, the conduct of polling and counting of votes and all issues concerning the essential freeness and fairness of the election. This is welcome, however, mechanisms should be put in place to ensure the security of observers and that they undertake their roles freely.

The constitution section 239 (c-e) gives ZEC control of voter registration and the voters' roll however the Amendment Act is silent on this. The continued exercise by the Registrar General and his officers of their powers to register voters and prepare rolls is therefore unconstitutional. The Act should have remedied this and given the full responsibility to ZEC. ZESN calls for the government to allocate adequate funding and to ensure that ZEC is sufficiently capacitated with technical, financial and human resources for a process which will result in a new voters' roll for Zimbabwe. A comprehensive voters' roll contributes immensely to the success or failure and credibility of any election.

While the Constitution gives the right to vote to every Zimbabwean, the Amendment takes away the Special Voting and reinstates postal voting to registered voters who will be outside of their constituency or Zimbabwe on duty as a member of a disciplined force or as an electoral officer, or a person on duty in the service of the government and their spouses. This therefore implies that

election officials/staff, members of the security forces deployed on electoral duties, the Diaspora and prisoners) will not be able to vote.

With regards to the nomination of candidates, the Amendment Act reduces from 10 to 5 registered voters who are required to nominate a candidate for constituency member of the National Assembly. This is a welcome development given the previous problems that were encountered by aspiring candidates.

The Amendment Act now clarifies the process of transmitting results from polling stations to the National Command Centre in particular, to ensure that duplicate copies of the polling-station returns gathered from every polling station within a ward must also be transmitted directly to the National Command Centre at the same time as (or as soon as possible after) they are transmitted to the appropriate ward centres. ZESN welcomes this development but urges the ZEC to consider the use of Information Communication Technologies (ICTs) and parallel audits of independent verification mechanisms in the transmission of results.

The Act introduces changes to a number of provisions of the Electoral Act [Chapter 2:13] to align the Act with the constitution that now provides for a mixed electoral system. The electoral laws now provide for a first-past-the-post, a quota system for women and proportional representation for seats in the senate. The Act also provides for the establishment of the provincial council in accordance with the constitution.

The Amendment Act increases from one to two the number of election agents who are permitted to be in the immediate vicinity of a polling station, either one of whom may relieve an election agent within a polling station. This will allow political parties to monitor inside and outside the polling stations.

The Network therefore calls for the harmonization of all the electoral laws to enhance the ability of stakeholders to understand the precise provisions of the Electoral Laws. This would in-turn assist stakeholders to comply with the laws and to fully enjoy their civil and political rights.

ZESN will continue to advocate for comprehensive electoral reforms in its pursuit for democratic elections in Zimbabwe. ZESN urges the government to demonstrate sincerity and political will by crafting legislative frameworks that conforms to the Constitutional provisions.//

FOR ADDITIONAL INFORMATION CONTACT

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