
ZIMBABWE ELECTION SUPPORT NETWORK



PRESS STATEMENT

ZESN COMMENTS ON THE PASSING OF ELECTORAL AMENDMENT BILL IN SENATE

3 April 2014- Harare - The Zimbabwe Election Support Network (ZESN) notes with concern the hurried deliberations on the Electoral Amendment Bill in Senate and failure to take the Bill through the public hearing process first. This Bill is an important piece of legislation that will inform how future elections will be administered in Zimbabwe. Adequate consultations with the public and other stakeholders are vital to ensure comprehensive alignment of the Bill with the new Constitution.

ZESN believes that both Houses of Parliament (Senate and National Assembly) play a critical role in ensuring that the Electoral Amendment Bill is not only aligned to the Constitution, but advances the right to vote or be voted into office.

Having analysed the Bill, ZESN notes that the Bill needs to be strengthened before it passes into law. In terms of section 67(3) of the Constitution, every adult Zimbabwe citizen has the right to vote in all elections, and under section 155(2) the State is obliged to ensure that all eligible citizens are registered as voters and have an opportunity to vote. The Bill therefore does nothing to make it easier for citizens to register as voters or to cast their votes as it actually disenfranchises election officials/staff, members of the security forces deployed on electoral duties, the Diaspora and prisoners. Under the new Constitution prisoners are entitled to vote. Thus the Bill denies them their right because it prevents them from getting postal votes and provides no facilities for them to vote in prison.

In accordance with Section 239 of the Constitution, ZEC is responsible for registering voters and compiling voters' rolls but surprisingly under the Electoral Act, constituency registrars can register voters, and would be required to do so under the general supervision and direction of the Registrar-General of Voters. Effectively, the Registrar-General controls the entire process by which voters are registered and voters' rolls compiled and published. The Bill does not change this position hence making the continued exercise by the Registrar-General and his officers to register voters and prepare rolls unconstitutional.

In its report on the 2013 general election, the Zimbabwe Human Rights Commission noted that the definition of "voter education" was vague and recommended that the distinction between voter education, voter information and civic education should be clarified. The Commission also urged ZEC to work with a broad spectrum of civic organisations to ensure the widest coverage of voter education. The Bill does nothing to address the concerns expressed by the Human Rights Commission.

ZESN notes with concern some considerable limitations on ZEC's independence and the Bill's failure to remove them or alter them in any way. Section 235 of the Constitution emphasises that the Independent Commissions, including ZEC, are independent and are not subject to the direction or control of anyone. However, the Electoral Act places ZEC under the control of the Minister of Justice, Legal and Parliamentary Affairs.

ZESN recommends that the special voting process be reinstated and mechanisms be put in place to ensure that adequate preparations are done and that it is administered smoothly. In addition ZESN calls for the simplification of the voter registration process to ensure that all persons qualified to register as voters are not disenfranchised.

Furthermore, the Bill should specify the method of voter registration that Zimbabwe should use such as Bio-metric Voter registration (BVR) given the adoption of the polling station based voters' roll. It is important again for the Bill to provide clear timeline pertinent electoral processes such as voter registration, inspection of the voters' roll and nomination of candidates.

Furthermore the strengthening and widening of ZECs' mandate to include complete custody of the voters' roll and full charge of voter registration processes should be clearly spelt out in the Bill. ZESN urges the Bill to provide for the full independence of ZEC by establishing and independent reporting mechanism such as reporting to Parliament and getting funding from the Consolidated Fund.

ZESN notes that section 131 of the Constitution states that in order for a Bill to become an Act it has to be passed by both houses of parliament.

ZESN therefore urges that members of the National assembly must ensure that the public and all interested stakeholders are given an opportunity to input and scrutinize the Bill through a public consultation process. This will not only ensure that the Bill is not in disharmony with the Constitution but enshrines regionally and internationally accepted norms and standards that govern the conduct of elections.

FOR ADDITIONAL INFORMATION CONTACT

ZIMBABWE ELECTION SUPPORT NETWORK
PROMOTING DEMOCRATIC ELECTIONS IN ZIMBABWE



Dr. Rev. Solomon Zwana ZESN Chairperson - + 263 774198938
Rindai Chipfunde-Vava ZESN National Director -+263712415902
www.zesn.org.zw/ / info@zesn.net / zesn2011@zesn.net