



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



SIGNIFICANCE OF EFFICIENT VOTER REGISTRATION IN MODERN DEMOCRACIES: REFLECTING ON ZIMBABWE'S PROPOSED ELECTORAL REFORMS

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1. EXECUTIVE SUMMARY

Voter registration is crucial, yet intricate aspect of any electoral process. Though costly, time-consuming and a complex electoral process, it serves as a foundational cornerstone of democratic systems, defining who can participate in selecting political leaders. The effectiveness and credibility of any election hinges on proper voter registration, which adds value to the electoral process. Conversely, inadequate and flawed voter registration has repercussions, detrimental to electoral outcomes. Faulty voter registration automatically translates to a faulty election and equally questionable outcomes.

Voter registration can be continuous, periodic or civil, each form with its distinct merits and demerits. In Zimbabwe, voter registration is continuous to ensure the voters rolls remain up-to-date. Prospective registrants physically appear at Zimbabwe Electoral Commission (ZEC) local District Office to register, and a voters' roll is compiled. However, this process has faced significant contestations and criticism for allegedly undermining electoral processes and outcomes. Concerns about impact on electoral integrity, inclusivity, accuracy, transparency and security have been raised.

Currently, the Constitution of Zimbabwe designates the ZEC as the primary body responsible for voter registration, along with other electoral duties like the delimitation of electoral boundaries. In March 2024, a proposal to (i) shift voter registration responsibilities from ZEC to Civil Registration Department (CRD), (ii) automatically register new registrants upon attaining 18, and (iii) automatically remove deceased from voters' roll at the issuance of a death certificate emerged, with a repeat of the same call in November 2024. In view of this proposal, critics maintain that a clean, accurate and complete voters roll—resulting from a comprehensive registration process conducted by an independent body directly involved in elections is crucial for the health of Zimbabwe's democracy.

Zimbabwe Election Support Network (ZESN) advocates for maintaining voter registration under the authority of ZEC, emphasising that the Electoral Management Body (EMB) should have the exclusive responsibility to manage the registration process and the voters' roll. ZESN underscores the necessity of collaboration between the ZEC and CRD to enable automatic registration of those attaining voting age and ensure removal of deceased individuals from the register.



[1] Voter registration activities consume an average of 15.7-percent of Electoral Management Bodies budgets according to the Global Survey on the Cost of Registration and Elections (CORE) survey, conducted by ACE in 2003, surveyed 178 Election Management Bodies (EMB) around the world

[2] Ronan McDermott ICT Expert, Joint EC-UNDP Task Force on Electoral Assistance, March 2012

[3] ACE Electoral Knowledge Network (2013). Chapter 4 Voter Registration. <http://www.un.org/> Accessed 20 August 2024

[4] Section 17A (1) Electoral Act

[5] Constitution of Zimbabwe Section 239 (c)

2. INTRODUCTION

Zimbabwe considers voter registration as a key election process. It plays various pivotal roles, serving as a guide in electoral strategies that accomplish several critical functions, including but not limited to, informing important electoral decisions during an election process. The ultimate determination of the number of polling stations, the number of ballots and election materials to be printed and allocated to polling stations and the calculation of voter turnout is determined by the number of registered voters. Additionally, voter registration brings people into the election process by confirming their eligibility to register to vote and vote once. This ensures the equality and validity of the vote and helps confer legitimacy on the electoral process, thereby offering opportunities for enhanced public confidence in the election process.

Voter registration process identifies with eligible voters in an election and is fundamentally guided by the Constitution and the Electoral Act. For Zimbabwe, the reasons for implementing voter registration are numerous, and the repercussions of flawed and unreliable systems have been notably significant. The cardinal objectives are to guarantee and enable all those legally qualified to vote to do so; prohibit unqualified persons from voting by ensuring that only qualified voters are registered; and prevent voters from voting more than ones in any election and ensure equality of the votes[1]. Despite the above, the Zimbabwean voter register has not been entirely current and accurate, exposing it to technical and political complaints and objections. Resultantly, the integrity of the voters' roll has been contentious for decades, with persistent accusations and counteraccusations of fraught flaws and irregularities that often disenfranchise voters.

This Paper will examine three models of electoral management, elements and various systems of effective voter registration, analysing the pros and cons of each approach, referencing to what's working in different jurisdictions. Further, the Paper interrogates the ongoing discussions regarding progressive developments and setbacks in voter registration in Zimbabwe. A key issue under consideration is the proposed Constitutional Amendment that seeks to transfer voter registration responsibilities to the CRD from ZEC, which ZESN view as retrogressive. ZESN argues that voter registration and all other electoral functions such as delimitation should remain under ZEC's authority as the case is in other African countries like Seychelles, Eswatini, Zambia, Kenya, Tanzania among others. ZESN however posits that ZEC should collaborate closely with the CRD to receive direct updates on deceased individuals and those reaching voting age in order to maintain an up-to-date register.

3. CONCEPT OF VOTER REGISTRATION

According to Keysser A (2001), voter registration originated in the early 19th century as a method of disfranchisement. Many immigrants were involved in local elections in the United States which became an issue of major concern. Founding fathers wanted to keep them away, warning that expanding voting rights to other parts of the population was a "dangerous[6]" idea.



The only way of disfranchising the non-indigenes then, was through the registration of indigenes, which automatically de-enlisted foreigners, limiting them from voting. In some places, voter registration was designed to hinder participation and to make it harder for people to register and to vote and in the first presidential election, only white, land-owning men were allowed to vote. However, voting rights did eventually broaden; by 1856, property ownership was no longer a factor; in 1870, African Americans secured the right to vote, followed by women in 1920 and Native Americans in 1924. Important to note is that the system of state-run voter registration, first established in Massachusetts in 1800 has often proven to be more of a roadblock to would-be voters than an invitation to participate in democracy[7].

With the wave of democracy sweeping across Africa, voter registration has assumed centre stage, becoming a significant aspect of political and electoral discourse, as highlighted by Bratton and van de Walle (1997). Welch and Hinnant (2003) concur and emphasise the critical role of voter registration in emerging democracies, noting that it can significantly influence the success or failure of the emerging democracy. Voter registration has the potential to either make or break emerging democracies as it accords the right of all citizens of voting age to engage in government affairs. Pintor and Gratschew (2011) assert that the right to vote is universal, equal, direct, and secret. Through voting, the masses can delegate authority to their leaders that govern them, at either level, local authority, parliamentary or presidency. The fundamental expression of delegating authority occurs through regular, free, and fair elections that precede voter registration-a qualifier for participation. In facilitating elections, Electoral Management Bodies (EMBs) must first register voters and create a comprehensive voters' list, also known as the voters' roll.

In most democracies, voter registration is a crucial and major tool for electing leaders into public office. This serves to determine the voting strength of a country, guiding electoral bodies and political parties in planning and executing successful elections. As the first step towards credible and free elections, voter registration centres on the right to vote. Agreeably, there are other compelling motives for undertaking voter registration exercises, which, according to Fischer and Colman, include restricting access to voting, ensuring that only eligible individuals can vote in a specific jurisdiction, preventing multiple votes by one person, facilitating the determination of optimal polling locations and the necessary number of polling stations as well as polling officers required for an election and supporting political parties and candidates in mapping their campaign strategies and activities.

The International Covenant on Civil and Political Rights (ICCPR) weighs in on voting rights. Article 25 explicitly grants the right to take part in the conduct of public affairs and to equal suffrage.[8] International law addresses some of the challenges of voter registration directly.[9] If registration is required, it should be facilitated and obstacles to it should not be imposed,[10] and the voter registration process should not be conducted in such a way that it discriminates against groups of voters, thereby undermining the obligation of universal suffrage[11].



[7] The Exclusionary History of Voter Registration Dates to 1800 | HISTORY

[8] See The Carter Center: Democracy Reporting International, 'Strengthening International Law to Support Democratic Governance & Genuine Elections,' 26-27 available at <https://www.eods.eu/library/strengthening-international-law-to-support-democratic-governance-elections> (accessed on August 17 2024).

[9] Ibid.

[10] United Nations Human Rights Commission, General Comment 25, para 11.

[11] Article 2 and 25 of the International Convention on Civil and Political Rights (1966).

3.1 MODELS OF VOTER REGISTRATION RESPONSIBILITIES

The intricacy around various electoral processes requires that an institution or institutions be responsible for electoral activities such as voter registration. These institutions can either be Independent Electoral Commission or Civil Registry. Independent Voter Registration Model is conducted by an institution that is independent from the executive branch of government. As the name suggests, an Independent Model is in control of implementation of the voter registration process.

Unlike the Independent Model, implementation of Civil Voter registration falls and is maintained by a government department. The compiled register under this model serves various functions, including tax lists, voter lists and in some instances for the universal healthcare system. This model can be hailed for inclusivity and accuracy. However, it has fallen under criticism due to perceived lack of independence and being prone to interference by the government.

3.2 VOTER REGISTRATION SYSTEMS

Three main voter registration options exist, (i) periodic (ii) continuous and (iii) civil voter registration processes, election authorities can choose one, or a combination to form basis for designing a suitable voter registration system. Adoption and application vary according to the unique needs and demands of a country. No single voter registration can be universally applied from one country to the other. Adopting systems at the country level requires more than just examining the technical components of the system but also goes beyond to understand how it essentially integrates within the broader electoral and political context of a specific country. Further, political acceptance, administrative capabilities, availability of and training of personnel, logistical support, and existing and future financial and human resources, along with potential integration with other systems should be considered. It is important to note that there is no copy and paste in adopting voter registration systems.

3.3.1 PERIODIC VOTER REGISTRATION (ETHIOPIA, KUWAIT, LEBANON, JORDAN)

The periodic is the simplest in many ways, produced anew for each election, developed for occasional use. Usually, there is no attempt between elections to update the list. Ideally, it is produced in the period immediately before the election. A new list of eligible voters is generated for each electoral process. There is no need to maintain this list as current, accurate or complete beyond the current election. This system is used in Kuwait, the registration list is updated in February every year, and this is the only time one may apply to be on the voters list. Jordan also uses an annual list revision. In Lebanon, no changes can be made within a year of revision of the list, and voters rolls are closed as of March 30 for the entire following year.



3.3.2 CONTINUOUS VOTER REGISTRATION (ZIMBABWE, SOUTH AFRICA)

This is a roll of all currently eligible voters, continually updated to add voters who have become eligible, changed details, and become ineligible. The continuous list is maintained by electoral administrators unlike the civil registry, or register of citizens, maintained by other government authorities. It can be produced as and when needed. The continuous list avoids the spike in activity involved in developing a periodic list; instead of being concentrated in the period immediately before an election, the work of developing the voters' list is distributed throughout the electoral cycle[1]. In this instance, the EMB usually maintains an infrastructure to receive new applications or change data of the recorded voters. Modern technology and an electronic database support quick updates and the addition of new records and keep track of amendments and deletions[13].

Zimbabwe uses a continuous voter registration system. Section 17A of the Electoral Act, provides that "there be a continuous system of registration of voters. This is a mandatory duty from which the Commission and its chairperson cannot abdicate or postpone as it is an ongoing process which they cannot suspend". The Independent Electoral Commission (IEC) of South Africa is responsible for continuous voter registration conducted either in person or online through a voter registration portal.

3.3.3 CIVIL REGISTRY (MOROCCO, BELGIUM, GERMANY, AND NETHERLANDS)

Includes the name and other identifying characteristics of citizens, such as the citizen identification number, date of birth, address and gender. It is used for various public purposes. The civil registry approach is effective in Europe and Latin America, where the government keeps a comprehensive register of the entire population for administrative purposes. In Sweden, for example, the Tax Administration oversees the Population Registration Database, which is utilised for other administrative needs and shared with the government for purposes of elections when required. In Denmark, all citizens and residents are included in the national register, the Det Centrale Person register, which is maintained by the Ministry of Welfare, serving various functions, including tax lists, voter lists, the universal healthcare system, etc. Italy, Belgium, Germany, and the Netherlands operate Resident Population Registries managed by municipal administrative offices. Inclusion in these registries is mandatory, and citizens must report any changes to their information to ensure their records are current. The election management authority plays a minimal role in updating the voter list, as it primarily relies on data provided by the civil registry.



3.4 PROS AND CONS OF VOTER REGISTRATION SYSTEMS

TABLE 1: PROS AND CONS OF VOTER REGISTRATION SYSTEMS

	PROS	CONS
PERIODIC VOTER REGISTRATION (PVR)	<p>Administrative apparatus to maintain an ongoing list is small</p> <p>Voter registration period is limited, with clearly identifiable beginning and end times</p> <p>PVR heightens interest in elections and maximises voter awareness in the election;</p> <p>The periodic list can be developed without using high-tech computer hardware and software;</p>	<p>Significant cost spike since it is concentrated within the limited registration period</p> <p>Voter registration process takes place within a relatively short time frame, increasing risk of disruption from unforeseen natural disasters.</p> <p>Susceptible to problems with accuracy and completeness of data</p> <p>Training of the registration staff may not always be of good quality because registration staff is only trained a few days</p>
CONTINUOUS VOTER REGISTRATION (CVR)	<p>The voters' roll is kept current and updated continuously</p> <p>Open for public inspection at all times of the year</p> <p>Always ready in case there is a by-election to fix vacant seats</p> <p>The costs of registration are spread across the entire electoral cycle</p>	<p>Huge budget involved, EMB needs a larger number of permanent staff than in PVR.</p> <p>Buildup of deadwood creating room for potential electoral fraud</p> <p>Updating requires extensive cooperation between different branches of government.</p> <p>Gap between time when change occurs and the time it is recorded in the voters' list.</p>
CIVIL REGISTRY (CR)	<p>Little cost involved in collecting data since key information comes from compiled for the civil registry</p> <p>CR normally updated regularly, making it possible to produce a current voters' list on short notice.</p> <p>Costs of maintaining a CR are spread across the years since it is not election targeted.</p> <p>CR is updated regularly; allows significant lead time for confirming the accuracy of the information.</p>	<p>Voters' list itself is easy to generate, but registry requires considerable resources.</p> <p>Scepticism of inappropriate and unauthorised use of centralised databases,</p> <p>CR makes the EMB dependent on the government to produce and maintain the voters' list.</p> <p>If ministry responsible for maintaining the CR is unwilling or unable to keep it current, accurate or complete the EMB gets poor data as the basis for the voters' list.</p>

	PROS	CONS
COMBINED (CIVIL AND VOTER REGISTRY)	<p>Reduced costs in generation, capturing and processing of initial data</p> <p>Reduced costs of equipment for the purpose</p> <p>Mutual support of the two registries</p>	<p>More difficult to analyse the possible effects of maintaining and updating the registers</p> <p>The benefits of combining the two systems can be undermined or completely jeopardised if one system lacks accuracy or integrity</p> <p>Conflicting mandates of state departments and the (independent) EMB may duplicate and complicate the registration process</p>

4. HISTORY OF ZIMBABWE VOTER REGISTRATION

Zimbabwe’s first elections in 1980 marked the country’s independence. Due to the existing political environment following the cease-fire, there was no sufficient time for voter registration. Consequently, the 1980 elections were conducted without a formal voters’ roll. Citizens went to the poll using their identity cards, and thus, they could vote at any polling station around the country. A structured voters’ roll was only established in 1985 and managed by the Registrar General of Elections (RGE), supervised by the Election Supervisory Commission (ESC). The RGE was responsible for voter registration, conducting the voting process, counting and announcement of the results. It is important to highlight that the ESC, together with the RGE, were responsible for the administration of elections in Zimbabwe until 2004, which was in line with the Electoral Act. The ESC was abolished in 2005 through Constitutional Amendment No.17.

The Zimbabwe Electoral Commission (ZEC) was initially established by an Act of Parliament in 2004^[14] as an independent body in line with the recommendation in the SADC Principles and Guidelines Governing Democratic Elections that elections should be run by an independent management body and not by a government department like that of the Registrar-General^[15]. To reflect the new system, the title of the Registrar-General of Elections was changed to that of the Registrar-General of Voters. The function of the Registrar-General of Voters in relation to elections was now only to register voters under the supervision of ZEC.



Registrar General was largely seen by many critics as neither impartial nor autonomous. According to Bratton (2014), many viewed the registrar as an appendage of the ruling ZANU-PF party, which often allegedly manipulated the old voters roll, hiding evidence by restricting public audit of the register. ZEC was finally constituted in terms of Constitutional Amendment 19 (Act 1 of 2009), which was a result of the Global Political Agreement^[16] and mandated by Section 239 of the Constitution to prepare and oversee the conduct of elections and referendums in Zimbabwe, register voters, compile voters rolls, and to ensure the proper custody and maintenance of voters rolls and registers. Currently, voter registration process in Zimbabwe is conducted continuously, with voters physically visiting district offices between elections to register.

5. THE 2024 PROPOSED CONSTITUTIONAL AMENDMENTS: CASE AGAINST SHIFTING RESPONSIBILITIES TO CRD

Hitherto, ZEC has been the central pillar for the voter registration process and all electoral tasks and responsibilities. In March 2024, proposed constitutional amendments emerged, seeking to return the voter registration mandate to the CRD. Further, the government is proposing to introduce automatic voter registration for citizens turning 18. Citizens will no longer need to physically register to vote upon reaching voting age. Instead, they will be automatically registered upon turning 18, with the option to update their information if needed.

If enacted, the changes will significantly impact the electoral processes in the country. While automatic registration of voters and automatic deletion of the deceased is a plus, shifting key responsibilities such as voter registration from the ZEC to the CRD is viewed as retrogressive, setback and a reversal to the pre-2009 period. There are several reasons that far outweigh shifting voter registration from ZEC to the Civil Registry Department. Despite the potential benefits to this change, moving election management to a government department may limit inclusivity and participation. Moreover, this change potentially dents public trust in ZEC. Moving responsibilities to another institution further compromises the independence of ZEC by allowing separate government bodies to perform roles directly linked to the Commission's duties. This jeopardizes the Commission's stewardship of elections, and ultimately erode citizens' confidence and trust in electoral processes. Registration of voters can easily be done by ZEC if there are regular updates of the deceased and those turning 18 given to ZEC by the Civil Registry Department.

Shifting responsibilities to the CRD undermines progress, Zimbabwe's situation reflects a broader current trend; since 2009, the country has adopted an independent model for EMBs, likewise, practices in the region and beyond, ZEC's performance of both delimitation and voter registration responsibilities is not unique. In Africa, Eswatini's Elections and Boundaries Commissions (EBCC), Lesotho's Independent Electoral Commission (IEC), Malawi's Malawi Electoral Commission (MEC), Seychelles' Electoral Commission (EC), Tanzania's National Electoral Commission (NEC and Zanzibar Electoral Commission (ZEC), Zambia's Electoral Commission of Zambia (ECZ) and Kenya's Independent Electoral Boundaries Commission (IEBC) is mandated to perform both delimitation and registration of voters, making the Zimbabwean situation similar to other jurisdictions.



Given the above, the proposal for Constitutional Amendments intending to transfer voter registration task from the ZEC to the CRD should be approached cautiously bearing in mind that the Constitution of Zimbabwe has already been amended twice, in a span of ten years, with Amendment No. 2 alone introducing approximately 23 changes. Rather than shifting responsibilities, the focus should be on strengthening ZEC's capabilities to enhance efficiency. ZESN puts forward that voter registration process should therefore continue running under the ZEC. The Commission should be capacitated to perform its functions without fear, favour or prejudice, in accordance with Section 235 of the Constitution.

6. CONCLUSION AND WAY FORWARD FOR ZIMBABWE

Voter registration occupies a foundational aspect of democratic systems, determining who has the right to participate in selecting political leaders. Zimbabwe's continuous voter registration system, which is best suitable for the context and currently administered by the ZEC as mandated by the Constitution, should continue. Instead of taking a retrogressive approach the focus should be geared towards improving issues and systems that have been heavily contested in courts, such as availing the voters roll on time, especially to political parties. With the proposal for Constitutional amendments intending to transfer voter registration task from the ZEC to the CRD, this move should be approached cautiously, bearing in mind that the Constitution has already been amended twice in the short span of ten years, with Amendment No. 2 alone introducing 23 changes. As such, the following can be the best way forward for Zimbabwe in as far as voter registration is concerned.

- The ZEC should continue to make voter registration exercise comprehensive and inclusive and administer it independently to build trust and confidence in the electoral process.
- To avoid piecemeal electoral-related constitutional amendments, a holistic electoral reform approach that takes into cognisance the Constitution of Zimbabwe, SADC Principles and Guidelines Governing Democratic Elections should be considered through the enactment of a comprehensive Electoral Amendment. There should be restraint in continually or heavily altering the Constitution, as this will affect the stability and continuity of ZEC in executing its roles. Rather than seeking to amend the Constitution, strengthening ZEC should be considered as the priority.
- For operational efficiency, the ZEC which is responsible for running elections should conduct voter registration and compilation of voters' roll. However, it should closely collaborate with the CRD in order to automatically register new voters and remove deceased individuals and maintain an accurate register.

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