

ZIMBABWE ELECTION SUPPORT NETWORK (ZESN)



*Report on the 23
July 2016,
Mazowe North
Parliamentary
By-election*

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ACKNOWLEDGEMENTS

The Zimbabwe Election Support Network (ZESN) is grateful and indebted to the member organisations and volunteers who made observation of the Mazowe North by-election possible. This includes ZESN Mashonaland Central Provincial Taskforce members who assisted in the planning processes, recruitment, training and deployment of observers. ZESN appreciates the volunteers who observed electoral processes such as nomination, voter registration and polling day processes, dedicating considerable time and effort. Without their commitment this and other reports by ZESN on the elections would not have been possible.

ZESN observers objectively reported on the processes and their assessment of the by-election was informed by the Electoral Laws of Zimbabwe and a number of regional and international conventions and declarations which Zimbabwe is signatory to such as the SADC Principles and Guidelines Governing Democratic Elections, the African Charter on Human and Peoples' Rights (ACHPR), the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (UDHR).

ZESN observation was also guided by the GNDEM's Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations, Code of Conduct for Nonpartisan Citizen Election Observers.

ZESN commends the Zimbabwe Electoral Commission (ZEC) whose indispensable cooperation made our election observation successful. ZESN also applauds citizens of Mazowe North Constituency for voting in a relatively peaceful environment during the by-election.

ACRONYMS

| | |
|----------------|--|
| ACHPR | African Charter on Human and Peoples' Rights |
| AU | African Union |
| FFP | Freedom Front Party |
| GLAA | General Laws Amendment Act |
| GNDEM | The Global Network of Domestic Election Monitors |
| ICCPR | International Covenant on Civil and Political Rights |
| MMPZ | Media Monitoring Project of Zimbabwe |
| MPLCs | Multi-party Liaison Committees |
| UDHR | Universal Declaration of Human Rights |
| RDZ | Renewal Democrats of Zimbabwe |
| ZANU-PF | Zimbabwe African National Union-Patriotic |
| ZEC | Zimbabwe Electoral Commission |
| ZESN | Zimbabwe Election Support Network |
| ZHRC | Zimbabwe Human Rights Commission |

1. EXECUTIVE SUMMARY

On 23 July 2016, the Zimbabwe Electoral Commission (ZEC) conducted a National Assembly by-election in Mazowe North Constituency. The seat was declared vacant following the death of former Member of Parliament Edgar Chidavaenzi on 17 March 2016.

Zimbabwe's elections are administered in accordance with an electoral legal framework which sets the basis for the conduct of elections.

Following the invitation by ZEC, the Zimbabwe Election Support Network (ZESN) deployed 21 observers comprising static (polling station based observers), constituency and mobile observers. The election observation methodology employed allowed the network to measure the by-election electoral processes' compliance with the Constitution and Electoral Laws to enable informed advocacy interventions for electoral reforms.

The pre-electoral environment was calm and peaceful. The political contestation in the by-election was low as the Renewal Democrats of Zimbabwe (RDZ) did not conduct any campaign rallies or public meetings. Reports from ZESN members based in the Constituency revealed that a few rallies were held by ZANU PF. In some areas roads were repaired but ZESN could not ascertain whether the funding was from the rural district council or the ZANU PF candidate. Posters for both ZANU PF and RDZ were posted on trees and shopping centres around the Constituency. Media coverage of the by-election was little, in state media there was a total blackout of RDZ's activities or contest in the by-election.

Polling station based voter registration was conducted throughout the constituency, in accordance with the law and the ZEC used two separate voters' rolls. The main roll which consisted of the voters who presented themselves at the registration centres while the supplementary roll contained all the names of individuals who were on the 2013 voter's roll for the same constituency, but who did not participate in the voter registration exercise for this by-election. ZEC explained that this is the only way to ensure that voters who were away during the new voter registration exercises were not disenfranchised.

On election day, all the polling stations where ZESN observed successfully completed opening and setup procedures on time and voting proceeded. Counting was reported to have taken place according to procedures and results were displayed outside the polling stations. ZESN observers stationed at polling stations (static observers) were again asked to sign the official secrecy declaration forms before voting started. At all the ward and constituency collation centres where ZESN observed, all election agents agreed that the process had gone well and signed the V11 form. There were isolated incidents of voters who turned up at the wrong polling stations being redirected to their correct polling stations.

Recommendations:

- The Commission should ensure that election observers are not asked to sign the secrecy declaration forms as they are not compelled by the Law.
- ZEC should ensure that there is comprehensive voter education for inspection and on the new voting system in order to limit the number of voter redirected, assisted and turned away on Election day.
- Political parties must adhere to the principles of intraparty democracy in choosing candidates.
- ZEC should avail to stakeholders and the public the disaggregated data on gender and age as well as voters with special needs such as persons living with disabilities and assisted voters collected during polling. This data will assist stakeholders such as CSOs and political parties in coming up with targeted voter education programmes.
- Contesting political parties must ensure that they train and deploy election agents to all polling stations to enable them to confidently comment on the electoral processes such as the administrative procedures.
- ZEC and the Zimbabwe Human Rights Commission should investigate the alleged reports of intimidation.
- ZEC should disclose data on how many voters on the supplementary voters' rolls turned out to vote on Election day.

2. INTRODUCTION

2.1 Background to the By-election

The seat fell vacant following the death of the Member of Parliament Edgar Chidavaenzi on 17 March 2016. According to the Electoral Act [Chapter 2:13], Section 39 (1) a vacancy in the membership of Parliament which exists otherwise than by reason of a dissolution of Parliament, shall be notified to the President and the Commission in writing by the Speaker of the House of Assembly, as soon as possible after the Speaker of the House of Assembly becomes aware of it. In accordance with the same Act, Section 39 (2), the President proclaimed the date of the by-election to be 23 July, 2016.

2.2 The Constituency

The constituency is predominantly rural and farming is the major source of livelihood for most of its inhabitants. The dominant cash crops in the constituency are tobacco and cotton, however due to its lucrative market prices tobacco farming is the most prominent. The road infrastructure in the constituency as with other rural areas in the country is in a poor state and in need of maintenance.

2.3 Demography

According to the ZimStat Census Report of 2012, Mashonaland Central province has a total of 1,152,520 people of which 49.2% are male and 50.8% are female. According to a 2013 voters' roll analysis conducted by the Research and Advocacy Unit, Mazowe North constituency had a total voting population of 23,828¹ in 2013. The main and supplementary voters' rolls used by ZEC for the by-election had a total of 32,536 registered voters.

2.4 The Observation Mission

Following the invitation of the Zimbabwe Electoral Commission (ZEC), ZESN deployed observers to the 23 July 2016 National Assembly by-election. ZESN relied on reports from its volunteers who observed the pre-electoral period and 21 observers who observed the election day processes.

ZESN is independent in its findings and conclusions. ZESN's election observation methodology is guided by the Constitution of Zimbabwe and Electoral Laws of the Country. ZESN's assessment of the election is also informed by a number of regional and international conventions and declarations which Zimbabwe is signatory to such as the SADC Principles and Guidelines Governing Democratic Elections, the African Charter on Human and Peoples' Rights (ACHPR), the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (UDHR).

¹ RAU – Key statistics from the June 2013 voters' roll

ZESN is also guided by the GNDEM's Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations, Code of Conduct for Nonpartisan Citizen Election Observers.

3. LEGAL FRAMEWORK

The Mazowe North by-election was held in accordance with Section 158 (3) of the Constitution of Zimbabwe which states that polling in by-elections to Parliament and local authorities must take place within ninety days after the vacancies occurred. The Constitution, Electoral Act, Statutory Instruments and Regulations form part of the Legal framework governing the conduct of by-elections. The ZEC also conducted other electoral processes such as the voter registration, inspection of the voters' roll in accordance of the provisions of the administrative procedures.

The Mazowe North by-election was held at a time when the alignment of electoral laws to the Constitution is incomplete as the government seems to have adopted a piecemeal approach to electoral reform. The recently gazetted General Laws Amendment Act (GLAA) fails to align the most substantive provisions related to the Electoral Act to fully comply with the Constitution. This appears to be a result of the omnibus approach taken by the legislature to amend more than one hundred legislative instruments via the GLAA. ZESN reiterates its previously stated position that there is need for a comprehensive process of amending all the Electoral Laws and bring them into conformity with the Constitution as well as regional guidelines and principles on good governance and elections.

4. ELECTION ADMINISTRATION

4.1. Administration of the Elections:

ZESN notes that the administration of the by-election was well managed in line with Section 239 of the Constitution which gives the Zimbabwe Electoral Commission the mandate to conduct and supervise elections and election related activities. ZEC managed to publish vital information such as list of registration centres, voter education schedules and list of polling stations in time. Other processes such as voter education and accreditation of observers were also done timeously and smoothly. ZESN continues to call upon the government to ensure that the Commission is adequately resourced with funds and technical capacities to ensure that all electoral processes are conducted on effectively and efficiently. On Election day ZESN observed that all polling stations were set up in accordance with the procedures and that ZEC managed to furnish the polling stations with the requisite materials such as ballot boxes, ballot papers, voters' rolls, indelible ink (marker pens) and stamps.

4.2. Voter Education

Voter education is an important component of the election cycle as it ensures that the electorate understand their rights, political systems, how and where to vote. For an election to be successful and democratic, voters must understand their rights and responsibilities, and must be sufficiently knowledgeable and well informed to cast ballots that are legally valid and to participate meaningfully in the voting process.²

As part of the effort to enhance citizens' knowledge on the electoral processes in Mazowe North, ZESN was accredited by ZEC to conduct voter education for the by-election. ZESN's contribution included printing and distribution of voter education materials such as flyers and posters and deploying voter educators to complement ZEC's own teams in the constituency. ZESN employed a number of strategies in conducting voter education in Mazowe North including door to door voter education, targeting public gatherings and shopping centres and engaging the local leadership and traditional leaders.

In order to enhance citizen participation in electoral processes and their knowledge of the new voter registration and voting system there is need for continuous voter education throughout the electoral cycle. The winning ZANU PF candidate acknowledged that there was voter apathy in the by-election and reinforced the need for more comprehensive voter education especially on the new polling station based voting system³. Furthermore, there is need for more collaborative efforts between ZEC, CSOs and other key electoral stakeholders to ensure broader geographical coverage and reach, particularly in remote areas where access to information is limited. As the country moves towards the 2018 harmonised elections, it is vital for voter education to be targeted at improving participation of special groups such as women and the youth and this can be achieved through use of contemporary mediums and fully utilise social media platforms such as the Facebook page, SMS, sports and cultural galas, radio and television advertisements.

4.3. Voter Registration and inspection of the voters' roll

Voter registration is provided for in the Electoral Act Section 17A (Chapter 2:13) and the ZEC registered voters using the polling station based voter registration for the by-election. The ZEC conducted voter registration and inspection of the voter's roll in accordance with the law. At the end of the voter registration exercise ZEC indicated that there were 32,536 voters on the voters' roll for Mazowe North constituency of which 16,195 were new registrants and 16,341 were from the old ward voters' roll.

ZEC once again produced two voters' rolls for the Mazowe North by-election maintaining a trend that has been observed in previous by-elections held in 2015 and 2016. According to

² Civic and Voter education: <http://www.un.org/womenwatch/osagi/wps/publication/Chapter5.htm>

³ Dinha wins Mazowe North by-election, miffed by voter apathy – NewsDay 25 July, 2016.p2

ZEC the use of the supplementary voters' rolls is the only way to ensure that voters who are away during these new voter registration exercises are not disenfranchised. However, given that the voters' roll has been a contentious issue in Zimbabwean elections it would be important for ZEC to disclose data on how many voters on the supplementary voters' rolls are turning out to vote on Election day. This will enhance trust and stakeholder confidence in the continued use of two voters' rolls.

During the voter education exercise, ZESN noted that a significant number of people who live in resettlement areas had not managed to transfer their names into the Mazowe North voters' roll and professed ignorance over voter education indicating that they were not registered voters. In addition, some were unable to register because they did not have the necessary identity documents.

An analysis of the use of two voters' rolls shows that of the two rolls used by ZEC during the by-election less than of those registered turned out to vote. This demonstrates the need for comprehensive voter education to motivate citizens of voting age to present themselves at the voter registration centres whenever registration is being undertaken

Fig 1: Number of votes cast versus the number of registered voters in by-elections held in 2016.

5. ELECTION CAMPAIGNS

Election campaigns in Zimbabwe are regulated by a code of conduct for political parties as contained in the Fourth schedule of the Electoral Act. The Fourth schedule guarantees that everyone has the right to freely express their political opinion, campaign and canvass for membership and support from voters. However, there are instances where political parties and candidates flaunt these regulations thereby creating an environment that makes it

difficult to conduct free and fair elections. There were reports that the RDZ candidate was intimidated by suspected ZANU PF supporters during the campaign period⁴.

Campaign posters of belonging to the RDZ candidate were defaced and torn during the campaign period. This phenomenon was witnessed throughout the Constituency. There were no reports of ZANU-PF posters being defaced and torn. The defacing of posters is not only in contravention of the law but further demonstrates the absence of tolerance of opposing political viewpoints by suspected supporters of the ruling party.

In the run up to the by-election ZANU PF allegedly did not hold primaries for their candidacy appointing the Provincial Affairs Minister Advocate Martin Dinha uncontested⁵. According to reports in the media and observers in the constituency, the decision by ZANU PF to impose a candidate without conducting primary elections deprived their supporters the right to choose their representative through a democratic process.

Notwithstanding the challenges mentioned above the political environment was generally calm and peaceful in the run up to the by-election.



A campaign poster for the RDZ candidate juxtaposed to a voter education poster was defaced and torn

⁴ <https://www.newsday.co.zw/2016/05/31/aspiring-mp-flees-home-citing-intimidation/>

⁵ <https://www.newsday.co.zw/2016/05/24/kasukuwere-imposes-dinha-mazowe-north/>

6. MEDIA AND ELECTIONS

Media freedom is fundamental in promoting the political and civil and political rights and liberties enshrined in the Constitution of Zimbabwe. The media plays a critical and complex role in electoral process, providing information to voters and a campaign platform to political parties and candidates while serving a watchdog function. There was very little coverage of this by-election by mainstream media; however the limited coverage was unbalanced and skewed in favour of ZANU-PF. The media coverage was also limited to mostly the ZANU-PF candidate and campaigns⁶ primary elections and the result of the by-elections. The Sunday Mail of 24 July carried a story where ZESN was accused of campaigning for the opposition in the constituency.⁷ It is disappointing to note that CSOs continue to be attacked for complementing the work of ZEC in ensuring that citizens make informed decisions about the electoral processes and their right to vote.

7. GENDER EQUALITY AND HUMAN RIGHTS

7.1. Gender Equality and Special Needs Groups

Active participation of women, youth, civil society organisations and marginalised groups in the electoral process constitutes a critical element for the deepening of democracy and human rights in Zimbabwe. ZESN observed that a significant number of women participated in electoral process as voters, election agents, polling officers and citizen observers. While ZEC consistently gathers statistics on sex and age of voters at all the polling stations, this information is not being shared with other electoral stakeholders. ZESN urges the ZEC to avail statistics of gender, age and persons living with disability to stakeholders in order to deepen their understanding their participation and needs in electoral processes.

8. ELECTION DAY OBSERVATIONS

8.1 Opening and voting Procedures

The ZEC set up a total of 33 polling stations for the by-election. There were 31 polling stations during the 2013 harmonised elections in Mazowe North. In all areas ZESN observed, polling stations opened on time and opening procedures such as checking ballot boxes and ballot papers were duly followed. There were adequate polling personnel and sufficient voting materials at all polling stations that ZESN visited and observed, with at least six polling officials. Furthermore, observers reported that crucial procedures such as

⁶ <http://www.herald.co.zw/im-popular-and-well-known-victory-is-certain/>
<http://www.herald.co.zw/ZANU-PF-flays-regime-change-activists/>
<http://www.zbc.co.zw/index.php/news-categories/top-stories/68777-advocate-dinha-to-contest-in-by-election>

⁷ <http://www.sundaymail.co.zw/ZANU-PF-on-track-for-mazowe-victory/>

verification of ballot papers, checking of names in the voters' roll, marking of fingers with indelible ink using marker pens and secret ballot were conducted according to the Law.

8.2 Official Secrecy Declaration

ZESN observers were required to sign the Declaration of Secrecy form by ZEC officials before voting started. This trend was observed in all the by-elections held in 2016. The declaration form is part of the Electoral Regulations, Statutory Instrument 21 of 2005, it requires '*every electoral officer, candidate or agent of a candidate authorised to attend at the counting or collating of votes at a polling station or constituency to have read and abide by the provisions of Sections 86 and 87 of the Electoral Act [Chapter 2:13]*'. From ZESN's interpretation of the law, the provisions relating to the Declaration of Secrecy form do not apply to observers.

ZESN's eight static observers who were stationed at Pembichase, Craigley Farm, Rwere, Jingamvura Primary School, Goteka Primary School, Forester F Primary School, Umvukwesi Primary School and Bare Secondary School polling stations in Mazowe North by-election were made to sign these forms.

ZESN's concern is that this requirement undermines and compromises the independence of observers in reporting objectively on electoral processes on voting day within polling stations.

The Constitution Watch 15/2016, a Veritas publication also reinforced that; *"...the functions of election observers under the Electoral Act, when read in the light of section 156(a) of the Constitution and section 3 of the Act, extend to informing all interested parties, including the general public, about irregularities and defects they have observed in an election. By keeping all interested parties informed, they are carrying out their statutory functions and cannot be accused of contravening the Official Secrets Act, which applies only to unauthorised communications."*⁸.

8.3 Election Agents

Political parties contesting the by-election were allowed to have one election agent inside the polling station and an additional agent stationed within the vicinity of the polling station. At all polling stations where ZESN observed ZANU PF had party agents while the RDZ also had agents at all polling stations observed, except at Craiglea Farm in Ward 29. ZESN notes that it is imperative for parties to deploy election agents as it enables them to fully assess all the Election day processes and their conformity to national legislation, regional and international standards for credible elections.

⁸ <http://veritaszim.net/node/1764>

8.4 Access to Polling Stations

ZESN observer reports indicate that in some areas voters had to walk long distances in some instances of more than 5km to get to their assigned polling stations under the new polling station based voting system. ZESN mobile teams observed some voters being transported by tractors and lorries to designated polling stations.



Some voters were ferried by a tractor after casting their vote at SandFord Farm polling station

8.5 Assisted and turned away voters

ZESN observer reports showed significant numbers of assisted voters in isolated polling stations. For instance more than 25 voters were assisted to vote at Bare primary school, Jingamvura Primary school, Dyaunga River tent and Rwere primary school. At Goteka Primary school and Pembichase Farm ZESN observers reported that, between 6 to 25 voters were assisted by close of polls. In addition, ZESN observers reported isolated incidents of voters who were redirected to other polling stations despite claims by some of them that they were registered at those polling stations during the registration exercise prior to the by-election. For instance a number of voters at Pembichase Farm in Ward 26 were redirected to other polling stations such as the Mvurwi Country Club polling station which is more than 5 kilometres away and some voters were redirected from Mvurwi Community Hall to Holy Cross which was a few metres across the road. Redirection of voters in rural areas presents a number of challenges given that in some instances voters have to walk for kilometres to access their correct polling stations.



Polling stations directions were clearly marked around the Constituency

8.6 Counting

Counting procedures were done in line with the provisions of the law with political party agents confirming by signing the V11 forms at the end of the counting. The election results were posted outside all polling stations where ZESN observed namely; Mvurwi Community Hall, Goteka Primary School, Jingamvura Primary School, Pembichase, Holy Rosary Primary School, Bare Secondary School, Chinehasha Primary School, Forrester 'F' Primary School, Rwere Primary School and at the Umvukwesi Primary School which was the Constituency Collating Centre.

8.7 Turnout

The voters' roll for Mazowe North had a total of 32,536 of which 13,479 turned out on election day representing 41.4 % of the registered voters. The voter turnout for Mazowe North is consistent with trends observed during previous by-elections held in 2015 and 2016 for example in Mhondoro Mubaira 42% of those registered voted. The lowest turnout was recorded the Nkulumane by-election where 16% of registered voters cast their votes in December 2015. It would appear from the comments received from members of public in the Constituency that voters are more concerned with investing their time in activities that have an immediate impact on their livelihoods than participating in elections. An analysis of voter turnout patterns suggest that voters registered during the polling station voter registration exercises conducted by ZEC are seemingly the ones constituting the majority of voters who turn up to vote on Election day.

8.8 Ballot Papers

ZESN has observed that in most constituencies where by-elections have been held, less than half of the printed ballot papers are used on polling day. This unnecessarily increases the cost of running the elections as ZEC bases the number of printed ballot papers on the overall number of registered voters in the constituency including those registered in 2013 since ZEC has been using two voters' rolls in the by-elections including in Mazowe North. For example at Mvurwi community Hall in Ward 28 of the 2200 ballot papers issued only 523 were used, at Umvukwesi Primary School 800 ballot papers were availed and only 180 were used and at Goteka Primary School 619 of 1,700 ballot papers were used. Given the low turnout that has been characterising by-elections ZEC should analyse the current voting trends and turnout in determining the continued use of two rolls vis a vis number of ballot papers issued and other voting stationery being used to print ballot papers and supplementary roll in order to reduce the costs of running the by-elections.

Fig 2: Analysis of ballot papers issued, used and unused

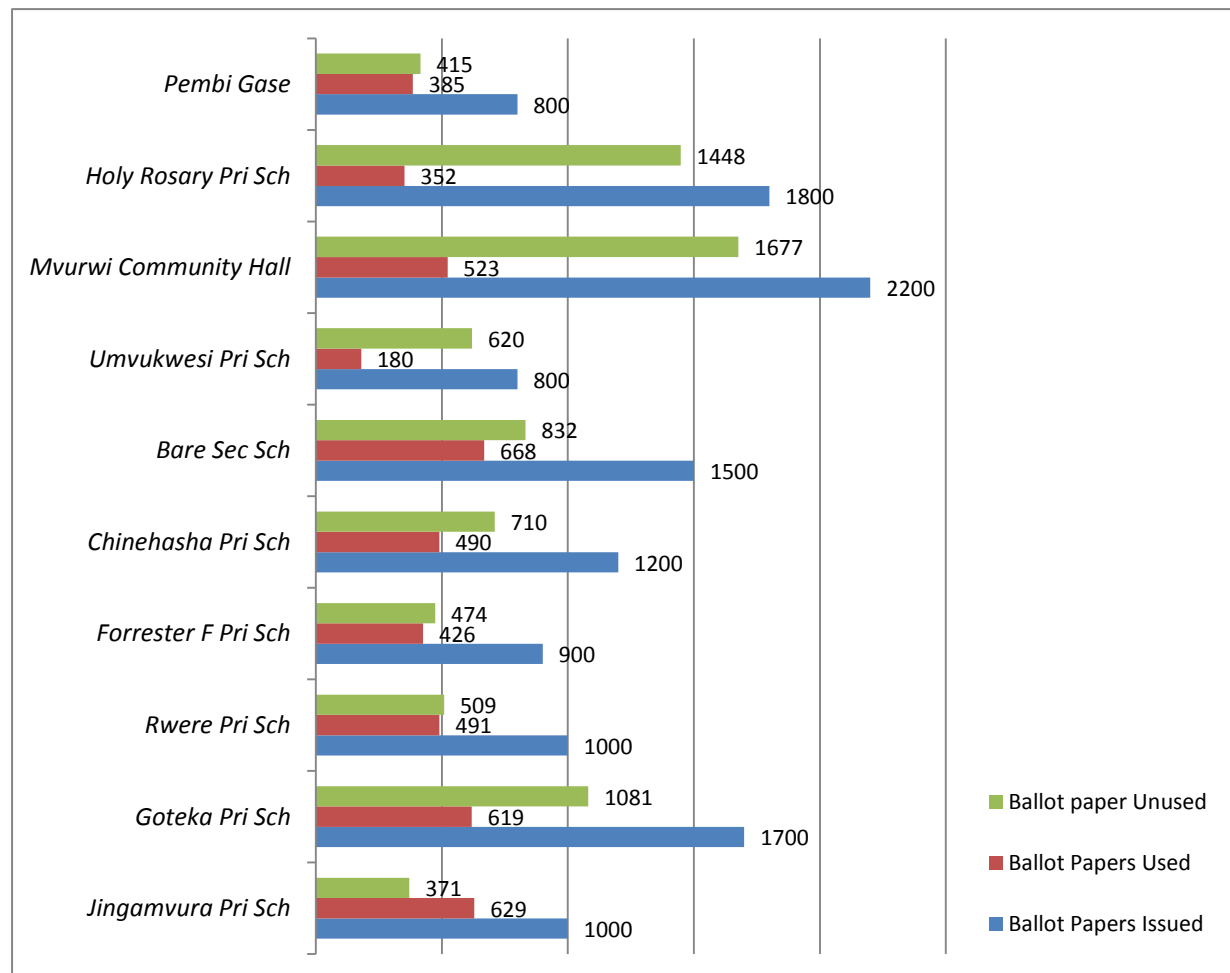


Table 1: Ballot papers issued against the maximum threshold of 1500

| Polling station | Ballot papers issued against the maximum threshold of 1,500 |
|------------------------------|---|
| Mvurwi Community Hall | 2,200 |
| Jingamvura Primary School | 1,000 |
| Pembichase | 800 |
| Holy Rosary Primary School | 1,800 |
| Umvukwesi Primary School | 800 |
| Bare Secondary School | 1,500 |
| Chinehasha Primary School | 1,200 |
| Forrester 'F' Primary School | 900 |
| Rwere Primary School | 1,000 |

ZESN appreciates that ZEC uses a threshold method in assigning voters to specific polling stations in the polling station based voting system. Assuming that a maximum threshold of 1,500 voters was used in the Mazowe North by-election most of the polling stations where ZESN observed ZEC issued ballot papers below the threshold. However, at Mvurwi Community Hall 2,200 ballot papers were issued which translates to 46.7% more and at Holy Rosary 20% over the maximum threshold were issued. ZEC did not publicise the total number of ballot papers printed for the Mazowe North by-election. However, the internationally accepted threshold for ballot papers printed is between 5-10% as noted in the AUEOM Report on the 2013 harmonised elections.⁹

9. RECURRING PATTERNS IN BY-ELECTIONS

9.1 Intimidation in campaign periods

Recent elections in Zimbabwe have been fiercely contested resulting in well documented incidents of violence and intimidation. In previous by-elections held in 2015 and 2016 there have been reports of voters being intimidated and organised into voting committees led by village heads and political party chairpersons¹⁰. These committees are set up in order to intimidate voters by recording their details before and after they arrive at polling stations. This phenomenon was observed in Tsholotsho, Hurungwe West and Mhondoro-Mubaira by-elections and more recently in the Mazowe North by-election in areas such as Chigwida, Goteka and Dyaunga villages. In the run up to the by-election, the RDZ candidate was allegedly threatened and intimidated by ZANU PF supporters for daring to stand up against

⁹ African Union Election Observer Mission (AUEOM) Report Zimbabwe 2013 Harmonised Elections

¹⁰ <http://www.thestandard.co.zw/2016/01/24/kasukuwere-threatens-voters/>

Zimbabwe Peace Project Report April 2015: <http://www.bulawayo24.com/index-id-News-sc-national-byo-67866.html#sthash.rwVvWrEZ.dpuf>

their candidate. These practices are in violation of Section 133B of the Electoral Act which outlaws any attempts to compel voters to vote for a particular party or candidate.

9.2 Turnout

The by-elections held to date have registered low turnout which can be partly attributed to the general lack of interest by citizens to participate in elections and the prevailing socio-economic hardships where citizens prioritise bread and butter issues over voting. A case in point is the 7 November 2015 local authority by-election in ward 16 of Harare West, where only 522 people turned up to vote out of the 14 622 who were registered in the same ward. In addition, the Nkulumane constituency by-election recorded another low voter turnout of 16% in December 2015¹¹. Mazowe North recorded 41.4% voter turnout which is better than the aforementioned but lower than the 54% turnout in the 2013 harmonised elections.

9.3 Political party agents

ZESN commends the contesting political parties in the Mazowe North by-election for comprehensive deployment of election agents. In previous elections the opposition parties have failed to deploy agents at most of the polling stations. ZESN has continuously called for political parties to deploy election agents as a way of enhancing the transparency of the electoral process and a basis for informed calls for reforms to electoral processes.

9.4 Vote buying and use of state resources

In most rural areas where there have been by-elections there have been cases of food distribution as a way of securing votes. In Mazowe North there were reported incidents of vote buying using food aid, for instance during the campaign period citizen observers in the constituency reported that there was politicised food aid in areas such as Gombekombe. Beneficiaries of the food aid were made to chant ZANU PF slogans during the food aid distribution at Gombekombe Secondary School. In previous by-elections held in 2015 there were reports of vote buying and abuse of state resources in constituencies such as Tsholotsho North, Hurungwe and in Manicaland. The prevalence of vote buying is in contravention of Section 136 of the Electoral Act which outlaws issuance of gifts, money, loans etc to promise or endeavour to procure, the return of a candidate at an election or the vote of a voter in an election.

9.5 Gender representation

Of concern there have been few female candidates contesting in by-elections held post 2013. For instance in the sixteen by-elections held on June 10, 2016 only 4% of the candidates who contested were female. In the Mazowe North by-election the contesting candidates were all male. There is no clarity as to whether aspiring female candidates were

¹¹ ZESN Nkulumane Constituency by -election report – December 2015

accorded a chance in the parties' primary elections or internal nomination processes. This phenomenon is worrying as it defeats efforts to have equal gender representation in political offices.

9.6 Use of Two Voters' Rolls

Since the introduction of the polling station based voters' roll there has been a trend of ZEC producing and using two voters' rolls on Election day. ZEC's position on the issue and ZESN's comments on the use of two registers has been explained earlier in detail in this report.

9.7 Dispute resolution mechanisms

Politically related cases of threats, intimidation and violence continue to recur in by-elections especially during the campaign periods. Senior government officials continue to publicly threaten and intimidate opposition candidates and supporters as was noted in Hurungwe by-election and this was the same with the Mhondoro Mubaira by-election where Minister Kasukuwere was quoted by the media as having said, *"Everyone will vote where he or she is registered at the ward-based polling station and we want to see the area that will kick the ball off target, we shall know how each area will have voted because votes will also be counted at polling stations. We shall know how the Marange apostles would have voted; the same applies to those who attend services for [Emmanuel] Makandiwa, [Walter] Magaya, Mugodhi, Salvation Army, even n'angas. Votes are counted at the polling station [so] we shall know whose Sabhuku's [village head] or traditional chief's people would have sold out¹²."* Sadly there have not been any investigations and punitive action to ensure that politicians desist from such behaviours and utterances in future elections. As a result of the absence of action on offending parties, there is lack of confidence in the electoral dispute resolution mechanisms.

9.9 Other election related procedures

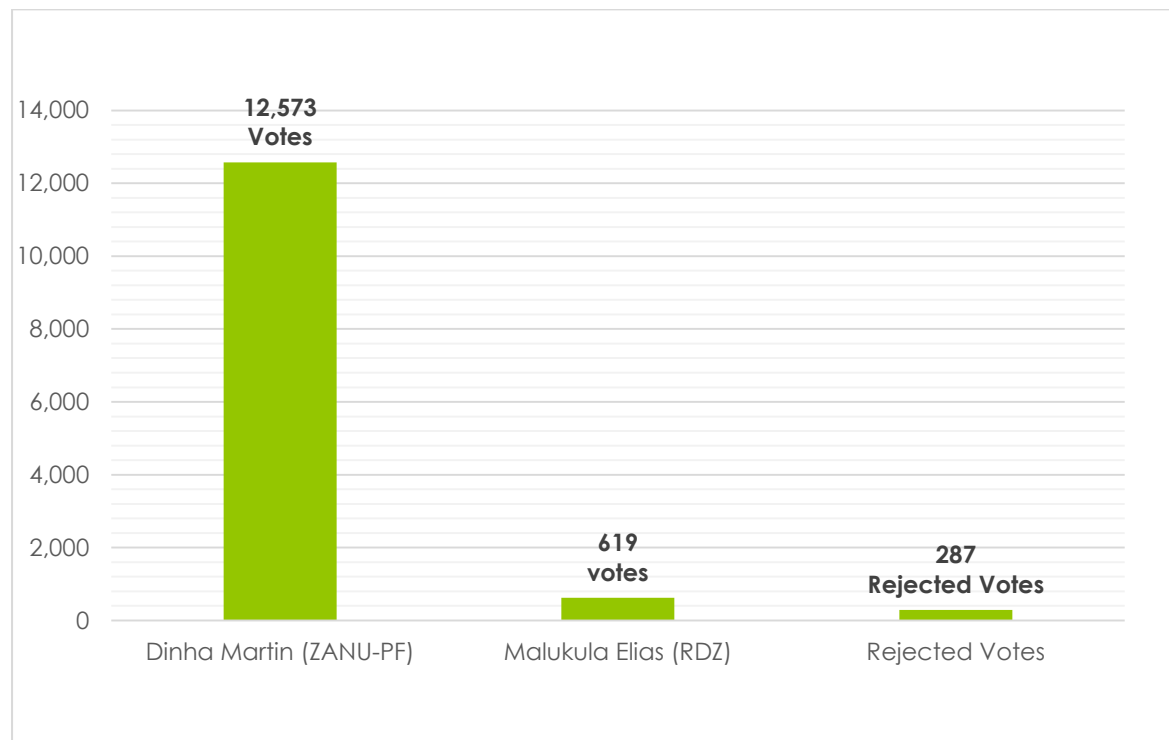
In all by-elections held to date there has been adherence to electoral laws and regulations in conducting polling procedures such as having adequate voting materials and personnel, checking voters' names against the voters' rolls, stamping ballot papers and posting election results outside polling stations after counting. It is commendable that ZEC officials have been cooperative in dealing with election observers. ZEC has partnered well with civic society organisations in conducting voter education in areas where by-elections have been held.

¹² <http://www.thestandard.co.zw/2016/01/24/kasukuwere-threatens-voters/>

10. BY-ELECTION RESULTS

Below is a matrix and graph illustrating the by-election results:

Fig 3: Mazowe North By-election Results



Source: ZEC

Table 2: Election results by Ward

| Name Of ward | Name of Candidate | | Votes Rejected |
|---------------------------------|----------------------------------|---------------------------|-------------------|
| | Dinha Martin Tafara (ZANU-PF) | Malukula Elias (R.D.Z) | |
| 1. | 1,134 | 46 | 38 |
| 2. | 1,550 | 33 | 34 |
| 3. | 1,342 | 37 | 25 |
| 4. | 1,312 | 46 | 36 |
| 26. | 1,875 | 110 | 30 |
| 27. | 2,568 | 76 | 60 |
| 28. | 812 | 223 | 20 |
| 29. | 1,980 | 48 | 44 |
| Total Votes Rejected | 12,573 | 619 | 287 |
| Total Votes Cast | 13479 | | |

Source: ZEC

10.1 Analysis of election results

ZANU PF retained the seat and continues to maintain their support base in rural constituencies. The ZANU PF candidate received 12,513 votes in the by-election as compared to 13,338 received by the party's candidate Edgar Chidavaenzi in the 2013 harmonised elections. There is an insignificant decrease in votes received for ZANU PF whilst the votes for the opposition has fallen significantly possibly because the major opposition parties are not participating in the by-elections. ZANU PF has won all of the parliamentary by-elections held in 2015 and 2016.

Mashonaland Central province being a ZANU PF stronghold has been very difficult for opposition parties to access and this was reinforced by the winning candidate Advocate Martin Dinha when he said, *"No opposition can ever survive the political ground in Mashonaland Central province, because even from ward level it is the ruling party which is in control of the province"*¹³. While, the opposition RDZ party was delighted with the 619 votes garnered indicating that they were celebrating the growth of the party in a province that was predominantly ZANU PF¹⁴.

ZESN has observed new political parties contesting in the by-elections post 2013. This was the first by-election to be contested by RDZ as a new party formed in June 2015. In previous by-elections parties like Freedom Front Party, NCA, Transform Zimbabwe, PIMZ, DARE, PDZ, FC, ADP, Heritage and MKD have been contesting despite repeated failure to pose serious contestation to the ZANU PF candidates.

11. CONCLUSION AND RECOMMENDATIONS

Recommendations:

- The Commission should ensure that election observers are not asked to sign the secrecy declaration forms as they are not compelled by the Law.
- ZEC should ensure that there is comprehensive voter education for inspection and on the new voting system in order to limit the number of voter redirected, assisted and turned away on Election day.
- Political parties must adhere to the principles of intraparty democracy
- ZEC should avail to stakeholders and even to the public the disaggregated data of voters on special needs, gender and age that the Commission collects during polling. This data will assist stakeholders such as CSOs and political parties in coming up with targeted voter education programmes.

13 <http://www.newsdezeimbabwe.co.uk/2016/07/dinha-crushes-opposition.html>

14 Dinha wins Mazowe North by-election, miffed by voter apathy – NewsDay 25 July, 2016.p2

- Contesting political parties must ensure that they train and deploy election agents to all polling stations to enable them to confidently comment on the electoral processes such as the administrative procedures.
- ZEC and the Zimbabwe Human Rights Commission should investigate reports of intimidation and the issue of voters being grouped into voting committees.
- ZEC should disclose data on how many voters on the supplementary voters' rolls turned out to vote on election day.

In addition to the above recommendations, ZESN notes the gazetting of the General Laws Amendment Act in recent weeks as part of efforts by government to align electoral laws with the Constitution. However there are still a number of outstanding issues need to be addressed such as the right to vote, the special vote, delimitation and media access among other issues. ZESN calls for the demonstration of political will in the implementation of reforms and recommendations meant to improve electoral processes in Zimbabwe. As the country moves closer to the 2018 elections ZESN urges government to ensure that ZEC is adequately funded as it begins to implement vital electoral processes such as voter registration.