

Zimbabwe Election Support Network



POSITION PAPER ON PROPOSED VOTER REGISTRATION REGULATIONS

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Promoting Democratic Elections in Zimbabwe

Introduction

As Zimbabwe prepares for the new polling station based and biometric voter registration for the 2018 harmonised elections, it is imperative for the Government and the Zimbabwe Electoral Commission (ZEC) to speed up the crafting of Electoral Regulations as provided for under Section 192 of the Electoral Act (Chapter 2:13). The regulations will seek to set the procedures of all matters provided in the Electoral Act such as the actual duties of electoral officers, the issue of voter registration, voter education, access by observers and journalists to and their conduct at polling stations, membership and functions of the Multi Party Liaison Committees among others.

Over the years ZESN has been advocating for comprehensive electoral reforms on the legal framework, political environment and administrative reforms. ZEC is on record saying that there are reforms that they are empowered to administer voluntarily (*Mero Motu*) through Electoral Regulations. It is against this backdrop that ZESN is calling for ZEC and government to put in place a transparent, credible and inclusive process in the formulation of the Regulations for voter registration which has a huge bearing on the administration of elections. The election regulations should have clear definition of terms to provide clarity on the interpretation of the terms. Terms that could be considered in the definition of terms section include the definition of 'voter education', 'voter information', 'registration centre', 'registration staff', 'update', 'register, roll', 'ward', 'Commission', 'observer', 'agents' among others.

It is imperative for ZEC to extensively consult electoral stakeholders and ensure that the process is open to scrutiny by adopting the Open Data Policy to enhance trust and confidence.

Key Considerations for ZEC Electoral Regulations

ZESN as part of its mandate to promote democratic electoral processes in Zimbabwe is calling for consideration of the following key issues in the crafting of the electoral regulations pertaining to voter registration as Zimbabwe is scheduled to implement a biometric voter registration exercise in 2017:

1. Transparency and Open Data Policy

- In order to ensure confidence and transparency the Regulations should promote the Open Data Policy a concept that has been adopted by other Commissions in Africa e.g. Kenya.
- The Election Regulations should ensure that election data such as voters' rolls, number of registered voters, costs is made available timeously for it to be useful. Timely publication of election data is essential because it feeds into several decision making and participatory processes.
- The Electoral Regulations should provide for ZEC to collect and analyse **baseline** data that informs how many voters the Commission will be targeting for the voter registration processes. This information should be availed to electoral stakeholders as it is critical.
- The Regulations should specify the steps for the voter registration exercise including key processes such as the Biometric Voter Registration (BVR) equipment tendering and procurement.
- Procurement is one of the most critical steps in BVR deployment therefore the Regulations should ensure that adequate time is allocated for it and that the process is open to a public tender process and public scrutiny of the decision-making process and engagement of the service provider.
- The Regulations should provide for the need for ZEC to conduct comprehensive stakeholder consultations with political parties, the media and CSOs on pertinent information on the BVR system such as feasibility and administrative procedures to enhance accountability and trust.
- The Regulations should ensure that readable, analyzable and up to date election information is availed at the finest possible level of detail such as copies of voters' rolls and election results at the polling station level. The provision of analyzable electoral information at the granular level is essential for promoting transparency and accountability.
- To enhance confidence and trust the Regulations should provide for mechanisms that ensure access to all pertinent data that allows observers and agents to make fair

assessments of the voter registration process. For instance, information on gender, age and special needs groups' disaggregation should be made available to stakeholders.

2. Inclusivity

- Before the commencement of the process, ZEC should avail baseline data pertaining to how many voters are they targeting for the voter registration process to electoral stakeholders.
- The Regulations should clearly spell out the eligibility criteria for potential voters for registration for instance restrictive requirements such as the proof of residence must be removed. Considerations must be provided for young voters who will turn 18 in 2018 and procedures for transfers of registration particulars such as residence.
- The Regulations should make clear the nature and extent of linkage between the civil registry office and the voters' roll in particular access to names of deceased persons and passive potential young voters who turn 18.

3. Recruitment and Appointment of Voter Registration staff

- Before the commencement of the voter registration process, ZEC is required to recruit and appoint professional and adequate voter registration personnel such as voter registration coordinators at district, provincial and national level, voter registration officers, BVR kit operators, IT personnel and assistants.
- The regulations should provide clear terms of references including competencies with emphasis on professional and ethical conduct of all electoral officers.
- The Regulations should provide for the training of registration staff on all processes, procedures and laws pertaining to the compilation of the voters' rolls before and during the voter registration process.

4. Compilation and updating of a new Voters' Roll

- The Electoral Regulations should specify the exact period for the compilation of the new national voters' roll, the period for the updating, extension of updating period.
- Provisions should be made in the Regulations with regards to the establishment of voter registration centres specifying the general locations where registration centres shall be established and not established e.g. army barracks or chiefs' homesteads.
- The procedures for voter registration inside the voter registration centre must be clearly spelt out in the Regulations.
- Regulations should also stipulate refusals of register, amendment of particulars, reasons for deletion from the voters' roll, procedures for updating and collating

records from district, constituency and provincial levels into national voters' roll amongst others.

- ZEC should consider provisions for the display of the provisional and final updated voters' rolls outside of registration centres and polling stations in the Regulations.
- The Regulations should list persons allowed to be in the registration centres during the registration centres e.g. voter registration officers, members of the Commission, voter registration political party agents, duly accredited observers and media practitioners.

5. Eligibility criteria

- The Electoral Regulations should clearly specify the eligibility criteria for voters and deal with issues of “aliens” and the right to vote.
- The Regulation should unpack the Section 67 (3) of the Constitution which provides for the right to vote by all eligible Zimbabweans.
- Mechanisms should be provided for in the Regulations to ensure that prisoners, those in hospitals especially hospital staff, nurses and doctors and others who will be on duty on election day exercise their right to vote. If Special Voting is to be reinstated, the Electoral Regulation should specify how this is to be administered given the challenges faced in 2013 harmonised elections.
- The Regulations should specify how Postal voting will be administered and make provision for the process to be open to observation by interested stakeholders.

6. Voters' Roll Certification

- The Regulations should stipulate all the features that should be captured in the voters' roll such as:
 - i. *First name and two other names, if any, as recorded;*
 - ii. *gender;*
 - iii. *date of birth;*
 - iv. *Unique Voter Identification Number;*
 - v. *photograph;*
 - vi. *any other particulars as the Commission may determine.*
- There is need for provisions for the certification of the voters' rolls at all levels e.g. voter registration centre, ward, constituency, and district, provincial and national (these levels can be determined by the Commission). This implies that at all levels the responsible personnel e.g. voter registration coordinators shall certify such register as the register of voters and deliver such copies to the next level until the final

certified copies are availed for scrutiny by political parties and other electoral stakeholders as may be necessary.

7. Security of data

- The Regulations should clearly specify the role of ICTs in the voter registration process and data security mechanisms to ensure the privacy of personal information.
- In addition, the Regulations must put in place mechanisms for IT support and data recovery and consolidation. There is need for all field equipment to be consolidated with the central servers and storage units to act as back-ups.
- The Regulations should provide mechanisms for the electorate to check their registration status e.g. through the integration of SMS systems into the voters' roll to enable citizens to verify their registration status via SMS or secure web based applications as is the case in countries such as South Africa, Indonesia and Pakistan. In Pakistan and Indonesia, for instance the EMBs used SMS to have voters check whether their voter registration details and statuses were accurate. In Pakistan, out of the 85 million registered voters 55 million successfully utilized the SMS platform at nominal financial cost to both the Commission and the voters

8. Objections, claims and appeals

- The Regulations should provide for clear provisions for any objections to the preliminary voters' roll.
- In addition the provisions should allow for public verification of the provisional voters' lists and should stipulate mechanisms for citizens to check their registration status physically and virtually. ZESN believes that such an arrangement would speed up the rectification of any errors in registration details in the system
- The Regulations should also provide procedures for dealing with claims and appeals on omitted and wrongly captured names in the voters' roll for instance, whether registrants will be required to apply for appeals, objections and claims in writing or otherwise.
- The Regulations should prescribe clear procedures and stipulated timeframes for the filing of appeals, objections and complain by aggrieved persons.
- In order to instil trust in the process the Regulations should stipulate penalties for offences by voter registration staff relating to visibility, forgery, falsification and fraudulent destruction of voter registration materials e.g. Voter registration kits, computers or any other equipment.

- In addition, issues of forced entries, possession of forged or false documents or refusal to leave premises when required, intimidation, violence and threats to eligible voters should all be addressed in the Regulations with specified punitive measures.

9. De-duplication

- One of the major strengths of BVR's is its ability to deter duplicate voter registration, therefore the Regulations must put in place clear procedures and timelines on how Deduplication will be conducted at polling station, wards, district, provincial and national level.
- The Regulations should indicate how the captured biometric data will be used to identify suspected duplicate voter registrants and whether this has been done by human error or by computer software.
- In the case of voter registration offences in the de-duplication process the Regulation should specify the penalties to be levied against the offenders.

10. Proof of registration

- In other countries upon completion of registration voters are issued with voters' card.
- The Regulations should therefore specify the type of proof of registration that will be issues all registrants and the features of the proof of registration such as name of the registration centre, quick response code and security marks among others.
- The Regulations should clearly specify the purposes of the issuance of the proof of registration and put in place mechanisms to guard against the abuse of the proofs.

11. Role of observers and agents

- The Regulations should provide for clear roles of political party agents and observers for each registration centre within the polling district for the purpose of enhancing transparency, trust, confidence and accountability in the process.
- ZEC should invite political parties and observers to observe all processes including the tendering and procurement process, training of registration staff, setting up of registration centres and other key electoral processes.
- To enhance confidence and trust the Regulations should provide for mechanisms that ensure access to all pertinent data that allows observers and agents to make fair assessments of the process such as data entry, processing and management.

12. Accessibility

- Electoral Regulations should provide for access to information pertaining to Voter Registration centres and polling stations.
- The Regulations should provide for accessibility of voter registration centres and publicity of the new polling stations generated from the ongoing polling station mapping by all registrants in particular persons living with disability who might have challenges in accessing some of these sites.
- Regulations should provide the specific timeframe within which political parties can access the provisional and the final voters' roll at all levels. The voters' roll should be made available at least three months before the election to allow for verification and audits.
- The Regulations should ensure access to copies of the voters' rolls by all stakeholders at a prescribed fee that is reasonable.
- The polling station mapping exercise should be guided by the clear procedures in the Regulations to ensure that voters do not have to walk or travel long distances to access voter registration centres and polling stations.
- The Regulations should provide reasons for increasing and decreasing polling stations at ward, constituency, district and provincial levels.

13. Threshold of polling stations

- The Regulations should specify the threshold of voters per registration centre which will be used at the polling stations.
- ZESN proposes that the maximum threshold be set at 1000 drawing lessons from the recently held Zambian elections where the threshold was 850.
- The Regulations should address the issue of highly populated areas and establish polling streams to de-congest polling stations particularly in urban areas.

14. Voter education

- Voter education ensures meaningful participation of citizens and the Regulations must provide for clear voter education methodologies that ensure comprehensive coverage for all Zimbabweans.
- The Regulations should provide for clear roles of political parties, CSOs and the media in the provision of continuous voter information and education for voter education processes.
- The Regulations should provide for clear coordination of the voter education programmes by the aforementioned parties.

- The Regulations should also provide for the timeous approval of voter education materials
- The regulations should provide for ICTs such as social media, SMS platforms and web applications in conducting voter education on how to register and why it is important to register.

Conclusion

Electoral reforms still remain a priority in promoting credible elections as Zimbabwe prepares for the 2018 harmonised elections. Parliament must commit to comprehensively align the Electoral Laws to the Constitution, a process that is long overdue. Though there have been piecemeal amendments to the Electoral Act, ZEC has an obligation to set up administrative regulations that will instil confidence and trust in electoral processes in particular the impending voter registration process. ZESN reiterates that the ability to exercise the democratic right to vote is premised on the respect for principles of democratic electoral processes upholding the key tenets of democracy such as inclusivity, comprehensiveness, transparency and accountability.