

**ZIMBABWE ELECTION SUPPORT NETWORK**



**PRELIMINARY STATEMENT: MWENEZI EAST NATIONAL ASSEMBLY BY-ELECTION**

**Harare - 9 April, 2017** – The Zimbabwe Election Support Network (ZESN) as part of its observation of the Mwenezi East National Assembly by-election deployed 32 observers comprising static and mobile. The static observers were deployed at each of the eight (8) ward collation centres, selected polling stations as well as the constituency collation centres, whilst the mobile teams were roving around the Constituency.

On 3 February 2017, President Mugabe proclaimed 8 April 2017 as the date for the Mwenezi East by-election to fill the vacancy that arose following the death of the incumbent ZANU PF Member of Parliament, Joshua Moyo, on 22 December 2016.

**Election Observation Methodology**

ZESN conducts its observation efforts in conformity with the Declaration of Global Principles for Citizen Election Observation and Monitoring which was launched at the United Nations on 3 April 2012 as well as the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO). The findings and recommendations of this election observation are made in reference to the laws of Zimbabwe, the Southern African Development Community (SADC) Principles and Guidelines Governing Democratic Elections as well as other regional and African election standards. In addition, ZESN's observation methodology seeks to measure compliance of the Election Day processes with the Constitution, Electoral Laws and the aforementioned regional and international standards that govern the conduct of elections.

**Voter turnout**

The majority of voters who turned out were middle aged and elderly women whilst the youth were very apathetic to the electoral processes in the by-election. The overall turnout for the Mwenezi East by-election was 20,220 including rejected votes representing 41.9% of the total registered voters in the constituency. ZESN notes with concern that the total number of registered voters in Mwenezi East of 48,258 voters exceeds the +/- 20% threshold as provided in Section 161(6)(f) of the Constitution. This trend is not peculiar to Mwenezi East, having been observed in previous by-elections and the upward changes in demographics give impetus to the argument that a fresh delimitation of constituency boundaries must be done before the 2018 elections.

### **Turned Away and Redirected Voters**

ZESN observed significantly high numbers of turned away voters for various reasons including voters turning up at the wrong polling stations and producing improper identification such as drivers' licences. The highest numbers of turned away voters were recorded in Ward 13, for instance at Vili-Vili Primary School, 39 voters had been turned away by 1600hrs. Some of the voters who turned up at the wrong polling stations were redirected to their specific polling stations. Of concern are the long distances that some of the voters had to travel to the redirected stations which were several kilometres away in some instances. The ZANU-PF Candidate Mr Joosbi Omar had to be redirected twice from Chatagwi and Vili-Vili Primary Schools to Muzhanjire Primary School a distance of over 20km before he could cast his vote. It is worrying that a candidate had to be redirected twice before he could be allowed to vote an indication that more voter education on the new system is required.

### **Assisted voters**

ZESN noted significant numbers of assisted voters in the Mwenezi East by-election mostly attributed to illiteracy, old age and disability. As in previous by-elections the high numbers of assisted voters are not consistent with Zimbabwe's high literacy rates. For instance, significant numbers of assisted voters were recorded at Vili-Vili Primary School by 1600hrs was 61, whilst 53 and 43 were assisted at Mavambo Primary and Masangula Primary School respectively. Overall, the highest figures of assisted voters were recorded in Ward 13 which is predominantly made up of farms and estates.

### **Polling Procedures and Conduct of ZEC Polling Staff**

ZESN observer reports revealed that all polling stations successfully completed setup and opening procedures on time. At polling stations that ZESN observed, all the required voting materials such as ballot boxes, ballot papers, ZEC official stamp, indelible ink marker pens and the voters' roll were available at the time of opening. In addition, the polling stations had adequate polling personnel with an average of six (6) officials at each polling station. The conduct of the polling officials was commendable and professional and in accordance with procedures and regulations.

### **Political Party Agents**

Of the three contesting political parties contesting the by-election, ZANU PF and Free Zimbabwe Congress managed to deploy comprehensively around the constituency. It is imperative for political parties to invest in the deployment of election agents to enable them to speak authoritatively on the electoral processes.

### **Use of the two Voters' Rolls**

ZESN observers reported that the Commission continued to use two voters' rolls in the by-election a trend that has been previously observed in previous by-elections. The main voters' roll made up of voters captured

during the registration process was used together with a supplementary roll based on the ward based voters' roll used in the 2013 harmonised election. ZESN reiterates its position that use of one voters' roll in future elections will greatly enhance the transparency and integrity of the electoral process.

### **Voting and Counting**

Voting went on smoothly throughout the day at polling stations where ZESN visited or had static observers. In addition, counting procedures were conducted in line with prescribed procedures with results being displayed at the end of the counting process at polling stations and at the constituency collating centre. At all the ward and constituency collation Centres where ZESN observed, party agents who were present signed the V11 forms.

### **Pre-election environment**

Although the Election Day was generally peaceful the campaign period was marred by allegations of intimidation, abuse of traditional leaders in campaigns, defacing of campaign materials, vote buying and partisan food distribution. In addition, there were reports of the police refusing to grant clearances for opposition rallies in some of the wards. In contravention of Section 45(2) of the Traditional Leaders Act, the ruling party candidate used traditional leaders to canvass for support, intimidate and commandeer voters on Election Day.

### **Electoral Dispute Resolution Mechanisms**

ZESN commends the assigning of three magistrates to deal with cases of violence and intimidation for the Mwenezi East by-election in line with Section 133J (3) of the Electoral Act (Chapter 2:13). ZESN however calls for consistency and continuity in the implementation of this provision and for the police and the Zimbabwe Human Rights Commission (ZHRC) to take action on the reported cases of intimidation and violence.

### **Recommendations**

1. ZEC must consider conducting a fresh delimitation of voting boundaries to ensure that the number of voters per constituency are in line with the +/- 20% threshold provided for in the Constitution.
2. There is need for robust voter education, public awareness campaigns and publicity on the new Polling Station Based Voters' Roll to ensure that voters are aware of their specific polling stations to avoid cases where voters present themselves at the wrong polling stations.
3. ZEC and civic society organisations should invest in more comprehensive voter education programmes to improve voters' understanding of key electoral requirements in order to reduce numbers of turned away and assisted voters.

4. Measures must be put in place to ensure that women's participation in electoral processes is not only at the voting level but as candidates for political offices.
5. ZESN urges political parties to put more effort and investment into the observation of key electoral processes to enable them to speak authoritatively on the management of the elections.
6. The electoral Commission, political parties and civic society organisations must come up with strategies to encourage youths to participate in electoral processes.
7. ZEC should consider use of braille ballot papers and explore other mechanism being used in the region to allow free choice by special needs groups.
8. The Zimbabwe Human Rights Commission, Zimbabwe Republic Police and ZEC must investigate cases of intimidation and violence and publicize the findings of such investigations.

### By-Election Results

Candidate	Political Party	Sex	Votes Received
Joosbi Omar	ZANU PF	M	18,700
Turner Nhango	Free Zimbabwe Congress	M	482
Welcome Masuku	NCA	M	386
<b>Rejected votes</b>			652
<b>Total Valid Votes</b>			<b>20,200</b>

Source: ZEC

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### PROMOTING DEMOCRATIC ELECTIONS IN ZIMBABWE

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