



Promoting Democratic Elections in Zimbabwe

Communique on the Electoral Amendment Bill (2017) Currently Being Debated In Parliament

7 May 2018 - Following the Electoral Amendment Bill Conference, convened by the Election Resource Centre (ERC) and the Zimbabwe Election Support Network (ZESN), on 17 April 2018;

Acknowledging that a comprehensive and holistic electoral law, based on the principles of transparency, accountability and inclusivity

Recognizing that meaningful reforms are key to conducting credible elections

Cognizant of the role of Parliament, Government and of institutions safeguarding democracy in promoting a conducive legal, political and administrative environment for credible elections

Fully aware that the harmonised elections will be conducted within 3 to 4 months and that the Electoral Law needs to be holistically aligned to the Constitution before the elections are held;

The ERC and ZESN make the following comments on the Bill:

1. We commend the House Assembly for initiating changes to the Electoral Amendment Bill HB06 of 2017. However, the bill is inadequate towards aligning the Electoral Act to the Constitution;
2. We note that the proposals by Hon. Ziyambi Ziyambi, Innocent Gonese and Priscilla Misihairabwi are progressive
3. In particular, the two organizations note the following positive proposals;
 - The proposals to align Section 161 of the Electoral Act making the Electoral Court a Division of the High Court
 - Repeal of section 40F of the Electoral Act which prohibited foreign funding for voter education
 - Proposal for a cap for number of ballot papers to be printed to not exceed the 10% threshold
 - Allowing for the Electoral Court to order open and examine contents of electoral residue and retain them for six months
 - Closing of voter registration before nomination
 - Proposals for gender inclusivity in Zimbabwe's electoral processes

- That costs of lodging electoral petitions be standardized with those of the High Court

ZESN and ERC also note significant grey areas;

1. Proposals that; “Before issuing any report on an election or electoral process it has monitored in terms of this section, the Zimbabwe Human Rights Commission shall provide the Commission with a draft of the report and shall pay due regard to any comments the Commission may make on the draft” are worrying because they undermine the independence of ZEC.
2. Section 40K Proposal to accord ZHRC observer status is not progressive; ZHRC must monitor observance of human rights without undue influence or unnecessary restrictions.
3. Proposal to extend period a registered voter can be removed from the roll to 18 months remains restrictive and not progressive. Removal of registered persons from the voters’ roll should not be after a short period of 18 months.

Noting the progressive and grey areas ZESN and ERC further propose:

- That the independence of the ZEC is fundamental and therefore the election management body ought to report to Parliament; be able to make regulations without approval from the Minister and its funding should come from the consolidated revenue fund
- The law should reflect that ZEC has full and sole mandate of all election processes
- Wavering of accreditation fees for election observers as is the case in some jurisdictions
- Ensuring far-reaching media reforms, were political parties enjoy equitable coverage by the public broadcaster

As Parliament resumes on 8 May 2018, we urge the Parliament of Zimbabwe to consider the proposals with urgency and expedite alignment of the electoral framework ahead of elections expected in July 2018 as guided by the letter and spirit of the Constitution of Zimbabwe.

For more information contact us on:

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