

ZIMBABWE ELECTION SUPPORT NETWORK



Press Release

ZEC's Suspension of Elections Quarantines Democracy

08-June-2020- The Zimbabwe Election Support Network (ZESN) notes with concern the the continued suspension of electoral activities by the Zimbabwe Electoral Commission (ZEC) without consulting key electoral stakeholders. Initially, on 25 May, ZEC announced the indefinite suspension of all electoral processes. While announcing plans to resume some electoral activities, the ZEC's Press Release dated Friday 5 June 2020 notes; *"The Commission would like to remind the public that those electoral activities that require gatherings will remain suspended to avoid violating lockdown measures currently in place."*

Whilst acknowledging the risk that the novel coronavirus exposes those involved in elections to, ZESN reiterates its position that ZEC could have reached a decision after engaging key stakeholders such as political parties, CSOs, and even citizens. Engagement with regards to whether or not to suspend electoral activities could have been done through virtual or any other means adhering to measures aimed at preventing the spread of COVID-19. In the absence of these consultations, ZEC could at least have considered postponing, rather than suspending electoral activities. But even postponement cannot be indefinite. ZESN is the position that ZEC could proceed with by-elections and other electoral activities, ensuring COVID-19 preventative measures are in place for voters, polling officials, political party agents as well as observers. This is particularly so because the COVID-19 pandemic may be here to stay, no one knows for how long if it is for months or years.

ZESN notes that the suspension of electoral activities was not done in terms of the law. Sections 158 (3) and 121 (a) of the Constitution provide that ZEC should conduct polling in by-elections to fill vacancies in Parliament and local authorities, fix the polling dates for local authority by-elections within 90 days after the vacancies occur. Section 132 allows ZEC to change dates but does not mandate ZEC to change without giving notice of its decision in the Gazette and in the media and beyond 90 days.

ZESN envisages to see a comprehensive COVID-19 Electoral Practice Policy that is reflective of key electoral stakeholders' input. Consultations and stakeholder engagement is one of the progressive provisions in the current ZEC Strategic Plan. *"Electoral stakeholders play a key role in creating public confidence in ZEC and ensuring public support in its policies and programmes. To ensure trust in the electoral process, there is need for the Commission to institutionalize stakeholder engagement and to develop an operational culture that makes it responsive to the needs of the stakeholders,"* reads the ZEC Strategic Plan 2019-202, page 23.

Recently, ZESN noted that Parliament has been engaging with stakeholders and ZEC should have taken a cue from that so as to enhance trust and confidence. Indications are that Parliament may soon embark on public hearings on Constitutional Amendment Bill No.2. Given that a number of countries have so far held electoral activities amid COVID-19, ZEC could draw lessons to guide the conduct of elections under more or less similar circumstances so as not to quarantine democracy. Furthermore, Zimbabweans queue on a daily basis for basic commodities, cash outs at banks and money agents, social welfare and food aid from different organisations whilst observing safety measures. ZESN is of the view that ZEC could proceed with electoral activities including voting and consider the following measures, among others:

- In developing the COVID-19 policy, ZEC should be informed by views and inputs gathered from consultations;
- In order to accommodate additional activities in setting up polling stations due to COVID-19, polls could now commence at 8.30 am and close earlier;
- Perhaps ZEC should consider postponing by-elections if vacancies occur in areas where the incidence of COVID-19 positive cases is high. However, ZEC should note that any postponement beyond 90 days from the date a vacancy arises as provided for in Section 158 (3) of the Constitution is potentially illegal and unconstitutional;
- ZEC could consider mandatory COVID-19 testing for ZEC staff before and after deployment for elections;
- ZEC should institute preventative measures such as body temperature screening, hand sanitizers, face masks, and safe distancing for voters, polling officials, political party agents, security personnel, and observers and provide personal protective equipment to polling officers during by-elections;
- ZEC could develop and widely disseminate ahead of election days a Code of Conduct for Voters detailing information on voting amid COVID-19;
- ZEC could ensure that, prior to the commencement of polls, the Presiding Officer or ZEC officers read out loudly to voters the contents of the Code of Conduct for Voters;
- ZEC could use tags and twines to ensure crowd control and maintenance of safe distance;
- ZEC could ensure safe distancing inside and out of polling stations by indicating using signs and marks strategically placed throughout the voting premises;
- ZEC could introduce a two-tier queuing system at polling stations where voters will be brought into the voting area periodically to prevent overcrowding;
- ZEC could ensure that the layout of polling stations complies with distancing requirements;
- ZEC could disinfect polling stations before, during and after polling and regularly disinfect voting compartments, ballot stamps and other election materials;

- ZEC could have voters temporarily lower or remove their face masks to facilitate their identification;
- Where any are close to such facilities, ZEC should move polling stations away from long term care facilities and facilities housing older persons to minimize COVID-19 exposure among older individuals and those with chronic medical conditions;
- ZEC could limit the number of people in the same room at any given time;
- ZEC could allow voters who are under COVID-19 self-isolation to vote at polling stations after the closing of polling stations for all other voters, with strict protective measures adhered to on the part of both the voters and election administration officers; and
- ZEC could ensure safe distancing amongst all in collation centres.

Besides the above proposed measures that would help ensure elections are conducted in a manner that reduces chances of spreading COVID-19, there is need to institute reforms that will ensure the credibility in elections and electoral processes. ZESN restates the need for ZEC to ensure that electoral processes done during the COVID-19 pandemic era are conducted in a transparent, accountable, credible and verifiable manner.

There is need to strike a balance between ensuring the health and safety of all stakeholders and upholding the law. ZESN thus recommends more dialogue between ZEC and electoral stakeholders on alternative methods of conducting other electoral processes that will ensure the health and safety for all involved. Overall, ZEC's decision on the way forward regarding conducting electoral processes amid COVID-19 should be informed by an inclusive consultative process that taps into the views of all concerned stakeholders.// ENDS

PROMOTING DEMOCRATIC ELECTIONS IN ZIMBABWE

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