

ZIMBABWE ELECTION SUPPORT NETWORK

REPORT ON THE MUTOKO NORTH NATIONAL ASSEMBLY AND CHEGUTU EAST LOCAL AUTHORITY BY-ELECTIONS



Table of Contents

1. EXECUTIVE SUMMARY	5
2. THE OBSERVER GROUP	8
3. INTRODUCTION AND BACKGROUND TO THE BY-ELECTIONS	8
4. LEGAL FRAMEWORK FOR THE BY-ELECTION	9
5. OBSERVATION METHODOLOGY	9
6. OBSERVATIONS	9
6.1. Administration of the Elections	9
6.2. Civic and Voter Education	10
6.3. The Voters' Roll	11
6.4. Pre-Election Political Environment	12
6.5. Intimidation.....	13
6.6. Freedom of speech	13
6.7. Freedom of Association	14
6.8. Freedom of Assembly	14
6.9. Female Candidates.....	14
7. ELECTION CAMPAIGNS.....	14
7.1. Investment in and visibility of campaigns.....	14
7.2. Tearing of rival's campaign posters	17
7.3. Media coverage of by-elections.....	17
8. ELECTION DAY OBSERVATIONS.....	18
8.1. Ballot papers	18
8.2. Voter turnout	18
8.3. Assisted voters	18
8.4. Redirected Voters	19
8.5. Polling Procedures and Conduct of ZEC Polling Staff.....	19
8.6. Women and Special Needs Groups.....	19
8.7. Political Party Agents and other Observer Groups	20
8.8. Role of traditional leaders.....	21
8.9. Voting and Counting	21
9. MUTOKO NORTH BY-ELECTION RESULTS.....	22
Source: ZEC.....	22

Analysis of Previous Election Results	22
10. CHEGUTU EAST LOCAL AUTHORITY BY-ELECTION RESULTS	24
11. RECOMMENDATIONS.....	24

ACRONYMS

ACHPR	African Charter on Human and Peoples' Rights
BVR	Biometric Voter Registration
CVE	Civic and Voter Education
CBOs	Community Based Organisations
ESN-SA	Electoral Support Network of Southern Africa
FBOs	Faith Based Organisations
ICCPR	International Covenant on Civil and Political Rights
IEC	Information, Education and Communication
IDs	Identification Documents
GNDEM	Global Network of Domestic Election Monitors
LTOs	Long Term Observers
NCA	National Constitutional Assembly
NGO	Non-Governmental Organisation
PVR	Provisional Voters' Roll
PWDs	Persons with Disabilities
SEGs	Social Emerging Groups
UDHR	Universal Declaration of Human Rights
STOs	Short Term Observers
ZANU PF	Zimbabwe African National Union Patriotic Front
ZEC	Zimbabwe Electoral Commission
ZESN	Zimbabwe Election Support Network

ACKNOWLEDGEMENTS

The Zimbabwe Election Support Network (ZESN) is grateful for the contribution of its member organisations and election volunteers who made observation of the Mutoko North and Chegutu East by-elections successful. This includes ZESN Board Members, Provincial Taskforce Members, Long Term Observers (LTOs) and Short Term Observers (STOs) whose invaluable input made the observation effort possible.

ZESN acknowledges the Zimbabwe Electoral Commission (ZEC) for facilitating smoothly accrediting election observers. In addition, the Network commends citizens of Zimbabwe for voting in a relatively peaceful environment during the by-elections.

1. EXECUTIVE SUMMARY

This report details the Zimbabwe Election Support Network's (ZESN) observations of the Mutoko North Constituency National Assembly and the Chegutu East ward 16 by-elections. The Mutoko North Constituency seat fell vacant following the elevation of the Zimbabwe African National Union-Patriotic (ZANU-PF) Member of Parliament (MP) Mabel Chinomona to the position of President of the Senate while the Chegutu East Local Authority seat was necessitated by the death of the ZANU-PF incumbent Councillor for ward 16, Silas Chikati on 10 September 2018. ZESN observed the Nomination Court that sat on 12 October 2018 to consider applications of nominees for the by-elections. Three candidates: Boniface Mushore of the Movement for Democratic Change (MDC) Alliance, Rambidzai Nyabote of ZANU-PF, and Edson Mugoma of the National Constitutional Assembly (NCA) successfully submitted their nominations and subsequently contested in the Mutoko North by-election. The Chegutu East ward 16 by-election was also contested by three candidates of the same parties namely, Patricia Mapfurira of the NCA, Tichaona Muchenje of the MDC Alliance and Obert Mutandinda of ZANU PF.

Ahead of the elections day, 24 November 2018, ZESN trained and deployed Long Term Observers (LTOs) to cover all ward in Mutoko North constituency and ward 16 in Chegutu East. The LTOs observed and reported on the environment, and electoral developments and processes in their areas of deployment. It is worth noting that no incidents of violence were reported prior to the election. The environment was peaceful although marked by rife intimidation and the violation of freedoms of speech, assembly, and association. On Election Day, ZESN deployed 76 static and mobile observers to Mutoko North Constituency and 7 observers comprising static and mobile observers to the Chegutu East Local Authority by-election. The observers were furnished with checklists to guide data collection and standardise reporting.

ZESN observed that ZEC made commendable efforts in providing Civic and Voter Education (CVE). For the Mutoko North by-election, ZEC conducted training and deployment of its voter education teams on 10 and 11 November, 2018. ZESN complemented ZEC's efforts by conducting a voter education training workshop attended by 22 participants drawn from local Community Based Organisations (CBOs), Civil Society Organisations (CSOs), Social Emerging Groups (SEGs), Faith Based Organisations (FBOs) and cooperatives in Mutoko. Trained organisations developed action plans and ZESN provided voter education manuals and Information, Education, and Communication (IEC) material for distribution in the constituency. ZEC conducted voter education for the by-election between 12 and 17 November with one mobile team per ward moving door-to-door, addressing public gatherings, and distributed IEC materials. ZESN also deployed a mobile team that collaborated with ZEC teams between 13 and 15 November and shared IEC it reproduced

with ZEC teams that had limited materials. The ZESN team addressed voters mobilised by traditional leaders and trained CBOs, and at church and community meetings.

An audit of the Mutoko North voters' roll to ascertain its accuracy, completeness, and currency was conducted by ZESN. Overall, the audit revealed a progressive improvement in the quality of the current roll when compared to the rolls used in previous elections, especially the 2013 PVR.

ZANU-PF was the most visible party in campaigning, particularly by way of rallies while the MDC Alliance relied on moving around in vehicles campaigning and posting posters. There were no visible campaign activities conducted by the NCA. Although rallies were generally held peacefully, threatening statements were sometimes made at the rallies. Notable efforts by a local youth CBO to promote peace were made. However, ZESN continued to observe the tearing of rivals' campaign posters in violation of the Code of Conduct for Political Parties, Candidates, and other Stakeholders. The participation of women in the election, particularly as candidates, remained a challenge. Even ZANU-PF did not field a female candidate despite the fact that the vacant seat had been occupied by a female candidate. There were also instances of the partisan distribution of food aid and seed by ZANU-PF ahead of the election. Whereas all media outlets should ensure that all political parties and candidates are treated equitable in the news media, there was a bias towards ZANU PF in the public media. Commendably, the media particularly the private media was able to cover electoral processes, for example primary elections and election day processes.

In terms of the voting day processes, all polling stations successfully completed setup and opening procedures on time and all the required voting materials were available. All polling stations were adequately manned with an average of seven polling officials, 50% of them being female in most cases. In addition, pregnant women, breastfeeding mothers, and people with disabilities were allowed to vote ahead of other voters. ZESN particularly commends ZEC for efforts to have a separate polling booth at every polling station in Mutoko North that facilitated voting by PWDs. Overall, the Commission complied with the threshold on number of ballot papers that can be printed in excess of the number of registered voters. The participation of the traditional leaders continued with some of the village heads (Sabhuku) reported to have been election party agents for ZANU-PF.

The Mutoko North Constituency voters' roll that was availed by ZEC has a total of 23295 registered voters. On Election Day, ZEC indicated that 52.9% turned out to vote. The processing of voters by the polling officials including those with special needs was observed to be efficient in both Mutoko North and Chegutu East. A low turnout of youth voters was noted in Mutoko and turnout in Chegutu East was relatively low. Overall, ZESN noted a reduction in turnout in both by-elections when compared to the 30 July Harmonised

elections, ultimately reducing the total votes for each candidate. ZESN noted alarming statistics of assisted voters in the Mutoko North by-election, mostly women and on account of illiteracy. Due process was generally followed in assisted voting. There were cases of people who were redirected having turned up at the wrong polling stations. For the Mutoko North by-election, ZANU-PF deployed party agents comprehensively; every polling station and collation centre was manned by one or more ZANU-PF agents while MDC Alliance was not represented in only very few polling stations and the NCA did not have a single agent at any of the centres. Other election observers namely the Zimbabwe Council of Churches, the US Embassy and the British Embassy deployed observers to the Mutoko North by-election. Worryingly, some traditional leaders were reported to have been election party agents for ZANU PF.

Following counting, results were immediately posted outside the polling stations and at the constituency collating centre. At all polling stations that ZESN observed closing of polling and counting, party agents who were present signed the V11 forms. The ZANU-PF candidate, Rambidzai Nyabote, won the Mutoko North Constituency by-election. ZANU-PF has retained the seat from 2000 when ZESN started to observe elections, albeit with fewer votes in 2008. There was also a 34% decrease in votes garnered by the ZANU-PF candidate in the by-election compared to the 2018 harmonised elections. For the MDC Alliance, and the same candidate, the margin was a 58% decrease. The Chegutu East Local Authority by-election was won by Obert Mutandinda of ZANU-PF who polled 326 votes as compared to 89 and 13 garnered by the MDC Alliance and NCA candidates respectively.

2. THE OBSERVER GROUP

ZESN was formed in the year 2000 and is a coalition of 36 Non-Governmental Organisations (NGOs). The major focus of the Network is to promote democratic processes in general and free and fair elections in particular. ZESN is the secretariat of the Electoral Support Network of Southern Africa (ESN-SA) and is a member of The Global Network of Domestic Election Monitors (GNDEM).

Following the invitation of ZEC, ZESN deployed observers to the 24 November, 2018 Mutoko North Constituency National Assembly and the Chegutu East Local Authority by-elections. ZESN relied on reports from its volunteers who observed the pre-electoral period and the Election Day processes. ZESN election observation methodology is based on the Constitution of Zimbabwe and Electoral Laws of the country. The Network is independent in its findings and conclusions. In addition, ZESN's assessment of the election is also guided 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). The Network is also guided by the GNDEM's Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organisations, Code of Conduct for Nonpartisan Citizen Election Observers.

3. INTRODUCTION AND BACKGROUND TO THE BY-ELECTIONS

The Mutoko North Constituency seat fell vacant following the elevation of Mabel Chinomona to the position of President of the Senate. The Mutoko North by-election was thus held in line with Section 129 (1) (d) of the Constitution¹.

The Chegutu East Local Authority seat was necessitated by the death of the incumbent Councillor for ward 16, Silas Chikati on 10 September 2018.

The Nomination Court for Mutoko North sat on 12 October 2018 to consider applications of nominees for the by-election. ZESN observed the Nomination Court where more than one candidate was duly nominated, hence on Saturday 24 November 2018, the Mutoko North by-election was held in accordance with subsection 17(c) of the section 46 of the Electoral Act (Chapter 2:13) as read with the Presidential Proclamation number 7 of 2018. The candidates who contested in the election were Edson Mugoma of the National Constitutional Assembly (NCA), Boniface Mushore of the Movement for Democratic Change (MDC) Alliance, and

¹ The seat of a Member of Parliament becomes vacant on the Member becoming President of the Senate or Speaker or a Member of the other House.

Rambidzai Nyabote of Zimbabwe National Union-Patriotic Front (ZANU-PF). The Chegutu East Local Authority by-election was also contested by three candidates namely, Patricia Mapfurira of the NCA, Tichaona Muchenje of the MDC Alliance and Obert Mutandinda of ZANU PF.

4. LEGAL FRAMEWORK FOR THE BY-ELECTION

The legal framework that governs elections in Zimbabwe includes the Constitution, Electoral Act, Statutory Instruments, and Regulations. The by-elections were held within the period stipulated by the legal framework which sets polling dates to comply with both Sections 158(3) and 159 of the Constitution, and Section 39 of the Electoral Act, that require voting in a by-election to be completed within 90 days after a seat falls vacant.

5. OBSERVATION METHODOLOGY

ZESN observed the pre-election period leading up to the 24 July Mutoko North Constituency by-election. 11 LTOs were trained and deployed to observe pre-election processes and the environment. The LTOs had checklists to guide data collection and standardise reporting. The Network further trained and deployed observers to all (54) polling stations, all (11) Ward Collation Centres, and at the Constituency Collation centre.

On Election Day, ZESN deployed 76 static and mobile observers to Mutoko North Constituency and 7 observers comprising static and mobile observers to the Chegutu East Local Authority by-election. The STOs were furnished with checklists to guide the collection of relevant data. The questions on the checklists tracked the Election Day processes from the arrival of polling officers and polling station set up to the counting and collation of results at polling stations and ward and constituency tally centres.

The observation was conducted in line with the Electoral Laws of Zimbabwe, the Revised Southern African Development Community (SADC) Principles and Guidelines Governing Democratic Elections as well as other regional and African election guidelines and principles.

6. OBSERVATIONS

6.1. Administration of the Elections

In terms of Section 239 of the Constitution, ZEC is mandated to conduct and supervise elections and election-related activities. Generally, the preparations for the by-elections were conducted in accordance with the provisions of the Law. ZESN LTOs in Mutoko North and Chegutu East Ward 16 reported that the Commission completed administrative and

logistical preparations on time for the by-election, particularly the timeous opening of Ward and Constituency offices, distribution of election materials to polling stations.

6.2. Civic and Voter Education

In any election, voter education is an important component as it helps to improve the electoral literacy of the citizens. Voter education ensures that the electorate is provided with information that helps them to understand the electoral system; their rights and responsibilities as voters; and why, when, where and how to vote. For voter education to be effective, it should be done on a continuous basis so that citizens are well informed and empowered enough to exercise their rights without fear.

For the Mutoko North by-election, ZEC conducted training and deployment of its voter education teams on 10 and 11 November, 2018. To compliment the efforts of ZEC to ensure that the electorate in Mutoko were knowledgeable and prepared to meaningfully participate in the electoral process, ZESN conducted a voter education training workshop on 6 November 2018 at Nyamakwere Lodge. The workshop was attended by 22 participants drawn from local Community Based Organisations (CBOs), CSOs, Social Emerging Groups (SEGs), Faith Based Organisations (FBOs) and cooperatives. The workshop provided CBOs with capacity to undertake and mainstream election-related issues such as Civic and Voter Education (CVE) in their existing programmes. In addition, the capacity building exercise was also aimed at strengthening ZESN's networking outside the usual membership organisations. The training addressed voters' motivation and preparedness to participate peacefully in by-election. Topics covered include the electoral cycle approach, principles of CVE, principles of democracy and its salient features, peace building, and voter information for the Mutoko North by-election. The trained organisations developed action plans for mobilising voters for the by election. ZESN provided the trained organisations with a voter education manual and IEC material such posters and flyers for distribution in the constituency.

Voter education for the by-election was conducted between 12 and 17 November, 2018. ZEC deployed one mobile team per ward for purposes of mobilising voters for the by-election. The teams conducted door-to-door visits, addressed public gatherings, and distributed Information, Education, and Communication (IEC) materials. Between 13 and 15 November, ZESN deployed a mobile team that collaborated with ZEC teams. The ZESN team shared its IEC with ZEC teams who had limited materials. ZESN had reproduced 20,600 fliers and 5,000 posters from templates designed by ZEC. The ZESN team employed numerous strategies such as addressing voters mobilised by traditional leaders and CBOs trained in wards 1, 2,

and 3 - remote parts of the constituency where communities rely mostly on information passed by traditional leaders and ruling party. Voter education sessions were also done in ward 4, 5, and 8 at church meetings and community meetings points at which communities were waiting to receive farming inputs and food aid.

In view of the just ended voter education outreach for the by-election, ZESN recommends that voter education should be done on a continuous basis. ZESN noted that ZEC had only allocated 7 days for the outreach which was very limited time. Accrediting more local stakeholders, especially the FBOs, will help complement ZEC voter education efforts. This will help counter misinformation and bias by some traditional leaders who were observed campaigning for the ruling party. It is also recommended that ZEC allocates more resources for IEC materials as some of the ZEC teams had limited and, in some cases, no materials. ZEC should also employ other methods of conducting voter education and not rely on door to door since it is time consuming and generally more expensive.



ZESN reproduced and plastered ZEC CVE posters in Mutoko North

6.3. The Voters' Roll

Prior to the holding of the 30 July 2018 harmonised elections, ZEC rolled out the Bio-metric Voters' Registration (BVR). This produced a new voters' roll which contains biometric features of all registered voters. In the run up to the 24 November by-elections, ZESN conducted an audit of the Mutoko North voters' roll to ascertain its accuracy, completeness

and currency.² The audit found that there was a reduction in the number of registered voters for the Constituency. The 2013 provisional voters' roll (PVR) for Mutoko North, had 29 643 registered persons. The voting population dropped by 21% in 2018 as the number of registered persons dropped to 23 295. The number of persons in the current voters' roll who previously registered in past elections stood at 13 538. The audit also revealed that the 2013 voters' roll for Mutoko North had 119 cases of persons sharing both names, dates of birth, gender, and polling station. Further, the audit showed that the oldest registrant provided their year of birth as 1908 and the 2018 full voters' roll for Mutoko North had 10 (0, 04%) registrants who were above 100 years, down from 400 registered in 2013.

Overall, the audit revealed a progressive improvement in the quality of the current roll when compared to the rolls used in previous elections especially the 2013 PVR. The database used to store the data and the application used to capture the data appeared to have validation checks as there were very few mistakes in the capture of records. There are no significant changes in the data presented for use in the 24th November 2018 by-election when compared to the data used in the 30th July 2018 election. However, while the few changes recorded allude to the fact that there is an active process to add, update, remove and transfer voters– it's not clear when biometric deduplication is executed. The case of the duplication of Tonny Zisengwe (48-049846 -S48) is evidence that the process is not run as often. The process of deduplication should be run before each electoral event. While the roll is largely representative of the population of Mutoko North since the differences between the actual registered voters and the projected registered voters is not significant –ZEC should strive to ensure that they reduce the gap between the actual population and the registered voters.

6.4. Pre-Election Political Environment

A free, fair, credible election takes place where the electoral playing field is even for all contestants and where voters enjoy all the fundamental freedoms that they are entitled to in the pre-election, election, and post-election periods. On the positive, the two by-elections were held against the background of a relatively peaceful pre-election environment. ZESN LTOs who observed the pre-election period did not report on any incident of election-related violence. Noteworthy is the initiative by a local CBO in Mutoko North, the Youth Initiatives Mutoko to organise sports tournaments in Ward 2 where the electorate was urged to participate peacefully in the by-election and t-shirts and flyers distributed on 17 November, 2018.

² <http://www.zesn.org.zw/wp-content/uploads/2018/11/A-comparative-analysis-of-the-Mutoko-North-Constituency-Voters-Roll.pdf>



Above: One of the sports tournaments organised by Mutoko Youth Initiatives where voters were entertained as well as encouraged to vote in peace.

6.5. Intimidation

Electoral violence includes threats, verbal intimidation, hate speech, physical assault, destruction of property, and other acts intended to influence or delay an election.³ While there were no reported cases of overt violence, covert violence, particularly threats and intimidation, was rife. For example, because of the background where, in previous elections, retributive actions have been taken against people suspected of having voted for certain candidates, reports of a statement made at a ZANU-PF rally that “Zivai pekuvhotera” (Know who to vote for) could be deemed intimidatory.

Worryingly, the role of observers has yet to be fully understood by some electoral stakeholders. ZESN has received reports of some observers who were threatened in the post-election period of the 30 July harmonised elections in many constituencies while, in Mutoko North, one ZESN observer was even threatened with unspecified action or disappearance ahead of the by-election.

6.6. Freedom of speech

Reports were received from a number of wards in the constituency that people were not free to speak about politics, particularly saying anything bad about the ruling party or applauding the opposition as they feared victimisation by ZANU-PF supporters, particularly war veterans. There is therefore need to continuously promote the freedom of speech that must be enjoyed by citizens.

³ Inter-Parliamentary Union, 2014

6.7. Freedom of Association

Opposition supporters were also reportedly not free to wear party regalia, again because they feared victimisation by ZANU-PF supporters, particularly war veterans. In Ward 4, people were cautioned that they risked losing their property if they voted for an opposition party. People also choose to associate with the ruling party so that they do not risk losing out on food aid that is deliberately politicized. It was also reported that those seen participating in activities of the MDC Alliance would not get any benefits from government programmes. These instances are in violation of the freedom of association that must be enjoyed by voters. At a rally held on 3 November 2018 in Botsanzira Village, those who would vote for the MDC Alliance were cautioned that they risked losing their lives. At the same rally, it was reported that a speaker warned that blood would be spilt if people were to vote for the opposition which was blamed for the suffering that people are currently going through.

6.8. Freedom of Assembly

LTOs reported on cases where people were forced to attend ZANU-PF rallies. This was reported in Wards 4, 6, and 12. In some cases, while people were not necessarily forced to attend rallies, they would opt to attend without being compelled as they feared victimization.

6.9. Female Candidates

As has generally been the case with previous by-elections, none of the contesting political parties fielded a female candidate. For the Mutoko North by-election, this is even more important because the seat had been held by a female Member of Parliament, Mabel Chinomona of ZANU-PF. In spite of this, even ZANU-PF fielded a male candidate for the by-election. This is a cause of concern particularly as the special gender quota that reserves seats for woman in Parliament is lapsing with the end of term of the 9th parliament. An opportunity was missed to deliberately attempt to increase the number of female representatives in Parliament.

7. ELECTION CAMPAIGNS

7.1. Investment in and visibility of campaigns

There were no visible political party activities in the constituency until the last week of October. Towards the end of October, the MDC Alliance started to hold meetings in the constituency, followed by ZANU-PF that held meetings and campaign rallies. There was a

clear difference in the level of investment made in campaigning by political parties. On the one hand, visible campaigns by the MDC Alliance declined towards the election. The alliance did not convene rallies but relied more on door-to-door campaigns and infrequently moved around the constituency in campaign vehicles pasting posters on trees. There was no report on any form of campaigning done by the NCA party or candidate. On the other hand, ZANU-PF, in addition to holding meetings and using the door-to-door campaign method, convened many rallies, distributed party regalia and, in an act that could be considered as vote buying, handed some benefits, for example food aid and seed to party supporters. Given that there was no report on any campaign activities by the NCA, the election was essentially a race between the MDC Alliance and ZANU-PF.



The two major contesting parties namely ZANU PF and MDC Alliance candidates had posters throughout the Mutoko North Constituency



MDC Alliance Budiriro MP, Costa Machingauta (Left) addressing a meeting in Mugoma village in Ward 12, Mutoko North and a ZANU PF rally in the same Ward



MDC Alliance used this campaign vehicle in Mutoko North to canvass for support

An analysis of the LTOs reports and previous electoral trends seem to indicate that the constituency is a ZANU-PF stronghold where other political parties find it difficult to openly campaign, particularly as it relates to the holding rallies. On the contrary, numerous ZANU-PF campaign rallies were reported. Noteworthy is one held on 2 November, 2018 at Chikondoma Stadium in Ward 12. The rally was attended by some of the party's central members such as Sydney Sekeramayi, Biggie Matiza, Mable Chinomona, and Engelbert Rugeje, among others. The party addressed the issue of increases in prices of basic commodities and gave an opportunity to the outgoing MP for Mutoko North Mable

Chinomona to bid the constituency farewell. The rally which was held without incidents of violence or disruption was attended by an estimated 500 people mostly women. By contrast, no MDC Alliance key members visited the constituency to support the contesting candidate.

While all the rallies were reported to have been held in a relatively peaceful environment, a few incidents of worrying remarks were reported. For example, at a rally held on 3 November 2018 in Dandara Village, Mutoko North Ward 6, one speaker reportedly said “*Nzvimbo ino nyangwe zvikadii haitongwe neMDC*” (come what may, this area will never be governed by the MDC). The constituency was also declared a ‘no go area for the opposition at some ZANU-PF rallies. At a meeting held by ZANU-PF on 30 October at Chitekwe Community Hall in Ward 12, intentions were expressed to follow up on the MDC Alliance team that was said to be holding a meeting at Madziwa Township during the night and giving money to supporters. Apart from rallies, campaigns were also done through the use of posters or banners on free sites; door to door campaigns; meetings (less than 100 people); t-shirts; wristbands; and wrappers for women (*mazambia*). With the exception of Wards 8 and Ward 12 where government vehicles were said to have been used for campaigning by ZANU-PF, there were no reported cases of the abuse of State resources.

7.2. Tearing of rival’s campaign posters

In violation of the Code of Conduct for Political Parties, Candidates, and other Stakeholders, there were incidents of the tearing or defacing of campaign materials for rival candidates affecting both the MDC Alliance and ZANU-PF.

7.3. Media coverage of by-elections

The ACHPR in Article 9 guarantees the right to access to information in order to empower the electorate on political and electoral processes to enable the electorate to participate from an informed basis. The media in all its forms is thus fundamental in promoting political, civil and political rights and liberties as enshrined in the Constitution of Zimbabwe.

The media plays a critical role in electoral processes, providing information to voters and a platform for political parties and candidates while serving a watchdog function. Whereas Section 160J of the Electoral Act requires all media outlets both print and electronic to ensure that all political parties and candidates are treated equitable in the news media, there was a bias towards ZANU PF in the public media. There was little mention of the MDC Alliance and NCA candidates in public media, with news stories mainly covering rallies and campaign activities that were organised by ZANU- PF. Commendably, the media particularly the private media was able to cover electoral processes namely the primary elections, nomination court proceedings and election day processes.

It is imperative for ZEC must rigorously enforce the relevant regulations of the Electoral Act to ensure the compliance of the State media as well as to afford all contesting political parties and candidates equitable and balanced access to the media.

8. ELECTION DAY OBSERVATIONS

8.1. Ballot papers

Overall, the Commission complied with the threshold on number of ballot papers that can be printed in excess of the number of registered voters.

8.2. Voter turnout

The Mutoko North Constituency voters' roll that was availed by ZEC has a total of 23295 registered voters. On election day, ZEC indicated that 52.9% turned out to vote. The processing of voters by the polling officials including those with special needs was observed to be efficient in both Mutoko North and Chegutu East. In Mutoko North, there was low turnout of youth voters as most queues observed were predominantly made up of elderly women and men. The turnout in Chegutu East was relatively low. ZESN notes a reduction in turnout in both by-elections when compared to the 30 July Harmonised elections, in Mutoko North for example, ZANU PF and MDC Alliance received 34% and 58% respectively less votes than in July.

8.3. Assisted voters

ZESN noted alarming statistics of assisted voters in the Mutoko North by-election. Most cases of assisted voting were on account of illiteracy. By close of polling, observer reports indicated that polling stations generally had an average of 20 to 25 assisted voters. As of midday, at Chitekwe Primary School Ward 12, 37 people had been assisted to vote while at Dzenga Primary School in Ward 1, 24 people had been assisted to vote, and 39 people had been assisted to vote out of 173 at Chindenga Primary School Ward 2. Only a few were assistance on account of being blind or visually impaired, with the majority of cases being on account of illiteracy and old age. At all polling stations where there were assisted voters, the majority were women and, in total, the number of female assisted voters far exceeds that of their male counterparts. Those who could be assisted by persons of their choice in voting were allowed to do so while due process was generally followed in assisting those who had not been accompanied by anyone to assist them to vote.

8.4. Redirected Voters

There were cases of people who were redirected having turned up at the wrong polling stations intending to vote. Some voters who reside in the constituency could not vote as they had transferred from other constituencies, for example Mutoko East but had not notified ZEC so that they could be registered to vote in Mutoko North while others were registered voters in Harare. There is therefore need for voter education to emphasise the need for voters to change their registration accordingly once they change places of residents, particularly with the use of the polling station based voting system.

8.5. Polling Procedures and Conduct of ZEC Polling Staff

ZESN observer reports revealed that all polling stations successfully completed setup and opening procedures by 7am. In addition, all the required voting materials such as ballot boxes, ballot papers, ZEC official stamp, indelible ink, and the voters' roll were available at the time of opening. All polling stations were adequately manned with an average of seven polling officials, 50% of them being female in most cases.

8.6. Women and Special Needs Groups

The participation of and respect of the rights of women and special needs groups are key indicators of democracy where citizens who may be vulnerable enjoy privileged treatment in electoral processes. The majority of voters in the Mutoko North by-election were women. In relation to election administration, there were attempts by ZEC to achieve gender balance as out of the average seven polling officers present at all polling stations, three or more were women in most cases. Commendably, pregnant and nursing mothers were given preference such that they would vote ahead of anyone else without having to stand in queues for long. Further, at all polling stations, this privilege was also extended to other special needs groups, including people with disabilities. ZESN commends ZEC for efforts to have a separate polling booth at every polling station in Mutoko North that facilitated voting by PWDs.



Polling stations were provided with special voting booths to cater for PWDs whose height is less than of those used by the rest of the voters

ZESN however continues to call upon ZEC to avail voting statistics disaggregated by gender amongst other categories to enable an informed analysis of the women and men's participation in electoral processes.

8.7. Political Party Agents and other Observer Groups

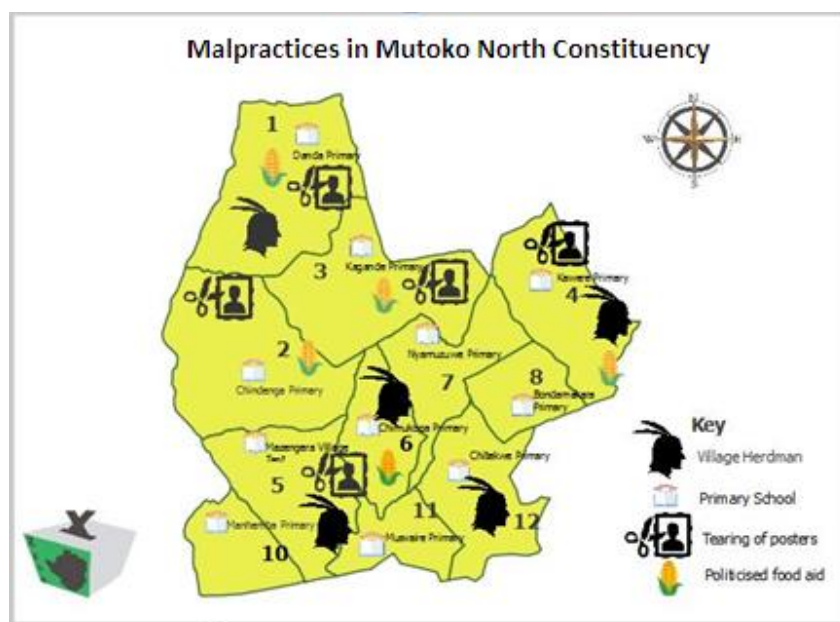
It is critical for political parties, being the primary stakeholders in an election, to invest in deploying party agents who will observe electoral processes on behalf of their parties, candidates, and supporters. Party agents have to satisfy themselves that electoral processes would have been done well at their stations of deployment. Section 95 (1a and b) of the Electoral Act provides for one party agent to be placed inside the polling station and an additional two agents within the vicinity of the same polling station. Thus a political party can have up to three agents per polling station. For the Mutoko North by-election, ZANU-PF deployed party agents comprehensively; every polling station and collation centre was manned by one or more ZANU-PF agents. MDC Alliance was not represented by agents in only very few of the polling stations while the NCA did not have even a single agent at any of the centres. The failure to deploy agents at polling stations denies a party an opportunity to make informed assessment of the electoral processes.

Besides political party agents, the observation of electoral processes by independent or neutral observers further increases confidence in stakeholders. Other election observers

namely the Zimbabwe Council of Churches, the US Embassy and the British Embassy deployed observers to the Mutoko North and Chegutu East by-elections.

8.8. Role of traditional leaders

In the run up to the by-election, ZESN reported on the partisan involvement of traditional leaders in campaigns and in food aid distribution in Mutoko North Constituency. The participation of the traditional leaders continued with some of the village heads (Sabhuku) reported to have been election party agents for ZANU PF. The map below shows malpractices in Mutoko North Constituency, including the reported deployment of Village Headmen as ZANU-PF agents at some polling stations.



ZESN notes that the participation of traditional leaders in partisan politics is in contravention of the Traditional Leaders Act and Section 281 of the Constitution which clearly states that, “Traditional leaders must not be members of any political party or further the interest of any political party”. Partisan participation in politics compromises the constitutional duties of traditional leaders including resolving disputes amongst people in their communities.

8.9. Voting and Counting

Voting went on peacefully throughout the day at polling stations where ZESN mobile teams visited or had static observers. In addition, counting was conducted in line with the prescribed procedures with results being immediately posted outside the polling stations and at the constituency collating centre. At all polling stations that ZESN observed closing of polling and counting, party agents who were present signed the V11 forms.

9. MUTOKO NORTH BY-ELECTION RESULTS

The ZANU-PF candidate, Rambidzai Nyabote, won the Mutoko North Constituency by-election. The table below presents the election results.

Candidate's Name	Political Party	Votes Received
Mugoma Edson	NCA	94
Mushore Boniface	MDC Alliance	1329
Nyabote Rambidzai	ZANU-PF	11141
Rejected		115
Total Votes Cast		12315
Total Valid Votes Cast		12564
Voter Population		23295
Percentage Turnout		52.9%

Source: ZEC

Analysis of Previous Election Results

Since 2000 when ZESN started to observe elections, the Mutoko North Constituency seat has been retained by ZANU-PF. The table below presents the National Assembly results for the previous elections.

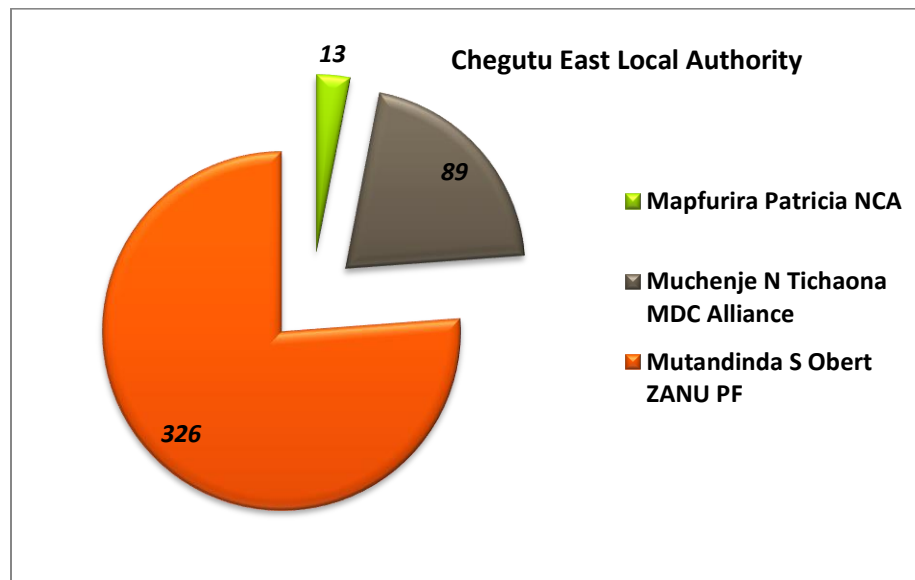
Year	Candidate	Political Party	Votes Received
2000	David Chapfika	ZANU-PF	17 347
	Gents Chinomona	MDC	2 447
	Leon Chiimba	UP	372

2005	David Chapfika	ZANU-PF	16 257
	Shupikai Mandaza	MDC	3 782
2008	Mabel Chinomona	ZANU-PF	6 922
	Memory Shupikayi Mandaza	MDC	1 065
	Kazingizi Matty	MDC Tsvangirayi	3 163
	Hilary Simbarashe	Independent	3 025
2013	Mabel Chinomona	ZANU-PF	16 782
	Givemore Chinopfumbuka	MDC-T	1 989
	Edson Mugoma	MDC	297
2018 (Harmonised Elections)	Mabel Chinomona	ZANU-PF	16 902
	Boniface Mushore	MDC Alliance	3 151
	Shamh Kativhu	Free Zim Congress	262

When compared to the recently held 30 July 2018 harmonised elections, in the by-election, votes received by the ZANU-PF candidate reduced by a total of 5,761 representing a 34% decrease while votes received by the MDC Alliance candidate (the same candidate who contested in the harmonised elections) fell by 1,822 – a 58% decrease.

10. CHEGUTU EAST LOCAL AUTHORITY BY-ELECTION RESULTS

The Chegutu East Local Authority by-election was won by Obert Mutandinda of ZANU PF who polled 326 votes as compared to 89 and 13 garnered by the MDC Alliance and NCA candidates respectively. There were two rejected votes in the Ward.



Chegutu East Local Authority by-election results

11. RECOMMENDATIONS

- I. ZEC should ensure that registration centres at least at the provincial or district level are open throughout to ensure continuous voter registration as prescribed by law.
- II. Contesting political parties and candidates must endeavour to comprehensively deploy party agents in elections to enable them to authoritatively monitor and make informed assessments of the electoral process.
- III. Government should enforce Section 281 of the Constitution and the Traditional Leaders' Act to deter traditional leaders from active participation in partisan politics as this comprises their constitutional mandates as provided for in the law. Therefore, there is need to tighten the provisions on the role of traditional leaders vis-à-vis the electoral process.
- IV. Chapter 12 institutions should investigate partisan food distribution, damaging of political party campaign materials and hate speech during campaigns. There is need for enforcement mechanisms.

- V. ZEC and civic society should continue to provide civic and voter education in between elections in order to reduce numbers of turned away voters and urge youth participation as candidates. Continuous voter and civic education will eradicate instances of voters being turned away for trivial reasons such as invalid IDs, wrong polling stations or constituencies amongst others.
- VI. Political parties, ZEC and civic society should conduct targeted voter mobilisation to enhance youth participation as voters and candidates in electoral processes.
- VII. There is need to put in place mechanisms to reduce instances of assisted voters and put administrative reform measures to help improve people with disabilities and assisted voters' access to a secret ballot.
- VIII. There is need for ZEC to post V11 forms on its website as recommended by various election observer missions of the July 30 Harmonized polls to improve transparency in results management.
- IX. In addition, ZESN urges political parties to field female candidates and youths as contestants in elections to ensure that there is equal gender and youths' representation in leadership positions.
- X. There is need for Organisations working with the youths and People with disabilities to continue lobbying them to participate in key political and electoral processes.
- XI. ZESN calls upon the Parliament of Zimbabwe to implement wholesome reforms to the Electoral Act with the Constitution to factor in recommendations by election observers to the 30 July 2018 Harmonised elections.
- XII. ZESN urges all key electoral stakeholders including ZEC and political parties to implement the July 2018 observer recommendations during the by-elections.