

# Zimbabwe Election Support Network



## Report on the 31 July 2013 Harmonised Elections

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**LIST OF ACRONYMS**

AIPPA	Access to Information and Protection of Privacy Act
ACTIONS	Access, Control, Transformation, Initiative, Organisation, New technologies and Sustainability
AKE	Alliance Kumbula Ekhaya
ART	Agenda for Real Transformation
AU	African Union
CCDZ	Centre for Community Development Zimbabwe
CEO	Chief Elections Officer
CIVNET	Civic Education Network Trust
COMESA	Common Market for Eastern and Southern Africa
COPAC	Parliamentary Select Committee
COTRAD	Community Tolerance Reconciliation and Development
CPF	Citizen Participation Forum
CSOs	Civil Society Organizations
DSTV	Digital Satellite Television
ECF	Electoral Commissions Forum
FZC	Free Zimbabwe Congress
GEDT	Gweru East Development Trust
GNU	Government of National Unity
GPA	Global Political Agreement
IDASA	Institute for democracy in Southern Africa
IYWD	Institute for Young Women Development
JOMIC	Joint Monitoring and Implementation Committee
JUICE	Jobs Upliftment Investment Capital and Ecology
MDC M	Movement for Democratic Change – Mutambara
MDC N	Movement for Democratic Change – Ncube
MDC T	Movement for Democratic Change –Tsvangirai
MISA	Media Institute of Southern Africa
MKD	Mavambo Kusile Dawn
NANGO	National Association for Non-Governmental Organisations
NGOs	Non-Governmental Organizations
NYDT	National Youth Development Trust
ONHRI	Organ of National Healing Reconciliation and Integration
PDUFF	People’s Democratic Union Freedom Front
PEMMO	Principles for Election Management Monitoring and Observation
PIMZ	Progressive and Innovative Movement of Zimbabwe
POSA	Public Order and Security Act
RAU	Research and Advocacy Unit
RDC	Rural District Council
RGV	Registrar General of Voters
SADC PF	Southern African Development Community
SST	Student Solidarity Trust
UMD	United Movement for Democracy
UMDP	United Movement for Democracy Party
UNDP	United Nations Development Programme
VOP	Voice of the People
YAT	Youth Agenda Trust
ZANU Ndonga	Zimbabwe African National Union Ndonga
ZANU PF	Zimbabwe African National Union Patriotic Front
ZAPU	Zimbabwe African People’s Union

ZBC	Zimbabwe Broadcasting Cooperation
ZDF	Zimbabwe Development Forum
ZDP	Zimbabwe Development Party
ZEC	Zimbabwe Electoral Commission
ZESN	Zimbabwe Election Support Network
ZPM	Zimbabwe People's Movement
ZPP	Zimbabwe Peace Project
ZTV	Zimbabwe Television

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## EXECUTIVE SUMMARY

On 31 July 2013 Zimbabwe held harmonised elections for the Presidency, the National Assembly, the Senate and local authorities. ZESN deployed 7 099 observers to every province and constituency in the country on 31 July 2013, set at the 'Election Day'. Reports from observers during the election and throughout the entire process, demonstrated that the credibility of the 2013 harmonised elections was compromised by a systematic effort to disenfranchise many voters. ZESN observers reported on the opening, voting and closing and counting of votes and reported on any critical incidents witnessed in the course of their observation.

Zimbabwe's harmonised elections were highly anticipated because they came at the end of a period of political uncertainty and were expected to lead to a more stable political era for the country. The elections were the culmination of a political process that started with the signing of the Global Political Agreement (GPA) following the 2008 disputed harmonised elections. The GPA itself was signed to end an epoch of political conflict in the country. The GPA created a Government of National Unity (GNU) that was tasked with amongst other issues, implementing legal and constitutional reforms, as well as to facilitate a period of national healing and creating an enabling environment for the conduct of credible elections and an outcome respected by all stakeholders in the process.

A few weeks before the elections a new Constitution was adopted in Zimbabwe following a successful referendum held in March 2013. Consequently, the legislative framework governing elections were conducted using an electoral framework that had been reformed through the Electoral Amendment Act of 2012, the new Constitution of Zimbabwe, and various statutory instruments that were passed shortly before the elections. Several amendments introduced during the runner up to the elections changed the electoral administration practices and process. There were structural changes to the Zimbabwe Electoral Commission (ZEC). Results transmission system was to become ward based in an effort to make ZEC more independent. The electoral system was significantly changed to be mixed with various proportional representation measures for the Senate, provincial councils and the newly introduced quota system for women in the National Assembly. However, until the conduct of the harmonised elections, a number of provisions in the GNU reform agenda had not been implemented and remained outstanding, such as media reforms, levelling the operating environment, and national healing, among others. As a result, this election could be labelled a rushed election given the outstanding issues.

Elections were to be conducted based on the electoral boundaries in the first elections. There was no new delimitation of boundaries after the passing of the Constitution. Due to the election deadline set by the country's highest court there was a relatively short period between the proclamation of the election and actual poll day. Nevertheless, normal steps in the electoral process were followed, albeit with some logistical and financial limitations. There were two mobile voter registration exercises which registered an estimated one million new voters, although this was less than the number of those who wanted to register. A number of problems were faced during the mobile voter registration which included, the limited time in which the registration teams were in the wards which left many potential registrants unregistered, inadequate education to citizens on the process and the lack of consistency in application of regulations among others.

The new Electoral Amendment Act provides for special voting and this was conducted on the 14<sup>th</sup> of July and the 15<sup>th</sup> of July 2013. The special vote was characterised by logistical problems, as voting materials were delivered late, some applicants did not receive their envelopes, and in some instances envelopes went to the wrong polling stations. The process moved slowly and a decision was made to extend the vote. However, despite this extension, most applicants for the special vote did not cast their vote. The lack of full participation of the applicants prompted a call to allow those disenfranchised to vote in the harmonised elections on 31 July 2013. ZESN also noted with concern that at times names of those that had voted were not crossed out in the voters roll hence fears of double voting arose.

Nomination of candidates was held in a peaceful manner with a number of political parties campaigning and robust competition witnessed being in the National Assembly and local authority elections. However, sporadic reports of intimidation and forced party allegiance were recorded in the pre-election and campaigning period. However, the campaign period and polling day was generally peaceful. Going into the election there were serious reservations about the disenfranchisement of potential voters through an inadequate voter registration process, inequitable access to the media and the integrity of the voters' roll.

Additionally, political parties were unable to access the final voters' roll until the eve of the election. This voters' roll was provided in hard copy not electronic copy as provided for by the law which was difficult to analyse. Other election management issues included questions about the resourcing and independence of the ZEC, which conducted the poll. Although ZEC faced its own constraints its activities were conducted under intense scrutiny.

Election Day was peaceful but characterised by unusually high numbers of assisted voters, amid allegations of forced voting. Many voters were turned away as they were not on the voters' roll. Whilst some of this could be attributed to voters not knowing their correct wards, there were sufficient numbers of people who were unable to vote at the same station where they had previously voted in 2008. Most of those affected had not changed their registration, resulting in concerns and allegations of manipulation of the voters' roll. Unlike the previous election of 2008, there were no problems with the results management and announcement as the process was swift, with most election locations displaying results outside the venue as required by law.

The Movement for Democratic Change-Tsvangirai (MDC-T) rejected the results, threatened to boycott Parliament and government, and subsequently challenged its losses in the presidential race as well as in some of the National Assembly seats. The court challenge against the presidential election outcome was eventually withdrawn with the MDC-T citing several reasons such as lack of access to election material amongst others. Other cases against National Assembly results were withdrawn as the candidates failed to raise the USD\$10, 000 that was required as security for costs by the Electoral Court.

The voters' roll of 19 June as provided by the Office of the Registrar-General clearly showed that urban voters had systematically been denied the opportunity to register to vote. An estimated 99.97 per cent

of potential rural voters were registered, while only about 67.94 per cent of the potential urban voters were registered.

At 82 per cent of urban polling stations ZESN observers reported that potential voters were turned away and not permitted to vote for reasons that included names not appearing on the voters' roll and turning up at the wrong ward for voting. This was in sharp contrast to rural areas where only 38 per cent of polling stations turned away many potential voters. This served to disenfranchise thousands more urban voters. These factors on their own fundamentally compromised the credibility and fairness of 2013 harmonised elections.

The limited time to prepare for the elections affected the electoral process. Key aspects of the process, in particular the registration of voters, were insufficiently funded. Funding for other key processes was often received late. Politically, the process suffered from the continued suspicion and mistrust between the contesting parties, biased media coverage, intimidation of prospective voters, and the lack of intra-party democracy, among other factors. There were incidents of harassment of civil society activists who were arrested during the campaign, a significant number of them on charges of conducting voter education without the authorization of the electoral commission.

ZESN makes the following recommendations to improve the conduct of elections in Zimbabwe:

- Massive and adequate voter education to be provided to citizens in order to ensure the franchise of all citizens.
- The voter registration process needs to be conducted timeously to ensure that eligible voters are registered. In addition, ZEC needs to address the rural-urban bias in voter registration as urban voters faced difficulties while the rural registration was smooth and without hurdles.
- ZEC needs to interrogate the huge numbers of assisted voters and people turned away in order to rectify particular anomalies in the environment.
- ZEC should be in total control of the Voters' Roll and not the Registrar-General's office. In addition, there is need to start working on the polling station-based voters' roll using the 2013 voter information gathered at the polling stations. Polling station based voters' roll is provided for in the law so that it can be used in the next elections.
- There is need to consider biometric voters' roll system as a way of enhancing transparency in the electoral system.
- ZEC needs to stick to best practice regarding the printing of extra ballot papers as the production of 35 per cent more ballots is high and outside internationally accepted standards.
- ZEC needs to be adequately funded to ensure proper implementation of electoral processes, such as voter registration and voter education, among others.
- ZEC needs to ensure consistency in the application of regulations with regard to particular requirements for voter registration and voting with registration slips, as there were inconsistencies across polling stations.



- The media environment needs to be reformed to ensure a greater diversity of news sources reaching all corners of the country, and a professional national public broadcaster untainted by bias.
- There is need for further decentralisation of the accreditation of local observers and put in place an easy and faster way of accrediting observers similar to party agents.
- The political parties finance act needs to be reviewed in order to increase accountability of tax payer's money
- The role of traditional leaders needs to be revisited to ensure they are impartial and to ensure inclusivity in their respective jurisdiction.
- There is a need to review the Special Voting method used and ZESN urges ZEC to prepare in advance to avoid the logistical challenges experienced in this election.
- In order to enhance confidence in their processes, ZEC needs to make available to the contesting parties, candidates, accredited observers and the public, the election materials used for 2013 harmonised elections, such as the voters' roll, polling station results, marked voters' roll used for the special vote, and ballot papers, among other material, in order to increase citizen confidence, transparency and accountability.

In conclusion, ZESN reiterates its concerns on the critical factors such as inadequate and delayed voter education, an inadequate and flawed voter registration process, failure to provide the voters' roll to political parties and stakeholders on time, chaotic special voting, and the high numbers of assisted and turned away voters. These highlighted challenges seriously compromised the credibility and fairness of the 31 July 2013 Harmonised Elections.

## **INTRODUCTION**

Elections promote direct citizen participation in governance, transfer or maintain political power in a peaceful manner, and confer legitimacy and the authority to govern. It is a pre requisite that in order to fully participate in electoral processes one must have sufficient information about the available choices of candidates, and has the opportunity to choose freely, expressing this in the ballot box, and that the choice is reflected in the final election outcome.

Elections are a process and events in the pre-election period affect the ability of voters to make a choice. This report analyses the legal framework, voter registration, voter education, the campaign period and Election Day, among other issues. In making an assessment of the elections, ZESN also examines the conduct of key events in the election calendar before and after the election proclamation, up to the announcement of results and the responses to those results by the contesting parties. In addition, the report examines the environment in which the election was conducted; that is, the opportunity to support one's choice of candidate, to participate in political campaigns, and to hold political opinions and to express those choices. The report also examines the conduct of different stakeholders, such as the candidates, the media, traditional leaders and the security forces.

## **ABOUT ZESN**

The Zimbabwe Election Support Network (ZESN) is a coalition of 31 non-governmental organisations formed to co-ordinate activities pertaining to elections. The major focus of the Network is to promote democratic processes in general and free and fair elections in particular.

ZESN was also established to standardise the NGOs' election-related activities and methodology, as well as to ensure wider geographical coverage and co-ordination of activities. The broad aim of the Network is therefore to enhance the electoral process in Zimbabwe in order to promote democracy and good governance in general, and free and fair elections in particular, whilst adhering to internationally acceptable standards.

The vision of ZESN is a Zimbabwe where a democratic electoral environment and processes are upheld and its mission is to promote democratic elections in Zimbabwe.

The objectives of ZESN are:

- To enhance citizen participation in issues of governance and democracy.
- To promote democratic free and fair electoral processes through objectively and impartially monitoring and observing elections.
- To promote the creation of a legal framework and an election culture for free and fair elections.
- To effectively gather, disseminate and communicate objective information about elections and other democratic processes.

In pursuing its vision, mission and objectives, ZESN is guided by the following values:

- Democratic, free and fair elections
- Secrecy of the ballot
- Democracy
- Mutual respect and tolerance
- Respect for human rights
- Transparency
- Accountability
- Peace
- Informed citizen participation
- Non-discrimination
- Gender equality
- Gender sensitivity
- Non-partisanship

## **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), which were launched on 6 November 2003. Our findings and recommendations 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 international election standards.

ZESN has been observing and assessing the cycle of electoral events since the signing of the GPA in 2008. This includes the legal framework, participation of voters and citizens and participation of political parties and organised groups in the process. As such since 2010 ZESN has deployed long-term observers in each of the country's constituencies. These observers provided monthly updates on the political situation in their constituencies, particularly with regard to election-related activities.

ZESN deployed observers to monitor various key events of the electoral calendar including:

- The Constitutional Referendum held on 16 March 2013
- The Nomination Courts for the harmonised elections of 28 June 2013
- Mobile Voter Registration
- Voting and counting at polling stations
- Collation of results at constituency centres
- Collation of results at Provincial Collation Centres

- Collation of results at the National Command Centre.

In addition, ZESN collaborated and networked with several civil society organisations during the constitution-making process and throughout the 2013 electoral cycle. To enhance understanding of the electoral law and environment, ZESN commissioned and published several expert papers and opinions on various aspects of the electoral cycle.

The table below shows the number of observers that were accredited by ZEC and deployed by ZESN as polling station-based and mobile observers.

**Table: 1**

<b>TYPES OF OBSERVERS ACCREDITED AND DEPLOYED</b>	<b>NUMBER</b>
Static <sup>1</sup> Observers	6 519
Mobile Observers	359
Supervisors	221
<b>Total observers accredited and deployed</b>	<b>7 099</b>

In addition, observers were deployed to the Zimbabwe Electoral Commission (ZEC) National Command Centre to observe the collation of votes and the announcement of results at that level. On Election Day ZESN operated an Information Centre and Situation Room where civil society organisations gathered, collected and shared information on the polling process.

## **Political Context**

Since independence in 1980, Zimbabwe has held national elections at least every five years and in one instance (2008) after three years due to the harmonization of all electoral processes in the country. Over the years, voter turnout has slowly been decreasing. It was 94 per cent in 1980, 84 per cent in 1985 and 47 per cent in 1990. Even in 2000, when there was increased competition on the electoral field, voter turnout was only 52 per cent.

Since 2000 all national elections were marred by allegations of voter intimidation, harassment of candidates and political parties. Losing political parties have also raised claims of organised electoral fraud committed by the election management bodies. The role of security forces in elections and biased media coverage, amongst other issues has also been repeatedly raised. Unfortunately, increased

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<sup>1</sup> This includes polling station based observers and constituency collating based observers.

competition also brought increased violence and conflict to Zimbabwean elections, notably during the 2002 presidential elections, which recorded the highest levels of political violence until the 2008 run off.

During the same period, repressive legislation that violates fundamental freedoms and rights was enacted. Examples of such laws include the Public Order and Security Act (POSA) passed in 2002, which has been used to control freedoms of assembly and association. The Access to Information and Protection of Privacy Act (AIPPA), passed in 2002, has also been used to limit citizens' access to information, as has the Broadcasting Services Act (BSA) of 2001, which proscribed the participation of certain sectors in the country's broadcasting arena.

In 2007 the regional bloc, the Southern African Development Community (SADC), became sufficiently concerned with the political situation in Zimbabwe and appointed Thabo Mbeki, South Africa's President at the time to mediate between Zimbabwe's competing political parties. His 'quiet diplomacy' was widely criticised by stakeholders as ineffective. However, it did result in the passing of an amendment to the then Constitution that set the stage for 'harmonised' elections on March 29 2008.

The 2008 elections were the first in the country's history when the election of the President, the Senate, the National Assembly and the local authorities was held on the same day, hence the term harmonised. The constitutional amendment introduced a two-round or absolute majority electoral system for the election of the president. This requires that the victor in the presidential race must win by attaining 50 per cent plus at least one valid vote in the first round, or failing that a simple majority in a run-off election between the two candidates with the highest number of votes from the first round.

In 2008, the election results for the first round of the presidential election took five weeks to be released, a situation that compromised the credibility of the results and of the election management body. Morgan Tsvangirai received 47.9 per cent of the votes and Robert Mugabe 43.2 per cent. As neither attained the 50 per cent plus one vote required, a run-off became necessary. However, in an effort to ensure victory in the run-off election ZANU-PF unleashed a wave of violence nationwide that resulted in the loss of life of some opposition supporters and displaced many more. Due to the depth and extent of the violence, Morgan Tsvangirai withdrew from the run-off. Robert Mugabe contested by himself and won in an election that was widely criticised as not reflective of the people's will by the international community including SADC and African Union (AU).

Under pressure from the SADC and AU President Mugabe was left with no choice but to compromise and share power with the two MDC formations and to promise Zimbabweans a genuine and credible election under a legal and institutional framework that would be acceptable to all and which would level the political and electoral playing field. A cooperation treaty, commonly known as the GPA, was signed between the leaders of the three parties with the most seats in the National Assembly, namely President Mugabe representing Zimbabwe African National Union-Patriotic Front (ZANU-PF), Morgan

Tsvangirai representing MDC-T, and Arthur Mutambara representing the MDC-M. The agreement was guaranteed by SADC, and the AU, which took responsibility of ensuring its successful implementation.

Essentially, the GPA was supposed to be a temporary power sharing agreement that would be used to govern the country while the country's laws were reformed and until fresh elections could be organised. The signatories were charged with:

- Ending polarisation, divisions, conflict and intolerance;
- Respecting the Constitution and all national laws, the rule of law, freedoms of assembly and association;
- Establishing a Select Committee of Parliament composed of representatives of the parties to draft a new Constitution with public input;
- Ensuring the political neutrality of traditional leaders;
- Running the National Youth Training Programme in a non- partisan manner;
- Promoting plurality in broadcasting;
- Ensuring that the public media provides balanced and fair coverage to all political parties; and
- Finally, holding free, fair and credible elections in a new legal and institutional dispensation.

In addition, to the creation of a new Constitution, legislative reform was a priority in the media and electoral law, among others.

The constitution-making process began late and progressed slowly due to conflict and contestations between the parties in the Parliamentary Select Committee on the Constitution (COPAC). There was not much progress on the other reforms. Numerous SADC summits and meetings discussed the problem and made recommendations and exhortations to the GPA principals to no avail. In August 2010, the SADC Heads of State, at the Windhoek summit in Namibia, demanded recommended that the GNU and the Zimbabwean political parties formulate a clear pathway to free, fair and credible elections.

At an Extraordinary Summit of the Troika of the SADC Organ on Politics, Defence and Security Cooperation in Livingstone, Zambia, at the end of March 2011, SADC took a very strong stance on the lack of progress and called for a report back to the next SADC Summit. The parties in what had become known as the GNU proposed the idea of a roadmap to free and fair elections and this was considered at the SADC summit in Johannesburg in June 2011. The roadmap, which was signed on 6 July 2011, contained the key GPA issues with agreement on a timeline, even though some issues were omitted for further negotiation between the parties.

The roadmap detailed the need for progress in the following areas:

- a. Ending sanctions
- b. A new Constitution
- c. Media reform

- d. Electoral reform
- e. Rule of Law
- f. Freedom of association and assembly
- g. Legislative agenda and commitments
- h. A credible, undisputed national election.
- i. Actual election.

The signing of the roadmap did little to speed up the process. The only aspects of the roadmap on which there was progress was the constitution and electoral reforms. The Electoral Amendment Act was gazetted in September 2012 with substantial changes to the legal framework of elections. The constitution-making process, which was supposed to have taken 18 months, was completed in double the time due to financial constraints and politicking between the three parties in the GNU. Although it was a parliamentary process that was supposed to be people-centred, in the end it degenerated to the upholding of party positions at the expense of posterity. Outreach meetings meant to obtain the views of the people were at times chaotic and at other times disrupted. Political parties fought over content on issues like homosexuality and devolution, among others.

In the end, the draft taken to a referendum on March 16 2013 was a document partly made up of public contributions and mostly of content negotiated by the three parties in the GNU. That notwithstanding, the referendum was one of the most successful electoral events in Zimbabwe since Independence. Turnout was high and contrary to many people's expectations, the ZEC conducted a process that was largely free from logistical or administrative problems. With a resounding 'Yes' to the draft, the constitutional referendum was a political success, paving the way for the holding of elections that would end a painful transition. But the euphoria over a peaceful referendum was quickly tempered by the arrest of human rights lawyer Beatrice Mtetwa on the day after the referendum on charges of obstructing justice during the arrest of staff members from the office of the Prime Minister.

As soon as the Constitution was passed into law on 22 May, it was expected that the Electoral Act, POSA and AIPPA would be amended in order to be aligned to the new Constitution. Since the beginning of the GNU, ZANU-PF has insisted that elections should be held at the earliest date, and it is only the resistance of the other members of the GNU and gentle discouragement from SADC which prevented the calling of an early election. From the beginning of 2013, President Mugabe had insisted that the elections would be held by 29 June 2013, the end of the sitting Parliament. Other coalition members argued that elections could not possibly be held on that date since the reforms required by the GPA had not yet been made. The leaders of the two MDC formations, Morgan Tsvangirai and Welshman Ncube, insisted that they would not participate in any elections without the reforms.

In May 2013 a citizen, Jealousy Mawarire took the President to the Constitutional Court claiming that the absence of an election date pronouncement violated his political rights as a voting citizen. When the judgment was delivered on 31 May, the President was ordered to ensure that elections take place by July 31. On 13 June the President proclaimed 31 July 2013 as the date for the harmonized national

elections. The Presidential Powers were invoked through Statutory Instrument 85 of 2013, to amend the electoral law without going to Parliament. This was done despite the fact that the Minister of Finance had been insisting for months that the government had no money to hold elections. President Mugabe claimed to have used his Presidential Powers to amend the Act because it was inexpedient to await the parliamentary process and still be able to abide by the Constitutional Court judgment. Although most of the amendments mirrored what had been discussed in the Cabinet and actually enhanced the electoral process, SI 85 was not well received, as it was a unilateral proclamation that went against the spirit of the GNU. The same sentiments were expressed about the election proclamation, which was made without consulting the other parties in the GNU. Ultimately, the election date was set despite the fact that the agreed reforms had not been fully implemented. In addition, there was little time to implement the reforms that were enunciated in the statutory instrument.

The MDCs vehemently opposed the election date and the Prime Minister, MDC-T leader Morgan Tsvangirai, wrote a strong letter to the President. The MDCs also sent delegations to the Extraordinary Summit of the SADC Heads held in Maputo, Mozambique, on 15 June 2013, two days after the election proclamation. The summit's communiqué noted that there were still outstanding issues, including media reform and upholding the rule of law.<sup>2</sup>

SADC further encouraged the parties in the GNU to seek an extension to the poll date to allow implementation of reforms.<sup>3</sup> An application to the Constitutional Court to extend the deadline for election by two weeks was duly filed by Justice Minister Patrick Chinamasa on 18 June. However, on 4 July the Constitutional Court confirmed its earlier ruling that elections should be held by 31 July. The 2013 harmonised elections bore many features of a snap election where stakeholders struggled to meet all the electoral deadlines and in some cases failed, to the detriment of the election process.

## **THE LEGAL FRAMEWORK FOR ELECTIONS IN ZIMBABWE**

Following the disputed election of 2008, the three main political parties, ZANU PF, the MDC-T and the MDC-N entered into the GNU after the signing of the GPA on 15 September 2008. One of the commitments made by the three political parties was to push for a legislative agenda that promoted a culture of human rights, good governance and democratic elections as provided for by the GPA. The parties agreed to “discuss and agree on further legislative measures which may become necessary to implement the Government’s agreed policies and in particular, with a view to entrenching democratic

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<sup>2</sup> Communiqué of the SADC Extraordinary Summit of Heads of State, 15 June 2013.

<sup>3</sup>*Ibid.*



values and practices.”<sup>4</sup> It was important that the legislative framework around elections be revisited and strengthened in order to ensure that chaotic elections, as seen in 2008, would not be repeated.

Consequently, several amendments to the electoral laws and other related laws have been introduced since then in fulfilment of the GPA commitments. In September 2012, the three parties to the GNU agreed to some electoral amendments. This saw the passing of the Electoral Amendment Act 3 of 2012 that introduced a few positive amendments that enhanced the provisions of the Electoral Act. However, this was not comprehensive and many gaps remained in the electoral architecture that required strengthening. In May 2013, the new Constitution was promulgated. The new Constitution brought with it new provisions that required subsidiary laws, in particular the electoral laws, to be amended to conform to the new Constitution. Thus, further amendments were introduced to the Electoral Act, through the Presidential Powers (Temporary Measures) Regulations in Statutory Instrument (SI) 85 of 2013. The harmonized elections of July 2013 were therefore held in accordance with the new Constitution and the amended Electoral Act and other related electoral regulations.

### **Constitutional Guarantees**

Zimbabwe enacted a new Constitution on 22 May 2013. This replaced the Lancaster House Constitution of 1980 as the supreme law of the land. This Constitution introduces a number of new provisions that enhance and seek to promote the principles of democracy and good governance in line with international and regional norms and standards, such as the SADC Principles and Guidelines Governing Democratic Elections.

The new Constitution introduces new provisions and retains some provisions from the Lancaster House Constitution that promote the political rights of citizens. Of note is the recognition of the right to freedom of assembly and association (Section 58), the right to freedom of conscience (Section 60) and the right to freedom of expression and freedom of the media (Section 61).<sup>5</sup> The new Constitution also specifically provides for the enjoyment of political rights by citizens.<sup>6</sup> It is recognized that in a democracy citizens are entitled to free, fair and regular elections for any elective office established in terms of the Constitution. The new Constitution affords every Zimbabwean the right to make political choices freely<sup>7</sup>,

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<sup>4</sup> See Article 17.1 of the Global Political Agreement.

<sup>5</sup>Section 58) the right to freedom of conscience (section 61) and the right to freedom of expression and freedom of the media (section 61).

<sup>6</sup> See Section 67 of the new Constitution, generally.

<sup>7</sup> Section 67(1)(b) of the new Constitution.

to form, join and to participate in the activities of a political party or organization of their choice<sup>8</sup>, and otherwise to participate individually or collectively in peaceful political activity.<sup>9</sup>

Other than the declaration of rights, the political rights that Zimbabwean citizens are entitled to are further reinforced in the Constitution.<sup>10</sup> In terms of section 155 of the new Constitution, certain principles of electoral systems should be met in letter and spirit whenever there is a national election or referendum. These principles include the regular holding of elections. Such elections should be held in a peaceful, free and fair manner. The elections must be conducted by secret ballot. The elections must be free from violence and any other electoral malpractices. In terms of this section, the state is obliged to take all appropriate measures, including legislative measures, to ensure that effect is given to these principles. Such measures include ensuring that all eligible citizens wishing to exercise the right to vote are registered to do so. The state should ensure that every citizen who is eligible to vote in an election or referendum has an opportunity to cast a vote, and must facilitate voting by persons with disabilities or special needs. The state should also ensure that all political parties and candidates contesting an election, or participating in a referendum have reasonable access to all material and information necessary for them to participate effectively. It is also the responsibility of the state to provide all political parties and candidates contesting an election, or participating in a referendum, with fair and equal access to electronic and print media, both public and private.

The new Constitution places an obligation on the ZEC to ensure that measures are put in place to eliminate electoral violence and other electoral malpractices and to ensure the safekeeping of electoral materials.<sup>11</sup> All these new provisions brought by the new Constitution are meant to ensure that the electoral processes in Zimbabwe conform to regional and international normative standards on democracy, good governance and elections.

The new Constitution introduces new methods of voting representative members into Parliament. The new framework seeks to achieve inclusivity and the accommodation of diverse classes of people whilst maintaining the balance of accountability through elected representatives. To this end the new Constitution creates a system of mixed-member system of representation in Parliament. The new Constitution retains the bicameral legislature consisting of the National Assembly and the Senate. The seats to the National Assembly are filled through a combination of the first-past-the-post system and a

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<sup>8</sup> Section 67(2)(a) of the new Constitution.

<sup>9</sup> Section 67 (2)(c) of the new Constitution.

<sup>10</sup> See Section 155 and Section 156 of the Constitution, generally.

<sup>11</sup> Section 156(c) of the new Constitution.

system of proportional representation for the election of the seats reserved for women.<sup>12</sup> The introduction of the quota system is meant to enhance the representation of women at the legislative level as a means of redressing the gender imbalance and inequality created through historical and patriarchal suppression of women.

The new Constitution changes the electoral system for the election of Senators from the previous system where these were elected directly by the voters. The new system uses the system of proportional representation based on the votes cast for the National Assembly elections. In particular, six senators in each province are elected based on the proportion of seats that each party will have won in the National Assembly election in that province. The six senatorial seats are allocated per province for all 10 provinces as provided for under section 45C (3) of the Electoral Act. In terms of section 120 (2) (b) of the new Constitution the party-list that will be submitted for the senatorial seats must take the “zebra format”, interchanging female and male candidates, beginning with a female. That way any party will inevitably have at least 50 per cent female representation for these seats. Consistent with the spirit of the Constitution to promote gender equity, the Electoral Act reflects this in section 45E (2) (f).

The new Constitution also introduces, for the first time, an electoral system that specifically reserves two seats for representatives to be elected into the Senate representing people with disabilities.<sup>13</sup> These two senators are nominated and are elected by an electoral college on a specified day, different from the actual Election Day. This is commendable as it ensures that specific and peculiar issues of vulnerable groups, such as people living with disability, are given prominence in the legislative chambers.

Further, new features introduced by the new Constitution relate to the provincial and metropolitan councils<sup>14</sup>. These are constituted from the 10 provinces of the country. Section 268 (3) of the new Constitution provides that a party list must be submitted alternating male and female candidates with a female name at the top. This guarantees enough representation of female candidates in the councils.

Overall these new provisions ensure representation of different groups, such as women and the disabled, people living with disabilities whilst maintaining the accountability of directly elected

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<sup>12</sup> In terms of Section 124(1)(b) of the new Constitution 60 seats are reserved for women in the National Assembly for the life of the first two parliaments after the new Constitution has come into effect. There will be six seats, reserved for women in each of the 10 provinces of the country that will be filled via a party-list system. The number of votes a political party gets from the National Assembly votes in each province will determine the number of seats a party will get in that province.

<sup>13</sup> Section 120 (1)(d) of the new Constitution .

<sup>14</sup> See Section 157(1)(f), section 268 and Section 269 of the new Constitution.

representatives. The downside is that voters do not have control of the representatives that end up being selected via proportional representation. It is up to the contesting parties to come up with their list of preferred candidates and in the order they prefer.

## **Conduct of the Elections**

As explained elsewhere in this report, the 2013 elections were conducted in terms of the Electoral Act as amended by SI 85 of 2013, and in accordance with the new Constitution. Several provisions are pivotal to the conduct of the election. The Electoral Act provides for a ward-based voters' roll. Accordingly, a person can only vote from the ward in which they are registered as a voter.

Section 37C of the Electoral Act outlines the type of electoral centres established to process and tabulate all polling station results arising from the voting process. The new provision introduces electoral centres that conform to the new constitutional dispensation. The introduction of the quota system in the National Assembly and proportional representation for the Senate, in turn affects the electoral centres set up to accommodate the new electoral system. To deal with the new electoral system, SI 85 of 2013 creates six electoral centres, namely the National Command Centre, the provincial command centre, the presidential command centre, the constituency command centre, the district centre and the ward centre.

Each of the electoral centres has certain responsibilities. The ward centre collates polling station results for presidential, National Assembly and ward votes, adding special votes and postal votes that will have been counted at the ward. The ward centre announces the outcome of ward elections and transmits collations of presidential and National Assembly votes to the presidential constituency centre and the constituency centre respectively. The presidential constituency centre in each province collates the ward collations for the presidential election votes and incorporates these into a return; distinctly indicating the results obtained in each ward in the constituency, and transmits these results to the provincial command centre. The National Assembly constituency centre collates the ward collations in respect of the National Assembly constituency election and incorporates these into a return distinctly indicating the results from each ward within the constituency. The centre then announces the results of the constituency election. It must transmit the collated returns to the provincial command centre.

The provincial command centre collates the returns from the National Assembly constituency and the presidential constituency centre and incorporates these into a provincial return. It also must transmit to the National Command Centre duplicate copies of the National Assembly constituency and presidential constituency returns in the province. The National Assembly results in a province are used to allocate the proportional representation seats in the Senate, the National Assembly and the Provincial Council. The National Command Centre holds overall control of the whole election. The district centre's role is to facilitate for the special voting in accordance with section 81A of the Electoral Act.

## **Election Dispute Resolution Mechanisms**

Any electoral process inevitably has disputes, a consequence of the inherent contestation in the fight for political power. The electoral laws of the country anticipate such potential conflicts and disputes over election processes and outcomes. Consequently, the electoral laws contain various provisions to address potential electoral contestations by providing dispute resolution mechanisms and remedies where electoral malpractices are committed.

### **a. The Electoral Court**

Section 161 of the Electoral Act establishes the Electoral Court. The Electoral Court has jurisdiction to hear appeals, applications and petitions that are brought before it in terms of the Electoral Act. The judges of the Electoral Court are appointed and drawn from the judges of the High Court. The Electoral Court dealt with at least 40 appeals that were brought before it in relation to appeals against decisions of the Nomination Court.<sup>15</sup> The Electoral Court is also set to determine petitions filed by some of the losing National Assembly candidates from the July 31 elections.<sup>16</sup>

### **Challenging the presidential election**

The new Constitution provides for the procedure to be adopted by an aggrieved party in relation to the presidential election. Section 93 of the new Constitution gives jurisdiction to the Constitutional Court to deal with a challenge to the validity of the election of a president by any aggrieved candidate. Such an application must be filed with the Constitutional Court within seven days after the date of the declaration of the results of the election. Section 93(3) of the Constitution directs the Constitutional Court to hear and determine a petition or application within 14 days after the petition or application was lodged. One of the losing candidates in the just ended election filed a petition before the Constitutional Court challenging the validity of the presidential election.<sup>17</sup>

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<sup>15</sup> The Nomination Court receives papers of all aspiring candidates for confirmation in the national elections. The Electoral Court dealt with 47 nomination appeals. Out of these, 17 were successful, while 12 were dismissed, with the parties withdrawing 18 others.

<sup>16</sup> The actual total number of petitions filed could not be ascertained at the time of the writing as petitions were still being filed.

<sup>17</sup> See the case of *Morgan R Tsvangirai v Robert Mugabe and 7 Others CC72/13*. The petition cited several electoral irregularities and malpractices that included the bussing of voters, use of fake registration slips, denial of access to the voters' roll, intimidation of voters, illegality of elections and vote buying and the absence of a complete authenticated voters' roll. The Constitutional Court has since declared that Robert Mugabe was duly elected as the president of Zimbabwe, after the applicant filed a notice of withdrawal of his petition before the Constitutional Court.

## **b. Special Courts**

The Electoral Act provides for the establishment of special courts manned by designated magistrates from the respective provinces specifically mandated to deal with cases of politically-motivated violence and intimidation.<sup>18</sup> In the same vein, the Attorney-General is also obliged to ensure that during every election period sufficient competent prosecutors are provided for to ensure that all cases of politically-motivated violence and intimidation are processed quickly and brought to court as soon as possible before the magistrate designated for such purposes as stated above.<sup>19</sup> For the July 2013 harmonized elections, the Chief Justice Godfrey Chidyausiku, designated 24 magistrates to try adjudicate over cases involving politically-motivated violence and intimidation. The magistrates were drawn from and spread across all the 10 provinces of the country to deal with the cases arising from their respective jurisdictions. During the election period a number of cases were brought before these special courts and the proceedings were generally expedited and matters dispensed with on a fast-track basis.<sup>20</sup>

## **Electoral Code of Conduct for political parties and candidates**

The Electoral Act establishes a Code of Conduct that is adopted by all political parties participating in a general election.<sup>21</sup> The purpose of the Code of Conduct is to promote conditions that are conducive to free and fair elections and a climate of tolerance in which electioneering activity may take place without fear or coercion, intimidation or reprisals.<sup>22</sup>

## **c. Constitution of Multi-party Liaison Committee**

The Electoral Act provides for the setting up of multi-party liaison committee for the presidential, National Assembly, and local authority elections.<sup>23</sup> It is made up of the political party representatives participating in the election and representatives of ZEC. The multi-party liaison committee's

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<sup>18</sup> Section 133J of the Electoral Act [Chapter 2:13]

<sup>19</sup> Section 133J(3) of the Electoral Act [Chapter 2:13]

<sup>20</sup> Whilst the actual statistics of the total number of cases dealt with by these special courts and the nature of charges preferred against accused persons could not be readily ascertained at the time of the writing, it was established that at least 20 cases were dealt with by the courts, most of which were recorded in Southern region of the country. Some of the common charges against the accused persons included campaigning in a polling station, disorderly conduct in a public place and defacing political posters, taking pictures within the polling station and destruction of political posters.

<sup>21</sup> See generally, the Fourth Schedule of the Electoral Act.

<sup>22</sup> Section 1 of the Fourth Schedule of the Electoral Act.

<sup>23</sup> Section 160B of the Electoral Act.

responsibility is to act as a conflict management body during the election. It is mainly an informal way of resolving conflicts arising out of an election and decisions of the committee are made by consensus. The committee primarily focuses on disputes and grievances arising from breaches of the Code of Conduct referred to above.

Below are the major legislative instruments introduced during the life of the GNU in preparation for the 2013 harmonized elections.

- The new Constitution of Zimbabwe
- Electoral Amendment Act, Act 12 of 2012
- Statutory Instrument 69- voter registration requirements
- Statutory Instrument 83- Costs of Electoral voters' roll
- Statutory Instrument 84 of 2013-Special Voting and Postal Voting Regulations
- Statutory Instrument 85 of 2013 - Amendments to the Electoral Act, including setting the formula to be used for the seats that are won using proportional representation; creating ward structures.
- Statutory instrument 86- Proclamation of Election Date by President
- Statutory Instrument 87- Results Transmission System
- Statutory Instrument 88-Nomination of Candidates
- Statutory Instrument 89- Accreditation of Observers

## **ELECTION MANAGEMENT**

The management of elections in Zimbabwe is mandated to the ZEC. ZEC is responsible for the conduct of elections for the following:

- The Presidency
- The National Assembly
- The Senate
- Local authorities
- Provincial councils,
- Metropolitan councils
- The governing bodies of local authorities
- The National Council of Chiefs

The ZEC is also charged with supervising elections for the President of the Senate and the Speaker; registering voters, compiling voters' rolls and registers, ensuring the proper custody and maintenance of the rolls, the delimitation of electoral boundaries and the establishment and operation of polling centres, including procurement of all the electoral materials to be used therein. It is the commission's responsibility to conduct and supervise voter education and to accredit observers for elections and

referenda. ZEC is also mandated to monitor the media's coverage of the election and to consider complaints from the public and take action to address these complaints.

Constitutional Amendment No.19 of 2008, which gave effect to the GPA, increased the number of ZEC commissioners from five to eight and stipulated that at least four of these commissioners should be women. Thus in 2013, the commission had five female commissioners including the chairperson.

For the 2013 harmonised elections, ZEC faced many challenges. It came into the elections with a history of alleged partisanship of the commissioners and staff<sup>24</sup>. It was also burdened by the legacy of the disastrous management of results in 2008.

The year began with the resignation of the then chairperson of the ZEC, Justice Simpson Mutambanengwe, in February 2013, but he was soon replaced by Justice Rita Makarau. Thereafter ZEC conducted a technically successful referendum, which raised hopes that it would ably meet the challenges of the harmonized poll under the leadership of the new chairperson. The success of the referendum was attributed to the fact that the requirements were relatively straight forward. Since every citizen is eligible to vote in a referendum, there is no need for a voters' roll. Additionally, voters can vote anywhere in the country. All the parties in the GNU campaigned for a 'Yes' vote, and urged all their supporters to vote. The turnout was therefore high as there was relatively no contest. There was only one ballot paper with two choices for the voter, so processing was fast and not overly complicated.

Apart from the issue of citizen confidence, ZEC has struggled to secure funding for its work. Funds were slow in coming and they were disbursed partially, a case in point being the mobile voter registration that was heavily constrained due to a lack of funding. In the Minister of Finance's budget for 2013, the vote for the referendum and the general elections was not adequately covered. In preparation for the elections, ZEC had been receiving funding and technical assistance from the Electoral Institute for the Sustainability of Democracy in Africa (EISA) and technical assistance from several donors through the United Nations Development Programme (UNDP). The government refused to receive external funding for the elections and the Ministry of Finance released funding at a piecemeal rate during the elections. Funding was received a week before the elections, and whilst this proved sufficient for the actual poll day, it must also be noted that it was insufficient funding that led to shortened voter registration periods and the inability of many people to register to vote.

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<sup>24</sup>Pre-Election Detectors- ZANU-PF's attempt to reclaim political hegemony' Crisis in Zimbabwe Coalition.



The voters' roll which, in many ways, is the essence of the poll and is the poll's foundational document, is compiled by the Registrar-General of Voters (RGV) under the supervision of the electoral commission which can only supervise the RGV as he discharges this function. This applies to both the continuous voter registration as well as the mobile voter registration exercise. The process was inadequate and ZEC had no choice but to go into the election with a voters' roll that it had not been responsible for compiling. The new Constitution provides for ZEC to have total control of the voters' roll, including its compilation and any work done on the voters' roll, however for the purpose of this election, the Registrar General would continue to play his role in voter registration.

For the purposes of an election, section 10 (1) of the Electoral Act gives the commission the power to recruit staff from persons in the employment of the state and to train and deploy them and of course, to ensure their non-partisanship. In April 2013, at a meeting with ZEC, the MDC-T protested ZEC's appointment of ward youth officers, widely believed to be ZANU-PF supporters, as polling officials during the referendum and called on the commission to avoid the practice of using partisan staff.<sup>25</sup> This echoed previous concerns about the partisanship of senior ZEC staff. Unlike previous elections, ZEC staff had more of a presence at provincial and district levels in the lead up to the elections. However, it is still the Registrar-General who appoints constituency registrars. ZEC should have more permanent and semi-permanent field staff that are responsible for recruiting and managing staff on Election Day.

In terms of stakeholder management in 2013, ZEC did well to keep most stakeholders updated about its activities with regard to the election. Since 2012, the commission held regular workshops for the media, for the police and other electoral stakeholders, to update them on its state of preparedness and train them on various aspects of the process. For example, on 18 June the ZEC chairperson briefed members of the media on election reporting. On 3 July ZEC also conducted training for chief election agents to train them on the procedures that would be used during the election. Various briefings and updates for observer groups were also held.

## **THE PRE-ELECTION PERIOD**

The pre-election period effectively began on 19 March when the results of the referendum were announced, paving the way for the long-awaited elections. On the one hand there were continued calls from ZANU-PF that elections should be held at the earliest date following the end of the life of the 7th Parliament on 29 June 2013. On the other hand, the MDC formations and other observers countered that there could be no elections without reforms, and that legally, the elections could be held as late as

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<sup>25</sup> "MDC demands changes at ZEC" - Nehanda Radio 23 April 2013.

the end of October 2013, four months after the end of Parliament, so there was no need to rush unprepared into the polls. At the same time ZEC announced itself ready, willing and able to conduct harmonised elections as and when the President announced them. This was despite the fact that ZEC and the Minister of Finance admitted that there was no money for elections, even as the two voter registration exercises suffered from a lack of financial support.

### **Calendar of Events, 2013 Harmonised Elections**

*Table: 2*

<b>Event</b>	<b>Date</b>	<b>Provided for by</b>
<b>Mobile Voter Registration 1</b>	April 29 to May 19	Electoral Act section 36a
<b>Mobile Voter Registration 2</b>	9 June to 10 July	Constitution of Zimbabwe section 6 (3) of the Sixth Schedule of the Constitution of Zimbabwe
<b>Nomination Court for Harmonised Elections</b>	28 June	Section 58 of the Constitution as read with Statutory Instrument No.86 of 2013
<b>Nomination of party-list candidates for the Senate, the National Assembly and provincial councils</b>	28 June	Section 45C of the Electoral Act as read with SI 86
<b>Election of Chiefs</b>	12 July	120(1)(b) and (c) of the new Constitution, as read with section 38(3) of the Electoral Act [Chapter 2:13] and section 35 of the Traditional Leaders Act [Chapter 29:17]-
<b>Election of President and Deputy President of the council of chiefs</b>	19 July	As Above
<b>Election of Senators for the Disabled</b>	2 August	Section 120 1 (b) of the Constitution read with SI 86
<b>Special Voting</b>	14-15 July	Section 81 of the Electoral Act read with SI86 and SI 84
<b>Election of Senators for the disabled</b>	2 August	Electoral Act
<b>Election of 60 women representatives to Parliament, senators and members of provincial councils for non-metropolitan councils</b>	5 August 2013	Constitution of Zimbabwe

## **Political Environment**

The political environment was an important factor as the spectre of violence that took place during the 2008 presidential election run-off was ever present. The Organ of National Healing, Reconciliation and Integration (ONHRI), which was mandated to establish a mechanism for national healing, cohesion and unity and laying the foundation for a society characterized by mutual respect, tolerance, and development, failed to provide these mechanisms. There were no mechanisms for truth telling and reparation; hence the culture of impunity was not addressed. In addition, the focus on physical violence during this election did not take into account intimidation and harassment that was non-physical. The assessment of the 2013 elections by international election observers was based solely on the low incidence of violence throughout the election period. The long-term psychological impact of the type of violence that characterized the 2008 presidential election run-off campaign with no recognition or meaningful reconciliation cannot be quantified, particularly when the threats to the victims have continued throughout the lifetime of the GNU and this electoral cycle. Thus the lack of evaluation by any of the regional observer groups as to the effectiveness of the mechanisms established within the Global Political Agreement to address fear, intimidation and violence is problematic.

There were also increased political party activities, with reports of more than 28 registered political parties in Zimbabwe planning to contest the elections. However, on 31 May, in response to a petition filed by Jealousy Mawarire, for an election on 29 June, the Constitutional Court ruled that 29 June was too early, but that elections must be held by 31 July 2013. This was untenable given the stalled reforms and the lack of funding and time needed for election preparations. For example, the time from the date of the ruling to the 31 July was insufficient for the conduct of the constitutionally mandated 30 days of voter registration, the sitting of the Nomination Courts and a 30-day electoral campaign period.

In response to these challenges created by the court ruling, cabinet accelerated discussion on the necessary changes needed to the electoral law in order to align it to the new Constitution. In particular it set out to define the exact system of proportional representation that would be used to allocate the women's seats, the Senate and the provincial councils. On 13 June the President proclaimed 31 July 2013 as the date for the harmonised elections and used his Presidential Powers to amend the electoral law without going to Parliament. The President claimed to have used his Presidential Powers to amend the Act because it was inexpedient to await the amendment of the Electoral Act through Parliament and still be able to abide by the Constitutional Court judgment. Predictably, there was an outcry from coalition members and some observers.

A SADC summit held on in Maputo on 15 June encouraged the government of Zimbabwe to “seek more time beyond 31 July deadline for holding the harmonized elections”<sup>26</sup>. An application to extend the deadline for election was duly filed by Justice Minister Patrick Chinamasa on 18 June. On 4 July the Constitutional Court confirmed its earlier ruling that elections should be held by 31 July. In terms of the electoral roadmap set out with the facilitation of SADC and the Global Political Agreement, GPA most of the reforms had not been made by the time the election date was announced.

### **Voter registration**

Voter registration in Zimbabwe is continuous with voters free to register at district offices in between elections (section 17A of the Electoral Act). The Registrar-General is supposed to update the voters’ roll using these new registrants by deleting dead people from the roll, which should be done seamlessly as the Registrar-General of voters is also the Registrar-General of deaths. However, as most do not take advantage of this facility for continuous registration, the Registrar-General regularly conducts election-specific voter registration drives. As such, from 29 April to 19 May, the Registrar-General, under the supervision of ZEC, conducted a mobile voter registration throughout the country.

However, the funds provided were not sufficient as there were problems with a lack of personnel, materials and other resources during the exercise. There was also very poor publicity and voter education. Some citizens did not know that voter registration was taking place. In addition, many prospective registrants arrived at registration centres without knowing the requirements for registration. The requirement for proof of residence thwarted many prospective registrants, particularly in urban areas.

In the rural areas the traditional authorities usually supply proof of residence. But some of them allegedly refused to authenticate prospective voters who were considered to be unsupportive of ZANU-PF in violation of one of the principles of the GPA and the new Constitution that traditional authorities should be non-partisan. Former aliens were also turned away as they had to renounce their alien status first and formalise their citizenship before being allowed to register. They were also forced to pay a fee for this renunciation, contrary to announcements by the Registrar-General. Some centres did not open for long enough, and in some areas, such as Harare, the number and location of the registration centres were not conducive for people to come and register.

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<sup>26</sup> Communiqué of the Extraordinary Summit of the SADC Heads of State and Government, 15 June 2013.

When the exercise ended on 19 May 2013, there was much criticism that it was inadequate and did not capture all those interested in registering. To address these concerns and abide by a requirement of the new Constitution, a new exercise was conducted from 10 June to 9 July. Improvements were noted, including more publicity and the deployment of at least two voter educators per ward, unlike the previous exercise when there were only two educators per district. Civil society groups were not accredited to provide voter education, which remained inadequate. Registration requirements were also relaxed. Previously, applicants had been required to supply proof of residence, such as utility bills or confirmation from parents or landlords. For the purposes of the second exercise, applicants were required to sign affidavits confirming their addresses at the respective registration centre. Long queues developed during this exercise due to the slow processing of applicants by officials. There was also a preference to register police recruits first, who were bussed in to many registration centres. Despite the original plans to have a team in each ward for 30 consecutive days, due to funding constraints, registration was done for 2-3 wards simultaneously and for only 3-4 days. Many people therefore failed to register, including those who were employed and could not take time off to register when the registration teams were in their ward during the week.

Time constraints created by the declaration of the election date also obliged the electoral authorities to compromise normal electoral procedure by combining the voter registration exercise with the inspection of the voters' roll. This was unlike previous elections and normal electoral practice in many countries. As a result, newly registered voters had no chance to check whether their names appeared on the voters' roll because the roll was only compiled after the end of the registration exercise and inspection period. The consequences of this were abundantly apparent on the actual Election Day when hundreds of thousands of voters were turned away from polling stations for various reasons, including the fact that they had turned up to vote in the wrong ward. Some were even turned away despite holding voter registration slips as proof of registration.

The change from constituency to ward-based voters' rolls was not well communicated to voters, and this resulted in many people being turned away from polling stations where they had voted in previous elections. This was because whilst the polling station was in the right constituency it was not in the ward where the voter was registered.

Although the processes of registration and inspection were combined, the element of inspection was not well publicised. As a result, many people did not go to inspect the roll and therefore did not find out the exact ward they were registered. Although the unofficial *myzimvote.com* website made it possible for citizens to 'inspect' the roll online, this service was only available to those with access to the Internet, a tiny fraction of the electorate. It was also disowned by the electoral authorities, who advised citizens to physically check at its overcrowded local registration centres. Another problem was the fact that although this private website provided a valuable public service for many potential voters, it could not provide an up-to-date voters' roll. The website was, in fact, declared illegal by the Registrar-General Voters' office.

Other problems identified were:

- Failure to accredit civil society organisations to observe the voter registration.
- Lack of special measures and sensitivity for vulnerable groups, such as people living with disabilities, pregnant, nursing women, and the elderly.
- Insufficient information on voter registration procedures and requirements.
- Slow processing of potential voters and unprofessional conduct by voter registration officials leading to long queues.
- Disenfranchisement of Zimbabwean citizens still classified as “aliens”.
- Inadequate voter education as ZEC deployed only two people per ward to conduct voter education and this compromised the reach and quality of the education provided.<sup>27</sup>

While some Zimbabweans living in the country failed to register, other citizens did not even get that opportunity. The government has remained adamant that it would not allow out-of-country voting for ordinary citizens in the Diaspora, and this was confirmed by the Constitutional Court, which, on June 28 ruled against an application for the right to vote by a Zimbabwean citizen based in South Africa.

The new Constitution allows prisoners the right to vote. But in another case of disenfranchisement, ZEC declared that prisoners would not be able to vote because the commission had not managed to put the mechanisms in place in time for the election on 31 July.<sup>28</sup>

To compound the doubts over ZEC’s election preparations, and particularly the credibility of the voters’ roll, a civil society NGO, the Research and Advocacy Unit (RAU) released a report at the beginning of July that showed disturbing levels of over-registration in the roll for all age groups over the age of 30. In some constituencies, RAU reported, the number of people registered exceeded the total population, and the number of people on the roll who were 100 years and over stood at 116,195 which, by any estimation, is highly unusual if true.<sup>29</sup>

A week before the election, the Registrar-General announced that 747,928 new voters had been added to the voters’ roll during the two voter registration drives and that the total voter population now stood at 6.4 million.<sup>30</sup> However, contrary to the provisions of the electoral law, no copies of the roll were

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<sup>27</sup> Civil society joint statement on observations on the mobile voter registration exercise.

<sup>28</sup> ‘Prison inmates won’t vote <http://www.theindependent.co.zw/2013/07/12/prison-inmates-wont-vote-makarau/>

<sup>29</sup> ‘Key statistics from the 2013 Voters’ Roll’ Research and Advocacy Unit.

<sup>30</sup> ‘Mugabe can’t win’ Daily News 25 July 2013.

provided for scrutiny and the Registrar-General did not give a breakdown of registered voters by province or by constituency, making analysis and verification difficult.

## **The Voters' Roll**

Reform of problematic areas that have been identified in previous elections, such as the voters' roll, was high on the agenda. For the past decade, successive audits of the voters' roll have shown that the roll is not a true reflection of the registered voter population in Zimbabwe. Chief among the issues is the fact that the roll is inflated; that there are dead people on the roll; and that it is not reflective of the actual population of the country as per census figures. For instance, in some cases there are more people registered in some constituencies than recorded by the census figures.

In previous years the voters roll was constituency based. On Election Day every polling station in each constituency received copies of the same roll. Without the other measures against multiple voting, such as indelible ink, a person could vote at all the polling stations in the constituency. This problem was partially addressed by the introduction of ward-based voters' rolls, which has gone some way towards reducing the possibility of multiple voting.

In the past there were calls for polling station-based voters' rolls because it was believed that such a system would prevent the movement of voters to bolster support for certain candidates and would prevent double or multiple voting. However, given the political climate in Zimbabwe, there were risks associated with such a process. Firstly, there was the risk of deliberate displacement of voters from their specific polling stations. Secondly, there was also the risk of post-election retribution.<sup>31</sup> There will, therefore, need to be specific mechanisms put in place for successive elections to safeguard the security of voters as the country moves forward to implement international best practice regarding a polling station-based voters' roll, as provided in the amended Electoral Act as amended for successive elections.

Amendments to provisions of the Electoral Act were made in the run-up to the 2013 elections, Harmonised Election including the provision of electronic copies of the voters' roll. This was meant to enhance access to information by electoral stakeholders and provide greater transparency to the process. However, nevertheless, some political parties were unable to access an official electronic copy of the voters' roll before the election, which violated the spirit of transparency espoused in the Electoral Amendment Act.

## **Assessment of Voters' Roll**

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<sup>31</sup> Opportunity and Risk in the Proposed Polling Station-Based Voters' Roll – ZESN report.

ZESN conducted a demographic analysis of the voters’ roll as provided by the Office of the Registrar General on 19 June 2013. ZESN’s analysis was conducted on all 5,890,169 names on the voters’ roll from all 1,964 wards and 210 constituencies compared to the official 2012 Census data from the Zimbabwe National Statistics Agency (ZimStats).

As the voters’ roll stood at 19 June 2013, urban and youth voters were not given an equal opportunity to participate in the elections. If left unaddressed in the final voters’ roll these issues would seriously undermine the credibility of the process.

**Findings:**

- 1. Missing Urban Registered Voters:** Under-registration of eligible voters in urban wards amounting to approximately 750,000 missing in the voters’ roll.

The official registration figures show a total of 5, 890, 169 registered voters. Using official 2012 Census figures, it is possible to estimate a national registration rate of 88.55 per cent.

However, ZESN’s investigation discovered a significant disparity between registration rates in urban and rural wards, with registration in urban wards at 67.94 per cent but at 99.97 per cent in rural wards. For urban registration rates to be comparable with rural registration rates another estimated 750,000 urban voters still needed to be registered.

**Table: 1**

Table 1: Comparison of registered voters with estimated eligible voters by rural and urban wards						
Urban/Rural	Voters’ Roll 19 June 2013		2012 Census Estimate		Difference	Per cent Registered
Rural Wards	4,278,103	72.64%	4,279,336	64.33%	1,223	99.97%
Urban Wards	1,612,066	27.36%	2,372,522	35.67%	760,456	67.94%
<b>Total</b>	<b>5,890,169</b>		<b>6,651,858</b>		<b>761,689</b>	

- 2. Missing Young Registered Voters:** Under-registration of youth voters in urban and rural wards with approximately 400,000 young voters – youth voters comprise only 5 per cent of those registered.

According to estimates from the 2012 Census 18.24 per cent of eligible voters are between 18 and 22 (those who became eligible since the 2008 elections), however just 2.39 per cent of registered voters are between these ages – one ninth of the desired number. Similarly, estimated eligible voters between 23 and 29 years are 22.97 per cent according to the 2012 Census, but registered voters in this age group are just 11.37 per cent, or half the desired number.

At the same time, 5.50 per cent of registered voters are between the ages of 70 and 79, although according to the 2012 Census only 3.71 per cent of estimated eligible voters are these ages. And, while



statistics from the Registrar-General's office reflect that 5.82 per cent of registered voters are 80 years or older, the 2012 Census reflects that only 2.34 per cent of eligible voters should be this old.

**Table: 2**

<b>Table 2: Comparison of Registered Voters with Estimated Eligible Voters by Age</b>					
Age	Voters Roll 19 June 2013		2012 Census Estimate		Per cent Difference
Less than 18	360	0.01%	---	---	---
<b>18 to 22</b>	<b>140,689</b>	<b>2.39%</b>	<b>1,213,299</b>	<b>18.24%</b>	<b>-15.85%</b>
<b>23 to 29</b>	<b>669,799</b>	<b>11.37%</b>	<b>1,527,932</b>	<b>22.97%</b>	<b>-11.60%</b>
30 to 39	1,783,808	30.28%	1,507,311	22.66%	+7.62%
40 to 49	1,250,989	21.24%	831,482	12.50%	+8.74%
50 to 59	858,414	14.57%	727,713	10.94%	+3.63%
60 to 69	519,013	8.81%	441,683	6.64%	+2.17%
<b>70 to 79</b>	<b>323,913</b>	<b>5.50%</b>	<b>246,784</b>	<b>3.71%</b>	<b>+1.79%</b>
<b>80 or More</b>	<b>343,187</b>	<b>5.82%</b>	<b>155,653</b>	<b>2.34%</b>	<b>+3.48%</b>

Assessed comparatively with other countries in Africa, these figures are also worrying. The registration of young people in Zimbabwe is not only well below 2012 Census estimates; it is significantly lower than registration rates in other African countries for recent elections (see Table 3). Registration of young voters (under 25) is more than 10 per cent less in Zimbabwe than comparable countries. Even with immigration to other countries, the figure for youths' registrants is still significantly low as compared to other countries where voter registration is also not compulsory.

**Table: 3**

<b>Table 3: Comparison of youth voter registration between African countries</b>			
Country	Year	Age Range	Per cent of Registered Voters
South Africa <sup>32</sup>	2009	18 to 25	16.50%

<sup>32</sup> Available at <<http://www.elections.org.za/content/WorkArea/DownloadAsset.aspx?id=1287>>.

Zambia <sup>33</sup>	2011	18 to 24	20.61%
Kenya <sup>34</sup>	2013	18 to 25	16.86%
<b>Zimbabwe</b>	<b>2013</b>	<b>18 to 25</b>	<b>4.51%</b>

For registration rates of youth voters to approximate the 2012 Census another 400,000 voters between the ages of 18 to 29 needs to be registered. This would have entailed adjusting the voter registration process by the electoral commission to deliberately target young people and increase the registration rate of this important part of the population.

### 3. More Problems with Under-Registration of Youths and Over-Registration of the Elderly in Urban Wards than Rural Wards

When official registration data is analysed by urban/rural and age data, it reveals a different experience between urban and rural wards for young voters seeking to register, as well as for the removal of dead people from the voters' roll.

Registration of 18 to 22-year-olds is 0.61 per cent higher in rural wards than in urban wards. In the 23 to 29-year-old category, registration in rural wards is 2.42 per cent higher than in urban wards. For 70 to 79-year-olds, the percentage of registered voters in rural wards is 3.97 per cent greater than in urban wards, while for voters 80 years old or older the percentage of registered voters in rural wards is 5.87 per cent higher than in urban areas.

Because registered voters between the ages of 30 and 69 are predominantly existing voters rather than new voters, the difference in registration rates is largely due to factors affecting young voters and older registrants, rather than factors related to voters in the 30 to 69-year-old category.

ZESN's analysis also showed over-registration of elderly voters in all wards (urban and rural), with approximately 250,000 names of individuals who are likely to have died whose names have not been removed from the voters' roll.

**Table: 4**

Table 4: Comparison of Registered Voters in Urban and Rural Wards by Age			
Age	Voters' Roll 19 June 2013	Difference	Per cent

<sup>33</sup> Available at <[http://www.elections.org.zm/media/31072011\\_registered\\_voters\\_per\\_constituency.pdf](http://www.elections.org.zm/media/31072011_registered_voters_per_constituency.pdf)>.

<sup>34</sup> Available at <<http://www.iebc.or.ke/index.php/media-center/press-releases/item/age-gender-matrix-per-county>>.

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	Urban		Rural			Difference
Less than 18	31	0.00%	328	0.01%	297	+0.01%
<b>18 to 22</b>	<b>30,363</b>	<b>1.95%</b>	<b>110,326</b>	<b>2.56%</b>	<b>79,963</b>	<b>+0.61%</b>
<b>23 to 29</b>	<b>153,011</b>	<b>9.63%</b>	<b>516,789</b>	<b>12.05%</b>	<b>363,778</b>	<b>+2.42%</b>
30 to 39	559,222	34.73%	615,674	28.56%	56,452	-6.71%
40 to 49	452,834	28.07%	414,317	18.58%	-38,517	-9.49%
50 to 59	242,740	14.96%	280,860	14.42%	38,120	-0.54%
60 to 69	104,696	6.43%	187,926	9.74%	83,230	-3.31%
<b>70 to 79</b>	<b>43,053</b>	<b>2.64%</b>	<b>105,792</b>	<b>6.61%</b>	<b>62,739</b>	<b>+3.97%</b>
<b>80 or More</b>	<b>26,116</b>	<b>1.60%</b>	<b>319,070</b>	<b>7.47%</b>	<b>292,954</b>	<b>+5.87%</b>

While ZEC previously provided periodic updates during the mobile voter registration exercise from 29 April to 19 May 2013, no further information was released to allow independent assessment of the final state of voter registration. This was compounded by the refusal to provide the final voters' roll used for the 31 July polls in its electronic form. The implementation of the voter registration process was not adjusted in any way, which suggests that ZEC was mindful of the concerns raised about the state of the voters' roll. Provisions within the Constitution for the possible extension of the voter registration period were not utilized. In the absence of any further information, it would be safe to assume that the final roll, at best continued this unequal and inequitable pattern on access, exclusion, prejudice and disenfranchising urban and youth voters and, as a result, seriously undermines the credibility of the entire electoral process, thereby violating the principle of full participation of citizens in electoral processes and the equal opportunity to exercise the right to vote as expressed in the SADC Principles and Guidelines Governing Democratic Elections.

### Nomination of Candidates

Despite their earlier protestations to the contrary, on 28 June the MDC- T and MDC-N joined ZANU-PF and 17 other parties to field candidates for the presidential, National Assembly and local authority elections. Apart from minor administrative issues, the Nomination Courts proceeded well and at the end of the process there were five presidential candidates and 871 candidates for the National Assembly elections. There were no female presidential candidates, but there were 66 female National Assembly candidates. The candidature of women was prejudiced in all parties because they were told that they need not be candidates as there were 60 seats already allocated for women, which ultimately defeated the intention to increase women's participation in political processes.

The table below shows the nomination requirements of candidates in Zimbabwe.

**Table: 5**

TYPE OF ELECTION	QUALIFICATION FOR CANDIDATES	NOMINATION FEE	COMPOSITION	ELECTION DATE
President	-Citizen by birth or descent -40 years and above	USD 500,00	Executive presidency	31 July 2013
House of Assembly	-Citizen of Zimbabwe -Registered voter -21 years or over -Ordinarily resident in Zimbabwe for 5 years over past 20 years	USD 10,00 for elected members; USD 60,00 for each party list	-270 members -210 members elected – 60 women representatives	-31 July for elected members Women representatives elected as soon as election results announced
Senate	-Citizen of Zimbabwe -Registered voter -40 years or over -Ordinarily resident in Zimbabwe for 5 years over past 20 years	USD 60,00 for each party list	-80 members -60 elected through proportional representation (6 in each of 10 provinces) - 18 chiefs (including President & Deputy President of Council of Chiefs) - Two representatives for disabled	-As soon as election results are announced for the 60 ordinary senators. -12 July for 18 chiefs - 19 July for the selection of representatives for the disabled
Local Authority	-Citizen of Zimbabwe -21 years and over -Registered voter in council area	USD 10,00	1958 -directly elected	31 July 2013
Provincial councils in the 8 non – metropolitan provinces				-As soon as results are announced based on the results of the National Assembly.

The process was peaceful and there were no major problems recorded besides limited time and some procedural anomalies with Nomination Courts opening late or closing late. Due to the fact that voter registration was not yet complete, some candidates faced problems getting signatures from registered voters to support their candidature. At the end of the sitting of the Nomination Court a total of five

presidential candidates and 871 candidates for the National Assembly elections had successfully filed their nomination papers.<sup>35</sup>

In the period leading up to the nomination of candidates the major parties held primary elections, but these were characterised by contestation, intimidation and violence. In ZANU-PF there were accusations of rigging, vote buying and even imposition of candidates in primary elections. In the MDC-T there were complaints about imposition of candidates, especially in Manicaland province. As a result of imposed candidates, there were double candidatures on the same party ticket in 34 constituencies,<sup>36</sup> although 24 of these candidates later withdrew their candidature.<sup>37</sup> Some aggrieved candidates filed papers as independent candidates, such as Jonathan Samkange of ZANU-PF, who contested as an independent in Mudzi constituency. The MDC-T failed to address its double candidature in Dangamvura-Chikanga constituency in Manicaland province. Even though the party threatened to expel one of its members, Arnold Tsunga, over the issue, he later went on to win the election in the constituency. In Bikita West constituency, ZANU-PF expelled Munyaradzi Kereke for standing against the official party candidate. The problems that bedevilled party primary elections were a signal of the lack of intra-party democracy, an issue that needs to be addressed before future elections.

Below are the results of the Nomination Courts:

### Presidential elections

*Table: 6*

Candidate	Political party
Dumiso Dabengwa	ZAPU
Robert Mugabe	ZANU-PF
Kisindi Mukwazhe	Zimbabwe Development Party (ZDP)
Welshman Ncube	MDC
Morgan Tsvangirai	MDC-T

The political parties listed below contested the National Assembly Elections:

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<sup>35</sup> '871 candidates to contest the harmonised elections'. <http://bulawayo24.com/index-id-news-sc-national-byo-32786.html> available at <<http://bulawayo24.com/index-id-news-sc-national-byo-32786.html>>

<sup>36</sup> 'Zanu-PF, MDC sweat over rebels' – The Independent Newspaper 19 July 2013.

<sup>37</sup> 'Available at <[24 Aspirants revoke candidature](http://www.herald.co.zw/index.php?option=com_content&view=article&id=86937:polls-24-aspirants-revoke-candidature&catid=37:top-stories&Itemid=130#UfGqfo3I2So)>  
[http://www.herald.co.zw/index.php?option=com\\_content&view=article&id=86937:polls-24-aspirants-revoke-candidature&catid=37:top-stories&Itemid=130#UfGqfo3I2So](http://www.herald.co.zw/index.php?option=com_content&view=article&id=86937:polls-24-aspirants-revoke-candidature&catid=37:top-stories&Itemid=130#UfGqfo3I2So)>

1. Alliance Kumbula Ekhaya- AKE
2. CTD
3. FCZ
4. Free Zimbabwe Congress
5. Independents
6. Mavambo Kusile Dawn (MKD)
7. Movement for Democratic Change – MDC-T
8. Movement for Democratic Change (Ncube Faction) MDC-N
9. People’s Democratic Union Freedom Front
10. Progressive and Innovative Movement of Zimbabwe PIMZ
11. United Movement for Democracy (UMD)
12. Voice of the People (VP)
13. ZANU-Ndonga
14. Zimbabwe African People’s Union (ZAPU)
15. Zimbabwe Development Party
16. Zimbabwe National African Union (Patriotic Front)-ZANU PF
17. Zimbabwe People’s Movement (ZPM)

### **Special voting**

ZEC made provision for civil servants and members of the disciplined forces who were due to be deployed on official duty on Election Day away from the wards where they are registered to vote. A special early voting exercise was conducted to allow them to do this.

In the past members of the disciplined forces would vote in barracks and police or military precincts. This was known as postal voting, as the votes would then be posted to ZEC for processing. The process was not trusted because voting conditions were not compatible with the secrecy of the ballot and it was difficult to observe the transmission of the ballots and their processing. Therefore the Electoral Amendment Act of 2012 introduced new provisions for special voting in sections 81A-81H, which were supplemented by Statutory Instrument 84 of 2013.

According to these provisions, ZEC was required to establish special voting stations for members of the disciplined forces for the purposes of conducting the special vote. These centres were not to be located at or near police stations or any premises occupied by security offices. At these stations, special voters would receive ballot envelopes containing ballot papers from the ward where they were registered and would vote and place these papers in the envelope for transmission to their ward for counting on

Election Day. The voters' names would also be deleted from the voters' rolls for the wards where they were registered.

This provision is meant to safeguard the right of these citizens not only to vote but to do so freely. Special voting takes place 14 days before Election Day. According to ZEC<sup>38</sup>, 69,322 police officers applied for the special vote. This number was considered to be extremely high compared to the actual size of the police force because the MDC-T's co-Minister of Home Affairs had indicated that there were only 38,000 police officers in the country.<sup>39</sup> ZEC explained that the increase was due to the fact that temporary members of the police force, known as the constabulary or reserve police officers, would also be deployed on Election Day. Although police officers made up most of those applying for the special vote, there were also 15,000 ZEC officials, 140 army officers and 2,000 prison officers' who had applied for the vote.<sup>40</sup>

Due to logistical problems, not all those who were eligible to vote managed to do so. In most special voting stations, balloting material, especially the ballots and the ballot envelopes themselves were delivered late. Most stations opened late and some did not open at all. ZESN observed that voting in some stations was still taking place on the morning of July 16 2013, as ZEC extended voting time an aspect not provided in the electoral law. In many polling stations there was no main voters' roll and names were not being cancelled which led to fears of double voting in the 2013 harmonised elections.

#### **Breakdown of the special vote exercise**

At several stations, ZESN observers reported that police officers became unruly and riot police were deployed to calm them down as frustration over delays increased. At one station, ZESN observers witnessed special voters unhappy over the delay in voting smashing windows.

In the end, as the table below shows, 40 per cent of the special voters did not vote, even though voting continued for a third day. ZEC attributed the delays to the late determination of Nomination Court appeals, delays in getting information for printing of ballot papers and mechanical failure at the printers. Some of these problems can simply be attributed to the fact that the election calendar was just too short to accommodate all the steps in the calendar adequately. The method used for special voting also exacerbated the problems, as voting only for the president could have reduced the complexity brought by preparing for ward and constituency ballots as done in other countries.

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<sup>38</sup> "ZEC apologises over special vote fiasco, available at <<http://www.newzimbabwe.com/news-11733-ZEC+apology+over+special+vote+fiasco/news.aspx>>.

<sup>39</sup> '70 000 police officers apply for special vote' -in Newsday 9 July 2013.

<sup>40</sup> Bill Watch 31/2013- Veritas.

Table: 7

Province	Ballots unclaimed	Ballots unused	Ballots voted
Manicaland	990		3,383
Harare	5,414	2	9,528
Bulawayo	211	860	1,303
Mash Central	641		3,121
Mash East	232		4,126
Mash West	285		2,743
Mat South	691		1,270
Mat North	983		3,998
Midlands	80	20 envelopes without ballots	1,951
Masvingo	349		4108
<b>Total</b>			35,531

ZEC then issued a notice indicating that those who had been unable to vote on special voting day would be allowed to do so on Election Day. This was a violation of section 81B (2) of the Electoral Act, prohibiting those who had the chance to vote in the special voting exercise from voting on Election Day. On Tuesday, 23 July, ZEC applied to the Constitutional Court for leave to allow those who could not vote on July 14 and 15 to vote on Election Day. On 26 July, the court granted the relief sought by ZEC, citing section 67 of the Constitution, which grants the right to vote to every citizen of Zimbabwe. This effectively amended the law which stipulated that special voting could only be allowed to take place at least 14 days before polling day. On 14 July, The MDC-T filed an application to nullify the special vote on the grounds that the exercise had not protected the secrecy of the vote, which would compromise the outcome of the 31 July elections. On 19 July 2013, the High Court dismissed the application and maintained that the special vote remained valid.

ZEC released a provisional list of polling stations three weeks in advance of the election with an increase in the number of polling stations from the last election relative to the increase in the number of voters. Following ZEC's indication that final polling station locations would be released on Election Day, observer groups called on ZEC to release the final list earlier. On Sunday, 28 July ZEC published a final list



of 9,735<sup>41</sup> polling stations adding to its earlier number of 9,670. However, another list of an additional 65 polling stations was published on Election Day which also corrected wrong wards that resulted in many voters being turned away as they went to the wrong wards. Based on experience of managing elections regularly since 1980, ZEC was expected to release the list much earlier.

In terms of the management process, there appeared to be more of a commitment to the letter of the law, at least superficially, rather than to ensuring the credibility of elections. For example, ZEC justified the ending of the voter registration exercise without including all prospective voters in order to abide by legal provisions. But the failure of so many citizens to register led to their disenfranchisement and a grave violation of their civil and political rights. Yet the same commission that applied to the Constitutional Court to be allowed to violate the law with regard to the special voting exercise, did not approach the court with a request to extend voter registration or to consider a supplementary voters' roll, as has happened in the past.

In June, a private website was launched that allowed voters to verify their registration status online. ZEC responded to this initiative to help Zimbabwe's beleaguered electorate by saying that it needed to verify whether or not the website was legal. However, the Registrar-General of voters, issued a statement declaring the website illegal, thereby discouraging its use.

Clearly, such a service must be ordinarily provided by the Registrar-General's office, especially given the fact that the roll appearing on the website was an earlier version of the voters' roll that emanated from that same office in the first place. There appeared to be no political will to provide such a service and it should have been up to ZEC, as the overall managers of all electoral preparations, to insist that the Registrar-General's office provide such a service. In future ZEC, being the custodian of the voters' roll, should take the lead and enable voters to check their registration status and their wards and polling stations online.

The logistical problems during voter registration and the manner in which the special vote was conducted raised many questions about ZEC's ability to conduct a successful election and created fears that the commission would be unable to manage the millions of voters on Election Day. In the run-up to the elections some organisations<sup>42</sup> called on ZEC and the authorities to postpone the elections until all the conditions for a credible poll were met in order to avoid the challenges that characterised the special voting.

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<sup>41</sup> Insert in The Standard Newspaper - 28 July 2013,.

<sup>42</sup> Election Resource Centre - 'Five reasons why ZEC should seek a poll postponement', Crisis in Zimbabwe Coalition.

## Postal Voting

A few days before the polls, ZESN called for greater transparency by the electoral commission in its handling of the postal vote. The postal vote has been a source of political contestation over the years in Zimbabwe's elections, as many people remain unclear about how they are handled by the commission. According to the Electoral Act, any person who is registered as a voter and lives outside Zimbabwe on duty in the service of Government or is a spouse of a person on government duty is eligible for the postal vote. A person, who is eligible to vote, based on this criterion, is required to apply to the Chief Elections Officer after which permission is then granted or denied for them to vote. After voting, the ballot papers are sent to the Chief Elections Officer and then dispatched to the relevant constituencies and wards indicated by the voter on the envelope.

Postal voting for diplomats and those stationed outside the country took place in 42 diplomatic missions in the week beginning 22 July. ZEC indicated that there were only 262 applications for postal voting. ZESN was invited to observe the opening of the special vote and postal vote envelopes.

## Voter Education

There are different types of education that voters may receive with regard to elections. Civic education deals with the principles of democracy, such as citizens' rights and responsibilities, as well as the structure and workings of government. This is often done by civil society organisations. Voter education is concerned with encouraging and motivating voters to participate in elections and how voters should prepare themselves for voting. Electoral commissions and CSOs can do this.

Voter education is a once-off activity happening just before an electoral event, providing voters with information about the date, time, and place of voting; the type of election; identification documents necessary to establish eligibility; registration requirements; and mechanisms for voting. According to section 40A(c) of the Electoral Act, voter education means;

*“any course or programme of instruction on electoral law and procedure aimed at voters generally and not offered as part of a course in law or civics or any other subject for students at an educational institution.”*

Section 239H of the Constitution of Zimbabwe and the Electoral Act section 40A to 40F, states that only the Zimbabwe Electoral Commission be allowed to conduct and supervise voter education. In order to fulfil the supervisory aspect of its mandate, the commission is required to accredit civic organisations, which may assist the commission to conduct voter education. The Electoral Act provides that any foreign funding for voter education be given to the commission, which then channels it to any other groups if it so desires.

With regard to the harmonised poll in 2013, voters received less than adequate voter education and voter information. The referendum itself was conducted without most of the voters having actually read

the draft. This trend continued during the election campaign. For example, during the first voter registration exercise conducted in May, observers lamented the lack of voter education and information. The commission deployed only two voter educators per district who could not have been expected to deliver voter education adequately throughout the areas of their jurisdiction. As a result, many members of the electorate did not have adequate information about the requirements for registration. At the time, the commission had not accredited any other organisations to conduct voter education.

The arrest of several members of civil society on charges of conducting voter education illegally created uncertainty about ZEC's commitment to ensuring that the electorate received adequate and accurate information about all aspects of the electoral process.

With the end of the first voter registration exercise however, the ZEC's voter educators conducted a door-to-door campaign in an attempt to educate voters in every ward about the electoral process. However, given the high numbers of voters turned away from polling stations for being in the wrong ward it would appear that this voter education exercise failed to reach a significant number of voters. The commission placed advertisements in the media encouraging voters to vote, and informed them about the identification documents required. It is not clear that voter educators deployed in the wards also educated the voters about the need to vote in the right ward. In any event, even if they had, there was no provision for voters to inspect the voters' roll after the end of the voter registration exercise, which made it impossible for voters to check their registration details.

ZEC also accredited a number of civil society organisations to conduct voter education alongside the commission. These organisations, collectively with the commission, delivered voter education on the need to vote and urged voters to turn out in their numbers. Despite the commission's advertisements however, it appears there was a clear need to provide more specific information on the changes that had taken place, as this would have prevented some of the problems arising that resulted in huge numbers of voters being turned away on Election Day.

Organisations accredited included Ark Zimbabwe (Mvuma), Casa Masvingo Entertainment and Sports Association (Masvingo), Citizen Participation Forum (Harare), Centre for Community Development in Zimbabwe (Harare), Civic Education Network Trust (Harare), Gweru East Development Trust, Habakkuk Trust (Bulawayo), Institute for Young Women Development and Musasa Project. Others included the National Disabled Persons Trust, The Women Trust, the Wisdom Institute International Zimbabwe, the Youth Empowerment and Transformation Trust, the Zimbabwe Human Rights Association, Zimbabwe

Civic Education Trust, Zimbabwe National Liberation War Collaborators' Association, Zimbabwe Reveal Generations Trust and the Zimbabwe Election Support Network (ZESN).<sup>43</sup> Unfortunately however, this accreditation came too late for these organizations to educate voters effectively about the mobile voter registration and special voting exercise.

Unlike previous elections, the 2013 harmonized elections witnessed the introduction of the proportional representation system for some seats in the National Assembly, for the Senate and for eight of the country's 10 provinces. For example, in this election voters no longer directly voted for senators as they did in the 2008 elections. These constitute significant changes and there was a need to explain these new provisions.

## Media Coverage<sup>44</sup>

One of the key reform areas of the GPA was the area of media diversity, specifically the liberalisation of broadcasting to include new players. While there is some variety in the daily and weekly newspaper business, most newspapers display various degrees of partisan reporting. The state controlled publications tend to report favourably on ZANU-PF and negatively on other parties. The opposite is true of the private print media that favour the MDCs and other parties that are not ZANU-PF.

The state owned Zimbabwe Broadcasting Corporation (ZBC) operates four radio stations and two television channels, ZTV 1 and ZTV 2, all displaying virulent and undisguised bias in favour of ZANU-PF. Until 19 July there were no privately owned television stations in Zimbabwe. Formerly, Zimbabweans used to watch South African television channels through the Wiztech satellite decoders, but this signal was scrambled in June. Zimbabwe also has access to international news channels through digital satellite television (DSTV), at a high cost which the majority of citizens cannot afford.

On 19 July an independent TV channel, 1<sup>st</sup> TV, was launched. The station broadcasts free-to-air programmes through the Wiztech decoders and on the DSTV platform, as well as online. George Charamba, President Mugabe's spokesman, threatened to 'cripple' the "pirate" station<sup>45</sup> in violation of section 61 (1a) of the new Constitution, which states that "every person has the right to freedom of

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<sup>43</sup>'No Extension to Voter Registration' <http://www.chronicle.co.zw/no-extension-to-voter-registration/available<http://www.chronicle.co.zw/no-extension-to-voter-registration/>>

<sup>44</sup> ZESN attributes this section to MISA Zimbabwe and the Media Monitoring Project Zimbabwe (MMPZ).

<sup>45</sup> 'Government plans to cripple new TV station' available at <<http://www.newzimbabwe.com/news-11749-Govtper cent20tooper cent20per centE2per cent80per cent98crippleper centE2per cent80per cent99per cent20newper cent20TVper cent20station/news.aspx>>

*expression, which includes — (a) freedom to seek, receive and communicate ideas and other information”<sup>46</sup>*

Citizens can also tune in to alternative so-called ‘pirate’ radio stations that broadcast into the country using the short waveband width, such as Studio 7, SW Radio Africa and Voice of the People. One of the principles of the GPA was that these external broadcasts must be controlled<sup>47</sup> as they were allegedly a source of external interference in the country. On 19 February 2013, the police banned the possession and distribution of short wave radios alleging that they were being used to spread hate speech and cause dissent ahead of elections.

Social media became increasingly significant in the electoral field with a number of candidates and non-governmental organisations using platforms, such as Facebook and Twitter to campaign, to educate voters and to comment on the electoral process. Online debates on politics were also prevalent and reached a wide segment of those with access to the Internet.

What will remain etched in the minds of many observers with regard to the media’s conduct in this election was the blatantly partisan reporting, some of which reduced some media institutions to the level of propaganda outlets for the political contestants. While the public media was unapologetic about its brazen support of ZANU PF in complete disregard for its public service mandate, the private media also compromised their coverage with instances of open support for the MDC-T. In the end, it became difficult for voters to get a balanced picture on the substance of the contestants’ manifestos. Those that relied on the public media were bombarded with stories that projected ZANU PF as the only party that had sound solutions to problems plaguing Zimbabweans, while its opponents were invariably cast as appendages of western interests, immoral and bereft of meaningful ideas for extricating the country from its socio-economic malaise.

Although it is a common and an acceptable practice that the private media can openly endorse a party or candidate of their choice, this must be done within the confines of professional, ethical journalistic practice. That means they are obliged to present issues fairly and accurately without resorting to baselessly disparaging those that they do not support. In some instances, the private media found themselves wanting on this score, using the ZANU PF presidential candidate’s age and signs of fatigue in his campaign, for example, to dismiss, out-of-hand, his party as a suitable alternative for Zimbabweans.

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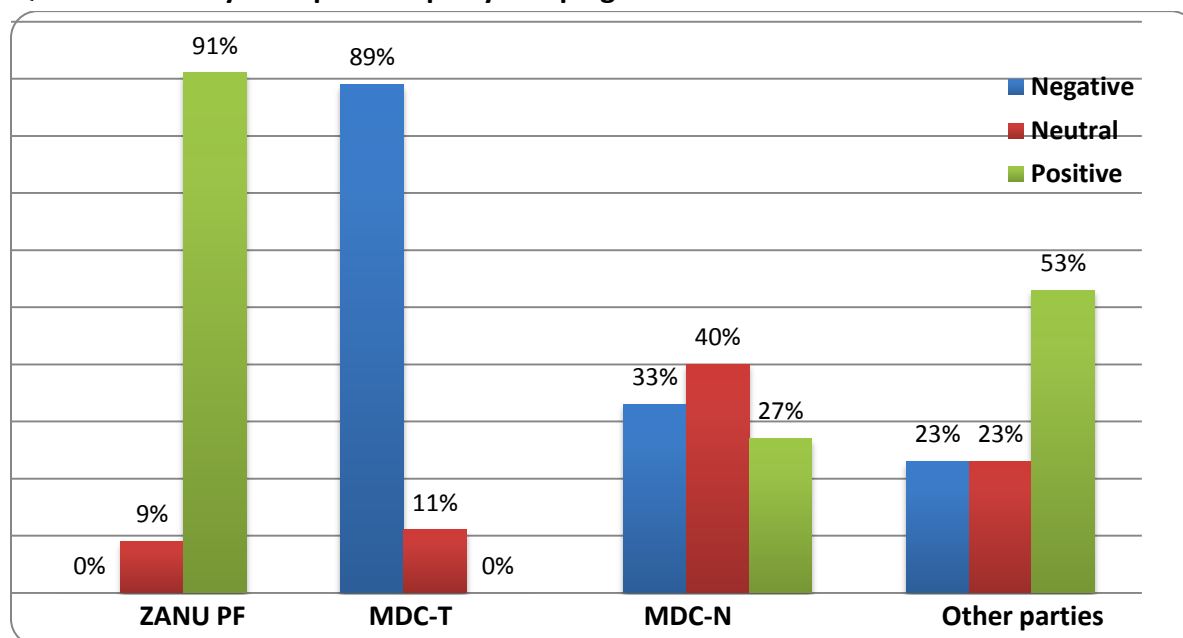
<sup>46</sup> Constitution of Zimbabwe section 61.

<sup>47</sup> Global Political Agreement -Article 19.1(c) (i).

This partisan reporting was clearly demonstrated in reporting the campaign period. In trying to bolster their preferred candidate’s popularity, some of the media engaged in a contest of attendance figures at rallies. While the public media always projected ZANU PF rallies as having attracted massively huge crowds, some sections of the private media dismissed these figures on the basis that many of those had been forced to attend events. They then projected attendance at MDC-T events as voluntary and a testament of the party’s popularity.

**Table 8**

**Qualitative analysis of political party campaign stories in all state-owned media<sup>48</sup>**



Of the 278 stories the state owned media carried on ZANU PF, 253 (91 per cent) were positive. The remaining 25 (9 per cent) were neutral. One hundred and twelve (89 per cent) of the 126 stories they carried on the MDC-T were negative, while 14 (11 per cent) were neutral. Six of the 15 reports on the MDC-N were neutral, while five (33 per cent) were negative. The remaining four (27 per cent) were positive. Nine (53 per cent) of the 17 reports on other parties were positive, while four (24 per cent) were negative. The remaining four were neutral. The neutral reports on the MDC-N and other parties were about the parties’ direct campaign activities. Notably, these parties, particularly the ZDP and UMD, received positive publicity when they were reported expressing support for Mugabe and his party, or

<sup>48</sup> MMPZ Analysis of the Media

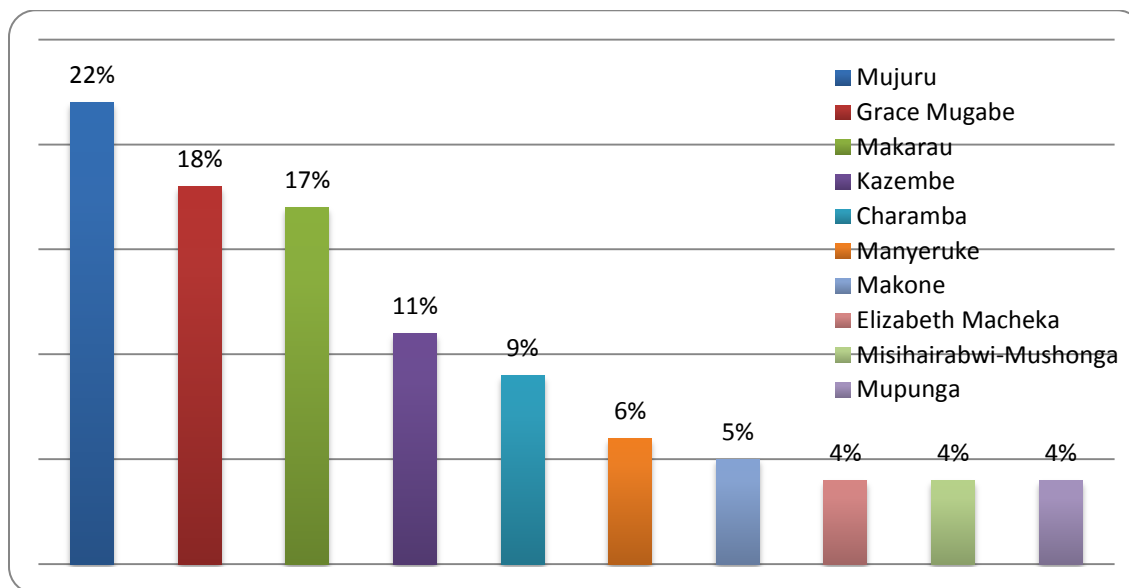
castigating Tsvangirai and his party for, among other issues, **“corruption”**, exhibiting **“dictatorial tendencies”**, and **“lacking policy direction”**. But these parties, especially ZANU Ndonga and Mavambo/Kusile/Dawn (MKD), were attacked when they were reported expressing support for Tsvangirai and his party.

The principles of democratic governance and human rights are premised on the notions of majority rule and equal participation in most aspects of human and national development. This makes it imperative for both women and men to have equal representation and participation in all the facets of life. Women’s voices in the media therefore, are important as an indicator of equitable participation and representation. During this period, these were only very selectively heard during the harmonized elections, mainly representing those few women who hold influential positions in society.

Vice-President Joice Mujuru, was the woman whose voice was mostly quoted in the media, followed by the First Lady, Grace Mugabe. These voices were primarily accessed by the state owned media. Surprisingly perhaps, Justice Rita Makarau, as head of ZEC, only managed third place despite being quoted extensively in both the public and privately owned media. She was followed by her fellow commissioner Joyce Kazembe, and the chief police spokesperson, Assistant Commissioner Charity Charamba, who attracted significant publicity over her unilateral decision to declare shortwave radios illegal. Others who received limited access to the media included former co-Minister of Home Affairs, Theresa Makone, the MDC-N spokesperson, Priscilla Misihairabwi-Mushonga and Morgan Tsvangirai’s wife, Elizabeth Macheka. Otherwise, women’s voices were clearly relegated to second place behind their male counterparts in most election-related stories, providing an accurate reflection of the prevailing male-dominated political environment in Zimbabwe. The graph below illustrates this.

**Table: 9**

**Top 10 women quoted in Zimbabwe’s domestic media during the election period**



During the election period there was little independent examination of the administration of the electoral processes by the media, save for the rehashing of statements from civil society; rhetorical complaints from the MDCs and other contestants, as well as ZEC's responses. As a result, the extent of ZEC's inability to control all the electoral processes as manifested in the opaque and inadequate voter registration exercise; flawed voters' roll; the late provision of voter registers to contestants; and the lack of thorough voter education on the ward-based voting system, among a host of other issues, remained largely unexplored. Beyond announcing that it was monitoring media coverage with the assistance of the Zimbabwe Media Commission and the Broadcasting Authority of Zimbabwe, ZEC did not do much to address problems arising from the media's coverage of the elections, which it is legally bound to do.

Instead of quibbling over past transgressions, the media can draw hard lessons from past elections for a better performance in the future. As a means of strengthening the media's role in the future, the following should happen, among other measures:

- A revision of ZEC's media code of conduct in consultation with all relevant stakeholders. The revision should also take into consideration existing codes such as the SADC guidelines on reporting elections adopted by regional stakeholders, including Zimbabwe.
- There should be a visible, firm enforcement of the code.
- ZEC should use the expertise of existing media organisations, such as the Media Monitoring Project of Zimbabwe, for independent monitoring of the media's conduct. ZEC's monitoring unit, comprising representatives of discredited statutory media regulatory boards, was invisible and remains tainted by public perceptions that it is biased.
- ZEC should set up and publicise a public complaints mechanism to allow citizens to submit their complaints on the conduct of the media. The results of the adjudication process should be made public.



- ZEC should develop clear timelines and conditions for the public media to provide direct and indirect access to contestants to avoid a repeat of past elections where ZBC set up its own timeframes and conditions to deny access to ZANU PF opponents.
- There is need to overhaul the governance structures of the public media to insulate them from political manipulation and abuse.
- There is need for firm action against those that use extra-legal practices to curtail media freedom in order to eliminate the culture of impunity enjoyed by media freedom violators.
- The country’s legislative media framework should be democratised in order to align it with the new Constitution to engender free journalistic enterprise, freedom of expression and access to information as basic civil liberties and not privileges enjoyed at the benevolence of media licensing boards.
- More private broadcasting stations, including community radio broadcasters, must be licensed and independently regulated to allow for the proliferation of diverse sources of information accessible to ordinary Zimbabweans.
- There should be a converged media regulatory framework anchored on the principle of self-regulation.

A notable example of the impact of social media on the campaign was the emergence of the Facebook character, Baba Jukwa, who claimed to be a member of the leadership of ZANU-PF on a mission to expose the inner machinations in that party. His posts, which appeared to contain authentic information, were closely followed in the pre-election period as they claimed to portend the imminent defeat of ZANU-PF. After the party’s overwhelming victory some claimed that Baba Jukwa was a deliberate plant by ZANU-PF to give the illusion that ZANU-PF was collapsing, an assumption that was then belied by its overwhelming election victory.

Of concern during this campaign however, were the attacks on journalists in the months before the elections. These are shown in the table below:

### Attacks on journalists May-June 2013

*Table: 10*

Name of journalist	Designation	Date	Description
Various	Reporters from various news organisations	21 June	Kidnapped and held by ZANU-PF supporters at the party’s headquarters
Paul Pindani	Freelance Reporter	14 June	Assaulted by alleged ZANU-PF supporters
Bernard Mapwanyire	Reporter-Masvingo Mirror	8 June	Allegedly manhandled by MDC-T security staff during the party’s primaries.
Herbert Moyo	Reporter - The Independent newspaper	7 June	Assaulted whilst covering a protest by supporters at MDC-T headquarters in Harare.
Mashudu Netsianda	Reporter - The Chronicle newspaper	8 June	Assaulted by members of the Prime Minister’s entourage.

<b>Dumisani Muleya and Owen Gagare</b>	Editor and Chief Reporter- The Independent	7 May	Arrested for allegedly publishing falsehoods.
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## Campaigning

The political party campaign environment for the 2013 harmonised elections was much improved from that of 2008. Unlike previous elections, when prospective candidates were physically barred from the nomination courts, there were no extra-judicial impediments against those wishing to submit their papers to the nomination courts. Once nominated, candidates were able to campaign freely and hold meetings and rallies. There were some few incidences where political party meetings did not get police clearance from MDC T. The MDC-T and ZANU-PF leaders and presidential candidates held numerous rallies across the country, including several very colourful and well-attended star rallies. On 9 July, the MDC-T held a rally at Chipadze Stadium in Bindura formerly a no-go area for the party.

Although at campaign level, there was a great improvement from past elections, there were reports of various human rights violations in the months leading up to the election. There were continued threats to seize foreign owned businesses and farms using the indigenisation regulations, and these contributed to the continued stagnation of the economy, strengthening calls for a change of government and a change of policy. While there were some instances of overt violence, these were relatively few. However, there were a significant number of reports of political intimidation and fear-mongering in some rural communities.

While the GPA provided for a government institution to deal with issues of reconciliation, and an Organ on National Healing, Reconciliation and Integration was set up, it has barely been visible in the years since the violent June 2008 presidential run-off and many citizens still bear the wounds of the violence of that time, which affected their participation in the most recent elections.

Whilst the MDC-T won the highest number of seats in the National Assembly in 2008, a number of opinion polls and reports<sup>49</sup> since then have suggested that support for the MDC-T has been slowly waning in its traditional urban strongholds and that ZANU-PF support has also grown in these areas. During the countdown to the elections, the media also reported that several parties, including the MDC-T, ZAPU, MDC-N, ZANU-Ndonga and the MKD, were planning a grand coalition that would field just one presidential candidate to avoid splitting the presidential vote as happened in 2008. In the end, although the MKD party and Ndonga allied themselves to the MDC-T, the MDC-N and ZAPU created their own alliance and continued to pursue their own presidential ambitions.

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<sup>49</sup> “Change and ‘New’ Politics in Zimbabwe’ Freedom House July 2012.

Some human rights violations actually emanated from provisions in the law, which violate civil and political rights. For instance, Zimbabwean law does not provide for out-of-country voting by citizens domiciled abroad unless they are on official government business. This violates the rights of citizens' right to vote. Restrictive broadcasting laws and the fact that the broadcasting environment is dominated by the state also violates the rights of citizens to participate from a business perspective i.e. to establish their own broadcasting businesses. It also limits the rights of citizens to have access to diverse sources of information, which enhances their knowledge and therefore their ability to choose, especially during an election.

Political tolerance also remained low with polarisation characterising the environment as the state media often magnified this intolerance. Intimidation, allegedly mostly committed by ZANU PF supporters, received significant media attention, although there was little done to curb its occurrence. Several reports noted that the country's political landscape is still blighted by fear that citizens have associated elections with violence to the extent that many are reluctant to participate in elections at all.<sup>50</sup> ZESN's observers reported in their regular reports that in some areas people were afraid to express their true opinions, or even to associate with 'wrong' elements, including reading newspapers of their choice. These freedoms of association were further violated by people being forced to attend ZANU-PF meetings and buy party cards, in some cases as a precondition to receiving food, loans and other necessities.<sup>51</sup>

For some non-governmental organisations and community-based groups, working on soft issues the environment was relatively safe. Those organisations working in health and education were able to operate without much hindrance. For those working in the field of political education and civil rights, the situation was significantly different. These groups faced challenges, especially as they were sometimes denied police clearance to conduct workshops and seminars. Employees and volunteers working for several of these organisations were arrested. Cases of harassment of civil society activists continued during the countdown to the elections and persist in the post-election period. A number of these arrests centred on the fact that groups were alleged to have been conducting voter education illegally, without the consent and supervision of ZEC.

The table below shows recent cases of the arrest, detention or harassment of CSO activists in 2013 and are in addition to the harassment of these groups that has been taking place since the formation of the GNU in 2009.

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<sup>50</sup> "Voting Intentions in Zimbabwe, A margin of terror?" Afrobarometer, August 2012.

<sup>51</sup> ZESN Long Term Observers.

**Table: 11**  
**Incidents of harassment of civil society actors in 2013**

Date	Organisation	Persons Involved	Description of Events
6 July 2013	X1G Campaign	Various individuals from organisations affiliated with the campaign	Arrested for conducting a meeting without police clearance. Detained for two nights before being released. The case has yet to be resolved.
28 May	ZESN	Field officers of member organisation	Office raided and voter education material confiscated
12 May	Youth Agenda Trust	Six members	Conducting voter education without approval of ZEC. Detained for 12 hours then released
11 May	Election Resource Centre	Three volunteers; Executive Director	Arrested for conducting voter education without the approval of ZEC
23 April	Students Solidarity Trust	Advocacy officer	Arrested for conducting voter education without ZEC approval; making a presentation on elections. Released without a charge
March	Zimbabwe Peace Project	Director	Charged with operating an unregistered organisation, smuggling radio sets and mobile phones and illegal broadcasting.
19 February	ZESN headquarters	All Staff	Police raided office looking for subversive material
19 February	ZESN Masvingo Offices	Field Staff	Police raided office looking for subversive material
11 February	Zimbabwe Peace Project-offices, Harare	All Staff members	Police raided offices and confiscated radios and phones.
11 February	COTRAD and NANGO	Field Officers	Offices raided. Two employees detained
6 February	National Youth Development Trust	Staff members	Offices raided. Organisation accused of being in possession of subversive material and conducting illegal voter registration
14 January	Zimbabwe Human Rights Association (ZimRights)	Director	Arrested for conspiracy to commit voter registration fraud, forgery and falsehoods.

In some ways the country's main political parties have campaigned for the elections ever since the beginning of the GNU. Even the constitution-making process for much of its life became subject to horse-trading between the different parties. Each party tried to win the hearts and minds of the Zimbabwean voters using different platforms.

ZANU-PF campaigned mainly using its corporate indigenisation campaign and its warning to citizens to defend the country's sovereignty against the machinations of Western imperialist interests as allegedly manifested by its main political opposition, the MDC-T.

For its part, the MDC-T's main campaign platform was its promise to create jobs, and to leverage upliftment, investment, capital and the ecology (JUICE), as well as its Agenda for Real Transformation (ART) policy, documents that were launched in 2012 and 2013 respectively.

The MDC-N campaigned for devolution with the tagline, 'Devolution is the new Revolution', with a programme called Access, Control, Transformation, Initiative, Organisation, New technologies and Sustainability (ACTIONS).

The Zimbabwe African Peoples' Union (ZAPU) campaigned for accountability, fighting corruption and the full implementation of the concept of devolution with more power to the provinces. Other parties did not clearly articulate their policy positions. A proposed grand coalition against ZANU-PF did not materialise and, apart from joint press conferences, most parties campaigned alone.

Although the law requires that all parties receive equitable coverage, media monitors identified bias in the reporting on political party campaigns<sup>52</sup> (See media section for more details). It was reported that in some areas of the country, that some parties campaigned at night as they were afraid of victimisation.<sup>53</sup> Some areas reported problems with securing police clearance for their meetings. The GPA<sup>54</sup> attempted to address the partisan behaviour of traditional leaders. Reports show that traditional leaders continued their partisan support for ZANU-PF with some of them sealing off their areas from the MDC formations and colluding with war veterans and youth officers to campaign on behalf of ZANU-PF.<sup>55</sup>

### **Political Party Financing**

The Political Parties Finance Act [Chapter 2.11] of 2001 provides for annual state funding for political parties, which won at least 5 per cent of the seats in the National Assembly at the last elections. The funds are disbursed based on the proportion of the seats the party won in the previous election. Whilst this is a positive move, it means those parties that did not win seats in the previous election cannot qualify and any new emerging party would still not qualify, no matter how much popular support it has.

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<sup>52</sup> ZESN Long-Term Observer reports

<sup>53</sup> ZESN Long- Term Observer reports.

<sup>54</sup> Global Political Agreement, Article 14.

<sup>55</sup> ZESN Long- Term Observers reports.

The Act also prohibits foreign funding of Zimbabwean political parties. The Minister of Finance set aside US\$5 million for political parties in the 2013 Budget. It is quite evident from the level of campaigning and advertising, that the major parties were well funded outside of this provision. Given the fact that there are no robust measures for the regulation of electoral finances, unless there is voluntary disclosure it would be difficult to trace the source of these funds and apply the Political Parties Finance Act.

### **Use of State Resources**

The law provides that where state resources are used for election campaigning purposes they must not be used in favour of a particular party over others. If parties are to use state resources, they must not do so for free but should pay the required fee. This applies to the use of government resources, such as public spaces for rallies and meetings, use of telephones and offices in general, and government transport. It also applies to using civil servants' time to campaign for a particular party or candidate. This also applies to any entity that is government owned, such as the state media, or national airline. The use and abuse of state resources often stems from incumbency, as those in power inevitably combine their official duties with campaigning for their party. In this campaign the abuse of state resources was recorded in a number of areas.

Abuse of state resources was recorded in the distribution of food aid to vulnerable communities where recipients had to buy ZANU-PF cards before receiving food. In this case state resources were not only being abused in order to get votes, but also to raise funds for the party through the purchase of party cards. Other state resources abused were civil servants, such as youth officers and soldiers employed by government, some of whom campaigned openly for ZANU-PF.

Vote buying for these elections was widely reported by observer teams and the media. For example, when President Mugabe held a star rally at Nzvimbo growth point on 11 July, First Lady Grace Mugabe donated several food items to the community. The next day, 12 July 2013 Elizabeth Macheka, the wife of MDC- T presidential candidate, Morgan Tsvangirai, donated goods at Simbala Clinic and Binga Hospital. In Marondera East the MDC-T was allegedly buying votes using sewing machines. Other vote-buying strategies observed have also been state hand-outs, such as grain and farming inputs by political contestants. In the Midlands constituency of Mkoba a new party, the United Movement for Democracy Party (UMDP), is said to have bought voters using cash. On 22 July, the Minister of Local Government, Rural and Urban Development ordered all urban and rural councils to write off debts for rates owed by residents. Whilst cautiously welcomed by residents, the move was also seen by some as an attempt by ZANU-PF to curry favour with voters just in time for elections.

## **Women and Elections<sup>56</sup>**

Zimbabwe held elections in the context of a new Constitution that affirms women's equal participation in decision-making. Zimbabwe is signatory to the SADC and AU Protocols on women. These give clear guidelines for the equal representation and equal participation of women in elections.

### **Concerns in the pre-election period**

ZEC had limited outreach and spread itself too thin. Its officers did not stick to the training manual and sometimes even misinformed citizens. A case in point is a session of voter education by ZEC officials in Mutasa where they told communities that women had already been given 60 per cent of the seats in Parliament.

Most civil society organizations (CSOs) were not permitted to conduct voter education. The few that were granted permission were informed just two weeks before the elections, which did not give them enough time to be effective. As a result, many voters did not understand the procedures surrounding the electoral process. For example, on Election Day many nursing mothers stood in long queues and did not present themselves to polling officials due to the fact that they did not know they qualified for preferential treatment. In other cases however, nursing mothers and the elderly were denied this benefit.

Many women were disenfranchised as a result of the limited duration of the voter registration exercise and a pervasive lack of information about its activities. For example, information about the location of registration centres was not easily accessible. Even though registration was extended by 30 days, several challenges were still apparent. The ward-based mobile registration centres were stationed in respective wards for two to three days instead of the stipulated 30 days. This made it difficult for people to register as their applications were often processed very slowly resulting in long queues. In many cases people were unable to get themselves registered before the mobile registration teams left for a new district.

Women in rural and urban areas perform multiple gender roles within their homes and communities and cannot afford the time to stand in queues for many hours waiting to register to vote. Be that as it may, this was the scenario at most voter registration centres in urban areas. The women ZESN spoke to said it took an average of five hours to get themselves registered as a voter and many gave up, or did not even try.

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<sup>56</sup> ZESN acknowledges the Women's Coalition of Zimbabwe for this section.

In addition, some women were shut out of the process altogether as a result of difficulties arising from the documentation required for proof of residence. Generally houses in urban areas are not registered in the name of the wife, and women had great difficulty obtaining independent proof of residence. These strict requirements were eased in the last 30 days of voter registration, but such information was not readily made public. In addition, many women had difficulties obtaining affidavit forms necessary to complete the revised residency requirements.

ZESN observed with dismay that there were fewer women participating as candidates for National Assembly seats, with only 44 women out of a total of 420 candidates from the two main political parties, ZANU PF and the MDC-T. The parties are also governed by the new Constitution that prescribes equal representation in section 17. ZESN noticed the systematic exclusion of women as candidates within all political parties, and the reason given was that women should all be represented under the 60 seats specially allocated to them. This represented a great injustice towards women leaders in all political parties fielding candidates in the 2013 elections and ZESN calls upon the leadership of the political parties to rectify this in future.

On another note, ZESN applauds ZEC for offering women the opportunity to be leaders in election management, as presiding and polling officers. Also noteworthy is the fact that the chairperson of ZEC is female. ZESN observers reported that the majority of polling officers were women, women also actively participated as observers. This can be attributed to increased awareness of the role of women by civic and government partners.

### **Election Observation**

Section 40 of the Electoral Act provides that observers can be accredited to monitor all aspects of the poll, particularly the process on Election Day. Observers are required to bring any irregularities to the attention of ZEC and share with it their thoughts and recommendations as expressed in their final election review. Statutory Instrument 85 has also broadened the aspect of elections that accredited observers can observe. This includes equal access by the contesting political parties to the state media and other national resources. In a positive move, the Act also now provides that observers should also measure the degree of impartiality shown by ZEC as it discharges its duties. The amended law provides for Observer Accreditation Committee to consider applications to observe from local and international individuals and organisations.

Observers are invited to observe elections after being vetted by the Observer Accreditation Committee, which comprises five ZEC commissioners, including the chairperson and her deputy, one person from the office of the President and various government ministries, including the Ministry of Foreign Affairs, the Ministry of Justice and Legal Affairs and the minister in charge of immigration, the Minister of Home Affairs. On 21 June ZEC announced that it had established a 10-member observer accreditation committee comprising five commissioners and representatives from the above ministries, and a representative from the President's office.



However, the issue of election observation has long been a contentious one, with local observers accused of supporting the political opposition on the basis that they are mainly funded by foreign organisations. This is ironic given that local and regional observer groups receive funding from the same source. At times these local groups are not always granted observer status.

In the recent past, the requirements were that an observer had to appear in person before they could be accredited at one of only three accreditation centres in the country. This created enormous logistical and financial challenges for observer groups because they had to finance travel and accommodation for their members needing accreditation. Commendably, in 2013 accreditation was decentralised to the 10 provincial capitals, representing a great improvement on previous years and improved the organisation of observers by local groups and their processing by ZEC. It also made the organisation of observers easier and less costly for organisations deploying observers.

Following negative assessments of the 2002 presidential elections by many international observer groups, especially those from Western countries, Zimbabwe has all but closed its doors to observers from Western nations, accusing them of being biased against Zimbabwe. Instead, the country has welcomed observers from SADC, the African Union and other regional bodies.

In 2013, the following observer groups were exempt from paying accreditations fees:<sup>57</sup>

- African Union;
- The Southern African Development Community (SADC);
- The Southern African Development Community Parliamentary Forum (SADC-PF);
- The Electoral Commissions Forum of the Southern African Development Community;
- The Common Market for Eastern and Southern Africa;
- African electoral bodies;
- Embassies in Zimbabwe representing African countries; and
- Any other organisation that the Commission considers should be exempt from the payment of accreditation fees.

However, there was no indication of the criteria used by ZEC to determine such exemption.

A week before the elections election, the ZEC reported that it had approved the accreditation of about 20,000 observers including local organisations and observers from the African Union, the Southern African Development Community, the Common Market for Eastern and Southern Africa, the SADC

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<sup>57</sup> Statutory Instrument 89 of 2013.

Parliamentary Forum, and non-governmental organisations, such as the SADC Election Support Network and the SADC Electoral Advisory Council.<sup>58</sup> In line with recent practice, there were few international groups from outside of Africa and embassies were limited to only five observers per diplomatic mission.

### **Challenges with accreditation**

In the 2013 Harmonised elections, ZEC decentralised accreditation to the provinces. This process was not without problems. While all the observer lists were approved at the ZEC head office, the actual accreditation took place at the provincial centres. The ZEC head office did not send the lists quickly to the provincial centres which resulted in observers waiting longer periods before being accredited. This process differed significantly to party agents accreditation process where only names are submitted to ZEC and party agents do not have to present themselves which reduced the burden of observation for party agents and increased the burden of observation for domestic observers.

## **ELECTION DAY**

Election Day preparations began a week before the election with the dispatch of ballot materials to polling stations. In the week before the election ZEC and CSOs accredited with conducting voter education placed several advertisements in the newspapers, on radio and on TV encouraging voters to cast their ballots and informing them about voting requirements. The voter education included showing voters how to vote using sample ballot papers.

On voting day queues began forming at polling stations early in the morning. Whilst there were fears about Election Day logistics, these proved to be unfounded as most polling stations were adequately equipped with staff and material when voting began. However, the publication of 65 extra polling stations on Election Day also added to the confusion of where to vote as those who were not aware of the extra polling stations in their constituencies or in their wards stood a good chance of turning up at the wrong polling station.

According to ZEC, the ballot papers were printed at two different printing companies, Fidelity Printers and Print Flow printers. It is unclear if there were any checks by the contesting political parties for consistency and quality of the ballots and their authenticity. The commission also printed 8.7 million ballot papers, which was 35 percent more than Zimbabwe's total voting population of 6.4 million. By

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<sup>58</sup> "ZEC accredits 20,00020000 observers' available at [http://www.herald.co.zw/index.php?option=com\\_content&view=article&id=88433:zec-credits-20-000-election-observers&catid=38:local-news&Itemid=131#.UfGleY3I2So](http://www.herald.co.zw/index.php?option=com_content&view=article&id=88433:zec-credits-20-000-election-observers&catid=38:local-news&Itemid=131#.UfGleY3I2So)

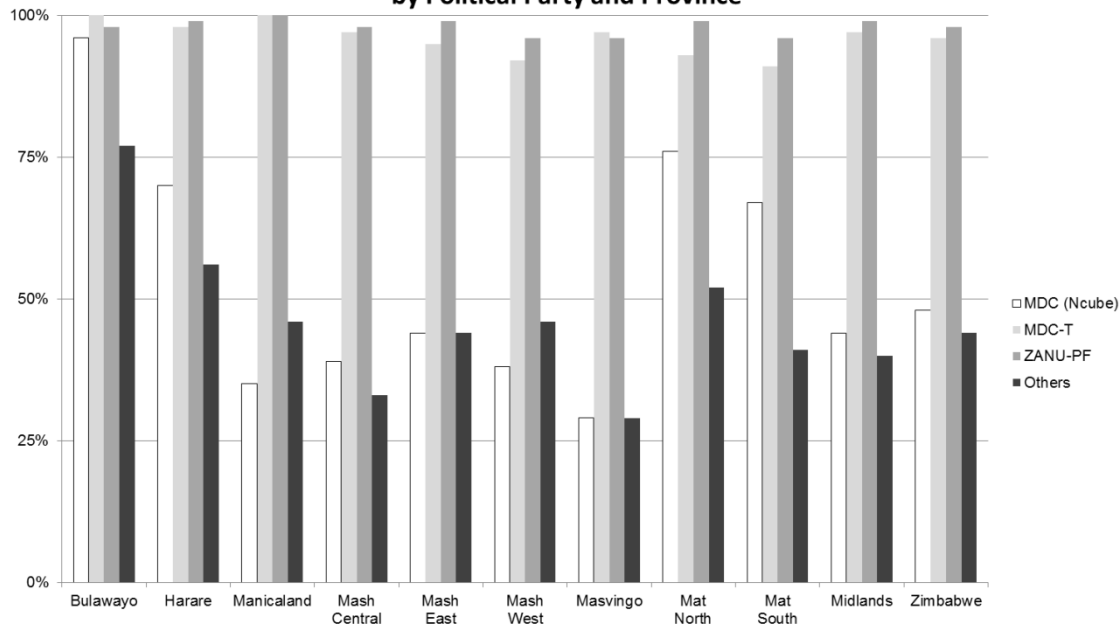
international standards the total number of ballot papers printed must not exceed the total voter population by more than 5-10 per cent. There were also questions about the quality of the indelible ink with some alleging that it was poor and was easily erasable.

### Polling stations set-up

Polling stations were well set up and 95 per cent of ZESN observers reported polling stations were open by 7:30am and all were open by 9am, two hours after the official opening time. Virtually all stations had the required materials by this time. All polling stations were equipped with the required ballot boxes by the time they were due to open, and 97 per cent of them had received adequate supplies of ballot papers. ZEC's official stamp had been received at 94 per cent of polling stations by 7am, while the same percentage of polling stations had received the indelible ink. The voters' roll was available at 99 per cent of polling stations.

MDC-T and ZANU-PF had polling agents in at least 96 per cent of polling stations, and MDC-N had polling agents at just half the polling stations. All other political parties combined had polling agents in 46 per cent of the polling stations. ZESN notes the need for improved training for party agents so that they can execute their mandate more effectively.

**Chart 1: Percentage of Polling Stations with Polling Agents at 9:00 am by Political Party and Province**



Source: Zimbabwe Election Support Network (ZESN) - 2013 Harmonised Elections

Across the country, polling stations averaged nine ZEC staff with, on average, six female staff in urban polling stations and five in rural polling stations. Police officers were stationed inside 83 per cent of

polling stations despite the fact they are only allowed to be inside polling stations at the invitation of the presiding officer but they must generally be within the vicinity of the polling station.

ZESN observers reported that 98 per cent of polling stations were set up so that people could vote in secret. At least 12 per cent of polling stations were not easily accessible, including for people living with disabilities. At all polling stations the ballot box was shown to be empty before they were sealed, although in some an accounting of ballot papers was not done as part of the set-up procedure.

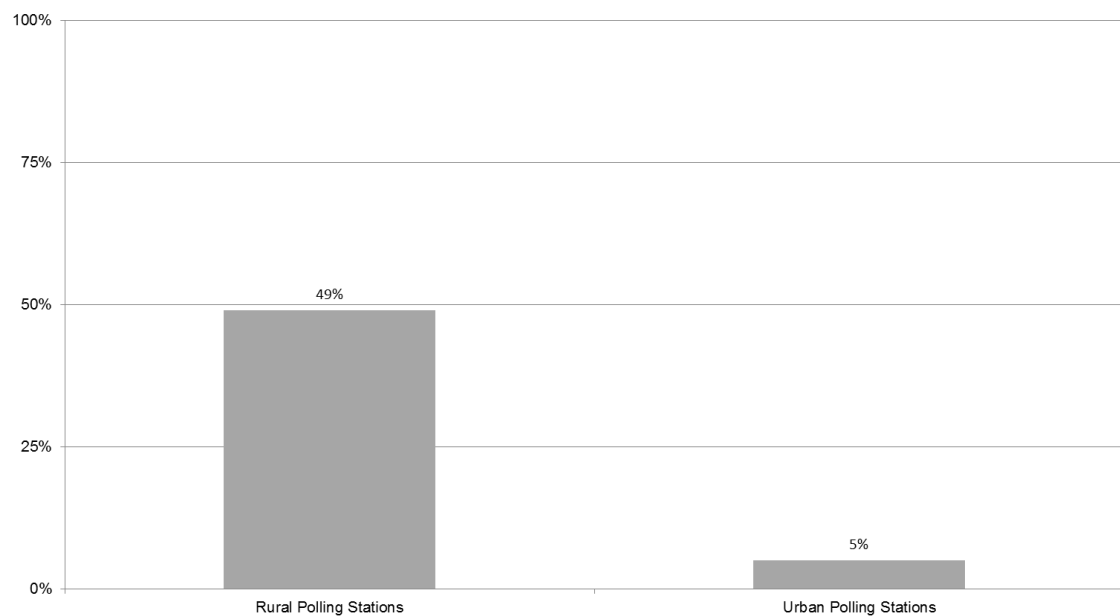
## **Voting**

During voting most polling stations (99 per cent) followed the correct procedures, such as checking for names on the voters' roll and marking fingers with indelible ink.

At 49 per cent of polling stations ZESN observers reported 25 or more potential voters being turned away and not being allowed to vote. The main reasons for being turned away included that they were not on the voters' roll even though they had voted in previous elections; and that voters had turned up to vote in the wrong wards. Others turned away had voter registration slips but their names were not on the voters' roll. This problem was much more prevalent in urban areas than rural communities. While ZESN observers reported 25 or more people being turned away at 39 per cent of the country's rural polling stations, this figure rose to 82 per cent for urban polling stations.

At 38 per cent of polling stations 25 or more people were assisted to vote. There was a sharp contrast between urban and rural polling stations. At 49 per cent of rural polling stations more than 25 people were assisted to vote as opposed to just 5 per cent of urban polling stations. This could be due to a number of factors including higher levels of illiteracy, intimidation and forced voting in rural areas. This was more prevalent in areas such as Masvingo, Mashonaland Central and Mashonaland East. This was rather surprising given Zimbabwe's claimed 95 per cent literacy rate that so many people would need to be assisted to vote.

**Chart 3: Percentage of Polling Stations where Many Voters were Assisted to Vote**



Source: Zimbabwe Election Support Network (ZESN) - 2013 Harmonised Elections

ZESN observers noted that at 88 per cent of polling stations nationwide voters requiring assistance were allowed to bring a person to assist them however in some cases, the presiding officer and polling officers and the police also went in with the voter, violating the law. This practice was prevalent in many polling stations and violated the secrecy of the vote. In the past, the law required that polling officials only assist voters, which was seen as violating the secrecy of the vote and intimidating to the voter. Observers could not ascertain if it was a person of their choice or not. In some cases, observers reported one person assisting more people which was a clear violation of the law.

The number of voters turned away is indeed high at 8.7 per cent of those who did manage to vote. Most of these were prevented from voting because they had turned up in the wrong ward. Some of those turned away did manage to locate their correct wards and were able to vote. But others gave up and returned home, while many more failed to find themselves on the voters' roll at all, even in the constituencies where they had voted in 2008. Some were even told that they were registered in other provinces even though they had not transferred their registration. Clearly, there were problems with the voters' roll, which prevented many people from voting.

For a country that prides itself to be literate, the number of assisted voters was high. There were allegations that those requesting assistance were forced to plead illiteracy so that they could be assisted to vote for a certain party and have witnesses to that effect. While some of the cases of known literate people who pleaded false illiteracy are known, there are many more who fear going public about this intimidation due to the possibility of retribution that is likely to follow such action. It is important for ZEC

to note that people that are illiterate but can see are able to see symbols and faces of party candidates on the ballot paper and as such are able to mark the ballot beside the candidate of their choice. In other countries such as Rwanda, people that cannot read or write vote using the thumb soaked in ink on the person of their choice on their own without assistance and the secrecy of their vote is respected.

The table below shows the distribution of voters turned away and assisted to vote by province:<sup>59</sup>

*Table: 12*

PROVINCE	VOTERS TURNED AWAY	ASSISTED VOTERS
<b>Bulawayo</b>	11 388	2 313
<b>Harare</b>	64 483	4 089
<b>Manicaland</b>	42 525	31 277
<b>Mashonaland Central</b>	18 517	34 044
<b>Mashonaland East</b>	20 464	27 974
<b>Mashonaland West</b>	56 733	23 166
<b>Masvingo</b>	29 292	34 950
<b>Matabeleland North</b>	14 424	14 314
<b>Matabeleland South</b>	11 521	9 462
<b>Midlands</b>	35 543	25 312
<b>TOTAL</b>	<b>304 890</b>	<b>206 901</b>
<b>TOTAL VOTES CAST</b>	<b>3 480 047</b>	<b>3 480 047</b>
<b>Total per cent</b>	<b>8.7 per cent</b>	<b>5.9 per cent</b>

*Source: Zimbabwe Electoral Commission*

At more than 96 per cent of polling stations voting proceeded smoothly without undue interference or disruption such that at the official closing time of 7pm, 82 per cent of all stations nationwide did not have any voters waiting to vote. Where there were still queues most were allowed to vote.

One disturbing aspect of the election noted by observers was the fact that police officers were stationed inside many polling stations despite the electoral law stipulating that the police should be stationed within the vicinity of the polling stations. This was a potential source of intimidating voters.

ZESN notes that this misdemeanour was mainly due to the fact that ZEC's own training manuals and the polling station layouts given to polling agents and observers showed the police being stationed inside polling stations. In rural areas too, traditional leaders were observed marshalling their people to come

<sup>59</sup> Zimbabwe Electoral Commission unverified statistics published in the Herald

to polling stations and vote. This could be an indication of intimidation and coercion to make sure people voted in a particular way.

There were also reports of ballot papers running out in some places where voting was stopped while more papers were delivered by ZEC officials. In some cases, some ballot papers were missing at the beginning of voting and throughout the day, which resulted in voting being delayed until ballot papers were available. No information was provided as to why they were missing.

Observers reported many voters who were voting using the voter registration slips as their names did not appear in the voters' roll. There has been increased speculation on the use of these slips with allegations that false slips were used to bloat the number of voters. The voting of special vote applicants that had not voted on special vote also caused speculations of double voting with allegations that those that had voted earlier in the special vote had not had their names crossed on the voters' roll during special.

### **Critical Incidents on Election Day**

On Election Day, ZESN observers reported critical incidents during the voting process, from set up of the polling station to the counting of ballots. Mobile observers also reported incidents occurring away from polling stations, while others reported on incidents at collation centres at the constituency and provincial levels. A critical incident is defined as an event or occurrence that undermines the secrecy of the ballot, the validity of the vote or the credibility of the electoral process.

Observers reported a total of 771 critical incidents relating to Election Day processes, ranging from denial of access to polling stations, to serious problems with the conduct of various processes. The largest numbers of incidents occurred in Manicaland (19 per cent) and Midlands (15 per cent) while the lowest was recorded in Masvingo and Matebeleland North with (4 per cent) each.

Forty-one observers reported being denied access to observe at polling stations by the presiding officer. For example at Kagore Primary School, in Nyanga North, in Manicaland, when the ZESN observer arrived at the polling station at by 6 am there were three polling officials present. The presiding officer<sup>60</sup> arrived after 10 ten minutes and told the observer that she was not allowed to observe from inside the polling station but from 50 metres away from the station. Surprisingly the presiding officer told the observer that this was an instruction from the multi-party Joint Monitoring and Implementation Committee (JOMIC).

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<sup>60</sup> Name withheld.

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The predominant reason for this was the mistaken belief on the part of the electoral officials that the observers names should have been on the list provided to them by ZEC. For instance, at Mambale Secondary School in Mangwe, Matabeleland South, a ZESN observer was denied permission to observe during the period 6:00 am to 7:30 am by the presiding officer who wanted the observer to produce a letter confirming that he was assigned to that polling station. These problems were largely resolved through the intervention of ZESN Constituency supervisors on Election Day. ZESN however, recommends that the roles of observers be made clearer to officials during the training conducted by ZEC.

By far the largest number of incidents reported related to problems occurring during the voting process, with 280 such incidents being reported (36 per cent). Some illustrative examples are shown in the Appendix 1 to this report.

The subsequent table shows the distribution of incidents reported by category and geographic location.

**Table: 13**

LOCATION	Total	Observer not permitted to observer at any time	Serious problems during set up of polling stations	Serious problems during voting	Serious problems during counting	Serious problems away from polling stations	Serious problems during collation	intimidation	Other Incidents	Observer Security threatened
Zimbabwe	771	5% (41)	8% (59)	36% (280)	9 % (69)	3% (22)	2% (19)	5% (40)	29% (227)	2% (14)
Bulawayo	10 % (76)	0 % (0)	9 % (7)	30% (23)	8% (6)	4% (3)	0% (0)	9% (7)	39% (30)	0% (0)
Harare	11% (86)	1% (1)	7% (6)	29% (25)	15% (13)	0% (0)	2% (2)	7% (6)	37% (32)	1% (1)
Manicaland	19% (144)	8% (12)	10% (15)	42% (60)	10% (14)	1% (1)	3% (4)	5% (7)	18% (26)	3% (5)
Mashonaland Central	12% (91)	8% (7)	5% (5)	48% (44)	5% (5)	4% (4)	2% (2)	3% (3)	20% (18)	3% (3)
Mashonaland East	8% (60)	10% (6)	5% (3)	23% (14)	8% (5)	7% (4)	7% (4)	5% (3)	32% (19)	3% (2)
Mashonaland West	8% (64)	3% (2)	9% (6)	36% (23)	8% (5)	2% (1)	3% (2)	11% (7)	28% (18)	0% (0)
Masvingo	4% (34)	6% (2)	18% (6)	21% (7)	3% (1)	3% (1)	12% (4)	0% (0)	35% (12)	3% (1)
Matebeleland North	4% (31)	13% (4)	10% (3)	39% (12)	3% (1)	6% (2)	0% (0)	3% (1)	23% (7)	3% (1)
Matebeleland South	9% (73)	5% (4)	5% (4)	36% (26)	10% (7)	7% (5)	1% (1)	3% (2)	33% (24)	0% (0)
Midlands	15% (112)	3% (3)	4% (4)	41% (46)	11% (12)	1% (1)	0% (0)	4% (4)	37% (41)	1% (1)



Some incidents were also caused by people that had failed to vote in the special vote. ZESN observers reported that that these voters were bussed in and they would jump queues thereby congesting the station particularly in Harare and most urban areas. There was no clarity on whether these people were in the voters' roll and voting in the right constituency and wards since they were supposed to be issued with envelopes for special voting in their respective constituencies. In addition there were no mechanisms in place to guard against double and multiple voting. This was due to the fact that the main voters' roll was not ready and not crossed over in the presence of party agents and observers during the Special Voting.

### **Counting of ballots at polling stations**

According to the law, counting of ballots must be conducted immediately after closing processes at the polling station and in the presence of election agents, candidates and observers.

After counting, the presiding officer completes a polling station return, known as the V11 form, which is the ballot accounting form for that polling station. Polling agents may sign the form if they agree with the counting process but failure by party polling agents to do so does not invalidate the result of the counting process at the polling station. After the form is completed it must be stuck outside the polling station to allow members of the public to inspect it and record the contents of the form should they wish to do so.

At 98 per cent of all polling stations ZESN observers reported that no one attempted to intimidate or influence election officials during the counting, nor did anyone attempt to disrupt the counting process. At 99 per cent of polling stations where ZANU-PF polling agents were present they signed the V-11 results form. MDC-T polling agents signed the V-11 results form at 97 per cent of polling stations at which they were present. At 97 per cent of polling stations where MDC (Ncube) polling agents were present, and at 84 per cent of polling agents from all other parties signed the V-11 results form. At 90 per cent of polling stations all polling agents present were given a copy of the V-11 results form and at 97 per cent of polling stations the official results were posted outside.

### **Tabulation of Results**

Following the announcement of results at the polling stations the presiding officers were required to transmit the polling station return certificate including ballot paper accounting form, all ballot boxes and papers, and the presiding officer's statement to the ward elections officer at the ward collation centre.

The ward elections officer then verified all polling station returns in the presence of each candidate or their election agents and tallied the votes received by each candidate as indicated on each polling station return. The ward election officer was then required to unseal the postal ballot box and special ballot box, and count the postal and special ballot box votes using the same procedures applied in the polling station and add these to the ward tally. The ward return form, known as V23A, was then completed and again polling agents could sign if they agreed with the process. This form is also supposed to be posted outside the ward collation centres.

The ward elections officer is then required to transmit the ward returns (results) simultaneously to the constituency command centre and to ZEC's National Command Centre. Tabulation took place at the National Command Centre even as the results were also successively collated at the constituency command centre, and the provincial command centres. This 'double' tabulation is a verification measure designed to detect any manipulation of results along the results transmission channel.

ZESN observers deployed at constituency command centres reported that the process of tabulation proceeded according to prescribed guidelines. However, some of these observers had more difficulty getting results in some centres.

### **Announcement of Results**

ZEC began to announce the results of the elections on the evening of Thursday 1 August. With the results of 62 constituencies announced and ZANU PF had taken 51 seats, MDC-T 10, and an Independent one seat. As more of the National Assembly results were released, it became clear that ZANU-PF had overturned its losses in the 2008 elections and looked set to sweep both the National Assembly elections and the presidency without going to a second round.

Even before the final results had been announced, the MDC-T called a press conference and rejected the results on the basis of the previously identified pre-election and Election Day irregularities. The party vowed to go to the courts to challenge the emerging outcome. ZEC continued to announce the results and when the final results were announced on Saturday, 3 August, they were as follows:

*Table: 14*

#### **Parliamentary Election Result**

<b>Party</b>	<b>Number of Seats</b>	<b>Percentage of seats (2013)</b>	<b>Comparison with 2008 (in terms of seats)</b>
<b>ZANU-PF</b>	160	76.67	+61
<b>MDC-T</b>	49	23.33	-50
<b>Independent</b>	1	0.05	+1
<b>MDC N</b>	0	0	-10
<b>Total</b>	210	100	

According to the provisions of the new Constitution there are 60 seats reserved for women in the National Assembly, bringing the total number of seats in the national assembly to 270. There are six seats per province and these are allocated proportionally to each party based on the party's share of the provincial National Assembly votes. Sixty seats in the 80-member Senate are also allocated using the same formula, as are the seats in the provincial councils of the eight non-metropolitan provinces. The Senate lists and the provincial council lists are also designed to increase gender representation as they use the zebra system of candidate ordering. Each list begins with a woman followed by a man then a woman and another man thereafter.

**Table: 15**

**Women's seat quota allocation**

Province	MDC-N	MDC-T	ZANU-PF
Bulawayo	1	4	1
Harare	0	3	3
Manicaland	0	2	4
Mashonaland Central	0	1	5
Mashonaland East	0	1	5
Mashonaland West	0	1	5
Masvingo	0	2	4
Matabeleland North	0	3	3
Matabeleland South	1	2	3
Midlands	0	2	4
<b>TOTAL</b>	<b>2</b>	<b>21</b>	<b>37</b>

Along with the 25 women who were directly elected to the National Assembly, this brings the total number of women in the National Assembly to 85, meaning that women secured 31.5 per cent of the seats in the National Assembly. This is an improvement from 2008 when just 15.2 per cent of the National Assembly was female. In the Senate women secured 39 out of the 80 seats available.<sup>61</sup>This was an improvement from 2008 when 24.7 per cent of the Senate was female. Cumulatively this means that there has been an increase in the number of women holding political office in Zimbabwe.

18.12 per cent of Parliament was female. Following the 2013 elections there are now 124 women in the legislature out of a total of 350, meaning there is a 35.4 per cent representation of women in the legislature. This has almost doubled the representation of women since the last election.

This is a welcome development and shows that the introduction of quotas has had a positive effect on the representation of women at least in terms of numbers. However, this increase came against the backdrop of a decrease in the number of female candidates who were actually contesting for the 210 constituency seats. It is hoped that these women who are now in Parliament will capitalise on their

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<sup>61</sup> "Political parties field fewer women candidates' available at <<http://www.herald.co.zw/political-parties-field-fewer-women-candidates>>.

presence and improve society's perceptions on female politicians. This will improve women's chances in competitive elections when the quotas end in 2023.

**National Assembly Seats by Province: 2008-2013 Comparison**

Province	2008				2013			CHANGE IN SEATS	
	ZANU PF	MDC T	MDC	IND	ZANU PF	MDC T	IND	ZANU PF	MDC T
HARARE	1	28	0	0	6	23	0	+5	-5
BULAWAYO <sup>62</sup>	0	11	0	0	0	12	0	0	0
MASVINGO	12	14	0	0	26	0	0	+14	-14
MANICALAND	6	20	0	0	22	4	0	+16	-16
MASHONALAND WEST	16	6	0	0	21	1	0	+5	-5
MASHONALAND EAST	19	4	0	0	22	0	1	+3	-3
MASHONALAND CENTRAL	16	2	0	0	18	0	0	+2	-2
MIDLANDS <sup>63</sup>	20	7	0	0	25	3	0	+5	-4
MATEBELELAND SOUTH <sup>64</sup>	3	2	7	0	13	0	0	+9	-9
MATEBELELAND NORTH	4	5	3	1	7	6	0	+4	-4
<b>TOTAL</b>	<b>97</b>	<b>99</b>	<b>10</b>	<b>1</b>	<b>153</b>	<b>48</b>	<b>2</b>	<b>+56</b>	<b>-51</b>

The table above indicates the political party allocation of national assembly seats by province. This provides an indication of the gains and losses of political parties that participated in the 2013 harmonized elections. The table shows significant gains and consolidation of power that were made by ZANU PF in all the provinces and the losses that MDC T experienced in the places where they had made inroads in 2008. The table figures may not tally to 210 seats as some constituencies did not have elections as a result of non-contestations and death of candidates.

**Table: 16**  
**Senatorial seats by the party lists**

Province	MDC-N	MDC-T	ZANU-PF
Bulawayo	1	4	1
Harare	0	3	3

<sup>62</sup> A by election was due in Pelandaba Mpopoma

<sup>63</sup> A by election was due in Redcliffe

<sup>64</sup> A by election was due in Gwanda South

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<b>Manicaland</b>	0	2	4
<b>Mashonaland Central</b>	0	1	5
<b>Mashonaland East</b>	0	1	5
<b>Mashonaland West</b>	0	1	5
<b>Masvingo</b>	0	2	4
<b>Matabeleland North</b>	0	3	3
<b>Matabeleland South</b>	1	2	3
<b>Midlands</b>	0	2	4
<b>TOTAL</b>	<b>2</b>	<b>21</b>	<b>37</b>

The Senate actually comprised of 80 seats, of which 18 are allocated to chiefs who were elected by their peers on 12 July, whilst two senators for the disabled people living with disabilities were elected on 2 August.

The composition of the Provincial Councils for the non-metropolitan councils based on the party's proportion of the provincial National Assembly vote appears below;

*Table: 17*

<b>Province</b>	<b>MDC</b>	<b>MDC-T</b>	<b>ZANU-PF</b>
<b>Manicaland</b>	0	4	6
<b>Mashonaland Central</b>	0	1	9
<b>Mashonaland East</b>	0	2	8
<b>Mashonaland West</b>	0	2	8
<b>Masvingo</b>	1	2	7
<b>Matabeleland North</b>	1	5	4
<b>Matabeleland South</b>	1	3	6
<b>Midlands</b>	0	3	7
<b>Total</b>	<b>3</b>	<b>22</b>	<b>55</b>

Kisindi Mukwazhe of the Zimbabwe Development Party withdrew from the presidential race three days before the polls, but it was too late for his name to be removed from the ballot papers. Hence some voted for him though he had removed his name from the contest.

*Table: 18*

**Results of Presidential Election**

<b>Candidate's name</b>	<b>Party</b>	<b>Number of votes</b>	<b>Percentage of Votes</b>
<b>Robert Mugabe</b>	ZANU-PF	2,110,434	61,09 per cent
<b>Morgan Tsvangirai</b>	MDC-T	1,172,349	34,94 per cent
<b>Welshman Ncube</b>	MDC	92,637	2,68 per cent

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Dumiso Dabengwa	ZAPU	25,416	0,74 per cent
Kisinoti Mukwazhe	ZDP	9,931	0,29 per cent
Spoilt Ballots		69,280	
<b>Total voters</b>		<b>3,480,047</b>	

*Table: 19*

**Number of seats won by each party in local government elections: City, town and rural-district councils**

PROVINCE	ZANU-PF	MDC-T	MDC	ZAPU	INDEP	OTHER	EQUALITY OF VOTES	TOTAL
<b>Bulawayo</b>	0	29	0	0	0	0	0	29
<b>Harare</b>	24	54	0	0	0	0	0	78
<b>Manicaland*</b>	197	62	0	0	0	0	1	200
<b>Mashonaland Central</b>	226	5	0	0	0	1	0	232
<b>Mashonaland East</b>	216	13	0	0	0	0	0	229
<b>Mashonaland West*</b>	191	38	0	0	1	0	1	231
<b>Masvingo</b>	224	18	0	0	0	0	0	242
<b>Matabeleland North*</b>	84	104	2		1	2	0	193
<b>Matabeleland South</b>	110	47	9	1	0	1	0	168
<b>Midlands</b>	221	72	3	0	0	0	0	296
<b>TOTAL</b>	<b>1,493</b>	<b>442</b>	<b>14</b>	<b>1</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>1,958</b>

*Source Herald: 16 August 2013*

*\*This shows the places where ZEC is conducting run-off elections for 3 ward councillors as candidates garnered the same amount of votes and there was no decisive winner. These elections will take place in Kadoma Municipality Ward 4, Mutasa Ward 30 and Kusile Ward 5 rural district councils.*

## **Analysis of results**

These election results show several interesting trends that began during the referendum in March 2013. The harmonised elections recorded a very high number of voters turning out to vote. It was even higher than in the March 2013 referendum, which stood at 3,316,082. On the face of it, this is a very positive development as it signals a significant level of voter participation. At 53 per cent of the total number of registered voters it is higher than 42.7 per cent recorded in the March 2008 harmonised elections.

This should be read with the fact that there are well-documented problems with the voters' roll and that it is likely the official figure of about 6.4 million voters is inflated. So the figure of registered voters are likely to be less and therefore the voter turnout higher. Also, the real turnout is actually higher because

the figure of 3.4 million only represents those who managed to cast their vote and doesn't include those who actually turned out to vote but were turned away at the polling station as already shown.

While ZEC justifiably explained the reasons for these voters being turned away (wrong documents; trying to vote in the wrong ward; etc.) this did not fully explain the anomalies. For example some voters were unable to vote at the same polling station that they had voted at in 2008 and all previous elections. This can be explained by the fact that they were now restricted to the ward where they are registered. This could have been addressed had ZEC conducted voter education to explain to people the need to verify the ward where they were registered and had voters been given enough time to inspect the voters' roll.

For the assisted voters, registering at 5.9 per cent of the vote, it is questionable whether a country with a high literacy rate like Zimbabwe should have so many assisted voters. Allegations were made for this election that voters had been forced to pretend illiteracy then vote for ZANU-PF. In the absence of the victims stepping forward, these allegations will be hard to prove, as victims will not speak out fearing retribution.

The results also show what seems to be waning support for the MDC parties. The MDC-N did not win a single seat in the National Assembly although it did manage to obtain some seats in the legislature through the Senate and the women's quotas. The MDC-T lost half its seats in the National Assembly as significant inroads were made into its former strongholds of Matabeleland South where all the seats went to ZANU-PF and in Masvingo and Manicaland Provinces.

The council elections results indicate that ZANU PF is now dominating the country's rural and urban councils after winning 1,493 wards against MDC-Ts 442. MDC-T's grip on urban local authorities has been significantly weakened with ZANU PF winning most wards in Marondera, Bindura and Chinhoyi, and sharing by half wards in Kwekwe and Plumtree. The Ncube led MDC won 14 wards, while Dabengwa managed to win one ward. It is important to note that there were ties in some of the local authority wards and a run-off for these has been scheduled for 11 September 2013. The affected wards include Kadoma Municipality ward 4, Kusile RDC ward 5 and Mutasa RDC ward 30.

Overall, various explanations have been suggested for the dramatic changes in the results of the 2013 elections compared with those of March 2008, and these can be divided into two categories.

The first is the alleged manipulation of the voter registration process and the voters' roll. There were allegations that the disenfranchisement of urban voters through the incomplete voter registration process was a deliberate ploy to muzzle the urban vote, which has traditionally gone to the MDC-T. Some also alleged that the ballot boxes had been stuffed. But given the presence of observers and the fact that 97 per cent of all polling agents signed the V11 forms at the polling stations, it is unlikely that ballot stuffing took place at the polling stations, or any of the collation centres.

Some have argued that it was not fraud that cost the MDC parties their seats and votes in the presidential election. According to those who hold these views, the MDC-T lost through failure to perform in the Government of National Unity (GNU). Contributing factors cited include the MDC-T party president being consumed with his own personal life and the party's failure to strengthen its party base during the life of the GNU.

On the other hand, ZANU-PF is said to have used this time to strengthen its structures on the ground and to repair the damage caused in 2008 by mobilising its supporters and members to register and to go and vote. In this regard there are certainly lessons for political parties in terms of effective voter mobilisation.

Mostly however, observers have noted that the MDCs must not have participated in elections given the flaws that it had identified in the electoral process and should have waited until electoral reforms had been completed particularly the cleaning and overhauling of the voters' roll.

Outside of the three-party contest, the election results also showed that to a large extent, Zimbabwe is not really a multi-party state, but more of a dual party state. More than 17 parties contested the elections, but only two won any competitive seats. Even Welshman Ncube's MDC-N failed to garner any seats, suggesting that the future of Zimbabwean politics, at least for the moment, is purely bi-partisan.

Incidentally, the only independent candidate to win a seat (Jonathan Samkange in Mudzi constituency) was a disgruntled former ZANU-PF member who ran against his party's wishes. Other candidates contested on the party ticket without the party's endorsement, also won. These include for example Arnold Tsunga (MDC-T) and Munyaradzi Kereke (ZANU-PF). The proportional representation has watered down the duality however, as the MDC-N, which failed to gain any seats in the first-past-the-post system, managed to gain some seats under the women's quota system, as well as two in the Senate.

A worrying factor with regard to the results was the non-acceptance of these results by key political players and arguably by significant proportions of the public. Whilst there are certainly glaring problems with the electoral process, sufficient to question the final outcome, there are also very high levels of mistrust and suspicion between the key electoral stakeholders. With the successive contested polls in the recent past, it would appear that the public has also lost faith in the process, resulting in extra scrutiny of the elections. This could also be the reason why some people did not vote.

Another area of concern is the fact that assessments of the election differed between different groups. Whilst observers, such as the AU and SADC, assessed the election as free and peaceful; they did not proclaim them as being fair. Others accepted the process and congratulated the victors. Some questioned the electoral process and rejected the outcome as not being a true reflection of the will of the people.



ZESN urges ZEC to make public all election results including the names of candidates as these have not been posted on their website to ensure greater transparency.

### **Post-election**

The post-election period was characterised by contestations of the election results with losing MDC-T candidates filing petitions at the Electoral Court. In total over 100 petitions were filed. However, most of these petitions were withdrawn as the candidates failed to raise the required US\$10,000 deposit required. ZESN notes that while the Electoral Act gives discretion to set up the amount to the Registrar of the Electoral Court, USD \$10,000 is too substantial a sum and an unrealistic amount to expect parliamentary candidates to raise.

MDC-T President Morgan Tsvangirai filed a petition seeking to nullify the results of the election. He later withdrew citing lack of access to material that would help him substantiate his claims, the influence of the winning candidate on the judiciary through public pronouncements amongst other issues. The refusal by the courts to direct the Zimbabwe Electoral Commission to release electoral material also left the MDC-T with little evidence to support their case. The petition resulted in threats of arrests for lawyers working on the MDC-T case.

The period has also been characterised by human rights violations such as displacement of observers, MDC-T party agents and supporters, in areas, such as Mashonaland East and Central. A number of observers and party agents have been threatened and some have been displaced. ZESN also notes with concern that President Mugabe has threatened to avenge his defeat in Harare and Bulawayo.

The period also saw the resignation of two members of the commission, Commissioner Mthuli Nyathi and Commissioner Geoff Feltoe. While Mr. Nyathi cited the unprofessional manner in which the elections were run as a reason<sup>65</sup> the Professor Feltoe did not give reasons for his resignation other than stating that he was going back to lecture at the University of Zimbabwe.

## **LESSONS LEARNT AND RECOMMENDATIONS**

The July 2013 harmonized elections have become as disputed as previous polls. There is consensus from a number of groups that the elections were free and that they were peaceful. Questions remain about whether the polls were fair and credible. In light of these questions, ZESN makes a number of recommendations with regard to improving the conduct of future elections and the credibility of future

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<sup>65</sup> <http://www.southerneye.co.zw/2013/08/04/zec-commissioner-resigns/>

election outcomes. ZESN calls on all the different political players to consider these recommendations and to apply them in order to improve the credibility of future elections.

Whilst there are still questions that remain about the poll, ZESN notes that there were some practices and lessons that other electoral stakeholders could apply in their own contexts. ZESN acknowledges the positive changes to the legal framework, including the introduction of proportional representation to enhance representation of marginalised groups in the political arena. Zimbabwean voters and political parties conducted themselves in a generally peaceful manner and avoided the loss of life and injury that characterized the 2008 elections.

**Table: 20**

LESSONS LEARNT	RECOMMENDATIONS
<ul style="list-style-type: none"> <li>• <b>Elections in Zimbabwe and the world over are now highly technical and thus require a multi-pronged methodology of observation of the entire electoral cycle.</b></li> </ul>	<ul style="list-style-type: none"> <li>• International and regional standards should be adhered to when printing ballot papers (5 per cent - 10 per cent extra ballots than the total number of registered voters is the internationally accepted standard (AU Preliminary Statement 2013 Zimbabwe elections). But in this election the Commission admitted that it printed 35 per cent extra)</li> <li>• ZESN recommends that in future only 5 per cent extra ballot papers be printed to reduce the potential for fraud.</li> <li>• Stakeholders, especially political parties, must closely monitor the process of ballot paper printing and distribution so they can deter or detect any fraud associated with the process. The procurement of election materials also needs to be transparent in order to build citizen confidence and to avoid speculation around issues, such as the silver content of the ink.</li> <li>• ZESN urges more intensive training of party agent to help them effectively carry out their mandate in the polling station.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>The entire electoral process is important as well as the other processes feeding into the actual voting, as the Election Day alone does not determine the quality and credibility of the electoral process.</b></li> </ul>	<ul style="list-style-type: none"> <li>• ZEC must adopt and uphold a stakeholders approach at all levels (national, provincial and district) to enhance transparency in its operations and the meaningful involvement of all stakeholders.</li> </ul>

<ul style="list-style-type: none"> <li>• <b>Unavailability of the voters' roll and other key election materials timeously brings into question the fairness of an election. The use of voter registration slips led to speculation about the authenticity of the slips.</b></li> <li>• <b>ZEC should be solely responsible for all electoral processes, particularly the voter registration processes.</b></li> </ul>	<ul style="list-style-type: none"> <li>• Final lists of the voters' roll must be released well in advance in electronic and hard copy format to allow the electorate to inspect the roll and any stakeholders interested in auditing it.</li> <li>• ZESN recommends the use of a supplementary voters' roll and desist from using the voter registration slips.</li> <li>• ZEC needs to start working on the operationalization of the polling station voters' roll using the 2013 voter information gathered from the polling stations which is easy to compile and increases transparency in the voter registration process. Making the polling station voters roll biometric will also increase transparency.</li> <li>• In addition, the voters' roll should be accessible to party agents so that as people vote they are also able to cross out people who would have voted thus increasing transparency.</li> <li>• The voters roll needs to be posted at polling stations before the election during the registration to enable ease of inspection.</li> <li>• The voter registration process has to be standardized according to regional and international minimum standards.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Adequate voter education cannot be comprehensively conducted by the electoral management body (ZEC) alone and should be conducted well in time to ensure that the electorate makes informed decisions.</b></li> </ul>	<ul style="list-style-type: none"> <li>• Voter education must be done by ZEC and other interested parties, such as NGOs, should conduct voter education to ensure comprehensive information is delivered and geographically covers all areas of the country adequately.</li> <li>• There must be a clear distinction between the terms <i>civic education</i>, <i>voter education</i> and <i>voter information</i> so that stakeholders, particularly civil society, can be sure of what they can say and teach.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Re-alignment and implementation of new electoral provisions should be prepared for adequately and done in time by the election management body to avoid chaos (e.g. those that characterised the special voting exercise).</b></li> </ul>	<ul style="list-style-type: none"> <li>• Publishing a final list of polling stations has to be done earlier to allow the electorate and any stakeholders to scrutinize their distribution note of their locations.</li> <li>• The methodology, of special voting particularly the logistical aspects of special voting needs to be reviewed to ensure the participation by every</li> </ul>

	<p>applicant. ZEC needs to have the main voters roll available so as to cross out names of people who would have voted during the special vote.</p>
<ul style="list-style-type: none"> <li>• <b>A polarised media gives rise to differences in the interpretation of electoral outcomes and raises subjective debates on the freeness, fairness and credibility of elections. This could lead to violence and chaos.</b></li> </ul>	<ul style="list-style-type: none"> <li>• The media needs to be reformed to ensure a greater diversity of news sources reaching all corners of the country and a professional national public broadcaster untainted by bias.</li> <li>• ZEC must publicly condemn hate language (punitive measures against offenders)</li> <li>• Enforcement of the media regulations as mandated by the Electoral laws must be prioritized.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Impartiality by constitutional bodies (ZEC included) the judiciary and state institutions, especially the security sector and traditional leaders, can be a mirage if appointment to such bodies and institutions is politically driven.</b></li> </ul>	<ul style="list-style-type: none"> <li>• The role of traditional leaders needs to be revisited to ensure that they are impartial and that they maintain inclusivity in their respective jurisdictions.</li> <li>• The role of the security sector should be that of ensuring law and order and not interference in the electoral processes.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Electoral bodies and not political parties with a vested interest in contesting the elections</b> are the appropriate managers of election processes and their timelines</li> </ul>	<ul style="list-style-type: none"> <li>• The election date for general elections must be constitutionally enshrined to allow better organisation by the election management body to avoid the disarray in preparations due to the delayed announcement of an election date.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Insufficient funding of several of the electoral processes, in particular the registration of voters and inspection of the voters' roll, impacted on the overall credibility of the polls and led to the disenfranchisement of potential voters.</b></li> </ul>	<ul style="list-style-type: none"> <li>• ZEC must be adequately funded to carry out an inclusive voter registration exercise and comprehensive inspection of the voters' roll by the electorate.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Imposition of candidates by political parties resulted in intra-party violence and the violation of the rights of those aspiring to be voted into political office.</b></li> </ul>	<ul style="list-style-type: none"> <li>• Political parties must put in place measures to promote intra-party democracy at all levels.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>The participation of women, minorities and special groups in electoral processes is still below expected levels, as only 44 women candidates participated in the plebiscite. The quota system appears to have</b></li> </ul>	<ul style="list-style-type: none"> <li>• Political parties must adhere to international and regional standards calling upon women representation and participation at 50 per cent (e.g. the SADC Protocol on Gender and Development)</li> </ul>

disenfranchised women candidates.

## FINAL ASSESSMENT AND CONCLUSION

The table below provides ZESN’s assessment of the election process using the SADC Principles and Guidelines Governing Democratic Elections as the benchmark for the 2013 harmonised elections.

*Table: 21*

SADC Principles and Guidelines Governing the Conduct of Democratic Elections	Compliance	Partial compliance	Non-compliance
<b>Clause 2. 1.1 Full participation of citizens</b>			Reports of intimidation and reminders of 2008 violence militated against the full participation of citizens.
<b>Clause 2.1.2 Freedom of Association</b>		There was improved freedom of association with the exception of rural areas where people were warned against supporting opposition parties with threats of violence.	
<b>Clause 2. 1.3 Political tolerance</b>		While the situation was better than 2008, hate speech persisted and intimidation during the primary elections ,members of the MDC formations were threatened, harassed and	

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		victimized in some places for contesting the election.	
<b>Clause 2. 1.4 (Regular interval for elections as provided for by national Constitution)</b>	Zimbabwe has had regular and periodic elections as provided in the Constitution		
<b>Clause 2. 1.5 Equal opportunity for all political parties to access state media.</b>		Access to state media was not equitable for all political parties with ZANU PF having unduly more favourable access than other parties.	
<b>Clause 2.1.6 The right to vote and be voted for.</b>	<b>Candidates were able to lodge papers for nomination with a few problems</b>		The right to vote was seriously hampered by the flawed voter registration process as many citizens were unable to register and subsequently vote.
<b>Clause 2.1.7 Independence of the judiciary and impartiality of election institutions.</b>		The judiciary system is perceived as partial in favour of one political party.	
<b>Clause 2. 1.8 Voter education</b>			Voter education was inadequate leading to fundamental issues not being addressed such as the secrecy of the vote, the procedure for assisted voters and the requirements for voter registration. Civil society organizations were accredited two weeks before the election making their efforts

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			ineffective.
<b>Clause 2.1.10 Challenge of election result is provided for in the law of the land.</b>			While challenge of election results is available in the law, the process needs to be accessible and the requirement for US\$10,000 deposit makes the process inaccessible. In addition, the process needs to be presided by a neutral judiciary system.
<b>Clause 4. 1.2 Conducive environment for free, fair and peaceful elections</b>		While there was no overt violence, there were under-currents of intimidation in rural areas. Citizens in rural areas were instructed to “vote wisely” or suffer as they did in the June 2008 election run-off.	
<b>Clause 4. 1.3 Non-discrimination in voter registration.</b>			Voter registration was characterized by a rural-urban bias where rural residents found it easy to register while the burden of registration was higher on urban residents.
<b>Clause 4. 1.4 Existence of updated and accessible voters roll</b>			While the voters’ roll existed, stakeholders were unable to access on time especially in its electronic form.

<b>Clause 4.1.5 Timeous announcement of the election date</b>			The election date was announced abruptly, giving the electoral authorities and political parties little time to prepare for the elections. There was little time for other processes, such as objections to entries in the voters' roll among others.
<b>Clause 4.1.7 Polling stations should be situated in neutral places.</b>	Most polling stations were located in neutral places.		
<b>Clause 4.1.8 Counting of votes at polling stations.</b>	All votes were counted at polling stations.		

ZESN's assessment shows that there was limited, and at times, non-compliance with SADC's election guidelines and principles and this impacted on the fairness of the process. The SADC observer mission's reluctance to call the elections fair and its reference to them as "**generally credible**" is a term not found in the guidelines and is a vague description of the election. SADC is lowering its own standards, as peace is not the only criteria for a credible poll.

Drawing from all ZESN's observations in the pre-election, polling and post-election periods, the 2013 harmonized elections cycle was relatively calm and peaceful. However, it is ZESN's view that it is not sufficient for elections to be peaceful. ZESN therefore reiterates its concerns on the many critical factors affecting this election, such as inadequate and delayed voter education, the inadequate and flawed voter registration process, failure to make the voters' roll available to political parties and stakeholders in time, chaotic special voting, and the high numbers of assisted and turned away voters. As a result, these challenges seriously compromised the credibility and fairness of the 31 July 2013 harmonised elections. ZESN encourages Zimbabweans to maintain peace and tranquillity, and to work towards the building of Zimbabwe's socio-economic prosperity to ensure the holding of credible and fair elections in the future.



## APPENDICES

### Appendix 1: Critical Incidents during voting process

PROVINCE	CONSTITUENCY	WARD	DESCRIPTION
Bulawayo	Luveve		The polling station ran out of ballot papers and voting was suspended between 3 and 4pm.
Bulawayo	Luveve	Bulawayo Municipality (28)	Three men wearing JOMIC T-shirts were asked to leave as they had no accreditation badges and were later allowed to observe only after intervention of SADC observers.
Bulawayo	Pelandaba-Mpopoma	Bulawayo Municipality (9)	Voting was suspended because the ballot boxes were not labeled properly. This delayed voting. The problem was attended to and voting proceeded.
Bulawayo	Pelandaba-Mpopoma	Bulawayo Municipality (13)	The presence of police officers inside the polling station was of concern. Presiding officer advised the observer that it was allowed and that there was no problem.
Bulawayo	Pumula	Bulawayo Municipality (19)	A police officer unexpectedly came into the polling station wearing uniform and with indelible ink on both hands. He went straight to the presiding officer, and then the presiding officer along with the party polling agents allowed him to vote. The police officer claimed that he is from Norwood.
Bulawayo	Nkulumane	Bulawayo Municipality (23)	A ZAPU candidate stormed into the polling station complaining about the voting progress. He complained that people should be voting in a fast way thereby intimidating voters. This was said at the top of his voice drawing everyone's attention. Everyone in the polling station witnessed this incident.
Bulawayo	Luveve	Bulawayo Municipality (28)	One voter whose name could not be found on the voter's roll voted using their registration slip. However, the presiding officer later discovered that the voter had voted at the wrong place (ward) after the ballot had been cast. JOMIC members were seated outside after being told to leave when SADC team visited.
Bulawayo	Luveve		In this particular polling station, many people who were voting using registration slips were turned away. The slips they presented to the polling officials were only written Luveve Constituency without indicating the ward or block. At the time

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			of reporting at 10:10am, 25 people had already been turned away.
<b>Harare</b>	Glenview South	Harare Municipality (32)	A voter was given 3 ballot papers and only cast 2 (one for National Assembly and the other one for Local Authority). The polling officer asked him where the other ballot paper was and he said he was only given two. The presiding officer called the policeman, polling agents and observers. They searched him but did not find the paper so voting was stopped for 30 minutes. The voter said he would check in the booth and he came back with the ballot paper saying it was a spoiled paper. The presiding officer asked him why he was saying it was a spoiled paper now yet he had said he only got 2 ballot papers. So the voter was handcuffed and taken to Glenview Police Station.
<b>Harare</b>	Mt Pleasant	Harare Municipality (17)	79 people were turned away as they had white paper registration slips. They have been told to go to ward 7, which is Mt Pleasant High School. When they got there they were not allowed to vote and they were now going in circles as their registration forms don't show their ward number but only their constituency. They informed ZESN observers that they had registered before the cut- off date.
<b>Harare</b>	Mt Pleasant	Harare Municipality (17)	One voter was turned away to vote at ward 7 from ward 17 yet he had a transfer slip that he has transferred from ward 7 to 17. Observer also noted the officials were not thorough in checking voters' fingers as expected, resulting in some people leaving the polling station after voting without ink on their fingers. However the observer did not see anyone who has voted twice at that polling station. The MDC-T election agent also witnessed this.
<b>Harare</b>	Mbare	Harare Municipality (4)	At St. Peters Primary school people were turned away because they were not in the correct ward. About 37 people were turned away. However the situation was calm.
<b>Harare</b>	Mt Pleasant	Harare Municipality (7)	Observer from Strathaven complained that people stopped voting from 17:37 to 18:03 because the generator came late so people could not vote at that time. However the voting continued from 18:03.
<b>Harare</b>	Harare North	Harare Municipality	Six ballots missing. A list from the command center came with 18 names. It was said that the names needed to be cancelled

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		(18)	as the people voted during the special vote.
<b>Harare</b>	Glenview North	Harare Municipality (30)	Some voters did not see their names in the register and some were said to have invalid voter registration receipts of 2012 and were referred to command centre. So others went away and others gave up but it was resolved later to let them vote if only they had those 2012 receipts.
<b>Harare</b>	Zengeza West	Chitungwiza Municipality (7)	People were turned away for being in the wrong ward and their names not appearing in the voters' roll
<b>Manicaland</b>	Chimanimani East		There were 4 unauthorized people in the polling station and when the ZESN supervisor asked the presiding officer why there were unauthorized people he was told that they were JOMIC observers and that their T-shirts were equivalent to an accreditation card and they were not going anywhere because they were entitled to be there.
<b>Manicaland</b>	Makoni West	Makoni RDC (25)	There were unauthorized police officers inside the polling station during set up and during voting.  Voters needing assistance were not allowed to select a person of their choice to help them. The presiding officer <sup>66</sup> and two police officers assisted those needing help but they would look at the ballot papers and audibly shout the voters' choices.
<b>Manicaland</b>	Dangamvura-Chikanga	Mutare Municipality (18)	There were unauthorized people in the polling station during voting. A Police officer assaulted by an unknown man who wanted to vote but did not want to join the queue.
<b>Manicaland</b>	Chimanimani East	Chimanimani RDC (1)	A voter forgot his Presidential ballot paper on the verification table. This was discovered when the next voter found himself with two Presidential Ballots. The voter who had forgotten his ballot paper later realized that he had not cast Presidential vote on his way out and came back. He was allowed to cast his Presidential vote. The issue was resolved.

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<sup>66</sup> Name withheld

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<b>Manicaland</b>	Chipinge East	Chipinge RDC (12)	The observer reported that during the verification process before polling commenced, one ballot paper no. 29 was missing and is still missing. Presiding Officer, Police Officers and Polling officers assisting people to vote excluding the people chosen by the voters to assist them.
<b>Manicaland</b>	Chipinge East	Chipinge RDC (12)	The polling station ran out of ballot papers and voters had to wait for almost an hour because the number of voters exceeded the papers that were available. The problem was resolved as more papers were brought in.
<b>Manicaland</b>	Chimanimani East		Voter who needed assistance was not allowed to select a person of their own choice to help them. It is alleged that presiding officer chose to vote for him.
<b>Manicaland</b>	Mutare South	Mutare RDC (14)	Observer has reported that first ballot book used at the start of polling had 6 missing pages. The sequence was from 146 to 153. The Presiding Officer reported to ZEC and was instructed to proceed with polling using the same book.
<b>Manicaland</b>	Chipinge South	Chipinge RDC (28)	A woman wanted her husband to assist her but the Presiding Officer and Police did not call him and opted to assist her instead against her will. Voting was delayed because MP ballot papers were not properly printed. ZANU Ndonga's candidate's photo was put on MDC T and vice versa.
<b>Manicaland</b>	Chimanimani East		There were four officers patrolling in the polling station and others assisting voters to vote. Also on the presiding officer's desk there were about 30 IDs as well as voting slips without owners. There were no observers or other party agents except ZANU PF agents only.
<b>Manicaland</b>	Chimanimani East	Chimanimani RDC (7)	There were a couple of elderly people who were assisting young people to vote yet it was clear that these young people could read and write and are able to vote independently. Also some known teachers in the area were also coming and asking for assistance to vote.
<b>Manicaland</b>	Buhera North	Buhera RDC (10)	Observer reported that Presiding Officer did not allow persons chosen by voters to assist them to cast their ballots to do so. Instead police officers, Polling agents and the Presiding Officer were assisting people to vote.
<b>Manicaland</b>	Mutare South		People were forced to go to vote in the company of their

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			headman. <sup>67</sup>
<b>Mash Central</b>	Shamva South	Chaminuka RDC (18)	When people came to vote they chose their own people to assist them, however they were still being assisted by Presiding Office and 2 other polling officers and 1 police office.
<b>Mash Central</b>	Mazowe West	Mazowe RDC (24)	Any people assisting voters were only allowed to assist them up to the voters roll inspection desk. When getting into the booth the voter had to go with the Presiding officer, 2 polling officers and 1 police officer. JOMIC observer also witnessed this incident.
<b>Mash Central</b>	Bindura North	Bindura RDC (20)	When people came to vote they did choose their own people to vote but the Presiding Office and 2 other polling officers and 1 police office and the voter continued to assist even when the voter had a person of their choice and was not blind.
<b>Mash East</b>	Mudzi North	Mudzi RDC (11)	Presiding Officer, Police Officials and ZEC officials total of 4 people assisting those that need assistance in voting. They are however denying the civilians to bring in people of their choice to assist them voting.
<b>Mash East</b>	Goromonzi South	Goromonzi RDC (17)	18 voters were assisted by the same 3 men from the community, 4 were assisted by people of their own choice, 3 were assisted while the presiding officer was watching.
<b>Mash East</b>	Goromonzi West	Goromonzi RDC (2)	Some people whose names were on the voters roll but their national identity numbers are not matching but allowed to vote. Others have two names on the national ids but only one name was appearing on the voters roll and some do not have date of births appearing but were allowed to vote.
<b>Mash West</b>	Chegutu East	Chegutu RDC (2)	A ZANU PF youth presented himself at the polling station representing JOMIC and was given identification by the presiding officer as polling agent. Everyone who could not find their name on voters roll was being directed to him. This polling agent assumed two roles.

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<sup>67</sup> Name withheld

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<b>Mash West</b>	Norton	Norton Town Council (1)	During the morning people were allowed to vote with voters slip only when their names were not appearing in the voters roll. An instruction from the command centre was given not to allow them and they were later turned away.
<b>Mash West</b>	Chinhoyi	Chinhoyi Municipality (15)	Some ZANU PF supporters after voting started threatening people and writing people's names to see who has voted from which polling station in case they do not win. There were escorted away by police.
<b>Mash West</b>	Kariba	Kariba Municipality (1)	A person believed to be mentally disturbed came into the polling station making noise, the polling officers managed to locate his name on the voters roll and he managed to vote and he left. No assistance was given to him to make his vote.
<b>Mash West</b>	Zvimba North	Zvimba RDC (30)	People were being assisted by presiding officers and not allowed their own people, there were not given the option to use their own people.
<b>Masvingo</b>	Bikita West	Bikita RDC (9)	Between 7 and 9am at Fambidzanai Primary school there were people outside the polling station saying they were assisting people who were not able to write. The party agents complained to the presiding officer then he advised people to come with people of their choice.
<b>Masvingo</b>	Chivi South	Chivi RDC (27)	At Nyahombe Primary school 2 people were not allowed to vote because their I.D's were not clear. However, with the assistant of the Polling Agents they managed to vote.
<b>Mat South</b>	Gwanda South		Voters needing assistance were not allowed to select a person of their choice. They were being assisted by three police officers, the presiding officer and a polling officer.
<b>Mat South</b>	Gwanda North	Gwanda RDC (9)	Voters were not allowed to choose people of their choice to assist them during voting. Towards the end of the day the presiding officer allowed the voters to choose people of their choice.
<b>Mat South</b>	Umzingwane	Umzingwane RDC (17)	Suspending voting: ZEC official came with names from special voting for them to be cancelled from the voters roll. Officials suspended voting and voting commenced after this was done.
<b>Mat South</b>	Bulilima West	Bulilima RDC (11)	Voters needing assistance were not allowed to select a person of their choice to help them, instead, the presiding officer, ZRP

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			officer and 2 election officers assisted the voters.
<b>Mat South</b>	Gwanda Central	Gwanda Town Council (3)	Suspended voting since the local authority had run out of ballot papers since 14:34 to 8 pm when ballot papers arrived. Voting stopped at 9 pm after voters stopped coming to the polling station.
<b>Midlands</b>	Mberengwa North	Mberengwa RDC (35)	Ballot papers finished. Roughly 200 people had voted and there are roughly about 300 still waiting to vote.
<b>Midlands</b>	Silobela		Presiding officer allowed a young man to vote whilst he had a registration slip but without proper identification.
<b>Midlands</b>	Chirumanzu	Takawira RDC (3)	An assistant who wanted to assist two voters was only allowed to assist one of the voters and the other was assisted by the presiding officer.
<b>Midlands</b>	Mberengwa North	Mberengwa RDC (12)	Police are assisting the illiterate that are seeking the assistance. Some voters are bringing party cards (ZANU PF) but these are being refused to vote using the cards.  Some people are being turned away because their national ID's are not clearly showing their pictures. These voters complained that when they registered to vote at the Registry they used the same national id cards.
<b>Midlands</b>	Gokwe-Kabuyuni	Gokwe North RDC (3)	Ballot papers without serial numbers observed. However they were not counted and were put aside.
<b>Midlands</b>	Chirumanzu-Zibagwe	Takawira RDC (11)	The elderly that cannot write and did not bring someone to assist them were being assisted by the presiding officer and policeman.
<b>Midlands</b>	Redcliff	Redcliff Municipality (3)	A councillor candidate was not on the voters roll and he went to verify at the command centre (Redcliff) and he was later allowed to vote because the command centre noted that he had been allocated a wrong ward.
<b>Midlands</b>	Zvishavane-Ngezi	Zvishavane Town Council (2)	The observer noted that the tent wall/flap had dropped behind the ballot booth such that there was no secrecy for voters

## Appendix 2: ZESN's Preliminary Statement issued on 1 August 2013

### ZIMBABWE ELECTION SUPPORT NETWORK



## 2013 Harmonised Elections Preliminary Statement

01 August 2013 – Holiday Inn, Harare

### Summary

The Zimbabwe Election Support Network (ZESN) as part of its comprehensive effort to observe the 2013 Harmonised elections deployed over 7,000 observers to every province and constituency in the country. Generally the environment was relatively calm and peaceful. Based on the empirical reports from our observers, regardless of the outcome, the credibility of the 2013 Harmonised Elections is seriously compromised by a systematic effort to disenfranchise an estimated million voters.

Before Election Day the voter registration process was systematically biased against urban voters. The voters' roll of 19 June as provided by the Office of the Registrar General clearly showed that urban voters had systematically been denied the opportunity to register to vote. A total of 99.97% of rural voters were registered while only 67.94% of urban voters were registered (see table 1).

Table 1: Comparison of Registered Voters with Estimated Eligible Voters by Rural/Urban Wards						
Urban/Rural	Voters Roll 19 June 2013		2012 Census Estimate		Difference	Per cent Registered
Rural Wards	4,278,103	72.64%	4,279,336	64.33%	1,223	99.97%
Urban Wards	1,612,066	27.36%	2,372,522	35.67%	760,456	67.94%
<b>Total</b>	<b>5,890,169</b>		<b>6,651,858</b>		<b>761,689</b>	

An estimated 750,000 urban voters could be missing on the voters' roll compared to rural voters. In contravention of the law, the final voters' roll was not made available in electronic format prior to Election Day. Thus there is no way to assess any bias on the final voters' roll.

On Election Day urban voters were further systematically disenfranchised. At 82% of urban polling stations many potential voters were turned away and not permitted to vote for reasons which include names not appearing on the voters' roll and turning up at the wrong ward for voting. This is in sharp contrast to rural areas where only 38% of polling stations turned away many potential voters. This served to disenfranchise thousands more of urban voters on Election Day.



These factors on their own fundamentally undermine the degree to which the results of the 2013 Harmonised election can be considered to reflect the will of the Zimbabwean people.

When compounded by the massive bias in the state media, the campaign of intimidation in rural areas, the lack of meaningful voter education, the rushed electoral process and the harassment of civil society leaving the credibility of these elections severely compromised. ZESN calls on the African Union, the Southern African Development Community to be objective in their evaluation of these elections and take into cognisance the pre-election issues that have a bearing on the ability of citizens to genuinely choose their government.

We reiterate that, it is not sufficient for elections to be peaceful. For elections to be credible they must offer all eligible citizens a reasonable opportunity to register to vote; to inform themselves about the candidates; to vote on Election Day and for their votes to be properly counted. We are deeply concerned that for urban voters the first three principals have already been violated.

### **Methodology**

As a non-partisan body, ZESN observes elections to ensure that Zimbabweans to freely exercise their right to vote and provide citizens with independent information on the process. As an umbrella network we do not support any political party, but rather we support the right of all eligible Zimbabweans to exercise their constitutional right to vote.

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 03 April 2012<sup>68</sup> as well as the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO).<sup>69</sup>

Our findings and recommendations are made in reference to: the laws of Zimbabwe; the Southern African Development Community (SADC) Principles and Guidelines Governing Democratic Elections,<sup>70</sup> as well as other regional and African election standards.

We deployed over 7,000 observers comprising mobile observer teams, stationary polling station observers at specific polling stations, and constituency observers deployed to ZEC Constituency Centres to witness the collating of results. A special group of more than 700 observers were deployed to a sample of polling stations in every province and constituency of the country to provide national representative data in real time. This preliminary statement is based on the observations of this group of observers.

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<sup>68</sup> see <http://www.gndem.org/declaration-of-global-principles>

<sup>69</sup> see <http://www.eisa.org.za/EISA/publications/pemmo.htm>

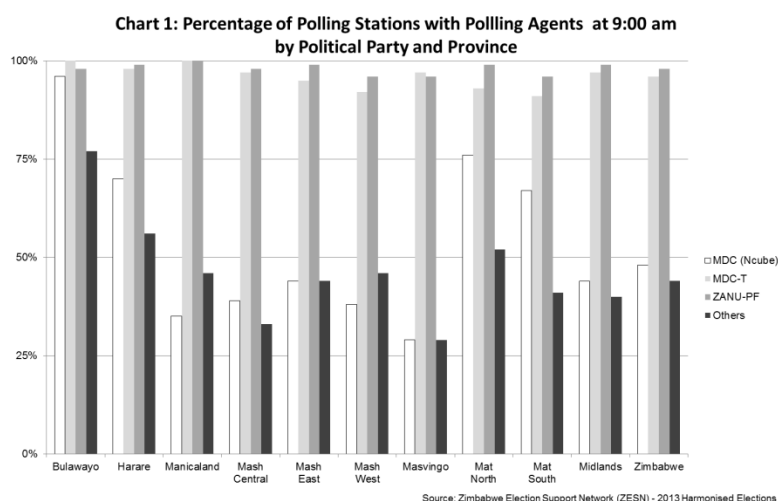
<sup>70</sup> see [http://www.idasa.org/our\\_products/resources/output/sadc\\_principles\\_and\\_guidelines/](http://www.idasa.org/our_products/resources/output/sadc_principles_and_guidelines/)

## Set-up of Polling Stations

95% of ZESN observers reported polling stations were open by 7:30 am with essentially all polling stations open by 9:00 am.

ZESN observers report that by 7:00 am, the official opening time, ballot boxes were at 100% of polling stations; ballot papers at 97% of polling stations; the ZEC official stamp at 94% of polling stations; indelible ink at 94% of polling stations; and the voters roll at 99% of polling stations.

By 9:00 am, MDC-Tsvangirai had polling agents at 96% of polling stations and ZANU-PF at 98% of polling stations. MDC (Ncube), however, had polling agents at only 48% of polling stations (predominantly Bulawayo, Matabeleland North, Matabeleland South and Harare). All other political parties combined had polling agents at 46% of polling stations.



Across the country, polling stations averaged nine ZEC staff with on average six female ZEC staff in urban polling stations and five in rural polling stations.

At 83% of polling stations police officers were stationed inside polling stations despite the fact they are allowed to be inside polling stations at the invitation of the presiding officer.

ZESN observers reported that 98% of polling stations were set up so that voters could mark their ballot in secret. However, 12% of polling stations were not easily accessible, including for people with disabilities. This problem was equally prevalent in urban and rural wards.

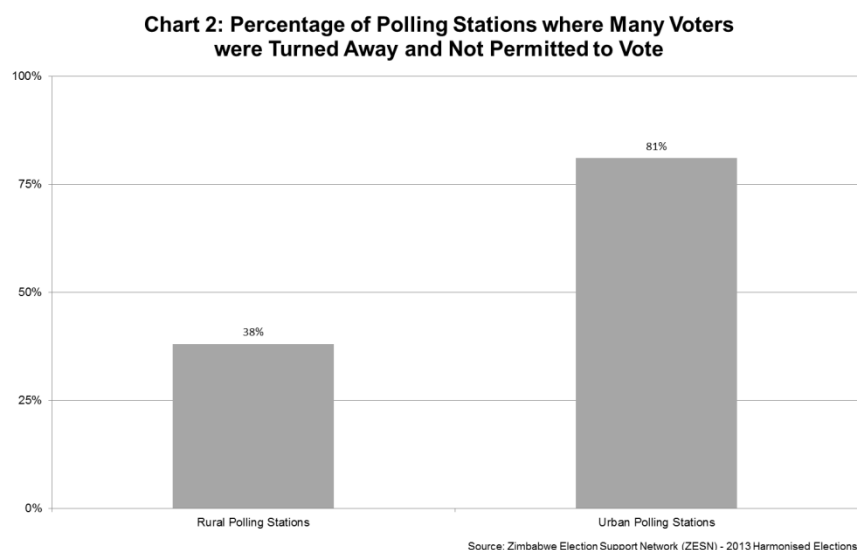
At 100% of polling stations the ballot box was shown to be empty before they were sealed. However, at 8% of polling stations an accounting of ballot papers was not done as part of the setup procedures.

## Voting

ZESN observers report at 99% of polling stations voters' fingers were checked for indelible ink before a person was permitted to vote and at 100% of polling stations names were checked against the voters roll before a person was permitted to vote.

At 99% of polling stations ballot papers were stamped with the ZEC stamp when being issued and at 99% of polling stations voters had their fingers marked with indelible ink.

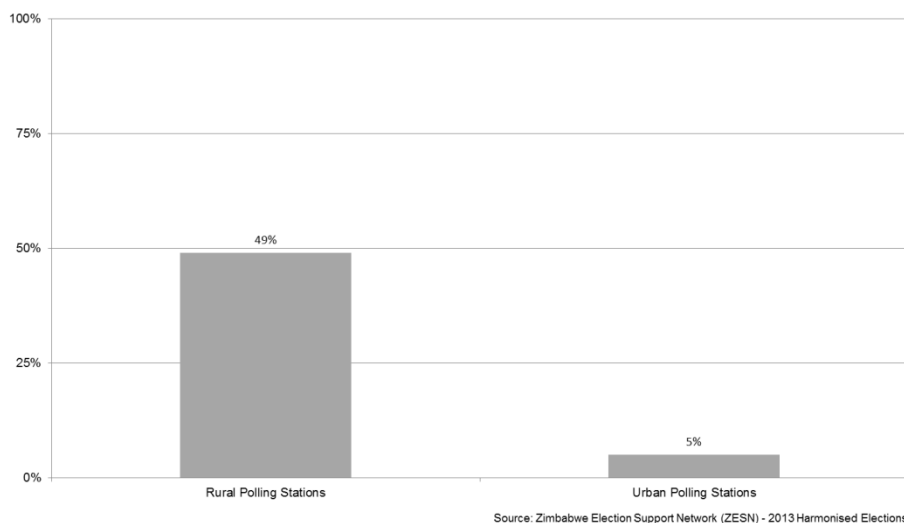
At 49% of polling stations ZESN observers reported 25 or more potential voters being turned away and not permitted to vote. The main reasons why people were turned away included that they were not on the voters' roll even though they had voted in previous elections, they were in the wrong wards and some had registration slips and names were not appearing on the voters' roll. However, this problem was much more prevalent in urban than rural areas. While at 39% of rural polling stations ZESN observers reported more than 25 potential voters being turned away and not permitted to vote, at 82% of urban polling stations more than 25 potential voters were turned away and not permitted to vote.



In contrast, at 89% of polling stations only five or fewer people were improperly allowed to vote.

At 38% of polling stations 25 or more people were assisted to vote. There was a sharp contrast between urban and rural polling stations. At 49% of rural polling stations more than 25 people were assisted to vote as opposed to only 5% of urban polling stations.

**Chart 3: Percentage of Polling Stations where Many Voters were Assisted to Vote**



However, at 88% of polling stations assisted voters were allowed to be assisted by a person of their choice.

At 98% of polling stations ZESN observers did not witness any campaigning within 200 metres of the polling station. At 96% of polling stations there were no unauthorised persons in the polling station during voting. At 98% of polling stations there were no incidents of intimidation or harassment of voters. At 99% of polling stations no one attempted to disrupt the voting process.

At 91% of polling stations disabled persons, the elderly and pregnant/nursing women were allowed to go to the front of the queue.

At 82% of polling stations no one was in the queue at 7pm when voting was scheduled to end and at just 6% of polling stations there were 25 or more people in the queue. At 89% of polling stations everyone in the queue at closing time was permitted to vote.

### Counting

At 98% of polling stations ZESN observers report no one attempted to intimidate or influence election officials during counting nor did anyone attempt to disrupt the counting process.

At 99% of polling stations where ZANU-PF polling agents were present they signed the V-11 results form. MDC-T polling agents signed the V-11 results form at 97% of polling stations at which they were present. At 97% of polling stations where MDC (Ncube) polling agents were present and at 84% of polling agents from all other parties signed the V-11 results form.

At 90% of polling stations all polling agents present were given a copy of the V-11 results form and at 97% of polling stations the official results were posted outside.

ZESN is continuing with the observation of the entire process, collation, tabulation and verification of the election results. We urge ZEC to handle the results management in a transparent and timeous manner.

Based on our assessment so far, although the pre-election period was calm and peaceful, there are many other critical factors that can undermine the credibility of the entire electoral process. The preparations were inadequate, voter registration and voters' roll was flawed, voter education was limited and the special voting was chaotic. Election Day processes were smooth and no major incidents were reported.

We urge observers and all stakeholders to look below the surface as there are some grave issues that have arisen. All is not well.

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#### **About ZESN**

ZESN was established in 2000. It is a coalition of 31 non-governmental organisations formed to co-ordinate activities pertaining to elections. The major focus of the Network is to promote democratic processes in general and free and fair elections in particular. ZESN has observed every election and by-election in Zimbabwe since the 2000 parliamentary elections.

#### ***PROMOTING DEMOCRATIC ELECTIONS IN ZIMBABWE***

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## Appendix 3: 31 July Press Release

Press Release

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### ZIMBABWE ELECTION SUPPORT NETWORK



### ZESN OBSERVES 2013 HARMONISED ELECTIONS

**Harare, 31 July 2013** –The Zimbabwe Election Support Network (ZESN) is observing the 2013 Harmonized elections in a calm and peaceful environment. Most polling stations opened on time with adequate voting materials available.

It is regrettable that the voters' roll remained unavailable and this can potentially undermine the credibility of the electoral process. Also of major concern was the delayed release, distribution and the non- availability of the electronic and hard copies of the voters roll particularly to contesting political parties. ZESN noted the following issues regarding the voters' roll;

- Some who voted in the special voting process, had not had their names removed from the voters' roll.
- Registered voters who voted in previous elections did not appear on the voters' roll.
- Some who claim to have not voted in the special voting process had their names crossed out of the voters' roll.
- Some people's registration slips did not disclose the ward but constituency and block. As a result some people were referred to the constituency command centres where they were either assisted or not. The Ward based voting system was confusing and many as a result were turned away.

ZESN is also concerned by reports filtering in from various provinces regarding disruptions in the voting process and the high numbers of assisted voters particularly in Mashonaland East, West and Masvingo provinces. For example, in Goromonzi South Mashonaland East, at one polling station voters in this area have been assisted to vote by the same three people from their area while others were provided an opportunity to be assisted by people of their choice.

In a related incident, known MDC-T supporters from Muzarabani North constituency were allegedly ordered by ZANU PF officials to declare that they are illiterate and were assigned people who assisted them to vote. Only the headman and his wife voted freely with about 40 to 50 people being assisted to vote at Nyadukutu Primary School. In Mutare South, Ward 2, at Gutaurare School as at 1300hours 50 assisted voters had been recorded. In Midlands those who are illiterate, were not being given a chance to choose a person who can assist them as stated by Section 59 of the Electoral Act.

The disruption of voting in Chipinge South as a result of an error by the Zimbabwe Electoral Commission (ZEC). ZESN observers reported that ZEC had switched candidates' pictures on the ballot papers and voting had to be stopped temporarily as the ZEC tried to rectify the problem.

ZESN also notes the harassment and intimidation of voters by traditional leaders in Provinces such as Masvingo and Mashonaland East. There have also been reports of voters being instructed to register their names and serial numbers of their ballot papers at desks set up in some areas.

In addition, ZESN has received reports of missing ballot papers in areas such as Nkulumane in Bulawayo and inadequate ballot papers in areas like Goromonzi South. At Gutaurare School in Mutare South Ward 22 and Gwanda Central, voting was put on hold after ballot papers for Ward councilors ran out. ZESN also observed varying treatment of voters where some voters were turned away despite having produced a voters' slip. Voters in Mutare South constituency who have voter registration slips were being turned away on allegations that their names do not appear on the voters' roll.

Furthermore we noted that the inconsistent treatment of the elderly, pregnant women, nursing mothers and people living with disabilities at polling stations.

ZESN continues to encourage all registered voters to exercise their right to vote within the few hours left before polling stations close at 7pm.

ZESN has set up hotlines for citizens to share their views and comments about the Harmonised Elections. The contact numbers will be: 0771692029, and 0771692032. Citizens can also participate on our social media platforms; <https://www.facebook.com/pages/Zimbabwe-Election-Support-NetworkZESN> and Twitter handle: #ZESN1.

ZESN will be issuing updates on the entire process and will issue its Preliminary Statement on the Harmonised Elections on Thursday 01 August at a time to be advised.

### **About ZESN**

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***PROMOTING DEMOCRATIC ELECTIONS IN ZIMBABWE***

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**Appendix 4: Results of the House of Assembly 31 July 2013**

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*Results will be inserted in the final printed copy of this report.*