

CHAPTER 1

PART I: THE COMMISSION

1.0 Introduction

The Zimbabwe Electoral Commission, (“the Commission”), is established in terms of Section 238 of the Constitution of Zimbabwe.

Inclusive of the Chairperson, the Commission consists of nine members.

In 2010, a new system of appointing members of the Commission was introduced. This new system, which involved the public interviewing of Commissioners by Parliament after advertisement of the posts in the press, appears to have ensured the appointment of Commissioners from a diverse background and who command the respect of a wide spectrum of the key stakeholders and the public

The membership of the Commission during the 2013 harmonised election was as follows:

As Chairperson:

Mrs Justice Rita Makarau

As Deputy Chairperson:

Mrs Joyce Laetitia Kazembe

As members:

Mr Daniel Chigaru

Professor Geoff Feltoe

Mr Theophilus Pharoah Gambe

Dr Petty Makoni

Ms Sibongile Ndlovu

Mrs Bessie Fadzai Nhandara

Mr Mkhululi Nyathi

In passing, it is recorded that whilst the Commission was constituted of the nine members listed above when the 2013 harmonised elections were proclaimed, Commissioner M. Nyathi resigned prior to the announcement of the election results on 2 August 2013. Commissioner G. Feltoe resigned after the conduct of the elections but before the presentation of this report.

1.1 Functions of the Commission

The functions of the Zimbabwe Electoral Commission are found in the Constitution of Zimbabwe and in the Electoral Act [Chapter 2.13], (“the Electoral Act”).

Section 239 of the Constitution mandates the Commission as follows:

- a. to prepare for, conduct and supervise –
 - (i) elections to the office of President and to Parliament;

- (ii) elections to provincial and metropolitan councils and the governing bodies of local authorities;
- (iii) elections of members of the National Council of Chiefs established by section 285; and
- (iv) referendums;

and to ensure that those elections and referendums are conducted efficiently, freely, fairly, transparently and in accordance with the law;

- b. to supervise elections of the President of the Senate and the Speaker and to ensure that these elections are conducted efficiently and in accordance with the law;
- c. to register voters;
- d. to compile voters' rolls and registers,
- e. to ensure the proper custody and maintenance of voters rolls and registers;
- f. to delimit constituencies, wards and other electoral boundaries;
- g. to design, print and distribute ballot papers, approve the form of and procure ballot boxes, and establish and operate polling centres;
- h. to conduct and supervise voter education;
- i. to accredit observers of elections and referendums;

- j. to give instructions to persons in the employment of the State or of a local authority for the purpose of ensuring the efficient, free, fair, proper and transparent conduct of any election or referendum; and
- k. to receive and consider complaints from the public and to take such action in regard to the complaints as it considers appropriate;

Section 5 of the Electoral Act [Chapter 2:13] provides for the following additional functions and powers of the Commission:

- a. undertaking and promoting research into electoral matters;
- b. developing expertise and the use of technology in regard to the electoral processes;
- c. promoting co-operation between Government, political parties and civil society in regard to elections;
- d. keeping the public informed about -
 - (i) the times and places where persons can register as voters and the progress of the voter registration exercise;
 - (ii) the delimitation of wards, constituencies and other electoral boundaries,
 - (iii) the location and boundaries of polling stations and when they are open for inspection;
 - (iv) voters rolls and the times and places at which they are open for inspection;
 - (v) political parties and candidates contesting every election;

- (vi) voting;
 - (vii) generally all matters relating to the Commission's work and the electoral process; and
- e. making recommendations to Parliament on appropriate ways to provide public financing for political parties.

1.2 Special provisions relating to the functions of the Commission during the 2013 elections.

1.2.1 Whilst the Constitution in section 238 mandates the Commission to register voters, compile voters rolls and registers and to ensure the proper custody of voters rolls and registers, it also provided that for the purposes of the first elections after the adoption of the Constitution, this function would remain with the Registrar General of Voters, acting under the supervision of the Commission.

1.2.2 Further, whilst the Constitution again in section 238 mandated the Commission to delimit constituencies, wards and other electoral boundaries, it provided that for the first election after the adoption of the Constitution, the boundaries of all constituencies, wards and other electoral boundaries were to remain as had obtained during the elections of 2008.

Apart from these two exceptions, the Commission exercised all the other functions bestowed upon it by the Constitution and the Electoral Act during the 2013 harmonised elections.

1.3 The Environment

The 31st July 2013 Harmonised Elections were held 5 years and 5 months after the 2008 General Elections. As is common cause, the 2008 General Elections gave rise to a presidential run-off election which was held in June 2008. The results of the June presidential runoff election were disputed and the dispute in turn gave rise to a number of distinct but related developments on the political front, notably:-

- The signing of the Global Political Agreement in September 2008;
- The subsequent formation of the Government of National Unity in February 2009;
- The setting up by Parliament of a select Committee of Parliament (“COPAC”) to spearhead the drafting of a new constitution for the country;
- The rolling out of COPAC’s processes leading to the drafting of the new Constitution and,
- the 16 March 2013 Referendum which ushered in the new Constitution.

1.4 A new legal dispensation.

The adoption of a new Constitution not only gave birth to a new electoral system but imposed new obligations upon the Commission.

Certain sections of the Constitution became law upon its publication. These included the provisions relating to elections and to the Commission. It then became necessary to align the electoral laws to the provisions of the new constitution for the purposes of the 2013 harmonised elections.

On the positive side, the Commission welcomed the new provisions of the Constitution that froze the legal position immediately after proclamation as this lent some certainty to the legal position governing the elections. Also welcome was the provision that the Commission had to be consulted prior to any amendments being effected to the electoral law. As was to be observed during the elections, some legal provisions that read very well on paper were not so easy to implement in reality and on the ground.

On the negative side, the new Constitution imposed new duties and obligations on the Commission that the Commission had no time to pilot test or rehearse on before the actual poll. The special vote for members of the disciplined forces and staff of the Commission who were to be away from their wards on voting day was one such new feature introduced by the Electoral Act, that in hindsight, should have been rehearsed on before it was implemented.

The new law introduced new provisions relating to party lists and the nomination of candidates to such lists, an electoral phenomenon that the Commission had to quickly grasp before it could implement same.

Some of the highlights of the new legal dispensation related to the introduction of the following:

a mixed member electoral system.

- proportional representation into the senate and metropolitan and provincial councils.
- additional proportional representation of 60 women into the National Assembly to address issues of gender imbalance.
- the expansion of the voter base by enfranchising as citizens by birth, persons who were hitherto classified as foreigners or aliens.
- the direct election into Parliament of persons living with disabilities to represent that constituency.
- the closure of the voters roll 12 days after nomination day.
- procedures on nomination and election of party list candidates by proportional representation including the qualifications and disqualifications thereof.
- appointment of roving political party election agents.
- run-off by-elections in the event of tied votes.
- signing of nomination forms by designated political party office bearers.
- the description of proportional representation formula to be used.

Thus as the elections were proclaimed the following were the legal instruments in place to govern the conduct of elections:

- The Constitution of Zimbabwe
- The Electoral Act [Chapter 2:13] and the following subsidiary legislation:
 - The Electoral Regulations, Statutory Instrument (SI) 21 of 2005
 - The Zimbabwe Electoral Commission (Media Coverage of Elections) Regulations SI 33 of 2008 and
 - The Accreditation of Observers Regulations SI 89 of 2013
 - The Electoral (Voter Registration) Regulations, 2013 SI 69 of 2013
 - The Electoral (Special and Postal Voting) Regulations, 2013 SI 84 of 2013

- The Electoral (Nomination of Candidates) Regulations, 2013 SI 88 of 2013

1.5 The build up to elections.

The build up to the elections can best be described as busy and engaging for the Commission. Apart from attending to the day to day functions of organising the elections, the Commission deliberately set out a schedule of regularly engaging all key stakeholders especially before the conduct of the elections. It sought to actively obtain a buy-in from all the political parties that had shown an interest in participating in the elections.

A total of 28 political parties indicated their interest to participate in the elections. All political parties were treated equally and were accorded the same respect during engagements. A total of seven (7) meetings were held with political parties alone over a period of three months commencing from April 2013 to the date of elections. Of the 28 political parties that regularly interacted with the Commission just before the elections, (nineteen) would proceed to nominate a number of candidates for the parliamentary, local authority and presidential seats. Only five of the political parties nominated presidential candidates, with some citing inadequate party funding as the biggest challenge to their progress.

Apart from engaging the political parties, the Commission also actively sought the participation of faith based organisations in the elections. Although churches were at convenient times regarded as part of civic society, the Commission sought them out separately due to the large numbers of their followership and their influence on communities especially in matters of voter registration and in fostering peace and harmony during the build up to elections.

The scheduling of stakeholder engagements always included a briefing of the media fraternity on the issues to be discussed during the engagements. Thus, between April and July 2013, not less than five (5) meetings were held with the medial fraternity in addition to countless press statements that were issued on various issues ranging from information on voter registration to the setting up of polling stations.

Engagement with civic society organisations, whilst in the main followed the schedule of meetings with the media and political parties, was also bilateral in some instances where an organisation had a special interest issue or was called in by the Commission to discuss specific issues raised by it on any aspect of the electoral process.

In the view of the Commission, the coming together of all stakeholders in the build up to the election, and the constant flow of information between the Commission and the key stakeholders was a positive development that made the work of the Commission easier and appeared to be a significant factor in the degree of confidence that the Commission enjoyed.

There was remarkable peace during the campaigning period right up to the eve of the elections when all campaigns stopped. No reports of violence were received.

The calls for peaceful elections by all the political and community leaders appear to have been heeded by all. The peace that prevailed in the build up to elections persisted during the elections and hold even up to date. It was observed and positively commented upon by all who monitored and observed the 2013 elections and was clearly the basis upon which most observers endorsed the elections.

1.6 Electoral System

As already stated, for the 2013 Harmonised Elections, the country used a mixed electoral system. In a mixed system there are two electoral systems using different formulae running alongside each other for instance combining the positive attributes of both the plurality/majority (and 'other) and Proportional representation electoral systems. The votes are cast by the same voters and contribute to the election of representatives under both systems¹

The First-Past-the Post system was used for the 210 National Assembly seats and Local Authority elections while the additional 60 women representatives into the National Assembly, the members of the Senate and Provincial Councils were elected on the basis of proportional representation.

The single member majority system was maintained for the Presidential elections where a candidate was required to amass a greater number of votes than, those cast for all his/her competitors combined, that is the 50% plus 1 vote.

1.7 Proclamation of 2013 Harmonised Election

Pursuant to the case of *Mawarire v. Robert Gabriel Mugabe and others* (Judgement No CCZ/1/13), delivered on the 31st of May, 2013, the effect of which was to order the President to issue the necessary proclamation for Presidential, Parliamentary and Local Authority elections to take place no later than the 31st July 2013; His Excellency the President of the Republic of Zimbabwe issued Proclamation number 2 of 2013 on 13 June 2013 stating that the 2013 Harmonised Elections were to be held on the

¹ See Page 90-91 Electoral System Design: The New International IDEA Handbook 2008.

aforementioned date. Some of the major highlights of the Proclamation included the following activities and dates:

Nomination Courts : 28 June 2013

Special Vote : 14 – 15 July 2013

Election Date : 31 July 2013

Run-off date : 11 September 2013

CHAPTER 2

2.0 THE FUNDING OF THE ELECTIONS.

2.1 Introduction.

The elections were wholly funded by the Government of Zimbabwe through nine disbursements as follows:

Date:	Amount (US\$)
06 May 2013	4 million
28 May 2013	20 million
28 June 2013	2,5 million
04 July 2013	11 million
17 July 2013	20 million
23 July 2013	20 million
26 July 2013	22,5 million
26 July 2013	16 million
30 July 2013	5,5 million

The entire budget of the elections, presented to Treasury by the Commission, was to cover the costs not only of the Commission but of the Zimbabwe Republic Police and of the Registrar-General of Voters. The pattern of disbursements revealed above was to concentrate the bulk of the disbursement towards the actual date of the polls.

The net effect of the delay over the funding of the elections was to eventually negatively impact on procurement of materials and services. Ideally, all the funding should have been secured by the time the proclamation was issued.

2.2 The budget.

A total budget of US\$132 477 495.00 was approved by Treasury for the plebiscite to meet the requirements of the three key players in the elections, namely, the Commission, the Zimbabwe Republic Police and the Registrar General of Voters.

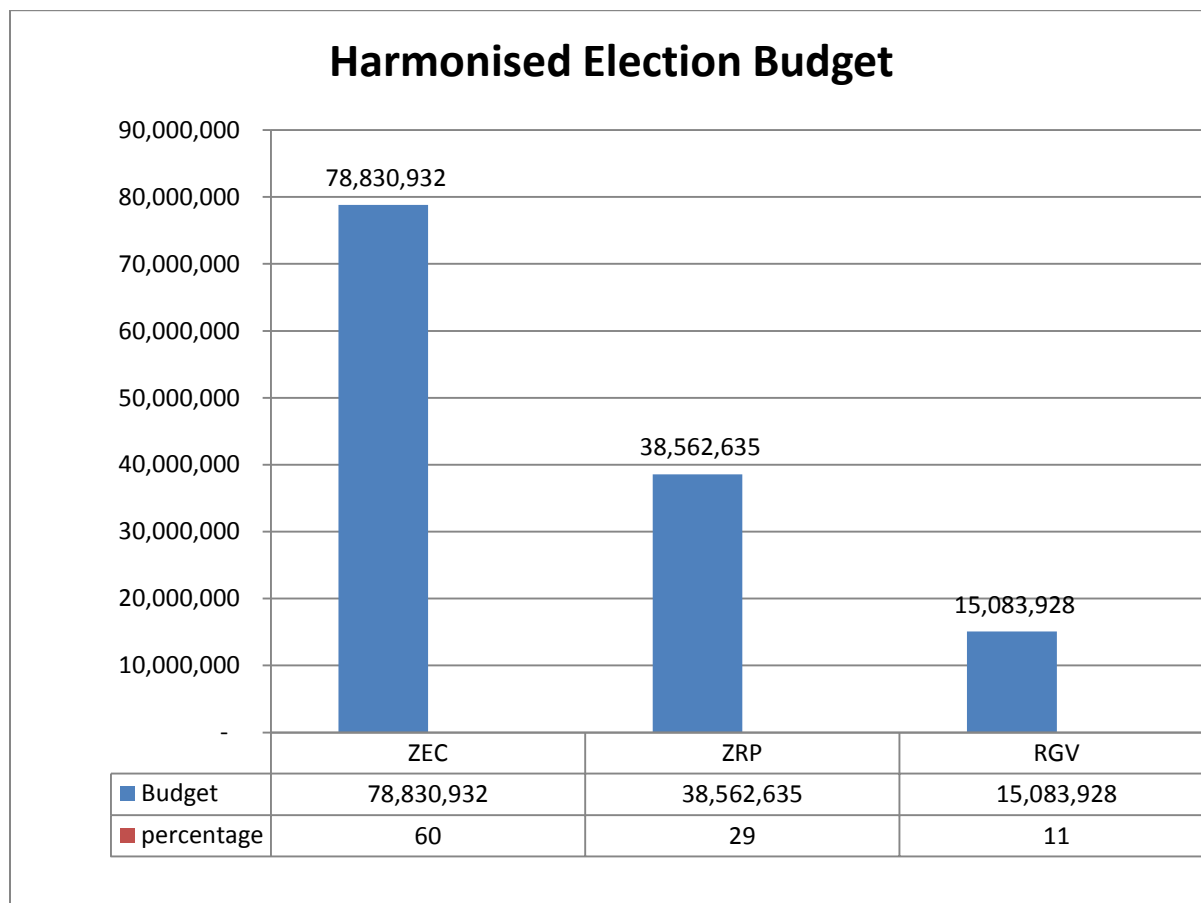
The election budget was approved in February 2013 before the adoption of the new Constitution and the consequent amendments to the electoral laws were promulgated. As a result for instance, some of the fresh obligations that were placed on the Commission by the amendments such as the conduct of the Special Vote were not included in the approved budget of US\$132.477 million. The process adopted by Treasury, of settling the budget without making any further reference to the Commission, was much regretted and resulted in the budget overrun that is reported on below.

Again some decisions and presumptions upon which the budget for the elections was based could have been further debated for the national benefit and a prudential utilisation of public resources. For instance, Treasury opted to fund the hiring of all the vehicles that the Commission needed for the elections at a cost of US\$9 388 200.00. A mixture of some purchases and leases, especially of utility vehicles would have enabled the Commission to procure some much needed vehicles for operations after the election especially as the Commission now embarks on voter registration, a new responsibility given to it by the Constitution.

In some instances, it was impossible to avoid budget overruns even if Treasury had consulted the commission prior to settling the budget. For yet another instance, during the presentation of the budget estimates, the Commission was of the view that the number of at least 9 456 polling stations used during the referendum would be adequate and had therefore prepared the budget on that assumption. In reality and after consultation with all stakeholders, it was resolved to increase the number of polling stations by 235 with the attendant budget inflation. Again due to exigencies on the ground, the voter registration teams had to be doubled in some wards after there had been an outcry that the exercise was leaving out a large number of prospective voters

The budget was allocated as follows:

Table: 1



2.3 Budget deficit

After the conduct of the elections, there was a budget deficit of US\$4 260 819.00.

The major drivers of the deficit were:

- **The Special Vote.** As stated above, the election budget was approved in February 2013 before the electoral amendments were promulgated. The budget for the Special Vote was therefore not included in the approved budget of US\$132.477 million as it was a new feature in our elections introduced by the

amendments. Whilst some of the costs of conducting the special vote were absorbed as part of the costs of conducting the ordinary poll, the up-keep of special vote processing officers, at US\$1 346 512.00 was unexpected and unbudgeted for.

- **The District Development Fund budget.** The Commission had to transfer US\$730 000.00 to the District Development Fund to finance the upgrading of damaged roads, bridges and provision of water during the polling days. Treasury had not provided a separate budget to the DDF for this purpose and the Commission had not included this in the original budget as the DDF is funded separately generally and even during elections.
- **Voter Registration.** During the thirty day mandatory voter registration exercise, there was an appeal by political parties that the registration centres in urban areas were failing to cope with the turnout of registrants; hence the teams servicing the centres had to be increased. An additional amount of US\$1million was disbursed to the Registrar General of Voters from the Commission's allocation to enable him to increase his registration teams.
- **Referendum creditors.** The Commission disbursed US\$1 184 307.00 towards the debts that had been incurred and remained unpaid from the 16 March 2013 Referendum. It was necessary to discharge this debt as some service providers were reluctant to enter into fresh contracts with the Commission for election materials and services when they were still owed for the referendum. Chief among these was the agency hiring vehicles to the Commission, the CMED.
- **Operational costs.** The Zimbabwe Electoral Commission was not given a budget for the maintenance of its motor vehicles despite the fact that it was running an aged fleet of about 150 motor vehicles which required maintenance

and repairs. The other stakeholders in conducting the elections were provided with budgets for this purpose. The operations budget of the Zimbabwe Electoral Commission had last been funded in January 2013 to the tune of \$200 000.00.

2.4 Budgetary Controls

The Commission had an onerous responsibility to receive, disburse and account for more than US\$132.0 million within 3 months. Management of a budget of such magnitude within the given timeframe was indeed a challenge that required serious thought in terms of appropriate internal control systems.

As a result, Internal Auditors were deployed at every cost centre to conduct pre-audits. Errors were therefore corrected before payment was done. Further, the mere presence of Internal Auditors at a cost centre proved to be very effective as processing errors and omissions were minimised as compared to what transpired during the 16 March 2013 Referendum.

Further all disbursements of election allowances were made through bank accounts except for the 30% pre-deployment allowances for presiding officers and polling officers which were paid in cash at the training venues. As a result of prior arrangements with banks, cash was availed to provinces at their local branches unlike the situation that obtained during the referendum when cash was transported to provinces from Harare.

See **Annexure A** for a detailed financial report on the 2013 Harmonised Elections.

CHAPTER 3

3.0 PREPARATIONS FOR THE ELECTIONS

3.1 Introduction

The Commission was well aware that, according to the Constitution applying then, harmonized elections should be conducted, at the latest, in 2013, five (5) years after the 2008 elections, with or without a new Constitution. Therefore, conceptualization, discussions and indeed implementation of some of the major electoral processes, specifically, voter education and continuous registration of voters, were already on-going. However, the more focused preparations for the actual conduct of the 2013 Harmonized Elections, as precipitated by the outcome of the *Mawire v. Robert Gabriel Mugabe and others* case began in earnest on the 13th of June 2013, the date of the Presidential Proclamation that set the dates of the sitting of the nomination courts and of the actual poll.

3.2 Voter Education and Voter Information

The fact that the Constitution of Zimbabwe mandates the Commission to “conduct and supervise voter education” [Section 239 (h)] demonstrates that voter education is essential and indispensable to elections specifically, and to the democratic process in general. It empowers the electorate with information and education that enable them to exercise their political rights and responsibilities by participating fully and intelligently in the electoral process, from an informed point of view of why they are voting, for whom they are voting and to what end. This then ensures people’s involvement in and

commitment to consolidating a democratic culture that influences their day to day behavioural patterns. Voter education and voter information can also be targeted to bring on board different and at times marginalized sectors in society, for example, people with disabilities, youth, women, the elderly, people living in remote rural areas, and minority ethnic groups, among others.

Generally then, voter education and voter information create a knowledgeable society that seeks a common political culture even though that society comprises disparate socio-economic groupings which, at times, are influenced by different political ideological perspectives. Voter education contributes to a peaceful co-existence and accommodation where society on its own can then devise alternative dispute settlement mechanisms of addressing, managing and resolving election related conflict at community, district, provincial and national levels.

The Zimbabwe Electoral Commission's intent in its various voter education and information exercises was to address all the above, using different information dissemination methods and packages in order to reach as wide a population as possible, at different stages of the electoral process. The first target group was obviously its own internal stakeholders – the staff and Commissioners, and then a variety of other stakeholders that included the general populace, political parties and their following, civil society and faith based organizations, people with disabilities, youth and women. The content, approach and methods differed according to the target group and the electoral phase. Thus voter education was, for the last twelve (12) months up to the 31st of July 2013, more or less continuous, however limited by the budget. Further, the enactment of the new Constitution (May 2013), the resultant amendments to the Electoral Act and the attendant subsidiary legislation entailed an even more

robust voter education drive to inform people about changes in the law that impacted on the electoral processes.

Specific to the harmonized elections, the Commission's voter education and information programme focused on general education on people's political rights and responsibilities to participate in all electoral processes that include registering to vote, taking advantage of the two (2) outreach programmes that brought the registration process closer to their homes.

The first such outreach programme, coming almost a year after the Commission and the Registrar General of Voters had been agitating for it, was conducted from the 29th of April to the 19th of May 2013 on a shoe string budget of \$8,601,712,00 of which the Commission was allocated \$500,000.00. This meant cutting the number of voter educators that had been trained from four to two (4 – 2) per ward, which educators were deployed 2 days after registration had started. This was a highly unsatisfactory situation given the size of some wards and the population therein, and also the fact that ZEC should have had a 7 days' head start in the wards to pre-warn the communities on the forthcoming registration exercise, the documents required, the need to inspect the voters roll and/or effect any transfers from one ward to another.

The second exercise supported the constitutionally mandated 30 days registration period from the 9th of June to the 10th of July 2013, with a better but still tight budget of US\$9 million which was allocated to ZEC. (See details below.). Again, the budget only allowed deployment of two (2) voter educators per ward, a very demanding exercise, given the large turnout. There was an expected barrage of criticism on the inadequacy of the teams and the time limitation in the field. The Commission and the RGV became the soft targets and were accused of setting up a plot to disenfranchise almost a million

potential voters in urban areas. Given the time frame and resource constraints, the Commission did its best under the circumstances, while simultaneously educating people on the voting process itself, the documents required, and the importance of inspecting the voters roll and/or effecting transfers where necessary.

Supporting the door-to-door voter education exercise was a print and electronic media blitz whose major objective was to keep the electorate informed and educated about what was going on in preparation for the elections and what to expect, come polling date. Further, face to face stakeholder engagements with media personnel, political parties, civil society and faith based organizations and local and foreign observer groups took place, with encouraging outputs. Transparency throughout the whole electoral process was one of the Commission's core values informing its operations, as was the open door policy that it employed.

It is noteworthy to mention that the law allows the Commission to engage other stakeholders to assist it in voter education, thus bringing to the fore the concept of "supervising" voter education. The Commission trained and commissioned thirty-seven (37) civil society organizations (CSOs) that had applied and qualified to assist in voter education. While the CSOs were using their own financial, material and human resources in this task, they had strict instructions to use only voter education materials developed by ZEC. Time was too tight to allow ZEC to inspect and approve information packages developed by the CSOs. The Commission was grateful for this input, although to a certain extent, the assistance was too little too late, through no fault of the Commission or that of the organizations that came forward. Suffice here to say that, had circumstances allowed, the Commission would have partnered with more civil society and faith based organizations over a much longer period in this key process of

voter education to satisfy the basic tenets of voter education in electoral democracy, as discussed above.

3.2 Voter Registration

Voter registration is an essential and indisputable exercise. It is the prerequisite to any election in a democratic society and the ability to exercise the democratic right to vote is premised on the existence of a comprehensive, credible, complete, current, accurate, inclusive and dependable voters roll, irrespective of the electoral system applied. Production of such a voters roll is also an offshoot of an intense voter education drive aimed specifically at encouraging potential voters to register and/or to inspect the voters roll just to make sure their names and national identity numbers and residential addresses are correctly captured.

In view of the above, it was therefore incumbent upon the Commission to ensure that the actual conduct of the harmonized elections would be based on a voters roll that would stand the test of time, as prescribed above. However, as a transitional mechanism, the function of voter registration for the 2013 Harmonised Elections **only** was conducted by the Registrar General of Voters under the direction and control of the Zimbabwe Electoral Commission. In effect, there was no change from the old order.

Zimbabwe applies a continuous voter registration system where voter registration is conducted during working hours, every working day. Inspection of the voters roll is also open every day. On its own, the Commission, within its next-to-zero budget, had also continued with its own voter education campaign through print and electronic media, besides mounting huge static billboards that were located at strategic points across the country. However, the Commission had assumed too much - the clamour for an

additional opportunity to register was overwhelming. Fortunately there was political party convergence on this score, funds were eventually availed, though quite late in the election period, to mount two mobile voter registration exercises.

The first such outreach programme began on the 29th of April and ended on the 19th of May 2013 while the second constitutionally mandatory one stretched from the 10th of June to the 9th of July 2013.

Generally, there were 7 categories of people who came forward:

- Registered voters effecting transfers from one ward to another, following change of residence;
- Registered voters inspecting the voters roll to ensure that their names appeared on same and that their details were correctly recorded;
- First time aspirants wishing to get onto the voters roll for the first time. This group comprised youths who had attained 18 years of age after 2008 and much older Zimbabweans who had never registered.
- First time voters born in Zimbabwe but whose parents or grandparents were citizens of any country within the SADC region. In addition to the proof of identity and proof of residence documents, this new category of registrants were required to produce their long birth certificates that showed the nationality of their parents or grandparents.
- Former “aliens” who had already been awarded citizenship after fulfilling some defined procedures;
- Those seeking new identity documents for the first time or to replace defaced or lost ones; and also
- Parents seeking birth certificates for children younger than 18 years of age.

All services to the categories listed above were *free*, a welcome temporary measure which, however, contributed to an unmanageable influx of potential registrants that the RGV teams could not cope with, given the human, time, financial, material and technological constraints. Unfortunately, the RGV could only deploy two mobile registration teams per district during both phases of voter registration, although additional teams were added in congested urban districts.

As intimated earlier, preceding the voter registration outreach teams were ZEC voter educators whose mission was to inform the communities on the registration exercise, the location of the teams, the services being offered with effect from when and for how long, and the documentation required for the respective services.

In order to register as a voter, the following criteria were considered:

- be a Zimbabwean citizen of 18 years of age or older;
- Produce proof of identity in the form of a metal or plastic national identity card, or a legible waiting pass bearing his/her photograph, or a valid Zimbabwean passport.
- as voter registration was ward-based, produce proof of residence in the particular ward in which he or she wished to register. Such proof included a certificate of occupation or title deeds; a lodger's rent card; lease agreement; utility bills from the local authority or other providers of services; a credit store statement; a recent hospital bill in one's name; an affidavit from a landlord, parent or friend confirming the residence of the applicant; and a sworn statement by employer. Those in rural areas could take a letter from the Headman or Chief, from a Resettlement officer or farm owner. Where one could not produce any of the above as proof of residence, he/she could fill in

an Affidavit and swear before a commissioner of oaths that the address recorded on the registration form was authentic.

- Upon registration as a voter, the voter was given a registration certificate as proof of registration. An amendment to the law allowed production of the certificate as proof of registration for purposes of inspecting the voters roll and also for voting should one's name not appear on his/her ward voters roll. While this provision was meant to be a positive development, application of this provision presented a number of challenges as information on most of the certificates was inadequate. In a number of cases, only the registration centre was reflected but not the residential address which would determine one's ward and constituency for purposes of voting. A number of people were then referred to the Constituency Command Centres where computers with the national voters roll were located. In the meantime, the normal continuous voter registration processes at the traditional offices of the Registrar General of Voters continued to operate during and after the mobile exercises.

The voter registration statistics for the first outreach voter registration exercise are presented in Table 2 below.

Table: 2

Item	Figure
Initial voter registrants (V1)	204 041
Transfers (V2)	71 131
National identity documents issued	214 233
Number of people who inspected the voters roll	268 574

While the statistics from the first phase were encouraging, it was an exercise full of challenges that the Commission and the RGV had not anticipated.

- As already indicated earlier on, the programme, with a budget of \$500 000.00 was grossly underfunded. This affected the Commission's preparations for and execution of its constitutional mandate to voter educates the electorate on the forthcoming outreach programme and to supervise the RGV in the registration process. Even the sum of US\$8 601 712.00 awarded to the RGV allowed the office to deploy two (2) registration teams only per district.
- The Commission just managed to deploy two (2) instead of four (4) voter educators per ward on the 6th of May 2013, and seven (7) days after the RGV teams were on the ground. In fact, voter educators should have preceded the RGV teams by seven (7) days.
- The twenty one (21) days registration period was too short to meet the demand from the overwhelming numbers of prospective registrants.

- The two (2) registration teams deployed per ward were highly inadequate.

The thirty-day second phase of the mobile registration exercise between the 10th of June and the 19th of July 2013 was mounted in line with clause 3 of Part 3 of the sixth schedule of the new Constitution of Zimbabwe. The budget for the exercise, was increased to US\$25 million, of which US\$9 million was allocated to ZEC, thus enabling it to precede the RGV teams by a whole 7 day period, and then converging and leading prospective registrants to the registration centres. By then, people knew what documents to take, and the Affidavit system for those with no documents to prove residence was better implemented. Indeed, the statistics at the end of the second phase showed a marked improvement. (See Table 3 below.)

Table: 3

Item	Figure
Initial voter registration (V1)	747 865
Transfers V3	234 354
Number of people who inspected the voters roll	860 388

Most of the problems encountered in the first phase of voter registration were to a greater extent addressed prior to the second exercise, hence the increase in the number of people who managed to register. The application of a sworn affidavit at the registration centre eased the problem of proof of residence for many who had failed to register during, the first phase. A number of ZEC staff were ordained as

Commissioners of Oath and were therefore able to expeditiously commission the affidavits for registrants at the various registration centres.

The total number of first time registrants for the two phases came to 951 906, in an actual registration period of 51 days.

3.4 Closure of the Voters' Roll

While normally the voters roll should be closed before the sitting of the nomination court for the obvious reasons that some potential nominees and nominators might not yet have been registered, the mandatory 30 days registration period entailed a spill over beyond the sitting of the nomination courts. Section 26 A of the Electoral Act [Chapter 2:13] provided for the closure of the voters roll twelve (12) days after nomination day.

When the voters' roll was closed on the 10th of July 2013, six million four hundred and forty-one thousand one hundred and fifty-seven (6 441 157) people constituted the voter population for the 2013 harmonized elections.

3.5 Provision of voters rolls

The RGV was able, before polling day, to clean, update, organize the national total into specific ward voters rolls, and print almost ten thousand (10 000) of the latter. Of these, nine thousand seven hundred and thirty-five (9735) were scheduled for a similar number of polling stations to be used across the country.

Unfortunately, however, the Commission could not provide any electronic copies of the voters roll to candidates as required by provisions of Section 21 (6) of the Electoral Act [Chapter 2:13]. The provision prescribes that the Commission should within a reasonable period of time after nomination day in an election provide free of charge, to

every nominated candidate an electronic copy of the Constituency voters roll to be used in the election for which the candidate has been nominated.

In fact, the Commission was taken to court by one of the stakeholders to compel it to provide an electronic version as prescribed by the law. Fortunately for the Commission, the matter was settled in court after the RGV indicated that he could not provide any electronic copy because the machinery used in its production had broken down. The RGV indicated that he could, though, provide candidates and political parties with hard copies of the appropriate voters rolls on request. In compliance with provisions of Sections 21 (3) and 21 (6) (b) of the Electoral Act [Chapter 2:13], the Commission always referred persons who requested for voters rolls to the RGV's office for assistance.

3.6 Nomination Courts

Nomination courts sat on the 28th of June 2013 in all the ten (10) provinces of Zimbabwe, in accordance with the Presidential Proclamation. A total of five thousand ix hundred and seventy-four (5 674) candidates successfully lodged their nomination papers as shown in Table 4 below.

Table: 4

Election	Number of candidates
Presidential	5
National Assembly	842
Local Authorities	4827
TOTAL NUMBER OF CANDIDATES	5674

Some candidates submitted their nomination papers to the ZEC offices before the sitting of the nomination courts in accordance with Section 46 (3) of the Electoral Act. The majority, though, lodged their papers on the day the nomination courts sat.

A few candidates had their nomination papers rejected for the following reasons, among others:

- failure to produce sufficient documentation,
- failure to get sufficient nominators' signatures for the position being contested,
- lack of prescribed qualifications for the seats being vied for , and
- late submission of nomination papers.

3.6.1 Seat where no nomination papers were filed

No nomination papers were submitted to the nomination court for Ward 32 of Pfura Rural District Council in Mashonaland Central. Therefore, in compliance with a provision in the electoral law, proceedings in respect of this election were terminated. A by-election would be conducted after the conduct of the 2013 Harmonised Elections.

3.7 Withdrawal of Candidates

While Section 49 of the Electoral Act [Chapter 2:13] provides for the withdrawal of candidature before polling day, comparatively, there was a high incidence of candidate withdrawals after they had successfully lodged their papers. A total of the thirty (30) candidates withdrew their candidature, thirteen (13) were vying for the National Assembly seat while seventeen (17) were for Local Authority elections. **(See Annexure B: List of candidates who withdrew their candidature.)**

The withdrawal of these candidates so late into the election period created challenges related to the design and printing of ballot papers, owing to time constraints.

3.8 Death of Candidates

Where a candidate dies before a set election, proceedings in respect of that election are terminated pending the calling of a by-election after the harmonized elections. This ensued after the death of Messrs Nkululeko Nyoni and of Moffat Madina who were contesting Ward 9 in Victoria Falls Municipality and Ward 11 Gokwe South Rural District Council respectively.

3.9 Environment

The nation and the international community were apprehensive that, like during the 2008 harmonised elections, political motivated violence would mar the 2013 harmonised elections. The political polarisation seemed to support that fear, but appeals for peace, political tolerance by the political leadership of the country put paid to these fears. The elections were held under generally peaceful conditions and the Commission did not receive any report on any politically motivated incidents. According to the police, the pre-election period remained generally peaceful.

3.10 Multiparty Liaison Committees

Part XXIA of the Electoral Act [Chapter 2:13] provides for the establishment of the Multiparty Liaison Committees soon after the close of nomination courts whose function is, primarily electoral conflict management and transformation. The Committees assist generally in good practise and monitoring compliance to the Electoral Code of Conduct by political parties and candidates. The Committees comprise ZEC (Chairing), representatives of political parties and candidates contesting in an election and co-opted parties such as the security forces, the Clergy, and these are established at national, provincial, district, constituency and ward level.

A total of six (6) meetings at national level were held prior to the polling day and these were attended by high level political party officials. Some of the disputes brought before the Committee related to pulling down of posters, hate speeches at political rallies and meetings, uneven political campaign space, and threats of political violence.

3.11 Stakeholder Consultation

The Commission held a meeting with Chiefs on the 26th of June 2013 where it sought co-operation of Chiefs in the holding of peaceful elections through the condemnation of political violence and intolerance in their respective jurisdictions. The Chiefs were also briefed on issues such as voter registration, voter education, conflict management and election of Chiefs to Parliament among other things. A number of concerns were raised by Chiefs in the meeting which included the following:

- a. that the Commission should assume the overall responsibility of conducting election of Chiefs instead of leaving it to the Ministry of Local Government, Rural and Urban Development.
- b. that it should take over the responsibility of making the logistical arrangements including transport, accommodation, reception and payment of allowances when conducting the elections of Chiefs.
- c. that Chiefs be incorporated into the Multi-party Liaison Committees for purposes of partnering with the Commission in conflict management and
- d. that ZEC should explore further, the conflict management mechanisms to be employed as most being employed were contrary to tradition.

The Chiefs questioned the logic of involving members of political parties in Multi-party Liaison Committees when in most instances they were the instigators of political disturbances.

The Commission held a total of five consultative meetings with political parties, members of the disciplined forces, civil society bodies and the media from the 7th to the 10th of July 2013 to build rapport and trust between it and its stakeholders. The meetings held were mostly to brief stakeholders on the special vote and its administration. Stakeholders were granted an opportunity to seek clarification on issues

pertaining to the special vote and to tour the special vote processing centre prior to polling.

3.12 Publicity Campaigns

The Commission conducted a number of publicity campaigns for the 2013 Harmonised Elections. These were in a variety of forms and included press releases, press statements, press conferences, media responses to questions, participation on radio and television programs, advertising and jingles. Press conferences were organised to inform the electorate on matters that related to the electoral process such as the special vote which was a new phenomenon. The Commission also flighted radio and television jingles for a period of two weeks before the elections.

3.13 Security

Security and safety of human, financial, material and technological resources is fundamental to the successful holding of all electoral processes. Provision of such security is a constitutionally defined mandate of the Zimbabwe Republic Police (ZRP) without which ZEC cannot operate in most of its activities. The Commission was confident that any sensitive materials, and even across borders, would be safely delivered to any part of the country intact.

The Commission is grateful to the ZRP for discharging their duties with high integrity and being visibly present and effective in all areas throughout the whole electoral cycle and especially during the election period.

3.14 Mobilization of Resources

There are a variety of resources that are required for the successful conduct of elections whose acquisition cannot be managed by the Commission on its own. Outside financial

resources that are all encompassing and have already been presented in Chapter 3, key resources under this section fall into 4 main categories, namely:

- The human resource: seconded, according to the law, from government departments, parastatals and local authorities, the majority of whom constitute presiding and polling officers. While they are governed by regulations pertaining to their seconding agencies, they operate under the full control and direction of the Commission as if they are full employees of the Commission, also receiving allowances included within the ZEC budget. The main mobilizing structure is the Public Service Commission (PSC) under whose control all civil servants fall. The Commission also liaises with other state institutions like parastatals and local authorities in mobilizing human resource requirements.
- Mechanical, which includes transport provisions, that is, different types of vehicles and requisite fuels; and communication, that is, radios, telephone lines and command centre result transmission equipment like fax machines, email facilities and mobile phones, including hightech transmission units. The major source for transport and fuel mobilization is the Central Mechanical Equipment Department (CMED) which manages generally, government vehicles of all makes and sizes, including hired ones from the private sector and individuals. The CMED must also ensure there are adequate provisions of appropriate fuel, including at times fuel for helicopters that are required to reach areas with very poor and at times non-existent roads. On the other hand, communication would fall under the facilitation of TelOne and NetOne (Ministry of Information and Technology) for communication linkages across the country and specifically linked to the Command Centres.

- Roads and Infrastructure: Passable road networks with usable bridges that facilitate movement of persons and election materials are key to the national conduct of elections. The District Development Fund (DDF) is the major actor in the above. The Ministries of Education, of Local Government, of Justice and Legal Affairs among others provide buildings, desks, telephones and accommodation during an election;
- Utilities: Energy and water: where energy (electricity) supplies are assured by the Zimbabwe Electricity Supply Authority and water is managed by local authorities, including DDF.

Because of the magnitude of the task of resource mobilization, the Commission relied on assistance from other state institutions that came together to set up a National Logistics Committee (NLC) which met regularly to coordinate mobilization of all the above resource requirements and also to supervise similar structures at provincial and district levels.

Broadly, the NLC comprised high level management drawn from the Ministries of Justice and Legal Affairs, Finance, Information and Publicity, Local Government, Public Works, Water Resources, Transport and Communication, Home Affairs, Education, Sports and Culture, Health Services Board and Local Authorities. Assistance was sought and obtained from the Public Service Commission, the Office of the Registrar General of Voters (RGV), the Zimbabwe Republic Police, the Air Force of Zimbabwe (AFZ), the Zimbabwe Defence Forces (ZDF), the Department of Roads, the District Development Fund (DDF), the Central Mechanical Equipment Department (CMED), the Zimbabwe Electricity Supply Authority (ZESA), the Rural Electrification Agent (REA) and Tel-One, among many others.

Payments for services rendered by the NLC were, as much as possible, included in the ZEC elections budget and, therefore, whatever challenges the Commission faced due to late disbursements of funding also led to delayed payment for services, usually also causing cash-flow problems within the agencies constituting the NLC. The support, the technical skills, the good will and commitment rendered to ZEC by the NLC were invaluable, going well beyond the cash emoluments, if any, not to mention the long hours spent strategizing around the table. The Commission commends everyone and NLC: and reiterate that ZEC would not have delivered on its mandate without the support, at both the institutional and individual level.

3.15 Polling Stations

In principle, polling stations must be set up in such a manner as to make them easily accessible to all categories of voters in general and, more recently, with special reference to people with disabilities and the infirm.

After consultation with relevant stakeholders, the Commission established nine thousand seven hundred and thirty five (9735) polling stations nationwide, an increase of two hundred and seventy nine (279) polling stations, or 2.95%, compared to the 9456 polling stations used for the 2013 Referendum. In general, most polling stations were set up at what are now considered traditional locations. There were also multiple polling stations at some polling centres, especially at government schools in some high density suburbs.

The law stipulates that names of all polling stations be published in the local print media twenty one (21) days before polling day and on the day of poll. This was duly done by the ZEC. Table 5 below shows the distribution of the polling stations by Province.

Table: 5

Province	No. of Polling Stations
Bulawayo	392
Harare	875
Manicaland	1303
Mashonaland Central	822
Mashonaland East	1047
Mashonaland West	1303
Masvingo	1238
Matebeleland North	784
Matebeleland South	623
Midlands	1348
Total	9735

3.16 Procurement of election material

Under normal circumstances and informed by international best practice, procurement of the bulk of non-security election materials such as tents, computers, stationery, protective clothing, lighting (candles and gas lamps), string, ballot boxes, padlocks, booths and sentinel paper should be done 18 to 12 months before an election. However, indelible visible voting ink/markers, printed ballot papers and election forms

need to be available within a period that will allow unhurried and secure delivery to the respective provinces, districts and polling stations, long enough to allow proper setting up of polling stations.

The procurement of election materials at ZEC began in earnest on the 1st of June 2013 with the procurement of materials for voter education.

The Commission was granted authority through a waiver by the State Procurement Board (SPB) to purchase indelible voting ink from a South African company. There were no major challenges in the procurement of the ink and it was delivered well in time.

There were, however, challenges during the procurement of other election materials due to the late release of funding from Treasury, resulting in a congested and hurried procurement processes. Some election items that took about three (3) months to procure in ordinary times were procured in a matter of hours, thus creating fertile ground for underhand deals and overpricing of goods. Some reputable major suppliers declined to provide services to the Commission for fear of soiling their reputation in the event of failure to supply on schedule.

3.17 Ballot Paper Printing

Printing of ballot paper for elections in Zimbabwe has always been done locally by very reputable printing companies wholly owned by the state but running as private companies. Security was not an issue in the last elections, although sensitivities were quite high during the 2013 Harmonized Elections. The two companies, Fidelity Printers and Print Flow were engaged by the Commission to print the ballot papers for the 2013 harmonised elections.

Fidelity Printers was assigned to print ballot papers for the Presidential and the 210 elective National Assembly elections, while Printflow was engaged for the printing of ballot papers for the 1958 local authority elections.

When both jobs had been completed, ballot papers were distributed through the Commission's provincial, district and constituency structures. Provincial figures were calculated based on the voter population per province, and further delineated by district and wards. Table 6 shows distribution of printed ballot paper by Province.

Table: 6

PROVINCE	VOTER POPULATION	BALLOT PAPERS PRINTED
Bulawayo	320598	434200
Harare	826274	1119400
Manicaland	849499	1160200
Mashonaland Central	603639	827000
Mashonaland East	724402	989300
Mashonaland west	712667	973500
Masvingo	784266	1071000
Matebeleland North	398018	547100
Matebeleland South	382575	525100
Midlands	839219	1146400
Grand Total	6441157	8793200

3.18 Transport and Fuel Management

The Commission through the CMED mobilised vehicles comprising trucks, minibuses, lorries and utility vehicles from the preparatory phase and throughout the election period. The Commission could not rely on its own fleet as most of it is now aged, unserviceable, dysfunctional and small.

However, some of the hired vehicles were unroadworthy and were therefore a risk to the Commission's staff and operations. Further, the fuel supply was erratic during the entire election period, thereby threatening to derail the successful conduct of voter education and the elections proper. Part of the challenge in late fuel delivery also arose from the late disbursement of funding.

3.19 Training and Deployment of Electoral Officers

A total of 114,116 recruited electoral officers of varying responsibilities underwent training on the tasks they were scheduled to carry out in the administration and conduct of the 2013 Harmonised Elections. A number of them had experience already from previous elections and also the March 2013 Referendum.

Training was conducted in each Province in different phases, depending on the specific task to be discharged, as indicated below:

- 24-25 June Nomination court officers
- 1-12 July Data capturers for the special, postal and ordinary poll
- 2-3 July Constituency Elections Officers and their Deputies
- 11-13 July Special Vote Presiding and Electoral Officers
- 23-25 July Wards and Presiding Officers (*ordinary poll*) and
- 26-27 July Polling Officers.

Training for the Harmonized Elections started with a Training of Trainers workshop for Provincial Elections Officers (PEOs), Deputy Provincial Elections Officers (DPEOs) and District Elections Officers (DEOs) well before the elections. The PEOs, DPEOs and DEOs were centrally trained in a refresher course where new aspects were emphasized, for the benefit of the seconded electoral staff. PEOs, DPEOs and DEOs conducted the training of Constituency Elections Officers and Ward Elections Officers who in-turn trained the presiding officers and the polling officers. Central venues were used in all provinces for training to ensure maximum attendance by all seconded staff.

Participatory methodologies were used as a mode of delivery where adult learning techniques characterised most of the training. Resource training materials included the presiding officers' training manual developed soon after the changes in the law. Simulation of a polling station scenario was a graphic presentation of the polling process, using an actual polling station kit.

The training was mainly concerned with the election process as enunciated in the presiding officers' training manual. The objectives of the training program were:

- to provide participants with concrete electoral skills
- to provide the trainees with tools and skills to develop a thorough logistics plan for polling, counting and management of results
- to consider and assess the human and material resources required for polling, counting, and transmission of results
- to acquaint participants with the electoral process in general

- to familiarize participants with material resources that would be used during the Harmonized Elections

Deployment of electoral officers took place soon after the training and most of them were placed within the constituencies in which they were registered as voters so as to afford them an opportunity to cast their votes. Each polling station was staffed with 9 polling officers operating under the direction of a presiding officer. Police were deployed together with the polling officers in order to provide security to staff and election materials.

However, shortage of appropriate mode of travel for some of the difficult terrain and requisite fuel supplies caused quite a few challenges. Nonetheless, deployment was generally done well before polling day. (See **Annexure C** for statistics on the recruited and deployed staff)

3.20 Accreditation of Observers

Observation of elections by local and foreign observers has become the norm internationally. This is supposed to open the electoral process to scrutiny, to improve the management and conduct of elections in general and as a learning process for other stakeholders engaged in similar functions. Observation also gives credibility to the electoral processes in general and the elections in particular.

Observers fall into different categories, local and foreign, state and non-state actors, and those from other electoral management bodies

In Zimbabwe, accreditation of observers for an election or a referendum is a constitutional function of the Commission as provided for in section 239 (i) thereof.

Detailed provisions on the procedures are found in the Electoral Act [Chapter 2:13] and the Electoral Accreditation of Observers Regulations SI 89 of 2013.

3.20.1 *Accreditation Committee*

Accreditation of observers is conducted by a Statutory Committee of the Commission called an Observers Accreditation Committee whose establishment and composition are provided for by the Electoral Act [Chapter 2:13].

It comprises the Chairperson of the Commission, the Deputy Chairperson, three other Commissioners designated by it as per amendment brought through by the Presidential Powers (Temporary Measures) (Amendment of Electoral Act) Regulations, 2013, and a nominee each from the Office of the President and Cabinet, the Ministry of Justice and Legal Affairs, the Ministry of Foreign Affairs and the Ministry of Home Affairs, specifically from the Immigration Department.

3.20.2 *Functions of the Accreditation Committee*

The function of the Accreditation Committee is generally to recommend to the Commission the accreditation of local and foreign observers. The applications for accreditation of individuals or eminent persons or organisations of foreign origin are made directly to the Chief Elections Officer. Applications by individuals representing local organisations and eminent persons from Zimbabwe are made to the Chief Elections Officer through the appropriate Provincial Elections Officer of the province in which the observers propose to discharge their functions. However, government on its own can invite foreign observers from sister countries and regional inter-governmental organizations. On the other hand, the Commission itself can invite sister EMBs directly,

or through a regional forum of commissions, like the Electoral Commissions Forum of the SADC.

The Committee sits and considers applications submitted to it and makes recommendations which it, in turn, submits before the Commission for its consideration before approval or rejection. The Commission should consider the recommendations of the Committee within 48 hours after submission by the Committee. If the Commission rejects any of the Committee's recommendations, it notifies the Chief Elections Officer in writing.

Accreditation of observers for the 2013 Harmonised Elections commenced on the 19th of June 2013 and ended on the 31st of July 2013. However, in terms of the new regulations, all applications were to be submitted to the Commission by the 27th of July 2013, four (4) days before polling day, failing which they would not be considered.

Accreditation for the 2013 Harmonized Elections was decentralized to all the ten (10) provinces, following requests to do so by a number of stakeholders, and also given the high turnout of both local and foreign observers. Thus ten (10) accreditation teams were deployed, one team per Province.

The Accreditation Committee processed applications for a total of 25 098 applicants comprising both local and foreign ones. Of these, only 17 011 turned out for actual accreditation. Details on each category are presented below.

3.20.3 *Foreign Observers*

A record 1 308 foreign observers and 177 foreign journalists were accredited. Of these, 77 constituted the African Union Observer Mission, while the SADC Election Observer

Mission (SEOM), with representation from all SADC member states, was made up of 573 people. The latter contingent broke all SADC records as the largest observer mission in its history in election observation.

Other foreign observer missions making up the remainder included the following:

- The Electoral Commissions Forum of the SADC countries (ECF-SADC) of which ZEC is a member. Its regional office is in Botswana.
- The Independent Nigeria Electoral Commission (INEC) from Nigeria
- The SADC Council of Non-Governmental Organisations (C-NGO)
- The SADC Parliamentary Forum (SADC-PF) coordinated from Namibia;
- The Southern African Trade Union Co-ordination Council (SATUCC) in Mozambique.
- The SADC Election Support Network (SADC-ESN).
- Common Market for Eastern and Southern African (COMESA) in Zambia and
- Inter-regional Meeting of Bishops in Southern Africa (IMBISSA) coordinating its membership from Zimbabwe.
- The African, Caribbean and Pacific Organization (ACP).

There were representatives from the various Embassies accredited to Zimbabwe and other Government officials from some African countries, from China, from Russia and from Brazil.

Similarly, the majority of accredited journalists came from media houses and organisations from South Africa. Other notable media houses represented here were Aljazeera, Xinhua, the British Broadcasting Corporation, Agence France Presse (AFP), Reuters, Deutschland Radio, TV2 Denmark, France 24 and The Times, amongst others.

3.20.4 *Local Observers*

A total of 14 952 local observers and 574 local journalists were accredited. Again, this was the highest figure ever accredited in the history of election observation in Zimbabwe. Organisations with largest representation were the following:

- The Catholic Commission for Justice and Peace (CCJP);
- The Zimbabwe Election Support Network (ZESN);
- The Evangelical Fellowship of Zimbabwe (EFZ);
- The Zimbabwe National Liberation War Veterans Association (ZNLWA);
- The Joint Monitoring and Implementation Committee (JOMIC); and
- ZIMRIGHTS.

The accreditation teams were also tasked with the accreditation of 3 377 ZEC personnel that included the Commissioners, all permanent staff and seconded staff who were operating at command centres across the country, from the national to the district and constituency command centres. (See table 7: Statistics on Accredited observers for the 2013 Harmonised Elections.)

Table: 7

CATEGORIES	TOTAL
FOREIGN OBSERVERS	1 308
LOCAL OBSERVERS	14 952
FOREIGN PRESS	177
LOCAL PRESS	574
TOTAL	17 011

3.20.5 Observations on Accreditation

In general, accreditation of observers for the 2013 Harmonised Elections went well, with hardly any challenges. The cut-off date for receipt of applications contributed to the

smooth flow as there was no deluge of last minute applicants coming forward and inundating the Accreditation Committee as had happened during the March 2013 Referendum.

Major reputable observer missions presented their Preliminary Observer Mission Reports before the announcement of the presidential elections results, with promises of sending the comprehensive reports sometime later.

3.20.6 Observers Reports

A total of eleven (11) observer groups accredited to observe the 2013 Harmonised Elections submitted their preliminary reports on the elections soon after polling. Foreign observer groups included the African Union (AU), the Southern African Development Community (SADC) Election Observer Mission (SEOM), the Electoral Commissions Forum of the SADC (ECF-SADC), the Common Market for Eastern and Southern Africa (COMESA), SADC C-NGO, and the SADC Parliamentary Forum (SADC PF), while the local observer groups comprised the Open Tribe Foundation Trust, Women's Coalition of Zimbabwe, the, Zimbabwe National Drivers' Union (ZINDU), Unemployed Mobile Youth Foundation and the Zimbabwe Human Rights Commission.

The Reports are attached hereto as **Annexure D**.

3.21 Monitoring of Media Coverage of Elections

Section 160K of the Electoral Act provides that, the Zimbabwe Electoral Commission, with the assistance of the Broadcasting Authority of Zimbabwe (BAZ) and the Zimbabwe Media Commission (ZMC), is mandated to monitor and regulate the media during an election period. This is to ensure that political parties, candidates, broadcasters, print

publishers and journalists observe the law governing the conduct of media coverage during the election period.

Rules specifying necessary measures to guarantee the rights of all candidates and political parties to access both the public and private media on the basis of equality and equity are defined in the Electoral Act and are laid out in Section 160J of the Constitution of Zimbabwe. The section compels the media to treat all political parties and candidates equitably and, when read together with the latest amendments to the Electoral Act, gives each political party and candidate the right to fair and equal access to both the public and the private media.

Monitoring of both the print and electronic media was guided by the Media Coverage of Elections, Regulations 2008 which are in compliance with the 2004 SADC Principles and Guidelines Governing Democratic Elections in the SADC region.

As an output of the continuous engagement of all stakeholders by the Commission there was general compliance with the relevant laws that govern media conduct by both public and private media during the election period. This notwithstanding, the aspect of plurality and diversity of media was subdued by the mere fact of third party endorsement of political candidates by media houses.

See **Annexure E** for a detailed report on the Media coverage of elections during 2013 Harmonised Elections.

CHAPTER 4

CONDUCT OF ELECTIONS

3.0 Introduction

All over the world, electoral management bodies, whatever the electoral system, whatever their model form and whatever the structure, are ideally set up for the end purpose of conducting an election. Given that there is really no perfect election, however well-endowed an EMB or a country is, or how poorly prepared the EMB maybe in all respects, the minimum expectation is the delivery of at least an electoral outcome that is deemed to be a fair reflection of the will of the majority of the electorate.

However, all EMBs aim at delivering the best they can, to come up with a plebiscite that is considered free, fair, credible and, some would add, democratic, which terms, in themselves, can be subjective. Nonetheless, international best practices in election delivery is predicated on how well prepared an EMB is, come the poll date. Thus, there are minimum key activities that should be undertaken in the other two phases, that is, during the post-election and pre-election phases, that will certainly have an impact on the actual conduct of the elections and how they will be judged.

POLLING

The electoral legal framework provides for 3 types of the voting, postal voting, special voting and ordinary voting. Each of these has its own separate and detailed procedures on how they are conducted.

4.1 Postal Ballots

In terms of Section 72 of the Electoral Act [Chapter 2:13], citizens entitled to use the postal vote are those persons and their spouses who are registered as voters in a constituency but are not able to vote in person on the polling day because they are on duty outside the country, in the service of the Government of Zimbabwe. The said individuals should submit an application to the ZEC Chief Elections Officer indicating their wish to submit a postal ballot, noting that there is a legally determined time frame within which such a facility can be mobilized, given the processes involved in the handling of the postal ballot. The Commission also relied on the indulgence of those state institutions whose personnel were on national duty outside the country, mainly, the Ministry of Foreign Affairs and the organs constituting the disciplined forces.

The Chief Elections Officer received and processed five hundred and thirty-six (536) postal vote applications, of which four hundred and eighty-nine (489) were eligible, according to the prerequisites defined in the law. In other words, only 47 applicants did not qualify, either because they were not registered as voters at all, or there were missing key attachments to verify their identity.

After due process, the CEO sent the requisite ballot papers to the 489 eligible applicants. However, only 92 ballot envelopes were returned within the time frame prescribed in the law, which ballot envelopes were then forwarded to the respective polling stations to be counted with the other votes after the 31st of July 2013 poll. In general, the postal vote did not pose much of a challenge, although the late printing of some ballot papers had threatened to derail it.

4.2 Special vote

The special vote was a new feature that was introduced into the Electoral Law to cater for ZEC staff, including seconded personnel, and for members of the disciplined forces who would not be able to vote on polling day in the wards in which they were registered because they would be on duty in different wards. It was also introduced to address public perceptions on the level of secrecy of the postal ballot for members of the disciplined forces. There were allegations that this right had been violated by respective supervisors in previous elections when the postal vote was used.

Those authorised to cast the special vote were, in terms of Part XIVA of the Electoral Act [Chapter 2:13], required to cast their ballots sixteen days before the ordinary poll. The 14th and the 15th of July 2013 were proclaimed as the dates for the special vote. A total of 209 special vote polling stations were established at District and sub District centres throughout the country.

Prior to voting, a total of 120 000 special vote forms (SV1) were distributed to electoral officers, the Zimbabwe National Army (ZNA) the Zimbabwe Prison Service (ZPS) and the Zimbabwe Republic Police (ZRP). Of these, 32 687 forms were returned blank to the Commission, while 87 316 were processed. Of the latter, 63 268 applicants were issued with authorisation forms (SV2) as prescribed in the law, while 2 688 were rejected and issued with SV3 forms which indicated why the application had failed to conform to the requisite qualification prescriptions. Reasons for rejection varied from late submission, not being on the voters roll, and non-submission of such requisite documents like certified copies of the national identity cards, or valid Zimbabwean passports, or missing signatures of the relevant superiors.

Of the 63 268 voters who had qualified and had been issued with authorisation forms, 37 108 voters managed to cast their ballots on the set dates, while 26 160 were unable to do so due to a number of logistical and administrative challenges on the part of the Commission, the long and short of it being failure to deliver ballot papers to the special voting centres before close of polling or not at all. A more detailed discussion on the challenges is presented below.

The Commission would be the first to admit that the implementation of the special vote, posed a number of logistical challenges, presented below, that must be addressed and avoided at all costs in the future.

- The special vote was being applied for the first time and there were no set procedures for its administration. These had to be developed as the process unfolded.
- The authorisation forms were received after the sitting of nomination courts, leaving the Commission with only 14 days to process them, that is,
 - checking the applicants' names in the voters roll and signing them
 - designing the ballot papers of all contestants for
 - the presidential election,
 - all candidates for the elective 210 National Assembly seats and
 - all the 1958 contested local authority seats.
 - printing this special batch of all the designed ballot papers,
 - dispatching the ballots papers together with the SV2 forms to voters, after sorting them according to their respective wards.

- The process of signing authorisation forms took time as every form had to be signed and date stamped, as is the norm for all security items;
- The sorting of the authorisation forms into the different wards and the distribution of ballots to the different special vote polling stations was a mammoth task. For instance, a person could be registered in Mutoko but working in Victoria Falls while his/her ballot papers had to be remitted to his or her workplace and returned to the Chief Elections Officer for it to be counted together with the other ballots in his or her ward in Mutoko.
- The printing of ballots for the special vote was also a challenge. Some candidates withdrew from the elections and therefore new ballot papers for those seats had to be re-designed and re-printed. A few candidates challenged some decisions of nomination courts, thereby delaying further the designing and printing of ballots for the special vote.

The situation was not made any better by the provisions of Section 81B (2) of the Electoral Act [Chapter 2:13] which barred all voters who had been authorised to cast a special vote from voting on ordinary poll day.

On realisation of its limitations and the possible consequences of disenfranchising some voters, the Commission, took the initiative of approaching the Constitutional Court to seek authority to have those who had failed to vote on the 14th and 15th of July 2013 to be granted back their right to vote ordinarily on the 31st of July 2013. The application was granted and the affected cast their ballots, ordinarily on the 31st of July 2013 if they so wished. To this end only the names of those who actually cast their ballots during the special vote had their names crossed out and marked 'SV' the ward voters' rolls that were used for polling on the 31st of July 2013. The list of those officers who voted on

the 14th and 15th of July 2013 and those who failed to cast their ballots was laid open for public inspection at the offices of the Chief Elections Officer.

4.3 Polling

Ordinary polling took place on the 31st of July 2013, commencing at 0700 hours and ending at 1900 hours. Due regard was given to the provision that no voter already within the precincts of a polling station by 1900hours should be turned away.

Every polling station was staffed by a presiding officer, assisted by nine (9) polling officers. These comprised ushers, checkers of indelible ink impressions, checkers of names in the ward voters' roll, ballot paper distributors, those attending to the dipping of the voter's specific finger in the visible indelible ink and an overseer.

In addition to the electoral officers, there were candidates, election agents, observers and police officers providing security and performing other duties as provided for in the law. Access to polling stations was also accorded to the accredited media personnel.

Most polling stations opened on time, and inside the polling station, three (3) distinctly marked ballot boxes for the Presidential, National Assembly and Local Authority elections were set up.

Voters had already been educated on the acceptable identity documents to produce in order to vote: that is, a metal or plastic identification card, or a national identity waiting pass with the photograph of the holder, or a valid Zimbabwean passport. The voter's small finger, usually, was checked for the visible indelible ink impressions to prevent multiple voting. In the absence of any traces of the ink, the voter's name was checked in the voters' roll, and if found, a line drawn across the name to indicate that they had

been processed. Thereafter, the voter was given three (3) ballot papers whose colours corresponded with the colours reflected on the Presidential, National Assembly and Local Authority ballot boxes respectively. The voter's little finger was dipped in the visible indelible ink before the voter proceeded to the polling booth where he/she secretly marked his/her ballot papers and deposited them in the appropriate boxes.

There were long queues as early as dawn at most of the polling stations which decreased as the day went on. Some people were turned away for failure to produce acceptable identity documents, or for not appearing on the specific ward voters' roll, or for being underage.

4.4 Special needs voters

Illiterate and physically handicapped voters who were not able to vote without assistance were free to bring persons of their choice to assist. In the absence of an assistant, it was the responsibility of the presiding officers, in the presence of the police, to assist. Persons barred from assisting voters were minors, electoral officers, observers, political party agents, or candidates in the election.

However, visually challenged voters could bring an adult of their choice, they voted in the presence of the presiding officer who ensured that the person assisting them respected their intention. Those without an assistant were helped by the presiding officer, in the presence of two polling officers and a police officer on duty. Persons barred from assisting this category were the same as above. The Commission made an effort to ensure that polling stations were as accessible as possible to people with

disabilities. There had been prior consultation with the National Association of Societies for the Care of the Handicapped (NASCOH), one of its key stakeholders.

4.5 Verification and Counting

The counting of votes was preceded by a verification of ballots which was administered at polling station level by the presiding officers and their staff in the presence of candidates and/or their election agents, and observers. Verification is a process that entails ascertaining that the total number of ballots issued to a polling station is equal to the sum total of the ballots cast, unused and spoilt. It also involves checking the correctness of all the polling station returns, that is, V11 forms. Collation is the summation of the votes cast per candidate as reflected on the polling station returns. Once counting at a polling station was completed, the residue and the results of that polling station were physically taken to the Ward Election Centre, where special and postal votes for that ward had been located before being taken to a particular polling station and factored into the results of the receiving candidates.

4.6 Transmission of Results

Local Authorities

Local authority election results were sent to the Ward Collation Centre after the counting and verification process at the polling station.

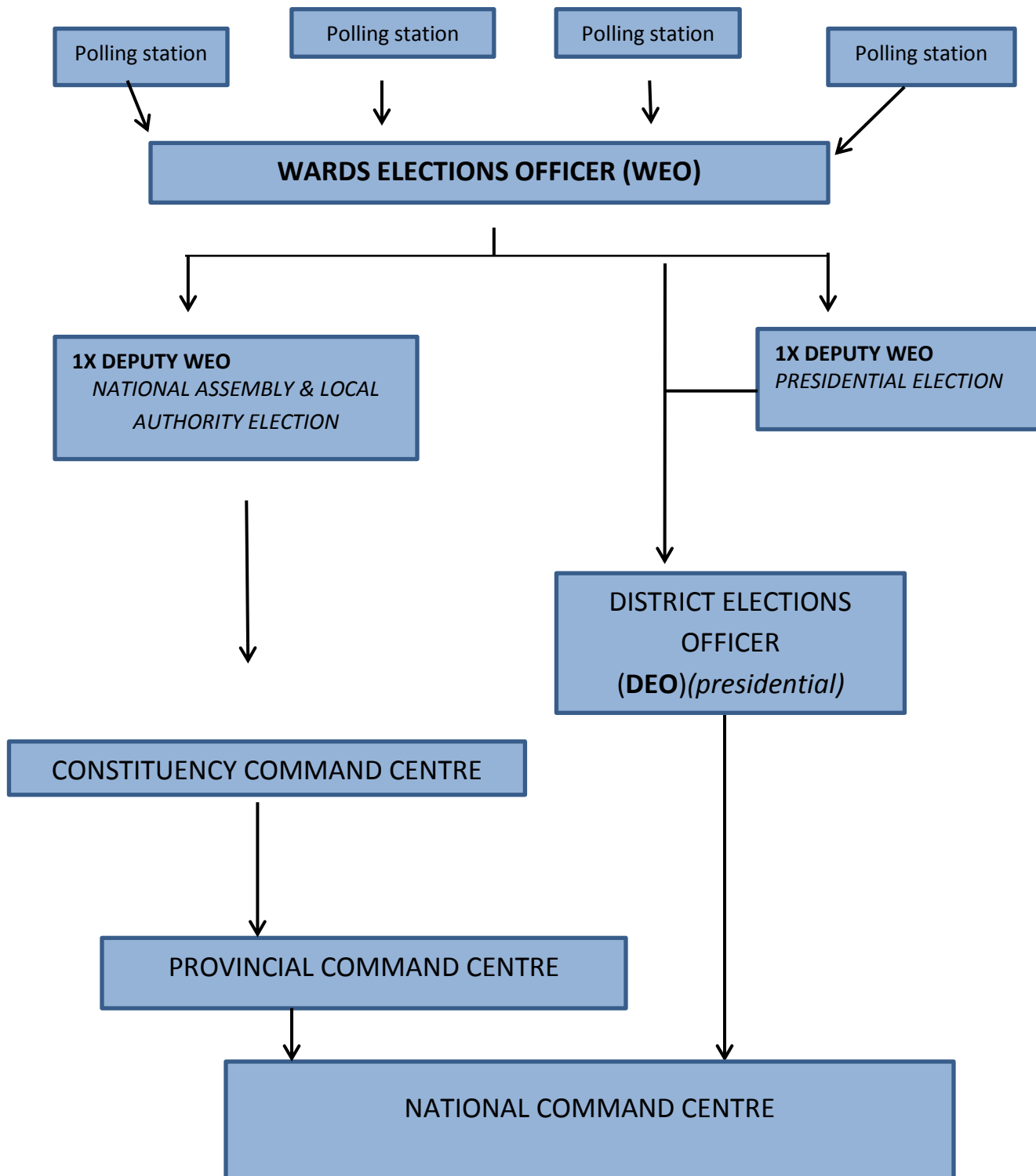
Presidential and National Assembly Returns

Results for the Presidential and the National Assembly elections were transmitted using different routes from the ward collation centre. While the destination for the National Assembly election results was the constituency centre, the Presidential results were

forwarded to the district centre for onward transmission to the National Command Centre in Harare. Verification was done at each point by checking the accuracy of every collation return and whether it was properly completed. If not, corrections would be effected by use of polling station source documents (V11)). Where facilities existed, transmission to the National Command Centre was done by telefaxing the polling station return to the Chief Elections Officer.

For validation of receipt of results, a parallel system was used to transmit and collate the presidential election results. The results were taken to the national command/collation centre physically by the District Elections Officers where they were captured and collated on a results collation template. The same results were also sent through a short messaging system (SMS) after scanning the results from the V23C form. Results were collated through these two systems and compared. Any discrepancies were corrected by going back to source documents. The two systems served as a means of verifying the Presidential election figures before announcement. Diagram 1 below illustrates the routes used in transmitting results for the 2013 Harmonised Elections.

Diagram: 1



4.7 Results of Local Authority Elections

There were a total of 1958 (one thousand nine hundred and fifty-eight) wards in the country and below is a narrative of the results.

- Elections took place in 1866 (one thousand eight hundred and sixty-six) wards.
- Elections were suspended in Victoria Falls Municipality ward 9 and Gokwe South RDC ward 11 following the death of candidates who had successfully filed their nomination papers on 28 June and 31 July 2013 respectively.
- As already alluded to before, there was no local authority election conducted in ward 32 of Pfura Rural District Council in Mashonaland Central since no nomination papers were filed for the ward.
- 91 candidates in various wards were elected unopposed.
- No elections took place in ward 20 of Matobo RDC Matebeleland South as it is a grazing area.

The summary of the results for local authority elections by province is as indicated in Table 8 below:

Table: 8: Local Authority Results

PROVINCE	OTHER	EQUALITY OF VOTES	INDEPENDENT	MDC	MDC T	ZANU PF	ZAPU	TOTAL
Bulawayo					29	-		29
Harare					54	24		78
Manicaland		1			62	197		260
Mashonaland Central*	1				5	226		232
Mashonaland East					13	216		229
Mashonaland West		1	1		38	191		231
Masvingo					18	224		242
Matebeleland North*	1	1	1	2	104	84		193
Matebeleland South *	1			9	47	110	1	168
Midlands				3	72	221		296
TOTAL	3	3	2	14	442	1,493	1	1,958

(See **Annexure F** for Ward Election Results)

4.8 Results of the National Assembly Elections

Ward returns for the National Assembly elections were sent to respective constituencies where they were collated, verified, and summed up in the presence of candidates,

election agents and observers. These were recorded on the constituency return form V23C. A candidate who attained the majority of votes cast was declared the winner and MP-Elect for the constituency. A copy of V23C was displayed outside the constituency centre and copies were forwarded to the National Command centre through the Provincial Command centre. Political party agents were requested to append their signatures to the forms before they were displayed outside the Constituency centres.

A summary of results for the National Assembly elections is as shown below:

Table: 9

PROVINCE	ZANU PF	MDC T	INDEPENDENT	TOTAL
BULAWAYO	0	12		12
HARARE	6	23		29
MANICALAND	22	4		26
MASHONALAND CENTRAL	18	0		18
MASHONALAND EAST	22	0	1	23
MASHONALAND WEST	21	1		22
MASVINGO	26	0		26
MATABELELAND NORTH	7	6		13
MATABELELAND SOUTH	13	0		13
MIDLANDS	25	3		28
TOTALS	160	49	1	210

4.8.1 Results of National Assembly party lists for women

Sixty (60) National Assembly members for the women's quota were selected from the party lists and determined by the votes garnered in the elective 210 National Assembly elections. Each province had 6 allotted seats, irrespective of its size or the number of registered voters. A summary of the results for the women's quota is indicated below:

Table: 10

PROVINCE	MDC	MDC T	ZANU PF	TOTALS
BULAWAYO	1	4	1	6
HARARE		3	3	6
MANICALAND		2	4	6
MASHONALAND CENTRAL		1	5	6
MASHONALAND EAST		1	5	6
MASHONALAND WEST		1	5	6
MASVINGO		2	4	6
MATABELELAND NORTH		3	3	6
MATABELELAND SOUTH	1	2	3	6
MIDLANDS		2	4	6
TOTALS	2	21	37	60

(See **Annexure G** for detailed National Assembly results)

4.9 Results of Senate party lists

The Senators were selected from the party lists that had been provided by the political parties before the elections. The results of the elective 210 National Assembly elections

determined the allocation. However, for the Senate, a Zebra list system was applied where each list submitted by the political parties had women as the first, third, and fifth candidates, while the second, fourth and sixth candidates were men. The system was to also address gender imbalance in Parliament. Six Senate seats were allocated per Province, like in special Women's Seats. (See Table 11 below.)

Table : 11

PROVINCE	MDC	MDC T	ZANU PF	TOTALS
BULAWAYO	1	4	1	6
HARARE		3	3	6
MANICALAND		2	4	6
MASHONALAND CENTRAL		1	5	6
MASHONALAND EAST		1	5	6
MASHONALAND WEST		1	5	6
MASVINGO		2	4	6
MATABELELAND NORTH		3	3	6
MATABELELAND SOUTH	1	2	3	6
MIDLANDS		2	4	6
TOTALS	2	21	37	60

4.10 Results of Provincial Council Party Lists

A quota of a sum total of 10 seats per Province for the eight non-metropolitan provinces was also calculated, again based on the results of the 210 elective National Assembly elections. The same Zebra system as above was applied. A summary of Provincial Councils results is as given below:

Table: 12

PROVINCE	MDC	MDC T	ZANU PF	TOTALS
MANICALAND		4	6	10
MASHONALAND CENTRAL		1	9	10
MASHONALAND EAST		2	8	10
MASHONALAND WEST		2	8	10
MASVINGO	1	2	7	10
MATABELELAND NORTH	1	5	4	10
MATABELELAND SOUTH	1	3	6	10
MIDLANDS		3	7	10
TOTALS	3	22	55	80

(See **Annexure H** for detailed Senate results)

4.11 Results of the Presidential Election

The collation and verification of the Presidential election results was completed on the 3rd of August 2013. The voter turnout for the 31st of July 2013 Presidential elections was 3,480,047. The Chief Elections Officer who was the Returning Officer for the election completed the V23D form which is a record of results as collated at national level. The results were subsequently announced by the Chairperson of Zimbabwe Electoral Commission on that same day in accordance with the provisions of law. A copy of the V23D form was signed by political parties agents and observers present who were given a copy each. A summary of the results of the Presidential election is as indicated in the table below:

Table 13:

NAME OF PROVINCE	Name of Candidate	Name of Candidate	Name of Candidate	Name of Candidate	Name of Candidate	Votes Rejected	Total Votes Cast
	1. Dabengwa Dumiso (ZAPU)	2. Mugabe Robert Gabriel (ZANU PF)	3. Mukwazhe Munodei Kisinoti (ZDP)	4. Ncube Welshman (MDC)	5. Tsvangirai Morgan (MDC-T)		
1. Bulawayo	1,926	31,773	159	9,356	89,207	1,277	133,698
2. Harare	843	172,163	361	7,846	261,925	6,167	449,305
3. Manicaland	3,374	258,026	1,514	13,433	180,552	11,033	467,932
4. Mashonaland Central	2,182	327,455	615	3,525	46,533	6,678	386,988
5. Mashonaland East	2,212	320,719	795	6,231	90,165	6,731	426,853
6. Mashonaland West	2,066	277,312	883	5,603	100,616	7,683	394,163
7. Masvingo	3,855	285,806	1,515	9,878	104,912	9,804	415,770
8. Matabeleland North	3,034	81,207	1,352	13,003	98,596	6,490	203,682
9. Matabeleland South	2,776	81,180	1,166	12,726	58,633	3,592	160,073
10. Midlands	3,148	274,793	1,571	11,036	141,210	9,825	441,583
Total Votes Received	25,416	2,110,434	9,931	92,637	1,172,349	69,280	3,480,047
Percentage of Total Votes Cast	0.7	60.6	0.3	2.7	33.7	2.0	100.0

4.12 Publication of results of Elections

Public announcements of the Presidential and National Assembly election results were beamed live by the public broadcaster at the National Results centre. All accredited media houses, political party candidates and/or their chief elections agents, and local and international observers were invited whenever announcements were made. Results of all the elections were subsequently published in the Government Gazette and print media, in accordance with the law.

4.13 Election of Chiefs to Parliament

The eight (8) Provincial Assemblies of Chiefs met in all the eight non-metropolitan Provinces on the 12th of July 2013 to elect thirty five (35) members to the Council of Chiefs. The elections were conducted in accordance with the law and in line with principles governing democratic elections. They were peaceful and orderly, free, fair, and transparent and reflected the will of the Electoral College of Chiefs. Recognised principles and tenets of a free, fair and credible election were used, such as secrecy of the ballot, impartiality, transparency and professionalism, thus coming out with a result that reflected the will of the Council of Chiefs.

Only substantive Chiefs in attendance were allowed to participate. A quorum of one half of the substantive Chiefs in the Province had to be present. Nominees had to be seconded and had to accept the nomination in order to become candidates. If the number of nominees meeting the above criteria fell short of the number of seats for the Province, fresh nominations were called for. If the number of nominees was equal to the number of seats for the Province, the nominees were uncontested and declared

duly elected. If the number of nominees exceeded the number of seats for the Province, then an election was conducted. The number of candidates equal to the number of seats for the Province with the highest votes were declared elected.

There was a variation, however, in the Midlands Province with respect to the election of members of the Council of Chiefs. Traditionally the Provincial Assembly of Chiefs had always been divided, by consensus into four (4) clusters. The Zimbabwe Electoral Commission accepted the variation supported by the Ministry of Local Government, Urban and Rural Development. All the 31 Chiefs present participated in the election of representatives of each cluster, resulting in the election of the members of the Chiefs Council for the Province.

The major challenges relating to the election of Chiefs to Parliament related to venues. These included the following:

- No consultation was made with the appropriate authorities and hence some venues were hardly suitable. For example, the choice of Nyamandlovu Chiefs Hall as the centre for Matabeleland North was ill-conceived as it was not central, thus causing travel challenges for most Chiefs in the Province.
- Secondly, some Chiefs' structures, for example, in Manicaland, are now dilapidated.
- Thirdly, some venues were not available for the purpose as they were being used as Provincial Command Centres for the 2013 Harmonised Elections. For example, Mashonaland Central Province had to pitch a tent for the Provincial Assembly of Chiefs meeting at the New Government Building.

The management of election of Chiefs to the National Council of Chiefs and to Parliament was a new and interesting experience for the Zimbabwe Electoral Commission.

The Council of Chiefs convened at Mukwati Building, Harare, on Friday the 19th of July, 2013, at 10 o'clock in the morning for the purpose of electing the President and the Deputy President of the Council of Chiefs. All the 35 Chiefs who constitute the National Council of Chiefs were present.

Nominations by secret ballot were called for the position of the Council of Chiefs' President and Deputy President.

Chiefs Fortune Charumbira of Masvingo and Zvimba (Stanley Wurayayi Mhondoro) of Mashonaland West were nominated for the position of President of the Council of Chiefs, while Chiefs Mtshane Khumalo of Matebeleland North and Musarurwa (Enos Musakwa) of Mashonaland East provinces were nominated for the Deputy President of Council of Chiefs position.

Chief Charumbira was declared duly elected President of the Council of Chiefs and elected ex-officio Senator to the Parliament of the Republic of Zimbabwe after receiving 34 nominations compared to 1 for Chief Zvimba. Similarly, Chief Mtshane Khumalo was declared duly elected Deputy President of the Council of Chiefs and elected ex-officio Senator to the Parliament of Zimbabwe after receiving 33 nominations against 2 for Chief Musarurwa. The electoral colleges of the Provincial Assembly of Chiefs convened on the 2nd of August 2013 at their respective provincial venues to elect 2 Chiefs

respectively to the Senate. This election was in line with the provisions of Section 120 (1)(b) of the Constitution. See **Annexure I** for results on election of Chiefs.

4.14 Election of two Senators to represent people with disabilities

The Electoral College to elect two Senators to represent people with disabilities (PWDs) was convened on the 2nd of August 2013 at the Monomotapa Crown Plaza Hotel. A total of 107 delegates were selected to constitute the Electoral College. However, only 93 delegates presented themselves on the day of the election while 14 were absent. Twenty-five (25) candidates were nominated to contest the election, seventeen (17) of whom were men and eight (8) were women. Voting was by secret ballot. Proceedings commenced at 1000 hours and ended at 16.45 hours after all delegates had voted. The proceedings went on smoothly, with no incident and were witnessed by accredited observers and journalists. The following people were elected Senators:

Table: 14

NAME	SEX
Shiri Annah	Female
Mashavakure Nyamayabo	Male

See **Annexure J** for the detailed results for election of Senators to represent people with disabilities.

The following were some of the challenges regarding the election of Senators to represent people with disabilities:

- The National Disability Board does not seem to represent all organisations of the people living with disabilities,
- Disabilities vary and delegates through each disability had to be represented.
- Many organisations of PWDs had not been registered with the Department of Social Welfare and were therefore left out.
- Candidates did not have the opportunity to make themselves known as they did not have any campaign period.

4.15 Election related litigation

4.15.1 *Nomination Court appeals*

A total of 31 nomination court appeals were served on the Commission soon after the sitting of the nomination courts for the 2013 Harmonised Elections. The nomination court appeals were mostly against decisions made by the nomination court presiding officers in accepting or rejecting nomination papers for some prospective candidates. A few had to do with the use of symbols by certain candidates who had either resigned from a standing political party, or had been expelled, or had lost the right to represent a party during primary elections.

The Commission faced some challenges especially as regards the nomination of candidates for election as members of Parliament, especially where two or more candidates' forms were countersigned by two designated office bearers of a political party in line with the provisions of section 46(2) of the Electoral Act [Chapter 2:13]. The decision by the Commission to accept during the sitting of nomination courts, forms that were in compliance with the law from two candidates of the same party resulted in lobbying by the affected parties to withdraw applications for certain candidates. The

Commission referred the affected candidates and parties to the Electoral Court for redress.

Some nomination court appeals were a result of the Presiding officers rejecting candidates' papers in error, due to incorrect interpretation of the law or failure to appreciate instructions by the Commission. Most of the candidates' nomination forms in the latter category had been rejected for failure to produce original documents or police clearance which were not a requirement at law any more. However, the Commission assisted the aggrieved candidates by rendering legal advice and not opposing their appeals against the decision of the courts.

4.15.2 *Election Petitions*

A total of 41 election petitions were filed with the Electoral Court after the announcement of results of the 2013 Harmonised Elections. Most of the cases related to elections to the National Assembly. A few of the petitions filed were still pending before the courts by the time of compilation of this report.

4.15.3 *Constitutional Matters*

There were eight (8) Constitutional Court matters that were filed with the Constitutional Court of Zimbabwe which had a bearing on the 2013 Harmonised Elections Results. In one of the cases, the applicant, Mr Morgan Richard Tsvangirai of the MDC-T sought the leave of the court to have the election date extended to a period after the 31st of July 2013. However, the Constitutional Court dismissed the application with no order as to costs and directed that the general elections be held by the 31st of July 2013 in terms of the Presidential Proclamation published on the 13th of June 2013.

Other matters were dismissed or withdrawn on the basis that the Commission was wrongly cited or was not responsible for effecting the orders sought.

See **Annexure K** for all the cases filed and the status thereof.

CHAPTER 5

LOCAL AUTHORITY RUN-OFF ELECTIONS

5.1 Run-off by-elections

The three run-off by elections for Mutasa Rural District Council ward 30, Kusile Rural District Council ward 5, Kadoma Municipality ward 4 were held on the 11th of September 2013 as per Proclamation 2 of 2013 following an equality of votes in the said local authority elections. No by-election was conducted for ward 32 of Pfura Rural District Council after only one candidate submitted the nomination papers and was therefore elected unopposed.

5.2 Voter Education

Voter education for the run off by-elections was conducted in the respective wards from the 1st to the 7th of September 2013 in preparation for the polls and to educate the electorate on what had necessitated the run-off by-elections. Four (4) voter educators recruited from within the Commission conducted voter education for the by-elections. The Commission produced and distributed one thousand six hundred (1 600) English pamphlets for each ward. The methods used in voter education information dissemination included distribution of pamphlets, door to door campaigns and addressing of people at gatherings.

5.3 Budget

The Commission did not submit a budget for the run-off elections due to time constraints. It therefore utilised the same budget released for the Harmonised Elections as follows:

Kadoma Municipality	US\$30 000
Mutasa Rural District Council	US\$60 000
Kusile Rural District Council	<u>US\$82 121</u>
Total	<u>US\$172 121</u>

5.4 Polling Stations

A total of nine polling stations were established for the three by-elections, three (3) in Mutasa Rural District Council, two (2) in Kadoma Municipality and four (4) in Kusile Rural District Council.

5.5 Production and Distribution of Voters' Rolls

Voter's rolls were printed for the wards in which the by-elections were taking place and were distributed to all polling stations, contesting candidates and wards command centres prior to polling.

5.6 Printing and Supply of Ballot Papers

The ballot papers for the three by-elections were printed by Printflow (Pvt) Ltd and delivered to the polling stations in time for the elections. A total of 9 300 ballot papers

were printed, 3 400 being for Mutasa Rural District Council, 3 000 for Kadoma Municipality and 2 900 Kusile Rural District Council.

5.7 Recruitment, Training and Deployment of Electoral Officers

Recruitment of electoral officers to conduct the run off by-elections was done by the PEOs mainly from the Commission secretariat staff. Personnel was recruited within the provinces and districts where the run-off elections took place as well as Head Office and adjacent provinces. Recruitment of electoral officers was done between the 1st and 2nd of September 2013. While most of the staff was recruited from within the Commission, other logistics committee members were recruited from the office of the Registrar General of Voters, Ministry of Local Government, ZRP and Telone to provide technical support.

Training was done by the PEOs and DEOs and the training manual for presiding officers was the resource book used for the training. Training of Presiding Officers and Ward Election Officers was done on the 3rd and 4th of September 2013 while training of Polling Officers was done on the 7th and 8th of September 2013.

Deployment of electoral officers was done on the 9th of September 2013 while setting up of polling stations and rehearsals were done on the 10th of September 2013. Security details were deployed alongside electoral staff to provide security.

5.8 Accreditation of Observers and Media Personnel

Accreditation of observers for the run-off by-elections was conducted between the 4th and 11th of September 2013. In light of the small magnitude of the elections, the Commission employed a manual system for accreditation which is comparatively cheaper than the usual mechanised system.

A total of 36 applications from four local organisations were considered by the Accreditation Committee. Out of the submitted applications only the Joint Monitoring Committee (JOMIC) and the Election Resource Centre (ERC) came forward for accreditation. The Herald and the Zimbabwe Broadcasting Corporation (ZBC) were the only media houses that applied for accreditation. A total of 21 local observers and journalists were accredited to observe the elections while the cumulative total of accredited people including electoral officials and logistics members came to eighty five (85).

5.9 Polling

The run-off by-elections were held on the 11th September, 2013 in the respective wards and the results of poll are as listed below.

Table: 14

Local Authority	Ward	Candidate	Sex	Party	Votes Received
Kadoma Municipality	4	Mandipota Fastmove	M	MDC - T	212
		Mavura Godfrey	M	ZANU PF	523
Kusile RDC	5	Ncube Ubunene	M	MDC - T	221
		Tshuma Soneni	F	ZANU PF	646
Mutasa RDC	30	Kembo Elias	M	MDC - T	399
		Ketero William	M	ZANU PF	732
Pfura RDC	32	Katanha Masha	M	ZANU PF	Elected unopposed

CHAPTER 6

OBSERVATIONS, RECOMMENDATIONS AND CONCLUSION

The Commission made a number of observations and recommendations as presented below:

Budget

Observation

The challenges of late release of election funds and underfunding recur during elections in Zimbabwe and these have a negative impact on the Commission's preparations. For the 2013 Harmonised Elections, the Commission had an onerous responsibility to receive, disburse and account for more than US\$132 million within 3 months. Further, there was a budget deficit of US\$4 260 819.00 which is still outstanding to date.

Recommendation

The Commission recommends that all election funds be released timeously and in sufficient quantities to enable it to adequately prepare for and conduct elections.

Provision of the voters roll

Observation

The Electoral Act [Chapter 2:13] provided for the provision of an electronic voters roll by the Commission free of charge to all candidates contesting an election within a reasonable period after nomination day. For the 2013 Harmonised elections, the Commission could not provide an electronic copy of the voters roll to all candidates as required by the law and was taken to court on the issue. The failure was due to the fact that this function was being conducted by the Registrar General of Voters and the Commission was only playing a supervisory role in the compilation of the voters roll.

Recommendation

The State should fully capacitate the Zimbabwe Electoral Commission to enable it to carry out the function of voter registration in terms of the new law and to avoid unnecessary litigation on issues relating to the voters roll. There is also need to ensure that the electoral law is aligned to the provisions of the new Constitution on issues pertaining to voter registration.

Withdrawal of candidature

Observation

Unlike in the Presidential election, the withdrawal of candidature for the National Assembly and Local authority elections was not regulated as regards the period within which it had to be done. Some candidates withdrew their candidature late into the election period thereby affecting the ballot paper design and printing by the Commission especially for the special vote.

Recommendation

The withdrawal of candidature for National Assembly and Local Authority elections should be regulated in terms of time in which this should be done as in the Presidential election which provides for twenty one days before polling. This will ease the challenges of the Commission in ballot paper designing and printing before an election.

Procurement of election materials

Observation

The delays in the release of funding from Treasury resulted in a congested procurement process. Some election items that took about three (3) months to procure under normal circumstances were procured in a matter of hours creating fertile ground for underhand deals and overpricing of goods.

Recommendation

To avoid corruption in the procurement of election materials, Treasury should provide the Commission with the necessary resources well in time to enable it follow the normal procurement processes.

Ballot Paper Printing

Observation

The Commission outsourced the printing of ballot papers for the Presidential, National Assembly and Local Authority elections to Fidelity Printers and Printflow Private limited companies.

Recommendation

The State should capacitate the Commission through the procurement of its own printing press to complement the already existing printers.

Transport and Fuel management

Observation

The Commission relied on hired vehicles from the CMED for the conduct of the 2013 Harmonised Elections as its own fleet is too small, aged, unserviceable and dysfunctional. Some of the hired vehicles were unroadworthy and were a risk to the Commission's staff and operations. The supply of fuel was also erratic during the entire election period.

Further, the Commission was not provided with a budget for the procurement or maintenance of its fleet of vehicles for the elections.

Recommendation

The state should provide funding to the Commission to enable it to procure its own fleet of vehicles, maintenance of same and fuel facilities. Hiring of vehicles during elections is expensive compared to maintenance of its own fleet which may be supplemented by hire of fewer vehicles from CMED in times of need.

Monitoring of Media Coverage of Elections

Observation

Although there was general compliance to the law governing the media conduct during elections, endorsement of political party candidates by media houses remained a challenge.

Recommendation

The laws governing the conduct of the media during elections should be further strengthened by the provision of appropriate penalties for those who flout it.

Postal ballots

Observation

For the 2013 Harmonised elections, 92 out of 489 eligible applicants had their ballot papers received within the time prescribed in the law and were sent to respective polling stations to be counted with other votes.

Recommendations

There is need to revisit the time lines within which postal ballots are processed to ensure that adequate time is provided for their processing without disenfranchising eligible voters.

Special vote

Observation

The special vote, being a new feature in the electoral process, posed a number of legal, logistical and administrative challenges to the Commission. These challenges resulted in 26 160 authorised voters failing to cast their ballots on the special vote proclaimed dates. Further, the Commission had to resort to seeking authority from the Constitutional Court to have those who had failed to exercise the special vote, to vote ordinarily on the 31st of July 2013.

Recommendation

There is need for total reform to the manner in which the special vote is conducted or to discard it completely to avoid problems in future elections.

Election of Chiefs to Parliament

Observation

There are no regulations stating how the elections of Chiefs should be conducted. In the 2013 Harmonised Elections the Commission used its discretion in line with the National Assembly and Local Authority electoral protocols. There were no consultations made on the suitability of venues where election of Chiefs to Parliament was conducted. Some of the venues were hardly suitable for the exercise.

Recommendation

The Commission recommends that ZEC takes over the entire process of the Election of Chiefs to Parliament including determining venues where these elections should take place. In line with the main general election, regulations be crafted and put in place to guide and regulate the process of conducting elections of Chiefs to Parliament.

Conclusion

The 2013 Harmonised Elections were conducted under a new Constitution which had a mixed electoral system with some features that were being applied for the first time. In essence, this meant that the Commission was designing systems and implementing them for the first time during elections resulting in some logistical and financial challenges being encountered as the election period progressed. The special vote was particularly challenging mainly due to logistical challenges and time constraints as well as other unforeseen complications.

In spite of the logistical and financial challenges encountered the Commission was committed to the discharge of its constitutional mandate in a transparent and professional manner and to the satisfaction of all its stakeholders.

The Commission consulted and worked in collaboration with its stakeholders throughout the election period ensuring that the process was inclusive and transparent. The Commission is satisfied that the 2013 Harmonised Elections were conducted in a manner and under conditions that allowed voters to freely express their will and therefore they were a true reflection of the will of the Zimbabwean electorate.