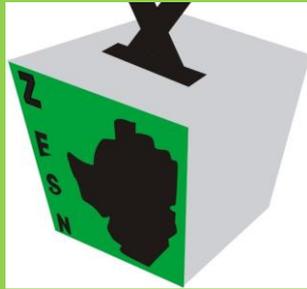


ZIMBABWE ELECTION SUPPORT NETWORK



*February 2019 Local Authorities
By-Elections Report*

*Beitbridge,
Chitungwiza and
Matopo*



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ACKNOWLEDGEMENTS

The Zimbabwe Election Support Network (ZESN) expresses its heartfelt gratitude to the member organisations and volunteers who made observation of the 23 February 2019 by-elections possible.

The ZESN Members assisted in the recruitment of the volunteers who were deployed to the various Polling Stations and Ward Collation Centres, as well as those who served as mobile observers. Without their commitment this and other reports by ZESN on the elections would not have been possible.

ZESN observers objectively reported on the processes and conducted themselves professionally throughout the Election Day. Their assessment of the by-elections was informed by the Electoral Laws of Zimbabwe and a number of regional and international conventions and declarations which Zimbabwe is signatory to, such as the SADC Principles and Guidelines Governing Democratic Elections, the African Charter on Democracy, Elections and Governance (ACDEG), the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (UDHR). ZESN observation was also guided by the GNDEM's Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations, and the Code of Conduct for Nonpartisan Citizen Election Observers.

1. EXECUTIVE SUMMARY

On 23 February 2017, the Zimbabwe Electoral Commission (ZEC) conducted three Local Authority by-elections, in Ward 24 of Chitungwiza South Municipality, Ward 15 of Beitbridge Rural District Council, and Ward 25 of Matobo North Rural District Council. The by-elections were held in accordance with section 158(3) and 159 of the Constitution, and section 39 of the Electoral Act to replace incumbent councillors who died in 2018.

The Zimbabwe Election Support Network (ZESN), as part of its observation of the by-elections, deployed static observers to comprehensively cover all polling stations during the 23 February by-elections. In addition, roving observers were deployed to observe the environment around the polling stations.

In general, the political environment ahead of the Matobo and Beitbridge by-elections was peaceful. The observers resident in these respective wards confirmed that the campaigns by the political contestants and parties were low key, mostly constituting small meetings in the wards. However, the Chitungwiza by-election was an exception as some activity was noted, probably owing to an earlier postponement because of disturbances that occurred in January 2019.

There were no significant changes to the voting populations for the three by-elections partly because ZEC did not open voter registration centres within the respective wards where the by-elections were scheduled.

The need for more comprehensive voter education was evident partly in the fact that the number of turned away voters included those who showed up at the wrong polling stations and in some instances without appropriate identification documents.

Women's participation in elections as electoral contestants remained low. Of the three by-elections, political parties fielded female electoral contestants only in Chitungwiza.

ZESN observer reports indicate that polling station set-up, polling and counting procedures were executed in line with electoral procedures laid down in the legal framework for elections. ZANU-PF and MDC Alliance were the only political parties that managed to comprehensively deploy party agents to all the by-elections where they fielded candidates.

ZANU-PF won the 2 Rural District Council by-elections (Matobo ward 2 and Beitbridge ward 15) while MDC Alliance won the Urban Council (Chitungwiza ward 24) by election.

ZESN proffers the following recommendations for consideration by the ZEC and political parties.

- i. ZEC should open registration centres within the wards or Constituencies where by-elections are scheduled to facilitate voter registration of new registrants' e.g. those who turned 18 after the 2018 harmonised elections.
- ii. Political parties are urged to comprehensively deploy party agents to all polling stations to enable them to authoritatively comment on Election Day proceedings.
- iii. Political party representatives who are interested in accessing the polling stations should get the requisite accreditation.
- iv. Political parties are urged to field more youth and female candidates in keeping with the current demographic of the demographic in the constituencies they wish to represent.
- v. There is need for continuous voter education to improve prospective voters understanding of electoral processes as well as awareness of the specific polling stations they are eligible to cast their vote at, during the by-elections.

2. BACKGROUND TO THE BY-ELECTIONS

2.1. Introduction

In line with its mission to promote democratic electoral processes in Zimbabwe, ZESN observed by-elections for Ward 24 of Chitungwiza South Municipality, Ward 15 of Beitbridge Rural District Council, and Ward 25 of Matobo North Rural District Council. The Ward seats fell vacant following the deaths of Councillors who had been elected in the harmonized elections, namely Alice Chihambakwe of the MDC Alliance; Boy Maniere Ndou of ZANU-PF on 2 December 2018; and Clara Ndlovu of the ZANU-PF party on 19 November 2018, respectively.

Following the successful filing of nomination papers on 7 December 2018 at the Nomination Court by four political parties, the contestants for the Chitungwiza Municipality Ward 24 seat were Guvamombe Mercy of ZANU-PF, Chagwada Yotam of MDC Alliance, Makovere Jane of MDC-T, and Tsakeni Anderson of NCA. The Nomination Court for the Matobo Ward 25 Rural District Council by-election sat on 4 January 2019 and two candidates, Sibanda Elkanah representing the MDC Alliance and Dube Sibonginkosi representing ZANU-PF successfully filed their nomination papers. The Nomination Court for the Beitbridge Ward 15 by-election sat on 4 January 2019. Moyo Victor of the MDC Alliance and Mbedzi Rabson of ZANU-PF successfully filed their nomination papers.

2.2. Observation Methodology

As part of its observation of the by-elections, ZESN deployed 17 static observers covering all polling stations in the by-elections to observe polling processes on Election Day. ZESN also deployed a static observer to the Ward Collation Centre. In addition, three mobile teams were deployed to supervise the static observers and assess the political environment outside the polling stations in each of the three wards where the by-elections were held.

ZESN conducts its observation efforts in conformity with Zimbabwe's electoral laws, the Declaration of Global Principles for Citizen Election Observation and Monitoring

which was launched at the United Nations on 3 April 2012 as well as the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO). The findings and recommendations of this election observation are made in reference to the laws of Zimbabwe, the Southern African Development Community (SADC) Principles and Guidelines Governing Democratic Elections as well as other regional and African election standards.

3. PRE-ELECTION ENVIRONMENT

Election campaigns in Zimbabwe are regulated by a Code of Conduct for Political Parties as contained in the Fourth schedule of the Electoral Act. The Fourth schedule guarantees that everyone has the right to freely express their political opinion, campaign and canvass for membership and support from voters. For Chitungwiza Municipality Ward 24 by-election, political party campaigns became increasingly visible closer to the Election Day. While ZESN observers did not report on any noticeable campaign activities particularly before the postponement of the by-election, door-to-door campaigns were conducted closer to the Election Day and three of the five contesting parties namely ZANU-PF; MDC Alliance; and the MDC-T held campaign roadshows on 21 February 2019 in the three wards.

In general, the political environment ahead of the Matobo and Beitbridge by-elections was peaceful. The observers resident in these respective wards confirmed that the campaigns by the political contestants and parties were low key, mostly constituting small meetings in the wards.

Chitungwiza by-election was the exception however, because the by-election had been postponed. The original date for the by-election was 26 January 2019. The postponement was occasioned by the disturbances that occurred in much of the country in January. The disturbances were unrelated to the pending by-elections, nevertheless posed a challenge for political contestants to campaign and for people to vote on Election Day, hence the decision by the Commission for the postponement.

4. LEGAL FRAMEWORK

The Constitution, Electoral Act, Statutory Instruments and Regulations form part of the Legal framework governing the conduct of by-elections. The Legal framework requires that set polling dates comply with both section 158(3) and 159 of the Constitution, and section 39 of the Electoral Act, both of which require voting in a by-election to be completed within 90 days of the vacancy occurring.

The Beitbridge Rural District Ward 15 and Matobo North Rural District Council Ward 25 by-elections were conducted in accordance with section 125 subsection 4 (b) of the Electoral Act [Chapter 2:13]. While the postponement of the Chitungwiza South Municipality Ward 24 by-elections was gazetted in General Notice 266 of 2019.

5. ELECTION ADMINISTRATION AND MANAGEMENT

5.1. Voter Education

Voter education is an important component of the election cycle as it ensures that the electorate understands their rights, political systems, how and where to vote. For an election to be successful and democratic, voters must understand their rights and responsibilities, and must be sufficiently knowledgeable and well informed to cast ballots that are legally valid and to participate meaningfully in the voting process.

ZEC deployed four voter educators per Ward in each of the three by-elections. ZESN received an invitation from ZEC to conduct voter education for the three by-elections but was unfortunately unable to deploy voter education teams.

5.2. Voter Registration

Voter registration is provided for in Section 17A of the Electoral Act (Chapter 2:13). The Electoral Law provides for continuous voter registration hence the voters' roll that was used during the 2018 Harmonised Elections was used as the basis for further registrations. It was apparent from interaction with people from the respective wards that no voter registration centre was opened in the respective wards where the by-

elections were scheduled; hence those wishing to register for the first time or transfer their vote to be able to participate in these by-elections needed to present themselves at the Zimbabwe Electoral Commission's provincial registration centres. Since some of the ZEC provincial offices are up to 30 kilometres from the furthest parts of some wards, the cost of travel would present a significant financial hurdle to registration efforts.

6. WOMEN'S PARTICIPATION AND ELECTIONS

Active participation of women, youth, civil society organizations, and people with disabilities, special needs groups and marginalized groups in the electoral process constitutes a critical element for the deepening of democracy and human rights in Zimbabwe. ZESN continues to observe that a significant number of women participate in electoral processes as voters, election agents, polling officers and citizen observers. However there is a significant gap when it comes to participation as electoral contestants. Of the three by-elections, political parties only fielded female contestants in Chitungwiza, where they constituted 50% of the contestants.

Polling stations had an average of six polling officers of which three were women. Despite this, the percentage of Presiding officers was much lower. Only 4 of the 17 Presiding Officers were female. This figure represents only (23.5%) of the Presiding Officers that were deployed by ZEC.

In Beitbridge most of the men in the ward migrated to South Africa in search of employment. This reflects in the demographics of the Ward as well the number of women who turned up to vote on Election Day.

7. ELECTION DAY OBSERVATIONS

Opening and Set up

Reports from ZESN observers indicated that voting started on time with all materials for polling, including ballot boxes; official ZEC stamps; and indelible ink for marking voters was available. ZESN observers also reported that all polling booths were set up in such a manner that voters would mark their ballot papers in secret and there were polling booths that ensured easy access of people with physical disabilities, particularly those on wheelchairs. Prescribed polling procedures were followed consistently. ZESN observers reported that before voters could cast their ballots, their fingers were checked for indelible ink; names were checked against the voters' roll; all ballot papers were stamped with the ZEC stamp; and all voters had a finger marked with indelible ink. In addition all polling stations were reported to have been opened on time.

Turned Away

Overall, the three by-elections recorded somewhat high figures of voters who were turned away without being allowed to vote. Out of the reports received from the 17 ZESN observers who covered all the polling stations in the three by-elections, 35% (6 reports) indicated that a few people (1 to 5), and 52.9% (9 reports) showed that some people (6 to 25), were turned away. The most prominent reason was voters' turning up at the wrong polling station.

In the case of Chitungwiza Municipality Ward 24 by-election however, there was confusion on Election Day regarding boundary demarcation that contributed to the observed numbers of turned away voters. Ward 24 is next to Ward 18 in Chitungwiza Municipality and in the harmonized elections voters from both Wards voted at Seke 3 High, albeit at different polling stations (different classroom blocks). In the by-election to elect a Ward Councilor for Ward 24, some voters from the bordering Ward 18 turned up at the polling station they voted from in the harmonized elections expecting to vote. The need for adequate voter education cannot be over emphasized, perhaps, displaying the voters' roll for inspection before the by-elections could have assisted in raising awareness on the persons that were eligible to vote during the by-elections and the location of their respective polling stations.

Turnout

Overall, voter turnout in the three by-elections was generally low. Such voter turnout is in keeping with previous voting trends where local authority by-elections seem to attract significantly less interest from voters unless they are held concurrently with elections for President and Members of Parliament. In the same vein the level of contestation by political parties is lower. Below is an illustration of the turnout for the 3 by-elections.

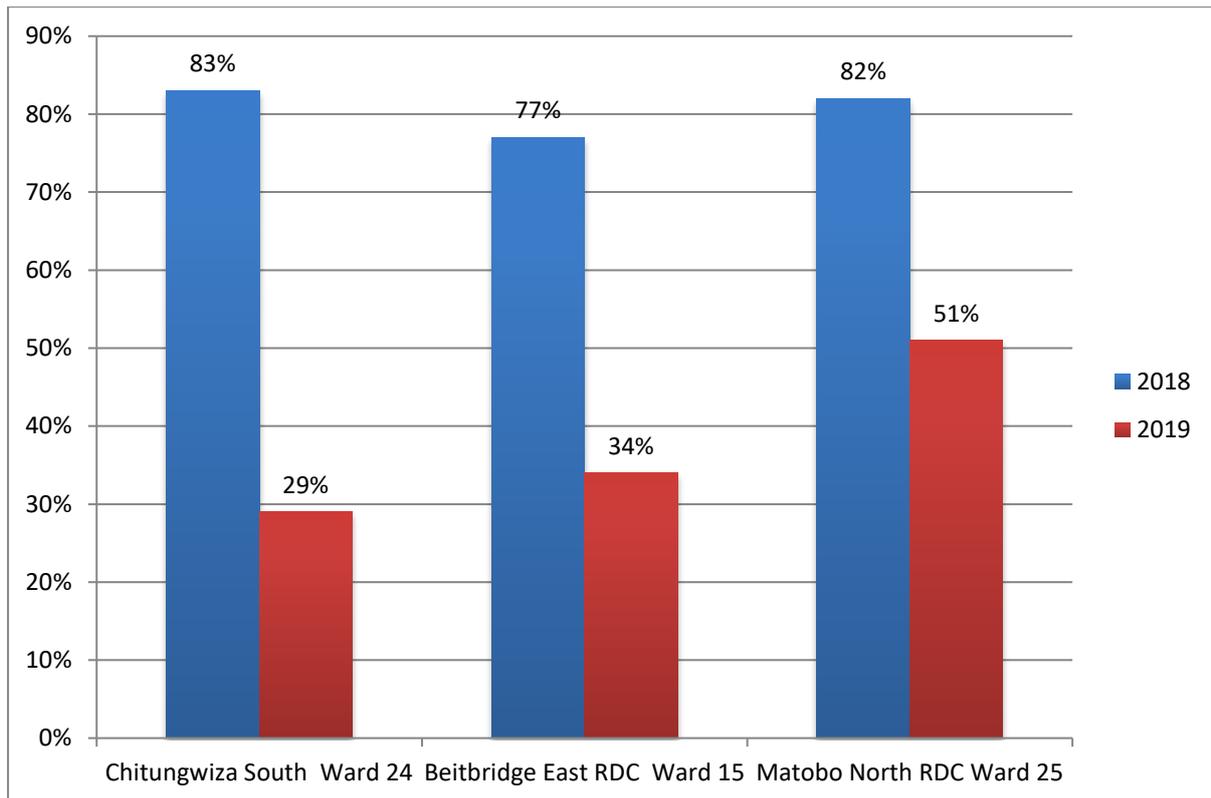


Table above provides a comparison of the voter turnout for the 2019 by-elections and the 2018 Harmonized Elections for the same Wards.

Party Agents

ZANU-PF and MDC Alliance deployed party agents to all polling stations in the three by-elections while the MDC-T was reported to have deployed to only four polling stations in Chitungwiza South Ward 24 where it contested and the NCA did not deploy party agents to any polling station.

Assisted Voters

Overall, ZESN observed a low number of voters who were assisted to vote. Out of all the reports received from 17 static observers, 59% (10 reports) showed that only a few voters (1 to 5) were assisted to vote. In most cases, those who were assisted to vote were assisted by ZEC officials because they had not brought their own assistant.

Election Related Tensions

While the polling day was largely peaceful, ZESN observers reported an isolated incident where ZANU-PF and MDC Alliance supporters clashed over allegations that the former was engaging in activities aimed at influencing the choice of voters within the vicinity of Unit M crèche in Chitungwiza ward 24. The situation was potentially volatile so police officers who were manning the polling station called in the riot police to disperse the crowds that had gathered.

Another incident was reported at Unit M crèche (polling station C), where a voter took a picture of her ballot paper after voting. The voter was asked to append her signature to an incident form that was prepared by ZEC to record the incident.

In Beitbridge tensions rose at various points because the senator for Beitbridge and the former Member of Parliament for Beitbridge East who were not accredited for the by-election, constantly held meetings with their party agents within the vicinity of the polling stations. At another polling station (Dumba Primary School) the Beitbridge Senator was denied entry into the polling station because they were not accredited. This was perceived by the contesting political party's agents (MDC-A) to be tantamount to campaigning within the restricted area for the polling stations.

8. BY-ELECTION RESULTS

ZESN observers reported that all ballot box seals were intact before counting commenced and that results were posted outside the respective polling stations immediately after counting. Political party agents who witnessed the counting process signed V11 forms and were given copies of the same. All ZESN observers reported that ballot papers were counted correctly at their assigned polling stations.

ZANU-PF won the 2 Rural District Council by-elections while MDC Alliance won the Urban Council by election as illustrated by the results Tables below.

Beitbridge East Ward 15 results

Candidate	Political Party	Votes Received
Mbedzi Rabson	ZANU PF	638
Moyo Victor	MDC Alliance	54
Rejected votes		6

Source: ZEC

Chitungwiza South Ward 24

Candidate	Political Party	Votes Received
Chagwada Yotam	MDC Alliance	1 059
Guvamombe Mercy	ZANU PF	993
Makovere Jane	MDC-T	29
Tsakeni Anderson	NCA	3
Rejected votes		9

Source: ZEC

Matobo North Ward 25

Candidate	Political Party	Votes Received
Dube Sibonginkosi	ZANU PF	483
Sibanda Elkanah	MDC Alliance	121
Rejected votes		3

Source: ZEC

RECOMMENDATIONS

- i. ZEC should open registration centres within the wards or Constituencies where by-elections are scheduled to facilitate voter registration of new registrants' e.g. those who turned 18 after the 2018 harmonised elections.
- ii. Political parties are urged to comprehensively deploy party agents to all polling stations to enable them to authoritatively comment on Election Day proceedings.
- iii. Political party representatives who are interested in accessing the polling stations should get the requisite accreditation.
- iv. Political parties are urged to field more youth and female candidates in keeping with the current demographic of the demographic in the constituencies they wish to represent.

There is need for continuous voter education to improve prospective voters understanding of electoral processes as well as awareness of the specific polling stations they are eligible to cast their vote at, during the by-elections.

9. CONCLUSION

ZESN commends political parties and their supporters for campaigning peacefully but however urges political parties to ensure that their representatives who are interested in accessing polling stations are accredited by the Commission to avoid unnecessary tension. ZESN urges the ZEC to ensure that continuous voter education campaigns are sustained and that voter registration centres be opened within the respective Wards / Constituencies where by-elections are scheduled to facilitate new registrations by those who turned 18 years after the holding of the 2018 Harmonised Elections.