

20 Principles For Reliable , Inclusive and Credible Elections in Zimbabwe

P.R.I.C.E



ACKNOWLEDGEMENTS

It was a privilege for the MDC Elections Committee to be accorded the opportunity of putting together the set of Election Principles which will form the basis for the party's Alternative Electoral Bill. We express esteemed gratitude to President Adv. Nelson Chamisa and the entire leadership for having confidence in the elections team headed by Myself and deputised by Ellen Shiryedenga.

The task involved painstaking research and cross referencing with best practices until we satisfied the party's set benchmarks which are in line with democratic values and the MDC's Commitment to a free, fair and credible election. It is our conviction that this is a huge step toward the path to a comprehensive Alternative Electoral Bill which is compatible with the national Constitution.

Clr Jacob Mafume

SECRETARY FOR ELECTIONS – MOVEMENT FOR DEMOCRATIC CHANGE

FOREWORD

We won the last election yet the result was manipulated. Credible observer missions highlighted that the 2018 Presidential election results were unverifiable, unreliable and untraceable. A whole book has since been written and empirical evidence provided highlighting how the election result was stolen through an Excel sheet.

This is not the first time that an election was stolen from the people, for instance in 2008 the MDC won the Presidential election but the results were withheld for weeks. In one instance the courts took over a decade to determine the Presidential election petition. Furthermore, the General Kambepe led Judicial inquiry found that results announced were not a true reflection of the outcome and that the election was not free and fair.

Our elections continue to be marred by violence, at the very least intimidation, institutions are manipulated and captured. There are still media challenges and a hostile Electoral environment for those with no control over the repressive apparatus. A vicious cycle of disputed elections continue to arrest our country brewing a crisis of legitimacy.

The legitimacy question is at the centre of economic regression and the failure to give the Zimbabweans a break from the unpalatable suffering they have endured for decades. With this in mind, the battle for Electoral reforms must be taken greater heights.

We are going to produce an alternative Electoral Bill which is sync with the National Constitution.

In this document PRICE, we outline the principles that we have identified as part of the solution to problem areas.

It is our humble submission that these principles that are a product of widespread consultations and input from Zimbabweans will provide the answer to the holding of Reliable, Inclusive and Credible (PRICE) elections in Zimbabwe.

God Bless You

Adv. Nelson Chamisa

PRESIDENT - MOVEMENT FOR DEMOCRATIC CHANGE

ABBREVIATIONS

1. AIIPA – Access to Information and Privacy Act
2. AU EOM – The African Union Election Observer Mission
3. BAZ – Broadcasting Authority of Zimbabwe
4. CBO – Community Based Organisations
5. COMESA EOM – Common Market for Eastern and Southern Africa Election Observer Mission
6. CSO - Civic Society Organisations
7. COG – The Commonwealth Observer Group
8. EMB – Election Management Body
9. EU EOM - European Union Election Observer Mission
10. FBO – Faith Based Organisations
11. IRI / NDI EOM – International Republican Institute & National Democratic Institute International Election Observer Mission
12. MOPA – Maintenance of Order and Security Act
13. SADC-PF EOM - Southern Africa Development Community- Parliamentary Forum Election Observer Mission
14. ZESN - Zimbabwe Election Support Network
15. ZEC – Zimbabwe Electoral Commission

The logo of the Electoral Democracy Centre is a circular emblem. It features a central shield with various symbols, surrounded by the words 'ELECTORAL DEMOCRACY' in a circular arrangement. The logo is semi-transparent and serves as a background for the document.

INTRODUCTION

The promulgation of electoral laws in Zimbabwe should be guided by principles clearly defined in the country's Constitution, Protocols and Statutes of SADC, African Union, United Nations and other Conventions that govern democratic elections in Africa and the world over. In harmony with these regional and international laws, the Constitution of Zimbabwe (Section 156(a)) affirms that democratic elections should be simple, accurate, verifiable, secure and transparent. Furthermore, Section 155(1) of the Constitution restates the electoral principles of freeness, fairness, peacefulness, universal suffrage and an electoral terrain that is devoid of violence and other electoral malpractices. It is against this backdrop that the MDC enlists principles that shape its electoral reform agenda in ensuring an election outcome for the Presidential, Parliamentary and Local Government elections that has credence and integrity.

The Electoral Act of Zimbabwe has been amended at least more than four times since the proclamation of the new Constitution in 2013. However, despite these amendments, the Electoral Act still falls short of the stated Election principles enjoined in the Constitution. More so, some of its provisions are unconstitutional. These flaws are not withstanding the fact that there are some progressive sections of the Electoral Act which the Election Management Body (EMB) has continuously failed to implement. Consequently, the Electoral Act fails to adequately guarantee an even electoral playing terrain that delivers a credible electoral outcome that has integrity

The MDC identifies 20 key election principles that constitute its electoral reform agenda and substance for incorporation into the proposed Alternative Electoral Bill. The current Electoral Act should be overhauled and new provisions consistent with the Constitution guaranteeing free, fair, credible elections and participation of all eligible citizens in the electoral processes be put in place. Furthermore, this should promote fundamental freedoms and rights of expression, association and choice. The new Act should criminalise coercion and undue influence on the freedoms and electoral persuasions of the electorate by influential persons and state institutions. In developing these Principles on elections, a review of **best practices** in other countries is taken into account, including also recommendations from **Election-focused organisations** and

Election Observer Missions accredited to Zimbabwe during the 2018 elections, the **SADC Model Law on Elections**, **SADC**, **AU** and **UN** protocols guiding democratic elections were also considered.

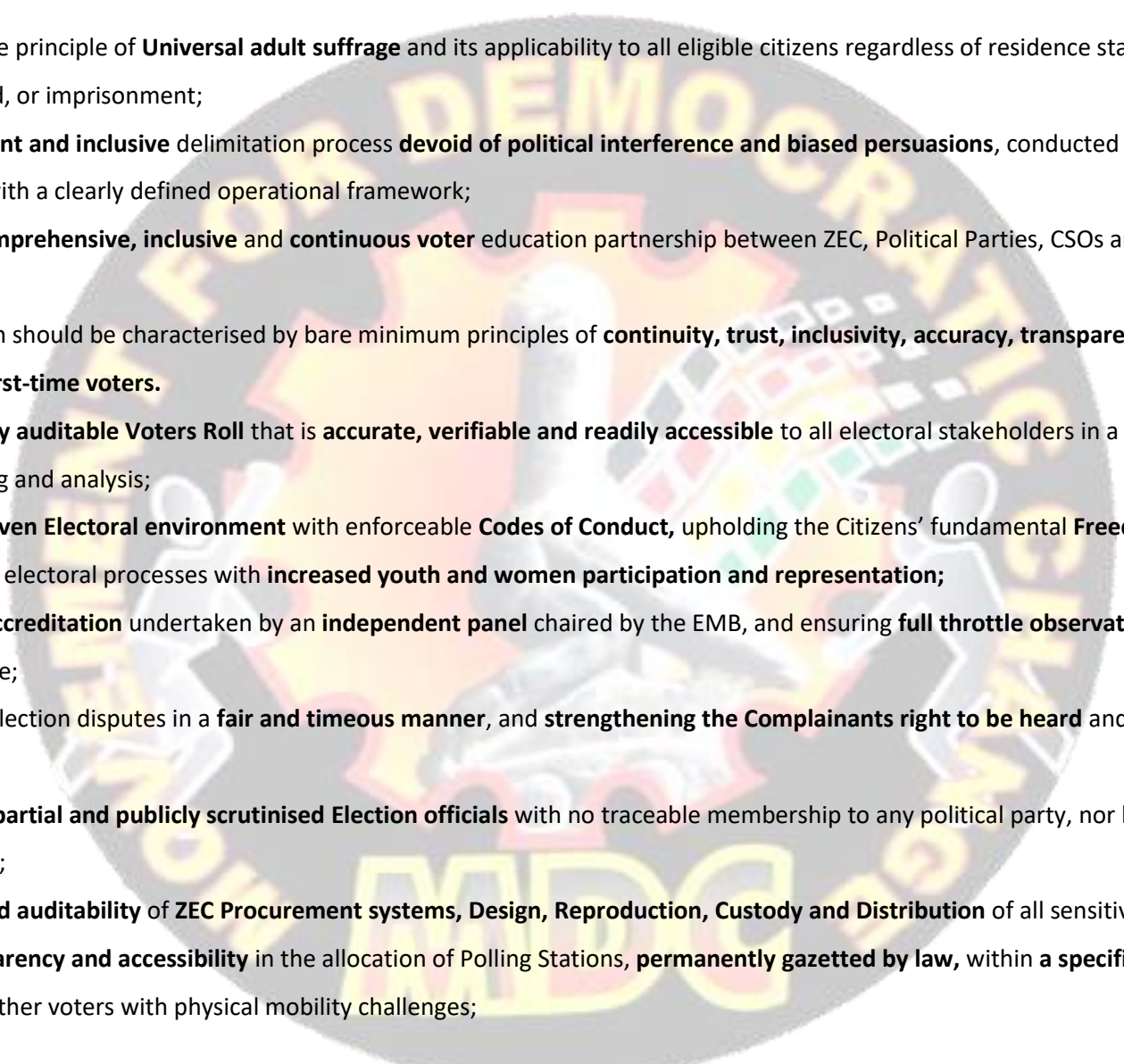
Key Characteristics of the proposed Election Principles and their Impact on electoral laws

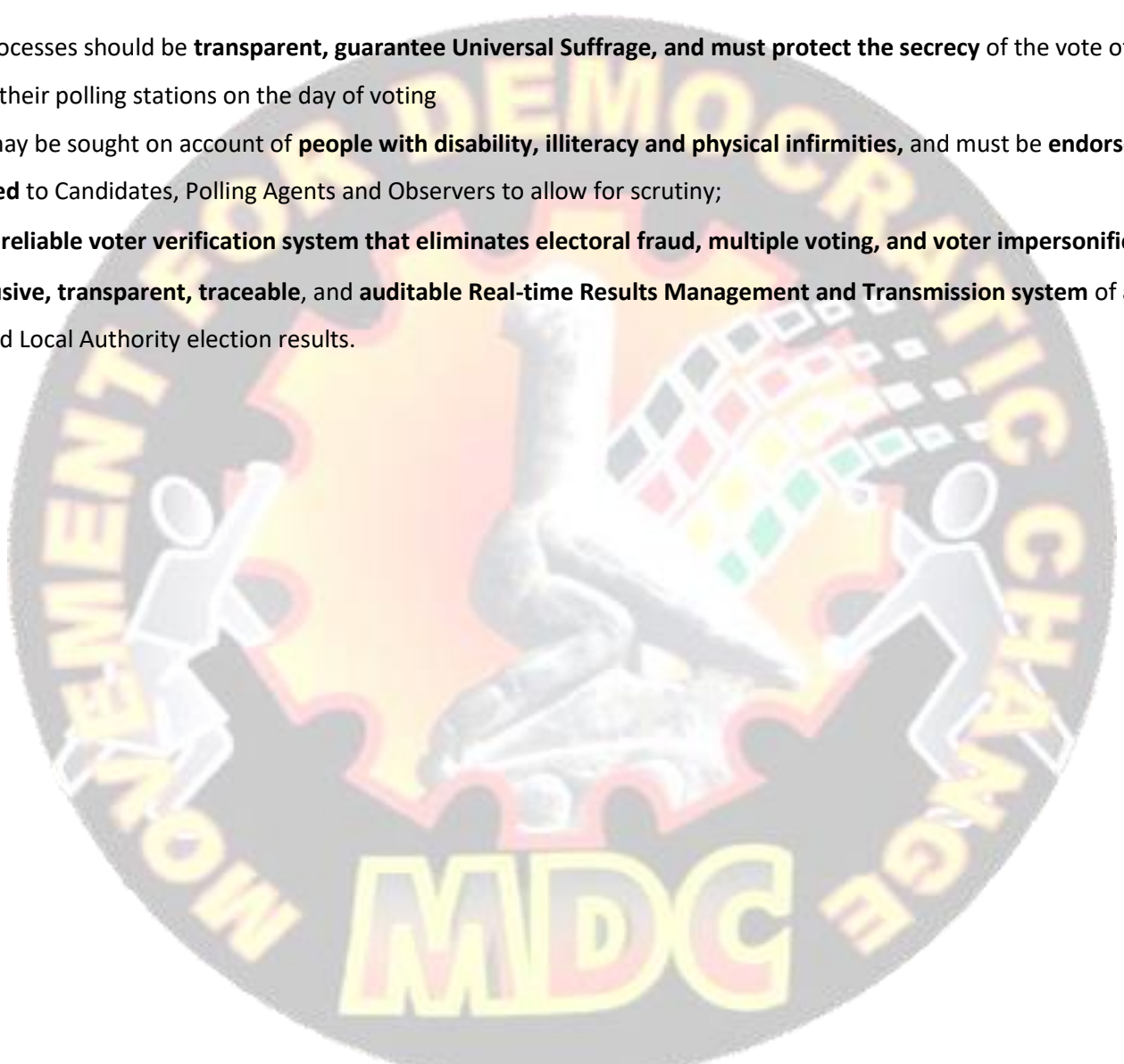
1. Some are legalistic reforms that require changes to the electoral law
2. Administrative Reforms which mainly deal with the operational aspects of the EMB and execution of electoral processes
3. Lack of Compliance to the Constitution and electoral laws by the EMB and some other electoral stakeholders
4. Lack of alignment of the electoral laws to the constitution
5. Other laws impacting on the effective operations of the electoral processes, for example, MOPA, AIPPA and BAZ

Overview of the 20 Electoral Reform Principles for a Free, Fair and Credible Election outcome in Zimbabwe

The MDC has identified key principles for electoral reform which should be incorporated into the Alternative Electoral Bill to ensure its effectiveness in delivering a credible election. Below are the major highlights of the key principles:

1. **The Supremacy of the Constitution** must be the guiding principle in ensuring regular, free, fair and credible Democratic Elections depicting separation of powers of the Executive, Judiciary and Legislature;
2. An **Independent Expert-Based EMB** appointed through an open and inclusive Parliamentary driven process;
3. Strengthening the **Independence of ZEC** that is **accountable to Parliament** characterised by operational and administrative autonomy in the promulgation and operationalisation of electoral laws and the management of its internal affairs;
4. **Transparency and accountability** of ZEC in the implementation of all electoral processes and the Institutionalisation of permanent Stakeholder Consultative Platforms;

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5. Strengthening the principle of **Universal adult suffrage** and its applicability to all eligible citizens regardless of residence status (Diasporas), physical infirmity, age and, or imprisonment;
 6. **A fair, transparent and inclusive** delimitation process **devoid of political interference and biased persuasions**, conducted by a **professional and impartial body** with a clearly defined operational framework;
 7. A **liberalised, comprehensive, inclusive** and **continuous voter** education partnership between ZEC, Political Parties, CSOs and other relevant stakeholders;
 8. Voter registration should be characterised by bare minimum principles of **continuity, trust, inclusivity, accuracy, transparency** and **automatic registration of first-time voters**.
 9. An **independently auditable Voters Roll** that is **accurate, verifiable and readily accessible** to all electoral stakeholders in a format that allows for electoral planning and analysis;
 10. A **free, fair and even Electoral environment** with enforceable **Codes of Conduct**, upholding the Citizens' fundamental **Freedoms and human rights**;
 11. **Gender inclusive** electoral processes with **increased youth and women participation and representation**;
 12. **Free Observer Accreditation** undertaken by an **independent panel** chaired by the EMB, and ensuring **full throttle observation** of components of the electoral cycle;
 13. Adjudication of Election disputes in a **fair and timeous manner**, and **strengthening the Complainants right to be heard** and to an **appropriate legal remedy**;
 14. **Professional, Impartial and publicly scrutinised Election officials** with no traceable membership to any political party, nor linkage to any security sector institution;
 15. **Transparency and auditability** of ZEC Procurement systems, Design, Reproduction, Custody and Distribution of all sensitive election material;
 16. **Fairness, Transparency and accessibility** in the allocation of Polling Stations, **permanently gazetted by law**, within a **specific radius** and **reach** to the elderly and other voters with physical mobility challenges;

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- The logo of the Movement for Democratic Change (MDC) is a large, semi-transparent circular watermark in the background. It features a central sun-like emblem with a grid of colorful squares (yellow, green, blue, red) and a white figure of a person running. The words "MOVEMENT FOR DEMOCRATIC CHANGE" are written in a circular path around the emblem, and "MDC" is written in large, bold letters at the bottom.
17. Special Voting processes should be **transparent, guarantee Universal Suffrage, and must protect the secrecy** of the vote of all eligible voters unable to access their polling stations on the day of voting
18. Assisted voting may be sought on account of **people with disability, illiteracy and physical infirmities**, and must be **endorsed on the Voters' roll** and the list **availed** to Candidates, Polling Agents and Observers to allow for scrutiny;
19. **An effective and reliable voter verification system that eliminates electoral fraud, multiple voting, and voter impersonification;**
20. A **Common, Inclusive, transparent, traceable, and auditable Real-time Results Management and Transmission system** of all the Presidential, Parliamentary and Local Authority election results.

20 PRINCIPLES FOR RELIABLE, INCLUSIVE AND CREDIBLE ELECTIONS

Electoral Principle	Current Status of Zimbabwe electoral laws	Comparative Best Practices and Election Observer Mission Recommendations	MDC Recommendations to the Alternative Electoral Bill
1. Regular free, fair and credible Democratic Elections depicting separation of powers of the Executive, Judiciary and Legislature	<ul style="list-style-type: none"> Electoral regulations and processes are promulgated by ZEC with express approval of the Justice Minister and in some instances Presidential consent is sought, for instance on the Delimitation process. The Presidential Powers (Temporary Measures) Act Chapter 10 :20 has been invoked in many instances by the former and current Presidents of the country as the primary law in setting election regulations and Amendments to the Electoral Act. However, although this Act is still being applied by the President, it was rendered invalid by the new Constitution as it is a direct attack on the Principle of Separation of powers (Section 2(1) of the Constitution) Section 158 of the Constitution provides an indicative timeframe for 	<ul style="list-style-type: none"> The generality of the 2018 Observer Missions concurred on the urgent and timeous need to harmonise electoral laws to the Constitution. The COG further asserted that to avoid operational and implementation delays, Zimbabwe should adopt best practices by ensuring that there are no substantive changes to the electoral law within a period of 6 to 12 months prior to an election. The SADC Model Law on Elections recommends that the member states' Constitutions or their Electoral Acts prescribe the specific dates for the election to allow for adequate preparation by the electoral stakeholders 	<ul style="list-style-type: none"> The Supremacy of the Constitution should be paramount in guiding electoral processes and in separating powers of the Executive, Judiciary and the Legislature. Promulgation of electoral laws is the responsibility of the Legislature based on proposals from ZEC. The Minister of Justice and the President represent the Executive, and are implementors of law and not lawmakers. Election date should be affixed and predetermined by law, for instance, on the last Wednesday of the month on which the last election was held. It should not be the President's prerogative to set the actual election date as there is bound to be a conflict of interest All electoral laws should be urgently aligned to the Constitution and operationalised. This process should happen between 6 to 12 months prior

	<p>the Harmonised election date, whilst the actual date is a preserve of the President which he gazettes by a means of a Presidential Proclamation (Section 144 of the Constitution). This uncertainty of the actual election date consequently stifles effective planning on the part of electoral players including the EMB itself.</p>		<p>to the next harmonised election in line with best practices.</p> <ul style="list-style-type: none"> • Regulate incumbency to ensure that a sitting president or a governing party cannot abuse state resources to maintain political power • In observance to the Principle of Separation of powers, the appointment of the ZEC Chairperson, the Chief Justice and the prosecutor general must not be the President's unilateral decision, but be conducted through a Public Parliamentary driven Process.
<p>2.An Independent Expert-Based EMB appointed through an open, inclusive Parliamentary driven process</p>	<ul style="list-style-type: none"> • The appointment of Commissioners (except the chairperson) is done through a public Parliamentary Appointment process (Schedule VI of the Constitution) and the shortlist submitted to the President for approval • The appointment of the Chairperson is made in Consultation with the Parliament Standing Rules and Orders, and the Judicial Services Commission which constitutes of Presidential appointees. The Sixth Schedule of the Electoral Act, Section 320(4) of the Constitution permits the President to also appoint the Deputy Chairperson 	<ul style="list-style-type: none"> • SADC recommends that EMB Commissioners be appointed through a transparent and public Parliamentary process and considerations should be based on the individual's calibre, public respect, competence, impartiality and their knowledge of elections and political development processes • In Kenya, prospective candidates are shortlisted by an Independent Selection Panel proposed by the President, Judicial Services Commission and the Ethics and Anti-Corruption 	<ul style="list-style-type: none"> • The Selection of the Commissioners should be Parliament-driven and an independent vetting Committee of persons of repute will shortlist and make recommendations based on the regulated technical competences requirements. The shortlist will be submitted to Parliament and then the President for consideration. The same process is applicable for the appointment of the Chairperson. • The Selection process should be conducted through open and transparent public interviews, based on integrity and regulated technical competencies shielding potential candidates from political interference.

		<p>Commission which is vetted by Parliament. Shortlisted candidates are submitted to the President for nomination and approved by Parliament.</p> <ul style="list-style-type: none"> The ACE Electoral Knowledge Network recommends qualifications for EMB Commissioners to include impartiality, professional qualifications and electoral knowledge 	<ul style="list-style-type: none"> Professional qualifications for the EMB Commissioners should be stipulated by law and these can include impartiality, Public administration, electoral knowledge and other professional qualifications relevant to election administration, for example, law and media.
3. Strengthening the Independence of ZEC and accountable to Parliament with operational and administrative autonomy	<ul style="list-style-type: none"> Section 235 of the Constitution prescribes that ZEC should be independent and not subject to the direction or control of anyone. However, the independence of ZEC is compromised by the following: <p>1) Presidential Powers</p> <ul style="list-style-type: none"> The continued illegal invocation of the Presidential Powers (Temporary Measures) Act poses the risk of the President overriding electoral laws. The President has the first say on the Delimitation report and in his discretion may return it back to ZEC (Section 161(7) of the Constitution). This compromises the process considering that the President is also an interested party 	<ul style="list-style-type: none"> SADC prescribes that the EMB must be independent, subject only to the Constitution and the law as passed by Parliament. It also recommends that it is accountable only to Parliament, and should report to Parliament at least once a year and Parliament shall have powers to request representations, submissions or reports from the EMB at its insistence. all Decisions and actions of the EMB are subject to judicial review. Funding of the INEC of Nigeria is approved directly by Parliament, and submission of 	<ul style="list-style-type: none"> ZEC must be independent and subject to the law as provided for by Section 235 of the Constitution. It should be accountable to Parliament and report at least once a year, and may be requested to make submissions or reports to parliament when necessary. Decisions and actions of ZEC should be subjected to Judicial Review. ZEC should exercise administrative and budgetary independence away from the Minister, and approval or accountability should be sought from Parliament ZEC should have its independent logistics committee (for the procurement and distribution of election material and key consumables for its operations) regulated by the Public Procurement and Disposal of Public Assets Act.

	<p>2) Ministerial Powers</p> <ul style="list-style-type: none"> • The Electoral Act is administered by the Minister of Justice • All regulations from ZEC must be approved by the Minister of Justice • The Minister and not the Commission has the powers over the retention and dismissal of the Chief Elections Officer. • The Commission seeks approval from the Ministers of Finance and Justice to stipulate conditions of service for its employees • Election personnel are recommended by the Chairperson of the Public Service Commission and there is no detail to ascertain their impartiality. In 2018 the ZEC Chairperson informed the Parliamentary Committee for Justice that around 15% of ZEC personnel have a military background. • ZEC cannot dismiss its Chief Elections Officer without the approval of the Minister of Justice • In Section 12(1) of the Electoral Act, ZEC is prohibited from 	<p>electoral concerns are channelled to Parliament.</p> <ul style="list-style-type: none"> • The EMB should be responsible for the appointment and dismissal of all its staff based on professionalism, competence, experience, expertise etc. The EMB must coordinate the recruitment of temporary election officials for polling. • All election officials should be neutral and nonpartisan. • Promulgation of electoral regulations and the operationalising of the electoral law shall be the sole prerogative of the EMB, and the regulations shall not be subject to approval or rejection by a Government Minister - (SADC, EUEOM). • The EMB shall be accountable only to Parliament for the rules it promulgates, provided that such rules or any of its conduct are subject to judicial review upon application (SADC). • The EMB shall have its own budget for all its operations and activities voted for by 	<ul style="list-style-type: none"> • ZEC should have the sole preserve of promulgating and operationalising electoral laws and regulations. • All Staffing appointments and dismissal should be executed by ZEC without seeking permission from the Minister of Justice • The Electoral Act should expressly reflect that ZEC be allocated government funds in a separate Vote by Parliament in compliance with Section 305(3) of the Constitution. The ZEC CEO is the Accounting Officer for all private and public funds received, and Parliament provides the necessary financial oversight through prescribed accountability systems.
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	<p>accepting donations or grants from any non-governmental source without consent from the Minister.</p> <ul style="list-style-type: none"> • ZEC cannot make regulations regarding electoral procedures without Minister's approval • ZEC has no independent budget, and the disbursement of funds and timing are subject to the discretion of the Minister. • Although the constitution states that Parliament has an oversight role on ZEC, ZEC audit and finances are done through the Minister of Justice who tables them before Parliament • Inter-Ministerial and Government Departments are responsible for ZEC logistical requirements during the election period. 	<p>Parliament and allocated from the consolidated Revenues Fund. Parliament may legislate for the budgetary allocation of the EMB and not go through a Government Ministry (SADC, COG).</p>	
<p>4. Transparency and accountability of ZEC in the implementation of all electoral processes and the Institutionalisation of permanent Stakeholder Consultative Platforms</p>	<ul style="list-style-type: none"> • The basic values and principles governing public administration requires that all sectors of Government foster transparency through the public provision of timely, accessible and accurate information. ZEC has failed to avail to the public Biometric Voters' rolls, its procedural manuals, 	<ul style="list-style-type: none"> • SADC proposes that it is the function of the EMB to ensure effective communication and consultation with election stakeholders and other publics before, during and immediately after elections • Periodic meetings with media representatives at important 	<ul style="list-style-type: none"> • ZEC should be compelled by law to publicly avail its annual calendar of key electoral processes at the beginning of each election calendar year. • The Electoral Act should include a provision on ZEC's transparency and Public accountability in the dissemination of relevant, timeous and accurate information

	<p>public tendering process of ballot paper printing and other material procurement suppliers. Moreover, there is no public detail regarding profiles of its staff including their backgrounds.</p> <ul style="list-style-type: none"> • There is no institutionalised ZEC and Political Parties / Electoral Stakeholders Consultative platforms to address electoral concerns and foster decision making. The only platform is the Multiparty Party Liaison Committee (Part XX1A of the Electoral Act) which is only effective at election period and with a narrow focus on conflict resolution. This platform has very limited decision-making authority. • Stakeholder consultations are upon the discretion of ZEC and can only happen when the EMB sees it fit. In the run up to the 2018 elections, ZEC aborted the political parties' consultative meetings after misunderstandings with some members of political parties. • ZEC does not timeously avail the roadmap or calendar of events for its pertinent electoral activities. A case in point was the 2018 elections where it failed to 	<p>stages of the electoral processes should be done (SADC).</p> <ul style="list-style-type: none"> • The Electoral Commission of Ghana is compelled by law to publish its annual calendar at the beginning of each election year. • The EMB should avail a time-table of the electoral process to all stakeholders (SADC). • Veritas recommends that the Act should ensure that ZEC exercises utmost candour with regards to electoral processes at all stages, and to penalise ZEC officials who refuse to divulge information which the public has a right to know. In Kenya, an election was set aside because the country's electoral commission did not reveal enough information about its processes • COG recommends a Stakeholder performance review of ZEC's policies, procedures and staff capacity after the conclusion of an election year period. This in turn builds capacity and 	<ul style="list-style-type: none"> • Institutionalisation of a permanent Political Parties and Electoral Stakeholders Engagement platform with administrative capacity to resolve issues arising from the electoral environment, and making recommendations to ZEC on election process issues. • This platform should be programmed to meet at least bi-annually or whenever there are critical issues pertinent to the electoral cycle. • Compulsory media briefings of key electoral events. • Prescribe sanctions on ZEC officials that refuse to divulge pertinent electoral information. • ZEC should not prevent Stakeholder right to information and access to electoral information and material pertinent to the electoral processes. • In addition to presenting an elections report to Parliament, the law should compel ZEC to do the same for election stakeholders.
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	<p>publicise its roadmap on election preparations. Furthermore, its plans for the delimitation exercise remain shrouded in obscurity. This heightens speculative tendencies from the election stakeholders and mistrust of the EMB. More so, this frustrates stakeholder planning efforts</p>	<p>strength for ZEC's future election preparedness</p> <ul style="list-style-type: none"> • NDI suggests that ZEC adheres to the principles of 'open data' and provide information and data in a responsive, proactive and timely manner even where there is no specific legal requirement to do so. 	
<p>5. Strengthening the principle of Universal adult suffrage and its applicability to all eligible citizens</p>	<ul style="list-style-type: none"> • Section 67 of the Constitution entitles every adult Zimbabwean citizen, eighteen years and, above with the right to vote in all elections and Referendums. • Section 155(2)(b) of the Constitution further obliges the State to <i>"take all appropriate measures, including legislative measures"</i> to ensure that every eligible citizen exercises their right to vote • Section 23 of the Electoral Act requires that citizens must prove that they reside in the constituencies on whose roll they seek registration. The residency requirements in turn disenfranchises some prospective voters, particularly in urban centres, and first-time voters. 	<ul style="list-style-type: none"> • Barriers should be removed on electoral processes for persons with specific impairments that include illiteracy, language barriers, age and disability (SADC). • Many countries have provisions for Diaspora voting including Mozambique, South Africa, Kenya etc. The law should prescribe voting by Citizens in the diaspora in the case of Presidential and Parliamentary elections (SADC). • The State should make arrangements to facilitate the registration, voter education and voting of prisoners in all detention and correctional 	<ul style="list-style-type: none"> • In compliance to the Constitution, ZEC should set up administrative measures to facilitate Diaspora voting in a manner that impedes electoral fraud. • Moreover, arrangements should be put in place to facilitate voting by bedridden voters in hospitals, pregnant women and senior citizens incapacitated to vote in their designated polling stations. • Relax the proof of residence requirements - The residence requirements as prescribed in the fourth schedule of the Constitution should only ensure that voters are registered in the most appropriate voters' roll – and not prevent them from being registered at all. • Barriers should be removed on electoral processes for persons with specific impairments that include illiteracy, language barriers, age and disability.

	<ul style="list-style-type: none"> • Section 23 of the Act further disenfranchises the diaspora population as they do not qualify for constituency registration. • Section 27 entitles ZEC to remove names of voters from the voters' roll once they cease to be citizens. Citizens can be removed from the voters' roll without notification. • Zimbabwean citizens of foreign descent from the SADC countries previously regarded as aliens selectively inhibited from registering as voters despite their eligibility as constitutionally enshrined in Section 43 of the Constitution. 	<p>facilities within the country (SADC).</p> <ul style="list-style-type: none"> • This eligibility shall not include citizens detained in foreign prisons. • The EMB shall make appropriate arrangements to facilitate voting of bedridden voters in hospitals and senior citizens incapacitated to vote in their designated polling stations 	<ul style="list-style-type: none"> • In fulfilment of the Act, ZEC should put in place systems that facilitate the right of appeal of voters before being removed from the voters' roll. • ZEC should comply with the law against clandestinely removing voters from the voters roll without prior notification. • Institute administrative measures to register Zimbabwean citizens of foreign descent previously regarded as 'aliens.'
6. A fair and open Delimitation process devoid of political interference and biased persuasions	<ul style="list-style-type: none"> • There is no provision for the appointment of the Delimitation Committee nor means to ensure the impartiality of those conducting the process. • The laws on Delimitation (Section 160 and 161 of the Constitution, and 37A of the Electoral Act) do not provide adequate time for stakeholder consultations and leaves it to the discretion of ZEC '<i>so far as is practicable within the time available</i>'. • Delimitation uses equal numbers of voter registration statistics and with a no more than 20% variation. 	<ul style="list-style-type: none"> • ZESN and ERC recommends that Delimitation should be in concurrence with the International standard of 15% variation to the equal suffrage threshold • In Uganda delimitation is conducted 12 months after population Census and uses the population quota to set constituency boundaries • SADC Principles on Democratic Elections makes emphasis on the need for a Delimitation / Border Commission that is impartial and selected in a 	<ul style="list-style-type: none"> • An Act of parliament should outline the legal framework for the delimitation and the institutionalisation of a technically competent delimitation committee to conduct the process. • There is need for an Act of Parliament to allow ample time for stakeholder consultations and scrutiny of the Delimitation report, and also to factor in demographic census report findings that are key to the Delimitation process. • Consequently, the time lines for both Delimitation and Census should be revised, and Census should naturally precede Delimitation as in the current situation. The Delimitation process

	<ul style="list-style-type: none"> • There is no clarity with regards to the delimitation methodology. • There are no provisions permitting political stakeholders to contest the outcome of the Delimitation report. 	<p>process that ensures the independence and members' guarantee of security of tenure.</p> <ul style="list-style-type: none"> • The process must be inclusive, representative of the electorate, political parties, civil Society and other stakeholders with relevant skills and experience • Disputes should be resolved in a process prescribed by law (SADC). 	<p>should be conducted 12 months after the completion of the population Census.</p> <ul style="list-style-type: none"> • Creation of a complaints and dispute handling mechanism of the process. • Need for clarity on the Delimitation Methodology. • The drawing up of constituency boundaries should be left to the technical competence of the Boundary Delimitation Committee. • No political interference. • Mandatory stakeholder consultations. • Gerrymandering should be outlawed. • Clarify the role of Parliament and the President in scrutinising the Delimitation report. • Political parties and other relevant stakeholders should have the right of appeal the outcome of the Delimitation report.
7. A liberalised, comprehensive, inclusive and continuous voter education partnership between ZEC, Political Parties, CSOs and other relevant stakeholders	<ul style="list-style-type: none"> • ZEC has the monopoly over voter education and the law places stringent limitations on CSOs intending to conduct the exercise. • In practice, ZEC Voter Education is not continuous and is only intensified during the election period. 	<ul style="list-style-type: none"> • The EMB should collaborate with CSOs operating in the country to enhance voter education content and carry out complementary voter education programmes. The responsible SCOs should ensure that they are disseminating the correct information (SADC). 	<ul style="list-style-type: none"> • ZEC does not have the capacity to comprehensively reach out to every targeted voter in all wards. It should partner with CSOs, CBOs, FBOs among other relevant Civic groups. • Voter education should be a continuous exercise throughout the electoral cycle

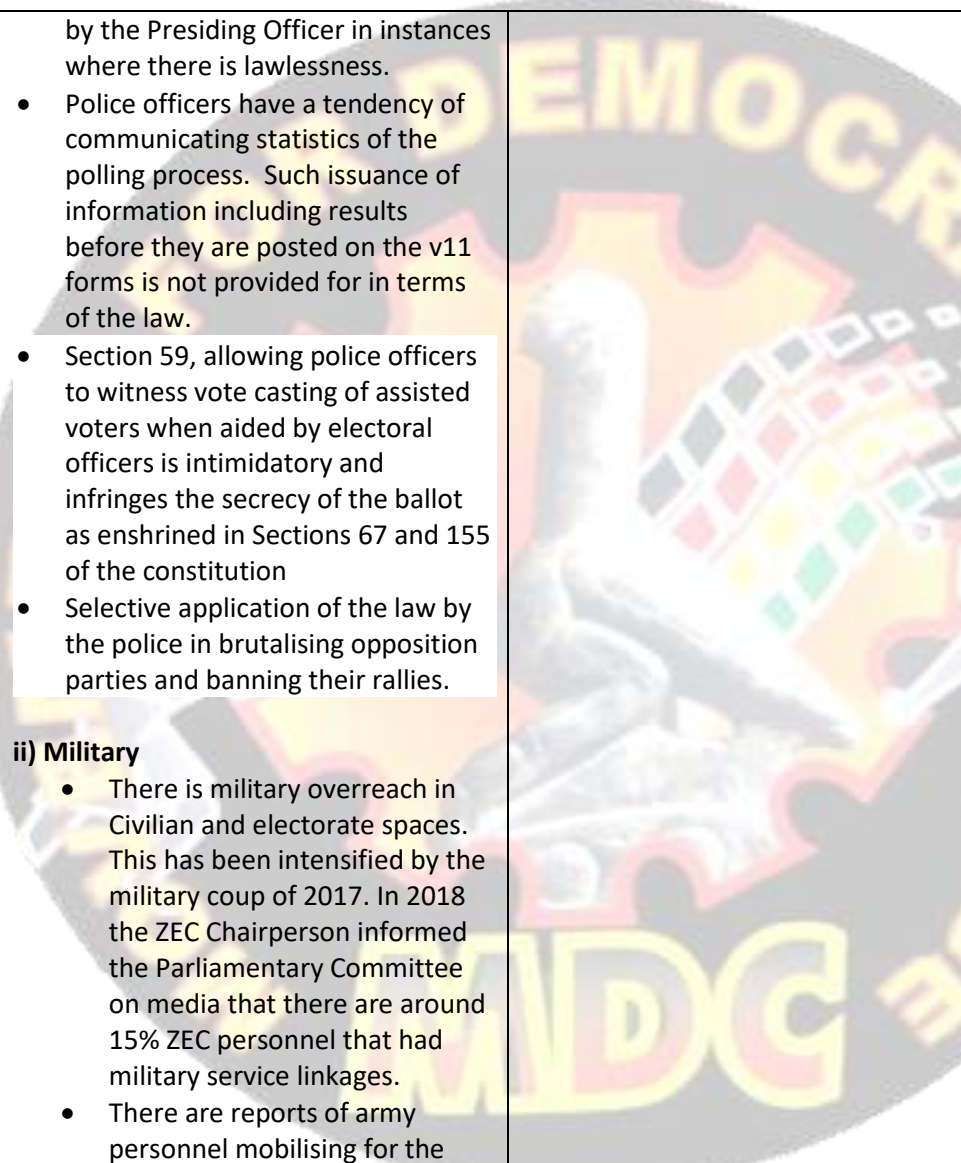
	<ul style="list-style-type: none"> In most cases, ZEC does not have sufficient financial resources and personnel to conduct an intensive and comprehensive voter education programme. 		<ul style="list-style-type: none"> Voter education should be expanded to secondary schools and institutions of higher learning.
8. Voter registration should be characterised by bare minimum principles of trust, inclusivity, accuracy, transparency and automatic registration of first-time voters.	<ul style="list-style-type: none"> BVR is not incorporated in the Electoral Act and was promulgated only through regulations There is no law in Zimbabwe which prohibits the abuse of biometric data from the BVR database by election officials Although voter registration is continuous, it is inaccessible to most people as they would require to travel long distances to reach the nearest Voter registration District centre Voter Registration ends two days after Proclamation (Section 26A of the Act), and the Nomination Court sits at least 14 days after Proclamation. This does not provide adequate time for ZEC to verify the accuracy of the voters' roll and publication in time for the Nomination Court sitting and election. The same time frames are applicable in the case of by-elections, resulting in the elections being based on voters' rolls used during the harmonised election 	<ul style="list-style-type: none"> SADC prescribes that voter registration should be characterised by electorate trust which constitutes inclusiveness, accuracy, transparency, and whether the electorate are able to own and identify with the process. The Electoral law of Ghana compels accredited agents of political parties and organisations to observe the periodic and continuous voter registration processes. Ghana criminalises the unauthorised use of biometric data of a person registered as a voter to any other person or authority, except on the orders of the High Court. A punitive fine and prison sentence for transgressors are stipulated. In Ghana, an individual or party can challenge the qualification of a person applying to register as a voter at a particular 	<ul style="list-style-type: none"> Biometric Voter Registration (BVR) should be prescribed in the Electoral Act. Automatic voter registration of those turning eighteen using the Civil Registry database. The focus on residence requirements for voter registration should only be enforced in ensuring that the prospective voter is accorded the appropriate ward or constituency, and not to disfranchise him or her. Provide provisions for political parties and other stakeholders to observe the voter registration processes so as to improve on transparency and trust. ZEC should be compelled to conduct a voter registration blitz followed by voters' roll inspection in all wards, three years after the Harmonised election. Another blitz will be conducted on the year of the election Inspection of the voters' roll is also continuous but public displays of the document can be done annually, and registration weekends could be

	<ul style="list-style-type: none"> The Law does not make provisions for the registration of voters that turn 18 between closure of voters' roll and election 	<p>election centre using a voter registration challenge form and the District Review Committee examines the substance of the challenge.</p>	<p>organised (as in the case of South Africa).</p> <ul style="list-style-type: none"> The voters' roll should close two months before the date of the impending election to allow for inspection and scrutiny by political stakeholders. Clear time lines must be provided for the finalisation of the voters' roll to be used in the election, allowing time for objections, corrections as well as independent audits Zimbabwean Citizens previously regarded as 'aliens' should be allowed to register as voters unconditionally. The law should have provisions to allow individuals or parties to object to the registration of certain individuals deemed not qualified, e.g. due to age misrepresentations, false address etc.
<p>9. The Voters' Roll should be accurate, verifiable and readily accessible to all electoral stakeholders in a format that allows for electoral planning and analysis</p>	<ul style="list-style-type: none"> Section 21 of the Electoral Act does not stipulate the time frame for the provision of the voters' roll to candidates after nomination. It simply states that it will be provided within reasonable time frame. The Voters' roll shall be a public document and open for inspection There is no transparency regarding the deduplication process of the voters' roll and the computer logs of the process are not made available to the political parties and other 	<ul style="list-style-type: none"> No person should be denied access to the voters' roll upon payment of a stipulated fee (SADC). The EMB should ensure that the voters' roll shared with stakeholders is formatted in a manner that allows its use by electoral stakeholders for planning purposes. IRI/NDI EOM advised that the act should be amended to provide for clear timelines for the 'production and distribution 	<ul style="list-style-type: none"> There should be unhindered access to the bio-metric voters' roll by interested electoral stakeholders The voters' roll must be audited by at least two reputable accounting firms approved by Parliament. A complete copy of the Biometric voters' roll must be a public document displayed outside polling stations, ZEC offices and published on the ZEC Website Avail copies of the preliminary voters' rolls and final voters' roll to Candidates,

	<p>relevant stakeholders. Resultantly, ZEC has resorted to the use of an illegal exclusionary list which is not provided for by the electoral laws. Other electoral stakeholders except ZEC are not privy to this list.</p>	<p>of the preliminary Voters' roll and the Final Voters' Roll to allow for meaningful audit prior to the nomination process.</p> <ul style="list-style-type: none"> • ZEC should focus on continuous voter registration and routine cleaning of the voters' roll. (EUEOM / ZESN) 	<p>Political parties and other stakeholders within reasonable time to allow for comprehensive audit and verification.</p> <ul style="list-style-type: none"> • Party polling agents must be given copies of the voters' rolls for verification purposes on election day. • The voters' roll given to stakeholders must be formatted in such a manner that allows for planning and analysis, and equally protecting its integrity. • Set provisions for stakeholder monitoring of the deduplication process of the voters' roll, publication of the reports and allowing affected voters the right to be heard before removal of their names from the roll. • The voters' roll should specify that the voter is illiterate or physical challenged and require assistance. • The total breakdown of Assisted Voters should be availed to candidates, polling agents and Election Observers. • Voters aggrieved by alterations and correction of the voter's roll should be accorded the right to appeal to ZEC and then in the court of law if no satisfactory remedy is accorded.
<p>10. A free, fair and even Electoral environment with enforceable Codes of Conduct, upholding the</p>	<ul style="list-style-type: none"> • The Constitution demands that elections must be 'peaceful, free and fair', 'free from violence and other electoral malpractices as 	<ul style="list-style-type: none"> • The development of the Code of conduct should be done in consultation with all stakeholders – SADC. 	<ul style="list-style-type: none"> • Repel AIPA and MOPA and allow for freedom of association, assembly and expression

Citizens' fundamental Freedoms and human rights	<p>stipulated in Section 155(1)). However, in practice this demand is not guaranteed.</p> <ul style="list-style-type: none"> • MOPA and AIPPA pose huge impediments to freedoms of association, movement and expression, making it virtually impossible for opposition political parties to freely reach out to their targeted voters throughout the country. 	<ul style="list-style-type: none"> • The Code of Conduct should be binding to all electoral stakeholders including political parties, candidates, members and supporters of political parties, EMBs, Electoral officials, Security Sector agents, Media, CSOs, Government. • The EMB should put in place mechanisms to monitor the breach of the Code of Conduct. Transgressions should be dealt with through the Electoral Court or equivalent statutory body provided for in the law. In South Africa all transgressions of the Code of Conduct are dealt with by the Electoral Court (SADC). 	<ul style="list-style-type: none"> • Criminalise and prosecute individuals who coerce voters to vote for particular candidates and those who frog-march citizens into attending rallies against their will. • The Act should set up appropriate provisions which ensure that there is no impunity from prosecution on election violation cases investigated by the Media Commission, the National Peace and Reconciliation Commission, Human Rights Commission, Gender Commission or by any other sanctioned investigating authority.
	An enforceable Code of Conduct for electoral stakeholders where ZEC has quasi-judiciary powers and the ability to effect sanctions on violators of the Code		
	<p>a) Political Parties, Agents, Candidates, Observers</p> <ul style="list-style-type: none"> • Schedule one of the Electoral Act contains the Code of Conduct for Election Agents and Observers. The breach of this code attracts criminal sanctions. 	<ul style="list-style-type: none"> • Candidates and parties should have equal, unhindered and unimpeded freedom and access to any part of the country they wish to campaign in (SADC). • Public order legislation and gathering restrictions 	<ul style="list-style-type: none"> • Administrative measures should be put in place guaranteeing ZEC quasi-judiciary powers to provide redress on complaints against electoral stakeholders which include political parties, candidates, traditional leaders, Security agents, etc. ZEC should assert its constitutional mandate, which gives

	<ul style="list-style-type: none"> • The second Code of Conduct is contained in Schedule four of the Act, and it applies to political parties, members, supporters, candidates and other formal or informal associates that include traditional leaders, security and law enforcement agents. • Incidents of breach to the code are referred to the Multi Party Liaison Committee 	<p>should not prevent freedoms of association and assembly. Political parties and candidates shall not be prevented from meetings with their supporters and CSOs should not be hindered in arranging gatherings in pursuant of free, credible and fair elections</p> <ul style="list-style-type: none"> • Voters must not be coerced to vote for a particular candidate and attending rallies of political meetings (SADC). 	<p>it authority over all election-related matters.</p> <ul style="list-style-type: none"> • The Act should strengthen the Codes of Conduct in order to criminalise offenders. • The law should permit Political Parties and aggrieved individuals to compel ZEC to act on its Constitutional mandate regarding cases of electoral law violations by electoral stakeholders, for example, Traditional Leaders, Security details, governmental institutions, political parties and the media among others • All relevant electoral stakeholders (and not just Political Parties) should be compelled to sign individual Codes of Conduct and sanctioned if they fail to abide by the requirements.
	<p>b) Security and Law Enforcement Agents</p> <p>i) Police Officers</p> <ul style="list-style-type: none"> • ZEC permits police officers to be stationed inside the polling station throughout polling which is in breach of Section 55 of the Electoral Act. The role of the police is strictly to maintain law and order and have no business inside the polling station unless called upon 	<ul style="list-style-type: none"> • Police Officers should not be present inside polling stations unless upon request by the Presiding Officer to enforce law (SADC). • Security details should stick to their mandate and have no direct interference with electoral issues nor political parties mobilisation (SADC). 	<ul style="list-style-type: none"> • There should be an independent complaints mechanism to seek recourse over the unprofessional conduct of security details during the election period as an alignment provision to the Constitution. • Uphold Section 55 of the Electoral Act restricting the presence of police officers inside polling stations unless being called upon by the Presiding Officer to enforce law inside the polling station. ZEC must establish a log sheet of when police officers are invited into a

	<p>by the Presiding Officer in instances where there is lawlessness.</p> <ul style="list-style-type: none"> • Police officers have a tendency of communicating statistics of the polling process. Such issuance of information including results before they are posted on the v11 forms is not provided for in terms of the law. • Section 59, allowing police officers to witness vote casting of assisted voters when aided by electoral officers is intimidatory and infringes the secrecy of the ballot as enshrined in Sections 67 and 155 of the constitution • Selective application of the law by the police in brutalising opposition parties and banning their rallies. <p>ii) Military</p> <ul style="list-style-type: none"> • There is military overreach in Civilian and electorate spaces. This has been intensified by the military coup of 2017. In 2018 the ZEC Chairperson informed the Parliamentary Committee on media that there are around 15% ZEC personnel that had military service linkages. • There are reports of army personnel mobilising for the 		<p>polling station. Police officers must not be allowed into the counting centre although they should maintain security outside the polling station during counting.</p> <ul style="list-style-type: none"> • Police Officers should be prohibited from witnessing the voting process of Assisted voters nor assume any electoral responsibility on election day other than to maintain security. • Create a complaint handling mechanism against unfair police conduct. This can be a committee comprising of the Human Rights Commission, CSOs, Police Service Chiefs, NPRC. • Specify the role of the police which is only to ensure that there is a mood of tolerance and co-existence amongst political parties, and no cohesion of voters by political parties and other persons of authority. • Guided by the Constitution, the Electoral law should specify the role of the security services in relation to elections, prohibiting it from campaigning for any political party or making pronouncements that influence the vote of the electorate. • Any person with traceable military attachments should not be engaged by ZEC, nor should use the ZEC Institution to covertly influence electoral processes
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	<p>ruling party, including one Brigadier Rugeje who was serving in the army but also acting as the Zanu PF Commissar.</p>		<p>and electorate vote to the unfair advantage of a competing political party.</p> <ul style="list-style-type: none"> The military should not have a role in the operations of ZEC.
	<p>c) Media</p> <ul style="list-style-type: none"> A biased public media coverage skewed towards the ruling party with limited coverage of opposition political parties which is in breach of Section 160J of the Electoral Act. ZEC has no enforcement powers in regulating media conduct especially in dealing with Publication and broadcast of hate speech and abusive language particularly towards opposition parties. Media monitoring is permissible only between proclamation and results declaration. 	<ul style="list-style-type: none"> Prohibition of broadcast and publishing of hate speech, abusive and other provocative language that may lead to bias, discrimination or violence before, during and post - election (SADC). Public and Private media shall be subject to the Electoral Code and the Code of conduct developed and enforced by the body responsible for media regulation. IRI/NDI EOM recommends that the ZEC Media Monitoring Committee, Zimbabwe Media Commission, Broadcasting Authority of Zimbabwe, and the Voluntary Media Council of Zimbabwe must execute their mandates in sanctioning media houses or journalists that breach media ethics and the election media laws. 	<ul style="list-style-type: none"> As mandated by the Constitution and the current Act, ZEC must implement a media monitoring mechanism and sanction election media ethics offenders. This can be achieved by collaborating with the Zimbabwe Media Commission, BAZ and VMCZ. The Media Commission working with ZEC and through a consultative process with its media stakeholders should develop an inclusive Media Code of Conduct for elections which they will enforce together. The Act should put necessary mechanisms to protect the public media boards and editorial policies from political interference. Media monitoring should be permissible throughout all the stages of the electoral cycle and not just the election period.
	<p>d) Traditional Leaders</p>	<ul style="list-style-type: none"> ERC proposes the establishment of the Integrity 	<ul style="list-style-type: none"> Introduce an effective monitoring mechanism to ensure that traditional

	<ul style="list-style-type: none"> • S. 281(2) of the Constitution explicitly prohibits Traditional leaders from engaging in partisan politics and furthering partisan political interests. However, in rural areas some traditional leaders ardently force their subjects into Zanu PF politics and voting for the party through acts of intimidation and selective distribution of food. • There is a standing High Court ruling prohibiting traditional leaders from political interference. 	<p>and Ethics Committee as provided for by S.287 of the Constitution. This body will seek to enforce integrity and ethical conduct on the part of traditional leaders and deal with complaints.</p>	<p>leaders are non-partisan in the conduct of their duties (as provided for by the Constitution) and set up punitive measures for transgressors.</p> <ul style="list-style-type: none"> • The establishment of the Integrity and Ethics Committee as enshrined in Section 287 of the Constitution will also be an effective mechanism of monitoring compliance • Enforcement of court rulings regarding the political interferences by traditional leaders.
11. Gender inclusive electoral processes with increased youth and women participation and representation	<ul style="list-style-type: none"> • Women and youth constitute the highest proportion of registered voters. However, in practice this is not reflected in terms of the spaces they occupy in the electoral or political decision-making spheres. • Women have a quota reserved for them in the Senate and sixty seats in the lower house • The number of women elected into parliament is a cause for concern with only 26 out of 210 that won directly contested seats. 	<ul style="list-style-type: none"> • SADC PF EOM recommends strong mechanisms to support women candidates and encourage gender parity in political and decision-making positions in line with the SADC Protocol on Gender and Development • COG recommends considerations for a youth quota • SADC-PF EOM further recommends that mechanisms should be put in place to implement the gender parity 	<ul style="list-style-type: none"> • Deliberate legal provisions should be put in place to increase women and youth participation and representation in election processes and political decision-making spaces. • Putting up appropriate legal mechanisms in compliance with the SADC Protocol on Gender Development to ensure gender parity by supporting women candidates. • Institute mechanisms to facilitate gender mainstreaming in the national election discourse.

	<ul style="list-style-type: none"> Sections 17 and 20 of the constitution respectively prescribe gender balance and youth mainstreaming in socio, political and economic development issues. However, the electoral act, as it is currently constituted, falls short of fully implementing these provisions. 	<p>provisions of the SADC Protocol on Gender and Development.</p>	
12. Free Observer Accreditation undertaken by an independent panel chaired by the EMB, and ensuring full throttle observation of all components of the electoral cycle	<ul style="list-style-type: none"> The preserve of Observer accreditation is upon the Observers Accreditation Committee where government has excessive representation (Section 40H of the Electoral Act) Section 40K of the Electoral Act Amendment of 2018 calls upon the ZHRC to apply for Observer Accreditation status from ZEC for any election, and also submit its draft election report to ZEC first before issuing it out. This provision compromises the independence of the ZHRC by reducing it to a subordinate role yet these are both independent commissions at the same level. No provision for Observers to be accredited before polling to enable full observation of key electoral processes. 	<ul style="list-style-type: none"> Veritas recommends the accreditation of the Human Rights Commission with equal observer status to observe the election environment, polling and vote counting. This is to ensure the monitoring of human rights violations. ZESN recommends the strengthening of the ZHRC and the NPRC in the execution of their respective roles in electoral matters ERC contends that there should be no accreditation fees. It should rather be a service that promotes transparency at a cost to the commission and not the observers. 	<ul style="list-style-type: none"> The law should strengthen the independence of ZEC, democratise the Accreditation Committee and ensure minimal government interference. All electoral processes must have provisions for observers to be accredited. This allows for observations of the entire election cycle and all political environment variables impacting on the credibility of their observer reports. Through Regulations, ZEC should allow ZHRC access to polling stations upon production of sufficient identification to the presiding officers. Their mandate also allows them unhindered access to investigating human rights violations in Zimbabwe even in electoral matters. Observer Accreditation by ZEC would subordinate them to another independent commission and yet they

	<ul style="list-style-type: none"> • The high Observer Accreditation fees charged for local organisations restricts the capacity of deploying sufficient numbers of observers to ensure a comprehensive assessment of the electoral environment. • ZEC has never produced public accounts indicating how the Observer accreditation fees have been utilised. 		<p>should not be under the direction of anyone.</p> <ul style="list-style-type: none"> • Observer Accreditation fees should be scrapped. It is the responsibility of the state to put up systems that enhance the integrity of the election process, of which the cost should not be borne by any other stakeholder except ZEC
13. Adjudication of Election disputes in a fair and timeous manner, and strengthening the Complainants' right to be heard and an appropriate legal remedy	<ul style="list-style-type: none"> • Although the Constitution (S.155) compels the Electoral Act to ensure timeous resolution of electoral disputes, this is seriously defective in that: • In Section 155 and 156 of the Act, results can be set aside if the successful candidate was responsible for the stated malpractices, but if the loser is the perpetrator, the results will be considered valid without any punitive measures. This contradicts Section 55 of the Constitution which states that elections should be free from any malpractices no matter who is responsible. • Procedures to be followed for election challenges are 	<ul style="list-style-type: none"> • In South Africa the Electoral Court is regulated under the Electoral Commission (S.18) and enjoys the status of the Supreme Court. It comprises of a Judge of the Supreme Court of Appeal, two High Court Judges, plus two other members appointed by the President. • EU EOM recommends the revision of the Applications, Appeals and Petition Rules of 1995 and align them with the Electoral Act. 	<ul style="list-style-type: none"> • The Act should strengthen the Aggrieved parties or Petitioners' right to be heard and not dismiss the case based on technical grounds before hearing the merits of their petition • The Electoral Court as a specialised division of the High Court should be autonomous, a permanent institution with its own judges and personnel. • Zero tolerance to election malpractices and both the losing and winning candidates should be sanctioned if found guilty of malpractice. • Procedures to be followed for election challenges should not be limited to election results only, but also extended to the entire electoral environment issues that inhibit the fairness, freeness, peacefulness and transparency of the election.

	<p>cumbersome and do not permit elections to be challenged on grounds of violating the principles of fairness, transparency and peacefulness (Part XXIII).</p> <ul style="list-style-type: none"> • Only losing candidates can challenge the elections, discounting even the voters who have the right to free and fair elections (S.67 of the Constitution) • Section 70 of the Electoral Act allows the Chief Elections Officer custody of the election residue and dispose it after six months. • The election residue should be disposed of 6 months after the election 		<ul style="list-style-type: none"> • ZEC should bear the responsibility of the election residue and not the Chief Elections Officer as stated in the constitution. • Although election petitions should be dealt with within a period of not exceeding six months, the Act should permit the disposal of election residue to be extended to two years to allow room for emerging future election results reference issues. • Although Section 182 of the Electoral Amendment Act defines the timeframe for the finalisation of the election petitions, the timeframe for the issuance of the full judgement should also be stipulated by the Act.
14. Professional, Impartial and publicly scrutinised ZEC Election officials with no traceable membership to any political party, nor service linkage to any security institution	<ul style="list-style-type: none"> • Section 10 of the Electoral act gives ZEC the prerogative to appoint personnel from the Public Service Commission to conduct elections. However, concerns have been raised in some instances over the appointments of personnel with no good standing, some with traceable political party membership and some with military service linkage. 	<ul style="list-style-type: none"> • The 2012 Electoral regulations of Ghana require that the Electoral Commission publicizes names of its election officials 14 days after their appointment to interested individuals and parties. Registered voters or parties are entitled to make their written objections. 	<ul style="list-style-type: none"> • Recruitment of election officials should be done in an open and transparent process. • ZEC should publicise the list of its appointed election officials conducting elections in local publications within 14 days before the commencement of their duties to allow for stakeholder representations or objections to the appointments. • Prohibition of the appointment of personnel that hold political office and serving in the military.

<p>15. Transparency and auditability of ZEC Procurement systems, Design, Reproduction, Custody and Distribution of all sensitive election material;</p>	<ul style="list-style-type: none"> • Section 52A of the Electoral Act compels ZEC to provide political parties, candidates and observers with information relating to where and who is responsible for the printing of ballot papers and in what quantities. The law is only informative but does not provide for transparency in the selection of the ballot paper printers, printing process, safe custody and distribution of ballot papers. • The National Logistics Committee comprising of Ministry of Finance, Army and other government departments is responsible for the procurement and distribution of elections material. 	<p>Braille ballot template and Braille instructions should be located in every polling Station (Mexico).</p>	<ul style="list-style-type: none"> • The National Logistics Committee should be disbanded and a purely ZEC procurement committee be put in place, which will provide periodic reports to the representatives of political parties, CSOs and other partner organisations. • For the purposes of an election, ZEC should provide written information packs to candidates and observers regarding: <ul style="list-style-type: none"> a) The printers of the ballot papers b) Number of ballots printed for each election c) Number of ballots distributed per polling station • A provision for public tendering of the production of ballot papers, indelible ink and transportation of the election material be included in the Act. This promotes a transparency mechanism based on international best practices. • There is need to consider braille ballot papers for voters that are visually impaired. • Reinforcement of a transparency mechanisms for ZEC when outsourcing services from a foreign supplier.
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<p>16 Fairness, Transparency and accessibility in the allocation of Polling Stations, permanently gazetted by law, within a specific radius and reach to the elderly and other voters with physical mobility challenges;</p>	<ul style="list-style-type: none"> • Section 51(1) designates that every polling station shall be located in a place that is readily accessible to the public, including persons with physical disabilities. However, the meaning of readily accessible is too broad and subjective. There is need for clarity on the exact polling station radius and also on whether the polling station is central to the targeted population. 	<ul style="list-style-type: none"> • Media shall be granted access to polling stations for the purposes of reporting with no restrictions to video and audio recordings, provided there is no recording of proceedings in the voting booths (SADC). • In Ghana, the act prescribes that the EMB publishes a list of polling stations with their codes and locations no later than 21 days to election day. 	<ul style="list-style-type: none"> • There is need for a clear regulation on the mapping of polling stations. Polling Stations should be readily and conveniently accessible to the citizens including the elderly and those with special needs. Geographical considerations, population and communication systems must also be taken into account. • The list of Polling Stations should be permanent and legislated • S.51 of the Electoral Act should demystify the meaning of ‘ready accessibility’ of the polling station and specify the radius. • There is a tendency of gerrymandering of polling stations where some will be located at secluded or at the periphery of wards not easily accessible to the generality of the affected registered voters.
<p>17. Special Voting processes should be transparent, guarantee Universal Suffrage, protect the secrecy of the vote of all eligible voters unable to access their polling</p>	<p>Section 80(A) of the Electoral Act allows special voting of security personnel on day on the election. However, the process has been characterised by massive chaos in 2013, and also in 2018 concerns were raised about security personnel that voted in full view of their seniors. ZEC also did not make an</p>	<ul style="list-style-type: none"> • The South African Legal System has provisions for Special votes for two categories of people 1) Diaspora Voters 2) Voters within South Africa that are unable to cast their votes on election day (e.g. physically infirm, people with disabilities, pregnant 	<ul style="list-style-type: none"> • There is need to review Section 72 of the Electoral Act which restricts special voting / postal voting to only members of disciplined forces, electoral officers, diplomats and their spouses to also include these two categories of citizens: (1) Diaspora voters

stations on the day of voting	<p>initiative to notify other stakeholders regarding the exercise.</p>	<p>women, elections officials and security services personnel involved in the election). Those that are unable to go to the voting stations are visited at their homes to cast their votes.</p> <ul style="list-style-type: none"> • ZESN proposes that Special Voting be re-stated to ensure that those unable to be at their respective polling stations on the day of elections be not disfranchised • All Observer groups cited reiterated the need for ZEC to incorporate provisions for Diaspora vote • ZESN prescribes the need to set up legal provisions to permit home-bound voters to exercise their right to vote 	<p>(2) Voters within Zimbabwe that are unable to cast their ballots in their registered polling stations on election day. These include prisoners, the physically infirm, people with disabilities and pregnant women.</p> <ul style="list-style-type: none"> • There should be transparency in the voting process for the uniformed forces. Political party representatives and other stakeholders should be permitted to observe the process.
18. Assisted voting may be sought on account of people with disability, illiteracy and incapacitating illness, and must be endorsed on the Voters' roll and the list publicised to allow for scrutiny.	<ul style="list-style-type: none"> • Zimbabwean elections have been characterised by suspiciously high numbers of assisted voters in a country that boasts of high literacy levels. In 2013 elections, for instance, 206,901 people were assisted to vote, of which the number is too excessive given the Country's high literacy levels 	<ul style="list-style-type: none"> • Individuals may seek voter assistance on account of living with disability, illiteracy, incapacitating illness, (SADC). • In Ghana, in a separate register, the Presiding Officer records the details of the person assisted to vote and the reasons for the assistance in the 	<ul style="list-style-type: none"> • Living with Disability, illiteracy and incapacitation information is specified on the voter registration form and should be stated on the voters' roll used for polling. • ZEC should publish the number of Assisted voters for all polling stations and lists given to polling agents, candidates and Observers

		<p>presence of election officials and party agents.</p> <ul style="list-style-type: none"> • SADC further recommends that the EMB must tally the statistics of assisted voters for polling stations, wards, constituencies and nationally, and release the information during the announcement of results 	
19. An effective and reliable voter verification system that eliminates electoral fraud, multiple voting, and voter impersonification	<ul style="list-style-type: none"> • As a means of verifying voter identity, the election officials only use physical check of National identity cards or valid passports to match against the profiles and photos of voters on the voter's roll. However, this leaves room for electoral fraud particularly impersonification and multiple voting. 	<ul style="list-style-type: none"> • Ghana uses Biometric verification. Biometric Voter Registration Devices (BRD) are used to scan the barcoded voters' cards to check the profiles of the voter. The voter then places a finger on the BVD to check if there is a match, and then his / her finger is marked by an indelible ink. 	<ul style="list-style-type: none"> • Zimbabwe should adopt a Biometric Voter Verification (BVV) system in addition to the Biometric Voter Registration (BVR) to enhance integrity and credibility of the voting process. • BVV is meant to curb multiple voting, prevent voter impersonification and prevent ballot stuffing. Biometric features already captured in the BVR database, for example, facial recognition and finger prints will be used to verify if the voter has already voted or not. • The deduplication process should be done in a transparent manner with the involvement of key electoral stakeholders and the notification of affected persons

			within seven (7) days after the completion of the exercise.
20. A Common, Inclusive, transparent, traceable, and auditable real-time Results Management and Transmission system of all the Presidential, Parliamentary and Local Authority election results.	<ul style="list-style-type: none"> • The electoral Act does not have provisions for a vote recount at the close of counting (before the sealing of the ballot boxes) • Lack of transparency in view of detected inconsistencies in the double accounting system and how they are corrected • Section 64 (2) compels the Presiding Officer to physically transmit the poll returns to the Ward Collation centre, and no other provisions for faster and real time transmission. • Inadequate provisions on Results Management and Transmission, that is, tabulation, verification and Realtime Monitoring. • There is no independent audit or verification of results • ZEC is required to announce the final Presidential result within five days • There are inconsistencies regarding the transmission of Presidential results. 	<ul style="list-style-type: none"> • ZESN recommends the procurement of a multi-purpose gadget for the purposes of enrolling voters, voter verification on election day and the transmission of results. • In Ghana upon close of count, after signing the results declarations, The Presiding Officers and the all Counting / polling agents put up special seals to the boxes to avoid ballot stuffing. • Transmission of results in Ghana included faxing copies of polling station and constituency returns to the National Collation and also via a mobile data link, using the Electronic Results Transmission System (ERTS). • The Kenyan and Ghanaian electoral laws allow for vote recount at polling stations at the close of polling. Kenya permits only one recount, whilst in 	<ul style="list-style-type: none"> • A real time computerised results management system which links polling Station returns directly to the National main server with public broadcasts of polling station results • Zimbabwe should make provisions for not just physical transmission of results (which takes time), but also electronic real time transmission. This may include the use of a mobile link which transmits the polling returns real-time. Physical polling returns will be used for verification purposes. • Real time external verification and audit of results by at least two certified accounting firms approved by ZEC, Political parties contesting in the elections and CSOs. • The transmission of the Presidential results should be clearly stipulated and be done via the Constituency Command Centre • The Electoral Act should have a provision for a recount at the polling station after the close of the count upon request from the agents. Vote recount should be permissible twice before the sealing

		<p>Ghana the onus is upon the Presiding Officer to determine the reasonableness for the recount justification.</p> <ul style="list-style-type: none"> • Publication of Presidential election results on the EMB website in Ghana. • South Africa has a real time broadcast of results received via the main server. All political parties will be represented at the National Results Centre where they will also be given opportunities to raise queries. Political Parties are given computers by the Independent Electoral Commission (IEC) that are directly linked to the IEC server and with direct access to results information. • In Uganda, the EMB is required to publish Presidential Election Results within 48 hours after the close of polling. The Electoral Commission through the Minister 	<p>of the ballots subject to the reasonableness of the request and the specific circumstances.</p> <ul style="list-style-type: none"> • Full adherence to the Electoral Act – All Election results (Presidential, Parliamentary and Local Government) should be displayed outside each polling station. After counting and verification • Final announcement of results should be reduced to 48 hours after the close of polling • ZEC is compelled to adhere to the six-month time limit of presenting its election report to Parliament and other relevant stakeholders. • The media should be allowed to take videos and audios of the vote counting and tabulation processes • Election residue should be disposed of at least three years after an election.
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		<p>submits an elections report to Parliament within six months after the declaration of results.</p>	
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References

The Constitution of Zimbabwe

Zimbabwe Electoral Act (Chapter 2:13)

Zimbabwe Electoral Act Amendment, 2018

Zimbabwe Election Regulations

African Union The African Charter on Democracy , Elections and Governance . - 2007.

SADC Parliamentary Forum Benchmarks for Democratic Legislatures in Southern Africa. - 2010.

SADC Parliametary Forum SADC Model Law on Elections. - 2018.

OSISA Election Management Bodies in Southern Africa: Comparative Study of the electoral Commissions' Contribution to Electoral processes. - 2016.

SADC Parliamenntary Forum SADC Principles and Guidelines for Democratic Elections. - Pretoria : [s.n.], 2015.

Zimbabwe Election Support Network Compendium of Election Observers Recommendations [Report]. - 2018.

Constitutions and Election regulations of :

1. South Africa
2. Kenya
3. Uganda
4. Ghana

Reports and Journals:

1. Election Resource Center
2. Zimbabwe Election Support network

