



Promoting Credible Elections and  
Democratic Governance in Africa

# ELECTION • TALK

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## NOMINATION OF CANDIDATES AND THE 2005 ZIMBABWE PARLIAMENTARY ELECTIONS

*Claude Kabemba*

### Introduction

The new Electoral Act in Part XII provides detailed information pertaining to the nomination of candidates for election as Members of Parliament. Any person who wishes to stand as a candidate for election has to lodge his or her nomination papers signed by no fewer than ten persons who are registered on the voter's roll for the constituency for which the candidate seeks election and countersigned with the acceptance of the candidate or his or her chief election agent. Candidates are requested to lodge their application with the constituency Elections Officer. The Elections Officer verifies all documentation. When necessary he/she gives an opportunity to candidates to rectify any defect. The rectification takes place within the nomination time limits.

### The Nomination Process

The nominations of candidates for the 2005 parliamentary elections were the first to be conducted under the new Independent Electoral Commission. The nomination was a one day process and it took place on 18 February 2005. The Electoral Commission set up Nomination Courts in the different constituencies. The nomination of candidates went more smoothly than expected and there were no serious complaints from either the ruling party or the opposition. All opposition political parties - the Movement for Democratic Change, Zanu, Zimbabwe Youth Alliance and independent candidates expressed satisfaction with the process. The MDC Secretary-general, Professor Welshman Ncube said: "on the balance, the fact that all candidates who wanted to

participate in the elections managed to secure their candidature shows that the process was conducted well".

### The Politics of Nomination

The issue of birth certificates was potentially problematic and confusing. The Minister of Land, Justice and Legal Affairs called for candidates to submit their applications together with their "long" birth certificates. Zimbabwe has two kinds of certificates - "short" birth certificates issued before independence and "long: ones issued after independence. This was seen by some as a way of unlawfully disqualifying certain candidates who were born before independence in 1980. Fortunately, this decision was reversed by the Independent Electoral Commission. Both certificates were used by candidates to register.

The major concern during these nominations was the high cost of standing as a candidate. In February the registration fee for a candidate rose by 2000 percent from Zim \$ 100, 000 (about US \$17) to Zim \$ 2 million (\$US 330). This simply means that a party which might have paid only Zim \$ 12 million (\$ US 1,983) to fill candidates in all the 120 constituencies was asked to pay Zim \$ 240 million (\$ US 39,675). There is no doubt that this might have disqualified badly funded parties such as ZANU (Ndonga) and the Zimbabwe Youth Alliance (ZIYA). Opposition claims that this approach was designed deliberately to limit their ability to have candidates in all constituencies.

Concerns were expressed, however, by certain individuals whose

applications were rejected. For example all suspended Zanu-PF provincial chairmen who took part in Jonathan Moyo's Tsholotsho meeting, had their applications rejected. The Tsholotsho meeting was an unsanctioned secret succession meeting which Jonathan Moyo orchestrated as a plot against the Zanu-PF's top leadership. The meeting aimed at promoting a rival candidate to President Robert Mugabe's choice (Joice Mujuru) for the post of vice-president.<sup>1</sup> Moyo was sidelined and had no option but to stand as an independent candidate.

Another candidate-Joshua Mhambi was disqualified when he failed to produce an original copy of his national identity document. It is alleged that he was born in Zambia and had never renounced his Zambian citizenship. David Coltart's application was successful after it was initially rejected on the grounds that his mother was a South African. Another member of the MDC, Roy Bennet, who is currently under arrest, was disqualified. His wife filed for the same constituency. While Zanu-PF lost one of its sitting MP's - Jonathan Moyo, the MDC lost four sitting MPs who filed as independents. The two main political parties Zanu-PF and MDC will contest in all 120 constituencies. The rest of the opposition parties - Zanu-Ndonga and the Zimbabwe Youth Alliance - have restricted their participation to a few constituencies. It is also understood that the MDC has filed a significant number of white candidates in various constituencies. It is important to

mention this as it begins to bring out the ideological characteristics of the main political parties. This to Zanu-PF could suggest that the MDC is the stooge of whites; for MDC, the approach could be an attempt to show that it is prepared for reconciliation and that it adopts the politics of accommodation.

It is important to note that in most of these cases the Independent Electoral Commission demonstrated some level of impartiality and autonomy in taking decisions. Each Electoral Court announced the approved list of candidates and the Electoral Commission's job was simply to publish a consolidated list of the constituencies. The table below gives the number of political parties' candidates and independents and indicates the gender representation.

**Table: Number of candidates per party and the gender balance**

Party/Independents	Numbers	Male	Female
Independents	17	13	4
MDC	120	111	9
ZANU-Ndonga	11	8	3
ZANU-PF	120	99	21
ZIYA	2	2	0

Only the MDC and Zanu-PF have candidates in all 120 of the constituencies. The dominance of male candidates in the Zimbabwe election is strong. All groups perform badly in terms of gender and have failed to achieve the SADC gender representation requirement of 30% and if one considers that the deadline to achieve this is 2005, Zimbabwe with 37 women candidates out of a total of 270 candidates who will compete in the election, is indeed lagging far behind.

### Conclusion

Contrary to previous nomination processes, the nomination for 2005 parliamentary elections went smoothly without any major disruption. In the past, problems during nomination occurred for two reasons: confusion about the location for nomination and inadequate briefing on the procedures which contributed to candidates failing to apply in an even-handed manner. The Zimbabwe Election Support Network reported that in the most recent elections, the Nomination Courts were key problem areas for opposition and independent candidates. For example, it says, in the 2002 Rural District Council Elections, the MDC claimed that hundreds of its prospective candidates were physically prevented from reaching the Nomination Courts by ruling party supporters. Similar allegations were made for several councils in the 2003 Urban Council elections where the ruling party won all the council seats in three councils amid allegations of serious violence and intimidation of the opposition. This time, it seems, election officials at the Nomination Courts were well briefed. No obstructions or violence were reported during the nomination process.

### References

Electoral Act, No 25/2004  
 SundayTimes.co.za, 19 February, 2005

<sup>1</sup> Joice Mujuru is seen as a stepping stone to the country's top job after Mugabe retires in 2008.

## VOTER REGISTRATION

*Grant Masterson*

### Introduction

Voter registration is a means of verifying those persons who are eligible to vote in an election. The eligibility of a person to vote is often a crucial issues in any election, and in Zimbabwe, this is no exception. The majority of the legislation relating to voter registration is handled by the Electoral Act (2004), with brief references to voter eligibility in the Zimbabwe Constitution (1979). 5 Sections (Part IV – Part VIII)<sup>2</sup> devoted to voter registration in the Electoral Act is a good illustration of the importance this issue in the electoral process. Although an exhaustive discussion of Zimbabwe's voter registration process is not possible here, the following issues touch on some of the key aspects of the country's voter registration process.

### Voter Registration Qualification

A person is eligible to register as a voter in Zimbabwe if they qualify for a proof of identity document in terms of the National Registration Act (1973)<sup>3</sup>, and can provide proof of residence in Zimbabwe. All applications for voter registration are currently handled by the Registrar-General's office, with local constituency offices assisting voter registration in specific constituencies. New legislation places the Office of the Registrar under the authority of the Zimbabwe Electoral

Commission, yet in practice, the Registrar continues to be staffed by civil servants in the employ of the Zimbabwean government, and some reports indicate a lack of faith in the independence of the renovated institution amongst Zimbabwe's civil society<sup>4</sup>.

In order to register, a claimant must usually apply for registration in the constituency in which he/she is a resident, however if this is not possible, then the claimant must provide satisfactory proof of residence in the constituency in which he/she intends to vote to the Registrar-General, as well as a satisfactory reason why he/she wishes to vote in a constituency in which he/she is not a resident. The Electoral Act states that a reason is considered satisfactory if it is due to "place of origin, political affiliations or otherwise"<sup>5</sup>. The ambiguity of this statement allows for a fairly broad interpretation of satisfactory reasons for such an application. At present, the Electoral Act does not make provision for Zimbabwean citizens living outside of Zimbabwe to vote in an election.

### Voter's roll

Once a claimant is successfully registered as a voter in a particular constituency, he/she is not permitted to vote in any other constituency unless an application of amendment is submitted to the Registrar-General, which essentially entails re-application in a different constituency<sup>6</sup>. In order to ensure that a person is registered in a particular constituency, a voter's roll is maintained for all constituencies, and a consolidated national voter's roll is also maintained. A person can be removed from the voter's roll if they are a resident in an alternative constituency for longer than 12 months. A person can be struck off the voter's roll without prior notice, and it is the responsibility of the voter to ensure that they are presently on the voters roll<sup>7</sup>. The roll is constantly updated, and is maintained on a rolling basis. However, the Electoral Act does afford the President the privilege of calling for a completely new voter registration process, which would thereby nullify the existing roll and pave the way for the creation of a new voter's roll.

In the 2001 elections, concerns were raised over the existence of voters on the role who had since become deceased. The registrar-general removes all voters from the role for which death certificates have been issued. However, some observers are concerned that not all deaths are being certified, and that a number of deceased voters have remained on the roll<sup>8</sup>. An independent audit conducted on the voter's roll recently extrapolated that of the 5,6 million voters presently on the roll, more than 2 million may be suspect. The audit claims that there are potentially 800,000 dead people still registered, 300,000 duplicate names on the roll and potentially 900,000 people on the roll who no longer reside at their official residence<sup>9</sup>. The Movement for Democratic Change has launched an urgent High Court

<sup>4</sup> Zimbabwe Electoral Support Network. *Preliminary Report: March 2005 Parliamentary Elections*. ZESN. 2005. P. 10-11.

<sup>5</sup> *Op. Cit.* Part V. Section 20:1. 2004.

<sup>6</sup> *Op. Cit.* Part VI. Section 22: 1, 2 & 3. 2004.

<sup>7</sup> *Op. Cit.* Part VI. Section 22:4. 2004. Also see Voter Registration Disputes.

<sup>8</sup> ZESN. *Op. Cit.* P. 15.

<sup>9</sup> FreeZim Support Group. *Voter's roll Audit: Preliminary Roll – 2005 General Elections (Advance Copy)*. 2005. P. 5.

<sup>2</sup> *The Electoral Act 2004*. Zimbabwe Act of Parliament. 2004.

<sup>3</sup> *The National Registration Act*. Zimbabwe Act of Parliament. 1973.

Petition to stop police from interfering with their own investigation into the voter's roll, alleging that subsequent to the completion of the voter's roll verification, details of some voters are being tampered with<sup>10</sup>.

### **Voter Registration Disputes**

The Electoral Act provides two separate mechanisms for resolving voter registration disputes. In the event that the Registrar-General believes a voter registration should be revoked, and provided that it is not between the period of the declaration of an election and the closing of polls, the Registrar-General shall give notice of the reason and grounds for the objection and make these publicly available. This process is subject to appeal. If a voter wishes to dispute a name(s) on the voter's roll, he/she must first submit an application to the constituency registrar-general, who must subsequently convene a hearing to discuss the complaint. If the matter is not satisfactorily resolved at this level, the applicant can take his/her case to the local magistrate. If this is not resolved, the applicant's final court of appeal is the High Court, where a judge will rule in chambers on the application.

### **Conclusion**

Zimbabwe's system of constituency voter registration allows for the roll to be continuously updated, revised and consolidated. The voter's roll is closed on the announcement of

the date of general elections, and is not subject to revisions again until the election is deemed concluded. The majority of critical analysis regarding voter registration tends to focus on the application of the legislation rather than its substance. The process of removals from the roll, although well defined by the Electoral Act has been criticised for not adequately ensuring that the voter's roll is current and up-to-date, and questions remain around the accuracy of the voters roll. The importance of a reliable voter's roll is essential to conducting credible and accurate elections. In this regard, the accuracy and credibility of the Zimbabwean voter's roll remains a controversial issue.

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<sup>10</sup> NewZimbabwe.Com. *MDC Petitions High Court over Voter Tampering. 15 February 2005.*  
<<http://www.newzimbabwe.com/pages/electoral68.12266.html>>

## **DELIMITATION OF ELECTORAL BOUNDARIES**

*Khabele Matlosa*

### **Introduction**

Delimitation of electoral zones is one of the most important pre-election activities. On the technical side of the electoral process, it is as important as the voter registration and the maintenance of the voter's register. It is therefore one of the important aspects for monitoring and observation of the pre-election activities. In a word, monitoring of the pre-election stage of an election among other things needs to focus upon delimitation of constituencies, voter registration and election campaign, just to mention some of the key issues. Delimitation process involves demarcation of constituencies with relatively equal number of voters registered in the same area for purposes of voting. For purposes of general elections, Zimbabwe is divided into one hundred and twenty (120) electoral zones commonly referred to as constituencies in line with section 60 (2) of the country's constitution. This article considers the technical process as well as the hard politics of constituency delimitation in Zimbabwe.

### **Technical and Political Considerations for Delimitation**

The process of delimitation is better understood as both a straightforward technical demarcation of boundaries meant to facilitate smooth voting and an arena of political contestation by various political actors for state power in particular political parties. From a technical

perspective, both the constitution and the electoral law stipulate how the delimitation process unfolds. The country is divided into various electoral zones by the four-person Delimitation Commission (DC) appointed by the president in consultation with Judicial Service Commission. For the purposes of the upcoming parliamentary election in March 2005, President Robert Mugabe appointed the Delimitation Commission on 14 September 2004. The DC comprised the following:

- Justice George Chiweshe: Chairperson
- Dr. Maclean Bhala: Member
- Dr. Charles Mukora: Member; and
- Dr. Job Whabira: member

The mere fact that the appointment of the DC is not the responsibility of an independent body and that the President plays a direct role in its establishment is bound to raise dust around the elections. After the DC completed its work, its chairperson was appointed by the President as the chairperson of the newly established Zimbabwe Electoral Commission (ZEC). The Delimitation Commission, like the Electoral Commission itself, is supposed to enjoy the moral confidence and political trust of all the contestants and other election stakeholders. This does not seem to be the case with the DC in Zimbabwe where the Commission is not perceived to be sufficiently insulated from undue political influence from the ruling party and thus politically tainted as it were. Once a perception like this (whether real or imagined) persists and becomes pervasive then the integrity of the Commission becomes compromised and its impartiality questionable: the closer the proximity of the Delimitation Commission to the ruling party, the higher the probability for the political manipulation of the electoral boundaries to the disadvantage of opposition parties. This is a truism of electoral politics. It is often termed gerrymandering. It is the stark reality of *realpolitik*.

### **Making sense of the new Election Boundaries**

The Chiweshe Delimitation Commission decreased urban constituencies and increased rural constituencies. Three (3) constituencies were deducted from urbanized Harare, Bulawayo and Matebeleland South Provinces, while rural provinces of Manicaland, Mashonaland East and Mashonaland West gained one constituency each (, 2005:8). The technical rationale provided by the DC is that there has been a massive urban-rural migration in the past that justifies the adjustment of the election boundaries. While this demographic justification may not, in and of itself, be a contestable argumentation, it is important however to appreciate the politics of the adjustments. It is worth noting that the ruling ZANU-PF has experienced progressively diminishing political returns in almost all urban constituencies since the 1999 constitutional referendum and the 2000 parliamentary election. Conversely, the main opposition party, the Movement for Democratic Change (MDC) has grown largely on the basis of the socio-economic disaffection of the urban populace. In a nutshell, the political chess game in Zimbabwe ahead of the March 2005 elections is such that ZANU-PF's political stronghold is in the rural constituencies while that of the MDC is in the urban constituencies. It is therefore in the interest of the ruling party for rural constituencies to increase. It is also to

the disadvantage of the constituencies to increase. Consider the following table for the political opposition parties for rural significance of these observations:

Province	No. of Registered Voters	No. of Constituencies
Bulawayo	339 990	7
Harare	832 571	18
Manicaland	686 767	15
Mashonaland Central	490 181	10
Mashonaland East	610 715	13
Mashonaland West	593 354	13
Masvingo	675 234	14
Matebeleland North	342 745	7
Matebeleland South	341 258	7
Midlands	745 822	16

Source: , 2005:8-9

According to Choice Ndoro, of the University of Zimbabwe, there are about 5.6 million registered voters in Zimbabwe of which “the majority reside in the rural areas” (2005:4).

### Conclusion

Zimbabwe’s electoral reform process has to ensure that critical pre-election preparations such as voter registration, maintenance of the voter’s roll and constituency delimitation becomes the responsibility of an impartial and independent election management body. In fact, the current reform measures underway in Zimbabwe do not seem to have addressed this issue at all. Drawing of election boundaries should not be the responsibility of central government, but that of the election management body with the requisite public trust and confidence of the key political actors. Besides just the critical issue of confidence and trust which could be derived from one single body entrusted with this responsibility, it does seem that even with the current reforms, still a multiplicity of institutions including the Registrar-general, the Electoral Supervisory Commission, the DC and the new

Electoral Commission run elections with dire consequences for the credibility and integrity of the process and its outcome indeed.

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## **PRIMARY ELECTIONS IN ZIMBABWE**

*Sydney Letsholo*

### **Introduction**

Primary elections in Zimbabwe have brought with them the unthinkable. Erstwhile political rivals have merged to form a coalition, as result of having being either excluded, sacked or resigned from their respective political parties. Simply defined, primary elections refer to the nomination of members of a political party to stand for the election, in this case the parliamentary election. Primaries are held before parliamentary polls to allow party members to select their prospective Members of Parliament. Political parties vary in terms of the style in which the primary elections take place. As expected, Zimbabwe's main political parties, Zimbabwe African National Union Patriotic Front (ZANU-PF) and the Movement for Democratic Change (MDC), held primary election to nominate candidates to contest in various constituencies. The article will also look at other minority parties like the Zimbabwe African National Union (ZANU-Ndonga) and the newly formed Zimbabwe Youth in Alliance (ZIYA) that have also participated in the primary elections. The parliamentary elections scheduled for 31 March 2005, have also seen a large registration of independent candidates.

### **Primary Elections in the Ruling ZANU-PF**

Perhaps the highlight of the primary elections for ZANU-PF pertains to the exclusion of the Information and Publicity in the Office of the President Minister

Jonathan Moyo. Moyo together with other high ranking members of ZANU-PF was accused by President Robert Mugabe of trying to orchestrate intra-party hostilities. As a result of his sacking and exclusion from the primary elections, Moyo decided to register and stand as an independent candidate in the Tsholotsholo constituency in the forthcoming parliamentary election. Given this *status quo*, primary elections for ZANU-PF took place. According to Ndoro (2005) the primary elections were held on 15 January in most constituencies with a few postponed to 16 and 17 January due to logistical problems such as transport, floods, inadequate staff and ballot papers. Further problems were also experienced during the primaries. A last minute quota system for women was hastily put in place to enable the party to adhere to the SADC Principles and Guidelines on the conduct of democratic elections, also recommended from the SADC Declaration on gender and development which stipulated 30% seats for women by the year 2005 (Ndoro, 2005: 18). This effectively meant that men who campaigned in women designated constituencies were jettisoned.

There were various prerequisites that were needed before people could cast their votes for MP aspirants of ZANU-PF. For one to be eligible to vote in the primary elections, members had:

- To produce their ZANU-PF membership card; and
- Produce their national identity books.

For the candidates, the prerequisite was that he/she had to be a card carrying member for at least five (5) years. Concerning disputes that may arise around the conduct of primary elections, ZANU-PF put in place a structure called the Election Directorate. Among other things, the Election Directorate also dealt with appeals; and could also call for re-runs. The outcome of the primary election saw some party heavyweights failing to secure nomination in party primaries. The casualties included Samuel Mumbengegwi (Trade & Industry Minister), Kenneth Manyonda (deputy to Mumbengegwi), Paul Mangwana (Labour Minister); and Rugare Gumbo (Parastatals Minister).

### **Primary Elections in Opposition Parties**

Zimbabwe's main opposition party, the MDC has eventually reconsidered its earlier intention of boycotting the parliamentary elections. However, Ndoro (2005) asserts that the confirmation process took place without much media coverage since the party had not issued a formal statement confirming its intention to participate in this crucial election. Initially, the MDC had mentioned that it would boycott the parliamentary elections because of claims that the political environment was not conducive for the holding of free and fair elections. The criteria used by party in the primary elections differed from that of ZANU-PF. Members of Parliament who were popular with local structures were confirmed while those who failed had to undergo primary elections (Ndoro, 2005: 16). As with ZANU-PF's primary elections, the primaries for the MDC also had some glitches. There were allegations of vote buying of local structures for one to be confirmed. In case of a dispute emanating from the primary elections, the MDC had two structures. Firstly there was the National Election Committee and; secondly the National Executive that made resolutions.

As it stands, the ruling ZANU-PF will contest the parliamentary elections with only the MDC, ZANU-Ndonga, ZIYA and several independent candidates. In the most unlikely event, a coalition comprising former ZANU-PF and MDC members has emerged to contest the election under one banner. Four smaller parties failed to file nomination papers, despite their intention to run: the Democratic Party (DP), Zimbabwe African People's Union (ZAPU), the National Alliance for Good Governance (NAGG); and the Multi-racial Christian Democrats (MCD) (Zim-Observer, 2004). One of the reasons that has been cited for the failure of these parties to contest the parliamentary elections is attributed to the Political Parties (Finance) Act which among other things stipulates the illegality for a party or any of its members to accept foreign donations, whether directly from the donor or indirectly from a third party (Section 6 (1) of the Political Parties (Finance) Act).

### **Conclusion**

The primary elections produced a fair share of drama especially for the ruling ZANU-PF. In trying to comply with the SADC gender declaration on the 30% representation of women in Parliament, some men campaigning under the ZANU-PF banner had to be disqualified in favour of women. Political heavyweights fell from grace because President Mugabe mandated that all aspirant MPs had to undergo primary elections. The MDC, on the other hand, also held primaries without much media coverage because of their initial decision to boycott the parliamentary elections scheduled for 31 March 2005. The recently

formed coalition of disgruntled members of ZANU-PF and MDC came as a surprise to many political analysts because of the well documented rivalry between these two parties. It also remains to be seen how minority parties, ZANU-Ndonga, ZIYA and independent candidates will fare in the polls come the day of the election. Having secured the vote of confidence from loyal party supporters in the primary elections, the stage is now set for all the parties' contesting candidates to get that ultimate ticket to Parliament.

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Political Parties (Finance) Act.