



Report on the Local Authority Run – Off Elections

//13 September 2013

Executive Summary

The Election Resource Centre (ERC), an independent electoral institution fully registered in accordance with the laws of Zimbabwe and has been working around elections since 2010, received accreditation to observe the September 11th 2013 Run-off ward elections in 3 wards found in Manicaland, Mashonaland West and Matebeleland North. This follows the ERC's successful application and observation of the July 31st 2013 Harmonised election together with the Constitutional Referendum of March 2013. Run-off elections are provided for in Section 129 of the Electoral Act.

The run-off elections were held in Ward 30, Mutasa Rural District Council (RDC) and Ward 5, Kusile RDC both rural and Ward 4, Kadoma Municipality which is wholly urban. The two rural wards are largely peasantry, whilst the urban ward, consists of a mixed group of both formally and informally employed residents. The rural wards have a direct interface with traditional leadership.

It should be noted that the run off elections arose as a result of the major political parties getting exactly the same number of votes during the disputed 31st July 2013 election. In previous years, including in the 2008 election, the official response to candidates getting the same number of votes was addressed through the tossing of a coin to determine the winner. The conduct of run-off by elections for wards was introduced through Statutory Instrument 85 of 2013 which repealed the previous section 129 of the Electoral Act.

A similar process will happen in the election of mayor in towns (Kwekwe, Rusape and Plumtree) in which political parties have the same number of elected councillors. In Kariba in 2008, one of 10 wards recorded a tie in the number of votes garnered by the major contenders resulting in the election being concluded by the drawing of lots. The conduct of run off elections is relatively new in Zimbabwe's electoral history with the first one ever, being the June 2008 Presidential attempt.

During the run-off elections, the ERC was able to deploy mobile teams to cover the 9 polling stations that had been set up while also heavily depending on civic activists drawn

from partnering organisations to share information around the election via SMS, Facebook, Twitter and an information sharing platform that was set up on the ERC website.

While the ERC deployed 3 mobile teams on polling day, pre-election observation of the same election had been on going through community members who voluntarily shared information on related pre-election activities such as voter education and campaigning. For the purposes of the 3 run-off elections, there was no fresh registration of voters that was undertaken since the electoral law insists on the use of the same voters' roll as the one used on the 31st of July 2013.

It is also essential to note that the ward run-off elections of September 2013 were also of particular importance to Zimbabwe's political history as they marked the first election since the contested July 31st poll and from a technical and political view point, they presented an opportunity to assess the capacity of Zimbabweans to engage in a political contest, albeit at a very small scale, given the volatility of the political environment as the previous election stood contested. The poll further provided an opportunity to assess the capacity of the election management body, the Zimbabwe Electoral Commission, to respond to challenges noted by observers, both domestic and international as well as political parties on the July 31st 2013 election.

Key Observations

The ERC commends the Zimbabwe Electoral Commission for conducting run-off elections in Ward 4 of Kadoma Ward, Ward 30 of Mutasa Rural District Council and Ward 5 of Kusile Rural District Council, an exercise which afforded the electorate another opportunity to conclusively decide on their chosen representative in the local authorities.

The ERC notes the effort by the Zimbabwe Electoral Commission towards fully publicising the process preceding the runoff elections. Firstly, the Commission complied with the provision in the electorate of the planned election. Secondly, the Commission did manage to publicly call for accreditation inviting election stakeholders who wished to observe processes related to the run-off elections. Lastly it is of importance to note that the Zimbabwe Electoral Commission complied with Section 51 (3) of the Electoral Act (Chapter 2:13) which compels the Electoral body to announce the schedule on where and when voting would take place in a particular election.

As hundreds of Zimbabweans cast their vote in the three run-off elections, the ERC took notice of other processes carried by the Commission which included holding of briefing meetings with contesting candidates and the conducting of voter education in the wards concerned. However it was disheartening to note that the Commission once again failed to provide the contesting candidates with electronic and analysable voters' rolls prior to the holding of the run-off elections.

This failure compounded the inadequacies of ZEC in meeting the prescribed regulations under the Electoral Act. The failure to provide the voters' roll to be used during the election

on time was also a cause for concern during the 31st of July 2013 Harmonised Elections. The ERC urges the Commission to adhere to electoral fairness by affording all contesting candidates or parties necessary information during all elections and abide by the provisions of the Electoral Act which compels ZEC to provide a copy of both electronic and printed copies of the voters' roll to contesting candidates within reasonable time.

The peaceful environment that existed in the pre-election and during polling in the three Wards where the run-offs took place was encouraging. There were no major cases of violence reported although some incidences of intimidation were recorded in Mutasa and Lupane districts just before and during the elections.

Ahead of the elections, the expectation was that ZEC would make every effort to avail all critical information about the elections to the public. Regrettably, there was no indication given of how many ballot papers were prepared for the run-off ward elections, which company had printed them and where they were kept. Such information is critical in that it promotes transparency and verifiability of the election process both of which are elements noted in the electoral law.

During polling the ERC was however encouraged by reports that all the nine polling stations designated to hold the run-off elections opened on time. ERC observers attested that all the material required during polling were available throughout the entire voting process and did not run out as experienced in some polling stations during the July 31st 2013 poll.

Generally observers noted only a few people being turned away for failure to meet the requirements for one to vote. A worrying trend was however observed at Mabanana Creche in Ward 4 in Kadoma where a huge number of people were not found on the voter's roll and voted using their registration slips.

At least 73 people are reported to have voted with such slips. Whilst this is perfectly legal, it should however, be pointed out that the use of registration slips, while legal, raises a lot of questions around the currency of the voters' roll, that is, how up to date it is. It also contributes significantly to creating space for electoral fraud particularly in instances where the voter registration process is not transparent and auditable.

Unfortunately in the Zimbabwean case, some reservations were expressed around the registration of voters in the run up to the 2013 poll and no audit was done on both the voter registration process and its resultant product - the voter's roll. Surely 40 days after the last poll, the voters' roll could have been updated to avoid the rampant use of registration slips given their contentious nature in the last election

On a more positive note, it was reported that all the polling stations closed on time and there were no incidences recorded with regard to the closing of polls.

Ward Statistics and Results

The Table 1 below shows statistics on the three wards where run-off took place on the 11th of September 2013. The statistics depicts ward information and results of the 29 March 2008, 31 July 2013 and 11 September 2013 ward elections. It is of importance to mention that according to the law the same voters roll used during the first round of elections which necessitated a run-off is used in the latter election(s). An inference on the 31 July 2013 and 11 September Run-Off elections points to a decrease in total number of valid votes cast in the three respective wards. Significant to the two results is the gaining of votes by ZANU PF in Ward 5, Kusile RDC and Ward 30, Mutasa RDC. On the other hand MDC T significantly lost a significant number of valid votes during the Run-Off elections compared with the 31 July 2013 results.

Table 1 Ward Results 2008 and 2013

		MDC-T	ZANU PF	TOTAL VALID VOTES	MDC-T	ZANU-PF	MDC-N	ZAPU	TOTAL VALID VOTES	MDC-T	ZANU-PF	TOTAL VALID VOTES	REGISTERED VOTERS 2013
DISTRICT	Ward	2008	2008	2008	2013	2013	2013	2013	2013	RUN- OFF	RUN- OFF	RUN- OFF	RUN-OFF
Kadoma	4	436	250	686	545	545			1090	212	523	735	2163
Kusile	5	356	462	818	419	419	69	23	930	221	646	867	2102
Mutasa	30	664	692	1356	692	692			1384	399	732	1131	2471

Further assessment on the total votes casts in the Run-Off elections against the total number of registered in the respective wards points to a less than 50% voter turnout in all the three ward under discussion. See table below;

Table 2 Percentage Turnout during Run-Off Elections

		MDC-T	ZANU-PF	SPOILT VOTES	TOTAL VOTES CAST	REGISTERED VOTERS 2013	APPROXIMATE PERCENTAGE VOTER TURNOUT
DISTRICT	WARD	RUN-OFF	RUN-OFF	RUN-OFF	RUN-OFF	RUN-OFF	RUN-OFF
Kadoma	4	212	523	16	747	2163	34.5
Kusile	5	221	646	12	879	2102	41.8
Mutasa	30	399	732	7	1138	2471	46.1

Recommendations

The ERC concludes by urging the Zimbabwe Electoral Commission to address the existing electoral gaps which include but are not limited to;

- Provision of all information relating to the election on time including not just voters' rolls, which were provided in these run-off elections to contesting political parties but also other information such as the number of materials produced for the election including ballot papers, who printed them and where they were kept. Other required information is the number of registration slips that were issued in the particular electoral district that have not been captured in the voters' roll. Such information should not be provided in retrospect but should form the basis of all election information made public ahead of the election, especially that information which does not pertain to the Election Day.
- The current system of registering voters and the voters' roll itself present fertile ground for electoral contestation. Given the provisions in the new constitution that allow for ZEC to now take full charge of the registration of voters and custody of the roll, now is the time for the Zimbabwe to explore other ways of capturing voter information including the possibility of biometric voter registration.
- There appear some allegations of marshalling of voters which are consistent with almost all of our previous immediate elections. The Election Commission should fully investigate these and engage with all stakeholders in bringing such a practise to an end given the potential that the practise has in compromising not only the secrecy of the vote but also the credibility of the election itself. //Ends

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