

ZIMBABWE ELECTORAL COMMISSION

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REPORT ON THE 2008 GENERAL ELECTIONS

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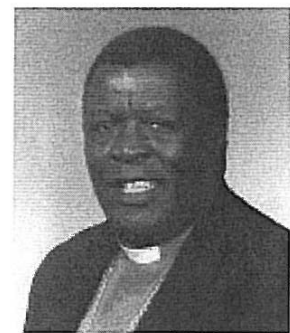
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ACKNOWLEDGEMENTS

The Zimbabwe Electoral Commission (ZEC) (henceforth referred to as the Commission) is indebted to the following persons and organisations for their contribution to the successful conduct of the 2008 Harmonised Elections held on the 29th of March 2008 and the presidential run-off election and House of Assembly by-elections held on the 27th of June 2008.

- The respective Logistics Committees for mobilizing human, material and financial resources for the elections;
- The Service Commissions for the provision of staff to facilitate the work of the Commission;
- All political parties and candidates who participated in the poll for their contribution to the electoral process;
- All electoral staff for the execution of their duties;
- All observers and media personnel for their respective roles during the election period;
- The Zimbabwe Republic Police (ZRP) for the security of ZEC personnel, electoral materials and generally, for maintenance of law and order;
- The Central and Mechanical Equipment Department (CMED) for providing vehicles and fuel; and
- All other persons and institutions who rendered support before, during and after the 2008 elections.

PREAMBLE

Following the enactment of the Constitution of Zimbabwe Amendment No. 18 Act (2007) and the Electoral Laws Amendment Act No. 17 (2008), Zimbabwe held its first harmonised elections on the 29th of March 2008. A presidential run-off election and 3 House of Assembly by-elections were subsequently held on the 27th of June 2008

May it please

- The President of the Senate,
- The Speaker of the House of Assembly,
- His Excellency, the President of the Republic of Zimbabwe, and
- The Honorable Minister of Justice, Legal and Parliamentary Affairs

to note that the Zimbabwe Electoral Commission duly prepared for and conducted the 2008 elections.

Section 12 of the Zimbabwe Electoral Commission Act [Chapter 2:12] requires the Commission to submit a report to you after an election and, in compliance with the respective law, the Commission is pleased to present to you the report on the conduct of the 2008 elections.

The report outlines the activities of the Commission and other stakeholders before, during and after the elections.

The report is duly signed and submitted by all members of the Zimbabwe Electoral Commission.

SUMMARY

1. The Zimbabwe Electoral Commission (ZEC) is an election management body established in terms of section 61 of the Constitution of Zimbabwe. Its main function is to prepare for, conduct and supervise all elections and referendums in Zimbabwe.
2. Following reforms to the electoral law, the Commission was given further responsibilities of demarcating electoral boundaries and monitoring the media during elections.
2. In terms of the same reforms, the country conducted its first harmonised elections on the 29th of March 2008. A presidential run-off election was subsequently held on the 27th of June 2008.
3. Preparations for the 2008 harmonised elections commenced with the conduct of a national mobile registration exercise which ran from the 18th of June to the 17th of August 2007. As of the 4th of December 2007, the total registration figure stood at 5 612 464 (five million six hundred and twelve thousand four hundred and sixty four) voters.
4. The Commission delimited 1958 (one thousand nine hundred and fifty eight) wards, 210 (two hundred and ten) House of Assembly and 60 (sixty) senatorial constituencies.
5. Inspection of the voters' roll was conducted from the 1st to the 14th of February 2008.
6. The elections were proclaimed by His Excellency, the President, through Statutory Instrument 7A of 2008 on the 21st of January 2008.
7. Nomination courts sat on the 15th of February 2008 at designated venues across the 10 provinces. Four thousand four hundred and six(4406) candidates, [including four (4) presidential candidates], successfully filed their papers for all the elections. Of these, 1 (one) senatorial candidate, 1 (one) House of Assembly candidate and four hundred and eleven (411) local authority candidates stood unopposed.
8. Five candidates withdrew from the senatorial, 16 (sixteen) from the House of Assembly and 2 (two) from the local authority elections.
9. The Commission set up a national Multi-party Liaison Committee and various sub-committees to deal with electoral disputes arising during the election period.

10. The March 2008 elections were held under difficult conditions due to economic hardships. According to the police, the pre-election period remained generally peaceful.
11. Nine thousand one hundred and eleven (9111) polling stations were set up throughout the country and these were published in the print media in accordance with the law.
12. Eight thousand two hundred and eleven (8211) local observers, 251 (two hundred and fifty-one) foreign observers, 650 (six hundred and fifty) local journalists and 38 (thirty-eight) foreign journalists were accredited for the 29th of March 2008 elections.
13. The Zimbabwe Republic Police (ZRP) submitted 4350 (four thousand three hundred and fifty) postal ballot applications.
14. Polling commenced at 0700hours and ended at 1900hours.
15. Verification and counting of votes was done at polling station level in the presence of candidates or their election agents and observers. Results of the elections were collated at ward, House of Assembly, senatorial and national levels.
16. Results of the 4 (four) elections were first announced at polling station level and then at ward, House of Assembly, senatorial and the national collation centres.
17. A total of 131 (one hundred and thirty-one) electoral officers were arrested on allegations of electoral fraud.
18. The Commission conducted recounts in 23 (twenty-three) constituencies.
19. The summary of results for the 29 March 2008 elections is as presented below.

Table 1: Local Authorities Seats by Political Party

P.Party/Indep	Seats Won Unopposed	Seats Won in Contested Wards	Totals
MDC	13	152	165
MDC Tsvangirai	11	764	775
Independent	-	3	3
UPP	-	1	1
ZANU PF	389	612	1001
Totals	413	1532	1945
No elections			13
GRAND TOTAL			1958

There were no elections in 13 (thirteen) local authority wards. By-elections would be conducted in due course.

Table 2: House of Assembly Seats by Political Party

Political Party/Independent	Seats
MDC	10
MDC (Tsvangirai)	99
ZANU PF	97
Independent	1
Total	207

There would be 3 (three) by-elections following the death of 3 (three) MDC candidates for Mpopoma-Pelandaba, Gwanda South and Redcliff House of Assembly constituencies.

Table 3: Senatorial Seats by Political Party

Political Party	Seats
MDC	6
MDC (Tsvangirai)	24
ZANU PF	30
TOTAL	60

Table 4: Presidential Election Results by Candidate

Candidate	P.Party/Indep	Votes	% Valid Votes
Makoni Herbert Stanley Simba	Independent	207 470	8.31
Mugabe Robert Gabriel	ZANU PF	1 079 730	43.24
Towungana Langton	Independent	14 503	0.58
Tsvangirayi Morgan	MDC-T	1 195 562	47.87
TOTAL		2 497 265	100

Since none of the candidates received an absolute majority, the candidates who obtained the highest and second highest number of votes, that is, Mr Morgan Tsvangirai of the MDC-Tsvangirayi (hence forth to be referred to as MDC-T) and Comrade Robert Gabriel Mugabe of ZANU PF were eligible to contest the presidential run-off.

20. Voter turnout for the presidential March 2008 election was 42.73 %.
21. The Commission conducted the presidential run-off election and the three by-elections for Mpopoma-Pelandaba, Gwanda South and Redcliff House of Assembly constituencies on the 27th of June 2008.

22. The Commission re-activated the national Multi-party Liaison Committee and its sub-committees to deal with electoral disputes arising during the election period.
23. Economic hardships continued to take their toll on both the electorate and the Commission. According to the police, the campaign period prior to the run-off election was generally peaceful, save for some parts of Mashonaland Central and some parts of Mashonaland East where incidents of interparty violence were reported.
24. The MDC-T presidential candidate's attempt to withdraw from the election was rejected by the Commission for being out of time.
25. Generally, the Commission used the same polling stations as in the March 2008 elections.
26. One thousand and ninety nine (1099) local observers, 599 (five hundred and ninety nine) foreign observers, 326 (three hundred and twenty six) local journalists and 38 (thirty eight) foreign journalists were accredited.
27. Forty eight thousand four hundred and ten (48410) postal ballot applications were received from diplomatic missions, the ZRP, the Army, Prisons Services and the Zimbabwe Electoral Commission staff.
28. Polling took place on the 27th of June 2008 between 0700hours and 1900hours.
29. Verification, vote counting, collation and transmission of results followed the same path as in the March 2008 elections.
30. The results of the elections as tabulated below were announced on the 29th of June 2008.

Table 5: Presidential Run-off Election Result by Candidate

Candidate	Party	Votes	% Votes
Mugabe Robert Gabriel	ZANU PF	2 177 559	85.3
Tsvangirai Morgan	MDC - T	239 008	9.4
Spoiled Papers		135 806	5.3
GRAND TOTAL		2 552 373	100

Voter turnout for the presidential run-off election was 43.01%.

Table 6: House of Assembly By-elections Results

Constituency	Candidate	P.Party	Votes
Gwanda South (Voter pop: 24 437 ; Voter turn out: 40.67)	Mdlongwa Nephart	MDC – T	1 198
	Mlilo Orders Shakespear	ZANU PF	7 860
	Ndlovu Elizabeth	MDC	676
	Spoilt Papers		204
Totals			9 938
Pelandaba-Mpopoma (Voter pop: 28 585 ; Voter turn out: 22.38)	Gwetu Dhumani	MDC	646
	Khumalo Samuel S	MDC-T	3 795
	Mahachi Chamunorwa	Independent	16
	Mutukwa Fungai	Independent	22
	Ndlovu Samuel M	UPP	60
	Ndlovu Sikhanyiso Duke	ZANU PF	1 565
	Nkala Leonard	PUMA	18
	Sibanda Job	Independent	172
Spoilt Papers			104
Totals			6 398
Redcliff (Voter pop: 30 087 ; Voter turn out: 41.18)	Chinhara Aaron	MDC-T	3189
	Karigambe Pezuru Gilimon	MDC	210
	Muza Isheanesu	ZANU PF	6 661
	Sengweni Tapera	MDC-T	2 096
Spoilt Papers			235
Totals			12 391

32. The Commission has made certain observations and recommendations.
33. The Commission is satisfied that it conducted both the March 2008 harmonised elections and the resultant June 27, 2008 presidential run off election and House of Assembly by-elections efficiently, freely, fairly, transparently and in accordance with the law.

CHAPTER 1

THE LEGAL FRAMEWORK OF ELECTIONS IN ZIMBABWE

1.0 THE ZIMBABWE ELECTORAL COMMISSION (ZEC)

1.1 Appointment and Composition

The Zimbabwe Electoral Commission (ZEC) is an election management body established in terms of section 61 of the Constitution of Zimbabwe.

It is composed of a Chairperson who should be a Judge of the High Court or the Supreme Court or a person qualified to be appointed as such, appointed by the President after consultation with the Judicial Service Commission, and 6 (six) other members, at least 3 (three) of whom should be women, appointed by the President from a list of nominees submitted by the Parliamentary Committee on Standing Rules and Orders.

The current Commission was appointed on the 17th of May 2006 and consists of the following:-

Hon. Justice George Mutandwa Chiweshe	–	Chairperson
Mrs Joyce Laetitia Kazembe	–	Deputy Chairperson
Mr Theophilus Pharaoh Gambe	–	Commissioner
Mrs Sarah Letty Kachingwe	–	Commissioner
Professor George Payne Kahari	–	Commissioner
Mrs Vivian Stella Ncube	–	Commissioner
Bishop Jonathan Siyachitema	–	Commissioner

1.2 Functions of the Commission

The functions of the Commission include the following:

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

- (ii) elections to the governing bodies of local authorities; and
 - (iii) referendums; and
- to ensure those elections and referendums are conducted efficiently, freely, fairly, transparently and in accordance with the law; and
- b. to supervise the registration of voters by the authority charged with that responsibility under the electoral law; and
 - c. to compile voters' rolls and registers; and
 - d. to ensure the proper custody and maintenance of voters' rolls and registers; and
 - e. to design, print and distribute ballot papers, approve the form of and procure ballot boxes, and establish and operate polling centres; and
 - f. to conduct voter education; and
 - g. to accredit observers of elections and referendums in accordance with an Act of Parliament; and
 - h. to give instructions to –
 - A. the Registrar General of Voters in regard to the exercise of his/her functions under the electoral law or any other law; and
 - B. other persons in the employment of the state or of a local authority for the purpose of ensuring the efficient, proper, free and fair conduct of any election or referendum; and
 - i. to delimit ward and constituency boundaries for purposes of elections.; and
 - j. to monitor the media during elections; and
 - k. to exercise any other functions that may be conferred or imposed on the Commission by the electoral law or any other law.

1.3 Staff of the Commission

The Commission is serviced by a full-time secretariat which is headed by a Chief Elections Officer. It is empowered by the provisions of the Zimbabwe Electoral Commission Act [Chapter 2:12] and the Electoral Act [Chapter 2:13] to employ staff on a permanent basis and to request for personnel from state institutions to assist it in discharging its mandate during an electoral activity.

1.4 Funding of the Commission

The funds of the Commission mainly consist of monies appropriated to it by Parliament. The law allows the Commission to retain fees, charges and proceeds from monetary penalties imposed by it, or funds accruing from its operations. Following amendments to the electoral law, the Commission is now empowered to seek or accept donations or grants from local and foreign sources, subject to the approval of the Minister of Justice, Legal and Parliamentary Affairs.

1.5 Committees of the Commission

For the better exercise of its functions, the Zimbabwe Electoral Commission Act empowers the Commission to establish committees to assist it in the discharge of its functions. These may be composed of and chaired by persons who are not necessarily members of the Commission.

1.6 Electoral System

The country practices the First-Past-the-Post system for parliamentary and local authority elections, that is, the House of Assembly, senatorial and local government elections. Where there are two or more candidates, the candidate with the greatest number of votes is declared the winner. If an equal number of votes has been declared for two or more candidates, lots will be drawn in the presence of a judge of the High or Supreme Court.

On the other hand, the system used for the presidential election is the Single-Member-Majority. A candidate should get a greater number of votes than those cast for all his/her competitors combined, that is, 50% plus 1 vote. The law provides for a run-off (within 21 days) if none of the candidates receives the said majority. However, the Commission, through section 192 of the Electoral Act, is empowered to make statutory instruments which are necessary or desirable to ensure that any election is properly and efficiently conducted and to deal with any matter or situation connected with, arising out of or resulting from any election. This includes the power to alter any period specified in

the Act within which anything connected with, arising out of or resulting from any election must be done.

1.7 Electoral Reforms

Prior to the March 2008 elections, the legislature promulgated two pieces of legislation, that is, the Constitution of Zimbabwe Amendment No. 18 Act (2007) and the Electoral Laws Amendment Act No. 17 (2008) which ushered in further reforms to the electoral process in Zimbabwe.

1.7.1 Constitution of Zimbabwe Amendment No. 18 Act

The major changes introduced by this Act were as described below.

- The presidential term of office was reduced from six to five years, to run concurrently with the term of Parliament, thus setting the stage for the first 4-in-1 elections in Zimbabwe. In future, the presidential term can be shortened or extended concurrently with that of Parliament, in accordance with the provisions of the Constitution.
- Where a casual vacancy arises in the office of President through death, resignation or removal from office, the amendment provides that the Senate and the House of Assembly shall jointly sit as an electoral college to elect a successor. Previously, the law provided that a national election be called within 90 days of such vacancy.
- The size of the Senate, which had previously comprised 66 (sixty-six) senators¹, was increased to 93 (ninety-three). It would comprise 60 (sixty) directly elected senators from the 10 (ten) provinces, at 6 (six) per province, 10 (ten) provincial governors appointed by the President of the Republic of Zimbabwe, the

¹ Of these, 50 senators were directly elected from the 10 provinces, at 5 per province, 10 were chiefs, comprising the President and Deputy President of the Council of Chiefs and 8 chiefs elected from the 8 non-metropolitan provinces at 1 chief per province. The remaining 6 were presidential appointees.

President and Deputy President of the Council of Chiefs, 16 (sixteen) chiefs² and 5 (five) presidential appointees.

- The number of seats in the House of Assembly was increased from 150 (one hundred and fifty) to 210 (two hundred and ten), all of which would be directly elective, on a constituency basis.
- Lastly, the Commission assumed the responsibility of delimiting constituency and ward boundaries for purposes of electing Members of Parliament and councillors of local authority bodies, respectively. Previously, this had been the function of the then Delimitation Commission and the Ministry of Local Government, Public Works and Urban Development.

1.7.2 Electoral Laws Amendment Act No 17

This Act conferred on ZEC further responsibilities as indicated below.

- The Commission should monitor all Zimbabwe news media during any election period, to ensure that broadcasters, print publishers and journalists observe the provisions of the Zimbabwe Electoral Commission Act [Chapter 2:12] which deal with media monitoring.³ The amendment also empowers the Commission to make, with the approval of the Minister of Justice, Legal and Parliamentary Affairs, regulations which are meant to ensure fair, balanced and equal or equitable coverage of contestants during the election period by all media. Previously, the Broadcasting Authority of Zimbabwe (BAZ) and the Media and Information Commission (MIC) had monitored the operations of the public broadcaster and print media respectively. The Commission is required to include a report on this responsibility in its election report.

² Comprising 2 chiefs per non metropolitan province, elected by the Provincial Chiefs' College.

³ The election period begins with the Presidential Proclamation of any election and ends with the announcements of results.

- In terms of section 20 of the Electoral Act [Chapter 2:13], the Commission should keep and maintain the voters' roll for each ward and constituency. It is obliged to keep a copy of every voters' roll at its head office and one copy of each ward and constituency voters' roll at all the Commission's offices within the constituency concerned.
- The Commission is also required to:
 - undertake and promote research into electoral matters;
 - develop expertise and use of technology in electoral processes;
 - promote co-operation between government, political parties and civil society with regard to elections;
 - keep the public informed on various election related issues and
 - make recommendations to Parliament on appropriate ways to provide public financing for political parties.

CHAPTER 2

MARCH 2008 HAMORNISED ELECTIONS

PART I: PREPARATIONS FOR THE ELECTIONS

2.0 Introduction

A lot of work went into the preparations and holding of the elections. The undertaking was divided into different tasks that constitute the electoral process as a whole.

2.1 Voter Registration

Voter registration, as is inspection of the voters' roll, is a continuous exercise in Zimbabwe. Any person wishing to register as a voter or to inspect the voters' roll is free to approach the offices of the Registrar-General of Voters during working hours. In addition to the normal registration facilities available, the Registrar-General of Voters' office, conducted an outreach voter registration exercise from the 18th of June to the 17th of August 2007. The Commission deployed voter educators in advance of these teams to sensitise the electorate on the exercise.

In response to concerns raised by stakeholders, a mop up exercise was conducted from the 26th of October 2007 to the 15th of November 2007. One hundred and twenty one thousand two hundred and thirty three (121 233) new voters were registered then, while 34 629 (thirty four thousand six hundred and twenty nine) transfers were effected. The teams maximized application of resources by using the same opportunity to register births and deaths and to also issue national identity cards.

2.2 Delimitation of Electoral Boundaries

The Commission began the delimitation exercise on the 5th of December 2007, a day after receiving the registration statistics from the Registrar-General of Voters. The task was completed on the 10th of January 2008 with the delimitation of 1958 (one thousand nine hundred and fifty-eight) wards, 210 (two hundred and ten) House of Assembly and

60 (sixty) senatorial constituencies. (For details, see report on the delimitation exercise for the 2008 harmonised elections)

2.3 Proclamation of Elections

On the 21st of January 2008, His Excellency, the President, proclaimed, through Statutory Instrument 7A of 2008, the 15th of February 2008 as the date of the sitting of the nomination courts, and the 29th of March 2008 as the date of the 2008 harmonised elections.

2.4 Inspection of the Voters' Roll

From the 1st to the 14th of February 2008, the Commission established temporary centres to facilitate inspection of the voters' roll countrywide.

2.5 Voter Education

The Commission conducted voter education at various stages of the electoral process that included:

- voter registration;
- the delimitation exercise;
- inspection of the voters' roll;
- nomination of candidates, and
- polling.

In the last phase, the Commission deployed 4 (four) voter educators per ward to inform the public on the polling date and candidates contesting for seats in the 4 (four) elections. The electorate was also conscientised on the ward boundaries, colours of the ballot papers, polling times and polling stations, while candidates were encouraged to campaign peacefully. Voter education methods included, among others, the following:

- mobile drama group displays;
- talk shows, addresses and advertisements in the electronic media;
- articles and advertisements in all Zimbabwe registered print media;
- posters;

- addressing gatherings and meetings; and
- distribution of concise pamphlets in English, Shona and Ndebele.

During the exercise, it came to the Commission's attention that some pamphlets with erroneous information had been printed and distributed by an errant employee. Disciplinary action has since been taken. The Commission stopped further distribution of the pamphlets.

2.6 Closure of Voters' Roll

The voters' roll, with a total voter population of 5 934 768 (five million nine hundred and thirty four thousand seven hundred and sixty-eight), was closed on the 14th of February 2008.

2.7 Nomination Courts Results

Nomination courts sat on the 15th of February 2008 at different venues in the country's 10 (ten) provinces. Four thousand four hundred and six (4406) candidates filed their papers as indicated below.

Election		No. of Candidates
Presidential	-	4
House of Assembly	-	774
Senatorial	-	197
Local Authority	-	3431

Of the above, 411 (four hundred and eleven) local authority candidates, 1 (one) House of Assembly candidate and 1 (one) senatorial candidate, stood unopposed.

The results of the nomination courts were published in the Government Gazette and print media.

(See **Annexure A: Nomination Courts Results.**)

2.8 Withdrawal of Candidates

Five (5) candidates withdrew from the senatorial, 16 (sixteen) from the House of Assembly, and 2 (two) from the local authority elections.

Notices of their withdrawals were published in the local print media, in compliance with sections 49 and 126 of the Electoral Act [Chapter 2:13].

(See **Annexure B: Candidate Withdrawals.**)

2.9 Death of Candidates

The Commission was notified of the deaths of the following House of Assembly candidates:

Candidate	Party	Constituency
Makwati Glory Joseph Tlou	MDC	Gwanda South
Gwetu Milford	MDC	Pelandaba-Mpopoma
Malinga Mathe Abednigo	MDC	Redcliff

In compliance with the electoral law, proceedings in respect of these elections were terminated. By-elections would be held.

2.10 Budget

The Commission was allocated a total of \$1 203 668 288 460 125 (one quadrillion, two hundred and three trillion, six hundred and sixty-eight billion, two hundred and eighty-eight million, four hundred and sixty thousand one hundred and twenty-five dollars) by Treasury for the March 2008 elections. The money was used to meet all election expenses such as procurement of election materials and equipment, and the recruitment, deployment and payment of electoral officers' allowances. The funds were sufficient for the elections.

2.11 The Environment

The elections were held under difficult conditions due to economic hardships which impacted negatively on the electorate and on the operations of the Commission. According to the police, the pre-election period remained generally peaceful.

2.12 Multi- party Liaison Committee

In accordance with the law, the Commission set up a national Multi-party Liaison Committee on the 7th of March 2008, chaired by a Commissioner. The Commission also established constituency and ward Multi-party Liaison sub-committees which met often in order to deal with electoral disputes. Membership was drawn from the contesting political parties and candidates, while law enforcement agents were co-opted by consensus.

2.13 Security

The Zimbabwe Republic Police (ZRP) was visibly present in the constituencies during the election period.

2.14 Mobilization of Resources

In terms of the law, the Commission set up a National Logistics Committee to assist it in mobilizing resources. Members were drawn from various ministries and government departments. Sub- committees were subsequently established at provincial and district levels.

The Commission toured the provinces prior to the elections and was generally satisfied with the state of preparedness.

2.15 Polling Stations

The Commission, in consultation with relevant stakeholders, established 9111 (nine thousand one hundred and eleven) polling stations and these were published in the print media as required by law. A full list of polling stations is available in soft copy.

Polling stations were broken down as follows:

Province	No. of Polling Stations
Bulawayo Metropolitan	241
Harare Metropolitan	722
Manicaland	1 138
Mashonaland Central	819
Mashonaland East	1 048
Mashonaland West	1 058
Masvingo	1 210
Matabeleland North	755
Matabeleland South	627
Midlands	1 380

2.16 Production and Distribution of Ward Voters' Rolls

As polling was going to be ward based, the Commission printed an adequate number of ward voters' rolls.

2.17 Printing and Supply of Ballot Papers

The Commission designed and commissioned the printing of ballot papers in the prescribed format. Printflow (Pvt) Limited was contracted to print ballot papers for the local authorities elections, while Fidelity Printers and Refineries produced ballot papers for the presidential, senatorial and House of Assembly elections. The ballot papers were distributed through the Commission's provincial, district and constituency structures.

2.18 Transport and Fuel

The CMED mobilized 3 013 (three thousand and thirteen) vehicles comprising trucks, lorries and buses in all the 10 (ten) provinces. The RBZ also provided 66 (sixty-six) vehicles and facilitated the purchase of Commission vehicles. In addition, the CMED also provided fuel.

2.19 Recruitment, Training and Deployment of Electoral Officers

In terms of the electoral law, the Commission recruited 94956 (ninety four thousand nine hundred and fifty-six) electoral officers from the Public Service Commission, local authorities and parastatals.

The officers were trained at various provincial and constituency venues, and election agents were invited to attend.

All electoral officers were deployed over a 4 (four) day period following training.

2.20 Accreditation of Observers and Media Personnel

The Commission established two accreditation centres, one in Harare and the other in Bulawayo. Accreditation commenced on the 19th of February 2008. Eight thousand two hundred and eleven (8211) local observers, 251 (two hundred and fifty-one) foreign observers, 650 (six hundred and fifty) local journalists and 38 (thirty-eight) foreign journalists were accredited.

2.21 Monitoring of Media Coverage of Elections

After broad ranging consultative meetings with media stakeholders, the Commission made the Zimbabwe Electoral Commission (Media Coverage of Elections) Regulations 2008. (See Annexure D) These were published in Statutory Instrument 33 of 2008 on the 23rd of February 2008. The regulations seek to ensure fair, balanced and equal or equitable coverage of contestants by all Zimbabwe media during an election period, although there is greater expectation on the part of the public media. They also prescribe what recourse aggrieved political parties or candidates can take. These regulations are in keeping with the respective SADC Principles and Guidelines Governing Democratic Elections in the SADC region.

(See **Annexure C: Media Coverage of Elections Regulations**).

Overall, the media found it challenging to comply with the regulations and, in the main, their editorial policies influenced the content of their publications on electoral issues. (See **Annexures D1** and **D2**: Reports on Media Monitoring.)

PART II: CONDUCT OF ELECTIONS

2.22 POLLING

2.22.1 Postal Ballots

In terms of the electoral law, only voters who have good reason to believe that they will be absent from their wards on polling day by reason of being on duty as members of a disciplined force, or as electoral officers, or absent from Zimbabwe on state duty, or spouses of the above, are eligible to use the postal ballot system.

An application for a postal ballot is made to the Chief Elections Officer and should be signed by the applicant in the presence of a competent witness. It should be accompanied by the applicant's voter registration certificate or proof of identity.

The competent witness in relation to postal voting is defined by the Electoral Act in section 4(1) to mean the Registrar- General of Voters or any other person specified in paragraphs a, b, c and d of the same section.

Applications for postal ballot papers by members of a disciplined force may be made through their commanding officer.

A postal ballot application should be delivered by hand or registered post and should reach the Chief Elections Officer not later than noon on the tenth day before the polling day.

Voters issued with postal ballots are required to exercise their right to vote through such ballots and they are not entitled to vote again at polling stations. Although voting is done in the presence of a competent witness, the law bars the voter from allowing the competent witness to see how he or she voted.

The voter is required, in the presence of a competent witness, to place the marked ballot paper in the ballot paper envelope and to effectively close it. The ballot paper envelope is then placed together with the declaration of identity in the covering envelope which again is effectively closed.

The voter will then dispatch the covering envelope by registered post or hand it to the ward elections officer who in turn is required to issue a receipt for it. The ward elections officer is required by law to provide a postal ballot box for the reception of the covering envelopes when returned by voters.

Where a competent witness has been requested to assist a voter, he or she is required to make a written statement of what he or she has done and the reasons thereof. The nature of the inability or incapacity suffered by the voter should be specified in the statement.

The Commission received 4350 (four thousand three hundred and fifty) applications from members of the ZRP for the March 2008 elections, of which 3 889 (three thousand eight hundred and eighty-nine) were awarded ballot papers. The remaining 461 (four hundred and sixty-one) were denied for either not appearing on the voters' roll or having mismatched names and identity card numbers which were difficult to untangle, given the time frame. In conformity with section 71(4) of the Electoral Act [Chapter 2:13], the Chief Elections Officer invited candidates and their election agents to witness all the applications received by him and their processing, up to the collation and declaration of results.

2.22.2 Polling

Polling took place on the 29th of March 2008, commencing at 0700hours and ending at 1900hours. Due regard was given to the provision that no voter would be turned away who, as at 1900hours, was in the queue of persons waiting to vote.

Every polling station was staffed by a presiding officer assisted by 10 (ten) electoral officers. These comprised ushers, checkers for indelible ink impressions, checkers of names in the ward voters' roll, ballot paper distributors and those attending to the dipping of the voter's specified finger or limb in the visible indelible ink.

In addition to the electoral officers, there were candidates, election agents, observers and police officers. Access to polling stations was also accorded to the media.

Four (4) distinctly marked ballot boxes representing the presidential, senatorial, House of Assembly and local authority elections were set up in the polling stations.

Voters were asked to produce acceptable identity documents (identification card or a valid passport) and checked for the visible indelible ink impressions to prevent multiple voting. In the absence of any traces of the ink, the voter's name was checked in the voters' roll. Voters appearing on the roll had a line drawn through their name to indicate that they had been processed. Thereafter, the voter was given four ballot papers whose colours corresponded with the colours reflected on the presidential, senatorial, House of Assembly and local authority ballot boxes respectively. The voter's finger was dipped in the ink before proceeding to the polling booth where he/she secretly marked his/her ballot papers and deposited them in the appropriate ballot boxes.

Illiterate or incapacitated voters were assisted by presiding officers in the presence of two electoral officers and a police officer on duty. Particulars of assisted voters were recorded by the presiding officers.

Long queues characterised most polling stations in the morning but, by mid-afternoon, most queues had been cleared.

Some people were turned away for a variety of reasons, among which were:

- failure to produce acceptable identity documents;
- not appearing on the specific ward voters' roll; and
- holding an alien identity card and therefore not on the voters' roll.

Before turning away persons, presiding officers made efforts to check the person's registration status with the Population Registration System (PRS) computers that were located at all constituency command centres. Where they appeared in the PRS, they were referred to the correct ward and polling station.

2.22.3 Verification and Counting

The verification and counting process was administered at polling station level by the presiding officer in the presence of candidates or their election agents and observers. Verification is a process that entails ascertaining that the total number of ballots issued to a polling station is equal to the total of the ballots cast, unused and spoilt. After verification, a physical count of the ballots cast then ensued for each election, with the presiding officer recording on the polling station return the number of votes received by each candidate. The Presiding officer completed, in triplicate, a polling station return (form V11) for each of the 4(four) elections. Candidates or their election agents were then asked to affix their signatures on the polling station return, indicating that they were in agreement with the results reflected thereon. One copy of the polling station return (the results) was displayed outside the polling station, the second copy was transmitted to the ward collation centre and the third copy was sealed with the election residue.

2.22.4 Verification and Collation

Verification and collation take place after presiding officers have submitted their polling station returns to the ward. At this level, verification entails checking the correctness of all the polling station returns, that is, form V11, while collation is the summation of the votes cast per candidate as reflected on the polling station returns. Where postal votes are available, they are counted and factored into the results of the receiving candidates. All this takes place in the presence of candidates or their election agents and observers at the collation centre. The votes received by each candidate for each of the 4 (four) elections are recorded on the Form V23, and the ward elections officer declares the results of the poll and the councilor-elect. The results are then posted outside the ward collation centre and forwarded to the constituency collation centre.

2.22.5 Results of Ward Elections

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

- Elections took place in 1532 (one thousand five hundred and thirty-two) wards.
- There were no results from 2 (two) wards where local authority ballot paper ran out.
- Elections were suspended in 1(one) ward following the death before 29 March 2008 of a candidate who had successfully filed his nomination papers.
- Candidates in 413 (four hundred and thirteen) wards were elected unopposed.
- There were no elections in 10 (ten) wards, including Ward 20 of Matobo Rural District Council which is designated as a grazing area and 9 wards in which there were no candidates. By-elections would be conducted in the 9 wards.

The summary of results for local government elections is as indicated below:

Table 7: Ward Election Results by Political Party

Political Party	Seats Won Unopposed	Seats Won in Contested Wards	Total
MDC	13	152	165
MDC-T	11	764	775
Independent	-	3	3
UPP	-	1	1
ZANU PF	389	612	1001
Total Seats contested	413	1532	1945
No elections			13
GRAND TOTAL			1958

(See Annexure E for Ward Election Results.)

2.22.6 Results of House of Assembly Elections

Results from each ward were received, verified, and summed up at respective constituency collation centres by the constituency election officer in the presence of candidates, election agents and observers. These were recorded on the constituency return Form V23. Whoever attained the majority of votes cast was declared the winner, there and then. All results (save for the ward results) were displayed outside the centre and copies forwarded to the senatorial and national collation centres.

The summary of results for the House of Assembly elections is as shown below.

Table 8: Results of House of Assembly Elections by Political Party

Political Party	House of Assembly Seats
MDC	10
MDC –T	99
ZANU PF	97
Independent	1
Total	207

There would be 3 (three) by-elections following the death of 3 (three) MDC candidates prior to the March elections for Mpopo?ma-Pelandaba, Gwanda South and Redcliff House of Assembly constituencies.

(See **Annexure F**: Detailed House of Assembly election results.)

2.22.7 Results of Senatorial Elections

Results from each House of Assembly constituency making up the senatorial constituency were received, verified and summed up at the senatorial collation centre to determine the Senator-elect. After recording the outcome on the Form V23, the constituency elections officer duly declared the winner, and displayed the senatorial and presidential election results outside the collation centre. The results were forwarded to the provincial and national collation centres.

The summary of senatorial election results is as indicated below:

Table 9: Results of Senatorial Election Results by Political Party

Political Party	Senatorial Seats
MDC	6
MDC-T	24
ZANU PF	30
TOTAL	60

(See **Annexure G**: Detailed senatorial elections results.)

2.22.8 Results of Presidential Election

The Commission completed the verification and collation of the presidential election results on the 1st of May 2008. The Chief Elections Officer, as the Returning Officer for the presidential election, and representatives of presidential candidates had previously met and agreed that each party would collate its figures and converge later to compare figures. Further, they had agreed that, if figures were the same, an agreement to that effect would be signed. However, should differences occur, the Chief Elections Officer and candidates would proceed to look into where the differences lay, beginning at the national level, and going down to provincial and lower levels if necessary.

In terms of section 65 of the Electoral Act [Chapter 2:13], the Commission invited all presidential candidates or their chief election agents to come and compare figures as already agreed. All stakeholders, including observers, converged at the national collation centre on the 1st of May 2008 for that purpose.

2.22.8.1 Presentation by the Chief Elections Officer (CEO)

The Chief Elections Officer presented Commission figures as computed from source documents. These are as shown below.

Table 10: Presidential Election Results by the Commission

Candidate	Political Party	Votes	% Valid Votes
Makoni Herbert Stanley Simba	Independent	207 470	8.31
Mugabe Robert Gabriel	ZANU PF	1 079 730	43.24
Towungana Langton	Independent	14 503	0.58
Tsvangirayi Morgan	MDC-T	1 195 562	47.87
TOTAL		2 497 265	100

2.22.8.2 Presentation by ZANU PF

ZANU PF's chief election agents presented the presidential election count (computed before the recounts) as 2400779⁴ (two million four hundred thousand seven hundred and seventy-nine), excluding spoilt papers, and broken down as shown below. Respective percentages are reflected in the last column.

Table 11: Presidential Election Results by the ZANU PF

Candidate	Political Party	Votes	% Valid Votes
Makoni Herbert Stanley Simba	Independent	192 152	8.00
Mugabe Robert Gabriel	ZANU PF	1 042 303	43.41
Towungana Langton	Independent	14 202	0.59
Tsvangirayi Morgan	MDC-T	1 152 304	47.99
TOTAL		2 400 961	99.99

⁴ The sum total of 2400779 valid votes from ZANU PF differs from the summation of the votes per candidate by 182.

2.22.8.3 Presentation by Dr Simba Makoni's Chief Election Agents

The chief election agents for independent presidential candidate, Dr Simba Makoni, who had initially indicated their national figure as 2451969 (two million four hundred and fifty one thousand nine hundred and sixty-nine), altered it to 2449950 (two million four hundred and forty nine thousand nine hundred and fifty), to exclude spoilt papers. Their figures are as shown below.

Table 12: Presidential Election Results by Dr Makoni

Candidate	Political Party	Votes	%Valid Votes
Makoni Herbert Stanley Simba	Independent	213 476	8.71
Mugabe Robert Gabriel	ZANU PF	1 053 797	43.11
Towungana Langton	Independent	8 125	0.33
Tsvangirayi Morgan	MDC-T	1 174 552	47.94
TOTAL		2 449 950	100.09

2.22.8.4 Presentation by Mr Langton Towungana

Mr. Langton Towungana, the second independent presidential candidate, indicated that he did not have the figures as his chief elections agents who were not present at the meeting had the figures. However, he agreed to abide by the results of the Commission.

2.22.8.5 Presentation by the MDC-T

The MDC-T chief election agents gave their total as 2 477 113 (two million four hundred and seventy-seven thousand one hundred and thirteen) but could not immediately provide a complete breakdown. They said that their candidate had garnered 1 245 988 (one million two hundred and forty-five thousand nine hundred and eight-eight) votes, but they did not have figures for the other three candidates. Later they indicated that they could get figures from their Information and Communication Technology (ICT) specialists who had been capturing this data. The returning officer adjourned the

meeting to 0900hours the following day (2nd of May 2008) to allow the MDC-T time to obtain the missing figures. They presented the figures shown below.

Table 12: Presidential Election Results by the MDC-T

Candidate	Political Party	Votes	% Valid Votes
Makoni Herbert Stanley Simba	Independent	185 205	7.84
Mugabe Robert Gabriel	ZANU PF	1 042 819	42.10
Towungana Langton	Independent	3 099	0.13
Tsvangirayi Morgan	MDC-T	1 245 990	50.30
TOTAL		2 477 113	100.01

2.22.8.6 Comparison of Figures and Percentage Polls per Candidates

The Commission and all stakeholders present compared and contrasted the figures and requisite percentages presented by representatives of Dr Makoni, Cde Mugabe and Mr M Tsvangirayi with those presented by the Commission. While there were differences in terms of figures across the board,⁵ the related percentages for the candidates as computed by ZANU PF, Dr Makoni's chief elections agents and the Commission showed that none of the candidates had received the statutory score of 50%+1 vote required to clinch the presidency. However, the MDC-T indicated that their candidate had received 50.3% of the valid votes cast.

In view of this outcome, the Commission placed the onus on the MDC-T to prove that, indeed, their candidate had received such votes. The process would involve comparing the MDC-T's figures with the Commission's, to ascertain where the differences arose, beginning, as had been agreed, from the provincial totals and then moving down to constituency, ward and polling station figures if necessary. However, MDC-T indicated

⁵ The Commission figures included adjusted figures following the recounts in the 23 constituencies while the other figures did not. However, the candidates' representatives had agreed they would use the initial figures attained before the recounts.

comparison process. This is despite the fact that the MDC-T had agreed to bring a composite set of figures the previous day.

2.22.8.7 Presidential Election Results

On the 2nd of May 2008, in the presence of stakeholders, the Commission proceeded to announce the results of the presidential elections as reflected in 2.22.8.1 above. As none of the candidates had received the 50% + 1 vote, the Commission announced that there would be a run-off between the 2 (two) candidates with the highest votes, that is, Mr Morgan Tsvangirayi of the MDC-T and Cde Robert Gabriel Mugabe of the ZANU PF, in accordance with section 110 of the Electoral Act. Stakeholders would be informed of the date of the run-off.

2.23 Voter Turnout

The total voter turnout for the March 2008 presidential election was 2 497 265 (two million four hundred and ninety seven thousand two hundred and sixty-five), that is, 42.73% out of 5 934 768 (five million nine hundred and thirty four thousand seven hundred and sixty-eight) registered voters. Voter turnout for each of the contested local authority, House of Assembly and senatorial seats is as reflected in **Annexures E, F and G**.

2.24 Publication of Results of Elections

The Chief Elections Officer made public announcements of the House of Assembly and senatorial constituency results, beginning on the 1st of April 2008 through to the 10th of April 2008. Such announcements were captured and beamed live by the public broadcaster at the Results Centre. All accredited media houses, political party candidates and/ or their chief elections agents, and local and international observers were invited to the Results Centre whenever announcements were being made. Results of all the elections were subsequently published in the Government Gazette and print media, in accordance with the law.

2.25 Delays in the Announcement of the Presidential Results

There were delays in the announcement of the results for the presidential election due to the following:

- the need to go back to source documents to verify the results from provincial and other collation centres;
- logistical challenges; and
- the need to do recounts in some constituencies.

2.25.1 Verification from Source Documents

Prior to the finalization of the verification and collation of the presidential result, it came to the attention of the Commission that there were anomalies in the summations of provincial and other collation centres. As a result, the Commission re-strategised the collation process by going down to the source of the results, that is, the V11 forms. As a result, the collation took longer than previously anticipated.

2.25.2 Logistical Challenges

Transmission of results from some constituencies remains a challenge for the Commission. This was exacerbated by the need to bring in all source documents (V11) to the national collation centre following the discrepancies noted in the summations.

2.25.3 The Recount Exercise

The Commission received requests for recounts in 22 (twenty-two) constituencies from ZANU PF and a request for such recounts in 1 (one) constituency from the MDC-T. The requests were granted by the Commission. The recounts were conducted from the 19th to the 27th of April 2008 in the 23 (twenty-three) House of Assembly constituencies, in terms of section 67A of the Electoral Act [Chapter 2:13]. Candidates, election agents and observers who had been present on the 29th of March 2008 at the respective polling stations of the said constituencies were invited to observe each stage of the recounting process.

The changes brought about by the recounts were incorporated into the new results. The exercise had little effect on the previously declared results.

The Commission identified a number of discrepancies during the vote recount, as indicated below.

- In a number of cases, the number of valid votes cast, inclusive of those using voter registration slips, did not tally with the number of cancelled out voters in the voters' rolls and those registered as having used the slips.
- In other instances, some rejected votes were found to be valid, and vice-versa.
- Some votes were allocated to wrong candidates.
- There were no issue vouchers in some of the ballot boxes.
- Some voters who used voter registration confirmation slips were not recorded in the register(s), thus leading to unaccounted for ballot papers.
- In a few cases, some voters' names were cancelled in two different polling stations, thereby implying multiple voting.
- In some cases no record of turned away voters had been compiled.
- Some ballot boxes were neither locked nor sealed, while others had broken seal straps.

Because of these shortcomings, the exercise took longer than anticipated, nonetheless providing lessons that should and would inform future training programmes for electoral officers.

(See **Annexure H: Recount Results**)

2.26 Election of Chiefs into the Senate

The Electoral College of Chiefs was convened by the Ministry of Local Government, Public Works and Urban Development on the 7th of March 2008 to elect the President and the Deputy President of the Council of Chiefs, both of whom would be full senators in the Upper House, in accordance with section 34 of the Constitution of Zimbabwe, as read with section 40 of the Electoral Act (Chapter 2.13). Chiefs Charumbira Fortune

Zephania of Masvingo Province and Mtshane Khumalo Lucas of Matabeleland North Province were elected President and Deputy President of the Council of Chiefs respectively.

On the 31st of March 2008, the Commission, in terms of the same provisions, convened the 8 Provincial Assemblies of Chiefs which elected two chiefs each as Senators.

(See Annexure I.)

2.27 Election Related Litigation

A number of petitions were lodged with the Electoral Court, High and Supreme Courts, as indicated below.

- The MDC-T petitioned the High Court to stop the Commission from conducting the recounts and to compel it to announce the results of the March 2008 presidential election. This delayed commencement of the recount exercise and, consequently, the finalization of the presidential results. The Commission's decision was affirmed by a High Court ruling which dismissed the petition.

(See Case No. HC E.P 24/08)

- Over a hundred petitions challenging the March 2008 results were filed with the Electoral Court, citing the Commission as a party. The matters were dismissed after the Commission raised a preliminary point of misjoinder.
- Messrs Justin Chiota and Daniel Shumba made constitutional applications in which they sought a declaration that their papers were improperly rejected by the nomination court. The Supreme Court ruled in their favour.

(See Case No.SC 77/08)

- Messrs Justin Chiota and Daniel Shumba lodged another constitutional application with the Supreme Court to have the March 2008 presidential election set aside on the basis of the declaratory order they had obtained. At

the time of writing this report, the application was still pending before the same court.

(See Case SC 177/08)

2.28 Arrest of Electoral Officials

One hundred and thirty one (131) electoral officers were arrested across the provinces on allegations of electoral fraud during the March 2008 elections. At the time of writing this report, the cases were at different stages of processing in the courts.

PART III: STAKEHOLDERS' CONCERNS

Some stakeholders raised a number of concerns with regards to electoral matters some of which the Commission addresses below.

- **Mobile voter registration was biased in favour of rural areas.**

There were less mobile registration teams in the urban areas than rural areas because of the proximity of the urban electorate to the normal registration facilities. Generally, voter registration and the inspection of the voters' roll are continuous exercises in Zimbabwe. Any person wishing to register as a voter or to inspect the voters' roll is free to approach the offices of the Registrar-General of Voters during working hours. It has become practice that whenever there is going to be a general election, the office of the Registrar-General of Voters conducts nationwide outreach registration and inspection of the voters' roll exercises.

- **Some applicants were denied registration.**

The process of voter registration is subject to the specifications outlined in the Constitution of Zimbabwe and the Electoral Act [Chapter 2:13]. In terms of the law, only citizens are allowed to register as voters subject to meeting the requisite residential qualifications. The law provides for recourse to the courts of law for aggrieved persons.

- **There were ghost voters on the voters' roll.**

In terms of the law, deceased persons can only be removed from the voters' roll upon the notification of a death of a person being made to the office of the Registrar-General. Therefore, as long as a person's death is not reported and registered, his or her name shall not be removed from the voters' roll. In any event, the law allows any person to take written notes of any anomalies on the voters' roll, thereby providing the public an opportunity to bring the anomalies to

the attention of the Commission. Moreover, in terms of Section 28 of the Electoral Act, a voter may object to the retention of any name on the voters' roll.

- **The Commission failed to provide some of the political parties with the voters' roll on time.**

In keeping with Section 21(3) of the Electoral Act [Chapter 2:13], the Commission provided a copy of the voters' roll to any person who formally requested for it, as soon as the prescribed fee was paid.

- **The secrecy of the ballot was not guaranteed in the processing of postal ballots.**

The Commission has no proven cases to support the allegation.

- **There were more polling stations allocated to rural than urban areas.**

There were more polling stations in the rural areas in order to reduce the walking distance in view of the scattered nature of the settlements. On the other hand, the Commission established multiple polling stations in some urban centres to cater for the higher population densities.

- **Some nomination courts rejected nomination papers from some prospective candidates.**

As long as prospective candidates met the requirements of section 46 of the Electoral Act, their papers were accepted. However, aggrieved persons were free to approach the Electoral Court for relief.

- **The electorate was intimidated by the presence of police officers at polling stations during voting.**

In terms of the law, the police do not play an active role in the voting process except when called upon to witness electoral officers assisting a voter or to maintain law and order.

- **The Commission set exorbitant nomination fees to prevent some independent candidates and smaller parties from participating in the elections.**

The fees prescribed for the 2008 elections were higher than the fees prescribed for the previous elections owing to the high rate of inflation. Nonetheless, the Commission does not believe that the fees were so high as to deter serious candidates from participating in the elections.

- **Insufficient ballot paper was delivered to some wards.**

The Commission acknowledges the error and by-elections would be held in the affected wards.

- **The Commission failed to manage the allocation of airtime to contesting parties and candidates by the public broadcaster.**

The Commission does not manage the allocation of airtime to contesting parties by the public broadcaster; it monitors and may intervene if a formal complaint is lodged by an aggrieved party.

- **The Commission failed to stop other parties from vote buying.**

Vote buying is a criminal offence which should be reported to the police.

- **Some voter educators deployed by the Commission were partisan.**

The Commission received such reports but was unable to verify them. That notwithstanding, the Commission does not condone such behavior. Any proven cases will be dealt with.

- **In some constituencies, elderly voters were denied the right to vote.**

The Commission received such reports but was unable to verify them.

- **There was deliberate understatement of votes in some constituencies.**

The Commission received such reports and it will deal decisively with any proven cases.

- **Some electoral officers allowed some voters not appearing on the voters roll to cast ballots:**

There were such reports to the Commission and any proven cases will be dealt with.

Observers' Reports

Some local and foreign observers submitted preliminary and final reports on the 29th of March 2008 elections. A number of observations and recommendations were made in the reports.

(See **Annexure J** for Observers Reports.)

CHAPTER 3

PRESIDENTIAL RUN-OFF AND HOUSE OF ASSEMBLY BY-ELECTIONS

3.0 Election Notices

In terms of section 110(3) of the Electoral Act, where none of the candidates receives an absolute majority, as was the case in the March 2008 presidential election, a second election shall be held within 21 (twenty one) days after the previous election. Therefore, the Commission proceeded to prepare for the presidential run-off election. The 3 (three by-elections) for Mpopoma-Pelandaba, Gwanda South and Redcliff House of Assembly constituencies would be held on the same date as the presidential run-off election in order to cut on costs.

Due to logistical and other constraints, the period stipulated by the Act for holding the elections was not feasible. The Commission exercised powers granted to it in terms of section 192 (1), as read with section 192 (5) of the Electoral Act. It extended the period within which both the presidential run-off election and the three by-elections would be held. Consequently, the periods were altered from 21 (twenty one) days to 90 (ninety) days for the presidential run-off election and from 14 (fourteen) days to 90 (ninety) days for the House of Assembly by-elections. Both elections were set for the 27th of June 2008.

3.1 Voter Education

The Commission produced and distributed pamphlets and posters in Shona, Ndebele and English. It also ran programmes through mass media.

3.2 Nomination Court

On the basis of obtaining the highest and second highest number of votes, only Mr Morgan Tsvangirayi of the MDC Tsvangirayi and Cde Robert Gabriel Mugabe of ZANU PF would contest the presidential run-off.

Nomination courts for the Gwanda South, Redcliff and Pelandaba-Mpopoma constituency by-elections sat on the 30th of May 2008. The following successfully filed their papers:

Table 14: By-elections Nomination Courts Results

Constituency	Candidate	Political Party
a. Gwanda South	Mdlongwa Nephath Mlilo Orders Shakespear Ndhlovu Elizabeth	MDC-T ZANU PF MDC
b. Mpopoma-Pelandaba	Gwetu Dhumani Mahachi Chamunorwa Khumalo Samuel S Mutukwa Fungai Ndlovu Samuel M. Ndlovu Sikhanyiso Duke Nkala Leonard Sibanda Job	MDC Independent MDC-T Independent UPP ZANU PF PUMA Independent
c. Redcliff	Chinhara Aaron Karigambe Pezuru Gilmon Muza Isheunesu Sengweni Tapera	MDC-T MDC ZANU PF MDC-T

3.3 The Environment

The economic hardships continued to take their toll on both the electorate and the Commission. According to the police, save for some parts of Mashonaland Central and Mashonaland East provinces where some incidents of interparty violence were reported, the rest of the country was generally peaceful.

3.4 Multi-party Liaison Committee (MPLC)

The Commission re-activated the national Multi-party Liaison Committee and its sub committees. One of the outcomes of the national Multi-party Liaison Committee's

meetings was the issuance of the *Declaration Against Violence* by the parties, attached hereto as **Annexure K**.

3.5 Security

As in the March 2008 elections, the ZRP was visibly present in the constituencies during the election period.

3.6 Purported Withdrawal of Candidate

The candidate for the MDC -T, Mr Morgan Tsvangirai, wrote to the Commission on the 23rd of June 2008 purportedly withdrawing from the presidential run-off election.

(See **Annexure L**: Letter from Mr Morgan Tsvangirai)

The Commission formally considered the purported withdrawal on the 25th of June 2008 and observed that, according to the law, the candidate's withdrawal was out of time. In terms of section 107 of the Electoral Act [Chapter 2:13], the withdrawal should have been done 21 days before the elections held on the 29th of March 2008, the results of which determined a run-off for the presidency.

Accordingly, the Commission rejected the withdrawal and resolved to proceed with the presidential run-off election.

3.7 Budget

The Commission was initially allocated \$14.2 quadrillion (fourteen quadrillion two hundred trillion dollars) for the presidential run-off and the by-elections which was subsequently revised to \$79.9 quadrillion (seventy nine quadrillion nine trillion) to take into account inflation. The funds were sufficient for the purpose.

3.8 Polling Stations

Generally, the Commission used the same polling stations as in the March 2008 elections.

3.9 Transport and Fuel

The CMED mobilized 2336 (two thousand three hundred and thirty-six) vehicles and supplied fuel for same. The Commission also received assistance from the Ministry of Defence and the Air force of Zimbabwe in the form of boats and aircraft.

3.10 Recruitment, Training and Deployment of Electoral Officers

The Commission recruited, trained and deployed 78150 (seventy-eight thousand one hundred and fifty) electoral officers for the elections. Generally, 7 (seven) polling officers were engaged per polling station.

3.11 Accreditation of Observers and Journalists

The Commission accredited 1099 (one thousand and ninety-nine) local and 599 (five hundred and ninety-nine) foreign observers, and also 326 (three hundred and twenty-six) local and 38 (thirty-eight) foreign journalists.

3.12 Media Monitoring

There was no noticeable change in the trend of reports by the media since the 29th March 2008 elections.

3.13 Postal Ballots

The Commission received 48410 (forty eight thousand four hundred and ten) postal ballot applications from diplomatic missions, members of the disciplined forces and the Zimbabwe Electoral Commission staff. Of these, 33382 (thirty three thousand three hundred and eighty-two) were successfully processed while 15028 (fifteen thousand and twenty-eight) were rejected for the same reasons as cited in March 2008 elections.

3.14 Polling

Polling took place on the 27th of June 2008, commencing at 0700hours and ending at 1900hours. Generally, the polling processes were the same as in the March 2008 elections, save that one ballot box was set up in each polling station, while voters were given one ballot paper each for the presidential election. In Mpopoma-Pelandaba, Gwanda South and Redcliff House of Assembly constituencies where by-elections were

held at the same time with the presidential run-off election, two ballot boxes were set up in the polling stations and voters were given two ballot papers each.

Polling was peaceful, orderly and transparent. There were long queues of voters mostly in the rural areas especially in the morning but, by mid-afternoon, these had been cleared. In the urban areas, turnout ranged from high in some constituencies to moderate or low in others. As usual due regard was given to the provision that no voter would be turned away who, as at 1900hours, was in the queue of persons waiting to vote.

3.15 Verification, Collation, Vote Counting and Transmission of Results

Verification, collation, vote counting and transmission of results followed the same process and path as in the March 2008 elections.

3.16 Results of the Presidential Run-off and House of Assembly By-Elections

The results of the presidential run-off and House of Assembly by-elections for the Gwanda South, Pelandaba-Mpopoma and Redcliff House of Assembly constituency elections, as tabulated below, were announced on the 29th of June 2008.

Table 15: Presidential Run-off Election Results

Candidate	Party	Votes	% Vote
Mugabe Robert Gabriel	ZANU (PF)	2 177 559	85.3
Tsvangirai Morgan	MDC-T	239 008	9.4
Spoiled Papers		135 806	5.3
GRAND TOTAL		2 552 373	100

Table 16: House of Assembly By-Election Results (27 June 2008)

Constituency	Candidates	Party	Votes
Gwanda South (Voter pop: 24 437 ; Voter turn out: 40.67)	Mdlongwa Nephart	MDC-T	1 198
	Mlillo Orders Shakespear	ZANU PF	7 860
	Ndlovu Elizabeth	MDC	676
	Spoilt Papers		204
Totals			9 938
Pelandaba-Mpopoma (Voter pop: 28 585 ; Voter turn out: 22.38)	Gwetu Dhumani	MDC	646
	Khumalo Samuel S	MDC-T	3 795
	Mahachi Chamunorwa	Independent	16
	Mutukwa Fungai	Independent	22
	Ndlovu Samuel M	UPP	60
	Ndlovu Sikhanyiso Duke	ZANU PF	1 565
	Nkala Leonard	PUMA	18
	Sibanda Job	Independent	172
Spoilt Papers			104
Totals			6 398
Redcliff (Voter pop: 30 087 ; Voter turn out: 41.18)	Chinhara Aaron	MDC-T	3 189
	Karigambe Pezuru Gilimon	MDC	210
	Muza Isheanesu	ZANU PF	6 661
	Sengweni Tapera	MDC-T	2 096
Spoilt Papers			235
Totals			12 391

3.17 Voter Turnout

Total voter turnout for the presidential run-off was 43.01%, slightly higher than the 42.73% recorded for the 29 March 2008 presidential election.

3.18 Observers' Reports

A number of local and foreign observers submitted preliminary and final reports with a number of observations and recommendations on the 27th of June 2008 elections.

(See **Annexure L** above)

CHAPTER 4

4.0 OBSERVATIONS, RECOMMENDATIONS AND CONCLUSION

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

4.1 Funding

Observation

While the Commission acknowledges that funding for both elections was adequate, it was seldom provided directly to it in advance as requested, to allow efficient application.

Recommendation

Adequate funding should be availed directly to the Commission, timeously and in full to allow efficient application.

In addition, the Commission should also be adequately capacitated to build a reserve of election materials and stationery to reduce pressure on the fiscus during elections.

4.2 Transport and Fuel

Observation

A number of the vehicles supplied to the Commission by the CMED were not mechanically sound, resulting in some polling stations sharing vehicles. To compound that situation, the supply of fuel was erratic.

Recommendation

Sufficient and mechanically sound vehicles as well as independent fuel storage facilities need to be afforded to the Commission to minimize disruptions to its activities.

4.3 Closure of the Voters Roll

Observation

The law provides that voters' rolls shall be closed for purposes of voting at any presidential or general election of members of Parliament and local authority councilors 24 hours before nomination day. This is difficult to apply in practice as the law is not clear on how the 24 hours from nomination day should be calculated.

Recommendation

The legislature should consider amending the law to provide that the voters' roll be closed after close of business, the day before nomination day and dispense with the provision of hours.

4.4 Period Between Sitting of Nomination Courts and Elections

Observation

The period between the sitting of the nomination courts and the actual polling is sometimes so tight that this invariably impacts negatively on the efficient design, printing and distribution of ballot papers and the processing of the postal ballots.

Recommendation

The Commission recommends a longer period, preferably 70 (seventy) days between the sitting of nomination courts and an election. This will allow effective and efficient procurement and distribution of election materials in general and ballot papers in particular.

4.5 Monitoring of Media Coverage of Elections

Observation

There was little time between the enactment of the piece of legislation that bestowed media monitoring responsibility on the Commission to allow for the establishment and implementation of a well thought out mechanism to effectively manage the function, let alone to develop a good working relationship with media houses.

Recommendation

The Commission needs to develop and nurture a better working relationship with the media.

The Commission should be empowered to control and direct media houses during election periods. This is the practice in the Seychelles and other jurisdictions.

4.6 Postal Ballots

Observation

There were unsubstantiated allegations by some stakeholders of lack of transparency in the processing of postal ballots. In particular, it was alleged that security forces were told who to vote for by their superiors.

Recommendation

The legislature may consider amending the law to introduce "early voting" for security forces as is done in other countries in the region. This means that this class of voters will vote in the usual manner on a earlier date than the rest of the electorate.

Alternatively, the legislature may consider transferring powers given to commanding officers by the Act to ZEC officials in the processing of postal ballots.

4.7 Assisted Voters

Observation

The law provides that voters who require assistance should only be assisted by the presiding officer in the presence of electoral officers on duty. Following an outcry by this class of voters, the provision was amended through the Presidential Powers Temporary Measures (Amendment of Electoral Act) (No.3) Regulations 2008 published in Statutory Instrument 96/2008 so as to allow the voters to be assisted by the presiding officer in the presence of persons of their own choice. In terms of these regulations, this amendment was only effective for six months.

Recommendation

The amendment should be given permanent effect by entrenching it into the Electoral Act.

4.8 Turned Away voters

Observation

Some voters were turned away for either failing to produce acceptable identity documents or non-appearance in the ward voters' roll.

Recommendation

Political parties are encouraged to complement the Commission's efforts in voter education. The electorate should inspect the voters' roll, not only towards election time, but throughout the year, at the respective registration offices of the Registrar General of Voters.

4.9 Verification, Collation and Announcement of Results

Observation

Prior to the announcement of results for the March 2008 presidential election, the MDC-T announced a set of results, alleging that its presidential candidate had obtained a majority of votes cast and declared him the President-elect. This threw aspersions on and drew unwarranted criticism to the Commission for allegedly delaying announcements of 29 March 2008 presidential election results.

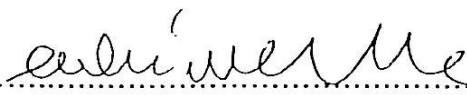
Recommendation

Political parties, candidates and other stakeholders should desist from announcing results of elections: this is the sole responsibility of the Commission. Further, such conduct may lead to civil strife.

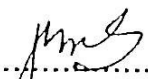
4.11 CONCLUSION

The historic 2008 harmonised elections and the presidential run-off election have come and gone. In spite of numerous logistical and financial challenges, the Commission discharged its constitutional mandate to the best of its ability. From the first to the last phase of the electoral process, the staff of the Commission worked diligently and conscientiously, meeting various deadlines and minimum standards. The delimitation exercise was particularly taxing given the magnitude of the task, the technicalities involved and the time within which the exercise was to be completed.

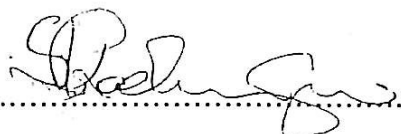
The preparations and polling processes were conducted in consultation and collaboration with stakeholders thereby ensuring an inclusive and transparent election programme. The Commission is satisfied that it conducted the first and second elections efficiently, freely, fairly, transparently and in accordance with the law.

Signed:  Date: 4/02/09

Hon. Justice George Mutandwa Chiweshe - Chairperson

Signed:  Date: 4/02/09

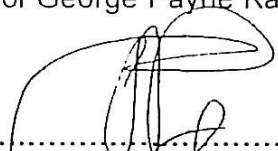
Mrs Joyce Laetitia Kazembe - Deputy Chairperson

Signed:  Date: 4/02/09

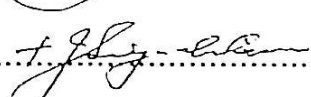
Mrs Sarah Letty Kachingwe - Commissioner

Signed:  Date: 4/02/09

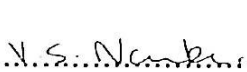
Professor George Payne Kahari - Commissioner

Signed:  Date: 4/02/09

Mr Theophilus Pharaoh Gambe - Commissioner

Signed:  Date: 4/02/09

Bishop Jonathan Siyachitema - Commissioner

Signed:  Date: 4/02/09

Mrs Vivian Stella Ncube - Commissioner

Signed:  Date: 4/02/09

Mr Dominico Chidakuza - Secretary to the Commission