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# **Elections in Zimbabwe**

## *2018 General Elections*

Frequently Asked Questions

Africa

International Foundation for Electoral Systems

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## Frequently Asked Questions

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*Disclosure:*

*These FAQs reflect decisions made by the Zimbabwe elections authorities as of July 23, 2018, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.*

## When is Election Day?

According to Section 144 of the Constitution, Election Day must be set by the president by way of Proclamation. Interim President Emmerson Mnangagwa announced that elections will be held on Monday, July 30, 2018.

## What is the legal framework governing the Zimbabwe elections?

The national legal framework governing parliamentary elections consists of the following:

- The 2013 Constitution of Zimbabwe
- The Zimbabwe Electoral Act of 2008
- The Electoral Regulations of 2005

The Electoral Act was amended leading up to both the 2013 and 2018 elections. The regulations are also updated for each election, as issued by the Zimbabwe Electoral Commission after formal approval by the Minister of Justice.

The regional framework for elections consists of the following:

- The Southern African Development Community (SADC) Norms and Standards for Elections
- The Principles for Election Management, Management, Monitoring, and Observation in the SADC Region
- The Southern African Development Community (SADC) Principles and Guidelines Governing Democratic Elections

Zimbabwe also signed the African Charter on Democracy, Elections and Governance on March 21, 2018.

## Why are Zimbabwe's 2018 elections important?

After Zimbabwe gained its independence in 1980, Robert Mugabe, former president of the Zimbabwe African National Union Patriotic Front (ZANU-PF) party, maintained power for 37 years. When Mugabe fired Emmerson Mnangagwa as his vice president in early November 2017, factional struggles within the ZANU-PF heightened due to discontent that this decision would position Grace Mugabe, Robert Mugabe's wife, to succeed him as president.<sup>1</sup> Eventually, ZANU-PF issued an ultimatum to Mugabe that stated he would face impeachment if he refused to step down from power. Mugabe complied and resigned on November 21, 2017, during a military takeover, which was tame and non-violent in comparison to typical military coups.<sup>2</sup> After Mugabe's resignation, Mnangagwa became president and appointed his cabinet in early December 2017. This major political transition raises the stakes for the upcoming general elections and has created an opportunity for increased competitiveness in elections.

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<sup>1</sup>Moyo, Jeffrey, "Mugabe Fires Vice President, Clearing Path to Power for Wife," Nov 6, 2017, *New York Times* <https://www.nytimes.com/2017/11/06/world/africa/zimbabwe-mugabe-mnangagwa.html>

<sup>2</sup>Mackintosh, Eliza, "Zimbabwe's Military Takeover was the World's Strangest Coup," Nov 21, 2017, *CNN* <https://www.cnn.com/2017/11/20/africa/zimbabwe-military-takeover-strangest-coup/index.html>

In addition, the 2018 elections mark the country's first use of biometric voter registrations for the preparation of the voter roll, as well as the first time that the Zimbabwe Electoral Commission is responsible for putting together the voter roll – a responsibility previously held by the Department of the Registrar General of Zimbabwe.

## **What is Zimbabwe's electoral system?**

According to Section 92 of the Constitution of Zimbabwe, every presidential candidate must nominate two vice presidential candidates, one first vice president and one second vice president. The president and vice presidents are jointly directly-elected by registered voters throughout Zimbabwe. The electoral process will consist of a two-round majoritarian electoral system whereby the candidate receiving a majority of the valid votes cast (at least 50 percent plus one) will be elected. If no candidate receives an absolute majority, the two candidates receiving the most votes in the first round will compete in a second round.

According to Section 120 of the Constitution, the Senate should consist of 80 senators. Six senators are elected from each of the provinces in Zimbabwe through a party-list system of proportional representation based on votes cast for candidates who represent political parties in the general election for members of the National Assembly. Party lists must list male and female candidates alternatively and every list must be headed by a female candidate. Sixteen members of the Senate serve as chiefs and two chiefs are elected by the provincial assembly of chiefs from each of the provinces (not including metropolitan provinces).

According to Section 124 of the Constitution, the National Assembly should consist of 210 members elected under a party-list system of proportional representation. The National Assembly must also consist of an additional 60 women members.

## **What is the structure of government?**

The Government of Zimbabwe is made up of an executive branch, legislative branch and judicial branch. The executive branch consists of the president, vice president and presidential Cabinet. The legislative branch consists of the Senate and National Assembly. The judicial branch consists of a court system that includes the Constitutional Court, Supreme Court, and High Court.

## **What is the election management body? What are its powers?**

The Zimbabwe Electoral Commission (ZEC) is Zimbabwe's election management body. It is mandated with preparing for, conducting, and supervising elections and referendums in accordance with the laws of Zimbabwe and electoral management best practices.

Per Section 5 of the Zimbabwe Electoral Act, the ZEC is also responsible for undertaking and promoting research into electoral matters and developing expertise into the use of technology in elections. The ZEC is responsible for promoting cooperation between the government, political parties and civil society with regard to elections and keeping the public informed about electoral processes. The ZEC can also make recommendations to Parliament on the provision of public financing for political parties.

The ZEC is composed of a chairperson and eight other commissioners, who hold office for a term of six years up to a maximum of two terms. Four of the eight other commissioners must be women. The chairperson is appointed by the president after consultation with the Judicial Service Commission and the Parliamentary Committee on Standing Rules and Orders. The chairperson must be a judge or former judge of the Supreme Court or the High Court, or a person qualified for an appointment as such. The other eight members are appointed by the president from a list of no fewer than 12 nominees submitted by the Parliamentary Committee on Standing Rules and Orders (Constitution of Zimbabwe 2013, Article 238 (1)(b)). One of these eight is designated as deputy chairperson (Electoral Act, Sixth Schedule, 6).

The Independent Commissions Act provides that a commissioner may be removed from office for mental or physical incapacity or for conduct that renders the person "unsuitable" as a commissioner. The removal process is initiated by the president, who appoints a tribunal to investigate the matter. If the tribunal recommends that the commissioner be removed, then Parliament must be informed and the president must act on that recommendation (Constitution 2013, 237(2), 187 Electoral Act 6A).

## **Who are citizens voting for on Election Day?**

During the 2018 general elections, there will be direct elections for the president, the 210 constituency seats in the National Assembly, and seats in the urban and rural local authorities. A number of seats in the Senate, the National Assembly and Provincial Councils will be allocated based on a party-list system of proportional representation.

## **Who can vote in Zimbabwe's 2018 elections?**

According to the fourth schedule in the Constitution of Zimbabwe, a person is qualified to register to vote if he or she:

- Is of or over the age of 18 years and
- Is a Zimbabwean citizen.

A person is disqualified from voter registration:

- While he or she is detained by reason of a mental health problem or intellectual disability under an Act of Parliament related to mental health;
- If he or she has been declared by court order to be incapable of managing his or her affairs for so long as the order remains in force; or
- If he or she has been convicted of an offence under the Electoral Law and declared by the High Court to be disqualified from voter registration or voting, for the period he or she has been declared disqualified, which must not exceed five years.

In addition to meeting the qualifications for voter registration, Section 157(1)(b) of the Constitution and Section 23 of the Electoral Act (Chapter 2:13) mandate that voters provide proof of residency for assignment to a polling station where they can cast their ballot.

Section 67 of the Zimbabwean Constitution also grants special groups such as members of the diaspora, prisoners, and those in hospitals the right to vote. Security officials, such as soldiers and police officers, will not be able to vote on Election Day because they will be performing security duties on that day. Thus, they will be permitted to vote in advance of Election Day at special polling stations (Part XVIA, Section 81). Diplomats outside the country will be able to vote by post.

Recently, the Zimbabwean High Court has also ruled in favor of people with dual citizenship participating in biometric voter registration, which will enable them to vote in the upcoming elections. This court order came to pass after human rights lawyer Denford Halimani petitioned the High Court on behalf of Harare resident Sarah Kachingwe in a case that sought to mandate that the Zimbabwe Electoral Commission register so-called “aliens” as prospective voters for the 2018 general elections.<sup>3</sup>

## How was voter registration conducted?

Zimbabwe adopted the biometric voter registration (BVR) method in which voters’ photographs and fingerprints are scanned into the voter roll. BVR was introduced to prevent duplication, multiple registrations, or identity theft, as well as to improve the accuracy of the voter roll. During the BVR process, the Zimbabwe Electoral Commission (ZEC) used two key biometric features – fingerprints and photographs.

The BVR exercise was launched early October 2017 across the country. After delays in procuring BVR kits and then procuring just part of the recommended number, the BVR exercise proceeded in four phased sweeps through each of the 10 provinces – a period called the “blitz.” The ZEC deployed 2,697 BVR kits and registered 1,240,459 voters in phase one, which ran from October 10-25, 2017. After the four phases had taken place, approximately 5.3 million voters were registered, short of the announced target of 7 million. The ZEC requested and received supplemental funding from the Treasury for a “mop-up” BVR exercise which ended on February 8, 2018. It is reported that an additional 385,192 people were registered during the mop-up voter registration exercise. After the BVR blitz and mop-up, the 63 district election offices also had “static” BVR kits open for continuous voter registration, with registration for the 2018 elections ending on June 1, 2018, per the amendment of Section 26A of the Electoral Act, which states that registration of voters closes two days after proclamation, which formally occurred on May 30, 2018.

The BVR system consists of two parts: 1) registering voters and 2) scanning the voter roll for duplicate and fraudulent registrants. The ZEC used a system with two safeguards. In the first, the ZEC used MongoDB and Microsoft SQL data management software in which the BVR data is securely stored and maintained. MongoDB filters for contradictions between street address and polling center and for detection of duplicate and fake IDs. Fake IDs are detected using modular arithmetic. Typical examples of the errors found include voters assigned to the wrong polling center. Each correction is automatically logged and sent to a supervisor for verification. Duplicate numbers are often the result of a person who registered at one polling center, moved for work, marriage, or other reasons, and then registered at a

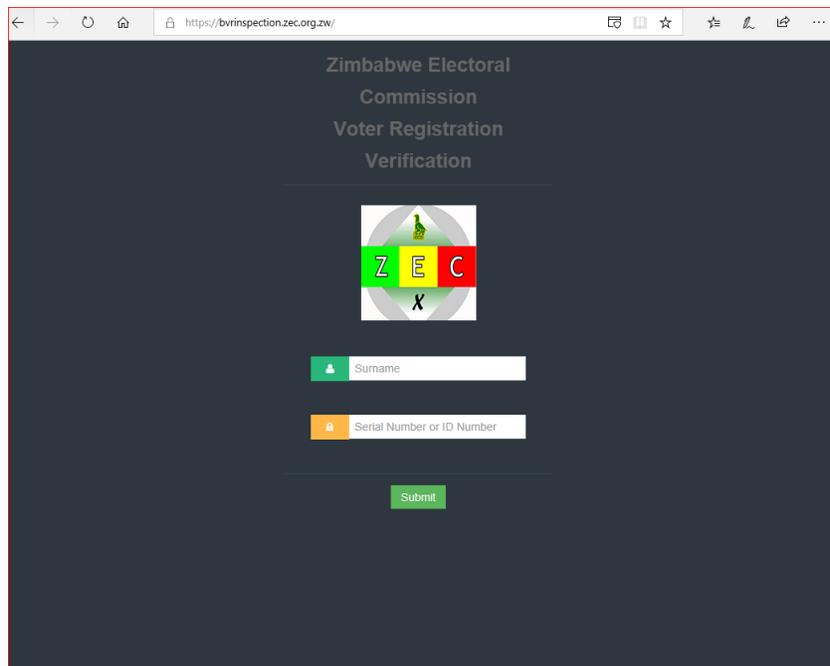
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<sup>3</sup> “Court Allows ‘Aliens’ to Vote in 2018 Zimbabwe Elections,” IOL, November 29, 2017, <https://www.iol.co.za/capetimes/news/court-allows-aliens-to-vote-in-2018-zimbabwe-elections-12197806>

second polling center. In this case, the ZEC contacted the voter to determine the correct polling center. The officers administering the first process were only able to correct data entry errors or exclude records that are duplicates or fraudulent. They were not able to remove any records.

The second safeguard is a technology called the Automated Fingerprint Identification System (AFIS), which was used to detect duplicate fingerprints in the 5.6 million voters' records. AFIS identified any persons who had registered multiple times in the same or in different polling places. All records identified as duplicates had to undergo an adjudication process. The ZEC formed an Adjudication Committee mandated with addressing duplicate and suspected fraudulent records. Before excluding any person's record from the voter roll, the ZEC contacted the voter and asked for an explanation of the duplicate or fraudulent record. This second safeguard, called the "de-duplication" process, was completed by May 30.

The ZEC used text messaging as part of the May 19-29 Provisional Voter Roll inspection process. The ZEC sent a bulk text message to the 3.5 million registered voters who provided cell phone numbers during voter registration. These voters received a text message that confirmed their registration and their basic personal registration information. The ZEC initially prioritized socially prominent registered voters, expecting them to spread the news of this innovation and contribute to building public confidence. The ZEC also used the unstructured supplementary service data cellular company protocol, so voters can send a text to receive confirmation that they are registered. Voters could also verify their registration data online using a dedicated website set up by the ZEC.



*Section of ZEC website where voters can check their registration status online*

## **How many registered voters are there?**

As of July 10, 2018, there are 5,695,706 registered voters, of whom 54 percent are women and 46 percent are men.

## **Where will voters cast their ballots on Election Day?**

In accordance with Section 51(3) of the Electoral Act (Chapter 2:13) the Zimbabwe Electoral Commission (ZEC) identified 10,985 polling stations. The list of polling stations was published on the ZEC website, and will be posted at the centers specified in the schedule to be produced by the ZEC.

Voters selected their preferred Election Day polling station during voter registration, which is primarily based on their residency. Voters will be able to find their polling station by sending a text message to a dedicated number, checking the ZEC's website, or calling the ZEC call center. The ZEC is also planning to send approximately 3.5 million text messages to voters who provided cell phone numbers during voter registration.

## **Will there be out-of-country voting?**

Section 72 of the Electoral Act states that registered voters located outside Zimbabwe on government duty and their spouses are eligible to vote by post. If they wished to do so, they must have sent an application for a postal ballot paper to the chief elections officer. The deadline for returning postal vote ballots was July 16, 2018. Postal ballots will be counted together with ballots cast on July 30, 2018.

## **Who can observe during Election Day? How can they get accreditation?**

According to the Electoral Act of Zimbabwe (Part IXB Section 40G), election observers accredited by the Zimbabwe Electoral Commission (ZEC) are entitled to:

- Observe the election process and conduct of polling on Election Day;
- Be present during the counting or collation of votes, as well as verification of polling station returns by presiding officers; and
- Bring any irregularities in the conduct of elections to the ZEC's attention.

Additionally, the ZEC is required to take necessary steps to ensure that accredited observers are able to fulfill their mandates as outlined above.

The Electoral Act also outlines the process of how observers receive accreditation. Applications for accreditation can be submitted by individuals and organizations that wish to be accredited. Applications must be submitted to the chief elections officer who then forwards applications to the ZEC's Observers Accreditation Committee. The minister of foreign affairs may submit objections to applicants, which the Observers Accreditation Committee will take into consideration in reviewing applications. After all applications have been reviewed, the committee makes recommendations to the ZEC, which has 48 hours to reject any of these recommendations through the chief elections officer. After this 48-hour period has lapsed, the ZEC must adopt these recommendations. The issuing of accreditations will continue until July 30, 2018. In order to carry out their mandate, all observers must do the following:

- Report to the Observers Accreditation Committee at a time and place notified by the committee;
- Receive a hard copy of the Code of Conduct; and
- Pay all requested accreditation fees.

After completing the requirements above, observers will receive an accreditation certificate that states they are entitled to observe for a specified period. Observers must be able to produce this certificate at all times.

### **When will official results be announced?**

According to the Zimbabwe Electoral Commission's (ZEC) provisional elections roadmap, official results are to be announced within five days of polling as provided for in the Electoral Act. As Election Day is currently set for July 30, the results announcement will take place on August 4. The ZEC has the sole mandate to announce and declare election results per the terms of Section 66A of the Electoral Act.

### **How will election disputes be adjudicated?**

Any candidate is entitled to file a petition "complaining of an undue return or an undue election of a member of Parliament by reason of want of qualification, disqualification, electoral malpractice, irregularity or any other cause whatsoever" (Electoral Act Section 167).

These petitions must be signed by all petitioners and lodged with the Registrar of the Electoral Court within 14 days after Election Day. The petitioner will be required to pay some costs related to resolving the dispute in an amount that is decided by the Zimbabwe Electoral Commission (ZEC) in consultation with the chief justice (Electoral Act Section 168).

Election petitions are tried by the Electoral Court, which will decide whether or not the party in question was duly elected. If the party in question was not duly elected, he or she must vacate his or her seat, and the ZEC will issue an official notice in the gazette declaring the duly elected winner. If neither the party in question nor the other candidates are entitled to be duly elected, the seat will be declared vacant. Such a vacancy will be filled in accordance with Section 159 of the Constitution, which requires the ZEC to hold new elections within 90 days of the vacancy.

## Resources

- [Zimbabwe Electoral Commission \(ZEC\)](#)
- [Constitution of Zimbabwe](#)
- [Electoral Act](#)
- [ZEC FAQs](#)
- [ZEC Press Releases](#)
- [Observer Code of Conduct](#)