



ZIMBABWE

ACT

To amend the Electoral Act [*Chapter 2:13*]; and to provide for matters connected with or incidental to the foregoing.

ENACTED by the Parliament and the President of Zimbabwe.

1 Short title

This Act may be cited as the Electoral Amendment Act, 2018.

2 Amendment of section 4 of Cap. 2:13

The Electoral Act [*Chapter 2:13*] (No. 25 of 2004) (hereinafter called “the principal Act”) is amended in section 4 (“Interpretation”)—

(a) in subsection (1) —

(i) by the insertion of the following definitions—

“election petition” means an application to the Electoral Court for the election of a person to be set aside on the ground of lack of qualification, disqualification, electoral malpractice, irregularity or any other reason whatever;

“gender” means the social meaning given to being either female or male in given society;

“gender equality” means the enjoyment by women and men of socially valued goods, opportunities, resources and rewards;

“registration office” means any office of the Commission established by it for the registration of voters;”;

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- (ii) in the definition of “disciplined force” by the deletion of “Police force or the Prison Service” and the substitution of “Police Service or the Prisons and Correctional Service”;
- (iii) by the repeal of the definitions of “Electoral Court”, “general election” and “metropolitan council” and the substitution of—
 - ““Electoral Court” means the Electoral Division of the High Court constituted by section 161;
 - “general election” means a general election of the President, Vice-Presidents, members of Parliament and councillors of local authorities;
 - “metropolitan council” means one of the councils established by section 269 of the Constitution for the metropolitan provinces of Bulawayo and Harare;”;
- (b) by the insertion of the following subsections after subsection (2)—
 - “(3) Any reference in this Act to a constituency or ward voters roll shall be construed as a reference to the voters roll for the polling station within the constituency or ward concerned
 - (4) Where this Act refers to a person being registered on the voters roll of a constituency or ward or being registered in a constituency or ward, the reference shall be construed as meaning that the person is registered or is to be registered, as the case may be, on a voters roll for a polling station within the constituency or ward.”.

3 Amendment of section 5 of Cap. 2:13

Section 5 (“Additional functions and powers of Commission”) of the principal Act is amended by the insertion after paragraph (d) of the following paragraph—

“(d1) ensuring that gender is mainstreamed into electoral processes; and”.

4 Amendment of section 11 of Cap. 2:13

Section 11 (“Provisions to ensure independence, impartiality and professionalism of Commissioners and staff and agents of Commission”)(2)(a)(i) of the principal Act is amended by the insertion after “and referendums” of the words “and the enhancement of gender equality in connection therewith”.

5 Amendment of section 18 of Cap. 2:13

Section 18 (“Commission to register voters”)(5) of the principal Act is amended by the deletion of “may, after consultation with the Commission and the former Registrar-General of Voters” and the substitution of “, with the approval of the Commission and after consultation with the former Registrar-General of Voters”.

6 Amendment of section 20 of Cap. 2:13

Section 20 (“Voters rolls to be kept by Commission”) of the principal Act is amended—

- (a) by the repeal of subsection (1) and the substitution of—

“(1) The Commission shall keep and maintain in printed and electronic form a voters roll for each polling station area, containing the names of all registered voters who may vote in that area.”;

(b) by the insertion after subsection (4) of the following subsection—

“(4a) The Commission may prepare and maintain, in printed or electronic form, a consolidated national voters roll and a consolidated voters roll for any constituency or ward, but such rolls shall not be used for the purposes of polling in any election.”.

7 Amendment of section 21 of Cap. 2:13

Section 21 (“Inspection of voters rolls and provision of copies”) of the principal Act is amended—

- (a) in subsection (1) by the insertion after “voters roll” of “, and every consolidated roll referred to in section 20(4a)”;
- (b) in subsection (3) by the deletion of “ward or constituency voters roll” and the substitution of “voters roll, including a consolidated roll referred to in section 20(4a)”
- (c) in subsection (6) by the deletion of “constituency” wherever it occurs;
- (d) in subsection (9)(b) by the deletion of “makes use” and the substitution of “without the prior written consent of the Commission, makes use”.

8 Amendment of section 22A of Cap. 2:13

Section 22A (“Polling station voters rolls”)(1) of the principal Act is amended by the insertion of the following proviso to paragraph (b)—

“Provided that where the estimated number of voters to be served by any polling station exceeds the number determined by the Commission to be manageable, the Commission may establish two or more independent polling stations to serve the same polling station area, and the voters’ roll for that area shall be split between such polling stations accordingly.”.

9 Amendment of section 23 of Cap. 2:13

Section 23 (“Residence qualifications of voters”)(2) of the principal Act is amended by the deletion of “for a continuous period of twelve months” and the substitution of “for a continuous period of eighteen months”.

10 Amendment of section 24 of Cap. 2:13

Section 24 (“Claims for registration”) of the principal Act is amended by the repeal of subsection (1) and the substitution of—

“(1) Any person who wishes to be registered as a voter on the voters roll for any constituency shall complete the appropriate prescribed claim form and submit it to a voter registration officer at any registration office:

Provided that a claimant—

- (i) may request the assistance of a voter registration officer at the registration office to complete the appropriate prescribed claim form, and the officer shall comply with that request;
- (ii) who, in accordance with the proviso to section 23(1), seeks registration in a constituency in which he or she is not resident shall lodge a claim form with the Commission.”

11 Amendment of section 25 of Cap. 2:13

Section 25 (“Claims for transfer of registration”) of the principal Act is amended—

- (a) by the repeal of subsection (1) and the substitution of—

“(1) A voter whose name is registered on the voters roll for a constituency and who—

- (a) has become resident in another constituency; or
- (b) wishes, for the reason referred to in proviso (ii) to section 24(1), to be registered in another constituency in which he or she is not resident;

may complete the appropriate prescribed claim form and submit it to a voter registration officer at any registration office, and shall together with such form submit the voters registration certificate, if any, issued to him or her:

Provided that—

- (i) an applicant may request the assistance of a voter registration officer at the registration office to complete the appropriate prescribed form, and the officer shall comply with that request;
 - (ii) where an applicant seeks transfer of registration because he or she is or intends to be a candidate for election as a member of Parliament in a constituency in which he or she is not resident, the applicant shall send the appropriate prescribed form to the Commission for its approval.”;
- (b) by the repeal of subsection (3) and the substitution of—
- “(3) If the voter registration officer of a particular constituency is satisfied that an applicant who seeks transfer of registration to a constituency in which he or she is resident is entitled to the transfer, the voter registration officer shall—
- (a) remove the applicant’s name from the voters roll for his or her constituency; and
 - (b) forward the applicant’s name and particulars to a voter registration officer for the constituency to which the applicant has applied to be transferred.”;
- (c) in subsection (5) by the deletion of “the Registrar-General of Voters” and the substitution of “the Commission”.

12 New section substituted for section 26A of Cap. 2:13

The principal Act is amended by repeal of section 26A and the substitution of—

“26A Closure of voters roll before nomination day

No person shall be registered as a voter for the purposes of voting at any Presidential election or election of members of the Parliament or councillors unless he or she lodges a claim for registration or transfer of registration under section 24 or 25 no later than the second day following the publication of proclamation referred to in section 38 or a notice referred to in section 39, as the case may be, in relation to that election.”.

13 New section substituted for section 32 of Cap. 2:13

The principal Act is amended by repeal of section 32 and the substitution of—

“32 Removal of duplicates

(1) The Commission shall ensure that no person is registered as a voter more than once on the voters roll for any one polling station.

(2) If the Commission is satisfied that a voter is registered more than once on a the voters roll for any polling station, the Commission shall remove the duplicate or multiple names of the voter so that the name of that voter appears only once, and on the appropriate polling station voters roll.

(3) Without prejudice to section 28 (“Objections by voters”), no notice is required to be given of the Commission’s action before or after removing any duplicate or multiple names of any voter in accordance with subsection (2).”.

14 Amendment of section 35 of Cap. 24:20

Section 35 (“Additional powers to alter voters rolls”) of the principal Act is amended by the repeal of subsection (3) and the substitution of the following subsections—

“(3) A voter who is aggrieved by a decision of the Commission or a voter registration officer under this section may appeal against the decision to a designated magistrate of the province on whose voters roll the voter is or, prior to the alteration, was registered.

(4) The form and manner in which an appeal under subsection (3) may be made and heard, and the powers of a designated magistrate in such an appeal shall be as prescribed.”.

15 Amendment of section 36A of Cap. 2:13

(1) Section 36A (“New registration of voters”) of the principal Act is amended by the repeal of subsections (3), (4) and (5).

(2) The amendment made by subsection (1) is deemed to have taken effect on the 14th September, 2017.

16 Repeal of section 37B of Cap. 2:13

Section 37B (“Commencement of delimitation of wards and constituencies”) of the principal Act is repealed.

17 Amendment of section 40B of Cap. 2:13

Section 40B (“Functions of Commission with respect to voter education”) of the principal Act is amended—

(a) by the repeal of paragraph (a) and the substitution of—

“(a) to provide adequate, accurate, gender sensitive and unbiased voter education;

(b) by the insertion in paragraph (b) after “in favour of any political party” of the words “and complies with the electoral code of conduct for political parties and candidates prescribed in the Fourth Schedule”.

18 Repeal of section 40F of Cap. 2:13

Section 40F (“Foreign contributions or donations for the purpose of voter education”) of the principal Act is repealed.

19 Amendment of section 40G of Cap. 2:13

Section 40G (“Functions of accredited observers”)(1)(d) of the principal Act is amended by the insertion after subparagraph (vi) of the following subparagraph—

“(vii) any other factor that has a bearing on gender equality and elections, generally or in the conduct of the polling at the election; and”.

20 Amendment of section 40H of Cap. 2:13

Section 40H (“Observers Accreditation Committee”)(1) of the principal Act is amended by the insertion after paragraph (g) of the following paragraph—

“and

(h) one person nominated by the Minister responsible for women’s affairs, gender or community development.”.

21 New section inserted in Part IXB of Cap. 2:13

Part IXB (“Election observers”) of the principal Act is amended by the insertion after section 40J of the following section—

“40K Observing of elections by Zimbabwe Human Rights Commission

(1) The Zimbabwe Human Rights Commission, through any of its commissioners or employees accredited under this section, may observe any election and electoral process in order to ensure respect for the human rights and freedoms guaranteed by the Constitution.

(2) In order to secure the accreditation of any of its commissioners or employees for the purpose of subsection (1), the Zimbabwe Human Rights Commission shall notify the Commission, in writing, of—

(a) the names and identification particulars of its commissioners or employees whom it wishes to be accredited as observers; and

(b) the election or electoral process which it wishes to observe;

and the Commission shall without delay provide those persons with an accreditation certificate certifying that they are accredited by the Commission as observers of the election or electoral process concerned.

(3) For the avoidance of doubt it is declared that commissioners or employees of the Zimbabwe Human Rights Commission accredited in terms of this section shall be entitled to do all things that persons accredited as observers in terms of this Part may do in terms of this Act.

(4) Before issuing any report on an election or electoral process it has observed in terms of this section, the Zimbabwe Human Rights Commission shall provide the Commission with a draft of the report and shall pay due regard to any comments the Commission may make on the draft.”.

22 Amendment of section 45 of Cap. 2:13

Section 45 ("Interpretation in Part XI") of the principal Act is amended by the repeal of the definition therein contained and the substitution of—

""candidate to represent persons with a disability" means one of two persons (one of whom must be female and the other male) nominated in accordance with Seventh Schedule for election as one of the two Senators referred to in section 120(1)(d) of the Constitution, and who is himself or herself a person with a disability."

23 Amendment of section 52A of Cap. 2:13

Section 52A ("Publication of details *re* ballot papers") of the principal Act is amended—

- (a) by the deletion of the title thereto and the substitution of "Number of ballot papers and publication of details regarding them";
- (b) by the insertion of the following subsection, the existing section becoming subsection (2)—

"(1) The Commission shall ensure that the number of ballot papers printed for any election does not exceed by more than ten *per centum* the number of registered voters eligible to vote in the election."

24 Amendment of section 56 of Cap. 2:13

Section 56 ("Entitlement to vote, number of votes and identification of voters") of the principal Act is amended—

- (a) in subsection (1)(a) by the repeal of the proviso thereto;
- (b) by the insertion after subsection (1) of the following subsection—

"(1a) At a by-election, every voter registered on a polling station voters roll shall be entitled to vote at that polling station for one of the candidates—

- (a) who have been duly nominated for election as a constituency member in the constituency in which the polling station is situated; or
- (b) who have been duly nominated for election as councillor for the ward in which the polling station is situated;

as the case may be."

- (c) in subsection (3) by the deletion of "shall hand the applicant a ballot paper" and the substitution of ", subject to subsection (3a), shall hand the applicant a ballot paper";
- (d) by the insertion after subsection (3) of the following subsection—

"(3a) If polling in two or more elections is being conducted simultaneously at the polling station and an applicant declines to accept a ballot paper for any one or more of those elections, the presiding officer shall not hand the applicant a ballot paper for that election and shall record, in such manner as may be prescribed or directed by the Commission, that the applicant did not, at his or her request, receive the ballot paper."

25 Amendment of section 59 of Cap. 2:13

Section 59 (“Voting by illiterate or physically handicapped voters”) (5) of the principal Act is amended by the repeal of the proviso to paragraph (a).”

26 Amendment of section 126 of Cap. 2:13

Section 126 (“Withdrawal of candidate”) (2)(b) of the principal Act is amended by the repeal of subparagraph (ii).

27 Amendment of section 133A of Cap. 2:13

Section 133A (“Meaning of ‘intimidation’”) of the principal Act is amended by the insertion after paragraph (d) of the following paragraph—

“(d1) persuading or attempting to persuade another person that he or she can or will be able to discover for whom that other person cast his or her vote in an election; or”.

28 Amendment of section 160A of Cap. 2:13

Section 160A (“Constitution of multiparty liaison committees”)(1) of the principal Act is amended by the deletion of “As soon as possible after the close of nominations in an election, the Commission shall appoint” and the substitution of “As soon as possible after the close of nominations in an election (or, in the case of a national multiparty liaison committee, from such date as the Commission may designate, after consultation with the Minister, by notice in the *Gazette*, being any date on or after the beginning of the period of six months before the end of the five-year term of Parliament as specified in section 143 of the Constitution), the Commission shall appoint”.

29 Amendment of section 160J of Cap. 2:13

Section 160J (“Conduct of news media during election period”) of the principal Act is amended—

- (a) in subsection (1) by the by the deletion of “During an election period” and the substitution of “Subject to subsection (2), during an election period”;
- (b) by the insertion of the following subsection, the existing section becoming subsection (1)—

“(2) The Commission may, after consultation with the Minister, by notice in the *Gazette*, activate the operation of subsection (1) and of any specified provision of this Part before an election period, so, however, that subsection (1) and the specified provisions take effect from any specified date on or after the beginning of the period of six months before the end of the five-year term of Parliament as specified in section 143 of the Constitution.”.

30 Amendment of section 161 of Cap. 2:13

Section 161 (“Establishment and jurisdiction of Electoral Court”) (1) of the principal Act is amended by the deletion of “a court” and the substitution of “a division of the High Court”.

31 Amendment of section 163 of Cap. 2:13

Section 163 (“Assessors”) of the principal Act is amended—

- (a) in subsection (1) by the deletion of “two persons” and the substitution of “two persons (one of whom must be a woman)”;

- (b) in subsection (2) by the deletion of “ten persons” and the substitution of “ten persons (at least half of them women)”;

32 Amendment of section 171 of Cap. 2:13

Section 171 (“Provisions as to trial of election petition”) of the principal Act is amended—

- (a) by the insertion after subsection (1) of the following subsection—

“(1a) If on the trial of an election petition a dispute of fact arises that cannot be resolved on the papers, the Court shall attempt to resolve the dispute by the hearing of oral evidence without referring the matter for trial as an action, and for that purpose the court—

- (a) may permit the parties to call and examine witnesses;
and
(b) may itself call and examine witnesses;

whether or not the witnesses have deposed to affidavits filed in the proceedings.”;

- (b) in subsection (6) by the deletion of “by the President of the Senate or the Speaker, as the case may be, to Parliament” and the substitution of “to the Senate by the President of the Senate or to the National Assembly by the Speaker, as the case may be”;

- (c) by the insertion after subsection (8) of the following subsection—

“(9) Except as otherwise provided in this Act, the procedure to be followed in regard to election petitions, including—

- (a) the provision of security for costs; and
(b) the Court’s power to condone late filing;

shall be the procedure applicable to court applications in the High Court.”.

33 Amendment of section 172 of Cap. 2:13

Section 172 (“Appeals from decisions of Electoral Court”) (5) of the principal Act is amended by the repeal of subsection (3).

34 New section substituted for section 182 of Cap. 24:20

Section 182 of the principal Act is repealed and the following is substituted—

“182 Time within which election petitions and appeals thereon to be determined

(1) Every election petition shall be determined within six months from the date of presentation.

(2) An appeal under section 172 (2) shall be determined within three months from the date of the lodging of the appeal.

(3) For the purpose of ensuring that an election petition or an appeal is determined within the time-limit prescribed in subsection (1) or (2), as the case may be—

- (a) the Judge President of the High Court or the presiding judge of the Electoral Court, in the case of an election petition;
and

- (b) the Chief Justice or the senior presiding judge of the Supreme Court, in the case of an appeal from a decision on an electoral petition;

may, notwithstanding any other enactment, give such directions as to the filing of documents and the hearing of evidence and argument as will, in his or her opinion, ensure that the time-limit is met, and the parties shall comply with those directions.”.

35 New section substituted for section 190 of Cap. 24:20

Section 190 of the principal Act is repealed and the following is substituted—

“190 Complaints to Commission

(1) Any claimant or person aggrieved by the decision or conduct of a voter registration officer or other employee of the Commission under section 24, 25 or 35 may (at the head office or any provincial office of the Commission) lodge a complaint in the form of an affidavit with the Commission no later than forty-eight hours after the decision or conduct complained of.

(2) Upon receiving a complaint in terms of subsection (1), the Commission shall, if it considers the complaint to be justified, order the voter registration officer or employee concerned to take appropriate remedial action.

(3) The Commission may in writing delegate its functions under subsection (2) to the Chief Elections Officer or any other officer of the Commission.”.

36 New schedule substituted for Fourth Schedule to Cap. 24:20

The Fourth Schedule to the principal Act is repealed and substituted by—

“FOURTH SCHEDULE (Section 160A)

ELECTORAL CODE OF CONDUCT FOR POLITICAL PARTIES AND CANDIDATES AND
OTHER STAKEHOLDERS

Preamble

This Code is contained in the Fourth Schedule of the Electoral Act of Zimbabwe. All political parties, members, supporters, candidates as well as all individuals, organisations and associations that are formally or informally associated with political parties or that formally or informally conduct political activities, in particular traditional leaders, security and law enforcement officials, public servants and civil society organisations, are expected to abide by this Code during the electoral process. The electoral process includes but is not limited to voter registration, inspection, voter education, nomination, delimitation, voting, counting, tabulation, transmission and announcement of results. In reference to sections 158 and 159 of the Constitution of Zimbabwe, the Code starts applying 12 months before the earliest possible polling date of a general election and for the 90 days before a by-election caused by a vacancy or a general election required by the dissolution of Parliament.

Purpose of Code

1. The purpose of this Code is to promote conditions that are conducive to free and fair elections and a climate of tolerance in which electioneering activity may take place without fear or coercion, intimidation or reprisals.

General principles

2. (1) The legitimacy of a government born out of democratic multi-party political activity rests on the following principles—

- (a) that the political environment is at all times free of violence, coercion and intimidation;
- (b) that conditions are conducive to free, fair and democratic elections conducted through a secret ballot in a climate of democratic tolerance in which political activity may take place without fear of intimidation or reprisals;
- (c) that as a result of being informed through education of the policies and qualities of all political parties, leadership, officials and members, citizens are able to make an informed choice; and
- (d) that people are able to choose and vote for a political party freely, without interference, fear, undue influence or bribery;
- (e) that political parties and all candidates as well as their members, and their supporters accept others have the right to present their political principles and ideas in a peaceful environment without intimidation or fear of reprisal, and must respect that right;
- (f) that all political parties and candidates contesting an election or participating in a referendum should be provided with fair and equal access to the electronic and print media both public and private;

(2) All political parties and all candidates as well as their members, and their supporters, and all stakeholders to whom this Code applies commit themselves in good faith to these principles spelled out in subarticle (1) above and must promote them so that—

- (a) a culture of peace pervades political activity;
- (b) political processes will be recognised as expressing the credible free choice of the people;
- (c) the result of that choice will be respected by all.

Application

3. This Code will apply to political parties, candidates for election, election agents for candidates as well as members and supporters of political parties and candidates. Other stakeholders, namely all individuals, organisations and associations that are formally or informally associated with political parties or that formally or informally conduct political activities, in particular traditional leaders, security and law enforcement officials, public servants and civil society organisations are urged to assist in its observance.

Public commitment

4. Every political party and every candidate must—

- (a) give wide publicity to this Code and ensure that their members and supporters are familiar with this Code and their obligation to comply with its terms; and

- (b) publicly state that, throughout the country, everyone has the right—
 - (i) to freely express their political beliefs and opinions;
 - (ii) to freely challenge and debate the political beliefs and opinions of others;
 - (iii) to freely canvass for membership and support from voters;
 - (iv) to freely attend public meetings convened by others;
 - (v) to freely distribute campaign material;
- (c) publicly condemn any action that may undermine the free and fair conduct of elections—
 - (i) in particular condemn and dissociate themselves unreservedly and publicly from any violence or intimidation, including when these acts benefit them and or are committed by a stakeholder with whom they are formally or informally associated; and
 - (ii) co-operate with the law enforcement agencies in apprehending the culprits;
- (d) disseminate accurate information and materials on the electoral processes, based on their right to receive such information from the election authorities and other relevant authorities;
- (e) affirm and ensure respect for the secrecy of the vote;
- (f) accept the result of an election or challenge the result by due process of law.

Prohibited conduct: politically-motivated violence or intimidation

5. No political party or any of its members or supporters, and no candidate, any of his or her supporters and no stakeholders may—

- (a) use violence, or threaten violence or incite or encourage the use of violence, against anyone on account of his or her political opinions or membership or support of a political party or participation in the election;
- (b) intimidate, or incite or encourage the intimidation, of anyone on account of his or her political opinions or membership or support of a political party; or act in a way that may provoke violence or intimidation;
- (c) use violence or threats or illegal pressure to force a voter to refrain from voting or to vote for a candidate or political party against his or her will;
- (d) force a voter to reveal the identity of the candidate voted for or take reprisals against a person because of the way in which he or she has voted or is believed to have voted.

Prohibited conduct: other prohibited acts

6. No political party or any of its members or supporters, and no candidate or any of his or her supporters, may—

- (a) publish false or defamatory allegations about a party, its candidate(s), representatives or members;
- (b) discriminate on the grounds of race, ethnicity, sex, gender, class or religion in connection with an election or political party;
- (c) use hateful language which incites violence towards any individual or group, including in speeches, songs and slogans;

- (d) damage or deface property, including the election posters, placards, banners and other election material of another party or candidate, and any posters or other voter education materials disseminated by the Electoral Commission;
- (e) bar or inhibit access to meetings or to voters for the purpose of election campaigning;
- (f) carry or display weapons at political meetings or at marches, demonstrations, rallies or other public political events;
- (g) bribe a voter to exercise his or vote in a particular manner;
- (h) bribe or intimidate an election official to induce him or her to make a false entry in the voters roll or to alter or falsify election results;
- (i) encourage a person to vote knowing that they are not entitled to do so;
- (j) use the information on the voters roll supplied by the Commission for commercial purposes or to harass or intimidate voters (and they may not publish personal information about voters contained in the electoral roll);
- (k) coerce or offer monetary or other kinds of inducements to persons for them to participate in the activities of a political party not of their choice, or—
 - (i) to become or not become a member of certain political party, stand or not to stand as candidates, or to withdraw or not to withdraw their candidacies or membership of a political party;
 - (ii) to violate the secrecy of the vote;
- (l) procure the support or assistance of any official or public servant to act in a partisan manner or further the interest of any political party or cause;
- (m) do any other thing that is defined in the Constitution, the Electoral Act or other laws of Zimbabwe as a corrupt and illegal practice or an offence;
- (n) abuse the right to complain to the courts by making false, frivolous or vexatious complaints.

Conduct during polling period

7. (1) No political party or candidate may, from midnight twenty-four hours before polling day in any election or referendum until polling stations are closed on that day—
- (a) convene or hold a public gathering of any kind;
 - (b) publish, or cause or permit the publication, of any advertisement or statement promoting or opposing a particular party or candidate;
 - (c) disrupt the work of election officials at a polling station or counting centre;
 - (d) campaign or display campaign material within 300 metres of a polling station or counting centre;
 - (e) coerce a voter, who does not require assistance, to be assisted to vote.
- (2) On polling day in any election or referendum, all political parties and their members and supporters, and all candidates and their supporters, must—
- (a) co-operate with election officials to ensure that polling is peaceful and orderly and that voters are completely free to exercise their vote without being subjected to intimidation, annoyance or disturbance; and
 - (b) generally, conduct themselves so as to respect the secrecy and integrity of the ballot.

Announcement of result of election

8. No candidate, and no office-bearer or member of a political party, may purport to declare or announce the results of an election before it has been declared officially by an electoral officer.

Respect for media and journalists

9. Every political party and candidate—

- (a) must respect the role of the news media before, during and after an election or referendum; The media and journalists must also abide by the Electoral Act (section 160 J) prescribing their conduct during the electoral process; and
- (b) may not prevent access by members of the news media to public political meetings, marches, demonstrations and rallies; and
- (c) must take all reasonable steps to ensure that journalists are not subjected to harassment, intimidation, threats or physical assault by any of their representatives or supporters.

Role of women

10. Every political party and every candidate must—

- (a) respect the right of women to communicate freely within parties and as candidates; and
- (b) facilitate the full and equal participation of women in political activities; and
- (c) ensure the free access of women to all public political meetings, marches, demonstrations, rallies and other public political events; and
- (d) take all reasonable steps to ensure that women are free to engage in any political activities.

Compliance – Political Parties

11. Every political party, every candidate and all supporters, including organisations formally and informally affiliated to political parties, must comply with this Code and in the case of a political party or a candidate—

- (a) instruct its candidates, persons who hold political office in the party and its representatives, members and supporters to comply with this Code and any applicable electoral and general laws;
- (b) issue directives proscribing intimidation, violence and other illegal activity or offence, and educate their members on the undesirability of the same;
- (c) initiate appropriate disciplinary action against its office-bearers, members and supporters, and candidates who contravene this Code or the laws of Zimbabwe.

Compliance – Multiparty Liaison Committees

12. (1) Political parties will participate in multiparty liaison committees chaired by the Zimbabwe Electoral Commission provided for by section 160A of the Electoral Act. As per section 160A of the Electoral Act “liaison committee” means a national multiparty liaison committee, a constituency multiparty liaison committee or a local authority multiparty liaison committee. As per section 160C of the Electoral Act the

function of the MPLC at central level is to create and establish multiparty liaison subcommittees in each province.

In agreement with the Electoral Commission and the political parties represented in Parliament, the multiparty liaison committees will be set up for the entire electoral process with a view to the application of this Code of Conduct, according to the timeline stated in the introduction.

The functions of a multiparty liaison committee shall be--

- (a) to monitor political parties candidates, supporters, their formal and informal associates, and other stakeholders in order to ensure that they adhere to the Code and uphold conditions conducive to free and unfettered free democratic political activity within a climate of tolerance in which political activities may take place without fear of coercion, intimidation or reprisals;
- (b) to foster and engender a spirit of goodwill among political parties as their contribution to the consolidation of peace in Zimbabwe. To contribute to the institutionalisation of a culture of mutual tolerance, democratic discourse and the principle of fair play in the conduct of national and local political activities in Zimbabwe;
- (c) to serve as a forum for discussion of issues of common concern, hear and resolve any disputes, concerns, matters or grievances relating to the electoral process, including in particular any disputes arising from allegations concerning non-compliance with the Code;
- (d) to immediately report upon and refer to the Commission any disputes, concerns, matters or grievances relating to the electoral process;
- (e) to request the Commission to mediate or appoint an independent mediator to resolve any dispute, concern, matter or grievance relating to the electoral process. The Commission or the mediator appointed should resolve them within the time requested by the multiparty liaison committee or within a reasonable time as per the Electoral Act;
- (f) to present to the Commission any reports, assessments, records or recommendations relating to the electoral process; and
- (g) generally, to assist in implementing the Code.

(2) The national multiparty liaison committee will delegate some of its functions to provincial multiparty liaison subcommittees. The functions of the provincial subcommittees will mirror the functions and composition of the national committee but will focus exclusively on the provincial context. The provincial subcommittees will also monitor, supervise or direct the activities of constituency multiparty liaison subcommittees.

(3) After nomination, Constituency multiparty liaison committees for a Presidential election, a general election for the purpose of electing members of the National Assembly or a by-election to fill a casual vacancy in the National Assembly, as well as local authority multiparty liaison committees for a general election of councillors or a local authority by-election will also be established.

(4) A national multiparty liaison committee shall consist of a Commissioner as the chairperson and two representatives of each political party and candidates. The parties will be those represented in Parliament prior to nominations, and those parties and candidates contesting the election after nominations have taken place. Representatives shall be selected by the party concerned. As provided for by the Electoral Act, the

composition of a committee can be expanded to include any person invited by the representatives of every political party represented in the committee. The political parties have thus decided to invite representatives from other stakeholders covered by this Code. Representatives of government agencies, Constitutional Commissions (Chapter 12), civil society, individuals and other stakeholders may be invited to attend multiparty stakeholder meetings.

(5) Decisions of the multiparty liaison committees shall be made by consensus.

(6) Parties commit to refer disputes arising from allegations concerning non-compliance with the Code to the relevant multiparty liaison committee.

Compliance – Enforcement of the Electoral Act and other relevant legislation

13. (1) In case of non-compliance with the Code of Conduct, political parties commit to take measures, including disciplinary action, and to first seek resolution of disputes within multiparty liaison committees.

(2) The Electoral Act prescribes sanctions for offenses in the electoral process, including violence, intimidation and corrupt practices. These sanctions include imprisonment, fines as well as disqualification from voting or filling a public office.

(3) Political parties, the Zimbabwe Electoral Commission and other stakeholders have a duty to collaborate with law enforcement and judicial authorities, including the Zimbabwe Republic Police, the National Prosecuting Authority and the Courts, in preventing and sanctioning offences in the electoral process.

Duty to co-operate

14. Every political party and every candidate must co-operate with other parties to avoid the risk of electoral-related conflict; in particular, they must—

- (a) endeavour not to call public meetings, marches or rallies that coincide with those called by another party or candidate contesting the election;
- (b) with the election authorities protect and enhance their role to supervise and administer elections;
- (c) with law enforcement officers maintain peace during the election period, as well as prevent and sanction offenses in the electoral process;
- (d) with the Human Rights Commission and other Constitutional Commissions assist in the reporting, documentation and referral of human rights violations in the electoral process;
- (e) with judicial authorities in their application of the law sanction offences in the electoral process;
- (f) co-operate with other stakeholders, in particular individuals and organisations conducting political activities formally or informally in order to ensure compliance with this Code and to prevent election-related conflicts.”.

37 Minor amendments to Cap. 2:13

The provisions of the principal Act specified in the first column of the Schedule are amended to the extent set out opposite thereto in the second column.

SCHEDULE (Section 37)

MINOR AMENDMENTS TO ELECTORAL ACT [CHAPTER 2:13] (No. 25 OF 2004)

<i>Provision</i>	<i>Extent of Amendment</i>
Section 23(4)	By the deletion of "any constituency registrar".
Sections 24(3) and (5), 27(3)(a) and (6), 28(3)(a) and (6), 32(2) and (3), and 33(1), (2) and (5)	By the deletion of "constituency registrar" wherever it occurs and the substitution of "voter registration officer".
Section 24(4)	By the deletion of "the voter registration officer shall direct the appropriate constituency registrar" and the substitution of "the Commission shall direct the appropriate voter registration officer".
Section 24(6)	By the deletion of "Registrar-General of Voters, any constituency registrar" and the substitution of "any voter registration officer".
Sections 27(7), 28(3)(b), 35(1) and 37(1)(b)	By the deletion of "constituency registrar" and the substitution of "voter registration officer".
Sections 133F	By the repeal of the definition of "Special Investigation Committee".
Sections 133H(1)	By the deletion of ", in consultation with the Zimbabwe Human Rights Commission,".
Sections 133H	By the repeal of subsections (2), (3), and (5)
Sections 133H	By the repeal of subsection (4) and substitution of: "(4) Where a special police liaison officer becomes aware, whether through the police, a multiparty liaison committee, the Commission or the Zimbabwe Human Rights Commission or otherwise, of any case of politically-motivated violence or intimidation within the province for which the special police liaison officer was appointed, the special police liaison officer shall conduct the required investigations".
Sections 133I	By the deletion of "Committee" wherever it occurs and the substitution of "special police liaison officer"
Sections 133J(1)	By the deletion of ", in consultation with the Zimbabwe Human Rights Commission,".