

This Bill was gazetted on Monday
18th September 2017

H.B. 6, 2017.]

ELECTORAL AMENDMENT BILL, 2017

MEMORANDUM

This Bill seeks to amend certain sections of the Electoral Act [*Chapter 2:13*] (No. 25 of 2004) to complete the alignment of certain provisions of that Act with the new Constitution and to ensure the smooth running of the new registration of voters proclaimed by the President by Statutory Instrument 109 of 2017 (Proclamation 6 of 2017) on the 8th September, 2017, which new registration was mandated to begin on the 14th September, 2017, and to end on the 15th January, 2018. A brief explanation of the amendments is outlined below:

Clause 1

This clause sets out the Bill's short title.

Clauses 2 and 3

Presently, sections 24(1) and 25(1) of the Electoral Act require a claimant for registration to present himself or herself at the appropriate voter registration office for a claim form to be completed on his or her behalf by a voter registration officer. To facilitate and speed up registration the Zimbabwe Electoral Commission would like to make this form available even prior to the registration day and allow claimants to complete the forms themselves, unless they specifically ask the assistance of a registration officer to complete it for them. The amendments made by these clauses provide accordingly.

Clause 4

For the purpose of the new registration of voters mentioned in the introduction above, the Zimbabwe Electoral Commission is in the course of implementing a new biometric voter registration exercise requiring all persons eligible for registration to present themselves to a voter registration officer, fill in a voter registration claim form and have their biometric features taken. However, under section 36A of the Electoral Act, a person who has previously registered to vote is excused from having to fill in a claim form, being only required to produce proof of identity to the voter registration officer. It is anticipated that unless this provision is removed some persons may refuse to submit to biometric registration, thereby compromising the integrity of the new voter registration drive. The amendment in this clause will repeal this problematic provision.

Clause 5

Presently, section 56(1)(a) (concerned with proof of entitlement to vote during an election) of the Electoral Act, entitles every voter registered on a ward voters' roll to vote in the ward concerned. However a proviso to that provision gives a voter whose name does not appear on the ward roll an entitlement to vote if he or she is able to produce a voter's registration certificate ("voters' slip") and proof of identity. Such "voters' slips" have been alleged in the past to have been misused or abused by disenfranchised voters. It is therefore proposed to delete that provision.

Clause 6

Finally, this clause and the Schedule will effect certain minor and consequential amendments to the Electoral Act, including the removal of the last remaining references to the abolished posts of the "Registrar-General of Voters" and "constituency registrars".

BILL

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.

5 **1 Short title**

This Act may be cited as the Electoral Amendment Act, 2017.

2 Amendment of section 24 of Cap. 2:13

10 The Electoral Act [*Chapter 2:13*] (No. 25 of 2004) (hereinafter called “the principal Act”) is amended in section 24 (“Claims for registration”) 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 the appropriate registration office:

 Provided that a claimant—

- 15 (i) may request the assistance of a voter registration officer at the appropriate registration office to complete the appropriate prescribed claim form, and the officer shall comply with that request;
- 20 (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.”

3 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—

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“(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 the proviso 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 the appropriate 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 appropriate 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”.

4 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.

5 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 in paragraph (a) by the repeal of the proviso thereto.

6 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 6)

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".