



"Numbers out of Tune? An examination of the vote in Hamonised July 2013 Election." Full Report.

**Governance Programme, Research and Advocacy
Unit [RAU]**

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¹ The major portion of the research on this paper was carried out in November 2013. However, as more accurate numbers became available following the scan of the hard copy of the roll, the paper was revised in February, 2014, but only to take these numbers into account.

Abstract

This report is the complete version of the shortened paper that can also be found on the website [www.researchandadvocacyunit.org].

The central concern of the report is an attempt to fathom the source of the remarkable number of votes garnered by President Robert Mugabe and his ZANU PF party in the “harmonised” July 2013 election when compared with the polls of 2008. The report investigates this issue by using the published results in the presidential elections from 2008 and 2013 and voter registration statistics, the latter derived both from the voters’ roll and figures officially announced in the press. The conclusion reached is that the additional 1.03 million gained by Mugabe votes *cannot* be explained by:

- a) a large increase in registered voters;
- b) a large swing in allegiance toward Mugabe and away from Morgan Tsvangirai – the former’s main opponent in the presidential race; or
- c) both of the above.

The report demonstrates that the Zimbabwe Electoral Commission was not fully in control of the electoral process, as it ought to have been, opening the door to manipulation, particularly in regard to voter registration. However, even if every one of the 7792 279 newly registered voters were Mugabe supporters and voted for him in 2013, roughly 200 000 votes (about 6% of the poll) remain unexplained.

Additional sources of the ballots counted must be found. The only other immediately obvious sources are the slight decrease in Tsvangirai’s vote (23 213 votes), and the votes which accrued to outside candidates in 2008 looking for a home in 2013. Even taking these factors into account about 130 000 votes (conservatively estimated) still cannot be explained.

This then leaves two, and only two, other possibilities: that people who were registered as voters in 2008, but who did not vote in that election, voted in 2013 (considered unlikely in the circumstances), and/or the 1.03 million votes included fraudulent ballots, included either by way of ghost polling stations or multiple voting. The report shows that the manner in which the elections were conducted by ZEC was highly conducive for the latter.

However, the findings made do not allow any definitive determination to be made in respect of these alternatives, and it is concluded that there is a crucial need for more comprehensive research in order to conclusively accept or reject the outcome of the 2013 Harmonised elections.

Introduction – the Context

The most salient feature of Zimbabwe's July 31st 2013 general election is the massive increase, when compared with the election of 2008, in the number of votes garnered by Robert Mugabe, as a presidential candidate, and his ZANU PF party. Curiously, the number of votes secured by Mugabe's main presidential rival, Morgan Tsvangirai, and his MDC-T party remained little changed from the 2008 election, meaning that there was a huge increase in the number of ballots actually cast.

In the March 2008 presidential election, 2 537 240 people voted, whilst in 2013 some 3 480 047 did.² 942 807 more people thus cast a vote in 2013 than did so in 2008, an increase of over 37%. Mugabe's tally increased from 1 079 730 to 2 110 434, an increase of 1 030 704 votes or nearly 95%. Another way of looking at this remarkable recovery by Mugabe from his electoral defeat in the preceding election is to note that Mugabe would still have won even if 87% of the people who voted for him in March 2008, had held back their vote in 2013. The ballot also restored to ZANU PF the two-thirds majority in Parliament it had held following the general election of 2005.

This single fact – the overwhelming majority secured by ZANU PF - has led to two diametrically opposed interpretations of the poll. One, advanced by SADC and the AU, is that the margin of victory is so great that, even if there were some electoral improprieties, they could not have significantly affected the final result. The result must thus be held to be “*generally credible*”.³ The other, advanced by the United States and other “western” countries, is that the margin of victory is so great as to be completely implausible and that the result must be held to be “*not credible*”.⁴

Both interpretations invite a close inspection of the electoral process. Unless and until the (admitted) improprieties are analysed, it cannot be stated with confidence whether the improprieties did or did not affect the final result. Viewed in this light, proponents of both perspectives should welcome an examination of the polling material from the election, and the impediments placed in the way of this process suggest a fear by proponents of the first view point that support for the second will emerge.

Methodological Note

Psephological analysis of the Zimbabwean elections is fraught with difficulty. Any conclusions drawn from comparisons with past election results, grant the official figures from these polls an authenticity and integrity which is undeserved and not attributed to them by most at the time. The conclusions reached are only as valid as the numbers on which they rely. It thus seems incongruous that some, who dismissed previous election results as fraudulent, have now used them as a basis for analysis of the 2013 election and to deduce electoral trends and patterns.⁵

It is only since 2000, that ZANU PF has faced any meaningful opposition at the polls. The parliamentary election of that year, and the following presidential election of 2002, have both been discredited. The poll of 2005 is regarded with deep suspicion,⁶ and the numbers for

² This figure includes rejected ballots.

³ *SADC Deems Zimbabwe Election 'Generally Credible'* VOA News 02.09.13.

⁴ *U.S. Says Zimbabwe Election Not Credible* VOA News 03.08.13; *Zimbabwe's Elections Not Credible, Says British Diplomat* Africa News 29.08.13.

⁵ See for example *The End of the Road* Solidarity Peace Trust October 2013 (“The SPT Report) esp. Part II.

⁶ See Reeler, A.P., & Chitsike, K.C (2005), *Trick or Treat? The Effects of the Pre-election Climate on the Poll in the 2005 Zimbabwe Parliamentary Elections*. June 2005. PRETORIA: IDASA.

the June 2008 presidential run-off election are so patently false and manufactured⁷ that only ZANU PF apologists have included this poll in their analyses. For analytical purposes, the latter poll must be ignored in its entirety and the others approached with considerable caution. It is only from the poll of March 2008, which is generally regarded as being a reasonably credible reflection of the will of the electorate (albeit short of fully free and fair) that comparisons made be made with any confidence. Furthermore, the 2013 election is the first in which any results, disaggregated below provincial level for the presidential election, have been released. Data for two of the three elections have been published on the Zimbabwe Electoral Commission's website, with the National Assembly and Presidential results shown at a polling station level.⁸ The absence of the local government results is a curious omission.⁹ A further difficulty arises from the fact that, at the time of writing, the data published on ZEC's website is incomplete, with the results of some six national assembly seats missing and some return totals are obviously incorrect.

In addition, complete analysis of the registration process for the election requires a comparison of national population data and demographics with the voters' roll. Two documents are thus required for this: the electronic version of the voters roll, which contrary to law, has not been released by the Zimbabwe Electoral Commission (ZEC)¹⁰ and the final report for the 2012 Census, only released on 30th November 2013, appearing on the website of the responsible body, Zimstat, after the first draft of this report was compiled.¹¹ Without either one of these documents, the exercise cannot be undertaken.

The Main Question

As noted, the central question pertaining to the 2013 poll is the source of the massive increase in votes for ZANU PF candidates and the 1.03 million additional votes obtained by Robert Mugabe. Since Morgan Tsvangirai's vote remained virtually unchanged, decreasing by only 23 213 votes, there are a limited number of possibilities:

⁷ See *Hear No Evil, See No Evil, and Speak No Evil: A Critique of the ZEC Report on the 2008 General Elections* Derek Matyszak, June, 2009 available at http://www.kubatana.net/_html/archive.elec/090612_rau.asp?sector=ELEC&year=2009&range_start=1.

⁸<http://www.zec.gov.zw/election-notice-board/election-results/2013-election-results?start=10>. ZEC was obliged, in terms of the Section 37C(4), through a process of "double entry" accounting, to compile a spread sheet of all results at a polling station level as the results were sent to the National Command Centre. It is arguable that this spreadsheet had to be complete before the presidential result was announced. The failure of ZEC to post the complete results for local government is thus inexplicable.

⁹ It is an anomaly all the more intriguing on account of the fact that in numerous instances many less votes are recorded in the local government election than the other two (see for example the Mt Pleasant case study below). This is despite the fact that voters are all issued with three ballots and it is an offence to remove a ballot paper from the polling station. The whereabouts of these missing local government ballots has not been addressed by ZEC.

¹⁰Although ZEC is, as a matter of law, the custodian of this data (see below in the text) it shifted responsibility to produce the roll to the Registrar-General of voters who has a history of blocking access to it. The Registrar-General has stated, implausibly, that his computers are "down" and continue to be so many months after the election, notwithstanding the fact that this alleged technical difficulty did not stop the printing of the hard copy of the roll both for the general election and subsequent by-elections, and that a computer searchable electronic copy was clearly in use by election officials during the poll. There has been no explanation as to why an electronic back-up of this vital information either does not exist or is not available. The Registrar-General's claim of a technical problem has not been supported by any detail, evidence or affidavits of any computer experts. The mere *ipse dixit* of the Registrar-General in this regard has been accepted by ZEC, the Courts and the AU. In a judgment issued from Zimbabwe's High Court in November, 2013 it was ruled that those seeking an electronic copy of the roll had the onus of first proving that the Registrar-General's technical problems had been resolved.

¹¹ Available at http://www.zimstat.co.zw/index.php?option=com_content&view=article&id=65:census.

- a) that there was large increase in the number of registered voters;
- b) that large numbers of people who did not vote in March 2008, turned up to vote in 2013;
- c) that numerous people fraudulently cast more than the one vote for each election to which they are entitled, or ballots from “ghost” polling stations were included;
- d) a combination of any or all of the above.

The increase in registered voters as an explanation

The notion that the increase in votes for Robert Mugabe can be wholly explained by the increase in registered voters does not withstand scrutiny.

The law and voter registration

Voter registration is carried out by constituency registrars who must compile both ward and constituency rolls.¹² The process is conducted under the “*general supervision and direction*” of the Registrar-General of Voters.¹³ In the exercise of this function, the Registrar-General is himself subject to the “*supervision*”¹⁴ and “*direction and control*”¹⁵ of ZEC. The ultimate responsibility for this process thus lies with ZEC. It is apparent, however, that ahead of the July 2013 poll, and contrary to the Electoral Act, ZEC abdicated its authority in this regard, leaving the Registrar-General in sole control of the process, initially with little,¹⁶ and subsequently with ineffective, direction from ZEC.

In terms of Section 20 of the Electoral Act, ZEC is also required to keep and maintain a voters’ roll for each ward and constituency, and the national roll. At least one copy of the national roll and every voters’ roll must be kept at the ZEC head office, and at least one copy of each ward and constituency voters’ roll must be kept at all the Commission’s offices within the constituency concerned. These rolls must be in both printed and electronic forms. It is the duty of ZEC, and not that of the Registrar-General of Voters, to supply copies of these rolls when so requested.¹⁷

The inability of ZEC to meet requests during the electoral period for the electronic roll makes it clear that ZEC neither had electronic copies of the rolls (national, constituency and ward) at its head office, nor copies of the ward and constituency rolls at its constituency offices, as required by the Electoral Act. The national printed roll was also only supplied after a court order had been obtained to this effect and was delivered to the MDC-T by the Registrar-General at 18.00 on the day of the election.

Further illustrating the fact that ZEC had unlawfully abjured its responsibility in regard to voter registration and the custody of the roll, ZEC improperly re-directed requests for the voters’ rolls to the Registrar-General.¹⁸ The failure by ZEC to supply the national or any electronic roll seriously undermined the integrity of the election. When allegations emerged of manipulation of the roll and voter registration by the Registrar-General - working with the

¹² Sections 19 and 24 of the Electoral Act Chapter 2:13.

¹³ Section 19(3) of the Electoral Act.

¹⁴ Paragraph 6(2) of Part 3 of the Sixth Schedule to the Constitution is to the following effect: “*For the purposes of the first elections, the Registrar-General of Voters is responsible, under the supervision of the Zimbabwe Electoral Commission, for registering voters and compiling voters’ rolls.*”

¹⁵ Section 18(2) of the Electoral Act.

¹⁶ *Opening Remarks by Mrs Justice Rita Makarau Chairperson of Zimbabwe Electoral Commission on the Consultative Meeting Held with the Political Parties on the 5th of June 2013 at Harare International Conference Centre (HICC)* available at www.zec.gov.zw/speeches?download=507.

¹⁷ Section 21 of the Electoral Act.

¹⁸ See the interview with Tobaiwa Mudede available at [http://www.africaspeaks.com/reasoning/index.php?topic=86 89.0;wap2](http://www.africaspeaks.com/reasoning/index.php?topic=86%2089.0;wap2) where the Registrar-General claims that he was “in total control” of voter registration.

alleged assistance of an Israeli, company, Nikuv¹⁹ - the omission assumed even greater importance. The refusal by the Registrar-General to release the electronic copy of the national roll suggested an apprehension that an examination of the data on the roll would provide firm evidence of these claims. By willingly relinquishing control over the process of voter registration, or at least doing so without manifest protest, and ZEC's denial of any knowledge of the operations of Nikuv, despite evidence that Nikuv was involved in some unknown manner in the compilation of the roll,²⁰ this also strengthened doubts about the independence of ZEC and who in fact was controlling and administering the electoral process.

Before this, questions had already been raised about ZEC's independence. The ZEC secretariat, complicit in producing the apparently fraudulent results of the 2008 presidential run-off, had been retained. Many members of the secretariat were retired military and intelligence officials.²¹ The MDCs had also squandered the opportunity, presented by the 2007 reform of mechanisms for appointing ZECs Commissioners,²² to ensure that the Commissioners selected were only those who would robustly defend the tenets of a democratic election. Two Commissioners of the former discredited Commission were reappointed, one of whom, Joyce Kazembe, as Deputy Chair, ran the body as *de facto* chairperson for much of the inter-election period.²³ The *de jure* chairperson, Simpson Mtambanengwe, whom the MDCs had unwisely agreed should be appointed as such, was ineffectual, plagued by ill-health, and continued, after appointment, with his duties as a judge in Namibia. When Mtambanengwe resigned, the MDCs accepted his replacement by Supreme Court Judge Rita Makarau, a former ZANU PF party member.

Makarau's unwillingness, or inability, to have ZEC perform its functions professionally, became apparent early in the electoral process. The Constitutional Court ruled that elections had to be held before the 31st July, 2013,²⁴ and the State President, claiming compliance with the court order in this regard, duly issued the electoral proclamation for this precipitate date. Rather than protesting the legal and logistical difficulties caused by the advanced election date, ZEC claimed that they nonetheless would be prepared to conduct the election.²⁵ In fact, the proclamation violated constitutional provisions relating to the election.

The new constitution adopted by Zimbabwe on 22nd May, 2013 provided for an intensive period of voter registration, stipulating:

*The Registrar-General of Voters, under the supervision of the Zimbabwe Electoral Commission, must conduct a special and intensive voter registration and a voters' roll inspection exercise for at least thirty days after the publication day.*²⁶

Logically, voter registration should be completed, and then inspection of the finalised roll should take place, suggesting that the process should last 60 days. However, the poor wording of the provision could accommodate those pushing for a precipitate poll, and allowed it to be read by ZEC as meaning that inspection and registration would take place simultaneously over a 30 day period.

¹⁹ *Zim Voters' Roll 'in hands of suspect Israeli company'* Mail & Guardian 12.04.2013.

²⁰ The MDC-T subsequently published details of a series of payments made to NIKUV ahead of the elections amounting to \$10 million: see *Zim Elections: Nikuv paid \$10 million to rig* Newsday 10.08.13. In the interview with Mudede (fn 28 above) the involvement of Nikuv is not denied. Mudede merely evades the question by reiterating his control over the process.

²¹ *We Have ex-Military, CIO Officials in Our Secretariat: Zec* Daily News 20.02.13.

²² Section 11 of Act No. 1 of 2009 (Amendment No. 19)]

²³ *ZEC Changes Open Can of Worms* Zimbabwe Independent 03.05.13.

²⁴ *Mavarire v Robert Gabriel Mugabe N.O. and Ors* CCZ1/13.

²⁵ *Zimbabwe Electoral Commission: We are Ready for 2013 Polls* VOA 04.06.13.

²⁶ Paragraph 6(3) of Part 3b of the Sixth Schedule.

In addition, the Electoral Act, as it then stood, stipulated that voter registration had to end the day before the sitting of the nomination courts.²⁷ The Constitution also provided that the nomination courts must sit at least 30 days ahead of the poll.²⁸ Thus, a 60 day period was required to comply with these time frames - the 30 day registration period before the sitting of the nomination court, and the further 30 day hiatus between the sitting of the nomination court and the election. The proclamation setting the election date and the sitting of the nomination courts was published on 13th June, 2013, leaving less than 60 days before the 31st July poll date.

Mugabe dealt with the difficulty of compliance with the 30 day intensive registration period, mandated by the Constitution, by unilaterally amending the Electoral Act, claiming that the Presidential Powers (Temporary Measures) Act²⁹ gave him the authority to issue Regulations to do so. One of the amendments purportedly introduced by these Regulations changed the cut-off date for registration from the day before the nomination courts sat, to 12 days beyond the sittings, thus rendering the 30 day registration period feasible.

This endeavour to avoid violating the constitutional requirement of a 30 day intensive registration period was achieved at the cost of several other, and arguably more serious, violations of the Constitution. Quite apart from the fact that the Presidential Powers (Temporary Measures) Act itself does not permit the President to make electoral law, the Constitution clearly requires that electoral law must be established by “*an Act of Parliament*”, and not by Presidential Regulations.³⁰ Equally important is the constitutional requirement that ZEC must be consulted before any change to electoral law is made.³¹ This provision was simply ignored, a fact not only significant in itself, but which was ignored without a murmur of protest from ZEC. ZEC likewise passed no comment on the fact that, as a matter of basic equity, and to ensure that the elections are, and are seen to be, fair, a candidate in the elections should not make the rules under which they are to be held.

The purpose of the constitutional requirement for consultation with the Electoral Management Body, before electoral legislation is introduced or amended, is presumably to ensure that impractical or undesirable provisions are not introduced, and that the Act is properly crafted. The failure to comply with this provision meant that the harm it was intended to prevent came to pass. The proposed amendments to the Electoral Act, which had been part of a process of negotiation between the MDCs and ZANU PF, had not been finalised and subjected to the kind of scrutiny required before legislation becomes law. The inchoate legislation contains contradictory provisions, cross references in vital areas to sections which do not exist, and loose and ambiguous wording.³²

Of prime importance for present purposes is the fact that the change to Section 26A of the Electoral Act, extending voter registration to 12 days beyond nomination day, was incompatible with Section 28 of the Act. The latter section provides that any objection to the inclusion of a person on the voters’ roll for a constituency could only be acted upon if made at least 30 days before the poll. Together the provisions meant that voters could be registered for the election up to 18 days prior to the election, but no objection could be made to voters wrongfully included on the roll between the 30th and 18th day before the election. The amendments made by the President of ZANU PF, *qua* president of the country, thus introduced

²⁷ Section 26A of the Electoral Act.

²⁸ Section 157(3). This provision itself was unfortunate. ZEC had previously lobbied for a longer period between the sitting of the nomination courts and election day on the basis that logistics demanded so. Cognisance was taken of this and the period was extended to a minimum of 42 days in the 2007 amendments to the Act. The reduction of this provision to a minimum of 30 days, initially by way of the new constitution and subsequently reflected in the Electoral Act, again took place without protest or even comment from ZEC.

²⁹ Chapter 10:20.

³⁰ On this issue in more detail see *The Domino Effect* Derek Matyszak RAU 24.07.13.

³¹ Section 157(4) of the Constitution.

³² For further detail on this see: *A Fudge Recipe: Determining and Declaring the Result of Zimbabwe’s 2013 Presidential Election* Derek Matyszak RAU 26.07.13.

a structural unfairness into the electoral law which redounded to the advantage of his party. It was now possible for one party to stuff a constituency with supporters, without any recourse for the opposing candidate, other than to attempt to prevail upon ZEC to exercise its duty to ensure that the elections were conducted fairly, and to ensure that no manipulation of the registration process took place. As has been noted, however, the registration process had been abandoned by ZEC entirely to the partisan Registrar-General, Tobaiwa Mudede.

The structural unfairness was mirrored in the actual process. As will be seen later in this report, key constituencies in MDC-T strongholds, seem to have been stuffed with voters who were likely to vote for ZANU PF. When the candidate for one such constituency, Mount Pleasant, appealed to ZEC to fulfil its duty to ensure equity in the polling and investigate the issue, ZEC cynically advised the complainant to proceed in terms of the Electoral Act, even though the time limit for so doing, in terms of Section 28, had expired.³³

Registration bias

The lack of direction and control by ZEC, and the partisanship of the Registrar-General, was also all too manifest in the two concentrated registration periods ahead of the election, the last of which was the 30 day intensive registration period required by the Constitution. While many of the problems which arose during both registration periods could, with some justification, be attributed to inadequate funding, other difficulties were on account of the partisan nature of the process. Not only did there appear to be a bias in the concentration of registration centres in favour of ZANU PF strongholds,³⁴ but the actual process of registration at some centres was expedited for select groups and obstructed at others. Reports appeared in the non-ZANU PF aligned press bemoaning the tortuous and tardy nature of the process in MDC strongholds such as Harare,³⁵ while the ZANU PF-controlled Herald reported registration in the rural areas as being “*as easy as abc.*”³⁶ Rural residents are dependent upon traditional leaders to provide the proof of residence necessary for registration. This was withheld for perceived MDC supporters, but provided en masse for those of ZANU PF. In urban areas, members of the security sectors were bussed to registration centres, moved to the front of queues, and registered with a speed and alacrity not afforded to others.

Bias was also evident in dealing with the registration of those affected by the change in citizenship laws brought about by the new Constitution. In 2001, new laws prohibiting dual citizenship had been introduced,³⁷ motivated, it seemed, by a desire by ZANU PF to disenfranchise those of foreign origin perceived to have voted against its position on the constitutional referendum of the previous year. Under the guise of applying this legislation, many people, often unlawfully, were deprived of their Zimbabwean citizenship and struck off the voters’ roll by the Registrar-General. The Registrar-General ensured that those entitled to recover their citizenship under the new Constitution, and thus right to vote, faced a process arduous enough to be incomplete before the voter registration process ended.³⁸

³³ See Paragraph 42 of the Electoral Petition of the losing candidate for Mt Pleasant Jameson Timba.

³⁴ While the heavy concentration of registration centres in rural areas could be defended on the basis that the population in these areas is more widely dispersed than in the generally MDC aligned urban areas, there appeared to be a bias even among the rural provinces with the greatest allocation of registration centres in the Mashonaland Provinces, where ZANU PF support is centred.

³⁵ *Registration 'delaying tactics' Rile Voters* Daily News 05.07.13.

³⁶ *Registration: As Easy as ABC for Aliens* The Herald 22.06.13.

³⁷ Act 12 of 2001.

³⁸ *Voter Registration Nightmare Continues For 'Aliens'* SWradio 03.07.13.

Many would-be MDC supporters were disenfranchised as a result.³⁹ ZEC showed none of the enthusiasm it later displayed, in applying the Constitution to ensure that members of the Zimbabwe Republic Police could vote outside the provisions of the Electoral Act (see below), by evoking similar Constitutional provisions to ensure that those entitled to register to vote could do so. On the contrary, it stated that there would be strict adherence to the time limits provided by the Electoral Act in this regard (see more on this below).

The fact that ZANU PF officials, rather than being abashed by this display of bias in the registration process, were eager to affirm its effect, is of considerable interest. Well before the election, articles had appeared in the ZANU PF controlled press claiming that the party had, or would, register “one million” supporters as new voters.⁴⁰ It could be argued that this was part of a plan to prepare the public and to provide an explanation for the 1.03 million additional votes secured by Mugabe. If so, the reports of bias in voter registration would have supported rather than unsettled those advancing this agenda. Indeed, at the end of the first registration drive, the Herald published figures reportedly released by ZEC, showing that new voters registered over this period were concentrated in ZANU PF strongholds.

Table 1: Provincial distribution of new voters registered in the first intensive period

PROVINCE	New Voters Registered 29.04.13 to 19.05.13	% of new voters registered
Bulawayo Province	5068	2.48%
Harare Province	11525	5.65%
Manicaland Province	24024	11.77%
Mashonaland Central Province	29635	14.52%
Mashonaland East Province	35266	17.28%
Mashonaland West Province	31570	15.47%
Matabeleland North Province	13536	6.63%
Matabeleland South Province	9403	4.61%
Masvingo Province	20610	10.10%
Midlands Province	23404	11.47%
TOTAL	204041	100.00%

The first period showed that the distribution ratio of the 204 041 new voters in this initial special registration period was about 4:1 in favour of ZANU PF strongholds compared with those of the MDCs (i.e. the Mashonaland Provinces v Harare and Bulawayo). Of interest, and considering the swing to ZANU PF in the poll, is the fact that the two rural Matabeleland provinces showed a low registration of new voters, similar to that of the metropolitan provinces of an average of 5.6% (compared with an average of 4% for Harare and Bulawayo).

Similar data was not released following the intensive 30 day registration period. This data cannot be determined until an electronic copy of the voters roll is furnished.

However, it is possible to obtain the numbers showing, not the allocation of *new* voters by province, but the *net numerical increase* in voters by province, taking into account those removed from the roll or migrated elsewhere. This has been done by using the printed roll supplied to the MDC-T on polling day. The roll has been electronically scanned and entered into a spread sheet to show the number of entries, and thus the number of registered voters.⁴¹ When considering this data, it is important to bear in mind the difference between an increase in new voters and a simple numerical increase. A new voter, for these purposes, is a person who did not appear on

³⁹ The anger of some of these voters is graphically captured in film footage in the documentary “*An Incredible Election*” <http://www.youtube.com/watch?v=Ro9MRcHN0R0>.

⁴⁰ *Million New Voters for ZANU PF* The Sunday Mail 02.12.12.

⁴¹ The scan does not allow for other details of voters to be captured, such as the date of birth, ID numbers and addresses. For this reason a comparison with the 2008 roll cannot be made and thus there cannot be any determination of the number of new voters i.e. one can only determine the net numerical increase in voters.

the voters' roll in 2008. In trying to determine the source of the 1.03 million additional votes for Mugabe in 2013 when compared with 2008, determining the number of new voters is important.

For example, if there were 1.03 million ZANU PF supporters newly registered as voters, this would provide an obvious explanation for the additional 1.03 million votes for Mugabe. The numerical increases shown in the table below are thus unhelpful in this regard, as the number of new voters added may be concealed by the number of deceased or migrated persons removed. For example, if a Province has a net increase of 10 000 voters, it cannot be determined whether this is comprised of 30 000 new voters, less 20 000 removed as deceased, or 10 000 new voters only (or some figure in between that and 30 000).

Table 2: Final Distribution of voter increases by Province

PROVINCE	Registered Voters in 2008	Registered Voters in 2013	Numerical increase	% Increase
Bulawayo Province	315371	325569	10198	3.23%
Harare Province	780512	826560	46048	5.90%
Manicaland	728407	865364	136957	18.80%
Mashonaland Central	489349	619582	130233	26.61%
Mashonaland East	625122	724257	99135	15.86%
Mashonaland West	586382	667635	81253	13.86%
Masvingo	711284	779878	68594	9.64%
Matabeleland North	373222	392913	19691	5.28%
Matabeleland South	347583	382400	34817	10.02%
Midlands	770670	849033	78363	10.17%
Totals	5727902⁴²	6433191	705289	12.31%

The attempt to determine the extent to which increased voter registration accounts for the 1.03 million more votes garnered by Mugabe is obstructed not only by the failure to release the national electronic voters roll, but also by the fact that statistics in this regard, released by various responsible officials, are inconsistent. Registration data relating to previous elections are also not uniform, presumably on account of the fact that in the past large numbers of voters were added to the totals just ahead of the polls.⁴³

When the registration process for the impending election ended on the 9th July, 2013, the Registrar-General announced that the roll contained 6.4 million voters.⁴⁴ Although the Registrar-General claimed that 400 000 voters were added during the 30 day intensive registration period,⁴⁵ making a total of 604 041 new voters for 2013; when added to 204 041 of the first registration drive, a subsequent announcement put the total of the two at somewhat more: 747 928.⁴⁶

Furthermore, ZEC had earlier announced that since October 2010 some 278 432 people had been removed from the roll as deceased.⁴⁷ Most of these voters would have been

⁴² This shows the number of the voters on the digital copy of the roll supplied by the Registrar-General. The number increased after numerous persons were added to the roll shortly ahead of the 2008 election.

⁴³ The total number of registered voters in 2013 given in the table above is the number counted on the scanned copy of the roll. The final figure given verbally by the Registrar-General is 2 424 entries higher (see below in the text).

⁴⁴ *6.4 Million Registered to Vote: Mudede* New Zimbabwe 22.07.13.

⁴⁵ *ZEC Wraps Up Voter Registration* SWRadio 09.07.13.

⁴⁶ *Registered Voters Reach 6.4 Million* The Herald 22.07.13. The context of the reference in the article to the 747 928 new voters suggests that these are the voters added during the two registration drives. However, it may be that the earlier figure of 604 041 new voters is correct and that the 747 928 is made up of 604 041 new voters between the registration drives and 143 887 votes who registered in the years preceding the drives.

⁴⁷ *25 000 New Voters Registered Since Last Week* The Herald 08.05.2013.

(unprocedurally⁴⁸) removed in the last few months before the poll.⁴⁹ The 747 928 added, less the 278 432 deceased, meant a net increase to the 5 934 768 on the roll of 2008 (the figure given in ZEC's report on the 2008 elections⁵⁰) of 469 496 voters, bringing the total for 2013 to some 6 404 264 voters, the roughly 6.4 million claimed by the Registrar-General.

However, a few days after the election, when the Registrar-General was asked in an interview: "*How many people are on the voters' roll used for the harmonised elections?*" he reportedly did not answer the question directly, but stated: "*There are 6 435 615 people who registered*", thus putting a precise figure on the number of registered voters.⁵¹ As noted, the number of people who register to vote and the number on the voters' roll are often not the same thing, as the data pertaining to newly registered voters may yet to be included on the roll. This may be why the Registrar-General answered the question in the manner he did and may explain why the total given of 6 435 615,⁵² is 2 424 voters more than appear on the printed roll supplied on the day of the election, as determined by the scans.⁵³ These people may have registered as voters, been issued with voter slips, but the data had not been entered electronically on the roll at the time the roll was printed.

The final number given by the Registrar-General is also 31 351 more than the total arrived at (6404264) when the claimed net increase of 469 496 (see above) after the two registration drives, conducted just before the election, is added to the 5 934 768 on the 2008 roll. However, registration is a continuous process. It is improbable that no voters at all were registered in the period after the 2008 election, and before the two voter registration drives. Even in the absence of a 30 day intensive registration period, the voter population has increased between each election. For example, between the presidential election of 2002, and that of 2008, the voter population increased by 280 584.⁵⁴ It is thus possible that the 31 351 comprises 2 424 voters registered, but not on the roll, and 28 927 who registered normally between elections.⁵⁵

Finally, it must be noted when considering the calculations which follow, that the increase of 1.03 million additional votes for Mugabe, is a tally, as it must be, of valid votes cast, not total votes cast.⁵⁶

With these factors and numbers in mind, one can now consider the claim that Mugabe's 1 030 704 extra votes came from the large number of ZANU PF supporters added to the roll during the registration drives. If the pattern of bias claimed by ZANU PF during the first

⁴⁸ Even if a death certificate has been presented, notice must be sent to the voter's address advising of the intention to remove him or her from the roll. It is only if no objection is received, that the removal may be effected. There does not seem to have been any compliance with this procedure (Section 33 of the Electoral Act).

⁴⁹ The new found enthusiasm for removing the deceased was probably inspired by the 2012 census. Had they not been so removed, the Registrar-General ran the risk that the voters roll would have exceeded the eligible voter population of the country, put by the Registrar-General (who is also the Registrar-General of Births and Deaths) at 6 740 928. While the number of voters on the roll is just less than the eligible voter population, this is only so because those under the age of 30 are massively under registered. The registration rate of those in other age bands is well above the eligible population. For example, even before the second registration period, over 162% of the eligible population in the 40 - 44 age band were registered as voters – see *An Audit of Zimbabwe's 2013 Voters Roll* RAU July 2013 (The Rau Report).

⁵⁰ Report on the 2008 General Elections (ZEC 04.02.09) p21 para 2.6.

⁵¹ It is unclear as to how this could be done when the "computer systems" were "down".

⁵² See "*Voters' Roll Did Not Cost Anyone the Election*" a transcript of an interview with the Registrar-General The Herald 03.08.13.

⁵³ See below.

⁵⁴ This is despite the number large number of voters who left the country over this period. Unusually, there does not appear to have been any increase in the voter population between the Presidential Election of 2002 and the Parliamentary Election of 2005.

⁵⁵ Both figures seem low. Observers appear to have had the impression that those voting with registration slips greatly exceeded this number. If the number of 28 927 registering normally between elections is correct, this suggests that neither political party made much effort to ensure that their supporters were registered in this period.

⁵⁶ There were 3 480 047 votes cast, of which 69 283 were invalid.

registration drive (4:1) continued during the second, and one extends these ratios to the total of 779 279 new voters, then 623 423 of the new voters would have been ZANU PF supporters. This would leave the source of 407 281 votes for Mugabe unexplained. Even if every one of the new voters added to the roll had voted for Mugabe, some 251 425 votes still would require explanation.

Multiple Voting and the Special Vote⁵⁷

In the March 2008 election, members of the security sector, who would be out of their constituencies on election related duties on polling day,⁵⁸ were allowed to cast a postal ballot in advance. In 2008, some 4 350 members of the security sector apparently met the necessary criteria and were granted postal votes. However, evidence emerged that this system was abused, as members of the security sector were obliged to complete postal vote forms under the watchful eye of their superiors. The system was thus changed under the amended Electoral Act for 2013 to provide a “*Special Vote*” for sector members who met the same criteria of absence from the constituency on account of duty. ZEC received nearly 66 000 applications⁵⁹ for Special Votes from the Zimbabwe Republic Police, and accepted 63 268,⁶⁰ a number which appeared massively inflated against what the Minister of Finance claimed was an establishment on the payroll of 44 133. Allegations were made that the number had been increased by the inclusion of spouses of members and general hands employed at police stations.⁶¹ The police spokesperson claimed that the large figure was due to the inclusion of the Special Constabulary that would be on duty during elections.⁶²

In response to queries about this improbable number, the Chair of ZEC, Rita Makarau stated:

We are relying on the information that we have from the police that all the applicants are members of the uniformed police....They have given us their names, force numbers and EC numbers and that information will say they are all members of the police force.⁶³

However, whether or not the 66 000 was the full and genuine establishment of the ZRP and constabulary was not in fact the issue. In order to allow Special Votes for all 63 268 members ZEC had to credulously believe that all would be unable to vote in their constituencies on polling day as they would all be away from their constituencies performing election related duties. This required ZEC to believe that the entire police force would be relocated from their normal places of residence ahead of the poll (and that all were registered as voters). This is inherently implausible.

ZEC, however, did not query the applications as it ought to have,⁶⁴ thus creating an intractable problem for itself. In addition to the usual requirements for a poll, such as establishing polling station infrastructure and providing election materials, ZEC had, in respect of each of the 63 268 special votes, to process the applications; notify the applicants whether the request had been granted; supply them with written authorisation to cast a Special Vote; inform the applicants of the days on which they were to cast their Special Vote; and the place and times

⁵⁷ This section is largely reproduced from the equivalent portion of *The Domino Effect* – see fn 40 above.

⁵⁸ Now section 81 of the Act

⁵⁹ Originally reported as being 69 222 - *Special Vote Court Case Postponed as ZEC u-turns on Voters' Roll* SWRadio 17.08.13.

⁶⁰ The revised numbers were reportedly supplied by Joyce Kazembe, the Deputy Chair of ZEC – see *Zec Starts Ballot Paper Distribution* The Herald 24.07.13.

⁶¹ *Flawed Special Voting System* The Zimbabwean 10.07.13.

⁶² *Police Clarify Special Voting Numbers* The Herald 13.07.13.

⁶³ *New Row as 69 000 Cops Seek Special Vote* New Zimbabwe 11.07.13.

⁶⁴ Section 81D. ZEC must be satisfied that each applicant is entitled to a special vote.

at which they could do so. Once this was done, ZEC then had to prepare a unique and customised envelope for each and every one of the 63 268 special voters clearly inscribed with the words “*Special Ballot Papers*” and the name of the constituency and ward in which he or she is registered, together with instructions on how to cast the vote.⁶⁵

This was a mammoth logistical undertaking which was never going to happen in the time available. It did not. ZEC’s Deputy Chair, Joyce Kazembe, weakly tried to claim that the resultant chaos was on account of the printers being unable to supply the ballots timeously. That failure itself was blamed on the fact that the final list of candidates at ward and constituency level was not known until the appeals in this regard had been determined by the courts, only a few days before, and that some candidates had not submitted their photographs.⁶⁶ However, this could only have affected a score of ballots, and should not have extended, as did the chaos due to the absence of ballot envelopes, to all 210 constituencies.⁶⁷ The fact that ZEC tried to conceal the real cause of the chaos, and thus obscure the fact the applications by the entire complement of the ZRP were unlawful, is of no little import, as it again suggests connivance between ZEC and the security sector, or at the least, supine obeisance by ZEC to its demands.

In the event, 26 160 members of the ZRP were unable to vote, with only 37 108 casting their ballots.⁶⁸

To deal with the problem ZEC announced that all those members of the ZRP who had not cast their ballot, would be able to vote normally on the 31st July.⁶⁹ In so doing ZEC appeared to have forgotten that the precise basis upon which the members had been granted a special vote was because ZEC believed that they would be unable to vote on that day. And once a person has been granted a Special Vote, the die is cast. On the grant of the Special Vote a line ought to be drawn through the voter’s name on the relevant ward voters’ rolls and marked special vote.⁷⁰ Section 81H(1) of the Act provides, that any person granted a Special Vote who:

*casts or attempts to cast a vote at an ordinary polling station, shall (whether or not he or she has cast a special vote at the same election) be guilty of an offence.*⁷¹

The Act does not provide for the withdrawal of Special Votes.

It was thus apparent that ZEC could not meet the constitutional requirement that the elections are “*conducted efficiently, freely, fairly, transparently and in accordance with the law*”.⁷²

ZEC thus decided to file an application to the Constitutional Court to request that those granted a Special Vote be allowed to vote on the 31st July, notwithstanding the provisions of the Electoral Act. The Constitutional Court’s grant of this application is difficult to reconcile with its subsequent ruling in the later electoral petition of Tsvangirai⁷³, that “*the Zimbabwe Presidential election held on July 31 2013 was in accordance with the laws of Zimbabwe and in particular with the Constitution of Zimbabwe and the Electoral Act*”.⁷⁴

⁶⁵ Section 81(6)(b).

⁶⁶ *ZEC Blames Delays on MDCs Appeals* The Herald 15.07.13.

⁶⁷ ZEC later seems to have conceded that the chaos was caused, at least in part, by the logistical challenges inherent in the special voting procedure itself – see *ZEC Files Application for Special Vote Reprieve* The Herald 24.07.13.

⁶⁸ See fn 26 above.

⁶⁹ *Zec Gives Relief to Special Voters* The Herald 17.07.13.

⁷⁰ Section 81D(3) of the Electoral Act.

⁷¹ Section 81H(1) of the Electoral Act.

⁷² Section 239(a) of the new Constitution

⁷³ Tsvangirai filed a petition challenging the presidential poll. However, when the High Court ruled that he could not obtain electoral residue pertaining to the poll before the hearing and thus gather the documentary evidence to prove claims of fraud, nor lead oral evidence before the Court, the MDC-T decided not to pursue the petition. The Constitutional Court ruled that a petition cannot be withdrawn and proceeded to issue a ruling, holding the election as free and fair, in the absence of any evidence advanced by Tsvangirai.

⁷⁴ For the full court ruling see *Tsvangirai Loses Election Cases* The Herald 21.08.13.

The Constitution Court granted ZEC's application on the basis of a constitutional stipulation which requires that all those entitled to vote must be afforded the opportunity to do so. The same clause contains a constitutional requirement that all those entitled to be registered must be afforded the opportunity to do so.⁷⁵ When ZEC was unable to meet this requirement the Chair of Commission stated:

*"The law stipulates that voter registration and inspection would end on 9 July and we do not operate outside the law."*⁷⁶

Thus, the Electoral Act had been strictly applied, although it frustrated would-be voters from registering, but not applied when it would have frustrated the security sector members from voting. ZEC had shown a deference to the security sector not afforded to others.

There was no transparency as to whether correct procedures had been followed amidst the chaos surrounding the Special Vote, and, in particular, whether the names of security sector members who had voted, had been crossed off the rolls to be used at polling stations on election day. There was thus a real risk of these members voting twice, as the provisions of the Electoral Act, which were designed to prevent this, were not applied or the Constitutional Court had ruled need not be implemented. This opened the door to the possibility of 37 108 duplicate votes being cast. Only an examination of all voting residue will determine what transpired in this regard. However, for present purposes, it should be noted that even if all these members of the security sector had voted twice (an unlikely scenario), and voted for Mugabe on each occasion, the full quota of surplus votes remains unexplained.

Change in voter allegiance?

A change in voter allegiance was not included as a possible source of Mugabe's additional 1.03 million votes in the list given at the outset. This section indicates why this is so.

a) The Political Context

Several pro-ZANU PF analyses⁷⁷ have sought to explain the increase in votes for Mugabe and ZANU PF by reference to an increase in ZANU PF's "*support base*" on account of the popularity of land redistribution and the "indigenisation" policies promoted by ZANU PF.⁷⁸ This view is coupled with a claim that Tsvangirai and the MDC-T lost support on account of the former's sexual peccadilloes, relentlessly publicised in the ZANU PF controlled media, along with other vilifications of the MDC-T President, and the claims about the latter's general political and organisational ineptitude and complacency. The assumed lackadaisical attitude of the MDC-T is frequently contrasted with a supposed dedicated, ruthless efficiency and single mindedness in preparing for the poll on the part of ZANU PF.⁷⁹ This perspective needs to be unpacked.

Ahead of the election, many political pundits, drawing from the deeply polarised nature of Zimbabwean society, believed that there would be little change in political allegiance from the election of 2008.⁸⁰ Such was the intense antipathy of voters of each party for the opposing camp, votes, it was thought, would be cast as in March 2008. While a survey conducted by Freedom

⁷⁵ Section 155(2)(a) of the Constitution.

⁷⁶ *No Extension to Voter Registration* The Chronicle 11.07.13.

⁷⁷ For consideration of this see the SPT Report p45 et seq.

⁷⁸ One also needs to be wary of tautological reasoning stating that the proof for the increased support base is to be found in the increase in votes for ZANU PF and that these voters can be regarded as authentic as ZANU PF had increased its support base!

⁷⁹ See for example Stephen Chan (2013), *Zimbabwe: Reading between the political lines*. The Africa Report, [<http://www.theafricareport.com/Southern-Africa/zimbabwe-reading-between-the-political-lines.html>]

⁸⁰ See for example *Mugabe Calls Elections* The Guardian 13.06.13.

House was subjected to considerable spin by ZANU PF⁸¹, and presented as showing an increase its supporters, this was far from the only interpretation which could be placed on it. With 47% of voters refusing to state a political preference, the survey seemed more an indication of which party's supporters were prepared to declare their affiliation rather than anything else. A more nuanced survey by Afrobarometer seemed to advance the more widely-held view that the contest would as close as it was in 2008.⁸²

Those who had been allocated land, and informed that fealty to ZANU PF was required in order to retain it, had obtained the land before 2008, and in all probability voted for ZANU PF in that year. Their numbers had not increased after the 2008 election.⁸³

The assumption of a gain in popular support on account of ZANU PF's heavily promoted indigenisation programme presupposes a certain obtuseness on the part of the electorate.⁸⁴ The central plank of this programme, for electoral purposes, was the creation of Community Share Ownership Trusts (CSOT), "launched" with much fanfare and hoopla, and whose developmental programmes were to be funded by donations and share dividends from local companies.⁸⁵ The responsible Ministry claimed that four billion dollars had been realised through the indigenisation programme as a whole.⁸⁶ In fact, however, although 58 such CSOTs were "launched", no more than 14 had actually been established,⁸⁷ and thus legally entitled or able to disburse funds. Few of the participating companies, if any, declared dividends; those that did, would have allocated the dividends to payment of the interest due on the cost of the shares bought by the CSOTs. Aside from insubstantial monies from donations distributed to a limited number of communities⁸⁸, and the tardily disbursed youth fund,⁸⁹ many would have been left wondering what had become of the vaunted four billion. Some credence is thus likely to have been accorded to MDC-T's claims that the money had been siphoned off by senior ZANU PF politicians, resulting, one would suppose, in disaffection with, rather than increased support for, ZANU PF on account of this programme.

b) The Arithmetic

Then there is the arithmetic to consider, the axis of which, for these purposes, is the fact that vote tally for Morgan Tsvangirai remained virtually unchanged from 2008, dropping by only 23 213 votes.

For this reason, a claim based on two simple parameters, that Mugabe's tally can be explained by an increase in the registration of voters (parameter 1) plus a switch in allegiance from Tsvangirai (parameter 2), cannot stand. For if there was a swing in allegiance from Tsvangirai to Mugabe, the numbers so subtracted from Tsvangirai's tally had to have been replaced from some source, to keep his total roughly the same. If that source was from the pool of new voters registered (parameter 1), the number of such voters which form part of Mugabe's tally must decrease in the same amount, leaving the number of unexplained votes in Mugabe's tally unchanged. This may be illustrated as follows:

⁸¹ The spin could be read as part of the same intent to prepare the electorate for the massive increase in numbers voting for ZANU PF.

⁸² See *New Politics, Margin of Terror and the 2013 Elections* Tony Reeler RAU November 2013.

⁸³ To suggest that since many had, by 2013, achieved a success in farming, particularly in tobacco, which they had not in 2008, explains the increased support, implies that without this success they would not have voted for ZANU PF in 2008. This seems improbable.

⁸⁴ Though, unfortunately, not one which is beyond the bounds of possibility.

⁸⁵ *Digging Up The Truth: The Legal and Political Realities of the Zimplats Saga* Derek Matyszak RAU 10.04.12.

⁸⁶ *Indigenisation Fund Now 4bn* The Sunday Mail 16.12.12.

⁸⁷ *Trusts Hang in Limbo* The Sunday Mail 24.11.13.

⁸⁸ See *Digging Up the Truth* fn 92 above.

⁸⁹ *10 Million Youth Empowerment Fund Loses Steam* VOA Zimbabwe 23.05.13. Launched in November, 2011 by May 2013, only \$2.7 million dollars had been disbursed.

Table 3: Simple Scenario 1

Mugabe's Tally (2013)	Minus Explained Votes	Source of Vote	Unexplained remainder
2 110 434	1 079 730	Loyalists from 2008	
	779 279	Newly Registered voters	
TOTALS	1859009		251 425

In this table (Table 3) all newly registered voters are assumed to have voted for Mugabe, giving the model the mathematical maximum, and reducing the unexplained votes to a minimum.

A possible composition of Tsvangirai's tally taking a hypothetical swing of 206 901 votes from Tsvangirai to Mugabe would be as follows:

Table 4: Simple Scenario 2

Tsvangirai's Tally (2013)	Minus Explained Votes	Source of Vote	Remainder
1 172 349	1 195 562	Pool of Loyalists from 2008	
	206 901	Newly Registered voters	
	(206 901)	Switch to Mugabe	
TOTALS			-23 213

However, if Tsvangirai's vote is composed as set out in Table 3, then the tally of newly registered voters who voted for Mugabe decreases by 206 901, and 206 901 is added as explained votes from those who migrated from Tsvangirai, leaving the unexplained remainder for Mugabe unchanged. The scenario is then as follows in Table 5.

Simple Scenario Table 5

Mugabe's Tally (2013)	Minus Explained Votes	Source of Vote	Unexplained remainder
2 110 434	1 079 730	Loyalists from 2008	
	572 378	Newly Registered voters ⁹⁰	
	206 901	Switch from Tsvangirai	
TOTALS	1 859 009		251 425

⁹⁰ The 779 279 new voters minus the 206 901 switch in allegiance. Those switching allegiance to Mugabe must be replaced in Tsvangirai's tally, and if they come from the pool of new voters, the number of newly registered voters for Mugabe is reduced.

Added into the mix must be the fact that some 206 901 voters were assisted to vote (hence the use of this figure in the example), according to ZEC's figures. It is clear that the number of those assisted to vote greatly exceeded the number who may actually have required such assistance on the ground of illiteracy.⁹¹ Observers noted that many perceived MDC supporters in rural areas were either coerced into accepting assistance (and thus being watched to ensure they voted for ZANU PF candidates), or sought out such assistance to obtain proof of voting for ZANU PF as protection against any possible reprisals from a charge to the contrary.⁹²

If all those accepting assistance through fear were MDC-T supporters who voted for Tsvangirai in 2008, the 206 901 could be treated as having switched allegiance, albeit involuntarily, and the scenario given above would apply. Accordingly, the large number of those assisted to vote cannot, as a sole third parameter, resolve the source of the unexplained tally for Mugabe.

In a similar vein, a claim of "magic" ballot papers⁹³ is likewise insufficient as an explanation for Mugabe's tally. A doctored ballot paper which erased an X placed next to an MDC candidate and caused one to reappear next to a ZANU PF candidate, has the same effect as an involuntary switch in allegiance. In order to then explain Tsvangirai's even tally, the gap caused by the changing ballots would have to be filled by allocating new voters away from Mugabe's tally and adding them to those of Tsvangirai, leaving a concomitant increase in the unexplained votes for Mugabe.

c) The Simba Makoni Vote

The outside presidential candidates from March 2008 provide a pool of 221 973 votes looking for a home in 2013, the vast majority of these⁹⁴ having been cast for Simba Makoni. However, from this total, the 127 948 votes⁹⁵ secured by outside candidates of 2013 must be deducted, reducing the number of available votes from this source to 93 989. Accordingly, adding this parameter in as a source still leaves 134 223 votes unexplained using the mathematical maximums in the scenario given below.

The failure of formerly active voters to cast a ballot

A fourth parameter is some 304 890 voters turned away.⁹⁶ It is impossible to determine, without examining all voter residue at all polling stations, how many of those turned away and referred to other wards, were subsequently able to vote.⁹⁷ If the wards were in the same or adjacent constituencies, the voters may well have made the effort. If the voters had been referred to distant wards in other constituencies, the effort to vote may well have been abandoned. Many voters turned away were reportedly voters who had returned to vote in the same ward as they had in 2008 (which also required ward based voting). Others are likely to have been newly registered voters. What is unlikely is that any significant number of those turned away were registered as voters in 2008, but had not voted in that election.⁹⁸

⁹¹ Zimstat puts Zimbabwe's literacy rate at 97%. The SPT report, using UNESCO figures, puts literacy more plausibly at 86%.

⁹² See the SPT Report for a good and more detailed analysis of this issue.

⁹³ Some preliminary investigations with paper experts indicate that this seemingly fantastic claim may technically possible.

⁹⁴ 207 470.

⁹⁵ 25 416 for Dumiso Dabengwa, 9 931 for Kisinoti Mukwazhe and 92 637 for Welshman Ncube.

⁹⁶ Again, this is ZEC's own figure.

⁹⁷ Part of the voter residue ought to include a register of all voters turned away and the reason therefor. The residue should also include voters rolls with the name of each voter thereon issued a ballot, crossed off.

⁹⁸ There are numerous people on the voters' roll who have never registered to vote. It may be that this factor encouraged others who had never registered to attempt to vote on polling day in the hope that their names were on the register, and who were then turned away.

Thus, assume, merely to illustrate the point, that 40 000 of those turned away and who failed to cast a vote were new or past voters. If this is so, then the unexplained votes for Mugabe would increase by the same number. If they were new voters, then the pool of newly registered voters from which the explained votes for Mugabe is drawn, is reduced accordingly. If they were people who had cast a vote in 2008 for Tsvangirai, because Tsvangirai's tally remained roughly constant, the reduction in the number of votes which would have been cast by those turned away would have to be filled from the pool of newly registered voters, reducing the number of these voters who could have voted for Mugabe, and thus increasing the number of unexplained votes. If the 40 000 had voted for Mugabe in 2008, then the number of votes for Mugabe explained by loyalists is reduced, and the number of unexplained votes increases accordingly. In other words, whatever number of people was turned away, and did not vote despite being entitled to do so, provided these were not voters who failed to vote in 2008, the number of unexplained votes for Mugabe increases by the same amount - if one confines the consideration to these parameters.

The same dynamic follows from those who withheld a vote, disenchanted with all presidential candidates.⁹⁹ If the consequent gap in either candidates' tally (the loyalist component) were filled by newly registered voters, the pool of these votes available to account for Mugabe's total would be reduced. Similarly, if any of the 69 283 invalid votes were cast by newly registered voters or Mugabe loyalists who had voted in 2008, then the number of unexplained votes for Mugabe would increase accordingly. These factors, - turnaways, the disenchanted, and the invalid votes - all potentially increase the number of unexplained votes for Mugabe.¹⁰⁰ The estimates in the table above are thus very conservative.

In short, what is being said in this section is that the sources considered thus far from which Mugabe's votes are drawn, constitute a pool too small to explain all of his additional 1.03 million votes. Allocating more votes to one source means a reduction in another, and cannot increase the size of the overall pool. Another source for the votes must be found to fully explain origin of the 1.03 million.

Other sources of Mugabe's tally.

A composite picture of the mathematically possible maximum number of votes from all sources considered above is as follows:

Table 6: Complex scenario [Mathematically Possible Maximums]

Mugabe's Tally (2013)	Minus Explained Votes	Source of Vote	Unexplained remainder
2 110 434	1 079 730	Loyalists from 2008	
	572 378	Newly Registered voters	
	206 901	Switch from Tsvangirai (assisted voters)	
	23 213	Switch from Tsvangirai (reduced tally)	
	93 989	Switch from Makoni & ors	
TOTALS	1 976 211		134 223

⁹⁹ Very few people who have taken the not inconsiderable trouble to register as voters could be regarded as apathetic.

¹⁰⁰ The hypothesis relates to Mugabe's tally only, as Tsvangirai's tally remains roughly unchanged.

Accordingly, even if one attributes every single vote from all obvious sources – loyalists from 2008, newly registered voters, assisted voters, and switches in allegiance – to Mugabe, the source of some 134 223 votes of his tally still remains unexplained. This also improbably assumes, to render the estimate conservative, that none of those who were turned away were new voters who failed to vote, that none of those who previously voted for Mugabe withheld their vote in 2013, and none of the spoiled ballots were cast by newly registered voters. All such factors would increase the unexplained vote. Another way of looking at the mathematically possible table is to consider that there are 779 279 new voters, but 915 269 additional valid votes cast compared with 2013, leaving the source of 135 990¹⁰¹ votes unexplained.

Complex scenario Table 7 [A Politically Possible Model - Mugabe]

Mugabe's Tally (2013)	Minus Explained Votes	Source of Vote	Unexplained remainder
2 110 434	1 079 730	Loyalists from 2008	
	623 423	4 out of 5 Newly Registered voters	
	23 213	Switch from Tsvangirai (Decline in Tsvangirai votes)	
	155 856	Switch from Tsvangirai (assisted votes) ¹⁰²	
	60 000	Switch from Makoni & ors	
TOTALS	1 942 222		168 212

In the politically possible tables, rather than attributing all newly registered voters to Mugabe, the newly registered voter tally is calculated on the basis of a four to one ratio in favour of ZANU PF and Mugabe. This scenario leaves 168 212 votes unexplained. Once again the estimate is conservative as it assumes that none of those who were turned away were new voters who failed to vote, that none of those who previously voted for Mugabe withheld their vote in 2013,¹⁰³ and none of the spoiled ballots were cast by newly registered voters as noted above.

¹⁰¹ The difference of 1 767 votes from the table above is due to the fact that the officially announced tallies for the presidential results are incorrect by several thousands. For example, in Mashonaland West the tallies for ward four in Norton Town Council, are incorrect and are a repeat of the tallies for ward three, immediately above in ZEC's spread sheet of results. This error of some 1 781 votes has been taken into account when considering the total number of votes cast for purposes of the figures presented here. However, the official total for Mugabe has been used as all the errors in his tally have not been located. Some 330 of the 1 781 votes omitted in this ward belong to Mugabe whose tally is thus understated by at least this amount.

¹⁰² This number has been conveniently hypothesised as matching the newly registered voters, voting for Tsvangirai (on the 4:1 ratio of the 779 279 new voters).

¹⁰³ This should be held to include those loyalists who died after 2008.

Table 8: Complex Scenario[A Politically Possible Model - Tsvangirai]

Tsvangirai's Tally (2013)	Minus Explained Votes	Source of Vote	Unexplained remainder
1 172 349	1 195 562	Pool of Loyalists from 2008	
	155 856	Newly Registered voters	
	-155 856	Switch to Mugabe (assisted voters) ¹⁰⁴	
	33 989	Switch from Makoni and others	
	-57 274	Disaffected who withhold vote or vote for Mugabe –the 23 213 deficit and more.	
TOTALS	1 172 349		0

From this a hypothetical scenario can be postulated, by changing three conditions:

- The unexplained votes are discounted.
- An even registration of new voters between Tsvangirai and Mugabe supporters (some 389 640 each) is assumed
- It is assumed that 155 856 of the assisted voters would have voted for Tsvangirai, and not Mugabe, if not so assisted.

These changed conditions yield the following table:

Table 9 [Possible votes without improprieties]

Source of Vote	Mugabe	Tsvangirai	Others	Total Vote
Loyalists (2008)	1 079 730	1 195 562		
50% share of new voters	389 640	389 640		
Switch from Tsvangirai	23 213	-23 213		
Share of Vote from Makoni et al	60 000	33 989		
Totals	1 552 583	1 595 978	127 948	3 276 509
Percentages	47.39%	48.71%	3.91%	100.00%

Tsvangirai would have garnered 1 595 978 votes or 48.71%% of the poll and Mugabe some 1 552 583 or 47.39% of the vote. Outside candidates, Ncube and others, would have secured of 3.91% the vote and taken the poll into a close run-off.

It must be held firmly in mind that the numbers given in the hypothetical example are merely those considered plausible, rather than actual. With about 34 000 votes constituting 1% of the vote, and some of the figures given above merely illustrative and not within an error range of less than 51 000 votes (1.5%), it cannot be said with any certainty that a run-off poll would have been required. What is notable, however, is that with these changed conditions, the contest would have been the close race predicted by most analysts. It is also worth noting that the total

¹⁰⁴ Of the 206 901 assisted voters 155 856 of these have been regarded as those who involuntarily switched allegiance as it conveniently serves to illustrate how the newly registered voters are absorbed and prevent an increase in Tsvangirai's tally.

vote, in the postulated scenario, would amount to 3 276 509 valid votes cast. Most new voters, having made the effort to register, can be assumed to have cast, or attempted to cast a vote. Adding the 779 279 new voters to the tally of 2008 (2 537 240), brings up a total of some 3 316 519 possible votes.

If the turnaways who did not vote, but were entitled to do so, are regarded as making up the difference (40 010 voters) the hypothetical figure of 3 276 509 genuine and valid votes cast seems plausible. ZEC's figure of total votes cast (3 480 047), plus turnaways (40 010 of the 304 890), gives a total number of 3 520 057 potential voters, or 982 817 more voters than in 2008, which, as discussed here, seems implausible against the number of new voters some 203 538 more than the recorded 779 279.

It is accepted that this postulation is somewhat tautological. It is obvious that, if the March 2008 race was close, and that, if newly registered voters were split evenly between the two main presidential contenders, the subsequent race would be close, if there was no change in allegiances. However, what the example should illustrate is that any one of the removed considerations standing alone – bias in voter registration, assisted voting and the unexplained votes - would have been sufficient to secure victory for Mugabe.

For example, the difference between even voter registration between the MDCs and ZANU PF, and the 4:1 bias in favour of ZANU PF, is some 233 784¹⁰⁵ plus votes, or would add 7.14% to Mugabe's total, the 206 901 assisted votes would add 6.31% to Mugabe's total, and the 168 212 unexplained votes add 5.13% to Mugabe's total. Less than half of the first two and just over half of the third of these percentages, in the scenario under consideration, would have been sufficient to take both candidates' totals to a winning 50% plus one vote. Thus, it is possible that unfairness to even a small degree in anyone of these aspects of the election - voter registration, assisted voting and the unexplained votes - could have changed the outcome of the election and resulted in the election of a candidate against the will of the people. All the factors together account for over 16.21% of the votes, and, combined, could account for the large margin of the ZANU PF victory. If only one or two of the factors are thus removed, the remaining would be sufficient to secure a victory. It is thus disingenuous to suggest, as did an article in the Herald newspaper, that even if the number of people turned away and assisted to vote were removed from Mugabe's total, he would still have won.¹⁰⁶

In short, therefore, in a close contest, even a small impropriety could have affected the outcome of the presidential election. It is thus somewhat ironic that the AU and SADC's "*generally credible*" assessment of the election may be based precisely on the fact that electoral fraud may have been extensive rather than slight.

Unexplained Votes.

Mugabe gained 251 425 more votes in 2013, than there were new voters. Even if every one of the available votes previously cast for Makoni and others in the March 2008 presidential poll, were allocated to Mugabe, and other mathematically possible maximums applied (see table 6) this would still leave the source of 134 223 votes unknown.¹⁰⁷

Using the numbers on the roll as at July 2013 sourced from the scan, the following table can be drawn:

¹⁰⁵ An even split of the 779279 votes being 389 640 each. The 4:1 bias gives 623 423:155 856 with the MDCs thus registering 233 784 less voters. (7.14% is arrived at using the hypothetical 3 276 509 valid votes cast as the denominator).

¹⁰⁶ *Tsvangirai Remains a Loser ZEC Figures Show* The Herald 09.08.13.

¹⁰⁷ In 2008 Makoni and others collectively secured 221 973 votes, in 2013 Ncube and others 127 984, leaving some 93 989 floating votes for Mugabe.

Table 10: Increase in Votes cast compared with numerical increase in voters

	Increase in registered voters since March 2008	Increase in number of votes cast from March 2008 ¹⁰⁸	Difference of increase in voters and increase in votes	Percentage of votes unaccounted for
Bulawayo Province	10 198	36 462	26 264	257.54%
Harare Province	46 048	133 858	87 810	190.69%
Manicaland	136 957	92 773	-44 184	-32.26%
Mashonaland Central	130 233	141 665	11 432	8.78%
Mashonaland East	99 135	129 541	30 406	30.67%
Mashonaland West	81 253	135 727	54 474	67.04%
Masvingo	68 594	92 220	23 626	34.44%
Matabeleland North	19 691	47 830	28 139	142.90%
Matabeleland South	34 817	38 350	3 533	10.15%
Midlands	78 363	94 433	16 070	20.51%
Totals	705 289	942 859	237 570	33.68%

Table 10 shows the net increase from March 2008 in the number of registered voters by province, compared with the increase in the number of votes cast in 2013 in the presidential election. In Matabeleland North Province, for example, the number of registered voters in the province increased by 19 691, but the increase in the number of votes cast from 2008 is 47830 votes. Thus, there were 28 139 more votes cast than there were additional voters in the province. Hence, 143% of the increased votes is not explained by the increase in the number of voters. In Manicaland, the opposite occurs. For example, egregiously, in Manicaland, some 44 184 people who had apparently taken the trouble to register as voters did not then, it seems, turn up to vote. The appearance of unexpected votes and the disappearance of expected votes, suggests a need for a close analysis of election patterns at a constituency level in those provinces where this phenomenon is pronounced.

As stated at the outset, the unexplained votes can only derive from apparently fraudulent (most probably multiple) voting, or from persons registered in 2008, but who did not vote in that election.

Circumstances were certainly propitious for multiple voting.

- a) An examination of the electronic roll as at the end of May 2013 showed the voters roll to be massively inflated. An inflated roll helps conceal multiple voting as it ensures that there will not be more votes cast in a ward than there are registered voters.
- b) Against an international norm of 10%, 35% more ballot papers were printed than there are voters on even this inflated roll. This would ensure that if an “unexpected” number of voters arrived at a single polling station, there would be sufficient ballot papers to accommodate them.
- c) Voters whose names were not on the roll were allowed to vote using voter registration slips. Election officials were thus unable to guard against multiple voting by checking to see whether the names of these voters had been crossed off the roll. The slips also contained not information by which the election

¹⁰⁸ Here the number of total votes cast, not total valid votes cast is used.

officers could determine the ward in which the voter was to cast a ballot and no security features to prevent forgery.¹⁰⁹

- d) During the election 20 to 30 ZANU PF supporters were found with fraudulent voter registration slips allegedly distributed by a ZANU PF parliamentary candidate.¹¹⁰
- e) As noted above, inadequate steps were taken to ensure that apparent members of the police force who cast a special vote in mid-July did not vote a second time.
- f) The main means by which multiple voting is prevented is by the use of the ink into which voters dip a finger before voting. The ink should contain specified quantities of silver nitrate. This silver nitrate chemically combines with skin cells and cannot be washed off. ZEC allowed the test for the chemical quality of the ink to be conducted by the Zimbabwe Republic Police, the very body whose members are alleged to have engaged in multiple voting. Several anecdotal reports suggested that the ink was easily removed, and possibly due to inadequate supplies, had been diluted.
- g) The UV machines used in 2008 to test for silver nitrate residue on voters fingers and utilised when a suspicion or allegation of a prior vote was raised, were inexplicably not used in 2013.

On the other hand, the possibility of 168 212 registered voters withholding their ballot in March 2008 seems unlikely. Zimbabweans generally have an appetite for voting, and will avail themselves of the opportunity to do so when it is presented. This was evidenced during the March 2013 referendum on the new constitution, which unlike the febrile atmosphere which surrounded the March 2008 and 2013 poll, was a muted affair with a consensus on a desired affirmative outcome by the main political parties. Yet, taking advantage of the ability to vote with the proof of citizenship and age (i.e. a national identification card), rather than registration, some 3 316 082 people voted. Fear and intimidation, which might have caused voters to stay away from the polls in prior elections, was also greatly reduced in March 2008.

There was, however, disgruntlement within ZANU PF over Mugabe's candidacy in 2008, and Mugabe was de-campaigned by members of his own party under the "*Bhora Musango*"¹¹¹ slogan. At the time, this seemed to account for the 48 689 more votes cast in the Parliamentary elections¹¹² than the presidential, as ZANU PF voters were seen holding back a vote from Mugabe. However, even without a *Bhora Musango* campaign, in fact the converse,¹¹³ in 2013 once again Mugabe garnered less votes than his Parliamentary counterparts – some 31 090 votes. It cannot then be said that the unexplained votes are on account of voters who held back a vote for Mugabe in 2008, but delivered it in 2013. This could account for only 17 608 voters. The Parliamentary vote increased by 1 013 330 votes when compared with 2008, so the analysis of unexplained votes could be repeated on a parliamentary basis, and would likewise leave a similar (in fact slightly increased) quantum of unexplained votes.

¹⁰⁹ The prescribed form of the slip only specifies a constituency and block number, but not ward.

¹¹⁰ *Massive Vote Fraud Unearthed* Daily News 01.08.13. ZEC dismissed this extremely serious incident by focussing on the fact that "only" 20 ZANU PF youths voting could not affect the poll, and not the fact that the incident could be part of a widespread irregularity.

¹¹¹ Literally "the ball in the bush" i.e. a metaphor encouraging voters to kick the football off the pitch – hence the slogan for 2013 adopted by ZANU PF of Bhora Mughedi "the ball through the (goal) posts".

¹¹² The calculation includes the by-elections for three constituencies where there was no ballot during the general election on account of the death of candidates.

¹¹³ The new constitution provides that for an interim period, if the President (i.e. Mugabe) dies or retires he will be replaced by a candidate from the same party. There will be no necessity for that candidate to face the national electorate and the replacement will be determined by intra-party power. Thus all factions within ZANU PF may have rallied around Mugabe as a candidate under the banner of Bhora Mughedi (see above), precisely because of the possibility that, at 89, he might not see out the full five year term of office and in the hope of being able to wield the necessary power within the party at the relevant time.

An analysis of the vote at a constituency level provides a closer look at how the poll may have been affected by multiple voting, voter registration bias and assisted voting and may provide some evidence to explain the unattributed votes. The first such analysis follows.

Mount Pleasant

This constituency, forming part of Harare Province, comprises two wards of Harare Municipality – ward 7 and ward 17. In considering the voters’ data for this constituency, it should be borne in mind that the voter figures given do not reflect an entirely accurate picture as these statistics are drawn from the voters’ roll only. Numerous voters in Mount Pleasant reportedly voted using registration slips, ostensibly on the basis that, as having registered late in the process, the Registrar-General had insufficient time to make the appropriate entries onto the roll.¹¹⁴ However, if the reports of numerous votes being cast with registration slips are correct, the most of conclusions reached here are more likely to be strengthened rather than weakened.

The 2012 Census showed the eligible (adult) population of the constituency as shown in the table (Table 11) immediately below.

Table 11: Mount Pleasant – Census and Voters’ Roll 2013

WARD	TOTAL CENSUS 2012	TOTAL ROLL 2013	% REGISTERED
7	15 214	19 263	126.6%
17	12 809	12 331	96.2%
TOTAL	28 023	31 594	112.7%

There were some 31 594 voters on the roll¹¹⁵ for the July 2013 poll in Mount Pleasant Constituency. The voters roll thus reflects, against the Census, an impossible registration rate of 112.6%¹¹⁶ due to the numbers registered in ward 7.¹¹⁷

The number of registered voters in the constituency increased by 9 322 voters from 22245 in March 2008, or nearly 42%. Furthermore, when considering the increase in the voter population, it can be misleading if only the net increase is taken into account. Numerous voters were removed from the roll, or moved out of the constituency, thus affecting the net increase. The net increase thus does not reveal the number of newly registered voters in the constituency, and the number of people migrated into the constituency from elsewhere - a matter of considerable importance.

Some 5 475 voters migrated¹¹⁸ out of the constituency, making a total of 14 797 voters new to the constituency since 2008. Of the 6 221 voters who migrated into the constituency

¹¹⁴ Another effect of the precipitate polling date. A register should have been kept of all persons who voted using registration slips and forms part of the election residue which may be examined if a court order to this effect is granted. Registers were also kept of people turned away and assisted voters, with the reasons recorded in both instances. Having adopted these registers in the interests of the “transparency and verifiability” the Constitution requires, it is thus somewhat ironic that ZEC asked the court to prevent any examination of these registers.

¹¹⁵ The hard copy of the roll has been scanned, converted into text and entered into a database, allowing the analysis presented here.

¹¹⁶ This over registration, as mentioned above, opens up the opportunity for multiple voting, as the number of votes cast is less likely to exceed the number of registered voters if such multiple voting occurs and the roll contains numerous entries which should not be there. However, this situation must be considered in the light of the large number of people registered as voters in the constituency after the 2012 Census.

¹¹⁷ It should also be borne in mind that in Mt Pleasant, as in all other constituencies, those below 30 years old are grossly *under* registered, bringing the average registration rate down. The over registration of those in the 40 - 44 year age group would be a figure of well over 150% - see The RAU Report.

from another constituency, 4008, or 64%, claim to reside at security sector addresses. A search of the database entries shows that 11 147 of total number of voters in the constituency now have security sector addresses, some 35%.¹¹⁹ The same search criteria used on the database containing the 2008 voters roll shows only 3 227 voters at these addresses.

Approximately 9 419 people with security sector addresses were added to the constituency just ahead of the 2013 election.¹²⁰ 8 232 of these members were registered in ward 7, with some 1 168 registered in the last 30 day intensive registration period. About 1 500 members with security sector addresses migrated out of the constituency.

Although it was suggested in several reports that the majority of these new security sector voters were youths registered and given uniforms solely for the purpose of the election, this is not borne out by the age statistics on the voters' roll:

Age Bands	
18 to 19	163
20 to 24	1 953
25 to 29	2 970
30 to 34	2 277
35 to 39	1 560
40 to 44	762
45 to 49	571
50 to 54	520
55 to 59	251
60 to 64	71
65 to 69	15
Over 70	34
Total	11 147

Accordingly, if any youth were registered solely for the purpose of voting in Mount Pleasant and comprised a significant number of voters, the majority did not appear on the roll and voted with registration slips.

Ahead of the 2013 election, senior members of the ZRP, including the Commissioner-General, had given plain instructions to members of the force to vote for ZANU PF.¹²¹ Members of the force were repeatedly threatened with expulsion from the force if they showed any preference for MDC as a party. Those members, bussed to select polling stations to vote, may also have felt that secrecy of their ballot was comprised by so many voting at the same polling station at the same time.¹²² For example, at Alexandra Park A Polling Station in ward 7, which is close to KG VI Defence Forces Head Quarters and Barracks, some 1 717 people voted for the ZANU PF parliamentary candidate as opposed to 339 for that of the MDC-T. In ward 7, the MDC-T secured the most votes at only two of the 11 polling stations,¹²³ where notably, in these two, the votes for ZANU PF dropped from the roughly 700 to 800 votes recorded in the other nine to the 300-odd level, and the MDC-T votes increased from roughly 200 to 300 to 400+ votes.

¹¹⁸ The numbers relating to migrations into the constituency from elsewhere are not 100% accurate, due to duplicates on the digital version of the roll supplied by the Registrar-General in 2008. However, the variation is too small to affect the conclusions given here in any significant manner.

¹¹⁹ The search criteria included "barracks, army, force, ZRP, ZNA, police and prison".

¹²⁰ If the registration had taken place earlier the voters should have been recorded as part of the Census, which they were not

¹²¹ See, for example, *Chiburi Orders Police Force to Ensure ZANU PF Wins Elections* <http://www.swradioafricacom> 08.03.13 and *Police Ordered to Eliminate MDC Sympathizers in the Force* <http://www.zimeye.org/?p=15552> 30.03.10.

¹²² Security sector voters were given special treatment and moved to the head of queues thus making them virtually the only voters at particular polling stations for an extended period.

¹²³ Strathaven Shopping Centre, and Avondale A.

The ZANU PF parliamentary candidate thereby secured a majority with 8 595 more votes compared to the 1,738 votes garnered by his 2008 predecessor.¹²⁴ 7 797 of these votes came from ward 7, and the ZANU PF¹²⁵ candidate for the local authority was consequently declared elected as a councillor for that ward.

The votes of ZANU PF national assembly candidate, Jaison Passade¹²⁶ could thus be held to comprise 1 738 loyalists and 8 595 new security sector voters. Jameson Timba's tally could be held to comprise 3 875 loyalists, 630 from the Ncube camp, and 2 390 new voters.¹²⁷

Mugabe captured 10 301 of the votes against 7 540 cast for Tsvangirai.¹²⁸ These results, in what was regarded as an MDC-T stronghold, are remarkable to say the least. The composite results are reflected in Table 12.

Table 12: Results in all polls in Mount Pleasant

	MDC-T	ZANU-PF	Others & Rejected	TOTAL	VALID
Presidential					
Ward 7	3,915	7,780	263	11,956	11,819
Ward 17	3,625	2,521	168	6,314	6,249
Total:	7,540	10,301	429	18,270	18,068
National Assembly					
Ward 7	3,605	7,797	547	11,949	11,784
Ward 17	3,290	2,536	485	6,311	6,240
Total:	6,895	10,333	1032	18,260	18,024
Local Authority					
Ward 7	321	1,725	45	2,091	2,091
Ward 17	3,687	2,496	68	6,251	6,251
Total:	4,008	4,221	113	8,342	8,342

There is one other anomaly to note - the enormous discrepancy between the Local Authority result and the other two results. For both the Presidential and the National Assembly polls slightly more than 18 000 persons voted, but only 8 342 voted in the Local Authority poll. Any voter that voted in the 2013 election was required to vote in all three polls, and was issued with *three* voting slips for that purpose: there was no discretion for the voter, and all were given three slips. These had to be completed and then placed in the appropriate box, which had to be done visibly in sight of the polling officials: voters were not entitled to only vote in two polls and

¹²⁴ There is some confusion around this result. The ZANU PF candidate was initially announced on state media as having secured 7 945 votes, considerably less than the 10 301 secured by Mugabe as ZANU PF Presidential candidate. However, the constituency return reflected 10 333 votes, matching the official figure now posted on ZEC's website.

¹²⁵ Musatye Gwasira.

¹²⁶ Sometimes spelt with a single "s".

¹²⁷ It is assumed that if a person has taken the trouble to register, that person would likewise take the trouble to vote. However, these figures leave 3 812 new voters unaccounted for, though an unknown number may have been turned away on polling day. A register of such turnaways should have been kept at the polling stations and should have constituted voting residue available for examination.

¹²⁸ The Presidential tallies for 2008 were not released at anything lower than provincial level, so a comparison cannot be made.

take the uncompleted third slip away. It is an offence to remove a ballot paper from a polling station.¹²⁹

Thus the whereabouts of nearly 10 000 ballots requires explanation by ZEC, and could have been determined by an examination of the residue for the Mount Pleasant poll.

Assessment

Well ahead of the election (by early June), it was apparent to the MDC-T that ZANU PF intended to capture several seats in Harare Province, regarded as an MDC-T stronghold, by manipulating the registration process.¹³⁰ The majority of the people added to this constituency, either as new voters, or as migrants from other constituencies, do not appear to be genuinely resident in the constituency as required by the Electoral Act.¹³¹ They were not counted as resident in Mount Pleasant for purposes of the 2012 Census, and were unlikely to have all migrated there just before the election.

Without access to the electronic roll for the constituency in which he was standing, it was difficult for Mr. Timba to gather the hard evidence necessary to lodge a complaint relating to these registrations. However, Section 28 of the Electoral Act, which sets out the procedure to object to the inclusion of a person on a constituency voters' roll does not seem to have been intended to cover this situation.

The manner in which the section is drawn suggests that it is more apt where a single individual is aware of another wrongly included on the roll. In the situation under examination, where a candidate, rather than an individual member of the public, claims that thousands of voters were being "stuffed" into his constituency, it does not seem appropriate, practical, or in accord with the intention of the legislature, that the candidate, presumably heavily engaged with election preparations, should be required to prepare an application for each one of the thousands of wrongly included voters, and follow the laborious and time consuming procedure for the removal of each. It appears more fitting that the candidate should approach the electoral management body ZEC, who has an inherent and statutory duty to ensure the fairness of the poll, to take the necessary measures to prevent abuse of a registration process which should have been under its direction and control. Instead the response of ZEC was to advise Mr. Timba to proceed in terms of Section 28 of the Act, which was not only unworkable, but was advice given when ZEC knew, or ought to have known, that the time limit for lodging complaints in terms of that section had expired.

The response of ZEC may be considered even more remiss when one considers that the amendments to the Act pertaining to registration referred to in the introduction, had created a structural unfairness by allowing the registration of voters after the time when objections to such registration could be lodged. ZEC should have been alive to ensuring that the structural unfairness did not result in actual unfairness. Instead, as it had done in the case of the Special Vote, it apparently remained supine and did not investigate the issue. In so doing, it failed to conduct the election with the impartiality and degree of fairness demanded by the constitution.

Furthermore, an investigation by ZEC may have made it clear that the Registrar-General and his officials were collaborating with the security sector to manipulate the roll, thus displaying a partiality which discredited not only the registration of voters in Mount Pleasant, but the national registration process. ZEC's inaction in the face of a cogent claim of manipulation of voters roll suggests connivance with the process. The integrity of ZEC, and thus the election itself, already then severely compromised, was further damaged.

While this constituency evidences registration bias, it does not advance the resolution of the question of the unexplained votes for Mugabe discussed above. While Mr. Timba has made

¹²⁹ Section 8591)(d) of the Electoral Act.

¹³⁰ *Zanu-PF Targeting 5 Constituencies in Harare*, Says Biti Bulawayo24 09.06.13.

¹³¹ Section 23(1).

allegations of multiple voting through the use of voter registration slips and abuse of the special vote process, there was no need for multiple voting in order to secure a victory for ZANU PF in this constituency – sufficient members of the security sector had been added to the constituency who could have reversed the MDC-T majority without the need for any other impropriety to take place. The number of votes cast does not, of itself, reveal multiple voting, and is plausible when compared with the increase in voters in the constituency. If multiple voting did take place, it could only emerge through the inspection of the election residue.

The means of securing victory by stuffing constituencies with those who could be expected to vote for ZANU PF could have been deployed in at least three other constituencies in the province - Harare West, Harare North and Harare South – in the first instance, through the use of registrations at Pomona Barracks, and in the latter by registering numerous voters in peri-urban “housing co-operatives”. It thus seems that, if evidence of multiple voting exists to explain the surfeit of votes, it will be found in constituencies other than these, most probably in a Matabeleland constituency in which a ZANU PF victory is surprising.

It is to such a constituency that future analyses will now turn.

Conclusions

The source of unexplained votes remains unresolved. The analysis of the more general is extended by the analysis of the particular, and, as was seen in the brief report on Mount Pleasant, several fundamental problems, central to the integrity of the poll, must be explained by ZEC. ZEC does not help in establishing the “*credibility*” of the 2013 poll by publishing inaccurate data or being complicit in refusing to allow access to other important data, such as the inspection of election residue. The inability of ZEC to provide an electronic copy of final 2013 voters’ roll and its acceptance of the wholly implausible excuse by the Registrar-General that his computer “is down” is both an abrogation of its statutory duty and a cause for deep suspicion.

However, despite the difficulties, this preliminary audit of the 2013 poll suggests that there remains a considerable amount of work still to be done, and that, contrary to the assertions of the new government, the results are not beyond contest. Such contest may not affect the *de facto* right to govern, but may certainly challenge its *de jure* status.



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