**ELECTION WATCH 41/2018**

**18th August 2018**

**Party Strengths in the New Parliament**

The Zimbabwe Electoral Commission [ZEC] has published lists of all members declared elected to the new Parliament, which will be Zimbabwe’s Ninth Parliament since Independence in 1980:

* 210 directly-elected constituency members of the National Assembly
* 60 party-list women members of the National Assembly
* 60 party-list Senators
* 18 Senator Chiefs
* 2 Senators representing persons with disabilities.

This bulletin outlines the political parties’ strengths in the new Parliament and the gender balance achieved based on ZEC’s results.

It must be noted that these party strengths could be subject to change.

**Successful Election Petitions May Affect the**

**Distribution of Seats Among Parties**

Over twenty election petitions challenging constituency results have been lodged in the Electoral Court. In principle, any challenged result is subject to change in due course, depending on the Electoral Court’s decision on the challenge and the decision of the Supreme Court if there is an appeal.

ZEC’s declared results are not suspended by election petitions *[unlike the case in a presidential election petition].*

Despite the lodging of election petitions against them, candidates whose elections are challenged by petitions may be sworn in and carry out their functions as members of Parliament pending final decisions.

Potential effect of Electoral Court decisions on allocation of party-list seats

The allocation of a province’s party-list seats – whether for the National Assembly, the Senate or the provincial council – depends on the number of votes cast for participating political parties in the constituency elections for the province.

If, as a result of a recount or the setting aside of a constituency election result by the Electoral Court, the number of votes cast for a participating political party in a province is altered, ZEC must have the allocation of party-list seats calculated afresh and, where appropriate, must alter the declaration of the successful candidates accordingly [Electoral Act, section 45I(3)].

It is therefore possible that decisions on election petitions will have a knock-on effect on a party’s party-list seats.

**Distribution of National Assembly Seats**

Total 270 seats

[210 constituency seats + 60 women’s quota seats]

|  |  |  |  |
| --- | --- | --- | --- |
| ***Party*** | ***Total*** | ***Constituency seats*** | ***Party-list seats [women’s quota]*** |
| Independent | 1 | 1 | -- |
| MDC Alliance | 87 | 63 | 24 |
| MDC-T | 1 | -- | 1 |
| NPF | 1 | 1 | -- |
| ZANU PF | 180 | 145 | 35 |
|  |  |  |  |
| *Total* | *270* | *210* | *60* |

*Notes:*

*1. ZANU PF’s total of 180 seats at the moment is exactly two-thirds of the National Assembly’s total membership. This gives it exactly the minimum number of votes needed to get a constitutional amendment through the National Assembly in terms of section 328(5) of the Constitution [“the affirmative votes of two-thirds of the membership”]. [In the 2013 election ZANU PF won a total of 197 seats.]*

*2. Women MPs There are 85 women MPs. This figure comprises 25 among the 210 constituency MPs [only 12%] plus the 60 women MPs who fill the proportional representation seats reserved for women. 85 out of 270 is 31.5% – a disappointing situation, and one that calls into question the sincerity of the national commitment to the goal of women constituting half the membership of all elective bodies [Constitution, section 17(1)(b)(ii)]. Much of the blame for this result is that parties are not putting up enough women for constituency seats. At the end of this Parliament the proportional representation seats for women will fall away and during the next five years the parties will have to work very hard to ensure more women win constituency seats.*

*3. Allocation of party-list seats There are party-list seats not only in the National Assembly but also in the Senate and on the eight non-metropolitan provincial councils. The allocation of all these seats is done on a province by province basis: it depends on the numbers of voters supporting parties which submitted party-lists in the province concerned on nomination day. See below for an outline of the procedure for the allocation of these seats among the parties who submitted their party lists on nomination day, 14th June.*

**Distribution of Senate Seats**

Total 80 seats

[60 party-list seats + 18 seats for Senator Chiefs, + 2 seats for

Senators Representing Disabled Persons]

|  |  |  |  |
| --- | --- | --- | --- |
| ***Party*** | ***Total*** | ***Party-list seats [60]*** | ***Other seats [20]*** |
| MDC Alliance | 24 | 24 | -- |
| MDC-T | 1 | 1 | -- |
| ZANU PF | 35 | 35 | -- |
| Senator Chiefs | 18 | -- | 18 |
| Disabled reps | 2 | -- | 2 |
|  |  |  |  |
| *Total* | *80* | *60* | *20* |

*Notes:*

1. *No 2/3 majority for ZANU-PF ZANU PF’s total of 35 seats is well short of the two-thirds majority [54 votes – Constitution, section**344(3)] needed to pass a constitutional amendment. Even if all 18 Senator chiefs were to vote with the ZANU PF 35 [totalling 53], it would still need one more Senator to make up the 54 votes needed.*
2. *Women senators There are 35 women Senators. 35 out of a total Senate membership of 80 is 43.75%, nearer the Constitution’s 50% mark than the National Assembly’s 31.5%.*
3. *Party-list seats [See next paragraph]*
4. *Senator Chiefs [See later paragraph]*
5. *Disabled reps [Senators representing persons with disabilities] [These two Senators, one of whom must be a woman, were elected by a special Electoral College [see later paragraph].*

**Allocation of Party-list Seats**

The allocation of all these seats was done at ZEC’s provincial command centres by provincial elections officers [Electoral Act, section 45I and Eighth Schedule]. In each province, the party-list seats for the province had to be based on the votes received by the participating political parties in that province as reflected on the constituency return forms for every constituency in the province.

After receipt of all the constituency returns [on form V.23B] for the province, the provincial elections officer was obliged to notify candidates, their election agents and observers when the returns would be verified and collated – to enable them to exercise their right to be present. At the appointed time, the constituency returns had to be first verified and then collated to arrive at the total number of votes recorded in the province for constituency candidates of the participating parties. The party-list seats [6, for the Senate, 6 for the National Assembly women’s quota and 10 for the provincial council] then had to be allocated among the participating parties in accordance with the formulae set out in the Eighth Schedule to the Electoral Act.

A provincial return then had to be prepared, copies provided to those present at the verification and collation exercise and a copy prominently displayed outside the provincial command centre for the public to inspect and record its contents. Finally, a certified copy of the provincial return had to be transmitted to the ZEC National Command Centre.

**Senator Chiefs**

The 18 Senate seats for Senator Chiefs were filled by a three-stage process as laid out in Part XX of the Electoral Act, each stage being presided over by a ZEC official:

* election of the Council of Chiefs by the provincial assemblies of chiefs [11th July]
* election of the President and Deputy President of the Council of Chiefs by the members of the Council of Chiefs [18th July]. The President of the Council and his Deputy are *ex officio* Senators. Chiefs Charumbira and Mtshane were re-elected as President and Deputy President, respectively.
* election of the other 16 Senator Chiefs by the provincial assemblies of chiefs [1st August]. Each on the eight non-metropolitan provinces elected two chiefs; there are no Senator Chiefs representing the metropolitan provinces of Bulawayo and Harare.

**Senators Representing Persons with Disabilities**

The Seventh Schedule to the Electoral Act sets out the procedure for the formation under ZEC’s supervision of an Electoral College with the sole function of electing two disabled persons, one of whom must be a woman, as Senators to represent the interests of disabled persons in the Senate. The Electoral College consists of disabled persons who are registered voters and otherwise qualified to be Senators [over 40 years of age, Zimbabwe citizens, etc.] They are nominated for Electoral College membership by organisations assisting disabled persons, institutions providing services to disabled persons and registered trusts whose mandate is to assist persons with disabilities. Half of the members must be women. The Senators elected need not be from members of the Electoral College. The Electoral College met on 3rd August and elected two Senators to represent persons with disabilities.

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