

Electoral (Accreditation of Observers) Regulations, 2013

As amended by: SI 143/2022

ARRANGEMENT OF SECTIONS

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IT is hereby notified that the Zimbabwe Electoral Commission, in terms of section 192 of the Electoral Act [*Chapter 2:13*], has, with the approval of the Minister of Justice and Legal Affairs, made the following regulations:—

Title

1. These regulations may be cited as the Electoral (Accreditation of Observers) Regulations, 2013.

Applications for accreditation as observers

2.1 In accordance with Part IXB of the Act—

- (a) individuals representing local organisations and eminent persons from within Zimbabwe wishing to apply for accreditation as observers must, no later than—
 - (i) the fourth day before the first day of special voting fixed under section 81A(1)(a); or

- (ii) the fourth day before the first day of polling fixed in a proclamation made under section 38(1)(a), (b) or (c) for the election of the President, constituency members of the National Assembly or councillors;

apply for accreditation indirectly to the Chief Elections Officer through the appropriate provincial elections officer of the province in which the observers propose to discharge their functions;

(b) the following, namely—

- (i) foreign individuals or eminent persons wishing to apply for accreditation as observers; or
- (ii) foreign organisations wishing to apply on behalf of its representatives for accreditation as observers; or
- (iii) individuals whom the Minister or Minister responsible for foreign affairs has invited to observe an election;

must, no later than either of the dates referred to in paragraph (a)(i) or (ii) apply for accreditation directly to the Chief Elections Officer.

Requirements for accreditation of representatives of local organisations

3.(1) A local organisation wishing to apply for accreditation of its representatives as observers must be registered as a Private Voluntary Organisation in terms of the Private Voluntary Organisations Act [*Chapter 17:05*] or established under a notarial deed of trust that is registered in the Deeds Office in terms of the Deeds Registries Act [*Chapter 20:05*].

(2) No consortium, confederation or similar association of local organisations referred to in subsection (1) may apply for accreditation of its constituent members as observers; however, the consortium, confederation or association may apply for the members of its management team or secretariat to be accredited as observers.

(3) No application for accreditation as an observer may be made by or on behalf of—

- (a) a person who has been convicted of any electoral offence or any other offence in respect of which the person has been sentenced to a term of imprisonment without the option of a fine;
- (b) an organisation the executive or management body of which consists of any member who has been convicted of any electoral offence or an offence involving fraud or dishonesty.

Accreditation of independent commissions and other state institutions

4.(1) Any independent Commission established by the Constitution of Zimbabwe may apply for accreditation of their Commissioners and their secretariat staff as observers.

(2) Any statutory body may apply for accreditation of the members of their governing boards and their secretariat staff as observers

Accreditation of members of foreign embassies based in Zimbabwe

5. A foreign embassy may make application on behalf of its diplomatic staff or other nationals of its country to be accredited as observers, not exceeding five such persons who hold valid permits from the Department of Immigration.

Accreditation fees

6.(1) Observers from the following organizations and institutions will be exempt from the payment of accreditation fees—

- (a) the African Union;
- (b) the Southern African Development Community;
- (c) the Southern African Development Community Parliamentary Forum;
- (d) the Electoral Commissions Forum of the Southern African Development Community;
- (e) the Common Market for Eastern and Southern Africa;
- (f) electoral bodies in Africa performing functions similar to the Commission;
- (g) embassies in Zimbabwe representing countries in Africa;
- (h) any other organization that the Commission considers should be exempt from the payment of accreditation fees.

(2) The accreditation fee to be paid for accreditation—

- (a) for a local observer will be ten United States dollars;
- (b) for an observer invited from any country on the continent of Africa other than from the organisations specified in subsection (1), will be a sum of one hundred United States dollars;

[Paragraph amended by s. 2 of SI 143/2022]

- (c) for embassies in Zimbabwe representing countries outside Africa, a sum of three hundred United State dollars payable in cash;

[Paragraph amended by s. 2 of SI 143/2022]

- (d) by an observer from a country outside Africa will be four hundred United States dollars payable in cash;

[Paragraph amended by s. 2 of SI 143/2022]

- (e) media practitioners who are Zimbabwean citizens but who are working for foreign media houses will be a sum of one hundred United States dollars payable in cash;

[Paragraph amended by s. 2 of SI 143/2022]

- (f) local media practitioners who are accredited with the Zimbabwe Media Commission will be ten United States dollars payable in cash.

Numbers of observers allowed inside polling stations and collation centres

7.(1) Not more than six observers, or, if there are more than six observers wishing to observe inside a polling station or collation centre, not more than six observers representing different observer groups, may be present at once inside a polling station or a collation centre.

(2) If there are more than six observers wishing to observe inside a polling station or collation centre, the polling officer must arrange for those observers outside the station to rotate with those inside at fixed intervals.

(3) For the avoidance of doubt, it is declared that the absence of observers at the voting, counting of ballots or the collation of votes or during any other process in connection with the election at which they are entitled to be present must not delay the voting, collation or other process concerned.

Numbers of accredited media practitioners allowed inside polling stations and collation centres

8. Accredited media practitioners will be entitled to enter polling stations and collation centres but the presiding officer officers at polling stations and collation centres will have the power to control the numbers of media practitioners present in a polling station or collation centre at the same time in order to avoid congestion inside the polling station or collation centre.

Conduct of observers and accredited media practitioners inside polling stations and collation centres

9.(1) On entering a polling station or collation centre an observer must exhibit to the presiding officer his or her accreditation certificate and sign the attendance register.

(2) Accredited observers must abide by the provisions of the Code of Conduct contained in the First Schedule to the Act.

(3) No accredited observer and, subject to subsection (4), no accredited media practitioner may make use of a mobile phone for telephonic communication or use a mobile phone camera or other camera to take photographs or make kinetic images inside a polling station.

(4) The presiding officer may allow accredited media practitioners to take photographs and make kinetic images inside the polling station or collation centre, but the media practitioners must not interfere with or obstruct the voting processes and must not take pictures of any voters who are marking their ballots inside voting compartments.

(5) An accredited observer may bring any irregularity or apparent irregularity in the conduct of the poll or the counting or collating of the votes to the attention of the Commission.

(6) Any accredited observer or accredited media practitioner who contravenes the provisions of this section or a lawful instruction given by the presiding officer may be required to leave the polling station or collation centre.

Amendment of SI 21 of 2005

10. Section 27 of the Electoral Regulations, 2005, published in Statutory Instrument 21 of 2005, is repealed.