

Executive Chambers
16 George Silundika Avenue
P.O. Box 53, 495 or 2093
Harare
Zimbabwe

Tel: 758472-9 / 759750-5 / 738903
726154 / 706622 / 706628
Fax: 756268 / 738909
E-mail: mail@cwg.co.zw /
sturow@mweb.co.zw
Web: www.cwg.co.zw

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Your Reference:

In reply please quote **Mr Elliot/c**
Our Reference:

30 March 2005

The Chairperson
Zimbabwe Electoral Commission
VIP Lounge
International Conference Centre
HARARE

URGENT

Dear Sir,

Re: APPOINTMENT OF POLLING AGENTS BY ZANU (PF)

We act for the Movement for Democratic Change (MDC).

1. Section 95 (1) of the Electoral Act [Chapter 2:13] states as follows:

"Election agents

- (1) Not later than three days before the polling day or first polling day, as the case may be, a chief election agent may appoint one or more persons, not exceeding such number as may be prescribed, to be his or her election agents and shall forthwith-
- (a) notify in writing the full names and address of every election agent so appointed to the constituency elections officer; and
 - (b) give public notice, by an advertisement in a newspaper circulating in the constituency, of the full names of every election agent so appointed."

2. In terms of Proclamation 2 of 2005 (SI 15/2005) the Parliamentary General Election has been set for 31 March 2005. In order to comply with the provisions of Section 95 (1) of the Electoral Act, this means that by no later than Monday 28 March 2005, elections agents have to be appointed and public notice given of this.
3. On Monday 28 March 2005, and in the Herald Newspaper, Zanu (PF) gave notice on Page 10 of the appointment of polling agents for Bindura constituency in Mashonaland Central Province. This is the only public notice which was given on or before Monday 28 March 2005 by Zanu (PF) of the appointment of polling agents.
4. On Tuesday 29 March 2005, and in the Herald Newspaper Zanu (PF) gave notice on Pages 2 and 4 for Makoni West and Zvimba North constituencies.
5. In a supplement of the Herald Newspaper published on Tuesday 29 March 2005 Zanu (PF) gave notice of the appointment of polling agents for a total of 76 constituencies. This supplement was dated Monday 28 March 2005. However, it was only published on Tuesday 29 March 2005.
6. In a further supplement of the Herald Newspaper published on Wednesday 30 March 2005, Zanu (PF) gave notice of the appointment of polling agents for certain other constituencies.
7. The above facts mean that apart from the constituency of Bindura, Zanu (PF) did not give timeous notice of their polling agents in accordance with the provisions of Section 95 of the Electoral Act.
8. Accordingly we respectfully submit that you are lawfully not permitted to recognise any of those polling agents who were appointed by Zanu (PF) in breach of the provisions of Section 95 of the Electoral Act. We would therefore further respectfully submit that you should not allow these polling agents to participate in any way in the forthcoming Parliamentary General Election.
9. Our clients completely reserve their rights in view of this material breach of the provisions of the Electoral Act.

Yours faithfully

COGHLAN, WELSH & GUEST