

CONSTITUTION OF ZIMBABWE AMENDMENT (NO. 3)

CONSTITUTION OF ZIMBABWE (AMENDMENT) BILL, 2026

MEMORANDUM

This Bill introduces a set of constructive reforms that, taken together, reinforce constitutional governance, strengthen democratic structures, clarify institutional mandates, and harmonise Zimbabwe's constitutional order with tested and successful practices in other progressive jurisdictions. The Bill modernises and streamlines various aspects of the constitutional architecture while upholding the values of the 2013 Constitution. The amendments form part of a broader constitutional evolution, one that is grounded in the deliberate refinement of governance frameworks and an increased focus on institutional efficiency, political inclusivity, and long-term national stability. It must be reiterated that many of the reforms incorporated into this Bill align Zimbabwe with contemporary African constitutional standards that have proven to be effective, resilient, and widely respected.

In detail, the Bill provides as follows—

Clause 1

This clause provides the short title of the Bill.

Clause 2

This clause transfers the responsibility for registering voters, compiling the voters' roll, and maintaining the voters' roll and registers from the Zimbabwe Electoral Commission to the Registrar-General. The rationale ensures efficiency since the Registrar-General is the custodian of these records.

Clause 3

This amendment establishes a parliamentary method for selecting the President. It specifies that a candidate must secure a majority of votes, and if no one achieves an absolute majority, a run-off election will be held. The process is overseen by the Zimbabwe Electoral Commission to ensure it is conducted properly. These measures strengthen constitutional accountability by promoting fairness, openness and judicial oversight in the election. The procedure for the election shall be in accordance with Standing Rules and Orders of Parliament.

Clauses 4, 9, 10

To eliminate election mode toxicity and allow sufficient time for project implementation while promoting stability, these clauses aim to substitute the current five-year term with a seven-year term as provided in sections 95, 143 and 158 of the Constitution.

Clause 5

This clause provides for the deletion of the word "first" before "Vice President". This concept was repealed by constitutional amendment number 2.

Clause 6

This clause stipulates that the provisions of section 92 shall take effect if the President-elect passes away, resigns or is removed from Office.

Clause 7

This clause removes the words "High Court" and replaces them with "Supreme Court" since the Attorney General must be qualified for appointment as a judge of the Supreme Court.

Clause 8

The provision allows the President to appoint ten (10) senators, raising the total number of senators to ninety (90). This amendment aims to bring in broader technical expertise, enhance parliamentary oversight, expand the pool of potential ministers, build public confidence, and help reduce political and social divisions.

Clause 11

The clause provides for the creation of a Zimbabwe Electoral Delimitation Commission. It addresses the concerns about ZEC's dual role in drawing electoral boundaries and promotes good governance and institutional integrity.

Clause 12

This clause deletes the Zimbabwe Electoral Commission and substitutes it with the Zimbabwe Electoral Delimitation Commission, as the function for delimitation of boundaries is now within the ambit of the Zimbabwe Delimitation Commission.

Clause 13

This clause deletes the Zimbabwe Electoral Commission and substitutes it with the Zimbabwe Electoral Delimitation Commission wherever it appears in the section, as the function for delimitation of boundaries is now within the ambit of the Zimbabwe Delimitation Commission.

Clause 14

This clause provides for the Constitutional Court to hear any other matter on a point of law of public importance. Currently, the Constitutional Court is only permitted to hear cases related to constitutional matters.

Clause 15

This clause repeals section 180(3), (4), (4a) and (5) and substitutes it with the appointment of Judges after consulting the Judicial Service Commission.

Clause 16

This clause amends section 212 (Functions of Defence Forces) of the Constitution by deleting the words "to uphold this Constitution" and substituting them with "in accordance with the Constitution". The amendment is intended to reinforce the provisions of sections 213 and 214 of the Constitution.

Clause 17

This clause proposes repealing section 239(c) to (e) so that the functions can be reassigned to the Registrar-General, and section 239(f) so that its function is transferred to the Zimbabwe Electoral Delimitation Commission.

Clause 18

This clause repeals Part 4 of Chapter 12 of the Constitution, which establishes the Zimbabwe Gender Commission. Its functions will be transferred to the Zimbabwe Human Rights Commission (ZHRC), since the ZHRC is already mandated to protect all human rights, including those that are currently under the purview of the Zimbabwe Gender Commission.

Clause 19

This clause inserts the Zimbabwe Gender Commission function under the Zimbabwe Human Rights Commission.

Clause 20

This clause removes the requirement for the President to appoint the Prosecutor-General on the advice of the Judicial Service Commission, as such an arrangement

creates a potential conflict of interest where the Commission recommends a candidate for appointment.

Clause 21

This clause repeals section 281(2). It violates the political rights of traditional leaders. Their code of conduct shall be provided in an Act of Parliament.

Clause 22

This clause repeals Part 6 of Chapter 12 of the Constitution (National Peace and Reconciliation Commission).

BILL

To amend the Constitution of Zimbabwe.

WHEREAS sections 88 and 117 of the Constitution provide that—

5 “88(1) Executive authority derives from the people of Zimbabwe and must be exercised in accordance with this Constitution.

 (2) The executive authority of Zimbabwe vests in the President who exercises it, subject to this Constitution, through the Cabinet.”.

 “117(1) The legislative authority of Zimbabwe is derived from the people and is vested in and exercised in accordance with this Constitution by the Legislature.

10 (2) The legislative authority confers on the Legislature the power—
 (a) to amend this Constitution in accordance with section 328;
 (b) to make laws for the peace, order and good governance of Zimbabwe; and
 (c) to confer subordinate legislative powers upon another body or authority in accordance with section 134.”

15 AND WHEREAS national development programmes benefit from stability and continuity of policies and legislative frameworks within a predictable governance environment, thereby enabling such programmes to be implemented to completion;

 NOW, THEREFORE, be it enacted by the President and the Parliament of
20 Zimbabwe as follows—

H.B. 1, 2026.]

Printed by the Government Printer, Harare

1 Short title

This Act may be cited as the Constitution of Zimbabwe (Amendment) Bill (No. 3), 2026.

2 New section inserted in Constitution

A new section is inserted after section 43(continuation and restoration of previous) as follows—

“43A Registration of Voters, voters’ rolls and registers

The Registrar-General shall—

- (a) register voters;
- (b) compile voters’ rolls and registers;
- (c) ensure the proper custody and maintenance of the voters’ rolls and registers.”

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3 Amendment of section 92 of Constitution

Section 92 (“Election of President”) of the Constitution is repealed and substituted by the following—

“92 Election of President

(1) The President must be elected by the members of Parliament in a joint sitting of the Senate and the National Assembly.

(2) The election must take place at a joint sitting of Parliament following the swearing in of members of the Senate and the National Assembly and the election of the Speaker of the National Assembly and the President of Senate, respectively, after every general election, or whenever necessary to fill a vacancy in the office of President.

(3) To be elected President, the candidate must receive more than half of the valid votes cast by the members of Parliament.

(4) In the event that none of the presidential candidates receive a majority in the first ballot, a run-off ballot must be held between the two candidates with the highest number of votes and the candidate receiving the majority in the run-off is declared elected as President.

(5) The Zimbabwe Electoral Commission shall preside over the election, or a designated judge and the procedure for the election shall be in accordance with the Standing Orders of Parliament.

(6) A person elected as President under this section must cease to be a member of Parliament upon assuming office, if they were a member at the time of election.

(7) In the case of a vacancy in the office of President due to death, resignation, removal, or incapacity, an election must be held at a joint sitting of Parliament not more than thirty days after the vacancy occurs.

(8) No amendment to any law or enactment introducing substantive policy changes shall be passed by Parliament during the period between the occurrence of a vacancy in the office of the President and the election of a new President by Parliament.”.

4 Amendment of section 95 of Constitution

Section 95 (“Term of office of President and Vice-Presidents”) of the Constitution is amended—

- (a) in subsection (2)(b) by the deletion of the words "five years" and the substitution of "seven years."
- (b) by the insertion of the following new subsection after subsection (2) as follows—

5 Amendment of section 100 of Constitution

Section 100 (Acting President) of the Constitution is amended in subsection (1)—

10 (a) paragraph (a) by the deletion of the word "first".
(b) by the repeal of paragraph (b).

6 Amendment of section 101 of Constitution

Section 101 (Succession in event of death, resignation or incapacity of President or Vice President) of the Constitution is repealed and substituted with the following—

“101 Succession in event of death, resignation or incapacity of President

Where the person elected as President dies, resigns or is removed from Office, the provisions of section 92 shall apply.”.

7 Amendment of section 114 of Constitution

20 Section 114 (Attorney General) of the Constitution is amended in subsection (3) by the deletion of "High Court" and the substitution of "Supreme Court".

8 Amendment of section 120 of Constitution

Section 120 (“Composition of Senate”) of the Constitution is amended in subsection (1)—

25 (a) by the deletion of the word “eighty” and the substitution of “ninety”.
(b) by the insertion of a new paragraph after paragraph (d) as follows—
“(e) ten appointed by the President chosen for their professional skills and other competencies.”

9 Amendment of section 143 of Constitution

30 Section 143 (“Duration and dissolution of Parliament”) of the Constitution is amended—

(a) in subsection (1) by the deletion of the words “five-year term” and the substitution of “seven-year term.”

(b) by the insertion of the following new subsection after subsection (2) as follows—

“(2a) Notwithstanding section 328(7), subsection (1) shall apply to the continuation in office of the Senate and National Assembly.”

10 Amendment of section 158 of Constitution

Section 158 (“Timing of elections”) of the Constitution is amended—

40 (a) by the repeal of paragraph (a) of subsection (1) and the substitution of the following—

“(a) thirty days before the expiry of the seven-year period specified in section 143.”

(b) in subsection (2) by the deletion of “President and”.

11 Insertion of new section in Part 3 of Chapter 7 of Constitution

Chapter 7 Part 3 (Delimitation of Electoral Boundaries) of the Constitution is amended by the insertion of a new section 159A before “section 160” as follows—

“159A Zimbabwe Electoral Delimitation Commission

(1) From time to time, as may be required for the purposes of this Constitution, the President shall appoint the Zimbabwe Electoral Delimitation Commission which shall consist of—

- (a) a chairperson who must be a Supreme Court judge or a former Supreme Court judge or a person qualified for appointment as a Supreme Court judge appointed after consultation with the Judicial Service Commission; and
- (b) four other members who are appointed—
 - (i) at least one must be qualified to practise law in Zimbabwe, and have been so qualified for at least seven years;
 - (ii) at least one chosen for their knowledge and experience in administration and governance and possesses relevant qualification from a certified institution;
 - (iii) at least one must be qualified in demography or cartography and have been so qualified for at least seven years;
 - (iv) at least one representative from the body responsible for elections.

(2) Where the members of the Zimbabwe Electoral Delimitation Commission are not unanimous regarding any matter, the view of the majority shall prevail and, in the event of an equality of votes, the chairperson shall have a casting vote.”.

12 Amendment of section 160 of Constitution

Section 160 (Number of constituencies and wards) of the Constitution is amended in subsections (1) and (2) by the deletion of “Zimbabwe Electoral Commission” with the substitution of “Zimbabwe Electoral Delimitation Commission”.

13 Amendment of section 161 of Constitution

Section 161 (Delimitation of electoral boundaries) of the Constitution is amended—

- (a) by the deletion of “Zimbabwe Electoral Commission” and the substitution of “Zimbabwe Electoral Delimitation Commission” wherever it appears in this section.
- (b) in subsection (2), the deletion of “six months” and the substitution of “eighteen months”.

14 Amendment of section 167 of Constitution

Section 167 (Jurisdiction of Constitutional Court) of the Constitution is amended by the insertion of a new subsection (6) after subsection (5) as follows—

“(6) The Constitutional Court may decide any other matter, if the Constitutional Court grants leave to appeal on the grounds that the matter raises an arguable point of law of general public importance which ought to be considered by the Court.”

15 Amendment of section 180 of Constitution

Section 180 (Appointment of Judges) of the Constitution is amended—

- (a) in subsection (2) by the insertion of “and all other judges” after the words “High Court”
- (b) by the repeal of subsections (3), (4), (4a) and (5).

16 Amendment of section 212 of Constitution

5 Section 212 (Functions of Defence Forces) of the Constitution is amended by the deletion of the words “and to uphold this Constitution” and the substitution of “in accordance with the Constitution”.

17 Amendment of section 239 of Constitution

10 Section 239 (“Function of Zimbabwe Electoral Commission”) of the Constitution is amended by the repeal of paragraphs (c), (d), (e), (f) and (i).

18 Repeal of Part 4 of Chapter 12 of Constitution

Chapter 12 of the Constitution is amended by the repeal of Part 4 (“Zimbabwe Gender Commission”).

19 Amendment of section 243 of Constitution

15 Section 243 (“Functions of Zimbabwe Human Rights Commission”) of the Constitution is amended in subsection (1)(c) by the insertion of the following after the word “freedoms”—

- “(c) including issues concerning gender equality to ensure gender equality as provided in this Constitution.”.

20 Amendment of section 259 of Constitution

Section 259 (Prosecutor-General and other officers) of the constitution is amended in subsection (3) by the deletion of “on the advice of the Judicial Service Commission”.

21 Amendment of section 281 of Constitution

25 Section 281 (“Principles to be observed by traditional leaders”) of the Constitution is amended by the repeal of subsection (2).

22 Repeal of Part 6 of Chapter 12 of Constitution

Chapter 12 of the Constitution is amended by the repeal of Part 6 (“National Peace and Reconciliation Commission”).

