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ARRANGEMENT OF RULES

*Rule*

1. Title
2. Election petition
3. Petition to be in paragraphs
4. Petition to state right of petitioner, etc.
5. Prayer
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10. Time and place of hearing
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FIRST SCHEDULE-Election petition

SECOND SCHEDULE-Prescribed fees

RULES MADE UNDER THE ELECTORAL ACT-CHAPTER 19 OF THE  
REVISED EDITION

*Statutory Instruments*

426 of 1968

443 of 1968

107 of 1986

176 of 1990

*(Section 15 of the Interpretation and General Provisions Act)  
(Cap. 2)*

THE ELECTORAL PETITION RULES

*Rules by the Chief Justice*

1. These Rules may be cited as the Electoral Petition Rules.

Title

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The Laws of Zambia

- 2.** An election petition shall be in the form in the First Schedule, with such variations as circumstances may require, or in form to the like effect. Election petition
- 3.** The petition shall be in paragraphs, each of which shall be confined, as nearly as may be, to a distinct portion of the subject and each paragraph shall be numbered consecutively. Petition to be in paragraphs
- 4.** (1) The petition shall state the right of the petitioner to petition within section *eighteen* of the Act. Petition to state right of petitioner, etc.
- (2) The petition shall state the holding and result of the election and shall briefly state the facts and grounds relied on to sustain the prayer.
- 5.** The petition shall conclude with a prayer that the election should be declared void or that some specified person should be declared duly elected. Prayer
- 6.** Evidence shall not be stated in the petition but the court may order such particulars as may be necessary to prevent surprise and unnecessary expense and to ensure a fair and effectual trial in the same way as in ordinary proceedings before the court and upon such terms as to costs and otherwise as may be ordered. Evidence
- 7.** The petitioner shall serve or cause to be served a copy of the petition on the respondent. Such service shall ordinarily be personal: Service of petition

Provided that the Registrar may, in his discretion, with or without application in that behalf, and whether or not any attempt has been made at personal service, make such order for substituted or other service, or for the substitution for service of notice by registered letter addressed to the respondent at the postal address declared in his nomination paper, or by publication in a newspaper circulating in Zambia.

(As amended by No. 443 of 1968)

**8.** (1) The petitioner shall, when presenting the petition, also give to the Registrar an address within the City of Lusaka at which notices and other proceedings addressed to him may be left, and if no such address is given, any notices and other proceedings may be given by sticking up the same in the High Court Registry. Addresses

(2) The respondent shall, within seven days after service of the petition, give the Registrar an address within the City of Lusaka at which notices and other proceedings addressed to him may be left, and if no such address is given, any notices and other proceedings may be given by sticking up the same in the High Court Registry.

**9.** (1) As soon as may be after receiving a petition, the Registrar shall place the petition before a judge who shall fix the amount of security for costs to be furnished by the petitioner and shall direct whether such security shall be given by cash deposit or by recognizance with or without sureties or partly by the one and partly by the other, and for this purpose may, if he thinks fit, hear the petitioner and the respondent in chambers.

Security for costs

(2) The Registrar shall notify the petitioner of the amount of the security fixed by the judge and the manner in which it is to be furnished, and the petitioner shall furnish such security within seven days of such notification.

(3) Where security is given by way of recognizance, the person furnishing such recognizance shall, at the time of leaving the recognizance with the Registrar, leave with him an affidavit that the person so furnishing the recognizance is seized or possessed of real or personal property, or both, above what will satisfy his debts of the clear value of the sum for which he is bound by his recognizance.

(No. 443 of 1968)

**10.** The time and place of hearing of an election petition shall be fixed by a judge and the Registrar shall give notice thereof to the petitioner and respondent not less than seven days before the day appointed for the trial.

Time and place of hearing

**11.** (1) Notice of intention to withdraw an election petition shall be given by a notice in writing signed by the petitioner, or by all the petitioners if there are more than one, and lodged with the Registrar.

Notice of intention to withdraw petition

(2) The notice shall state the name and address of the petitioner and respondent and the intention of the petitioner to apply to the court to withdraw the election petition.

(3) A copy of the notice shall be served on the respondent and a copy shall be published forthwith in a newspaper in circulation in Zambia.

**12.** (1) Notice of application to withdraw a petition shall be in writing and shall be signed by the petitioner, or by all the petitioners if there are more than one.

Notice of application to withdraw petition

(2) The notice shall state the grounds on which the application is intended to be supported.

**13.** A copy of the notice of application to withdraw the petition shall be served on the respondent and a copy shall be published forthwith by the petitioner in a newspaper circulating in Zambia.

Procedure on withdrawal of petition

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**14.** (1) Notice of the date of hearing of an application to withdraw a petition shall be given by the Registrar to the petitioner and respondent. Date of hearing

(2) Notice of the date of hearing of an application to withdraw a petition shall also be published in at least one newspaper circulating in Zambia, and the notice shall also state that any person who might have been a petitioner in respect of the election may at the hearing apply to the High Court to be substituted for the petitioner so applying to withdraw.

(3) An application to be substituted as a petitioner shall be supported by an affidavit stating the applicant is qualified to be a petitioner under section *eighteen* of the Act, and the facts which so qualify him.

**15.** The High Court may make such order for costs as it thinks fit in relation to the presentation and trial of an election petition or other proceedings connected therewith. Costs

**16.** (1) Notice of application by a person to whom any costs, charges or expenses are payable under the Act, for an order that the same shall be paid out of any deposit made to secure the same or by any surety who gave a recognizance to secure the same, shall be given by a notice in writing signed by the applicant, addressed to the party by or on whose behalf such deposit was made or for whom such surety gave a recognizance, or such surety and such party, as the case may be, to state within seven days from the date of such service on him, whether he resists the application. Payment of costs, etc.

(2) Service of such notice shall be effected, *mutatis mutandis*, in accordance with the provisions of rule 7.

(No. 443 of 1968)

**17.** The High Court may postpone the beginning of the trial of an election petition or an application to withdraw a petition to such day as may be named, but in such cases notice of such postponement shall be published in a newspaper circulating in Zambia at least seven days before the new date of trial. Any trial may be adjourned from time to time. Postponement of trial

**18.** The fees set out in the Second Schedule shall be paid in respect of the matters therein set out. Prescribed fees

FIRST SCHEDULE

The Laws of Zambia  
(Rule 2)  
ELECTION PETITION  
HIGH COURT FOR ZAMBIA  
THE ELECTORAL ACT

ELECTION FOR (*here state Constituency*) HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_  
The Petition of A \_\_\_\_\_ of \_\_\_\_\_ (or of A of \_\_\_\_\_ -and B of-as the case may be) whose  
names are subscribed.

1. Your petitioner A is-  
(*insert which of the following is appropriate*)
- (a) a person who lawfully voted;
  - (b) a person who lawfully had a right to vote;
  - (c) a person who had a right to be nominated as a candidate at the aforesaid election;
  - (d) a person who had a right to be elected as a member at the aforesaid election;
  - (e) a person who was a candidate at the aforesaid election;
  - (f) the Attorney-General.

Your petitioner B is (*here state in like manner the right of the petitioner*).

2. And your petitioner/s states/state that the election was held on the \_\_\_\_\_ day of \_\_\_\_\_ when  
A.B., C.D. and E.F. (as the case may be) were candidates and the returning officer has returned A.B. as being duly  
elected.

3. And your petitioner/s says/say that (*here state the facts and grounds on which the petitioner/s relies/rely*).

WHEREFORE your petitioner/s prays/pray that it may be determined that the said A.B. was not duly elected or returned  
and that the election was void (or that the said E.F. was duly elected or ought to have been returned).

SIGNED A .....

B .....

SECOND SCHEDULE

(Rule 18)

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(As amended by S.I. No. 107 of 1986, No. 176 of 1990 and Act No. 13 of 1994)

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PRELIMINARY

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CORRUPT AND ILLEGAL PRACTICES AND ELECTION OFFENCES

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PART I PRELIMINARYPART I

PRELIMINARY

1. These Regulations may be cited as the Electoral (General) Regulations. Title
2. (1) In these Regulations, unless the context otherwise requires- Interpretation
  - "assistant returning officer" means a person appointed as such under regulation 4;
  - "ballot box" means a ballot box provided to a presiding officer under regulation 27, for the taking of a poll;
  - "ballot paper" in relation to an election, means the document prescribed in respect of that election by regulation 33;

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"ballot paper account" means a document in Form GEN 7 set out in the Schedule;

"candidate" means a person who, in relation to an election, has lodged or intends to lodge his nomination papers;

"counting assistant" means a person appointed as such under regulation 4;

"election agent" means a person appointed as such under regulation 67;

"electoral officer" means a person appointed as such under the Electoral (Registration of Voters) Regulations;

"local notice" means notice given at the nomination office, the office of the District Council within which the constituency is situated, and such other places as the returning officer thinks desirable;

"national registration card" means a national registration card issued under the National Registration Act, which is not cancelled or required to be cancelled under that Act, and, in relation to any person, means a national registration card in the lawful possession of such person under that Act; Cap. 126

"national registration number", in relation to a national registration card, means the serial number inserted on such national registration card under the National Registration Act; Cap. 126

"nomination office" means a place appointed as such under regulation 12;

"nomination paper" means a document in Form GEN 3 in the Schedule;

"official mark" means a mark provided to a presiding officer under regulation 27 for the taking of a poll;

"official seal" means a seal provided to a presiding officer under regulation 27 for the taking of a poll;

"polling agent" means a person appointed as such under regulation 68;

"polling assistant" means a person appointed as such under regulation 4;

"polling day" means-

- (a) in relation to a poll at an election to the National Assembly, a day appointed under regulation 8 for the taking of such poll; and

(b) in relation to a poll in an election to the office of President, a day appointed under the Electoral (Presidential Elections) Regulations, for the taking of such poll S.I. No. 109 of 1991

and, in relation to any poll, includes any day appointed under regulation 23;

"polling district" means a polling district prescribed under the Electoral (Registration of Voters) Regulations;

"polling station" means a place established as a polling station under regulation 21;

"presiding officer" means a person appointed as such under regulation 4;

"registered" means registered in a register of voters;

"register of voters" means register of voters prepared and certified and in force, or deemed to have been prepared and certified and to be in force, under the Electoral (Registration of Voters) Regulations;

"Speaker" means the Speaker of the National Assembly;

"voter" means a person entitled to vote in an election;

"voters registration card" means a voter's registration card issued or deemed to have been issued under the Electoral (Registration of Voters) Regulations which is not cancelled or deemed to have been cancelled under the provisions of the said Regulations;

"voters' roll" means a register of voters.

(2) Where any act or thing is required or authorised to be done under these Regulations in the presence of a candidate or an election agent or a polling agent, the non-attendance of any of such persons at the time and place appointed for the purpose shall not, if such act or thing is otherwise properly done, invalidate the act or thing done.

(3) Except as otherwise provided or unless the context otherwise required, the provisions of Parts II and III of these Regulations apply only to election to the National Assembly, and the words "candidate", "count", "election", "nomination", "poll" and the like shall be construed as having reference to such elections:

Provided that the powers and duties of the Director of Elections and other election officers prescribed in those Parts of these Regulations shall be construed as having reference to procedures for, elections to the National Assembly and elections to the office of President.

## PART II GENERAL PROVISIONSPART II

### GENERAL PROVISIONS

#### 3. The Director of Elections shall-

Functions of Director  
of Elections

- (a) ensure that every election officer performs his functions under these Regulations with impartiality and in accordance with the provisions hereof;
- (b) issue to any election officer such instructions as he may deem necessary to ensure due compliance with the provisions of these Regulations;
- (c) perform all such functions as are conferred or imposed upon him by these Regulations.

#### 4. (1) In respect of each constituency, there shall be-

Election officers

- (a) a returning officer who shall be such person as the Commission shall specify, by notice in the *Gazette*, as the returning officer for that constituency; and
- (b) such approved number of assistant returning officers as the electoral officer for the constituency may, by notice in writing, appoint for the purpose of assisting him in the exercise of his functions; and
- (c) such approved number of counting assistants as the electoral officer for that constituency may, by notice in writing, appoint.

(2) In respect of each polling district, there shall be such approved number of presiding officers and polling assistants as the electoral officer may, by notice in writing, appoint.

#### (3) Whenever an electoral officer-

- (a) appoints any person to be an assistant returning officer under paragraph (b) of sub-regulation (1);

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- (b) appoints any person to be a counting assistant under paragraph (c) of sub-regulation (1); or
- (c) appoints any person to be a presiding officer or a polling assistant under sub-regulation (2);

he shall deliver a copy of the notice therein referred to, to the Director of Elections.

(4) In this regulation-

"approved" means approved by the Director of Elections.

5. Every returning officer, assistant returning officer, counting assistant, presiding officer and polling assistant shall before exercising any of the functions conferred upon him under these Regulations or under any other written law, take and subscribe an oath, or make an affirmation in lieu thereof, before a magistrate in Form GEN 1 in the Schedule.

Form of oath or affirmation for election purposes

6. (1) Where the Commission revokes the appointment of a returning officer, it shall publish a notice of such revocation in the *Gazette*.

Revocation of appointment of election officers to be notified

(2) Where an electoral officer revokes the appointment of an assistant returning officer or of a presiding officer or of a polling assistant or of a counting assistant appointed by him, such electoral officer shall give notice in writing of such revocation to the person concerned and shall deliver a copy of such notice to the Director of Elections.

7. (1) The Speaker shall, upon a vacancy occurring in the elected membership of the National Assembly otherwise than by reason of a dissolution of Parliament, inform the President and the Commission, by notice in writing, of such vacancy, and of the constituency concerned, as soon as practicable after it occurs.

Vacancies in National Assembly to be notified

(2) These regulations shall apply to any vacancy in the elected membership of the National Assembly deemed to continue by virtue of the provisions of subsection (4) of section *twenty-nine* of the Act, as it applies to a vacancy occurring therein otherwise than by reason of a dissolution of Parliament.

(3) The Electoral Commission shall cause every such vacancy as is referred to in this regulation to be filled as soon as practicable.

**8.** (1) For the purpose of the election of members to the National Assembly, whether after a dissolution of Parliament or after the Speaker has informed the President and the Commission of a vacancy in the elected membership of the National Assembly under regulation 7, the Commission shall, in respect of each constituency in which an election is to be held, by statutory order-

Appointment of election dates

- (a) appoint the day on which, and the hours on such day within which, returning officers may receive nominations of candidates for any election under the Act; and
- (b) appoint the day on which, and the hours on such day within which, presiding officers may take the poll at any election under the Act:

Provided that different days may be appointed in respect of different constituencies, and different hours may be appointed in respect of different constituencies or different polling districts.

(2) The Commission may, from time to time, by statutory order, vary or amend any statutory order made under sub-regulation (1).

**9.** Where the Commission is satisfied that a candidate validly nominated for election in a constituency had died before the close of the poll in that election, the Commission shall declare all proceedings relating to the election in such constituency to be void, and shall in respect of that constituency again exercise its powers under regulation 8.

Procedure upon death of a candidate

**10.** (1) The Director of Elections shall keep a register of symbols for use by candidates at elections, and such register shall be in such form as the Director of Elections may determine.

Allocation and registration of symbols

(2) A political party contesting an election shall apply through its secretary to the Director of Elections for registration of a symbol chosen by that party for use by candidates supported by that party at elections and, subject to sub-regulations (4) and (5), the Director of Elections shall register such symbol.

(3) The Director shall allocate and register, in respect of any candidate stated under sub-regulation (5) of regulation 10 to be an independent candidate for election in any constituency, a symbol for use by such candidate in such election:

Provided that such candidate may apply to the Director of Elections to cancel the registration of a symbol allocated by the Director of Elections as aforesaid and for the registration of a symbol chosen by such candidate.

(4) The following shall not be registered or used as symbols:

- (a) the Armoria Ensigns or the National Flag of Zambia;
- (b) any device or emblem which, in the opinion of the Director of Elections, is normally associated with any tribe or religion or the regalia of a chief;
- (c) any symbol or part of a symbol which, under the provisions of this regulation, is currently registered in respect of any political party or candidate;
- (d) any symbol which is not distinctive from any other registered symbol;
- (e) any symbol the use of which may, in the opinion of the Director of Elections, be offensive or objectionable.

(5) The Director of Elections shall not register a symbol under this regulation in respect of any political party or candidate until any other symbol registered in respect of such party or such candidate is cancelled.

**11.** If any question arises, in respect of the allocation and registration of a symbol under regulation 23, as to whether the nomination of a candidate is supported by a political party, such question shall be referred to and determined by the Commission whose decision thereon shall be final:

Determination of question whether candidate supported by political party

Provided that the Commission shall consult the leader or secretary of such political party before determining such question.

**12.** (1) The Commission shall, by notice in the *Gazette*, appoint for each constituency in respect of which a statutory order is made under regulation 8 a place to be the nomination office for receiving nomination papers.

Appointment and control of nomination office

(2) The returning officer for a constituency shall attend at the nomination office during the periods appointed in respect of that constituency under regulation 8 to receive nomination papers in that constituency.

(3) The returning officer shall keep order at the nomination office and in its precincts and shall control the number of persons to be admitted at a time to the nomination office.

(4) The returning officer may require any person, other than-



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- (a) members of the Commission or members of its staff authorised in that behalf;
- (b) the Director of Elections;
- (c) the electoral officer for any polling district in the constituency;
- (d) a person wishing to lodge a nomination paper in accordance with regulation 22, whether in respect of himself or another person;
- (e) anyone who is accompanying a person wishing to lodge a nomination paper in accordance with regulation 22 and whose name appears on the nomination paper whether as candidate, proposer, seconder or supporter;
- (f) a police officer on duty;
- (g) any person authorised in writing by the Director of Elections to enter and remain in such nomination office;

to leave the nomination office and its precincts:

Provided that any of the persons mentioned in this sub-regulation may be required by the returning officer to leave the nomination office and its precincts if, in the opinion of the returning officer, such person is causing a disturbance which is likely to interfere with the receiving of nomination papers.

(5) The powers conferred by this regulation shall not be exercised so as to prevent any person from lodging or subscribing a nomination paper.

PART III ELECTION TO THE NATIONAL ASSEMBLY PART III

ELECTION TO THE NATIONAL ASSEMBLY

*A. Procedure for Nomination*

**13.** (1) It shall be the duty of the returning officer for a constituency to provide nomination papers to persons who are qualified for nomination and who request for such papers.

Nomination for election

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(2) Every person who desires to be a candidate for election in any constituency shall lodge with the returning officer for that constituency his nomination paper in accordance with the provisions of this Part.

(3) The nomination paper referred to in sub-regulation (2) shall be in Form GEN 2 set out in the Schedule hereto and shall-

- (a) state the name of the political party of which the candidate is the authorised candidate or, if he is not the authorised candidate of any political party, that he is standing as an independent candidate;
- (b) be completed in all respects, save that the supporters shall sign it in the presence of the returning officer;
- (c) be signed by the candidate or by any person authorised in that behalf by him in writing;

Provided that if the nomination paper is signed on behalf of the candidate, a copy of the written authority shall be attached thereto;

- (d) State the name and address of his election agent, if any;
- (e) be lodged within the period appointed for that purpose in respect of such constituency;
- (f) be accompanied by an election fee in the sum of twenty thousand kwacha which fee shall not be refunded once the nomination has been lodged;
- (g) be accompanied by a declaration in Form GEN 3 set out in the Schedule hereto which the declarant has made and subscribed before a magistrate.

(4) At the time of lodging a nomination paper, the candidate, or a person duly authorised by him, shall present himself to the returning officer together with his nine supporters who shall produce their voters registration cards and national registration cards to the returning officer. The supporters shall complete that part of the nomination paper which relates to their signatures in the presence of the returning officer.

*(As amended by Act No. 13 of 1994 and S.I. No. 178 of 1996)*

**14.** (1) If a person intending to lodge his nomination as a candidate in a constituency requests the returning officer for that constituency to examine his nomination paper before it is lodged, or to guide him on any matter relating thereto, the returning officer shall guide such person to the best of his ability:

Guidance by returning officer

The Laws of Zambia

Provided that where the nomination paper is to be lodged on behalf of the person intending to be a candidate, the returning officer shall owe the same duty to the person authorised to lodge the nomination paper.

(2) The fact or nature of any advice or guidance given under subregulation (1) shall not be inquired into in any proceedings before a court.

**15.** (1) Subject to sub-regulation (2), a nomination may be withdrawn at any time before the expiry of the period appointed for lodging nomination papers in respect of the constituency concerned.

Withdrawal of nomination

(2) The withdrawal referred to in sub-regulation (1) shall be effected only if the candidate, or a person authorised in that behalf by him in writing, delivers to the returning officer a written notice in that behalf.

**16.** (1) Upon the expiry of the period appointed for lodging nominations in any constituency the returning officer for that constituency shall determine the validity of each nomination lodged with him under regulation 13, and shall declare invalid any nomination in respect of which he is satisfied that-

Determination of validity of nominations

- (a) the nomination paper was not duly completed, or properly signed or lodged as required by regulation 13;
- (b) the nomination paper is not accompanied by the declaration referred to in paragraph (g) of sub-regulation (3) of regulation 13 or such declaration is defective in a material particular; or
- (c) the appropriate fee was not paid.

(2) Where the returning officer determines that a nomination is invalid, he shall reject the nomination and shall endorse on the nomination paper his reason for such determination, and shall sign such endorsement.

(3) Where a returning officer determines that a nomination is valid, he shall sign the nomination paper to signify his acceptance.

(4) The determination of the returning officer that a nomination is valid or invalid shall not be questioned save by way of an election petition presented in accordance with the provisions of the Act.

**17.** (1) In any election, no person shall seek to lodge nomination papers in more than one constituency.

Nomination in more than one constituency

(2) If upon the expiry of the period for lodging nomination papers in any two or more constituencies, a person is found to have lodged and not withdrawn nomination papers in more than one constituency, then every one of those nominations shall be invalid.

**18.** (1) A returning officer shall, after he has determined the validity of the nominations lodged with him, inform the Commission of the names of the candidates validly nominated.

Procedures after determination of validity of nominations

(2) Where a returning officer for any constituency determines that only one candidate has been validly nominated for election in that constituency, the returning officer shall declare such candidate to be elected in that constituency, and shall inform the Commission accordingly.

(3) Where a returning officer for any constituency determines that no candidate has been validly nominated for election in that constituency, the returning officer shall inform the Commission accordingly.

(4) Where the Commission is informed under sub-regulation (3) that no candidate has been validly nominated in a constituency, the Commission shall, in respect of that constituency, again exercise its powers contained in regulation 8.

**19.** (1) Where two or more candidates have been validly nominated for election in a constituency, the returning officer for that constituency shall give local notice that a poll shall be taken in such constituency on the day appointed therefor and such notice shall set out the names of such candidates in alphabetical order of surnames.

Returning officer to publish information locally

(2) Where no candidate or only one candidate has been validly nominated for election in a constituency, the returning officer for that constituency shall give local notice that a poll shall not be taken in that constituency for that reason.

(3) Where in respect of a constituency the same day has been appointed for the poll for elections to the National Assembly and for the poll for the election to the office of President, the returning officer for that constituency shall-

(a) in the notice referred to in sub-regulation (1), state that the two polls shall be at the same time; and

(b) in the notice referred to in sub-regulation (2), state that notwithstanding that a poll for election to the National Assembly shall not be taken in that constituency, the poll for the election to the office of President shall nevertheless be taken on the appointed day.

**20.** After a returning officer for a constituency has given notice under regulation 19 and before the day appointed for the taking of a poll in that constituency, any person registered in such constituency may, at any reasonable time, inspect, at the office of the returning officer, any of the nomination papers of the candidate in that constituency.

Inspection of nomination papers

*B. The Poll and the Ballot*

**21.** (1) For the purpose of the taking of a poll in a polling district the electoral officer for that polling district shall appoint a place at which the polling station for such polling district shall be established, and shall, in that behalf, give local notice and such other notice as the Director of Elections may direct.

Establishment of polling stations

(2) With the approval of the Director of Elections, the same polling station may be appointed under this regulation for two or more polling districts.

**22.** (1) The poll shall commence and, subject to regulation 23, shall close at such time as the Commission shall appoint, and notice of such times shall be published in the *Gazette* and in such other manner as the Director of Elections may direct.

Appointment of times of polling

(2) The Commission may appoint different commencement or closing times for different constituencies or polling districts.

(3) The presiding officer shall permit every voter to cast his vote before closing the poll if such voter, at the time appointed for the closing of the poll-

(a) is inside the polling station; or

(b) was, in his opinion, within the precincts of the polling station and was prevented from entering the polling station owing to congestion therein.

**23.** (1) Notwithstanding the terms of any statutory order made under regulation 8, a presiding officer may in his discretion postpone until later in the day, and, if necessary, adjourn to some other day, the polling at his polling station where it cannot be started or is interrupted by reason of riot, open violence, flood, natural catastrophe or other similar cause but where he does so, he shall start or restart the polling at the earliest practicable moment.

Adjournment of poll in case of emergency

(2) A presiding officer may in his discretion extend the hours or adjourn the day of polling at his polling station where polling has not started or has been interrupted by reason of any of the causes referred to in sub-regulation (1), and references in these Regulations to the close of the poll shall be construed accordingly.

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(3) If a poll is adjourned under this regulation at any polling station, the hours of polling on the day to which it is adjourned shall be the same as for the original day, and references in these Regulations to the closing of the poll shall be construed accordingly.

(4) Where a presiding officer postpones or adjourns the poll under this regulation, he shall take such precautions as are necessary to safeguard the ballot boxes, ballot papers and other election requisites, and shall forthwith notify the returning officer of such postponement or such adjournment, as the case may be.

(5) Where a returning officer is notified under sub-regulation (4) of the postponement or adjournment of a poll, he shall forthwith notify the Director of Elections of such postponement or such adjournment, as the case may be.

**24.** (1) A voter shall be entitled to vote at the polling station appointed for the polling district in which he is registered and shall not be entitled to vote at any other polling station.

Nature of poll

(2) At the taking of a poll a voter shall be entitled to cast one, and only one, vote and if a voter's name appears in error or for any other reason in more than one voter's roll or more than once in the same voter's roll he shall be entitled to cast more than one vote.

(3) Every poll taken for the purposes of the Act shall be taken by means of a secret ballot in accordance with the provisions of these regulations.

**25.** (1) For a poll in an election to the National Assembly, the ballot paper shall be in Form GEN 4 set out in the Schedule and, in respect of any constituency, shall show the names in alphabetical order of surnames of the candidates for election in that constituency and the symbol allocated under regulation 10 of each candidate for election in that constituency.

Ballot paper

(2) For a poll in an election to the office of President, the ballot paper shall be in Form GEN 5 set out in the Schedule and shall show the name of the candidates in that election and the symbol of each candidate.

(3) Every ballot paper under this regulation shall be attached to a counterfoil bearing the same serial number as that printed on the ballot paper.

**26.** (1) Every person applying for a ballot paper shall-

Issuance ballot paper

(a) present himself at the polling station at which he is entitled to vote;

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- (b) produce his voter's registration card to the presiding officer or polling assistant at such polling station;
- (c) identify himself by producing his national registration card; and
- (d) if so required by the presiding officer or polling assistant, present both his hands for inspection by such officer;

and no person shall be issued with a ballot paper unless he complies with the requirements contained in this registration.

(2) A presiding officer or polling assistant at a polling station may put to any applicant for a ballot paper such questions as he may consider necessary to enable him to identify the applicant with the name on the copy of the voter's roll for such polling station.

(3) No person shall be issued with a ballot paper or permitted to vote at a polling station unless the presiding officer or polling assistant for such polling station is satisfied that such person-

- (a) is entitled to vote at that polling station;
- (b) has produced his voter's registration card;
- (c) has properly identified himself under paragraph (c) of subregulation (1);
- (d) has not previously voted in the poll in respect of which he is applying for a ballot paper; and
- (e) is not disqualified from voting at such election under section *seven* of the Act.

**26A.** (1) Where a voter's registration card has been lost destroyed or defaced as to be illegible in any material particular, the voter in question shall, apply in person to the Electoral Officer in accordance with sub-regulation (2) by producing his national registration card for the issue of a certificate in Form GEN 11 as set out in the Schedule:

Lost, etc., voter's registration card

Provided that no certificate shall be issued unless the electoral officer is satisfied that the applicant is a voter registered in a polling district for which he is responsible under section *five* of the Act.

(2) An application for a certificate shall be made not later than four days before the date specified under sub-regulation (1) of regulation 8 for the taking of the poll in the elections.

(3) Any voter to whom a certificate is issued under sub-regulation (1) shall deliver that certificate to the presiding officer at the time he applies for a ballot paper.

*(As amended by S.I. No. 124 of 1991)*

### C. Conduct of Poll

**27.** (1) For the taking of a poll, a returning officer shall, in respect of each polling station within his constituency-

Preparations for taking of poll

- (a) ensure that there are sufficient compartments within which voters may mark their ballot papers in secrecy and screened from observation;
- (b) provide each presiding officer with such number of ballot boxes, ballot papers, official seals, official marks, copies of the voters' roll relating to such polling station and such other things as may be necessary;
- (c) make such arrangements to facilitate the taking of the poll as may be necessary for ensuring that it is taken in the manner provided in these Regulations and in accordance with any instructions issued by the Commission or the Director of Elections;
- (d) publish, both inside and outside each polling station, notices instructing voters as to the procedure for casting their votes, and notices showing-
  - (i) the names in alphabetical order of surnames of the candidates for election in that constituency; and
  - (ii) the symbol allocated under regulation 10 in respect of each candidate for election in the constituency.

(2) The returning officer for each constituency in which a poll is to be taken shall give notice in writing to each candidate for election in such constituency, prior to the day appointed for the taking of the poll, of the time and place at which the votes cast in such election shall be counted:

Provided that the returning officer shall ensure that such counting shall take place as soon as practicable after the close of the poll.



**28.** (1) Every ballot box shall be constructed that, after it is sealed under regulation 29, the ballot papers can be placed therein by voters but not taken out without breaking the seals.

Ballot boxes, official seals and official marks

(2) In respect of every poll, the official seals and official marks shall be in such form as the Director of Elections may determine.

**29.** (1) Immediately before the commencement of the poll, the presiding officer at each polling station shall show every ballot box, open and empty, to any person whose presence for that purpose is permitted under regulation 30 so that such person may see that it is empty, and shall then lock and seal with the official seal every such ballot box, and shall permit any candidate, election agent or polling agent who may be present to affix their seals thereto, and such seal or seals shall not be broken until the ballot box is opened in accordance with the provisions of these Regulations.

Procedure before commencement of poll

(2) The presiding officer at each polling station shall place the key to every ballot box in a packet marked "A" as soon as such ballot box has been locked in accordance with sub-regulation (1), and shall then seal such packet with the official seal, and shall permit any candidate, election agent or polling agent who may be present to affix their seals thereto, and such seal or seals shall not be broken except for the purpose of opening such ballot box under the provisions of these Regulations.

(3) The presiding officer at each polling station shall place every ballot box locked and sealed under sub-regulation (1) in such position in the polling station that it can be seen throughout the taking of the poll by the presiding officer and by such candidate, election agent or polling agent as may be present at the polling station.

(4) The presiding officer at each polling station shall ensure that there is available throughout the taking of the poll in each compartment provided under regulation 27 (1) (a) a suitable pencil or pen for the use of every voter when marking his ballot paper.

**30.** (1) The presiding officer at each polling station shall keep order in such polling station and in its precincts, and shall regulate the number of voters to be admitted at a time to such polling station.

Control of persons entering polling stations

(2) The presiding officer at each polling station may require any person, other than-

- (a) members of the Commission and members of its staff authorised in that behalf;
- (b) the Director of Elections;
- (c) the returning officer for the constituency in which such polling station is situated;

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- (d) the electoral officer for the area;
- (e) the polling assistants appointed under regulation 4 in respect of such polling station;
- (f) the candidates in an election to the office of President;
- (g) the candidates for election in the constituency in which such polling station is situated;
- (h) the election agents of such candidates;
- (i) any polling agent appointed under regulation 38 in respect of such polling station;
- (j) a police officer on duty;
- (k) any person authorised in writing by the Director of Elections to enter and remain in such polling station;

to leave such polling station and its precincts:

Provided that any of the above persons may be required by the presiding officer to leave the polling station and its precincts if, in the opinion of the presiding officer, such person is causing a disturbance which is likely to interfere with the taking of the poll.

(3) Every candidate, election agent, polling agent or person authorised in writing by the Director of Elections to enter and remain in a polling station shall, before attending the taking of a poll at any polling station, take and subscribe an oath or make an affirmation in lieu thereof, in Form GEN I set out in the Schedule before the returning officer for such constituency.

(4) The powers conferred by this regulation shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at such polling station.

**31.** If a presiding officer or polling assistant at a polling station is satisfied under regulation 26 that an applicant is entitled to be issued with a ballot paper, and to vote, the following procedure shall, subject to the provisions of regulation 35 be followed, that is to say:

Procedure for casting  
vote

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- (a) the voter shall, prior to receiving a ballot paper, immerse in ink provided for that purpose by the presiding officer or polling assistant, a thumb up to at least the whole of the exposed nail;

Provided that-

- (i) in the case of a voter without any thumb, such shall immerse a finger up to at least the whole of the exposed nail;
- (ii) in the case of a voter without any thumb or fingers, this paragraph shall not apply; and
- (b) before issuing a ballot paper to the voter the officer or polling assistant shall-
- (i) call out the name and the number of the voter as recorded in the copy of the voters' roll at such polling station;
- (ii) draw a line through the entry relating to the voter in such copy of the voters' roll as evidence that such voter has received a ballot paper;
- (iii) stamp such ballot paper with the official mark;
- (iv) on the counterfoil of such ballot enter the number of the voter as recorded in such copy of the voters' roll;
- (v) perforate the voter's registration card with a perforator, in the appropriate numbered space in the numerical order of each election, when such card is produced by the voter, in compliance with regulation 26.
- (c) the presiding officer or polling assistant shall then detach the ballot paper from its counterfoil and deliver it to the voter; and
- (d) the voter, on receiving the ballot paper, shall enter one of the compartments provided in the polling station for that purpose and signify his vote by secretly marking such ballot paper with a cross in the appropriate place and shall then fold the ballot paper in such a way that the official mark stamped thereon is visible and the mark signifying his vote is not visible; and
- (e) the voter shall then leave the compartment and shall, in the presence of the presiding officer or polling assistant, place the folded ballot paper in the ballot box provided in the polling station for that purpose.

*(As amended by S.I. No. 178 of 1996)*

**32.** (1) A voter shall cast his vote without undue delay and shall leave the polling station as soon as he has placed his ballot paper in the ballot box.

Votes to be cast without undue delay

(2) Where the presiding officer is of the opinion that any voter is causing undue delay in casting his vote and that such delay is likely to hinder the adequate or orderly conduct of the poll, he may require such voter to complete the procedures set out in regulation 31 (a) within a period of two minutes immediately thereafter.

(3) On or after the expiry of the period of two minutes referred to in sub-regulation (2) the presiding officer may direct the voter concerned to place the ballot paper issued to such voter in the ballot box and to leave the polling station and its precincts and not to return thereto during the period of the poll.

**33.** No person, other than a presiding officer, polling assistant, police officer or person on duty in an official capacity at a polling station, shall have any communication whatsoever with a voter while the voter is in the precincts of a polling station for the purpose of voting.

Restriction on communication in precincts of polling station

**34.** Where a voter inadvertently deals with a ballot paper in such a manner that it cannot be used as a valid ballot paper, he shall deliver such ballot paper (hereinafter referred to as a "spoilt ballot paper") to the presiding officer and, if the presiding officer is satisfied that such ballot paper has been spoilt inadvertently, he shall issue another ballot paper to such voter, and shall cancel the spoilt ballot paper and the counterfoil to which it relates.

Spoilt ballot papers

**35.** (1) A presiding officer, a relative or a friend may, upon application by and with the assent of

Presiding officer may assist incapacitated voter

(a) a voter who is incapacitated by blindness or other physical cause from voting in accordance with the procedure prescribed by regulation 31; and

(b) a voter who declares orally that he is unable to read or otherwise asks for assistance of the presiding officer, relative or a friend;

enter a compartment with such voter in order to assist him to cast his vote pursuant to the provisions of regulation 31 (a) and subject to the said provisions, mark the ballot paper issued to such voter in such manner as the voter may signify and place it in the ballot box on behalf of such voter:

Provided such relative or friend proves himself to be a registered voter in that polling district and has not already assisted another voter in that election.

(2) A presiding officer acting under this regulation shall record in the copy of the voters' roll, by means of a mark placed next to the name of the voter concerned, that he or a relative or friend of a voter has marked that ballot paper as aforesaid on the application of the voter, and the reasons for doing so.

(3) Where the presiding officer is of the opinion that, by reason of the number of voters making application under this regulation the conduct of the poll is being or is likely to be delayed he may authorise a polling assistant to assist him in the performance of the functions imposed upon him by the regulation.

**36.** (1) Notwithstanding the provisions of regulation 26 where a person entitled to vote in any constituency is employed as a returning officer, presiding officer, polling assistant, police officer or in any other official capacity at a polling station within such Constituency other than the polling station at which he is entitled to vote, the returning officer for such constituency may authorise the voter, by certificate under his hand in Form GEN 6 in the Schedule, to vote at the polling station at which he is employed.

Voting by persons employed on election duties

(2) Any voter to whom a certificate is issued under sub-regulation (1) shall deliver such certificate to the presiding officer when he applies for a ballot paper.

**37.** At any polling station, the presiding officer may, during a temporary absence from such polling station, delegate his powers, subject to the directions of the Director of Elections, to a polling assistant and, during the period of such absence, such polling assistant shall have and may exercise the powers of such presiding officer.

Polling assistant may act during absence of presiding officer

**38.** (1) As soon as practicable after the close of the poll, the presiding officer at a polling station, in the presence of such candidates or election agents or polling agents as may be present at such polling station, shall-

Procedures after close of poll

- (a) close and seal with the official seal the aperture of every ballot box used for the poll and permit any such candidate or elections agent or polling agent to affix his seal thereto; and
- (b) in respect of the poll, complete the ballot paper account which shall be in Form GEN 7 set out in the Schedule; and
- (c) place in separate packets, which shall be sealed with official seal and with the seals of such candidates or elections agents or polling agents, if any, who wish to affix their seals thereto, the following items in the manner hereinafter provided, that is to say:
  - (i) in a packet marked "B", the unused ballot papers, which shall remain attached to their respective counterfoils, and the spoilt ballot paper.s;

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- (ii) in a packet marked "C", the copy of the voters' roll marked in accordance with regulation 31 (b) subparagraph (ii) and sub-regulation (2), of regulation 35 together with the certificates delivered to the presiding officer under regulation 36;
- (iii) in a packet marked "D", the counterfoils of the used ballot papers including the counterfoils of any spoilt ballot papers;
- (iv) in a packet marked "E", the ballot paper account completed under paragraph (b);
- (v) in a packet marked "F", the official mark and the official seal:

Provided that such packet shall not be sealed but shall be securely fastened.

(2) The presiding officer shall, in accordance with such directions as may be issued by the Director of Elections, dispatch each packet sealed in accordance with the provisions of regulation 28 of this regulation, together with the ballot boxes sealed in accordance with this regulation, in safe custody to the returning officer for the constituency in respect of which the poll was conducted.

(3) The returning officer for a constituency in which a poll has been taken shall take into his custody, and issue a receipt for, all packets and ballot boxes delivered to him in accordance with the provisions of sub-regulation (2).

*D. The Count*

**39.** (1) No person shall attend at the counting of the votes cast in an election in any constituency, other than-

Persons who may attend at counting of votes

- (a) members of the Commission or members of the staff authorised in that behalf;
- (b) the Director of Elections;
- (c) the returning officer of such constituency;
- (d) the counting assistants appointed by the electoral officer;
- (e) the electoral officer of any area within such constituency;

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- (f) the candidates for election to the office of President;
- (g) the candidates for elections in such constituency;
- (h) the election agents appointed by such candidates;
- (i) one polling agent in respect of each candidate for election;
- (j) a police officer on duty;
- (k) any person authorised in writing by the Director of Elections.

(2) Every person authorised to attend the counting of the votes in any constituency, other than a member of the Commission, shall take and subscribe an oath, or make an affirmation in lieu thereof, in Form GEN 1 set out in the Schedule and for that purpose the returning officer for such constituency shall have power to administer such oath:

Provided that if such person has, in respect of that election already complied with regulation 5 or sub-regulation (3) of regulation 30 shall not be required to comply with this sub-regulation.

**40.** (1) When the returning officer for a constituency in which a poll has been taken is satisfied that he has received all the packets and ballot boxes in respect of all the polling stations in such constituency he shall, at the time and place notified under sub-regulation (2) of regulation 27 for the counting of the votes, examine the seals of all such packets and ballot boxes and shall permit such candidates, election and polling agents as are present to examine such seals.

Examination of seals of packets and ballot boxes received by returning officer

(2) The returning officer shall submit to the Director of Elections a written report of the result of the examination carried out under sub-regulation (1) if such examination reveals that the seals of any packet or ballot box are broken.

**41.** (1) The presiding officer for a polling station at which a poll has been taken shall, with the aid of the counting assistants for such polling station, count all the votes cast in the election at such polling station in accordance with the provisions of this regulation.

The count

(2) The counting of the votes shall, so far as circumstances permit, proceed continuously until the count is completed, allowing only a reasonable time for refreshment.

(3) The procedure for counting shall be as follows:

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- (a) the presiding officer shall open each ballot box and, after removing all the ballot papers therefrom, shall count and record the total number of ballot papers contained in each ballot box without reference to the manner in which such ballot papers are marked;
- (b) subject to the provisions of regulation 42, the presiding officer shall then count and record the total number of valid ballot papers in respect of each candidate;
- (c) in the case of ballot papers relating to an election to the office of President, the presiding officer shall count and record the total number of valid ballot papers in respect of each candidate in accordance with the other provisions of this regulation; and
- (d) the presiding officer shall ensure that, while counting the ballot papers, the counting assistants keep the side of each ballot paper on which the vote is recorded upwards, and shall take all precautions to prevent any person present at the count from seeing the number printed on each ballot paper.

(As amended by S.I. No. 178 of 1996)

**42.** (1) The presiding officer shall, subject to sub-regulation (4), not count, any ballot paper- Rejection of ballot papers

- (a) which does not bear the official mark, unless the presiding officer is satisfied that such omission was a *bona fide* error; or
- (b) which contains more than one vote; or
- (c) on which anything, other than the number printed on such ballot paper, is written or marked in such manner that the voter can be identified; or
- (d) which is unmarked or invalid for uncertainty.

(2) The presiding officer shall write words "Proposed Rejected Ballor Paper" on any Ballot Paper which the presiding officer considers invalid, under this regulation, and the presiding officer shall, immediately after the count send that ballot paper to the returning officer for confirmation.

(3) The returning officer shall write the word "rejected" on any ballot paper which has been sent to him by the presiding officer under sub-regulation (2) and shall add "rejection objected to" if any objection to the returning officer's decision is made by a candidate, his election agent or his polling agent present at the count.



(4) A ballot paper on which the vote is marked-

- (a) elsewhere than in the proper place;
- (b) otherwise than by means of a cross; or
- (c) by more than one mark;

shall not by reason thereof be invalid if the intention of the vote clearly appears, and the manner in which the paper is marked does not of itself identify the voter and it is not shown that he can be identified thereby.

(5) The returning officer shall draw up a statement in the Form GEN 9 in the Schedule showing the number of ballot papers rejected under the several heads of:

- (a) want of official mark;
- (b) more than one vote;
- (c) writing or mark by which voter could be identified; or
- (d) unmarked or invalid for uncertainty;

and any candidate, his election agent or his polling agent present may copy such statement.

*(As amended by S.I. No. 178 of 1996)*

**43.** The decision of a returning officer on any question arising in respect of any ballot paper shall not be questioned except on an election petition presented under the provisions of the Act.

Questions arising on  
decision of returning  
officer

**44. (1)** A candidate, his election agent or his polling agent may, if present when the counting or any recounting of the votes is completed, require the presiding officer or the returning officer to have the votes recounted or again recounted, or the presiding officer or the returning officer may, on his own initiative, have the votes recounted or again recounted:

Recounting of votes

Provided that the presiding officer or the returning officer may refuse the request, if in his opinion, it is unreasonable.

(2) Where an equality of votes is found to exist between any candidate and the addition of one vote to the votes counted for any such candidate would materially affect the result of the election, the presiding officer or the returning officer shall make a recount of the votes cast in respect of such candidates.

(3) No step shall be taken by the presiding officer or the returning officer on the completion of the counting or of any recounting of the votes until the candidates, election agents and polling agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by this regulation.

*(As amended by S.I. No. 178 of 1996)*

**45.** If upon the completion of the counting of votes, it is found that an equality of votes exists between two or more candidates and the addition of one vote would entitle any one of the candidates to be declared elected, the returning officer shall, subject to the provisions of regulation 44, forthwith decide between those candidates by lot in such manner as the Commission may determine and shall proceed as if the candidate on whom the lot falls has received an additional vote.

Equality of votes

*E. Procedure after the Count*

**46.** On the completion of the counting and totalling of votes cast in an election, the returning officer shall seal up in separate, marked packets the ballot papers counted in respect of each candidate, and shall place the rejected ballot papers in a single marked packet.

Ballot papers to be sealed in packets after completion of counting and totalling

*(As amended by S.I. No. 178 of 1996)*

**47.** (1) The returning officer for a constituency in which a poll is taken shall appoint a time and place at which the verification of the ballot paper accounts completed under paragraph (b) of sub-regulation (1) of regulation 38 in that constituency shall take place and shall give notice in writing to the candidates in such election of such time and place.

Verification of ballot paper accounts

(2) At the time and place appointed under sub-regulation (1) the returning officer shall, in the presence of the assistant returning officers for that constituency and of such candidates and their election agents as may be present, proceed with the verification of the ballot paper accounts according to the following procedure, that is to say:

- (a) he shall open the envelopes marked "B" containing the unused ballot papers together with their counterfoils and the spoilt ballot papers, and the envelopes delivered to him under regulation 38, in respect of each polling station in that constituency;

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- (b) he shall, in respect of each polling station, compare the ballot papers contained in the ballot boxes as recorded under regulation 41, and with the total number of unused and spoilt ballot papers contained in the envelope marked "B" for that polling station;
- (c) he shall reseal the envelopes marked "B" with their respective contents; and
- (d) he shall place all ballot paper accounts for that constituency in one envelope marked "E" and shall seal such envelope.

(3) The returning officer shall then prepare and deliver to the Director of Elections a report on the verification of the ballot paper accounts in Form GEN 11 in the Schedule, and shall permit such candidates and election agents as may be present at the verification to make a copy thereof.

**48.** (1) Upon the completion of the verification of the ballot paper accounts under regulation 47 the returning officer shall forthwith deliver to the Commission-

Custody and  
destruction of election  
matters

- (a) in respect of each polling station within his constituency, the packet marked "B" containing the unused ballot papers together with their counterfoils and the spoilt ballot papers; and
- (b) in respect of each polling station within his constituency, the packet marked "C" containing the copy of the voters' roll and the certificates placed therein under sub-paragraph (ii) of paragraph (c) of sub-regulation (1) of regulation 38; and
- (c) the packet sealed under regulation 46 and containing the ballot papers counted in respect of each of the candidates; and
- (d) the packet containing the rejected ballot papers and sealed under regulation 46;

and shall forthwith deliver to the Director of Elections in respect of each polling station within his constituency-

- (i) the packet marked "D", containing the counterfoils of the used and the spoilt ballot papers delivered to the returning officer under regulation 38;
- (ii) the packet marked "E" containing the ballot paper account; and
- (iii) the packet marked "F" containing the official seal and the official mark, delivered to the returning officer under sub-paragraph (v) of paragraph (c) of sub-regulation (1) of regulation 38.

(2) The Commission shall retain the packets delivered under subregulation (1) in respect of any poll in an election for a period of thirty days after the day on which the result of such election was declared and shall then cause them to be destroyed by burning, pulping or by any other efficacious method:

Provided that where the Commission has been informed under sub-section (5) of section *twenty-one* of the Act that an election petition has been presented in respect of such election, the packets shall not be destroyed until such time as the trial of such election petition has been finally determined.

(3) The Director of Elections shall retain the packets marked "D" delivered to him under sub-regulation (1) for a period of thirty days after the day on which the result of such election was declared and shall then cause them to be destroyed by burning, pulping or by any other efficacious method approved by the Commission and shall notify the commission accordingly:

Provided that where the Commission has been informed under sub-section (5) of section *twenty-one* of the Act that an election petition has been presented in respect of such election, the packets shall not be destroyed until such time as the trial of such election petition has been finally determined.

#### *F. Declaration of Results*

49. (1) When the counting of the votes has been completed and the result of the poll ascertained, the returning officer shall-

Declaration of results  
of poll

- (a) complete in duplicate a declaration of the result of the poll in Form GEN 10 set out in the Schedule;
- (b) declare to be elected the candidate to whom the majority of votes was cast by reading aloud in public, at the place where such counting was conducted, such completed form; and
- (c) cause to be delivered to the Commission without delay the original of such completed form.

(2) In every constituency where a poll in respect of an election to the office of President has been taken, the returning officer for such constituency shall, without delay after the counting of the votes has been completed, inform the Commission, in such manner as the Commission may direct, of the total number of valid votes cast in the election and of the number of valid votes cast for each candidate.

(3) The Commission shall, upon receipt of the information referred to in sub-regulation (2), notify the same in writing to the Chief Justice in his capacity as the returning officer for the purposes of election to the office of President.

**50.** (1) The Commission shall, in respect of each candidate declared elected in accordance with the provisions of regulations 18 and 49 (1), give notice in the *Gazette* of-

Notice of result

- (a) the full name of such person; and
- (b) the constituency in which such person was elected.

(2) Notwithstanding anything contained in regulation 18 or 49, a person declared elected under either of the said regulations shall be deemed to have been elected with effect from the date appointed for the taking of the poll at the election in the constituency concerned.

#### PART IV CORRUPT AND ILLEGAL PRACTICES AND ELECTION OFFENCESPART IV

##### CORRUPT AND ILLEGAL PRACTICES AND ELECTION OFFENCES

**51.** (1) Any person who directly or indirectly, by himself or any other person-

Bribery

- (a) gives, lends, or procures, or offers, promises or agrees to give, lend or procure any money to or for any person on behalf of any voter or to or for any other person in order to induce any voter to vote or refrain from voting or who corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election;
- (b) gives, lends, or procures, or offers, promises or agrees to give, lend, or procure, any money to or for any voter or to or for any other person on behalf of any voter or to or for any other person for acting or joining in any procession or demonstration before, during or after any election;
- (c) makes any such gift, loan, offer, promise, procurement or agreement to or for any person in order to induce such person to procure or to endeavour to procure the return of any candidate at any election or the vote of any voter at any election;
- (d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure, the return of any candidate at any election or the vote of any voter at any election;

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- (e) advances or pays or causes to be advanced or paid any money to or for the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election;
- (f) before or during any election, receives or contracts for any money or loan for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any election;
- (g) after any election, receives any money on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any election; or
- (h) conveys or transfers or is concerned with the conveyance or transfer of any property, or pays or is concerned with the payment of any money, to any person for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, or pays to or is concerned with the payment of any money on account of any voter for the purpose of inducing him to vote or refrain from voting;

shall be guilty of the offence of bribery.

(2) Nothing in this regulation shall be construed as applying to any money paid or agreed to be paid for or on account of any expenditure *bonafide* and lawfully incurred in respect of the conduct or management of an election.

**52.** Any person who-

Personation

- (a) at any election, applies for a ballot paper in the name of some other person, living or dead, or of a fictitious person; or
- (b) having voted once at any election, applies again at the same election for a ballot paper; or
- (c) votes at any election knowing that he is not entitled to vote at that election or induces or procures any person to vote at any election knowing that that person is not entitled to vote at that election;

shall be guilty of the offence of personation.

**53.** Any person who corruptly by himself or by any other person either before, during or after an election, directly or indirectly gives or provides or pays wholly or in part the expenses of giving or providing any food, drink, entertainment, lodging or provisions to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at an election shall be guilty of the offence of treating.

Treating

**54.** (1) Any person who directly or indirectly, himself or by any other person-

Undue influence

- (a) makes use of or threatens to make use of any force, violence or restraint upon any other person; or
- (b) inflicts or threatens to inflict by himself or by any other person, or by any supernatural or non-natural means or pretended supernatural or non-natural means, any physical, psychological, mental or spiritual injury, damage, harm or loss upon or against any person; or
- (c) does or threatens to do anything to the disadvantage of any person;

in order to induce or compel that person-

- (i) to sign a nomination paper or refrain from signing a nomination paper; or
- (ii) to vote or refrain from voting; or
- (iii) to refrain from claiming registration as a voter; or
- (iv) to refrain from offering himself as a candidate for election;

or on account of that person having-

- A. signed or refrained from signing a nomination paper; or
- B. voted or refrained from voting at any election; or
- C. refrained from claiming registration as a voter; or
- D. refrained from offering himself as a candidate;

shall be guilty of the offence of undue influence.

(2) Any person who, by abduction, duress or any fraudulent device or contrivance, impedes or prevents the free exercise of his vote by any voter or thereby compels, induces or prevails upon any voter either to give or to refrain from giving his vote at any election, shall be guilty of the offence of undue influence.

**55.** Any person who is guilty of the offence of bribery, personation, treating or undue influence shall be guilty of a corrupt practice and shall be liable on conviction to a fine not exceeding eight hundred penalty units or to imprisonment for a period not exceeding two years, or to both.

Penalties for corrupt practices

*(As amended by Act No. 13 of 1994)*

**56.** (1) Any person who, before or during an election, publishes a false statement of the illness, death or withdrawal from election of a candidate at that election for the purpose of promoting or procuring the election of another candidate, knowing that statement to be false or not believing it to be true, shall be guilty of an illegal practice.

Illegal practice of publishing false statements in respect of candidates

(2) Any person who, before or during an election, publishes any false statement of fact in relation to the personal character or conduct of a candidate in that election, shall be guilty of an illegal practice, unless he can show that he had reasonable grounds for believing, and did believe, the statement to be true.

**57.** (1) Any person who forges or fraudulently destroys any written authority of a candidate or nomination paper, or delivers to a returning officer any written authority of a candidate or nomination paper knowing the same to be forged shall be guilty of an illegal practice.

Illegal practice in respect of nomination of candidates

(2) Any person who knowingly makes a false statement in a statutory declaration made and subscribed under regulation 13 shall be guilty of an illegal practice.

(3) Any person who wilfully prevents or attempts to prevent any other person from complying with any of the provisions of regulation 13, 14, 15 or 16 shall be guilty of an illegal practice.

**58.** Any person who, at a lawful public meeting held in connection with the election of any person between the day of the publication of a notice appointing nomination day and the day on which the result of the election is published, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting is called, shall be guilty of an illegal practice.

Illegal practice in respect of public meetings

**59.** Any person who, with intent to influence persons to give or refrain from giving their votes at an election, uses or procures the use of any wireless transmitting station outside the Republic shall be guilty of an illegal practice.

Illegal practice in respect of broadcasts



**60.** (1) Any person who-

Illegal practices  
relating to the poll

- (a) forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper;
- (b) without authority supplies any ballot paper to any person;
- (c) without authority puts into any ballot box any ballot paper which he is not authorised by law to put in;
- (d) sells or offers to sell any ballot paper to any person or purchases or offers to purchase any ballot paper from any person;
- (e) not being a person entitled under these Regulations to be in possession of a ballot paper, has any such ballot paper in his possession;
- (f) without authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers in use or intended to be used for the purpose of an election;
- (g) without authority prints or makes any ballot paper or what purports to be or is capable of being used as a ballot paper at an election;
- (h) manufactures, constructs, has in his possession, supplies, or uses for the purpose of an election, or causes to be manufactured, constructed, supplied or used for the purposes of any election any appliance, device or mechanism by which a ballot paper may be extracted or manipulated after having been deposited in a ballot box in the course of polling at any polling station;
- (i) at an election obstructs a voter either at the polling station or on his way thereto or there from;

shall be guilty of an illegal practice.

(2) Any person who attempts to commit an illegal practice under sub-regulation (1) shall be guilty of an illegal practice.

**61.** Any person who is guilty of an illegal practice shall be liable on conviction to a fine not exceeding eight hundred penalty units or to imprisonment for a period not exceeding two years, or to both.

Penalty for illegal  
practices

**62. (1) Any person who-**

Election offences

- (a) within a period appointed under regulation 9 for the receipt of nominations, loiters in any public place within four hundred metres from the entrance to a nomination office;
- (b) having been required under sub-regulation (4) of regulation 12 to leave a nomination office, fails to leave such nomination office or the precincts thereof;
- (c) puts into any ballot box anything other than the ballot paper which he is authorised by law to put therein;
- (d) without due authority takes out of the polling station any ballot paper or is found in possession of any ballot paper outside a polling station;
- (e) on any polling day, at the entrance to or within a polling station, or in any public place or in any private place within four hundred metres from the entrance to such polling station-
  - (i) canvasses for votes;
  - (ii) solicits the vote of any person;
  - (iii) induces any person not to vote; or
  - (iv) induces any person not to vote for a particular candidate;
- (f) on any polling day loiters in any public place within four hundred metres from the entrance to any polling station;
- (g) on any polling day exhibits in any public or private place within one hundred metres from the entrance to any polling station any notice or sign, other than an official notice or sign authorised by any officer under the provisions of these Regulations, relating to the election;
- (h) not being a presiding officer, a polling assistant, a candidate, an election agent or a polling agent in the course of his functions within a polling station, makes any record showing that any particular person has voted in an election;

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- (i) without lawful authority, destroys, mutilates, defaces or removes any notice which is exhibited under these Regulations, or any document made available for inspection under these Regulations;
- (j) wilfully obstructs or interferes with a returning officer, presiding officer, or polling assistant in the execution of his duties;
- (k) makes a false answer to any question put to him by a presiding officer or a polling assistant under the provisions of regulation 26 (2);
- (l) in contravention of regulation 33, has any communication with a voter while such voter is in the precincts of a polling station for the purpose of voting;
- (m) having been required or directed under regulation 30 (2) refuses or fails to comply with that requirement or direction to leave a polling station or the precincts thereof;
- (n) being a candidate uses a symbol in the course of an election other than the symbol registered with the Director of Elections in accordance with regulation II, or in the case of any other person associates any candidate with, any symbol in the course of an election other than such candidates' registered symbol;

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding eight hundred penalty units or to imprisonment for a period not exceeding two years, or to both.

(2) Any person who attempts to commit an offence against this regulation shall be liable to the punishment prescribed for that offence.

*(As amended by Act No. 13 of 1994)*

**63.** In a prosecution for an offence in relation to a nomination paper, ballot box or ballot paper, the property in such nomination paper, ballot box, as well as the property in the counterfoil of any ballot paper, shall be deemed to be vested in the returning officer at that election.

Property in certain election equipment

**64.** (1) Every person in attendance at a polling station shall maintain, and aid in maintaining the secrecy of the voting at such station and shall not communicate, except for some purpose authorised by law, to any person any information as to the name or number on the register of voters of any voter who has or has not applied for a ballot paper or voted at such polling station, or as to the official mark or official seal at such polling station.

Penalty for breach of secrecy

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(2) No person, except a presiding officer or polling assistant acting under the provisions of regulation 35 shall obtain or attempt to obtain in a polling station information as to the candidate for whom any person in such polling station is about to vote or has voted or communicate at any time to any person any information obtained in a polling station as to the candidate for whom any person in such polling station is about to vote or has voted, or as to the number on the ballot paper issued to any person at such polling station.

(3) Every person in attendance at the counting of the votes shall maintain, and aid in maintaining, the secrecy of the voting and shall not ascertain or attempt to ascertain at such counting the number on any ballot paper or communicate any information obtained at such counting as to the manner in which any vote is given by any particular ballot paper.

(4) Any person who contravenes any of the provisions of this regulation shall be guilty of an offence and shall be liable on conviction to a fine not exceeding eight hundred penalty units or to imprisonment for a term not exceeding two years, or to both.

*(As amended by Act No. 13 of 1994)*

**65.** Any election officer who wilfully fails to perform the functions of his office under these regulations shall be guilty of an offence and liable on conviction to a fine not exceeding eight hundred penalty units or to imprisonment for a term not exceeding two years, or to both.

Offences by election officers

*(As amended by Act No. 13 of 1994)*

**66.** (1) Every bill, placard, poster, pamphlet, circular or other printed matter having reference to an election shall bear upon the face thereof the name and address of the printer and of the publisher, and any person who prints, publishes or posts, or causes to be printed, published or posted any such matter which fails to bear upon the face thereof such names and addresses shall be guilty of an offence.

Offence by printers and publishers

(2) The proprietor and publisher of every newspaper shall cause the word "advertisement" to be printed as a headline to each article or paragraph appearing in his newspaper containing electoral matter, the insertion of which is or is to be paid for, and any proprietor or publisher who fails to comply with this provision shall be guilty of an offence.

(3) For the purposes of this regulation-

- (a) any process for producing copies of a document, other than by copying it by hand, shall be deemed to be printing, and the expression "printed" shall be construed accordingly; and
- (b) "electoral matter" shall be deemed to include all matters which, on the face of them, are intended or calculated to affect the result of an election.

(4) Any person who is guilty of an offence against this regulation shall be liable on conviction to a fine not exceeding four hundred penalty units.

*(As amended by Act No. 13 of 1994)*

PART V MISCELLANEOUSPART V

MISCELLANEOUS

**67.** (1) A candidate shall name his election agent in his nomination paper and, subject to the other provisions of this regulation, such person shall be the election agent of that candidate for the purpose of that election. Election agents

(2) A candidate may revoke the appointment of his election agent at any time, or an election agent may resign his appointment, by giving written notice to the other party.

(3) Where the election agent of a candidate ceases to be his election agent for any reason, he shall give written notice thereof to the returning officer for the constituency in which he is a candidate and, if another person is appointed to be his election agent, such notice shall set out the full name and address of the new election agent.

(4) No person shall exercise the rights, under these Regulations, of an election agent unless he has been appointed in accordance with the provisions of this regulation.

(5) Each candidate in an election to the office of President may, for the purposes of that election, appoint one person in each constituency to be his election agent for that constituency, or appoint the same election agent to be the election agent for two or more constituencies, and the other provisions of this regulation shall apply to each such candidate and such election agent.

**68.** (1) Subject to the other provisions of this regulation a candidate or his election agent may, in respect of each polling station within the constituency in which the candidate is nominated, appoint a person to be the polling agent of such candidate. Polling agents

(2) At least four days before the day appointed as polling day for the constituency in which he is candidate, the candidate, or his election agent, shall give written notice to the returning officer for that constituency stating the names and addresses of the polling agents appointed under sub-regulation (1) and specifying the polling station for which each such person is appointed the polling agent.

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(3) No person shall exercise the rights, under these Regulations, of a polling agent unless he has been appointed in accordance with the provisions of this regulation.

(4) Each candidate in an election to the office of President may, for the purposes of that election, appoint, in respect of any polling station in the country, a person to be his polling agent for that polling station; or the election agent of such candidate may, in respect of any polling station in the constituency for which he is election agent, appoint a person to be the polling agent of such candidate; and the other provisions of this regulation shall apply to each such candidate, his election agents and his polling agents.

**69.** Any fees collected under these Regulations shall be paid into the general revenues of the Republic. Fees

**70.** The Electoral (General) Regulation, are hereby revoked.

Revocation of S.I. No.  
78 of 1983

SCHEDULE

REPUBLIC (CREST) OF ZAMBIA  
THE ELECTORAL (GENERAL) REGULATIONS

(Regulations 5, 30 and 39)

OATH OR AFFIRMATION

I, .....

Having been appointed ..... do hereby  
\*swear/solemnly and sincerely affirm that-

- (a) I will carry out the duties required of me as a result of my appointment impartially and to the best of my ability without fear or favour to any person or persons; and
- (b) I will not directly or indirectly reveal to any person any matter that may come to my knowledge or notice as a result of my appointment unless so authorised by law.

Signed .....

\*Sworn/Affirmed before me this ..... day of ....., 19 .....

Signed .....

Name in BLOCK LETTERS .....

\*Magistrate/Returning Officer .....

\*Delete as necessary.

In case of candidate, election agents or polling agent delete paragraph (a).

REPUBLIC (CREST) OF ZAMBIA  
 THE ELECTORAL (NATIONAL ASSEMBLY ELECTIONS)  
 REGULATIONS  
 (Regulation 13)  
 NOMINATION PAPER

To: The Returning officer, ..... Constituency.  
 We, the undersigned, being registered voters in the above-named constituency, do hereby nominate-

First Names (in BLOCK CAPITALS) .....  
 Surname (in BLOCK CAPITALS) .....  
 Residential Address .....  
 Postal Address .....

to stand as a candidate for election in the ..... constituency.

And I, the said (full name in BLOCK CAPITALS) .....  
 ..... hereby declare-

- (a) that I accept the nomination:
- (b) that my nomination is supported by the (name of political party) ..... /that I am an independent candidate\* and
- (c) that I have appointed (full name) ..... of (address) .....

In accordance with regulation to be my Election Agent. A statutory declaration in respect of my nominations as a candidate.

Date .....  
Signature of Candidate

Received by me at (time) ..... on the .....  
 day of ....., 19 .....

Signature of Returning Officer

\*Delete whichever is not applicable.

NOTES

1. Candidates are advised to acquaint themselves with the provisions of regulations 13 to 19 before completing this Nomination Paper.
2. When this nomination Paper is lodged it must be accompanied by the sum of one hundred and sixty fee units in cash as a fee.
3. A candidate may authorise another person to countersign a Nomination Paper on his behalf and to lodge it with the Returning Officer but, in that event, the written authorisation of the candidate is required to be attached to the Nomination Paper.
4. The statutory declaration must be completed by the candidate himself before a Magistrate.

	Full name in Block Capitals	Signature or Thumbprint	Polling District in which Registered as a Voter	Number of Voters Registration Card
Proposed by				
Seconded by				
Supported by				



The Laws of Zambia

Supported by				
Supported by				
Supported by				
Supported by				
Supported by				
Supported by				

*(As amended by Act No. 13 of 1994)*

REPUBLIC (CREST) OF ZAMBIA  
THE ELECTORAL (GENERAL) REGULATIONS, 1991  
(Regulation 13 (3) (g))

STATUTORY DECLARATION OF CANDIDATE

I .....do solemnly and sincerely declare that

- (1) I am a citizen of Zambia;
- (2) My National Registration number is .....
- (3) I have attained the age of twenty-one years;
- (4) I am the authorised candidate of .....  
..... for the .....  
..... constituency in the forthcoming election  
for the National Assembly in that Constituency\*/I intend to stand as an independent candidate at the  
forthcoming election for the National Assembly in the ..... constituency.

- (5) I am not disqualified for election under article 65 of the Constitution of Zambia or section 10 of the Electoral Act 1991 .
- (6) I am literate and conversant with the official language of Zambia.
- (7) My proposed symbol is .....

I make this declaration conscientiously believing the same to be true.

Signature .....

Name in BLOCK CAPITALS .....

Magistrate ..... District .....

PENALTY FOR GIVING FALSE INFORMATION  
(SET OUT AS APPROPRIATE)

(As amended by S.I. No. 93 of 1994)

REPUBLIC (CREST) OF ZAMBIA  
THE ELECTORAL (GENERAL) REGULATIONS

(Regulation 25)

BALLOT PAPER

FRONT  
Series  
No.

Series  
No.

Official Mark: \_\_\_\_\_  
\_\_\_\_\_

Republic of Zambia  
National Assembly  
Elections

19 .....

.....  
Constituency

Number of voters in Register  
of voters

.....

BACK

..... Constituency

INSTRUCTIONS

Vote for ONE candidate ONLY by making ONE cross in the blank box opposite the name and symbol of the candidate for whom you wish to vote. DO NOT make any other mark on this paper by which you can be identified.

Name of Candidate	Party	Symbol

REPUBLIC (CREST) OF ZAMBIA  
THE ELECTORAL (GENERAL) REGULATIONS  
(Regulation 25)  
BALLOT PAPER FOR PRESIDENTIAL ELECTION

FRONT  
Series  
No.

Series  
No.

Official Mark:

\_\_\_\_\_  
\_\_\_\_\_

Republic of Zambia  
Presidential Elections

19 .....

Number of voter in  
Register of voters

BACK

INSTRUCTIONS

Vote for ONE candidate ONLY by making ONE cross in the blank box opposite the name and symbol of the candidate for whom you wish to vote. DO NOT make any other mark on this paper by which you can be identified.

Name of Candidate	Party	Symbol	

REPUBLIC (CREST) OF ZAMBIA  
THE ELECTORAL (GENERAL) REGULATIONS  
(Regulation 36)

CERTIFICATE OF AUTHORITY TO VOTE AT POLLING STATION

To: Presiding Officer, ..... Polling Station .....  
..... Constituency.

In accordance with regulation 36 authority is hereby given for the person specified below to cast his vote at the above polling station:

- (i) Full name of voter as shown in Voters' Roll .....
- .....
- (ii) Election duties .....
- (iii) Name of polling station at which normally entitled to vote .....
- .....
- (iv) Number of voter in Voters' Roll .....
- (v) National Registration Number of voter .....

Date ....., 19 .....  
(Signature of Returning Officer)

INSTRUCTIONS

1. This certificate may only be issued to a person who is unable to vote at the polling station at which he is entitled to vote owing to the fact that he is employed in an official capacity on election duties at some other polling station within the same constituency.
2. In addition to this certificate, the national registration card and the voter's registration card must be produced to the presiding officer when application is made for a ballot paper.
3. On the issue of a ballot paper to the voter this certificate must be surrendered to the presiding officer who must attach it to his marked copy of the Voters' Roll.

REPUBLIC (CREST) OF ZAMBIA  
THE ELECTORAL (GENERAL) REGULATIONS

(Regulations 2 and 38)

Ballot Paper Account

Polling Station ..... Constituency .....

Date of Poll ....., 19 .....

To be completed by Returning Officer on issue of ballot papers		To be completed by Presiding Officer at close of poll			
Ballot papers Supplied	Total Number Supplied	Number used excluding spoilt ballot papers	Number of spoilt ballot papers	Number of unused ballot papers	Total of Cols 2-4 (This must equal Col. 1)
	(1)	(2)	(3)	(4)	(5)
Ballot papers numbered					
(a) ..... to ..... inc					
(b) ..... to ..... inc					
(c) ..... to ..... inc					
(d) ..... to ..... inc					
(e) ..... to ..... inc					
(g) ..... to ..... inc					
(h) ..... to ..... inc					
(i) ..... to ..... inc					
(j) ..... to ..... inc					
(k) ..... to ..... inc					
(l) ..... to ..... inc					
(m) ..... to ..... inc					
(n) ..... to ..... inc					
(o) ..... to ..... inc					
(p) ..... to ..... inc					
(q) ..... to ..... inc					
(r) ..... to ..... inc					
(s) ..... to ..... inc					
(t) ..... to ..... inc					
Total .....					

I hereby certify that this is a correct statement of all ballot papers supplied to me.  
Date ....., 19 .....  
(Signature of Presiding Officer)

REPUBLIC (CREST) OF ZAMBIA  
THE ELECTORAL (GENERAL) REGULATIONS  
(Regulation 42)

STATEMENT OF REJECTED BALLOT PAPERS

.....Constituency  
Date of Poll ....., 19 .....

Reasons for rejection by Returning Officer	Total
1. No official mark .. .. .	.....
2. Votes shown for more than one candidate. . . . .	.....
3. Voter identified by mark .. . . .	.....
4. Unmarked or invalid due to uncertainty .. . . .	.....
Total number of Rejected Ballot Papers .. . . .	.....

Hereby certify that this is a correct statement of the ballot papers rejected by me as invalid.,

Date ....., 19 .....

(Signature of Returning Officer)

INSTRUCTIONS

1. To be completed by the Returning Officer at the conclusion of the count and before announcing the result.
2. The rejected ballot papers must be placed together in a marked envelope which must be sealed by the Returning Officer.

REPUBLIC (CREST) OF ZAMBIA  
THE ELECTORAL (GENERAL) REGULATIONS  
(Regulation 49)

DECLARATION OF RESULT OF POLL

I, (full name of Returning Officer) .....

being the Returning Officer for the .....

Constituency, do hereby declare that I have, in accordance with the law, ascertained the result of the Poll of the said constituency and that there have been given to:

- (1) ..... Votes
- (2) ..... Votes
- (3) ..... Votes
- (4) ..... Votes
- (5) ..... Votes
- (6) ..... Votes
- (7) ..... Votes
- (8) ..... Votes
- (9) ..... Votes
- (10) ..... Votes
- (11) ..... Votes
- (12) ..... Votes
- (13) ..... Votes
- (14) ..... Votes
- (15) ..... Votes
- (16) ..... Votes
- (17) ..... Votes
- (18) ..... Votes
- (19) ..... Votes
- (20) ..... Votes

and I therefore declare the said .....

..... Constituency

Date ....., 19 ..... Signed .....

Full name in BLOCK CAPITALS .....

INSTRUCTIONS

1. This form must be completed in duplicate by the Returning Officer and to declare the result of the poll, the text of the original must be read out aloud in public at the place where the counting of the votes takes place.
2. The full names of the candidates should be inserted in the spaces marked (1) to (20), the successful candidate's name being inserted at (1).
3. The original of this form must be delivered to the Electoral Commission by the quickest possible means. The duplicate must be retained by the Returning officer.



REPUBLIC (CREST) OF ZAMBIA  
 THE ELECTORAL (GENERAL) REGULATIONS  
 (Regulation 47)

REPORT ON VERIFICATION OF BALLOT PAPER ACCOUNTS

To: Director of Elections  
 P.O. Box 50272  
 Lusaka.

I, the undersigned, being the Returning Officer for the .....  
 Constituency, hereby report that I have, in accordance with regulation 55 of the Regulations, verified the ballot paper  
 accounts received from the Presiding Officer of every Polling Station in the Constituency by comparing them with the total  
 number of ballot papers contained in each ballot box and the total number of unused and spoilt papers delivered to me by  
 such Presiding Officers.

The results of such verification is as follows:

1. Total number of ballot papers issued by me to Presiding Officers

2. Details obtained from Ballot Paper Accounts		Details obtained from physical check by returning Officer	
3. Number used excluding spoilt ballot papers		5. Total number of ballot papers contained in all boxes .. ..	
4. Number of spoilt ballot papers		6. Total number of spoilt ballot papers on hand	
5. Number of unused ballot papers		7. Total number of un- used ballot papers returned by Presiding Officer	

Date ....., 19 .....

(Signature of Returning Officer)

Instructions

1. The verification of the ballot paper accounts shall take place at a time and a place notified by the Returning Officer to the candidates and in the presence of such candidates and election agents as may wish to attend.
2. The totals to be entered at 1, 2, 3 and 4 above are obtained by adding the totals of all columns 1, 2, 3 and 4 respectively shown on the ballot paper accounts submitted by the Presiding Officer.
3. The totals to be entered at 5, 6 and 7 above are those obtained by the Returning Officer at the counting of the votes.
4. Explanation of any discrepancies must be made by the Returning Officer on the back of this form.

REPUBLIC OF ZAMBIA

THE ELECTORAL (GENERAL) REGULATIONS CERTIFICATE OF REGISTRATION TO VOTE AT POLLING STATION UNDER ELECTORAL (GENERAL)

(Regulation 26A)

To: Presiding officer, ..... Polling Station .....

..... Constituency.

The person specified below has applied under Regulation 26A for a certificate of registration as a voter and I am satisfied that such person is registered as a voter in accordance with the details shown.

VOTER'S ROLL NO.

POLLING DISTRICT

[Empty box for Voter's Roll No.]

[Empty box for Polling District]

SURNAME

[Grid of 12 empty boxes for Surname]

OTHER NAME(s) (First name in full other names initials only)

[Grid of 12 empty boxes for Other Name(s)]

RESIDENTIAL ADDRESS (Not P.O. Box No.)

[Grid of 12 empty boxes for Residential Address]

[Grid of 12 empty boxes for Residential Address]

NATIONAL REGISTRATION NUMBER

[Grid of 12 empty boxes for National Registration Number]

Date ....., 19 .....

Electoral Officer

- 1. This certificate may only be issued to a voter whose name and National Registration Number as shown on his National Registration Card agree with the details shown in the register of voters for the polling district in which he claims he was registered.
2. This certificate may not be issued later than four days before the date appointed for the taking of the Poll in a Presidential and General Elections.
3. In addition to this certificate the National Registration Card must be produced to the presiding officer when application is made for a ballot paper.
4. On the issue of a ballot paper to the voter this certificate must be surrendered to the presiding officer.

(As amended by S.1. No. 124 of 1991 and No. 93 of 1994)

THE ELECTORAL (PRESIDENTIAL ELECTIONS) REGULATIONS

ARRANGEMENT OF REGULATIONS

PART I PRELIMINARY  
PART I  
PRELIMINARY

*Regulation*

1. Title and application
2. Interpretation

PART II NOMINATION PROCEDURE  
PART II  
NOMINATION PROCEDURE

3. Appointment of day for receiving nominations in election of President
4. Attendance of returning officer
5. Nominations of candidates
6. Withdrawal of nomination
7. Determination of validity of nomination papers
8. Procedure where more than one candidate is validly nominated
9. Procedure where only one candidate is validly nominated
10. Procedure where no candidate is validly nominated

PART III ELECTION PROCEDURE  
PART III  
ELECTION PROCEDURE

11. Appointment of a day for a poll for a Presidential election
12. Election procedure
13. Procedure for ascertaining number of votes received by each candidate
14. Failure of candidate to receive more than fifty per cent of votes
15. Declaration of results of election for President in Parliament
16. Declaration of result of election

PART IV MISCELLANEOUS  
PART IV  
MISCELLANEOUS

17. Corrupt and illegal practices and election offences
18. Has had its effect

SCHEDULE

SECTION 7-ELECTORAL (PRESIDENTIAL ELECTIONS) REGULATIONS

*Regulations by the Chief Justice*

*Statutory Instrument*  
109 of 1991  
*Act No.*  
13 of 1994

PART I PRELIMINARYPART I

PRELIMINARY

1. (1) These Regulations may be cited as the Electoral (Presidential Elections) Regulations. Title and application

(2) These Regulations shall apply to every election to the office of President of the Republic.

2. In these Regulations, unless the context otherwise requires- Interpretation

"candidate" means-

- (a) in relation to any period before the close of the period appointed under regulation 3 for receiving nominations in an election, any person intending to stand for election in such election; and
- (b) in relation to any period after the close of the period appointed under regulation 3 for receiving nominations in an election, any person validly nominated as a candidate in such election;

"Commission" means an Electoral Commission established under Article *seventy-six* of the Constitution;

"election" means an election of a President held in pursuance of Article *thirty-four* or *thirty-eight* of the Constitution, and cognate expressions shall be construed accordingly;

"nomination paper" means a document in the Form PE 1 in the Schedule;

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"register of voters" means a register of voters prepared and certified, and in force, under the Electoral (Registration of Voters) Regulations;

"registered" means registered in a register of voters under the Electoral (Registration of Voters) Regulations;

"returning officer" means the returning officer specified in Article *forty-one* of the Constitution.

PART II NOMINATION PROCEDUREPART II

NOMINATION PROCEDURE

**3.** (1) Subject to the provisions of sub-regulation (2) and (3) the Commission shall, by statutory order, appoint the day on which, and the hours on such day within which, and the place at which, the returning officer shall receive the nominations of candidates in an election to which these Regulations apply.

Appointment of day for receiving nomination in election of President

(2) A day appointed under this regulation for an election in any circumstances including a dissolution of the National Assembly, shall be such as will enable a contested election to be held in accordance with these regulations (and if necessary Article *thirty-four* of the Constitution) within the relevant time prescribed by Article *thirty-eight* of the Constitution.

(3) Subject to the provisions of sub-regulation (2) the Commission may by statutory order, vary or amend any statutory order made under sub-regulation (1);

Provided that the Returning Officer may extend the closing time of the hours within which to receive nominations on the appointed day without the need for a statutory order under this sub-regulation if he is satisfied that a candidate and his supporters duly presented themselves to him before the close of the period fixed for the receipt of nominations but were prevented from lodging their nomination before the expiry of such period solely because the Returning Officer was then still receiving the nomination of another candidate.

**4.** It shall be the duty of the returning officer to attend at the place appointed under sub-regulation (1) of regulation 3, on the day and during the hours so appointed, for the purpose of receiving the nomination of candidates.

Attendance of returning officer

**5.** (1) Every candidate shall lodge a nomination paper with the returning officer on the day and during the hours appointed in accordance with regulation 3.

Nomination of candidates

(2) A nomination paper shall-

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- (a) state the political party of which the candidate is a member or by which he is sponsored, and the symbol that the candidate proposes to use;
- (b) be completed in all respects;
- (c) be signed by the candidate in the presence of the returning officer;
- (d) be subscribed by not less than two hundred registered voters who support the candidate;
- (e) be accompanied by the declaration as in the Form PE 2 in the Schedule made under paragraph (b) of clause (5) of Article *thirty-four* of the Constitution;
- (f) be accompanied by such evidence as the returning officer may accept that the proposed symbol is registered with the Director of Elections in respect of the candidate;
- (g) be accompanied by an election fee in the sum of one thousand six hundred fee units, which fee shall not be refunded once the nomination has been lodged.

(As amended by Act No. 13 of 1994)

**6.** A candidate may withdraw his nomination paper by notice in writing signed by him and delivered by him to the returning officer before the close of the period appointed under regulation 3 for receiving nominations.

Withdrawal of nominations

**7. (1)** The returning officer shall, within forty-eight hours after the close of the period appointed under regulation 3 for receiving nominations, determine the validity of each nomination paper lodged under regulation 5, and shall declare any nomination paper invalid if he is satisfied-

Determination of validity of nomination papers

- (a) that the nomination paper is not subscribed or endorsed or lodged in compliance with regulation 5; or
- (b) that the nomination paper is not accompanied by the declaration referred to in paragraph (b) of clause (5) of Article *thirty-four* of the Constitution; or
- (c) that the election fee was not paid.

(2) The returning officer shall, not later than forty-eight hours after the close of the period, appointed under regulation 3 for receiving nominations, notify each candidate in writing of his decision in respect of such candidate under sub-regulation (l) and shall, if the nomination paper of any such candidate is declared invalid, notify such candidate of the reasons therefor:

Provided that it shall be a sufficient compliance with this subregulation if such notice is served upon such candidate by post at his last known postal address.

**8.** Where the returning officer determines under regulation 7 that more than one candidate is validly nominated, he shall forthwith publish, in such manner as he may deem necessary for giving sufficient publicity thereto, the names of the candidates validly nominated, and shall cause notice thereof to be published in the *Gazette* and shall inform the Commission accordingly.

Procedure where more than one candidate is validly nominated

**9.** Where the returning officer determined under regulation 7 that one candidate only is validly nominated, he shall, in accordance with the provisions of clause (12) of Article *thirty-four* of the Constitution declare such candidate to be elected as President, and shall forthwith publish such declaration in such manner as he may deem necessary for giving sufficient publicity thereto, and shall cause notice thereof to be published in the *Gazette* and shall inform the Commission accordingly.

Procedure where only one candidate is validly nominated

**10.** Where the returning officer determines under regulation 7 that no candidate is validly nominated, he shall forthwith notify the Commission in writing of such determination, and the Commission shall exercise its powers under regulation 3 to appoint another day for receiving nominations.

Procedure where no candidate is validly nominated

### PART III ELECTION PROCEDUREPART III

#### ELECTION PROCEDURE

**11.** Where two or more candidates are validly nominated under these Regulations, or where it is necessary in a poll in accordance with clause (7) of Article *thirty-four* of the Constitution to take a further poll, the Commission shall appoint the day on which and the hours on such day within which, presiding officers may take a poll for the election of a President.

Appointment of a day for a Presidential election

**12.** (1) A poll for the election of a President shall be taken in each constituency, and the provisions of Part III (other than Head A and Part V of the Electoral (General) Regulations) shall with necessary modification apply to, and in relation to, the taking of such poll.

Election procedure Cap. 13

(2) The Director of Elections may give such directions as in his opinion are necessary to give effect to the provisions of sub-regulation (l).

**13.** For the purpose of determining whether any candidate is entitled to be declared elected under clause (7) or clause (9) of Article *thirty-four* of the Constitution, the returning officer shall refer to the information notified to him by the Commission under sub-regulation (3) of regulation 49 of the Electoral (General) Regulations, and ascertain the total number of votes cast in favour of each candidate in accordance with such information; and if a Presidential candidate records more than fifty per cent of the valid votes cast, the returning officer shall declare him to be elected as President.

S.I. No. 108 of 1991

**14.** If-

Failure of candidate to receive more than fifty per cent of votes

- (a) on an initial poll, no candidate receives more than fifty per cent of the valid votes cast at the election the returning officer shall so inform the Commission, and the Commission shall, in accordance with regulation 11 appoint a day for taking a further poll;
- (b) on a second poll, no candidate receives more than fifty per cent of the valid votes cast, or there are two candidates who have received an equal number of votes the returning officer shall so inform the President in accordance with clause (9) of Article *thirty-four* of the Constitution.

**15.** Where a vote is taken at a session of the National Assembly in accordance with clauses (10) and (11) of Article *thirty-four* of the Constitution, the result shall be declared by the returning officer.

Declaration of results of election for President in Parliament

**16.** For the purpose of declaring the result of an election determined otherwise than in accordance with clause (10) and (11) of Article *thirty-four* of the Constitution, the returning officer shall complete a declaration in writing of the result of the election as in the Form PE 3 in the Schedule, and, where more than one candidate is validly nominated for election, the returning officer shall-

Declaration of result of election

- (a) publish the details in respect of each candidate in such manner as he may deem necessary for giving sufficient publicity thereto; and
- (b) cause notice of such declaration to be published in the *Gazette*; and
- (c) deliver such declaration, completed as aforesaid, to the Commission, together with a statement in writing in respect of each candidate of the details of such result.

(2) Where a President is elected in accordance with Article *thirtyfour* of the Constitution, the returning officer shall certify the result to the Commission.



PART IV MISCELLANEOUSPART IV

MISCELLANEOUS

**17.** The provisions of Part IV of the Electoral (General) Regulations, shall apply with necessary modification to an election of a President as they apply to, and in respect of elections of members of the National Assembly. Corrupt and illegal practices and election offences

**18.** Has had its effect.

REPUBLIC OF ZAMBIA

THE ELECTORAL (PRESIDENTIAL ELECTIONS) REGULATIONS

(Regulation 5)

NOMINATION PAPER FOR ELECTION TO THE OFFICE OF PRESIDENT

To: THE CHIEF JUSTICE

I, ..... (full names)

being a candidate for election to the office of President of the Republic of Zambia do solemnly and sincerely declare that:

- (i) I am a citizen of Zambia;
- (ii) I have attained the age of thirty five years;
- (iii) I am a member of/sponsored by .....
- (iv) I am qualified to be elected as a member of the National Assembly;
- (v) my residential address is .....  
.....
- (vi) my postal address is .....
- (vii) my proposed symbol is .....

I make this solemn declaration conscientiously believing the same to be true

Signed .....

Chief Justice/Returning Officer

We, being registered voters for the purposes of elections to the National Assembly support the candidature of .....  
(full names of candidate)

	Full name in BLOCK CAPITALS	Number of voter's Registration Card	Polling District in which regis- tered as a voter	Signature Thumbprint
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

to

REPUBLIC OF ZAMBIA  
THE ELECTORAL (PRESIDENTIAL ELECTIONS) REGULATIONS  
(Regulation 6)

STATUTORY DECLARATION OF ASSETS AND LIABILITIES LODGED AT NOMINATION

I, .....(full names)

being a candidate for election to the office of President of the Republic of Zambia do solemnly and sincerely declare that the statement annexed hereto\* is made by me for the purposes of Articles 32 of the Constitution and is a true and complete statement of my assets and liabilities.

AND I make this solemn declaration conscientiously believing the same to be true.

Signed .....

Subscribed and solemnly declared before me this ..... day of  
.....,19.....

.....

Chief Justice/Returning Officer

NOTE: A typed or clearly printed/written statement of assets and liabilities must be annexed to this declaration.

REPUBLIC OF ZAMBIA

THE ELECTORAL (PRESIDENTIAL ELECTIONS) REGULATIONS

(Regulation 15)

DECLARATION OF THE RESULT OF AN ELECTION TO THE OFFICE OF PRESIDENT

WHEREAS Parliament was dissolved on the ..... day of ..... ,19.....

AND WHEREAS an election to the office of President has been pursuant to Article *thirty-two* of the Constitution.

NOW THEREFORE, I (*full name of Returning Officer*) ..... being the Returning Officer for the election to the office of President do hereby declare that I have, in accordance with law, ascertain the result of such election and I therefore declare (*name of elected candidate in BLOCK LETTERS*) ..... being the only candidate validly nominated in such election\* to be duly elected as

President of the Republic of Zambia, this .....day of ..... ,19.....

Signed .....

*Chief Justice/Returning Officer*

LUSAKA  
ZAMBIA

\*Where more than one candidate has contested the election delete the words \*being the only candidate validly nominated in such election".

SECTION 17 AND 18-ELECTORAL (CONDUCT) REGULATIONS

*Regulations by the Electoral Commission*

- |   |  |
|---|--|
| <p>1. These Regulations may be cited as the Electoral (Conduct) Regulations.</p>  | Title  |
| <p>2. In these Regulations, unless the context otherwise requires, "monitor" includes an observer, a pressman and a photographer.</p>   | Interpretation   |
| <p>3. Every person shall during election campaigns and elections promote conditions conducive to the conduct of a free and fair election.</p>   | Duty of every person during election campaigns and elections |
| <p>4. Every person shall have the right to-</p> <ul style="list-style-type: none"><li>(a) express his political opinions;</li><li>(b) debate and contest the policies and programmes of other parties;</li><li>(c) canvas freely for membership and support from voters;</li><li>(d) hold public meetings;</li><li>(e) distribute electoral literature and campaign materials;</li><li>(f) publish and distribute notices and advertisements;</li><li>(g) erect banners, placards and posters;</li><li>(h) campaign freely; and</li><li>(i) participate freely in political activities.</li></ul> | Rights of every person                                       |

The Laws of Zambia

5. Every political party shall establish and maintain effective lines of communication with the Commission, and with other registered parties, at national and local level, including the exchange of names, addresses and contact telephone and facsimile numbers of party election agents and of other relevant office bearers and representatives.

Duties of every political party

6. A person shall not coerce or intimidate another person during election campaigns, public debates or elections.

Prohibition of coercion or intimidation

7. (1) A person shall not-

Prohibition of violence and other unlawful acts

- (a) cause violence or use any language or do any kind of action which may lead to violence or intimidation during election campaigns or elections;
- (b) carry or display arms or weapons of any kind at a political meeting or in the course of any march, demonstration or other event of a political nature;
- (c) make false, defamatory or inflammatory allegations concerning any person or party in connection with an election, but shall confine criticism and comments to policies and programmes of the parties;
- (d) arrange a public meeting, demonstration, rally or march at the same time and venue as another similar political event organised by another party;
- (e) impede the democratic right of any party, through its candidates canvassers or representatives, to have reasonable access to voters for the purposes of conducting voter education, fund raising, canvassing membership and soliciting support;
- (f) plagiarize the symbols, colours or acronyms of other parties;
- (g) remove, disfigure or destroy any political campaign materials of any party;
- (h) offer any inducement or reward to any person in consideration of such person-
  - (i) joining or not joining any party;
  - (ii) attending or not attending any political event;
  - (iii) voting or not voting; or

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- (iv) accepting, refusing or withdrawing such person's nomination as a candidate in the election;
- (i) abuse or attempt to abuse a position of power, privilege or influence, including parental, patriarchal or traditional authority, for political purposes, including any offer of a reward or threat;
- (j) propagate any opinion or action which in any manner is prejudicial to the sovereignty, integrity or security of the country, to the maintenance of public order, or to the independence of any institution;
- (k) in any way campaign either individually or collectively on polling day;
- (l) use government transport or facility for campaign purposes or to carry voters to polling stations:

Provided that this paragraph shall not apply to the President and the Vice-President; or

- (m) in any way discriminate against any person on grounds of race, sex, ethnicity, class, gender or religion in connection with the election or political activity.

(2) Where any form of Government transport or property is available for hire, it shall be made accessible to all political parties at a fee on the first come, first serve basis.

8. (1) All electronic media shall provide-

Duty of media

- (a) fair and balanced reporting of the campaigns, policies, meetings, rallies and press conferences of all registered political parties during the period of campaigning; and
- (b) news of the electoral process up to the close of poll.

(2) All media shall-

- (a) report election news in an accurate manner and shall not make any abusive editorial comment or encourage racism, religious intolerance or hatred;
- (b) identify any editorial comment they wish to make and separate it from the news.

(3) All media personnel shall-

- (a) conduct interviews with candidates with fairness both in the style of the interview and in the amount of the time given;
- (b) not broadcast their own political opinion, commentary or assessment, but where they wish to do so, they shall clearly identify the opinion, commentary or assessment as their own and shall carefully balance it in order to avoid bias.

**9.** (1) All television and radio broadcasters shall allocate equal air-time to parties for their political broadcasts. Air time

(2) A party shall not buy more than thirty minutes air-time on television or radio, except where one party's allocated time is totally or partially unused, in which case other parties may buy that extra time on a first come, first serve basis.

(3) A party shall not buy more than fifteen minutes air-time in any one language on the television or radio in any one week:

Provided that if one party's allocated time is totally or partially unused, other parties may buy that extra time on a first come, first serve basis.

(4) Television and radio broadcasters shall not schedule any party's political broadcast or other political discussion or interview, opinion poll results or broadcast prediction of the result of polling day until the polls have closed.

**10.** (1) All media shall devise an election results programme which shall keep the electorate up to date with the progress of the vote-counting process shall avoid unfounded speculation which may cause instability and shall broadcast confirmed election results as they become available. Election results programme

(2) Television and radio stations shall-

- (a) maintain full records of all radio and television news bulletins and recordings of all other programmes related to the election, including party political broadcasts and shall institute a close and meticulous monitoring system to ensure balance throughout the campaign and up to the close of poll.
- (b) provide the Electoral Commission at any reasonable time with all such records, information and recordings as the Commission may require to fulfil its monitoring role.



(3) The Commission may require newspapers to provide the possibility for inspection of back copies in the event of a complaint.

(4) Any candidate or party who wishes to make a complaint of unfair treatment or coverage in the course of the election campaign, shall send it in writing to the Commission.

(5) Where any complaint made under sub-regulation (5) has the effect of asking any media outlet to correct a mistake, the candidate making the complaint shall send the complaint to that media outlet and a copy of it to the Electoral Commission, which shall respond to any such complaint.

(6) Where a right of reply, a retraction or the correction of a matter of significance is necessary, such a response must be placed or scheduled in a position of equal prominence.

**11.** (1) A person shall not act as a local or foreign monitor, during election campaigns and elections unless he is duly recognised and authorised by the Electoral Commission. Monitors

(2) Local monitors shall be nominated by their organisations and shall undergo training and assessment by their organisations.

(3) Monitors shall be provided with necessary identification by the Electoral Office and their organisations.

(4) The conduct of monitors shall conform to the Constitution, the Electoral Act and Regulations made under it, the Code of Conduct for monitors and the directives of the electoral officials or any lawful instructions of any person acting on their behalf.

(5) Monitors shall-

- (a) be impartial in the conduct of their duty, and shall at no time publicly indicate or express any bias or preference with reference to any party or candidate;
- (b) be in a sufficient number at each polling station and shall ensure that their presence is widely known and recognised by the electorate;

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- (c) not under any circumstances whatsoever, interfere with the duties of the election officials in anyway, and shall immediately report any violation to the proper authority;
- (d) ensure that any material information or reports which they receive, any event, occurrence or statement of which they have been notified or which indicates the commission of an offence or infringement of the Electoral Act or these Regulations are brought to the attention of their organisations, the enforcement agents, the Elections Office and other parties concerned;
- (e) maintain secrecy with reference to any matter affecting voting and counting of votes and shall not by themselves or through their organisation declare the result of any election before the declaration by the Electoral Commission;
- (f) when so requested immediately identify themselves to any election officer, or law enforcement officer and shall during the conduct of their activities, at all times carry, wear or otherwise prominently display the prescribed identification badges or cards issued by the Electoral Commission;
- (g) not display allegiance to any party at any time and shall refrain from carrying, wearing and displaying electoral material or any article of clothing, emblem, colours, badges or other items denoting support for or opposition to, any party or candidates or any of the issues in contention in the elections;
- (h) not be involved in corrupt practices or accept any favours, so as to make statements in favour or against any candidate or political party;
- (i) refrain from carrying or displaying arms or other dangerous weapons during the conduct of their activities or while wearing their monitor identification.

(6) Monitors and their sponsoring organisations shall, whenever requested by the Electoral Commission, attend such briefings, training workshops and other meetings convened in order to co-ordinate their activities.

(7) After the results of the elections, monitors shall handover to the Electoral Commission any identification they received from it.

**12.** Any person who contravenes these Regulations shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding three hundred thousand kwacha or to imprisonment for a term not exceeding three months or to both.

Offences and penalties