

GOVERNMENT OF ZAMBIA

ACT

No. 32 of 2021

Date of Assent: 19th May, 2021

An Act to amend the Electoral Process Act, 2016.

[20th May, 2021

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Electoral Process (Amendment) Act, 2021, and shall be read as one with the Electoral Process Act, 2016, in this Act referred to as the principal Act.

Short title

Act No. 35
of 2016

2. Section 2 of the principal Act is amended by the insertion of the following new definitions in the appropriate places in alphabetical order:

Amendment
of section 2

“correctional centre” has the meaning assigned to the words in the Zambia Correctional Service Act, 2021;

Act No. 37
of 2021

“correctional officer” has the meaning assigned to the words in the Zambia Correctional Service Act, 2021;

Act No. 37
of 2021

“inmate” has the meaning assigned to the word in the Zambia Correctional Service Act, 2021;

Act No. 37
of 2021

“legally disqualified” means the absence of legal capacity as provided in section 4 of the Mental Health Act;

Act No. 6 of
2019

“officer-in-charge” has the meaning assigned to the word in the Zambia Correctional Service Act, 2021;

Act No. 37
of 2021

“prison” has the meaning assigned to the word in the Zambia Correctional Service Act, 2021;; and

Act No. 37
of 2021

“State institution” has the meaning assigned to the words in the Constitution;

Cap. 1

3. The principal Act is amended by the repeal of section 9 and the substitution therefor of the following:

Repeal and
replacement
of section 9

- Disqualification from registration as voter **9.** The Commission shall not register a person as a voter if that person is—
- (a) not a citizen;
 - (b) not in possession of a national registration card; or
 - (c) legally disqualified.
- Insertion of section 24A and 24B **4.** The principal Act is amended by the insertion of the following new sections immediately after section 24:
- Access to polling station in prison **24A.** (1) Where the Commission establishes a polling station at a prison or correctional centre under section 24, that polling station shall be used by an inmate or correctional officer and member of the public as the Commission may determine.
- (2) A correctional officer may, as far as is practicable, facilitate the transfer of an inmate to a polling station designated by the Commission.
- Access to prison or correctional centre **24B.** An officer-in-charge of a prison or correctional centre shall grant access to a prison or correctional centre to the following:
- (a) the Commission for the purposes of conducting electoral processes;
 - (b) a candidate in an election for the purposes of distributing campaign material in a prescribed manner;
 - (c) an accredited polling agent, observer and monitor for the purpose of observing or monitoring an election; and
 - (d) a member of the public for the purposes of voting.
- Amendment of section 29 **5.** Section 29 of the principal Act is amended in—
- (a) subsection (1) by the deletion of the words “and public entity” and the substitution therefor of the words “or State institution”; and
 - (b) subsection (2) by the deletion of the words “and political party” and the substitution therefor of the words “or political party”.
- Repeal of section 47 **6.** The principal Act is amended by the repeal of section 47.

7. Section 89(1) of the principal Act is amended by the insertion of the following new paragraph immediately after paragraph (n):

Amendment
of section 89

(o) without lawful authority announce and declare the results of an election.

8. Section 125(2) of the principal Act is amended by the —
(a) insertion of the following new paragraph immediately after paragraph (w):

Amendment
of section
125

(x) the electoral processes at prisons and correctional centres; and

(b) renumbering of paragraph (x) as paragraph (y).
