

**THE ELECTORAL PROCESS (AMENDMENT) BILL,
2026**

MEMORANDUM

The object of this Bill is to amend the Electoral Process Act, so as to provide for—

- (a) the inspection of the Provisional Register of Voters;
- (b) the filing of an adoption certificate to accompany a nomination;
- (c) the election and distribution of seats under the proportional representation electoral system;
- (d) the appointment of a returning officer and their powers and duties;
- (e) the filing of a nomination petition;
- (f) the power of the Commission to suspend a political party or candidate for breach of the Code of Conduct; and
- (g) matters connected with, or incidental to, the foregoing.

M. D. KABESHA,
Attorney-General

A BILL

ENTITLED

An Act to amend the Electoral Process Act.

ENACTED by the Parliament of Zambia

Enactment

1. This Act may be cited as the Electoral Process (Amendment) Act, 2026, and shall be read as one with the Electoral Process Act, in this Act referred to as the principal Act.

Short title

Cap. 13

5 2. Section 2 of the principal Act is amended by the—

Amendment
of section 2

(a) deletion of the definitions of “campaign period”, “candidate”, “Code” and “presiding officer” and the substitution therefor of the following:

10 “campaign period” means the period commencing after the close of nominations and ending on the day preceding an election, as the Commission determines, in accordance with section 28;

“candidate” means—

15 (a) a person contesting a presidential, parliamentary or local government election under the first-past-the-post electoral system; or

20 (b) a person included on a party list for a parliamentary or local government election under the proportional representation electoral system;

N.A.B. 44, 2026

“Code” means the Electoral Code of Conduct set out in the First Schedule;

“presiding officer” means a person appointed as presiding officer by the Commission under section 37B; and 5

(b) insertion of the following new definitions in the appropriate places in alphabetical order:

“adoption certificate” means a certificate signed by the president or secretary-general of a political party, as prescribed, specifying a candidate who is sponsored by that political party for an election to the office of President, Member of Parliament, mayor, council chairperson or councillor; 10

“nomination petition” means a nomination petition filed in accordance with section 95A; 15

“party list” means a list prepared by a political party for the purposes of the proportional representation electoral system and submitted to the Returning Officer or a district electoral officer by a political party in accordance with section 36C; 20

Cap. 1 “person with disability” has the meaning assigned to the words in the Constitution;

Cap. 119 “president” means an office-bearer designated as president of a political party in accordance with the Societies Act; 25

Cap. 119 “secretary-general” means an office-bearer designated as secretary-general, or an equivalent office-bearer, of a political party in accordance with the Societies Act; and 30

Cap. 1 “youth” has the meaning assigned to the word in the Constitution.

Amendment of section 12 3. Section 12(2) of the principal Act is amended by the insertion of the word “new” immediately after the words “registration of”. 35

Amendment of section 13 4. Section 13 of the principal Act is amended by the insertion of the following new subsections immediately after subsection (2):

(3) The Commission may determine the period within which the Provisional Register of Voters may be inspected.

5 (4) A registered voter may inspect, electronically, the Provisional Register of Voters during the period determined by the Commission under subsection (3).

5. Section 17(1) of the principal Act is amended by the deletion of the word “ninety” and the substitution therefor of the word
10 “fourteen”. Amendment of section 17

6. Section 27(1) of the principal Act is amended by the deletion of the word “section 20” and the substitution therefor of the word “section 24”. Amendment of section 27

7. Section 28 of the principal Act is amended by the insertion
15 of the following new subsection immediately after subsection (3): Amendment of section 28

20 (4) The publication and amendment of the election timetable under this section shall, in addition to the *Gazette*, be made in a newspaper of general circulation in the Republic or any electronic media that the Commission may determine.

8. Section 30 of the principal Act is amended— Amendment of section 30

(a) in subsection (1), by the—

(i) insertion of the following new paragraph immediately after paragraph (a):

25 (b) an adoption certificate, in the case of a candidate sponsored by a political party;; and

(ii) renumbering of paragraphs (b), (c) and (d) as paragraphs (c), (d) and (e), respectively;

30 (b) by the insertion of the following new subsection immediately after subsection (1):

35 (2) The Commission shall publish the particulars of validly nominated candidates in the *Gazette*, and a newspaper of general circulation in the Republic or any electronic media that the Commission may determine.; and

(c) by the renumbering of subsections (2) and (3) as subsections (3) and (4), respectively.

6 No. of 2026] *Electoral Process (Amendment)*

Amendment
of section 31

9. Section 31 of the principal Act is amended by the—

(a) insertion of the following new subsections immediately after subsection (1):

(2) A nomination paper and an affidavit referred to in subsection (1) shall be accompanied by an adoption certificate, except that this requirement shall not apply to an independent candidate. 5

(3) The Commission shall publish the particulars of validly nominated candidates at the nomination centres.; and 10

(b) renumbering of subsection (2) as subsection (4).

Repeal and
replacement
of section 33

10. The principal Act is amended by the repeal of section 33 and the substitution therefor of the following:

Nomination
of candidates
in district or
ward

33. (1) Subject to subsection (2), a candidate for election in a district or ward of a council shall lodge with the returning officer for that district or ward of a council that candidate's nomination paper and an affidavit in the prescribed manner and form. 15

(2) A nomination paper and an affidavit referred to under subsection (1) shall be accompanied by an adoption certificate, except that this requirement shall not apply to an independent candidate. 20

(3) The nomination paper referred to under subsection (1) shall be subscribed, in the presence of the returning officer for that district by at least fifteen persons registered as voters in the district in which a candidate is contesting an election. 25

(4) The nomination paper referred to under subsection (1) shall be subscribed, in the presence of the returning officer for that ward of a council, by at least nine persons registered as voters in the ward in which a candidate is contesting an election. 30

(5) A person appearing before a returning officer for the purpose of subscribing a nomination paper in accordance with subsection (3) or (4) shall produce a voter's card and a national registration card to the returning officer for inspection as proof of identity. 35

5 (6) A person qualifies to be a mayor or council chairperson if, in addition to the requirements set out under Article 154(2) of the Constitution, that person has a certificate of clearance showing the payment of council taxes, where applicable. Cap. 1

(7) The Commission shall publish the particulars of validly nominated candidates at the nomination centres.

10 11. The principal Act is amended by the insertion of the following new Part immediately after Part IV: Insertion of Part IVA

PART IVA

PROPORTIONAL REPRESENTATION ELECTORAL SYSTEM

15 36A. A political party that intends to contest for a seat under the proportional representation electoral system specified under Article 47(2)(b) and (3)(c) of the Constitution and in accordance with this Part shall have a candidate contesting for election as President. Eligibility for participation in proportional representation electoral system Cap. 1

20 36B. (1) The formula to be used by the Commission in the distribution of seats under the proportional representation electoral system is specified in the Second Schedule. Formula and distribution of seats under proportional representation electoral system

25 (2) The Commission shall, within seven days of the swearing in of the President-elect, distribute the seats under the proportional representation electoral system in the National Assembly and council, in proportion to the total number of valid votes received by a presidential candidate in the initial ballot.

30 (3) The Commission shall, where a political party refuses to take up a seat that has been distributed to that political party, re-distribute the vacant seat to a political party that qualified for a seat in line with the formula for distribution of seats referred to under subsection (1).

35 (4) The votes obtained by a presidential candidate of a political party that refuses to take up a seat under subsection (3), shall not be considered in the distribution of seats in accordance with this section.

8 No. of 2026] *Electoral Process (Amendment)*

Submission
of party list

36C. (1) A political party shall, within seven days after the distribution of the seats in accordance with section 36B, submit a party list to the Commission in a prescribed manner and form on payment of a prescribed fee. 5

(2) A party list submitted under subsection (1) shall be signed by the president or secretary-general of a political party.

(3) A party list shall be submitted, in the case of a seat in — 10

(a) the National Assembly, to the Returning Officer; and

(b) a council, to a district electoral officer.

(4) A political party shall not include, on a party list, a candidate who contested a seat under the first-past-the-post electoral system. 15

(5) A party list submitted under subsection (1) shall be accompanied by a consent form for each candidate, as prescribed, signed by the candidate appearing on the party list. 20

(6) The Commission shall, where a candidate on a party list submitted to the Commission dies, resigns from the political party that sponsored the candidate or is expelled from the political party before the publication of the names of Members of Parliament and councillors under the proportional representation electoral system, request the political party to submit an additional party list within a period determined by the Commission. 25

(7) The Commission shall publish the party list in accordance with section 36G as follows: 30

(a) in the case of a Member of Parliament, where a candidate on a party list submitted under subsection (1) meets the requirements specified under Article 70 of the Constitution; and 35

(b) in the case of a councillor, where a candidate on a party list submitted under subsection (1) meets the requirements specified under Article 153(4) of the Constitution. 40

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(8) The Commission shall notify the political party to take remedial measures to rectify the party list within a period that the Commission may determine where —

5 (a) in the case of a Member of Parliament, a candidate on a party list submitted under subsection (1) does not meet the requirements specified under Article 70 of the Constitution; and

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10 (b) in the case of a councillor, where a candidate on a party list submitted under subsection (1) does not meet the requirements specified under Article 153(4) of the Constitution.

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15 (9) The Commission shall, where a political party does not submit a party list within a period specified under this section, re-distribute the vacant seat to a political party that qualified for a seat in line with the formula for distribution of seats under section 20 36B.

(10) The votes obtained by a presidential candidate of a political party that does not submit a party list under subsection (9), shall not be considered in the distribution of seats.

25 36D. (1) A political party that submits a party list in accordance with section 36C for a seat in the National Assembly shall submit a party list for each category as follows:

Requirements of party list for seat in National Assembly

30 (a) the number of women seats obtained by a political party;

(b) the number of youth seats obtained by a political party; and

(c) the number of persons with disabilities seats obtained by a political party.

35 (2) A party list submitted under subsection (1)(b) shall contain candidates that are youths for the entire duration of the term of Parliament.

(3) A party list submitted under subsection (1)(c) shall —

(a) contain alternates of the classes of disabilities; and

(b) have candidates in possession of a certificate of registration issued in accordance with the Persons with Disabilities Act.

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Number of councillors under proportional representation electoral system

36E. (1) The number of councillors under the proportional representation electoral system in a council shall be calculated based on the eighteen percent of the proportional representation seats against constituency based seats in the National Assembly.

(2) The number of seats under the proportional representation electoral system in a council shall be distributed among women, youth and persons with disabilities using the ratio four to three to one, respectively, except that each category of women, youth and persons with disabilities shall have at least one seat.

(3) Despite subsections (1) and (2), a council shall, where the proportional representation seats in a council is less than three in accordance with the calculation referred to under subsection (1), consist of three proportional representation seats comprising of one seat for women, youth and persons with disabilities, respectively.

(4) The Commission shall publish the number of proportional representation seats in each council in accordance with this section, as prescribed

Requirements of party list for seat in council

36F. (1) Subject to section 36E, a political party that submits a party list in accordance with section 36C for a seat in a council shall submit a party list for each category as follows:

(a) the number of women seats obtained by a political party;

(b) the number of youth seats obtained by a political party; and

(c) the number of persons with disabilities seats obtained by a political party.

5 (2) A party list submitted under subsection (1), in relation to youths, shall have candidates that are youths for the entire duration of the term of a council.

(3) A party list submitted under subsection (1) in relation to persons with disabilities shall—

- 10 (a) contain alternates of the classes of disabilities; and
- (b) have candidates in possession of a certificate of registration issued in accordance with the Persons with Disabilities Act.

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15 36G. The Commission shall, within seven days of the receipt of a party list in accordance with section 36C, process and publish the names of Members of Parliament and councillors that obtained a seat under the proportional representation electoral system in the *Gazette*, and a newspaper of general circulation in the Republic or any electronic media that the Commission may determine.

Publication of party list

25 36H. (1) Article 72(1) and (2)(a), (b), (c), (d), (e), (f), (h) and (i) of the Constitution shall apply in relation to a vacancy of a Member of Parliament under the proportional representation electoral system.

Vacancy in office of Member of Parliament under proportional representation electoral system
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30 (2) In addition to the grounds specified under subsection (1), a political party that sponsored a Member of Parliament holding a seat under the proportional representation electoral system may recall the Member of Parliament at any time during the term of Parliament.

35 (3) A person who causes a vacancy in the National Assembly due to the reasons specified under Article 72(2)(a), (b), (c), (d) and (h) of the Constitution shall not, during the term of that Parliament —

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- (a) be eligible to contest an election or qualify to be on a list under the proportional representation electoral system; or

(b) hold public office.

(4) The Speaker shall, where a vacancy occurs in the National Assembly for a seat under the proportional representation electoral system, inform the Commission of the vacancy, in writing, within 5 seven days of the occurrence of the vacancy.

(5) The Commission shall, within ninety days of the vacancy in accordance with subsection (1) or (3), fill the vacancy with the next available candidate on a party list of a political party that holds the seat. 10

(6) The Commission shall, where a party list of a political party has no remaining candidate during the term of Parliament, request the political party to submit an additional party list within thirty days of the request. 15

(7) Sections 36C and 36D shall apply to an additional party list referred to under subsection (6).

(8) The Commission shall, where a political party fails to submit an additional party list within the period specified under subsection (6), re-allocate the vacant seat to a political party that qualified for a seat in accordance with the formula for distribution under section 36B. 20

(9) The votes obtained by a presidential candidate of a political party that fails to submit an additional party list under subsection (8) shall not be considered in the distribution of seats. 25

(10) A Member of Parliament holding a seat for a political party under the proportional representation electoral system shall, where a political party is dissolved, cease to be a Member of Parliament and the seat shall be re-allocated to a political party that qualifies for a seat in line with the formula for distribution of seats under section 36B. 30

(11) A vacancy occurring in accordance with this section within one hundred and eighty days preceding a general election shall not be filled. 35

36I. (1) Article 157 (1) and (2)(b), (c), (e), (f) and (g) of the Constitution shall apply in relation to a vacancy of a councillor under the proportional representation electoral system. 40

Vacancy for
councillors
in
proportional
representation
electoral
system

5 (2) In addition to the grounds specified under subsection (1), a political party that sponsored a councillor holding a seat under the proportional representation electoral system may recall the councillor at any time during the term of a council.

(3) Where a vacancy occurs in the office of a councillor, the—

10 (a) Town Clerk or Council Secretary of the local authority shall, within seven days of the occurrence of the vacancy, inform the Commission, in writing, of the vacancy; and

15 (b) Commission shall, within ninety days of the vacancy, fill a vacancy with the next available candidate on a party list of a political party that holds the seat.

20 (4) The Commission shall, where a party list of a political party has no remaining candidates during the term of a council, request the political party to submit an additional party list within thirty days of the request.

(5) Sections 36C and 36F shall apply to an additional party list referred to under subsection (4).

25 (6) The Commission shall, where a political party fails to submit an additional party list within the period specified under subsection (4), re-allocate the vacant seat to a political party that qualified for a seat in accordance with the formula for distribution under section 36B.

30 (7) The votes obtained by a presidential candidate of a political party that fails to submit an additional party list under subsection (6) shall not be considered in the distribution of seats.

35 (8) A councillor holding a seat for a political party under the proportional representation electoral system shall, where a political party is dissolved, cease to be a councillor and the seat shall be re-allocated to a political party that qualifies for a seat in line with the formula for distribution of seats under section 36B.

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(9) A vacancy occurring in accordance with this section within one hundred and eighty days preceding a general election shall not be filled.

Repeal and replacement of section 37

12. The principal Act is amended by the repeal of section 37 and the substitution therefor of the following: 5

Appointment of returning officer

37. The Commission shall appoint a returning officer, in respect of each constituency, district or ward, by notice in the *Gazette*.

Insertion of sections 37A and 37B

13. The principal Act is amended by the insertion of the following new sections immediately after section 37: 10

Powers and duties of returning officer

37A. (1) A returning officer shall be in charge of electoral activities at a constituency, district or ward.

(2) Despite the generality of subsection (1), a returning officer shall— 15

(a) conduct the nomination process at constituency, district or ward level;

(b) collate results in a constituency, district or ward;

(c) declare National Assembly and local government election results; 20

(d) announce presidential results in a constituency; and

(e) perform any other election related duties as determined by the Commission and under this Act. 25

Appointment of presiding officer

37B. The Commission shall, after prescribing a date for an election, appoint a presiding officer for each polling station at which the election is conducted.

Amendment of section 60

14. Section 60 of the principal Act is amended by the deletion of subsection (6) and the substitution therefor of the following: 30

(6) A voter shall, once the voter has received a ballot paper referred to under subsection (5)

(a) enter an empty voting booth;

(b) mark the ballot paper in a way that indicates the candidate the voter intends to vote for; 35

(c) fold the ballot paper to conceal the voter’s vote;

(d) cast the ballot paper in the ballot box; and

5 (e) without delay, leave the voting station.

15. Section 68 of the principal Act is amended by the deletion of— Amendment of section 68

(a) the marginal note and the substitution therefor of the following:

10 Counting of votes and announcement of results; and

(b) subsection (3) and the substitution therefor of the following:

(3) A presiding officer shall mark “rejected” for a rejection on the back of each rejected ballot paper and file the rejected ballot paper separately.

15 **16.** Section 70 of the principal Act is amended by the deletion of the marginal note and the substitution therefor of the following: Amendment of section 70

Objections concerning counting of votes and announcement of results

20 **17.** Section 71 of the principal Act is amended by the deletion of the marginal note and the substitution therefor of the following: Amendment of section 71

Procedure concerning results and voting materials

18. Section 72 of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following: Amendment of section 72

25 (1) A returning officer shall, on receipt of the items specified under section 71, tally the results received from a polling station in a constituency, district and ward and shall—

30 (a) announce the results of the votes for the presidential, Member of Parliament, mayoral, council chairperson or councillor elections; and

(b) declare the results of the votes for the Member of Parliament, mayoral, council chairperson or councillor election.

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Repeal and replacement of section 80 **19.** The principal Act is amended by the repeal of section 80 and the substitution thereof of the following:

Voter education 80. Despite section 79, the Commission shall provide voter education.

Insertion of Part VIIIA **20.** The principal Act is amended by the insertion of the following new Part immediately after Part VIII:

PART VIIIA

NOMINATION PETITIONS

Nomination petition 95A. A person, who challenges, before a court or tribunal, the nomination of a candidate in accordance with Article 52(4) of the Constitution, shall file a nomination petition in a prescribed manner and form.

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Rules relating to nomination petition

95B. (1) The Chief Justice may, by statutory instrument, make Rules relating to the—

(a) practice and procedure before a court or tribunal with respect to the filing and trial of a nomination petition;

(b) time within which any requirement of the rules is to be complied with;

(c) costs of, and incidental to, the filing and trial of a nomination petition;

(d) fees payable in respect of proceedings before a court or tribunal; and

(e) any other matter relating to a nomination petition that the Chief Justice considers necessary.

(2) A person who files a nomination petition before a court or tribunal has the right to appear and be represented before that court or tribunal.

Amendment of section 110 **21.** Section 110 of the principal Act is amended—

(a) in subsection (1), by the insertion of the word “First” immediately before the word

“Schedule”; and

18 No. of 2026] *Electoral Process (Amendment)*

APPENDIX

(Section 24)

SECOND SCHEDULE

(Section 36B)

FORMULA FOR DISTRIBUTION OF SEATS UNDER PROPORTIONAL REPRESENTATION ELECTORAL SYSTEM

(a) For purposes of distributing seats under the proportional representation electoral system, the Commission shall use a formula based on a quota for each of the following categories:

- (i) women;
- (ii) youths; and
- (iii) persons with disabilities.

(b) Steps of the formula (see Table below for illustration):

(i) step one (add all the valid votes cast for the presidential candidates whose political parties are eligible under section 36A);

(ii) step two (divide all the valid votes cast by each category of representation in order to determine the quota for each category of representation (that is, the value of one seat)-(for example, for a Member of Parliament in relation to women, divide all the valid votes cast by 20);

(iii) step three (calculate the number of seats that each political party is entitled to in the National Assembly or council)-(for example, for political party A, B, C, D, E, F, G, H, I, J and K, this is done by dividing the quota calculated in step (ii) above by the number of valid votes received by a presidential candidate for each political party); and

(iv) step four (where the formula set out in step (iii) above yields a surplus fraction not absorbed by the number of seats allocated to the political party concerned, the surplus fraction shall compete with other similar surpluses accruing to any political party participating under the proportional representation electoral system, and any undistributed seat (in terms of the formula set out in step (iii) above, shall be awarded to the political party concerned in sequence of the highest surplus- fraction); and

(v) step five (in the event of a tie of surpluses, and as a result of that tie, the undistributed seat cannot be awarded, then the undistributed seat shall be awarded by lot, as prescribed).

(c) A political party that does not meet the quota referred to under paragraph (b)(ii) shall not be considered under the remaining steps referred to under paragraph (b).

(d) The allocation of seats for councils shall have the same formula used for the National Assembly. However, the number of seats in a council varies in accordance with section 36D.

TABLE
(Paragraph (b))

Step (i) – Calculating the total number of valid votes cast

<i>Presidential Election Results Candidate</i>	<i>Party</i>	<i>Add all the valid votes obtained by the candidates Votes Obtained</i>
Candidate 1	A	175,898
Candidate 2	B	10,253
Candidate 3	C	472,697
Candidate 4	D	9,882
Candidate 5	E	140,688
Candidate 6	F	38,860
Candidate 7	G	506,695
Candidate 8	H	85,473
Candidate 9	I	59,172
Candidate 10	J	9,481
Candidate 11	K	228,861
TOTAL VALID VOTES		1,737,960

Other figures (not considered in determining the Quota)

Rejected Votes	33,375
Total Votes Cast	1,771,335
Registered Voters	2,604,761

Step (ii) – Determining the Quota

Category of PR Seats	Total Valid Votes - 1,737,960 divide by the number of seats	The Quota (Value of one seat for each category of PR)
Women	20	86,898
Youths	15	115,864
PWDs	5	347,592

Step (iii) – Allocating seats to political parties		Step (iv) – Allocating the remaining seats in sequence of the highest surplus fraction						
Political Parties	Votes Obtained	Women - 20 Seats	Actual seats (without surplus fraction)	Remainder (Seats remaining to be allocated)	Surplus fraction	Ranking the Surplus fractions	Seat allocation after ranking	Total number of seats allocated
		Divide the Quota for Women (86,898) in the						
	Votes obtained							
Party G	506,695	5.83	5		0.83	1	1	6
Party C	472,697	5.44	5		0.44	4	1	6
Party K	228,861	2.63	2		0.63	2	1	3
Party A	175,898	2.02	2		0.02	5	1	3
Party E	140,688	1.62	1		0.62	3	1	2
Party H	85,473	0.98						
Party I	59,172	0.68						
Party F	38,860	0.45						
Party B	10,253	0.12						
Party D	9,882	0.11						
Party J	9,481	0.11						
			15	5			5	20

Step (iii) – Determining the number of seats for political parties		Step (iv) – Allocating the remaining seats in sequence of the highest surplus fraction						
Political Parties	Votes Obtained	Youth - 15 Seats	Actual seats (without surplus fraction)	Remainder (Seats remaining to be allocated)	Surplus fraction	Ranking the surplus fractions	Seat allocation after ranking	Total number of seats allocated
		Divide the Quota for Youths (115,864) in the votes obtained						
Party G	506,695	4.37	4		0.37	3	1	5
Party C	472,697	4.08	4		0.08	5	0	4
Party K	228,861	1.98	1		0.98	1	1	2
Party A	175,898	1.52	1		0.52	2	1	2
Party E	140,688	1.21	1		0.21	4	1	2
Party H	85,473	0.74						
Party I	59,172	0.51						
Party F	38,860	0.34						
Party B	10,253	0.09						
Party D	9,882	0.09						
Party J	9,481	0.08						
			11	4			4	15

Step (iii) – Determining the number of seats for political parties		Step (iv) – Allocating the remaining seats in sequence of the highest surplus fraction						
Political Parties	Votes Obtained	PWDs - 5 Seats	Actual seats (without surplus fraction)	Remainder (Seats remaining to be allocated)	Surplus fraction	Ranking the surplus fractions	Seat allocation after ranking	Total number of seats allocated
		Divide the Quota for PWDs (347,592) in the votes obtained						
Party G	506,695	1.46	1	0.46	1	2	3	
Party C	472,697	1.36	1	0.36	2	1	2	
Party K	228,861	0.66						
Party A	175,898	0.51						
Party E	140,688	0.40						
Party H	85,473	0.25						
Party I	59,172	0.17						
Party F	38,860	0.11						
Party B	10,253	0.03						
Party D	9,882	0.03						
Party J	9,481	0.03						
			2	3		3	5	