

THE ELECTORAL PROCESS BILL, 2016

MEMORANDUM

The objects of this Bill are to—

- (a) provide for a comprehensive process for a general election;
- (b) provide for the conduct of elections by the Electoral Commission of Zambia and empower the Commission to make regulations in matters relating to elections;
- (c) provide for the registration of voters and the keeping of voters registers;
- (d) prescribe the procedures for nominations for elections;
- (e) provide for the role of presiding officers election officers and conflict management officers;
- (f) prescribe the procedure for voting during an election;
- (g) provide for the accreditation and roles of observes and monitors;
- (h) criminalise corrupt practices and other illegal practices related to elections and provide for penalties in connection with an election;
- (i) provide for election petitions and the hearing and determination of applications relating to a general election;
- (j) provide for voter education;
- (k) prescribe the electoral code of conduct;
- (l) repeal and replace the Electoral Act, 2006; and
- (m) provide for matters connected with, or incidental to, the foregoing.

A. MWANSA,
Solicitor-General

THE ELECTORAL PROCESS BILL, 2016

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title
2. Interpretation
3. Principles of electoral system and process
4. Administration, enforcement and prosecution
5. Delegation of powers and duties by Commission
6. Delegation of powers and duties by Chief Elections Officer

PART II

REGISTRATION OF VOTERS AND REGISTER

7. Continuous voter registration
8. Qualification for registration as voters
9. Disqualification from registration as voter
10. De-registration of Voter
11. Notification by registration officer
12. Suspension of registration of voters
13. Provisional Register of Voters
14. Register of voters
15. Application to change registration details
16. Amendments to Register of Voters
17. Objections concerning details in provisional register of voters
18. Publication of register of Voters
19. Inspection of register of Voters
20. Cut off dates for registration of Voters and Register of Voters

PART III

POLLING DISTRICTS AND BOUNDARIES

21. Establishment of polling districts
22. Criteria for determining polling district boundaries
23. Inspection and copies of maps of polling district
24. Establishment of polling station
25. Division of area of councils into wards
26. Election in newly created Council
27. Relocation of polling station in emergencies

PART IV

NOMINATION FOR ELECTIONS

28. Election timetable
29. Electoral campaign
30. Nomination of Presidential and Vice-Presidential candidate
31. Nomination for election in constituency
32. Conduct of local government elections
33. Nomination of candidates in district or ward
34. Restriction on nomination papers
35. Appointment of election agents and polling agents
36. Powers and duties of election or polling agents

PART V

ELECTION OFFICER

37. Appointment of presiding officer
38. Powers and duties of presiding officer
39. Appointment of polling assistant
40. Powers and duties of polling assistant
41. Appointment of additional persons as election officers
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46. One vote and secrecy
47. Disqualification from voting
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50. Hours of voting
51. Ballot paper
52. Design of ballot paper
53. Ballot boxes
54. Voting compartments
55. Conduct of general election
56. Postponement of voting at polling station
57. Postponement of by-election
58. Voting materials
59. Initial procedures
60. Voting procedure
61. Assistance to voters with disabilities
62. Issuance of new ballot paper

63. Spoilt ballot papers
64. Objections concerning voting
65. Sealing of full ballot boxes
66. Completion of ballot paper account form and sealing of voting materials
67. Place and time of counting of votes
68. Counting of votes and announcement of provisional results
69. Objections concerning sorting of ballot papers
70. Objections concerning counting of votes and announcement of provisional result
71. Procedure concerning provisional results and voting materials
72. Announcement and declaration of results by returning officer
73. Announcement and declaration of results in Presidential election
74. Electronic transmission of results
75. Re-voting at polling station
76. Correction of mistakes

PART VII

OBSERVERS, MONITORS AND VOTER EDUCATION

77. Accreditation of observers and monitors
78. Powers and duties of accredited observers and monitors
79. Voter education
80. Provision of voter education generally

PART VII

CORRUPT AND ILLEGAL PRACTICES AND OTHER ELECTION OFFENCES

81. Bribery
82. Impersonation
83. Undue influence
84. Illegal practice of publishing false statements in respect
85. Illegal practice in respect of nomination of candidates
86. Illegal practices in respect of public meetings
87. Illegal practices relating to the poll
88. Penalty for illegal practices
89. Other election offences
90. Property in certain election material
91. Secrecy and penalty for breach of secrecy
92. Offences by election officers
93. Offences by printers and publishers
94. Obstruction of officer
95. Attempts to commit offence

