

**THE ELECTORAL PROCESS (AMENDMENT)
BILL, 2021**

MEMORANDUM

The object of this Bill is to amend the Electoral Process Act, 2016, so as to—

- (a) provide for voting by persons in prisons;
- (b) provide for distribution of campaign material in prisons by candidates in an election;
- (c) provide for access to prisons by monitors, observers and polling agents on election day;
- (d) provide access to the community to vote in polling stations established in prisons;
- (e) prohibit the announcement and declaration of results by unauthorised persons; and
- (f) provide for matters connected with, or incidental to, the foregoing.

A. MWANSA,
Solicitor-General

A BILL

ENTITLED

An Act to amend the Electoral Process Act, 2016.

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

5 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

“prison officer” has the meaning assigned to the words in the Prisons Act;

Cap. 97

10 “inmate” has the meaning assigned to the word in the Prison Service Act;

Cap. 97

“legally disqualified” means the absence of legal capacity as provided in section 4 of the Mental Health Act, 2019;

Act No. of 2021

15 “officer-in-charge” has the meaning assigned to the words in the Prisons Act;

Cap. 97

“prison” has the meaning assigned to the words in the Prisons Act; and

Cap. 97

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

Cap. 1

20 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

N.A.B. 30, 2021

4 No. of 2021] *Electoral Process (Amendment)*

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:	5
Access to polling station in prison	24A. (1) Where the Commission establishes a polling station at a prison under section 24, that polling station shall be used by a prisoner, prison officer and member of the public as the Commission may determine. (2) A prison officer may, as far as is practicable, facilitate the transfer of a prisoner to a polling station designated by the Commission.	10
Access to prison or correctional centre	24B. An officer-in-charge of a prison shall grant access to a prison 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.	15
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”.	25 30
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

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

8. Section 125(2) of the principal Act is amended by the —

Amendment
of section
125

10 (a) insertion of the following new paragraph immediately after
paragraph (w);

(x) the electoral processes at prisons; and

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

