



REPUBLIC OF ZAMBIA

REPORT

OF THE

SELECT COMMITTEE

ON THE

ELECTORAL PROCESS (AMENDMENT) BILL, N.A.B. NO. 44 OF 2026

FOR THE

FIFTH SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

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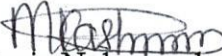
FOREWORD

Honourable Madam Speaker, the Select Committee appointed to scrutinise the Electoral Process (Amendment) Bill, N.A.B No. 44 of 2026, has the honour to present its Report on the Bill, for the Fifth Session of the Thirteenth National Assembly. The functions of the Committee are set out under Standing Orders 197(b) of the National Assembly of Zambia Standing Orders, 2024.

The Committee held ten sittings to consider the Bill. In order to gain insight into the ramifications of the Bill, the Committee sought both written and oral submissions from various stakeholders. The list of stakeholders is at Appendix II of the Report.

The Report is in three Parts. Part I contains the salient provisions of the Bill. Part II highlights concerns raised by stakeholders, while Part III contains the Committee's observations and recommendations.

The Committee wishes to pay tribute to all stakeholders who appeared before it and tendered both oral and written submissions. It further wishes to thank you, Madam Speaker, for affording it an opportunity to consider the Electoral Process (Amendment) Bill, N.A.B. No. 44 of 2026. The Committee also appreciates the services rendered by the Office of the Clerk of the National Assembly during its deliberations.


Mrs Majorie Nakaponda, MP
VICE CHAIRPERSON

May, 2026
LUSAKA

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1.0 MEMBERSHIP OF THE COMMITTEE

The Committee consisted of Mr Misheck Mutelo, MP (Chairperson); Mrs Majorie Nakaponda, MP (Vice-Chairperson); Mr Remember Chanda Mutale, MP; Mr Misheck Nyambose, MP; Mr Mayungo Simushi, MP; Ms Jaqueline Sabao, MP; Ms Sibeso Sefulo, MP; Mr Simon Banda, MP; Mr Sydney Mushanga, MP; Mr Imanga Wamunyima, MP; Mr Nicholas Mukumbi, MP; Mr Chinga Miyutu, MP; and Mr Clement Andeleki, MP.

2.0 BACKGROUND

Following the amendment of *the Constitution, Chapter 1 of the Laws of Zambia*, it has become necessary to amend the *Electoral Process Act, No.35 of 2016*, so as to give effect to the Constitutional provisions, as amended.

The Bill seeks to amend the Electoral Process Act, so as to enhance the administration and integrity of the electoral process in the Republic of Zambia, strengthen the regulatory framework governing elections and provide for the administration of the proportional representation electoral system.

In furtherance of this, the enactment of the Electoral Process (Amendment) Bill, 2026, will provide a comprehensive legal framework to govern the administration of the mixed-member proportional representation electoral system of the country.

3.0 OBJECT OF THE BILL

The object of the 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.

PART I

4.0 PROVISIONS OF THE BILL

The provisions of the Bill are as set out hereunder.

Clause 1 – Short title

The clause provides for the citation of the Act, once enacted.

Clause 2 – Amendment of section 2

This clause amends section 2 to provide for definitions of key words and phrases used in the Bill.

Clause 3 – Amendment of section 12

Clause 3 seeks to amend section 12(2) of the principal Act, so as to provide clarity on the suspension of the registration of voters. The clause provides that the suspension of the registration of voters will only apply to the registration of “new” voters, where the Commission prescribes the polling day for a by-election.

Clause 4 – Amendment of section 13

The clause seeks to amend section 13 of the principal Act by providing clarity on the period and manner of the inspection of the Provisional Register of Voters.

Clause 5 – Amendment of section 17

This clause seeks to amend section 17 of the principal Act, so as to revise the period within which a person whose name appears in the Provisional Register of Voters may object to an error or omission regarding the person's details.

Clause 6 – Amendment of section 27

The clause seeks to amend section 27 so as to provide the correct cross referencing in the provision.

Clause 7 – Amendment of section 28

The clause seeks to amend section 28 of the principal Act so as to extend the publication and amendment of the election timetable to a newspaper of general circulation in the Republic or any electronic media that the Commission may determine.

Clause 8 – Amendment of section 30

The clause seeks to amend section 30 of the principal Act, so as to require a candidate contesting for election as President or Vice-President to file an adoption certificate, where that candidate is sponsored by a political party. The clause further mandates the Commission to 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.

Clause 9 – Amendment of section 31

The clause seeks to amend section 31 of the principal Act so as to require a candidate contesting for election in a constituency, who is not an independent candidate, to file an adoption certificate. The clause further mandates the Commission to 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.

Clause 10 – Repeal and replacement of section 33

The clause repeals and replaces section 33 of the principal Act so as to provide the documents that a candidate for election in a district or ward of a council is required to file and before whom the documents should be filed. The clause further sets out the number of registered voters that are required to subscribe to a nomination paper of a candidate for election in a district or ward of a council. The clause requires a person appearing before a returning officer for the purposes of subscribing a nomination paper to produce a voter's card and a national registration card as proof of identity.

Furthermore, the clause sets out an additional requirement for a person to qualify to be a mayor or council chairperson and mandates the Commission to publish the particulars of validly nominated candidates at the nomination centres.

Clause 11 – Insertion of Part IVA

The clause inserts a new Part immediately after Part IV, which sets out provisions in relation to the Proportional Representation Electoral System as follows:

- (a) clause 36A provides for the eligibility of a political party to participate in the proportional representation electoral system;
- (b) clause 36B provides for the formula to be used by the Commission in the distribution of seats under the Proportional Representation Electoral System;
- (c) clause 36C provides the period within which a political party is required to submit a party list, who can be included on a party list, the manner in which a party list is to be submitted, who is required to sign a party list and the processing of a party list. The clause further sets out the circumstances that would give rise to a political party submitting an additional party list and the manner in which corrections can be made to a party list where the Commission determines that remedial measures need to be made. Lastly, the clause sets out the manner in which the distribution of seats is to be done where a political party does not submit a party list;
- (d) clause 36D sets out the requirements of a party list submitted for the purposes of a seat in the National Assembly;
- (e) clause 36E sets out the manner in which the number of councillors under the Proportional Representation Electoral System is to be determined and the manner in which the distribution of councillor seats between women, youths and persons with disabilities under the Proportional Representation Electoral System is to be determined;
- (f) clause 36F sets out the requirements of a party list submitted for the purposes of a seat in a council;
- (g) clause 36G mandates the Commission to process and publish the names of Members of Parliament and councillors that obtained seats 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;
- (h) clause 36H provides for the manner in which a vacancy occurs for a Member of Parliament under the Proportional Representation Electoral System and the manner of filling the vacancy; and
- (i) clause 36I provides for the manner in which a vacancy occurs for a councillor under the Proportional Representation Electoral System and the manner of filling the vacancy.

Clause 12 – Repeal and replacement of section 37

The clause seeks to repeal and replaces section 37 of the principal Act, so as to provide for the appointment of returning officers for each constituency, district or ward by the Commission.

Clause 13 – Insertion of sections 37A and 37B

The clause inserts new sections 37A and 37B immediately after section 37 as follows:

- i. clause 37A provides for the powers and duties of a returning officer and places the returning officer in charge of electoral activities at constituency, district or ward level; and
- ii. clause 37B provides for the appointment of presiding officers by the Commission for each polling station after the date of an election is prescribed.

Clause 14 – Amendment of section 60

This clause seeks to amend section 60 of the principal Act, so as to provide for the procedure to be followed by a voter after receiving a ballot paper.

Clause 15 – Amendment of section 68

This clause seeks to amend section 68 of the principal Act by revising the marginal note and mandates a presiding officer to mark the word “rejected” on the back of each rejected ballot paper.

Clauses 16 and 17 – Amendment of sections 70 and 71

The clause seeks to amend sections 70 and 71 of the principal Act by revising the marginal notes.

Clause 18 – Amendment of section 72

The clause seeks to amend section 72 of the principal Act so as to provide clarity on, and adequately reflect, the spirit of the provision.

Clause 19 – Repeal and replacement of section 80

The clause seeks to repeal and replace section 80 of the principal Act so as to mandate the Commission to provide voter education.

Clause 20 – Insertion of Part VIIIA

The clause inserts a new Part, immediately after Part VIII which sets out provisions as follows:

- (a) clause 95A provides for the filing of a nomination petition by a person challenging the nomination of a candidate before a court or tribunal; and
- (b) clause 95B empowers the Chief Justice to make rules relating to the practice and procedure for nomination petitions, including timelines, costs and fees.

Clause 21 – Amendment of section 110

The clause amends section 110 of the principal Act, so as to rename the current Schedule to reflect the provisions in the Bill. The clause further substitutes the word “disqualify” with “suspend”, so as to provide for, and adequately reflect, the current power of the Commission.

Clause 22 – Amendment of section 125(2)

The clause amends section 125(2) of the principal Act, so as to remove the requirement to make regulations for the delimitation of provinces by the Commission.

Clause 23 – General amendment

The clause amends the principal Act so as to substitute the words “compartment” and “compartments” with “booth” and “booths”, respectively, wherever the words appear.

Clause 24 – Amendment of the Schedule

The clause amends the Schedule to the principal Act by substituting the heading “Schedule” with the heading “First Schedule” so as to reflect the inclusion of the new Second Schedule and ensure the reference is made to the correct provision.

Clause 25 – Insertion of Second Schedule

The clause seeks to amend the principal Act so as to introduce a new Schedule to provide for the formula to be used in the distribution of seats under the proportional representation electoral system.

PART II

5.0 CONCERNS RAISED BY STAKEHOLDERS

Stakeholders who appeared before the Committee supported the Bill. However, in doing so, they raised the concerns outlined below.

5.1 Clause 2 – Definitions

This clause sought to amend some definitions of the principal Act as outlined below.

5.1.1 Adoption Certificate

Stakeholders observed that the word, ‘adoption certificate’ was not provided for in the principal Act as it was a new insertion. They argued that recognition of adoption certificate, as a separate document signed by a president or secretary general was against *Article 70 of the Constitution, Chapter 1 of the Laws of Zambia*, which did not recognise adoption certificates as a qualification for a person to be eligible to be elected as a Member of Parliament and as such they should only be used for administrative purposes. With regards to the requirement for the adoption certificate to be signed by a president or secretary general of a political party, some stakeholders noted that the terms “president” and “secretary-general” as defined under the Bill, cross-referenced the *Societies Act, Chapter 119 of the Laws of Zambia*.

A close perusal of the Societies Act, revealed that there was no specific reference of political parties or the terms president and secretary-general as was being proposed in the bill. Further, the term “secretary-general” was not used in the definition under section 2 of the Societies Act. The Act, instead defined the term “office-bearer” as follows:

“in relation to any society or any committee or governing or executive body of a society, means any person who is the president, vice-president, chairman, deputy chairman, secretary or treasurer of such society, committee or body, who holds office or position analogous to any of those mentioned above.”

The Societies Act does not prescribe any requirements for how a secretary-general of a political party shall be elected, selected, or appointed and imposed on democratic or procedural requirements for how these office bearers would come to hold their positions.

In view of the above, stakeholders submitted that the definition of the terms “president” and “secretary-general” as provided in the Bill, was an overstep of the legislative function by the Electoral Commission of Zambia, which did not have the mandate to regulate societies including political parties and their internal processes of choosing or electing office bearers.

In this regard, stakeholders recommended for the review of the definition of adoption certificate so that it means a document signed by an authorised office bearer, annexed to nomination papers or affidavit confirming party sponsorship.

5.1.2 Candidate

Stakeholders expressed concern regarding the proposed redefinition of the term “candidate” in the Bill. It was noted that the Constitution in Article 266, already provided a definition of the term, and that the introduction of a separate statutory definition would create inconsistency and uncertainty in the interpretation of the law. Stakeholders further observed that the proposed definition incorporated references to the first-past-the-post electoral system, which was inconsistent with the constitutional framework governing presidential elections. In particular, the Constitution provides that elections to the office of President shall be conducted directly under a majoritarian electoral system, requiring a candidate to obtain more than fifty percent of the valid votes cast. It was submitted that introducing system-specific distinctions within the statutory definition, risked creating ambiguity and potential conflict with the Constitution, thereby undermining coherence in the electoral legal framework.

5.1.3 Campaign Period

Stakeholders raised concerns regarding the proposed definition of the campaign period, which provides that the period shall be determined by the Electoral Commission. It was submitted that this approach introduced uncertainty into the electoral process, as it made the determination of the electoral timeline to be subject to administrative discretion.

Stakeholders argued that the campaign period was a fundamental component of the electoral framework and should be clearly defined in the law to ensure predictability and fairness. It was further observed that leaving the determination of the campaign period to the Commission might create opportunities for inconsistency or perceived bias in the administration of elections. Stakeholders were of the view that the definition of “campaign period” be maintained as it was in the principle Act, as a period of three months before the holding of an election.

5.1.4 Party List

Stakeholders submitted that the proposed inclusion of the definition of a “party list” in clause 36C did not indicate the extent to which the determination of the “party list” would be democratic or how it would be made. Therefore, a clear definition was necessary to ensure party lists were compiled through open, participatory, and transparent processes as envisaged by Articles 60(1)(c) and 60(2)(b) of the Constitution, which seeks to promote fairness and intra - party democracy.

In this vein, stakeholders proposed the insertion of the following definition:

“party list” means a democratically determined list submitted to the Commission by a political party in accordance with section 36B”.

This would allow the party submitting a list to demonstrate that the selection or nomination of names for the list was through an open, participatory and transparent electoral process conducted within the political party in accordance with Article 60(1)(c) and 60(2)(b) of the Constitution of Zambia.

5.2 Clause 4 – Inspection of provisional register of voters

Some Stakeholders observed that clause 4 provided that inspection of voter registers would be done electronically. They were of the view that this was a departure from the current practice, which allowed voters to physically verify voter registers. The proposed practice was prohibitive for most Zambians given the low internet penetration. They, however, proposed that a registered voter should be allowed to inspect the provisional register of voters at a polling station, physically or electronically, during the period to be determined by the Commission.

5.3 Clause 5 – Reduction of timeline for voters to inspect the provisional register from ninety to fourteen days

Clause 5 proposed to amend section 17(1) of the principal Act by reducing the time frame within which a person may object to an error or omission regarding their details in the provisional register of voters from ninety to fourteen days. Stakeholders observed that the proposed timeline was too short to conduct a meaningful review and objection. This was because comparative jurisdictions provided a minimum of thirty days for objections concerning details on the provisional register of voters. Therefore, the proposed period was too short for citizens, especially those in rural areas, to inspect and correct their details and later on raise objections concerning errors.

They proposed that the ninety-day timeline be retained. However, if indeed, it was necessary, a minimum of thirty days should be provided to align with regional and international good practices.

5.4 Clause 7– Publication of Election Timetable

Stakeholders observed that clause 7 of the Bill intended to amend section 28 of the principal Act by the insertion of a new subsection immediately after subsection (3) and (4). The Stakeholders noted however, that the amendment did not provide a specific timeframe for the publication of nomination information.

Stakeholders submitted that the non-specification of the timeframe limited room for compliance with Article 52(4) of the Constitution, which provided a limited period for challenging nominations. Therefore, timely publication of nomination information was essential to enable interested parties to exercise this constitutional right. In the absence of a clear statutory timeline, there was a risk that publication might occur after the challenge window had lapsed, thereby disadvantaging interested parties and undermining the effectiveness of Article 52(4). Therefore, stakeholders recommended that a clause is included providing for the insertion of a specific provision that the publication shall be within 48 hours of the close of nominations.

5.5 Clause 8 – amendment of section (30)(2) – Candidate particulars not to be published in the Gazette, newspapers or electronic format for candidates for Members of Parliament or local councils

Stakeholders observed that, whereas earlier versions of the Bill (used during stakeholder consultations) required the Commission to publish particulars for *all* candidates (for the presidency, vice presidency, parliament and local government), the Bill limits publication of candidate details to presidential and vice-presidential candidates only. This provision was inconsistent with international standards and undermined the ability of voters to make informed choices.

5.6 Clause 8 – Transparency in Nomination Processes

Stakeholders expressed concern regarding the provision in section 30(2) because the Bill did not prescribe specific timelines within which the Electoral Commission was required to publish particulars of validly nominated candidates. It was submitted that the absence of clear timelines might hinder the ability of stakeholders to scrutinise nominations and to exercise their right to challenge nominations within constitutionally prescribed periods.

Additionally, stakeholders observed that the Bill did not provide for public access to nomination papers and supporting documents. It was argued that this would limit transparency and undermine public confidence in the nomination process, as stakeholders were unable to verify the qualifications and eligibility of candidates.

5.7 Clauses 8, 9, and 10 – Adoption Certificates

Stakeholders expressed concern regarding the proposed sections 30(1)(b), 31(2) and 33(2) regarding the introduction of mandatory adoption certificates for candidates sponsored by political parties. While acknowledging that the provision might bring clarity to the nomination process, stakeholders were of the view that, the provision would formalise the gatekeeping role of political party leadership in a manner that might be open to abuse.

It was observed that the authority to issue adoption certificates was vested in senior party officials, such as the president or secretary-general, positions, which were often held by a small group of individuals. Stakeholders argued that this might entrench internal party hierarchies and limit the ability of prospective candidates to secure nominations, particularly where internal party processes lacked transparency or accountability. Stakeholders also feared that the requirement might disproportionately disadvantage women, youth and other marginalised groups who may already be facing structural barriers within political parties.

5.8 Clause 10 – Qualifications for Local Government Candidates

Stakeholders expressed concern regarding the proviso in the proposed section 33(6), which introduced an additional qualification for candidates seeking election as mayor or council chairperson, to produce a council clearance certificate as proof of payment of council taxes. In their view, this requirement was, pursuant to Article 153(4) of the Constitution of Zambia, applicable to counsellors only and did not extend to mayors and council chairpersons. Doing so would therefore, be inconsistent with constitutional provisions governing qualifications for election as Mayor or Council Chairperson.

5.9 Clause 11 – Amendment of Part IV

This clause seeks to amend Part IV of the principal Act by introducing a new section 36 as outlined below.

5.9.1 36B – Formula and Distribution of seats under Proportional Representation Electoral Process

Stakeholders welcomed the introduction of the proportional representation (PR) electoral system as a progressive step towards enhancing inclusiveness, particularly for women, youth and persons with disabilities. However, concern was expressed regarding the basis upon which seats were to be allocated under the system. In particular, stakeholders noted that the Bill linked the distribution of PR seats to the total number of valid votes obtained by presidential candidates. It was submitted that

this approach may have the unintended effect of strengthening executive influence over the composition of Parliament, thereby weakening the independence of the legislature.

Stakeholders further observed that, in light of Zambia's constitutional requirement that a President must be elected by more than fifty percent of the valid votes cast, the proposed model was likely to result in the political party of the winning presidential candidate securing a corresponding majority of PR seats. It was argued that, although the system was formally proportional, its direct linkage to a majoritarian presidential outcome may structurally advantage the President's party and reinforce executive dominance within Parliament, with potential implications of watering down the separation of powers and legislative autonomy.

Other stakeholders observed that earlier versions of the Bill specified that proportional representation seats were to be allocated to local councils based on district-level presidential election results. However, the Bill was silent on the issue. They were of the view that the silence implied that proportional representation seats at all levels would be allocated according to presidential election results. They feared that, if the Bill was enacted in its present state, it would negate the principles of devolution and dilute the power of local voters' preference for representation.

In this regard, stakeholders proposed that the law should specify that local council proportional representation seat allocation be based on district level presidential election results to reflect voter preferences and Zambia's long-standing commitment to devolution.

5.9.2 36C(1) – Submission of Party List

Stakeholders also observed that the proposed approach under clause 36(C)(1), where political parties were required to submit lists to the Commission after the distribution of seats, would be difficult to administer because, under clause 36(G), the Commission was required to publish the names of Members of Parliament and councillors that obtained seats within seven days of receiving the lists. This timeline indicated that the Commission should within seven days verify the eligibility of every candidate, seek redress where necessary, and process challenges and appeals. They argued that in most mixed proportional representation systems globally, party lists were submitted and published within a specified period *before* elections so that voters assessed and objected to candidates and made informed decisions at the ballot box. They, therefore, recommended that parties should submit lists *before* elections, as suggested in the earlier drafts of the Bill, to ensure time for candidate-vetting, list correction, and publication of candidate information for voter review.

Stakeholders also expressed concern regarding the proposed section 36C(1). They submitted that the provisions governing party lists under the PR system provided for the submission of party lists after the conduct of elections. Stakeholders were of the view that this approach was inconsistent with the fundamental principles of electoral law, which required that candidates be known to the electorate prior to voting. It was argued that voters were entitled to knowing individuals who might ultimately occupy seats under the PR system in order to make informed choices.

Stakeholders further noted that the Bill did not prescribe how candidates were to be ranked on party lists. This omission was considered problematic, as it left the ranking of candidates entirely within the discretion of political parties, which might not always

operate in a transparent or democratic manner. Furthermore, in the absence of clear rules or oversight, party lists might be manipulated in a manner that undermined the intended objectives of the PR system, particularly with respect to representation of marginalised groups.

5.9.3 36D(1)(b) and (c) & 36(F) – Representation of Youth and Persons with Disabilities under the PR System in National Assembly and Councils

Stakeholders expressed concern regarding the proposed section 36D(1)(b) and (c) and 36(F). They expressed concern that the provisions relating to the composition of party lists under the proportional representation system did not adequately guarantee gender balance within the categories of youth and persons with disabilities. It was submitted that, while the Bill sought to promote inclusiveness by reserving positions for these groups, it did not expressly require that such positions reflected gender diversity.

Stakeholders submitted that under previous versions of the Bill, proportional representation lists for youth and persons with disabilities applied a Zebra system to alternate women and men candidates. However, they observed that the Bill had not provided any guidance on how parties would develop their lists to ensure internal democracy, equality of opportunity, or equity in outcomes, or any requirements that ensured equal opportunities for both genders.

In view of the foregoing, stakeholders were of the view that the Zebra system should be retained for all youth and Persons with Disability lists to support the inclusion of women, as required under Article 45(1)(d) of the Constitution.

Stakeholders, however, welcomed the inclusion of the proposed section 36D(3)(a), which required that disability-category list should contain alternates of classes of disabilities as an innovative provision that acknowledged the diversity of lived experiences within the disability community and reduced the risk of one disability constituency capturing all reserved seats.

5.9.4 36E – Number of councillors under proportional representation electoral system

Stakeholders observed that the Bill proposed that the number of proportional representation seats assigned to each local council would be calculated based on the 18 per cent of the proportional representation seats against constituency-based seats in the National Assembly. They argued that this approach was mathematically and administratively infeasible and would introduce an unacceptable level of ambiguity and uncertainty into the electoral process. They submitted that earlier drafts of the Bill assigned a specific number of proportional representation seats to each local council based on the size of the council. This approach would ensure predictability, transparency and clarity for voters and local communities about the future size and composition of their local councils.

This Bill, however, requires the Commission to conduct calculations to achieve the 18 per cent goal, with no guidance on how to deal with remainders resulting in partial seats. Under this approach, the actual number of proportional representation seats that would be assigned to each local council would not be known until after calculations were completed, and there was no way for voters to verify the calculations independently. This opened the door to real or perceived errors in the seat distribution process. Further, for many local councils, the 18 per cent calculation would also likely result in reducing the number of proportional representation seats per council,

compared to the number of seats that would have been assigned under earlier drafts of the Bill. Other concerns included the following:

- i. the proportion of proportional representation seats allocated to women, youth and PWDs in the National Assembly constituted approximately 14 per cent of the assembly, not 18 per cent. The 18 per cent proportion only arose when one included presidential appointed Members of Parliament. This raised questions about the normative and legal basis of the 18 per cent rule;
- ii. no guidance or rules were provided to deal with remainders resulting in partial seats: The 18 per cent calculation would result in remainders and partial seats; and the Bill did not provide rules for how remainders and partial seats would be addressed to arrive at whole numbers in a consistent and predictable way. It was also unclear how any rule to deal with remainders and partial seats would be applied to align the “four to three to one” ratio set out in section 36(E)(2); and
- iii. timelines for the Commission to publish the number of proportional seats in each council were unclear under section 36(E)(4). As a result, neither local governments nor voters would likely know the total number of proportional representation seats for each council until after elections.

Stakeholders were of the view that the Bill should be revised to apply the approach to local council proportional representation seat allocation set out in the earlier draft, which applied a specified number of proportional representation seats for each category (women, youth, PWDs) based on the size of the local council, organising councils into three groups based on a specified size range. This approach was mathematically compatible with the seat allocation formula set out in the Second Schedule.

5.9.6 36H(2), (5) and 36I(3)(b) – Vacancy in office of Member of Parliament and councillor under proportional representation system

Stakeholders expressed concern regarding the proposed sections 36H(2) and 36I(2) regarding the provisions that granted political parties the power to recall Members of Parliament and councillors elected under the PR system. It was noted that the Bill allowed such recall to be exercised at any time during the term of office, without prescribing clear grounds or procedures.

Stakeholders feared that the absence of procedural safeguards, such as requirements for notice, justification, or independent review, created a risk that the recall power might be exercised arbitrarily or for political convenience. If enacted in its current form, the law might undermine the security of tenure of elected representatives and compromise their independence, particularly where Members may be reluctant to act contrary to party directives for fear of recall.

Stakeholders further observed that the Bill in 36H(5) provided that the vacancies would be filled by the “next available candidate on a party list” for the party of the vacating member. However, stakeholders observed that under the proposed system, the rule was not possible to implement in practice because sections 36(D)(1) and 36(F)(1) required that the number of candidates on all party proportional representation lists would be equal to the number of seats won by that party. The Bill had not provided for potential alternates that would be used to fill a vacancy.

5.9.7 Clause 14 - Amendment of Section 60- Security Mark on Ballot Paper

Some stakeholders submitted that clause 14 of the Bill sought to amend section 60(6) of the principal Act by removing the official mark requirement from the voting process such that the presiding officer marks the voter's hand and hands the voter a ballot paper, without any requirement to mark the back of the ballot paper with an official stamp.

5.10 Clause 20 – Insertation of Part VIIIA – Nomination Petitions

This clause sought to insert a new Part VIIIA of the principal Act and introduced a new section 95A, as outlined below.

5.10.1 95A – Mechanisms to challenge nomination petitions

Stakeholders submitted that several provisions were contradictory to electoral justice rights and adjudication timelines set out in Article 52(4) of the Constitution. If proportional representation lists were not submitted until seven days after seats had been allocated by the Commission following election results, and if the names of candidates who have obtained proportional representation seats were not published until seven days after list submission, there was no opportunity for public scrutiny and no opportunity to challenge nominations through a petition.

Stakeholders, therefore, submitted that the Bill should revert to the approach proposed in earlier drafts and require parties to submit PR lists for the National Assembly and all local councils before elections.

5.10.2 95B – Rules relating to nomination petition

Stakeholders observed that the Bill authorised the Chief Justice to regulate nomination petitions, processes, timelines and fees. Stakeholder, however, noted that this provision did not align with international standards and undermined Zambia's electoral justice framework. This was because electoral justice required that parties, candidates and voters had advance knowledge of petition procedures and were meaningfully able to challenge or defend any nomination.

Stakeholders were of the view that the Bill should be revised to make it mandatory that the Chief Justice should establish rules setting out the procedures, timelines, costs and other matters incidental to nomination petitions, within the law.

5.11 Second schedule

The Second Schedule sought to provide a formula for distribution of seats under proportional representation electoral system. However, stakeholders observed that the schedule contained drafting errors and ambiguities, among them:

- i. part (d) cross referenced the allocation of proportional representation seats in a local council to section 36D, but section 36D referred to National Assembly seat distribution; section 36(I) tied local council seat distribution to an 18 per cent calculation; and
- ii. neither the Bill nor the schedule set out rules for how the 18 per cent calculation for local council proportional representation seats should be calculated to deal with remainders or to maintain the “four to three to one” ratio.

They proposed that provisions in the Bill which tied the number of proportional representation seats assigned to each local council to an 18 per cent calculation should

be deleted and revert to the more clear and predictable allocation rules set out in the earlier draft.

6.0 GENERAL CONCERNS

6.1 Access to the Media by Candidates or Parties

Stakeholders submitted that the pursuant to Article 50 the Constitution of Zambia empowered political parties and candidates contesting an election to have access to the media, especially during election campaigns. However, stakeholders observed that the Bill did not have any provisions that operationalised this provision. They submitted that the only mention of “media” was in relation to the publication of party lists or timetables. They were of the view that this serious omission would create a regulatory gap that might lead to unequal media coverage during elections, which could constitute an unintended violation of the Constitution. They, therefore, recommended that the Bill be updated to include clear mechanisms to operationalise Article 50, so as to ensure fair, equitable, and regulated access to media, especially public media, for all candidates and political parties.

6.2 Political Parties Legislation

Stakeholders submitted that the Bill's deficiencies in relation to the adoption certificate and “democratically determined” party lists were, at root, consequences of Zambia's failure to enact legislation specifically governing political party internal governance, finance, and accountability.

In this regard, stakeholders recommended the enactment of Political Parties legislation as a legislative priority, to be pursued immediately after the 2026 general elections.

6.3 Diaspora Voting

The Committee was informed that the Bill did not address the longstanding absence of a framework enabling Zambian citizens in the diaspora to exercise their constitutional voting rights.

In this regard, stakeholders recommended that the Commission develops and pilots a diaspora voting framework at the earliest opportunity.

6.4 Electoral Commission Independence

Stakeholders further submitted that SADC Principles and Guidelines on the Independence of Election Management Bodies required security of tenure for commissioners and protection against arbitrary executive removal.

In this vein, stakeholders recommended for enactment of legislation governing the Commission's constitution which expressly addresses Commissioner independence and security of tenure, addressing concerns previously noted by international observation missions.

6.5 Separating the Electoral Process and the Electoral System Regime

Stakeholders submitted that the Bill attempts to combine rules governing elections for the presidential, parliamentary and local governance level and also the manner and form of holding elections including the newly introduced proportional representation. In this regard and noting the intricacies of having the process and system in one document, stakeholders recommended the creation of an Electoral Process Bill and Electoral System Bill to create clarity and simplify their understanding.

PART III

7.0 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

The Committee notes that stakeholders were, generally, in support of the Bill despite the concerns raised. The Committee also supports the Bill and in doing so, makes the observations and recommendations set out below.

i. Definition of Adoption Certificate

The Committee notes that the definition of “adoption certificate” is a new insertion, and it has not been provided for in the principal Act. The adoption certificate is required to be signed by the president or secretary-general of a political party. The Committee observes that the terms “president” and “secretary -general” have been defined under the Bill by cross-referencing it with the definition provided in the Societies Act, Chapter 119 of the Laws of Zambia. However, the Societies Act in section 2 does not specifically define these terms but defines the term “office bearer” as including: president; vice president; chairman; deputy chairman; secretary; treasurer of a society, committee or body or who holds any office or position analogous to any of these positions.

The Committee has noted the concerns raised by stakeholders regarding the signing of the adoption certificate by the president or secretary-general of a political party and observes that the Societies Act to which the Bill has referred, particularly under the definition of the term “office bearer” refers to the term “secretary” and not “secretary-general” as part of the office bearers. The Committee is also alive to the fact that if signing of adoption certificates is opened to all office bearers, it would bring about a situation where two or more candidates would have validly signed adoption certificates as potential candidates.

In view of the foregoing, and taking into consideration the apparent conflict between the proposed amendment and the Societies Act as well as the potential conflicts that would arise amongst party candidates seeking to have their adoption certificates signed, the Committee recommends for the review of the definition of adoption certificate to be defined as a document signed by the president, secretary-general or the equivalent of secretary-general of a political party, registered by the Registrar of Societies.

ii. Definition of Candidate

The Committee observes that the current definition of “**candidate**” under **Section 2(a)** may give rise to ambiguity and inconsistency in interpretation when read in conjunction *with Article 47(1) of the Constitution of Zambia and the Electoral Process Act, No. 35 of 2016*. The Constitution already establishes the framework for elections to the office of President under a majoritarian system requiring a candidate to obtain more than fifty percent of the valid votes cast, in accordance with Article 101 of the Constitution

In order to ensure legal clarity, coherence, and consistency with the constitutional framework, the Committee recommends that the definition of “**candidate**” under **Section 2(a)** be deleted and replaced with the definition provided in the Constitution of Zambia and the *Electoral Process Act, No. 35 of 2016*, to read as follows: “candidate” means “a person contesting a presidential, parliamentary or local government election”.

iii. Definition of Campaign Period

The Committee observes that the proposed definition of the campaign period, which provides that the period shall be determined by the Electoral Commission, introduces uncertainty into the electoral process because it leaves a critical electoral timeline subject to the administrative discretion of the Commission.

In this regard, the campaign period being a fundamental component of the electoral framework should be clearly defined in the law to ensure predictability and fairness rather than being left to the administrative discretion of the Commission. The Committee recommends that the current definition which provides that the campaign period is a period of three months before the holding of an election should be maintained.

iv. Submission of Proportional Representation Lists within 7 days after election results

The Committee observes that the Bill provides for a period of seven days within which parties should submit PR lists to the Commission after the distribution of seats. The Committee is of the view that the period of seven days gives political parties a very short window in which to compile lists for the three categories of PR seats for both the National Assembly and Councils. In this regard, the Committee recommends that the Bill be amended to increase the period from seven to fourteen days to allow for ample time for political parties to compile the lists.

v. Distribution of seats under Proportional Representation Electoral System

The Committee welcomes the introduction of the proportional representation electoral system as a progressive step towards enhancing inclusiveness, particularly for women, youth and persons with disabilities. The Committee observes that the Bill proposes that the allocation of seats under the PR system at local council level is linked to the total number of valid votes obtained by a presidential candidate.

The Committee notes the submission from most of the stakeholders that in light of Zambia's constitutional requirement that a President must be elected by more than fifty percent of the valid votes cast, the proposed model was likely to result in the political party of the winning presidential candidate securing a corresponding majority of PR seats in the councils irrespective of the local or district presidential vote.

While acknowledging the concerns of the stakeholders, the Committee observes that Article 47 (4) of the Constitution as amended by Act No. 13 of 2025, provides that the seats under PR electoral system shall be distributed to political parties, in proportion to the total number of valid votes received by a presidential candidate. The Committee is of the view that the Constitution does not make a variation between national and local or district presidential votes when determining the distribution of seats under the PR system at local council level.

vi. Removal of Requirement to Mark on Ballot Paper

The Committee notes that some stakeholders raised concern that clause 14 of the Bill seeks to amend section 60(6) of the principal Act by removing the requirement to mark the back of ballot papers by presiding officers during the process of casting votes. The Committee observes that there was a misapprehension on the part of some stakeholders as the requirement to mark the back of ballot papers is provided for in section 60(5)(C) of the principal Act, and not 60(6) as submitted by some stakeholders. The Committee notes that section 60(5)(C), which provides for marking the back of

ballot papers during the voting process, is not part of the proposed amendments under the Bill.

vii. Voter Register Objection Period

The Committee observes that section 17(1) of the principal Act has been amended by reducing the period within which a registered voter may raise objection or omissions in the provisional register from ninety to fourteen days. The Committee notes that voter register accuracy is fundamental to electoral integrity, and identifying and correcting errors requires time for civil society organisations, political parties, and individual voters to review the register systematically. This is particularly important given Zambia's recent experience of disputes around voter register accuracy and the challenges of verifying rolls in remote and rural areas.

The Committee is equally alive to the logistical and financial challenges imposed on the Commission when the voter verification period is overly extended. To this end, the Committee recommends that a reasonable period of thirty days be introduced in the Bill as the period within which voters may inspect and raise any objections or omissions in the provisional register.

viii. Gender Parity in PR Lists

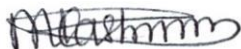
The Committee notes the proposals in sections 36D and 36F for parties to submit lists for PR seats, but omits the zebra/zipper system for alternating male and female candidates in party lists. This omission risks undermining gender balance, particularly in youth and persons with disabilities categories.

In this regard, the Committee recommends that the Bill should be amended to include the zebra system to ensure gender parity and equitable representation among the PR seats for youths and Persons with Disabilities.

8. CONCLUSION

The Committee notes that several provisions of the Bill, most notably the adoption certificate mechanism and the party list compilation requirement, rely on the internal democratic governance of political parties to function properly. The adoption certificate mechanism, the requirement that party lists be prepared by parties, and the secretary-general or president signatory requirement, all assume party structures and processes that are not legally regulated. In this regard, there is urgent need to enact a law to regulate Political Parties as envisaged by Article 60(4) of the Constitution of Zambia, which requires Parliament to prescribe conditions and rules relating to political parties, but has remained unimplemented since 2016.

The enactment of such a law will buttress the implementation of the Electoral Process Act, avert it being operationally dependent on a law that does not exist and enrich electoral democracy in Zambia.



Mrs Majorie Nakaponda, MP
VICE CHAIRPERSON

May, 2026
LUSAKA

APPENDIX I - LIST OF NATIONAL ASSEMBLY OFFICIALS

Mr Stephen Chiwota, Director (Financial Committees)

Mr Geoffrey Zulu, Deputy Director (Financial Committees)

Ms Chitalu R Mulenga, Senior Committee Clerk (FC2)

Ms Christabel T Malowa, Senior Rules & Procedural Matters officer

Mr Evans Chuba, Committee Clerk

Mr Timothy Lumba, Committee Clerk

Mr Ronald M Semani, Committee Clerk

Ms Catherine Chibuye, Administrative Assistant II

Ms Anita Mulale, Administrative Assistant

Mr Daniel Lupiya, Senior Committee Assistant

Mr Muyembi Kantumoya, Committee Assistant

Ms Taona Chabinga, Committee Assistant

APPENDIX II - LIST OF WITNESSES

Ministry of Justice
Ministry of Local Government and Rural Development
Ministry of Information and Media
Electoral Commission of Zambia
Centre for Innovating Development
Media Institute of Southern Africa
Law Association of Zambia
Caritas – Zambia
Chapter One Foundation
Foundation for Democratic Process
Non-Governmental Organisation Coordinating Council
Civil Society Organisation Consortium on Good Governance & Constitutionalism
Jesuit Centre for Theological Reflection
Zambia Police Service
Human Right Commission
Anti-Corruption Commission
Zambia Civic Education Association
Common Grounds Network
Zambia Agency for Persons with Disabilities
Panos Institute Southern Africa
Operation Young Vote
United Party for National Development
Forum for Democracy and Development
United Liberal Party