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NATIONAL ASSEMBLY OF ZAMBIA

PARLIAMENTARY PROCEDURE

17

ABSTRACT SERIES

VOTING AND DIVISIONS IN PARLIAMENT

NATIONAL ASSEMBLY
RESEARCH DEPARTMENT

PREFACE

This Abstract is part of the *Zambian Parliamentary Procedure Abstract Series* and describes the procedure regarding voting and divisions in Parliament. The abstract series is based on the provisions of the *Constitution of Zambia* and *National Assembly Standing Orders*. It is hoped that this Abstract gives a basic understanding on the Voting and Divisions in the *Zambian Parliament* and serves as a handy guide for ready reference.

However, it should be noted that the information contained in here is not exhaustive.

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INTRODUCTION

The National Assembly determines any question at its sitting by means of a voice vote or division, which could be arrived at manually or electronically. In the case of other questions that are put to a vote, the decision is by simple majority of Members present in the House. However, when it comes to a Bill for amending the Republican Constitution, it should be supported on Second and Third Readings by votes of not less than two thirds of all the Members of Parliament.

VOTING IN THE HOUSE

The manner of voting in the House is provided for under the National Assembly of Zambia Standing Order No. 148, which states as follows:

1. Unless otherwise provided under the Constitution, a question arising in the House shall be decided by a majority of the members in the House, present and voting.
2. In ascertaining the results on a question under paragraph (1), the Speaker shall, in the first instance, collect the voices of the “Ayes” and the “Noes” and shall declare the results accordingly.
3. On a question proposed for decision in the Assembly, the Speaker shall have no vote and in the case of a tie, the question shall be lost.

Provision (b) above entails that the Speaker puts the question: “As many as are of that opinion say “aye” and of the contrary opinion say “no.” When each party has responded, the Speaker judges the loudness to determine which party has the majority. Since the Speaker’s judgment is not final, he/she expresses his/her opinion with the words: “I think the ‘ayes’ or ‘noes’ have it. “If the opinion of the Speaker as to the decision of a question is challenged, a division takes place

DIVISIONS IN THE HOUSE

If there is any disagreement on a decision made using the method at (b) above, a Member may call for a division. A division is simply an indication by a Member that he or she does not agree with the result of a question. When calling for a division, a Member is required to stand in his or her seat or indeed indicate electronically. If less than twelve Members stand or indicate their disagreement with a decision, the Presiding Officer shall declare the decision of the Assembly as having decided using the method at (b) above. However, if at least twelve Members stand or indicate, the Presiding Officer shall announce that a division has been called. When a division is called, Members are expected to maintain order in the House and are expected to be in their designated seats until the result is announced.

It is important to note that a Member who calls for a division is not expected to leave the Chamber until after the division has taken place. In addition, he or she is expected to vote with those who, in the opinion of the Speaker, were in the minority. Further, a Member, apart from the one calling for a division is, not obliged to vote

and is not expected to enter the division lobby. A record shall be made of the names of Members who abstain from voting.

When a division is called, Standing Order No. 151 (1) provides that voting should be conducted electronically, unless indicated by the Presiding Officer. In terms of the process of electronic voting, Standing Orders No. 151 (2) to (6) as follows:

- 2) When the Speaker or the Chairperson of Committees, as the case may be, directs that an electronic vote be taken, the Division Bells shall be rung for five minutes.
- 3) At the end of the five minutes, the Speaker or Chairperson of Committee shall direct for the doors to be locked and the Bar drawn and no member shall thereafter enter or leave the Chamber until after the voting.
- 4) When the Bar is closed, the Speaker or the Chairperson of Committee shall again put the question and thereafter give instructions on electronic voting.
- 5) The Speaker or the Chairperson of Committees, as the case may be, shall, as soon as the result of the voting appears on the indicator board or the voting is complete, announce the results of the division to the House.
- 6) In the event of a technical failure, confusion or error occurring in the course of voting which in the opinion of the Speaker or Chairperson of Committees cannot otherwise be corrected, the Speaker or Chairperson of Committees may direct the House to another round of electronic voting or proceed to a roll call voting.

If the Presiding Officer indicates that roll call voting or manual voting should be done, the Division Bells are rung for five minutes. At the end of five minutes, the Speaker or Chairperson of Committees directs for the doors to be locked and the Bar drawn at the main entrance to the Chamber. The Bar is simply a marking in the House represented by a rail beyond which a visitor or stranger may not go when the House is sitting. When the Bar is drawn, no Member is allowed to either enter or leave the Chamber until after the roll call vote has been taken.

After the Bar is closed, the Speaker again puts the question and appoints two tellers for the 'Ayes' and two tellers for the 'Noes' whose names are recorded in the votes and proceedings. The tellers record the names of the Members voting, sign their division lists and hand them to the Speaker, who then declares the result of the Division to the House. If an error occurs concerning the numbers being reported which cannot be rectified, the House repeats the voting process. In terms of voting, there are three options, which are, "Yes", "No", and "Abstain." If a clerical error occurs in the names or numbers on a division list, the Speaker informs the House about the fact and orders the votes and proceedings to be corrected accordingly.

Suffice to state that when voting on a matter, Members are required to disclose pecuniary interest. This entails that a Member should not vote on any matter in which he has a direct or indirect pecuniary interest. If a Member voted on a matter which he or she is believed to have pecuniary interest, a motion to disallow his or her vote should be made, without notice within two sittings days after the vote is taken. That aforementioned provision does not apply to a vote concerning remuneration or allowance to be received by a Member in his or her capacity. In

addition, it does not apply to a Member when voting on any matter of public interest.

DIVISION IN COMMITTEES

The method of taking divisions is the same in the Committee of the whole House as in the House itself. When a division is demanded, division bells are rung for five minutes. At the end of a further period of five minutes, the Speaker directs the Bar to be closed and doors locked, and no Member thereafter enters or leaves the Chamber until after the division has been taken. The Speaker appoints two tellers for the 'ayes' and two tellers for the 'noes' whose names are recorded.

CONCLUSION

Voting and Divisions in Parliament by the Members from both the ruling party and the opposition parties represented in the House is among the key factors which ensure a balanced way in which the Assembly fosters a culture of dialogue, political tolerance, consensus and shared democratic values among its members across political affiliations. The goal, in the end, is to foster national unity and development.
