

The Laws of Zambia

REPUBLIC OF ZAMBIA

**THE ELECTORAL ACT**

**CHAPTER 13 OF THE LAWS OF ZAMBIA**

**CHAPTER 13 THE ELECTORAL ACT**

THE ELECTORAL ACT

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### CHAPTER 13

ELECTORAL

Act No.  
2 of 1991  
13 of 1994  
7 of 1995  
23 of 1996

**An Act to make provision relating to elections to the office of President; to elections to the National Assembly; to empower the Electoral Commission to make regulations providing for the registration of voters and for the manner of conducting elections; to provide for offences and penalties in connection with elections; to make provision with respect to election petitions and the hearing and determination of applications relating to Parliament; to repeal the Electoral Act 1973; and to provide for matters incidental to or connected with the foregoing.**

[30th August, 1991]

PART I PRELIMINARYPART I

PRELIMINARY

1. This Act may be cited as the Electoral Act. Short title
  
2. (1) In this Act, unless the context otherwise requires- Interpretation
  - "candidate" means any person nominated as a candidate for election;
  
  - "Commission" means an Electoral Commission established under the Constitution; Cap. 1
  
  - "constituency" means any of the constituencies into which Zambia is divided under the Constitution; Cap. 1
  
  - "the Constitution" means the Constitution set out in the Schedule to the Constitution of Zambia Act; Cap. 1
  
  - "corrupt practice" means any offence against this Act which is declared under this Act to be a corrupt practice;
  
  - "costs" includes charges and expenses;
  
  - "direct election" means an election to the office of President, or an election for a member of the National Assembly;
  
  - "Director of Elections" means the person for the time being holding or acting in the public office of Director of Elections;

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"election" means, a direct election and cognate expressions shall be construed accordingly;

"election officer" has the meaning assigned thereto in subsection (6) of section *fifteen*;

"election petition" means an election petition referred to in section *eighteen*;

"high judicial office" has the meaning assigned to it in the Constitution;

Cap. 1

"illegal practice" means any offence against this Act which is declared under this Act to be an illegal practice;

"member" means an elected member of the National Assembly;

"petitioner" means, in relation to an election petition, any person referred to in section *nineteen* who signs and presents such election petition under section *twenty*, and includes any person substituted for a petitioner under section *twenty-five* or section *twenty-six*;

"political party" means an organisation registered under the Societies Act the objects of which include any political activity or the sponsoring of candidates for election to the office of President or as a member of the National Assembly;

Cap. 119

"register of voters" means a register of voters for any constituency, or part of a constituency, prepared and maintained, or deemed to be prepared and maintained under this Act;

"registered" means registered in a register of voters under this Act, and "registration" shall be construed accordingly;

"Registrar" means the Registrar of the High Court;

"respondent" has the meaning assigned thereto in subsection (4) of section *twenty-one*;

"returning officer" in relation to the election of a President, means the returning officer specified in the Constitution;

Cap. 1

"voter" means a person who is entitled to vote at the relevant election.

(2) For the purposes of this Act, the expression "election expenses" means expenses incurred, whether before, during or after an election, on account of or in respect of the conduct or management of such election by or on behalf of a candidate:

Provided that the following expenses shall not be deemed to be election expenses:

- (a) any moneys expended or expenses incurred by any association or group of persons or by any person in the general interests of a political party or organisation or its candidates generally, not being moneys expended or expenses incurred directly in the particular interests of any particular candidate or expenditure incurred by a political party with the consent of a candidate and apportioned to such candidate under this Act; or
- (b) any moneys expended or expenses incurred by any political party or organisation in the printing, publication or distribution of the official organ of that political party or organisation; or
- (c) any election fee.

## PART II REGISTRATION AND VOTING IN DIRECT ELECTIONS

### REGISTRATION AND VOTING IN DIRECT ELECTIONS

**3.** Subject to the provision of section *four*, every person shall be qualified for registration as a voter in direct elections who- Qualifications for registration of voters

- (a) is a citizen of Zambia; and
- (b) has attained the age of eighteen years.

**4. (1)** No person shall be qualified for registration as a voter in direct elections, and no person shall be registered as such a voter, who- Disqualifications from registration of voters

- (a) is under a declaration of allegiance to some country other than Zambia;
- (b) under any law in force in Zambia, is adjudged or otherwise declared to be of unsound mind, or is detained under the Criminal Procedure Code during the pleasure of the President; Cap. 88

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- (c) is under sentence of death imposed on him by any court in Zambia, or a sentence of imprisonment (by whatever name called) imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court; or
- (d) is not in possession of a national registration card issued to him under the National Registration Act.

Cap. 126

(2) In this section, the reference to a sentence of imprisonment shall be construed as not including a sentence of imprisonment the execution of which is suspended or a sentence of imprisonment imposed in default of payment of a fine.

5. A person qualified for registration as a voter shall, on application in accordance with regulations made by the Commission, be registered as a voter in the register of voters for a constituency in which he is ordinarily resident.

Registration in a constituency

6. (1) Subject to the provisions of this section and of section *seven*, every person who is registered in a register of voters for a constituency shall be entitled to vote at a direct election held in that constituency.

Qualifications for voting

(2) Every person shall, whenever he wishes to vote at a direct election, identify himself to an election officer in such manner as may be prescribed, and no person shall be entitled to vote more than once in the same such election.

(3) For the avoidance of doubt it is hereby declared that where an election to which this Act applies is held at the same time and place as any other such election, and whether or not the same ballot paper is authorised by the Commission for use in more than one such election, each such election remains a separate election.

7. No person shall be entitled to vote at a direct election who-

Disqualifications from voting

- (a) has been convicted of any corrupt practice or illegal practice within a period of five years preceding that election;
- (b) has been reported guilty of any corrupt practice or illegal practice by the High Court upon the trial of an election petition under this Act within a period of five years preceding that election; or
- (c) at the date of the election is in lawful custody or if his freedom of movement is restricted under any law in force in Zambia.

PART III PRESIDENTIAL ELECTIONS

PRESIDENTIAL ELECTIONS

8. The election to the office of President shall be held in every constituency in Zambia. Election to office of President
9. (1) A candidate for election as President shall, on such day, at such time and at such place as may be determined by the Commission, deliver to the Returning Officer- Nomination of presidential candidate
- (a) the candidate's nomination paper;
  - (b) the prescribed election fee:
  - (c) the prescribed statutory declaration of the candidate's assets and liabilities; and
  - (d) an oath or affirmation, as set out in the Schedule, of the candidate's Zambian citizenship and that the candidate's parents are Zambian citizens by birth or descent:
- Provided that-
- (i) subject to sub-paragraph (ii), the contents of such documents referred to in this section shall be accepted *prima facie*, by the Returning Officer, as complying with the law as to qualification for election as President;
  - (ii) notwithstanding sub-paragraph (i) if the Returning Officer is satisfied that clause (5) (a) or (c) of Article 34 or clause (2) of Article 35 of the Constitution has not been complied with, he shall immediately reject the nomination of such candidate.
- (2) The nomination paper shall be signed by not less than two hundred registered voters.
- (3) Any question, by any person, which may arise as to whether any provision of the Constitution or any law relating to nomination or election of President has been complied with shall be referred by the Returning Officer or by such person to the full bench of the Supreme Court within 14 days of the person elected as President being sworn in, in accordance with clause 9 of Article 34 of the Constitution.

(4) A person who swears or affirms falsely under this section shall be guilty of an offence and shall be liable upon conviction to imprisonment for a term of seven years without the option of a fine.

(As amended by Act No. 23 of 1996)

#### PART IV NATIONAL ASSEMBLY ELECTIONS

##### NATIONAL ASSEMBLY ELECTIONS

**10.** In addition to the persons disqualified by the Constitution-

Additional  
disqualifications for  
election to National  
Assembly

- (a) an election officer shall not be qualified for election as a member of the National Assembly;
- (b) any person who is convicted of any corrupt practice or illegal practice or who is reported guilty of any corrupt practice or illegal practice by the High Court upon the trial of an election petition under this Act shall not be qualified for election as a member of the National Assembly for a period of five years from the date of such conviction or of such report, as the case may be.

**11.** The election fee for candidates for election to the National Assembly shall be such fee as may be prescribed under this Act.

Election fee

#### PART V ELECTORAL COMMISSION AND REGULATION OF ELECTIONS

##### ELECTORAL COMMISSION AND REGULATION OF ELECTIONS

**12.** (1) An Electoral Commission established under Article *eight* of the Constitution shall consist of a Chairman and two other members, who shall be appointed by the President.

Electoral Commission  
Cap. 1

Provided that, where an Electoral Commission is established solely for the purpose of a by-election for a member of the National Assembly, the Electoral Commission may consist of a single Commissioner who may exercise all the powers of the Electoral Commission relating to the direction and supervision of that election other than the power to make or alter regulations.

(2) A person shall not be qualified for appointment as Chairman of a Commission or as a Commissioner-

- (a) unless he holds or has held high judicial office;
- (b) if he is a member of, or nominated as a candidate for election to the National Assembly.

(3) If, after the appointment of a Commission and before the Commission stands dissolved, the office of Chairman or any member of the Commission falls vacant or the holder of the office becomes unable for any reason to discharge his functions as a member of the Commission, the President may appoint another person qualified for appointment to be the Chairman or a member of the Commission, as the case may be.

(4) A Commission established for the purposes of Article *eightyone* of the Constitution shall stand dissolved upon such date as the President may determine, and a Commission established for any other purpose shall stand dissolved on such date (not being earlier, in the case of a Commission established upon a dissolution of Parliament, than the date upon which Parliament first sits after that dissolution) as the President may determine. Cap. 1

**13.** In the exercise of its functions under the Constitution, a Commission shall not be subject to the direction or control of any other person or authority. Independence of Electoral Commission  
Cap. 1

**14.** The registration of voters and the conduct of every election shall be subject to the direction and supervision of the Commission. Supervision by Commission

**15. (1)** In respect of any election, the Commission shall have power to appoint for any constituency or province such election officers as it may deem necessary for the purposes of such election, and any election officer may exercise his functions in respect of the whole or part of a constituency or province or in respect of more than one constituency as prescribed by the Commission. Appointment, remuneration and functions of election officers

(2) In respect of any election, the election officer may, subject to the general or special directions of the Commission, appoint any fit person to assist him in the exercise of his functions under this Act, and may, at any time, revoke such appointment.

(3) Every election officer shall, before exercising any of the functions of his office, take and subscribe such oath, or make such affirmation in lieu thereof, as the Commission may prescribe.

(4) The Commission may, at any time, revoke the appointment of an election officer.

(5) Every election officer shall be paid such remuneration and allowances in respect of his duties as the Commission may determine.

(6) In this section "election officer" means a person appointed by the Commission to be-

- (a) a registration officer;
- (b) an assistant registration officer;
- (c) an electoral officer;
- (d) a returning officer;
- (e) a presiding officer;
- (f) a polling assistant;
- (g) a counting assistant;

and includes any person appointed to assist an election officer under subsection (2); and, where functions are conferred on the Director of Elections under this Act in respect of any election, includes the Director of Elections.

**16.** The Commission may-

- (a) require from any election officer such information and returns as it may consider necessary;
- (b) subject to the provisions of this Act, issue instructions to any election officer in connection with his functions under this Act;
- (c) issue instructions to any candidate in an election in respect of the use of motor vehicles by or on behalf of such candidate during the day on which such election is to be held.

Power of Commission to require information and issue instructions

**17.** (1) Subject to the provisions of the Constitution and of this Act, the Commission may, by statutory instrument, make regulations providing for the registration of voters for the purposes of elections and for the procedure and manner of conducting elections; separate regulations may be made in respect of each category of elections.

Regulatory powers of Commission  
Cap. 1

(2) Without prejudice to the generality of subsection (1), the Commission may, by statutory instrument, make regulations providing for all or any of the following matters-

- (a) the division of constituencies into polling districts;
- (b) the establishment of polling stations in polling districts;
- (c) the registration of voters;
- (d) the preparation of, and the form of, registers to be used in the registration of voters;
- (e) the manner of ascertaining whether persons applying for registration as voters are qualified for registration or for their inclusion in a register for a particular constituency;
- (f) the making and determination of appeals, claims and objections with respect to the registration of voters;
- (g) the correction, amendment and certification of registers of voters;
- (h) the circumstances in which the name of any person may be deleted from a register of voters, the transfer of the names of persons from the register of voters or one polling district to that of another polling district and the restoration of names of registers of voters;
- (i) the nomination of candidates for any election and the manner of establishing and recording that a candidate at a direct election for the National Assembly is the authorised candidate of a political party;
- (j) the making and determination of appeals against the rejection of nominations by a returning officer;
- (k) the publication of the names of candidates whose nominations are accepted;
- (l) the payment of election fees by candidates, and the circumstances in which such fees are to be returned;
- (m) the use of symbols at an election;
- (n) the appointment of, and the duties of, election agents and polling agents;

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- (o) the equipment and facilities to be provided at polling stations;
- (p) the persons who may be admitted to polling stations;
- (q) the manner and procedure of voting at an election;
- (r) the manner of ascertaining the identity of persons wishing to vote at elections and whether such persons are qualified to vote;
- (s) the manner in which persons who are blind, or otherwise incapacitated, may vote;
- (t) voting by persons employed on election duties on the day of an election;
- (u) the maintenance of secrecy at elections;
- (v) the postponement of, and the adjournment and extension of, time for a poll in case of riot or open violence at an election;
- (w) the administering of oaths or affirmations by election officers in respect of such matters as may be prescribed;
- (x) the procedure to be followed at the conclusion of a poll in an election;
- (y) the procedure for counting votes in an election, and the circumstances in which votes in an election may be rejected by a returning officer as invalid;
- (z) for the purpose of declaring any candidate duly elected, the procedure to be followed where there is an equality of votes between candidates in an election for members of the National Assembly;
- (aa) the procedure to be followed where only one person is duly nominated for election to the office of President, or in a constituency for election to the National Assembly;
- (bb) the declaration, notification and publication of the results of an election;
- (cc) the custody and disposal of nomination papers, ballot papers, records, documents or other things relating to the registration of voters and the conduct of elections;
- (da) election expenses and the return of election expenses;

- (ee) the notification and publication of any casual vacancy in the elected membership of the National Assembly and the fixing of a date for an election to fill such vacancy;
- (ff) the fixing of a date for an election of a President or an election following a dissolution of the National Assembly;
- (gg) the forms and records to be used for any of the purposes of this Act;
- (hh) any matter to be prescribed by or under this Act.

(3) Before making any regulations which make any separate or distinct provision in respect of the functions of the returning officer for the election of a President, the Electoral Commission shall consult the returning officer.

(4) Regulations under this section shall not be affected by the dissolution of the Commission by which they are made but shall remain valid and in force, subject to any amendment or revocation by a subsequent Commission.

(5) Regulations under this section may provide in respect of any contravention thereof that the offender shall be liable to a fine not exceeding one thousand six hundred penalty units or to a term of imprisonment not exceeding two years or to both.

(6) No prosecution for an offence against this Act shall be commenced after the lapse of one year from the date on which the offence is alleged to have been committed.

*(As amended by Act No. 13 of 1994)*

## PART VI ELECTION PETITIONS IN RESPECT OF PARLIAMENTARY ELECTIONS

### ELECTION PETITIONS IN RESPECT OF PARLIAMENTARY ELECTIONS

**18.** (1) No election of a candidate as a member of the National Assembly shall be questioned except by an election petition presented under this Part. Avoidance of elections

(2) The election of a candidate as a member of the National Assembly shall be void on any of the following grounds which is proved to the satisfaction of the High Court upon the trial of an election petition, that is to say-

- (a) that by reason of any corrupt practice or illegal practice committed in connection with the election or by reason of other misconduct, the majority of voters in a constituency were or may have been prevented from electing the candidate in that constituency whom they preferred; or
- (b) subject to the provisions of subsection (4), that there has been a non-compliance with the provisions of this Act relating to the conduct of elections, and it appears to the High Court that the election was not conducted in accordance with the principles laid down in such provisions and that such non-compliance affected the result of the election;
- (c) that any corrupt practice or illegal practice was committed in connection with the election by or with the knowledge and consent or approval of the candidate or of his election agent or of his polling agents;
- (d) that the candidate was at the time of his election a person not qualified or a person disqualified for election.

(3) Notwithstanding the provisions of subsection (2), where, upon the trial of an election petition, the High Court finds that any corrupt practice or illegal practice has been committed by or with the knowledge and consent or approval of any agent of the candidate whose election is the subject of such election petition, and the High Court further finds that such candidate has proved that-

- (a) no corrupt practice or illegal practice was committed by the candidate himself or by his election agent, or with the knowledge and consent or approval of such candidate or his election agent; and
- (b) such candidate and his election agent took all reasonable means to prevent the commission of corrupt practice or illegal practice at such election; and
- (c) in all other respects the election was free from any corrupt practice or illegal practice on the part of such candidate or his election agent;

then the High Court shall not, by reason only of such corrupt practice or illegal practice, declare that election of such candidate was void.

(4) No election shall be declared void by reason of any act or omission by an election officer in breach of his official duty in connection with an election if it appears to the High Court that the election was so conducted as to be substantially in accordance with the provisions of this Act, and that such act or omission did not affect the result of that election.

**19.** An election petition may be presented to the High Court by one or more of the following persons-

Who may present  
election petitions

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- (a) a person who lawfully voted or had a right to vote at the election to which the election petition relates;
- (b) a person claiming to have had a right to be nominated as a candidate or elected at the election to which the election petition relates;
- (c) a person claiming to have been a candidate at the election to which the election petition relates;
- (d) the Attorney-General.

**20.** (1) Any of the following reliefs may be claimed in an election petition-

Relief which may be claimed in election petition

- (a) a declaration that the election was void;
- (b) a declaration that any candidate was duly elected.

(2) In addition to the foregoing reliefs, a petitioner may apply to the High Court upon the trial of an election petition for a scrutiny to be carried out by the High Court in such manner as the Court may determine.

(3) On a scrutiny at the trial of an election petition, the following votes only shall be held invalid-

- (a) the vote of any person whose name was not on the register of voters assigned to the polling station at which the vote was cast or who was not authorised to vote at such polling station under this Act;
- (b) the vote of any person whose vote was procured by any corrupt practice or illegal practice;
- (c) the vote of any person who committed or procured the commission of personation at the election to which the election petition relates, contrary to the provisions of this Act;
- (d) the vote of any person proved to have voted more than once at the election to which the election petition relates;
- (e) the vote of any person who was disqualified from voting at the election to which the election petition relates.

(4) In this section "scrutiny" means an enquiry as to the validity of the votes cast, and includes the determination of the number of valid votes cast for each candidate in the election in respect of which the application for a scrutiny is made.

**21.** (1) Every election petition shall be in such form and shall contain such matters as may be prescribed by rules made by the Chief Justice.

Form and procedure  
for presentation of  
election petitions

(2) Presentation of an election petition to the High Court shall be made by lodging it with the Registrar in accordance with the provisions of this Act.

(3) Every election petition shall be signed by the petitioner or by all the petitioners if more than one, and shall be presented not later than thirty days after the date on which the result of the election to which it relates is duly declared.

(4) Notwithstanding the provisions of subsection (3), when the election of any person (hereinafter referred to as "the respondent") is questioned upon an allegation of a corrupt practice or an illegal practice, the election petition may be presented-

- (a) at any time before the expiry of twenty-one days after the day on which the returning officer receives the return of the election expenses of the respondent; or
- (b) if the election petition specifically alleges a payment of money or some other act to have been made or done since the day referred to in paragraph (a) by the respondent or his election agent, or with the privity of the respondent or of his election agent in pursuance or in furtherance of the corrupt practice or illegal practice alleged in the election, at any time within thirty days after the date of payment or other act.

(5) Where an election petition is presented under this section, the Registrar shall in writing inform the Speaker of the National Assembly and the Commission of such presentation.

**22.** (1) Subject to the provisions of subsection (2), the Registrar, shall make out a list of all election petitions presented under this Act, placing them on such list in the order in which they are presented, and he shall keep at his office a copy of such list which shall be open for inspection by any person making application for inspection thereof.

Duty of Registrar to  
make out list of  
election petitions

(2) Every election petition shall, unless the High Court orders otherwise, be tried in the order in which it stands on the list made out by the Registrar under subsection (1), but where more election petitions than one are presented in respect of the same election, such election petitions shall be bracketed together and shall be dealt with as one petition, standing, unless the High Court orders otherwise, in such list in the place where the last of such election petitions would have stood if it had been the only election petition presented in respect of that election.

**23.** (1) Subject to the provisions of this Act the Chief Justice may make rules regulating generally the practice and procedure of the High Court with respect to the presentation and trial of election petitions, including rules as to the fine within which any requirement of such rules is to be complied with and as to the costs of and incidental to the presentation and trial of election petitions and as to the fees to be charged in respect of proceedings therein, and generally in regard to any other matter relating thereto as the Chief Justice may deem necessary or desirable.

Rules of practice and procedure, security for costs

(2) After the presentation of an election petition, every petitioner thereto shall give such security for costs, not exceeding in amount the sum of eight hundred fee units, as the High Court may order, and such security shall be given within such time and in such manner and form as the Chief Justice may prescribe by rules under this section or, in the absence of such rules, as the High Court may order.

(3) Where, after the presentation of an election petition, no security for costs is given as required by or under this section, no further proceedings shall be had on that election petition.

*(As amended by Act No. 13 of 1994)*

**24.** (1) A petitioner shall not withdraw an election petition without the leave of the High Court.

Withdrawal of election petitions

(2) No application for leave to withdraw an election petition shall be made until notice of intention to withdraw such election petition has been given in such manner as the Chief Justice may prescribe.

(3) Where an election petition is presented by two or more petitioners, an application to withdraw such election petition shall not be made except with the consent of all the petitioners thereto.

(4) The High Court may, upon an application for leave to withdraw an election petition, make such order as to costs as it may think just.

**25.** (1) Upon the hearing of an application under section *twentyfour* for leave to withdraw an election petition, any person who might have been a petitioner in respect of the election to which that election petition relates may, notwithstanding the provisions of section *twenty* apply to the High Court to be substituted for the petitioner so applying to withdraw, and the High Court may, if it grants leave to such petitioner to withdraw, order that such person (hereinafter referred to as "the substituted petitioner") be substituted for such petitioner.

Substitution of new petitioners

(2) Subject to the provisions of this section, the substituted petitioner shall, as nearly as may be, stand in the same position, and be subject to the same liabilities, under this Act as the petitioner for whom he is substituted (hereinafter referred to as "the original petitioner").

(3) Where the High Court makes an order under subsection (1), it may direct that the security for costs given by the original petitioner shall remain as security for any costs caused thereafter by the substituted petitioner upon the trial of the election petition, and may direct that, to the extent of the amount of such security, the original petitioner shall be liable to pay the costs of the substituted petitioner.

(4) Unless the High Court gives directions as in subsection (3), subsections (1) and (2) of section *twenty-three* shall apply to the substituted petitioner as they apply in relation to a petitioner presenting an election petition.

**26.** (1) If a sole petitioner or the survivor of several petitioners dies, then subject to the provisions of this section, no further proceedings shall be had upon the election petition.

Abatement of election petitions

(2) The death of a petitioner shall not affect his liability for the payment of costs previously incurred.

(3) On the abatement of an election petition under subsection (1), any person who might have been a petitioner in respect of the election to which that election petition relates may, notwithstanding section *twenty-one*, apply to the High Court to be substituted as a petitioner in place of the deceased petitioner and the High Court may, if it thinks fit, order that such person be substituted accordingly.

(4) Where the High Court makes an order under this section for the substitution of a person in place of a deceased petitioner such person shall, as nearly as may be, stand in the same position, and be subject to the same liabilities, under this Act as the deceased petitioner would have been but for his death, and subsections (1) and (2) of section *twenty-three* shall apply to such person as they apply in relation to a petitioner presenting an election petition.

**27.** (1) An election petition shall be tried and determined by the High Court in open court and within one hundred and eighty days of the presentation of the election petition as provided under section *twenty-one*.

Trial of election petitions

(2) The High Court may adjourn the trial of an election petition from time to time and from place to place.

(3) Subject to the provisions of this Act, the High Court may, in respect of the trial of an election petition exercise such powers within its civil jurisdiction as it may deem appropriate.

(4) On the trial of an election petition, a verbatim record of all evidence given orally in such trial shall be taken and transcripts of such record shall, at the conclusion of the proceedings, be delivered to the Commission by the Registrar.

*(As amended by Act No. 7 of 1995)*

**28.** (1) On the trial of an election petition, the High Court may-

Provisions as to  
witnesses

- (a) order any person who appears to the High Court to have been concerned in the election to attend as a witness at such trial;
- (b) examine any witness or any person who is present at such trial although such witness or person is not called as a witness by any party to the proceedings:

Provided that after such examination by the High Court of such witness or person, such witness or person may be cross-examined by or on behalf of the petitioner or the respondent.

(2) A person who is called as a witness at the trial of an election petition shall not be excused from answering any question relating to any offence connected with an election on the ground that the answer thereto may tend to incriminate him, or on the ground of privilege:

Provided that-

- (a) a witness who answers to the satisfaction of the High Court every question which he is required to answer under this section, and the answers to which may tend to incriminate him, shall not be liable to prosecution for any offence committed by him in connection with that election and in respect of which he is so examined and such witness shall be entitled to receive a certificate of indemnity under the hand of the Registrar stating that he is freed and discharged from liability to prosecution for that offence;
- (b) an answer by a witness to a question before the High Court under this section shall not, except in the case of any criminal proceedings for giving false evidence in respect of such evidence, be admissible in any proceedings, civil or criminal, in evidence against him.

(3) Where a person has received a certificate of indemnity under subsection (2), and any legal proceedings are at any time brought against him for any offence to which such certificate relates, the court having cognizance of the case shall, on proof of the certificate of indemnity, stay such proceedings and may award to that person such costs as he may have been put to in such proceedings.

(4) All reasonable expenses incurred by any person in attending at or appearing before the High Court to give evidence as a witness at the trial of an election petition shall be allowed to such person according to the scale of allowances and expenses appropriate in civil proceedings before the High Court.

**29.** (1) At the conclusion of the trial of an election petition, the High Court shall determine whether the respondent, or any other and which person, was duly elected, or whether the election to which the election petition relates was void, and the Registrar shall as soon as may be, submit a copy of such determination to the Speaker of the National Assembly and to the Commission.

Conclusion of trial  
election petition

(2) Where the High Court determines under subsection (1) that the respondent was duly elected, such election shall be and remain valid.

(3) Where the High Court determines under subsection (1) that the respondent was not duly elected but that some other person was duly elected, such other person shall be deemed to have been elected accordingly.

(4) Where the High Court determines under subsection (1) that the respondent was not duly elected, and that no other person was duly elected, at the election concerned, the vacancy in the membership of the National Assembly in respect of which that election was held shall be deemed to continue until duly filled.

(5) Where a determination under subsection (1) alters the results of an election as previously declared, it shall be the duty of the Commission to publish the results as so altered in the *Gazette*.

(6) Where it appears to the High Court upon the trial of an election petition that any corrupt practice or illegal practice has been committed by any person in connection with the election to which such election petition relates, the High Court shall, at the conclusion of the proceedings, prepare a report stating-

- (a) the evidence given in the proceedings in respect of such corrupt practice or illegal practice;
- (b) the names and particulars of any person by whom such corrupt practice or illegal practice was, in the opinion of the Court, committed:

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Provided the Court shall not state the name of any person under this paragraph unless such person has been given an opportunity of appearing before the Court and of showing cause why his name should not be so stated.

(7) The Registrar shall deliver a copy of every report prepared by the Constitutional Court under subsection (6) to-

- (a) the Commission; and
- (b) the Director of Public Prosecutions.

**30.** (1) Subject to the provisions of this section, all costs, charges and expenses of and incidental to the presentation and trial of an election petition shall be borne in such manner and in such proportions as the High Court may order and in particular, any costs which in the opinion of the High Court have been caused by any vexatious conduct or by any frivolous or vexatious allegations or objections on the part of the petitioner or of the respondent, may be ordered to be paid by the party by whom such costs have been caused.

Provisions as to costs

(2) Where, on the trial of an election petition, the High Court determines that the respondent was not duly elected and is of the opinion, having regard to the circumstances, that it would be just and reasonable to relieve any party to the election petition from all or a portion of the costs thereof, then-

- (a) if the Court finds that the election of the respondent was due to a mistake or improper performance or failure of performance of any function *bona fide* made by any election officer, it may, after sufficient notice to the AttorneyGeneral to show cause to the contrary, make such order as to the payment by the State of the costs of the proceedings or a portion thereof, as it may deem proper;
- (b) if the Court finds that the election of the respondent was due to a mistake or improper performance or failure of performance of any function *mala fide* made by any election officer, it may, after sufficient notice to such officer to show cause to the contrary, make such order as to the payment by such election officer of the costs of the proceedings or a portion thereof, as it may deem proper.

(3) The High Court may, on application made by any person to whom any costs, charges or expenses are payable under this Act, order the same to be paid out of any deposit made to secure the same, or by any surety who gave a recognizance to secure the same:

Provided that notice of such application shall be given, in such manner as may be prescribed by rules of court to the party by or on whose behalf such deposit was made or for whom such surety gave a recognizance, requiring such party, or such surety and such party, as the case may be, to state, within such time and in such manner as may be so prescribed, whether he resists the application.

(4) Where, on the trial of an election petition, any person appears to the High Court to have been guilty of any corrupt practice or illegal practice relating to the election which is the subject of such election petition, the Court may, after giving that person an opportunity of making a statement to show cause why the order should not be made, order the whole or a portion of the costs of or incidental to the trial of such election petition to be paid by the said person to such person or persons as the Court may determine.

(5) Execution may be levied under any order for payment made by the High Court under this section in the same manner and to the same extent as execution may be levied under a judgement of the High Court for the payment of money.

(6) Money deposited as security shall, when no longer needed as security for costs, be returned to the person in whose name it is deposited or to any person entitled to receive the same by order of the High Court, which may be upon motion after notice and proof that all just claims have been satisfied or otherwise sufficiently provided for as the High Court may require.

## PART VII OTHER QUESTIONS RELATING TO PARLIAMENTPART VII

### OTHER QUESTIONS RELATING TO PARLIAMENT

**31.** (1) Any question which may arise as to whether-

Applications to  
members and officers  
of Parliament

- (a) Any person has been validly appointed as a nominated member of the National Assembly;
- (b) the seat of an elected member or of a nominated member of the National Assembly, has become vacant, other than a question arising from the election of a candidate as a member of the National Assembly; or
- (c) any person has been validly elected as Speaker or Deputy Speaker of the National Assembly or, having been so elected, has vacated the office of Speaker or Deputy Speaker;

may be heard and determined by the High Court upon application made by-

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- (i) any person to whom the question relates; or
- (ii) in the cases referred to in paragraph (a) (b) or (c), any member of the National Assembly; or
- (iii) the Attorney-General.

(2) Any person who makes an application to the High Court under subsection (1) shall have the right to appear and be represented before the High Court.

(3) Subject to any rules of courts, the powers, practice and procedure of the High Court in respect of the trial of election petitions under Part VI shall apply *mutatis mutandis* to the hearing and determination of such applications.

**32.** Every determination of the High Court under this Part shall have effect, subject to the provisions of Article *seventy-one* of the Constitution, in accordance with the terms thereof.

Effect of determination  
Cap. 1

PART VIII MISCELLANEOUS AND REPEALS AND TRANSITIONALPART VIII

MISCELLANEOUS AND REPEALS AND TRANSITIONAL

**33.** Repealed by Act No. 17 of 1994.

**34.** Whenever a person has become subject to any incapacity under this Act by reason of a conviction or by reason of any declaration or report of any court, and any witness who gave evidence against such person upon the proceeding for such conviction, declaration or report is convicted of perjury in respect of that evidence, such person may apply to the High Court which, if satisfied that the conviction, declaration or report, so far as it concerns that person, was based upon perjured evidence, may order that his incapacity shall from that time cease, and the same shall cease accordingly.

When incapacity may  
be removed

**35.** No person who has voted at an election shall in any proceedings, whether brought under this Act or otherwise, be required, to state for whom he has voted.

No person required to  
state how he voted

**36.** Upon any charge of a corrupt practice or an illegal practice, or any other offence against this Act, alleged to have been committed at or in connection with an election, the certificate of a returning officer that the election mentioned therein was being or had been held shall be sufficient evidence of the fact that such election was being or had been held.

Evidence as to holding  
of election

**37.** No misnomer or any inaccurate description of any person or place in any register, list, nomination paper, notice or other document required for the purposes of this Act shall affect the full operation of the document with respect to that person or place in any case where the description of the person or place is such as to be commonly understood.

Validation of certain documents

**38.** The Electoral Act, 1973, is hereby repealed:

Repeals and saving

Provided that, notwithstanding the repeal of the Electoral Act, 1973, any statutory instrument made thereunder by an Electoral Commission established under the Constitution of Zambia 1973, which is in force immediately before the commencement of this Act shall, so far as it is not inconsistent with the Constitution and this Act, continue in force after the commencement of this Act as if it had been made by a Commission under this Act;

and any such statutory instrument shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Constitution and this Act, and such statutory instrument or rules of practice may be amended or revoked by the Commission in exercise of powers conferred under this Act.

**39.** Has had its effect.

**40.** Has had its effect.

#### SCHEDULE

(Section 9)

#### OATH/AFFIRMATION OF ZAMBIAN CITIZENSHIP OF PRESIDENTIAL CANDIDATE AND PRESIDENTIAL CANDIDATE'S PARENTS

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I, (full names) .....  
.....  
of (residential address) ..... of (postal  
address) ..... and holder of National Registration  
Card No ..... being a candidate for election to the office of President of  
the Republic of Zambia.

MAKE OATH/AFFIRMATION AND SAY THAT:

1. I was born on .....  
Village/Township/Town .....  
District ..... Country .....
2. That I have attained the age of thirty-five years;
3. That I am a Zambian citizen;
4. That both my parents are Zambian citizens by birth/descent;\*  
That my father (full names) .....  
was born on .....  
Village/Township/Town.....  
District ..... Country .....  
and that my mother (full names) .....  
was born on .....  
Village/Township/Town .....  
District ..... Country .....
5. That I am qualified to be elected as a member of the National Assembly;
6. That I have been domiciled in Zambia for a period of at least twenty years; and
7. That I have not twice been elected as President.

The above information has come to my knowledge by .....  
.....  
Date ..... Signature .....

SWORN/AFFIRMED BY THE SAID: .....

At: .....  
This ..... day of ..... 199 .....

BEFORE ME:

.....  
Notary Public

\*Delete whichever is not applicable.

(As amended by Act No. 23 of 1996)

**SUBSIDIARY LEGISLATION**

THE ELECTORAL (REGISTRATION OF VOTERS) REGULATIONS

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PART III

ANNUAL REVISION AND REPLACEMENT OF REGISTERS OF VOTERS

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PART I PRELIMINARYPART I

PRELIMINARY

1. These Regulations may be cited as the Electoral (Registration of Voters) Regulations. Title

2. (1) In these Regulations, unless the context otherwise requires- Interpretation

"assistant registration officer" means an assistant registration officer appointed under regulation 5;

"electoral officer" means a person appointed as an electoral officer under regulation 5;

"functions" includes powers and duties;

"national registration card" means a national registration card, issued under the National Registration Act, which is not cancelled or required to be cancelled under such Act, and, in relation to any person, means a national registration card in the lawful possession of such person under such Act; Cap. 126

"national registration number", in relation to a national registration card, means the serial number inserted on such national registration card under the National Registration Act; Cap. 126

"polling district" means any polling district declared as a polling district under regulation 3;

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"provisional register of voters" means a provisional register of voters prepared under regulation 15 or 38;

"register of voters" means a register of voters prepared and certified under these Regulations;

"registration officer" means a person appointed as a registration officer under regulation 5;

"true copy", in relation to a provisional register of voters or a register of voters, means a copy of such provisional register, or of such register, which is certified as a true copy thereof under the hand of the Director of Elections;

"voter's registration card" means a card in Form RV.2 in the Second Schedule;

"voter's registration record" means a record in Form RV.1 in the Second Schedule.

(2) Any person whose name appears in a register of voters shall, until such register of voters is replaced by virtue of the operation of regulation 29 or 49, be deemed to be registered as a voter.

(3) Any person whose name does not appear in a register of voters shall not be deemed to be registered as a voter.

(4) Where a registration officer or an assistant registration officer is satisfied, for the purpose of the exercise of his functions under regulation 36 or 37, that a voter's registration card is lost or destroyed, such voter's registration card shall, for the purpose of regulation 58, be deemed to be lost or destroyed.

(5) Where a magistrate determines under regulation 42 that any voter's registration card is lost or destroyed, such voter's registration card shall, for the purposes of regulations 42 and 58, be deemed to be lost or destroyed.

(6) Any person who is in possession of a voter's registration card which is deemed to be lost or destroyed under sub-regulation (4) or (5) shall, for the purposes of regulation 61, be deemed to be in possession of a voter's registration card which was not given to him in pursuance of these Regulations.

**3.** (1) The Director of Elections shall divide Zambia into polling districts, and shall declare and publish, by *Gazette* notice, the names by which such polling districts are to be known and the descriptions of the boundaries of such polling districts.

Division and  
declaration of polling  
districts

(2) The Director of Elections may at any time vary the boundaries or the descriptions of the boundaries of a polling district and such variation shall be published by *Gazette* notice.

4. The Director of Elections shall-

Functions of Director  
of Elections

- (a) ensure that every electoral officer, registration officer and assistant registration officer performs his functions under these Regulations in accordance with the provisions thereof;
- (b) issue to any electoral officer, registration officer or assistant registration officer such instructions as he may deem necessary to ensure due compliance with the provisions of these Regulations;
- (c) perform all such functions as are conferred or imposed upon him by these Regulations.

5. (1) In respect of each polling district, there shall be-

Election officers for  
registration of voters

- (a) an electoral officer who shall be such person as the Commission shall specify, by *Gazette* notice, as the electoral officer for that polling district; and
- (b) a registration officer, who shall be such person as the Commission shall specify, by *Gazette* notice, as the registration officer for that polling district; and
- (c) such approved numbers of assistant registration officers as the registration officer for that polling district may, by notice in writing, appoint for the purpose of assisting him in the exercise of his functions in respect of that polling district.

(2) Whenever a registration officer appoints any person to be an assistant registration officer under paragraph (c) of sub-regulation (1), he shall deliver a copy of the notice referred to in that paragraph to the Director of Elections.

(3) In this regulation-

"approved" means approved by the Director of Elections.

6. Every electoral officer, registration officer or assistant registration officer shall, before exercising any of the functions conferred upon him under these Regulations or under any other written law, take and subscribe an oath, or make an affirmation in lieu thereof, before a magistrate in the appropriate form set out in the First Schedule.

Form of oath or affirmation for election officers

7. (1) Where the Commission revokes the appointment of an electoral officer or of a registration officer, the Commission shall publish a notice of such revocation in the *Gazette*.

Revocation of appointments of election officers to be notified

(2) Where a registration officer revokes the appointment of an assistant registration officer appointed by him, such registration officer shall give notice in writing of such revocation to such assistant registration officer and shall deliver a copy of such notice to the Director of Elections.

## PART II GENERAL REGISTRATION OF VOTERS PART II

### GENERAL REGISTRATION OF VOTERS

#### A. *Applications for Registration and Provisional Registers*

8. A general registration of voters shall be carried out under these Regulations in all polling districts at such intervals as the Commission shall, by *Gazette* notice, determine and may be carried out in different polling districts at different times as the Commission may deem necessary.

General registration of voters

9. (1) A general registration of voters in a polling district shall be carried out under these Regulations within such registration period as the Commission shall, by *Gazette* notice, specify in respect of that polling district.

Period for general registration of voters and extension thereof

(2) The Commission may, where it appears necessary or expedient having regard to the number of persons applying for registration or to the length of time required for the consideration of applications for registration in any polling district, extend, by *Gazette* notice, the registration period specified under sub-regulation (1) in respect of that polling district.

10. Subject to the provisions of these Regulations, a general registration of voters in any polling district shall be carried out by the registration officer for that polling district or by any assistant registration officer appointed by him under paragraph (c) of regulation 5 (1).

Conduct of registration of voters

11. Any person who considers that he is qualified for registration as a voter may make application to be registered as a voter to the registration officer, or to the assistant registration officer, for the polling district in which the applicant ordinarily resides and any such application shall be made within the registration period specified in respect of that polling district under regulation 9.

Application for registration in general registration

12. (1) Every registration officer to whom application is made under regulation 11 shall satisfy himself that the applicant ordinarily resides in the polling district in which the application is made.

Procedure for registration of voters in general registration

(2) Upon application for registration as a voter under regulation 11, the applicant shall prove his identity to the registration officer by producing to such registration officer a national registration card issued to such applicant under the National Registration Act, and no applicant shall be registered as a voter unless he possesses and so produces such national registration card.

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(3) Every registration officer to whom application is made under regulation 11 shall determine whether the applicant is qualified for registration as a voter.

(4) If a registration officer to whom application is made under regulation 11 is satisfied-

- (a) that the applicant has properly identified himself under sub-regulation (2); and
- (b) that the applicant ordinarily resides in the polling district in which the application is made; and
- (c) that the applicant is qualified for registration as a voter;

the registration officer shall register the applicant-

- (i) by completing a voter's registration record and a voter's registration card in relation to the applicant; and
- (ii) by giving to the applicant such voter's registration card completed as aforesaid.

(5) For the purposes of sub-regulation (4), the details of the names of an applicant which shall be entered on a voter's registration record and a voter's registration card in relation to that applicant shall be identical to the details recorded on the national registration card produced by such applicant under sub-regulation (2):

Provided that the surname and one forename, only, of the applicant shall be recorded in full, together with not more than two initials in respect of other forenames, if any, of such applicant.

(6) A voter's registration record shall be as in Form RV.1 in the Second Schedule, and a voter's registration card shall be as in Form RV.2 in the Second Schedule.

(7) If a registration officer to whom application is made under regulation 11 is not satisfied-

- (a) that the applicant has properly identified himself under sub-regulation (2); or
- (b) that the applicant ordinarily resides in the polling district in which the application is made; or
- (c) that the applicant is qualified for registration as a voter;

the registration officer shall refuse the application and, if so required by the applicant, shall give to the applicant a written statement, as in Form RV.3 in the Second Schedule, setting out the grounds of such refusal, and shall inform the applicant that he may appeal against such refusal under regulation 19.

(8) In this regulation-

"registration officer" includes an assistant registration officer.

**13.** (1) Every registration officer shall, in any premises being used by him for the purposes of registering persons as voters, keep order in such premises and shall regulate the number of applicants to be admitted at a time to such premises.

Control of persons in premises used for registration of voters

(2) A registration officer may require any person, other than a member of the Commission or the Director of Elections, or any person authorised in writing by the Director of Elections to enter and remain thereon, to leave premises being used by him for the purpose of registering voters.

(3) The powers conferred by this regulation shall not be exercised so as to prevent any person from having an opportunity to make application to be registered as a voter.

(4) In this regulation-

"registration officer" includes an assistant registration officer.

**14.** At the close of the registration period specified in respect of any polling district under regulation 9, the registration officer for that polling district shall forward to the Director of Elections, in accordance with such directions as the Director of Elections may give to such registration officer, all voter's registration records completed by him under regulation 12 in respect of such polling district.

Voter's registration records to be sent to Director of Elections

**15. (1)** The Director of Elections shall, on receipt by him of the voter's registration records completed under regulation 12 in respect of any polling district and forwarded to him under regulation 14, cause to be prepared a provisional register of voters for that polling district.

Provisional registers of voters to be prepared by Director of Elections

(2) A provisional register of voters prepared under this regulation shall be in such form as the Director of Elections may determine.

**16.** Subject to the provisions of regulation 17, there shall be entered in a provisional register of voters prepared under regulation 15 in respect of each polling district-

Particulars to be entered in provisional registers of voters

- (a) the number of each voter's registration record completed under regulation 12 in that polling district; and
- (b) the surname of the person to whom such voter's registration record relates; and
- (c) one forename and the initials, if any, of such person as recorded under regulation 12; and
- (d) the residential address of such person; and
- (e) the number of the national registration card as recorded in respect of such person under regulation 12.

**17. (1)** Where the Director of Elections has reasonable cause to suspect that any person has committed an offence against regulation 60, he may refuse to make an entry in a provisional register of voters under regulation 16 in respect of that person.

Director of Elections may refuse to enter particulars of person suspected of offence

(2) The Director of Elections shall cause any person refused under sub-regulation (1) to be notified thereof in writing as in Form RV.3 in the Second Schedule, together with a statement setting out the grounds of such refusal, and shall deliver the same to the registration officer for the polling district in which such person applied for registration as a voter, and such registration officer shall cause the same to be delivered to the address recorded in the voter's registration record relating to such person.

(3) Any person refused under sub-regulation (1) may appeal against such refusal under regulation 19.

(4) Where the Director of Elections refuses to make an entry in a provisional register of voters in respect of any person under this regulation, the registration of such person under regulation 12 shall be deemed to be cancelled, and such person shall surrender the voter's registration card given to him in respect of such registration to the registration officer for the polling district to which such voter's registration card relates.

**18.** (1) As soon as practicable after a provisional register of voters is prepared in respect of any polling district under regulation 15, the Director of Elections shall deliver such number of true copies thereof as he may deem necessary to the registration officer for that polling district for publication.

Procedure after  
provisional registers of  
voters prepared

(2) A registration officer shall publish a true copy of a provisional register delivered to him under sub-regulation (1) by-

- (a) making it available for inspection at the office of the Town Clerk or Council Secretary in whose District the polling district to which such provisional register relates is situated, and at such other places as he may deem fit, for a period of fourteen days after the publication of the notice referred to in paragraph (b); and
- (b) publishing at the office of such Town Clerk or Council Secretary, in such manner as he may deem fit, a notice stating that a true copy of such provisional register is available for inspection by the public at such places and at such times as may be specified in such notice.

*(As amended by S.I. No. 111 of 1996)*

#### *B. Appeals, Claims and Objections*

**19.** (1) Any person-

Appeals against  
refusal under  
regulation 12 or 17

- (a) whose application for registration as a voter is refused under sub-regulation (7) of regulation 12; or
- (b) who is notified under regulation 17 that the Director of Elections has refused to make an entry in a provisional register of voters in respect of that person;

may appeal against such refusal to a magistrate (hereinafter referred to as "the magistrate") empowered to preside over a subordinate court of the first or second class and having jurisdiction in the polling district in which such application was made or, as the case may be, to which such provisional register relates.

(2) Every appeal under this regulation shall be as in Form RV.4 in the Second Schedule and shall be delivered to the magistrate not later than seven days after the date of publication under regulation 18 of a true copy of the provisional register of voters for the polling district in which the appellant made application for registration as a voter.

(3) Every appeal under this regulation shall be accompanied by a deposit of ten fee units.

(4) Every appeal under this regulation shall be determined within a period of not more than twenty-three days after the date of publication of a true copy of the provisional register of voters referred to in subregulation (2).

*(As amended by Act No. 13 of 1994 and S.I. No. 111 of 1996)*

**20.** (1) On receipt of an appeal under regulation 19, the magistrate shall appoint a day and a place for hearing the appeal and shall cause the appellant, and the Director of Elections, and the registration officer for the polling district in which the appellant made application for registration as a voter, to be notified thereof.

Procedure for appeals  
under regulation 19

(2) The decision of the magistrate on an appeal under regulation 19 shall be final and shall not be challenged in any proceedings whatsoever.

(3) For the purpose of determining an appeal under regulation 19, the magistrate may-

- (a) summon any person to appear before him to give evidence on oath or affirmation, and may order the production of any document relating to the appeal at the hearing thereof;
- (b) adjourn, subject to the provisions of regulation 19, the hearing of the appeal to any convenient time or place, as he may deem proper.

(4) Where an appellant under regulation 19 fails to appear at the hearing of an appeal on the day and at the place appointed by the magistrate for the hearing of the appeal, the magistrate shall disallow the appeal.

(5) The magistrate shall, upon determination of an appeal under regulation 19, notify the registration officer referred to in sub-regulation (1), in writing, of the result of such appeal.

(6) If the magistrate allows an appeal under regulation 19, the registration officer, upon being so notified under sub-regulation (5), shall register the appellant in accordance with sub-regulation (4) of regulation 12, and the deposit paid by the appellant under regulation 19 shall be refunded to the appellant.

(7) If the magistrate disallows an appeal under regulation 19, and is of opinion that the appeal was made without reasonable cause, he may order that the deposit paid by the appellant under regulation 19 be forfeited, but otherwise he shall order that the deposit be refunded to the appellant.

**21.** (1) Any person registered in a polling district under subregulation (4) of regulation 12 may, if his name is omitted (otherwise than in accordance with the provisions of regulation 17) from the provisional register of voters prepared in respect of that polling district under regulation 15, submit a claim under this regulation to be included in such provisional register. Claims

(2) A claim under this regulation shall be as in Form RV.5 in the Second Schedule and shall be delivered to the registration officer for the polling district in respect of which the claim is made not later than fourteen days after the date of publication under regulation 18 of a true copy of the provisional register of voters for that polling district.

(3) All claims delivered to a registration officer under this regulation shall be determined by that registration officer not later than twenty-three days after the date of publication of a true copy of the provisional register of voters referred to in sub-regulation (2).

(4) The determination of a registration officer under this regulation shall be final and shall not be challenged in any proceedings whatsoever.

(5) If a registration officer determines under this regulation that the claimant was registered in a polling district under sub-regulation (4) of regulation 12 and that the claimant's name is omitted from the provisional register of voters for that polling district, he shall uphold such claim.

*(As amended by S.I. No. 111 of 1996)*

**22.** (1) Any person whose name appears in the provisional register of voters prepared under regulation 15 for any polling district may object under this regulation to the inclusion therein of the name of any person appearing therein, on the grounds that such person is not qualified for registration as a voter or is dead. Objections

(2) A registration officer for any polling district or the Director of Elections may object under this regulation to the inclusion of the name of any person appearing in the provisional register of voters prepared under regulation 15 for such polling district, on the grounds that such person is not qualified for registration as a voter or is dead.

(3) An objection-

(a) under sub-regulation (1), shall be as in Form RV.6 in the Second Schedule;

(b) under sub-regulation (2), shall be as in Form RV.7 in the Second Schedule;

and shall be determined by a magistrate (hereinafter referred to as "the magistrate") empowered to preside over a subordinate court of the first or second class and having jurisdiction in the polling district to which the objection relates.

(4) An objection under this regulation shall be delivered to the magistrate not later than fourteen days after the date of publication under regulation 18 of a true copy of the provisional register of voters to which the objection relates, and, in the case of an objection under sub-regulation (1), shall be accompanied by a deposit of ten fee units.

(5) Every objection under this regulation shall be determined by the magistrate not later than twenty-three days after the date of publication under regulation 18 of a true copy of the provisional register of voters to which the objection relates.

(6) The magistrate shall appoint a day and a place for the hearing of an objection delivered to him under this regulation and shall-

(a) cause a copy of the objection to be served on the person whose name is the subject of the objection; and

(b) cause such person and the person by whom the objection is made (hereinafter called "the objector") to be notified, in such manner as he may determine, of such day and such place.

(7) The objector may appear in person, or may be represented by any person appointed by him in writing for the purpose, at the hearing of the objection.

(8) The person whose name is the subject of an objection under this regulation may appear in person, or may be represented by any person appointed by him in writing for the purpose, at the hearing of the objection, or he may deliver a statement in writing, signed by him, to the magistrate setting forth his answer to the objection.

(9) Where the objector or the person whose name is the subject of the objection is represented at the hearing of the objection under this regulation, the magistrate may, if he deems it necessary, but subject to the provisions of sub-regulation (5), adjourn the hearing to enable the objector or such person to appear in person and may make an order accordingly.

*(As amended by Act No. 13 of 1994 and S.I. No. 111 of 1996)*

**23.** (1) The procedure for the hearing of objections under regulation 22 shall, subject to the provisions of regulations 22 and 24, be such as the magistrate may direct.

Powers of magistrate  
on hearing of  
objections

(2) For the purpose of determining any objection under regulation 22, the magistrate may summon any person to appear before him to give evidence on oath or affirmation and may order the production of any document relating to the objection at the hearing thereof.

(3) Subject to the provisions of regulation 22, the magistrate may adjourn the hearing of an objection to any convenient time or place, as he may deem proper.

**24.** (1) The decision of the magistrate on any objection under regulation 22 shall be final and shall not be challenged in any proceedings whatsoever.

Determination of  
objections

(2) Where an objector, or any person representing him under regulation 22, fails to appear at the hearing of an objection on the day and at the place appointed by the magistrate for the hearing of the objection, the magistrate shall disallow the objection.

(3) Where the magistrate upholds an objection under regulation 22, he shall require the person whose name is the subject of the objection to surrender the voter's registration card given to such person under regulation 12 to the registration officer for the polling district to which such voter's registration card relates, and, for that purpose, the magistrate may order such person and such registration officer to appear before him at such time and place as the magistrate may determine.

(4) Where the magistrate disallows an objection under regulation 22 and if, in his opinion, the objection was made without reasonable cause, the magistrate may, in the case of an objection under sub-regulation (1) of regulation 22, order-

(a) that the deposit paid by the objector under sub-regulation (4) of regulation 22 be forfeited; and

(b) that the objector shall pay to the person whose name is the subject of the objection such sum, not exceeding one thousand fee units, as the magistrate considers will compensate such person for the trouble and expense to which he may have been put by reason of the objection.

(5) Any sum ordered to be paid under paragraph (b) of sub-regulation (4) shall be recoverable as a civil debt.

(6) When the magistrate has determined the validity of all objections delivered to him under regulation 22, he shall cause to be sent to the appropriate registration officer a statement containing the particulars of each of such objections and his decision thereon.

*(As amended by Act No. 13 of 1994)*

**25.** Not later than thirty-five days after the date of publication under regulation 18 of a true copy of the provisional register of voters for any polling district, the registration officer for that polling district shall deliver to the Director of Elections-

Registration officer to deliver copies of determinations, etc., to Director of Elections

- (a) a copy of the determination of every appeal as notified to such registration officer under sub-regulation (5) of regulation 20; and
- (b) every voter's registration record completed by such registration officer under sub-regulation (6) of regulation 20; and
- (c) a copy of every determination made by such registration officer under regulation 21; and
- (d) every voter's registration card surrendered to such registration officer under sub-regulation (3) of regulation 24 and a copy of every statement received by such registration officer under sub-regulation (6) of regulation 24; and
- (e) every true copy of the provisional register of voters for such polling district delivered to such registration officer under regulation 18.

*(As amended by S.I. No. 111 of 1996)*

### *C. Certification of Registers of Voters*

**26.** (1) The Director of Elections shall, as soon as practicable after the expiry of the period allowed under regulation 25 for the delivery to him of the documents therein referred to, cause a register of voters for each polling district to be prepared for certification under regulation 27.

Preparation of registers of voters for certification

(2) A register of voters prepared under this regulation shall be in such form as the Director of Elections may determine.

(3) Subject to the provisions of this regulation, the particulars entered under regulation 16 in a provisional register of voters for any polling district shall be entered in a register of voters prepared for that polling district under this regulation.

(4) No entry shall be made in a register of voters prepared under this regulation in respect of any person who is required under subregulation (3) of regulation 24 to surrender a voter's registration card in consequence of an objection.

(5) The particulars prescribed in regulation 16 shall be entered in a register of voters prepared for any polling district under this regulation in respect of-

- (a) any person registered in such polling district under subregulation (4) of regulation 12-
  - (i) whose name is, in the opinion of the Director of Elections, inadvertently omitted from the provisional register of voters for such polling district; and
  - (ii) who has not been notified of a refusal in respect of such provisional register of voters under regulation 17; and
  - (iii) who has not made a claim in respect of such provisional register of voters under regulation 21;
- (b) any person whom the registration officer for such polling district is required to register under sub-regulation (6) of regulation 20 in consequence of an appeal;
- (c) any person whose claim to be included in the provisional register of voters for such polling district is upheld under regulation 21.

**27.** (1) When the preparation of any register of voters for any polling district is completed under regulation 26, the Director of Elections shall, in the manner provided in Form RV.8 in the Second Schedule, certify such register of voters as the register of voters for that polling district.

Certification of registers of voters

(2) Upon certification of a register of voters under this regulation, such register of voters shall have full force and effect in respect of the polling district to which it relates, and any other register of voters prepared in respect of that polling district prior to such certification shall thereupon cease to have effect.

(3) When the certification of the register of voters for any polling district is completed under this regulation, the Director of Elections shall publish a notice in the *Gazette* stating-

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- (a) that the certification of the register of voters for such polling district has been so completed; and
- (b) that such certified register of voters replaces all registers of voters previously prepared in respect of such polling district.

**28.** (1) The Director of Elections shall, as soon as practicable after the certification of a register of voters under regulation 27, deliver such number of true copies thereof as he may deem necessary to the electoral officer for the polling district to which such register of voters relates.

Electoral officers to publish registers of voters certified under regulation 27

(2) On receipt of a true copy of a register of voters delivered to him under sub-regulation (1), the electoral officer shall publish, at the office of the District Secretary within whose District the polling district to which such register of voters relates is situated, and at such other places as he may determine, a notice that such register of voters has been duly certified and that a true copy thereof is open for inspection at such place or places, and at such times, as may be specified in such notice.

(3) The Director of Elections may re-open for public inspection a current register of voters to allow for claims to be made by registered voters in accordance with regulation 21 and to be processed in accordance with regulations 25 and 26 of the principal Regulations.

*(As amended by S.I. No. 79 of 1992)*

**29.** (1) A register of voters prepared for any polling district under this Part shall, upon certification thereof under this Part and by virtue of the operation of this regulation, replace any register of voters previously prepared and certified for the same polling district under this Part or under Part III.

Replacement, control and custody of certified registers, provisional registers and true copies thereof

(2) Every register of voters prepared and certified under this Part shall be kept under the control and custody of the Director of Elections and shall not, save with the consent of the Commission or by order of a court of competent jurisdiction, be removed from such custody.

(3) Every true copy of a register of voters prepared and certified under this Part shall, subject to the provisions of this Part, be kept under the control and custody of the Director of Elections and shall not, save as the Commission may otherwise direct or for the purposes of these Regulations or of any proceedings before a court of competent jurisdiction under these Regulations, be removed from such custody.

(4) Every provisional register of voters, and every true copy thereof, prepared under this Part shall, subject to the provisions of this Part, be kept under the control and custody of the Director of Elections and shall not, save for the purposes of these Regulations or of any proceedings before a court of competent jurisdiction under these Regulations, be removed from such custody.

(5) Every true copy of a provisional register of voters prepared under this Part and delivered to a registration officer under regulation 18 for publication, shall, until such true copy is delivered to the Director of Elections under regulation 25, be kept under the control and custody of such registration officer and shall not, save for the purposes of these Regulations or of any proceedings before the court of competent jurisdiction under these Regulations, be removed from such custody.

(6) Every true copy of a register of voters prepared and certified under this Part and delivered to an electoral officer under regulation 28 for publication, shall during the period of such publication be kept under the control and custody of such electoral officer and shall not, save in accordance with the directions of the Director of Elections be removed from such custody.

### PART III ANNUAL REVISION AND REPLACEMENT OF REGISTERS OF VOTERS PART III

#### ANNUAL REVISION AND REPLACEMENT OF REGISTERS OF VOTERS

##### A. *Applications and Provisional Registers*

**30.** In this Part-

Interpretation

"current", in relation to a register of voters, means a register of voters prepared and certified under these Regulations which has not been replaced by virtue of the operation of regulation 29 or 49;

"revision" means a revision of a register of voters carried out under this Part.

**31.** Subject to the provisions of this Part, a revision of every current register of voters shall be carried out in each calendar year under this Part.

Annual revision of registers

**32.** In any calendar year a revision shall not be required in respect of any polling district-

When revision not required

(a) if a general registration of voters is commenced during that year under Part II in that polling district; or

- (b) if the Commission, by *Gazette* notice, directs that a revision shall not be carried out during that year in that polling district.

**33.** (1) For the purpose of carrying out a revision, the Commission shall, by *Gazette* notice, specify the period during which such revision shall be carried out in any polling district specified in such notice. Period for carrying out revision

(2) The Commission may, where it appears necessary or expedient having regard to the number of persons making applications in pursuance of regulation 35, 36 or 37 or to the length of time required for the consideration of such applications in any polling district, extend, by *Gazette* notice, the period specified in sub-regulation (1) in respect of that polling district.

**34.** Subject to the provisions of these Regulations, a revision in any polling district shall be carried out by the registration officer for that polling district or by any assistant registration officer appointed by him under paragraph (c) of regulation 5 (1). Conduct of revision

**35.** (1) During the period specified in respect of any polling district under regulation 33, any person ordinarily resident in such polling district who considers that he is qualified for registration as a voter and who is not registered in a current register of voters may make application to be registered as a voter to the registration officer for such polling district. Application for registration as a voter during revision

(2) Every registration officer to whom application is made under this regulation shall satisfy himself that the applicant ordinarily resides in the polling district in which the application is made.

(3) The provisions of regulation 12 shall apply in relation to an application under this regulation as they apply to an application under regulation 11:

Provided that where a registration officer refuses an application under this regulation, he shall inform the applicant that he may appeal against such refusal under regulation 42.

(4) At the close of the period specified in respect of any polling district under regulation 33, the registration officer for that polling district shall forward to the Director of Elections, in accordance with such directions as the Director of Elections may give to such registration officer, all voter's registration records completed by him under this regulation in respect of such polling district.

(5) In this regulation-

"registration officer" includes an assistant registration officer.

**36.** (1) During the period specified in respect of any polling district under regulation 33, any person ordinarily resident in such polling district to whom a voter's registration card has been issued under these Regulations by the registration officer for such polling district may, unless such voter's registration card is deemed to be cancelled under paragraph (a) or (c) of regulation 58, apply to such registration officer as in Form RV.9 in the Second Schedule for a voter's registration card on any of the following grounds, that is to say:

Application for new voter's registration card

(a) that such first-mentioned voter's registration card is lost or destroyed; or

(b) that by reason of a change of the name of such person, the particulars recorded on such first-mentioned voter's registration card do not correspond to the particulars recorded on the national registration card issued to such person under the National Registration Act by reason of such change of name.

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(2) In the case of an application under paragraph (a) of sub-regulation (1), the applicant shall prove his identity to the registration officer by producing to such registration officer a national registration card issued to such applicant under the National Registration Act, and the registration officer shall determine whether the applicant is qualified for registration as a voter.

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(3) In the case of an application under paragraph (b) of sub-regulation (1), the applicant shall surrender to the registration officer the voter's registration card therein referred to.

(4) If a registration officer to whom application is made under this regulation is satisfied-

(a) in the case of an application under paragraph (a) of subregulation (1)-

(i) that the voter's registration card therein referred to is lost or destroyed; and

(ii) that the applicant has properly identified himself under sub-regulation (2); and

(iii) that the applicant is qualified for registration as a voter; or

(b) in the case of an application under paragraph (b) of subregulation (1)-

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- (i) that the applicant has, in compliance with sub-regulation (3), surrendered the voter's registration card referred to in the said paragraph (b); and
- (ii) that the particulars recorded on such voter's registration card do not correspond to the particulars recorded on the national registration card referred to in the said paragraph (b);

he shall register the applicant by completing a voter's registration record and a voter's registration card in relation to the applicant and by giving to the applicant such voter's registration card completed as aforesaid.

(5) Where, upon application under paragraph (a) of sub-regulation (1), a registration officer registers the applicant under sub-regulation (4), such registration officer shall forward to the Director of Elections the Form RV.9, together with the voter's registration record completed in relation to the applicant on which there shall be endorsed the words "DUPLICATE-REPLACES No. ...." and the number of the voter's registration card which has been lost or destroyed.

(6) Where, upon application under paragraph (b) of sub-regulation (1), a registration officer registers the applicant under sub-regulation (4), the registration officer shall endorse on the voter's registration card surrendered by the applicant under sub-regulation (4) the word "CANCELLED" and shall forward it to the Director of Elections, together with the Form RV.9 and the voter's registration record completed in relation to the applicant, and there shall be endorsed on such voter's registration record the words "DUPLICATE-REPLACES No. ...." and the number of the voter's registration card surrendered as aforesaid.

(7) Where a registration officer to whom application is made under this regulation is not satisfied-

- (a) in the case of an application under paragraph (a) of subregulation (1), as to the matters in respect of which he is required to be satisfied under paragraph (a) of sub-regulation (4); or
- (b) in the case of an application under paragraph (b) of subregulation (1), as to the matters in respect of which he is required to be satisfied under paragraph (b) of sub-regulation (4);

he shall refuse the application and, if so required by the applicant, shall give to the applicant a written statement, as in Form RV.3 in the Second Schedule, setting out the grounds of such refusal, and shall inform the applicant that he may appeal against such refusal under regulation 42.

(8) In this regulation-

"registration officer" includes an assistant registration officer.

37. (1) Any person registered in the current register of voters for any polling district who becomes ordinarily resident in another polling district may, during the period specified in respect of such other polling district under regulation 33, make application, as in Form RV.9 in the Second Schedule, to the registration officer for such other polling district to be registered as a voter in such other polling district.

Applications for transfer from one register of voters to another during revision

(2) Every registration officer to whom application is made under this regulation shall satisfy himself that the applicant ordinarily resides in the polling district in which the application is made.

(3) Upon application under this regulation, the applicant shall prove his identity to the registration officer by producing to such registration officer a national registration card issued to such applicant under the National Registration Act.

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(4) Every registration officer to whom application is made under this regulation shall determine whether the applicant is qualified for registration as a voter.

(5) Subject to the provisions of sub-regulation (6), an applicant under this regulation shall surrender to the registration officer the voter's registration card relating to the current register of voters in which he is registered.

(6) Where an applicant is unable to surrender a voter's registration card under sub-regulation (5) on the ground that such voter's registration card is lost or destroyed, he shall so declare in his application.

(7) A registration officer to whom application is made under this regulation shall, if he is satisfied as to the matters in respect of which he is required to be satisfied under sub-regulations (2), (3) and (4), and-

- (a) if the applicant surrenders the voter's registration card referred to in sub-regulation (5); or
- (b) if such registration officer is satisfied that such voter's registration card is lost or destroyed;

register the applicant by completing a voter's registration record and a voter's registration card in relation to the applicant, and by giving to the applicant such voter's registration card completed as aforesaid.

(8) If a registration officer to whom application is made under this regulation is not satisfied as to the matters in respect of which he is required to be satisfied under sub-regulations (2), (3) and (4) or-

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- (a) If the applicant fails to surrender the voter's registration card referred to in sub-regulation (5); and
- (b) if such registration officer is not satisfied that such voter's registration card is lost or destroyed;

he shall refuse the application and, if so required by the applicant, shall give to the applicant a written statement, as in Form RV.3 in the Second Schedule, setting out the grounds of such refusal, and shall inform the applicant that he may appeal against such refusal under regulation 42.

(9) Where a registration officer registers an applicant under this regulation, there shall be endorsed on the voter's registration record completed under sub-regulation (7) the words "TRANSFER FROM ..... POLLING DISTRICT" and the name of the polling district to which the current register of voters in which the applicant is registered relates, and such registration officer shall forward to the Director of Elections such voter's registration record and the Form RV.9 completed by the applicant under sub-regulation (1), together with the voter's registration card, if any, surrendered by the applicant under sub-regulation (5), on which there shall be endorsed the word "CANCELLED".

(10) In this regulation-

"registration officer" includes an assistant registration officer.

**38.** (1) At the close of the period specified in respect of any polling district under regulation 33, the Director of Elections shall cause to be prepared a provisional register of voters for that polling district.

Provisional registers of voters to be prepared on revision

(2) A provisional register of voters prepared under this regulation shall be in such form as the Director of Elections may determine.

**39.** (1) Subject to the provisions of this regulation and of regulation 40, there shall be entered in a provisional register of voters prepared under regulation 38 in respect of each polling district-

Particulars to be entered in provisional register of voters on revision

- (a) any entry in the current register of voters relating to that polling district; and
- (b) the number of each voter's registration record completed under regulations 35, 36 and 37 in that polling district; and
- (c) the surname of the person to whom such voter's registration record relates; and

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- (d) one forename and the initials, if any, of such person as recorded under regulation 35, 36 or 37; and
- (e) the residential address of such person; and
- (f) the number of the national registration card as recorded in respect of such person under regulation 35, 36 or 37.

(2) No entry shall be made under paragraph (a) of sub-regulation (f) in respect of any person to whom a voter's registration card is given under regulation 36 or 37 or in respect of any person whose voter's registration card has been surrendered under regulation 51.

**40.** (1) Where a Director of Elections has reasonable cause to suspect that any person has committed an offence against regulation 60, he may refuse to make an entry in a provisional register of voters under regulation 39 in respect of that person.

Director of Elections may refuse to enter particulars of person suspected of offence

(2) The Director of Elections shall cause any person refused under sub-regulation (f) to be notified thereof in writing as in Form RV.3 in the Second Schedule, together with a statement setting out the grounds of such refusal, and shall deliver the same to the registration officer for the polling district in which such person made application under regulation 35, 36 or 37, as the case may be, and such registration officer shall cause the same to be delivered to the address recorded in the voter's registration record completed in respect of such person under regulation 35, 36 or 37.

(3) Any person refused under sub-regulation (f) may appeal against such refusal under regulation 42.

(4) Where the Director of Elections refuses to make an entry in a provisional register of voters in respect of any person under this regulation, the registration of such person under regulation 35, 36 or 37, as the case may be, shall be deemed to be cancelled, and such person shall surrender the voter's registration card given to him in respect of such registration to the registration officer for the polling district to which such voter's registration card relates.

**41.** (1) As soon as practicable after a provisional register of voters is prepared in respect of any polling district under this Part, the Director of Elections shall deliver such number of true copies thereof as he may deem necessary to the registration officer for that polling district for publication.

Procedure after provisional register of voters prepared on revision

(2) A registration officer shall publish a true copy of a provisional register of voters delivered to him under sub-regulation (1) by-

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- (a) making it available for inspection at the office of the District Secretary in whose District the polling district to which such provisional register of voters relates is situated, and at such other places as he may deem fit, for a period of seven days after the publication of the notice referred to in paragraph (b); and
- (b) publishing at the office of such District Secretary, in such manner as he may deem fit, a notice stating that a true copy of such provisional register of voters is available for inspection by the public at such place and at such times as may be specified in such notice.

*B. Appeals, Claims and Objections*

**42.** (1) Any person-

Appeals against  
refusal under  
regulation 35, 36, 37  
or 40

- (a) whose application for registration as a voter is refused under sub-regulation (3) of regulation 35; or
- (b) whose application for a voter's registration card is refused under sub-regulation (7) of regulation 36; or
- (c) whose application to be registered as a voter in another polling district is refused under sub-regulation (8) of regulation 37; or
- (d) who is notified under regulation 40 that the Director of Elections has refused to make any entry in a provisional register of voters in respect of that person;

may appeal against such refusal to a magistrate (hereinafter referred to as "the magistrate") empowered to preside over a subordinate court of the first or second class and having jurisdiction in the polling district in which such application was made or, as the case may be, to which such provisional register of voters relates.

(2) Every appeal under this regulation shall be as in Form RV.4 in the Second Schedule and shall be delivered to the magistrate not later than seven days after the date of publication under regulation 41 of a true copy of the provisional register of voters for the polling district in which the appellant made application under regulation 35, 36 or 37, as the case may be.

(3) Every appeal under this regulation shall be accompanied by a deposit of ten fee units.

(4) Every appeal under this regulation shall be determined within a period of not more than twenty days after the date of publication under regulation 41 of a true copy of the provisional register of voters referred to in sub-regulation (2).

(5) Subject to the provisions of this regulation, the provisions of regulation 20 shall, *mutatis mutandis*, apply in relation to an appeal under this regulation as they apply in relation to an appeal under regulation 19.

(6) If the magistrate allows an appeal under this regulation, the registration officer for the polling district in which the appellant made application under regulation 35, 36 or 37, as the case may be, shall-

- (a) in the case of an appeal under paragraph (a) or (a) of subregulation (1), register the appellant in accordance with sub-regulation (3) of regulation 35; or
- (b) in the case of an appeal under paragraph (b) of sub-regulation (1), register the appellant in accordance with sub-regulation (4) of regulation 36; or
- (c) in the case of an appeal under paragraph (c) of sub-regulation (1), register the appellant in accordance with sub-regulation (7) of regulation 37.

(7) Any appellant who is registered by a registration officer under paragraph (b) of sub-regulation (6) shall-

- (a) if the application to which the appeal relates was made under paragraph (a) of sub-regulation (1) of regulation 36, complete Form RV.9 in the Second Schedule in respect of the voter's registration card referred to in the said paragraph (a); or
- (b) if the application to which the appeal relates was made under paragraph (b) of sub-regulation (1) of regulation 36, surrender to such registration officer, upon being so registered, the voter's registration card referred to in paragraph (b) of sub-regulation (1) of regulation 36 and complete Form RV.9 in the Second Schedule in respect thereof.

(8) Where a registration officer registers an appellant under paragraph (b) of sub-regulation (6), he shall-

- (a) in the case of an appellant to whom paragraph (a) of subregulation (7) applies, comply with the provisions of subregulation (5) of regulation 36; or
- (b) in the case of an appellant to whom paragraph (b) of subregulation (7) applies, comply with the provisions of subregulation (6) of regulation 36.

(9) Any appellant who is registered by a registration officer under paragraph (c) of sub-regulation (6) shall, upon being so registered, complete Form RV.9 in the Second Schedule and shall comply with sub-regulation (5) or (6), as the case may be, of regulation 37.

(10) Where a registration officer registers an appellant under paragraph (c) of sub-regulation (6), he shall comply with the provisions of sub-regulation (9) of regulation 37.

*(As amended by Act No. 13 of 1994)*

**43.** (1) Any person whose name appears in the current register of voters for any polling district, or who is registered in a polling district under regulation 35, 36 or 37, may, if his name is omitted from the provisional register of voters prepared in respect of that polling district under regulation 38, submit a claim under this regulation to be included in such provisional register.

Claims

(2) A claim under this regulation shall be as in Form RV.5 in the Second Schedule and shall be delivered to the registration officer for the polling district in respect of which the claim is made not later than seven days after the date of publication under regulation 41 of a true copy of the provisional register of voters for that polling district.

(3) All claims delivered to a registration officer for any polling district under this regulation shall be determined by that registration officer not later than twenty days after the date of publication under regulation 41 of a true copy of the provisional register of voters for that polling district.

(4) The determination of a registration officer under this regulation shall be final and shall not be challenged in any proceedings whatsoever.

(5) If a registration officer determines under this regulation that the claimant was registered in a polling district under regulation 35, 36 or 37, as the case may be, and that the claimant's name is omitted from the provisional register of voters for that polling district, he shall uphold such claim.

**44.** (1) Any person whose name appears in the provisional register of voters prepared under regulation 38 for any polling district may object under this regulation to the inclusion therein of the name of any person appearing therein on the grounds that such person is not qualified for registration as a voter or is dead.

Objections

(2) A registration officer for any polling district or the Director of Elections may object under this regulation to the inclusion of the name of any person appearing in the provisional register of voters prepared under regulation 38 for such polling district on the grounds that such person is not qualified for registration as a voter or is dead.

(3) Subject to the provisions of this regulation, the provisions of regulations 22, 23 and 24 shall apply to an objection under this regulation as they apply to an objection under regulation 22, and the said provisions shall, for the purposes of an objection under this regulation, be construed as if for the words "the date of publication under regulation 18" there were substituted the words "the date of publication under regulation 41".

(4) Where an objection under this regulation is upheld, the magistrate shall require the person whose name is the subject of the objection to surrender the voter's registration card given to such person under these Regulations to the registration officer for the polling district to which such voter's registration card relates, and, for that purpose, the magistrate may order such person and such registration officer to appear before him at such time and place as the magistrate may determine.

(5) When the magistrate has determined the validity of all objections delivered to him under this regulation, he shall cause to be sent to the appropriate registration officer a statement containing the particulars of each of such objections and his decision thereon.

**45.** Not later than thirty days after the date of publication under regulation 41 of a true copy of the provisional register of voters for any polling district, the registration officer for that polling district shall deliver to the Director of Elections-

Registration officer to deliver copies of determination, etc., to Director of Elections

- (a) a copy of the determination of every appeal as notified to such registration officer under sub-regulation (5) of regulation 42; and
- (b) every voter's registration record completed by such registration officer under sub-regulation (6), (8) or (10) of regulation 42, together with any voter's registration card surrendered to such registration officer, and any Form RV.9 completed by an appellant under sub-regulation (7) or (9) of regulation 42; and
- (c) a copy of every determination made by such registration officer under regulation 43; and
- (d) every voter's registration card surrendered to such registration officer under sub-regulation (4) of regulation 44 and a copy of every statement received by such registration officer under sub-regulation (5) of regulation 44; and
- (e) every true copy of the provisional register of voters for such polling district delivered to such registration officer under regulation 44.

*C. Certification of Registers of Voters on Revision*

**46.** (1) The Director of Elections shall, as soon as practicable after the expiry of the period allowed under regulation 45 for the delivery to him of the documents therein referred to, cause a register of voters for each polling district to be prepared for certification under regulation 47.

Preparation of registers of voters for certification on revision

(2) A register of voters prepared under this regulation shall be in such form as the Director of Elections may determine.

(3) Subject to the provisions of this regulation, the particulars entered under regulation 39 in a provisional register of voters for any polling district shall be entered in a register of voters prepared for that polling district under this regulation.

(4) No entry shall be made in a register of voters prepared under this regulation in respect of any person who is required under subregulation (4) of regulation 44 to surrender a voter's registration card in consequence of an objection.

(5) The particulars prescribed in regulation 39 shall be entered in a register of voters prepared for any polling district under this regulation in respect of-

- (a) any person registered in such polling district under regulations 35, 36 or 37-
  - (i) whose name is, in the opinion of the Director of Elections, inadvertently omitted from the provisional register of voters prepared under regulation 38 for such polling district; and
  - (ii) who has not been notified of a refusal in respect of such provisional register of voters under regulation 40; and
  - (iii) who has not made a claim in respect of such provisional register of voters under regulation 43;
- (b) any person whom the registration officer for such polling district is required to register under sub-regulation (6) of regulation 42 in consequence of an appeal; and
- (c) any person whose claim to be included in the provisional register of voters prepared under regulation 38 for such polling district is upheld under regulation 43.

**47.** (1) When the preparation of a register of voters for any polling district is completed under regulation 46, the Director of Elections shall, in the manner provided in Form RV.8 in the Second Schedule, certify such register of voters as the register of voters for that polling district.

Certification of registers of voters prepared on revision

(2) Upon certification of a register of voters under this regulation, such register of voters shall have full force and effect in respect of the polling district to which it relates, and any other register of voters prepared in respect of that polling district prior to such certification shall thereupon cease to have effect.

(3) When the certification of the register of voters for any polling district is completed under this regulation, the Director of Elections shall publish a notice in the *Gazette* stating-

- (a) that the certification of the register of voters for such polling district has been so completed; and
- (b) that such certified register of voters replaces all registers of voters previously prepared in respect of such polling district.

**48.** (1) The Director of Elections shall, as soon as practicable after the certification of a register of voters under regulation 47, deliver such number of true copies thereof as he may deem necessary to the electoral officer for the polling district to which such register of voters relates.

Electoral officers to publish registers of voters certified under regulation 47

(2) On receipt of a true copy of a register of voters delivered to him under sub-regulation (1), the electoral officer shall publish, at the office of the District Secretary within whose District the polling district to which such register of voters relates is situated, and at such other places as he may determine, a notice that such register of voters has been duly certified and that a true copy thereof is open for inspection at such place or places, and at such time, as may be specified in such notice.

**49.** (1) A register of voters prepared for any polling district under this Part shall, upon certification thereof under this Part and by virtue of the operation of this regulation, replace any register of voters previously prepared and certified for the same polling district under Part II or under this Part.

Replacement, control and custody of registers, provisional registers and true copies thereof

(2) Every register of voters prepared and certified under this Part shall be kept under the control and custody of the Director of Elections and shall not, save with the consent of the Commission or by order of a court of competent jurisdiction, be removed from such custody.

(3) Every true copy of a register of voters prepared and certified under this Part shall, subject to the provisions of this Part, be kept under the control and custody of the Director of Elections and shall not, save as the Commission may otherwise direct or for the purposes of these Regulations or of any proceedings before a court of competent jurisdiction under these Regulations, be removed from such custody.

(4) Every provisional register of voters, and every true copy thereof, prepared under this Part shall, subject to the provisions of this Part, be kept under the control and custody of the Director of Elections and shall not, save for the purposes of these Regulations or of any proceedings before a court of competent jurisdiction under these Regulations, be removed from such custody.

(5) Every true copy of a provisional register of voters prepared under this Part and delivered to a registration officer under regulation 41 for publication shall, until such true copy is delivered to the Director of Elections under regulation 45, be kept under the control and custody of such registration officer and shall not, save for the purposes of these Regulations or of any proceedings before a court of competent jurisdiction under these Regulations, be removed from such custody.

(6) Every true copy of a register of voters prepared and certified under this Part and delivered to an electoral officer under regulation 48, shall, during the period of such publication, be kept under the control and custody of such electoral officer and shall not, save in accordance with the directions of the Director of Elections, be removed from such custody.

#### PART IV MISCELLANEOUSPART IV

##### MISCELLANEOUS

**50.** (1) The Director of Elections may, at any time after the certification of any register of voters under these Regulations, make such insertions, alterations and amendments therein as may be reasonably required-

Formal correction of registers of voters

- (a) to correct any clerical errors;
- (b) to correct any misnomer or incorrect description;
- (c) to ensure that the name of any person does not appear in more than one register of voters or in the same register of voters more than once.

(2) Where the Director of Elections makes any insertion, alteration or amendment in a register of voters under this regulation, he shall cause such insertion, alteration or amendment to be made in every true copy of such register of voters.

**51.** (1) Where any person to whom a voter's registration card is issued dies, any person who is in possession of such voter's registration card shall, not later than thirty days after the death of such person, surrender such voter's registration card to a registration officer.

Surrender of voter's registration card in case of death

(2) A registration officer to whom a voter's registration card has been surrendered under sub-regulation (1) shall make such inquiries as may be necessary to satisfy himself that the person to whom the card was issued is dead.

(3) Where, pursuant to sub-regulation (2), a registration officer is satisfied that the person whose name appears on the voter's registration card is dead, he shall so inform the Director of Elections and shall forward such voter's registration card to the Director of Elections.

**52.** (1) Any registration officer or the Director of Elections may, for the purpose of considering or determining any matter which he is required to consider or determine under these Regulations or of satisfying himself as to the necessity of making any insertion, alteration or amendment in a register of voters, summon any person to appear before him to give evidence on oath or affirmation and may administer oaths or affirmations for such purpose, and may order the production of any document bearing on any issue relevant thereto.

Director of Elections and registration officers may administer oaths, etc.

(2) In this regulation-

"registration officer" includes an assistant registration officer.

**53.** In any proceedings before a magistrate under these Regulations, a true copy of a provisional register of voters prepared under these Regulations shall, for the purpose of such proceedings, be admissible in evidence in proof of the contents of such provisional register of voters.

Evidence

**54.** Where any notice is required by these Regulations to be published and, in the opinion of the authority who is required to publish the notice, the prescribed mode of publication does not give sufficient publicity to the notice, he may, in addition to publishing the notice as required by these Regulations, exhibit copies of the notice in prominent places within the polling district to which the notice relates, or take such other steps as he may deem necessary for giving sufficient publicity thereto.

Publication of notices

**55.** (1) A certificate under the hand of the registration officer for any polling district certifying the manner and date of publication under regulation 18 or 41 of a true copy of the provisional register of voters prepared for such polling district under regulation 15 or 38, as the case may be, shall be admissible as *prima facie* evidence of the matters therein certified in all legal proceedings.

Certificate of registration officer as to date of publication of provisional registers

(2) A certificate under sub-regulation (1) purporting to be signed by a registration officer shall be presumed, until the contrary is proved, to have been signed by such registration officer.

**56.** (1) A certificate under the hand of the electoral officer for any polling district certifying the manner and date of publication under regulation 28 or 48 of a true copy of the register of voters prepared for such polling district under regulation 26 or 46, as the case may be, shall be admissible as *prima facie* evidence of the matters therein certified in all legal proceedings.

Certificate of electoral officer as to date of publication of registers

(2) A certificate under sub-regulation (l) purporting to be signed by an electoral officer shall be presumed, until the contrary is proved, to have been signed by such electoral officer.

**57.** A voter's registration card completed under these Regulations shall be admissible as *prima facie* evidence of the matters contained therein in any proceedings under these Regulations.

Voter's registration card prima facie evidence of contents

**58.** Any voter's registration card-

When voter's registration card deemed to be cancelled

- (a) required to be surrendered under these Regulations; or
- (b) which is lost or destroyed; or
- (c) which relates to any register of voters replaced by virtue of the operation of regulation 29;

shall be deemed to be cancelled.

**59.** Any interested person may apply to the Director of Elections for a copy of any register of voters and the Director of Elections may, if such copy is available and upon payment by such person of a sum sufficient to meet the cost of such copy, supply such copy to such person.

Director of Elections may supply copy of register of voters to interested persons

## PART V OFFENCESPART V

### OFFENCES

**60.** Any person who-

Offences in relation to registration

- (a) knowing that he is not qualified for registration as a voter, makes application to be registered under regulation 11, 35, 36 or 37;

- (b) having been registered under regulation 12 during a registration period specified under regulation 9, applies to be registered as a voter during such period;
- (c) is registered as a voter and makes application, during a period specified under regulation 33, to be registered as a voter under regulation 35;
- (d) having been registered under regulation 35 during a period specified under regulation 33, applies to be registered as a voter during such period;

shall be guilty of an offence.

**61.** Any person who-

Offences relating to  
voter's registration  
card

- (a) being required to surrender a voter's registration card under these Regulations, wilfully fails to do so;
- (b) without lawful authority, the onus of proving which shall lie upon him, is in possession of a voter's registration card which was not given to him in pursuance of these Regulations;
- (c) without lawful authority, the onus of proving which shall lie upon him, asks or requires any other person to give to him the voter's registration card given to such other person in pursuance of these Regulations;

shall be guilty of an offence.

**62.** (1) No person shall in any public place, or in or at any dwelling-house, require or ask for the production, or use any words (whether written or spoken) or signs which may reasonably be taken to indicate that he is requiring or asking for the production by any person of that person's voter's registration card:

Prohibition against  
requiring or asking for  
production of voter's  
registration card

Provided that nothing hereinbefore contained shall make it unlawful for any person to require or ask for the production of any voter's registration card under the provisions of these Regulations or of any law.

(2) In this regulation-

"dwelling-house" and "public place" shall have the meaning assigned thereto in section *four* of the Penal Code.

Cap. 87

The Laws of Zambia

(3) Any person who contravenes the provisions of sub-regulation (l ) shall be guilty of an offence.

**63.** Any registration officer or assistant registration officer who-

Offence by registration officers

- (a) wilfully fails to perform the functions of his office under these Regulations;
- (b) fraudulently completes, alters or destroys a voter's registration record or a voter's registration card;
- (c) gives to a person a voter's registration card otherwise than in pursuance of these Regulations;

shall be guilty of an offence.

**64.** Any person who knowingly gives false information to a registration officer or to an assistant registration officer shall be guilty of an offence.

False information

**65.** Any person who forges, or falsifies in any material particular, or fraudulently destroys-

Forgery, falsification and fraudulent destruction

- (a) a voter's registration record; or
- (b) a voter's registration card; or
- (c) a register of voters; or
- (d) a true copy of a register of voters; or
- (e) a provisional register of voters; or
- (f) a true copy of a provisional register of voters;

shall be guilty of an offence.

**66.** Any person who, without lawful excuse, is in possession of any voter's registration record or any voter's registration card which is forged or is false in any material particular shall be guilty of an offence.

Possession of forged or false documents

The Laws of Zambia

67. Any appellant, claimant or objector who knowingly makes any false entry in the form completed by him in pursuance of these Regulations for the purposes of his appeal, claim or objection, as the case may be, shall be guilty of an offence. False entries

68. Any person who fails to leave any premises being used by a registration officer or an assistant registration officer for the purpose of registering persons as voters under these Regulations upon being lawfully required to leave such premises by such registration officer or assistant registration officer, shall be guilty of an offence. Refusal to leave premises when required

69. Any person who is guilty of an offence against these Regulations shall be liable on conviction to a fine not exceeding one thousand six hundred penalty units or to imprisonment for a period not exceeding one year, or to both. Penalty

(As amended by Act No. 13 of 1994)

PART VI REVOCATION AND SAVINGS PART VI

REVOCATION AND SAVINGS

70. (1) Has had its effect.

FIRST SCHEDULE

FORM RV.0

REPUBLIC OF ZAMBIA

THE ELECTORAL (REGISTRATION OF VOTERS) REGULATIONS (Regulation 6)

OATH OR AFFIRMATION BY ELECTION OFFICER

I,..... having been appointed as ..... swear/solemnly and sincerely affirm that I will carry out the duties required of me as a result of my appointment, impartially and to the best of my ability without favour to any person or persons, and that I will not directly or indirectly reveal to any person any matter that may come to my knowledge or notice as a result of my appointment unless so authorised by law.

Signed ..... Sworn/Affirmed before me this ..... day of ....., 19 .....

Signed ..... Name in BLOCK CAPITALS ..... Magistrate .....

SECOND SCHEDULE

PRESCRIBED FORMS

REPUBLIC OF ZAMBIA  
The Electoral (Registration of Voters) Regulations  
(Regulations 12 and 35)

VOTER'S ROLL NO..

POLLING DISTRICT

SURNAME

OTHER NAME(S). (first name in full-other names, initials only.)

RESIDENTIAL ADDRESS (NOT P.O.Box No.)

NATIONAL REGISTRATION NUMBER

COMPLETED AND SIGNED IN MY PRESENCE

.....

Date Stamp

.....

Registration Officer

I declare that I am a Zambian citizen over the age of 18 years and am entitled to be Registered as a Voter and am not disqualified from Registration as a Voter. I further declare that the details recorded above of my name, address and National Registration Number are correct.

.....  
Signature or Thumbprint of Voter

REPUBLIC OF ZAMBIA  
The Electoral (Registration of Voters) Regulations  
(Regulations 12 and 35)  
Parliamentary Elections  
VOTER'S REGISTRATION CARD

This card must be produced by the Voter at the Polling Station for the Polling District in which the Voter is registered, as evidence that he or she is entitled to claim a Vote. This card does not entitle the person named to vote unless his or her name appears on the Voters' Roll and the person's National Registration Card is also produced to prove his or her identity.

Any person who unlawfully alters or possesses or disposes of this card may be prosecuted and may incur the penalties prescribed by law.

When the Voter is issued with a Ballot Paper this card should be stamped in one of the boxes below with the Official Stamp (Mark) of the Polling Station.

This card must be kept in a safe place as it has to be produced at a Polling Station every time the Voter wishes to vote in a Parliamentary Election.


VOTER'S ROLL NO.

POLLING DISTRICT

SURNAME

OTHER NAME(S). (first name in full-other names, initials only.)

RESIDENTIAL ADDRESS (NOT P.O.Box No.)

The Laws of Zambia

NATIONAL REGISTRATION NUMBER

COMPLETED AND SIGNED IN MY PRESENCE

.....

Date Stamp

.....

*Registration Officer*

I declare that I am a Zambian citizen over the age of 18 years and am entitled to be Registered as a Voter and am not disqualified from Registration as a Voter. I further declare that the details recorded above of my name, address and National Registration Number are correct.

.....

*Signature or Thumbprint of Voter*

REPUBLIC OF ZAMBIA  
THE ELECTORAL (REGISTRATION OF VOTERS) REGULATIONS  
(Regulations 12, 17, 35, 36, 37 and 40)  
STATEMENT OF REFUSAL TO REGISTER

Polling District .....

To (name of applicant) .....

Of (address of applicant) .....

I hereby refuse to register you in the above Polling District on the grounds that-

- \*(i) I am not satisfied as to your identity;
- \*(ii) I am not satisfied that you are ordinarily resident in the said Polling District;
- \*(iii) I am not satisfied that you are qualified for registration;
- \*(iv) You are suspected of having committed an offence contrary to regulation 60 of the above Regulations;

for the following reasons:

.....  
.....  
.....

Date ..... , 19 .....

.....  
*Registration Officer/Director of Elections*

\*Delete paragraphs which do not apply.

An appeal against this refusal to register you may be lodged in accordance with regulation 19 or 42.

REPUBLIC OF ZAMBIA  
THE ELECTORAL (REGISTRATION OF VOTERS) REGULATIONS  
(Regulations 19 and 42)

APPEAL BY A PERSON WHOSE APPLICATION TO BE  
REGISTERED AS A VOTER IS REJECTED BY A REGISTRATION  
OFFICER OR BY THE DIRECTOR OF ELECTIONS

To: The Magistrate ..... District

Name of appellant (BLOCK CAPITALS) .....

Residential Address of appellant .....

Postal Address of appellant .....

(i) I, the above-named appellant, applied to be registered as a voter under the Electoral (Registration of Voters) Regulations in the ..... Polling District but the \*Registration Officer/Director of Elections rejected my application to be so registered on the following grounds:

.....  
.....  
.....  
.....

(ii) I \*attach/do not attach a certificate in the Form RV.3 given to me by the \*Registration Officer/Director of Elections.

(iii) I hereby appeal against the rejection of my application on the following grounds:

.....  
.....  
.....  
.....

Date ....., 19 .....

.....  
*Signature or Thumbprint of Appellant*

PENALTY FOR MAKING A FALSE ENTRY

By virtue of the Electoral (Registration of Voters) Regulations, the penalty for making a false entry is imprisonment for a period not exceeding one year or a fine not exceeding four thousand penalty units, or both.

\*Delete any words which do not apply.

(As amended by Act No. 13 of 1994)

REPUBLIC OF ZAMBIA  
THE ELECTORAL (REGISTRATION OF VOTERS) REGULATIONS  
(Regulations 21 and 43)

CLAIM BY A REGISTERED PERSON WHOSE NAME  
IS OMITTED FROM A PROVISIONAL REGISTER OF VOTERS

To: The Registration Officer

..... Polling District

Name of claimant (BLOCK CAPITALS) .....

Residential Address of claimant .....

Postal Address of claimant .....

Number of Voter's Registration Card given to claimant under the Regulations .....

- (i) I, the above-named claimant, applied to be registered under the Electoral (Registration of Voters) Regulations as a voter in the ..... Polling District. I have been given a voter's registration card which bears the number set out above.
- (ii) I hereby claim to have my name included in the register of voters for the ..... Polling District.

Date, ....., 19 .....

.....  
*Signature or Thumbprint of Claimant*

PENALTY FOR MAKING A FALSE ENTRY

By virtue of the Electoral (Registration of Voters) Regulations, the penalty for making a false entry is imprisonment for a period not exceeding one year or a fine not exceeding four thousand penalty units, or both.

(As amended by Act No. 13 of 1994)

REPUBLIC OF ZAMBIA  
THE ELECTORAL (REGISTRATION OF VOTERS) REGULATIONS  
(Regulations 22 and 44)  
OBJECTION BY A REGISTERED PERSON TO THE RETENTION  
OF A NAME ON A REGISTER OF VOTERS

To: The Magistrate

..... District

Name of objector (BLOCK CAPITALS) .....

Residential Address of objector .....

Postal Address of objector .....

Polling District in which registered .....

Number of Voter's Registration Card .....

(i) I, the above named objector, being registered under the Electoral (Registration of Voters) Regulations in the above-named Polling District, do hereby object to the retention in the Register of Voters of that Polling District of:

Name of person objected to .....

Number on Register of Voters .....

(ii) The grounds of objection are:

.....  
.....  
.....  
.....

Date.....,19.....

.....  
*Signature or Thumbprint of objector*

PENALTY FOR MAKING A FALSE ENTRY

By virtue of the Electoral (Registration of Voters) Regulations, the penalty for making a false entry is imprisonment for a period not exceeding one year or a fine not exceeding four thousand penalty units, or both.

*(As amended by Act No. 13 of 1994)*

REPUBLIC OF ZAMBIA  
THE ELECTORAL (REGISTRATION OF VOTERS) REGULATIONS  
(Regulations 22 and 44)  
OBJECTION BY A REGISTRATION OFFICER OR THE DIRECTOR  
OF ELECTIONS TO THE RETENTION OF A NAME ON A  
REGISTER OF VOTERS

To: The Magistrate

..... District

Name of objector (BLOCK CAPITALS) .....

Residential Address of objector .....

Postal Address of objector .....

(i) \*I, the above-named objector, being Registration Officer for the .....  
Polling District,

\*Director of Elections,

do hereby object to the retention in the register of voters of the .....  
Polling District of:

Name of person objected to .....

Number on Register of Voters .....

(ii) The grounds of objection are:

.....  
.....  
.....  
.....

Date ....., 19 .....

Objector

PENALTY FOR MAKING A FALSE ENTRY

By virtue of the Electoral (Registration of Voters) Regulations, the penalty for making a false entry is imprisonment for a period not exceeding one year or a fine not exceeding four thousand penalty units, or both.

\*Delete whichever is not applicable.

(As amended by Act No. 13 of 1994)

REPUBLIC OF ZAMBIA  
THE ELECTORAL (REGISTRATION OF VOTERS) REGULATIONS  
(Regulations 27 and 47)

CERTIFICATION OF REGISTER OF VOTERS

I hereby certify that this is the register of voters for the .....  
Polling District prepared in accordance with the Electoral (Registration of Voters) Regulations and that this register  
shall come into force with effect from ..... (date)  
replacing all previous registers, and shall remain legally in force until a new register of voters is prepared and certified  
in accordance with the Regulations.

Date ....., 19 .....

.....  
*Director of Elections*



THE ELECTORAL PETITION RULES

ARRANGEMENT OF RULES

*Rule*

1. Title
2. Election petition
3. Petition to be in paragraphs
4. Petition to state right of petitioner, etc.
5. Prayer
6. Evidence
7. Service of petition
8. Addresses
9. Security for costs
10. Time and place of hearing
11. Notice of intention to withdraw petition
12. Notice of application to withdraw petition
13. Procedure on withdrawal of petition
14. Date of hearing
15. Costs
16. Payment of costs, etc.
17. Postponement of trial
18. Prescribed fees

FIRST SCHEDULE-Election petition

SECOND SCHEDULE-Prescribed fees

RULES MADE UNDER THE ELECTORAL ACT-CHAPTER 19 OF THE  
REVISED EDITION

*Statutory Instruments*

426 of 1968

443 of 1968

107 of 1986

176 of 1990

*(Section 15 of the Interpretation and General Provisions Act)  
(Cap. 2)*

THE ELECTORAL PETITION RULES

*Rules by the Chief Justice*

1. These Rules may be cited as the Electoral Petition Rules.

Title

Copyright Ministry of Legal Affairs, Government of the Republic of Zambia

The Laws of Zambia

- 2.** An election petition shall be in the form in the First Schedule, with such variations as circumstances may require, or in form to the like effect. Election petition
- 3.** The petition shall be in paragraphs, each of which shall be confined, as nearly as may be, to a distinct portion of the subject and each paragraph shall be numbered consecutively. Petition to be in paragraphs
- 4.** (1) The petition shall state the right of the petitioner to petition within section *eighteen* of the Act. Petition to state right of petitioner, etc.
- (2) The petition shall state the holding and result of the election and shall briefly state the facts and grounds relied on to sustain the prayer.
- 5.** The petition shall conclude with a prayer that the election should be declared void or that some specified person should be declared duly elected. Prayer
- 6.** Evidence shall not be stated in the petition but the court may order such particulars as may be necessary to prevent surprise and unnecessary expense and to ensure a fair and effectual trial in the same way as in ordinary proceedings before the court and upon such terms as to costs and otherwise as may be ordered. Evidence
- 7.** The petitioner shall serve or cause to be served a copy of the petition on the respondent. Such service shall ordinarily be personal: Service of petition

Provided that the Registrar may, in his discretion, with or without application in that behalf, and whether or not any attempt has been made at personal service, make such order for substituted or other service, or for the substitution for service of notice by registered letter addressed to the respondent at the postal address declared in his nomination paper, or by publication in a newspaper circulating in Zambia.

(As amended by No. 443 of 1968)

**8.** (1) The petitioner shall, when presenting the petition, also give to the Registrar an address within the City of Lusaka at which notices and other proceedings addressed to him may be left, and if no such address is given, any notices and other proceedings may be given by sticking up the same in the High Court Registry. Addresses

(2) The respondent shall, within seven days after service of the petition, give the Registrar an address within the City of Lusaka at which notices and other proceedings addressed to him may be left, and if no such address is given, any notices and other proceedings may be given by sticking up the same in the High Court Registry.

**9.** (1) As soon as may be after receiving a petition, the Registrar shall place the petition before a judge who shall fix the amount of security for costs to be furnished by the petitioner and shall direct whether such security shall be given by cash deposit or by recognizance with or without sureties or partly by the one and partly by the other, and for this purpose may, if he thinks fit, hear the petitioner and the respondent in chambers.

Security for costs

(2) The Registrar shall notify the petitioner of the amount of the security fixed by the judge and the manner in which it is to be furnished, and the petitioner shall furnish such security within seven days of such notification.

(3) Where security is given by way of recognizance, the person furnishing such recognizance shall, at the time of leaving the recognizance with the Registrar, leave with him an affidavit that the person so furnishing the recognizance is seized or possessed of real or personal property, or both, above what will satisfy his debts of the clear value of the sum for which he is bound by his recognizance.

(No. 443 of 1968)

**10.** The time and place of hearing of an election petition shall be fixed by a judge and the Registrar shall give notice thereof to the petitioner and respondent not less than seven days before the day appointed for the trial.

Time and place of hearing

**11.** (1) Notice of intention to withdraw an election petition shall be given by a notice in writing signed by the petitioner, or by all the petitioners if there are more than one, and lodged with the Registrar.

Notice of intention to withdraw petition

(2) The notice shall state the name and address of the petitioner and respondent and the intention of the petitioner to apply to the court to withdraw the election petition.

(3) A copy of the notice shall be served on the respondent and a copy shall be published forthwith in a newspaper in circulation in Zambia.

**12.** (1) Notice of application to withdraw a petition shall be in writing and shall be signed by the petitioner, or by all the petitioners if there are more than one.

Notice of application to withdraw petition

(2) The notice shall state the grounds on which the application is intended to be supported.

**13.** A copy of the notice of application to withdraw the petition shall be served on the respondent and a copy shall be published forthwith by the petitioner in a newspaper circulating in Zambia.

Procedure on withdrawal of petition

The Laws of Zambia

**14.** (1) Notice of the date of hearing of an application to withdraw a petition shall be given by the Registrar to the petitioner and respondent. Date of hearing

(2) Notice of the date of hearing of an application to withdraw a petition shall also be published in at least one newspaper circulating in Zambia, and the notice shall also state that any person who might have been a petitioner in respect of the election may at the hearing apply to the High Court to be substituted for the petitioner so applying to withdraw.

(3) An application to be substituted as a petitioner shall be supported by an affidavit stating the applicant is qualified to be a petitioner under section *eighteen* of the Act, and the facts which so qualify him.

**15.** The High Court may make such order for costs as it thinks fit in relation to the presentation and trial of an election petition or other proceedings connected therewith. Costs

**16.** (1) Notice of application by a person to whom any costs, charges or expenses are payable under the Act, for an order that the same shall be paid out of any deposit made to secure the same or by any surety who gave a recognizance to secure the same, shall be given by a notice in writing signed by the applicant, addressed to the party by or on whose behalf such deposit was made or for whom such surety gave a recognizance, or such surety and such party, as the case may be, to state within seven days from the date of such service on him, whether he resists the application. Payment of costs, etc.

(2) Service of such notice shall be effected, *mutatis mutandis*, in accordance with the provisions of rule 7.

(No. 443 of 1968)

**17.** The High Court may postpone the beginning of the trial of an election petition or an application to withdraw a petition to such day as may be named, but in such cases notice of such postponement shall be published in a newspaper circulating in Zambia at least seven days before the new date of trial. Any trial may be adjourned from time to time. Postponement of trial

**18.** The fees set out in the Second Schedule shall be paid in respect of the matters therein set out. Prescribed fees

FIRST SCHEDULE

The Laws of Zambia  
(Rule 2)  
ELECTION PETITION  
HIGH COURT FOR ZAMBIA  
THE ELECTORAL ACT

ELECTION FOR (*here state Constituency*) HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_  
The Petition of A \_\_\_\_\_ of \_\_\_\_\_ (or of A of \_\_\_\_\_ -and B of-as the case may be) whose  
names are subscribed.

1. Your petitioner A is-

(*insert which of the following is appropriate*)

- (a) a person who lawfully voted;
- (b) a person who lawfully had a right to vote;
- (c) a person who had a right to be nominated as a candidate at the aforesaid election;
- (d) a person who had a right to be elected as a member at the aforesaid election;
- (e) a person who was a candidate at the aforesaid election;
- (f) the Attorney-General.

Your petitioner B is (*here state in like manner the right of the petitioner*).

2. And your petitioner/s states/state that the election was held on the \_\_\_\_\_ day of \_\_\_\_\_ when  
A.B., C.D. and E.F. (as the case may be) were candidates and the returning officer has returned A.B. as being duly  
elected.

3. And your petitioner/s says/say that (*here state the facts and grounds on which the petitioner/s relies/rely*).

WHEREFORE your petitioner/s prays/pray that it may be determined that the said A.B. was not duly elected or returned  
and that the election was void (or that the said E.F. was duly elected or ought to have been returned).

SIGNED A .....

B .....

SECOND SCHEDULE

(Rule 18)

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(As amended by S.I. No. 107 of 1986, No. 176 of 1990 and Act No. 13 of 1994)

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CORRUPT AND ILLEGAL PRACTICES AND ELECTION OFFENCES

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PART I PRELIMINARYPART I

PRELIMINARY

1. These Regulations may be cited as the Electoral (General) Regulations. Title
2. (1) In these Regulations, unless the context otherwise requires- Interpretation
  - "assistant returning officer" means a person appointed as such under regulation 4;
  - "ballot box" means a ballot box provided to a presiding officer under regulation 27, for the taking of a poll;
  - "ballot paper" in relation to an election, means the document prescribed in respect of that election by regulation 33;

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"ballot paper account" means a document in Form GEN 7 set out in the Schedule;

"candidate" means a person who, in relation to an election, has lodged or intends to lodge his nomination papers;

"counting assistant" means a person appointed as such under regulation 4;

"election agent" means a person appointed as such under regulation 67;

"electoral officer" means a person appointed as such under the Electoral (Registration of Voters) Regulations;

"local notice" means notice given at the nomination office, the office of the District Council within which the constituency is situated, and such other places as the returning officer thinks desirable;

"national registration card" means a national registration card issued under the National Registration Act, which is not cancelled or required to be cancelled under that Act, and, in relation to any person, means a national registration card in the lawful possession of such person under that Act; Cap. 126

"national registration number", in relation to a national registration card, means the serial number inserted on such national registration card under the National Registration Act; Cap. 126

"nomination office" means a place appointed as such under regulation 12;

"nomination paper" means a document in Form GEN 3 in the Schedule;

"official mark" means a mark provided to a presiding officer under regulation 27 for the taking of a poll;

"official seal" means a seal provided to a presiding officer under regulation 27 for the taking of a poll;

"polling agent" means a person appointed as such under regulation 68;

"polling assistant" means a person appointed as such under regulation 4;

"polling day" means-

- (a) in relation to a poll at an election to the National Assembly, a day appointed under regulation 8 for the taking of such poll; and

(b) in relation to a poll in an election to the office of President, a day appointed under the Electoral (Presidential Elections) Regulations, for the taking of such poll S.I. No. 109 of 1991

and, in relation to any poll, includes any day appointed under regulation 23;

"polling district" means a polling district prescribed under the Electoral (Registration of Voters) Regulations;

"polling station" means a place established as a polling station under regulation 21;

"presiding officer" means a person appointed as such under regulation 4;

"registered" means registered in a register of voters;

"register of voters" means register of voters prepared and certified and in force, or deemed to have been prepared and certified and to be in force, under the Electoral (Registration of Voters) Regulations;

"Speaker" means the Speaker of the National Assembly;

"voter" means a person entitled to vote in an election;

"voters registration card" means a voter's registration card issued or deemed to have been issued under the Electoral (Registration of Voters) Regulations which is not cancelled or deemed to have been cancelled under the provisions of the said Regulations;

"voters' roll" means a register of voters.

(2) Where any act or thing is required or authorised to be done under these Regulations in the presence of a candidate or an election agent or a polling agent, the non-attendance of any of such persons at the time and place appointed for the purpose shall not, if such act or thing is otherwise properly done, invalidate the act or thing done.

(3) Except as otherwise provided or unless the context otherwise required, the provisions of Parts II and III of these Regulations apply only to election to the National Assembly, and the words "candidate", "count", "election", "nomination", "poll" and the like shall be construed as having reference to such elections:

Provided that the powers and duties of the Director of Elections and other election officers prescribed in those Parts of these Regulations shall be construed as having reference to procedures for, elections to the National Assembly and elections to the office of President.

## PART II GENERAL PROVISIONSPART II

### GENERAL PROVISIONS

#### 3. The Director of Elections shall-

Functions of Director  
of Elections

- (a) ensure that every election officer performs his functions under these Regulations with impartiality and in accordance with the provisions hereof;
- (b) issue to any election officer such instructions as he may deem necessary to ensure due compliance with the provisions of these Regulations;
- (c) perform all such functions as are conferred or imposed upon him by these Regulations.

#### 4. (1) In respect of each constituency, there shall be-

Election officers

- (a) a returning officer who shall be such person as the Commission shall specify, by notice in the *Gazette*, as the returning officer for that constituency; and
- (b) such approved number of assistant returning officers as the electoral officer for the constituency may, by notice in writing, appoint for the purpose of assisting him in the exercise of his functions; and
- (c) such approved number of counting assistants as the electoral officer for that constituency may, by notice in writing, appoint.

(2) In respect of each polling district, there shall be such approved number of presiding officers and polling assistants as the electoral officer may, by notice in writing, appoint.

#### (3) Whenever an electoral officer-

- (a) appoints any person to be an assistant returning officer under paragraph (b) of sub-regulation (1);

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- (b) appoints any person to be a counting assistant under paragraph (c) of sub-regulation (1); or
- (c) appoints any person to be a presiding officer or a polling assistant under sub-regulation (2);

he shall deliver a copy of the notice therein referred to, to the Director of Elections.

(4) In this regulation-

"approved" means approved by the Director of Elections.

5. Every returning officer, assistant returning officer, counting assistant, presiding officer and polling assistant shall before exercising any of the functions conferred upon him under these Regulations or under any other written law, take and subscribe an oath, or make an affirmation in lieu thereof, before a magistrate in Form GEN 1 in the Schedule.

Form of oath or affirmation for election purposes

6. (1) Where the Commission revokes the appointment of a returning officer, it shall publish a notice of such revocation in the *Gazette*.

Revocation of appointment of election officers to be notified

(2) Where an electoral officer revokes the appointment of an assistant returning officer or of a presiding officer or of a polling assistant or of a counting assistant appointed by him, such electoral officer shall give notice in writing of such revocation to the person concerned and shall deliver a copy of such notice to the Director of Elections.

7. (1) The Speaker shall, upon a vacancy occurring in the elected membership of the National Assembly otherwise than by reason of a dissolution of Parliament, inform the President and the Commission, by notice in writing, of such vacancy, and of the constituency concerned, as soon as practicable after it occurs.

Vacancies in National Assembly to be notified

(2) These regulations shall apply to any vacancy in the elected membership of the National Assembly deemed to continue by virtue of the provisions of subsection (4) of section *twenty-nine* of the Act, as it applies to a vacancy occurring therein otherwise than by reason of a dissolution of Parliament.

(3) The Electoral Commission shall cause every such vacancy as is referred to in this regulation to be filled as soon as practicable.

**8.** (1) For the purpose of the election of members to the National Assembly, whether after a dissolution of Parliament or after the Speaker has informed the President and the Commission of a vacancy in the elected membership of the National Assembly under regulation 7, the Commission shall, in respect of each constituency in which an election is to be held, by statutory order-

Appointment of  
election dates

- (a) appoint the day on which, and the hours on such day within which, returning officers may receive nominations of candidates for any election under the Act; and
- (b) appoint the day on which, and the hours on such day within which, presiding officers may take the poll at any election under the Act:

Provided that different days may be appointed in respect of different constituencies, and different hours may be appointed in respect of different constituencies or different polling districts.

(2) The Commission may, from time to time, by statutory order, vary or amend any statutory order made under sub-regulation (1).

**9.** Where the Commission is satisfied that a candidate validly nominated for election in a constituency had died before the close of the poll in that election, the Commission shall declare all proceedings relating to the election in such constituency to be void, and shall in respect of that constituency again exercise its powers under regulation 8.

Procedure upon death  
of a candidate

**10.** (1) The Director of Elections shall keep a register of symbols for use by candidates at elections, and such register shall be in such form as the Director of Elections may determine.

Allocation and  
registration of symbols

(2) A political party contesting an election shall apply through its secretary to the Director of Elections for registration of a symbol chosen by that party for use by candidates supported by that party at elections and, subject to sub-regulations (4) and (5), the Director of Elections shall register such symbol.

(3) The Director shall allocate and register, in respect of any candidate stated under sub-regulation (5) of regulation 10 to be an independent candidate for election in any constituency, a symbol for use by such candidate in such election:

Provided that such candidate may apply to the Director of Elections to cancel the registration of a symbol allocated by the Director of Elections as aforesaid and for the registration of a symbol chosen by such candidate.

(4) The following shall not be registered or used as symbols:

- (a) the Armoria Ensigns or the National Flag of Zambia;
- (b) any device or emblem which, in the opinion of the Director of Elections, is normally associated with any tribe or religion or the regalia of a chief;
- (c) any symbol or part of a symbol which, under the provisions of this regulation, is currently registered in respect of any political party or candidate;
- (d) any symbol which is not distinctive from any other registered symbol;
- (e) any symbol the use of which may, in the opinion of the Director of Elections, be offensive or objectionable.

(5) The Director of Elections shall not register a symbol under this regulation in respect of any political party or candidate until any other symbol registered in respect of such party or such candidate is cancelled.

**11.** If any question arises, in respect of the allocation and registration of a symbol under regulation 23, as to whether the nomination of a candidate is supported by a political party, such question shall be referred to and determined by the Commission whose decision thereon shall be final:

Determination of question whether candidate supported by political party

Provided that the Commission shall consult the leader or secretary of such political party before determining such question.

**12.** (1) The Commission shall, by notice in the *Gazette*, appoint for each constituency in respect of which a statutory order is made under regulation 8 a place to be the nomination office for receiving nomination papers.

Appointment and control of nomination office

(2) The returning officer for a constituency shall attend at the nomination office during the periods appointed in respect of that constituency under regulation 8 to receive nomination papers in that constituency.

(3) The returning officer shall keep order at the nomination office and in its precincts and shall control the number of persons to be admitted at a time to the nomination office.

(4) The returning officer may require any person, other than-

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- (a) members of the Commission or members of its staff authorised in that behalf;
- (b) the Director of Elections;
- (c) the electoral officer for any polling district in the constituency;
- (d) a person wishing to lodge a nomination paper in accordance with regulation 22, whether in respect of himself or another person;
- (e) anyone who is accompanying a person wishing to lodge a nomination paper in accordance with regulation 22 and whose name appears on the nomination paper whether as candidate, proposer, seconder or supporter;
- (f) a police officer on duty;
- (g) any person authorised in writing by the Director of Elections to enter and remain in such nomination office;

to leave the nomination office and its precincts:

Provided that any of the persons mentioned in this sub-regulation may be required by the returning officer to leave the nomination office and its precincts if, in the opinion of the returning officer, such person is causing a disturbance which is likely to interfere with the receiving of nomination papers.

(5) The powers conferred by this regulation shall not be exercised so as to prevent any person from lodging or subscribing a nomination paper.

PART III ELECTION TO THE NATIONAL ASSEMBLYPART III

ELECTION TO THE NATIONAL ASSEMBLY

*A. Procedure for Nomination*

**13.** (1) It shall be the duty of the returning officer for a constituency to provide nomination papers to persons who are qualified for nomination and who request for such papers.

Nomination for election

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(2) Every person who desires to be a candidate for election in any constituency shall lodge with the returning officer for that constituency his nomination paper in accordance with the provisions of this Part.

(3) The nomination paper referred to in sub-regulation (2) shall be in Form GEN 2 set out in the Schedule hereto and shall-

- (a) state the name of the political party of which the candidate is the authorised candidate or, if he is not the authorised candidate of any political party, that he is standing as an independent candidate;
- (b) be completed in all respects, save that the supporters shall sign it in the presence of the returning officer;
- (c) be signed by the candidate or by any person authorised in that behalf by him in writing;

Provided that if the nomination paper is signed on behalf of the candidate, a copy of the written authority shall be attached thereto;

- (d) State the name and address of his election agent, if any;
- (e) be lodged within the period appointed for that purpose in respect of such constituency;
- (f) be accompanied by an election fee in the sum of twenty thousand kwacha which fee shall not be refunded once the nomination has been lodged;
- (g) be accompanied by a declaration in Form GEN 3 set out in the Schedule hereto which the declarant has made and subscribed before a magistrate.

(4) At the time of lodging a nomination paper, the candidate, or a person duly authorised by him, shall present himself to the returning officer together with his nine supporters who shall produce their voters registration cards and national registration cards to the returning officer. The supporters shall complete that part of the nomination paper which relates to their signatures in the presence of the returning officer.

*(As amended by Act No. 13 of 1994 and S.I. No. 178 of 1996)*

**14.** (1) If a person intending to lodge his nomination as a candidate in a constituency requests the returning officer for that constituency to examine his nomination paper before it is lodged, or to guide him on any matter relating thereto, the returning officer shall guide such person to the best of his ability:

Guidance by returning officer

Provided that where the nomination paper is to be lodged on behalf of the person intending to be a candidate, the returning officer shall owe the same duty to the person authorised to lodge the nomination paper.

(2) The fact or nature of any advice or guidance given under subregulation (1) shall not be inquired into in any proceedings before a court.

**15.** (1) Subject to sub-regulation (2), a nomination may be withdrawn at any time before the expiry of the period appointed for lodging nomination papers in respect of the constituency concerned.

Withdrawal of nomination

(2) The withdrawal referred to in sub-regulation (1) shall be effected only if the candidate, or a person authorised in that behalf by him in writing, delivers to the returning officer a written notice in that behalf.

**16.** (1) Upon the expiry of the period appointed for lodging nominations in any constituency the returning officer for that constituency shall determine the validity of each nomination lodged with him under regulation 13, and shall declare invalid any nomination in respect of which he is satisfied that-

Determination of validity of nominations

- (a) the nomination paper was not duly completed, or properly signed or lodged as required by regulation 13;
- (b) the nomination paper is not accompanied by the declaration referred to in paragraph (g) of sub-regulation (3) of regulation 13 or such declaration is defective in a material particular; or
- (c) the appropriate fee was not paid.

(2) Where the returning officer determines that a nomination is invalid, he shall reject the nomination and shall endorse on the nomination paper his reason for such determination, and shall sign such endorsement.

(3) Where a returning officer determines that a nomination is valid, he shall sign the nomination paper to signify his acceptance.

(4) The determination of the returning officer that a nomination is valid or invalid shall not be questioned save by way of an election petition presented in accordance with the provisions of the Act.

**17.** (1) In any election, no person shall seek to lodge nomination papers in more than one constituency.

Nomination in more than one constituency

(2) If upon the expiry of the period for lodging nomination papers in any two or more constituencies, a person is found to have lodged and not withdrawn nomination papers in more than one constituency, then every one of those nominations shall be invalid.

**18.** (1) A returning officer shall, after he has determined the validity of the nominations lodged with him, inform the Commission of the names of the candidates validly nominated.

Procedures after determination of validity of nominations

(2) Where a returning officer for any constituency determines that only one candidate has been validly nominated for election in that constituency, the returning officer shall declare such candidate to be elected in that constituency, and shall inform the Commission accordingly.

(3) Where a returning officer for any constituency determines that no candidate has been validly nominated for election in that constituency, the returning officer shall inform the Commission accordingly.

(4) Where the Commission is informed under sub-regulation (3) that no candidate has been validly nominated in a constituency, the Commission shall, in respect of that constituency, again exercise its powers contained in regulation 8.

**19.** (1) Where two or more candidates have been validly nominated for election in a constituency, the returning officer for that constituency shall give local notice that a poll shall be taken in such constituency on the day appointed therefor and such notice shall set out the names of such candidates in alphabetical order of surnames.

Returning officer to publish information locally

(2) Where no candidate or only one candidate has been validly nominated for election in a constituency, the returning officer for that constituency shall give local notice that a poll shall not be taken in that constituency for that reason.

(3) Where in respect of a constituency the same day has been appointed for the poll for elections to the National Assembly and for the poll for the election to the office of President, the returning officer for that constituency shall-

(a) in the notice referred to in sub-regulation (1), state that the two polls shall be at the same time; and

(b) in the notice referred to in sub-regulation (2), state that notwithstanding that a poll for election to the National Assembly shall not be taken in that constituency, the poll for the election to the office of President shall nevertheless be taken on the appointed day.

**20.** After a returning officer for a constituency has given notice under regulation 19 and before the day appointed for the taking of a poll in that constituency, any person registered in such constituency may, at any reasonable time, inspect, at the office of the returning officer, any of the nomination papers of the candidate in that constituency.

Inspection of nomination papers

*B. The Poll and the Ballot*

**21.** (1) For the purpose of the taking of a poll in a polling district the electoral officer for that polling district shall appoint a place at which the polling station for such polling district shall be established, and shall, in that behalf, give local notice and such other notice as the Director of Elections may direct.

Establishment of polling stations

(2) With the approval of the Director of Elections, the same polling station may be appointed under this regulation for two or more polling districts.

**22.** (1) The poll shall commence and, subject to regulation 23, shall close at such time as the Commission shall appoint, and notice of such times shall be published in the *Gazette* and in such other manner as the Director of Elections may direct.

Appointment of times of polling

(2) The Commission may appoint different commencement or closing times for different constituencies or polling districts.

(3) The presiding officer shall permit every voter to cast his vote before closing the poll if such voter, at the time appointed for the closing of the poll-

(a) is inside the polling station; or

(b) was, in his opinion, within the precincts of the polling station and was prevented from entering the polling station owing to congestion therein.

**23.** (1) Notwithstanding the terms of any statutory order made under regulation 8, a presiding officer may in his discretion postpone until later in the day, and, if necessary, adjourn to some other day, the polling at his polling station where it cannot be started or is interrupted by reason of riot, open violence, flood, natural catastrophe or other similar cause but where he does so, he shall start or restart the polling at the earliest practicable moment.

Adjournment of poll in case of emergency

(2) A presiding officer may in his discretion extend the hours or adjourn the day of polling at his polling station where polling has not started or has been interrupted by reason of any of the causes referred to in sub-regulation (1), and references in these Regulations to the close of the poll shall be construed accordingly.

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(3) If a poll is adjourned under this regulation at any polling station, the hours of polling on the day to which it is adjourned shall be the same as for the original day, and references in these Regulations to the closing of the poll shall be construed accordingly.

(4) Where a presiding officer postpones or adjourns the poll under this regulation, he shall take such precautions as are necessary to safeguard the ballot boxes, ballot papers and other election requisites, and shall forthwith notify the returning officer of such postponement or such adjournment, as the case may be.

(5) Where a returning officer is notified under sub-regulation (4) of the postponement or adjournment of a poll, he shall forthwith notify the Director of Elections of such postponement or such adjournment, as the case may be.

**24.** (1) A voter shall be entitled to vote at the polling station appointed for the polling district in which he is registered and shall not be entitled to vote at any other polling station.

Nature of poll

(2) At the taking of a poll a voter shall be entitled to cast one, and only one, vote and if a voter's name appears in error or for any other reason in more than one voter's roll or more than once in the same voter's roll he shall be entitled to cast more than one vote.

(3) Every poll taken for the purposes of the Act shall be taken by means of a secret ballot in accordance with the provisions of these regulations.

**25.** (1) For a poll in an election to the National Assembly, the ballot paper shall be in Form GEN 4 set out in the Schedule and, in respect of any constituency, shall show the names in alphabetical order of surnames of the candidates for election in that constituency and the symbol allocated under regulation 10 of each candidate for election in that constituency.

Ballot paper

(2) For a poll in an election to the office of President, the ballot paper shall be in Form GEN 5 set out in the Schedule and shall show the name of the candidates in that election and the symbol of each candidate.

(3) Every ballot paper under this regulation shall be attached to a counterfoil bearing the same serial number as that printed on the ballot paper.

**26.** (1) Every person applying for a ballot paper shall-

Issuance ballot paper

(a) present himself at the polling station at which he is entitled to vote;

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- (b) produce his voter's registration card to the presiding officer or polling assistant at such polling station;
- (c) identify himself by producing his national registration card; and
- (d) if so required by the presiding officer or polling assistant, present both his hands for inspection by such officer;

and no person shall be issued with a ballot paper unless he complies with the requirements contained in this registration.

(2) A presiding officer or polling assistant at a polling station may put to any applicant for a ballot paper such questions as he may consider necessary to enable him to identify the applicant with the name on the copy of the voter's roll for such polling station.

(3) No person shall be issued with a ballot paper or permitted to vote at a polling station unless the presiding officer or polling assistant for such polling station is satisfied that such person-

- (a) is entitled to vote at that polling station;
- (b) has produced his voter's registration card;
- (c) has properly identified himself under paragraph (c) of subregulation (1);
- (d) has not previously voted in the poll in respect of which he is applying for a ballot paper; and
- (e) is not disqualified from voting at such election under section *seven* of the Act.

**26A.** (1) Where a voter's registration card has been lost destroyed or defaced as to be illegible in any material particular, the voter in question shall, apply in person to the Electoral Officer in accordance with sub-regulation (2) by producing his national registration card for the issue of a certificate in Form GEN 11 as set out in the Schedule:

Lost, etc., voter's registration card

Provided that no certificate shall be issued unless the electoral officer is satisfied that the applicant is a voter registered in a polling district for which he is responsible under section *five* of the Act.

(2) An application for a certificate shall be made not later than four days before the date specified under sub-regulation (1) of regulation 8 for the taking of the poll in the elections.

(3) Any voter to whom a certificate is issued under sub-regulation (1) shall deliver that certificate to the presiding officer at the time he applies for a ballot paper.

*(As amended by S.I. No. 124 of 1991)*

### C. Conduct of Poll

**27.** (1) For the taking of a poll, a returning officer shall, in respect of each polling station within his constituency-

Preparations for taking of poll

- (a) ensure that there are sufficient compartments within which voters may mark their ballot papers in secrecy and screened from observation;
- (b) provide each presiding officer with such number of ballot boxes, ballot papers, official seals, official marks, copies of the voters' roll relating to such polling station and such other things as may be necessary;
- (c) make such arrangements to facilitate the taking of the poll as may be necessary for ensuring that it is taken in the manner provided in these Regulations and in accordance with any instructions issued by the Commission or the Director of Elections;
- (d) publish, both inside and outside each polling station, notices instructing voters as to the procedure for casting their votes, and notices showing-
  - (i) the names in alphabetical order of surnames of the candidates for election in that constituency; and
  - (ii) the symbol allocated under regulation 10 in respect of each candidate for election in the constituency.

(2) The returning officer for each constituency in which a poll is to be taken shall give notice in writing to each candidate for election in such constituency, prior to the day appointed for the taking of the poll, of the time and place at which the votes cast in such election shall be counted:

Provided that the returning officer shall ensure that such counting shall take place as soon as practicable after the close of the poll.

**28.** (1) Every ballot box shall be constructed that, after it is sealed under regulation 29, the ballot papers can be placed therein by voters but not taken out without breaking the seals.

Ballot boxes, official seals and official marks

(2) In respect of every poll, the official seals and official marks shall be in such form as the Director of Elections may determine.

**29.** (1) Immediately before the commencement of the poll, the presiding officer at each polling station shall show every ballot box, open and empty, to any person whose presence for that purpose is permitted under regulation 30 so that such person may see that it is empty, and shall then lock and seal with the official seal every such ballot box, and shall permit any candidate, election agent or polling agent who may be present to affix their seals thereto, and such seal or seals shall not be broken until the ballot box is opened in accordance with the provisions of these Regulations.

Procedure before commencement of poll

(2) The presiding officer at each polling station shall place the key to every ballot box in a packet marked "A" as soon as such ballot box has been locked in accordance with sub-regulation (1), and shall then seal such packet with the official seal, and shall permit any candidate, election agent or polling agent who may be present to affix their seals thereto, and such seal or seals shall not be broken except for the purpose of opening such ballot box under the provisions of these Regulations.

(3) The presiding officer at each polling station shall place every ballot box locked and sealed under sub-regulation (1) in such position in the polling station that it can be seen throughout the taking of the poll by the presiding officer and by such candidate, election agent or polling agent as may be present at the polling station.

(4) The presiding officer at each polling station shall ensure that there is available throughout the taking of the poll in each compartment provided under regulation 27 (1) (a) a suitable pencil or pen for the use of every voter when marking his ballot paper.

**30.** (1) The presiding officer at each polling station shall keep order in such polling station and in its precincts, and shall regulate the number of voters to be admitted at a time to such polling station.

Control of persons entering polling stations

(2) The presiding officer at each polling station may require any person, other than-

- (a) members of the Commission and members of its staff authorised in that behalf;
- (b) the Director of Elections;
- (c) the returning officer for the constituency in which such polling station is situated;

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- (d) the electoral officer for the area;
- (e) the polling assistants appointed under regulation 4 in respect of such polling station;
- (f) the candidates in an election to the office of President;
- (g) the candidates for election in the constituency in which such polling station is situated;
- (h) the election agents of such candidates;
- (i) any polling agent appointed under regulation 38 in respect of such polling station;
- (j) a police officer on duty;
- (k) any person authorised in writing by the Director of Elections to enter and remain in such polling station;

to leave such polling station and its precincts:

Provided that any of the above persons may be required by the presiding officer to leave the polling station and its precincts if, in the opinion of the presiding officer, such person is causing a disturbance which is likely to interfere with the taking of the poll.

(3) Every candidate, election agent, polling agent or person authorised in writing by the Director of Elections to enter and remain in a polling station shall, before attending the taking of a poll at any polling station, take and subscribe an oath or make an affirmation in lieu thereof, in Form GEN I set out in the Schedule before the returning officer for such constituency.

(4) The powers conferred by this regulation shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at such polling station.

**31.** If a presiding officer or polling assistant at a polling station is satisfied under regulation 26 that an applicant is entitled to be issued with a ballot paper, and to vote, the following procedure shall, subject to the provisions of regulation 35 be followed, that is to say:

Procedure for casting  
vote

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- (a) the voter shall, prior to receiving a ballot paper, immerse in ink provided for that purpose by the presiding officer or polling assistant, a thumb up to at least the whole of the exposed nail;

Provided that-

- (i) in the case of a voter without any thumb, such shall immerse a finger up to at least the whole of the exposed nail;
- (ii) in the case of a voter without any thumb or fingers, this paragraph shall not apply; and
- (b) before issuing a ballot paper to the voter the officer or polling assistant shall-
- (i) call out the name and the number of the voter as recorded in the copy of the voters' roll at such polling station;
- (ii) draw a line through the entry relating to the voter in such copy of the voters' roll as evidence that such voter has received a ballot paper;
- (iii) stamp such ballot paper with the official mark;
- (iv) on the counterfoil of such ballot enter the number of the voter as recorded in such copy of the voters' roll;
- (v) perforate the voter's registration card with a perforator, in the appropriate numbered space in the numerical order of each election, when such card is produced by the voter, in compliance with regulation 26.
- (c) the presiding officer or polling assistant shall then detach the ballot paper from its counterfoil and deliver it to the voter; and
- (d) the voter, on receiving the ballot paper, shall enter one of the compartments provided in the polling station for that purpose and signify his vote by secretly marking such ballot paper with a cross in the appropriate place and shall then fold the ballot paper in such a way that the official mark stamped thereon is visible and the mark signifying his vote is not visible; and
- (e) the voter shall then leave the compartment and shall, in the presence of the presiding officer or polling assistant, place the folded ballot paper in the ballot box provided in the polling station for that purpose.

*(As amended by S.I. No. 178 of 1996)*

**32.** (1) A voter shall cast his vote without undue delay and shall leave the polling station as soon as he has placed his ballot paper in the ballot box.

Votes to be cast without undue delay

(2) Where the presiding officer is of the opinion that any voter is causing undue delay in casting his vote and that such delay is likely to hinder the adequate or orderly conduct of the poll, he may require such voter to complete the procedures set out in regulation 31 (a) within a period of two minutes immediately thereafter.

(3) On or after the expiry of the period of two minutes referred to in sub-regulation (2) the presiding officer may direct the voter concerned to place the ballot paper issued to such voter in the ballot box and to leave the polling station and its precincts and not to return thereto during the period of the poll.

**33.** No person, other than a presiding officer, polling assistant, police officer or person on duty in an official capacity at a polling station, shall have any communication whatsoever with a voter while the voter is in the precincts of a polling station for the purpose of voting.

Restriction on communication in precincts of polling station

**34.** Where a voter inadvertently deals with a ballot paper in such a manner that it cannot be used as a valid ballot paper, he shall deliver such ballot paper (hereinafter referred to as a "spoilt ballot paper") to the presiding officer and, if the presiding officer is satisfied that such ballot paper has been spoilt inadvertently, he shall issue another ballot paper to such voter, and shall cancel the spoilt ballot paper and the counterfoil to which it relates.

Spoilt ballot papers

**35.** (1) A presiding officer, a relative or a friend may, upon application by and with the assent of

Presiding officer may assist incapacitated voter

(a) a voter who is incapacitated by blindness or other physical cause from voting in accordance with the procedure prescribed by regulation 31; and

(b) a voter who declares orally that he is unable to read or otherwise asks for assistance of the presiding officer, relative or a friend;

enter a compartment with such voter in order to assist him to cast his vote pursuant to the provisions of regulation 31 (d) and subject to the said provisions, mark the ballot paper issued to such voter in such manner as the voter may signify and place it in the ballot box on behalf of such voter:

Provided such relative or friend proves himself to be a registered voter in that polling district and has not already assisted another voter in that election.

(2) A presiding officer acting under this regulation shall record in the copy of the voters' roll, by means of a mark placed next to the name of the voter concerned, that he or a relative or friend of a voter has marked that ballot paper as aforesaid on the application of the voter, and the reasons for doing so.

(3) Where the presiding officer is of the opinion that, by reason of the number of voters making application under this regulation the conduct of the poll is being or is likely to be delayed he may authorise a polling assistant to assist him in the performance of the functions imposed upon him by the regulation.

**36.** (1) Notwithstanding the provisions of regulation 26 where a person entitled to vote in any constituency is employed as a returning officer, presiding officer, polling assistant, police officer or in any other official capacity at a polling station within such Constituency other than the polling station at which he is entitled to vote, the returning officer for such constituency may authorise the voter, by certificate under his hand in Form GEN 6 in the Schedule, to vote at the polling station at which he is employed.

Voting by persons employed on election duties

(2) Any voter to whom a certificate is issued under sub-regulation (1) shall deliver such certificate to the presiding officer when he applies for a ballot paper.

**37.** At any polling station, the presiding officer may, during a temporary absence from such polling station, delegate his powers, subject to the directions of the Director of Elections, to a polling assistant and, during the period of such absence, such polling assistant shall have and may exercise the powers of such presiding officer.

Polling assistant may act during absence of presiding officer

**38.** (1) As soon as practicable after the close of the poll, the presiding officer at a polling station, in the presence of such candidates or election agents or polling agents as may be present at such polling station, shall-

Procedures after close of poll

- (a) close and seal with the official seal the aperture of every ballot box used for the poll and permit any such candidate or elections agent or polling agent to affix his seal thereto; and
- (b) in respect of the poll, complete the ballot paper account which shall be in Form GEN 7 set out in the Schedule; and
- (c) place in separate packets, which shall be sealed with official seal and with the seals of such candidates or elections agents or polling agents, if any, who wish to affix their seals thereto, the following items in the manner hereinafter provided, that is to say:
  - (i) in a packet marked "B", the unused ballot papers, which shall remain attached to their respective counterfoils, and the spoilt ballot paper.s;

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- (ii) in a packet marked "C", the copy of the voters' roll marked in accordance with regulation 31 (b) subparagraph (ii) and sub-regulation (2), of regulation 35 together with the certificates delivered to the presiding officer under regulation 36;
- (iii) in a packet marked "D", the counterfoils of the used ballot papers including the counterfoils of any spoilt ballot papers;
- (iv) in a packet marked "E", the ballot paper account completed under paragraph (b);
- (v) in a packet marked "F", the official mark and the official seal:

Provided that such packet shall not be sealed but shall be securely fastened.

(2) The presiding officer shall, in accordance with such directions as may be issued by the Director of Elections, dispatch each packet sealed in accordance with the provisions of regulation 28 of this regulation, together with the ballot boxes sealed in accordance with this regulation, in safe custody to the returning officer for the constituency in respect of which the poll was conducted.

(3) The returning officer for a constituency in which a poll has been taken shall take into his custody, and issue a receipt for, all packets and ballot boxes delivered to him in accordance with the provisions of sub-regulation (2).

*D. The Count*

**39.** (1) No person shall attend at the counting of the votes cast in an election in any constituency, other than-

Persons who may attend at counting of votes

- (a) members of the Commission or members of the staff authorised in that behalf;
- (b) the Director of Elections;
- (c) the returning officer of such constituency;
- (d) the counting assistants appointed by the electoral officer;
- (e) the electoral officer of any area within such constituency;

- (f) the candidates for election to the office of President;
- (g) the candidates for elections in such constituency;
- (h) the election agents appointed by such candidates;
- (i) one polling agent in respect of each candidate for election;
- (j) a police officer on duty;
- (k) any person authorised in writing by the Director of Elections.

(2) Every person authorised to attend the counting of the votes in any constituency, other than a member of the Commission, shall take and subscribe an oath, or make an affirmation in lieu thereof, in Form GEN 1 set out in the Schedule and for that purpose the returning officer for such constituency shall have power to administer such oath:

Provided that if such person has, in respect of that election already complied with regulation 5 or sub-regulation (3) of regulation 30 shall not be required to comply with this sub-regulation.

**40.** (1) When the returning officer for a constituency in which a poll has been taken is satisfied that he has received all the packets and ballot boxes in respect of all the polling stations in such constituency he shall, at the time and place notified under sub-regulation (2) of regulation 27 for the counting of the votes, examine the seals of all such packets and ballot boxes and shall permit such candidates, election and polling agents as are present to examine such seals.

Examination of seals of packets and ballot boxes received by returning officer

(2) The returning officer shall submit to the Director of Elections a written report of the result of the examination carried out under sub-regulation (1) if such examination reveals that the seals of any packet or ballot box are broken.

**41.** (1) The presiding officer for a polling station at which a poll has been taken shall, with the aid of the counting assistants for such polling station, count all the votes cast in the election at such polling station in accordance with the provisions of this regulation.

The count

(2) The counting of the votes shall, so far as circumstances permit, proceed continuously until the count is completed, allowing only a reasonable time for refreshment.

(3) The procedure for counting shall be as follows:

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- (a) the presiding officer shall open each ballot box and, after removing all the ballot papers therefrom, shall count and record the total number of ballot papers contained in each ballot box without reference to the manner in which such ballot papers are marked;
- (b) subject to the provisions of regulation 42, the presiding officer shall then count and record the total number of valid ballot papers in respect of each candidate;
- (c) in the case of ballot papers relating to an election to the office of President, the presiding officer shall count and record the total number of valid ballot papers in respect of each candidate in accordance with the other provisions of this regulation; and
- (d) the presiding officer shall ensure that, while counting the ballot papers, the counting assistants keep the side of each ballot paper on which the vote is recorded upwards, and shall take all precautions to prevent any person present at the count from seeing the number printed on each ballot paper.

(As amended by S.I. No. 178 of 1996)

**42.** (1) The presiding officer shall, subject to sub-regulation (4), not count, any ballot paper- Rejection of ballot papers

- (a) which does not bear the official mark, unless the presiding officer is satisfied that such omission was a *bona fide* error; or
- (b) which contains more than one vote; or
- (c) on which anything, other than the number printed on such ballot paper, is written or marked in such manner that the voter can be identified; or
- (d) which is unmarked or invalid for uncertainty.

(2) The presiding officer shall write words "Proposed Rejected Ballor Paper" on any Ballot Paper which the presiding officer considers invalid, under this regulation, and the presiding officer shall, immediately after the count send that ballot paper to the returning officer for confirmation.

(3) The returning officer shall write the word "rejected" on any ballot paper which has been sent to him by the presiding officer under sub-regulation (2) and shall add "rejection objected to" if any objection to the returning officer's decision is made by a candidate, his election agent or his polling agent present at the count.

(4) A ballot paper on which the vote is marked-

- (a) elsewhere than in the proper place;
- (b) otherwise than by means of a cross; or
- (c) by more than one mark;

shall not by reason thereof be invalid if the intention of the vote clearly appears, and the manner in which the paper is marked does not of itself identify the voter and it is not shown that he can be identified thereby.

(5) The returning officer shall draw up a statement in the Form GEN 9 in the Schedule showing the number of ballot papers rejected under the several heads of:

- (a) want of official mark;
- (b) more than one vote;
- (c) writing or mark by which voter could be identified; or
- (d) unmarked or invalid for uncertainty;

and any candidate, his election agent or his polling agent present may copy such statement.

*(As amended by S.I. No. 178 of 1996)*

**43.** The decision of a returning officer on any question arising in respect of any ballot paper shall not be questioned except on an election petition presented under the provisions of the Act.

Questions arising on decision of returning officer

**44.** (1) A candidate, his election agent or his polling agent may, if present when the counting or any recounting of the votes is completed, require the presiding officer or the returning officer to have the votes recounted or again recounted, or the presiding officer or the returning officer may, on his own initiative, have the votes recounted or again recounted:

Recounting of votes

Provided that the presiding officer or the returning officer may refuse the request, if in his opinion, it is unreasonable.

(2) Where an equality of votes is found to exist between any candidate and the addition of one vote to the votes counted for any such candidate would materially affect the result of the election, the presiding officer or the returning officer shall make a recount of the votes cast in respect of such candidates.

(3) No step shall be taken by the presiding officer or the returning officer on the completion of the counting or of any recounting of the votes until the candidates, election agents and polling agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by this regulation.

*(As amended by S.I. No. 178 of 1996)*

**45.** If upon the completion of the counting of votes, it is found that an equality of votes exists between two or more candidates and the addition of one vote would entitle any one of the candidates to be declared elected, the returning officer shall, subject to the provisions of regulation 44, forthwith decide between those candidates by lot in such manner as the Commission may determine and shall proceed as if the candidate on whom the lot falls has received an additional vote.

Equality of votes

#### *E. Procedure after the Count*

**46.** On the completion of the counting and totalling of votes cast in an election, the returning officer shall seal up in separate, marked packets the ballot papers counted in respect of each candidate, and shall place the rejected ballot papers in a single marked packet.

Ballot papers to be sealed in packets after completion of counting and totalling

*(As amended by S.I. No. 178 of 1996)*

**47.** (1) The returning officer for a constituency in which a poll is taken shall appoint a time and place at which the verification of the ballot paper accounts completed under paragraph (b) of sub-regulation (1) of regulation 38 in that constituency shall take place and shall give notice in writing to the candidates in such election of such time and place.

Verification of ballot paper accounts

(2) At the time and place appointed under sub-regulation (1) the returning officer shall, in the presence of the assistant returning officers for that constituency and of such candidates and their election agents as may be present, proceed with the verification of the ballot paper accounts according to the following procedure, that is to say:

- (a) he shall open the envelopes marked "B" containing the unused ballot papers together with their counterfoils and the spoilt ballot papers, and the envelopes delivered to him under regulation 38, in respect of each polling station in that constituency;

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- (b) he shall, in respect of each polling station, compare the ballot papers contained in the ballot boxes as recorded under regulation 41, and with the total number of unused and spoilt ballot papers contained in the envelope marked "B" for that polling station;
- (c) he shall reseal the envelopes marked "B" with their respective contents; and
- (d) he shall place all ballot paper accounts for that constituency in one envelope marked "E" and shall seal such envelope.

(3) The returning officer shall then prepare and deliver to the Director of Elections a report on the verification of the ballot paper accounts in Form GEN 11 in the Schedule, and shall permit such candidates and election agents as may be present at the verification to make a copy thereof.

**48.** (1) Upon the completion of the verification of the ballot paper accounts under regulation 47 the returning officer shall forthwith deliver to the Commission-

Custody and  
destruction of election  
matters

- (a) in respect of each polling station within his constituency, the packet marked "B" containing the unused ballot papers together with their counterfoils and the spoilt ballot papers; and
- (b) in respect of each polling station within his constituency, the packet marked "C" containing the copy of the voters' roll and the certificates placed therein under sub-paragraph (ii) of paragraph (c) of sub-regulation (1) of regulation 38; and
- (c) the packet sealed under regulation 46 and containing the ballot papers counted in respect of each of the candidates; and
- (d) the packet containing the rejected ballot papers and sealed under regulation 46;

and shall forthwith deliver to the Director of Elections in respect of each polling station within his constituency-

- (i) the packet marked "D", containing the counterfoils of the used and the spoilt ballot papers delivered to the returning officer under regulation 38;
- (ii) the packet marked "E" containing the ballot paper account; and
- (iii) the packet marked "F" containing the official seal and the official mark, delivered to the returning officer under sub-paragraph (v) of paragraph (c) of sub-regulation (1) of regulation 38.

(2) The Commission shall retain the packets delivered under subregulation (1) in respect of any poll in an election for a period of thirty days after the day on which the result of such election was declared and shall then cause them to be destroyed by burning, pulping or by any other efficacious method:

Provided that where the Commission has been informed under sub-section (5) of section *twenty-one* of the Act that an election petition has been presented in respect of such election, the packets shall not be destroyed until such time as the trial of such election petition has been finally determined.

(3) The Director of Elections shall retain the packets marked "D" delivered to him under sub-regulation (1) for a period of thirty days after the day on which the result of such election was declared and shall then cause them to be destroyed by burning, pulping or by any other efficacious method approved by the Commission and shall notify the commission accordingly:

Provided that where the Commission has been informed under sub-section (5) of section *twenty-one* of the Act that an election petition has been presented in respect of such election, the packets shall not be destroyed until such time as the trial of such election petition has been finally determined.

#### *F. Declaration of Results*

49. (1) When the counting of the votes has been completed and the result of the poll ascertained, the returning officer shall-

Declaration of results  
of poll

- (a) complete in duplicate a declaration of the result of the poll in Form GEN 10 set out in the Schedule;
- (b) declare to be elected the candidate to whom the majority of votes was cast by reading aloud in public, at the place where such counting was conducted, such completed form; and
- (c) cause to be delivered to the Commission without delay the original of such completed form.

(2) In every constituency where a poll in respect of an election to the office of President has been taken, the returning officer for such constituency shall, without delay after the counting of the votes has been completed, inform the Commission, in such manner as the Commission may direct, of the total number of valid votes cast in the election and of the number of valid votes cast for each candidate.

(3) The Commission shall, upon receipt of the information referred to in sub-regulation (2), notify the same in writing to the Chief Justice in his capacity as the returning officer for the purposes of election to the office of President.

**50.** (1) The Commission shall, in respect of each candidate declared elected in accordance with the provisions of regulations 18 and 49 (1), give notice in the *Gazette* of-

Notice of result

- (a) the full name of such person; and
- (b) the constituency in which such person was elected.

(2) Notwithstanding anything contained in regulation 18 or 49, a person declared elected under either of the said regulations shall be deemed to have been elected with effect from the date appointed for the taking of the poll at the election in the constituency concerned.

#### PART IV CORRUPT AND ILLEGAL PRACTICES AND ELECTION OFFENCESPART IV

##### CORRUPT AND ILLEGAL PRACTICES AND ELECTION OFFENCES

**51.** (1) Any person who directly or indirectly, by himself or any other person-

Bribery

- (a) gives, lends, or procures, or offers, promises or agrees to give, lend or procure any money to or for any person on behalf of any voter or to or for any other person in order to induce any voter to vote or refrain from voting or who corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election;
- (b) gives, lends, or procures, or offers, promises or agrees to give, lend, or procure, any money to or for any voter or to or for any other person on behalf of any voter or to or for any other person for acting or joining in any procession or demonstration before, during or after any election;
- (c) makes any such gift, loan, offer, promise, procurement or agreement to or for any person in order to induce such person to procure or to endeavour to procure the return of any candidate at any election or the vote of any voter at any election;
- (d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure, the return of any candidate at any election or the vote of any voter at any election;

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- (e) advances or pays or causes to be advanced or paid any money to or for the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election;
- (f) before or during any election, receives or contracts for any money or loan for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any election;
- (g) after any election, receives any money on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any election; or
- (h) conveys or transfers or is concerned with the conveyance or transfer of any property, or pays or is concerned with the payment of any money, to any person for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, or pays to or is concerned with the payment of any money on account of any voter for the purpose of inducing him to vote or refrain from voting;

shall be guilty of the offence of bribery.

(2) Nothing in this regulation shall be construed as applying to any money paid or agreed to be paid for or on account of any expenditure *bonafide* and lawfully incurred in respect of the conduct or management of an election.

**52.** Any person who-

Personation

- (a) at any election, applies for a ballot paper in the name of some other person, living or dead, or of a fictitious person; or
- (b) having voted once at any election, applies again at the same election for a ballot paper; or
- (c) votes at any election knowing that he is not entitled to vote at that election or induces or procures any person to vote at any election knowing that that person is not entitled to vote at that election;

shall be guilty of the offence of personation.

**53.** Any person who corruptly by himself or by any other person either before, during or after an election, directly or indirectly gives or provides or pays wholly or in part the expenses of giving or providing any food, drink, entertainment, lodging or provisions to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at an election shall be guilty of the offence of treating.

Treating

**54.** (1) Any person who directly or indirectly, himself or by any other person-

Undue influence

- (a) makes use of or threatens to make use of any force, violence or restraint upon any other person; or
- (b) inflicts or threatens to inflict by himself or by any other person, or by any supernatural or non-natural means or pretended supernatural or non-natural means, any physical, psychological, mental or spiritual injury, damage, harm or loss upon or against any person; or
- (c) does or threatens to do anything to the disadvantage of any person;

in order to induce or compel that person-

- (i) to sign a nomination paper or refrain from signing a nomination paper; or
- (ii) to vote or refrain from voting; or
- (iii) to refrain from claiming registration as a voter; or
- (iv) to refrain from offering himself as a candidate for election;

or on account of that person having-

- A. signed or refrained from signing a nomination paper; or
- B. voted or refrained from voting at any election; or
- C. refrained from claiming registration as a voter; or
- D. refrained from offering himself as a candidate;

shall be guilty of the offence of undue influence.

(2) Any person who, by abduction, duress or any fraudulent device or contrivance, impedes or prevents the free exercise of his vote by any voter or thereby compels, induces or prevails upon any voter either to give or to refrain from giving his vote at any election, shall be guilty of the offence of undue influence.

**55.** Any person who is guilty of the offence of bribery, personation, treating or undue influence shall be guilty of a corrupt practice and shall be liable on conviction to a fine not exceeding eight hundred penalty units or to imprisonment for a period not exceeding two years, or to both.

Penalties for corrupt practices

*(As amended by Act No. 13 of 1994)*

**56.** (1) Any person who, before or during an election, publishes a false statement of the illness, death or withdrawal from election of a candidate at that election for the purpose of promoting or procuring the election of another candidate, knowing that statement to be false or not believing it to be true, shall be guilty of an illegal practice.

Illegal practice of publishing false statements in respect of candidates

(2) Any person who, before or during an election, publishes any false statement of fact in relation to the personal character or conduct of a candidate in that election, shall be guilty of an illegal practice, unless he can show that he had reasonable grounds for believing, and did believe, the statement to be true.

**57.** (1) Any person who forges or fraudulently destroys any written authority of a candidate or nomination paper, or delivers to a returning officer any written authority of a candidate or nomination paper knowing the same to be forged shall be guilty of an illegal practice.

Illegal practice in respect of nomination of candidates

(2) Any person who knowingly makes a false statement in a statutory declaration made and subscribed under regulation 13 shall be guilty of an illegal practice.

(3) Any person who wilfully prevents or attempts to prevent any other person from complying with any of the provisions of regulation 13, 14, 15 or 16 shall be guilty of an illegal practice.

**58.** Any person who, at a lawful public meeting held in connection with the election of any person between the day of the publication of a notice appointing nomination day and the day on which the result of the election is published, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting is called, shall be guilty of an illegal practice.

Illegal practice in respect of public meetings

**59.** Any person who, with intent to influence persons to give or refrain from giving their votes at an election, uses or procures the use of any wireless transmitting station outside the Republic shall be guilty of an illegal practice.

Illegal practice in respect of broadcasts

**60.** (1) Any person who-

Illegal practices  
relating to the poll

- (a) forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper;
- (b) without authority supplies any ballot paper to any person;
- (c) without authority puts into any ballot box any ballot paper which he is not authorised by law to put in;
- (d) sells or offers to sell any ballot paper to any person or purchases or offers to purchase any ballot paper from any person;
- (e) not being a person entitled under these Regulations to be in possession of a ballot paper, has any such ballot paper in his possession;
- (f) without authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers in use or intended to be used for the purpose of an election;
- (g) without authority prints or makes any ballot paper or what purports to be or is capable of being used as a ballot paper at an election;
- (h) manufactures, constructs, has in his possession, supplies, or uses for the purpose of an election, or causes to be manufactured, constructed, supplied or used for the purposes of any election any appliance, device or mechanism by which a ballot paper may be extracted or manipulated after having been deposited in a ballot box in the course of polling at any polling station;
- (i) at an election obstructs a voter either at the polling station or on his way thereto or there from;

shall be guilty of an illegal practice.

(2) Any person who attempts to commit an illegal practice under sub-regulation (1) shall be guilty of an illegal practice.

**61.** Any person who is guilty of an illegal practice shall be liable on conviction to a fine not exceeding eight hundred penalty units or to imprisonment for a period not exceeding two years, or to both.

Penalty for illegal  
practices

**62. (1) Any person who-**

Election offences

- (a) within a period appointed under regulation 9 for the receipt of nominations, loiters in any public place within four hundred metres from the entrance to a nomination office;
- (b) having been required under sub-regulation (4) of regulation 12 to leave a nomination office, fails to leave such nomination office or the precincts thereof;
- (c) puts into any ballot box anything other than the ballot paper which he is authorised by law to put therein;
- (d) without due authority takes out of the polling station any ballot paper or is found in possession of any ballot paper outside a polling station;
- (e) on any polling day, at the entrance to or within a polling station, or in any public place or in any private place within four hundred metres from the entrance to such polling station-
  - (i) canvasses for votes;
  - (ii) solicits the vote of any person;
  - (iii) induces any person not to vote; or
  - (iv) induces any person not to vote for a particular candidate;
- (f) on any polling day loiters in any public place within four hundred metres from the entrance to any polling station;
- (g) on any polling day exhibits in any public or private place within one hundred metres from the entrance to any polling station any notice or sign, other than an official notice or sign authorised by any officer under the provisions of these Regulations, relating to the election;
- (h) not being a presiding officer, a polling assistant, a candidate, an election agent or a polling agent in the course of his functions within a polling station, makes any record showing that any particular person has voted in an election;

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- (i) without lawful authority, destroys, mutilates, defaces or removes any notice which is exhibited under these Regulations, or any document made available for inspection under these Regulations;
- (j) wilfully obstructs or interferes with a returning officer, presiding officer, or polling assistant in the execution of his duties;
- (k) makes a false answer to any question put to him by a presiding officer or a polling assistant under the provisions of regulation 26 (2);
- (l) in contravention of regulation 33, has any communication with a voter while such voter is in the precincts of a polling station for the purpose of voting;
- (m) having been required or directed under regulation 30 (2) refuses or fails to comply with that requirement or direction to leave a polling station or the precincts thereof;
- (n) being a candidate uses a symbol in the course of an election other than the symbol registered with the Director of Elections in accordance with regulation II, or in the case of any other person associates any candidate with, any symbol in the course of an election other than such candidates' registered symbol;

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding eight hundred penalty units or to imprisonment for a period not exceeding two years, or to both.

(2) Any person who attempts to commit an offence against this regulation shall be liable to the punishment prescribed for that offence.

*(As amended by Act No. 13 of 1994)*

**63.** In a prosecution for an offence in relation to a nomination paper, ballot box or ballot paper, the property in such nomination paper, ballot box, as well as the property in the counterfoil of any ballot paper, shall be deemed to be vested in the returning officer at that election.

Property in certain election equipment

**64.** (1) Every person in attendance at a polling station shall maintain, and aid in maintaining the secrecy of the voting at such station and shall not communicate, except for some purpose authorised by law, to any person any information as to the name or number on the register of voters of any voter who has or has not applied for a ballot paper or voted at such polling station, or as to the official mark or official seal at such polling station.

Penalty for breach of secrecy

The Laws of Zambia

(2) No person, except a presiding officer or polling assistant acting under the provisions of regulation 35 shall obtain or attempt to obtain in a polling station information as to the candidate for whom any person in such polling station is about to vote or has voted or communicate at any time to any person any information obtained in a polling station as to the candidate for whom any person in such polling station is about to vote or has voted, or as to the number on the ballot paper issued to any person at such polling station.

(3) Every person in attendance at the counting of the votes shall maintain, and aid in maintaining, the secrecy of the voting and shall not ascertain or attempt to ascertain at such counting the number on any ballot paper or communicate any information obtained at such counting as to the manner in which any vote is given by any particular ballot paper.

(4) Any person who contravenes any of the provisions of this regulation shall be guilty of an offence and shall be liable on conviction to a fine not exceeding eight hundred penalty units or to imprisonment for a term not exceeding two years, or to both.

*(As amended by Act No. 13 of 1994)*

**65.** Any election officer who wilfully fails to perform the functions of his office under these regulations shall be guilty of an offence and liable on conviction to a fine not exceeding eight hundred penalty units or to imprisonment for a term not exceeding two years, or to both.

Offences by election officers

*(As amended by Act No. 13 of 1994)*

**66.** (1) Every bill, placard, poster, pamphlet, circular or other printed matter having reference to an election shall bear upon the face thereof the name and address of the printer and of the publisher, and any person who prints, publishes or posts, or causes to be printed, published or posted any such matter which fails to bear upon the face thereof such names and addresses shall be guilty of an offence.

Offence by printers and publishers

(2) The proprietor and publisher of every newspaper shall cause the word "advertisement" to be printed as a headline to each article or paragraph appearing in his newspaper containing electoral matter, the insertion of which is or is to be paid for, and any proprietor or publisher who fails to comply with this provision shall be guilty of an offence.

(3) For the purposes of this regulation-

- (a) any process for producing copies of a document, other than by copying it by hand, shall be deemed to be printing, and the expression "printed" shall be construed accordingly; and
- (b) "electoral matter" shall be deemed to include all matters which, on the face of them, are intended or calculated to affect the result of an election.

(4) Any person who is guilty of an offence against this regulation shall be liable on conviction to a fine not exceeding four hundred penalty units.

*(As amended by Act No. 13 of 1994)*

PART V MISCELLANEOUSPART V

MISCELLANEOUS

**67.** (1) A candidate shall name his election agent in his nomination paper and, subject to the other provisions of this regulation, such person shall be the election agent of that candidate for the purpose of that election. Election agents

(2) A candidate may revoke the appointment of his election agent at any time, or an election agent may resign his appointment, by giving written notice to the other party.

(3) Where the election agent of a candidate ceases to be his election agent for any reason, he shall give written notice thereof to the returning officer for the constituency in which he is a candidate and, if another person is appointed to be his election agent, such notice shall set out the full name and address of the new election agent.

(4) No person shall exercise the rights, under these Regulations, of an election agent unless he has been appointed in accordance with the provisions of this regulation.

(5) Each candidate in an election to the office of President may, for the purposes of that election, appoint one person in each constituency to be his election agent for that constituency, or appoint the same election agent to be the election agent for two or more constituencies, and the other provisions of this regulation shall apply to each such candidate and such election agent.

**68.** (1) Subject to the other provisions of this regulation a candidate or his election agent may, in respect of each polling station within the constituency in which the candidate is nominated, appoint a person to be the polling agent of such candidate. Polling agents

(2) At least four days before the day appointed as polling day for the constituency in which he is candidate, the candidate, or his election agent, shall give written notice to the returning officer for that constituency stating the names and addresses of the polling agents appointed under sub-regulation (1) and specifying the polling station for which each such person is appointed the polling agent.

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(3) No person shall exercise the rights, under these Regulations, of a polling agent unless he has been appointed in accordance with the provisions of this regulation.

(4) Each candidate in an election to the office of President may, for the purposes of that election, appoint, in respect of any polling station in the country, a person to be his polling agent for that polling station; or the election agent of such candidate may, in respect of any polling station in the constituency for which he is election agent, appoint a person to be the polling agent of such candidate; and the other provisions of this regulation shall apply to each such candidate, his election agents and his polling agents.

**69.** Any fees collected under these Regulations shall be paid into the general revenues of the Republic. Fees

**70.** The Electoral (General) Regulation, are hereby revoked.

Revocation of S.I. No.  
78 of 1983

SCHEDULE

REPUBLIC (CREST) OF ZAMBIA  
THE ELECTORAL (GENERAL) REGULATIONS

(Regulations 5, 30 and 39)

OATH OR AFFIRMATION

I, .....

Having been appointed ..... do hereby  
\*swear/solemnly and sincerely affirm that-

- (a) I will carry out the duties required of me as a result of my appointment impartially and to the best of my ability without fear or favour to any person or persons; and
- (b) I will not directly or indirectly reveal to any person any matter that may come to my knowledge or notice as a result of my appointment unless so authorised by law.

Signed .....

\*Sworn/Affirmed before me this ..... day of ....., 19 .....

Signed .....

Name in BLOCK LETTERS .....

\*Magistrate/Returning Officer .....

\*Delete as necessary.

In case of candidate, election agents or polling agent delete paragraph (a).

REPUBLIC (CREST) OF ZAMBIA  
 THE ELECTORAL (NATIONAL ASSEMBLY ELECTIONS)  
 REGULATIONS  
 (Regulation 13)  
 NOMINATION PAPER

To: The Returning officer, ..... Constituency.  
 We, the undersigned, being registered voters in the above-named constituency, do hereby nominate-

First Names (in BLOCK CAPITALS) .....  
 Surname (in BLOCK CAPITALS) .....  
 Residential Address .....  
 Postal Address .....

to stand as a candidate for election in the ..... constituency.

And I, the said (full name in BLOCK CAPITALS) .....  
 ..... hereby declare-

- (a) that I accept the nomination:
- (b) that my nomination is supported by the (name of political party) ..... /that I am an independent candidate\* and
- (c) that I have appointed (full name) ..... of (address) .....

In accordance with regulation to be my Election Agent. A statutory declaration in respect of my nominations as a candidate.

Date .....  
Signature of Candidate

Received by me at (time) ..... on the .....  
 day of ....., 19 .....

Signature of Returning Officer

\*Delete whichever is not applicable.

NOTES

1. Candidates are advised to acquaint themselves with the provisions of regulations 13 to 19 before completing this Nomination Paper.
2. When this nomination Paper is lodged it must be accompanied by the sum of one hundred and sixty fee units in cash as a fee.
3. A candidate may authorise another person to countersign a Nomination Paper on his behalf and to lodge it with the Returning Officer but, in that event, the written authorisation of the candidate is required to be attached to the Nomination Paper.
4. The statutory declaration must be completed by the candidate himself before a Magistrate.

	Full name in Block Capitals	Signature or Thumbprint	Polling District in which Registered as a Voter	Number of Voters Registration Card
Proposed by				
Seconded by				
Supported by				

The Laws of Zambia

Supported by				

*(As amended by Act No. 13 of 1994)*

REPUBLIC (CREST) OF ZAMBIA  
THE ELECTORAL (GENERAL) REGULATIONS, 1991  
(Regulation 13 (3) (g))

STATUTORY DECLARATION OF CANDIDATE

I .....do solemnly and sincerely declare that

- (1) I am a citizen of Zambia;
- (2) My National Registration number is .....
- (3) I have attained the age of twenty-one years;
- (4) I am the authorised candidate of .....  
..... for the .....  
..... constituency in the forthcoming election  
for the National Assembly in that Constituency\*/I intend to stand as an independent candidate at the  
forthcoming election for the National Assembly in the ..... constituency.
- (5) I am not disqualified for election under article 65 of the Constitution of Zambia or section 10 of the Electoral Act  
1991 .
- (6) I am literate and conversant with the official language of Zambia.
- (7) My proposed symbol is .....

I make this declaration conscientiously believing the same to be true.

Signature .....

Name in BLOCK CAPITALS .....

Magistrate ..... District .....

PENALTY FOR GIVING FALSE INFORMATION  
(SET OUT AS APPROPRIATE)

(As amended by S.I. No. 93 of 1994)

REPUBLIC (CREST) OF ZAMBIA  
THE ELECTORAL (GENERAL) REGULATIONS

(Regulation 25)

BALLOT PAPER

FRONT  
Series  
No.

Series  
No.

Official Mark: \_\_\_\_\_  
\_\_\_\_\_

Republic of Zambia  
National Assembly  
Elections

19 .....

.....  
Constituency

Number of voters in Register  
of voters

.....

BACK

..... Constituency

INSTRUCTIONS

Vote for ONE candidate ONLY by making ONE cross in the blank box opposite the name and symbol of the candidate for whom you wish to vote. DO NOT make any other mark on this paper by which you can be identified.

Name of Candidate	Party	Symbol

REPUBLIC (CREST) OF ZAMBIA  
 THE ELECTORAL (GENERAL) REGULATIONS  
 (Regulation 25)  
 BALLOT PAPER FOR PRESIDENTIAL ELECTION

FRONT  
 Series  
 No.

Series  
 No.

Official Mark: \_\_\_\_\_  
 \_\_\_\_\_

Republic of Zambia  
 Presidential Elections  
 19 .....

Number of voter in  
 Register of voters

BACK

INSTRUCTIONS

Vote for ONE candidate ONLY by making ONE cross in the blank box opposite the name and symbol of the candidate for whom you wish to vote. DO NOT make any other mark on this paper by which you can be identified.

Name of Candidate	Party	Symbol	

REPUBLIC (CREST) OF ZAMBIA  
THE ELECTORAL (GENERAL) REGULATIONS  
(Regulation 36)

CERTIFICATE OF AUTHORITY TO VOTE AT POLLING STATION

To: Presiding Officer, ..... Polling Station .....  
..... Constituency.

In accordance with regulation 36 authority is hereby given for the person specified below to cast his vote at the above polling station:

- (i) Full name of voter as shown in Voters' Roll .....
- .....
- (ii) Election duties .....
- (iii) Name of polling station at which normally entitled to vote .....
- .....
- (iv) Number of voter in Voters' Roll .....
- (v) National Registration Number of voter .....

Date ....., 19 .....  
(Signature of Returning Officer)

INSTRUCTIONS

1. This certificate may only be issued to a person who is unable to vote at the polling station at which he is entitled to vote owing to the fact that he is employed in an official capacity on election duties at some other polling station within the same constituency.
2. In addition to this certificate, the national registration card and the voter's registration card must be produced to the presiding officer when application is made for a ballot paper.
3. On the issue of a ballot paper to the voter this certificate must be surrendered to the presiding officer who must attach it to his marked copy of the Voters' Roll.

REPUBLIC (CREST) OF ZAMBIA  
THE ELECTORAL (GENERAL) REGULATIONS

(Regulations 2 and 38)

Ballot Paper Account

Polling Station ..... Constituency .....

Date of Poll ....., 19 .....

To be completed by Returning Officer on issue of ballot papers		To be completed by Presiding Officer at close of poll			
Ballot papers Supplied	Total Number Supplied	Number used excluding spoilt ballot papers	Number of spoilt ballot papers	Number of unused ballot papers	Total of Cols 2-4 (This must equal Col. 1)
	(1)	(2)	(3)	(4)	(5)
Ballot papers numbered					
(a) ..... to ..... inc					
(b) ..... to ..... inc					
(c) ..... to ..... inc					
(d) ..... to ..... inc					
(e) ..... to ..... inc					
(g) ..... to ..... inc					
(h) ..... to ..... inc					
(i) ..... to ..... inc					
(j) ..... to ..... inc					
(k) ..... to ..... inc					
(l) ..... to ..... inc					
(m) ..... to ..... inc					
(n) ..... to ..... inc					
(o) ..... to ..... inc					
(p) ..... to ..... inc					
(q) ..... to ..... inc					
(r) ..... to ..... inc					
(s) ..... to ..... inc					
(t) ..... to ..... inc					
Total .....					

I hereby certify that this is a correct statement of all ballot papers supplied to me.  
Date ....., 19 .....

(Signature of Presiding Officer)

REPUBLIC (CREST) OF ZAMBIA  
THE ELECTORAL (GENERAL) REGULATIONS  
(Regulation 42)

STATEMENT OF REJECTED BALLOT PAPERS

.....Constituency  
Date of Poll ....., 19 .....

Reasons for rejection by Returning Officer	Total
1. No official mark .. .. .	.....
2. Votes shown for more than one candidate. . . . .	.....
3. Voter identified by mark .. .. .	.....
4. Unmarked or invalid due to uncertainty .. .. .	.....
Total number of Rejected Ballot Papers .. .. .	.....

Hereby certify that this is a correct statement of the ballot papers rejected by me as invalid.,

Date ....., 19 .....

(Signature of Returning Officer)

INSTRUCTIONS

1. To be completed by the Returning Officer at the conclusion of the count and before announcing the result.
2. The rejected ballot papers must be placed together in a marked envelope which must be sealed by the Returning Officer.

REPUBLIC (CREST) OF ZAMBIA  
THE ELECTORAL (GENERAL) REGULATIONS  
(Regulation 49)

DECLARATION OF RESULT OF POLL

I, (full name of Returning Officer) .....

being the Returning Officer for the .....

Constituency, do hereby declare that I have, in accordance with the law, ascertained the result of the Poll of the said constituency and that there have been given to:

- (1) ..... Votes
- (2) ..... Votes
- (3) ..... Votes
- (4) ..... Votes
- (5) ..... Votes
- (6) ..... Votes
- (7) ..... Votes
- (8) ..... Votes
- (9) ..... Votes
- (10) ..... Votes
- (11) ..... Votes
- (12) ..... Votes
- (13) ..... Votes
- (14) ..... Votes
- (15) ..... Votes
- (16) ..... Votes
- (17) ..... Votes
- (18) ..... Votes
- (19) ..... Votes
- (20) ..... Votes

and I therefore declare the said .....

..... Constituency

Date ....., 19 ..... Signed .....

Full name in BLOCK CAPITALS .....

INSTRUCTIONS

1. This form must be completed in duplicate by the Returning Officer and to declare the result of the poll, the text of the original must be read out aloud in public at the place where the counting of the votes takes place.
2. The full names of the candidates should be inserted in the spaces marked (1) to (20), the successful candidate's name being inserted at (1).
3. The original of this form must be delivered to the Electoral Commission by the quickest possible means. The duplicate must be retained by the Returning officer.

REPUBLIC (CREST) OF ZAMBIA  
 THE ELECTORAL (GENERAL) REGULATIONS  
 (Regulation 47)

REPORT ON VERIFICATION OF BALLOT PAPER ACCOUNTS

To: Director of Elections  
 P.O. Box 50272  
 Lusaka.

I, the undersigned, being the Returning Officer for the .....  
 Constituency, hereby report that I have, in accordance with regulation 55 of the Regulations, verified the ballot paper  
 accounts received from the Presiding Officer of every Polling Station in the Constituency by comparing them with the total  
 number of ballot papers contained in each ballot box and the total number of unused and spoilt papers delivered to me by  
 such Presiding Officers.

The results of such verification is as follows:

- Total number of ballot papers issued by me to Presiding Officers

2. Details obtained from Ballot Paper Accounts		Details obtained from physical check by returning Officer	
3. Number used excluding spoilt ballot papers		5. Total number of ballot papers contained in all boxes .. ..	
4. Number of spoilt ballot papers		6. Total number of spoilt ballot papers on hand	
5. Number of unused ballot papers		7. Total number of un- used ballot papers returned by Presiding Officer	

Date ....., 19 .....

(Signature of Returning Officer)

Instructions

- The verification of the ballot paper accounts shall take place at a time and a place notified by the Returning Officer to the candidates and in the presence of such candidates and election agents as may wish to attend.
- The totals to be entered at 1, 2, 3 and 4 above are obtained by adding the totals of all columns 1, 2, 3 and 4 respectively shown on the ballot paper accounts submitted by the Presiding Officer.
- The totals to be entered at 5, 6 and 7 above are those obtained by the Returning Officer at the counting of the votes.
- Explanation of any discrepancies must be made by the Returning Officer on the back of this form.

REPUBLIC OF ZAMBIA

THE ELECTORAL (GENERAL) REGULATIONS CERTIFICATE OF REGISTRATION TO VOTE AT POLLING STATION UNDER ELECTORAL (GENERAL)

(Regulation 26A)

To: Presiding officer, ..... Polling Station .....

..... Constituency.

The person specified below has applied under Regulation 26A for a certificate of registration as a voter and I am satisfied that such person is registered as a voter in accordance with the details shown.

VOTER'S ROLL NO.

POLLING DISTRICT

[Empty box for Voter's Roll No.]

[Empty box for Polling District]

SURNAME

[Grid for Surname]

OTHER NAME(s) (First name in full other names initials only)

[Grid for Other Name(s)]

RESIDENTIAL ADDRESS (Not P.O. Box No.)

[Grid for Residential Address]

[Grid for Residential Address]

NATIONAL REGISTRATION NUMBER

[Grid for National Registration Number]

Date ....., 19 .....

Electoral Officer

- 1. This certificate may only be issued to a voter whose name and National Registration Number as shown on his National Registration Card agree with the details shown in the register of voters for the polling district in which he claims he was registered.
2. This certificate may not be issued later than four days before the date appointed for the taking of the Poll in a Presidential and General Elections.
3. In addition to this certificate the National Registration Card must be produced to the presiding officer when application is made for a ballot paper.
4. On the issue of a ballot paper to the voter this certificate must be surrendered to the presiding officer.

(As amended by S.1. No. 124 of 1991 and No. 93 of 1994)

THE ELECTORAL (PRESIDENTIAL ELECTIONS) REGULATIONS

ARRANGEMENT OF REGULATIONS

PART I PRELIMINARY  
PART I  
PRELIMINARY

*Regulation*

1. Title and application
2. Interpretation

PART II NOMINATION PROCEDURE  
PART II  
NOMINATION PROCEDURE

3. Appointment of day for receiving nominations in election of President
4. Attendance of returning officer
5. Nominations of candidates
6. Withdrawal of nomination
7. Determination of validity of nomination papers
8. Procedure where more than one candidate is validly nominated
9. Procedure where only one candidate is validly nominated
10. Procedure where no candidate is validly nominated

PART III ELECTION PROCEDURE  
PART III  
ELECTION PROCEDURE

11. Appointment of a day for a poll for a Presidential election
12. Election procedure
13. Procedure for ascertaining number of votes received by each candidate
14. Failure of candidate to receive more than fifty per cent of votes
15. Declaration of results of election for President in Parliament
16. Declaration of result of election

PART IV MISCELLANEOUS  
PART IV  
MISCELLANEOUS

17. Corrupt and illegal practices and election offences
18. Has had its effect

SCHEDULE

SECTION 7-ELECTORAL (PRESIDENTIAL ELECTIONS) REGULATIONS

*Regulations by the Chief Justice*

*Statutory Instrument*  
109 of 1991  
*Act No.*  
13 of 1994

PART I PRELIMINARY

PRELIMINARY

1. (1) These Regulations may be cited as the Electoral (Presidential Elections) Regulations. Title and application

(2) These Regulations shall apply to every election to the office of President of the Republic.

2. In these Regulations, unless the context otherwise requires- Interpretation

"candidate" means-

- (a) in relation to any period before the close of the period appointed under regulation 3 for receiving nominations in an election, any person intending to stand for election in such election; and
- (b) in relation to any period after the close of the period appointed under regulation 3 for receiving nominations in an election, any person validly nominated as a candidate in such election;

"Commission" means an Electoral Commission established under Article *seventy-six* of the Constitution;

"election" means an election of a President held in pursuance of Article *thirty-four* or *thirty-eight* of the Constitution, and cognate expressions shall be construed accordingly;

"nomination paper" means a document in the Form PE 1 in the Schedule;

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"register of voters" means a register of voters prepared and certified, and in force, under the Electoral (Registration of Voters) Regulations;

"registered" means registered in a register of voters under the Electoral (Registration of Voters) Regulations;

"returning officer" means the returning officer specified in Article *forty-one* of the Constitution.

PART II NOMINATION PROCEDUREPART II

NOMINATION PROCEDURE

**3.** (1) Subject to the provisions of sub-regulation (2) and (3) the Commission shall, by statutory order, appoint the day on which, and the hours on such day within which, and the place at which, the returning officer shall receive the nominations of candidates in an election to which these Regulations apply.

Appointment of day for receiving nomination in election of President

(2) A day appointed under this regulation for an election in any circumstances including a dissolution of the National Assembly, shall be such as will enable a contested election to be held in accordance with these regulations (and if necessary Article *thirty-four* of the Constitution) within the relevant time prescribed by Article *thirty-eight* of the Constitution.

(3) Subject to the provisions of sub-regulation (2) the Commission may by statutory order, vary or amend any statutory order made under sub-regulation (1);

Provided that the Returning Officer may extend the closing time of the hours within which to receive nominations on the appointed day without the need for a statutory order under this sub-regulation if he is satisfied that a candidate and his supporters duly presented themselves to him before the close of the period fixed for the receipt of nominations but were prevented from lodging their nomination before the expiry of such period solely because the Returning Officer was then still receiving the nomination of another candidate.

**4.** It shall be the duty of the returning officer to attend at the place appointed under sub-regulation (1) of regulation 3, on the day and during the hours so appointed, for the purpose of receiving the nomination of candidates.

Attendance of returning officer

**5.** (1) Every candidate shall lodge a nomination paper with the returning officer on the day and during the hours appointed in accordance with regulation 3.

Nomination of candidates

(2) A nomination paper shall-

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- (a) state the political party of which the candidate is a member or by which he is sponsored, and the symbol that the candidate proposes to use;
- (b) be completed in all respects;
- (c) be signed by the candidate in the presence of the returning officer;
- (d) be subscribed by not less than two hundred registered voters who support the candidate;
- (e) be accompanied by the declaration as in the Form PE 2 in the Schedule made under paragraph (b) of clause (5) of Article *thirty-four* of the Constitution;
- (f) be accompanied by such evidence as the returning officer may accept that the proposed symbol is registered with the Director of Elections in respect of the candidate;
- (g) be accompanied by an election fee in the sum of one thousand six hundred fee units, which fee shall not be refunded once the nomination has been lodged.

(As amended by Act No. 13 of 1994)

**6.** A candidate may withdraw his nomination paper by notice in writing signed by him and delivered by him to the returning officer before the close of the period appointed under regulation 3 for receiving nominations.

Withdrawal of nominations

**7. (1)** The returning officer shall, within forty-eight hours after the close of the period appointed under regulation 3 for receiving nominations, determine the validity of each nomination paper lodged under regulation 5, and shall declare any nomination paper invalid if he is satisfied-

Determination of validity of nomination papers

- (a) that the nomination paper is not subscribed or endorsed or lodged in compliance with regulation 5; or
- (b) that the nomination paper is not accompanied by the declaration referred to in paragraph (b) of clause (5) of Article *thirty-four* of the Constitution; or
- (c) that the election fee was not paid.

(2) The returning officer shall, not later than forty-eight hours after the close of the period, appointed under regulation 3 for receiving nominations, notify each candidate in writing of his decision in respect of such candidate under sub-regulation (l) and shall, if the nomination paper of any such candidate is declared invalid, notify such candidate of the reasons therefor:

Provided that it shall be a sufficient compliance with this subregulation if such notice is served upon such candidate by post at his last known postal address.

**8.** Where the returning officer determines under regulation 7 that more than one candidate is validly nominated, he shall forthwith publish, in such manner as he may deem necessary for giving sufficient publicity thereto, the names of the candidates validly nominated, and shall cause notice thereof to be published in the *Gazette* and shall inform the Commission accordingly.

Procedure where more than one candidate is validly nominated

**9.** Where the returning officer determined under regulation 7 that one candidate only is validly nominated, he shall, in accordance with the provisions of clause (12) of Article *thirty-four* of the Constitution declare such candidate to be elected as President, and shall forthwith publish such declaration in such manner as he may deem necessary for giving sufficient publicity thereto, and shall cause notice thereof to be published in the *Gazette* and shall inform the Commission accordingly.

Procedure where only one candidate is validly nominated

**10.** Where the returning officer determines under regulation 7 that no candidate is validly nominated, he shall forthwith notify the Commission in writing of such determination, and the Commission shall exercise its powers under regulation 3 to appoint another day for receiving nominations.

Procedure where no candidate is validly nominated

### PART III ELECTION PROCEDUREPART III

#### ELECTION PROCEDURE

**11.** Where two or more candidates are validly nominated under these Regulations, or where it is necessary in a poll in accordance with clause (7) of Article *thirty-four* of the Constitution to take a further poll, the Commission shall appoint the day on which and the hours on such day within which, presiding officers may take a poll for the election of a President.

Appointment of a day for a Presidential election

**12.** (1) A poll for the election of a President shall be taken in each constituency, and the provisions of Part III (other than Head A and Part V of the Electoral (General) Regulations) shall with necessary modification apply to, and in relation to, the taking of such poll.

Election procedure Cap. 13

(2) The Director of Elections may give such directions as in his opinion are necessary to give effect to the provisions of sub-regulation (l).

**13.** For the purpose of determining whether any candidate is entitled to be declared elected under clause (7) or clause (9) of Article *thirty-four* of the Constitution, the returning officer shall refer to the information notified to him by the Commission under sub-regulation (3) of regulation 49 of the Electoral (General) Regulations, and ascertain the total number of votes cast in favour of each candidate in accordance with such information; and if a Presidential candidate records more than fifty per cent of the valid votes cast, the returning officer shall declare him to be elected as President.

S.I. No. 108 of 1991

**14.** If-

Failure of candidate to receive more than fifty per cent of votes

- (a) on an initial poll, no candidate receives more than fifty per cent of the valid votes cast at the election the returning officer shall so inform the Commission, and the Commission shall, in accordance with regulation 11 appoint a day for taking a further poll;
- (b) on a second poll, no candidate receives more than fifty per cent of the valid votes cast, or there are two candidates who have received an equal number of votes the returning officer shall so inform the President in accordance with clause (9) of Article *thirty-four* of the Constitution.

**15.** Where a vote is taken at a session of the National Assembly in accordance with clauses (10) and (11) of Article *thirty-four* of the Constitution, the result shall be declared by the returning officer.

Declaration of results of election for President in Parliament

**16.** For the purpose of declaring the result of an election determined otherwise than in accordance with clause (10) and (11) of Article *thirty-four* of the Constitution, the returning officer shall complete a declaration in writing of the result of the election as in the Form PE 3 in the Schedule, and, where more than one candidate is validly nominated for election, the returning officer shall-

Declaration of result of election

- (a) publish the details in respect of each candidate in such manner as he may deem necessary for giving sufficient publicity thereto; and
- (b) cause notice of such declaration to be published in the *Gazette*; and
- (c) deliver such declaration, completed as aforesaid, to the Commission, together with a statement in writing in respect of each candidate of the details of such result.

(2) Where a President is elected in accordance with Article *thirtyfour* of the Constitution, the returning officer shall certify the result to the Commission.

PART IV MISCELLANEOUSPART IV

MISCELLANEOUS

**17.** The provisions of Part IV of the Electoral (General) Regulations, shall apply with necessary modification to an election of a President as they apply to, and in respect of elections of members of the National Assembly. Corrupt and illegal practices and election offences

**18.** Has had its effect.

REPUBLIC OF ZAMBIA

THE ELECTORAL (PRESIDENTIAL ELECTIONS) REGULATIONS

(Regulation 5)

NOMINATION PAPER FOR ELECTION TO THE OFFICE OF PRESIDENT

To: THE CHIEF JUSTICE

I, ..... (full names)

being a candidate for election to the office of President of the Republic of Zambia do solemnly and sincerely declare that:

- (i) I am a citizen of Zambia;
- (ii) I have attained the age of thirty five years;
- (iii) I am a member of/sponsored by .....
- (iv) I am qualified to be elected as a member of the National Assembly;
- (v) my residential address is .....  
.....
- (vi) my postal address is .....
- (vii) my proposed symbol is .....

I make this solemn declaration conscientiously believing the same to be true

Signed .....

Chief Justice/Returning Officer

We, being registered voters for the purposes of elections to the National Assembly support the candidature of .....  
(full names of candidate)

---

	Full name in BLOCK CAPITALS	Number of voter's Registration Card	Polling District in which regis- tered as a voter	Signature Thumbprint
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

to

REPUBLIC OF ZAMBIA  
THE ELECTORAL (PRESIDENTIAL ELECTIONS) REGULATIONS  
(Regulation 6)

STATUTORY DECLARATION OF ASSETS AND LIABILITIES LODGED AT NOMINATION

I, .....(full names)

being a candidate for election to the office of President of the Republic of Zambia do solemnly and sincerely declare that the statement annexed hereto\* is made by me for the purposes of Articles 32 of the Constitution and is a true and complete statement of my assets and liabilities.

AND I make this solemn declaration conscientiously believing the same to be true.

Signed .....

Subscribed and solemnly declared before me this ..... day of  
.....,19.....

.....

Chief Justice/Returning Officer

NOTE: A typed or clearly printed/written statement of assets and liabilities must be annexed to this declaration.

REPUBLIC OF ZAMBIA

THE ELECTORAL (PRESIDENTIAL ELECTIONS) REGULATIONS

(Regulation 15)

DECLARATION OF THE RESULT OF AN ELECTION TO THE OFFICE OF PRESIDENT

WHEREAS Parliament was dissolved on the ..... day of ..... ,19.....

AND WHEREAS an election to the office of President has been pursuant to Article *thirty-two* of the Constitution.

NOW THEREFORE, I (*full name of Returning Officer*) ..... being the Returning Officer for the election to the office of President do hereby declare that I have, in accordance with law, ascertain the result of such election and I therefore declare (*name of elected candidate in BLOCK LETTERS*) ..... being the only candidate validly nominated in such election\* to be duly elected as

President of the Republic of Zambia, this .....day of ..... ,19.....

Signed .....

*Chief Justice/Returning Officer*

LUSAKA  
ZAMBIA

\*Where more than one candidate has contested the election delete the words \*being the only candidate validly nominated in such election".

SECTION 17 AND 18-ELECTORAL (CONDUCT) REGULATIONS

*Regulations by the Electoral Commission*

- |   |  |
|---|--|
| <p>1. These Regulations may be cited as the Electoral (Conduct) Regulations.</p>  | Title  |
| <p>2. In these Regulations, unless the context otherwise requires, "monitor" includes an observer, a pressman and a photographer.</p>   | Interpretation   |
| <p>3. Every person shall during election campaigns and elections promote conditions conducive to the conduct of a free and fair election.</p>   | Duty of every person during election campaigns and elections |
| <p>4. Every person shall have the right to-</p> <ul style="list-style-type: none"><li>(a) express his political opinions;</li><li>(b) debate and contest the policies and programmes of other parties;</li><li>(c) canvas freely for membership and support from voters;</li><li>(d) hold public meetings;</li><li>(e) distribute electoral literature and campaign materials;</li><li>(f) publish and distribute notices and advertisements;</li><li>(g) erect banners, placards and posters;</li><li>(h) campaign freely; and</li><li>(i) participate freely in political activities.</li></ul> | Rights of every person                                       |

The Laws of Zambia

5. Every political party shall establish and maintain effective lines of communication with the Commission, and with other registered parties, at national and local level, including the exchange of names, addresses and contact telephone and facsimile numbers of party election agents and of other relevant office bearers and representatives.

Duties of every political party

6. A person shall not coerce or intimidate another person during election campaigns, public debates or elections.

Prohibition of coercion or intimidation

7. (1) A person shall not-

Prohibition of violence and other unlawful acts

- (a) cause violence or use any language or do any kind of action which may lead to violence or intimidation during election campaigns or elections;
- (b) carry or display arms or weapons of any kind at a political meeting or in the course of any march, demonstration or other event of a political nature;
- (c) make false, defamatory or inflammatory allegations concerning any person or party in connection with an election, but shall confine criticism and comments to policies and programmes of the parties;
- (d) arrange a public meeting, demonstration, rally or march at the same time and venue as another similar political event organised by another party;
- (e) impede the democratic right of any party, through its candidates canvassers or representatives, to have reasonable access to voters for the purposes of conducting voter education, fund raising, canvassing membership and soliciting support;
- (f) plagiarize the symbols, colours or acronyms of other parties;
- (g) remove, disfigure or destroy any political campaign materials of any party;
- (h) offer any inducement or reward to any person in consideration of such person-
  - (i) joining or not joining any party;
  - (ii) attending or not attending any political event;
  - (iii) voting or not voting; or

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- (iv) accepting, refusing or withdrawing such person's nomination as a candidate in the election;
- (i) abuse or attempt to abuse a position of power, privilege or influence, including parental, patriarchal or traditional authority, for political purposes, including any offer of a reward or threat;
- (j) propagate any opinion or action which in any manner is prejudicial to the sovereignty, integrity or security of the country, to the maintenance of public order, or to the independence of any institution;
- (k) in any way campaign either individually or collectively on polling day;
- (l) use government transport or facility for campaign purposes or to carry voters to polling stations:

Provided that this paragraph shall not apply to the President and the Vice-President; or

- (m) in any way discriminate against any person on grounds of race, sex, ethnicity, class, gender or religion in connection with the election or political activity.

(2) Where any form of Government transport or property is available for hire, it shall be made accessible to all political parties at a fee on the first come, first serve basis.

8. (1) All electronic media shall provide-

Duty of media

- (a) fair and balanced reporting of the campaigns, policies, meetings, rallies and press conferences of all registered political parties during the period of campaigning; and
- (b) news of the electoral process up to the close of poll.

(2) All media shall-

- (a) report election news in an accurate manner and shall not make any abusive editorial comment or encourage racism, religious intolerance or hatred;
- (b) identify any editorial comment they wish to make and separate it from the news.

(3) All media personnel shall-

- (a) conduct interviews with candidates with fairness both in the style of the interview and in the amount of the time given;
- (b) not broadcast their own political opinion, commentary or assessment, but where they wish to do so, they shall clearly identify the opinion, commentary or assessment as their own and shall carefully balance it in order to avoid bias.

**9.** (1) All television and radio broadcasters shall allocate equal air-time to parties for their political broadcasts. Air time

(2) A party shall not buy more than thirty minutes air-time on television or radio, except where one party's allocated time is totally or partially unused, in which case other parties may buy that extra time on a first come, first serve basis.

(3) A party shall not buy more than fifteen minutes air-time in any one language on the television or radio in any one week:

Provided that if one party's allocated time is totally or partially unused, other parties may buy that extra time on a first come, first serve basis.

(4) Television and radio broadcasters shall not schedule any party's political broadcast or other political discussion or interview, opinion poll results or broadcast prediction of the result of polling day until the polls have closed.

**10.** (1) All media shall devise an election results programme which shall keep the electorate up to date with the progress of the vote-counting process shall avoid unfounded speculation which may cause instability and shall broadcast confirmed election results as they become available. Election results programme

(2) Television and radio stations shall-

- (a) maintain full records of all radio and television news bulletins and recordings of all other programmes related to the election, including party political broadcasts and shall institute a close and meticulous monitoring system to ensure balance throughout the campaign and up to the close of poll.
- (b) provide the Electoral Commission at any reasonable time with all such records, information and recordings as the Commission may require to fulfil its monitoring role.

(3) The Commission may require newspapers to provide the possibility for inspection of back copies in the event of a complaint.

(4) Any candidate or party who wishes to make a complaint of unfair treatment or coverage in the course of the election campaign, shall send it in writing to the Commission.

(5) Where any complaint made under sub-regulation (5) has the effect of asking any media outlet to correct a mistake, the candidate making the complaint shall send the complaint to that media outlet and a copy of it to the Electoral Commission, which shall respond to any such complaint.

(6) Where a right of reply, a retraction or the correction of a matter of significance is necessary, such a response must be placed or scheduled in a position of equal prominence.

**11.** (1) A person shall not act as a local or foreign monitor, during election campaigns and elections unless he is duly recognised and authorised by the Electoral Commission.

Monitors

(2) Local monitors shall be nominated by their organisations and shall undergo training and assessment by their organisations.

(3) Monitors shall be provided with necessary identification by the Electoral Office and their organisations.

(4) The conduct of monitors shall conform to the Constitution, the Electoral Act and Regulations made under it, the Code of Conduct for monitors and the directives of the electoral officials or any lawful instructions of any person acting on their behalf.

(5) Monitors shall-

- (a) be impartial in the conduct of their duty, and shall at no time publicly indicate or express any bias or preference with reference to any party or candidate;
- (b) be in a sufficient number at each polling station and shall ensure that their presence is widely known and recognised by the electorate;

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- (c) not under any circumstances whatsoever, interfere with the duties of the election officials in anyway, and shall immediately report any violation to the proper authority;
- (d) ensure that any material information or reports which they receive, any event, occurrence or statement of which they have been notified or which indicates the commission of an offence or infringement of the Electoral Act or these Regulations are brought to the attention of their organisations, the enforcement agents, the Elections Office and other parties concerned;
- (e) maintain secrecy with reference to any matter affecting voting and counting of votes and shall not by themselves or through their organisation declare the result of any election before the declaration by the Electoral Commission;
- (f) when so requested immediately identify themselves to any election officer, or law enforcement officer and shall during the conduct of their activities, at all times carry, wear or otherwise prominently display the prescribed identification badges or cards issued by the Electoral Commission;
- (g) not display allegiance to any party at any time and shall refrain from carrying, wearing and displaying electoral material or any article of clothing, emblem, colours, badges or other items denoting support for or opposition to, any party or candidates or any of the issues in contention in the elections;
- (h) not be involved in corrupt practices or accept any favours, so as to make statements in favour or against any candidate or political party;
- (i) refrain from carrying or displaying arms or other dangerous weapons during the conduct of their activities or while wearing their monitor identification.

(6) Monitors and their sponsoring organisations shall, whenever requested by the Electoral Commission, attend such briefings, training workshops and other meetings convened in order to co-ordinate their activities.

(7) After the results of the elections, monitors shall handover to the Electoral Commission any identification they received from it.

**12.** Any person who contravenes these Regulations shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding three hundred thousand kwacha or to imprisonment for a term not exceeding three months or to both.

Offences and penalties