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GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT No. 108 OF 1991

The Electoral Act, 1991
(Act No: 2 of 1991)

The Electoral (General) Regulations, 1991

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In EXERCISE of the powers contained in section *seventeen* of the Electoral Act, 1991, the following Regulations are hereby made:

PART 1

PRELIMINARY

- | | |
|----------------|---|
| Title | 1. These Regulations may be cited as the Electoral (General) Regulations, 1991. |
| Interpretation | 2. (1) In these Regulations, unless the context otherwise requires— |
| | “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; |
| | “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; |
| Cap. 434 | “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;
- “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. 434
- “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, 1991, for the taking of such poll S.I. No. 109
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- 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; Cap. 19,
p. 71
- “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; Cap. 19,
p. 71
- “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 PROVISIONS

Functions of
Director of
Elections

3. The Director of Elections shall—

- (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.

Election
officers

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

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

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

(c) appoints any person to be 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 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 nomi-

nations 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).

Procedure
upon death
of a
candidate

9. Where the Commission is satisfied that a candidate validly nominated for election in a constituency has 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.

Allocation
and
registration
of symbols

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.

(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:

Determina-
tion 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.

Appoint-
ment 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—

- (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 ASSEMBLY

A. Procedure for Nomination

Nomination
for election

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:

(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 two 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.

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 sub-regulation (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—

Determina-
tion 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.

Nomination
in more than
one
constitue-
ncy

17. (1) In any election, no person shall seek to lodge nomination papers 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.

Procedures
after deter-
mination of
validity of
nominations

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.

(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.

Returning
officer to
publish
information
locally

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.

(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.

Establish-
ment 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.

Appoint-
ment 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.

Adjourn-
ment 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.

(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.

(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 not 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.

(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—

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

(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;

Nature
of poll

Ballot
paper

Issuance
ballot
paper

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

(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 voters' registration card;
- (c) has properly identified himself under paragraph (c) of sub-regulation (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.

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—

- (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

Preparations for taking of poll

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.

Ballot boxes,
official seals
and official
marks

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.

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

Procedure
before
commence-
ment of poll

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.

(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.

Control
of persons
entering
polling
station

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.

(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;
- (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 1 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

- (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 immense 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 though 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) stamp the voter's registration card produced by such voter under regulation 26 with the official mark; and
- (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.

Votes to be
cast without
undue delay

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.

(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 (d) 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 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.

Voting by persons employed on election duties

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 assistants, 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.

(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.

Polling assistant may act during absence of presiding officer

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.

Procedures after close of poll

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

(a) close and seal with the official seal the aperture of every ballot box used for the poll and permit any such candidate or election 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 papers;

(ii) in a packet marked "C", the copy of the voters' roll marked in accordance with regulation

31 (b) sub-paragraph (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 and of this regulation, together 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.

Examina-
tion of seals
of packets
and ballot
boxes
received by
returning
officer

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 subregulation (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.

(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.

The count

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

(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:

(a) the returning 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 each ballot box without reference to the manner in which such ballot papers are marked;

(b) subject to the provisions of regulation 42, the returning officer shall then count and record the total number of valid ballot papers in respect of each candidate:

Provided that the ballot papers contained in any ballot box shall be mixed with those from at least one other ballot box before being so counted;

(c) in the case of ballot papers relating to an election to the office of the President, the returning officer shall count and record the total numbers of valid

ballot papers in respect of each candidate in accordance with the other provisions of this regulation.

- (d) the returning officer shall ensure that, while counting the ballot papers, the counting assistant keep the side of each ballot paper on which the vote is recorded upwards, and shall take all precautions for preventing any person present at the count from seeing the number printed on each ballot paper.

42. (1) The returning officer, subject to sub-regulation (2), reject as invalid, and shall not count, any ballot paper—

Rejection
of ballot
papers

- (a) which does not bear the official mark, unless the returning 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) A ballot paper on which the vote is marked;

- (a) elsewhere than in the proper place; or
- (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.

(3) The returning officer shall write the word "rejected" on any ballot paper which under this regulation is not to be counted, 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) 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;
- (d) unmarked or invalid for uncertainty;

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

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

Recounting
of votes

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 returning officer to have the votes recounted or again recounted, or the returning officer may, on his own initiative, have the votes recounted or again recounted:

Provided that 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 returning officer shall make a recount of the votes cast in respect of such candidates.

(3) No step shall be taken by 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.

Equality
of votes

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.

E. Procedure after the Count

Ballot
papers
to be sealed
in packets
after
completion
of counting

46. On the completion of the counting 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.

Verification
of ballot
papers
accounts

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.

(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;
- (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 packets 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 sub-regulation (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 subsection (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 subsection (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

Declaration
of results of
poll

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

- (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 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;
- (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 *bona fide* and lawfully incurred in respect of the conduct or management of an election.

Personation

52. Any person who—

- (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.

Treating

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.

Undue influence

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

- (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 ten thousand kwacha or to imprisonment for a period not exceeding two years, or to both such fine and imprisonment.

Penalties
for corrupt
practices

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.

Illegal
practice in
respect of
nomination
of
candidates

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.

(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.

Illegal
practice in
respect of
public
meetings

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
broadcasts

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
practices
relating to
the poll

60. (1) Any person who—

- (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,

The result of such verification is as follows:

1. 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	
Number of unused ballot papers		7. Total number of unused ballot papers returned by Presiding Officers	

Date:.....19.....

(Signature of Returning Officer)

INSTRUCTIONS

1. 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.
2. 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 Officers.
3. The totals to be entered at 5, 6 and 7 above are those obtained by the Returning Officer at the counting of the votes.
4. Explanation of any discrepancies must be made by the Returning Officer on the back of this form.

Made by the Electoral Commission at Lusaka this 4th day of September, 1991.

BON. JUSTICE M. M. S. W. NGULUBE,
Chairman

W. P. NYIRENDA,
Member

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 109 OF 1991

The Electoral Act, 1991
(Act No. 2 of 1991)**The Electoral (Presidential Elections) Regulations, 1991**

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11. Appointment of a day for a poll for a Presidential election
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*Copies of this Statutory Instrument can be obtained from the Government Printer,
P.O. Box 30136, 10100, Lusaka. Price K5.00 each*

Regulation

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**

17. Concept and illegal practices and election offences
18. Revocations

SCHEDULE

IN EXERCISE of the powers conferred upon the Electoral Commission by section *seventeen* of the Electoral Act, 1991, the following Regulations are hereby made:

PART I

PRELIMINARY

1. (1) These Regulations may be cited as the Electoral (Presidential Elections) Regulations, 1991. 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;

“register of voters” means a register of voters prepared and certified, and in force, under the Electoral (Registration of Voters) Regulations; Cap. 10, p. 71

“registered” means registered in a register of voters under the Electoral (Registration of Voters) Regulations; Cap. 10, p. 7

“returning officer” means the returning officer specified in Article *forty-one* of the constitution.

PART 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 a other candidate.

Attendance
of returning
officer

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.

Nomination
of candidates

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.

(2) A nomination paper shall—

- (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 twenty thousand kwacha, which fee shall not be refunded once the nomination has been lodged.

FORM PE 2

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 purpose 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

FORM PE 3

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 section *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.....

LUSAKA
ZAMBIA

Signed.....
Chief Justice/Returning Officer

†Where more than one candidate has contested the election delete the words "being the only candidate validly nominated in such election".

Made by the Electoral Commission at Lusaka this 5th day of September, 1991.

HON. JUSTICE M. M. S. W. NGULUBE,
Chairman

W. P. NYIRENDA,
Member