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CAP. 19

REPUBLIC OF ZAMBIA

ELECTORAL

CHAPTER 19 OF THE LAWS OF ZAMBIA



CHAPTER 19

THE ELECTORAL ACT

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title and application
2. Interpretation

PART II

REGISTRATION AND VOTING: QUALIFICATIONS

3. Qualifications for registration of voters
4. Disqualifications from registration of voters
5. Qualifications for voting
6. Disqualifications from voting

PART III

NATIONAL ASSEMBLY ELECTIONS: QUALIFICATIONS

7. Qualifications for election to National Assembly
8. Disqualifications for election to National Assembly

PART IV

PROVISIONS FOR ELECTION OF PRESIDENT

9. Qualifications for election as President following dissolution of Parliament
10. Powers of Commission to regulate election of President following dissolution of Parliament
11. Selection of President upon equality of votes

PART V

ELECTORAL COMMISSION AND REGULATION OF ELECTIONS

12. Supervision by Commission
13. Appointment, remuneration and functions of election officers
14. Power of Commission to require information and issue instructions
15. Nomination of candidate
16. Regulatory powers of Commission

PART VI

ELECTION PETITIONS

Section

17. Avoidance of elections
18. Who may present election petitions
19. Relief which may be claimed in election petition
20. Form and procedure for presentation of election petitions
21. Duty of Registrar to make out list of election petitions
22. Rules of practice and procedure; security for costs
23. Withdrawal of election petitions
24. Substitution of new petitioners
25. Abatement of election petitions
26. Trial of election petitions
27. Provisions as to witnesses
28. Conclusion of trial of election petitions
29. Provisions as to costs

PART VII

OTHER QUESTIONS RELATING TO NATIONAL ASSEMBLY

30. Applications re Speaker and membership of National Assembly
31. Effect of determination

PART VIII

MISCELLANEOUS

32. Exemption from stamp duty
33. When incapacity may be removed
34. No person required to state how he voted
35. Evidence as to holding of election
36. Validation of certain documents

CHAPTER 19

ELECTORAL

24 of 1968
50 of 1968
18 of 1989

An Act to provide for elections to the National Assembly; to provide for the registration of voters and the conduct of elections; to make provision relating to elections to the office of President; to empower the Electoral Commission established under section 67 (2) of the Constitution 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 the membership of the National Assembly; and to provide for matters incidental to or connected with the foregoing.

[10th May, 1968]

PART I

PRELIMINARY

Short title
and
application

1. (1) This Act may be cited as the Electoral Act.

(2) The provisions of this Act shall not apply in relation to elections held before the expiry of the interim period:

Provided that nothing in this section shall be construed as to prohibit the making of any statutory instrument under this Act during the interim period for the purpose of preparing, and regulating the preparation of, registers of voters for use in, and for the purpose of regulating the conduct of, elections following the expiry of the interim period.

Interpreta-
tion

2. (1) In this Act, unless the context otherwise requires—

"candidate" means any person nominated as a candidate for election as a member;

App. 1

"Commission" means the Electoral Commission established under section 67 (2) of the Constitution;

App. 1

"constituency" means any of the constituencies into which Zambia is divided under section 68 of the Constitution for the purposes of elections;

"corrupt practice" means any offence against this Act which is declared under this Act to be a corrupt practice;

"costs" includes charges and expenses;

Cap. 131

"Defence Force" means the Defence Force maintained under section four of the Defence Act:

" Director of Elections " means the person for the time being holding or acting in the public office of Director of Elections:

" election " means the election in a constituency of a member to the National Assembly, and cognate expressions shall be construed accordingly;

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

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

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

" interim period " has the meaning assigned thereto in section 9 (1) of the Zambia Independence Order, 1964; App. 1

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

" nominated member " means a person appointed under section 60 of the Constitution as a nominated member of the National Assembly; App. 1

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

" register of voters " means a register of voters for any constituency, or part of a constituency, 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*;

" voter " means a person who is entitled to vote at an election under section *five*.

(2) For the purposes of this Act, " 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:

- (i) 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

- (ii) 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
- (iii) any moneys deposited by or on behalf of a candidate with an election officer under any provision of this Act relating to the nomination of candidates for election.

PART II

REGISTRATION AND VOTING: QUALIFICATIONS

Qualifica-
tions for
registration
of voters

3. Subject to the provisions of section *four*, every person shall be qualified for registration as a voter who—

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

Disquali-
fications
from
registration
of voters

4. (1) No person shall be qualified for registration as a voter, and no person shall be registered as a voter, who—

- (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;
- (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. 160

Cap. 434

(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.

Qualifica-
tions
for voting

5. (1) Subject to the provisions of this section and of section *six*, every person who is registered in a register of voters shall be entitled to vote at an election under this Act.

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

6. No person shall be entitled to vote at an election under this Act 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) is in lawful custody at the date of that election.

PART III

NATIONAL ASSEMBLY ELECTIONS: QUALIFICATIONS

7. Subject to the provisions of section eight, a person shall be qualified for election as a member of the National Assembly if, and shall not be qualified to be so elected unless—

Qualifications for election to National Assembly

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

8. (1) No person shall be qualified for election as a member of the National Assembly who—

Disqualifications for election to National Assembly

- (a) holds or is acting in any public office;
- (b) is a member of the Defence Force;
- (c) is a member of the Zambia Police Force;
- (d) is a member of any Commission established by or under the Constitution;
- (e) is an election officer;
- (f) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in Zambia;
- (g) is under a declaration of allegiance to some country other than Zambia;
- (h) is, under any law in force in Zambia, adjudged or otherwise declared to be of unsound mind;
- (i) 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.

App. 1

(2) No person who holds the office of President shall be qualified for election as a member of the National Assembly.

(3) 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 to be nominated 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.

(4) 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.

PART IV

PROVISIONS FOR ELECTION OF PRESIDENT

Qualifications for election as President following dissolution of Parliament

9. A person shall be qualified for election as President in an election to the office of President following a dissolution of Parliament if, and shall not be so qualified unless—

- (a) he is a citizen of Zambia; and
- (b) he has attained the age of thirty years; and
- (c) he is entitled to vote at an election under this Act.

Powers of Commission to regulate election of President following dissolution of Parliament. App. I

10. Subject to the provisions of section 33 of the Constitution, the Commission may, by statutory instrument, make regulations prescribing the manner in which an election to the office of President following a dissolution of Parliament shall be held, and in particular, but without prejudice to the generality of this section, prescribing—

- (a) the day and time for delivery to the Chief Justice, as the returning officer for the purposes of such an election, of nominations of candidates in such an election;
- (b) the manner in which nominations of candidates in such an election shall be supported.

Selection of President upon equality of votes. App. I

11. (1) Where, in an election to the office of President following a dissolution of Parliament, there is an equality of votes entitling more than one candidate to be declared elected under section 33 (4) (d) of the Constitution, the following provisions of this section shall apply for the purpose of selecting one of those candidates as President.

(2) Where there is an equality of votes as aforesaid, the Chief Justice shall forthwith notify the President in writing of such equality of votes and of the names of the candidates entitled to be declared elected as aforesaid.

(3) Whenever the President receives notification from the Chief Justice under subsection (2), he shall summon the National Assembly to meet on such day as he may appoint, being a day not later than seven days after he receives such notification.

(4) At a meeting of the National Assembly summoned for the purposes of this section, the President shall submit to the National Assembly the name of each of the candidates entitled to be declared elected as aforesaid, and the members of the National Assembly present at such meeting shall select by ballot, in such manner as not to disclose how any particular member voted, one of those candidates as President.

(5) The candidate who receives the votes of the majority of the members present and voting in a ballot under subsection (4) shall be deemed to be selected as President, and the Speaker shall forthwith notify the Chief Justice in writing of the name of the candidate so selected as President.

(6) Upon receipt of a notice under subsection (5), the Chief Justice, as returning officer, shall declare the candidate named in such notice to be elected as President.

(7) Subject to the provisions of the Constitution, no business other than the selection of a candidate as President under this section shall be transacted at a meeting of the National Assembly summoned for the purposes of this section.

App. 1

PART V

ELECTORAL COMMISSION AND REGULATION OF ELECTIONS

12. The registration of voters and the conduct of every election shall be subject to the direction and supervision of the Commission.

Supervision
by
Commission

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

Appoint-
ment,
remunera-
tion and
functions of
election
officers

(2) In respect of any election, an 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 Act, "election officer" means a person appointed by the Commission to be—

- (a) a returning officer;
- (b) an assistant returning officer;
- (c) an election 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 powers are conferred on the Director of Elections under this Act in respect of any election, includes the Director of Elections.

Power of
Commission
to require
information
and issue
instructions

14. 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.

Nomination
of candidate

15. Every candidate for election in a constituency shall be nominated by means of a nomination paper subscribed in the presence of the returning officer for that constituency, by a proposer and a seconder and not less than seven other persons. Such proposer, seconder and other persons shall be voters registered in the register of voters for a polling district in the constituency. (No. 18 of 1961)

History
of
provisions

16. (1) Subject to the provisions of the Constitution and the Commission may by statutory instrument, make regulations providing for the registration of voters for the purpose of the election of members of the Commission and for the procedure and manner of the election of members.

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

- (a) the division of Districts into polling districts;
- (b) the assignment of polling stations to polling districts;
- (c) the election 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;
- (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 of one polling district to that of another polling district, and the restoration of names to registers of voters;
- (i) the nomination of candidates for any election;
- (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 deposits by candidates and the circumstances in which such deposits are to be forfeited;
- (m) in respect of an election in which candidates are required by the Constitution to declare, at the time of their nomination, which of the candidates in an election of President they support, the manner in which such declaration shall be made; App.1
- (n) the use of, and the allocation of, symbols at an election;
- (o) the appointment of, and the duties of, election agents and polling agents;
- (p) the equipment and facilities to be provided at polling stations;
- (q) the persons who may be admitted to polling stations;
- (r) the manner and procedure of voting at an election;
- (s) the manner of ascertaining the identity of persons wishing to vote at elections and whether such persons are qualified to vote;
- (t) the manner in which persons who are blind, or otherwise incapacitated, may vote;
- (u) voting by persons employed on election duties on the day of an election;
- (v) the maintenance of secrecy at elections;
- (w) the postponement of, adjournment of and extension of time for a poll in case of riot or open violence at an election;

- (x) the administering of oaths or affirmations by election officers in respect of such matters as may be prescribed;
- (y) the procedure to be followed at the conclusion of a poll in an election;
- (z) 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;
- (aa) 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;
- (bb) the procedure to be followed where only one person is duly nominated for election in a constituency;
- (cc) the declaration, notification and publication of the results of an election;
- (dd) 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;
- (ee) election expenses and the return of election expenses;
- (ff) the notification and publication of any vacancy in the elected membership of the National Assembly, and the fixing of a date for an election to fill such vacancy;
- (gg) the fixing of a date for an election following a dissolution of Parliament;
- (hh) the forms and records to be used for any of the purposes of this Act;
- (ii) any matter to be prescribed under this Act.

(3) Regulations under this section may provide in respect of any contravention thereof that the offender shall be liable to a fine not exceeding four hundred kwacha or to a term of imprisonment not exceeding two years, or to both such fine and such imprisonment.

(4) 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.

(5) Subject to the provisions of subsection (4), a police officer may arrest without warrant any person reasonably suspected by the police officer of having committed or attempted to commit an offence against this Act.

(As amended by No. 50 of 1968)

PART VI

ELECTION PETITIONS

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

(2) The election of a candidate as a member 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 as a member.

(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 for preventing 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 the election of such candidate was void.

(4) No election shall be declared void by reason only 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.

Who may
present
election
petitions

18. An election petition may be presented to the High Court by one or more of the following persons:

- (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 as a member at the election to which the election petition relates;
- (c) a person alleging himself to have been a candidate at the election to which the election petition relates;
- (d) the Attorney-General.

Relief
which may
be claimed
in election
petition

19. (1) Any of the following reliefs may be claimed in an 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 inquiry 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.

20. (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 by statutory instrument.

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 a member (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 petition, at any time within thirty days after the date of such 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.

21. (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.

Rules of
practice and
procedure;
security for
costs

22. (1) Subject to the provisions of this Act, the Chief Justice may, by statutory instrument, 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 time 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.

(2) After the presentation of an election petition, every petitioner thereto shall give such security for costs, not exceeding in amount the sum of one thousand kwacha, 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.

Withdrawal
of election
petitions

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

(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 by rules under section *twenty-two*.

(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.

Substitution
of new
petitioners

24. (1) Upon the hearing of an application under section *twenty-three* 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.

(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) provided, the provisions of subsections (2) and (3) of section *twenty-two* shall apply to the substituted petitioner as they apply in relation to a petitioner presenting an election petition.

25. (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.

(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 the provisions of section *twenty*, 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 the provisions of subsections (2) and (3) of section *twenty-two* shall apply to such person as they apply in relation to a petitioner presenting an election petition.

26. (1) Subject to the provisions of this Act, every election petition presented under this Act shall be tried and determined by the High Court.

(2) An election petition shall be tried in open court.

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

(4) 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.

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

27. (1) On the trial of an election petition, the High Court may—

(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:

Tr
ele
pet

Prov
as to
witness

- (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 criminate him, or on the ground of privilege:

Provided that—

- (i) 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 criminate 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;

- (ii) 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.

Conclusion
of trial of
election
petitions

28. (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.

(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 High Court, committed:

Provided that the High Court shall not state the name of any person under this paragraph unless such person has been given an opportunity of appearing before the High 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 High Court under subsection (6) to—

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

29. (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 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 High 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 Attorney-General 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 High 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 under section twenty-two, 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 High Court may, after giving that person an opportunity of making a statement to show 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 High 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 judgment 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 made 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 NATIONAL ASSEMBLY

30. (1) Any question which may arise as to whether—

- (a) any person has been validly appointed as a nominated member: or
- (b) the seat of a member or of a nominated member has become vacant, other than a question arising from the election of a candidate as a member; or
- (c) any person has been validly elected as Speaker of the National Assembly from among persons who are not members of the National Assembly or, having been so elected, has vacated the office of Speaker;

Applications
re Speaker
and
membership
of National
Assembly

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

- (i) any person to whom the question relates; or
- (ii) any member; 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) The Chief Justice may, by statutory instrument, make rules regulating the practice and procedure of the High Court with respect to applications under this section, and, in the absence of such rules, 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.

31. Every determination of the High Court under this Part shall have effect, subject to the provisions of section 69 of the Constitution, in accordance with the terms thereof.

Effect of
determina-
tion.
App. 1

PART VIII

MISCELLANEOUS

32. Notwithstanding anything to the contrary contained in any law relating to stamp duty, no stamp duty shall be charged upon any affidavit, declaration or oath made for the purposes of this Act.

Exemption
from stamp
duty

When
incapacity
may be
removed

33. 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.

No person
required to
state how
he voted

34. 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.

Evidence as
to holding
of election

35. 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.

Validation
of certain
documents

36. 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 the person or place in any case where the description of the person or place is such as to be commonly understood.

SUBSIDIARY LEGISLATION

CAP. 19

ELECTORAL

THE ELECTORAL (PRESIDENTIAL ELECTIONS) REGULATIONS
ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

Regulation

1. Title
2. Application
3. Interpretation

PART II

NOMINATION PROCEDURE

4. Appointment of day for receiving nominations in election of President
5. Attendance of returning officer
6. Nominations and deposits
7. Withdrawal of nomination
8. Determination of validity of nomination papers
9. Procedure where more than one candidate is validly nominated
10. Procedure where only one candidate is validly nominated
11. Procedure where no candidate is validly nominated

PART III

ELECTION PROCEDURE

12. Procedure for ascertaining number of votes received by each candidate
13. Notification of total number of registered voters
14. Declaration of result of election

SCHEDULE—Prescribed forms

**Section 10—THE ELECTORAL (PRESIDENTIAL ELECTIONS)
REGULATIONS**

*Statutory
Instrument
317 of 1968*

Regulations by the Electoral Commission

PART I

PRELIMINARY

- | | |
|---|----------------|
| 1. These Regulations may be cited as the Electoral (Presidential Elections) Regulations. | Title |
| 2. These Regulations shall apply to an election to the office of President following a dissolution of Parliament. | Application |
| 3. 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 4 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 4 for receiving nominations in an election, any person validly nominated as a candidate in such election;

"election" means an election of President held in pursuance of section 33 of the Constitution, and cognate expressions shall be construed accordingly; App. 1

"National Assembly Elections Regulations" means the Electoral (National Assembly Elections) Regulations;

"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;

"registered" means registered in a register of voters under the Electoral (Registration of Voters) Regulations;

"returning officer" means the Chief Justice.

PART II

NOMINATION PROCEDURE

- | | |
|---|--|
| 4. (1) For the purpose of an election to the office of President following a dissolution of Parliament, the President shall, subject to the provisions of sub-regulation (2), appoint, by statutory proclamation, 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 such election. | Appoint-
ment of day
for receiving
nominations
in election of
President |
|---|--|

[SUBSIDIARY]*Electoral (Presidential Elections) Regulations*

(2) A day appointed under this regulation following a dissolution of Parliament shall be a day falling not less than ten days before the day, or, in the case of different days, the earliest day, appointed following such dissolution under regulation 8 of the National Assembly Elections Regulations for receiving the nominations of candidates for election to the National Assembly.

(3) Subject to the provisions of sub-regulation (2), the President may, by statutory proclamation, vary or amend any proclamation under sub-regulation (1).

Attendance
of returning
officer

5. It shall be the duty of the returning officer to attend at the place appointed under sub-regulation (1) of regulation 4, on the day and during the hours so appointed, for the purpose of receiving the nominations of candidates.

Nominations
and deposits

6. (1) Every candidate shall be nominated by means of a nomination paper in the Form PE.1 in the Schedule, subscribed by not less than one thousand persons registered as voters.

(2) Every candidate shall endorse on his nomination paper a declaration, made and subscribed by such candidate before the returning officer, that he is qualified for election as President.

(3) Every candidate shall lodge his nomination paper, duly completed, with the returning officer at the place and within the period appointed under regulation 4 for receiving nominations.

(4) Every candidate shall, at the time he lodges his nomination paper with the returning officer, pay to the returning officer a deposit in the sum of four hundred kwacha in cash.

(5) The full amount of the sum deposited by a candidate under sub-regulation (4) in respect of an election shall be returned to such candidate or to his legal representative, as the case may be, if, and shall not be returned unless—

(a) the candidate is elected; or

(b) the total number of valid votes received by the candidate in such election is not less than one-twentieth of the total number of persons registered as voters at the time of such election; or

(c) the candidate withdraws his nomination paper under regulation 7; or

(d) such election is countermanded under section 33 (6) of the Constitution; or

(e) the nomination of the candidate is declared invalid by the returning officer under regulation 8.

App. 1

Withdrawal
of
nomination

7. 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 4 for receiving nominations.

Electoral (Presidential Elections) Regulations

[SUBSIDIARY]

8. (1) The returning officer shall, within forty-eight hours after the close of the period appointed under regulation 4 for receiving nominations, determine the validity of each nomination paper lodged under regulation 6, and shall declare any nomination paper invalid if he is satisfied—

Determina-
tion of
validity of
nomination
papers

- (a) that the nomination paper is not subscribed or endorsed or lodged in compliance with regulation 6; or
- (b) that the sum of four hundred kwacha is not deposited by the candidate concerned in compliance with sub-regulation (4) of regulation 6.

(2) The returning officer shall, not later than forty-eight hours after the close of the period appointed under regulation 4 for receiving nominations, notify each candidate in writing of his decision in respect of such candidate under sub-regulation (1) 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 sub-regulation if such notice is served upon such candidate by post at his last known postal address.

9. Where the returning officer determines under regulation 8 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 and the Director of Elections accordingly.

Procedure
where more
than one
candidate is
validly
nominated

10. Where the returning officer determines under regulation 8 that one candidate only is validly nominated, he shall, in accordance with the provisions of regulation 14, 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 and the Director of Elections accordingly.

Procedure
where only
one
candidate is
validly
nominated

11. (1) Where the returning officer determines under regulation 8 that no candidate is validly nominated, he shall forthwith notify the President in writing of such determination, and the President shall—

Procedure
where no
candidate is
validly
nominated

- (a) exercise his powers under regulation 4 to appoint another day for receiving nominations in a fresh election; and
- (b) where it is necessary to do so in order to satisfy the requirements of sub-regulation (2) of regulation 4, exercise his powers under regulation 8 of the National Assembly Elections Regulations to appoint a later day or days, as the case may be, for receiving the

[SUBSIDIARY]*Electoral (Presidential Elections) Regulations*

nominations of candidates for election to the National Assembly.

(2) The returning officer shall cause copies of the notice referred to in sub-regulation (1) to be delivered to the Commission and to the Director of Elections.

PART III**ELECTION PROCEDURE**

Procedure
for ascer-
taining
number of
votes
received by
each
candidate.
App. 1

12. For the purpose of determining whether any candidate is entitled to be declared elected under section 33 (4) (d) of the Constitution, the returning officer shall refer to the information notified to him by the Commission under regulation 54 of the National Assembly Elections Regulations and shall, pursuant to section 33 (4) (e) of the Constitution, ascertain the total number of votes cast in favour of each candidate in accordance with such information.

Notification
of total
number of
registered
voters.
App. 1

13. For the purpose of enabling the returning officer to determine whether the result of an election following a dissolution of Parliament may be declared pursuant to section 33 (4) (g) of the Constitution, the Director of Elections shall, when so requested by the returning officer, notify the returning officer in writing of the total number of persons registered as voters on the day, or, in the case of different days, the earliest day appointed under regulation 8 of the National Assembly Elections Regulations for the taking of a poll following such dissolution.

Declaration
of result of
election

14. For the purpose of declaring the result of an election, the returning officer shall complete a declaration in writing of the result of the election as in the Form PE.2 in the Schedule, and; where more than one candidate is validly nominated for election, the returning officer shall—

- (a) publish the details of such result 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.

Electoral

Electoral (Presidential Elections) Regulations

SCHEDULE
(Regulations 6 and 14)
PRESCRIBED FORMS

REPUBLIC OF ZAMBIA

THE ELECTORAL (PRESIDENTIAL ELECTIONS) REGULATIONS
(Regulation 6)

NOMINATION PAPER FOR ELECTION TO THE OFFICE
OF PRESIDENT

To: THE CHIEF JUSTICE,

I,
being a person nominated for election to the office of President of
Zambia do solemnly and sincerely declare that:

- (i) I am a citizen of Zambia;
- (ii) I have attained the age of thirty years;
- (iii) I am entitled to vote at elections to the National Assembly
Registration Card No. in full is;
- (iv) my residential address is

(v) my postal address is

(vi) I accept the nomination.

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—Ret

We, being registered voters for the purposes of elections to the National Assembly, do hereby support the candidature of
(of candidate).

	Full name in BLOCK CAPITALS	Signature or Thumbprint	Polling district in which registered as a Voter
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
..			
..			
10			
..			
..			
1,000			

Form PE.2

REPUBLIC OF ZAMBIA

THE ELECTORAL (PRESIDENTIAL ELECTIONS) REGULATIONS
(Regulation 14)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 held following the said
dissolution pursuant to section 33 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, ascertained the result
of such election and I therefore declare (name of elected candidate in BLOCK CAPITALS)
..... being the only candidate
validly nominated in such election* to be duly elected as President of the Republic of
Zambia this day of, 19....

.....
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".

THE ELECTORAL (NATIONAL ASSEMBLY ELECTIONS)
REGULATIONS

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

Regulation

1. Title
2. Interpretation
3. Functions of Director of Elections
4. Election officers for elections
5. Form of oath or affirmation for election officers
6. Revocation of appointments of election officers to be notified

PART II

NOMINATION OF CANDIDATES

7. Vacancies in National Assembly to be notified
8. Appointment of day for receiving nominations of candidates and polling day
9. Place for nomination of candidates
10. Nomination paper
11. Nomination paper to be accompanied by statutory declaration
12. Deposit on nomination of candidate
13. Returning officer to provide nomination papers and advice on request
14. Prohibition of nomination of candidate in more than one constituency
15. Withdrawal of nomination
16. Determination of validity, and rejection, of nominations
17. Procedure after determination of validity of nominations
18. Inspection of nomination papers
19. Commission to publish information furnished under regulation 17
20. Procedure if no candidate validly nominated in a constituency

Regulation

21. Procedure if a candidate dies before close of poll
22. Use of symbols by candidates
23. Allocation and registration of symbols
24. Determination of question whether candidate supported by political party
25. Election agents

PART III

PROCEDURE FOR THE POLL

26. Poll to be conducted by secret ballot
27. Establishment of polling stations
28. Polling agents
29. Commencement and close of poll
30. Right to vote
31. Duty of returning officer and publication of notices at polling stations
32. Ballot boxes, official seals and official marks
33. Ballot papers
34. Procedure before commencement of poll
35. Control of persons entering polling stations
36. Application for ballot paper
37. Procedure for casting vote
38. Votes to be cast without undue delay
39. Polling assistant may act during temporary absence of presiding officer
40. Spoilt ballot papers
41. Presiding officer may assist incapacitated voter
42. Voting by persons employed on election duties
43. Restriction on communication in precincts of polling station
44. Adjournment of poll in case of emergency
45. Procedure after close of poll

PART IV

PROCEDURE FOR THE COUNT

Regulation

46. Duty of returning officer to arrange for counting of votes and notification of candidates
47. Persons who may attend counting of votes
48. Examination of seals of packets and ballot boxes received by returning officer
49. The count
50. Rejection of ballot papers
51. Recounting of votes
52. Equality of votes
53. Declaration of result of poll
54. Commission to notify Chief Justice of details of Parliamentary elections
55. Questions arising on decision of returning officer
56. Ballot papers to be sealed in packets after completion of counting
57. Verification of ballot paper accounts
58. Custody and destruction of election matter

PART V

CORRUPT AND ILLEGAL PRACTICES AND ELECTION OFFENCES

59. Bribery
60. Personation
61. Treating
62. Undue influence
63. Corrupt practices and penalties
64. Illegal practice of publishing false statements in respect of candidates
65. Illegal practice in respect of nomination of candidates
66. Illegal practice in respect of voters
67. Illegal practice in respect of public meetings
68. Illegal practice in respect of broadcasts
69. Penalty for illegal practices
70. Election offences
71. Penalty for breach of secrecy
72. Offences by election officers
73. Offences by printers and publishers

SCHEDULE—Prescribed forms

*Statutory
Instruments
316 of 1968
333 of 1969*

Section 16—THE ELECTORAL (NATIONAL ASSEMBLY
ELECTIONS) REGULATIONS

Regulations by the Electoral Commission

PART I

PRELIMINARY

Title	1. These Regulations may be cited as the Electoral (National Assembly Elections) Regulations.
Interpretation	<p>2. (1) In these Regulations, unless the context otherwise requires—</p> <p>“ballot box” means a ballot box provided to a presiding officer under regulation 31 for the taking of a poll;</p> <p>“ballot paper” means a document in Form NAE.4 in the Schedule;</p> <p>“ballot paper account” means a document in Form NAE in the Schedule;</p> <p>“candidate” means—</p> <p>(a) in relation to any period before the close of the period appointed under regulation 8 for receiving nominations in a constituency, any person intending to stand for election in that constituency; and</p> <p>(b) in relation to any period after the close of the period appointed under regulation 8 for receiving nominations in a constituency, any person validly nominated as a candidate for election in that constituency;</p> <p>“counting assistant” means a person appointed as a counting assistant under regulation 4;</p> <p>“election agent” has the meaning assigned thereto in regulation 25;</p> <p>“electoral officer” means a person appointed as an electoral officer under regulation 5 of the Electoral (Registration of Voters) Regulations;</p> <p>“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;</p> <p>“national registration number” means, in relation to a national registration card, the serial number inserted on such national registration card under the National Registration Act;</p>
Cap. 434	
Cap. 434	

"nomination paper" means a document in Form NAE.2 in the Schedule;

"official mark" means a mark provided to a presiding officer under regulation 31 for the taking of a poll;

"official seal" means a seal provided to a presiding officer under regulation 31 for the taking of a poll;

"polling agent" has the meaning assigned thereto in regulation 28;

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

"polling day" means a day appointed under regulation 8 for the taking of a poll, and includes any day appointed under regulation 44;

"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 27;

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

"registered" means—

(a) in relation to a person, a person registered in a register of voters under the Electoral (Registration of Voters) Regulations; and

(b) in relation to a symbol, means a symbol registered by the Director of Elections under regulation 23;

"register of voters" means a register of voters prepared and certified, and in force, under the Electoral (Registration of Voters) Regulations, and "copy", in relation to a register of voters, means a copy of such register of voters provided to a presiding officer under regulation 31 for the taking of the poll;

"returning officer" means a person appointed as a returning officer under regulation 4;

"Speaker" means the Speaker of the National Assembly;

"voter" means a person registered in a register of voters;

"voter's registration card" means a voter's registration card issued under the Electoral (Registration of Voters) Regulations, which is not cancelled or deemed to be cancelled under the provisions of the said Regulations.

(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

(SUBSIDIARY) *Electoral (National Assembly Elections) Regulations*

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.

**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 thereof;
- (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 for
elections****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 Gazette notice, as the returning officer for that constituency; and
- (b) such approved number of fit persons as the returning officer for that constituency may, by notice in writing, appoint for the purpose of assisting him in the exercise of his functions in respect of that constituency; and
- (c) such approved number of counting assistants as the returning 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 for that polling district may, by notice in writing, appoint.

(3) Whenever—

- (a) a returning officer appoints any person to assist him in the exercise of his functions under paragraph (b) of sub-regulation (1);
- (b) a returning officer appoints any person to be a counting assistant under paragraph (c) of sub-regulation (1); or
- (c) an electoral officer 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.

Electoral (National Assembly Elections) Regulations

[SUBSIDIARY]

5. Every returning officer, counting assistant, presiding officer and polling assistant, and any person appointed under paragraph (b) of sub-regulation (1) of regulation 4 to assist a returning officer in the exercise of his functions, 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 Form NAE.1 in the Schedule.

Form of
oath or
affirmation
for election
officers

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 appoint-
ments of
election
officers to
be notified

(2) Where a returning officer revokes the appointment of a counting assistant appointed by him or of a person appointed by him to assist him in the exercise of his functions, or where an electoral officer revokes the appointment of a presiding officer or of a polling assistant appointed by him, such returning officer or such electoral officer, as the case may be, 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.

PART II

NOMINATION OF CANDIDATES

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, 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) The Speaker shall deliver copies of the notice referred to in sub-regulation (1) to the Commission and to the Director of Elections.

(3) This regulation 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-eight* of the Act, as it applies to a vacancy occurring therein otherwise than by reason of a dissolution of Parliament.

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 of a vacancy in the elected membership of the National Assembly under regulation 7, the President shall, in respect of each constituency in which an election is to be held, by statutory proclamation—

Appoint-
ment of day
for receiving
nominations
of
candidates
and polling
day

(a) appoint the day on which, and the hours on such day within which, returning officers may receive nominations of candidates for election;

(b) appoint the day for the taking of a poll at the election:

Provided that different days may be appointed under paragraphs (a) and (b) in respect of different constituencies.

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

Place for
nomination
of
candidates

9. (1) The Commission shall specify, by Gazette notice, the place for receiving the nominations of candidates for election in any constituency in respect of which a proclamation is made under regulation 8.

(2) At the place specified under sub-regulation (1) for receiving the nominations of candidates for election in a constituency, the returning officer for that constituency shall attend during the period appointed in respect of that constituency under regulation 8 to receive such nominations.

Nomination
paper

10. (1) Every candidate for election in a constituency shall be nominated in accordance with the provisions of section *fifteen* of the Act.

(2) Every nomination paper shall be countersigned with the acceptance of the candidate or any person authorised in writing by such candidate to sign on his behalf, and shall, subject to the provisions of this regulation, be lodged with the returning officer appointed for the constituency in respect of which the nomination is made within the period appointed for that constituency under regulation 8.

(3) If a nomination paper is countersigned on behalf of a candidate by a person authorised in writing by such candidate under sub-regulation (2), the written authority shall be attached to such nomination paper before it is lodged with the returning officer.

App. 1

(4) Where a candidate is required by section 33 (4) of the Constitution to declare, at the time of his nomination, which of the candidates in an election of President he supports, such candidate shall make such declaration in the nomination paper to be lodged by him under sub-regulation (2).

(5) Every candidate shall state in the nomination paper to be lodged by him under sub-regulation (2)—

- (a) (i) the name of the political party which supports his nomination; or
- (ii) if no political party supports his nomination, that he is an independent candidate; and
- (b) the name and address of the person, if any, appointed by him to be his election agent for the purposes of these Regulations.

(6) For the purpose of subscribing a nomination paper in accordance with section *fifteen* of the Act, the proposer, seconder and other persons shall present themselves to the returning officer appointed for the constituency in respect of which the

nomination is made within the period appointed for that constituency under regulation 8, and shall produce to such returning officer their voter's registration cards and national registration cards.

(As amended by No. 333 of 1969)

11. Every nomination paper lodged by a candidate under regulation 10 shall be accompanied by a statutory declaration, made and subscribed by such candidate before a magistrate, declaring that such candidate is qualified for election.

Nomination
paper to be
accompanied
by
statutory
declaration
Deposit on
nomination
of
candidate

12. (1) At the time a nomination paper is lodged under regulation 10, there shall be deposited with the returning officer by or on behalf of the candidate concerned the sum of fifty kwacha in cash.

(2) Subject to the provisions of these Regulations, the full amount of every sum deposited under sub-regulation (1) shall be returned to the person who deposited such sum or to his legal representative, as the case may be, if, and shall not be returned unless—

- (a) the candidate is elected;
- (b) the candidate polls not less than one-tenth of the total number of the valid votes cast at the election in the constituency in which he is a candidate;
- (c) the candidate withdraws his nomination paper in accordance with the provisions of regulation 15;
- (d) the candidate dies before the close of the poll;
- (e) the election in respect of which the candidate is nominated is countermanded under section 33 (6) of the Constitution; or
- (f) the nomination of the candidate is declared invalid by the returning officer under regulation 16.

App. 1

13. (1) It shall be the duty of a returning officer for a constituency to provide nomination papers to any person reasonably requesting the same in such constituency.

Returning
officer to
provide
nomination
papers and
advice on
request

(2) If a candidate for election in a constituency or a person who countersigns a nomination paper under regulation 10 so requests, the returning officer for that constituency shall examine the nomination paper before it is lodged with the returning officer and shall advise the candidate or such person, as the case may be, whether in his opinion the nomination paper is in order.

(3) The question whether any, and if so what, advice was given under sub-regulation (2) shall not be inquired into in any court.

14. No candidate shall be entitled to be nominated for election in more than one constituency, and, if any candidate is nominated for election in more than one constituency, each and every nomination in respect of such candidate shall be invalid

Prohibition
of nomina-
tion of
candidate
in more
than one
constituency

and any sum deposited by the candidate under regulation shall be forfeited to the State.

**Withdrawal
of nomination**

15. A candidate for election in a constituency may withdraw his nomination paper by notice in writing signed and delivered by him to the returning officer for that constituency before the close of the period appointed in respect of that constituency under regulation 8 for receiving nominations.

**Determination
of validity,
and
rejection, of
nominations**

16. (1) The returning officer for any constituency shall, at the close of the period appointed in respect of that constituency under regulation 8 for receiving nominations, determine the validity of each nomination paper lodged with him under regulation 10, and shall declare any nomination paper invalid if he is satisfied—

- (a) that the nomination paper is not subscribed or countersigned or completed or lodged in compliance with the provisions of regulation 10; or
- (b) that the nomination paper is not accompanied by a statutory declaration made and subscribed in compliance with the provisions of regulation 11; or
- (c) that the sum of fifty kwacha is not deposited by the candidate concerned in compliance with the provisions of regulation 12.

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

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

(4) A returning officer shall, subject to the directions of the Commission, retain in safe custody any nomination paper lodged with him under regulation 10.

**Procedure
after
determination
of validity
of nominations**

17. (1) A returning officer shall, after he has determined the validity of the nomination papers lodged with him, inform the Commission of the names of the candidates validly nominated, and of the particulars stated in respect of each such candidate under paragraph (a) of sub-regulation (5) of regulation 10.

App. 1

(2) Where a candidate is required by section 33 (4) of the Constitution to declare, at the time of his nomination, which of the candidates in an election of President he supports, the returning officer shall, in addition to the particulars referred to in sub-regulation (1), inform the Commission of the declaration made by the candidate concerned under sub-regulation (4) of regulation 10.

(3) 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.

(4) 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.

18. At any reasonable time after a returning officer for a constituency has made a determination in respect of any nomination paper under regulation 16, and before the day appointed for the taking of a poll in that constituency, any person registered in such constituency may inspect any such nomination paper at the office of the returning officer.

Inspection
of nomination
papers

19. (1) Where the Commission is informed under sub-regulation (1) of regulation 17 that two or more candidates have been validly nominated for election in any constituency, the Commission shall give notice in the *Gazette* that a poll shall be taken in such constituency on the day appointed therefor under regulation 8, and such notice shall set out the names of such candidates in alphabetical order of surnames, and, where a declaration is required under sub-regulation (4) of regulation 10, such notice shall contain particulars of the declaration made by each such candidate respectively.

Commission
to publish
information
furnished
under
regulation
17

(2) Where the Commission is informed under sub-regulation (3) of regulation 17 that only one candidate has been validly nominated for election in any constituency and that such candidate has been declared elected in such constituency, the Commission shall give notice in the *Gazette* of such election, and such notice shall state that, by reason of such election, a poll shall not be taken in that constituency.

(3) Where the Commission is informed under sub-regulation (4) of regulation 17 that no candidate has been validly nominated for election in any constituency, the Commission shall inform the President, by notice in writing, of that fact.

20. Where the President is informed under regulation 19 that no candidate has been validly nominated for election in a constituency, the President may exercise his powers under regulation 8 to appoint another day for receiving the nominations of candidates for election in such constituency, and for the taking of a poll therein, under these Regulations.

Procedure
if no
candidate
validly
nominated
in a
constituency

21. Where, after the day appointed under regulation 8 for receiving nominations and before the close of the poll in any constituency, the Commission is satisfied that a candidate validly nominated for election in such constituency has died, the Commission shall inform the President, by notice in writing,

Procedure
if a
candidate
dies before
close of
poll

[SUBSIDIARY]

Electoral (National Assembly Elections) Regulations

of that fact, and the President shall thereupon declare all proceedings relating to the election in such constituency to be void, and shall exercise his powers under regulation 8 to appoint another day for receiving nominations in such constituency, and for the taking of a poll therein, under these Regulations:

Provided that no fresh nominations shall be necessary in the case of a candidate who was validly nominated for election in such constituency at the time when the proceedings relating to the election were declared void.

Use of
symbols by
candidates

22. (1) For the purpose of assisting persons to identify candidates during an election, each candidate shall associate himself with a symbol registered under regulation 23.

(2) A candidate whose nomination is supported by a political party shall use the symbol registered in respect of that party under regulation 23.

(3) A candidate stated under sub-regulation (5) of regulation 10 to be an independent candidate shall use a symbol allocated to him and registered by the Director of Elections under regulation 23.

(4) Notwithstanding the provisions of regulation 23, the same symbol shall not be used by two or more candidates in the same constituency.

Allocation
and registra-
tion of
symbols

23. (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:

Provided that a political party may apply to the Director of Elections to cancel the registration of a symbol registered in respect of such party under this regulation and for the registration of a symbol in place thereof.

(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 Armorial 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 as aforesaid.

24. 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.

25. (1) Subject to the provisions of sub-regulation (2), the election agent of a candidate shall be the person named as such in the nomination paper lodged by such candidate under regulation 10.

Election
agents

(2) A candidate may revoke the appointment of his election agent at any time after lodgment of his nomination paper under regulation 10.

(3) Where a candidate revokes the appointment of his election agent, or if his election agent dies, the candidate shall inform the returning officer in writing thereof and, if such candidate appoints some other person to be his election agent, he shall forthwith notify the returning officer in writing of the name and address of the person so appointed.

(4) No person shall be deemed to be the election agent of a candidate unless he is appointed in compliance with this regulation.

PART III

PROCEDURE FOR THE POLL

26. Where the Commission has given notice under sub-regulation (1) of regulation 19 that a poll shall be taken, such poll shall be conducted by means of a secret ballot and the result shall be ascertained in accordance with the provisions of Part IV.

Poll to be
conducted
by secret
ballot

27. (1) The electoral officer for a polling district shall appoint a place or places at which the polling station or polling stations for such polling district shall be established, and shall cause notice of every place so appointed to be published in such manner 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.

Polling agents

28. (1) A candidate or his election agent may appoint, in respect of each polling station within the constituency in which he is nominated, a person to be known as a polling agent.

(2) Not later than seven days before the polling day appointed for the constituency in which he is nominated, a candidate or his election agent shall inform the returning officer for that constituency, by notice in writing, of the names of the polling agents appointed under sub-regulation (1), and shall specify in such notice the polling stations in respect of which such polling agents have been appointed.

(3) A polling agent appointed under sub-regulation (1) may attend at the polling station in respect of which he is appointed throughout the taking of the poll:

Provided that no such polling agent may attend at a polling station unless the candidate or the election agent by whom he is appointed has complied with the provisions of sub-regulation (2).

Commencement and close of poll

29. The poll shall commence and, subject to the provisions of regulation 44, shall close at such time as the Commission shall, by Gazette notice, direct:

Provided that the presiding officer shall permit every voter who at the time of closing the poll—

(a) is inside the polling station;

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

to cast his vote before closing the poll.

Right to vote

30. (1) A voter shall be entitled to vote in an election 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 register of voters or more than once in the same register of voters, he shall not be entitled to cast more than one vote.

Duty of returning officer and publication of notices at polling stations

31. For the taking of a poll, a returning officer shall, in respect of each polling district within his constituency—

(a) ensure that in each polling station there are sufficient compartments within which voters may mark their ballot papers in secrecy and screened from observation;

Electoral (National Assembly Elections) Regulations

[SUBSIDIARY]

- (b) provide each presiding officer with such number of ballot boxes, ballot papers, official marks, official seals, copies of the register of voters relating to such polling district and such other things as may be necessary;
 - (c) do such other acts and 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 of the candidates for election in that constituency in alphabetical order of surnames and, in the case of an election of President, the name of the candidate in such election for whom each such candidate has declared his support under regulation 10; and
 - (ii) the symbol allocated under regulation 23 in respect of each candidate for election in that constituency.
32. (1) Every ballot box shall be so constructed that, after it is sealed under regulation 34, the ballot papers can be placed therein by voters but not taken out without breaking the seals.
- (2) In respect of every election, the official seals and official marks shall be in such form as the Director of Elections may determine.
33. (1) Every ballot paper shall be as in Form NAE.4 in the Schedule and, in respect of any constituency, shall show—
- (a) the names of the candidates for election in that constituency in alphabetical order of surnames and, in the case of an election of President, the name of the candidate in such election for whom each such candidate has declared his support under regulation 10; and
 - (b) the symbol allocated under regulation 23 in respect of each candidate for election in that constituency.
- (2) Every ballot paper shall be attached to a counterfoil bearing the same serial number as that printed on the ballot paper.
34. (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 35 so that such person may see that it is empty, and shall then lock and seal

Ballot boxes, official seals and official marks

Ballot papers

Procedure before commencement of poll

[SUBSIDIARY]*Electoral (National Assembly Elections) Regulations*

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 a 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 paragraph (a) of regulation 31 a suitable pencil or pen for the use of every voter when marking his ballot paper.

**Control of
persons
entering
polling
stations**

35. (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) a member of the Commission;
- (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 polling district;
- (e) the polling assistants appointed under regulation 4 in respect of such polling station;
- (f) the candidates for election in the constituency in which such polling station is situated;
- (g) the election agents of such candidates;
- (h) the polling agent appointed under regulation 28 by each such candidate in respect of such polling station;
- (i) a police officer on duty;
- (j) 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 at the taking of a poll in any polling station in a constituency, take and subscribe an oath, or make an affirmation in lieu thereof, in the form prescribed in regulation 5 and, for that purpose, the returning officer for such constituency shall have the power to administer such oath.

(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.

36. (1) Every person applying for a ballot paper shall—

Application
for ballot
paper

- (a) present himself at the polling station appointed under regulation 27 for the polling district in which he is registered; and
- (b) produce his voter's registration card to the presiding officer or polling assistant at such polling station; and
- (c) identify himself by producing the national registration card bearing the national registration number recorded on his voter's registration card; and
- (d) if so required by the presiding officer or polling assistant, present both his hands for inspection by such officers;

and no person shall be issued with a ballot paper unless he complies with the above requirements.

(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 a name on the copy of the register of voters at such polling station.

(3) No applicant for a ballot paper 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—

- (a) that the applicant is registered in the polling district for which such polling station is appointed; and
- (b) that the applicant has produced the voter's registration card issued to him in respect of such registration; and
- (c) that the applicant has properly identified himself under paragraph (c) of sub-regulation (1); and

- (d) that the applicant has not previously voted in the election in respect of which he is applying for a ballot paper; and
- (e) that the applicant is not disqualified from voting at such election under section six of the Act.

Procedure
for casting
votes

37. If a presiding officer or polling assistant at a polling station is satisfied under regulation 36 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 41, be followed, that is to say:

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

Provided that—

- (i) in the case of a voter without any thumb, such voter 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 presiding officer or polling assistant shall—
 - (i) call out the number and name of the voter as recorded in the copy of the register of voters at such polling station;
 - (ii) draw a line through the number and name of the voter in such copy of the register of voters as evidence that such voter has received a ballot paper;
 - (iii) stamp such ballot paper with the official mark;
 - (iv) enter on the counterfoil of such ballot paper the number of the voter as recorded in such copy of the register of voters; and
 - (v) stamp the voter's registration card produced by such voter under regulation 36 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 under regulation 31 in the polling station and signify the candidate for whom he wishes to vote by secretly marking such ballot paper with a cross opposite the name of such candidate, 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.

38. (1) A voter shall 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 person present in the compartment has delayed unduly therein and that such delay may hinder the adequate or orderly conduct of the poll, he may require such person to complete the procedure set out in paragraph (d) of regulation 37 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 person concerned to place the ballot paper issued to such person in the ballot box and to leave the polling station and its precincts and not to return thereto during the period of the poll.

39. 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 delegation, such polling assistant shall have and may exercise the powers of such presiding officer.

Polling assistant may act during temporary absence of presiding officer

40. Where a voter inadvertently deals with a ballot paper in such 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 counter-foil to which it relates.

Spoilt ballot papers

41. (1) A presiding officer may, on the application of—

- (a) a voter who is incapacitated by blindness or other physical cause from voting in accordance with the procedure prescribed by regulation 37; or
- (b) a voter who declares orally that he is unable to read or otherwise asks for the assistance of the presiding officer;

Presiding officer may assist incapacitated voter

and, with the assent of such voter, enter a compartment with such voter in order to assist him to cast his vote pursuant to the provisions of paragraph (d) of regulation 37 and, subject to the said provisions, mark the ballot paper issued to such voter opposite the name of such candidate as the voter may signify and place it in the ballot box on behalf of such voter.

(2) A presiding officer acting under this regulation shall record in the copy of the register of voters, by means of a

[SUBSIDIARY]

Electoral (National Assembly Elections) Regulations

symbol placed between the number and the name of the voter concerned, that he has marked the ballot paper as aforesaid on the application of the voter, and the reasons for doing so.

Voting by
persons
employed
on election
duties

42. (1) Notwithstanding the provisions of regulation 36, where a voter registered 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 appointed for the polling district in which he is registered as a voter, the returning officer for such constituency may authorise the voter, by certificate under his hand in Form NAE.5 in the Schedule, to vote at the polling station at which he is so 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.

Restriction
on communi-
cation in
precincts
of polling
station

43. 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.

Adjourn-
ment of
poll in
case of
emergency

44. (1) Notwithstanding the terms of any proclamation 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 proceedings at his polling station where they are interrupted by riot, open violence, flood, natural catastrophe or other similar cause, but where he does so, he shall start or restart the proceedings at the earliest practicable moment.

(2) A presiding officer may in his discretion extend the hours or adjourn the day of polling at his polling station where polling has been interrupted by any of the causes aforesaid, 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.

43. (1) As soon as practicable after the closing 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—

Procedure
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 election agent or polling agent to affix his seal thereto; and
- (b) complete the ballot paper account in respect of the poll which shall be as in Form NAE.6 in the Schedule; and
- (c) place in separate packets, which shall be sealed with the official seal and with the seals of such candidates or election 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 register of voters marked in accordance with regulations 37 and 41, together with the certificates delivered to the presiding officer under regulation 42;
 - (iii) in a packet marked "D", the counterfoils of the used ballot papers including the counterfoil of any spoilt ballot paper;
 - (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, despatch each packet sealed in accordance with the provisions of sub-regulation (2) of regulation 34 and 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.

PART IV

PROCEDURE FOR THE COUNT

46. (1) The returning officer for each constituency in which a poll is taken shall arrange for the counting of the votes to take place as soon as practicable after the close of the poll and shall, so far as circumstances permit, proceed continuously with the counting, allowing only a reasonable time for refreshment, until the count is completed.

Duty of
returning
officer to
arrange for
counting of
votes and
notification
of candidates

[SUBSIDIARY]

Electoral (National Assembly Elections) Regulations

(2) The returning officer for each constituency in which a poll is 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 he will count the votes cast in such election.

Persons who
may attend
counting of
votes

47. (1) At the counting of the votes cast in an election in any constituency no person other than—

- (a) a member of the Commission;
- (b) the Director of Elections;
- (c) the returning officer of such constituency;
- (d) the counting assistants appointed by such returning officer;
- (e) the electoral officer of any polling district within such constituency;
- (f) the candidates for election in such constituency;
- (g) the election agents appointed by such candidates;
- (h) one polling agent in respect of each such candidate;
- (i) a police officer on duty;
- (j) any person authorised in writing by the Director of Elections;

may attend.

(2) Every person authorised to attend the counting of the votes in any constituency other than a member of the Commission shall, unless he has taken such an oath or made such an affirmation under the provisions of regulation 5 or 35, before so attending, take and subscribe an oath, or make an affirmation in lieu thereof, in the form prescribed in regulation 5, and for that purpose the returning officer for such constituency shall have power to administer such oath.

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

48. (1) 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) of regulation 45.

(2) 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 46 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.

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

49. 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 according to the following procedure, that is to say:

The count

- (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 in each ballot box without reference to the manner in which such ballot papers are marked;
- (b) subject to the provisions of regulation 50, 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) the returning 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 for preventing any person present at the count from seeing the number printed on each ballot paper.

50. (1) The returning officer shall, 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) on which votes are cast for more than one candidate; or
- (c) on which anything is written or marked by which the voter can be identified, other than the number printed on such ballot paper; 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 an intention that the vote shall be for one or other of the candidates clearly appears, and the way the paper is marked does not of itself identify the voter and it is not shown that he can be identified thereby.

[SUBSIDIARY]

Electoral (National Assembly Elections) Regulation

(3) The returning officer shall write the word "rejected" on any ballot paper which under this regulation is not counted and shall add "rejection objected to" if any objection to the returning officer's decision is made by a candidate, election agent or his polling agent present at the counting.

(4) The returning officer shall draw up a statement in Form NAE.7 in the Schedule showing the number of papers rejected under the several heads of—

- (a) want of official mark;
- (b) voting for more than one candidate;
- (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 may copy such statement.

**Recounting
of votes**

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

Provided that the returning officer may refuse to do so in his opinion, it is unreasonable.

(2) No step shall be taken by the returning officer, after 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**

52. (1) Where an equality of votes is found to exist between any candidates and the addition of one vote would entitle one of the candidates to be declared elected, the returning officer shall make a recount of the votes.

(2) If there is again an equality of votes as a result of a recount, the returning officer shall 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 had received an additional vote.

**Declaration
of results
of poll**

53. (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 as in Form NAE.8 in the Schedule; and
- (b) declare to be elected the candidate to whom a majority of votes has been given 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) On receipt of a form completed under sub-regulation (1), the Commission shall forthwith notify the President of the result of the election to which such form relates and shall thereafter give notice in the *Gazette* of—

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

54. Where in an election to the office of President following a dissolution of Parliament, more than one qualified candidate is validly nominated, the Commission shall—

Commission
to notify
Chief
Justice of
details of
Parliamentary
elections

- (a) in respect of an election in any constituency in which a poll is taken, notify the Chief Justice in writing of the number of valid votes received by each candidate in such constituency, and the name of the candidate in the election of President for whom such candidate has declared his support under sub-regulation (4) of regulation 10; and
- (b) in respect of any constituency in which no poll has been required to be taken, notify the Chief Justice in writing of the name of the candidate declared to be elected in such constituency under sub-regulation (3) of regulation 17, and the number of persons registered in such constituency, together with the name of the candidate in the election of President for whom such candidate has declared his support under sub-regulation (4) of regulation 10.

55. The decision of a returning officer on any question arising in respect of any ballot paper or as to the declaration of the result of the poll shall not be questioned except by an election petition presented under the provisions of the Act.

Questions
arising on
decision of
returning
officer

56. On the completion of the counting of the votes cast in an election in any constituency in which a poll is taken, the returning officer for such constituency shall seal up in separate, marked packets the ballot papers counted in respect of each candidate in such election and shall place the rejected ballot papers in a single, marked packet.

Ballot
papers to
be sealed
in packets
after com-
pletion of
counting

57. (1) In respect of an election in a constituency in which a poll is taken, the returning officer for such constituency shall give notice in writing to the candidates in such election of the time and place at which the verification of the ballot paper accounts completed under regulation 45 in that constituency will take place, and, at such time and place and in the presence of such candidates and their election agents as may be present, he shall produce for their inspection the packets marked "B" and "E" respectively and delivered to him under regulation 45, and, in respect of each polling district in such constituency shall open the packet marked "B" containing the unused

Verification
of ballot
paper
accounts

ballot papers together with their counterfoils and the spoilt ballot papers and the packet marked " E " containing the ballot paper account, and shall proceed to verify such ballot paper account by comparing it with the total number of ballot papers contained in the ballot box for such polling district as recorded under paragraph (a) of regulation 49 and the total number of unused and spoilt ballot papers contained in the packet marked " B " and shall then reseal the packets marked " B " and " E " with their respective contents.

(2) 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 NAE.9 in the Schedule, and shall permit such candidates and election agents as may be present at the verification to make a copy thereof.

Custody
and
destruction
of election
matter

58. (1) Upon the completion of the verification of the ballot paper accounts under regulation 57, the returning officer shall forthwith deliver to the Commission—

- (a) in respect of each polling district 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 district within his constituency, the packet marked " C " containing the copy of the register of voters and the certificates placed therein under regulation 45; and
- (c) the packets containing the ballot papers counted in respect of each of the candidates and sealed under regulation 56; and
- (d) the packet containing the rejected ballot papers and sealed under regulation 56;

and shall forthwith deliver to the Director of Elections in respect of each polling district 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 45; and
- (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 regulation 45.

(2) The Commission shall retain the packets delivered under sub-regulation (1) in respect of any 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:

Provided that where the Commission has been informed under subsection (5) of section twenty 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 and shall notify the Commission accordingly:

Provided that where the Commission has been informed under subsection (5) of section *twenty* 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.

PART V

CORRUPT AND ILLEGAL PRACTICES AND ELECTION OFFENCES

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

- (a) gives, lends, or procures, or agrees to give, lend or procure, or offers, promises, or promises to 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 agrees to give or lend, or offers, or promises to procure or to endeavour to 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, 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

[SUBSIDIARY]

Electoral (National Assembly Elections) Regulations

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, there to influence his vote at any future election, or pays or is concerned with the payment of any money on behalf 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

60. 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 or induces or procures any person to vote at any election knowing that he or that person is not entitled to vote at that election;

shall be guilty of the offence of personation.

Treating

61. 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.

62. (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 temporal 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.

63. 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 four hundred kwacha or to imprisonment for a period not exceeding two years, or to both such fine and imprisonment.

Corrupt practices and penalties

64. (1) Any person who, before or during an election, publishes a false statement of the illness, death or withdrawal 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.

[SUBSIDIARY]*Electoral (National Assembly Elections) Regulations*

Illegal
practice in
respect of
nomination
of
candidates

65. (1) Any person who forges or fraudulently destroys any nomination paper, or delivers to a returning officer any 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 11 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 10, 11, 12, 13 or 15 shall be guilty of an illegal practice.

Illegal
practice
in respect
of voters

66. Any person who at an election obstructs a voter either at the polling station or on his way thereto or therefrom shall be guilty of an illegal practice.

Illegal
practice
in respect
of public
meetings

67. 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 broad-
casts

68. 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.

Penalty for
illegal
practices

69. Any person who is guilty of an illegal practice shall be liable on conviction to a fine not exceeding four hundred kwacha or to imprisonment for a period not exceeding two years, or to both such fine and imprisonment.

Election
offences

70. (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 due authority supplies any ballot paper to any person;
- (c) without due 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) puts into any ballot box anything other than the ballot paper which he is authorised by law to put in;

- (g) 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;
- (h) without due 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;
- (i) without due 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;
- (j) 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;
- (k) 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 and forty yards 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;
- (l) on any polling day loiters in any public place within four hundred and forty yards from the entrance to any polling station;
- (m) on any polling day exhibits in any public or private place within one hundred yards 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;
- (n) 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;
- (o) 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;

[SUBSIDIARY]*Electoral (National Assembly Elections) Regulations*

- (p) wilfully obstructs or interferes with a returning officer, presiding officer or polling assistant in the execution of his duties;
- (q) makes a false answer to any question put to him by a presiding officer or a polling assistant under the provisions of sub-regulation (2) of regulation 36;
- (r) in contravention of regulation 43, has any communication with a voter while such voter is in the precincts of a polling station for the purpose of voting;
- (s) having been required under sub-regulation (2) of regulation 35 or directed under sub-regulation (3) of regulation 38 to leave a polling station, fails to leave such polling station or the precincts thereof;
- (t) associates himself or any candidate with, or uses, any symbol in the course of an election unless the use of such symbol is authorised under regulation 23;

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

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

(3) 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 or ballot paper, as well as the property in the counterfoil of any ballot paper, may be stated to be in the returning officer at that election.

**Penalty for
breach of
secrecy**

71. (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.

(2) No person, except a presiding officer acting under the provisions of regulation 41, 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 candidate for whom 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 four hundred kwacha or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

72. 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 four hundred kwacha or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

Offences
by election
officers

73. (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 thereof, 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.

Offences
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 "printer" 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 two hundred kwacha.

SCHEDULE

PRESCRIBED FORMS

FORM NAE.1

REPUBLIC OF ZAMBIA

THE ELECTORAL (NATIONAL ASSEMBLY ELECTIONS) REGULATIONS
(Regulations 5, 35 and 47)

OATH OR AFFIRMATION

I, having been appointed as
..... 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 CAPITALS.....

Magistrate/Returning Officer.....

* In case of candidate, election agent or polling agent delete paragraph (a).

FORM NAE.2

REPUBLIC OF ZAMBIA

THE ELECTORAL (NATIONAL ASSEMBLY ELECTIONS) REGULATIONS
(Regulations 2 and 10)

NOMINATION PAPER

To: The Returning Officer, Constituency.

We, whose signatures appear overleaf, being registered voters in the above-named constituency, do hereby nominate—

First Name (in BLOCK CAPITALS).....

Surname BLOCK CAPITALS).....

Residential Address....

Postal Address.....

to stand as a candidate for election in the Constituency.

NOTE—All pages of this Form must be completed

	Full name in BLOCK CAPITALS	Signature or Thumbprint	Polling District in which registered as a voter	Number of voter's registration card
Proposed by				
Seconded by				
Supported by				
Supported by				
Supported by				
Supported by				
Supported by				
Supported by				
Supported by				

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;*
- (c) that I support the candidature of.....
in the election to the office of President; and
- (d) that I have appointed (full name).....
..... of (address).....
..... to be my Election Agent.

[SUBSIDIARY]

Electoral (National Assembly Elections) Regulations

In accordance with regulation 11 I have completed overleaf a statutory declaration in respect of my nomination as a candidate.

Date..... 19.....

Candidate

Received by me at (time) on the day of

Returning Officer

* Delete whichever is not applicable

NOTES

1. Candidates are advised to acquaint themselves with the provisions of regulations 10 to 25 before completing this Nomination Paper.

2. When this Nomination Paper is lodged it must be accompanied by the sum of fifty kwacha in cash as a deposit.

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.

Endorsement of Presidential Candidate named in (c) above

.....†

† The absence of any endorsement by a Presidential Candidate does not invalidate nomination.

(No. 333 of 1969)

Form NAE.3

REPUBLIC OF ZAMBIA

THE ELECTORAL (NATIONAL ASSEMBLY ELECTIONS) REGULATIONS
(Regulation 11)STATUTORY DECLARATION OF A PERSON NOMINATED
AS A CANDIDATE

I,
do solemnly and sincerely declare that—

1. I am a citizen of Zambia;
2. I have attained the age of twenty-one years; and
3. I am not disqualified for election as a member of the National Assembly under section 8 of the Electoral Act.

I make this solemn declaration conscientiously believing the same to be true.

Signed.....

Subscribed and solemnly declared before me this day
of 19.....

Signed.....

Name in BLOCK CAPITALS.....

Magistrate. District

PENALTY FOR GIVING FALSE INFORMATION

By virtue of the Electoral (National Assembly Elections) Regulations, the penalty for making a false statement is imprisonment for a period not exceeding two years or a fine not exceeding four hundred kwacha, or both such imprisonment and such fine.

Electoral [CAP. 19
(SUBSIDIARY)
FORM NAE.]

Electoral (National Assembly Elections) Regulations
REPUBLIC OF ZAMBIA
THE ELECTORAL (NATIONAL ASSEMBLY ELECTIONS) REGULATIONS
(Regulations 2 and 33)
BALLOT PAPER

Counterfoil	Front	Series No.	Series No.	Official Mark: _____	
		Republic of Zambia National Assembly Elections 19....			
	 Constituency Number of Voter in Register of Voters			
	Back	<p style="text-align: right;">..... Constituency</p> <p style="text-align: center;">INSTRUCTIONS</p> <p>Vote for ONE candidate ONLY by marking ONE in the blank box opposite the name and symbol of candidate for whom you wish to vote. Do NOT make other mark on this paper by which you can be identified.</p>			
		Name of Candidate	Presidential Candidate Supported	Symbol	Mark in the next to symbol candi for w you to

REPUBLIC OF ZAMBIA FORM
THE ELECTORAL (NATIONAL ASSEMBLY ELECTIONS) REGULATIONS
(Regulation 42)
CERTIFICATE OF AUTHORITY TO VOTE AT A
POLLING STATION

To: Presiding Officer, Polling Station, Constituency,

In accordance with regulation 42, authority is hereby given for the person below to cast his vote at the above polling station:

(i) Full name of voter as shown in Register of Voters,

(ii) Election duties,

(iii) Name of polling district in which registered,

(iv) Number of voter in Register of Voters,

(v) National Registration Number of voter,

Date,, 19....

Returning Officer

[SUBSIDIARY]

Electoral (National Assembly Elections) Regulations

INSTRUCTIONS

1. This certificate may only be issued to a person who is unable to vote at the polling station appointed for the polling district in which he is registered due 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 Voter's Registration Card (Form RV.2) and National 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 Register of Voters.

FORM NAE.6

REPUBLIC OF ZAMBIA

THE ELECTORAL (NATIONAL ASSEMBLY ELECTIONS) REGULATIONS
(Regulations 2 and 45)

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 the 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)
Ballot papers numbered—	(1)	(2)	(3)	(4)	(5)
(a) to inc.					
(b) to inc.					
(c) to inc.					
(d) to inc.					
(e) to inc.					
(f) 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.					
<i>Totals</i>					

I hereby certify that this is a correct statement of all ballot papers supplied to me.
Date....., 19....

Presiding Officer

INSTRUCTIONS

In every case the total in Column 5 must equal the total in Column 1. If these totals do not agree it is the responsibility of the Presiding Officer to trace and correct the error before signing this form.

FORM NAE.7

REPUBLIC OF ZAMBIA

THE ELECTORAL (NATIONAL ASSEMBLY ELECTIONS) REGULATIONS
(Regulation 50)

STATEMENT OF REJECTED BALLOT PAPERS

Constituency

Date of Poll 19....

Reason 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

I hereby certify that this is a correct statement of the ballot papers rejected as invalid by me.

Date 19....

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 marked envelope which must be sealed by the Returning Officer.

FORM NAE.8

REPUBLIC OF ZAMBIA

THE ELECTORAL (NATIONAL ASSEMBLY ELECTIONS) REGULATIONS
(Regulation 53)

DECLARATION OF THE RESULT OF THE POLL

I, (full name of Returning Officer) Constituency,
being the Returning Officer for the
do hereby declare that I have, in accordance with the law, ascertained the result of
the Poll in the said Constituency and that there have been given to:

- (1) (who supports the
Presidential candidature of Votes;
- (2) (who supports the
Presidential candidature of Votes;
- (3) (who supports the
Presidential candidature of Votes;
- (4) (who supports the
Presidential candidature of Votes;

and I therefore declare the said
to be this day duly elected as a member of the National Assembly for the
..... Constituency.

Date 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), (2), (3) and (4), 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 OF ZAMBIA

THE ELECTORAL (NATIONAL ASSEMBLY ELECTIONS) REGULATIONS
(Regulation 57)

REPORT ON VERIFICATION OF BALLOT PAPER ACCOUNTS

To: Director of Elections,
P.O. Box RW.274,
Lusaka.

I, the undersigned, being the Returning Officer for the Constituency hereby report that I have, in accordance with regulation 57 of the Regulations, verified the ballot paper accounts received from the Presiding Officers at 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 ballot papers delivered to me by such Presiding Officers.

The result of such verification is as follows:

1. Total number of ballot papers issued by me to Presiding Officers ...

Details obtained from Ballot Paper Accounts	Details obtained from physical check by Returning Officer
2. Number used excluding spoilt ballot papers	5. Total number of ballot papers contained in all boxes
3. Number of spoilt ballot papers	6. Total number of ballot papers on hand
4. Number of unused ballot papers	7. Total number of unused ballot papers turned by Presiding Officers
<i>Total</i> ..	<i>Total</i> ..

Date

.....
Returning Officer

INSTRUCTIONS

1. The verification of the ballot paper accounts shall take place at a time and place notified by the Returning Officer to the candidates and in the presence of the 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.

THE ELECTORAL (REGISTRATION OF VOTERS)
REGULATIONS
ARRANGEMENT OF REGULATIONS

PART I
PRELIMINARY

Regulation

1. Title
2. Interpretation
3. Division and declaration of polling districts
4. Functions of Director of Elections
5. Election officers for registration of voters
6. Form of oath or affirmation for election officers
7. Revocation of appointments of election officers to be notified

PART II
GENERAL REGISTRATION OF VOTERS

A. Applications for Registration and Provisional Registers

8. General registration of voters to be held at intervals of not more than five years.
9. Period for general registration of voters and extension thereof
10. Conduct of registration of voters
11. Application for registration in general registration
12. Procedure for registration of voters in general registration
13. Control of persons in premises used for registration of voters
14. Voter's registration records to be sent to Director of Elections
15. Provisional registers of voters to be prepared by Director of Elections
16. Particulars to be entered in provisional register of voters
17. Director of Elections may refuse to enter particulars of person suspected of offence
18. Procedure after provisional registers of voters prepared

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

19. Appeals against refusal under regulation 12 or 17
20. Procedure for appeals under regulation 19
21. Claims
22. Objections
23. Powers of magistrate on hearing of objections
24. Determination of objections
25. Registration officer to deliver copies of determinations, etc., to Director of Elections

C. Certification of Registers of Voters

26. Preparation of registers of voters for certification
27. Certification of registers of voters
28. Electoral officers to publish registers of voters certified under regulation 27
29. Replacement, control and custody of certified registers, provisional registers and true copies thereof

PART III

ANNUAL REVISION AND REPLACEMENT OF REGISTERS
OF VOTERS*A. Applications and Provisional Registers*

30. Interpretation
31. Annual revision of registers
32. When revision not required
33. Period for carrying out revision
34. Conduct of revision
35. Application for registration as a voter during revision
36. Application for new voter's registration card
37. Applications for transfer from one register of voters to another during revision
38. Provisional registers of voters to be prepared on revision
39. Particulars to be entered in provisional register of voters on revision
40. Director of Elections may refuse to enter particulars of person suspected of offence
41. Procedure after provisional register of voters prepared on revision

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

- 42. Appeals against refusal under regulation 35, 36, 37 or 40
- 43. Claims
- 44. Objections
- 45. Registration officer to deliver copies of determinations, etc., to Director of Elections

C. Certification of Registers of Voters on Revision

- 46. Preparation of registers of voters for certification on revision
- 47. Certification of registers of voters prepared on revision
- 48. Electoral officers to publish registers of voters certified under regulation 47
- 49. Replacement, control and custody of registers, provisional registers and true copies thereof.

PART IV

MISCELLANEOUS

- 50. Formal correction of registers of voters
- 51. Surrender of voter's registration card in case of death
- 52. Director of Elections and registration officers may administer oaths, etc.
- 53. Evidence
- 54. Publication of notices
- 55. Certificate of registration officer as to date of publication of provisional registers
- 56. Certificate of electoral officer as to date of publication of registers
- 57. Voter's registration card *prima facie* evidence of contents
- 58. When voter's registration card deemed to be cancelled
- 59. Director of Elections may supply copy of register of voters to interested persons

PART V

OFFENCES

Regulation

60. Offences in relation to registration
61. Offences relating to voter's registration card
62. Prohibition against requiring or asking for production of voter's registration card
63. Offences by registration officers
64. False information
65. Forgery, falsification and fraudulent destruction
66. Possession of forged or false documents
67. False entries
68. Refusal to leave premises when required
69. Penalty

FIRST SCHEDULE—Oath or affirmation by election

SECOND SCHEDULE—Prescribed forms

Section 16—THE ELECTORAL (REGISTRATION OF VOTERS)
REGULATIONS*Regulations by the Electoral Commission*

PART I

PRELIMINARY

1. These Regulations may be cited as the Electoral (Registration of Voters) Regulations. T.
2. (1) In these Regulations, unless the context otherwise requires—
 - "assistant registration officer" means an assistant registration officer appointed under regulation 5;
 - "Commission" means the Electoral Commission established under section 67 (2) of the Constitution; App
 - "Director of Elections" means the person for the time being holding or acting in the public office of Director of Elections;
 - "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. 4
 - "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. 43
 - "polling district" means any polling district declared as a polling district under regulation 3;
 - "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;

[SUBSIDIARY]

Electoral (Registration of Voters) Regulations

"voter's registration card" means a card in the Second Schedule:

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

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

(3) Any person whose name does not appear in the 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 purposes of regulation 58, be deemed to be lost or destroyed.

(5) Where a magistrate determines under regulation 36 that any voter's registration card is lost or destroyed, such registration card shall, for the purposes of regulation 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 regulation (4) or (5) shall, for the purposes of regulation 58, be deemed to be in possession of a voter's registration card if he was not given to him in pursuance of these Regulations.

**Division and
declaration
of polling
districts**

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

**Functions
of Director
of Elections**

4. The Director of Elections shall—

- (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.

Electoral (Registration of Voters) Regulations

[SUBSIDIARY]

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
officers7. (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 appoint-
ments 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

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 of not more than five years 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
to be held
at intervals
of not more
than five
years

(As amended by No. 410 of 1969)

[SUBSIDIARY]*Electoral (Registration of Voters) Regulations*

Period for
general
registration
of voters and
extension
thereof

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

(2) The Commission may, where it appears necessary, having regard to the number of persons applying for registration or to the length of time required for the collection 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.

Conduct of
registration
of voters

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

Application
for
registration
in general
registration

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 under regulation 9.

Procedure
for
registration
of voters
in general
registration

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

(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.

Cap. 434

(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.

[SUBSIDIARY]

Electoral (Registration of Voters) Regulations

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

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.

Provisional
registers of
voters to be
prepared by
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.

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

Particulars
to be
entered in
provisional
register of
voters

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—

- (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.

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

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.

(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

RV3

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 District 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 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 is available for inspection by the public at such places and at such times as may be specified in such notice.

B. Appeals, Claims and Objections

19. (1) Any person—

- (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 any entry in a provisional register of voters in respect of that person:

Appeals
against
refusal under
regulation
12 or 17

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 one kwacha.

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

RV4

[SUBSIDIARY]

Electoral (Registration of Voters) Regulations

Procedure
for appeals
under
regulation 19

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.

(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.

Claims

21. (1) Any person registered in a polling district under sub-regulation (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.

(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 18 of a true copy of the provisional register of voters for that polling district.

RV5

(3) All claims delivered to a registration officer under this regulation shall be determined by that registration officer not later than twenty 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 No. 410 of 1969)

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 seven 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 one kwacha.

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

[SUBSIDIARY]*Electoral (Registration of Voters) Regulations*

(6) The magistrate shall appoint a day and a place for 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 the 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 of 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 regulation (5), adjourn the hearing to enable the objector or such person to appear in person and may make an order accordingly.

**Powers of
magistrate
on hearing of
objections**

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.

(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.

**Determina-
tion of
objections**

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.

(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 hundred kwacha, 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.

25. Not later than thirty 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—

- (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.

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

[SUBSIDIARY]

*Electoral (Registration of Voters) Regulations**C. Certification of Registers of Voters*

Preparation
of registers
of voters for
certification

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.

(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 sub-regulation (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 sub-regulation (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.

Certification
of registers
of voters

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.

(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.

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(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.

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.

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

[SUBSIDIARY]*Electoral (Registration of Voters) Regulations*

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 a court of competent jurisdiction under these Regulations, be removed from such custody.

(4) 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***A. Applications and Provisional Registers***Inter-
pretation****30. In this Part—**

"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.

**Annual
revision of
registers**

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.

**When
revision not
required**

32. A revision shall not be required in respect of any polling district in any calendar year during which a general registration of voters is commenced under Part II in that polling district.

(As amended by No. 410 of 1969)

**Period for
carrying out
revision**

33. 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:

Provided that there shall not be more than one such period specified in respect of any polling district in any calendar year.

**Conduct of
revision**

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.

**Application
for
registration
as a voter
during
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.

(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.

Cap. 434

(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.

Cap. 434

(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) sub-regulation (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) sub-regulation (1)—

- (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 sub-regulation (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 sub-regulation (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.10 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.

Cap. 434

(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 complete Form RV.9 in the Second Schedule in respect of such voter's registration card.

(7) A registration officer to whom application is made under this regulation shall, if he is satisfied as to the matters in respect

(SUBSIDIARY]

Electoral (Registration of Voters) Regulations

of which he is required to be satisfied under sub-regulations (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 (3) and (4) or—

- (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.10 completed by the applicant under sub-regulation (1), together with—

- (a) the voter's registration card surrendered by the applicant under sub-regulation (5), on which there should be endorsed the word "CANCELLED"; or
- (b) if such voter's registration card is not surrendered by the applicant as aforesaid, the Form RV.9 completed by the applicant under sub-regulation (6).

(10) In this regulation—

"registration officer" includes an assistant registration officer.

Provisional
registers of
voters to be
prepared on
revision

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.

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

Electoral (Registration of Voters) Regulations

[SUBSIDIARY]

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
- (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 (1) 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.

(As amended by No. 410 of 1969)

40. (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 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 (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 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 (1) 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.

[SUBSIDIARY]*Electoral (Registration of Voters) Regulations*

Procedure
after
provisional
register
of voters
prepared on
revision

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.

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

- (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

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

42. (1) Any person—

- (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 one kwacha.

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

(SUBSIDIARY)

Electoral (Registration of Voters) Regulations

registered, complete Form RV.10 in the Second Schedule :
shall—

- (a) surrender to such registration officer the voter's registration card referred to in sub-regulation (5) regulation 37; or
- (b) if such voter's registration card is lost or destroyed complete Form RV.9 in the Second Schedule :
respect of such voter's registration card.

(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.

Claims

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.

(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.

Objections

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.

(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 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 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 or RV.10 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 41.

[SUBSIDIARY]

*Electoral (Registration of Voters) Regulations**C. Certification of Registers of Voters on Revision*

Preparation
of registers
of voters for
certification
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.

(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 sub-regulation (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 regulation 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.

Certification
of registers
of voters
prepared
on revision

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.

(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.

[SUBSIDIARY]

Electoral (Registration of Voters) Regulations

(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

MISCELLANEOUS

Formal
correction
of registers
of voters

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—

- (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.

(As amended by No. 410 of 1969)

Surrender
of voter's
registration
card in
case of
death

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.

(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.

(No. 410 of 1969)

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 oath, 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 (1) purporting to be signed by an electoral officer shall be presumed, until the contrary is proved, to have been signed by such electoral officer.

[SUBSIDIARY]

Electoral Registration of Voters Regulations

Voter's
registration
card *prima*
facie
evidence of
contents

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.

When
voter's
registration
card deemed
to be
cancelled

58. Any voter's registration card—

- (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.

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

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.

PART V

OFFENCES

Offences in
relation to
registration

60. Any person who—

- (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.

(As amended by No. 410 of 1969)

Offences
relating to
voter's
registration
card

61. Any person who—

- (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.

Electoral (Registration of Voters) Regulations

[SUBSIDIARY]

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. 146

(3) Any person who contravenes the provisions of sub-regulation (1) shall be guilty of an offence.

(As amended by No. 410 of 1969)

63. Any registration officer or assistant registration officer who—

Offences 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

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

[SUBSIDIARY]

Electoral (Registration of Voters) Regulations

Refusal
to leave
premises
when
required

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.

Penalty

69. Any person who is guilty of an offence against these Regulations shall be liable on conviction to a fine not exceeding four hundred kwacha or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment.

FIRST SCHEDULE

FORM RVO

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

FORM RV.1

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

Form RV.2

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.)

NATIONAL REGISTRATION NUMBER

[SUBSIDIARY]

Electoral (Registration of Voters) Regulations

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

FORM RV.3

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.

FORM RV.4

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 hundred kwacha, or both such imprisonment and such fine.

* Delete any words which do not apply

FORM RV.5

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 hundred kwacha, or both such imprisonment and such fine.

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 hundred kwacha, or both such imprisonment and such fine.

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.....

Electoral (Registration of Voters) Regulations

[SUBSIDIARY

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

Polling District.

*Director of Elections in the Parliamentary Elections Office.

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 making a false entry is imprisonment for a period not exceeding one year or a fine exceeding four hundred kwacha, or both such imprisonment and such fine.

* Delete whichever is not applicable

FORM

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 V
Regulations and that this register shall come into force with effect from
..... (date) replacing all previous registers, and shall remain legally in force
a new register of voters is prepared and certified in accordance with the Regu

Date..... 19.....

Director of Elections

FORM

REPUBLIC OF ZAMBIA

THE ELECTORAL (REGISTRATION OF VOTERS) REGULATIONS
(Regulation 36)APPLICATION FOR THE ISSUE OF A NEW VOTER'S REGISTRAR
CARD BY A REGISTERED VOTER ON ACCOUNT OF THE LOSS
OR DESTRUCTION OF HIS VOTER'S REGISTRATION CARD
OR A CHANGE OF NAME

PART A

To: The Registration Officer.

..... Polling District

I, (name in BLOCK CAPITALS).....
of (residential address).....
declare that I was issued with a voter's registration card number.....

[SUBSIDIARY]

Electoral (Registration of Voters) Regulations

(if known) in the above polling district at (place)
 about (date of issue) 19.... and I hereby
 issue of a new voter's registration card on the following grounds:

- * (i) I have since lost the above-mentioned voter's registration card.
 my possession on or about
 diligent search for it I have not been able to find it.
- * (ii) The above-mentioned voter's registration card was lost/destroyed
 following circumstances:

- * (iii) The particulars of my name as recorded on the above-mentioned
 registration card are as follows:

Surname.....

Other names.....

These have been changed and now appear on my national register
 as follows:

Surname.....

Other names.....

I make this application conscientiously believing that the information
 true.

Date..... 19....
Signature or Thumbprint of

* Delete paragraphs which do not apply

PENALTY FOR GIVING FALSE INFORMATION

By virtue of the Electoral (Registration of Voters) Regulations, the person
 giving false information is imprisonment for a period not exceeding one year
 not exceeding four hundred kwacha, or both such imprisonment and such fine.

PART B

For official use by Registration Officer

Application *accepted/rejected on the following grounds.....

New voter's registration card number.....

Date of issue..... 19....

Old voter's registration card stamped CANCELLED *attached/not attached.

Date..... 19....
Registration Officer

* Delete words which do not apply

NOTE—On issue of a new voter's registration card, this form, together with the
 voter's registration record stamped "DUPLICATE—REPLACES NO....."
 the old voter's registration card, where this has been handed in, must be forwarded
 to the Director of Elections. If the old voter's registration card is not handed in,
 possible to trace its number from the alphabetical list of voters in the polling station.

REPUBLIC OF ZAMBIA

THE ELECTORAL (REGISTRATION OF VOTERS) REGULATIONS
(Regulation 37)APPLICATION BY A REGISTERED VOTER FOR TRANSFER FROM
THE REGISTER OF VOTERS OF ONE POLLING DISTRICT TO
THAT OF ANOTHER POLLING DISTRICT

PART A

To: The Registration Officer,

Polling District

Name of applicant (BLOCK CAPITALS).....

Residential Address.....

- (i) I, the above named, hereby certify that I am a registered voter in the Polling District and the details which appear on my voter's registration card are as follows:

Voter's Roll No.

Polling District.....

National Registration No.

- (ii) I declare that I have changed my place of residence since being registered as a voter in the aforementioned Polling District and that on or about (date), 19.... I became resident at the address shown above.

- (iii) I hereby apply for my name to be deleted from the register of voters of the Polling District and included in the register of voters of the Polling District in which I now reside.

- (iv) I declare that I remain qualified for registration as a voter and that I am not disqualified from registration as a voter.

- (v) *I attach to this application my voter's registration card for cancellation.

or
*I have lost my voter's registration card and therefore attach herewith a completed Form RV.9.

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

Signature or Thumbprint of Applicant

* Delete whichever does not apply

PENALTY FOR GIVING FALSE INFORMATION

By virtue of the Electoral (Registration of Voters) Regulations, the penalty for giving false information is imprisonment for a period not exceeding one year or a fine not exceeding four hundred kwacha, or both such imprisonment and such fine.

PART B

(For official use by Registration Officer)

Application *accepted/rejected on the following grounds.....

New voter's registration card number.....

Date of issue..... 19....

*Old voter's registration card stamped "CANCELLED" attached.

*Completed Form RV.9 attached.

Date..... 19....

Registration Officer

* Delete words which do not apply

NOTE—On issue of a new voter's registration card, this form, together with the new voter's registration record stamped "TRANSFER FROM..... POLLING DISTRICT" and the old voter's registration card or a completed Form RV.9 must be forwarded to the Director of Elections who will be responsible for ensuring that the necessary entries are made in the relevant registers of voters.

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

Sections 20 and 22—THE ELECTORAL PETITION RULES

Rules by the Chief Justice

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

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.

4. (1) The petition shall state the right of the petitioner to petition within section eighteen of the Act.

(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.

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.

7. The petitioner shall serve or cause to be served a copy of the petition on the respondent. Such service shall ordinarily be personal:

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.

(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.

Security
for costs

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.

(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)

Time and
place of
hearing

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.

Notice of
intention to
withdraw
petition

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.

(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.

Notice of
application
to withdraw
petition

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.

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

Procedure on
withdrawal
of petition

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.

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

(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 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)

PRESCRIBED FEES

On presenting a petition	K25
On presenting an application to withdraw a petition	K10
On application to be substituted as a petitioner	K10
On entering a recognizance for security for costs	K10