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## PRESIDENTIAL ELECTIONS

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## CHAPTER 2:01

## PRESIDENTIAL ELECTIONS

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An Act to make provision for subsequent elections of the President of Malawi after the first Presidential Election 25 of 1966

[6TH JULY, 1966]

## PART I

## PRELIMINARY

1. This Act may be cited as the Presidential Elections Act.

Short title

L.R.O. 1/1970

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Interpreta-  
tion

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

“assistant voting supervisor” means any person appointed as such by the Electoral Commission under section 16;

“candidate” means a person nominated as the Presidential candidate by the Electoral College in accordance with Part II;

“Chairman” means the Chairman of the Electoral College or other person for the time being presiding at the meeting of the Electoral College mentioned in section 3;

“the Constitution” means the Constitution of the Republic of Malawi established by section 4 of the Republic of Malawi (Constitution) Act, and set out in the Second Schedule to that Act;

“constituency” means an area delimited as such under section 8 of the Republic of Malawi (Constitution) Act or under section 31 of the Constitution;

“the Electoral College” means the Electoral College established by section 11 of the Constitution;

“the Electoral Commission” means the Electoral Commission established by section 30 of the Constitution;

“nomination day” means the day appointed by the Electoral Commission under section 3 for the receipt of the nomination paper of the Presidential candidate;

“nomination paper” means the paper referred to in section 10 nominating the Presidential candidate for election;

“polling day” means the day appointed by the Electoral Commission under section 3 for the taking of a poll;

“prescribed manner” means the manner prescribed in this Act or in any regulations made thereunder;

“President” means the President of the Republic of Malawi;

“Presidential candidate” means the person nominated by the Electoral College under Part II as the candidate for election to the office of President;

“Presidential election” means the election held under Part III to elect the Presidential candidate to the office of President;

“proposal form” means a form proposing a person for selection as the Presidential candidate by the Electoral College, in accordance with section 5;

“returning officer” means a person appointed as such by the supervisor of elections under the Parliamentary Elections Act, 1966;

Cap. 2:02.

"Secretary-General" means the Secretary-General for the time being of the Malawi Congress Party;

"supervisor of elections" means the person appointed, or deemed to have been appointed, as such under the Parliamentary Elections Act and the deputy supervisor and an assistant-supervisor of elections; Cap.2:02

"voter" means a person who is registered as a voter in a register prepared and certified under the Registration of Voters Act; Cap. 2:03

"votes cast" means votes validly cast;

"voting paper" means the paper referred to in section 7 for the purpose of voting to select the Presidential candidate;

"voting supervisor" means any person appointed as such under section 16 and includes an assistant voting supervisor.

## PART II

### SELECTION AND NOMINATION OF THE

#### PRESIDENTIAL CANDIDATE

3.—(1) Where, under section 10 of the Constitution, it becomes necessary to elect a President, the Electoral Commission shall, as soon as may be, by an Order made under the hand of the Chairman of the Electoral Commission which shall be published in the *Gazette*—

Convening of the Electoral College and appointment of the nomination and polling days by the Electoral Commission

(a) convene a meeting of the Electoral College, to be held on a date and at a place specified in the Order, for the purpose of selecting and nominating the Presidential candidate;

(b) appoint the date, time and place for the receipt by the supervisor of elections of the nomination paper of the Presidential candidate; and

(c) appoint the day or days upon which a poll shall be taken in every constituency for the election of the President.

(2) The dates to be appointed under—

(a) subsection (1) (a);

(b) subsection (1) (b); and

(c) subsection (1) (c),

shall be not less than twenty-one days, twenty-eight days and thirty-five days respectively from the date of the Order referred to in subsection (1).

Cap. 2:02

(3) Whenever a general election under the Parliamentary Elections Act and Presidential election under this Act are to be held, the Electoral Commission shall appoint the same day for the taking of a poll in both elections.

Chairman of the Electoral College

4.—(1) The Chairman of a meeting of the Electoral College shall be appointed under section 11 of the Constitution as early before the date fixed for the meeting as may be practicable.

(2) If the Chairman so appointed is proposed for selection as the Presidential candidate, and agrees to his being proposed, he shall resign his office of Chairman and the members of the National Executive Committee of the Malawi Congress Party shall appoint some other member of the Electoral College to act as Chairman in his place.

Proposal of persons for selection as Presidential candidate

5.—(1) A person who desires to be considered for selection as a Presidential candidate shall cause a proposal form proposing him as a candidate, and completed in accordance with this section, to be sent to the Chairman.

(2) The proposal form of any person for selection by the Electoral College shall be sent to the Chairman so as to be received by him not less than five days before the date appointed for the meeting of the Electoral College under section 3.

(3) Every such proposal form shall be in writing and shall be signed by not less than two voters and also by the person proposed, so as to signify his agreement to his being so proposed.

(4) Subject to subsections (2) and (3), a proposal form may be in the form set out in the Schedule, and if used shall be sufficient. The Chairman may, before the date appointed for the meeting of the Electoral College, advise a person so proposed of any defect in the proposal form, and the person proposed, or either of the persons proposing him, may rectify the defect at any time before the said date.

Procedure at the meeting of the Electoral College

6.—(1) The Electoral College shall meet on the date and at the place appointed under section 3 and the Chairman shall preside.

(2) The meeting shall be conducted in substantial conformity with the following provisions—

(a) the meeting shall be held *in camera* and no persons other than the members of the Electoral College, the persons proposed for selection as the Presidential candidate and officials duly appointed to perform functions at the meeting, shall be present;

(b) the Chairman shall read out to the meeting the names, in alphabetical order of surname, of all persons who have been proposed for selection as the Presidential candidate and,

having done so, shall cause to be displayed in prominent places within the place where the meeting is being held, lists in alphabetical order of the names of the said persons;

(c) the Chairman shall then explain to the meeting, in clear and simple terms, the purpose of the meeting and the procedure to be followed and, in particular, shall explain to the meeting the manner in which the voting is to be conducted;

(d) the meeting shall then proceed to select by vote, in accordance with section 7, the person to be nominated as the Presidential candidate;

(e) when the votes have been cast and counted, the Chairman shall announce to the meeting the total number of votes cast, and the number of votes cast for each one of the persons proposed;

(f) if only one person has been validly proposed for selection as the Presidential candidate then, if that person has received more than one-half of the total number of votes cast, the Chairman shall declare that person to have been selected for nomination by the Electoral College as the Presidential candidate;

(g) if more than one person has been validly proposed for selection as the Presidential candidate, the person in whose favour the greatest number of votes has been cast shall be declared by the Chairman to have been selected for nomination by the Electoral College as the Presidential candidate;

(h) if no person has been validly proposed, or if the only person so proposed has not received more than one half of the total number of votes cast, the Chairman shall adjourn the meeting for a period of not less than two weeks. Thereupon the Electoral Commission shall make a further Order under section 3.

7. The votes shall be taken by secret ballot conducted in substance and as nearly as possible in the following manner—

Manner of  
voting

(a) at the place where the meeting is held there shall be one or more screened compartments in which there shall be placed the ballot boxes of the persons proposed for selection as the Presidential candidate. Wherever there is more than one such compartment there shall be placed in every compartment one ballot box for every person proposed, plainly marked on the top-side with the name of the person and bearing a photograph of the person;

(b) before any vote is cast the voting supervisor shall, in the presence of the Chairman and those of the persons proposed for selection as the Presidential candidate who attend, open all ballot boxes and ensure that they are empty;

(c) every member of the Electoral College desiring to vote shall identify himself to the voting supervisor. If the voting supervisor is satisfied that the person concerned is a member of the Electoral College and has not already voted, he shall deliver to that person a voting paper in the prescribed form and, having done so, shall make a mark against the name and number of that person in the roll of members of the Electoral College, to denote that a voting paper has been given to that person;

(d) every person, upon receiving a voting paper, shall go immediately to a screened compartment and shall there secretly cast his vote by putting his voting paper into the ballot box bearing the name and photograph of the person for whom he wishes to vote;

(e) if a person wishing to vote is incapacitated by blindness or any other cause, he may call the voting supervisor aside and shall tell him, no other person being present or within hearing, the name of the person for whom he wishes to vote, and the voting supervisor shall then accompany the incapacitated person to the screened compartment and place that person's voting paper into the ballot box of the person for whom the incapacitated person wishes to vote;

(f) every person shall cast his vote without undue delay and shall leave the screened compartment as soon as he has done so, and if he does not leave within a reasonable time, the voting supervisor may enter the compartment to ensure that this section is complied with.

Procedure  
on comple-  
tion of  
voting

8. When all persons who desire to vote have cast their votes, the voting supervisor shall—

(a) take into his custody all the ballot boxes;

(b) make up into separate and sealed packets—

(i) a statement of the total number of voting papers available for issue before the voting commenced, and the names of the assistant voting supervisors;

(ii) all unissued voting papers together with their counterfoils;

(iii) the marked copy of the roll of members of the Electoral College;

(iv) the counterfoils of the issued voting papers; and

(v) any wasted or spoiled voting papers which have not been placed in any ballot box;

(c) despatch to the Electoral Commission by the hand of a suitable officer, as soon as may be, the several documents specified in paragraph (b).



9.—(1) When he has complied with section 8, the voting supervisor together with the assistant voting supervisors shall, in the presence of the Chairman and of such of the persons proposed for nomination as may attend, proceed to count the votes. Counting of votes

(2) The counting shall be done in such manner as the voting supervisor may direct.

(3) When the counting has been completed, the voting supervisor shall complete a certificate of the result of the count. This certificate shall be signed by the voting supervisor and the assistant voting supervisors, and shall then be handed to the Chairman.

(4) The certificate of the result of the count shall contain the following particulars—

(a) the total number of all the votes cast;

(b) the total number of votes cast for every person proposed for nomination; and

(c) the name of the successful candidate.

(5) The Chairman shall send, in a sealed packet, to the Electoral Commission, all the counted voting papers and any spoiled voting papers found in any ballot box.

10.—(1) Where a Presidential candidate has been nominated for election to the office of President in accordance with this Part, the Chairman shall, on or before the nomination day and at the time and place specified in the Order referred to in section 3 (1) (b), deliver to the Electoral Commission— Nomination of the Presidential candidate by the Electoral College

(a) a nomination paper in the prescribed form and signed by the Chairman of the Electoral College; and

(b) the certificate of the result of the count referred to in section 9, and the nomination paper shall certify that the person named therein has been selected by the Electoral College as the Presidential candidate and shall nominate that person as the Presidential candidate.

(2) Upon receipt of the documents specified in section 8 (b), section 9 (5) and subsection (1) (a) and (b) of this section, respectively, the Electoral Commission shall, in accordance with section 15, scrutinize the selection and nomination of the Presidential candidate.

(3) If the Electoral Commission is satisfied that the Presidential candidate has been validly selected and nominated, the Electoral Commission shall forthwith send to the supervisor of elections a certificate to that effect together with the nomination paper.

(4) If the Electoral Commission is not satisfied that the Presidential candidate has been validly selected by the Electoral College, the Electoral Commission shall declare the proceedings null and void, revoke the Order previously issued under section 3 and issue a further Order under section 3 for the selection, nomination and election of a Presidential candidate.

(5) If the Electoral Commission is satisfied that the Presidential candidate has been validly selected by the Electoral College but is not satisfied that the Presidential candidate has been validly nominated, the Electoral Commission shall return the nomination paper to the Presidential candidate and advise him of any defect in the nomination paper, and the Presidential candidate may then take such steps as may be necessary to rectify the defect at any time before the nomination day.

### PART III

#### ELECTION OF THE PRESIDENT

Procedure  
for election  
of President

**11.—**(1) On the polling day a poll shall be taken in every constituency, in accordance with this Act, to determine whether or not the Presidential candidate shall be elected to the office of President. The poll shall commence at 6 o'clock in the morning and shall close at 6 o'clock in the evening, unless the presiding officer at any polling station for good cause otherwise orders.

(2) The poll shall be taken by secret ballot and every voter shall be entitled to vote at the Presidential election.

(3) A person who is for any reason unable to attend in person at the polling station shall not be entitled to record his vote, whether by post or by proxy or by other means.

(4) At the taking of the poll, a voter who wishes to vote at the Presidential election shall cast his vote, in the prescribed manner, either in favour of, or against, the election of the Presidential candidate to the office of President.

Adjourn-  
ment of poll

**12.—**(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer may adjourn the proceedings until another day and shall in such case give notice to the returning officer and shall publish the date on which polling will proceed.

(2) Where a poll is adjourned at any polling station—

(a) the hours of polling on the day to which it is adjourned shall be the same as for the original day; and

(b) reference in this Act to the close of the poll shall be construed accordingly.

13.—(1) When the poll has been taken the returning officer in every constituency shall count the votes cast, in the manner prescribed by regulations made under this Act, and shall forward to the supervisor of elections particulars of the total number of—

Counting of  
votes

(a) votes cast in the constituency;

(b) votes cast in favour of the Presidential candidate's being elected to the office of President; and

(c) votes cast against the Presidential candidate's being elected to the office of President.

(2) Upon receipt by him from all returning officers of the information specified in subsection (1), the supervisor of elections shall ascertain the total from all the constituencies of all the votes referred to in subsection (1) (a), (b) and (c) respectively and shall forthwith forward to the Electoral Commission particulars of those totals.

14.—(1) If, upon the ascertainment of the totals of votes referred to in section 13 (2), it appears that—

Declaration  
of election  
or non-election  
of the  
President

(a) more than one-half of the aggregate of all the votes cast in the election are in favour of the Presidential candidate's being elected to the office of President, the Electoral Commission shall, by a Declaration which shall be subsequently published in the *Gazette*, forthwith declare the Presidential candidate to be elected;

(b) less than one-half of the aggregate of all the votes cast in the election are in favour of the Presidential candidate's being elected to the office of President, or if there be an equal number of votes cast in favour and votes cast against his being so elected, the Electoral Commission shall, by a Declaration which shall be published in the *Gazette*, declare the Presidential candidate not to have been elected.

(2) Where the Presidential candidate is declared not to have been elected, new elections shall be held in accordance with this Act.

#### PART IV

##### GENERAL

15. The conduct of the proceedings at the meeting of the Electoral College, the selection and nomination of the Presidential candidate, and the conduct of the election of the President shall be subject to the scrutiny, direction and supervision of the Electoral Commission, in order to ensure that all those proceedings have been conducted in accordance with this Act, and the Electoral Commission shall certify in writing its conclusions upon that issue.

Scrutiny of  
election

Power of  
Electoral  
Commission  
to appoint  
officers

16. The Electoral Commission may appoint as many public officers as it may deem necessary to act as voting supervisor and as assistant voting supervisors for the purposes of this Act.

Regulatory  
powers of  
the Electoral  
Commission

17. The Electoral Commission may make regulations in relation to the holding and conduct of Presidential elections, including, without prejudice to the generality of the foregoing power, the following matters—

(a) the holding of a Presidential election in every constituency and the procedure for voting thereat, and delegation to the supervisor of elections of power to make Rules, subject to the direction of the Electoral Commission, in relation to the administrative conduct of a Presidential election;

(b) the counting of votes cast and the ascertainment and declaration of the results of elections;

(c) defining offences in relation to such elections and the imposition of penalties therefor; and

(d) prescribing forms and prescribing and regulating all such matters as are required to be prescribed by this Act, or as may conveniently be prescribed for its better implementation.

Offences

18.—(1) Any person who—

(a) forges any proposal form or nomination paper, or delivers to the supervisor of elections any nomination paper knowing it to be forged, or subscribes his signature to any nomination paper knowing that any of its contents are false;

(b) forges any voting paper or ballot paper;

(c) without due authority supplies any voting paper or ballot paper to any person;

(d) not being entitled under this Act to be in possession of a voting paper or a ballot paper, has a voting paper or a ballot paper in his possession;

(e) puts into any ballot box anything other than the voting paper or the ballot paper which he is authorized under this Act to put in;

(f) without due authority, the onus of proof of which shall be on the person charged with the offence, destroys, takes, opens or otherwise interferes with any ballot box or packet of voting papers or ballot papers in use or intended to be used for the purposes of a meeting of the Electoral College or at an election;

(g) without due authority prints any voting paper or ballot paper or what purports to be or is capable of being used as a

voting paper or a ballot paper at a meeting of the Electoral College or at an election;

(h) obtains or attempts to obtain more than one voting paper or ballot paper whether in his own name or in the name of some other person, whether that name be the name of a person living or dead or of a fictitious person;

(i) casts more than one vote in any election;

(j) for the purpose of corruptly influencing any person to give or withhold his vote, or to sign or refrain from signing any nomination paper, gives or provides, or causes to be given or provided, and food, drink, entertainment or other advantage in cash or in kind, or promises so to do;

(k) uses or threatens to use any force or restraint in order to induce or compel a person to give or withhold his vote or to sign or refrain from signing any nomination paper, shall be liable to a fine of £500 and to imprisonment for two years, and shall be disqualified for a period of seven years from the date of his conviction from being elected as a member of the National Assembly, and, if at that date he has been elected as a member, his election shall be deemed void.

(2) Every offence under this section shall be a cognizable offence within the meaning of the Criminal Procedure and Evidence Code. Cap. 8:01

(3) Section 24 of the Parliamentary Elections Act (which relates to maintenance of secrecy by election officers) shall apply for the purposes of this Act. Cap. 2:02

#### SCHEDULE

s. 5

### THE REPUBLIC OF MALAWI THE PRESIDENTIAL ELECTIONS ACT, CAP. 2:01

#### (SECTION 5)

#### PROPOSAL FORM

I, ..... (names in full)  
of ..... (address)  
..... (occupation)  
being registered as a voter in the constituency of .....

AND

I, ..... (names in full)  
of ..... (address)  
..... (occupation)

being registered as a voter in the constituency of .....

DO HEREBY PROPOSE

..... (names in full)

of ..... (address)

..... (occupation)

for selection as Presidential candidate by the Electoral College, in accordance with the Presidential Elections Act.

Dated this..... day of .....19....

(Signature of first proposer).....

(Signature of second proposer) .....

I, ..... (names in full of person proposed)

of ..... (address)

..... (occupation)

being qualified for selection as Presidential candidate, DO HEREBY ACCEPT the foregoing proposal AND I DO HEREBY CONSENT to offer myself for selection as the Presidential candidate, in accordance with the Presidential Elections Act.

Dated the ..... day of ..... 19.....

(Signature of the person proposed) .....

# PARLIAMENTARY ELECTIONS

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## CHAPTER 2:02

## PARLIAMENTARY ELECTIONS

## ARRANGEMENT OF SECTIONS

## PART I

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1. Short title
2. Application
3. Interpretation
4. Appointment of election officers
5. Functions of election officers

## PART II

## CONDUCT OF ELECTIONS

6. General election and by-election
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## PART III

## AVOIDANCE OF ELECTIONS AND ELECTION PETITIONS

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## PART IV

## GENERAL

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## CHAPTER 2:02

## PARLIAMENTARY ELECTIONS

24 of 1966 An Act to provide for the conduct of elections to the National  
 27 of 1971 Assembly, disqualifications to be elected a member, tenure  
 7 of 1973 of office by members of the National Assembly and for  
 matters connected therewith

[6TH JULY, 1966]

## PART I

## PRELIMINARY

- Short title      1. This Act may be cited as the Parliamentary Elections Act.
- Application      2. This Act shall apply to the conduct of every general election and every by-election of members of the National Assembly.
- Interpretation      3. In this Act, unless the context otherwise requires—
- “the Assembly” means the National Assembly constituted under section 19 of the Constitution;
- “by-election” means the election of a member to fill a seat in the Assembly which has become vacant otherwise than in consequence of a dissolution of Parliament;
- “candidate” means any person who is nominated as a candidate for election as a member of the Assembly;
- “constituency” means an area delimited as such under section 8 of the Republic of Malawi (Constitution) Act or under section 31 of the Constitution;
- “election officer” includes the supervisor of the elections, the deputy supervisor, and any assistant supervisor, returning officer, assistant returning officer, presiding officer, enumerator or polling assistant appointed by or under this Act;
- “election representative” means the person whose name has been notified by the candidate to a returning officer as his election representative under section 10;
- “the Electoral Commission” means the Electoral Commission established by section 30 of the Constitution;
- “general election” means an election of members of the Assembly consequent upon a dissolution of Parliament;
- “member” means a member of the Assembly;

"nomination day" means the day appointed by the Electoral Commission under section 8 for the receipt by the returning officer of nominations of candidates;

"the Party" means the Malawi Congress Party;

"polling agent" means the person appointed as such by the candidate by or under this Act;

"polling assistant" means a person appointed as such by a returning officer under section 18;

"polling day" means any day appointed by the Electoral Commission under section 8 for the holding of a poll;

"presiding officer" means a person appointed as such by a returning officer under section 18;

"returning officer" means any person appointed as such by the supervisor of elections under section 4 and an assistant returning officer;

"supervisor of elections" means the person appointed as such under section 4 and includes the deputy supervisor and any assistant supervisor of elections appointed under that section;

"voter" means a person registered as a voter in the last register prepared and certified under the Registration of Voters Act. Cap. 2:03

4.—(1) The Electoral Commission shall appoint a supervisor of elections and may appoint a deputy supervisor of elections and assistant supervisors of elections. Appointment of election officers

(2) The supervisor of elections shall appoint such number of returning officers and assistant returning officers as may be necessary.

(3) Returning officers shall appoint such number of presiding officers and polling assistants as may be necessary.

(4) The supervisor of elections and returning officers may employ such staff as they require to carry out the functions assigned to them by or under this Act.

(5) The same person may be appointed to perform the functions of two or more classes of election officer.

(6) No person while he is a member of the Assembly or a candidate for election to the Assembly may be appointed as an election officer.

5.—(1) The supervisor of elections shall, subject to the general and special direction of the Electoral Commission— Functions of election officers

(a) exercise general direction and supervision over the

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administrative conduct of elections and enforce on the part of all election officers fairness, impartiality and compliance with this Act;

(b) issue to election officers such instructions as from time to time he may deem necessary for the effective execution of this Act;

(c) perform all other functions which are assigned to him by or under this Act.

(2) Returning officers shall, in accordance with the directions of the supervisor of elections, perform the functions assigned to them by or under this Act and shall perform such other functions in relation to elections as the supervisor of elections may assign.

(3) Presiding officers and polling assistants shall, in accordance with the directions of returning officers, perform the functions assigned to them by or under this Act.

### PART III

#### CONDUCT OF ELECTIONS

General  
election and  
by-election  
7 of 1973

6.—(1) A general election shall be held at such times as are required by the Constitution.

(2) When a member dies or resigns, a new constituency is created, or the Speaker gives notice under section 28 of the Constitution that a seat has become vacant, a by-election shall be held.

Delay in  
publication  
of notice  
pending  
appeal

7. When a member of the Assembly has been sentenced by a court to death or imprisonment for a term exceeding twelve months, is adjudged or declared to be of unsound mind or bankrupt, or has been convicted of any offence prescribed under section 23, it shall not be necessary for the Speaker to give notice that such member's seat has become vacant until the time for appeal against such decision has expired or, if there is an appeal, until the determination of that appeal.

Election  
procedure

8.—(1) Whenever a general election or a by-election is to be held, the Electoral Commission shall issue an Order of which notice shall be published in the *Gazette*—

(a) declaring the constituency or constituencies in which an election is to be held;

(b) appointing the place, date and time for the receipt by the returning officer of the nomination of candidates, in respect of each such constituency;

(c) appointing the day or days on which a poll shall be taken if a poll becomes necessary.

(2) The date appointed under subsection (1) (b) shall be not less than fourteen days after the publication of the Order.

(3) The period appointed under subsection (1) (c) during which a poll shall be taken shall commence not less than twenty-one days after the nomination of candidates.

(4) Upon receipt of a copy of the Order required by this section, the returning officer for each constituency named in the Order shall proceed to hold an election in the manner prescribed by or under this Act.

9.—(1) On the day and at the time and place fixed for the nomination of candidates the returning officer shall attend at the place notified to receive the nomination of candidates and shall receive such nomination papers as may be tendered to him, and which appear to him to comply with this Act. Nomination of candidates

(2) The nomination of every candidate shall—

- (a) be in the form set forth in the Schedule;
- (b) be made by at least two voters registered in the constituency in which the candidate intends to be a candidate;
- (c) be endorsed with the candidate's consent to nomination.

(3) The fact that subsequent to nomination the name of any person who nominated a candidate under subsection (2) (b) is struck off the register of voters shall not invalidate the nomination of the candidate.

(4) No candidate may be nominated for election in more than one constituency or while he is a member of the Assembly.

10. Every candidate may appoint one person to be his election representative, and shall notify in writing the returning officer of the constituency in which he is, or intends to be, a candidate of the name of the person so appointed. Election representative

11.—(1) Every candidate or his election representative shall at the time of his nomination deliver to the returning officer— Nomination paper and supporting documents

(a) a nomination paper completed and executed in the prescribed form;

(b) evidence, or a statutory declaration by the candidate made before a magistrate or a Commissioner for Oaths, that the candidate—

(i) is a citizen of Malawi and has attained the minimum age required by section 23 of the Constitution and;

(ii) is able to speak and to read the English language well enough to take an active part in the proceedings of the Assembly;

(c) evidence that—

- (i) he is registered as a voter in a constituency; and
- (ii) he is a member of the Party.

(2) A candidate or his election representative may before, but not after, the close of the period allowed for nominations withdraw his nomination paper.

(3) The returning officer shall, if the candidate or his election representative so requests, examine the nomination paper and supporting documents of the candidate before they are tendered and advise the candidate or his election representative whether in his opinion they are in order.

(4) The returning officer may, before the close of the period allowed for nominations, advise the candidate or his election representative of any defect in the candidate's nomination paper or supporting documents and the candidate or his election representative may, before the close of such period, rectify the defect.

Invalid  
nomination

12. Where a nomination paper is delivered in conformity with sections 9 and 11, and it is not withdrawn, the candidate shall be deemed to stand nominated unless the returning officer is satisfied of the candidate's death or decides that the nomination paper is invalid on one of the following grounds, but on no other grounds, namely—

(a) that the description of the candidate is insufficient to identify him;

(b) that the nomination paper does not comply with this Act;

(c) that the nomination paper was not tendered within the time prescribed;

(d) that any supporting document required to accompany the nomination paper has not been lodged with the returning officer; or

(e) that the evidence delivered to the returning officer under section 11 is insufficient.

Rejected  
nomination

13.—(1) If, after the close of the period allowed for nominations but before polling day, the returning officer is of the opinion that a candidate whose nomination papers have been lodged with him has not been duly nominated or is not qualified for election or has obtained nomination by fraud or false pretences, the returning officer shall forthwith notify such candidate or his election representative giving the reasons for such opinion, and, if so requested by the candidate or his election representative, the returning officer shall draw up and sign a statement of

the facts and his opinion based thereon and transmit it, together with the nomination paper and any certificate or affidavit which has been lodged with such nomination paper, to the Registrar of the High Court for hearing and decision by the High Court at the earliest opportunity. A copy of the statement shall, at the same time, be delivered to the candidate or his election representative.

(2) If no request is made under subsection (1) the candidate shall be deemed not to have been duly nominated.

(3) The High Court may call for further information from the person making the request or from the returning officer.

(4) The High Court shall after determination of the matter direct the returning officer either to accept or to reject the nomination and the returning officer shall comply with such direction.

(5) Where any nomination has been referred to the High Court under the provisions of this section the proceedings under section 14, 15 and 16 shall be suspended pending determination of the matter.

14. If at the end of the period allowed for nomination no candidate has been duly nominated for a constituency, the Electoral Commission shall by notice published in the *Gazette* extend the period for the receipt by the returning officer of nominations.

No nomination of candidate

15. If at the end of the period allowed for nomination there shall be only one candidate duly nominated in a constituency, the returning officer shall publicly declare that candidate to be elected, and shall immediately thereafter inform the supervisor of elections of the name of the elected candidate and the constituency for which he has been elected. Such candidate shall thereupon be a member of the Assembly.

Procedure for uncontested election 27 of 1971

16.—(1) When two or more persons have been duly nominated as candidates for election in any constituency, the returning officer in such constituency shall, as soon as practicable after the close of the period for nomination, and in such manner as the supervisor of elections shall direct, give public notice that a poll is to be taken and such notice shall state—

Procedure when poll to be held

(a) the names of the candidates in alphabetical order of surnames;

(b) the day or days and the times on which the poll shall be held;

(c) the location of the polling station or stations;

- (d) the voters assigned to each polling station; and
- (e) the polling day assigned for any category of voters.

(2) The returning officer may, with the consent of the supervisor of elections, alter the provisions of a public notice given under subsection (1) and any such alteration shall be published in the same manner as the notice.

Death or  
disqualifica-  
tion of  
candidate

17.—(1) If the returning officer is satisfied that a duly nominated candidate died or became disqualified after the commencement but before the close of the period prescribed for the poll, he shall forthwith stop all proceedings relating to that election and shall notify the Electoral Commission.

(2) The Electoral Commission, after being so informed of the death or disqualification of a duly nominated candidate, shall, so far as it concerns the constituency in which the deceased or disqualified person was a candidate, declare that all proceedings relating to that election are void, and proceedings shall be commenced afresh in the same manner as if a vacancy had occurred:

Provided that no new nomination shall be necessary in the case of any candidate who was duly nominated at the time when the proceedings were declared void.

Presiding  
officers and  
polling assis-  
tants

18.—(1) In each constituency in which a poll is to be taken the returning officer shall appoint a presiding officer to preside at each polling station and shall likewise appoint polling assistants to assist the presiding officer in carrying out his duties.

(2) In the absence of the presiding officer from any polling station a polling assistant shall act as presiding officer.

Voting and  
poll

19.—(1) No person may vote at any election in a constituency unless he is a voter in that constituency or otherwise than in accordance with section 21.

(2) The votes at the poll shall be cast by secret ballot, the result shall be ascertained by counting the votes given to each candidate, and the candidate to whom the greatest number of votes has been given shall be declared to have been elected.

(3) The poll shall commence at 6 o'clock in the morning and shall close at 6 o'clock in the evening unless the presiding officer for good cause otherwise orders.

Voting in  
person only

20.—(1) A person who is for any reason unable to attend in person at the polling station assigned to him shall not be entitled to record his vote, whether by post or by proxy or by other means.

(2) No person shall receive a ballot paper on behalf of or in the name of any other person, and any person who tenders to an

election officer a document which was not issued to him or not in his name, with the intention of obtaining thereby a ballot paper, shall be liable to a fine of £100 and to imprisonment for six months.

**21.—**(1) The presiding officer shall keep order in his polling station and shall regulate the number of persons to be admitted to vote at any time. Order in  
polling  
station

(2) No person shall be admitted to vote at a polling station other than the polling station assigned to him:

Provided that any person employed in any official capacity in connection with the election or as a polling agent at any polling station may be authorized in writing by the returning officer to vote at the polling station at which he is on duty, and that polling station shall, for the purposes of this Act, be deemed to be the polling station assigned to such person.

**22.—**(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer may adjourn the proceedings until another day and shall in such case give notice to the returning officer and shall publish the date on which polling will proceed. Adjourn-  
ment of poll

(2) Where a poll is adjourned at any polling station—

(a) the hours of polling on the day to which it is adjourned shall be the same as for the original day; and

(b) reference in this Act to the close of the poll shall be construed accordingly.

**23.—**(1) Any person who— Offences

(a) forges any nomination paper, or delivers to the returning officer any nomination paper knowing it to be forged, or subscribes his signature to any nomination paper knowing that any of its contents are false;

(b) forges any ballot paper;

(c) without due authority supplies a ballot paper to any person;

(d) not being entitled by or under this Act to be in possession of a ballot paper, has a ballot paper in his possession;

(e) puts into any ballot box anything other than the ballot paper which he is authorized by or under this Act to put in;

(f) without due authority, the onus of proof of which shall be on the person charged with the offence, destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers in use or intended to be used for the purposes of an election;



(g) without due authority prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election;

(h) obtains or attempts to obtain more than one ballot paper whether in his own name or in the name of some other person, whether that name be the name of a person living or dead or of a fictitious person;

(i) casts more than one vote in any election;

(j) for the purpose of corruptly influencing any person to give or withhold his vote, or to sign or refrain from signing any nomination paper, gives or provides, or causes to be given or provided, any food, drink, entertainment or other advantage in cash or in kind or promises so to do; or

(k) uses or threatens to use any force or restraint in order to induce or compel a person to give or withhold his vote or to sign or refrain from signing any nomination paper,

shall be liable to a fine of £500 and to imprisonment for two years, and shall be disqualified for a period of seven years from the date of his conviction from being elected as a member of the Assembly and, if at that date he has been elected as a member, his election shall be deemed void as from the date of such conviction.

Cap. 8:01

(2) Every offence under this section shall be cognizable offence within the meaning of the Criminal Procedure and Evidence Code.

Maintenance  
of secrecy

**24.—**(1) Every election officer, candidate, election representative, polling agent or other person in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in such station, and shall not communicate, except for some purpose authorized by law, to any person any information as to the name of any voter who has or has not applied for any ballot paper or voted at that station; and no such officer, candidate, representative, agent or other person shall interfere with a voter after he has received a ballot paper and before he has placed the same in a ballot box.

(2) No person, other than the presiding officer aiding an incapacitated voter in accordance with regulations made under this Act, shall attempt to obtain in the polling station information as to the candidate for whom any voter in such station is about to vote or has voted.

(3) Any person who contravenes this section shall be liable to a fine of £100 and to imprisonment for six months.

## PART III

## AVOIDANCE OF ELECTIONS AND ELECTION PETITIONS

25.—(1) An election shall not be questioned save on an election petition requesting— Election petitions

(a) that the election be declared void, and if appropriate, it be declared that a certain person was entitled to be a candidate at the election; or

(b) that an unsuccessful candidate be declared elected.

(2) An election petition—

(a) may be presented by a voter or a candidate at the election, or a person claiming to have had the right to be nominated or elected at such election; and

(b) shall be presented to the Registrar of the High Court within twenty-one days of the declaration of the result of the election.

26. Every election petition shall be heard by the High Court. Hearing of election petition

27.—(1) An election shall be declared void on any of the following grounds which are proved to the satisfaction of the court— Grounds for declaring an election void

(a) that voters were corruptly influenced in their voting contrary to section 23 (1) (j) or induced or compelled in their voting contrary to section 23 (1) (k), or had their ballot papers improperly rejected, or voted more than once;

(b) that persons not entitled to them were improperly granted ballot papers; or

(c) that persons entitled to them were improperly refused ballot papers:

Provided that the court shall not declare an election void, after proof of any ground in paragraphs (a), (b) or (c), if it is satisfied that the number of votes involved could not have affected the result of the election;

(d) non-compliance with this Act in the conduct of the election:

Provided that, if the court is satisfied that any failure to comply with this Act did not affect the result of the election, it shall not declare the election void;

(e) that the candidate was at the time of his election a person not qualified for election or that he was not properly nominated, or that a duly qualified candidate had his nomination improperly rejected by the returning officer.

(2) The court shall have power to direct scrutiny and recount of votes if it is satisfied, during proceedings on an election petition, that such scrutiny and recount are desirable.

Report of  
court as to  
validity of  
election

28. At the conclusion of the trial of an election petition the court shall determine whether the member whose nomination or election is complained of, or any other and what person was duly nominated or elected, or whether the election was void, and shall report such determination to the Electoral Commission. Upon such report being given such determination shall be final.

Procedure

29. The Chief Justice may make rules and prescribe fees regarding the procedure and practice in relation to election petitions.

#### PART IV

##### GENERAL

Failure to  
elect a  
member

30. If after the holding of a general election a member has not been elected in one or more constituencies, a session of the Assembly may commence notwithstanding any such vacancy.

Loss of con-  
fidence of  
voters

31.—(1) The President may, where he is satisfied that there is reason to believe that a member of the Assembly no longer commands the confidence and support of a majority of the voters in the constituency where he was elected, appoint a Commission of Inquiry to consider and report upon the confidence reposed in that member by such voters.

Cap. 18:01

(2) A Commission appointed under subsection (1) shall have all the powers of a Commission of Inquiry appointed under the Commissions of Inquiry Act.

(3) If upon consideration of a report from the Commission of Inquiry the President is satisfied that the member no longer commands the confidence and support of a majority of the voters in the constituency concerned, he shall notify the Speaker accordingly, and thereupon that member shall vacate his seat in the Assembly.

(4) Any person whose seat becomes vacant under this section shall be disqualified for a period of five years to be elected again as a member of the Assembly.

Regulations

32. The Electoral Commission may make regulations for carrying this Act into effect.

200

s. 9

REGISTRATION OF VOTERS

CHAPTER 2:03

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## CHAPTER 2:03

REGISTRATION OF VOTERS  
ARRANGEMENT OF SECTIONS

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Malawi Age and Residence Certificate

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## CHAPTER 2:03

## REGISTRATION OF VOTERS

27 of 1966  
5 of 1971

An Act providing for the registration of voters for Presidential and Parliamentary Elections and for matters connected therewith

[6TH JULY, 1966]

## PART I

## PRELIMINARY

- |                |   |
|----------------|---|
| Short title    | 1. This Act may be cited as the Registration of Voters Act.   |
| Interpretation | <p>2. In this Act, unless the context otherwise requires –</p> <p>“age and residence certificate” means the certificate provided for under section 6;</p> <p>“authorized officer” means a person appointed by the registration supervisor under section 3 to issue age and residence certificates;</p> <p>“constituency” means an area delimited as such under section 8 of the Republic of Malawi (Constitution) Act, or under section 31 of the Constitution;</p> <p>“the Electoral Commission” means the Electoral Commission established by section 30 of the Constitution;</p> <p>“publication” means the publication in such manner as the registration supervisor or registration officer shall consider suitable to bring the matter to the attention of the persons concerned, and cognate expressions shall be construed accordingly;</p> <p>“registration district” or “registration sub-district” means a registration district or a registration sub-district established under section 4;</p> <p>“registration officer” means a person appointed as such under section 3 and includes an assistant registration officer;</p> <p>“registration supervisor” means a person appointed as such under section 3 and includes the deputy registration supervisor and any assistant registration supervisor.</p> |
| Appointments   | <p>3.—(1) The Electoral Commission shall appoint a registration supervisor and may appoint a deputy registration supervisor and</p>   |

assistant registration supervisors all of whom shall, in the exercise of their functions, be subject to the general and special directions of the Electoral Commission.

(2) The registration supervisor shall—

(a) exercise general direction and supervision over the administrative conduct of the registration of voters and shall enforce on the part of all registration officers and authorized officers fairness, impartiality and compliance with this Act;

(b) issue to registration officers and authorized officers such instructions as from time to time he may deem necessary to ensure effective execution of this Act; and

(c) perform all other functions which by or under this Act are assigned to him.

(3) Every District Commissioner shall be *ex officio* a registration officer and shall be responsible for the maintenance of voting registers for such constituencies as the registration supervisor may, by order which shall be published in the *Gazette*, assign to him.

(4) The registration supervisor may appoint such number of assistant registration officers in each registration district as he may deem necessary and an assistant registration officer so appointed may be appointed to be in charge of any one or more registration sub-districts.

(5) Subject to such directions as the registration officer may from time to time issue, an assistant registration officer may exercise and perform all the powers and duties of a registration officer.

(6) The registration supervisor may appoint such number of authorized officers in each registration district as he may deem necessary or may nominate any class or classes of persons as he may specify from which the registration officer in any area may appoint authorized officers for that area.

## PART II

### REGISTRATION OF VOTERS

4.—(1) Each constituency of Malawi shall be a registration district.

Registration  
districts and  
sub-districts

(2) The registration supervisor shall divide any registration district into such registration sub-districts as may be necessary for ease in administration and shall notify the appropriate registration officer accordingly.



Registration 5. Every person who is qualified under section 29 of the Constitution to be registered as a voter may apply at any time for registration as a voter in the registration district in which he either—

- (a) is ordinarily resident; or
- (b) was born; or
- (c) is employed or carries on a business.

Age and  
residence  
certificate

6.—(1) Every applicant for registration as a voter shall obtain from an authorized officer an age and residence certificate in the form set out in the First Schedule to this Act or in a form substantially to the like effect, and such form shall be completed by the authorized officer from information supplied by such applicant if the authorized officer is satisfied that such information is correct.

(2) After obtaining the certificate required in subsection (1), the applicant shall thereupon in person present it to the appropriate registration officer who shall, if he is satisfied that the applicant is qualified to be registered as a voter, enter the particulars stated on the certificate in a registration amendment list and shall endorse the certificate and return it to the applicant, who may be required to produce it when applying for a ballot paper at any subsequent election.

G.N.  
255/1963

(3) An age and residence certificate issued under the National Assembly (Registration of Voters) Regulations 1963 (now revoked), shall be deemed to have been issued under this Act.

Publication  
of new  
voters list

7.—(1) The registration officer shall at intervals of not less than six months nor more than twelve months and at such other times as may be directed by the registration supervisor, publish in each registration district for which he is responsible a request for all qualified persons who are not then registered in any constituency to register as voters.

(2) Not less than two weeks following the publication of such request, the registration officer shall publish in a registration amendment list the names of persons who have applied for registration since the last publication of such list, affording an opportunity for objection to be made.

(3) The registration officer shall allow a period of not less than two weeks following the publication of such amendment list during which time a person who believes his name wrongfully to have been omitted may object.

(4) A voter registered in a constituency may, within the period allowed under subsection (3), object to the inclusion in the register of the name of any person whose name appears in an

amendment list for that constituency published under subsection (2).

(5) An objection under this section shall be made in such manner as may be prescribed by the Electoral Commission or directed by the registration supervisor, and shall contain the grounds on which the objection is made.

8.—(1) The registration officer shall at intervals of not less than six months nor more than twelve months and at such other times as may be directed by the registration supervisor, publish in each registration district for which he is responsible a request for information of persons whose names should be struck off the voting register on the grounds of death or disqualification. Deletion of names

(2) Not less than two weeks following the publication of such request the registration officer shall publish in a registration amendment list the names of persons he proposes to strike off the register, affording an opportunity for objections to any such proposal.

(3) The registration officer shall allow a period of not less than two weeks following the publication of such amendment list during which period a person whose name is proposed for deletion may object.

(4) An objection under this section shall be made in such manner as may be prescribed by the Electoral Commission or directed by the registration supervisor, and shall contain the grounds on which the objection is made.

9.—(1) A voter who is registered in a constituency and who is qualified by residence, birth, employment or business to be registered in any other constituency, may make application on the prescribed form set out in the Second Schedule to transfer his name to the register for such other constituency. Transfer of registration

(2) An application made under subsection (1) shall be duly completed and signed by the voter and sent to the registration officer of the constituency to which the voter's name is to be transferred.

(3) If the registration officer is satisfied that the voter is entitled to transfer, he shall forward the application to the registration supervisor, who shall, subject to section 11, cause the voter's name to be removed from the register on which it is registered and to be entered on the register for the constituency in which the voter has become qualified for registration.

9A. Where, by reason of an alteration of boundaries made by the Electoral Commission pursuant to section 31 of the Constitution, the place of birth, residence or work, as the case may be, of any registered voter is no longer within the boundaries of the constituency in which such voter is registered, such registration Effect of alteration of boundaries  
5 of 1971

shall not be avoided by reason of such alteration of boundaries but shall be deemed for the purposes of this Act to be registration within the constituency in which such place of birth, residence or work is actually situate.

Duties of  
registration  
officers on  
alteration of  
boundaries  
5 of 1971

9B. Where, by reason of an alteration of boundaries pursuant to section 31 of the Constitution, any area which previously formed part of any constituency becomes another constituency, or part thereof, the registration officer for the original constituency shall, as soon as practicable, remove from the register for such original constituency the entries attributable to the area aforesaid and shall transmit particulars of such entries to the registration officer for such other constituency who shall forthwith cause the same to be included among the entries in the register of voters for his constituency.

Certification  
of new  
register

10.—(1) At any time directed by the registration supervisor but at periods of not less than five years, registration officers shall prepare and certify a final register in respect of the registration districts required by the registration supervisor, taking into account any registration amendment lists prepared under section 6, 7 or 8 since the last such certified register, and showing therein the name of every voter registered as such in respect of each such registration district:

Provided that the registration officer may certify any register in accordance with this section pending the hearing of any appeal brought under section 14 but shall thereafter insert or delete from the register the name of any person in accordance with the determination of such appeal.

(2) When such final register has been certified the registration officer shall give notice, in such manner as the registration supervisor may determine, that such certified register or a copy thereof is open for inspection at such place or places and during such hours as may be specified in such notice.

G.N.  
255/1963

(3) The register last certified in every constituency under the National Assembly (Registration of Voters) Regulations, 1963 (now revoked), shall be deemed to have been prepared and certified under this Act.

Cessation of  
registration

11. Registration under sections 6, 7, 8 and 9 shall cease in such constituencies and for such period after certification of a register as may from time to time be directed by the registration supervisor:

Provided that the register may be altered for the correction of any obvious mistake or omission or for any adjustment resulting from the determination of an appeal.

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12. Subject to section 11, the certified final register of voters in respect of each constituency shall be conclusive evidence for the purposes of determining whether a person is or is not entitled to vote in the election next following the certification of the register in that registration district:

Register to be conclusive evidence

Provided that no female voter shall be disqualified from voting under the name appearing in the register solely by reason of her having changed her name upon marriage.

13. At any time after the certification of the register in accordance with section 10, the registration supervisor may order the registration officer in any registration district or sub-district to open a supplementary register and to invite persons to apply for registration in the manner provided in sections 6, 7 and 8:

Supplementary registers

Provided that no person whose name is registered on a supplementary register shall be eligible to vote at an election until such supplementary register has been certified and exhibited as provided in section 10.

## PART III

## APPEALS

**14.**—(1) Any person aggrieved because an authorized officer refuses to furnish him with the certificate referred to in section 6 (1), or furnishes him with such a certificate containing particulars other than those which that person desires to be entered thereon, may appeal to the registration officer who, after making such inquiries as he may deem necessary, may—

- (a) confirm the refusal of the certificate;
- (b) decline to alter any certificate issued; or
- (c) issue a certificate containing such particulars as he may think proper.

(2) Any person who—

- (a) is aggrieved by a refusal to include his name in a registration amendment list under section 6 (2);
- (b) is dissatisfied with a decision of a registration officer under subsection (1); or
- (c) having had his name entered in a registration amendment list under section 6 (2), is aggrieved by the absence of his name on a register certified under section 10 or 13,

may, in accordance with rules made by the Chief Justice, appeal to a judge of the High Court or any magistrate nominated in that behalf by the Chief Justice.

(3) The decision of a judge or magistrate nominated under subsection (2) shall be final and conclusive and shall not be the subject matter of any further appeal.

## PART IV

## MISCELLANEOUS

**15.** If solely through accident, inadvertence or oversight, anything required by law to be done in the preparation or amendment of any register or copy thereof is omitted to be done, the registration supervisor may order such steps to be taken as may, in his opinion, be necessary to rectify the omission.

**16.**—(1) In the performance of his duties under this Act, the registration supervisor, any registration officer or any authorized officer shall have power to request from any person any information necessary to enable him to ascertain what persons are qualified to be registered as voters, or to identify any person for the purposes of this Act, or to ascertain whether any person is dead or is qualified for, or disqualified from, registration as a voter.

(2) Any person who, upon request being made to him under this section, wilfully refuses to give any such information as he possesses or unreasonably delays in giving the same, shall be liable to a fine of £10.

Inaccurate  
description  
of persons  
or places

17. Inaccuracy in description of any person or place shall not affect the operation of this Act in respect of that person or place if that person or place is so described as to be identifiable.

Defacement  
of notices

18. Any person who without lawful authority destroys, mutilates, defaces or removes any notice which is exhibited under the authority of this Act or any document which is made available for inspection in accordance with this Act, shall be guilty of an offence and shall be liable to a fine of £50 and to imprisonment for six months.

Translation  
of forms

19. The registration supervisor shall be responsible for the production of accurate translations into such languages as he deems necessary of such forms as he thinks are required.

General  
offences and  
penalties

20. Any person who—

(a) makes any false statement of fact in respect of any application for registration as a voter, knowing the statement to be false, or not believing it to be true;

(b) after a request made upon him under section 16, furnishes any false information knowing the same to be false, or not believing it to be true;

(c) in the name of any other person, whether living, dead or fictitious, makes application to be registered as a voter;

(d) by himself for any other person procures or attempts to procure the registration of himself or any other person in any registration district knowing that he or such other person is not entitled to be registered therein or is already registered therein;

(e) by any other person procures, or attempts to procure, or takes part in procuring the registration of a fictitious person; or

(f) knowingly applies to have his name entered on the register of a registration district or registration sub-district while his name is registered on the register of another registration district or registration sub-district or who, having applied and not having withdrawn his application to have his name entered on the register of a registration district or sub-district, applies to have his name entered on the register of another registration district or registration sub-district.

shall be liable to a fine of £100 and to imprisonment for one year.

Sale of  
copies of  
register

21. The registration supervisor may prescribe fees for the sale of copies of any certified register or a part thereof and shall pay any sums realized from such sales into the Consolidated Fund.

Regulations

22. The Electoral Commission may make regulations for carrying this Act into effect.

## FIRST SCHEDULE

s. 6

No. ....

## MALAWI AGE AND RESIDENCE CERTIFICATE

To the best of my knowledge and belief—

(USE BLOCK LETTERS).....

(Surname) (First Names) (Sex)

..... Village, Chief .....

- (a) is a citizen of Malawi;  
 (b) has attained the age of 21 years;  
 (c) is ordinarily resident in Malawi and has been ordinarily resident in Malawi at some time for a continuous period of two years; and  
 (d) either—  
     ( ) is ordinarily resident in the village/township of.....  
     ( ) was born in the village/township of .....; or  
     ( ) is employed/carries on a business in the village/township of .....

Date.....(Signature).....

Authorized Officer

## SECOND SCHEDULE

s. 9

## APPLICATION FOR TRANSFER OF REGISTRATION

Serial No.....

To: the Registration Officer,  
Constituency of.....

(USE BLOCK LETTERS).....

(Surname) (First Names) (Sex)

..... Village, Chief .....

I DECLARE THAT—

- (i) I am registered on the register for the Constituency of..... as registered voter No. ....  
 (ii) I am ordinarily resident/was born/am employed/am carrying on a business\* in the Constituency of.....  
 (iii) My address is.....

THEREFORE APPLY to have my name withdrawn from the register for the Constituency of.....and transferred to the register for the Constituency of .....

Date..... Signature or thumbprint.....

\*Delete as appropriate

[Subsidiary]

Registration of Voters Regulations

## SUBSIDIARY LEGISLATION

## REGISTRATION OF VOTERS REGULATIONS

G.N.  
182/1967  
188/1970

under s. 22

## PART I

## PRELIMINARY

Citation and  
application

1. These Regulations may be cited as the Registration of Voters Regulations and shall apply in respect of the registration of voters for Presidential and Parliamentary Elections.

Appoint-  
ments

2. The Electoral Commission shall appoint a Registration Supervisor and may appoint a Deputy Registration Supervisor and Assistant Registration Supervisors.

## PART II

## REGISTRATION OF VOTERS

Categories  
of voters

3. A person will be qualified to register as a voter if he is qualified under section 29 of the Constitution.

Registration  
districts and  
sub-districts

4. The Registration Supervisor shall divide each registration district into such registration sub-districts as he may think necessary for ease in administration and shall notify the appropriate registration officer accordingly, and shall publish in the *Gazette* and in such other places and manner as he thinks necessary a notice specifying such registration sub-districts.

Period of  
registrationG.N.  
188/1970

5.—(1) As soon as may be convenient after the publication of the notice provided for in regulation 4, the Registration Supervisor shall, by notice published in the *Gazette*, notify the period, being a period of not less than two weeks (hereinafter referred to as "the registration period") during which registration shall take place or such greater period as may be determined by the Registration Supervisor, provided that the Registration Supervisor may extend such period in respect of any registration district or sub-district by further notice published in the *Gazette* if, in his opinion, the circumstances warrant such extension.

(2) Upon the publication of the notice provided for in paragraph (1) the Registration Officer shall forthwith publish notices in each registration district in such terms and in such manner as he thinks fit inviting every person who is qualified to vote either as having been:



- (a) ordinarily resident; or
- (b) born; or
- (c) employed or carrying on business within the Electoral District in respect of which the notice is published.

6. On the expiration of the registration period, the Registration Supervisor shall, when each register is completed, give notice in the *Gazette* and in such other manner as he may in his discretion determine that the register or a copy thereof is open for inspection at such place or places within the registration area covered and during such hours as may be specified in such notice.

Register to be open for inspection

### PART III

#### CLOSING OF REGISTERS AND PREPARATION OF FINAL REGISTERS

7. At the end of the registration period the registers shall be closed and shall not be altered except for adjustments resulting from the determination of appeals:

Closing of Registers

Provided that any register may be altered at any time by the Registration Supervisor or by a Registration Officer acting under the directions of the Registration Supervisor for the purpose of:

- (a) correcting any obvious mistake or omission;
- (b) striking out the name of any dead person;
- (c) striking out the name of any person who has become disqualified as a voter.

8. All additions and alterations to a register of voters pursuant to these Regulations shall be made by the Registration Officer in accordance with these Regulations or with such directions as he shall receive from the Registration Supervisor.

Amendment of Registers

### PART IV

#### MISCELLANEOUS

9. No misnomer or inaccurate description of any person or place named or described in any register, notice or other document, whatsoever, prepared or issued under or for the purposes of these Regulations, shall in any way affect the operation of the Regulations as respects that person or place, if that person or place is so designated in such register, notice or document as to be identifiable.

Inaccurate description of places and persons

