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LAWS OF MALAWI—LOCAL GOVERNMENT SUPPLEMENT

*Local Government (Urban Areas)*

Cap. 22:01

A175

*Urban Areas (Application) Order Urban Areas (Qualifying Day) Rules  
Urban Areas Election Rules*

**URBAN AREAS (APPLICATION) ORDER**

G.N.  
154/1969

*under s. 3*

1. This Order may be cited as the Local Government (Urban Areas) (Application) Order.

2. The whole of the Act shall apply to the Local Government Areas specified in the Schedule hereto.

Application  
of the Act to  
specified  
Areas

**SCHEDULE**

The City of Blantyre  
The Municipality of Lilongwe  
The Township of Zomba  
The Township of Salima  
The Township of Mzuzu  
The Township of Balaka  
The Township of Mangochi  
The Township of Dedza

**URBAN AREAS (QUALIFYING DAY) RULES**

G.N.  
194/1969

*under ss. 22 and 35*

1. These Rules may be cited as the Local Government (Urban Areas) (Qualifying Day) Rules.

2. The qualifying day for the purposes of Part IV of the Act shall be the 1st day of September in each year in respect of the Local Authorities listed in the Schedule hereto.

Qualifying  
day

**SCHEDULE**

The City of Blantyre  
The Municipality of Lilongwe  
The Township of Zomba  
The Township of Salima  
The Township of Balaka  
The Township of Mangochi  
The Township of Dedza  
The Township of Mzuzu

**LOCAL GOVERNMENT (URBAN AREAS) ELECTION  
RULES**

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*Urban Areas Election Rules*

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5. Registering officer

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URBAN AREAS ELECTION RULES

*under s. 35*

PART I

PRELIMINARY

1. These Rules may be cited as the Local Government (Urban Areas) Election Rules.

G.N.

153/1969  
111/1970

L.R.O. 1/1971

A178      **Cap. 22:01**      *Local Government (Urban Areas)**Urban Areas Election Rules*Interpreta-  
tion  
Forms 1 and  
2

2. In these Rules, unless the context otherwise requires—

“application” means an application in Form 1 or Form 2 duly made under subrule 6(2);

“election agent” means a polling agent appointed as such under rule 33;

“Form” means form specified in the Schedule;

“polling agent” means an agent appointed under rule 33;

“supplementary voters’ roll” means a roll prepared under Part III;

“voters’ roll” means a roll prepared under Part II.

Application

3. These Rules shall apply to every election which is required to be held for the purpose of electing councillors to a Municipal Council and to such other Local Authorities as the Minister may, by notice in the *Gazette*, declare.Voters’ roll  
to be  
prepared

4.—(1) Once in every three years every Local Authority shall cause a voters’ roll to be prepared. Such roll shall remain in force for three years after which it shall cease to have effect:

Provided that the Minister, acting in his discretion, may by notice published in the *Gazette* declare that a voters’ roll shall remain in operation for a longer or shorter period than three years.

(2) Each voters’ roll shall show in alphabetical order, or in such other order as the registering officer shall determine, the full name, residential and postal address of every person qualified to vote and who has made application in accordance with these Rules, and each such person shall be given a number on the voters’ roll, to be known as the serial number of the voter:

Provided that such voters’ roll shall be divided into as many parts as there are wards and each part shall show the persons enrolled in respect of the ward to which it relates.

(3) Whenever the boundaries of any Local Authority are altered, or whenever the number of wards in a Local Authority Area is increased or decreased or the boundaries thereof altered, the Local Authority shall, as soon as possible after such alteration, increase or decrease, cause such alterations to be made in the voters’ roll as may be necessary to show correctly the particulars of voters resident in the Local Government Area or in each ward, as the case may be.

(4) Whenever, owing to the amendment of the constitution of the Local Authority or for any other reason, it becomes necessary

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so to do, the Minister shall determine the dates of the proceedings to be taken for the preparation of voters' rolls and for the holding in such Local Government Area of the first and second elections thereafter, and the provisions of these Rules shall apply, with such modifications as the circumstances may require, to such elections.

5. The registering officer for the purpose of the preparation of voters' rolls under these Rules shall be the Town Clerk of the Local Authority concerned, or such other person as the Minister may appoint. Registering officer

## PART II

## REGISTRATION OF VOTERS

6.—(1) On or before the fifteenth day of September in 1969 and in every third year thereafter, the registering officer shall, by notice in the *Gazette* and in at least one newspaper circulating in the Local Authority Area, give notice of the places and times at which persons may apply for enrolment on the voters roll for such Area: Notice inviting claims of voters

Provided that where the Minister has, under rule 4 (1), lengthened or shortened the period of operation of a voters' roll the period stated in this subrule shall be the same longer or shorter period and all references hereinafter to dates and times shall be construed accordingly.

(2) Any person qualified for, and desirous of, such enrolment shall, not later than one month after the date on which notice under subrule (1) has been given make application therefor to the registering officer in question in either Form 1 or Form 2 as may be appropriate. G.N. 111/1970  
Forms 1 and 2

(3) Any application received out of time shall be ignored:

Provided that if any application received within the prescribed time is incorrectly completed, it shall be returned by the registering officer to the applicant with the request that he submits an application in proper form. If such application so corrected is received by the registering officer within fourteen days of the date of its despatch to the applicant, it shall be deemed to have been received within the prescribed time. G.N. 111/1970

(4) The signature or thumb-print of an applicant who has not himself completed his form of application shall be witnessed and attested by the person actually completing the form, who shall clearly and audibly read the completed application to the applicant before the applicant signs or affixes his thumb-print.

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Preparation  
and exhibi-  
tion of  
voters' roll

7.—(1) The registering officer shall, not later than the fifteenth day of the month of December in any year in which notice is given under rule 6 (1), prepare the voters' roll in accordance with the provisions of rule 4, which roll, until finally settled in pursuance of rule 9, shall be deemed to be a draft roll. The registering officer shall include in such roll the names of the persons whose applications were received, or deemed to have been received, within the time limited by rule 6 and who appear to be qualified as voters.

(2) When the draft voters' roll has been completed the registering officer shall within seven days of such completion cause the roll to be deposited at the offices of the Local Authority and copies thereof at such other places as he may determine for inspection during normal office hours for a period of not less than fourteen days commencing at the time of such deposit. The registering officer shall notify, by advertisement in the *Gazette* and at least one newspaper circulating in the Area of the Local Authority concerned and in such other manner as he may determine, the times and places at which the roll may be inspected:

Provided that if for any reason the registering officer does not cause the roll to be deposited within seven days such failure to deposit in time shall not of itself invalidate the roll.

Objections  
to  
voters' roll

8.—(1) Any person qualified for enrolment under the provisions of section 25 of the Act may object to the inclusion in, or omission from, the voters' roll of himself or any other person. Any such objection shall be in writing and shall be lodged with the registering officer not later than one clear day after the voters' roll is closed under the provisions of subrule (2).

(2) After the expiration of the period referred to in subrule (1), the registering officer shall declare the voters' roll to be closed for objections and shall forthwith note thereon particulars of all objections thereto which have been lodged with him and shall forthwith inform the senior magistrate in writing of any objections lodged with him.

(3) As soon as may be after the voters' roll has been closed under the provisions of subrule (2), the senior magistrate having jurisdiction in the Local Government Area shall, if any objections have been lodged with the registering officer, appoint a day or days for the hearing by himself or any other magistrate of objections. The Magistrate hearing such objections shall, on the appointed day, proceed to adjudicate thereupon, and uphold or dismiss the same and shall amend the voters' roll in respect of any objections he upholds and record therein particulars of any objections which he dismisses with the fact of such dismissal.

Provided that no magistrate shall hear and adjudicate on any objections later than twenty-seven days after the date upon which

*Urban Areas Election Rules*

the voters' roll has closed under subrule (2). But if, for any reason, he is unable to hear or adjudicate upon any objection until the last day for nominations or later such delay shall not of itself invalidate the roll or the election.

(4) The decision of the magistrate under subrule (3) shall be final.

9.—(1) Subject to the provisions of rule 10, the draft voters' roll, when settled and amended in accordance with rules 7 and 8, shall be the voters' roll for the Local Authority and shall come into operation on the fifteenth day of February following its deposit under rule 7. The voters' roll shall not be altered or amended until it is next revised in terms of these Rules, save where such alteration or amendment is made under the provisions of subrule (3) or (4) of rule 4.

Settlement  
and coming  
into force of  
the voters'  
roll

(2) The voters' roll shall remain in force until the day preceding the day when the voters' roll which succeeds it comes into force.

(3) Any voters' roll which is in force shall be deemed to be conclusive and the only proof of the right of any person enrolled therein to vote at the election of councillors of the Local Authority:

Provided that—

(a) no voter shall be disqualified from voting under the name appearing on the roll merely because he has changed his name;

(b) any person whose name appears on the roll at the time of an election and who is at that time disqualified as a voter shall be disqualified from voting.

10.—(1) A person who owns or occupies qualifying property in more than one ward or who owns or occupies qualifying property in one ward and is qualified by residence in another ward shall be entitled to enrol as a voter in respect of one ward only, and the ward in respect of which he shall be enrolled shall be selected by him:

Number of  
votes

Provided that if he fails to select the ward in which he wishes to be enrolled, the registering officer shall determine the ward and enter him on the roll accordingly.

(2) A voter shall only be entitled to vote at an election in respect of the ward for which he is enrolled.

## PART III

## REVISION OF ROLLS

11.—(1) On or before a date which the Minister shall by notice in the *Gazette* declare in every year other than a year in which a new voters' roll is to be prepared in terms of rule 6, the registering officer shall by notice in the *Gazette* and in at least one newspaper

Revision of  
rolls  
G.N.  
111/1970



A182      **Cap. 22:01**      *Local Government (Urban Areas)**Urban Areas Election Rules*

circulating in the Area of the Local Authority concerned give notice of the places and times at which persons, whose names do not appear in the voters' roll for the Area of such Local Authority, may apply for enrolment on a supplementary voters' roll for such Area.

(2) Rules 6 (2), (3) and (4) shall apply to supplementary rolls under this rule as they apply to voters' rolls under rule 7, subject to such modifications as may be necessary.

G.N. 111/1970 (3) Every registering officer shall, not later than three calendar months after the date set down in subrule (1) prepare a draft supplementary voters' roll.

(4) In preparing such draft supplementary voters' roll the registering officer shall include the names of all persons whose applications were received, or deemed to be received within the time limited by subrule (3), and who to the best of his knowledge appear to be entitled to have their names inserted therein, and shall prepare a list of the names of all persons who to the best of his knowledge are dead or who have ceased to be qualified which are to be expunged from the voters' roll.

(5) The registering officer shall, not later than seven days after its preparation, cause the draft supplementary voters' roll together with the list of all names which have been expunged from the voters' roll to be deposited in the offices of the Local Authority for inspection by the public and shall cause to be published a notice that copies of the draft supplementary voters' roll and of the lists of names so expunged, are open for inspection by the public at the offices of the Local Authority during office hours for a period of not less than fourteen days commencing at the time of such deposit, and that all objections and claims that names be enrolled or expunged, will be heard at a time and place to be therein stated:

Provided that such time shall not be less than fourteen days after the publication of such notice. The registering officer shall further post or cause to be posted to each person whose name has been expunged from the register other than by reason of such person's death, a notice of such expungement, stating the time, date and place when claims and objections will be heard.

(6) Objections and claims under this rule shall be heard and determined in the manner provided in rule 8:

Provided that no person shall be enrolled under this rule as a voter upon an application made after the date of publication of a notice of any election until such election shall have been held.

*Urban Areas Election Rules*

(7) The supplementary voters' roll when so settled and amended in accordance with the provisions of these Rules shall come into force five calendar months after the date set down in subrule (1) and shall form part of the voters' rolls for the time being in force and shall remain in force or cease to exist together with the voters' rolls of which they are a part.

G.N.  
111/1970

12. Every voters' roll prepared or amended under the provisions of these Rules shall be deposited at the offices of the Local Authority for inspection by the public during office hours.

Voters' roll  
to be  
available for  
inspection

PART IV

DATES OF ELECTIONS AND VACANCIES

13.—(1) The first election of councillors of any Local Authority under these Rules shall take place on a date to be fixed by the Minister in respect of such Authority by notice published in the *Gazette*.

First Election  
and term of  
office of  
councillors  
then elected

(2) Of the total number of elected councillors provided for in the constitution of any Local Authority, one-third, or as near as may be, shall retire on the thirty-first day of March of the year immediately following the year in which the first election is held and one-third, or as near as may be, shall retire on the thirty-first day of March next following, and the remaining one-third, or as near as may be, shall retire on the thirty-first day of March next again following.

(3) The order of retirement of members under this rule shall be determined by lot conducted in such manner, if any, as the Minister may direct.

14.—(1) After the first election of councillors as aforesaid, an annual election shall be held in March of each and every year for the purpose of electing councillors to replace those whose terms of office expire upon the thirty-first day of that month.

Annual  
election

(2) The councillors elected at such an annual election shall hold office for a period of three years from the first day of April following their election.

15. Any election required to be held to fill a casual vacancy shall be conducted in accordance with these Rules subject to any necessary modifications and subject to the substitution for the dates set out in these Rules of such dates as shall be fixed by the returning officer.

Casual  
vacancy

16.—(1) If, at any election no person is nominated or elected or fewer persons are elected than there are vacancies to be filled, a second election shall be held as soon as possible for the purpose of

Second  
election to  
fill vacancy

*Urban Areas Election Rules*

electing a councillor to fill any vacancy so remaining. The provisions of these Rules shall apply to such second election.

(2) Where such second election fails to fill any vacancy so remaining, the Minister may appoint any person to fill such vacancy and such person so appointed shall hold office for the same period as if they had been elected under subrule (1).

## PART V

## PROCEDURE FOR ELECTIONS

Returning  
officer

17.—(1) The Town Clerk or in the event of his absence or incapacity, such other person as the Minister may appoint, shall be the returning officer at every election held under these Rules, and it shall be the general duty of the returning officer to do any act or thing which may be necessary for effectively conducting the election under these Rules.

(2) The returning officer may appoint one or more assistant returning officers to act for him during his absence and to assist him in the performance of his duties, and every assistant returning officer may exercise all the powers conferred upon a returning officer by these Rules or by any other written law.

(3) The returning officer shall appoint such presiding officers, clerks or other persons as he deems necessary for the proposed carrying out of elections under these Rules.

Notice of  
election

18.—(1) For the purpose of any election held under the provisions of these Rules the returning officer shall cause to be published and to be posted at such conspicuous places as he shall think fit within the Area of the Local Authority and within the ward or wards in which the election is to be held, a notice of such election, and in such notice he shall specify the last date and time for the delivery at his office of the nomination papers of candidates for the vacancy or vacancies to be filled by the election.

(2) The date of publication shall not be less than seven days prior to the last day appointed for the delivery of nomination papers.

Form 3

(3) The notice shall be in Form 3.

Nomination  
of  
candidates

19.—(1) Every candidate shall be proposed and seconded and shall be supported by not less than three persons other than the proposer and seconder. The proposer and seconder and the supporters shall be persons whose names appear on the voters' roll for the ward for which the candidate seeks election.

Form 4

(2) Every nomination paper shall be in Form 4.

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(3) Every nomination paper shall state—

(a) The name and number of the candidate as appearing in the voters' roll;

(b) whether, to the best of the knowledge, information and belief of the proposer and seconder, the candidate is of full age, and not subject to any legal incapacity and whether any of the disqualifications set forth in section 28 of the Act applies in his case,

and shall be subscribed by one proposer and one seconder for the ward to which the nomination applies, and shall also be subscribed by those supporters for the said ward.

(4) Every nomination paper completed and signed as aforesaid shall be delivered at the office of the returning officer by the candidate or by his proposer or seconder not later than four o'clock in the afternoon of the fourth Wednesday of the month of February immediately preceding the month in which the election in question is to be held and any nomination paper which is not so delivered shall be rejected.

(5) Every nomination paper shall contain a statement subscribed by the candidate, consenting to be nominated as a candidate, and undertaking that, if elected, he will accept office as a councillor and will faithfully perform the duties of the office and a statement that he is of full age, and not subject to any legal incapacity and whether any of the disqualifications set forth in section 26 of the Act applies in his case:

Provided that if the returning officer is satisfied that, owing to the absence of the candidate from Malawi, it is not reasonably practicable for the statement contained in the nomination paper to be subscribed by the candidate, a telegram, purporting to have been sent by the candidate and containing his consent to his nomination and all the other matters referred to in this rule which is received by the returning officer not later than the time laid down in rule 18 may be accepted by him as the statement aforesaid and shall be deemed to have been made on the date on which it purports to have been sent by the candidate.

(6) Every nomination paper shall be accompanied by a deposit of £5 in cash, which shall be received by the returning officer.

G.N.  
111/1970

(7) It shall be the duty of the returning officer to examine every nomination paper as soon as it is received by him in order to ensure that it complies with the provisions of these Rules.

(8) The returning officer shall supply a form of nomination paper to any person who applies for one.

(9) Reasonable opportunity shall be afforded by the returning officer to every candidate to inspect the nomination papers of other candidates.

*Urban Areas Election Rules*

(10) It shall not be competent to nominate as a candidate a person who, at the time of nomination, holds the office of councillor unless he falls to retire at the date on which councillors elected at the election take office or has delivered to the Town Clerk a notice of resignation to take effect at or before such date.

(11) No person shall at an election sign more than one nomination paper in respect of the same candidate, nor shall he sign more nomination papers than there are vacancies to be filled in the ward, and if he signs the nomination papers otherwise than is permitted under this subrule his signature shall be inoperative in all but those papers up to the permitted number which are first delivered.

(12) Neither the returning officer nor any assistant returning officer shall sign any nomination paper as proposer, seconder or supporter for a candidate, and if he does so his signature shall be inoperative.

(13) The returning officer shall receive the nomination paper and deal with it as valid if—

(a) the name of the person nominated by the nomination paper appears in the voters' roll;

(b) it appears from the declaration in the nomination paper that the person nominated is of full age, and not subject to any legal incapacity and that none of the disqualifications set forth in section 28 of the Act applies in his case;

(c) the names of the proposer, seconder and supporter in the nomination paper appear on the voters' roll for the ward to which the nomination paper relates;

(d) the nomination paper is in or substantially in the form and contains the particulars prescribed; and

(e) the nomination is not invalid for any of the reasons set out in subrules (10), (11) and (12);

but if the nomination paper does not comply with the foregoing provisions the returning officer shall reject it.

(14) The returning officer shall advise every candidate in writing whether his nomination is valid or not, and if it is not valid, of the reasons for its invalidity.

Form 5

(15) A person nominated may at any time before the expiry of the period fixed for the receipt of nominations withdraw his candidature by delivering to the returning officer a notice in Form 5 of his withdrawal duly signed by him and witnessed by two other persons.

Duplication  
of  
nomination

20. A candidate who is validly nominated for more than one ward must duly withdraw, at or before the expiry of the time for receipt of nominations, from his candidature in all wards except

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one, and if such candidate fails to take such action as is required by this rule, the returning officer shall on the expiration of such time declare for which one of the wards the candidate remains validly nominated, for which the candidate shall stand for election and the candidate shall be deemed to have duly withdrawn his candidature in other wards.

21. If a candidate is validly nominated more than once in respect of a ward, the first valid nomination paper delivered shall be deemed to be the nomination paper of that candidate.

First nomination paper deemed to be nomination paper having effect

22.—(1) If, at the expiration of the time appointed for the delivery of nomination papers, the number of duly nominated candidates for any ward does not exceed the number of councillors to be elected for such ward, the returning officer shall forthwith give notice that there will be no poll in the ward, and that on the day appointed for declaring the result of the election such duly nominated candidates shall be declared to be elected councillors.

Unopposed candidates

(2) The public notice to be given under this rule shall be in Form 6 and shall, except where the circumstances render it inappropriate, be combined with the public notice of poll to be given under rule 23 and shall be published in like manner as the said notice of poll.

Form 6

(3) If a person who has been included in a notice given under subrule (2) dies before the declaration of election, the returning officer shall take such proceedings with regard to any unfilled vacancy as though it were a casual vacancy.

23.—(1) If at the time appointed for the delivery of nomination papers, the number of persons remaining validly nominated exceeds the number of vacancies in the ward, the returning officer shall forthwith adjourn the election for the purpose of taking a poll and shall publish as soon as possible and cause to be posted at such conspicuous places as he shall think fit within the ward in which a poll is to be taken a notice in Form 7 specifying for each ward—

Notice of poll

Form 7

(a) the number of councillors to be elected for the ward;

(b) the date on which the poll will be taken, which shall not be less than seven days and not more than fourteen days from the date of publication of the notice, and the hours of the poll;

(c) the names of the candidates in the alphabetical order of their surnames, or, if there are two or more candidates with the same surname, of their other names as described in their

*Urban Areas Election Rules*

respective nomination papers and the names of their proposers and seconders and the symbol, if any, allotted to the candidates in terms of rule 61; and

(d) the place or places at which the poll will be taken and the portion of the ward allotted to each polling station.

(2) No election which is adjourned for the purpose of taking a poll shall be declared invalid for the reason that the poll was not held or completed before the first day of April in the year in which such election is held.

Death of  
candidate

24. If, at or after the latest time for delivery of nomination papers and before the close of the poll a validly nominated candidate dies, the returning officer shall, upon being satisfied of the fact of the death, countermand the poll, and in such case all the proceedings with reference to the election shall be commenced afresh:

Provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermand of the poll.

Withdrawal  
of  
candidate  
G.N.

111/1970

25.—(1) If, after a poll has been appointed at any election, any candidate nominated for election wishes to withdraw his nomination papers, he may, not later than seventy-two hours after the date fixed for the receipt of nominations, sign and deliver a notice of this withdrawal to the returning officer, who, on receipt of such notice, shall if the number of candidates is by such withdrawal reduced to the number of persons to be elected at such election, declare the remaining candidate or candidates to be on that date duly elected, and, if the said number is not so reduced, shall erase, so far as is practicable, the name of the person so withdrawing from the list of candidates and such person shall not be capable of being elected at such election.

G.N.  
111/1970

(2) If notice of the withdrawal of a candidate shall be delivered to the returning officer later than the date specified in subrule (1), such candidate shall forfeit the deposit made pursuant to rule 19:

Provided that the Minister may, on application, if in any case he considers that the withdrawal of the candidate was necessitated by circumstances outside the candidate's control or that forfeiture of the deposit would cause hardship to such candidate order that such deposit be refunded to such candidate.

Form 5

(3) A notice of withdrawal shall be in Form 5 or in a form substantially to the like effect and shall be signed by the person nominated and shall be attested by two witnesses.

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26. The poll shall commence at six o'clock in the forenoon and be kept open until seven o'clock in the evening. Hours of poll
27. The returning officer shall—
- (a) provide a sufficient number of polling stations for the voters and allot the voters to the polling stations in such manner as he thinks most convenient; Provision of polling stations, ballot boxes, etc.
- (b) furnish each polling station with a screened compartment (hereinafter referred to as a polling booth) in which one ballot box for each candidate marked with his name and symbol, if any, shall be placed;
- (c) furnish each presiding officer with such number of ballot papers as in the opinion of the returning officer may be necessary;
- (d) provide each polling station with instruments for stamping, imperforating or piercing the official mark on ballot papers, with copies of the voters' roll for the ward, or such part thereof as contains the names of the voters allotted to vote at the polling station, and with copies of forms of declaration and other documents required for the purposes of the poll;
- (e) do such other acts and things as may be necessary for effectually conducting the election in the manner provided by these Rules.
28. Every voter shall vote at the polling station appointed for the ward or polling district as the case may be, in respect of which his name appears upon the voters' roll. Voter to vote only at appointed polling station
29. Votes at the poll shall be given by ballot. Poll to be taken by ballot
30. A notice, in Form 8, giving directions for the guidance of voters in voting, shall be exhibited outside every polling station and in every polling booth. Notice of directions to voters Form 8
31. Every ballot box shall be so constructed that the ballot papers can be put therein but cannot be withdrawn therefrom without the box being unlocked. Ballot boxes
32. Every ballot paper shall be in Form 9 and—
- (a) shall have a number printed on the back; and
- (b) shall have attached a counterfoil with the same number printed on the face. Ballot papers Form 9
- 33.—(1) Each candidate may appoint one agent to attend to each polling station in the ward for whom he is nominated for the purpose of detecting personation. Appointment of polling agents
- (2) Notice in writing of any such appointment stating the names and addresses of the persons appointed and the polling stations for



*Urban Areas Election Rules*

which they are nominated shall be given by the candidate to the returning officer at least three days before the opening of the poll.

(3) If a polling agent dies or becomes incapable of acting, the candidate may appoint another polling agent in his place and shall forthwith give the returning officer notice in writing of the name and address of the polling agent so appointed.

(4) A polling agent in respect of whom such notice as aforesaid has been given may during the hours of the poll attend at the polling station to which he has been appointed.

(5) Each candidate may appoint one of the agents appointed under this rule to be his election agent for the purpose of rules 47, 48, 53 and 57.

Admission to  
polling  
stations

34.—(1) No person shall be admitted to vote at any polling station other than at the one allotted to him in the notice of the poll given under rule 23.

(2) The presiding officer shall regulate the number of voters to be admitted to the polling station at the same time, and shall exclude all other persons except the candidates, the polling agents, officers appointed under these Rules and police officers on duty.

Sealing of  
ballot boxes

35. Immediately after the commencement of the poll the presiding officer shall show the ballot boxes empty to such persons, if any, as may be present in the polling station so that they see that they are empty, and shall then lock them and place his seal upon them in such manner as to prevent them being opened without breaking the seal, and shall place them in the polling booth for the receipt of ballot papers, and keep them so locked and sealed.

Questions to  
be put to  
voters

36.—(1) The presiding officer may, and if required by a candidate or his polling agent shall, put to any person applying for a ballot paper or cause to be put in language which the officer has reasonable cause to believe such person understands, at the time of his application but not afterwards, the following questions or either of them that is to say—

(a) "Are you the person registered in the voters' roll now in force in this ward as follows—(read the whole entry from the roll)?"

(b) "Have you already voted at the present election (adding in the case of an election for more than one ward, 'in this or any other ward')?"

(2) A ballot paper shall not be delivered to any person required to answer the above question or either of them unless he has answered the question or questions to the satisfaction of the presiding officer.

*Urban Areas Election Rules*

(3) The returning officer may, if he deems it expedient to do so, obtain the services of interpreters for the period of the election.

37. If at the time a person applies for a ballot paper or after he has applied and before he has left the polling station, a candidate or polling agent declares to the presiding officer that he has reasonable cause to believe that the applicant has impersonated another person registered on the voters' roll, the presiding officer shall cause the words "Protested against for impersonation" to be placed against the name given as his by the applicant in the marked copy of the voters' roll.

Challenge of voter by polling agent

38. Immediately before a ballot paper is delivered to a voter—

Marking of ballot papers

(a) the ballot paper shall be marked with the official mark either embossed or perforated;

(b) the serial number and name of the voter as stated on the copy of the voters' roll shall be called out;

(c) the serial number of the voter shall be marked on the counterfoil; and

(d) a mark shall be placed in the copy of the voters' roll against the number of the voter to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received.

39. The voter on receiving the ballot paper shall forthwith proceed to the polling booth and place the ballot paper in the ballot box bearing the name and symbol, if any, of the candidate for whom he wishes to vote and shall immediately thereafter leave the polling booth and polling station.

Voting

40.—(1) If a voter is incapacitated by blindness or other cause he shall call the presiding officer aside, and tell him, no other person being within hearing, the name of the candidate for whom he wishes to vote, and the presiding officer shall then go immediately into the polling booth with the voter and place the voter's ballot paper into the ballot box bearing the name and symbol, if any, of the candidate for whom he wishes to vote.

Incapacitated voters

(2) The presiding officer shall write in the voters' roll against the name of such voter a statement of the fact that the ballot paper was placed in a ballot box at the request of the voter and the reason therefor.

41.—(1) If a voter does not leave the polling booth within a period of time after entering which the presiding officer considers sufficient for the purpose of enabling that voter to vote, the presiding officer or a polling clerk deputed for that purpose by the presiding officer, may enter the polling booth for the purpose of ensuring that these Rules are complied with.

Admittance to polling booth

*Urban Areas Election Rules*

(2) Save as provided in this and the preceding rules no person shall enter or be present within a polling booth while any voter is in the booth for the purpose of voting.

Tendered  
ballot  
papers

42.—(1) If a person representing himself to be a particular voter named in the voters' roll applied for a ballot paper after another person has voted as such voter, the applicant shall upon satisfactorily answering the questions set out in rule 36 be entitled to a ballot paper, but the ballot paper (in these Rules called a tendered ballot paper) shall be of a colour differing from that of the other ballot papers and the voter shall then cast his vote as provided for in rule 39.

(2) The name of the voter to whom a tendered ballot paper has been issued and his serial number on the voters' roll shall be entered on a list (in these rules called the tendered votes list).

Spoilt ballot  
papers

43. A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving the fact of the inadvertence to the satisfaction of the presiding officer obtain another ballot paper in the place of the ballot paper so delivered up (in these Rules called a spoilt ballot paper) and the spoilt ballot paper shall be immediately cancelled.

Power of  
presiding  
officer to  
adjourn poll

44. Where the proceedings at the taking of the poll are interrupted or obstructed by any riot, tumult or disturbance, the presiding officer at the polling station where the riot, tumult or disturbance has occurred may adjourn the poll at that polling station and if necessary may repeat such adjournment until such interruption or obstruction has ceased, and when the poll has been so adjourned by a presiding officer, the presiding officer shall forthwith give notice of such adjournment to the returning officer who shall not finally declare the result of the election for the ward where such station is situated until the poll so interrupted or obstructed is closed and the various packets are delivered to the returning officer as provided in rule 45.

## PART IV

## PROCEDURE AFTER CLOSE OF POLL

Sealing of  
ballot papers  
etc.

45. As soon as practicable after the close of the poll, the presiding officer shall in the presence of the candidates, and polling agents, if present, make up into separate packets sealed with his own seal and the seals of such candidates and polling agents as desire to affix their seals—

(a) each ballot box in use at his polling station sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached;

*Urban Areas Election Rules*

- (b) the unused and spoilt ballot papers placed together;
- (c) the marked copy of the voters' roll and the counterfoils of the used ballot papers; and
- (d) the tendered votes list;

and shall deliver the packets to the returning officer to be taken charge off by him.

46. The packets shall be accompanied by a statement (in these Rules referred to as the ballot paper account) made by the presiding officer showing the number of ballot papers entrusted to him and accounting for them under the heads of—

Ballot paper  
account

- (a) ballot papers delivered to voters;
- (b) unused ballot papers;
- (c) spoilt ballot papers;
- (d) tendered ballot papers;
- (e) unused tendered ballot papers.

47. The returning officer shall in respect of each ward make arrangements for the counting of the votes as soon as practicable after the close of the poll and shall give to each candidate, or if the candidate has appointed an election agent, to such election agent notice in writing of the time and place at which he will begin to count the votes.

Counting of  
votes

48. Except with the consent of the returning officer no person, other than the returning officer, the persons appointed to assist him, and the candidates and their agents, if any, may be present at the counting of votes.

Persons  
present at  
counting

49. So soon as the returning officer is ready to count the votes he shall break the seals on all the ballot boxes bearing the name of one candidate and with the aid of the officers assisting him shall proceed to examine and count the ballot papers therein other than tendered ballot papers. When all such ballot papers have been examined and counted the returning officer shall break the seals of all the ballot boxes bearing the name of another candidate, and shall, in like manner, examine and count the ballot papers therein, other than tendered ballot papers and shall in like manner proceed until all the ballot boxes of all the candidates have been opened and dealt with.

Opening of  
ballot boxes  
and counting  
of votes

50. The returning officer and his assistants while counting and recording the number of ballot papers and counting the votes shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

Preservation  
of secrecy at  
counting

*Urban Areas Election Rules*

Counting may be adjourned	<p>51. The returning officer shall so far as is practicable proceed continuously with counting votes, but may at any time if he thinks fit decide to suspend the counting of votes until nine o'clock on the succeeding morning. During the period until he proceeds with the counting, the returning officer shall take proper precautions for the safe custody and security of the ballot papers and other documents.</p>
Void ballot papers	<p>52.—(1) Any ballot paper—</p> <p>(a) which does not bear the official mark; or</p> <p>(b) on which anything is written or marked by which the voter can be identified except the printed number on the back;</p> <p>shall not be counted.</p> <p>(2) Subject to the provisions of these rules relating to election petitions, the decision of the returning officer as to any question arising in respect of any ballot paper shall be final.</p>
Marking of void ballot papers	<p>53.—(1) The returning officer shall endorse the word "rejected" on any ballot paper which under rule 52 is not to be counted, and shall add to the endorsement the words "rejection objected to" if any objection is made by a candidate or election agent to his decision.</p> <p>(2) The returning officer shall draw up a statement showing the number of ballot papers rejected and not counted by him under the heads of—</p> <p>(a) want of official mark;</p> <p>(b) writing or mark by which the elector could be identified;</p> <p>and shall on request allow any candidate or election agent to copy the statement.</p>
Determining and declaring result of poll	<p>54.—(1) The result shall be ascertained by counting the votes given to each candidate and the candidate or candidates as the case may require, to whom the greatest number of votes have been given, shall be declared elected by the returning officer.</p> <p>(2) Where an equality of votes is found to exist and the addition of one vote would entitle any of the candidates to be declared elected, the returning officer shall determine by lot which of the candidates whose vote is equal shall be elected.</p>
Recounts	<p>55. Upon the application of any candidate, or his election agent, made immediately after the completion of the counting or recounting, other than an application which the returning officer considers frivolous, a recount shall be made.</p>
Publication of results of election	<p>56.—(1) The returning officer, after the elections have been completed for all wards for which an election is being held, other than those wards where polling day has been postponed, shall</p>

*Urban Areas Election Rules*

publish the results of the election together with the number of votes cast for each candidate.

(2) The result of the election in any ward where polling day has been postponed shall be published as soon as possible after it is known.

57. Upon the completion of the counting the returning officer shall seal up in separate packets for each candidate the counted, rejected and tendered ballot papers respectively. He shall not open the sealed packet containing the marked copy of the voters' roll and counterfoils, but if required by a candidate or his agent shall proceed, in the presence of the candidates, and their agents if present, to verify the ballot paper account given by each presiding officer by comparing it with the number of ballot papers counted by him under rule 49 and the unused and spoilt ballot papers in his possession and the tendered votes list, and shall reseal each sealed packet after examination. The returning officer shall draw up a statement as to the results of any verification required and shall on request allow any candidate or election agent to copy the statement.

Disposal of  
ballot  
papers

58.—(1) The returning officer, for so long as they may be required for the purpose of an election petition, shall retain all the packets of ballot papers in his custody together with the said statements, the ballot paper accounts, tendered votes list, packets of counterfoils and marked copies of the voters' rolls sent by each presiding officer, endorsing on each packet a description of its contents, the date of the election to which they relate, and the name of the ward for which the election was held.

Returning  
officer to  
retain papers

(2) Save as provided by rule 57 or as may be directed by the High Court in relation to an election petition, no person shall be allowed to inspect any ballot paper or document after it has been sealed as required by these Rules.

(3) At any time after the expiration of a period of six months from the date upon which the result of any election is declared the returning officer having first satisfied himself that no petition is then pending before the Court may cause the destruction of all ballot papers and other documents relating to such election.

## PART VII

### MISCELLANEOUS PROVISIONS

59. Notwithstanding the provisions of these Rules, the Minister may, if for any reason he considers it necessary so to do and after consultation with the Local Authority concerned, from time

Variation of  
dates

*Urban Areas Election Rules*

to time re-determine any date determined by him under the provisions of these Rules or alter any date determined by these Rules.

## Refund of deposit

60. The amount of the deposit required under rule 19 shall be returned to the person who made the deposit or his personal representative as the case may be, upon application to the returning officer within one month of the conclusion of the election in respect of which the deposit was made, if the candidate was elected or withdrew from the election more than six clear days before the date of polling or polled not less than ten *per centum* of the total votes counted in the election in the ward in which he was a candidate, or died before polling day. Subject to the proviso to rule 25 (2), in any other case the deposit shall be forfeited and received into the general revenue of the Local Authority.

## Symbols

61.—(1) For the purpose of assisting persons to identify candidates when voting each candidate shall be entitled to associate himself for the purpose of the election with a symbol approved by the returning officer.

(2) Application for approval of a symbol shall be made to the returning officer in writing not later than the time nomination papers are delivered to the returning officer in accordance with rule 19, and the returning officer shall notify the candidate whether the symbol is approved or not at or before the time he notifies the candidate whether his nomination is valid or not in accordance with rule 19:

Provided that the returning officer may approve symbols in respect of a political party at any time.

(3) The returning officer shall not approve a symbol which might lead to confusion or which he considers undesirable on any other ground.

## Offences

62.—(1) Any person who—

- (a) forges any ballot paper;
- (b) not being entitled under these Rules to be in possession of a ballot paper has a ballot paper in his possession;
- (c) puts into any ballot box anything other than the ballot paper which he is authorized by these rules to put in;
- (d) without due authority, the onus of proof of which will be on the person charged with the offence, destroys, takes, opens or otherwise interferes with any ballot box;
- (e) gives false information for the purpose of having his name entered in the voters' roll;

*Urban Areas Election Rules*

(f) casts more than one vote at any election;

(g) subscribes a signature to any nomination paper knowing that any of its contents are false or forges any signature on any nomination paper;

(h) uses or associates himself or a candidate with any symbol while electioneering unless such symbol has been approved by the returning officer for that purpose in accordance with rule 61;

(i) not being a returning officer or a person authorized by him to do so, prints or publishes any form, notice or advertisement required to be published under these rules;

(j) obstructs the returning officer, or other officer appointed under these Rules in the execution of his duties under these rules; or

(k) fails to obey any lawful order relating to any election under these rules of the returning officer or other officer appointed under these rules, or police officer.

shall be liable to a fine of K100 and to imprisonment for three months.

63.—(1) An election shall be declared void on any of the following grounds, which are proved to the satisfaction of the High Court—

Grounds for  
declaring an  
election void

(a) that voters were corruptly influenced in their voting contrary to section 30 or 32 of the Act or intimidated in their voting contrary to section 31 of the Act, or that by reason of other misconduct or other circumstances whether similar to those before enumerated or not, the majority of voters were or may have been prevented from electing the candidate whom they preferred;

(b) non-compliance with the provisions of the Act in the conduct of the election:

Provided that if the High Court is satisfied that any failure to comply with provisions of the Act did not affect the result of the election it shall not declare the election void;

(c) that a candidate who was declared elected, was at the time of his election a person not qualified or disqualified for election or not properly nominated or that a duly qualified candidate has his nomination improperly found to be invalid by the returning officer.

(2) The High 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 is desirable.

64.—(1) An unsuccessful candidate shall be declared elected, after a scrutiny and recount by the High Court of the votes cast at the election, if he is then found to have a greater number of the lawful votes cast than the candidate who was declared elected and

Powers to  
declare  
unsuccessful  
candidate  
elected



*Urban Areas Election Rules*

if no other election petition in respect of the same election is pending before the court, and if the court has not already declared the election void.

(2) On a scrutiny and recount, the High Court shall strike off the following votes—

(a) the vote of any person not enrolled on the voters' roll for the ward in which the election was held;

(b) the vote of any person whose vote was obtained corruptly or by intimidation, contrary to sections 30, 31 or 32 of the Act;

(c) the vote of any person who committed or procured the commission of personation at the election;

(d) all the votes of any person proved to have voted more than once at such election; and

(e) the vote of any person who by reason of the commission of any offence against the Act or for other reason was disqualified from voting at the election.

(3) On a scrutiny and recount, any tendered vote proved to be a valid vote shall, on the application of any party to the petition, be added to the poll.

Procedure  
for trial  
of petition  
Form 10

65.—(1) A petition shall be in Form 10 and shall be left by the petitioner in person or by his legal representative at the office of the Registrar of the High Court, together with a fee of K10 and a copy of the petition for each respondent and two other copies thereof. An additional copy of the petition shall be delivered to the returning officer.

(2) The Registrar of the High Court shall, not less than fourteen days before the day fixed for the hearing of the petition, cause a copy of the petition to be served on each respondent thereto together with notice of the time and place of hearing.

(3) When more petitions than one are presented in relation to the same election, the High Court may direct that some or all of such petitions shall be dealt with as one petition.

(4) Subject to the foregoing provisions of this rule, the practice and procedure of the High Court in hearing a petition shall, as nearly as possible, be that of such Court in the exercise of its original jurisdiction in civil cases.

(5) A petition shall be heard by a single Judge in open court.

(6) The Court may order that any costs incurred by the returning officer in consequence of such proceedings be paid by the Local Authority.

*Urban Areas Election Rules*

66. At the conclusion of a trial of an election petition the Court may declare a candidate duly elected, or declare the election to be void and, if appropriate, declare that a certain person was entitled to be a candidate at the election, or declare that an unsuccessful candidate be elected, and shall certify such declaration to the returning officer. Upon such declaration being given, such declaration shall be final and shall be published by the returning officer, and, if necessary, the returning officer shall forthwith hold an election which will be conducted in accordance with section 40 of the Act. Conclusion of trial of petition
67. The returning officer may if he thinks fit preside at a polling station, and the provisions of these Rules relating to a presiding officer shall apply to the returning officer so presiding with the necessary modifications as to the things to be done by the returning officer or by the presiding officer. Returning officer may act as presiding officer
68. No returning officer or officer appointed under these Rules or any police officer or any officer or employee of any Local Authority or any partner or clerk of any such officer shall act as a polling or election agent. No officer to act as polling agent
69. No person shall be appointed to act as an officer under these Rules for the purposes of an election who has been employed by or on behalf of a candidate in or about the election. No officer to be appointed if employed by candidate
70. A candidate may himself do any act or thing which an agent of his, if appointed, would have been authorized or required to do or may assist his agent in doing any such act or thing. Where a candidate has no agent any notice to be given shall be given to the candidate. Candidate may exercise powers of agent
71. Where in these Rules any act or thing is required or authorized to be done in the presence of the candidates or their agents, the non-attendance of any candidate or agent at the time and the place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done. Non-attendance of candidates or agents
- 72.—(1) It shall be the duty of the presiding officer to keep order at his polling station. Misconduct at polling station
- (2) If any person misconducts himself at a polling station or fails to obey the lawful order of the presiding officer, he may immediately by order of the presiding officer be removed from the polling station by a police officer or by any other person authorized in writing by the returning officer to remove him; and the person so removed shall not without the permission of the presiding officer again enter the polling station.

*Urban Areas Election Rules*

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

Election  
Officer's  
expenses

73. All expenses properly incurred by the registering officer or the returning officer in relation to the holding of an election or arising therefrom shall be paid by the Local Authority.

Use of  
buildings for  
polling  
stations

74.—(1) Any suitable building within the Local Authority Area to whomsoever belonging may, with the permission of the owner or occupier, be used for the purpose of taking a poll.

(2) The returning officer shall make good any damage done to any building used for taking a poll, if such damage was caused as a result of a poll being taken therein.

Amendment  
of forms

75. The returning officer shall, subject to the approval of the Minister, have power—

(a) to insert such additional matter in the forms in the Schedule as he considers necessary;

(b) to amend or delete such items contained in the said forms as he considers necessary; or

(c) to direct that the said forms shall be translated into and used in such languages as he considers necessary.

Recruit-  
ment of staff

76.—(1) The returning officer may appoint any person in the employment of the Local Authority and, with the approval of the Minister and of the Minister responsible for the Ministry in which the officer is serving, any public officer, to undertake any duties under these Rules.

(2) The returning officer may employ such additional temporary staff for the purpose of undertaking any duty under these Rules and pay such remuneration as he may determine not exceeding in the case of—

(i) an assistant returning officer, K14 per day;

(ii) a presiding officer, K10 per day;

(iii) any other person, K6 per day.

Copies of  
voters' roll

77. The Town Clerk of any Local Authority shall on request supply to any person a copy of the voters' roll for the area or any part thereof of such Authority on the payment of a fee at the rate of 25t per hundred names or part thereof or K10 for the complete roll, whichever be the greater.

SCHEDULE

LOCAL GOVERNMENT (URBAN AREAS) ACT  
LOCAL GOVERNMENT (URBAN AREAS) ELECTION RULES  
(RULES 6 AND 11)

MUNICIPALITY/TOWNSHIP OF.....

ELECTIONS

APPLICATION FOR REGISTRATION AS A VOTER

(To be used by persons claiming a vote under the provisions of section 25 (1) (a) of the Local Government (Urban Areas) Act.)

N.B.—1. IF YOU DELIBERATELY COMPLETE THIS FORM UNTRUTHFULLY OR MAKE A FALSE DECLARATION YOU MAY BE FINED OR IMPRISONED.

2. IF THIS APPLICATION IS COMPLETED BY A PERSON OTHER THAN THE APPLICANT, THAT PERSON SHALL READ THE COMPLETED APPLICATION TO THE APPLICANT BEFORE THE APPLICANT SIGNS OR THUMB-PRINTS AND SHALL HIMSELF SIGN THE FORM IN THE MANNER PROVIDED.

To: The Registering Officer,

Municipality/Township of .....

Date .....

I hereby apply for enrolment in the voters' roll for the.....  
..... Ward.

My name is .....  
(Surname or Tax name in BLOCK LETTERS)

Other names .....  
(In full in BLOCK LETTERS)

I declare that—

- (1) I am over the age of 21 years.
- (2) I have resided within the Municipality/Township of.....  
for twelve months within the eighteen months prior to.....
- (3) I am not disqualified from having my name entered upon the voters' roll by virtue of section 26 of the above mentioned Act.
- (4) My present residential address is.....  
.....
- (5) My present postal address is .....  
.....

Signature or thumb-print.....

(The following to be completed if appropriate.)

A202      **Cap. 22:01**      *Local Government (Urban Areas)**Urban Areas Election Rules*

I, ....., of .....  
 (residential and postal addresses) having first truly, distinctly and  
 audibly read over the contents of this application to the applicant, who  
 seemed perfectly to understand the same, did witness him sign/affix his  
 thumb-print and do myself subscribe the application.

Signature .....

MUNICIPALITY/TOWNSHIP OF ..... ELECTIONS, 19...

## RECEIPT FOR APPLICATION FOR REGISTRATION AS A VOTER

Certified that this day I have received the application for registration  
 as a voter from the person named below.

Date ..... Stamp  
*Registering Officer*

Surname or Tax Name	Other Names	Residential Address

KEEP THIS RECEIPT

FORM 2

LOCAL GOVERNMENT (URBAN AREAS) ACT  
 LOCAL GOVERNMENT (URBAN AREAS) ELECTION RULES

(RULES 6 AND 11)

MUNICIPALITY/TOWNSHIP OF ..... ELECTIONS

## APPLICATION FOR REGISTRATION AS A VOTER

(To be used by persons claiming a vote under the provisions of section  
 25 (1) (b) of the Local Government (Urban Areas) Act.)

N.B.—1. IF YOU DELIBERATELY COMPLETE THIS FORM  
 UNTRUTHFULLY OR MAKE A FALSE DECLARA-  
 TION YOU MAY BE FINED OR IMPRISONED.

2. IF THIS APPLICATION IS COMPLETED BY A PERSON  
 OTHER THAN THE APPLICANT, THAT PERSON  
 SHALL READ THE COMPLETED APPLICATION TO  
 THE APPLICANT BEFORE THE APPLICANT SIGNS  
 OR THUMB-PRINTS AND SHALL HIMSELF SIGN  
 THE FORM IN THE MANNER PROVIDED.

To: The Registering Officer,  
 Municipality/Township of .....  
 Date .....

I hereby apply for enrolment on the voters' roll for the.....

..... Ward.

*Urban Areas Election Rules*

My name is .....  
(Surname or tax name in BLOCK LETTERS)

Other names .....  
(In full in BLOCK LETTERS)

I declare that—

(1) I am over the age of 21 years.

(2) I apply to have my name entered on the voters' roll by virtue of  
Fill in { (a) Occupation of .....  
(a) or { (insert address of qualifying property) for the month  
(b) and { immediately preceding .....  
delete { (b) Ownership of .....  
remainder { (insert address of qualifying property) on.....

(3) I am not disqualified from having my name entered upon the voters' roll by virtue of section 26 of the abovementioned Act.

(4) My present residential address is.....

(5) My present postal address is.....

.....  
*Signature or thumb-print* .....

(The following to be completed if appropriate)

I, ....., of .....  
(residential and postal addresses), having first truly, distinctly and audibly read over the contents of this application to the applicant, who seemed perfectly to understand the same, did witness him sign/affix his thumb-print and do myself subscribe the application.

*Signature*.....

MUNICIPALITY/TOWNSHIP OF ..... ELECTIONS, 19.....

RECEIPT FOR APPLICATIONS FOR REGISTRATION AS A VOTER

Certified that this day I have received the application for registration as a voter from the person named below.

Date ..... Stamp  
*Registering Officer*

Surname or Tax Name	Other Names	Residential Address

KEEP THIS RECEIPT

LOCAL GOVERNMENT (URBAN AREAS) ACT  
LOCAL GOVERNMENT (URBAN AREAS) ELECTION RULES  
(RULE 18 (3))

THE MUNICIPALITY/TOWNSHIP OF .....

NOTICE OF ELECTION

Notice is hereby given —

(1) That an election shall be held to fill the following vacant seats on the ..... Council—

(insert details)

(2) That no person can be elected to the office of councillor in respect of whom a nomination paper is not delivered to me before four o'clock in the afternoon of the ..... day of ..... 19.....; that all withdrawals of persons nominated must be intimated to me before four o'clock in the afternoon of the ..... day of ..... 19..... and that all intimations must be delivered at my office (here specify address of office).

(3) That every person proposed for election as a councillor must be nominated by a separate nomination paper in the appropriate form contained in the First Schedule to the Local Government (Urban Areas) Election Rules or in a form substantially to the like effect, and every such nomination paper must be subscribed by one proposer and one seconder and also three supporters whose names are in the voters' roll for the ward, and shall contain a statement subscribed by the candidate consenting to be nominated as a candidate and that, if elected, he will accept office as a councillor and will faithfully perform the duties of that office.

(4) That every candidate for election shall at the same time as his nomination paper is delivered to the Town Clerk deposit the sum of £5 in cash and if he fails to do so his nomination shall be rejected.

(5) That no person shall sign more than one nomination paper, and if he signs nomination papers otherwise than is herein permitted his signature shall be inoperative in all but that paper first delivered.

(6) That a candidate who is validly nominated for more than one ward shall by notice, signed, attested and delivered withdraw from his candidature in all those wards except one, and if he does not so withdraw before the expiration of the time appointed by rule 25 of the Local Government (Urban Areas) Election Rules, for the delivery of notices of withdrawal the returning officer shall on the expiration of the said time declare for which of those wards the candidate remains validly nominated, for which the candidate shall stand for election, and the candidate shall be deemed to have withdrawn his candidature in those other wards.

*Urban Areas Election Rules*

(7) That in the event of only one person remaining validly nominated in any of the wards there will be no ballot in such ward and that on the day appointed for publishing the result of the election the person so nominated shall be declared to be an elected councillor.

(8) That forms of nomination and withdrawal may be obtained at my office above mentioned during normal office hours.

.....  
*Returning Officer*

FORM 4

LOCAL GOVERNMENT (URBAN AREAS) ACT  
 LOCAL GOVERNMENT (URBAN AREAS) ELECTION RULES  
 (RULE 19)

## Nomination Paper

The Municipality/Township of .....

..... Municipal/Town Council Election, 19.....

I. (\*.....), hereby propose and I.  
 (\*.....), hereby second  
 the nomination of (\*.....) for election as a  
 councillor for the ..... Ward, at the next  
 ensuing election in the Municipality/Township of .....

We hereby declare to the best of our knowledge, information and belief that—

(a) the said ..... is of full age and not subject to any legal incapacity, and

(b) the said ..... is not disqualified from being nominated as a candidate for election as a councillor by reason of any of the disqualifications set forth in section 28 of the above-mentioned Act.

Given under our hand this .....day of .....19...

Proposer .....

Seconder.....

We, the undersigned, whose names appear in the voters' roll for the ..... ward in the Municipality/Township of ..... support the nomination of the said .....as councillor as abovementioned.

<i>Names in Block Letters</i>		<i>Signature</i>	<i>Number on Voters' roll</i>
.....	Supporter (1)	.....	.....
.....	(2)	.....	.....
.....	(3)	.....	.....



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I, the nominee for election, consent to be nominated as a candidate and, if elected, will accept office as a councillor for the Municipality/Township and declare that if elected I will faithfully perform the duties of the office. I declare that I am not disqualified from being nominated as a candidate for election as a councillor by reason of any disqualification set forth in section 28 of the abovementioned Act.

To the Town Clerk,

Municipality/Township of .....

\*Here insert name and registered number as in the voters' roll.

FORM 5

LOCAL GOVERNMENT (URBAN AREAS) ACT  
LOCAL GOVERNMENT (URBAN AREAS) ELECTION RULES  
(RULES 19 (15) AND 25)

NOTICE OF WITHDRAWAL OF NOMINATION

MUNICIPALITY/TOWNSHIP OF .....

Municipal/Town Council Election, 19.....

I, .....  
(here insert name and registered number as in nomination paper)

hereby withdraw my nomination as a candidate for election as a councillor for the ..... ward of the Municipality/Township of .....

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

Witness

Name

Address

Designation

Witness

Name

Address

Designation

To the Town Clerk, Municipality/Township of .....

*Urban Areas Election Rules*

FORM 6

LOCAL GOVERNMENT (URBAN AREAS) ACT  
LOCAL GOVERNMENT (URBAN AREAS) ELECTION RULES  
(RULE 22)

## NOTICE OF UNCONTESTED ELECTION

MUNICIPALITY/TOWNSHIP OF .....

Municipal/Town Council Election, 19 .....

In terms of the Local Government (Urban Areas) Election Rules, I hereby give notice that the following person(s) remain(s) validly nominated for the ward(s) as hereinafter mentioned, and as only ..... person(s) so remain(s) validly nominated for (each of) the said ward(s) there will be no poll therein, and that on the day appointed for publishing the result of the election(s) the said person(s) shall be declared to be elected councillor(s)—

Ward(s)	Name(s) of person(s) elected	Address(es)
.....	.....	.....
.....	.....	.....
.....	.....	.....

Date ..... Returning Officer .....

(NOTE: This form shall, except where inappropriate be combined with the notice of polling.)

FORM 7

LOCAL GOVERNMENT (URBAN AREAS) ACT  
LOCAL GOVERNMENT (URBAN AREAS) ELECTION RULES  
(RULE 23)

## NOTICE OF POLL

MUNICIPALITY/TOWNSHIP OF .....

In terms of the Local Government (Urban Areas) Election Rules, I hereby give notice as follows—

1. That the number of councillors to be elected for each ward respectively is
2. That the poll shall be held between the hours of six o'clock in the forenoon and seven o'clock in the afternoon at the places and on the dates set out below—

Ward(s)	Polling Places	Allotment of Voters
.....	.....	.....
.....	.....	.....

That the following are the names (to be listed in alphabetical order of their surnames, and where there are two or more candidates with the same surnames of their other names also) of the candidates and their proposers and seconders—

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*Urban Areas Election Rules*

Ward	Candidate	Proposer	Seconder	Symbol, if any
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

The persons entitled to vote at this election are the persons whose names appear on the voters' roll for the respective ward(s) aforesaid. Voters must vote at the polling places allotted above.

Date ..... Returning Officer

(NOTE: This form shall, except where inappropriate, be combined with the notice of uncontested election.)

FORM 8

LOCAL GOVERNMENT (URBAN AREAS) ACT  
LOCAL GOVERNMENT (URBAN AREAS) ELECTION RULES  
(RULE 30)

DIRECTIONS FOR THE GUIDANCE OF VOTERS

The elector may vote for one candidate.

The elector, after receiving a ballot paper, shall go into the polling booth and place his ballot paper in the box marked with the name and symbol, if any, of the candidate for whom he wishes to vote.

If the elector inadvertently spoils a ballot paper he can return it to the presiding officer, who will, if satisfied of such inadvertence, give him another ballot paper.

As soon as the elector has placed his ballot paper in a ballot box he shall forthwith leave the polling station.

If the elector places any mark on the ballot paper by which he may be afterwards identified, his ballot paper will be void and will not be counted.

(This form shall be printed in conspicuous characters and be exhibited outside every polling station and in every polling booth.)

FORM 9

LOCAL GOVERNMENT (URBAN AREAS) ACT  
LOCAL GOVERNMENT (URBAN AREAS) ELECTION RULES  
(RULE 32)  
BALLOT PAPER

Counterfoil No. .... No mark is to be made on this form  
Serial No. of Voter.....

(Reverse of Ballot paper)

No. ....

Election for the ..... Ward of the  
Municipality/Township of ..... held on  
the ..... day of ..... 19.....

(NOTE: The number on the back of the ballot paper is to correspond with that on the counterfoil.)

*Pedlars Rules*

FORM 10

IN THE HIGH COURT OF MALAWI  
(RULE 65)

In the Matter of the Local Government (Urban Areas) Act and the  
Local Government (Urban Areas) Election Rules;

AND ..... of the Municipality/Township  
of .....

In the Matter of the election for the ..... Ward held on  
the ..... day of ..... 19.....

ELECTION PETITION

The petition of A.B. of ..... (or of A.B.  
of ..... and C.D. of .....  
or as the case may be) whose name(s) is/are subscribed, sheweth—

1. That your petitioner(s) is/are (a) person(s) whose name(s)  
appear(s) on the voters' roll for the Municipality/Township of.....  
.....

2. That your petitioner(s) state(s) that the election was held on  
the ..... day of ..... 19.....  
when E.F., G.H. and X.Y. were candidates, and the returning officer  
declared G.H. as being duly elected.

3. That your petitioner(s) say(s) that.....  
(here state the facts and grounds relied on by the petitioner(s)).

Whereas your petitioner(s) pray(s) that it may be declared that the  
said G.H. was not duly elected, and that election was void (or that the  
said E.F. was duly elected or as the case may be).

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

*Signed*.....

Address for service .....

It is intended to serve this petition on E.G. of..... G.F.  
of ..... and X.Y. of .....  
The name of my (our) legal practitioner is—  
.....

or  
I am (We are) acting for myself (ourselves).  
*Signed*.....

PEDLARS RULES

*under s. 164*

G.N.  
255/1970  
42/1973

1. These Rules may be cited as the Local Government (Urban Areas) (Pedlars) Rules. Citation

*L.R.O. 1/1974*

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*Pedlars Rules*

Application	2. These Rules shall apply to the City of Blantyre, Municipality of Lilongwe and Townships of Balaka, Dedza, Mangochi, Liwonde, Mzuzu Salima and Zomba.
Interpretation	<p>3. In these By-laws unless the context otherwise requires—</p> <p>“foodstuffs” means any meat, fish or poultry whether alive, dead, cooked or fresh and includes bakery products, vegetables and fruit;</p> <p>“goods” includes books, flowers, articles of native art, woven mats, household furniture or equipment, carvings or curios but does not include newspapers or periodical news publications;</p> <p>“pedlars” means any person who goes about from place to place selling or exposing for immediate delivery any goods or foodstuffs which he carries with him or on a tricycle, bicycle or handcart and the word “peddle” shall have a corresponding meaning;</p> <p>“licence” means a licence to peddle goods or foodstuffs issued by the local authority concerned under these Rules;</p> <p>“public place” means any public way or building and includes any street, footpath, sanitary or service lane, open space, market, car park, or other place or area to which for the time being the public are entitled or permitted to have access, either without any condition or upon condition of making any payment.</p>
Pedlars to be licensed	<p>4.—(1) No person shall carry on the business of pedlar unless he shall first have obtained a pedlar's licence in the form from time to time prescribed by the local authority concerned.</p> <p>(2) Unless the local authority concerned otherwise directs, any person to whom a licence referred to in subrule (1) is issued shall peddle his goods or foodstuffs in accordance with the conditions set out in such licence.</p> <p>(3) Any person who fails to comply with this rule shall be guilty of an offence.</p>
Duration and form of licence	<p>5. Every licence shall be valid for the period stated therein and shall be in such form as the local authority concerned shall direct and may contain conditions regulating—</p> <p>(a) the nature, type or class of goods or foodstuffs to which the licence applies;</p> <p>(b) the particular part of the area of jurisdiction of the local authority concerned in which the goods or foodstuffs may be peddled; and</p>