REPUBLIC OF ZAMBIA

REPORT OF THE ELECTORAL REFORM TECHNICAL COMMITTEE - 2025

ELECTORAL COMMISSION OF ZAMBIA
Your Vote Counts

Electoral Reform Technical Committee

17th April, 2025

Mrs. Mwangala F. Zaloumis, SC

Chairperson

Electoral Commission of Zambia

Elections House

P.O. Box 50274

LUSAKA

Chairperson,

RE: SUBMISSION OF THE ELECTORAL REFORM TECHNICAL COMMITTEE REPORT

Following the appointment of the Electoral Reform Technical Committee (ERTC) by yourself on 19th July 2024, we now have the honour to report that we have concluded our assignment and hereby submit the final report for your consideration.

We wish to express our profound gratitude to you for the trust that was reposed in us individually and severally to undertake this national assignment on behalf of the Zambian people.

We now submit the final Report of the Electoral Reform Technical Committee.

Yours sincerely,

Rabbison M. Chongo
ERTC - CHAIRPERSON

ELECTORAL REFORM TECHNICAL COMMITTEE

WE, THE ELECTORAL REFORM TECHNICAL COMMITTEE, HEREBY SIGN THIS REPORT ON THE PROPOSED REFORMS OF THE ELECTORAL SYSTEM AND PROCESS, THIS 17th DAY OF APRIL 2025.

Mr. Rabbison M. Chongo
Chairperson

Amb. Ali D. Simwinga
Co-Chairperson

Maj Gen Vincent M. Mukanda (Rtd)
Member

Mr. McDonald G. Chipenzi
Member

Bishop Christopher Mutale Besa
Member

Bishop David Musonda Masupa
Member

Mrs Doreen N. Kabwe
Member

Mr. Peter Mwanangombe
Member

Mr. Frankson Musukwa
Member

Mr. Brown Kasaro
Member

Mr. Wilbroad Kangala
Member

Mrs. Hope M. Ndhlovu Chanda
Member

Daisy Nkhata Ng'ambi
Member

Ms. Eva V. Jhala
Member

Hon. Prince Mwiinga
Member

Mr. Royd Katongo
Member

Ms. Triza K. Phiri
Member

Mr. Vanny Hampondela
Member

Mrs. Olipa S. Jere
Member

Mr. Mweelwa Muleya
Member

Mr. Moffat Bili
Member

Mr. Kennedy Mumbi
Member

Dr Nalukui Milapo
Member

Dr Sanny Mulubale
Member

Mr. Daniel Libati
Member

Prof. John Bwalya
Member

Mr. Guess Nyirenda
Member

Mr. Daniel C. Sichilongo
Member

Mr. Morris K. Mukuka
Member

Ms. Lukonde Kaunda
Member

FOREWORD

On behalf of all the members of the ERTC, I wish to profoundly acknowledge the dedication and tenacity of the members of the ERTC in fulfilling its terms of reference and ensuring that the people's voices were heard in this reform process.

These submissions reflect the diverse viewpoints and aspirations of the Zambian people, demonstrating a collective commitment to fostering a more transparent and inclusive electoral system. Our profound gratitude is also extended to the local authorities who were indispensable in facilitating the receipt of written submissions from all 116 districts in Zambia. Their logistical support ensured that every district, regardless of its location, had the opportunity to contribute to this critical process. This inclusivity underscores the commitment to ensuring that the voices of all Zambians are represented in shaping the nation's electoral landscape.

Finally, the ERTC is honoured to have been part of this critical national endeavour and trusts that this report will contribute to meaningful and sustainable electoral reforms, serving as a testament to the power of collective action and collaboration. We, as members, pray that together, we have laid a strong foundation for an electoral system and process that reflects the values and aspirations of the Zambian people.

_____

Rabbison M. Chongo

ERTC - CHAIRPERSON

ACKNOWLEDGEMENTS

The Electoral Reform Technical Committee (ERTC) extends its deepest gratitude to all stakeholders whose invaluable contributions, support, and dedication made the development of this report possible.

We sincerely thank the Electoral Commission of Zambia (ECZ) for entrusting the ERTC with this honourable mandate. The ECZ's unwavering support, guidance, and encouragement throughout the process provided a solid foundation for successfully executing this important national task.

The Committee is also profoundly grateful for the support from the Democracy Strengthening in Zambia (DSZ) Project managed by the United Nations Development Programme (UNDP). The resources provided by the UNDP not only facilitated the operational aspects of our work but also underscored the importance of collaboration between international partners and local institutions in promoting democratic governance.

We acknowledge and commend the active participation of Government Ministries and Departments, statutory bodies, individuals, political parties, Civil Society Organisations, including Faith-Based Organisations, in this process. Their insightful submissions, shared with conviction and clarity, were vital in shaping the outcomes of this report. Similarly, the contributions from academia and professional bodies enriched the reform process by introducing informed perspectives, legal expertise, and evidence-based recommendations. Special thanks to Provincial and District Electoral Officers in all the ten provinces for their support and for facilitating submissions from their respective districts.

The media also deserves recognition for its critical role in consistently providing publicity and coverage of the ERTC's work. Through various platforms, the media kept the public informed and engaged, ensuring that the reform process remained transparent and inclusive. Their dedication to reporting on the Committee's activities fostered greater public understanding and participation in the electoral reform process.

We are equally thankful to the Zambia Police Service for providing security to ERTC members during the provincial sittings. Their vigilance and commitment ensured that the Committee could carry out its duties in a safe and secure environment, even in remote and challenging locations. This support enabled the Committee to conduct its work effectively and without disruption.

We thank you all for your invaluable contributions and unwavering support.

THE ELECTORAL REFORM TECHNICAL COMMITTEE (ERTC)

The Electoral Reform Technical Committee (ERTC) was appointed by the Chairperson of the Electoral Commission of Zambia (ECZ) Mrs. Mwangala Zaloumis, SC, pursuant to Sections 4 and 7 of the Electoral Commission of Zambia Act No.25 of 2016 (as amended by Act No.5 of 2019). The Committee was unveiled on 19th July 2024, was inducted on 24th July, 2024 and consequently commenced its work in August 2024. Its major objective was to review and recommend reforms to Zambia's electoral landscape.

The Committee comprised representatives of the Electoral Commission of Zambia, Office of the Vice President, Cabinet Office - Gender Division, Ministry of Justice, Ministry of Information and Media, Zambia Law Development Commission, Human Rights Commission, Zambia Agency for Persons with Disabilities, Law Association of Zambia, University of Zambia, Copperbelt University - Dag Hammarskjöld Institute for Peace and Conflict Studies, Civil Society Organizations, Faith Based Organisations, Zambia Centre for Inter-Party Dialogue, Zambia Police Service and Eminent citizens with experience in elections, governance, conflict management and law reform. The Electoral Reform Technical Committee comprised 30 members as follows:

Mr. Rabbison M. Chongo
Chairperson

Amb. Ali D. Simwinga
Co-Chairperson

Mrs. Doreen N. Kabwe
Spokesperson

Mr. Peter Mwanangombe
Deputy Spokesperson

Mr. Frankson Musukwa

Maj. Gen. Vincent M. Mukanda (Rtd)

Mr. McDonald G. Chipenzi

Mr. Brown Kasaro

Mr. Royd Katongo

Ms. Triza K. Phiri

Mrs. Hope Ndhlovu Chanda

Mrs. Olipa Jere Sakala

Mr. Vanny Hampondela

Mr. Mweelwa Muleya	Mr. Daniel C. Sichilongo
Mr. Moffat Bili	Mr. Wilbroad Kangala
Mr. Daniel Libati	Bishop Christopher Mutale Besa
Dr. Sanny Mulubale	Ms. Eva V. Jhala
Dr. Nalukui Milapo	Mr. Kennedy Mumbi
Prof. John Bwalya	Hon. Prince Mwiinga
Mrs. Daisy Ng'ambi	Bishop David Musonda Masupa
Mr. Guess Nyirenda	Ms. Lukonde Kaunda
Mr. Morris K. Mukuka	

The ERTC at its first meeting resolved to appoint Mrs. Doreen N. Kabwe and Mr. Peter Mwanangombe as Spokesperson and Deputy Spokesperson respectively.

In addition, the following served as members of the Secretariat and provided administrative and logistical support to the Committee.

	Name	**Organisation**
i)	Mr. Mukunsa Bwalya	ECZ
ii)	Ms. Patricia Luhanga	ECZ
iii)	Mr. Steve Nyondo	ECZ
iv)	Mr. Bright Silutongwe	ECZ
v)	Mrs. Anna Mulenga Nkaka	ECZ
vi)	Ms. Susan N. Namfukwe	ECZ
vii)	Mrs. Ireen Chungu Ching'andu	ECZ

viii)	Mrs. Elizabeth Mwansa Silungwe	MOJ
ix)	Mrs. Taonga Mbuwa Mvula Mukuti	MOJ
x)	Ms. Lina Jere	ZLDC
xi)	Mrs. Prudence Chisanga Hampungani	MOJ

Ad-Hoc Staff

i)	Mrs. Mwila Chikwanda Jangazya	ZLDC
ii)	Ms. Inutu Akolwa	ZLDC
iii)	Mr. Yamikani Ngoma	ZLDC

Rapporteurs

i)	Mr. Kambole K. Ng'andu	Judiciary
ii)	Mr. Mutale M. Mpemba	Judiciary
iii)	Mr. Lombe B. Sandiko	Judiciary
iv)	Mrs. Carol Namutenda Chileshe	Judiciary
v)	Mr. Arthur C. Katongo	Judiciary
vi)	Mrs. Patra M. Beene	Judiciary

Sign Language Interpreter

	Mr. Samson Mwale	ZAPD

ACRONYMS

ACHPR	African Charter on Human and People's Rights
ACDEG	African Charter on Democracy, Elections and Governance
ADL	Archdiocese of Lusaka
ANC	African National Congress
AU	African Union
AU EOM	African Union Election Observation Mission
BV	Block Voting
CBO	Community Based Organization
CBU	Copperbelt University
CCMG	Christian Churches Monitoring Group
CDF	Constituency Development Fund
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEO	Chief Electoral Officer
CMC	Conflict Management Committee
COMESA	Common Market for Eastern and Southern Africa
CSO	Civil Society Organisation
CRC	Constitution Review Commission
CRPD	Convention on the Rights of Persons with Disabilities
CRV	Continuous Registration of Voters

CYLA	Centre for Young Leaders in Africa
DHIPS	Dag Hammarskjold Institute for Peace and Conflict Studies
DNRPC	Department of National Registration, Passport and Citizenship
DCMC	District Conflict Management Committee
DVEC	District Voter Education Committee
ECF-SADC	Electoral Commissions Forum - Southern African Development Community
ECZ	Electoral Commission of Zambia
EFZ	Evangelical Fellowship of Zambia
EISA	Electoral Institute for Sustainable Democracy in Africa
EMB	Electoral Management Body
EPA	Electoral Process Act
ERTC	Electoral Reform Technical Committee
EU	European Union
EU EOM	European Union Election Observation Mission
FBOs	Faith Based Organisations
FPTP	First-Past-The-Post
FPTP-TRS	First-Past-The-Post Two Round System
GESNZ	Governance Electoral Support Network Zambia
HRC	Human Rights Commission
ICCPR	International Covenant on Civil and Political Rights

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICOZ	Independent Churches of Zambia
ISCZ	Islamic Supreme Council of Zambia
IDEA	International Institute for Democracy and Electoral Assistance
IFES	International Foundation for Electoral Systems
INRIS	Integrated National Registration Information System
IRV	Instant Runoff Voting
LAZ	Law Association of Zambia
LEGCO	Legislative Council
LGET	Local Government Election Tribunal
MIM	Ministry of Information and Media
MMPR	Mixed Member Proportional Representation
MP	Member of Parliament
MOJ	Ministry of Justice
MOU	Memorandum of Understanding
MCDSS	Ministry of Community Development and Social Services
NAZ	National Assembly of Zambia
NGOCC	Non-Governmental Gender Organisations' Coordinating Council
NRC	National Registration Card
NVEC	National Voter Education Committee

OYV	Operation Young Vote
PEMMO	Principles for Election Management, Monitoring and Observation
PF	Patriotic Front
POA	Public Order Act
PR	Proportional Representation
PwDs	Persons with Disabilities
UDHR	Universal Declaration of Human Rights
UNCAC	United Nations Convention Against Corruption
UNDP	United Nations Development Programme
UPND	United Party for National Development
USA	United States of America
SADC	Southern African Development Community
SP	Socialist Party
SIGs	Special Interest Groups
TIZ	Transparency International Zambia
UNZA	University of Zambia
VEFs	Voter Education Facilitators
ZAPD	Zambia Agency for Persons with Disabilities
ZAMSTATS	Zambia Statistics Agency
ZCID	Zambia Centre for Inter-party Dialogue
ZCCB	Zambia Conference of Catholic Bishops

ZCS	Zambia Correctional Service
ZLDC	Zambia Law Development Commission
ZNWL	Zambia National Women's Lobby
ZP	Zambia Police Service

OPERATIONAL DEFINITION OF KEY TERMS

The following terms and concepts have been used frequently in this report. The key terms are understood here as words and phrases that define some of the ideas and conceptualisations in this report. The meaning and context within which these terms are applied is provided below for communication precision.

Ballot: This refers to the actual paper, card or digital screen used to indicate a voter's choice.

Campaigns: are a particular type of information promotion, data sharing and more elaborately, they are the encounter of communication flows, resulting from a competition between rival information electioneers.[1]

Candidate Nomination: is the formal procedure by which political parties and/or individuals put candidates forward for elections.[2]

Civic Education: can be broadly defined as the provision of information and learning experiences to equip and empower citizens to participate in democratic processes.[3]

Constitutionalism: is a comprehensive set of values (rule of law and fundamental rights and freedoms) that can be used to benchmark against the measure of actual constitutional performance. It is a regulative ideal that requires free expression and civic equality.[4]

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1 Holbrook, Thomas. 1996. Do Campaigns Matter? Thousand Oaks, CA: Sage.

Zaller, John. 1989. "Bringing Converse Back In: Modeling Information Flow in Political Campaigns." In Political Analysis, ed. James Stimson. Chicago: University of Michigan Press, 181-234.

2 https://aceproject.org/ace-en/topics/pc/pcc/pcc02/default

3 Jennifer Rietbergen-McCracken is an independent international expert and researcher on environment and development

4 Tushnet, M. V., & Bugarič, B. (2021). *Power to the People: Constitutionalism in the Age of Populism*. Oxford University Press.

Delimitation: refers to the process of drawing electoral district boundaries. It can also be used to denote the process of drawing voting areas (also called polling areas, districts or election precincts) for the purpose of assigning voters.[5]

Election Petition: is a procedure for inquiring into the validity of the results of an election. In other words, it is a means under law to challenge the election of a candidate in a Presidential, National Assembly or Local Government election.[6]

Elections: Elections in democratic societies are generally considered a means toward implementing peaceful change of leadership at different levels of governance. It is a process that creates the necessary impetus for the governed to surrender a certain degree of rights to be governed to the government. A setting where this takes place suggests that the power to govern is exercised with the consent of the governed. It offers the opportunity for the public to review, periodically, the performances of political leaders and representatives and to determine whether to sustain or remove them from power.[7]

Electoral Landscape: refers to the overall political and voting environment within a country, region, or election cycle. It includes factors such as: political parties and candidates competing in an election; voter demographics and preferences; election laws and regulations; trends and historical voting patterns; public opinion and polling data; key issues influencing voters.

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[5] https://aceproject.org/ace-en/topics/bd/onePage

[6] https://adrindia.org/sites/default/files/FAQ%20on%20What%20is%20an%20election%20petition_English.pdf

[7] Obi, Ndifon Neji (2018). "Election, Security and Development: Interrogating the Interface" PACEM Journal of Peace and Development. Abuja, Centre for Peace and Development, Veritas University. Vol. 1. No. 1 June. pp.1-12

Electoral Systems: determines the format according to which votes are cast in an election and the process by which seats are allocated on the basis of those votes. The allocation of seats determines who governs.[8]

Human rights: are a special sort of inalienable moral entitlement. They attach to all persons equally, by virtue of their humanity, irrespective of race, nationality, or membership of any particular social or political group. They specify the minimum conditions for human dignity and a tolerable life.[9] They involve basic rights that individuals enjoy by virtue of their humanness that can neither be created nor abrogated by governments.

Legal Framework: may be viewed as a set of constitutional, legislative, regulatory, jurisprudential and managerial rules that together establish the voting rights citizens use to elect representatives.[10]

Regulations: are sets of norms, procedures and rules that governmental institutions adopt in accordance with law to implement the responsibilities delegated to them under the legislative framework.[11]

Reasonable Accommodation: means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.[12]

Treating: is an act of giving or providing or paying someone before, during or after an election, directly or indirectly, wholly or in part covering expenses of

8 Sinnott, R. (2009). The electoral system. In *Politics in the Republic of Ireland* (pp. 133-158). Routledge.

9 McLean, I. & McMillan, A. (2009) Oxford Concise Dictionary of Politics. New York: Oxford University Press

10 https://aceproject.org/ace-en/topics/lf/default

11 https://aceproject.org/main/english/ve/veb02b01.htm

12 UNCRPD (2008)

food, drink, entertainment, lodging, or provisions to, any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving that person's vote at an election.[13]

Voter education: is an enterprise designed to ensure that voters are ready, willing, and able to participate in electoral politics.[14]

13 Repealed Electoral Process Act of 2006

14 https://aceproject.org/main/english/ve/vef02f.htm

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EXECUTIVE SUMMARY

Zambia's Constitution proclaims a democratic, Republican and constitutional State in which the government is founded on the rule of law, equality and social justice. Based on these principles, the representation of the people and the holding of regular elections have been a constant feature since independence. The transfer of power after an election has been orderly and relatively peaceful.

This notwithstanding, Zambia's elections have not been without challenges. These challenges include electoral violence, inadequate participation by special interest groups like women and persons with disabilities, ineffective representation and service delivery owing to the large size of constituencies, and an unprecedented number of by-elections resulting in a drain on national resources.

These challenges have resulted in calls for electoral reforms from various stakeholders including youth organisations, Election Observer Missions, Civil Society, among others, to ensure credible elections, enhanced governance, and that all Zambians receive fair representation and access to national resources. The Zambian Government has recognised these calls, together with the commitment to electoral reforms and strengthening institutions of governance responsible for the management of elections.

Chapter One of the report generally deals with the historical background of electoral reforms in Zambia, the terms of reference and methodology used to undertake the reforms- desk research, comparative analysis with other countries and field research. It includes matters such as the approach used in carrying out the reforms- data collection method, sites and stakeholders, techniques for receiving submissions, data management, data analysis and ethical issues and spells out the challenges and limitations encountered. The Committee undertook nationwide stakeholder consultations which included sittings in all the Provincial headquarters at which submissions were made by individuals, organisations, political parties, traditional leaders, government

ministries and statutory bodies in a language of their choice. District Electoral Officers from all districts in the province received written submissions from stakeholders within their districts and presented them to the ERTC.

Chapter Two provides the context of the reforms, and the terms of reference. These proposed electoral reforms have been undertaken in the context of perspectives that shape electoral outcomes in Zambia, such as political trends, economic fundamentals, demographic trends and social needs. Other perspectives include constitutional imperatives, the national development plan and the electoral management institutional frameworks.

Chapter Three focuses on the electoral landscape and provides a policy, administrative and procedural legislative impact assessment of the electoral framework based on stakeholder submissions and existing laws. The merits and demerits of major electoral systems are also discussed. The Committee has made suggestions as to which electoral systems could be considered for adoption in the Zambian context. The Chapter also presents the submissions that require administrative and policy interventions, along with the ERTCs analysis of these submissions and corresponding recommendations.

Chapter Four discusses contemporary and emerging issues in the context of evolving electoral processes. The narratives presented in this chapter cover the overall existing, emerging and aggravating issues impacting on or influencing elections as Zambia's population grows and becomes more literate and informed. The issues discussed include participation of women, youth and persons with disabilities in the electoral process, political party alliances and coalitions, the tenure of MPs, the process of devolution, the appointment of ministers outside Parliament, the regulation of political parties, electoral violence, diaspora voting and campaigning in correctional facilities and prisons.

Chapter Five discusses issues on which the ERTC made recommendations that require legislative action. It is divided into the main thematic areas of legal

discourse namely Constitution; Electoral Process Act and Electoral Code of Conduct; Regulations; Gender Equity and Equality Act; Persons with Disabilities Act; and National Registration Act. These key issues were selected to illustrate the extent of the submissions received, the analysis conducted and the recommendations made by the ERTC.

1. Constitutional Matters

The issues covered by the Committee in relation to Constitutional matters included Mixed Member Proportional Representation Electoral System, Delimitation of Constituencies, Cancellation of Election on Resignations and Appointment of Cabinet Ministers.

1.1. Mixed Member Proportional Representation Electoral System

Submitters emphasised the need to adopt the Mixed Member Proportional Representation system as a means to ensure the representation of women, youth, and PwDs in elected positions. They also advocated for the introduction of quotas to further guarantee the inclusion of these groups.

ERTC recommends an amendment to Article 47 of the Constitution to change the electoral system. It proposes that the election to the office of President should be maintained as it currently stands. Elections to the National Assembly should be conducted through a combination of the First-Past-The-Post (FPTP) and Proportional Representation (PR) systems. For Local Government elections, the Mayor or Council Chairperson should be elected using the FPTP system. Councillors, however, should be elected based on the PR system, using a closed party list that nominates members per ward, one of whom must be a youth. Additionally, the closed party list at the district level should consist of an equal number of male and female primary candidates. Furthermore, regardless of the above provisions, every council must include at least one person with a disability nominated by organizations representing Persons with Disabilities.

1.2. Delimitation of Constituencies

Submitters proposed that large constituencies be delimited to enhance development, improve political representation, increase the efficiency of service delivery, and promote equality of the vote. They further recommended that the number of constituencies, as provided under Article 68 of the Constitution, be increased to implement delimitation.

The **ERTC recommends** that Article 68 of the Constitution be amended to increase the number of constituencies in line with delimitation.

1.3. Cancellation of Elections

Submitters proposed that in the event a candidate dies or resigns after nominations, the ECZ should not call for fresh nominations but should instead proceed with the election. They argued that calling for fresh nominations in such cases leads to unnecessary delays and imposes significant costs on the State.

The **ERTC recommends** that Article 52(6) be amended to specifically address issues related to Presidential, Parliamentary and Local Government elections by clearly outlining the procedures for different scenarios. In cases where a candidate resigns after nominations, the election should proceed as scheduled. Similarly, if a candidate is disqualified by the court after the close of nominations due to malpractice or a criminal offence, including corruption, the election should also proceed. However, in the event that a candidate dies in a parliamentary or local government election after nominations but before the election date, the ECZ should cancel the election, call for fresh nominations from eligible candidates and ensure that the new election is held within 30 days of the fresh nominations.

2. Electoral Process Act and Electoral Code of Conduct

The issues the Committee covered in relation to the Electoral Process Act and Electoral Code of Conduct included the Nomination Period for General Elections and Objection to the Provisional Register of Voters.

2.1. Nomination Period for General Elections

Submitters highlighted the need to amend the law to prevent unnecessary resignations aimed at causing delays in elections, that the period for challenging nominations should be extended from seven to fourteen days, and that the nomination fees should be reduced to facilitate the participation of candidates from marginalised groups.

The **ERTC recommends** that Part IV of the Electoral Process Act be amended to introduce a pre-nomination period of 14 days. Further, it should be amended to place the responsibility on candidates to verify and authenticate their documents before submitting them to the ECZ.

2.2. Electronic voter registration

Submitters proposed that the Electoral Process Act be amended to include provisions for electronic voter registration. This amendment is aimed at modernising the voter registration process, enhancing efficiency, improving accessibility, and ensuring greater accuracy in the management of the voters' roll.

The **ERTC recommends** an amendment to the Electoral Process Act to provide a section on the use of technology in the electoral process, which will provide for the use of biometric voter registration and identification systems.

3. Electoral Regulations

The issues the Committee covered in relation to the Electoral Regulations included, Inclusion of type of Disability on Voter's Card and Voter Register, and Abolition of Polling Districts under Section 21 of the Electoral Process Act.

3.1. Inclusion of type of Disability on Voter's Card and Voter Register

Submitters proposed that ECZ should disaggregate the register of voters to specifically highlight voters with disabilities, in order to set clear and measurable targets for the registration of PwDs. They further recommended that this disaggregation should also extend to voter education efforts, ensuring inclusive and targeted outreach to enhance the participation of PwDs in the electoral process.

The **ERTC recommends** that the ECZ strictly comply with the requirement of Regulation 17(1)(d) to include the type of disability on the Register of Voters and to disaggregate the data collected to better monitor and support the participation of PwDs. Further, it recommends amending Regulation 11 of the Voter Registration Regulations to insert a new section that provides for the inclusion of the type of disability on a Voter's Card.

3.2. Abolition of Polling Districts under Section 21 of the Electoral Process Act

Submitters noted that Polling Districts do not serve any purpose in electoral management and therefore proposed the repeal of Section 21 of the Electoral Process Act to abolish polling districts, and consequential amendments to the Electoral Process (Voter Registration) Regulations.

The **ERTC recommends** the repeal of Section 21 of the Electoral Process Act, that firstly, Regulation 13(1) of the Electoral Process (Voter Registration) Regulations should be amended by deleting the phrase "divide Zambia into" and replacing it with "establish". Secondly, the phrase "description of the boundaries of those polling districts" should be deleted and the term "polling districts" replaced with "polling stations". Thirdly, Regulation 3(2) of the Electoral Process (Registration of Voters) Regulations should be deleted. Fourthly, Regulation 9 should be amended by removing the term "polling district" wherever it appears. Lastly, Regulation 13(2) should be amended to

read: "A registration officer to whom an application is made under sub-regulation (1) shall determine whether the applicant is a registered voter".

4. Gender Equity and Equality Act

The issues the Committee covered in relation to the Gender Equity and Equality Act related to the Gender Equity and Equality Commission.

4.1. Gender Equity and Equality Commission

Submitters emphasised the need for the Gender Equity and Equality Commission to be fully operationalised as provided for in Article 231 of the Constitution.

The **ERTC recommends** that Section 29 of the Gender Equity and Equality Act be operationalised, and further recommends the general operationalisation of the Act, including the appointment of Commissioners for the Gender Equity and Equality Commission, specifically to strengthen efforts in promoting gender equity and equality in the electoral process.

5. Persons with Disabilities Act

The issues the Committee covered in relation to the Persons with Disabilities Act included, among others, accessible campaign messages.

5.1. Campaign Messaging

Submitters proposed that all political parties should convert their campaign messages into braille and make use of sign language to ensure accessibility for PwDs. They further proposed that political parties adopt inclusive campaign programs, including the provision of sign language interpreters, and that this commitment to accessibility be enshrined in their party manifestos to promote the full participation of PwDs in the electoral process.

The **ERTC recommends** that political parties should employ sign language interpreters to interpret campaign messages and transrcribe campaign

information into braille. This initiative should be undertaken in collaboration with organisations representing PwDs to ensure accuracy, inclusivity, and effective communication during the electoral process.

6. National Registration Act

The issue the Committee covered in relation to the National Registration Act was the Digitisation of NRCs.

6.1. Digitisation of NRCs

Submitters highlighted the need for the ECZ to implement a self-updating digital system that automatically updates personal records in cases such as death or acquisition of an NRC. They recommended that the ECZ collaborate with the Department of National Registration Passport and Citizenship (DNRPC) to achieve this. The proposed digitalised NRC system would allow voters to use their NRCs as the primary form of identification for voting, thereby making it possible for the ECZ to eliminate the need for voters' cards.

The **ERTC recommends** that the DNRPC considers this matter.

The **Conclusion** of the report, reaffirms that the proposed electoral and constitutional reforms will safeguard and enhance the electoral system and processes.

CHAPTER ONE: INTRODUCTION

This Chapter generally deals with the historical background of electoral reforms in Zambia, the terms of reference and methodology used to undertake the reforms- desk research, comparative analysis with other countries and field research are outlined. It includes matters such as the approach used in carrying out the reforms- data collection method, sites and stakeholders, techniques for receiving submissions, data management, data analysis and ethical issues and spells out the challenges and limitations encountered.

1.1 Historical Background of Electoral Reforms

Northern Rhodesia, the predecessor territory of Zambia, became a single entity in 1911 when the governing authority the British South Africa Company (BSA) which administered the territory, merged North-Western Rhodesia and North-Eastern Rhodesia. Direct rule by the British Crown came in 1924 with the establishment of a colonial state for Northern Rhodesia and the appointment of the Governor by the British Government. The colonial office also appointed a Legislative Council (LEGCO) and an Executive Council. These bodies were not elected. The Governor chaired both the Legislative and Executive Councils. The white settler community was the main concern of the colonial office and the first LEGCO was made up of five nominated white settlers.

The first election to LEGCO took place in 1926. This election replaced the five white settler nominees with the same number of elected white settlers who were called unofficial members. In 1932, a European settler, who was sympathetic to the African Community, Sir Stewart Gore Brown, was nominated to represent African Interests.

In 1941, the number of white settlers elected representatives was increased to eight members. The first Africans to sit in the LEGCO were Henry Kasokolo and Nelson Nalumango. They were nominated as a result of pressure from the Northern Rhodesia African National Congress led by Godwin Mbikusita Lewanika and the African Welfare Societies.

The colonial authorities created a Federation of Rhodesia and Nyasaland in 1953, consisting of Northern Rhodesia, Southern Rhodesia and Nyasaland. The African majority resisted the Federation.[15] As a result, in 1954, the number of African members of the LEGCO was increased from two to four members. The members included Dauti Yamba, Safeli Chileshe, Pascal Sokota and Robinson Nabulyato.

The Federation of Rhodesia and Nyasaland was dissolved in 1963. This was after the elections of 1961, when a new constitution for Northern Rhodesia provided for a 45-member assembly with 14 members elected from the Upper Roll, 15 from the Lower Roll and 15 on a National Roll. One seat was reserved for Asians. Another election was held in 1962 which created the first predominantly African Government. In that election, the white settler federalist party- the United Federal Party (UFP) won 16 seats. The United National Independence Party (UNIP) won 14 seats and the African National Congress (ANC) won 7 seats.

The ANC joined UNIP in a coalition government making a total of 21 seats in the Assembly. Kenneth David Kaunda was appointed Minister of Local Government while Harry Mwaanga Nkumbula became the Minister of African Education.

UNIP won the election of January 1964 and Kenneth Kaunda became the first Prime Minister. Thereafter, he became President of the Republic of Zambia when the country gained independence on 24th October, 1964, as was provided under the Independence Constitution.

In 1968 Zambia held the first post independence multiparty elections. The country adopted a one-party political system under the 1972 Constitution and held general elections under this system in 1973, 1978, 1983 and 1988. Zambia changed its Constitution in 1991 and reverted to a multiparty system leading

[15] National Assembly (2022) An Insight into the Evolution of the Zambian Parliament. Research Department – Parliament of Zambia, Lusaka.

to elections in the same year. The 1991 elections were scheduled to take place in 1993, however, Kaunda cut short his term by two years, due to political pressure from civil society, students and individual groups that characterised the country. Zambia has since held general elections in 1996, 2001, 2006, 2011, 2016 and 2021. Further, Presidential elections were held in 2008 and 2015 following the deaths of Presidents Patrick Levy Mwanawasa in 2008 and Michael Chilufya Sata in 2014.

Since 1964, Zambia has conducted elections under the FPTP electoral system. The majoritarian system (50%+1) for electing the President and the Vice President as running mate were introduced in the 2016 Constitutional Amendment Act. This led to the election of Edgar Chagwa Lungu as President and Inonge Wina as Vice President.

Following the 2021 General Elections, the 13th National Assembly was elected. The General Elections were held on 12th August, 2021. This election resulted in the change of Government, where Hakainde Hichilema won the Presidential election by 2,852,348 votes, representing 59.4% of the valid votes cast and Edgar Chagwa Lungu, who was the incumbent, obtained 1,870,780 votes, representing 38.3 % of valid votes cast. There were 14 other candidates who obtained the remainder 2.2% of the valid votes cast.

The 2021 General Elections were monitored by 201 local election monitors. These included the Christian Churches Monitoring Group (CCMG), Non-Governmental Gender Organisations Coordinating Council (NGOCC), Operations Young Vote (OYV), Human Rights Commission (HRC), Transparency International Zambia (TIZ) and the Archdiocese of Lusaka (ADL).

The General Elections were also observed by 15 International Observer Missions, which included:

- Southern African Development Community (SADC);
- Electoral Institute for Sustainable Democracy in Africa (EISA);
- African Union (AU);

- The Commonwealth Secretariat;
- The European Union (EU);
- Carter Centre;
- Common Market for Eastern and Southern Africa (COMESA);
- Organization of American States; and
- International Conference on the Great Lakes Region (ICGLR).

In total, there were 72,302 Observers and Monitors who attended the General Elections of 2021.

1.2 Terms of Reference

The ECZ mandated the ERTC to undertake comprehensive electoral law reforms governing the electoral system and process, in order to enhance the credibility of elections.

1.2.1 General Objective

The general objective of the reforms was to ensure credible elections are held through sound policy and legal instruments and administrative measures that enhance electoral integrity and transparency, increase voter participation, ensure fair representation, strengthen local governance, democracy and democratic institutions, thereby providing stability to the electoral process.

1.2.2 Scope of Work

The Scope of Work for the Committee was to:

Review the legislative framework governing the electoral process;

i. Identify and recommend areas that require constitutional and statutory amendments;
ii. Identify and recommend areas that require policy, administrative and procedural amendments for consideration and implementation by the Commission;
iii. Examine other pieces of legislation that impact the electoral process;

iv. Undertake stakeholder consultative meetings at Provincial and National levels;
v. Receive written and oral recommendations from stakeholders on the proposed amendments;
vi. Develop draft Bills;
vii. Facilitate validation of the proposed draft Bills at National level;
viii. Finalisation of proposed draft Bills;
ix. Develop a final Electoral Law Reforms Report; and
x. Submit the Report and proposed Bills to the Commission.

1.3 Methodology and Approach

The ERTC used a mixed methodology approach to collect, collate, segment and evaluate qualitative data from laws, policies, and technical reports by experts in the electoral landscape. This methodology is based on the concept of 'triangulation', which involves the authentication of a given situation through several sources of information.

This iterative methodology also ensures a bottom-up approach, comprising three key stages: a desk review, comparative studies and nationwide public consultations. The following briefly explains what was undertaken under each component of the methodology:

i) ***Desk research*** focused on an in-depth analysis of relevant legal, institutional and comparative frameworks relating to the electoral landscape. The desk research examined key documents including legislation, policies, court judgements, and reports from previous Constitution Review Commissions, the Electoral Reform Technical Committee and observer and monitoring missions. The review also assessed Zambia's adherence to international human rights standards, referencing, amongst others, key international instruments, such as the African Charter on Democracy, Elections and

Governance and the International Covenant on Civil and Political Rights.

ii) **Online Research** enriched the desk research and analysis of the electoral landscape by incorporating verified online sources, including legislative repositories, government publications, and peer-reviewed academic studies.

iii) ***Comparative Analysis*** extended the desk research scope by exploring the electoral landscape in Ghana, South Africa, Kenya, Uganda, India, Germany, Sweden, etc. This analysis, therefore, highlighted international, continental and regional best practices in election management, such as streamlining voter registration processes and incorporating gender-inclusive policies in electoral systems and processes and management of elections, which offer valuable insights for enhancing Zambia's electoral system and processes.

iv) ***Stakeholder Consultations*** were undertaken nationwide in 10 Provinces. Citizen participation in the electoral reforms process is critical in guaranteeing the quality, credibility and strength of electoral reforms. Due to budgetary constraints, the Committee could not conduct sittings in all districts of the country. Instead, sittings were only held in the ten provincial headquarters, as shown in **Table 2**. Due to long distances to provincial centres where sittings were held, submitters encountered logistical challenges. However, Town Clerks and Council Secretaries acting as District Electoral Officers from all the 116 districts received **written submissions** from submitters who could not travel to a provincial headquarter.

v) ***Public notices for written submissions -*** public notices were circulated through electronic means. They were also broadcast on the radio and TV. Official notices were sent to DEOs to

receive written submissions in all districts. Social media platforms carried public notices calling for submissions.

1.4 Approach to Data Collection

The ERTC divided itself into three working groups for the purposes of performing their work. The working groups were guided on how to undertake the work assigned to each group. The working groups were retained, after completing the desk and field research, to serve as working clusters of the Committee. To facilitate this work, a matrix was developed which indicated the parameters for research, collection of data, analysis, and arriving at findings and recommendations.

The matrix outlined the inclusion and exclusion criteria. The inclusion and exclusion criteria provided guidance as to why the data emanating from experts opinions and observations, instituions and citizens submissions should be included or excluded in the findings and recommendations. The criteria facilitated for consistency in evaluating data and submissions. It also enabled the ERTC to generate findings and recommendations based on the researched data and submissions, with corresponding justification for each recommendation made.

Table 1 shows the variables under the inclusion and exclusion criteria for each submission.

Table 1. Inclusion and Exclusion Criteria

	Inclusion Criteria	**Exclusion Criteria**
1.	If the matter was highly recommended in the desk review	Matter already catered for (e.g. Provision already exists in Law or Regulations)
2.	Submission was frequent	Outside the mandate of the Committee or not part of the electoral landscape
3.	Best practice	Unconstitutional
4.	Topical issue	Potential of causing conflict
5.	Innovation	

1.4.1 Desk Review

The working groups identified international and regional best practices on all components of the electoral landscape, reviewed past reports of various Commissions and Committees that made recommendations on constitutional and statutory electoral reforms. The review led to the identification of gaps in the current constitutional and statutory framework requiring constitutional, statutory, policy, administrative or procedural reform. Further, court decisions, election observation and monitoring reports were reviewed to identify topical issues in the electoral landscape and recommendations made by observers, monitors, national and international protagonists and interested persons. In this respect, the ERTC used the theory of change to analyse and assess the above issues, to determine enhancement strategies and interventions that need to be introduced in the electoral landscape to ensure credibility of elections and trust in the institutions of governance.

The key international instruments and national reports that were reviewed for the purpose of gleaning best practices were as follows:

International Instruments

i) African Charter on Democracy, Elections and Governance (ACDEG);

ii) International Covenant on Civil and Political Rights (ICCPR);

iii) Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);

iv) Convention on the Rights of Persons with Disabilities (CRPD);

v) Commonwealth Charter;

vi) The African Youth Charter;

vii) African Union Declaration on the Principles and Guidelines Governing Democratic Elections in Africa; and

viii) SADC Principles and Guidelines Governing Democratic Elections.

National Reports

i) Chona Constitutional Review Commission Report, 1972

ii) Mvunga Constitutional Review Commission Report, 1991

iii) Mwanakatwe Constitutional Review Commission Report, 1996

iv) Mung'omba Constitutional Review Commission Report, 2003

v) Zaloumis Electoral Reform Technical Committee Report, 2005

vi) Justice Silungwe Technical Committee on Constitutional Reforms Report, 2012

vii) Commission of Inquiry into Voting Patterns and Electoral Violence Report, 2019

viii) Electoral Commission of Zambia 2021 General Election Report

ix) The Gap Analysis of Electoral Laws Report, 2017

Each of the three working groups focused on reviewing the literature with respect to a specific phase of the electoral cycle, that is, the pre-election phase, election phase and post-election phase, which led to the categorisation of main thematic areas of discourse.

1.4.2 Field Consultations– Provinces Visited

Each working group was mandated to receive submissions in three provinces. For Lusaka Province, all three working groups converged to receive submissions. The provincial centres at which sittings took place served as the nuclei through which submissions were received from all parts of each province. Reasonable accommodation was provided so that persons with disabilities (PwDs) could make their submissions with ease. Further, as a precautionary measure and in order not to expose submitters and ERTC members to any harm, security was provided at each venue.

The complete list of submitters is in **Appendix 2**. Sittings in the ten-provincial headquarters are reflected in **Table 2**. The submitters included individuals, civil society organisations, community-based organisations, faith-based organisations, political parties, professional bodies, educational institutions and public institutions.

Table 2. Sites of ERTC Public Hearings

S/N	PROVINCE	PLACE OF SITTING	DATES OF SITTINGS	NUMBER OF SUBMISSIONS
1	Central	Kabwe	17th to 21st October, 2024 **(Except for 18th October, 2024)**	64
2	Copperbelt	Ndola	12th to 15th October, 2024	60
3	Eastern	Chipata	7th to 9th October, 2024	90
4	Luapula	Mansa	7th to 9th October, 2024	20
5	Lusaka	Lusaka	28th to 30th October, 2024	77
6	Muchinga	Chinsali	17th to 20th October, 2024 **(Except for 18th October, 2024)**	30
7	Northern	Kasama	12th to 14th October, 2024	42
8	Northwestern	Solwezi	7th to 9th October, 2024	606
9	Southern	Choma	12th to 14th October, 2024	257
10	Western	Mongu	17th to 20th October, 2024 **(Except for 18th October, 2024)**	111
11	Lusaka	National	4th to 8th November, 2025	50

Note: Many of the submitters listed were organisations representing their constituencies.

1.4.3 Techniques for Receiving Submissions

The ERTC received direct submissions through oral presentations and written submissions. Some written submissions were received through electronic means. These modes of submission were concurrent in all ERTC sittings. The collection methods ensured inclusivity and allowed for contributions from

diverse stakeholders, both at the district and provincial levels. All ERTC sittings were held in public, save for a few limited closed sittings for groups and individuals who wanted to remain anonymous. The sittings were covered by the media. The ERTC set aside three days for receiving submissions and one day for consolidating submissions in each province.

Oral submissions were made by individuals, in their own capacity or on behalf of organisations to which they were affiliated. All submitters introduced themselves and confirmed the capacity in which they were making the submissions. These submissions were unrestricted and each submitter was allowed to make their submission in a language of their choice. Interpretation of submissions into English or vice versa was provided to enhance participation in the process by both submitters and observers. All oral submissions were recorded in digital format. Where a clarification was needed on a submission, members of the working group sought the clarification on the spot.

Written submissions were also received from individuals and organisations through their duly assigned representatives. The submitters read their submissions verbatim to the working group. In addition, District Electoral Officers received, in their respective districts, by prior arrangement, written submissions from citizens. Further, a non-physical mode of submission, via email, was allowed. These arrangements were widely publicised in all districts countrywide, in order to obviate the challenges imposed by distant travel to the provincial headquarters where the working groups were sitting. Consequent to the formal sittings, District Electoral Officers from all districts, in each province, presented written submissions to the working groups.

1.4.4 Data Analysis

The ERTC ensured quality control of the submissions by cross-checking and validating the data. This was done in order to confirm accuracy.

Data emanating from the desk review was subjected to content analysis, whilst oral and written submissions were subjected to thematic analysis. The content analysis raised issues which later informed the classification of oral and written

submissions. The content and thematic analysis was inserted in a matrix which categorised the issues under each phase of the electoral cycle (pre-election, election and post-election phase) to facilitate a systematic review of issues.

1.4.5 Data Management

A comprehensive data management protocol was developed to guide future preservation efforts and ensure the data remains accessible and intact for subsequent reviews or studies.

To ensure data integrity and care, access to the soft and hard copies of the submissions was restricted to authorised persons. Access to soft copies was password-protected and encrypted to prevent unauthorised access. The physical files were stored in secure locations belonging to the ECZ. For future retrieval, data was preserved in the following manner:

i) **Digital Archiving**: the data was transferred to a long-term digital archiving system, allowing secure storage and retrieval; and

ii) **Hard Copy Safekeeping**: a dedicated archive was created for physical files in a secure environment.

1.4.6 Report Validation

Validation of the report was conducted by ERTC to ensure that it contained all the submissions that members adopted or rejected. The report was further subjected to discussion and review by the ECZ. Both the ERTC and ECZ utilised the variables outlined in the inclusion and exclusion criteria to guide decisions and conclusion on issues.

1.5 Ethical Considerations

All submissions were voluntary and based on informed consent. The ERTC also ensured confidentiality and privacy to submitters who wished to remain anonymous. Further, reasonable accommodation for PwDs was provided.

1.6 Challenges and Limitations

The biggest challenge faced by the ERTC was the short period of time assigned to carry out its mandate as set in the terms of reference which was basically nine months. Previous electoral reforms were undertaken over a considerable period of time. As a result, the Committee operated under a very tight schedule, working on weekends and public holidays.

Evidently, some stakeholders had an inadequate understanding of the whole exercise, which impacted the turnout. However, District Electoral Offices made additional interventions to sensitise and invite stakeholders for submissions. As the need arose, additional sittings were provided at the national level in Lusaka.

In summary, the ERTC drew data from several sources in its endeavour to enhance Zambia's electoral system and processes. The analysis was enriched by information from existing literature on Zambia's previously held elections. This methodology and approach provided broad technical content and helped triangulate findings, thereby ensuring that the recommendations made were evidence-based and aligned with global standards. It further ensured that the outcomes were well-informed, actionable and tailored to the unique context of Zambia's electoral landscape. The analysis of qualitative data emanating from submitters and desk research enabled the ERTC to come up with well-grounded findings and recommendations.

1.7 Organisation of the Report

This report consists of five chapters and some appendices.

Chapter 1 focuses on the historical background of electoral reforms in Zambia, the terms of reference and methodology used to undertake the reforms- desk research, comparative analysis with other countries and field research. It includes matters such as the approach used in carrying out the reforms- data collection method, sites and stakeholders, techniques for receiving

submissions, data management, data analysis and ethical issues and spells out the challenges and limitations encountered.

Chapter 2 provides the context of the reforms, encompassing democratic governance, political trends or distribution of political support, economic fundamentals, demographic trends, and theoretical frameworks that shape electoral outcomes. The chapter goes further to discuss constitutional imperatives and social and change theories for a probable re-stratification of Zambia's electoral system and process.

Chapter 3 gives the history of elections in Zambia, including that of electoral bodies that have been representative organs of the State. It discusses the merits and demerits of major electoral systems and makes suggestions as to which electoral systems could be considered for adoption in the Zambian context. The chapter further looks at the electoral landscape and makes a policy, administrative and procedural legislative impact assessment from stakeholder submissions dealing with elections.

Chapter 4 explores the contemporary and emerging issues in the context of evolving electoral systems and processes. The narratives presented in this chapter cover the overall existing, emerging and aggravating issues impacting on or influencing elections, as Zambia's population grows, becomes more literate and informed.

Chapter 5 discusses and analyses issues on which the ERTC made observations and recommendations which need appropriate action by relevant authorities. It is divided into the main thematic areas that relate to electoral laws, namely, constitutional, electoral process act and code of conduct, regulations, gender equity and equality act, persons with disabilities act and national registration act.

The **conclusion** of the report reaffirms the importance of the electoral reforms.

CHAPTER TWO: CONTEXT OF REFORMS

The electoral reforms come in the wake of clarion calls from the general public, Members of Parliament, various institutions and civil society organisations to review the electoral laws. This will ensure credible elections and enhanced governance, in which all Zambians receive fair representation and access to national resources. Further, various stakeholders have called for constitutional and electoral reforms, especially in relation to the delimitation of constituencies. Among the stakeholders include the church and religious mother bodies, Civil Society Organisations, Zambia Centre for Inter-Party Dialogue and Electoral Commission of Zambia.

At the first session of the 13th National Assembly in September 2021, as well as in an address to the European Union Parliament in June 2022, and during the Summit for Democracy in March 2023, the President reiterated his commitment to electoral reforms and strengthening institutions of governance responsible for the management of elections. In an address to Parliament on 28th February, 2025, on the progress made on the application of National Values and Principles as specified in the Constitution, the President, among other issues, spoke of the need for the delimitation of electoral boundaries to ensure equitable and fair distribution of national resources. He noted that certain constituencies are currently too large, hindering effective representation and service delivery. The President acknowledged that implementing a delimitation exercise requires constitutional amendments and broad parliamentary support.

Zambia's Constitution pronounces a democratic, Republican and constitutional State in which the government is founded on the rule of law, equality and social justice. Based on these principles, representation of the people and the holding of regular elections have been a constant feature since independence. The transfer of power after an election has been orderly and relatively peaceful.

Zambia is to hold the next General Election in 2026, and it is imperative that before then, comprehensive and inclusive electoral reforms are undertaken in consultation with citizens and stakeholders. Citizens and stakeholders need to have trust in the electoral system and process. This entails the establishment of an enhanced, transparent, accountable and inclusive electoral landscape to safeguard the integrity of democracy and the rule of law.

An efficacious electoral system and process is critical to the legitimisation of the electoral outcome and the incoming government, and can forestall political instability. Free and fair elections are a cornerstone of participatory governance and increases the likelihood of a peaceful transfer of power, as a losing candidate will accept the validity of the electoral result and cede power to the (President Elect) incoming government, where the incumbent has lost.[16]

Elections demonstrate the people's sovereignty and promote accountability. It is, therefore, important that both the electoral system and electoral process are well understood by voters and other stakeholders, especially after reforms have taken place.

The Southern African Development Community (SADC), to which Zambia is a member, has laid down standards to ensure that Member States' Electoral Systems are efficacious and promote free and fair elections. The following are the stipulations:

- *registration of voters should be a continuous exercise and not just to wait for elections;*
- *technical requirements/rules should be kept to the absolute minimum during the nomination process. The process should not be too technical as to be exclusive. The Electoral Commissions should have powers to extend the time for particular nomination*

[16] SADC Parliamentary Forum, Norms and Standards for Elections in the SADC Region 200, P.19.

centres and prospective candidates should have the right to appeal to the High Court;

- *the Electoral Commission and all stakeholders in the electoral process should therefore be required by law and empowered to ensure that political parties and candidates should denounce violence in elections, in order to ensure –*
    - *unimpeded freedom of campaign throughout the country;*
    - *free and unimpeded access to the voters Rolls;*
    - *all government security forces should act impartially and professionally;*
    - *presidential candidates must be provided with free and adequate security during the electoral process;*
    - *equal and free access to the state-owned media;*
    - *a code of conduct developed through consensus from all political parties to guide behaviour in the conduct of campaigns;*
    - *reasonable safeguards of political meetings, rallies, polling stations and party premises; and*
    - *establishing ad hoc Election Tribunals to enforce the recommendations.*

Zambia as a Member State of SADC is obliged to observe and uphold these minimum standards for elections and put in place mechanisms and processes to ensure the operationalisation of these standards.

The electoral and constitutional reforms, outlined in this report will safeguard and enhance the electoral system and processes and ensure their credibility.

2.1 Democratic Governance

Zambia has been a democratic state since its independence in 1964. According to the 1964 Constitution, Zambia adopted multiparty democracy as its system of governance until 1973, when the Constitution was amended and the country became a one-party state. In 1991, Zambia amended its Constitution and reverted to multi-party politics. The current Constitution is the fifth amendment and was enacted in 2016.

The main tenets of democracy are rule of law, transparency and accountability, inclusion, participation, constitutionalism, equality and credible elections. Every democratic system which empowers its people to govern themselves by way of choosing their own representatives through direct franchise relies on some form of representation of the people. The most effective form of representation is direct democracy, where all citizens can be represented in a citizens' assembly. In the past this was possible in city-states where citizens could actually assemble in one place. At large, countries covering thousands of square kilometres and having millions of citizens, direct democracy is impracticable. Citizens, therefore, directly elect representatives to a representative assembly, which then makes decisions on their behalf. Therefore, the effectiveness of a democracy depends on the efficacy of the electoral system. Zambia elects its representatives by a direct electoral system. This system has both merits and demerits, but on the whole, it enables direct contact between voters and their chosen representatives. Further, it stimulates voters' interest in public affairs, sharpens their political consciousness, and makes them public-spirited.

Article 47 of the Constitution provides for the electoral system, where: (1) elections to the office of President is conducted directly, under a majoritarian electoral system, where the winning candidate must receive more than fifty percent of the valid votes cast; (2) elections to the National Assembly are conducted under a FPTP electoral system; and (3) elections to councils are conducted under a FPTP electoral system.

Further, **Article 5 (1)** strengthens the vote of the people, in the above respect, by stating that, *sovereign authority vests in the people of Zambia, which may be exercised directly or through elected representatives or institutions,* thus clearly pronouncing on representative governance, through institutions such as political parties.

On the other hand, J. Sabato and others in their book on "dangerous democracy" state as follows:

> *"Since the age of enlightenment positioned the individual to be as sovereign as any King, who is there to rule other than the people. If the people are not competent to govern themselves, then we must suffer whatever kind of government the people's competence chooses."*[17]

Article 4 (1) of the Constitution declares that Zambia is a sovereign Republic under a constitutional form of governance; and clause (3) states that the Republic is a unitary, indivisible, multi-ethnic, multi-racial, multi-religious, multi-cultural and multi-party democratic State. This entails that the electoral system should be inclusive of these constituent parts in order to be in tandem with the spirit of the Constitution. The rationale of **Article 4** is that although Zambia retains its status as a unitary State in which the supreme power is held by the people and their elected representatives, Zambia is governed through the Constitution which recognises the diversity of the people of Zambia whose rights and freedoms should be respected and upheld. The underlining principle of the Constitution is constitutionalism.

Diana Ravitch, a proponent on democracy, espouses this theory by saying *"when a representative democracy operates in accordance with a constitution that limits the power of the government and guarantees fundamental rights to all citizens, this form of government is a 'constitutional democracy"*[18]*.*

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[17] J Sabato, R Ernest, A Larsan, A Bruce, Dangerous Democracy. The Battled over Ballot Initiatives in America (Oxford: Rowman and Littlefield Publishers Inc) P:63

[18]United States Government International Information Programs Publication usinfo.State.gover/products/publications 7th January, 2003.P.3.

A democratic State implies a government that acts according to the will of the people. In this respect a democratic constitution declares residence of sovereignty in the people and ensures that liberty and equality are facilitated.

Professor de Smith, a leading authority on the subject expounds that "*a contemporary liberal democrat, if asked to lay down a set of minimum standards may be very willing to concede that constitutionalism, that is, adherence to constitutional ethics is practiced in a country where the government is genuinely accountable to an entity or organ distinct from itself, where elections are freely held on a wide franchise at frequent intervals, where political groups are free to organize in opposition to the government in office and where there are effective legal guarantees of fundamental civil liberties enforced by an independent judiciary, and he may not easily be persuaded to identify constitutionalism in a country where any of these conditions are lacking*"[19]

The modern theory of democracy, therefore, is that "*power is vested in the people and its exercise is given to them or to their chosen representatives who are accountable to them for their acts of commission or omission. All decisions must be based on the consent of the people, whether express or implied, which in practical terms, means the will of the majority*".[20]

Zambia's Constitution has enhanced democracy in a number of ways, for example, by enhancing representation of the people, making the people supreme, preserving their reserve powers and abolishing the simple majority for the election of the President to a majoritarian vote of more than fifty per cent of the valid votes cast.[21]

In a democratic republic, political parties form part of the institutions of governance, and as such, are incorporated in the Constitution. In this regard, political parties in Zambia play an important role in democratisation and constitutionalism, and must, therefore, uphold the rule of law, ensure national

[19]Ben Nwabueze Constitutional Democracy in Africa volumes (Logos: spectrum, Books Limited 2004) P. 158.
[20] J. C. Johari, Principles of Modern Political Science New Delhi: (Sterling Publishers Private Limited, 2004) P. 429.
[21] See Articles 5, Part V, 101 and 110, Constitution (Amendment Act) No. 2 of 2016

unity, peace, security, justice, and promote democracy. It is, therefore, expected of all political parties that they do not engage in undemocratic behaviour, such as violence, promoting tribalism, mis-information, sectarism and violating human rights and freedoms of persons, including the principles of equality and equity (ensuring fair representation of women, youth and persons with disabilities in the party) before, during and after elections. The electoral laws and Electoral Code of Conduct should guard against such behaviour with severe punishment as a consequence of breach, as such behaviour can easily subvert the principles and values for which Zambia has been constituted and is well known for.

In sum, participatory and representative governance is the people ruling through their representatives as constitutionally provided. The holding of credible, free, fair and periodic elections where the people choose their representatives and determine which political party forms government to perform Executive and Legislative functions, and be accountable to them, is an essential component of representative democratic governance.

2.2 Political Trends

The structure and nature of the Zambian society in pre- and colonial times constituted chiefdoms over village clusters, lineage and clan loyalties, which served as bases for political and social organisation. The move towards a one-party state in the 1970s was portrayed by the political elite as a symbol of 'unity'. The centralisation of the state had implications on fundamental freedoms, such as speech and assembly. Curtailing of multi-party activities dismantled an inclusive political space and shrank democratic tenets. The suppression of political parties had its own set of justifications that were, in most instances, supported by law. In 1991, the birth of multi-partyism in Zambia ushered in a new era of electoral and constitution reforms, which created a flexible medium for political party formations. In turn, that led to the formation of the Movement for Multi-Party Democracy, which dominated the political landscape as it was perceived to be of a national character. In later years,

most political parties were mainly mobilised around factional and ethnic lines.[22]

Traditional leaders still influence politics and are constitutionally permitted to seek and hold public office. However, a chief who seeks to hold office in a political party or election or appointment to a State office is required to abdicate the chief's throne[23]. The entrenchment of ethnicities and ethnocentrism transformed chiefs' customary authority. Ethnic communities transitioned from fluid boundaries, with varying degrees of internal cohesion, into fixed community entities, though not entirely uniform in terms of territory-bound political and social organisation in pre-modern societies.[24] [25] It is also worth noting that the three arms of government overlap when politicised. For example, the executive branch is comprised of legislators who may not be fully detached from the Legislature.

Most political parties in Zambia are not formed by people who choose their leaders, but are formed by the founders of political parties, with, in certain instances, the cooperation of other individuals. The emergence of political party alliances, may be as a result of the existence of small or weak parties and the realisation that by joining forces they can appeal to a broader range of voters, thereby increasing their overall support. Alliances are still to be tested in Zambia, as a major factor to their sustainability and stability will depend on what their common interest is and how they agree on resource sharing and choosing a leader or candidate to represent them.

The rise of independent candidates in elections confirms the assertion that politics is highly personalised. Further, the increase in independent candidates

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[22] Thomson, A. (2022). *An introduction to African politics*. Routledge.

[23] Article 168 of the Constitution

[24] Hulterstrom, K. (2004) *In Pursuit of Ethnic Politics: Voters, Parties and Policies in Kenya and Zambia.* Stockholm: Uppsala University Press.

[25] Posner, D. (2005) *Institutions and Ethnic Politics in Africa*. New York: Cambridge University Press.

may reflect a shift in political culture, where voters prioritise individual credibility over party loyalty. It may signal growing dissatisfaction with party politics and a demand for more direct representation. Empirical evidence shows that election results for certain provinces are often skewed towards specific political parties, either due to loyal followers or highly personalised political, cultural or regional affiliations.

The participatory nature of Zambia's politics has slightly improved representation. For example, in the 2021 General Election, the running mates for some presidential candidates were females. Further, the country has generally had peaceful transitions of power after an election. As long as Zambia continues to reform through institutional mechanisms and its citizens respect and observe the rule of law, democracy will thrive.[26]

2.3 Economic Fundamentals

Since independence in 1964, and until the late 1990s, the economic performance of Zambia was impacted by constant shocks and policy modifications that brought about some achievements but also economic instability.[27] However, during the 2000s, remarkable economic growth was recorded, showing an increase in the income per capita. The mining sector largely shaped the economic growth patterns experienced between 2001 and 2010. The economic trajectory is largely driven by the country's heavy reliance on copper mining. The rise in the market value of goods and services points to the need for economic diversification, which may assist in dismantling Zambia's debt and improving the business environment. [28]

[26] Thomson, A. (2022). *An introduction to African politics*. Routledge.

[27] World Bank. 2004. Zambia: Country Economic Memorandum – Policies for growth and diversification: Washington DC: World Bank. http://documents.worldbank.org/curated/en/856851468764085743/Main-report

[28] World Bank (2024) Zambia Country Economic Memorandum: Unlocking Productivity and Economic Transformation for Better Jobs.

The Zambian economy shows clear signs of recovery, with robust copper mining driving growth, despite the COVID-19 pandemic, the drought and fiscal challenges and power shortages. Economic fundamentals indicate that the government is targeting a GDP rebound of about 6.6% in 2025, although some regional estimates suggest growth may range between 5% and 6%. Copper production notably increased by roughly 12% in 2024, reaching around 820,670 metric tons, and there are ambitious plans to boost annual output to 3 million tons within the next decade.

Inflation remains elevated but is expected to moderate to approximately 7% by the end of 2025, while fiscal deficits are projected to narrow to about 3.1% of GDP. Some of the challenges that affected the economy during the period under review were the weak local currency, severe drought and insufficient power supply, which affected all sectors of the economy. In response to these challenges, the government embarked on debt restructuring and fiscal reforms aimed at stabilising the economy.[29]

2.4 Population Trends and Social Needs

The economic fundamentals are expected to continue as Zambia's large youth population reaches reproductive age, further intensifying the demand for jobs, healthcare, and other social services. Back in 2010, the population was 13,092,666 and it had grown to 19,693,423 in 2022, averaging an annual growth rate of nearly 3.0% over the past 15 years. According to the latest projections, Zambia's total population is now expected to rise to approximately 21,700,000 in 2025. Detailed provincial estimates for 2025 indicate that Lusaka Province now accounts for roughly 4.0 million people, Central Province about 3.1 million, Eastern Province around 2.9 million, Copperbelt Province approximately 2.8 million, Northern Province about 2.5 million, Southern Province roughly 2.4 million, Luapula Province around 2.2 million, North-Western Province about 1.9 million, Muchinga Province close to 1.6 million, and Western Province nearly 1.3

[29] Reuters, 2025a; Zambia Reports, 2025

million. Despite this rapid population growth, incidences of poverty remain high, with rural poverty at about 76.6% and urban poverty at 54.5%, underscoring the continuing challenges in human and social development.[30]

The economic, social, and political structure or process of a country is shaped by the size of its population and age bracket.[31] To understand Zambia's economic and social needs, the changing population patterns have a crucial outcome in policy development and implementation. The current demographic trends show that life span longevity is higher among citizens. It is also important to note that advancements in medical technology have improved fertility and reduced mortality trends.

In light of the above, administrative interventions relating to public services, including electoral systems and processes, must be tailored to population projections of size, structure and accurate knowledge of social needs. There should be a target for both micro and macro measures to address the lack of access to basic needs, especially among rural communities. Population based initiatives and policy relevant indicators are essential for social needs assessment. Zambia's full implementation of the 8th National Development Plan (NDP) will require predictable population trends for long term development that considers population size.

Evidence shows that population growth has a causal effect on poverty and human development. It is important to note that unemployment and inequality are not caused by population growth in Zambia. A study found that it is the limited investment in key sectors that led to high poverty rates, weak healthcare systems, poor sanitation and water, inadequate education

[30] United Nations, Department of Economic and Social Affairs, Population Division. (2022). World Population Prospects 2022: Summary of results. https://population.un.org/wpp/

Zambia Statistics Agency. (2023). Population Projections for Zambia: 2020–2030. Lusaka, Zambia: Government of Zambia.

[31] Moyo N. et al. (2022) *The population of Zambia: past, present and future*. Available from: https://www.researchgate.net/publication/360407151_The_population_of_Zambia_past_present_and_future

opportunities, high unemployment, especially among the youth and a lack of social protection programs for vulnerable populations. The study recommends that the government's investment and development plans must focus on addressing these issues through enhanced infrastructure, boosted healthcare workforces, and strengthened social safety nets. [32]

It is a fact that poverty and slow economic growth have a significant impact on voting behaviour which influence voting patterns in several ways. Economic hardship can reduce voter participation, as people experiencing such hardship (meeting basic needs) may shy away from politics and voting. Economic stress may also encourage higher turnout at elections as people hope for better conditions of life if they vote for a particular party or candidate. The danger in such situations is that a populist or radical party or candidate can command high voter turnout, as people gravitate to their promises of quick economic fixes, social relief programmes, job creation, higher wages, or rural development. Structurally, in such situations, voters may be more vulnerable to mis-information.

2.5 Constitutional Imperatives and Eighth National Development Plan

The Constitution provides parameters and principles for managing elections. It also provides for general constitutional imperatives on national values. These principles constitutionally oblige all State Institutions to abide by them when developing national policies and enacting legislation, so as to ensure credible elections and effective representation of the people.

Article 8 provides for the national values and principles, which are—

(a) morality and ethics;

(b) patriotism and national unity;

[32] Moyo, N., Nanyangwe-Moyo, T., Mapoma, C. C., Munkombwe, B., Phiri, M., Banda, A., ... & Qiao, X. (2022). The population of Zambia: past, present and future.

(c) democracy and constitutionalism;

(d) human dignity, equity, social justice, equality and non-discrimination;

(e) good governance and integrity; and

(f) sustainable development.

Further, **Article 45** provides that –

vi) *The electoral systems provided for in Article 47 for the election of President, Member of Parliament or councillor shall ensure—*

a. that citizens are free to exercise their political rights;

b. universal adult suffrage based on the equality of a vote;

c. fair representation of the various interest groups in society; and

d. gender equity in the National Assembly and council.

vii) *The electoral process and system of administering elections shall ensure—*

1. that elections are free and fair;

2. that elections are free from violence, intimidation and corruption;

3. independence, accountability, efficiency and transparency of the electoral process;

4. *a simple and practical system of voting and tabulating votes;* and

5. timely resolution of electoral disputes.

Article 216 provides that a commission shall—

i) *be subject only to this Constitution and the law;*

ii) *be independent and not be subject to the control of a person or an authority in the performance of its functions;*

iii) *act with dignity, professionalism, propriety and integrity; (d) be non-partisan; and*

iv) *be impartial in the exercise of its authority.*

The ERTC took into account constitutional imperatives during the consultative process and development of technical content and recommendations for these electoral reforms. The Constitutional imperatives are facilitatory in nature, and pre-empt an authoritative policy and legislative framework that will embed good governance in legal propositions, processes, procedures, mechanisms and systems underpinning the electoral landscape, thereby achieving the intent of the Constitution. It is noteworthy that the 8NDP (2022-2026) observes that "*delay in undertaking of legal reforms, including the processing of legislation, negatively affects the achievement of some planned objectives."*[33]

The 8NDP has, in its projection, the attainment within Zambia, of a shared destiny, unity in diversity and patriotism to equitably integrate all citizens in a democratic governance system that is devolved to subnational levels. The preservation of social, cultural and moral values of the Zambian society is stated as key to attaining socio-economic development, as aspired for in Vision 2030.[34] Further, the 8NDP's Strategic Development Area 4: Good Governance, focuses on strengthening the policy, legal and institutional framework for good governance as well as enhancing the rule of law, human rights and constitutionalism.

The ERTC has, therefore, ensured that the issues and concerns raised, and projections for reforms highlighted, in the 8NDP, have been taken into account

[33] 8NDP page 19

[34] IBID page 28

in these electoral reforms. Some of the concerns and issues reflected in the 8NDP[35] are as follows:

1. *The country continues to record low participation in democratic and political governance processes as well as decision-making by women, the youth and persons with disabilities. As of August 2021, the proportion of women in Parliament reduced to 13 percent from 18.1 percent in 2016. The youth constituted 4 percent of the Members of Parliament and there was only one (1) Member of Parliament with a disability. In 2021, elected female Mayoral and Council Chairpersons increased to 25 percent and 10 percent from 12 percent and 7 percent in 2016, respectively. To achieve gender parity in decision-making positions, reforms will be undertaken to promote the participation of women. Further, participation of youth and PwDs will be encouraged.*

2. *To achieve a constitution that reflects the people's aspirations, further revisions to the Constitution will be undertaken through a consultative process.*

3. *Government has been implementing parliamentary reforms to strengthen the legislative, representative and oversight functions of the Legislature. Currently, there is low utilisation of available public participation platforms such as Constituency Offices. There is also limited application of parliamentary oversight in the implementation of national developmental plans. Thus, the pace of implementation of parliamentary reforms shall be quickened to effectively* respond to identified operational challenges.

[35] IBID page 66-67

2.6 Social and Change Theories

After analysing the theory of democracy, and testing it against the Constitution and the election landscape, and then outlining the history of Zambia's elections and electoral reforms, it becomes imperative to test these historical outcomes against a strategic framework that is indicative of the theory of change concept. The strategic framework outlines how specific interventions or activities may lead to the desired electoral outcomes that the people of Zambia wish to achieve, such as increased voter turnout, free, fair and credible elections, and stronger democratic institutions.

It is a truism that in most instances, Zambia's elections face challenges such as voter apathy, misinformation, concerns about electoral integrity, and limited effective participation of women, youth and PwDs. Political polarisation and distrust in institutions also negatively impact democratic engagement. These aggravating issues require serious interventions and strategies to resolve. The ERTC has endeavoured to employ the theory of change concept in its methodology and analytical assessment of submissions, results from its desk and comparative research. This was done in order to arrive at appropriate recommendations and interventions to enhance Zambia's democracy and electoral landscape.

In the above respect, the ERTC also looked at contemporary and emerging issues impacting elections and democracy in order to enhance the electoral landscape. To promote democracy and representativeness there is need to address issues such as women, youth and PwD representation, sustainable development, use of the constituency development fund, and the actualisation of existing constitutional provisions. Such an approach and outlook is necessary, as law is not static but organic, and develops with the needs of society and its people.

The ERTC considered, not exclusively, the following interventions and strategies that the ECZ, the Government and other stakeholders should employ to enhance the electoral landscape:

- **Civic and Voter Education:** by providing community outreach, civic education programs, digital and traditional media campaigns to inform voters;
- **Countering Misinformation:** by fact-checking initiatives and collaborating with media houses and introducing social media monitoring and response mechanisms;
- **Electoral Integrity & Transparency:** by strengthening the independence of the Electoral Commission of Zambia (ECZ) and supporting election observer missions and real-time reporting of election processes;
- **Women, Youth & PwDs Engagement:** by introducing special programs to encourage their participation in politics;
- **Reducing Barriers**: by introducing special mechanisms, quotas and targets for women, youth and PwDs to enable them to participate and attain political leadership roles and political office; and
- **Technology and Innovation in Elections:** by introducing digital voter registration, mobile-based election updates and secure and transparent vote tallying mechanisms.

The ETRC believes that the above interventions and strategies will have a positive impact on the electoral landscape and may result in:

- increased voter registration, especially among the youth and first-time voters;
- more awareness of election rules, guidelines, procedures, regulations, timelines and the importance of voting;
- fact-checking platforms and counteracting misinformation and disinformation;
- reduced spread of election-related misinformation and disinformation;
- greater monitoring of elections by independent observers.
- higher voter turnout, especially among the youth and PwDs;

- increased public confidence in the electoral process;
- greater political participation beyond voting (e.g. civic engagement, policy discussions); and
- a more inclusive, transparent and participatory democratic process, leading to stronger governance and public trust in electoral institutions.

In sum, the use of the theory of change to evaluate progress, stagnation, historical mistakes, democracy, non-performance, inconsistencies and gaps, in the electoral landscape, is important. Therefore, any resultant reforms emanating from such analysis, assessments and recommendations, will most likely enhance the credibility of future elections, reignite trust in democratic institutions and strengthen transparency and accountability, thus leading to greater political stability, participation and democracy.

CHAPTER THREE: ELECTORAL REFORMS, POLICY, ADMINISTRATIVE AND PROCEDURAL ANALYSIS

3.1 Electoral Reforms

In 2005, a comprehensive electoral law review was conducted, which resulted in the enactment of the Electoral Act, No. 12 of 2006.[36] Constitutional reviews were undertaken in 1972, 1991, 1996, 2003, 2005, 2010, 2015 and 2020. The 2015 constitutional reforms resulted in the extensive amendment to the Constitution in 2016, the enactment of the Electoral Commission of Zambia Act No. 25 of 2016 and the Electoral Process Act No. 35 of 2016.

Further attempts were made in 2019 to review both the Electoral Process Act and the Electoral Commission of Zambia Act. These did not result in a comprehensive review of the Act; hence, the need to revisit the electoral system and process, in order to identify gaps in the policy and legal framework governing the electoral process and harmonize the different pieces of legislation impacting on elections, in order to make recommendations to strengthen the electoral process.

The last Electoral Reform Technical Committee to review the Electoral Process was appointed in 2003 and submitted its report in July 2005.[37] Its recommendations included the following:

(a) the last Thursday of August every five years as the day for the General Elections;
(b) the academic qualifications of Grade 12 Certificate for Presidential Elections;
(c) a Mixed Member Proportional Representation System;
(d) a 50% +1 majoritarian system for Presidential Elections;
(e) abolishing the requirement for both parents of a Presidential Candidate to be Zambians;

[36] Mwangala Zaloumis - Electoral Reform Technical Committee to review the Electoral Process
[37] Ibid

(f) reducing the qualifying age for Presidential Candidate to 35 years;
(g) equality of men and women in elections;
(h) security of tenure for ECZ Commissioners;
(i) permanent residents of Zambia to be eligible to vote and stand in Local Government elections; and
(j) Zambians in the diaspora be allowed to register as voters, etc.

The past reforms also profoundly considered various global electoral systems that impact on effective representativeness, in order to ascertain the most suitable election system for Zambia. Some of these election systems are discussed in the sections that follow.

3.2 Electoral Systems[38]

Several discussions around democracy place emphasis on the range of electoral systems used and the assessment of the merits and demerits of each. An electoral system plays an important role in the maintenance of societal stability before, during and after elections. The type of an electoral system is at the heart of understanding and appropriating election processes and operations in a democracy. Recent evidence suggests that in order to democratise and strengthen institutions, electoral systems have to be driven by a combination of factors that are shaped by the local governance context.

This section discusses the major electoral systems, such as the variants of proportional representation and first-past-the-post.[39]

3.2.1 Single Winner Systems

The most natural way to elect a single winner is to choose from several candidates. The candidate with the most votes wins an election. This is the idea in a First-Past-the-Post Electoral System.

[38] This section relied on the following sources: Final Report of the Electoral Reforms Technical Committee Appointed to review the electoral system in Zambia, August 2005; Siamak F. Shahandashti (2016). 'Electoral systems used around the world'. In Feng Hao and Peter YA Ryan (eds). *Real-world electronic voting: Design, analysis and deployment*. CRC Press
[39] Tansey, S. D., & Jackson, N. (2014). *Politics: the basics*. Routledge.

First-Past-The-Post System

In this system, each voter casts a vote for only one of the several candidates. The single candidate with the highest number of votes wins. The winner might achieve an absolute majority of votes cast (i.e. more than 50%), or the winner may merely obtain a plurality of votes, a simple majority (most votes relative to other candidates), but less than 50% of votes cast. This is called single-member plurality and is a simple majority system, where there are only two candidates.

Advantages of FPTP

The FPTP system is lauded for its simplicity and tendency to produce winners who are representatives beholden to the electorate in a specific area and governability - as under the FPTP the country is divided into geographical areas known as constituencies, wards and districts. In each of the geographical areas, voters retain one Member of Parliament, Mayor or Council Chairperson and Councillor.

The most often cited advantages include the following:

- It provides a clear-cut choice for voters between contending parties.
- It gives rise to a single-party government without recourse to a coalition government. This system is praised for providing cabinets which are not shackled by the restraints of bargaining with a minority coalition partner.
- It gives rise to a coherent opposition in the legislature to perform a critical oversight role and present itself as a realistic alternative to the government of the day. In severely ethnically or regionally divided societies, FPTP is commended for encouraging political parties to encompass many elements of society, particularly when there are only two major parties and many different societal groups.
- It excludes extremist parties from representation in the legislature. Unless an extremist minority party's electoral support is geographically concentrated, it is unlikely to win any seats under FPTP.

- It promotes a link between constituents and their representatives, as it produces a legislature made up of representatives of geographical areas. Elected members represent defined wards, constituencies or cities rather than simply party labels. This 'geographic accountability' is particularly important in agrarian societies and in developing countries.
- It allows voters to choose between people rather than just between political parties. Voters can assess the performance of individual candidates rather than just having to accept a list of candidates presented by a political party.
- It gives a chance for popular independent candidates to be elected.

In general, the FPTP system is particularly praised for being simple to use and understand. A valid vote requires only one mark beside the name or symbol of one candidate. Even if the number of candidates on the ballot paper is large, the count is easier for electoral officials to conduct.

Disadvantages of FPTP

The disadvantages of the FPTP system include the following:

- It excludes smaller parties from 'fair' representation.
- It excludes minority and special interest groups from fair representation. If voting behaviour does dovetail with ethnic divisions, then the exclusion from representation of members of ethnic minority groups can be destabilising for the political system as a whole.
- The 'most broadly acceptable candidate' syndrome also affects the ability of women to be elected to legislative office because they are often less likely to be selected as candidates by male-dominated party structures. As such, this system tends to exclude women, the youth and PwDs.
- It can encourage the development of political parties based on ethnicity or region, which may base their campaigns and policy

platforms on conceptions that are attractive to the majority of people in their district or region but exclude or are hostile to others. This divides the country into geographically separate party strongholds, with little incentive for parties to make appeals outside their home region and cultural–political base.

- It exaggerates the phenomenon of 'regional fiefdoms' where one party wins all the seats in a province or area. If a party has strong support in a particular part of a country, winning a plurality of votes, it will win all, or nearly all, of the seats in the legislature for that area. This both excludes minorities in that area from representation and reinforces the perception that politics is a battleground defined by who you are and where you live rather than what you believe in.
- It is associated with leaving a large number of wasted votes which do not go towards the election of any candidate. This can be particularly dangerous if combined with regional fiefdoms, because minority party supporters in the region may begin to feel that they have no realistic hope of ever electing a candidate of their choice. It can also be dangerous where alienation from the political system increases the likelihood that extremists will be able to mobilise anti-system movements.
- It can cause vote-splitting. Where two comparable parties or candidates compete under FPTP, the vote of their potential supporters is often split between them, thus allowing a less popular party or candidate to win the seat.
- It may be unresponsive to changes in public opinion. A pattern of geographically concentrated electoral support in a country means that one party can maintain exclusive executive control in the face of a substantial drop in overall popular support.

Overall, the FPTP systems are dependent on the drawing of electoral boundaries. There may also be pressure to manipulate electoral boundaries by malapportionment.

3.2.2 Multiple Winner System

Proportional Representation (PR)

The underlying idea of the Proportional Representation System is to ensure that the number of elected candidates from each party or alliance of parties is proportional to the share of votes obtained by that party or alliance of parties.

In the party list voting system (or party lists PR system), each party submits a list of candidates. After vote counting, seats are allocated to each party in proportion to the votes received.

Advantages of a PR electoral system

- Would often give minority parties a better chance of winning seats in Parliament.
- The FPTP electoral system is considered unrepresentative, as candidates can be elected with a very small share of the votes, while all other votes cast in the constituency are wasted.
- Ensures that the parties would have to appeal to their core supporters, rather than a small number of so-called 'swing voters' in marginal seats.
- PR delivers fairer treatment of minority parties and independent candidates.
- Under PR fewer votes are 'wasted' as more people's preferences are considered.
- PR potentially offers greater and more-representative choice for voters.
- PR may encourage turn-out and reduce apathy.
- PR rarely produces an absolute majority for one party; however, it could be argued that PR ensures greater continuity of government and requires greater consensus in policy-making.

Disadvantages of a PR electoral system

- PR can potentially entrench political division and may provide a route for extremists to worm their way into the political mainstream.
- PR produces 'weak' coalition governments rather than 'strong' majority governments, which arguably can lead to indecision, compromise and even legislative paralysis.
- PR can reduce accountability to voters, as an ousted party of government can retain office by finding new coalition partners after an election.
- The adoption of PR list systems concentrates power in political parties rather than the candidate. This leads to a weakened link between the elected representative and their constituency.
- The greater complexity and choice that PR can put voters off voting, by requiring them to have a greater knowledge of individual and party positions.
- The PR system may exclude the participation of independent candidates.

3.2.3 Mixed Systems

1. Mixed-Member Proportional Representation System.

The mixed-member proportional representation system combines single-member constituency FPTP and Proportional Representation. Voters elect a representative of their constituency using FPTP.

Voters also cast an additional single vote for a party list, determining the overall proportion of seats each party will receive. There may be additional seats allocated to parties to ensure their total number of seats reflects the proportion of votes received.

Advantages of the MMPR system

- In an MMPR system, the constituency-based members of Parliament remain accountable to their constituencies. As such, the system promotes accountability.
- The Member of Parliament retains the links with the constituency.
- It assures representation of various groups and political parties.
- With the inclusion of varied interests and groups, this system widens the composition and texture of the legislature, which is reflective of the general population.
- The system establishes a threshold for entry into Parliament, which is easily attainable for emerging political parties.

Disadvantages of the MMPRS

- The combination of the constituency-based and party-based lists of candidates makes the system more complex to manage.
- Has a tendency to produce a fragmented Parliament since more political parties enter Parliament.

2. Parallel Voting (Mixed Member Majoritarian)[40]

How it works: Two independent electoral tiers— district seats (elected via FPTP) and party-list seats (allocated proportionally). The tiers do not compensate for each other.

Examples: Japan, South Korea, Russia.

Advantages:

1. Simplicity: Voters can split tickets (e.g., support a local candidate from one party and a different party list).
2. Strong local representation through single-member districts.

[40] Lijphart A (1994) Electoral Systems and Party Systems. Oxford University Press

3. Larger parties often dominate district seats, ensuring stable governance.

Disadvantages:

1. Less proportional overall (e.g., a party could win 40% of votes but 60% of seats).
2. Can entrench dominant parties (e.g., Japan's LDP) or create "supermajorities."
3. Smaller parties may only gain marginal influence via the list tier.

3. Mixed Single Vote (MSV)[41]

How it works: Voters cast one ballot that counts toward both a local candidate and their party's list. Seats are allocated through a mix of FPTP and proportional adjustments.

Examples: Hungary (until 2010), some Italian regional elections.

Advantages:

1. Simplified ballot (no split voting).
2. Retains some proportionality while tying local candidates to party performance.
3. Encourages parties to field strong district candidates.

Disadvantages:

1. Less flexibility for voters (cannot split tickets).
2. Proportionality depends on system design; larger parties often benefit.
3. Complex seat calculations may confuse voters.

[41] International IDEA (2016) Electoral System Design in Post-Conflict Societies.

4. Scorporo (Vote Subtraction) System

How it works: A hybrid of MMP where votes for winning district candidates are subtracted from the party's list vote share to enhance proportionality.

Example: Italy (1993–2005).

Advantages:

1. Reduces overhang seats by deducting district wins from proportional allocations.
2. Encourages parties to balance district and list strategies.

Disadvantages:

1. Extremely complex for voters and administrators.
2. Strategic voting/coalition-building can distort proportionality.
3. Requires precise calibration to avoid unintended outcomes.

From the above descriptive accounts of selected electoral systems, it can be contended that the type of system that a country adopts will be at the heart of the credibility and legitimacy of modern democracies, so that it is important to try to establish as broad a consensus as possible about the system employed. Situations in which major changes of government bring about a consequent change in the electoral system are liable to breed cynicism and apathy on the part of the voters.[42]

3.3 National Policies Impacting the Electoral Process

Currently, there is no National policy framework on elections. Electoral issues at the policy level are covered under democratic and political governance strategies and the National Development Plans. Though the country has no direct policy on elections, there are other national policies, strategies and plans that relate to and impact the electoral process as follows:

[42] Tansey, S. D., & Jackson, N. (2014). *Politics: the basics*. Routledge.

- ***The Diaspora Policy, 2019***

In 2019 Government passed the Diaspora Policy to provide a national framework to promote political participation of Zambians in the diaspora. In line with this Policy framework, the Government has a duty to:

(a) progressively provide for the participation of Zambian citizens abroad to vote in General Elections; and

(b) progressively provide for the participation of the Diaspora in the decision-making processes of the country.[43]

With this supportive policy framework in place, the Government has a duty to embark on legal and institutional reforms to support the progressive participation of Zambian citizens in the diaspora in the voting process, in order to enhance their involvement in decision-making and national development.

- ***The National Gender Policy, 2023***

The National Gender Policy identifies the need to enhance womens participation in political governance and decision making. The Policy acknowledges that Government has been promoting gender equity and equality in decision-making, at both national and local government levels, however, there has been low participation of women at all levels of governance. Further, inequalities persist at leadership and decision-making levels. For example, the country has never had a female President and the number of female Cabinet Ministers and Members of Parliament remain low. In 2022, the percentage of female Cabinet Ministers stood at 16 per cent, while in 2016, the percentage of female Cabinet Ministers was 25 per cent and in 2021 to date, female Cabinet Ministers stand at 19.2%, inclusive of the Vice-President.

[43] *GRZ:2019 Diaspora Policy*

The participation of women in decision-making, through community structures and at household level, has been low. This can be attributed to a lack of economic resources, low education levels, stereotyping, patriarchal cultural beliefs and political violence, as well as the absence of quota systems and affirmative action across public, private, political, civil and other governance levels. In order to promote more women to elective positions, the Policy identifies the need to mainstream and promote gender equity and equality and affirmative action in all political party manifestos and structures; and systematically address political violence which negatively affects women in politics.

- ***The National Decentralisation Policy, 2023***

The National Decentralisation Policy recognises the importance of elections in local governance. The Policy in its analysis of the role of decentralised governance states that the local government system is comprised of democratically elected councils and that people's participation in democratic governance at the local level is key for a devolved governance system. To this effect, the existing legal framework for decentralisation provides for the promotion of citizens' participation in democratic governance and accountability of Local Authorities. Significant progress has been made to promote a decentralised governance system since 2016. This has been achieved through the introduction of directly elected Mayors/Council Chairpersons by universal adult suffrage, within the districts.

- ***The National Policy on Anti-Corruption, 2024***

The National Policy on anti-corruption highlights the need to curb corruption in politics and the electoral process. The Policy under democratic and political governance identifies the existence of corruption in elections and that it remains an impediment to achieving full democracy in Zambia. This is also in accord with the 2020 Ibrahim Index of African Governance. The Policy also presents efforts by the Government that have been put in place to address

the effects of corruption on democracy and political governance. This includes the strengthening of the legal framework through the Constitution (Amendment) Act No. 2 of 2016 and the Electoral Process Act No. 35 of 2016, to support the holding of credible, free and fair elections. The current legal framework on elections prohibits corruption in elections and provides for recourse and sanctions.

Despite these various reforms, corruption in elections remains a big challenge in Zambia. This has been attributed to inadequate enforcement and weak adherence to the electoral laws and regulations, coupled with a lack of enabling legislation to regulate political parties and political party financing, despite Article 60 of the Constitution. The Policy also highlights that electoral corruption, unregulated financing and donations to political parties equally exert undue influence on politics and can undermine the integrity and credibility of elections. Corrupt candidates and their sponsors, if allowed to gain legitimate access to power and authority through elective positions, can have access to public resources for their personal benefit, which can subsequently lead to state capture. In order to address these challenges and ensure that elections, political parties and candidates are free of corrupt practices, the Policy guides that ECZ and other stakeholders in democracy and political governance need to ensure the inclusion of interventions in the electoral process relating to anti-corruption, accountability and transparency. This will also enhance adherence to the electoral Code of Conduct and electoral regulations.

- ***The National Policy for Persons with Disabilities, 2025;***

The National Policy for Persons with Disabilities (PwDs) recognises the need for PwDs to realise their political rights and participate in decision-making for good and inclusive governance. This means ensuring their inclusion in elective positions and enhancing their capacity to competently participate in electoral processes.

The Policy further acknowledges that PwDs have fewer opportunities for self-representation at decision-making and governance levels, as evidenced by the lack of appointment to Cabinet, election or appointment as a Member of Parliament. As at 2021 General Election, Parliament only had one person with a disability. The Policy identifies gaps in civic education and knowledge of civil and political rights for PwDs, to enable them to effectively participate in politics and decision-making. The inadequacy of civil and political education, in accessible formats and communication modes, contributes greatly to current realities.

- ***Vision 2030 and the Eighth National Development Plan (8NDP), 2022-2026.***

Vision 2030 under Governance systems commits to total adherence to the principles of good governance by 2030. One of the goals under good governance is to continue and enhance the conduct of elections. To realise this goal, the 8NDP, like other previous National Development Plans, has a Development Outcome aimed at improving the Policy and Governance Environment. This development outcome under Strategy 4 on strengthening democratic and political governance, commits to creating a level playing field for the participation and inclusion of marginalised and under-represented sections of society, such as women, youth and PwDs, in the political arena, through electoral reforms. This is expected to be actualised through affirmative actions that boost the participation of marginalised groups in decision-making. In addition, the electoral reforms to be implemented during this period include decentralisation of electoral processes and continuous voter registration, in order to strengthen democratic governance. Further, Parliamentary reforms will be undertaken to re-position the National Assembly in national development.

- ***The National Information and Communication Technology Policy, 2023, The National Digital Transformation Strategy, 2023-2027; and The National Electronic Government Plan, 2023 -2026***

The National Information and Communication Technology (ICT) Policy provides a Policy framework for transforming Zambia into a digital economy and knowledge-based informed society with ICTs integrated into all aspects of environmental, social and economic development. The Policy expresses the commitments and aspirations of the Government in facilitating the development of the ICT sector in Zambia. The Policy further provides strategic guidance on how the development of the sector will be coordinated by establishing an inclusive and competitive sector that supports the development of the country, the well-being of its citizens and overall attainment of Vision 2030 and the Sustainable Development Goals.

To support policy implementation on ICTs, Government has formulated strategies such as the National Electronic Government Plan (NeGP) and the National Digital Transformation Strategy to support the use of digital technology and electronic platforms to enhance, among others, service delivery and public sector management.

The National Electronic Government Plan (NeGP) for Zambia, from 2023 to 2026, is an extensive strategy aimed at digitising the public sector to enhance the efficiency and effectiveness of service delivery. This plan is crucial for transforming Zambia into a digital economy, leveraging digital technologies not just for service delivery improvements but also for economic growth. The plan emphasises Zambia's commitment to digital transformation as a means to revolutionise both public and private sector service provision, recognising the potential savings and efficiency gains from such initiatives. The plan has received significant backing from various government bodies and ministries, demonstrating a collaborative effort across multiple sectors.

The National Digital Transformation Strategy 2023 – 2027 was formulated to establish a coordinated approach to building Zambia's digital economy. This entails a complete shift towards the deliberate adoption of digital technologies across all sectors of the economy. The approach builds on the policy direction to foster the deployment of electronic services across all

sectors of the economy. Digital technologies have been recognised globally as an important means through which developing countries can leapfrog the development stages to achieve both economic growth and sustained development. The use of these technologies can improve service delivery, unlock new opportunities for job and wealth creation, enhance accountability and transparency, and assist with evidence-based policy formulation, thus contributing to enhanced productivity and growth.

Therefore, the National ICT Policy and these Strategies create an enabling and supportive policy platform on which ECZ can leverage digital technologies to enhance electoral services and improve the electoral process.

3.4 Administrative and Procedural Matters

DELIMITATION

Mandate to conduct delimitation

Article 58 (4) of the Constitution provides that the Electoral Commission shall determine the names and boundaries of constituencies and wards. Further, Articles 59(a)-(e) and 229(2)(g) of the Constitution also provides that the Electoral Commission shall, in delimiting the boundaries of constituencies and wards consider historical context, population density and trends, communication and geography, ensure boundaries remain within districts, and aim for equal population distribution while ensuring fair representation for both urban and sparsely populated areas.

Summary of finding from submitters

The mandate of conducting delimitation should be a preserve of ECZ.

Committee's Observation

The Constitution in Article 229(2)(g) mandates the Commission to conduct delimitation of electoral boundaries.

Recommendation

The Committee recommends that Article 229 (2)(g), which gives the ECZ mandate over delimitation be maintained and that ECZ should continue to sensitise members of the public on its delimitation mandate.

Justification

Article 229 of the Constitution establishes and mandates the ECZ to conduct delimitation, among other functions.

MATTERS ON VOTER REGISTRATION

Dissemination of voter registration statistics by ECZ to accredited Observers, Political Parties, Party Agents and the Public at large

Section 18 of the Electoral Process Act provides that the Register of Voters shall be available for public inspection at the Commission's head office, and certified copies or extracts can be obtained at a prescribed fee and used as evidence in legal proceedings. Additionally, the Electoral Process Act (Section 19(2)) mandates the Chief Electoral Officer to certify and publish the Register of Voters or its segments.

The certified Register or its segments must be made available for inspection not only at the Commission's head office but also at each polling station within polling districts and at the office of each council. These provisions ensure transparency, accessibility, and public confidence in the electoral process.

Summary of findings from the submitters

The ECZ should be required to provide voter registration statistics to accredited observers, party agents, and the public, and ensure the register of voters is accessible to all political parties at the district level before elections.

Committee's Observations

The Commission currently provides the register of voters to stakeholders, including political parties and candidates, for a fee. However, free copies are given to all parties and candidates contesting presidential elections. In countries like Kenya, Tanzania, Uganda, Malawi, South Africa and Ghana, voter registers are also made available to political parties either free of charge or for a fee, with access in some cases governed by data protection laws.

Additionally, some countries make the register accessible at the local or district level, with access often limited to constituency-level registers for political parties and other stakeholders.

Recommendation

The Committee recommends that the ECZ continues to share voter registration statistics with accredited observers, monitors, party agents and the public at large. This requires administrative action as the issue is well covered under the existing legislation.

Further, the ECZ should put in place administrative measures to ensure that physical copies of the register of voters are made available at all district councils for ease of access by political parties and candidates participating in the elections.

Justification

This will ensure stakeholder inclusiveness and ease of accessibility of the register in the electoral process.

Accreditation of observers and monitors during Voter Registration

Section 77(1) of the Electoral Process Act states that;

> "*A juristic person may apply to the Commission, in the prescribed manner, for accreditation to observe or monitor an election.*"

Summary of findings from submitters

Amend Part II of the Electoral Process Act to provide for the accreditation of monitors and observers during the voter registration process.

Committee's observation

ECZ had in the past as a matter of good practice accredited organisations and political parties to monitor and observe voter registration.

Many countries do not have specific provisions for accrediting observers and monitors for voter registration except for Malawi which provides for monitoring voter registration by political parties. South Africa, Namibia and Zimbabwe

provide for accreditation for organisations to conduct civic and voter education.

CCMG noted in its 2021 Election Report the need for the law to expressly provide for accreditation to monitor and observe other electoral activities.

Recommendation

The Committee did not adopt the submission and **recommends** that the ECZ manages accreditation for voter registration administratively.

Justification

The current provision has not posed any challenge.

Specified intervals for the certification of the register of voters

Section 19(1) of the Electoral Process Act provides that the Register of Voters used in an election must be certified specifically for that election. The Chief Electoral Officer is responsible for certifying and publishing the Register or its segments, and making them available for inspection at the Commission's head office, each polling station, and every council office.

Summary of findings from submitters

Enact a law that will introduce specified intervals for the certification of the register of voters.

Committee's observation

Although the certification of the Register of Voters is a costly process, it is important for the law to specify regular intervals for its certification. For example, in Nigeria, the register is certified annually.

Recommendations

The Committee recommends that the ECZ puts in place administrative measures to provide for specific intervals for the certification of the register of voters.

Justification

This will ensure the predictability of the process for registration of new voters.

Availing of the register of voters to political parties

Sections 18(1)(2)(3) of the Electoral Process Act provides that;

> *"A copy of the Register of Voters, as it exists at any time, shall be available for inspection during office hours at the Commission's head office.*
>
> *A person who requires a copy or extract of the Register of Voters may, upon payment of a prescribed fee, obtain the copy or extract which shall be certified by the Chief Electoral Officer.*
>
> *A document purporting to be a copy or extract of the Register of Voters, which is duly certified by the Chief Electoral Officer, shall be received in evidence in any legal proceedings as to the matters stated in the Register of Voters."*
>
> Further, Section 19(2) of the Electoral Process Act, provides that;
>
> *"The Chief Electoral Officer shall certify the Register of Voters, or segments of the Register of Voters, and publish the Register of Voters or the segments of the Register of Voters and make the Register of Voters or the segments of the Register of Voters available for inspection at the following venues:*
>
> *(a) at the Commission's head office;*

(b) at the polling station in each polling district; and

(c) at the office of each council."

Summary of findings from submitters

The voters register should be available to all political parties before elections at the district.

Committee's observation

Currently, the Commission avails the register of voters to stakeholders, including political parties and candidates at a fee.

ECZ provides free copies of the register of voters to all political parties and candidates for presidential elections.

Kenya, Tanzania, Uganda, Malawi, South Africa and Ghana are among countries that provide voter registers to political parties either at a fee or at no cost. Access in some cases is regulated by related data protection laws

Other countries provide the register at local level (Districts) for political parties or other stakeholders. Access in this case may be restricted to the constituency-level register.

Recommendation

The Committee **recommends** that the ECZ should put in place administrative measures to ensure that physical copies of the register of voters are made available at all district councils for ease of access by political parties and candidates participating in the elections.

Justification

This is to ease accessibility of the register by all political parties and other stakeholders.

Increased funding and human resources for voter registration

Section 14 (1) and (3) of the Electoral Commission of Zambia Act provides that the Commission's funds come from parliamentary appropriations, grants, donations, or other sources, and are used to cover salaries, allowances, and operational expenses approved by the Emoluments Commission.

Summary of findings from submitters

Increase funding and human resources for the efficiency of the voter registration exercise.

Committee's observations

The Committee observed that Voter Registration is the single most expensive electoral activity in the electoral cycle. The type of registration largely drives the costs. Implementing continuous voter registration is very expensive and human resource-heavy, particularly in the context of Zambia, where ECZ is not decentralised to the district level. The CCMG 2020 Voter Registration Reports reviewed significant logistical and staffing issues relating to ECZ voter registration showing that 53% of registration centres operated with one registration officer.

Recommendation

The Committee **recommends** an increase in funding for voter registration.

Justification

Increased funding will enable the ECZ to conduct Continuous Registration of Voters in all districts.

Issuance of durable voter's card

Section 114 of the Electoral Process Act provides for the printing, manufacturing or supply, use, removal or destruction of election materials.

However, the said provision does not address the quality or durability of the election materials.

Summary of findings from submitters

It was submitted that the ECZ should ensure that the voters' cards issued are durable.

Committee's observation

The Committee observed that by investing in durable voters' cards, governments can help create a more efficient, secure, and reliable electoral system.

Recommendation

The Committee **recommends** that the ECZ procures durable voters' cards that can be used over several election cycles.

Justification

This will enable registered voters to use cards over multiple elections, resulting in reduced costs of printing voters' cards.

MATTERS ON NOMINATIONS

Political Party Symbols

Regulation 8 of the Electoral Process (General) Regulations provides for the registration, approval and the circumstances under which a political party symbol cannot be registered to be used in an election.

Summary of findings from submitters

The ECZ should ensure that symbols for different political parties on the ballot paper do not have similarities that could confuse a voter. This will prevent the public from being misled.

Committee's observation

The Committee observed that political parties have different ideologies and visions for the country. These ideologies are usually expressed in their party symbols. Therefore, approval by the ECZ of political party symbols that are identical may result in the misidentification of a political party by voters.

Recommendation

The Committee **recommends** that ECZ enhances its screening and approval processes for political party symbols.

Justification

This will ensure that political parties have distinct symbols which will prevent misidentification of political parties during voting.

Qualifications for a Mayor or Council Chairperson

Regulations 12, 13 and 14 of the Electoral Process (General) Regulations stipulate requirements for filing nominations for election as Member of Parliament, Mayor or Council Chairperson and Councillor.

Summary of findings from submitters

The requirements for candidate nominations for Mayor or Council Chairperson must conform to the provisions for other elective positions.

Committee's observations

The qualifications for a position of Mayor in Section 33(3)(a) of the Electoral Process Act are the same as those of a Member of Parliament in Article 70 of the Constitution.

The requirements for filling the nominations as Member of Parliament under Regulation 12 of the Electoral Process (General) Regulations are the same as those of the Councillor in Regulation 14 of the said Regulations. However, on the nomination as Mayor or Council Chairperson, Regulation 13 only provides for a person to lodge a nomination paper and an affidavit with the returning officer. Therefore, Regulation 13 is inconsistent with Regulations 12 and 14.

Recommendation

The Committee recommends that Regulation 13 be amended to align with Regulation 12 of the Electoral Process Act.

Justification

The Constitution clearly states that the qualifications for a Mayor are those of an MP, and Regulation 12 refers to nomination for MP. The above recommendation by the Committee will align Regulation 13 with Regulation 12.

Signing of a Nomination Paper by a Candidate's Representative

Regulation 12(1)(c) of the Electoral Process (General) Regulations states that the nomination paper for a candidate for election as a member of Parliament shall be signed by the candidate in the presence of the returning officer.

Summary of findings from submitters

Some petitioners submitted that Regulation 12(1)(c) be amended to include the following:

> "*Signed by the candidate in the presence of the returning officer or the representative where the candidate is unable to appear in person.*"

Others submitted that Regulation 12 (5) be aligned with Regulation 12(1)(c) to allow for a person duly authorised by the candidate to lodge a nomination paper.

Committee's observations

When filing nominations, the law under Regulation 12(1)(c) of the Electoral Process (General) Regulations is restrictive in that it requires the nomination papers to be filed only by the aspiring candidate. However, sub-paragraph 5 of Regulation 12 allows a candidate, or a person duly authorised by that candidate, to lodge nomination papers for that particular candidate and be attended to by the returning officer.

Recommendation

The Committee recommends that Regulation 12(1)(c) and similar regulations be amended as proposed.

Justification

The proposed amendment to Regulation 12(5) and other related regulations will help align and harmonise legal provisions regarding the nomination of candidates before a returning officer, either in person or in absentia.

Control of nomination office

Regulation 17(3)(c) of the Electoral Process (General) Regulations provides for persons who may accompany a candidate to lodge nomination papers.

Summary of findings from Submitters

In order to provide for access to nomination centre by an election agent, Regulation 17(3)(c) of the Electoral Process (General) Regulations must be amended to read as follows:

"A person who is accompanying another person wishing to lodge a nomination paper in accordance with these regulations and whose name appears on the nomination paper as a candidate, election agent, proposer, seconder or supporter."

Committee's observations

Section 2 of the Electoral Process Act defines "election agent" as a person appointed as an agent of a candidate for the purpose of an election and who is specified in the candidate's nomination paper.

Recommendation

The Committee **recommends** that Regulation 17(3)(c) of the Electoral Process (General) Regulations be amended to include the election agent among the persons to accompany the candidate to the nomination centre.

Justification

The suggested amendment to Regulation 17(3) (c) of the Electoral Process (General) Regulations is aimed at recognising election agents as authorised representatives of a candidate. Omitting them from the list can affect the representation of the candidate at the nomination centre.

An Application on Behalf of a Political Party

Regulation 8 of the Electoral Process (General) Regulations provides for an application for a party symbol. Paragraph 3 of the said regulation requires that such an application be made, on behalf of a political party, by the Secretary of that political party.

Summary of findings from submitters

Some petitioners submitted that Regulation 8(3) be amended to allow for timely incorporation of symbols on the database and preparation of nominations. Therefore, the regulation should be amended to read as follows:

"*An application made on behalf of the political party shall be made by the Party President or Secretary General, within a specified period to be determined by the Commission.*"

Committee's observations

The Electoral Process (General) Regulations only provide for the Secretary to make an application on behalf of the political party for a party symbol. However, the exclusion of other office bearers has a negative effect as in the absence of the Secretary, no other office bearer can lawfully make an application on behalf of the party.

Recommendation

The Committee **recommends** that Regulation 8(3) of the Electoral Process (General) Regulations be amended to the effect that either the President or the Secretary-General of the political party may make an application on behalf of the party for a political party symbol.

Justification

Permitting either the President or Secretary-General of a political party to make an application on behalf of the party will facilitate applications to be made even where one of the office bearers is absent.

Academic Qualifications- Use of Words "Grade 12 Certificate"

The Constitution, under Articles 100 (1) (e); 70 (1) (d); and 153 (4) (c) provides that one maybe elected as President, Member of Parliament or Councillor if

one has obtained, as a minimum academic qualification, a grade 12 certificate or its equivalent.

Further, Article 45 of the Constitution provides for principles of electoral systems and processes with Article 45 (c) and (d) providing for fair representation of the various interest groups in society, and gender equity in the National Assembly or Council.

In addition, Articles 8, 9, and 45 of the Constitution address the National Values and Principles, the Application of National Values and Principles, and the Principles of Electoral Systems and Processes. Specifically, Article 45 (c) and (d) ensure fair representation of various societal interest groups, as well as gender equity in the National Assembly or Council.

Summary of findings from submitters

Considering the Zambia Education Curriculum of 2023 which provides for the conduct of the school certificate ordinary level examination in Form Four, it is prudent to amend the Articles to enable one to be elected as President, Member of Parliament or Councillor if one has obtained, as a minimum academic qualification, a school certificate at ordinary level or its equivalent.

Others submitted that the electoral laws should promote equality and not create classes in society by making educated Zambians more important than uneducated ones.

Committee's observations

The Committee notes the judgement of the Constitutional Court in the case of Nkunika v. Nyirenda and Another (2019/CCZ/005), where the Court held that the term "grade twelve certificate" used in the Constitution was 'synonymous' with 'school certificate.'

The Committee also notes that the National Values and Principles set out in Articles 8 and 9 of the Constitution, the Principles of Electoral Systems and Processes in Article 45 of the Constitution promote civic participation.

The above legal provisions work towards creating an electoral system that is more inclusive, equitable, and transparent, while creating a political environment that encourages active citizen engagement and national unity.

Further, the provisions promote better representation of diverse societal groups in governance, ensuring that the interests of all sectors of society are fairly represented in policymaking and law making.

Recommendation

The Committee **recommends** that Articles 70, 100 and 153 be amended to replace 'Grade 12 Certificate or its equivalent' with 'School Certificate at ordinary level or its equivalent' in line with the new Zambia Education Curriculum of 2023.

Justification

The actual name for the certificate being referred to in the Constitution of Zambia under the cited Article is School Certificate. 'Grade 12 Certificate' is merely a social name. It is the same document which will be issued in Form Four under the Zambia Education Curriculum of 2023. For the near future, the name 'Grade 12' will no longer be applicable, while the name 'School Certificate' will continue to apply to the same qualification when it was issued in Form Five, Grade 12 and, in the near future, in Form Four.

The legal provisions in Articles 8, 9, and 45 of the Constitution address key issues in Zambia's electoral and governance systems. These provisions aim to address several systemic challenges and gaps in the electoral process and governance, promoting a more inclusive, transparent, and democratic system.

Verification of Grade 12 Certificate (School Certificate)

Given that the Grade 12 Certificate (School Certificate) is prescribed as a minimum requirement by law in accordance with Articles 70, 100 and 153 of the Constitution for any candidate to contest in any elective office, the Examinations Council of Zambia has a duty to authenticate the Grade 12 Certificate (School Certificate).

Summary of findings from submitters

A number of petitioners submitted that the practice of candidates going through the Examinations Council of Zambia is expensive and strenuous.

Committee's observations

The Committee notes that the Examination Council of Zambia Act mandates the Council to award and verify school certificates that it confers. However, the process of verifying school certificates with the Examinations Council of Zambia is centralised, resulting in delays and undue expenses on aspiring candidates.

Recommendation

The Committee **recommends** that school certificates be verified by the Examinations Council of Zambia and Zambia Qualifications Authority (ZAQA) and that the process should be decentralised to districts.

Justification

Considering that this is an administrative issue that requires the intervention of the Examinations Council of Zambia, the recommendation made may reduce the red tape and delays associated with result verification. The Committee also notes that the process of verifying results prior to nomination is important in light of fraud and forgery of documents.

MATTERS RELATING TO PwDs

Voter registration to be conducted at PwDs' residences

Section 7 of the Electoral Process Act **and** Regulations 8(1) and 9 of the Electoral Process (Registration of Voters) Regulations provide for the continous registration of voters.

Summary of findings from submitters

The ECZ should consider conducting voter registration at the residences of Persons with Disabilities.

Recommendation

The Committee did not adopt the submission but instead **recommends** that collaboration between ECZ and ZAPD be enhanced to assist eligible PwDs with voter registration.

Justification

Strengthening collaboration between ECZ and ZAPD will improve access to voter registration services for persons with disabilities, making the registration process more inclusive and accessible.

Deployment of PwDs in voter registration

Articles 173(1) (i) to (k) and 173(2) of the Constitution provides that the public service must uphold values such as merit-based appointments, equal opportunities across gender and ethnic groups, and inclusion of persons with disabilities. These principles apply at all levels of government and to all State organs and institutions.

Summary of findings from submitters

The ECZ should consider the deployment of PwDs during the voter registration exercise.

Committee's observation

The Committee observed that Division 4 of the Persons with Disabilities Act No. 6 of 2012 addresses the employment of persons with disabilities. Countries with strong disability rights frameworks often include provisions for the recruitment of persons with disabilities (PwDs) as electoral officers.

In some cases, EMBs collaborate with disability organizations to promote inclusion, conduct disability mainstreaming training, and share resources. Notably, countries such as Kenya, South Africa, India, Canada and the Philippines have established disability inclusion policies or frameworks to guide the hiring of PwDs for various election-related roles.

Recommendation

The Committee **recommends** that ECZ should continue deploying PwDs during the voter registration exercise where possible.

Justification

This will promote the inclusion and participation of PwDs in the electoral process for enhanced democracy.

Translation of the Register of Voters into Braille

The Persons with Disabilities Act and the Access to Information Act provide for access to information for persons with disabilities in an accessible format.

Summary of findings from submitters

The voters register should be translated into braille.

Committee's observation

Many countries including Zambia have made progress towards provision of braille jackets to facilitate voting by visually impaired voters. The Committee also noted that translating an entire register of voters into braille would be costly and result in a voluminous register.

Recommendation

The Committee **recommends** that the ECZ should engage ZAPD to explore and determine the possible usage of braille in the electoral process.

Justification

This will promote the inclusion and participation of PwDs in the electoral process for enhanced democracy.

Engagement of PwDs as Electoral Officers

Sections 40 and 51 of the Persons with Disabilities Act provide for access to information for persons with disabilities and access to electoral information to facilitate participation of PwDs in the electoral process. In addition, Sections 35 to 39 of the Persons with Disabilities Act provide for employment of PwDs.

Summary of findings from the submitters

(i) ECZ should recruit sign language interpreters at least one per polling station.

(ii) Introduce legislation to compel the ECZ to engage PwDs as electoral officers during an election.

(iii) PwDs should be included in the training of poll staff to ensure disability inclusion.

(iv) Conduct comprehensive training for ECZ officials on disability inclusion.

Committee's observations

(i) Access to information for PwDs is recognised by both international and national laws.

(ii) While many EMBs have made positive strides towards enhancing physical access to polling stations, access to information remains a challenge.

(iii) Voters with hearing impairment are disadvantaged in so far as access to information both in the broader environment and the polling station. This is mainly due to a lack of sign language interpretation.

(iv) The engagement of PwDs as poll staff is important, as many EMBs are realising this and taking practical steps towards inclusion.

(v) This can be adequately addressed through policy and legal framework alignment with the provisions of the UNCRPD and national Constitutions.

(vi) The legal and policy framework should be supported by reasonable accommodation and considerations.

(vii) Nigeria, Cameroon, Mauritania and Uganda are among the countries that have made progress in the inclusion of PwDs in election administration.

Recommendation

The Committee notes the submission but **recommends** that ECZ should:

(i) Recruit sign language interpreters based on the needs assessment on the voter registration disaggregated data.

(ii) Put in place administrative measures to recruit PwDs as electoral staff during elections based on the identified needs, including the training of poll staff.

(iii) Develop a disability mainstreaming and inclusion policy to support participation of PwDs in election administration as well as to provide reasonable accommodation necessary for their participation.

Justification

This will ensure that the needs of PwDs are catered for, thereby promote inclusivity. The engagement of PwDs as electoral staff will promote inclusion of PwDs and their participation on an equal basis with others in the electoral process.

Accreditation of Disability Organizations for Monitoring of Electoral Activities

Section 77(1) of the Electoral Process Act provides that a juristic person may apply to the Commission, in the prescribed manner, for accreditation to observe or monitor elections.

Summary of findings from submitters

There is need for accreditation of more organizations for persons with disabilities in order to enhance the inclusion of persons with disabilities (PwDs) in the electoral process.

Committee's observation

According to the SADC Principles for Election Management, Monitoring and Observation, accreditation of observers and monitors should be a simplified process. In 2021, the ECZ accreditation requirements and processes proved to be burdensome to organisations. Requirements such as in-person accreditation, certifying copies of NRC and completing accreditation forms in triplicate limited the ability of many organisations including organisations for

PwDs to deploy monitors. These requirements also had transport cost implications.

Recommendation

The Committee **recommends** that ECZ should revise and simplify accreditation guidelines.

Justification

This will enhance inclusion of PwDs in the electoral process.

Engagement of Sign Language Interpreters

The Constitution under Article 258(3) provides for the respect, promotion, protection and diversity of the languages of the people of Zambia. Section 6 of the Persons with Disabilities Act prohibits discrimination based on disability while Section 49 requires the provision of sign language inset or sub-titles in all newscasts and education programmes and in all programmes covering events of national significance. In addition, Section 51 requires taking measures to enable the full participation of persons with disabilities in political and public life.

Summary of findings from submitters

The ECZ should engage sign language interpreters who are trained in both national and local versions of sign language to conduct voter education. This will help keep hearing-impaired individuals informed throughout the election process and enable them to understand their rights and participate fully in the electoral process.

Committee's observations

The submission indicates a need to further operationalise the provisions of the Constitution and Persons with Disabilities Act to promote the participation of PwDs in the electoral process.

The Mung'omba Commission, like the Mwanakatwe Commission, recommended the promotion of the use of sign language to enable persons with disabilities to overcome constraints due to disability.

Recommendation

The Committee **recommends** that sign language be enhanced in voter education to cater for the PwDs with hearing impairment. Further, the Committee recommends that Zambia should consider adopting best practices from South Africa and recognize sign language as an official language.

Justification

This will ensure inclusivity and full participation of PwDs in the electoral process.

ECZ to Provide Large Grip Pens

Section 3(b) of the Electoral Process Act provides that the principles applied in the electoral system and processes shall ensure there is no discrimination based on disability when providing electoral services. Further, Section 51 of the Persons with Disabilities Act provides that measures are required to be taken to ensure that voting procedures, facilities and materials are appropriate, accessible, and easy to understand and use.

Summary of findings from submitters

The ECZ should make available large grip pens for PwDs in polling stations.

Committee's observations

Article 29 of the Convention on the Rights of Persons with Disabilities requires States Party to ensure that voting procedures, facilities, and materials are accessible, appropriate, and easy to understand and use for persons with disabilities. Zambia is party to this legally binding instrument and has domesticated this Article in the Persons with Disabilities Act and the Electoral Process Act.

The submission appears to aim to operationalise the provisions of the Convention, as well as the Persons with Disabilities Act and the Electoral Process Act.

Recommendation

The Committee **recommends** that ECZ puts in place administrative measures to make large grip pens available at polling stations.

Justification

The above recommendation once implemented will ensure reasonable accommodation for PwDs and enhance their participation in elections on an equal basis with others.

Involvement of PwDs in Voter Education

Section 79 (1) of the Electoral Process Act No. 35 of 2016 authorises any natural or juristic person to provide voter education for an election.'

Summary of findings from submitters

The ECZ should ensure that local organisations for PwDs are consulted or involved in disseminating information on voter registration and that more people should be trained in sign language interpretation. That 10% of the people engaged as voter educators be reserved for PwDs.

In addition, the orientation of the curriculum for voter educators and other electoral officers should include the aspect of disability. PwDs should be trained in the use of braille jackets. ECZ should also ensure that PwDs also get information on voter education.

Committee's observation

The country has made steady progress in promoting inclusiveness in policies and the legal framework for the marginalised. However, there is low participation of PwDs in electoral processes such as voter education.

Recommendation

The Committee **recommends** that ECZ collaborates with ZAPD and other Organisations promoting inclusive participation for Persons with Disabilities in ensuring involvement of PwDs in voter education and other electoral process activities.

Justification

The above recommendation will actualize the spirit of Section 51(d) of the PwDs Act which requires that elections are inclusive. The involvement of Persons with Disabilities as voter educators will contribute to their enhanced participation in the electoral process and removal of barriers that prevent them from participating in election processes.

COLLABORATION ISSUES

Enhancing Security at Polling Stations

The legal provision on the enforcement of law and order at polling stations is under Section 4(6) of the Electoral Process Act which states that:

"the Zambia Police Service shall enforce law and order at polling stations and undertake any criminal proceedings, subject to subsection (2), in respect of an offence committed by any person in contravention of this Act."

Summary of findings from submitters

(i) ECZ, in collaboration with the Zambia Police Service, must enhance security at polling stations in order to enhance quick response to security threats, especially by security zones in far places.

(ii) ECZ should consider providing enough support in terms of fuel.

(iii) Due to the increase in population, at least the law should change to increase the number of police officers at polling stations as opposed to the current number prescribed in elections.

(iv) ECZ needs to ensure voter safety and security during the electoral process. They need to ensure that they deploy sufficient police and security personnel to polling stations.

(v) There is need to establish hotlines to enable voters report incidents of harassment or voter intimidation.

(vi) ECZ should prohibit political party militias or private armed groups from operating near polling stations.

Committee's observation

Voters have a right to security provided by police and security forces in polling stations. Without sufficient security, there can be no guarantee to election freedom, fairness, and integrity. This principle is aligned with Article 25 of the ICCPR, which guarantees the right of every citizen to vote and participate in public affairs under conditions of equality and security.

Although elections in Zambia have largely remained peaceful, a few incidents of violence have been observed. It is, therefore, important for the law enforcement bodies to be adequately prepared and be available whenever needed by the EMB.

Recommendation

The Committee notes the submission and **recommends** continued collaborations between ECZ and Zambia Police Service.

Justification

There is already enhanced collaboration between ECZ and Zambia Police.

Simultaneous Issuance of NRCs and Voter's Card

Section 8 of the Electoral Process Act states that a person qualifies to register as a voter if they are a Zambian citizen, at least 18 years old, and have a national registration card, after which they are registered by the Commission and issued a voter's card. Further, Section 8(1) of the National Registration Act, Chapter 126 of the Laws of Zambia states: *"upon the registration of a person under this Act, the registrar shall issue to such person a national registration card in the prescribed form."*

Summary of findings from submitters

Amend the law to provide for the issuance of the voter's card and the National Registration Card at the same time whenever necessary.

Committee's observation

Integrating civil registry databases with voter registration enhances accessibility, efficiency, and electoral integrity as seen in countries like Zimbabwe, Ghana, Malawi, Nigeria, Kenya, and South Africa—but requires biometric authentication, legal alignment, careful planning, and robust safeguards to ensure security and inclusivity.

Recommendation

The Committee **recommends** that ECZ takes administrative action to enhance its collaboration with the DNRPC for the simultaneous issuance of the NRC and Voter's Card to eligible voters.

Justification

This will facilitate a one-stop process for NRC issuance and Voter Registration, thereby reducing processing time and ultimately encouraging more citizens to register and enhance the franchise.

The Church to act as an Arbiter between ECZ & Political parties

Article 229(2)(d) of the Constitution provides for settling of minor disputes while Section 113 of the Electoral Process Act provides for the establishment of Conflict Management Committees for the purpose of resolving electoral disputes. There is no specific law mandating the church to act as an arbiter between the ECZ and political parties.

Summary of findings from submitters

The church should act as an arbiter between the ECZ and political parties during conflict.

Committee's observations

There is no law mandating the church to act as an arbiter between the ECZ and political parties. However, Section 113 of the Electoral Process Act, provides for the establishment of committees for the purpose of resolving electoral disputes.

In line with this provision, ECZ has established conflict management committees at national and district levels whose membership includes the church and faith-based organisations, among others.

Several countries have national peace councils and committees, which are mainly composed of and led by religious leaders. In Nigeria, Kenya, Ghana and Zimbabwe the committees have been used to mediate between political opponents to prevent violence from escalating and to accept electoral outcomes. Such committees serve as alternative dispute resolution mechanisms.

Recommendation

The Committee **recommends** that ECZ be at liberty to engage religious bodies on any perceived misunderstandings between the ECZ and political parties.

Justification

This will promote dialogue among political parties.

Access to Electoral Information

Article 173 of the Constitution makes provision for values and principles that ought to be applied in the governance of the Public Service, State Organs and State Institutions. These values and principles include the need to proactively provide the public with timely, accessible and accurate information pursuant to Article 173(1)(h) of the Constitution. Further, Sections 6(1) and (3) of the Access to Information Act also provide that citizens and residence permit holders have the right to access information held by public bodies, which must be provided promptly, affordably, and in an accessible format, subject to said legal provisions.

Summary of findings from submitters

The Commission should ensure that the ECZ website provides comprehensive and updated information in accessible formats for different categories of stakeholders. The ECZ should also provide information on governance and politics on the website.

Committee's observation

Open access to timely, analysable, and non-discriminatory election data is vital for informed decision-making, transparency, inclusive participation, and effective governance. It also enables voters and organizations to engage meaningfully in the democratic process.

Recommendation

The Committee **recommends** that the ECZ improves its website and takes administrative steps to provide comprehensive, up-to-date governance information, including resources tailored for persons with disabilities (PwDs), in line with its mandate.

Justification

This promotes inclusivity for PwDs and improves stakeholders' access to key governance information.

Stakeholder Consultations during Law Reforms

Article 173(1)(d) of the Constitution makes provision for values and principles that ought to be applied in the governance of the Public Service, State Organs and State Institutions. These values and principles include encouragement of people to participate in the process of policy-making. In addition, Section 3(3) of the Electoral Commission of Zambia Act also provides that the Commission may, in furtherance of its functions, collect relevant information, conduct

consultations and public hearings, and receive input from individuals and organisations to effectively perform its constitutional functions.

Summary of findings from submitters

Stakeholders should be widely consulted during electoral law reform processes.

Committee's observations

(i) Law reforms are driven by legal provisions, which guide the process that ought to be undertaken. Among the key principles for reforms are consensus building, transparency, inclusivity, evidence and timing.

(ii) Stakeholder engagement is critical for consensus building, as well as inclusion for legitimising the process irrespective of the outcome.

Recommendation

The Committee **recommends** that the current and future law reform processes should involve wider consultation with stakeholders.

Justification

This will enhance credibility of the electoral reforms and common ownership by stakeholders.

Combined Capacity Building

Article 173 of the Constitution stipulates the values and principles of the public service, state organs and state institutions to include adequate and equal opportunity for training and advancement.

Article 173(1)(j) provides for *"adequate and equal opportunities for appointment, training and advancement of both gender and members of all ethnic groups."*

Summary of findings from submitters

ECZ should conduct capacity building training to improve the effectiveness in the function of the polling agents, election monitors and poll staff.

Committee's observation

Effective capacity building for polling agents is essential for ensuring the integrity and efficiency of elections.

Recommendation

The Committee **recommends** that ECZ should conduct capacity building training to improve the functional effectiveness of polling agents, election monitors and poll staff.

Justification

This will improve efficiency and make the electoral process more effective.

ECZ STAFF RECRUITMENT ISSUES

Open Recruitment Process for ECZ Staff

Section 9(3) of the Electoral Commission of Zambia Act provides that *"the Commission shall, on such terms and conditions as it may determine, appoint such other staff and officers of the Commission as are necessary for purposes of this Act."*

Summary of findings from submitters

There should be an open recruitment process for all ECZ staff.

Committee's observations

The Commission is responsible for recruiting the Chief Electoral Officer (CEO) and other senior management staff. The CEO and management are then responsible for recruiting other senior management and operation staff.

This practice or structure ensures clear accountability as well as responsibility in the exercise of authority. The human resource function of the EMB should ensure transparency and adherence to procedure and other considerations in the recruitment process as by law established.

Recommendation

The Committee did not adopt the submission but **recommends** that ECZ maintains the current mode of recruitment.

Justification

The current mode of recruitment should be maintained as it is based on both merit and professionalism.

Recruitment Panel for Poll Staff

Article 173 of the Constitution makes provision for values and principles that ought to be applied in the governance of the Public Service, State Organs and State Institutions. These values and principles include merit as the basis of appointment at all levels pursuant to Article 173(1)(i) of the Constitution.

Summary of findings from submitters

The Anti-Corruption Commission (ACC) and Drug Enforcement Commission (DEC) officers be included on the recruitment and interviewing panels for poll staff.

Committee's observations

The Committee observes that due to the sensitive nature of election administration and management, it is required that those involved in managing and administering elections uphold the highest integrity and political neutrality.

While this can be very difficult to achieve when recruiting thousands of staff, there are mechanisms that can be used. Such mechanisms can include public advertisement and a competitive recruitment process to prevent nepotism. Further, mechanisms can be devised to conduct background checks and identity verification for applicants.

Recommendation

The Committee **recommends** that the recruitment process for election officers should continue to be based on merit in accordance with Article 173(1)(i) of the Constitution. Further, the ECZ should continue to include law enforcement agencies in the recruitment process.

Justification

This will ensure transparency in the recruitment process.

Use of Local Languages in ECZ Official Communications

Article 258 of the Constitution provides for the use of a language other than English as a medium of communication. Further Article173 of the Constitution makes provision for values and principles that ought to be applied in the governance of the Public Service, State Organs and State Institutions. These values and principles include the need to proactively provide the public with timely, accessible and accurate information.

Further, Section 6 of the Access to Information Act gives a citizen or a residence permit holder a right to access information. It mandates an information holder to expeditiously provide information, whenever requested, at a reasonable cost and in an accessible format.

Summary of findings from submitters

It was submitted that the law be amended to introduce the use of vernacular language by ECZ in all its communication with the public.

Committee's observations

The Committee observed that Zambia is a very diverse country with several languages used across the country. Being a predominantly rural country with high illiteracy levels, the use of local language in delivering voter education bridges the information gap.

Further, many EMBs use a combination of English and mostly local language to deliver voter education, this includes countries like Kenya, Malawi, Zimbabwe, Botswana, Nigeria, Ethiopia and Uganda.

Recommendation

The Committee notes the submission but ECZ has already implemented the use of local languages.

Justification

The ECZ already uses local languages in its educational materials.

ECZ to Acquire Helicopters

Section 4(2)(b) of the Electoral Commission of Zambia Act mandates the ECZ to ensure that it promotes conditions required for free and fair elections.

Summary of findings from submitters

ECZ should acquire helicopters to enable access to certain areas (far-flung and hard-to-reach areas). Further, there is need for ECZ to take precautionary measures when transporting election materials.

Committee's observation

ECZ may hire services and facilities such as helicopters in the performance of its electoral functions where necessary.

Recommendation

The Committee did not adopt the submission. However, ECZ should continue with its current practice of outsourcing transportation services whenever need arises.

Justification

This will ensure cost-effectiveness in the delivery of electoral services to the public.

Printing Ballot Papers Locally

Section 51 of the Electoral Process Act provides that:

"*the Commission shall prescribe the form and design of a ballot paper and the manner in which ballot papers issued shall be accounted for.*"

However, there is no legal provision which specifies where ballot papers should be printed.

Summary of findings from submitters

The ECZ should explore all avenues and engage with the Government to invest or enhance infrastructure for local ballot paper printing with adequate security and quality control measures.

There is need to revert to Government Printers for printing of ballot papers to cut costs and enhance public trust.

Committee's observations

Local printers lack the infrastructural capacity to print ballot papers. As a result, the government spends a significant amount of money facilitating the printing of ballot papers and other election materials abroad.

However, countries like South Africa, Ghana and Zimbabwe have successfully managed the printing of election materials locally.

Recommendation

The Committee **recommends** that Government should progressively recapitalise and build capacity for Government Printers to print ballot papers.

Justification

This will ensure cost-effectiveness in the delivery of electoral services to the public.

Stakeholder Engagement in the Printing of Ballot Papers

Section 114(a) of the Electoral Process Act stipulates that:

"The Commission may authorise the printing, manufacture or supply of any voting or election material."

Summary of findings from submitters

The ECZ should continue to engage stakeholders during the printing of ballot papers. Therefore, there is need for the Commission to have a budget allocation for the support of political parties and civil society in the observation of the printing process.

Committee's observations

The Committee observed the importance of stakeholders' participation in the ballot papers printing process as this verifies the integrity and fairness of the printing process. Under the current practice, the ECZ invites various stakeholders to monitor and observe the printing process.

However, ECZ no longer covers the costs for stakeholders' participation, shifting the responsibility for these expenses to the stakeholders themselves. Despite this change in policy, various stakeholders, including those from civil society and political parties still attended the printing of ballot papers in Dubai in preparation for the 2021 election.

Similar to ECZ, the Independent Electoral and Boundaries Commission of Kenya does not cover the travel expenses of stakeholders participating in activities such as ballot paper printing, and neither does the Malawi Electoral Commission.

Recommendation

The Committee **recommends** that ECZ should continue involving stakeholders in the observation of the printing of ballot papers, provided they meet their own costs.

Justification

The continued involvement of stakeholders in the ballot paper printing process is essential for promoting confidence and transparency. However, it is unsustainable for the ECZ to bear the burden of covering expenses for political parties and other stakeholders wishing to observe the process.

Lack of a Dedicated Communication Team for Political Parties at ECZ

Paragraph 3 of the Electoral Process (Electoral Code of Conduct), Schedule to the Electoral Process Act mandates the ECZ to meet political party

representatives on a regular basis in order to discuss matters of concern related to the election campaign and election itself.

Summary of findings from submitters

The ECZ should have a dedicated team responsible for sharing information with the political parties.

Committee's observation

The Committee observed that a dedicated Liaison Officer would ensure consistent, clear, and timely communication between the ECZ and political parties.

Political parties would be able to easily access essential information such as election timetables, rules, procedures, and updates on any changes or key milestones in the electoral process.

With a Liaison Officer, political parties would have a single point of contact for all their inquiries, complaints, or clarifications, thereby reducing the chances of miscommunication.

Recommendation

The Committee **recommends** that ECZ enhances its information-sharing mechanism by appointing a Liaison Officer to serve as a dedicated point of contact between the ECZ and political parties.

Justification

This would improve communication, streamline the flow of important information, and reduce the chances of miscommunication.

Enhancement of Voter Education

During an election, the Commission constitutes District Voter Education Committees for conducting voter education in the district. In turn, DVEC

engages Voter Education Facilitators (VEFs) to conduct voter education in the wards.

Summary of findings from submitters

(i) ECZ should enhance voter education and use door-to-door methods to engage the citizens.

(ii) Use of sign language should be strengthened during voter education and other electoral processes.

(iii) Stakeholders should be involved in voter education.

(iv) Voter Education should be at the polling station and not at the district level.

(v) ECZ should undertake voter education continuously.

(vi) Voter Education clubs should be established in all constituencies countrywide and should also include communities.

(vii) Voter Education must be undertaken 6 months before holding elections.

(viii) There is a need to develop continuous, effective and broad-reaching voter education, including clear messages on key stages of the electoral process, specifically tailored for youths, women, PwDs, prisoners and marginalized groups.

(ix) There should be consistency of voter education messages across traditional and online media.

(x) There is a need to educate the public on security and non-security election materials. Some pockets of violence are a result of not distinguishing between security and non-security materials.

(xi) The Ministry of Education must introduce a topic on "ballot handling" under civic education.

Committee's observations

(i) The Committee observed that voter education is a legal requirement and is currently being carried out by ECZ and other stakeholders. The submissions indicate an inadequacy in the implementation of the legal

requirement, particularly in relation to the effectiveness and inclusiveness of the continuous voter registration conducted by the ECZ.

(ii) The Committee also observed that the United Nations emphasises that for an election to be successful and democratic, voters must understand their rights and responsibilities and must be sufficiently knowledgeable and well informed to cast ballots that are valid and to participate meaningfully in the voting process. This aligns with the provisions of the ICCPR and the African Charter on Human and Peoples Rights, which provide for the right to receive information, which is a foundational requirement of the practice of democratic governance.

Recommendation

The Committee **recommends** that a comprehensive ECZ inclusion plan and voter education strategy be implemented.

Justification

The recommendation creates an inclusive voter education mechanism that will enlighten citizens on the electoral processes and systems.

Digital Technology Enhancement and Research

Section 4(2)(i) of the Electoral Commission of Zambia Act provides for functions of the Commission which include to "*conduct and promote research into electoral matters and other matters that relate to its functions*".

Further, Section 74 of the Electoral Process Act authorises the Commission to use electronic means to transmit results from polling stations. Regulation 18(2) of the Electoral Process (Registration of Voters) Regulations states that:

'A registered voter may inspect that registered voters' details on the register of voters electronically during the period for inspecting the provisional register of voters.'

Summary of findings from submitters

(i) There is need to increase funding to ECZ to enable the institution to procure digital equipment.

(ii) There is a need to enhance its management of elections, such as voter registration, printing of voter registers, tallying and transmission of election results from polling stations.

(iii) There is a need to develop a strong research and development framework within ECZ to inform various operations, policies and decision-making in the institution.

(iv) Technology is key to the efficient management of elections and can enhance the electoral processes.

Committee's observations

The Commission uses technology in elections. However, it has no specific research and development unit.

Across the globe, technology is increasing used to enhance or support various aspects of the election process, including voter registration and the transmission of results.

South Africa adopted online voter registration and other digital electoral processes for the municipal elections conducted in November 2021. Voter management devices were used to register voters and build the voters' roll.

Recommendation

The Committee **recommends** that ECZ should establish a research and development function to enhance use of technology in elections.

Justification

The call for a research and development function is progressive and can be implemented administratively.

Police Deployment Based on Security Risk Assessment

According to Section 4(6) of the Electoral Process Act, the Zambia Police Service is obligated to *enforce law and order at polling stations and undertake criminal proceedings in respect of an offence committed by any person.*

Summary of findings from submitters

(i) Zambia Police Service should be allowed to determine the number of Police Officers deployed at each polling station. This will ensure that adequate manpower is allocated to areas with higher security risks. The proposed approach will replace the current method, where deployment numbers are dictated by the ECZ who may not consider the specific security needs of each polling station.

(ii) An armed officer should be deployed at polling stations identified as high-risk, particularly in areas with a history of election-related violence.

(iii) The presence of armed officers at high-risk polling stations can effectively deter violent activities, ensuring the safety of voters and electoral staff.

(iv) The ECZ should provide transportation to pick police officers up at the end of their deployment.

(v) Police Officers should be provided with satellite phones as some areas do not have GSM networks.

Committee observations

Elections can be volatile when political parties fail to discipline their supporters. Zambia has witnessed various incidences of violence, particularly during campaigns and on some election days.

The Zambia police has so far fared well in providing security but more needs to be done to ensure that there is peace during elections.
Planning and collaboration among institutions often leads to easing of challenges and finding solutions.

Recommendation

The Committee **recommends** that Zambia Police Service in collaboration with ECZ should identify polling stations with high security risks and come up with modalities of how to deal with such. The collaboration should also involve planning for logistics to enhance security during elections.

Justification

This will enhance election security at polling station with high risk.

The Welfare of Security Officers during Elections

Section 42 (1) of the Electoral Process Act states that:

"The Commission shall determine, in writing, the terms and conditions of appointment of an election officer."

Summary of findings from submitters

There should be uniformity in the payment of allowances, e.g. presiding officer's rate should be equivalent to that of a police officer. There is a need to increase allowances for training from K200 to K500 per day. The Police officers at the totalling centres should be paid a three-night allowance and those in far-flung polling stations should be paid a seven-nights allowance.

The ECZ should increase fuel allocation to security wings to enable easy movement before, during and after elections and that these allowances should be paid before deployment.

Committee's observation

The policy of the Commission is to pay partial allowance before deployment and then pay the rest after the poll. The rate paid to the security personnel is lower than that of the poll staff.

Recommendation

The Committee **recommends** that ECZ improves the fuel and other logistical arrangements for election-related police operations. However, the Commission should administratively handle concerns related to allowances.

The Committee further recommends that the Zambia Police Service should have a budget for election related operations.

Justification

This will improve the morale and the vigilance of police officers to maintain law and order during elections.

Political Party Liaison Committee

Section 7(1) of the Electoral Commission of Zambia Act states that the Commission:

"For the purposes of performing its functions under this Act, establish such Committees as it considers necessary and delegate to any of those committees such of its functions as it considers fit."

Summary of findings from submitters

The Political Party Liaison Committee (PPLC) meetings should be an ongoing activity and should be funded by ECZ. In addition, Provincial Political Party Liaison Committees should be established and be funded by ECZ.

Committee's Observation

The Committee observed that the PPLCs at national and district levels are already established, functional and funded by ECZ. However, meetings are not held regularly but peak during by elections and before general elections. There are no PPLCs at provincial level.

Recommendation

The Committee **recommends** that ECZ should schedule Political Party Liaison Committee meetings at least once in a quarter and that the ECZ should continue to fund these Committees.

Justification

Regular meetings with political liaison committees are important for maintaining healthy political dialogue, effective governance, and cooperation. They promote transparency, reduce conflicts, and help ensure inclusive policy development, contributing to a stronger and more stable democratic system.

CHAPTER FOUR: CONTEMPORARY AND EMERGING ISSUES IN ZAMBIA'S ELECTIONS

4.1 Introduction

This Chapter focuses on contemporary and emerging issues in Zambia's electoral system that are central to the country's democratic development. These issues include the participation of women, youth and persons with disabilities in the electoral process, political party alliances and coalitions, the tenure of Members of Parliament, the appointment of ministers outside Parliament, the regulation of political parties, electoral violence, campaigning in prisons and correctional facilities, and the possibility of diaspora voting.

As Zambia continues to refine its democratic practices, understanding how these issues shape the electoral process and the broader political landscape is essential. This Chapter provides an overview of the challenges and opportunities that these issues present, and offers insights into how they can contribute to a more inclusive, transparent and, accountable political and electoral system.

While this Chapter presents a situational analysis of the contemporary and emerging issues, a more comprehensive account of the submissions from submitters on certain electoral issues, along with the ERTC's observations and recommendations, is presented in *Chapter 5*.

4.2 Persons with Disabilities in the Electoral Process

Submissions were made on the need to enhance the participation of Persons with Disabilities in the electoral process in order to ensure that elections are inclusive. Inclusive elections offer an opportunity for the electorate to vote for their representative. This is a fundamental part of democracy. Ensuring that persons with disabilities can participate without facing barriers is key to achieving an inclusive election.[44] This is not only crucial for upholding equality,

[44] United Nations Development Programme. (2021, September 9). *Inclusive electoral processes*. https://www.undp.org/arab-states/publications/inclusive-electoral-processes

but also for enhancing service delivery, improving access, and ensuring self-representation.[45]

The 2015 National Disability Survey estimated that approximately 7.7 percent of the population had a disability. The prevalence of disability among persons qualified to vote by age, that is, aged 18 years and older, was estimated at 10.9 percent.[46] While this data is old and the numbers are likely to have changed, it still provides a useful reference for understanding disability prevalence in Zambia, particularly amongst eligible voters.

Right of Persons with Disabilities to Participate in Political Life

The effective participation of persons with disabilities in the electoral process, particularly their right to vote and present themselves as candidates in an election, is a fundamental human right, closely linked to the right to participate in political life. This right is outlined in several international instruments, including the ICCPR, the CRPD, and the ACHPR, along with its Optional Protocol on the Rights of Persons with Disabilities.

These legally binding international instruments guarantee persons with disabilities the right and opportunity, without unreasonable restrictions, to participate in political affairs, either directly or through freely chosen representatives, as well as the right to vote, and be elected at genuine periodic elections[47]. As a State-Party to these instruments, Zambia is obligated to ensure and protect the complete and effective participation of persons with disabilities in the electoral process. In essence, this would require the ECZ to make the electoral process fully accessible to persons with disabilities. For

[45] National Disability Policy 2012 at page 16

[46]Scherer, N., Banda-Chalwe, M., Chansa-Kabali, T., Nseibo, K., Seketi, Q. E., McKenzie, J., & Smythe, T. (2024). Disability research in Zambia: A scoping review. *Scandinavian Journal of Disability Research*, https://sjdr.se/articles/10.16993/sjdr.1095

[47] Article 25 of the International Covenant on Civil and Political Rights, Article 29 of the Convention on the Rights of Persons with Disabilities, Article 13 of the African Charter on Human and Peoples Rights, and Article 29 of the Optional Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities

example, ensuring that voter education materials are accessible, such as providing braille, sign language interpretation or audio formats for people with visual or hearing impairments. On Election Day, accessible voting booths, materials in accessible formats, and trained staff to assist voters with disabilities are essential to ensuring that the disabled can vote independently and with assured secrecy of their vote.[48]

In terms of being elected to office, mere recognition of the right of 'every citizen' to vie for political office does not mean that persons with disabilities are equally guaranteed this right. The right to be elected can only be fully realised when practical and long-term measures are implemented to address the systemic barriers that individuals with disabilities face, including changing the electoral system to make it more inclusive of various interest groups in society.[49]

Law and Policy Framework on Rights of Persons with Disabilities

The ICCPR, CRPD, and the ACHPR, along with its Optional Protocol on the Rights of Persons with Disabilities, have been domesticated into Zambia's legal framework. Discrimination based on disability[50] is prohibited in the Constitution and various other Acts of Parliament, including the Persons with Disability Act. The Constitution provides that the electoral system shall ensure fair representation of various interest groups in the National Assembly or council[51], and requires the consideration of persons with disabilities in nominations or appointments to public office[52]. The Persons with Disabilities Act requires the Government to take all necessary measures to ensure that persons with

[48] Kalimaposo, K., Kalomba, M., Kaumba, C., & Mulubale, S. (2023). Persons living with disabilities and Zambia's electoral processes: A study of Lusaka district. *Iconic Research and Engineering Journals*, 6(12), 914. https://www.irejournals.com/formatedpaper/1704737.pdf

[49] WA Oluchina 'The right to political participation for people with disabilities in Africa' (2015) 3 *African Disability Rights Yearbook* 309-327 http://dx.doi.org/10.17159/2413-7138/2015/v3n1a14

[50] Article 23 of the Constitution of Zambia

[51] Article 45 of the Constitution of Zambia

[52] Article 259 of the Constitution of Zambia

disabilities fully participate in political life on an equal basis with others, prohibits discrimination on the grounds of disability, and promotes accessibility to public places and services[53].

There are also several national policies and strategies guiding disability inclusion which have informed the technical content of most laws. The National Disability Policy, 2024, elucidates the vision of the government to have persons with disabilities enjoy equal opportunities that are fundamental for living and development, including an obligation to fulfil their responsibilities with regard to their contribution and participation in socio-political development[54]. The Policy recognises that accessibility to information and the physical environment is inadequate for persons with disabilities, as most of the infrastructure and materials were designed without taking into account the needs of persons with disabilities[55]. Further, the 8NDP 2022 -2026, under the strategy to strengthen democratic and political governance, states that efforts need to be made to promote a level playing field for the participation and inclusion of persons with disabilities in the political arena through electoral reforms[56].

Despite the domestication of international instruments and the enactment of the Persons with Disabilities Act, challenges relating to the provision of adequate services and suitable infrastructure, including ensuring inclusivity of persons with disabilities, still persist, mainly due to legislative and administrative inadequacies and implementation lags.

Political Under-Representation

Persons with disabilities are under-represented in elected positions at national and local government levels. This is in part because of the FPTP electoral system

[53] Section 6, 41, 42, 51 of Disabilities Act No 6 of 2012

[54] National Disability Policy (2012) at page 4, 14.

[55] Ibid at page 8.

[56] 8th National Development Plan at page 68.

at the parliamentary and local government levels,[57] which limits political diversity and inclusion. A similar observation was made by the 2005 Electoral Reform Technical Committee, which proposed a change in the electoral system to a Mixed Member Proportional Representation System (MMPRS)[58]. The MMPRS promotes inclusiveness by providing multiple avenues for representation, ensuring proportionality in the legislature, and overcoming barriers such as accessibility and geographic limitations.

The need to enhance the political representation of persons with disabilities also extends to leadership roles within political parties. A lack of disability-inclusive political party policies limits the chances of persons with disabilities being nominated and supported by the party to run for political office.

Stigma and Discrimination

Despite the Constitution and the Persons with Disabilities Act prohibiting discrimination, stigma and negative perceptions are still among the most prominent challenges faced by persons with disabilities[59]. When it comes to political participation, these biased perceptions can deepen the gap and reduce the chances of fair representation. Stigma and prejudices lead some to believe that persons with disabilities do not have the capacity to take up certain roles, or make informed political decisions, and in turn persons with disabilities feel that they are not represented, valued or treated as citizens in the full sense of the word.[60] Submitters have argued that this is reinforced by legal provisions that disqualify individuals with mental or physical disabilities

[57] Article 49, 101 of the Constitution of Zambia

[58] Final Report of the Electoral Reforms Technical Committee Appointed to Review the Electoral System in Zambia, August 2005, at page 680.

[59] UN in Zambia. (2024, February 13). *UN in Zambia doubles down on disability inclusion*. United Nations. https://zambia.un.org/en/260525-un-zambia-doubles-down-disability-inclusion

[60] al-Tayeb, M. al-M., & Mohammed, B. A. H. (2023). *Political participation and representation of persons with disabilities in Sudan*. International Institute for Democracy and Electoral Assistance. https://www.idea.int/sites/default/files/2023-12/political-participation-and-representation-of-persons-with-disabilities-in-sudan_1.pdf

from being able to register to vote[61] or standing for political or elected positions, under the assumption that their disabilities would hinder their ability to effectively perform their duties[62].

Accessibility

Many persons with disabilities are systematically excluded from access to services and places.[63] The Disability Policy recognises that accessibility to information and the physical environment is inadequate as most of the infrastructure was designed without taking into account the needs of persons with disabilities[64], thereby affecting their ability to access electoral services and participate in electoral activities. While some progress has been made in ensuring the accessibility of the electoral process for persons with disabilities, they still lack access to critical information to enable them to participate in elections[65]. It is important that ECZ and other key stakeholders cultivate an environment for persons with disabilities to receive information in accessible formats such as braille, large print and sign language.[66].

In the case of ***Sela Brotherton vs Electoral Commission of Zambia***, it was alleged that the services offered by the Respondent at the registration and polling stations in selected constituencies in Zambia were not accessible to persons with disabilities. The High Court found the Electoral Commission of Zambia to have had unlawfully discriminated against persons with disabilities

[61] Section 9 of the Electoral Process Act

[62] Article 70, 100, 116, and 157 of the Constitution of Zambia

[63] United Nations Zambia, UN in Zambia doubles down on disability inclusion, 13 February 2024, https://zambia.un.org/en/260525-un-zambia-doubles-down-disability-inclusion

[64] Ibid at page 8.

[65] UNICEF. (2023). *Situational analysis of the rights of persons with disabilities in Zambia* (Country report). Compiled by Heidi Loening-Voysey, Michaela Pelser, and Theresa Wilson for UNICEF.

[66] 3 Disability Rights Watch. (2021). A Comprehensive Statement to the Media on the State of Disability Inclusion in the 2021 Elections. https://disabilityrightswatch.net/a-comprehensive-statement-to-the-media-on-the-state-of-disability-inclusion-in-the-2021-general-election/

and ordered that all elections held after 2011 must be accessible to persons with disabilities[67].

Availability of Data to Inform ECZ Interventions

Article 29 of the CRPD outlines the need for State Parties to have a legal requirement on the collection of data on the number and proportion of persons with disabilities registered to vote and exercising the right to vote, including related complaints, and the number and proportion of persons with disabilities holding office and performing public functions.[68] However, apart from the Disability Survey in 2015 and silo information in some ministries, specific service providers, and NGOs, disability-related data is inadequate.[69] The 2005 Electoral Reform Committee made a similar observation, stating that accurate statistics were essential to facilitate the participation of persons with disabilities in elections.[70]

Without data, the ECZ cannot effectively identify barriers faced by persons with disabilities in the electoral process or implement the necessary interventions, nor can it allocate resources effectively to ensure reasonable accommodation. This would include targeted training for the use of braille jackets for voting, and the provision of adequate braille jackets on voting day, in the relevant polling stations. Further, the lack of data contributes to difficulties in gathering the adequate evidence required for developing

[67] *Sela Brotherton vs Electoral Commission of Zambia (2011/HP/0818)*

[68] United Nations Office of the High Commissioner for Human Rights, *Article 29: Illustrative indicators on participation in political and public life*, https://www.ohchr.org/sites/default/files/documents/issues/disability/sdg-crpd-resource/indicators/article-29-indicators-edited-dm-template.pdf.

[69] United Nations Partnership on the Rights of Persons with Disabilities, *Situational analysis of the rights of persons with disabilities in Zambia: Country brief July 2024* (2024), https://unprpd.org/new/wp-content/uploads/2024/11/Country-brief-Zambia.pdf.

[70] Final Report of the Electoral Reforms Technical Committee Appointed to Review the Electoral System in Zambia, August 2005, at page 649

informed policies and legislative reforms aimed at making the electoral process more inclusive and accessible.

4.3 Women's Participation in the Electoral Process

Submitters expressed the need to enhance female participation in the electoral process. In addition, the UN's guide to promoting the participation of women in elections highlighted that, "for elections to be truly free and fair, women must have the same opportunities as men to participate in all aspects of the electoral process. Women should have an equal chance to serve at all levels within local and national EMBs. Women should be engaged on an equal basis as election monitors or observers. Women should be able to participate fully in all aspects of political party operations. Women candidates and issues of special concern to women should be given fair and equal treatment in the media."[71]

Women's Participation in Electoral Process is a Human Right

The UDHR[72] enshrines the principles of non-discrimination and equal enjoyment of political rights, for women and men to take part in the governance of their country. The ICCPR states that every citizen has the equal right to participate in public affairs, vote and be elected through universal and equal suffrage, and to have equal access to public services.[73] The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) articulates women's equal right to participation in political and public life, including the right to vote in all elections and referenda, eligibility for election to all publicly elected bodies and participation in the formulation and implementation of government policy,[74] and commits State Parties to take appropriate measures

[71] United Nations. (2005). *Women and elections: Guide to promoting the participation of women in elections*. Retrieved from https://www.un.org/womenwatch/osagi/wps/publication/WomenAndElections.pdf

[72] Articles 3, 13, 19, 20, 21 of the Constitution of Zambia

[73] Article 25 of the Constitution of Zambia

[74] Article 7 of the Constitution of Zambia

to ensure women have equal opportunity to such participation without discrimination.[75]

At the continental level, Article 9 of the African Union Maputo Protocol, 2003, enjoins State Parties to take specific positive action to promote participative governance and the equal participation of women in political life through affirmative action, and enabling national legislation and other measures to ensure effective participation of women without discrimination. At the regional level, the Southern African Development Community (SADC) Protocol on Gender and Development, 2008, requires States Parties to enact laws and adopt strategies to enable women to have equal opportunities with men to participate in all electoral processes including in the administration of elections and voting.

As a States Party to the cited legally binding instruments, Zambia is bound to take proactive measures to ensure that women are afforded equal opportunities to fully participate in the electoral process in accordance with its international obligations.

Legal Framework

The UDHR, ICCPR and CEDAW are domesticated into the Laws of Zambia. The Constitution prohibits discrimination on the grounds of gender[76]; provides for gender equity in the National Assembly or council, as a principle of the electoral system and processes[77]; and authorises the President to nominate eight (8) MPs to enhance the representation of, among others, gender in the National Assembly.[78]

[75] Article 8 of the Constitution of Zambia

[76] Article 23 of the Constitution of Zambia

[77] Article 45 of the Constitution of Zambia

[78] Article 69 of the Constitution of Zambia

The Gender Equity and Equality Act obliges public and private bodies to take appropriate measures to eliminate discrimination against women in political and public life.[79] This law is a significant step towards advancing gender equality but its implementation is slow and aggravated by the non-operationalisation of the Gender Equity and Equality Commission.

This fact is particularly concerning as the Commission is a constitutional body, provided for under Article 231, making its operationalisation not just a legal requirement but a constitutional imperative. Although the Act domesticated the international instruments cited above, the fact that the Act is not fully operationalised, reflects a failure to meet the international obligations to which Zambia, as a States Party, had committed to.

Under-Representation of Women in Decision making Positions

Participation of women in decision-making positions remains very low, with Parliament consisting of 15.1 percent[80] of women in 2021, representing a decrease of about 3 per cent from 2020. The number of women in Cabinet declined from 28.6 percent in 2020 to 16 per cent in 2022 and at the local government level, women comprise a paltry 8 percent[81]. The low levels of participation of women in Parliament can be attributed to, amongst other reasons, lower chances of women being adopted as candidates by political parties, as they are seen as non-winning candidates, discrimination on the basis of gender, and failure to meet educational qualifications. Further, women tend to shy away from politics and putting themselves up as

[79] Section 29 of the Electoral Process Act

[80] National Assembly of Zambia, Members of Parliament by Gender, https://www.parliament.gov.zm/members/gender

[81] SADC Gender Monitor, 2022

candidates in an election, due to gender related violence, such as hate speech.[82]

Low participation of women has also been attributed, in part, to the current electoral system. Research shows that countries with the lowest levels of female political representation have either a weak variant of a Proportional Representation System (where voting for party lists and seats are distributed proportionately, but the leading party receives extra seats as a result of reaching a certain level or threshold of votes) or a Majoritarian system. Of the five countries in the world that have 30% or more female parliamentarians in their single or lower houses, three have a proportional representation electoral system, and two have a mixed member proportional representation electoral system. Of the eight countries that have 25-29% female MPs in their lower or single houses, all have either proportional or mixed electoral systems. In those countries with 10% or fewer women in the lower or single house of Parliament, a far higher proportion have a majoritarian electoral system, with nearly 90% of countries that have no female parliamentarians using a FPTP system.[83]

The following case studies highlight the diverse approaches adopted in Rwanda, Uganda and Kenya, such as mandatory and voluntary quotas, reserved seats, and the incorporation of proportional representation, which have contributed to substantial increases in female political participation.

Rwanda

Rwanda is the first country in the world with a female majority in parliament, with 63.75 % in the Chamber of Deputies and 53.8% in the Senate.[84] This has been made possible through a combination of legal and administrative

[82] World Bank Group. (2023). *Zambia gender assessment* (Eastern and Southern Africa gender platforms). https://www.gender.gov.zm/wp-content/uploads/2023/05/Zambia-Gender-Assessment-Report-2023_May-12.pdf

[83] European Parliament. (n.d.). *Differential impact of electoral systems on female political representation* (WOMEN'S RIGHTS SERIES, W-10). Directorate-General for Research. https://www.europarl.europa.eu/workingpapers/femm/w10/2_en.htm

[84] Women Representation, Parliament of Rwanda, accessed from https://www.parliament.gov.rw/women-representation

interventions. Rwanda has a two-chamber parliament with mandated quotas for women's representation in both the lower and upper houses at the national and subnational level. In Article 80, the Constitution of Rwanda states that 30 percent of all elected positions in decision making bodies at the national and subnational levels, including 24 of the 80 seats in the lower house of the parliament, must be held by women.

The reserved seats in the lower house are elected by a special electoral college composed of voters from local women's councils and district councils. The local women's councils and district councils are elected by district executives that have been appointed by the National Women's Council and National Bureau of Sectors (a subdivision of districts). The National Women's Council in Rwanda is a grassroots organisation that represents women at the community level, and its members are elected through a democratic process at the local level. The Bureau of Sectors in Rwanda is the administrative and executive body at the sector level, and its members are elected through a democratic process every five years. [85]

In terms of administrative interventions, political parties committed to voluntary party quotas.[86] Rwanda uses a Proportional Representation Electoral System at the parliamentary level, which ensures that political parties meet gender quotas.

Uganda

In Uganda, as of 2023, the proportion of seats held by women in parliament was 33.8%. This achievement has primarily been made through legislative quotas.

The Constitution of Uganda in Article 33 provides that women shall have the right to affirmative action for the purpose of redressing the imbalances created

[85] Revisiting Rwanda five years after record-breaking parliamentary elections
, United Nations Women, accessed from https://www.unwomen.org/en/news/stories/2018/8/feature-rwanda-women-in-parliament
[86] Revisiting Rwanda five years after record-breaking parliamentary elections
, United Nations Women, accessed from https://www.unwomen.org/en/news/stories/2018/8/feature-rwanda-women-in-parliament

by history, tradition or custom. One-woman representative is elected by universal suffrage in each district in directly contested 'female candidate only' elections. The number of reserved seats has gradually increased over time, contributing to the increases in the total number of female constituency MPs. However, reserved seats were never meant to be permanent. They were established as a temporary strategy until women could compete on their own with men for open seats.[87]

Uganda uses a mixed electoral system at the parliamentary level, combining plurality and proportional representation.

Kenya

In Kenya, as of 2023, the proportion of seats held by women in parliament was 23.3%[88]. This has been primarily enabled by legislative intervention. The Constitution of Kenya provides specific provisions to ensure gender representation in Parliament and county assemblies. For the National Assembly, Article 90 requires that each political party's list of candidates for parliamentary elections must alternate between male and female candidates in the order they are listed. Article 97(1)(b) reserves forty-seven seats for women, with each woman elected by the registered voters of each county, with each county being a single-member constituency. For the Senate, Article 98 reserves sixteen seats for women in the Senate, who are nominated by political parties in proportion to the number of seats held by the parties in the Senate.

In the County Assemblies, Article 177 ensures that no more than two-thirds of the members of each county assembly are women. If necessary, extra seats are added to meet this requirement. The election of female members follows

[87] Switches from quota- to non-quota seats: A comparative study of Tanzania and Uganda, Chr. Michelsen Institute for Science and Intellectual Freedom, accessed from https://www.cmi.no/publications/6512-switches-from-quota-to-non-quota-seats

[88] Proportion of seats held by women in national parliaments (%), World Bank, accessed from https://genderdata.worldbank.org/en/indicator/sg-gen-parl-zs

the same method as that for ordinary MPs, with each county acting as a constituency.

Kenya uses a mixed electoral system at the parliamentary level, combining first-past-the-post and proportional representation. These provisions ensure balanced gender representation across different levels of government in Kenya.

The Mung'omba Commission recommended that the Constitution should have a general provision guaranteeing balanced gender representation at all levels of the three organs of Government, taking into account merit and political party structures. The Commission also recommended that the Constitution stipulates that neither gender should constitute less than 30% of the Cabinet.

The 2005 Electoral Reform Technical Committee also recognised the under-representation of women and recommended special measures to increase women's participation in the electoral process and attain a 30% or more representation in decision-making. The proposed interventions included introducing a 30% quota for female candidates nominated by political parties, introduction of proportional representation to enhance female representation, and establishment of a 30% quota for women in cabinet appointments.

4.4 Appointment of Cabinet Ministers Outside the National Assembly

Article 116(1) of the Constitution provides that:

"*The President shall appoint a prescribed number of Members of Parliament as Ministers.*"

Further Article 116(2) provides that:

"*A Minister shall be responsible, under the direction of the President, for the policy and strategic direction of a Ministry, department or other State institution, as assigned by the President.*"

In addition, the Ministers (Prescribed Number and Responsibilities) Act, 2016 prescribes the number of ministers to be appointed by the President being not more than 30 and outlines their responsibilities. Further, the Constitution provides that:

"The President shall appoint a Provincial Minister for each Province from among Members of Parliament."[89]

Some submitters proposed that the law should be amended to ensure that Ministers are appointed from outside the National Assembly, as such, one individual should not hold the positions of MP and Minister simultaneously, as both positions are important and involving.

The appointment of Ministers outside or inside the National Assembly has been a long- time debate through the various Constitutional Review Commissions and the 2005 Electoral Reform Technical Committee.

a. 1991 Mvunga Constitution Commission

Stakeholders made submissions on the composition, size and appointment of Cabinet, to the 1991 Patrick Mvunga Constitution Commission. The majority of petitioners preferred a Cabinet appointed from inside the National Assembly, while a minority preferred a Cabinet from outside the National Assembly, with competing reasons advanced for each point of view. Some of the reasons advanced by those in favour of a Cabinet from inside the National Assembly argued that, a Cabinet should come from representatives of the people, as Cabinet should be accountable to the people. They further argued that a Cabinet appointed by the President from outside the National Assembly will owe allegiance to the appointing authority and not the people, and such a Cabinet could easily consist of friends and relatives of the President.

[89] Article 117 of the Constitution of Zambia

Those in favour of a Cabinet from outside the National Assembly stated, amongst other reasons, that appointing ministers from outside the National Assembly would allow the President a wider spectrum of choice, including the appointment of technocrats and experts in particular fields, most of whom shun politics although they have the calibre for government administration and management. Further, it avoids dual allegiance or gravitation to a specific constituency and constituency interests, instead of serving the national interest and wellbeing of all citizens, by ensuring fair and equitable distribution of resources.[90]

The Mvunga Constitution Commission found that the majority views favoured appointment of Cabinet from amongst Members of Parliament[91] but recommended that Cabinet may be appointed from either outside or inside the National Assembly, or both, provided that if Cabinet is appointed from outside the National Assembly, the ministers should be subject to National Assembly ratification and if a Member of Parliament is appointed Minister, the MP should retain the members' parliamentary seat.[92]

b. Technical Committee on Drafting the Zambian Constitution

The Technical Committee on Drafting the Zambian Constitution made the following observations, after analysing submissions by stakeholders on the appointment of ministers outside the National Assembly:

- the appointment of Cabinet outside the National Assembly will enhance the separation of powers thereby strengthening the role of Parliament in providing checks and balances to the Executive.

[90] Report of the Technical Committee on Drafting the Zambian Constitution, April 2012, at page 191.

[91] Ibid

[92] Report of the Technical Committee on Drafting the Zambian Constitution, April 2012, at page 192.

- the appointment of Cabinet outside the National Assembly will give the President a wider latitude of choice to pick ministers, especially from technocrats.
- unanimous and persistent calls on appointment of Ministers and Provincial Ministers from outside the National Assembly were pronounced during previous Constitution Review Commissions, and more pronounced in the Mung'omba Constitution Review Commission.
- the appointment of ministers from the National Assembly, as provided for in the Constitution, compromised the principle of separation of powers between the Legislature and Executive[93].

The articles in the first draft of the Constitution of Zambia, 2012, emanating from the analysis and recommendations of the Technical Committee on Drafting the Zambian Constitution were as follows:

Article 120

(1) The President shall appoint not more than twenty-one persons as Ministers who are qualified to be nominated as Members of Parliament.

(2) The President shall appoint Ministers from persons who are not Members of Parliament.[94]

Article 121

(1) The President shall appoint a Provincial Minister for each Province from persons who are qualified to be nominated as Members of Parliament.

(2) The President shall appoint a Provincial Minister from persons who are not Members of Parliament.[95]

[93] Report of the Technical Committee on Drafting the Zambian Constitution, April 2012, at page 192.

[94] Report of the Technical Committee on Drafting the Zambian Constitution, April 2012, at page 197.

[95] Ibid

Stakeholders also argued that in making Parliament a strong and independent body, excessive presidential powers need to be curbed, including the all-encompassing powers of creating, hiring and firing of a wide range of portfolios, including cabinet ministers, permanent secretaries, ambassadors, defence and security forces chiefs and district commissioners, to name a few. In addition, the President may also appoint up to eight Members of Parliament. It was argued that it is these powers which were used and abused to weaken Parliament. Therefore, proposals made to past Constitution Review Commissions provided that cabinet ministers should be appointed from outside the National Assembly in order to enhance the independence of the Legislature from the Executive.[96]

The Committee recommends, in line with previous Constitution Review Commissions, that Articles 116 and 117 of the Constitution be amended to provide for the appointment of cabinet ministers from outside Parliament, and that the ratification of the appointment should be carried out by Parliament.

4.5 Political Party Alliances, Mergers and Coalitions

A coalition government is formed when no single political party wins a clear majority in a legislative body. In such scenarios, multiple parties join forces to create a majority alliance that can effectively govern. Coalition governments are common in parliamentary systems and can have significant implications for governance, policy-making, and political stability. Some protagonists have described coalitions formed at political party level, and those created when forming government, as partnerships. In such cases, parties negotiate to form alliances that command a majority of seats in the legislature, enabling them to pass laws and govern effectively.[97]

[96] Lucy Muyoyeta. "Zambian Elections 2006: The State of Democratisation and the Struggle for Constitutional and Legal Reforms."

[97] https://mkparty.org.za/understanding-coalition-governments-and-their-implications

Several studies also show that coalitions can take a different nature and form in function depending on the unique circumstances prevailing in a given country. Nonetheless, coalition politics and coalition governments are generally characterised by instability and frequent break-ups. This has been the case in the Caribbean and Africa. In Zimbabwe, Congo DR, Mauritius, Nigeria and South Africa, coalitions have been formed to address inherited ethno-regional tensions. In Kenya, the first coalition was formed to end KANU's (Kenyan African National Union) hold on power. Studies have shown that in South Africa, Mauritius, Malawi and Kenya, coalitions have failed to live up to expectations. In view of the overwhelming negative experiences, coalition politics is unlikely to be politically embraced in Africa, unless radical re-orientation in political party behaviour happens.[98] Currently, Zambia has no law, which provides for coalition government.

The characteristics of coalition governments are generally as follows:

- Inclusive Policy-Making**:** A coalition government could lead to more inclusive policy-making, with multiple parties contributing to governance. This can help address a broader range of issues and perspectives, potentially leading to more balanced and effective policies;
- Potential for Political Instability: Coalitions can be fragile, especially if the partners have significant ideological differences. Internal disagreements can lead to instability, which may affect governance and the implementation of policies. The success of a coalition government will depend on the ability of the parties to collaborate and find common ground;
- Enhanced Democratic Representation: Including multiple parties in the government can enhance democratic representation, giving a voice to

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https://www.researchgate.net/publication/233176624_Coalition_politics_and_coalition_governments_in_Africa

a wider range of voters. This can improve public trust in the political system and encourage greater political engagement;

- Economic and Social Reforms A coalition government could implement comprehensive economic and social reforms by leveraging the strengths and perspectives of different parties. This collaborative approach may lead to innovative solutions to the country's challenges, such as unemployment, inequality, and service delivery.[99]

There are a number of advantages for having a system that permits coalition government:

- coalition governments represent a broader spectrum of people and a wider range of views, making them more democratic and fairer, like the UK.[100]
- coalition governments offer a chance for supporters of other parties to be represented in government. When voters believe smaller parties might form a part of the government, they may be more likely to vote for a party they really feel represents them;[101]
- coalition governments introduce a wider range of opinions; policies are more likely to be debated with various points of view considered before policy is implemented;[102] and

[99] Compiled by MKparty.org.za, Understanding Coalition Governments and Their Implications

June 4, 2024.

[100] Kalimi, N., wekesa, P., & Mwangi, S. (2024). Mergers and Disintegrations: Political Party Alliance Building in Kenya Between 2002 to 2022. International Journal of Geopolitics and Governance, 3(1), 70-82. https://doi.org/10.37284/ijgg.3.1.2203

[101] Kalimi, N., wekesa, P., & Mwangi, S. (2024). Mergers and Disintegrations: Political Party Alliance Building in Kenya Between 2002 to 2022. International Journal of Geopolitics and Governance, 3(1), 70-82. https://doi.org/10.37284/ijgg.3.1.2203

[102] Ibid

- coalition governments can have smoother continuity in administration as they tend to represent a wider set of views and reduce the risk of adversarial politics developing.[103]

However, there are a number of disadvantages for having a system that permits coalition government:

- coalition governments are unstable and can trundle along without achieving very much as political partners as they may fundamentally disagree with each other ideologically;[104]
- coalition governments can be considered less democratic as the smaller parties can demand for conditions which are beyond the support they achieved in an election;[105]
- a party with little popular support could impose its views and policies on the majority as they are offered positions they have not gained; and
- coalitions generally take a short-term point of view as they cannot count on being re-elected in the same form.[106]

In the past few years, Zambia has seen an increase in party alliances. The resurgence of these alliances in Zambia calls for a look of these mergers in relation to the current constitutional and legislative framework currently existing in Zambia.

Party alliances are agreements between two or more political parties to collaborate for a common goal. These alliances can be formed for various reasons, including winning elections, strengthening political influence, or achieving policy objectives. In Zambia, party alliances are often created to challenge dominant political parties, increase electoral chances, or unify

[103] Ibid

[104] Kalimi, N., wekesa, P., & Mwangi, S. (2024). Mergers and Disintegrations: Political Party Alliance Building in Kenya Between 2002 to 2022. International Journal of Geopolitics and Governance, 3(1), 70-82. https://doi.org/10.37284/ijgg.3.1.2203

[105] Ibid

[106] Ibid

opposition parties against the ruling government. Political alliances do have an impact on the political and electoral landscape in Zambia, though not explicitly recognised in the Zambia's constitutional or legislative framework. The following are some of the observations on alliances:

- Enhancing electoral success: Political alliances increase the chances of winning elections by consolidating voter bases. Smaller parties that might not win alone can benefit from a coalition by pooling resources and supporters.
- Weakening the dominance of a single party: Alliances often serve as a counterbalance to the ruling party, preventing it from monopolizing power. For example, opposition alliances in Zambia often challenged the ruling party's grip on power.
- Shaping policy and governance: When alliances win elections, they can push for shared policy goals, leading to more inclusive governance. However, differences within alliances can sometimes create instability.
- Encouraging political bargaining: Alliances promote negotiations between parties, allowing for compromises that accommodate diverse political interests.
- Potential for conflicts and breakups: While alliances can be powerful, internal disagreements often lead to breakups, especially when individual party interests' conflict, as witnessed in Zambia.

Alliances contribute to democracy because:

- They promote political competition, preventing a single-party system.
- They enhance voter representation by bringing together diverse interests.
- They increase accountability, as ruling parties face stronger opposition.

However, alliances can also undermine democracy if:

- They are formed only for power, without a clear vision for governance.
- They collapse due to internal divisions, leading to political instability.

- They marginalize smaller parties, making it hard for new political players to emerge.

The main purpose of forming alliances is to:

- Win elections and gain political power;
- Challenge the ruling party by uniting opposition forces;
- Influence government policies by having a stronger voice; and
- Enhance political stability by promoting cooperation among parties with similar interests.

Party alliances in Zambia play a crucial role in shaping the country's political and electoral landscape. While they can strengthen democracy by encouraging competition and inclusivity, they can also lead to instability if not well managed. Their effectiveness depends on the commitment of member parties to shared goals and democratic principles.

The ERTC proposes the enactment of a legal framework for alliances, political party coalitions and mergers that extensively provides for their formation, in line with the current constitutional principles pertaining to political parties.

4.6 Diaspora voting

Many countries have realised the value and the strategic nature of their citizens in the diaspora. Such countries have put in place measures that, among others, guarantee the political participation of their nationals who live in the diaspora, by granting these citizens dual citizenship and putting in place deliberate initiatives such as diaspora voting and allocation of parliamentary seats to this group of citizens. New communication technologies have enabled these processes and have contributed to improved mobilisation and collaboration with the diaspora. These developments, supported by international laws and agreements aimed at enhancing migrants' rights, have necessitated the shift in policy and legislative frameworks of member states, to ensure their citizens living abroad, begin to exercise their right to vote.

During its stakeholder consultations, the ERTC received submissions that the Electoral Process Act should be amended to provide for diaspora voting, as this would allow Zambians in the diaspora to exercise their right to vote, in accordance with Article 46 of the Constitution.

The Zambian government passed the Diaspora Policy 2019 to provide a national framework to promote political participation of Zambians living in the diaspora. In line with this Policy framework, government has a duty to:

- Progressively provide for the participation of Zambian citizens abroad to vote in General Elections; and
- Progressively provide for the participation of the Diaspora in the decision-making processes of the country.[107]

With this supportive policy framework in place, government has a duty to embark on legal and institutional reforms to support the progressive operationalisation of the Diaspora Policy, 2019. The Constitution of Zambia does not bar any citizen above the age of 18 years from participating in elections. Article 46 of the Constitution provides that:

"*A citizen who has attained the age of eighteen years is entitled to be registered as a voter and vote in an election by secret ballot*."

This means that Zambian citizens in the diaspora also have the right to exercise their vote but not from abroad. Zambians in the diaspora, who wish to exercise their right to vote, need to travel to Zambia to register as a voter and also to cast their vote. In addition, the Constitution does not impose any geographical barriers on the right of an eligible Zambian to exercise their right to vote, and neither does it provide for the Electoral Commission of Zambia as the institution responsible for the electoral process to extend electoral services to the diaspora.

[107] *GRZ:2019 Diaspora Policy*

In 2020, ECZ informed the nation that the Commission was working towards actualizing diaspora voting ahead of the 2026 general elections, by setting-up Zambian Missions Abroad as gazetted polling stations. To do this, Zambian Missions Abroad would have to be considered when undertaking the delimitation exercise.[108] Currently, there is no legislation that provides for delimitation of electoral boundaries, creation of voter registration centres or polling stations in jurisdictions outside Zambia. Part III of the Electoral Process Act on Polling Districts and Boundaries, under Section 21(1) provides that:

"*the Commission shall (a) establish polling districts for the whole of the territory of the Republic*".

Therefore, since the law does not pronounce itself on the issue of diaspora voting, for it to be realised, and in order to guarantee integrity and credibility of the electoral process for the diaspora, the electoral laws must be amended to facilitate this process.

Some countries have made provision for their citizens living in the diaspora to enjoy their right to vote in the diaspora, including South Africa and Rwanda. For South Africa, securing the right to vote for all South Africans was a central tenet of the liberation struggle. The political desire to include South Africans abroad was demonstrated in the country's allocation of significant resources in the national budget for the diaspora. The Electoral Act of 1993 also explicitly mandated the creation of foreign voting stations, in South African embassies, including the United Nations, and anti-apartheid organizations, with dedicated personnel in charge of foreign voting, accrediting monitors and publicity. In 1994, South Africans in the diaspora were for the first time able to participate in their national elections.

Rwanda has pioneered diaspora voting, since 2010, allowing its citizens living abroad to participate in elections. This innovative approach has yielded impressive results, increased voter turnout and fostered a sense of inclusivity

[108] Zambia: ECZ committed to ensure Diaspora voting is actualized in 2026,

among Rwandans living in the diaspora. In 2014, Rwanda was also able to facilitate their citizens living in the diaspora to vote. Rwanda created 158 voting sites in the diaspora.[109]

Rwanda has enacted the following electoral laws and regulations to guide voting in the diaspora:

These include Instructions of the National Electoral Commission Regulating 2017 Presidential Elections[110] and the National Electoral Commission governing the 2018 Parliamentary Elections[111] outline the Election Process in diaspora.

The Constitution of Kenya acknowledges the importance of Kenyans abroad and provides under Article 82(e) that: "*Parliament shall enact legislation to provide for: "the progressive registration of citizens residing outside Kenya, and the progressive realisation of their right to vote*". During the 2013 general elections, Kenyans living in four of the East African Community partner States, were registered and facilitated to vote. In this light, the Kenyan Government pledged that it will, in subsequent general elections, endeavour to increase registration coverage with a view to enhancing voting by Kenyans abroad; conducting voter education; training IEBC and mission staff on the conduct of voter registration and elections.[112]

Zambia has an obligation to ensure the inclusion of its citizens in the diaspora to enable them exercise their right to vote.

The ERTC proposes that a thorough study be undertaken on the legal framework for diaspora voting and develop the legal and institutional frameworks on this matter, considering that the Diaspora Policy is already in place.

[109] (Rwandans In Diaspora Go To Polls As The Country Chooses The Next President – KT PRESS)

[110] https://aceproject.org/ero-en/regions/africa/RW/rwanda-electoral-code-regulating-the-presidential

[121] https://aceproject.org/ero-en/regions/africa/RW/regulations-no-03-2018-of-09-07-2018-of-the/view

[112] Kenya-Diaspora-Policy.pdf

4.7 Regulation of Political Parties

Political parties are vital for the functioning of any democracy. They have a critical role in shaping a country's political, economic, social and cultural development. They are responsible for guiding public policy, influencing public opinion, maintaining political stability, nurturing political leaders and providing checks and balances to the government.

The ERTC received submissions on the need to ensure that legislation to regulate political parties is developed and enacted. The call for regulating political parties is a long standing one, especially political party financing and promoting intra-party democracy, transparency, inclusiveness in ensuring under-represented groups such as women, the youth and PwDs begin to assume positions of authority and decision-making.

In 2005, the Mung'omba CRC received submissions on regulating the operations of political parties and the disclosure of sources of funding for political parties, in order to promote transparency on sources of funding for both political parties and candidates, and further put a limit on the amount of funds a political party may utilise in election campaigns.

The Zaloumis 2005 ERTC recommended that special measures be put in place obliging political parties to reserve at least 30% constituency-based seats for women candidates. In 2016, the EU in their EOM Report emphasised the need for Zambia to introduce statutory provisions that provide a suitable set of obligations, governed by principles of accountability and transparency, for the registration and regulation of political parties. Regulation of political parties should specifically address the role and conduct of party members and supporters, and how these parties are run.[113]

[113] final_report_eu_eom_zambia_3.pdf

Registration of political parties formally recognises the legal and social status of individuals and groups that come together to collectively articulate their common political ideologies, goals, and vision. Registration of political parties provides a structured platform for collective action, fostering inclusivity, accountability, and healthy political competition. Through the recognition process, citizens are not only able to influence policy decisions but also contribute to the vitality and resilience of democratic systems.[114]

Article 60 of the Constitution provides for political parties. Currently, all political parties are required to register with the Registrar of Societies in accordance with the Societies Act, Chapter 119 of the Laws of Zambia. Zambians have been calling for the need to register political parties under an appropriate and independent body and not the Registrar of Societies. The 2005 Mung'omba Commission received submissions that the Constitution should provide for strict conditions for the registration of political parties and that these should be registered by a body other than the Registrar of Societies. Further, submitters to the 2005 ERTC recommended that political parties should be registered by the ECZ or the Ministry of Justice. What was common in all these submissions was the general agreement that political parties should not be registered under the Registrar of Societies.

Mvunga and Mwanakatwe Commissions recommended that there should be no limitation on the number of political parties to be registered, arguing that this was essential in a democracy and that the strength of political parties should be left to political market forces. The Mvunga Commission, further recommended that the formation of parties should be regulated by legislation to ensure that they were not tribally based. In comparative terms, many democracies regulate political parties but do not limit the number. An example is India, where registration is based on economic programmes and manifestos. Parties with similar manifestos are merged. On the other hand, the

[114] Empowering Citizens: The Role of Political Party Registration | by vakilkaro | Medium

2005 ERTC recommended that legislation should be enacted for the registration and regulation of political parties through the Registrar of Political Parties. The ERTC went a step further and proposed gender considerations in political parties where on registration, the political party leadership should comprise not less than thirty percent (30%) women.

Kenya and South Africa have created a dedicated office for registering and regulating political parties. Kenya has the Office of the Registrar of Political Parties (ORPP) which is established under Article 260 of the Constitution of 2010 and the Political Parties Act of 2011. The mandate of the office is to register and regulate political parties and administer the Political Parties Fund (PPF). The Constitution, Political Parties Act, 2011, Elections Act, 2011 and the internal constitution/rules of a political party are the primary instruments that govern the conduct and management of political parties. On the other hand, in South Africa any political party that wants to participate in an election must register with the Independent Electoral Commission of South Africa (IEC). Regulations under the Registration of Political Parties Act, 2004, and the Electoral Commission Act, 51 of 1996, provide guidelines on the regulation and registration of political parties. The IEC is also responsible for administering the Political Parties Fund.

In Canada, political parties may register voluntarily under the Canada Elections Act of 2000. If they do, they get certain benefits, such as refunds of electoral expenses, airtime on news media and regular updated copies of voter's rolls.

Political Party financing is a topical issue as more citizens are beginning to demand for politicians and political parties to be more transparent and accountable. The EU-EOM – Zambia 2016 Report recommended that politicians need to be compelled to declare their sources of income. It further noted that during the 2016 election period, resources available to political parties and candidates varied considerably and there was no transparency or

accountability in disclosing both the sources of funding and how funds were spent.[115]

The process of financing political parties and the utilization of such funds in an unregulated environment has the potential of being marred with corrupt allegations especially in situations of undisclosed sources. There is also increasing evidence that corruption and unregulated donations to political parties, are paving way for funders of these political parties to exercise undue influence on politics, public policy and national resources in an event that a political party they sponsored forms government. This can lead to state capture and undermine the integrity of elections. In some countries, money from organized crime has infiltrated politics to gain control over elected officials and public institutions. These threats to democratic politics justify why large numbers of people around the world are losing faith in politicians and democratic processes.[116]

In an attempt to regulate political parties, in 2017 Government in collaboration with stakeholders formulated the Political Parties Bill, 2017.[117] The objects of the Bill were to provide for the registration and regulation of political parties; the establishment of the Political Parties Board; the establishment and management of a Political Parties Fund; the sources of funds for political parties; and matters connected with, or incidental, to the foregoing. Unfortunately, the Bill was not supported at the National Dialogue Forum (NDF), a stakeholder forum that was established under the National Dialogue Act of 2019 to validate it and adopt it for submission to Parliament.

In more developed countries, political parties are directly funded. These countries include, for example, Belgium, Denmark, France, Germany, Ireland, Israel, Italy, Japan, New Zealand, Poland, Slovenia and Spain. In most of these

[115] final_report_eu_eom_zambia_3.pdf

[116] Idea Int. Funding of Political Parties and Election Campaigns untitled

[117] THE POLITICAL PARTIES BILL, 2017 Consultative Process Document-1.pdf

cases, funds are proportional to party representation in the legislature and are thus not unduly advantageous to the majority. The rules governing their funding may be grounded in different instruments: in the rules of procedure, as in Spain; in the law on the financing of political parties, as in Japan; or by a collegiate body, as in Poland and Italy. Exactly what is provided may also differ; political parties in the Spanish Senate receive offices and meeting rooms, while political parties in the Israeli Knesset receive a monthly sum for staff costs. [118]While the specifics of assistance is decided by each country according to need and means, the provision of resources and facilities for political parties is done pursuant to a clear and transparent formula that does not unduly advantage the majority party.

Enhancing Accountability of political parties through their Manifestos and promises (Social Contracts)

Election manifestos are formal statements released by political parties outlining their policy intentions, plans, programmes, promises and commitments that they promise the electorate should they be elected into government. The ERTC received submissions for politicians to be held accountable for the manifestos that they presented to the electorate. Failure to fulfil manifesto promises should be deemed as an unethical, if not illegal, form of misrepresentation. According to Professor William Gumede from the School of Governance, University of the Witwatersrand *"Knowingly making false, unachievable and illegal campaign promises amounts to a political lie, breaching ethical standards and honesty."*[119]

Article 60(1)(a) of the Constitution provides that: *A political party has the right to (a) disseminate information on social and economic programmes of a national character and of its political ideology.* This Constitutional provision

[118] Political-parties-and-democracy-in-theoretical-and-practical-perspectives.pdf

[119] Failure to honour election manifesto promises should be deemed an unethical, if not illegal, act

gives legal backing for political parties to disseminate their political ideologies which are consolidated as a party manifesto, but does not place a responsibility on political parties to be accountable to the people on delivering on their political ideologies should they form government. Therefore, it can be concluded that currently Zambia has no law which binds political parties that form Government to fulfil the promises made to the people through their manifesto or verbal promises. Ideally, this gap should form some basis for devising means to ensure that the ruling political parties begin to recognise and respect social contracts with the people being governed.

All political parties express their ideologies to the electorate through symbols. Visual symbols are usually the most effective in communicating the political party's political message to the electorate. Party symbols and logos can be shapes, emblems, slogans or objects, which are usually representative of the party ideology. Symbols also aid the voters to identify the party and candidates they intend to vote for because not all voters are literate.

The ERTC proposes that Article 60 of the Constitution be operationalised to comprehensively regulate political parties.

4.8 Campaigns in Prisons and Correctional Facilities

Political campaigning is the process through which political parties and their candidates seek to persuade the electorate to vote for them, typically by presenting their policies and proposals. Campaigns are conducted through various channels, including rallies, newspapers, radio and television advertisements, and social media. Access to campaign information is crucial during the electoral process, as it enables citizens to make informed decisions. This contributes to free, fair, and credible elections.

For voters who are inmates[120], this presents a unique challenge. This is because inmates are confined and unable to attend rallies, and their access to other

[120] In *Malembeka (Prisons Care and Counselling Association) v Attorney General and Another (13 of 2016) [2017] ZMCC 1*, the Court held that the provision in the Electoral Process Act, which prohibited inmates from

media platforms is limited due to factors that may include security restrictions. Despite these obstacles, the need for politicians to communicate their messages to inmates as potential voters remains, as does the need for inmates to access accurate information in order to make informed decisions.

Campaigns in Prisons as a Human Right linked to the Right to Information

Campaigns are closely linked to the right to information, which is an extension of the freedom of opinion and expression under the ICCPR. This covenant affirms that everyone has the right to freedom of opinion and expression, including the right to hold opinions without interference, as well as to seek, receive, and impart information through any media.[121] Similarly, the African Charter on Human and Peoples' Rights recognises this right, providing a more explicit, stand-alone provision, for the right to receive information.[122] This right is necessary for the realisation of other human rights, including the right to participate in government directly or through freely chosen representatives.[123] As a state party to the ICCPR, and the African Charter on Human and Peoples' Rights, Zambia is obligated to domesticate this right to information and ensure that all citizens, including those in correctional facilities, are able to fully enjoy it.

Access to campaign information empowers inmates, just as any other voter, to be well-informed about political processes with due regard to their best interests: to elect political office holders; to participate in decision-making processes on the implementation of laws and policies; and to hold public officials accountable for their acts or omissions in the execution of their

voting, was unconstitutional. This decision led to the enactment of the Electoral Process (Amendment) Act, 2021, which allowed inmates to vote for the first time during the 2021 general election.

[121] Article 19 of the International Covenant on Civil and Political Rights

[122] Article 9 of the African Charter on Human and Peoples' Rights

[123] African Commission on Human and Peoples' Rights. (n.d.). *Guidelines on access to information and elections in Africa*.

duties.[124] Thus, access to information is a foundational requirement of the practice of democratic governance. It has been rightly stated that:

"No democratic government can survive without accountability and the basic postulate of accountability is that people should have information about the functioning of government."[125]

Restrictions on the Right to Information

The right to freedom of expression and by extension, the right to information is not absolute, and may be subject to certain limitations in accordance with the ICCPR. Article 19(3) of the ICCPR permits limitations on the rights recognised in Article 19(2), but those limitations must be provided by law and necessary for respect of the rights or reputations of others, for the protection of national security, public order, or public health or morals.

The Human Rights Committee *General Comment No. 34* has emphasised that when a state party imposes restrictions on the exercise of freedom of expression, these may not put in jeopardy the right itself... the relation between right and restriction and between norm and exception must not be reversed.

Legal Framework on Campaigning in Prisons and Correctional Facilities

The Constitution domesticates the ICCPR and the ACHPR by providing for the protection of the freedom of expression, which includes the right to impart and receive information.[126] However, similar to the international instrument, this right is not absolute. The Constitution states that a law can limit the exercise of this right on the ground that the limitation is reasonably required in the interests of defence, public safety, public order, public morality or public health.[127]

[124] African Commission on Human and Peoples' Rights, Guidelines on Access to Information and Elections In Africa

[125] S.P. Gupta v Union of India [1982] AIR (SC) 149 at 232.

[126] Article 20

[127] Article 20(3)

Therefore, this provision would enable the state to enact laws regulating campaigns in prisons and correctional facilities, as long as the restrictions align with constitutional requirements.

The primary legislation regulating campaigns in prisons and correctional facilities is the Electoral Process Act. Section 24B of the Act obligates prisons and correctional facilities to allow candidates in an election, access for the purposes of distributing campaign materials. However, this is the extent to which campaigns are permitted within prisons and correctional facilities. This limitation aligns with the restrictions outlined under the ICCPR, specifically Article 19, which allows for restrictions on the freedom of expression if they are provided by law and deemed necessary for the protection of national security or public order. These provisions ensure that while inmates have access to campaign materials, any campaign activities within prisons remain excluded in order not to disrupt the facility's security or order.

This legal provision under section 24B of the Electoral Process Act was informed by the recommendations from a 2021 law reform project, led by a Technical Committee appointed by the ECZ and titled "Operationalisation of the Prisoners' Right to Vote." In the project report, it was observed that prisons and correctional facilities are considered security installations, where public access is typically restricted. This restriction also applies to campaign activities, such as rallies, due to concerns about security breaches. However, recognising the importance of inmates being able to make informed decisions when voting, a compromise was reached. This compromise allows security-screened campaign materials to be deposited at prisons and correctional facilities, ensuring that inmates have access to the necessary information without compromising security. These materials are distributed to the inmates under controlled conditions, maintaining both the integrity of the electoral process and the security of the facility.

Other relevant laws include the Correctional Service Act No. 37 of 2021 and the Protected Places and Areas Act Chapter 125 of the Laws of Zambia, both

of which impose strict regulations on access to prisons and correctional facilities. These laws prohibit entry into or exit from a correctional facility without explicit authorisation from the relevant authorities. This ensures the security and integrity of the facility, restricting unauthorised individuals from entering or leaving, which further underscores the importance of maintaining strict control over who can access inmates and the activities conducted within the facility. These legal frameworks also contribute to the overall safety of both the prisoners and the general public by regulating movements and interactions within these high-security environments.

A contemporary issue concerning campaigns, and physical campaigns in particular, in prisons and correctional facilities, is that it raises security concerns. These include, firstly, that prisons are high-security environments, and large gatherings of inmates and external participants could compromise safety and order, potentially leading to conflicts or security breaches. Managing such events would also strain resources and create logistical challenges in maintaining control. Further, political rallies could escalate tension among inmates, resulting in unrest or violent behaviour, and allow external political influences to sway opinions, undermining the neutrality of the electoral process. Instead of rallies, providing inmates with printed or recorded campaign materials ensures that they receive impartial, accurate information while maintaining security and order within the facility.[128]

However, despite the security concerns, the need for inmates to access campaign information is crucial in upholding their right to vote, as guaranteed under the ICCPR. Without access to information, the voting rights of prisoners would be rendered ineffective, effectively disenfranchising a portion of the electorate. However, this right must be balanced with national security and public order concerns, as outlined in the Protected Places and Areas Act and the Correctional Service Act. The recommendation for security-screened

[128] 2021 law reform project, led by a Technical Committee appointed by the ECZ and titled "Operationalisation of the Prisoners' Right to Vote

campaign materials is a compromise that aligns with both the ICCPR, particularly by balancing the rights of prisoners with the need for prison security. By allowing only printed and recorded materials, and ensuring they are deposited under controlled conditions in prisons, this approach fosters an informed electorate without compromising the integrity of the correctional environment.

The ERTC proposes the development of regulations by ECZ to regulate campaigns in prisons and correctional facilities.

4.9 Tenure of Office for Members of Parliament

The tenure of Members of Parliament (MPs) refers to the length of time that an individual serves as an elected representative in the National Assembly. This period begins from the time of being elected and lasts until the dissolution of Parliament unless they resign, die, or are removed for other legal reasons. In the context of this analysis, it also refers to the number of times an MP may be re-elected into office. The tenure of MPs is critical to the smooth functioning of the democratic process, as it affects the relationship between elected representatives and their constituents, as well as the stability of governance in the country.

Article 25 of the ICCPR recognises and protects the right of every citizen to take part in the conduct of public affairs, the right to vote and to stand for election, and the right to public service. Whatever form of constitution or government is in force, the exercise of these rights by citizens may not be suspended or excluded except on grounds which are established by laws and that are objective and reasonable.[129] This Article, therefore, safeguards the rights of individuals who wish to stand for re-election for the office of MP indefinitely, where the law allows them to do so, as is the case in Zambia. However, the

[129] See CCPR, General Comment No. 25, op. cit., paras. 3 and 4. Cf. Arias Leiva v. Colombia, Communication No. 2537/2015 (July 2018), paras. 11.5-11.7 (addressing ban on political service of former Minister as a result of criminal conviction); Nasheed v. Republic of Maldives, Communication Nos. 2270/2013, 2851/2016 (April 2018), para. 8.4-8.7 (addressing ban on political service of former President as a result of a criminal conviction).

Article also allows for the imposition of term limits, provided that such restrictions are objective and reasonable.

The Constitution provides a clear legal framework for the tenure of MPs. It states that MPs are elected to serve a five-year term, with the possibility of re-election for subsequent terms without limitation.[130] This ensures that MPs can continue to serve as long as they maintain the confidence of their constituents as evidenced by their re-election, and that they continue to qualify for the office. In terms of the qualifications of an MP in the Constitution, these relate to age, citizenship, and registration to vote.[131]

The Constitution further outlines the circumstances under which MPs may be removed from office. This includes resignation, death, or disqualification due to criminal conviction or failure to meet other legal requirements.[132] These provisions ensure that the tenure of an MP can be ended in a legal and structured manner, reflecting the democratic principles of accountability and transparency.

Lack of Limitation on Re-Election

A contemporary issue concerning the tenure of MPs is the perception that long-serving MPs may become complacent and stop serving their constituents. Term-limit advocates argue that limits have a positive influence on legislative behaviour.[133] The parliamentary mandate ceases to be seen as a career but as a temporary assignment to public service and, consequently, MPs spend less time posturing, raising money for their re-election campaigns and running

[130] Article 81 of the Constitution of Zambia

[131] Article 70 of the Constitution of Zambia

[132] Article 72 of the Constitution of Zambia

[133] Carey, John M, "Los límites a la reelección y representación legislativa". Mexico: CIDE. 2006, p. 37 ; Türk P., « Le cumul des mandats dans le temps : Quelles limites au renouvellement du mandat et à la rééligibilité des gouvernants », Les Petites Affiches, 31 juillet 2014, n°PA201415208, p. 32.

for office.[134] Term limits thus foster better representation, reduce the ideological divergence between the electorate and their representatives, and increase the elected representatives' responsiveness toward the electorate.[135]

Term-limited politicians may also be willing to take positions of principle on politically controversial issues. Term limits could also prevent MPs from becoming enmeshed in a culture which is too familiar with the government and insulated from the communities they represent. Another common claim by proponents of legislative term limits is that they promote a more diverse legislature, increasing the number of women and minorities, while introducing younger, "fresher" representatives into the political process.[136]

However, the ERTC observes that the term limit for MPs is not standard practice in the Commonwealth, Africa or elsewhere in the world and may deprive the National Assembly of institutional memory and experience.

4.10 Number of Nominated Members of Parliament in the Constitution

Political participation plays an important role in the promotion of democratic governance. One way in which the public exercises the right to political participation is through the election of MPs.

MPs are the people's direct representatives in the National Assembly, and to fulfil this role, they must maintain an ongoing dialogue with the public. This allows MPs to draw on the knowledge, experiences, and ideas of their constituents on various issues. Once they have gathered this input, they are expected to use the powers vested in their office to bring these perspectives

[134] 5 « En rendant les députés perpétuellement rééligibles, ne les a-t-on pas rendus perpétuellement candidats ? » : TARDIEU A., La révolution à refaire, tome II : La profession parlementaire, 1937, Flammarion, p. 33

[135] Elhauge, Einer. "Are Term Limits Undemocratic?". The University of Chicago Law Review. 1997. 64(1): 83-201

[136] Deanna Wallace, Legislative Term Limits: Friend or Foe, 6 Grove City C. J.L. Pub Pol'y 81 (2015)

to the legislative process, ensuring that the policies and decisions they advocate for reflect the interests and needs of those they represent.[137]

Legal Framework

Article 68 of the Constitution states that the National Assembly shall consist of one hundred and fifty-six directly elected members. These MPs are meant to reflect the diverse communities from which they come, ensuring that all groups have a voice in the legislative process. However, this ideal is not fully realised in practice. One clear example of this disparity is the low representation of women, which currently stands at 15.6%, despite women making up a larger portion of the population than men. [138,139]

To address the challenge of representation, Article 69(1) of the Constitution provides that the President may nominate up to eight additional MPs where it is necessary to enhance the representation of special interests, skills or gender in the National Assembly. For instance, following the 2021 General Election, to enhance the participation of women in parliament, two of the MPs making up the 15.6% were nominated by the President.[140]

While the nomination of MPs can be used to promote balance and representation in the National Assembly, it has been subject to criticism as the nominees are not elected by the people, and therefore, may not represent the people's best interests. Further, providing the President with the power to nominate MPs may increase the number of MPs aligned with the ruling party. This exacerbates the situation where the ruling party often holds a majority in the National Assembly[141], which has the potential of compromising the balance of power.

[137] Parliamentary Function of Representation, accessed from https://www.agora-parl.org/resources/aoe/parliamentary-function-representation
[138] Members of Parliament by Gender, accessed from https://www.parliament.gov.zm/members/gender;
[139]Zambia 2022 Census of Population and Housing at page 2
[140] Members of Parliament Zambia, accessed from https://www.parliament.gov.zm/members/gender
[141] Zambia: 2021 Elections and New Government, Congressional Research Service, accessed from https://www.congress.gov/crs_external_products/IF/PDF/IF12005/IF12005.2.pdf

Despite these criticisms, the limitation on the number of nominated MPs in the law serves as a protective measure to ensure the law-making body remains predominantly elected representatives of the people. However, the balancing between safeguarding democratic representation and providing for fair and inclusive representation through an affirmative action is evidently necessary.

Specifically, restricting the power of the President to nominate MPs in the Constitution, rather than in a subordinate piece of legislation, is a protective measure as the Constitution provides a higher threshold for constitutional amendments. To amend the Constitution, a bill must be approved by not less than two-thirds of all members of the Assembly,[142] whereas an Act of Parliament can be amended by a simple majority of MPs present and voting.[143] This higher threshold ensures that changes to the Constitution are more deliberate and represent a broader consensus. Furthermore, the provision being embedded in the Constitution reflects a collective agreement on a foundational principle, which is the idea that MPs should be elected by the people. Any deviation from this principle, such as allowing additional nominated MPs without a broader consensus, could be argued to undermine the core concept of democratic representation.

Practice in other Countries

Kenya and India both provide for the number of nominated MPs in their constitutions, similar to Zambia. In India, Article 80 of the Constitution outlines the composition of the Council of States, which is the upper house of Parliament. It states that among the members of the Council of States, twelve members are to be nominated by the President for their expertise in areas like literature, science, art, and social service. The Constitution allows for a maximum of 550 MPs.

Similarly, in Kenya, Article 97 of the Constitution outlines the structure of the National Assembly, which includes twelve nominated MPs. These nominations

[142] Article 79(2) of the Constitution
[143] Article 78(1) of the Constitution

are made by political parties to represent special interest groups such as youth, Persons with Disabilities, and workers, ensuring broader representation for marginalized or under-represented groups. The Constitution allows for a maximum of 349 MPs.

While Kenya, India and Zambia have different electoral systems, the principle is similar in that all three countries allow for a combination of elected and nominated members in their law-making bodies. The key commonality is that the number of nominated MPs is explicitly set out in the Constitution. Further, it can be observed that the two countries have more nominated MPs than Zambia, which could be relative to their higher number of MPs. Therefore, an increase in the number of MPs in the Zambian National Assembly could be a justification for increasing the number of nominated MPs.

The ERTC proposes increasing the number of nominated MPs from the current 8 to 10 and the number should be locked in the Constitution.

4.11 Definitive considerations on contemporary electoral issues

The contemporary and emerging issues in Zambia's electoral system discussed in this chapter highlight the urgent need for a holistic approach to electoral reform that encompasses a wide range of considerations. The need for greater inclusivity is a central theme, particularly with regard to the participation of women, youth and persons with disabilities in the political process. Women, despite being a significant portion of the population, continue to face barriers to full political participation. It is crucial that Zambia develops targeted strategies to increase female representation and ensure that political parties provide equal opportunities for women to engage in politics. This is not only a matter of equity but also one of ensuring that the diverse needs of the population are properly represented at all levels of government. Similarly, the participation of persons with disabilities remains under-addressed, despite the constitutional and international commitments to ensuring their right to

participate in the electoral process. Ensuring accessibility, whether through the provision of braille materials, sign language interpreters, or accessible voting booths is essential for establishing a truly inclusive electoral system.

The regulation of political parties is another area that requires significant attention. While parties are vital to democratic governance, there is a pressing need for reforms that enhance transparency, address political party financing, and promote intra-party democracy. Political parties should be encouraged to include underrepresented groups such as women, youth, and persons with disabilities in leadership positions, thereby helping to ensure that these groups are not side-lined in decision-making processes. The lack of regulations governing political party alliances, mergers, and coalitions also poses a challenge, particularly when it comes to ensuring stability and accountability within the political system. Similarly, the issue of ministerial appointments outside parliament, while long debated, needs to be resolved to ensure that governance structures remain efficient and responsive to the needs of the people.

The tenure of MPs also intersects with concerns about accountability and representation. Without term limits, MPs may become disconnected from their constituencies, undermining the vibrancy and responsiveness of Zambia's democracy. Introducing term limits for MPs could help generate fresh perspectives and promote greater accountability within the legislature, benefiting the country's political environment in the long term.

Finally, the issue of diaspora voting presents an opportunity for Zambia to modernise its electoral processes, ensuring that Zambians living abroad have the ability to participate in national elections. Given the increasing number of Zambians living overseas, this reform would not only align with global trends but also recognise the contributions of the diaspora to national development.

Taken together, these issues point to the need for comprehensive electoral reforms that promote inclusivity, transparency, and accountability at all levels

of governance. Addressing these challenges will ensure that Zambia continues to build a democracy that is truly representative, resilient, and capable of addressing the needs of all its citizens, including women, persons with disabilities, and other underserved populations.

4.12 Impact Analysis of Selected Laws and Policies

This legal impact analysis is on selective laws that have a direct impact on the electoral landscape or provide critical support services relating to law enforcement and security or present legal, portfolio or jurisdictional overlaps and may create specific risks. Therefore, the impact analysis examines the Constitution, Electoral Process Act, and Electoral Commission of Zambia Act against selective laws as outlined in this part.

4.12.1 National Registration Act, Cap. 126

The National Registration Act of 1994 governs the issuance of National Registration Cards (NRCs), which serve as primary identification for citizens and play a critical role in electoral processes, as a prerequisite for voter registration and voting under the Electoral Process Act. The issuance of NRCs is managed by the Ministry of Home Affairs and Internal Security and not the ECZ. NRC is a fundamental document for one to register as a voter. This calls for administrative collaboration between ECZ and the Ministry of Home Affairs and Internal Security.

Managing Risk and Ensuring Harmonisation

A noticeable risk relates to portfolio mandates, as the Electoral Commission of Zambia Act gives ECZ full control over voter registration, whilst the National Registration Act gives the Ministry responsible for Home Affairs the portfolio function of NRC issuance. This creates a dependency, where the ECZ cannot register voters without NRCs, but NRC issuance is beyond its control, thereby compromising the ECZ's ability to register voters fairly. Further, since the Ministry

responsible for Home Affairs manages NRC issuance, there is a specific risk that political factors could influence NRC distribution, thereby indirectly influencing voter registration and vote outcomes. If the NRC issuance is done in a biased manner favouring certain regions, it could lead to a biased voter register, undermining the credibility and integrity of the electoral process.

There is need to enhance collaboration between Ministry of Home Affairs and Internal Security, and ECZ in the issuance of NRCs during election periods. Further, a system of cooperation should be established which will permit ECZ access to a digital database to obtain NRC information, for identification purposes. The National Registration Act significantly impacts electoral participation, and any inefficiencies or biases in NRC issuance can result in constitutional violations.

The ETRC proposes that the National Registration Act is harmonized with the Constitution, the Electoral Process Act, and the Electoral Commission of Zambia Act, to ensure free, fair, and credible elections taking into account the points raised above.

4.12.2 Gender Equity and Equality Act, 2015 (GEEA)

Gender equality in electoral systems and processes is fundamental to democracy, ensuring equal political participation for both men and women. The Gender Equity and Equality Act, the Electoral Process Act, and the Constitution of Zambia, provide a legal framework for promoting gender inclusion in politics. However, discrepancies between these laws create barriers to achieving substantive gender equality.

The Gender Equity and Equality Act lays a strong foundation for women's participation in elections. However, its provisions are largely aspirational and lack enforcement mechanisms in the Electoral Process Act and Constitution. Women's role in political leadership continues to be hindered by the absence of gender quotas, weak political party commitments, and electoral violence. Further, the non-operationalisation of Article 231 of the Constitution to set up the Gender Equity and Equality Commission, to strongly advocate for women's

representation in political office and attain mainstreaming and promote gender equality, weakens the voices of women in fighting for their civil and political rights.

Women's Participation in Elections: International and regional standards relating to women's participation in elections have been domesticated into the Laws of Zambia. The Constitution prohibits discrimination on the grounds of gender; provides for gender equity in the National Assembly or council, as a principle of the electoral system and processes and authorises the President to nominate eight (8) MPs to enhance the representation of, among others, gender in the National Assembly.

Therefore, for meaningful change, the ERTC proposes enforceable quotas, strengthening the ECZ's role, and introducing gender-sensitive electoral financing and security measures for women. Without these changes, Zambia will struggle to achieve true gender equality through elections thereby impacting negatively on representativeness.

The Constitution is the primary law on gender equality supported by the GEEA. The GEEA provides for the following among others:

- the taking of measures and making of strategic decisions in all spheres of life in order to ensure gender equity, equality and integration of both sexes in society;
- the promotion of gender equity and equality as a cross-cutting issue in all spheres of life and stimulation of productive resources and development opportunities for both sexes;
- the prohibition of harassment, victimisation and harmful social, cultural and religious practices;
- public awareness and training on issues of gender equity and equality; and;
- the elimination of all forms of discrimination against women, empowering women and achieving gender equity and equality by giving effect to the Convention on the Elimination of all Forms of

Discrimination against Women, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa and the SADC Protocol on Gender and Development.

Section 24 of the Act empowers the Ministry responsible for gender and the Commission to ensure the equal participation of both sexes in decision-making. The section also obliges all public and private bodies to develop special measures to achieve at least fifty percent representation and attain meaningful participation of women in decision-making structures, which includes setting targets for such representation and participation.

Managing Risk and Ensuring Harmonisation

The GEEA provides for affirmative action, gender non-discrimination, prohibition of violence against women and requires political parties to adopt gender-sensitive policies, which are in tandem with the Constitution, the Electoral Process Act, Code of Conduct and other electoral regulations. However, all these legal instruments present specific risks for effective implementation as they leave out or inadequately provide for enforcement and sanction regimes, and essential mechanisms to operationalise the achievement of the intention. The following constitutional articles are instructive:

- Article 45 sets out the principles of the electoral systems and process, and states that the electoral system shall ensure the representation of the various interest groups in society and gender equity in the National Assembly and councils. This important Article does not, however, provide for gender quotas or provide a mechanism or mode to achieve the intention;
- Article 68 provides for the electoral system for Members of Parliament but despite the clearly laid out intent in Article 45 it is devoid of any clauses providing for various interest groups in society and gender equity as part of the electoral system;

- Article 69 provides for the nomination of Members of Parliament (MPs) by the President, but does not cross reference Article 45 neither does it set quotas to achieve the intent of Article 45.

It is instructive to point out that Constitutions and other legislation are enacted to direct social behaviour and ensure all abide by the law without exception. In this respect, an argument that the law does not stop anyone from appointing the youth and women into certain positions or ensure women hold representative and leadership roles, does not hold. The law applies to good considerate leaders as well as bad inconsiderate leaders, both must comply with the law as clearly laid out.

The ERTC proposes that the Constitution, Electoral Process Act and The GEEA be reviewed and amended, as the case may be, to –

- **provide for legally binding gender quota requiring political parties to field female candidates at elections. Countries such as Rwanda, Uganda and South Africa have successfully implemented gender quotas, leading to higher women's representation;**
- **strengthen the role of ECZ in gender mainstreaming, enforcing gender quotas and sanctioning non-compliant parties;**
- **introduce a state funding mechanism that incentivizes political parties to field female candidates by providing financial support;**
- **impose harsh penalties on political violence targeting female candidates;**

4.12.3 Persons with Disabilities Act, 2012

The paramount aim of an electoral system should be enfranchisement and inclusiveness. Voters should feel that elections will provide them with a measure of influence to determine who should form government and what policies should be pursued for their well-being. It follows that inclusive electoral systems and processes ensure that all citizens, including PwDs, can exercise their political rights without discrimination. Elections facilitate political equality, which means the access of all to the corridors of power. All citizens irrespective

of their status should have an equal vote and the right to hold elective or public office. In such an environment the fundamental human rights and freedoms of individuals are respected, especially where there is freedom from violence, intimidation or coercion. In this vein, all state institutions should guarantee human rights and freedoms by upholding the Constitution and electoral legislation and regulations and ensuring safety and respect of all candidates, including disabled persons.

Zambia has a policy and legal framework aimed at protecting the rights of PwDs in elections, including the Persons with Disabilities Act, the Persons with Disabilities Policy, 2012, the Electoral Process Act, and the Constitution of Zambia. The Persons with Disabilities Act was enacted to domesticate the United Nations Convention on the Rights of Persons with Disabilities and ensuring equal opportunities for PwDs in all aspects of life, including political participation.

The Persons with Disabilities Act provides for the following among others:

- promoting the participation of persons with disabilities with equal opportunities in the civil, political, economic, social and cultural spheres;
- mainstreaming of disability issues as an integral part of national policies and strategies of sustainable development;
- incorporating a gender perspective in the promotion of the full enjoyment of human rights and fundamental freedoms by persons with disabilities; and
- ensuring accessibility by persons with disabilities to the physical, social, economic and cultural environment, and to education, information, communication and technology.

Managing Risks and Ensuring Harmonisation

Despite the extensive legal framework protecting the rights and freedoms of PwDs, especially their participation in the electoral process, gaps in implementation and enforcement continue to limit their full participation in

elections. The impact analysis highlights inconsistencies, implementation challenges and specific risks arising from the legal framework.

This impact analysis is based on the following key assumptions:

- electoral processes must be accessible to all voters, including those with disabilities;
- legal provisions for PwDs must be enforceable, not just aspirational;
- access to electoral infrastructure must be prescribed to facilitate the full participation of PwDs in elections; and
- electoral authorities must be responsible for ensuring accessibility, protection from coercion and violence against PwDs in all election-related activities.

The Persons with Disabilities Act offers a foundation for political inclusion. Section 51(1) of the Act explicitly guarantees PwDs the right to participate in political and public life, reinforcing their entitlement to engage in elections, including the right and opportunity to vote and be elected. Additionally, Section 40 prescribes that public buildings be accessible to PwDs. This requirement is crucial for ensuring physical access to inquiry and voting locations. Furthermore, Section 40 provides for reasonable accommodations, such as accessible voting materials and sign language interpretation, aimed at facilitating a seamless voting process for all PwDs. However, despite these provisions, implementation challenges persist, as many polling stations remain inaccessible with limited reasonable accommodation.

The Constitution does not provide strong measures for electoral inclusion, such as disability representation quotas, nor does it oblige political parties to field PwD candidates or provide special support. The Electoral Process Act contains minimal provisions addressing the needs of PwDs, it does not provide for reasonable accommodations and accessibility at polling stations.

These legal frameworks, while seemingly progressive, are undermined by gaps in enforcement, lack of specificity, and inadequate implementation measures.

Without strong legal mandates and robust enforcement mechanisms, PwDs will continue to face barriers in exercising their electoral rights fully. Addressing these inconsistencies through legislative amendments, enhanced enforcement, and proactive policy implementation is essential to ensuring that elections are genuinely inclusive and accessible for all citizens, including those with disabilities.

The ERTC proposes to synchronise the Persons with Disability Act with the Constitution and the Electoral Process Act in order to provide for enhanced inclusion of PwDs in elections, thus safeguarding their constitutional rights and freedoms. The ERTC is therefore advocating for full political inclusion of PwDs, by ensuring that legal reforms mandate accessibility, introduce quotas, and improve disability-inclusive voter education, in the Constitution and Electoral Act. If necessary, a change of the electoral system to the Mixed Member Proportional Representation should be used, as it will enhance democratic representation.

Without these changes, PwDs will continue to face significant barriers to participating in the electoral processes.

4.12.4 Anti-Corruption Act, 2012

Corruption is one of the main threats to free, fair, and credible elections. The Constitution, Anti-Corruption Act and the Electoral Process Act, have provisions aimed at preventing electoral corruption, ensuring accountability, and promoting democratic governance. However, weaknesses in enforcement, legal inconsistencies, and political interference undermine the fight against electoral corruption. This affects voter confidence and the legitimacy of elections.

This impact analysis compares the Anti-Corruption Act, the Electoral Process Act, and the Constitution, highlighting gaps, conflicts, and implementation challenges that affect electoral integrity. The analysis is based on the following key assumptions:

- elections should be free from corruption and undue influence;

- legal provisions on electoral corruption should be enforceable; and
- State institutions responsible for combating corruption must be independent and impartial.

Electoral corruption affects not just voting but also candidate selection, campaign financing and election administration. Corruption is dangerous to any process. However, corruption in the electoral process is more damaging to the Nation's stability and economic development than other forms of corruption. The effect of electoral corruption on a Nation's accountability and transparency indices and its obscenity was clearly articulated by the then Chief Justice of India, Mr. Justice Jabharwal when he said, "*Corruption in the electoral system of a country….[is] the starting point and also the end point to all corruption, since it involves grabbing state power at any cost*"

Corruption was aptly described by the former United Nations Secretary General, Dr. Kofi Annan as:

> "*an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violation of human rights, distorts markets, erodes the quality of life, and allows organized crime, terrorism and other threats to human society to flourish. It hurts the poor disproportionately by diverting funds intended for development, undermining government ability to provide basic services, feeding inequality and injustice and discouraging foreign and domestic investment. Corruption is a key element in economic under-performance and a major obstacle to poverty alleviation and development.*"[144]

Those at the lower ladder of society's strata are vulnerable to electoral corruption. They derive a token short-term benefit in return for long-term suffering. Corruption cuts the link between economic growth and economic development. The point Chief Justice Jabharwal and Mr. Annan make is that, a regime propelled into power by corruption, will never be accountable to its

[144] Phillip Musonda, Constitutionalism in the Third Republic, Phd Thesis submitted to the University of Zambia 2010, P.158.

people and the state's resources are vulnerable to plunder in the hands of corrupt leaders. The electorate must realize that the token gifts given to them at election time are actually their resources plundered by the powerful in society who abuse society's trust. The gifts are not a benevolent act, but an act of criminality, which enables politicians to engage in further criminality when voted into power.

Electoral corruption undermines democracy as it twists the will of the voter. Article 45(2) (b) of the Constitution provides that the electoral process and system of administering elections shall ensure that elections are free from violence, intimidation and corruption. Further, Sections 81, 82, 83 and 84 of the Electoral Process Act proscribe corruption, impersonation, undue influence and the illegal practice of publishing false statements relating to the poll, respectively.

Section 81 stipulates that a person shall not, either directly or indirectly, by oneself or with any other person corruptly –

i. *give, lend, procure, offer, promise or agree to give, lend, procure or offer, any money to a voter or to any other person on behalf of a voter or for the benefit of a voter in order to induce that voter to vote or refrain from voting or corruptly do any such act as aforesaid on account of such voter having voted or refrained from voting at any election;*
ii. *give, lend or procure, offer, promise or agree to give, lend, procure, offer or promise, any money to a voter or for the benefit of a voter or to any other person or on behalf of that person on behalf of any voter or to or for any other person for acting or joining in any procession or demonstration before, during or after any election;*
iii. *make any gift, loan, offer, promise, procurement or agreement to or for the benefit of any person in order to induce the person to*

procure or to endeavour to procure the return of any candidate at any election or the vote;

iv. *of any voter at any election; upon or in consequence of any gift, loan, offer, promise, procurement or agreement, procure or engage, promise or endeavour to procure, the return of any candidate at any election or the vote of any voter at any election;*

v. *advance or pay or cause to be advanced or paid any money to or for the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or partially expended in bribery at any election;*

vi. *before or during any election, receive or contract for any money or loan for oneself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any election;*

vii. *after any election, receive any money on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any election; or*

viii. *convey or transfer or be concerned with the conveyance or transfer of any property, or pay or be concerned with the payment of any money, to any person for the purpose of enabling that person to be registered as a voter, thereby to influence that person's vote at any future election, or pay to or be concerned with the payment of any money on account of any voter for the purpose of inducing that person to vote or refrain from voting.*

(2) A person who contravenes any provision of subsection (1) commits an offence.

(3) Nothing in this Act shall be construed as applying to any money paid or agreed to be paid for, or on account of, any expenditure

bona fide and lawfully incurred in respect of the conduct or management of an election.

Managing Risk and Ensuring Harmonisation

The provisions in the constitutional and legislative framework for fighting corruption are clear and extensive but, unfortunately, hardly enforced by the ECZ or the law enforcement officers, as witnessed by reports of such transgressions without appearances in the courts of law for prosecution. In the past elections, allegations of corruption during elections were tended as evidence when challenging an election through an election petition. However, even in cases where such allegations were proved to be true, little or no action was taken to prosecute the offender or disqualify a candidate.

Section 108(6) of the Electoral Process Act, 2016 provides that, where it appears to the High Court or a tribunal upon the trial of an election petition that any corrupt practice or illegal practice has been committed by any person in connection with the election to which the election petition relates, the High Court or tribunal shall, at the conclusion of the proceedings, prepare a report stating –

(a) the evidence given in the proceedings in respect of the corrupt practice or illegal practice;

(b) the names and particulars of any person by whom the corrupt practice or illegal practice was, in the opinion of the High Court or a tribunal, committed; and

(c) in the event that there is an appeal, the Constitutional Court shall prepare the report, except that the Court shall not state the name of any person under this paragraph unless the person has been given an opportunity of appearing before the Court and of showing cause why that person's name should not be so stated.

Section 108 (7) provides further that the Registrar or designated person shall deliver a copy of every report prepared by the High Court or a tribunal under subsection (6) to—

(a) the Commission; and

(b) the Director of Public Prosecutions.

Section 108 (8) provides further that *the Commission shall, as soon as it receives the report under subsection (7), recommend the prosecution of the person stated in the report by the Director of Public Prosecutions.*

The essence of these provisions is to ensure that the various law enforcement agencies are mobilised into action to enforce section 81 of the Electoral Process Act, stem corruption and prosecute any offender. It is only through specific action by law enforcement agencies can corruption during elections be curbed. A number of prosecutions will act as a deterrent to would be offenders. If no action is seriously taken on electoral corruption, elections will be endangered by specific risks to its credibility and democratic tenants, thereby eroding the trust of stakeholders in elections and destabilising governance and the nation.

The ERTC is proposing the harmonisation of the Anti-Corruption Act with the Constitution and Electoral Process Act in relation to electoral corruption, such as vote buying and bribery. The EPA should clearly spell out which enforcement agency is responsible for prosecuting electoral corruption, and should provide clear mechanisms for enforcement and penalties.

Further, the issue of candidates disclosing campaign funding sources must be urgently addressed, as enforcement is weak.

The ERTC is proposing that, if Zambia is to ensure free and fair elections, legal reforms need to be directed at –

- **Empowering the ECZ to prosecute electoral corruption;**
- **Strengthening campaign finance transparency;**
- **Holding politicians accountable for state resource abuse; and**

- **Making the ACC independent from political control.**

Without these reforms, electoral corruption will continue to erode democracy, promote unfair competition, and undermine public trust in Zambia's elections.

4.12.5 Police Act, Cap 107

It is important, before conducting a legal impact analysis on the Police Act, to state that, the issue of violence before, during and after elections should be addressed, in order to set the role of the police service, in the context of the electoral landscape.

Electoral violence is an offshoot of political violence and is a premeditated approach employed by both incumbent and opposition political actors propelled for the attainment of specific objectives associated with electoral competition.[145] In Zambia, political and electoral violence stems from the liberation struggle and continued post-independence. Post-independence political violence has mainly been attributed to multi-party politics (1964 – 1973 and 1991 to date). Electoral violence is often manifested in the increased levels of competition in elections, to win at all costs, hate speech, serious attacks and injury on rival political groups, loss of lives and businesses. Electoral violence has also contributed to voting on ethnic lines, thus dividing the country into voting blocks. Further, it is a barrier to inclusive and participative decision-making and representative politics, especially for vulnerable groups such as the youth, women and persons with disability.

The Mung'omba Constitution Review Commission (CRC) of 2005, reported that inter-party violence was one of the factors that played a role in the country transitioning from multi-party democracy, which was enshrined in the 1964 Constitution to a one-party state in 1973. The introduction of the one-party state was driven by the need to build a united political order and eliminate political violence, which was being caused by multi-party politics. The framers of the Constitution then, argued that a one-party governance system was a

[145] 2019-journal-of-african-elections-v18n1-electoral-violence-young-party-cadres-zambia-eisa.pdf

variant of democracy, and one which best suited Africans, as it unified people in the country. [146]

In 1991, Zambia returned to multi-party-political governance, and the President of Zambia then, President Kenneth Kaunda, warned that a return to multi-party politics would usher in chaos, violence and inter-ethnic strife.[147] However, these elections were declared generally peaceful by observers. President Kenneth Kaunda lost the election and peacefully handed over power to his successor President Frederick Titus Jacob Chiluba of the Movement for Multi-Party Democracy (MMD) Party.

The return to multi-party politics saw the emergence of party cadres, a reincarnation of the UNIP-era vigilantes. Ideally, cadres were expected to serve as foot soldiers in campaigns and other party activities, but this was not to be, as the cadres, motivated by money, alcohol and other incentives received from their political benefactors, continued to be militant, lawless and violent in their operations.

For instance, in 2016, the EU EOM Zambia 2016 Report noted that throughout the campaign, both the PF and the UPND made statements that inflamed tensions. There were several serious incidents of violence, including an attack on the FDD parliamentary candidate for Namwala, in Southern Province, on 17th June, 2016. There was also the death of a UPND supporter on 8th July, 2016 in Lusaka after the cancellation of a UPND rally by the police at short notice. As a result, ECZ suspended campaigns in Lusaka and Namwala Districts from 9th to 18th July, 2016. During this period, the CCMG, issued a pre-election statement on 25th July 2016, in which it expressed concern about electoral violence, the inability of candidates to freely and fairly campaign, lack of impartiality by police, imbalanced coverage by state media and the closure

[146] Government of Zambia: CRC: 2005

[147] History explains election violence

of the Post Newspaper and called on the Government, the ECZ and political parties to immediately act to address these issues.[148]

In 2016, to mitigate electoral violence, ECZ established Conflict Management Committees to address electoral violence. These Committees are at national and district levels. The Committees attend to diverse disputes that may arise during the electoral process, including destruction of campaign posters; disruption of political party/candidate rallies; name calling; and they make recommendations to the ECZ for the disqualification of candidates or political parties found wanting.[149]

Electoral and political violence remain an issue of concern in the country. Although Zambia has never suffered from civil conflict, electoral and political violence has been increasing. Several reports such as EU EOM 2016 and 2021 Reports, CCMG 2021 General Election Report, AU-EOM Zambia 2021 Report and the 2019 Commission of Inquiry into Voting patterns and Electoral Violence, have highlighted the magnitude of this problem and the need to urgently address it.[150]

The Commission of Inquiry into Voting patterns and Electoral Violence found that the Zambia Police Service, in most instances, did not act independently and professionally in maintaining law and order, during the 2016 General Elections. This made political parties, especially the opposition and individuals, feel that the Zambia Police Service was against them and turned to hiring their own security personnel, usually cadres, who then became a danger to the public as they tended to be indisciplined, unruly and violent.

In an effort to address electoral violence and improve the political environment in the country, in 2019, the Ministry of Justice, ECZ and UNDP launched the Democracy Strengthening Zambia 2019-2022 Project. The

[148] final_report_eu_eom_zambia_3.pdf

[149] Conflict Management Committee - Electoral Commission of Zambia

[150] Ibid

Project aimed at, among other things, addressing the evolving challenge of electoral conflict and violence through the Programming for Peace framework, which mitigates election-related violence and promotes the creation of a peaceful political environment. The Project included the development and operationalization of two flagship digital tools namely, Early Warning and Early Response Project (EWER) and iVerify Zambia Mechanism (iVerify), designed to mitigate electoral violence and prevent disinformation and misinformation respectively.[151]

In 2021, the African Union Election Observer Mission (AUEOM) Report, noted that the 2021 general elections took place against a backdrop of heightened political tension in the country that can be traced back to 2016, where post-election violence resulted in the arrest and detention of several opposition members. Evidence of the heightened political situation can be seen from the spate of violence, hate speech and misinformation reportedly carried out by political parties' supporters, particularly those from the Patriotic Front (PF) and the UPND, during the election campaigns. In 2021, concerns over the increased spate of violence prompted the deployment of the military, for the first time during an electoral process. The AUEOM condemned the acts of violence as it was a violation of human rights, with implications on effective participation.[152]

In December 2022, Southern African Centre for Constructive Resolution of Disputes (SACCORD) reported that, from 2016 to 2021, Zambia was in a very serious state of conflict, that in the year 2021 the country slipped from being the 41st most peaceful country in the world to 71st position and from being the 4th most peaceful country in Sub-Saharan Africa to the 13th position.[153]

[151] UNDP: 2019 Democracy Strengthening in Zambia: Sustaining Peace through Elections 2019-2022

[152] African Union Election Observation Mission to the 12 August 2021 General Elections in Zambia

[153] Zambia : Political party violence caused state of conflict in Zambia - SACCORD

Currently, Zambia has recorded a decline in electoral violence. In 2021, the President directed law enforcement agencies to deal with perpetrators of political violence and violent cadres decisively.

The Police Act establishes the legal framework for the functions, powers, and responsibilities of the Zambia Police Service.

The Police Act, the Public Order Act, the Electoral Process Act, the Constitution, and regulations, collectively shape the role of law enforcement in elections. The police play a critical role in ensuring electoral security, maintaining public order, and protecting democratic rights. However, gaps and inconsistencies in these laws have led to concerns about police impartiality, political interference, and restrictions on freedoms of assembly and expression, during elections.

Managing Risk and Ensuring Harmonisation

This impact analysis examines the Police Act, the Electoral Process Act and the Constitution, identifying legal contradictions, gaps, and their implications for free and fair elections. The examination is based on the following key assumptions:

- elections should be free, fair, and peaceful, requiring law enforcement neutrality.
- police conduct should be guided by constitutional principles, ensuring impartiality and respect for fundamental rights;
- the regulation of public gatherings should not unduly constrain the enjoyment of political rights;
- electoral security measures should be applied fairly to all political parties and candidates.

Article 190 of the Constitution provides for the role of law enforcement and defence forces as follows:

> *(1) The Defence Force and national security services shall—*

(a) be nationalistic, patriotic, professional, disciplined and competent;

(b) be non-partisan;

(c) not further the interests or cause of a particular organisation; and

(d) not act against a political interest or cause permitted in this Constitution or as prescribed.

(2) Clause (1) shall not prevent a member of the Defence Force and national security services from registering as a voter or voting in an election or a referendum.

Paragraph 6 of the Code of Conduct provides for the duties of the Zambia Police Service as follows:

The Zambia Police Service shall –

(a) enforce law and order at campaign meetings and processions in order to maintain peace and order;

(b) ensure that police officers do not abuse their authority or Government resources to campaign for the benefit of any political party or candidate;

(c) refrain from disrupting any campaign, rally or meeting which is legally convened by any political party; and

(d) ensure that police officers do not use their office to oppress any political party, candidate or supporter.

Section 14 of the Zambia Police Act obliges every police officer to exercise such powers and perform such duties as are by law conferred or imposed upon a police officer and to obey all lawful directions, orders and warrants in respect of the execution of office. A police officer is also mandated to collect and communicate intelligence affecting the public peace, to prevent the commission of offences and public nuisances, to detect and bring offenders to justice, and to apprehend all persons whom the police officer is legally authorised to apprehend and for whose apprehension sufficient grounds exist.

The section further mandates a police officer in the interests of public order or public morality, without a warrant to enter at any hour of the day or night any place when there is reasonable grounds to suspect that criminal activity is taking place.

The Electoral Process Act regulates the conduct of elections and the role of various stakeholders, including the police, as specified in the scheduled Code of Conduct. Paragraph 3(1) *(g)* obliges the ECZ to ensure that a police officer is not victimised in the course of election duties; and *(h)* ensure that police officers act professionally and impartially during the electoral process. Further, Paragraph 14 prohibits a member of a law enforcement agency, by means of threats, violence or sanction, coerce or intimidate another person during campaigns, public debates or elections. The Zambia Police Act generally gives the police broad powers to regulate public gatherings, from using firearms, erecting traffic barriers and cordons to confiscation of weapons. In addition, the Electoral Code of Conduct in Paragraph 6 lays out the general duties of the police as follows **–**

The Zambia Police Service shall—

(a) enforce law and order at campaign meetings and processions in order to maintain peace and order;

(b) ensure that police officers do not abuse their authority or Government resources to campaign for the benefit of any political party or candidate;

(c) refrain from disrupting any campaign, rally or meeting which is legally convened by any political party; and

(d) ensure that police officers do not use their office to oppress any political party, candidate or supporter.

However, the Police tend to use the Public Order Act, too frequently, when dealing with political parties, especially as the election period gets closer. Oftentimes the opposition is denied permits to hold rallies or make peaceful protests. The Public Order Act is applied stringently and sometimes without

regard to the basic human rights of freedom to associate and free speech, thus having a negative impact on democracy.

Despite the fact that the Electoral Process Act prohibits electoral violence and voter intimidation, violence is not handled or prosecuted uniformly by the police. Oftentimes, the police favours the rulling party.

The ERTC proposes that the Police Act and Electoral Process Act be reviewed to synchronise them, in order to provide –

- **procedures for police duties during elections and require police officers deployed for election duties to report to the ECZ directly for prompt action to be taken against perpetrators. This will prevent bias in their operations and strengthen police neutrality;**
- **for safeguards on use of force in elections, in that Police can only use proportionate force in the electoral context;**
- **for mandatory human rights training and handling procedures, for Police officers deployed in elections.**

Without these reforms, the Zambia Police Service will continue to be susceptible to being used for political expedience, rather than acting as an impartial guardian of peace. Such amendments will also positively create a level playing field for political parties, and enhance democratic participation.

CHAPTER FIVE: STAKEHOLDER SUBMISSIONS AND ERTC RECOMMENDATIONS

5.1 Introduction

This chapter forms a significant aspect of the ERTC mandate, which was the compilation of submissions from petitioners that participated in this governance process. The sections that follow contain some submissions and findings which are analysed with the committee's observations in relation to other sources or best practices on an issue and a recommendation is made with justification. Submissions are grouped as they relate to the Constitution, Electoral Process Act and Code of Conduct, Regulations, Gender Equity and Equality Act, Persons with Disabilities Act and National Registration Act. Some of the submissions presented in this chapter are on: Delimitation of Constituencies and Wards, Voter Registration, Training of Election Officers, Stakeholder Engagement, Accreditation of Monitors and Observers, Equitable Representation, Registration of Political Parties, Voting of Eligible Persons in the Diaspora and Election Timetable issues. Other submissions are on: Nominations, Qualifications of Candidates, Printing of Ballot Papers, Voter Education, Media Access and Fair Coverage, Electoral and Political Violence, Campaigns (including in correctional facilities), Electronic Voting and Transmission, Diaspora Voting, Eligibility, Tenure of the President and Tenure of MPs. In addition, there are other submissions on: Determination of Presidential Election, Presidential Election Petition, Parliamentary Election Petitions, By-Elections, Women, Youth and PwDs Representation, Political Party Financing and Electoral systems.

Some submissions are an overlap of the above-mentioned categories.

5.2 Constitutional Matters

1. Mixed Member Proportional Representation Electoral System

Article 47 of the Constitution provides as follows:

> *"(1) Elections to the office of President shall be conducted directly, under a majoritarian electoral system, where the winning candidate must receive more than fifty percent of the valid votes cast, and in accordance with Article 101.*
>
> *(2) Elections to the National Assembly shall be conducted under a first-past-the-post electoral system in accordance with Article 68.*
>
> *(3) Elections to councils shall be conducted under a first-past-the-post electoral system, and in accordance with Articles 153 and 154.*
>
> *(4) A constituency and a ward shall return only one member to the National Assembly and council, respectively."*

Summary of findings from submitters

(i) There is need for adoption of the Mixed Member Proportional Representation that guarantees women, youth and PwD representation.

(ii) Enact legislation to ensure 30% women representation at council level.

(iii) Increase women representation in Parliament by constitutionally providing a larger number of women to stand during elections.

(iv) Allocate parliamentary seats as follows: Youth - 20%, PwDs - 20%. Women - 30% and Men - 30%

(v) ECZ should put in place measures that will allow for the realization of equitable representation. It would be beneficial if seats were allocated to qualified women, youth and PwDs.

(vi) Introduce 'Women Candidates Only' constituencies under the MMPR electoral system or under the current FPTP introduce a 25% quota for constituencies where only women will contest.

(vii) Compel political parties to adopt women/youths/PwD candidates on the PR List either by using the Zebra List or a percentage system.

(viii) Eighty-six (86) Parliamentary seats be allocated to women. These seats should be reserved and contested by women only. Equally, 86 seats should be reserved for males.

(ix) Introduce quotas for women and incentives to encourage political parties to nominate women, youths and candidates from Persons with Disability-communities (increased representation for women and Persons with Disabilities).

(x) A law should be enacted to provide for reserved constituencies for PwDs to contest.

(xi) Article 47(1) be retained while Article 47(2) (3) be amended to provide for the Mixed Member Proportional Representation system.

(xii) Article 47 of the Constitution should be repealed and replaced with a provision that provides for Proportional Representation. This change should be effected and implemented in the 2026 general election.

Committee's observations

(i) A change of the electoral system guarantees inclusivity and diverse political participation of citizens.

(ii) A change of the electoral system shifts the burden of responsibility to nominate and appoint from the realm of benevolence and goodwill to the entrenchment of the law.

Recommendation

The Committee recommends amendment to Article 47 to provide for the following:

(i) Maintain election to the office of President as a Majoritarian electoral system, where the winning candidate must receive more than 50% of the valid votes cast.

(ii) Election to National Assembly to be based on Mixed Member Electoral System:

- First-Past-The-Post for constituency based seats; and
- Proportional Representation based on a quota system to provide for women, youth and PwDs.

(iii) Election to Council:

- Mayor/Council Chairperson to be based on First-Past-The-Post
- Councillors to be elected based on the Proportional Representation System using the closed party list of nominated members per ward, one of whom shall be a youth. The closed party list in the district will comprise an equal number of male and female as the primary candidates.
- Notwithstanding the above, every council should include one PwD nominated by organisations for Persons with Disabilities.

Justification

The MMPR System combines the positive attributes of the FPTP and the PR Electoral Systems. Further, under the MMPR System, the PR seats compensate for any imbalances and unfairness in the distribution of constituency-based seats. Furthermore, under this System, representation of marginalized groups such as PwDs will be assured.

2. Abolishing By–elections

Article 57 (1) of the Constitution of Zambia provides that:

> "*Where a vacancy occurs in the office of Member of Parliament, Mayor, Council Chairperson or Councillor, a by-election shall be held within ninety days of the occurrence of the vacancy. (2) A by-election shall not be held within the one hundred-and eighty day period that precedes a*

general election. (3) The Electoral Commission shall, by regulation, set the place where, and the date and time when, a by-election is to be held."

Summary of findings from submitters

(i) By-elections should be abolished as they are a drain on the national resources, undermine democracy and the results from such elections are not representative of the voters in an area as there is usually voter apathy.

(ii) The party that loses the member through resignation or death should fill in the vacancy;

(iii) The political party that came in second should fill the vacancy with their runner-up candidate in a situation where the incumbent loses the seat through a court process; and

(iv) Where the position was held by an independent candidate, the runner-up in that election should fill the vacancy.

Committee's observation

The issue of by elections has been topical mainly due to the cost implications.

Recommendation

The Committee did not adopt the submission. However, the Committee **recommends** the following:

(i) Councillors to be elected using the PR system using a closed party list;

(ii) By-elections should only be held for the National Assembly and Mayoral/Chairperson election.

(iii) When a council seat falls vacant by reason of resignation, disqualification or death of a councillor then the next candidate on the closed party list will be assumed to fill the vacancy and, in the event, that no candidate on the party list is available, then the political party will be expected to provide the name of the person to fill the vacancy.

Justification

This will resolve the frequency of holding councillor by-elections. The number of councillor by-elections held between December 2011 and April 2025 was 408. The by-elections were as a result of death, resignations and convictions.

3. Definition of the Word "Election"

Sections 2, 13(2) and 14(2) of the Electoral Process Act define the word election as follows:

"*election has the meaning assigned to it in the Constitution.*"

Article 266 of the Constitution defines election as, "*election" means an election to the office of President, National Assembly or a counci*l."

"*The Provisional Register of Voters shall include the details of persons entitled to vote in an election or referendum under this Act or the Referendum Act.*"

"*The Register of Voters shall include the details of persons entitled to vote in an election or referendum under this Act or the Referendum Act.*"

Further, Regulations 8, 22(4), "(5) and 24 of the Electoral Process (Voter Registration) Regulations provide that:

"The registration of voters under sub regulation (1) may be suspended by the Commission, by statutory order, for the purposes of an election or for compilation and update of the register of voters."

"The Commission shall determine an objection under these regulations prior to the certification of the register of voters for an election."

"The Commission shall not entertain an objection under sub regulation (1) after certification of a register of voters for an election."

"The Chief Election Officer shall effect a necessary amendment occasioned by an appeal, claim or objection prior to the certification of

a register of voters for an election."

Summary of findings from submitters

Amend Article 266 of the Constitution to define the word 'election' as follows:

"election" means a by-election, general election or an election to the office of President.

(i) Section 14 (2) of the Electoral Process Act be amended to align the definition of elections, by-elections, and general elections to the Constitution; and that Section 14(2) of the Electoral Process Act be amended to read as follows: -

"The Register of Voters shall include the details of persons entitled to vote in an election, 'by-election or general election' under this Act."

Committee's observations

(i) Zambia has three types of elections namely, Presidential, National Assembly and Local Government. The Local Government Election is broken down into Mayor or Council Chairperson and Councillor.

(ii) When all the three types of elections are held together, that is defined as a General Election.

(iii) An election held to fill a vacancy for office of Member of Parliament, Mayor or Council Chairperson or Councillor is defined as a By-election.

(iv) An election is defined as an election to the office of President, Member of Parliament, Mayor or Council Chairperson or Councillor.

(v) The definition of the word 'election' in the Constitution does not cover all types of elections.

(vi) The definition of election varies from one country to another based on the type of elections that apply to that country.

(vii) In Kenya, an election is defined as Presidential, Parliamentary or County election and includes a by-election.

(viii) In Malawi, a general election is defined to mean Presidential, National Assembly and council election when held on the same day. A by-election is defined as an election held to fill a vacancy for the National Assembly or Council.

Recommendation

The Committee **recommends** that Article 266 of the Constitution be amended to define election to mean Presidential, National Assembly, Mayoral or Council Chairperson, Councillor and includes a by-election.

Justification

(i) This is in order to realign with the provision of the Electoral Process Act which does not provide for the suspension to be effected through a statutory order;

(ii) The proposed amendments are intended to align the definitions of election, by-election and general election to the Constitution; and provide for Mayoral or Council Chairperson in the definition of election, by election and general election.

4. Delimitation of Constituencies

The legal provision relating to the above issue is Article 58(1) and (5) of the Constitution of Zambia which provides the following:

"Zambia shall be divided into constituencies and wards for purposes of elections to the National Assembly and councils, respectively" and

"The Electoral Commission shall at intervals of not more than ten (10) years review the names and boundaries of constituencies and wards."

In addition, Article 68(2)(a) of the Constitution also provides that:

"*The National Assembly shall consist of one hundred and fifty-six members directly elected on the basis of a simple majority vote under the first - past – the post system.*"

Summary of findings from submitters

(i) Large constituencies should be delimited in order to enhance development, political representation, efficiency of service delivery and equality of the vote;

(ii) Increase the number of constituencies to enable the people in highly populated constituencies receive meaningful development from the Constituency Development Fund (CDF);

(iii) There is need to conduct delimitation in order to increase the number of constituencies from the current 156 to 200; and

(iv) The ceiling on the number of constituencies provided for under Article 68 in the Constitution should be lifted to pave way for delimitation but the new number of constituencies should be locked in the Constitution after delimitation is concluded.

Committee's observations

(i) The ERTC received 805 submissions for ECZ to urgently conduct delimitation in order to increase the number of constituencies. In

addition, various stakeholders such as political parties, election observer and monitoring groups have consistently demanded for delimitation over a period.

(ii) The issue of delimitation of constituencies is topical mainly due to the distribution of Constituency Development Fund (CDF).

(iii) Currently, all constituencies receive the same CDF allocation irrespective of the differences in the population and size, geographical location and level of development. Despite the concerns that have been raised on delimitation, the exercise has not been conducted regularly and consistently.

(iv) In 1991, the number of constituencies was increased from 125 to 150 following the constitutional review. In 2016, delimitation was undertaken after the creation of new districts, which ultimately resulted in the overlapping of constituencies. Consequently, the 2016 delimitation resulted in an increase in the number of constituencies from 150 to 156.

(v) The large geographical size of some constituencies affects accessibility by the respective Members of Parliament.

Recommendations

The Committee **recommends** that:

(i) Amend Article 68 of the Constitution to increase the number of constituencies in line with delimitation

(ii) The 2019 Delimitation of Constituencies Report be reviewed for purposes of coming up with the revised number of constituencies.

Justification

Due to the overwhelming submissions received, an increase in the number of constituencies is necessary. Delimitation will enhance development, political

representation, efficiency of service delivery and equality of the vote. The justification for the increase in the number of constituencies is high population density, population increase, vastness of areas, new settlement patterns, development, means of communication, geographical terrain, and cultural diversity and to ensure adequate representation between urban-rural and sparsely populated areas.

5. Delimitation of Wards

Article 59(1),(3),(4) and (5) of the Constitution provides as follows:

> *"Zambia shall be divided into constituencies and wards for purposes of elections to the National Assembly and councils, respectively"*
>
> *"The number of wards in a district shall be prescribed"*
>
> *"The Electoral Commission shall determine the names and boundaries of constituencies and wards" and*
>
> *"The Electoral Commission shall at intervals of not more than ten (10) years review the names and boundaries of constituencies and wards."*

Summary of findings from submitters

(i) Carry out delimitation of wards in order to address the challenge of vastness, which affects efficiency of service delivery and civic representation;

(ii) Conduct delimitation immediately in order to realign the electoral boundaries of wards.

Committee's observations

(i) Despite the 2019 boundary delimitation which facilitated the increase of wards from 1,624 to 1,858, there was still overwhelming demand for further delimitation of wards.

(ii) Due to the vastness of some wards service delivery and civic representation is adversely affected.

(iii) Delimitation must be carried out in order to realign the electoral boundaries of wards.

(iv) Delimitation must be carried out in order to create new wards.

Recommendation

The Committee **recommends** that:

(i) Delimitation must be carried out in order to realign the electoral boundaries of wards.

(ii) Delimitation must be carried out in order to create new wards. ECZ must conduct delimitation of wards in accordance with Articles 58 and 59 of the Constitution, and Sections 25 and 26 of the Electoral Process Act.

Justification

Delimiting wards will enhance development, political representation, efficiency in service delivery, equality of the vote and address vastness of the wards as well as take electoral services closer to the voters.

6. Creation of Polling Stations

Article 46 of the Constitution stipulates that:

"A citizen who has attained the age of eighteen years is entitled to be registered as a voter and vote in an election by secret ballot."

In addition, Section 24(1) of the Electoral Process Act provides as follows:

"*The Commission shall establish a polling station for an election, in each polling district as the Commission may prescribe*"

Summary of findings from submitters

(i) Conduct delimitation in order to relocate and realign some polling stations, reduce distances between or to polling stations, voter apathy and the time spent in queues during voting.

(ii) Creation of polling stations will enhance accessibility and promote participation.

(iii) Decentralise the mandate of carrying out delimitation of polling stations from the national level to the district level.

(iv) Amend Section 24(1) of the Electoral Process Act by changing the phrase "Polling Station" to "*Polling Stations*."

Committee's observations

(i) Congestion at polling stations was noted as one of the issues of concern in the 2021 General Election including findings emanating from the Desk Review research.

(ii) The current threshold set by ECZ of 950 voters at a polling station was found to be high and contributed to congestion.

(iii) Long distances to polling stations may have contributed to voter apathy and also caused a challenge to most stakeholders in accessing polling stations.

(iv) Section 4(3) of the Interpretation and General Provisions Act provides that words and expressions in the singular include the plural.

(v) A polling station is a smallest unit for the administration of elections in Zambia. A polling district can have multiple polling stations.

(vi) Creation of polling stations is necessary to facilitate administration of elections. The process of voting should be easy, quick and efficient. To achieve this, the number of voters assigned to a polling station should match the time allocated for voting.

(vii) In 2021, over 2,995 polling stations had more than 800 registered voters. For these voters to vote within the prescribed 12 hours, it would mean a voter takes less than a minute to complete the voting process, which in practical terms is not possible.

(viii) The creation of polling stations, therefore, should serve to reduce the time taken to complete the voting process. Further, the creation of polling stations should serve to reduce the distance between polling stations to an average of 5km for rural areas.

(ix) Congestion at polling stations was noted as one of the issues in the 2021 general elections. Creating more polling stations reduces crowding at polling stations, facilitating easy processing of voters making voting quicker.

Recommendations

The Committee **recommends** that:

(i) Delimitation should be carried out in order to increase the number of polling stations and address the various challenges associated with distance and accessibility to, and congestion at polling stations.

(ii) Reduce the number of voters from 950 in respect of a polling station to quicken the voting process.

(iii) ECZ should regularly conduct delimitation of polling stations in accordance with Section 24 of the Electoral Process Act.

(iv) Section 24(1) of the Electoral Process Act on "polling station" should not be amended.

(v) ECZ reduces the number of voters per polling station and establishes more polling stations in remote and hard-to-reach areas.

Justification

(i) Creation of additional polling stations will help reduce distances, enhance accessibility and promote participation in the electoral process.

(ii) This will reduce the distance covered by voters thereby increasing the participation of citizens in remote areas.

(iii) The recommendations are anchored on best practice drawn from other jurisdictions such as South Africa, Ghana, Namibia and Botswana, which have delimitation processes that ensure electoral boundaries are drawn at appropriate times, reflecting population changes, promoting equity and fair representation.

(iv) Section 4(3) of the Interpretation and General Provisions Act is instructive.

7. Delimitation Modalities

Article 59(a) to (e) of the Constitution provides factors to be considered when conducting delimitation as follows:

"The Electoral Commission shall, in delimiting the boundaries of constituencies and wards:

(a) *take into account the history, diversity and cohesiveness of the constituency or ward.*

(b) *have regard to population density, trends and projections.*

(c) *ensure that the number of inhabitants in each constituency or ward is reasonable, taking into account the means of communication and geographical features.*

(d) *ensure that constituencies and wards are wholly within districts.*

(e) *seek to achieve an approximate equality of constituency and ward population, subject to the need to ensure adequate representation for urban and sparsely populated areas."*

Further, Section 125(2)(w) of the Electoral Process Act provides for delimitation of wards and polling districts as follows:

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

the delimitation of provinces, constituencies, wards and polling districts."

Summary of findings from submitters

There must be a provision in the law that sets a formula to be used in the creation of constituencies, wards and polling stations.

Committee's observations

(i) When conducting delimitation, there is a need to have a combination of qualitative and quantitative factors. Statistics drawn from both census and voter registration are as important as other factors such as geography, communication, infrastructure, historical and political context, among others.

(ii) Among the key principles for consideration for delimitation are population equality, which ensures that each vote carries equal weight. The principle of a non-partisan approach ensures that delimitation is conducted without political bias or manipulation. Community interest as another principle includes consideration for gender, culture and ethnicity to ensure that shared interests are not divided.

(iii) The 1996 Constitution of Zambia had provided for a population quota as part of the criteria for delimiting constituencies. This is not provided in the current Constitution, however, Article 59 provides for factors to be considered during delimitation.

(iv) In Kenya, delimitation of constituency boundaries considers qualitative and quantitative aspects such as the following: number of inhabitants in the constituency; the population quota; geographical features and urban centres; community of interest, historical, economic and cultural ties; and means of communication. The number of inhabitants of a constituency or ward may be greater or less than the population quota by a margin of not more than forty per cent for cities and sparsely populated areas and thirty per cent for the other areas.

(v) In Uganda, the law provides for a population quota for ensuring an equal number of inhabitants in a constituency. The law does

not specify the percentage of deviation from the population quota average.

Recommendation

The Committee did not adopt the submission but recommends that the status quo be maintained and urges the authorities to review the names and boundaries of constituencies and wards at intervals of not more than 10 years.

Justification

Article 59 provides for population density trends and projections as factors to consider in determining boundaries of constituencies and wards.

8. Publication of Delimitation Report

Article 58 (6) of the Constitution provides for the publication, in the Gazette, of the names and details of wards and constituencies. However, there is no specific provision of the law requiring the publication of a boundary delimitation report.

Summary of findings from submitters

Enhance transparency by having a legal provision that places an obligation on the ECZ to validate and publish the constituency boundary delimitation report within 30 days from the date of its completion.

Committee's observations

(i) The constituency boundary delimitation report, once finalised by the ECZ, is submitted to the Executive for further action.

(ii) The report is linked to Article 68 of the Constitution, which prescribes the number of seats in the National Assembly and the need for its amendment to effect any delimitation.

(iii) In Botswana, the law provides for the publication of the delimitation report by the President following the approval of Parliament and has a specified period for publication.

(iv) For Kenya, the publication of the report is done by the Independent Boundaries and Election Commission (IEBC) after approval by Parliament. The law in Kenya makes provision for when the IEBC can publish the delimitation report without Parliament.

(v) In India, the Election Commission is required by law to publish delimitation reports, which include detailed information on electoral boundary changes and the reasons for those changes.

Recommendation

The Committee **recommends** that:

(i) Articles 58 and 59 be amended to provide for the submission of the delimitation report by the ECZ to the President within 14 days of the completion of the report.

(ii) The President shall submit the report to the National Assembly for ratification within 30 days of receipt or at the next sitting of the National Assembly.

(iii) Cabinet Office shall, within 14 days of the ratification, publish the delimitation report in the Government Gazette, and the report shall be published in a newspaper of general circulation in Zambia.

Justification

The publication of a boundary delimitation report enhances transparency and accountability in the electoral process.

9. Provincial Boundaries

Article 149 of the Constitution provides as follows:

> "*(1) The President may, subject to the approval of the National Assembly, create or divide a Province or merge two or more Provinces, as prescribed.*
>
> *(7) Where the National Assembly ratifies the establishment of a new Province under this Article, the Electoral Commission shall delineate the boundaries of the province created.*"

Summary of findings from submitters

The mandate of the ECZ under Article 149(7) should strictly be limited to electoral boundaries and not extend to the delineation of provincial boundaries, whose function is performed by the President.

Committee's observations

(i) The mandate of ECZ is limited to drawing electoral boundaries.

(ii) The 2017 Gap Analysis of Electoral Laws undertaken by ECZ also observed that the mandate of ECZ is limited to drawing electoral boundaries and not political boundaries.

(iii) The creation of provincial and district boundaries is a preserve of the President under Article 149 of the Constitution.

Recommendation

The Committee **recommends** that Article 149(7) of the Constitution be amended by the introduction of the words "electoral boundaries" after the

words *"the Electoral Commission shall delineate…."* to clarify the mandate of ECZ on electoral boundaries.

Justification

The legal mandate of the ECZ is limited to creating electoral boundaries to facilitate administration of elections and representation.

10. Timeline for Delimitation Petition

Article 58(1) and (7) of the Constitution states that:

> *"Zambia shall be divided into constituencies and wards for purposes of elections to the National Assembly and councils, respectively."*
>
> *"a person may apply to the Constitutional Court for review of a decision of the Electoral Commission made under this Article."*

Summary of findings from submitters

Amend Article 58(7) of the Constitution to provide for a timeline within which to petition the Constitutional Court on any delimitation grievance.

Committee's observations

(i) Currently the Constitution does not provide for a timeframe within which a petition can be lodged to challenge delimitation.

(ii) The Kenyan Constitution prescribes 30 days within which a petition on delimitation should be filed before the High Court and provides 60 days within which the petition should be heard and determined.

Recommendation

The Committee **recommends** that:

(i) Article 58(7) of the Constitution be amended to provide for a timeframe of 7 calendar days within which a Petition can be lodged in the Constitutional Court on any delimitation grievance.

(ii) Such matters should be heard and determined within 42 calendar days from the date of lodgement.

Justification

This will provide clarity for a time within which a person can petition as well as a definite timeframe when the Petition is heard and determined by the Court.

11. Maintaining the Number of National Assembly Seats in the Constitution

Article 68(2)(a) of the Constitution provides that:

> "*The National Assembly shall consist of one hundred and fifty-six members directly elected on the basis of a simple majority vote under the first - past – the post system.*"

In addition, Articles 58(2) and 59(a) to (e) of the Constitution provides for delimitation of wards and polling districts as follows:

> "*Zambia shall be divided into constituencies and wards for purposes of elections to the National Assembly and councils, respectively.*"
>
> "*The number of constituencies shall be equal to the number of seats of elected members in the National Assembly.*"

Summary of findings from submitters

(i) Delimitation provisions that prescribe the number of seats in the National Assembly should be maintained in the Constitution and should not be placed in any other piece of legislation such as the Electoral Process Act.

(ii) The number of constituencies should not be fixed in the Constitution to avoid amending the Constitution every time the delimitation process is undertaken.

Committee's observations

(i) The Zaloumis ERTC Report of 2005, the Mung'omba Constitutional Review Commission Report of 2005 and the ECZ 2017 Gap Analysis of Electoral Laws equally addressed the need for the number of National Assembly seats to be prescribed in the Constitution.

(ii) The Committee also noted that the Constitutions of Botswana, Kenya, Namibia, Zimbabwe and Malawi have prescribed the number of seats in parliament.

(iii) The EU EOM Zambia 2021 Report noted the need to maintain the number of constituency seats in the Constitution.

(iv) Entrenching the number of constituency seats in the Constitution may safeguard the number of constituencies from manipulation.

Recommendation

The Committee **recommends** that the number of seats in the National Assembly must remain in the Constitution to avoid manipulation.

Justification

Having the number of National Assembly seats enshrined in the Constitution will ensure that there is consensus among all stakeholders whenever there is a

proposal to make changes to the electoral system. This will safeguard the process and protect the number of seats from unnecessary manipulation.

12. Cancellation of Election on Resignations

Article 52(6) of the Constitution stipulates that:

"*where a candidate dies, resigns or becomes disqualified in accordance with Article 70, 100 or 153 or a court disqualifies a candidate for corruption or malpractice, after the close of nominations and before the election date, the Electoral Commission shall cancel the election and require the filing of fresh nominations by eligible candidates and elections shall be held within thirty days of the filing of the fresh nominations.*"

Summary of findings from submitters

(i) Some petitioners submitted that if a candidate dies or resigns after nominations, ECZ should not call for fresh nominations but instead proceed with the election. The ballot paper, however, must be changed to remove the affected candidate.

(ii) ECZ should make amendments to protect the clause from unnecessary resignations aimed at just causing delays in elections.

(iii) Disqualification of candidates should not result in the cancellation of elections. Only the affected party should be allowed to file fresh nominations within 15 days, and no resignations should be allowed 30 days before elections.

(iv) Article 52(6) be amended to remove the provision of the resignation of a candidate in the election nomination process as a reason to cancel the validity of filed nominations.

(v) Nominated candidates who withdraw at the last minute must be penalised by either sponsoring the fresh nominations or providing

for the printing cost, or barred from the race. However, elections must proceed except in the instances of death, which is unavoidable.

Committee's observations

(i) The commonly held view from the submitters reflects that cancelling an election on the grounds of resignation is too costly and that the provision could be abused.

(ii) The Committee also notes the judgment of the Court on Article 52(6) of the Constitution in the case of Governance Elections Advocacy Research Services Initiative Zambia Limited v The Attorney General and the Electoral Commission of Zambia 2022/CCZ/0020. The Court held that the Constitution does not authorise a candidate for election as Member of Parliament to withdraw their nomination for election after the expiry of the period appointed for lodging nomination papers. The Court further ruled that the reference in Article 52(6) to a candidate resigning does not apply to an independent candidate.

(iii) The issue of cancellation of nominations is reflected in the EU EOM Zambia 2021 Report and the CCMG Election Monitoring Report of 2021.

Recommendations

The Committee **recommends** that:

Article 52(6) be amended to address the issues relating to Presidential, Parliamentary and Local Government Elections and be unpacked to deal with each occurrence/component:

(i) Where a candidate resigns, after the close of nominations the election shall proceed.

(ii) Where the Court has disqualified a candidate as a result of a malpractice or criminal offence including corruption after the close of nomination, the election shall proceed.

(iii) Where a candidate dies in an election after nominations but before the date of elections, the Electoral Commission of Zambia shall cancel the election and require the filing of fresh nominations by eligible candidates and elections shall be held within 30 days of the fresh nominations.

Justification

The Committee's recommendations will ensure that the provisions of the law are strengthened and devoid of any ambiguities that may be prone to abuse and lead to the postponement of elections indefinitely.

13. Returning Officer for Presidential Election

Article 99 of the Constitution states that:

"the *Chairperson of the Electoral Commission shall be the Returning Officer in an election to the office of President.*"

Summary of findings from submitters

Amend Article 99 of the Constitution to provide for a person to perform the role of Presidential Returning Officer in an event that the Chairperson is unable to perform the duty.

Committee's observations

Different approaches have been adopted by Zambia's neighbours and countries within the region. In South Africa and Botswana, the Returning Officer for Presidential Elections is the Chief Justice. In South Africa, the Chief Justice also has the authority to designate another judge to oversee the election of the President. In Kenya and Ghana, the Chairperson of the Electoral Commission is responsible for declaring the Presidential election results.

Recommendations

The Committee **recommends** that Article 99 of the Constitution be amended to provide for the Vice Chairperson and in the absence of the Chairperson or Vice Chairperson such other Member as the members present may elect, for purposes of performing the duty of Presidential Returning Officer.

Justification

This will ensure there is no leadership gap in the office of the Returning Officer for Presidential Election, as another Member of the Commission will always be available to take up the role.

14. Period for Challenging Nominations

Article 52(4) of the Constitution states that:

> "a *person may challenge, before a court or tribunal, as prescribed, the nomination of a candidate within seven days of the close of nomination and the court shall hear the case within twenty-one days of its lodgement.*"

Summary of findings from submitters

(i) Article 52 of the Constitution must be changed to give 14 days to challenge the nominations; and

(ii) The timeframe for challenging nominations be extended from 7 days to a minimum of 14 days to allow sufficient time to gather evidence to contest nominations.

Committee's observations

(i) Delay in the disposal of election disputes undermines electoral justice.

(ii) It is important to hear and determine electoral disputes on their merits and to accord parties enough time to defend their matters.

Recommendation

The Committee did **NOT** adopt the submissions but recommends that the period for challenging the nomination be reduced to 5 days.

Justification

The Committees' reflection on this issue is based on the fact that the 7 days within which a nomination can be challenged is too long.

15. Vacancy in the Office of Mayor/Council Chairperson and Councillor

There is no provision for the disqualification of a Mayor/Council Chairperson and Councillor based on criminal conviction in the Constitution or the Local Government Act. Further, these laws do not provide for the vacation of the seat of a Mayor/Council Chairperson and Councillor in the event of a criminal conviction. While Article 157(2)(e) of the Constitution provides for the vacation of office if a Mayor or Council Chairperson acts contrary to a code of ethics, it does not outrightly address situations involving a criminal conviction.

Summary of findings from submitters

(i) Some petitioners submitted that an express provision be included to provide for a vacancy where a Mayor/Council Chairperson or Councillor is given a custodial sentence.

(ii) Others submitted that the Constitution does not provide for what might happen if a Mayor/Council Chairperson or Councillor is convicted.

Committee's observations

(i) The absence of legal provisions for disqualification due to criminal conviction raises concerns relating to the integrity and trustworthiness of the office holder, potentially undermining public confidence in local governance.

(ii) The absence of a provision for vacation of office following a conviction could lead to a prolonged absence, or uncertainty, disrupting governance and affecting continuity in representation.

Recommendation

The Committee **recommends** that the Constitution be amended to include provisions for the disqualification and vacation of office of a Mayor, Council Chairperson, or Councillor if they are or have been convicted and sentenced to imprisonment.

Justification

This would promote public confidence in elected representatives and ensure that constituents are consistently represented, without prolonged vacancies or uncertainties.

16. Eligibility of Independent Parliamentary Candidates

Article 51 of the Constitution provides that:

"*A person is eligible for election as an independent candidate for a National Assembly seat if the person— (a) is not a member of a political party and has not been a member of a political party for at least two months immediately before the date of the election*."

Summary of findings from submitters

The eligibility criteria for an independent candidate running for a National Assembly seat be amended to require that the individual must not be a member of a political party and must have been without party affiliation for at least three months (90 days) prior to the election, instead of the current two months.

Committee's observations

(i) The Constitution provides that a person is eligible for election as an independent for a national assembly seat if a person has not been a member of a political party for at least two months immediately before the date of the election.

(ii) Without a specified period of resignation prior to nomination, there is no clear distinction between party affiliation and independent candidacy, which might lead to abuse of the system (e.g., party members resigning only when they fail to secure party adoption, but shortly before the nomination deadline).

Recommendation

The Committee **recommends** the amendment of Article 51(a) to provide for resignation from a political party before the nomination date and not election date.

Justification

Setting a resignation deadline before the nomination date will provide clear guidance to both candidates and ECZ, ensuring that the nomination process is smooth and without controversy regarding the eligibility of candidates.

17. Special Fund to Support Political Parties

Article 60(4)(a) and (b) of the Constitution stipulates that:

> *"(4) The following shall be prescribed with regard to political parties:*
>
> *(a) the establishment and management of a Political Parties' Fund to provide financial support to political parties with seats in the National Assembly;*
>
> *(b) the accounts of political parties which are funded under the Political Parties' Fund and the submission of audited accounts by political parties."*

Summary of findings from submitters

ECZ should set up a special fund to support political parties without means.

Committee's observations

(i) Funding to political parties will level the playing field by ensuring that political parties, especially those with limited resources are able to compete fairly with larger, better-funded parties.

(ii) It will strengthen political processes and encourage broader participation by ensuring that all parties can present their manifestos and ideas to the electorate.

(iii) Funding will reduce the potential for corruption by providing a transparent mechanism through which political parties can access funding, reducing reliance on hidden sources of funds.

(iv) Funding enhances electoral integrity by ensuring that elections are not influenced by wealthy or influential individuals or organizations.

Recommendation

The Committee did NOT adopt the submission but **recommends** that:

(i) Enact legislation to operationalise Article 60 of the Constitution and prescribe conditions and mechanisms necessary for funding political parties.

(ii) Enact a subsidiary legislation to prescribe conditions and mechanisms for the implementation of the Constitutional provision.

Justification

Article 60 (4)(a) of the Constitution provides for funding of political parties with representation in parliament.

18. Sponsorship of Candidates for Election or Nomination by Political Parties

Article 60 (1),(2) and (3) of the Constitution stipulates that:

"(1) A political party has the right to—

(a) disseminate information on social and economic programmes of a national character and of its political ideology;

(b) sponsor candidates for election or nomination to a State office in respect of which elections are required to be held; and

(c) conduct primary elections for the selection of candidates.

(2) A political party shall—

(b) have a national character;

(c) promote and uphold national unity;

(d) promote and practice democracy through regular, free and fair elections within the party;

(e) respect the right of its members to participate in the affairs of the political party."

Summary of findings from the submitters

Article 60 should be used to compel political parties to nominate a defined percentage or number of different interest groups such as women, youth and persons with disabilities.

Committee's observations

(i) The EU EOM Zambia 2021 Report identified a lack of standardised intra-party adoption process for candidates wishing to participate in an election.

(ii) Article 60(1)(c) of the Constitution provides for the conduct of primary elections by political parties. However, there is no legal provision which regulates how the primary elections should be conducted.

(iii) The issue of fair representation can be significantly improved by reforming the electoral system to ensure that all groups in society, especially women, youth and persons with disabilities, are adequately represented in political processes as provided for in Article 47 of the Constitution.

Recommendation

The Committee **recommends** that a law be enacted to operationalise Article 60 of the Constitution, to regulate political parties. The law should compel political parties to nominate specific numbers of women, youth and PwDs for elections.

Justification

The above recommendation will enhance inclusion and participation of marginalised groups in the electoral process. Further, the recommendation is in line with regional and international instruments and best practices. These include the SADC Protocol on Gender Development, CEDAW and UNCRPD.

19. Political Representation of Women, Youth and PwDs

Article 47 of the Constitution provides for electoral systems. Section 29 of the Gender Equity and Equality Act also provides for elimination of discrimination of public and political life.

Summary of findings from submitters

(i) The Constitution and Electoral Laws should ensure inclusivity of minority groups (Women, Youth and PwDs); and

(ii) The Gender Equity and Equality Act should be implemented in full.

(iii) There is a need to increase women representation in Parliament by constitutionally providing a larger number of women to stand during elections.

(iv) Political Parties must be compelled to ensure that of the candidates they field, 50% must be women, 50% men, but within that also youths and so on, so that it is clear.

(v) There is need to come up with policies that favour the youth.

(vi) There is need to allocate parliamentary seats as follows: Youth - 20%, PwDs - 20%. Women - 30% and Men - 30%

(vii) ECZ should put in place measures that will allow for the realization of equitable representation. It would be beneficial if seats were allocated to qualified women, youth and PwDs.

(viii) Further, the Commission should mandate political parties to ensure gender parity and equitable representation by putting forward a set number or percentage of candidates to stand on party tickets.

(ix) There was need for a layperson's Bill with clear affirmative actions by political parties on enhancing the numbers of women in politics.

Recommendation

The Committee **recommends** that Article 47 of the Constitution be amended to provide for a Mixed Member Proportional Representation Electoral System that guarantees the participation of women, youth and PwDs.

Justification

The National values and Principles set out in Articles 8 and 9 of the Constitution, the Principles on Electoral Systems in Articles 45 and 60 and the Gender Equity and Equality Act provides for participation of women in elections. In addition, the implementation of the recommendation will enhance participation and representation of women and youth in the electoral processes and governance especially that their participation in elections is an issue of social justice.

20. Quota System in the Electoral Process for Women and Youths

Article 69 of the Constitution states that:

" (1) The President may nominate a person referred to in Article 68 (2) (b) where the President considers it necessary to enhance the representation of special interests, skills or gender in the National Assembly.

(2) A person may be nominated as a Member of Parliament if the person qualifies to be elected as such under Article 70.

(3) A person who was a candidate for election in the last preceding general election or a subsequent by-election is not eligible to be nominated as a Member of Parliament."

Summary of findings from submitters

Article 69 be amended to establish a minimum quota of seats for women and youths, creating a structured opportunity for women and youth groups to participate actively in decision making processes.

Committee's observation

The electoral system is the only mechanism which can guarantee an increase in the number or proportion of women and youth in elective positions.

Recommendation

The Committee **recommends** that Article 45 of the Constitution be amended to change the electoral system from FPTP to Mixed Member Proportional Representation for the Parliamentary election and Proportional Representation for the election of Councillors.

Justification

Article 69 should remain as it is since it guides on how nominations and appointments should be made.

21. Political Parties and Youth Participation

Article 259 (1)(c) of the Constitution provides *for equitable representation of the youth and persons with disabilities, where these qualify for nomination or appointment to public office* and further Article 45 of the Constitution provides for the principles of electoral systems and process.

Summary of findings from submitters

The law be amended to compel political parties to offer 15% of the seats to youth. Political parties to introduce quotas for certain groups of people.

Recommendation

The Committee **recommends** that the Mixed Member Proportional Representation system be adopted as the preferred electoral system for

parliamentary. Proportional Representation for Councilors and first-past-the-post for the election of Mayors and Council Chairpersons.

Justification

The MMPR System is inclusive as it combines the benefits and positive attributes of the FPTP and the PR Electoral Systems. In addition, under the MMPR System, the PR seats compensate for any imbalances and unfairness in the distribution of constituency-based seats. Furthermore, under this System, representation of marginalised groups such as youth will be assured and enhanced in that the MMPR System promotes the representation of political parties, women, youths, PwDs and interest groups.

22. Period for Determination of Presidential Election Petition

Article 103(1) and (2) of the Constitution provides that:

"a person may, within seven days of the declaration of a President-elect, petition the Constitutional Court to nullify the election of the President-elect on the ground that (a) the person was not validly elected; or

(b) a provision of this Constitution or other law relating to presidential elections was not complied with; and

The Constitutional Court shall hear an election petition relating to the President-elect within fourteen days of the filing of the petition" respectively.

With regards to who assumes office where an election petition is filed against the incumbent under Article 103 (1), the Constitution under Article 104 provides that:

"Where an election petition is filed against the incumbent, under Article 103 (1), or an election is nullified, under Article 103(3) (b), the Speaker shall perform the executive functions, except the power to— (a) make an appointment; or (b) dissolve the National Assembly."

Summary of findings from submitters

(i) The period for presidential election petition be increased from 14 to 21 days.

(ii) The presidential election petitions should be heard within 14 working days.

(iii) There should be clarity on how the days are counted for the presidential petition.

(iv) The period should include hearing and determination of the presidential election petition.

(v) The period for lodging a presidential election petition be increased from 7 to 10 days.

Committee's observations

(i) This was a topical and historical issue starting with the 2005 Willa Mung'omba Constitutional Review Commission (CRC) where petitioners raised concern on the prolonged delay in the hearing and determination of presidential election petitions.

(ii) Article 140(2) of the Kenyan Constitution makes provision for hearing and determining presidential election petition within 14 days from the date of filing the petition.

Recommendation

The Committee **recommends** that:

(i) The 14 days in Article 103 be maintained.

(ii) The words "and determine" be inserted so that the provision under Article 103(2) of the Constitution should read "shall hear and determine an election petition…."

(iii) Articles 103 to 105 be amended to provide for a chronological order of events from election, petitions and assumption of office.

Justification

The amendment to the law will lead to a better manner of handling presidential election petitions in future and ensure that justice is served.

23. Appointment of Cabinet Ministers

Article 116 (1) and (2) of the Constitution provides that:

"(1) The President shall appoint a prescribed number of Members of Parliament as Ministers.

(2) A Minister shall be responsible, under the direction of the President, for the policy and strategic direction of a Ministry, department or other State institution, as assigned by the President."

Further, Article 117 (1) of the Constitution provides that:

"The President shall appoint a Provincial Minister for each Province from among Members of Parliament".

Summary of findings from submitters

(i) Cabinet Ministers should be appointed from outside Parliament,.

(ii) One individual should not hold the positions of MP and Minister simultaneously as these are very important and involving roles.

(iii) Ministers should be appointed from outside Parliament in order to uphold the true principle of separation of powers and strengthen transparency and accountability.

Committee's observations

(i) The dual roles played by MPs who are also Ministers in different portfolios can be complex due to the demanding nature of the positions that they occupy.

(ii) Since MPs represent the people through constituencies, their legitimacy and mandate stem from the power of the vote and social contract that is bestowed on them through the poll.

(iii) Thus, though Zambia's electoral system requires that Ministers are parliamentarians, countries like New Zealand and Canada have ministers who are not members of parliament.

(iv) Previous Constitutional Review Commissions including the Mvunga Constitution Review Commission, Mwanakatwe Review Commission, Mung'omba Constitution Review Commission, the Zaloumis Electoral Reform Technical Committee and the Silungwe Technical Committee on Drafting the Zambian Constitution have made the recommendation to appoint cabinet ministers from outside Parliament.

Recommendation

The Committee **recommends** that Articles 116 and 117 of the Constitution be amended to provide for the appointment of cabinet ministers from outside Parliament, and that the ratification of the appointment should be carried out by Parliament.

Justification

This will strengthen the doctrine of separation of powers.

24. Civil Servants' Participation in Politics

Article 186 (1) of the Constitution states that:

"A *public officer who seeks election, or is appointed, to a State office shall resign*".

Part 38 (d) of the 2023 Terms and Conditions of Service for the Public Service states that:

"An officer serving on agreement or an established officer shall be required to resign in order to participate in active politics as prescribed in the Constitution."

Summary of findings from submitters

(i) The law forbidding civil servants from joining active politics should be strengthened.

(ii) Currently, civil servants do resign from employment three months before the elections and are ready to contest in an election. This confirms that one was in active politics before resignation.

(iii) The law should be amended to require civil servants to resign at least six months from the date of elections. This would prevent interruption of service delivery in the civil service, whenever it is time for elections.

(iv) Permanent secretaries and below are ranked as civil servants, but these are seen during elections and by-elections campaigning and even using state vehicles.

(v) Civil servants must not participate in the electoral process.

Committee's observations

(i) The issue of civil servants participating in active politics has been topical over the years. For instance, in 2019, this issue was deliberated upon and subjected to a vote during the National Dialogue Forum (NDF). The delegates voted that a civil servant wishing to join active politics should resign and wait for two years before getting involved in partisan politics or contesting any election.

Recommendation

The Committee **recommends** that Article 186 be amended to provide for a public officer to resign from the public service six months before contesting an election.

Justification

The Constitution does not provide a timeframe for resignation from public service before joining active politics.

25. Thirty Percent Women Representation at Council Level

Article 45 (1) of the Constitution provides that:

> *"The electoral systems provided for in Article 47 for the election of President, Member of Parliament or councillor shall ensure —*
>
> *(a) that citizens are free to exercise their political rights; (b) universal adult suffrage based on the equality of a vote; (c) fair representation of the various interest groups in society; and (d) gender equity in the National Assembly or council."*

Further to the issue to do with Women participation Section 29 of the Gender Equity and Equality Act, 2015 espouses the following:

> *(1) Subject to any written law prescribing qualifications, criteria or restrictions which are not discriminatory, a woman has, on an equal basis with a man, the same right to — (a) vote in elections and referenda and to be eligible for election to publicly elected bodies; (b) participate in public decision making and formulate and implement Government policies and programmes; (c) hold public office and perform public functions at all levels of Government; (d) join, and participate in the activities of, non-governmental organisations and associations; and (e) represent the Government at the international level and participate in the work of international organisations.*

Summary of findings from submitters

Legislation should be enacted to ensure 30% women representation at council level.

Committee's observations

(i) Article 12 of the Revised SADC Protocol on Gender and Development requires States Parties to ensure equal and effective representation of women in decision-making positions in the political and public sectors, including using special measures.

(ii) The SADC gender balance threshold is set at 30% for women in decision-making positions within the political and public sectors.

(iii) The SADC Gender and Development Monitor 2022 revealed that although women constitute more than half of the population and the electorate in SADC member states, they continue to be underrepresented at all levels of political and public life.

(iv) The SADC Parliamentary Forum study of 2022 on challenges affecting women's political participation revealed that out of the 15 SADC Member States, Zambia ranked 12 with 15.2% women representation while South Africa ranked first and Namibia second.

Recommendation

The Committee **recommends** enactment of legislation that provides for 30% representation of women at the council level.

Justification

Consideration of the 30% women representation at council level would ensure the following among the benefits:

(i) Enable women to effectively participate in the electoral process as many factors inhibit their participation.

(ii) Enable the country to conform to the regional and international best practices such as SADC Protocol on Gender and Development.

26. Nomination of Women, Youth, and PwDs by Political Parties

There is no legal provision that expressly compels political parties to nominate women, youth and PwDs.

Summary of findings from submitters

Article 60 should be amended to compel Political Parties to nominate a specific percentage of interest groups like women, youth and persons with disabilities.

Committee's observations

(i) Article 60 (2)(a) of the Constitution directs political parties to promote the values and principles specified in the Constitution. Among the listed national values and principles, Article 8 (d) identifies human dignity, equity, social justice, equality and non-discrimination.

(ii) Article 21(2)(b) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa provides for the right of PwDs to effectively participate in political and public life.

(iii) The SADC Gender and Development Monitor 2022 revealed that structural rigidities in political party nomination systems contribute to low women representation.

Recommendation

The Committee **recommends** that Article 60 of the Constitution be operationalised to provide for nomination of women, youth and PwDs to elective positions by political parties.

Justification

The operationalisation of Article 60 of the Constitution will ensure the nomination of women, youth and PwDs by political parties.

27. Enactment of the Political Parties Legislation

Section 3 of the Societies Act provides for registration of Societies, including political parties.

Summary of findings from submitters

(i) Legislation be enacted that will specifically deal with the operations of political parties in Zambia. Such legislation should establish an Independent Political Party Authority and provide for its functions. The authority should be empowered to institute sanctions for Political parties engaged in violent activities and violation of human rights, peace and security in the country.

(ii) ECZ should be given the authority to monitor compliance with gender quotas, campaign financing and anti-violence policies. ECZ should undertake regular audits of political parties' candidate lists and internal procedures.

Committee's observation

Article 60 of the Constitution has provided features of a democratic political party.

Recommendation

The Committee **recommends** that Article 60 be operationalised to provide for registration of political parties, mechanisms for funding political parties, intra-party democracy, provide for quotas for women, youths and persons with disabilities to contest elections, and provide for any matters incidental to political parties.

Justification

The enactiment of political parties legislation will provide for an institutionalised mechanisms for regulating political parties.

28. Regulations on Political Party Financing

Article 60(4) (a), (b), (c) and (d) of the Constitution provides for the regulation of political parties and funding framework.

Summary of findings from submitters

(i) Political Party financing must be transparent and regulated.

(ii) There is need to establish public online registry on political party donations and financing, which should go hand in hand with penalties for defaulters.

(iii) There is need to come up with regulations on political party financing.

(iv) Introduce legislative support for finance and impose limits on campaign spending.

(v) Enacting strict laws to regulate political party campaign finances will ensure transparency and accountability. These regulations could be modelled like Germany, where clear guidelines and reporting requirements help maintain fairness and integrity in the electoral process.

(vi) Regulating political party financing to promote fairness and reduce corruption and ensure transparency around campaign financing.

(vii) Campaign financing framework and regulations be actualised through the operationalisation of Article 60.

(viii) Enactment of Political Parties legislation that will make consideration of political campaign spending limits both in the physical and digital space.

(ix) Registered political parties must be funded by the government as per the provision.

(x) Membership contributions should be the primary source of funding.

Committee's observation

Regulations are essential for any political activity as they determine the parameters in which political parties operate. Regulations on political party financing are therefore necessary as they not only determine where the funds are sourced but how they are expended and accounted for.

Recommendation

The Committee **recommends** that Article 60(4)(a),(b),(c) and (d) of the Constitution be operationalised by enacting appropriate legislation to ensure that political parties' financing is regulated.

Justification

Regulating political party financing will create a level playing field and prevent candidates and political parties from receiving funds from questionable sources. This will also enhance transparency and accountability in the manner campaign funds are sourced and utilised. This will further promote democracy.

29. Eligibility and Tenure of Office for President

The legal provision on qualifications and disqualifications for nomination for a Presidential candidate is under Article 100 of the Constitution. In addition, Article 106, stipulates the tenure of office for a President and vacancy.

Summary of findings from submitters

(i) No President should be eligible for election or nomination after serving two consecutive terms.

(ii) The limitation ensures the renewal of leadership and promotes democratic principles by providing opportunities for new leadership and fresh perspectives.

(iii) The term of office for the president should be clearly stated. The issues surrounding the qualification of a presidential candidate must be made clear.

(iv) A Presidential candidate who has twice been sworn in as a president should not hold office again, the tenure of office for President should be limited to two terms of 5 years.

(v) Clear and specific laws should be formulated regarding eligibility to office of the President.

(vi) Some petitioners submitted that if one is sworn into office twice, they should not go for elections again whether they completed the 10 years in office.

(vii) The law should be amended by replacing the clause which reads 'two five-year terms' with 'sworn in twice'.

(viii) The Constitution needs to be amended and be clear on what a term of office is.

(ix) Article 106 (a) and (b) which provides for what constitutes a full-term be deleted, so that it just ends at serving the unexpired term.

(x) The term of office for a President should be 7 years.

(xi) A person who has served in the Presidential office for more than three years constitutes a term.

Committee's observations

(i) The issue has been topical among the submitters.

(ii) The Committee observed that it is the wish of the majority of submitters that the current term limit for a president be upheld.

(iii) A review of secondary materials through content analysis also found that, the 2005 Willa Mung'omba CRC Report had most petitioners submitting in favour of a two-term limit of five years each for the President.

(iv) A two-term presidential limit is considered best practice for a democratic state.

Recommendation

The Committee **recommends** that the Presidential term limit of two terms of 5 years each be retained as contained in Article 106 of the Constitution.

Justification

(i) The existing presidential term limits are appropriate as they allow for leadership changes while maintaining institutional memory.

(ii) The term limits prevent the concentration of power in an individual and also align with the good tenets of democracy.

30. Tenure of Office for Mayors, Council Chairpersons and Councillors

The legal provision providing for the tenure of office for the office of Mayor/Council Chairperson under Article 154 of the Constitution provides that for a mayor and council chairperson shall be elected –

"*for a term of five years and may be re-elected for one further term of five years*"

Summary of findings from submitters

A 3 term or 15 years limit be introduced as a tenure of office for Mayors, Council Chairpersons and Councillors.

Committee's observation

The Constitutional provision for the tenure of office for the Mayor and Council Chairperson is explicit.

Recommendation

The Committee did NOT adopt the submission, but **recommends** amendment to Article 154 (2)(b) to remove the limit in the number of terms for Mayor/Council Chairperson.

Justification

(i) The law should be consistent with the provisions for term of office for Member of Parliament and Councilor.

(ii) Restricting the term limit for Mayors/Council Chairperson and Councillors is not a best practice in the region.

31. Election of Councillors

Article 153 of the Constitution provides for Councillors, composition of councils and tenure. Sub-Article 1 states that:

> "*a Councillor shall be elected in accordance with Article 47(3) by registered voters' resident within the district.*"

Summary of findings from submitters

There is a need to amend Article 153(1) to read as follows:

"A councillor shall be elected in accordance with Article 47(3) by registered voters within the ward."

Committee observation

The Committee observed the erroneous use of the word 'district' in Article 153 (1) instead of 'ward'.

Recommendation

The Committee **recommends** that:

(i) Article 153(1) should indicate that the councillor be elected within the 'ward' and not 'district'.

(ii) Article 153(4) be amended to read as follows:

"*(f) has paid a prescribed election fee to the Electoral Commission of Zambia, (g) is supported by at least nine registered voters from a ward*"

Justification

The above recommendation is based on the fact that the election of the councillor is supported by registered voters in that ward and not district. The amendment to Article 153 (4) will provide consistency and clarity on what qualifies a person to be elected as a Councillor.

32. Composition of Council

The legal provision for Councillors, composition of councils and tenure is under Article 153(2) of the Constitution.

Summary of findings from submitters

There is a need to amend Article 153 (2) to read as follows:

'A council shall consist of the following members'

The current provision refers to a Mayor/Council Chairperson as Councillors when their qualifications are those of a Member of Parliament.

Committee observations

(i) The Electoral Process Act spells out same qualifications on nominations for a Mayor/Council Chairperson as those of a Member of Parliament.

(ii) The Constitution does not provide the qualifications for the office of Mayor/Council Chairperson.

Recommendation

The Committee **recommends** that Section 33(3)(a) be amended to read:

"members" and not "councillors"

Justification

The alignment of Article 153 of the Constitution and Section 33(3)(a) of the Electoral Process Act will ensure that the Election Process Act is consistent with the provisions of the Constitution.

33. Vacating of Office of Councillors

Article 157 of the Constitution provides for the vacation of office of Councillor.

Summary of findings from submitters

(i) Currently, there is no provision for a Councillor to exit office if serving a prison sentence.

(ii) There is need to amend Article 157(2) by inserting between (b) and (c) to read as follows: -

"The office of Mayor, Council Chairperson and Councillor become vacant if:

the Mayor or Council Chairperson resigns by one month's notice, in writing, to the town clerk or council secretary"

(iii) inserting between (e) and (f) the following amendments-

"is serving a sentence of imprisonment for an offence under a written law"

"has, in the immediately preceding five years, served a term of imprisonment of at least three years."

Committees' observations

(i) The Committee observed an anomaly in the procedure for submitting resignations in which the Article 157(2)(b) provides that the councillor resigns by one month's notice, in writing, to the mayor or council chairperson; whereas procedurally resignations should be submitted to the Town Clerk or Council Secretary.

(ii) Article 157(2)(b) does not provide for the withdrawal of a resignation.

(iii) Article 157(2)(b) conforms to the court ruling in the case of Isaac Mwanza vs The Attorney General 2020/CCZ/0008, where the court held that when an office holder resigns, they cannot rescind their decision.

Recommendation

The Committee **recommends** that Article 157 be amended by inserting between (b) and (c) to read as follows:

(i) The office of Mayor, Council Chairperson and Councillor become vacant if:

the Mayor or Council Chairperson resigns by one month's notice, in writing, to the town clerk or council secretary".

(ii) inserting between (e) and (f) the following amendments-

"is serving a sentence of imprisonment for an offence under a written law"

"has, in the immediately preceding five years, served a term of imprisonment of at least three years."

Justification

The amendment to Article 157 will provide administrative clarity when there is a resignation by any of the office holders. Further, it will provide for vacation of the seat when one is serving a sentence.

34. Strengthening Enforcement of the Code of Conduct

Section 110(1) and (2) of the Electoral Process Act provides for the enforcement of the electoral code of conduct. The ECZ may disqualify a political party or candidate in breach of the code.

Summary of findings from submitters

(i) Strengthen the enforcement of penalties under Code of Conduct to deter malpractice.

(ii) ECZ should have power to disqualify a political party or candidate for being in breach of the Electoral Code of Conduct.

Committee's observations

(i) EMBs generally have a responsibility of election administration and management. Law enforcement therefore should be a responsibility of specialised institutions.

(ii) Where EMBs have power to disqualify candidates for breaching electoral laws, they can act swiftly making decisions within reasonable time compared to the courts. However, political bias and lack of legal oversight may be challenges associated with vesting the power to disqualify candidates with the EMB.

(iii) Where courts are empowered to disqualify candidates, there is a guarantee of legal oversight. However, delays in the court processes could potentially delay other electoral activities.

(iv) Kenya, Nigeria, Ghana, India and Germany have vested some level of enforcement and disqualification powers with the EMB while the courts deal with matters relating to electoral fraud or corruption.

Recommendation

The Committee **recommends** that:

(i) Amend Article 229(d) to give power to the Commission to disqualify an erring candidate as prescribed.

(ii) Amend section 110(2) of the Electoral Process Act to define the ECZ disqualification power, which may include suspension, which disqualification should be confirmed by the courts of law within seven days.

Justification

This will deter malpractices and improve credibility of the electoral process.

35. Nomination Period for General Elections

Part IV of the Electoral Process Act provides for election nominations. However, it does not provide for a pre-nomination filing period.

Summary of findings from submitters

(i) The nomination period be extended to 30 days to allow the ECZ to thoroughly verify candidates.

(ii) Article 52(2) should be amended to give the ECZ adequate time to scrutinize and verify nomination papers and candidate's compliance with qualifications as provided for in the Constitution.

(iii) The word 'immediately' under Article 52(2) be deleted to allow for adequate time to validate the nomination papers.

Committee's observations

(i) The right to contest for an election is a right that is conferred by statute and therefore subject to statutory limitations such as the filing period for nominations in a general election.

(ii) The desk review showed that Kenya and South Africa ensure that the period for nominations is agreed at the time of coming up with the election roadmap.

Recommendation

The Committee **recommends** that, Article 52(2) be amended by deleting the word 'immediately'.

Justification

The Committee established that allocating one day for lodging nominations is not sufficient for the ECZ to verify candidates' nomination papers. The above recommendations will ensure that there is compliance with provisions of Article 70 (1) and (2) of the Constitution.

The deletion of the word 'immediately' in Article 52(2) of the Constitution will allow adequate time to validate the nomination papers.

36. Academic Qualifications- Use of Words "Grade 12 Certificate"

The Constitution, under Articles 100 (1) (e); 70 (1) (d); and 153 (4) (c) provides that one maybe elected as President, Member of Parliament or Councillor if one has obtained, as a minimum academic qualification, a grade 12 certificate or its equivalent.

Further, Article 45 of the Constitution provides for principles of electoral systems and processes with Article 45 (c) and (d) providing for fair representation of the various interest groups in society, and gender equity in the National Assembly or Council.

In addition, Articles 8, 9, and 45 of the Constitution address the National Values and Principles, the Application of National Values and Principles, and the Principles of Electoral Systems and Processes. Specifically, Article 45 (c) and (d) ensure fair representation of various societal interest groups, as well as gender equity in the National Assembly or Council.

Summary of findings from submitters

(i) Considering the Zambia Education Curriculum of 2023 which provides for the conduct of the school certificate ordinary level examination in Form Four, it is prudent to amend the articles to enable one to be elected as President, Member of Parliament or Councillor if one has obtained, as a minimum academic qualification, a school certificate at ordinary level or its equivalent.

(ii) The electoral laws should promote equality and not create classes in society by making educated Zambians more important than uneducated ones.

Committee's observations

(i) The Committee notes the judgement of the Constitutional Court in the case of Nkunika v. Nyirenda and Another (2019/CCZ/005), where the Court held that the term "grade twelve certificate" used in the Constitution was 'synonymous' with 'school certificate'.

(ii) The Committee noted that the National Values and Principles set out in Articles 8 and 9 of the Constitution, and the Principles of Electoral Systems and Processes in Article 45 of the Constitution promote civic participation.

(iii) The above legal provisions work towards creating an electoral system that is more inclusive, equitable and transparent, while creating a political environment that encourages active citizen engagement and national unity.

(iv) Further, the provisions promote better representation of diverse societal groups in governance, ensuring that the interests of all sectors of society are fairly represented in policymaking and law making.

Recommendation

The Committee **recommends** that:

(i) Articles 70,100 and 153 be amended to replace 'Grade 12 Certificate or its equivalent' with 'School Certificate at ordinary level or its equivalent' in line with the new Zambia Education Curriculum of 2023.

(ii) The Committee did NOT adopt the submission on promoting equality and not creating classes in society by making educated Zambians more important than uneducated ones.

Justification

(i) The actual name for the certificate being referred to in the Constitution under the cited Article is School Certificate. 'Grade 12 Certificate' is merely a social name. It is the same document which will be issued in Form Four under the Zambia Education Curriculum of 2023. For the near future, the name 'Grade 12' will no longer be applicable, while the name 'School Certificate' will continue to apply to the same qualification when it was issued in Form Five, Grade 12 and in the near future, in Form Four.

(ii) The legal provisions in Articles 8, 9, and 45 of the Constitution address key issues in Zambia's electoral and governance systems. These provisions aim to address several systemic challenges and gaps in the electoral process and governance, promoting a more inclusive, transparent, and democratic system.

37. Running Mate

Article 110 (1) of the Constitution provides that:

"There shall be a Vice-President for the Republic who shall be the running mate to a presidential candidate in a presidential election."

Summary of findings from submitters

Compel presidential candidates to ensure gender balance in choosing their running mates; where the president is male, the running mate must be female or vice versa.

Committee's observations

(I) There is no example of international best practice on gender considerations for a presidential running mate.

(ii) Although the SADC targets a 50-50 gender parity, there is no applied case of a requirement for presidential candidates and gender differentiation of their running mates.

Recommendation

The Committee **recommends** that, Article 110 (2) of the Constitution be amended by adding a proviso to the effect that the presidential candidate and the running mate shall be of different genders.

Justification

This will promote gender equity in political parties and promote female participation in politics.

38. Participation of Traditional Leaders and Members of Parliament (MPs) in Council meetings

Article 168 of the Constitution provides that:

"(1) Subject to clause (2), a chief may seek and hold a public office.

(2) A chief who seeks to hold office in a political party or election or appointment to a State office, except that of Councillor shall abdicate the chief's throne.

(3) The role of a chief in the management, control and sharing of natural and other resources in the Chiefdom shall be prescribed."

Further, Article 153(1) of the Constitution provides that:

"(1) A Councillor shall be elected in accordance with Article 47(3) by registered voters resident within the district.

(2) A council shall consist of the following councillors— (a) persons elected in accordance with clause (1); (b) a mayor or council chairperson elected in accordance with Article 154; and (c) not more than three chiefs representing chiefs in the district, elected by the chiefs in the district."

Summary of findings from submitters

Traditional leaders and MPs should sit in Council meetings.

Committee's observations

(i) Traditional leaders play a key role in the development of the country and feed into government programmes through the various consultative processes.

(ii) Before 1991, the law allowed traditional leaders to participate in elections. The decision to keep them out of politics was based on their protective and reconciliatory role where they need to embrace all their subjects regardless of their political affiliations.

(iii) Media reports that cited subtle and sometimes subversive political activity by some traditional leaders which affects the cohesion of the communities that they lead.

(iv) Traditional leaders play a signigicant role in local government and Article 153 (2) (c) provides for *not more than three chiefs*

representing chiefs in the district, elected by the chiefs in the district."

(v) They also have a dedicated place, the house of chiefs, where they are afforded a platform to deliberate on the various development challenges and opportunities in their chiefdoms.

(vi) Currently, Members of Parliament do not sit in the council. Members of Parliament are bona fide representatives of the people in a constituency of that district.

Recommendation

The Committee **recommends** that, Members of Parliament should sit in the council meetings as ex-officio and participate in the council decision-making process.

Justification

Members of Parliament have a bird's-eye view of the entire constituency and can contribute constructively in identifying developmental priorities. Furthermore, since MPs are involved in CDF administration it is proper that they participate in the council where CDF management decisions are made.

39. Political Party Internal Affairs

Section 3 of the Societies Act provides that:

"*(1) There shall be a public officer styled the Registrar of Societies and such additional Registrars, who shall be public officers, as may be necessary for the purposes of this Act.*

(2) The Minister may from time to time give general or special directions to the Registrar as to the performance of his duties, and the Registrar shall comply with any such directions."

Summary of findings from submitters

The Registrar of Societies should be above partisan politics and should not interfere in political parties' internal affairs.

Committee's observation

The office of the Registrar of Societies has recently come under public scrutiny over the affairs of political parties.

Recommendation

The Committee noted the submission and **recommended** that Article 60 of the Constitution be operationalised to address the regulation of political parties.

Justification

The operationalisation of Article 60 of the Constitution will bring order in the management of political parties.

40. Timelines for Election Related Disputes and Petitions

Articles 52 (4), 73, 101, 103 and 159 (4) of the Constitution provide for the handling and timelines for petitions relating to election disputes.

Summary of findings from submitters

(i) There is a need to set specific deadlines for filing, hearing and resolving election related disputes and petitions to ensure timely justice and finality in electoral matters.

(ii) There is a need to avoid delays in electoral dispute resolution and ensure timely electoral outcomes.

Committee's observations

(i) Some stakeholders have argued that the legal clauses in the law that prescribe the timeframe have not specified the duration or determination period for election petitions. The lack of clear timelines for determination of election-related disputes and petitions has been a significant issue, as it can lead to delays, uncertainty, and undermine public confidence in the electoral process.

(ii) While mechanisms are in place for challenging election results, the absence of a well-defined timeframe for closure or determination of election disputes can erode public trust in the electoral system.

(iii) Legal ambiguity and inconsistent enforcement of the rules, which further complicate the electoral process.

(iv) Lack of a clear timeline for resolution exacerbates tensions by creating an environment of uncertainty and potential post-election violence.

Recommendation

The Committee **recommends** that:

(i) The Constitutional Court should be able to pronounce its decision by the 14th day and render a reasoned judgment within 60 days thereafter.

(ii) Election petitions under the Local Government should be heard and determined within 30 days, while appeals before the Constitutional Court for both Local Government and Parliamentary elections should be determined within 60 days.

Justification

Providing a timeframe for hearing and determination of election petitions reduces chances of electoral tensions caused by unclear roadmaps for resolving such disputes. The specific timelines for hearing and determination of election petitions will help in resolving electoral disputes speedily and consequently in maintaining national stability. Further, it will increase public confidence and enhance access to electoral justice.

41. Disqualification of Member of Parliament and Vacation of Office by Member of Parliament

Article 72 of the Constitution provides for circumstances under which the office of Member of Parliament becomes vacant.

Further, the Constitution under Article 72 (2) (h) states that:

> "*the office of Member of Parliament becomes vacant if the member is disqualified as a result of a decision of the Constitutional Court.*"

Summary of findings from submitters

(i) The provision should be amended to read: "*loses the seat as a result of the decision of the Constitutional Court where there is an appeal or the High Court where there is no appeal.*"

(ii) The Article should be amended to clearly state the circumstances in which the Constitutional Court can disqualify a member of parliament.

(iii) There is no mechanism for the Constitutional Court to disqualify a Member of Parliament outside of the framework of an appeal to an election petition. This creates ambiguity as the Constitutional Court only hears electoral disputes relating to Members of Parliament on appeal.

(iv) There is a lacuna in the entire Article 72 as there is no nullification of an election to create a vacancy and instead refers to a disqualification of the member of parliament by the court.

(v) There is a need to amend Article 72 (2) by inserting (j) to read as follows:

> '*Loses a seat as a result of a nullification on appeal to the Constitutional Court.*'

(vi) Article 72 (2) (h) of the Constitution is not clear on what type of decisions would make a member of parliament lose their seat. There is a need to include nullification by the Constitutional Court as one of the reasons for a member of parliament to lose a seat.

Committee's observation

Currently the law does not stipulate nullification as one of the grounds upon which the seat of a Member of Parliament becomes vacant.

Recommendation

The Committee **recommends** that:

(i) Article 72(2)(h) be amended to replace 'Constitutional Court' with 'High Court and Constitutional Court'.

(ii) Article 72 (2) of the Constitution be amended to include nullification as one of the reasons for an MP to vacate a seat.

(iii) Further, Article 72(4) be amended to include nullification.

Justification

This recommendation will clarify grounds for a seat being considered vacant due to nullification.

42. Judicial Reforms to Support Quick Resolution of Electoral Disputes

Articles 52 (4), 73, 101, 103 and 159 (4) of the Constitution provide for timelines and measures of handling election disputes.

Summary of findings from submitters

(i) The Judiciary should create a specialized court to address electoral disputes timely.

(ii) There is need for timely resolution of electoral disputes.

Committee's observations

(i) According to international standards and best practices, the rules for electoral dispute resolution should be clear, effective, and established well in advance of the process. The law should clearly state when an election petition should be heard and decided. Zambia's current process for the functioning of the Constitutional Court does not meet this obligation.[154]

[154] https://aceproject.org/ero-en/regions/africa/ZM/zambia-final-report-limited-observation-mission-to

(ii) In the interest of justice, there is a need for an expedited period for determining the election petitions as justice delayed is justice denied.

(iii) There is need for the courts resolution of election disputes within a stipulated timeframe and therefore a provision for an election fast-track court to deal with electoral disputes may be imperative.

Recommendation

The Committee **recommends** that:

(i) An election fast-track court be established to address matters that arise during the campaign period.

(ii) A specialised division of the courts to deal with electoral disputes be established as provided for under Article 133(3) of the Constitution.

(iii) Article 73 (2) of the Constitution be amended to provide for the following words *'hear and determine"* the election petition within ninety days of filing of the petition.

(iv) Article 101(5) of the Constitution be revised to specify that the Constitutional Court must "hear and determine" the election petition.

(v) Amend Article 73(3) to read as follows:

> "*a person may appeal against the decision of the High Court to the Constitutional Court within 7 days from the date of judgement*."

Justification

The recommended amendments will ensure that petitions are heard and determined within a given timeframe thereby addressing the challenge of delayed judgements. Stipulating the petition period to include both the *hearing and determination* allows for an efficient and effective mechanism for resolving election petitions.

5.3 Electoral Process Act and Code of Conduct

1. Electoral and Political Violence

The legal provisions for general offences (including violence) and penalties in an election are provided for under Paragraphs 15(1) and (2) of the Electoral Code of Conduct.

Summary of findings from Submitters

(i) The ECZ, in partnership with the police and the judiciary, should ensure that individuals or organisations who use violence or intimidation against female candidates face prompt and harsh punishment.

(ii) Monitoring mechanisms and systems aimed at protecting and ensuring free participation of women in politics is introduced.

(iii) Political parties must be monitored and continuously engaged.

(iv) Community outreach programs and conflict resolution initiatives ought to be incorporated in the fight against political violence.

(v) The ECZ should be empowered to prosecute electoral offenders such as those causing violence.

(vi) The ECZ should allow its own lawyers to start prosecution in order to enforce the electoral law.

(vii) The ECZ should provide clear guidelines regarding validating results from polling stations that experience violence during voting.

(viii) There is a need to amend Section 89(1)(i) of the Electoral Process Act by deleting the words "without authority" as mutilating, defacing or removing any notice is prohibited under any circumstance.

Committee's observations

(i) Zambia is party to the International Convention on the Elimination of all forms of Racial Discrimination which under Article 7(a) provides that:

"states parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country, in particular, shall ensure women, on equal terms with men, have the right to vote in all elections and public referenda and to be eligible for elections to all publicly elected bodies;"

(ii) The Report of the Commission of Inquiry on Voting Patterns and Electoral Violence, 2019, observed that electoral violence, insults and hate speech discourages and limits participation of the women and other minority groups, such as PwDs and the elderly in politics.

(iii) The Commission recommended that legislation such as the Electoral Process Act should be strengthened to specifically address electoral violence and campaigning on tribal or regional lines.

Recommendation

The Committee **recommends** that:

(i) The phrase "minor electoral disputes" be defined in the law.

(ii) The law should provide for stiffer penalties for electoral violence and demeaning conduct towards women or PwDs during campaigns and elections.

(iii) ECZ, in partnership with stakeholders, should enhance enforcement of electoral laws.

Justification.

This issue on electoral and political violence has been highlighted in several reports such as EU EOM Zambia 2021 Report, CCMG, 2021 General Election Report, AU EOM Zambia 2021 Report. The recommendations will promote the integrity of the electoral process and encourage good conduct among candidates and supporters during an election. The recommendations are aimed at protecting vulnerable groups such as Women, PwDs and Youth

during electoral campaigns. This will also reduce voter apathy and enhance participation.

2. Hate Speech

The legal provisions relating to the conduct of stakeholders during elections are under Section 110 of the Electoral Process Act and the Electoral Code of Conduct which is a schedule to the Electoral Process Act. Paragraph 15(1) (a) of the Electoral Code of Conduct states that:

> *"a person shall not cause violence or use any language or engage in any conduct which leads or is likely to lead to violence or intimidation during an election campaign or election."*

Further, Paragraph 4(2) (a) of the Electoral Code of Conduct states that:

> *"A member or supporter of a political party or candidate shall not use language which incites hatred or violence in any form against any person."*

Further, Sections 70(1) and 179 of the Penal Code Act, provide that:

> *"Any person who utters any words or publishes any writing expressing or showing hatred, ridicule or contempt for any person or group of persons wholly or mainly because of his or their race, tribe, place of origin or colour is guilty of an offence and is liable on conviction to imprisonment for a period not exceeding two years;" and;*

> *"Every person who uses insulting language or otherwise conducts himself in a manner likely to give such provocation to any person as to cause such person to break the public peace or to commit any offence against the person, is liable to imprisonment for three months or to a fine not exceeding four hundred and fifty penalty units or to both."*

The Cyber Security and Cyber Crimes Act under Section 65 provides that:

"*A person who, using a computer system, knowingly without lawful excuse, uses hate speech commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both*".

Summary of findings from Submitters

Hate speech should be included as one of the offences in the electoral offences. Use of hate speech and vulgar language during election campaigns is a contravention of Regulation 15 (a) of the Code of Conduct.

Committee's observations

(i) The Report of the Commission of Inquiry on Voting Patterns and Electoral Violence, 2019 reported that most politicians use hate speech based on regional, ethnic and tribal origins to alienate the voters from supporting their opponents, but that the general public abhors this kind of conduct. Further, it reported that hate speech and vulgar language cause resentment among cadres, which leads to political violence.

(ii) In 2021, the EU and the African Union in their Election Observer Mission Reports observed the use of hate speech from both the ruling party and opposition party supporters, which contributed to political violence and political tension in the country.

(iii) From the period 2023 to 2025 the Judiciary convicted a number of persons for the crime of hate speech.

Recommendation

The Committee notes the submission and **recommends** for enhanced enforcement of Paragraphs 4(2) and 15 of the EPA**,** the Penal Code, the Cyber Security Act, the Cyber Crimes Act, and other relevant legislation.

Justification

The existing legal framework is sufficient but lacks strict enforcement.

3. **Harassment of Public Workers by Political Parties.**

The legal provisions pertaining to offences during an election are covered under Section 89 of the Electoral Process Act and the Electoral Code of Conduct which is a schedule to the Electoral Process Act. Paragraph 14 of the Electoral Code of Conduct states that:

> *"A person or a member of a law enforcement agency, civil society, a church, faith-based organisation, traditional leader, political party or media shall not, by means of threats, violence or sanction, coerce or intimidate another person during campaigns, public debates or elections."*

Summary of findings from Submitters

(i) There is need to protect public workers from being harassed by politicians and cadres by being threatened as a way of forcing them to comply with their demands for use of public resources such as cars and fuel.

(ii) There is need to allow public servants to work without intimidation and interference from politicians and cadres.

(iii) There is need to put in place measures and laws to protect the public workers during elections.

Committee's observations

(i) The Report of the Commission of Inquiry on Voting Patterns and Electoral Violence, 2019 reported that the Zambia Police Service did not effectively prevent violence during elections mainly due to inadequate capacity and taking directives from senior Government officials but also

due to intimidation from political cadres. Further, that there was political party interference with the electoral process through intimidation and harassment of electoral officials during counting of votes. The Commission recommended that interference and intimidation of public workers by politicians and cadres must be addressed as it undermines professionalism and effectiveness of these workers, and compromises service delivery.

(ii) In 2021, the ECZ appealed to stakeholders to allow the Commission to work without interference. ECZ bemoaned the continued harassment of Electoral officials by various political parties and other stakeholders during the 2021 general elections.[155]

(iii) In 2021, Government condemned the intimidation and harassment of civil servants at the Ministry of Works and Supply by suspected Patriotic Front cadres. In a statement released to the media Chief Government Spokesperson Hon. Dora Siliya said that the conduct of the said cadres was not only unruly and uncalled for but criminal.[156]

Recommendation

The Committee **recommends** that Section 110 of the Electoral Process Act (Electoral Code of Conduct) be amended to include a provision to protect electoral officials from harassment during elections.

Justification

ECZ relies on public and civil servants to manage its activities at provincial, district and local level, including the provision of security.

[155] Zambia : Allow us to work professionally-ECZ

[156] Zambia : Government joins in Condemning the harassment of a Civil Servant by PF Cadres, as Police make arrests

The above recommendations will foster the independence of staff in the performance of their duties and enhance the integrity of the electoral process.

4. Electoral Code of Conduct: Use of Social Media

Section 110 of the Electoral Process Act provides for the Code of Conduct. The provisions in the Code regulate the conduct of stakeholders during the electoral process.

Summary of findings from submitters

There is a need to come up with better ways and mechanisms that are quite robust in dealing with issues of managing information on social media.

Committee's observations

(i) Social media's influence over all aspects of life, including the political process, has grown tremendously over the last decade. The ability to access virtual platforms and engage with global communities of users has made our world more interconnected than ever before.

(ii) Social media can be a tool for disinformation, hate speech and a threat to the integrity of elections as well as to the peace and stability of a country. Thus, the need for the country to put in measures to promote information integrity for social media.

(iii) During the 2021 General Election, social media was used by most political parties to reach the electorate and for campaigns respectively. There were numerous reports of internet access being limited on election day to the extent that social media platforms such as Twitter, Facebook, Instagram, and messaging apps Messenger and WhatsApp were restricted. According to CCMG 2021 General Election Report, such internet shutdowns undermine transparency of the election process and may curtail the right of voters to receive information about the elections.

(iv) The EU EOM Zambia 2021 Report noted that disinformation and tribalism pervaded online debates to the detriment of voters, with Facebook not acting to preserve electoral integrity on the platform. This led to the recommendations that: Zambia should amend the legal framework for the ICT sector to prescribe clear and exhaustive criteria for only exceptional blocking or restricting access to the Internet; to decriminalise defamation and publication of false content; to narrow the legal definition of hate speech; and ensure that enhanced transparency and accountability in ZICTA's decision-making process are central to the review.[157]

Recommendation

The Committee **recommends** that the Electoral Process Act be reviewed to harmonise the EPA with the Cyber Security Act and Cyber Crimes Act to address the use and effects of social media on elections.

Justification

There is need to harmonise the Electoral Process Act with the Cyber Security Act and Cyber Crimes Act due to the impact of social media on elections.

5. Media Access and Fair Coverage

Article 50 of the Constitution provides that:

> *"A political party and a candidate contesting an election shall have access to the media, especially during election campaigns."*

Further, Paragraph 8 of the Electoral Process Act (Electoral Code of Conduct) provides for the allocation of airtime to political parties and candidates in an election.

[157] EU EOM Report 2021 General Elections

In addition, the Electoral Process Act, Section 29(2) provides that:

> *"A candidate and political party has the right to have the content of the candidate's or political party's campaign message reported in public media in a fair and balanced manner." and*

Paragraph 7 (1)(a) of the Electoral Code of Conduct provides that:

> *"Print and electronic media shall— (a) provide fair and balanced reporting of the campaigns, policies, meetings, rallies and press conferences of all registered political parties and candidates during the campaign period."*

Summary of findings from submitters

(i) There is a need to introduce penalties for media bias, ensuring public media adheres to fair coverage standards.

(ii) Article 50 of the Constitution be amended to prescribe media access for political parties and candidates, with equal time allocation in public media.

(iii) Paragraphs 8 (1) and (2) of the Electoral Code of Conduct be amended to ensure fair media coverage for all political parties.

(iv) The ECZ should enforce the Electoral Code of Conduct to ensure that the Zambia National Broadcasting Corporation comes up with an election programme that must include all political parties and should allocate airtime to all political parties to ensure equitable access – especially at primetime (19:00 hours news) when a lot of people listen to news.

(v) The media should establish a credible, independent, self-regulatory authority that sets out standards and appropriate codes of behaviour for the media.

(vi) The ECZ should work with institutions such as MISA Zambia on specific training programs for journalists on election coverage.

(vii) The electoral reform process should consider the prescription of penalties for unbalanced or biased media coverage.

Committee's observations

(i) The media are essential for democracy, and a free and fair election is not only about the freedom to vote but also the electorate having adequate information about parties, policies, candidates and the election process itself in order to make informed choices.

(ii) Election observers of the 2021 General Election reported unfair coverage of the opposition political parties by the public media as they gave more media coverage and prime time to the President of the ruling party.

(iii) The CCMG and other stakeholders noted unequal coverage of opposition political parties and candidates by public media during the campaign period leading to the 2021 General Election. The CCMG hence recommended that the legal framework be reviewed to include ZNBC, which is a public broadcaster, under the IBA or another oversight body. This is important in order to ensure fair, non-discriminatory media access by all political parties and candidates.

(iv) The EU EOM Zambia 2021 Report observed that the media coverage during the 2021 General Election was highly polarised, with the state media granting disproportional coverage to the President during prime time. They further, recommended that the Government should transform ZNBC into a genuine public service outlet by appointing ZNBC's management in a transparent and inclusive manner and establishing legal safeguards for editorial and financial independence, and operational sustainability.

Recommendation

The Committee **recommends** that:

(i) Article 50 of the Constitution be operationalised by amending the Electoral Process Act to include media access and coverage of political parties.

(ii) There should be continued collaboration between ECZ and the media organisations.

Justification

This will create consistent and coherent legislation, from the Constitution to other relevant laws on media access. It will also ensure that the public media begins to operate independently.

6. Nomination Period for General Election

Part IV of the Electoral Process Act provides for election nominations. However, it does not provide for a pre-nomination filing period.

Summary of findings from submitters

(i) The nomination period be extended to 30 days to allow the ECZ to thoroughly verify candidates.

(ii) Article 52(2) should be amended to give the ECZ adequate time to scrutinize and verify nomination papers and candidate's compliance with qualifications as provided for in the Constitution.

(iii) The word 'immediately' under Article 52(2) be deleted to allow for adequate time to validate the nomination papers.

Committee's observations

(i) The right to contest for an election is a right that is conferred by statute and therefore subject to statutory limitations such as the filing period for nominations in a general election.

(ii) Kenya and South Africa ensure that the period for nominations is agreed at the time of coming up with the election roadmap.

Recommendation

The Committee **recommends** that:

(i) Part IV of the Electoral Process Act be amended to provide for a pre-nomination period of 14 days.

(ii) Part IV of the Electoral Process Act be amended to place the duty on candidates to verify and authenticate their documents before submission to the Commission.

Justification

The Committee established that allocating one day for lodging nominations is not sufficient for the ECZ to verify candidates' nomination papers. The above recommendations will ensure that there is compliance with provisions of Article 70 (1) and (2) of the Constitution. The deletion of the word 'immediately' in Article 52(2) of the Constitution will allow adequate time to validate the nomination papers.

7. Adoption Certificate, Proof of Adoption if Sponsored by a Political Party

The requirement of an Adoption Certificate is not clearly provided for in the Electoral Process Act. However, the Adoption Certificate is required by the ECZ as proof of the political party sponsoring.

Summary of findings from submitters

(i) The Adoption Certificate for a political party candidate standing as a Councillor, Council Chairperson, Mayor, Member of Parliament or President should be signed by either three NEC members; the President, the Secretary-General or the Chairman of elections. It can also be signed by two NEC members, and the Chairman of elections must be one of them. The Chairman of elections is the one who understands the elections, organises the party for elections and is responsible for people coming to file nominations or to support the candidate.

(ii) Article 100 be amended to include proof of adoption if sponsored by a political party (Regulation 9).

Committee's observations

(i) The Committee notes the unregulated intra-party processes when adopting candidates.

(ii) The lack of a standardised intra-party adoption process for candidates wishing to participate in an election has been a source of intra-party disputes.

Recommendation

The Committee **recommends** that:

(i) Section 33 of the Electoral Process Act be operationalised by amending Part 2 of the Electoral Process (General) Regulations to provide for the Adoption Certificate as part of the nomination papers.

(ii) The Adoption Certificate be signed by the Secretary General and the President or any other office bearers who are registered with the Registrar of Societies.

Justification

These recommendations will address the confusion that may occur during nominations. For instance, where candidates provide adoption certificates signed by unauthorised persons, the Commission will be more empowered to reject such submissions for nominations.

8. Forging of Documents by Candidates

Section 85 of the Electoral Process Act and Section 347 of the Penal Code Act provide that a person who forges any document, including a nomination paper, is guilty of an offence.

Summary of findings from submitters

Some petitioners submitted that a candidate who forges nomination eligibility documents should be disqualified.

Committee's observations

(i) On the day of nomination, the Commission can either validate or invalidate a nomination but it does not have the authority to determine the authenticity of documents.

(ii) However, after nomination, a person may petition the nomination in Court, to challenge the authenticity of the documents that the candidate filed. Where the court finds that a document was forged, the candidate shall be disqualified.

Recommendation

The Committee did not adopt the submission. However, since the power to disqualify a political party or candidate is the preserve of the Court, the Committee recommends that Section 110 (2) of the Electoral Process Act be amended to remove the power to disqualify from the Commission.

Justification

The Committee noted that it is the mandate of the Court to disqualify a candidate and that the existing provisions of the law are sufficient.

9. Disqualification Based on Corruption

The legal provisions on qualifications and disqualifications for Parliamentary, Presidential and Local Government Elections are under Articles 70, 100 and 153 of the Constitution. The Electoral Process Act, under Part VII provides for Corrupt and Illegal Practices and Other Election Offences. Further, Part X, Section 110(2) provides that:

> "*The Commission may disqualify a political party or candidate in breach of the Code*".

Summary of findings from submitters

(i) That if a President, MP, or Councillor is found guilty of the offence of corruption, they must be disqualified from participating in future elections.

(ii) The guidelines on disqualification be established, and this should only be for cases substantiated by a court, with a high standard of proof.

(iii) There is need to introduce a fast-track process for resolving cases during an election.

Committee's observations

(i) CCMG in its 2021 General Election Report recommended, in line with the Report of The Commission of Inquiry into Voting Patterns and Electoral Violence, that the Electoral Process Act should be amended to establish an Electoral Fast Track Court.

(ii) That South Africa has the Electoral Court that oversees the Independent Electoral Commission (IEC) and the conduct of elections; and presides over electoral cases in court. It was established by the Electoral Commission Act, 1996.

(iii) Zambia's National Policy on Corruption acknowledges that electoral corruption remains a big challenge, and attributes this to inadequate enforcement and weak adherence to the electoral laws and regulations. In addition, lack of enabling legislation to regulate political parties and political party financing has exacerbated the situation. Corruption and unregulated financing as well as donations to political parties, equally exert undue influence on politics and can undermine the integrity and credibility of elections.

(iv) The EU, in its 2021 Election Report, reported that the selection of candidates by political parties for National Assembly and Local

Government Elections were chaotic, lacked transparency and were marred by malpractices and corruption.

Recommendation

The Committee **recommends** that:

(i) Section 108 of the Electoral Process Act be amended to ensure that once a seat is nullified by the court, the court should proceed to disqualify the candidate for subsquent election during the life of that parliament and council in accordance with the Constitution.

(ii) Considering the number of electoral cases before the courts, Government should consider introducing a specialised elections court to deal with such petitions and also fast track electoral cases.

Justification

The recommendation to actualize the provision of Section 108 is aimed at enhancing the credibility of the elections by eliminating corruption and malpractices from the electoral processes. The disqualification criteria provided under Articles 70, 100 and 153 of the Constitution are adequate.

10. Objection to the Provisional Register of Voters

Section 17 (1) of the Electoral Process Act provides that:

> "*A person whose name appears in the Provisional Register of Voters may object to an error or omission regarding the person's details, in the prescribed manner, within ninety days of the publication of the Provisional Register of Voters.*"

Summary of findings from submitters

Amend Section 17(1) of the Electoral Process Act to read as follows:

"A person whose name appears in the Provisional Register of Voters may object to an error or omission regarding the person's details in the prescribed manner, within 'a period to be determined by the Commission.'"

Committee's observations

(i) Upholding the right to object to an error or omission regarding a person's details on the provisional register is good practice.

(ii) The prescription of the period within which to make the objection in the law is a good practice. This can be in the Electoral Process Act or may be in the Electoral Process (Voter Registration) Regulations.

(iii) In Namibia, the Electoral Act provides for 14 days after publication of a provisional register within which objections may be made in respect of the names of voters appearing on the register.

(iv) In South Africa, objections to the voter's roll can be lodged at any time before the official proclamation of the election. However, the law provides for the Commission to determine the objection within 14 days from the date of lodgement.

(v) In Nigeria, the period is prescribed in the Electoral Act and provides 14 days after the publication of a provisional register.

Recommendations

The Committee **recommends** that:

Section 17 (1) of the Electoral Process Act be amended to give mandate to the ECZ to prescribe a timeline for a person whose name appears in the provisional register of voters to raise an objection;

Amend Section 17 (1) of the Electoral Process Act to read:

"*A person whose name appears in the Provisional Register of Voters may object to an error or omission regarding the person's details, in the prescribed manner, within fourteen days of the publication of the Provisional Register of Voters.*"

The law should give a 14-day period for the Commission to determine an objection or appeal during inspection.

Justification

Currently the prescribed ninety (90) days is too long and has an adverse effect on other electoral activities.

11. Electronic Voter Registration

Section 7 of the Electoral Process Act states that:

> "*the Commission shall conduct a continuous registration of voters.*"

Further, Regulation 8(1) of the Electoral Process (Registration of Voters) Regulations also states that:

> "*The Commission shall carry out the registration of voters on a continuous basis.*"

In addition, Regulation 10(1) of the Electoral Process (Registration of Voters) Regulations provides that:

> "*A citizen who has attained the age of eighteen years may apply to be registered as a voter to the registration officer for the polling district in which that citizen ordinarily resides in Form II set out in the Schedule or using an electronic media that the Commission may determine.*"

The Electronic Government Act No. 41 of 2021, the Electronic Communication and Transaction Act No. 4 of 2021, the National ICT Policy 2023 and the National Digital Transformation Strategy 2023 to 2027 for

enhanced service delivery through digitization of processes; enhance the management and promotion of electronic government services and processes; and provide a safe and effective environment for electronic transactions.

Summary of findings from submitters

(i) Amend the Electoral Process Act to include electronic voter registration as follows:

"The Commission may use electronic means to register voters."

(ii) Amend Regulation 10(1) to read:

"A citizen who has attained the age of 18 years may apply to any registration officer to be registered as a voter at a registration Centre in an area where that citizen ordinarily resides using Form II set out in the Schedule or using an electronic media that the Commission may determine."

(iii) The electoral process should be digitised.

Committee's observations

(i) In 2021, Zambia adopted the use of Voter Verification Devices (VVDs) to facilitate easy identification of voters at polling stations. Kenya, Nigeria, Ghana and South Africa are among countries that use voter identification devices.

(ii) Zambia is among the first countries to implement biometric voter registration in the region in 2011. Zimbabwe, Malawi, Nigeria, Ghana, Kenya, South Africa and Namibia are among countries that use biometric voter registration systems.

(iii) Many countries in Africa have embraced the use of technology in elections particularly for voter registration, voter identification and

for election results transmission. Zambia became one of the first countries to implement biometric voter registration in the region in 2011. This was a significant step to using technology in elections.

(iv) In Kenya, the law defines the use of integrated Electronic Electoral Systems to include use of biometric voter registration and identification systems. The law further provides for the use of technology in elections.

(v) Electronic voter registration should not be confused with online voter registration. Electronic voter registration entails using electronic systems such as the biometric voter registration systems for voter registration.

(vi) Digitalising the electoral process may include electronic voter registration, using digital platforms for voter education, electronic results transmission, electronic voting and electronic voter identification. However, there are parts of the electoral process that may not be digitalised such as ballot paper verification and election monitoring.

Recommendation

The Committee **recommends** amendment to the Electoral Process Act to provide a section on the use of technology in the electoral process, which will provide for the use of biometric voter registration and identification systems.

Justification

(i) Providing for the use of technology in elections will promote efficiency and effectiveness in the electoral process.

(ii) Following the introduction of electronic registration and mobile registration, a voter can apply for registration at any registration Centre.

(iii) The current voter registration system allows an eligible voter to apply for registration at any registration centre.

(iv) While Zambia uses technology for voter registration, voter identification and results transmission, the law only provides for the use of technology for results transmission.

12. Diaspora Voter Registration

Article 46 of the Constitution provides that:

> *"A citizen who has attained the age of eighteen years is entitled to be registered as a voter and vote in an election by secret ballot."*

Summary of findings from the submitters

Amend the Electoral Process Act to include provisions and modalities for diaspora voter registration.

Committee's observations

(i) To register as a voter and to vote, one needs to be a Zambian citizen who has attained the age of 18 years. This entails that Zambians who are outside the country are not exempted from voting.

(ii) There is no legal framework to operationalise the franchise for those in the diaspora as provided for by Articles 39, 42, 43(1)(a) and 46.

(iii) Kenya has provisions for diaspora voting and the law provides for voter registration for people in the diaspora.

(iv) Kenya took an incremental approach where they started with six countries and have since increased to 18 countries. Such an approach would help to avoid overwhelming the institutions responsible for conducting elections and would enable all

stakeholders to draw lessons as more and more countries are being added to the list.

Recommendation

The Committee **recommends** that the Electoral Process Act be amended to provide for diaspora voter registration as well as implementation mechanisms.

Justification

This will allow for franchise of eligible voters in the diaspora.

13. Suspension of Registration of Voters Pending a By-election

Section 12(1) and (2) of the Electoral Process Act provides that:

> "*(1) The Commission may suspend the registration of voters whenever an election is due for the purposes of the conduct of the election.*
>
> *(2) The Commission shall, where it prescribes the polling day for a by-election, immediately suspend the registration of voters in the district in which the by-election is to take place until the by-election is concluded.*"

Summary of findings from submitters

(i) Repeal Section 12 of the Electoral Process Act, which mandates the ECZ to suspend voter registration for the purpose of an election. This is because a person who registers as a voter just before a particular election, is not eligible to vote in that election; and

(ii) ECZ should consider introducing provisions for the voters register to be certified at intervals.

Committee's observations

(i) The law in Kenya allows the suspension of voter registration in case of a by-election

(ii) Suspending voter registration during a by-election could be perceived as disenfranchisement. This is because there are other services such as replacement of lost or damaged cards offered during voter registration.

(iii) The new registrations may have no impact on the by-election as there are other processes before a voter is added to the voter's register.

Recommendation

The Committee **recommends** that Section 12(2) of the Electoral Process Act on suspension of voter registration should be amended to allow eligible voters to register during by-elections.

Justification

Suspension of registration of voters during a by-election denies eligible voters to register as voters and also those replacing their voter's cards a chance to vote.

14. Introduction of a Specific Period for Mass Mobile Voter Registration

Section 7 of the Electoral Process Act states that:

> *"the Commission shall conduct a continuous registration of voters."*

Further, Regulations 8(1) and 9 of the Electoral Process (Registration of Voters) Regulations state that:

> *"(1) The Commission shall carry out the registration of voters on a continuous basis."*

Summary of findings from submitters

(i) Amend the Electoral Process Act to allow for a period of mass mobile voter registration.

(ii) The provision should compel the ECZ to release the targets based on census statistics for the voter registration exercise.

Committee's observation

(i) In 2020, the ECZ conducted a fresh registration targeting over 8 million new registrations. The decision was made on the realisation that the 2016 register, which was an update of the 2011 register, had an estimate of 1.4 million deceased voters.

(ii) This decision aligns with the principle of an accurate and current Register of Voters.

(iii) In Kenya, the law provides that in addition to continuous voter registration, fresh voter registration is conducted in intervals of not less than 8 years and not more than 12 years in line with boundary delimitation.

(iv) Namibia does not implement continuous voter registration. However, the law provides for voter registration to be conducted in intervals of not less than 10 years. In addition, the President may, from time to time by proclamation in the Gazette, determine that supplementary voter registration takes place at any time.

(v) In Nigeria and Zimbabwe, the law provides for continuous voter registration. In Zimbabwe, the President may, by proclamation in the Gazette, order fresh voter registration.

Recommendation

The Committee **recommends** that Section 7 of the Electoral Process Act be amended to provide for mass voter registration.

Justification

Mass mobile registration of voters enables the ECZ to take voter registration closer to the people and facilitates for many eligible voters to register.

15. Continuous Registration of Voters in All Districts

Article 229(1) of the Constitution states that:

> "*There is established the Electoral Commission of Zambia which shall have offices in Provinces and progressively in districts.*"

Further, Section 7 of the Electoral Process Act states that:

> "*the Commission shall conduct a continuous registration of voters.*"

In addition, Regulations 8(1) and 9 of the Electoral Process (Registration of Voters) Regulations also state that:

> "*The Commission shall carry out the registration of voters on a continuous basis.*"

> "*Subject to these regulations, a Registration Officer for a polling district shall carry out the registration of voters in that polling district.*"

Summary of findings from submitters

(i) Continuous registration of voters should be extended to all the districts in the country. This will help reach the marginalised and enhance fairness.

(ii) Resources should be allocated for voter registration in all the districts.

(iii) Continuous registration of voters in districts must be maintained.

(iv) ECZ should not conduct voter registration close to an election time.

Committee's observations

(i) The ECZ 2021 General Election Review Report, highlighted the need for ECZ to progressively roll out mobile voter registration to other districts.

(ii) Countries that implement continuous registration of voters use local government structures such as municipality offices in the case of South Africa.

(iii) Other countries use online registration while others use the civil registers to update the voter's roll. In other countries, registration of voters happens even on poll day.

(iv) The idea of providing a cut-off period for voter registration is to manage voter registration data to ensure its security and integrity, and manage logistics as far as ballot procurement is concerned.

(v) In Kenya, the law provides that voter registration should not be conducted sixty days before the date of a general election, while the Electoral Act of Nigeria 2022 provides that voter registration should not be conducted ninety days before an election.

(vi) Ethiopia, on the other hand, conducts registration of voters on poll day.

Recommendation

The Committee **recommends** that:

(i) ECZ should implement Continuous Registration of Voters (CRV) in all the districts.

(ii) Section 12 (1) of the Electoral Process Act be amended to specify the period in which voter registration can be suspended before a General Election.

Justification

(i) Continuous registration of voters serves to ensure that the voter's roll is accurate, current and inclusive, thereby enhancing participation of eligible citizens in the electoral process.

(ii) Section 7 of the Electoral Process Act provides for continuous registration of voters. The amendment of Section 12 of the Electoral Process Act, as recommended, will provide clarity on when voter registration should be suspended.

16. Technology Integration in Voter Registration

The legal provision in support of the pre-voter registration application using electronic medium is under Regulation 8(3) of the Electoral Process (Voter Registration) Regulations. In addition, Section 74 of the Electoral Process Act provides for the transmission of results from the polling stations.

Summary of findings from submitters

There will be a need to leverage technology to improve voter registration, voting processes and results transmission while ensuring that cyber security and data protection are taken care of.

Committee's observations

(i) Around the world, technology is increasingly being used to supplement or otherwise augment various parts of the election process, such as voter registration and results transmission.

(ii) A study highlighting the activity of EMBs from 72 countries across the globe, published in 2020, shows that 11 reported not using technology at all, while most of them included tools on tabulation, voter registration and candidate registration.[158,159]

[158] Use of Technology in Election Process: Who Governs? https://dio.org/10.1089/elj.2019.0559

[159] Study on New Technologies on Free and Fair Elections, 2021

(i) General international standards on elections still govern the use of technologies. For example, guaranteeing the secrecy of the vote, ensuring privacy and data protection rights, accessibility for all, and requiring integrity and transparency of the election process.

(ii) General international standards on cyber security are also applicable to elections.

Recommendation

The Committee **recommends** that ECZ should scale-up the use of technology in the electoral process to promote efficiency and effectiveness.

Justification

This is in keeping with technological trends and making the electoral process more efficient and cost-effective.

17. Replacement of the Words "Voting Station" with "Polling Station"

The legal provisions that provide for voting procedures and voting hours are under Sections 60 and 50 of the Electoral Process Act.

Summary of findings from the submitter

Sections 60(6)(f) and 50(7)(b) should be amended to replace the words "Voting Station" with "Polling Station" as there is need to use correct terminologies.

Recommendation

The Committee **recommends** that Sections 60(6)(f) and 50(7)(b) should be amended to replace the words "Voting Station" with "Polling Station".

Justification

The amendment of Sections 60(6)(f) and 50(7)(b) will ensure consistency in terminology.

18. Disenfranchisement of Citizens Turning 18 Years in the Election Year

Article 46 of the Constitution provides that:

> *"A citizen who has attained the age of eighteen years is entitled to be registered as a voter and vote in an election by secret ballot."*

Summary of findings from submitters

Article 46 of the Constitution should be repealed to allow those who attain the age of 18 years, before or on the 2nd Thursday of August (the date of the general election) to vote.

Committee's observations

(i) Article 46 of the Constitution combines the right to vote and the voter registration age. This creates rigidity in as far as registering persons turning 18 years on the date of elections.

(ii) Botswana, Namibia and Kenya all set the age for voter registration at 18 years. The law in Malawi and South Africa provides for registration of any person, if on the date of election, that person would be 18 years. In Ethiopia, voter registration takes place on Election Day.

Recommendation

The Committee noted the submission but **recommends** legislative amendments to ensure that those who turn 18 years at the time of certification of the Register of Voters be allowed to register and vote.

Justification

This will enable those who turn 18 years on or before the date of the General Election to exercise their constitutional right to vote.

19. Postponement of the Polling Day at the Polling Station

Section 56(2)(c) of the Electoral Process Act provides that:

"(2) *A postponement under subsection (1) shall be*

(c)publicised in the media to ensure wide publicity of the postponement of the polling day at a polling station."

Summary of findings from submitters

(i) There is need to amend Section 56(2)(c) to read as follows: -

"Notify the public of the postponement of the polling day at the polling station."

(ii) The Electoral Process Act defines Media to include "publicly or privately operated print and electronic media." The definition may pose a challenge as some areas do not have print or electronic media.

Committee's observation

Alternative communication methods, especially in rural areas, ensure that marginalised groups, including those without access to newspapers or state media, receive crucial updates.

Recommendation

The Committee **recommends** that Section 56(2)(c) of the Electoral Process Act be amended to provide for the notice of polling day postponement at the polling station to be extended to any other means of communication, other than limiting it to print and electronic media.

Justification

(i) The above recommendation is aimed at ensuring that the affected voters and election officers at the polling station are aware of the postponement.

(ii) Clear communication about polling day postponements reassures the electorate that changes are procedural, not manipulative, and thereby reducing suspicions of electoral malpractice.

20. Replacement of the words "polling district" with the words "polling station" (Voting Procedure)

Section 60 of the Electoral Process Act states that:

> *"Subject to section forty-eight, a voter shall only vote at the polling station in the polling district for which that voter is registered."*

Summary of findings from the submitters

(i) Section 60 should be rephrased to replace the words "Polling District" with the words "Polling Station;

(ii) Polling Districts have been phased out.

Committee's observation

Election laws and regulations must be updated to reflect the revised terminology to avoid inconsistencies in official documents.

Recommendation

The Committee **recommends** for the amendment of Section 60 of the Electoral Process Act by replacing the words "polling district" with the words "polling station."

Justification

The recommendation is based on the changes in both practice and terminology from "polling districts" to "polling station."

21. Replacement of the words "voting compartment" with the words "voting booths" (Voting Compartments)

Section 54 of the Electoral Process Act provides for voting compartments, while Regulation 29(1) (a) of the Electoral Process (General) Regulations states that:

"A Returning Officer, shall in respect of the taking a poll in a polling station within the returning officers constituency, district or ward ensure that there are sufficient compartments within which voters may mark their ballot papers in secrecy and screened from observations."

Summary of findings from submitters

(i) There is need to rephrase "voting compartments" with "voting booths".

(ii) There is need to use a familiar term "voting booths"

Committee's observation

Although both terms serve the same purpose, it is advisable to use the terminology familiar to voters in Zambia.

Recommendation

The Committee **recommends** that Section 54 of the Electoral Process Act and Regulation 29(1)(a) of the General Regulations should be amended accordingly by replacing the words "voting compartments" with the words "polling booths."

Justification

This will ensure the use of familiar language.

22. Objections Concerning Voting

Section 64 (3) of the Electoral Process Act states that:

"An election agent or a voter may object to any conduct of an election officer or any other person present at a polling station."

Summary of findings the submitters

(i) Section 64(3) of the Electoral Process Act should be amended to read as follows: -

"An election agent or a voter may object to the conduct of an election officer or any other person present at a polling station as relates to the voting process";

(ii) The provision is vague, as it does not specify which conduct of an election officer is objectionable.

(iii) Section 64 refers to the actual voting procedure at the polling station.

Committee's observation

(i) Since Section 64 of the Electoral Process Act governs the actual voting procedure, any amendment should align with best practices to ensure that objections do not disrupt the voting process while still allowing for accountability.

(ii) In the United States of America and Australia, the law allows voting to continue unless the objection directly impacts ballot integrity.

(iii) In Kenya, election agents can formally challenge election results if their objections were not resolved satisfactorily during voting.

Recommendation

The Committee **recommends** that Section 64(3) of the Electoral Process Act be amended to clarify grounds for objections pertaining to the conduct of election officers at the polling stations.

Justification

An amendment to Section 64(3) will make clear the stages for making an objection concerning voting through an election officer.

23. Revoting at a Polling Station

Section 75(2)(c) of the Electoral Process Act states that:

"A revote at a polling station shall be conducted in accordance with a procedure prescribed by the Commission."

Summary of findings from submitters

There is a need to prescribe the procedure for re-voting.

Committee's observations

(i) The provision delegates the responsibility for prescribing the revote procedure to the ECZ. However, it does not outline key principles or safeguards for the process.

(ii) The lack of specificity in the provision could lead to inconsistencies or discretionary decisions that may be perceived as unfair or lacking transparency.

Recommendation

The Committee **recommends** that the revoting procedures be prescribed.

Justification

Prescribing procedures for re-voting will actualise Section 75(2)(c) of the Electoral Process Act.

24. Assistance to Voters with Disabilities

Section 61 of the Electoral Process Act provides for Assistance to Voters with Disabilities.

Summary of findings from submitters

(i) Section 61 should be amended to read as "Assistance to Voters" and other categories of voters requiring assistance be provided (See Regulation 39 of the Electoral Process Act (General Regulation).

(ii) The Electoral Process Act should be amended to provide for PwDs, pregnant women, senior citizens and incapacitated voters;

(iii) The Commission should consider the creation of alternative queues for these categories identified.

Committee's observations

The current provision is limited in scope. While the section focuses on voters with disabilities, other vulnerable groups may also require assistance.

Recommendation

The Committee **recommends** that Section 61 be broadened to include other voters who may need assistance such as elderly persons, pregnant women, the sick and PwDs.

Justification

The proposed changes to Section 61 will take care of other categories of people who may need assistance, such as elderly persons, pregnant women, the sick and PwDs. Further, it will align with the national policy on inclusive participation of all vulnerable groups or individuals.

25. Place and Time for Counting of Votes

Section 67(3) of the Electoral Process Act provides that:

> *"The procedures provided for in this Part relating to the counting of votes may be suspended only with the approval of the Commission and, if they are suspended, the presiding officer shall ensure the safekeeping of all the voting materials entrusted to the presiding officer until the counting of votes has been completed."*

Summary of findings from submitters

(i) There is a need to create regulations to address Section 67(3) in the Electoral Process Act on the suspension of counting of votes.

(ii) The provision relating to the suspension of counting is lacking in the Act and Regulations.

Committee's observation

The provisions for suspending vote counting are not outlined in the Electoral Process Act.

Recommendation

The Committee **recommends** that Regulations on the suspension of counting of votes be developed.

Justification

Establishing procedures for suspending the counting and announcing of results at the polling station will resolve disputes that may arise when there is disruption in vote counting. It will further ensure that the election process remains transparent, efficient, and comply with legal standards.

26. Electoral Commission of Zambia to Facilitate for Diaspora Voting

There is currently no legal provision for diaspora voting.

Summary of findings from submitters

(i) Zambians living in the diaspora be allowed to participate in general elections in voting for the President through the missions of the Zambian Government in those countries.

(ii) There is a need to introduce electronic voting to facilitate voting by persons in the diaspora.

(iii) Zambians living in the diaspora should not be allowed to cast their votes outside the country.

(iv) There is a need to enact laws to enable Zambians living abroad to vote at their local embassies, similar to the system in South Africa.

(v) Laws should be enacted to introduce diaspora voting.

(vi) The ECZ should come up with mechanisms for Zambians in the diaspora to vote.

Committee's observations

(i) This was observed as a progressive and innovative submission and ECZ should pilot this process in selected countries with many Zambians to assess the effectiveness of this manner of voting.

(ii) Citizens domiciled outside Zambia should not be denied their fundamental right to participate in the governance of the country.

(iii) In line with the Diaspora Policy of 2019, citizens living abroad should be allowed to vote in general elections by the creation of a legal framework to that effect.

(iv) Further research, benchmarking and massive stakeholder engagement should be conducted before implementation.

(v) For best practice, lessons can be drawn from the following countries that are currently conducting diaspora voting: South Africa, Mexico, Brazil and Kenya, where the process is still in development.

Recommendation

The Committee **recommends** that research, benchmarking and learning of best practices on the possibility of implementing diaspora voting be undertaken.

Justification

This will ensure full actualisation of the franchise as provided for under Article 46 of the Constitution. Further, the citizens domiciled outside Zambia will not be denied their rights to participate in the governance of the country.

27. Election Materials and Voting

The legal provision on disposal of voting and election materials is Section 115(2) of the Electoral Process Act, which states that:

"Unless the Constitutional Court, the High Court or a tribunal orders otherwise, the Commission may dispose of the voting and election materials used in a particular election six months after the date on which the final result of the election was declared, in the manner directed by the Commission."

Further, Regulation 54 of the Electoral Process (General) Regulations provides for the custody and destruction of election materials.

Summary of findings from submitters

(i) There is a need to include a definition of "Voting Materials" and "Election Materials" in the Electoral Process Act in order to speak to Section 115.

(ii) There is a need for the definition of Election Materials for the purpose of Regulation 54(2) to include ballot papers and forms.

(iii) There is a need to define clearly, what materials are to be disposed of by the Commission and those to be disposed of by the Committee of Survey.

Committee's observations

(i) The Committee notes that the Electoral Process Act does not define the words "voting materials" and "election materials".

(ii) The Committee also notes the time allocated to the initial hearing of election petitions (14 to 90 days) in the presidential, parliamentary and local government elections. This is because litigation may demand the production of certain election or voting materials in court.

(iii) Under the Election's Act of Kenya, "election material" means ballot boxes, ballot papers, counterfoils, envelopes, packets statements and other documents used in connection with voting in an election and includes information technology equipment for voting, the voting compartments, instruments, seals and other materials and things required for the purpose of conducting an election

Recommendation

The Committee **recommends** that the Electoral Process Act be amended to define the term "election materials". The Committee further recommends categorisation of materials to be retained or destroyed after six months.

Justification

The above recommendation will ensure that there is a clear understanding of the type of materials that should be stored or destroyed and the timeframe for their disposal.

28. Storage of ECZ Equipment for Poll Day

Section 115 of the Electoral Process Act provides that:

> *"The Commission shall own all voting and election materials used for, or provided by it in, an election."*

Further, Section 66 of the Electoral Process Act provides for the securing of ballot papers at the close of the poll.

Summary of findings from submitters

(i) ECZ should pre-arrange secure storage facilities for equipment intended for use on polling day.

(ii) Arrangements for secure locations should be made to store election equipment safely in polling stations. In schools, the headmasters' offices' strong rooms can be used to keep the materials.

(iii) All election materials from the election house or printing premises must be accompanied by representatives from all stakeholders.

(iv) There is need to cure the problem of inadequacy of total security for ballot boxes to promote the integrity and credibility of an election.

Committee's observations

(i) The Committee notes that the laws governing the electoral process have enough provisions relating to the protection and security of election materials and equipment.

(ii) Further, the issues raised are administrative and can be dealt with internally by the ECZ and relevant stakeholders.

Recommendation

The Committee **recommends** that:

(i) Stakeholders wishing to accompany the election materials from the election house can do so at their own costs.

(ii) ECZ should address the matter of storage of equipment administratively.

Justification

The above recommendations will enable ECZ to prioritise the safe keeping of election materials.

29. Electronic Voting

Section 74 of the Electoral Process Act provides for electronic transmission of results from polling stations.

Summary of findings from submitters

(i) Electronic voting should be adopted. This will allow people to vote from anywhere.

(ii) There is need to introduce electronic voting for PwDs or any other way that can promote inclusivity and participation.

(iii) The Commission should introduce online voting as traditional voting systems have limited accessibility.

(iv) Electronic voting be introduced and results transmission be piloted gradually.

(v) There is need for electronic voting systems and the electronic transmission of results from polling stations to the central tallying centre.

(vi) The voting process should be digitised to enhance voter identification.

Committee's observations

(i) The Commission currently transmits results from polling stations to the totalling centre via electronic means.

(ii) Namibia introduced electronic voting. However, the country reverted to manual voting due to observed shortcomings in implementation.

(iii) India uses electronic voting which has greatly contributed to efficiency in election administration and management.

(iv) In the United States of America, both electronic and manual voting are used.

(v) Further research and benchmarking needs to be undertaken on electronic voting before implementation.

Recommendations

The Committee **recommends** that:

(i) Amend the Electoral Process Act to provide for the use of technology in elections.

(ii) ECZ carries out thorough research or benchmarking on electronic voting in order to arrive at an informed decision.

Justification

Research is necessary to help understand the full scope of implementing electronic voting.

30. Electronic Transmission of Results

The legal provision on electronic transmission of results from the polling stations is provided for under Section 74 of the Electoral Process Act.

Summary of findings from submitters

(i) There is a need to amend Section 74 to read as follows:

"The Commission may use electronic means to transmit results."

(ii) Due to the non-availability of internet services in some polling stations, it is currently more feasible to transmit from constituencies.

Committee's observation

The current provision allows the electronic transmission of results from polling stations only. This excludes the transmission of results from constituencies or other levels of election results management.

Recommendation

The Committee **recommends** that Section 74 be amended to read as follows:

"*The Commission may use electronic means to transmit results.*"

Justification

By broadening this provision on electronic transmission of results from not just polling stations but any level of election results management, the Commission will be at liberty to use technology based on the required infrastructure such as internet services.

31. Election Timetable

Section 28 (1)(b) of the Electoral Process Act provides as follows:

> "*Subject to the Constitution, the Commission shall, before the polling day: publish the election timetable in the Gazette.*"

Summary of findings from submitters

The election timetable must be widely publicised using other media channels such as newspapers.

Committee's observation

Publishing the election timetable using other forms of media is an essential step in ensuring that the electorate is informed and prepared for upcoming elections.

It also promotes transparency, and encourages voter participation.

Recommendation

The Committee **recommends** that Section 28(1)(b) of the Electoral Process Act be amended to provide for other forms of media to publicise the election timetable.

Justification

Publicising the election timetable in the media will result in effective dissemination and access to election timelines by stakeholders.

32. Election Fees

Articles 71 and 100(1)(i) of the Constitution require that nominated candidates pay the prescribed election fees on or before the deadline for submitting nomination papers to the ECZ. These requirements are further detailed in Section 30(b) of the Electoral Process Act and Regulations 11(d), 12(d), and 14(d) of the Electoral Process (General) Regulations, including sub-regulations.

Summary of findings from submitters

(i) The nomination fees for Presidential and Parliamentary candidates should be revised downwards.

(ii) Nomination fees should be K500 for the Councilor; K5,000 for MPs and K30,000 for President.

(iii) Women contestants at all levels should pay 50% of what is payable by all male contestants, in that women are more financially vulnerable than men and therefore, the reduction in nomination fees will encourage them to participate in politics.

(iv) Amend the law to provide for the Vice President (running mate) to pay a nomination fee which should be half of what the presidential candidate pays.

(v) The Vice President is a president in waiting and therefore should pay a nomination fee. If an ordinary person is made to pay a fee for accessing a voters' register, then even a person vying for the office of Vice President should pay their nomination.

Committee's observations

(i) The ECZ administratively ensures that the prescribed election fee for women, youth and persons with disabilities is lower.

(ii) It is common practice in the region for candidates to pay election fees which are prescribed by the Election Management Body.

(iii) The Electoral Process Act and Regulations have provision for the payment of an election fee. However, they do not prescribe the actual fees.

Recommendation

The Committee did not adopt the submissions, but **recommends** that the ECZ should prescribe election fee in the Regulations.

Justification

The provision of fees within the law will promote transparency and accountability.

33. Provisional Results

The counting of votes and announcement of provisional results is provided for under Section 68 of the Electoral Process Act which states that:

> *"(1) A presiding officer shall open the ballot boxes and— (a) cause the ballot papers to be sorted on the basis of the ballot papers for each election, if more than one election was held at a polling station on the same day; (b) cause the ballot papers for each election to be sorted and compare them with the number of ballot papers issued in the prescribed manner; (c) cause the votes cast in each election to be counted in the prescribed manner; and (d) announce and publish the result of each count at that polling station in both figures and words in the prescribed manner."*
>
> *(2) A presiding officer shall reject a ballot paper— (a) that indicates the identity of the voter; (b) on which a vote is cast for more than one candidate; (c) that is unmarked; (d) that is marked in such a way that it is not reasonably possible to determine the voter's choice; (e) that does not bear the official mark required in terms of section sixty (5) (c); or (f)that is not an official ballot paper.*
>
> *(3) The presiding officer shall mark A for rejection on the back of each rejected ballot paper and file the rejected ballot paper separately."*

Summary of findings from submitters

There is need to amend Sections 68 (1), 70 and 71(1) of the Electoral Process Act by deletion of the word "provisional" as the use of the term "provisional" is misleading.

Committee's observation

The word "provisional" appears in the marginal notes for Sections 68, 70 and 71 of the Electoral Process Act.

Recommendation

The Committee **recommends** that Sections 68(1), 70(1) and 71 should be amended by deleting the word "provisional" in the marginal notes.

Justification

The proposed amendment will ensure that results announced at the polling station are final, as voting starts and ends at a polling station.

34. Campaign Period and Dissolution of Parliament

Article 81(3) of the Constitution provides for the dissolution of Parliament ninety days before the holding of the next election.

Section 2 of the Electoral Process Act defines the campaign period 'as three months before the holding of an election,' while Section 28 provides for the election timetable.

Summary of findings from submitters

(i) There is need to review the date of dissolution of Parliament in an election year to cover 6 months before the date of the general election.

(ii) Section 28 of the Electoral Process Act should be amended to define campaign period as 'the period specified as such in the notice issued by the Commission to an election'.

(iii) The Electoral Process Act should be amended to include the requirement for development of a campaign timetable agreed upon by political stakeholders;

(iv) There is no problem with how these two periods are defined and must be maintained. This is because there is no contradiction between 90 days and three months, and the laws as they stand so far are delivering.

Committee's observations

(v) The definition of the campaign period as three months before the holding of an election is problematic as the said provision does not seem to consider the time required to process nominations after dissolution of Parliament.

(vi) The provision does not allow political parties time for candidate preparation for nomination.

Recommendation

The Committee **recommends** that:

(vii) Section 28 of the Electoral Process Act should be amended to define campaign period as:

"the period specified as such in the notice issued by the Commission to an election."

(viii) Delete the definition "campaign period" in Section 2 of the Electoral Process Act.

Justification

The recommendations will align with Article 81(3) of the Constitution and Section 28 of the Electoral Process Act, thereby harmonising the campaign period with the dissolution of parliament during a General Election. This will also give the Commission and other stakeholders enough time to finalise their internal processes.

35. Use of Public Funds during Campaign Period

Section 76 of the Public Finance Management Act provides that:

"*An office holder or any other person shall not use any public monies or public stores or other assets for any purpose not authorised by this Act or by any other law.*"

Paragraph 15(1)(k) and (l) of the Electoral Code of Conduct states:

"*(1) A person shall not-*

(k) Use government or parastatal transportation or facilities for campaign purposes, except that this paragraph shall not apply to the president and vice president in connection with their respective offices;

(l) Use government transportation or facilities to transport voters to polling stations."

Summary of findings from submitters

There is need to clarify and strengthen legal provisions concerning the use of public funds during the campaign period. This relates to the distribution of taxpayer money through empowerment funds and the distribution of other in-kind benefits to the electorate.

Committee's observation

The abuse of public resources during campaigns has brought controversy among electoral stakeholders during elections.

Recommendation

The Committee **recommends** that the law on unauthorised use of public funds be fully enforced by the relevant authorities.

Justification

This will promote a level playing field and protect government resources from abuse.

36. Discrimination, Demonisation and De-campaigning of Candidates

Section 84(1) of the Electoral Process Act provides that:

> *"A person shall not, before or during an election, publish a false statement of the illness, death or withdrawal from election of a candidate at that election for the purpose of promoting or procuring the election of another candidate, knowing that statement to be false or not believing it to be true."*

Paragraph 15(1)(m) of the Electoral Code of Conduct states:

> *"(1) A person shall not-*
>
> *(m) discriminate against any person on grounds of race, ethnicity, class, disability, gender, sex, religion, or in any other manner in connection with an election or political activity."*

Summary of findings from submitters

There is need to enhance stakeholder sensitisation against discrimination, demonisation and de-campaigning of candidates on the basis of disabilities, gender and age.

Committee's observation

While criticism and competition are natural in politics, unfair tactics like discrimination, demonisation and de-campaigning erode trust in democratic processes and discourage capable candidates from participating.

Recommendation

The Committee **recommends** that:

(i) Political parties and other key stakeholders should promote a culture of inclusivity and participation of marginalised groups, such as women, youth and PwDs, in the electoral process.

(ii) Legal protections against discrimination, demonisation, and de-campaigning should be strengthened by providing equal coverage for all candidates on state media.

(iii) Ethical campaigning should be promoted by enforcing the Electoral Code of Conduct.

Justification

This will ensure that marginalised groups are not excluded and disadvantaged during election activities including campaigns.

37. Disability Status of Candidates

The Electoral Process (General) Regulations provide for various election forms. The Local Government Nomination Paper for Mayor/Council Chairperson (Gen 9) provides for the nomination of the Mayor/Council Chairperson, while the Local Government Nomination Paper for Councillor (GEN 11) provides for the nomination of Councillor.

Summary of findings from submitters

(i) The GEN Forms 9 and 11 should be amended to provide for disability status.

(ii) The disability status of a nominated candidate should be an integral part of a person's identity. This information is also important for planning and logistical purposes.

(iii) Voters have the right to know the disability status of nominees.

Committee observations

(i) As noted by stakeholders, the nomination forms used currently has no provision for capturing information regarding the disability status of a candidate, which limits the ability to assess and promote the inclusion of persons with disabilities in the electoral process.

(ii) The CRPD indicator under Article 29 of the Convention provides the need for State Parties including Zambia to have a legal requirement on the collection of data relating to persons with disabilities participating in the electoral process.

(iii) Disability-related data in Zambia is inadequate save for the Disability Survey of 2015. There is also limited information in some ministries, specific service providers, and NGOs.

(iv) The 2005 Zaloumis Electoral Reform Technical Committee observed the need for disability data, highlighting that accurate statistics are essential to facilitate the full participation of persons with disabilities in the electoral process.

Recommendation

The Committee **recommends** that GEN Forms (9) and (11) should be amended to provide for disability status.

Justification

The recommended amendments to GEN Forms 9 and 11 are necessary to enable the ECZ and other stakeholders to effectively identify barriers faced by persons with disabilities in the electoral process as well as facilitate the implementation of the necessary interventions and allocate resources effectively to ensure reasonable accommodation.

38. PwDs Access to Electoral Services

According to Section 3 (b) of the Electoral Process Act, the principles applied in the electoral system and process shall ensure that there is no discrimination based on gender or disability when providing electoral services.

Summary of findings from submitters

(i) There is need to make available services such as braille jacket, voter assistant, electronic voting and online voting for PwDs in residential areas.

(ii) ECZ and political parties should ensure that voter education and political campaign materials are in accessible formats such as simple to understand signage, large prints, sign language and braille, to cater for persons with disabilities.

(iii) ECZ should uphold the United Nations Convention on Rights of Persons with Disabilities.

Committee's observations

(i) Article 23 of the Constitution provides for the protection against discrimination of persons with disabilities and Part II of the Persons with Disabilities Act provides for the rights of persons with disabilities.

(ii) The right to freedom of expression and opinion, access to information and participation in political and public life are enshrined in Articles 21 and 29 of the United Nations Convention on the Rights of Persons with Disabilities and Optional Protocol and other related international instruments to which Zambia is a party.

(iii) The Court, in the case of Sela Brotherton V. Electoral Commission of Zambia -2011/HP/0818, held that persons with disabilities should not be disadvantaged in the exercise of their franchise.

(iv) The CCMG 2021 General Election Report observed that there was limited knowledge amongst the visually impaired voters on how to use the braille jacket.

(v) South Africa has a National Strategic Framework on reasonable accommodation for persons with disabilities, which is aimed at guiding

the implementation of reasonable accommodation measures to uphold, support and promote the rights of persons with disabilities.

Recommendation

The Committee **recommends** that:

(i) The Electoral Process Act should provide reasonable accommodation for PwDs during elections. Further, ECZ should collect and disaggregate data on PwDs during voter registration.

(ii) Align the Electoral Process Act with UNCRPD Articles 21 and 29 to ensure inclusive and accessible election processes including campaigns for hearing-impaired voters.

(iii) Consider adopting best practices identified in the South Africa, which is, formulating a national strategic framework on the implementation of reasonable accommodation.

(iv) ECZ in collaboration with ZAPD and other stakeholders should put in place administrative measures for infrastructure upgrade for PwDs in polling stations.

Justification

The above recommendations will ensure an inclusive and accessible electoral process for PwDs, promote reasonable accommodation, promote an inclusive electoral process which takes on board all interest groups, thereby actualising the provisions of the Persons with Disabilities Act and Section 3(b) of the Electoral Process Act.

39. Engagement of Sign Language Interpreters

Article 258(3) of the Constitution provides for the respect, promotion, protection and diversity of the languages of the people of Zambia. Further, Section 6 of the Persons with Disabilities Act prohibits discrimination on the basis of disability. Section 49 requires the provision of sign language inset or subtitles

in all news casts and education programmes and in all programmes covering events of national significance, and Section 51 requires measures to be taken to enable the full participation of persons with disabilities in political and public life.

Summary of findings from submitters

ECZ should engage sign language interpreters who are trained in both national and local versions of sign language to conduct voter education. This will help keep hearing-impaired individuals be informed throughout the election process. This will enable them to understand their rights and participate fully in the electoral process.

Committee's observations

(i) The submission indicates a need to further operationalise the provisions of the Constitution and Persons with Disabilities Act to promote the participation of PwDs in the electoral process.

(ii) Both the Mung'omba and Mwanakatwe Commissions recommended the promotion of the use of sign language to enable persons with disabilities to overcome constraints due to disability.

Recommendation

The Committee **recommends** that sign language be enhanced in voter education to cater for the PwDs with hearing impairment. Further, the Committee recommends that Zambia should consider adopting best practices from South Africa and recognises sign language as an official language.

Justification

This will ensure inclusivity and full participation of PwDs in the electoral process.

40. Collection of Data on Disability

The legal provision that provides for non-discrimination based on gender or disability when providing electoral services is found in Section 3(b) of the Electoral Process Act and provides that:

> *"Subject to the Constitution, the principles applied in the electoral system and process shall ensure the following: (b) no discrimination based on gender or disability when providing electoral services."*

Summary of findings from submitters

ECZ should ensure that there is disability data capturing during voter registration at all centres.

Committee's observations

(i) A number of countries have put in place policy and legal provisions to promote the inclusion of PwDs in the electoral process. In Kenya the Persons with Disabilities Act of 2003, specifies that people with disabilities have the right to vote and may have a personal assistant whose duty is to follow their instructions in voting in Civic, Parliamentary and Presidential elections.

(ii) The United Disabled Persons of Kenya, a mother body for disabilities in Kenya carries out audits to verify the extent to which the election cycle ensures the inclusion of voters and candidates with disabilities. It identifies and reflects on progress, gaps and lessons on the extent and nature of inclusion, participation and representation of persons with disabilities, in conformity with the Constitution, the Convention on the Rights of Persons with Disabilities, and election statutes.

Recommendation

The Committee **recommends** that the capturing of disability data at all registration centres during voter registration should be enhanced.

Justification

Continuous collection of data on PwDs will enhance the Commission's ability to plan and provide inclusive services for PwDs during the electoral process.

41. Announcement and Declaration of Results by Returning Officer

The legal provision on the announcement and declaration of results by the Returning Officer is under Section 72(1) of the Electoral Process Act, which states that:

> *"Upon receipt of the items mentioned in section seventy-one, a returning officer shall tally the results of the votes received from the polling station in the constituency, district and ward."*

Summary of findings from submitters

(i) There is need to amend Section 72(1)(b) by either: adding Mayoral or Council Chairperson declaration of results; or alternatively, replace "ward election" with "local government election".

(ii) Declaration of results for Mayoral or Council Chairperson is not covered in the Electoral Process Act.

Committee's observation

Amending Section 72 of the Electoral Process Act to include "local government elections" would ensure that the provision is specific on the type of results being referred to.

Recommendation

The Committee **recommends** that Section 72 should be amended to provide for the declaration of Mayoral and Council Chairperson results.

Justification

Amending Section 72 of the Electrol Process Act will make a provision for the declaration of results for the Mayoral and Council Chairperson elections.

42. Powers of the Returning Officer

Regulation 17 of the Electoral Process (General) Regulations provides that:

> "A returning officer shall maintain order at the polling station and in its precincts, and shall regulate the number of persons to be admitted at a time in the nomination office."

Summary of findings from submitters

Regulation 17 of the Electoral Process (General) Regulations be amended to remove a part that gives power to the returning officer to maintain law and order at the polling station as this is essentially the preserve of the police.

Committee's observations

(i) Elections are often tense and can be marked by disruptions and violence.

(ii) A returning officer is directly responsible for overseeing the election process, ensuring all procedures are followed correctly, and maintaining the integrity of the vote.

(iii) Their role involves supervising the conduct of elections, and assigning them responsibility for security ensures that they enforce rules and address any issues aligned with their oversight duties, allowing for quick and effective decision-making during disruptions.

(iv) The returning officer has the authority to order a police officer to assist in ensuring orderly conduct at the polling station, and the police officer is obligated to comply with this order.

Recommendation

The Committee did NOT adopt the submission but **recommends** that the powers and duties of a returning officer should be clearly provided for in the Electoral Process Act. The amendment should clearly outline that the returning officer oversees election conduct.

Justification

Regulation 17 of the Electoral Process (General) Regulations adequately addresses the concern of the submitter. However, it should be redrafted for clarity to ensure that the responsibility to maintain order remains with the returning officer, while still respecting the mandate of the police.

43. Electoral Officers to Exclude Civil Servants but Include Clergy

Article 173(1)(j) of the Constitution provides for the grant of adequate and equal opportunities for appointment, training and advancement of members of both gender and members of all ethnic groups.

Summary of Findings

The recruitment of election officers should exclude civil servants and instead include the clergy.

Recommendation

The Committee did not adopt the submission and **recommends** that the ECZ should ensure that the recruitment process for election officers be based on merit.

Justification

This is in order to promote and ensure that a merit-based mode of recruitment is maintained.

44. Capacity Building of District Electoral Officers, Voter Education and Conflict Management Committees

Article 173 of the Constitution stipulates the values and principles of the public service, state organs and state institutions to include adequate and equal opportunity for training and advancement.

Specific reference is made to Article 173(1)(e) which provides that:

"(1) The guiding values and principles of the public service include the following— (e) prompt, efficient and timely response to people's needs;"

Summary of findings from submitters

Capacity building of District Electoral Officers, Voter Education Committees and Conflict Management Committees should be continuous.

Committee's observations

(i) Maintaining a pool of experienced staff at the local level helps with skills and knowledge retention.

(ii) Special capacity building and training programmes help to keep electoral officers updated especially with the evolving context of election administration and management.

(iii) Decentralising ECZ to Province, District and Ward level would promote continuous capacity building of electoral officers at local level and ensure that electoral activities are conducted with the highest level of satisfaction.

Recommendation

The Committee **recommends** that continuous training of District Electoral Officers, Voter Education Committees and Conflict Management Committees be conducted.

Justification

This will enhance capacity and efficiency of the electoral staff.

45. Non-Partisanship of Electoral Officers

Section (2) of the Electoral Code of Conduct Schedule (Section 107) – Electoral Process Act provides that:

"A public officer shall not engage in any active partisan political activity referred to in subparagraph (1) whilst in the public service;"

Further, Section 110 of the Electoral Process Act provides for the enforcement of the Code of Conduct.

In addition, Paragraph 10 (5) (b) of the Electoral Code of Conduct requires that a monitor or observer shall:

"(b) *be impartial in the conduct of the monitor's or observer's duty and shall, at no time, publicly indicate or express any bias or preference with reference to any political party or candidate;"*

Summary of findings from submitters

(i) All electoral officers should be non-partisan.

(ii) ECZ should ensure neutrality of election officers and observers.

Committee's observations

(i) EMBs are required to demonstrate high levels of political neutrality, and impartiality in the discharge of their functions.

(ii) Electoral officers, including poll staff, management and Commissioners, should subscribe to a code of conduct and ethics.

(iii) The Commission should ensure that all electoral staff uphold high levels of political neutrality by not belonging to any political party or supporting a particular candidate.

(iv) Achieving the neutrality of election officers and observers is vital for maintaining the integrity and transparency of the electoral process.

Recommendation

The Committee **recommends** that:

(i) ECZ enhances enforcement of the electoral code of conduct and ethics.

(ii) The ECZ should put in place a code of conduct for election officers and observers. The code should strictly regulate the conduct of the electoral officers and observers from being partisan.

Justification

(i) A clear code of conduct will ensure that election officers and observers are accountable for their actions. It will also enhance the integrity of the ECZ.

46. Lack of a Dedicated Communication Team for Political Parties at ECZ

Paragraph 3 of the Electoral Process (Enforcement Code of Conduct) in the Electoral Process Act provides that:

> "*(1) The Commission shall, where reasonable and practicable to do so—*
> *(a) meet political party representatives on a regular basis to discuss matters of concern related to on election campaign and election itself;*
>
> *(c) "Avail political parties with the election timetable and election notices in accordance with the Act".*

Summary of findings from submitters

The ECZ should have a dedicated team, which will be responsible for sharing information with the political parties.

Committee's observations

(i) The ECZ has a functional Corporate Affairs Department, which shares vital information with stakeholders. However, there is no dedicated Liaison Officer to coordinate the flow of information between the Commission and political parties.

(ii) A dedicated Liaison Officer would ensure consistent, clear, and timely communication between the ECZ and political parties.

(iii) Political parties would be able to easily access essential information such as election timetables, rules, procedures, and updates on any changes or key milestones in the electoral process.

(iv) With a Liaison Officer, political parties would have a single point of contact for all their inquiries, complaints, or clarifications, thereby reducing the chances of miscommunication.

Recommendation

The ECZ to enhance its information-sharing mechanism by appointing a Liaison Officer to serve as a dedicated point of contact between the ECZ and political parties.

Justification

This would improve communication, streamline the flow of important information, and reduce the chances of miscommunication.

47. Civic/Voter Education and Conflict Management for the Youth

Sections 79 and 80 of the Electoral Process Act, and the Electoral Process (Voter Education) Regulations address voter education. Further, Section 113 of the Electoral Process Act outlines the formation of Conflict Management Committees. However, these provisions do not specify which demographics should conduct or be targeted for voter education.

Summary of findings from submitters

(i) The law should be amended to provide for youth inclusion in District Voter Education and Conflict Management Committees.

(ii) Legal provisions on voter education be amended to include the youth in its implementation.

(iii) There is a need to provide youth-friendly voter education messages.

(iv) The laws must emphasize civic education and voter education so that citizens are well informed and engaged.

Committee's observations

(i) There is no legal provision that would prevent the youth, or youth organisations from providing voter education.

(ii) The ECZ has voter education strategies targeting specific groups including the youth such as voter education school clubs and the integration of the voter education content into the school curriculum and higher learning institutions.

(iii) The Conflict Management Committee guidelines developed by the ECZ do not explicitly mandate youth representation in the membership of these committees; however, they do not restrict youth participation. Institutions that are part of the committee's membership have the freedom to appoint youth representatives.

(iv) The Voter Education Regulation provides for the establishment of voter education Committees including providing for membership. Section 113 of the Electoral Process Act and Conflict Management Committee Guidelines provide for the establishment of CMCs and set out the membership respectively.

Recommendation

The Committee **recommends** that:

(i) Conflict Management Committee Guidelines be revised to provide for youth representation.

(ii) Voter Education Regulation and Guidelines be amended to include youth or youth organizations representation on the committees

Justification

(i) Youth inclusion in voter education and Conflict Management Committees is important because it ensures that young people in Zambia have a voice in shaping voter education programmes that address their needs and experiences, while also promoting a more inclusive approach to managing electoral conflicts.

(ii) Regarding civic education, because it encompasses more than just voting and covers a broad range of topics, it should be left to other organisations to carry out.

48. Enhancement of Voter Education

During an election, the Commission constitutes District Voter Education Committees (DVECs) for the purpose of conducting voter education in the district. Voter Education Facilitators are engaged by DVEC to conduct voter education in the wards.

Summary of findings from submitters

(i) ECZ should enhance voter education and use door-to-door methods to engage the citizens.

(ii) Use of sign language should be strengthened during Voter Education and other electoral processes.

(iii) Stakeholders should be involved in voter education.

(iv) Voter education should be at the polling station and not at the district level.

(v) ECZ should undertake voter education continuously.

(vi) Voter Education Clubs should be established in all constituencies countrywide and should also include communities.

(vii) Voter education must be undertaken 6 months before holding elections.

(viii) There is a need to develop continuous, effective and broad-reaching Voter Education, including clear messages on key stages of the electoral

process, specifically tailored for youths, women, PwDs, prisoners and marginalized groups;

(ix) There should be consistency of voter education messages across traditional and online media.

(x) There is a need to educate the public on security and non-security election materials. Some pockets of violence are a result of not distinguishing between security and non-security materials.

(xi) The Ministry of Education must introduce a topic on "ballot handling" under Civic Education.

Committee's observations

(i) Voter education is a legal requirement and is currently being carried out by ECZ and other stakeholders.

(ii) The submissions indicate an inadequacy in the implementation of the legal requirement, particularly in relation to the effectiveness and inclusiveness of the continuous voter registration conducted by the ECZ.

(iii) The United Nations emphasizes that for an election to be successful and democratic, voters must understand their rights and responsibilities and must be sufficiently knowledgeable and well informed to cast ballots that are legally valid and to participate meaningfully in the voting process. This is tied to the provisions of the ICCPR, and the African Charter on Human and Peoples Rights, which provide for the right to receive information, which is a foundational requirement of the practice of democratic governance.

Recommendation

The Committee **recommends** that:

(i) ECZ implements a comprehensive voter education plan and strategy.

(ii) Part VII of the Electoral Process Act be amended to separate voter education from the provisions related to monitors and observers.

Justification

The recommendation creates an inclusive voter education mechanism that will enlighten citizens on the electoral processes and systems.

49. Appointment of Poll Staff

Part V of the Electoral Process Act provides for the appointment of election officers, including poll staff.

Summary of findings from submitters

(i) ECZ should increase the number of poll staff from 6 to 8, so that ballot papers are issued out to the voters by four officers instead of two. The few staff issuing ballot papers cause unnecessary delays.
(ii) There must be transparency in the appointment of poll staff.
(iii) Corruption during the selection of poll staff should be minimised.

Committee's observations

(i) Ensuring that the appointment of poll staff is free and fair from bias, upholds the integrity of the electoral process.
(ii) Enhancing the administration of an election by reducing delays helps protect the right to vote as provided for in the Constitution, by ensuring that all citizens can participate in the electoral process efficiently and without undue barriers.

Recommendation

The Committee did not adopt the submissions but **recommends** that the current manner of appointing poll staff as provided for in the Electoral Process Act is adequate and should be maintained.

Justification

The current provision for the appointment of election officers is adequate. Recruitment through advertisements enhances the transparency of the process.

50. Abolition of Polling Districts Under Section 21 of the Electoral Process Act

Section 21(1) of the Electoral Process Act provides as follows:

> *"The Commission shall—*
>
> *(a) establish polling districts for the whole of the territory of the Republic;*
>
> *(b) determine the boundaries of each polling district in accordance with the criteria provided in section twenty-two; and*
>
> *(c) keep a map of each district.*
>
> *(2) The polling districts for an election shall be those polling districts which, on the date on which an election is called, are within the area in which the election is called."*

Further, Regulation 9 of the Electoral Process (Registration of Voters) Regulations provides that:

> *"Subject to these Regulations, a registration officer for a polling district shall carry out the registration of voters for that district."*

In addition, Regulation 13(2) of Voter Registration Regulations provides that:

> *"a registration officer to whom an application is made under sub-regulation (1) shall determine whether the applicant ordinarily resides in the polling district in which the application is made and whether the applicant is a registered voter."*

Summary of findings from submitters

(iii) Repeal of Section 21 of the Electoral Process Act to abolish polling districts.

(iv) Regulation 3(1) of the Voter Registration Regulations be amended by:

(v) deleting "divide Zambia into" and replace with "establish"; and

(vi) deleting "description of the boundaries of those polling districts" and replacing "polling districts" with "polling stations".

(vii) Regulation 9 be amended to read:

(viii) "Subject to these Regulations, a registration officer shall conduct voter registration at a registration centre and any other place the Commission may prescribe."

(ix) Regulation 10 (1) be amended by the deletion of the word "Polling district" wherever it appears in "Form 2."

(x) Amend Regulation 13(2) to read:

(xi) "A registration officer to whom an application is made under sub-regulation (1) shall determine whether the applicant is a registered voter.

Committee's observations

It is costly to create polling districts as the Commission has to draw maps for polling district boundaries.

(i) A voting place can have multiple polling stations following population growth preventing the need for frequent delimitation.

(ii) The distribution of material and logistics are managed at polling station level as opposed to polling district level.

(iii) Countries such as Nigeria, Ghana, Kenya, South Africa, Uganda and Tanzania maintain polling districts or their equivalent and polling stations for the better administration and management of elections.

(iv) Zambia is divided into Provinces and Districts for political and administrative purposes. Further, it is divided into constituencies and Wards for representation, administration and development. ECZ establishes polling districts and polling stations for the purpose of election administration and representation.

(v) A polling district can be divided into multiple polling stations.

(vi) The current voter registration system offers several services among them new registration, replacement of lost and damaged cards, transfers between polling stations and updates because of name change.

(vii) The registration allows an applicant to make an application for any of the services from anywhere in the country provided they know where they would want to be registered at (polling station).

(viii) This has provided flexibility and convenience of voter registration which could encourage more people to register.

(ix) With the flexibility in transferring between polling stations during the registration period, it appears the restriction will serve no purpose especially where no proof is required.

Recommendation

The Committee **recommends** that:

(i) Repeal Section 21 of the Electoral Process Act to abolish Polling districts.

(ii) Regulation 13(1) be amended by deleting the words "divide Zambia into" and replacing with the word "establish".

(iii) By the deletion of the words "description of the boundaries of those polling districts" and replacing the words "polling districts" with "polling stations".

(iv) The deletion of Regulation 3(2) of the Electoral Process (Registration of Voters) Regulations 2020.

(v) Regulation 9 be amended by the deletion of the word "Polling district" wherever it appears.

(vi) Regulation 13(2) be amended to read:

"A registration officer to whom an application is made under sub-regulation (1) shall determine whether the applicant is a registered voter."

Justification

(i) The Polling Districts do not serve any purpose in electoral management.

(ii) Streams have been collapsed into polling stations resulting in efficiency in results management hence rendering polling districts redundant.

(iii) Following the conversion of streams to polling stations, the description of polling district boundaries (narratives) has lost its relevance given that election planning is at polling station level and not polling district.

(iv) Under the current registration of voters, a person may apply to register as a voter from anywhere where voter registration is being conducted. A registration officer can register voters for any polling station at any registration centre.

51. Verification of Grade 12 Certificate (School Certificate)

Given that the Grade 12 Certificate (School Certificate) is prescribed as a minimum requirement by law in accordance with Articles 70, 100 and 153 of the Constitution for any candidate to contest in any elective office, the Examinations Council of Zambia has a duty to authenticate the Grade 12 Certificate (School Certificate).

Summary of findings from submitters

A number of petitioners submitted that the practice of candidates going through the Examinations Council of Zambia is expensive and strenuous.

Committee's observations

The Committee notes that the Examination Council of Zambia Act mandates the Council to award and verify school certificates that it confers. However, the process of verifying school certificates with the Examinations Council of Zambia is centralised, resulting in delays and undue expenses on aspiring candidates.

Recommendation

The Committee **recommends** that school certificates be verified by the Examinations Council of Zambia and Zambia Qualifications Authority (ZAQA) and that the process should be decentralised to districts.

Justification

Considering that this is an administrative issue that requires the intervention of the Examinations Council of Zambia, the recommendation made may reduce the red tape and delays associated with result verification. The Committee also notes that the process of verifying results prior to nomination is important in light of fraud and forgery of documents.

52. Declaration of Assets by a Presidential Candidate

Article 100(1) (h) of the Constitution stipulates that:

"A *Person qualifies to be nominated as a candidate for election as President if that person declares that persons' assets and liabilities, as prescribed*."

Further, Section 30(c) of the Electoral Process Act prescribes that:

"A *candidate for election as President or Vice-President shall deliver to the Returning Officer-*

(c) the prescribed statutory declaration of the candidate's assets and liabilities."

Summary of findings from submitters

All the declared assets of a Presidential candidate should be made public within 14 days of filing nominations.

Committee's observations

(i) The United Nations Convention against Corruption recommends asset declaration as a tool for preventing corruption.

(ii) Asset declaration helps build public trust in leaders by demonstrating transparency and accountability.

(iii) It helps identify potential conflicts of interest ensuring that leaders make decisions that are in the best interest of the nation.

(iv) The law as it stands requires candidates to declare assets at nomination, however, the declaration is not made public.

(v) South Africa, Kenya and Ghana are good examples of countries that publicly make available asset declarations for candidates.

Recommendation

The Committee **recommends** that Section 30(c) of the Electoral Process Act be amended to require that asset declarations of Presidential and Vice Presidential candidates be published in the Government Gazette within 14 days of filing nominations.

Justification

This recommendation is in line with good governance practices and the need to ensure transparency and integrity.

53. Digital Technology Enhancement and Research

Section 4(2)(i) of the Electoral Commission of Zambia Act provides for functions of the Commission which include to "*conduct and promote research into electoral matters and other matters that relate to its functions*".

Further, Section 74 of the Electoral Process Act authorises the Commission to use electronic means to transmit results from polling stations. Regulation 18(2) of the Electoral Process (Registration of Voters) Regulations states that:

'A registered voter may inspect that registered voters' details on the register of voters electronically during the period for inspecting the provisional register of voters.'

Summary of findings from submitters

(i) There is need to increase funding to ECZ to enable the institution to procure digital equipment.

(ii) There is a need to enhance its management of elections, such as voter registration, printing of voter registers, tallying and transmission of election results from polling stations.

(iii) There is a need to develop a strong research and development framework within ECZ to inform various operations, policies and decision-making in the institution.

(iv) Technology is key to the efficient management of elections and can enhance the electoral processes.

Committee's observations

(i) The Commission uses technology in elections. However, it has no specific research and development unit.

(ii) Across the globe, technology is increasing used to enhance or support various aspects of the election process, including voter registration and the transmission of results.

(iii) South Africa adopted online voter registration and other digital electoral processes for the municipal elections conducted in November 2021. Voter management devices were used to register voters and build the voters' roll.

Recommendation

The Committee **recommends** that ECZ should establish a research and development function to enhance use of technology in elections.

Justification

The call for a research and development function is progressive and can be implemented administratively.

54. Police Deployment Based on Security Risk Assessment

According to Section 4(6) of the Electoral Process Act, the Zambia Police Service is obligated to *enforce law and order at polling stations and undertake criminal proceedings in respect of an offence committed by any person.*

Summary of findings from submitters

(i) Zambia Police Service should be allowed to determine the number of Police Officers deployed at each polling station. This will ensure that adequate manpower is allocated to areas with higher security risks. The proposed approach will replace the

current method, where deployment numbers are dictated by the ECZ who may not consider the specific security needs of each polling station.

(ii) An armed officer should be deployed at polling stations identified as high-risk, particularly in areas with a history of election-related violence.

(iii) The presence of armed officers at high-risk polling stations can effectively deter violent activities, ensuring the safety of voters and electoral staff.

(iv) The ECZ should provide transportation to pick police officers up at the end of their deployment.

(v) Police Officers should be provided with satellite phones as some areas do not have GSM networks.

Committee's observations

(i) Elections can be volatile when political parties fail to discipline their supporters. Zambia has witnessed various incidences of violence, particularly during campaigns and on some election days.

(ii) The Zambia police has so far fared well in providing security but more needs to be done to ensure that there is peace during elections.

(iii) Planning and collaboration among institutions often leads to easing of challenges and finding solutions.

Recommendation

The Committee **recommends** that Zambia Police Service in collaboration with ECZ should identify polling stations with high security risks and come up with

modalities of how to deal with such. The collaboration should also involve planning for logistics to enhance security during elections.

Justification

This will enhance election security at polling station with high risk.

55. The Welfare of Security Officers during Elections

Section 42 (1) of the Electoral Process Act states that:

> *"The Commission shall determine, in writing, the terms and conditions of appointment of an election officer."*

Summary of findings from submitters

(i) There should be uniformity in the payment of allowances, e.g. presiding officer's rate should be equivalent to that of a police officer.

(ii) There is a need to increase allowances for training from K200 to K500 per day.

(iii) The Police officers at the totalling centres should be paid a three-night allowance and those in far-flung polling stations should be paid a seven-nights allowance.

(iv) The ECZ should increase fuel allocation to security wings to enable easy movement before, during and after elections and that these allowances should be paid before deployment.

Committee's observation

The policy of the Commission is to pay partial allowance before deployment and then pay the rest after the poll. The rate paid to the security personnel is lower than that of the poll staff.

Recommendation

The Committee **recommends** that:

(i) ECZ improves the fuel and other logistical arrangements for election-related police operations. However, the Commission should administratively handle concerns related to allowances.

(ii) The Committee further recommends that the Zambia Police Service should have a budget for election related operations.

Justification

This will improve the morale and the vigilance of police officers to maintain law and order during elections.

56. Printing Ballot Papers Locally

Section 51 of the Electoral Process Act provides that:

"*the Commission shall prescribe the form and design of a ballot paper and the manner in which ballot papers issued shall be accounted for.*"

However, there is no legal provision which specifies where ballot papers should be printed.

Summary of findings from submitters

(i) The ECZ should explore all avenues and engage with the Government to invest or enhance infrastructure for local ballot paper printing with adequate security and quality control measures.

(ii) There is need to revert to Government Printers for printing of ballot papers to cut costs and enhance public trust.

Committee's observations

(i) Local printers lack the infrastructural capacity to print ballot papers. As a result, the government spends a significant amount of money facilitating the printing of ballot papers and other election materials abroad.

(ii) However, countries like South Africa, Ghana and Zimbabwe have successfully managed the printing of election materials locally.

Recommendation

The Committee **recommends** that Government should progressively recapitalise and build capacity for Government Printers to print ballot papers.

Justification

This will ensure cost-effectiveness in the delivery of electoral services to the public.

57. Stakeholder Engagement in the Printing of Ballot Papers

Section 114(a) of the Electoral Process Act stipulates that:

> "*The Commission may authorise the printing, manufacture or supply of any voting or election material.*"

Summary of findings from submitters

(i) ECZ should continue to engage stakeholders during the printing of ballots.

(ii) ECZ should have a budget allocation to support political parties and civil society in the observation of the printing process.

(iii) ECZ should carry stakeholders with them wherever they are printing ballot papers.

Committee's observations

(i) It is important for stakeholders to participate in the ballot printing process to verify the integrity and fairness of the printing process.

(ii) Under the current practice, the ECZ invites various stakeholders to monitor and observe the printing process.

(iii) The ECZ no longer covers the cost for stakeholders' participation in witnessing the printing of ballot papers, shifting the responsibility for these expenses to the stakeholders themselves.

(iv) Despite this change in policy, various stakeholders, including those from civil society and political parties, still attended the printing of ballot papers in Dubai in preparation for the 2021 election.

(v) Similar to ECZ, the Independent Electoral and Boundaries Commission of Kenya does not cover the travel expenses of stakeholders participating in activities such as ballot paper printing, and neither does the Malawi Electoral Commission.

Recommendation

The Committee **recommends** that ECZ should continue involving stakeholders in the observation of the printing of ballot papers provided they meet their own costs.

Justification

The continued involvement of stakeholders in the ballot paper printing process is essential for promoting confidence and transparency. However, it is unsustainable for the ECZ to bear the burden of covering the expenses for political parties and other stakeholders wishing to observe the process.

5.4 Electoral Regulations

1. Qualifications to Register as a Voter

Regulation 11(1)(a) of Voter Registration Regulations provides that:

(1) "*A registration officer to whom an application is made under Regulation 10 shall register an applicant if that applicant*

(i) Is a citizen and duly registered in accordance with the provisions of the National Registration Act;

(ii) has attained the age of 18 years; and

(iii) is qualified for registration as a voter.

Further, Regulation 11(1)(c) of the Electoral Process (Registration of Voters) Regulations provides that:

> "*A Registration Officer to whom an application is made under Regulation 10 shall register an applicant as a voter if that applicant is qualified for registration as a voter.*"

Summary of findings from submitters

(i) Amend Regulation 11(1)(a) to read as follows: -

> "*(1) A registration officer to whom an application is made under regulation 10 shall register an applicant if that applicant*
>
> *(a) is a citizen of Zambia;*
>
> *(b) has attained the age of eighteen years; and*
>
> *(c) is in possession of a national registration card.*"

(ii) Regulation 11(1) (c) be repealed and replaced with the following:

"A registration officer to whom an application is made under regulation 10 shall register an applicant if that applicant is in possession of a national registration card."

Recommendation

The Committee **recommends** that:

(i) Regulation 11 (1) (a) be amended by the deletion of the words *"duly registered."*

(ii) Regulation 11 (1) (c) be repealed and replaced with *"is in possession of a national registration card."*

(iii) regulation 11 (1) (c) be amended to read:
"A registration officer to whom an application is made under Regulation 10 shall register an applicant if that applicant is in possession of a national registration card."

Justification

To align the voter registration qualifications with Section 8 of the Electoral Process Act.

2. Procedure for Registration

Regulation 11(5) of the Electoral Process (Registration of Voters) Regulation provides that:

"a rejection of an application to register as a voter shall be in Form IV set out in the Schedule."

Summary of findings from submitters

(i) There is need to amend Form (V) and (IV) in the Schedule by deleting (b).

(ii) Form (V) and (IV) should be amended to align with the proposed amendment in Regulation 11(4).

Committee's observation

(i) Voter registration is not restricted to a persons permanent residence as implied in Regulation 11(4)(a).

(ii) There is need to amend Form (IV) and (V) in the Schedule by deleting 2(d) and (b) respectively.

(iii) It is a possibility that a person may be ineligible to register as a voter due to age restrictions but may reach the age of 18 by Election Day.

Recommendation

The Committee **recommends** that:

(i) Regulation 11 (4)(a) be deleted to avoid ambiguity;

(ii) Regulation 11(1)(b) and 11(4)(b) should be amended to allow a person who is 17 years old but will attain the age of 18 by at the time of certification of the Register of Voters to register as a voter.

Justification

The Committee's recommendations will prevent disenfranchising eligible voters.

3. Application to Transfer to Another Polling District

Form VII deals with an application to transfer to another polling district pursuant to Regulation (13)(1).

Section 15 of the Electoral Process Act provides that:

> *"A voter whose name or ordinary place of residence has changed may apply, in the prescribed manner, to have that change recorded in the Register of Voters, except that a person shall not apply when a change of name is due to change in marital status."*

Summary of findings from submitters

Amend Form VII by replacing 'polling district' with 'polling station' wherever the word appears as follows:

"(i) to read as 'I am duly registered at polling station.''

Committee's observation

Election laws and Regulations must be updated to reflect the revised terminology to avoid inconsistencies in official documents.

Recommendation

The Committee **recommends** that Form VII be amended by replacing 'polling district' with 'polling station' wherever the word appears.

Justification

The proposed amendment is aimed at ensuring that a registration officer can register voters for any polling station.

4. Voter Registration Claims

Regulation 21(2) and (3) of Voter Registration Regulations provides that:

> "*A claim under this regulation shall be in Form XI set out in the Schedule and shall be delivered to the registration officer for the polling district.*"
>
> "*A claim delivered to a registration officer under this regulation shall be determined by that registration officer for that polling district.*"

Summary of findings from submitters

(i) Amend Regulations 21(2) by deletion of the words "for the Polling district" to read: -

> "A claim under this regulation shall be in Form XI set out in the Schedule and shall be delivered to the registration officer."

(ii) Amend Regulation 21(3) to read as follows:

"*A claim delivered to a registration officer under this regulation shall be determined by that registration officer.*"

Recommendation

The Committee **recommends** that:

(i) Amend Regulation 21(2) to read:

"*A claim under this regulation shall be in Form XI set out in the Schedule and shall be delivered to the registration officer.*"

(ii) Amend Regulation 21(3) to read as follows:

"*A claim delivered to a registration officer under this regulation shall be determined by that registration officer*."

Justification

A registration officer can register voters for any polling station.

5. Appeal against the Decision of a Registration Officer

Regulation 25(5)(b) of Voter Registration Regulations provides that:

"*Who the registration officer for that 'polling district' is required to register under regulation 20(5) in consequence of an appeal*."

Summary of findings from submitters

Amend Regulation 25(5)(b) to read as follows:

"*(b) who the registration officer is required to register under Regulation 20(5) in consequence of an appeal.*"

Recommendation

The Committee **recommends** that Regulation 25(5)(b) be amended to read as follows:

"*(b) who the registration officer is required to register under Regulation 20(5) in consequence of an appeal.*"

Justification

The proposed amendment is intended to allow a registration officer to register voters for any polling station.

6. Claims for Inclusion in Register of Voters

Form X deals with claims for inclusion in the Register of Voters.

Summary of findings from submitters

Amend Form X by deleting the word *'in'* between the words '*omitted'* and '*from'*.

Recommendation

The Committee **recommends** the amendment of Form X by deleting the word *'in'* between the words '*omitted'* and *'from'*.

Justification

The proposed amendment is aimed at correcting an error.

7. Objection by a Person to the Retention of a Name on the Register of Voters

Form XII deals with an objection by a person to the retention of a name on the Register of Voters.

Summary of findings from submitters

Amend Form XII by:

(i) Deleting the words 'polling district' to read 'the Registration Centre,' and

(ii) Deleting the words 'polling district' appearing between the words 'mentioned' and '*districts*' *and replacing it with 'polling station.'*

Recommendation

The Committee **recommends** the amendment of Form XII by:

(i) Deleting the word 'polling district' to read 'the Registration Centre' and

(ii) Deleting the words "polling district" appearing between the words "mentioned" and "districts" *and replace with "polling station".*

Justification

The amendment is proposed so that a registration officer can register voters for any polling station.

8. Appeal Against the Commission's Decision regarding Registration of Voters

Regulation 20(8) of the Electoral Process (Voter Registration) Regulations provides that:

> *"A person who is aggrieved with the decision of the Commission may appeal to the Subordinate Court."*

Summary of findings from submitters

Amend Regulation 20(8) Voter Registration Regulations) to read:

> *"A person who is aggrieved with the decision of the Commission may appeal to the High Court."*

Recommendation

The Committee **recommends** that Regulation 20(8) of the Electoral Process (Voter Registration) Regulations be amended to read:

"A person who is aggrieved with the decision of the Commission may appeal to the High Court."

Justification

The basis for this amendment is that the Subordinate Court does not deal with election matters. The court with jurisdiction on election matters is the High Court.

9. Determination of Objection or Appeals by the Commission

Form XI deals with the determination of objection or appeals by the Commission as provided in Section 17 which state as follows:

"(1) A person whose name appears in the Provisional Register of Voters may object to an error or omission regarding the person's details, in the prescribed manner, within ninety days' of the publication of the Provisional Register of Voters.

(2) A person may object to an error or omission to the exclusion or regarding the registration details of another person.

(3) A person who objects to another person's registration details shall serve notice of the objection on that person.

(4) The Commission shall consider an objection to the Provisional Register of Voters within fourteen days from the date the objection was made and shall notify the person who made the objection and the registration officer.

(5) A registration officer shall give effect to a decision of the Commission, made under this section, within three days of the decision."

Summary of findings from submitters

Amend Form XI by deleting the word '*in*' between the words '*omitted*' and '*from*'.

Recommendation

The Committee **recommends** the amendment of Form XI by deleting the word *'in'* between the words *'omitted'* and *'from'."*

Justification

The proposed amendment will correct an error.

10. Disability Status in the Register of Voters

Regulation 17(1)(d) of the Electoral Process (Voter Registration) Regulations states that:

> *"(1) the Chief Electoral Officer shall, on receipt of a voter's registration record completed and entered under regulations 11, 12, 13 and 14, compile the register of voters in respect of a polling district showing-*
>
> *(d) the disability of a person if any."*

Summary of findings from submitters

Amend Regulation 17(1)(d) to read as follows:

> *"(1) The Chief Electoral Officer shall, on receipt of a voter's registration record completed and entered under regulations 11, 12, 13 and 14, compile the register of voters in respect of a polling station showing-*
>
> *(d) the disability of a person if any."*

Committee's observation

The compilation of a register of voters for a polling station, which includes information on disability, can enhance planning for polling station requirements.

Recommendation

The Committee **recommends** that:

(i) ECZ implements Regulation 17(1)(d) of the Regulations 2020; and

(ii) The Committee further recommends that ECZ should develop administrative guidelines on disability inclusion in the register of voters.

(iii) Amend Regulation 17(1)(d) by deleting the word "district" and replace it with "station"

Justification

This is to comply with the provisions of the law and enable ECZ plan effectively for disability issues and also to align with the transitioning from using polling districts to polling stations.

11. Inclusion of Type of Disability on Voter's Card and Voter Register

Regulation 17(1) of the Electoral Process (Registration of Voters) Regulations requires the Voter Register to show the following:

(a) the voter's card number of each card completed in that polling district;

(b) the surname of the person to whom the voter's card relates;

(c) one forename and the initials, if any, of the person as recorded;

(d) the disability of the person, if any;

(e) gender;

(f) the number of the national registration card as recorded in respect of the person; and

(g) the portrait in respect of the person.

Summary of findings from submitters

(i) ECZ should disaggregate the voters roll highlighting voters with disabilities in order to set clear targets for the registration of PwDs.

(ii) ECZ should disaggregate data to facilitate civic education and dissemination of relevant electoral information to PwDs.

(iii) The voter's card should include the disability type of a voter.

Committee's observations

(i) The CCMG 2021 General Election Report noted that the ECZ captured disability information during the 2020 voter registration exercise. The continuous voter registration exercise further categorized disability types.

(ii) Section 51 of the Persons with Disabilities Act, 2012 provides for the participation of PwDs in political and public life on an equal basis with others.

(iii) Nigeria, Sierra Leone and Kenya are among countries that record disability information on voter's cards and provide disability disaggregated data.

Recommendation

The Committee **recommends** that:

(i) ECZ should strictly comply with the requirement of Regulation 17(1)(d) to include the type of disability on the Register of Voters and disaggregate data collected for participation of PwDs.

(ii) Amend Regulation 11 of the Voter Registration Regulations to insert new section providing for the type of disability on a Voter's Card.

Justification

This will ensure that ECZ complies with the Sela Brotherton v Electoral Commission of Zambia (HP 818 of 2011) [2011] ZMHC 32 (18 September 2011) while ensuring an inclusive electoral process. In addition, the recommendation is in line with international electoral standards, such as IDEA's International Electoral Standards and the Code of Good Practice on Electoral Matters by the Venice Commission.

12. Prisoners Right to Vote - Civic and Voter Education

The legal provision giving the franchise to vote is in Article 46 of the Constitution, which states that:

> *"a citizen who has attained the age of eighteen years is entitled to be registered as a voter and vote in an election by secret ballot."*

Further, the Electoral Process Act provides for voting by persons in lawful custody.

Summary of findings from submitters

There is a need for the development of civic and voter education programmes that are appropriately designed for inmates and can cater to the literate and illiterate voters as well as inmates with visual impairments.

Committee's observations

There is an absence of regulations to fully enforce the provisions of the Electoral Process Act for voting in prisons and correctional facilities.

Recommendation

The Committee **recommends** that:

(i) The regulations for carrying out voter education in correctional facilities for the purpose of elections be developed.

(ii) The ECZ should continue to conduct voter education in prisons and correctional facilities in collaboration with the Zambia Correctional Service.

Justification

Inmates have the right to vote and access to information is critical for decision-making.

13. Reduction of Nomination fees for Women, Youth and Persons with Disabilities

Regulations 12, 13 and 14 of the Electoral Process (General) Regulations of 2016 provide for Elections Fees.

Summary of findings from submitters

Inclusive representation should be promoted by encouraging the participation of women in the electoral process by reducing nomination fees for women, youth and marginalised groups.

Committee's observations

(i) The Zambia Cost of Politics Survey of 2023 revealed that the escalating cost of politics, which includes nomination fees, makes it difficult for women and the youth to run for political office. [160]

(ii) The Commission has administratively implemented a reduced nomination fee for female, youth and PwD candidates.

Recommendation

The Committee **recommends** that:

160 Michael Wahman (2023). *The cost of politics in Zambia: Implications for political participation and development*. London: Westminster Foundation for Democracy.

The ECZ considers reducing nomination fees for women, youth and PwDs to participate in elections.

Justification

Reduction of nomination fees for women, youth and PwDs by the ECZ will enable Women, Youth and Persons with Disabilities to effectively participate in the electoral process as the high nomination fees are a deterrent. It will further aid the country in meeting the requirement of regional and international standards as best practice.

14. Appropriate Legislation for Boundary Delimitation

Article 59(a) to (e) of the Constitution provides that:

> *"The Electoral Commission shall, in delimiting the boundaries of constituencies and wards:*
>
> *"take into account the history, diversity and cohesiveness of the constituency or ward; have regard to population density, trends and projections; ensure that the number of inhabitants in each constituency or ward is reasonable, taking into account the means of communication and geographical features; ensure that constituencies and wards are wholly within districts; and seek to achieve an approximate equality of constituency and ward population, subject to the need to ensure adequate representation for urban and sparsely populated areas."*

Summary of findings from submitters

(i) The criteria for delimitation be maintained in the Republican Constitution.

(ii) Delimitation provisions should be removed from the Constitution and relegated to the Electoral Process Act.

(iii) The ECZ should develop delimitation regulations as provided for under Section 125 (2)(w) of the Electoral Process Act.

Committee's observations

(i) Constitutional entrenchment enables the safety and stability of the rules governing delimitation.

(ii) The Constitution sets out the principles, factors and the criteria for boundary delimitation, while the Electoral Process Act prescribes how delimitation is to be implemented. The Act provides for the development of regulations for the better implementation of delimitation.

(iii) Countries such as Kenya, South Africa, Ghana, Zimbabwe and Botswana have entrenched delimitation in their Constitutions and have prescribed in legislation subsidiary to the Constitution, on how delimitation is implemented.

(iv) The Electoral Process Act only provides for delimitation of polling districts and does not expressly provide for delimitation of wards and constituencies.

Recommendation

The Committee **recommends** that:

(i) The current constitutional criteria for delimiting constituencies under Article 59(a) to (e) of the Constitution should be maintained.

(ii) The Electoral Process Act on delimitation of wards and polling stations should be maintained and there is need to include the provision of delimitation of constituencies.

(iii) The statutory instruments on delimitation under the Electoral Process Act should be issued.

(iv) Delimitation regulations to comply with Section 125 of the Electoral Process Act be developed.

Justification

(i) Maintaining the delimitation criteria in the Constitution deters manipulation of the electoral process. The Electoral Process Act implements the spirit of the Constitution as specified in Article 59 whilst the issue of statutory instruments operationalises Section 125 (2)(w) of the Electoral Process Act.

(ii) Operationalisation of Section 125(2)(w) of the Electoral Process Act by the issuance of regulations will ensure effective boundary delimitation.

15. Political Party Symbols

Regulation 8 of the Electoral Process (General) Regulations provides for the registration, approval and the circumstances under which a political party symbol cannot be registered to be used in an election.

Summary of findings from submitters

The ECZ should ensure that symbols for different political parties on the ballot paper do not have similarities that could confuse a voter. This will prevent the public from being misled.

Committee's observation

The Committee observed that political parties have different ideologies and visions for the country. These ideologies are usually expressed in their party symbols. Therefore, approval by the ECZ of political party symbols that are identical may result in the misidentification of a political party by voters.

Recommendation

The Committee **recommends** that ECZ enhances its screening and approval processes for political party symbols.

Justification

This will ensure that political parties have distinct symbols, which will prevent misidentification of political parties during voting.

16. An Application on behalf of a Political Party

Regulation 8(3) of the Electoral Process (General) Regulations provides that:

> "*An application made on behalf of a political party shall be made by the party president or secretary of that political party.*"

Summary of findings from submitters

Regulation 8(3) be amended to allow for timely incorporation of symbols on the database and preparation of nominations. The regulation should be amended to read as follows:

> "*An application made on behalf of the political party shall be made by the party president or secretary general, within a specified period to be determined by the Commission.*"

Committee's observation

The Electoral Process (General) Regulations provides for the party president or secretary general to make an application on behalf of the political party for a party symbol.

Recommendation

The Committee **recommends** that Regulation 8(3) of the Electoral Process (General) Regulations be amended to the effect that either the President or the Secretary-General of the political party may make an application on behalf of the party for a political party symbol within a specified period to be determined by the Commission.

Justification

Permitting either the President or Secretary-General of a political party to make an application on behalf of the party will facilitate applications to be made even where one of the office bearers is absent.

17. Qualifications for a Mayor/Council Chairperson

Regulations 12, 13 and 14 of the Electoral Process (General) Regulations stipulate requirements for filing nominations for election as Member of Parliament, Mayor/Council Chairperson and Councillor.

Summary of findings from submitters

(i) Regulation 13 be amended to include the following: -

'subscribed to by nine supporters, registered in the district, in the presence of the returning officer;'

'signed by the candidate in the presence of the returning officer or the representative where the candidate is unable to appear in person;'

'accompanied by a non-refundable election fee specified by the Commission Declaration of Compliance with the Electoral Code of Conduct Gen 6 set out in the Schedule;'

(ii) requirements for candidate nominations for Mayor/Council Chairperson must conform with the provisions for other elective offices.

Committee's observations

(i) The qualifications for a position of Mayor in Section 33(3)(a) of the Electoral Process Act are the same as those of a Member of Parliament in Article 70 of the Constitution.

(ii) The requirements for filling the nominations as Member of Parliament under Regulations 12 of the Electoral Process (General) Regulations are the same as those of the Councillor in Regulation 14 of the said Regulations. However, on the nomination as Mayor or Council Chairperson, Regulation 13 only requires a person to lodge with the returning officer for a nomination paper and an affidavit. Therefore Regulations 13 is inconsistent with Regulation 12 and 14.

Recommendation

The Committee **recommends** that Regulation 13 be amended to align with Regulation 12 of the Electoral Process Act.

Justification

The Constitution clearly states that the qualifications for a Mayor are those of an MP, and Regulation 12 refers to nomination for MP. The above recommendation by the Committee will align Regulation 13 with Regulation 12.

18. Signing of a Nomination Paper by a Candidate's Representative

Regulation 12(1)(c) of the Electoral Process (General) Regulations states that the nomination paper for a candidate for election as a member of Parliament shall be signed by the candidate in the presence of the returning officer.

Summary of findings

(i) Regulation 12(1)(c) to include the following:

'signed by the candidate in the presence of the returning officer or the representative where the candidate is unable to appear in person;'

(ii) Regulation 12 (5) be aligned with Regulation 12(1)(c) to allow for a person duly authorised by the candidate to lodge a nomination paper.

Committee's observations

(i) When filing nominations, the law under Regulation 12(1)(c) of the Electoral Process (General) Regulations is restrictive in that it requires the nomination papers to be filed only by the aspiring candidate.

(ii) However, sub-paragraph 5 of the said Regulation 12 allows a candidate or a person duly authorised by that candidate, to lodge nomination papers for that particular candidate and be attended to by the returning officer.

Recommendation

The Committee **recommends** that Regulation 12(1)(c) and similar regulations be amended.

Justification

The proposed amendment to Regulation 12(5) and other related Regulations will help align and harmonise legal provisions regarding the nomination of candidates before a returning officer, either in person or in absentia.

19. Control of nomination office

Regulation 17(3)(c) of the Electoral Process (General) Regulations provides for persons who may accompany a candidate to lodge nomination papers.

Summary of findings from Submitters

In order to provide for access to nomination centre by an election agent, Regulation 17(3)(c) of the Electoral Process (General) Regulations must be amended to read as follows:

> *'A person who is accompanying another person wishing to lodge a nomination paper in accordance with these regulations and whose*

name appears on the nomination paper as a candidate, election agent, proposer, seconder or supporter.'

Committee's observations

Section 2 of the Electoral Process Act defines "election agent" as a person appointed as an agent of a candidate for the purpose of an election and who is specified in the candidate's nomination paper.

Recommendation

The Committee **recommends** that Regulation 17(3)(c) of the Electoral Process (General) Regulations be amended to include the election agent among the persons to accompany the candidate to the nomination centre.

Justification

The suggested amendment to Regulation 17(3) (c) of the Electoral Process (General) Regulations is aimed at recognising election agents as authorised representatives of a candidate. Omitting them from the list can affect the representation of the candidate at the nomination centre.

20. Ballot Paper Stamp (Official Mark)

Regulation 33(b)(iii) of the Electoral Process (General) Regulations provides for stamping the back of a ballot paper with an official mark before issuance to a voter.

Summary of findings from submitters

(i) There is need to remove the validation of the ballot paper by using an official mark.

(ii) The absence of an official mark should not invalidate the ballot paper or lead to rejection of the ballot cast.

Committee's observations

(i) The official mark is a unique identifier that confirms that the ballot was issued by the ECZ and is part of the official voting process.

(ii) Other countries use various methods to validate ballot papers, such as serial numbers, watermarks, biometric identification and digital signatures, to ensure authenticity and prevent fraud.

Recommendation

The Committee notes and recommends the removal of the official mark.

Justification

The ballot has enough security features that can used for identification and verification of authenticity.

21. Verification of Ballot Papers

Regulation 53 of the Electoral Process (General) Regulations provides for the returning officer to verify ballot papers in a constituency, district, or ward.

Summary of findings from submitters

(i) The numbering 53(3) of the General Regulation is repeated; and

(ii) There is need to correct the numbering of sub regulations 53(3) to read 53(4).

Committee's observation

There is a repetition of Sub Regulation (3) of Regulation 53 in the Electoral Process (General) Regulations.

Recommendation

The Committee **recommends** that the provision be re-numbered as proposed by the submission.

Justification

The renumbering will ensure a clear sequencing of the sub-sections.

22. Rejection of Ballot Papers

Regulation 46(3) of the Electoral Process (General) Regulations of 2016, subject to sub-regulation (2), provides for the rejection of ballot papers.

Summary of findings from submitters

(i) The Presiding Officer shall stamp the words "did not adopt" on a ballot paper which is not to be counted under this regulation.

(ii) Regulation 46(3) should be amended to read "the Presiding Officer shall mark "R" on a ballot paper which is not to be counted under this Regulation".

(iii) Section 68 (3) and Regulation 46 (3) on the rejected ballot papers should be well aligned.

Committee observations

(i) Section 68(3) of the Electoral Process Act stipulates that the letter 'A' signifies the rejection of a ballot, whereas the Electoral Process (General) Regulations under Regulation 46 (3) specifies that the term 'Rejected' indicates a rejection of a ballot.

(ii) The Act and its regulations are not aligned

Recommendation

The Committee **recommends** that:

(i) Section 68(3) of the Electoral Process Act and Regulation 46(3) be aligned as submitted.

(ii) That the letter 'A' and word 'Rejected' which are both used to signify the rejection of a ballot be replaced by the letter 'R'.

Justification

Using the letter 'R' as recommended above will be more representative of a rejection, than letter 'A' which does not resonate with a rejection.

23. Control of Persons Entering Polling Stations

Regulation 32 of the Electoral Process (General) Regulations provides for the control of persons entering a polling station.

Summary of findings from submitters

(i) Regulation 32(4) should be amended to replace Oath or Affirmation Form (GEN.1) with the Declaration of Compliance with the Electoral Code of Conduct.

(ii) There is need to use the correct election Form (GEN.6).

Recommendation

The Committee **recommends** that Regulation 32(4) be amended to replace Oath or Affirmation Form (GEN.1) with the Declaration of Compliance with the Electoral Code of Conduct Form (GEN.6).

Justification

The proposed amendment will ensure that Regulation 32(4) of the Electoral Process Act cites the correct form, which is Form Gen-6.

24. Casting of Votes

The legal provision that provides for the casting of votes is under Regulation 34 of the Electoral Process (General) Regulations of 2016.

Summary of findings from submitters

(i) Correct terminology in Regulation 34 should be used.

(ii) There is a need to correct the marginal note to read "Casting of Votes".

Committee's observation

Currently the marginal note in Regulation 34 reads "Costing of Votes"

Recommendation

The Committee **recommends** that Regulation 34 be amended by correcting the marginal note to read "Casting of Votes".

Justification

The amendment is necessary as it will ensure the use of correct terminology.

25. Suspension of Counting of Votes

Section 67(3) of the Electoral Process Act provides that:

"the procedures provided for in this Part relating to the counting of votes may be suspended only with the approval of the Commission and, if they are suspended, the presiding officer shall ensure the safekeeping of all the voting

materials entrusted to the presiding officer until the counting of votes has been completed."

Summary of findings from submitters

(i) There is a need to create regulations to address Section 67(3) in the Electoral Process Act on the suspension of counting of votes.

(ii) The provision relating to the suspension of counting is lacking in the Act and Regulations.

Committee's observation

The provisions for suspending vote counting are not outlined and therefore the Electoral Process Act should provide procedures for when counting may be suspended to ensure that the election process remains transparent, efficient, and in compliance with legal standards.

Recommendation

The Committee **recommends** that Regulations on the suspension of counting of votes be developed.

Justification

Establishing procedures for suspending the counting and announcing of results at the polling station will resolve disputes that may arise when there is a vote-counting disruption.

26. Preparations for Taking the Poll

The legal provision on the preparations for taking the poll is under Regulation 29(1) of the Electoral Process (General) Regulations of 2016.

Summary of findings from submitters

There is need to insert in 29(1)(e) "Publish a voter's list at the polling station"

Committee's observations

(i) In the 2021 General Elections, ECZ implemented a comprehensive strategy by publishing detailed voter lists at polling stations, which contributed significantly to the transparency and efficient conduct of elections as reported by CCMG[161] and TIZ[162].

(ii) Canada 2019 elections can be referred to for best practice. Prior to the federal elections, Elections Canada published the voters' list and provided multiple channels for citizens to verify and update their information. This practice ensured high levels of voter participation and minimized errors on Election Day[163].

Recommendation

The Committee **recommends** that Regulation 29(1) should be amended as proposed in the submission to insert in 29(1)(e) "publish a voter's list at the polling station."

Justification

This will help to guide voters to the appropriate polling station and reduce long queues and confusion at polling stations, making the voting process more efficient.

[161]https://ccmgzambia.org/ccmg-preliminary-statement-on-the-2021-general-elections

[162]https://tizambia.org.zm/wp-content/uploads/2024/06/General-Elections-Report-October-2021.pdf

[163]https://elections.ca/content.aspx?dir=reg%2Fdes&document=index&lang=e&section=vot&utm

27. Use of Phones at Totalling Centres

Regulation 36 of the Electoral Process (General) Regulation prohibits the use of electronic devices at a polling station and verification room of an election results.

Summary of findings from submitters

The ECZ must ban the use of phones at the premises of an election or totalling centre. This is necessary for avoiding obstruction of election staff in carrying out their mandate.

Committee's observations

Regulation 36 already forbids the use of electronic gadgets in a polling station. However, the law allows the Commission to provide exceptions for officials who need to use the gadgets for communication.

Recommendation

The Committee **recommends** that:

(i) Regulation 36(1) of the Electoral Process (General) Regulations be amended to include totalling centre.

(ii) Regulation 36 of the Electoral Process (General) Regulations should permit election officers to use their phones.

Justification

Restricting the use of mobile phones during the counting and totalling of results will help reduce distractions during the process.

28. District Conflict Management Committee: Establishment, Impartiality and Logistics

Section 113 of the Electoral Process Act provides for the establishment of Conflict Management Committees at national and district levels.

Summary of findings from submitters

(i) The District Conflict Management Committee should be enhanced to ensure that impartiality is observed.

(ii) Conflict Management Committees should be located in the constituencies, at totalling centres, rather than at the District Administration to ensure timely resolution of conflicts.

(iii) These Committees must be well-resourced with necessary logistics, such as transportation and supplies.

(iv) The process for reporting issues to a Conflict Management Committee should be streamlined, as excessive bureaucracy often delays reporting and resolution. Simplifying this process will enable quicker and more effective handling of conflicts during an election.

(v) There is a need for clear guidelines, coupled with enhanced capacity building of DCMCs.

Committee's observations

(i) District Conflict Management Committees (DCMCs) have scored successes and experienced challenges in the course of their work. While the DCMCs have been effective in mediating conflicts and fostering a culture of dialogue, challenges like limited legal authority and resource constraints have been noted.

(ii) Conflicts, if not managed properly, can escalate and lead to violence, social unrest, or even a full-blown crisis. Therefore, resources can be used for proactive measures like conflict prevention sensitization and early warning intervention strategies.

(iii) Conflicts require timely intervention to avoid the negative consequences of delay.

(iv) Establishing CMCs at constituency and ward levels may be difficult, as some political parties do not have representation in all districts.

Recommendations

The Committee **recommends** that:

(i) Political parties should endeavour to register their presence in the districts.

(ii) The issue of budgets and funding for conflict management to be dealt with administratively.

Justification

This will promote timely resolution of conflicts and enhance DCMCs operations.

5.5 Gender Equity and Equality Act

1. Gender Equity and Equality Commission

Article 231 of the Constitution provides that:

> *"(1)There is established the Gender Equity and Equality Commission which shall have offices in the Provinces and progressively in districts.*
>
> *(2) The Gender Equity and Equality Commission shall promote the attainment and mainstreaming of gender equality."*
>
> *(3) The Gender Equity and Equality Commission shall—*
>
> *(a) monitor, investigate, research, educate, advise and report on issues concerning gender equality;*
>
> *(b) ensure institutions comply with legal requirements and other standards relating to gender equality;*
>
> *(c) take steps to secure appropriate redress to complaints relating to gender inequality, as prescribed; and*
>
> *(d) perform such other functions as prescribed."*

Article 45 (1) of the Constitution provides that:

> *"The electoral systems provided for in Article 47 for the election of President, Member of Parliament or councillor shall ensure —*
>
> *(a) that citizens are free to exercise their political rights;*
>
> *(b) universal adult suffrage based on the equality of a vote;*
>
> *(c) fair representation of the various interest groups in society; and*
>
> *(d) gender equity in the National Assembly or council."*

Further, Section 29 of the Gender Equity and Equality Act, 2015 states that:

> *"Subject to any written law prescribing qualifications, criteria or restrictions which are not discriminatory, a woman has, on an equal basis with a man, the same right to —*

(a) vote in elections and referenda and to be eligible for election to publicly elected bodies;

(b) participate in public decision making and formulate and implement Government policies and programmes;

(c) hold public office and perform public functions at all levels of Government;

(d) join, and participate in the activities of, non-governmental organisations and associations; and

(e) represent the Government at the international level and participate in the work of international organisations."

Summary of findings from submitters

(i) The ECZ should facilitate gender equality in all political parties and within the ECZ, and that the Gender Equality and Equity Commission must be established.

(ii) The ECZ must have a deliberate policy to compel political parties to increase women participation.

(iii) There is a need for the Gender Equity and Equality Commission to be fully operationalised as provided for in Article 231 of the Constitution.

Committee's observations

(i) The Constitution and Section 6 of the Gender Equity and Equality Act provide for the establishment of the Gender Equity and Equality Commission. However, the Gender Equity and Equality Commission has not been operationalised.

(ii) In line with the Convention on the Elimination of All forms of Discrimination Against Women, the Zambian National Gender Policy of 2023 espouses increased women's participation in governance and decision-making.

(iii) Access to rights, opportunities and responsibilities must be without hindrance based on gender. Women constitute more than 50% of the total population in Zambia and make up 52% of the registered voters. The SADC gender balance threshold is set at 50% for women in decision-making positions within the political and public sectors.

(iv) Article 3 of the ICCPR obligates all states parties to ensure equal civil and political rights of men and women. In addition, the Sustainable Development Goal No. 5 recognises gender equality as a fundamental human right and foundation for prosperity. Further, the African Union's Strategy for Gender Equality and Women's Empowerment (2018-2028) seeks to eliminate major barriers preventing women from full participation in economic, political and social affairs. Pillars 3 and 4 of the Strategy call for effective laws, policies and institutions to promote women's rights.

Recommendation

The Committee notes the submissions and **recommends** that Section 29 of the Gender Equity and Equality Act and the Gender Equity and Equality Commission be operationalised.

Justification

The operationalisation of the Gender Equity and Equality Commission will enhance the mainstreaming of gender in both the private and public sector.

5.6 Persons with Disabilities Act

1. Involvement of PwDs in Voter Education

The legal provisions on the conduct of voter education is found in Section 79 (1) of the Electoral Process Act which states that:

> "*any natural or juristic person may provide voter education for an election.*"

Summary of findings from submitters

(i) Local organisations for PwDs should be consulted or involved in disseminating information on voter registration.

(ii) ECZ should ensure that PwDs also get information on voter education.

(iii) More people should be trained in sign language interpretation.

(iv) 10% of the people engaged as voter educators be reserved for PwDs.

(v) PwDs should be trained in the use of braille jackets.

(vi) The orientation of the curriculum for voter educators and other electoral officers should include the aspect of disability.

Committee's observations

(i) The country has made steady progress in promoting inclusiveness in policies and the legal framework for the marginalized.

(ii) There is low participation of PwDs in electoral processes such as voter education.

Recommendation

The Committee **recommends** that:

(i) ECZ collaborates with ZAPD and other organisations promoting inclusive participation for Persons with Disabilities in ensuring involvement of PwDs in voter education and other electoral process activities.

(ii) ECZ observes Division 4 of the PwDs Act by ensuring that consideration is given to PwDs when employing voter education facilitators.

Justification

This will actualise the spirit of Section 51(d) of the PwDs Act which requires that elections are inclusive. The participation of Persons with Disabilities as voter educators will contribute to enhanced participation of Persons with Disabilities in the electoral process and removal of barriers that prevent them from participating in election processes.

2. Campaign Messages in Braille and Sign language

Section 49 of the Persons with Disabilities Act provides for the provision of sign language inset or subtitles in all newscasts and education programmes and in all programmes covering events of national significance, while Section 51 provides for participation in political and public life.

Summary of findings from submitters

(i) All political parties should convert the campaign message into braille and utilise sign language for easy accessibility by PwDs.

(ii) Political parties should have an inclusive campaign programme with an inclusion of a sign language interpreter enshrined in their party manifesto.

Committee's observation

Incorporating Braille and sign language into campaign messages promotes inclusivity, broadens audience reach, and demonstrates a commitment for accessibility to individuals with visual and hearing impairments.

Recommendation

The Committee **recommends** that political parties should employ trascribers to transcribe campaign messages and manifestos into braille. This can be done in collaboration with organisation for persons with disabilities.

Justification

The inclusiveness of interpreters to translate the braille messages will promote inclusivity in the electoral process.

5.7 National Registration Act

1. Digitalisation of NRCs

Section 8(1) of the National Registration Act, Chapter 126 of the Laws of Zambia provides as follows:

> *"Upon the registration of a person under this Act, the registrar shall issue to such person a national registration card in the prescribed form."*

Summary of findings from submitters

The ECZ should have a self-updating digital system which automatically updates personal records in the event of death or acquisition of an NRC. ECZ should work with the Department of National Registration in order to achieve this milestone. The self-updating digitalised NRCs system will then permit voters to use their digitalised NRC's thereby making it possible for the ECZ to do away with the usage of voters' cards.

Committee's observations

(i) Zambia is currently implementing the Integrated National Registration Information System (INRIS) as a unified digital national registration that will create a national and civil register for birth, NRCs, marriage and passports. The INRIS will collect and store biometrics data electronically.

(ii) Kenya and South Africa use digitalised National Identity Cards, which are linked to all key personal information and documentation such that these Cards serve as an official voting document.

(iii) Among the benefits for integration are accessibility and inclusion, reduced duplications, improved efficiency of registration and enhanced electoral integrity.

(iv) To achieve this, there is need for planning, legal alignments and strong safeguards to ensure security, inclusivity and transparency.

Recommendation

The Committee did NOT adopt this submission, but **recommends** that it be referred to the DNRPC.

Justification

The issuance of the National Registration Cards (NRCs) is outside the mandate of the ERTC.

CONCLUSION

This report has outlined challenges that continue to affect the electoral process and system in Zambia. The recommendations made in this report aim to address the identified challenges in order to ensure that credible elections are held through the revision and development of policy, legal and administrative measures.

The recommendations in this report also attempt to address issues regarding representation and participation of various groups in elections and decision-making such as women, youth and PwDs. However, these recommendations cannot be implemented in isolation, as effective reforms require amendment of key legislation and related constitutional provisions.

This report further demonstrates the need to recognise contemporary and emerging issues which have a bearing on both the conduct and outcome of elections. Therefore, constitutional reforms are necessary because the electoral system and process are rooted in the national constitutional framework.

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APPENDICES

Appendix 1: Desk Review

STAGE OF THE ELECTORAL CYCLE: PRE-ELECTION PHASE

The pre-election phase of the electoral cycle encompasses several key activities which include: Delimitation, Planning for the Election, Training, Voter Education and Voter registration.

The following are the research findings and preliminary resolutions of the ERTC under this phase:

i) **Delimitation**

(i) Issue: The period for delimitation coincided with the 2019 Constitutional Review process, which overshadowed and interfered with the process

The issue was highlighted in the ECZ 2021 General Election Review Report and the European Union (EU) 2021 Election Observer Mission (EOM) Report.

In terms of the legal framework, the Constitution of Zambia (Amendment) Act No. 2 of 2016 provides for the delimitation period. Specifically, Article 58(5) states that *"The Electoral Commission shall, at intervals of not more than ten years, review the names and boundaries of constituencies and wards."*

Section 21 to 25 of the Electoral Process Act No. 35 of 2016 provides for the establishment of polling districts, criteria for determining polling district boundaries, inspection and copies of maps of polling districts, establishment of polling stations and division of area of councils into wards.

Section 125 (2)(w) of the Electoral Process Act No. 35 of 2016 provides for the delimitation of provinces, constituencies, wards and polling districts.

For best practice, South Africa, Ghana, Namibia and Botswana have robust delimitation processes that ensure electoral boundaries are redrawn regularly and at appropriate times, reflect population changes, and promote equity and fair representation.

Preliminary Resolutions

ii) The ECZ should not undertake the delimitation exercise at the same time as other competing national and political assignments;

iii) The ECZ must ensure that the delimitation process is independent, inclusive and transparent; and

iv) The ECZ should finalize the delimitation process at least twenty-four (24) months before a general election and be given the mandate to publish the Delimitation Report. Therefore, there is a need to amend Article 58(6) of the Constitution to enable ECZ to publish the delimitation report;

(ii) Issue: Limited understanding of delimitation factors among stakeholders

This issue was raised in the ECZ - 2021 General Election Review Report and the CCMG 2021 Election Observation Final Report.

In terms of the legal framework, Article 59 of the Constitution of Zambia (Amendment) Act No. 2 of 2016 provides for matters to be taken into account when delimiting constituencies and wards. The Article provides as follows:

"The Electoral Commission shall, in delimiting the boundaries of constituencies and wards—

v) *take into account the history, diversity and cohesiveness of the constituency or ward;*

vi) *have regard to population density, trends and projections;*

vii) *ensure that the number of inhabitants in each constituency or ward is reasonable, taking into account the means of communication and geographical features;*

viii) *ensure that constituencies and wards are wholly within districts; and*

ix) *seek to achieve an approximate equality of constituency and ward population, subject to the need to ensure adequate representation for urban and sparsely populated areas."*

Further, sections 24(2) and 25 of the Electoral Process Act No. 35 of 2016 provide for the establishment of polling stations and the division of area of councils into wards.

Best practices can be found in Australia and New Zealand. Apart from conducting public consultations and hearings to gather feedback from stakeholders, the two countries also use online platforms to inform citizens and encourage feedback.

Preliminary Resolution

x) The Electoral Commission of Zambia should undertake robust sensitization exercises with relevant stakeholders, i.e. Political Parties, Traditional leaders and CSOs.

(iii) Issue: Absence of legal provision that gives mandate to ECZ to publish the boundary delimitation report

This issue was raised by CCMG in March 2023, who called upon His Excellency the President of the Republic of Zambia to see to it that the 2019 boundary delimitation report was published (Lusaka Times, March

24 2023). This call was based on the fact that ECZ has no legal mandate to publish the boundary delimitation report.

On this issue, South Africa, Kenya and India serve as best practices. The Electoral Commission of South Africa is mandated by the Electoral Act to publish delimitation reports which include information on the delimitation process and boundaries. In Kenya, Article 89 of the 2010 Constitution prescribes delimitation of electoral units, and Section 3 of the Fifth Schedule of the Independent Electoral and Boundaries Commission Act No. 9 of 2011 outlines the delimitation of electoral units and provisions on publication of the delimitation report. In India, the Election Commission is required by law to publish delimitation reports which include detailed information on electoral boundary changes and the reasons for those changes.

Preliminary Resolutions

xi) The ECZ should conclude delimitation at least 24 months before a general election and be given the legal mandate to publish the delimitation report;

xii) The ECZ should introduce a legal provision in the Electoral Process Act that gives a mandate to the ECZ to publish the constituency boundary delimitation report within a particular period from the date of conclusion.

(iv) Issue: Limited collaboration between ECZ and* Zambia Statistics Agency *(ZAMSTATS)

The issue of inadequate collaboration between ECZ and ZAMSTATS was highlighted in the ECZ 2021 General Election Review Report. It was observed that the use of current statistics is key when undertaking delimitation.

In terms of the legal framework, Article 173(1)(d) of the Constitution of Zambia (Amendment) Act No. 2 of 2016 provides for the encouragement of people to participate in the process of policy making. This Article provides that, *"The guiding values and principles of the public service include the encouragement of people to participate in the process of policy making."*

Good examples of collaboration between the EMBs and statistical agencies are found in South Africa and Canada. South Africa and Canada work closely with Statistics South Africa and Canada's National Statistics Agency (Statistics Canada), respectively, to ensure accurate voter registration and electoral boundary delimitation.

Preliminary Resolution

xiii) Formalise the collaboration between ECZ and ZAMSTATS by establishing a formal agreement, such as a Memorandum of Understanding (MoU) or appointing a representative from ECZ to serve on the ZAMSTATS Board as a focal point for coordination.

(v) Issue: Inadequate sensitisation of stakeholders about the delimitation process

This issue was highlighted in the ECZ 2021 General Election Review Report.

In terms of the legal framework, Article 58(5) of the Constitution of Zambia (Amendment) Act No. 2 of 2016 states that *"The Electoral Commission shall, at intervals of not more than ten years, review the names and boundaries of constituencies and wards."* Article 173(1)(h) of the said Constitution provides for proactive provision of the public with timely, accessible and accurate information. This Article provides that, *"The guiding values and principles of the public service include proactively providing the public with timely, accessible and accurate*

information." See Section 21-25 and 125(2)(w) of the Electoral Process Act No. 35 of 2016 also address this matter.

Zambia can draw best practices on this issue from Australia and Canada. The Australian EMB conducts public awareness campaigns including media releases, social media, and community outreach programmes to educate the public on the delimitation process. Canada on the other hand engages in public outreach and education, including public hearings, community meetings and online resources to inform the public about the delimitation process.

Preliminary Resolution

xiv) The ECZ should enhance awareness campaigns on the delimitation process among stakeholders, including civic leaders, political parties, Community-Based Organizations (CBOs) and Civil Society Organizations (CSOs).

(vi) Issue: Low stakeholder participation in the delimitation process due to lack of interest by women, youths and persons with disabilities

The need to address this issue was highlighted in the ECZ 2021 General Election Review Report and the CCMG 2021 Election Observation Final Report.

In terms of the legal framework, Article 173(1)(d) of the Constitution (Amendment) Act No. 2 of 2016 provides for the encouragement of people to participate in the process of policy making. Section 125 (2)(w) of the Electoral Process Act No. 35 of 2016 provides for the delimitation of provinces, constituencies, wards and polling districts. Section 21-25 of the Electoral Process Act No.35 of 2016 provides for establishment, criteria, inspection and division of wards, constituencies and polling districts.

Some of the best practices on this issue are found in South Africa where the EMB ensures that delimitation committees have balanced representation by gender, youth and PwD organizations. There are also strategic social media engagements with these groups to get their views on the delimitation process.

Preliminary Resolution

xv) The ECZ should enhance the participation of women, youth, and persons with disabilities through targeted affirmative action and strategic communication initiatives.

(vii) Issue: *Manipulation of electoral boundaries for political gain*

This issue was raised in the 2005 ERTC Report.

In terms of the legal framework, Article 59 of the Constitution (Amendment)Act NO.2 of 2016 provides for matters to take into account when delimiting constituencies and wards. Other relevant provisions include Article 58(5) of the said Constitution, Section 125(2)(w) of the Electoral Process Act No. 35 of 2016 and Sections 22-25 of the Electoral Process Act No. 35 of 2016 which provide for the criteria for determining polling district boundaries, the inspection and obtaining copies of maps of polling districts and the establishment of polling stations.

For best practice, Germany and South Africa have strong constitutional protections and legal frameworks to prevent electoral boundary manipulation. In South Africa, the EMB conducts delimitation independently, without undue influence from political parties or government. The EMB also carries out regular boundary reviews to ensure electoral boundaries remain fair and representative.

Preliminary Resolution

xvi) The ECZ should create delimitation regulations that establish clear parameters, such as population size and geographic area, as

outlined in Article 59 of the Constitution. These regulations should serve as a guide for defining constituency boundaries.

(viii) Issue: ***Harmonisation of the laws to limit the responsibility of ECZ to delimitation of electoral boundaries (The power to create provinces lies with the President, whereas power to delimit boundaries of the provinces lies with ECZ)***

This matter was raised in the ECZ 2017 Gap Analysis of Electoral Laws. Whereas Article 149(1) of the Constitution of Zambia gives power to the Republican President to create, divide or merge a province, Article 149(7) on the other hand provides for the ECZ to delineate the boundaries of the provinces created. See also Section 21 – 25 of the Electoral Process Act No. 35 of 2016.

Preliminary Resolutions

xvii) Amend Article 149(7) of the Constitution to read: *"The Electoral Commission of Zambia shall only delineate the electoral boundaries of a province;"*

xviii) Amendment of Article 149 of the Constitution to stipulate that the President may only create a new district if it does not lead to the formation of a new constituency.

(ix) Issue: ***Inadequate use of accurate and up to date demographic data during delimitation***

The issue of accurate and up to data driven delimitation was highlighted in the CCMG 2021 Election Observation Final Report.

In terms of the legal framework, Articles 59 of the Constitution of Zambia Amendment Act No. 2 provides for matters to take into account when delimiting constituencies and wards. Sections 21 to 25 of the Electoral Process Act No. 35 of 2016 are also relevant to the subject.

Preliminary Resolution

xix) Formalise collaboration between ECZ and ZAMSTATS by establishing a formal agreement, such as a Memorandum of Understanding (MoU), or by appointing a representative from ECZ to serve on the ZAMSTATS Board as a focal point for coordination.

(x) Issue: ***Boundary conflicts due to some traditional leaders not knowing the difference between electoral boundaries and chiefdom boundaries***

The issue was raised in the ECZ 2021 General Election Review Report.

In terms of the legal framework, 173(1)(h) provides for the need to proactively provide the public with timely accessible and accurate information. See also Articles 58(5), 59, and 149(7) of the Constitution of Zambia Amendment Act No. 2 of 2016.

Zambia can learn from Ghana and Kenya on how to manage such an issue. Ghana has established a robust system for boundary delimitation which considers traditional boundaries and involves traditional leaders during the delimitation process to avoid potential conflicts. Kenya's EMB also engages with traditional leaders and communities to make sure electoral boundaries respect traditional boundaries and minimize potential conflicts.

Preliminary Resolution

xx) ECZ should conduct comprehensive mass sensitization campaigns targeting traditional leaders to inform them about the delimitation process, the parameters used and its implications.

(xi) Issue: ***Delimitation of Constituencies hampered by the prescription of the number of Constituencies in the Constitution***

The issue was raised in the ECZ 2017 Gap Analysis of Electoral Laws, the Mung'omba Constitutional Review Commission Report of 2005, the EU 2021 Election Observation Mission Report, the 2022 Census of Population and housing data and the ZCID Siavonga Resolution of Political Parties of 2019.

In terms of the legal framework, Article 68(2)(a) of the Constitution specifies the number of elected Members of Parliament, each representing a constituency. This Article provides that, "*The National Assembly shall consist of one hundred and fifty-six members directly elected on the basis of a simple majority vote under the first-past-the-post system.*"

Preliminary Resolution

xxi) Amend Article 68 of the Constitution to establish a procedure for adjusting the number of constituencies based on the recommendations from the ECZ's delimitation exercise;

xxii) A two-thirds majority in Parliament should approve changes to the number of constituencies.

xxiii) **Voter Registration**

(i) ***Issue: Provision of disaggregated voter registration targets for Women, Youth and PwDs by the ECZ***

The issue was highlighted in the CCMG 2021 Election Observation Final Report and the Carter Centre 2021 Final Elections Report. Additionally, these concerns align with international electoral standards, such as IDEA's International Electoral Standards and the Code of Good Practice on Electoral Matters by the Venice Commission.

In terms of the legal framework, Article 229(2)(a) and (c) of the Constitution of Zambia (Amendment) Act No. 2 of 2016 provides for the ECZ to implement the electoral process and registration of voters. See

also Article 46 of the said Constitution and section 8 of the Electoral Process Act No. 35 of 2016.

For best practice, Zambia can learn from countries such as Ghana, Namibia, SA, Kenya, and Mozambique to provide disaggregated data on women, youth and PWDs, which promotes inclusive and equitable electoral processes.

Preliminary Resolution

xxiv) To promote inclusion, ECZ should set clear, disaggregated targets that include women, youth and PWDs during the registration of eligible voters.

(ii) Issue: *Lack of legal provision for Voter Register Audits*

The issue was highlighted in the CCMG 2021 Election Observation Final Report and the Carter Centre 2021 Final Elections Report on the need to undertake an independent voter register audit through field tests of the register /verifying a sample of voters' information.

In term of the legal framework, Articles 45(2)(c) of the Constitution of Zambia provides for the principles of electoral systems and process which principles include independence, accountability, efficiency and transparency of the electoral process. The Electoral Process (Registration of Voters) Regulations, Statutory Instrument No. 80 of 2020 is equally relevant.

Preliminary Resolutions

xxv) The issue was rejected by the ERTC as it could lead to a possible breach of the right to privacy which is an inherent human right;

xxvi) It also goes against the legal provisions such as the Data Protection Act No. 3 of 2021, which prohibits the processing of

sensitive personal data under Section 14(1) and the Electoral Process (Registration of Voters) Regulations, SI 80 of 2020; and

xxvii) There is equally a possibility of data/biometrics falling into wrong hands.

(iii) Issue: *Lack of a legal provision mandating periodical compilation of a New Voters Roll*

The issue was highlighted in the CCMG 2021 Election Observation Final Report and the Carter Centre 2021 Final Elections Report.

In terms of the legal framework, Section 14 of the Electoral Process Act No. 2 of 2016 only mandates the ECZ to compile and maintain a Register of Voters in a prescribed form. There are no legal provisions requiring periodical compilation of a New Voters Roll.

For best practice, most jurisdictions such as South Africa and Australia have permanent Voter's Rolls stored in a computerized database system and updated regularly.

Preliminary Resolution

xxviii) In light of the continuous voter registration, the voters roll should be updated regularly by ECZ.

(iv) Issue: *Some eligible citizens do not have NRCs to enable them to register as voters*

The issue was highlighted in the CCMG 2021 Election Observation Final Report and the UNDP 2021 Report on Strategies to Increase Participation of Women, Youth and PWDs in the Elections.

In terms of the legal framework, Article 46 of the Constitution of Zambia Amendment Act No. 2 of 2016 entitles every citizen who has attained the age of 18 to register as a voter and vote in an election by secret

ballot. Another relevant provision is Section 8 of the Electoral Process Act No. 35 of 2016.

Preliminary Resolution

xxix) The ECZ must enter into an MoU with DNRPC to ensure massive issuance of NRCs for purposes of Voter Registration at appropriate times in all parts of the country.

(v) Issue: *Some foreigners illegally obtaining NRCs and allowed to vote*

The need to address this issue was highlighted in the EU Observer Mission Reports of 2016 and 2021, CCMG 2021 Election Observation Final Report, and the ERTC Report of 2005.

In terms of the legal framework, Article 46 of the Constitution of Zambia Amendment Act No. 2 of 2016 entitles every citizen who has attained the age of 18 to register as a voter and vote in an election by secret ballot. Another legal provision on the matter is Section 8 of the Electoral Process Act No. 35 of 2016.

Preliminary Resolution

xxx) Government should accelerate the implementation of the Integrated National Registration Information System (INRIS) by the DNRPC to establish a sustainable biometric identification system.

(vi) Issue*: Some* persons in lawful custody *lack basic information for obtaining NRCs*

The issue was highlighted in the joint ZLDC and ECZ 2021 Report on the Operationalization of the right to vote by persons in lawful custody.

In terms of the legal framework, Section 8(1)(a) of the Electoral Process Act No. 35 of 2016 provides for a person to qualify for registration as a voter if that person is a citizen of Zambia. See also Article 46 of the Constitution of Zambia Amendment Act No. 2 of 2016.

Norway and Sweden have the best practice in providing persons in lawful custody with comprehensive education and information for obtaining National Registration Cards to participate in voting.

Preliminary Resolution

xxxi) The ECZ should enter into an MoU with the Zambia Correctional Service (ZCS) to facilitate voter education and the collection of key personal data (related to NRCs) required for voter registration.

(vii) Issue: *Inadequate Voter Registration Kits due to ECZ budgetary constraints*

This issue was captured in the CCMG 2021 Election Observation Final Report.

In terms of the legal framework, section 8(2) of the Electoral Process Act No. 35 of 2016 requires the Commission to register a person as a voter as prescribed in section 8(1) above. Article 46 of the Constitution of Zambia (Amendment) Act No. 2 of 2016 entitles every Zambian who has attained the age of 18 to register as a voter and to vote in an election.

Preliminary Resolution

xxxii) The Government should ensure adequate funding to ECZ for procurement of voter registration kits.

(viii) Issue: *Technical challenges with online pre-registration*

The need to address this issue was highlighted in the EU Observer Mission Reports of 2016 and 2021, CCMG 2021 Election Observation Final Report.

In terms of the legal framework, Regulation 10(1) and (3) of the Electoral Process (Registration of Voters) Regulations, SI No. 80 of 2020 provides for electronic application for registration as a voter. Article 46 of the Constitution of Zambia (Amendment) Act No. 2 of 2016 and Section 8 of

the of the Electoral Process Act No. 35 of 2016 is equally relevant to this matter.

Zambia can learn lessons from South Africa, Kenya, Nigeria and Ghana that have robust online electoral systems for registering voters including finger prints and facial recognition features.

Preliminary Resolution

xxxiii) The ECZ should enhance its online voter registration system and learn best practices from countries such as South Africa, Kenya, Nigeria and Ghana with robust online electoral systems for registering voters.

(ix) Issue: ***Challenges by PWDs to effectively participate in the electoral process***

The need to enhance PWDs participation in the electoral process was highlighted in the concluding observations of the UN Committee on the Rights of Persons with Disabilities (CRPD).

In terms of the legal framework, Article 45(1)(c) provides for the electoral system for election to be fair representation of the various interest groups in society. Further, section 48(1) of the Electoral Process Act provides for a special vote based on physical infirmity or disability.

Reference was made to the decision of the Court in the case of **Brotherton v Electoral Commission of Zambia (HP 818 of 2011) [2011] ZMHC** where the Court held that ECZ has the legal obligation to put in place measures to ensure that PwDs are not disadvantaged in their pursuit of the exercise of their franchise. The measures should be aimed at providing services and amenities for equal participation by persons with disabilities in the electoral process.

Some of the best practices in the participation of PWDs in the Electoral process can be found in Mauritius, Kenya and South Africa. For instance,

Mauritius has introduced accessible voting systems including electronic voting machines with audio and braille machines. Kenya has introduced accessible voting material such as tactile ballots and sign language interpreters, and South Africa has implemented measures to ensure accessibility, including wheelchair-accessible polling stations and braille ballots.

Preliminary Resolution

xxxiv) The ECZ should improve data capture for persons with disabilities by collaborating with ZAMSTATS, ZAPD, and the Ministry of Community Development and Social Services to enhance services for PWDs.

xxxv) The government, through key Ministries such as the Ministry of Infrastructure Housing and Urban Development (MIHUD), the Ministry of Local Government and Rural Development (MoLGRD), Ministry of Education and Ccouncils must update infrastructure so that it is disability-friendly and ensure that all new classroom buildings incorporate ramps.

xxxvi) The Government develop regulations to implement the Special Vote as outlined in Section 48(1) of the Electoral Process Act.

(x) Issue: *Perceived partisan bias in voter registration*

The issue was highlighted in the 2021 EU Election Observer Mission Report.

In terms of the legal framework, section 4(2)(a) of the Electoral Commission of Zambia Act No. 25 of 2016 provides that:

> *(2) Without prejudice to the generality of subsection (1), the functions of the Commission are to— (a) ensure that elections are free and fair;*

Zambia can learn best practices from countries such as South Africa and Ghana. South Africa has a robust registration system that ensures

fairness. The Ghana Electoral Commission conducts rigorous training for voter registration officials emphasizing voter registration and avoiding partisan bias.

Preliminary Resolution

xxxvii) Government and ECZ should endeavour to address all negative perceptions around the voter registration exercise by providing the necessary voter registration facilities in all parts of the country including facilities for obtaining NRCs at appropriate times.

(xi) Issue: *Inadequate training of voter registration officers or volunteers*

The CCMG 2021 Election Observation Final Report identified the need to address this issue.

Article 173(1)(f) of the Constitution of Zambia (Amendment) Act No. 2 of 2016 provides for adequate and equal opportunities for appointments, training and advancement of members of both gender and members of all ethnic groups.

Zambia can learn best practices from Germany and South Africa who provide voter registration officers with comprehensive training on voter rolls and ensuring proper verification of voter information.

Preliminary Resolutions

xxxviii) ECZ should improve the recruitment process by making it merit based and provide adequate training for voter registration officers or volunteers;

xxxix) Government should provide adequate and timely funding for the training of voter registration officers and volunteers.

(xii) Issue: *Continuous registration of voters covering very few districts (only 30 districts)*

This issue was raised in the ECZ 2021 General Election Review Report.

In terms of the legal framework, Article 229(1) of the Constitution of Zambia (Amendment) Act No. 2 of 2016 229 states that;

"(1) There is established the Electoral Commission of Zambia which shall have offices in Provinces and progressively in districts."

Further, Section 7 of the Electoral Process Act, No.2 of 2016 states that, "*the Commission shall conduct a continuous registration of voters."*

Preliminary Resolutions

xl) ECZ should put in place a roadmap to actualize decentralization in all provinces and districts in line with Article 229(1) of the Constitution of Zambia (Amendment) Act No. 2 of 2016 and the National Decentralization Policy;

xli) The ECZ should progressively roll out mobile voter registration to other districts in line with government funding for kits and other logistics.

xlii) **Appointment and removal of Commission Members**

(i) ***Issue: The legal provisions on the appointment and removal of ECZ Commissioners pose transparency, public confidence and autonomy challenges***

The need to address this issue was highlighted in the CCMG 2021 Election Observation Final Report and the Carter Centre 2021 Final Elections Report.

In terms of the legal framework, several key provisions of the Constitution including Articles 216, 229, 238, and 270 apply. These articles address principles related to Commissions, the establishment of the Electoral Commission of Zambia, the financial independence of Commissions, and the power of an appointing authority to remove an appointee.

Additionally, Section 5 of the Electoral Commission of Zambia Act outlines the composition of the Commission.

To address this issue, Zambia may consider adopting best practices from Kenya and South Africa. In Kenya, the Constitution outlines the framework for the appointment and removal of commissioners under Article 88. The Elections Act of 2011 and the IEBC Act of 2011 provides further guidance on the appointment of Commissioners which is fair and accountable. The appointment process involves a selection panel which conducts interviews and recommends the best candidates to the President. Removal is guided by Article 251 of the constitution, which outlines grounds for removal. In South Africa, the Electoral Commission Act No. 51 of 1996 Section 6 provides for the appointment of Commissioners. A National Assembly Committee conducts interviews, and then those selected are recommended to the National Assembly for ratification and appointment by the President. The Electoral Commission Act No. 51 of 1996 Section 7(3) provides for removal by the President after findings by the committee of the National Assembly and later full Assembly and upon the recommendation of the Electoral Court.

Preliminary Resolutions

xliii) Amend the Electoral Commission of Zambia Act to align the appointment procedures with those of the Electoral Commission of South Africa;

xliv) Revise Section 12 of the Electoral Commission of Zambia Act to specify the removal procedure for Commissioners that is equivalent to the process for removing judges; and

xlv) Amend Article 270 of the Constitution of Zambia to ensure the protection and security of tenure for Commissioners.

xlvi) **Financial Independence of the Commission**

(i) Issue: ECZ Lack of Financial Independence.

The need to address this issue was highlighted by the Carter Centre 2021 Final Elections Report.

The ERTC identified other related issues including the fact that revenue collected from electoral activities by ECZ is deposited into the treasury account.

In terms of the legal framework, Article 238 of the Constitution designates Commissions as self-accounting institutions thereby ensuring their financial independence. Section 7(1)(f) of the Public Finance Management Act outlines the responsibilities of the Secretary to the Treasury. Additionally, Section 14 of the Electoral Commission of Zambia Act specifies the funding mechanisms for the Commission.

Zambia may consider adopting best practices from South Africa. Article 181(2) of the Constitution ensures independence of the Electoral Commission. Section 6(1) of the Electoral Commission Act 1996 of Sout Africa gives financial powers to the EMB to manage its own finances and administer its budget. Section 44(1) of the Public Finance Management Act allows the Commission to receive a direct allocation from the national revenue fund to ensure its financial independence.

Preliminary Resolution

xlvii) ECZ should initiate legislative reforms aimed at enhancing the financial independence of the Commission.

xlviii) **Training of Election Officers**

(i) Issue: Training programmes and materials are not in accessible format for PWDs e.g. no braille for those that are visually impaired, and inadequate sign language trainers for PWDs.

This issue was highlighted in the Commonwealth Group 2021 Zambia General Elections Report.

In terms of the legal framework, Article 173(1)(h) of the Constitution makes provisions for values and principles that ought to be applied in the governance of the Public Service, State Organs and State Institutions such as providing the public with timely, accessible and accurate information.

Zambia may consider adopting best practices from Kenya where the EMB has tailored training materials and partnered with stakeholders such as sight savers to promote inclusivity and accessibility of the electoral process for PWDs.

Preliminary Resolution

xlix) ECZ must work with ZAPD to ensure that they provide training programmes with adequate materials in accessible format to facilitate the training of different categories of PWDs.

l) **Stakeholder Engagement**

(i) Issue: Limited engagement and access to information on the electoral process by PWD organisations and insufficient representation by marginalised groups

This issue was highlighted in the ERTC Report of 2005.

In terms of the legal framework, the Persons with Disabilities Act No. 6 of 2012 and Gender Equity and Equality Act No. 22 of 2015 provide for the inclusion of marginalised groups in electoral processes. This issue is also provided for under Article 45(1)(c) of the Constitution of Zambia (Amendment) Act No. 2 of 2016

Best practices can be drawn from Ghana, Kenya, Mauritius and South Africa that have made tremendous progress in engaging organisations

for PWDs in order to improve access to information around the electoral process. Kenya's 2010 election plan has details of stakeholder engagement including providing for specific time frames for engagement.

Preliminary Resolutions

li) Although the Electoral Process Act contains provisions on stakeholder engagement, ECZ needs to enhance these provisions by adopting best practices from Ghana, Kenya, Mauritius and South Africa;

lii) ECZ should also complement the existing stakeholder engagement platforms by introducing a hotline;

liii) Additionally, ECZ should develop a comprehensive stakeholder engagement strategy and communication plan for PWDs, including clearly defined platforms and the use of sign language.

liv) **Accreditation**

(i) Issue: Untimely release of accreditation procedures and lack of clarity around these procedures

The issue was highlighted in the ECZ 2021 General Elections Report, CCMG 2021 Election Observation Final Report, EU 2021 Election Observer Mission Final Report and the ERTC Report of 2005.

In terms of the legal framework, accreditation is provided for under Article 229(2)(f) of the Constitution of Zambia and Sections 77 and 78 of the Electoral Process Act.

To address these accreditation procedure matters, Zambia may consider adopting best practices from Ghana, Botswana, South Africa, Kenya and Nigeria. Ghana and Botswana EMBs have a well-structured accreditation process for media observers and other stakeholders. It

involves online applications, payment of accreditation fees and badges for observers and monitors. South Africa, Kenya and Nigeria also have comprehensive systems for observers, media and stakeholders, which provide for online systems for verification, application and issuance of accreditation cards.

Preliminary Resolution

lv) ECZ should establish a timeline for releasing accreditation procedures and requirements based on best practices. Specifically, the notification period for accreditation should be 60 days before the election is conducted. Accreditation should be for 30 days, including weekends and public holidays.

(ii) Issue: Bureaucratic Accreditation Procedures

The issue was highlighted in the ECZ 2021 General Elections Report, CCMG 2021 Election Observation Final Report, EU Election Observer Mission Reports, Carter Centre Report of 2021, and the ERTC Report of 2005.

Accreditation of observers and election agents is provided for under Article 229(2)(f) of the Constitution and Part VII of the Electoral Process Act.

Preliminary Resolution

lvi) ECZ should revise its procedures to allow for the accreditation of observers, monitors, and political party agents without requiring in-person appearance.

(iii) Issue: Inconsistent implementation of accreditation guidelines leading to some local monitors not receiving accreditation cards

The CCMG 2021Elections Observer Monitoring Report highlighted this issue.

In terms of the legal framework, accreditation of observers and election agents is provided for under Article 229(2)(f) of the Constitution and Part VII of the Electoral Process Act.

Preliminary Resolution

lvii) ECZ must endeavour to consistently implement the accreditation guidelines. The development of procedures, requirements, and guidelines for accreditation must involve ECZ consultations with stakeholders at the Provincial and District levels.

(iv) Issue: Lack of provisions for accreditation for other electoral activities such as voter education, voter registration, nomination and monitoring ballot paper printing

This matter was highlighted in the CCMG 2021 Elections Observer Monitoring Report.

In terms of the legal framework, Article 229(2)(f) of the Constitution provides for accreditation of observers and election agents. This issue is also provided for in section 77 of the Electoral Process Act No. 35 of 2016.

To address the issues raised, Zambia may consider adopting best practices from South Africa and India which have robust ballot monitoring mechanisms. Further lessons could be learnt from Zimbabwe where Part IV (A) of the Electoral Act provides for accreditation for voter education.

Preliminary Resolutions

lviii) Amend Section 77(1) of the Electoral Process Act by replacing the word "election" with the words "electoral process;"

lix) Amend Part VII of the Electoral Process Act to include accreditation of party agents and the media.

(v) Issue: Inadequate appeal mechanisms for those who are denied accreditation

This issue was identified in the CCMG 2021 Elections Observer Monitoring Report, EU 2021 Observer Mission Report, Carter Centre 2021 Final Elections Report and TIZ 2021 General Election Report.

In terms of legal framework, Article 229(2)(f) of the Constitution provides for accreditation of observers and election agents. This issue is also provided for in Section 77 of the Electoral Process Act No. 35 of 2016.

Zambia can learn from South Africa which has a clear and transparent mechanism for individuals or organisations denied accreditation to observe elections.

Preliminary Resolutions

lx) The ECZ should amend the Electoral Process Act to include a general appeal procedure for challenging any ECZ decisions regarding electoral activities or processes. Alternatively, the appeals procedure used for rejecting voter registration applications could be adapted for accreditation rejections; and

lxi) Appeals should be heard and decided within 7 days of being lodged.

(vi) Issue: Inadequate Training for Accreditation Officers

The need to resolve this issue was identified in the CCMG 2021 Elections Observer Monitoring Report, EU 2021 Observer Mission Report, Carter Centre 2021 Final Elections Report and TIZ 2021 General Election Report.

In terms of the legal framework, Article 229(2)(f) of the Constitution provides for the accreditation of observers and election agents. This issue is also provided for in Section 77 of the Electoral Process Act No. 35 of 2016.

South Africa EMB serves as best practice as it has comprehensive training programs for accreditation officers in Africa. The key features of the South African EMB programme involve a comprehensive curriculum covering the legal framework, accreditation procedures and dispute resolution. It also involves practical training, continuous professional development and assessment.

Preliminary Resolution

lxii) ECZ should enhance training of accreditation officers and learn from South Africa which conducts comprehensive training programmes for accreditation officers.

(vii) *Issue: Lack of Adequate Materials for Accreditation Process*

The need to resolve this issue was identified in the CCMG 2021Elections Observer Monitoring Report, EU 2021 Observer Mission Report, Carter Centre 2021 Final Elections Report and TIZ 2021 General Election Report.

In terms of legal framework, Article 229 of the Constitution of Zambia (Amendment) Act No. 2 of 2016 and Section 77 of the Electoral Process Act No. 35 of 2016 are relevant to the issue.

Preliminary Resolution

lxiii) ECZ should be decentralized and improve its monitoring and coordination mechanisms around the accreditation process which are currently inadequate;

lxiv) ECZ should ensure it provides adequate and necessary materials for accreditation.

(viii) Issue: Harmonization of regulations and laws on election monitoring and use of technology

The need to resolve this issue was identified in the CCMG 2021Elections Observer Monitoring Report, EU 2021 Observer Mission Report, Carter Centre 2021 Final Elections Report and TIZ 2021 General Election Report.

In terms of the legal framework the relevant provisions include Article 229(2) of the Constitution of Zambia Amendment Act No. 2 of 2016, Sections 74 and 125 (Part X) of the Electoral Process Act No. 35 of 2016.

Zambia may consider adopting best practices from Ghana and Kenya. Ghana has harmonized its legal framework on elections and has made significant strides in leveraging technology to enhance the electoral process including electronic voter registration, online voter verification and the use of biometric machines to avoid multiple voting and enhance integrity in the voting process. As for Kenya, section 44 of the Electoral Act of 2011, provides for the use of technology in the electoral process.

Preliminary Resolution

lxv) ECZ should carry out a comprehensive review and harmonization of the entire legal framework to provide for the use of technology in the electoral process.

(ix) Issue: Limitations on organisations accredited to monitor and observe elections

The need to address this issue was highlighted in the CCMG 2021Elections Observer Monitoring Report, ECZ 2021 General Election Review Report, EU 2016 and 2021 Election Observer Mission Report and the ERTC Report of 2005.

Matters relating to this issue are provided for under Article 229 of the Constitution of Zambia (Amendment) Act No. 2 of 2016 and Section 77 of the Electoral Process Act No. 35 of 2016.

Globally, EMBs have various approaches for accrediting organisations for elections. Some EMBs administratively limit the number of organisations that they register for accreditation while the majority do not.

Preliminary Resolution

lxvi) The ECZ should amend Section 77 of the Electoral Process Act to broaden the category of organisations eligible for accreditation to observe or monitor the electoral process.

lxvii) **Equitable Representation**

(i) Issue: ***Non-actualisation of the Constitutional provisions on equitable representation***

The need to address this issue was highlighted in the ECZ 2017 Gap Analysis of Electoral Laws, ERTC Report of 2005, CYLA 2024 Position Paper on Mixed-Member Electoral System (MMES), and the Commonwealth Group 2021 Election Report.

The legal framework, which is mostly unimplemented, includes several key provisions: Articles 45 and 60 of the Zambian Constitution, which address electoral systems and processes, Presidential elections, and the regulation of political parties, respectively. Additionally, the Gender Equality and Equity Act No. 22 of 2015 provides for the equal participation of women, and Section 51 of the Persons with Disabilities Act 2012, provides for the participation of persons with disabilities in political and public life. Relevant policies also include the 2024 National Youth Policy and the National Gender Policy 2023.

Zambia may consider adopting best practices from Sweden, Finland, South Africa, Uganda and Rwanda which have made tremendous progress to ensure equitable representation.

Preliminary Resolutions

lxviii) The government should address the inconsistency in the constitutional provisions regarding the electoral systems. The Committee observed that although the 2016 Constitution drafters had the Proportional Representation System in mind, the country retained the First-Past-The-Post (FPTP) System upon enactment of the Constitution;

lxix) The Government should actualise the cconstitutional Provisions on Women, Youth, and Persons with Disabilities;

lxx) The Government should amend the Constitution so that the country moves from the First-Past-The-Post (FPTP) electoral system to a Mixed Member Electoral System; and

lxxi) The Government should ensure that the new electoral system is based on research and wide stakeholder consultation.

(ii) Issue: *Need for the Constitution to explicitly define interest groups*

The need to address this issue was highlighted in the ECZ 2017 Gap Analysis of Electoral Laws, ERTC Report of 2005, CYLA Position Paper on Mixed-Member Electoral System (MMES), and the Commonwealth Group Election Report 2021.

In terms of the legal framework, Article 45(1) (c) of the Constitution of Zambia (Amendment) Act No.2 of 2016 provides for fair representation of the various interest groups in society. Section 3(b) of the Electoral Process Act No. 35 of 2016 is also relevant to the issue.

Preliminary Resolutions

lxxii) The Government should ensure that the Constitution defines "special interest groups" in Articles 45 (1) (c);

lxxiii) Government should amend the Electoral Process Act to define and include specific categories such as women, youth, and persons with disabilities, rather than merely referencing interest groups; and

lxxiv) Government should ensure that all laws use appropriate terminology when referring to women, youth, and persons with disabilities (PWDs).

(iii) Issue: *The current First-Past-The-Post (FPTP) electoral system is biased and does not support diverse representation*

The need to address this issue was highlighted in the ECZ 2017 Gap Analysis Report of 2017, ERTC Report of 2005, CYLA Position Paper on Mixed-Member Electoral System and the Commonwealth Group Election Report 2021.

In terms of legal framework, Article 47(2) of the Constitution of Zambia Amendment Act No. 2 of 2016 provides for Elections to the National Assembly to be conducted under a first-past-the-post electoral system. Article 68 of the Constitution also provides for Election and Composition of the National Assembly.

Zambia can learn from South Africa, Lesotho and Namibia who employ a Mixed Member Proportional Representation system which has promoted representation of marginalized groups including women and minority communities.

Preliminary Resolution

lxxv) The Government should revise the current electoral system and adopt one that ensures and promotes diverse representation such as the Mixed Member Proportional Representation system.

(iv) Issue: *Biased media coverage*

The issue was highlighted in the CCMG 2021Elections Observer Monitoring Report and the Commonwealth Group Election Report 2021.

In terms of the legal framework, Article 50 of the Constitution which provides for access to media, paragraph 7 of the Electoral Code of Conduct (ECC) which outlines the duties of the media, Section 29(2) of the Electoral Process Act No. 35 of 2016 apply.

For best practice, South Africa stands out for promoting equal media coverage for both the ruling and opposition parties. The country's EMB plays a crucial role in ensuring equal media coverage. Key regulations include the Electoral Act and Broadcasting Act. South Africa's Independent Communications Authority of South Africa (ICASA) regulates political parties and candidate broadcasting and sets regulations for broadcasters including rules for election coverage to ensure equal coverage for all parties.

Preliminary Resolutions

lxxvi) The Government should ensure that the Electoral Process Act (EPA) provides conditions that effectively provide for equal media coverage for political parties or actualise Article 50 of the Constitution;

lxxvii) Government needs to enhance the capacity of the IBA to enable it effectively oversee the broadcasting industry in order to ensure balanced media coverage of all political parties and candidates during elections; and

lxxviii) ZNBC to provide balanced media coverage of all political parties and candidates.

(v) Issue: *Abuse of Public Resources and Unequal access to campaign resources by candidates and political parties*

The need to address this issue was highlighted in the CCMG 2021Elections Observer Monitoring Report, ERTC Report of 2005, EU 2021 EOM Report, and the Commonwealth Group 2021 Election Report.

In terms of the legal framework, Article 60(4) of the Constitution provides for the right of political parties, including their establishment and management. Sections 3(1)(b), 6(b) and 15(i)(k)(l) of the Code of Conduct under the Electoral Process Act No. 35 of 2016 is equally relevant.

For best practice, South Africa stands out for having strong sanctions against the abuse of public resources during campaigns. The EMB plays a crucial role in ensuring that public resources are not abused during campaigns. There is a mix of strict regulations through the electoral act, monitoring enforcement, and transparency and accountability, ensuring that all parties have equal access to resources.

Preliminary Resolutions

lxxix) Operationalise Article 60(4) of the Constitution by enacting or providing legislation on political party financing;

lxxx) Strict enforcement of the Electoral Code of Conduct by ECZ especially on matters relating to abuse of public resources; and

lxxxi) Zambia may consider adopting best practices identified in South Africa, Malawi, Zimbabwe, and Namibia that have enacted legislation governing the financing of political parties.

lxxxii) **Registration of Political Parties**

(i) Issue: ***Need for an independent and impartial institution mandated to register political parties***

This issue was highlighted in the ZLDC 2024 Report on Development of the Political Parties Bill, the ZLDC 2017 Legislative Audit Report on Constitutional Conformity and the ERTC 2005 Report.

In terms of the legal framework, the Societies Act Chapter 119 of the laws of Zambia and Article 60 of the Constitution provides for political party matters.

As it develops political party legislation, Zambia can consider adopting best practices from Kenya and Malawi which have a Registrar of Political Parties responsible for overseeing the registration and regulation of political parties. Additionally, Tanzania and Ghana have established systems for registration and regulation of political parties.

Preliminary Resolution

lxxxiii) The government should accelerate the enactment of political party legislation which aligns with Article 60 of the constitution. The legislation should take into consideration the registration, regulation and oversight of political parties.

(ii) Issue: *Lack of subsidiary legislation to provide for regulation of political parties*

The need to address this issue was highlighted in the ZLDC Report on Development of the Political Parties Bill, the ZLDC Legislative Audit Report on Constitutional Conformity and the ERTC Report of 2005.

In terms of the legal framework, Article 60 of the Constitution provides for political party matters. The Societies Act Chapter 119 of the laws of Zambia also applies.

Preliminary Resolution

lxxxiv) The government should accelerate the enactment of political party legislation which aligns with Article 60 of the constitution. The

legislation should take into consideration the registration, regulation and oversight of political parties.

lxxxv) **Voting by Eligible Persons in the Diaspora**

(i) Issue: *Lack of a legal framework to facilitate for Zambians in the diaspora to participate in the electoral process.*

This issue was highlighted in the ECZ 2017 GAP Analysis of Electoral Laws.

In terms of the legal framework, reference was made to the Constitution of Zambia Article 46 which provides for franchise, as well as the National Diaspora Policy of 2019 and the Citizenship of Zambia Act No.33 of 2016.

Ghana and South Africa have the best frameworks for diaspora voting.

Preliminary Resolution

lxxxvi) Since there is no legal framework to operationalize franchise for those in the diaspora as provided for by Articles 39, 42, 43(1)(a) and 46, it was proposed that Government should amend the EPA to provide for diaspora voting as well as mechanisms on how it can be implemented.

lxxxvii) **Publication of election timetable by Government Gazette only**

(i) Issue: Limited access by stakeholders to the election timetable via Government Gazette notice

This issue was highlighted in the ECZ 2017 GAP Analysis of Electoral Laws and the ERTC Report of 2005.

The ERTC also identified another related issue, which is the limited fora for circulation of the election timetable.

In terms of the legal framework, Article 20 the Constitution of Zambia provides for the protection of the freedom of expression. Further section

28 of the Electoral Process Act mandates ECZ to compile the election time-table. The Access to Information Act No. 24 of 2023 equally provides for the right to information and its procedures.

For best practice, South Africa, Kenya and Ghana employ a range of digital platforms, including social media and official websites to publish the election timetable and other critical elections issues.

Preliminary Resolutions

lxxxviii) Government should amend Section 28 of the Electoral Process Act to include additional methods for publishing the election timetable;

lxxxix) ECZ should make the timetable accessible in multiple languages and formats, including sign language, and must be continuously updated.

STAGE OF ELECTORAL CYCLE: ELECTION PHASE

The election phase of the electoral cycle encompasses the period from the official announcement of the election roadmap to the declaration of results. This stage involves key activities such as voter registration, campaigning by candidates and parties, and the organisation of polling stations. It includes the actual voting process, where citizens cast their ballots, followed by the counting of votes and tabulation of results. The following are the research findings and resolutions of the ERTC under this phase.

xc) Candidate Nomination

(i) *Issue: Eligibility constraints caused by educational qualifications.*

The 2021 Zambia's General Election Analysis Report (by Carter Centre), EU 2021 Election Observer Mission Report, and the CCMG 2021 Election Report highlighted education qualification as a hindrance to some candidate's participation in elections.

Articles 70, 100 and 153 of the Constitution provide for election candidate qualifications and disqualifications of Members of Parliament, President and councillors, respectively.

Preliminary Resolution:

The ERTC debated and reflected on the matter. It was resolved that the issue be left to the Zambian people to decide. The outcome should reflect their values and aspirations.

(ii) *Issue: Lack of legal framework that regulates gender mainstreaming.*

A review of Articles 45 and 47 established that the principles of electoral systems and processes are well provided for in the Constitution. However, despite Article 231 providing for the

Gender Equity and Equality Commission, there is no regulatory legal frame to support gender mainstreaming.

Preliminary Resolution:

xci) Operationalise the Gender Equity and Equality Commission.

xcii) Amend Article 45(1)(d) of the Constitution to address the issue of equality versus equity.

(iii) *Issue: High nomination fees (election fee) and non-refund of the fee in case of cancellation or postponement.*

The ERTC reviewed the Constitutional provisions on qualifications and disqualifications for nominated candidates. It was found that Articles 71 and Article 100(1)(i) of the Constitution requires that nominated candidates pay a prescribed election fee on or before the deadline for submitting nomination papers to the Electoral Commission. Further, the Committee noted that Section 30(b) of the Electoral Process Act and its Regulations, including Sub regulations 11(d), 12(d), and 14(d) also provides for an election (nomination) fee.

Preliminary Resolution:

xciii) The ECZ should continue to implement a reduced nomination fee for women, youth, and persons with disabilities.

xciv) Refund nomination fees when an election is cancelled due to a resignation, allowing the refunded fee to be applied to a fresh nomination. However, the refund will not be available to candidates who resign.

xcv) Amend Article 52(4) of the Constitution to limit resignations to the same period allowed for petitioning a nomination.

xcvi) A candidate must only be allowed to resign within 7 days after submitting their nomination.

(iv) *Issue: Unregulated intra party processes when adopting candidates.*

The 2021 EU Election Observer Mission Report identified a lack of standardized intra party adoption process for candidates wishing to participate in an election.

The ERTC noted that Article 60(c) of the Constitution of Zambia provides for the conduct of primary elections by political parties. However, there is no legal provision which regulates how the primary elections should be conducted.

Preliminary Resolution:

xcvii) Operationalise Article 60 of the Constitution by providing for the registration and regulation of political parties.

xcviii) Develop and enact legislation to facilitate intra-party processes for political parties.

xcix) There is a need to consider adopting best practices from Kenya and Ghana, which have political party laws that prescribe and provide for intra-party operations processes as highlighted in the EU Election Observation Mission Report (2021).

(v) *Issue: The challenge of holding fresh nominations as a result of a candidate resigning*

Candidate resignation and the holding of fresh nominations has been noted as a challenge by the CCMG Election Monitoring Report of 2021 and the Court Judgement in *Governance Elections Advocacy Research Services Initiative Zambia Limited v The Attorney-General and Anor (2022/CCZ/0020) [2023] ZMCC 5.*

Article 52(6) of the Constitution of Zambia provides that; if a candidate dies, resigns, or becomes disqualified under Articles 70, 100, or 153, or if a court disqualifies a candidate for corruption or malpractice after the close of nominations but before the election date, the Electoral Commission must cancel the election and conduct fresh nominations. However, Sections 30 to 33 of the Electoral Process Act refer to the withdrawal of a candidate but do not address resignation.

Preliminary Resolution:

c) The resignation of a candidate should not automatically lead to the cancellation of an election. Under Article 52(6) of the Constitution, an election should only be cancelled in the event of a candidate's death or disqualification.

ci) Article 56, which specifies the election date for general elections, must align with the provisions set forth in Article 52(6).

cii) The subsidiary law should be amended to include provisions for handling resignations in accordance with the Constitution.

ciii) A person who resigns should not be permitted to contest the same election.

civ) Emulate best practices from Tanzania, where the laws provide for fresh nominations only in the case of a candidate's death before the election date.

(vi) *Issue: Challenge of administering a period in which to resign from a political party when one wishes to stand in an election.*

Article 51(1)(a) of the Constitution of Zambia provides that "A person is eligible for election as an independent candidate for a national assembly seat if the person is not a member of a political

party and has not been a member of a political party for at least two months immediately before the date of the election".

The Committee noted that the Constitution does not provide for the specific period within which one can resign from a political party and be able to lodge nominations in order to participate in an election.

Preliminary Resolution:

cv) Amend article 51(a) to provide for resignation from a political party before the nomination date and not election date.

cvi) To consider adopting best practices from Kenya's Electoral Act, specifically Section 13(2), which states: "A political party shall not change the candidate nominated after the nomination has been received by the Commission."

(vii) ***Issue: Reconciling the provisions of the law with Court decisions on the nullification and disqualification divide***

The 2005 ERTC Report and the case of *Joseph Malanji, Bowman Chiloshi Lusambo Vs The Attorney General, Electoral Commission Of Zambia 2022-CCZ-0018* highlighted the need to align the legal provisions with the Court interpretation on the difference between nullification and disqualification of candidates in an election.

In terms of the legal framework, Article 52(6) of the Constitution of Zambia, provides that if a candidate dies, resigns, or becomes disqualified under Articles 70, 100, or 153, or if a court disqualifies a candidate for corruption or malpractice after the close of nominations but before the election date, the Electoral Commission must cancel the election. This will then require eligible candidates to file fresh nominations, and a new election must be

held within thirty days of these fresh nominations. Additionally, Article 72 of the Constitution addresses the vacation of office for Members of Parliament and the dissolution of political parties.

Preliminary Resolution:

When an election is nullified due to a candidate's breach of the electoral code of conduct or other laws, that candidate should be disqualified. Therefore, Article 72 should be amended to include this condition. However, if the nullification is due to factors beyond the candidate's control, it should not result in the candidate's disqualification.

(viii) ***Issue: The challenge of candidates resigning after nominations***

Article 52(6) provides that where a candidate dies, resigns or becomes disqualified in accordance with Article 70, 100, 153 or a court decision for corruption or malpractice after the close of nominations and before the election date, the Electoral Commission shall cancel the election and require the filing of fresh nominations by eligible candidates and elections shall be held within thirty days of the filing of the fresh nominations.

The Committee observed that the application of Article 52(6) has proved to be problematic and costly. In addition, the Article may be prone to abuse by some candidates who may perpetually opt to resign after each nomination process.

Preliminary Resolution:

cvii) If a duly nominated candidate resigns, the political party must notify the Electoral Commission of Zambia (ECZ) in writing.

cviii) The resignation of a candidate should not lead to the cancellation of an election.

cix) Cancellation should only occur in cases of death or disqualification, as specified in the Constitution.

cx) A person who resigns should not be permitted to contest the same election.

cxi) **Voter Education**

(i) *Issue: Lack of long-term voter education and Constitutional provision.*

The Constitution provides for the establishment of the Electoral Commission of Zambia in Article 229. However, voter education is not explicitly provided for under the said legal provision and it is not conducted on a continuous basis.

Preliminary Resolution:

cxii) Amend Article 229 of the Constitution to designate voter education as a function of the Electoral Commission of Zambia.

cxiii) Amend Part VII of the Electoral Process Act to separate voter education from the provisions related to monitors and observers.

cxiv) Expand voter education to ensure it is continuous and comprehensive.

cxv) Consider adopting best practices identified in the Zimbabwe Electoral Act which provides for voter education.

(ii) Issue: Low levels of voter education among youth, women and PWDs

The CCMG Election Report of 2021 highlighted the need to address the low levels of voter education among youth, women and PWDs. The report also highlights the lack of targeted information for special interest groups.

Preliminary Resolution:

cxvi) The ECZ should develop and implement a comprehensive strategic plan that will take into consideration voter education for special interest groups.

cxvii) The ECZ should create action plans tailored to specific voter education needs, addressing issues such as youth involvement in violence and drug use.

cxviii) Consider adopting best practices identified in the strategic plans of Kenya and Uganda.

(iii) ***Issue: The challenge of mandatory impartiality when conducting voter education.***

Section 79(2)(a) provides that any natural or juristic person may conduct voter education in an impartial manner and independent of any registered political party or candidate participating in an election.

Preliminary Resolution:

Enforce section 79 of the Electoral Process Act which provides for the provision of voter education generally.

(iv) ***Issue: Limited voter education on electoral laws and regulations by the ECZ***

The Constitution of Zambia provides for the application of national values and principles in Articles 8 and 9 and the responsibilities of citizens in Article 229(2)(a). Section 79(2) of the Electoral Process Act generally provides for voter education.

Preliminary Resolution:

The ECZ should enhance its information dissemination plans and include education on the legal framework. Information on electoral laws and regulations should be made available on the ECZ's website and strategic platforms that are easy to access and in user-friendly formats for the general public.

cxix) **Electoral Code of Conduct**

(i) Issue: *Non-enforcement of the Code of Conduct by the Commission*

Article 229 of the Constitution which provides for the establishment of the ECZ; and Section 110 of the Electoral Process Act which provided for the Code of Conduct.

The CCMG 2021 Election Analysis Report, Carter Centre 2021 General Election Final Report and TIZ 2021 General Election Reports noted the non-enforcement of the Electoral Code of Conduct by the Commission. Other related issues highlighted in the reports were politically motivated violence, destruction of property, threats, harassment and traditional leaders endorsing specific political parties and candidates resulting in undue influence on their subjects.

Preliminary Resolution:

cxx) Broaden Paragraph 11 of the Electoral Code of Conduct to address the aforementioned vices.

cxxi) Ensure that individuals in power refrain from interfering with the electoral processes and strictly adhere to the Electoral Code of Conduct.

cxxii) Enhance ECZ's autonomy to enforce the Electoral Code of Conduct, in collaboration with the Zambia Police.

cxxiii) Allocate sufficient funds to the ECZ to support its decentralisation process.

cxxiv) Implement the decentralisation of the Electoral Commission of Zambia to Provincial and District levels.

cxxv) Adopt best practices enshrined in the Electoral Code of Good Conduct in Electoral Practices by the Venice Commission of the Council of Europe (Item 2.3).

cxxvi) Consider the appointment of Regional Commissioners to assist the Electoral Commission in performing its functions. This is a best practice that can be found under Article 324 of the Constitution of the Republic of India.

(ii) Issue: ***Inappropriate use of government resources and personnel***

Inappropriate use of government resources and personnel during an election was cited in the EU 2016 Zambia General Election Report. Another related issue that was highlighted is that electoral laws need to be harmonised to give the ECZ requisite powers to enforce the Code of Conduct.

Preliminary Resolution:

cxxvii) There is need to amend Paragraph 3(b) of the Code of Conduct to clarify and prevent the misuse of government resources during campaigns.

cxxviii) It is essential to implement the recommendations outlined in the Report on the Commission of Inquiry on Voting Patterns and Political Violence, specifically those on pages 4 and 17.

(iii) Issue: ***Unfair enforcement of compliance procedures during campaigns***

The need to address unfair application of electoral procedures during campaigns by ECZ and the police (including the Public Order Act) and the favouring of the ruling party whilst curtailing the opposition was highlighted in the 2021 reports by the Carter Centre's General Election Analysis, Joint Civil Society Organisations' Press Statement on the Proposed Cyber Security and Cyber Crimes Bill, Amnesty International Report titled "Ruling by Fear and Repression: The Restriction of Freedom of Expression, Association and Assembly in Zambia". The above issue was also cited in the Supreme Court of Zambia Judgment between the Law Association of Zambia v the Attorney General, Appeal No. 08/2014.

Articles 20, 21 and 22 of the Constitution of Zambia (Amendment) Act No. 2 of 2016 provide for the freedom of expression, the freedom of association and assembly and the freedom of movement. Other laws that were studied by the ERTC under this issue include the Societies Act, Referendum Act, Public Order Act, Cyber Security and Cyber Crimes Act and the Data Protection Act.

Preliminary Resolution:

cxxix) The Public Gatherings Bill needs to be enacted.

cxxx) There is need to conduct open consultations with civil society groups, political parties, and experts on the implications or benefits of amending the Cyber Security, Cyber Crimes, and Data Protection Acts of 2021. This process should ensure that the

legislation aligns with Articles 11(b) and 17 of the Constitution and meets international standards.

(iv) Issue: ***The power to disqualify a political party or candidate specified in the Code of Conduct under Section 110(2) and SI No. 62 of 2016 Electoral Process is ultra-vires the Constitution***

The EU- EOM for 2021, the Supreme Court Judgement No. 2 of 2013, and the Gap Analysis Report (2017) observed that the provision to disqualify a candidate should be removed from the Electoral Process Act as it is ultra vires the Constitution

Reference was made to Articles 52(6), 54 and 70 of the Constitution of Zambia which provides for the nominations and qualifications and disqualifications of candidates in an election. Additionally, Section 110 (2) of the Electoral Process Act provides for the power to disqualify a political party or candidate in breach of the Code of Conduct. Reference was also made to SI No. 90 of 2006 - The Electoral (Code of Conduct) Regulations, 2006, Section 17 which provides for penalties for contravening the provision of the regulation and the EPA, Code of Conduct, Section. 15(1)(k).

Preliminary Resolution:

cxxxi) The provision in the Electoral Code of Conduct regarding the disqualification of a candidate should be removed.

cxxxii) The authority to disqualify a candidate should be retained by the courts, in accordance with the Constitution, rather than being granted to the ECZ.

cxxxiii) ECZ should be empowered to suspend campaign activities if necessary.

(v) Issue: ***The Electoral Process Act has no definition of minor disputes***

Article 229(2)(d) of the Constitution provides for the settlement of minor electoral disputes, as prescribed by ECZ. However, the Gap Analysis report of 2017 noted that there is no definition of minor disputes in the Electoral Process Act.

Preliminary Resolution:

cxxxiv) The Electoral Process Act should provide a definition for minor disputes.

cxxxv) Consider adopting best practices identified in Tanzania and India on procedures and avenues of settling minor electoral disputes.

(vi) Issue: ***Inadequate sensitisation on the provisions of the Electoral Code of Conduct for stakeholders.***

The lack of sensitisation on the provisions of the ECC for stakeholders was highlighted in the Gap Analysis of 2017, the ERTC Report of 2005, the CCMG 2021 Election Observation Final Report, the EU European Observation Mission of 2016 and the Commonwealth Election Observation Group of 2016. In addition, the above issue is mentioned in the Civic Education Association (2017) 'Zambia's Electoral Process: An Assessment' as well as Media Institute of Southern Africa (2018) 'Access to Information and Electoral Processes in Zambia'. Article 54 of the Constitution provides for candidates and political parties to comply with the Electoral Code of Conduct.

Preliminary Resolution:

ECZ should increase its efforts with regard to sensitisation of the Code among stakeholders.

(vii) Issue: ***Limited access to the Electoral Code of Conduct by stakeholders.***

The ERTC Report of 2005, 2021 CCMG Election Observation Final Report 2021, the EU European Observation Mission of 2016, and the Commonwealth Election Observation Group of 2016 reports have all observed that stakeholders have limited access to the ECC. Similarly, the issue is highlighted by the Zambia Civic Education Association (2017) and the Media Institute of Southern Africa (2018).

The legal framework around the above issue is situated in Article 20 of the Constitution, which provides for the Bill of Rights, the Electoral Process Act, the Electoral Commission of Zambia Act, the ATI Act and the Electoral (General) Regulations.

Preliminary Resolution:

cxxxvi) The Committee resolved that there is a need to review and simplify the Electoral Code of Conduct by making the language clear and concise.

cxxxvii) The Electoral Code of Conduct should also be made widely available and translated into the seven major local languages and in Braille.

cxxxviii) Consider adopting best practices identified in other jurisdictions' legal frameworks, such as South Africa: The Protected Disclosures Act (2000); Australia: The Public Interest Disclosure Act (2013); United Kingdom: The Public Interest Disclosure Act (1998); United States: The Whistle-blower Protection Act (1989); Canada: The Public Servants Disclosure Protection Act (2005).

(viii) Issue: ***Inadequate protection of whistle-blowers under the Electoral Code of Conduct.***

The unclear and weak provisions on the protection of whistle-blowers in Zambia's electoral system have been extensively explored in the work of Mwansa (2019, 2020). Additionally, the issue is well covered in the following international instruments: the United Nations Convention against Corruption (UNCAC) (2003); (SADC) Protocol against Corruption (2001); International Labour Organization (ILO) Convention 158 (1982); United Nations Declaration on Human Rights Defenders (1998); African Charter on Human and Peoples' Rights (1981); and ICCPR (1966).

The ERTC identified the lack of clear definitions of whistle-blower in the Electoral Code of Conduct, insufficient legal framework, fear of retaliation, and absence of incentives for persons who report electoral-related vices.

Preliminary Resolution:

cxxxix) The Electoral Code of Conduct should be amended so as to provide adequate protection for whistle-blowers.

cxl) There is need for prescriptive cross-reference between the Electoral Code of conduct and the Whistle Blowers Act.

(ix) Issue: ***Inadequate protection of the media in the Electoral Process.***

The Gap Analysis report of 2017, ERTC Report of 2005, CCMG 2021 Election Observation Final Report, EU EOM Report of 2016, AU EOM Report of 2016 and Commonwealth EOM Report of 2016 all present inadequate media protection before and during elections.

Several materials have also shown that the media and journalists in the electoral processes are protected from harassment, threats and intimidation (Zambia Civic Education Association, 2017; MISA, 2018, 2019; Mwewa 2017; Mwansa 2019, 2020). There are some international treaties that address media protection which were reviewed and these include the Universal Declaration of Human Rights (UDHR); ICCPR, ACHPR, ACDEG, Windhoek Declaration on Promoting an Independent and Pluralistic African Press (1991); Declaration of Principles on Freedom of Expression in Africa (2002); and the UNCAC.

In terms of legal provisions around the above issue, reference was made to Articles 20, 21, 22, 23 and 32 of the Constitution of Zambia (Amendment) Act No.2 of 2016, which provides for the Bill of Rights and The Zambia Information and Communications Technology Authority Act (2009); The Electoral Process Act (2016); Electoral Code of Conduct (2016) and the Cybersecurity Act.

Preliminary Resolution:

The ERTC resolved that the Electoral Process Act should be amended to provide for adequate protection of the media in the Electoral Process.

cxli) **Conflict Management**

(i) Issue: *Non-publication of electoral offences dealt with*

and their associated sanctions

Article 229 (d) of the Constitution of Zambia (Amendment) Act No.2 of 2016 provides for the settlement of minor electoral disputes, while Section 113 of the Electoral Process Act which provides for the establishment of Conflict Management Committees and Paragraph 13 of the Electoral Code of Conduct

provides for the functions of the Conflict Management Committees.

The CCMG 2021 Report, the 2021 Report of the Commonwealth Observer Group and the ECZ2021 General Election Review Report found that there are electoral offences that are mostly not published and associated sanctions that are never made public during an election period.

Preliminary Resolution:

cxlii) The ECZ should strengthen mechanisms and procedures to ensure more consistent reporting of violations of the Electoral Code of Conduct to the police, as provided for under paragraph 11 of the Electoral Code of Conduct;

cxliii) The ECZ should enforce the Code of Conduct and apply the punitive measures outlined in both the Code of Conduct and the Electoral Process Act.

cxliv) Consider adopting best practices identified in Kenya's Electoral Code of Conduct and South Africa's Electoral Code of Conduct.

(ii) Issue: *Inadequate resources for conflict management*

Article 229 of the Constitution of Zambia (Amendment) Act No.2 of 2016 and Section 113 of the Electoral Process Act provide for Conflict Management.

The ERTC Report of 2005, Report of the Commission of Enquiry into Voting Patterns and Electoral Violence, 2019 and the HRC Early Warning System for 2021 general elections identified the need to address the limited resources allocated towards conflict management.

Preliminary Resolution

The ECZ should provide adequate resources for conflict management at all levels of elections.

cxlv) **Campaigns**

(i) Issue: *Misinformation and accusations relating to tribalism, regionalism and violence during campaigns*

Section 13 of the Public Order Act provides for a penalty for making statements or doing acts intended to promote hostility between sections of the community.

Electoral misinformation, tribalism, regionalism, accusations and violence before and during elections have been expressed in the EU 2021 EOM report, TIZ 2021 General Election Report, CCMG 2021 Election Report, AU EOM 2016 Report, and Wahman (2024).

Preliminary Resolution:

The ECZ should implement the provision in the Electoral Process Act that mandates and empowers it to enforce punitive measures against individuals engaging in misinformation, tribalism and regionalism.

(ii) Issue: *Use of tribal language not effectively addressed*

Article 60 of the Constitution provides for the regulation of political parties, Section 29(2) of the Electoral Process Act provides for the electoral campaign. Public Order Act section 13 provides for a penalty for making statements or doing acts intended to promote hostility between sections of the community. Other laws include the Cyber Security and Cybercrimes Act of 2021 and the Penal Code Act, Cap. 87.

Despite the above legal provisions, the EU 2021 EOM report notes that the use of tribal language during campaigns was not adequately addressed.

Preliminary Resolution:

cxlvi) The Public Gatherings Bill should be enacted.

cxlvii) The ECZ should closely collaborate with the Zambia Police Service to implement the provisions of the Electoral Process Act and the Public Order Act, which respectively mandate and empower them to enforce punitive measures against individuals engaging in tribalism.

(iii) Issue: *Undue advantage by the ruling party during a pandemic*

Section 29(2) of the Electoral Process Act provides for electoral campaigns.

The effects of a pandemic such as COVID-19 on campaigns were noted in the 2021 Commonwealth Observer Group Report and the AU Declaration on Principles Governing Democratic Elections in Africa under part II - principles of Democratic Elections.

Preliminary Resolution:

cxlviii) The Zambia Police Service should adhere to the highest levels of impartiality in the enforcement of public health pandemic guidelines (e.g. COVID-19), the Public Order Act, the Penal Code, the Electoral Code of Conduct and any other legislation that has a direct or indirect bearing on the ability of political parties to exercise their fundamental political rights.

cxlix) There is a need to enact the Public Gatherings Bill.

cl) Amend the Zambia Police Service Act by providing immunity for police officers who act in good faith.

(iv) Issue: *Instrumentalisation of the youths by some political parties to promote violence*

Article 60 of the Constitution provides for the regulation of political parties.

The EISA 2016 General Election Report, the African Union Election Observer Mission Statement and the ZLDC Report on Development of the Public Gatherings Bill observed that the instrumentalisation of youths by some political parties in promoting violence against their political opponents is too common.

Preliminary Resolution:

cli) Political parties must avoid using young people or cadres as tools of violence during elections.

clii) Violent cadres should be disbanded, and those responsible for violence must be prosecuted.

cliii) Implement Article 60 of the Constitution by enacting a law that prohibits or discourages violent behaviour in an election.

cliv) Civic and voter education should be conducted by relevant stakeholders to support civility, tolerance and values among the youths.

(v) Issue: *Failure to enforce the framework that domesticates Article 17(3) of the African Charter on the provision of equitable access to public media.*

Section 29(2) of the Electoral Process Act provides for the electoral campaigns.

The Declaration of Principles on Freedom of Expression in Africa (2002), specifically in Parts I, II, and VIII, as well as in Article 17(3) of the African Charter, emphasizes the importance of equitable access to public media by political parties and candidates.

Preliminary Resolution:

clv) Consider adopting best practices identified in Article 17(3) of the African Charter on Democracy, Elections and Governance.

clvi) ECZ should encourage equitable and fair access to public media by all political parties as provided for in the Electoral Code of Conduct.

(vi) Issue: ***Selective application of the Public Order Act***

Section 29(2) of the Electoral Process Act provides for electoral campaigns and Section 5(4) of the POA requires a person intending to convene a public meeting to notify the police in advance.

The AU EOM 2016 Report noted inconsistencies in the application of the POA by the Police during the campaign period.

Preliminary Resolution:

The Public Gatherings Bill be enacted. The Bill will address the alleged inconsistencies in applying the Public Order Act.

(vii) Issue: ***Absence of clear distinction between the government and the ruling party***

Section 29(2) of the Electoral Process Act provides for electoral campaigns and sets out procedural parameters upon which candidates or political parties can appeal to the electorate.

The AU EOM 2016 Report noted the absence of a clear distinction between the party in power and the government during official State events or election campaigns.

Preliminary Resolution:

No resolution was made on this issue but it was noted that the Presidential privileges of using state resources even during campaigns are enshrined in the law.

(viii) Issue: *Electoral violence and supporters in military regalia*

Sections 3(1) and 4 (1) (a) and (b) of the Public Order Act provide for the prohibition of uniforms and flags in connection with political objects and the prohibition of quasi-military organizations, respectively.

Violence during campaigns was highlighted in the 2016 EISA Electoral Observer Mission Preliminary Statement. Further, the statement noted that politically motivated violence was worsened by political party supporters wearing military regalia.

Preliminary Resolution:

There is a need to enact the Public Gatherings Bill to ensure that the electoral campaign period is devoid of any form of violence.

(ix) Issue: *Use of excessive force by the police against the opposition*

Recommendation 1 (j) of the 2016 EISA Electoral Observer Mission Preliminary Statement noted the use of excessive force by the police against opposition political party members during elections.

Preliminary Resolution:

Enact the Public Gatherings Bill.

(x) Issue: *Suspension of campaigns by the Electoral Commission of Zambia*

Paragraph 11(1)(d) of the Electoral Process Act No. 35 of 2016 (Code of Conduct) provides that the Commission may impose any administrative measures (suspension of elections included) on any person, candidate or political party for persistent breach of the code.

The 2021 Report of the Commonwealth Observer Group under Campaigns and Media observed the non-adherence by some parties to the ECZ's directive to suspend campaigns.

Preliminary Resolution:

ECZ should exercise the powers given to it by law in making sure that campaigns characterised by electoral violence are postponed and candidates should adhere to the suspension directives.

(xi) Issue: *Lack of Campaign Finance Regulations*

Articles 60(4) (a) (b) (c) (d) provide for regulations for political parties, and Articles 20, 21 and 22 of the Constitution provide for the protection of freedom of expression, assembly, association, and movement.

Kenya's Registrar of Political Parties and Campaign Finance Act, the USA's Federal Election Campaign Act, and Germany's Political Parties Act of 1967 provide robust mechanisms for regulating political parties and campaign finance, focusing on

transparency, accountability, and the prevention of undue influence in electoral processes and governance.

Preliminary Resolution:

Enact the Political Parties Bill.

(xii) Issue: ***Non-publication of Declared Assets and Liabilities for Candidates.***

Article 70(1)(e) of the Constitution of Zambia (Amendment) Act No.2 of 2016 outlines the qualifications and disqualifications for members of Parliament. Article 82(2)(f) mandates the Speaker to declare their assets and liabilities. Article 263 necessitates asset and liability declarations from public office holders. Article 100(1)(h) requires presidential candidates to declare their assets and liabilities.

Additionally, the Constitution in Article 52(3) calls for the publication of nomination papers and affidavits by the Electoral Commission of Zambia (ECZ). The Electoral Process Act Section 30(1)(c) demands asset and liability declarations from presidential and vice-presidential candidates, while the Parliamentary and Ministerial Code of Conduct Act Section 10 requires annual declarations of assets, liabilities, and income, and Section 11 mandates the registration of these declarations.

Despite the above provisions, the ERTC noted the non-publication of Assets and Liabilities for election candidates.

Preliminary Resolution:

The Constitutional provision on candidate assets and liabilities should be actualised by the prescription of how candidates will declare their assets and liabilities in an election.

(xiii) Issue: *The definition of the campaign period*

Articles 56 and 57 of the Constitution provide for the election date for general election and by-elections, respectively. Section 2 defines the campaign period 'as three months before the holding of an election,' while Section 28 of the Electoral Process Act provides for the election timetable.

Despite the above provisions, the ERTC observed that the definition of the campaign period as three months before the holding of an election is problematic.

Preliminary Resolution:

clvii) Synchronise the timing periods for pre- and post-elections.

clviii) The campaign period should be reduced to 60 days.

(xiv) Issue: *Lack of nomination and campaign regulations for independent candidates*

Articles 51 and 100 of the Constitution provide for independent candidates and qualification and disqualification for nomination as presidential candidates, respectively.

The ERTC noted there are no regulations that specifically relate to the nomination and campaigns for independent candidates.

Preliminary Resolution:

clix) Article 51 should be amended to include independent candidates for president, Member of Parliament, Mayor, Council Chairperson, and Councillor.

clx) Article 100 should be revised to specify that independent candidates are eligible for the office of President.

(xv) Issue: ***Enforcement of Paragraph 3 of the Electoral Code of Conduct on the use of GRZ resources during campaigns***

The Electoral Code of Conduct in Paragraph 3(1)(b) provides for the duty of the ECZ to ensure that political parties do not use State resources to campaign.

AU-EOM Report of 2021, Carter Centre 2021 General Election Final Report, CCMG Election Observation Final Report of 2021 and the Report of the Electoral Commission of Inquiry into Voting Patterns and Electoral Violence, 2019 reported the inappropriate use of government resources during campaigns.

Preliminary Resolution:

There is a need to strengthen mechanisms for enforcing the Code of Conduct and to hold those who violate it accountable.

(xvi) Issue: ***Lack of sign language interpreters during campaigns***

Article 258(3) of the Constitution of Zambia provides for the respect, promotion, protection and diversity of the languages of the people of Zambia, and Section 49 of the Persons with Disabilities Act No. 06 of 2012 provides for the provision of sign language inset or subtitles in all newscasts and education programmes and in all programmes covering events of national significance.

The above issue was noted in the ZAFOD *2021* General elections report and the UNCRPD report.

Preliminary Resolution:

Align the EPA with UNCRPD articles 21 and 29 to ensure inclusive and accessible election processes, including campaigns for hearing-impaired voters.

(xvii) Issue: *Need for accreditation of sign language interpreters*

The EPA Section 61(1)(a) provides for the assistance of a voter due to a physical disability, and Sections 51 and 40(1), (2)(b) Persons with Disabilities Act No. 06 of 2012 provides for persons with disabilities to live independently and participate fully in all aspects of life.

The above issue is further supported by Article 25 of the ICCPR and UNCRPD.

Preliminary Resolution:

clxi) ECZ should recruit and deploy Sign Language Interpreters temporarily during elections and when the need arises.

clxii) ECZ should encourage political parties to use sign language interpreters during campaign rallies and debates.

(xviii) Issue: *Limited opportunities for formal debate for candidates*

Article 20 of the Constitution provides for the right to freedom of information, which includes the right to receive information, and the Code of Conduct Paragraph 1(b) provides for the debate of policies and programmes of political parties

Although there are legal provisions that provide for open information sharing among candidates, the ERTC observed limited opportunities for formal debates.

Preliminary Resolution:

clxiii) Consider adopting best practices identified in the USA, where media houses are free to organise structures from political party primaries to the general election debates for those seeking to be elected.

clxiv) Stakeholders are free to develop mechanisms that will create opportunities for debates during elections.

(xix) Issue: **E*nforcement of provisions on the placement and removal of campaign materials***

Articles 20, of the Constitution of Zambia (Amendment) Act No. 2 of 2016 provides for the freedom of expression, while Section 4(f) and (g) of the Electoral Process Act provides for posting, distributing and removal of electoral campaign material.

Despite of the above provisions, the Report of the Commission of Enquiry into Voting Patterns and Electoral Violence, 2019 cited the weak enforcement on the provisions of placement and removal of campaign materials.

Preliminary Resolution:

clxv) There is need to strengthen mechanisms of enforcing the Code of Conduct on placement and removal of campaign materials and hold those who breach it accountable.

clxvi) ECZ should liaise with the Zambia Police Service and the Local Authorities to enforce the applicable law on the above issue.

clxvii) **Voting (The Poll)**

(i) Issue: *Limited access to the internet on poll day undermines the transparency of the election*

The Cyber Security and Cybercrimes Act, and the Information and Communication Technology Act provides for citizen's access to digital information as well as criteria for blocking access to digital information.

The above issue is also cited in the case of Chapter One Foundation vs ZICTA and the Attorney General (Case No. 2021/HP/0955). Furthermore, the CCMG 2021 General Election Report, TIZ 2021 Election Report and the EU-EOM Report observed the limited access to the internet on poll day as a barrier to elections.

Preliminary Resolution:

clxviii) Establish clear and comprehensive criteria for restricting internet access during polls.

clxix) Consider adopting best practices identified by the Association of African Election Authorities on the Principles and Guidelines for the use of Digital and Social Media in Elections.

(ii) Issue: *Non-restriction on the number of persons one can assist to vote*

Section 61(1) of the Electoral Process Act provides for Assistance to Voters with Disabilities. The Section does not provide for a limit as to how many of such voters a person can assist.

Preliminary Resolution:

clxx) Individuals providing assistance should produce identification documents.

clxxi) Set a limit on the number of voters each person can assist.

clxxii) Require individuals providing assistance to sign a declaration of secrecy.

clxxiii) Consider adopting best practices identified in the ECF-SADC Principles for Election Management, Monitoring and Observation (PEMMO) (p54), Kenya's Electoral General Regulations, and the

European Commission for Democracy through Law's Code of Good Practice in Election Matters (p 21-22).

(iii) Issue: *Participation in the electoral process by persons with disabilities*

Article 45 of the Constitution provides for principles of electoral systems and processes. Section 61 of the Electoral Process Act provides for Assistance to Voters with Disabilities. Further, Section 51(a) of the Persons with Disabilities Act provides for participation in political and public life and Section 3(b) of the EPA provides for no discrimination based on gender or disability when providing electoral services.

Despite the above provisions, the 2021 CCMG Election Observation Final Report noted that there is limited knowledge amongst the blind voters on how to use the braille jacket which could, in some cases, result in their votes being stolen by their polling assistants.

This issue is also highlighted in the case of *Sela Brotherton v Electoral Commission of Zambia (HP 818 of 2011) [2011] ZMHC 32 (18 September 2011)*.

Preliminary Resolutions:

clxxiv) The ECZ should ensure the provision of sign language interpreters in all polling stations and adjustable polling booths.

clxxv) Implement provisions in the PWD Act to enhance the participation of persons with disabilities.

clxxvi) Consider adopting best practices identified in PEMMO, p 49.

clxxvii) Polling stations should be located at accessible venues.

clxxviii) Ramps to be constructed at polling stations.

(iv) Issue: *Inadequate training of polling staff*

Capacity building of polling staff through training was noted as being inadequate in the following reports; The CCMG 2021 General Election Report, EU 2021 General Election, and ECZ 2021 General Election Review Report.

Preliminary Resolution:

clxxix) ECZ to provide enhanced constant training for polling staff.

clxxx) Consider adopting best practices identified in PEMMO SADC Region and the IEC South Africa's eLearning Portal.

(v) Issue: *Long queues of voters on polling day due to limited number of polling stations*

The CCMG 2021 General Election Report, observed the long queues at polling stations.

Preliminary Resolution:

clxxxi) ECZ should reduce the number of voters per polling station from the current 950.

clxxxii) Consider adopting best practices from other countries, such as Cameroon, which limits the number of voters per polling station to 500, and Kenya, which sets a limit of 700 voters.

clxxxiii) Conduct regular delimitation, and establish new polling stations as needed.

(vi) Issue: *Election security*

The above issue was highlighted in the ECZ 2021 General Election Review Report and ECZ Press Statement – 13/07/2024 (Chirundu By-Election).

Preliminary Resolution

a. ECZ to be liaising with Zambia Police on the provision of adequate security at polling stations and other activities in the electoral process.

b. Consider adopting best practices identified in the PEMMO SADC Region, p 46.

clxxxiv) **Second Ballot**

(i) *Issue: Lack of clarity on the starting date for counting the 37 days within which to conduct the second ballot in case of a petition*

Article 101 of the Constitution of Zambia provides for the election of the President.

The above issue was highlighted in the EISA 2016 General Election Report.

Preliminary Resolution

ECZ must establish clear rules and procedures and ensure voter engagement and education.

STAGE OF ELECTORAL CYCLE: POST-ELECTION PHASE

The post-election phase of the electoral cycle involves finalising and certifying election results, transitioning power between outgoing and incoming officials, and formally inaugurating newly elected leaders. It includes addressing any election-related disputes and reviews of the previous election to reinforce democratic governance. The following are the research findings and resolutions of the ERTC under this phase:

clxxxv) Verification of the Ballot Paper Account Form

(i) Issue: Lack of post-election results management follow-ups by key stakeholders

Article 45(2)(c) of the Constitution of Zambia (Amendment) Act No. 2 of 2016 (Amendment) Act No. 2 of 2016 provides for the independence, accountability, efficiency, and transparency of the electoral process. Additionally, Article 229(2)(h) stipulates that the ECZ shall perform such other functions as prescribed. According to the Electoral Process, General Regulation No. 53 of Statutory Instrument No. 63 of 2016 explicitly outlines the verification of Ballot Papers Account in each constituency.

However, it was observed that there was a lack of post-election results management follow-ups by key stakeholders. The need to address this issue was highlighted in the ERTC Report 2005, the Electoral Management Design Handbook by the Institute for Democracy Assistance (IDEA), the Organization of American States (OAS) Expert Verification Mission for the 2010 Presidential Elections in Haiti, and the process of verification of ballot paper accounts for the 2011 Presidential Elections in Zambia.

Resolutions

The ERTC resolved that:

The ECZ should share the results of the ballot paper verification exercise with stakeholders and enhance civic and voter education to ensure that stakeholders understand and value the importance of this verification process.

(ii) Issue: Lack of interest from all political parties and candidates.

Articles 45(2) and 229(2) of the Constitution of Zambia (Amendment) Act No. 2 of 2016 provide for the principles of electoral systems and processes, and the functions of the ECZ respectively, while Regulation 53 of the Electoral Process General Regulations enforced by Statutory Instrument No. 63 of 2016 provides for the verification of Ballot Papers Account in each constituency.

However, it was noted that there was lack of interest from all political parties and candidates.

The need to address these issues was highlighted in the ECZ 2021 General Elections Review Report.

Resolution

The ERTC resolved that:

The ECZ should share the results of the ballot paper verification exercise with stakeholders and enhance civic and voter education to ensure that stakeholders understand and value the importance of this verification process.

(iii) Issue: Lack of Stakeholder awareness of the process.

Articles 45(2) and 229(2) of the Constitution of Zambia (Amendment) Act No. 2 of 2016 provide for the principles of

electoral systems and processes, and the functions of the ECZ respectively, while Regulation 53 of the Electoral Process General Regulations enforced by Statutory Instrument No. 63 of 2016 provides for the verification of Ballot Paper Accounts in each constituency.

However, it was noted that there was lack of stakeholder awareness of the process.

The need to address these issues was highlighted in the ECZ 2021 General Elections Review Report.

Resolution

The ERTC resolved that:

The ECZ should promptly share the results of the ballot paper verification exercise with stakeholders. Additionally, the Commission must implement comprehensive civic and voter education initiatives to ensure that stakeholders fully understand and appreciate the significance of the ballot paper verification process.

clxxxvi) **Petitions**

(i) Issue: Petitions are often dismissed due to technical errors or missed filing deadlines

The 2025 ERTC identified and noted the need to address the issue regarding petitions being dismissed due to technical errors or missed filing deadlines as highlighted in the CCMG 2021 Election Observation Final Report and the Petitions on Rules related to Local Government Tribunal Petitions and the 14 days Petition Judgment (2016/CC/003 [2016] ZMCC 4 (5 September 2016).

The Constitution of Zambia (Amendment) Act No. 2 of 2016 in Articles 101, 104, 118 and 118(2)(e) provides for election of President, transition period before assuming office and principles of judicial authority, respectively.

To address these issues raised, Zambia may consider adopting best practices identified from Article 140(2) of the Constitution of the Republic of Kenya which states that the Constitutional Court shall hear and determine an election petition within 21 days from the date of filing.

Resolution:

The ERTC resolved that:

clxxxvii) Amend Article 101(5) of the Constitution (Amendment Act No. 2 for 2016) to specify the start date for the fourteen-day period within which the Constitutional Court must hear an election petition filed under Article 101(4). Additionally, clarify whether this period includes Saturdays, Sundays, and public holidays.

clxxxviii) Extend the timeframe from 14 to 21 days.

clxxxix) Revise the timeframe to specify that the Constitutional Court must "hear and determine" the election petition within 21 days of filing. This ensures clarity that the period includes both the hearing and the final decision on the petition.

ii. Issue: Limited resources for hearing of petitions

The ERTC identified and noted the need to address the issue regarding limited resources for hearing of petitions.

To address this Zambia may consider adopting Kenya's best practices provided for in Section 21 (Dispute Resolution) of the Election Campaign Financing Act No. 42 of 2013 and Rule 30 of Parliamentary and County Elections Petitions Rules, 2017 of Kenya.

Resolution:

The ERTC resolved that:

Adequate funding to hear and determine election petitions should be adequately funded through the Judiciary.

iii. Issue: Inadequate training for judicial officers and lawyers on handling electoral petitions.

The ERTC identified and noted the need to address the issue regarding inadequate training of judicial officers and lawyers on handling electoral petitions, although there was no report that highlighted this matter.

To address these issues Zambia may consider adopting best practices identified in Tanzania, from the 2016 UNDP Manual on the Practice and Procedure of Election Petitions in Tanzania.

Resolution:

The ERTC resolved that:

cxc) The training syllabus for judges, magistrates, and lawyers should be broadened to include election-related matters;

cxci) Continuous Professional Development (CPD) training should be offered through the Law Association of Zambia (LAZ);

cxcii) Include Electoral Law in the curriculum at Law Schools; and

cxciii) Leverage the Judiciary's Advisory Committee on Elections for capacity building.

iv. Issue: Lack of clarity on when the Speaker assumes Office of President

The ERTC identified and noted the need to address the issue regarding lack of clarity on when the Speaker assumes office of President.

The Constitution of Zambia (Amendment) Act No. 2 of 2016 under Article 104 (3) provides that where an election petition is filed against the incumbent, under Article 103 (1), or an election is nullified, under Article 103(3) (b), the Speaker shall perform the executive functions, except the power to— (a) make an appointment; or (b) dissolve the National Assembly.

Resolution:

The ERTC resolved that:

cxciv) Amend Article 104 (3)(b) of the Constitution of Zambia (Amendment) Act No. 2 of 2016 (Amendment Act No. 2 of 2016) to provide clarity as to when and how the Speaker performs Executive functions. This should be restricted only to when the election has been nullified by the Constitutional Court.

cxcv) Articles 103, 104 and 105 of the Constitution of Zambia (Amendment) Act No. 2 of 2016 (Amendment Act No. 2 of 2016) be redrafted to provide for a clear chronology of events from election, petitions, and assumption of office.

v. Issue: Clear Timeframe for Appeals

The ERTC identified and noted the need to address the issue regarding a clear timeframe for appeals against the decision of the High Court to the Constitutional Court.

The law under Article 73 (3) of the Constitution of Zambia (Amendment) Act No. 2 of 2016 (Amendment Act No. 2 of 2016) provides that a person may appeal against the decision of the High Court to the Constitutional Court. It should be made clear that the argument is that Article 73 is silent on the timeframe for appeals.

In order to address this issue, Zambia may consider adopting best practices from Tanzania as provided for under Section 115(1) (2) and (3) of the Tanzania National Election Act, Cap 343 of 2015.

Resolution:

The ERTC resolved that:

Review Article 73 or any other appropriate legislation to provide for the time frame for appeals against the decision of the High Court to the Constitutional Court for petitions of election of Member of Parliament.

vi. Issue: Staying in Office by the Member of Parliament when there is an Appeal

The ERTC identified and noted the need to address the issue regarding the staying in office by an MP when there is an appeal.

The law under Article 73 (4) of the Constitution of Zambia (Amendment) Act No. 2 of 2016 (Amendment Act No. 2 of 2016) provides that a Member of Parliament whose election is petitioned shall hold the seat in the National Assembly pending the determination of the election petition.

In order to address this issue, Zambia may consider adopting best practice from Ghana as provided for under Section 10(b) Representation of the People Law, 1992 of the Republic of Ghana.

Resolution:

The ERTC resolved that:

cxcvi) A Member of Parliament (MP) who has appealed should retain his/her seat until the appeal is heard and determined; or

cxcvii) Article 73 should be amended to include provisions on what happens when the MP whose seat was petitioned loses his or her seat but appealed the judgement in the constitutional court

vii. Issue: Swearing in of a President Elect in the absence of the Chief Justice or Deputy Chief Justice

The ERTC identified and noted the need to address the issue regarding the swearing in of a president election in the absence of the Chief Justice or Deputy Chief Justice.

The law under Article 105 (1) of the Constitution of Zambia (Amendment) Act No. 2 of 2016 provides that the President-elect shall assume office after being sworn in by the Chief Justice or, in the absence of the Chief Justice, the Deputy Chief Justice. Further, Section 15 (2) of the Transitional Period and Inauguration of President Act No. 32 of 2016, provides that the path specified in subsection (1) shall be administered by the Chief Justice or, in the absence of the Chief Justice, the Deputy Chief Justice.

In order to address this issue, Zambia may consider adopting best practice from Namibia under Article 30, of the Namibian Constitution which provides that the swearing in of the President is administered by the Chief Justice, the Deputy-Chief Justice or a Judge designated by the Chief Justice for that purpose.

Resolution:

The ERTC resolved that:

The current provision under Article 105 of the Constitution (Amendment Act No. 2 for 2016) as prescribed in Section 15(2) of Transitional Period and Inauguration of President be maintained.

cxcviii) **Election Reviews**

(i) Issue: Lack of interest and participation by stakeholders particularly the political parties.

The need to address this issue was raised by the ERTC.

Article 229(2) of the Constitution (Amendment Act No. 2 for 2016) provides for post-election reviews in which stakeholders are mandated to participate.

However, it was noted that there was lack of interest and participation by stakeholders particularly the political parties.

Resolution:

The ERTC resolved that ECZ should continually engage stakeholders (political Parties, CSOs/FBOs) in the post-election reviews.

cxcix) **By-elections**

i. Issue: Timeframe for campaigns for by-elections

The ERTC identified and noted the need to address the issue regarding the timeframe for campaigns for by-elections.

The law under Article 57 (1), (2), (3) of the Constitution of Zambia (Amendment) Act No. 2 of 2016 (Amendment Act No. 2 of 2016) provides that where a vacancy occurs in the office of Member of Parliament, mayor, council chairperson or councillor, a by-election shall be held within ninety days of the occurrence of the vacancy. (2) A by-election shall not be held within the one

hundred-and eighty day period that precedes a general election. (3) The Electoral Commission shall, by regulation, set the place where, and the date and time when, a by-election is to be held. Section 57 (b) of the EPA.

Resolution:

The ERTC resolved that:

The status quo for by-elections be maintained. The rationale is that by-elections campaign periods cannot be legislated.

cc) **Election Security**

(i) Issue: Counting of the Votes at Night.

Section 3*(1) (l)* of the Electoral Process Act No 35 of 2016 provides that the principles applied in the electoral system and process shall ensure that transparent, accurate and reliable vote counting procedures are upheld and adhered to in any election during the counting of votes cast.

The ERTC identified and noted the need to address the issue regarding counting of votes at night as highlighted in the Analysing Zambia's 2021 General Election Final Report (Carter Centre) and ERTC 2005 final Report. Other documents that cited the matter included the African Union and EU 2016 Final Election Observer Mission Reports and the 2019 State of Election Security in Zambia study report conducted by the Zambia Chapter of the Media Institute of Southern Africa.

Resolution:

The ERTC resolved that:

cci) The ECZ should maintain the current practice of commencing counting immediately after the close of the poll and put in place mitigation measures to provide any other sources of lighting that may be used in an event of power shortages at some polling stations during the counting procedures.

ccii) All the stakeholders are supposed to be aware of and availed with police poll day security schedules.

cciii) Political parties must disband violent cadre practice to deal with electoral violence.

cciv) Enhance security at polling stations by increasing the number of police officers at the polling stations.

(ii) Issue: Polling Station Security

Articles 190(1), 193(2)(a-e) and 193(4)(a) of the Constitution (Amendment Act No. 2 for 2016) provides for the principles relating to operation and status of the Defence Force and National Security Services. Section 24 (2)(i) of the Electoral Process Act provides that the Commission shall, when determining the location of a polling station, take into account any factor that could affect the free, fair and orderly conduct of elections which includes measures for the safety and convenience of voters at polling stations. Further, paragraph 11 (1)(c) of the Electoral Code of Conduct mandates the ECZ to revoke the accreditation of election agents, polling agents, monitors, observers or the media where it is necessary in the interest of public safety and security during and after elections.

The ERTC identified and noted the need to address the issue regarding the polling station security and election security as highlighted in the Analysing Zambia's 2021 General Election Final Report (Carter Centre). Center 2016 Election Observer Mission

Report and ERTC 2005 Final Report. Other documents that cited the matter included the African Union and EU 2016 Final Election Observer Mission Reports. This was further raised in the 2020 State of Election Security in Zambia study report carried by the Zambia Council for Social Development.

Resolution:

The ERTC resolved that ECZ should continue liaising with Zambia Police on the provision of adequate security throughout the electoral process. Security on Election Day should always be heightened so as to protect the poll staff, election security materials and voters. The ERTC further resolved that ECZ should proactively and closely work with the Zambia Police by developing joint election security strategies that would ensure that any potential insecurity hotspots are provided with adequate security officers.

ccv) **Other Issues**

(i) Issue: Security for the Secretariat, Poll Staff and Commissioners

The 2025 ERTC identified and noted the need to address the issue regarding the security for the secretariat, polling day staff and Commissioners during the poll day as highlighted in the 2022 Commonwealth Observer Group Report.

Article 216(a) and (b) of the Constitution (Amendment Act No. 2 of 2016) provides that "a commission shall be subject only to the Constitution and the law and be independent and not be subject to the control of a person or an authority in the performance of its functions. Additionally section 94 of the Electoral Process Act prescribes the transgressions on obstruction of officers.

Resolution:

The ERTC resolved that:

Section 94 of the Electoral Process Act be amended for the ECZ to employ and assign professional security officers to provide security for the secretariat, Commissioners and poll staff during the poll day at every polling station.

ii. Issue: Harmonisation of Regulations and laws on election monitoring and use of technology.

The ERTC identified and noted the need to address the issue regarding the harmonisation of Regulations and Laws on election monitoring and use of technology as highlighted in the 2021 CCMG EOM Reports, EU Observer Mission Reports, Analysing Zambia's 2021 General Election Final Report (Carter Centre) and TIZ 2021 General Election Report. Zambia may consider adopting best practices from Kenya. For example, Section 44 of Kenya's Electoral Act covers the use of technology in voter registration, voter identification, and the transmission of results.

Resolution:

ECZ should amend the Electoral Process Act to provide for the use of technology in the electoral process.

(iii) Issue: Inadequate legal provision on the use of technology in elections (provision only provides for use of technology during results transmission)

The ERTC identified and noted the need to address the issue of inadequate legal provision on the use of technology in elections beyond results transmission a matter highlighted in the 2021 EU Election Observer Report for Zambia and also complying with

International law that addresses the issue through several key documents, which include the International Covenant on Civil and Political Rights (ICCPR); the Convention on the Rights of Persons with Disabilities (CRPD).

The Constitution (Amendment Act No. 2 of 2016) Article 229 provides for the establishment of the Electoral Commission of Zambia and Article 229(2)(a) and (b) particularly provides for the implementation of the electoral process and for elections including Referenda.

Resolution:

The ERTC resolved that:

The Electoral Process Act be amended to provide for adequate legal provision on the use of technology in elections.

(***iv) Issue: Continuous Registration of Voters and enhanced mobile voter registration.***

The ERTC identified and noted the need to address the issue of Continuous Registration of Voters and enhanced Mobile Voter Registration as highlighted in the Analysing Zambia's 2021 General Election Final Report (Carter Centre).

Section 7 of the Electoral Process Act provides for the continuous voter registration.

Resolution:

The ERTC resolved that:

The ECZ should continue adhering to the law on implementing Continuous Registration of Voters and enhanced Continuous Mobile Voter Registration.

(v) Issue: Inadequate financial independence

The ERTC identified and noted the need to address the issue of inadequate Financial Independence of the ECZ which was also highlighted in the 2021 Analysing Zambia's 2021 General Election Final Report (Carter Centre).

The Constitution of Zambia (Amendment) Act No. 2 of 2016, Article 216(a) and (b) provides that, "a Commission shall be subject only to the Constitution and the Law and be independent and not be subject to the control of a person or an authority in the performance of its functions".

Resolution

The ERTC resolved that:

ccvi) The Constitutional provisions providing for the independence of the ECZ be actualised through subsidiary legislation; and

ccvii) Revenue collected by the ECZ from nomination fees be kept by the Commission to support electoral operations as opposed to depositing it into the Treasury account.

(***vi) Issue: Provision for an election fast track court to quickly deal with electoral disputes.***

The ERTC identified and noted the need for the provision for an election fast track court to quickly deal with electoral disputes.

The Constitution of Zambia (Amendment) Act No. 2 of 2016 under Article 133 provides for the establishment and composition of the High Court. Article 133(3) provides that the Chief Justice may constitute, by statutory instrument, specialised courts of the High Court to hear specific matters.

Resolution

The ERTC resolved that:

a. An election fast track court be established to address matters that arise during the campaign period; and

b. A specialised division of the courts to deal with electoral disputes be established.

(vii) Issue: Observance of the 400-meters radius at a polling station has some legal issues, e.g. a polling station in the midst of the houses may not allow for the 400 metre radius to be achieved.

The ERTC identified and noted the need to address the issue around the observance of the 400-meters radius at a polling station and the challenges associated with the distance of 400-meters in an event that the polling station is situated in the midst of houses that may not allow such.

The Constitution of Zambia (Amendment) Act No. 2 of 2016 under Article 229 (a) and (b) provides for the establishment of the Electoral Commission of Zambia and for the implementation of the electoral process and elections including referenda.

Resolution

The ERTC resolved that:

ccviii) The 400-meter radius requirement should be re-assessed to better reflect realities on the ground; and

ccix) A provision be made for a proviso to allow for adjustments when the standard is impractical.

viii. Issue: Independent Presidential Candidate.

The ERTC identified and noted the need to address the issue regarding the independent Presidential Candidate.

The Constitution of Zambia (Amendment) Act No. 2 of 2016 does not restrict independent Presidential Candidate.

Resolution

The ERTC resolved that:

Article 101 of the Constitution would need to be revised to explicitly permit the election of an Independent Candidate as President.

(ix) Issue: Disjoints in the Principal Law and the subsidiary laws (need to analyse and identify the mismatch).

The ERTC identified and noted the need to address the issue of disjoints in the Principal law and subsidiary laws also highlighted in the ERTC 2005 Final Report (page 686), the 2021 Analysing Zambia's 2021 General Election Final Report (Carter Centre) and the 2021 EU Election Observer Mission Report for Zambia.

International law addresses this issue of disjoints in the Principal law and subsidiary laws through several key documents which include the African Charter on Democracy, Elections and Governance (ACDEG); and the International Covenant on Civil and Political Rights (ICCPR).

Resolution

The ERTC resolved that:

Law reform is necessary to address the inconsistencies between the Principal law and the subsidiary laws.

(x) Issue: Printing of ballot papers in a foreign country, doesn't the country have the capacity of printing ballot papers locally.

The ERTC identified and noted the need to address the issue of printing of ballot papers from foreign countries as opposed to encouraging the capacitation of local institutions to locally print the ballot papers.

The Constitution of Zambia (Amendment) Act No. 2 of 2016, under Article 229 provides for the establishment of the Electoral Commission of Zambia and Section 114(a) of the EPA provides that the Commission may authorise for the printing, manufacture or supply of any voting or election material.

Resolution

The ERTC resolved that:

The State should expeditiously develop local capacity to print ballot papers locally.

CONCLUSION

The Electoral Reform Technical Committee (ERTC) proposed several fundamental recommendations to improve Zambia's electoral system. These include updating existing laws for greater consistency and clarity, enhancing the Electoral Commission of Zambia's (ECZ) capabilities through continuous and mobile voter registration, and amending the Electoral Process Act to better integrate technology and monitoring. Extending the Constitutional Court's timeframe for addressing election petitions from 14 to 21 days is also recommended to increase clarity and efficiency.

To boost voter inclusion, the ERTC has suggested setting specific registration targets and formalizing a partnership between the ECZ and the Department of

National Registration to streamline the issuance of National Registration Cards (NRCs). Additional recommendations include enacting laws for regular mass voter registration and updating the voter register every decade, improving security at polling stations, regulating voter assistance, and enforcing the Code of Conduct more robustly to ensure accountability.

The Committee also highlighted the need to address systemic inconsistencies by recommending a shift from the First-Past-The-Post (FPTP) system to a Mixed Member Proportional Representation System based on thorough research and stakeholder consultations. Emphasizing the full implementation of Constitutional provisions for Women, Youth, and Persons with Disabilities, the ERTC's recommendations aim to address current legislative gaps and reinforce the democratic process.

Overall, the ongoing reform efforts underscore Zambia's dedication to enhancing its democratic practices and ensuring that elections are fair, credible, transparent, and truly reflect the electorate's will. Implementing these reforms effectively will be pivotal in building public trust, reducing electoral conflicts, and creating a more inclusive and representative electoral process. The commitment to continuous review and improvement is essential for upholding democratic principles and advancing Zambia's electoral integrity.

Appendix 2: List of Submitters

NORTH-WESTERN PROVINCE

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1.	Rev. Peter Mwando	Individual	Kalumbila	Witten	✓				
2.	Edwin Kitambala	Individual	Kalumbila	Written	✓				
3.	Ndeya Makayi	Individual	Kalumbila	Written	✓				
4.	Emmanuel Juju	Kisasa Community Association for Persons with disabilities	Kalumbila	Written	✓				✓
5.	Gift Kambangu	United Party for National Development (UPND)	Kabompo	Written	✓		✓		
6.	Juliet Chisala	Community Based Inclusive Development (CBID)	Kabompo	Written		✓	✓		✓
7.	Officer In Charge	Zambia Police	Kabompo	Written					
8.	Webby Samutela	Inter-Denomination Fellowship of Church Leaders	Kabompo	Written	✓				

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
9.	Felistus Kuku	Socialist Party	Kabombo	Written		✓			
10.	Patrick William Chifinga	Solwezi East Parliamentary Constituency Office	Mushindamo	Written	✓				
11.	Rodney Shibanga	UPND	Kasempa		✓				
12.	Jones Jiowa Jifumpa	Individual	Kasempa	Written	✓				
13.	Patson Mushitala	Individual	Kasempa	Written	✓				
14.	Zacharia Mulepu	Individual	Kasempa	Written	✓				
15.	Rodney Shilanga	Individual	Kasempa	Written	✓				
16.	Simon Shimumbi	Sub Chief Shimo	Kasempa	Written	✓				
17.	Rueben Kashoba	Individual	Kasempa	Written	✓				
18.	Jeff Kapya Benda	Individual	Kasempa	Written	✓				
19.	Kelvin Kambakasa	Individual	Kasempa	Written	✓				
20.	Benda Chikumba	Individual	Kasempa	Written	✓				

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
21.	Ezekiel Mulonga	Chief Mulonga's Royal Establishment	Mushindamo	Written	✓				
22.	Hastings Kalolu	Individual	Mumfumbwe	Written	✓				
23.	Mr Masiye	Individual	Mumfumbwe	Written	✓				
24.	Mpondela Phidness Mpondela	individual	Mumfumbwe	Written	✓				
25.	Lihelu Robert	Manyinga Constituency Office	Manyinga	Written	✓				
26.	Henry C Kakasa	Mwinilunga District Council of Elders	Mwinilunga	Written	✓				
27.	Bishop Julius M	Mwinilunga District Council of Elders	Mwinilunga	Written	✓				
28.	Godfrey Mwanamoya	Mwinilunga District Council of Elders	Mwinilunga	Written	✓				
29.	Godfrey Mwanamoya	Kanyikomboshi Community Citizens Voice and Action	Mwinilunga	Written	✓				
30.	Justin Mbimbi	Kanyikomboshi Community Citizens Voice and Action	Mwinilunga	Written	✓				
31.	Jackson Kapepa	Mwinilunga District Business Association	Mwinilunga	Written	✓				
32.	Pauline Shiku	Individual	Mwinilunga	Written	✓	✓			

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
33.	Henry Kasungulu	Individual	Mwinilunga	Written	✓				
34.	Akafumba Sikuka	Individual	Mwinilunga	Written	✓				
35.	Martin Kalichi	Mwinilunga Chamber of Commerce and Industry	Mwinilunga	Written	✓				
36.	Mwinilunga Pastor's Fellowship	Mwinilunga's Pastor's Fellowship	Mwinilunga	Written	✓				
37.	Mavis Ntambu Konga	Individual	Mwinilunga	Written		✓			
38.	Felix Mangangu	Individual	Mwinilunga	Written	✓				
39.	Kaumba Chiyana Kapula	Individual	Mwinilunga	Written	✓	✓			
40.	Memory Chasupa	Individual	Ikelenge	Written	✓	✓			
41.	Joseph Makayi	Individual	Ikelenge	Written	✓				
42.	Steward Kabula	Individual	Ikelenge	Written	✓				
43.	Emmanuel Samu	Solwezi Organization for Persons with Disabilities	Solwezi	Written	✓				✓
44.	Simona Mubiana	Solwezi Organization for Persons with Disabilities	Solwezi	Written	✓				✓

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
45.	Isaac Chilenkwa	Solwezi Organization for Persons with Disabilities	Solwezi	Written	✓				✓
46.	Kaumba Kakoma Mukumbo	Solwezi Organization for Persons with Disabilities	Solwezi	Written	✓				✓
47.	Jackson Kanindi	Solwezi Organization for Persons with Disabilities	Solwezi	Written	✓				✓
48.	Bishop Gift Mwewa	Independent Churches of Zambia – Solwezi (ICOZ)	Solwezi	Written	✓				
49.	Amos Shadrick Mpenge	UPND	Solwezi	Written	✓				
50.	Kelvin Kanyama	Socialist Party	Solwezi	Written	✓				
51.		Solwezi Correctional Centre	Solwezi	Written	✓				
52.	Robby Mwanza	District Conflict Management Committee	Solwezi	Written	✓				
53.	Mukuzyo Sililo	Nsakwayabakaonde	Solwezi	Written	✓				
54.	Gaharaharashim Mpuhuyawu	Center for Young Leaders in Africa (CYLA)	Solwezi	Written	✓		✓		
55.	Charles Muzeya	Leadership Movement Party	Solwezi	Written	✓				
56.	Mr. Kanyama	Socialist Party – North Western Province	Solwezi	Written	✓				

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
57.	Kenneth yabalaKapata	North Western Province Council of Elders	Solwezi	Written	✓				
58.	Pastor Njolomba	Lucanza Development Trust	Solwezi	Written	✓				
59.	Kaumba Kakoma (Deaf PWD)	Individual	Solwezi	Oral	✓		✓		✓
60.	Webster Kyabala	Individual	Solwezi	Written	✓				
61.	Raphael Kamwana	Individual	Solwezi	Written	✓				
62.	Dennis Kashita	Individual	Solwezi	Written	✓				
63.	George Gustav	Individual	Solwezi	Written	✓			✓	
64.	Ezekiel Mulonga	Individual	Solwezi	Written	✓				
65.	Gabby Nswana	Individual	Solwezi	Written	✓				
66.	Dennis Kashita	Individual	Solwezi	Written	✓				
67.	Ezekiel Mulonga	Individual	Solwezi	Written	✓				
68.	Kenneth Kapata	North Western Province Council of Elders	Solwezi	Written	✓				

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
69.	Pastor Njolomba	Lucanza Development Trust	Solwezi	Written	✓				
70.	Remy Lalepa	Solwezi Mayor	Solwezi	Written	✓				
71.	Davy Mubiana	Kyalalankuba Community	Solwezi	Written	✓				
72.	Mr. Mando	Individual	Solwezi	Written	✓				
73.	John Kalusa	Justice for Just Communities Foundation	Solwezi	Written	✓				
74.	Moses Makondo	Individual	Solwezi	Written	✓				
75.	Mwanza Noby	Individual	Solwezi	Written	✓				
76.	Moses Lombanya	Individual	Solwezi	Written	✓				
77.	Bernard Kakinga	Individual	Solwezi	Written	✓				
78.	Jackson Sumakuba	Individual	Solwezi	Written	✓				
79.	Mulowaya Sendewe	Representative for Chief Kapijimpanga	Solwezi	Written	✓				
80.	Mildred Yamba Samputi	Zambia National Women's Lobby	Solwezi	Written	✓				

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
81.	Felix Chinyamazonde	Bakachinyama Group Likumbi Liyamize Committee	Solwezi	Written	✓				
82.	Sinclair Kapijimpanga	Individual	Solwezi	Written	✓				
83.	Gerald Muyoyo	Individual	Solwezi	Written	✓				
84.	Sandala H Collins	Senior Chief Ndungu's Prime Minister	Solwezi	Written	✓				
85.	Sandumba Herald	Civic Leader	Solwezi	Written	✓				
86.	Kayombo Saviye	Individual	Solwezi	Written	✓				
87.	Henry Mulemena	Individual	Solwezi	Written	✓				
88.	Pastor Miselo Musonda	Solwezi Town Pastor's Fellowship	Solwezi	Written	✓				
89.	Jadon Saikumba	Individual	Solwezi	Written	✓				
90.	Bishop Omen Kasongo	Evangelical Fellowship of Zambia	Solwezi	Written	✓				
91.	Joshua Ntonga	Individual	Solwezi	Written	✓				

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
92.	Obed Sakeni	Advocates for Democratic Governance Foundation (ADEG)	Solwezi	Written	✓				
93.	Bishop Eddie Kamavu	Revival Fellowship Zambia	Zambezi	Written	✓				
94.	Ruth Saidi	Individual	Zambezi	Written	✓				
95.	Matondo Sakuwaha	Individual	Zambezi	Written					
96.	Malichi Kamwengo	Individual	Zambezi	Written					
97.	Kapenda Astrida	Individual	Zambezi	Written	✓				
98.	Chipoyo Regina	Individual	Zambezi	Written	✓				
99.	Muyenga Moreen	Individual	Zambezi	Written	✓				
100.	Salwenyeka Rude	Individual	Zambezi	Written	✓				
101.	Kaunwanda Fridah	Individual	Zambezi	Written		✓			
102.	Savenda Rioda	Individual	Zambezi	Written					
103.	Nguvulu Abel	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
104.	Kamiji Lineta C	Individual	Zambezi	Written					
105.	Kaumba John	Individual	Zambezi	Written					
106.	Saposola Agness	Individual	Zambezi	Written		✓			
107.	Chiteta K. Nyamwoji	Individual	Zambezi	Written					
108.	Chinyama Ilinga	Individual	Zambezi	Written					
109.	Ngimbu Kavanda	Individual	Zambezi	Written					
110.	Manjimela Lushindo	Individual	Zambezi	Written					
111.	Chipango Salingeji	Individual	Zambezi	Written					
112.	Chinyama Ilinga	Individual	Zambezi	Written					
113.	Chimbangachi Sombo	Individual	Zambezi	Written					
114.	Sambongi Rose	Individual	Zambezi	Written		✓			
115.	Kakoma Anthony	Individual	Zambezi	Written	✓				

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
116.	Kapumba Gift	Individual	Zambezi	Written	✓				
117.	Kamiza Collins	Individual	Zambezi	Written	✓				
118.	Somili Oscar	Individual	Zambezi	Written	✓				
119.	Njolomba Abigel	Individual	Zambezi	Written	✓				
120.	Njolomba Mulenga	Individual	Zambezi	Written	✓				
121.	Kamboyi Peper	Individual	Zambezi	Written	✓				
122.	Njolomba Kahilu	Individual	Zambezi	Written	✓				
123.	Kachama Agness	Individual	Zambezi	Written		✓			
124.	Kelvin Munjanja	Individual	Zambezi	Written					
125.	Patson Mununga	Individual	Zambezi	Written					
126.	Sakajila Caphas C.	Individual	Zambezi	Written					
127.	Chikunji Mary	Individual	Zambezi	Written		✓			

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
128.	Sakajila David K.	Individual	Zambezi	Written	✓				
129.	Munjanja Mercy	Individual	Zambezi	Written		✓			
130.	Munjanja Peter	Individual	Zambezi	Written	✓				
131.	Munyongi Idah	Individual	Zambezi	Written		✓			
132.	Sakajila Mbingila	Individual	Zambezi	Written					
133.	Rodger Walima	Individual	Zambezi	Written					
134.	Fungi Christopher	Individual	Zambezi	Written	✓				
135.	Sangambo Kayina	Individual	Zambezi	Written	✓				
136.	Njapau Racheal	Individual	Zambezi	Written		✓			
137.	Mangojujo Kakunu	Individual	Zambezi	Written					
138.	Mundengo Litulayi P	Individual	Zambezi	Written					
139.	Musoka Mundungo	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
140.	Chikonko Astrida	Individual	Zambezi	Written		✓			
141.	Elijah	Individual	Zambezi	Written					
142.	Munanja Kakoma	Individual	Zambezi	Written					
143.	Mutondo Musanji	Individual	Zambezi	Written					
144.	Samahinga Kapalu	Individual	Zambezi	Written					
145.	Kalyamba Jasper	Individual	Zambezi	Written					
146.	Kavwanga Given	Individual	Zambezi	Written					
147.	Muleya Gladys	Individual	Zambezi	Written					
148.	Chikwata Kakoma	Individual	Zambezi	Written					
149.	Chinyama Emmanuel	Individual	Zambezi	Written					
150.	Salwenyeka Rude	Individual	Zambezi	Written					
151.	Kayombo Dennias	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
152.	Kabemba Josseph	Individual	Zambezi	Written	✓				
153.	Saviye Melody	Individual	Zambezi	Written		✓			
154.	Kalyolole Moses	Individual	Zambezi	Written	✓				
155.	Kasungulu Betty	Individual	Zambezi	Written		✓			
156.	Malesu Hildah	Individual	Zambezi	Written		✓			
157.	Chipulu Jane	Individual	Zambezi	Written		✓			
158.	Kapuwa Memory	Individual	Zambezi	Written		✓			
159.	Munganga Christopher	Individual	Zambezi	Written	✓				
160.	Chimbulusu Priscilla	Individual	Zambezi	Written		✓			
161.	Malinda Mwambu	Individual	Zambezi	Written					
162.	Malinda Kakoma	Individual	Zambezi	Written					
163.	Chivundu Patrick	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
164.	Malinda Aaron	Individual	Zambezi	Written					
165.	Josephine Kafwanda	Individual	Zambezi	Written					
166.	Samutonga Kapalu	Individual	Zambezi	Written					
167.	Chipango Chiteta	Individual	Zambezi	Written					
168.	Kapalu Matesu	Individual	Zambezi	Written					
169.	Salumayi Maybin	Individual	Zambezi	Written					
170.	Kaumba Kalumbu	Individual	Zambezi	Written					
171.	Mundengo Webby	Individual	Zambezi	Written					
172.	Kapata Justine	Individual	Zambezi	Written					
173.	Chisakano Majory	Individual	Zambezi	Written					
174.	Chinyama James	Individual	Zambezi	Written					
175.	Mubita Kutemba	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
176.	Munjanja Bosco	Individual	Zambezi	Written					
177.	Chilengi Sakandula	Individual	Zambezi	Written					
178.	Kaushiku Jerry	Individual	Zambezi	Written					
179.	Florence Kaishala	Individual	Zambezi	Written		✓			
180.	Chinoya Musenge	Individual	Zambezi	Written					
181.	Musumba Kelvin	Individual	Zambezi	Written					
182.	Chisengo Loveness	Individual	Zambezi	Written		✓			
183.	Chinoya Patrick	Individual	Zambezi	Written					
184.	Fundulu Joy	Individual	Zambezi	Written		✓			
185.	Saviye Edith	Individual	Zambezi	Written		✓			
186.	Choza Sandra	Individual	Zambezi	Written		✓			
187.	Fumbelo Kathy	Individual	Zambezi	Written		✓			

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
188.	Hope Chinyama	Individual	Zambezi	Written		✓			
189.	Kapalu Purity	Individual	Zambezi	Written		✓			
190.	Titima Kelvin	Individual	Zambezi	Written					
191.	K. Andrew	Individual	Zambezi	Written					
192.	Samuhula Gracious	Individual	Zambezi	Written		✓			
193.	Kahata Rose	Individual	Zambezi	Written		✓			
194.	Munjanja Bosco	Individual	Zambezi	Written					
195.	Chitengi Musambo	Individual	Zambezi	Written					
196.	Muyengu Allan	Individual	Zambezi	Written					
197.	Munjanja Bosco	Individual	Zambezi	Written					
198.	Mbilishi Silvester	Individual	Zambezi	Written					
199.	Kayelu Gift	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
200.	Fungu Christopher	Individual	Zambezi	Written					
201.	Njamba Moses	Individual	Zambezi	Written					
202.	Samunata Catherine	Individual	Zambezi	Written					
203.	Kachongo Holy Musoka	Individual	Zambezi	Written					
204.	Samunatta Joyce	Individual	Zambezi	Written		✓			
205.	Nowele Kang'ombe	Individual	Zambezi	Written					
206.	Joshua Chinyama	Individual	Zambezi	Written		✓			
207.	Mercy Chitengi	Individual	Zambezi	Written		✓			
208.	Ndumba Yalwinji Maseza	Individual	Zambezi	Written					
209.	Sydia Kapembwa	Individual	Zambezi	Written					
210.	Chombe Hellen Mukumbi	Individual	Zambezi	Written		✓			
211.	Mbingila Samuhapala	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
212.	Sunday Ngongola	Individual	Zambezi	Written					
213.	Glady's Fumbelo	Individual	Zambezi	Written					
214.	Mbangu Samundengo	Individual	Zambezi	Written					
215.	Kahalu Machalo	Individual	Zambezi	Written					
216.	Kaumba Brighton	Individual	Zambezi	Written					
217.	Zhaimo Happy	Individual	Zambezi	Written					
218.	Anthony Kayombo	Individual	Zambezi	Written					
219.	Fumole Teteka	Individual	Zambezi	Written					
220.	Mazauka Emily	Individual	Zambezi	Written		✓			
221.	Kavyanga Roymond	Individual	Zambezi	Written					
222.	Lufunda Ruth	Individual	Zambezi	Written		✓			
223.	Chingelesu Kasweka	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
224.	Glorie Mbaulu	Individual	Zambezi	Written		✓			
225.	Lumbongo Emeldah	Individual	Zambezi	Written					
226.	Chinyama Happy Sakayi	Individual	Zambezi	Written					
227.	Lufunda Frank	Individual	Zambezi	Written					
228.	Chala Memory Sombo	Individual	Zambezi	Written					
229.	Wayecha Angela	Individual	Zambezi	Written		✓			
230.	Kalevu Mary	Individual	Zambezi	Written		✓			
231.	Chinyama Kawinji	Individual	Zambezi	Written					
232.	Sapalata Chrispin Kapalu	Individual	Zambezi	Written					
233.	Luneta Joseph	Individual	Zambezi	Written					
234.	Lijimu Molly	Individual	Zambezi	Written					
235.	Muzata Mahongo	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
236.	Micah Salumayi	Individual	Zambezi	Written					
237.	Muzata Chilombo	Individual	Zambezi	Written					
238.	Chinglesu Kayombo M.	Individual	Zambezi	Written					
239.	Chikwepe Sombo	Individual	Zambezi	Written					
240.	Sukili John	Individual	Zambezi	Written					
241.	Kalova Patricia	Individual	Zambezi	Written		✓			
242.	Kutemba Kayombo	Individual	Zambezi	Written					
243.	Mangunga Mangunga	Individual	Zambezi	Written					
244.	Mulema Beauty	Individual	Zambezi	Written		✓			
245.	Mesele Jonas	Individual	Zambezi	Written					
246.	Citoma Kakulu	Individual	Zambezi	Written					
247.	Fwoloshi Brenda	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
248.	Lindula Musengo	Individual	Zambezi	Written					
249.	Livingi Misheck	Individual	Zambezi	Written					
250.	Austin Chinyemba	Individual	Zambezi	Written					
251.	Chiteta Kahokola	Individual	Zambezi	Written					
252.	Milishi Abel	Individual	Zambezi	Written					
253.	Chiyayu G	Individual	Zambezi	Written					
254.	Mbeyi Chnyemba	Individual	Zambezi	Written					
255.	Loloji Chitengi	Individual	Zambezi	Written					
256.	Lumayi Chiaze	Individual	Zambezi	Written					
257.	Given Lukhama	Individual	Zambezi	Written					
258.	Eunice Likomeno	Individual	Zambezi	Written					
259.	Sachikinda Kasweka	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
260.	Sangambo Methan	Individual	Zambezi	Written					
261.	Senzu Wota	Individual	Zambezi	Written					
262.	Kahokola P	Individual	Zambezi	Written					
263.	Kayombo Godwin	Individual	Zambezi	Written					
264.	Fabrian	Individual	Zambezi	Written					
265.	Livingi Masela	Individual	Zambezi	Written					
266.	Chinyemba Kapalu Freddy	Individual	Zambezi	Written					
267.	Kakoma Monica	Individual	Zambezi	Written					
268.	Sesa Mahongo	Individual	Zambezi	Written					
269.	Livingi Ruth	Individual	Zambezi	Written					
270.	Kandonlya Obby	Individual	Zambezi	Written					
271.	Chinyama Kapalu	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
272.	Chikomo Muyinda	Individual	Zambezi	Written					
273.	Kakoma Rosemary	Individual	Zambezi	Written		✓			
274.	Chitengi Vincent	Individual	Zambezi	Written					
275.	Salimboji Gift	Individual	Zambezi	Written					
276.	Kanguya Anastasia	Individual	Zambezi	Written					
277.	Kapitiya Patrick	Individual	Zambezi	Written					
278.	Mirriam Mupila	Individual	Zambezi	Written		✓			
279.	Malasa Kayombo	Individual	Zambezi	Written					
280.	Mukochi Moses	Individual	Zambezi	Written					
281.	Mwanangombe Richard	Individual	Zambezi	Written					
282.	Biemba Violet	Individual	Zambezi	Written		✓			
283.	S. Vincent	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
284.	Sakatengo Jordan	Individual	Zambezi	Written					
285.	Sakasweka	Individual	Zambezi	Written					
286.	Caiphus Musumali	Individual	Zambezi	Written					
287.	Chinyama Racecca	Individual	Zambezi	Written					
288.	Lemba Emelda	Individual	Zambezi	Written					
289.	Sakalenda Kezia	Individual	Zambezi	Written					
290.	Aaron Mungowa	Individual	Zambezi	Written					
291.	Kangenda Warren	Individual	Zambezi	Written					
292.	Sangambo Martha	Individual	Zambezi	Written		✓			
293.	Samalesu Stephen	Individual	Zambezi	Written					
294.	Collins Masawu	Individual	Zambezi	Written					
295.	Kalulu Sunday	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
296.	Sawemba Kakoma	Individual	Zambezi	Written					
297.	Kakoma Aaron	Individual	Zambezi	Written					
298.	Kaumba Richard	Individual	Zambezi	Written					
299.	Kayelu Phillip	Individual	Zambezi	Written					
300.	Kapuwa Musole	Individual	Zambezi	Written					
301.	Kanjimi Davy	Individual	Zambezi	Written					
302.	Chinguvu Moses	Individual	Zambezi	Written					
303.	Chinyama Petulu	Individual	Zambezi	Written					
304.	Sandu Stellah	Individual	Zambezi	Written		✓			
305.	Ngambo Masuwa	Individual	Zambezi	Written					
306.	Kambangu Getrude	Individual	Zambezi	Written					
307.	Sakapalu Mary	Individual	Zambezi	Written		✓			

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
308.	Chinyama Sunday	Individual	Zambezi	Written					
309.	Kavuyi Sakalenda	Individual	Zambezi	Written					
310.	Mbalasa Kasanga	Individual	Zambezi	Written					
311.	Kasanga Mable	Individual	Zambezi	Written					
312.	Khyishala Florence	Individual	Zambezi	Written					
313.	Ngombo Mukosayi	Individual	Zambezi	Written					
314.	Kapyololo Luchiya	Individual	Zambezi	Written					
315.	Chikenge Harold Mwila	Individual	Zambezi	Written					
316.	Eddie Kaomba	Individual	Zambezi	Written					
317.	Mangilasi Chiteta	Individual	Zambezi	Written					
318.	Sachikote Maggie	Individual	Zambezi	Written					
319.	Fwalanga Clera	Individual	Zambezi	Written		✓			

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
320.	Ngombo Flina	Individual	Zambezi	Written					
321.	Franco Chiteta Kapeshi	Individual	Zambezi	Written					
322.	Chipi Joy	Individual	Zambezi	Written		✓			
323.	Mutokoma Grace	Individual	Zambezi	Written		✓			
324.	Webster Chinyama	Individual	Zambezi	Written					
325.	Titima Mufuka	Individual	Zambezi	Written					
326.	Salimboji Sila	Individual	Zambezi	Written					
327.	Ngweke Khyombo Runnel	Individual	Zambezi	Written					
328.	Solochi Ngebe	Individual	Zambezi	Written					
329.	Lumingo Chrispin	Individual	Zambezi	Written					
330.	Solochi Peter	Individual	Zambezi	Written					
331.	Putu Kayombo	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
332.	Solochi Joyce	Individual	Zambezi	Written					
333.	Muswenyesa Agness	Individual	Zambezi	Written					
334.	Puthu Sandra	Individual	Zambezi	Written		✓			
335.	Kuluvwa Kalumbu	Individual	Zambezi	Written					
336.	Kaputungu Stephen	Individual	Zambezi	Written					
337.	Kaputungy Kenneth	Individual	Zambezi	Written					
338.	Chikupiko Jackson	Individual	Zambezi	Written					
339.	Kahovwa Gloria	Individual	Zambezi	Written		✓			
340.	Mususu Purity	Individual	Zambezi	Written		✓			
341.	Samachaka Wika	Individual	Zambezi	Written					
342.	Kapondola Sydney	Individual	Zambezi	Written					
343.	Saputo Coming	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
344.	Mukumbi Milimo	Individual	Zambezi	Written					
345.	Kasoka Wezzy	Individual	Zambezi	Written					
346.	Shimishi Kelvin	Individual	Zambezi	Written					
347.	Samusile Kashimbi	Individual	Zambezi	Written					
348.	Kangela Gift	Individual	Zambezi	Written					
349.	Ngonga Lito Ackim	Individual	Zambezi	Written					
350.	Lenge Zuyana	Individual	Zambezi	Written					
351.	Lumayi Jonathan	Individual	Zambezi	Written					
352.	Katombi Catherine	Individual	Zambezi	Written		✓			
353.	Chilesu Trywell	Individual	Zambezi	Written					
354.	Mildred Kakoma	Individual	Zambezi	Written					
355.	Mulema Beauty	Individual	Zambezi	Written		✓			

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
356.	Sylvester Kaumba	Individual	Zambezi	Written					
357.	Chiforis Kaumbuna	Individual	Zambezi	Written					
358.	Kaleji Chrispin	Individual	Zambezi	Written					
359.	George Samende	Individual	Zambezi	Written					
360.	Loloji Raphael	Individual	Zambezi	Written					
361.	L. Kombeshi Mildred	Individual	Zambezi	Written					
362.	Kalowa John	Individual	Zambezi	Written					
363.	Kabemba Joseph	Individual	Zambezi	Written					
364.	Kajila Norrha	Individual	Zambezi	Written					
365.	Kalyolole Gladys	Individual	Zambezi	Written		✓			
366.	Dennis Musumali	Individual	Zambezi	Written					
367.	Sakaunga Gift	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
368.	Moses Sambundu	Individual	Zambezi	Written					
369.	Sangambo Geofrey	Individual	Zambezi	Written					
370.	Muzaza Rodgers	Individual	Zambezi	Written					
371.	Lupasha Kayina	Individual	Zambezi	Written					
372.	Munembo Nalusha	Individual	Zambezi	Written					
373.	Chipoya Anna	Individual	Zambezi	Written					
374.	Addrel Sambundu	Individual	Zambezi	Written					
375.	Douglas Kanyanda	Individual	Zambezi	Written					
376.	Kakoma Pezo	Individual	Zambezi	Written					
377.	Musau Kahilu	Individual	Zambezi	Written					
378.	Titima Edwin	Individual	Zambezi	Written					
379.	Chiyuka Beatrice	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
380.	Michiklu Coster	Individual	Zambezi	Written					
381.	Besa Kakoma	Individual	Zambezi	Written					
382.	Mateyo Anna	Individual	Zambezi	Written					
383.	Mangilasi Chiteta	Individual	Zambezi	Written					
384.	Kakoma Brian	Individual	Zambezi	Written					
385.	Muzanga Kenny	Individual	Zambezi	Written					
386.	Salumayi Maybin	Individual	Zambezi	Written					
387.	Kakoma Kasayi	Individual	Zambezi	Written					
388.	Manjimela Rinah	Individual	Zambezi	Written					
389.	Chinyama Likola	Individual	Zambezi	Written					
390.	Chinoya Muzanga	Individual	Zambezi	Written					
391.	Salumayi Maybin	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
392.	Lukhama Chitengi	Individual	Zambezi	Written					
393.	Kachama Charles	Individual	Zambezi	Written					
394.	Chiwema Martin	Individual	Zambezi	Written					
395.	Chinyama Matthews	Individual	Zambezi	Written					
396.	Kambongi Chijika	Individual	Zambezi	Written					
397.	Memory Sakayi	Individual	Zambezi	Written					
398.	Choza Charity	Individual	Zambezi	Written					
399.	Masumba Evans	Individual	Zambezi	Written					
400.	Kakoho Phezo	Individual	Zambezi	Written					
401.	Chilenu Mildred	Individual	Zambezi	Written					
402.	Chitambala Sombo	Individual	Zambezi	Written					
403.	Kayombo Aniya	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
404.	Obrian Kanmba	Individual	Zambezi	Written					
405.	Priscar Luwaya	Individual	Zambezi	Written					
406.	Shimishi Davis	Individual	Zambezi	Written					
407.	Kapita Charity	Individual	Zambezi	Written					
408.	Kasoka Jinca	Individual	Zambezi	Written					
409.	Musengo Sakayi	Individual	Zambezi	Written					
410.	Munganga Clifford	Individual	Zambezi	Written					
411.	Muloji Chinyama	Individual	Zambezi	Written					
412.	Samuhata Joyce	Individual	Zambezi	Written					
413.	Muloji Carol	Individual	Zambezi	Written					
414.	Ngelenge Nibert	Individual	Zambezi	Written					
415.	Samutonga Rabecca	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
416.	Chilunda Richard	Individual	Zambezi	Written					
417.	Chilunda John	Individual	Zambezi	Written					
418.	Sitali Annah	Individual	Zambezi	Written					
419.	Chuma Lufunda	Individual	Zambezi	Written					
420.	Mbundu Kayina	Individual	Zambezi	Written					
421.	Sukili Mutute	Individual	Zambezi	Written					
422.	Chilanda Agness	Individual	Zambezi	Written					
423.	Ndonji Steve	Individual	Zambezi	Written					
424.	Machaina	Individual	Zambezi	Written					
425.	Sandando Isaac	Individual	Zambezi	Written					
426.	Chonole Joyce	Individual	Zambezi	Written					
427.	Kapalu Victor	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
428.	Sandando Deness	Individual	Zambezi	Written					
429.	Mutondo Marious	Individual	Zambezi	Written					
430.	Maliti Kelvin	Individual	Zambezi	Written					
431.	Sandando Simon	Individual	Zambezi	Written					
432.	Zombela Chiteta	Individual	Zambezi	Written					
433.	Chikwangu Chinyama	Individual	Zambezi	Written					
434.	Katolo Chitengi	Individual	Zambezi	Written					
435.	Mutale Willies	Individual	Zambezi	Written					
436.	Samuhata Catrerine	Individual	Zambezi	Written					
437.	Muhongo Mupende	Individual	Zambezi	Written					
438.	Mukwao Muoole	Individual	Zambezi	Written					
439.	Victor Chiyokola	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
440.	Mususu Charles	Individual	Zambezi	Written					
441.	Chinjongo Kebby	Individual	Zambezi	Written					
442.	Kakoho Pretty	Individual	Zambezi	Written					
443.	Michael Mbewe	Individual	Zambezi	Written					
444.	Samumbamba Musole	Individual	Zambezi	Written					
445.	Chinyemba Musumali	Individual	Zambezi	Written					
446.	Rose Sakuwana	Individual	Zambezi	Written		✓			
447.	Mbangu Musau	Individual	Zambezi	Written					
448.	Samalesu John	Individual	Zambezi	Written					
449.	Lumayi Violet	Individual	Zambezi	Written					
450.	Mapachi Mirriam	Individual	Zambezi	Written		✓			
451.	Reagan Njombi	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
452.	Moses Chilonga	Individual	Zambezi	Written					
453.	Kanyando Ruth	Individual	Zambezi	Written		✓			
454.	Robert Potanta	Individual	Zambezi	Written					
455.	Kakuku Jackson	Individual	Zambezi	Written					
456.	Mukuku Leyo	Individual	Zambezi	Written					
457.	Kakoma Collins	Individual	Zambezi	Written					
458.	Mutondo Martin	Individual	Zambezi	Written					
459.	Patrick Samende	Individual	Zambezi	Written					
460.	Saulembo Chinyama	Individual	Zambezi	Written					
461.	Kakoho Mushilinjinji	Individual	Zambezi	Written					
462.	Masawa Given	Individual	Zambezi	Written	✓				
463.	Mutango Makeche	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
464.	Malinda Mwanda	Individual	Zambezi	Written					
465.	Malinda Aaron	Individual	Zambezi	Written	✓				
466.	Malinda Kakoma	Individual	Zambezi	Written					
467.	Chinyama Mathews	Individual	Zambezi	Written					
468.	Kambanbau Getrude	Individual	Zambezi	Written					
469.	Kapalu Kambukwe	Individual	Zambezi	Written					
470.	Sachikinda Kasweka	Individual	Zambezi	Written					
471.	Muzeya Maggie	Individual	Zambezi	Written		✓			
472.	Kakoho Kahalu	Individual	Zambezi	Written					
473.	Chinyama Kayombo	Individual	Zambezi	Written					
474.	Phulu Christine	Individual	Zambezi	Written		✓			
475.	Willy Maseka	Individual	Zambezi	Written	✓				

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
476.	Gloria Muzala Chilila	Luvale Women Group	Zambezi	Written		✓			
477.	Malichi Kamwengo	Individual	Zambezi	Written					
478.	Chipoyo Regina	Individual	Zambezi	Written		✓			
479.	Muyenga Moreen	Individual	Zambezi	Written		✓			
480.	Kapenda Astrida	Individual	Zambezi	Written		✓			
481.	Saviye Anna	Individual	Zambezi	Written		✓			
482.	Muzeya Maggie	Individual	Zambezi	Written		✓			
483.	Kakoho Kahalu	Individual	Zambezi	Written		✓			
484.	Chinyama Kayombo	Individual	Zambezi	Written		✓			
485.	Phulu Christine	Individual	Zambezi	Written		✓			
486.	Willy Maseka	Individual	Zambezi	Written	✓				
487.	Chinyama Sylvester	Individual	Zambezi	Written	✓				

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
488.	Satepa Daphine	Individual	Zambezi	Written		✓			
489.	Musumali Samba	Individual	Zambezi	Written		✓			
490.	Kaviswile Given	Individual	Zambezi	Written		✓			
491.	Sonjongo Maggie	Individual	Zambezi	Written		✓			
492.	Sambundu Kennedy	Individual	Zambezi	Written	✓				
493.	Chinoya Gift	Individual	Zambezi	Written					
494.	Chawema Rose	Individual	Zambezi	Written		✓			
495.	Chilunda Kauanda	Individual	Zambezi	Written					
496.	Malichi Kamwengo	Individual	Zambezi	Written					
497.	Musalo Matrix	Individual	Zambezi	Written					
498.	Mbangu Bridget	Individual	Zambezi	Written		✓			
499.	Lukama Ronald	Individual	Zambezi	Written	✓				

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
500.	Maseka Grace Pezo	Individual	Zambezi	Written		✓			
501.	Makiyi Mary	Individual	Zambezi	Written		✓			
502.	Chipoya Regina	Individual	Zambezi	Written		✓			
503.	Makondo Beauty	Individual	Zambezi	Written		✓			
504.	Maseka Memory	Individual	Zambezi	Written		✓			
505.	Mundongo Kelvin	Individual	Zambezi	Written	✓				
506.	Kaleji Eddy	Individual	Zambezi	Written	✓				
507.	Kayawe Herold	Individual	Zambezi	Written	✓				
508.	Mukuma Willy	Individual	Zambezi	Written	✓				
509.	Kanguya Grantern	Individual	Zambezi	Written					
510.	Alice Pulu	Individual	Zambezi	Written		✓			
511.	Kanguya Grantern	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
512.	Alice John Pulu	Individual	Zambezi	Written					
513.	Chinoya Raphael	Individual	Zambezi	Written	✓				
514.	Liwema Gift	Individual	Zambezi	Written	✓				
515.	Kapwali Leonard	Individual	Zambezi	Written	✓				
516.	Mitelembe Rodgers	Individual	Zambezi	Written	✓				
517.	Mahongo Chinyama	Individual	Zambezi	Written					
518.	Kasweka Richard	Individual	Zambezi	Written					
519.	Charlse Kamboyi	Individual	Zambezi	Written					
520.	Alice Kapalu	Individual	Zambezi	Written					
521.	Joshua Livingi	Individual	Zambezi	Written					
522.	Chinyama Womba	Individual	Zambezi	Written					
523.	Daphine Litwayi	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
524.	Chinoya Moses	Individual	Zambezi	Written	✓				
525.	Chinyama Grace	Individual	Zambezi	Written		✓			
526.	Chinoya Richard	Individual	Zambezi	Written					
527.	Yowano Milton Jingisa	Individual	Zambezi	Written					
528.	Mbumba Edson Mushivi	Individual	Zambezi	Written					
529.	Kamuchi Peggy Kaseku	Individual	Zambezi	Written		✓			
530.	Kakoma Reagan	Individual	Zambezi	Written	✓				
531.	Mukube Musole Mavis	Individual	Zambezi	Written		✓			
532.	Solochi Mbilinga	Individual	Zambezi	Written					
533.	Zuze Rhoda	Individual	Zambezi	Written		✓			
534.	Kaseku Eva	Individual	Zambezi	Written		✓			
535.	Kakoho Mary	Individual	Zambezi	Written		✓			

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
536.	Chisambkie Elvin	Individual	Zambezi	Written					
537.	Mirriem Mupila	Individual	Zambezi	Written					
538.	Fumbezo Kathy Kayina	Individual	Zambezi	Written					
539.	Sakuwaha Rose	Individual	Zambezi	Written		✓			
540.	Kapaku Miniver	Individual	Zambezi	Written		✓			
541.	Kamavu Chrispin Chinyama	Individual	Zambezi	Written	✓				
542.	Chinoya Lyambayi Charity	Individual	Zambezi	Written		✓			
543.	Chinyama Hope	Individual	Zambezi	Written		✓			
544.	Mutango Makeche	Individual	Zambezi	Written					
545.	Kazanga Mildred	Individual	Zambezi	Written		✓			
546.	Chikwanda Nyawanda	Individual	Zambezi	Written					
547.	Mbeyi Moses Nyamba	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
548.	Kutemba Doris	Individual	Zambezi	Written		✓			
549.	Mutombo Gift	Individual	Zambezi	Written					
550.	Sapilinya Mukobe	Individual	Zambezi	Written					
551.	Kanawa Deborah	Individual	Zambezi	Written		✓			
552.	Kaumba Kamiza	Individual	Zambezi	Written					
553.	Samatunga Ruth	Individual	Zambezi	Written		✓	✓		
554.	Kawana Sombo	Individual	Zambezi	Written		✓			
555.	Luwaya Kajila	Individual	Zambezi	Written					
556.	Likola Doris	Individual	Zambezi	Written		✓			
557.	Kakoma Salute	Individual	Zambezi	Written					
558.	Chinyama Paul	Individual	Zambezi	Written	✓				
559.	Likola Mable	Individual	Zambezi	Written		✓			

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
560.	Muzanga Moses	Individual	Zambezi	Written	✓				
561.	Makina Joseph	Individual	Zambezi	Written	✓				
562.	Lufunda Andrew	Individual	Zambezi	Written	✓				
563.	Samapazi Brenda	Individual	Zambezi	Written		✓			
564.	Katoti Rose	Individual	Zambezi	Written		✓			
565.	Chikuwa Martha	Individual	Zambezi	Written		✓			
566.	Chisambwe Weezy	Individual	Zambezi	Written					
567.	Kapita Grandah	Individual	Zambezi	Written					
568.	Mukuma Mahongo	Individual	Zambezi	Written					
569.	Chipalala Nyalute	Individual	Zambezi	Written					
570.	Chingeji Richard	Individual	Zambezi	Written					
571.	Chilonga Joyce	Individual	Zambezi	Written		✓			

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
572.	Lyindula Kakoma	Individual	Zambezi	Written					
573.	Rose Katoti	Individual	Zambezi	Written		✓			
574.	Chilonga Joyce	Individual	Zambezi	Written		✓			
575.	Mwanangombe Richard	Individual	Zambezi	Written	✓				
576.	Sakatengo Jordan	Individual	Zambezi	Written					
577.	Chinyama Rabecca	Individual	Zambezi	Written		✓			
578.	Kasungulu Betty Pezo	Individual	Zambezi	Written		✓			
579.	Malesu Hildah	Individual	Zambezi	Written		✓			
580.	Chipula Jane	Individual	Zambezi	Written		✓			
581.	Mungonga Clifford	Individual	Zambezi	Written					
582.	Chinoya Geofrey	Individual	Zambezi	Written					
583.	Mundanya Bridget	Individual	Zambezi	Written		✓			

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
584.	Sachisola Charles	Individual	Zambezi	Written					
585.	Mutondo Martin	Individual	Zambezi	Written					
586.	Samatumbo Obedience	Individual	Zambezi	Written					
587.	Chilunga Phillis	Individual	Zambezi	Written					
588.	Kasoma Racheal	Individual	Zambezi	Written		✓			
589.	Nyundu Mercy	Individual	Zambezi	Written		✓			
590.	Kaposhi Richard	Individual	Zambezi	Written					
591.	Kanjembe Ruth	Individual	Zambezi	Written		✓			
592.	Shimishi Sombo	Individual	Zambezi	Written					
593.	Mutondo William	Individual	Zambezi	Written	✓				
594.	Chipoya Florence	Individual	Zambezi	Written		✓			
595.	Sakaunga Micah	Individual	Zambezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
596.	Kaumba Elias	Individual	Zambezi	Written	✓				
597.	Kaumba Pezo	Individual	Zambezi	Written					
598.	Kamboyi Misheck	Individual	Zambezi	Written					
599.	Salumayi Maybin	Individual	Zambezi	Written					
600.	Sachisola Diana	Individual	Zambezi	Written		✓			
601.	Saviye Melody	Individual	Zambezi	Written		✓			
602.	Saviye Kayombo	Individual	Zambezi	Written					
603.	Chinyemba Douglas	Individual	Zambezi	Written					
604.	Kalungungu Mashimbo	Individual	Zambezi	Written					
605.	Lumingo Sombo	Individual	Zambezi	Written					
606.	Kalyolole Moses	Individual	Zambezi	Written	✓				
COPPERBET PROVINCE									

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
607.	Binwell Mumba	Individual	Mpongwe	Oral	✓				
608.	Chifita Benson	Individual	Mpongwe	Oral	✓				
609.	Rasford Bulaya	Individual	Mpongwe	Oral	✓				
610.	Paraji Chisala	Federation of People Living with Disabilies	Mpongwe	Oral	✓				
611.	Humphrey Chibundi	Baptist Church	Mpongwe	Oral	✓				
612.	Handra Musumali	Individual	Mpongwe	Oral	✓				
613.	Ezekiel Andeleki	Individual	Mpongwe	Oral	✓				
614.	Rev. Chepela Chileshe	United Church of Zambia	Mpongwe	Oral	✓				
615.	Christabel Nsonfwa	Zambia Agency for Persons with Disabilities	Mufulira	Written		✓			
616.	A. Mali	UPND	Mufulira	Written	✓				
617.	Martin Kampamba	Individual	Mufulira	Written	✓				
618.	Bishop Ellison Bwalya	Independent Churches of Zambia	Mufulira	Written	✓				

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
619.	Honourable Sandie		Mufulira	Written	✓				
620.	Emmanuel Kasale	Individual	Chingola	Written	✓				
621.	Ian Chomba	Individual	Chingola	Written	✓				
622.	Anthony Ndhlovu	Individual	Chingola	Written	✓				
623.	David Nyirenda	Individual	Chingola	Written	✓				
624.	Chilando Mutale	Individual	Chingola	Written	✓				
625.	John Kaluwe	Individual	Chingola	Written	✓				
626.	Dominic Kapalu	Individual	Chingola	Written	✓				
627.	Limata Willie	Individual	Chingola	Written	✓				
628.	Linenga Danny	Individual	Chingola	Written	✓				
629.	Dominic Chisala	Individual	Chingola	Written	✓				
630.	Bellington Musonda	Individual	Chingola	Written	✓				

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
631.	Hope Nyimbili	Children in Distress Initiative	Chingola	Written	✓				
632.	Daphne Kachamba	Individual	Chingola	Written	✓				
633.	Sombo Kawililia	DVEC	Luanshya	Written	✓				
634.	Pastor Steve Kase	Clergy	Chililabombwe	Written	✓				
635.	Smart Stephen Mumba	District HIV/AIDS Coordinator	Chililabombwe	Written	✓				
636.	Democratic Governance and Human Rights Advocate s (DEGHA)	Democratic Governance and Human Rights Advocate s (DEGHA)	Kitwe	Written	✓				
637.	Saddock Banda	Kawama Ward	Kitwe	Written	✓				
638.	Macmillan Mbao	Rokana Ward Councillor	Kitwe	Written	✓				
639.	Jackson Mbewe	Caritas Zambia	Kitwe	Written	✓				
640.	Professor Naison Ngoma	People's Pact	Kitwe	Written	✓				
641.	Mr. Shalubala	UPND	Kalulushi	Written	✓				
642.	Brian Bwalya	Individual	Kalulushi	Written	✓				

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
643.	Alick Nkhoma	Zambia Deaf Youth and Women	Ndola	Written	✓				✓
644.	Annie Chilufya	Zambia Women's Lobby	Ndola	Written		✓			
645.	Dr. Friday Mexyziel Chisulo	Dag Ward WDEC Chairperson	Ndola	Written	✓				
646.	George Mulenga (DEO)	Society of Local Authority Chief Executive Officers	Ndola	Written	✓				
647.	Robert Katati	FODEP	Ndola	Written	✓				
648.	Komiwe Zulu	Zambia National Women's Lobby	Ndola	Written		✓			
649.	Kalusha M. Kabeka	Dag Ward/Isoma Zone	Ndola	Written	✓				
650.	George Mulenga	Individual	Ndola	Written	✓				
651.	Dr. Chirambo	Socialist Party	Ndola	Written	✓				
652.	Gabriel Muyembe65	Zambia Wake Up Party	Ndola	Written	✓				
653.	Cynthia Shaba	NGOCC	Ndola	Written		✓			
654.	Epheso Monze	DVEC	Ndola	Written	✓				

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
655.	Cretas Kapatu	Individual	Ndola	Written	✓				
656.	Saili Nyondo	Green Party	Ndola	Written	✓				
657.	Sylvia Sula	Advocates for Democratic Governance Foundation (ADEG)	Ndola	Written		✓			
658.	Mwiya Songolo	Individual	Ndola	Written	✓				
659.	Hambai Mweetwa	Individual	Ndola	Written	✓				
660.	UPND- Ndola District Secretariat	UPND	Ndola	Written	✓				
661.	Joe Mulonda	Individual	Ndola	Written	✓				
662.	Herrick Jere	Individual	Ndola	Written	✓				
663.	Fewdays Lumbwe	Kanyanje Ward Councillor	Ndola	Oral	✓				
664.	Charles Chunda Ngesa	Reasoning Assurance Party	Ndola	Oral	✓				
665.	Anonymous Submitter	Individual	Ndola	Oral	✓				
666.	Evelyn Chenda	Individual	Ndola	Oral		✓			

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
667.	David Simutowe	Individual	Ndola	Written	✓				
CENTRAL PROVINCE									
668.	Samuel Phiri	Revival Christian Fellowship Ministry	Chisamba	Written	✓				
669.	Felix Machona	Individual	Chisamba	Written	✓				
670.	Geoffrey Mwambazi	Chibombo Central Ward Councilor	Chibombo	Written					
671.	Frazee Benkele	Ipongo Ward Councilor	Chibombo	Written					
672.	Kelvin Chimangani	Chunga Ward Councilor	Chibombo	Written					
673.	Kelvin Mutende	Mungule Ward Councilor	Chibombo	Written					
674.	David Chiteta	Chitanda Ward Councilor	Chibombo	Written					
675.	Geoffrey Makwangela	Kamaila Ward	Chibombo	Written					
676.	Dr. Amos Mbulo	Royal Highness Chief Shaibila	Mkushi	Written					
677.	Getrude Banda	Zambia National Women's Lobby	Mkushi	Written		✓			

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
678.	Sinatra Chibuye	SACCORD	Mkushi	Written					
679.	Godwin Zulu	AVAP	Mkushi	Written					
680.	Rev. Rodwell Chilembo	Clergy	Mkushi	Written					
681.	Catholic Commission for Justice and Peace	CCJP	Mkushi	Oral					
682.	Cosmas Mufaya	Individual	Ngabwe	Written	✓				
683.	Christopher Habukali	Individual	Ngabwe	Written	✓				
684.	B. Hachiwa	Individual	Ngabwe	Written	✓				
685.	Chapula Mulilo	Lwamala Ward Councilor	Ngabwe	Written	✓				
686.	Best Mambwe	Socialist Party	Serenje	Written	✓				
687.	Jimmy Nsama	DVEC/AVAP	Serenje	Written	✓				
688.	Sydney Kabamba	Individual	Chitambo	Written	✓				
689.	FODEP	FODEP	Chitambo	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
690.	Persons with Disabilities	Persons with Disabilities	Chitambo	Oral					
691.	Socialist Party	Socialist Party	Chitambo	Oral					
692.	UPND	UPND	Chitambo	Oral					
693.	Chali K Mwansa	Individual	Luano	Written					
694.	John Sakala	Individual	Shibuyunji	Written					
695.	Moses Chinyama	FODEP	Mumbwa	Written	✓				
696.	Charles Mulukisi	DVEC	Mumbwa	Written	✓				
697.	Bishop Shadreck Chembe	IndelCOZ)pendent Churches of Zambia (	Mumbwa	Written	✓				
698.	Febby Imbula	Anti-Voter Apathy	Mumbwa	Written		✓			
699.	Christian Churches Monitoring Group	ChristianChurches Monitoring Group	Mumbwa	Written	✓				
700.	Youth Arise Zambia	Youth Arise Zambia	Kapiri-mposhi	Written					
701.	Women Development Committee	Women Development Committee	Kapiri-mposhi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
702.	Charles Chamba	Operations Young Vote	Kabwe	Written					
703.	Bob Kayukwa	Individual	Kabwe	Written					
704.	Kambani Nyangu-Makululu	Individual	Kabwe	Written					
705.	Litia Maata	Individual	Kabwe	Written					
706.	Jackson Makungu	Individual	Kabwe	Oral					
707.	Espina Ngosa-Katondo	Individual	Kabwe	Oral		✓			
708.	Jimmy Webby Katebe	Localized Zambian Education and Politics	Kabwe	Written	✓				
709.	Patriotic Front	Patriotic Front	Kabwe	Written	✓				
710.	Prof. Naison Ngoma	People's Pact	Kabwe	Written	✓				
711.	Chomba Mutembo	Individual	Kabwe	Written	✓				
712.	Patrick Dube	Socialist Party	Kabwe	Written	✓				
713.	Yona Mbewe	Advocates for Democratic Governance Foundation	Kabwe	Written	✓				

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
714.	Rebecca Mtonga Mseteka	NGOCC	Kabwe	Written		✓			
715.	Godfrey Mulenga	Zambia Association of the Blind	Kabwe	Written	✓				✓
716.	Paul Stephen Salali	Individual	Kabwe	Written	✓				
717.	Alinuwila Singoyi	Individual	Kabwe	Written	✓				
718.	Obino Musonda	Disabled People's Organization	Kabwe	Written	✓				✓
719.	Namakua Nawa	Community Action Focus	Kabwe	Oral	✓				
720.	Wesley Sikombe	Individual	Kabwe	Oral	✓				
721.	Anastazia Fundulu Nchimunya	Inclusive Society Foundation	Kabwe	Written		✓			✓
722.	Charles Cheelo	Individual	Kabwe	Oral	✓				✓
723.	David Kaunda	Friends of Society	Kabwe	Oral	✓				✓
724.	Davies Mwanza	FODEP	Kabwe	Written	✓				
725.	Persons with Disabilities	Persons with Disabilities	Kabwe	Written	✓				

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
726.	L. Chirwa	Zambia Police Service – Central Division	Kabwe	Witten	✓				
727.	Angel Kawana	Caritas Zambia	Kabwe	Written	✓				
728.	Benard Mambwe	Individual	Kabwe	Oral	✓				
729.	Laston Mulilo	Youth Arise Zambia/CYLA	Kabwe	Written	✓				
730.	Racheal Mulele	Youth Arise Zambia/CYLA	Kabwe	Written		✓			
731.	Amon Ncube Chigada	Kwame Nkruma University Students	Kabwe	Oral	✓				
732.	Frederick Mulando	Alliance for Democracy and Development	Kabwe	Oral	✓				
EASTERN PROVINCE									
733.	John Zulu	Socialist Party	Chipata	Written & Oral					
734.	Blessed Ngwane	FODEP	Chipata						
735.	Maumba Ngoma	AVAP	Chipata						
736.	Leviticus Banda	OYV	Chipata	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
737.	Isaac Njekwa	Citizens First	Chipata						
738.	Danton Ndhlovu	Citizens First	Chipata						
739.	Caritas Zambia	Caritas Zambia	Chipata	Written					
740.	Dorothy Ndhlovu	NGOCC	Chipata	Written					
741.	Idias Phiri	Individual	Chipata						
742.	Alufeyo Phiri	Individual	Chipata						
743.	Machisa Zimba	Individual	Chipata						
744.	Chinoya Muyeye	Individual	Chipata						
745.	Paul Muyanga	Individual	Chipata						
746.	Mthaziko Zulu John	Individual	Chipata						
747.	Noah Simpasa	Individual	Chipata						
748.	Shalom Mulenga	Individual	Chipata	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
749.	Ahepha Banda	Individual	Chipata						
750.	Mabvuto Nyirenda	Individual	Chipata						
751.	Boyce Owen Mbewe	Individual	Chipata	Oral					
752.	Fr. Chonde Phiri	Individual	Chipata	Written					
753.	Julius D. Phiri	Individual	Chipata	Written					
754.	Jacob Mwanza	Individual	Chipata						
755.	Nyimbili Philimon A.	Individual	Chipata						
756.	Patricia Mwale	Individual	Chipata	Written					
757.	Pearson Mtonga	Individual	Chipata						
758.	Donald K. Mwanza	Individual	Chipata						
759.	Anderson Zulu	Individual	Chipata	Oral					
760.	Johnstone M. Silungwe	Individual	Chipata	Oral					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
761.	Bishop J.M. Amukusana	Individual	Chipata	Oral & Written					
762.	Hannilie Heising	Individual	Chipangali	Oral					
763.	Joseph Peter Phiri	Individual	Chipata	Oral					
764.	Beausen Mwiinga		Chipata	Oral					
765.	Mathews Nyambilani		Petauke	Oral					
766.	Andisen Banda		Chipata	Oral					
767.	Elijah Minga	Individual	Petauke	Written					
768.	Peter Tembo	Patriotic Front	Lundazi	Written					
769.	Witness Phiri	Patriotic Front	Lundazi	Written					
770.	Anonymous		Vubwi	Written					
771.	Boniface Phiri	DEO	Chipangali	Oral					
772.	Jeff Mwenge	Individual	Chasefu	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
773.	Rev. Lovemore Nyirenda		Chasefu	Written					
774.	Jameson Miti	CAPD	Chasefu	Written					
775.	Richard Nyirenda	Individual	Chasefu						
776.	Happy Zimba		Chadiza	Written					
777.	Howard Kalale		Chadiza						
778.	Richard Zimba		Chadiza						
779.	Tina Makumba Phiri		Chadiza						
780.	Hon Alexander Miti		Kasenengwa	Written					
781.	Hon Peter Mwenda		Kasenengwa						
782.	Hon Aklas Miti		Kasenengwa						
783.	George M. Mwanza		Sinda	Written					
784.	Adamson Mwanza		Sinda	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
785.	Moffat Banda		Sinda	Written					
786.	Dailess Mvula		Sinda	Written					
787.	Michael Rich Mwanza		Sinda	Written					
788.	Clement Phiri		Sinda	Written					
789.	Adrian Banda		Sinda	Written					
790.	Deborah Banda		Sinda	Written					
791.	Rev Y.K. Ndhlovu		Sinda	Written					
792.	Chola Musha		Sinda	Written					
793.	Agrippa Banda		Sinda	Written					
794.	His Royal Highness Chief Jumbe		Mambwe	Written					
795.	Adrian Nkhata		Mambwe	Written					
796.	Dickson Phiri		Mambwe	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
797.	Patrick Shangana		Mambwe	Written					
798.	Reuben Mwanza		Mambwe	Written					
799.	Thelma Kunda		Mambwe	Written					
800.	Patrick Chiguzeni		Mambwe	Written					
801.	Banda		Mambwe	Written					
802.	Maureen Ngoma		Mambwe	Written					
803.	John Mwanza		Mambwe	Written					
804.	Evang. Alick Ng'uni		Lumezi	Written					
805.	Evang. Alick Ng'uni		Lumezi	Written					
806.	Miles Banda		Lumezi	Written					
807.	James Mbewe		Lumezi	Written					
808.	Joseph Munkombwe Zulu		Lumezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
809.	Yotamu Nkhata		Lumezi	Written					
810.	Chris T. Nyirenda		Lumezi	Written					
811.	Anonymous		Lumezi	Written					
812.	Anonymous		Lumezi	Written					
813.	Anonymous		Lumezi	Written					
814.	Anonymous		Lumezi	Written					
815.	Anonymous		Lumezi	Written					
816.	Anonymous		Lumezi	Written					
817.	Anonymous		Lumezi	Written					
818.	Anonymous		Lumezi	Written					
819.	Lameck Muwowo		Katete	Written					
820.	Edward Phiri		Katete	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
821.	Richard Mwale		Katete	Written					
822.	Haggai Manda		Katete	Written					
823.	John Zulu	Socialist Party	Chipata	Written & Oral					
WESTERN PROVINCE									
824.	Sitali Humphrey	Advocates for Democratic Governance Foundation (ADEG)	Mongu	Written					
825.	Cornelius Likomouzo	Individual	Mongu	Written					
826.	Lyon Chitumbo	Individual	Mongu	Written					
827.	M. Mukuku	Zambia Police	Mongu	Written					
828.	Mukanwa Likando	Centre for African Network	Mongu	Written					
829.	Mwiya Mwiya	BRE	Mongu	Oral & Written					
830.	Sitanimezi Namakau	ZNAPD	Mongu	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
831.	Charles Nyambe	Individual	Mongu	Oral & Written					
832.	J.N. Mumbela	Individual	Mongu	Oral					
833.	Sitali Silembe	Individual	Limulunga	Oral & Written					
834.	Pstr Justin Mukumbuta	Individual	Mongu	Oral					
835.	Justin Mushoke	Action Governance Forum (AGF)	Mongu						
836.	Nasilele Imanga	Individual	Mongu	Oral					
837.	Moses Nasilele	Socialist Party	Mongu						
838.	Gideon Mwiya	Independent Churches of Zambia (ICOZ)	Mongu						
839.	Hambinji Mwetisi	Individual	Mongu						
840.	Limpo Likwenga	Individual	Mongu	Oral & Written					
841.	Sitanimezi Namakau	Individual	Mongu	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
842.	Harrison Agasi Jere	Individual	Mongu	Oral & Written					
843.	Leo Chitundu	Individual	Mongu	Oral & Written	✓			✓	
844.	Fred Mulazi	Individual	Mongu	Oral		✓		✓	
845.	Prince Matamba	Individual	Mongu	Oral	✓			✓	
846.	Makai Chilolo	Individual	Mongu	Oral		✓		✓	
847.	Walubita Sinonge	Individual	Mongu	Oral & Written	✓			✓	
848.	Lizzy Konga	Individual	Mongu	Oral				✓	
849.	Liato Kandanda	Individual	Mongu	Oral				✓	
850.	Jean Kafulo	Individual	Mongu	Written				✓	
851.	Imakando Imakando	Individual	Mongu	Oral				✓	
852.	Pastor Mukumbuta	Individual	Mongu	Oral				✓	

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
853.	Ev. Bernard Msiyanga	Individual	Mongu	Oral		✓		✓	
854.	Shimushi Shimushi	Individual	Mongu	Oral				✓	
855.	Mwenda Lisheke	Individual	Mongu	Oral & Written				✓	
856.	Kusiyo Akayombokwa	Individual	Mongu	Oral & Written		✓		✓	
857.	Sibeso M. Banda	Individual	Mongu	Oral		✓		✓	
858.	Moses Nasilele	DEO	Sioma	Oral				✓	
859.	Emmanuel Lukupwa	DEO	Sesheke	Written					
860.	Romary Mulemena	Stakeholder	Sesheke	Written					
861.	Pastor Imonga Imonga	Stakeholder	Sesheke	Written					
862.	Zoddy Chizoka	Stakeholder	Sesheke	Written					
863.	Lubinda Yambayamba	Stakeholder	Mitete	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
864.	Franco Siyota	Stakeholder	Mitete						
865.	Elijah Katema	Stakeholder	Mitete						
866.	Kutemba Kaumba	Stakeholder	Mitete						
867.	Shwanga Simasiku	Stakeholder	Mitete						
868.	Kayombo Chinyama	Stakeholder	Mitete						
869.	Nosiku Richard	Stakeholder	Mitete						
870.	Kayombo Musengo	Stakeholder	Mitete						
871.	Kabasiya Lubinda	Stakeholder	Mitete						
872.	Songiso Njekwa	Stakeholder	Mitete						
873.	Mukonda Kalimbwe	Stakeholder	Mitete						
874.	Kamene Munalula	Stakeholder	Mitete						
875.	Namushi Namushi	Stakeholder	Mitete						

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
876.	Lukonga Martin	Stakeholder	Mitete						
877.	Inonge Mubika	Councillor	Shangombo	Written					
878.	Nangena Mubika	Councillor	Shangombo	Written					
879.	S. Makasa	Socialist Party	Shangombo	Written					
880.	Mutelo Lydia Kanengu	Individual	Shangombo	Oral & Written					
881.	Joseph Kanyemba	DEO	Senanga	Oral & Written					
882.	Situmbeko Mubita	Councilor	Senanga	written					
883.	Mumbula Mumbula	Councillor	Senanga	Written					
884.	Mirriam Kwalombota	Councillor	Senanga	Written					
885.	Mufalali Ilishebo	Councillor	Senanga	Written					
886.	Allan Muhau	Civic Leader	Mulobezi	Written					
887.	Ngizhi Ngizhi	Individual	Mulobezi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
888.	Ireen Kasininga Kayuni	Individual	Mulobezi	Writen					
889.	Henry Mwalye Imbuwa	Individual	Sikongo	Written					
890.	Steen Makasa	Individual	Nalolo	Written					
891.	Mwiya Mwiya	Individual	Lukulu	Written					
892.	Layson Maliachila	Individual	Lukulu	Written					
893.	Thulani Mwiya	Individual	Lukulu	Written					
894.	Kelly Kapaku	Individual	Lukulu	Written					
895.	Christine Kona Yuma	Individual	Lukulu	Written					
896.	Sibeso Mwala	Stakeholder	Kalabo	Written					
897.	Masiye Masiye	Stakeholder	Kalabo	Written					
898.	Henry Mtonga	Stakeholder	Kalabo	Written					
899.	Pastor Robinson Ngwira	Stakeholder	Kalabo	Writtein					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
900.	Kaoma Leonard	Catholic Church	Mwandi	Written					
901.	Mike Mwenda Lubasi	Council Chairperson	Mwandi	Written					
902.	Nakalunda Nakalunda	Individual	Mwandi	Written					
903.	Matindo Mwanamwalye	Individual	Mwandi	Written					
904.	Jacob Sikufa	Catholic Church	Mwandi	Written					
905.	Rev Arnold K. Mudenda	Pilgrim Church	Mwandi	Written					
906.	Ketty Kabamba	Patriotic Front	Mwandi	Written					
907.	Namenda Kaonga	Stakeholder	Limulunga	Written					
908.	Yeta Akalemwa	Stakeholder	Limulunga	Written					
909.	Maria Mukubesa	Stakeholder	Limulunga	Written					
910.	Annie Nalumino	Stakeholder	Limulunga	Written					
911.	P. Nasilele	Stakeholder	Limulunga	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
912.	Mary Maka	Stakeholder	Limulunga	Written					
913.	Agatha A . Wamui	Stakeholder	Limulunga	Written					
914.	Sitali K. Sitali	Stakeholder	Limulunga	Written					
915.	Nawa Mubiwa	Stakeholder	Limulunga	Written					
916.	Sibeso Mutukelwa	Stakeholder	Limulunga	Written					
917.	Likando Mwendabai	Stakeholder	Limulunga	Written					
918.	Kawana Ndiyoi	Stakeholder	Limulunga	Written					
919.	Liswaniso Analoti	Stakeholder	Limulunga	Written					
920.	Mukumbuta Mubita	Stakeholder	Limulunga	Written					
921.	Mwakoi Muluwi	Stakeholder	Limulunga	Written					
922.	Silo Mukwamu	Stakeholder	Limulunga	Written					
923.	Manegu Muyunda	Stakeholder	Limulunga	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
924.	Victor M. Mutumuta	Stakeholder	Limulunga	Written					
925.	L. Ndombo	Stakeholder	Limulunga	Written					
926.	Malumo Mutumweno	Stakeholder	Limulunga	Written					
927.	Kelvin Kakoma	Stakeholder	Limulunga	Written					
928.	Mubukwano Musenda	Stakeholder	Limulunga	Written					
929.	Patrick Mumena	Stakeholder	Limulunga	Written					
930.	Namasiku Mukelebai	Stakeholder	Limulunga	Written					
931.	Mulosi Maboshe	Stakeholder	Limulunga	Written					
932.	Sitali Silembe	Stakeholder	Limulunga	Written					
933.	Rayford Chitoti	Council Chairperson	Nkeyema	Written					
934.	Dr Moses Mutyoka	DEO	Nkeyema	Written					
935.	Frida Namakando Saeli	Collective Action Zambia	Luampa	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
SOUTHERN PROVINCE									
936.	Mathias Mwelwa	Individual	Choma	Written					
937.	Aaron Siajeka	Individual	Choma	Written					
938.	Mirriam Nkhoma	Moles Deaf Organisation	Choma	Oral and Written					
939.	Given Chifunda Moyo,	NGOCC – Southern Province	Choma	Written					
940.	Peter Nakabanga	Individual	Choma	Written					
941.	S. K. Chilombo	DEO	Pemba	Written					
942.	Edward Masiwa	Individual	Pemba	Written					
943.	Roy H. Munanyanga	Individual	Pemba	Written					
944.	Royd Mbozi	Individual	Pemba	Written					
945.	D. Mwiinga	Individual	Pemba	Written					
946.	Noah Handila	UPND	Pemba	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
947.	Anonymous	Individual	Pemba	Written					
948.	Costa M. Mutandi,	DEO	Siavonga	Written					
949.	Evans Halumba	Community Member	Siavonga	Written					
950.	Pilot Kaluumbi	Community Member	Siavonga	Written					
951.	Dolica Meki	Community Member	Siavonga	Written					
952.	Benjamin Kawimba	Community Member	Siavonga	Written					
953.	Medson Hachindu	Community Member	Siavonga	Written					
954.	Liyalui Mweenda	Community Member	Siavonga	Written					
955.	Risha Makkumbi	Community Member	Siavonga	Written					
956.	Clint Kasozwe	Community Member	Siavonga	Written					
957.	Paulina Poloka	Community Member	Siavonga	Written					
958.	Anjela Kawimba	Community Member	Siavonga	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
959.	Eveness Sinakumbi	Community Member	Siavonga	Written					
960.	Anotia Kanyama	Community Member	Siavonga	Written					
961.	Brian Chimanya	Community Member	Siavonga	Written					
962.	Fostina Kamwendo	Community Member	Siavonga	Written					
963.	Patricia Masaba	Community Member	Siavonga	Written					
964.	Sinai Masaba	Community Member	Siavonga	Written					
965.	Adness Kalabila	Community Member	Siavonga	Written					
966.	Contrida Hangoma	Community Member	Siavonga	Written					
967.	Leno Hangoma	Community Member	Siavonga	Written					
968.	Mutinta Gololo	Community Member	Siavonga	Written					
969.	Mary Nyongolo	Community Member	Siavonga	Written					
970.	Elizabeth Gololo	Community Member	Siavonga	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
971.	Samaria Siamusamba	Community Member	Siavonga	Written					
972.	Faison Hachintu	Community Member	Siavonga	Written					
973.	Priscila Hachintu	Community Member	Siavonga	Written					
974.	Priscilla Matongo	Community Member	Siavonga	Written					
975.	Active Mwanakaba	Community Member	Siavonga	Written					
976.	Maila Pumulo	Community Member	Siavonga	Written					
977.	Faidess Hazele	Community Member	Siavonga	Written					
978.	Mosho Simamata	Community Member	Siavonga	Written					
979.	Grace Mauluka	Community Member	Siavonga	Written					
980.	Beatrice Siamukali	Community Member	Siavonga	Written					
981.	Kennedy Chimoka	Community Member	Siavonga	Written					
982.	Precious Hamweene	Community Member	Siavonga	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
983.	John Hansonga	Community Member	Siavonga	Written					
984.	Hillary Hansonga	Community Member	Siavonga	Written					
985.	Caristol Chipiluka	Community Member	Siavonga	Written					
986.	Gomola Royness	Community Member	Siavonga	Written					
987.	Catherine Gimaima	Community Member	Siavonga	Written					
988.	Lambe Affair	Community Member	Siavonga	Written					
989.	Belinda Simalundu	Community Member	Siavonga	Written					
990.	Hapunga Mwiinga	Community Member	Siavonga	Written					
991.	Getrude Muyansya	Community Member	Siavonga	Written					
992.	Mwauluka Muyansya	Community Member	Siavonga	Written					
993.	Mable Hamukali	Community Member	Siavonga	Written					
994.	Cratia Chuulu	Community Member	Siavonga	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
995.	Fanny Mutali	Community Member	Siavonga	Written					
996.	Gossen Siamusamba	Community Member	Siavonga	Written					
997.	Yona Hamunyanga	Community Member	Siavonga	Written					
998.	Cephas Siawela	Community Member	Siavonga	Written					
999.	Shallon Nyongolo	Community Member	Siavonga	Written					
1000.	Shelline Mweemba	Community Member	Siavonga	Written					
1001.	Stanley Bbilika	Community Member	Siavonga	Written					
1002.	Alfred Sikumbila	Community Member	Siavonga	Written					
1003.	Finelly Kachana	Community Member	Siavonga	Written					
1004.	Fungai Dumbu	Community Member	Siavonga	Written					
1005.	Mailess Phiri	Community Member	Siavonga	Written					
1006.	Samson Mbewe	Community Member	Siavonga	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1007.	Fanuel Hachisa	Community Member	Siavonga	Written					
1008.	Finality Mafuta	Community Member	Siavonga	Written					
1009.	Aswell Hachisa	Community Member	Siavonga	Written					
1010.	Aliness Hachisa	Community Member	Siavonga	Written					
1011.	Vanesa Chimwanza	Community Member	Siavonga	Written					
1012.	Tleader Habwende	Community Member	Siavonga	Written					
1013.	Leader Mweemba Simukale	Community Member	Siavonga	Written					
1014.	Vinal Liwano	Community Member	Siavonga	Written					
1015.	Kaze Chinondo	Community Member	Siavonga	Written					
1016.	Enock Chinondo	Community Member	Siavonga	Written					
1017.	Caventy Chinondo	Community Member	Siavonga	Written					
1018.	Mutinta Lukumba	Community Member	Siavonga	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1019.	Neto Sialanga	Community Member	Siavonga	Written					
1020.	Clive Hachisa	Community Member	Siavonga	Written					
1021.	Siambale Fonal	Community Member	Siavonga	Written					
1022.	Liwanga Silume	Community Member	Siavonga	Written					
1023.	Charles Sianene	Community Member	Siavonga	Written					
1024.	Nchimunya Chikaliso	Community Member	Siavonga	Written					
1025.	Nsabata Ivonne	Community Member	Siavonga	Written					
1026.	Lemmy Muchapi	Community Member	Siavonga	Written					
1027.	Emelda Hachingala	Community Member	Siavonga	Written					
1028.	Getrude Nyatonga	Community Member	Siavonga	Written					
1029.	Lenty Halumba	Community Member	Siavonga	Written					
1030.	Mutinta Hansulwe	Community Member	Siavonga	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1031.	Mary Malata	Community Member	Siavonga	Written					
1032.	Alicia Nambozi	Community Member	Siavonga	Written					
1033.	Charles Katiya	Community Member	Siavonga	Written					
1034.	Esnart Mulopa	Community Member	Siavonga	Written					
1035.	Kelina Hamilenga	Community Member	Siavonga	Written					
1036.	Elias Sialanga	Community Member	Siavonga	Written					
1037.	Christelia Matubulani	Community Member	Siavonga	Written					
1038.	Netsai Manyepa	Community Member	Siavonga	Written					
1039.	Peter Chimanya	Community Member	Siavonga	Written					
1040.	Idah Hamakumbi	Community Member	Siavonga	Written					
1041.	Lavenda Hambulo	Community Member	Siavonga	Written					
1042.	Syra Maseko	Community Member	Siavonga	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1043.	Mary Mainza	Community Member	Siavonga	Written					
1044.	Belita Sinadambwe	Community Member	Siavonga	Written					
1045.	Kennedy Changachanga	Community Member	Siavonga	Written					
1046.	Arnold Hachingala	Community Member	Siavonga	Written					
1047.	Ackless Mweemba	Community Member	Siavonga	Written					
1048.	Lushomo Hachingala	Community Member	Siavonga	Written					
1049.	Fanwell Hachingala	Community Member	Siavonga	Written					
1050.	Moliness Namwemba	Community Member	Siavonga	Written					
1051.	Langisi Wynter	Community Member	Siavonga	Written					
1052.	Talisai Syajamika	Community Member	Siavonga	Written					
1053.	Olipa Chicota	Community Member	Siavonga	Written					
1054.	Revy Kambizyi	Community Member	Siavonga	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1055.	Enelesi Chipuka	Community Member	Siavonga	Written					
1056.	Jenny Kasambo	Community Member	Siavonga	Written					
1057.	Teddy Chipuka	Community Member	Siavonga	Written					
1058.	Queen Mugoba	Community Member	Siavonga	Written					
1059.	Veronica Choonga	Community Member	Siavonga	Written					
1060.	Choongo Trywell	Community Member	Siavonga	Written					
1061.	Steven Maseka	Community Member	Siavonga	Written					
1062.	Doris Siamponde	Community Member	Siavonga	Written					
1063.	Mary Siamponde	Community Member	Siavonga	Written					
1064.	Cathrine Moonga	Community Member	Siavonga	Written					
1065.	Miler Mungoni	Community Member	Siavonga	Written					
1066.	Emeldah Meleki	Community Member	Siavonga	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1067.	Michael Sikainda	Community Member	Siavonga	Written					
1068.	Chisenga Bernard	Community Member	Siavonga	Written					
1069.	Litah Manyangisa	Community Member	Siavonga	Written					
1070.	Getrude Manyangisa	Community Member	Siavonga	Written					
1071.	Born Katompa	Community Member	Siavonga	Written					
1072.	Doris Kakalungwe	Community Member	Siavonga	Written					
1073.	Salome Masaba	Community Member	Siavonga	Written					
1074.	Nzala Jehez	Community Member	Siavonga	Written					
1075.	Annety Moomba	Community Member	Siavonga	Written					
1076.	Herrason Kalapa	Community Member	Siavonga	Written					
1077.	Mike Munyinya	Community Member	Siavonga	Written					
1078.	Lilien Chipuka	Community Member	Siavonga	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1079.	Jenet Chipuka	Community Member	Siavonga	Written					
1080.	Estery Kabaza	Community Member	Siavonga	Written					
1081.	Toberty Sintambo	Community Member	Siavonga	Written					
1082.	Robson Bbuka	Community Member	Siavonga	Written					
1083.	Memory Kasikeli	Community Member	Siavonga	Written					
1084.	Jackline Chibbampeli	Community Member	Siavonga	Written					
1085.	Sandra Chikondo	Community Member	Siavonga	Written					
1086.	Beauty Chula	Community Member	Siavonga	Written					
1087.	Lisfah Chintoolo	Community Member	Siavonga	Written					
1088.	Naomi Chelo	Community Member	Siavonga	Written					
1089.	Lazarous Kabinda	Community Member	Siavonga	Written					
1090.	Syren Simulelele	Community Member	Siavonga	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1091.	Sella Mugoba	Community Member	Siavonga	Written					
1092.	Mary Mukolokoto	Community Member	Siavonga	Written					
1093.	Peter Sikangila	Community Member	Siavonga	Written					
1094.	Ather Chula	Community Member	Siavonga	Written					
1095.	Obis Hanene	Community Member	Siavonga	Written					
1096.	Bright Sitwala	Community Member	Siavonga	Written					
1097.	Netsai Manchisi	Community Member	Siavonga	Written					
1098.	Eunice Chapisa	Community Member	Siavonga	Written					
1099.	Eveline Kalabaya	Community Member	Siavonga	Written					
1100.	Detol Hazabena	Community Member	Siavonga	Written					
1101.	Philimon Chuka	Community Member	Siavonga	Written					
1102.	Owen Kanyama	Community Member	Siavonga	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1103.	Melody Halingindi	Community Member	Siavonga	Written					
1104.	Peter Kanyama	Community Member	Siavonga	Written					
1105.	Kehina Moonga	Community Member	Siavonga	Written					
1106.	Alice Nakamba	Community Member	Siavonga	Written					
1107.	Mumba Jeyce	Community Member	Siavonga	Written					
1108.	Matron Bbaila	Community Member	Siavonga	Written					
1109.	Munamunzya Kenneth	Community Member	Siavonga	Written					
1110.	Iness Chisenga	Community Member	Siavonga	Written					
1111.	Offen Mwanamunzya	Community Member	Siavonga	Written					
1112.	Francis Milandu	Community Member	Siavonga	Written					
1113.	Cosamu Smart	Council Chairperson	Siavonga	Written					
1114.	Mr. Lubinda Mwala	DEO	Kazungula	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1115.	Dion Mulele	UNIP	Kazungula	Written					
1116.	Danny Mulimbeni	PF	Kazungula	Written					
1117.	Tatila Mbozi	Council Chairperson	Kazungula	Written					
1118.	Regina Musokotwane	Former Katombora MP	Kazungula	Written					
1119.	Oswald Siasundi	UPND	Kazungula	Written					
1120.	Moses Siachinde	Individual	Kazungula	Written					
1121.	Oscar Sililo,	Individual	Kazungula	Written					
1122.	John Simulinda	Individual	Kazungula	Written					
1123.	Judith Mukwita Maambo	DEO	Mazabula	Written					
1124.	Vincient Lilanda	Civic Leader	Mazabuka	Written					
1125.	His Royal Highness Chief Hanjalika	Traditional Leader	Mazabuka	Written					
1126.	Beauty Hamweenda	Individual	Mazabuka	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1127.	Busiku Sulwe	Individual	Mazabuka	Written					
1128.	Philimon Nyirenda	DEO	Namwala	Written					
1129.	Mobby Shakopa	Individual	Namwala	Written					
1130.	Warren Sinyangwe	Individual	Namwala	Written					
1131.	Choolwe Maunga	DEO	Sinazongwe	Written					
1132.	Nchimunya Siakole	District Commissioner	Sinazongwe	Written					
1133.	Steward Mbunda,	Individual	Sinazongwe	Written					
1134.	Stembridge Sikalolola	Individual	Sinazongwe	Written					
1135.	Squeeze Kampamu	Maliko Royal Establishment – Chieftainess Sinazongwe representative	Sinazongwe	Written					
1136.	Malima Ward Stakeholders	Stakeholders	Sinazongwe	Written					
1137.	Blacky Mantele	Individual	Sinazongwe	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1138.	Timothy Mbalakata	DEO	Livingstone	Written					
1139.	Musyalike Nasilele	Individual	Livingstone	Written					
1140.	Martin Mukwanwa	Operation Young Vote	Livingstone	Written					
1141.	Aston Zack Simpila	Individual	Livingstone	Written					
1142.	Lisa Mpasela	DEO	Kalomo	Written					
1143.	Koy Makaya	Civic Leader	Kalomo	Written					
1144.	HRH Sipatunyanga Timothy Maseka	Traditional Leader	Kalomo	Written					
1145.	HRH Chief Chikanta Andrew Muzundu	Traditional Leader	Kalomo	Written					
1146.	Joshua Sikanduli	Individual	Kalomo	Written					
1147.	Alice Munkombwe	Kalomo Catholic Church (Caritas Church).	Kalomo	Written					
1148.	Joseph Kaluwe	MMD	Kalomo	Written					
1149.	Chembo Mangwatu	DEO/individual	Chirundu	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1150.	Robson Makwamba	Individual	Chirundu	Written					
1151.	Exilda Milambo	DEO	Itezhi Tezhi	Written					
1152.	Getrude Monde Sosopi	Civic Leader	Itezhi Tezhi	Written					
1153.	Grey Mwanampwaya	Individual	Itezhi Tezhi	Written					
1154.	Anderson Namanjele	Cry of Disabled Association	Itezhi Tezhi	Written					
1155.	Lawrence Likisi	Cry of Disabled Association	Itezhi Tezhi	Written					
1156.	Hardwork Kang'ongwe	UPND	Itezhi Tezhi	Written					
1157.	Musonda Mambwe	PF	Itezhi Tezhi	Written					
1158.	Kingsley Mutafela	Association of Children with Disabilities	Itezhi Tezhi	Written					
1159.	Jacob Sikoswe	Individual	Itezhi Tezhi	Written					
1160.	Victor Munachaunda	Head man	Itezhi Tezhi	Written					
1161.	Davison Kazovu	Individual	Itezhi Tezhi	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1162.	Christopher Siasinyanga	DEO	Chikankata	Written					
1163.	Gloria Mwakawele-	Individual	Chikankata	Written					
1164.	Jeff Hatulonga	Socialist Party/Individual	Chomba	Written					
1165.	Maliwa Muchi	DEO	Gwembe	Written					
1166.	Major Gift Mwiinga,	Salvation Army	Gwembe	Written					
1167.	Hon. Taison Simuzingili	Member of Parliament	Gwembe	Written					
1168.	Mweene Brian	Individual	Gwembe	Written					
1169.	Rebecca Chirumba	DEO	Chomba	Written					
1170.	Anonymous	Individual	Choma	Written					
1171.	Namitondo Kamunu	Catholic Commission for Justice and Peace	Choma	Written					
1172.	Gontiy Mweene	Individual	Choma	Written					
1173.	Dr. Erridge Simunkazya	Independent Churches of Zambia (ICOZ) -	Choma	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1174.	Jonathan Muchindu	Zambia Corruption Prevention Watchdog	Choma	Written					
1175.	Luyengo Bonface	Individual	Choma	Written					
1176.	Partner Siabutuba,	Youth Development	Choma	Written					
1177.	Mudenda Lawrence Malambo	Zambia Police Southern Division	Choma	Written					
1178.	Hon Cynthia Kapambwe	Judiciary of Zambia,	Choma	Written					
1179.	Mr Cacious Goma	Disability Awakening	Choma	Written					
1180.	Anna Malashya	Zambia National Association of Women with Disabilities	Choma	Written					
1181.	John Hanyanga	Individual	Choma	Written					
1182.	Jona Munkombwe	UPND	Choma	Written					
1183.	**Bestone Kajoba**	DEO	Monze	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1184.	Kebby Salisimu	Anti -Voter Apathy (AVAP),	Monze	Written					
1185.	Friday Kabimba	Caritas Monze	Monze	Written					
1186.	Matilda Phiri	Caritas Monze	Monze	Written					
1187.	George Majar	CCMG	Monze	Written					
LUAPULA PROVINCE									
1188.	Innocent Kaunda Kapwepwe	Socialist Party	Mansa	Written					
1189.	Mark kabota	Caritas Zambia	Samfya	Oral					
1190.	Handson Kachenjela	Individual	Samfya	Written					
1191.	Morgan Moba	Zambia National Association for the Deaf	Mansa	Oral					
1192.	Alex Zulu	individual	Mansa	Oral					
1193.	Bwali Andrew	District Electoral Officer	Kawambwa	Written					
1194.	HRH Chief Munkanta	Individual	Kawambwa	Oral					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1195.	Felix Mwila-Mwila	District Electoral Officer	Mwansabombwe	Oral					
1196.	Paul Chinyimba	Youth Advocates for Change	Mansa	Written					
1197.	Patrick Mubita	Care for Generations Organisation	Mansa	Oral					
1198.	Christopher Keynes	Individual	Mansa	Written					
1199.	Bishop Gregory Mumba	ICOZ	Mansa	Oral					
1200.	Kapunga Dominic Chambala	Individual	Mansa	Oral					
1201.	Emmanuel Daka	Advocates for Democratic Governance Foundation	Mansa	Written					
1202.	Royd Chintelelwe	Individual	Mansa	Written					
1203.	Sara Chanda	NGOCC	Mansa	Written					
1204.	HRH Chief Chimese	Individual	Mansa	Written					
1205.	Evaristor Chanda	CCMG	Mansa	Written					
1206.	Noah Mwale	ZPS-Officer Commanding f	Mansa	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1207.	Mubita Mwimanenwa	Fibale Zeep Secondary School	Mansa	Written					
1208.	Innocent Kaunda Kapwepwe	Socialist Party	Mansa	Written					
NORTHERN PROVINCE									
1209.	Apostle Emmanuel Chongo	Pentecostal Assemblies of God	Kasama	Written					
1210.	Patrick Chanda	Individual	Luwingu	Written					
1211.	Stanley Mwenya	Individual	Luwingu	Written					
1212.	Malama B. Chama	District Electoral Officer	Luwingu	Written					
1213.	Milton Sakala	AVAP	Mpulungu	Written					
1214.	Milton Sakala	UPND	Mpulungu	Written					
1215.	Zulani Mbewe	Individual	Mpulungu						
1216.	Kayoka Emias	District Electoral Officer	Kaputa	Oral					
1217.	Gershom Musonda	Centre for Elections and Governance	Kasama	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1218.	Margaret Kangwa Pikiti	Individual	Kasama	Oral					
1219.	Raphael Kamanga	Individual	Nsama	Written					
1220.	Patrick Chanda	Individual	Kasama	Oral					
1221.	Chipalo Chilekwa Albert	DEO	Mbala	Written					
1222.	Micheal Bwalya	Foundation for Democratic Process	Kasama	Written					
1223.	Robert Mulauzi	District Electoral Officer	Lupososhi	Written					
1224.	Chipa Mbewe	Director Engineering (on behalf of DEO)	Lunte	Written					
1225.	Chipa Mbewe	Director Engineering, Lunte Town Council (Individual submission)	Lunte	Written					
1226.	Zealot Phiri	NGOCC	Kasama	Written					
1227.	Raphael Phiri	DEO	Chilubi	Written					
1228.	Ackson Phiri	Catholic Commission for Justice and Peace	Kasama	Written					
1229.	Evans Kambole	Individual	Kasama	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1230.	Matildah Mbalamwenshi	TIZ, AVAP, NGOCC, NWL	Kasama	Written					
1231.	Tryson Chunga	DEO	Senga Hill	Written					
1232.	Mary Mulenga	Zambia National Women's Lobby	Kasama	Written					
1233.	Jacob Zulu	Citizens First Political Party	Kasama	Written					
1234.	John Malele	Individual	Kasama	Written					
1235.	Charity Kanyanta	Zambia Must Prosper	Kasama	Written					
1236.	Simyemba Simon	Individual submission	Kasama	Written					
1237.	Moffat Banda	Kasama Inclusion Association for the Hearing Impaired	Kasama	Writen					
1238.	Pastor Kasengele Chati	Victory Bible Church	Kasama	Written					
1239.	Brywell Simposya	Individual	Kasama	Written					
1240.	Chilekwa Stanlaus	Individual	Kasama	Written					
1241.	Burton James Bwalya	Individual	Kasama	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1242.	Kingslay Simutonga	Zambia Police Service, Northern Division	Kasama	Written					
1243.	Kingslay Simutonga	Individual	Kasama	Written					
1244.	Niza Musaluke Mwansa	Individual	Kasama	Written					
1245.		Community Action Focus	Kasama	Written					
1246.	Peter Kalenga	Individual	Kasama	Written					
1247.	Kafula Gilbert	Individual	Kasama	Written					
1248.	Beatrice Mutale	Women Living with Disability (WLD)	Kasama	Written					
1249.	David Mwamba	Advocates for Democratic Governance	Kasama	Written					
1250.	Ackson Jairos Phiri	Individual	Kasama	Written					
1251.	Christian Kasonde	Community Based Inclusive Development	Kasama	Written					
MUCHINGA PROVINCE									
1252.	Chileshe Gilbert	UPND	Chinsali	Oral					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1253.	John Mumba	UPND	Chinsali	Oral					
1254.	Makaliki Clement	Advocates for Democratic Governance Foundation	Chinsali	Oral & Written					
1255.	Robert Chirwa	SP	Chinsali	Oral & Written					
1256.	Nachalwe Hildah Mwansa	District Voter Education Committee (DVEC) Member	Chinsali	Oral					
1257.	Lewison Simwanza	Citizens First Political Party	Chinsali	Oral					
1258.	William Kabaso Chafwila	Councillor for Muchinga Ward	Chinsali	Oral					
1259.	Chisenga Obby Chibuye	Citizens First Political Party member	Chinsali	Oral					
1260.	Sydney Tom Simakungwe	(UPND)	Chinsali	Oral					
1261.	Lameck Bwalya	Patriotic Front member	Chinsali	Oral					
1262.	Mazuba Nakachinda	District Electoral Officer	Mpika	Written					
1263.	Kangwa Kabanda	Individual (Senior Citizen)	Chinsali	Oral					
1264.	Herrings Sabi	Individual	Chinsali	Oral					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1265.	Victor Chilembo	Legal Officer (representing the District Electoral Officer)	Nakonde	Written					
1266.	Isaac Mwale	DEO	Shiwangandu	Written					
1267.	Adaman Sham Kapyanga	Individual	Chinsali	Oral					
1268.	Joseph Nonde	DEO	Mafinga	Written					
1269.	Lindah Chilamo	Zambia National Women's Lobby	Chinsali	Written					
1270.	Keso Anthony	Individual	Chinsali	Oral					
1271.	Misheki Ngambi	Director of Human Resource and Administration (Town Council)	Isoka	Written					
1272.	Micheal Musonda	Director of Engineering (Town Council)	Kanchibiya	Written					
1273.	Oscar Mwape	Individual	Chinsali	Oral					
1274.	Thomas Mutale	Past Mayor	Chinsali	Oral					
1275.	Godwin Mubanga	Zambia National Federation of the Blind (ZANFOB)	Chinsali	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1276.	Chileshe Gilbert	UPND	Chinsali	Oral					
1277.	John Mumba	UPND	Chinsali	Oral					
1278.	Makaliki Clement	Advocates for Democratic Governance Foundation	Chinsali	Oral & Written					
1279.	Robert Chirwa	SP	Chinsali	Oral & Written					
1280.	Nachalwe Hildah Mwansa	District Voter Education Committee (DVEC) Member	Chinsali	Oral					
1281.	Chinsali Oral & Written	Citizens First Political Party	Chinsali	Oral					
1282.	William Kabaso Chafwila	Councillor for Muchinga Ward	Chinsali	Oral					
1283.	Chisenga Obby Chibuye	Citizens First Political Party member	Chinsali	Oral					
1284.	Sydney Tom Simakungwe	UPND	Chinsali	Oral					
1285.	Lameck Bwalya	PF	Chinsali	Oral					
1286.	Mazuba Nakachinda	DEO	Mpika	Written					
1287.	Kangwa Kabanda	Individual (Senior Citizen)	Chinsali	Oral					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1288.	Herrings Sabi	Individual	Chinsali	Oral					
1289.	Victor Chilembo	Legal Officer (representing the District Electoral Officer)	Nakonde	Written					
1290.	Chileshe Gilbert	UPND	Chinsali	Oral					
LUSAKA PROVINCE									
1291.	Hon. Maxwell Mukwaka	Individual	Lusaka	Written					
1292.	Rev. Alfred Sayila Katuta	Individual Member of Humanity Party	Lusaka	Written					
1293.	Dr. Ng'andwe Chiselebwe	Individual	Lusaka	Written					
1294.	Chisenga Chimambo	Community Welfare Assistance Committee-Meanwood Ndeke	Lusaka	Written					
1295.	Edwin Zulu	Individual	Lusaka	Written					
1296.	Richard Tembo	Operations Young Vote	Lusaka	Written					
1297.	Mutepa Puta	Individual	Lusaka	Written					
1298.	Tinashe Mazaba	CYLA	Lusaka	Oral		✓			

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1299.	Mica Mvula	CYLA	Lusaka	Oral		✓			
1300.	Chanda Chinukwe	New Heritage Party	Lusaka	Oral					
1301.	Richwell Mulwani	AVAP	Lusaka	Oral					
1302.	Stephen Malenga	Operations Young Vote	Luangwa	Oral					
1303.	Mutinta Siamusumo	Rufunsa District Community	Rufunsa	Oral		✓			
1304.	Mwakoi Sililo	Chongwe District Community	Chongwe	Oral					
1305.	Christopher Chitumbi	PAZ	Lusaka	Oral	✓			✓	
1306.	Lumuya Chelsea Zambezi	Lubu Primary School	Lusaka	Oral		✓	✓		
1307.	Richwell Mulwani	Governance Electoral Support Network	Lusaka	Oral	✓			✓	
1308.	Isaac Mwiche	Governance Electoral Support Network	Lusaka	Oral	✓			✓	
1309.	Elijah Rubvuta	Governance Electoral Support Network	Lusaka	Oral	✓			✓	
1310.	Luvious Musonda	Zambia Police	Lusaka	Oral	✓			✓	

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1311.	Vwambanji Musamba	Zambia Police	Lusaka		✓			✓	
1312.	Namoonga Nondo	Drug Enforcement Commission	Lusaka	Oral		✓		✓	
1313.	Rosten Chulu	Drug Enforcement Commission	Lusaka		✓			✓	
1314.	Philip Sakala	OYV	Lusaka	Written	✓		✓		
1315.	Bruce Kalasa	Merge Zambia Party	Copperbelt	Oral & Written	✓		✓		
1316.	Highvie Hamududu	PNUP	Lusaka	Written	✓		✓		
1317.	Billy Mubiana Mubitela	Billy Links School	Mongu	Oral	✓		✓		
1318.	Mwenya Chama	Anti-Rigging Zambia	Lusaka	Oral	✓		✓		
1319.	Golden Muchemwa	NGOCC	Lusaka	Oral & Written	✓			✓	
1320.	ICOZ	ICOZ	Lusaka	Oral & Written					
1321.	Gideon Musonda	ADEG	Lusaka	Written	✓			✓	
1322.	Magodese Nyirenda	ZNWL	Lusaka	Written		✓			

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1323.	Rebecca Mwanza	ZNWL	Lusaka	Written		✓			
1324.	Racheal Phiri	ZNWL	Lusaka	Written		✓			
1325.	Catherine Lutele	ZNWL	Lusaka	Written		✓	✓		
1326.	Chanda Chinukwe	New Heritage Party	Lusaka	Written	✓			✓	
1327.	Heart of Mercy	Heart of Mercy	Lusaka			✓			
1328.	Zambia Must Prosper	Zambia Must Prosper	Lusaka	Oral	✓			✓	
1329.	Hon. Mirrian Chonya	NAZ	Lusaka	Written		✓		✓	
1330.	Sikwindi Situla	Individual	Chilanga	Oral & Written	✓			✓	
1331.	Cosmas M. Musumali	Individual	Lusaka	Oral & Written	✓			✓	
1332.	Thomas Moyo	Individual	Lusaka	Observation	✓			✓	
1333.	Racheal Chomba	Individual	Lusaka	Written					
1334.	Mwakoi Sililo	Individual	Chongwe	Written		✓			

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1335.	Kunda Mukanga	Individual	Chongwe	Written		✓		✓	
1336.	Apostle Eusebio Muloshi	Individual	Lusaka	Oral & Written	✓				
1337.	Julius Kabaso	Individual	Lusaka	Oral & Written	✓			✓	
1338.	Mulenga Besa	Individual	Lusaka	Oral	✓			✓	
1339.	Kafula Mwangilwa Kasonde	Individual	Lusaka			✓	✓		
1340.	Kennedy Moses Chulu	Individual	Lusaka	Oral	✓			✓	
1341.	Gift Kapila	Individual	Lusaka			✓		✓	
1342.	Gift Kapina	Individual	Lusaka			✓		✓	
1343.	David Mvula	Individual	Lusaka	Oral & Written	✓			✓	
1344.	Amb. Dr. F. Chishiba	Individual	Lusaka	Oral	✓			✓	
1345.	Abel Muyembe	Individual	Lusaka	Oral	✓			✓	
1346.	Obed Mambwe	Individual	Lusaka	Oral	✓			✓	

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1347.	Manx Nkosi Ngwira	Individual	Lusaka		✓			✓	
1348.	John Chulu	Individual	Lusaka		✓			✓	
1349.	Edwin Zulu	Individual	Lusaka		✓			✓	
1350.	John Nyambe	Individual	Lusaka		✓		✓		
1351.	Gershom Simukoko	Individual	Lusaka		✓			✓	
1352.	Chisenga Chimambo	Individual	Lusaka		✓			✓	
1353.	Bupe Musanya	DEO Kafue	Kafue	Oral & Written	✓			✓	
1354.	Kaheko Kafuti	Individual	Kafue	Oral & Written	✓			✓	
1355.	Mutinta Siasumo	DEO Rufunsa	Rufunsa	Written		✓	✓		
1356.	Enock Siamasobela	Rufunsa Council	Rufunsa	Written	✓		✓		
NATIONAL SUBMISSIONS									
1357.	Abel James Mtonga	Common Cause Democracy	Lusaka	Written	✓				

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1358.	Sydney Chiyabi	Democratic National Party	Lusaka	Written	✓				
1359.	Gabriel Mapulanga	Caritas Zambia & Zambia Conference of Catholic Bishops	Lusaka	Written	✓				
1360.	Hazel Saliya Kapeta	Patriotic Front	Lusaka	Written	✓				
1361.	Boniface Tumba	Zambia Agency for Persons with Disabilities (ZAPD)	Lusaka	Written	✓				
1362.	Agatha Banda	Zambia Agency for Persons with Disabilities (ZAPD)	Lusaka	Written		✓			
1363.	Natasha Chirwa Lungu	ZCAS University - Faculty of Law	Lusaka	Written		✓			
1364.	Tawila Anamela	ZCAS University - Faculty of Law	Lusaka	Written	✓				
1365.	Ambassador Joyce Musenge	Movement for Democratic Change (MDC)	Lusaka	Written		✓			
1366.	Agnieszka Naplerala	European Union (EU) Delegation to Zambia	Lusaka	Written	✓				
1367.	Mike Mundanda	National Institute of Public Administration (NIPA)	Lusaka	Written	✓				
1368.	Dr. Muleya Nchimunya	UNZA	Lusaka	Written	✓				

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1369.	Daniel Chiwela	Zambia Correction Service	Lusaka	Written	✓				
1370.	David Chola	Zambia Correction Service	Lusaka	Written	✓				
1371.	Maybin Kabwe	NAREP	Lusaka	Written	✓				
1372.	Ezra Tikuza Ngulube	NAREP	Lusaka	Written	✓				
1373.	Clement Kangwa	CYLA - Zambia	Lusaka	Written	✓				
1374.	Gerald Sikazwe	CYLA Zambia	Lusaka	Written	✓				
1375.	Matildah Chileshe Kaoma	Law Association of Zambia	Lusaka	Written		✓			
1376.	Malisa Mehluli	Law Association of Zambia	Lusaka	Written	✓				
1377.	Brown Kasaro CEO	Electoral Commission of Zambia	Lusaka	Written	✓				
1378.	Jeremy Kondwani Munthali	CAMNET TV	Lusaka	Written	✓				
1379.	Bishop Andrew Mwenda	Evangelical Fellowship of Zambia	Lusaka	Written	✓				
1380.	Lt. Col. Henry Muyoba (Rtd).	UNIP	Lusaka	Written	✓				

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1381.	Mubita Wakumelo	UNIP	Lusaka	Written	✓				
1382.	Greenwell Lyempe	Ministry of Justice	Lusaka	Written	✓				
1383.	The Zambia We Want Party	The Zambia We Want Party	Lusaka	Written					
1384.	Bishop Eddie Kamavu	Revival Felowship Zambia	Lusaka	Written	✓				
1385.	Clevarance Yoba	Kasempa Youth Development	Kasempa	Written	✓				
1386.	Rev. Clifford Besa	House of Clegy	Ndola	Written	✓				
1387.	Charles Kafumbo, President	Zambia Direct Democracy Party	Lusaka (National)	Written					
1388.	Mr. Vincent Chaile, President	Radical Revolutionary Party	Lusaka	oral					
1389.	Mr. Hector Sondo, President	Socialist Party		Written					
1390.	His Royal Highness, Chief Kaputa - Mr Chifumbe Chansa	House of Chiefs	Lusaka	Written					
1391.	Ms Faustina Daina Chileshe- President	Humanity Party	Lusaka	Written					
1392.	Mr. Billy Mubyana Mubutelela, Chief Executive/Founder	Billy Links School of Mentorship for Young People	Mongu	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1393.	Ms Delina Mulonda	University of Zambia School of Education	Lusaka	Written					
1394.	Mr. Emmanuel Simumba, Secretary General	Unified Party for Development and Democracy	Lusaka	Written					
1395.	Dr Manoah Muchanga, Lecturer	University of Zambia	Lusaka	Written					
1396.	Bishop Dr Eridge Simukanze	Independent Churches of Zambia (ICOZ)	Lusaka	Written					
1397.	Consolidated Civil Society Organisations, Submission on Electoral Reforms	Consolidated Civil Society Organisations, Submission on Electoral Reforms	Lusaka	Written					
1398.	Apostle Eusebio Muloshi	Independent Churches of Zambia (ICOZ)	Lusaka	Written					
1399.	Prof Julices Kabaso	Independent Churches of Zambia (ICOZ)	Lusaka	Written					
1400.	Dr. Francis Kapilikisha	FCK Chambers	Lusaka	Written					
1401.	Doreen N. C Mukwanka (	National Assembly - Committee on Legal Affairs, Human Rights, National Guidance, Gender Matters and Governance	Lusaka	Written					

S/N	Name of Submitter	Organization/ Individual	District	Type of Submission	Sex		Age Group		Persons With Disabilities (PWD)
					M	F	18-36	36+	
1402.	Office of the National Youth Elections Chairperson	UPND	Lusaka	Written					
1403.	Chapter One Foundation	Chapter One Foundation Limited	Lusaka	Written					
1404.	Moses Mubanga	Individual	Kasama	Written					
1405.	Disability Awakening	Disability Awakening	Lusaka	Written					
1406.	Green Party	Green Party	Lusaka	Written					
1407.	Rodwell Kunda	Individual	Lusaka	Written					