

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 63 OF 2016

The Electoral Process Act 2016

(Act No. 35 of 2016)

The Electoral Process (General) Regulations, 2016

ARRANGEMENT OF SECTIONS

PART I
PRELIMINARY*Regulation*

1. Title
2. Interpretation
3. Functions of Chief Electoral Officer
4. Returning officer
5. Form of oath or affirmation
6. Revocation of appointments of election officers
7. Notification of vacancy in council or National Assembly
8. Allocation and registration of symbols
9. Determination of whether candidate supported by political party

PART II
NOMINATION PROCEDURE

10. Appointment of nomination office
11. Nomination for presidential election
12. Nomination for candidate for election as Member of Parliament
13. Nomination for mayor or council chairperson

14. Nomination for election as councillor
15. Receipt of nominations
16. Guidance by returning officer
17. Control at nomination office
18. Determination of validity of nominations
19. Procedures after determination of validity of nominations
20. Publication of local notice
21. Procedure upon death of candidate
22. Inspection of nomination paper

PART III

ELECTIONS

23. Notice of polling stations
24. Appointment of times of polling
25. Postponement of poll in case of emergency
26. Nature of poll
27. Form of ballot paper
28. Issuance of ballot paper
29. Preparations for taking of poll
30. Ballot boxes, official seals and official marks
31. Procedure before commencement of poll
32. Control of persons entering polling station
33. Procedure for casting vote at polling station
34. Casting of votes
35. Restriction on communication in precincts of polling station
36. Prohibition on use of electronic devices
37. Spoilt ballot papers
38. Objections concerning voting
39. Assistance to certain voters
40. Voting by persons employed on election duties
41. Delegation of powers of presiding officer
42. Sealing of full ballot box
43. Procedure after close of poll
44. Counting to be done at polling stations
45. Counting of votes
46. Rejection of ballot papers
47. Re-counting of votes

- 48. Equality of votes
- 49. Sealing of ballot papers
- 50. Announcement and declaration of results
- 51. Declaration of President-elect
- 52. Notice of result
- 53. Verification of ballot papers
- 54. Custody and destruction of election materials

PART IV

GENERAL PROVISIONS

- 55. Election agents
- 56. Polling agents
- 57. Offences by election officers
- 58. Revocation of S.I. No. 92 of 2006

SCHEDULE

IN EXERCISE of the powers contained in section *one hundred and twenty-five* of the Electoral Process Act, 2016, the following Regulations are made:

PART I

PRELIMINARY PROVISIONS

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|---|-----------------------|
| 1. These Regulations may be cited as the Electoral Process (General) Regulations, 2016. | Title |
| 2. (1) In these Regulations, unless the context otherwise requires— | Interpretation |
| “assistant returning officer” means a person appointed as such under regulation 4; | |
| “ballot box” has the meaning assigned to it in the Act; | |
| “ballot paper” has the meaning assigned to it in the Act; | |
| “ballot paper account” has the meaning assigned to it in the Act; | |
| “by-election” has the meaning assigned to it in the Constitution; | Cap. 1 |
| “candidate” has the meaning assigned to it in the Act; | |
| “councillors” has the meaning assigned to it in the Act; | |
| “Chief Electoral Officer” means the person appointed as Chief Electoral Officer under the Electoral Commission of Zambia Act, 2016 | Act No. 25
of 2016 |
| “election agent” has the meaning assigned to it in the Act; | |
| “election officer” has the meaning assigned to it in the Act; | |
| “local government election” includes elections for a mayor, council chairperson and councillor; | |
| “local notice” means a notice given at the nomination office, the office of the district council within which the constituency is situated and such other place as the returning officer considers necessary; | |
| “Member of Parliament” has the meaning assigned to it in the Constitution; | Cap. 1 |
| “national registration card” has the meaning assigned to it in the Act; | |
| “national registration number” has the meaning assigned to it in the Act; | |
| “nomination office” means a place appointed as such under regulation 10; | |

- “nomination paper” has the meaning assigned to it in the Act;
- “official mark” means a mark provided to a presiding officer under regulation 29, for the taking of a poll; “official seal” means a seal provided to a presiding officer under regulation 29, for the taking of a poll; “polling agent” has the meaning assigned to it in the Act;
- “polling assistant” has the meaning assigned to it in the Act;
- “polling day” has the meaning assigned to it in the Act;
- “polling district” has the meaning assigned to it in the Act;
- “polling station” has the meaning assigned to it in the Act;
- “presiding officer” has the meaning assigned to it in the Act;
- “registered” means registered in a register of voters;
- “register of voters” has the meaning assigned to it in the Act;
- “Returning Officer” has the meaning assigned to it in the Act;
- “returning officer” has the meaning assigned to it in the Act;
- Cap. 1 “Speaker” has the meaning assigned to it in the Constitution; and
- “voter’s card” has the meaning assigned to it in the Act.

(2) Where an act or thing is required or authorised to be done under these Regulations in the presence of a candidate, an election agent or a polling agent, the non attendance of the candidate, election agent or polling agent at the time and place appointed for the purpose shall not, if the act or thing is otherwise legally done, invalidate the act or thing done.

Functions of
Chief
Electoral
Officer

3. The Chief Electoral Officer shall —
- (a) ensure that an election officer performs the election office’s functions with impartiality and in accordance with these Regulations;
- (b) issue to an election officer such instructions as the Chief Electoral Officer considers necessary to ensure due compliance with these Regulations; and
- (c) perform such functions as are conferred upon the Chief Electoral Officer under these Regulations.

Returning
officer

4. (1) The Commission shall appoint in respect of each constituency, district or ward—
- (a) a returning officer, by notice in the *Gazette*;

(b) assistant returning officers, by notice, in writing, for the purpose of assisting the returning officers in the performance of their functions; and

(c) polling assistants, by notice, in writing.

(2) The Commission may, by notice, in writing, appoint for each polling district, presiding officers, assistant presiding officers and polling assistants.

5. The officers referred to in regulation 4 shall, before exercising any of the functions conferred upon the officers under these Regulations, take and subscribe an oath or make an affirmation before a Subordinate Court Magistrate, Local Court Magistrate, election officer,

Form of
oath or
affirmation

returning officer, Commissioner for Oaths, Head of a Government School or Principal of a College in Form GEN 1 set out in the Schedule.

6. (1) Where the Commission revokes the appointment of a returning officer, it shall publish a notice of the revocation in the *Gazette*.

Revocation
of
appointment
of election
officers

(2) Where the Commission revokes the appointment of an assistant returning officer, presiding officer, assistant presiding officer or polling assistant, it shall give notice, in writing, of the revocation to the person concerned.

7. (1) The principal officer of a council shall, upon a casual vacancy occurring in the elected membership of a council, inform the Commission and the district or ward concerned, in writing, of the occurrence of the vacancy, as soon as practicable after it occurs.

Notification
of vacancy in
council or
National
Assembly

(2) The Commission shall cause every casual vacancy in the elected membership of the National Assembly or council to be filled as soon as practicable.

8. (1) The Chief Electoral Officer shall maintain a register of symbols for use by candidates at elections, and that register shall be in such form as the Chief Electoral Officer may determine.

Allocation
and
registration
of symbols

(2) A political party or independent candidate contesting an election shall apply to the Chief Electoral Officer for the registration of a symbol chosen by that party or candidate for use by a candidate supported by that party or by that independent candidate at elections and subject to subregulations (4) and (5), the Chief Electoral Officer shall register that symbol.

(3) An application made on behalf of a political party shall be made by the secretary of that political party.

(4) The following shall not be registered or used as symbols:

- (a) the armorial ensigns or the National Flag of Zambia;
- (b) a device or an emblem which, in the opinion of the Chief Electoral Officer, is normally associated with an ethnic group or religion or the regalia of a chief;
- (c) a symbol or part of a symbol which, under the provisions of this regulation, is currently registered in respect of a political party or candidate;
- (d) a symbol which is not distinctive from any other registered symbol; and
- (e) a symbol the use of which is, in the opinion of the Chief Electoral Officer, offensive or objectionable.

(5) The Chief Electoral Officer shall not register a symbol under this regulation in respect of a political

party or candidate until any other registered symbol in respect of that party or independent candidate is cancelled.

(6) The Chief Electoral Officer shall allocate and register in respect of a political party or independent candidate for election in a constituency, district or ward a symbol for use by that political party or independent candidate in that election.

Determination of whether candidate is supported by political party

9. (1) If a question arises in respect of the allocation and registration of a symbol under regulation 8 regarding whether the nomination of a candidate is supported by a political party, that question shall be referred to and determined by the Commission.

(2) The Commission shall consult the leader or secretary of a political party before determining the question referred to in sub-regulation (1).

PART II

NOMINATION PROCEDURE

Appointment of nomination office

10. (1) The Commission shall, by notice in the *Gazette*, appoint for each constituency, district or ward in respect of which an election date has been appointed, a place to be the nomination office for receiving nominations papers.

(2) The returning officer for a constituency, district or ward shall attend at the nomination office during the periods appointed in respect of that constituency, district or ward for the receipt of nomination, to receive nomination papers in that constituency, district or ward.

11. (1) A presidential nomination paper shall be—

- (a) in Form GEN 2 set out in the Schedule;
- (b) signed by the candidate in the presence of the Returning Officer;
- (c) subscribed to by not less than one hundred registered voters from each Province who support the presidential candidate and the running mate; and
- (d) accompanied by a nonrefundable election fee determined by the Commission.

Nomination
for
presidential
election

(2) A nomination paper for a running mate shall be in Form GEN 3 set out in the Schedule.

(3) Sub-regulation (1)(c) and (d) does not apply to a running mate.

(4) A Presidential candidate shall file an affidavit, for purposes of Article 52 of the Constitution, in Form GEN 4 set out in the Schedule.

Cap. 1

(5) The supporters referred to in sub regulation (1) (c) shall -

- (a) be screened and validated by an assistant returning officer at each provincial capital appointed for that purpose by the Commission; and
- (b) endorse Part B of the presidential nomination paper in the presence of the assistant returning officer.

(6) A presidential candidate shall lodge with the Returning Officer—

- (a) a statutory declaration of assets and liabilities in Form GEN 5 set out in the Schedule; and
- (b) a declaration of compliance with the Electoral Code of Conduct in Form GEN 6 set out in the Schedule.

(7) A presidential candidate shall submit the processed nomination papers to the Returning Officer on a day and at a time appointed for the receipt of nominations.

(8) The Returning Officer shall, at the time of lodging nomination papers, take a portrait of the candidate and where the nomination papers are lodged by an election agent, the election agent shall submit a portrait of the candidate as specified by the Commission.

(9) In this regulation, unless otherwise provided, a reference to a Presidential candidate includes a running mate.

Nomination
for
candidate
for election
as Member
of
Parliament

12. (1) The nomination paper for a candidate for election as a Member of Parliament shall be—

- (a) in Form GEN 7 set out in the Schedule;
- (b) subscribed to in Part B of the Form by fifteen supporters, registered in the constituency, in the presence of the returning officer;
- (c) signed by the candidate in the presence of the returning officer; and
- (d) accompanied by a nonrefundable election fee determined by the Commission.

Cap. 1

(2) A candidate for election as a Member of Parliament shall file an affidavit, for purposes of Article 52 of the Constitution, in Form GEN 8 set out in the Schedule.

(3) A candidate for election as a Member of Parliament shall lodge with the returning officer for the constituency concerned -

- (a) a statutory declaration of assets and liabilities in Form GEN 5 set out in the Schedule; and
- (b) a declaration of compliance with the Electoral Code of Conduct in Form GEN 6 set out in the Schedule.

(4) The returning officer shall, at the time of receiving nomination papers, take a portrait of the candidate, and where the nomination papers are lodged by an election agent, the agent shall submit a portrait of the candidate as specified by the Commission.

(5) A candidate or a person duly authorised by that candidate shall, at the time of lodging a nomination paper in a constituency, attend before the returning officer for the constituency with the fifteen supporters of the candidate who shall produce their voter's cards and national registration cards to the returning officer.

Nomination
for mayor or
council
chairperson

13. A candidate for election as a mayor or council chairperson in a district shall lodge with the returning officer for that district-

- (a) a nomination paper in Form GEN 9 set out in the Schedule; and
- (b) an affidavit in Form GEN 10 set out in the Schedule.

Nomination
for election
as councillor

14. (1) The nomination paper for a candidate for election as a councillor shall be—

- (a) in Form GEN 11 set out in the Schedule;
- (b) subscribed to by nine supporters, registered in the ward, in the presence of the returning officer;

(c) signed by the candidate in the presence of the returning officer; and

(d) accompanied by a non refundable election fee specified by the Commission.

(2) A candidate for election as a councillor shall file an affidavit in Form GEN 12 set out in the Schedule.

(3) A candidate for election as a councillor in a ward shall lodge with the returning officer for that ward—

(a) a duly completed nomination paper and affidavit; and

(b) a declaration of compliance with the Electoral Code of Conduct in Form GEN 6 set out in the Schedule.

(4) The returning officer shall, at the time of lodging nomination papers, take a portrait of the candidate and where the nomination papers are lodged by an election agent, the agent shall submit a portrait of the candidate as specified by the Commission.

(5) A candidate or a person duly authorised by the candidate shall, at the time of lodging a nomination paper, present themselves to the returning officer with the fifteen supporters who shall produce their voters cards and national registration cards to the returning officer.

(6) The supporters shall subscribe their signatures on the nomination paper in the presence of the the returning officer.

15. (1) A returning officer shall receive the nomination of a candidate in an election on the days, hours and places specified by the Commission, by statutory order.

Receipt of nominations

(2) A returning officer shall attend at the place, on the days and during the hours appointed by the Commission to provide nomination papers to candidates and to receive the nomination of candidates.

(3) A returning officer may extend the closing time of the period within which to receive nominations if the returning officer is satisfied that a candidate and the candidate's supporters duly presented themselves to the returning officer before the close of the period fixed for the receipt of nominations but were prevented from lodging their nomination before the expiry of that period because the returning officer was receiving the nomination of another candidate during the same period.

16. (1) Where a candidate or candidate's agent intending to lodge a nomination in a constituency, district or ward requests the

Guidance by returning officer

returning officer for that constituency, district or ward to examine the nomination paper before it is lodged, or to be guided on any matter relating to that nomination paper, the returning officer shall guide that candidate or candidate's agent to the best of the returning officer's ability.

(2) The advice or guidance given under subregulation (1) shall not be inquired into in a proceeding before a court.

Control at
nomination
office

17. (1) 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.

(2) A returning officer at a nomination centre may require any person to leave the nomination centre and its precincts if, in the opinion of the returning officer, the person is causing a disturbance which is likely to interfere with the poll.

(3) Sub-regulation (2) does not apply to—

- (a) a member of the Commission or its members of staff;
- (b) an election officer;
- (c) 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, proposer, seconder or supporter;
- (e) a police officer on duty;
- (f) accredited monitors and observers; or
- (g) a person authorised, in writing, by the Chief Electoral Officer to enter and remain in the polling station.

(4) The powers conferred by this regulation shall not be exercised so as to prevent a person who is otherwise entitled to be at the nomination office.

Determination
of validity of
nominations

18. (1) A returning officer for a constituency, district or ward shall, immediately after the filing of a nomination paper in that constituency, district or ward, determine the validity of each nomination lodged with the returning officer and shall declare invalid a nomination in respect of which—

- (a) the nomination paper was not duly completed or properly signed or lodged;
- (b) the nomination paper is not accompanied by the affidavit or the affidavit is defective in a material particular; or
- (c) the appropriate election fee has not been paid.

(2) Where a returning officer determines that a nomination is invalid, the returning officer shall reject the nomination and shall endorse on the nomination paper the reason for the determination, and shall sign that endorsement.

(3) Where a returning officer determines that a nomination is valid, the returning officer shall sign the nomination paper to signify acceptance of the nomination.

(4) Where a returning officer for a constituency, district or ward determines that only one candidate has been validly nominated for election in that constituency, district or ward, the returning officer shall declare that candidate to be duly elected in that constituency, district or ward and shall inform the Commission accordingly.

(5) A returning officer shall notify each candidate, in writing, of the returning officer's decision in respect of that candidate immediately after the filing of nominations.

(6) Where a returning officer determines that more than one candidate is validly nominated, the returning officer shall immediately publish a notice of the names of the candidates validly nominated, in a manner that the returning officer considers necessary for giving the names sufficient publicity, and shall cause the notice to be published in the *Gazette*.

(7) The determination of the returning officer that a nomination is valid or invalid is final unless challenged through an election petition in accordance with Article 52(4) of the Constitution.

19. (1) A returning officer shall, after determining the validity of nominations lodged with the returning officer, inform the Commission of the candidates who are validly nominated.

(2) Where a returning officer determines that no candidate has been validly nominated for election in that constituency, district or ward, the returning officer shall inform the Commission accordingly.

(3) Where the Commission is informed under subregulation (2) that no candidate has been validly nominated, the Commission shall, in respect of that constituency, district or ward, exercise its powers provided for in regulation 7.

20. (1) Where two or more candidates have been validly nominated for a constituency, district or ward, the returning officer shall give local notice that a poll shall be taken in that constituency, district or ward on the day appointed for the election, and the local notice shall set out the names of the candidates in alphabetical order of surnames.

Cap. 1

Procedure
after
determination
of validity of
nominations

Publication
of local
notice

(2) Where two or more candidates have been validly nominated for a constituency, district or ward, the returning officer shall publish the information contained in the nomination papers and affidavits relating to the candidates.

(3) Where no candidate or only one candidate has been validly nominated for election in a constituency, district or ward, the returning officer shall give local notice that a poll shall not be taken in that constituency, district or ward.

(4) Where in respect of a constituency, district or ward, the same day has been appointed for the poll for elections to the office of President, the National Assembly or councillor, the returning officer for that constituency, district or ward shall—

(a) in the notice referred to in subregulation (1), state that the polls shall be held at the same time; and

(b) in the notice referred to in subregulation (3), state that despite a poll for election to the National Assembly not being taken in that constituency, district or ward, the poll for the election to the office of President or councillor, as the case may be, shall be taken on the appointed day.

Procedure upon death of candidate

21. The Commission shall, where a candidate who is validly nominated for election in a constituency, district or ward dies before the close of the poll in that election, declare all proceedings relating to the election in that constituency, district or ward to be void, and shall in respect of that constituency, district or ward appoint new election dates.

Inspection of nomination paper

22. A person registered in a constituency, district or ward may, at any reasonable time, after the returning officer for the constituency, district or ward has given notice of the date of the poll and before the day appointed for the taking of a poll in that constituency, district or ward inspect, at the office of the returning officer, a nomination paper of a candidate in that constituency, district or ward.

PART III

ELECTIONS

Notice of polling stations

23. The electoral officer for a polling district shall, for the purpose of the taking of a poll in the polling district, give local notice and such other notice indicating the location of a polling station in the polling district.

24. (1) Subject to regulation 25, a poll shall commence and close at such time as the Commission appoints, and notice of the times shall be published in the *Gazette* and in such other manner as the Commission directs.

Appointment
of times of
polling

(2) The Commission may appoint different commencement or closing times for different constituencies or polling districts.

25. (1) A presiding officer may postpone until later in the day, and if necessary to some other day, the polling at the polling station where voting cannot be started or is interrupted by reason of a riot, open violence, flood, natural catastrophe or other cause, which affects the conduct of a free and fair election at the polling station.

Postponement
of poll in
case of
emergency

(2) Where a presiding officer postpones a poll, in accordance with sub-regulation (1), the polling shall start or restart at the earliest practicable time or date.

(3) A presiding officer may extend the hours or postpone the day of polling at a polling station where polling has started or has been interrupted by reason of any of the causes referred to in subregulation (1), and references in these Regulations to the close of the poll shall be construed accordingly.

(4) If a poll is postponed at a polling station, the hours of polling on the day to which it is postponed shall be the same as those for the original day, and references in these Regulations to the closing of the poll shall be construed accordingly.

(5) A presiding officer shall, where the presiding officer postpones a poll in accordance with these Regulations, take such precautions as are necessary to safeguard the ballot boxes, ballot papers and other election requisites, and shall immediately notify the returning officer of that postponement.

(6) Where a returning officer is notified under subregulation (4) of the postponement of a poll, the returning officer shall immediately notify the Commission of the postponement.

26. (1) A voter may vote at the polling station appointed for the polling district in which that voter is registered and shall not be entitled to vote at any other polling station.

Nature of
poll

(2) At the taking of a poll, a voter shall be entitled to cast one vote for a candidate and if a voters name appears in error or for any other reason in more than one register of voters, or more than once in the same register of voters, the voter shall not be entitled to cast more than one vote for a candidate.

Form of
ballot paper

27. (1) The ballot paper for a poll in a presidential election shall be in Form GEN 13 set out in the Schedule and shall show, in alphabetical order, the surnames and portraits of the presidential candidates and the names only of the running mate, the names of the political party, if supported by any, and the symbol of each candidate.

(2) The ballot paper for a poll in an election for a Member of Parliament or councillor shall be in Form GEN 14 set out in the Schedule and in respect of a constituency, district or ward shall show the names in alphabetical order of the surnames and portraits of the candidates, the names of the political party, if supported by any, for election in that constituency, district or ward and the symbol of each candidate.

Issuance of
ballot paper

28. (1) A person who intends to vote in an election shall apply for a ballot paper and shall—

(a) attend at the polling station at which the person is entitled to vote;

(b) produce that person's voter's card and national registration card to the presiding officer or assistant presiding officer at a polling station;

(c) present both hands for inspection by the presiding officer, assistant presiding officer or polling assistant; and

(d) have the right hand thumb nail stained, or any other finger or body part found appropriate by the polling assistant.

(2) A person who fails to comply with the requirements of this regulation shall not be issued with a ballot paper.

(3) Subregulation (1) (a), (c) and (d) shall not apply where a special vote is applicable.

(4) A presiding officer or polling assistant at a polling station may ask an applicant for a ballot paper any question that the presiding officer or polling assistant considers necessary to enable the presiding officer or polling assistant to identify the applicant with the name on the register of voters for that polling station.

(5) A person shall not be issued with a ballot paper or permitted to vote at a polling station unless the presiding officer or polling assistant for the polling station is satisfied that the person—

(a) is entitled to vote at that polling station;

(b) has produced that person's voter's card;

(c) has properly been identified;

- (d) has not previously voted in the poll in respect of which the person is applying for a ballot paper; and
- (e) is not disqualified from voting at that election under section 47 of the Act.

29. (1) A returning officer shall, in respect of the taking of a poll in a polling station within the returning officer's constituency, district or ward—

Preparations
for taking of
poll

- (a) ensure that there are sufficient compartments within which voters may mark their ballot papers in secrecy and screened from observation;
- (b) provide each presiding officer with such number of ballot boxes, ballot papers, official seals, official marks, the voters' roll relating to the polling station and such other things as may be necessary for the taking of the poll;
- (c) make such arrangements to facilitate the taking of the poll as may be necessary for ensuring that the poll is taken in the manner provided in these Regulations and in accordance with any instructions issued by the Commission; and
- (d) publish, both inside and outside each polling station, notices instructing voters on the procedure for casting their votes and notices showing
 - (i) the names in alphabetical order of surnames of the candidates for election in that constituency, district or ward; and
 - (ii) the symbol allocated under regulation 8 in respect of each candidate for election in the constituency, district or ward.

(2) The returning officer for each constituency, district or ward in which a poll is to be taken shall give notice, in writing, to each candidate for election in the constituency, district or ward, before the day appointed for taking of the poll, of the time and place at which the votes cast in the elections shall be counted.

30. (1) Every ballot box shall be transparent and constructed in a manner that, after it is sealed under regulation 42, the ballot papers can be placed in the ballot box by the voters but not taken out without breaking the seals.

Ballot
boxes,
official seals
and official
marks

(2) The official seals and official marks in respect of every poll shall be in such form as the Commission may determine.

Procedure
before
commencement
of poll

31. (1) The presiding officer at each polling station shall, immediately before the commencement of the poll, show every ballot box, open and empty, to any person whose presence for that purpose is permitted so that the person may see that it is empty, and shall then seal with the official seal each ballot box, and shall permit a candidate, election agent or polling agent, who may be present to affix their seals to the ballot box, and the seal or seals shall not be broken until the ballot box is opened in accordance with the provisions of these Regulations.

(2) The presiding officer or assistant presiding officer at each polling station shall place every ballot box sealed under subregulation (1) in a position that it can be seen throughout the taking of the poll by the presiding officer or assistant presiding officer and a candidate, election agent or polling agent who is present at the polling station.

Control of
persons
entering
polling
station

32. (1) The presiding officer at each polling station shall keep order in the polling station and in its precincts, and shall regulate the number of voters to be admitted at a time to that polling station.

(2) The presiding officer at each polling station may require any person to leave the polling station and its precincts if, in the opinion of the presiding officer, that person is causing a disturbance which is likely to interfere with the taking of the poll.

(3) Sub-regulation (2) does not apply to—

- (a) a member of the Commission or its members of staff;
- (b) an election officer;
- (c) a person who is accompanying another person wishing to vote in accordance with these Regulations;
- (e) a police officer on duty;
- (f) accredited monitors and observers; or
- (g) a person authorised, in writing, by the Chief Electoral Officer to enter and remain in the polling station.

(4) A candidate, election agent, polling agent or a person accredited by the Commission to enter and remain in a polling station shall, before attending the taking of a poll at any polling station, take and subscribe an oath or make an affirmation, in Form GEN 1 set out in the Schedule before the returning officer for that constituency, district or ward.

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

33. Where a presiding officer, assistant presiding officer or polling assistant is satisfied that an applicant is entitled to be issued with a ballot paper, and to vote, the following procedure shall be followed:

Procedure
for casting
vote at
polling
station

- (a) the voter shall, before receiving a ballot paper, present to the polling assistant, the right hand thumb to be marked, except that in the case of a voter without any thumb, that voter shall present any other finger or body part found appropriate by the polling assistant;
- (b) before issuing a ballot paper to the voter, the presiding officer or assistant presiding officer shall
 - (i) call out the name and the number of the voter as recorded in the register of voters at such polling station;
 - (ii) cancel the name relating to the voter in the register of voters, as evidence that the voter has received a ballot paper; and
 - (iii) stamp the back of the ballot paper with the official mark;
- (c) the presiding officer or polling assistant shall detach the ballot paper from its counterfoil and deliver it to the voter;
- (d) the voter shall, on receiving the ballot paper, enter one of the compartments provided in the polling station for that purpose and signify the vote by secretly marking the ballot paper with a cross in the appropriate place and shall then fold the ballot paper in such a way that the official mark stamped on it is visible and the mark signifying the vote is not visible; and
- (e) the voter shall thereafter leave the compartment and shall, in the presence of the presiding officer or polling assistant, place the folded ballot paper in the ballot box provided in the polling station for that purpose.

34. (1) A voter shall cast the vote without undue delay and shall leave the polling station as soon as the voter has placed the ballot paper in the ballot box.

Costing of
votes

(2) Where the presiding officer is of the opinion that a voter is causing undue delay in casting the vote and that the delay is likely to hinder the adequate or orderly conduct of the poll, the presiding officer may require that voter to complete casting the vote within a period of two minutes immediately thereafter.

(3) A presiding officer shall permit every voter to cast a vote before closing the poll if the voter, at the time appointed for the closing of the poll

(a) is inside the polling station; or

(b) is owing to congestion, in the opinion of the presiding officer, within the precincts of the polling station.

Restriction on communication in precincts of polling station

35. A person, other than a presiding officer, polling assistant, police officer or person on duty in an official capacity at a polling station, shall not have any communication with a voter while the voter is in the precincts of the polling station for the purpose of voting.

Prohibition of use of electronic devices

36. (1) A person shall not use or be allowed to use an electronic device in a polling station or verification room of an election result.

(2) Despite sub-regulation (1), the Commission may specify a list of officials who may use an electronic device in a polling station or verification room for purposes of communication.

Spoilt ballot papers

37. Where a voter inadvertently deals with a ballot paper in such a manner that it cannot be used as a valid ballot paper, the voter shall deliver that ballot paper to the presiding officer and if the presiding officer is satisfied that the ballot paper has been spoilt inadvertently, the presiding officer shall issue another ballot paper to that voter and shall cancel the spoilt ballot paper and the counterfoil to which it relates.

Objections concerning voting

38. (1) An election agent, a polling agent or another voter may, at any time before a voter has been handed a ballot paper at a polling station, object to that voter being entitled to vote or to vote at that polling station if it appears that —

(a) the vote's name is not in the register of voters at that polling station; and

(b) the voter is not in possession of a voter's card or national registration card, or the objector has reasonable grounds to show that the person is not a citizen.

(2) An election agent or voter may object to any other conduct of an election officer or any other person present at a polling station.

(3) An objection shall be made to the presiding officer by an election agent, polling agent or voter in Form GEN 15 set out in the Schedule.

(4) Where a presiding officer does not accept an objection lodged under this regulation, the presiding officer shall accept the ballot and shall count the objected votes.

(5) An objector who is not satisfied with the decision of the presiding officer made under sub-regulation (4) may appeal to the returning officer before the close of voting in Form GEN 16 set out in the Schedule, and the returning officer and presiding officer shall keep a record of each objection and decision made.

39. (1) A presiding officer or other election officer at the request of a voter who is unable to read shall assist that voter in voting in the presence of—

Assistance
to certain
voters

(a) a person appointed by the presiding officer or accredited observer or monitor, if available; or

(b) two election agents of different candidates, if available.

(2) A person may assist a voter in voting if -

(a) the voter requires assistance due to physical disability;

(b) the voter has requested to be assisted by that person; and

(c) the presiding officer is satisfied that person has attained the age of eighteen years.

(3) The secrecy of voting as provided in the Constitution shall be preserved in the application of this regulation.

Cap. 1

(4) A presiding officer shall record in the copy of the register of voters, by means of a mark placed next to the name of the voter concerned, that the presiding officer or another person assisted the voter as provided under this regulation and give the reason for doing so.

40. (1) Where a person entitled to vote in a constituency, district or ward is employed as a returning officer, presiding officer, polling assistant, police officer or in any other official capacity at a polling station outside that constituency, district or ward, other than the polling station at which that person is entitled to vote, the returning officer for that constituency, district or ward may authorise that person, by certificate under the returning officers= hand in Form GEN 17 set out in the Schedule, to vote at the polling station at which the person is employed.

Voting by
persons
employed on
election
duties

(2) A voter to whom a certificate is issued under subregulation (1) shall deliver that certificate to the presiding officer when the voter applies for a ballot paper.

Delegation
of powers
of presiding
officer

41. The presiding officer at a polling station may, during a temporary absence from that polling station, delegate the presiding officer's powers, subject to the directions of the Commission, to a polling assistant, and during the period of that absence, the polling assistant shall have and may exercise the powers of the presiding officer.

Sealing of
full ballot
box

42. (1) The presiding officer shall, as soon as a ballot box gets filled up during voting, seal it in the presence of accredited observers, monitors or polling agents and allow the agents to affix their seals to the box, which shall be kept in full view of all persons present until the close of the poll.

(2) The presiding officer shall, where a ballot is sealed under sub-regulation (1), place a new sealed ballot box for the continuity of the voting process.

Procedures
after close of
poll

43. (1) The presiding officer at a polling station shall, as soon as practicable after the close of the poll, in the presence of the candidates, accredited observers, monitors, election agents or polling agents, present at the polling station—

- (a) close and seal the aperture of every ballot box used for the poll, and permit the candidates, accredited observers, monitors, election agents or polling agents, present at the polling station to affix their seal to the ballot box;
- (b) in respect of the poll, complete the ballot paper account in Form GEN 18 set out in the Schedule; and
- (c) place in separate envelopes, which shall be sealed with official paper seals and with the seals of the candidates, election agents or polling agents, if any, who wish to affix their seals to the ballot box, all the relevant documents such as unused ballot papers, spoilt ballot papers, copy of the register of voters, counterfoils of used ballot papers, the ballot paper account, the official marks and official seals.

(2) A presiding officer shall, in accordance with such directions as may be issued by the Commission, dispatch each envelope sealed and the ballot boxes sealed in safe custody to the returning officer for the constituency, district or ward in respect of which the poll was conducted.

(3) The returning officer for a constituency, district or ward in which a poll has been taken shall take into custody and issue a receipt for all the packets and ballot boxes delivered to the returning officer by a presiding officer in accordance with subregulation (2).

44. (1) The returning officer for constituency, district or ward shall ensure that the counting takes place as soon as practicable after the close of the poll in the respective polling stations in the constituency.

Counting to be done at polling stations

(2) A presiding officer for a polling station shall, as soon as practicable, conduct the count at the polling station immediately after the close of the poll at the polling station.

45. (1) A presiding officer for a polling station in which a poll has been taken shall, with the assistance of the polling assistants for that polling station, count all the votes cast in the election in that polling station in accordance with the provisions of this regulation.

Counting of votes

(2) The counting of the votes shall, so far as circumstances permit, proceed continuously until the count is completed, allowing only a reasonable time for refreshments.

(3) The procedure for counting shall be as follows:

(a) the presiding officer shall open each ballot box and, after removing all the ballot papers, shall count and record the total number of ballot papers contained in each ballot box, without reference to the manner in which the ballot papers are marked;

(b) the presiding officer shall then count and record the total number of valid ballot papers in respect of each candidate, commencing with the election to the office of the President, Member of Parliament and councillor; and

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

46. (1) A presiding officer shall, subject to subregulation (2) reject as invalid, and shall not count, a ballot paper—

Rejection of ballot papers

(a) which does not bear the official mark, unless the presiding officer is satisfied that the omission is a *bona fide* error;

(b) which contains more than one vote;

(c) on which anything other than the number printed on the ballot paper is written or marked in such manner that the voter can be identified; or

(d) which is unmarked or invalid for uncertainty.

(2) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place;
- (b) otherwise than by means of a cross; or
- (c) by more than one mark;

shall not by that reason be invalid if the intention of the voter clearly appears on it, and the manner in which the paper is marked does not of itself identify the voter and it is not shown that the voter can be identified.

(3) The presiding officer shall stamp the word “rejected” on a ballot paper which is not to be counted under this regulation.

(4) The presiding officer shall draw up a statement in Form GEN 19 set out in the Schedule showing the number of ballot papers rejected under the several heads of—

- (a) absence of official mark;
- (b) more than one vote;
- (c) writing or mark by which voter could be identified; and
- (d) unmarked or invalid for uncertainty.

(5) The presiding officer of a polling station may

give a candidate, election agent or polling agent present at the polling station a copy of the statement referred to in sub-regulation (4).

Re-counting
of votes

47. A candidate, an election agent or polling agent may, if present when the counting or recounting of the votes is completed, request the presiding officer to have the votes re-counted, or the presiding officer may, have the votes re-counted or again re-counted, except that the presiding officer may refuse the request if, in the opinion of the presiding officer, it is unreasonable.

Equality of
votes

48. (1) Where an equality of votes is found to exist between two or more candidates and the addition of one vote would entitle any one of the candidates to be declared elected, the returning officer shall immediately decide between those candidates by lot in such manner as the Commission may determine and shall proceed as if the candidate on whom the lot falls has received an additional vote.

(2) This regulation shall not apply to an election to the office of President.

Sealing of
ballot
papers

49. (1) The presiding officer shall, on completion of the counting and totalling of votes cast in an election, seal in separate marked envelopes the ballot papers counted in respect of each candidate, and shall place the rejected ballot papers in separate envelopes.

(2) The presiding officer shall announce how the votes have been cast for each candidate in Form GEN 20 set out in the Schedule, and how many have been rejected in the polling station and may require if present, election agents or monitors to countersign the results, except that failure to countersign the election results does not render the results invalid.

(3) The presiding officer shall deliver the envelopes referred to in sub-regulation (1) to the returning officer of the constituency, district or ward concerned with all the documents and materials referred to in regulation 45.

50. (1) The returning officer shall, after the returning officer receives the votes counted at the polling stations in the constituency, district or ward, total the votes of the poll for each candidate from the ballot paper accounts of each polling station.

Announcement
and
declaration
of the results

(2) In every constituency where a poll in respect of an election to the office of President, mayor or council chairperson has been taken, the returning officer for that constituency shall, without delay after the totalling of the votes has been completed, announce the results of each candidate in Form GEN 20 set out in the Schedule and inform the Commission of the number of valid votes cast in the election and the number of valid votes cast for each candidate and votes rejected.

(3) When the totalling of the votes for National Assembly or local government elections has been completed and the result of the poll ascertained, the returning officer shall

- (a) complete in duplicate a declaration of the results of the poll in Form GEN 21 set out in the Schedule;
- (b) declare to be elected as Member of Parliament, mayor, council chairperson or councillor, the candidate to whom the majority of votes were cast by reading aloud in public at the place where the totalling was conducted; and
- (c) cause to be delivered to the Commission, without delay, the original of the completed form.

51. (1) If, on an initial ballot for a presidential election, no candidate receives more than fifty percent of the valid votes cast at the election, the Returning Officer shall announce the results of the initial ballot in Form GEN 22 set out in the Schedule, and the Commission shall appoint a day for taking a second ballot in accordance with the Constitution.

Declaration
of President-
elect

Cap. 1

(2) For the purpose of determining whether any presidential candidate is entitled to be declared elected under the Constitution, the Returning Officer shall ascertain the total number of valid votes cast in favour of each candidate and if a presidential candidate

Cap. 1

records more than fifty percent of the valid votes cast, the Returning Officer shall declare that candidate to be President-elect in Form GEN 23 set out in the Schedule.

(3) The presidential candidate who obtains more than fifty percent of the valid votes cast in the initial ballot or second ballot shall be declared President-elect by the Returning Officer.

Notice of
result

52. (1) The Commission shall, in respect of each candidate declared elected in accordance with regulations, give notice in the *Gazette* of—

- (a) the full names of those candidates; and
- (b) the constituency, district or ward in which the candidate was elected.

(2) A person validly nominated and unopposed in accordance with regulation 20(3) shall be deemed to have been elected with effect from the date appointed for the taking of the poll at the election in the constituency, district or ward concerned.

Verification
of ballot
papers

53. (1) The returning officer for a constituency, district or ward in which a poll is taken shall appoint a time and place at which the verification of the ballot paper accounts completed in that constituency, district or ward shall take place and shall give notice, in writing, of the time and place to the candidate in such election.

(2) The returning officer shall, at the time and place appointed under subregulation (1), in the presence of the assistant returning officer for that constituency, district or ward and candidates and their election agents, monitors or observers present, proceed with the verification of the ballot paper accounts.

(3) The returning officer conducting a verification in accordance with sub-regulation (2) shall—

- (a) open the envelopes containing the unused ballot papers together with their counterfoils and the spoilt ballot papers and the envelopes delivered to the returning officer in respect of each polling station in the constituency;
- (b) in respect of each polling station, compare the ballot papers contained in the ballot boxes as recorded under regulation 45 and with the total number of unused and spoiled ballot papers contained in an envelope for that polling station;

- (c) re-seal all the envelopes with their respective contents; and
- (d) place ballot paper account forms for that constituency, district or ward in one envelope and seal that envelope.

(3) The returning officer shall prepare and deliver to the Commission a report on the verification of the ballot paper accounts in Form GEN 24 set out in the Schedule, and shall permit the candidates, monitors, observers and election agents present at the verification to make a copy of the report.

54. (1) The returning officer shall, upon the completion of the verification of the ballot paper accounts, immediately deliver to the Commission all sealed envelopes in connection with the election.

Custody and
destruction
of election
materials

(2) The Commission shall retain the envelopes delivered under subregulation (1) in respect of any poll in an election for a period of six months after the day on which the result of the election was declared, and shall then cause them to be destroyed by any efficacious method.

(3) Where the Commission has been informed under section 100 (4) of the Act that an election petition has been presented in respect of an election, the packets shall not be destroyed until the trial of that election petition is finally determined.

PART IV GENERAL PROVISIONS

55. (1) A candidate shall name an election agent in the nomination paper and, subject to the other provisions of this regulation, the person named shall be the election agent of the candidate for the purpose of that election.

Election
agents

(2) A candidate may revoke the appointment of an election agent at any time, or an election agent may resign from the appointment, by giving written notice to the other party.

(3) Where the election agent of a candidate ceases to be the candidate's election agent for any reason,

that election agent shall give written notice of the cessation to the returning officer for the constituency concerned and if another person is appointed to be the candidate's election agent, the notice shall set out the full name and address of the new election agent.

(4) A person who is not appointed in accordance with the provisions of this regulation shall not exercise the rights of an election agent.

(5) A candidate in a presidential election may, for the purposes of that election, appoint one person in each constituency to be the candidate's election agent for that constituency or appoint the same election agent to be the election agent for two or more constituencies, and the other provisions of this regulation shall apply to that candidate and election agent.

Polling
agents

56. (1) Subject to the other provisions of this regulation, a candidate, or the candidate's election agent may, in respect of each polling station within the constituency in which the candidate is nominated, appoint a person to be that candidate's polling agent.

(2) A candidate or the candidate's election agent shall, at least four days before the day appointed as polling day for the constituency, district or ward concerned, give written notice to the returning officer for the constituency, district or ward stating the names and addresses of the polling agents appointed under sub regulation (1) and specifying the polling station for which each person is appointed as polling agent.

(3) A person who is not appointed in accordance with the provisions of this regulation shall not exercise the rights of a polling agent.

(4) A candidate in a presidential election may, for the purposes of that election, appoint a person to be that candidate's polling agent in respect of a polling station or to be that candidate's election agent.

(5) A person may, in respect of a polling station in the constituency for which that person is election agent, appoint a person to be the polling agent of a candidate and the other provisions of these regulations shall apply to that candidate, that candidate's election agent and polling agents.

Offences by
election
officers

57. An election officer or person who wilfully fails to perform the functions of that office or fails to comply with any of the requirements of these Regulations commits an offence and is liable, upon conviction, to a fine not exceeding ten thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

Revocation
of S.I. No.
92 of 2006

58. The Electoral (General) Regulations, 2006, are revoked.

SCHEDULE

(Regulations 4, 9, 11(1), 11(2), 11(4), 11(6)(a), 11 (6)(b), 12(1), 12(2), 13(a), 13(b),12(3)(a), 14(1)(a), 14(2),27(1), 27(2), 38(3), 38(5), 40(1), 43(1), 46(3), 49, 50, 51(1), 51(2) and 53(3))

PRESCRIBED FORMS



REPUBLIC OF ZAMBIA

**The Electoral Process Act, 2016
(Act No. 35 of 2016)**

The Electoral Process (General) Regulations, 2016

OATH () OR AFFIRMATION ()

I.....
Surname Other Names

having been appointeddo hereby
*swear/solemnly and sincerely affirm that—

- (a) I will carry out the duties required of me as a result of my appointment impartially and to the best of my ability without fear or favour to any person or persons;
- (b) I will not directly or indirectly reveal to any person any matter that may come to my knowledge or notice as a result of my appointment unless so authorised by law; and
- (c) I will diligently discharge my duties in accordance with the law and shall abide with the Electoral Code of Conduct.

Signed:.....

*Sworn/Affirmed before me this day of20

Signed.....

Name in CAPITALS

*Subordinate Court Magistrate/Local Court Magistrate/Election Officer/Returning Officer/ Commissioner for Oaths/Head of Government School/Principal of a College.

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

*Delete as necessary

GEN. 2
(Regulation 11(1))
(Complete in triplicate)



REPUBLIC OF ZAMBIA

The Electoral Process Act, 2016
(Act No. 35 of 2016)

The Electoral Process (General) Regulations, 2016

PRESIDENTIAL ELECTION NOMINATION PAPER

PART A

To: The Returning Officer,.....
We the undersigned being registered voters do hereby nominate:

Surname (in BLOCK CAPITALS)

First name (in BLOCK CAPITALS)

** Other Names

National Registration Card No.

Voter's Card No.

Gender: Male Female Mobile Phone No.

Residential Address:.....
Postal Address:.....
to stand as a candidate for election in the election.

Please Fill the Section in Block Capitals

I, (Surname)..... (First name).....
(Other Names):.....

Hereby declare:

(a) that I accept the nomination;

(b) * that my nomination is supported by thepolitical party
and the party symbol is

(c) *that I am an independent candidate and my symbol is

(c) that I appoint, (Surname)..... (NRC Number).....
(Other Names).....
as my running mate in the election.

(d) that I have appointed the persons listed in Part C in accordance with Regulation 50, as
my Election Agents in the named constituencies.

(e) An affidavit stating that I qualify for election as President is hereby lodged.

.....
(Date) (Signature of Candidate)

Received by me at hours on the day of20.....

*VALID/INVALID Receipt No:

Rejection Reason (if invalid):.....

.....
(Name of Returning Officer) (Signature of Returning Officer)

*Delete whichever is not applicable

** Note that only initials will be used for other names on the ballot paper

GEN. 3
 (Regulations 11 (3))
 (Complete in triplicate)



REPUBLIC OF ZAMBIA

The Electoral Process Act, 2016
 (Act No. 35 of 2016)
 The Electoral Process (General) Regulations, 2016

PRESIDENTIAL ELECTION NOMINATION PAPER RUNNING MATE

To: The Returning Officer,

I, the undersigned being Presidential candidate, do hereby nominate:

Surname (in BLOCK CAPITALS)

First name (in BLOCK CAPITALS)

** Other Names

National Registration Card No.

Voter's Card No.

Gender: Mobile Phone No.

Residential Address:

Postal Address:

to stand as my Running Mate for the Presidential Election

.....
 (Date) (Signature of Candidate)

Please Fill the Section in Block Capitals

I, (Surname)..... (First name).....

(Other Names):.....

Hereby declare that:

(a) I accept the nomination as a Running Mate to
 (full names of candidate).

(b) an affidavit stating that I qualify for election as President is hereby lodged.

.....
 (Date) (Signature of Running Mate)

Received by me at hours on the day of 20.....

*VALID/INVALID
 Rejection Reason (if invalid):.....

.....
 (Name of Returning Officer) (Signature of Returning Officer)

*Delete whichever is not applicable
 ** Note that only initials will be used for other names on the ballot paper

GEN. 4
 (Regulations 11 (4))
 (Complete in triplicate)



REPUBLIC OF ZAMBIA

**The Electoral Process Act, 2016
 (Act No. 35 of 2016)**

The Electoral Process (General) Regulations, 2016

AFFIDAVIT FOR PRESIDENTIAL CANDIDATE/RUNNING MATE *

I,,
 a Zambian Citizen nominated to contest Presidential election/ as a running mate*, do hereby
 make OATH/solemnly affirm and state that:

1. I am a Zambian Citizen by birth/descent* and attach a certified copy of my green National Registration Card marked 1.
2. I have been ordinarily resident in Zambia and I reside at
 (Physical address, town, province)
3. I am a registered voter and a certified copy of my voter's card is attached and marked 2.
4. I amyears of age.
5. I am fluent in the official language.
6. I have obtained, as a minimum academic qualification, a Grade twelve certificate or its equivalent and attached is a certified copy of my Grade twelve certificate/equivalent* marked 3.
7. I have paid all my personal taxes/ made arrangements satisfactory* to the appropriate tax authority for the payment of taxes. Attached hereto is a certified copy of the tax clearance certificate/proof of arrangement of paying taxes marked 4.
8. I have declared my assets and liabilities and the statement of the assets and liabilities is attached and marked 5.
9. I qualify for nomination as a Presidential candidate and the disqualifications in Article 100 (2) do not apply to me.
10. I swear this affidavit conscientiously believing the same to be true and correct to the best of my knowledge.
 Sworn by the saidat Lusaka this..... day of

Before Me:

Commissioner for Oaths

*delete whichever is not applicable.

GEN. 5
(Regulations 11 (6) (a) and 12(2)(a))
(Complete in triplicate)



REPUBLIC OF ZAMBIA

**The Electoral Process Act, 2016
(Act No. 35 of 2016)**

The Electoral Process (General) Regulations, 2016

STATUTORY DECLARATION OF ASSETS AND LIABILITIES

(Presidential Candidate/Running Mate/Member of Parliament/Mayor/Council Chairperson*)

I, (full names) being a candidate for election to the office of the President of the Republic of Zambia/Running Mate* do solemnly and sincerely declare that the statement annexed hereto is made by me for the purposes of Article 100/70* of the Constitution and is a true and complete statement of my assets and liabilities.

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

Signed.....

Subscribed and solemnly declared before me this day of
20.....

.....

Returning Officer

Note: A typed or clearly printed/written statement of assets and liabilities must be annexed to this declaration.

*Delete whichever is not applicable

GEN. 6
 (Regulation 11 (6)(b), 12(3)(b) and 14(3)(b))
 (Complete in triplicate)



REPUBLIC OF ZAMBIA

**The Electoral Process Act, 2016
 (Act No. 35 of 2016)**

The Electoral Process (General) Regulations, 2016

DECLARATION OF COMPLIANCE WITH ELECTORAL CODE OF CONDUCT

I, do solemnly and sincerely declare that:

(1) I am a citizen of

(2) My National Registration Card Number is.....

(3) *I am the Secretary General of.....a political party registered under the Societies Act, and intending to participate in the elections.

*I am an independent candidate intending to participate in the elections.

(4) *I shall ensure that the as a political party and its supporters, shall observe the Code of Conduct during campaigns and elections.

*I shall comply and be bound by the provisions of the Electoral (Code of Conduct) Regulations.

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

Signed:

Name:.....

Residential Address:.....

Subscribed to and solemnly declared before me at..... this.....day of 20.....

Local Court Magistrate, Subordinate Court Magistrate, Head of Primary or Secondary School, Principal of a College, commissioner for Oaths, electoral Officer or Head of any government institution

**Delete where inapplicable*

GEN. 7
 (Regulation 12(1))
 (Complete in triplicate)



REPUBLIC OF ZAMBIA

The Electoral Process Act, 2016
 (Act No. 35 of 2016)

The Electoral Process (General) Regulations, 2016
 NATIONAL ASSEMBLY NOMINATION PAPER

PART A

To: The Returning Officer, Constituency, District.
 We the undersigned being registered voters in the above-named constituency, do hereby nominate:

Surname (in BLOCK CAPITALS)

First name (in BLOCK CAPITALS)

** Other Names

National Registration Card No.

Voter's Card No.

Gender: Male Female Mobile Phone Number:

Residential Address:

Postal Address:

to stand as a candidate for election in the Constituency in District

Please Complete this Section in Block Capitals

I, (Surname).....(First Name).....
 (Other Names):.....
 Hereby declare:-

(a) that I accept the nomination;

(b) * that my nomination is supported by the political party and I have been a member for The symbol
 * that I am an independent candidate and my symbol is

(c) (i) that I have appointed (full name).....
 of (address).....
 (ii) that I have appointed (full name).....
 of (address).....
 to be my Election Agents in accordance with the regulations.

(d) An Affidavit stating that I qualify for election as a Member of Parliament is hereby lodged.

.....
 (Date) (Signature of Candidate)

Received by me at hours on the day of 20.....

*VALID/INVALID Receipt No: Amount:

Rejection Reason (If invalid):.....

.....
 (Name of Returning Officer) (Signature of Returning Officer)

*Delete whichever is not applicable

** Note that only initials for Other Names will be used on the ballot paper



REPUBLIC OF ZAMBIA

GEN. 8
(Regulation 13)
(Complete in triplicate)

The Electoral Process Act, 2016
(Act No. 35 of 2016)

The Electoral Process (General) Regulations, 2016

AFFIDAVIT IN SUPPORT OF NOMINATION AS A MEMBER OF PARLIAMENT

I, a Zambian Citizen
nominated to contest elections as a Member of Parliament, do hereby make OATH/solemnly
affirm and state that-

- 1. I am a Zambian Citizen and I attach a certified copy of my green national registration card marked 1.
- 2. I reside at.....
(Physical address, town, province)
- 3. I am a registered voter and a certified copy of my voter’s card is attached and marked 2.
- 4. I amyears old.
- 5. I have obtained, as a minimum academic qualification, a Grade twelve certificate or its equivalent and a certified copy of my Grade twelve certificate/equivalent* is attached and marked 3.
- 6. I have declared my assets and liabilities and the statement of the assets and liabilities is attached and marked 4.
- 7. I am not a member of a political party and I have not been a member of a political party for at least two months immediately before the date of the election**.
- 8. I qualify for nomination as a Member of Parliament and the disqualifications in Article 70 (2) do not apply to me.
- 9. I swear this affidavit conscientiously believing the same to be true and correct to the best of my knowledge.

Sworn by the said at this day of 20.....

Before Me

Commissioner for Oaths

* delete whichever is not applicable.
** applies only to independent candidate, delete if not applicable.

GEN. 9
(Regulation 12(2))
(Complete in triplicate)



REPUBLIC OF ZAMBIA

The Electoral Process Act, 2016
(Act No. 35 of 2016)

The Electoral Process (General) Regulations, 2016

LOCAL GOVERNMENT NOMINATION PAPER

MAYOR/COUNCIL CHAIRPERSON

PART A

To: The Returning Officer,..... District.	
We the undersigned being registered voters in the above-named district, do hereby nominate:	
Surname (in BLOCK CAPITALS)	<input type="text"/>
First name (in BLOCK CAPITALS)	<input type="text"/>
** Other Names	<input type="text"/> <input type="text"/>
National Registration Card No.	<input type="text"/> <input type="text"/> <input type="text"/>
Voter's Card No.	<input type="text"/>
Gender: <input type="checkbox"/>	Mobile Phone Number: <input type="text"/>
Residential Address:.....	
Postal Address:.....	
To stand as a candidate for election as Mayor/Council Chairperson* in District	
Please Complete this Section in Block Capitals	
I, (Surname).....	(First Name).....
(Other Names):.....	
Hereby declare:-	
(a) that I accept the nomination;	
(b) * that my nomination is supported by the..... political party and the symbol is.....	
* that I am an independent candidate and my symbol is.....	
(c) (i) that I have appointed (full name).....	
of (address).....	
(ii) that I have appointed (full name).....	
of (address).....	
to be my Election Agents in accordance with the regulations.	
(d) An affidavit stating that I qualify for election as Mayor/Council Chairperson is hereby lodged.	
.....
(Date)	(Signature of Candidate)
Received by me at hours on the day of 20.....	
*VALID/INVALID	Receipt No:..... Amount.....
Rejection Reason (if invalid):.....	
.....
(Name of Returning Officer)	(Signature of Returning Officer)

*Delete whichever is not applicable

** Note that only initials for Other Names will be used on the ballot paper

GEN 10
 (Regulation 13(b))
 (Complete in triplicate)



REPUBLIC OF ZAMBIA

**The Electoral Process Act, 2016
 (Act No. 35 of 2016)**

The Electoral Process (General) Regulations, 2016

**AFFIDAVIT IN SUPPORT OF NOMINATION AS MAYOR/COUNCIL
 CHAIRPERSON***

I,....., a Zambian Citizen nominated to contest election as a Mayor/Council Chairperson* do hereby make OATH/solemnly affirm and state that:—

1. I am a Zambian Citizen and I attach a certified copy of my green National Registration Card marked 1
2. I reside at
 (Physical address, town, province).
3. I am a registered voter and a certified copy of my voter's card is hereto attached and marked 2.
4. I have obtained, as a minimum academic qualification, a Grade twelve certificate or its equivalent and a certified copy of the Grade twelve certificate/equivalent* is hereto attached and marked 3.
5. I have declared my assets and liabilities and the statement of the said assets and liabilities is attached and marked 4.
6. I qualify for nomination as a Mayor/ Council Chairperson*.
7. I swear this affidavit conscientiously believing the same to be true and correct to the best of my knowledge.

Sworn by the saidatthis day of

Before Me
Commissioner for Oaths

*delete whichever is not applicable.

GEN. 11
(Regulation 14(1))
(Complete in triplicate)



REPUBLIC OF ZAMBIA

The Electoral Process Act, 2016
(Act No. 35 of 2016)

The Electoral Process (General) Regulations, 2016

THE LOCAL GOVERNMENT NOMINATION PAPER

COUNCILLOR
PART A

To: The Election Officer,Ward,
.....Constituency,District.

We the undersigned being registered voters in the above-named ward, do hereby nominate:

Surname (in BLOCK CAPITALS)

First name (in BLOCK CAPITALS)

** Other Names

National Registration Card No.

Gender: Mobile Phone Number:

Residential Address:.....
Postal Address:.....

To stand as candidate for election as Councillor in theWard of the Council

Please Complete this Section in Block Capitals

I, (Surname).....(First Name).....
(Other Names):.....

Hereby declare: -

(a) that I accept the nomination;

(b) * that my nomination is supported by the.....political party and the symbol is

* that I am an independent candidate and my symbol is.....

(c) (i) that I have appointed (full name).....
of (address).....

(ii) that I have appointed (full name).....
of (address).....
to be my Election Agents in accordance with the regulations.

(d) An affidavit stating that I qualify for election as a Councilor is hereby attached.
.....
(Date) (Signature of Candidate)

Received by me athours on the day of20.....

*VALID/INVALID Receipt No:..... Amount: K.....

Reason for Rejection (If invalid):.....

.....
(Name of Returning Officer) (Signature of Returning Officer)

*Delete whichever is not applicable

** Note that only initials for Other Names will be used on the ballot paper

GEN. 12
(Regulation 14(2))
(Complete in triplicate)



REPUBLIC OF ZAMBIA

**The Electoral Process Act, 2016
(Act No. 35 of 2016)**

The Electoral Process (General) Regulations, 2016

AFFIDAVIT IN SUPPORT OF NOMINATION AS A COUNCILLOR

I,,
nominated to contest election as a Councillor do hereby make OATH/solemnly affirm and state that:—

I am a Zambian Citizen /holder of a resident permit/ resident in the district* and, a certified copy of my green National Registration Card/resident permit * is hereby attached and marked 1.

(1) I reside at.....
(Physical address, town, province)

(2) I am not a Member of Parliament or nominated to stand as a Member of Parliament.

(3) I am years of age.

(4) I have obtained, as a minimum academic qualification, a Grade twelve certificate or its equivalent and a certified copy of my Grade twelve certificate/equivalent* is hereto attached and marked 2.

(5) I have paid all my council taxes and I attach hereto a certified copy of tax clearance from the Council, marked 3

(6) I qualify for nomination as a Councillor.

(7) I swear this affidavit conscientiously believing the same to be true and correct to the best of my knowledge.

Sworn by the said at this day of, 20

Before Me
Commissioner for Oaths

* delete whichever is not applicable.

GEN 13
 (Regulation 27 (1))
 (Complete in triplicate)



REPUBLIC OF ZAMBIA

**The Electoral Process Act, 2016
 (Act No. 35 of 2016)**

The Electoral Process (General) Regulations, 2016

BALLOT PAPER FOR PRESIDENTIAL ELECTION

Serial No.....

Constituency

Instructions: **Vote** for **ONE** candidate **ONLY** by marking one cross in the blank box opposite the name and symbol of the candidate for whom you wish to vote. **DO NOT** make any other mark on this paper by which you can be identified.

PORTRAIT OF CANDIDATE	NAME OF CANDIDATE Name of Running Mate	POLITICAL PARTY/INDEP	SYMBOL	MARK/ CROSS

*Official Mark to be stamped on reverse side of ballot paper

GEN 14
 (Regulation 27 (2))
 (Complete in triplicate)



REPUBLIC OF ZAMBIA

**The Electoral Process Act, 2016
 (Act No. 35 of 2016)**

The Electoral Process (General) Regulations, 2016

**BALLOT PAPER FOR NATIONAL ASSEMBLY/MAYORAL/COUNCIL
 CHAIRPERSON/COUNCILLORS**

Serial No.....

Constituency

Instructions: **Vote** for **ONE** candidate **ONLY** by marking one cross in the blank box opposite the name and symbol of the candidate for whom you wish to vote. **DO NOT** make any other mark on this paper by which you can be identified.

PORTRAIT OF CANDIDATE	NAME OF CANDIDATE Name of Running Mate	POLITICAL PARTY/INDEP	SYMBOL	MARK/ CROSS

*Official Mark to be stamped on reverse side of ballot paper
 *Delete where inapplicable

GEN. 15
(Regulation 38(3))
(Complete in triplicate)



REPUBLIC OF ZAMBIA

**The Electoral Process Act, 2016
(Act No. 35 of 2016)**

The Electoral Process (General) Regulations, 2016

OBJECTION AND DECISION CONCERNING VOTING

I.....being *an election agent/ voter hereby
objects toof voter’s card no
being *allowed/refused to vote at..... polling station for the following reasons:

.....
.....
.....

Name of objector.....

NRC No..... Voter’s Card No:.....

Signed:.....

Date:.....

I being the duly appointed Presiding
Officer for polling station hereby *allow/refuse the above
objection on the ground(s) that:

.....
.....
.....

Signed:.....

Date:.....

*delete where inapplicable.

GEN. 16
(Regulation 38 (4))
(Complete in triplicate)



REPUBLIC OF ZAMBIA

**The Electoral Process Act, 2016
(Act No. 35 of 2016)**

The Electoral Process (General) Regulations, 2016

APPEAL TO THE RETURNING OFFICER

To: The Returning Officer

..... Constituency

..... District

I an *election agent/voter
at polling station hereby
appeal against the decision of the Presiding Officer at the said polling station

*allowing/refusing of voter's
card no to Vote.

My appeal is based on the ground(s) that
.....
.....

Signed.....

Appellant

Date.....

I duly appointed
Returning Officer for Constituency hereby

*allow/dismiss the appeal on the ground(s) that.....
.....

Signed:.....

Date:

*delete where inapplicable.

GEN. 17
 (Regulation 40(1))
 (Complete in triplicate)



REPUBLIC OF ZAMBIA

**The Electoral Process Act, 2016
 (Act No. 35 of 2016)**

The Electoral Process (General) Regulations, 2016

**CERTIFICATE OF AUTHORITY TO VOTE AT A POLLING STATION FOR PERSONS
 EMPLOYED ON ELECTION DUTIES**

To: Presiding Officer Polling Station
 Constituency

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

(i) Full name of voter as shown in the Voters' Roll

(ii) Election duty

(iii) Name of polling station at which voter entitled to vote.....

(iv) Voter's Card No.....

(v) National Registration Card No.....

Name of Returning Officer

Signature of Returning Officer

Date 20.....

INSTRUCTIONS

1. This certificate may only be issued to a person who is unable to vote at the polling station at which the person is entitled to vote owing to the fact that he or she is employed in an official capacity on election duties at some other polling station.
2. In addition to this certificate, the national registration card and the voter's card must be produced to the Presiding Officer when application is made for a ballot paper.
3. Upon the issue of a ballot paper to the voter this certificate must be surrendered to the Presiding Officer who must attach it to the marked copy of the Voters' Roll.

GEN. 19
 (Regulation 46 (4))
 (Complete in triplicate)



REPUBLIC OF ZAMBIA

**The Electoral Process Act, 2016
 (Act No. 35 of 2016)**

The Electoral Process (General) Regulations, 2016

**STATEMENT OF REJECTED BALLOT PAPERS
 PRESIDENTIAL/MEMBER OF PARLIAMENT/ MAYOR/COUNCIL CHAIRPERSON/
 COUNCILLOR***

.....Polling Station
 Constituency
Polling Station

Date of Poll

Reasons for rejection by Presiding Officer	Total
1. No official Mark
2. Votes shown for more than one candidate
3. Voter identification by mark
4. Unmarked or invalid due to uncertainty
Total number of rejected ballot papers

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

Date..... 20

.....
Signature of Presiding Officer

INSTRUCTIONS

1. To be completed by the Presiding Officer at the conclusion of the count after results and before announcement of the results.
2. The rejected ballot papers must be placed together in a marked envelope which must be sealed by the Presiding Officer.

*Delete where inapplicable

GEN. 20
 (Regulations 49 and 50)
 (Complete in triplicate)



REPUBLIC OF ZAMBIA
The Electoral Process Act, 2016
 (Act No. 35 of 2016)

The Electoral Process (General) Regulations, 2016

**ANNOUNCEMENT OF THE RESULT OF THE POLL
 PRESIDENTIAL/MEMBER OF PARLIAMENT/ MAYOR/COUNCIL CHAIRPERSON/
 COUNCILLOR***

I being the Presiding Officer
 for.....,
*(Presiding Officer's Name in full in BLOCK CAPITAL (Name and Number of Polling
 Station))*
 in Constituency do
 hereby announce that I have, in accordance with the law, counted the votes of the poll in
 the said polling station and that they have been given to:

	Name of Candidate	Party/Independent	Votes(in figures)
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

I further declare that a total of.....ballot papers have been rejected by me as invalid
 and that a total of..... votes were cast.
 Dated this day of20.....
 Signed:

Name / Party (Signature)	(Name / Party) (Signature)	Name/Organization (Signature)
Name / Party (Signature)	Name / Party (Signature)	Name/Organization (Signature)
Name / Party (Signature)	Name / Party (Signature)	Name/Organization (Signature)
Name / Party (Signature)	Name / Party (Signature)	Name/Organization (Signature)
Name / Party (Signature)	Name / Party (Signature)	Name/Organization (Signature)
Name / Party (Signature)	Name / Party (Signature)	Name/Organization (Signature)
Name / Party (Signature)	Name / Party (Signature)	Name/Organization (Signature)
Name / Party (Signature)	Name / Party (Signature)	Name/Organization (Signature)
(Name and Signatures of Agents)	(Name and Signatures of Agents)	(Name and Signatures of Monitors)

Witnessed by:

INSTRUCTIONS

1. This form must be completed in sufficient quantities to give **one** copy to each polling agent by the Presiding Officer. The Presiding Officer must read out aloud the text from the original to the public outside and inside the polling station.
2. The full names of the candidates, party and votes received in figures must be inserted in the columns above, with the successful candidate's name at No. 1.
3. The original of this form must be delivered to the Returning Officer together with other material at the conclusion of the count. Copies can be given to each candidate/party agents and monitors.

*Delete where inapplicable

GEN. 21
 (Regulations 49 and 50)
 (Complete in triplicate)



REPUBLIC OF ZAMBIA
The Electoral Process Act, 2016
 (Act No. 35 of 2016)

The Electoral Process (General) Regulations, 2016

**ANNOUNCEMENT OF THE RESULT OF THE POLL
 PRESIDENTIAL/MEMBER OF PARLIAMENT/ MAYOR/COUNCIL CHAIRPERSON/
 COUNCILLOR***

I being the Presiding Officer
 for..... District/Constituency/ward,
(Presiding Officer's Name in full in CAPITAL LETTERS
 do hereby announce that I have, in accordance with the law, counted the votes of the poll
 in the said polling station and that they have been given to:.....

	Name of Candidate	Party/Independent	Votes(in figures)
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

I further declare that a total of.....ballot papers have been rejected as invalid and
 that a total of..... votes were cast.

*The tie of votes recorded has been broken by casting a lot in accordance with the provision of
 the law. (Delete if not applicable).

I therefore declare that the said.....to be this
 day duly elected as.....for

Dated this day of20.....

Signed:

Witnessed by:

Name / Party) (Signature	(Name / Party) (Signature	Name/Organization) (Signature
Name / Party) (Signature	Name / Party) (Signature	Name/Organization) (Signature
Name / Party) (Signature	Name / Party) (Signature	Name/Organization) (Signature
Name / Party) (Signature	Name / Party) (Signature	Name/Organization) (Signature
Name / Party) (Signature	Name / Party) (Signature	Name/Organization) (Signature
Name / Party) (Signature	Name / Party) (Signature	Name/Organization) (Signature
Name / Party) (Signature	Name / Party) (Signature	Name/Organization) (Signature
Name / Party) (Signature	Name / Party) (Signature	Name/Organization) (Signature

INSTRUCTIONS

1. This form must be completed in sufficient quantities to give one copy to each candidate or their polling agent by the Returning Officer. The Returning Officer must read out aloud the text from the original to the public at the place where the totaling of the votes takes place.
2. The full names of the candidates, party and votes received in figures must be inserted in the columns above, with the successful candidate's name at No. 1.
3. The original of this form must be delivered to the Electoral Commission of Zambia by the quickest possible means and copy must be retained by the Returning Officer.

*Delete where inapplicable

GEN 22
(Regulation 51(1))
(Complete in triplicate)



REPUBLIC OF ZAMBIA

**The Electoral Process Act, 2016
(Act No. 35 of 2016)**

The Electoral Process (General) Regulations, 2016

DECLARATION OF RESULT OF THE INITIAL BALLOT- PRESIDENTIAL

Whereas Parliament was dissolved on the day of, 20.....

AND WHEREAS an Election to the Office of President was conducted on the day of, 20.....

NOW THEREFORE,

I (full name of Returning Officer)being the Returning Officer for the election to the office of President do hereby DECLARE that I have, in accordance with the law, ascertained the result of such election and the results have been given to:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

AND WHEREAS, no candidate has received more than fifty percent of the valid votes cast in accordance with Article 101(2) of the Constitution. AND WHEREAS

- 1.
- 2.
- 3.

received the highest and second highest numbers of the valid votes cast.

NOW THEREFORE I, the said Returning Officer do hereby ANNOUNCE THAT the second ballot shall be held on the day of20.....

And the candidates shall be,

- 1.
- 2.
- 3.

Signed.....
Returning Officer

Date.....

GEN. 23
 (Regulation 51 (2))
 (Complete in triplicate)



REPUBLIC OF ZAMBIA

**The Electoral Process Act, 2016
 (Act No. 35 of 2016)**

The Electoral Process (General) Regulations, 2016

DECLARATION OF PRESIDENT-ELECT

WHEREAS Parliament was dissolved on the..... day of
, 20..... AND WHEREAS an Election to the office of
 President was conducted on the day of, 20.....

NOW THEREFORE, I (*full name of Returning Officer*)

.....
 being the Returning Officer for the Election to the office of President do hereby declare that I
 have, in accordance with the law, ascertained the result of such election and the valid votes were
 given to.

1.
2.
3.
4.

I, THEREFORE DECLARE, (*name of elected candidate in block letters*)

.....
 to be PRESIDENT- ELECT of the Republic of Zambia, this day
 of, 20.....

Signed

Returning Officer

Lusaka
 Zambia

*delete whichever is not applicable

GEN. 24
 (Regulation 53 (3))
 (Complete in triplicate)



REPUBLIC OF ZAMBIA

**The Electoral Process Act, 2016
 (Act No. 35 of 2016)**

The Electoral Process (General) Regulations, 2016

**REPORT ON VERIFICATION OF BALLOT PAPER ACCOUNT PRESIDENTIAL/
 MEMBER OF PARLIAMENT/MAYOR/COUNCIL CHAIRPERSON/COUNCLLOR**

TO: Chief Electoral Officer
 Electoral Commission of Zambia
 P.O. Box 50274
LUSAKA

I,....., being the Returning Officer for
 Constituency/district, hereby report that I have, in accordance with Regulation 46 of the above Regulations verified the Ballot Paper Account forms received from the Presiding Officers of every Polling Station in the constituency by comparing them with the total number of ballot papers contained in each ballot box and the total number of unused and spoilt ballot papers delivered to me by Presiding Officers.

The result of such verification is as follows:

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

<i>Details obtained from Ballot Paper Account forms</i>	<i>Details obtained from physical check by Returning Officer</i>
2. Number used excluding spoilt ballot papers:	5. Total number of ballot papers contained in the ballot boxes:
3. Number of spoilt ballot Papers:	6. Total number of spoilt ballot papers:.....
4. Number of unused ballot Papers:	7. Total number of unused ballot papers returned by Presiding Officers:.....
TOTAL	TOTAL

..... Constituency/Ward
 District

Date:

Signature of Returning Officer

Made by the Electoral Commission of Zambia this 9th day of August, 2016.

JUSTICE E. E. CHULU,
Chairperson

JUSTICE C. S. MUSHABATI,
Member

DR. F. NG'NDU,
Member

DR. E.J SIKAZWE,
Member

D. MATONGO,
Commissioner

LUSAKA

[EC/101/5/2 CONF]