

## GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 64 OF 2016

**The Referendum Act**

(Laws, Volume 2, Cap.1111)

**The Referendum Regulations, 2016**

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IN EXERCISE of the powers contained in section *ten* of the Referendum Act, the following Regulations are made:

## PART I

### PRELIMINARY PROVISIONS

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|---|--------------------|
| 1. These Regulations may be cited as the Referendum Regulations, 2016.  | Title              |
| 2. In these Regulations, unless the context otherwise requires  | Interpretation     |
| “ assistant returning officer ” means a person appointed as an assistant returning officer under regulation 4;  |                    |
| “ ballot box ” means a ballot box provided to a presiding officer under regulation 8 for the taking of a poll;  |                    |
| “ ballot paper ” means a document in Form REF. 3 set out in the Schedule;   |                    |
| “ ballot paper account ” means a document in Form REF. 6 set out in the Schedule;   |                    |
| “ Commission ” means the Electoral Commission of Zambia established by Article 229 of the Constitution;   | Cap. 1             |
| “ constituency ” has the meaning assigned to it in the Constitution;  | Cap. 1             |
| “ Chief Electoral Officer ” has the meaning assigned to it in the Electoral Process Act, 2016;  | Act No. 35 of 2016 |
| “ district referendum officer ” means the person appointed as a district referendum officer under regulation 4;   |                    |
| “ eligible voter ” means a person who is eighteen years or above and in possession of a green national registration card issued under the National Registration Act;  | Cap. 126           |
| “ national registration card ” means the green national registration card issued under the National Registration Act, which is not cancelled or required to be cancelled under that Act, and in relation to any person, means a national registration card in the lawful possession of that person under the Act; | Cap. 126           |
| “ national registration number ” means the serial number inserted on the national registration card under the National Registration Act;  | Cap. 126           |
| “ official mark ” means a mark provided to a presiding officer under regulation 8 for the taking of a poll;   |                    |

- “ official seal ” means a seal provided to a presiding officer under regulation 8 for the taking of a poll;
- “ other register ” means the register provided by the Commission to a presiding officer for purposes of recording the names and national registration numbers of voters who participate in a referendum;
- “ polling assistant ” means a person appointed as a polling assistant under regulation 4;
- “ polling day ” means a day specified under section 2 of the Act as the day on which voting in a referendum shall take place and includes a day appointed under regulation 23;
- “ polling district ” has the meaning assigned to it in section 3 of the Act;
- “ polling station ” means a place established as a polling station under regulation 7;
- “ presiding officer ” means a person appointed as a presiding officer under regulation 4;
- “ referendum officer ” has the meaning assigned to it in the Act;
- S.I. No. 38 of 2010 “ registered voter ” means a person registered in a register of voters under the Electoral (Registration of Voters) Regulations, 2010;
- S.I. No. 38 of 2010 “ register of voters ” means a register of voters prepared and certified and in force under the Electoral (Registration of Voters) Regulations, 2010, and “ copy ”, in relation to the register of voters, means a copy of the register of voters provided to a presiding officer under regulation 8 for the taking of the poll;
- “ returning officer ” means a person appointed as a returning officer under regulation 4; and
- S.I. No. 35 of 2010 “ Returning Officer ” has the meaning assigned to it in the Electoral Process Act, 2016.
- Functions of Chief Electoral Officer
3. The Chief Electoral Officer shall—
- (a) ensure that a referendum officer performs the referendum officer’s functions with impartiality and in accordance with the provisions of these Regulations;

- (b) issue to a referendum officer such instructions as the Chief Electoral Officer may consider necessary to ensure due compliance with the provisions of these Regulations; and
- (c) perform such other functions as are conferred on the Chief Electoral Officer under these Regulations.
4. (1) There shall be in respect of each polling district—
- (a) a district referendum officer; and
- (b) such approved number of assistant returning officers, presiding officers, assistant presiding officers and polling assistants as the district referendum officer for that polling district may appoint, by notice in writing.
- (2) The Commission shall, by notice in the *Gazette*, appoint a returning officer for each constituency.
- (3) Where a district referendum officer appoints a person to be an assistant returning officer, presiding officer, an assistant presiding officer or polling assistant under regulation 4 (1) (b), the district referendum officer shall, within seven days of the appointment, deliver a copy of the appointment to the Commission.
5. The officers referred to in regulation 4 shall, before performing 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, electoral officer, returning officer, Commissioner for Oaths, Head of a Government School or Principal of a College in Form REF. 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*.
- (2) Where a district referendum officer revokes the appointment of an assistant returning officer, a presiding officer, assistant presiding officer or polling assistant, the district referendum officer shall give notice of the revocation, in writing, to the person concerned and shall deliver a copy of the revocation to the Commission.
- PART II  
POLL PROCEDURE
7. The Commission shall, for the purpose of taking a referendum, appoint a place at which the polling station for that polling district shall be established and shall cause notice of the place appointed to be published in such manner as it may direct.

Appointment  
of  
referendum  
officers

Form of oath  
or  
affirmation  
for  
referendum  
officers

Revocation of  
appointment  
of referendum  
officers

Establishment  
of polling  
stations

Duty of  
returning  
officer

8. A returning officer shall, before a poll in a referendum is carried out in each polling district within the constituency—

- (a) ensure that the polling station has sufficient compartments within which voters may mark their ballot papers in secrecy;
- (b) provide each presiding officer for a polling station with such number of ballot boxes, ballot papers, official marks, official seals, copies of the register of voters relating to that polling district and such other things as are necessary for the purposes of these Regulations;
- (c) provide each presiding officer with a copy of the other register in Form REF 2 set out in the Schedule in a referendum in which eligible voters are entitled to vote;
- (c) do such other acts and make such arrangements to facilitate the taking of the poll as may be necessary for ensuring that it is taken in the manner provided in these Regulations and in accordance with any instructions issued by the Commission; and
- (d) publish, both inside and outside each polling station, notices showing the question submitted to the referendum.

Right to vote

9. (1) Subject to regulation 21 a registered voter is entitled to vote in a referendum at the polling station appointed for the polling district in which the voter is registered.

(2) An eligible voter is entitled to vote at a polling station in a referendum at which eligible voters are entitled to vote.

(3) A registered voter or eligible voter shall only be entitled to cast one vote at a poll in a referendum.

Conduct of  
poll

10. A poll at a referendum shall be taken by way of a secret ballot and the result of the referendum shall be ascertained in accordance with the provisions of Part III.

Commencement  
and close of  
poll

11. A poll shall commence and, subject to regulation 23, close at such time as the Commission shall direct, by statutory instrument, except that the presiding officer shall permit every voter, to cast the vote before closing the poll, who at the time of closing the poll

- (a) is inside the polling station; or
- (b) is in the opinion of the presiding officer, in the immediate precincts of the polling station and was prevented from entering the polling station owing to congestion.

- |   |  |
|---|--|
| <p>12. (1) A ballot box for use at a referendum shall be transparent and capable of being securely closed.</p> <p>(2) The Commission shall determine the manner in which ballot boxes shall be—</p> <p style="padding-left: 2em;">(a) numbered and labelled; and</p> <p style="padding-left: 2em;">(b) closed, secured, opened, sealed and unsealed.</p>  | <p>Ballot boxes, official seals and official marks</p> |
| <p>13. (1) A ballot paper shall be in Form REF. 3 set out at in the Schedule.</p> <p>(2) A ballot paper shall be attached to a counterfoil bearing the same serial number as that printed on the ballot paper.</p>  | <p>Design of ballot paper</p>                          |
| <p>14. (1) A presiding officer or assistant presiding officer at each polling station shall, immediately before the poll—</p> <p style="padding-left: 2em;">(a) show all accredited observers, monitors and polling assistants present that each ballot box to be used at the polling station is empty; and</p> <p style="padding-left: 2em;">(b) in the presence of the accredited observers, monitors and polling assistants, close, seal and secure the ballot boxes in a conspicuous place.</p> <p>(2) A presiding officer shall place a ballot box locked and sealed under subregulation (1) in such a position in the polling station that it can be seen throughout the taking of the poll by the presiding officer and by any person whose presence is permitted under regulation 15.</p> <p>(3) A presiding officer shall ensure the availability of a pen in each compartment, provided under regulation 8 (a), for use by a voter.</p> | <p>Procedure before commencement of poll</p>           |
| <p>15. (1) A presiding officer shall maintain order at the polling station and in its precincts, and shall regulate the number of voters to be admitted at a time to the polling station.</p> <p>(2) A presiding officer at a polling station may require any person to leave the polling station and its precincts if, in the opinion of the presiding officer, the person is causing a disturbance which is likely to interfere with the poll.</p> <p>(3) Sub-regulation (2) does not apply to—</p> <p style="padding-left: 2em;">(a) members of the Commission or its members of staff;</p> <p style="padding-left: 2em;">(b) the returning officer and any assistant returning officer for the constituency in which the polling station is situated;</p>   | <p>Control of person entering polling stations</p>     |

- (c) the district referendum officer;
- (d) the polling assistants appointed under regulation 4 in respect of a polling station;
- (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 person authorised, in writing, by the Chief Electoral Officer to enter and remain at a polling station shall, before attending a poll in any polling station in a constituency, take and subscribe an oath or make an affirmation in Form REF 1 set out in the Schedule.

(5) The powers conferred by this regulation shall not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from voting at the polling station.

Application  
for ballot  
paper

16. (1) A person who intends to vote in a referendum shall apply for a ballot paper and shall—

- (a) except where regulation 21 applies, present oneself at the polling station appointed under regulation 7 for the polling district in which the person is registered;
- (b) produce that person's voter's card to the presiding officer or polling assistant at the polling station;
- (c) produce that person's green national registration card to the presiding officer or polling assistant at the polling station; and
- (d) if so required by the presiding officer or polling assistant, present that person's both hands for inspection by the presiding officer or polling assistant.

(2) A presiding officer or polling assistant shall not issue a ballot paper to a person who fails to comply with the requirements specified under sub-regulation (1).

(3) A presiding officer or polling assistant at a polling station may put to an applicant for a ballot paper such question as the presiding officer or polling assistant may consider necessary to enable the applicant identify oneself.

(4) An applicant for a ballot paper shall be issued with a ballot paper or permitted to vote at a polling station if the presiding officer or polling assistant for that polling station is satisfied—

- (a) except where regulation 21 applies, that the applicant is registered in the polling district for which that polling station is appointed or that the applicant is an eligible voter;
- (b) that the applicant has produced that applicant's green national registration card; and
- (c) that the applicant has not already voted in the referendum.

17. (1) Where a presiding officer or polling assistant at a polling station is satisfied under regulations 16 and 21 that an applicant is entitled to be issued with a ballot paper to vote, the presiding officer or polling assistant shall mark the right hand thumb of the applicant, except that in the case of a voter without a thumb, the voter shall present any other finger or body part found appropriate by the polling assistant for that purpose.

Procedure for casting vote

(2) Before issuing a ballot paper to a voter, the presiding officer or polling assistant shall —

- (a) except where regulation 21 applies, cancel the name of the voter on the register of voters or record the name and national registration number of the voter on the other register as evidence that that voter has received a ballot paper;
- (b) enter on the counter foil of the ballot paper the number of the voter as recorded on the register of voters, where applicable;
- (c) stamp the ballot paper with the official mark; and
- (d) detach the ballot paper from its counterfoil and deliver it to the voter.

(3) A voter shall, on receiving the ballot paper—

- (a) enter an empty compartment at the polling station;
- (b) mark the ballot paper with the mark X opposite either the word “YES” or the word “NO”; and
- (c) fold the ballot paper to conceal the voter's vote;
- (d) cast the folded ballot paper in the ballot box; and
- (e) without undue delay, leave the polling station.

18. Subject to the approval of the Chief Electoral Officer, a presiding officer may delegate the presiding officer's powers to a polling assistant.

Delegation by presiding officer

- Spoilt ballot papers
19. Where a voter inadvertently deals with a ballot paper in such 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.
- Assistance to certain voters
20. (1) A person may assist a voter to vote 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 that person is an eligible or registered voter.
- (2) In the absence of a person referred to in sub-regulation (1), the presiding officer or referendum officer shall, at the request of a voter who is unable to read, assist that voter to vote in the presence of —
- (a) a person appointed by a presiding officer as an accredited observer or monitor, if available; or
  - (b) two election agents of different candidates, if available.
- Cap. 1
- (3) The secrecy of voting as stipulated in the Constitution shall be preserved in the application of this regulation.
- (4) A presiding officer shall record on the register of voters, or the other register provided by the Commission under regulation 8, the name of the voter that the presiding officer or another person has assisted, and give the reason for doing so.
- Voting by persons employed on referendum duties
21. Where a registered voter is employed as a returning officer, assistant returning officer, presiding officer, assistant presiding officer, polling assistant, police officer or in any other official capacity on referendum duties, and is unable by reason of that employment to vote in the polling district in which the voter is registered, the returning officer for the constituency in which that officer is employed shall, on application in person and upon production of that officer's national registration card and voter's card, authorise that officer, by certificate in Form REF 4 set out in the Schedule, to vote at the polling station at which that voter is employed or which is most easily accessible from the place at which the voter is employed.
- Restrictions on communications in polling station
22. (1) A person, other than a presiding officer, assistant presiding officer, polling assistant, police officer or person on duty in an official capacity at a polling station, shall not communicate with a voter while the voter is in the precincts of a polling station.

(2) A person shall not be allowed to use an electronic device for communication in a polling station or verification room.

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

23. (1) A presiding officer may postpone a poll to a later day if the poll is interrupted by a riot, open violence, flood, natural catastrophe or other similar cause.

Postponement  
of poll in  
case of  
emergency

(2) A presiding officer may extend the polling hours or postpone the polling day, and reference in these Regulations to the close of the poll shall be construed accordingly.

(3) Where a poll is postponed at a polling station, the hours of polling shall be the same as the appointed polling day, and references in these Regulations to the closing of the poll shall be construed accordingly.

(4) A presiding officer shall, where the presiding officer postpones a poll, immediately notify the returning officer of the postponement and take such steps as are necessary to safeguard the ballot boxes, ballot papers and other referendum requisites.

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

24. (1) As soon as practicable after the closing of the poll, the presiding officer at a polling station shall, in the presence of polling assistants, accredited observers or monitors—

Procedure  
after close  
of poll

- (a) close, seal and secure the ballot boxes used for the poll;
- (b) complete the ballot paper account in respect of the poll which shall be in Form REF. 5 set out in the Schedule; and
- (c) place in separate envelopes, that shall be sealed with the official seal, the following items in the manner provided:
  - (i) in an envelope marked “B”, the unused ballot papers that shall remain attached to their respective counterfoils and the spoilt ballot papers;
  - (ii) in an envelope marked “C”, a copy of the register of voters or the other register together with the certificates delivered to the presiding officer under regulation 21;

- (iii) in an envelope marked “D”, the counterfoils of the used ballot papers including the counterfoil of any spoilt paper;
- (iv) in an envelope marked “E”, the ballot paper account completed under paragraph (b); and
- (v) in an envelope marked “F”, the official mark and the official seals.

(2) A presiding officer shall, in accordance with such directions as may be issued by the Commission, commence the counting of votes cast in the referendum and deliver the documents sealed under sub-regulation (1) to the returning officer.

### PART III

#### COUNTING OF VOTES AND DECLARATION OF REFERENDUM RESULT

Place and time of counting of votes

25. (1) A presiding officer shall arrange for the counting of the votes at the polling station where the votes were cast.

(2) A presiding officer shall, by public notice, before the appointed polling day, state the place at which the presiding officer will count the votes cast in the poll.

Persons who may attend counting of votes

26. (1) The following persons may attend the counting of votes cast at a polling station:

- (a) members or staff of the Commission;
- (b) the returning officer and an assistant returning officer;
- (c) the polling assistants appointed by the district referendum officer;
- (d) the district referendum officer;
- (e) a police officer on duty;
- (f) accredited monitors or observers; and
- (g) any person authorised, in writing, by the Chief Electoral Officer.

(2) A person authorised to attend the counting of the votes in a polling station shall, before attending the counting, take and subscribe an oath or make an affirmation instead of an oath, in the form prescribed in regulation 5.

Counting of votes

27. (1) The presiding officer of a polling station shall, with the aid of the polling assistants for that polling station, count all the votes cast in the referendum at that polling station according to the following procedure:

- (a) the presiding officer shall open each ballot box and, after removing all the ballot papers from the boxes, 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) subject to regulation 28, the presiding officer shall count and record the total number of valid ballot papers signifying the answer “YES”, and the total number of valid ballot papers signifying the answer “NO”; 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 counting from seeing the number printed on each ballot paper.

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

Rejection of  
ballot papers

- (a) that does not bear the official mark;
  - (b) on which votes are cast signifying more than one answer;
  - (c) that indicates the identity of the voter;
  - (d) that is unmarked; or
  - (e) that is marked in a manner that is not reasonably possible to determine the voter’s choice.
- (2) A ballot paper on which the vote is marked—
- (a) elsewhere than in the proper place;
  - (b) otherwise than by means of the mark X; or
  - (c) by more than one mark; shall not, by such reason, be invalid if an intention that the vote shall signify either the answer “YES” or the answer “NO” clearly appears on the ballot paper.
- (3) A presiding officer shall endorse the word “rejected” on a ballot paper which, under this regulation, is not to be counted.
- (4) A presiding officer shall draw up and deliver to the returning officer a statement in Form REF. 6 set out in the Schedule showing the number of ballot papers rejected for—
- (a) the absence of an official mark;
  - (b) votes signifying more than one answer;

- (c) a writing or mark by which the voter could be identified;
- (d) being unmarked; or
- (e) being marked in a manner that is not reasonably possible to determine the voter's choice.

Recounting  
of votes

29. A presiding officer may, where the presiding officer considers it necessary, after the counting of votes is completed in accordance with these Regulations, cause the votes to be recounted before announcing the result under regulation 30.

Announcement  
of result at  
polling  
station

30. (1) When the counting of the votes has been completed and the result of the poll ascertained in respect of a polling station, the presiding officer shall—

- (a) complete in duplicate the result of the poll in that polling station in Form REF.7 set out in the Schedule;
- (b) publicly announce the result of the count at the polling station; and
- (c) cause to be delivered to the returning officer, without delay, the original of completed Form REF. 7.

(2) When the returning officer receives the result of the count from the polling station in the constituency, the returning officer shall tally the votes of the referendum received from the announcement of results forms of each polling station.

Announcement  
of result at  
constituency

31. (1) When the totaling of the votes has been completed and the results of the referendum ascertained, the returning officer shall—

- (a) complete, in duplicate, the announcement of the results of the referendum in the constituency in Form REF 8 set out in the Schedule;
- (b) publicly announce the results of the referendum as recorded on the Form;
- (c) cause to be delivered to the Commission without delay, the original of the completed Form.

(2) The Commission shall, on receipt of Form REF 8 completed under sub-regulation (1) in respect of all constituencies—

- (a) ascertain from the forms the total number of votes cast in the referendum signifying the answer “YES” and the total number of votes cast in the referendum signifying the answer “NO”;
- (b) complete, in duplicate, a declaration of the result of the referendum in Form REF9 set out in the Schedule, which

shall state whether the total number of votes cast in the referendum signifying the answer “YES” is greater or less than the total number of votes cast in the referendum signifying the answer “NO”;

- (c) ascertain whether or not the referendum was successful;
- (d) cause to be delivered to the President, without delay, the original of the completed Form; and
- (e) cause the result of the referendum to be announced publicly.

32. The decision of a returning officer on a question arising in respect of a ballot paper or on the declaration by the returning officer of the result of a poll shall not be questioned, except by a referendum petition presented under the provisions of the Act.

Questions arising on decision of returning officer

33. A declaration made by the Commission at the conclusion of the trial of a referendum petition in accordance with section 23 (3) or 23 (4) of the Act shall be in Form REF.10 in the Schedule.

Declaration of referendum petition

34. A presiding officer for a polling station shall, on the completion of the counting of the votes cast in a referendum in the polling station, seal in separate marked envelopes the ballot papers signifying the answer “YES” and the ballot papers signifying the answer “NO” and shall place the rejected ballot papers in separate marked envelopes.

Sealing of ballot papers

35. (1) The returning officer for a constituency shall, as soon as possible after the completion of the counting of the votes for that constituency, and in the presence of the assistant returning officers for that constituency, proceed with the verification of the ballot paper accounts according to the following procedure:

Verification of ballot paper count

- (a) the returning officer shall open the envelopes marked “B” containing the unused ballot papers together with their counterfoils and the spoilt ballot papers, and the envelopes marked “E” containing the ballot paper accounts, delivered to the returning officer under regulation 24, in respect of a polling district in that constituency;
- (b) the returning officer shall, in respect of a polling district, compare the ballot paper account with the total number of ballot papers contained in the ballot boxes as recorded under regulation 27 (1) (a) and with the total number of unused and spoilt ballot papers contained in the envelope marked “B” for that polling district;

(c) the returning officer shall re-seal the envelopes marked “B” with their respective contents; and

(d) the returning officer shall place all ballot paper accounts for that constituency in one envelope marked “E” and shall seal that envelope.

(2) The returning officer shall prepare and deliver to the Commission a report on the verification of the ballot paper accounts in Form REF. 11 set out in the Schedule.

Custody and  
destruction  
of  
referendum  
matter

36. (1) Upon the completion of the verification of the ballot paper accounts under regulation 35, the returning officer shall immediately deliver to the Commission—

(a) in respect of each polling district within the constituency, the envelope marked “B” containing the unused ballot papers together with their counterfoils and the spoilt ballot papers;

(b) in respect of each polling district within the constituency, the envelope marked “C” containing the copy of the marked register of voters or the other register provided under regulation 10;

(c) the envelope marked containing the used ballot papers sealed under regulation 34;

(d) the envelope containing the rejected ballot papers and sealed under regulation 34;

(e) the envelope marked “D” containing the counterfoils of the used ballot papers, delivered to the returning officer under regulation 24;

(f) the envelope marked “E” containing the ballot paper account;

(g) the envelope marked “F” containing the official seal and the official mark, delivered to the returning officer under regulation 24; and

(h) the plain envelope containing the certificate delivered to the returning officer in terms of regulation 24.

(2) The Commission shall retain the envelopes delivered under subregulation (1) in respect of a referendum for a period of six months after the day on which the result of the referendum was declared and shall then cause them to be destroyed by burning, pulping or by any other efficacious method, except that where the Commission has been informed under section 15(4) of the Act

that a referendum petition has been presented in respect of the referendum, the envelopes shall not be destroyed until such time as the trial of that referendum petition has been finally determined.

#### PART IV

##### CORRUPT PRACTICES AND REFERENDUM OFFENCES

37. (1) A person shall not, either directly or indirectly, by oneself or through another person corruptly— Bribery

(a) give, lend or procure, or agree to give, lend or procure or offer, promise or promise to procure, any money to, or for, any person on behalf of any voter or to, or for, any other person in order to induce any voter to vote or refrain from voting or corruptly do any of those acts on account of that voter having voted or refrained from voting at a referendum;

(b) give, lend or agree to give or lend, or offer, or promise to procure or to endeavour to procure, any money to, or for, any voter or to, or for, any other person on behalf of any voter or to, or

for, any other person for acting or joining in any procession or demonstration before, during or after, a referendum;

(c) make any gift, loan, offer, promise, procurement or agreement to, or for, a person in order to induce that person to procure or to endeavour to procure

the vote of a voter at a referendum;

(d) upon or in consequence of a gift, loan, offer, promise, procurement or agreement, procure or engage, promise or endeavour to procure, the vote of a voter at a referendum;

(e) advance or pay or cause to be advanced or paid any money to or for the use of another person with the intent that such money or any part of the money shall be expended in bribery at a referendum, or knowingly pay or cause to be paid any money to a person in the discharge or repayment of any money wholly or in part expended in bribery at a referendum;

(f) before or during a referendum, 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 a referendum;

(g) after a referendum, 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 such referendum; or

(h) 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 inducing that person to vote or refrain from voting.

(2) A person who contravenes any provision of sub-regulation (1) commits an offence.

(3) Nothing in this regulation shall be construed as applying to any money paid or agreed to be paid for or on account of any expenditure *bona fide* and lawfully incurred in respect of the conduct or management of a referendum.

Personation

38. (1) A person shall not —

(a) at a referendum, apply for a ballot paper in the name of a fictitious person or another person, living or dead;

(b) having voted once at a referendum apply again at the same referendum for a ballot paper; or

(c) vote at a referendum knowing that the person is not entitled to vote at that referendum or induce or procure any person to vote at a referendum knowing that the person or that person is not entitled to vote at that referendum.

(2) A person who contravenes sub-regulation (1) commits an offence.

Treating

39. (1) A person shall not, before, during or after a referendum, directly or indirectly corruptly give or provide or pay wholly or in part, the expense of giving or providing food, drink, entertainment or lodging for the purpose of corruptly influencing another person to give or refrain from giving that person's vote at a referendum.

(2) A person who contravenes sub-regulation (1) commits an offence.

Undue  
influence

40. (1) A person shall not, in connection with a referendum directly or indirectly—

(a) use or threaten to use force, violence or restraint upon another person;

(b) inflict or threaten to inflict by oneself or by any other person, or by any supernatural or nonnatural means or

pretended supernatural or nonnatural means, physical, psychological, mental or spiritual injury, damage, harm or loss upon or against any person;

(c) do or threaten to do anything to the disadvantage of any person in order to induce or compel that person to -

(i) register or not to register as a voter; or

(ii) vote or not to vote; or

(d) interfere with the independence or impartiality of a referendum officer.

(2) A person shall not, by abduction, duress or any fraudulent device or contrivance—

(a) impede or prevent the free exercise of another person's vote: or

(b) compel, induce or prevail upon a voter to give or refrain from giving the voter's vote at a referendum.

(3) A person who contravenes sub-regulation (1) or (2) commits an offence.

41. A person who engages in corrupt practices as provided for under regulations 37, 38, 39, and 40, commits an offence and is liable, upon conviction to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

Penalty for corrupt practices

42. A person who obstructs a voter at a polling station or on that person's way to or from a polling station commits an offence.

Obstruction of voter

43. A person who, at a lawful public meeting held in connection with a referendum prior to the holding of that referendum, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting is called, commits an offence.

Unlawful conduct at public meetings

44. A person who, with intent to influence a person to give or refrain from giving that person's vote at a referendum, uses or procures the use of any wireless transmitting station outside the Republic commits an offence.

Unlawful broadcasting

45. (1) A person shall not—

General offences relating to referendum

(a) forge or counterfeit or fraudulently deface or fraudulently destroy a ballot paper or the official mark on a ballot paper;

- (b) without lawful authority, supply a ballot paper to any person;
- (c) without lawful authority, put a ballot paper in a ballot box;
- (d) sell or offer to sell a ballot paper to any person or purchase or offer to purchase a ballot paper from any person;
- (e) be in possession of a ballot paper if that person is not entitled to be in possession of the ballot paper under these Regulations;
- (f) put anything other than a ballot paper in a ballot box;
- (g) without lawful authority, take out of a polling station a ballot paper or be in possession of a ballot paper outside a polling station;
- (h) without lawful authority, destroy, take, open or otherwise interfere with a ballot box or packet of ballot paper;
- (i) without lawful authority, print or make a ballot paper or what purports to be, or is capable of being used as, a ballot paper at a referendum;
- (j) manufacture, construct, supply, be in possession, or use for the purpose of a referendum or cause to be manufactured, constructed, supplied or used for the purpose of a referendum an appliance, device or mechanism by which a ballot paper may be extracted or manipulated after having been deposited in a ballot box in the course of polling at a polling station;
- (k) on a polling day, at the entrance to or within a polling station, or in any public or private place within four hundred metres from the entrance to a polling station
  - (i) canvass a vote;
  - (ii) solicit the vote of another person;
  - (iii) induce another person not to vote; or
  - (iv) induce another person not to vote in a particular manner;
- (l) on a polling day, loiter in a public place within four hundred metres from the entrance to a polling station;
- (m) on a polling day, exhibit in a public or private place within one hundred metres from the entrance to a polling station a notice or sign, other than an official notice or sign authorised by an officer under these Regulations, relating to the referendum;

- (n) not being a presiding officer or a polling assistant in the course of the person's functions within a polling station, make a record showing that a particular person has voted in a referendum;
- (o) without lawful authority, destroy, mutilate, deface or remove a notice which is exhibited under these Regulations, or any document made available for inspection under these Regulations;
- (p) wilfully obstruct or interfere with a returning officer, presiding officer or polling assistant in the execution of that person's duties;
- (q) make a false answer to a question put to the person by a presiding officer or a polling assistant under regulation 16 (3);
- (r) in contravention of regulation 22, have any communication with a voter while the voter is in the precincts of a polling station for the purpose of voting; or
- (s) having been required under regulation 15(2) or directed under regulation 17(3) to leave a polling station, fail to leave that polling station or its precinct.

(2) A person who contravenes sub-regulation (1) commits an offence.

(3) In a prosecution for an offence in relation to a ballot box or ballot paper, the property in that ballot box or ballot paper as well as the property in the counterfoil of a ballot paper, shall vest in the Commission at the constituency.

46. (1) A person in attendance at a polling station shall maintain, and aid in maintaining the secrecy of the voting at that station and shall not communicate, except for some purpose authorised by law, to any person any information regarding the name or number on the register of voters of any voter who has or has not applied for a ballot paper or voted at the polling station, or the official mark or official seal at the polling station.

Prohibition of  
breach of  
secrecy

(2) A person, other than a presiding officer acting under regulation 20, shall not obtain or attempt to obtain in a polling station information on how any person in that polling station is about to vote or has voted, or communicate, at any time, to a person any information obtained in a polling station or how a person in that polling station is about to vote or has voted, or on the number on the ballot paper issued to a person at that polling station.

(3) A person in attendance at the counting of the votes shall maintain, and aid in maintaining, the secrecy of the voting and shall not ascertain or attempt to ascertain at the counting the number on any ballot paper or communicate any information obtained at that counting regarding the vote signified by any particular ballot paper.

(4) A person who contravenes this regulation commits an offence.

Offences by  
referendum  
officers

47. A referendum officer, district referendum officer or police officer who willfully fails to perform the functions of office under these Regulations commits an offence.

Offences by  
printers and  
publishers

48. (1) A bill, placard, poster, pamphlet, circular or other printed matter having reference to a referendum shall bear upon its face the name and address of the printer and publisher.

(2) The proprietor and publisher of a newspaper shall cause the word “advertisement” to be printed as a headline to each article or paragraph appearing in that person’s newspaper containing referendum publicity matter, the insertion of which is or is to be paid for.

(3) In this regulation—

(a) any process for producing copies of a document, other than by copying it by hand, shall be deemed to be printing, and “printed” shall be construed accordingly; and

(b) “referendum publicity matter” shall be deemed to include all matters which, on the face of them, are intended or calculated to affect the result of a referendum.

(4) A person who contravenes this regulation commits an offence.

#### PART V CANVASSING

Interpretation

49. In this Part, unless the context otherwise requires—

“public media” means any newspaper, publication or broadcasting service which is owned or controlled by or on behalf of the State; and

“written statement” includes a bill, placard, poster, pamphlet or any other printed matter having reference to the referendum.

50. Public canvassing for, or of, votes in favour of or against any question submitted to the referendum under section 2 of the Act is permitted but shall take place only in accordance with the provisions of this Part. Canvassing

51. (1) A written statement intended for publication to the public and having reference to the referendum for the purpose of canvassing for votes in favour of or against any question submitted to the referendum under section 2 of the Act, and being a statement not issued by or on behalf of the Commission shall— Content of written statement

- (a) bear the names and addresses of the authors, printers and publishers and conform with the requirements of regulation 48;
- (b) be in the form of a statement for or against the question setting out the merits or demerits;
- (c) be confined to discussing or arguing the case for, or against, the question and shall not discuss persons or contain defamatory imputations, criticisms or attacks against any person or the personal character of an individual who holds or is thought to hold opposing views or not; and
- (d) not be seditious or inflammatory or against any written law and shall not be intemperate, offensive, hysterical, provocative or in any way calculated to incite hatred, public disorder, violence or breach of peace.

52. A written statement may be published by or on behalf of a person canvassing for votes in favour of or against a question submitted to the referendum under section 2 of the Act by— Publication of written statement

- (a) distributing copies to the public;
- (b) being read out for broadcasting over the electronic media;
- (c) being advertised in the local press in conformity with regulation 48;
- (d) being read out at a public meeting; and
- (e) any other lawful method.

53. A person who publishes a written statement making reference to the referendum in contravention of regulation 48 commits an offence. Publication of written statement on referendum contrary to Act

54. (1) An oral statement made to the public making reference to the referendum for the purpose of canvassing for votes in favour of or against a question submitted to the referendum under section 2 of the Act, and not being made by or on behalf of the Commission shall— Content of oral statement

- 
- (a) be in the form of a statement for or against the question setting out the merits or demerits of the matter in consideration;
- (b) be confined to discussing or arguing the case for, or against, the matter in consideration and shall not discuss a particular individual or contain defamatory imputations, criticisms or attacks against an individual or the personal character of an individual, whether holding or thought to hold opposing views or not; and
- (c) not be seditious or inflammatory or against any written law and shall not be intemperate, offensive, hysterical or provocative, or in any way calculated to incite hatred, public disorder, violence or breach of peace.
- (2) An oral statement, as specified in sub regulation (1), may be made only at a public meeting arranged and supervised by or on behalf of the Commission at which the speakers shall be persons who have previously indicated, in writing, to the Commission or the district referendum officer their wish to address a public meeting and have indicated the side of the question they support, except that —
- (a) separate meetings shall be arranged for persons speaking on one side of the question and those on the other side; and
- (b) the district referendum officer shall arrange an equal number of meetings for both sides, unless no person has come forward to indicate that person's wish to speak on one of the sides of the question.
- (3) An oral statement, as specified under sub regulation (1), made at a public meeting may consist of reading a written statement.
- (4) A district referendum officer shall publicise the time and venue of each public meeting indicating the side of the question the speakers will support.
- (5) A district referendum officer shall notify, in advance, the officer commanding or the officer in charge of police in the locality of a meeting and the officer commanding or the officer in charge shall cause the attendance of an adequate number of police officers to ensure the maintenance of law and order and compliance with the provisions of this Part.
- (6) A public meeting held or proposed to be held under this Part may be discontinued or disallowed only by the Commission or

the district referendum officer if satisfied, from their own assessment or on the advice of the officer commanding or officer in charge of police in attendance, that the meeting cannot continue or take place by reason of riot, open violence or other similar cause but, where a meeting has been discontinued or disallowed, another meeting shall be convened in its stead at the earliest practicable opportunity.

55. (1) The Commission may request any person in charge of the public media, in the case of a newspaper, to allot space, and in the case of broadcasting services, to allot time for the purpose of enabling any person, at that person's own cost, to canvass in accordance with this Part, except that the Commission may arrange for some broadcasts at its own cost to be allotted equally to both sides of the question.

Request to  
public media

(2) A person in charge of the public media who, having received a request from the Commission under sub-regulation (1), willfully obstructs or prevents the publication of an oral or written statement by a person lawfully canvassing with reference to the referendum in accordance with this Part commits an offence.

(3) A person who, at a lawful public meeting held in connection with the referendum, prior to the holding of the referendum, acts or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting is called, commits an offence.

(5) A person commits an offence who directly or indirectly, by oneself or by any other person—

- (a) makes use of, or threatens to make use of, any force, violence or restraint upon any other person;
- (b) inflicts or threatens to inflict by any supernatural or nonnatural means or pretended supernatural means any temporal or spiritual injury, damage, harm or loss upon or against a person; or
- (c) does or threatens to do anything to the disadvantage of a person—
  - (i) in order to induce or compel that person to canvass or refrain from canvassing or on account of that person having canvassed or refrained from canvassing in connection with the referendum; or
  - (ii) in order to induce or compel that person to attend or refrain from attending a public meeting or on

account of that person having attended or refrained from attending a public meeting held in connection with the referendum.

(6) A person who, by abduction, duress or any fraudulent device or contrivance, impedes or prevents the free exercise of the person's right to canvass by any person or thereby compels, induces or prevails upon any person either to canvass or to refrain from canvassing with reference to the referendum commits an offence.

## PART VI

### GENERAL PROVISIONS

General  
penalty

56. (1) Except as provided for in regulation 41, a person who commits an offence under these Regulations for which a penalty is not provided, is liable, upon conviction, to a fine not exceeding six thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

(2) A person who attempts to commit an offence under these Regulations is liable to the punishment prescribed for that offence.

Revocation  
of SI. No. 97  
of 1990

57. The Referendum Regulations, 1990, are revoked.

SCHEDULE  
(Regulations 2, 5, 8, 13, 15, 21, 24, 28, 30, 31, 33 and 35)

**PRESCRIBED FORMS**



REF 1  
(Regulations 5 and 15)

**REPUBLIC OF ZAMBIA**  
**The Referendum Act**  
**(Laws, Volume 2, Cap. 14)**  
**The Referendum Regulations, 2016**

**OATH OR AFFIRMATION**

I, ..... having  
been appointed as ..... swear/  
solemnly and sincerely affirm that—

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

Signed .....

Sworn/Affirmed before me this ..... day of ..... 20.....

Signed .....

Name in CAPITALS .....

Subordinate Court Magistrate/Returning Officer/ Local Court Magistrate/Head of Government School/Principal of a College.....



REF. 2  
(Regulation 8)

**REPUBLIC OF ZAMBIA**  
**The Referendum Act**  
**(Laws, Volume 2, Cap. 14)**

**The Referendum Regulations, 2016**

**THE OTHER REGISTER**

Polling District Name: .....

Constituency: .....

District: .....

<i>No</i>	<i>Name of Eligible Voter</i>	<i>National Registration Card Number</i>

This Form should be used in a referendum where eligible voters are entitled to vote.

.....  
*Name of Presiding Officer*

Signature:.....

Date:.....

.....  
*Name of Witness*

Signature:.....

Date:.....

REF. 3

(Regulations 2 and 13)



**REPUBLIC OF ZAMBIA**  
**The Referendum Act**  
**(Laws, Volume 2, Cap. 14)**

**The Referendum Regulations, 2016**

**BALLOT PAPER**

Counterfoil	Series No. _____  Republic of Zambia Referendum  ....., 20..... ..... .....		Series No. _____  Official Mark: _____ _____
-------------	--	--	---

.....CONSTITUENCY

INSTRUCTIONS: MARK ONE CROSS X ONLY IN THE BLANK  
 BOX AGAINST EITHER  
 YES OR NO

<i>Question</i>	<i>Answer</i>	<i>Symbol</i>	<i>Mark X in This Column</i>
The Question will be printed here	Yes		
	No.		



REF. 4  
(Regulation 21)

**REPUBLIC OF ZAMBIA**  
**The Referendum Act**  
**(Laws, Volume 2, Cap. 14)**  
**The Referendum Regulations, 2016**

**CERTIFICATE OF AUTHORITY TO VOTE AT A POLLING STATION**

To: Presiding Officer

..... Polling Station.....Constituency.

In accordance with regulation 21, authority is hereby given for the person specified below to cast his or her vote at the above polling station

.....

- (i) Full name of voter as shown in Register of voters.....
- (ii) Referendum duties .....
- (iii) Name of polling district in which registered.....
- (iv) Number of voter in Register of Voters .....
- (v) National Registration Number of Voter .....

Dated ....., 20 .....

.....  
*Returning Officer*

**INSTRUCTIONS**

1. This certificate shall only be issued to a person who is unable to vote at the polling station appointed for the polling district in which that person is registered due to the fact that the person is employed in an official capacity on referendum duties at some other polling station.
2. In addition to this certificate, the voter's card and national registration card must be produced to the Presiding Officer when application is made for a ballot paper.
3. On the issue of a ballot paper to the voter, this certificate must be surrendered to the Presiding Officer who must attach it to the marked copy of the Register of Voters.

Date ....., 20.....

*Presiding Officer*



REF. 5  
(Regulation 24)

**REPUBLIC OF ZAMBIA**

**The Referendum Act  
(Laws, Volume 2, Cap. 14)**

**The Referendum Regulations, 2016**

**BALLOT PAPER ACCOUNT**

Polling Station..... Constituency.....

Date of Poll ..... , 20.....

<i>To be completed by Returning Officer on issue of ballot papers</i>		<i>To be completed by Presiding Officer at close of the poll</i>			
<i>Ballot Papers Supplied</i>	<i>Total Number Supplied</i>	<i>Number used excluding spoilt ballot papers</i>	<i>Number of spoilt ballot papers</i>	<i>Number of used ballot papers</i>	<i>Total of Cols 2-4 (This must equal (Col. 1))</i>
	(1)	(2)	(3)	(4)	(5)
Ballot Papers numbered					
(a) .....to .....in	.....	.....	.....	.....	.....
(b) .....to .....in	.....	.....	.....	.....	.....
(c) .....to .....in	.....	.....	.....	.....	.....
(d) .....to .....in	.....	.....	.....	.....	.....
(e) .....to .....in	.....	.....	.....	.....	.....
(f) .....to .....in	.....	.....	.....	.....	.....
(g) .....to .....in	.....	.....	.....	.....	.....
(h) .....to .....in	.....	.....	.....	.....	.....
(i) .....to .....in	.....	.....	.....	.....	.....
(j) .....to .....in	.....	.....	.....	.....	.....
(k) .....to .....in	.....	.....	.....	.....	.....
(l) .....to .....in	.....	.....	.....	.....	.....
(m) .....to .....in	.....	.....	.....	.....	.....
(n) .....to .....in	.....	.....	.....	.....	.....
(o) .....to .....in	.....	.....	.....	.....	.....
(p) .....to .....in	.....	.....	.....	.....	.....
(q) .....to .....in	.....	.....	.....	.....	.....
(r) .....to .....in	.....	.....	.....	.....	.....
(s) .....to .....in	.....	.....	.....	.....	.....
(t) .....to .....in	.....	.....	.....	.....	.....
<b>Totals</b>					

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

**INSTRUCTIONS**

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

REF. 6

(Regulation 28)



**REPUBLIC OF ZAMBIA**

**The Referendum Act  
(Laws, Volume 2, Cap. 14)  
The Referendum Regulations, 2016**

**STATEMENT OF REJECTED BALLOT PAPERS**

Polling station .....

Constituency .....

Date of Poll ....., 20 .....

Reason for rejection by Presiding Officer	Total
1. Want of official mark .....	.....
2. Votes signifying more than one answer.....	.....
3. Voter identified by mark.....	.....
4. Marked or invalid for uncertainty.....	.....
Total number of rejected ballot papers.....	.....

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

Dated.....20.. .....

.....  
*Presiding Officer*

**INSTRUCTIONS**

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



REPUBLIC OF ZAMBIA

REF 7  
(Regulation 30)

**The Referendum Act  
(Laws, Volume 2, Cap. 14)  
The Referendum Regulations, 2016  
ANNOUNCEMENT OF THE RESULT AT POLLING STATION**

I, (full names of Presiding Officer) .....  
being the Presiding Officer for the .....Polling Station .....  
Constituency, do hereby declare that I have, in accordance with the law ascertained the result of  
the Poll in the said polling station and that I have found:

- (1) the number of valid votes signifying the answer "YES" to be .....
- (2) the number of valid votes signifying the answer "NO" to be.....
- (3) the total number of valid votes received to be....., and
- (4) the number of rejected ballot papers to be.....

This announcement is made only in respect of the Poll taken in this polling station. The details I  
have announced will be transmitted forthwith to the returning officer whose responsibility is to  
determine and to announce the constituency total of the result of the referendum.

Dated ....., 20..... Signed .....

FULL NAME IN CAPITALS .....

INSTRUCTIONS

- 1. This form must be completed in duplicate by the Presiding Officer and the original must be read aloud in public at the place where the counting of votes takes place.
- 2. The original of this form must be delivered personally to the returning officer. The duplicate must be retained by the Presiding Officer.



**REPUBLIC OF ZAMBIA**

**The Referendum Act  
(Laws, Volume 2, Cap. 14)**

**The Referendum Regulations, 2016**

**ANNOUNCEMENT OF THE RESULT AT CONSTITUENCY**

REF 8

(Regulation 31)

I, (full names of Returning Officer) .....  
being the Returning Officer for the .....

Constituency, do hereby declare that I have, in accordance with the law ascertained the result of the Poll in the said constituency and that I have found:

- (1) the number of valid votes signifying the answer "YES" to be .....
- (2) the number of valid votes signifying the answer "NO" to be.....
- (3) the total number of valid votes received to be....., and
- (4) the number of rejected ballot papers to be.....

This announcement is made only in respect of the Poll taken in this constituency. The details I have announced will be transmitted forthwith to the Electoral Commission of Zambia whose responsibility is to determine and declare the national result of the referendum.

Dated ....., 20..... Signed.....

FULL NAME IN CAPITALS.....

**INSTRUCTIONS**

1. This form must be completed in duplicate by the returning officer and the original must be read aloud in public at the place where the totaling of votes takes place.
2. The original of this form must be delivered personally to the Electoral Commission of Zambia by the returning officer. The duplicate must be retained by the returning officer.



REF.9  
(Regulation 31)

**REPUBLIC OF ZAMBIA**  
**The Referendum Act**  
**(Laws, Volume 2, Cap. 14)**  
**The Referendum Regulations, 2016**  
**DECLARATION OF THE RESULT OF**  
**REFERENDUM BY COMMISSON**

WHEREAS a Referendum has been held within the Republic on the.....  
..... day of ....., 20 ..... pursuant to section 2 of the Referendum Act;

AND WHEREAS the Commission has received, the result of the Referendum in respect of all constituencies;

AND WHEREAS the Commission has ascertained, pursuant to regulation 31(2) of the Referendum Regulations, the total number of votes cast in the Referendum signifying the answer "YES" and the total number of votes cast in the Referendum signifying the answer "NO";

AND WHEREAS the total number of persons who were entitled to vote in the Referendum is .....

NOW THEREFORE the Commission declares as follows:

- (i) the total number of votes cast in the Referendum signifying the answer "YES" is.....
- (ii) the total number of votes cast in the Referendum signifying the answer "NO" is.....
- (iii) the total number of votes cast in the Referendum signifying the answer "YES" \*represents/does not represent the votes of the majority of all persons entitled to vote in the Referendum.
- (iv) the referendum is therefore successful/not successful.

Dated this ..... day of ....., 20 .....

.....  
*Chairperson, Electoral Commission/ Returning Officer*

LUSAKA ZAMBIA

\*Delete as necessary

REF 10  
(Regulation 33)



REPUBLIC OF ZAMBIA

**The Referendum Act**

**(Laws, Volume 2, Cap. 14)**

**The Referendum Regulations, 2016**

**DECLARATION OF THE RESULT OF REFERENDUM**

WHEREAS a Referendum has been held within the Republic on the ..... day of ....., 20....., pursuant to section 2 of the Referendum Act;

AND WHEREAS the High Court has made an order, pursuant to section 23 of the Referendum Act, relating to the result of the Referendum:

Now therefore the Commission, in pursuance of section 23 and in conformity with the order of the High Court, declares as follows:

- (i) the total number of votes cast in the Referendum signifying the answer "YES" is.....;
- (ii) the total number of votes cast in the Referendum signifying the answer "NO" is.....;
- (iii) the total number of votes cast in the Referendum signifying the answer "YES" \*represents/does not represent the votes of the majority of all the persons entitled to vote in the Referendum.
- (iv) the referendum is therefore successful/ not successful.

Dated this ..... day of ....., 20 .....

.....  
*Chairperson, Electoral Commission/ Returning Officer*

LUSAKA ZAMBIA

\*Delete as necessary

REF. 11

(Regulation 35)



## REPUBLIC OF ZAMBIA

## The Referendum Act

(Laws, Volume 2, Cap. 14)

## The Referendum Regulations, 2016

## REPORT ON VERIFICATION OF BALLOT PAPER ACCOUNTS

To: Chief Electoral Officer,  
P.O. Box 50274,  
Lusaka.

I, the undersigned, being the returning officer for the ..... Constituency hereby report that I have, in accordance with regulation 35 of the above Regulations, verified the ballot paper accounts received from the Presiding Officer 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 such 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 Accounts</i>		<i>Details obtained from physical check by Returning Officer</i>	
2. Number used		5. Total number of ballot	
excluding spoilt		papers contained in	
ballot papers	.....	all boxes	.....
3. Number of spoilt		6. Total number of ballot	
ballot papers	.....	papers on hand	.....
4. Number of unused		7. Total number of	
ballot papers	.....	unused ballot papers	
		returned by Presiding	.....
		Officers	
Total		Total	

Date ....., 20.....

*Returning Officer*

## INSTRUCTIONS

- The verification of the ballot paper accounts shall take place as soon as possible after the counting of votes in a constituency has been completed.
- The totals to be entered at 1, 2, 3 and 4 above are obtained by adding the totals of all Columns 1, 2, 3 and 4 respectively shown on the ballot paper accounts submitted by the Presiding Officers.
- The totals to be entered at 5, 6 and 7 above are those obtained by the Presiding Officers at the counting of the votes.
- Explanation of any discrepancies must be made by the returning officer on the back of this form.

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

JUSTICE E. E CHULU,  
*Chairperson*

JUSTICE C. S. MUSHABATI,  
*Commissioner*

DR E. J. SIKAZWE,  
*Commissioner*

DR F. NGANDU,  
*Commissioner*

D. MATONGO  
*Commissioner*

LUSAKA  
9th August, 2016  
[EC./01/5/2]