

STATUTORY INSTRUMENT NO. 38 OF 2010

**The Electoral Act, 2006
(Act No. 12 of 2006)**

The Electoral (Registration of Voters) Regulations, 2010

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IN EXERCISE of the powers contained in section one hundred and twenty-nine of the Electoral Act, 2006, the following Regulations are hereby made:

PART I

PRELIMINARY

Title 1. These Regulations may be cited as the Electoral (Registration of Voters) Regulations, 2010.

Interpretation

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2. (1) In these Regulations, unless the context otherwise requires-

"Commission" means the Electoral Commission of Zambia established under the Constitution;

"functions " includes powers and duties;

"national registration card" means a national registration card issued under the National Registration Act;

"national registration number", in relation to a national registration card, means the serial number inserted on the national registration card under the National Registration Act;

"polling district" means any polling district as described under the Act;

"register of voters" means a register of voters prepared and certified under these Regulations;

"registration officer" means a person appointed as a district registration officer or assistant registration officer under regulation 5;

"true copy", in relation to a register of voters, means a copy of the register of voters, which is certified as a true copy thereof under the hand of the Director of Elections;

"voter's card" means a card in Form IV set out in the Schedule; and

"voter's registration record" means a registration form in Form III set out in the Schedule.

(2) A person whose name appears in a register of voters shall, until the register of voters is replaced by virtue of the operation of regulation 28, be deemed to be registered as a voter.

(3) A person whose name does not appear in a register of voters shall not be deemed to be registered as a voter.

(4) Where a registration officer has reasonable grounds to believe, for the purpose of the exercise of the registration officer's functions under regulation 12 or 13, that a voter's card is lost, incorrect or destroyed, the voter's card in question shall be deemed to have been cancelled.

(5) A person who is in possession of a voter's card which is deemed to be cancelled under sub-regulation (4) commits an offence.

Division and declaration
of polling districts

3. (1) The Commission shall divide
Zambia

into polling districts and shall declare and publish by notice in the Gazette, the names by which the polling districts are to

polling districts.

be known and the
descriptions of the
boundaries of the

(2) The Commission may, at any time, by notice in
the Gazette, vary the boundaries or the descriptions of the
boundaries of a polling district.

Functions of Director of
Elections

4. The Director of Elections shall -

- (a) ensure that a registration officer performs
the registration officer's functions in
accordance with these Regulations;
- (b) issue to a registration officer such
instructions as are necessary to ensure
compliance with the provisions of these
Regulations; and
- (c) perform all such functions as are
conferred or imposed upon the Director of
Elections by these Regulations.

Officers for registration of
voters

5. (1) In respect of each district, there
shall

be -

- (a) a district registration officer, as the Commission may specify, by notice in the Gazette
- (b) such approved numbers of assistant registration officers as the district registration officer

may, by notice in writing, appoint for the purpose of assisting in the exercise of the functions in respect of that polling district.

(2) A district registration officer shall, where the district registration officer appoints any person to be an assistant registration officer under paragraph (b) of sub-regulation (1), deliver a copy of the notice referred to in that paragraph to the Director of Elections.

Form of oath or affirmation for registration officer

6. A registration officer shall, before exercising any of the functions conferred under these Regulations or under any other written law, take and subscribe an oath, or make an affirmation in lieu thereof, in Form I set out in the Schedule.

Revocation of appointment

7. (1) The Commission may, by notice in the Gazette, revoke the appointment of a district registration

officer.

(2) A district registration officer may, by notice in writing, revoke the appointment of an assistant registration officer.

(3) Where a district registration officer revokes the appointment of an assistant registration officer pursuant to sub-regulation (2), the district registration officer shall give

notice in writing of the revocation to the assistant registration officer and shall deliver a copy of the notice to the Director of Elections.

PART II

REGISTRATION OF VOTERS

Continuous registration

of voters

8. (1) The Commission's registration of voters referred to under sub-regulation (1) may be suspended by the Commission, by statutory order, for the purposes of an election or for compilation and update of the register of voters.

Conduct of registration of voters

9. Subject to these Regulations, a registration officer appointed for a polling district shall carry out the registration of voters for that polling district.

Application for registration as voter

10. (1) A person who has attained the age of eighteen years may make an application to be registered as a voter to the registration officer for the polling district

in which the applicant ordinarily resides in Form II set out in the Schedule.

(2) An applicant for registration shall, at the time of making the application, produce to a registration officer a national registration card issued to the applicant under the National Registration Act.

11. (1) If a registration officer to whom an

application is made under regulation 10 determines that-

(a) the applicant is duly registered in accordance with the provisions of the National Registration Act;

(b) the applicant has attained the age of eighteen years; and

(c) the applicant is qualified for registration as a voter;

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the registration officer shall register the applicant -

(i) by completing the voters registration record for the polling district in Form III set out in the Schedule; and

(ii) by completing a voter's card in Form IV set out in the Schedule.

(2) For the purposes of sub-regulation (1), the details of the names of an applicant to be entered on a voters registration record and a voter's card in relation

ed that the surname and one forename only of the applicant shall be recorded in full, together with not more than two initials in respect of other forenames, if any, of the applicant.

(3) A registration officer shall reject an application for registration as a voter where-

to an applicant shall be identical to the details recorded on the national registration card produced by the applicant under regulation 10:

Provid

(4) A rejection of an application to register as a

voter shall be in Form V set out in the Schedule.

- (a) the applicant fails to meet the requirements of these Regulations;
- (b) the applicant does not ordinarily reside in the polling district in which the application is made;
- (c) the applicant has not attained the age of eighteen years; or
- (d) the applicant is not qualified for registration as a voter.

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Application for
replacement of voter's
card

12. (1) ~~The applicant shall~~ provide that applicant's identity to the replacement of a registration officer by producing to the registration officer a voter's card in Form national registration card issued to that applicant under the VI set out in the National Registration Act, and the registration officer shall Schedule where- determine whether the applicant is duly registered as a voter.

(a) that person's ~~(or's) name is on the register, the voter's card is lost, defaced, destroyed or has expired; or~~

(b) ~~by reason of a change of the name of the applicant or the details on the voter's~~

(2) In the voter's card where the registration officer determines that-

case of an (a) in the case of an application made under application under paragraph (a) of sub-regulation (1)-

paragraph (a) of (i) the applicant's voter's card is lost or destroyed;

sub-regulation (1), (ii) in the case of a defaced or expired card, the applicant has surrendered the voter's card;

(iii) the applicant has properly identified themselves under sub-regulation (2); and

(iv) the applicant is a registered voter;

o plicant has surrendered the voter's
r card; and

(b) in the case of an application (ii) under the paragraph (a) of sub-regulation (4) -

(applicant's voter's card do not
i correspond to the particulars
) recorded on that applicant's
national registration card.

t (4) A registration officer to whom an application is
made under this regulation shall reject the application if the
applicant fails to meet the requirements of the Act or these
Regulations.

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Application to transfer
from one register of
voters to another

13. (1) A person registered in the current
register of voters for any polling district who becomes ordinarily
resident in another polling district may, during the period of
continuous registration, apply in Form VII set out in the
Schedule, to the registration officer for the other
polling district to be registered as a voter in that polling

district.

(2) A

registration officer to

whom an application

is

made under sub regulation (1) shall determine

whether the applicant ordinarily resides in the polling district in which the application is made and whether the applicant is a registered voter.

(3) An applicant under this regulation shall surrender to the registration officer the voter's card relating to the polling district in which the applicant was registered.

(4) A registration officer to whom an application is made under this regulation shall, where the applicant meets the requirements of the Act and these Regulations, enter the name of the applicant in the register of voters in respect of which the application is made.

Death of registered

voter

14. (1) within a reasonable time after the death of such person,
Where a person to surrender the card to a registration officer in Form VIII set out
whom a voter's card in the Schedule.

is issued dies, the (2) A registration officer to whom an application is
person who is in made under sub-regulation (1) shall make such inquiries as
possession of the may be necessary to satisfy themselves that the
voter's card shall, person to whom the card was issued is dead.

(3) Where, pursuant to sub-regulation (2), a
registration officer determines that the person whose
name appears on the voter's card is dead, the registration
officer shall inform the Director of Elections and shall forward
such voter's card to the Director of Elections.

(4) Notwithstanding regulation 22, the Commission

may consider advice from any person indicating that a registered voter is deceased.

(5) The Commission may obtain and rely on records of deaths from the Departments of National Registration, Passports and Citizenship, village registers and like records to remove deceased registered voters from the register of voters.

Control of persons in premises used for registration of voters

15. (1) A registration officer shall maintain order in the premises used for the purpose of registering persons as voters and shall regulate the number of persons to be admitted at a time to such premises.

(2) A registration officer may require any person, other than a member of the Commission, the Director of Elections or any other person authorised in writing by the Director of Elections to enter and remain thereon, to leave the premises used for the purpose of registering voters.

(3) The powers conferred by this regulation shall not be exercised so as to prevent any person from having an opportunity to make an application to be registered as a voter.

Voters registration records to be sent to Director of Elections

16. A registration officer of a polling district shall forward to the Director of Elections, in accordance with such directions as the Director of Elections may give to the registration officer, all voters registration records completed by the registration officer under regulations 11, 12, 13 and

14 in respect of such polling district.

Register of voters

17. (1) The Director of Elections shall, upon receipt of the voters registration records completed and entered under regulations 11,12, 13 and 14, compile the register of voters in respect of any polling district showing -

- (a) the voter's card number of each card completed in that polling district;
- (b) the surname of the person to whom the voter's card relates;

(c) one forename and the initials, if any, of the person, if the person is a woman.

(d) (2) The Director of elections may, where the disability of the person, if any; Director of Elections has reasonable grounds to believe

(e) the number of the national registration card as recorded in respect of any persons; a

to make an entry in the register of voters in respect of that person.

(3) Where the Director of Elections refuses to make an entry in the register of voters in respect of any person under this regulation, the registration of such person under regulation 11 shall be deemed to be cancelled, and such person shall surrender that person's voter's card given

that any person has

committed an

offence under the

Act or these

Regulations, refuse

to the person in respect of such registration to the registration officer for the polling district to which such voter's card relates.

Inspection of register of voters

18. The Commission may determine the period within which the register of voters may be inspected.

Appeals

19. (1) Any person-

(a) whose application is rejected under regulations 11, 12, 13 or 17; or

(b) who is notified under regulation 17 that the Director of Elections has refused the entry in the register of voters in respect of that person;

may appeal against such refusal to the Commission. (2)

An appeal under this regulation shall be made in Form IX set out in the Schedule and shall be delivered to the Commission by the registration officer for the polling district in which the appellant made an application for registration as a voter.

(3) An appeal under this regulation shall be determined by the Commission.

Procedure for appeals

20. (1) The Commission shall, upon receipt

of an appeal under regulation 19, the Commission may-

regulation 19,

(a) summon any person to appear before it

appoint a day and a

place for hearing the

appeal and shall

cause the appellant,

the Director of

Elections and the

registration officer for

the polling district in

which the appellant

made an application

for registration as a

voter, to be notified

thereof.

(2) For

the purpose of

determining an

appeal under

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ath or affirmation, and may order the
production of any document relating to
the appeal at the hearing hereof; or
(b) adjourn the hearing of the appeal to any
convenient time or place, as it may
consider appropriate.

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(3) Where an appellant fails to appear at the
hearing of an appeal on the day and at the place appointed by
the Commission for the hearing of the appeal, the Commission
shall dismiss the appeal.

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Director of Elections, of the result of such appeal.
(4) The Commission shall, upon determination of an
appeal notify the registration officer, the appellant and the

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shall register the appellant.

(5) If the Commission allows an appeal under regulation 17, the Director of Elections, upon being so notified under sub-regulation (4), shall include the appellant in the register of voters.

(6) If the Commission dismisses an appeal and is of the opinion that the appeal was made without reasonable cause, the Director of Elections shall notify the appellant accordingly.

(7) A person who is aggrieved by the decision of the Commission may appeal to the subordinate court.

21. (1) A person registered in a polling district under regulation 11 may, if that person's name is omitted from the register of voters in respect of that polling district, otherwise than in accordance with the provisions of regulation 17, submit a claim under this regulation to be included in such register.

(2) A claim under this regulation shall be in Form XI

set out in the
Schedule and shall
be delivered to the
registration officer for
the polling district.

(3) A claim delivered to a registration officer under
this regulation shall be determined by that registration officer
for that polling district.

(4) If a registration officer determines under this
regulation that the claimant was registered in a polling district
under regulation 11 and that the claimant's name is omitted
from the register of voters for that polling district, the
registration officer shall uphold such claim, and notify the
Director of elections accordingly.

Objections

22. (1) A person whose name appears in the
register of voters for any polling district may object under this
regulation to the inclusion therein of the name of any person
appearing therein, on the grounds that such person is not
qualified for registration as a voter or is dead.

(2) A registration officer for any polling district may
object under this regulation to the inclusion of the name of any
person appearing in the register of voters for such polling

district, on the grounds that such person is not qualified for registration as a voter or is dead.

(3) An objection under sub-regulations (1) and (2) shall not be entertained after certification of a register of voters for an election.

(4) An objection-

(a) under sub-regulation (1) shall be made in Form XII set out in the Schedule; and

(b) under sub-regulation (2) shall be made in Form XIII set out in the Schedule;

and shall be determined by the Commission

(5) An objection under this regulation shall be determined by the Commission prior to the certification of the register of voters for an election.

(6) The Commission shall appoint a day and a place for the hearing of an objection delivered to it under this

regulation and shall for the purpose, at the hearing of the objection.

cause -

(8) A person whose name is the subject of an

(a) a copy of the objection to be signed by the person whose name is the subject of the objection

(b) such person or any person appointed in writing for the purpose, to be notified, in such manner as the Commission may determine.

(7) A

person making an

objection may

appear in person or

may be represented

by any person

appointed in writing

purpose, at the hearing of the objection, or may deliver

a signed statement to the Commission setting forth the

answer to the objection.

(9) Where a person making an objection or the

person whose name is the subject of the objection is

represented at the hearing of the objection under this

regulation, the Commission may, if it considers it necessary,

but subject to the provisions of sub-regulation (5), adjourn the

hearing to enable the person making the objection or the

person whose name is the subject of the objection to appear

in person and may

make an order accordingly.

Powers of Commission
on hearing of objections

23. (1) The procedure for the hearing of
an

objection under regulation 22 shall be such as the
Commission may direct.

(2) An objection shall be determined with the
necessary modifications in accordance with the provisions that
apply in relation to an appeal under regulation 19:

Provided that in relation to an appeal, claim and
objection the Commission may permit a voter to register
in terms of regulation 11 as if the voter had registered
before the close of the registration period.

Effecting of amendments
resulting from appeals by
Director of Elections

24. The Director of Elections shall effect all
necessary amendments occasioned by appeals, claims, and
objections prior to the certification of the register of voters for
an election.

PART III

CERTIFICATION OF REGISTER OF VOTERS

Preparation of register
for certification

25. (1) The Director of Elections shall cause a register of voters for each polling district to be prepared for certification.

(2) A register of voters prepared under this regulation shall be in such form as the Director of Elections may determine.

(3) Subject to the provisions of this regulation, the particulars entered under regulation 17 in the register of voters for any polling district, including any amendments, shall be entered in a register of voters prepared for that polling district under this regulation.

(4) An entry shall not be made in a register of voters prepared under this regulation in respect of any person who is required to surrender a voter's card in consequence of an objection.

(5) The particulars prescribed in regulation 17 shall be entered in a register of voters prepared for any polling

district under this
regulation in respect
of -

whose name is, in the opinion of
the Director of Elections,
inadvertently omitted from the

(a) any person registered in such polling district under regulation 11

(district;

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(ii) who has not been notified of a
refusal in respect of such register
of voters under regulation 17; and

) who has not made a claim
in respect of such register of
voters under regulation 21;

(b) any person who the registration officer for
such polling district is required to register
under sub-regulation (5) of regulation 20
in consequence of an appeal; and

(c) any person whose claim to be included in
the register of voters for such polling
district is upheld under regulation 21.

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Certification of register of
voters

26. (1) The Director of Elections shall,
where

the preparation of any register of voters for any polling district
is completed under regulation 17, certify the register of voters
as the register of voters for that polling district in Form XIV set
out in the Schedule.

(2) The Director of Elections shall, where the

certification of the regulation, publish a
register of voters for notice in the Gazette stating -

any polling district is (a) that the certification of the register of
completed under this voters for such polling district has

been so completed; and

(b) that the certified register of voters

replaces all registers of voters previously
prepared in respect of such polling
district.

Publication of register of voters

27. (1) The Director of Elections shall, as soon as practicable after the certification of a register of voters under regulation 26, deliver such number of true copies thereof as the Director of Elections may consider necessary to the district registration officer for the polling district to which such register of voters relates.

(2) A district registration officer shall, upon receipt of a true copy of a register of voters delivered under sub-regulation (1), publish at the office of the district registration officer within whose district the polling district to which the register of voters relates is situated, and at such other places as may be determined, a notice that the register of voters has been duly certified and that the true copy thereof is open for inspection at such place or places and at such times, as may be specified in the notice.

Replacement of previous register of voters

28. (1) A register of voters prepared for any polling district under this Part shall, upon certification thereof under this Part, replace any register of voters previously

prepared and certified for the same polling district.

(2) A true copy of a register of voters prepared and

certified under this Part shall, subject to the provisions of this Part, be kept under the control and custody of the Director of Elections and shall not, except as the Commission

may otherwise direct or for the purpose of these Regulations or of any proceedings before a court of competent jurisdiction under these Regulations,

be removed from such custody.

(3) A true copy of a register of voters prepared and certified under this Part and delivered to a district registration officer under regulation 27 for publication, shall during the period of such publication be kept under the control and custody of such district registration officer and shall not, except in accordance with the directions of the Commission, be removed from such custody.

PART IV

GENERAL PROVISIONS

Formal correction of register of voters

29. (1) The Director of Elections may, at any

time after the certification of any register of voters under these Regulations, make such insertions, alterations and amendments therein as may be reasonably required to-

- (a) correct any clerical errors;
- (b) correct any misnomer or incorrect

description; and

- (c) ensure that the name of any person

does not appear in more than one register of voters or in the same register of voters more than once.

(2) The Director of Elections shall, where the

Director of Elections makes any insertion, alteration or amendment in a register of voters under this regulation, cause such insertion, alteration or amendment to be made in every certified register of voters.

Director of Elections and registration officers may administer oaths

30. (1) A registration officer or the Director of Elections may, for the purpose of-

(a) considering or determining any matter which is required to be considered or determined under these Regulations; or

(b) being satisfied as to the necessity of making an affirmation, alteration or amendment

summon any person
to appear before the
registration officer or
the Director of

(2) A registration officer or the Director of Elections
may administer oaths or affirmation for the purpose of sub-
regulation (1), and may order the production of any document
bearing on any issue relevant thereto.

Evidence

31. In any proceedings before a competent court, a
true copy of the register of voters prepared under these
Regulations shall, for the purpose of such proceedings, be
admissible in evidence as proof of the contents of such
register of voters.

Publication of notices

32. Where any notice is required by these
Regulations to be published and, in the opinion of the

prescribed mode of publication does not give sufficient publicity to the notice, the authority may, in addition to publishing the notice as required by these Regulations, exhibit copies of the notice in prominent places within the polling district to which the notice relates, or take such other steps as the authority may consider necessary for having sufficient publicity thereto.

authority
required to publish
the notice, the
Certificate of district
registration officer as to
date of publication of
register of voters

33. (1) A certificate under the hand of the district registration officer for any polling district certifying the manner and date of publication under regulation 27 of a true copy of the register of voters prepared for the polling district under regulation 25, as the case may be, shall be admissible as prima facie evidence of the matters therein certified, in all legal proceedings.

(2) A certificate under sub-regulation (1) purporting to be signed by a district registration officer shall be presumed, until the contrary is proved, to have

been signed by the

district registration officer.

Voter's card prima facie
evidence of contents

34. A voter's card completed under these Regulations shall be admissible as prima facie evidence of the matters contained therein in any proceedings under these Regulations.

When voter's card
deemed to be cancelled

35. Any voter's card -

(a) required to be surrendered under regulations 12 and 13; or

(b) which is lost or destroyed;

shall be deemed to be cancelled.

Application for copy of
register of voters

36. Any interested person may apply to the Director of Elections for a copy of any register of voters and the Director of Elections may, if such copy is available and upon payment by such person of a prescribed fee, supply such copy to such person.

PART V

OFFENCES

Offences in relation to
registration

37. A person who -

(a) knowing that the person is not qualified for registration as a voter, makes an application to be registered under regulation 11; or

(b) having been registered under regulation 11 applies for the second or subsequent times to be registered as a voter;

commits an offence.

Offences relating to
voter's card

38. A person who -

(a) being required to surrender a voter's card under these Regulations, wilfully fails to do so;

(b) without lawful authority, the onus of proving which shall lie upon the person, is in possession of a voter's card which was not given to the person in pursuance

o s; or
f (c) without lawful authority, the onus of

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l proving which shall lie upon the person, asks or
a requires any other person to give to the
t person the voter's card given to that
i other person in pursuance of these
o Regulations;
n commits an offence.

Prohibition against requiring or asking for production of voter's card

39. (1) A person shall not in any public place, or in, or at, any dwelling house require or ask for the production, or use any words, whether written or spoken, or signs which may reasonably be taken to

indicate that the person is requiring or asking for the production by any person of that person's voter's card:

Provided that nothing contained in these Regulations shall make it unlawful for any person to require or ask for the production of any voter's card under the provisions of these Regulations or any law.

(2) In this regulation, "dwelling house" and "public place" shall have the meaning assigned to them in section four of the Penal Code.

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(3) Any person who contravenes sub-regulation (1) commits an offence.

Offences by registration officers

40. A registration officer or assistant registration officer who-

- (a) wilfully fails to perform the functions of the person's office under these Regulations;
- (b) fraudulently completes, alters or destroys a voters registration record or a voter's card; or
- (c) gives to a person a voter's card otherwise than in pursuance of these Regulations;

commits an offence.

False information

41. A person who knowingly gives false information to a registration officer or to an assistant

registration officer commits an offence.

Forgery falsification and fraudulent destruction

42. A person who forges, or falsifies in any material particular, or fraudulently destroys -

- (a) a voters registration record;
- (b) a voter's card;
- (c) a register of voters; or

(d) a true copy of	a register of voters; commits an offence.
Possession of forged or false document	43. A person who, without lawful excuse, is in possession of a voters registration record or a voter's card which is forged or false in any material particular commits an offence.
False entries	44. An appellant, claimant or objector who knowingly makes any false entry in any form completed in pursuance of these Regulations for the purposes of an appeal, claim or objection, as the case may be, commits an offence.
Refusal to leave premises when ordered	45. A person who fails to leave any premises being used by a registration officer or an assistant registration officer for the purpose of registering persons as voters under these Regulations, upon being lawfully required to leave such premises by such registration officer or assistant registration officer, commits an offence.
Penalty	46. A person who is convicted of an offence under these Regulations is liable, upon conviction, to a fine not

exceeding five units or to imprisonment for a period not exceeding two years,
thousand penalty or to both.

Savings

47. Notwithstanding regulation 48, the polling districts declared, the registration officers and district registration officers appointed, and the voters' cards issued under the revoked Regulations shall continue to be the polling districts, the registration officers, the district registration officers and the voters' cards for purposes of these Regulations, as if they were declared, appointed, or issued, as the case may be, under these Regulations.

Revocation of S.I No.
238 of 1973

48. The Electoral (Registration of Voters) Regulations, 1973, are hereby revoked.