



# Electoral Commission of Zambia

## Voter Education Facilitator's Handbook



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Your Vote, Your Right, Your Choice!

# PEACEFUL ELECTIONS

Say YES to **PEACEFUL ELECTIONS**

Say NO to **VIOLENCE**



**We may belong to different  
political parties but we are One**

# ELECTORAL COMMISSION OF ZAMBIA

## Voter Education Facilitator's Handbook 2016

April 2016

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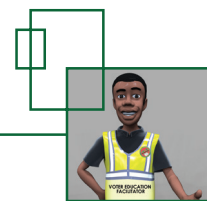


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# ***Exercise your Right to Vote***

## ***Your Vote is Secret***



## OUR VISION

To be a model Electoral Management Body that meets the aspiration of the Zambian people.

## MISSION STATEMENT

An independent and autonomous Constitutional Body that delivers credible elections.

## CORE VALUES

We embrace the values of:

- Transparency
- Impartiality
- Teamwork
- Equity and Equality
- Credibility
- Integrity
- Innovativeness

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April 2016**







## PREFACE

The Electoral Commission of Zambia is required, under the Electoral Act, to conduct voter education. This is a huge responsibility placed on the Commission to ensure that all Zambian citizens eligible to take part in elections have the knowledge and information needed to make an informed choice during elections. The Electoral Commission of Zambia conducts voter education programmes to increase electoral awareness and knowledge among Zambians.

This Voter Education Handbook provides comprehensive and up-to-date electoral information to citizens. It is designed to be of use to Voter Education Facilitators (VEFs) and organizations providing voter education and information to Zambian citizens as they prepare to take part in the electoral process.

The Handbook is based on three principles:

- **Non-partisanship** - the Handbook provides information that does not favour any of the contestants in elections. It is focused on providing the voter with knowledge in a neutral manner.

- **Objectivity** - the Handbook contains factual and objective information. It does not seek to interpret or make decisions for the voter. Its purpose is to have informed voters who are capable of making decisions on their own.

- **Transparency** - all voter education activities should be conducted in a transparent and open manner.

VEFs and organizations using this Handbook are expected to follow these principles at all times.

VEFs should always remain non-partisan and objective.



It is the hope of the Electoral Commission of Zambia that this Handbook will give a balanced, comprehensive and uniform provision of voter education in the country.

**Hon. Mr. Justice Esau E. Chulu**

**Chairperson**

**Electoral Commission of Zambia**



## ACKNOWLEDGEMENTS



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The Commission is grateful to the National Voter Education Committee for developing the themes and topics covered in this handbook and ensuring that it addresses the real education and information needs of potential voters.

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**Priscilla M. Isaac**

**Director**

**Electoral Commission of Zambia**



# ACRONYM

ACC	-	Anti-Corruption Commission
CEEC	-	Citizen Economic Empowerment Commission
CSOs	-	Civil Society Organisations
DEC	-	Drug Enforcement Commission
ECC	-	Electoral Code of Conduct
ECZ	-	Electoral Commission of Zambia
HIV	-	Human Immuno-Deficiency Virus
HRC	-	Human Rights Commission
MP	-	Member of Parliament
PTA	-	Parents Teachers' Association
RTSA	-	Road Transport and Safety Agency
UNDP	-	United Nations Development Programme
VEF	-	Voter Education Facilitator
ZP	-	Zambia Police



# INTRODUCTION

The Handbook is meant for use by facilitators to provide voter education during elections. It should not be given out to participants in voter education activities.

This handbook:

- Has been developed for use in providing voter education;
- Is meant to provide Voter Education Facilitators (VEFs) with the voter education content;
- Contains both voter education and voter information; and
- Provides detailed information on the content of the key themes and topics to be covered by Voter Education Facilitators (VEFs).

VEFs should use this Handbook in conjunction with the Voter Education Facilitators' Guide to prepare for their presentations. VEFs are encouraged to use the suggested learning activities flexibly; where necessary they can create their own activities that are relevant to the target audience.

**The Handbook is organized into four (4) Units;**

## **Unit 1. Democracy and Citizens' Participation**

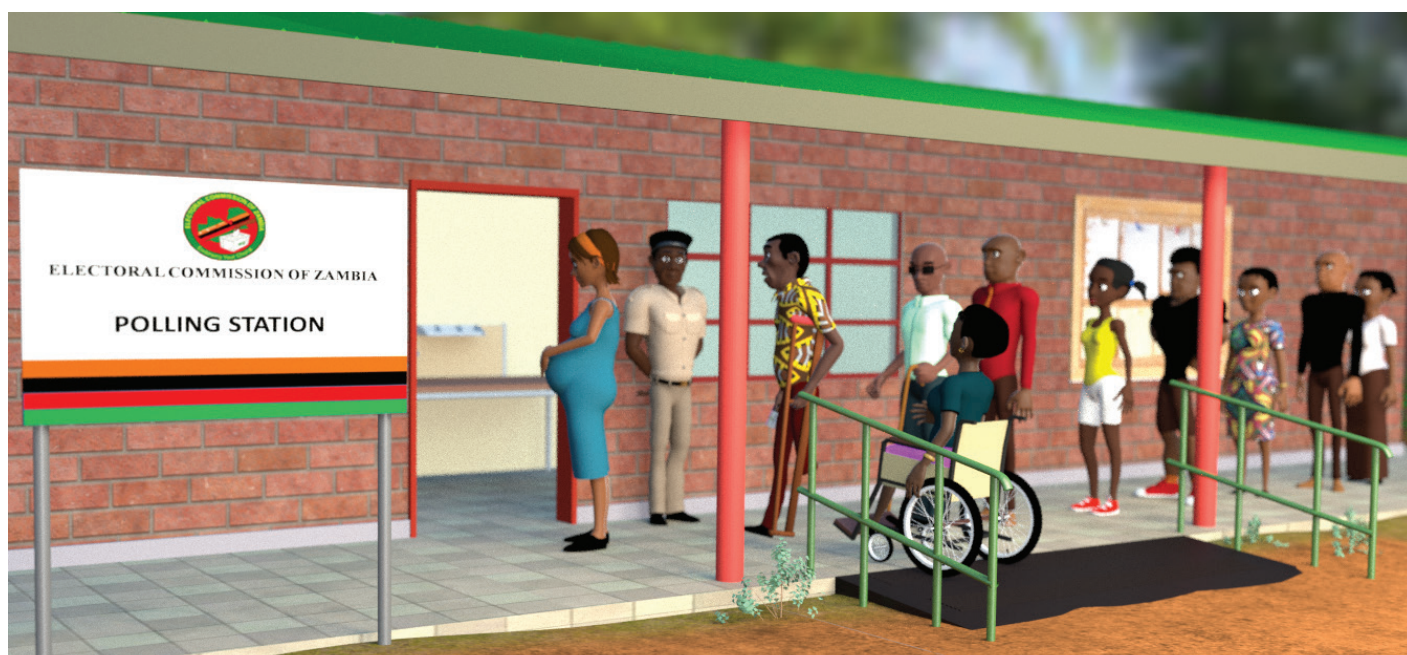
This unit discusses the concept of democracy: its meaning, values and principles. It also discusses the importance of democracy, types of democracy, participation of citizens in a democracy and barriers to democracy.

## **Unit 2. Elections and Democracy**

This unit focuses on the nature, meaning and importance of elections, the electoral system and how elections are managed in Zambia. It further looks at corruption in the electoral process and the roles of stakeholders in the electoral process.

## **Unit 3. Governance and Leadership**

This unit discusses the meaning of governance, citizen's participation in public affairs, the organs of government and the principle of separation of powers. It further discusses leadership and ways of entrenching good governance.







## Unit 4. The Electoral Process in Zambia

This unit centres on delimitation, voter registration, inspection of the register of voters, nomination of candidates, election campaigns, electoral conflict resolution, voting, counting of votes, announcement and declaration of results and electoral petitions.

Each unit begins with an introduction, followed by objectives, methodology, key issues, learning outcomes, content and suggested learning activities. VEFs can use suggested learning activities to stimulate discussions during voter education meetings.

VEFs should, however, adapt them to the local situations. The activities can therefore be modified to suit the target audience. VEFs can also develop their own activities.

### ***The Purpose of this handbook***

***The purpose of this Handbook is to assist VEFs to work effectively and have organized voter education activities. This handbook is intended to provide VEFs with reference materials necessary to conduct effective lessons.***

### **How this book has been developed**

The Handbook has been developed through reference to relevant policies, plans and laws. The Handbook continues to be a working document that should be reviewed and updated regularly. It should be noted that the Handbook is not intended to be prescriptive and has no legal status. Instead, the Handbook should provide guidance and support to VEFs.

### **Intended users**

The Handbook is mostly intended for use by VEFs as they conduct voter education. The Handbook may, however, be used by other stakeholders such as Civil Society Organisations (CSOs) who need to see to it

that information on the electoral process reaches out to the electorates. This will enhance citizen participation in the elections.

### **Why Voter Education and Voter Information?**

Voter Education, being a significant element in the process of sustaining democratic principles of free and fair election, empowers voters with information on the gains for effective participation in elections. Voter education is part of civic education. Civic education helps citizens to participate in and contribute to the development of a democratic society. It provides citizens with knowledge about their rights and how to protect them, their responsibilities and how to carry them out effectively. Civic education is therefore a continuous lifelong education, and not only about elections.

**Voter Education** provides voters with knowledge and information on their rights and responsibilities during an election. It raises the voters' awareness and understanding of the importance of elections in a democracy. It seeks to provide the citizens with knowledge and skills to enable them participate meaningfully in the electoral process.

**Voter Information** on the other hand is about the basic information that voters need in order to take part in an election and to vote. This includes information on dates and timings for voter registration, nomination of candidates, election campaigns, polling day and announcement of results. Voter information constitutes basic facts about the electoral process.

Both voter education and voter information are essential for successful elections. They contribute to elections being credible. It is important that all eligible voters have access to voter education and voter information to enable them to make informed choices.



# UNIT 1: DEMOCRACY AND CITIZENS PARTICIPATION

## 1.1. INTRODUCTION

This unit discusses the concept of democracy: its meaning, values, principles and types. It also discusses the importance of democracy and explores how people participate in making important decisions on how public affairs should be handled. It also highlights the citizen's rights and responsibilities and examines barriers that hinder citizens from taking part in democratic processes.

### Objective

To increase participants' knowledge of democracy and citizen participation in elections

### Methodology

Open discussions, Presentations, lectures and participatory approaches.

### Key issues

- Meaning and principles of democracy
- Types of democracy
- Importance of democracy
- Citizens' rights and responsibilities
- State obligations
- Barriers to democracy including attitude and mind set.

### Learning outcomes

By the end of the discussion on this unit, participants should be able to explain /describe:

- The meaning and principles of democracy;
- Types of democracy;
- The importance of democracy;
- Citizens' rights and responsibilities;
- State obligations; and
- Barriers hindering citizens from participating in a democracy.

### Be able to:

Promote the values and principles of democracy; avoid barriers to democracy; and appreciate the values of participation.

### Be motivated to:

Uphold the values and principles of democracy, encourage people to take part in democratic activities.

## 1.2. WHAT IS DEMOCRACY?

### 1.2.1 Meaning of Democracy

Democracy is the rule by the people for the people. It is therefore, a system of government in which people participate in choosing their leaders through regular

elections. This means "rule by the people". The power to rule lies with the people that choose their leaders and representatives, and can have the opportunity to replace these leaders in periodic elections. This happens where credible elections are conducted. The people decide on how they should be governed. A



democratic system should give all the people equal opportunity to take part in deciding how public affairs should be managed.

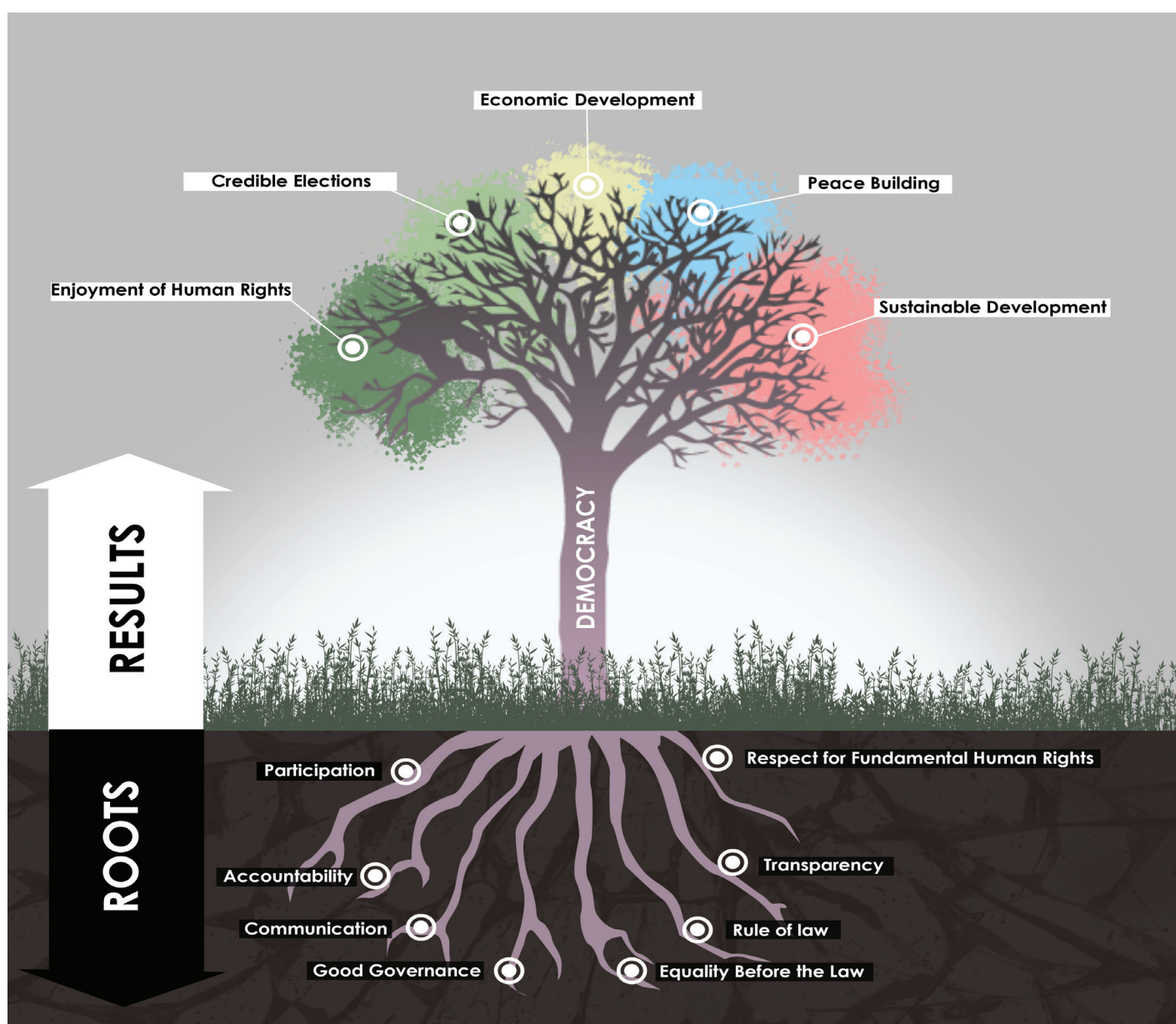
The aims of democracy are:

- Freedom for all;
- A just society;
- Equal opportunities for all;
- Equality before the law;
- The rule of law; and
- Respect for human rights.

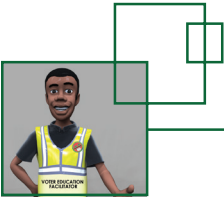
Democracy provides equal opportunities for all citizens to take part in decision making without discrimination. In a democracy, citizens should take part in democratic processes such as elections. They should obey the law, respect the opinions of others and work with others to develop their society.

### 1.2.2 Principles of Democracy

There are several principles or ideals and values that are essential for a democracy to work well.



Democracy Tree



These include:

### **A. Participation**

For democracy to work effectively, citizens must have the opportunity to take part in decision making processes. This is the basis of democracy. Moreover, citizens develop skills, knowledge, and attitudes which strengthen democracy through their participation. By interacting with others, individuals can, for example, become tolerant of people who hold different views from their own. At community level, people who participate in community activities also develop a sense of their own individual worth and an increased sense of being part of the community.

### **B. Separation of Powers**

The Separation of Powers requires the three arms of government, that is, the Executive (the President, the Cabinet and the Civil Service); the Legislature (National Assembly); and the Judiciary (the Courts) to perform their roles without interference from each other.

### **C. Rule of law**

Government decisions and actions should be based on the existing laws. Citizens should also obey the law at all times.

### **D. Equality before the law**

All citizens are treated equally before the law.

### **E. Respect for fundamental human rights**

The rights of all citizens should be respected and protected. Fundamental human rights include freedom of speech, expression, movement and association.

### **F. Transparency and accountability**

The citizens should be able to ask the government about what it has done and the government should provide feedback.

## **1.2.3. Types of Democracy**

There are two types of democracy: direct democracy and indirect or representative democracy.

### **A. Direct Democracy**

This is a form of democracy where all people are involved in making decisions without using representatives. Each person is given an opportunity to take part in making public decisions directly. They do not ask or choose anyone else to make decisions on their behalf. It is for this reason that direct democracy is also called participatory democracy as it involves all citizens in making decisions on public matters.

One example of participatory or direct democracy is a referendum. In a referendum, citizens are directly involved in deciding on a matter of national importance, without delegating their right to make the decision to a representative.

It is easy to use direct democracy in organizations and associations whose membership is quite small. Direct or participatory democracy is, however, expensive and difficult to arrange for a large population. This is because it requires everybody to take part directly in exercising their choice whenever a major decision needs to be made.

### **B. Representative or Indirect Democracy**

In a representative democracy, people choose representatives who govern on their behalf. This is called indirect democracy since each person exercises his or her powers to make decisions through a representative. This is the form of democracy most commonly practiced in modern nations/states because they cover a large area and their populations have many different needs and problems. It is difficult to directly involve all citizens in making decisions in such a situation.

Indirect democracy is also practiced in most Private and Public Organizations. Most organizations elect committees, boards and councils to represent them





in decision making. These representative bodies make decisions on behalf of the members of the organizations. Examples of organizations which practice representative democracy are schools (Parents Teachers' Association (PTA), trade unions, farmers' associations and sporting associations such as Football Association of Zambia.

Zambia practices indirect democracy by way of choosing or electing the President, Members of Parliament (MPs), Mayors/Council Chairpersons and Councillors to represent them. By doing so, Zambians delegate their power to govern and make decisions through these elected leaders. It is, therefore, important that all eligible citizens participate in choosing their President, Members of Parliament, Mayors/Council Chairpersons and Councillors.

#### 1.2.4. Levels of Representative Democracy in Zambia

**(a). National Level:** Only one (1) elective position of President is available.

**(b). Constituency Level:** Each Constituency shall have one elective position and the elected candidate shall be the representative of the people in the constituency in the National Assembly.

**(c). District Level:** At district level there is one elective position of Mayor/Council Chairperson who is elected by the people in the district and expected to represent the people.

**d). Ward Level:** Each ward will be represented by one elected Councillor.

#### Note:

Representative democracy is what is highly practiced in most countries. However, it has not been effective because most of the electorates do not know their rights and freedom. It is important for them to know that they have duties and obligations as citizens if representative democracy is to be effective.

### 1.2 Importance of Democracy

Democracy is important because it protects people's rights and promotes the freedoms for all citizens.

It gives citizens an opportunity to participate in making decisions on public affairs that affect their daily lives. Some of the reasons why democracy is important are:

#### A. Promotion of freedom

Democracy guarantees freedom. Freedom is the ability to make choices and go about our daily lives without being hindered by others. Freedom does

not mean that we can do anything we like anyhow. We have to make sure that what we are doing does not harm the freedoms of others. We should not enjoy our individual freedom at the expense of other people.

#### B. Promotion of equality

In a democracy all people are seen as having been born equal and are treated equally before the law. This promotes citizens' equality before the law. Democracy ensures that there is no discrimination against any person by reason of gender, religion, age, tribe, ideas, disabilities or illness such as Human



Immuno-Deficiency Virus (HIV) or Acquired Immuno-Deficiency Syndrome (AIDS). Each person or group of people is treated equally.

### **C. Promotion of the rule of law**

In a democracy, people are governed by the law. No person is above the law. All people are bound by the law and are all equal before the law. Leaders must exercise their powers according to the law and laid down human rights. Democracy is important because it protects the rights and promotes the freedoms of citizens.

### **D. Promotion of accountability**

Elected leaders are required to be accountable to the people. The people can therefore ask for information on how the leaders are running public affairs and the leaders should provide this information.

### **E. Promotion of tolerance of divergent views**

Democracy promotes a society that flourishes with strong values of tolerance for divergent views coming from other political parties and interest groups. It requires participation and involvement of people at every level of public life and decision-making process that affects their lives.

## **1.3. THE PARTICIPATION OF CITIZENS IN A DEMOCRACY**

### **1.3.1 Why Should Citizens Participate?**

Democracy is a system of rule based upon a government of the people by the people and for the people. Therefore, people are the highest authority and source of power in democracy. For democracy to work, people must be free to express themselves.

They must also have the opportunity to participate in decision making on public affairs. People's participation should go beyond casting a vote during elections. It should include participation in activities that contribute to the welfare of the society.

Citizens should be involved in developing public policies. They should ensure that their leaders are accountable for the decisions they make on their behalf. Citizens should also be on their guard to make sure that the representatives they choose carry out their responsibilities according to the citizens' expectations. Citizens should know how they can be involved in the decision making processes whether at local or national level.

At local level, for example, members of the general public are allowed to attend council meetings and to inspect the way the council uses its funds.



**You need to  
carry your  
Green NRC  
and Voter's  
Card  
in order to  
vote**





### 1.3.2 Citizens' Responsibilities and State Obligations

A citizen is a person recognized by law as a member of a state and is entitled to be protected by that state. Citizens express their right to the territory and loyalty to the state and the state's duty to protect the population.

The sovereignty of the state is the independence of that state from other states, its authority over the behaviour of those within its territory and ability to enter into relationships with other states. The sovereignty of the citizen refers to the independence which each individual has and the collective power of the citizens in general.

**Note:** The relationship between the state and the citizens is one of give and take. Each side is entitled to certain rights but also owes certain responsibilities to the other.

#### 1.3.2.1 Responsibilities of the Citizen

Citizens have duties to the state and to each other. These duties come from the loyalty they owe to the state. Citizens have the following responsibilities:

##### A. Social Obligations

- Living peacefully with each other.
- Respecting the rights of fellow citizens.
- Living within the law.
- Carrying out family obligations.
- Teaching young citizens good values.

##### B. Economic Responsibilities

- Working and contributing to economic growth to the best of their abilities.
- Contributing to the income of the state by paying taxes.

### C. Political Responsibilities

- Taking part in elections and other community activities.
- Helping to develop a society which accepts democratic principles.
- Making sure that the state uses national wealth for the benefit of all and for the common good.
- Respecting the rule of law.

#### 1.3.2.2 Responsibilities of the State

The state has obligations to its citizens. These arise from the loyalty it receives from citizens, and the powers which the citizens have granted to the state.



*Delegate your power to your representatives through voting during elections*





### **a) Protection of the Constitution**

The State must uphold and defend the Constitution. All the decision it makes on public affairs should be based on the Constitution. Changes require the State to consult citizens in accordance with the provisions of the constitution.

### **b) Respect for Rule of Law**

The State must respect the laws which have been established in accordance with the constitution. The State must operate within the law and must not consider itself above it.

### **c) Security of the State and its Citizens**

The State has a duty to protect its territory, its population and its sovereignty. It must provide for and guarantee the safety of its citizens.

### **d) Protection of Freedoms and Rights**

Fundamental rights and freedoms are rights of all citizens that cannot be taken away or denied. Some examples of these rights and freedoms are; the right to life, freedom of association and freedom of speech. It is the duty of the state to ensure that human rights are upheld and protected by law and guaranteed in practice. The State should ensure that there is no violation of human rights.

### **e) Conflict Management**

The State has a duty to manage conflicts amongst the citizens. It must ensure that courts, other judicial bodies and law enforcement agencies are independent, impartial and just in their activities.

### **1.3.3 Citizens and Representation**

Representative democracy is the most common form of democracy in many countries including Zambia. In a representative democracy, citizens choose or elect the leaders to govern and make decisions on their behalf.

Elected leaders enter into an agreement with the citizens who have elected them. Leaders are expected

to represent the wishes and will of the citizens. Citizens can renew or withdraw this contract during an election by choosing the same leaders or new representatives.

For democracy to thrive both the citizens and the government must be committed to it. In an ideal situation, all eligible citizens should take part in choosing their leaders to represent them in running the affairs of the nation. However, there are several obstacles that hinder some of the eligible citizens from participating in this process.

## **1.4 BARRIERS TO DEMOCRACY**

### **A. Citizens' ignorance of their Rights**

Citizens who do not understand their rights cannot participate effectively in democratic processes. They do not have adequate civic knowledge to make decisions. They sometimes do not realize the importance of participating in decision making. This hinders the development of a democratic society.

### **B. Poverty**

For many of the poor, political activity is not a priority. They are more concerned with meeting their basic needs such as food, shelter, clothing and security. They do not realize that by participating in decision making they could improve their lives. They are also vulnerable to bribery and vote buying during elections.

### **C. Elections that are not credible**

When elections are not credible people do not participate in the electoral process meaningfully. This raises questions on the legitimacy of the electoral process and the government constituted as a result of such elections.

### **D. Discrimination**

Discrimination against people based on gender, disability or HIV status hinders their participation in democratic processes.



**Women have the right to participate in elections**

#### **i. Women**

In most African communities, women have been assigned roles that relegate them to second class citizens. Some communities do not consider women as important in making decisions on public affairs and do not allow women to take leadership positions.

#### **ii. Persons with disabilities**

Persons with disabilities are perceived by some sections of society as having limitations in participating in decision making. They are considered by society as not being capable of being leaders.

#### **iii. People living with HIV/AIDS and other Diseases**

The stigma attached to people living with HIV/AIDS and other diseases leads to them not wanting to participate in democratic processes.

#### **iv. Tribalism**

Choosing leaders on the basis of tribe or place of origin works against the development of democracy. Such leaders are not necessarily effective. Leaders should be chosen on how effective they can represent and achieve the wishes of the people.



**We all have the right to vote**



### Learning activity 1

The facilitator could introduce the discussion on democracy by:

- Asking participants to give examples of instances where they have heard the word democracy being used or instances when they themselves have used the word democracy;
- Asking participants to explain, in their opinion, what the word 'democracy' means in the examples cited above;
- Identifying the important and relevant elements in the meaning of democracy given by participants and using their examples to explain the meaning of democracy;

- Introducing the principles of democracy and asking participants to identify from their own experience instances where:

- The principles have been practiced; and
- The principles have been violated;

- Asking participants to cite an event in their community in which democracy can be said to have worked effectively; and

Concluding the session by asking participants what they can do to strengthen democracy and ensure that it works at both community and national levels.





## Learning activity 2:

### Types and importance of democracy

Story telling can be used to introduce ideas or concepts that would otherwise be difficult for participants to understand or relate to. Here is an example of how a story can be used to introduce a discussion on types of democracy and the importance of democracy.

Before telling participants the story, ask them to give examples of instances where they have had to be represented in making decisions.

- How did they choose the person to represent them?
- What did they do to ensure that the person represented them effectively?

After participants have given their examples, ask them to listen to the following story and discuss the questions that follow.

**Direct and representative democracy:** which one is better?

## CASE STUDY

In Muzungu community, there was a flood and the bridge connecting the community to where schools and health facilities (clinic) were located was washed away depriving them access to these services. Members of the community approached the local authority for the bridge to be repaired. The local authority advised people of Muzungu community to have a committee to spearhead the rehabilitation of the bridge. The committee was to be elected by community members. Mr. Salt Munyo who was known to be extravagant and owed a lot of people money, won the election as Chairperson of the committee using bribery.

At a District Council meeting, it was decided that Muzungu community bridge be funded through the Chairperson's account as the committee did not have a bank account. Mr. Salt Munyo got the money without informing the community and continued to lead his luxurious life while community members continued

to suffer. A lot of community members continued to drown as they tried to cross the river. Five months later, the local authority sent officers to inspect the works but to their surprise, no activities were going on. When Mr. Munyo heard that Local Authority Officers were around to inspect the bridge, he ran away to an unknown place.

During this session, ask participants to:

- Explain the lesson in this story;
- Explain why Mr. Salt Munyo was a bad representative;
- Discuss how they can choose effective representatives;
- Describe the things that hinder them from choosing the representative they would like to have; and
- Give views on why democracy is important.

The Facilitator should use the answers given by participants to explain the concepts of direct and representative democracy and how democracy works at local and national level.

## Learning activity 3:

### Democracy and citizens' participation

A Facilitator can use the experiences of participants who have taken part in any democratic processes, whether at the local or national level, to introduce discussion of citizens' participation in democracy.

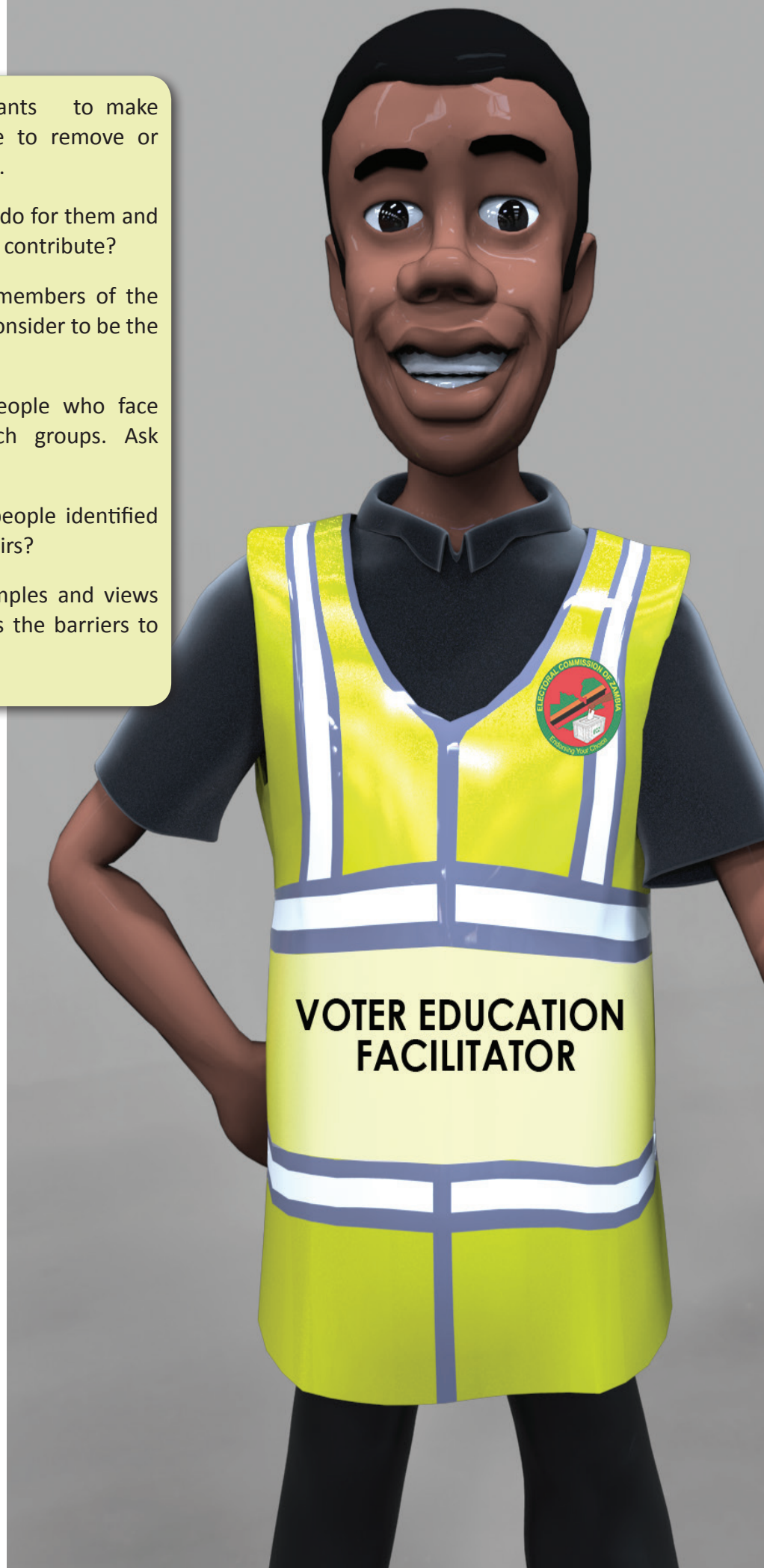
- Find out from the participants whether they are members of any community welfare group, religious group or association among others.
- Ask those participants who are members of such groups to explain the role they play.
- Do they participate in making the rules that govern the group? Are they involved in making decisions on how the group should carry out its activities?



The Facilitator should ask participants to make suggestions on what can be done to remove or minimize the impact of such barriers.

- What do they expect the group to do for them and what does the group expect them to contribute?
- Ask those participants who are members of the above groups to explain what they consider to be the benefits of being members.
- In the community, there are people who face difficulties in participating in such groups. Ask participants to identify such people.
- What hinders the categories of people identified from participating in community affairs?

The Facilitator should use the examples and views expressed by participants to discuss the barriers to democracy in detail.





## UNIT 2: ELECTIONS AND DEMOCRACY

### 2.1 INTRODUCTION

The unit discusses the meaning and importance of elections in a democratic society. It includes the Zambian Electoral Systems and how elections are managed. Also included is a discussion on stakeholders in the electoral process.

Elections are very important in a democracy because through them we choose our representatives. When direct democracy cannot be achieved, representative democracy becomes the alternative through which the “rule by the people” can be attained. In a representative democracy leaders are chosen through elections.

Elections are democracy at work. During an election people can assess the performance of their representatives and choose to re-elect them or elect new leaders. Through elections leaders are given the authority to represent the people.

Elections can only fulfill their role in promoting and achieving democracy if they are conducted regularly, freely and fairly. This applies when filling political offices, positions in community organizations, religious groups, labour unions and others where elections are used to get people into leadership.

**Note :** General Elections in Zambia are held every five years on a Thursday in the second week of August of the fifth year. While by-elections are held whenever there is a vacancy in the office of Member of Parliament, Mayor/Council Chairperson and Councillor

**Objective:** To provide participants with information on elections in Zambia.

#### Methodology

Presentations, use of flip charts and other participatory approaches.

#### Key issues

- Meaning and importance of elections
- Electoral Systems in Zambia
- Management of Elections in Zambia
- Stakeholders and their role in the electoral process

#### Learning outcomes

**By the end of the discussion on this unit, participants should be able to explain/describe :**

- The meaning and importance of elections;
- Electoral Systems in Zambia; and
- The stakeholders in the electoral process.

#### Be able to:

- Promote free and fair elections; and
- Interact with key stakeholders in the electoral process effectively.

#### Be motivated to:

- Contribute towards having credible elections; and
- Participate in the democratic processes.



## 2.2 MEANING AND IMPORTANCE OF ELECTIONS

### 2.2.1 Overview of Elections

Election is the process under which electorates are given the opportunity to choose or elect representatives from among the many that could have canvased for their votes. It is the period when the right to vote is exercised by all citizens who are registered as voters regardless of their gender, religion, disability, origin, race, level of education, or financial situation. It is a fair way of electing leaders, using the principle of one man one vote. Elections are to be organized regularly and guarantees the principle of secrecy of the vote.

### 2.2.2 Meaning of Elections

Elections are a process through which citizens transfer their power to make decisions and manage public affairs, to a representative, to exercise it on their behalf.

Elections are, therefore, an important aspect of representative democracy. The Constitution of Zambia provides for a system of representative democracy. The Constitution requires that elections are held in order for citizens to choose representatives to govern on their behalf.

Through elections, people choose leaders to represent them in key institutions of government: the Executive (Presidency), Legislature (Members of Parliament) and Councils (Mayoral/Council Chairperson, ward Councillor). All eligible citizens should participate in elections to choose leaders to these important offices or contest as candidates.

The people elected have the responsibility of managing the affairs of the country on behalf of the electorate. These leaders should be transparent, honest and accountable to the people at all times.

### 2.2.3 Importance of Elections

Elections are important for the following reasons:

#### A. Participation of the People

Elections provide an opportunity for the people to participate in the governance of their country.

Elections should involve all citizens who qualify to take part.

#### B. Choosing Political Leaders

Elections are the principal source of political leaders. Political parties nominate candidates to compete for political offices.

#### C. Forming Government.

In Zambia, a Presidential candidate with more than 50% of valid votes cast forms government. The party that sponsored such a one becomes the ruling party.

#### D. Providing Representation

Elections provide an opportunity for citizens to choose representatives that speak and decide on their behalf.

#### E. Contributing to building a sense of responsibility among Political Leaders

Elections give citizens an opportunity to review the performance of their leaders. Leaders therefore need the electorate's approval and must be responsive to the electorate after they are elected.

#### F. Granting Legitimacy to the Government

Elections give legitimacy to the government. This means that through elections citizens give the government the right and authority to rule. This promotes political stability and helps development in the country.

#### G. Influencing Policy

During elections, citizens have a chance to support policies that are beneficial to the people or the country.

#### H. Informing the Voters

The process of campaigning during elections provides people with information about candidates, parties and their policies. Thus political, economic and social issues are discussed during election campaigns.



## 2.3 THE ELECTORAL SYSTEMS IN ZAMBIA AND MANAGEMENT OF ELECTIONS

An electoral system is a set of rules on how votes are converted into seats for political or civic authority. The purpose of an electoral system is to translate the will of the people to decide on who should be President, Members of Parliament, Mayors/Council Chairpersons and Councillors.

The electoral system should not be confused with the electoral process of a country. The electoral process refers to the stages of the whole electoral cycle such as delimitation, voter registration, voter education, candidate nomination, election campaigns and election day activities.

Zambia's electoral systems are based on the principles where every citizen aged 18 and above qualifies to register as a voter and exercise their right to vote.

### 2.3.1 The Electoral Systems in Zambia

The **electoral systems** in Zambia are two fold (Majoritarian and Simple Majority).

#### A. Majoritarian System - Presidential Election

The election of the President is conducted directly under a majoritarian system where the winning candidate must receive **more than fifty percent of the valid votes cast**. For example, if there are two million valid votes cast, fifty percent of the valid votes is one million. For a presidential candidate to win, one is required to get at least one million votes plus 1 vote translating into 1,000,001. This means other candidates will share the 999,999 which is less than 50% of the valid votes cast.

However, if at the initial ballot or first election, none of the presidential candidates gets more than fifty percent of the valid votes cast, a second ballot, will be held within **thirty-seven days** of the initial ballot or first election.

In this election only the candidates with the highest and second highest number of valid votes cast in the initial ballot will be the candidates. In other words, if five candidates contested the first election in which

two million valid votes were cast and obtained the following results:

	Candidates	Valid Votes	Percentage
1	Candidate 1	940,000	47
2	Candidate 2	680,000	34
3	Candidate 3	300,000	15
4	Candidate 4	70,000	3.5
5	Candidate 5	10,000	0.5
	Total votes cast	2,000,000	100

From the example above, the candidate with the highest number of votes got 47% while the second one got 34%. This means none of them got more than fifty percent. Therefore, the top 2 will contest in the second ballot meaning that the last three other candidates who are below the first and second candidates will not contest in the second ballot. Even where the top two candidates obtained equal number of valid votes cast, the two will go for the second ballot.

**Note:** If in the initial ballot two candidates in the second position had equal number of votes, the second ballot will have three candidates contesting the election.

#### Presidential Running Mate

A Presidential candidate appoints a Running Mate. This means that a vote cast for the President is also a vote for the Running Mate. The Presidential Running Mate takes office on the same day as the President.

#### Vacancy in the Office of the Republican President

If the position of Republican President falls vacant for any reason, **there will be no Presidential election** as the Vice-President will be sworn in as the President. This is because the Vice-President was a Running Mate who was elected alongside the President.

#### **Note:**

A Vice-President who assumes office in this manner would serve the remaining period of the





term of office. Where the election of President-elect is nullified by the Constitutional Court, a Presidential election shall be held within thirty days from the date of the nullification.

### **B. “First Past the Post” (Simple Majority) System Elections for Members of Parliament, Mayors/ Council Chairpersons and Councillors**

Elections for Members of Parliament, Mayors/Council Chairpersons and Councillors are conducted under the **“First Past the Post” (Simple Majority) System**. This means that a candidate who gets the highest number of votes cast in an election wins, regardless of the total percentage of votes the candidate received. From the example given under (a), in the first past the post System, the candidate who got 47% of the valid votes cast would be declared elected Member of Parliament, Mayor, Council Chairperson or Councillor.

## **2.3.2 THE ELECTORAL COMMISSION OF ZAMBIA**

### **Establishment**

The Electoral Commission of Zambia (ECZ) is an independent Electoral Management Body. It is established under Article 229 of the Constitution of Zambia whose main responsibility is to manage elections in Zambia.

### **Composition and Appointment**

The Commission consists of a Chairperson and not more than four other members appointed by the President, subject to ratification by the National Assembly, for a term not exceeding seven years. The Chairperson and members of the Commission serve on full time basis.

### **Functions of ECZ**

#### **A. Constitutional Functions**

The Constitution mandates the Commission to implement the electoral process that is;

- Conduct elections and referenda;

- Delimit electoral boundaries;
- Register voters;
- Settle minor electoral disputes;
- Regulate the conduct of voters and candidates; and
- Accredited observers and election agents.

### **B. Statutory Functions**

- To conduct Voter Education;
- To formulate and review Electoral Regulations;
- To perform any other statutory function that the National Assembly may call upon it.

## **2.3.3 Types of Elections in Zambia**

### **i) General election**

A general election refers to the holding of Presidential, National Assembly, Mayoral/Council Chairperson and Councillor elections at the same time.

#### **Presidential Election**

For choosing the Republican President,

#### **National Assembly Elections**

For choosing the Members of the National Assembly,

#### **Local Government Elections**

For choosing Mayors in City and Municipal Councils and Council Chairpersons for District Councils.

For choosing Ward Councillors.

**Note: General election shall be held every five years after the last general election, on the second Thursday of August.**

### **ii) By- Election**

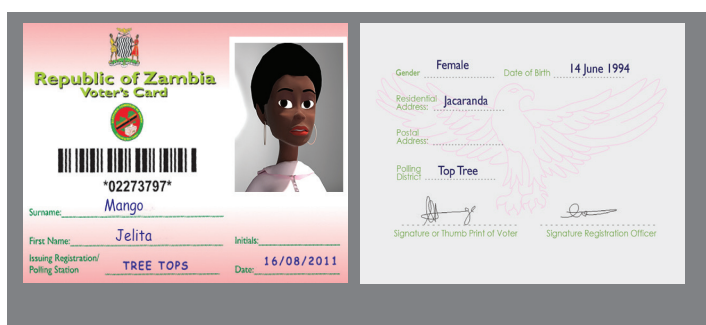
Where a vacancy occurs in the office of Member of Parliament, Mayor/Council Chairperson and Councillor, a by-election shall be held within ninety (90) days of the occurrence of the vacancy.



A vacancy may occur if the incumbent dies, resigns or the seat is nullified through an election petition.

No by-election shall be held within one-hundred and eighty (180) days preceding a general election.

**Note : A person who resigns to join another Political Party or having been elected as an independent, shall not be eligible to contest in the by- election in the entire term of that Parliament/Council.**



#### 2.3.4. Dissolution of Parliament and Councils

Parliament and Councils are dissolved at least 90 days before a general election and all seats declared vacant. Parliament can also be dissolved by the President where the Executive (President and Cabinet) is unable to govern effectively due to failure by the National Assembly to objectively and reasonably carry out its legislative function. However, the President is required by law to refer the matter to the Constitutional Court for determination. Once the court decides, Parliament shall be dissolved and elections shall be held within ninety (90) days of the dissolution.

### 2.4. STAKEHOLDERS IN THE ELECTORAL PROCESS

#### i) The Commission

The Commission has the duty of ensuring that the electoral rules and regulations are adhered to and that all electoral activities are conducted in such a way that encourage maximum participation of the Voters and other stakeholders.

#### ii) Voters

Voters are persons eligible to vote in an election. The role of voters is to choose representatives by casting ballots in an election. Voters should be Zambian citizens, aged 18 and above, in possession of a Green National Registration Card and a Voter's Card. In order to vote, they must be registered in the polling station appearing on their Voters' Card. They must also appear in the Register of Voters for that particular polling station.

#### iii) Political Parties

Political parties seek political power by participating in elections and campaigning for support from voters. Political parties and candidates are expected to adhere to all the electoral procedures and laws, including the Electoral Code of Conduct (ECC) which they should subscribe to through the Declaration of Compliance to the Electoral Code of Conduct.

During an election, each political party or candidate must ensure that:

- They have two election agents;
- There are two polling agents accredited to a polling stream but only one polling agent will be allowed inside a polling stream at a time;
- They adhere to the Commission's prescribed number of accredited officials per political party to be deployed in the constituency/ward and to witness the counting and totalling of votes;
- Their officials do not camp at polling stations during campaigns and elections;
- Their accredited officials monitor and do not interfere with the running of elections; and
- They adhere to the deadline for accreditation as determined by the Commission.

#### iv) Election Agents

An Election Agent represents the interests of a candidate in a district/constituency/ward during an election. A candidate should appoint not more than two election agents in an election.



A candidate may revoke the appointment of an election agent at any time by giving written notice to the agent and copied to the Commission. The candidate should then notify the Returning Officer in writing that the election agent has ceased to act as such. If a replacement has been appointed, the candidate will state in the notice, the full name and address of the new election agent. An election agent must take oath/affirmation on a date to be advised by the Returning Officer. A copy of the Oath/Affirmation should be forwarded to the Commission for its records.

#### v) Polling Agents

A polling agent represents the interests of a candidate in a polling station/stream during an election. A candidate or an election agent may appoint two polling agents for each polling station/stream in a district/constituency/ward in which the candidate is contesting an election. A candidate or election agent should prepare and submit to the Returning Officer a list of polling agents appointed at least four days before the polling day. The polling agents must take oath/affirmation. Only one polling agent is allowed in each polling station/stream at any particular time. A copy of the oath/affirmation should be forwarded to the Commission for its records.

#### vi) The Media

The role of the media in elections is to publicise all electoral activities and give access and fair coverage to participating political parties and candidates. By so doing, the media helps the electorate to make informed choices. The media should also provide news of the whole electoral process.

**Note For the purpose of covering electoral activities such as nominations, voting, counting and totalling of votes, media personnel should be accredited.**

#### vii) Uniformed staff

Uniformed staff provide security for voters, election staff and materials at a nomination centre, polling station and totalling centre. They ensure that there is law and order during any electoral activity. At the nomination and totalling centre, Uniformed staff are answerable to the Returning Officer while at the polling station they are answerable to the Presiding Officer. They also accompany the Presiding Officers

with election materials to the totalling centre.

Additionally, the role of the police is to maintain law and order at campaign meetings and processions.

#### viii) Monitors and Observers

The role of monitors and observers is to gather, examine and evaluate information relating to the electoral process.

During an electoral activity, a monitor plays an active role by intervening and bringing to the attention of the Presiding Officer, Returning Officer or any senior electoral official matters of concern that may arise.

Observers play a passive role and are concerned with making an informed judgment on the credibility, legitimacy and transparency of the electoral process.

An observer/monitor may inform the Commission in writing of any observed electoral malpractices and positive aspects in the electoral process and make recommendations.

**Note: Any person wishing to monitor or observe the electoral process must be accredited by the Commission and subscribe to the Electoral Code of Conduct through the Declaration of Compliance by Monitors and Observers Form.**

#### ix) Anti- Corruption Commission (ACC) and Drug Enforcement Commission (DEC).

Their role is to maintain a corruption free electoral process.

### 2.5 CREDIBLE ELECTIONS

Leaders elected in the Credible Elections will be accepted as leaders who have the mandate of the people to govern. The electoral laws should be fair to all players in the electoral process and should be applied without discrimination.

All the electoral activities that take place before, during and after the Election Day help to determine whether or not elections are credible. It is therefore, important that these stages of the electoral process are well managed.



## The conditions that contribute to the holding of credible elections

- A well-organized registration of voters exercise that gives an opportunity to eligible Zambians to register as voters.
- Access to information by all voters and candidates to hold meetings and campaign freely without being intimidated or threatened.
- Objective and balanced media coverage of candidates and all political parties.
- All contestants conduct their campaigns in accordance with the ECC.
- All eligible voters are able to cast their votes without any difficulty.
- The voting and counting process are conducted according to laid down procedures.

### Learning activity 1:

#### Meaning and importance of elections

Explain the meaning of election (Elections is the process by which eligible citizens in a country vote for candidates or political parties of their choice who are to be their representatives in government). The use of scenarios (descriptions of how things might happen) is a powerful way of presenting abstract concepts. Here is a scenario on the people's participation in deciding on issues that affect them and the importance of regular elections in promoting democracy.

#### Elections or no elections

##### CASE STUDY

The people of Liyala village had for a long time wanted to have a hammer mill to reduce on the old system of grinding maize grains using a pestle which was labour intensive. They came together and decided to start the project of buying an industrial hammer mill. In order for them to have a systematic and orderly way of handling the process of raising the required funds, they decided to elect a committee. Having resolved to

buy a hammer mill, community members contributed money raised from the sale of their farm produce to the committee. After two years of collecting contributions from community members, a hammer mill was bought. The village held a big ceremony to celebrate the purchase of the hammer mill.

The committee members that managed the fund raising were asked to continue running the hammer mill in the interest of the community. At the early stages, the community members were reluctant to change the executive members of the committee. As years passed the committee was no longer transparent and started mismanaging funds raised from the hammer mill.

By the fifth year, committee members became more powerful than the community and made a decision to start paying themselves monthly salaries without the consent of the community. As a result, the price for grinding maize grains was hiked. Consequently, the community could hardly manage to pay for milling and were being forced to go back to the method of pounding their maize instead of using a hammer mill.

The community started getting agitated and was of the view that the executive committee be changed. However, the committee refused to call for a meeting.

To this effect, a group of community members came together and reported the matter to the local authority. The local authority advised the committee to call for a meeting where members would choose a new executive committee. However, the committee did not act in accordance with the advice. This made the community members to stop using the hammer mill completely. Since no funds were being raised, the committee members were unable to pay themselves salaries, buy fuel and lubricants for the hammer mill. The local authority ordered that a meeting be called or the matter be reported to the law enforcement agencies.

After presenting this scenario, ask participants to discuss:

- What went wrong with the running of the affairs of the hammer mill?





- Measures that would have worked to prevent the

a. Hammer mill from stopping operations

b. Local Authority from intervening

- Why it is important to hold regular elections?

The Facilitator should use the views of the participants to discuss:

- The meaning of elections;
- The importance of elections; and
- The need for clear guidelines for office bearers including their powers and tenure of office.

### Learning activity 2:

Types and management of elections in Zambia Voters' understanding of the types of elections held in Zambia and the way elections are managed is very important. A Facilitator may use the participants' experience in past elections to stimulate discussion on this topic.

- Ask participants whether they have ever voted in an election, whether in a community, local government, national assembly or presidential.
- Ask participants to name the types of elections held in Zambia.
- How is the winner decided on in an election?
- Divide the participants into two groups and ask each group to brainstorm on factors that contribute to free and fair elections.

### After the group discussions, discuss in detail:

- The electoral systems in Zambia;
- The role of ECZ in the management of elections;
- The types of elections held in Zambia; and
- The conditions that contribute to holding of credible elections.

### Learning activity 3:

#### Stakeholders in the electoral process

The media, political parties and civil society all play a key role in the electoral process. The electorate should understand and appreciate the role each of these play.

The Facilitator could ask participants to:

- Give examples of how the media helps them to know how elections are conducted and what they should do as voters;
- Explain the role political parties play in elections;
- Identify examples of civil society organizations in Zambia that are involved in issues related to elections; and
- Discuss how community based organizations, non-governmental organizations and religious organizations help them to participate in elections.

The Facilitator should use the views expressed by participants to discuss in detail:

- The role of the media in the electoral process,
- The meaning and functions of political parties,
- The meaning and role of civil society in elections.



## UNIT 3: GOVERNANCE AND LEADERSHIP

### 3.1 INTRODUCTION

This unit discusses how public affairs are run and how good governance can be established in the society. It also looks at the role of leaders in creating and strengthening good governance; and the type and functions of key arms of government.

**Objectives:** To enable participants acquire knowledge about governance and the arms of government.

#### Methodology

Group presentations, use of flip charts, group discussions and other participatory approaches.

#### Key issues

- Meaning of governance
- Essentials elements of good governance
- Arms of government
- Separation of Powers
- Entrenching good governance
- Leadership

#### Be able to:

- Participate in establishing good governance.

#### Be motivated to:

- Promote good governance at all levels in society; and
- Choose leaders that respect and practice good governance.

### 3.2 GOVERNANCE

Governance refers to the way a group of people or a society manages its affairs. Issues of governance are observed and exercised in families, public institutions, civil societies, private enterprises among others. Governance in this context refers to how decisions are made and implemented when running public affairs. If they are run efficiently and to the benefit of all members or citizens, the groups are said to practice good governance. In situations where there is no rule of law, undemocratic practices, abuse of power by the leaders, lack of accountability, transparency, inclusiveness and equity, efficiency and effectiveness, the groups or institutions can be said to practice bad governance.

#### 3.2.1 Meaning of governance

Governance is simply the running and management of public affairs for the benefits of all the people. At national level, the government manages the affairs of the state. Government is made up of institutions that have been set up by the people and individual who have been chosen by the people.

#### 3.2.2 Essential elements of good governance

There are six main elements that are essential for good governance to be realized.

#### Learning outcomes

By the end of the discussion of this unit, participants should understand:

- The meaning of governance and good governance;
- Essential elements of good governance;
- Benefits of good governance; and
- Arms of government.
- The role of the Arms of government;



## **A. Participation**

In good governance there is no discrimination, all persons regardless of marital status, gender, religion, disability, tribal and race have a say in the decision making processes of their country.

## **B. Consensus oriented**

Government should be in a position to take into consideration the interests of other groups for a broad consensus to be reached.

## **C. The legitimacy of government**

A legitimate government is one that has been elected into office and governs with the consent of the people.

## **D. Transparency and accountability of government**

The government should be answerable for its actions. This means that information must be available to the citizens, the media must be free, decision making must be transparent and there should be systems in place to make individuals and institutions explain their actions.

## **E. The competence of government**

Government should be able to make policies and make decisions effectively and carry them out well. It should also deliver services to the people efficiently.

## **F. Respect for human rights and the rule of law**

Government should guarantee individual and group rights and security. It should provide a framework for economic and social development, allow and encourage everyone to participate in the decision making process.

## **3.3 PEOPLE AND GOVERNANCE**

Good governance enables people to have access to basic services such as education, health, housing

and safe drinking water. Good governance generally contributes to the improvement of people's standard of living. Where there is good governance there is no corruption.

Governance takes place at different levels in society. At the family level, members share duties and tasks. Good governance within the family is practiced through promoting consultation about those issues that have an impact on the wellbeing of either individual members or the family as a whole.

Within the community, more people are involved and so the decision-making process becomes more complicated. It becomes more difficult to fulfill everyone's needs. Hence, a few elected individuals make decisions on behalf of the community.

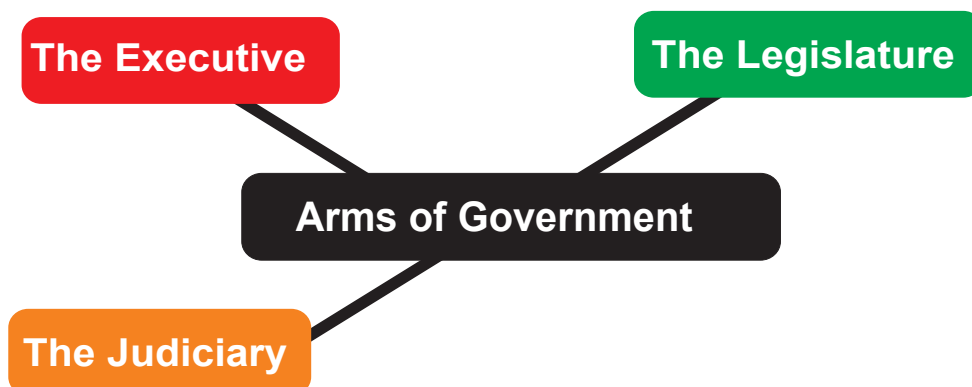
At state level, there are many groups with different interests. It is only possible for the government to listen to and respond to them all if it keeps its channels of communication open.

Open communication is an important part of good governance. Governing institutions should make sure that the interests of all people within the state are heard, considered and, if possible, satisfied. This has an effect on good governance. The government has a major responsibility to make sure that all its different groups of people are able to live together willingly and peacefully.

Thus, good governance requires the government to abide by the rule of law and uphold the key democratic principles of liberty, equality and social justice.

## **3.4 ARMS OF GOVERNMENT**

The Zambian Constitution provides for three Arms of Government. These key three arms of government are the Executive, Legislature and the Judiciary. Each of the arms of government carries out specific functions as provided for in the Zambian Constitution.



### Arms of Government in Zambia

#### 3.4.1 The Executive

The Executive is the branch of government that is responsible for the daily administration of enforcing the laws, formulating and implementing policies in the country. The Executive branch is headed by the Republican President, and includes the Cabinet, Government line ministries and public service departments.

The President appoints Ministers from among Members of Parliament to provide leadership and policy direction. The President also appoints constitutional office holders such as the Chief Justice, Deputy Chief Justice, Judges of the Supreme Court, Constitutional Court and High Court, the Attorney-General, the Director of Public Prosecutions, the Auditor General, the Secretary to the Cabinet, the Chairperson and Members of the Electoral Commission, Human Rights Commission among others. In addition, the President appoints Heads of Law enforcement and security agencies. The President also has power to suspend and dismiss some of these appointees.

#### Some of the functions of the Executive are:

- To enforce the law that is made by parliament through the various law enforcing agencies such as the Zambia Police, Anti-Corruption Commission (ACC), Drug Enforcement Commission, Road Transport and Safety Agency (RTSA) among others.
- It formulates and implements government policies and programmes through various line ministries and other spending agencies such as: Youth empowerment policy under the Ministry of Youth and Sports, Citizen

Economic Empowerment Commission (CEEC) under the Ministry of Commerce, Industry and Trade.

- It is also the responsibility of the Executive arm of the government to provide services such as health, education, state security, etc for its citizens.
- It also carries out delegated legislative functions such as issuing of Statutory Instruments.



State House

#### 3.4.2 The Legislature

The legislative power of the Republic of Zambia is held by Parliament, which consists of the President and the National Assembly. It is responsible for making laws, repeals, amends and providing other oversight roles such as scrutinizing government programmes and approving government financial estimates (budget).

The Parliament in Zambia consists of 156 directly elected members and not more than eight (8) members nominated by the President. The house is presided over by the Speaker of the National Assembly. In Zambia, there is only one legislative





Chamber called National Assembly where all the members of parliament meet to conduct legislative functions.

The functions of Legislature include the following:

- Making laws.
- Scrutinize government policies, programmes and expenditure plans by making inputs into, approving and monitoring the national budget. Parliament has a responsibility to hold the Executive accountable for the actions or inactions.
- Looking closely at the actions of the Executive and checking its powers so that the government is responsible and accountable. It does this through:
  - o Questions put to Ministers by members of the National Assembly (Members of Parliament - MPs);
  - o Reviewing the performance of government ministries and departments;
  - o Motions submitted by backbenchers, which give members an opportunity to debate government policy on a matter of public concern;
  - o Checking on how government resources are used. By doing this it makes sure to prevent poor administration of public resources for all citizens to benefit; and
  - o Ratifying appointments made by the President of certain constitutional office holders, for example, the Chief Justice, the Chairperson and Members of the Electoral Commission.

**Note: The National Assembly has the power to impeach the President and the Vice - President for violating the constitution or for gross misconduct.**

### 3.4.3 The Judiciary

The Judiciary is responsible for interpreting the laws made by the legislature. It has the power to adjudicate over legal matters and decide on legal disputes. The Judiciary is created by the Constitution and is headed by the Chief Justice.

#### Functions of the Judiciary include:

- a. Interpreting the laws of Zambia
- b. Adjudicating over legal matters
- c. Deciding on legal disputes.

#### The courts are as follows:

##### a) The Supreme Court

- This is the final Court of Appeal.
- Hears appeals from Court of Appeal.
- Hears appeals from High Court.

##### b) Constitutional Court

- Hears and determines matters relating to the constitution.
- Hears and determines matters relating to the Presidential election disputes emanating from nominations, first ballot and second ballot.
- It attends to appeals from lower courts/tribunals
- Its decision is final.

**Note: Supreme Court and the Constitutional Court rank equivalently.**

##### c) Court of Appeal

- Hears appeals from High Court.

##### d) The High Court

- Hears National Assembly election disputes that arise from nominations and the poll.
- Hears appeals from Subordinate Courts.
- Except for matters under the exclusive jurisdiction of the Constitutional Court.

##### e) Subordinate/Magistrate Court

- Presided by magistrates of different classes and powers.
- Hears civil and criminal cases.
- Appeal lies to the High Court.
- Hears appeals from local courts.



#### f) Local Courts

- Hear mainly customary law cases.
- Presided by Presiding magistrates.

**Note: All members of the Judiciary are expected to be independent and impartial. They should carry out all their functions in accordance with the law.**



### 3.5 SEPARATION OF POWERS

The principle of separation of powers sets limits on the work of the Judiciary, the Legislature and the Executive. It provides the checks and balances that prevent abuse of power by any of the three arms of government. The principle of separation of powers means that there should be no overlap in the powers and functions of the different arms of government. No arm of government should interfere with the functions and work of any of the other arms. No one arm of government should be more powerful than the others.

### 3.6 ENTRENCHING GOOD GOVERNANCE IN ZAMBIA

Entrenching good governance means creating

conditions and systems that provide checks and balances in the way the country is governed. These conditions and systems prevent corruption, mismanagement and other malpractices that work against the public interest. The systems should further encourage good decision-making. In other words these conditions and systems should prevent bad governance at different levels and in many different ways.

### 3.7 LEADERSHIP

Leadership is the ability to influence others to do the right thing at the right time and in the right manner. Leadership is the art of influencing people to work willingly for group objectives. It is basically the ability to accomplish goals with and through people.



*Everyone is equal before the Law*



In most social groupings such as family, sports teams, trade unions, religious groups, etc, it has been realised that leaders are the most influential people. A leader should have the ability to influence members in achieving the vision of the group.

Leadership is an important element of governance. This is because leaders provide policy and legal direction on public affairs. Leaders should also ensure that public resources and affairs are managed for the benefit of everyone. It is important to carefully elect quality leaders.

### 3.7.1 Types of leadership

- Authoritarian Leadership
- Democratic Leadership

#### A. Authoritarian Leadership

Authoritarian leaders rule through decrees and directives. An authoritarian leader does not consult the people. Instead the leader assumes he/she knows what is good for the people and goes on to make decision for them.

Authoritarian leaders tend to dictate to the people. In authoritarian leadership, authority and power are centred on an individual leader. Authoritarian leaders do not tolerate opposing views. They do not respect democratic principles.

#### B. Democratic Leadership

Democratic leaders recognize that their

power stems from the people. A democratic leader governs in the interest of the people. The leader is answerable to the people who elect him/her. Such a leader consults the people and so involves the people in making decisions. Democratic leadership, therefore is built on the principles of consultation and respect for the wishes of the people. Leaders are accountable to the people.

To choose quality leaders, there is need for electorates to know what constitutes good leadership.

### 3.7.2 Qualities of a Good Leader

- Being responsible and accountable to the people.
- Being committed to giving their services to their community.
- Being committed to supporting team work.
- Being consultative, accessible and prepared to listen and learn from others.
- Working with and helping in the community they represent by addressing their concerns.
- Being honest.
- Handling the affairs of the community fairly and justly.
- Respecting human rights.
- Exercising tolerance and promoting democratic values.



## SUGGESTED LEARNING ACTIVITIES

### Learning activity 1:

#### Meaning and levels of governance

Facilitator can create a scenario that is relevant to the local community to explain the issues of governance at different levels in Zambia. The scenario depicts typical governance problems in community based groups.

#### Good or bad governance

##### CASE STUDY

A women's association has forty members. The Chairperson of the association has the sole power to make decisions and act on behalf of the members. This power is given to her because members do not have time to meet and decide on how the association should be run. The Chairperson keeps all the money that belongs to the association as well as the membership register. When the Chairperson goes to the bank to open an account for the association, she is advised that two to three members should be signing the cheques. The Chairperson asks her sister and daughter to become signatories to the bank.

At the end of the year, the association is required to file its financial audit report with the registrar of societies. The chairperson engages her brother, who is an auditor, to carry out the audit.

The facilitator then asks the participants to discuss the following questions:

- Should the Chairperson be able to make all the decisions on her own?
- Should the Chairperson appoint her relatives to

manage the association with her?

- What things could go wrong in this scenario?
- How should the power of the Chairperson be checked to ensure accountability and transparency?

Ask participants to:

- Give examples of situations they are aware of which, in their opinion, illustrated good governance at work; and
- To report situations when they had experienced communication breakdown.

The Facilitator should introduce a discussion on:

- The meaning of governance;
- Governance at the family, community and national level;
- The three arms of government – Executive, Legislature and Judiciary; and
- Ways of entrenching good governance in Zambia.







## Learning activity 2:

### Arms of government and other institutions entrenching good governance

The facilitator can use a variety of local examples to discuss the roles of the executive, legislature and judiciary as well as other institutions in entrenching good governance. These institutions should be discussed within the context of the principles of separation of powers, checks and balances, protection of human rights and promotion of accountability and transparency. This activity highlights how local examples can be used to stimulate discussion on this topic.

### Read out the following story to the participants:

#### CASE STUDY.

The residents of Akala have been experiencing a series of thefts over several months. Everyone was concerned by this increase in theft. The residents came together and complained to the local police. The police laid an ambush and were successful in arresting two people involved in the theft. They took the suspects to the local police station where they charged them. The head of the police station was very anxious to have the suspects punished as soon as possible. He decided that the suspects should be put in custody for a period of one year for the offence without taking them before court for interpretation despite the parliament having enacted laws that stipulating the criminal justice procedures.

After reading out the story, ask participants to discuss the following issues.

- What lessons can be learnt from the story?
- Who is responsible for arresting people who do not obey the law?

- Who is responsible for taking decisions on the cases of people who do not obey the law?
- Who is responsible for making the laws?
- Why is it important that one person should not make laws, arrest offenders and sentence the offenders?

## Learning activity 3.

### Leadership

#### The facilitator should ask participants to:

- Explain the meaning of leadership;
- Explain how a leader can be identified;
- Explain the importance of leadership;
- Identify the main elements of leadership;
- Describe the qualities that a good leader should have;
- Give examples when they have experienced good and bad leadership;
- Explain why it is important to choose good leaders and what things hinder them from choosing good leaders; and
- Discuss whether or not those that are led have any role to play in maintaining good leadership.

The facilitator should use the answers given by participants to discuss:

- The meaning of leadership;
- The importance of leadership;
- Types of leadership; and
- Qualities of a good leader.



## UNIT 4: THE ELECTORAL PROCESS IN ZAMBIA.

### 4.1 INTRODUCTION

This unit outlines the electoral process in Zambia. Its aim is to enable voters to effectively participate in the electoral process by meeting the set requirements and behaving according to the set rules. The electoral process is set out in accordance with the Electoral Act.

The term “electoral process” means the procedures and regulations for holding an election. The rules and regulations spell out what all stakeholders such as ECZ, law enforcement agencies, civil society, political parties, candidates and voters, to mention but a few, are required to do during elections. The electoral process involves a number of activities such as the registration of voters and the announcement of results.

#### Objective

To provide participants with understanding on the Electoral Process in Zambia.

#### Methodology

Presentation, use of flip charts and other participatory approaches.

#### Key issues

- Delimitation
- Voter registration
- Inspection of the provisional register of voters
- Candidate nomination
- Election Campaign
- Voting and counting

- Announcement and Declaration of results
- Verification of the ballot paper accounts
- Dispute resolution
- Election malpractices and offences

#### Learning outcomes

**By the end of the discussion on this unit, participants should explain/describe:**

- Delimitation;
- Voter registration;
- Inspection of the provisional register of voters
- Candidate nomination;
- Election Campaign;
- Voting and counting;
- Announcement and Declaration of results;
- Verification of the ballot paper accounts;
- Dispute resolution; and
- Election malpractices and offences.

#### Be able to:

- participate in the electoral process effectively;
- follow the procedures and regulations for voting; and
- ensure election malpractices do not happen.



### Be motivated to:

- Participate effectively in the electoral process; and
- Guard against electoral malpractices.

### Background information

This section outlines the key steps in the electoral process.

## 4.2 DELIMITATION

Delimitation is the process of drawing electoral boundaries of constituencies, wards and polling districts.

- Constituencies are for the purpose of voting for Members of Parliament (MP).
- Wards are for the purpose of voting for Councilors.
- Polling districts for purpose of allocating voters into voting centres.

The delimitation exercise is carried out by the Electoral Commission of Zambia in consultations with the local people (Civic Leaders, Political Parties, Civil Society Organizations among others) to establish suitable boundaries.

### 4.2.1 Factors for Delimitation

Some of the major factors that influence the delimitation process are:

- History, diversity and cohesiveness of the constituencies or wards;
- Population density, trends and projections;
- Settlement pattern;
- Geographical terrain;

- Developmental prospect;
- Communication;
- Vastness of the area; and
- District boundaries.

**Note: After delimitation there may be new constituencies, wards or polling Districts. The increase in the number of constituencies takes place after amendment of the constitution.**

## 4.3 VOTER REGISTRATION

The Electoral Act empowers the Commission to carry out continuous voter registration. Registration of voters is the process where eligible citizens make application to be included on the register of voters. Registering as a voter allows a person to vote in an election thereby participating in the democratic governance of the country. This is further guaranteed by the Constitution which provides for every eligible citizen's right to be registered as a voter.

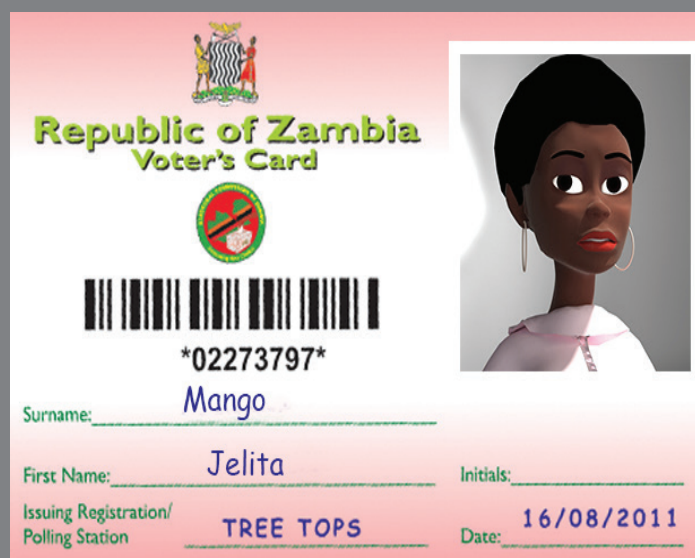
### 4.3.1. What is the importance of having a Voter's Card?

A Voter's Card is one of the key documents that is required for a person to vote and it is proof that a person is registered as a voter. This means such a person will be in a position to vote in an election. If a person goes to the polling station and is not in possession of a Voter's Card, the person shall not vote.

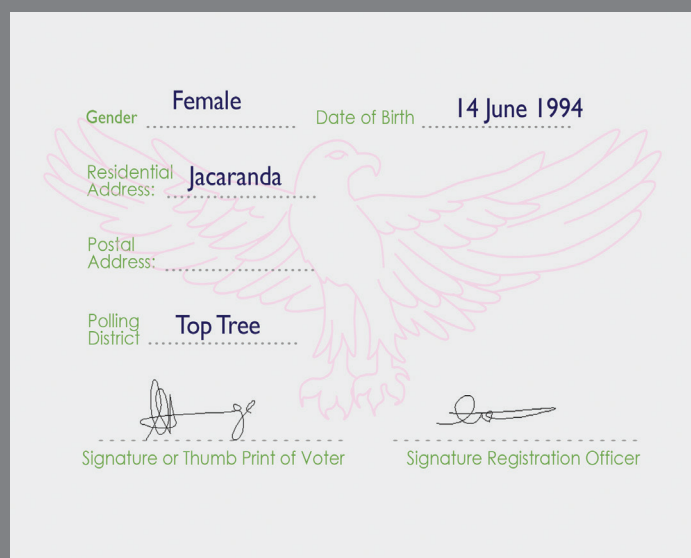


### The voter's card has the following information:

- Full names;
- Residential address;
- Gender (Sex);
- Date of birth;
- Portrait (photograph);
- Voter's card number;
- Signature or thumbprint;
- Polling station; and
- Polling district.



Front of a Voter's Card



Back of a Voter's Card

**Note: The voter's card should be kept in a safe place at all times.**

#### 4.3.2 Why should a person register as a voter?

It gives a person an opportunity to choose representatives in the government.

It is a person's right and responsibility to register to vote.

It is one of the requirements for a person to participate in an election through voting.

Voter registration determines who may and who may not vote in an election.

#### 4.3.3 Inspection of the Register of Voters

After registration of voters, the Commission produces

a provisional register. This provisional register is not final and cannot be used in an election. It is still open to changes or amendments in case of clerical errors or any other mistake.

All registered voters should inspect the provisional register of voters to make sure that their names and other details are correct.

In order to be allowed to inspect the register of voters, a person **MUST** provide the Registration Officer with their Voter's Card and Green National Registration Card.

The date for inspection is normally announced by the Commission. During this period, a copy of





the provisional register of voters is available at all registration centres (polling stations) for inspection by the public.

## 4.4 NOMINATION OF CANDIDATES

### 4.4.1. Meaning of Nomination

Nomination is a formal process of validating a person to contest in an election. Any person desiring to be a candidate for an election should meet the prescribed requirements and qualifications.

After nominations, names of validly nominated candidates are published.



**Note : No voter is allowed to support the nomination of more than one candidate in an election.**

### 4.4.2 Qualifications and Requirements

#### 4.4.2.1 Qualifications and Requirements for Presidential Nominations

##### A. Qualifications

A person qualifies to be nominated as a candidate for election as a President if that person:

- Is a citizen by birth or descent;
- Has been ordinarily resident in Zambia;
- Is at least thirty-five years old;
- Is a registered voter;

- Has obtained, as a minimum academic qualification, a Grade Twelve Certificate or its equivalent;
- Is fluent in the official language;
- Has paid taxes or has made arrangements, satisfactory to the appropriate tax authority, for the payment of the taxes;
- Declares their assets and liabilities;
- Pays the prescribed election fee on, or before, the date fixed for the delivery of nomination papers; and
- Is supported by at least one hundred (100) registered voters from each of the provinces.

##### B. Requirements

The aspiring candidate should have the following:-

- Duly completed Affidavit Form;
- Letter or certificate of adoption if sponsored by a political party;
- Duly completed nomination form;
- Aspiring candidate's photograph measuring 32 x 25 mm on a prescribed background;
- Duly completed Declaration of compliance to the Electoral Code of Conduct; and
- Payment of prescribed nomination fee.

##### C. Disqualification

A person is disqualified from being nominated as a candidate for election as President if that person—

- is a public officer;
- has dual citizenship;
- is holding or acting in a Constitutional office or other public office;



- is a judge or judicial officer;
- was removed from public office on grounds of gross misconduct in the immediate preceding five years;
- has a mental or physical disability that would make them incapable of performing the executive functions;
- is an undischarged bankrupt;
- is serving a sentence of imprisonment; or
- has, in the immediate preceding five years, served a term of imprisonment of at least three years.

#### **4.4.2.2 Qualifications and Requirements for National Assembly Election Nominations**

##### **A. Qualifications**

- A Zambian citizen.
- Twenty one (21) years and above.
- A registered voter.
- Has obtained a minimum academic qualification of Grade Twelve School Certificate or its equivalent.

##### **B. Requirements**

- Must have the support of fifteen registered voters in the constituency in which the candidate is standing for election.
- Paid non refundable nomination fees before or on the day of nomination.
- Declares personal assets and liabilities.
- Has paid all taxes or made arrangements with tax authority for the payment of taxes.
- Aspiring candidate to be taken at the nomination centre.
- Declaration of compliance to Electoral Code Of

Conduct.

- Complete and duly signed nomination forms.
- Letter or certification of adoption of the candidate if not standing as an independent candidate.

##### **C. Disqualification from Nomination for National Assembly Election**

- A person who is validly nominated as candidate for Presidency.
- A Judge, Judicial Officer, Constitutional Office holder or Public Officer.
- A person declared bankrupt.
- One serving a sentence of imprisonment for an offence under any written law.
- Has served a term of imprisonment of at least 3 years in the last five years.
- Has been removed from public office for gross misconduct in the last five years.
- An Election Officer.

#### **4.4.2.3 Qualifications and Requirements for Mayoral and Council Chairpersons Election Nominations**

##### **A. Qualifications**

A person qualifies to be nominated as a candidate for election as Mayor or Council Chairperson if that person:

- Is a Zambian citizen;
- Is at least twenty-one years old;
- Is a registered voter;
- Has obtained, as a minimum academic qualification, a Grade Twelve Certificate or its equivalent;
- Declares that person's assets and liabilities, as prescribed; and



- Has fifteen supporters who are registered voters within that particular district.

## **B. Requirements**

- Duly completed affidavit Form.
- Letter or Certificate of Adoption if sponsored by a political party.
- Duly completed Declaration of Compliance to the Electoral Code of Conduct.
- Paid non refundable nomination fees before or on the day of nomination.
- Duly completed Nomination Form.
- Aspiring candidate's photograph measuring 32 x 25 mm on a prescribed background.

### **4.4.2.4 Qualifications and Requirements for Councilor Election Nominations**

#### **A. Qualification**

- Is nineteen(19) years of age.
- Has obtained, as a minimum academic qualification, Grade Twelve (12) certificate or its equivalent.
- Is a citizen or a holder of a resident permit, resident in the district.
- Has a certificate of clearance showing the payment of council taxes, where applicable.

#### **B. Requirements**

- Nine supporters who are registered voters within that particular ward.
- Duly completed Affidavit Form.
- Letter or certificate of adoption if sponsored by a political party.
- Duly completed Declaration of Compliance to the Electoral Code of Conduct.

- Paid non refundable nomination fees before or on the day of nomination.

- Aspiring candidate's photograph measuring 32 x 25 mm on a prescribed background.

### **4.4.3 Pre-Nomination Verification of Supporters for Presidential Election**

The Commission shall prescribe the period during which the supporters for a presidential candidate will be verified at verification centres to be set out in all provinces. A candidate is required to have a minimum of 100 supporters from each of the provinces.

#### **4.4.4. Withdrawal of nomination papers**

A candidate or election agent appointed by a candidate may withdraw, in writing, the nomination papers at any time before the close of the nomination period.

#### **4.4.5. Determination of validity of nomination**

As soon as an aspiring candidate has filed in nomination papers, the Returning Officer shall determine the validity of the nomination papers and advise the aspiring candidate accordingly. At the close of nomination period, the Returning Officer shall send a written confirmation of the nomination results to the Commission.

#### **4.4.6. Unopposed Election**

If only one person was determined to have validly filed in nomination papers, the Returning Officer shall declare such a one as duly elected (unopposed).

### **4.4.7. Inspection of Nomination Papers by the General Public**

Registered voters in the district/constituency/ward, have a right to inspect nomination papers for them to know the candidates that filed in nomination papers.



#### 4.4.8. Right to Challenge the nomination of a candidate

- The nomination of any candidate may be challenged by any person **within seven (7) days** of the close of nominations before a court or tribunal.
- The court or tribunal shall hear the case within **twenty one (21) days** of its lodgment.
- This process must be completed at least thirty (30) days before the general elections.

**Note :** In case of a candidate dying, or in an event the court disqualifies a candidate after nominations but before election date, ECZ shall cancel the election and call for fresh nominations and elections to be held within thirty days of filling fresh nominations.

**Note:** Election campaigns provide voters with information that can assist them in choosing a candidate of their choice.

#### Election Campaign Rallies:

- Remind people on why they may have supported or should support a political party;
- Enable candidates to sell their manifestos; and
- Provide an opportunity for party officials to project things that motivates voters to vote for their party.

**Note:** During the election campaign period, all public officers and institutions should give equal treatment and opportunity to all candidates to enable them conduct their campaign freely. Each candidate and political party has a right to a fair and balanced coverage of their election campaign activities by the media. The Commission prescribes a code of conduct which all political parties and candidates should abide by.

#### 4.5. ELECTION CAMPAIGN

Election Campaign is the period prescribed by the Commission during which political parties or candidates persuade the electorate to support and vote for them on polling day.



Say yes to peaceful elections say no to violence



## Electoral Code of Conduct



The Electoral Code of Conduct (ECC) outlines what candidates, political parties and stakeholders can and cannot do. It applies to all people and institutions involved in elections.



### 4.6. VOTING

Voting is the act of casting a ballot on the polling day. Voting in Zambia is carried out on a “one person, one vote basis.” It is done through the secret ballot. This means that when voting, no person should see who the other person has voted for. In a General election voters are expected to vote for the President, Members of Parliament, Mayors/Council Chairpersons and Councillors on the same day at the same time.

On poll day, polling stations open at 06:00 hours and close at 18:00 hours. Voters who have joined the queue before 18:00 hours will be allowed to vote.

If the polling station opens late, the time lost will be added to the closing time.

A voter must vote at a polling station appearing on their voter’s card.





#### 4.6.1 Certificate of Authority to Vote

This is a document that is issued by a Returning Officer to a person who is unable to vote at the polling station at which they are entitled to vote because they are employed by the Commission to conduct elections at another polling station. The Returning Officer should verify the Officers' details using the Voter's Card and the Green NRC.

The person should present to the Presiding Officer their Green National Registration Card and Voter's Card in addition to the certificate when applying for a ballot paper.

Before the ballot paper is issued to the voter, the certificate must be surrendered to the Presiding Officer who must attach it to the marked copy of the register of voters. It is highly recommended that where possible, officers are deployed at polling stations where they are registered to vote.

#### 4.6.2. Streams

In polling stations with a large number of voters, the

stations are divided into 2 or more voting streams with voters arranged in alphabetical order. At the entrance to the polling station there is an usher to direct voters to the right queue and room and also a large placard providing details of the streams. For example, voters having surnames commencing with A-L voting in one room and M-Z voting in another room.

#### 4.6.3. Person(s) allowed in the polling station

- Members and staff of ECZ
- Provincial Electoral Officers
- District Electoral Officers
- Accredited Election Agents, Media, Monitors and Observers
- Candidates

#### BALLOT BOX LIDS

Presidential	Orange
National Assembly	Red
Mayoral/Council Chairperson	Purple
Local Government	Black
Referendum	Brown



General voting layout





## Eligibility to vote

In order to vote a person:

- must be a Zambian citizen with a Green NRC;
- must have attained the age of 18 and above; and
- must be in possession of a voter's card.

### 4.6.3. Voting Procedures

**Note: a voter must go to vote from a polling station appearing on the voter's card.**

**During poll day, a voter should do the following :**

#### Step 1: Preparing to go to the polling station

A voter must take the following documents with them to the polling station:

- Their Green National Registration Card; and
- Their Voter's Card.

#### Step 2: At polling station - upon arrival at the polling station

- A voter lines up with other voters to wait for their turn to be allowed inside the polling station to cast their vote.
- Voters are expected to observe all rules and regulations governing the polling station.
- At a polling station with streams, voters will be directed by an usher to the correct queue.

#### Step 3: Inside the polling station

##### Ascertaining the identity of voters

- The voter shows the polling assistant his/her NRC and Voter's Card.
- The polling assistant checks the details on the NRC and Voter's Card against those appearing in the voters' register.

##### Inking

- The voter's hand is checked to see that there are no ink marks.
- The right hand thumb is then marked with indelible ink.

##### Issuance of ballot Papers

- The voter is issued with stamped ballot papers

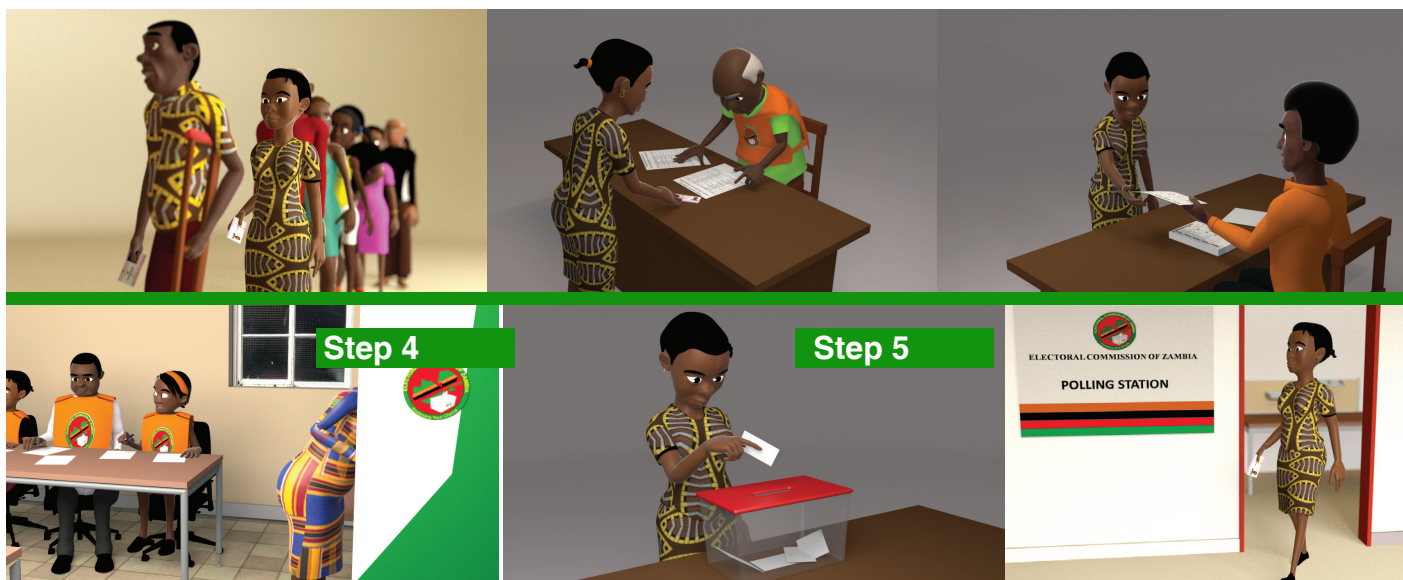
##### Marking of the ballot paper

- The voter marks the ballot papers in the polling booth.

##### Vote casting

- The voter deposits the marked ballot papers in the respective transparent ballot boxes.

##### The voter walks out of the polling station






**Voting steps**



**Note: The voter will not be allowed to vote without both the NRC and Voter's card. The voter will also not be allowed to vote if their particulars do not appear in the register of voters for that polling station.**

#### 4.6.3.1 Marking ballot papers correctly

A ballot paper must be marked with "X" in the square to the right of the candidate of one's choice.

	Mango Jelita	ABCD		
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**Correctly marked Ballot paper**

#### 4.6.3.2 What should not be done on the ballot paper

**The voter shall not:**

- write their name on the ballot paper;
- write their signature or any mark that may identify them on the ballot paper;
- place a mark on more than one candidate or write anything else except for the mark X;
- leave the ballot paper unmarked;
- remove the ballot paper from the polling station; and
- come with a ballot paper or any other paper from outside the polling station.

- Which has the identity of the voter;

- Which is not marked by the voter;

- Which is not clear for whom the voter has voted for; and

- Which is not the official ballot paper issued for that election.

#### 4.6.3.4 Spoilt ballot paper

**A ballot paper is spoilt if:**

- It is accidentally torn by the Polling Assistant while issuing it to the voter;
- It is accidentally torn by the voter while marking on it;
- The voter realizes that they have marked it wrongly before depositing it in the ballot box;
- It has ink stains after being issued to a voter; and
- it is found in or around the polling station.





**Note: A voter, who accidentally spoils or tears the ballot paper such that it cannot be used as a valid ballot paper, may ask the Presiding Officer/Assistant Presiding Officer for another ballot paper. If the Presiding/Assistant Presiding Officer is satisfied that the ballot paper was accidentally spoilt, they shall instruct the Polling Assistant issuing ballot papers to issue another ballot paper to the voter.**

#### 4.6.3.5 Secrecy of the vote

An election by secret ballot is where voting by each person is done on a ballot paper which does not identify who the voter is. When voting for the

candidates in all elective offices, electorates use ballot papers. Individual electorate mark the ballot paper in a voting booth where nobody else can see whom they are voting for.



**The vote is secret**

#### Your vote is secret

No one is expected to write his/her name, signature or anything that will disclose their identity on the ballot paper. Thereafter, a ballot paper is folded and put in a sealed ballot box.

**Note: Despite a person knowing another person's voter's card number, they cannot know or find out whom they have voted for.**





## Assistance to people with special needs

Categories of people	Types of Assistance
<b>Expectant mothers</b>	Allowed to go to the front of queue
<b>Persons with disabilities</b>	Allowed to go to the front of queue May need assistance to enter the polling station Assistance in some aspects of voting, in particular with marking their ballot papers
<b>The aged</b>	Allowed to go to the front of queue
<b>Illiterate</b>	Assistance with marking a ballot paper



**People with special needs should be given chance to vote first**



#### 4.6.3.6 Assistance to people with special needs

Some voters require assistance to vote, these include:

- Expectant mothers;
- Persons with disabilities;
- The aged; and
- The illiterate.

##### A. Procedures for assisting people with special needs

- a) If a voter has a special need they should ask a person whom they trust who should be a relative or friend to assist them.
- b) The person who is to offer assistance **MUST** be registered at the same polling station as the voter requiring assistance.
- c) The person offering assistance is only allowed to assist one voter.
- d) The person helping must be approached or asked by the voter requiring assistance to vote.
- e) If the voter requiring assistance does not have a trusted friend or relative then the Presiding Officer can offer assistance.
- f) The Presiding Officer will announce who is helping the voter, a relative or friend, and will indicate in the voters register that the voter has been assisted.

##### B. Restrictions on providing assistance

The person helping someone with special needs should:

- a) Wait to be asked and not volunteer to assist;
- b) Be honest, and not influence the voter's choice.

Anyone asked to help should report to the Presiding Officer who will explain what to do.

***“People with special needs should be given chance to vote first”***

#### C. Using the ballot paper jacket

The ballot paper jacket/template for voters who are blind is aimed at ensuring that a voter makes a personal choice while maintaining the secrecy of the ballot during the voting process.

Before giving the ballot paper jacket to a visually impaired voter, the Presiding/Assistant Presiding Officer should ask the visually impaired voter if they would like to use the ballot paper jacket to enable them mark the ballot paper in privacy.

##### Step 1

If the voter states that she/he would like to use the ballot paper jacket the Presiding or Assistant Presiding Officer will:

- a) briefly explain to the voter how to use the ballot paper jacket;
- b) advise the voter that the rectangular holes in the ballot paper jacket will match the places on the ballot paper where they are required to place an X against the name of the candidate they wish to vote for;
- c) advise the voter NOT to reveal who they wish to vote for;
- d) explain to the voter that the names and party affiliation of each candidate will be read out to him/her in the order of appearance on the ballot paper;
- e) tell the voter how many candidates are on the ballot paper;
- f) advise the voter to allow all the names to be read out even if their candidate is read out first; and
- g) advise the voter that she/he should make a mental note of the position of the candidate that she/he wishes to vote for when she/he hears that candidate's name.

##### Step 2

Once the voter has understood the instructions, the Presiding or Assistant Presiding Officer will read out the name of each candidate by:





- a) first stating the position (number) on the ballot paper;
- b) following the name of the candidate as it appears on the ballot paper and
- c) stating the party which the candidate is representing or the word 'independent' if the candidate is an independent candidate.

### Step 3

The voter will then be asked if she/he knows the position (number) of the candidate of their choice.

If the voter indicates that she/he has understood, the Presiding or Assistant Presiding Officer will:

- a) Fold the ballot paper in half and half again then unfold it;
- b) Advise the voter that the ballot paper has folds on it and that she/he can refold it after marking it to ensure that it is folded correctly;
- c) Advise the voter to remove the ballot paper from the ballot paper jacket once she/he has voted and to fold the ballot paper along the same folds before they leave the booth;
- d) Place the ballot paper in the ballot paper jacket;
- e) Hand the ballot paper jacket to the voter; and
- f) Assist the voter to the polling booth and ensure the voter locates the pen.

The voter should be assisted from the polling booth to the ballot box(es) to enable himself/herself to cast the ballot paper into the appropriate ballot box themselves.

**Note: In case of more than one type of election happening at the same time, the Presiding Officer repeats the same process in Step 2.**

## 4.7 COUNTING OF VOTES

This is a process of allocating and adding up the votes cast for each candidate in an election. It is done immediately after the close of the polling station. At the polling station, votes for each stream are counted separately. The Presiding Officer/Assistant Presiding Officer and Polling Assistants count the votes in the presence of accredited political party agents, monitors and observers. No person that is not accredited is allowed to witness the counting in the polling station.

The Presiding Officer/Assistant Presiding Officer records the number of votes for each candidate for that polling station/stream. The accredited political party agents, monitors and observers are expected to confirm that the votes have been counted correctly by signing on the results form. Copies of the signed results form are then given to each accredited person present in the polling station.

**Note: Candidates are allowed to have two polling agents to monitor elections in voting streams but one polling agent is allowed inside the polling stream at a given time.**

## 4.8. ANNOUNCEMENT OF RESULTS

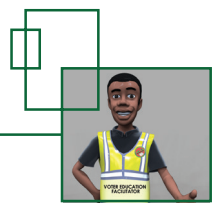
### A. Announcement of results at the polling station

The Presiding Officer announces the results of the polling station. This is done outside the entrance of the polling station. A copy of the polling station results form is posted on the wall outside the polling station for the general public to see.

### B. Announcement of results at a totalling centre

The Returning Officer is responsible for adding up the results from all the polling stations in the constituency. The Returning Officer announces and





adds polling station results as they are received. The totalling of results is done in the presence of accredited political party agents, media, election monitors and observers.

When all the polling station results have been

added, the Returning Officer declares the winners of National Assembly, Mayor/Chairperson and Councillor Elections. The Presidential results are also announced but not declared. Results are then transmitted electronically to the national results centre in Lusaka.



**Counting and totalling of the votes cast is open and Transparent**



### C. Announcement and Declaration of results at the National Results Centre

Presidential results are announced at the National Results Centre by the Electoral Commission as they are received from constituencies.

Once all Presidential results have been received from all constituencies, the Commission Chairperson, who is the Presidential Election Returning Officer, shall declare the Presidential candidate who receives more than 50 % of the valid votes cast during an election as President-elect. Where no presidential candidate receives more than 50% of the valid votes cast, a second ballot shall be held; within thirty seven (37) days of the initial ballot. Candidates with the highest and the second highest number of valid votes cast in the initial ballot will qualify to stand in the election. Candidates with equal number of valid votes in the initial ballot will be eligible to stand in the election. In this election, the Presidential candidate who obtains the majority of the valid votes cast shall be declared President-elect.

After the election, full results are published in the media and on the Electoral Commission official website: [www.elections.org.zm](http://www.elections.org.zm).

**Note: If at the initial ballot or first ballot, none of the Presidential Candidates gets more than fifty percent of the valids votes cast, a second ballot will be held within thirty seven days after the initial ballot.**

### 4.9. VERIFICATION OF THE BALLOT PAPER ACCOUNTS

Soon after election, the Returning Officer shall account for all the ballot papers issued within the constituency. This process adds to the transparency and accountability of the election as it is observed by candidates, accredited party agents, media and monitors. This is not a recount of ballot papers.

## 4.10. DISPUTE RESOLUTION MECHANISMS

### A. Conflict Management Committees

Conflict Management Committees are established at national and district levels to consider and manage electoral conflicts that may occur during the election campaign period. This is with a view of achieving peaceful elections and mutual resolutions through mediation of disputes that arise in the electoral process.

**This role entails three things:**

- Ensuring that stakeholders adhere to the electoral code of conduct during the electoral process;
- The management of disputes; and
- Resolution of disputes that may have arisen.

The Committee has mandate to attend to the diverse conflicts that arise during the election process such as:

- destruction of campaign posters;
- disruption of political rallies;
- name calling; and
- biasness of appointed electoral officers etc.

The Committee has powers to advise the erring party, report crimes and corruption charges to either the ACC or Zambia Police for further action, and make recommendation to Electoral Commission of Zambia for the revocation of appointment of an electoral officer or the accreditation of any person or institution.



**Notwithstanding these powers, the committees have limitations and cannot:**

- disqualify the candidature of any person;
- declare or announce the results;
- operate as monitors/observers at polling stations;
- re-count or order the recount of votes;
- usurp the role of election officers during elections; and or
- fine or imprison a person.

### **B. Political Party Liaison Committee**

Political Party Liaison Committees are established at national and district levels. Their roles are:-

- To be a forum for consultation and co-operation between the Commission and registered political parties on all electoral matters.
- To promote harmony, trust and confidence among stakeholders in the electoral process.
- To enhance members' understanding of the role of the Electoral Commission and the political parties in the process.
- To share knowledge, skills and strategies of participation in the Electoral process and acknowledgement of dissenting view points.

### **4.11. ELECTION PETITIONS**

This is the procedure to challenge the validity of an election when it is alleged that there was breach of the law. A petition is made to the court of law outlining the grounds on which the election petition is founded. In the Zambian legal system grounds are set out in the Constitution and Electoral Act.

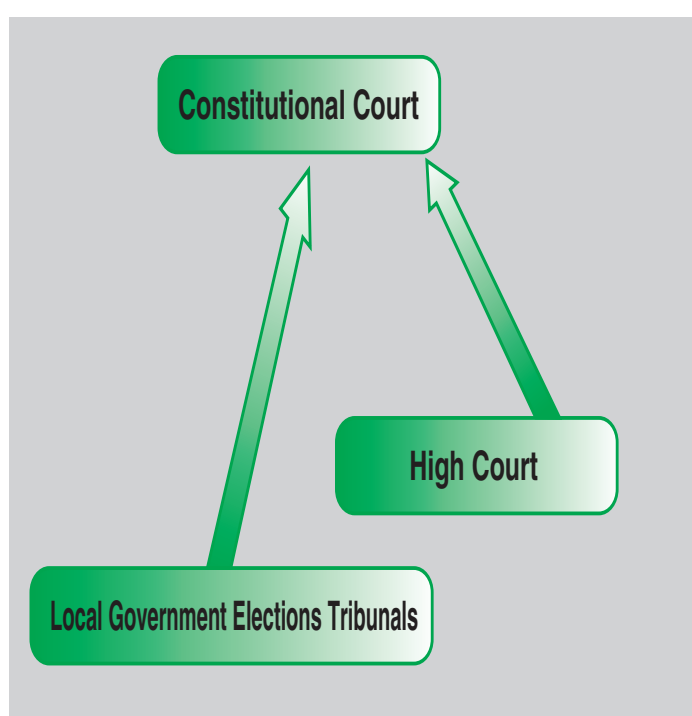
The petitioners could be challenging results of the

election of the President, Member of Parliament Mayor/Council Chairperson or Councillor. The courts with jurisdiction for hearing petitions include the Constitutional Court, High Court and Local Government Election Tribunals.

**a) Constitutional Court:** This court hears petitions relating to the Presidential election emanating from nominations, the first ballot and the second ballot. It also hears appeals from the High Court and Local Government Elections Tribunals. All decisions made by this court are final.

**b) High Court:** Petitions relating to National Assembly elections are handled by this court. These emanate from nominations and polls. A party that is not satisfied with the determination of the High Court, is free to appeal to the Constitutional Court.

**c) Local Government Elections Tribunals:** The tribunals have jurisdiction on Local Government Elections petitions that arise from the process of nominations and polls. A party that is not satisfied with the determination of the tribunal is free to appeal to the Constitutional Court.





#### 4.11.1. How are disputes settled?

Any disputes that may arise from the conduct of an election are settled through an election petition to be written by the aggrieved candidate before a court of law or an election tribunal depending on what the law provides.

Presidential election disputes are taken before the Constitutional court **within Seven (7)** days from the date on which the results of the election (first and second poll) are declared. The petition shall be heard within fourteen (14) days of the filing of the petition.

Disputes arising from elections for Members of Parliament shall be filed in the High Court and heard within ninety days of filing of the petition.

Disputes arising from elections for Councillors shall be filed before a Local Government Elections Tribunal and heard within thirty days of filing of the petition.

#### 4.12. REFERENDUM

This is an election where electorates are given the opportunity to directly decide through a vote on a particular subject matter. During a referendum, all eligible citizens have the right to vote to accept or reject a question posed to them. It is a form of direct democracy.



**A voter marks an X for “Yes” or “No” to accept or reject the referendum question**

#### Eligible voters

In order to qualify to vote in a referendum, a person should;

- a) Be a Zambian citizen and in possession of a Green NRC; and
- b) Have attained the age of 18 and above.

#### Referendum Petition

This is the procedure of challenging the validity of the referendum when it is alleged that there was breach of the law. A petition is made to the High Court outlining the grounds on which the petition is founded within twenty one (21) days.

A referendum petition may be presented by any person who voted or is eligible to vote in the referendum.

#### 4.13. CORRUPTION IN THE ELECTORAL PROCESS

Elections are held so that the people can have leaders and governments of their choice. Thus, the electoral process must be based on justice and fair play. Any attempt to use dishonest methods to win elections undermines the integrity and credibility of the electoral process and therefore undermines democracy itself.

**Corrupt practices often used during elections include the following;**

##### a) Voter Bribery

During the campaign period, some political parties and candidates may offer voters money and goods, such as mealie meal, to induce them to vote for a particular party or candidate. Sometimes they buy beer and provide entertainment to voters in order to influence the way they vote. This is voter bribery.





**Voter bribery is an offence**

#### **b) Buying voters' cards**

This involves exchanging Voters' Cards for money, salt, sugar, soap and other valuables. This type of corruption disenfranchises voters. The voters who sell their cards lose the opportunity to vote on polling day.





### **Vote buying and exchange of voters' card for food or money are electoral offences**

#### **The effects of corruption on the electoral process**

- Wrong candidates may be voted for. The candidates elected may not be those whom the electorate would have chosen in a corruption free process.
- Dishonest leaders who are a threat to democracy may be voted into power. Such leaders derail development and increase the suffering of the poor.
- Leaders elected to power through corrupt means will do all they can to stay in power. They violate human rights, damage democratic institutions and ignore the basic needs of the people.
- Corruption in the electoral process reduces leaders' accountability to the people and the quality of people's representation in policy making.

#### **What are the Ways of fighting corruption in the electoral process?**

The following are important ways of fighting against corruption in the electoral process:

##### **a) Public Education**

This is the process of educating members of the public on the harmful effects of corruption. It is an integral part of raising awareness of the public with a view to promote personal integrity.

Voters should be made aware of the way in which corruption takes place during elections. They should also be made aware of the effects of corruption on elections. This is a very important step towards a credible election. Civil Society Organizations (CSOs) together with those who administer the electoral





process should inform the voters about the effects of corruption.

### b) Punishment

Those who are found guilty of being involved in corruption relating to the electoral process should be punished. This involves enforcing the electoral code of conduct and the electoral act.

### c) Political will

There must be a strong political will to fight corruption amongst all the major players in the electoral process.

### d) Prevention

ECZ, Law Enforcement Agencies, CSOs, government institutions and the general public should play an active role in preventing corruption by sensitising candidates and voters not to engage in corruption.

### The voters must:

- Safeguard their voting right by not giving away or selling their voters' cards and not accepting money or goods; and
- Report cases of corruption to the relevant authorities such as the Zambia Police (ZP) Service, ECZ, ACC and DEC.





## 4.14 ELECTORAL OFFENCES

### (a) Before Voting

- Be in possession of a voter's card that has not been issued by the Electoral Commission of Zambia.
- Ask, demand or persuade another person to surrender his/her voter's card without lawful cause.
- Buy or sell Voters' cards.
- Destroy a Voter's Card.
- Offer or promise money or any other gift to voters in order to influence them to vote in a particular way.
- Provide food, drinks, entertainment or accommodation to voters in order to influence them to vote in a particular way.
- Create disturbance at a public meeting being legally conducted by another candidate.
- Destroy, remove or deface notices and posters put up by candidates or political parties.
- Destroy, remove or deface official notices and posters put up by the Electoral Commission of Zambia.

### (b) During Voting

- Canvas for votes within a radius of 400 meters of a polling station during polling day.
- Put up a political notice or sign within a radius of 100 meters of a polling station during polling day.
- Apply to vote twice.
- Attempt to vote in another person's name, for example voting for someone who is sick or dead.
- Come with a ballot paper into a polling station.
- Tear up, deface or destroy a ballot paper or to leave a polling station with a ballot paper.
- Putting or attempting to put into the ballot box anything other than a ballot paper.
- Remove anything from a ballot box before the time of the count or to damage a ballot box.
- Loiter or refuse to leave a polling station after being directed to do so by the Presiding Officer.
- Attempt or persuade the Returning Officer/ Presiding Officer to make a false count or declaration of results.

### Penalty

A person who commits any of the above offences will either be fined or imprisoned or both.







**Being in unlawful possession of someone else's voters card is an offence**  
**...and you will be jailed!**





## Suggested learning activities

### Learning Activity 1

#### Group discussion on the electoral process

Explain to participants the following key stages in an electoral process.

- Delimitation,
- Voter registration,
- Voter register inspection,
- Voter education,
- Nomination of candidates,
- Election Campaigns,
- Voting ,
- Counting of votes,
- Announcement and declaration of results,
- Verification of ballot paper accounts,
- Dispute resolution.

#### Ask participants to explain the following:

- How campaigning is done during elections in Zambia;
- Give some examples of bribery and corruption in the electoral process;
- Who qualifies to be a candidate for Presidential, National Assembly, Mayor/ Council Chairperson and Councillor; and
- How the Presidential, National Assembly, Mayor/Council Chairperson and Councillor votes are counted, recorded and announced.

### Learning Activity 2

#### Polling

The facilitator can use a role play to demonstrate how actual voting takes place in the polling station.

- Ask a group of participants to volunteer to role play how voting takes place in the polling station.
- Assign each participant a specific role play.

After the role play, discuss the following:

- When does the polling station open and when does it close;
- What documents should voters bring with them to the polling station and why;
- What officials are found the polling station; and
- What is done to ensure that each voters' vote remains secret.

#### Learning Objective 3

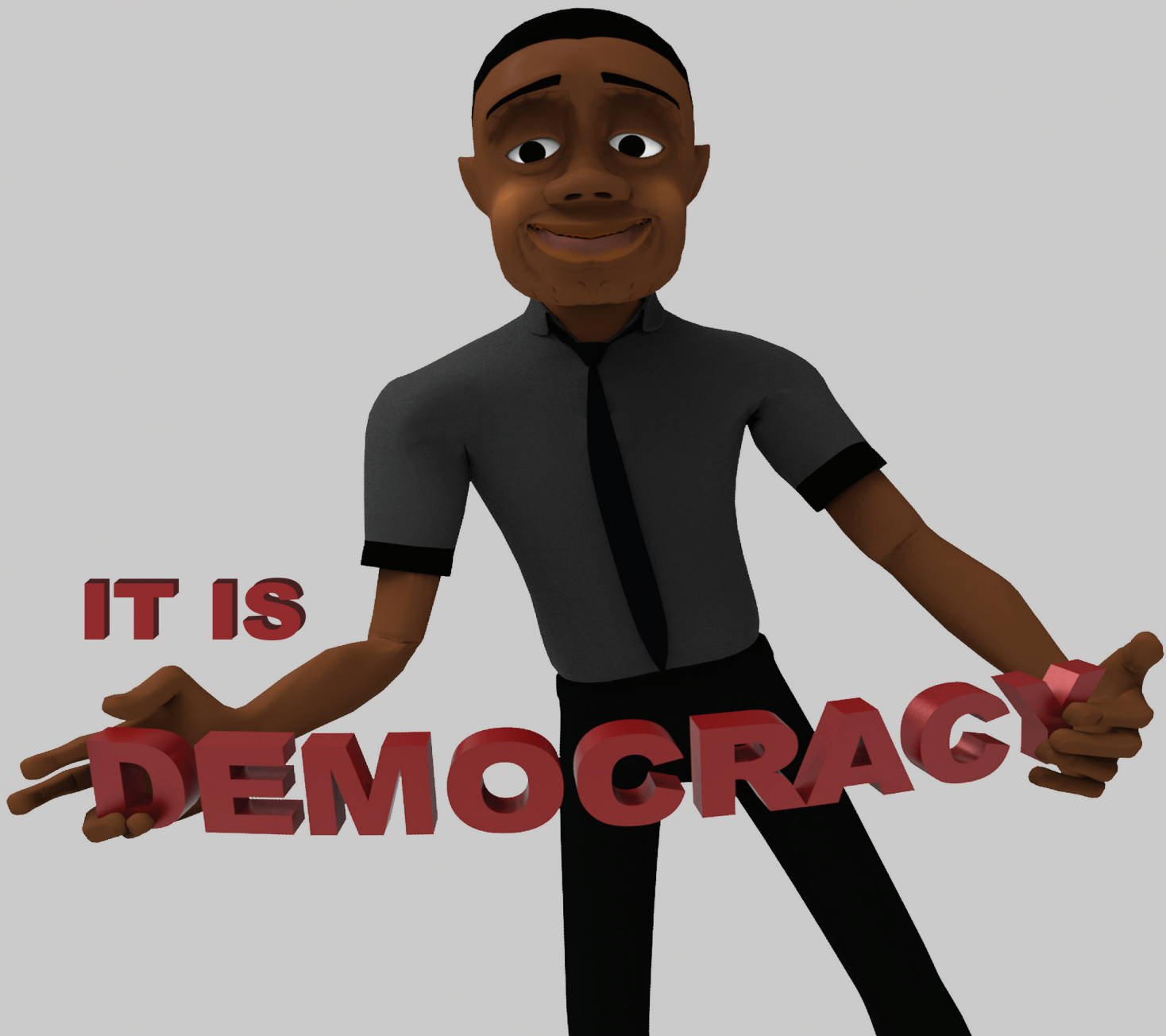
##### Election malpractices

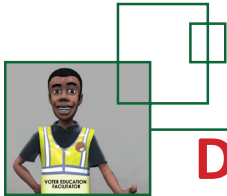
From voter registration to the announcement of election results, there are various malpractices that voters and candidates should not engage in.

Ask participants to:

- identify the things that are supposed to be done and those that are not supposed to be done at the various stages of electoral process;
- Give examples of the common electoral malpractices; and
- Suggest ways in which the malpractices can be stopped or minimised.

# EXERCISE YOUR RIGHT TO VOTE





## DEFINITION OF KEY TERMS

**Accreditation:** Authority or certification granted by the Commission to an individual/organization to observe or monitor the electoral process and to enter a Nomination Centre, Polling Station or Totalling Centre.

**Arms of government:** This refers to the three arms of government; the Executive, the Legislature and the Judiciary.

**Assistant Presiding Officer:** An Officer responsible for conducting elections in a polling stream and is answerable to the Presiding Officer.

**Assistant Returning Officer:** An Officer who assists the Returning Officer in conducting elections in a constituency.

**Autocratic:** Used to describe a leader who has unlimited power and does not consult the people.

**By-election:** An election that is held when a casual vacancy occurs in the office of a Member of Parliament, Mayor/Council Chairperson and Councillor.

**Candidate Nomination:** A formal process of validating a candidate to contest an election.

**Candidate:** a person who has successfully filed in their nomination to contest in an election.

**Civic education:** Non-formal education which facilitates the acquisition of the knowledge, skills and public awareness which citizens need to play their role effectively in the affairs of their society.

**Civil society:** The whole body of individuals, groups and organizations that work for the welfare of their nation or community outside the established official services of the government.

**Commission:** Means the Electoral Commission of Zambia, an Electoral Management Body (EMB) established under the Constitution and is in charge of the overall conduct of elections.

**Constituency:** An electoral boundary segmented for the purpose of electing a Member of Parliament.

**Constitution:** The supreme law of the land, with reference to which other laws are made and/or corrected.

**Constitutional Court:** A court established to handle constitutional matters.

**Delimitation:** Is a process of drawing electoral boundaries such as Constituencies, Wards and Polling Districts.

**Democracy:** Referred to as a rule by the people.

**Election Agent:** This is a representative of a candidate during an election.

**Election Campaign period:** It is the period prescribed by the Commission during which political parties or candidates persuade the electorate to support them and vote for them on polling day.

**Election Monitoring:** Information gathering and examination of the electoral process by local accredited Monitors.

**Election Observation:** Information gathering and on site fact finding of an electoral process by international or local accredited observers and monitors for the purpose of making informed decisions.

**Election:** Formal process by which registered voters cast their ballot to choose an individual to hold the office of President, Member of the National Assembly, Mayor/Council Chairperson or Councillor.

**Electoral process:** The electoral process refers to the stages of the whole electoral cycle such as delimitation, voter registration, voter education, candidate nomination, election campaigns and election day activities.

**Facilitator:** In civic education, people who help in organizing and carrying out education activities such as seminars, discussions, debates etc.

**Governance:** A style or way by which a given society is governed.

**Human Rights:** Basic rights that everyone has by virtue of being human.

**Independent Candidate:** A person who has successfully filed in their nomination to contest in an election and is not sponsored by a political party.

**Informed choices:** Choices based on adequate information. Not made or done on the basis of ignorance.

**Initial ballot:** This is the initial Presidential election held during the General Election.

**Manifesto:** The policy, proposal or programme of a political organization upon which voters decide whether to vote for or against it.

**Member of the Commission:** Office bearer of the Electoral Commission appointed in accordance with the Constitution and the Electoral Commission Act.

**More than Fifty percent:** A threshold required to be attained by a Presidential candidate during the first ballot.





**Nomination Centre:** A gazetted venue where aspiring candidates to the offices of President, Mayor/Council Chairperson, Member of Parliament and Councillor file in their nomination papers.

**Non-partisan:** Giving objective information without supporting or opposing any political party or candidate.

**Participant in civic education:** One who takes part in a civic education event/activity as a learner.

**Poll Staff:** persons appointed by the Commission to conduct elections at a polling station.

**Polling Agent:** A Polling Agent is a person appointed by a candidate to represent the interest of a candidate in a polling station or stream during an election.

**Polling Assistant:** an Election Officer who assists the Presiding Officer/Assistant Presiding Officer at a polling station/stream.

**Polling District:** The smallest segment into which the country is divided for the purposes of voting.

**Polling Station:** A gazetted venue in a polling district where voters cast their ballot during an election.

**Polling Stream:** A subdivision of a polling station that has been divided into more than one voting point to quicken voting.

**Presiding Officer:** An Officer responsible for the overall conduct of elections at a Polling Station.

**Provincial Electoral Officer:** A person who coordinates all electoral activities in a province and whose substantive appointment is that of Provincial Local Government Officer.

**Referendum:** This is an election where electorates are given the opportunity to directly decide through a vote on a particular subject matter.

**Register of voters:** A record of voters prepared and certified in accordance with the law for the purpose of voting in an election.

**Registration Centre:** A gazetted venue in a polling district where eligible citizens register as voters.

**Returning Officer:** A person in charge of elections in a constituency and is gazetted.

**Rule of law:** The requirement that society be governed only according to agreed upon and established laws.

**Running Mate:** A person chosen by a Presidential candidate to be his/her Running Mate in a Presidential election.

**Second ballot:** This is a second Presidential election that is held when there is no candidate who has gotten more than fifty percent (50%) of valid vote cast in the first ballot.

**Separation of powers:** Giving different powers to the three arms of government: legislature, judiciary and executive. Each arm should not interfere with the operation of the other.

**Totalling/Collation Centre:** Venue from where the consolidation of candidate votes in a Constituency or Ward is done.

**Uniformed Staff:** Security personnel, usually state police officers, appointed to maintain law and order in and around a polling station and/or totalling/collation centre.

**Usher:** A person who guides voters to their appropriate streams in a polling station.

**Voter:** A person eligible to cast a ballot in an election.

**Voters' Card:** A document issued to a person for purposes of voting in an election.

# YOUR VOTE IS YOUR VOICE



**We have the power to vote in our hands! Do you?**

[www.elections.org.zm](http://www.elections.org.zm)

# Results Management



**Counting and totalling of Votes  
is open and Transparent**

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