

THE ELECTORAL PROCESS (AMENDMENT) BILL, 2026

MEMORANDUM

The object of this Bill is to amend the Electoral Process Act so as to-

- (a) provide for the inspection, and the raising of objections in respect, of the Provisional Register of Voters;
- (b) provide for the adoption certificate for filing of nominations;
- (c) provide for the appointment and duties of a returning officer;
- (d) revise the voting procedure by the removal of the use of the official mark;
- (e) revise the power of the Commission to disqualify a political party or candidate;
- (f) provide for nomination, election and distribution of seats under the proportional representation electoral system; and
- (g) provide for matters connected with, or incidental to, the foregoing.

MULILO D. KABESHA, SC'
ATTORNEY-GENERAL

A BILL

ENTITLED

An Act to amend the Electoral Process Act.

Enactment

ENACTED by the Parliament of Zambia

Short title

Cap. 13

1. This Act may be cited as the Electoral Process (Amendment) Act, 2026, and shall be read as one with the Electoral Process Act, in this Act referred to as the principal Act.

Amendment of
section 2

2. Section 2 of the principal Act is amended by the –

(a) deletion of the definition of the words “campaign period” and the substitution therefor of the following:

“campaign period” means the period determined by the Commission in accordance with section 28; and

(b) insertion of the following new definitions in the appropriate places in alphabetical order:

“adoption certificate” means a document signed by the **secretary general** of a

political party who is registered with the Registrar of Societies, sponsoring a candidate for an election to the office of President, Member of Parliament, mayor, council chairperson or councillor; and

"party list" means a democratically determined list submitted to the Commission by a political party in accordance with section 36B; and

"secretary-general" means the secretary-general of a political party who is registered with the Registrar of Societies under the Societies Act.

Amendment of 3. Section 12(2) of the principal Act is
section 12 amended by the insertion of the word "new" immediately after the words "registration of".

Amendment of 4. The principal Act is amended by the
section 17 repeal of section 17 and the substitution therefor of the following:

Inspection and 17. (1) The Commission may determine
objections the period within which the provisional
concerning details register of voters may be inspected.
in Provisional
Register of Voters

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

(3) A person whose name appears in the Provisional Register of Voters may object to an error or omission regarding the person's details, in the prescribed manner, within fourteen days of the publication of the Provisional Register of Voters.

(4) A person may object to an error or omission to the exclusion or regarding the registration details of another person.

(5) A person who objects to another person's registration details shall serve notice of the objection on that person.

(6) The Commission shall consider an objection to the Provisional Register of Voters within fourteen days from the date the objection was made and shall notify the person who made the objection and the registration officer.

(7) A registration officer shall give effect to a decision of the Commission, made under this section, within three days of the decision.

Amendment of
section 27

5. Section 27 of the principal Act is amended by the deletion of the word "twenty" and the substitution therefor of the words "twenty-four".

Amendment of
section 28

6. Section 28 of the principal Act is amended in subsection -

- (a) (1) (b), by the insertion of the words "and a newspaper of general circulation in the Republic or any other electronic media that the Commission may determine." immediately after the word "Gazette"; and
- (b) (2), by the insertion of the words "and a newspaper of general circulation in the Republic or any other electronic media that the Commission may determine." immediately after the word "Gazette".

Amendment of
section 30

7. Section 30 of the principal Act is amended -

- (a) in subsection (1), by the insertion of the following new paragraph immediately after paragraph (b):
 - (c) an adoption certificate for a candidate sponsored by a political party signed by the secretary general.;
- (b) by the renumbering of paragraphs (c) and (d) as (d) and (e), respectively.;
- (c) by the insertion of the following new subsection immediately after subsection (1):

(2) The Commission shall publish the information under subsection (1) (a), (d) and (e) in the Gazette and a newspaper of general circulation in the Republic or any other electronic media that the Commission may determine.; and (d) the renumbering of subsections (2) and (3) as subsections (3) and (4), respectively.

Amendment of
section 31

8. Section 31 of the principal Act is amended by -

(a) the insertion of the following new subsections immediately after subsection (1):

(2) The Commission shall publish the nomination paper and an affidavit referred to under subsection (1) in the Gazette and a newspaper of general circulation in the Republic or any other electronic media that the Commission may determine.

(3) A nomination paper and an affidavit referred to in subsection (1) shall be accompanied by an adoption certificate except that this

requirement shall not apply to an independent candidate.; and (b) the renumbering of subsection (2) as subsection (4).

Repeal and replacement of section 33 and the substitution therefor of section 33 of the following:

33

Nomination of candidates in district or ward

33. (1) Subject to subsection (2), a candidate for election in a district or ward of a council shall lodge with the returning officer for that district or ward of a council that candidate's nomination paper and an affidavit in the prescribed manner and form.

(2) A nomination paper and an affidavit referred to in subsection (1) shall be accompanied by an adoption certificate except that this requirement shall not apply to an independent candidate.

(3) The nomination paper referred to under subsection (1) shall be subscribed, in the presence of the returning officer for that district or ward of a council, by a proposer and a seconder and not less than seven other persons, each of whom shall be a voter registered in a polling district in such district or ward of a council.

(4) A person appearing before a returning officer for the purpose of subscribing a nomination paper under

subsection (2) shall produce a voter's card and a national registration card to the returning officer for inspection as proof of identity.

(5) The Commission shall publish the nomination paper and an affidavit referred to under subsection (1) in the Gazette and a newspaper of general circulation in the Republic or any other electronic media that the Commission may determine.

Insertion of 10. The principal Act is amended by the
Part insertion of the following new Part:

PART IVA

PROPORTIONAL REPRESENTATION ELECTORAL SYSTEM

Election of Member of
Parliament or
councillor under
proportional
representation
electoral system

36A. (1) The election of a Member of Parliament or a councillor for a seat under the proportional representation electoral system specified under Article 47(2)(b) and Article 47(3)(c) of the Constitution shall be on the basis of proportional representation in accordance with the Constitution.

(2) A political party that intends to contest for a seat under the proportional representation electoral system shall have a candidate contesting for election as President.

Submission of
party list

36B. (1) A political party under section 36A shall, within five days of the close of nominations for presidential candidates, submit a party list to the Commission **in a prescribed form and manner on payment of a prescribed fee.**

(2) A party list submitted under subsection (1) shall be signed by the secretary-general.

(3) A party list shall be submitted, in the case of a seat -

(a) for the National Assembly, to the Returning Officer at the Commission; and

(b) to a District Electoral Officer at district level.

(4) A political party shall not include on a party list, a candidate contesting a constituency-based seat or a ward-based seat.

(5) A party list submitted under subsection (1) shall be accompanied by a **prescribed** consent form signed by a candidate appearing on the party list.

(6) The Commission shall, where a candidate on a party list submitted under subsection (1) meets the requirements under Article 70 and 153 (4), publish the party list in accordance with section 36C.

(7) The Commission shall, where a candidate on a party list submitted under

subsection (1) does not meet the requirements under Article 70 and 153(4), notify the political party to take remedial measures to **rectify** a party list within a period that the Commission may determine.

(8) The Commission shall, where a political party does not take any remedial measures under subsection (7), reject the party list.

(9) The Commission shall, where all the candidates on a party list submitted under subsection (1) do not meet the requirements under Article 70 and 153(4), reject the party list.

(10) A political party that does not submit a party list within a period specified in this section shall **be deemed to have** forfeited the right to participate in an election under the proportional representation electoral system.

Qualifications of candidate of National Assembly under Proportional representation electoral system

36C. (1) A political party that intends to contest for a seat under the National Assembly shall submit a party list for the categories under the proportional representation electoral system as follows:

- (a) twenty women;
- (b) fifteen youth; and

(c) five persons with disabilities.

(2) A party list submitted under subsection (1)(b) and (c) shall contain alternates between male and female candidates in the priority in which they are listed.

(3) A party list submitted under subsection 1(c) shall contain alternates of the classes of disabilities.

(4) A candidate under a party list submitted under subsection (1)(b) shall be a youth for the term of Parliament.

(5) A candidate under a party list submitted under subsection (1)(c) shall be in possession of a certificate of registration issued under the **Persons with Disabilities Act.**

Cap. 65

Composition of
councillors in
council under
proportional
representation
electoral system

36D. (1) Councils under the proportional representation electoral system shall consist of the following:

(a) two women, one youth and one person with disability for a council with twenty ward-based seats and below;

(b) three women, two youths and one person with disability for a council with twenty-one to thirty ward-based seats; or

(c) four women, three youths and two persons with disabilities

for a council with thirty-one or more ward based seats.

(2) A political party that intends to contest for a seat under the proportional representation electoral system in a council shall submit a party list for the categories under the proportional representation electoral system as follows:

- (a) four women, two youths and two persons with disabilities for a council with twenty ward-based seats and below;
- (b) six women, four youths and two persons with disabilities for a council with twenty-one to thirty ward-based seats; or
- (c) eight women, six youths and four persons with disabilities for a council with thirty-one ward-based seats or more.

(3) A party list submitted under subsection (2) in relation to youths and persons with disabilities shall contain alternates between male and female candidates in the priority in which they are listed.

(4) A party list submitted under subsection (2) in relation to persons with disabilities shall contain alternates of the classes of disabilities.

(5) A candidate under a party list submitted under subsection (2) in relation to youths shall be a youth for the term of the council.

(6) A candidate under a list submitted under subsection (2) in relation to persons with disabilities shall be in possession of a certificate of registration issued under the Persons with Disabilities Act.

Publication
of party list

36E. (1) The Commission shall, within fourteen days of receipt of a party list under section 36B, process and publish, in the Gazette and a newspaper of general circulation in the Republic or any other electronic media that the Commission may determine, a -

(a) party list of validly nominated candidates contesting a seat in the National Assembly; and

(b) a notice of places where a party list of validly nominated candidates contesting a seat in a council shall be found and maintained, as prescribed.

(2) A person may, after the party list is published under subsection (1), challenge the nomination of a candidate

under a party list in accordance with Article 52(4) of the Constitution.

Vacancy for
councillors in
proportional
representation
electoral system
Cap. 1

36F. (1) Article 157(1), (2)(a), (b), (c), (e), (f) or (g) of the Constitution shall apply in relation to a vacancy of a councillor under the proportional representation electoral system.

(2) Where a vacancy occurs in accordance with Article 157(2)(b), (c) and (e), the councillor shall not be eligible to contest an election for the **duration of the term of the council.**

(3) Where a vacancy occurs in the office of a councillor-

(a) the Town Clerk or Council Secretary of the local authority shall, within seven days of the occurrence of the vacancy, inform the Commission, in writing, of the vacancy; and

(b) the Commission shall within ninety days of the vacancy, fill a vacancy with the next available candidate on a party list.

(4) The Commission shall, where a party list of a political party has no remaining eligible candidates during the term of the council, request the

political party to submit an additional party list for nomination within twenty-one days of the request.

(5) Where a political party fails to submit an additional party list for nominations within the period specified under subsection (4), **the Commission shall re-allocate the vacant seat to the next political party that qualified for a seat in line with the formula for distribution of seats under proportional representation electoral system specified under Section 36J.**

(6) A vacancy arising within one hundred and eighty days preceding a general election shall not be filled.

Replacement
of candidate
on party list

36G. (1) Where a candidate on a party list submitted to the Commission dies, resigns, withdraws, defects to another political party, is expelled or has been disqualified by a court after **having being nominated but before the election**, the vacancy on the party list shall be filled by the next available candidate from the same political party in order of priority on the party list.

(2) The Commission shall, where a party list of a political party has no remaining eligible candidates after nominations but before the election, request the political party to submit an

additional party list for nomination within a period determined by the Commission.

(3) Where a political party fails to submit an additional party list for nomination within the period specified under subsection (2), the political party shall be deemed to have forfeited the right to a seat under the proportional representation electoral system.

Distribution of seats under proportional representation electoral system

36H. (1) The Commission shall, within fourteen days of the declaration of the results of a presidential election, distribute the seats under the proportional representation electoral system.

(2) The Commission shall distribute the seats under subsection (1) for a Member of Parliament in proportion to the total number of valid votes received by a presidential candidate in the initial ballot.

(3) The Commission shall distribute the seats under subsection (1) for a councillor in proportion to the total number of valid votes received by a presidential candidate in the initial ballot at district level.

(4) Where a political party or candidate declines to take up a seat that has been distributed to the political

party, the Commission shall re-distribute the vacant seat to the next political party that qualified for a seat in line with the formula for distribution of seats under proportional representation electoral system specified under Section 36J.

(5) The Commission shall, in the distribution of seats under subsection (1), not consider the votes obtained by a presidential candidate for a political party that fails to submit a party list.

(6) The Commission shall, after the period specified under subsection (1), immediately publish in the Gazette and a newspaper of general circulation in the Republic or any other electronic media that the Commission may determine, the names of the Members of Parliament and councillors under the proportional representation electoral system.

Vacancy in office
of Member of
Parliament under
proportional
representation
electoral system

Cap. 1

36I. (1) Article 72(1) and (2) of the Constitution shall apply in relation to a vacancy of a Member of Parliament under the proportional representation electoral system.

(2) A person who causes a vacancy in the National Assembly due to the reasons specified under Article 72(2) (a), (b), (c), (d) and (h) shall not, during the term of that Parliament—

- (a) be eligible to contest an election; or
- (b) hold public office.

(3) Where a Member of Parliament is expelled as provided in Article 72(2)(e) of the Constitution, the member shall not lose the seat until the expulsion is confirmed by a court, except that where the member does not challenge the expulsion in court within fourteen days, the member shall vacate the seat in the National Assembly and the Commission shall fill the vacancy with the next available candidate on the party list.

(4) Where a court determines that an expulsion of a member, as provided in Article 72(2)(e), was not justified, there shall be no vacancy and the member shall retain the seat.

(5) Where a court determines that an expulsion of a member, as provided in Article 72(2)(e), was justified, the member shall vacate the seat in the National Assembly and the vacancy shall be filled by the next available candidate on the party list.

(6) Where a vacancy occurs in the National Assembly, the Speaker shall, within seven days of the occurrence of the vacancy, inform the Commission of the vacancy, in writing.

(7) The Commission shall, within ninety days of the vacancy under subsection (6), fill the vacancy with the next available candidate on the party list.

(8) The Commission shall, where a party list of a political party has no remaining eligible candidates during the term of Parliament, request the political party to submit an additional party list for nomination within twenty-one days of the request.

(9) Where a political party fails to submit an additional party list for nominations within the period specified under subsection (8), **the Commission shall re-allocate the vacant seat to the next political party that qualified for a seat in line with the formula for distribution of seats under proportional representation electoral system specified under Section 36J.**

(10) A vacancy arising within one hundred and eighty days preceding a general election shall not be filled.

Formula for distribution of seats under proportional representation electoral system

36J. The formula to be used by the Commission in the distribution of seats shall be as specified in the Second Schedule.

Failure to submit party list by political party 36K. (1) A political party that fails to submit a party list under this Part shall not be considered in the distribution of seats under the proportional representation electoral system by the Commission.

(2) The votes obtained by a presidential candidate of a party under subsection (1) shall not be considered in the distribution of seats under the proportional representation electoral system by the Commission.

Repeal and replacement of section 37 11. The principal Act is amended by the repeal of section 37 and the substitution therefor of the following:

Appointment of returning officer 37. The Commission shall appoint in respect of each constituency, district or ward, a returning officer, by notice in the Gazette.

Insertion of sections 37A and 37B 12. The principal Act is amended by the insertion of the following new sections:

Duties of
returning
officer

37A. (1) A returning officer shall be in charge of all electoral activities at constituency, district or ward.

(2) A returning officer shall -

- (a) conduct the nomination process at constituency, district or ward level;
- (b) collate results in the constituency, district or ward;
- (c) declare National Assembly and local government election results;
- (d) announce presidential results in a constituency; and
- (e) undertake any other election related duties as determined by the Commission.

Appointment
of presiding
officer

37B. The Commission shall, after prescribing a date for an election, appoint a presiding officer for each polling station at which the election is conducted.

Amendment of
section 38

13. Section 38 of the principal Act is amended by deletion of the marginal note and the substitution therefor of the following:

Duties of presiding officer

Amendment of
section 60

14. Section 60 of the principal Act is amended by the deletion of subsections (5) and (6) and the substitution therefor of the following:

(5) If the presiding officer or election officer is satisfied in respect of all the matters referred to in subsection (3), the presiding officer shall —

- (a) record that the voter is treated as having voted in the election;
- (b) mark the hand of the voter in the prescribed manner; and
- (c) hand the ballot paper to the voter.

(6) A voter shall, once the voter has received a ballot paper—

- (a) enter an empty voting booth;
- (b) mark the ballot paper in a way that indicates the candidate the voter wishes to vote for;
- (c) fold the ballot paper to conceal the voter's vote;
- (d) cast the ballot paper in the ballot box; and
- (e) without delay leave the voting station.

Amendment of
section 68

15. Section 68 of the principal Act is
amended —

(a) by the deletion of the marginal note and the substitution therefor of the following:

Counting of votes and announcement of results

(b) by the deletion of subsection (2) and the substitution therefor of the following:

(2) A presiding officer shall reject a ballot paper—

- (a) that indicates the identity of the voter;
- (b) on which a vote is cast for more than one candidate;
- (c) that is unmarked;
- (d) that is marked in such a way that it is not reasonably possible to determine the voter's choice; or
- (e) that is not an official ballot paper.; and

(c) in subsection (3), by the deletion of the word "A" and the substitution therefor of the word "rejected".

Amendment of
section 70

16. Section 70 of the principal Act is amended by deletion of the marginal note and the substitution therefor of the following:

Objections concerning counting of votes
and announcement of results

Amendment of
section 71

17. Section 71 of the principal Act is amended by deletion of the marginal note and the substitution therefor of the following:

Procedure concerning results and voting
materials

Amendment of
section 72

18. Section 72(1) of the principal Act is amended by deletion of paragraphs (a) and (b) and the substitution therefor of the following:

- (a) announce the results of the votes for the presidential, Member of Parliament, mayor, council chairperson or a councillor election; and
- (b) declare the results of the votes for the Member of Parliament, mayor, council chairperson or councillor election.

Repeal and
replacement
of section 80

19. The principal Act is amended by the repeal of section 80 and the substitution therefor of the following:

Voter education
80. (1) Despite section 79, the
education Commission shall provide voter education.

Amendment of
section 87

20. Section 87(1) (a) of the principal Act is amended by deletion of the words "or the official mark on any ballot paper".

Amendment of
section 91

21. Section 91(1) of the principal Act is amended by the deletion of the words "official mark or."

Amendment of
section 110

22. Section 110(2) of the principal Act is amended by the deletion of the words "disqualify" and the substitution therefor of the word "suspend".

Amendment of
section 125

23. Section 125(2) (w) of the principal Act is amended by the deletion of the words "provinces,".

General
amendment

24. The principal Act is amended by deletion of the words "compartment" and "compartments" and the substitution therefor of the words "booth" and "booths", respectively, wherever the words appear.

Amendment of
Schedule

25. The principal Act is amended in the Schedule by the deletion of the Heading and the substitution therefor of the following:

FIRST SCHEDULE
(Section 110)

26. The principal Act is amended by the insertion of the following new Schedule:

SECOND SCHEDULE

(Section 36J)

FORMULA FOR DISTRIBUTION OF SEATS UNDER PROPORTIONAL REPRESENTATION ELECTORAL SYSTEM

- (a) For purposes of distributing seats under the proportional representation electoral system, the Commission shall use a formula based on a quota for each category -
 - (i) women;
 - (ii) youths; and
 - (iii) persons with disabilities.
- (b) Steps of the formula (see Table below)-
 - (i) step one (add all the valid votes cast for the presidential candidates whose political parties submitted a party list);
 - (ii) step two (divide all the valid votes cast by the category of representation, for example, for a Member of Parliament, 20 women, 15 youths and 5 persons with disabilities in order to determine the quota (value of one seat));
 - (iii) step three (calculate the number of seats each political party is entitled to in the National Assembly or council e.g. for political party A, B, C, D, E, F, G, H, I, J and K, this is done by dividing the quota calculated in step (ii) above by the

number of valid votes received by a presidential candidate for each political party); and

- (iv) step four (where the formula set out in step (iii) above yields a surplus fraction not absorbed by the number of seats allocated to the political party concerned, the surplus fraction shall compete with other similar surpluses accruing to any political party participating under the proportional representation electoral system, and any undistributed seat (in terms of the formula set out in step (iii) above) shall be awarded to the political party concerned in sequence of the highest surplus fraction;
- (v) step five (in the event of a tie of surpluses, and as a result of that tie, the undistributed seat cannot be awarded, then the undistributed seat shall be awarded by lot; and
- (vi) a political party that does not meet the quota shall not be considered under step (iv).

(c) the allocation of seats for councils shall have the same formula used for the National Assembly. However, the number of seats in local authority councils varies according to the status of the specific local authority.

For example -

Step (i)								
Presidential Election Results								
Candidate	Party	Votes Obtained						
Candidate 1	A	175,898						
Candidate 2	B	10,253						
Candidate 3	C	472,697						
Candidate 4	D	9,882						
Candidate 5	E	140,688						
Candidate 6	F	38,860						
Candidate 7	G	506,695						
Candidate 8	H	85,473						
Candidate 9	I	59,172						
Candidate 10	J	9,481						
Candidate 11	K	228,861						
Valid Votes		1,737,960						
Rejected Votes		33,375						
Total Votes Cast		1,771,335						
Registered Voters		2,604,761						
Total Votes	1,737,960.00							
		Step (ii)	Step (iii)	Step (iv)				
		Women - 20 Seats	Actual seats	Undistributed seats	Surplus fraction	Ranking	After ranking	Total seats
Candidates		Votes Obtained						
Candidate 1		506,695	5.83	5	0.83	1	1	6
Candidate 2		472,697	5.44	5	0.44	4	1	6
Candidate 3		228,861	2.63	2	0.63	2	1	3
Candidate 4		175,898	2.02	2	0.02	5	1	3
Candidate 5		140,688	1.62	1	0.62	3	1	2
Candidate 6		85,473	0.98					
Candidate 7		59,172	0.68					
Candidate 8		38,860	0.45					
Candidate 9		10,253	0.12					
Candidate 10		9,882	0.11					
Candidate 11		9,481	0.11					
			15.00	5			5	20
		Youth - 15 Seats	Actual seats	Remainders	Decimal	Ranking	After ranking	Total seats
Candidates								
Candidate 1		506,695	4.37	4	0.37	3	1	5

Candidate 2	472,697	4.08	4		0.08	5	0	4
Candidate 3	228,861	1.98	1		0.98	1	1	2
Candidate 4	175,898	1.52	1		0.52	2	1	2
Candidate 5	140,688	1.21	1		0.21	4	1	2
Candidate 6	85,473	0.74						
Candidate 7	59,172	0.51						
Candidate 8	38,860	0.34						
Candidate 9	10,253	0.09						
Candidate 10	9,882	0.09						
Candidate 11	9,481	0.08						
			11.00	4			4	15
		PWDs - 5 Seats	Actual seats	Remainders	Decimal	Ranking	After ranking	Total seats
Candidates								
Candidate 1	506,695	1.46	1		0.46	1	2	3
Candidate 2	472,697	1.36	1		0.36	2	1	2
Candidate 3	228,861	0.66						
Candidate 4	175,898	0.51						
Candidate 5	140,688	0.40						
Candidate 6	85,473	0.25						
Candidate 7	59,172	0.17						
Candidate 8	38,860	0.11						
Candidate 9	10,253	0.03						
Candidate 10	9,882	0.03						
Candidate 11	9,481	0.03						
			2.00	4			3	5