

Interim Report of the Electoral Reform Technical Committee

**Extract of Summary of Recommendations
(Published for Public Comments)**

**Issued by the Secretariat
Electoral Reform Technical Committee**

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1st September, 2004

Overview

It is generally agreed that an efficient Electoral process is a necessary condition and cornerstone for effective democracy and good governance. Through elections, citizens are afforded the opportunity to elect leaders of their choice.

In most emerging democracies, including Zambia, however, elections have yet to serve as reliable barometers for enhanced democracy and good governance. The Elections are, in most cases, characterised by controversy, frequent and costly by-elections and electoral petitions.

Many political players are agreed that the frequency of elections is not a sufficient indicator of the presence of democratic electoral system. As observed in the EISA Research Report N0.1 of 2003: *Various other determinants are critical and include constitutional engineering, electoral system designs and reforms*. It is of utmost importance that the Electoral process provides for Free and Fair Elections.

In quest for a democratic Electoral process, the Electoral Reform Technical Committee (ERTC) was appointed to review the country's current Electoral process and make recommendations aimed at ensuring the conduct of free and fair elections.

Cognisant of the need for inclusiveness in governance and matters of public interest, the Committee received and analysed oral and written submissions from private citizens, political parties, non-governmental organisations, professional bodies, trade unions and religious organisations.

The Committee submitted its Interim Report to the Minister of Justice on Friday, 6th August, 2004. The Report contains comprehensive recommendations which could assist the country put in place an efficient and effective Electoral System and process.

To underscore the emphasis placed on effective public participation in the Electoral reforms, the interim report has been published and is being sold at a subsidised price of K60, 000 per copy to enable the public and all interested stakeholders study and make comments on the Committee's recommendations. The objective is to secure public consensus so that the final report and recommendations would reflect the Will of the majority.

The appointment of the Electoral Committee has indeed given the Zambian people a tremendous opportunity to decide their destiny and that of future generations as to the appropriate Electoral system and process that should be put in place to help determine and mould the culture and nature of future elections.

I, therefore, wish to urge all fellow Zambians to fully exercise their rights by critically studying the Committee's recommendations and making constructive comments on the type of Electoral System they wish to be adopted. This is a serious National and non-partisan issue which calls for selflessness and concerted effort from all Zambians irrespective of their political or religious affiliations, gender or ethnicity.

It is my sincere hope that Zambians, within and without, will appreciate the need for a credible Electoral process and the necessity to usher in an era of political dispensation characterised by integrity and mutual respect amongst political actors. An era characterised by not only frequent but free and fair elections founded on agreed principles. This, however, is only possible if you get actively involved and make your views known to the Committee.

Comments and suggestions should be communicated to the Secretariat by 11th October, 2004. Remember your views and interests count.

Mwangala F. Zaloumis (Mrs),

CHAIRPERSON

ELECTORAL REFORM TECHNICAL COMMITTEE

25th August, 2004

CHAPTER 3: COMPARATIVE ELECTORAL SYSTEMS

This Chapter addresses Term of Reference No. 4 which reads “*Assess the electoral system in Zambia and make recommendations regarding desirable or necessary modifications to ensure the democratic conduct of general or local government elections.*”

The following are the recommendations:

ELECTORAL SYSTEM

1. Zambia adopts a Mixed Member Proportional (MMP) System, which combines the First Past the Post (FPTP) and the Proportional Representation (PR) Systems. Under this System, it is proposed to have a 200 Member Parliament, excluding the Speaker.
 - 1.1 There are a number of Electoral Systems. So far Zambia has been using the First Past the Post (FPTP) System under which the country is divided into geographical areas known as constituencies or wards and voters in each constituency or ward return one Member of Parliament or Local Government Councillor, who has received more votes than others. Under this System, the Parliamentary seats gained by Members of Parliament belonging to different parties may not be in proportion to the total number of votes cast for their parliamentary candidates.

This is the System that applies to Presidential, Parliamentary and Local Government Elections in Zambia.

- 1.2 This System has the following advantages and Disadvantages:

Advantages

a) Area and Community Accountability:

- i) The present FPTP System that Zambia has used from just before independence to date is appreciated by many due to its simplicity and its tendency to produce representatives beholden to constituencies and not just their parties.
- ii) It allows voters to choose between people, rather than just between parties. At the same time, voters can assess the performance of individual candidates, rather than just accept a list of candidates presented by a political party.
- iii) It retains the link between constituents and their Member of Parliament. Proponents of the FPTP System argue that true representative accountability depends upon the voters of one area knowing who their own representatives are, and having the ability to re-elect, or replace them, at election time.
- iv) It provides a clear-cut choice for voters between parties and between personalities.

b) Stabilising Effect:

- i) The stabilisation effect of the FPTP System is particularly critical in political cultures that lack mutual accommodation, custom of give-and-take and established ideological differentials among political rivals. In these cultures, coalition governments may not be

formed, even when necessary in the national interest, or, if formed, may make the country ungovernable.

- ii) It usually gives rise to single party governments, because often, it results in one party being a clear winner, with Members of Parliament elected by the people, and not just selected by party leaderships. Coalition governments are the exception rather than the rule, under the FPTP System. This usually means a more stable and settled Executive Branch.

c) Incentive to Unity or Diversity:

The FPTP System is more likely to give rise to a coherent Parliamentary Opposition, which can present itself as a realistic alternative to the government of the day. In certain cases, there may be situations whereby one or two parties may enjoy concentrated localised support, but to become an effective player under the FPTP System, a political party would have to be much more broadly representative geographically and socially.

d) Independent Representation in the FPTP System:

The FPTP System provides a right and opportunity for popular independent candidates to be elected. This is particularly important in developing party systems, where politics may not be firmly founded upon ideologically clear differentiation, public policy alternatives or strong political party organizations.

It may also be an important consideration in political environments where there is little intra-party democracy and freedom to differ, or under which a personality or clique may control the party and impose candidates on the electorate.

e) Simple to Apply and Well Known:

The FPTP System is widely acknowledged to be the least complicated of electoral systems. It is simple to understand and use. A valid vote requires only one mark beside the name or symbol of one candidate and the number of candidates on the ballot paper is usually small, making the count easy to administer for electoral officials.

Disadvantages

a) Exclusion of Minority and Socially Discriminated Groups:

- i) The FPTP System is effectively exclusive and does not easily render itself to including special interests.
- ii) The System is criticised for its weakness in that apart from excluding minority parties, it fails to equitably provide social and democratic representation.
- iii) Under the FPTP System, parties tend to put forward most broadly acceptable candidates or candidates from a local majority. It is rare and risky for a party to put forward a candidate belonging to a group that is in a minority, or belonging to a group that is socially discriminated against.
- iv) Minority communities and the historically or socially disadvantaged tend to be under-represented. The result of the election is usually that of Parliamentary seats not matching the popular vote.

v) The inclination by the FPTP System to under-represent minorities also applies to those who face prejudice historically and socially, such as women. This adversely affects the ability of women to be elected to Parliamentary office, because they are often less likely to be selected as candidates by male-dominated party structures, and less likely to be voted for in gender prejudiced voters' rolls.

b) Marginalisation or Elimination of Third Parties:

i) The FPTP System may have in-built disadvantages for minority parties, as political influence tends to gravitate towards two parties. Under the FPTP System, if there are two main political parties then power tends to alternate from one to the other.

ii) Parties often wither away after one or two elections, when they are below third ranking in number of Parliamentary seats. They also wither away when they consistently fail to reach a threshold to gain sufficient seats to transform them into a sufficient force for post-election bargaining purposes.

c) Large Number of "Wasted Votes"

Under the FPTP System, ballot papers that do not get counted towards the election of any candidate, are often said to be 'wasted votes.' Votes are wasted, when minority party supporters begin to feel that they have no realistic hope of ever electing a candidate of their choice. This can lead to the danger of alienation in nascent democracies.

It could undermine the political system and destabilise society through reactive negative action, passive resistance and general apathy by the disaffected. The underlying cause of this danger is that, under the FPTP

System, votes that go to losing candidates, even if they amount to an overall majority, are not assessed to count towards determining representation. In the 1998 Lesotho experience, of the total votes cast in favour of the opposition, up to 39% were considered “wasted,” because they only earned one out of eighty seats.

d) Susceptibility to Manipulation of Electoral Boundaries

The FPTP System like any system with single-member constituencies is susceptible to manipulation, such as unfair gerrymandering or mal-apportionment of voting districts.

The Mixed Member Proportional System (Semi-Proportional System)

- 1.3 The Mixed Member Proportional System combines the First-Past-the-Post (FPTP) and the Proportional Representation (PR) System. The System provides for some Members of Parliament to be elected through the FPTP System while others are elected through the PR System from party lists submitted at nomination time.
- 1.4 Mixed Member Proportional (MMP) Systems, as used in Germany, New Zealand, Bolivia, Italy, Mexico, Venezuela, and Hungary, attempt to combine the positive attributes of both Majoritarian and Proportional Representation (PR) electoral systems.

A proportion of the Parliament is elected by plurality-majority methods, usually from single-member constituencies, while the remainder is constituted by PR lists. Under the MMP System the PR List seats compensate for any imbalances and unfairness in the distribution of constituency based legislative seats.

Advantages

a) Accountability

Under the MMP system, the accountability experienced over the Members of Parliament by the constituency through the FPTP System is retained.

b) Link between MP and Constituency

The strong link between Members of Parliament and their constituencies is retained.

c) Value of Votes

The MMP System ensures that every vote counts as there are no wasted votes. Each vote contributes towards a party's gain in seats.

d) Representation through the PR System

Representation of various groups and parties is assured through the use of the PR System. This ensures inclusiveness in the electoral process. Lesotho has of late established a Mixed Member and Proportional Representation (MMP) electoral system. As a result, in the 2002 elections, representation moved closer towards matching seats with votes. The winning party, the Lesotho Democratic Congress (LDC), which had 54.8% of the total votes cast, gained 77 out of the 118 parliamentary seats. The largest opposition party, the Basotho National Party (BNP), which had 22.4% of the total votes cast, gained 21 out of the 118 seats, or 17.8%

of the total votes cast. This has to some extent resolved electoral problems in an almost homogeneous country not too prone to one-party hegemony.

e) Widens Political Complexion of Legislature

Varied interests are catered for at the highest level of the legislative process and a greater sense of belonging is inculcated and engendered in a broader section of the population.

f) Entry Threshold

The MMP System establishes an entry threshold into Parliament and therefore encourages political parties to work hard to at least achieve that minimal requirement for entry into Parliament.

Disadvantages

a) Less Familiar

Like the PR System, the MMP System is less familiar and less known in Africa.

b) Complex to Manage

The MMP System may be complex to manage and calculation of Parliamentary seats may be problematic. The combination of both the constituency based and the party list based voting may cause unnecessary misunderstanding and anxieties among contending political parties.

c) Likelihood of Fragmented Parliament

Various interest groups and more political parties may qualify to enter Parliament. This may lead to a fragmented Parliament.

PRESIDENTIAL ELECTIONS

2. Presidential Elections be conducted on the basis of a Majoritarian System, whereby the winning Presidential candidate is required to receive an absolute majority of votes cast, in other words, achieve a score of 50% plus one vote of the votes cast. Where no candidate achieves an absolute majority of votes, there should be a re-run by the two candidates who receive the highest results.

PARLIAMENT

Composition of Parliament

3. The composition of Parliament be modified, so that the National Assembly would have 160 Constituency-based Members of Parliament, 40 members nominated by various political parties, on the basis of the proportion of votes received and one Speaker. Parliament would consist of the President, Speaker and 200 Members of Parliament.

Constituency based Seats

4. Constituencies be increased from 150 to 160. This increase in constituencies is to be attained by splitting the additional ten constituencies that are largest in terms of area or population density provided there is at least one split constituency per Province. This measure is a positive response to widely and repeatedly expressed demands for smaller constituencies, particularly in rural areas.

Proportional Based Seats

5. There be an addition of 40 Proportional Representation (PR) based seats. These seats would be allocated to political parties, on the basis of the proportion of votes received in the FPTP Constituency election. These are the PR based seats. PR Members of Parliament will be drawn from the Party lists provided by political parties. The party lists, for various categories of PR seats, should consist of:

Women	35
Differently abled persons	3
Young persons (21 to 30 years of age)	2

To participate in the PR segment of the System, a political party should be required to have fielded at least 30 women as candidates in the Constituency based elections.

Nominated Members of Parliament

6. The 40 Proportional Representation (PR) seats should replace the current provision for eight Members of Parliament nominated by the President. It is a direct positive action towards the SADC's goal of attaining the target of having at least one-third of decision-making positions held by women. It advances the process of ensuring the inclusion of differently abled persons, as well as younger persons. Thus, adoption of this PR design would go a long way towards the achievement of goals of gender justice and social inclusion, which was canvassed for by many petitioners.

Opposition Leaders

7. A Presidential candidate should be allowed to contest in the Constituency-based National Assembly seats, so that there is a chance for losing Presidential candidates to be elected to Parliament, with one of them becoming leader of the opposition.
8. Where the winning Presidential candidate also wins a Parliamentary seat, there should be a by-election. This proposal seeks to provide for an in-built official role for opposition leader and to promote inclusiveness in the governance of the affairs of the State.

Leader of Opposition in Parliament

9. Following an election, the party with the second largest number of Members of Parliament should automatically provide the leader of the opposition in the House.

Death, Resignation or Expulsion of Members of Parliament

10. A by-election be held in the event of the death of a Constituency-based Member of Parliament.
11. A replacement for a PR Member of Parliament, who either dies or resigns, be made from the affected political party's list submitted during the election of that Parliament.
12. A Member of Parliament who resigns from the party on whose ticket he or she became a Constituency Member of Parliament should lose his or her seat and should not be eligible to stand for election to Parliament for the duration of the life of that Parliament from which he or she resigned.

13. A Member of Parliament who is expelled or suspended by the party on whose ticket he or she became a Constituency based Member of Parliament should not lose his or her seat, unless his or her expulsion is endorsed by a Tribunal appointed by the Chief Justice that finds that the reasons for expulsion do not infringe upon the Member of Parliament's rights and privileges provided and protected by the National Assembly (Powers and Privileges) Act, Chapter 12 of the Laws of Zambia, or are not unfair, vindictive, frivolous, vexatious, unsound or unlawful.

Note: The Petitioners were unanimously concerned about the frequency of costly By-elections.

Cabinet outside Parliament

14. Cabinet be appointed from outside the Legislature, and be ratified by Parliament. This is proposed to strengthen the Legislature.

Local Government Elections

15. The adoption of a Mixed Member Proportional (MMP) System, which combines the First Past the Post (FPTP) System and the Proportional Representation (PR) System, at the Local Government level.

Proportional Based Seats

16. An additional eight seats to be shared on the basis of Proportional Representation. These eight PR seats should be apportioned, as follows:

Women	6
Differently abled Persons	2

Two seats be reserved for non-partisan local business persons to be nominated to the council by the council.

Election of a Mayor or District Chairperson

17. The electorate in the District should elect Mayors and Council Chairpersons, who should continue to be non-executive.

Councillors' Term of Office

18. The term of office for Councillors be extended from three years to five years.

Timing of Elections

19. Local Government Elections be held separately from Presidential and Parliamentary Elections. The term of office of Members of Parliament and Local Councillors should be non-coterminous.

Death, Resignation or Expulsion of Councillor

20. A by-election be held in the event of the death of a ward based Councillor.
21. A party be entitled to make a nomination, from its party list for the purpose of replacing a PR elected Councillor who either dies or resigns.
22. A Councillor who resigns from a party on whose ticket he or she became a Councillor should lose his or her seat and not be eligible to stand for Council for the duration of the life of the Council from which he or she resigned.
23. A Councillor who is expelled or suspended by the party on whose ticket he or she became a Ward based Councillor should not lose his or her seat, unless his or her expulsion is endorsed by an Election Tribunal that finds that the reasons for expulsion:

- (a) do not infringe upon the Councillor's democratic rights, in performing his or her duties, or
- (b) are not unfair, vindictive, frivolous, vexatious, unsound or unlawful.

CHAPTER 4: LEGAL FRAMEWORK OF THE ELECTORAL PROCESS

This Chapter addresses Term of Reference No.1 which reads “*Analyse and make recommendations regarding the legal framework of the electoral process.*”

The following are the recommendations:

The Constitution, Chapter 1 of the Laws of Zambia

1. Article 34 (8) be amended so that a Presidential candidate has to score at least 50% plus one vote to win the Presidency.
2. The Constitution should prescribe the dates for Presidential, Parliamentary and Local Government Elections.
3. Article 75 (1) be amended so that the current requirement that to qualify to be a candidate’s for election as President, a candidate’s parents are Zambians by birth or decent be repealed.
4. The electoral system must be changed from “the winner takes all” First Past the Post System to a Mixed Member Proportional System as outlined in Chapter 3.
5. Article 75(1) be amended so that the age of voting be reduced from 18 years to 16 years.
6. The offices of Inspector General of Police and Commissioner of Police be made constitutional positions and enjoy security of tenure similar to that applicable to Judges of superior courts.

7. Election disputes should be dealt with by fast track *ad hoc* special election tribunals.
8. A President-elect whose election is being contested should not be sworn in until the election dispute is resolved.
9. There be an express clause guaranteeing the equality of women and men and that Government abolishes customs and practices which impinge on the rights of women.
10. The Bill of Rights should expressly guarantee the right to free and fair elections. The right to vote and to stand for elections be made part of the Bill of Rights.
11. Prisoners, save those under sentence of death or serving life imprisonment be permitted to vote.
12. Persons who are in custody but not convicted of an offence be allowed to stand in elections.
13. The Constitution to provide for a reasonable handover period during which, *inter alia*, all election disputes be resolved.
14. All Members of Parliament be elected. There be no nominated members of Parliament.
15. Article 65(3) and (4), which ban chiefs from participating in elections be repealed.
16. The Constitution provides that human rights treaties which impact on the electoral process to which Zambia is party and are self-executing should become part of Zambian law.

17. Article 76 be amended so that members of the Electoral Commission of Zambia (ECZ) enjoy security of tenure similar to that applicable to Judges of superior courts.
18. The Constitution be amended to enshrine the independence of the ECZ in the following terms:
 - (a) the ECZ is independent and subject only to the Constitution and the law, be impartial and should exercise its powers and functions without fear, favour or prejudice;
 - (b) other organs of the State, through legislative and other measures, must assist and protect the ECZ to ensure its independence, impartiality, dignity and effectiveness; and
 - (c) no person or organ of State may interfere with the functioning of the ECZ.

Electoral Commission Act, No. 24 Of 1996

19. The independence of the ECZ be expressly provided for in the Act.
20. The ECZ Commissioners be appointed by the President upon the recommendation of the Judicial Service Commission and ratified by Parliament. The qualifications for appointment of Commissioners should be clearly set out and should include high moral integrity, impartiality and recognised competence in electoral matters.
21. No gender should have less than a third of the ECZ's composition of the Commission and staff.

The Electoral Act, Chapter 13 of the Laws of Zambia and Electoral (General) Regulations, S.I. No. 108 of 1991

22. The ECZ be required by law to conduct continuous voter education.
23. Permanent residents who are fully-paid up rate-payers be permitted to stand and vote in Local Government Elections.
24. Detailed provisions be made for the determination of Presidential, Parliamentary and Local Government Election petitions by special *ad hoc* tribunals.
25. Stiff penalties be stipulated for persons who unlawfully collect voters' cards.
26. The Act be harmonised with the Constitution and other related Acts.
27. The Act should provide for Zambians living outside the country to apply for registration as voters.
28. The Act should further provide for Zambians living outside the country to vote, in Presidential Elections at Zambian Missions abroad.

Electoral (Conduct) Regulations (The Electoral Code of Conduct) S.I. No. 179 of 1996

Chapter Six of this Report covers the Electoral (Conduct) Regulations (the Electoral Code of Conduct in detail.

HARMONISATION AND CONSOLIDATION OF ELECTORAL LAWS

29. All the laws pertaining to the electoral process be harmonised, rationalised and consolidated.

ELECTION PERIOD

30. A formal election timetable be adopted which will prescribe the following:
 - a) the closing date of the registration of voters.
 - b) the date for verification of the provisional voters' registers.
 - c) the date and method for the submission of nominations.
 - d) the date and rules for the acceptance of nominations.
 - e) the opening and closing dates of the electoral campaign and any other relevant information.

ANNOUNCEMENT OF ELECTION RESULTS

31. Party agents or other authorised persons be permitted to sign and receive copies of the polling station result forms, which should be posted for public view at the polling station. Results should only be announced after they have been signed by party agents.
32. The results sent by the Returning Officers to the ECZ be countersigned by monitors and polling agents, to avoid suspicion of alteration of election results after the results have been counted and aggregated at the collation centre.
33. The ECZ should set a date of official announcement of final results.

GOVERNMENT FUNDING OF POLITICAL PARTIES AND DISCLOSURE OF SOURCE OF FUNDING

34. Political parties be funded due to paucity of resources amongst political parties, as well as to avoid compromising issues of national interest and security and also to encourage transparency.
35. The national budget should provide funding for political parties and the funding be aimed at meeting the administrative costs of the political parties and electioneering.
36. Only political parties with representation in Parliament or Local Councils be funded.
37. The funding be proportional to the number of seats held by a political party in Parliament or Local Council.
38. In terms of level of funding, seats in Parliament carry a higher premium than seats in Local Councils.
39. Seats occupied by women through the First Past the Post System (FPTP), attract a higher level of funding.
40. Political party financing be subjected efficient Government controls.
41. All political parties be obliged, by law, to disclose their sources of funding, as a way of building a more accountable and transparent political system.
42. The ECZ be charged with the responsibility of managing the funding of political parties.

REGISTRATION OF POLITICAL PARTIES

43. Legislation be enacted to specifically deal with the registration and regulation of political parties.
44. Political parties be registered and monitored by the ECZ.
45. On registration of a political party, the promoters of the political party should show evidence that the party has at least one thousand members.
46. Upon registration, the leadership of the political party should comprise not less than thirty per cent of women.

ABUSE OF PUBLIC RESOURCES AND INSTITUTIONS

47. The use of public resources, if permitted, access thereto be equitable and condition for such access be clearly provided in the law.
48. All Presidential candidates be provided security by the State during Presidential elections.

CONDUCT OF POLITICAL PARTIES

49. Political parties be compelled to be democratic in the manner that they manage their internal affairs by providing in their constitutions a democratic process for electing their leaders.
50. Mechanisms for monitoring and evaluation of political parties be put in place by the ECZ.

51. Before participating in elections political parties should have held democratic elections to elect their leaders.
52. Political parties that do not adhere to their constitutions should not be allowed to participate in General Elections.
53. The Electoral (Conduct) Regulations (the Code of Conduct) should be strictly enforced by the ECZ and the Zambia Police, Anti-Corruption Commission and Drug Enforcement Commission.

LEGAL REQUIREMENTS FOR PRESIDENTIAL, PARLIAMENTARY AND LOCAL GOVERNMENT CANDIDATES TO QUALIFY FOR NOMINATION

54. The minimum academic qualification for a Presidential candidate be a Grade 12 certificate or its equivalent.
55. A Presidential candidate should, in addition to the other requirements, raise 200 supporters from each of at least five of the nine (9) provinces.

Chief Justice as Returning Officer

56. The Chief Justice should not play the role of the Returning Officer for purposes of Presidential elections and that instead the Chairperson of the ECZ be the Returning Officer.

Presidential Term of Office and Vacancy in the Office of the President

Term of Office

57. The existing two term limitation of Office for the President should continue.

Vacancy in the Office of the President

58. The existing arrangements as provided under Article 38(1) and (2) of the Constitution requires the Vice President or a Member of the Cabinet to act when there is a vacancy in the Office of the President should continue.
59. The Speaker of the National Assembly should act as Head of State during a Presidential election petition.

Removal of President from Office

60. The existing grounds and procedures for removal of the President from office as provided for in the Constitution be retained.

Qualifications of a Parliamentary Candidate

61. Public Service employees should not be actively involved in party politics and those who wish to do so should resign from their positions.
62. The minimum academic qualification for Members of Parliament be Grade 12 certificate or its equivalent.

Tenure of Member of Parliament

63. The term of office for a Member of Parliament be limited to three terms; A Member of Parliament who has served three terms should not be eligible to stand for Parliamentary elections.
64. That the five-year term of office be retained.

Nomination requirements of a Parliamentary Candidate

65. The existing nomination arrangement as provided for under Article 66 of the Constitution as read with regulation 13 of the Electoral (General) Regulations, 1991 should continue.
66. Parliamentary candidates declare their assets and liabilities before a Magistrate or a Judge.
67. The Declaration Form be lodged with the Returning Officer at the time of filing the nomination papers.

Right to Recall

68. The existing arrangement, which does not provide for a recall be continued. The Committee noted that such a provision could, in a multi party environment, give rise to unnecessary animosity and an unstable political climate because opponents could create conspiracies in a bid to have a serving MP recalled.

Qualifications of a Local Government Candidate

69. Candidates in Local Government elections and their spouses declare their assets and liabilities before a Magistrate or Judge.
70. The Declaration Form be lodged with the Returning Officer at the time of filing the nomination papers.

Councillors' Term of Office

71. The term of office for a Councillor be five years.
72. The tenure be limited to three terms.
73. The Local Government term of office should be non coterminous with the Presidential and Parliamentary term of office.

Election of Mayor or Chairperson

74. A Mayor or Council Chairperson be elected directly by residents, during Local Government elections at the same time as Councillors.

Term of Office of Mayor or Chairperson

75. The term of office be increased from one to five years with a limitation of two terms only.

CHAPTER 5: EXAMINATION OF LEGISLATION THAT IMPACTS ON THE ELECTORAL PROCESS

This Chapter addresses Term of Reference No.2, which reads, “*Examine legislation that impacts on the electoral process such as the Public Order Act and media laws in relation to elections.*”

The following are the recommendations:

PUBLIC ORDER ACT, CHAPTER 113 OF THE LAWS OF ZAMBIA

1. The Public Order Act be maintained, subject to amendment, because it is necessary to maintain public order.
2. The notice period be abridged from seven to three days.
3. The Public Order Act should draw a distinction between indoor meetings and outdoor activities. To this extent, it is recommended that there be no requirement for giving notice in relation to indoor meetings.
4. Police officers be proscribed from interrupting public meetings, assemblies or processions where notification procedures have been complied with.
5. Regulating officers be protected from arbitrary disciplinary actions preferred against them for exercising their functions in a professional manner.
6. In order to ensure that the Public Order Act is administered professionally, the Office of the Inspector General be provided for in the Constitution and security of tenure be provided for in respect of that office.

MEDIA LAWS AND PRESS COVERAGE

7. The public media be equitably accessed by all political parties; it is recommended that the media provide fair and balanced reporting of the campaigns, rallies, meetings and press conferences of all registered political parties during the period of campaigning.
8. In order to promote equal and equitable access, public media be governed by independently constituted governing boards.
9. Public media be recapitalized.
10. Paid political advertisements be aired without undue external interference.
11. There be provision for sign language on the national television.

CORRUPTION IN THE ELECTORAL PROCESS

12. The provisions of the Ant-Corruption Act, No. 42 of 1996 be used to detect and punish persons who illegally acquire funds for election campaigns.
13. Political parties be compelled to disclose sources of their funds.

The Parliamentary and Ministerial Code of Conduct Act, Chapter 16 of the Laws of Zambia

14. The declaration of assets and liabilities be extended to backbenchers.

15. The declaration of assets and liabilities be extended to include spouses of the Speaker and of all the Members of Parliament.
16. Stiff penalties be introduced for false declarations and for the late filing of declarations.
17. The Anti-Corruption Commission (ACC) be mandated to monitor the assets and liabilities of Members of Parliament.
18. The declaration of assets and liabilities be filed with the Chief Justice and a copy sent to the ACC.
19. A standard form be prepared for the purpose of the declaration of assets and liabilities.

Penal Code, Chapter 87 of the Laws of Zambia

20. Only the ECZ be empowered to ban offensive election campaign literature.

REFERENDUM ACT, CHAPTER 14 OF THE LAWS OF ZAMBIA

21. The Referendum Act be harmonised, rationalised and consolidated with the Constitution and other electoral laws.
22. The Electoral Commission of Zambia be responsible for the conduct of referenda as the ECZ in practice, becomes the Referendum Commission.
23. The process of capturing eligible voters who are not registered be spelt out in the Act.

DELIMITATION OF CONSTITUENCIES AND WARDS

23. Apart from means of communication and geographical features, a delimitation exercise should also take into account the number and distribution of potential eligible voters.
24. Constituencies be increased from 150 to 160 and that the 10 new constituencies be created by splitting the 10 largest constituencies throughout the country, ensuring, in the process, that each province has at least one new constituency.
25. There be a rationalisation between local government wards and Chiefs' boundaries.
26. More polling stations be created in order to reduce distances.
27. The size of some polling districts or wards be reduced, especially in rural areas.

CHAPTER 6: THE ELECTORAL (CONDUCT) REGULATIONS (THE ELECTORAL CODE OF CONDUCT) S.I NO. 179 OF 1996

This Chapter addresses Term of Reference No.3 which reads *“Examine the Electoral Code of Conduct and recommend necessary modifications in order to establish suitable and efficacious electoral rules.”*

The following are the recommendations:

The Regulations

1. The ECZ be empowered to disqualify those candidates whose agents or supporters are found guilty of contravening the Electoral (Conduct) Regulations.
2. Participating parties during elections be made to sign a declaration binding them to adhere to the Electoral (Conduct) Regulations.
3. The status quo, where the Republican President and Vice-President are permitted to use government resources during elections, be continued.
4. There be enforcement of the prohibition of the use of government resources by Ministers and others for campaign purposes.
5. Political parties should have fair and equitable access to the media and to government transport and facilities, where these are available for hire.

6. Apart from fines, the Electoral (Conduct) Regulations should provide for additional penalties such as reprimands, retractions, suspension or expulsion depending on the seriousness of the offence committed.
7. The Regulations should specify the institution or institutions which should be responsible for its enforcement.
8. The Regulations should forbid the initiation of new government projects within any electoral period (except actions to counteract the effects of emergencies or disasters).
9. Private and non-governmental philanthropic activities be prohibited during the election period except those intended to counteract the effect of officially declared natural or man-made disasters.
10. The Electoral (Conduct) Regulations be embodied within the Electoral Act and be enforced by Zambia Police and ACC with the ECZ playing the role of a facilitator.

Political Parties and the Electoral (Conduct) Regulations

11. Legislation be put in place to compel all participating political parties in an election to sign a declaration before a Returning Officer, on the nomination day, undertaking to abide by the provisions of the Electoral (Conduct) Regulations. Failure to do so should result in the rejection of the nomination papers from the affected candidate by the Electoral Officer receiving nominations.
12. Participating political parties, candidates, agents and their supporters be prohibited from handing out gifts during campaigns to the electorate and other charitable or philanthropic organisations or institutions.

Zambia Police and the Electoral (Conduct) Regulations

13. The Inspector General of Police and the Commissioner of Police be appointed by the President, subject to ratification by the National Assembly.
14. The Inspector General of Police and Commissioner of Police should only be removed from office if found guilty of gross misconduct, or declared to be of an unsound mind (insane) or bankrupt following the recommendations of a Tribunal set by the Chief Justice.
15. No disciplinary or punitive action be preferred on a police officer for professionally enforcing the provisions of the Electoral (Conduct) Regulations.
16. There be a provision for a police officer who feels victimised for enforcing the Electoral (Conduct) Regulations professionally to lodge a complaint to the Tribunal set up in his or her area.

Anti Corruption Commission and the Electoral (Conduct) Regulations

17. The Electoral (Conduct) Regulations and the Anti Corruption Commission Act be amended in order to empower the ACC to be responsible for the enforcement of the law on corrupt practices in respect of elections.

The Media and the Electoral (Conduct) Regulations

18. The public media be equitably accessed by all political parties.
19. The media should provide fair and balanced reporting of the campaigns, rallies, meetings and press conferences to all participating political parties and candidates during the period of campaigning.

20. Failure of the media, to enforce the Electoral (Conduct) Regulations regarding media conduct complaints should be made to the Independent Broadcasting Authority or the Electoral Tribunal and the Media Ethics Council of Zambia (MECOZ).
21. The ECZ should facilitate and ensure timely flow and release of information regarding the elections to ensure adequate coverage of the electoral process.

Non Governmental Organisations (NGOs) - Monitors and Observers and the Electoral (Conduct) Regulations

The Role of Monitors and Observers

22. Election monitors and observers be trained by their organisations and be deployed in election areas for reasonable periods before the voting day.
23. Monitors and observers should subscribe to a code of conduct.
24. The ECZ charge local monitors a minimal accreditation fee.
25. The international observers continue to be charged fees as determined by the ECZ.
26. All observers and monitors be made to sign a declaration at accreditation undertaking to abide by the Electoral (Conduct) Regulations.
27. Any observer or monitor in gross violation of the Electoral (Conduct) Regulations be disqualified.

CHAPTER 7: ELECTORAL TRIBUNALS

This Chapter addresses Term of Reference No.13 which reads “*Examine and make recommendations on the necessity of establishing an electoral tribunal.*”

The following are the recommendations:

Presidential Election Tribunal

1. The Presidential election petition be heard by a Tribunal presided over by the Chief Justice, sitting with six other members who hold, have held, or are qualified to hold high judicial office.
2. The decision of the Tribunal be final.
3. Members of the Tribunal, other than the Chief Justice, be appointed by the Judicial Service Commission.
4. The petition be disposed of within 45 days from the date of filing the notice of intention to petition.
5. The President-elect should not be sworn in before the petition is disposed of.
6. A notice of intention to file a petition be lodged at the Supreme Court within 48 hours, from the date of declaration of Presidential election results by the ECZ.
7. The grounds for the Presidential petition be filed within seven days of the declaration of election results with the list of witnesses and their statements.

8. The Speaker of the National Assembly should act as Head of State during Presidential election petitions.
9. Where the Presidential election results are nullified, new elections be held within 90 days of the decision.

Parliamentary Election Tribunal

10. The Parliamentary election petitions be heard by a Tribunal presided over by a High Court Judge and the Tribunal should convene on an *ad hoc* basis.
11. Other members of the Tribunal be drawn from retired Judges or legal practitioners who qualify to hold high judicial office and should be appointed by the Chief Justice.
12. The notice of intention to file a petition be filed within 48 hours at the District Registries in the provinces.
13. The grounds for the Parliamentary petition be filed within 7 days after the declaration of the election results with the list of witnesses and their statements.
14. Each Parliamentary petition be disposed of within thirty 30 days from the date of filing the petition.
15. The quorum of the Tribunal be three members.
16. The decision of the Tribunal be final.
17. Parliamentary petitions be filed at District Registries in the provinces.

Local Government Election Tribunal

18. Local Government election petitions be heard by a Tribunal presided over by a Magistrate of the Second Class or above and the Tribunal should convene on an *ad hoc* basis.
19. Two other members of the Tribunal be drawn from reputable retired magistrates, lawyers or civil servants or any other suitably qualified person and be appointed by the Chief Justice.
20. The notice of intention to file a petition be filed within 48 hours at the District Registries in the provinces.
21. The Local Government petition be filed within 7 days after the declaration of election results with the list of witnesses and their statements.
22. Each petition be disposed of within 30 days from the date of filing.
23. The decision of the Tribunal should be final.

CHAPTER 8: ELECTORAL COMMISSION OF ZAMBIA

This Chapter addresses the following Terms of Reference:

No. 6 which reads *“Examine the composition of the Electoral Commission and make recommendations on how to ensure the independence of the Commission, particularly in times of elections”*;

No. 7 which reads *“Assess the institutional and managerial capacity of the Electoral Commission in the management and organisation of the electoral process and identify possible constraints”*; and

No.8 which reads *“Identify, on the basis of item 7, the organisational, managerial, legislative, financial and administrative needs for the process needed for conducting democratically sound, transparent and fair elections in future (e.g. training needs for the Electoral Commission staff on the ground, improvement of logistics, etc).”*

The following are the recommendations:

Responsibilities and Functions of the Electoral Commission of Zambia

1. The ECZ be mandated with the responsibility of voter education and conflict management in liaison with stakeholders such as civil society, political parties, the media, traditional authorities and religious institutions.
2. The ECZ should, in conjunction with the Department of National Registration, Births and Deaths, capture information required for voter registration as the national registration cards are issued.

3. The Department of National Registration, Births and Deaths, should submit returns of deaths to the ECZ for the update of the voters' register.
4. The ECZ be mandated to set election dates in accordance with the set time-table of elections.
5. The ECZ should register and regulate political parties.
6. The ECZ should be responsible for the administration of funds made available by the Government for political parties.
7. The ECZ should promote dialogue between political parties and ensure that Party Liaison Committees are established at national, provincial and district levels.
8. The ECZ should be mandated to ensure the effective administration and enforcement of the Electoral (Conduct) Regulations by the relevant institutions namely Zambia Police, Anti-Corruption Commission and Drug Enforcement Commission.
9. The ECZ should give notice and liaise with the Judicial Service Commission for the establishment of the election tribunals.
10. At election time, the ECZ should be mandated to ensure that radio and television allocate equitable air time to participating political parties in accordance with the Electoral (Conduct) Regulations.
11. The ECZ should be mandated to disqualify candidates found guilty of gross electoral malpractice by the tribunals.
12. The ECZ should be mandated to disqualify, on the spot, erring candidates, their agents or supporters found guilty of gross malpractices.

13. In the event that the environment is not conducive to hold free and fair elections for a particular ward or constituency, the ECZ should defer, suspend or cancel such an election.

Independence of the Commission

14. The independence of the Commission be enshrined in the Constitution.
15. The ECZ should be granted non-discretionary funding for the Commission to fulfil its mandate.
16. The recommendations to the President for the appointment of members of the ECZ be made by the Judicial Service Commission.

Composition and Mode of Appointment

17. The President, on the recommendations of the Judicial Service Commission and subject to ratification by the National Assembly, should appoint seven members of the Commission one of whom should be a judge or a lawyer.
18. The Chairperson and two other members be full time while the four other Members serve on part time basis.

Qualifications

19. The Chairperson of the Commission should be a Judge, a person qualified to be a Judge or who has held high judicial office or any other suitably qualified person not necessarily from the legal profession.

20. The other members of the Commission be persons who have held senior positions of responsibility.
21. The Chairperson and the Commissioners be persons of high moral integrity, impartial and competent in electoral matters.
22. Members of the Commission be non partisan and should not represent political parties.

Tenure of Office of Commissioners

23. Commissioners serve for a term not exceeding seven years, subject to renewal and ratification by the National Assembly as provided for in the Electoral Commission Act under section 5(1).

THE EXISTING ESTABLISHMENT OF THE ELECTORAL COMMISSION OF ZAMBIA

24. Electoral Offices be established at all provincial and district centres in Zambia.
25. The ECZ should continue to engage temporary staff at provincial and district level when required during the conduct of elections.
26. The 1997 structure be implemented in full.
27. There be a review of the organisational structure of the establishment taking into account the proposed recommendations of the Committee.

JOB EVALUATION

28. A comprehensive job evaluation exercise be undertaken for the entire establishment of the ECZ.

REMUNERATION AND CONDITIONS OF SERVICE

29. Improvements be made to the conditions of service.

DECENTRALISATION

30. The operations of the ECZ be decentralised to Provincial and District Centres.

FUNDING

31. The ECZ be granted its entire funding as approved by Parliament and that the ECZ should not be subjected to discretionary allocations by Ministry of Finance and National Planning.

AUDIT PROCEDURES

32. Due to the very important role that internal audit functions play in providing checks and balances for public institutions, the Audit Unit be further strengthened in readiness for the decentralisation of the functions to Provincial and District Centres.
33. External audits be conducted by the Auditor General and those appointed by the Commission.

TRAINING AND HUMAN RESOURCE DEVELOPMENT

34. Short term and on-going capacity building and human resource development programmes be continued and others developed.

ELECTION OFFICIALS (ELECTORAL OFFICERS, RETURNING OFFICERS, PRESIDING OFFICERS AND POLLING ASSISTANTS)

35. The current arrangement of recruiting election officials from other institutions and the community at large should continue.
36. Once the decentralisation programme commences, the recruitment of election officials at Provincial and District Centres should fall under the supervision of Provincial ECZ offices.
37. The recruitment of part-time election officials at the district level be in consultation with Party Liaison Committees.
38. A register of current and retired electoral staff be created and that they form an association to which they should subscribe.

TRAINING AND ORIENTATION OF ELECTION OFFICIALS

39. Sufficient time be provided for orientation programmes for part time election officials.
40. There be periodic refresher courses for all election staff.

VOTER INFORMATION AND EDUCATION

41. The Electoral Commission Act and the Constitution be amended to give the Commission powers to conduct voter and civic education and conflict management programmes.
42. For Presidential, Parliamentary and Local Government candidates, the ECZ should introduce a common platform for joint public debates and funding be provided for the same.
43. ECZ prepare and provide guidelines on public debates for Presidential, Parliamentary and Local Government candidates' during the election campaign period.

CODE OF CONDUCT FOR ELECTION OFFICERS

44. The existing Code of Conduct for election officers should continue.

POLLING STATIONS

45. A delimitation exercise be conducted by the ECZ to rationalise the constituencies.
46. Polling stations be created based on considerations of distance and population density.

BALLOT BOXES

47. Transparent ballot boxes with individual serial numbers be introduced.

POLLING BOOTHS

48. The current design and positioning of polling booth continue.

TRANSPORT

49. The Commission be adequately funded to meet its transport requirements.

BALLOT PAPERS

50. The current ballot paper design be maintained.
51. Ballot papers in Braille be introduced to enable the literate blind to vote without assistance.
52. Deep colour coding be introduced in order to differentiate the ballot papers for Presidential, Parliamentary and Local Government elections.

VOTING PROCEDURES

53. The existing voting procedure be maintained and the recording of the NRC or voters number on the counterfoil be maintained in order to prevent the substitution of legitimate votes.

ALTERNATIVE VOTING PROCEDURES

54. The electoral process should provide special voting days for defence and security personnel on operation, election officials scheduled to serve on election day, and other eligible voters such as the aged, the sick, pregnant women as well as citizens living outside the country.

55. Persons with special needs should apply to election authorities for such arrangements to be provided.
56. Consideration should be given to the specific methods below:
- a) voting by post should be implemented at a later stage subject to a study to assess the suitability and readiness of the *Zambian* postal system to undertake this important responsibility;
 - b) voting in advance for those living abroad and officers such as the police, the army, journalists, election officials who may not be in their places of registration at the time of elections; and
 - c) home-based voting to include those voters who for various reasons are unable to go to the polling station. Such voters should notify election officials in advance so that arrangements are made for them.

CHAPTER 9: STAKEHOLDER INSTITUTIONS

This Chapter addresses Term of Reference No. 5 which reads “*Study the role and responsibilities of the Electoral Commission and Government Institutions and Departments involved in the electoral process (Ministry of home Affairs, Ministry of Local Government and Housing and Ministry of Legal Affairs)*”.

The following are the recommendations:

Ministry of Finance and National Planning

1. The Ministry of Finance and National Planning should not play a supervisory role in the financial management of funds by ECZ.
2. The Auditor General should continue auditing the use of funds by the ECZ.

Central Statistical Office (CSO)

3. CSO should provide timely accurate and up to date data for the delimitation exercise, referenda and voter registration exercises.
4. CSO should disaggregate data on various categories of differently abled persons and other persons with special needs.

Zambia Police

5. The Police be adequately funded by Government during the election period in order for them to effectively maintain law and order.

6. More Police Officers be recruited to make it possible for at least two officers to be assigned to a polling station.
7. There be a process of clearance by the police for candidates participating in an election and candidates be required to present a clearance certificates as part of the nomination procedure.
8. During elections, the police should wear working class uniform instead of combat.
9. Police officers should not unreasonably disallow scheduled public meetings, assemblies or processions even if the President or Vice-President is visiting that district during the election or campaign period.

Department of National Registration, Births and Deaths

10. A mechanism be developed to promote collaboration between the Department of National Registration, Births and Deaths and the ECZ.
11. The Department of National Registration, Births and Deaths be funded adequately to allow for the continuous issuance of national registration cards.
12. Village registers be reintroduced, made mandatory and enforced to enable the capturing of data in rural areas for purposes of national registration.

The Registrar of Societies

13. The Registrar of Societies should no longer be responsible for registering political parties.
14. A Political Parties Act be enacted to regulate political parties.

Ministry of Local Government and Housing

15. The ECZ should continue to engage personnel from local authorities, among others, on a part-time basis during elections.
16. The recruitment be extended to retirees with experience in the electoral process.

Ministry of Education

17. The ECZ should continue to engage teachers and other civil servants among others on a part-time basis during elections.
18. ECZ continue using school facilities wherever these are available.

Zambia National Broadcasting Corporation (ZNBC)

19. The Zambia National Broadcasting Corporation (Amendment) Act, No. 20 of 2002 be implemented fully.

Zambia News Agency and Zambia Information Services

20. The two institutions be adequately funded to enable them play an effective role in the electoral process.

Zambia Daily Mail

21. The newspaper should be impartial and cover the views of all political parties.
22. Government being the major shareholder should ensure that the newspaper is recapitalised.

Times of Zambia

23. The newspaper be equitably accessed by all political parties.
24. Government being the major shareholder should ensure that the newspaper is capitalised.

Zambia Security Intelligence Services (ZSIS)

25. The Zambia Security Intelligence Services involvement in the electoral process be confined to their security role.

The Zambia Defence Force

26. The Zambia Defence Force personnel continue to assist the ECZ where need arises especially with respect to the transportation of electoral materials in some areas of Zambia.

Ministry of Justice

27. The electoral legislation and the amendments to the other Acts, be drafted and processed expeditiously prior to the 2006 elections.

Drug Enforcement Commission

28. Political parties disclose their sources of funding.
29. Political parties declare their assets and liabilities before High Court Judges or before Magistrates.

30. The functions of the DEC be extended to cover the monitoring of the sources of funding of political parties and candidates.

Anti Corruption Commission (ACC)

31. The relevant legislation be harmonised in order to provide for a clearer mandate for the systematic and effective enforcement of the electoral laws.

Zambia National Tender Board

32. The Zambia National Tender Board reviews the processes with regard to procurement and ensure that they do not impede, delay or interfere with the specified needs of the ECZ.

The Government Printing Department

33. The Government Printing Department be re-equipped, recapitalised and adequately funded to enable it effectively perform its function.
34. Participating political parties and candidates be obliged to witness the printing of ballot papers.

CHAPTER 10: REVIEW OF THE VOTER REGISTRATION PROCEDURES

This Chapter addresses the following Term of Reference:

No. 9 which reads “*Review the present voter registration procedures and examine the effectiveness and feasibility of continuous registration and the related issuance of national registration cards;*” and

No.10 which reads “*Consequent to item 9, examine and recommend effective methods to capture all eligible voters on the voters’ roll*”.

The following are the recommendations:

THE CURRENT VOTERS’ REGISTRATION SYSTEM

1. The current voters’ register be abolished and that a new one be developed.
2. The ECZ, in consultation with stakeholders, engage a new service provider to develop a new voter registration system.
3. The new service provider be given specifications as agreed upon by stakeholders, *inter alia* the immediate issuance of the voter’s card after registration.
4. Continuous registration of voters be implemented after a new voter registration system has been put in place.
5. The Ministry of Finance and National Planning releases funds for the exercise expeditiously.

6. In the case of a general election, continuous voter registration be suspended immediately the election is announced and in the case of a by- election, the registration of voters be suspended immediately the election is announced for the district where the by-election is taking place.
7. The Department of National Registration, Births and Deaths be computerised to facilitate an effective data and verification system between the ECZ and the Department.

OTHER VOTER REGISTRATION SYSTEMS AND PROCEDURES.

8. The using of fixed centre voter registration system should continue.
9. ECZ should increase the number of registration centres in rural and urban areas to reduce the distances people have to cover in order to register as voters and also to reduce long queues in urban areas.

VOTING AGE

10. The voting age be reduced from 18 to 16 years in line with the age for obtaining a national registration card.

VOTER IDENTIFICATION

11. A special voter's card be designed to include a portrait and capture details from the national registration card, so that it serves both as an identity and voter's card for voting purposes only.

ISSUANCE OF VOTERS' CARDS AND NATIONAL REGISTRATION CARDS

12. The status quo where a voters' card is issued by ECZ and the national registration card issued by the Department of National Registration, Births and Deaths continue.
13. A Mechanism should be designed so that upon issuance of the national registration card, the information is passed to the ECZ for its use.

REGISTRATION OF VOTERS OUTSIDE JURISDICTION

14. A mechanism be put in place to enable Zambians living abroad to register as voters and participate in an election.

CHAPTER 11: DATE AND TIMETABLE OF ELECTIONS

This Chapter addresses Term of Reference No.12 which reads “*Examine and recommend whether the date of general elections, the time when or the season during which such elections should be held should be specified in the law.*”

The following are the recommendations:

SEASON OF ELECTIONS

1. The Presidential, Parliamentary and Local Government Elections be held in the dry season.

DATE OF ELECTIONS

2. The determination of the date of elections be made by the Electoral Commission.
3. The month and week within which Presidential and General Elections are to be held be enshrined in the Constitution.
4. The Presidential, Parliamentary and Local Government Elections be held in the last week of August. However, the Local Government Elections should be held in a different year.
5. The election day(s) be declared a national holiday to allow more people to vote.

DURATION OF ELECTIONS

6. The number of polling stations be increased to reduce distances covered to cast votes especially in rural areas and to decongest polling stations in heavily populated areas.

7. The current practice of voting in one day from 06:00 hours to 17:00 hours be maintained.

CHAPTER 12: STAKEHOLDER COORDINATION IN THE ELECTORAL PROCESS

This Chapter addresses Term of Reference No.11 which reads “*Conduct broad consultations with national stakeholders, political parties, and non-governmental organisations and make recommendations regarding their coordination so as to ensure consistency and complementarity of activities in the electoral process.*”

The following are the recommendations:

Voter Education

1. NGOs continue supplementing the ECZ efforts in voter education.
2. Media organisations be represented on the National Voter Education Committee (NVEC).
3. Political parties should enhance voter education within their parties.
4. Electoral laws and voter education materials be in vernacular as well.
5. Sign language be used in voter education.
6. ECZ be empowered to produce voter information material in Braille.

CONFLICT MANAGEMENT AND RESOLUTION

7. The Conflict Management Committees established by the ECZ at national, provincial and district levels be institutionalised and continue operating under the auspices of the ECZ.

8. The Liaison Committees constituted under the ECZ, such as National Voter Education Committee and Conflict Management Convention be strengthened.
9. Party Liaison Committees be provided in legislation and decentralised to operate at district, provincial and national level and be institutionalised.
10. ECZ be responsible for conflict management.

CHAPTER 13: DIFFERENTLY ABLED PERSONS AND OTHER PERSONS WITH SPECIAL NEEDS

This Chapter addresses Term of Reference No.14 which reads “*Assess and make recommendations on any matter connected with or incidental to the above-mentioned terms of reference.*”

The following are the recommendations:

Special Voting Arrangement for Differently abled Persons

1. Differently abled persons should notify election officials, in advance, of the need for the mobile voting facility to enable ECZ provide such service.
2. Mobile voting be introduced to complement fixed polling stations as a way of capturing differently abled persons who may be unable to walk long distances.

Voting Arrangements for Other Persons with Special Needs

3. Arrangements should be made to enable bed-ridden patients to vote at their locations.
4. Arrangements be made to enable mentally ill patients in rehabilitation centres to vote.
5. Arrangements be made to enable detainees and prisoners to vote except for those serving life imprisonment or are under death sentence.

Ballot Paper Design

6. Every effort be made to produce election materials in Braille.
7. Where possible some of the election officers at polling stations be able to read Braille.
8. Ballot papers with a large size print be introduced to enable partially sighted voters to vote.

Access to Polling Stations and Booths by Differently-Abled Persons and Other Persons with Special Needs

9. Buildings used for election purposes should, where possible, include ramps to facilitate the smooth mobility of differently abled persons and other persons with special needs.
10. Election staff at polling stations, where possible, include sign language interpreters.
11. Separate queues for the differently abled persons and other persons with special needs be formed at polling and registration centres.

Use of Appropriate Language in the Media for Persons with Disabilities (Hearing Impairment)

12. Sign language be introduced on television and at public meetings during election period.

ELECTION OBSERVERS WITH DISABILITIES

13. Organisations that look after the interests of the differently abled persons should encourage their members to get involved in election monitoring and observation.

Representation on the Electoral Commission of Zambia

14. The composition of the ECZ should reflect the diversity of the population that includes differently- abled persons.

Illiterate Voters

15. The Committee notes that every citizen has the right to vote whether literate or illiterate, therefore, **recommends** that the existing provisions intended to help the illiterate voters should continue.

CHAPTER 14: GENDER AND THE ELECTORAL PROCESS

This Chapter addresses Term of Reference No. 14 which reads “*Assess and make recommendations on any matter connected with or incidental to the above-mentioned terms of reference.*”

The following are the recommendations:

Special Measures

1. Special measures be put in place to increase the participation of women in the electoral process and attain 30 per cent representation or more of women in decision-making positions. Some of these measures include preferential treatment such as.
 - (a) A quota system obliging political parties to provide at least 30 women candidates for the constituency based seats in order to qualify for the Proportional Representation System.
 - (b) The introduction of Proportional Representation under which 35 of the 40 Proportional Representation seats will be allocated to women.
 - (c) The appointment of at least 30 per cent of the Cabinet to be women.

Empowerment of Women

2. The National Gender Policy be implemented fully.

Legislation and International Instruments

3. The Constitution, as the supreme law of the land, should recognise the vulnerability of women and provide for them accordingly.

4. The Constitution should stipulate a 30 per cent minimum representation of women in decision making at all levels.
5. An Equality Clause be included in the Constitution of Zambia.
6. A Gender Equity Commission be established.
7. There be harmonisation of laws and practices with international, regional and sub-regional Conventions and; instruments dealing with gender in the electoral process.
8. The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and some of the provisions of international Instruments, to which Zambia is party, be incorporated into *Zambian law*.

Media

9. All political parties, women and men candidates should have equal access to public media for purposes of campaigning.
10. Fair and balanced media coverage of campaign policies, meetings, rallies and press conferences for both women and men in the electoral process.
11. The media should recognise gender equality as an important aspect of democracy.

Voter Education

12. ECZ should ensure that civic and voter education programmes inculcate an understanding of formal and substantive equality in law and practice with regard to gender dynamics.

Political Parties

13. There be an expressed commitment to gender equality on the part of political parties, political party constitutions, manifestos, policies and structures so as to incorporate gender equality and women's empowerment objectives to ensure equal representation and participation of women and men in the electoral process and decision making at all levels.

Conducting Elections

14. The composition of the ECZ Commissioners be gender balanced.
15. The staff of the Commission be gender balanced.
16. The recruitment of election officials at the time of elections be gender balanced.
17. All policies formulated and legislation promulgated which is relevant to conducting elections should give effect to both formal and substantive equality between women and men.