

1. INTRODUCTION

The Constitution of Zambia (Amendment) Act No. 13 of 2025 was assented into law on 18 December 2025. This amendment implied that there was a need for subsidiary legislation to either be developed or refined. One piece of legislation that has been impacted by the amended constitution is the Electoral Process Act No.35 of 2016.

2. THE ELECTORAL PROCESS (AMENDMENT) BILL, 2026

The Elections Process (Amendment) Bill 2026 has since been developed. 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.

Thus, the Electoral Process (Amendment) Bill, 2026 introduces several key legal and procedural changes designed to support Zambia's transition toward a Mixed Member Proportional Representation (MMPR) system and strengthen the overall electoral framework. The next section highlights the specific amendments and the possible implications.

3. KEY OBSERVATIONS

(a) Campaign Period

Under Section 2, 'Campaign Period' definition has been revised from a period of three months before an election to a period to be determined by the ECZ.

While this amendment seeks to harmonise other electoral processes, NGOCC observes that it would be important to state a defined period to avoid arbitrary decisions from the ECZ. The Campaign Period should aim to achieve some level of certainty. For instance, the Campaign Period can be at least 60 days.

(b) Amendments Under Section 28

The amendment of Section (1) (b) and Section 2 to include newspapers of wide circulation and electronic media as modes of publishing and/or the amendment of the elections timetable is progressive.

NGOCC notes that the broadening of the mediums of information dissemination will enhance awareness and credibility in the electoral cycle.

Under the same Section, the Bill introduces three new definitions as follows:

- "Adoption Certificate" to mean a document signed by the Secretary General of a Political Party sponsoring the candidate.
- "party list" means a democratically determined list submitted to the Commission by a political party in accordance with section 36B;
- "secretary-general" means the secretary-general of a political party who is registered with the Registrar of Societies under the Societies Act.

- ✓ *NGOCC is of the view that clearly, the Secretary Generals have been armed with a lot of powers under this Bill which can be abused.*
- ✓ *A mechanism of accountability and transparency must be created to ensure these powers are not abused.*
- ✓ *Further, there is need to explicitly state what will happen to Independent candidates as they appear to be have been left out.*

(c) Inspection, and the raising of objections in respect, of the Provisional Register of Voters

Section 17 introduces electronic inspection, clear objection procedures, service of notice, and strict timelines. The ECZ is empowered to determine the period during which voters can inspect the provisional register. Voters may inspect their details electronically during the inspection period. While this amendment will enhance **electoral integrity** by allowing scrutiny of voter details, introduces **procedural fairness** by requiring notice to affected persons and clear timelines improve administrative efficiency.

- ✓ *However, NGOCC opines that it is important for the commission to let the period of electronic and physical inspection for registers run concurrently and not separate the two processes.*
- ✓ *For instance, the Online Inspection of voter registers for 2026 will take place from 22nd February to 8th March while Physical Inspection of voter registers will take place from 2nd March to 8th March.*
- ✓ *Given Zambia's known digital access inequalities and high rural population, physical inspection must be given equal timeframe.*

(d) Adoption certificate for filing of nominations

The Bill requires an adoption certificate signed by the Secretary-General of a political party for adoption and nominations. This resolves long-standing **intra-party nomination disputes**, enhances certainty and predictability for ECZ. It further strengthens institutional discipline within political parties.

- ✓ *However, NGOCC is of the view that this could consolidate power in party leadership, limit space for intra-party competition.*
- ✓ *And create opportunities for internal manipulation of nomination processes.*
- ✓ *This is compounded by the lack of a Political Parties law that can ensure political parties are held to account.*

(e) Revise the voting procedure by removal of the use of the official mark;

The Bill in Section 91(1) proposes to remove the use of the official mark from the voting procedure. This aims at streamline voting, removing a traditional validation mechanism and shifts anti-fraud measures from ballot marking to voter marking. This greatly modernises voting procedures, reduces technical rejection of ballots and aligns with international electoral practices. This reform is progressive but depends heavily on effective enforcement and monitoring.

- ✓ *However, NGOCC is of the view that this lowers the security of a ballot.*
- ✓ *Thus, it may increase susceptibility to ballot fraud, such as ballot stuffing*
- ✓ *Further, removing security features without strong alternatives may further undermine electoral integrity.*

(f) Revise the power of the Commission to disqualify a political party or candidate

Under Sections 70 and 71, the Bill proposes to remove the phrase ‘provisional results’.

NGOCC is of the view that the removal of provisional results impacts the ability for polling agents from transmitting results based on parallel tabulation. The parallel tabulation is essential to ascertain the validity of the official results as witnessed in the 2021 general elections.

Section 110(2) of the Bill proposes that in an event of a breach of the electoral code of conduct, the Commission may ‘suspend’ a political party or candidate instead of ‘disqualification’.

- ✓ *NGOCC notes that this amendment creates a distinction between the role of the Judiciary and the Executive (through ECZ).*
- ✓ *However, there is need to create a timeframe for the ‘suspension’ to ensure the affected party’s rights for redress are not infringed.*

(g) Provide for Nomination, Election and Distribution of Seats Under the Proportional Representation Electoral System

- i. The Bill provides for Nomination, election, and seat distribution under a proportional representation system and the use of party lists submitted to the ECZ. PR seats will be allocated based on **presidential vote totals**, not parliamentary votes. This simplifies seat allocation and encourages national rather than purely local campaigning.
 - ii. 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 that will be made up of twenty (20) women fifteen (15) youth and five (05) persons with disabilities.
 - iii. Lists for the Youth and Persons with Disabilities shall contain alternates between male and female candidates in the priority in which they are listed.
 - iv. Vacancies are filled from party lists without by-elections. This is cost-effective, maintains proportionality and reduces electoral fatigue.
 - v. Further party lists for persons with disabilities shall contain alternates of the classes of disabilities and shall be in possession of a certificate of registration issued under the Persons with Disabilities Act.
 - vi. Party lists for a candidate under a party list submitted under Youth category shall be a youth for the term of Parliament. Meaning, for the five- year term, the candidate will be required to be below 35 years of age.
- ✓ *However, NGOCC notes that the PR seats based on presidential votes have the potential to undermine the representative autonomy of Members of Parliament.*
 - ✓ *It further in a way excessively strengthens the presidency at the expense of Parliament.*
 - ✓ *This approach transforms PR seats into an extension of presidential power, potentially weakening the separation of powers and pluralism in Parliament.*

4. IMPLICATIONS FOR WOMEN

i. Political Parties More Likely to Include Women

The PR system is explicitly intended to enhance representation of women, youth, and persons with disabilities. Women are among the biggest potential beneficiaries of the 2026 electoral reforms, particularly due to the MMPR system and party list structures because of the 20 reserved seats. Thus, political parties are more likely to include women on ranked lists to demonstrate inclusivity.

- ✓ *However, NGOCC notes that the PR seats for females (20 women and 7.5 female youth) may represent only about 10 percent of the 281 seats in parliament.*
- ✓ *It also presents a possibility that political parties may opt not to adopt female candidates for the contestable seats on the premise that women are catered for by the PR seats.*

ii. Reduced Barriers of Costly Campaigns

High financial barriers have historically excluded women from effectively contesting elections, due to unequal access to financial networks. The PR list placement can reduce campaign burdens on women, as list slots require less personal financing than constituency races. Structural barriers will also be reduced because women will be guaranteed seats. Further, the reduced campaign period from 90 days may mean less resources spent on campaigns.

- ✓ *However, NGOCC is of the view that this is negated by the very few PR seats provided with no affirmative action on the 226 Constituency-based seats.*

iii. Expanded Political Space Through New Constituencies

Another opportunity may lie with the new constituencies. They present fresh opportunities for women to contest areas without entrenched incumbents.

- ✓ *However, NGOCC is of the view that this is negated by the very few PR seats provided with no affirmative action on the 226 Constituency-based seats.*

iv. Potential Weakening of Internal Party Democracy

The Bill requires an adoption certificate signed by the secretary-general of a political party for nominations. This could consolidate power in party leadership, limit space for intra-party competition. And create opportunities for internal manipulation of nomination processes. This is compounded by the lack of a Political Parties law that can ensure political parties are held to account.

vii. Weak Safeguards Against Sextortion and Unchecked Powers

Given the unfortunate reports of sextortion and corruption, among other political issues, there is a need to establish a mechanism to regulate the powers of Secretary Generals, particularly males, to protect women from abuse. Furthermore, the desire to be included on party lists may lead to exploitation of women and female youth.

viii. Not strong on Sanctions

There are not strong sanctions aimed at curbing political violence which tend to affect many women

5. RECOMMENDATIONS

- i. To meaningfully achieve gender parity, the Electoral Process (Amendment) Bill, 2026 should include quotas in the 226 Constituency-based Seats.
- ii. The Political Parties law should be enacted to supplement the Electoral Process (Amendment) Bill, 2026, by promoting internal party democracy and curbing the authority of party leaders, particularly the Secretary Generals, whose powers are set to increase under the Bill. The implementation of party lists should include safeguards to protect women and female youth from exploitation.
- iii. The Bill should include provisions that prescribe sanctions for political players involved in sextortion and sexual harassment.
- iv. Invest in training polling staff to ensure they adhere to procedures such as placing a stamp being every ballot as an official mark instead of removing the official mark.