



**NGOCC SUBMISSION TO THE
PARLIMENTARY SELECT
COMMITTEE APPOINTED TO
SCRUTINIZE THE ELECTORAL
PROCESS (AMENDMENT) BILL N.A.B
NO. 44 OF 2026**

PREPARED BY NGOCC
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24th April 2026

The Clerk
The National Assembly of Zambia
Parliament Buildings
LUSAKA

Dear Sir,

REF: SUBMISSION ON THE ELECTORAL PROCESS (AMENDMENT) BILL, 2026

The above-captioned subject refers

Established in 1985, NGOCC is a coordinating umbrella network born from the recognition that empowering Zambian women requires unified action. Its formation by a small group of women-focused NGOs was a direct result of the 1985 United Nations Conference on Women in Nairobi, Kenya. Since then, NGOCC has maintained its coordinating function and actively works to strengthen its member organizations, enhancing their ability to effectively advocate for gender equity and equality.

NGOCC currently has a membership of 121 organizations that it supports in capacity building, networking, advocacy and communication in the field of gender and development. Through consistent and concerted efforts, NGOCC, in collaboration with other like-minded players, has become an influential voice in advocating for the implementation of a gender perspective as a way of mainstreaming gender in all developmental processes.

NGOCC's vision is **“A society where women fully participate and benefit from social, economic, political and cultural development.”**

NGOCC has been requested to submit to the Parliamentary Committee appointed to scrutinise the Electoral Process (Amendment) Bill, 2026. Accordingly, NGOCC will in the following sections present a submission as guided.

1. Executive Summary

The Electoral Process (Amendment) Bill, 2026 (N.A.B. 44 of 2026), tabled before the National Assembly of Zambia and gazetted on 15 April 2026, introduces significant reforms to the Electoral Process Act. The Bill's most consequential innovation for gender equality in particular, is the introduction of a legal framework for the Proportional Representation (PR) electoral system. This system will operate alongside the existing First-Past-the-Post (FPTP) system for the 13th August 2026 General Elections.

From a gender perspective, the Bill is a materially progressive development with grey areas. It explicitly reserves seats in the National Assembly and local government councils for women, youth, and persons with disabilities (PWDs) under the PR system, and it compels political parties to prepare gender-disaggregated party lists. These are substantive advances over the status quo, under which women's representation has remained chronically low.

However, the Bill contains gaps and risks that, if unaddressed, could undermine its gender objectives. The absence of mandatory alternation rules on party lists, the broad party recall power, and the gatekeeping function of adoption certificates under the FPTP system are among the provisions that merit scrutiny from a gender equality standpoint.

Key Finding:

The PR provisions (sections 36A to 36I) represent the most significant legislative step toward gender parity in Zambia's electoral history. Their effectiveness will, however, depend heavily on party-level implementation, the Electoral Commission of Zambia's (ECZ) enforcement capacity, and complementary regulatory measures not yet prescribed in the Bill

2. Background and electoral Context

2.1 Zambia's Gender Representation Deficit

Despite constitutional commitments to gender equality under Articles 8 and 266 of the Constitution of Zambia (Amendment) Act, 2016, women have consistently been under-represented in elected office. In the 2021 General Elections, women won approximately 15 percent of National Assembly seats and a similarly low proportion of council seats, at 7 percent. This falls far short of the 50/50 gender parity aspirations of the SADC Protocol on Gender and Development, to which Zambia is a signatory, and the African Union's Agenda 2063 targets.

The root causes are well documented. These include cultural barriers to women's candidacy, party gatekeeping in nomination processes, campaign financing disparities, electoral violence disproportionately targeting women candidates, and an FPTP electoral system that structurally disadvantages candidates from historically marginalised groups.

2.2 The Legislative Response: N.A.B. 44 of 2026

The Bill directly responds to some of these structural causes by (a) introducing a PR seat allocation mechanism tied to presidential election vote shares; (b) mandating gender-categorised party lists for women, youth, and PWDs; and (c) defining the administrative architecture (returning officers, party list procedures, vacancy management) necessary to operationalise the PR system in time for the August 2026 elections.

The tight timeline from gazetting on 15th April 2026 to elections on 13th August 2026 is itself a gender concern, as it compresses the time available for voter education, party capacity-building, and regulatory implementation, all of which have gendered implications discussed below.

3. Analysis of Key Provisions from a Gender Perspective

3.1 Introduction of the PR Electoral System (New Part IVA, Sections 36A–36I)

3.1.1 The Structural Advance

The insertion of Part IVA into the principal Act is the Bill's most consequential gender reform. Section 36B establishes that seats under the PR system shall be distributed in proportion to valid votes obtained by presidential candidates, and critically for gender equality the Second Schedule specifies that these seats are allocated across three protected categories: women, youth, and PwDs.

Under the illustrative formula in the Second Schedule, 20 women's seats, 15 youth seats, and 5 PwD seats are allocated in the National Assembly based on party vote shares. At local government level, section 36E establishes a 4:3:1 ratio of women, youth, and PwD seats, with a statutory minimum of at least one seat per category in each council, regardless of council size.

Gender-Positive: Reserved Seats Architecture

The creation of guaranteed seats for women, youth, and PwDs through the PR system is a structural intervention that bypasses the FPTP barriers that have historically excluded these groups. Unlike voluntary party quotas, these seats are backed by statute and administered by the ECZ, providing an enforceable floor of representation. However, NGOCC cautions that allocating PR seats based on presidential votes could weaken MPs' independence, expand presidential influence over Parliament, and erode the separation of powers and parliamentary pluralism.

3.1.2 Eligibility Threshold (Section 36A): A Gatekeeping Risk

Section 36A conditions a political party's participation in the PR system on having a candidate contesting for the office of President. This requirement has a potentially exclusionary effect on smaller parties, including those led by or strongly supported by women, who may lack the resources to field a presidential candidate. In Zambia's multi-party environment, several parties with meaningful local-level support and with women in leadership do not contest presidential elections.

The practical effect of this threshold is to concentrate PR seats among established, well-resourced parties, which have historically been dominated by male leadership and may not prioritise women's placement on party lists without external compulsion.

3.1.3 Seat Distribution Formula (Section 36B and Second Schedule)

The Largest Remainder Method (LRM) used in the Second Schedule is a standard and broadly equitable allocation mechanism. Its gender implications, however, depend on whether the resulting seat numbers translate into actual female representation which is dependent on how parties populate their lists. A party that wins five women's seats but places women it does not intend to see serve at the top of the list has technically complied with the formula while defeating its purpose.

The Bill does not prescribe ranking requirements or alternation obligations within party lists, which is a material gap discussed further below.

3.2 Party List Requirements (Sections 36C, 36D, and 36F)

3.2.1 Gender-Disaggregated Lists: A Positive Framework

Section 36D requires that for National Assembly seats, political parties submit separate party lists for: (a) women seats; (b) youth seats; and (c) PwD seats. Section 36F applies an equivalent structure for council seats. This gender-disaggregated approach ensures that women's seats are filled by women,

youth seats by persons meeting the constitutional definition of youth, and PWD seats by registered persons with disabilities under the Persons with Disabilities Act (Cap. 65).

The requirement in section 36D (2) that candidates on the youth list qualify as youths for the entire duration of the parliamentary term provides age-integrity to that category.

3.2.2 The Absence of Ranking Rules: A Critical Gap

- The Bill does not prescribe how candidates must be ranked within each party list category. This omission is significant for the following reasons:
 - A party that wins, say, three women's seats will fill them from the top of its women's list. If women who are genuinely committed advocates are placed lower on the list by male-dominated party structures, they may never take up seats.
 - International best practice in PR systems including in South Africa, Rwanda, and Namibia includes mandatory alternation or zipper provisions requiring parties to alternate between stronger and weaker candidates on lists, or to place credible candidates at winnable positions.
 - The absence of such rules in the Bill leaves the gender integrity of party lists to party goodwill, which has historically been insufficient.

Recommendation

NGOCC is of the view that the ECZ or the National Assembly should consider prescribing, through regulations under section 125 or the party list submission form, that within each category list, political parties must rank candidates in a transparent manner disclosed to the Commission, and that any candidate with a reasonable chance of taking up a seat must have been validly consented to and publicly acknowledged by the party.

3.2.3 Prohibition on Dual Candidacy (Section 36C (4))

Section 36C (4) provides that a political party shall not include, on a party list, a candidate who contested a seat under the FPTP system. The gender implication of this rule is mixed.

On one hand, it prevents parties from using the PR list as a "safety net" for candidates who have already had an opportunity to contest under FPTP. This measure, in principle opens list slots to a wider pool of candidates, which could benefit women. On the other hand, it removes a potential fallback option for women who contest FPTP seats in difficult constituencies but could bring valuable experience to a PR list. Given that women candidates often face the hardest FPTP battles, this binary rule may, in some cases, limit their overall representation pathways.

3.3 Adoption Certificates and Nomination Requirements (Sections 30, 31, and 33)

Sections 30 and 31 (for National Assembly and presidential elections) and the revised section 33 (for local government) introduce a mandatory adoption certificate requirement. Thus, candidates sponsored by a political party must now file a certificate signed by the party president or secretary-general or the equivalent, alongside their nomination papers. On its face, the proposal provides clarity regarding the authorised signatory to an adoption certificate; however, in a context where these positions are overwhelmingly occupied by men, the system continues to expose women candidates to potential abuse and exclusion as explained below:

3.3.1 Gender Implications of Party Gatekeeping

The adoption certificate formalises a gatekeeping function that political parties have always exercised informally, but it now makes that gatekeeping a legal requirement for nomination validity. From a gender perspective, this is concerning because:

- Party leadership structures in Zambia are predominantly male. The president or secretary-general who signs an adoption certificate therefore reflects an often gender-unequal power structure.
- Women candidates have historically reported greater difficulty obtaining party endorsement due to internal bias, financial barriers, and social networks that favour male candidates.
- The certificate requirement applies to both FPTP and PR candidates (sections 31(2) and 33(2)), creating a dual gatekeeping mechanism where parties control both who gets on the FPTP ballot and who appears on the PR list.

Risk: Adoption Certificate as a Tool of Exclusion

NGOCC is of the view that without accompanying measures such as intra-party democratic selection processes, transparent adoption criteria, or ECZ oversight of adoption decisions the adoption certificate requirement may entrench male-dominated party structures as barriers to women's candidacy under both the FPTP and PR systems.

3.4 Vacancy Management Under the PR System (Sections 36H and 36I)

3.4.1 Party Recall Power: A Structural Vulnerability

Sections 36H (2) and 36I (2) grant political parties the power to recall, at any time during the parliamentary or council term, a Member of Parliament or councillor holding a PR seat sponsored by that party. While recall mechanisms are a feature of some PR systems, the breadth of this power exercisable at any time, for any reason creates a structural vulnerability for women MPs and councillors.

- Women in PR seats may be more susceptible to recall where their advocacy on gender equality issues creates internal party friction, or where male successors on the party list stand to benefit from their removal.
- The Bill imposes no procedural or substantive constraints on the exercise of the recall power there is no requirement for party membership vote, no notice period for the MP, and no grounds requirement.
- This unchecked recall power could render women's PR seats precarious and deter women from using their seats to champion gender-responsive legislation.
- Further, women are known victims of sexual harassment. Women who will dare resist powerful men in the high echelons of power may be susceptible to this provision

3.4.2 Vacancy Filling: Positive Continuity Provisions

Sections 36H (5) and 36I(3)(b) provide that vacancies in PR seats must be filled from the next available candidate on the relevant party list within 90 days. This continuity mechanism ensures that women's, youth, and PwD seats are not left vacant for extended periods a gender-positive provision. However, its effectiveness depends on parties maintaining adequate and updated party lists throughout the parliamentary term.

Sections 36H (6) and 36I (4) further require parties to submit additional party lists within 30 days where no candidates remain another positive safeguard that prevents seat attrition in women's categories.

3.5 Voter Registration and Inspection (Section 13 Amendments)

The new section 13(3) and (4) allow the ECZ to determine the period for Provisional Register inspection and enable electronic inspection by registered voters. From a gender perspective, electronic access to the register has positive implications. Women in rural areas who face mobility constraints may find online verification more accessible than physical inspection centres. However, the gender benefit of

this provision depends on women's access to mobile phones and internet connectivity, an area of persistent inequality in Zambia.

3.6 Election Timetable Publication (Section 28 Amendment)

The amendment to section 28(4) requires election timetable publications to appear in electronic media in addition to the Gazette and a newspaper of general circulation. NGOCC is of the considered view that this proposal has gender-positive accessibility implications for women who may be more reachable through mobile-based platforms than print media, particularly in peri-urban and rural settings.

3.7 Campaign Period Definition (Section 2 Amendment)

The amended definition of "campaign period" now running from after the close of nominations to the day before the election, clarifies the timeline within which candidate conduct is regulated by the Electoral Code of Conduct. A defined campaign period has implications for regulating gender-based electoral violence, which spikes during campaigns. Clearer period boundaries may assist in the investigation and sanction of electoral offences against women candidates and voters under the Code.

3.8 Definition of a Candidate

The definition classifies the presidential election as operating under the first-past-the-post system, creating ambiguity as to whether the constitutional requirements under Article 47(1) and Article 101(2) which mandate that a presidential candidate obtain 50% + 1 of the valid votes cast remain applicable. To avoid interpretive uncertainty, NGOCC proposes that the Bill should include a distinct and explicit provision governing the presidential candidate and the applicable electoral threshold.

3.9 Lack of a Definition for an Independent Candidate

Beyond Article 51, which sets out the eligibility requirements for an independent candidate, the Bill fails to provide a clear statutory definition of an "independent candidate," creating avoidable ambiguity in interpretation and application.

3.10 Proportional Representation Tied to Presidential Candidacy [Section 36B (2)]

Tying proportional representation seats to parties that field a presidential candidate risks a scenario where only the ruling party qualifies, potentially allowing it to dominate Parliament entirely.

3.11 Definite Timelines for Submission of Party Lists (36 C)

The Bill prescribes strict timelines, including a seven-day period for the submission of party lists. It is our considered view that, upon submission, the ECZ should be required to provide feedback and resolve the matter within 48 hours where queries arise. Alternatively, a procedure similar to Section 3A of the Electoral Process (Code of Conduct)(Enforcement)(Amendment)Regulations,2020, which provides for *Determination of urgent complaint or allegation by Commission* can be replicated.

This would promote finality, enhance certainty in the process, and prevent the Commission from exercising broad discretionary powers to reject party lists in the absence of clearly defined timelines.

3.12 Gender Consideration on Persons with Disabilities [36D (3)]

By allowing party lists for persons with disabilities to omit gender alternation, the Bill risks producing lists composed entirely of men or women. Consistent with the youth category, alternating male and female candidates should be mandatory.

3.13 Suspension Power (Section 110 Amendment)

The amendment to section 110(2) changes the Commission's power from "disqualify" to "suspend" a political party or candidate for breach of the Electoral Code of Conduct. From a gender perspective, a suspension (as opposed to disqualification) is a less deterrent sanction for Code breaches, which include

forms of gender-based electoral violence and harassment of women candidates. However, this amendments rhymes well with the mandate of the Commission leaving disqualification to the courts of law.

4. Recommendations

NGOCC proposes the following targeted recommendations to strengthen the gender-responsiveness of the Bill in the context of the 13th August 2026 elections:

4.1 Immediate Legislative Amendments

- Introduce alternation or ranking rules: Amend section 36C or the Second Schedule to require that party lists within each gender category are ranked transparently, with ECZ given authority to review and reject lists where ranking appears designed to circumvent gender objectives.
- Constrain the party recall power: Amend sections 36H (2) and 36I(2) to require that recall is exercised only on specified grounds, with a minimum notice period and, ideally, a party membership vote, to protect PR seat holders from arbitrary removal.
- Reconsider the presidential candidacy threshold: Consider permitting parties with significant local government support (e.g., a minimum number of council candidates) to participate in council-level PR allocations without the presidential candidacy requirement.
- Clarify adoption certificate oversight: Empower the ECZ to receive and investigate complaints regarding discriminatory denial of adoption certificates, with clear remedies including directed adoption.
- The seven-day period for the submission of party lists should set out clear timeframe to determine any queries.
- Introduce a clear statutory definition of an “independent candidate” to eliminate ambiguity in interpretation and application.
- Allow Party lists Persons with Disabilities to contain alternates between female and male candidates in the priority in which they are listed.

4.2 Regulatory and Administrative Measures

- Prescribe gender-sensitive party list forms: The ECZ should, in the forms prescribed under the Act, require political parties to disclose the selection process used to rank candidates on party lists, as a transparency and accountability measure.
- Accelerated voter education on PR: Given the 13th August 2026 election timeline, the ECZ must urgently implement section 80 (voter education) with a specific focus on explaining the PR system to women voters and candidates, particularly in rural and peri-urban constituencies.
- Digital accessibility for women: Ensure that electronic systems for voter register inspection (section 13(4)) and election timetable publication (section 28(4)) are designed with women's patterns of mobile and internet access in mind, including USSD-based options for feature phone users.
- Gender-sensitive monitoring of adoption process: Civil society organisations and gender advocates should monitor the adoption certificate process in real time, documenting cases where women candidates are denied adoption by party leadership without stated grounds.

4.3 Post-Election Measures

- Gender audit of first PR cycle: The ECZ should conduct and publish a gender audit of the first PR seat allocation following the August 2026 elections, covering: seat take-up rates by gender, party list composition, and recall incidents by gender.
- Strengthen sanctions for gender-based electoral violence: The reduction of the Commission's sanction from disqualification to suspension (section 110) should be reviewed in light of its deterrence effect on conduct targeting women candidates and voters.

5. Conclusion

National Assembly Bill No. 44 of 2026 represents the most significant electoral reform in Zambia in over a decade, and from a gender perspective it marks an important, though incomplete, step toward correcting longstanding structural exclusion. It aims at operationalising the Constitution of Zambia (Amendment) Act N. 13 of 2025 with a semblance of proposals that changes the electoral system by adding the Mixed Member Proportional Representation System. The proportional representation system with reserved seats for women, youth, and persons with disabilities, attempts to directly confront the limitations of the first-past-the-post model that has consistently failed to deliver inclusive representation.

Further, the Bill simultaneously reproduces several of the very power asymmetries that have historically constrained women's political participation. The conditioning of PR eligibility on presidential candidacy, the absence of binding ranking or alternation rules for party lists, the formalisation of party gatekeeping through adoption certificates, and the unfettered recall power granted to political parties all threaten to weaken the transformative potential of the PR system. Without safeguards, these provisions risk concentrating control over women's political entry and retention in male-dominated party leadership structures, thereby reducing reserved seats to symbolic rather than substantive representation.

The ambiguity in the definition of an independent candidate, the lack of gender alternates among the PR seats for persons with disabilities are a source of grave concern. The lack of female and male alternates among persons with disabilities in the priority in which they are listed risks leaving out one gender over the other, thereby defeating the ends of inclusion.

The limited implementation timeline further intensifies these risks. Therefore, there is need for effective voter education, transparent party list preparation, and regulatory oversight by the ECZ are essential to ensure that the PR system enhances, rather than undermines, gender equality. Where gaps remain in the primary legislation, urgent regulatory and administrative measures must be deployed to protect the integrity of women's representation and prevent opportunistic manipulation during the first PR electoral cycle.