



SIMPLIFIED VERSION ELECTORAL PROCESS (AMENDMENT) Act No. 12 of 2026

*An English Version of the Simplified Electoral Process
(Amendment) Act No. 12 of 2026*



ABOUT THE ZAMBIA LAW DEVELOPMENT COMMISSION

The Zambia Law Development Commission, referred to as ‘the ZLDC’ or the ‘Commission’, is a semi-autonomous statutory body established under the Zambia Law Development Commission Act, Chapter 32 of the Laws of Zambia. The primary mandate of the Commission is law reform.

The functions of the Commission are to:

- Recommend the revision and reform of the law in Zambia;
- recommend the codification of unwritten laws in Zambia;
- review and consider proposals for law reform referred to the Commission by the Minister or the members of the public;
- holds seminars and conferences on legal issues;
- translate any piece of legislation into local languages; and
- research and make recommendations on
 - the socio-political values of the Zambian people that should be incorporated into legislation;
 - the anomalies that should be eliminated from the statute book;
 - new and more effective methods of administration of the law and the dispensation of justice that should be adopted and legislated;
 - the removal of archaic pieces of legislation from the statute book;
 - new areas of the law that should be developed, which are responsive to the changing needs of the Zambian society.
- encourage international co-operation in the performance of its functions under this Act, and
- do all such things incidental or conducive to the attainment of the functions of the Commission.

COMPOSITION OF THE COMMISSION

The ZLDC is headed by a 13-member Commission composed of part-time members appointed by the Minister of Justice. The following are the members of the Commission:

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|------------------------------------|---|-----------------------|
| i. Madam Justice Ruth Chibbabbuka | - | Chairperson |
| ii. Dr Chipo Mushota Nkhata | - | Vice Chairperson |
| iii. Dr O'Brien Kaaba | - | Committee Chairperson |
| iv. Mr Emmanuel Sibongo | - | Committee Chairperson |
| v. Ms. Bubala Chibbonta | - | Member |
| vi. Mrs. Kawama Goma Simumba | - | Member |
| vii. Mr Munukayumbwa Munyima | - | Member |
| viii. Ms. Mwaka Chizinga | - | Member |
| ix. Dr Herrick Mpuku | - | Member |
| x. Dr. Dominic Kangongo | - | Member |
| xi. Dr Bibian Kalinde | - | Member |
| xii. Mrs Eva Jhala | - | Member |
| xiii. Mrs Yvonne Wilombe Nakacinda | - | Member |

The day-to-day running of the Commission is undertaken by its Secretariat, which is headed by a Director who is also the Commission Secretary. Mrs Hope M. Ndhlovu-Chanda currently serves as Director and Commission Secretary.

DISCLAIMER

This publication has been prepared by the Zambia Law Development Commission for public legal education and awareness. It presents a simplified explanation of the Electoral Process (Amendment) Act No. 12 of 2026 to assist members of the public in understanding the key amendments introduced by the Act.

The publication is intended as an educational resource only and does not constitute the official or authoritative text of the law. It should not be relied on as legal advice or as a substitute for the Electoral Process (Amendment) Act No. 12 of 2026.

In the event of any inconsistency between this simplified publication and the provisions of the law, the Electoral Process Act, as amended by Act No. 12 of 2026 and any other applicable law shall prevail.

Readers requiring legal interpretation or advice should consult the official legislation or seek professional legal advice.

SIMPLIFIED VERSION OF THE ELECTORAL PROCESS (AMENDMENT) ACT NO. 12 OF 2026

PART I – PRELIMINARY PROVISIONS

1. SHORT TITLE

Legal Text

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

Simplified Legal Text

This provision will be called the Electoral Process (Amendment) Act, 2026. It should be read together with the existing Electoral Process Act.

What Does This Mean?

The Act does not replace the entire Electoral Process Act. Instead, it adds to or changes certain parts of it.

2. AMENDMENT OF SECTION 2

Legal Text

Section 2 of the principal Act is amended by the—

(a) deletion of the definitions of “campaign period”, “candidate”, “Code” and “presiding officer” and the substitution therefor of the following:

“campaign period” means the period commencing after the close of nominations and ending on the day preceding an election, as the Commission determines, in accordance with section 28;

“candidate” has the meaning assigned to the word in the Constitution and includes a person on a party list for a seat under the proportional representation electoral system in the National Assembly or a council;

“Code” means the Electoral Code of Conduct set out in the First Schedule;

“presiding officer” means a person appointed as presiding officer by the Commission under section 37B; and

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

“adoption certificate” means a certificate signed by the president and secretary-general of a political party, or in the absence of the secretary-general, the president and deputy secretary-general of a political party, as prescribed, specifying a candidate who is sponsored by that political party for an election to the office of President, Member of Parliament, mayor, council chairperson or councillor;

‘deputy secretary-general’ means an office-bearer designated as deputy secretary-general, or an equivalent office-bearer, of a political party in accordance with the Societies Act;

“nomination petition” means a nomination petition filed in accordance with section 95A;

“party list” means a list prepared by a political party for the purposes of the proportional representation electoral system and submitted to the Returning Officer or a district electoral officer by a political party in accordance with section 36C;

“person with disability” has the meaning assigned to the words in the Constitution;

“president” means an office-bearer designated as president of a political party in accordance with the Societies Act;

“secretary-general” means an office-bearer designated as secretary-general, or an equivalent office-bearer, of a political party in accordance with the Societies Act; and

“youth” has the meaning assigned to the word in the Constitution.

Simplified Legal Text

- A **campaign period** means the time that starts after nominations close and ends on the day before the election, as decided by the Commission under section 28.
- A **candidate** means a person contesting an election for President, Member of Parliament, or councillor and seeking votes from the people, as well as a person included on a political party’s list for seats allocated under the proportional representation system in Parliament or local councils.
- The **Code** means the Electoral Code of Conduct in the First Schedule.
- A **presiding officer** means a person appointed by the Commission under section 37B to supervise voting at a polling station.
- An **adoption certificate** means a certificate signed by the president and secretary-general of a political party or in the absence of the secretary-general, the president and deputy secretary-general of a political party, in the prescribed form, confirming that the political party is

sponsoring/supporting a candidate for election as President, Member of Parliament, mayor, council chairperson, or councillor.

- A **deputy secretary-general** means a person appointed as the deputy secretary-general, or someone holding a similar position, in a political party according to the Societies Act.
- A **nomination petition** means a petition filed in accordance with section 95A.
- A **party list** means a list prepared by a political party for use in the proportional representation electoral system and submitted to the Returning Officer or district electoral officer in accordance with section 36C.
- A **person with disability** has the meaning provided in the Constitution.
- A **president** means a person recognised as president of a political party under the Societies Act.
- A **secretary-general** means a person recognised as secretary-general, or holding a similar position, in a political party under the Societies Act.
- A **youth** has the meaning assigned to the term in the Constitution.

3. AMENDMENT OF SECTION 12

Legal Text

Section 12(2) of the principal Act is amended by the insertion of the word “new” immediately after the words “registration of”.

Simplified Legal Text

The provision has been changed by adding the word “new” right after the words “registration of.”

What Does This Mean?

Previously, the law allowed the Commission to stop voter registration whenever an election was about to take place in order to prepare for and conduct the election. Under the new provision, once the polling day for a by-election is announced, voter registration in that district will be stopped until the by-election has closed. This means that people in that district are not able to register as new voters during the by-election period, even if they have become eligible to vote or have not yet registered.

4. AMENDMENT OF SECTION 13

Legal Text

Section 13 of the principal Act is amended by the insertion of the following new subsections immediately after subsection (2):

(3) The Commission may determine the period within which the Provisional Register of Voters may be inspected.

(4) A registered voter may inspect, electronically, the Provisional Register of Voters during the period determined by the Commission under subsection (3).

Simplified Legal Text

Section 13 has been changed by adding new sub-sections. The new provision provides that the Electoral Commission can decide the period during which the Provisional Register of Voters will be open for inspection. Further, registered voters are allowed to check the Provisional Register online during the period set by the Commission.

What Does This Mean?

Previously, people could only inspect their voter details by physically visiting inspection centres, the amendment modernises the voter inspection process by also allowing people to check their voter details online. It also allows the Commission to decide how long the inspection exercise will last.

5. AMENDMENT OF SECTION 17 (1)

Legal Text

Section 17(1) of the principal Act is amended by the deletion of the word “ninety” and the substitution therefor of the word “fourteen”.

Simplified Legal Text

The law now provides that if a person whose name is in the Provisional Register of Voters’ notices a mistake on their personal details, they must inform the Electoral Commission within fourteen days instead of ninety days.

What Does This Mean?

This change means that voters now have a much shorter period to report mistakes in their details on the Provisional Register of Voters to the Commission. Instead of having ninety days, voters now only have fourteen days to raise any complaints or correct errors. As a result, voters must check their details immediately after the register is published and quickly report any mistakes. The purpose of this change is to speed up the voter registration and verification process so that the Electoral Commission can finalise the voters’ register more efficiently before elections.

6. AMENDMENT OF SECTION 27

Legal Text

Section 27(1) of the principal Act is amended by the deletion of the word “section 20” and the substitution therefor of the word “section 24”.

Simplified Legal Text

The law changes the section reference from section 20 to section 24.

What Does This Mean?

This is a correction made to make sure the law points to the right section

7. AMENDMENT OF SECTION 28

Legal Text

Section 28 of the principal Act is amended by the insertion of the following new subsection immediately after subsection (3):

(4) The publication and amendment of the election timetable under this section shall, in addition to the Gazette, be made in a newspaper of general circulation in the Republic or any electronic media that the Commission may determine.

Simplified Legal Text

Election timetables and any changes to them must be published not only in the Government Gazette but also in newspapers or electronic media chosen by the Electoral Commission.

What Does This Mean?

The law requires the Commission to prepare an election timetable before polling day. The timetable includes important election activities such as the closing date for voter registration, inspection of the voters' register, nomination dates, campaign dates, and the election date and voting hours. The timetable is published in the Gazette.

The law also allows the Commission to change the timetable where necessary for a free and fair election or where polling day has been postponed.

The new change now requires the Commission to publish and amend the election timetable not only in the Gazette, but also in a newspaper with nationwide circulation or through electronic media chosen by the Commission.

This means that election information is now being shared through more platforms, making it easier for the public to access important election dates and updates in good time.

8. AMENDMENT OF SECTION 30

Legal Text

Section 30 of the principal Act is amended—

(a) in subsection (1), by the—

(i) insertion of the following new paragraph immediately after paragraph (a):

(b) an adoption certificate, in the case of a candidate sponsored by a political party; and

(ii) renumbering of paragraphs (b), (c) and (d) as paragraphs (c), (d) and (e), respectively;

(b) by the insertion of the following new subsection immediately after subsection (1):

(2) The Commission shall publish the particulars of validly nominated candidates in the Gazette, and a newspaper of general circulation in the Republic or any electronic media that the Commission may determine.; and

(c) by the renumbering of subsections (2) and (3) as subsections (3) and (4), respectively.

Simplified Legal Text

The provision has been changed to introduce a new requirement for candidates sponsored by a political party. These candidates must now submit an adoption certificate from their political party as part of their nomination documents. As a result of this addition, the paragraphs in the provision have been rearranged and renumbered.

The change also requires the Electoral Commission to publish the details of all validly nominated candidates in the Government Gazette, in a newspaper with nationwide circulation or through electronic media chosen by the Commission. In addition, because of a new provision which has been inserted, the numbering of the existing provisions has changed, with the former provisions (2) and (3) now becoming (3) and (4).

What Does This Mean?

Previously, a person standing as President or Vice-President was only required to submit nomination papers, election fee apart from the Vice-President, a

declaration of assets and liabilities, an affidavit showing that the person was qualified for election, and support from one hundred registered voters from each Province. The change requires a candidate sponsored by a political party to submit an adoption certificate as proof that the party has officially chosen that person as its candidate. The provision also requires the Electoral Commission to publish the names and details of validly nominated candidates in the Gazette, newspapers, or electronic media. These changes make the electoral process more transparent and organised because the adoption certificate helps prevent disputes within political parties over official candidates, while the publication requirement promotes openness and public confidence in the election process.

8. AMENDMENT OF SECTION 31

Legal Text

Section 31 of the principal Act is amended by the—

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

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

(3) The Commission shall publish the particulars of validly nominated candidates at the nomination centres.; and

(b) renumbering of subsection (2) as subsection (4).

Simplified Legal Text

The provision has been changed by adding a new provision providing that a nomination paper and affidavit must be submitted together with an adoption certificate for candidates sponsored by political parties, although independent candidates are not required to provide an adoption certificate. The change also requires the Electoral Commission to publish the details of all validly nominated candidates at nomination centres.

What Does This Mean?

Previously, the provision only required a person applying to stand as a candidate in an election to submit a nomination paper and an affidavit to the returning officer, but the amendment now further requires candidates contesting through a political party to also submit an adoption certificate as proof that the party has officially selected and endorsed them to stand on its behalf, while independent candidates do not need an adoption certificate because they are not representing any political party and are standing on their own, and the provision also requires the Electoral Commission to publicly display the details of approved candidates

at nomination centres to promote openness and allow the public to know who has been validly nominated for the election.

The amendment makes the nomination process more transparent and accountable by ensuring that political party candidates are properly approved by their parties before taking part in elections, helping to reduce confusion and disputes over who the official party candidate is, while also allowing the public to clearly see the names and details of candidates who have been successfully nominated.

9. REPEAL AND REPLACEMENT OF SECTION 33

Legal Text

The principal Act is amended by the repeal of section 33 and the substitution therefor of the following:

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

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

(3) The nomination paper referred to under subsection (1) shall be subscribed, in the presence of the returning officer for that district by at least fifteen persons registered as voters in the district in which a candidate is contesting an election.

(4) The nomination paper referred to under subsection (1) shall be subscribed, in the presence of the returning officer for that ward of a council, by at least nine persons registered as voters in the ward in which a candidate is contesting an election.

(5) A person appearing before a returning officer for the purpose of subscribing a nomination paper in accordance with subsection (3) or (4) shall produce a voter's card and a national registration card to the returning officer for inspection as proof of identity.

(6) A person qualifies to be a mayor or council chairperson if, in addition to the requirements set out under Article 154(2) of the Constitution, that person has a certificate of clearance showing the payment of council taxes, where applicable.

(7) The Commission shall publish the particulars of validly nominated candidates at the nomination centres.

Simplified Legal Text

The provision replaces section 33 and provides that a person standing as a councillor, mayor, or council chairperson must submit a nomination paper and affidavit to the returning officer in the required form. If the person is sponsored by a political party, the nomination must also include an adoption certificate from that party, but independent candidates do not need this certificate.

For district elections, the nomination paper must be supported by at least fifteen registered voters from that district in the presence of the returning officer. For ward elections, the nomination paper must be supported by at least nine registered voters from that ward. The supporters must show both a voter's card and a national registration card as proof of identity.

The law also provides that a person standing as a mayor or council chairperson must have a council tax clearance certificate where applicable. In addition, the Electoral Commission must publish the details of all successfully nominated candidates at nomination centres.

What Does This Mean?

Previously, nomination papers for ward elections only needed the support of a proposer, a seconder, and at least seven registered voters from the ward. The amendment has now increased the number of supporters required. For district elections, the nomination paper must now be supported, in the presence of the returning officer, by at least fifteen registered voters from the district, while for ward elections, it must be supported by at least nine registered voters from the ward. The supporters must also show both a voter's card and a national registration card as proof of identity. Candidates sponsored by political parties must also submit an adoption certificate from the political party, while independent candidates do not need this certificate because independent candidates are not sponsored by a political party.

The law already required a person contesting as a mayor or council chairperson to have a council tax clearance certificate where applicable, and this requirement has been maintained under the current law. However, the amendment has now added a requirement for the Electoral Commission to publish the details of all successfully nominated candidates at nomination centres.

This means that the nomination process now includes more checks and public access to information, which may help improve transparency and confirm the identity and eligibility of candidates and their supporters.

10. INSERTION OF PART IVA

Legal Text

The principal Act is amended by the insertion of the following new Part IVA immediately after Part IV called Proportional Representation system.

Simplified Legal Text

A new part, IVA, has been added which introduces the Proportional Representation system. Under the proportional representation electoral system, the Seats reserved for women, youths, and persons with disabilities will be distributed by the Electoral Commission after the election among the political parties. Each political party will get a number of these seats, based on how many votes it received during the election.

What Does This Mean?

It means that the law has changed by adding a completely new Part IVA, immediately after Part IV. This new Part contains provisions relating to the Proportional Representation system, which is an electoral system where seats are allocated to political parties based on the proportion of votes they receive in an election.

The Constitution has introduced a mixed-member proportional representation electoral system. This means that some seats in Parliament and councils will continue to be filled through the first-past-the-post system, while additional seats will now be reserved for women, youths, and persons with disabilities under the proportional representation system.

Under the first-past-the-post system, a candidate wins by getting more votes than the other candidates in a constituency or ward. This system remains the same for constituency-based Members of Parliament, mayors, council chairpersons, and ward-based councillors.

The new proportional representation system is different because people will not directly vote for individuals to fill the reserved seats. Instead, political parties will submit party lists with the names of women, youths, and persons with disabilities. After the election, the Electoral Commission will share the reserved seats among political parties according to the number of votes each political party's presidential candidate received in the presidential election. This means that political parties that receive more votes during the election will receive a larger share of the reserved seats. The change is intended to increase the participation and representation of women, youths, and persons with disabilities in Parliament and councils.

PART IVA PROPORTIONAL REPRESENTATION ELECTORAL SYSTEM

11. SECTION 36A – Eligibility for participation in proportional representation electoral system

Legal Text

A political party that intends to contest for a seat under the proportional representation electoral system specified under Article 47(2)(b) and (3)(c) of the Constitution and in accordance with this Part shall have a candidate contesting for election as President.

Simplified Legal Text

The law now provides that a political party that wants to contest seats under the proportional representation system must also have a candidate standing for election as President.

What Does This Mean?

This is a new provision introduced by the amendment. It requires a political party that wants to contest for seats under the proportional representation electoral system to also have a candidate standing in the presidential election. This means that only political parties taking part in the presidential election will qualify to receive seats under the proportional representation system.

12. SECTION 36B – Formula and distribution of seats under proportional representation electoral system

Legal Text

(1) The formula to be used by the Commission in the distribution of seats under the proportional representation electoral system is specified in the Second Schedule.

(2) The Commission shall, within seven days of the swearing in of the President-elect, distribute the seats under the proportional representation electoral system in the National Assembly and council, in proportion to the total number of valid votes received by a presidential candidate in the initial ballot.

(3) The Commission shall, where a political party refuses to take up a seat that has been distributed to that political party, re-distribute the vacant seat to a political party that qualified for a seat in line with the formula for distribution of seats referred to under subsection (1).

(4) The votes obtained by a presidential candidate of a political party that refuses to take up a seat under subsection (3), shall not be considered in the distribution of seats in accordance with this section.

Simplified Legal Text

This provision provides that the Electoral Commission must use the formula provided in the Second Schedule of the law to share proportional representation seats in the National Assembly and councils among political parties according to the total number of valid votes received by each party's presidential candidate in the first round of voting.

The Commission must complete this process within seven days after the President-elect is sworn into office. If a political party refuses to accept a seat that has been allocated to it, the Electoral Commission must give that seat to another political party that qualified for a seat using the same formula, in the event that a political party refuses the seat, the votes received by the presidential candidate of that party will no longer be counted when re-sharing the remaining seats.

What Does This Mean?

This is also a new provision which means that after an election, the Electoral Commission must quickly (within seven days after the President is sworn in) share out proportional representation seats in Parliament and councils using a set formula based on how many valid votes each political party's presidential candidate received in the first round of voting. Parties with more votes get more proportional representation seats.

If a party is given a seat but refuses to take it, that seat is then given to another party that qualifies under the same rules, and once a party refuses a seat, the votes received by the presidential candidate of that party are no longer used again when reallocating the remaining seats. In simple terms, it ensures seats are shared based on votes, filled quickly, and not wasted if a party refuses to take them.

13. SECTION 36C – Submission of party list

Legal Text

(1) A political party shall, within seven days after the distribution of the seats in accordance with section 36B, submit a party list to the Commission in a prescribed manner and form on payment of a prescribed fee.

(2) A party list submitted under subsection (1) shall be signed by the president or secretary-general of a political party.

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

(a) the National Assembly, to the Returning Officer; and (b) a council, to a district electoral officer.

(4) A political party shall not include, on a party list, a candidate who contested a seat under the first-past-the-post electoral system.

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

(6) The Commission shall, where a candidate on a party list submitted to the Commission dies, resigns from the political party that sponsored the candidate or is expelled from the political party before the publication of the names of Members of Parliament and councillors under the proportional representation electoral system, request the political party to submit an additional party list within a period determined by the Commission.

(7) The Commission shall publish the party list in accordance with section 36G as follows:

(a) in the case of a Member of Parliament, where a candidate on a party list submitted under subsection (1) meets the requirements specified under Article 70 of the Constitution; and

(b) in the case of a councillor, where a candidate on a party list submitted under subsection (1) meets the requirements specified under Article 153(4) of the Constitution.

(8) The Commission shall notify the political party to take remedial measures to rectify the party list within a period that the Commission may determine where —

(a) in the case of a Member of Parliament, a candidate on a party list submitted under subsection (1) does not meet the requirements specified under Article 70 of the Constitution; and

(b) in the case of a councillor, where a candidate on a party list submitted under subsection (1) does not meet the requirements specified under Article 153(4) of the Constitution.

(9) The Commission shall, where a political party does not submit a party list within a period specified under this section, re-distribute the vacant seat to a political party that qualified for a seat in line with the formula for distribution of seats under section 36B.

(10) The votes obtained by a presidential candidate of a political party that does not submit a party list under subsection (9), shall not be considered in the distribution of seats.

Simplified Legal Text

The provision is new and provides that a political party must submit its party list to the Electoral Commission within seven days after seats are distributed. The list must be in the required form, and the party must pay the required fee.

The party list must be signed by the party president or secretary-general. This shows that the list is official and approved by the party leadership.

For parliamentary seats, the party list must be given to the Returning Officer. For council seats, it must be given to the District Electoral Officer.

A political party cannot include on its party list a person who has already taken part in an election under the first-past-the-post system. This means the same person cannot take part in both electoral systems at the same time.

Each candidate on the party list must also sign a consent form. This means the candidate must agree to be on the list.

If a candidate on the list dies, resigns from the party, or is expelled before the names are published, the Commission can ask the party to submit another list within a time it sets.

The Commission will publish the party list only if the candidates meet the legal requirements for Parliament or council positions.

If a candidate does not meet those requirements, the Commission will tell the party to correct the list within a set time, and if it fails to submit a party list on time, the vacant seat will be given to another party that qualified under the seat distribution formula. Further, if a party fails to submit a party list, the votes its presidential candidate got will not be counted when distributing seats.

What Does This Mean?

Previously, political parties were not required to submit party lists because seats under the proportional representation system did not exist. This new provision introduces party lists to support the proportional representation electoral system. A **party list** means a list prepared by a political party for use in the proportional representation electoral system and submitted to the Returning Officer or district electoral officer

The new provision sets out the process political parties must follow when submitting party lists for seats reserved under the proportional representation system. It explains who must sign the party list, where it must be submitted, the time within which it must be filed, and the requirements candidates on the list must meet. It also explains what happens if a candidate dies, leaves the political party, or if the party fails to submit the list on time.

This means that the law now provides a clear system for how proportional representation seats will be managed, allocated, and filled, while also helping to ensure accountability, and compliance with the legal requirements.

14. SECTION 36D – Requirements of party list for seat in National Assembly

Legal Text

(1) A political party that submits a party list in accordance with section 36C for a seat in the National Assembly shall submit a party list for each category as follows:

(a) the number of women seats obtained by a political party;

(b) the number of youth seats obtained by a political party; and

(c) the number of persons with disabilities seats obtained by a political party.

(2) A party list submitted under subsection (1)(b) shall contain candidates that are youths for the entire duration of the term of Parliament.

(3) A party list submitted under subsection (1)(c) shall —

(a) contain alternates of the classes of disabilities; and

(b) have candidates in possession of a certificate of registration issued in accordance with the Persons with Disabilities Act.

Simplified Legal Text

The new law says that when a political party gets special seats in Parliament through the proportional representation system, it must submit a party list for each category, for women, youths, and persons with disabilities. The youth list must include candidates who are youths for the whole term of Parliament. The disability list must include candidates from different disability groups, and the candidates on that list must have registration certificates under the Persons with Disabilities Act. These lists are then submitted to the Electoral Commission, which uses them to decide who will fill those special seats in Parliament.

What Does This Mean?

Previously, the law did not contain this provision. The new law means that political parties cannot choose people for the special parliamentary seats without

following specific rules. Instead, they must prepare a party list for each category, for women, youths, and persons with disabilities.. The Electoral Commission will then use these lists to determine who fills those seats.

The law also requires youths on the youth list to remain within the required age range throughout the parliamentary term. In addition, persons with disabilities on the disability list must be officially registered and must represent different types of disabilities.

This is intended to ensure that groups that are often underrepresented in leadership, such as women, youths, and persons with disabilities, are represented in Parliament.

This means that the process for filling reserved seats is now more organised and structured, with clear rules aimed at promoting equal representation and inclusion.

15. SECTION 36E – *Number of councillors under proportional representation electoral system*

Legal Text

(1) The number of councillors under the proportional representation electoral system in a council shall be calculated based on the eighteen percent of the proportional representation seats against constituency based seats in the National Assembly.

(2) The number of seats under the proportional representation electoral system in a council shall be distributed among women, youth and persons with disabilities using the ratio four to three to one, respectively, except that each category of women, youth and persons with disabilities shall have at least one seat.

(3) Despite subsections (1) and (2), a council shall, where the proportional representation seats in a council is less than three in accordance with the calculation referred to under subsection (1), consist of three proportional representation seats comprising of one seat for women, youth and persons with disabilities, respectively.

(4) The Commission shall publish the number of proportional representation seats in each council in accordance with this section, as prescribed

Simplified Legal Text

The law explains how special councillor seats in a council are shared among different groups. The number of proportional representation councillors is first calculated using a formula based on 18% of the constituency-based seats in the National Assembly. Once the total number of these seats is determined, they are then divided among three groups, namely women, youths, and persons with

disabilities, in the ratio of 4 women, 3 youths, and 1 person with a disability, while ensuring that each group gets at least one seat even if the numbers are small. In situations where the total proportional representation seats in a council are less than three, the law still requires that there must be at least three seats, with one seat allocated to each group. The Electoral Commission is responsible for announcing and publishing the number of proportional representation seats allocated to each council in accordance with the law.

What Does This Mean?

It means that the new law strengthens inclusion in local council representation by ensuring that women, youths, and persons with disabilities are all represented, even where the available seats are few, so that no group is left out. The law enhances inclusive governance by guaranteeing that these groups have a voice in decision-making processes, thereby improving participation, fairness, and representation at the local level.

16. SECTION 36F – Requirements of party list for seat in council

Legal Text

(1) Subject to section 36E, a political party that submits a party list in accordance with section 36C for a seat in a council shall submit a party list for each category as follows:

- (a) the number of women seats obtained by a political party;*
- (b) the number of youth seats obtained by a political party; and*
- (c) the number of persons with disabilities seats obtained by a political party.*

(2) A party list submitted under subsection (1), in relation to youths, shall have candidates that are youths for the entire duration of the term of a council.

(3) A party list submitted under subsection (1) in relation to persons with disabilities shall—

- (a) contain alternates of the classes of disabilities; and*
- (b) have candidates in possession of a certificate of registration issued in accordance with the Persons with Disabilities Act.*

Simplified Legal Text

This provision means that when a political party is putting forward names for seats in a council, it must not submit just one general list. Instead, it must prepare separate party lists for each special category of seats it has won, namely women's seats, youth seats and seats for persons with disabilities. The words "subject to section 36E" mean that this rule must be read together with section 36E, and if that section gives a special rule or limitation, that other rule will also

apply. In simple terms, the party must match its list to the number of reserved seats it has obtained in each category.

For the youth category, the law requires more than just putting a young person on the list at the time of nomination. It says that the candidates on the youth party list must remain youths for the whole period of the council's term. This means that the person chosen must continue to fall within the legal definition of a youth until the end of that council term. The purpose is to make sure that the seat continues to be held by someone who truly belongs to the youth category, not someone who only qualified at the beginning but no longer does later on.

For persons with disabilities, the law is also strict. The party list must include alternates from different types of disabilities, which means the list should not be made up of only one kind of disability. It should reflect the variety of disabilities so that representation is broader and fairer. In addition, the candidates must have a certificate of registration issued under the Persons with Disabilities Act. In simple terms, this means a person cannot just claim to have a disability and be placed on the list; there must be official proof that the person is properly registered under the law. The overall aim of this provision is to promote fair representation, proper verification, and genuine inclusion of women, youths and persons with disabilities in council membership.

What does it mean?

The provision promotes inclusive representation in councils by ensuring that women, youths and persons with disabilities are given reserved seats in local government. Political parties are therefore required to involve these groups in leadership and decision-making processes, which helps improve equality and participation of groups that are often underrepresented. Political parties must follow stricter procedures when preparing party lists. They must submit separate lists for each category and ensure that youth candidates remain youths throughout the council term, while candidates with disabilities must have valid registration certificates. This increases accountability, reduces abuse of the system, and ensures that reserved seats are occupied by genuinely qualified individuals.

The provision also encourages balanced representation, especially among persons with disabilities, by requiring inclusion of different types of disabilities. However, it may create administrative and practical challenges for political parties, particularly smaller parties, because they must carefully identify, verify and maintain eligible candidates for all the reserved categories.

17. SECTION 36G – *Publication of party list*

Legal Text

The Commission shall, within seven days of the receipt of a party list in accordance with section 36C, process and publish the names of Members of Parliament and councillors that obtained a seat under the proportional representation electoral system in the Gazette, and a newspaper of general circulation in the Republic or any electronic media that the Commission may determine.

Simplified Legal Text

The Commission must act within seven days after receiving a party list under section 36C. It is required to process the list and then publish the names of the Members of Parliament and councillors who have been allocated seats through the proportional representation system. The names must be made public in the Government Gazette, in a newspaper that is widely read across the country, or through any electronic media that the Commission chooses.

What Does This Mean?

This means that the Electoral Commission is required to act within a strict seven-day period after receiving a party list. This provision strengthens transparency, accountability, and efficiency in the electoral process by ensuring the timely processing and announcement of allocated proportional representation seats. It further requires the publication of the names of elected Members of Parliament and councillors in the Government Gazette, widely circulated newspapers, or any electronic media chosen by the Commission, thereby ensuring that the results are officially communicated, easily accessible to the public.

17. SECTION 36H – Vacancy in office of Member of Parliament under proportional representation electoral system

Legal Text

(1) Article 72(1) and (2)(a), (b), (c), (d), (e), (f), (h) and (i) of the Constitution shall apply in relation to a vacancy of a Member of Parliament under the proportional representation electoral system.

(2) In addition to the grounds specified under subsection (1), a political party that sponsored a Member of Parliament holding a seat under the proportional representation electoral system may recall the Member of Parliament at any time during the term of Parliament.

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

(a) be eligible to contest an election or qualify to be on a list under the proportional representation electoral system; or

(b) hold public office.

(4) The Speaker shall, where a vacancy occurs in the National Assembly for a seat under the proportional representation electoral system, inform the Commission of the vacancy, in writing, within seven days of the occurrence of the vacancy.

(5) The Commission shall, within ninety days of the vacancy in accordance with subsection (1) or (3), fill the vacancy with the next available candidate on a party list of a political party that holds the seat.

(6) The Commission shall, where a party list of a political party has no remaining candidate during the term of Parliament, request the political party to submit an additional party list within thirty days of the request.

(7) Sections 36C and 36D shall apply to an additional party list referred to under subsection (6).

(8) The Commission shall, where a political party fails to submit an additional party list within the period specified under subsection (6), re-allocate the vacant seat to a political party that qualified for a seat in accordance with the formula for distribution under section 36B.

(9) The votes obtained by a presidential candidate of a political party that fails to submit an additional party list under subsection (8) shall not be considered in the distribution of seats.

(10) A Member of Parliament holding a seat for a political party under the proportional representation electoral system shall, where a political party is dissolved, cease to be a Member of Parliament and the seat shall be re-allocated to a political party that qualifies for a seat in line with the formula for distribution of seats under section 36B.

(11) A vacancy occurring in accordance with this section within one hundred and eighty days preceding a general election shall not be filled.

Simplified Legal Text

This provision is about what happens when a seat in parliament held under the proportional representation system becomes vacant, and how that seat is replaced. In simple terms, it provides that Proportional Representation Members of Parliament are still subject to the constitution when it comes to losing a seat, but there are also special rules for party lists, party discipline, replacement, and late vacancies.

First, subsection (1) means that the usual constitutional reasons for an MP's seat becoming vacant also apply to an MP elected under proportional

representation. Those reasons include resignation, disqualification, misconduct, leaving or being expelled from the sponsoring party, losing citizenship, disqualification by the Constitutional Court, and death. The effect is that a Proportional Representation Member of Parliament is not treated as permanently secure just because they entered Parliament through a party list.

Second, subsection (2) adds an extra rule that is specific to proportional representation: the political party that sponsored the MP may recall that MP at any time during the life of Parliament. In plain language, the party can remove its own Proportional Representation Members of Parliament from Parliament even if none of the normal constitutional grounds has occurred. This gives the party much tighter control over PR seats than it has over ordinary constituency seats.

Third, subsection (3) says that if a person causes a vacancy for the listed reasons, that person is punished during that Parliament by being barred from contesting an election or being placed on a proportional representation list, and also barred from holding public office. So the law is trying to discourage people from resigning, defecting, acting contrary to the rules, or otherwise triggering a vacancy and then returning immediately to politics.

Fourth, subsection (4) requires the Speaker to notify the Electoral Commission in writing within seven days after a PR seat becomes vacant. This is simply the reporting step that starts the replacement process.

Fifth, subsection (5) says the Commission must fill the vacancy within ninety days by using the next available candidate on the same political party's list. In simple terms, the person next in line on the party list moves up to take the seat. This is the core replacement rule for PR seats.

Sixth, subsection (6) deals with the situation where the party list has run out of eligible names. If there is nobody left on the list, the Commission must ask the party to submit an additional list within thirty days. Subsection (7) says the same rules on qualifications and list requirements apply to that extra list as well.

Seventh, subsection (8) says that if the party does not submit the extra list on time, the seat does not remain empty forever. Instead, the Commission re-allocates the vacant seat to another political party that qualified under the seat-distribution formula. Subsection (9) adds that the votes of the non-compliant party's presidential candidate will not be counted in that redistribution. The likely purpose is to stop a party from benefiting from the system while refusing to follow the list rules.

Eighth, subsection (10) says that if the political party is dissolved, the Proportional Representation Member of Parliament automatically stops being a Member of Parliament, and the seat is reallocated to another party that qualifies under the formula. This means the seat belongs to the party structure, not to the individual MP personally.

Finally, subsection (11) says that if a vacancy happens within one hundred and eighty days before a general election, it will not be filled. The practical effect is to avoid appointing a replacement for a very short remaining period before Parliament ends.

What Does This Mean?

It means that proportional representation MPs are strongly tied to their political parties. They can lose their seats more easily than ordinary constituency MPs, and the party has the power to recall them, replace them, or lose the seat altogether if it fails to follow the list rules. This strengthens party discipline and keeps the Proportional Representation system focused on party performance and party lists rather than on individual candidates. At the same time, it reduces the independence of Proportional Representation MPs because their continued stay in Parliament depends heavily on the party.

Secondly, Parliament is protected from long vacancies and unnecessary by-elections in Proportional Representation seats, because the vacancy is usually filled from the party list instead of holding a fresh election. That makes the system faster and more efficient, although it also means voters are represented through party lists rather than by directly choosing a replacement. The no-filling rule near the end of Parliament also suggests an intention to save time and resources when a seat becomes vacant very late in the parliamentary term.

This means that seats given to political parties under the proportional representation system belong to the political party and not entirely to the individual Member of Parliament.

If a Member of Parliament leaves office, dies, resigns, is disqualified, or is removed by the political party, the seat does not remain empty for long. The Electoral Commission must replace that person with the next person on the party's list so that the political party keeps the seat it won during the election.

The law also encourages political parties to always have enough replacement candidates ready. If a party fails to provide more names when needed, it can lose the seat to another qualifying political party.

In addition, Members of Parliament who lose their seats because of serious constitutional breaches cannot immediately return to Parliament or hold public office during that parliamentary term.

The provision also says that if a political party is dissolved, its proportional representation seats are taken away and shared among other qualifying parties. However, if the vacancy happens close to a general election, the seat will simply remain vacant until the country votes again.

18. SECTION 36I – Vacancy for councillors in proportional representation electoral system

Legal Text

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

(2) In addition to the grounds specified under subsection (1), a political party that sponsored a councillor holding a seat under the proportional representation electoral system may recall the councillor at any time during the term of a council.

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

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

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

(4) The Commission shall, where a party list of a political party has no remaining candidates during the term of a council, request the political party to submit an additional party list within thirty days of the request.

(5) Sections 36C and 36F shall apply to an additional party list referred to under subsection (4).

(6) The Commission shall, where a political party fails to submit an additional party list within the period specified under subsection (4), re-allocate the vacant seat to a political party that qualified for a seat in accordance with the formula for distribution under section 36B.

7) The votes obtained by a presidential candidate of a political party that fails to submit an additional party list under subsection (6) shall not be considered in the distribution of seats.

(8) A councillor holding a seat for a political party under the proportional representation electoral system shall, where a political party is dissolved, cease to be a councillor and the seat shall be re-allocated to a political party that qualifies for a seat in line with the formula for distribution of seats under section 36B.

(9) A vacancy occurring in accordance with this section within one hundred and eighty days preceding a general election shall not be filled.

Simplified Legal Text

The provision explains what happens when a councillor who was elected through the proportional representation system leaves office or loses the seat.

A councillor elected through a political party list can lose the seat for reasons already provided for in the Constitution, such as resignation, disqualification, or other legal grounds. In addition, the political party that sponsored the councillor has the power to recall or remove the councillor at any time during the council's term.

When a councillor's seat becomes vacant, the Town Clerk or Council Secretary must inform the Electoral Commission in writing within seven days. After receiving the information, the Electoral Commission must fill the vacant seat within ninety days by selecting the next available person from the same political party's list. This ensures that the political party keeps the seat it originally won.

If the political party has no more names left on its list, the Electoral Commission will ask the party to submit another list within thirty days. The new list must follow the same rules that applied to the original party list.

However, if the political party fails to submit another list within the required period, the vacant seat will be given to another political party that qualifies under the formula used for sharing proportional representation seats. In that situation, the votes received by the presidential candidate of the political party that failed to submit the list will not be considered when redistributing seats.

The provision also states that if a political party is dissolved, any councillor holding a proportional representation seat under that party automatically loses the seat, and the seat is redistributed to another qualifying political party.

If the vacancy happens within one hundred and eighty days before a general election, the seat will not be filled because the country will already be preparing for new elections.

What Does This Mean?

This new provision means that when a councillor elected through proportional representation leaves office or loses their seat, the Electoral Commission must be informed within seven days, and the seat must be filled within ninety days using the same political party's list so that the seat stays with that party.

This helps keep councils working without delays, makes sure political parties take responsibility for keeping their candidate lists up to date, and ensures that seats stay with the party that originally won the votes, preventing unfair loss or misuse of those seats.

PART VI – RETURNING OFFICERS AND PRESIDING OFFICERS

19. REPEAL AND REPLACEMENT OF SECTION 37 - *Appointment of returning officer*

Legal Text

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

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

Simplified Legal Text

Previously the law provided that after announcing an election date, the Electoral Commission would appoint a presiding officer for each polling station.

The amendment removes that system and instead requires the Electoral Commission to appoint a returning officer for every constituency, district, or ward through a notice published in the Government Gazette. Their duties include supervising electoral activities, managing nominations, overseeing polling officials, collecting and collating results, and handling election administration in that area.

In simple terms, the law is changing from focusing mainly on polling station management to focusing on wider election management at constituency, district, and ward level. The new law also allows the Electoral Commission to appoint these officers without waiting for an election date to be announced, which can improve preparation and coordination for elections.

Another important change is that the appointments must now be published in the Gazette. This makes the process more official and transparent because the public and political parties can know who has been appointed to manage elections in each area.

What Does This Mean?

The provision is likely to improve the organisation and coordination of elections because returning officers have broader responsibilities than presiding officers. It may also increase transparency and accountability since appointments are officially published in the Gazette.

The amendment further gives the Electoral Commission more time to prepare for elections by allowing appointments before election dates are announced. However, because returning officers will have significant authority over elections in their areas, there may also be concerns about fairness or abuse of power if proper oversight is not maintained.

20. INSERTIONS OF SECTION 37A AND 37B

Legal Text

Powers and duties of returning officer

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

(2) Despite the generality of subsection (1) a returning officer shall —

(a) conduct the nomination process at constituency, district or ward level;

(b) collate results in a constituency, district or ward;

(c) declare National Assembly and local government election results;

(d) announce presidential results in a constituency; and

(e) perform any other election related duties as determined by the Commission and under this Act.

Simplified Legal Text

A returning officer is the official responsible for managing elections in a constituency, district, or ward. Their role includes supervising and managing all election activities in their area, handling the nomination of candidates who are officially approved to contest elections, and collecting as well as compiling election results from polling stations. They are also responsible for announcing the winners of National Assembly and local government elections in their area, and announcing presidential results at the constituency level. In addition, they perform any other election duties assigned by the Electoral Commission. In summary, the returning officer ensures that elections in their area are properly conducted and that the results are correctly processed and announced.

What does this mean

This means that law now provides for the appointment of a returning officer who is responsible for managing elections at the constituency, district, and ward levels. It also means that the processes of nominating candidates, counting votes, and announcing election results are supervised and coordinated by one responsible official in each area.

The provision helps to ensure that elections are conducted in an orderly, efficient, and official manner, thereby reducing confusion, delays, and the risk of unfair handling of election results. It also ensures that election results are properly collected, verified, and publicly announced in a clear and transparent way.

Furthermore, the law strengthens accountability, transparency, and public confidence in the electoral process because there is a specific officer responsible

for overseeing and accounting for the conduct of elections in each area. In essence, the provision promotes free, fair, credible, and well-managed elections by assigning clear duties and responsibilities to the returning officer.

Appointment of Presiding Officer

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

Simplified Legal Text

After the Electoral Commission sets the date for an election, it must appoint a presiding officer for every polling station where voting will take place. The presiding officer is the person responsible for supervising and managing voting activities at that polling station on election day.

What Does This Mean?

It means that every polling station will have a specific officer responsible for supervising the voting process, thereby ensuring that elections are properly organised and managed at the grassroots level.

There is clear accountability at each polling station because the presiding officer is responsible for overseeing voting procedures, maintaining order, assisting voters where necessary, and ensuring that votes are cast and counted according to the law. This helps to reduce confusion, irregularities, and possible misconduct during elections.

The provision also promotes transparency, efficiency, and public confidence in the electoral process because voters are assured that a designated official is in charge of ensuring that the election is conducted fairly and smoothly at each polling station.

PART VII – VOTING, COUNTING, AND RESULTS

21. AMENDMENT OF SECTION 60

Legal Text

Section 60 of the principal Act is amended by the deletion of subsection (6) and the substitution therefor of the following:

(6) A voter shall, once the voter has received a ballot paper referred to under subsection (5)

(a) enter an empty voting booth;

(b) mark the ballot paper in a way that indicates the candidate the voter intends to vote for;

- (c) fold the ballot paper to conceal the voter's vote;*
- (d) cast the ballot paper in the ballot box; and*
- (e) without delay, leave the voting station*

Simplified Legal Text

Both the previous provision and the amendment explain what a voter must do after receiving a ballot paper at a polling station. The process in both laws is almost the same, but the new law makes small wording and structural changes to modernise and simplify the voting procedure.

Under the previous provision, after receiving a ballot paper marked by an election officer, a voter was required to enter an empty voting compartment, secretly mark the ballot paper for the candidate they wished to vote for, fold the ballot paper to hide the vote, place it in the ballot box, and immediately leave the voting station.

The amendment keeps the same voting process but changes some words and sentence structure. Instead of saying “voting compartment,” it now uses the words “voting booth.” Both terms mean the private place where a person votes secretly. The amendment also removes the phrase “marked under subsection (5)(c)” and instead simply refers to “a ballot paper referred to under subsection (5).” This broadens and simplifies the wording so that it applies generally to the ballot paper issued to the voter.

Another change is the wording about choosing a candidate. The previous provision stated that the voter should mark the ballot paper to show the candidate the voter “wishes to vote for,” while the amendment states that the voter should indicate the candidate the voter “intends to vote for.” Although the meaning is practically the same, the new wording is more direct and modern.

The final change is mainly technical. Previously, the last paragraph was labelled “(f)” even though there was no paragraph “(e),” which was likely a drafting mistake. The amendment corrects this by properly labelling the last paragraph as “(e).”

What Does This Mean?

The amendment makes the voting procedure clearer and easier to understand by using simpler language and correcting drafting errors. It improves legal clarity and reduces confusion or disputes about voting procedures. The law also strengthens important democratic principles such as secrecy of the vote, orderly voting, and smooth management of polling stations by requiring voters to leave

immediately after voting. Overall, the changes improve the wording and structure of the law without changing the actual voting process or voters' rights.

22. AMENDMENT OF SECTION 68

Legal Text

Section 68 of the principal Act is amended by the deletion of—

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

Counting of votes and announcement of results; and

(b) subsection (3) and the substitution therefor of the following:

(3) A presiding officer shall mark “rejected” for a rejection on the back of each rejected ballot paper and file the rejected ballot paper separately.

Simplified Legal Text

The provision changes section 68 by updating the side note of the section and explaining how rejected ballot papers should be handled during vote counting.

The provision also states that when a ballot paper is rejected during counting, the presiding officer must write the word “rejected” on the back of that ballot paper and keep it separate from the valid ballot papers. This helps to clearly identify rejected votes and ensures that the counting process is organised, transparent and easy to verify.

The amendment changes the title (side note) of the section from “Counting of votes and announcement of provisional results” to “Counting of votes and announcement of results,” removing the word “provisional,” which makes it clearer that the section deals with both counting votes and declaring election results. This change also replaces the rejection marking requirement so that instead of marking “A” for rejection, the presiding officer must simply mark “rejected” on the back of each rejected ballot paper and file it separately.

Previously, section 68 required the presiding officer, after polling, to open ballot boxes, sort ballot papers according to each election held at the polling station, compare the ballot papers with those issued, count the votes for each election, and announce and publish the results in figures and words at the polling station.

It also provided that ballot papers would be rejected if the ballot paper indicated the name of the voter, votes cast for more than one candidate, were unmarked, were marked in a way that made the voter's choice unclear, did not bear the official mark, or were not official ballot papers.

What Does This Mean?

This means the vote counting process at polling stations stays the same, where ballot papers are sorted, counted, and results are announced and invalid ballots are rejected if they are unclear, unmarked or show more than one choice.

Further, the law has been changed in two ways, the word “provisional” has been removed from the title (side note) , which makes the results sound final when announced at polling stations. The rejection mark has been changed from “A” for rejection” to simply “rejected,” making it easier and clearer to use. This provision helps to make the process simpler, clearer and official, reducing confusion when recording results and rejected ballots.

23. AMENDMENT OF SECTION 70

Legal Text

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

Objections concerning counting of votes and announcement of results.

Simplified Legal Text

The new provision has changed by the removal and replacement of the side note of section 70 from "objections concerning counting of votes and announcement of provisional result", to “Objections concerning the counting of votes and announcement of results”.

What Does This Mean?

This means that it explains the scope of the provision. Previously, the marginal note referred to, suggested that objections could only relate to the counting process and the announcement of provisional results. The amended side note now removes the limitation implied by the word “provisional” and makes the provision applicable to the announcement of results generally. This indicates an intention by the law to ensure that objections may extend beyond temporal results and apply to the formal or final announcement of election results as well.

24. AMENDMENT OF SECTION 71

Legal Text

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

Procedure concerning results and voting materials

Simplified Legal Text

The provision is changed by deleting the old side note which stated that “Procedure concerning provisional results and voting materials.”, and is replaced by “ Procedure concerning results and voting materials”.

What Does This Mean?

This means that renaming the side note makes its purpose easier to understand by removing the word "provisional." The previous provision of the side note only dealt with temporary polling station results. The amendment extends the scope so that the legal procedures now apply to all election results generally, without differentiating between provisional and final numbers. Further, the rules for handling and moving voting materials now cover the entire results process rather than just the preliminary stage.

25. AMENDMENT OF SECTION 72

Legal Text

Section 72 of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following:

(1) A returning officer shall, on receipt of the items specified under section 71, tally the results received from a polling station in a constituency, district and ward and shall—

(a) announce the results of the votes for the presidential, Member of Parliament, mayoral, council chairperson or councillor elections; and

(b) declare the results of the votes for the Member of Parliament, mayoral, council chairperson or councillor election.

Simplified Legal Text

This provision changes by the deletion of section 72(1) and provides for the duties of a returning officer after receiving election materials under section 71. In simple terms, once the returning officer gets the election results from a polling station, must count and compare the results from the polling station for the constituency, district or ward, and then deal with the results in the way the law requires. The main purpose is to make the process of handling election results clearer and to bring the wording of the law in line with the elections as provided by law.

Compared to the previous section 72(1), the amended provision is broader and more detailed. The previous provision only addressed the announcement of presidential and mayoral or council chairperson election results and referred to the declaration of results for National Assembly and Ward elections. The amendment now includes presidential, Member of Parliament, mayoral, council chairperson and councillor elections in the announcement stage. It also specifically says that results for Member of Parliament, mayoral, council chairperson or councillor elections must be declared.

What Does This Mean?

The changed provision improves clarity and legal certainty in the election process. Returning officers now have a more specific guide on which results must be announced and which must be declared, which can reduce confusion and inconsistency at constituency, district and ward level. It also helps ensure that all relevant local and national election results are handled under the same clear procedure, which may reduce disputes and make the counting and declaration process more transparent.

PART VIII – VOTER EDUCATION AND NOMINATION PETITIONS

26. REPEAL AND REPLACEMENT OF SECTION 80

Legal Text

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

80. Despite section 79, the Commission shall provide voter education.

Simplified Legal Text

The amendment broadens the responsibility of the Electoral Commission by requiring it to provide voter education generally, rather than only during an election period. Previously the law limited voter education to a specific election, the amendment now allows the Commission to educate the public continuously on matters such as voting procedures, voter rights, registration, and democratic participation. This amendment changes voter education from a temporary election activity into an ongoing duty of the Commission.

What Does This Mean?

The new law improves public understanding of electoral processes by allowing continuous voter education throughout. This can increase voter awareness, participation and understanding of voting procedures, while also reducing misinformation and confusion during elections. Further, the Electoral

Commission will have broader responsibilities and may require more resources, planning and public outreach programmes to provide ongoing voter education. However, the continuous approach may strengthen democracy by creating a more informed and active electorate.

27. Insertion of Part VIIIA- NOMINATION PETITIONS

Legal Text

The principal Act is amended by the insertion of the following new Part immediately after Part VIII

Simplified Legal Text

A new part VIIIA, has been added which introduces the nomination petition which is a formal complaint made to a court or other legal authority challenging the nomination of a candidate in an election. a

What Does This Mean?

It means that, the new Part VIIIA improves the fairness and credibility of elections by allowing the nomination of a candidate to be challenged through a formal court process. It helps to ensure that only eligible candidates contest elections, provides a lawful way to resolve nomination disputes, and may reduce conflicts and legal challenges after elections have been held.

Legal Text

95A. A person, who challenges, before a court or tribunal, the nomination of a candidate in accordance with Article 52(4) of the Constitution, shall file a nomination petition in a prescribed manner and form.

Simplified Legal Text

If a person wants to challenge the nomination of a candidate in court or before a tribunal, they must submit a nomination petition using the official form and procedure required by the law.

What Does This Mean?

It means that the new law that has been added helps to make the handling of election disputes organised, fair, and consistent because complaints cannot just be made informally. People must use the correct forms and procedures set by the law. This also helps courts and tribunals deal with nomination disputes properly and efficiently, while preventing confusion, false claims, or abuse of the legal process.

Rules relating to nomination petition

Legal text

95B. (1) The Chief Justice may, by statutory instrument, make Rules relating to the—

(a) practice and procedure before a court or tribunal with respect to the filing and trial of a nomination petition;

(b) time within which any requirement of the rules is to be complied with;

(c) costs of, and incidental to, the filing and trial of a nomination petition;

(d) fees payable in respect of proceedings before a court or tribunal; and

(e) any other matter relating to a nomination petition that the Chief Justice considers necessary.

(2) A person who files a nomination petition before a court or tribunal has the right to appear and be represented before that court or tribunal.

Simplified Legal Text

The provision gives the Chief Justice power to make rules on how nomination petitions are filed and handled in court, including procedures, timelines, fees, and costs. It also gives a person who files a nomination petition the right to appear in court and be represented by a lawyer or another representative.

What Does This Mean?

The provision authorises the Chief Justice to make rules, through a statutory instrument, governing the practice and procedure for filing and hearing nomination petitions before a court or tribunal. The rules may cover timelines for compliance, legal costs, court fees, and any other matters considered necessary for the effective management of nomination petitions and creates a structured legal framework for handling electoral nomination disputes. The provision also guarantees that any person who files a nomination petition has the right to appear in person or be represented before the court or tribunal; this promotes consistency, efficiency, fairness, and access to justice in electoral dispute resolution.

Amendment of section 110

Legal Text

Section 110 of the principal Act is amended—

(a) in subsection (1), by the insertion of the word “First” immediately before the word “Schedule”; and

(b) in subsection (2), by the deletion of the word “disqualify” and the substitution therefor of the word “suspend”.

Simplified Legal Text

Section 110 has been updated to make things clearer and change what the Commission can do. It now clearly states that the Code of Conduct is in the First Schedule of the Act. It also changes the penalty for breaking the Code from disqualification to suspension, meaning a party or candidate can be temporarily stopped instead of being permanently removed, while still ensuring they follow the rules.

What Does This Mean?

The amendment makes two targeted changes to section 110 of the principal Act. First, it clarifies that the reference in subsection (1) is to the First Schedule, not the Schedule generally. This improves drafting and avoids confusion where the Act may contain more than one schedule. Second, in subsection (2), the word “disqualify” is replaced with “suspend”, which changes the legal effect of the provision. Instead of permanently or fully preventing a person from holding office or enjoying a right, the new wording suggests a temporary interruption that may later be lifted.

Amendment of section 125

Legal Text

Section 125(2) of the principal Act is amended by the deletion of paragraph (w) and the substitution therefor of the following:

(w) the delimitation of constituencies, wards and polling districts.

Simplified Legal Text

The new provision simplifies section 125(2)(w) by narrowing the Commission’s power on delimitation. Under the previous provision, the Commission could make regulations for the delimitation of provinces, constituencies, wards and polling districts. The wording in the amendment removes provinces from that list, so the Commission’s power now applies only to the delimitation of constituencies, wards and polling districts.

What Does This Mean?

This means that the amendment makes it clear and restricts the Commission’s mandate so that its delimitation (mapping out voting areas or setting the boundaries of constituencies) role is focused only on electoral boundaries directly used for voting and representation, rather than provinces as a whole.

General Amendment

Legal Text

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

Simplified Legal Text

This provision changes certain words used throughout the law. Wherever the law previously used the words “compartment” or “compartments,” those words are now replaced with “booth” or “booths.”

What Does This Mean?

This means that the provision modernises and simplifies the language used in the law. Replacing the word “compartment” with “booth” makes the wording easier for voters, election officers and the general public to understand, because “voting booth” is a more common and familiar term in electoral processes.

Amendment of the Schedule

Legal Text

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

FIRST SCHEDULE

(Section 110)

Simplified Legal Text

The amendment only changes the heading by inserting the word “First” before the word “Schedule.” This change does not alter the actual content of the Schedule, but simply clarifies that the provision specifically refers to the First Schedule.

What Does This Mean?

The amendment improves legal clarity within the Act by changing the heading from “Schedule” to “First Schedule,” so that the law clearly identifies the specific Schedule being referred to. This change becomes necessary because the principal Act originally contained only one Schedule, but the new law introduces a Second Schedule, making it important to distinguish between the two Schedules to avoid confusion or misinterpretation.

Insertion of Second Schedule

Legal Text

The principal Act is amended by the insertion of a new Second Schedule as set out in the Appendix.

Simplified Legal Text

The Second Schedule explains how reserved seats for women, youths, and persons with disabilities are shared among political parties under the proportional representation system. The Electoral Commission does not give these seats randomly. Instead, it uses a clear mathematical formula based on the number of valid presidential votes won by each political party.

The process starts by adding up all the valid presidential votes cast for parties that are qualified under the law. Rejected votes are left out because they do not count. After that, the total valid votes are divided by the number of reserved seats in each category to find the target, which is the number of votes needed for one seat. For example, women have 20 seats, youths have 15, and persons with disabilities have 5, so each category has its own target. Once the target is known, each party's votes are divided by that ratio to see how many seats it has earned. If a party gets a whole number and still has a leftover fraction, that leftover is not wasted. The remaining seats are then given to the parties with the biggest surplus fractions. If two parties have the same surplus and only one seat is left, the law says the seat should be decided by lot, meaning by a random draw as prescribed by the rules.

The Schedule also makes it clear that a party must first meet the target for a category before it can be considered for seats in that category. If it does not reach the target, it drops out of that round. For council seats, the same formula is used, although the number of seats in each council may differ. The tables in the Schedule simply show the formula in action. They help ordinary readers see how the votes are turned into seats for women, youths, and persons with disabilities. In short, this Schedule is the seat-sharing formula that turns election support into reserved representation in a fair and organised way.

What Does This Mean?

This means that the schedule explains a clear and mathematical way of sharing seats for women, youths, and persons with disabilities among political parties. In simple terms, the Electoral Commission takes all valid presidential votes for eligible parties and uses them to decide how many seats each party deserves. Parties with more votes get more seats, while those with fewer votes get fewer or none.

The seats are first calculated using a target (a set number of votes needed for one seat). If a party has extra "leftover" votes after getting whole seats, those

leftovers are compared with other parties, and the remaining seats are given to the parties with the biggest leftovers. If there is a tie for the last seat, it is decided by a random draw.

The main idea is to ensure that the special seats for women, youths and persons with disabilities are shared fairly based on how many people voted for each political party.