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PRESS STATEMENT

For Immediate Release

16th February 2022

**JOINT CSO STATEMENT REGARDING THE ELECTORAL COMMISSION OF ZAMBIA'S CURRENT
POSITION ON THE ISSUE OF CONTINUOUS VOTER REGISTRATION**

On or about 12th June 2020, the Chief Electoral Officer of the Electoral Commission of Zambia (“ECZ”), Mr. Patrick Nshindano, issued a statement to the effect that the period for voter registration relating to the 2021 general election had been reduced to thirty (30) days. Mr. Nshindano stated that it is the function of the Commission to conduct the voters’ registration process in line with section 4 (2) (d) of the Electoral Commission Act No. 25 of 2016 which mandates the Commission to supervise and conduct the registration of voters. On or about 15th December 2020, the voter registration process was extended for a further four days. However, section 7 of the Electoral Process Act No. 35 of 2016 states:

‘The Commission shall conduct a continuous registration of voters.’

It is our understanding that continuous voter registration means that any potential voter should have the right to register to vote at any time, as opposed to there being a restricted period for voter registration. This means that a voter should be allowed to go to an ECZ office to register as a voter on any working day of the year. It is our position that ECZ only retains the power to set the cut-off point for creating the voters’ roll in an election. This is important as restricting the period in which voters can register to vote could potentially disenfranchise eligible voters and therefore restrict their constitutional right to vote under Articles 45 and 46 of the Constitution which provide as follows:

Article 45

“45. (1) The electoral systems provided for in Article 47 for the election of President, Member of Parliament or councillor shall

ensure—

- (a) that citizens are free to exercise their political rights;*
- (b) universal adult suffrage based on the equality of a vote;*
- (c) fair representation of the various interest groups in society; and*
- (d) gender equity in the National Assembly or council.*

(2) The electoral process and system of administering elections shall ensure—

- (a) that elections are free and fair;*
- (b) that elections are free from violence, intimidation and corruption;*
- (c) independence, accountability, efficiency and transparency of the electoral process;*
- (d) a simple and practical system of voting and tabulating votes; and*

(e) timely resolution of electoral disputes”.

Article 46

*“46. A citizen who has attained the age of eighteen years **is entitled to be registered as a voter** [emphasis ours] and vote in an election by secret ballot.”*

Not only do Articles 45 and 46 provide for unqualified universal adult suffrage, but the Constitution also sets out the conditions under which elections **shall** be conducted. In addition, the Constitution now prescribes how the Electoral Commission shall conduct its operations as follows:

Article 216

“(1) 216. A commission shall—

(a) be subject only to this Constitution and the law;

(c) act with dignity, professionalism, propriety and integrity;”

Article 229(2)

*“(2) The Electoral Commission **shall** [emphasis ours]—*

(c) register voters;

The Constitution now sets a constitutional standard in which a citizen shall not be deprived of the right to universal adult suffrage and the Electoral Commission must abide by the standards provided in the Constitution. These rights are not subject to statutory prescription as was the case before the 2016 amendments to the Constitution. Therefore, we contend that any attempt to restrict these rights and duties is unconstitutional.

We have subsequently written to the Electoral Commission of Zambia to inquire as to whether there has been any policy shift by them as to how continuous voter registration will be conducted ahead of the next general elections in line with Section 7 of the Electoral Process Act. We await their response.



Linda Kasonde

Executive Director, Chapter One Foundation

Signed for and on behalf of the following CSOs:

ActionAid Zambia

Alliance for Community Action

Bloggers of Zambia

Chapter One Foundation

Centre for Trade Policy and Development

Council of Churches in Zambia

GEARS

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Peoples' Action for Accountability and Good Governance in Zambia

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