GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 35 OF 2020

The Electoral Process Act, 2016
(Act No. 35 of 2016)

The Electoral Process (Code of Conduct) (Enforcement) (Amendment) Regulations, 2020

IN EXERCISE of the powers contained in section 125 of the Electoral Process Act, 2016, the following Regulations are made:

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1. These Regulations may be cited as the Electoral Process (Code of Conduct) (Enforcement) (Amendment) Regulations, 2020, and shall be read as one with the Electoral Process (Code of Conduct) (Enforcement) Regulation, 2016, in these Regulations referred to as the principal Regulations.

SI No. 62 of 2016

Insertion of regulation 3A

2. The principal Regulations are amended by the insertion of the following new regulation immediateiy after regulation 3:

Determination of urgent complaint or allegation by Commission

3A. (1) The Commission shall, within twenty-four hours of receipt of a complaint or allegation, determine whether the complaint is of an urgent nature requiring the Commission to hear the complaint or allegation within forty-eight hours of receipt of the complaint or allegation.

(2) The Commission shall, where the Commission determines that an urgent situation exists under subregulation (1)—

(a) issue a notice of hearing within forty-eight hours of the determination of the urgency of the complaint or allegation, to a candidate or political party complained against, the complainant, and to any other person the Commissioner considers necessary for the purposes of the hearing and shall specify the date, time and venue of the hearing; and

(b) attach the written complaint or allegation to the notice issued under paragraph (a).

(3) The Commission shall hear the complaint or allegation within seventy-two hours of receipt of the complaint or allegation.

(4) The Commission shall, where it finds a candidate or political party in breach of the code, disqualify the candidate or political party from participating as a candidate or political party in an election in a district, constituency or ward concerned.

Repeal and replacement of regulation 4

3. The principal Regulations are amended by the repeal of regulation 4 and the substitution therefor of the following:

Referral of complaint or allegation

4. (1) Where the Commission determines under regulation 3A that an urgent situation does not exist for the Commission to hear the complaint or allegation, the Commission shall, within forty-eight hours of receipt of a complaint or allegation of breach of the Code, refer the complaint or allegation to the district conflict management committee in the area in which the breach occurs for determination.

(2) Regulations 5, 6, 7 and 8 apply in hearing the complaint or allegation where no urgent situation exists.

Repeal and replacement of regulation 6

4. The principal Regulations are amended by the repeal of regulation 6 and the substitution therefor of the following:

Review of decision by National Conflict Management Committee

6. (1) The National Conflict Management Committee shall, within forty-eight hours of receipt of the recommendations of the district conflict management committee, review the decision of a district conflict management committee and where it considers necessary, adopt the recommendations made by a district conflict management committee.

(2) The National Conflict Management Committee may, where it considers it necessary, afford the parties to the complaint an opportunity to be heard on the recommendations submitted by a district conflict management committee under subregulation (1).

(3) The National Conflict Management Committee shall, after the review of the decision of a district conflict management committee, make recommendations on the matter to the Commission within forty-eight hours of the review.

Made by the Electoral Commission of Zambia at Lusaka this 20th day of April, 2020.

JUSTICE E. E. CHULU,
Chairperson

E. J. SIKAZWE,
Member

A. D. SIMWINGA,
Member

LUSAKA
20th April, 2020
[EC/101/5/7 CONF]