

## **CHAPTER 14**

### **THE REFERENDUM ACT**

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## **CHAPTER 14**

REFERENDUM

39 of 1967

5 of 1969

An Act to provide for the manner in which a referendum shall be held and for matters connected with or incidental thereto. 13 of 1994

[21st July, 1967]

### **PART I**

#### **PRELIMINARY**

1. This Act may be cited as the Referendum Act.

Short title

2. (1) The President may, if in his opinion it is necessary or desirable so to do, by \*statutory order, direct that a referendum be held on any question or questions specified in the order.

Power to order a referendum

*\*See the Referendum (Constitution Amendment) Order, 1969 (S.I. No. 246 of 1969), which refers to the first referendum held under the provisions of this Act.*

(2) Any question submitted to a referendum shall be framed in such a manner as to require no answer other than the answer "yes" or the answer "no".

(3) An order made under subsection (1) shall specify the day or days on which voting in the referendum shall take place or, where it is desirable that voting in different areas should take place on different dates, the day or days on which voting shall take place in each such area.

3. (1) All persons who at the time of a referendum are registered as voters and entitled to vote at elections to the National Assembly shall be entitled to vote in the referendum.

Method of taking the poll at a referendum

(2) For the purpose of taking the poll at a referendum, the Republic shall be divided into the constituencies for the time being established by law for the purpose of electing members to the National Assembly, and the poll shall be taken separately in each such constituency.

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(3) For the purpose of taking the poll at a referendum, each constituency shall be divided into the polling districts for the time being established by law for the purpose of electing members to the National Assembly.

*(No. 5 of 1969)*

*\*See the Referendum (Constitution Amendment) Order, 1969 (S.I. No. 246 of 1969), which refers to the first referendum held under the provisions of this Act.*

## **PART II**

**(No. 5 of 1969)**

## **ESTABLISHMENT AND PROCEDURE OF REFERENDUM COMMISSION**

4. (1) There is hereby established a Referendum Commission Establishment of  
(hereinafter in this Act referred to as "the Commission") for the purpose Referendum  
of supervising the conduct of any referendum held pursuant to section Commission  
*two*.

(2) The Commission shall consist of a Chairman and two other  
members who shall be appointed by the President.

(3) A person shall not be qualified for appointment as Chairman of the  
Commission unless he holds or has held high judicial office.

(4) A person shall not be qualified for appointment as a member of the  
Commission if he is a member of the National Assembly.

(5) If the office of Chairman or any member of the Commission falls  
vacant or the holder of the office becomes unable for any reason to  
discharge his functions as a member of the Commission, the President  
may appoint another person qualified for appointment to be the  
Chairman or, as the case may be, a member of the Commission.

(6) In the exercise of its functions under this Act, the Commission  
shall not be subject to the direction or control of any other person or  
authority.

5. The president shall appoint a secretary to the Commission who Secretary to  
shall discharge such functions as the Commission may direct. Commission

6. (1) The Commission may, by regulation or otherwise, regulate its Procedure of  
own procedure and confer powers or impose duties on any officer or Commission  
authority of the Government for the purpose of discharging its  
functions.

(2) Any decision of the Commission shall require the support of the

Chairman and one member.

(3) Subject to the provisions of subsection (2), the Commission may act notwithstanding the absence of any member or any vacancy in the office of any member.

7. The conduct of every referendum shall be subject to the direction and supervision of the Commission. Conduct of referendum

8. (1) The Commission shall have power to appoint such referendum officers as it may deem necessary for the purposes of any referendum and, subject to the provisions of this section, any referendum officer may exercise such functions relating to a referendum as may be prescribed by the Commission. Appointment of referendum officers

(2) In respect of any referendum, a referendum officer may, if so empowered by the Commission under regulations made under section *ten*, appoint any fit person to be a referendum officer and may in any case, subject to the general or special directions of the Commission, appoint any fit person to assist him in the exercise of his functions under this Act:

Provided that a referendum officer may at any time, in such manner as may be prescribed, revoke any appointment made by him in pursuance of this subsection.

(3) Every referendum officer shall, before exercising any of the functions of his office, take and subscribe such oath or make such affirmation in lieu thereof, as the Commission may prescribe.

(4) The Commission may at any time revoke the appointment of a referendum officer.

(5) Every referendum officer shall be paid such remuneration and allowances in respect of his duties as the Commission may determine.

(6) In this section-

"referendum officer" means a person appointed under this Act to be-

- (a) a district referendum officer;
- (b) a returning officer;
- (c) a presiding officer;
- (d) a polling assistant;
- (e) a counting assistant;

and includes any person appointed by a referendum officer under subsection (2); and, where functions are conferred on the Director of Elections under this Act in respect of a referendum, includes the Director of Elections.

**9.** The Commission may at any time-

- (a) require from any referendum officer such information and returns as it may consider necessary;
- (b) subject to the provisions of this Act, issue instructions to any referendum officer in connection with his functions under this Act.

Power of  
Commission to  
require information  
and to issue  
instructions

**10.** (1) Subject to the provisions of this Act, the Commission may, by <sup>Regulations</sup> statutory instrument, make regulations providing for the procedure and manner of conducting any referendum.

(2) Without prejudice to the generality of subsection (1), the Commission may, by statutory instrument, make regulations providing for all or any of the following matters:

- (a) the establishment of polling stations in polling districts;
- (b) the equipment and facilities to be provided at polling stations;
- (c) the persons who may be admitted to polling stations;
- (d) the manner and procedure of voting at a referendum;
- (e) the manner of ascertaining the identity of persons wishing to vote at a referendum, and whether such persons are qualified to vote;
- (f) the manner in which persons who are blind, or otherwise

incapacitated, may vote;

(g) voting by persons employed on referendum duties on the day of a referendum;

(h) the maintenance of secrecy at a referendum;

(i) the postponement of, adjournment of and extension of time for a poll in case of riot or open violence at a referendum;

(j) the administering of oaths or affirmations by referendum officers in respect of such matters as may be prescribed;

(k) the procedure to be followed at the conclusion of a poll in a referendum;

(l) the procedure for counting votes in a referendum and the circumstances in which votes in a referendum may be rejected by a returning officer as invalid;

(m) the declaration, notification and publication of the results of a referendum;

(n) the custody and disposal of ballot papers, records, documents or other things relating to the conduct of a referendum;

(o) the forms and records to be used for any of the purposes of this Act;

(p) any matter to be prescribed under this Act.

(3) Regulations under this section may provide in respect of any contravention thereof that any such contravention shall be a corrupt practice and that any offender shall be liable to a fine not exceeding six thousand penalty units or to a term of imprisonment not exceeding two years, or to both.

(4) No prosecution for an offence against this Act shall be commenced after the lapse of one year from the date on which the offence is alleged to have been committed.

(5) Subject to the provisions of subsection (4), a police officer may arrest without warrant any person reasonably suspected by the police officer of having committed or attempted to commit an offence against this Act.

### **PART III REFERENDUM PETITIONS**

**(No. 5 of 1969 and  
Act No. 13 of 1994)**

**11.** (1) The result of every referendum shall be declared by the Commission in such manner as may be prescribed, and such result (hereinafter referred to as "the declared result") shall not be capable of being questioned in any manner save only by a referendum petition presented to the High Court under this Act.

Referendum petitions

(2) A referendum petition may be presented on any of the following grounds, that is to say:

(a) in respect of the result of the voting in any one constituency, on the ground that corrupt practice prevailed extensively at or in relation to the taking of the referendum in that constituency or on the ground of error or misconduct (whether by act or omission) on the part of any referendum officer; or

(b) in respect of the declared result of the referendum, on the ground of error on the part of the Commission.

**12.** (1) Unless a referendum petition is presented to the High Court in respect of any referendum within the time limited by section *fifteen*, the declared result of such referendum shall-

Operation of  
declared result or of  
Act submitted to  
referendum

(a) have effect as from the date on which such declared result is duly declared; and

(b) be final and incapable of being questioned in any court; and

(c) be conclusive evidence of the voting at the referendum and of the result thereof.



(2) Nothing in this Act shall be construed as preventing or delaying the coming into operation of any Act in respect of which a referendum is held pursuant to the provisions of the Constitution if- Cap. 1

(a) it is stated in the declared result of such referendum that the provisions of the said Act are supported by the votes of a majority of the persons entitled to vote in such referendum; and

(b) the question or questions raised by any referendum petition or, if more than one, by all referendum petitions presented to the High Court in respect of such referendum within the time limited by section *fifteen* would not, if decided in favour of the petitioner or petitioners, as the case may be, lead to a declaration by the Commission under section *twenty-three* showing that the votes of a majority of the persons entitled to vote in such referendum did not support the provisions of the said Act.

**13.** A referendum petition may be presented to the High Court by one or more of the following persons:

Persons who may present referendum petitions

(a) in the case of a petition in respect of the result of the voting in any one constituency, any person who lawfully voted or had a right to vote in that constituency at the referendum;

(b) in the case of a petition in respect of the declared result of the referendum, any person who voted at the referendum or had a right to vote at the referendum;

(c) in any case, the Attorney-General.

**14.** (1) Where a referendum petition is presented by a person other than the Attorney-General, the Attorney-General shall be named therein as the respondent thereto. Respondent to a referendum petition

(2) Where a referendum petition is presented by the Attorney-General, no person shall be named therein as the respondent thereto but the High Court may, if it so thinks proper, assign a legal practitioner to present the case against the petition.

(3) Where, in a referendum petition or any particulars filed in relation thereto or at the hearing of a referendum petition, any particular person is alleged to have been guilty of a corrupt practice in relation to the referendum or where a copy of a referendum petition is served on a

particular person by direction of the High Court, the High Court may, on the application of that person, add or name him as a respondent to such petition.

(4) Where, at the trial of a referendum petition presented by the Attorney-General, a question of law arises in relation to anything done or omitted by a referendum officer, the High Court may, on the application of the Attorney-General, name the referendum officer as respondent to such petition to argue the said question of law, but for no other purpose.

**15.** (1) Every referendum petition shall be in such form and shall contain such matters as may be prescribed by rules made by the Chief Justice. Form and procedure for presentation of referendum petitions

(2) Presentation of a referendum petition to the High Court shall be made by lodging it with the Registrar of the High Court (hereinafter in this Act referred to as "the Registrar") in accordance with the provisions of this Act.

(3) Every referendum petition shall be signed by the petitioner or by all the petitioners if more than one, and shall be presented not later than twenty-one days (which period shall not be extended or deemed to be capable of being extended by order of a court or otherwise) after the date on which the declared result of the referendum is duly declared.

(4) Whenever a referendum petition is presented under this section, the Registrar shall forthwith, in writing, inform the Commission of such presentation.

**16.** (1) Subject to the provisions of subsection (2), the Registrar shall make out a list of all referendum petitions presented under this Act, placing them on such list in the order in which they are presented, and he shall keep at his office a copy of such list which shall be open for inspection by any person making application for inspection thereof. Duty of Registrar to make out list of referendum petitions

(2) Every referendum petition shall, unless the High Court orders otherwise, be tried in the order in which it stands on the list made out by the Registrar under subsection (1), but where two or more

referendum petitions are presented in respect of the same constituency or on the ground, only, of error on the part of the Commission, such referendum petitions shall be bracketed together and shall be dealt with as one petition, standing, unless the High Court orders otherwise, in such list in the place where the last of such referendum petitions would have stood if it had not been so bracketed.

**17.** (1) Subject to the provisions of this Act, the Chief Justice may, by Practice, procedure statutory instrument, make rules regulating generally the practice and and security for costs procedure of the High Court with respect to the presentation and trial of referendum petitions, including rules as to the time within which any requirement of such rules is to be complied with, and as to the costs of and incidental to the presentation and trial of referendum petitions and as to the fees to be charged in respect of proceedings therein, and generally in regard to any other matter relating thereto as the Chief Justice may deem necessary or desirable.

(2) After the presentation of a referendum petition, every petitioner thereto shall give security for costs in the sum of thirty thousand fee units and such security shall be given within such time and in such manner and form as the Chief Justice may prescribe by rules under this section or, in the absence of such rules, as the High Court may order.

(3) Where, after the presentation of a referendum petition, no security for costs is given as required by or under this section, such petition shall be dismissed by the High Court and shall be struck off the list made out under section *sixteen*:

Provided that the High Court may, in respect of any referendum petition dismissed as aforesaid, make such order as to costs as it may deem just.

*(As amended by Act No. 13 of 1994)*

**18.** The following provisions shall apply and have effect in relation to every referendum petition presented by a person other than the Attorney-General, that is to say: Death of or delay by petitioner

(a) where there are two or more petitioners and one or more but not all of them dies or die at any time before the final order of the court on the trial of the petition, the surviving petitioner or petitioners shall be entitled to carry on the petition subject to such application or order as

may be required by rules made under section *seventeen*;

(b) where the only or the last surviving petitioner dies at any time before the final order of the court on the trial of the petition, the High Court shall, on the application of the Attorney-General, transfer the carriage of the petition to the Attorney-General and thereupon all subsequent proceedings on the petition shall be conducted as if the petition were a petition presented by the Attorney-General;

(c) if the petitioner fails to proceed with reasonable speed with the proceedings on the petition, the High Court may, on the application of the Attorney-General, either forthwith make a final order confirming without alteration the declared result to which the petition relates or transfer the carriage of the petition to the Attorney-General and authorise him to proceed on the petition as if it had been presented by him;

(d) nothing in this section shall operate to prevent the High Court ordering the costs or part of the costs of the Attorney-General to be paid out of or by means of the security for costs given by a deceased petitioner or by a petitioner who has failed to proceed with reasonable speed.

**19.** (1) Subject to the provisions of this Act, every referendum petition presented under this Act shall be tried and determined by the High Court. Trial of referendum petitions

(2) A referendum petition shall be tried in open court.

(3) The High Court may adjourn the trial of a referendum petition from time to time and from place to place.

(4) Subject to the provisions of this Act, the High Court may, in respect of the trial of a referendum petition, exercise such powers within its civil jurisdiction as it may deem appropriate.

(5) At the trial of a referendum petition, a record of all evidence given orally in such trial shall be taken, and a transcript of such record shall, at the conclusion of the proceedings, be delivered to the Commission by the Registrar.

**20.** (1) At the trial of a referendum petition, the court trying the Provisions as to

petition shall have power-

witnesses

(a) to order any person who appears to the court to be concerned in or affected by the referendum petition to attend as a witness at such trial;

(b) to examine any witness or any person who is present at such trial although such witness or person is not called as a witness by any party to the proceedings:

Provided that after such examination by the court, such witness or person may be cross-examined by or on behalf of the petitioner or the respondent.

(2) Where any person is ordered to attend as a witness under subsection (1), the court may direct that a copy of the referendum petition be served on that person.

(3) A person who is called as a witness at the trial of a referendum petition shall not be excused from answering any question relating to any offence connected with the referendum on the ground that the answer thereto may tend to criminate him or on the ground of privilege:

Provided that-

(i) a witness who answers to the satisfaction of the court every question which he is required to answer under this section, and the answers to which may tend to criminate him, shall not be liable to prosecution for any offence committed by him in connection with the referendum and in respect of which he is so examined, and such witness shall be entitled to receive a certificate of indemnity under the hand of the Registrar stating that he is freed and discharged from liability to prosecution for that offence;

(ii) an answer by a witness to a question before the court under this section shall not, except in the case of any criminal proceedings for giving false evidence in respect of such evidence, be admissible in any proceedings, civil or criminal, in evidence against him.

(4) Where a person has received a certificate of indemnity under

subsection (3), and any legal proceedings are at any time brought against him for any offence to which such certificate relates, the court having cognizance of the case shall, on proof of the certificate of indemnity, stay such proceedings and may award to that person such costs as he may have been put to in such proceedings.

(5) All reasonable expenses incurred by any person in attending at or appearing before the High Court to give evidence as a witness at the trial of a referendum petition shall be allowed to such person according to the scale of allowances and expenses appropriate in civil proceedings before the High Court.

**21.** (1) A petitioner may apply to the High Court upon the trial of a Scrutiny of votes referendum petition for a scrutiny to be carried out by the High Court in such manner as the court may determine.

(2) On a scrutiny at the trial of a referendum petition, the following votes only shall be held invalid:

(a) the vote of any person whose name was not on the register of voters assigned to the polling station at which the vote was cast or who was not authorised to vote at such polling station;

(b) the vote of any person whose vote was procured by any corrupt practice;

(c) the vote of any person who committed or procured the commission of personation at the referendum;

(d) the vote of any person proved to have voted more than once in respect of the same question;

(e) the vote of any person who was disqualified from voting at the referendum.

(3) In this section, "scrutiny" means an inquiry as to the validity of the votes cast, and includes the determination of the number of valid votes cast, in a constituency at a referendum.

**22.** (1) At the trial of a referendum petition which questions the validity of the result of the voting in any one constituency, the court trying the petition may order that the referendum be taken again in that constituency and, when the court so orders, the following provisions shall have effect, that is to say:

Retaking a referendum in a constituency

(a) the court shall, in the said order, appoint the day which shall be the polling day for the purpose of such retaking of the referendum;

(b) the Registrar shall forthwith deliver a certified copy of the said order of the court to the Commission and to the Director of Elections;

(c) the referendum shall be retaken in the said constituency and the provisions of this Act in relation to the taking of a referendum shall apply to such retaking, with the substitution of the polling day appointed by the said order of the court for the day appointed under section *two* in respect of that constituency;

(d) the Commission shall report the result of the counting of the votes at such retaking to the court.

(2) An order under this section shall not be made in respect of any constituency merely on account of a non-compliance with any regulations made under this Act, or a mistake in the use of forms prescribed under this Act, where it appears to the court that the referendum was conducted in that constituency in accordance with the general principles laid down in this Act and that such non-compliance or mistake did not affect the result of the referendum in that constituency.

**23.** (1) At the conclusion of the trial of a referendum petition, the court shall either-

Conclusion of trial of referendum petition

(a) confirm without alteration the declared result of the referendum;  
or

(b) direct that the declared result of the referendum shall be amended in accordance with the findings of the court, including the result of any retaking of the referendum.

(2) The Registrar shall forthwith deliver to the Commission a certified copy of any order made under subsection (1).

(3) Where only one referendum petition has been duly presented, the Commission shall declare and publish the result of the referendum as confirmed or amended, as the case may be, under subsection (1).

(4) Where two or more referendum petitions have been duly presented, the Registrar shall, at the conclusion of the proceedings in respect of all such referendum petitions, deliver to the Commission a certificate under his hand stating that the proceedings upon the trial of every referendum petition have been concluded, and the Commission shall, upon receipt of such certificate, declare and publish the result of the referendum in accordance with the findings of the High Court in respect of each such referendum petition, including the result of any retaking of the referendum.

(5) A declaration made by the Commission under subsection (3) or (4), as the case may be, shall be final and incapable of being further questioned in any court and shall be conclusive evidence of the voting at the referendum to which it relates and of the result of such referendum.

**24.** (1) Subject to the provisions of this section, all costs, charges and expenses of and incidental to the presentation and trial of a referendum petition shall be borne in such manner and in such proportions as the High Court may order, and in particular, any costs which in the opinion of the High Court have been caused by any vexatious conduct or by any frivolous or vexatious allegations or objections on the part of the petitioner or of the respondent, may be ordered to be paid by the party by whom such costs have been caused. Provisions as to costs of trial of referendum petition

(2) The High Court may, on application made by any person to whom any costs, charges or expenses are payable under this Act, order the same to be paid out of any deposit made to secure the same or by any surety who gave a recognizance, provided that notice of such application shall be given in such manner as may be prescribed by rules under section *seventeen* to the party by or on whose behalf such deposit was made or for whom such surety gave a recognizance, requiring such party, or such surety and such party, as the case may be, to state within such time and in such manner as may be so prescribed whether he



resists the application.

(3) Where on the trial of a referendum petition, any person appears to the High Court to have been guilty of any corrupt practice relating to the referendum, the High Court may, after giving that person an opportunity of making a statement to show why the order should not be made, order the whole or a portion of the costs of or incidental to the trial of such referendum petition to be paid by the said person to such person or persons as the High Court may determine.

(4) Execution may be levied under any order for payment made by the High Court under this section in the same manner and to the same extent as execution may be levied under a judgment for the payment of money.

(5) Money deposited as security shall, when no longer needed as security for costs, be returned to the person in whose name it is deposited or to any person entitled to receive the same by order of the High Court, which may be made upon motion after notice and proof that all just claims have been satisfied or otherwise sufficiently provided for as the High Court may require.

## **PART IV GENERALPART IV**

(No. 5 of 1969)

### **GENERAL**

**25.** Repealed by Act No. 17 of 1994.

**26.** No person who has voted at a referendum shall in any proceedings, whether brought under this Act or otherwise, be required to state how he has voted. No person required to state how he voted

**27.** In any prosecution for an offence against this Act alleged to have been committed at or in connection with a referendum in any constituency, the certificate of the returning officer for that constituency stating that the referendum mentioned therein was being or had been held shall be sufficient evidence of the fact that such referendum was being or had been held in that constituency. Evidence as to holding of referendum

**28.** No misnomer or any inaccurate description of any person or place in any register, notice or other document required for the purposes of this Act shall affect the full operation of the document with respect to that person or place in any case where the description of the person or place is such as to be commonly understood.

Validation of certain documents

**29.** In this Act-

Meaning of "corrupt practice"

"corrupt practice" means any offence against this Act which is prescribed by the Commission as a corrupt practice.

## **SUBSIDIARY LEGISLATION**

### **REFERENDUM**

**Cap. 14**

#### **THE REFERENDUM REGULATIONS**

#### **ARRANGEMENT OF REGULATIONS**

#### **PART I**

#### **PRELIMINARY**

##### Regulation

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*Regulations by the Referendum Commission*

*Statutory Instrument*

*97 of 1990*

*Act 13 of 1994*

### **PART I**

#### **PRELIMINARY**

1. These Regulations may be cited as the Referendum Regulations. Title

2. In these Regulations, unless the context otherwise requires- Interpretation

"assistant returning officer" means a person appointed as an assistant returning officer under regulation 4;

"ballot box" means a ballot box provided to a presiding officer under regulation 11 for the taking of a poll;

"ballot paper" means a document in Form REF. 2 in the Schedule;

"ballot paper account" means a document in Form REF. 6 in the Schedule;

"Commission" means the Referendum Commission established by section *four* of the Act;

"constituency" shall have the meaning assigned to it in section *three* of the Act;

"counting assistant" means a person appointed as a counting assistant under regulation 4;

"Director of Elections" means the person for the time being holding or acting in the public office of Director of Elections;

"district referendum officer" means the person appointed as a district referendum officer under regulation 4;

"national registration card" means a national registration card, issued under the National Registration Act, which is not cancelled or required to be cancelled under that Act, and, in relation to any person, means a national registration card in the lawful possession of that person under the Act; Cap. 126

"national registration number" means the serial number inserted on the national registration card under the National Registration Act; Cap. 126

"official mark" means a mark provided to a presiding officer under regulation 11 for the taking of a poll;

"official seal" means a seal provided to a presiding officer under regulation 11 for the taking of a poll;

"polling assistant" means a person appointed as a polling assistant under regulation 4;

"polling day" means a day specified under section *two* of the Act as a day on which voting in a referendum shall take place, and includes any day appointed under regulation 26;

"polling district" has the meaning assigned to it in section *three* of the Act;

"polling station" means a place established as a polling station under regulation 8;

"presiding officer" means a person appointed as a presiding officer under regulation 4;

"registered" means, in relation to a person, a person registered in a register of voters under the Electoral (Registration of Voters) Regulations; Cap. 13

"register of voters" means a register of voters prepared and certified and, in force, under the Electoral (Registration of Voters) Regulations, and "copy", in relation to a register of voters means a copy of the register of voters provided to a presiding officer under regulation 11 for the taking of the poll; Cap. 13

"returning officer" means a person appointed as a returning officer under regulation 4;

"voter" means a person registered in a register of voters;

"voter's registration card" means a voter's registration card issued under the Electoral (Registration of Voters) Regulations, which is not cancelled or deemed to be cancelled under the provisions of those Regulations. Cap. 13

**3. The Director of Elections shall-**

Functions of Director  
of Elections

(a) ensure that every referendum officer performs his functions under these Regulations with impartiality and in accordance with the provisions of these Regulations;

(b) issue to any referendum officer such instructions as he may deem necessary to ensure due compliance with the provisions of these Regulations; and

(c) perform all such functions as are conferred or imposed upon him by these Regulations.

4. (1) In respect of each polling district, there shall be-

Appointment of  
referendum officers

(a) a district referendum officer;

(b) such approved number of presiding officers and polling assistants as the district referendum officer for that polling district may, by notice in writing, appoint.

(2) In respect of each constituency, there shall be-

(a) a returning officer who shall be such person as the Commission shall specify, by *Gazette* Notice, as the returning officer for that constituency;

(b) such approved number of assistant returning officers and counting assistants for a constituency as the district referendum officer may, by notice in writing, appoint.

(3) Whenever a district referendum officer appoints any person to be a presiding officer, polling assistant, an assistant returning officer or a counting assistant under paragraphs (b) and (c) of sub-regulation (2) of regulation 4, he shall deliver a copy of the notice referred to in paragraphs (b) and (c) to the Director of Elections.

(4) In this regulation-

"approved" means approved by the Director of Elections.

5. (1) Every returning officer shall, before exercising any of the functions conferred upon him under these Regulations, take and subscribe an oath, or make an affirmation in lieu thereof, before a magistrate in the appropriate form set out in Form REF. 1 in the Schedule.

Form of oath or  
affirmation for  
referendum officers

(2) Every presiding officer, polling assistant, assistant returning officer and counting assistant appointed under paragraphs (b) and (c) of sub-regulation (2) of regulation 4 to assist a returning officer in the exercise of his functions shall, before exercising any of the functions conferred upon him under these Regulations, take and subscribe an oath, or make an affirmation in lieu thereof, before a magistrate or returning officer in the appropriate form set out in Form REF. 1 in the



Schedule.

6. (1) Where the Commission revokes the appointment of a returning officer, it shall publish a notice of such revocation in the *Gazette*.  
Revocation of appointment of referendum officer to be notified

(2) Where a district referendum officer revokes the appointment of an assistant returning officer, a presiding officer, a counting assistant or a polling assistant, he shall give notice, in writing, of the revocation to the person concerned and shall deliver a copy of the notice to the Director of Elections.

## PART II

### PROCEDURE FOR THE POLL

7. At any referendum held pursuant to section *two* or paragraph (a) of subsection (1) of section *twenty-two* of the Act, the poll shall be taken by means of a secret ballot and the result of such referendum shall be ascertained in accordance with the provisions of Part III.  
Poll to be conducted by secret ballot

8. (1) The district referendum officer for a polling district shall appoint a place at which the polling station for that polling district shall be established, and shall cause notice of every place so appointed to be published in such manner as the Director of Elections may direct.  
Establishment of polling stations

(2) With the approval of the Director of Elections, the same polling station may be appointed under this regulation for two or more polling districts.

9. The poll shall commence and, subject to the provisions of regulation 26, close at such time as the Commission shall, by *Gazette* Notice, direct:  
Commencement and close of poll

Provided that the presiding officer shall permit every voter who at the

time of closing the poll-

- (i) is inside the polling station; or
- (ii) is in his opinion, in the immediate precincts of the polling station and was prevented from entering the polling station owing to congestion therein;

to cast his vote before closing the poll.

**10. (1)** A voter shall be entitled to vote in a referendum at the polling station appointed for the polling district in which he is registered and, except by virtue of the provisions of regulation 22 or 23, shall not be entitled to vote at any other polling station. Right to vote

(2) At the taking of a poll in a referendum a voter shall be entitled to cast one, and only one, vote in respect of the question submitted to the referendum and, if a voter's name appears in error or for any other reason in more than one register of voters or more than once in the same register of voters, he shall not be entitled to cast more than one vote in respect of such question.

**11.** For the taking of a poll in a referendum a returning officer shall, in respect of each polling district within his constituency- Duty of returning officer and

(a) ensure that in each polling station there are sufficient compartments within which voters may mark their ballot papers in secrecy and screened from observation; publication of notices at polling stations

(b) provide each presiding officer with such number of ballot boxes, ballot papers, official marks, official seals, copies of the register of voters relating to that polling district and such other things as may be necessary for the purposes of these Regulations;

(c) do such other acts and make such arrangements to facilitate the taking of the poll as may be necessary for ensuring that it is taken in the manner provided in these Regulations and in accordance with any instructions issued by the Commission or the Director of Elections; and

(d) publish, both inside and outside each polling station, notices showing the question submitted to the referendum.

**12. (1)** Every ballot box shall be so constructed that, after it is sealed under regulation 14, the ballot papers can be placed in it by voters but not taken out without breaking the seals. Ballot boxes, official seals and official marks

(2) In respect of every referendum, the official seals and official marks shall be in such form as the Director of Elections may determine.

**13.** (1) Every ballot paper shall be as in Form REF. 2 in the Schedule Ballot papers and shall show-

(a) the question submitted to the referendum;

(b) the word "YES" and the word "NO" printed separately on it; and

(c) the symbol of a hand with the index finger raised representing the word "YES" and the symbol of a foot representing the word "NO".

(2) Every ballot paper shall be attached to a counterfoil bearing the same serial number as that printed on the ballot paper.

**14.** (1) Immediately before the commencement of a poll, the presiding officer at each polling station shall, in the presence of at least one polling assistant, show every ballot box, open and empty, to any person whose presence is permitted under regulation 15 so that such person may see that it is empty, and shall then lock and seal with the official seal every ballot box, and the seal shall not be broken until the ballot box is opened in accordance with the provisions of these Regulations. Procedure before commencement of poll

(2) The presiding officer at each polling station, shall, in the presence of at least one polling assistant, place the key to every ballot box in an envelope marked "A" as soon as such ballot box has been locked in accordance with sub-regulation (1), and shall then seal the envelope with the official seal, and the seal shall not be broken until the ballot box is opened in accordance with the provisions of these Regulations.

(3) The presiding officer at each polling station shall place every ballot box locked and sealed under sub-regulation (1) in such a position in the polling station that it can be seen throughout the taking of the poll by the presiding officer and by any person whose presence is permitted under regulation 15.

(4) The presiding officer at each polling station shall ensure that there is available throughout the taking of the poll in each compartment provided under paragraph (a) of regulation 11 a suitable pencil or pen for the use of every voter when marking his ballot paper.

**15.** (1) The presiding officer at each polling station shall keep order in such polling station and in its precincts, and shall regulate the number of voters to be admitted at a time to such polling station. Control of persons entering polling station

(2) The presiding officer at each polling station may require any person, other than-

- (a) Members of the Commission or its members of staff;
- (b) the Director of Elections;
- (c) the returning officer and any assistant returning officer for the constituency in which such polling station is situated;
- (d) the district referendum officer for the polling district;
- (e) the polling assistants appointed under regulation 4 in respect of such polling station;
- (f) a police officer on duty; or
- (g) any person authorised in writing by the Director of Elections to enter and remain in such polling station;

to leave such polling station and its precincts:

Provided that any of the above persons may be required by the presiding officer to leave the polling station and its precincts if, in the opinion of the presiding officer, such person is causing a disturbance which is likely to interfere with the taking of the poll.

(3) Every person authorised in writing by the Director of Elections to enter and remain in a polling station shall, before attending at the taking of a poll in any polling station in a constituency, take and subscribe an

oath, or make an affirmation in lieu thereof, in the form prescribed in regulation 5 and, for that purpose, the returning officer for such constituency shall have the power to administer such oath.

(4) The powers conferred by this regulation shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at such polling station.

**16. (1)** A person, in order to vote at a referendum, shall apply for a ballot paper and, for that purpose, shall- Application for  
ballot paper

(a) except where the provision of regulation 22 or 23 apply, present himself at the polling station appointed under regulation 8 for the polling district in which he is registered;

(b) except where the provisions of regulation 24 apply, produce his voter's registration card to the presiding officer or polling assistant at such polling station;

(c) identify himself by producing the national registration card bearing the national registration number recorded on his voter's registration card; and

(d) if so required by the presiding officer or polling assistant, present both his hands for inspection by that officer;

and no person shall be issued with a ballot paper unless he complies with the above requirements.

(2) A presiding officer or polling assistant at a polling station may put to any applicant for a ballot paper such question as he may consider necessary to enable him to identify the applicant with a name on the copy of the register of voters at such polling station.

(3) No applicant for a ballot paper shall be issued with a ballot paper or permitted to vote at a polling station unless the presiding officer or polling assistant for that polling station is satisfied-

(a) except where the provisions of regulation 22 or 23 apply, that the applicant is registered in the polling district for which that polling

station is appointed;

(b) except where the provisions of regulation 24 apply, that the applicant has produced the voter's registration card issued to him in respect of such registration;

(c) that the applicant has properly identified himself under paragraph (c) of sub-regulation (1);

(d) that the applicant has not previously voted in the referendum in respect of which he is applying for ballot paper; and

(e) that the applicant is not disqualified from voting at elections to the National Assembly.

**17.** If a presiding officer or polling assistant at a polling station is satisfied under regulation 16, 22, 23 or 24 that an applicant is entitled to vote be issued with a ballot paper and to vote, the following procedure shall, subject to the provisions of regulation 21, be followed:

(a) the voter shall, prior to receiving a ballot paper immerse a thumb up to at least the whole of the exposed nail in ink provided by the presiding officer:

Provided that-

(i) in the case of a voter without any thumb, such voter shall immerse a finger up to at least the whole of the exposed nail; and

(ii) in the case of a voter without any thumb or fingers, this paragraph shall not apply;

(b) before issuing a ballot paper to the voter the presiding officer or polling assistant shall-

(i) except where the provisions of regulation 22 or 23 apply, draw a line through the number and name of the voter in the copy of the register of voters as evidence that such voter has received a ballot paper;

(ii) stamp the ballot paper with the official mark;

(iii) enter on the counterfoil of the ballot paper the number of the

voter as recorded in the copy of the register of voters; and

(iv) except where the provisions of regulation 24 apply, stamp the voter's registration card produced by the voter under regulation 16 with the official mark;

(c) the presiding officer or polling assistant shall then detach the ballot paper from its counterfoil and deliver it to the voter;

(d) the voter, on receiving the ballot paper, shall enter one of the compartments provided under regulation 11 in the polling station and shall record his vote by secretly marking the ballot paper with the mark X opposite either the word "YES" or the word "NO" and shall then fold the ballot paper in such a way that the official mark stamped on it is visible and the mark signifying his vote is not visible; and

(e) the voter shall then leave the compartment and shall, in the presence of the presiding officer or polling assistant, place the folded ballot paper in the ballot box provided in the polling station for that purpose.

**18. (1)** A voter shall vote without undue delay and shall leave the polling station as soon as he has placed his ballot paper in the ballot box.

Votes to be cast  
without undue delay

(2) Where the presiding officer is of the opinion that any person present in the compartment has delayed unduly in it and that the delay may hinder the adequate or orderly conduct of the poll, he may require that person to complete the produce set out in paragraph (d) of regulation 17 within a period of two minutes immediately thereafter.

(3) On or after the expiry of the period of two minutes referred to in sub-regulation (2), the presiding officer may direct the person concerned to place the ballot paper issued to that person in the ballot box and to leave the polling station, and its precincts and not to return to it during the period of the poll.

**19.** At any polling station the presiding officer, may during a temporary absence from the polling station, delegate his powers, subject to the directions of the Director of Elections, to a polling assistant and, during the period of that delegation, the polling assistant shall have and may exercise the powers of the presiding officer.

Polling assistant may  
act during temporary  
absence of presiding  
officer

**20.** Where a voter inadvertently deals with a ballot paper in such manner that it cannot be used as a valid ballot paper, he shall deliver that ballot paper (hereinafter referred to as a "spoilt ballot paper") to the presiding officer and if the presiding officer is satisfied that the ballot paper has been spoilt inadvertently, he shall issue another ballot paper to that voter, and shall cancel the spoilt ballot paper and the counterfoil to which it relates.

Spoilt ballot papers

**21.** (1) A presiding officer, a relative or a friend may, upon application by and with the consent of-

Presiding officer, a relative or a friend may assist incapacitated voter

(a) a voter who is incapacitated by blindness or other physical cause from voting in accordance with the procedure prescribed by regulation 17; or

(b) a voter who orally declares that he is unable to read or otherwise asks for the assistance of the presiding officer, a relative or a friend:

and with the assent of such voter, enter a compartment with that voter in order to assist him cast his vote pursuant to the provisions of paragraph (d) of regulation 17 and, subject to those provisions, mark the ballot paper, issued to that voter, opposite either the word "YES" or the word "NO" as the voter may signify, and place it in the ballot box on behalf of that voter:

Provided that the relative or friend proves himself to be a registered voter in that polling district and has not already assisted another voter in voting in that referendum.

(2) A presiding officer acting under this regulation shall record in the copy of the voter's roll, by means of a mark placed next to the name of the voter concerned, that he or a relative or a friend of a voter has marked the ballot paper as aforesaid on application by the voter, and the reasons for doing so.

**22.** (1) Where a voter is employed as a returning officer, assistant returning officer, presiding officer, polling assistant, police officer or in any other official capacity on referendum duties, and is unable by

Voting by persons employed on election duties



reason of that employment to vote in the polling district in which he is registered, the returning officer for the constituency in which he is so employed shall, on application in person and upon production of his voter's registration and national registration cards authorise that voter by certificate in Form REF. 3 in the Schedule to vote at the polling station at which, or which is most easily accessible from the place at which, he is so employed.

(2) Any voter to whom a certificate is issued under sub-regulation (1) shall deliver that certificate to the presiding officer when he applies for a ballot paper.

**23.** (1) Where a voter wishes to vote at a polling station in a district council area, other than that in which he is registered, the district referendum officer for the polling district in question shall, on application in person in accordance with sub-regulation (2) and upon production of his voter's registration and national registration cards, authorise that voter by certificate in Form REF. 4 in the Schedule, to vote at that polling station. Voting elsewhere  
than where registered

(2) Application for the certificate shall be made not later than four days before the date specified under section *two* of the Act for the taking of the poll in the referendum.

(3) Any voter to whom a certificate of authority is issued under sub-regulation (1) shall deliver that certificate to the presiding officer when he applies for a ballot paper.

**24.** (1) Where a voter's registration card has been lost, destroyed or so Lost, etc., voter's  
registration card defaced as to be illegible in any material particular, the district referendum officer of the polling district in which the voter in question is registered shall, on application in person in accordance with sub-regulation (2) and on production of his national registration card use a certificate in Form REF. 5 in the Schedule:

Provided that no certificate shall be issued unless the district referendum officer is satisfied that the applicant is a voter registered in a polling district for which he is responsible under regulation 4.

(2) Application for a certificate shall be made not later than four days before the date specified under section *two* of the Act for the taking of the poll in the referendum.

(3) Any voter to whom a certificate is issued under sub-regulation (1) shall deliver that certificate to the presiding officer when he applies for a ballot paper.

**25.** No person, other than a presiding officer, polling assistant, police officer or person on duty in an official capacity at a polling station, shall have any communication whatsoever with a voter while the voter is in the precincts of a polling station for the purpose of voting.

Restriction on communication in precincts of polling station

**26.** (1) Notwithstanding the terms of any order made under section *two* or *twenty-two* of the Act, a presiding officer may, in his discretion, postpone until later in the day, and if, necessary, adjourn to some other day, the proceedings at his polling station where they are interrupted by riot, open violence, flood, natural catastrophe or other similar cause, but where he does so, he shall start or restart the proceedings at the earliest practicable moment.

Adjournment of poll in case of emergency

(2) A presiding officer may, in his discretion, extend the hours or adjourn the day of polling at his polling station where polling has been interrupted by any of the causes aforesaid, and reference in these Regulations to the close of the poll shall be construed accordingly.

(3) If a poll is adjourned under this regulation at any polling station, the hours of polling on the day to which it is adjourned shall be the same as for the original day, and references in these Regulations to the closing of the poll shall be construed accordingly.

(4) Where a presiding officer postpones or adjourns the poll under this regulation, he shall take such precautions as are necessary to safeguard the ballot boxes, ballot papers and other referendum requisites, and shall forthwith notify the returning officer of the postponement or adjournment, as the case may be.

(5) Where a returning officer is notified under sub-regulation (4) of

the postponement or adjournment of a poll, he shall forthwith notify the Director of Elections of the postponement or adjournment, as the case may be.

**27.** (1) As soon as practicable after the closing of the poll, the presiding officer at a polling station, in the presence of at least one polling assistant shall-

Procedure after close  
of poll

(a) close and seal with the official seal the aperture of every ballot box used for the poll;

(b) complete the ballot paper account in respect of the poll which shall be as in Form REF. 6 in the Schedule; and

(c) place in separate envelopes, which shall be sealed with the official seal, the following items in the manner hereinafter provided:

(i) in an envelope marked "B", the unused ballot papers which shall remain attached to their respective counterfoils and the spoilt ballot papers;

(ii) in an envelope marked "C", the copy of the register of voters marked in accordance with regulation 17 and 21, together with the certificates delivered to the presiding officer under regulation 22 and 23;

(iii) in an envelope marked "D", the counterfoils of the used ballot papers including the counterfoil of any spoilt paper;

(iv) in an envelope marked "E", the ballot paper account completed under paragraph (b);

(v) in an envelope marked "F", the official mark and the official seals; and

(vi) in a plain envelope, the certificates delivered to the presiding officer in terms of regulation 24.

(2) The presiding officer shall, in accordance with such directions as may be issued by the Director of Elections, despatch each envelope sealed in accordance with the provisions of sub-regulation (2) of regulation 14 and of this regulation together with the ballot boxes sealed in accordance with this regulation, in safe custody to the returning officer for the constituency in respect of which the poll was conducted.

## PART III

### PROCEDURE FOR THE COUNT AND DECLARATION OF RESULT OF REFERENDUM

**28.** (1) The returning officer for a constituency in which a poll is taken shall arrange for the counting of the votes to take place as soon as practicable after the close of the poll in that constituency and shall, so far as circumstances permit, proceed continuously with the counting, allowing only reasonable time for refreshment, until the count is completed.

Duty of returning officer to arrange for counting of votes and notification of public

(2) The returning officer for each constituency in which a poll is to be taken shall, by public notice, prior to the day appointed for the taking of the poll, state the place at which he will count the votes cast in the poll.

(3) Every assistant returning officer appointed for a constituency shall attend at the counting of the votes cast in the poll in that constituency.

**29.** (1) At the counting of the votes cast in a referendum in any constituency no person other than-

Persons who may attend counting of votes

(a) members of the Commission or its members of staff;

(b) the Director of Elections;

(c) the returning officer and any assistant returning officer appointed for such constituency;

(d) the counting assistants appointed by the district referendum officer;

(e) the district referendum officer of any polling district within such constituency;

(f) a police officer on duty; or

(g) any person authorised in writing by the Director of Elections; may attend.

(2) Every person authorised to attend the counting of the votes in any constituency, other than the Commission and its members of staff, shall, unless he has taken the oath or made an affirmation under the provisions of regulation 5 or 15, before so attending, take and subscribe an oath, or make an affirmation in lieu thereof, in the form prescribed in regulation 5, and for that purpose the returning officer for that constituency shall have power to administer the oath.

**30.** (1) The returning officer for a constituency in which a poll has been taken shall take into his custody, and issue a receipt for, all envelopes and ballot boxes delivered to him in accordance with the provisions of sub-regulation (2) of regulation 27. Examination of seals of envelopes and ballot boxes received by returning officer

(2) When the returning officer for a constituency in which a poll has been taken is satisfied that he has received all the envelopes and ballot boxes in respect of all the polling stations in that constituency he shall, at the place notified under sub-regulation (2) of regulation 28 for the counting of the votes, examine the seals of all the envelopes and ballot boxes.

(3) The returning officer shall submit to the Director of Elections a written report of the result of the examination carried out under sub-regulation (2) if that examination reveals that the seals of any envelope or ballot box are broken.

**31.** The returning officer for a constituency in which a poll has been taken shall, with the aid of the counting assistants for that constituency, count all the votes cast in the referendum in that constituency according to the following procedure: The count

(a) the returning officer shall open each ballot box and, after removing all the ballot papers from them, shall count and record the total number of ballot papers contained in each ballot box without reference to the manner in which the ballot papers are marked;

(b) subject to the provisions of regulation 32, the returning officer shall count and record the total number of valid ballot papers signifying the answer "YES", and the total number of valid ballot papers signifying the answer "NO":

Provided that the ballot papers contained in any ballot box shall be mixed with those from at least one other ballot box before being so counted;

(c) the returning officer shall ensure that, while counting the ballot papers, the counting assistants keep the side of each ballot paper on which the vote is recorded upwards, and shall take all precautions for preventing any person present at the count from seeing the number printed on each ballot paper.

**32.** (1) The returning officer shall, subject to sub-regulation (2) reject as invalid, and shall not count, any ballot paper-

Rejection of ballot papers

(a) which does not bear the official mark, unless the returning officer is satisfied that the omission was a *bona fide* error;

(b) on which votes are cast signifying more than one answer;

(c) on which anything is written or marked by which the voter can be identified, other than the number printed on the ballot paper; or

(d) which is unmarked or invalid for uncertainty.

(2) A ballot paper on which the vote is marked-

(a) elsewhere than in the proper place;

(b) otherwise than by means of the mark X; or

(c) by more than one mark;

shall not by reason thereof be invalid if an intention that the vote shall signify either the answer "YES" or the answer "NO" clearly appears, and the way the paper is marked does not of itself identify the voter and it is not shown that he can be identified thereby.

(3) The returning officer shall endorse the word "rejected" on any ballot paper which under this regulation is not to be counted.

(4) The returning officer shall draw up and deliver to the Director of

Elections a statement in the Form REF. 7 in the Schedule showing the number of ballot papers rejected under the several heads of-

- (a) want of official mark;
- (b) votes signifying more than one answer;
- (c) writing or mark by which voter could be identified; or
- (d) unmarked or invalid for uncertainty.

**33.** If, when the counting of votes is completed pursuant to the foregoing provisions of these Regulations, the returning officer considers it necessary or desirable, he may cause the votes to be recounted before declaring the result under regulation 34.

Recounting of votes

**34.** When the counting of the votes has been completed and the result of the poll ascertained in respect of a constituency, the returning officer shall-

Declaration of result of Poll in constituency and notification of Commission

- (a) complete in duplicate a declaration of the result of the poll in that constituency as in Form REF.8 in the Schedule;
- (b) read aloud in public, at the place where the counting was conducted the completed form; and
- (c) cause to be delivered to the Commission without delay the original of such completed form.

**35.** The Commission, on receipt of Form REF.8 completed under paragraph (a) of regulation 34 in respect of all constituencies shall-

Declaration of result of referendum by Commission

- (a) ascertain from such forms the total number of votes cast in the referendum signifying the answer "YES" and the total number of votes cast in the referendum signifying the answer "NO";
- (b) complete in duplicate a declaration of the result of the referendum as in Form REF.9 in the Schedule, which declaration shall state whether the total number of votes cast in the referendum signifying the answer "YES" is greater or less than the total number of votes cast in the referendum signifying the answer "NO"; and
- (c) cause to be delivered to the President without delay the original of the completed form;

- (d) cause the result of the referendum to be announced publicly;  
and
- (e) cause the said result to be published in the *Gazette*.

**36.** A declaration made by the Commission at the conclusion of the trial of a referendum petition in accordance with subsection (3) or (4), as the case may be, of section *twenty-three* of of the Act, shall be as in Form REF.10 in the Schedule. Form of declaration under section 23 of the Act

**37.** The decision of a returning officer on any question arising in respect of any ballot paper or as to the declaration by him of the result of a poll shall not be questioned except by a referendum petition presented under the provisions of the Act. Questions arising on decision of returning officer

**38.** On the completion of the counting of the votes cast in a referendum in any constituency, the returning officer for that constituency shall seal up in separate, marked envelopes the ballot papers signifying the answer "YES" and the ballot papers signifying the answer "NO" and shall place the rejected ballot papers in separate, marked envelopes. Ballot papers to be sealed in marked envelopes after completion of counting

**39.** (1) The returning officer for a constituency shall, as soon as possible after the completion of the counting of the votes for that constituency and in the presence of the assistant returning officers for that constituency, proceed with the verification of the ballot paper accounts according to the following procedure: Verification of ballot paper accounts

(a) he shall open the envelopes marked "B" containing the unused ballot papers together with their counter-foils and the spoilt ballot papers, and the envelopes marked "E" containing the ballot paper accounts, delivered to him under regulation 27, in respect of each polling district in that constituency;

(b) he shall, in respect of each polling district compare the ballot paper account with the total number of ballot papers contained in the ballot boxes as recorded under paragraph (a) of regulation 31, and with the total number of unused and spoilt ballot papers contained in the envelope marked "B" for that polling district;

(c) he shall reseal the envelopes marked "B" with their respective contents; and



(d) he shall place all ballot paper accounts for that constituency in one envelope marked "E" and shall seal that envelope.

(2) The returning officer shall then prepare and deliver to the Director of Elections a report on the verification of the ballot paper accounts in Form REF. 11 in the Schedule.

**40.** (1) Upon the completion of the verification of the ballot paper accounts under regulation 39, the returning officer shall forthwith deliver to the Commission-

Custody and  
destruction of  
referendum matter

(a) in respect of each polling district within his constituency, the envelope marked "B" containing the unused ballot papers together with their counterfoils and the spoilt ballot papers;

(b) in respect of each polling district within his constituency, the envelope marked "C" containing the copy of the register of voters and the certificates placed in it under regulation 27;

(c) the envelope containing the ballot papers and sealed under regulation 38; and

(d) the envelope containing the rejected ballot papers and sealed under regulation 38;

and shall forthwith deliver to the Director of Elections in respect of each polling district within his constituency-

(i) the envelope marked "D" containing the counter-foils of the used and the spoilt ballot papers, delivered to the returning officer under regulation 27;

(ii) the envelope marked "E" containing the ballot paper account;

(iii) the envelope marked "F" containing the official seal and the official mark, delivered to the returning officer under regulation 27; and

(iv) the plain envelope containing the certificate delivered to the returning officer in terms of regulation 27.

(2) The Commission shall retain the envelope delivered under sub-regulation (1) in respect of any referendum for a period of twenty-one days after the day on which the result of the referendum was declared

and shall then cause them to be destroyed by burning, pulping or by any other efficacious method:

Provided that where the Commission has been informed under subsection (4) of section *fifteen* of the Act that a referendum petition has been presented in respect of the referendum, the envelopes shall not be destroyed until such time as the trial of that referendum petition has been finally determined.

(3) The Director of Elections shall retain the envelopes marked "D" and the plain envelopes delivered to him under sub-regulation (1) for a period of twenty-one days after the day on which the result of the referendum was declared and shall then cause them to be destroyed by burning, pulping or by any other efficacious method approved by the Commission and shall notify the Commission accordingly:

Provided that where the Commission has been informed under subsection (4) of section *fifteen* of the Act that a referendum petition has been presented in respect of the referendum, the envelopes shall not be destroyed until such time as the trial of that referendum petition has been finally determined.

## **PART IV**

### **CORRUPT PRACTICES AND REFERENDUM OFFENCES**

**41.** (1) Any person who idirectly or indirectly, by himself or any other person- Bribery

(a) gives, lends or procures, or agrees to give, lend or procure or offers, promises or promises to procure, any money to, or for, any person on behalf of any voter or to, or for, any other person in order to induce any voter to vote or refrain voting or who corruptly does any such act as aofresaid on account of such voter having voted or refrained from voting at an refendum;

(b) gives, lends or agrees to give or lend, or offers, or promises to procure or to endeavour to procure, any money to, or for, any voter or

to, or for, any other person on behalf of any voter or to, or for, any other person for acting or joining in any processing or demonstration before, during or after, any referendum;

(c) makes any such gift, loan, offer, promise, procurement or agreement to, or for, any person in order to induce such person to procure or to endeavour to procure the vote of any voter at any referendum;

(d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises, endeavours to procure, the vote of any voter at at any referendum;

(e) advances or pays or causes to be advanced or paid any money to or for the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any referendum, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any referendum;

(f) before or during any referendum receives or contracts for any money or loan for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting at such referendum;

(g) after any referendum receives any money on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at such referendum; or

(h) conveys or transfers or is concerned with the conveyance or transfer of any property, or pays or is concerned with the payment of any money, to any person for the purpose of inducing him to vote or refrain from voting;

shall be guilty of the offence of bribery.

(2) Nothing in this regulation shall be construed as applying to any money paid or agreed to be paid for or on account of any expenditure *bona fide* and lawfully incurred in respect of the conduct or management of a referendum.

42. Any person who-

Personation

- (a) at any referendum applies for a ballot paper in the name of some other person, living or dead, or of a fictitious person;
  - (b) having voted once at any referendum applies again at the same referendum for a ballot paper; or
  - (c) votes or induces or procures any person to vote at any referendum knowing that he or that person is not entitled to vote at that referendum;
- shall be guilty of the offence of personation.

**43.** Any person who corruptly by himself or by any other person either before, during or after the referendum, directly or indirectly, gives or provides or pays wholly or in part the expenses of giving or providing any food, drink, entertainment, lodging or provisions to, or for, any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at a referendum shall be guilty of the offence of treating. Treating

**44.** (1) Any person who directly or indirectly, by himself or by any other person- Undue influence

- (a) makes use of or threatens to make use of any force, violence or restraint upon any other person;
  - (b) inflicts or threatens to inflict by himself or by any other person, or by any supernatural or non-natural means or pretended supernatural or non-natural means, any temporal or spiritual injury, damage, harm or loss upon or against any person; or
  - (c) does or threatens to do anything to the disadvantage of any person;
- in order to induce or compel that person to vote or refrain from voting or an account of that person having voted or refrained from voting at any referendum, shall be guilty of the offence of undue influence.

(2) Any person who, by abduction, duress, or any fraudulent device or contrivance, impedes or prevents the free exercise of his vote by any voter or thereby compels, induces or prevails upon any voter either to give or to refrain from giving his vote at any referendum, shall be guilty of the offence of undue influence.

**45.** Any person who is guilty of the offence of bribery, personation, treating or undue influence shall be guilty of a corrupt practice and shall be liable on conviction to a fine not exceeding sixty penalty units or to imprisonment for a period not exceeding two years, or to both. Corrupt practices and penalties

*(As amended by Act No. 13 of 1994)*

**46.** Any person who at a referendum obstructs a voter either at the polling station or on his way thereto or therefrom shall be guilty of an offence. Obstruction of voter

**47.** Any person who, at a lawful public meeting held in connection with a referendum prior to the holding of that referendum, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting is called, shall be guilty of an offence. Unlawful conduct at public meeting

**48.** Any person who, with intent to influence any person to give or refrain from giving his vote at a referendum, uses or procures the use of any wireless transmitting station outside the Republic shall be guilty of an offence. Unlawful broadcasting

**49.** (1) Any person who- Referendum offences

(a) forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper;

(b) without due authority supplies any ballot paper to any person;

(c) without due authority puts into any ballot box any ballot paper which he is not authorised by law to put in;

(d) sells or offers to sell any ballot paper to any person or purchases or offers to purchase any ballot paper from any person;

(e) not being a person entitled under these Regulations to be in possession of a ballot paper, has any such ballot paper in his possession;

(f) puts into any ballot box anything other than the ballot paper

which he is authorised by law to put in;

(g) without due authority takes out of the polling station any ballot paper or is found in possession of any ballot paper outside a polling station;

(h) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers intended for the use or purpose of a referendum;

(i) without due authority prints or makes any ballot paper or what purports to be or is capable of being used as a ballot paper at a referendum;

(j) manufactures, constructs, has in his possession, supplies, or uses for the purpose of a referendum or causes to be manufactured, constructed, supplied or used for the purpose of a referendum any appliance, device or mechanism by which a ballot paper may be extracted or manipulated after having been deposited in a ballot box in the course of polling at any polling station;

(k) on any polling day, at the entrance to or within a polling station, or in any public or private place within four hundred metres from the entrance to such polling station-

(i) canvasses for votes;

(ii) solicits the vote of any person;

(iii) induces any person not to vote; or

(iv) induces any person not to vote in a particular manner;

(l) on any polling day loiters in any public place within four hundred metres from the entrance to any polling station;

(m) on any polling day exhibits in any public or private place within one hundred metres from the entrance to any polling station any notice or sign, other than an official notice or sign authorised by any officer under the provisions of these Regulations, relating to the referendum;

(n) not being a presiding officer or a polling assistant in the course of his functions within a polling station, makes any record showing that any particular person has voted in a referendum;

(o) without lawful authority, destroys, mutilates, defaces or removes any notice which is exhibited under these Regulations, or any document made available for inspection under these Regulations;

(p) wilfully obstructs or interferes with a returning officer, presiding officer or polling assistant in the execution of his duties;

(q) makes a false answer to any question put to him by a presiding officer or a polling assistant under the provisions of sub-regulation (2) of regulation 16;

(r) in contravention of regulation 25, has any communication with a voter while such voter is in the precincts of a polling station for the purpose of voting; or

(s) having been required under sub-regulation (2) of regulation 15 or directed under sub-regulation (3) of regulation 18 to leave a polling station, fails to leave that polling station or its precincts;

shall be guilty of an offence.

(2) In a prosecution for an offence in relation to a ballot box or ballot paper, the property in that ballot box or ballot paper as well as the property in the counterfoil of any ballot paper, may be stated to be in the returning officer for the constituency to which such ballot box or ballot paper, as the case may be, relates.

**50.** (1) Every person in attendance at a polling station shall maintain, Prohibition of breach and aid in maintaining the, secrecy of the voting at that station and shall of secrecy not communicate, except for some purpose authorised by law, to any person any information as to the name or number on the register of voters of any voter who has or has not applied for a ballot paper or voted at that polling station, or as to the official mark or official seal at that polling station.

(2) No person, except a presiding officer acting under the provisions of regulation 21, shall obtain or attempt to obtain in a polling station information as to how any person in that polling station is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station as to how any person in that polling station is about to vote or has voted, or as to the number on the ballot paper issued to any person at that polling station.

(3) Every person in attendance at the counting of the votes shall maintain, and aid in maintaining, the secrecy of the voting and shall not ascertain or attempt to ascertain at the counting the number on any ballot paper or communicate any information obtained at that counting as to the vote signified by any particular ballot paper.

(4) Any person who contravenes any of the provisions of this regulation shall be guilty of an offence.

**51.** Any referendum officer who wilfully fails to perform the functions of his office under these Regulations shall be guilty of an offence. Offences by referendum officers

**52.** (1) Every bill, placard, poster, pamphlet, circular or other printed matter having reference to a referendum shall bear upon its face the name and address of the printer and of the publisher and any person who prints, publishes or posts, or causes to be printed, published or posted any matter which fails to bear upon its face such names and addresses shall be guilty of an offence. Offences by printers and publishers

(2) The proprietor and publisher of every newspaper shall cause the word "advertisement" to be printed as a headline to each article or paragraph appearing in his newspaper containing referendum publicity matter, the insertion of which is or is to be paid for and any proprietor or publisher who fails to comply with this provision shall be guilty of an offence.

(3) For the purposes of this regulation-

(a) any process for producing copies of a document, other than by copying it by hand, shall be deemed to be printing and "printed" shall be construed accordingly; and

(b) "referendum publicity matter" shall be deemed to include all matters which, on the face of them, are intended or calculated to affect the result of a referendum.

**53.** (1) Except as provided for in regulation 45, any person guilty of Penalties



an offence under these Regulations shall be liable on conviction to a fine not exceeding sixty penalty units or to imprisonment for a period not exceeding two years, or to both.

(2) Any person who attempts to commit an offence against these Regulations shall be liable to the punishment prescribed for that offence.

*(As amended by Act No. 13 of 1994)*

## **PART V**

### **CANVASSING**

**54.** This Part shall apply to a referendum to be held on the question of Application whether or not to re-introduce a multi-party system of politics.

**55.** In this Part, "public media" means any newspaper, publication or Interpretation broadcasting service which is owned or controlled by or on behalf of the State.

**56.** The Director of Elections shall-

Functions of Director  
of Elections

(a) ensure that every district referendum officer performs his functions under this Part with impartiality and in accordance with the provisions of this Part;

(b) issue to any district referendum officer and to any officer or authority of the Government upon whom any power has been conferred or any duty imposed by the Commission under section *six* of the Act such instructions as he may consider necessary to ensure due compliance with the provisions of this Part; and

(c) perform all such functions as are conferred or imposed upon him by the provisions of this part.

**57.** Public canvassing for, or of, votes in favour of or against any question submitted to the referendum under section *two* of the Act is permitted but shall take place only in accordance with the provisions of this Part.

Canvassing

**58.** (1) Any written statement intended for publication to the public and having reference to the referendum for the purpose of canvassing for votes in favour of or against any question submitted to the referendum under section *two* of the Act and being a statement not issued by or on behalf of the Commission shall-

Contents of Written statements

(a) bear the names and addresses of the authors, printers and publishers and shall otherwise conform with the requirements of regulation 52;

(b) be in the form of a statement for or against the question setting out the merits or demerits of one or the other political system;

(c) be confined to discussing or arguing the case for, or against, one system or the other as a political model and shall not discuss particular individual persons nor shall it contain defamatory imputations, criticisms or attacks against any individual person or the personal character of any individual whether holding or thought to hold opposing views or not; and

(d) not be seditious or inflammatory or against any written law and shall not be intemperate, offensive, hysterical, provocative, or in any way calculated to incite hatred, public disorder, breaches of the peace and violence.

(2) In this Part, a written statement shall include a bill, placard, poster, pamphlet, or any other printed matter having reference to the referendum.

**59.** A written statement may be published by or on behalf of any person canvassing for votes in favour or against any any question submitted to the referendum under section *two* of the Act by-

Publication of written statements

(a) distributing copies to the public;

(b) being read out for broadcasting over the Zambia National Broadcasting Corporation radio and television networks;

(c) being advertised in the local press in conformity with regulation 52;

(d) being read out at a public meeting; and

(e) any other lawful method.

**60.** Any person who publishes any written statement having reference to the referendum in contravention of regulation 58 shall be guilty of an offence. Contravention an offence

**61. (1)** An oral statement made to the public having reference to the referendum for the purpose of canvassing for votes in favour or against any question submitted to the referendum under section *two* of the Act and not being made by or on behalf of the Commission shall- Content etc., of oral statement

(a) be in the form of a statement for or against the question setting out the merits or demerits of one or the other political system;

(b) be confined to discussing or arguing the case for, or against, one system or the other as a political model and shall not discuss any particular individual person or contain defamatory imputations, criticisms or attacks against any individual person or the personal character of any individual person whether holding or thought to hold opposing views or not; and

(c) not be seditious or inflammatory or against any written law and shall not be intemperate, offensive, hysterical, provocative, or in any way calculated to incite hatred, public disorder, breaches of the peace and violence.

(2) An oral statement, as specified in sub-regulation (1), may be made only at a public meeting arranged and supervised by or on behalf of the Commission at which the speakers shall be persons who have previously indicated in writing to the Commission or the district referendum officer their wish to address a public meeting and have indicated the side of the question they support:

Provided that-

(a) separate meetings shall be arranged for persons speaking on one side of the question and those on the other side; and

(b) the district referendum officer shall arrange an equal number of meetings for both sides unless no person has come forward to indicate his or her wish to speak on one of the sides of the question.

(3) An oral statement, as specified under sub-regulation (1), made at a public meeting may consist of reading a written statement.

(4) The district referendum officer shall publicise the time and venue of each public meeting indicating the side of the question the speakers will support.

(5) The district referendum officer shall notify, in advance, the officer commanding or the officer-in-charge of police in the locality of any meeting and the officer commanding or the officer-in-charge shall cause the attendance of an adequate number of police officers to ensure the maintenance of law and order and compliance with the provisions of this Part.

(6) A public meeting held or proposed to be held under this Part may be discontinued or disallowed only by the Commission or the district referendum officer if satisfied, from their own assessment or on the advice of the officer commanding or officer-in-charge of police in attendance, that the meeting cannot continue or take place by reason of riot, open violence or other similar cause but, where a meeting has been discontinued or disallowed, another meeting shall be convened in its stead at the earliest practicable opportunity.

**62.** The Commission may request any person in charge of the public media, in the case of a newspaper, to allot space, and in the case of broadcasting services, to allot time for the purpose of enabling any person, at his own cost, to canvass in accordance with this Part: Request to public media

Provided that the Commission may arrange for some broadcasts at its own cost to be allotted equally to both sides of the question.

**63. (1)** Any district referendum officer who wilfully fails to perform the functions of his office under this Part shall be guilty of an offence. Offences

(2) Any police officer who wilfully fails to perform the functions of his office under this Part shall be guilty of an offence.

(3) Any person in charge of the public media who, having received a

request from the Commission under regulation 62, wilfully obstructs or prevents the publication of an oral or written statement by any person lawfully canvassing with reference to the referendum in accordance with this Part shall be guilty of an offence.

(4) Any person who, at a lawful public meeting held in connection with the referendum, prior to the holding of such referendum, acts or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting is called, shall be guilty of an offence.

(5) Any person who directly or indirectly, himself or by any other person-

(a) makes use of, or threatens to make use of, any force, violence or restraint upon any other person; or

(b) inflicts or threatens to inflict by himself or any other person or by any supernatural or non-natural means or pretended supernatural or non-natural means any temporal or spiritual injury, damage, harm or loss upon or against any person; or

(c) does or threatens to do anything to the disadvantage of any person-

(i) in order to induce or compel that person to canvass or refrain from canvassing or on account of that person having canvassed or refrained from canvassing in connection with the referendum; or

(ii) in order to induce or compel that person to attend or refrain from attending a public meeting or on account of that person having attended or refrained from attending a public meeting held in connection with the referendum;

shall be guilty of an offence.

(6) Any person who, by abduction, duress or any fraudulent device or contrivance, impedes or prevents the free exercise of his right to canvass under this Part, by any person or thereby compels, induces or prevails upon any person either to canvass or to refrain from canvassing with reference to the referendum shall be guilty of an offence.

**64.** (1) Any person guilty of an offence under this Part shall be liable <sup>Penalties</sup> on conviction to a fine not exceeding sixty penalty units or imprisonment for a period not exceeding two years or to both.

(2) Any person who attempts to commit an offence against this Part shall be liable to the punishment prescribed for that offence.

*(As amended by Act No. 13 of 1994)*

SCHEDULE

PRESCRIBED FORMS

**FORM REF. 1**

REPUBLIC OF ZAMBIA

THE REFERENDUM REGULATIONS

*(Regulations 5, 15 and 29)*

OATH OR AFFIRMATION

I, .  
having

been appointed as

swear/solemnly and sincerely affirm that-

(a) I will carry out the duties required of me as a result of my appointment impartially and to the best of my ability without fear or favour to any person or persons; and

(b) I will not directly or indirectly reveal to any person any matter that may come to my knowledge or notice as a result of my appointment unless so authorised by law.

Signed .....

Sworn/Affirmed before me this

day of ..... 19 .....

Signed .....

Name in BLOCK CAPITALS

Magistrate/Returning Officer

**FORM REF. 2**

REPUBLIC OF ZAMBIA  
THE REFERENDUM REGULATIONS  
(Regulations 2 and 13)  
BALLOT PAPER

Front  
Series No.

Series No.

Republic of Zambia Referendum

Official Mark:

....., 19 .....

.....  
Constituency Number of Voter in Register of  
Voters

.....  
.....

Back

.....CONSTITUENCY  
INSTRUCTIONS: MARK ONE CROSS X ONLY IN THE BLANK BOX  
AGAINST EITHER

YES OR NO

Question	Answer	Symbol	Mark x in This Column
The Question will be printed here	Yes		
No.			



**FORM REF. 3**

REPUBLIC OF ZAMBIA

THE REFERENDUM REGULATIONS

*(Regulation 22)*

CERTIFICATE OF AUTHORITY TO VOTE AT A POLLING STATION

To: Presiding Officer,  
Polling Station

Constituency.

In accordance with regulation 22, authority is hereby given for the person specified below to cast his vote at the above polling station

(i) Full name of voter as shown in Register of Voters

(ii) Referendum duties

(iii) Name of polling district in which registered

(iv) Number of voter in Register of Voters

(v) National Registration Number of Voter .

Dated ..... , 19 .....

*Returning Officer*

**INSTRUCTIONS**

1. This certificate may only be issued to a person who is unable to vote at the polling

station appointed for the polling district in which he is registered due to the fact that he is employed *in an official capacity* on referendum duties at some other polling station.

2. In addition to this certificate, the Voter's Registration Card (Form RV. 2) and National Registration Card must be produced to the Presiding Officer when application is made for a ballot paper.

3. On the issue of a ballot paper to the voter this certificate must be surrendered to the Presiding Officer who must attach it to his marked copy of the Register of Voters.

**FORM REF. 4**

REPUBLIC OF ZAMBIA

THE REFERENDUM REGULATIONS

*(Regulation 23)*

CERTIFICATE OF AUTHORITY TO VOTE AT A POLLING STATION

To: Presiding Officer, Polling Station,  
Constituency.

In accordance with regulation 23, authority is hereby given for the person specified below to cast his vote at the above polling station:

(i) Voter's Registration Card Number .

(ii) Name of polling district in which registered

(iii) Province in which registered

(iv) Full name of voter as shown on his Voter's Registration Card

(v) National Registration Number of voter

Dated

....., , 19 .....

.....

*for District Referendum Officer*

**INSTRUCTIONS**

1. This certificate may only be issued to a person who, by reason of his change of residence, wishes to vote at a polling station in a different *District* from that in which he was originally registered as a voter.

2. This certificate may not be issued later than four days before the date appointed for the taking of the Poll in a referendum.
3. This certificate may only be issued to the voter in person and upon production by the voter of his Voter's Registration Card (Form RV. 2) and his National Registration Card.
4. In addition to this certificate, the Voter's Registration Card and National Registration Card must be produced to the Presiding Officer when application is made for a ballot paper.
5. On the issue of a ballot paper to the voter this certificate must be surrendered to the Presiding Officer who must attach it to his marked copy of the Register of Voters.

**FORM REF. 5**

REPUBLIC OF ZAMBIA

THE REFERENDUM REGULATIONS

*(Regulation 24)*

CERTIFICATE OF REGISTRATION AS A VOTER

To: Presiding Officer,  
Polling Station,

-----Constituency.

The person specified below has applied under regulation 24 for a certificate of registration as a voter and I am satisfied that such person is registered as a voter in accordance with the details shown.

VOTER'S ROLL No.

POLLING DISTRICT

SURNAME

--	--	--	--	--	--	--	--	--	--

OTHER NAME(s) (First name in full - other names initials only)

--	--	--	--	--	--	--	--	--	--

RESIDENTIAL ADDRESS (Not P.O. Box No.)

--	--	--	--	--	--	--	--	--	--

--	--	--	--	--	--	--	--	--	--

NATIONAL REGISTRATION NUMBER

--	--	--	--	--	--	--	--	--	--

Dated ----- , 19 -----

*for District Referendum Officer*

Instructions

1. This certificate may only be issued to a person whose name and National Registration Number as shown on his National Registration Card agree with the details shown in the register of voters for the polling district in which he claims he was registered.

2. This certificate may not be issued later than four days before the date appointed for the taking of the Poll in a referendum.
3. In addition to this certificate, the National Registration Card must be produced to the Presiding Officer when application is made for a ballot paper.
4. On the issue of a ballot paper to the voter this certificate must be surrendered to the presiding officer.

**FORM REF. 6**

REPUBLIC OF ZAMBIA  
 THE REFERENDUM REGULATIONS  
 (Regulations 2 and 27)  
 BALLOT PAPER ACCOUNT

Polling Station -----Constituency .....  
 Date of Poll ....., 19 .....

To be completed by Returning Officer on issue of ballot papers		To be completed by Presiding Officer at close of the poll			
Ballot Papers Supplied	Total Number Supplied	Number used excluding spoilt ballot papers	Number of spoilt ballot papers	Number of unused ballot papers	Total of Cols 2-4 (This must equal Col. 1)
Ballot Papers numbered	(1)	(2)	(3)	(4)	(5)
(a) ----- to -----inc.----- ----- -----					
(b) ----- to----- inc.----- ----- -----					
(c) ----- to----- inc.----- ----- -----					
(d) ----- to----- inc.----- ----- -----					
(e) ----- to----- inc.----- ----- -----					
(f) ----- to----- inc.----- ----- -----					
(g) ----- to----- inc.----- ----- -----					
(h) ----- to----- inc.----- ----- -----					
(i) ----- to ----- inc.----- ----- -----					
(j) ----- to-----inc.----- ----- -----					

(k)	----- to-----inc.----					
	-----					
	-----					
(l)	----- to-----inc.----					
	-----					
	-----					
(m)	----- to-----inc.----					
	-----					
	-----					
(n)	----- to-----inc.----					
	-----					
	-----					
(o)	----- to-----inc.----					
	-----					
	-----					
(p)	----- to----- inc.----					
	-----					
	-----					
(q)	----- to-----inc.----					
	-----					
	-----					
(r)	----- to-----inc.----					
	-----					
	-----					
(s)	----- to-----inc.----					
	-----					
	-----					
(t)	----- to-----inc.----					
	-----					
	-----					
Totals						

I hereby certify that this is a correct statement of all ballot papers supplied to me.

Date \_\_\_\_\_, 19 \_\_\_\_\_

*Presiding Officer*

### INSTRUCTIONS

In every case the total in Column 5 *must* equal the total in Column 1. If these totals do not agree it is the responsibility of the Presiding Officer to trace and correct the error before signing this form.



**FORM REF. 7**

REPUBLIC OF ZAMBIA

THE REFERENDUM REGULATIONS

(Regulation 32)

STATEMENT OF REJECTED BALLOT PAPERS

Constituency .....

Date of Poll .....,  
19 .....

Reason for rejection by Returning Officer	Total
1. Want of official mark	
2. Votes signifying more than one answer	
3. Voter identified by mark	
4. Marked or invalid for uncertainty	
Total number of rejected ballot papers	

I hereby certify that this is a correct statement of the ballot papers rejected as invalid by me.

Dated ....., 19 .....

Returning Officer

Instructions

1. To be completed by the Returning Officer at the conclusion of the count and before announcing the result.
2. The rejected ballot papers must be placed together in a marked envelope which must be sealed by the Returning Officer.

Constituency No. ....

**FORM REF. 8**

REPUBLIC OF ZAMBIA

THE REFERENDUM REGULATIONS

*(Regulation 34)*

DECLARATION OF THE RESULT OF THE POLL IN A CONSTITUENCY

I, (full names of Returning Officer)

being the Returning Officer for the

Constituency, do hereby declare that I have, in accordance with the law ascertained the result of the Poll in the said constituency and that I have found:

- (1) the number of valid votes signifying the answer "YES" to be
  
- (2) the number of valid votes signifying the answer "NO" to be
  
- (3) the total number of valid votes received to be \_\_\_\_\_, and
  
- (4) the number of rejected ballot papers to be

This declaration is made only in respect of the Poll taken in this constituency. The details I have announced will be transmitted forthwith to the Referendum Commission whose responsibility it is to determine and to declare their national result of the referendum.

Dated ....., 19 .....

Signed .....

FULL NAME IN BLOCK CAPITALS .....

**INSTRUCTIONS**

- 1. This form must be completed in duplicate by the Returning Officer and the original must be read aloud in public at the place where the counting of votes takes place.
- 2. The original of this form must be delivered personally to the Referendum Commission by the Returning Officer. The duplicate must be retained by the Returning Officer.



**FORM REF. 9**

REPUBLIC OF ZAMBIA  
THE REFERENDUM ACT

*(Section II)*

THE REFERENDUM REGULATIONS

*(Regulation 35)*

DECLARATION OF THE RESULT OF REFERENDUM

WHEREAS a Referendum has been held within the Republic on the

..... day of ....., 19 .....

pursuant to section 2 of the Referendum Act;

AND WHEREAS the Commission has received, pursuant to regulation 35 of the Referendum Regulations, the result of the said Referendum in respect of all constituencies;

AND WHEREAS the Commission has ascertained, pursuant to regulation 35 of the Referendum Regulations, the total number of votes cast in the said Referendum signifying the answer "YES" and the total number of votes cast in the said Referendum signifying the answer "NO";

AND WHEREAS the total number of persons who were entitled to vote in the said Referendum is

NOW THEREFORE the Commission hereby declares as follows:

(i) the total number of votes cast in the said Referendum signifying the answer "YES"

is

(ii) the total number of votes cast in the said Referendum signifying the answer "NO"

is

(iii) the total number of votes cast in the said Referendum signifying the answer "YES" \*\*represents/does not represent the votes of the majority of all persons entitled to vote in the said Referendum.

Dated this ..... day of .....,

19 .....

*Chairman, Referendum Commission*

LUSAKA  
ZAMBIA

\*Delete as necessary

**FORM REF. 10**

REPUBLIC OF ZAMBIA

THE REFERENDUM ACT

(Section 23)

THE REFERENDUM REGULATIONS

(Regulation 36)

DECLARATION OF THE RESULT OF REFERENDUM

WHEREAS a Referendum has been held within the Republic on the day of ..... , 19..... , pursuant to section 2 of the Referendum Act;

AND WHEREAS the High Court has made an order, pursuant to section 23 of the Referendum Act, relating to the result of the said Referendum:

NOW THEREFORE the Commission, in pursuance of the said section 23 and in conformity with the said order of the High Court, hereby declares as follows:

(i) the total number of votes cast in the said Referendum signifying the answer "YES"

is ;

(ii) the total number of votes cast in the said Referendum signifying the answer "NO"

is ;

(iii) the total number of votes cast in the said Referendum signifying the answer "YES"

\*represents/does not represent the votes of the majority of all the persons entitled to vote in the said Referendum.

Dated this ..... day of ..... , 19 .....

Chairman, Referendum Commission

.....

LUSAKA  
ZAMBIA

\*Delete as necessary

## FORM REF. 11

REPUBLIC OF ZAMBIA

THE REFERENDUM REGULATIONS

(Regulation 39)

REPORT ON VERIFICATION OF BALLOT PAPER ACCOUNTS

o: Director of Elections,  
P.O. Box 50274,  
Lusaka.

I, the undersigned, being the Returning Officer for the

Constituency hereby report that I have, in accordance with regulation 39 of the above Regulations, verified the ballot paper accounts received from the Presiding Officer of every Polling Station in the Constituency by comparing them with the total number of ballot papers contained in each ballot box and the total number of unused and spoilt ballot papers delivered to me by such Presiding Officers.

The result of such verification is as follows:

1. Total number of ballot papers issued by me to Presiding Officers

Details obtained from Ballot Paper Accounts		Details obtained from physical check by Returning Officer	
2.	Number used excluding spoilt ballot papers	5.	Total number of ballot papers contained in all boxes
3.	Number of spoilt ballot papers	6.	Total number of ballot papers on hand
4.	Number of unused ballot papers	7.	Total number of unused ballot papers returned by Presiding Officers
Total		Total	

### INSTRUCTIONS

1. The verification of the ballot paper accounts shall take place as soon as possible after the counting of votes in a constituency has been completed.

2. The totals to be entered at 1, 2, 3 and 4 above are obtained by



adding the totals of all Columns 1, 2, 3 and 4 respectively shown on the ballot paper accounts submitted by the Presiding Officers.

3. The totals to be entered at 5, 6 and 7 above are those obtained by the Returning Officer at the counting of the votes.

4. Explanation of any discrepancies must be made by the Returning Officer on the back of this form.