

[No. 23 of 1996

GOVERNMENT OF ZAMBIA

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**ACT**

No. 23 of 1996

Date of assent: 14th October, 1996

An Act to amend the Electoral Act, 1991

[16th October, 1996

ENACTED by the Parliament of Zambia.

1. This Act may be cited as the Electoral (Amendment) Act, 1996, and shall be read as one with the Electoral Act, 1991, in this Act referred to as the principal Act.

2. The principal Act is amended by the repeal of section *nine* and the substitution therefor of the following:

9. (1) A candidate for election as President shall, on such day, at such time and at such place as may be determined by the Commission, deliver to the Returning Officer—

- (a) the candidate's nomination paper;
- (b) the prescribed election fee;
- (c) the prescribed statutory declaration of the candidate's assets and liabilities; and
- (d) an oath or affirmation, as set out in the Schedule, of the candidate's Zambian citizenship and that the candidate's parents are Zambian citizens by birth or descent:

Provided that—

- (i) subject to sub-paragraph (ii), the contents of such documents referred to in this section shall be accepted *prima facie*, by the Returning Officer, as complying with the law as to qualification for election as President;
- (ii) notwithstanding sub-paragraph (i) if the Returning Officer is satisfied that clause

Enactment

Short title  
Act No. 2 of  
1991

Repeal and  
replacement  
of section 9

Nomination  
of  
presidential  
candidate

(5) (a) or (c) of Article 34 or clause (2) of Article 35 of the Constitution has not been complied with, he shall immediately reject the nomination of such candidate.

(2) The nomination paper shall be signed by not less than two hundred registered voters.

(3) Any question, by any person, which may arise as to whether any provision of the Constitution or any law relating to nomination or election of President has been complied with shall be referred by the Returning Officer or by such person to the full bench of the Supreme Court within 14 days of the person elected as President being sworn in, in accordance with clause 9 of Article 34 of the Constitution.

(4) A person who swears or affirms falsely under this section shall be guilty of an offence and shall be liable upon conviction to imprisonment for a term of seven years without the option of a fine.

SCHEDULE (Section 9)

OATH/AFFIRMATION OF ZAMBIAN CITIZENSHIP OF PRESIDENTIAL CANDIDATE AND PRESIDENTIAL CANDIDATE'S PARENTS

I, (fullnames)..... of (residential address)..... of (postal address)..... and holder of National Registration Card No..... being a candidate for election to the office of President of the Republic of Zambia,

MAKE OATH/AFFIRMATION AND SAY THAT:

- 1. I was born on..... Village/Township/Town..... District..... Country.....
2. That I have attained the age of thirty-five years;
3. That I am a Zambian citizen;
4. That both my parents are Zambian citizens by birth/descent;\* That my father (fullnames)..... was born on..... Village/Township/Town..... District..... Country.....

and that my mother (full was born on..... Village/Township/Town District.....

- 5. That I am qualified to be
6. That I have been domicil
7. That I have not twice bo

The above information h

.....

Date.....

.....

SWORN/AFFIRMED BY THE S/

.....

At:.....

This.....

BEFORE ME:

\*Delete whichever is not

and that my mother (full names).....  
was born on.....  
Village/Township/Town.....  
District.....Country.....

- 5. That I am qualified to be elected as a member of the National Assembly;
- 6. That I have been domiciled in Zambia for a period of at least twenty years; and
- 7. That I have not twice been elected as President.

The above information has come to my knowledge by.....

Date.....Signature.....

SWORN/AFFIRMED BY THE SAID:.....

At:.....

This.....day of.....199.....

BEFORE ME:

.....  
*Notary Public*

\*Delete whichever is not applicable