1. (1) A person has, subject to paragraph (2), the right to—
   (a) express political opinions;
   (b) debate the policies and programmes of political parties;
   (c) canvas freely for membership and support from voters;
   (d) distribute election literature and campaign materials;
   (e) publish and distribute notices and advertisements;
   (f) erect banners, placards and posters;
   (g) campaign freely;
   (h) participate freely in partisan political activities; and
   (i) seek the protection of the law from harm as a result of that person’s political opinion or affiliation.

(2) A public officer shall not engage in any active partisan political activity referred to in subparagraph (1) whilst in the public service.

2. A person shall, during an election campaign or election, promote conditions conducive to the conduct of free and fair elections and be bound by this Code.

3. (1) The Commission shall, where reasonable and practicable to do so—
   (a) meet political party representatives on a regular basis to discuss matters of concern related to an election campaign and election itself;
   (b) ensure that political parties do not use State resources to campaign for the benefit of any political party or candidate;
   (c) avail political parties with the election timetable and election notices in accordance with the Act;
   (d) censure acts done by leaders of political parties, candidates, supporters, and Government and its organs, which are aimed at jeopardising elections or done in contravention of this Code;
   (e) declare election results expeditiously from the close of the election day;
(f) ensure that a campaign rally or meeting which is legally organised by a political party is not disrupted or arbitrarily prohibited;

(g) ensure that an election officer, police officer, monitor, observer or media person is not victimised in the course of their election duties;

(h) ensure that police officers act professionally and impartially during the electoral process;

(i) ensure that traditional leaders do not exert undue influence on their subjects to support a particular political party or candidate;

(j) ensure that equal opportunity is given to all stakeholders, particularly political parties and independent candidates to participate in and conduct their political activities in accordance with the law; and

(k) condemn acts of media organisations and personnel aimed at victimisation, punishment or intimidation of media practitioners implementing any of the provisions of this Code.

(2) A member of the Commission may attend political rallies to monitor compliance with this Code.

4. (1) A political party and candidate shall—

(a) establish and maintain effective lines of communication with the Commission and with other registered political parties and candidates, at national, political and local level, including the provision of names and the contact details and addresses of or a candidate’s party election agents and of other relevant office bearers and representatives;

(b) accept and respect decisions of the Commission in respect of election results announced by returning officers and the Commission in accordance with the law;

(c) issue directives to their members and supporters to observe this Code and take any necessary steps to ensure compliance;

(d) hold public meetings in compliance with the law;

(e) adhere to the election timetable issued by the Commission in conducting election campaigns in accordance with this Act;
(f) take appropriate measures to ensure environmental protection and cleanliness in the course of posting or distributing electoral campaign material;

(g) remove campaign materials within fourteen days of the declaration of election results;

(h) take necessary measures to ensure public safety in the course of posting or distributing electoral campaign material; and

(i) carry out campaign meetings and rallies peacefully.

(2) A member or supporter of a political party or a candidate shall not—

(a) use language which incites hatred or violence in any form against any person;

(b) issue any pamphlet, newsletter, poster or other propaganda which contains materials that incite people to violence or rebellion;

(c) deface, remove or destroy campaign materials of another political party or publications of the Commission;

(d) disrupt another political party’s rally, meeting, march or demonstration or seek to obstruct another person from attending a political rally of another political party;

(e) continuously remain at a polling station during the campaign period or elections; and

(f) wear any campaign materials within four hundred metres of the polling station on the polling day.

(3) Without prejudice to any other written law, any person who contravenes subparagraph (2) commits an offence and shall be liable upon conviction to a fine not exceeding one hundred thousand penalty units or to imprisonment not exceeding one year, or to both.

5. (1) An election agent or polling agent shall, subject to this Code, have the following duties during an election:

(a) observe the opening and closing of a polling station assigned to them on polling day;

(b) witness the voting process;

(c) witness the count of ballot papers for candidates;

(d) witness the announcement of results; and

(e) witness the declaration of results, where applicable.
(2) An election agent or polling agent shall counter sign the election results duly announced or declared by a presiding officer or returning officer, as the case may be, except that failure to countersign the election results by such election agent or polling agent shall not render the results invalid.

6. The Zambia Police Service shall—

(a) enforce law and order at campaign meetings and processions in order to maintain peace and order;

(b) ensure that police officers do not abuse their authority or Government resources to campaign for the benefit of any political party or candidate;

(c) refrain from disrupting any campaign, rally or meeting which is legally convened by any political party; and

(d) ensure that police officers do not use their office to oppress any political party, candidate or supporter.

7. (1) Print and electronic media shall—

(a) provide fair and balanced reporting of the campaigns, policies, meetings, rallies and press conferences of all registered political parties and candidates during the campaign period;

(b) provide news of the electoral process up to the declaration of results;

(c) abide by regional codes of conduct in the coverage of elections provided that such guidelines are not in conflict with this Code;

(d) be bound by the provisions of this Code during elections; and

(e) in liaison with the Commission, recognise a representative media body authorised to receive complaints and provide advice regarding fair coverage of elections.

(2) A media organisation shall endeavour to—

(a) undertake capacity building of media personnel in their respective organisations;

(b) report election news in an accurate manner and not make any abusive editorial comment, incite violence or advocate hatred based on race, ethnicity, tribe, gender, sex, political or religious conviction; and

(c) identify any editorial comment it intends to make and separate it from the factual reporting of the news.
(3) The heads, senior management and staff of public and private media organisations shall not intimidate media practitioners and shall allow them to exercise professional judgment without undue influence.

(4) Public and private media personnel shall—

(a) conduct interviews with candidates with fairness both in the style of the interview and in the amount of the time given;

(b) refrain from broadcasting their own political opinions, commentary or assessment, and where they do so, clearly identify the opinion, commentary or assessment as their own and carefully balance it in order to avoid bias; and

(c) be duly accredited by the Commission to enter a nomination centre, polling centre or totalling centre.

8. (1) A public television, radio and electronic media shall allocate public air time equally to all political parties and candidates for their political broadcasts.

(2) The Commission shall prescribe the amount of air time in any given language on public television or radio to be allocated to a political party or candidate.

(3) On polling day, media shall not broadcast any campaign interviews for political parties or independent candidates or predict election results.

(4) Broadcasters shall inform the public on the source of any public opinion poll and shall indicate the margin of error.

9. (1) Media shall disclose accurate election results and provide updates on the progress of the vote counting process and shall not speculate election results but shall broadcast confirmed election results as they are announced and published by presiding officers.

(2) Television and radio stations shall—

(a) maintain full records of all radio and television news bulletins and recordings of all other programmes related to the election, including party political broadcasts and shall institute a close and meticulous monitoring system to ensure balance throughout the campaign and up to the close of poll; and
(b) provide the Commission, at any reasonable time, with such records, information and recordings as the Commission may require to fulfill its monitoring role.

(3) The Commission shall require newspapers to make available archived copies of newspapers for inspection in the event of a complaint.

(4) A candidate or political party who alleges that the candidate or political party has been unfairly treated or covered by any media organisation in the course of the election campaign, may lodge a complaint against the media organisation, in writing, to the Commission.

(5) Where a complaint made under subparagraph (4) requires any media organisation to rectify an error, the candidate or political party making the complaint shall send the complaint to that media organisation and a copy of the complaint to the Commission and the media organisation shall respond to the complaint.

(6) Where a right of reply, a retraction or the correction of a matter of significance is necessary, it shall be made in a like manner and with equal prominence as the original report or publication.

10. (1) A person shall not act as a monitor or observer, during an election campaign or election unless the person is duly accredited by the Commission.

(2) A monitor shall be nominated by the organisation to which the monitor belongs and shall undergo training and assessment by that organisation.

(3) A monitor or observer shall be provided with necessary identification by the Commission and the monitor’s or observer’s organisations.

(4) A monitor or observer shall discharge monitors or observer’s functions in accordance with this Code and any other written law or such lawful directives as may be given by the Commission or any person acting on its behalf.

(5) A monitor or observer shall—

(a) bring to the attention of the presiding officer or returning officer or member of the Commission any observed electoral malpractice;
(b) be impartial in the conduct of the monitor’s or observer’s duty and shall, at no time, publicly indicate or express any bias or preference with reference to any political party or candidate;

(c) be in a sufficient number at each polling station and shall ensure that their presence is widely known and recognised by the electorate;

(d) not interfere with the duties of the election officials in any way and shall immediately report any violation to the proper authority;

(e) ensure that any material information or report which the monitor or observer receives or any event, occurrence or statement of which the monitor or observer has been notified or which indicates the commission of an offence or contravention of the Act or this Code are brought to the attention of the monitor’s or observer’s organisations, the police, the Commission, conflict management committees and other parties concerned;

(f) not by themselves or through the monitor’s or observer’s organisation, forecast, declare or disclose the result of any election before the declaration by the Commission;

(g) when so requested, immediately identify themselves to any election officer or police officer and shall, during the conduct of the monitor’s or observer’s activities, at all times carry, wear or otherwise prominently display the identification issued by the Commission;

(h) not display allegiance to any political party at any time and shall refrain from carrying, wearing and displaying electoral material or any article of clothing, colours, badges or other items denoting support for or opposition to any political party or candidates or any of the issues in contention in the elections;

(i) not be involved in corrupt practices or accept any favours, so as to make statements in favour of or against any candidate or political party; and

(j) not carry or display arms or other dangerous weapons during the conduct of the monitor’s or observer’s activities or while wearing the identification issued by the Commission.
(6) Monitors and observers and their sponsoring organisations shall, whenever requested by the Commission, attend such briefings, training workshops and other meetings convened in order to coordinate their activities.

(7) After the declaration of results of the elections, monitors and observers shall hand over to the Commission any identification received from it.

(8) The Commission may revoke the accreditation of any monitor or observer who contravenes the provisions of this Code.

11. (1) The Commission may—
   
   (a) reprimand a political party, candidate or stakeholder for any conduct in violation of this Code;

   (b) report a breach of this Code to the Zambia Police Service, Anti-Corruption Commission and Drug Enforcement Commission or any other relevant law enforcement agency;

   (c) revoke the accreditation of election agents, polling agents, monitors observers or the media where it is necessary in the interest of public safety and security to do so; and

   (d) impose any administrative measures on any person, candidate or political party for persistent breach of this code.

   (2) The Commission may where practicable to do so, summon any person contravening this Code and any voter, candidate or political party alleging a breach to appear before it.

12. (1) The following persons may lodge a complaint to the Commission in relation to an election:

   (a) a voter or candidate in a constituency where a breach of this Code has been committed; or

   (b) from a political party participating in an election.

   (2) Complaints arising during election campaigns and elections may be made to an election officer or to a conflict management committee at the place where the conduct complained against occurred.

   (3) The Commission may refer and report any violation of the Code to the Zambia Police Service, Anti-Corruption Commission or any other appropriate law enforcement agency for investigation and prosecution where appropriate.
Conflict management committees established by the Commission pursuant to section one hundred and eight may resolve electoral disputes.

(2) The conflict management committees shall take into account the provisions of this Code in resolving electoral disputes.

(3) Conflict management committees shall mediate in electoral disputes and shall encourage amicable settlement of electoral disputes within twenty-four hours of receipt of a formal complaint.

A person or a member of a law enforcement agency, civil society, a Church, faith-based organisation, traditional leader, political party or media shall not, by means of threats, violence or sanction, coerce or intimidate another person during campaigns, public debates or elections.

A person shall not—

(a) cause violence or use any language or engage in any conduct which leads or is likely to lead to violence or intimidation during an election campaign or election;

(b) carry or display arms or weapons, traditional or otherwise, of any kind at a political meeting or in the course of any march, demonstration or other public gathering of a political nature;

(c) make false, defamatory or inflammatory allegations concerning any person or political party in connection with an election;

(d) arrange a public meeting, demonstration, rally or march at the same time and venue as another similar political event organised by another political party or candidate;

(e) prevent the reasonable access to voters of any candidate or political party in any manner for the purposes of conducting voter education, fund raising, canvassing membership or soliciting support;

(f) plagiarise the symbols, colours or acronyms of candidates or other political parties;

(g) deface, remove or destroy any political campaign materials of any person or political party or publications of the Commission;

(h) offer any inducement, reward or bribe to any person in consideration of such person—
(i) joining or not joining any political party;
(ii) attending or not attending any political event;
(iii) voting or not voting;
(iv) accepting, refusing or withdrawing that person’s
domination as a candidate in an election;
(v) surrendering that person’s voter’s card, or national
registration card or both; or
(vi) offering to surrender a voter’s card or national
registration card, or both;

(i) abuse or attempt to abuse a position of power, privilege or
influence, including parental, patriarchal or traditional
authority for political purposes including any offer of a
reward or for the issuance of a threat;

(j) propagate any opinion or action which is prejudicial to—

(i) the sovereignty, integrity or security of the country;
(ii) the maintenance of public order; or
(iii) the independence of any institution;

(k) use Government or parastatal transportation or facilities
for campaign purposes, except that this paragraph shall
not apply to the President and the Vice President in
connection with their respective offices;

(l) use Government transportation or resources or facilities
to transport voters to polling stations;

(m) discriminate against any person on grounds of race,
etnicity, class, disability, gender, sex, religion or in any
other manner in connection with an election or political
activity;

(n) carry any statue, caricature or anything which tends to
ridicule, revile or scandalise any political party or its
leader, a candidate or the Government, at any public
political gathering, meeting or procession; and

(o) be in possession of a voter’s card or national registration
card belonging to another person during the campaign
period.

(2) A person who contravenes subparagraph (1) commits an
offence and is liable, upon conviction, to a fine not exceeding two
hundred thousand penalty units or to imprisonment for a term not
exceeding two years, or to both.
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<th>Electoral Process</th>
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<tr>
<td>16.</td>
<td>A person who contravenes any provision of this Code for which no specific penalty is provided commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.</td>
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<td>17.</td>
<td>The Electoral (Code of Conduct) Regulations, 2006, are revoked.</td>
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