



## **CCMG Statement on the Conduct of Voting and Counting for the Kawambwa Parliamentary By-Election Held on 20 December 2024**

*23 December 2024*

### **I. Introduction**

The Christian Churches Monitoring Group (CCMG) observed both the pre-election period and election day for the 20 December 2024 Kawambwa Constituency by-election. In the pre-election period, CCMG recruited, trained, and deployed nine (9) Long-Term Observers (LTOs), and for election day, CCMG recruited, trained, and deployed a total of fifty-seven (57) Process and Results Verification for Transparency (PRVT) Monitors, one at every polling station in Kawambwa Constituency. CCMG also deployed five (5) Ward Supervisors who served as mobile monitors on election day. Election Day Monitors arrived at their assigned polling station at 05:30 hours and remained at their assigned polling station to observe the polling station setup and opening, voting, counting, and the official announcement of results for the polling station. The objective of CCMG's PRVT in the by-election was to **enhance transparency** by providing systematic, factual information on the electoral process; **improve accountability** by independently verifying the accuracy of the official results as announced by the ECZ; and **promote inclusivity** by giving voters confidence to participate in the electoral processes.

### **II. Pre-Election Assessment**

#### **Nominations**

CCMG deployed nine (9) LTOs to monitor the pre-election environment, including voter education/information activities by various stakeholders, campaigns, adherence to the electoral code of conduct, and media coverage. Two (2) of the LTOs were assigned to monitor candidate nominations at the Kawambwa Civic Centre on 21 November.

CCMG's LTOs reported strict adherence to nomination procedures by the ECZ and an overall calm environment, except for an incident where the ECZ initially refused to accept the nomination papers for the candidate from the New Congress Party due to insufficient documentation. The candidate was eventually allowed to file their nomination papers following the Returning Officer's intervention. Additionally, CCMG's LTOs reported on the presence of agents representing political parties and aspiring candidates and the presence of Zambia Police providing security.

#### **Campaign Period**

##### *Voter Education*

CCMG's LTOs reported having witnessed or heard of voter education activities being conducted by the ECZ through its Voter Education Facilitators (VEFs), the District Voter Education Committee (DVEC), and the media (detailed below) in all wards. The LTOs also reported witnessing or hearing of voter education activities conducted by civil society and faith-based organizations (CSOs/FBOs). CCMG's LTOs reported witnessing or hearing of voter education activities targeting youth, women, and persons with disabilities.

### *Candidate/Political Party Campaigns*

CCMG's observers did not report any incidents of political violence, intimidation, or harassment during the campaign period. Additionally, there were no reports of any disruption of party activities nor suspensions of political campaign rallies.

## **General Environment**

### *Media Coverage*

CCMG's observers in Fisaka, Iyanga, Luena, Ngóna, and Senga Wards reported hearing of voter education/information activities by Lukwanga FM during the pre-election period. The various voter education/information programs called on political parties and candidates to conduct peaceful campaigns and encouraged eligible Kawambwa constituents to exercise their civic right to vote on election day.

## **Electoral Code of Conduct Violations**

### ● **Voter Inducement**

CCMG observers noted multiple incidents of party officials, candidates, and others providing inducements, including food and cash, to voters, detailed below. These acts violate Section 81 (1) (a) of the Electoral Process Act:

- On 3 November, a CCMG observer in Lushiba Ward reported witnessing the Provincial Campaign Chairman for the United and Prosperous and Peaceful Zambia (UPPZ) party distributing food items, including kapenta (chisense) and mealie meal to party supporters in Chitondo Village.
- On 28 November, a CCMG observer in Lushiba Ward reported hearing of the Movement for Change and Equality members distributing cash of ZMW10 to men and ZMW5 to women in the Kamfukeshi area, while urging the recipients to vote for their candidate.
- On 14 December, a CCMG observer witnessed the Socialist Party (SP) handing out ZMW10 to people in Senga Ward, led by the party president and the SP candidate.
- On 16 December, a CCMG observer heard of the UPPZ distributing cash in the form of ZMW50 to men and ZMW20 to women in the Kamfukeshi area in Lushiba Ward.
- On 16 December, a CCMG observer in Lushiba Ward reported hearing of United Party for National Development (UPND) officials including the Minister of Youth, Sports and Arts; the Chililabombwe MP; and the UPND candidate distributing money (ZMW50) to the residents of the Chitondo area. The UPND officials are reported to have promised to distribute fertilizer to the community at a later date.

### ● **Continuous Voter Registration, Replacement of Voters Cards, and Collection of Voters Card Details**

- On 19 December, a CCMG observer in Ntumbachushi Ward reported an incident involving UPND supporters allegedly ferrying individuals with lost or damaged voter's cards from Kawambwa to Nchelenge Constituency for replacements.
- In a related incident, a CCMG observer in Nchelenge Constituency also heard of a teacher from Kawambwa Constituency reportedly bringing blank, stamped police reports to the voter registration centre, completing them on-site, and facilitating voter's card replacements. The ECZ operated the Nchelenge Voter Registration Centre beyond prescribed working hours including very late in the night to facilitate voter's card replacements for voters from Kawambwa Constituency. This practice raised concerns about voters being added to the voter's roll, however the ECZ issued a statement on 20 December clarifying that no additional voters were added to the register following the certification of the register on 21 February, 2024. Nonetheless, this incident undermined confidence in the integrity of the voter register. According to reports, as part of

this incident, a UPND supporter reportedly demanded the cards or their details from the individuals, violating Regulation 39 of the Electoral Process (Registration of Voters) Regulations, 2020, as well as paragraphs 3(1)(b) and 15 (1) (h) and (k) of the Electoral Code of Conduct.

### **III. Election Day Key Findings and Critical Incidents**

Based on reports from CCMG's 57 PRVT Monitors and 9 LTOs, CCMG finds that the Kawambwa Parliamentary by-election followed standard procedures for the set-up, voting, and counting processes. However, CCMG documented five (5) critical incidents on election day involving duly accredited monitors initially not permitted to monitor, and suspension of voting at selected polling stations:

- Three (3) CCMG monitors at Chimfuntu Primary School-01, Kani Primary School-01, and Ntulo Primary School-02 were initially not allowed to monitor despite being duly accredited by the ECZ and presenting their accreditation. The respective Presiding Officers asked for additional stamped certification letters from the Council Office, which are not required in the regulations. The monitors were ultimately allowed to monitor following intervention from the CCMG Secretariat.
- A CCMG monitor at St Mary's Primary School-01 reported that voting at the polling station was temporarily suspended for at least ten (10) minutes by the District Electoral Officer (DEO) after the Presiding Officer fell ill and was replaced. Agents from the Socialist Party objected to the replacement, citing a lack of prior consultation with stakeholders. Following a discussion, the issue was amicably resolved, and the newly appointed Presiding Officer assumed duties.
- A CCMG monitor at Chitondo Primary School-01 reported that voting at the polling station was temporarily halted for about ten (10) minutes following a confrontation between the ECZ poll staff and the New Congress Party (Tonse Alliance) Spokesperson that ensued when he found that only one of the party's three agents was inside the polling station, and the other two agents incorrectly claimed that they were denied entry. It was later clarified that the two agents had voluntarily chosen to stay outside and continued doing so for the rest of the day.

#### **Opening and Set-Up of Polling Stations**

- All (100%) polling stations were open by 06:30.
- At 96% of the polling stations, an agent for UPND was present during the opening and setup; at 95% of polling stations, an agent for SP was present during the opening and, at 91% of polling stations an agent representing other parties was present during opening and setup.
- At 100% of polling stations, a security officer was present during opening and setup.
- At 100% of the polling stations, the ballot box was shown to be empty before being closed and sealed at the polling station; and had a voters' register, the correct ballot papers, the official stamp/mark, and permanent/indelible ink for marking voters' fingers.

#### **Voting**

At all (100%) polling stations, polling officials checked the fingers of voters for indelible ink before voting and marked the voters' fingers/thumbs with indelible ink before voting; no one voted without the requisite documents such as NRC or voter ID, and no one who already had ink on their finger was allowed to vote. CCMG further notes that 26% of polling stations did not have Braille Jackets for blind voters while all other required materials were present at the start of voting.

#### **Counting**






At those polling stations where voters were in the queue at 18 hrs, all voters were allowed to vote. UPND agents were present at 96% of polling stations for counting and SP party agents at 100% of polling stations for counting. Additionally, in 100% of polling stations, party agents representing other parties/candidates (not SP or UPND) were present for the counting process. In all the polling stations that had party/candidate agents present, party/candidate agents for all parties and candidates agreed with the results. All party agents who agreed with the results signed the results forms and

each was given a copy. In all polling stations, ballot papers were shown to all party agents and monitors present so they could see how each ballot paper was marked and in all polling stations, ballot papers were sorted into individual piles by the candidate. At 100% of polling stations, official results were posted at the polling station for the public to see.

### CCMG Results Verification

#### *Kawambwa Constituency*

CCMG deployed fifty-seven monitors to monitor the process at all the fifty-seven polling stations in the Kawambwa Constituency. The table below shows the comparison between the ECZ's official results and CCMG's results.

<b>Comparison of the ECZ official Results with CCMG Estimates for Kawambwa Parliamentary By-Election.</b>					
<b>Candidate</b>	<b>Party</b>	<b>ECZ Results</b>	<b>% ECZ Results</b>	<b>% CCMG Results</b>	<b>Match?</b>
Musonda Nason	United Party for National Development (UPND)	5,519	49.4%	49.4%	
Mwanza Danstan	New Congress Party (NCP)	3,898	34.9%	34.9%	
Kapambwe Kennedy	Socialist Party (SP)	1,501	13.4%	13.4%	
Chomba Kennedy	United Prosperous and Peaceful Zambia (UPPZ)	185	1.7%	1.7%	
Bwalya Peter	Movement for Change and Equity (MCE)	68	0.6%	0.6%	

In addition, the ECZ's total number of rejected ballots is 1.8% while CCMG's is also 1.8%. The turnout for the by-election for both ECZ official results and CCMG results is 40.8%.

### IV. Recommendations and Conclusion

CCMG will continue to engage with key stakeholders, including the ECZ, the Secretary to Cabinet, the Zambia Police, political parties, media, and CSOs, to share its findings and key recommendations below

#### *Electoral Commission of Zambia*

- **Enforcement of the Electoral Code of Conduct:** CCMG and other stakeholders documented multiple violations of the Electoral Code of Conduct,
  - **ECZ to Monitor Compliance with the Code of Conduct:** While the Electoral Code of Conduct in Paragraph 3 (2) gives discretionary powers to the Commission for its members to attend political rallies to monitor compliance with the Code, following multiple violations documented by CCMG during this and previous by-elections, CCMG urges the ECZ to deploy its members to monitor compliance with the Electoral Code of Conduct and use its findings to swiftly and transparently investigate and enforce the Code.

- **Voter Inducement:** CCMG documented multiple incidents of voter inducement by political party officials, candidates, and others during the campaign period, violating Paragraph 15 (1) (h) of the Electoral Code of Conduct. CCMG calls on the ECZ to investigate violations of the Electoral Code of Conduct and to sanction erring political parties and candidates.
- **Accreditation of Monitors:** CCMG commends the ECZ for accrediting its monitors, as provided in law and regulations, but highlights significant delays and logistical challenges during the process. Despite CCMG's plan to have monitors accredited on the first day of accreditation on 17 December, the ECZ only informed CCMG on 17 December that accreditation that day was limited to political parties, requiring monitors to travel back and forth between Kawambwa, where they are based, and Mansa, where accreditation took place. Further delays occurred on 18 December when the ECZ held an unannounced meeting, postponing accreditation until after 11:00 hours. CCMG's monitors were all accredited by 21:00 hours and CCMG reiterates its recommendation for the ECZ to establish a clear timetable for the accreditation of various stakeholders to avoid unnecessary costs and travel in the future.
- **Monitor Access:** Despite presenting duly issued ECZ accreditation cards, three (3) of CCMG's monitors in Ngona and Iyanga Wards, at Chimfuntu Primary School-01, Ntulo Primary School-02, and at Kani Primary School-01, were requested to present a stamped certification from the council, which is strictly not required by the regulations. CCMG calls on the ECZ to adequately train its poll staff regarding the rights of monitors and that the ECZ accreditation card is the only requirement for a monitor to access a polling station.
- **Use of State Resources for Campaigns:** The Electoral Code of Conduct in Paragraph 3 (1) (b) requires that the ECZ ensures that no one uses state resources to campaign for a candidate. As CCMG has observed in the past, there is a need for ECZ to enforce the provisions cited. Furthermore, in enforcing the code of conduct, the ECZ should work with the Secretary to Cabinet to ensure that all Ministers involved in election activities, particularly in the campaign team of a candidate, should take unpaid leave and not have access to their official vehicles and other privileges.
- **Accessibility of Polling Stations and Election Materials:** CCMG notes that only 29% of polling stations were accessible to people with physical disabilities, requiring entry via steps/stairs. CCMG continues to call on the ECZ to comply with Section 51 of the Persons with Disabilities Act, 2012, and the Sela Brotherton vs ECZ case judgement to enhance accessibility to the electoral process to promote inclusivity by erecting ramps and providing election materials in a usable format. Further, CCMG calls on the Zambia Agency for Persons with Disability to take practical measures in enforcing the Cabinet Office Circular Minute No. 30 of 2024 as well as the Persons with Disability Act No. 6 of 2012.
- **Continuous Registration of Voters:** CCMG acknowledges the importance of the ECZ providing voter's card replacement services as part of voter registration. However, CCMG notes with concern, that the ECZ operated the Nchelenge Voter Registration Centre beyond prescribed working hours including very late in the night to facilitate voter's card replacements for voters from Kawambwa Constituency because of the by-election. CCMG urges the ECZ to establish clear and consistent working hours for voter registration, especially during by-elections, to avoid unnecessary speculation thereby undermining the integrity of the electoral process and the voter register.

### *Political Parties*

- **Candidate Nomination and Participation of Women, Youth, and PWDs:** CCMG urges political parties to create more opportunities and incentives for youth, women, and PWDs to be adopted for elections.
- **Peaceful Campaigns/Adherence to the Electoral Code of Conduct:** CCMG urges political parties to conduct their campaigns peacefully and adhere to the Electoral Code of Conduct, and to sanction their members found in violation of the Code. We further call on the UPND and opposition political parties to desist from acts of voter inducement, as these undermine the integrity and credibility of elections.

### **Zambia Police**

- **Provision of Security:** CCMG calls on the police to impartially protect citizens regardless of political party affiliation, to investigate and bring to book perpetrators of violence.

### **Secretary to Cabinet**

- **Leave for Cabinet Ministers on the Campaign Trail:** CCMG documented an instance of the Minister of Youth, Sports, and Arts participating in campaigns for the Kawambwa parliamentary by-election. CCMG calls on the Secretary to the Cabinet to confirm that the Minister took leave for this purpose, and further recommends that the Secretary to the Cabinet, in collaboration with the ECZ, should enforce the Electoral Code of Conduct by requiring all Ministers participating in election activities, particularly as members of a candidate's campaign team, to take unpaid leave. Additionally, these Ministers should be restricted from using official vehicles and other government privileges to ensure a level playing field and uphold the integrity of the electoral process.

### **Conclusion**

While the environment preceding election day was generally calm and peaceful, and the conduct of the elections at all polling stations largely adhered to established procedures, CCMG notes with concern continued issues of monitor access to polling stations due to lack of understanding by ECZ officials of monitors rights and established procedures, as well as multiple incidents of voter inducement in the pre-election period. CCMG calls on the ECZ to strictly, transparently, impartially, and swiftly enforce the Electoral Code of Conduct and sanction those parties and individuals found in violation of the Code. CCMG further continues to urge the ECZ to take practical measures to enhance access to polling stations for persons with disabilities by erecting ramps as required. Equally, CCMG urges the Zambia Agency for Persons with Disabilities (ZAPD) to enforce the Persons with Disabilities Act No. 6 of 2012 to ensure access to the electoral process by persons with disabilities. CCMG is largely pleased with the adherence to election procedures by electoral officials throughout the voting and counting process and commends the work of its monitors and the dedication of voters in participating in the 20 December by-elections. CCMG thanks all its Long-Term Observers, Election Day Monitors, Data Clerks, Provincial Coordinators, and the Steering Committee for their work and dedication to promoting transparency and integrity in the electoral process.

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## **Detailed Findings Addendum**

### **A. Detailed Findings from Election Day**

#### *Setup and Opening of Polling Stations*

- All (100%) polling stations were open by 06:30; 2% of polling stations opened before 06:00 and 98% of polling stations opened between 6:01 and 06:30.
- At 95% of the polling stations, an agent for the SP party was present during the opening and setup; at 98% of polling stations an agent for UPND was present during the opening and set up; and at 91% of polling stations an agent representing another party (not SP or UPND) was present during opening and setup
- At all (100%) polling stations, a security officer was present during opening and setup.
- At all (100%) polling stations, the ballot box was shown to be empty before being closed and sealed at the polling station; and had a voters' register, the correct ballot papers, the official stamp/mark, and permanent/indelible ink for marking voters' fingers.

#### *Permission to Observe*

- All CCMG monitors were allowed to observe the election, however, three monitors in Ngoni and Iyanga Wards, at Ntulo Primary School 02, Kani Primary School 01, and Chimfuntu Primary School 01 were initially not allowed to observe due to ECZ officials mistakenly requesting the monitors to produce a stamped certification from the council. The monitors were ultimately allowed to observe following intervention from CCMG.

#### *Voting Process*

- At all (100%) polling stations, election officials stamped ballot papers with the official mark/stamp.
- At all (100%) polling stations, indelible ink was applied to voters' fingers.
- At all (100%) polling stations, no one was permitted to vote if they did not have their NRC and Voter's Card with them, if they already had indelible ink on their finger, or if they did not appear in the voter's register.
- At all (100%) polling stations, no voters were turned away and not permitted to vote even though they had their NRC and Voter's Card with them, did not have indelible ink on their fingers, and their names were on the voters' register.
- At 30% of polling stations a few (1-5) men assisted able-bodied women (not physically disabled) to vote.
- At all (100%) polling stations, no one (other than polling officials) assisted multiple people to vote.

#### *Counting Process*

- At all (100%) polling stations, all party polling agents present were permitted to observe the counting of ballot papers.
- At all (100%) polling stations, there was sufficient light during the counting of ballot papers.
- At all (100%) polling stations, polling officials showed the ballot papers to all party representatives so that they could see how each ballot was marked.

#### *Party Agents During Counting Process*

- At all (100%) polling stations, a representative for SP was present during counting, agreed with the results, and was given a copy of the results form.
- At 96% of polling stations, a representative for UPND was present during counting who agreed with the results and was given a copy of the results form.
- At all (100%) polling stations, a representative for other parties/ independent candidates was present during counting, agreed with the results, and was given a copy of the results form.

#### *Accessibility of Voting for People with Disabilities*

- 73% of polling stations had Braille jackets for blind voters.

- At 71% of polling stations, voters had to go up the stairs to reach the polling station, rendering it inaccessible for people with mobility-related disabilities.
- At all (100%) polling stations people with disabilities, pregnant women, and nursing mothers were allowed to go to the front of the queue.

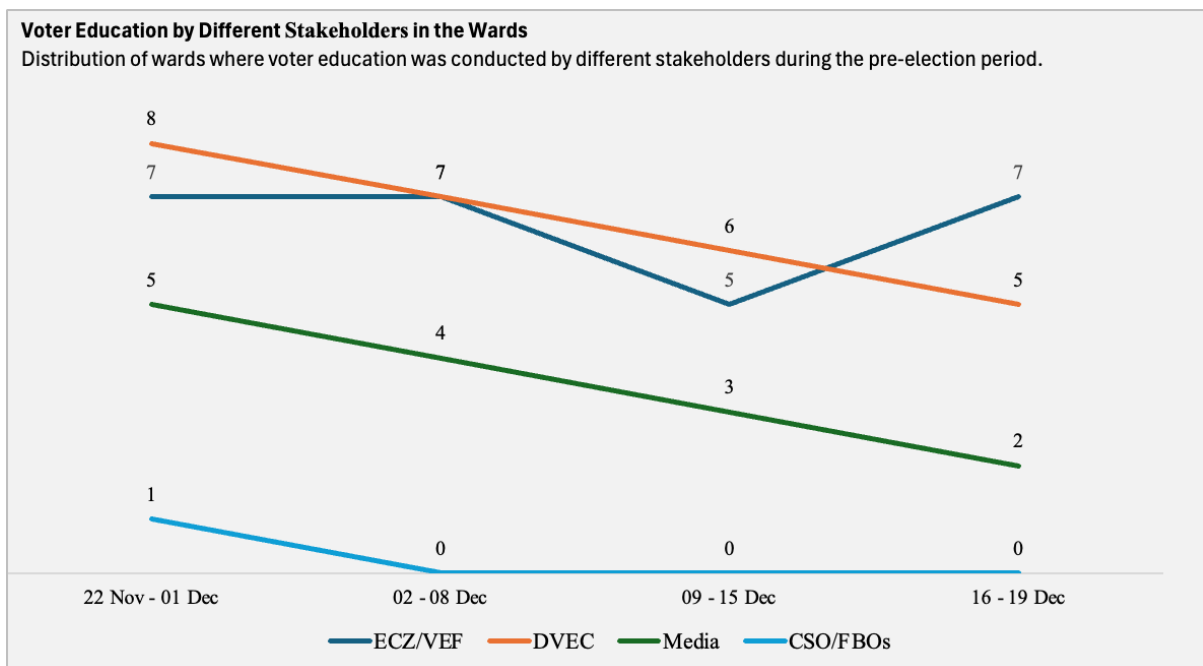
*Participation of Women*

- There was an average of six ECZ officials in the polling stations, three of whom were women, and 46% of presiding officers were female.
- Forty-two percent (42%) of the polling stations had a female security officer.
- Fifty-four (54%) of party representatives for SP were women, 42% of party representatives for UPND were women, and other parties /independent candidates’ representatives were 58% women.

**B. Detailed Key Findings from the Pre-Election Period**

*Voter Education/Information*

CCMG’s LTOs reported having attended or heard of voter education being conducted by the ECZ through the Voter Education Facilitators (VEFs) in all wards, voter education being conducted by DVEC in eight (8) wards, and only one (1) ward reported CSOs/FBOs conducting voter education. CCMG observers also reported voter education, particularly targeting women and youth, in seven (7) wards, and persons with disabilities in six (6) wards. The figure below shows the distribution of voter education by different stakeholders in the wards over the reporting periods.



CCMG commends the ECZ for widely conducting voter education and calls on other stakeholders including Civil Society Organizations to enhance coverage in future elections to provide voter education to all voters, with a particular focus on marginalized/special interest groups.