



PRELIMINARY STATEMENT

BY

**HONOURABLE SAMUEL B. TEMBENU, S.C.
FORMER MINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS
OF THE REPUBLIC OF MALAWI**

AND

HEAD OF THE SADC ELECTORAL OBSERVATION MISSION (SEOM)

TO

THE 2026 GENERAL ELECTION

IN

THE REPUBLIC OF ZAMBIA

LUSAKA, 15 AUGUST 2026

SALUTATIONS:

Distinguished Members of the SADC Organ Troika;

His Excellency Hailemariam Desalenn Boshe, former Prime Minister of the Federal Democratic Republic of Ethiopia and Head of the Joint African Union – COMESA Electoral Observation Mission;

His Excellency Dr. Mokgwetsi Eric K. Masisi, former President of the Republic of Botswana and Head of the International Conference on the Great Lakes Region (ICGLR) Election Observation Mission;

Honourable Justice Annabel Mtalimanja, Head of Electoral Commissions Forum (ECF) Election Observation Mission and Chairperson of the Malawi Electoral Commission;

Distinguished Heads of other International Electoral Observation Missions present;

Mr. Terry Rose, the Representative of the Executive Secretary of SADC;

The Chairperson and Commissioners of the Electoral Commission of Zambia;

Your Excellencies, Heads and Representatives of the Diplomatic Missions accredited to the Republic of Zambia;

Members of the SADC Electoral Advisory Council;

SADC Election Observers;

Leaders and Representatives of Political Parties;

Religious Leaders and Members of Civil Society;

Members of the Media;

Distinguished Guests;

Ladies and Gentlemen.

I. INTRODUCTION

On behalf of the Southern African Development Community (SADC) and as mandated by His Excellency, Professor Arthur Peter Mutharika, President of the Republic of Malawi and Chairperson of the SADC Organ on Politics, Defence and Security Cooperation, it is my honour to welcome you to the release of the Preliminary Statement of the SADC Electoral Observation Mission on the conduct of the General Election held in the Republic of Zambia on 13 August 2026.

The Mission observed these elections in accordance with the SADC Principles and Guidelines Governing Democratic Elections (2021) and the laws of the Republic of Zambia.

The Mission comprised 106 personnel drawn from ten SADC Member States, deployed as 17 Short-Term Observer Teams across all ten provinces of the country. On election day the Mission observed a total of 277 polling stations, representing approximately 2 per cent of the 13,529 polling stations established for these elections.

The elections were contested by 14 presidential candidates and by 226 constituencies and 1,858 wards, on a certified voters' roll of 8,786,300 registered voters.

As part of its mandate the Mission engaged a wide range of stakeholders, including the Electoral Commission of Zambia, the Attorney General, the Zambia Police Service, political parties across the governing and opposition benches, independent candidates, traditional leadership, faith-based organisations, civil society organisations, academia, the media, and international observer missions.

This Preliminary Statement covers the Mission's observation of the pre-election period, voting day and counting. The Final Report will include the Mission's observations on the post-election processes, including results management and the announcement of results.

II. SUMMARY OF KEY FINDINGS

The Mission sets out below the legal framework governing these elections, followed by the aspects of best practice which it observed.

Electoral Law and Electoral System

The 2026 General Election was held to elect the President, members of the National Assembly and councillors. They were governed principally by the Constitution of Zambia, as amended, and by legislation which includes the Electoral Process Act, the Electoral Commission of Zambia Act, the Public Order Act, the Societies Act, the Anti-Corruption Act, the Cyber Security Act, Cyber Crimes Act, and the Access to Information Act. The conduct of contestants is further regulated by the Electoral Code of Conduct made under the Electoral Process Act.

The Mission notes that the legal framework was substantially amended during the current electoral cycle, and that those amendments introduced a Mixed Member Proportional Representation system providing for seats intended to improve the representation of women, youth and persons with disabilities. A constitutional challenge to the principal amending legislation remained pending at the time of the poll. Questions arising from electoral reform and from party disputes were referred to the courts. The Mission was informed that judicial capacity had been strengthened, the election petition rules revised and adjudicators trained.

The Mission observes that the Constitution requires the enactment of legislation providing for the registration, management, funding and accountability of political parties, and that such legislation had not been enacted at the time of these elections. Political parties remain registered under the Societies Act, which is a piece of legislation governing societies in general.

The Political and Security Environment

The Mission observed campaign rallies, road shows, public meetings and door-to-door canvassing conducted in a peaceful atmosphere, in most areas of deployment. Most stakeholders consulted, across the governing and opposition benches, the security services, academia and civil society, told the Mission that the environment represented a marked improvement upon that of the 2021 elections, a number attributing this in part to the

prohibition of party cadre activity. The Mission further notes the signing of a peace pledge by political parties on 31 July 2026.

(i) Preparedness of the Electoral Commission of Zambia

The Mission observed that the Commission completed its preparations in good time and to a high standard. Polling staff were recruited, trained, briefed and deployed across the country; ballot papers and other materials were printed, delivered and verified; and accreditation of observers, party agents and polling staff was undertaken. In Nyimba District, which contains areas inaccessible by road, the Commission arranged for the delivery of materials by helicopter, and took specific measures to guard against cross-border electoral fraud.

(ii) Transparency in the verification and custody of electoral materials

Wherever the Mission directly observed the verification of ballot papers and ballot boxes, the exercise was conducted transparently and in the presence of agents of the contesting parties and of the media, with serial numbers verified and receipt signed for. In one province the Commission rescheduled the exercise by agreement with stakeholders so that ballots would be opened, verified and transported to polling stations together with deployed staff on the same day, for security reasons. The Mission commends this practice.

(iii) Conflict management machinery

The Mission observed that district conflict-management committees, established by the Commission with membership drawn from a range of political parties and state and nonstate organisations, are functioning. Disputes referred to them in Chipata, Luangwa, Katete and elsewhere were addressed and, in the cases reported to the Mission, resolved without recourse to violence.

III. OBSERVATIONS ON ELECTION DAY

On election day the Mission observed activities at 277 polling stations across all ten Provinces, representing approximately 2 per cent of the 13,529 polling stations established for these elections. Of the polling stations observed, 216, being 78 per cent, were in urban areas and 61, being 22 per cent, were in rural areas. At these polling stations the Mission observed the following:

- (i) The atmosphere was calm and peaceful at 275 of the 277 polling stations observed, being 99 per cent. At the 2 remaining stations the matters recorded were chaotic queues and inadequate crowd control, and unruly conduct on the part of voters. The conduct of the uniformed police was assessed as professional at 247 of the polling stations observed, and security personnel were visibly present outside 269 of them. The police presence was assessed as insufficient at 2 polling stations and as intimidating at 1.
- (ii) Opening of polling stations: 221 of the 277 polling stations observed, being 80 per cent, opened at the prescribed time. Where opening was delayed, the reasons recorded were the pace of final preparations, the late arrival of materials, officials or agents, date stamps supplied without ink, and, at 1 station, poor lighting. At the 17 polling stations at which the Mission observed opening, essential materials were present before opening at every station, ballot boxes were shown to be empty and thereafter sealed in the presence of party agents, observers and security personnel were present. Observers were able to act without restriction.
- (iii) Irregularities and interruptions: Voting proceeded free of irregularity at 255 of the 277, being 92 per cent, polling stations observed. Where irregularity was recorded, it concerned the positioning or construction of polling booths in a manner affecting the secrecy of the vote, the register not being displayed, and polling officials not in uniform. Voting was interrupted at 2 polling stations, on account of an official stamp without ink and an issue concerning ballot papers.
- (iv) Availability and display of the voters' register: The voters' register was displayed at 201 of the 277 polling stations observed, being 73 per cent. At the remainder it was not displayed and was therefore not available for the convenience of voters or for verification by party and candidate agents.
- (v) Campaign materials in the vicinity of polling stations: No campaign activity was observed within the vicinity of 276 of the 277 polling stations observed. At 1 polling station a person was observed making party-affiliated hand signs a short distance from the polling station.
- (vi) Accessibility and priority voting: 226 of the 277 polling stations observed, being 82 per cent, were accessible to all voters including persons with disabilities. Where a station was not accessible, the

reasons recorded were the unlevelled state of the ground, obstruction of the entrance by crowds, the location of a polling station upstairs, and a late change from tents to rooms occasioned by the non-delivery of tents. Persons with disabilities, the elderly and expectant and nursing mothers were observed in the queue at 138 polling stations and accorded priority at 125 of those.

- (vii) Assistance to voters: Assistance was provided to voters who requested it at 97 of the 277 polling stations observed, by election officials, polling personnel, a person chosen by the voter, or a relative.
- (viii) Sufficiency of electoral materials: Electoral materials were adequately available at 250 of the 277 polling stations observed. Where they were not, those most commonly wanting were polling booths, log books, envelopes, reconciliation forms, stamps, indelible ink, ballot boxes, aprons and trays. Polling officials improvised, in some cases using table tops in place of booths, reported the matter, or awaited delivery.
- (ix) Composition of polling staff and presence of party agents: An average of 6 polling officials was present at each polling station observed, of whom 61 per cent were women. An average of 3 citizen observers was present, of whom 61 per cent were women. Agents of 13 political parties, together with agents of independent candidates, were recorded across the polling stations observed; agents of the ruling party were present at 266 polling stations and agents of the principal opposition party at 245. An average of 5 party agents was present at each polling station observed, of whom 53 per cent were women.
- (x) Complaints received by presiding officers: No official complaint had been received at 261 of the 277 polling stations observed. Where complaints were received, they concerned the absence of voters' names from the register, the tender of expired voters' cards, delay in opening, and polling officials not in uniform, and were addressed by reference to the legal framework and the polling handbook.
- (xi) Voters turned away: No voter was turned away at 247 of the 277 polling stations observed. Where voters were turned away, the reasons recorded were attendance at the wrong polling station, the absence of a voter's card, national registration card or other required document, challenged eligibility, absence from the register, an expired or

unreadable card, and mismatches between the particulars on the national registration card, the voter's card and the register.

- (xii) Layout of polling stations and custody of ballot boxes: The polling station was laid out so as to permit the easy flow of voters at 276 of the 277 polling stations observed. Ballot boxes were properly sealed at every polling station observed and were placed in public view at 272 of them.
- (xiii) Closing of the poll: The Mission observed the closing of the poll at 17 polling stations, of which 12 closed at the prescribed hour of 18:00. Where a queue remained, every voter in it was permitted to vote, and the queue was closed to further joiners within 15 minutes of the prescribed hour. The environment outside was peaceful at every station observed, security personnel were present and their conduct professional and discreet, and the vicinity was free of campaign materials. Party and candidate agents and citizen and international observers were present and permitted to follow the closing procedures at every station observed. There was no disruption of closing procedures at any station.
- (xiv) Reconciliation of ballots and closing records: The presiding officer reconciled unused, used and spoilt ballots against ballots received at 14 of the 17 polling stations observed at closing, in full view of agents and observers, and the figures were announced to those present at 13. The serial numbers of the ballot box seals were recorded in the polling station journal at every station observed. The minutes of closing were completed at 14, and the voters' register and other sensitive materials were packaged securely before counting at 10. At 1 station, counting commenced before reconciliation had been concluded and without announcement, although the party agents present raised no objection.
- (xv) Counting of votes: The Mission observed the count at the 17 polling stations at which it observed the closing of the poll. Counting commenced at an average time of 19:09 hours. The polling station was re-arranged to permit counting to be followed at every station observed; party and candidate agents were permitted to remain throughout at every station; and SADC observers were granted free access to every station. Police officers were present at all 17 stations, and their conduct was assessed as professional, attentive and discreet at 16 and as intrusive at 1. Counting proceeded uninterrupted at 15 of the 17

stations observed, and lighting was adequate at 15; where counting was interrupted the causes recorded were consultation between the presiding officer and agents as to ballots appearing to be spoilt, a depleted electricity coupon which obliged the use of solar lighting until it was restored, and disagreement as to the number of ballots counted.

(xvi) Reconciliation and declaration of results: The number of ballot papers in the ballot box matched the number of used ballots previously announced at 12 of the 17 polling stations observed. Where the totals did not match, the discrepancy was in most cases attributed to a ballot paper having been placed in the wrong ballot box, to be resolved once all boxes had been counted, and the presiding officer and agents proceeded by agreement; at 1 station no reconciliation was undertaken. The Result of Count Form was completed at 13 stations and agents signed and received a copy of the results at 13; where they did not, the reason recorded was that counting of all ballot categories had not concluded at the time of observation. The Form was posted outside the polling station at 7 stations only. Used, rejected, spoilt and valid ballots were sealed in envelopes in full view of observers, monitors and party agents.

IV. AREAS THAT REQUIRE IMPROVEMENT

The Mission also observed the following aspects of the electoral process and system which, in its assessment, require attention or improvement:

(i) Absence of legislation on the management and accountability of political parties

The Constitution requires legislation providing for the registration, management, funding and accountability of political parties. It has not been enacted, notwithstanding a decision of the Constitutional Court directing its enactment. Parties are instead registered under legislation of general application governing societies, enacted in 1965, which does not provide for the requirements in fact applied to registration, nor for the registration of alliances, notwithstanding that alliances contested this election. Most stakeholders consulted, identified this omission, and those responsible for registering political parties themselves supported dedicated legislation. In its absence no mechanism exists by which party

income or expenditure may be disclosed or audited, and no basis exists in law for distinguishing the resources of the State from those of a governing party in a contest in which the incumbent is also a candidate. The Mission regards this as the most significant structural gap in the framework governing these elections, the obligation having remained outstanding across successive administrations.

(ii) Scope, timing and communication of electoral reform

Most stakeholders consulted drew attention to the enactment of constitutional and electoral amendments late in the cycle and, in the view of some, with limited consultation. Operational guidance in circulation continued in some respects to reflect the procedures of the previous election, and inconsistencies existed between guidance documents. Some stakeholders questioned whether a register of approximately 8.8 million entries could meaningfully be verified within the period allowed for inspection. The Mission makes no finding on the merits of these reforms; it observes that late settlement of an electoral legal framework compresses the time available for training officials, educating voters and preparing contestants.

(iii) Delimitation and the new system of representation

Some stakeholders consulted submitted that the delimitation exercise was conducted without adequate consultation and produced boundaries said to favour the ruling party, one submission contending that the number of constituencies created exceeds the constitutional ceiling. The Mission has not verified that analysis, which is contested. The Mixed Member Proportional Representation system was welcomed in principle by the stakeholders as a measure to improve the representation of women, youth and persons with disabilities, but stakeholders across the political spectrum told the Mission that the method of allocating proportional representation seats is not well understood and that consensus upon it has not been achieved. They further submitted that a system operating for the first time should be settled and explained in advance of the poll in order to clear uncertainty as to the allocation of seats being capable of generating dispute once results are announced.

(iv) Appointment of Commissioners of the Electoral Commission of Zambia

The Commissioners of the Zambia Electoral Commission are, according to article 5(1) of the Zambia's Electoral Commission Act, appointed by the President and ratified by the National Assembly. However, some stakeholders which the Mission interfaced with expressed discomfort with this arrangement on the ground that, where a sitting President is a contestant in a given election, he or she may be tempted to appoint Commissioners of compromised professionalism, impartiality and independence which may affect the credibility of the electoral process. The Mission makes no finding as to the conduct of the Commission, which it observed throughout to be professional and that the appointment of the Commissioners complied with the prevailing legal framework. However, to address the concerns, the Mission suggests to the relevant stakeholders to consider addressing the concerns through legislative reforms initiated in accordance with the laws of Zambia.

(v) Communication of electoral procedures to voters

The Mission recorded, in three provinces, confusion as to the manner in which a ballot is validly marked. The Commission's position is that either a cross or a tick is acceptable provided the intention of the voter is clear. The Mission is satisfied that this position is correct; it observes that it did not reach all stakeholders. The Mission separately recorded reports in two provinces of a change to the requirement that ballot papers bear a stamp or seal. Given the high rate of rejected ballots recorded in the 2021 elections, the Mission considers that greater clarity as to marking conventions, and the authentication of ballot papers would help to reduce the number of rejected votes

(vi) Media environment and freedom of expression

The Mission noted that media coverage for these elections were undertaken by the public broadcaster as well as private media houses. Regarding coverage by the public broadcaster, the Mission noted that opposition parties and independent candidates in four provinces reported that coverage favoured the governing party. They claimed that this led to the opposition relying on private and community broadcasters which required payment; some stakeholders consulted put that coverage at between 60 and 70 per cent in favour of the governing party, while assessing private coverage as balanced. Others reported that free airtime had been afforded to all contestants including independents. The Mission separately recorded, from media practitioners, party representatives, civil

society and international observer missions, a consistent report that recently enacted cyber-related legislation has produced a chilling effect upon journalists and citizens engaging in online political expression.

(vii) Use of public resources by incumbents

The Mission recorded in four provinces allegations that public resources were applied for campaign purposes, including the distribution of food parcels, increases in bursaries and allowances announced during the campaign period, and the use of government vehicles and aircraft. Most stakeholders consulted drew attention to the difficulty of distinguishing official engagements by the incumbent President from campaign activity, the President not being subject to the campaign timetable applicable to other contestants. Others stated that an incumbent must continue to discharge the functions of government until the handing over of power and that no law is thereby broken. The Mission could not verify these allegations, and records the agreement of stakeholders on both sides that the absence of the legislation on political party campaigning and financing renders the allegations incapable of verification by anyone.

(viii) Reported political violence and the response of law-enforcement agencies

The Mission directly observed two violations of the Electoral Code of Conduct during the campaign period, both in the same province and on consecutive days. In each of these instances, supporters of the governing party disrupted the sanctioned campaign activity of another contestant, no security personnel were present, and no injury or damage to property resulted. The Mission additionally recorded, but could not verify, reports of intimidation, assault, abduction and damage to property in five provinces, some involving reported physical injury and, in one submission, fatalities. The Mission was informed that several instances were reported to the police without, according to those reporting, resulting action. Some stakeholders consulted provided a count of recorded incidents lower than that of 2021, together with the assessment that the police had not acted in approximately half of them. That reduction is consistent with the assessment of most stakeholders consulted that this environment represented an improvement upon the last election. The Mission notes that as a principle that where allegations of this gravity are made and no visible investigative outcome follows, public confidence is damaged irrespective of the merits.

(ix) Inclusion and participation of women and persons with disabilities

The Mission was unable to obtain a consistent figure for the quota reserved for women candidates, which was reported at widely varying levels. Teams recorded concern at the low number of women contesting, with only one woman among the presidential candidates, and some stakeholders consulted reported that women had been discouraged from registering, that women candidates had experienced harassment within party structures, and that women had been disproportionately targeted in online attacks. On polling day women constituted 61 per cent of polling officials and 53 per cent of party agents at the polling stations observed. Organisations representing persons with disabilities reported that such persons had been excluded during registration and not adequately considered in the nomination process; braille devices were provided, but it could not be confirmed whether training in their use had been undertaken; and 82 per cent of the polling stations observed were accessible to all voters including persons with disabilities.

(x) Distribution of electoral materials and deployment of polling staff

On the eve of poll, the Mission's teams observed independently and in six provinces, that the distribution of electoral materials and the deployment of polling staff were running late, in some areas continuing into the evening. The Commission explained that priority was accorded to the most distant stations, that transport was limited, and that the clearance of certain polling officials had been completed later than planned. The Mission accepts that sequencing deployment to remote stations first is a rational allocation of constrained transport, and records that essential materials were present before opening at every station at which it observed the opening process. It also records that the late arrival of materials was among the reasons for delayed opening at some polling stations, and that materials were not available in adequate quantities at 27 of the polling stations observed. A distribution schedule concluding on the eve of the poll affords no margin for the correction of error.

(xi) Secrecy of the ballot

The Mission observed that at some polling stations the national registration number of the voter was recorded against or upon the ballot paper issued to that voter. The Mission makes no finding as to the purpose of that practice. It observes, however, that any procedure by which a ballot paper can be traced to an identifiable voter is inconsistent with the secrecy of the ballot, which is guaranteed by the Constitution and is a fundamental principle of the SADC Principles and Guidelines Governing Democratic Elections.

V. SEOM RECOMMENDATIONS

In light of its observations, the Mission recommends the following for the improvement of the electoral process in the Republic of Zambia. Further recommendations will be made in the Final Report.

- (i) Legislation on political parties.** That the Government and Parliament give priority to the enactment of the legislation required by the Constitution providing for the registration, management, funding and accountability of political parties, in compliance with the direction of the Constitutional Court.
- (ii) Appointment of Commissioners.** That the Government and stakeholders consult on reform of the process for the appointment of Commissioners of the Electoral Commission of Zambia, with a view to a process commanding the confidence of contestants across the political spectrum.
- (iii) Timeliness of electoral reform.** That any proposed amendments to the electoral legal framework be enacted, and challenges to that framework determined, sufficiently in advance of an election.
- (iv) The new system of representation.** the Mixed Member Proportional Representation system be explained to contestants and to the public in advance of the next election at which it operates.
- (v) Media and freedom of expression.** That the Government consider reviewing the cyber-related legislation in line with constitutional guarantees and regional obligations. In addition, that the

Independent Broadcasting Authority ensure equitable coverage of all contestants by the State broadcaster.

- (vi) **Campaign timetable and public resources.** That the campaign timetable applies on equal terms to all contestants, including an incumbent who is also a candidate, and that the distinction between official duties and campaign activity be clearly defined in law.
- (vii) **Response to electoral offences.** That the Zambia Police Service ensure that reports of electoral violence and intimidation are investigated and that outcomes are communicated to complainants and to the public, and that conflict-management committees continue to be supported.
- (viii) **Inclusion and participation.** That the Government, the Commission and political parties take further measures to increase the participation of marginalized population (women, youth and persons with disabilities) as candidates, and that the accessibility of registration, nomination and polling for persons with disabilities be reviewed in consultation with organisations representing them.
- (ix) **Closing procedures and reconciliation.** That the Commission reinforce, in the training of presiding officers, the requirement that the reconciliation of used, unused and spoilt ballots be completed and announced to those present before counting commences, that the minutes of closing be completed, and that the voters' register and other sensitive materials be securely packaged before counting begins.
- (x) **Secrecy of the ballot.** That the Electoral Commission of Zambia discontinue any practice by which the national registration number of a voter is recorded against or upon the ballot paper issued to that voter, and that any ballot-accounting control be designed so that no ballot paper can be traced to an identifiable voter; and that polling booths be provided and positioned at every polling station so as to secure the secrecy of the vote.

VI. CONCLUSION

In conclusion, the Mission recorded a number of matters, as already mentioned, which require attention before the next electoral cycle. Of particular concern was the uncertainty and anxiety that ensued after the

Commission suspended the counting and announcement of results with effect from 14 August 2026, citing reports of violence affecting counting and results processes in some districts. In the evening of 14 August 2026, the Commission announced that it had lifted the suspension, with counting and the announcement of results resuming at 22:00 hours the same day.

The Mission was not in a position to observe the counting and collation of results during the period of suspension, and will address these processes, including this development, in its Final Report. The Mission urges all contestants, their supporters and all stakeholders to remain calm, to refrain from any act of violence or interference with electoral officials or materials, and to pursue any grievance through the legal remedies available.

In accordance with the SADC Principles and Guidelines Governing Democratic Elections (2021) our Final Report will be issued within 30 days of this Preliminary Statement.

Thank you very much

Muito Obrigado

Merci beaucoup

Asante Sana