

Electoral Rules

Of the



**Zambia Institute of
Human Resource Management**

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ZAMBIA INSTITUTE OF HUMAN RESOURCE MANAGEMENT ELECTORAL RULES, 2022

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IN EXERCISE of the powers contained in Article 8 of the Constitution of the Zambia Institute of Human Resource Management, 2022, the following Rules are made:

PART I
PRELIMINARY PROVISIONS

Title

1. These Rules maybe cited as the Zambia Institute of Human Resource Management Electoral Rules, 2022.

Interpretation

2. In these Rules, unless the context otherwise requires:

“Act” means the Zambia Institute of Human Resource Management Act, No. 3 of 2022;

“Constitution” means the Constitution of the Zambia Institute of Human Resource Management;

“Electoral Committee” means the Electoral Committee established under Rule 4;

“electronic voting system” means a voting system conducted by or through electronic means.

“Institute” means the Zambia Institute of Human Resource Management;

“manual system” means a voting system other than an electronic voting system.

“member” has the meaning assigned to the word in the Act;

Principles of
election and
voting system

3. (1) An election shall be conducted by the use of-
- (a) a manual system of voting as provided in these Rules; or
 - (b) an electronic voting system.
- (2) A system that is adopted for elections shall be-
- (a) transparent;

- (2) A system that is adopted for elections shall be:
 - (a) transparent;
 - (b) secure and free from improper influence;
 - (c) conducted by an independent electoral body;
 - (d) administered in an impartial, neutral, efficient, accurate and accountable manner; and
 - (e) auditable.
- (3) The electronic voting system shall relate to:
 - (a) registration of members as voters;
 - (b) identification of a voter;
 - (c) voting;
 - (d) collating and tallying of the votes; and
 - (e) transmitting the results of elections.
- (4) Where the electronic voting system is adopted, the Institute shall, unless an external service provider is engaged to facilitate the process, internally operate an electronic voting system.
- (5) Despite sub -rule (3) an electronic voting system may provide for the necessary mechanisms to electronically carry out any of the steps or processes from the nomination of candidates up to the final release of the results of the election.
- (6) Where an electronic system is to be used, the Council shall satisfy members of the Institute that the system meets the minimum requirements under this Rule, and the Council shall ensure that voting instructions are sent to eligible voters at least fourteen days before the date set for an election.
- (7) The Council shall not adopt an electronic voting system unless the system has mechanisms for back-up and the system is approved by members at a general meeting.

(8) If the electronic voting system fails either before the voting begins, or during the voting process and the failure is not rectified within three hours, or the continued accuracy and reliability of the system cannot be reasonably assured, the returning officer shall make a decision on the way forward, after consulting with the candidates or their authorised representatives generally, including postponing the elections or reverting to the other voting system under this section

PART II ELECTORAL COMMITTEE

Appointment
of electoral
body

4. (1) The Council shall consider and nominate an electoral body to conduct the election of the President, Vice President and members of the Council.

(2) The name of the electoral body that is approved by the Council to conduct an election shall be submitted to the members of the Institute at a general meeting for approval prior to the election.

(3) Before the name of an electoral body is presented to the Institute for approval, the Council shall obtain from the electoral body a written commitment on its willingness to conduct the relevant election.

(4) Where a body other than the Electoral Commission of Zambia is to conduct an election, the Council may propose two or more names of suitable bodies or organisations from which the members of the Institute shall approve one for the purpose of conducting the election.

(5) This Rule shall not apply if the electronic system used under sub-rule (5) is sufficiently automated and is monitored by the Electoral Committee during its use.

Appointment
and functions of
Electoral
Committee

5. (1) There shall be established an Electoral Committee which shall consist of a Chairperson and four other members appointed in accordance with sub-rule (2).

(2) The Electoral Committee shall consist of:

- (a) a fellow member appointed by a committee of past Presidents of the Institute, to be the Chairperson; and
- (b) four other members nominated by a selection panel constituted in accordance with sub-rule (5).

(3) The Chairperson of the Electoral Committee shall be the returning officer for the purposes of electing members of the Council. The Electoral Committee may appoint any person as returning officer for any other elections conducted by the Institute.

(4) The Registrar shall be the secretary to the Electoral Committee.

(5) For purposes of making nominations under sub-rule (2)(b) –

- (a) the Registrar shall constitute an adhoc panel consisting of not more than one non-Council member from the membership of the functional committees for the time being establish by the Council; and
- (b) the members nominated under this sub-rule shall be from the general membership of the Institute provided that fifty percent of each gender is appointed unless it is not practicable to do so.

(6) A member shall not qualify to be appointed as a member of the Electoral Committee if the member-

- (a) holds an office in the Council;
- (b) is a candidate or nominates a candidate in the relevant election; or
- (c) has contested in an election of the Institute in the immediately preceding three years.

(7) The functions of the Electoral Committee are to –

- (a) ensure that the electoral system, including electronic system of voting, and electoral processes are in accordance with the principles and requirements specified in these Rules;
- (b) issue necessary instructions to all officials responsible for conducting the elections to ensure compliance with these Rules;

- (c) supervise and direct the elections; and
- (d) scrutinise the nomination papers submitted by applicants, determine whether a person has validly been nominated and resolve disputes or complaints relating to the elections.

Subject to these Rules, the Electoral Committee shall regulate its own proceedings

PART III

NOMINATIONS AND CAMPAIGNS

Notices

6. (1) The polls for any position or office shall be conducted at the Annual General Meeting and shall constitute part of the business of the Annual General Meeting.

(2) At least ninety (90) days before the date of the Annual General Meeting in the year when an election of the Council is to be held, the Registrar shall issue a notice of vacancies in the Council

- (a) to each member of the Institute; or
- (b) through publishing in a daily newspaper of general circulation in Republic or other media.

(3) The notice shall invite interested qualified members to submit nomination papers for election to those offices.

(4) Any notice issued pursuant to this Rule shall -

- (a) specify the office that is vacant on the given date;
- (b) contain the requirements on eligibility to be elected to a vacant office;
- (c) indicate the date and manner in which the nomination paper shall be submitted to the Registrar; and
- (d) require that nomination of a candidate be by at least two members of the Institute of a specified class of membership.

(5) A member may be nominated as a candidate in an election under this Rule if that member-

- (a) is qualified to be elected to the relevant office as at the date set for close of nominations;

Nomination of candidates and contents of nomination papers

- (b) is nominated by two members of the Institute who are qualified to be elected to the office to which the nomination relates;
- (c) pays a non-refundable nomination fee as maybe determined by the Electoral Committee; and
- (d) consents in writing to serve in the office to which the member is nominated.

7.

(1) Nomination as a candidate in an election to an office shall be by way of a nomination paper that shall specify-

- (a) the name and address of the candidate;
- (b) the name of the organisation where the candidate works, if any;
- (c) the year admitted to membership of the Institute;
- (d) the year and office in the Council previously held by the candidate, if any;
- (e) the place where the candidate ordinarily practices, or where the member does not practice, the place where the member ordinarily resides; and
- (f) the office for which the candidate is nominated.

(2) The nomination paper referred to in sub-rule (1) shall be in the Form ZIHRM1 set out in the Schedule.

(3) The nomination paper shall contain a written consent of the candidate by which the candidate agrees to serve in the proposed office, if elected.

Submission of nomination

8.

(1) Before the expiry of the period fixed for submitting nomination papers, a candidate shall personally or by an agent deliver to the Registrar the candidate's nomination paper in accordance with the notice issued by the Registrar under Rule 6 (3).

(2) The nomination papers may be delivered to the Registrar by sending signed scanned copies to the official electronic mail address provided by the Registrar and the delivery of the nomination papers is deemed to be made at the end of the day on which the mail was dispatched to the Institute.

(3) Where a candidate or the candidate's agent sends the nomination paper under subrule (2) the candidate shall deliver the original nomination paper to the Registrar before the period fixed for submission of nomination papers.

(4) The Registrar shall keep a register of names of candidates who have submitted nomination papers.

(5) The register shall contain –

- (a) the names of the candidate;
- (b) the office to which the candidate seeks to be elected; and
- (c) the date and time when the nomination paper was delivered to the Registrar.

(6) The person delivering the nomination paper and the person receiving the paper shall both sign the register.

(7) The Registrar shall upload on the website of the Institute the list of names of candidates who have submitted nomination papers not later than twenty-four hours after the deadline set for submitting the nomination papers.

Withdraw of
nomination

9.

A nomination may be withdrawn by the candidate, or the person authorised in that behalf, at any time before the expiry of the period appointed for lodging nomination papers by giving written notice to the Registrar.

10. (1) The Electoral Committee shall –

- (a) within seven (7) days after the deadline for submitting nomination papers, scrutinize the nomination papers and determine the applicants who qualify to contest for the various positions in the relevant election; and
- (b) immediately issue a notice, for publication on the website of the Institute, specifying the names of candidates who have been validly nominated to various offices together with such other details as the Electoral Committee shall consider necessary.

(2) The Electoral Committee shall declare any nomination invalid if the nomination paper –

- (a) was not duly completed;
- (b) is not properly signed;
- (c) is not lodged as required by Rule 8;
- (d) is not accompanied by the declaration referred to in the nomination paper or the declaration is defective in any material particular; or
- (e) the appropriate fee was not paid.

(3) The Electoral Commission shall endorse on the nomination paper the Committee's reason for declaring the nomination invalid and the Chairperson of the Committee shall sign such endorsement.

11. (1) A candidate who has been nominated and approved by the Electoral Committee shall not mobilise or galvanize for votes in accordance with guidelines published by the Electoral Committee.

(2) Immediately upon nomination of the candidates, the Registrar may liaise with Branch Chairpersons and the candidates for the purpose of preparing a calendar of joint meetings of candidates around the country.

(3) A meeting to promote the agenda of a candidate shall be organised by the branches in consultation with the candidates and all candidates shall be invited to attend.

(4) Despite this Rule, a candidate may reach out to members to sell the candidate's agenda or policies –

- (a) by electronic mail addressed to members individually or collectively;
- (b) by participating in a public platform where candidates address members jointly for the purpose of promoting their respective agenda for the society;
- (c) by uploading their manifesto, agenda or information on an electronic platform specially set up by the Registrar on the Institute's website; or
- (d) by such other method as may be approved by members at a general meeting.

(5) Except as provided in subrule (3) a candidate, agent of a candidate or a supporter shall not, with a view to influencing an election outcome –

- (a) convene a meeting or forum of members for the purpose of persuading the members to vote for the candidate or for the object of introducing the candidate or candidate's agenda to members;

- (b) distribute to members pamphlets, literature or other materials relating to the elections;
- (c) display in public places advertisements in whatever form; or
- (d) use the print or electronic media to pass a message relating to a candidate or the relevant election.

(6) A candidate shall not, during the election period, use a language, a word or an expression that is abusive, demeaning or tending to demean, or that is intended to or is likely to ridicule another candidate.

(7) The Electoral Committee may disqualify a candidate who, directly or through agents, contravenes a provision of this Rule

Agents and
observers

12. (1) A candidate may nominate not more than two agents to represent the candidate at a polling or tallying Centre.

(2) The Electoral Committee may, on prior request in writing, allow observers during the election process.

Election without
ballot

13. If the number of candidates nominated to fill vacancies announced does not exceed the number of vacancies in the respective offices, the persons nominated for those offices shall be declared to be elected to the respective offices.

PART IV ELECTION PROCEDURE

Publication of
list of voters

14. (1) The Registrar shall, at least thirty days before the date set for elections, publish to the members a list of voters –

- (a) directly to each member through electronic or postal mail;
- (b) by uploading the list of voters on the Institute's website;
- (c) by use of both procedures specified (a) or (b); or

(d) by such other method as the Council may determine.

(2) For the purposes of an election to an office at national level, a member shall only be registered as a voter.

(3) A person who is entered on the register of practitioners at least forty-five days prior to the date of a scheduled election and who has taken out a practising certificate is entitled to vote.

(4) The Registrar shall prepare a supplementary list of voters for the purposes of enabling a person referred to in sub-rule (3) to participate in the election.

(5) The list of voters shall contain details or particulars of members who are eligible to vote and a member is entitled to verify the details in the list of voters before the date set for election.

(6) The Registrar shall submit the list of voters to the Electoral Committee, where applicable immediately upon expiry of the period limited for verification of the register by members, for preparation of polling register.

Ballot paper

15.

A ballot paper for use in an election shall have –

- (a) the name of the candidate;
- (b) a coloured passport photograph of the candidate;
- (c) a serial number printed on the front side; and
- (d) a counterfoil with the same serial number.

16.

(1) Voting shall be conducted during the times determined by the Electoral Committee but such times may be extended by the presiding officer for not more than two hours for good cause to be recorded.

(2) A voter shall present a national identity card or a valid passport to an election official before being allowed to vote.

(3) The Electoral Committee or the person overseeing elections shall implement measures to confirm that the right person votes and that there is no possibility of a person voting more than once.

(4) If, by reason of being unable to read or write, or otherwise unable to vote in the manner set out in these Rules due to a disability, a voter may request a presiding officer for assistance and the presiding officer shall permit the voter to be assisted or supported to the extent necessary by a person of the voter's own free choice.

(5) If a candidate or agent refuses or fails to record the reasons for refusal or failure to sign the declaration form, the presiding officer shall record the fact of their refusal or failure to sign, but the refusal or failure to sign shall not by itself invalidate the results announced.

(6) Where a candidate or agent of a candidate is absent, the presiding officer shall record the fact of their absence.

17.

(1) The polls for any position or office shall be conducted at an Annual General Meeting and shall constitute part of the business of an Annual General Meeting.

(2) A person eligible to vote and is a fully paid-up member shall cast that person's vote for any position or office.

(3) A member of the Institute who is not fully paid up, shall not vote during any election.

(4) An eligible voter shall be identified by-

(a) a membership card or national identity card or passport; and

(b) evidence that the eligible is a paid-up member of the Institute.

(5) Every poll taken under these Rules shall be by secret ballot and in accordance with the provisions of these Rules.

Voting by proxy

18.

(1) A member eligible to vote may vote by proxy provided that no voter shall be appointed proxy by more than one member.

(2) A member voting by proxy shall complete the Form ZIHRM2 set out in the Schedule.

Recount of ballot papers

19.

(1) A candidate or agent, if present when the counting is completed, may require the presiding officer to have the ballots re-checked or recounted.

(2) A presiding officer may, on own initiative, cause the ballots to be recounted.

(3) A recount of ballots under this Rule shall not take place more than once.

Counting of votes and certificate of results

20.

(1) The Returning Officer shall ensure that the counting of votes cast takes place as soon as practicable after the close of the poll.

(2) A candidate or that candidate's agent in any election shall be entitled to be present and observe the counting of votes cast.

(3) The votes cast shall be counted by the Returning Officer with the help of election officers.

(4) The Returning Officer shall formally announce the results of an election as soon as the counting of votes is complete.

(5) The results as certified by the Returning Officer shall constitute the official results of the elections.

(6) The Registrar shall keep the results and election materials used until any dispute has been decided in accordance with Rule 23 or the time within which a candidate may challenge the results has expired.

Equality of votes

21. The poll shall be repeated if there is an equality of votes between two or more leading candidates.

Control of persons

22. The presiding officer shall keep order during voting and may require persons who are not eligible to vote to leave the Annual General Meeting during voting.

Determination of election disputes

23. (1) A person who is aggrieved by the results of an election may, within seven days of the announcement of the results, lodge a complaint in writing to the Electoral Committee.

(2) A complaint to the Electoral Committee shall be lodged with the Registrar who shall refer that complaint to the Electoral Committee.

(3) A complaint shall contain all the facts and evidence intended to be relied upon and shall set out the legal provision alleged to have been contravened.

(4) The complainant may be required to verify the facts set out in the complaint by an affidavit and adduce further evidence, where necessary.

(5) The Complainant shall serve the complaint on the Respondent within three days of lodging the complaint.

(6) The secretary to the Electoral Committee shall, within three days of receiving the complaint, set a date for hearing the complaint and shall notify all parties.

(7) The Electoral Committee shall expeditiously hear and determine all complaints referred to it, regard being had to the timelines set out under these Rules.

(8) The Electoral Committee will determine the complaint within fourteen calendar days from the date it is lodged with the Registrar.

(9) The Electoral Committee shall deliver a written decision which shall contain reasons for the decision and delivered on a date and time duly notified to the parties prior to the decision.

(10) The Electoral Committee shall have power to-

- (a) cancel or nullify the nomination of a person;
- (b) impose conditions on a candidate;
- (c) nullify an election;
- (d) declare a candidate to be duly elected; or
- (e) make such other order as it may consider just in the circumstances.

(11) The Electoral Committee may, for sufficient cause, allow a person to be joined to a proceeding before it.

(12) A person who is dissatisfied with the decision of the Electoral Committee may appeal to the High Court within fourteen days of the decision.

(13) The law, practice and procedure provided for under the Electoral Process Act, and any rules made thereunder for the time being applicable to election petitions shall, with necessary modifications, apply to the appeal.

(14) Where an election is nullified, fresh elections shall be held for the affected office within ninety (90) days without holding fresh nomination of candidates.

PART V
GENERAL PROVISIONS

Amendment

24. These Rules may be amended by a resolution of the Council but no such amendment shall come into force until the Rules are approved by a resolution of the Institute at a general meeting.

Indemnity

25. Members of the Electoral Committee, Returning Officers and Elections Officers shall not be personally liable for anything done or omitted to be done in the performance of their duties under these Rules

Zambia Institute of Human Resource Management Electoral Rules

NOMINATION PAPER

To: The Returning Officer

We the undersigned being full members of the Institute do hereby nominate-

Firstname Surname (BLOCK CAPITALS)					
Name and Postal Address of Firm or Employer					
Year first admitted to ZIHRM membership		Current Practicing Certificate No.			
Have your previously held a Council position? (Tick)	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	If Yes state the year and office previously held
Wish to stand as a candidate for election as ¹					
And I, the said candidate for election hereby declare that I accept the nomination.					
Election Agent (Full Names)					
Postal Address					
Date				Signature of Candidate	
Received by me at					
Time Received		Date Received		Signature of Returning Officer	
	Full Names BLOCK CAPITALS		Signature	Member's Practicing Certificate Number	
Proposed by					
Seconded by					
Supported by					

¹ Indicate President, Vice President, Hon Secretary, Hon Treasurer or council member, as the case may be.

NOTES

1. Candidates must acquaint themselves with the provisions of the Electoral Rules before completing this nomination paper.
2. When this nomination paper is lodged it must be accompanied by the fee prescribed under paragraph (e) of Sub-Rule 10(2).
3. A candidate may authorise another person to countersign a nomination paper on his behalf and to lodge it with the Returning Officer, but, in that event, the written authorisation of the candidate is required to be attached to the nomination paper.

Zambia Institute of Human Resource Management Electoral Rules

PROXY FORM

I _____ (Name of Appointer)
of _____ (Address)
being a paid-up (Fellow Member/Full Member/Associate Member) (*delete as appropriate*) of the Zambia Institute of Human Resource Management do hereby appoint Dr/Mr/Mrs/Ms _____ as my Proxy to vote for me on my behalf at the Annual General Meeting of the Zambia Institute of Human Resource Management to be held on the _____ day of _____ 20____ (date of AGM)

Dated this _____ day of _____ 20____

I _____ will not be attending the Annual General Meeting.

Signed _____
MEMBER

NOTES

1. This proxy form must only be used by person who holds a valid practicing certificate of the Zambia Institute of Human Resource Management (ZIHRM).
2. A member entitled to attend, participate in and vote at the AGM may appoint any individual as a proxy to attend, participate in and vote at the AGM in the place of the person giving it.
3. A vote given in terms of an instrument of proxy shall be valid in relation to the AGM notwithstanding the death of the person granting it, or the revocation of the proxy, in respect of which the vote is given, unless notification in writing of such death or revocation shall have been received by the Institute before the commencement of the AGM or adjourned AGM at which the proxy is used.
4. The Chairperson of the Electoral Committee may reject or accept any form of proxy which is completed and/or received other than in compliance with these notes.
5. Proxy forms should be lodged at the offices of Zambia Institute of Human Resource Management, Plot No. 1780, Buchi Road, off Lubambe Road, Northmead, Lusaka to be received by no later than the time and date (or 48 hours before any adjournment of the AGM, which date, if necessary, will be notified on the Institute's website).
6. Any alteration or correction made to this proxy form, other than the deletion of alternatives, must be initialled by the signatory(ies).
7. Any proxy appointed pursuant to this proxy form may not delegate his/her authority to act on behalf of the relevant member.
8. Unless revoked, an appointment of a proxy pursuant to this proxy form remains valid only until the end of the AGM or any adjournment of the AGM.
9. If the AGM is adjourned or postponed, valid proxy forms submitted for the initial AGM will remain valid in respect of any adjournment or postponement of the AGM.