

ELECTORAL COMMISSION (AMENDMENT) BILL, 2022

MEMORANDUM

This Bill seeks to amend the Electoral Commission Act (Cap. 2:03) in order to provide for a minimum educational qualification for a person to be appointed as a member of the Commission; to change the name of the Commission from “Electoral Commission” to “Malawi Electoral Commission” and to empower the Commission to establish and devise other means of voting, voting materials and registration of voters’ materials.

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ARRANGEMENT OF SECTIONS

SECTION

1. Short title and Commencement.
2. Amendment of the Long Title of Cap. 2:03.
3. Amendment of s. 1 of Cap. 2:03.
4. Amendment of s. 2 of Cap. 2:03.
5. Amendment of s. 4 of Cap. 2:03.
6. Amendment of s. 8 of Cap. 2:03.

A BILL

entitled

ENACTED by the Parliament of Malawi as follows —

1. This Act may be cited as the Electoral Commission (Amendment) Act, 2022, and shall come into force on such date as the Minister may appoint by notice published in the *Gazette*. Short title and commencement
2. The Electoral Commission Act (hereinafter referred to as the “principal Act) is amended, in the long title, by deleting the words “Electoral Commission” and substituting therefor the words “Malawi Electoral Commission”. Amendment of Long Title of Cap. 2:03
3. Section 1 of the principal Act is amended by deleting the words “Electoral Commission” and substituting therefor the words “Malawi Electoral Commission”. Amendment of s. 1 of cap. 2:03
4. Section 2 of the principal Act is amended by deleting the words “Parliamentary and Presidential” and substituting therefor the words “Presidential, Parliamentary and Local Government”. Amendment of s.2 of cap 2:03

Amendment
of s.4 of cap.
2:03

5. Section 4 of the principal Act is amended—
(a) by adding a new subsection (7) as follows—

“(7) A person shall not qualify for appointment as a member of the Commission under subsection (1) unless the person possesses a minimum educational qualification of a bachelor’s degree obtained from an institution recognized or accredited under the National Council for Higher Education Act.”.

Amendment
of s. 8 of
cap. 2:03

6. Section 8 of the principal Act is amended, in subsection (1)—
(a) by inserting, immediately after paragraph (h), the following new paragraph (i)—

“(i) to establish and devise other means of voting, voting materials and registration of voters’ materials, for purposes of improving efficiency of electoral processes, including registration of voters, voting, counting of votes and transmission of results;”; and

- (b) by renumbering paragraphs (i), (j), (k), (l) and (m), as paragraphs (j), (k), (l), (m) and (n), respectively.

OBJECTS AND REASONS

The principal object of this Bill is to amend the Electoral Commission Act in order to provide for a minimum educational qualification for a person to be appointed as a member of the Commission; to change the name of the Commission from “Electoral Commission to “Malawi Electoral Commission” and to empower the Commission to establish and devise other means of voting, voting materials and registration of voters’ materials.

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