

GOVERNMENT NOTICE No. 29

**PRESIDENTIAL, PARLIAMENTARY AND LOCAL GOVERNMENT ELECTIONS
ACT**

(No. 10 OF 2023)

CODE OF CONDUCT FOR ELECTORAL CAMPAIGN, 2025

IN EXERCISE of the powers conferred upon the Commission by section 55 (2) of the Presidential, Parliamentary and Local Government Elections Act, 2023, the Malawi Electoral Commission, makes the following Code of Conduct—

1. This Code of Conduct may be cited as the Code of Conduct for Electoral Campaign, 2025. Citation
2. The objectives of this Code shall be to promote— Objectives
 - (a) conditions conducive for the conduct of free, fair, transparent elections;
 - (b) freedom of association, freedom of expression, freedom of assembly and freedom to campaign freely and the right to hold political opinion and vote in an election; and
 - (c) equal political participation by all eligible candidates and voters throughout the electoral process.
- 3.—(1) This Code shall apply to— Application
 - (a) a political party;
 - (b) a candidate for election;
 - (c) party and candidate representative; or
 - (d) any electoral stakeholder.

(2) This Code shall be applicable during any campaign period as announced by the Commission.
- 4.—(1) This Code is based on the following underlying principles— General principles
 - (a) that the political environment for an election shall—
 - (i) be free from violence or threat of violence, coercion, undue influence, bribery and intimidation; and
 - (ii) respect the right of the voter to vote in secret without fear;
 - (b) every person who is eligible to vote shall be informed, through civic and voter education and freely conducted campaign of the policies and qualities of all political parties and candidates so as to be able to make informed democratic choice;
 - (c) political parties, candidates, members and supporters shall respect the rights of other people to freedom of association, freedom of expression freedom of assembly and freedom to campaign freely and the right to hold political opinion and vote in an election; and

(d) all political parties and candidates contesting in an election or participating in a referendum shall be provided with equitable access, fair, balanced coverage and by public and private electronic and print media.

(2) By subscribing to this Code, political parties and candidates commit, in good faith, to the principles outlined in paragraph (1) and commit to promoting them to ensure a peaceful electoral environment.

Subscription

5.—(1) Every political party and candidate participating in an election shall subscribe to be bound by this Code, by signing and submitting to the Commission a signed copy of the subscription to the Code form, at such time and in such manner as the Commission may determine.

(2) A political party that is eligible to sponsor candidates under the Act or a person eligible to be nominated for election as President, member of Parliament or councillor shall not be declared eligible to contest in an election, unless the political party or the candidate has subscribed to this Code.

Compliance
with this
Code and
electoral laws

6. Every political party participating in an election and every candidate shall—

(a) comply with this Code;

(b) instruct—

(i) in the case of a party, its candidates, office bearers in the party, party representatives, members and supporters to comply with this Code and any applicable electoral laws; or

(ii) in the case of a candidate, the representatives and supports of the candidate to comply with this Code and any applicable laws; and

(c) take reasonable steps to ensure—

(i) in the case of a party, that its candidates, office bearers in the party, party representatives, members and supporters comply with this Code and any applicable electoral laws; and

(ii) in the case of a candidate, that the representatives and supporters of the candidate comply with this Code and any applicable laws.

Promotion of
this Code

7. Every political party participating in an election and every candidate shall—

(a) promote the purpose of this Code; and

(b) ensure that this Code is widely publicized and that their members and supporters are informed of its provisions and their obligation to comply;

Commitment
to this Code

8.—(1) Every political party and candidate participating in an election shall—

(a) publicly affirm and state the right of all political parties, candidates and their representatives to—

- (i) freely express their political beliefs and opinions;
 - (ii) debate and challenge the political beliefs of others;
 - (iii) campaign for voter support;
 - (iv) hold and attend public meetings;
 - (v) publish and distribute campaign materials;
 - (vi) lawfully erect election banners, billboards, placards, and posters; and
 - (vii) recruit party members;
- (b) publicly condemn any actions that undermine free and fair elections, including violence, intimidation, or the use of hate speech, regardless of the perpetrator's affiliation with the party and all parties and candidates shall emphasize this prohibition in their campaign materials to members and supporters;
- (c) cooperate with law enforcement agencies to apprehend offenders;
- (d) provide accurate electoral information, and ensure compliance with rights to access such information;
- (e) respect and affirm the secrecy of the vote and not to do anything that undermines the secrecy of the vote;
- (f) accept the election results or challenge them through legal means;
- (g) cooperate and liaise in good faith with other parties and candidates to avoid organizing and scheduling public meetings, demonstrations, rallies or marches to take place at the same time and venue as similar political events organized by other parties and candidates;
- (h) ensure party members or supporters do not damage, deface or remove campaign materials of other parties;
- (i) refrain from—
- (i) engaging in or inciting violence, intimidation, or hate speech;
 - (ii) carrying or displaying weapons at political meetings or any march, demonstration or other event of a political nature;
 - (iii) campaigning in places of worship or during burial ceremonies;
 - (iv) impeding other parties' access to voters for campaign purposes;
 - (v) plagiarizing the symbols, colors, or acronyms of other parties to discourage and prevent the removal, disfigurement or destruction of political campaign materials of any party or candidate;
 - (vi) offering rewards or inducements for joining or avoiding political activities; and
 - (vii) discriminating on the basis of race, sex, pregnancy, marital status, health status, ethnic or social origin, color, age, disability, religion, conscience, belief, culture, dress, language,

birth or any other status in relation to elections and political activities;

(j) in relation to the Commission—

(i) acknowledge the Commission's authority over elections and avoid interfering with its independence or impartiality;

(ii) attend and participate in meetings organized by the Commission;

(iii) implement the Commission's orders and directions;

(iv) facilitate access of Commission's observers to political events;

(v) cooperate with investigations by the Commission;

(vi) safeguard electoral observers from insults, hazards, or threats during political events while they perform their official duties;

(vii) give effect to any lawful direction, instruction, or order, of the Commission or an authorized member, employee or officer of the Commission; and

(viii) establish and maintain effective lines of communication with the Commission at national, political and local level, including the provision of names and the contact details and addresses of the or a party's or candidate's officer bearers of representatives, as the case may be;

(k) assure voters of the independence and impartiality of the Commission, the secrecy of the ballot, and the integrity of the electoral process;

(l) take reasonable steps to discipline party members, employees, and supporters who violate the Code or the electoral laws;

(m) facilitate the access of members of the Commission, Chief Elections officer and officers of the Commission, to public meetings, demonstrations and rallies of that party or candidate;

(n) accept and respect the final declaration of election results by the Commission, as announced by returning officers and the Commission in accordance with the law, without prejudice to the right to petition the Courts in accordance with the Act; and

(o) remove, or cause to be removed, campaign materials within fourteen days of the declaration of election results.

(2) A member of the Commission or officers of the Commission may attend political meetings, rallies and demonstration to monitor compliance with this Code.

9. Every political party and every candidate participating in an election shall—

(a) ensure the security and full participation of women and persons with disabilities as candidates, voters, and political participants;

(b) respect the rights of women and persons with disabilities to communicate freely with political parties, candidates and stakeholders;

(c) facilitate the full, equal, and effective participation of women and persons with disabilities in all political activities;

(d) guarantee free and equal access for women and persons with disabilities to all public political meetings, marches, demonstrations, rallies, and other public political events; and

(e) guarantee that women and persons with disabilities are free to engage in any political activity without hindrance or discrimination.

10. A political party or candidate participating in an election or any other person, in relation to elections, shall not—

Duties of
political
parties and
candidates

(a) use language that is inflammatory, defamatory, insulting, or that incite public disorder, insurrection, hate, prejudice or violence in any form based on political opinion, gender, disability or any other status;

(b) aid, abet, engage in, encourage, tolerate, or promote violence, intimidation, or conduct likely to result in violence or intimidation against any person on account of their membership in or support of a political party or candidate, or their participation in the election;

(c) discriminate against any person on the grounds of race, ethnicity, class, disability, gender, sex, religion, or any other status in connection with an election or political activity, unless such discrimination is legally justified to address proven inequalities, such as those adversely affecting women and people with disabilities in the electoral process;

(d) carry, display, or use arms, weapons, or any traditional or unconventional weapons at political events, such as meetings, marches, demonstrations, or rallies;

(e) publish, disseminate, or allow the publication of false, defamatory, or inflammatory statements regarding any person, political party, candidate, or electoral process;

(f) arrange a public meeting, demonstration, rally, or a march to coincide with other political events organized by another party or candidate;

(g) prevent other parties or candidates from accessing campaign venues through monopolized bookings by preemptively reserving them at any council without the genuine intention of using them;

(h) prevent or impede access to voters by any political party or candidate in any council for legitimate purposes such as voter education, fundraising, canvassing, and soliciting support;

(i) plagiarize campaign messages or unlawfully use the symbols, colours, acronyms, or publications of other political parties or candidates;

(j) deface, remove, or destroy political campaign materials, including those of other parties, candidates, or voter education materials issued by the Commission;

(*k*) offer inducements, rewards, or bribes to influence political actions or voting behaviour, including joining or not joining a party or candidate;

(*l*) coerce voters to reveal their voting choices or take reprisals based on voting behaviour;

(*m*) use public resources for campaign purposes, except as authorized by any written law and in connexion with respective offices;

(*n*) procure partisan support from officials or public servants in favour of any political party;

(*o*) disrupt election operations at polling stations or vote counting and tallying centres;

(*p*) in any manner, whatsoever, violate the secrecy of the vote and integrity of the electoral process;

(*q*) use the voter's register information to harass or intimidate voters or for any commercial purposes;

(*r*) encourage a person to vote knowing that they are not entitled to do so;

(*s*) abuse or attempt to abuse positions of power, privilege, or influence, including parental, patriarchal, state, or traditional authority, to advance the interests of a political party or candidate, offer rewards, issue threats, or exert undue influence on individuals to compel support for a specific political party or candidate;

(*t*) publish or make any false statement or misrepresentation relating to the election generally or an electoral process;

(*u*) abuse the right to file complaints with the Commission by submitting a complaint which is false, frivolous, or filing a complaint in bad faith;

(*v*) conduct campaign in places of worship or during funeral and burial ceremonies;

(*w*) after the period prescribed for campaign is closed—

(i) hold public a gathering, demonstration, or rally; or

(ii) publish or allow the publication of an advertisement, statement or any other material promoting or opposing any party or candidate;

(*x*) disrupt the operations of election officials at polling stations or vote counting and tallying centres;

(*y*) coerce voters who do not require assistance to receive assistance in voting;

(*z*) indulge in any conduct that undermines the independence and impartiality of the Commission and its officers;

(*aa*) disrupt any campaign, rally, meeting or any event which has been convened by any political party candidate;

(*bb*) publish or carry any statue, caricature or anything which tends to ridicule, insult or scandalize any political party or candidate in an election at any public political gathering, meeting or demonstration;

(cc) be found in possession of a voter registration certificate belonging to another person, without any justification for being in such possession;

(dd) interfere in any manner with the independence or impartiality of the Commission and its officers;

(ee) intimidate, or incite or encourage the intimidation, of anyone on account of his or her political opinions or membership or support of a political party; or act in a way that may provoke violence or intimidation;

(ff) use violence or threats of violence to force a voter to refrain from voting or to vote for a political party or candidate against his or her will;

(gg) force a voter to reveal the identity of the candidate voted for, or take reprisals against, a person because of the way in which he or she has voted or is believed to have voted;

(hh) material of another party or candidate, and any posters or other voter education materials disseminated by the Commission;

(ii) alter or falsify election results;

(jj) publish personal information about voters contained in the voters register or use the information for commercial purposes, harassment, or intimidation of voters;

(kk) procure the support or assistance of any official or public servant to act in a partisan manner or further the interest of any political party or cause; or

(ll) engage in any other conduct that may undermine the Commission's efforts to hold free, fair, and credible elections.

11.—(1) Any political party, candidate or any person may submit a Complaints complaint to the Commission about any breach of this Code.

(2) A complaint about breach of the Code shall be—

(a) in writing;

(b) submitted to the Commission in the manner prescribed and at the place appointed and determined by the Commission for the purpose;

(c) include details sufficient enough to assist the Commission to resolve the complaint; and

(d) submitted within seven days from the date when the alleged breach occurred.

(3) The Commission shall have the power to regulate its own procedure for enforcement and for handling of complaints relating to breach of the Code.

(4) The Commission may, upon receiving a complaint—

(a) require the political party, candidate, or individual accused of contravening this Code to submit a written representation in response to the accusation;

- (b) summon any person accused of contravening this Code, as well as any voter, candidate, or political party alleging a breach, to appear before it; or
- (c) refer to the complaint to an appropriate law enforcement authority.

Contravention 12.—(1) A political party, candidate or person who contravenes any provision of this Code commits an offence and shall be liable to a penalty imposed in accordance with the Act or any written law.

 (2) Notwithstanding any penalty that may be imposed under the Act or any written law, the Commission may—

- (a) issue a directive requiring an action to remedy the breach;
- (b) censure and reprimand acts by a political party, candidate, or any other person aimed at undermining the integrity of the election or violating this Code;
- (c) revoke the accreditation of party or candidate representative, observers or the media where it is necessary to do so in the interest of the integrity of the election;
- (d) report a breach of the Code to the Director of Public Prosecutions or the Police or any other appropriate law enforcement agency for investigation and prosecution, where appropriate; or
- (e) make any other order as to the Commission may seem fit in the circumstances.

Made this 10th day of April, 2025.

JUSTICE A. MTALIMANJA
Chairperson

(FILE NO. SUB. D. 2:01)

GOVERNMENT NOTICE No. 30

PRESIDENTIAL, PARLIAMENTARY AND LOCAL GOVERNMENT ELECTIONS
ACT
(No. 10 OF 2023)
CODE OF CONDUCT FOR ELECTION OBSERVERS, 2025

IN EXERCISE of the powers conferred upon the Commission by section 103 (4) (b) (iii) of the Presidential, Parliamentary and Local Government Elections Act, 2023, the Malawi Electoral Commission makes the following Code of Conduct—

- Citation 1. This Code may be cited as the Code of Conduct for Election Observers, 2025.
- General provisions 2. An accredited election observer and any person appointed by the observer shall—
- (a) respect the Constitution and the laws governing elections in Malawi;
 - (b) observe the election impartially and independent of any political party or candidate contesting in the election;

(c) act in an objective, competent and professional manner in observing the election;

(d) be apolitical, non-partisan and neutral and avoid anything that would indicate or be seen as indicating partisan influence or support for a political party or candidate;

(e) not to interfere in, or to impede, the normal course of events in an election;

(f) not do anything which compromises the secrecy of the ballot;

(g) provide to the Commission with a comprehensive review of the election taking in account all relevant circumstances including—

(i) the degree of impartiality shown by the Commission;

(ii) an assessment of the freedom of political parties and candidates to campaign freely and the degree of freedom to organize, move, assemble and express opinion and views publicly;

(iii) the fairness of the media generally and the equitability and fairness of access of political parties and candidates to public media or broadcaster; and

(iv) the condition of security for electoral stakeholders;

(h) comply with all instructions, directives and orders issued by—

(i) the Commission or any person so delegated by the Commission; or

(ii) a member of a state security institution, acting on instruction of the Commission or an officer of the Commission;

(i) disclose to the Commission any relationship that could lead to conflict of interest regarding the role of the observer, the process of observation or the assessment of the election;

(j) not accept any gift or favour from a political party, candidate, representative of a political party or candidate or any person involved in the election on account of a political party or candidate;

(k) not express a view or opinion on any matter which is the subject of electoral campaign;

(l) not influence or attempt to influence the choice of a voter relating to political party or candidate in an election;

(m) not wear, carry or display any symbol or colours of a political party or candidate or indicating any affiliation with a candidate or political party participating in the election;

(n) not canvass for any candidate or political party while observing an electoral process;

(o) not obstruct or accost any voter at a polling station or on his or her way thereto or therefrom, nor interview any voter at a polling station;

(p) if he considers that there has been any irregularity in the conduct of the poll, the counting of the votes or any other electoral process, bring such irregularity or apparent irregularity to the attention of the presiding officer or constituency returning officer or the Chief Elections Officer; and

	(q) generally, conduct himself or herself in a manner conducive to the peaceful, dignified and orderly conduct of an electoral process.
Declaration of commitment	3.—(1) An election observer shall be required to fill-in and sign a declaration of commitment to comply with this Code of Conduct and submit the same to Commission.
	(2) The declaration of commitment referred to under subparagraph (1) shall be in the form as prescribed in the <i>Schedule</i> .
Breach of this code of conduct	4. An election observer who fails to abide by this Code of Conduct shall be liable to penalties as prescribed under the Act or the Regulations made thereunder.

SCHEDULE

(para. 3(2))

PRESIDENTIAL, PARLIAMENTARY AND LOCAL GOVERNMENT ELECTIONS ACT, 2023

DECLARATION OF COMMITMENT TO COMPLY WITH CODE OF CONDUCT FOR ELECTION OBSERVERS

We/I do hereby accept to serve as an election observer.

After carefully reading the Code of Conduct for Election Observers, we/I would like to declare commitment to fully comply with the code of conduct.

We/I accept to be bound by the above Code of Conduct and with such other terms and conditions that may be made, from time to time, by the Commission for the purpose of giving effect to the Code of Conduct, at all times, during term of service as an election observer.

I/we undertake to relinquish my/our duty as an election observer if required to do so, by the Commission.

Name.....

Signature of responsible person.....

Made this 10th day of April, 2025.

(FILE NO. SUB. D. 2:01)

JUSTICE A. MTALIMANJA
Chairperson

GOVERNMENT NOTICE No. 31

MALAWI ELECTORAL COMMISSION ACT
(CAP. 2:03)

CODE OF CONDUCT FOR VOTER EDUCATION PROVIDERS, 2025

IN EXERCISE of the powers conferred upon the Commission by section 21D of the Malawi Electoral Commission Act, the Malawi Electoral Commission makes the following Code of Conduct—

1. This Code may be cited as the Code of Conduct for Voter Education Providers, 2025.	Citation
2. Every voter education provider shall— (a) perform their duties in accordance with the laws and regulations, and any terms and conditions as set by the Commission; (b) only use messages and materials approved by the Commission; (c) respect the right of voters to elect a party or candidate of their choice by using impartial message and information dissemination method; (d) always act in a non-partisan manner and be seen to be free of any influence or control by any political party or organization; (e) develop materials with the involvement of the Commission at key stages; (f) incorporate gender and special needs considerations in their programming; (g) always conduct themselves in a manner that preserves the credibility of the Commission; (h) not wear, carry, or display any obviously party symbols or colours; (i) not accept any gift or favour from a political party or any person involved in the election process; (j) do nothing that could indicate or be seen as indicating, partisan support for a candidate or political party; and (k) not solicit funds in the name of the Commission.	General provisions
3. A voter education provider shall— (a) inform and make voters aware of their protected right to freedom of conscience and belief, freedom of speech and expression, freedom of association, peaceful assembly, freedom of movement and or the right to participate freely in peaceful political activities; (b) promote awareness among the population of all electoral processes and the civic right and duty of every eligible voter to register and vote in elections or referenda; (c) conduct voter education in accordance with the curriculum prepared and approved by the Commission; (d) conduct voter education impartially, without advocacy or influence from any person or group; (e) be sensitive to the needs of people with disabilities, women, youth, and other marginalized groups; (f) give due consideration to accessibility, language, and methodology in providing voter education; (g) avoid actual or apparent conflicts of interest in the provision of voter education;	Duties of a voter education provider

- (h) refrain from disclosing confidential information acquired in the course of their work, unless authorized by the Commission; and

(i) refrain from disclosing any confidential information acquired in the course of their work unless otherwise authorized by the Commission.
- Finances and use of funds

4. A voter education provider shall—

(a) be responsible for sourcing their own resources;

(b) be committed to abide by donor’s requirements and conditions;

(c) use funds received only for the appropriated purpose and not misuse funds received for the purpose of voter education; and

(d) keep books of account that are reasonably necessary and be ready to make available to the Commission for inspection.
- Declaration of commitment

5. —(1) A voter education provider shall be required to fill-in and sign a declaration of commitment to comply with this Code of Conduct and submit the same to Commission.

(2) The declaration of commitment referred to under paragraph (1) shall be in the form as prescribed in the *Schedule*.
- Breach of this code of conduct

6. A voter education provider who fails to abide by this code of conduct shall be liable to penalties as prescribed under the Act or the Regulations made thereunder.

SCHEDULE

(para. 5(2))

MALAWI ELECTORAL COMMISSION ACT

(CAP. 2:03)

DECLARATION OF COMMITMENT TO COMPLY WITH CODE OF CONDUCT FOR VOTER EDUCATION PROVIDERS

We/I do hereby accept to serve as a voter education provider.

After carefully reading the Code of Conduct for Voter Education Providers, we/I would like to declare commitment to fully comply with the Code of Conduct.

We/I accept to be bound by the above Code of Conduct and with such other terms and conditions that may be made, from time to time, by the Commission for the purpose of giving effect to the code of conduct at all times during term of service as a voter education provider.

I/we undertake to relinquish my/our duty as a voter educator/voter education provider if required to do so, by the Commission.

Name.....

Signature of responsible person.....

Made this 10th day of April, 2025.

(FILE NO. SUB. D. 2:03)

JUSTICE A. MTALIMANJA
Chairperson