



YOUR VOTE

YOUR RIGHT

YOUR CHOICE



MALAWI ELECTORAL COMMISSION

**ELECTORAL CODE OF CONDUCT FOR
POLITICAL PARTIES AND INDEPENDENT
CANDIDATES**

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MALAWI ELECTORAL COMMISSION

**ELECTORAL CODE OF CONDUCT FOR
POLITICAL PARTIES AND CANDIDATES**

[Prescribed under Section 55(3) of the Presidential, Parliamentary and the Local Government Elections Act No. 10 of 2023]

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Message from the Chairperson

Holding of free, fair and credible elections is a collective responsibility of all electoral stakeholders. To that effect the Malawi Electoral Commission developed several codes of conduct to guide various stakeholders on how they can play their rightful roles during electoral processes.

Political Parties and Candidates are major stakeholders during electoral processes. I am glad to present a reviewed Electoral Code of Conduct for Political Parties and Candidates. The aim of this Code of Conduct is not to police them but to act as a guideline on how the candidates, political parties and their followers should conduct themselves during elections. Democracy thrives when political parties and candidates adhere to the Code of Conduct that upholds the principles of integrity, respect and transparency. It is essential that all players in the political landscape commit to a set of ethical guidelines that foster a healthy electoral environment.

This Code of Conduct serves as a guiding light to ensure that political parties, candidates and their followers participate in electoral processes with civility and focus on issues that matter most to our Nation. The Commission firmly believes that political parties and candidates play an indispensable role in representing the diverse interests of citizens. However, such representation must be carried out responsibly and with the utmost respect for the democratic principles that bind our Nation together.

Assessment of the credibility of elections does not only focus at what happens on the election day but the entire process, against existing legislations, regulations and codes of conduct such as this one. Therefore, the Commission is very optimistic that political parties and candidates shall stick to the provisions of this Code of Conduct. For instance, it is the anticipation of the Commission that during electoral campaign political parties and candidates shall concentrate on issue-based campaign; what they will do if elected or re-elected and not dwell on character assassination and name calling.

I urge leaders and everyone else to popularize this document among all citizens. The contents therein are not for the benefit of political parties and candidates

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only, but everyone involved in elections. We should all avoid the use of language and pronouncements that incite violence, hatred, unrest and instill fear among members of the public. Election time should be one of the most celebrated and enjoyed period in our democracy and electoral calendar.

Let us move forward together embracing the spirit of unity, tolerance and understanding. By upholding this Code of Conduct we can foster an electoral process that truly reflects the will of the people and contributes to a brighter and more prosperous future of our Nation.



Justice Annabel Mtalimanja

CHAIRPERSON

PREAMBLE

One crucial tenet of free, fair and credible elections is the right to participate and campaign freely by all election contestants. All persons have the right to express their political convictions and views, within the limits of the law, without fear of intimidation or threats from anybody throughout the whole electoral process.

Freedom of campaigning also carries responsibilities, which include tolerance and encouragement of others to express their own independent views and opinion. In particular, political parties, candidates and their followers are responsible for ensuring the participation of underrepresented people – notably women, people with disabilities and the youth – to campaign and run for office and participate freely in all activities related to the electoral process. In view of this,

- a) All Malawians have an allegiance to Malawi. The duty to bear allegiance to Malawi binds all Malawians. During election time, the observance of this duty comes into sharp focus.
- b) All registered political parties, candidates and other persons participating in the electoral process shall endeavour to promote a peaceful and enabling environment to enable free political campaigning and open debate to take place in all parts of Malawi during the election period.

Section 1: Purpose

The purpose of this Electoral Code of Conduct is to promote conditions that are conducive to the conduct of free, fair and credible elections; and a climate that includes tolerance for democratic debate and political activity. The Code also promotes the respect for free expression of individual or group opinions, beliefs and equal political participation by all eligible voters throughout the electoral process.

Section 2: Promotion of the Code of Conduct

All contesting political parties and candidates and their supporters agree and shall promote and publicize the Code of Conduct in their election campaigns and post a copy of this Code of Conduct in a conspicuous place in every contesting political party and candidate's campaign office.

Section 3: Compliance with the Code of Conduct and the Electoral Laws

All contesting political parties and candidates shall:

- i. Instruct all their members, supporters and officials to abide by this Code of Conduct in full;
- ii. Take all reasonable steps to ensure that all their members, supporters and officials comply or abide by this Code of Conduct in full;
- iii. The signing of this Code of Conduct affirms that they will abide by it.

Section 4: Rights of Political Parties and Candidates

All political parties and candidates shall publicly state that everyone has the right within the limits of the law to:

- i. Freely participate in the electoral processes including expressing their political beliefs and opinions without fear or threat of recrimination;

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- ii. Debate the political beliefs and opinions of others and offer alternatives to those beliefs and opinions, without any character assassination or defamatory insinuations;
- iii. Freely and without hindrance publish, distribute and post campaign materials and advertisements;
- iv. Erect banners, billboards, placards and posters;
- v. Canvass support for a political party or candidates;
- vi. Recruit members to join a political party or to campaign for the political party or the candidates;
- vii. Hold political public meetings and rallies;
- viii. Travel and attend political public meetings and rallies; and
- ix. Ensure all candidates are able to safely campaign in an environment free from violence and intimidation, including gender-based discrimination.

Section 5: Cooperation with District Commissioners/Chief Executive Officers and the Police

- i. The contesting political party and candidates shall inform the District Commissioner/Chief Executive Officer and the Officer-in-charge of Police of the venue and time of any proposed meeting at least 24hrs before the meeting so as to enable the Police to make necessary arrangements for controlling traffic and maintaining peace and order.
- ii. The District Commissioner/Chief Executive Officers shall ascertain in advance if there are any restrictive or prohibitory orders in force in the place proposed for the meeting. If such orders exist, they shall inform the political party and or the candidate so that they apply for exemption.
- iii. Organizers of a meeting shall seek the assistance of the Police on duty for dealing with persons disturbing a meeting or attempting to create disorder. Organizers themselves shall not take the law in their own hands by taking action against such

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persons.

- i All contesting political parties or candidates shall denounce and report to the police acts of violence and cooperate with the law-enforcing agencies in handling of cases of violence including the recovery of weapons of violence and the arrest of persons in possession of weapons.

Section 6: Results of the Election

All political parties and candidates shall, on the day of nomination, publicly declare by signing a declaration form as a commitment to accept the results of any election or challenge the results in Court under the Presidential, Parliamentary and Local Government Elections Act and the Constitution, as amended.

Section 7: Prohibited Conduct

No contesting political party or candidate or members of a political party or representative of independent candidate shall do any of the following:

- i. Use language, act or behave in any way that may provoke or promote violence or intimidate candidates, members of political parties, representatives or supporters of political parties, candidates or voters during the whole electoral process;
- ii. Use language, act or behave in a manner that denigrates or is designed to intimidate political parties and candidates on the basis of their gender, disability or minority issues;
- iii. Deface, unlawfully remove or destroy the posters, placards, billboards or any other election material of a political party or candidate;
- iv. Aid, abet, tolerate or promote intimidation in any form. All political parties and candidates shall, in their manuals and instructions to members and supporters reinforce this prohibition;
- v. Desist from any kind of violence or intimidation, either physical or psychological to demonstrate political party or candidate's strength or prove

- supremacy;
- vi. Give a gratuity to any person with the object of inducing him/her or any other person to exercise any electoral right (to stand or not to stand, to withdraw or not to withdraw from being a candidate, to vote or refrain from voting);
 - vii. Accept either for himself or herself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right;
 - viii. Publish false or defamatory allegations in connection with an election in respect of:
 - a) a political party, its candidates, representatives,
members, or
 - b) a candidate or that candidate's representatives
 - ix. Plagiarise the symbols, colours, acronyms or publications of other registered parties;
 - x. Discriminate on the grounds of race, ethnicity, sex, disability, class or religion in connection with an election or political activity unless such discrimination is legally justified to address proven inequalities such as those that adversely affect women in the electoral process;
 - xi. Block access to voters for purposes of voter education, fundraising, collecting signatures, recruiting members or canvassing support for a party or candidate;
 - xii. Interfere in any manner with the independence or impartiality of the Malawi Electoral Commission and its staff;
 - xiii. Impersonate any other person;
 - xiv. Make intentional false statements;
 - xv. Infringe on the secrecy of voting;

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- xvi. Shall not receive any contribution or donation, in cash or in kind, from the state, any organ of the State or agency of the State;
- xvii. Shall not use public resources for the purpose of election campaign;
- xviii. Block book campaign venues;
- xix. Convene a public gathering for purposes of campaigning for election at or within the premises of;
 - a) a military or police establishment;
 - b) a public institution;
 - c) a workplace, during working hours;
 - d) a hospital; or
 - e) an education institution, during normal class period.

Section 8: Duties and Responsibilities to ensure Freedom of Access

Political parties and candidates shall have the duty and responsibility to respect freedom of access to all potential voters on public or private property within the limits of the law so as to ensure that potential voters wishing to participate in political activities are free to do so.

Section 9: Cooperation with the Malawi Electoral Commission

Every contesting political party and candidate shall recognize:

- i. The authority of the Commission in the conduct of the elections;
- ii. The duty of the Commission to take measures to ensure that the elections are conducted under conditions of complete freedom and fairness pursuant to Section 8(m) of the Malawi Electoral Commission Act 2023;
- iii. The authority of the Commission to prescribe this Code of Conduct and enforce its compliance in accordance with Section 55(8) of the Presidential, Parliamentary and the Local Government Elections Act, 2023.

And in furtherance of the provisions of the Presidential, Parliamentary and the Local Government Elections Act, 2023 and of this Code of Conduct, every

contesting political party and candidate shall:

- a) Give effect to any lawful direction, instruction, or order of the Commission or an authorized member, employee or officer of the Commission;
- b) Facilitate the access of members, employees and officers of the Commission and the Chief Elections Officer to public meetings, demonstrations and rallies of that political party or candidate;
- c) Cooperate in any investigation of the Commission;
- d) Take reasonable steps to ensure the safety of members, employees and officers of the Commission in the exercise of their power or performance of their duty and ensure that representatives of political parties and candidates attend meetings or other events convened by the Commission.

Section 10: Cooperation with the Media

Under media guidelines, every registered contesting political party and every candidate and their agents:

- i. Must recognize the role of the media before, during and after the elections by among other things acquainting themselves with the current Media Code of Conduct;
- ii. Shall not prevent access by members of the media to political public meetings, marches, demonstrations and rallies;
- iii. Must take all reasonable steps to ensure that journalists are not subjected to harassment, intimidation, hazard, threat, ridicule or physical assault by any of their representatives or supporters with special regard being paid to female, youth and journalists with disability;
- iv. Political parties must give information related to elections within their domain. Where necessary, registered political parties, candidates and their agents should have media contact persons.
- v. Political parties are encouraged to ensure, where possible, equal access of men and women candidates to the media, and ensure negative gender stereotyping

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is not perpetuated through the media.

Section 11: Sanctions for Violation of this Code of Conduct

All contesting political parties and candidates must recognize and agree that the Commission shall have the authority to enforce compliance with the provisions of this Code of Conduct.

Section 12: Resolution of Conflicts

If negotiations and conflict resolution and use of Multiparty Liaison Committees (MPLC) fail to resolve a conflict (in reference to section 7) the Commission shall, dependent on the gravity of offence:

- i. Issue warnings and directives;
- ii. Issue orders to cease and desist;
- iii. Order the disqualification of political parties or candidates from the ballot;
- iv. Impose a fine as prescribed under s.55(4 - 5) of the PPLGEA, subject to giving the political party or candidate the right to be heard;
- v. Enforce penalties prescribed by the Electoral laws as amended.

Any contesting political party and or candidate aggrieved by a disqualification or a penalty imposed by the Commission shall appeal for judicial review in the High Court within 7 days of the order or disqualification or fine, as the case may be.

Section 13: Electoral Offences

Political parties and candidates are reminded that the following electoral offences are punishable either by imprisonment and/or by fine.

13.1 Offences in relation to registration of voters

A person commits an offence if he/she :

- (i) obtains his or her registration by giving false information;
- (ii) obtains registration in more than one registration area;
- (iii) registers another person knowing that that person is not eligible for registration;
- (iv) prevents the registration of another person knowing that that person is eligible for registration;
- (v) having the authority to do so, does not delete a registration which he or she knows to be incorrect;
- (vi) falsifies a register;
- (vii) with fraudulent intent, modifies or substitutes a voter's registration certificate;
- (viii) through violence, threat or fraud, prevents the registration of another person; or
- (ix) knowingly obstructs the detection of incorrect registration or the verification of the voters' roll;
- (x) registers as a voter in the name of another person whether living, dead or fictitious.

13.2 Offences in relation to campaigning for elections

A person commits an offence if he/she:

- (i) holds a public meeting contrary to section 50;
- (ii) prevents the holding, or interrupts the proceedings of a public meeting authorized under section 50;
- (iii) campaigns or causes another person to campaign within forty-eight hours before opening of the poll or on the polling;
- (iv) denies any political party or candidate equal treatment with any other political party or candidate;
- (v) destroys, defaces, tears or in any manner causes to be totally or partially useless or illegible any campaign material displayed in an authorized place or space or superimposes thereon any other material concealing the earlier material;
- (vi) being entrusted, by virtue of his or her office or functions, with displaying or depositing in an authorized place or space any campaign material, fails to display or deposit such campaign material, or misplaces, steals, removes or destroys such material;
- (vii) convening a public gathering for purposes of campaigning for an election at or within prohibited places of campaigning (PPLGEA s.56);
- (viii) for the reason that another person attended or did not attend any campaign meeting, directly or indirectly, dismisses that other person from any employment or other gainful occupation or from continuing in any gainful occupation or applies or threatens to apply any sanction to that

other person;

A political party or independent candidate commits an offence:

- i. if they receive any contribution or donation, in cash or in kind, from the state, any organ of the State or agency of the State;
- ii. except as authorised under the PPLGEA or any other written law, if they use public resources for the purpose of election campaign.

13.3 Offences in relation to nomination

A person commits an offence if he/she uses or threatens to use any force or restraint to induce or compel another person to sign or refrain from signing any nomination paper.

13.4 Offences in relation to voting

A person commits an offence if he/she:

- (i) not being otherwise authorized to be present or not being a registered voter, knowingly presents himself or herself at a polling station;
- (ii) knowing that he or she is not eligible to vote, casts a vote at any polling station;
- (iii) fraudulently uses the identity of another person in order to exercise the right to vote;
- (iv) consciously allows that the right to vote be exercised by a person who does not have that right;
- (v) votes more than once;
- (vi) accompanying a blind or a disabled person to vote, fraudulently and

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- faithlessly expresses a vote not according to the wish of that person;
- (vii) within a radius of one hundred meters of a polling station, reveals his or her vote or procures another person by force or deceit to reveal that other person's vote;
 - (viii) uses or threatens violence or uses false information or other fraudulent means to coerce or induce another person to vote for or against a particular candidate or a candidate of a particular political party or to abstain from voting;
 - (ix) being a public officer, uses his or her office to coerce or induce another person to vote for or against a particular political party or candidate or abstain from voting;
 - (x) directly or indirectly, dismisses or threatens to dismiss another person from any employment or other gainful occupation or prevents or threatens to prevent another person from obtaining any employment or other gainful occupation or from continuing in any gainful occupation or applies or threatens to apply any sanction whatsoever to another person in order to induce that other person to vote for, or because that other person voted for, a particular candidate or a candidate of a particular political party or because that other person abstained from voting;
 - (xi) being a presiding officer of a polling station, fails to display a ballot box in accordance with the requirements of the PPLGEA;
 - (xii) illicitly introduces ballot papers in a ballot box before, during or after the voting;
 - (xiii) fraudulently takes possession or conceals a ballot box with uncounted ballot papers or removes, without lawful authority, an uncounted ballot paper from a ballot box;

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- (xiv) being a polling station officer, purposely neglects his or her duty with a view to occasioning an irregularity;
- (xv) being a polling station officer, unjustifiably refuses to receive a complaint, or a response to a complaint about the proceedings at his or her polling station or to examine and seek to resolve such a complaint;
- (xvi) disturbs the regular functioning of a polling station;
- (xvii) refuses to leave a polling station after being asked to do so by a polling station officer;
- (xviii) being an officer in-charge of a police establishment requested to assign police officers to keep order at a polling station, fails without justification to do so within a reasonable time;
- (xix) being a police officer assigned to keep order at a polling station wilfully neglects his or her duties; or
- (xx) bars any election representative, observer or any person who has been duly accredited or authorized by the Commission to be at a polling station, constituency tally centre, district tally centre, or national tally centre.
- (xxi) Interferes with a voter after the voter has received a ballot paper and before the voter has placed the ballot paper in the ballot box;
- (xxii) Attempts to obtain in the polling station information as to the candidate for whom any voter in such station is about to vote or voted for;
- (xxiii) does not maintain or does not aid in maintaining the secrecy of the vote;
- (xxiv) at any election, requests for a ballot paper in the name of another person, whether living, dead or fictitious.

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13.5 Other Offences

A person commits an offence if he/she:

- i. in any manner, fraudulently spoils, substitutes, conceals, destroys, amends or falsifies any document relating to an election;
- ii. in bad faith, submits a complaint, or a response to a complaint or challenges or questions the decisions thereon by a competent person or body;
- iii. without justification, neglects to fulfil obligations imposed on him or her by or under the PPLGEA;
- iv. Impersonates a representative of a political party and or a candidate in an election, a member, employee or other officer of the Commission, or a person appointed by an accredited observer or an accredited voter education provider.

13.6 Penalties

A person convicted of an offence under the PPLGEA, for which no other penalty has been specified, shall be liable to a fine of K10,000,000 and to imprisonment for five years. Additionally, the court may make other appropriate orders.

The Malawi Gazette Supplement, dated 25th April, 2025, containing Regulations, Rules, etc. (No. 11A)

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 complaint to the Commission about any breach of this Code. Complaints

(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

MALAWI ELECTORAL COMMISSION

Political Party and Candidate Consent

I,.....being a candidate nominated for..... Election / By-election in.....Constituency / Ward in.....Council, do hereby acknowledge that I have read and understood the contents of the Electoral Code of Conduct for Political Parties and Candidates and commit to abide by it.

Signature of candidate:

Date:

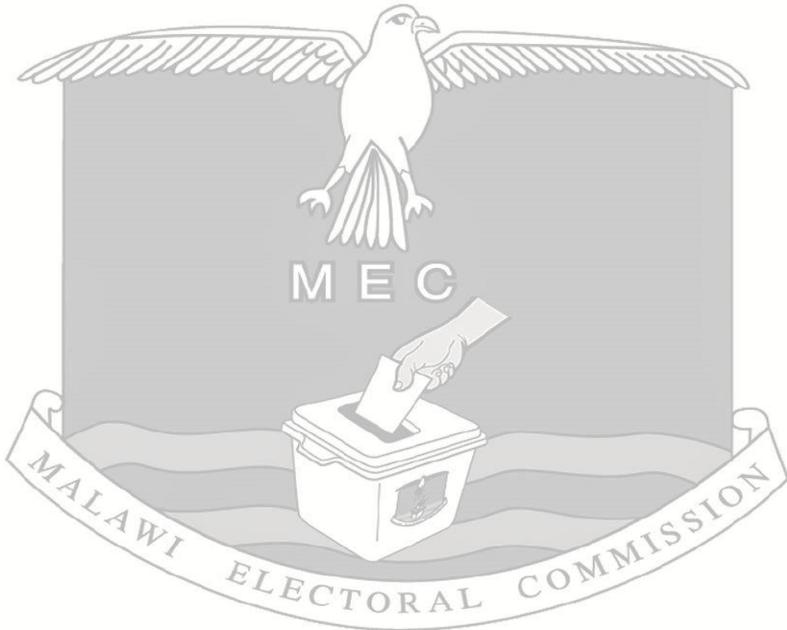
I,.....being the authorised office bearer of.....Political Party contesting inElection/By-election do hereby acknowledge that I have read and understood the contents of the Electoral Code of Conduct for Political Parties and Candidates and commit to abide by it.

Signature of Political Party official:

Title of official:

Date:

(Complete as applicable)



MALAWI ELECTORAL COMMISSION

