







Position Paper on a Mixed Member Electoral System:

Ensuring better political inclusion and representation of youth, women, and persons with disabilities - Leading Zambia Together

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List of Acronyms and Abbreviations

CSOs Civil Society Organizations

CYLA Centre for Young Leaders in Africa

FPTPS First-Past-the-Post-System

MMES Mixed Member Electoral System

MMPS Mixed Member Proportion System

MP Member of Parliament

PR Proportional Representation

PwDs People with Disabilities

ZAFOD Zambia Federation of Disability Organizations

ZMW Zambian Kwacha

ZNWL Zambia National Women's Lobby







1. Introduction

The issue of political inclusion and representation has been a fierce topic of discussion in Zambia for a long time. However, since Zambia's independence 58 years ago, marginalized groups have continued to face discrimination and exclusion from political and public life. This has restricted them from participating in society on an equal basis. Although there are provisions that ensure the political inclusion of marginalized groups in the Constitution, they are minimal, poorly implemented or not enforced. Specifically, women, youth, and persons with disabilities (PwDs) have been excluded from politics in Zambia. The lack of political representation, exclusion from political decision-making and limited influence in policy-making processes has led marginalized groups to being mis- and underrepresented. This misrepresentation is not only of their political needs, which directly impacts the quality of their livelihoods, but is also a democratic deficit. In a society with an electoral system in which a large demography of citizens is structurally excluded from key democratic processes and governing institutions, democracy is not fulfilling its most basic functions. This in turn can strengthen political disenfranchisement, feed a sense of exclusion, and grow political apathy, undermining support for democracy itself. There have been several past initiatives during which Zambia tried to accommodate more inclusive constitutional provisions and laws. These include the Mung'omba Constitutional Review Commission and the failed Political Parties Bill of 2017, among others. Even though there were promising recommendations in these and other documents, no changes were introduced that significantly improved the inclusion of marginalized groups in the political life of Zambia. Yet there is high public support for better inclusion and representation of marginalized groups. In a nationwide survey in July 2019, 78% of Zambians approved of providing additional seats in parliament for women, youth, and persons with disabilities (nationwide survey fielded by Ipsos Zambia, July 2019). That is why we, Centre for Young Leaders in Africa (CYLA- Zambia), Zambia Federation of Persons with Disabilities (ZAFOD) and Zambia National Women's Lobby (ZNWL), are advocating for the adoption and implementation of an electoral system that ensures better political inclusion and representation of marginalized groups.







Societies cannot thrive if they structurally exclude women, youth, and persons with disabilities. Countries throughout the world have recognized this principle and as they develop many have benefited by championing adequate political representation of these groups. The importance of the principles of inclusion and representation are also part of Zambia's history, as can be distilled from important existing provisions that were included in our Constitution. Article 45 (1) of the current Zambian constitution states the following:

- "45. (1) The electoral systems provided for in Article 47 for the election of President, Member of Parliament or councillor shall ensure—
- (a) that citizens are free to exercise their political rights;
- (b) universal adult suffrage based on the equality of a vote;
- (c) fair representation of the various interest groups in society; and
- (d) gender equity in the National Assembly or council."

Furthermore, article 259: Nominations and appointments adds:

- "1. Where a person is empowered to make a nomination or an appointment to a public office, that person shall ensure—
- a. that the person being nominated or appointed has the requisite qualification to discharge the functions of the office, as prescribed or specified in public office circulars or establishment registers;
- b. that fifty percent of each gender is nominated or appointed from the total vacant positions, unless it is not practicable to do so; and
- c. equitable representation of the youth and persons with disabilities, where these qualify for nomination or appointment.
- 2. A person empowered to make a nomination or appointment to a public office shall, where possible, ensure that the nomination or appointment reflects the regional diversity of the people of Zambia."

Thus, existing provisions in the Constitution advance political representation of marginalized







groups, but there is a failure to implement and enforce these provisions. That is why stricter mechanisms that secure better political inclusion and bring the youth, women, and persons with disabilities to the decision-making table, are necessary. In 2019, a Bill to amend the Constitution (known as Bill 10 of 2019) proposed to change Zambia's electoral system for the National Assembly from an exclusively First-Past-the-Post (FPTP) system to a "mixed member electoral system." This suggestion built on much older recommendations. A mixed member electoral system in Zambia was first proposed well over 15 years ago. Mixed member electoral systems (MMES), also known as mixed electoral systems, are described as a mixture of two principles of electoral systems: plurality/majority and proportional representation. Proportional representation systems are generally considered to promote broader inclusion in political participation, which is discussed more elaborately under the section 'benefits of adding a mixed member electoral system' on page 12.

However, similar to past recommendations, the recommendation made in Bill 10 of 2019 does not prescribe how such a system would be operationalized in order for it to increase representation of marginalized groups in Zambia. And thus, despite the existing constitutional provisions and the proposed (past) amendments, political representation of marginalized groups remains woefully inadequate. Currently, there are only five (3% of the total) members of parliament (MPs) 35 years and below; only 24 female MPs (14.8% of the total); and 1 (0.6% of the total) MPs with disabilities. These percentages display the continued low levels of political participation, inclusion, and representation for marginalized groups in Zambia's democratic system of governance.

To build broad commitment and to undertake concerted action to address this problem and lobby for the adoption of a mixed member electoral system that would benefit the political inclusion and representation of marginalized groups, the Centre for Young Leaders in Africa (CYLA), the Zambia National Women's Lobby (ZNWL) and the Zambia Federation of Disability Organizations (ZAFOD) have formed a MMES coalition. In this paper the coalition has collaborated to formulate a collective position and give recommendations on a MMES for Zambia.







2. About the organizations

The MMES coalition was formed to advocate for stronger political inclusion and representation of marginalized groups, i.e. women, youth and persons with disabilities, within Zambia's electoral system. This was done in order to correct the historical wrong of political exclusion that we have long experienced and to end the inherent lack of democratic legitimacy and influence that marginalized groups have traditionally held, both within society as within the political governing system. We believe that together we stand stronger and that our voices will resonate more firmly when we collaborate. Moreover, at times youth, women and persons with disabilities have different interests and goals, but with regards to better political inclusion and representation our groups very much share the same obstacles and objectives. All three groups have long been politically excluded and have worked diligently to try and improve that position. We continue this collective effort through this paper and the consecutive activities that we will conduct while advocating and lobbying for our recommendations.

2.1 Centre for Young Leaders in Africa - CYLA

CYLA is a non-profit young political leader's volunteer organization established in Zambia in 2017. The Centre is a platform that brings together young people from different political parties and other diverse backgrounds, to build capacity through interactive skill sharing in distinct aspects of life so that they can work together for a common purpose. CYLA's vision is to see a Zambia in which empowered young political leaders, advance social transformation, peaceful coexistence, and the consolidation of a multiparty democracy.

2.2 Zambia National Women's Lobby – ZNWL

ZNWL is a membership non-partisan, non-governmental organization advocating for mainstreaming gender in all endeavours of national development and particularly advocating for increased women and girls' participation and representation at all levels of political decision-making. ZNWL's mission is "to support Zambian women and girls to proactively take up leadership roles and actively participate in the development of the nation, through capacity







building, policy advocacy and lobbying."

2.3 Zambia Federation of Persons with Disabilities – ZAFOD

ZAFOD is a legally constituted national umbrella organization for disability organizations in Zambia and has a long history of work in the legal reform and human rights sector. With a membership of 12 organizations, the primary goal of the organization is to advocate for the promotion and protection of the rights of persons with disabilities. It has a vision of a society where persons with disabilities enjoy equal rights and opportunities and are necessary for the fundamental development of every human being.

3. Current electoral system in Zambia

The Constitution of Zambia (Act 2 of 2016) Article 62(1) establishes the Parliament of Zambia. The composition consists of a total of 156 first past the post (FPTP) constituency-elected MPs, 8 MPs the President has the right to nominate and the Vice-President, the Speaker, and First Deputy-Speaker. The Constitution also under article 68 (2) further establishes the National Assembly which consists of the President and 167 Members of Parliament (MPs), including the appointed MPs and other aforementioned representatives.

3.1 Current (mis)representation of marginalized groups in parliament

As of 2021, the composition of elected members of parliament comprises only five members of parliament (MPs) 35 years and below; only twenty-four female MPs; and one MP with disabilities from 15-20% of persons with disabilities in the Zambian population. There has been a slight increase in Youth MPs compared to the previous National Assembly. However, the number of women and Persons with disabilities has reduced from 26 to 24 for women and from 3 to 1 for persons with disabilities. The graph below shows those seats in relation to the percentage of the population marginalised groups consist of.

Table 1. Political Representation of Marginalized Groups in Zambia in Parliament (2021-2026)







Marginalized Group	# Of Seats in NA	% Of Seats in NA	% Of Population
Youth (under 35 years)	6	3%	>50%
Women	24	14.8%	50.5%
Persons with Disabilities	1	0.6%	15-20%

Please note, the number of youth continues to reduce as age changes every year.

3.2 Past (mis)representation of marginalized groups in parliament

In 2016, four (4) youth MPs were elected to parliament during the general election; two of these MPs had crossed the youth (35 years) age bracket by the August 12th, 2021, Elections; 2018 saw the election of one more youth MP due to a by-election. Thus, the 2016 to 2021 parliament composed of only three MPs under the age of 35 years, accounting for a mere 1.8% of the total number of MPs. A worrying percentage by any standard, but particularly concerning seeing that over 75% of the Zambian population is under the age of 35 years. Additionally, there were only 26 women Members of Parliament (MPs), 24 elected and 2 nominated, which is a mere 16% of the total number of MPs. The same holds for local level positions where only 123 women out of about 1624 councillors were elected to sit in councils, which only equals 7.6% of the total number of councillors. Similarly, there were only 9 female mayors and council chairpersons out of 115 district councils, which translates to a worrying 7.8% of the total. An ever-lower level of representation is seen for persons with disabilities. In the past parliament, only three (3) Members or Parliament were persons with disabilities, representing 1.8% of the total number of parliamentary representatives. Yet, in Zambia, over 1.8 million citizens out of more than 18 million, are persons with disabilities, representing 10% of the population. And more than half of those are of voting age, representing an even bigger percentage of 13.4% of eligible voters¹. These

 $^{^1\,}https:\!/\!/\underline{www.electionguide.org/countries/id/239/}$







percentages display the low levels of political participation, inclusion, and representation for these groups within Zambia's democratic system of governance. The MMES coalition strongly believes that it is only through political representation that Zambia can ensure marginalized groups are given a voice, enabling them to effectively represent their needs and meaningfully participate in the national development of the country.

Table 2: Political Representation of Marginalized Groups in Zambia in Parliament (2016-2021)

Marginalized Group	# Of Seats in NA	% Of Seats in NA	% Of Population
Youth (under 35 years)	3	1.8%	>75%
Women	26	16%	50,5%
Persons with Disabilities	3	1.8%	10%

4.0 Electoral systems – an overview

An electoral system is the process through which votes are cast in an election and then translated into seats won by parties and candidates in an elected assembly. Throughout the world, there are three major types of electoral systems used to elect leaders and representatives. These are 1) plurality/majority systems, 2) proportional systems and 3) mixed member electoral systems. We will briefly describe each one below:

4.1 Plurality/Majority systems

These are systems in which a candidate with the highest number of votes wins. In some of these majoritarian systems candidates have to receive an actual majority of the votes in a constituency to be elected and in others a plurality of votes (the candidate who polls more than any other counterpart in that constituency) is elected. This is the electoral system used in Zambia for the election of the members of parliament (MP), the Mayor/Chairperson and Councillors This system is sometimes referred to as first-past-the-post (FPTP) or winner takes all.

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4.2 Proportional systems

In proportional representation (PR) systems, voters vote for a party and the number of seats per party are allocated based on the proportion of the number of votes obtained. As such, PR systems are seen to be more democratic because they lead to less wasted votes, i.e. a vote that does not help get a candidate elected which, in turn, fuels a sense that voting may be a waste of time and that undermines trust in electoral legitimacy and democracy in general². As discussed in chapter 6 (page 12) PR systems have also proven to promote broader inclusion and political participation among youth, women, and persons with disabilities.

4.3 Mixed systems

Lastly, these are electoral systems that combine elements of different electoral systems. These combine a plurality/majoritarian voting system with an element of proportional representation. There are two types of mixed systems: parallel system (mixed non-compensatory): a voting system where part of the membership is elected by a plurality or majority vote and the other part by proportional representation; and mixed member proportional (mixed compensatory). In the mixed member proportional system, MPs are elected directly using FPTP and proportional methods, with the results of the proportional vote being adjusted to balance the seats won in the constituency vote.

For example, if the popular vote under the proportional part of the system for party A is 54% and 42% for party B the compensatory/non-compensatory seat allocation works as follow

• Under a non-compensatory allocation for PR seats, the percentage of the popular vote a party receives under the proportional part of the system is the same as the number of PR seats the party gets. So, in the example, party A will get 54% of the PR seats and party B will get 42%. Say there are 50 PR seats, which means that party A would get 54% of 50 seats, equalling 27 PR seats. These PR seats are won in addition to the seats the party won in the seats under the FPTP part of the system. So, if party A wins 60

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² Kenig, Ofer (January 26, 2015). <u>"The Electoral Threshold, Wasted Votes, and Proportionality"</u>. Israel Democracy Institute. Retrieved September 20, 2018.







FPTP constituencies, they get an additional 27 PR seats for a total of 87 seats in a mixed electoral system with a non-compensatory seat allocation.

• Under a compensatory allocation for PR seats, the number of seats each party is awarded considers the number of FPTP seats won by that party. Since party A received 54% of the popular vote in the proportional part of the system, with the compensatory allocation method they will receive 54% of the overall total number of FPTP and PR seats available. For example, if there are 150 seats available, with 100 of those under the FPTP system and 50 of those PR system, and party A wins 60 of the FPTP seats, they will receive only 21 of the 50 PR seats, since 81 seats is 54% of the 150 seats available.

A compensatory electoral system is adjusted to compensate for disproportionality caused by the plurality/majoritarian component. A mixed non-compensatory system, which is also known as a parallel system, is an electoral system where proportional allocation of seats is performed independently of the plurality/majoritarian component.³ In both types of systems however, one set of seats is allocated using a plurality/majoritarian method.

5. Obstacles to political inclusion of marginalized groups

The numbers reflecting low representation of marginalized groups are disturbing statistics. What is more disheartening, is that political parties are not electorally compelled to adopt youth, women, or persons with disabilities as candidates during elections. This threatens the representation and participation of these groups in political decision-making, which is fundamental to their livelihoods, the national development of the country, democracy in general and principles of good governance. There are also additional hindrances that lead to a lack of political inclusion and representation of marginalized groups that create further barriers for them to become candidates

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³ (Bochsler, D. (2007). How Proportional are Mixed Compensatory Electoral Systems? Determining the Necessary Share of Compensation Mandates in Mixed Systems.).







and get elected to office. Some of these include:

- High nomination fees: The high nomination fees that were proposed by the Electoral Commission of Zambia (ECZ) ahead of the 2021 general election are a barrier to participation by marginalized groups, who lack the financial resources, reserves, and networks to obtain those type of amounts. Although the Commission has commendably disaggregated the fees by male, female, youth and persons with disabilities, as well as reduced the fees, the proposed fees are still high; a candidate from a marginalized group aspiring to be president for instance will pay ZMW 60,000.00; MP and Mayoral, ZMW 10,000.00; Council Chairperson, ZMW 1,000.00 Councillors–Municipal, ZMW 10,000.00; and District/Town, ZMW 500.004.4
- (Perceived) Lack of experience; Many marginalized group candidates lack prior experience
 that help navigate the complexities of candidate selection processes, access to parties and
 have yet to gain practical political experience that can help them obtain a candidacy or
 become elected.
- Lack of access to finance to fund campaigns; Due to a number of factors marginalized group representatives often have lower or more vulnerable social economic positions than other citizens and lack access to networks that can provide them with the necessary funds to conduct political campaigns and compete with candidates who do.
- Traditional cultural attitudes and perceptions of marginalized groups; Existing gender, conservative and patriarchal perceptions about marginalized groups are deeply engrained in Zambia's history and culture. Many citizens have strong beliefs that are not based on fact, but construct their perception whether or not marginalized groups can and should be allowed to fulfil political, leadership or decision-making positions.
- Negative associations with political participation; Citizens throughout the world often have extremely low approval of political parties and politicians. Both frequently rank as the

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⁴ https://www.lusakatimes.com/2020/07/14/electoral-commission-of-zambia-reduces-nomination fees-for-2021-general-elections/







lowest trusted and approved institutions in society, which is also the case in Zambia. As such, a career in politics is not seen as highly valued professional ambition to pursue. Rather, families, communities and friends will often dissuade those that consider becoming politically active. With the existing barriers to marginalized groups, this is even more so the case than with other citizens.

All of these obstacles limit the chance and opportunities for marginalized groups to gain a voice in various political positions in the country.

6. Benefits of a mixed member electoral system

The MMES coalition believes adding proportional seats for marginalized groups to Zambia's electoral system will allow them to increase their political inclusion and representation. This inclusion, in turn, will help contribute to more representative decision-making, policy-development and laws. In addition, it is the conviction of the MMES coalition that better representation of marginalized groups will have four distinct benefits.

Firstly, PR systems have proven to be more inclusive and increase political representation of marginalized groups. On average, PR electoral systems secure higher inclusion of women in politics compared to majoritarian electoral systems. Various cross-national studies have repeatedly found that PR electoral systems have a positive effect on female legislative representation (e.g. Paxton et al. 2006; Paxton et al. 2010; IPU 2019b). In fact, PR systems are the most used in the world and the 90+ countries that use some form of a PR systems perform better than FPTP systems in the number of women elected. When it comes to the representation of women, 15 of the top 20 nations use List PR. A system in which parties make lists of candidates to be elected, and seats are distributed to each party in proportion to the number of votes the party receives. Voters may vote directly for the party or for candidates whose vote total will pool to the party or for a list of candidates. In 2013, the number of women representatives in legislatures elected by List PR systems was 6.3 percentage points higher than the worldwide average, which stands at 21.8 percent for all legislatures, while that for legislatures elected by FPTP was 2.8 percentage points lower







than average. There is a 9.1% difference in women representation in legislatures between List PR and FPTP systems.

On youth representation PR and mixed systems deliver 5-7% more young representatives than majority systems do (Daniel Stockemer and Aksel Sundstrom, age representation in parliaments; can institutions pave the way for the young? European Political Science Review Vol 10 (3) pages 467-490 (2018)⁵. Furthermore, research that included four thousand MPs from 14 countries concluded that PR elections provide more incentives for the inclusion of younger representatives and that PR systems favor the election of youth more than single-member district plurality electoral systems, even after controlling for multiple alternative explanations (Devin K. Joshi, the representation of younger age cohorts in Asian Parliaments; do electoral systems make a difference? Representation, Vol 49, pages 1-16, published online 18 March 2013). Research on disabled representation is at a much earlier stage, but there is strong reason to believe this group also benefits politically from mixed member and PR systems (Mitzi Waltz and Alice Schipper, politically disabled: barriers and facilitating factors affecting people with disabilities in political life within the European Union, Disability and Society, 2020, Pages 1-24).

Secondly, by becoming an MP, for instance, citizens from marginalized groups will gain valuable political experience on how politics 'works' and what the work of an MP consists of. This will create a class of politically savvy, experienced, and qualified marginalized group representatives that may gain the skills to run under FPTP and mainstream the recruitment, adoption, and election of more marginalized group politicians on all electoral levels in Zambia.

Secondly, as mentioned, a major obstacle to the political inclusion and participation of marginalized groups are negative public perceptions. Marginalized group representatives are often perceived as inexperienced, incapable, and even unfit (mentally or emotionally) to fulfil public

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 $[\]frac{5 \text{ https://www.cambridge.org/core/journals/european-political-science-review/article/age-representation-in-parliaments-can-institutions-pave-the-way-for-theyoung/C68F5A9F0A26696241914CAA22B5086B/core-reader-parliaments-can-institutions-pave-the-way-for-theyoung/C68F5A9F0A26696241914CAA22B5086B/core-reader-parliaments-can-institutions-pave-the-way-for-theyoung/C68F5A9F0A26696241914CAA22B5086B/core-reader-parliaments-can-institutions-pave-the-way-for-theyoung/C68F5A9F0A26696241914CAA22B5086B/core-reader-parliaments-can-institutions-pave-the-way-for-theyoung/C68F5A9F0A26696241914CAA22B5086B/core-reader-parliaments-can-institutions-pave-the-way-for-theyoung/C68F5A9F0A26696241914CAA22B5086B/core-reader-parliaments-can-institutions-pave-the-way-for-theyoung/C68F5A9F0A26696241914CAA22B5086B/core-reader-parliaments-can-institutions-pave-the-way-for-theyoung/C68F5A9F0A26696241914CAA22B5086B/core-reader-parliaments-can-institutions-pave-the-way-for-theyoung/C68F5A9F0A26696241914CAA22B5086B/core-reader-parliaments-can-institutions-pave-the-way-for-theyoung/C68F5A9F0A26696241914CAA22B5086B/core-reader-parliaments-can-institutions-pave-the-way-for-theyoung/C68F5A9F0A26696241914CAA22B5086B/core-reader-parliaments-can-institutions-pave-the-way-for-theyoung/C68F5A9F0A26696241914CAA22B5086B/core-reader-parliaments-pave-the-way-for-theyoung/C68F5A9F0A26694194CAA22B5086B/core-reader-parliaments-pave-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-the-way-for-$







positions of power or political leadership. Getting them elected allows these groups to showcase they are able to effectively represent their communities, thereby changing traditional perceptions and attitudes and normalizing their political acceptance and inclusion. In other words, by being able to show that they can be strong politicians, make decisions that help their communities and

effectively fulfil their roles and responsibilities, they can start changing attitudes and improve how citizens perceive the political inclusion of marginalized groups.

Thirdly, the MMES coalition believes Zambia is able to get the best of both worlds by adding additional PR seats while keeping the existing system intact. The improved political representation of marginalized groups does not come at the expense of the status quo and citizens currently know and understand. Moreover, the MMES coalition believes there is broad support for better representation of marginalized groups in Zambia, which many polls have consistently shown. Apart from the data from the 2019 Ipsos survey, referenced earlier, another nationwide Ipsos survey from October 2018 showed that 53% of citizens said Zambia would be better off if there were more women in the National Assembly and senior government positions versus 39% who said it would make no difference (nationwide survey fielded by Ipsos Zambia, October 2018). There is also a well-known disadvantage to adding PR seats to an electoral system.

Experiences in other countries have shown that having a quota or reserved seats for marginalized groups leads to a situation in which those elected representatives are effectively side lined after they get elected. Thereby becoming a token inclusive measure that is neither meaningful nor changes the underlying dynamics of exclusive political decision-making. Therefore, the MMES Coalition demands that added PR seats are given the same constitutional powers, responsibilities and standing as FPTP MPs, and should be treated as such in terms of committee assignments, parliamentary support, and other roles within Parliament.

7. Electoral System Guiding Principles.

The design of the proposed MMES Model is founded on the principles of electoral systems and







process as prescribed in the Constitution of Zambia Cap 2 under article 47 which states as follows:

Article 45. Principles of electoral systems and process

- 1. The electoral systems provided for in Article 47 for the election of President, Member of Parliament or councillor shall ensure—
- a. that citizens are free to exercise their political rights;
- b. universal adult suffrage based on the equality of a vote;
- c. fair representation of the various interest groups in society; and
- d. gender equity in the National Assembly or council.
- 2. The electoral process and system of administering elections shall ensure—that elections are free and fair;
 - a. that elections are free from violence, intimidation, and corruption;
 - b. independence, accountability, efficiency, and transparency of the electoral process;
- c. a simple and practical system of voting and tabulating votes; and
- d. timely resolution of electoral disputes.

8. Key considerations for a MMES

While developing its position the MMES coalition took the following considerations into account. Each consideration is briefly explained and the position of the MMES coalition on these considerations is shared.

I. Number of suggested additional proportional seats

Zambia's current electoral system has three mechanisms of becoming an MP which are, getting elected through a FPTP constituency election via a political party or as an independent candidate and through seats nominated by the president. Similarly, adding seats to an existing electoral system requires a decision on how many seats are added and what type of seats those are. In addition to 'regular' PR elections, it is possible to elect MPs through party nominations guaranteed by legislation, reserved seats, and appointed seats. The first two are described below under paragraph B. Appointed seats are as their name implies, seats that are appointed directly by an







executive person or institute.

MMES Coalition Position: The MMES coalition is proposing 40 additional PR elected seats, 10 appointed seats for youth and women and 10 reserved seats for PWDs, totalling 60 additional MP seats and accounting for an increase of 38.5% in members to a new Parliament. The new Parliament would then consist of a total of 227 members including the speaker, deputy, VEEP and 8 nominated by the President.

For the 10 PR appointed seats, 6 youth, also using the zebra method, and 4 women will be selected by the parties from the national lists through their governing organs, such as the National Executive Committees, which will also be guaranteed by legislation.

II. Securing Marginalized Groups Representation

There are two approaches used to include marginalized groups, namely reserved seats and inclusion in party nominations guaranteed by legislation:

I. **Reserved seats** (used in 26 countries for gender representation)⁶

II. **Inclusion in party nominations guaranteed by legislation** (used in about 60 countries for gender representation)

MMES Coalition Position: The Coalition recommends that inclusion of the 50 seats in party nominations for youth (26 seats) and women (24 seats), including the 10 (6+4) appointed candidates, are guaranteed by legislation and that the remaining 10 seats for persons with disabilities be reserved seats. These will be appointed as outlined above. Two (2) youth, two (2) women and one (1) person with a disability will be drawn from each of the provinces bringing the total number of elected youths, women, and persons with disabilities to 50 (20+20+10).

⁶ Presentation on MMES -2020 made by Andrew Ellis







III. Parallel Mixed System vs. Mixed Member Proportional System

As mentioned earlier, there are two major types of mixed member electoral systems in use in the world, parallel mixed systems, and mixed member proportional. When the results of an election for FPTP seats and PR seats are linked, with allocation of the PR seats being dependent on what happens in the FPTP seats, that is mixed member proportional system (MMPS). A MMPS generally results in absolute proportional outcomes because if the number of FPTP seats a party has won is disproportionate to the popular vote the party received in the PR portion of election, that is compensated for by ensuring the total number of seats (FPTP+PR seats) that party is allocated does not exceed the vote percentage it received in the PR portion of the election. In contrast, when the elections are detached and not dependent on each other for seat allocation that is a parallel system. Parallel (or mixed) systems use both Proportional Representation (PR) lists and 'winner-take-all'. Parallel systems do not compensate for disproportionality.

MMES Coalition Position: The coalition proposes a mixed(parallel) electoral system, with a 40/60 parliamentary seat share were 60% of the constituency seats are elected through the existing FPTP and 40% of the seats are through PR election with an electoral district as the province. The PR seats are calculated as up to 40% of the existing number of constituency seats under FPTP. So currently, parliament has 156 constituency seats, we are proposing 60 seats added through the PR election, which amounts to 38.5% of the total number of elected seats. Therefore, a MMES parliament for Zambia using the existing FPTP as a base, would then have 156 constituent MPs FPTP, 8 appointed by the president, 50 provincial elected MPs through PR elections, 10 political party appointed MPs. This seats well within the recommendations from previous constitution review commissions⁷ and averages global practice standards on parliament numbers.

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⁷ 'Final Report of the Electoral Reform Technical Committee (ERTC) Appointed to Review the Electoral System in Zambia' (2005).







IV. Electoral District Size

Different electoral district sizes can be adopted within a MMES, from a national electoral district to provincial to local electoral districts.

MMES Coalition Position: The MMES coalition proposes that the PR seats are drawn from the provinces, where two youth (one female, one male) and two women will be elected in each province from the political party provincial lists. In total, 20 youth and 20 women PR MPs will be elected throughout Zambia from political party lists. The youth and PWD candidates will be selected through a mandated zebra system, which guarantees 50/50% representation of male and female by mandating candidates on party lists to alternate between genders. Candidates will ascend or qualify to be on the party list after successfully contesting the various intra-party election mechanisms at ward, constituency/district, and provincial levels.

The MMES coalition recommends an alternative approach be adopted for persons with disabilities (PWDs) seats. The coalition proposes that 2 (1 male and 1 female) aspiring persons with disabilities candidates will be elected from the disability movement through a selection process that will involve elections being held among the pwds at the ward and district level, conducted by a coalition of national PWD organizations in the province and monitored/ supervised by the ECZ. Only 1 candidate will be elected by the electorates to sit in parliament per province under this category.

V. Open vs. Closed Lists

The electoral systems discussed above can utilize what are called closed or open political party lists. In a closed list system, the party decides which candidates to nominate into the legislature and voters only vote for a party with no candidate names listed on the ballot. In an open list system, the candidates for elections are known by the public and specific candidates can be elected by voters from published lists. Each of these approaches has its own pros and cons.







MMES Coalition Position: We propose a closed party list with a characteristic where candidates appear on the ballot (party and candidate/s) to ensure that accountability and transparency in the selection of candidates is enhanced and to facilitate greater connection between citizens and the representatives chosen through the PR system.

We are of the opinion that parties should be transparent about their selection of candidates and allow voters to choose who will represent them through the PR seats by ensuring the names of candidates appear on the ballot for each province. Voters will be allowed to vote for a party and not individuals. This means a voter cannot choose two different candidates from two different political parties on the same ballot.

VI. Candidate selection

This is the process by which a political candidate is selected, usually by a political party, to contest an election for political office. It is a fundamental function of political parties and may involve the party's executive or leader selecting a candidate or by some contested process.

MMES Coalition Position: Candidates for list PR seats should be selected through internal party candidate selection processes, similar to those used for FPTP candidates. This would be by, ideally, holding primaries at each governing level, starting from the ward. CSOs and other political and electoral stakeholders should monitor this process to promote transparency in the selection of candidates. We envisage the following selection process:

a. Tier 1: Provincial List (electoral district); this list is developed through political party elections through party conventions for example. The provincial lists (i.e. each province fielding 1 female, 1 male) are combined to make a national list that holds all the party candidate names from the provinces. Party nominees are fielded in their province for the provincial election. Candidates are voted for by registered voters in that province and are only on the ballot paper for that province. (Example Melissa & Onars for party CYLA are in Lusaka province only and only Lusaka province voters will receive a ballot paper with







their names on it- this element is the same as to FPTP MP ballot and voting)

- b. **Tier 2:** National list: (appointed seats) Nominees are appointed by the parties which win provincial seats in tier 1 from the party national list (List which combines candidate names from the provincial lists as in tier 1).
 - Seat allocation: as the parties will appoint, the mandate will be to ensure a gender lens is used in filling up the seats (i.e. 3 male, and 3 female as per the proposed model of 6 youth-appointed seats).
 - Parties will appoint from the national list as presented in tier 1.
- c. Reserved (guaranteed seats) for PWDs: two nominated candidates (1 male, 1 female) per province will be fielded on the provincial ballot.
 - The selection and nomination of these candidates at the provincial level will come from the structures of the coalition of the national PWD organizations present in each province. (Process to be followed for selection and nomination is the same as that in tier 1. Elections will be held at the ward and district level, conducted by a coalition of national PWD organizations and monitored/ supervised by the ECZ).
 - Voting of the preferred candidate through an election will be done as described in tier 1.

VII. Ballot paper

A ballot is a device used to cast votes in an election. Each voter uses one or more ballots which cannot be shared and can only be transferred through prescribed approval procedures. Governmental elections for elected representatives generally use pre-printed ballots to protect the secrecy of the votes.

MMES Coalition Position: The MMES Coalition recommends the use of two types of ballot papers. One for FPTP constituencies, another to elect the PR marginalized group candidates (youth, women and PwDs). We believe two types of ballots will reduce misunderstanding and the number of wasted votes also make public awareness more widespread and civic education about







how to vote more straightforward. This means that each province will have 3 additional ballots, with lists of PR candidates. Voters will be able to cast one vote per ballot, one for the youth candidate, one for the women candidate and one for persons with disabilities that are going to represent the province. To minimize confusion among voters, the MMES Coalition stresses the importance of voter education campaigns about the voting procedure and structure of the ballots and recommends that the Electoral Commission of Zambia take the necessary steps to allow eligible voters to understand the new ballot paper under a MMES, as prescribed in our proposal.

VIII. Electoral threshold

An electoral threshold is a specified minimum percentage of votes a candidate or political party requires to achieve within an electoral district, before they become entitled to any representation in a legislature. The majority of electoral thresholds fall between 3% and 5%8. The goal is to deny representation to fringe parties or to force them into coalitions, with the presumption of rendering the election system more stable by keeping out fringe parties.

MMES Coalition Position: The MMES Coalition proposes a 5% electoral threshold or the equivalent of the total number of registered voters in the smallest constituency to qualify to be considered for seat allocation. For example, if the total number of votes cast is 100,000, only parties with a minimum of 5,000 votes in that province will be considered for seat allocation under tier 2 appointed seats. Another threshold option is to use the total number of registered voters in the smallest constituency, for example, in the 2021 elections Feira was the smallest constituency and so its number of voters (14,000) would be used as the minimum electoral threshold for a political party to qualify to be considered for seat allocation. It is important to note that meeting this threshold does not guarantee a seat. A party will still be subjected to the seat allocation mechanism at key consideration I. This way political parties that lack broad national electoral

⁸ Troen, J (2019) The National Electoral Threshold: A Comparative Review Across Countries and Over Time.







support but do have strong provincial areas of support will still be able to win PR seats. While at the same time it ensures that Zambia's electoral system will not become too fractionalized because it obstructs fringe parties from winning a seat.

IX. Seat Allocation Mechanism

There are two main methods used to convert votes into seats in Parliament; and to allocate those seats to political parties that participated in an election. These are 'the largest remainder' and 'the highest average' methods. Explanation of these seat allocation mechanisms can be found in the appendix.

MMES Coalition Position: The MMES Coalition proposes the Largest Reminder method, using the Hare Quota to calculate, that this be used in the tier 2 seat allocation as it promotes inclusion through proportionality of political parties that participated in an election. The Hare Quota takes the total votes cast and divides that by the total number of seats in Parliament. Examples of countries where this mechanism is used are Indonesia and Tunisia. The coalition has chosen this method as it is said to have higher levels of proportionality in comparison to the other existing electoral formulas.

In our proposed model, tier 2- appointed/ reserved seats for youth and women under PR will be earned based on the overall national vote share of a party under PR election tier 1 seats. For example, if party A has 33% of the national PR votes in tier 1, they will get 33% of the additional 10 women and 6 youth appointed seats. In this case, 2 appointed youth seats and 1 appointed women seat. In the case of when the PR vote does not divide evenly into the number of appointed seats, the party with the highest PR election result will appoint the remaining seat.

X. Finance

Consideration of financial constraints that candidates from marginalized groups face must be considered during the design and customization of the system.

A recommendation from stakeholder consultation is that the State should fund political parties and encourage political parties to provide financial and technical support to marginalised groups in







their parties.

MMES Coalition Position: To strengthen the recommendation above, the coalition's position is to mandate political parties that receive state finance to support marginalised groups. Political parties that receive state finance should be mandated to provide some form of financial and technical support to youth, women, and persons with disabilities, by ensuring the cost of contesting for reserved seats is reduced as much as possible, to be regulated by the ECZ or any prescribed regulator. Specifically, parties should provide up to 75% of the cost required for these groups to contest within their parties. In addition, an empowerment fund for marginalized group candidates running for office should be created to support aspiring candidates. Political party and independent candidates may access this fund. This fund must be a low or zero percent interest loan awarded to candidates from marginalized groups. It is meant to allow candidates that are historically disenfranchised to access funds and level the playing field. Funds will only be able to be accessed if there is a detailed description of the goals the funds will be used for and can only be obtained through a cost-reimbursement mechanism, obstructing misuse of these funds. Additional regulations ensuring transparency and oversight should be put in place when implemented.

XI. Incentives, penalties, compliance, and enforcement

When designing an electoral system, incentives, penalties, compliance, enforcement, and procedures for remedies must be clearly thought out and stipulated.

MMES Coalition Position: We are recommending that some form of incentives be introduced alongside the new electoral system. For instance, parties that do not uphold the rules and regulations for PR seats for marginalized groups should be subjected to prescribed penalties by electoral laws. The legislation where the system sits must clearly stipulate standards for qualification, disqualification, who will be responsible for enforcement, conflict prevention management, mitigation and how to redress grievance and remedies for breach of regulations.







These penalties may include financial charges paid by the perpetrator to the regulator or baring the perpetrator from participating in an election for a period of time. Further thought should be given to these standards by the Electoral Commission of Zambia but should include penalties for (inciting) violence, corruption, or the spread of misinformation.

One way of improving intra-party democracy is to allow other electoral stakeholders, such as CSOs to monitor party elections, especially regarding election of marginalized groups, and so we recommend that political parties be compelled to allow observation of their party elections. The current court system is sufficient and competent to deal with grievances and petitions made by grieved candidates and parties. We do not suggest any changes to these existing provisions.

8. Summary of proposed MMES

In summary, the MMES Coalition proposes the following for a mixed member electoral system in Zambia.

- O Maintenance of the current 156 MPs that are directly elected in single-member constituencies through a first-past-the-post system as enshrined in the constitution.
- Maintenance of the current eight seats appointed by the President, with the Vice President,
 Speaker and Deputy Speaker also maintaining a seat in the Assembly.
- Addition of up to 38.5% of Proportional seats, which is a total of 60 seats, 50 guaranteed on party lists by legislation (26 for youth and 24 for women) and 10 reserved seats for persons with disabilities.
- 40 seats, 2 youth and 2 women per province from party lists of candidates who have made it through their party primaries, elected using proportional representation.
 - All 26 youth seats must follow the zebra system so that there is gender parity, where 13 of the youth seats are represented by males, while 13 will be represented by females.
- o 10 seats, 6 youth and 4 women, will be appointed by National Executive Committees and will be earned through the largest remainder seat allocation mechanism.
- o 10 seats, 1 per province, reserved for persons with disabilities to be chosen from disability







movements and voted on at provincial level like the other 2 groups (youth and women).

- Adoption of a parallel mixed member electoral system, with a non-compensatory seat allocation mechanism, meaning that election results for PR seats do not compensate for disproportionality arising out of won FPTP seats.
- o Use of the province as the electoral district size for PR seats.
- Allow monitoring of intra party primary elections for the 40 provincial seats for youth and women by CSOs and other stakeholders.
- Use of closed party lists, with names of candidates on the ballot, for the seats to be elected through proportional representation.
- Use of two types of ballots in the regular general elections: one for the FPTP constituencyelected seats and one for proportional seats for youth, women, and persons with disabilities per province; the PR will have 3 ballot papers for each group. Citizens will be able to cast one vote per group at provincial level.
- o Requirement for a 5% provincial threshold that each party must meet *t*o qualify to be considered for seat allocation.
- Mandate political parties to provide financial and technical support to youth, women, and persons with disabilities candidates, by ensuring the cost of contesting for PR and reserved seats for marginalized groups is reduced and regulated.
- Enshrinement of the broad parameters of the mixed member electoral system in the Constitution, with subsidiary legislation developed in consultation with marginalized group representatives and effected with due haste.

9. Conclusion

Strong electoral systems must ensure that elections are competitive; representative and inclusive of all groups, communities, and citizens; provide a stable and efficient government that advances the interest of all Zambians; and is accountable and transparent.

A mixed member electoral system is not an end in itself, but a means to create an environment for inclusiveness. The MMES Coalition is lobbying and advocating for the adoption of a mixed







member electoral system in Zambia, customized to the Zambian context and addressing the various pertinent issues in our electoral system. In addition to the 167 MPs in our Parliament today, we are recommending an addition of 50 party list seats guaranteed by legislation and 10 reserved seats for candidates with a disability, bringing the total number of MPs to 227.

ZAFOD, CYLA and ZNWL, as the MMES Coalition, will advocate and lobby for the adoption of this system so that it is enshrined in the laws of Zambia by engaging electoral and political stakeholders and focusing on key decision-makers such as MPs and technocrats. The MMES Coalition will work on getting such a system adopted and implemented along all available avenues, including through existing inclusive constitutional provisions, past and present legislative proposals, or an individual member bill. The MMES Coalition is well aware that a new electoral system requires broad engagement with average citizens, to inform them about changes to the system and garner their support and buy-in. Support from marginalized groups alone will not be enough to secure adoption of a new electoral system, so broad citizen engagement, civic education and inclusion will be intricately linked to all of the outreach tools and activities of the MMES Coalition, including town-halls, media engagement and in the development of information, education, and communication materials. All of these will include appeals for the broader inclusion of citizens through a MMES. Furthermore, in the future the MMES Coalition will provide more detailed recommendations for subsidiary legislation related to this topic, including a sample Bill, which will allow the mixed member electoral system to be implemented as soon as possible.

Lastly, the MMES Coalition hopes that the MMES recommendations as outlined in this paper can and will be applied to councillor seats and local elections in the future. For the time being, the MMES Coalition has focused on national elections, but all recommendations can be applied to subnational elections. In due time, the MMES Coalition plans to provide tailored MMES recommendations that apply specifically to these levels, building on insights in this paper.







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11. Annexes

11.1 Notable characteristics of mixed electoral systems

- 1) Combining the advantages of majoritarian and List PR systems
- 2) Encouraging parties to participate in elections but do not eliminate independent candidates
- 3) Helping medium and small parties to gain representation through PR
- 4) Better facilitates the political inclusion of women and/or marginalized groups
- Normally results in creating two parallel structures of members from within the same party; List members are often perceived as not having as much of a mandate from the people
- 6) More difficult to understand for voters and thus requires a comprehensive public information campaign for voters
- 7) Slightly more invalid votes arising from the complexity of this kind of electoral system

11.2 General Characteristics of List PR

- 1) A bigger, multi-member electoral district or constituencies
- 2) Needs a party based political system
- 3) Intended to ensure that seats gained reflect votes won
- 4) Fair to large and medium parties
- 5) Fewer 'wasted votes,' whereby voters feel their vote did not count
- 6) Higher voter turnout on average
- 7) Allows parties to present diverse and balanced lists of candidates (e.g. gender, ethnicity)
- 8) No by-elections are necessary
- 9) No Boundary Commission necessary
- a. Advantages of List PR
- 1. List PR systems make it more likely that representatives of minority or marginalized groups will be elected. When, as is often the case, voting behaviour dovetails with a society's cultural or







social divisions, then List PR electoral systems can help to ensure that the legislature includes members of both majority and minority or marginalized groups.

- 2. The experience of a number of new democracies (e.g. South Africa and Indonesia) suggests that List PR gives more political space to a diverse group of candidates, which allows parties to put up multiracial, and multi-ethnic, lists of candidates.
- PR systems in general are praised for the way in which they enhance the representation of marginalized groups or minorities by:⁹
- 3. Translating votes cast into seats won, and thus avoid some of the more destabilizing and 'unfair' results that plurality/majority electoral systems can produce. 'Seat bonuses' for the larger parties are minimized, and small parties and other demographic groups can have their voice heard.
- 4. Giving rise to very few 'wasted' votes. When thresholds are low, almost all votes cast in PR elections go towards electing a candidate of choice. This increases the voters' perception that it is worth making the trip to the polling booth during elections, as they can be more confident that their vote will make a difference to the election outcome, however small.
- 5. Facilitating minority parties' access to representation. Unless the threshold is unduly high, or the district magnitude is unusually low, then any political party with even a small percentage of the vote can gain representation in the political offices.
- 6. Encouraging parties to campaign beyond the districts in which they are strong or where the results are expected to be close. The incentive under PR systems is to maximize the overall national vote, regardless of where those votes might come from. Every vote, even from areas where a party is electorally weak, goes towards gaining another seat.
- 7. Leading to greater continuity and stability of policy. The West European experience suggests that parliamentary PR systems score better with regard to governmental longevity, voter participation, and economic performance¹⁰.

⁹ http://aceproject.org/ace-en/topics/es/esd/esd02/esd02a

¹⁰ http://aceproject.org/ace-en/topics/es/esd/esd02/esd02a







b. Disadvantages of List PR

- 1. Excessive entrenchment of power within party headquarters and in the hands of senior party leaderships especially in closed-list systems. A candidate's position on the party list, and therefore his or her likelihood of success, is dependent on currying favor with party bosses, while their relationship with the electorate is of secondary importance.
- 2. The need for some kind of recognized party or political groupings needs to exist. This makes List PR particularly difficult for independent candidates. While technically possible to allow independent candidates to run under various forms of PR, it is difficult and introduces a number of additional complications.

11.3 Notable examples and statistics of countries in the world that use parallel/MMP systems:

- Parallel:
- 1) 25 countries use parallel systems in the world
- 2) On average, 60.2% of seats are elected in the majoritarian component, and 39.8% in the List PR component
- 3) 10 countries have legislative quotas for gender in the List PR component. Of these, 4 have fully alternating zebra systems for nominations
- 4) 6 of these 10 also have legislative gender quotas in the FPTP component
- 5) 4 countries have reserved List PR seats for women
- 6) 4 countries have reserved List PR seats for Indigenous people
- 7) 16 countries use national lists: 8 use lists at provincial level or equivalent
- 8) Parallel systems in Africa are Guinea (Conakry), Libya, Mauritania, Senegal, Sudan, and Djibouti
- MMP:







- 1) 7 countries use MMP systems in the world
- 2) On average, 63.0% of seats are elected in the majoritarian component, and 37.0% in the List PR component
- 3) 3 of these countries have legislative quotas for gender in the List PR component Lesotho has a fully alternating zebra system for nominations
- 4) One of these countries also has legislative gender quotas in the FPTP component
- 5) New Zealand has reserved FPTP seats for Indigenous people
- 6) 5 countries use national lists; 2 use lists at provincial level or equivalent
- 7) Lesotho is the only MMP system in Africa.

11.4 Seat Allocation Mechanisms

Largest Reminder List PR: with this mechanism, seats depend on quotas of votes. Options include the Hare quota and Droop Quota.

- a) Hare quota: divide total vote by number of seats. For instance, if there are 100 votes and four (4) seats meaning that 25 votes win or are equivalent to a seat. Examples of countries where this mechanism is used are Indonesia and Tunisia.
- b) Droop quota: divide total vote by number of seats + 1. For instance, if there are 100 votes translating to 4 seats, then 25 votes will be the minimum threshold to win a seat (5 parties cannot all achieve this). Final seats are allocated according to votes (less than a quota for every party) which remain. An approximate rule of thumb: a party needs half a quota of votes to have a 50/50 chance of winning a seat; this mechanism is applied in South Africa.
- Highest Average List PR: uses D'Hondt method or Sainte-Laguë
- a) D'Hondt method demands that the total vote be divided by 1, then 2, then 3, then 4 etc. So for instance, if 300 votes win the first seat, then 150 wins the second, 100 the third, 75 the fourth etc. This mechanism is used in Belgium, Mozambique, and Timor Leste.
- b) Sainte-Lague method: divide total vote by 1, then 3, then 5, then 7 etc. So if 300 votes win the first seat, then 100 wins the second, 60 wins the third etc. Examples of countries that use this







method include Latvia, Norway, and Sweden. It is important to note that this mechanism is more favourable to large parties than the largest remainder, especially the D'Hondt method.

11.5 Features of the proposed MMES coalition

- 1. Seat types and distribution
- a. Types of Seats:
- i. Direct Seats (Constituency)
- ii. Proportional Seats (Youths + Women via Party List)
- iii. Reserved Seats (Quota for PwDs)
- iv. Nominated Seats (Status Quo)
- 2. Reserved proportional seats women and youth
- a. Elected via "open party list"
- b. "Zebra list" for youth list
- c. Vacancy replaced through list