**Annexure ‘D’**

**Study on the Right to Equal Participation in Political and Public Affairs in Africa**

**The consitutions of African States and the right to political participation**

This document contains extracts from each of the respective African States’ Constitutions relating to the right to stand for office and the right to vote, to hold public office and to be consulted. The main sources used were Oxford constitutions ([http://www.icla.up.ac.za/constitutions)](http://www.icla.up.ac.za/constitutions%29) and Constitutions project ([www.constituteproject.org](http://www.constituteproject.org)).

1. Angola

## Article 53: Standing for public office

1. Every citizen shall have the free and equal right to stand for public office, under the terms of the Constitution and the law.
2. No-one shall be prejudiced in terms of their appointment, job or professional career, or the social benefits to which they are entitled, due to the exercise of political rights or the holding of public office, under the terms of the Constitution and by law.
3. In governing the right to stand for elected office, the law shall only determine the ineligibilities required to guarantee electors freedom of choice and ensure independence and lack of bias in the exercise of the offices in question.

## Article 54: Right to vote

1. Every citizen who has attained the age of eighteen years shall have the right to vote and stand for election for any state or local authority body and to serve their terms of office or mandates, under the terms of the Constitution and the law.
2. The right to vote may not be restricted except with regard to the incapacities and ineligibilities prescribed in the Constitution.
3. The exercise of the right to vote shall be personal and non-transferable and shall be a civic duty.
4. Benin

## Article 3

National sovereignty shall belong to the people. No portion of the people, no community, no corporation, no party or political association, no trade union organisation nor any individual shall be able to abrogate the exercise of it….

Article 6

Suffrage shall be universal, equal and secret. The electors shall be, under the conditions determined by law, all Beninese nationals of both sexes over the age of eighteen and in full possession of their civil and political rights

## Article 48

The law shall fix the conditions of eligibility, of the presentation of the candidates, of the progress of the balloting, of the counting of the votes and of the proclamation of the results of the election of the President of the Republic.

1. Botswana

[no right to vote in the Bill of Rights]

## Article 67: The franchise

1. A person who—
2. is a citizen of Botswana or of any other country to which this section is applied by Parliament;
3. has attained the age of 18 years; and
4. has either resided in Botswana for a continuous period of at least 12 months immediately preceding the date on which he applies for registration as a voter or was born in Botswana and is domiciled in Botswana on the date on which he applies for registration as a voter,shall, unless he is disqualified for registration as a voter under any law, be entitled, upon his making application in that behalf at such time and in such manner as may be prescribed by any law, to be registered as a voter for the purposes of elections of Elected Members of the National Assembly, and no other person may be so registered.
5. A person who has not continuously resided in Botswana for the period mentioned in paragraph (c) of subsection (1) of this section but has during the whole period retained his residence (or if he has more than one residence, his principal residence) in Botswana and has been absent there from for some temporary purpose only shall be deemed for the purposes of the said paragraph (c) to have been resident in Botswana during such absence.
6. A person shall be entitled to be registered as a voter—
7. in the constituency in which he has his residence, or if he has more than one residence in Botswana in the constituency in which he has his principal residence; or
8. in the case of a person who does not have a residence in Botswana but is able to register in person, in the constituency in which he last resided, or in which he was born; or
9. in the case of a person who is not resident in Botswana and is unable to register in person, at such place as may be prescribed by Parliament and registration at such place shall be treated as registration in the constituency in which he last resided, or in which he was born in Botswana.
10. A person shall be entitled to be registered as a voter in one constituency only.
11. Every person who is registered in any constituency as a voter for the purposes of elections of the Elected Members of the National Assembly shall, unless he is disqualified by Parliament from voting in such elections on the grounds of his having been convicted of an offence in connection with the elections or on the grounds of his having been reported guilty of such an offence by the court trying an election petition or on the grounds of his being in lawful custody at the date of the election, be entitled so to vote in that constituency in accordance with the provisions made by or under a law in that behalf; and no other person may so vote.
12. Burkina Faso

## Article 13

The political parties and formations create themselves freely.

They participate in the activity of political life, in the information and the education of the people as well as in the expression of suffrage.

They conduct their activities freely within respect for the laws. All the political parties or formations are equal in rights and in duties.

However, tribalist, regionalist, denominational, or racist political parties or formations are not authorized.

## Article 39

The President of Faso is elected by the absolute majority of the suffrage expressed.

If this majority is not obtained in the first round of the ballot, it proceeds fifteen (15) days later to a second round.

Only the two candidates can present themselves who, as the case may be, after withdrawal of the less favoured candidates, are found to have received the greatest number of votes at the first round; the President of Faso is then elected by simple majority.

1. Burundi

## Preamble

[T]he following constitutional and legal principles must be guaranteed:

* The establishment and implementation of a democratic governance system;
* The inclusion of minority political parties in the general system of good governance;
* The protection and inclusion of ethnic groups, and cultural and religious minorities in the general system of good governance;
* The restructuring of the national security and justice system to guarantee security to all Burundians, including ethnic minorities.

## Article 76

The political parties may freely constitute themselves, in accordance with the law. They are registered in accordance with the law.

## Article 77

An association without a lucrative goal regrouping the citizens around a project of [a] democratic society founded on the national unity, with a distinctive political program of precise objectives responding to the concern to serve the general interest and to assure the development of all citizens[,] constitutes a political party.

## Article 78

In their organization and their functioning the political parties must respond to democratic principles. They must be opened to all Burundians, and their national character must also be reflected at the level of their leadership [direction]. They may not advocate violence, exclusion, and hatred in any of their forms, notably those based on ethnic, regional, religious or gender affiliation.

## Article 79

The political parties and the coalitions of political parties must promote the free expression of suffrage and participate in the political life by pacific means.

## Article 80

The law guarantees the non-interference of the public powers in the internal functioning of the political parties, except for that of the restrictions necessary to prevent ethnic, political, regional, religious or gender hatred and to maintain the public order.

## Article 81

The political parties may form coalitions during the election seasons, according to the modalities fixed by election law.

## Article 82

The members of the Corps of Defence and of Security as well as the Magistrates[,] in their activities[,] are not authorized to affiliate with the political parties.

## Article 83

The external financing of the political parties is prohibited, except [an] exceptional derogation established by the law.

All financing of a nature that infringes the national independence and sovereignty is prohibited.

The law determines and organizes the sources of financing of the political parties.

## Article 86

The right to vote is guaranteed.

## Article 87

The elections are free, transparent and regular. The electoral code determines the practical modalities of them.

Article 88

The elections are organized in an impartial manner at the national levels, [and the levels] of the communes and the collines, as well as at other levels established by the law.

## Article 89

An independent national electoral Commission guarantees the freedom, the impartiality and the independence of the electoral process.

## Article 96

The President of the Republic is elected by universal direct suffrage for a mandate of five years renewable one time.

## Article 98

Presidential candidates may be presented by political parties, or may present themselves as independent candidates.

Any candidate not presented by a political party at the moment of his or her presentation is considered an independent.

1. Cameroon

## Article 2

1. National sovereignty shall be vested in the people of Cameroon who shall exercise same either through the President of the Republic and Members of Parliament or by way of referendum. No section of the people or any individual shall arrogate to itself or to himself the exercise thereof.
2. The authorities responsible for the management of the state shall derive their powers from the people through election by direct or indirect universal suffrage, unless otherwise provided for in this Constitution.
3. The vote shall be equal and secret, and every citizen aged twenty years and above shall be entitled to vote

## Article 6

1. The President of the Republic shall be elected by a majority of the votes cast through direct, equal and secret universal suffrage.
2. Cape Verde

## Article 54: Participation in public life

1. All citizens shall have the right to participate in political life directly and through freely elected representatives.
2. All citizens at least 18 years of age shall be eligible voters.
3. The right to vote may not be restricted except by virtue of exclusions established by law.

## Article 55: Participation in the right to aspire to public office

1. All citizens shall have the right to aspire, under conditions of equality and freedom, to public elective office, under conditions established by law.
2. No one may be jeopardized in his profession, employment, or in social benefits to which he is entitled, because of serving in public office or exercising his political rights.
3. The law shall guarantee immunity and independence in the exercise of public office and shall establish ineligibilities necessary for this purpose.

## Article 56: Political parties

The creation of political parties, as well as their merger, coalition, and disbanding, shall be free, as provided in the Constitution and in law.

1. Central African Republic

## Article 13

All citizens have the right to freely form associations, groups, political parties, societies, organisations and institutions of public use, as long as they conform to the laws in force.

Associations, groups, political parties, societies, organisations and institutions whose activities are contrary to the public order as well as to the unity and cohesion of the people of Central Africa or represent a threat to the State or to its national territorial integrity are banned.

## Article 20

National sovereignty belongs to the people who exercise it through referendum or through their representatives.

No fraction of the people nor any individual can seize its exercise or alienate it.

Usurpation of sovereignty by coup d’état or through any other means constitutes an imprescriptible crime against the Central African people. Any individual or third person who carries out such acts shall be considered as having declared war on the Central African people.

All Central Africans of both (2) sexes, aged eighteen (18) years old or more who enjoy their civil rights, are voters within the conditions prescribed by law.

Every citizen has the right to vote. Suffrage can be direct or indirect within the conditions prescribed by law. It is always universal, equal and secret.

## Article 21

Political parties or groups contribute to the expression of universal suffrage, to the political, economic and social life, to the monitoring of their elected members and to the shaping of their members’ citizenship.

It is forbidden for them to identify with a race, ethnic group, sex, religion, sect, language, region or armed group.

They are formed and exercise their activities freely. They are under the obligation to respect the principle of democracy, of unity and of national sovereignty, of Human Rights, of secularity and of the republican system of the State, in accordance with the laws and regulations in force.

The conditions of their formation, functioning, financing and dissolution are determined by the texts in force.

1. Chad

## Article 4

The political parties and groups concur in the exercise of suffrage. They form themselves freely and exercise their activities within the conditions provided for by the law and within respect for the principles of national sovereignty, of territorial integrity, of national unity and of pluralist democracy.

## Article 6

Suffrage is universal, direct or indirect, equal and secret. All Chadians of both sexes, aged eighteen years of age and enjoying their civil and political rights[,] are electors within the conditions established by the law.

## Article 14

The State assures to all equality before the law without distinction of origin, of race, of sex, of religion, of political opinion or of social position. It has the duty to see to the elimination of all the forms of discrimination with regard to women and to assure the protection of their rights in all the domains of private and public life.

## Article 15

Under reserve of the political rights, foreigners regularly admitted to the territory of the Republic of Chad have the same rights and freedoms as nationals within the limits of the law. They are held to conform to the Constitution, to the laws and regulations of the Republic.

## Article 62

The Chadians of the two (2) sexes meeting the following conditions[,] may make the act of candidature to the functions of President of the Republic:

* to be Chadian by birth, born of father and of mother themselves Chadian of origin and not having a nationality other than Chadian;
* Requirements for birthright citizenship
* to be thirty-five years [old] at a minimum;
* Minimum age of head of state
* to enjoy all their civil and political rights;
* to have a good physical and mental health;
* to be of good morality.

The candidate must also pay a surety the amount of which is established by the law.

If the candidate is a member of the armed forces and [forces] of security, he must first be placed on [extended] leave.

1. Cote d'Ivoire

## Article 13

The Political Parties and Groups form themselves and exercise their activities freely within the condition of respecting the laws of the Republic, the principles of national sovereignty and of democracy. They are equal in rights and subject to the same obligations. Political Parties or Groups created on regional, confessional, tribal, ethnic or racial bases, are forbidden.

## Article 14

The Political Parties and Groups concur in the formation of the will of the people and in the expression of suffrage.

## Article 33

Suffrage is universal, free, equal and secret. All Ivorian nationals of both sexes eighteen years old at least and possessing their civil and political rights, are electors within the conditions determined by the law.

## Article 35

The President of the Republic is elected for five years by direct universal suffrage. He is only reeligible one time. The candidate must enjoy his civil and political rights and be at least 35 years old. He must be exclusively of Ivorian nationality, born of a father or mother of Ivorian origin.

1. Democratic Republic of Congo

## Article 70

The President of the Republic is elected by direct universal suffrage for a mandate of five years renewable a single time.

At the end of his mandate, the President of the Republic remains in [his] functions until the effective installation of the newly elected President.

## Article 72

No one may be a candidate for election as President of the Republic, if they do not meet the following conditions:

1. to possess Congolese nationality of origin;
2. to be at least 30 years of age;
3. to enjoy full civil and political rights;
4. to not be subject to one of the cases of exclusion established by the electoral law.
5. Djibouti

Preamble

[The Djiboutian People] affirm their determination to establish a State of Law and of Pluralist Democracy guaranteeing the full enjoyment of the individual and collective rights and freedoms as well as the harmonious development of the national community.

## Article 4

The popular legitimacy is the foundation and the source of all power. It is expressed by universal, equal and secret suffrage.

The executive power and legislative power shall proceed from universal suffrage or from the instances elected through it.

## Article 5

All the Djiboutian nationals of majority, of both sexes, enjoying their civil and political rights are electors within the conditions determined by the law.

## Article 6

The political parties and/or groups of political parties concur in the expression of suffrage.

They form and exercise their activities freely within respect for the Constitution, and for the principles of national sovereignty and of democracy.

It is forbidden to them to identify themselves to a race, to an ethnicity, to a sex, to a religion, to a sect, to a language or to a region.

The formalities concerning the administrative declaration of the political parties and/or groups, and to the exercise and to the cessation of their activities are determined by the law.

## Article 23

Any candidate to the functions of President of the Republic must be of Djiboutian nationality, to the exclusion of any other, enjoy their civil and political rights and be forty years of age at least, and of seventy-five years at most on the date of the deposit of his candidature.

## Article 24

The President of the Republic is elected for five years by direct universal suffrage and by majority ballot in two rounds. He is re-eligible under the conditions specified in Article 23.

1. Equatorial Guinea

## Article 9

Political parties shall be integral political organizations of persons who shall associate freely to participate in the political orientation of the State.

They shall represent multipartism and democracy, and shall thus express popular will as the basis of any political participation.

Its political parties shall not be allowed to have appellations similar to those that existed before October 12, 1968; their ambitions and perspectives shall have to be nationalistic and shall therefore, not be based on tribe, ethnic inclinations, religion, gender, district, municipality, social condition or profession. The law shall regulate their creations and functioning.

1. Eritrea

## Article 20: Right to vote and to be a candidate to an elective office

Every citizen who fulfils the requirements of the electoral law shall have the right to vote and to seek elective office.

1. Ethiopia

## Article 42: Right to vote

Every citizen of Ghana of eighteen years of age or above and of sound mind has the right to vote and is entitled to be registered as a voter for the purposes of public elections and referenda.

## Article 38: The right to vote and to be elected

1. Every Ethiopian national, without any discrimination based on colour, race, nation, nationality, sex, language, religion, political or other opinion or other status, has the following rights:
2. To take part in the conduct of public affairs, directly and through freely chosen representatives;
3. On the attainment of 18 years of age, to vote in accordance with law;
4. To vote and to be elected at periodic elections to any office at any level of government; elections shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.
5. The right of everyone to be a member of his own will in a political organization, labour union, trade organization, or employers' or professional association shall be respected if he or she meets the special and general requirements stipulated by such organization.
6. Elections to positions of responsibility within any of the organizations referred to under sub-Article 2 of this Article shall be conducted in a free and democratic manner.
7. The provisions of sub-Articles 2 and 3 of this Article shall apply to civic organizations which significantly affect the public interest.
8. Gabon

## Article 1

The Gabonese Republic recognizes and guarantees the inviolable and imprescriptible rights of Man, which obligatorily constrain public powers.

1. the right to form associations, political parties or formations, syndicates, societies, establishments for social interests as well as religious communities, is guaranteed to all under conditions fixed by the law; religious communities conduct and administrate their affairs in an independent manner, under reserve of respect of the principles of national sovereignty, public order and the preservation of the moral and mental integrity of the individual.

Political associations, parties or formations, syndicates, societies, establishments for social interests as well as religious communities of which the activities are contrary to law, or to the good relations of ethnic groups or ensembles may be prohibited according to the terms of the law.

## Article 4

Suffrage is universal, equal and secret. It can be direct or indirect, within the conditions provided by the Constitution or by law.

Under the conditions provided by law, all Gabonese of both sexes, 18 years of age, possessing their civil and political rights are electors.

Under the conditions provided by the Constitution and by the law, all Gabonese of both sexes, possessing their civil and political rights are eligible.

## Article 10

All Gabonese of both sexes possessing their civil and political rights, at least forty (40) years of age are eligible to the Presidency of the Republic.

Any person having acquired Gabonese nationality by naturalization cannot present himself as a candidate for the Presidency of the Republic. Only persons whose immediate forebears have lived in Gabon for four generations without interruption may be candidates for the Presidency of the Republic.

1. Gambia

## Article 26. Political rights

Every citizen of The Gambia of full age and capacity shall have the right, without unreasonable restrictions-

1. to take part in the conduct of public affairs, directly or through freely chosen representatives;
2. to vote and stand for elections at genuine periodic elections for public office, which election shall be by universal and equal suffrage and be held by secret ballot;
3. to have access, on general terms of equality, to public service in The Gambia.
4. Ghana

## Article 55. Organization Of Political Parties

1. The right to form political parties is hereby guaranteed.
2. Every citizen of Ghana of voting age has the right to join a political party.
3. Subject to the provisions of this article, a political party is free to participate in shaping the political will of the people, to disseminate information on political ideas, social and economic programmes of a national character, and sponsor candidates for elections to any public office other than to District Assemblies or lower local government units.
4. Every political party shall have a national character, and membership shall not be based on ethnic, religious, regional or other sectional divisions
5. The internal organization of a political party shall conform to democratic principles and its actions and purposes shall not contravene or be inconsistent with this Constitution or any other law.
6. An organization shall not operate as a political party unless it is registered as such under the law for the time, being in force for the purpose.
7. For purposes of registration, a prospective political party shall furnish the Electoral Commission with a copy of its Constitution and the names and addresses of its national officers; and shall satisfy the Commission that-
8. there is ordinarily resident, or registered as a voter, in each district. of Ghana, at least one founding member of the party;
9. the party has branches in all the regions of Ghana and is, in addition, organised in not less than two-thirds of the districts in each region; and
10. the party's name, emblem, colour, motto or any other symbol has no ethnic, regional, religious or other sectional connotation or gives the appearance that its activities are confined only to a part of Ghana.
11. A political party shall not have as a founding member, a leader or a member of its executive, a person who is not qualified to be elected as a member of Parliament or to hold any other public office.
12. The members of the national executive committee of a political party shall be chosen from all the regions of Ghana.
13. Subject to the provisions of this Constitution, every citizen of voting age has the right to participate in political activity intended to influence the composition and policies of the Government.
14. The States shall provide fair opportunity to all political parties to present their programmes to the public by ensuring equal access to the state-owned media.
15. All presidential candidates shall be given the same amount of time and space on the state-owned media to present their programmes to the people.
16. Every candidate for election to Parliament has the right to conduct his campaign freely and in accordance with law.
17. Political parties shall be required by law-
18. to declare to the public their revenues and assets and the sources of those revenues and assets; and
19. to publish to the public annually their audited accounts.
20. Only a citizen of Ghana may make a contribution or donation to a political party registered in Ghana.
21. A member of an organization or interest group shall not be required to join a particular political party by virtue of his membership of the organisation or group.
22. Subject to the provisions of this Chapter, Parliament shall by law regulate the establishment and functioning of political parties.
23. Guinea

## Article 2

The national sovereignty belongs to the People who exercise it by their elected representatives or by way of referendum.

No individual, no fraction of the People may arrogate its exercise.

Suffrage is universal, direct, equal and secret.

All Guinean citizens of majority, of one or the other gender, enjoying their civil and political rights are electors within the conditions determined by the law. The elections are organized and supervised by an Independent National Electoral Commission.

Sovereignty is exercised in accordance with this Constitution which is the supreme Law of the State. Any law, any regulatory text and administrative act contrary to its provisions are null and of null effect.

The principle of the separation and of the equilibrium of the Powers is consecrated

## Article 3

The political parties participate [concourent] in the political education of the citizens, in the animation of the political life and in the expression of the suffrage. Only [seuls] they present the candidates to the national elections.

They must be implanted on the whole [ensemble] of the national territory. They must not identify themselves to a race, an ethnicity, a religion or a region.

They must equally respect the principles of the national sovereignty and of democracy, the integrity of the territory and the public order

 The rights of the political parties of the opposition to oppose themselves by the legal ways [voies] to the action of the Government and to propose alternative solutions are guaranteed.

An organic law determines the conditions in which the political parties are constituted and exercise their activities. It specifies the conditions in which a party that ignores [méconnaît] the provisions of the preceding paragraphs is no longer considered as legally constituted.

## Article 10

All citizens have the right of demonstration [manifestation] and of procession [cortège].

All citizens have the right to form associations and societies [sociétés] to exercise collectively their rights and their political, economic, social or cultural activities.

All citizens have the right to establish themselves and to circulate within the territory of the Republic, to enter in it [y] and to exit from it [y] freely.

1. Guinea-Bissau

Article 4

1. In the Republic of Guinea-Bissau, political parties may be freely created according to the terms of the Constitution and law.
2. Political parties shall act for the organization and expression of popular will and political pluralism.
3. Political parties must respect national independence and unity, territorial integrity, and pluralistic democracy, with the duty to obey democratic rules and regulations in their organization and operation.
4. It shall be prohibited to create [political] parties that are regional or local in nature, which encourage racism or tribalism, or which support violent means in pursuing their goals.
5. The names of political parties may not be identified with any areas of national territory or invoke the name of any individual, church, religion, cult, or religious doctrine.
6. The General Secretaries and/or Presidents of political parties must be native citizens of Guinea-Bissau.
7. Kenya

## Article 38. Political rights

1. Every citizen is free to make political choices, which includes the right
2. to form, or participate in forming, a political party;
3. to participate in the activities of, or recruit members for, a political party; or
4. to campaign for a political party or cause.
5. Every citizen has the right to free, fair and regular elections based on universal suffrage and the free expression of the will of the electors for-
6. any elective public body or office established under this Constitution; or
7. any office of any political party of which the citizen is a member.
8. Every adult citizen has the right, without unreasonable restrictions
9. to be registered as a voter;
10. to vote by secret ballot in any election or referendum; and • Referenda
11. to be a candidate for public office, or office within a political party of which the citizen is a member and, if elected, to hold office.

## Article 83. Registration as a voter

1. A person qualifies for registration as a voter at elections or referenda if the person
2. is an adult citizen;
3. is not declared to be of unsound mind; and
4. has not been convicted of an election offence during the preceding five years.
5. A citizen who qualifies for registration as a voter shall be registered at only one registration centre.
6. Administrative arrangements for the registration of voters and the conduct of elections shall be designed to facilitate, and shall not deny, an eligible citizen the right to vote or stand for election

Article 85: (Eligibility to stand as an independent candidate)

1. Any person is eligible to stand as an independent candidate for election if the person
2. is not a member of a registered political party and has not been a member for at least three months immediately before the date of the election; and
3. satisfies the requirements of
4. Article 99 (1) (c) (i) or (ii), in the case of a candidate for election to the National Assembly or the Senate, respectively; or
5. Article 193 (1) (c) (ii), in the case of a candidate for election to a county assembly.
6. Lesotho

Article 20 Right to participate in government

1. Every citizen of Lesotho shall enjoy the right—
	1. to take part in the conduct of public affairs, directly or through freely chosen representatives;
	2. to vote or to stand for election at periodic elections under this Constitution under a system of universal and equal suffrage and secret ballot;
	3. to have access, on general terms of equality, to the public service.
2. The rights referred to in subsection (1) shall be subject to the other provisions of this Constitution.
3. Liberia

## Article 77

1. Since the essence of democracy is free competition of ideas expressed by political parties and political groups as well as by individuals, parties may freely be established to advocate the political opinions of the people. Laws, regulations, decrees or measures which might have the effect of creating a one-party state shall be declared unconstitutional.
2. All elections shall be by secret ballot as may be determined by the Elections Commission, and every Liberian citizen not less than 18 years of age, shall have the right to be registered as a voter and to vote in public elections and referenda under this Constitution. The Legislature shall enact laws indicating the category of Liberians who shall not form or become members of political parties.

## Article 80

1. Parties or organizations which, by reason of their aims or the behavior of their adherents, seek to impair or abolish the free democratic society of Liberia or to endanger the existence of the Republic shall be denied registration.
2. Parties or organization which retain, organize, train or equip any person or group of persons for the use or display of physical force or coercion in promoting any political objective or interest, trained or equipped, shall be denied registration, or if registered, shall have their registration revoked.
3. Every Liberian citizen shall have the right to be registered in a constituency, and to vote in public elections only in the constituency where registered, either in person or by absentee ballot; provided that such citizen shall have the right to change his voting constituency as may be prescribed by the Legislature.
4. Each constituency shall have an approximately equal population of 20,000, or such number of citizens as the legislature shall prescribe in keeping with population growth and movements as revealed by a national census; provided that the total number of electoral constituencies in the Republic shall not exceed one hundred.
5. Immediately following a national census and before the next election, the Elections Commission shall reapportion the constituencies in accordance with the new population figures so that every constituency shall have as close to the same population as possible; provided, however, that a constituency must be solely within a county.
6. Madagascar

## Article 14

Any person has the right to freely constitute associations, under reserve of conforming themselves to the law.

This same right is recognized for the creation of political parties. The conditions of their creation are determined by a law on political parties and their financing.

The associations and the political parties that jeopardize the unity of the Nation and the republican principles, and that advocate totalitarianism or segregation of ethnic, tribal or religious character, are prohibited.

The parties and political organizations participate in the expression of the suffrage.

The Constitution guarantees the right of democratic opposition. After each legislative election, the political groups of the opposition appoint a head of the opposition.

In default of agreement, the head of the political group of the opposition having obtained the greatest number of the suffrage expressed at the moment of the vote is considered as the official head of the opposition.

The status of the opposition and of the parties of the opposition, recognized by this Constitution and giving them notably an institutional framework to express themselves, is determined by the law.

## Article 15

Any citizen has the right to be a candidate to the elections specified by this Constitution, under reserve of the conditions established by the law.

1. Malawi

## Article 40. Political rights

1. Subject to this Constitution, every person shall have the right—
2. to form, to join, to participate in the activities of, and to recruit members for, a political party;
3. to campaign for a political party or cause;
4. to participate in peaceful political activity intended to influence the composition and policies of the Government; and
5. freely to make political choices.
6. The State shall provide funds so as to ensure that, during the life of any Parliament, any political party which has secured more than one-tenth of the national vote in elections to that Parliament has sufficient funds to continue to represent its constituency.
7. Save as otherwise provided in this Constitution, every person shall have the right to vote, to do so in secret and to stand for election for public office.

Article 77: The franchise

1. All persons shall be eligible to vote in any general election, by-election, presidential election, local government election or referendum, subject only to this section.
2. Subject to subsection (3), a person shall be qualified to be registered as a voter in a constituency if, and shall not be so qualified unless, at the date of the application for registration that person—
3. is a citizen of Malawi or, if not a citizen, has been ordinarily resident in the Republic for seven years;
4. has attained the age of eighteen years; and
5. is ordinarily resident in that constituency or was born there or is employed or carries on a business there.
6. No person shall be qualified for registration as a voter in a constituency if that person—
7. is under any law in force in the Republic adjudged or otherwise declared to be mentally incompetent;
8. is under sentence of death imposed by a court having jurisdiction in the Republic, either before or after the appointed day; or
9. is disqualified from registration as a voter on the grounds of his or having been convicted of any violation of any law relating to elections passed by Parliament and in force at the time of, or after the commencement of, this Constitution, but such disqualification shall be valid only with respect to registration for the election in question and the person so disqualified shall be qualified to be registered as a voter in the next or any subsequent election.
10. Where any person is qualified to be registered in more than one constituency as a voter, he or she may be so registered only in one of the constituencies.
11. No person shall exercise more than one vote in any one election.
12. Mali

## Article 27

Suffrage shall be universal, equal and secret.

Electors shall be, within the conditions determined by law, every citizen of voting age, possessing their civic and political rights.

## Article 28

Parties shall comply with the expression of suffrage. They shall form and exercise freely their activities within the conditions determined by law.

They shall respect the principles of national sovereignty, democracy, territorial integrity, national unity and the secularity of the State.

heir regularity and proclaims the results of the ballot.

1. Mauritius

Article 42. Qualifications of electors

1. Subject to section 43, a person shall be entitled to be registered as an elector if, and shall not be so entitled unless
2. he is a Commonwealth citizen of not less than the age of 18 years; and
3. either he has resided in Mauritius for a period of not less immediately before such date as may be prescribed by Parliament domiciled in Mauritius and is resident, there on the prescribed date.
4. No person shall be entitled to be registered as an elector - a. in more than one constituency; or b. in any constituency in which' he is not resident on the prescribed

## Article 43. Disqualifications of electors

No person shall be entitled to be registered as an elector who –

1. is under sentence of death imposed on him by a court in any part of the Commonwealth, or is serving a sentence of imprisonment (by whatever name called) exceeding 12 months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended;
2. is a person adjudged to be of unsound mind or detained as a criminal lunatic under any law in force in Mauritius; or
3. is disqualified for registration as an elector by any law in force in Mauritius relating to offences connected with elections.

## Article 44. Right to vote at elections

1. Any person who is registered as an elector in a constituency shall be entitled to vote in such manner as may be prescribed at any election for that constituency unless he is prohibited from so voting by any law in force in Mauritius because
2. he is a returning officer; or
3. he has been concerned in any offence connected with elections: Provided that no such person shall be entitled so to vote if on the date prescribed for polling he is in lawful custody or (except in so far as may otherwise be prescribed) he is for any other reason unable to attend in person at the place and time prescribed for polling.
4. No person shall vote at any election for any constituency who is not registered as an elector in that constituency.
5. Mozambique

## Article 147: Eligibility

## The President of the Republic shall be elected through direct, universal, equal and periodic suffrage and by personal and secret ballot.

## All Mozambican citizens may be candidates for the office of President of the Republic, provided that they meet all of the following conditions:

## that they possess nationality by origin and do not possess any other nationality;

##  that they are at least thirty-five years of age;

1. that they are in full possession of their civil and political rights;
2. that they have been proposed by at least ten thousand voters.
3. The term of the office of the President of the Republic shall be five years.
4. The President of the Republic may be re-elected only once.
5. A President of the Republic who has been elected on two consecutive occasions may be a candidate for further presidential elections only five years after the end of his last term of office.

## Article 53: Freedom to Form, Participate in and Join Political Parties

1. All citizens shall have the freedom to form or to participate in political parties.
2. Party membership shall be voluntary and shall stem from the freedom of citizens to associate on the basis of the same political ideals.
3. Namibia

## Article 17. Political Activity

1. All citizens shall have the right to participate in peaceful political activity intended to influence the composition and policies of the Government. All citizens shall have the right to form and join political parties and; subject to such qualifications prescribed by law as are necessary in a democratic society to participate in the conduct of public affairs, whether directly or through freely chosen representatives.
2. Every citizen who has reached the age of eighteen (18) years shall have the right to vote and who has reached the age of twenty-one (21) years to be elected to public office, unless otherwise provided herein.
3. The rights guaranteed by Sub-Article (2) hereof may only be abrogated, suspended or be impinged upon by Parliament in respect of specified categories of persons on such grounds of infirmity or on such grounds of public interest or morality as are necessary in a democratic society.

## Article 28. Election

1. The President shall be elected in accordance with the provisions of this Constitution and subject thereto.
2. Election of the President shall be:
3. by direct, universal and equal suffrage; and
4. conducted in accordance with principles and procedures to be determined by Act of Parliament: provided that no person shall be elected as President unless he or she has received more than fifty (50) per cent of the votes cast and the necessary number of ballots shall be conducted until such result is reached.
5. Every citizen of Namibia by birth or descent, over the age of thirty-five (35) years, and who is eligible to be elected to office as a member of the National Assembly shall be eligible for election as President.
6. The procedures to be followed for the nomination of candidates for election as President, and for all matters necessary and incidental to ensure the free, fair and effective election of a President, shall be determined by Act of Parliament: provided that any registered political party shall be entitled to nominate a candidate, and any person supported by a minimum number of registered voters to be determined by Act of Parliament shall also be entitled to be nominated as a candidate.
7. Niger

## Article 7

Suffrage is direct or indirect. It is universal, free, equal and secret.

Nigeriens of the two (2) sexes, aged eighteen (18) years on the day of the ballot or the emancipated minors, enjoying their civil and political rights are voters under the conditions determined by the law.

## Article 9

Under the framework of the freedom of association recognized and guaranteed by this Constitution, the political parties, groups of political parties, the trade-unions, the non-governmental organizations and other associations or groups of associations are formed and exercise their activities freely, within respect for the laws and regulations in force.

The political parties and the groups of political parties concur in the expression of the suffrage. The same prerogatives are recognized to all Nigerien citizens enjoying their civil and political rights and meeting the conditions of eligibility provided by the law. The political parties with an ethnic, regionalist or religious character are prohibited. No party may be knowingly created with the purpose of promoting an ethnic group, a region or a religion, under penalty of the sanctions provided by the law.

1. Nigeria

Article 40.

Every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests:

Provided that the provisions of this section shall not derogate from the powers conferred by this Constitution on the Independent National Electoral Commission with respect to political parties to which that Commission does not accord recognition.

## Article 130.

1. There shall be for the Federation a President.
2. The President shall be the Head of State, the Chief Executive of the Federation and Commander-in-Chief of the Armed Forces of the Federation. • Designation of commander in chief

## Article 131.

A person shall be qualified for election to the office of the President if-

1. he is a citizen of Nigeria by birth;
2. he has attained the age of forty years;
3. he is a member of a political party and is sponsored by that political party; and
4. he has been educated up to at least School Certificate level or its equivalent.

## Article 177.

A person shall be qualified for election to the office of Governor of a State if-

1. he is a citizen of Nigeria by birth;
2. he has attained the age of thirty-five years;
3. he is a member of a political party and is sponsored by that political party; and
4. he has been educated up to at least School Certificate level or its equivalent.
5. Republic of the Congo

## Article 58

No one may be a candidate for the functions of President of the Republic:

* if he is not of Congolese nationality of origin;
* if he does not enjoy all of his civil and political rights;
* if he is not of a good morality;
* if he does not attest to a professional experience of at least fifteen years;
* if he is not aged forty years, at least, and seventy years, at most, at the date of the deposit of his candidature;
* if he did not reside in an interrupted manner on the territory of the Republic, at the moment of the deposit of his candidature, for at least twenty-four months. The obligation of residence above indicated does not apply to the members of the diplomatic or consular representations, to the persons designated by the State to occupy a position or to accomplish a mission abroad and to the international functionaries;
* if he does not enjoy a state of physical and mental well-being duly declared by a college of three sworn doctors, designated by the Constitutional Court.

## Article 59

The President of the Republic is elected by an absolute majority of the suffrage expressed. If this is not obtained in the first round of the ballot, it proceeds, twenty-one days later, to a second round. Only the two candidates who have obtained the greater number of votes in the first round, may present themselves. The candidate having obtained the greater number of the votes expressed, is declared elected in the second round.

1. Rwanda

## Article 8

Suffrage is universal and equal for all citizens.

Suffrage is direct or indirect and secret, unless the Constitution or another Law provides otherwise.

All Rwandan citizens of both sexes who fulfil the requirements provided for by the law have the right to vote and to be elected.

## Article 99

A candidate for the office of the Presidency of the Republic must:

1. be of Rwandan nationality by origin;
2. not hold any other nationality;
3. have at least one parent of the Rwandan nationality by origin;
4. have irreproachable morals and probity;
5. not have been convicted and sentenced to a term of imprisonment of six (6) months or more;
6. not have been deprived of his/her civil and political rights;
7. be at least thirty five (35) years old on the date of submission of his/her candidacy;
8. be resident in Rwanda at the time of submission of his/her candidacy
9. São Tomé and Príncipe

## Article 74. Election and assumption of office

1. The President of the Republic is elected by universal, direct and secret suffrage.
2. Only a citizen of Sao Tomean origin, older than 35 years, may be elected President of the Republic.

The President-elect of the Republic takes office before the National Assembly.

## Article 56: Participation in public life

All citizens have the right to take part in public life and in the management of the affairs of the country, directly or by means of freely elected representatives.

## Article 57: Right to suffrage

All citizens of more than eighteen years have the right of suffrage, excepting incompetence as provided in the general law.

## Article 65: Political participation of the citizens

The participation and direct and active involvement of the citizens in public life constitutes a fundamental condition of the unity of the Republic.

## Article 62: Political Organizations

1. Every citizen may form or participate in political organizations recognized by law which encompass the free and plural participation of the citizens in public life.
2. Special law shall regulate the formation of political parties.
3. Senegal

## Article 3

National sovereignty belongs to the Senegalese people, who exercise it by their representatives or by the way [voie] of referendum.

No section of the people, nor any individual, may arrogate the exercise of sovereignty.

Suffrage may be direct or indirect. It is always universal, equal, and secret.

All Senegalese nationals of both sexes, who are 18 years old, enjoying their civil and political rights, are electors within the conditions determined by the law.

Article 4

The political parties and coalitions of political parties participate [concourrent] in the expression of suffrage. They are held to respect the Constitution as well as the principles of national sovereignty and of democracy. They are forbidden to identify themselves to one race, to one ethnicity, to one sex, to one religion, to one sect, to one language or to one region.

The conditions under which the political parties and the coalitions of political parties are formed, exercise and cease their activities, are determined by the law

## Article 28

Any candidate to the Presidency of the Republic must be exclusively of Senegalese nationality, enjoying his civil and political rights, be at least 35 years of age [on] the day of the ballot. He must know how to write, to read and to fluently speak the official language.

Article 32

The Courts and Tribunals see to the regularity of the electoral campaign and to the equality of candidates in the utilization of the means of propaganda, within the conditions determined by an organic law.

Article 58

The Constitution guarantees to the political parties which are opposed to the policy of the Government the right to oppose it.

The law defines their status and establishes their rights and duties.

The parliamentary opposition is that which is represented in the National Assembly by its Deputies.

1. Seychelles

## Article 24

1. Subject to this Constitution, every citizen of Seychelles who has attained the age of eighteen years has a right-
	1. to take part in the conduct of public affairs either directly or through freely chosen representatives;
	2. to be registered as a voter for the purpose of and to vote by secret ballot at public elections which shall be by universal and equal suffrage;
	3. to be elected to public; office; and
	4. to participate on general terms and equality, in public service.
2. The exercise of the rights under clause (1) may be− regulated by a law necessary in a democratic society.
3. Sierra Leone

## Article 35. Registration and conduct of political parties

1. Subject to the provisions of this section, political parties may be established to participate in shaping the political will of the people, to disseminate information on political ideas, and social and economic programmes of a national character, and to sponsor candidates for Presidential, Parliamentary or Local Government elections.
2. The internal organisation of a political party shall conform to democratic principles, and its aims, objectives, purposes and programmes shall not contravene, or be inconsistent with, any provisions of this Constitution.
3. A statement of the sources of income and the audited accounts of a political party, together with a statement of its assets and liabilities, shall be submitted annually to the Political Parties Registration Commission, but no such account shall be audited by a member of the political party whose account is submitted.
4. No political party shall have as a leader a person who is not qualified to be elected as a Member of Parliament.
5. No association, by whatever name called, shall be registered or be allowed to operate or to function as a political party if the Political Parties Registration Commission is satisfied that—
6. membership or leadership of the party is restricted to members of any particular tribal or ethnic group or religious faith; or
7. the name, symbol, colour or motto of the party has exclusive or particular significance or connotation to members of any particular tribal or ethnic group or religious faith; or
8. the party is formed for the sole purpose of securing or advancing the interests and welfare of a particular tribal or ethnic group, community, geographical area or religious faith; or
9. the party does not have a registered office in each of the Provincial Headquarter towns and the Western Area.

## Article 42. Qualifications for Office of President

No person shall be qualified for election as President unless he—

1. is a citizen of Sierra Leone;
2. is a member of a political party;
3. has attained the age of forty years; and
4. is otherwise qualified to be elected as a Member of Parliament
5. Somalia

## Article 22. Right of Political Participation

1. Every citizen has the right to take part in public affairs. This right includes:
2. The right to form political parties and to participate in the activities of political parties;
3. The right to be elected for any position within a political party.
4. Every citizen who fulfils the criteria stated in the law has the right to elect and to be elected.
5. The rights stated in Paragraph (1) and (2) should be exercised in accordance with this Constitution and a law enacted by the Federal Parliament.

## Article 88. Eligibility Criteria for the Position of President of the Federal Republic of Somalia

Any citizen is eligible for the position of President of the Federal Republic of Somalia, as long as he or she meets the eligibility requirements of:

1. Being a Somali citizen and a Muslim;
2. Being not less than forty years of age;
3. Having relevant knowledge or experience for the role;
4. Having a sound mind;
5. Not having been convicted by a court of a major crime.
6. South Africa

## Section 1. Founding provisisions

The Republic of South Africa is one, sovereign, democratic state founded on the following values:

1. Universal adult suffrage, a national common voters roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness.

## Section 19. Political rights

1. Every citizen is free to make political choices, which includes the right
2. to form a political party;
3. to participate in the activities of, or recruit members for, a political party; and
4. to campaign for a political party or cause.
5. Every citizen has the right to free, fair and regular elections for any legislative body established in terms of the Constitution.
6. Every adult citizen has the right
7. to vote in elections for any legislative body established in terms of the Constitution, and to do so in secret;
8. to stand for public office and, if elected, to hold office.

Section 47(1). Membership

Every citizen who is qualified to vote for the National Assembly is eligible to be a member of the Assembly, except—

1. anyone declared to be of unsound mind by a court of the Republic;

Section 59(1). Public access to and involvement in National Assembly

The National Assembly must—

* 1. facilitate public involvement in the legislative and other processes of the Assembly and its committees

Section 72(1). Public access to and involvement in National Council

1. facilitate public involvement in the legislative and other processes of the Council and its committees

Section 106 (1). Membership

Every citizen who is qualified to vote for the National Assembly is eligible to be a member of a provincial legislature, except—

1. anyone who is appointed by, or is in the service of, the state and receives remuneration for that appointment or service, other than—
2. the Premier and other members of the Executive Council of a province; and
3. other office-bearers whose functions are compatible with the functions of a member of a provincial legislature, and have been declared compatible with those functions by national legislation

Section 118(1). Public access to and involvement in provincial legislature

A provincial legislature must—

1. facilitate public involvement in the legislative and other processes of the legislature and its committees

Section 158(1). Membership of Municipal Councils

Every citizen who is qualified to vote for a Municipal Council is eligible to be a member of that Council, except—

1. anyone who is disqualified from voting for the National Assembly or is disqualified in terms of section 47(1)(c), (d) or (e) from being a member of the Assembly
2. South Sudan

## Article 26. Right to Participation and Voting

1. Every citizen shall have the right to take part in any level of government directly or through freely chosen representative, and shall have the right to nominate himself or herself or be nominated for a public post or office in accordance with this Constitution and the law.
2. Every citizen shall have the right to vote or be elected in accordance with this Constitution and the law.

Article 98. Eligibility for the Office of the President

A candidate for the office of the President shall:

1. be a South Sudanese by birth;
2. be of sound mind;
3. be at least forty years of age;
4. be literate; and
5. not have been convicted of an offence involving honesty or moral turpitude.
6. Sudan

## Article 41. Right to Vote

1. Every citizen shall have the right, without unreasonable restrictions, to take part in the conduct of public affairs, through voting.
2. Every citizen shall have the right to stand for elections in periodic elections, which shall be by universal adult suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electorate.

## Article 53. Eligibility for the President of the Republic

A candidate for the office of the President of the Republic shall:-

1. be a Sudanese by birth,
2. be of sound mind,
3. be at least forty years of age,
4. be literate,
5. not have been convicted of an offence involving honesty or moral turpitude.
6. Swaziland

## Article 5. Succession to the Throne

1. Succession to the office of King and iNgwenyama is hereditary and governed by this Constitution and Swazi law and custom.
2. Where the office of King and iNgwenyama becomes vacant the successor to the Throne shall be determined and declared in accordance with Swazi law and custom.

## Article 6. Umntfwana (Crown Prince)

1. Until he accedes to the Throne, a person declared a successor under section 5, shall be designated as Umntfwana.
2. Unless the situation otherwise requires, Umntfwana shall accede to the Throne when he has attained the age of eighteen years.
3. Umntfwana, before being declared king shall be installed iNgwenyama in accordance with Swazi law and custom.

## Article 67. Appointment of Prime Minister and other Ministers

1. The King shall appoint the Prime Minister from among members of the House acting on recommendation of the King’s Advisory Council.
2. The King shall appoint Ministers from both chambers of Parliament on the recommendation of the Prime Minister.
3. At least half the number of Ministers shall be appointed from among the elected members of the House.

## Article 88. Qualification as a voter

1. Subject to the provisions of section 89, a person is qualified to be registered as a voter if, and is not otherwise qualified unless, that person has attained the age of eighteen years and is a citizen of or is ordinarily resident in Swaziland.
2. A person qualified for the purposes of this section is entitled to be registered as a voter in one inkhundla only.
3. A person is “ordinarily resident” in Swaziland where that person has lived in, or has been associated with, that inkhundla for a period of not less than five years or is permanently resident in Swaziland and has relevant documents to that effect.

## Article 89. Disqualification as a voter

A person is not qualified to be registered as a voter or to vote where that person

1. is certified to be insane or otherwise adjudged to be of unsound mind under any law for the time being in force in Swaziland;
2. is, for an act which is a criminal offence under the law of Swaziland, under sentence of death or life imprisonment imposed on that person by a court in any country; or
3. is disqualified for registration as a voter under any law for the time being in force in Swaziland relating to offences connected with elections.

Article 85. Right to vote at elections

1. Subject to the provisions of this Constitution, every Swazi or person ordinarily resident in Swaziland has a right to vote at any election of members of the House or members of the Bucopho.
2. A person is not entitled to vote in terms of subsection (1) if that person is for any reason unable to attend in person at the place and time prescribed for polling except as it may otherwise be prescribed.
3. A person shall not vote at any election in terms of this section except at an inkhundla where that person is registered as a voter unless a special polling arrangement has been prescribed.
4. A person is not entitled to stand as a candidate for election in terms of this section or section 86 unless that person is registered as a voter in that inkhundla or Region.
5. Tanzania

## Article 5

1. Every citizen of the United Republic who attained the ageof eighteen years is entitled to vote in any public election held inTanzania. This right shall be exercised in accordance with theprovisions of sub-article (2), and of the other provisions of thisConstitution and the law for the time being in force in Tanzania inrelation to public elections.
2. Parliament may enact a law imposing conditionsrestricting a citizen from exercising the right to vote by reason of anyof the following grounds:
3. being a citizen of another state;
4. being mentally infirm;
5. being convicted of certain specified criminal offences;
6. omission or failure to prove or to produce evidence as to age, citizenship or registration as a Voter.

Save for these grounds no other grounds shall disqualify a citizen from exercising the right to vote.

…

1. Togo

## Article 5

Suffrage is universal, equal and secret. It may be direct or indirect. All Togolese nationals of the two sexes, at least eighteen (18) years of age and enjoying their civil and political rights[,] are electors within the conditions established by the law.

## Article 62

No one may be a candidate for the office of the President of the Republic if they:

* are not exclusively of Togolese nationality by birth;
* are not thirty-five (35) years of age on the date of the deposit of the candidature;
* do not enjoy all their civil and political rights;
* do not present a general state of physical and mental well-being duly declared by three (03) sworn physicians, designated by the Constitutional Court;
* do not reside in the national territory for at least twelve (12) months.
1. Uganda

## Article 72. Right to form political organisations

1. Subject to the provisions of this Constitution, the right to form political parties and any other political organisations is guaranteed.
2. An organisation shall not operate as a political party or organisation unless it conforms to the principles laid down in this Constitution and it is registered.
3. Parliament shall by law regulate the financing and functioning of political organisations.
4. Any person is free to stand for an election as a candidate, independent of a political organisation or political party.
5. Parliament, shall by law, regulate the manner of participation in and financing of elections by individuals seeking political office as independent candidates.

## 59. Right to vote

1. Every citizen of Uganda of eighteen years of age or above, has a right to vote.
2. It is the duty of every citizen of Uganda of eighteen years of age or above, to register as a voter for public elections and referenda.
3. The State shall take all necessary steps to ensure that all citizens qualified to vote, register and exercise their right to vote.
4. Parliament shall make laws to provide for the facilitation of citizens with disabilities to register and vote.
5. Zambia

## Article 75: The Franchise

1. Every citizen of Zambia who has attained the age of eighteen years shall, unless he is disqualified by Parliament from registration as a voter for the purposes of elections to the National Assembly, be entitled to be registered as such a voter under a law in that behalf, and no other person may be so registered.
2. Every person who is registered in any constituency as a voter for the purpose of elections to the National Assembly shall, unless he is disqualified by Parliament from voting in such elections on grounds of his having been convicted of an offence in connection with elections or, on the grounds of his having been reported guilty of such an offence by the court trying an election petition or, on the grounds of his being in lawful custody at the date of the election, be entitled so to vote in that constituency in accordance with the provisions made by or under an Act of Parliament, and no other person may so vote.

Article 34. Election of President

1. The election of the President shall be direct by universal adult suffrage and by secret ballot and shall be conducted in accordance with this Article and as may be prescribed by or under an Act of Parliament.
2. An election to the office of President shall be held whenever the National Assembly is dissolved and otherwise as provided by Article 38.
3. A person shall be qualified to be a candidate for election as President if—
4. he is a citizen of Zambia;
5. both his parents are Zambians by birth or descent;
6. he has attained the age of thirty-five years;
7. he is a member of, or is sponsored by, a political party;
8. he is qualified to be elected as a member of the National Assembly; and
9. he has been domiciled in Zambia for a period of at least twenty years.
10. Zimbabwe

Article 67. Political rights

1. Every Zimbabwean citizen has the right—
2. to free, fair and regular elections for any elective public office established in terms of this Constitution or any other law; and
3. to make political choices freely.
4. Subject to this Constitution, every Zimbabwean citizen has the right--
5. to form, to join and to participate in the activities of a political party or organisation of their choice;
6. to campaign freely and peacefully for a political party or cause;
7. to participate in peaceful political activity; and
8. to participate, individually or collectively, in gatherings or groups or in any other manner, in peaceful activities to influence, challenge or support the policies of the Government or any political or whatever cause.
9. Subject to this Constitution, every Zimbabwean citizen who is of or over eighteen years of age has the right—
10. to vote in all elections and referendums to which this Constitution or any other law applies, and to do so in secret; and
11. to stand for election for public office and, if elected, to hold such office.
12. For the purpose of promoting multi-party democracy, an Act of Parliament must provide for the funding of political parties.

## Schedule 4. Qualifications of voters

## *Qualifications for registration as voter*

1. Subject to subparagraph (2) and to paragraph 2, a person is qualified to be registered as a voter on the voters roll of a constituency if he or she—
2. is of or over the age of eighteen years; and
3. is a Zimbabwean citizen.
4. The Electoral Law may prescribe additional residential requirements to ensure that voters are registered on the most appropriate voters roll, but any such requirements must be consistent with this Constitution, in particular with section 67.

*Disqualifications for registration as voter*

1. A person is disqualified to be registered as a voter—
2. while he or she is detained as mentally disordered or intellectually handicapped under an Act of Parliament relating to mental health;
3. if he or she has been declared by order of a court to be incapable of managing his or her affairs, for so long as the order remains in force; or
4. if he or she has been convicted of an offence under the Electoral Law and declared by the High Court to be disqualified for registration as a voter or from voting, for the period he has been declared disqualified, but the period must not exceed five years.