



COMPENDIUM OF ELECTORAL LAWS AND REGULATIONS OF TANZANIA



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**COMPENDIUM OF ELECTORAL
LAWS AND REGULATIONS OF
TANZANIA**

**PREPARED BY THE JUDICIARY OF TANZANIA WITH THE
SUPPORT FROM THE UNITED NATIONS DEVELOPMENT
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TABLE OF CONTENTS

FOREWORD.....	iii
ACKNOWLEDGMENT	vii
INTRODUCTION	1
SELECTED STATUTES WITH ELECTORAL LAWS PROVISIONS	8
1. THE CONSTITUTION OF THE UNITED REPUBLIC OF TANZANIA OF 1977, CAP 2.....	9
2. THE LOCAL GOVERNMENT (DISTRICT AUTHORITIES) ACT, CAP 287 RE 2002.....	27
3. THE LOCAL GOVERNMENT (URBAN AUTHORITIES) ACT, CAP 288 RE 2002	48
4. THE POLITICAL PARTIES ACT, CAP 258 RE 2015.....	64
ELECTORAL STATUTES	76
1. THE NATIONAL ELECTIONS ACT, CAP 343 (R.E. 2015)	77
2. THE LOCAL GOVERNMENT (ELECTIONS) ACT, CAP 292 R.E 2015.....	129
3. THE ELECTION EXPENSES ACT, CAP 278 RE 2015	176
ELECTORAL REGULATIONS	189
1. THE NATIONAL ELECTIONS (ELECTION PETITIONS) RULES 2010 [GN No 447 OF 2010]	190
2. THE NATIONAL ELECTIONS (ELECTION PETITIONS) (AMENDMENT) RULES , 2012 [GN No 106 OF 2012].....	201
3. THE LOCAL AUTHORITIES (ELECTION PETITIONS) RULES, 2010 [GN No 448 OF 2010]	202
4. THE NATIONAL ELECTIONS (PRESIDENTIAL AND PARLIAMENTARY ELECTIONS) REGULATIONS, 2015 [GN No. 307 OF 2015].....	213
5. THE LOCAL AUTHORITIES (COUNCILLORS' ELECTIONS) REGULATIONS, 2015 [GN No. 306 OF 2015].....	293
6. THE ELECTION EXPENSES REGULATIONS, 2010 [GN No.246 OF 2010]	343
7. MAADILI YA UCHAGUZI WA RAIS, WABUNGE NA MADIWANI YA MWAKA 2015 TUME YA TAIFA YA UCHAGUZI [GN No 294 OF 2015].....	361

FOREWORD

The role and responsibility of the Court in the handling of electoral disputes depends on the efficiency of the judicial system, the proper functioning of the electoral system, and the legal framework for resolving electoral disputes, in particular. There must therefore exist effective legal institutions, good governance, respect for the rule of law and a conducive political environment in which credible elections are held. To complement these factors, it is significant that competent and efficient institutional arrangement exists to facilitate the effective management of elections. Moreover, an independent, credible, well-resourced, skilled, knowledgeable and competent judicial system is indispensable if it is to properly discharge its duty in the resolution of election disputes, timeously and effectively.

The availability of electoral statutes is an important aid for judicial officers in electoral dispute settlement. This Compendium therefore aims at providing Judicial Officers and other key stakeholders, lawyers inclusive, with a single volume of electoral statutes and regulations that will assist them in a better understanding of legal provisions while interpreting electoral laws.

I wish to congratulate the Judiciary Team that Compiled this Compendium, which put together statutes and regulations in one volume. These crucial laws will now be available to Judicial Officers, State Attorneys and legal practitioners, and the broader public.

The Compendium is a product of a collaborative effort between the Judiciary and UNDP that started with the training of Judicial officers even before the 2015 elections were held in October 2015. During the training Judicial officers were provided with few statutes and regulations in bound form. This time all statutes and regulations have been put in one volume.

The Compendium therefore will be a handy document to which Judges and Magistrate can make quick reference while handling election disputes in the future. More specifically, the Compendium will enable Judges and Magistrates to have a broad understanding of the electoral laws. It will act as a good and quick reference guide of laws for Judges, Magistrates and lawyers to facilitate speedy dispensation of electoral disputes.

The Compendium consists of some relevant extracts of the Constitution of the United Republic of Tanzania, principal legislations and subsidiary legislations.

The Hon.Mohamed Chande Othman

Chief Justice

Dar es Salaam, November, 2016

ACKNOWLEDGMENT

Many people and partners assisted in diverse ways in the realization of the project for the production and publication of this Compendium. The Judiciary of Tanzania wishes to single out the United Nations Development Programme (UNDP) through the Democratic Empowerment Project, under the leadership of Ms Awa Dabo, UNDP Country Director, for the invaluable partnership, financial and technical support, without which this publication would not have been completed.

The publication is the product of the joint efforts of the Judiciary Team, comprising Justices, Judges, Registrars and Judges Legal Assistants on behalf of the Judiciary of Tanzania and technical personnel from UNDP, who worked tirelessly to produce the work within strict time limits.

We wish to acknowledge with sincere gratitude, the efforts of UNDP for the technical and financial support and the commitment of the Judiciary Team respectively to the realization of this project as a whole and the printing of this important Compendium. The passion of the Judiciary Team to see the publication of this Compendium succeeds was extraordinary and the effort is highly appreciated.

The success of the publication of the Compendium has known and unknown individuals who contributed in one way or the other. It thus suffices to state that the Judiciary of Tanzania owes the measure of any success in producing this Compendium to the array of inputs from many. Nevertheless the Judiciary of Tanzania wishes to express its appreciation to the entire Judiciary Team for the wonderful tem spirit that was exhibited during the time of the project for preparation of the Compendium. Asante sana.

PART ONE

COMPENDIUM OF ELECTORAL LAWS AND REGULATIONS OF TANZANIA

INTRODUCTION

0.1: The State Structure

Covering an expansive mass of land with a total area of 945,203 Square kilometres, and a population of about 44.9 million according to the Population and Housing Census of 2012, United Republic of Tanzania is a union of two former sovereign States of Tanganyika (now Mainland Tanzania) and the Peoples' Republic of Zanzibar. In the 2012 Census Tanzania Zanzibar had a population of 1.3 million while Mainland Tanzania had a population of 43.6 million.

Politically, the Constitution of the United Republic of Tanzania of 1977 as amended, describes the United Republic as a democratic, secular and socialist state which adheres to multi-party democracy.¹ Sovereign power in the United Republic of Tanzania is exercised and controlled by a duality of centres of State powers. The Government of the United Republic and the Revolutionary Government of Zanzibar are the two organs vested with executive powers with respect to constitutionally demarcated areas of jurisdictions. The Constitution has similarly vested two organs with judicial powers (the Judiciary of Tanzania and the Judiciary of Zanzibar) and two organs with legislative and supervisory powers (the Parliament of the United Republic and the House of Representatives of the United Republic) over the conduct of public affairs.²

The two Governments, that is the Government of the United Republic and the Revolutionary Government of Zanzibar, each has its own electoral laws and electoral commissions to govern matters related to elections of both central and local governments.

0.2: History of Electoral Laws in Tanzania

Tanzania Mainland (then Tanganyika) gained its Independence from Britain in 1961. The then Independence Constitution was crafted on the Westminster model. Vide the 1962 Republic Constitution, Tanganyika became a Republic. On the other hand, the Zanzibar Islands of Pemba and Unguja gained their independence from the Arab Sultanate following a revolution in January 1964. In April that same year, Tanganyika and Zanzibar united to form the United Republic of Tanzania and a Constitution for the United Republic of Tanganyika and Zanzibar (later the United Republic of Tanzania)³ was accordingly enacted. The earliest electoral law after the formation of Tanzania as a United Republic was the National Assembly (Elections) Act, 1964.⁴ This electoral law was on 25th July, 1970 repealed

¹Article 3 (1) of the Constitution, 1977.

² Article 4 (1) of the Constitution, 1977.

³ Tanzania was at first known as "The United Republic of Tanganyika and Zanzibar" until August, 1964 when the name "The United Republic of Tanzania" was adopted through section 2 of the United Republic (Declaration of Name) Act, No. 61 of 1964.

⁴ Act No. 11 of 1964.

by the Elections Act, 1970.⁵ The current National Elections Act (Cap. 343) was enacted in 1985 under the name “*Elections Act No. 1 of 1985*” before the name was changed to “*National Elections Act*”.

It should be noted that from the time of the independence of Tanzania Mainland in 1961 until the Union in 1964, both Tanganyika (Tanzania Mainland) and Zanzibar had been under a multiparty political system. Furthermore, elections in the House of Representatives in Zanzibar and local government elections in Zanzibar are non-union matters and, as such, since 1964, each of the two Governments has been responsible for managing their respective elections. This Compendium compiles the electoral laws and Regulations applicable to the Union institutions of the United Republic.

⁵ Act No. 25 of 1970.

PART TWO

ELECTORAL LAWS

1.0. Introduction

The Report of the Commonwealth Election Observer Group⁶ captures the main electoral laws subject of this Part when it states:

“The key documents providing the legal and regulatory framework for the conduct of these elections are:

- The Constitution of the United Republic of Tanzania
- The National Elections Act (revised edition 2015)
- The National Elections [Presidential and Parliamentary Elections] Regulations 2015
- The Local Authorities Act (revised edition 2015)
- Local Authorities [Councilors Elections] Regulations 2015
- Elections Expenses Act 2010
- Political Parties Act 1992.”

But, as this Compendium will show, there are many other laws which, though not outlined as electoral laws, interplay with the implementation of electoral laws. These other laws must also be taken into account to appreciate what the Commonwealth Observer Group termed as “election framework and election administration” in Tanzania. Examples of the laws with electoral implications include the *Election Expenses Act, Cap. 278*; *Evidence Act, Cap 6*; *Civil Procedure Code, Cap 33*; and the *Criminal Procedure Act, Cap 20*. These provide the legislative context in which elections in Tanzania are conducted. There are arrays of Subsidiary Legislation enacted under Acts of Parliament which are equally important in the management of elections in Tanzania. The Subsidiary Legislation are variously styled as “Regulations”, “By-laws”, “Rules”, “Orders”, “Notices”, “Directives” or “Proclamations”. Subsidiary Legislations do not have independent existence outside their respective parent Act. The Chief Justice has Subsidiary Law-making power. In the exercise of his powers under section 117 (1) of the National Elections Act, Cap 343 to make rules to regulate the handling of election petitions, the Chief Justice promulgated the *National Elections (Election Petitions) Rules, 2010* vide *G.N. 447 of 2010*. These Rules regulated the conduct of election petitions instituted in the aftermath of the 2010 General Elections.⁷ Similarly, the Minister responsible for legal affairs has subsidiary law-making Power. For example, he may after consultation with the Chief Justice, issue a notice “to extend the period of twelve months⁸ for conclusion of the hearing of election petitions beyond the twelve months prescribed by section 115 (2) of the National Elections Act.

⁶ Tanzania: General Elections 25 October 2015, Report of the Commonwealth Observer Group.

⁷ 1. Zella Adam Abrahaman 2. Amina M. Mwadau 3. Dr. Steven L. Kirushwa V. 1. The Attorney General 2. Oran Manase Njeza 3. Returning Officer, Mbeya Vijijini Parliamentary Constituency, 4. Juma H. Aweso, 5. The Returning Officer, Pangani Constituency 6. Onesmo Nangole 7. Returning Officer Longido Constituency, Consolidated Civil Revisions Nos. 1, 3 and 4 of 2016 (Court of Appeal at Dar es Salaam).

⁸Section 115 (2) of Cap. 343.

The electoral framework and election administration as defined by the laws and regulations reproduced in this Part, and involves various institutions. Whereas the principal legislations provide for substantive matters, their respective Subsidiary Legislations deal with procedural and other related matters in the implementation of the laws. These enactments are compiled in this Part, in order to provide a quick reference point to Judicial Officers and legal practitioners, and anyone interest in the electoral laws and electoral process in Tanzania generally.

1.1. Electoral Laws and Relevant Amendments

This section covers principal legislation relevant to elections. Included are various articles of the Constitution of the United Republic of Tanzania, 1977, the National Elections Act, the Political Parties Act, Cap. 258, the Local Authorities (Elections) Act, Cap. 292 (R.E. 2015) and the Election Expenses Act, 2010, Cap. 278 (Revised Edition of 2015).

1.2. The Constitution of the United Republic of Tanzania, 1977

At the head of the electoral legal system of Tanzania is the Constitution of the United Republic of Tanzania, 1977 (as amended from time to time). The Constitution is the basis of the fundamental right of citizens to vote and to be voted for in elective posts. In order to ensure that elections in Tanzania are free, fair and credible, the Constitution has established the National Electoral Commission to oversee the conduct of free elections. The Constitution has also provided for the enactment of laws giving effect to the right to vote and be voted for, as well as the procedure for presidential and parliamentary elections. The Constitution vests the courts with the power to hear and determine election petitions where there are such allegations as non-compliance with the law, corrupt and illegal practices, to mention but a few. Article 83 (4) of the Constitution and section 115 (4) of the National Elections Act provide for the right to appeal from decisions of the High Court on election petitions without obtaining prior leave of the High Court. There are many examples of how provisions of the National Elections Act trace their basis from the Constitution.

The 1977 Constitution emphasizes that periodic elections are meant to emphasize that sovereignty resides in the people, wherefrom the Government through the said Constitution derives its powers and authority.⁹ Through elections, elected leaders renew their mandate by obtaining the consent of the citizens expressed through free and fair elections. Accordingly, the right to vote for political leaders is among the assurances the people have to exercise power and partake in the governance of their country.

1.3. The National Elections Act, Cap 343 (R.E. 2015)

This is the main legislation that regulates presidential and parliamentary elections in Tanzania Mainland. It provides for the composition, responsibilities and powers of the National Electoral Commission, which includes demarcation and designation of administrative areas into constituencies and polling centers; procedures for registration of voters and management of permanent voters' register, nomination of presidential and parliamentary candidates; electoral campaigns, the management of elections, voting and counting as well as procedures for avoidance of the elections by election petition.

This Act repealed the 1970 Elections Act. In terms of section 1 (2), it must be read in tandem with the Constitution. By 1985 when the Elections Act, 1970 was repealed by this legislation, several amendments to the Constitution had been effected and, in fact, a new Constitution

⁹ See Article 8(1) (a)

had been enacted in 1977. It thus became necessary to have a new law governing elections that would take all these changes into account.

1.4. The Political Parties Act, Cap. 258 (R.E. 2015)

This Act which came into operation on 1st July, 1992 was enacted to provide for the terms, conditions and procedure for the registration of political parties in Tanzania. Upon the re-introduction of multiparty democracy through the Eighth Constitutional Amendment (1992), members of any registered political party could run for election as Councilors, or as Members of Parliament or as President of the United Republic. In consonance to this amendment, the Political Parties Act, 1992 was enacted in order to provide for terms, conditions and the procedure for the registration of political parties and for related matters.¹⁰

This legislation was amended through Acts Nos. 5 of 1992, 10 of 1994, 32 of 1994, 18 of 1995, 11 of 1996, 9 of 2002, 6 of 2006 and 7 of 2009, with a view to making better provision for regulating the conduct of political parties and other related matters. Significant change in relation to the 2009 amendments was the addition of sections 11A and 11B which allowed political parties to merge and form one political party, whereby the former ceases to exist and the leaders are required to vacate the positions they held in former parties. This, however, must be done prior to general elections.

Political Parties Act has important roles to play to facilitate free and fair elections, inasmuch as elections in Tanzania operate within the umbrella of political parties. For example, “the Registrar of Political Parties, amongst other duties, is responsible for the supervision and administration of election expenses under the Election Expenses Act 2010. Where the Registrar finds an election expenses irregularity, the Registrar informs the Director of Elections. There is also the Prevention of Crime and Corruption Bureau, which may receive complaints or investigate matters which can impact on a candidate's eligibility.”¹¹

1.5. The Local Authorities (Elections) Act, Cap. 292 (R.E. 2015)

This legislation governs elections at the level of the Local Government Authorities (LGAs), including the appointment and coordination of election officers at lower levels. That apart, it provides for the rights and procedures for registration of eligible voters; making changes on the voters' register; the right to inspect the register at any time; procedures for making objections in respect of registration, qualifications for voting, as well as qualifications of candidates and their nomination and management of election campaigns; election day and voting and counting procedures.

This Legislation has been amended several times including amendments vide Acts Nos. 4 of 1979, 3 and 7 of 1982, 8 of 1985, 23 of 1991, 1,4 and 14 of 1993, 11 and 15 of 1994, 4 and 10 of 2000, 13 of 2004, 3 of 2005, 7 and 17 of 2010 and 2 of 2013.

One notable amendment was the repeal of section 113 of the Act under which the courts had the discretion to hold some acts or omissions to be exempt from those that would otherwise be held illegal practices and thereby exonerate the candidate or agent from the consequences. This section was repealed vide Act No. 7 of 1992. Through further amendments made recently in 2013, vide section 4 of Act No. 1 of 2013, the court is empowered to extend time within which a petition can be heard to its finality after the lapse of the 18 months for hearing of the Election petitions.

¹⁰ See the pre-ambles thereto. It is noteworthy that the Political Parties (Registration) Regulations, 1992 were also promulgated to put into effect the said principal legislation

¹¹ Report of the Commonwealth Observer Group, Tanzania General Elections 25 October 2015.

1.6. The Elections Expenses Act, Cap 278 (R.E. 2015)

This legislation was enacted with a view to making provisions for the funding of nomination process, election campaigns and elections with a view to controlling the use of funds and prohibited practices in the nomination process, election campaigns and elections; to make provision for allocation, management and accountability of funds and to provide for consequential and related matters. It became operational in early 2010 and was for the first time applied during the 2010 General Elections.

The Election Expenses Act aims at ensuring corruption-free elections through controlling the use of funds and doing away with malpractices in elections. It categorically requires that each political party should fund its election campaigns through the sources of funds stipulated under the Political Parties Act, 1992.

Passed for the first time in the year 2010, Election Expenses Act was revised in 2015 and is now styled as “Cap. 278 Revised Edition of 2015”.

This legislation was earlier amended in the year 2010 through Acts Numbers 6, 11 and 17 of 2010. One of the notable amendments is the deletion of the phrase “who have been approved” from section 7 and substituting for it the phrase “the composition of which is notified”. By virtue of the former phrase, impliedly the election campaign team was to be approved by the relevant authority depending on the level of the election (Presidential, Parliamentary or counselors). By virtue of the said amendments, approval of the campaign team by such authorities is no longer mandatory but rather a mere notification of the same to the said authorities¹².

The role of the Election Expenses Act to ensure that money does not distort free and fair elections was noted by the Commonwealth Election Observer Group:

“The Election Expenses Act was passed “to provide for the funding of nomination process, election campaigns and elections with a view to controlling the use of funds and prohibitive practices in the nomination process, election campaigns and elections; to make provisions for allocation, management and accountability of funds.

...Under the Election Expenses Act, the Registrar of Political Parties is responsible for supervision and administration of election expenses. The Registrar is empowered to enter into any premises to examine the books of a political party or candidate, after serving prior notice of 5 days to the entity to be examined.

...The Elections Expenses Act provides for the regulation of maximum spending and fundraising. Disclosures of sources of donations are required for amounts exceeding one million Tanzanian shillings for individual donors or two million Tanzanian shillings for donor organisations. Each political party is required to open a special election expenses account for the purposes of depositing donations and paying expenses.”

1.7. Elections Regulations and Rules

A number of regulations and rules have been promulgated in order to ensure smooth implementation of the principal legislations. Notable are the following –

¹² See section 7 of the Election Expenses Act, R.E 2015 which was amended vide section 39A of the Written Laws (Miscellaneous Amendments) Act, No. 11 of 2010

- The National Elections (Presidential and Parliamentary Elections) Regulations, 2015.
- The Election Expenses Regulations, 2010.
- The National Elections (Election Petition) Rules, 2010 with the subsequent amendments in 2012 vide the National Elections (Election Petitions) (Amendment) Rules, 2012.
- The Local Authorities (Election Petitions) Rules, 2010
- The Local Authorities (Councilors Elections) Regulations, 2015

These subsidiary laws are also reproduced after the principal legislations below.

PART THREE

SELECTED STATUTES WITH ELECTORAL LAWS PROVISIONS

1. THE CONSTITUTION OF THE UNITED REPUBLIC OF TANZANIA OF 1977, CAP 2

1.1: English Version

The following is the official Revised version in English of Constitution of the United Republic of Tanzania, known in Kiswahili as “Katiba ya Jamhuri ya Muungano wa Tanzania ya Mwaka 1977”, Cap. 2 of the Laws (R.E. 2002).It incorporates and consolidates all amendments made therein in respect of election matters by the Constituent Assembly in 1977 up to the 31st December, 2008. The Constitution was passed by the Constituent Assembly in Kiswahili. Hence, the Kiswahili version of the Constitution would take precedence in case of conflict or doubt: section 84 of The Interpretation Act, Cap. 1 (R.E. 2002).

1.1.1: The right to vote (Article 5)

5.-(1) Every citizen of the United Republic who has attained the age of eighteen years is entitled to vote in any election held in Tanzania. This right shall be exercised in accordance with the sub article (2), and of the other provisions of this Constitution and the law for the time being in force in Tanzania in relation to public elections.

- (2) Parliament may enact a law imposing conditions restricting a citizen from exercising the right to vote by reason of any of the following grounds:
- (a) being a citizen of another state;
 - (b) being mentally infirm;
 - (c) being convicted of certain specified criminal offences; or
 - (d) omission or failure to prove or to produce evidence as to age, citizenship or registration as a voter. Except for these grounds no other grounds shall disqualify a citizen from exercising the right to vote.
- (3) Parliament shall enact electoral law to provide for the following:
- (a) the establishment of a permanent voters register and prescribing the procedure for its amendment or updating information contained in that register;
 - (b) specification of places and times for the registration of voters and for voting;
 - (c) procedure and conditions for enabling a person registered as a voter in one place to vote in another; and
 - (d) specification of the duties and functions of the Electoral Commission and the procedure for every election which shall be conducted under the direction and supervision of the Electoral Commission.

1.1.2: Election of President (Article 38)

38.-(1) The President shall be elected by the citizen in accordance with the provisions of this Constitution and in accordance with the law enacted by Parliament pursuant to the provisions of this Constitution, making provisions concerning the election of the President.

- (2) Subject to the other provisions of this Constitution, the office of President shall be vacant and the election of the President shall be held or that vacancy shall be filled otherwise in accordance with this Constitution, as the case may be, upon the occurrence of any of the following events:
- (a) the dissolution of Parliament;
 - (b) the resignation of the President without first dissolving Parliament;
 - (c) the disqualification of the President from holding elective office;

- (d) the removal of President from office following his impeachment by the National Assembly in accordance with this Constitution;
 - (e) certification pursuant to the provisions of Article 37 of this Constitution that the President is unable to discharge the function of his office; or
 - (f) the death of the President.
- (3) The office of President shall not be deemed to be vacant by reason only that the National Assembly has passed a motion of no confidence in the Prime Minister.

1.1.3: Qualifications for election as President (Article 39)

39.-(1) A person shall not be entitled to be elected to hold the office of President of the United Republic save only if -

- (a) he is a citizen of the United Republic by birth in accordance with the citizenship law;
 - (b) he has attained the age of forty years;
 - (c) he is a member of, and a candidate nominated by, a political party;
 - (d) he is qualified to be a Member of Parliament or a Member of the House of Representatives; and
 - (e) within the period of five years before the General Elections, he has not been convicted by any court for any offence relating to evasion to pay any tax due to the Government.
- (2) Without prejudice to any person's right and freedom of expression to hold his own views, to profess a religious faith of his choice, to associate with others and to participate with others in community work in accordance with the laws of the land, no person shall be qualified to be elected to hold the office of President of the United Republic unless he is a member of, and a candidate proposed by, a political party.

1.1.4: Eligibility for re-election (Article 40)

40.-(1) Subject to the other provisions of this Article, any person who holds office as President shall be eligible for re-election to that office.

- (2) No person shall be elected more than twice to hold the office of President.
- (3) A person who has been President of Zanzibar shall not be disqualified from being elected President of the United Republic for the reason only for he has once held office as President of Zanzibar.
- (4) Where the Vice-President holds the office of President in accordance with the provisions of Article 37(5) for less than three years, he shall be eligible to contest for the office of President for two terms, but where he occupies the office of President for three years or more, he shall be eligible to contest for the office of President for one term only.

1.1.5: Procedures for the election of President (Article 41)

41.-(1) Where Parliament has been dissolved or where any of the events specified in sub-article (2) of Article 38 has occurred and it becomes necessary to hold an election of the President, every political party wishing to participate in the election of President shall submit to the Electoral Commission, in accordance with the law, the name of one of its members whom it proposes as a candidate to contest the election for the President of the United Republic and the name of another member of the party whom it proposes for the office of Vice-President.

- (2) The names of the candidates proposed for the Presidential election shall be submitted to the Electoral Commission on a date and time appointed in accordance with a law enacted by Parliament, and a person shall not be validly nominated save only if his nomination is supported by such number of voters and in such manner as shall be prescribed by an Act of Parliament.

- (3) Where on the date and time appointed for the purpose of submission of the names of the candidates, only the name of one candidate is validly submitted, the Electoral Commission shall nominate that candidate and present such candidate's name to the electorate who shall vote either for or against him in accordance with the provisions of this Article and an Act enacted by Parliament.
- (4) The election of the President of the United Republic shall be held on a date to be appointed by the Electoral Commission in accordance with an Act of Parliament.
- (5) All other matters concerning the procedures for the election of the President shall be as provided for in a law enacted by Parliament in that behalf.
- (6) Any presidential candidate shall be declared duly elected President only if he has obtained majority of votes.
- (7) When a candidate is declared by the Electoral Commission to have been duly elected in accordance with this Article, then no court of law shall have any jurisdiction to inquire into the election of that candidate.

1.1.6: Time of assumption and term of office of President (Article 42)

- 42.-(1)** The President -Elect shall assume office of President as soon as possible after it is declared that he has been elected President, but in any event he shall assume office before the expiration of not more than seven days.
- (2) Unless he sooner resigns or dies, the President shall, subject to sub-article (3), hold office of President for a period of five years from the date on which he was elected.
 - (3) A person elected President shall hold the office of President until -
 - (a) the day his successor in office takes the oath of office;
 - (b) the day he dies while in office;
 - (c) the day he resigns from office; or
 - (d) he ceases to hold the office of President in accordance with the provisions of this Constitution.
 - (4) If the United Republic is at war and the President considers that it is not practicable to hold elections, the National Assembly may pass a resolution extending the period of five years specified in sub-article (2) of this Article save that no such extension shall exceed a period of six months at any one time.
 - (5) Every President elect and every person assuming the office of President shall, before assuming the functions of the Office of President, take and subscribe, in the presence of the Chief Justice of the United Republic, oath of allegiance and such other oath relating to the execution of the functions of the office of President as may be prescribed by an Act of Parliament.

1.1.7: Categories of Members of Parliament (Article 66)

- 66.-(1)** Subject to the other provisions of this Article, there shall be the following categories of Members of Parliament, that is to say:-
- (a) members elected to represent constituencies;
 - (b) women members being not less than thirty per centum of all the members mentioned in paragraphs (a), (c), (d), (e) and (f) with qualifications mentioned in Article 67 elected by the political parties in accordance with Article 78, on the basis of proportion of votes;
 - (c) five members elected by the House of Representatives from among its members;
 - (d) the Attorney General;
 - (e) not more than ten members appointed by the President from amongst persons with qualifications specified under paragraphs (a) and (c) of sub-article (1) of Article 67 and, at least five members amongst them shall be women; and
 - (f) the Speaker, if he is not elected from amongst the members.
- (2) The President and the Vice-President shall each not be a Member of Parliament.

- (3) Where a Regional Commissioner is elected a Member of Parliament representing a constituency or where a Member of Parliament representing a constituency is appointed a Regional Commissioner, the National Assembly shall be deemed to consist of the requisite number of members and its proceedings shall be valid notwithstanding that the ordinary total number of members in terms of this Article shall have been reduced by reason of such election of the Regional Commissioner or such appointment of a constituency member.

1.1.8: Qualifications for Member of Parliament (Article 67)

67.-(1) Subject to the provisions contained in this Article, any person shall be qualified for election or appointment as a Member of Parliament if he -

- (a) Is a citizen of the United Republic who has attained the age of twenty-one years and who can read and write in Kiswahili or English; and
 - (b) is a member and a candidate proposed by a political party.
- (2) A person shall not be qualified to be elected or appointed Member of Parliament if -
- (a) such person possesses or voluntarily acquires the citizenship of any other country;
 - (b) in accordance with a law applicable in the United Republic it has been formally certified that such person is of unsound mind;
 - (c) such person has been convicted by any court in the United Republic and sentenced to death or to a term of imprisonment exceeding six months for any offence however styled involving dishonesty;
 - (d) within a period of five years preceding the date of a general election such person has been convicted and sentenced to imprisonment for an offence involving dishonesty or for contravening the law concerning ethics of public leaders;
 - (e) without prejudice to a person's right and freedom to hold his own views, to profess a religious faith of his choice, to associate with others and to participate in community work in accordance with the laws of the land, if he is not a member of, and a candidate proposed by, a political party;
 - (f) such person has an interest in any Government contract of any kind in respect of which special restrictions are prescribed by Act of Parliament and he has contravened such restrictions;
 - (g) such person holds a senior office in the service of the Government of the United Republic, not being an office of which the President may or is required to appoint a Member of Parliament in accordance with this Constitution or a law enacted by Parliament; or
 - (h) in accordance with a law enacted by Parliament dealing with offences concerning election of any kind such person has been disqualified from registering as a voter or from voting in a Parliamentary election.
- (3) A person shall not be competent to contest for election as a constituency Member of Parliament at any general election if he is at the same time contesting for election to the office of President, nor shall he be competent to contest for election as a Member of Parliament at any by-election if he is President.
- (4) Parliament may enact a law making provisions disqualifying a person from being elected Member of Parliament representing a constituency if such person holds an office whose functions involve the conduct of, or supervision over, the election of Members of Parliament or the registration of voters for the elections of Members of Parliament; save that such law shall not make provision disqualifying the Speaker from being elected Member of Parliament representing a constituency nor make provisions which cause a person elected Speaker to vacate that office of Speaker or his ordinary seat as Member of Parliament.
- (5) Parliament may enact a law for the purpose of making provisions for the disqualification of a person from being elected a Member of Parliament representing

a constituency for any period, to be specified by Parliament (save that such period shall not exceed five years) if such person shall be convicted by a court for any type of offences, in connection with the election of Members of Parliament, as specified in that law.

- (6) For the purposes of giving opportunity to appeal according to law to any person who has been formally certified to be of unsound mind or convicted and sentenced to death or imprisonment, or convicted for any offence specified under the law in terms of sub-article (5) of this Article, Parliament may enact law providing that such judgment being appealed against by that person shall have no effect for the purposes of the provisions of sub-article (2) or (5) of this Article until the expiration of the period to be specified in such legislation.
- (7) The following rules shall apply for the purposes of interpreting paragraphs (c), (d) and (e) of sub-article (2) of this Article, that is to say-
 - (a) where a person has been awarded two or more prison sentences to run consecutively, such sentences shall be regarded to be separate provided that each of the sentences does not exceed six months; but if the period specified in any of the sentences exceeds six months, such sentences shall be regarded as one sentence; and
 - (b) if a person is sentenced to imprisonment where he could otherwise have been sentenced to a fine, or where the sentence of imprisonment is imposed for failure to pay a fine ordered, then such period of imprisonment shall not be taken into account.
- (8) In paragraph (f) of sub-article (2) of this Article "Government contract" means any contractual agreement in which one of the parties is the Government of the United Republic or the Revolutionary Government of Zanzibar or any department of that Government or any officer of the Government who has taken part on behalf of the Government.
- (9) [Subarticles (9), (10), (11) and (12) are repealed by Act No 4 of 1992 Art.19 (d)].
- (10) For the purposes of interpretation of the qualifications for election contained in the following Articles whenever it is stated in this Constitution that the implementation of any matter requires a person who has the qualification for election, or a person who has not been disqualified from election, then unless the context requires otherwise, it shall be understood that the qualifications concerned are those which enable a person to be elected a Member representing a constituency as provided in sub-article (1) of this Article.

1.1.9: Election and Appointment of Members of Parliament (Article 76)

76.-(1) After every dissolution of Parliament there shall be held an election of a Member of Parliament in every constituency.

(2) Likewise there shall be held an election of a Member of Parliament in a constituency whenever the seat of any Member of Parliament representing that constituency falls vacant for any reason not connected with the dissolution of Parliament.

(3) Notwithstanding the preceding provisions of this Article, it is hereby declared that where the date for dissolution of Parliament has been proclaimed or is known on account of the events specified in sub-article (3) of Article 90, then no such election shall take place during the whole period of six months immediately preceding the date of the dissolution of Parliament.

1.1.10: Procedure for election Members of Parliament representing (Article 77)

77.-(1) Members of Parliament representing constituencies shall be elected by the people in accordance with the provisions of this Constitution and also the provisions of a law enacted by Parliament pursuant to this Constitution to regulate the election of Members of Parliament representing constituencies.

(2) Save where the Electoral Commission in accordance with the provisions of this Constitution or of a law enacted by Parliament in that behalf directs otherwise, there shall be elected only one Member of Parliament in a constituency.

(3) Candidates for election to a constituency shall be required to fulfill the following conditions:

(a) they shall be proposed, one each, by a political party taking part in the election in that constituency; and

(b) they shall have submitted their names to the Electoral Commission in accordance with the procedure laid down by a law enacted by Parliament or procedures prescribed by the Electoral Commission in accordance with law.

1.1.11: Procedure for election of women Members of Parliament (Article 78)

78.-(1) For the purposes of the election of women Members of Parliament mentioned in Article 66(1) (b), political parties which took part in the general election in accordance with the procedure laid down and obtained at least five per centum of the total valid voters for Parliamentary election, shall propose to the Electoral Commission the names of women on the basis of the proportion of votes obtained by each party in the Parliamentary election.

(2) Notwithstanding the provisions of sub-article (1), the following votes shall be counted as valid votes for the unopposed Member of Parliament in the constituent -

(a) where a political party has nominated a Presidential candidate, presidential votes cast in the constituency for a Presidential candidate from that political party; or

(b) where a political party has not nominated a presidential candidate, fifty one per centum of the votes of the total voters registered in the respective constituency.

(3) The names of the persons proposed to the Electoral Commission in accordance with sub-article (1) shall be declared to be the results of the election after the Commission is satisfied that the relevant provisions of the Constitution and of other legislation have been complied with.

(4) The list of names for women candidates submitted to the Electoral Commission by each political party for general election shall be the list to be applied by the Electoral Commission after consultation of the party concerned, for purpose of filling any vacancy of Members of Parliament of this category whenever the vacancy occurs during the life of Parliament.

1.1.12: Procedure for election of Members by House of Representatives (Article 79)

79. The House of Representatives shall prescribe the procedures which it shall follow for the purposes of the election of Members of Parliament mentioned in Article 66 (1) (c) of this Constitution.

1.1.13: Procedure for proposing women candidates (Article 81)

81. Subject to the other provisions of this Constitution, the Electoral Commission may make provisions specifying the procedure to be followed by the political parties for the purposes of electing and proposing the names of the kind of Members of Parliament provided for under Article 66 (1) (b).

1.1.14: Determination of the validity of a person's membership of Parliament (Article 83)

83.-(1) Every proceeding for the purposes of determining the question whether -

(a) the election or appointment of any person to be Member of Parliament was valid or not; or

(b) a Member of Parliament has ceased to be a Member of Parliament and his seat in the National Assembly is vacant, or not, shall, subject to the provisions of sub-article (2) of this Article, first be instituted and heard in the High Court of the United Republic.

(2) Where the Electoral Commission, in the discharge of its functions in accordance with the provisions of Article 41(3) of this Constitution has declared any Member of Parliament to have been elected President, then no court or any other body shall inquire further into any question concerning the seat of that Member of Parliament being vacant.

(3) Parliament may enact legislation providing for the following matters:

(a) persons who may institute proceedings in the High Court seeking for determination of any question in accordance with the provisions of this Article;

(b) the grounds and times for instituting such proceedings, procedure for instituting proceedings and conditions which have to be fulfilled in respect of every such proceeding; and

(c) prescribing the powers of the High Court over such proceedings and specifying the procedure for the hearing of the matter itself.

(4) There shall be a right of appeal to the Court of Appeal of Tanzania against a decision of the High Court in any matter which was heard in accordance with the provisions of this Article.

1.1.15: Electoral Commission (Article 74)

74.-(1) There shall be an Electoral Commission of the United Republic which shall consist of the following members to be appointed by the President:

(a) a Chairman who shall be a Judge of the High Court or a Justice of the Court of Appeal, who shall be a person with qualifications to be an advocate and has held those qualifications for a period of not less than fifteen years;

(b) a Vice-Chairman who shall be a person who holds, had held or is capable of holding an office of Judge of the High Court or a Justice of the Court of Appeal; and

(c) other members to be specified by a law enacted by Parliament.

(2) The President shall appoint the Vice-Chairman of the Electoral Commission on the basis of the principle that where the Chairman hails from one part of the Union, the Vice-Chairman shall be a person who hails from the other part of the Union.

(3) The following persons shall not be eligible for appointment as members of the Electoral Commission, that is to say -

(a) a Minister or Deputy Minister;

(b) a person holding any kind of office specified by a law enacted by Parliament prohibiting a person holding such office to be appointed a member of Electoral Commission; and

(c) a Member of Parliament, a Councilor or other persons holding the kind of office specified by a law enacted by Parliament in terms of the provisions of paragraph (g) of sub-article (2) of Article 67 of this Constitution; and

(d) a leader of any political party.

(4) Subject to the other provisions of this Article, a member of the Electoral Commission shall cease to be a member whenever any of the following occurs -

(a) upon the expiration of five years since his appointment; or

(b) where anything happens which, had he not been a member of the Commission, would have made him ineligible for appointment to be a member of the Commission.

(5) The President may remove a member of the Electoral Commission from office only for failing to discharge his functions either due to illness or any other reason or due to misconduct or loss of the qualifications for being a member.

(6) The responsibilities of the Electoral Commission shall be:

- (a) to supervise and co-ordinate the registration of voters in Presidential and Parliamentary elections in the United Republic;
- (b) to supervise and co-ordinate the conduct of the Presidential and Parliamentary election;
- (c) to review the boundaries and demarcate the United Republic into various areas for the purposes of Parliamentary elections;
- (d) to supervise and co-ordinate the registration of voters and the conduct of the election of Councilors; and
- (e) to perform any other functions in accordance with a law enacted by Parliament.

(7) For the better carrying out of its functions, the Electoral Commission shall be an autonomous department, and its chief executive shall be the Director of Elections, who shall be appointed and shall discharge duties in accordance with a law enacted by Parliament.

(8) Parliament may enact a law providing for the procedure for supervising the election of Members of Parliament representing constituencies.

9) The Electoral Commission may discharge its functions notwithstanding that there is a vacancy among its membership or that one of its members is absent, provided that every decision of the Commission must be supported by a majority of all the members of the Commission.

(10) Parliament may enact a law providing for the procedure of appointing delegates to supervise elections of constituency Members of Parliament and, subject to the provisions of any law or the directions of the Electoral Commission, the powers of the Electoral Commission to supervise the elections may be exercised by such delegates.

(11) In discharging its functions in accordance with the provisions of this Constitution, the Electoral Commission shall not be obliged to comply with orders or directions of any person or any government department or the views of any political party.

(12) No court shall have power to inquire into anything done by the Electoral Commission in the discharge of its functions in accordance with the provisions of this Constitution.

(13) In the discharge of its functions in accordance with this Constitution, the Electoral Commission of the United Republic shall, from time to time, consult with the Electoral Commission of Tanzania Zanzibar.

(14) It is hereby prohibited for persons concerned with the conduct of elections to join any political party, save only that each of them shall have the right to vote as provided for under Article 5 of this Constitution.

(15) For the purposes of sub-article (14), the persons concerned with the conduct of elections are:

- (a) the Chairman of the Electoral Commission;
 - (b) the Vice-Chairman of the Electoral Commission;
 - (c) all the members of the Electoral Commission;
 - (d) the Director of Elections together with all other employees of the Electoral Commission;
- and

(e) all supervisors of elections in all towns and districts.

1.1.16: Constituencies (Article 75)

75.-(1) Subject to the other provisions of this Article, the United Republic shall be demarcated into constituencies of such number and in such manner as shall be determined by the Electoral Commission after obtaining the consent of the President.

(2) Subject to any relevant law, the Electoral Commission shall have the power to demarcate the boundaries of constituencies after obtaining the consent of the President.

(3) In demarcating the boundaries of constituencies, the Electoral Commission shall take due account of the availability of members of communication and also the geographical conditions of the area intended for demarcation into constituencies.

(4) Subject to the provisions of this Constitution and any law concerning the demarcation of the country into constituencies, the Electoral Commission may, from time to time and at least after every ten years, review the demarcation of the United Republic into constituencies and may alter the constituencies as a result of that review or as a result of a census conducted in the United Republic.

(5) If after a review of the demarcation of the United Republic into constituencies alterations are made in the constituencies, or the number of the Members of Parliament representing constituencies or in the number of constituencies or the number of Members of Parliament, then the resultant alteration in the number of Members of Parliament representing those constituencies shall take effect when Parliament is dissolved again following the occurrence of the alteration in the number of constituencies or in the number of Members of Parliament representing constituencies.

(6) Notwithstanding the other provisions of this Article, no court shall have power to inquire into anything done by the Electoral Commission in its discharge of the function of demarcating the United Republic into constituencies.

1.2: Kiswahili Version

Toleo hili la Katiba ya Jamhuri ya Muungano wa Tanzania, ya Mwaka 1977, limezingatia na kuweka pamoja mabadiliko yote yaliyofanywa katika Katiba ya Muungano tangu ilipotungwa mwaka 1977 hadi tarehe 31 Desemba, 2008.

1.2.1: Haki ya kupiga kura (Ibara ya 5)

5-(1) Kila raia wa Tanzania aliyetimiza umri wa miaka kumi na minane anayo haki ya kupiga kura katika uchaguzi unaofanywa Tanzania na wananchi. Na haki hii itatumiwa kwa kufuata masharti ya ibara ndogo ya (2) pamoja na masharti mengineyo ya Katiba hii na ya Sheria inayotumika nchini Tanzania kuhusu mambo ya uchaguzi.

(2) Bunge laweza kutunga sheria na kuweka masharti yanayoweza kuzuia raia asitumie haki ya kupiga kura kutokana na yoyote kati ya sababu zifuatazo, yaani raia huyo-

- (a) kuwa na uraia wa nchi nyingine;
- (b) kuwa na ugonjwa wa akili;
- (c) kutiwa hatiani kwa makosa fulani ya jinai;
- (d) kukosa au kushindwa kuthibitisha au kutoa kitambulisho cha umri, uraia au uandikishwaji kama mpiga kura, mbali na sababu hizo hakuna sababu nyingine yoyote inayoweza kumzuia raia asitumie haki ya kupiga kura.

- (3) Bunge litatunga Sheria ya Uchaguzi na kuweka masharti kuhusu mambo yafuatayo-
- (a) kuanzisha Daftari la Kudumu la wapiga kura, na kuweka utaratibu wa kurekebisha yaliyomo katika Daftari hilo;
 - (b) kutaja sehemu na nyakati za kuandikisha wapiga kura na kupiga kura;
 - (c) utaratibu wa kumwezesha mpiga kura aliyejiandikisha sehemu moja kupiga kura sehemu nyingine na kutaja masharti ya utekelezaji wa utaratibu huo;
 - (d) kutaja kazi na shughuli za Tume ya Uchaguzi na utaratibu wa kila uchaguzi ambao utaendeshwa chini ya uongozi na usimamizi wa Tume ya Uchaguzi.

1.2.2: Uchaguzi wa Rais (Ibara ya 38)

38-(1) Rais atachaguliwa na wananchi kwa mujibu wa masharti ya Katiba hii na kwa mujibu wa Sheria itakayoweka masharti kuhusu uchaguzi wa Rais ambayo itatungwa na Bunge kwa kufuata masharti ya Katiba hii.

(2) Bila ya kuathiri masharti mengineyo ya Katiba hii, kiti cha Rais kitakuwa ki wazi na uchaguzi wa Rais utafanyika au nafasi hiyo itajazwa vinginevyo kwa mujibu wa Katiba hii, kadri itakavyokuwa, kila mara litokeapo lolote kati ya mambo yafuatayo-

- (a) baada ya Bunge kuvunjwa;
- (b) baada ya Rais kujiuzulu bila ya kuvunja Bunge kwanza;
- (c) baada ya Rais kupoteza sifa za kushika nafasi ya madaraka ya kuchaguliwa;
- (d) baada ya Rais kushtakiwa Bungeni kwa mujibu wa Katiba hii, na kuondolewa katika madaraka;
- (e) baada ya kuthibitishwa kwa mujibu wa masharti ya ibara ya 37 ya Katiba hii kwamba Rais hawezi kumudu kazi na shughuli zake;
- (f) baada ya Rais kufariki.

(3) Kiti cha Rais hakitahesabiwa kuwa ki wazi kwa sababu tu ya Bunge kupitisha hoja ya kutokuwa na imani kwa Waziri Mkuu.

1.2.3: Sifa za mtu kuchaguliwa kuwa Rais (Ibara ya 39)

39-(1) Mtu hatatahili kuchaguliwa kushika kiti cha Rais wa Jamhuri ya Muungano isipokuwa tu kama-

- (a) ni raia wa kuzaliwa wa Jamhuri ya Muungano kwa mujibu wa Sheria ya Uraia;
- (b) ametimiza umri wa miaka arobaini;
- (c) ni mwanachama, na mgombea aliyependekezwa na chama cha siasa;
- (d) anazo sifa za kumwezesha kuwa Mbunge au Mjumbe wa Baraza la Wawakilishi;
- (e) katika kipindi cha miaka mitano kabla ya tarehe ya Uchaguzi Mkuu hajawahi kutiwa hatiani katika Mahakama yoyote kwa kosa lolote la kukwepa kulipa kodi yoyote ya Serikali.

(2) Bila ya kuingilia haki na uhuru wa mtu kuwa na maoni yake, kuamini dini atakayo, kushirikiana na wengine na kushiriki shughuli za umma kwa mujibu wa sheria za nchi, mtu yeyote hatakuwa na sifa za kuchaguliwa kushika kiti cha Rais wa Jamhuri ya Muungano kama si mwanachama na mgombea aliyependekezwa na chama cha siasa.

1.2.4: Haki ya kuchaguliwa tena (Ibara ya 40)

40-(1) Bila ya kuathiri masharti mengineyo yaliyomo katika ibara hii, mtu yeyote ambaye ni Rais anaweza kuchaguliwa tena kushika kiti hicho.

(2) Hakuna mtu atakayechaguliwa zaidi ya mara mbili kushika kiti cha Rais.

(3) Mtu aliyewahi kuwa Rais wa Zanzibar hatapoteza sifa za kuweza kuchaguliwa kuwa Rais wa Jamhuri ya Muungano kwa sababu tu kwamba aliwahi kushika madaraka ya Rais wa Zanzibar.

(4) Endapo Makamu wa Rais anashika kiti cha Rais kwa mujibu wa masharti ya ibara ya 37(5) kwa kipindi kinachopungua miaka mitatu ataruhusiwa kugombea nafasi ya Rais mara mbili, lakini kama akishika kiti cha Rais kwa muda wa miaka mitatu au zaidi ataruhusiwa kugombea nafasi ya Rais mara moja tu.

1.2.5: Utaratibu wa uchaguzi wa Rais (Ibara ya 41)

41-(1) Baada ya Bunge kuvunjwa au kukitokea jambo jingine lolote lililotajwa katika ibara ndogo ya (2) ya ibara ya 38 na inalazimu uchaguzi wa Rais kufanyika, kila chama cha siasa kinachopenda kushiriki katika uchaguzi wa Rais kitawasilisha kwa Tume ya Uchaguzi, kwa mujibu wa sheria, jina la mwanachama wake mmoja kinayetaka asimame kama mgombea katika uchaguzi wa Rais wa Jamhuri ya Muungano, na jina la mwanachama wake mwingine kinayempendekeza kwa nafasi ya Makamu wa Rais.

(2) Mapendekezo ya majina ya wagombea katika uchaguzi wa Rais yatawasilishwa kwa Tume ya Uchaguzi katika siku na saa itakayotajwa kwa mujibu wa sheria iliyotungwa na Bunge, na mtu hatakuwa amependekezwa kwa halali isipokuwa tu kama kupendekezwa kwake kunaungwa mkono na wananchi wapiga kura kwa idadi na kwa namna itakayotajwa na sheria iliyotungwa na Bunge.

(3) Endapo inapofika saa na siku iliyotajwa kwa ajili ya kuwasilisha mapendekezo ya majina ya wagombea, ni mgombea mmoja tu ambaye anapendekezwa kwa halali, Tume itawasilisha jina lake kwa wananchi, nao watapiga kura ya kumkubali au kumkataa kwa mujibu wa masharti ya ibara hii na ya sheria iliyotungwa na Bunge.

(4) Uchaguzi wa Rais wa Jamhuri ya Muungano utafanywa siku itakayoteuliwa na Tume ya Uchaguzi kwa mujibu wa sheria iliyotungwa na Bunge.

(5) Mambo mengine yote yahusuyo utaratibu wa uchaguzi wa Rais yatakuwa kama itakavyofafanuliwa katika sheria iliyotungwa na Bunge kwa ajili hiyo.

(6) Mgombea yeyote wa kiti cha Rais atatangazwa kuwa amechaguliwa kuwa Rais iwapo tu amepata kura nyingi zaidi kuliko mgombea mwingine yeyote.

(7) Iwapo mgombea ametangazwa na Tume ya Uchaguzi kwamba amechaguliwa kuwa Rais kwa mujibu wa ibara hii, basi hakuna mahakama yoyote itakayokuwa na mamlaka ya kuchunguza kuchaguliwa kwake.

1.2.6 Wakati na muda wa kushika madaraka ya Rais (Ibara ya 42)

42-(1) Rais mteule atashika madaraka ya Rais mapema iwezekanavyo baada ya kutangazwa kwamba amechaguliwa kuwa Rais, lakini kwa hali yoyote itabidi ashike madaraka kabla ya kupita siku saba.

(2) Isipokuwa kama atajiuzulu au atafariki mapema zaidi mtu aliyechaguliwa kuwa Rais, bila ya kuathiri masharti yaliyo katika ibara ndogo ya (3), atashika kiti cha Rais kwa muda wa miaka mitano tangu siku alipochaguliwa kuwa Rais.

(3) Mtu aliyechaguliwa kuwa Rais atashika kiti cha Rais hadi-

(a) siku ambapo mtu atakayemfuatia katika kushika kiti hicho atakula kiapo cha Rais; au

- (b) siku ambapo atafariki dunia akiwa katika madaraka; au
 - (c) siku atakapojiuzulu; au
 - (d) atakapoacha kushika kiti cha Rais kwa mujibu wa masharti ya Katiba hii.
- (4) Iwapo Jamhuri ya Muungano inapigana vita dhidi ya adui na Rais anaona kuwa haiwezekani kufanya uchaguzi, Bunge laweza mara kwa mara kupitisha azimio la kuongeza muda wa miaka mitano uliotajwa katika ibara ndogo ya (2) ya ibara hii isipokuwa kwamba muda wowote utakaoongezwa kila mara hautazidi miezi sita.
- (5) Kila Rais mteule na kila mtu atakayeshikilia kiti cha Rais, kabla ya kushika madaraka ya Rais, ataapa mbele ya Jaji Mkuu wa Jamhuri ya Muungano kiapo cha uaminifu na kiapo kingine chochote kinachohusika na utendaji wa kazi yake kitakachowekwa kwa mujibu wa sheria iliyotungwa na Bunge.

1.2.7: Aina za Wabunge (Ibara ya 66)

- 66-(1)** Bila ya kuathiri masharti mengine ya ibara hii, kutakuwa na aina zifuatazo za Wabunge, yaani-
- (a) Wabunge waliochaguliwa kuwakilisha majimbo ya uchaguzi;
 - (b) Wabunge wanawake wa idadi inayoongezeka, kuanzia asilimia ishirini ya Wabunge waliotajwa katika aya ya (a), (c) na (d), itakayotajwa mara kwa mara na Tume ya Uchaguzi kwa taarifa itakayochapishwa katika Gazeti la Serikali baada ya kupata kibali cha Rais, watakaochaguliwa na vyama vya siasa vinavyowakilishwa Bungeni, kwa mujibu wa ibara ya 78, na kwa kuzingatia masharti ya uwiano wa uwakilishi baina ya vyama hivyo;
 - (c) Wabunge watano waliochaguliwa na Baraza la Wawakilishi kutoka miongoni mwa wajumbe wake;
 - (d) Mwanasheria Mkuu;
 - (e) Wabunge wasiozidi kumi walioteuliwa na Rais kutoka miongoni mwa watu wenye sifa kwa mujibu wa ibara ya 67, isipokuwa sifa iliyotajwa katika ibara ya 67(1) (b).
- (2) Rais, Makamu wa Rais na Rais wa Zanzibar, kila mmojawao hatakuwa Mbunge.
- (3) Endapo Mkuu wa Mkoa atachaguliwa kuwa Mbunge anayewakilisha wilaya ya uchaguzi au endapo Mbunge anayewakilisha wilaya ya uchaguzi atateuliwa kuwa Mkuu wa Mkoa, Bunge litahesabiwa kuwa lina idadi ya Wabunge inayohitajika na shughuli zake zitakuwa halali ingawaje idadi ya jumla ya kawaida ya Wabunge kwa mujibu wa masharti ya ibara hii, itakuwa imepungua kutokana na uchaguzi huo wa Mkuu wa Mkoa au uteuzi huo wa Mbunge anayewakilisha wilaya ya uchaguzi.

1.2.8: Sifa za mtu kuwa Mbunge (Ibara ya 67)

- 67-(1)** Bila ya kuathiri masharti yaliyomo katika ibara hii, mtu yeyote atakuwa na sifa za kustahili kuchaguliwa au kuteuliwa kuwa Mbunge endapo-
- (a) ni raia wa Jamhuri ya Muungano aliyetimiza umri wa miaka ishirini na moja, na ambaye anajua kusoma na kuandika katika Kiswahili au Kiingereza;
 - (b) ni mwanachama na ni mgombea aliyependekezwa na chama cha siasa;

(c) katika kipindi cha miaka mitano kabla ya tarehe ya uchaguzi hakuwahi kutiwa hatiani katika Mahakama yoyote kwa kosa la kukwepa kulipa kodi yoyote ya Serikali.

(2) Mtu hatakuwa na sifa za kustahili kuchaguliwa au kuteuliwa kuwa Mbunge-

(a) ikiwa mtu huyo anao au kwa hiari yake amejipatia uraia wa nchi nyingine yoyote; au

(b) ikiwa kwa mujibu wa Sheria inayotumika katika Jamhuri ya Muungano imethibitishwa rasmi kwamba mtu huyo ana ugonjwa wa akili; au

(c) ikiwa mtu huyo amehukumiwa na Mahakama yoyote katika Jamhuri ya Muungano na kupewa adhabu ya kifo au ya kufungwa gerezani kwa muda unaozidi miezi sita kwa kukutwa na hatia ya kosa lolote, vyovyote linavyoitwa, linaloambatana na utovu wa uaminifu; au

(d) ikiwa katika kipindi cha miaka mitano kabla ya tarehe ya Uchaguzi Mkuu amepata kuhukumiwa na kupewa adhabu ya kifungo kwa kosa linaloambatana na utovu wa uaminifu au kwa kuvunja Sheria ya Maadili ya Viongozi wa Umma;

(e) bila ya kuingilia haki na uhuru wa mtu kuwa na maoni yake, kuamini dini atakayo, kushirikiana na wengine na kushiriki shughuli za umma kwa mujibu wa sheria za nchi, ikiwa mtu huyo si mwanachama na mgombea aliyependekezwa na chama cha siasa;

(f) ikiwa mtu huyo ana masilahi yoyote katika mkataba wa Serikali wa aina yoyote aliyowekewa miiko maalum kwa mujibu wa sheria iliyotungwa na Bunge, na iwapo amekiuka miiko hiyo;

(g) ikiwa mtu huyo ameshika madaraka ya afisa mwandamizi katika utumishi wa Umma wa Jamhuri ya Muungano isipokuwa madaraka ambayo Rais aweza au anatakiwa kukabidhi kwa Mbunge kwa mujibu wa Katiba hii au sheria iliyotungwa na Bunge;

(h) ikiwa kwa mujibu wa Sheria iliyotungwa na Bunge inayoshughulikia makosa yanayohusika na uchaguzi wa aina yoyote mtu huyo amezuiliwa kujiandikisha kama mpiga kura au kupiga kura katika uchaguzi wa Wabunge.

(3) Mtu hataweza kugombea uchaguzi kuwa Mbunge wa kuwakilisha jimbo la uchaguzi katika Uchaguzi Mkuu wowote ikiwa wakati huo yeye amesimama katika uchaguzi kugombea kiti cha Rais, wala hataweza kugombea uchaguzi kuwa Mbunge katika uchaguzi mdogo wowote ikiwa yeye ni Rais.

(4) Bunge laweza kutunga Sheria kwa ajili ya kuweka masharti yatakayomzuia mtu asichaguliwe kuwa Mbunge wa kuwakilisha jimbo la uchaguzi ikiwa mtu huyo ni mwenye madaraka yanayohusika na shughuli za kuongoza au kusimamia uchaguzi wa Wabunge au shughuli za uandikishaji wa wapiga kura kwa ajili ya uchaguzi wa Wabunge; isipokuwa kwamba sheria kama hiyo haiwezi kuweka masharti yatakayomzuia Spika wa Bunge asichaguliwe kuwa Mbunge wa kuwakilisha wilaya ya uchaguzi, wala masharti yatakayosababisha mtu aliyechaguliwa kuwa Spika kupoteza kiti cha Spika au kiti chake cha kawaida katika Bunge.

(5) Bunge laweza kutunga Sheria kwa ajili ya kuweka masharti yatakayomzuia mtu asichaguliwe kuwa Mbunge wa kuwakilisha wilaya ya uchaguzi kwa muda wowote utakaotajwa na Bunge (ilimradi muda huo usizidi miaka mitano) ikiwa mtu huyo atapatikana na hatia mbele ya mahakama kwa ajili ya aina yoyote ya makosa yatakayotajwa katika Sheria hiyo yanayohusika na uchaguzi wa Wabunge.

(6) Kwa madhumuni ya kutoa fursa ya kukata rufaa kwa mujibu wa Sheria kwa mtu yeyote aliyethibitishwa rasmi kisheria kuwa ana ugonjwa wa akili au aliyehukumiwa na kupewa adhabu ya kifo au ya kufungwa gerezani au aliyepatikana na hatia ya kosa lolote lililotajwa katika Sheria kwa mujibu wa ibara ndogo ya (5) ya ibara hii, Bunge laweza kutunga Sheria kwa ajili ya kuweka masharti yatakayoeleza kwamba hiyo hukumu inayopingwa na mtu huyo haitakuwa na nguvu kwa ajili ya utekelezaji wa masharti ya ibara ndogo ya (2) au ya (5) ya ibara hii mpaka upite kwanza muda utakaotajwa katika sheria hiyo.

(7) Kanuni zifuatazo zitatumika kwa ajili ya ufafanuzi wa aya ya (c), ya (d) na ya (e) za ibara ndogo ya (2) ya ibara hii, yaani-

(a) ikiwa mtu amepewa adhabu mbili au zaidi za kufungwa gerezani na ameamriwa afungwe kwa muda wa mfululizo, basi adhabu hizo zitahesabiwa kama ni adhabu mbali mbali iwapo muda uliotajwa katika kila moja ya adhabu hizo hauzidi miezi sita; lakini iwapo muda uliotajwa katika adhabu yoyote kati ya adhabu hizo unazidi miezi sita basi adhabu hizo zote zitahesabiwa kama ni adhabu moja;

(b) ikiwa mtu atapewa adhabu ya kufungwa gerezani ikifahamika kuwa adhabu hiyo ya kifungo imetolewa badala ya adhabu ya kutozwa faini au imetolewa kwa sababu mtu huyo ameshindwa kulipa faini aliyoamriwa kulipa, basi muda wa kifungo cha namna hiyo hautahesabiwa.

(8) Katika aya ya (f) ya ibara ndogo ya (2) ya ibara hii "mkataba wa Serikali" maana yake ni mapatano yoyote ya mkataba ambayo mmojawapo wa walioshiriki ni Serikali ya Jamhuri ya Muungano au Serikali ya Mapinduzi ya Zanzibar au Idara yoyote ya Serikali au mtumishi yeyote wa Umma aliyeshiriki kwa niaba ya Serikali.

[Ibara ndogo za (9), (10), (11) na ya (12) zimefutwa na Sheria Na. 4 ya 1992 ib. 19(d).]

(13) Kwa ajili ya ufafanuzi wa maelezo kuhusu sifa za uchaguzi yaliyomo katika ibara zifuatazo, kila itakapotajwa katika Katiba hii kwamba utekelezaji wa jambo lolote wahitaji mtu mwenye sifa au uchaguzi au mtu ambaye hakupoteza sifa za uchaguzi, basi, isipokuwa kama maelezo yahitajia vinginevyo, ifahamike kuwa sifa zinazohusika ni zile zinazomwezesha mtu kuchaguliwa kuwa Mbunge wa kuwakilisha jimbo la uchaguzi kama ilivyoelezwa katika ibara ndogo ya (1) ya ibara hii.

1.2.9: Kiapo cha Wabunge (Ibara ya 68)

68. Kila Mbunge atatakiwa kuapishwa katika Bunge kiapo cha uaminifu kabla hajaanza kushiriki katika shughuli za Bunge; lakini Mbunge aweza kushiriki katika uchaguzi wa Spika hata kabla hajaapishwa.

1.2.10: Tume ya Uchaguzi (Ibara ya 74)

74-(1) Kutakuwa na Tume ya Uchaguzi ya Jamhuri ya Muungano ambayo itakuwa na wajumbe wafuatao watakaoteuliwa na Rais-

- (a) Jaji wa Mahakama Kuu au Jaji wa Mahakama ya Rufani, ambaye atakuwa mwenyekiti;
- (b) Makamu Mwenyekiti ambaye atakuwa ni mtu anayeshika, aliyewahi kushika au anayestahili kuteuliwa kushika madaraka ya Jaji wa Mahakama Kuu au Jaji wa Mahakama ya Rufani;
- (c) Wajumbe wengine watakaotajwa na sheria iliyotungwa na Bunge.

- (2) Rais atamteua Makamu wa Mwenyekiti wa Tume ya Uchaguzi kwa kufuata kanuni kwamba endapo Mwenyekiti ni mtu anayetoka sehemu moja ya Muungano, Makamu wake atakuwa ni mtu anayetoka sehemu ya pili ya Muungano.
- (3) Watu wafuatao hawataweza kuteuliwa kuwa wajumbe wa Tume ya Uchaguzi yaani-
- (a) Waziri au Naibu Waziri;
- (b) mtu mwenye madaraka ya aina yoyote iliyotajwa mahususi na sheria iliyotungwa na Bunge kwamba ni mwiko kwa mtu mwenye madaraka hayo kuwa mjumbe wa Tume ya Uchaguzi;
- (c) Mbunge, Diwani au mtu mwingine mwenye madaraka ya aina yaliyotajwa na sheria iliyotungwa na Bunge kwa mujibu wa masharti ya aya ya (g) ya ibara ndogo ya (2) ya ibara ya 67 ya Katiba hii;
- (d) Kiongozi wa chama chochote cha siasa.
- (4) Bila ya kuathiri masharti mengineyo ya ibara hii, Mjumbe wa Tume ya Uchaguzi atakoma kuwa Mjumbe litokeapo lolote kati ya mambo yafuatayo-
- (a) ukimalizika muda wa miaka mitano tangu alipoteuliwa; au
- (b) ikiwa litatokea jambo lolote ambalo, kama asingekuwa Mjumbe wa Tume, lingemfanya asiweze kuteuliwa kuwa Mjumbe wa Tume ya Uchaguzi.
- (5) Rais aweza tu kumwondoa katika madaraka Mjumbe wa Tume ya Uchaguzi kwa sababu ya kushindwa kutekeleza kazi zake, ama kutokana na maradhi au sababu nyingine yoyote, au kwa sababu ya tabia mbaya au kupoteza sifa za kuwa mjumbe.
- (6) Majukumu ya Tume ya Uchaguzi yatakuwa ni-
- (a) kusimamia na kuratibu uandikishaji wa wapiga kura katika uchaguzi wa Rais na Wabunge katika Jamhuri ya Muungano;
- (b) kusimamia na kuratibu uendeshaji wa uchaguzi wa Rais na Wabunge;
- (c) kuchunguza mipaka na kuigawa Jamhuri ya Muungano katika maeneo mbalimbali kwa ajili ya uchaguzi wa Wabunge;
- (d) kusimamia na kuratibu uandikishaji wa wapiga kura na uendeshaji wa uchaguzi wa madiwani; na
- (e) kutekeleza majukumu mengine yoyote kwa mujibu wa sheria iliyotungwa na Bunge.
- (7) Kwa madhumuni ya utekelezaji bora wa majukumu yake yaliyoainishwa katika ibara hii, Tume ya Uchaguzi itakuwa ni idara huru inayojitegemea, itafanya maamuzi yake rasmi kuhusu utekelezaji wa majukumu yake kwa vikao, na mtendaji mkuu wake atakuwa ni Mkurugenzi wa Uchaguzi ambaye atateuliwa na kufanya kazi kwa mujibu wa masharti ya sheria iliyotungwa na Bunge.
- (8) Bunge laweza kutunga sheria kwa ajili ya kuweka masharti ya kuweka utaratibu wa kusimamia uchaguzi wa Wabunge wanaowakilisha majimbo ya uchaguzi.
- (9) Tume ya Uchaguzi yaweza kutekeleza shughuli zake bila ya kujali kwamba kuna nafasi miongoni mwa viti vya wajumbe au kwamba mjumbe mmojawapo hayupo, lakini kila uamuzi wa Tume ya Uchaguzi ni lazima uungwe mkono na wajumbe walio wengi kati ya wajumbe wote wa Tume ya Uchaguzi.
- (10) Bunge laweza kutunga sheria kwa ajili ya kuweka masharti ya kuweka utaratibu wa kuwateua Wajumbe wa kusimamia uchaguzi wa Wabunge wanaowakilisha majimbo ya

uchaguzi na, bila ya kuathiri masharti ya Sheria kama hiyo au maagizo ya Tume ya Uchaguzi, madaraka ya Tume ya Uchaguzi ya kusimamia uchaguzi yaweza kutekelezwa na wajumbe hao.

(11) Katika kutekeleza madaraka yake kwa mujibu wa masharti ya Katiba hii, Tume ya Uchaguzi haitalazimika kufuata amri au maagizo ya mtu yeyote au idara yoyote ya Serikali, au maoni ya chama chochote cha siasa.

(12) Hakuna mahakama yoyote itakayokuwa na mamlaka ya kuchunguza jambo lolote lililotendwa na Tume ya Uchaguzi katika kutekeleza madaraka yake kwa mujibu wa masharti ya Katiba hii.

(13) Katika utekelezaji wa madaraka yake kwa mujibu wa Katiba hii, Tume ya Uchaguzi ya Jamhuri ya Muungano itashauriana mara kwa mara na Tume ya Uchaguzi ya Tanzania Zanzibar.

(14) Itakuwa ni marufuku kwa watu wanaohusika na uchaguzi kujiunga na chama chochote cha siasa, isipokuwa tu kwamba kila mmoja wao atakuwa na haki ya kupiga kura iliyotajwa katika ibara ya 5 ya Katiba hii.

(15) Kwa madhumuni ya ibara ndogo ya (14) watu wanaohusika na uchaguzi ni-

- (a) Mwenyekiti wa Tume ya Uchaguzi;
- (b) Makamu Mwenyekiti wa Tume ya Uchaguzi;
- (c) Wajumbe wote wa Tume ya Uchaguzi;
- (d) Mkurugenzi wa Uchaguzi pamoja na watumishi wote wa Tume ya Uchaguzi;
- (e) Wasimamizi wote wa Uchaguzi katika miji na wilaya zote.

1.2.11: Majimbo ya uchaguzi (Ibara ya 75)

75-(1) Bila ya kuathiri masharti mengineyo yaliyo katika ibara hii, Jamhuri ya Muungano itagawanywa katika majimbo ya uchaguzi kwa idadi na kwa namna itakavyoamuliwa na Tume ya Uchaguzi baada ya kupata kibali cha Rais.

(2) Bila ya kuathiri sheria yoyote inayotumika kuhusu mambo hayo, Tume ya Uchaguzi, baada ya kupata kibali cha Rais itakuwa na mamlaka ya kuweka mipaka ya majimbo ya uchaguzi.

(3) Katika kuweka mipaka ya majimbo ya uchaguzi, Tume ya Uchaguzi itazingatia ipasavyo upatikanaji wa njia za mawasiliano, na pia hali ya kijiografia ya eneo linalokusudiwa kugawanywa katika majimbo ya uchaguzi.

(4) Bila ya kuathiri masharti ya Katiba hii na ya Sheria yoyote inayohusika na mgawanyo wa nchi katika majimbo ya uchaguzi, Tume ya Uchaguzi yaweza mara kwa mara, na angalao kila baada ya miaka kumi, kuchunguza mgawanyo wa Jamhuri ya Muungano katika majimbo ya uchaguzi, na yaweza kubadilisha majimbo ya uchaguzi kama matokeo ya uchunguzi huo au kutokana na matokeo ya hesabu ya watu wote katika Jamhuri ya Muungano.

(5) Endapo baada ya uchunguzi kufanywa kuhusu mgawanyo wa Jamhuri ya Muungano katika majimbo ya uchaguzi kunafanyika mabadiliko katika majimbo ya uchaguzi, au katika idadi ya Wabunge wanaowakilisha majimbo ya uchaguzi au mabadiliko kwa idadi ya majimbo ya uchaguzi au idadi ya Wabunge, basi mabadiliko yatakayotokea katika idadi ya

Wabunge wanaowakilisha majimbo ya uchaguzi yataanza kutumika wakati Bunge litakapovunjwa tena baada ya kutokea mabadiliko hayo ya idadi ya majimbo au idadi ya Wabunge katika majimbo ya uchaguzi.

(6) Bila ya kujali masharti mengineyo ya ibara hii, hakuna mahakama yoyote itakayokuwa na mamlaka ya kuchunguza jambo lolote lililotendwa na Tume katika utekelezaji wake wa kugawa Jamhuri ya Muungano katika majimbo ya uchaguzi.

1.2.12: Uchaguzi katika Majimbo ya Uchaguzi (Ibara ya 76)

76-(1) Kila mara baada ya Bunge kuvunjwa, kutakuwa na uchaguzi wa Wabunge katika majimbo yote ya uchaguzi.

(2) Hali kadhalika, kutakuwa na uchaguzi wa Mbunge katika jimbo la uchaguzi, ikiwa kiti cha Mbunge yeyote aliyechaguliwa kuwakilisha jimbo hilo kitakuwa wazi kwa sababu nyingine yoyote isiyohusika na kuvunjwa kwa Bunge.

(3) Bila ya kujali masharti ya ibara hii yaliyotangulia, ifahamike kwamba ikiwa tarehe ya kuvunjwa Bunge imetangazwa au inafahamika kutokana na matukio yaliyoelezwa katika ibara ndogo ya (3) ya ibara ya 90, basi uchaguzi wa namna hiyo hautafanywa katika kipindi chote cha miezi kumi na miwili ya nyuma ikihesabiwa tangu tarehe hiyo.

1.2.13: Utaratibu wa Uchaguzi wa Wabunge wa Majimbo ya Uchaguzi (Ibara ya 77)

77-(1) Wabunge wanaowakilisha majimbo ya uchaguzi watachaguliwa na wananchi kwa kufuata masharti ya Katiba hii na vile vile masharti ya Sheria iliyotungwa na Bunge kwa mujibu wa Katiba hii inayoweka masharti kuhusu uchaguzi wa Wabunge wanaowakilisha majimbo ya uchaguzi.

(2) Isipokuwa pale ambapo Tume ya Uchaguzi, kwa mujibu wa masharti ya Katiba hii au Sheria iliyotungwa na Bunge kwa ajili hiyo, itaagiza vinginevyo, kutachaguliwa Mbunge mmoja tu katika jimbo la uchaguzi.

(3) Wagombea uchaguzi katika jimbo la uchaguzi watatakiwa watimize masharti yafuatayo-

- (a) wawe wamependekezwa mmoja mmoja, na chama cha siasa kinachoshiriki uchaguzi katika jimbo hilo;
- (b) wamewasilisha majina yao kwa Tume ya Uchaguzi kwa mujibu wa utaratibu uliowekwa na Sheria iliyotungwa na Bunge au uliofafanuliwa na Tume ya Uchaguzi kwa mujibu wa sheria.

1.2.14: Utaratibu wa Uchaguzi wa Wabunge Wanawake wa kuchaguliwa na Bunge (Ibara ya 78)

78-(1) Kwa madhumuni ya uchaguzi wa Wabunge Wanawake waliotajwa katika ibara ya 66 (1) (b), vyama vya siasa vilivyoshiriki uchaguzi, kwa kufuata utaratibu uliowekwa, vitapendekeza kwa Tume ya Uchaguzi majina ya wanawake kwa kuzingatia masharti ya uwiano wa uwakilishi baina ya vyama vilivyoshinda uchaguzi katika majimbo na kupata viti Bungeni. Tume ya Uchaguzi ikiridhika kuwa mtu yeyote aliyependekezwa anazo sifa za kuwa Mbunge itamtangaza kuwa amechaguliwa kuwa Mbunge, na masharti ya ibara ya 67 ya Katiba hii yatatumika kuhusu kuchaguliwa kwa mtu huyo kuwa Mbunge.

(2) Mtu yeyote hataweza kupendekezwa na chama chochote cha siasa kwa ajili ya uchaguzi kwa mujibu wa ibara hii ila tu iwapo anazo sifa za kustahili kuchaguliwa zilizotajwa na masharti ya ibara ya 67 ya Katiba hii.

(3) Majina ya watu waliopendekezwa kwa mujibu wa ibara ndogo ya (1) na Tume ya Uchaguzi yatatangazwa kama matokeo ya uchaguzi baada ya Tume ya Uchaguzi kuridhika kwamba masharti ya Katiba na Sheria yanayohusika yamezingatiwa.

(4) Orodha ya majina ya wagombea wanawake iliyowasilishwa kwa Tume ya Uchaguzi na kila chama kwa ajili ya Uchaguzi Mkuu ndiyo itakayotumiwa na Tume ya Uchaguzi baada ya kushauriana na chama kinachohusika, kwa madhumuni ya kujaza nafasi yoyote ya Mbunge wa aina hii inapotokea wakati wowote katika maisha ya Bunge.

1.2.15: Utaratibu wa Uchaguzi wa Wabunge wa kuchaguliwa na Baraza la Wawakilishi (Ibara ya 79)

79. Baraza la Wawakilishi litaweka utaratibu litakaoufuata kwa ajili ya kufanya uchaguzi wa Wabunge waliotajwa katika ibara ya 66(1) (c) ya Katiba hii.

1.2.16: Utaratibu wa kupendekeza majina ya Wagombea uchaguzi wa Wabunge Wanawake (Ibara ya 81)

81. Bila ya kuathiri masharti mengineyo ya Katiba hii, Tume ya Uchaguzi yaweza kuweka masharti yanayofafanua utaratibu utakaotumiwa na vyama vya siasa kwa ajili ya kuchagua na kupendekeza majina ya Wabunge wa aina iliyotajwa katika ibara ya 66(1) (b).

1.2.17: Uamuzi wa suala kama mtu ni Mbunge au sivyo(Ibara ya 83)

83-(1) Kila shauri kwa ajili ya kupata uamuzi juu ya suala-

- (a) kama uchaguzi au uteuzi wa mtu yeyote kuwa Mbunge ulikuwa halali au sivyo;
- (b) kama Mbunge amekoma kuwa Mbunge na kiti chake katika Bunge ki wazi au hapana, litafunguliwa na kusikilizwa kwanza katika Mahakama Kuu ya Jamhuri ya Muungano wa Tanzania bila ya kuathiri masharti ya ibara ndogo ya (2) ya ibara hii.
- (2) Iwapo Tume ya Uchaguzi katika kutekeleza madaraka yake kwa mujibu wa masharti ya ibara ya 41(3) ya Katiba hii imemtangaza Mbunge yeyote kwamba amechaguliwa kuwa Rais basi hakuna mahakama wala chombo chochote kingine kitakachochunguza zaidi suala lolote linalohusu kiti cha Mbunge huyo kuwa wazi.
- (3) Bunge laweza kutunga Sheria kwa ajili ya kuweka masharti kuhusu mambo yafuatayo-
 - (a) watu wanaoweza kufungua shauri katika Mahakama Kuu kwa ajili ya kupata uamuzi juu ya suala lolote kwa mujibu wa masharti ya ibara hii;
 - (b) sababu na nyakati za kufungua shauri la namna hiyo, utaratibu wa kufungua shauri na masharti yanayotakiwa yatimizwe kwa kila shauri kama hilo; na
 - (c) kutaja mamlaka ya Mahakama Kuu juu ya shauri kama hilo na kueleza utaratibu wa kusikiliza shauri lenyewe.
- (4) Kutakuwa na haki ya kukata rufaa mbele ya Mahakama ya Rufani ya Tanzania kupinga uamuzi wa Mahakama Kuu juu ya shauri lolote lililosikilizwa kwa mujibu wa masharti ya ibara hii.

2. THE LOCAL GOVERNMENT (DISTRICT AUTHORITIES) ACT, CAP 287 RE 2002

An Act to make provision for district authorities and to provide for related matters.

Preliminary Provisions

1. Short title

This Act may be cited as the Local Government (District Authorities) Act.

2. Application

This Act shall apply to every district authority established under this Act.

3. Interpretation

(1) In this Act, unless the context requires otherwise-

"appropriate authority" when used in relation to any act, appointment, dismissal, licence, permit, matter or other thing, means the person, committee or other body of persons permitted, required or in any other way made responsible by this Act for doing the act, making the appointment or issuing the dismissal, licence or permit, or doing that matter or other thing;

"area" when used in relation to any local government authority, means the area in which the local government is established, or empowered by or under this Act to exercise jurisdiction in accordance with this Act;

"Assembly" means the National Assembly of the United Republic established by the Constitution;

"auditor" means, in relation to a district council and an urban authority the Controller and Auditor General, and in relation to any other district authority, the person appointed by a local government authority, with the prior approval of the Minister, to audit the accounts of that district authority in accordance with Head C of Part IV of the Local Government Finances Act, and includes a person duly authorised in that behalf by the auditor for the purpose of that Part of that Act;

"authority" and "local authority" both mean a local government authority and when used in relation to a township, means the township authority for that township;

"Chairman"-

- (a) when used in relation to a district authority means the Chairman of that authority;
- (b) when used in relation to any committee or other body of persons, means the Chairman of that committee or that other body of persons, and includes the Vice-Chairman of the district authority, the committee or of the other body of persons, or any other person acting in the absence of the Chairman and the Vice-Chairman, when he exercises the functions or discharges the duties of the Chairman pursuant to this Act;

"committee"-

- (a) when used in relation to a district authority, means a committee established or appointed by that district authority under this Act;

(b) when used in relation to a sub-committee, means a sub-committee appointed by a committee;

(c) when used in relation to any other committee, means that other committee;

"Constitution" means the Constitution of the United Republic of Tanzania of 1977;

"council"-

(a) when used in relation to a district, means the district council for the district;

(b) when used in relation to any village, means the village council for that village;

"court" means any court in mainland Tanzania of competent jurisdiction and includes a ward tribunal established under the Ward Tribunals Act;

"Director" means in relation to any district council, the District Executive Director appointed for that district council under section 22 of the Local Government Service Act;

"district" means any part of Mainland Tanzania proclaimed or deemed to be proclaimed by the President to be a district pursuant to powers conferred on him by the Constitution;

"district authority" means a district council, a township authority or a village council or Kitongoji;

"District Commissioner" has the meaning ascribed to it by the Regional Administration Act, and-

(a) when used in relation to a district, means the District Commissioner for the district concerned; and

(b) when used in relation to a local government authority, means the District Commissioner for the district in which that local government authority is established;

"district council" means a district council established under section 5;

"functions" includes powers and duties;

"joint committee" means a committee appointed jointly by two or more local government authorities pursuant to section 81;

"Kitongoji" means a part or a division of a village and includes a part or a division of a township situated in an area under the jurisdiction of a District Council;

"local government authority" means a district authority or an urban authority;

"Member" means all members of the Local Government Authority specified under section 35 of this Act;

"Minister" means the Minister responsible for local government;

"political party" means a political party registered under the Political Parties Act;

"region" means any part proclaimed or deemed to be proclaimed by the President to be a region pursuant to powers conferred on him by the Constitution;

"Regional Commissioner"-

(a) when used in relation to a region, means the Regional Commissioner for the region concerned;

(b) when used in relation to a district authority, means the Regional Commissioner for the region in which that district authority is established;

"Registrar" means the Registrar of Villages appointed under section 23;

"Scheme" means the Local Government Service Scheme;

"Service" means the unified service, known as the Local Government Service, of authorities to which the Scheme applies, the establishment of which is provided for by the Scheme;

"service board" when used in relation to this Act means service board established in accordance with section 88:

"township" means the area of jurisdiction of a township authority;

"township authority" means a township authority established under section 13;

"urban authority" means a city council, a municipal council or a town council;

"village" means a village registered as such under this Act;

"village assembly" means, in relation to a village, the village assembly of that village and in relation to an ujamaa village, the village assembly of the ujamaa village;

"village council" means, in relation to a village, the village council of that village and in relation to an ujamaa village, the village council of the ujamaa village;

"Ward Development Committee" means the committee established by section 31.

(2) Where a township or a village is situated partly within one district and partly within another, the Minister shall determine which District Commissioner, Regional Commissioner and Regional Committee shall have jurisdiction over the township or the village.

(3) Where it is provided in this Act that any power may be exercised subject to the provisions of this Act, the provisions shall be read and construed as providing, in relation to any authority, that the power may be exercised subject to those provisions of this Act which apply to that authority.

4. Minister to work for development of meaningful, democratic local government

(1) It shall be the duty of the Minister, subject to this Act, to work towards-

- (a) the promotion of local government in Mainland Tanzania;
- (b) the evolution, progressive development and perpetuation of local government institutions geared and devoted to the pursuance of the meaningful involvement of and participation by the people in the making of decisions on matters affecting or connected with their livelihood and well-being at all local levels;
- (c) securing the effective execution by local government authorities, of the national policy on local government.

(2) In discharging the duty imposed on him by this section, the Minister shall be guided, subject to this Act, by the need to evolve, and to foster, sound principles of democracy enshrined in the Constitution and elaborated upon by or in the written laws of the United Republic.

(3) The Minister shall in exercising the powers and discharging the functions under this Act, be guided and bound by the need to promote decentralisation and the devolution of functions, powers and services from the central government system to local government and within the local government system from district council levels to lower level of local government.

(4) The Minister shall endeavour to ensure that there are adequate financial and other resources for various sectors or aspects of local government so as to ensure the effective and efficient development of the local government system.

(5) The Minister shall-

- (a) ensure availability and adequate supply of personnel trained, skilled or qualified for work in various sections or aspects of local government so as to secure the growth and development of an effective and efficient system of local government;
- (b) endeavour to ensure that the local government authorities are strong and effective institutions and that are more and more autonomous in managing their own affairs and they operate in a more transparent and democratic manner;
- (c) ensure that local authorities are accountable to the people and are generally so facilitated to improve their capacities towards being stronger and effective in delivering services to their people;
- (d) endeavour to ensure that there is available adequate financial and other resources for various sectors or aspects of local government so as to ensure the effective and efficient development of the local government system.

**Part II-Local Government Areas, Establishment, Registration and Variation of
Areas of Local Government Authorities
Establishment of District Council**

5. Power of Minister to establish district councils

(1) Subject to section 7, and to other provisions of this Part the Minister may, after consultation with the President, by order published in the Gazette, establish such district councils as he may deem necessary for the purpose of local government.

(2) In the discharge of the duty imposed by subsection (1) the Minister may, subject to this Act, establish such number of district councils in such areas as he may deem necessary, expedient or desirable for the purpose of establishing, promoting, developing and maintaining an effective and efficient system of local government.

(3) Nothing in this section shall be construed as requiring the Minister to establish a district council in every area in which there was established a District Development Council immediately before the commencement of this Act.

(4) The area of jurisdiction of a district council shall be such area or place as shall be specified in the order made under subsection (1).

(5) With effect from the date of the coming into operation of an order made under subsection (1), the District Development Council previously established in the area over which the district council is established by the order shall stand dissolved and shall not, at any subsequent time or period exercise any function in relation to that area under any other written law.

6. Contents of establishment order

Every order made under section 5 shall-

- (a) specify the name or names of the district council or councils being established and the date or dates on which it or they shall be established;

- (b) define the area in which the district council shall be established and over which it shall exercise jurisdiction;
- (c) prescribe the device and official seal of the district council,

and may, in any appropriate case, include any ancillary matters such as the apportionment of assets, the continuance of by-laws and the effect on existing district councils of the establishment of the new district council or councils.

7. Procedure for establishment of district councils

(1) No district council shall be established except in accordance with the procedure prescribed by this section.

(2) Where it is intended to establish a district council in respect of any area or areas, the Minister shall, at least two months before making an establishment order under section 5, by notice published in the Gazette, and in any national newspaper or, as the case may be, any newspaper circulating in the area or areas in which it is intended to establish the district council, give notice of the intention, indicating the general direction of the boundaries, and such other matters as he deems necessary, and call upon all interested authorities or persons affected, to lodge with him in writing any objections or other representations in such manner and within such time as may be prescribed.

(3) If, upon the expiration of the notice, no objections or other representations are received from any authority or person, the Minister shall proceed to make and publish in the Gazette, the order under section 5.

(4) Where any objections or other representations are lodged in writing with the Minister pursuant to the notice given under subsection (2), the Minister shall cause to be delivered an acknowledgement to the authority or persons lodging the objection or other representations concerned, and shall take into account the objections or representations in determining whether or not to establish the district council or the area of the district council to be established.

(5) As soon as possible after making the order under section 5, the Minister shall lay before the Assembly a copy of the notice issued under subsection (2), together with a copy of the order subsequently made under section 5.

8. Certificate of establishment

(1) As soon as possible after the order made under section 5 and the notice issued under section 6 in respect of any district council have been laid before the Assembly, and in any case not later than the date specified in the establishment order as its date of commencement, the Clerk of the Assembly shall furnish to the district council or councils established or to be established, or whose boundaries are varied or are to be varied, as the case may be, a certificate under his hand containing the particulars prescribed by section 9; and the certificate shall be displayed in a prominent position in the principal office of the district council.

(2) Every certificate of establishment shall be in quintuplicate, and the Clerk of the Assembly shall retain a copy and send the three remaining copies one each to the Minister, the Permanent Secretary to the Treasury and the Regional Commissioner responsible for the region in which the district council in question is established.

9. Contents and effect of certificate

(1) A certificate of establishment furnished under section 8 shall specify-

- (a) the name of the district council being established;
- (b) the total number of members;
- (c) the number of elected members and appointed members;
- (d) the place where the principal office of the authority shall be situated;
- (e) such other particulars as the Minister may determine.

(2) A certificate of establishment furnished under section 8 shall provide conclusive proof and final authority for the establishment or the variation of the boundaries of a district council, shall be the statutory instrument signifying the delegation by the Assembly of legislative power to the district council in respect of matters within its area of jurisdiction, and be conclusive evidence, in any proceeding, of the establishment of the district council concerned.

(3) Upon the issue of a certificate of establishment and the commencement of an order made under section 5 in respect of any area, whether or not the order is in respect of an existing district council, any reference in any written law, contract or other instrument or document to the local government authority in whose area a district council is established by the order shall be construed as a reference to the name of the district council as established by the order.

(4) Upon the issue of a certificate of establishment under section 8, where the area of the new authority was the area of a district development council, the district development council shall cease to exist and the affairs and operations of all persons and bodies of persons within that area shall be under the jurisdiction of the new authority, whose composition and operation shall be governed by this Act.

10. Variation of area of district council

(1) The Minister may, for the promotion of an efficient and effective system of local government, and after consultation with the district council or councils or other authorities concerned, by order published in the Gazette, vary the boundaries of any district council.

(2) The Minister shall make an order under subsection (1) whenever-

- (a) a new local government authority is to be established in the area or part of the area over which an existing district council has jurisdiction;
- (b) an area is to be transferred from the jurisdiction of one district council to that of another;
- (c) it is intended to amalgamate or regroup two or more district councils.

(3) An order made under this section shall not come into operation unless and until the procedure prescribed by section 7 has been complied with.

11. Consequences of variation of area

Where the boundaries of a district council are varied in accordance with section 10, the Minister shall, in the order providing for the variation or in a subsequent order to which the provisions of subsection (3) of section 10 shall apply, make provision for-

- (a) the apportionment of the franchises, property, income, debts and expenses and of all rights, interests, obligations and liabilities arising under contract in relation to the area or areas transferred as between the district council from which the area or areas are transferred and that to which it or they are transferred as a result of the variation in the boundaries;
- (b) the preservation, continuation or modification of rights of persons in the area or areas transferred arising from the operation in relation to them of the by-laws subsisting in the jurisdiction of the district council or councils from which the area or areas are transferred;
- (c) the application of by-laws of the former district council or councils to the new district council established through the amalgamation of two or more councils.

12. District council to be body corporate

(1) Every district council established under this Part, and in respect of which there is furnished to the Minister by the Clerk of the National Assembly a certificate of establishment, shall, with effect from the date of commencement of the establishment order, be a body corporate, and shall-

- (a) have perpetual succession and an official seal;
- (b) in its corporate name be capable of suing or being sued;
- (c) subject to this Act, be capable of holding and purchasing, or acquiring in any other way, and disposing of any movable or immovable property.

(2) The Minister shall, for the purposes of the proper administration of the affairs of local government categorise district authorities into grades based on the size of the area, the population and the level of social and economic development within the district authority in question.

(3) Where the Minister grades a district authority he shall cause a notice to that effect to be published in the Gazette, but the, Minister may, in the order made under section 5 establishing the authority in addition to the particulars required to be incorporated in the order, designate the grade of the district authority being established.

(4) The grading of any district authority shall not affect its status as a body corporate, and it shall discharge its functions and exercise its powers under this Act notwithstanding its grade.

Establishment of Township Authority

13. Power of Minister to establish township authority

(1) The Minister may by order published in the Gazette, establish a township authority or such number of township authorities in such places or areas as he may see fit or desirable for the purposes of establishing, promoting, developing and maintaining an effective and efficient system of local government.

(2) The area of jurisdiction of a township authority shall be such area or place as shall be specified in the order made under subsection (1).

(3) the area of a township authority shall be divided into such number of Vitongoji as the Township Authority may determine.

(4) Every Kitongoji shall have a chairman and the provisions of subsection 4 of section 30 shall apply mutatis mutandis in relation to the election and removal of the chairman.

14. Contents of establishing order

Every order made under section 13 shall-

(a) specify the name or names of the township authority or authorities being established and the date or dates on which it or they shall be established;

(b) define the area in which the township authority or authorities shall be established and over which it or they shall exercise jurisdiction;

(c) prescribe the device and official seal of each township authority so established, and may, in any appropriate case, include any ancillary matters such as the apportionment of assets, the continuance of the application of by-laws and the effect on existing local authorities in the neighbourhood, or the establishment of the new township authority or authorities.

15. Procedure for establishment

An order made under this Part, establishing a township authority shall not come into operation or be published in the Gazette, save after prior approval of the district council, in whose area of jurisdiction the township authority in question is to be established, signified by resolution, has been given to the proposal to establish the township authority.

16. Certificate of establishment

(1) As soon as possible after an order providing for the establishment of a township authority has been published in the Gazette, the Director of the district council in whose area of jurisdiction the township authority is being established shall furnish to the township authority established by the order a certificate under his hand signifying the approval of that district council to the establishment of township authority, and the incorporation of that township authority in the name specified in the order upon the commencement of the order.

(2) The certificate of establishment furnished by the Director shall be displayed in a prominent position in the principal office or ordinary meeting place of the township authority.

17. Contents and effect of certificate

(1) The certificate of establishment furnished by the Director pursuant to section 16 shall be conclusive proof of, and provide final authority for, the establishment of the township authority.

(2) In addition to the name of the township authority being established, the certificate shall specify-

- (a) the total number of members;
- (b) the number of elected and of appointed members;
- (c) the place where the principal office of the township authority shall be situated; and
- (d) such other particulars as the Minister may, by notice published in the Gazette, with the prior approval of the Assembly, determine.

(3) Every certificate of establishment shall be in quadruplicate, and the Director shall retain a copy and send the remaining two copies one each to the Minister and the Regional Commissioner responsible for the Region in which the township authority concerned is established.

18. Variation of area of township authority

(1) The Minister may, where he deems it necessary or expedient for the promotion of an efficient and effective system of local government, and after consultation with the district council in whose area of jurisdiction a township authority is established, by order published in the Gazette, vary the boundaries of any township authority.

(2) The Minister shall make an order under subsection (1) whenever-

- (a) it is proposed to enlarge the area of the township authority;
- (b) it is proposed to transfer any area of the township authority to another local government authority or to transfer to it any area of another local government authority or both;
- (c) it is intended to establish a new local government authority in an area under the jurisdiction of the township authority.
- (d) it is proposed to amalgamate or regroup two or more township authorities.

(3) The provisions of section 15 relating to the establishment of township authorities shall apply mutatis mutandis to orders for the variation of boundaries of township authorities.

19. Township authority to be body corporate

Every township authority established under this Part, and in respect of which there is furnished to the Minister by the Director a certificate of establishment in pursuance of subsection (3) of section 17 shall, with effect from the date of commencement of the establishment order, be a body corporate, and shall -

- (a) have perpetual succession and an official seal;
- (b) in its corporate name be capable of suing or being sued;
- (c) subject to this Act, be capable of holding and purchasing, or acquiring in any other way, and disposing of any movable or immovable property.

20. Attainment of town council status

(1) The Minister shall, by notice published in the Gazette, specify prerequisite qualifications for the attainment by a township authority to the status of a town council, in accordance with the national policy on urban development.

(2) Upon the satisfaction of the qualifications referred to in subsection (1) by a township authority, the township authority shall be conferred the status of a town council.

21. Consequences of attainment of new status

Upon the attainment to the status of a town council and the conferment of that status upon it, the township authority shall cease to be a local government authority of that status and shall be governed in its constitution and operation by the law in force in relation to urban authorities.

Establishment of Village Authorities

22. Registration of villages

(1) In any case where the Registrar is satisfied that a prescribed number of households have settled and made their homes within any area of Mainland Tanzania, and that the boundaries of that area can be particularly defined, he may, subject to any directions given in that behalf by the Minister, register that area as a village.

(2) Notwithstanding subsection (1), the Minister may, in any case-

- (a) authorise two or more areas to be registered as a single village;
- (b) authorise the registration of an area as a village notwithstanding that there are less than the prescribed number of households within the area.

(3) The Registrar shall, and at least once in every calendar year, cause a notice to be published in the Gazette listing every village registered by him since the publication of the previous notice and specifying the location of that village.

23. Appointment of Registrar

(1) The Minister shall appoint a public officer to be the Registrar of Villages for the purposes of this Part.

(2) The chief executive officer of the district council shall be the assistant registrar of villages situated in the area of that district council.

(3) The Registrar shall discharge and exercise such functions and powers as are conferred upon him by or under this Act, and any other functions and powers which may be conferred upon him by any other written law.

(4) Subject to this Act and to any directions in that behalf given by the Minister, the Registrar may, by writing under his hand, delegate any of his functions to an Assistant Registrar.

24. The village assembly

There shall be a village assembly for every village.

25. The village council

There shall be a village council for every village in accordance with the provisions of this Act.

26. Village council to be body corporate

(1) As soon as may be practicable after the election of the first village council following the registration of a village, the Registrar shall furnish to the village council a certificate of incorporation in the prescribed form, and also a copy of that certificate to the appropriate Director.

(2) Upon the issue of a certificate of incorporation in relation to a village, the village council of the village in question shall, with effect from the date of that certificate, be a body corporate, and shall-

- (a) have perpetual succession and an official seal;
- (b) in its corporate name be capable of suing or being sued;
- (c) subject to this Act, be capable of holding and purchasing, or acquiring in any other way, and disposing of any movable or immovable property.

27. Attainment by village of township status

(1) The Minister shall, by notice published in the Gazette specify qualifications prerequisite to the attainment by any area to the status of a township, in accordance with the national policy on urban development.

(2) Where any village, or any group or villages together, satisfy the qualifications prerequisite to the attainment of township authority status, the Minister may, subject to this Act, declare the area of that village, or those villages, as the case may be, to be a township.

28. Consequences of attainment of new status

(1) Where a village, or the area of a group of villages, is conferred the status of a township, there shall cease to exist in that area a village or villages and there shall be established, in lieu of the village or those villages, a township authority, subject to the provisions of this Act.

(2) Notwithstanding subsection (1), the Minister may provide for the inclusion of neighbouring village in the area over which a township authority is established, for the purposes only of provision by the authority of any specified services to those villages.

Divisions and Wards

29. Districts to be divided into divisions and wards

(1) Every district to which this Act applies shall be divided into such number and size of divisions as may, subject to this section, be specified.

(2) A division shall consist of such number and size of wards as the district council may determine, subject to subsection (3).

(3) The Minister may by order published in the Gazette, provide for general principles to guide and to be complied with by all district councils in determining the number and size of divisions in their respective areas.

30. Division of district council into wards

(1) The area of a district council shall be divided into wards consisting of such number of villages as may be specified in an appropriate order.

(2) The Minister shall, with the prior approval of the President either by the order made under section 5 providing for the establishment of a district council or by a subsequent order, and may, by order made under this section, and published in the Gazette, divide the area of all or any of the district councils established under this Act into such number of wards as he may specify in the order.

(3) The area of the village shall be divided into not more than five Vitongoji consisting of such number of households or of such geographical area as may be determined by the village council and approved by the District Council.

(4) Every Kitongoji shall have a Chairman who shall be elected by an electoral college consisting of all the adult members of the Kitongoji in accordance with such procedures as may be prescribed and may be removed from office by the decision of a simple majority of such members:

Provided that a Chairman who has been so removed may appeal to the District Commissioner only on issues of procedure relating to such removal.

(5) Notwithstanding subsection (3), existing villages which consist of more than five vitongoji shall be divided and reduced to five vitongoji at the time and in the manner as the Minister may deem appropriate.

31. Establishment of Ward Development Committee

(1) There is hereby established a Ward Development Committee for every ward established in the area of every district council;

(2) Every Ward Development Committee shall consist of-

- (a) a councillor representing the ward who shall be a chairman or in his absence members shall elect a presiding Chairman from amongst village Chairmen;
- (b) chairmen of all village councils within the ward;
- (c) any person who is a member of a district council by virtue of section 35 (1) (c) of this Act and who is ordinarily resident in the ward;
- (d) any other persons who may be invited by the committee who shall include persons from non-governmental organisations and other civic groups involved in the promotion of development in the ward but shall have no right to vote.

(3) The ward executive officer shall be the Secretary of the Ward Development Committee.

(4) The Ward Development Committee shall ordinarily meet at least four times a year but may hold a special or extra-ordinary meeting whenever necessary.

(5) The Secretary of the Ward Development Committee shall record the proceedings of the meetings and shall submit the minutes to the Ward Development Committee and district council.

(6) The Ward Development Committee may for the purpose of coordinating the functions or projects amongst different wards, establish joint ward committees.

(7) The joint ward committees established under subsection (6) shall each consist of such members as may be determined by the Ward Development Committee.

(8) The funds and resources of Ward Development Committee shall consist of such sum as may be determined and appropriated by the district council for the purpose of the ward development committees.

32. Functions of Ward Development Committee

(1) The Ward Development Committee shall be responsible for ensuring the implementation of the decisions and policies of the district council, and of the development schemes, which relate to the ward, and without prejudice to the generality of that duty, shall, in particular, be responsible for-

- (a) promoting the establishment and development of cooperative enterprises and activities within the ward;
- (b) the initiation or formulation of any task, venture or enterprise designed to ensure the welfare and well being of the residents of the Ward;
- (c) the supervision and co-ordination of the implementation of projects and programmes of the district council within the ward;
- (d) planning and co-ordinating activities of, and rendering assistance and advice to the residents of the ward engaged in any activity or industry of any kind;
- (e) the formulation and submission to the village councils or to the district councils, of proposals for the making of bylaws in relation to the affairs of the ward;
- (f) monitoring revenue collection;
- (g) initiating and promoting participatory development in the ward;
- (h) supervising all funds established in and entrusted in the ward;
- (i) managing disaster and environment related activities; and
- (j) promotion of gender issues.

(2) For the purposes of subsection (1), a scheme or programme for the development of the area of the ward includes a scheme or programme-

- (a) for agricultural or pastoral development;
- (b) for the construction of roads or public highways;
- (c) for the construction of works or buildings of the social welfare of the inhabitants of the ward;
- (d) for the establishment of any industry;
- (e) for the construction of any work of public utility.

33. Procedure for implementation of schemes and programmes

(1) Where any scheme or programme for the development of the ward has been approved by the Director or the village councils concerned, the Ward Development Committee shall, in such manner as is customary to disseminate information in the area, inform all persons within the area of the ward of the details of the scheme or programme and of the date, time and place upon which and when the persons liable to participate in its implementation shall report in order to participate.

(2) The Ward Development Committee may require different categories of persons to report for participation in the implementation of a scheme or programme, at different times.

(3) Subject to the preceding provisions of this section, and to any general or specific directions of the district council in that behalf, the Ward Development Committee may, in enforcing the implementation of any scheme or programme, adopt such procedure or procedures as will appear to it to be best suited for or conducive to the speedy and correct realisation of the purposes of the scheme or programme.

34. Proceedings of Ward Development Committee

(1) Subject to any regulations made in that behalf or any directions given by the district council, every Ward Development Committee may regulate its own procedure.

(2) The Director of each district council shall be the Secretary to the council, but shall not vote at any of its meetings.

(3) The validity of any act or decision taken at any meeting of a Ward Development Committee or any of its subcommittees shall not be affected by any vacancy in their respective membership or any defect in the appointment of the persons attending any of their respective meetings.

Part III-Composition of Local Government Authorities

35. Constitution of district councils

(1) Every district council shall consist of-

(a) members elected one from each ward in the area of the district council;

(b) three members appointed by the Minister;

(c) the Member or Members of Parliament representing constituencies within the area of the district council in the Assembly; and

(d) such number of women members who are qualified to be elected to the council, being not less than one third of all the members referred to in paragraphs (a), (b) and (c) to be proposed by the political parties represented in the Council in such numbers as shall be proportional to the number of the members of those parties elected to the Council, who the electoral authority shall declare to have been elected into the Council;

(e) any other member of parliament whose nomination originated from organs of political parties within the area of jurisdiction of the district council.

(2) The Director of the each district council shall be the Secretary to the council.

(3) Members of the district council elected under paragraph (f) shall be elected after every three years by rotation and shall not exceed one-third of all elected members of the district council.

(4) Members required to be elected by the district council shall be elected by secret ballot at elections in which no person shall participate except members referred to in subsection (1)(a), (d), and (e), and they shall be deemed to be appointed members for the purpose of this Act.

(5) Subject to the provisions of any other law, the electoral authority may provide the procedure to be followed by political parties in the nomination and election of names of members under subsection (1) (d).

36. Chairmanship of district councils

(1) There shall be a Chairman and Vice-Chairman for each district council.

(2) The Chairman and the Vice-Chairman of the District Council shall each be elected by members from amongst themselves.

(3) The Chairman, when elected, shall, unless he sooner resigns or otherwise ceases to be a member, hold office for a term of five years and at the expiration of that term shall be eligible for re-election, subject to the provisions of section 44.

(4) The Vice-Chairman shall hold office for one year, but may be re-elected.

(5) Notwithstanding the provisions of subsection (3), the Council may by a resolution supported by two thirds of the members, remove the Chairman from office:

Provided that the Chairman who has been removed may appeal to the Minister only on issues of procedure relating to such removal.

37. Election of elected members

(1) All elected members of the district council shall be elected at elections conducted for the purpose in accordance with the provisions of the law in force in relation to the election of members of local government authorities.

(2) Ordinary elections of elected members shall be held prior to the date of retirement of incumbent members; and elected members shall not assume their offices until after the incumbent members have retired.

38. Qualifications for election

No person shall be qualified for election as an elected member of a district authority unless-

- (a) he has attained the apparent age of twenty-one years;
- (b) he is a member of a household within the Kitongoji and is ordinarily resident in the Kitongoji;
- (c) he is able to read and write in Kiswahili or English;
- (d) he has a lawful means of livelihood;
- (e) he is a citizen of the United Republic;
- (f) he is a member of and sponsored by a political party registered as such by an Act of Parliament.

39. Tenure of office of elected members

(1) The term of office of a member of a district council, including that of the Chairman, shall be five years and all the elected members shall retire on the fifth anniversary of the date on which they assumed their office and their places, if not re-elected, shall be filled by newly elected members who shall come in office on that day.

(2) Where a member is elected in a by-election he shall hold office only for the remainder of the term of office of his predecessor, but shall be eligible for re-election.

40. Cessation of membership for disqualification

Where a person is elected a member of a district council and subsequently circumstances occur in relation to him such that if he were not yet elected he would thereby have been disqualified from standing as a candidate for election as a member, he shall be disqualified from continuing in office, shall cease to be a member and the Electoral Authority shall declare his seat on the district council to be vacant, and thence cause elections to be held to fill the vacancy.

41. Resignation and absence of members

(1) Any elected member may resign his seat on the council by giving written notice of his resignation to the Chairman.

(2) A district council may grant leave of absence from its meetings, not exceeding ten months, to any member who desires to proceed to a destination outside the United Republic; and during the period of absence of that member the district council may co-opt a person to discharge the duties of the absent member, subject to subsection (3).

(3) Where an elected member is for any reason absent from the United Republic for a period exceeding ten months his seat on the district council shall be deemed to be vacant.

(4) A person co-opted to discharge the functions of the office of a member shall during the period for which he is co-opted have and exercise the same rights and powers in all respects as the member the functions of whose office he is discharging has when present.

(5) Where any member of a district council-

(a) without prior written consent of the Chairman, absents himself from three consecutive ordinary meetings of a district council; or

(b) without leave of absence or the prior written approval of the chairman of a committee absents himself from three consecutive meetings of any committee to which he has been appointed by the district council, he shall, after proper inquiry by the district council at a subsequent meeting held for that purpose, be liable to be discontinued in his office as a member of the district council.

42. Casual vacancies

(1) The Minister shall declare the seat of any member of the district council to be vacant whenever it is informed in writing by the Chairman of the council that-

(a) the member has died or resigned; or

- (b) the member is, by virtue of the terms of or under this Act or any other written law, disqualified from or should be declared to be incapable of becoming or continuing to be a member; or
- (c) the election of that member has been declared void; or
- (d) the seat of that member is deemed to be vacant under this Act;
- (e) the member has ceased to be a member of the political party which had proposed the member as a candidate.

(2) Any vacancy which is declared pursuant to subsection (1) shall be deemed to be a casual vacancy for the purposes of this Part.

(3) Subject to subsection (4), a casual vacancy shall be filled within ninety days of its occurrence or such further period as the Electoral Authority may in any particular case allow, by nomination or, if the member whose place becomes vacant was elected, by election in the manner prescribed by law for the filling of casual vacancies and the member filling the vacancy shall hold office for the unexpired portion of the term of the office of the member whose place has become vacant.

(4) Where a casual vacancy occurs within six months immediately preceding the ordinary date of the retirement of the member in respect of whom the vacancy occurs, a nomination or election under this section shall not be made or held to fill the vacancy, but the vacancy shall be filled at the next ordinary nomination or election.

43. Decision of questions as to membership of council

(1) All questions arising as to whether a person has been lawfully elected a member or not, or the right of any person to be or remain a member of a district council, shall be determined by a court of a Resident Magistrate upon the application of or election petition presented by, any one or more of the following persons, namely-

- (a) a person who lawfully voted or had a right to vote at the election to which the application or election petition relates;
- (b) a person claiming to have had a right to be nominated or elected at an election;
- (c) a person claiming to have been a candidate at the election;
- (d) a person claiming to have a right to be or remain a member of a district council;
- (e) the Attorney-General.

(2) Petitions and applications tried in pursuance of this section shall be governed by the provisions of the law in force in relation to the trial of petitions and applications arising from elections in local government authorities.

44. Procedure for the election of Chairman and Vice-Chairman

(1) There shall be held an election for the office of Chairman whenever the seat is or is due to be vacant, which shall be conducted in accordance with the provisions of the law for the time being in force in relation to the election of members of local government authorities.

(2) An election of the Vice-Chairman shall be held whenever that office is vacant, and the district council shall regulate its own procedure for the purpose.

45. Constitution of township authority

(1) Every township authority shall consist of-

- (a) a Chairman who shall be elected by the members of the township authority from amongst the Chairmen of the vitongoji within the area of the Township Authority;
 - (b) the Chairman of the Vitongoji within the area of the township authority;
 - (c) not more than three other members to be appointed by District council of the Township; and
 - (d) the Member of Parliament representing the constituency within which the township authority is established.
 - (e) such number of women members who are qualified to be elected to the township authority being not less than one quarter of all the members referred to in paragraphs (a), (b) and (c) to be proposed by the political parties represented in the township authority in such numbers as shall be proportional to the number of members of those parties elected to the township authority which the electoral authority shall declare to have been elected into the township authority.
- (2) The Township Executive Officer of the township authority shall be the secretary of the township authority but shall not vote at any of its meetings.

46. Election of Chairman and Vice-Chairman

The Chairman and the Vice-Chairman of a township authority shall each be elected by the members of the township authority from amongst the elected members of that authority.

47. Elected and appointed members of the township authority

- (1) The appointment of appointed members of a township authority shall be carried out at the first meeting of the district council next following the establishment of the township authority concerned within the area of the district council.
- (2) All persons who become members of a township authority immediately after its establishment shall hold office only for the remainder of the term of office of the elected members of the district council.

48. Qualifications for election

The provisions of section 38 which relate to the qualifications for election to membership of a district council shall apply, *mutatis mutandis*, to persons seeking election to membership of a township authority as if references in that section to district councils were references to township authorities.

49. Tenure of office of members

- (1) The term of office of an elected member of a township authority, including the Chairman, shall, subject to subsection (2), be three years and all the elected members shall retire on the third anniversary of the date on which they assumed their offices and their places, if not re-elected, shall be filled by newly elected members who shall come in office on that day.
- (2) Where a member is elected in a by-election he shall hold office only for the remainder of the term of office of his predecessor, but shall be eligible for re-election.
- (3) Notwithstanding the provisions of subsection (1) the township authority may by resolution supported by two thirds of the members, remove the chairman from office:

Provided that, the chairman who has been removed may appeal to the Minister only on issues of procedure relating to such removal.

50. Cessation of membership for disqualification

Where a person is elected a member of the township authority and subsequently circumstances occur in relation to him such that if he were not yet elected he would thereby have been disqualified from standing as a candidate for election as a member, he shall be disqualified from continuing in office, shall cease to be a member and the Electoral Authority shall declare his seat on the township authority to be vacant, and thence cause elections to be held to fill the vacancy.

51. Resignation and absence of members

The provisions of section 41 shall apply, mutatis mutandis, to township authorities in relation to the right of members to resign and the limitation on frequency of absence of members from meetings as if references in that section to district councils were references to township authorities.

52. Casual vacancies

The provisions of section 42 shall apply, mutatis mutandis, to township authorities in relation to the occurrence and the filling of casual vacancies as if references in that section to district councils were references to township authorities.

53. Decision of questions as to membership of township authorities

The provisions of section 43 shall apply, mutatis mutandis, to the resolution of questions as to membership of township authorities as if references in that section to a district council were references to a township authority.

54. Procedure for the election of Chairman and Vice-Chairman

(1) There shall be held an election for the office of Chairman of a township authority whenever the seat is or is due to be vacant, which shall be conducted in accordance with the provisions of the law in force in relation to the election of members of local government authorities.

(2) An election of Vice-Chairman shall be held whenever that office is vacant, and the township authority shall regulate its own procedure for the purpose.

55. Composition of village assembly

Every village assembly shall consist of every person who is ordinarily resident in the village and who has attained the apparent age of eighteen years.

56. Composition of village council

(1) Every village council shall consist of not less than fifteen but not more than twenty five members as follows-

- (a) a Chairman to be elected by the village assembly;
- (b) the Chairman of all the Vitongoji within the village;
- (c) such other members to be elected by the village assembly of whom not less than one quarter of the total number of all the members of the village council shall be women.

(2) The village executive officer shall be the Secretary to the village council.

(3) The election of the village council shall be according to such regulations as may be made by the Minister.

57. Election of village council

(1) As soon as may be practicable after the registration of a village, the village assembly of the village shall meet for the purpose of electing a village council for the village.

(2) The meeting convened under subsection (1) shall be presided over by a chairman elected by the village assembly from among its members for the purposes of holding elections.

(3) After the expiry of five years from the date when the village council was elected by the village assembly, the executive director of the the village district council in which the village is situated, or any other person appointed by the director to be the assistant returning officer, shall in the manner prescribed by the Minister in the regulations convene a meeting of the village assembly for election of new members of the council.

(4) Notwithstanding the provisions of subsection (3) and of section 59, where for a reasonable cause or upon the occurrence of an event preventing the holding of elections of village councils, the Minister considers it necessary to postpone the elections to some later date, he may, by notice published in the Gazette, extend the term of office of the members, and the notice shall become effective only upon its approval by resolution of the National Assembly at its meeting immediately following upon the making of the notice by the Minister.

(5) At the meeting convened pursuant to the. provisions of subsection (3) a temporary chairman elected by the village assembly shall preside.

(6) It shall be lawful for the village assembly, at a meeting convened pursuant to subsection (3), to enlarge or reduce, subject to regulations in that behalf made under this Act, the membership of the village council to be elected.

58. Qualifications for election

No person shall be qualified for election as a member of the village council of a village unless-

- (a) he has attained the apparent age of twenty-one years;
- (b) he is a member of a household within the village and is ordinarily resident in the village;
- (c) he is able to read and write in Kiswahili or English;
- (d) he has a lawful means of livelihood.

59. Tenure of office of members

(1) Every member of the village council shall, unless he sooner ceases to be a member by death or resignation, continue to hold office as a member of that council until such time as the village assembly next meets for the election of the members of the council in accordance with the provisions of subsection (3) of section 57.

(2) Notwithstanding the provisions of subsection (1) the Council may by resolution supported by two thirds of the members, remove the Chairman from office:

Provided that a chairman who has been removed may appeal to the District Commissioner only on issues of procedure relating to such removal.

(3) A Chairman who is aggrieved by the decision of the District Commissioner under subsection (2) may appeal to the Minister.

60. Cessation of membership for disqualification

Where it is ascertained that any member was elected while he was not qualified for election, or that a member properly elected has subsequently become disqualified to continue holding office as a member, that member shall forthwith cease to be a member, and arrangements shall be made to cause elections to be held to fill the casual vacancy so occurring.

61. Resignation and absence of members

(1) A member of the village council may at any time resign by giving written notice of his intention to resign to the chairman of the village council, and his resignation shall take effect from the date mentioned in the notice or, if no date is mentioned, on the receipt of the notice by the Chairman.

(2) Any member who, without leave of absence or the prior approval of the Chairman absents himself from three consecutive ordinary meetings of the village council, or of a committee of the council to which he is appointed by the council, shall by virtue of such absence be disqualified from continuing to be a member of the village council or of that committee.

62. Casual vacancies

Any casual vacancy occurring in the membership of a village council may be filled by the council by appointment of a member from amongst the residents of the authority, save that-

- (a) no person shall be appointed under this section unless he is a person who would qualify for election as a member under section 58;
- (b) any person appointed under this section shall hold office for the unexpired term of office of his predecessor;
- (c) the village council may, if in its opinion it is desirable so to do, convene an extraordinary meeting of the village assembly for election of a member to fill the vacancy.

3. THE LOCAL GOVERNMENT (URBAN AUTHORITIES) ACT, CAP 288 RE 2002

An Act to establish urban authorities for the purposes of local government, to provide for the functions of those authorities and for related matters

Preliminary Provisions

1. Short title

This Act may be cited as the Local Government (Urban Authorities) Act.

2. Application

This Act shall apply to every urban authority established or deemed to have been established under this Act.

3. Interpretation

(1) In this Act, unless the context otherwise requires-

"appropriate authority" when used in relation to any act, appointment, dismissal, licence, permit, matter or other thing, means the person, committee or other body of persons permitted, required or in any other way made responsible by this Act for doing the act, making the appointment or issuing the dismissal, licence or the permit or doing that matter or thing;

"area" when used in relation to any urban authority, means the area in which the authority is established, or empowered by or under this Act or any other written law to exercise jurisdiction in accordance with this Act;

"Assembly" means the National Assembly of the United Republic established by the Constitution;

"auditor" means the person or body of persons appointed by the appropriate authority pursuant to Head B of Part IV of the Local Government Finances Act, to audit the accounts of an urban authority, and includes a person duly authorised in that behalf by the auditor for the purposes of that Part of that Act;

"authority" means an urban authority;

"Chairman"-

- (a) when used in relation to an urban authority, means the Chairman of that authority, and in the case of a city or a municipality, the Mayor of the city or the municipality, as the case may be;
- (b) when used in relation to any committee or other body of persons, means the Chairman of that committee or that other body of persons, and includes the Vice-Chairman or the Deputy-Mayor of the urban authority, the committee or of the other body of persons, or any other person acting in the absence of the Chairman and the Vice-Chairman or the Deputy-Mayor, when he exercises the functions or discharges the duties of the office of Chairman or Mayor, as Chairman or Mayor, as the case may be, pursuant to this Act;

"city council" means a council established or deemed to have been established under this Act within the area of a city and includes a city council established under section 5 subject to section 8 of this Act;

"Commission" means the Public Service Commission established by section 9 of the Public Service Act;

"committee"-

- (a) when used in relation to an urban authority, means a committee established or appointed by that urban authority under this Act;
- (b) when used in relation to a ward committee, means that committee;
- (c) when used in relation to a sub-committee means a sub-committee appointed by a committee;
- (d) when used in relation to any other committee, means that other committee;

"Council"-

- (a) when used in relation to a town, means the town council for that town;
- (b) when used in relation to a municipality, means the municipal council for that municipality;
- (c) when used in relation to a city, means the city council for that city and includes the City Council established under section 5 subject to section 8 of this Act;

"court" means any court of competent jurisdiction which has jurisdiction over any part within the area of the authority and includes a ward tribunal established under the Ward Tribunal Act;

"director" means-

- (a) in relation to a town, the Town Director appointed for that town;
- (b) in relation to a municipality, the Municipal Director appointed for that municipality;
- (c) in relation to a city, the City Director appointed for that city;

"District Authorities Act" means the Local Government (District Authorities) Act;

"district authority" means a district council, a township authority or a village council;

"District Commissioner"-

- (a) when used in relation to a district, means the District commissioner for the district concerned;
- (b) when used in relation to any urban authority, means the District Commissioner for the district in which that urban authority is established;

"former Act" means the Urban Councils (Interim Provisions) Act;

"functions" includes powers and duties;

"improvements" in relation to land means all work, other than building or work in connection with buildings, done on, in or under the land, and materials used on that work, by the expenditure of capital or labour in so far as the effect of that work or materials used is to increase the value of the land; but does not include machinery (whether fixed to the soil or not) or work, or materials used on it, done by the Government or by an urban authority or other public body unless the work has been paid for wholly or in part by the owner or

occupier of the land, and effected by that payment; save that the payment of rates and taxes shall not be deemed to be a payment for the purposes of this definition;

"joint committee" means a committee appointed jointly by two or more urban authorities or between an urban authority and a district authority pursuant to section 53;

"local government authority" means a district authority or an urban authority;

"member" means all members of the Local Government Authority as specified under section 24 of this Act;

"Minister" means the Minister responsible for local government;

"Mtaa" means a part or a division of a ward and includes a part or a division of a township situated within an area under the jurisdiction of an urban authority;

"municipality" means an area over which a municipal council is established or deemed to have been established under this Act;

"political party" means a political party registered under any written law relating to the registration of political parties;

"Regional Commissioner" means-

- (a) in relation to a region, the Regional Commissioner for the region concerned;
- (b) in relation to any urban authority, the Regional Commissioner for the region within which the urban authority is situated;

"Scheme" means the Public Service Scheme formulated pursuant to section 7 of the Public Service Act;

"Service" means the unified service of all employing authorities, otherwise known as the Public Service, the establishment of which is provided for by the Scheme;

"service board" means the service board established under section 58;

"town" means an area over which a town council is established or deemed to have been established under this Act;

"urban authority" means a town council, a municipal council or a city council;

(2) Where it is provided in this Act that any power may be exercised subject to the provisions of this Act, the provisions shall be read and construed as providing, in relation to any urban authority, or to all authorities, that the power may be exercised subject to those provisions of this Act which apply to that authority, or to all the urban authorities.

4. Minister to work for development of meaningful democratic local government in urban area

(1) It shall be the duty of the Minister in relation to areas of urban authorities, subject to this Act, to work towards-

- (a) the promotion of local government;
- (b) the evolution, progressive development and perpetuation of local government institutions geared and devoted to the pursuance of meaningful involvement of and participation, by the people, in the making and implementation of decisions on matters affecting or connected with their livelihood and well-being at all local levels within urban authorities;
- (c) securing the effective execution by urban authorities, subject to his guidance, control and direction, of the national policy on local government.

(2) In discharging the duty imposed on him by this section, the Minister shall be guided, subject to this Act, by the need to evolve, and to foster, sound principles of, participatory democracy as enshrined in the Constitution and elaborated upon by or in other written laws of the United Republic.

(3) The Minister shall-

- (a) ensure the availability and adequate supply of personnel trained, skilled or qualified for work in various sections or aspects of local government so as to secure the growth and development of an effective and efficient system of the local government;
- (b) endeavour to ensure that the local government authorities are, strong and effective institutions that are more and more autonomous in managing their Own affairs and that they operate in a more transparent and democratic manner;
- (c) ensure that local government authorities are accountable to the people and are generally so facilitated to improve their capacities towards being stronger and effective in delivering services to the people;
- (d) endeavour to ensure that there is available adequate financial and other resources for various sectors or aspects of local government so as to ensure the effective and efficient development of the local government system.

(4) The Minister shall, in exercising the powers . and discharging the functions under this Act, be guided and bound by the need to promote decentralisation and devolution of functions, powers and services from the central government to the local government system and within the local government system from higher levels to lower levels of urban authorities.

Urban Authority areas, establishment and variation of areas of urban authorities

5. Power to establish urban authority

(1) Subject to sections 7 and 8 and to other provisions of this part, the Minister may, by Order published in the Gazette, establish in any area of Mainland Tanzania an appropriate urban authority or authorities.

(2) In exercising the power conferred by subsection (1) the Minister shall comply with the national policy on the development of urban areas and may, subject to this Act, establish such number and types of urban authorities in such area or areas as he may deem necessary, expedient or desirable for the purposes of establishing, promoting, developing and maintaining an effective and efficient system of local government.

(3) Where the purpose sought to be achieved by the order under subsection (1) is only to confer on an existing municipality the status of a city, that order shall be made by the President; and where, in respect of an existing town, the purpose is to confer upon it the status of a municipality, the order to be made under subsection (1) shall confer on the existing urban area and its authority the new status, and shall determine the name by which that urban area and authority shall be known, and the order shall be deemed to have established the new urban authority.

(4) The urban area of-

- (a) a town council shall be known as a town;

- (b) a municipal council shall be known as a municipality;
- (c) A city council shall be known as the city and shall be of such characteristics as to size, area, jurisdiction, functions or other description as may be specified in the Order establishing it.

6. Content of establishment order

Every order made under section 5 shall-

- (a) specify the name or names of the urban area or areas in which and the date or dates on which an urban authority or authorities shall be established;
- (b) define the area in which the urban authority shall be established and over which it shall exercise jurisdiction;
- (c) prescribe the device and official seal of the urban authority, and may, in any appropriate case, include any ancillary matters such as the apportionment of assets, the continuance of by-laws and the effect on existing urban authorities of the establishment of the new urban authority or authorities.

7. Procedure for establishment of urban authority

(1) No urban authority shall be established except in accordance with the procedure prescribed by this Act.

(2) Where it is intended to establish an urban authority in respect of any area or areas, the Minister shall, at least two months before making an establishment order under section 5, by notice published in the Gazette, and in any national newspaper or, as the case may be, any newspaper circulating in the area or areas in which it is intended to establish the urban authority, give notice of the intention, indicating the general direction of the boundaries, and such other matters as he deems necessary, and call upon all interested authorities or persons affected, to lodge with him in writing any objections or other representations in such manner and within such time as may be prescribed.

(3) If, upon the expiration of the notice, no objection or other representations are received from any authority or person, the Minister shall proceed to make and publish in the Gazette the order under section 5.

(4) Where any objections or other representations are lodged in writing with the Minister pursuant to the notice given under subsection (2), the Minister shall cause to be delivered an acknowledgement to the authority or person lodging the objection or other representations concerned, and shall take into account the objections or representations in determining whether or not to establish the urban authority or determining the area of the urban authority to be established.

(5) As soon as possible after making the order under section 5, the Minister shall lay before the National Assembly a copy of the notice issued under subsection (2), together with a copy of the order subsequently made under section 5.

8. Procedure for establishing a city council in urban authority

(1) Where it is intended to establish a city council in respect of an area or areas of urban authority or authorities, the Minister shall, by a two months notices published in the Gazette give notice of intent on indicating its composition and jurisdiction and such other matters as the Minister may deem necessary and call upon interested persons to lodge with him in writing any objections within such time as may be prescribed in the notice.

(2) Where upon the expiration of the notice, no objections are received from any person the Minister shall proceed to make and publish in the Gazette the establishment Order under section 5.

(3) Where objections are lodged with the Minister pursuant to the notice given under subsection (1), the Minister may take into account the objections and may after consultation with the President determine whether or not to establish a city council.

(4) The Minister shall, as soon as practicable after making the order under section 5, lay before the National Assembly a copy of the notice issued under subsection (1) together with a copy of the Order subsequently made under section 5.

9. Certificate of establishment

(1) As soon as possible after the order made under section 6 and the notice issued under section 7 and 8 in respect of any urban authority have been tabled before the Assembly, and in any case not later than the date specified in the establishment order as its date of commencement, the Clerk of the Assembly shall furnish to the urban council or councils established or to be established, or whose boundaries are varied or are to be varied, as the case may be, a certificate under his hand containing the particulars prescribed by section 10.

(2) Every certificate of establishment shall be in quintuplicate, and the Clerk of the Assembly shall retain a copy and send the three remaining copies one each to the Minister, the Permanent Secretary to the Treasury and the Regional Commissioner responsible for the region in which the urban authority in question is established.

10. Contents and effect of certificate

(1) A certificate of establishment furnished under section 9 shall specify-

- (a) the name of the urban authority being established;
- (b) the total number of members;
- (c) the number of elected members and appointed members;
- (d) the place where the principal office of the authority shall be situated;
- (e) such other particulars as the Minister may determine.

(2) A certificate of establishment furnished under section 9 shall provide final authority for the establishment or the variation of the boundaries of an urban authority, shall be the statutory instrument signifying the delegation by the Assembly of legislative power to the urban authority in respect of its area of jurisdiction, and be conclusive evidence, in any proceeding, of the establishment of the urban authority concerned.

(3) Upon the issue of a certificate of establishment and the commencement of an order made under section 5 in respect of any area, whether or not the order is in respect of an existing urban authority, any reference in any written law, contract or other instrument or document to the local government authority in whose area an urban authority is established by the order shall be construed as a reference to the name of the urban authority as established by the order.

(4) Upon the issue of a certificate of establishment under section 9, where the area of the new authority was the area of a district authority, the district authority shall cease to exist and the affairs and operations of all persons and bodies of persons within that area shall be under the jurisdiction of the new authority, whose composition and operations shall be governed by this Act.

11. Variation of area of urban authority

(1) The Minister may, where he deems it necessary or expedient for the promotion of efficient and effective local government in urban areas, and after consultation with the urban authority and other local government authorities concerned, by order published in the Gazette, vary the boundaries of the area of any urban authority.

(2) The area of an urban authority may be varied under this section where-

- (a) a new local government authority is to be established in the area or part of the area of an existing urban authority;
- (b) an area of the urban authority is to be transferred from the jurisdiction of one urban authority to that of another;
- (c) it is intended to amalgamate or regroup an urban authority and any other local government authority.

(3) No order shall be made under this section to vary the area of an urban authority except in accordance with the procedure prescribed by section 7.

(4) Where in the exercise of the powers conferred on the Minister under subsection (1) the Minister varies the boundaries of an urban area so as to include an area which is a village or an Ujamaa Village registered under the Villages and Ujamaa Village (Registration Designation and Administration) Act or under the Local Government (District Authorities) Act, that village or Ujamaa Village, as the case may be, shall continue to exist until the Minister cancels its registration.

12. Disestablishment of villages

(1) The Minister may, by order published in the Gazette, and subject to this section, cancel the registration of any village or ujamaa village established or deemed to have been established within the area of an urban authority.

(2) The power conferred by subsection (1) may be exercised by the Minister where-

- (a) he is directed so to do by the President;
- (b) he receives a resolution of the urban authority concerned, supported by Regional Development Committee, petitioning him so to do;
- (c) in his opinion, the public interest demands so to do.

(3) Where an urban authority or a Regional Development Committee proposes to petition the Minister to exercise the power conferred by subsection (1), it shall first cause a notice of its intention to be appropriately published for notification of the residents of the village concerned, allowing them one full month to make any representations to it on the subject and the decision of the urban authority and the Committee shall be lodged with the Assistant Registrar of villages who shall forward them to the Registrar for appropriate consideration and decision by the Minister.

13. Consequences of variation of area

Where the boundaries of an urban authority area varied in consequence of an order made under section 11, the Minister shall, in the order providing for the variation or in a subsequent order, to which the provisions of section 7 shall apply, make provision for-

- (a) the apportionment of the franchise, property, incomes, debts and expenses and of all rights, interests, obligations and liabilities arising under contract in relation to the

area or areas transferred as between the urban authority from which the area or areas are transferred and that to which it or they are transferred as a result of the variation in the boundaries;

- (b) the preservation, continuation or modification of rights of persons in the area or areas transferred arising from the operation in relation to them of the by-laws subsisting in the jurisdiction of the urban or district authority from which the area or areas are transferred;
- (c) the application of by-laws of the former urban or district authority or authorities to the new authority established through the amalgamation of two or more authorities.

14. Urban authority to be body corporate and to be graded

(1) Every urban authority established or deemed to have been established under this Part, and in respect of which there is in existence a certificate of establishment furnished under section 9, shall, with effect from the date of commencement of the establishment order, be a body corporate, and shall—

- (a) have perpetual succession and an official seal;
- (b) in its corporate name be capable of suing or being sued;
- (c) subject to this Act, be capable of holding and purchasing, or acquiring in any other way, and disposing of any movable or immovable property.

(2) The Minister shall, for the purposes of the proper administration of the affairs of local government, categorise urban authorities into grades based on the size of the area, the population and the level of social and economic development within the urban authority in question.

(3) Where the Minister grades an urban authority he shall cause a notice to that effect to be published in the Gazette; but the Minister may, in the order made under section 5 establishing the authority, in addition to the particulars required to be incorporated in the order, designate the grade of the urban authority being established.

(4) The grading of any urban authority shall not affect its status as a body corporate, and it shall discharge its functions and exercise its powers under this Act notwithstanding its grade.

15. Existing urban authorities

(1) Every urban council which was established or deemed to have been established under the former Act, and which is in existence immediately before the commencement of this Act, shall continue to be established, but shall be known as, and be deemed to be, an urban authority established under this Act.

(2) Where, in establishing any urban or other local government authority, the boundaries of an existing urban council, which is deemed to be an urban authority, are affected, the provisions of section 11 shall be invoked by the Minister only for the purposes of varying the area of that authority, and it shall not be necessary for the Minister to comply with section 7.

16. Division of area of urban authorities into wards

(1) The Minister may, after consultation with the President, by notice published in the Gazette, divide the area of jurisdiction of an urban authority into such number of wards, for the purposes of this Act, as may be deemed necessary or desirable.

(2) The Minister may, after consultation with the urban authority concerned, vary the boundaries of any ward or increase or reduce the number of wards within the area of the authority.

(3) The area of the ward shall be divided into Mitaa or village consisting of a number of households which the urban authority may determine.

(4) Every Mtaa or village shall have a chairman to be elected by an electoral meeting of all the members of village as the can may be in accordance with such procedure as may be prescribed by the Minister and my be removed from office by-the decision of a simple majority of such members subject to the procedure prescribed by the Minister for that purpose:

Provided that a Chairman of Mtaa or Village who has been so removed may appeal to the District Commissioner only on issues of procedure relating to such removal and may, where he is aggrieved by On decision of the District Commissioner appeal to the Minister.

(5) The Minister may by order published in the Gazette, postpone the election of the Chairman of a Mtaa under subsection (4).

(6) Every Mtaa shall hold meeting at least once in every two months and shall after the meeting submit the minutes of the meeting to the Ward Development Committee.

17. Mitaa committees

(1) There shall be established a Mtaa committee in each Mtaa, which shall be composed of not more than six members elected from amongst residents of the Mtaa in accordance with such procedures as may be prescribed by the Minister.

(2) The functions of the Mtaa committee established under subsection (1) shall be-

- (a) to implement councils' policies;
- (b) to advise the Council on matters relating to development plans and activities of the Mtaa;
- (c) to advise the Ward Development Committee on matters relating to peace and security in the Mtaa.
- (d) to keep proper record of residents of the Mtaa;
- (e) and to do such other things as may be conferred upon it by the Ward Development Committee.

18. Division of village area into vitongoji

(1) The area of the village established in the urban area shall be divided into not more than five vitongoji consisting not more than five vitongoji consisting of such number of households or of such geographical area as may be determined by the village council and approved by the Urban Authority.

(2) Every Kitongoji established under subsection (1) shall have a chairman who shall be elected by a Kitongoji electoral meeting consisting of all the adult members of the Kitongoji in accordance with such procedures as may be prescribed and may be removed from office by the decision of a simple majority of such members subject to the procedure prescribed by the Minister for that purpose.

Provided that a chairman who has been so removed may appeal to the District Commissioner only on issues of procedure relating to such removal and may, where he is aggrieved by the decision of the District commissioner appeal to the Minister.

(3) A Chairman of Kitongoji elected under subsection (2) shall hold office for a term of five years from the date of his election.

19. Village Councils

(1) There shall be established a village council for every village in the urban area.

(2) Every village council established under subsection (1) shall consist of not less than fifteen but not more than twenty five members elected as follows:

- (a) a Chairman to be elected by the village assembly;
- (b) the Chairman of all the vitongoji within the village;
- (c) such other members to be elected by the village assembly of whom not less than one quarter of the total number of all the members of the village council shall be women; and
- (d) the village executive officer who shall be the Secretary to the village council.

(3) The election of the Village Council shall be conducted according to such procedures as may be prescribed by the Minister.

(4) After the expiry of five years from the date when the village council was elected under subsection (2), the director of an urban council in which the village is situated, or any other person appointed by the director to be the assistant returning officer, shall, in the manner prescribed by the Minister in the regulations, convene a meeting of the village assembly for election of new members of the Council.

(5) At the meeting convened under subsection (4) a temporary chairman elected by the village assembly shall preside.

20. Establishment of ward committees

(1) There shall be established in respect of each ward within an urban authority a ward committee.

(2) Every ward committee shall consist of-

- (a) a Chairman who shall be a member representing the ward in the urban authority and in his absence members shall elect a presiding chairman from amongst Chairmen of the Mitaa;
- (b) Chairmen of the Mitaa within the ward;
- (c) councillors of urban authorities who are resident in the ward;
- (d) Chairmen of village councils within the ward;
- (e) a person who is a member of urban authority by virtue of section 24(1) (c), (2)(c) and (3)(c) of this Act, and who is ordinarily resident in the ward; and
- (f) other invited persons as may be determined by the committee but shall have no right to vote.

(3) There shall be a Chairman and a Vice-Chairman, both of whom shall be elected by the members from amongst themselves.

(4) There shall be a ward executive officer who shall be the Secretary to the ward committee.

21. Functions of ward committees

(1) Every ward committee shall have such functions as are conferred upon it by this Act or any other written law, and, in addition, it shall be the function of a ward committee-

- (a) to do all such lawful acts and things as are necessary or expedient for the implementation of decisions and policies of the urban authority, or for the economic and social development of the ward;
- (b) to promote the establishment and development of co-operative enterprises and activities within the ward;
- (c) to initiate or formulate and undertake any task, venture or enterprise designed to ensure the welfare and well being of the residents of the ward;
- (d) to plan and co-ordinate the activities of, and render assistance and advice to the residents of the ward engaged in any activity or industry of any kind;
- (e) to formulate, and submit to the urban authority, proposals for the making of by-laws in relation to affairs of the ward.
- (f) to monitor and co-ordinate the activities of "Mitaa" within the ward.

(2) A ward committee may do all such acts and things as may appear to it to be necessary, convenient or desirable for or in connection with the carrying out of its functions or incidental or conducive to their proper performance.

(3) A ward committee may establish subcommittees and delegate to such committees any of its functions.

(4) The council may for the purpose of co-ordinating the functions or projects amongst different wards, establish joint ward committees.

(5) The joint ward committees established under subsection (4) shall each consist of such members as may be determined by the council.

(6) Funds and resources of ward committees shall consist of any sum as may be determined and appropriated by the council for the purposes of ward committees.

22. Procedure for implementation of development projects

Subject to this Act and to any general or specific directions of the urban authority in that behalf, a ward committee may, in enforcing the implementation of any development project within the ward, adopt such procedure or procedures as will appear to it to be best suited for or conducive to the speedy and correct realisation of the purposes sought to be achieved by the project.

23. Ward committee rules

(1) The proceedings of a ward committee shall, subject to this Act, be regulated in accordance with any directions given in that behalf by the urban authority concerned, subject to the provisions of this Act.

(2) The validity of any act or decision taken at any meeting of a ward committee shall not be affected by any vacancy in its membership or any defect in the appointment of any of the persons attending the meeting.

Part III-composition of urban authorities

24. Membership of urban authorities

(1) Every town council shall consist of-

- (a) one member elected from each of the wards within the town;
- (b) the Member of Parliament representing the constituency within which the town is situated;
- (c) women members who are qualified to be elected to the Council, being not less than one third of all the members referred to in paragraphs (a), (b) and (c) to be proposed by the political Parties represented in the Council in such numbers of those parties elected to the Council and who the electoral authority shall declare to have been elected into the Council;
- (d) not more than three other members appointed by the Minister from among the residents of the town.

(2) Every municipal council shall consist of-

- (a) one member elected from each of the wards within the municipality;
- (b) the Member of Parliament representing the constituency within which the municipality is situated;
- (c) women members who are qualified to be elected to the Council, being not less than one third of all the members referred to in paragraphs (a), (b) and (c) to be proposed by the political parties represented in the Council in such numbers as shall be proportional to the number of those parties elected to the Council and who the electoral authority shall declare to have been elected into the Council;
- (d) not more than three other members appointed by the Minister from among the residents of the municipality.

(3) Every city council shall consist of-

- (a) members elected one each from the wards within the city;
- (b) the Member of Parliament representing the constituency within which the city is situated, or Members of Parliament representing constituencies within the area of the city council;
- (c) women members who are qualified to be elected to the Council, being not less than one third of all the members referred to in paragraphs (a), (b) and (c) to be proposed by the political parties represented in the Council in such numbers as shall be proportional to the number of the members of those parties elected to the Council and who the electoral authority shall declare to have been elected into the Council;
- (d) not more than three other members appointed by the Minister from among the residents of the town.

(4) A city council established subject to section 8 shall consist of the following members:

- (a) a mayor elected by councillors of the urban authorities within the area of the city council from amongst elected councillors;

- (b) a deputy mayor elected by the councillors of the city council from amongst elected councillors except that where the mayor is from one urban authority, the deputy mayor shall be from a different urban authority;
 - (c) all constituency members of Parliament, and at least two women members elected from amongst women members of Parliament from and resident in the city;
 - (d) three councillors from each of the urban authorities and at least one of whom shall be a woman;
 - (e) the mayor of each urban authority within the city council.
- (5) The mayor elected under subsection (4) shall hold office for a period of five years and may be eligible for re-election.
- (6) A deputy mayor shall hold office for a period of one year and may be eligible for re-election to that office.
- (7) The city director shall be the secretary at all meetings of the city council but shall have no right to vote.
- (8) The Director of each urban authority but shall be the secretary to that authority, not vote at any meeting.
- (9) Subject to the provisions of any other law, the Electoral Commission may provide the procedure to be followed by political parties in the nomination and election of names of members under subsections (1)(c), (2)(c) and (3)(c).
- (10) A city council established subject to section 8 shall consist of the following members:
- (a) a mayor elected by councillors of the urban authorities within the area of the city council from amongst elected councillors;
 - (b) a deputy mayor elected by councillors of the city council from amongst elected councillors except that where the mayor is from one urban authority, the deputy mayor shall be from a different urban authority;
 - (c) five members of parliament at least one from each urban authority, and at least one of whom shall be a woman, each elected from amongst themselves by members of parliament from and resident in the city.
 - (d) three councillors from each of the urban authorities and at least one of whom shall be a woman;
 - (e) the mayor of each urban authority within the city council.
- (11) The mayor elected under subsection (4) shall hold office for a period of five years and may be eligible for re-election.
- (12) Deputy Mayor shall hold office for a period of one year and may be eligible for re-election to that office.
- (13) The city director shall be the Secretary at all meetings of the city council but shall have no right to vote.

25. Chairmen, Mayors, Vice-Chairmen, and Deputy-Mayors

- (1) There shall be a Chairman and a Vice-Chairman for each town council.

(2) There shall be a Mayor and a Deputy-Mayor for each municipal council and each city council.

(3) The Chairman and the Vice-Chairman of a Town Council, the Mayor and the Deputy Mayor of the Municipal Council or City Council as the case may be, shall each be elected by members from amongst the members of each of the respective Urban Authorities.

(4) The Chairman and the Mayor shall each, when elected, unless he sooner resigns or ceased to hold office in any other way, hold office for a term of five years and at the expiration of that term shall, if elected a member, be eligible for re-election to that office. The Deputy Mayor and the Vice-Chairman shall hold office for one year, but may be re-elected to that office as long as he remains a member.

(5) Notwithstanding the provisions of subsection (4) the Council may, by resolution supported by two thirds of the members, remove the Chairman or Mayor from office:

Provided that a Chairman or a Mayor who has been so removed may appeal to the Minister only on issues of procedure relating to such removal.

27. Election of elected members

(1) All elected members of an urban authority shall be elected at elections conducted for that purpose in accordance with the provisions of the law relating to the election of members of local government authorities.

(2) Ordinary elections of elected members shall be held prior to the date of retirement of incumbent members, and elected members shall not assume their offices until after the incumbent members have retired.

28. Tenure of office of elected members

(1) The term of office of a member of an urban authority shall be five years, and all members shall retire on the fifth anniversary of the date on which they assumed their offices; and if not re-elected, their places shall be filled by newly elected members shall who shall come in on that day.

(2) Where a member is elected in a by-election he shall hold office only for the remainder of the term of office of his predecessor, but shall be eligible for re-election.

29. Cessation of membership for dis-qualification

Where a person is elected a member of an urban authority and, subsequently circumstances occur in relation to him such that if he were not yet elected he would have been disqualified from standing as a candidate for election as a member, he shall be disqualified and the electoral authority shall declare his seat on the district council to be vacant, and thence cause elections to be held to fill the vacancy.

30. Resignation and absence members

(1) Any elected member may resign his seat on the authority by giving written of notice of his resignation to the Chairman.

(2) An urban authority may grant leave of absence from its meetings, not exceeding ten months, to any member who desires to proceed to a destination outside the United Republic; and during the period of absence of that member the urban authority may co-opt a person to discharge the duties of the absent member, subject to subsection (3).

(3) Where an elected member is for any reason absent from the United Republic for a period exceeding ten months his seat on the urban authority shall be deemed to be vacant.

(4) A person co-opted to discharge the functions of the office of a member shall, during the period for which he is co-opted, have and exercise the same rights and powers in all respects as the member of whose office he is discharging its functions.

(5) Where any member of an urban authority-

(a) without leave of absence or the prior written consent of the Chairman, absents himself from three consecutive ordinary meetings of an urban authority; or

(b) without leave of absence or the prior written approval of the Chairman of a committee absents himself from three consecutive meetings of any committee to which he has been appointed by the urban authority,

he shall be liable to be discontinued in his office as a member of the urban authority.

31. Casual vacancies

(1) The Minister shall, declare the seat of any member of an urban authority to be vacant whether it is informed in writing by the Chairman of the urban authority that-

(a) the member has died or resigned; or

(b) the member is, by virtue of the terms of or under this Act or any other written law, disqualified from or should be declared to be incapable of becoming or continuing to be a member; or

(c) the election of that member has been declared void, or

(d) the seat of that member is deemed to be vacant under this Act; or

(e) the member has ceased to be a member of the political party which had proposed the member as a candidate.

(2) Any vacancy which is declared pursuant to subsection (1) shall be deemed to be a casual vacancy for the purposes of this Part.

(3) Subject to subsection (4), a casual vacancy shall be filled within ninety days of its occurrence or such further period as the Electoral Authority after consultation with the Minister may in any particular case allow, by nomination or, if the member whose place becomes vacant was elected, by election in the manner prescribed by law for the filling the vacancy and shall hold office for the unexpired portion of the term of the office of the member whose place has become vacant.

(4) Where a casual vacancy occurs within six months immediately preceding the ordinary date of the retirement of the member in respect of whom the vacancy occurs, a nomination or election under this section shall not be made or held to fill the vacancy, but the vacancy shall be filled at the next ordinary nomination or election.

32. Decision of questions as to membership of council

(1) All questions arising as to whether a person has been lawfully elected a member or not, or the right of any person to be or remain a member of an urban authority, shall be determined by a court of a Resident Magistrate upon the application of or election petition presented by any one or more of the following persons, namely-

- (a) a person who lawfully voted or had right to vote at the election to which the application or election petition relates;
 - (b) a person claiming to have had a right to be nominated or elected at an election;
 - (c) a person claiming to have been a candidate at the election;
 - (d) a person claiming to have a right to be or remain a member of an urban authority;
 - (e) the Attorney-General.
- (2) The presentation and trial of petitions and applications in pursuance of this section shall be governed by the provisions of the law relating to the trial of petitions and applications arising from elections in local government authorities.

33. Freemen

(1) Subject to this section, an urban authority may-

- (a) admit to the status of honorary freeman of the authority persons of distinction, and persons who have rendered eminent services to the urban authority or to the United Republic;
- (b) if it considers that a person admitted to the status of honorary freeman of the authority has subsequently ceased to be worthy of the status, annul the admission of the person to that status.

(2) The power of admitting or annulling the admission of a person to the status of honorary freeman of an urban authority shall not be exercised except by resolution of the urban authority supported by the votes of not less than two-thirds of the members present and voting, and the power of annulling the admission of a person to the status of honorary freeman of an urban authority shall not be exercised unless the authority has afforded to that person an opportunity to be heard or to make written representations on his behalf.

(3) The Director shall keep a list to be styled as the honorary freemen's roll, in which shall be inscribed the names of all persons admitted to the status of honorary freeman of the authority and from which shall be removed the name of any person whose admission to that status is annulled.

(4) Every person who, before the commencement of this Act, was an honorary freeman of an urban council established or deemed to have been established under the former Act, and deemed to be an urban authority established under this Act, shall be deemed to have been admitted to the status of freeman of that authority under this Act.

4. THE POLITICAL PARTIES ACT, CAP 258 RE 2015

This Edition of the Political Parties Act, Chapter 258, incorporates all amendments made up to and including 31st July, 2015. It also provides for terms, conditions and the procedure for the registration of political parties and for related matters.¹³

Arrangement of Sections

Part I-Preliminary Provisions

1. Short title.
2. Application.
3. Interpretation.

Part II-Establishment of the Office of the Registrar

4. Establishment.
5. Appointment of assistant registrars and other officers.
6. Protection of officers.

Part III-Registration of Political Parties

7. Duty of political parties to register.
8. Registration.
 - 8A. Political Parties Register.
 - 8B. Registration of national leaders.
9. Condition for provisional registration.
10. Condition for full registration.
 - 10A. Qualification for leaders of a political party.

Part IV-Privileges of Registered Political Parties

11. Rights and privileges of, and meetings of, political parties.
 - 11A. Merging of political parties.
 - 11B. Cessation of merged parties.
 - 11C. Parties to hoist flags.
12. Prohibition of the revival of former parties and establishment of branches, etc.
 - 12A. Restriction to establish offices or branches in certain places.
 - 12B. Parties to hold general meetings.

Part V-Financial Provisions

13. Funds and other resources of a party.
 - 13A. Protection of informer and witness.
14. Submission of accounts and declaration of property.
15. Party to maintain bank account.
16. Grant of, and party qualification for, subvention.
17. When, how and amount of subvention to be granted.
18. Application of and counting for subvention.
 - 18A. Submission of financial reports at the same time.

Part VI-General Provisions

19. Power of Registrar to cancel registration.
20. Decision of the Registrar to be final.
21. Parties to appoint trustees.

¹³ See its long title thereto. It is noteworthy that the Political Parties (Registration) Regulations, 1992 were also promulgated to put into effect the said principal legislation

- 21A.Registrar to submit report to the Administrator General.
- 21B. Establishment of the Political Parties Council.
- 21C. Functions of the Council.
- 22. Regulations.

Part I-Preliminary Provisions

1. Short title

This Act may be cited as the Political Parties Act.

2. Application

This Act shall apply to Tanzania Zanzibar as well as to Mainland Tanzania.

3. Interpretation

In this Act, unless the context otherwise requires –

“administrative meeting” means a meeting of an organ of a political party as stipulated in a political party’s constitution;

“Minister” means the Minister for the time being responsible for matters relating to political parties;

“party” means a political party;

“political party” means any organised group formed for the purpose of forming a government or a local government authority within the United Republic through elections or for putting up or supporting candidates to such elections;

“Registrar” means the Registrar of Political Parties appointed under section 4 and includes a deputy and an assistant registrar;

“national leader” means a national leader of a political party as prescribed in the constitution of political party;

Part II-Establishment of the Office of the Registrar

4. Establishment of the Office of the Registrar

(1) There shall be an office of the Registrar of Political Parties which shall be an autonomous institution under the Ministry responsible for political parties.

(2) There shall be appointed by the President a Registrar of Political Parties who shall be a chief executive officer of the Office of the Registrar of Political Parties.

(3) There shall be a Deputy Registrar who shall be appointed by the President.

(4) The Registrar shall be responsible for the registration of political parties in accordance with the provisions of this Act and shall perform any other functions as conferred by this Act.

(5) In the performance of functions under this Act, the Registrar shall from time to time consult the Minister.

5. Appointment of assistant registrars and other officers

The Minister may appoint assistant registrars and such other officers in such numbers as may from time to time be required to carry out the purposes of this Act.

6. Protection of officers

No suit shall lie against the Registrar, Deputy Registrar, assistant registrar or other officers appointed under this Act for anything done or omitted to be done in good faith and without negligence in the performance of any function under this Act.

Part III- Registration of Political Parties

7. Duty of political parties to register

- (1) Subject to subsection (2), every political party formed in any part of the United Republic shall apply to the Registrar in the prescribed manner to be registered as political party.
- (2) Notwithstanding the provisions of subsection (1), Chama cha Mapinduzi, also known by the acronym CCM, which was, immediately before this Act, a political party for the whole of the United Republic shall, on the coming into effect of this Act and without further requirement, be deemed to have been fully registered as a political party and shall be issued with a certificate of registration in accordance with this Act.
- (3) No organization shall operate or function as a political party unless it has first been registered in accordance with the provisions of this Act.

8. Registration

- (1) Every political party other than the political party registrable pursuant to subsection (2) of section 7, shall apply and be registered in two stages, after fulfilling all conditions prescribed for each stage.
- (2) Every political party shall first be provisionally registered and issued with a certificate of provisional registration upon fulfilling the conditions prescribed in section 9.
- (3) Every political party which was provisionally registered and which in addition to the conditions prescribed in section 9, fulfilled the conditions prescribed in section 10 shall not later than one hundred and eighty days from the date of provisional registration apply to the Registrar for full registration.
- (4) The provisional registration of every party shall lapse and every provisional registration certificate shall cease to be of any effect upon expiry of one hundred and eighty days from the date of such provisional registration.
- (5) The Registrar shall register and issue a certificate of provisional registration or, as the case may be, a certificate of full registration to every political party which fulfill all the conditions for such registration.

8A. Political Parties Register

- (1) There shall be a Register of Political Parties into which names, addresses and other particulars of registered political parties or national leaders of political parties shall be entered.
- (2) The Register shall be kept and maintained by the Registrar and shall be accessible to members of public for inspection or perusal at such time and in such a manner as may be determined by the Registrar.

8B. Registration of national leaders

- (1) The national leaders of political parties registered under the provisions of section 7 or 9 shall be required to fill and submit a special form for national leaders to the Registrar for registration in the register of political parties kept and maintained by the Registrar.
- (2) A person who is not a national leader registered pursuant to subsection(1), a leader registered under subsection (1) or a member of a political party shall not engage in any political activities in the name of a political party for which that person purports to be a leader or a member.
- (3) Any person who contravenes the provisions of subsection (2), commits an offence and shall be liable on conviction to a fine of not exceeding one million shillings or to imprisonment for a term of not exceeding six months or to both.

9. Conditions for provisional registration

(1) No political party shall qualify for provisional registration unless-

- (a) the founding members have applied for its registration in the prescribed manner;
- (b) the application has been accompanied with a copy of the constitution of the proposed political party;
- (c) its membership is voluntary and open to all the citizens of the United Republic without discrimination on account of gender, religious belief, race, tribe, ethnic origin, profession or occupation;
- (d) the election of its leaders at the General Elections is open to both gender.

(2) Without prejudice to subsection (1), no political party shall qualify for provisional registration if, by its constitution policies or activities -

- (a) it aims to advocate or further the interests of -
 - (i) any religious belief or group;
 - (ii) any tribal, ethnic or racial group; or
 - (iii) only a specific area within any part of the United Republic;
- (b) it advocates the breaking up of the union constituting the United Republic;
- (c) it accepts or advocates the use of force or violence as means of attaining political objectives;
- (d) it advocates or aims to carry on its political activities exclusively in one part of the United Republic; or
- (e) it does not allow periodic and democratic election of its leadership;
- (f) allows its leaders and members to utter or use obscene language, vindictive, defamatory or inciting words which are likely to cause or lead to the disruption of peace.

10. Conditions for full registration

No political party shall be qualified to be fully registered unless -

- (a) it has first been provisionally registered;
- (b) it has obtained not less than two hundred members who are qualified to be registered as voters for the purposes of parliamentary elections from at least each of ten regions of the United Republic out of which at least two regions are in Tanzania Zanzibar being one Region each from Zanzibar and Pemba;
- (c) it has submitted to the Registrar for verification names of its members;
- (d) it has submitted to the Registrar a location of its head office and subhead office on the basis that if the head office is established in Mainland Tanzania the subhead office shall be established in Tanzania Zanzibar;
- (e) has through its constitution restricted its members from having dual membership;
- (f) it has submitted the names of the national leadership of the party and such leadership draws its members from both Tanzania Zanzibar and Mainland Tanzania; and
- (g) it has submitted to the Registrar location of its head office within the United Republic and a postal address to which notices and other communications may be sent.

10A. Qualification for leaders of a political party

A person shall be qualified to contest for election or nomination as a leader of a political party if that person is-

- (a) a citizen of the United Republic who has attained or is above the age of twenty one years and who can read and write in Kiswahili or English;
- (b) a member of the relevant political party;
- (c) a person who, within five years prior to the date of submission of the name for election or nomination, has not been convicted of or sentenced for commission of an offence of dishonest, corruption or evading tax; and
- (d) a person of sound mind.

Part IV-Privilege of Registered Political Parties

11. Rights and privileges of, and meetings of, political parties

(1) Every political party provisionally or fully registered shall be titled –

- (a) to hold and address public meetings in any area in the United Republic after giving notification to the police officer in charge of the area concerned for purposes of publicising itself and soliciting for membership;
- (b) to the protection and assistance of the security agencies for the purposes of facilitating peaceful and orderly meetings:

Provided that provisional registration shall not entitle any political party to put up a candidate or to campaign for any candidate in any parliamentary election or presidential election or in a local authority election.

(2) Notwithstanding any other written law to the contrary, sections 43, 44, 45 and 46 of the Police Force and Auxiliary Services Act shall apply and have effect as to meetings to be held in any part of the United Republic by any political party whether provisionally or fully registered.

(3) Every party which has been fully registered shall be entitled to put up candidates and to campaign for any candidate in any parliamentary election, a presidential election or in a local government authority election.

(4) Where a political party is desirous of holding a meeting or procession in any open public place in any area it shall, not less than forty eight hours before the meeting or procession, submit a written notification of its impending meeting procession to the police officer in charge of the area in which the meeting or procession is to take place is situated.

(5) The written notification referred to in subsection (4) shall specify-

- (a) the name of the political party submitting the notification;
- (b) the place and time at which the meeting or procession is to take place;
- (c) the agenda or purpose in general of the meeting;
- (d) such other particulars as the Minister may from time to time by notice published in the Gazette specify.

(6) Where a political party submits a notification in accordance with subsection (4) it may proceed to hold the meeting or conduct the procession in question as scheduled unless and until it receives an order from the police officer in charge of the area directing that the meeting or procession should not be held or conducted as notified.

(7) A police officer to whom a notification is submitted pursuant to subsection (4) shall not give a stop order in relation to the notification unless he is satisfied that

- (a) a previous notification has been submitted by another political party or other persons for holding a meeting or other function or procession in the same place at the same time as is intended by the notifier;

- (b) the meeting or procession is intended to execute or to be used for an unlawful purpose;
- (c) the meeting or procession is likely or intended to cause a breach of the peace or to prejudice the public safety in the area;
- (d) the political party or a group of persons giving the notification is not a registered political party or body of persons or the person submitting the notification is not appropriately identified as an authorized representative of the political party concerned.

(8) A stop order referred to under subsection (6) shall be in writing and in such form as is able to easily disclose the reasons for its issuance and state whether or not the political party concerned may hold the meeting or procession at the venue or place at another time or date convenient to it in the same area.

11A.Merging of political parties

- (1) Every political party fully registered in accordance with the provisions of this Act may at any time prior to the General Elections be entitled to merge with another fully registered political party.
- (2) Where the parties decide to merge as provided for under subsection (1),the political parties shall enter into an agreement to that effect in the manner as maybe prescribed and submit such agreement to the Registrar.
- (3) The Registrar shall upon satisfaction with contents of the agreement register the new party in the name as may be preferred in the agreement and issue a certificate of the registration.

11B.Cessation of merged parties

- (1) The political parties merged in accordance with the provisions of section 11A shall, with effect from the date of registration as a new political party, cease to exist and all political leaders elected, appointed or nominated before the merger of such political parties shall vacate their positions.
- (2) The leaders or members of a political party which has ceased to exist in accordance with the provisions of this section shall cease to be leaders or members of that political party.
- (3) The properties and assets of a political party which ceased to exist by virtue of this section shall be properties and assets of the new political party.
- (4) The term “political leader” as used in subsection (1) means a person elected, nominated or appointed to hold a position in a political office including offices of the President, a Member of Parliament, a Councilor or other political office within a local government authority including township, a mtaa, a village and a kitongoji.

11C.Parties to hoist flags

- (1) Every registered political party shall be entitled to own, use and hoist a flag of its party in areas or places as may be prescribed in the regulations to be made under the provisions of this Act.
- (2) A flag of a registered political party shall be of a design or type as prescribed in the respective political party, constitution or rules.
- (3) A member or a leader of a registered political party shall not do any act, utter any word or publish any writing with intent to insult or bring into contempt or ridicule a flag of another political party.
- (4) Any person who contravenes the provisions of subsection (3) commits an offence and shall be liable on conviction to a fine not exceeding one million shilling or to imprisonment for a term not exceeding six months or to both.”

12. Prohibition of the revival of former parties; and establishment of branches, etc.

- (1) No political party formed or existing in any part of the United Republic prior to the Union of Tanganyika and Zanzibar or prior to 5th February, 1977, shall be revived nor shall a name or acronym of such political party be used by any political party registerable under this Act.
- (2) Subject to subsection (3), no person shall establish, form or allow to be established or formed any branch, unit, youth or women organization or other organ of any political party in any working place, school or such other places of learning.
- (3) For purposes of this section places of residence for employees provided by the employer shall not be regarded as places of work.
- (4) Any person who contravenes the provisions of subsection (2) commits an offence and shall be liable on conviction to a fine of not exceeding forty thousand shillings or to imprisonment for a term of not exceeding twelve months or to both such fine and imprisonment and the court shall order the closure or disbanding of the branch, unit, youth organisation or other organ of the political party relating to the offence.

12A. Restriction to establish offices or branches in certain places

- (1) A political party shall not establish or allow to be established offices or branches at places of worship, Government buildings, public institutions or such other places as may be prescribed.
- (2) Notwithstanding subsection(1), a political party may hold administrative meeting at places referred to in subsection (1) if such places offer facilities or services for hire or reward.

12B. Parties to hold general meetings

- (1) Every fully registered political party shall be required to convene a general meeting for the purpose of electing national leaders within one year after being fully registered.
- (2) The Registrar of Political Parties may strike off the register, a political party which fails to comply with the requirements of subsection (1).
- (3) Any person who contravenes the provisions of sections 11, 12, 15 or any other sections to which no specific penalty is prescribed, shall be liable on conviction to a fine or not exceeding shillings one million or to imprisonment for a term of not exceeding six months.

Part V- Financial Provisions

13. Funds and other resources of a party

- (1) The funds and other resources of political parties which have been fully registered shall derive from –
 - (a) membership fees;
 - (b) voluntary contributions;
 - (c) the proceeds of any investment, project or undertaking in which the party has an interest;
 - (d) subvention from the Government;
 - (e) donations, bequests and grants from any other source.
- (2) Subject to the provisions of Part III of the Election Expenses Act, every political party shall disclose to the Registrar information relating to any funds or other resources obtained by the party-

- (a) from sources outside the United Republic, whether obtained directly or through sources within the United Republic;
- (b) from foreign organisations stationed within the United Republic; or
- (c) from any person resident in the United Republic who is not a citizen of the United Republic.

(3) Any official of any political party or other person liable to disclose information to the Registrar on behalf of any party relating to the funds or other resources of the party who fails to disclose such information or gives false information in relation to such funds or resources obtained by a party from sources outside the United Republic, commits an offence and shall be liable on conviction to a fine equal to the amount or the value of the resources not disclosed or in relation to which false information was given or to imprisonment for a term of not exceeding twelve months or to both.

13A. Protection of informer and witness

- (1) Every person who is or becomes aware of the commission or the intention to commit by another person, whether that person is a voter, a candidate, a leader of a political party or not, to commit an offence of prohibited practice shall be required to give information to the Registrar.
- (2) No information relating to commission of an offence under this Act shall be admitted in evidence in any civil or criminal proceedings and no witness in any civil or criminal proceedings shall be obliged to -
 - (a) disclose the name or address of any informer who has given information to the Registrar with respect to an offence under this Act or the name or address of any person who has assisted the Prevention and Combating of Corruption Bureau in any way in relation to such an offence; or
 - (b) answer any question if the answer to such question would lead or would tend to lead to discovery of the name or address of such informer or person.
- (3) Where any book, document or paper which is the subject of evidence or liable to inspection in any civil or criminal proceedings contain an entry in which that informer or person is named or described, or which might lead to the discovery of that informer or person by the public, the court shall cause all such passages to be concealed from view by the public or to be obligated so far as may be necessary to protect the informer or such other person from discovery by the public.
- (4) Any informer who suffers reprisal, retaliation or victimization, injury or any harm from a person accused of corruption, perpetrators of offences of corruption, prohibited practices and their accessories shall be afforded reasonable protection, compensation and assistance by the Government upon ascertainment by Registrar the magnitude of victimization, injury or harm.

14. Submission of accounts and declaration of Property

- (1) Every political party which has been fully registered shall-
 - (a) maintain proper accounts of the funds and property of such political party;
 - (b) submit to the Registrar -
 - (i) an annual statement of the account of the political party audited by the Controller and Auditor-General and the report of the account;
 - (ii) an annual declaration of all the property owned by the party.
- (2) The Registrar, after inspecting any accounts or report submitted pursuant to this section may, for the benefit of the members or the public, publish any matter relating to the funds, resources or property of any party or the use of such funds, resources or property.

(3) The Registrar shall publish in the official Gazette, an annual report on the audited accounts of every political party.

15. Party to maintain bank account

(1) Every political party which has been fully registered shall, through its trustees, maintain a bank account of the party in which all the money received by the party in accordance with section 13, shall be deposited.

(2) Any subvention from the Government which is payable to political parties under this Act shall not be paid to a political party which does not maintain a bank account in accordance with this section.

16. Grant of, and party qualification for, subvention

(1) The Government shall, subject to section 17, disburse up to not more than two per centum of the annual recurrent budget less the amount payable in defraying the national debt in the grant of subventions to political parties in pursuance of the provisions of this Act.

(2) The Government shall, in addition to the subvention referred to in subsection (1), grant an annual subvention to every qualifying political party in relation to its local government authority activities which shall be such an amount as the Minister may determine, and which shall be computed on the basis of the number of the members of the political party who are members of a district or urban council.

(3) No party shall qualify for the grant to it of a subvention in accordance with this Act unless-

(a) it is a party which is fully registered under this Act;

(b) it has, in the immediately preceding general or local government election, had any of its candidates elected to be a Member of Parliament or member of a local government authority.

17. When, how and amount of subvention to be granted

(1) Subventions granted under this Act shall be disbursed to a qualifying political party once in every financial year and in such instalments as the Minister may, considering the prevailing economic and financial conditions, determine.

(2) The fund disbursable pursuant to section 16(1) as subvention to qualifying political parties shall be distributed as follows-

(a) fifty per centum of the funds shall be disbursed amongst qualifying parties on basis of the ratio between the number of parliamentary constituencies in the United Republic;

(b) the other fifty per centum of the funds shall be disbursed amongst qualifying parties each of which won not less than five per centum of all the valid votes cast in all constituencies in the United Republic, and shall be disbursed amongst those parties on the basis of the ratio between the total number of valid votes cast for the parliamentary candidates of a party and the total number of all the valid votes cast in the parliamentary election for all the qualifying parties.

(3) For purposes of subsection (2) a parliamentary candidate declared by the National Electoral Commission as having been elected unopposed in the constituency shall be deemed to have been elected by fifty one percent of the total number of the registered voters in the respective constituency.

18. Application of and accounting for subvention

(1) Subventions granted to a political party may be spent only on –

- (a) the parliamentary activities of a political party;
- (b) the civil activities of a political party;
- (c) any lawful activity relating to an election in which a political party nominates a candidate;
- (d) any other necessary or reasonable requirement of a political party.

2) Subventions granted to a political party shall be accounted for to the Registrar, separately from the accounting for other funds of the political party.

(3) Any party which fails or neglects to account for subventions in accordance with this Act, shall forfeit the right to any subsequent subvention due to the party in accordance with this Act.

(4) Where the Registrar is for any reasonable cause, dissatisfied with any account of subventions submitted by any party, so much of the subvention which has not been accounted for or has not been accounted for satisfactorily, shall be deducted from any subsequent subvention due to the party.

(5) If by reason of failure to submit an account or for any other reason, the Registrar has reason to suspect that any offence under the Penal Code may have been committed in relation to the money which has not been accounted for, he may make a report to a police station, and the officer in charge of that police station shall cause the matter to be investigated.

18A. Submission of financial reports at the same time

Notwithstanding the provision of sections 14 and 18, every political party receiving subvention in accordance with this Act shall not later than 31st October of every year, submit to the Registrar the financial statements and audited accounts reflecting any other source of funds and details regarding the manner in which funds were used.

Part VI- General Provisions

19. Power of Registrar to cancel registration

Subject to subsection (2) the Registrar may cancel the registration of any political party which has contravened any of the provisions of this Act or which has otherwise ceased to qualify for registration under this Act.

(2) The Registrar shall not cancel the registration of any party unless-

- (a) he has, in writing, informed the party concerned of the contravention or the loss of qualification and of the intention to cancel the registration;
- (b) he has received or failed to receive, within the period prescribed by him, any representations from the party concerned;
- (c) he has submitted to the Minister the intention to cancel the registration of the party together with any representations made by the party.

(3) Notwithstanding powers of the Registrar to cancel registration of a political party, the Registrar shall not cancel registration of a political party if the period during which the General Elections would be held does not exceed twelve months.

20. Decision of the Registrar to be final

- (1) The decision of the Registrar on the registration or the cancellation of the registration of any political party shall be final and shall not be the subject of appeal in any court.
- (2) Nothing in subsection (1) shall be construed as precluding judicial review of the decision of the Registrar.

21. Parties to appoint trustees

(1) Every political party which has obtained a certificate of full registration shall appoint a board of trustees to manage the properties and any business or investment of the party.

(2) Every board of trustees shall be duly incorporated under the Trustees Incorporation Act and every political party shall not later than sixty days from the date of full registration submit to the Registrar-

- (a) the names and addresses of the members of the board of trustees; and
- (b) a copy of the certificate of incorporation.

21A. Registrar to submit report to the Administrator General

The Registrar shall within three months after receipt of the names, addresses and a copy of a certificate of incorporation of the Board of Trustees of a political party or any other information required to be submitted to the Registrar in that respect submit the same to the Administrator-General.

21B. Establishment of the Political Parties Council

(1) There is established within the Office of the Registrar of Political Parties the Council of Political Parties.

(2) Members of the Council shall not be more than two national leaders of each fully registered political party.

(3) The Chairman and the Vice Chairman of the Council shall be elected by members of the Council from amongst themselves.

(4) The office of the Registrar of Parties shall provide Secretariat to the Council.

21C. Functions of the Council

(1) Functions of the Council shall include to-

- (a) advise the registrar on the disputes arising amongst political parties
- (b) Advise the Registrar on matters of national interest with reference to Political Parties or political situation;
- (c) advise the Government through the Registrar on the enactment, amendment and implementation of political parties Act and other laws relating to political parties;
- (d) advise on the regulations prescribing matters regarding political parties;
- (e) inform the Registrar on any matter regarding the operations of any political party.

(2) Procedure, term of office of members and other matters relating to the Council shall be as prescribed in the regulations.

22. Regulations

(1) The Minister may make regulations for the purpose of carrying out giving effect to any provision of this Act.

(2) In particular and without prejudice to the generality of the power conferred by subsection (1), the Minister may make regulations-

- (a) prescribing the manner of registration of political parties under this Act;
- (b) regulating or restricting the use or the changes of names of political parties;
- (c) prescribing the forms which may be used for carrying out the provisions of this Act;
- (d) for securing the submission to the Registrar of accounts relating to the assets and liabilities, income and expenditure of political parties;

- (e) prescribing the fees in respect of anything to be done under this Act;
- (f) securing the submission to the Registrar of annual or other periodical returns relating to the constitution, objects and membership of political parties;
- (g) prescribing the manner in which subventions granted to a political party may be accounted for;
- (h) prescribing and regulating the use of flags by political parties;
- (i) prescribing procedure and process for merging of political parties;
- (j) upon consultation with political parties prescribing the ethical conduct of the political parties;
- (k) prescribing anything which is required, necessary or desirable to be prescribed for the better giving effect to this Act.

PART FOUR

ELECTORAL STATUTES

1. THE NATIONAL ELECTIONS ACT, CAP 343 (R.E. 2015)

This Edition of the National Elections Act, Chapter 343, incorporates all amendments made up to and including 31st July, 2015 and it provides for the law regulating the election of President and election to the National Assembly. Thus, it is the main legislation that regulates presidential and parliamentary elections in Tanzania Mainland.

Arrangement of Sections

1. Short title and construction.
2. Interpretation.
3. Regulations, directives and notices.
4. Composition of the Commission.
- 4A. Decision of the Commission
- 4B. Quorum
- 4C. Voters' education
5. Polling districts.
6. Director of Elections.
7. Appointment of Returning Officers and other staff.
- 7A Registration Officers
8. Appointment of Regional Election Coordinators.
9. [Repealed].

Chapter II-Registration of Voters

Part I-Qualifications and Disqualifications for Registering as Voters and Voting

10. Qualification for registration.
11. Disqualification from registration.
- 11A. Provisional Voters' Register
12. Register of voters.
- 12A. Registration of voters in Tanzania Zanzibar
13. Place of, and disqualification from voting
14. Change of name.

Part II-Registration

15. Time for registration.
- 15A. Registration agents
16. Voter's card.
17. Change of residence.
18. Voter's card lost, defaced or destroyed.
19. Amendment of particulars.
20. Declaration relating to lost or destroyed voter's card.
21. Refusal of application.

Part III-Objection to Registration or Continued Registration

22. Inspection of the Provisional Voter's Register.
23. Inclusion of name in the Provisional Voter's Register.
24. Objections.
25. Procedure for making objections.
26. Inquiry and determination by Registration Officer.
27. Objector or person objected to may appeal.

Part IV-Appeals and Additions to or Deletions from the Provisional Voters' Register

28. Appeals to a District Magistrate.

29. Provisions consequential upon additions to, or deletions from the Provisional Voters' Register.

Chapter III-Presidential Elections

Part I-Presidential and Vice-Presidential Candidates Nomination

30. Nomination of Presidential and Vice-Presidential Candidates.

31. Number of nominators.

32. Particulars of nomination.

33. Deposits.

34. Sole Presidential candidate.

35. Withdrawal of candidature.

35A. Death or lack of candidates.

Part II-Election Procedure

35B. Presidential election day.

35C. Persons entitled to vote at Presidential elections.

35D. Application of Chapter IV.

35E. Application of Chapter V.

35F. Addition of Presidential votes.

35G. Second Ballot.

35H. Election of President to be deemed election of Vice-President.

Chapter IV-Parliamentary Elections

Part I-Qualification of Candidates

36. Qualification of candidates for Parliamentary elections.

Part II-Nomination of Candidates

37. Nomination day.

38. Nomination of candidates.

38A. Deposits.

39. Candidate to be nominated for one constituency only.

40. Objections to and decisions as to validity of nomination form.

41. [Repealed].

Part III-Final Nomination of Candidates for Parliamentary Elections

42. [Repealed].

43. [Repealed].

44. Unopposed candidate.

45. [Repealed].

Part IV-Election day

46. Nominated candidates and Election day.

47. Notice of election.

Part V-Withdrawal, Death or Absence of Candidates

48. Withdrawal or cessation of candidature.

49. Death of candidate.

50. Absence of candidates.

50A. Disqualification of Candidates.

Part VI-Election Campaigns

51. Election campaigns.

52. [Repealed].

53. Access to and obligation of public media.

54. [Repealed].

Chapter V-Election, Voting Procedure and Nomination of Members of Parliament for women Special Seat

Part I-Election Procedure

55. Polling days and times.
56. Arrangements for contested elections.
57. Polling agent.
58. Ballot boxes.
59. Form of ballot paper.
60. Prohibition of disclosure of vote.

Part II-Voting and Counting Procedure

61. Method of voting.
62. [Repealed].
63. Admission to polling station.
64. Allegation of irregularities.
65. [Repealed].
66. Declaration by voters.
67. Adjournment of polling in case of riot.
68. Closing of poll.
69. Procedure on closing of poll.
70. Polling agent to be counting agent.
- 70A. Place of counting of votes.
71. Counting of votes.
72. Persons who may be present at counting of votes.
73. Method of counting of votes.
74. Ballot papers which shall not be counted as valid.
75. Endorsements by Returning Officer.
76. Rejected ballot papers.
77. Equality of votes and recount in contested elections.
78. Candidates or counting agents may require recount.
79. Decision of presiding officer.
- 79A. Duties of presiding officer after counting.
80. Addition of votes in Parliamentary elections.
81. Declaration of results.
- 81A. [Repealed].
82. Custody of documents.
83. Powers of polling assistants.
84. Powers of Candidates.
85. Non-attendance of agents not to invalidate proceedings.
86. Elections held simultaneously.

Part III-Nomination of Women for Special Seats

- 86A Nomination of Women for Special Seats
87. [Repealed].

Chapter VI-Offences

Part I-Offences Relating to Registration and Nomination

88. Offences in relation to registration.
89. Official discouragement of persons from seeking nomination, etc.
- 89A Election officers' misconduct.
- 89B. Recovery of loss.
- 89C. Definition of election officers.
90. Offences in relation to registers and voters' card.
- 90A. Registration officers' misconduct.
91. Offences in relation to nomination forms or ballot papers.

- 91A. False publication of withdrawal.
- 91B. Corrupt inducement of withdrawal.

Part II-Other Election Offences

- 92. Miscellaneous offences.
- 93. Maintenance of secrecy at elections.
- 94. Penalty for bribery, treating, etc.
- 95. Penalty for impersonation.
- 96. Disqualifications by conviction for corrupt or illegal practice.
- 97. [Repealed].
- 98. [Repealed].
- 99. Persons to be deemed guilty of undue influence.
- 100. Bribery, treating and undue influence in relation to members and officers of the Commission.
- 101. Persons deemed to be guilty of impersonation.
- 102. Penalty for persons guilty of certain corrupt and illegal practices.
- 103. Interference with lawful public meeting to be illegal practice.
- 104. Public meetings on Election Day and display of emblems in vicinity of Polling Station prohibited.
- 105. Defacement of notices.
- 106. Documents to bear name and address of printer and publisher.
- 107. Persons convicted of offences of corrupt or illegal practice to be removed from register.

Chapter VII-Avoidance of Elections by Election Petition

- 108. Avoidance of elections and election petition.
- 109. [Repealed] .
- 109A. Offences by election officers

Chapter VIII-Procedure and Jurisdiction of the High Court

- 110. Petitions triable by High Court
- 111. Petition and procedure for deposit of security for costs.
- 112. Reliefs which may be claimed.
- 113. Certification as to validity of election.
- 114. Report of the Court on corrupt or illegal practices
- 115. Time for presentation and determination of election petition and appeal.
- 116. Votes to be struck off at scrutiny.
- 117. Rules of Court.
- 118. [Repealed].

Chapter IX-Financial and Miscellaneous Provisions

- 119. Inaccurate descriptions.
- 120. Powers of Director of Elections and Returning Officers to demand information.
- 121. Remuneration of staff.
- 122. Expenses to be charged on Consolidated Fund.
- 123. Service of notices.
- 124. Regulations.
- 124A. Electoral Code of Conduct
- 125. Exemption from stamp duty.
- 126. Directives.
- 127. Replacement of registers, etc.

Chapter X-Repeal and Transitional Provisions

- 128. Repeal of Act No.25 of 1970.

129. Savings.

130. Transitional provisions.

Chapter I-Preliminary Provisions

1. Short title and construction

(1) This Act may be cited as the National Elections Act.

(2) The provisions of this Act which relate to Presidential and Parliamentary elections shall be read as one with the Constitution.

(3) This Act shall apply to Mainland Tanzania as well as to Tanzania Zanzibar.

2. Interpretation

(1) In this Act, unless the context requires otherwise-

"campaign period" means the period commencing immediately after the nomination day up to the day immediately preceding the election day;

"candidate" means a person who submits himself for election to the National Assembly;

"Chairman" means the Chairman appointed under section 4 and includes the Vice-Chairman or any person for the time being discharging the functions of the Chairman;

"close of poll" means the latest close of poll in a polling station in relation to any election;

"Commission" means the Electoral Commission of the United Republic established by the Constitution;

"constituency" means a constituency for the purposes of elections to the National Assembly;

"Constitution" means the Constitution of the United Republic of Tanzania, 1977;

"contested election" means an election in a constituency or a Presidential election where there are more candidates than vacancies;

"counting agent" means a person appointed as a counting agent under the provisions of section 70;

"Director of Elections" means the person appointed to be the Director of Elections in accordance with the provisions of section 6 and includes a person for the time being performing any of the functions of that office;

"election" means-

(a) in the case of an election of the President, the Presidential election;

(b) in the case of an election to the National Assembly, a Parliamentary election, and includes a by-election;

"election day" in relation to an election in any constituency means the day appointed under subsection 1 of section 46 or any day substituted for that day in accordance with the proviso

to that subsection, and in the case of a parliamentary elections of unopposed candidate, the day on which a candidate is declared elected under section 44;

"Member of Parliament" means in relation to the National Assembly, a constituency member and includes Member of Parliament for women special seats;

"nomination" means nomination as a candidate for election to the National Assembly and includes nomination for women special seats;

"nomination day" means a day appointed for the nomination of candidates;

"observer" means local or international observer;

"political party" means a political party registered as such under the Political Parties Act;

"polling agent" means a person appointed under the provisions of section 57;

"polling assistant" means a person appointed to be polling assistant under the provisions of section 56(b);

"polling district" means the area or division of a constituency made pursuant to the provisions of section 5;

"Presidential candidate" means a person nominated to contest election to the office of the President;

"Presidential election" means the election of the President of the United Republic;

"presiding officer" means a person appointed to be presiding officer under the provisions of section 56(c);

"Provisional Voters' Register" means a register established under section 11A;

"qualified" or "qualification" means—

- (a) when used in relation to a person claiming to be entitled to be registered as a voter, qualified to be or qualification as a voter or ;
- (b) when used in relation to a person claiming to be qualified as a candidate for a Parliamentary election, qualified to be or qualification as a candidate for election to the National Assembly, for the constituency in question;

"register" means a register of voters compiled and maintained in accordance with the provisions section 12 ;

"Registration Officer" means a Registration Officer appointed under section 7A and includes an Assistant Registration Officer;

"Returning Officer" means a Returning Officer appointed under section 7 and includes in relation to a constituency the Returning Officer appointed for that constituency;

"voter" means any person who is for the time being qualified to vote at an election in accordance with the provisions of this Act.

"voter's card" means card issued under the provisions of this Act verifying that the person named in such card has been registered as a voter;

“voters’ education” means dissemination of information relating to the electoral processes and procedures.

(2) References in this Act or in any other written law to a registered voter's number shall be construed as references to the number of such voter's card.

(3) References in this Act to an election in a constituency shall be construed as references to a Parliamentary election in that constituency and references to a candidate to a constituency shall be construed as reference to a candidate for Parliamentary election in that constituency.

3. Regulations, directions and notices

All regulations, directives and notices which the commission is empowered to make, issue or give, shall be deemed to have been validly made, issued or given if they are made, issued or given under the signature of the Chairman of the Commission or the Director of Elections.

4. Composition of Commission

(1) The Commission shall, subject to the Constitution and to this Act, consist of the following members–

- (a) a Chairman who shall be a Judge of the High Court or of the Court of Appeal of Tanzania;
- (b) a Vice-Chairman who is a judge or a person qualified to be appointed judge of the High Court or the Court of Appeal of Tanzania;
- (c) a member appointed from amongst the members of the Tanganyika Law Society and;
- (d) four other members who are persons possessing either adequate experience in the conduct or supervision of Parliamentary elections or such other qualifications as the President considers necessary for or prerequisite to, the effective discharge of the functions of the Commission.

(2) The Commission shall be responsible for overall supervision of the general conduct of all Parliamentary and Presidential elections in the United Republic.

(3) Subject to the provisions of this Act, the Chairman shall preside at all meetings of the Commission and in his absence, the Vice-Chairman shall preside, or if he too is absent, the members present may elect one of their number to act as the Chairman.

(4) The Director of Elections shall be the Secretary to the Commission and he shall be the chief executive of the Commission.

4A. Decision of the Commission

The Chairman, Vice-Chairman or the temporary Chairman presiding at any meeting of the Commission shall have a vote and, in the event of an equality of votes, shall have a casting vote in addition to his deliberative vote.

4B. Quorum

The quorum at any meeting of the Commission shall be four members including the Chairman or in his absence the Vice-Chairman or the temporary Chairman as the case may be.

4C. Voters education

The Commission shall be responsible for providing voters' education throughout the United Republic and shall co-ordinate and supervise persons who conduct such education.

5. Polling districts

(1) The Commission shall divide every constituency into polling districts and shall publish in the Gazette, a notice specifying such polling districts.

(2) Where the boundaries of any constituencies are varied pursuant to article 74(6)(c) of the Constitution or under any other circumstances in which the Commission thinks appropriate, the Commission may alter the number and area of polling districts within the constituency and upon such alteration, the Commission shall publish in the Gazette a notice specifying the alteration.

(3) Where as a consequence of the establishment of a constituency, or variation in the boundaries of a constituency, an area which constituted a polling district in one constituency lies wholly within another constituency, the Commission may declare that such areas shall cease to be a polling district within the first mentioned constituency and shall constitute a polling district in the constituency in which the area lies.

6. Director of Elections

(1) There shall be a Director of Elections who shall be appointed by the President from amongst the names of senior Civil Servants of the United Republic recommended by the Commission.

(2) The Director of Elections shall exercise and perform all such functions and duties as are conferred upon him by this Act or on the directions of the Commission.

(3) Every Registration Officer, Returning Officer or other person concerned with the conduct of elections under this Act shall carry out fully all the directions and instructions issued by the Director of Election pursuant to the provisions of this Act.

7. Appointment of Returning Officers and other staff

(1) For purposes of any election held under this Act, every City Director, Municipal Director, Town Director and District Executive Director shall be a Returning Officer for the purposes of conducting an election in the constituency and such a Returning Officer may be for more than one constituency.

(2) Notwithstanding subsections (1), the Commission may appoint by office or name from amongst public officers, such member of Returning Officers or an Assistant Returning Officers for the purpose of conducting an election in a constituency.

(3) Notwithstanding the provisions of subsections(1) and (2) the Commission may, where circumstances so require and by notice publish in the Gazette, appoint any person holding a public office by name or by office to be a Returning Officer or an Assistant Returning Officer in any constituency instead of the one referred to in subsections (1) and (2), and where such person is so appointed the City Director, Municipal Director, Town Director, District Executive Director or an official as the case may be, shall cease to be a Returning Officer or an Assistant Returning Officer of that constituency in such election.

(4) The Returning Officer may, subject to section 56 and to the directions of the Director of Elections, appoint such staff as may be necessary for the purposes of conducting an election in the constituency.

(5) Every Returning Officer and Assistant Returning Officer shall, before embarking on the functions of that office, take and subscribe to an oath of secrecy in the prescribed form before a Magistrate.

7A.Registration Officers

(1) For the purpose of registration of voters under this Act, every City Director, Municipal Director, Town Director and District Executive Director shall be a Registration Officer for the purposes of registration of voters in a constituency and such Registration Officer may be for one or more than one constituency.

(2) Notwithstanding subsection(1), the Commission may appoint by officer or name from amongst public officers, such number of Regional Registration Coordinating or Assistant Registration Officers for the purposes of registering voters as it may consider fit.

(3)Notwithstanding provisions of subsection (1), the Commission may, where circumstances so require, by notice publish in the Gazette, appoint any person holding a public office by name or by office to be a Registration Officer in any constituency instead of the one referred to in subsections (1) and where such person is so appointed the City Director, Municipal Director, Town Director, District Executive Director shall cease to be a Registration Officer in respective constituency.

(4) The Registration Officer may, subject to the directions of the Director of Elections, appoint such staff as may be necessary for the purposes of conducting registration of voters in the constituency.

(5) Every Registration Officer and Assistant Registration Officer shall, before embarking on the functions of that office take and subscribe to an oath of secrecy in the prescribed form before a Magistrate.

(6) The Registration Officer and Assistant Registration Officer shall be responsible for all matters relating to the registration of voters within the area of his jurisdiction.

8. Appointment of Regional Election Coordinators

(1) The Commission may, during an election, appoint by office or by name in respect of every region, a Regional Coordinator to coordinate information, the availability of material, resources and other matters necessary for the efficient conduct of elections in constituencies within the Region.

(2) Every person holding a public office shall, upon request by the Commission, the Director of Elections, the Returning Officer, Assistant Returning Officer or the Regional Election Coordinator, provide such assistance or perform such other duty as shall be so requested for the purposes of facilitating the conduct of election.

Chapter II-Registration of voters

10. Qualification for registration

(1) No person, other than a citizen of Tanzania who has attained the age of eighteen years and who is not disqualified by this Act or by any other written law, shall be entitled to be registered as a voter under and in accordance with the provisions of this Act.

(2) Notwithstanding the provisions of subsection (1), and subject to the proof of age, any Tanzanian not disqualified by this Act or any other written law, who on or before the date of election shall attain the age of eighteen years, shall be entitled to be registered as a voter under this Act.

11. Disqualification from registration

(1) No person shall be qualified for registration, or be registered as a voter under this Act if he is-

(a) under a declaration of allegiance to some country other than Tanzania;

(b) under any law in force in Tanzania, he is adjudged or otherwise declared to be of unsound mind or is detained as a criminal lunatic or detained during the pleasure of the President;

(c) under sentence of death imposed by any Court in Tanzania or under sentence of imprisonment exceeding six months imposed by a court or substituted by competent authority for some other sentence imposed on him by such a court; or

(d) disqualified from registering as a voter under the provisions of this or any other law in force relating to offences connected with any election.

(2) For purposes of paragraph (c) of subsection (1)-

(a) two or more sentences that are required to be served consecutively shall be regarded as separate sentences if none of them exceeds six months, but if any one of them exceeds six months, they shall be regarded as one sentence; and

(b) no account shall be taken of a sentence of imprisonment imposed as an alternative to, or in default of, the payment of a fine.

(3) Where any person registered under this Act ceases to be qualified for registration as a voter his name shall be deleted from the register:

Provided that no name shall be deleted from a register, except in accordance with the provisions of Parts III and IV of this Chapter or on the report of a court that such person has been guilty of a practice which disqualifies that person from registering, or voting.

(4) No person shall be registered as a voter in more than one constituency or in more than one polling district in a constituency.

11A. Provisional Voters' Register

(1) The Commission shall, for the purpose of preparation of a Permanent National Voters' Register, establish a Provisional Voters' Register.

(2) The Provisional Voters' Register shall be used for-

- (a) displaying for inspection by the public;
- (b) amendment regarding change of residence or any other particulars of the voter;
- (c) making objection against registration of any voter;
- (d) inclusion or deletion of the name of the voter in the register; and
- (e) effecting any other correction or amendment as may be required under this Act.

12. Register of voters

(1) Subject to this section, there shall, for the purposes of this Act, be a permanent National Voters' Register for the United Republic which shall be in such parts, chapters or other divisions as the Commission shall determine.

(2) The Director of Election shall keep, and maintain and up-date the register established under subsection (1).

(3) Every register of voters shall consist of names of all persons who are registered as voters in the polling district.

(4) The register shall show relative to every registered voter, the number of the voter's card issued to such voter, the sex of the voter and the address at which the voter ordinarily resides and such other particulars as the Commission may direct.

(5) The Commission shall be a custodian of the register established under subsection (1).

(6) The Commission shall make regulations prescribing anything which is to be prescribed or directing any other matter to be done by any person for the purposes of giving full effect to the provisions of this section and of establishing, keeping and maintaining the Permanent National Voters Register.

(7) The Director of Election may, by regulations give directions to the Registration Officer or Assistant Registration Officer on matters relating to registration of voters, contents of voter's register or any other related matters.

12A. Registration of voters in Tanzania Zanzibar

(1) Notwithstanding the provisions of section 12, for the purposes of the conduct of the Parliamentary and Presidential elections in Tanzania Zanzibar, the law relating to the registration of voters and the register of voters for elections to the House of Representatives of Zanzibar shall mutatis mutandis be the law for the registration of voters and the register of voters in Tanzania Zanzibar for the purposes of this Act.

(2) The Commission shall register any person in Tanzania Zanzibar who is only entitled to be registered as a voter for election of the President of the United Republic.

13. Place of, and disqualification from voting

(1) Subject to the provisions of this Act, a person who is registered as a voter in any polling district shall be entitled to vote in any election in that polling district and every such person shall be entitled to vote at the polling station allocated to him in such a polling district.

(2) Notwithstanding the provisions of subsection (1), a presiding officer or polling assistant at any polling station shall not permit any person to vote at that polling station unless such person satisfies the presiding officer or as the case may be, a polling assistant, that he is the voter he claims to be by producing the voters card issued to such person or such other proof of his identity as the Director of Elections may for the time being direct to be sufficient proof of identity of the person claiming to be entitled to vote.

(3) A person is registered as a voter under this Act he shall not be entitled to vote in any election if any circumstances arise in relation to that person which, if he were not so registered, would cause that person to be disqualified for registration under this Act.

(4) Notwithstanding any other provisions of this Act, the Director of Elections or any person authorised in that behalf by the Director of Elections may, by a certificate under his hand, authorize a registered voter who is a candidate at an election in a constituency, to vote at the election in that constituency at the polling station specified in such certificate whether or not such candidate is registered as a voter in that polling district.

(5) Notwithstanding any other provisions of this Act, where a voter registered as such in any polling district is employed as a Returning Officer, presiding officer, police officer or in any other official capacity at a polling station in such polling district other than at the polling station allocated to that voter, the Director of Elections or any person authorised in that behalf by the Director may, by a certificate under his hand, authorize the voter to vote at any other polling station in such polling district, and that polling station shall, for the purposes of this Act, be deemed to be the polling station allocated to such voter.

(6) A person who is serving a sentence of imprisonment may, subject to the provisions of this Act, be registered as a voter, or vote at an election only if permitted to do so by the written law governing his imprisonment:

Provided that nothing in this subsection shall be construed as authorizing any such person to vote at any polling station other than the polling station allocated to him.

14. Change of name

A person registered as a voter whose name has been changed consequent upon marriage or for any other reason since being registered shall, if not disqualified from voting under section 13, be entitled to vote under the name in which he is registered.

Part 11-Registration

15. Times for registration

(1) The Commission shall be responsible for setting time and review of registration of voters in every polling district within the constituency.

(2) Any person entitled to be registered as a voter at any polling district and who has not been so registered, may present himself at a place where under the provisions of subsection (1) facilities for registration had been made available in the relevant polling district.

(3) Notwithstanding any other provision of this section to the contrary, it shall be lawful for the Commission to direct that the registration of voters in all or any polling district in the constituency specified in such direction, shall be suspended for such period as the

Commission may direct if, in the opinion of the Commission, it is desirable to suspend the registration of voters.

(4) Where a direction under subsection (3) has been issued in respect of any polling district, no registration of voters shall take place in such polling district during the period specified in such direction.

(5) For the purpose of this section, the Commission shall review the Permanent National Voters' Register twice between a period commencing immediately after the General Elections and the date preceding the nomination day.

15A. Registration Agents

(1) A political party may appoint one person to be registration agent for each registration centre within the constituency, for the purpose of-

(a) detecting qualified persons for registration; and

(b) assisting the registration assistant to secure a smooth compliance with relevant laws and procedures pertaining to the conduct of the registration of voters.

(2) For the purpose of subsection(1),every political party shall, by notice in writing, notify the registration officer of the appointment not later than seven days before the date set for commencement of registration of voters or within such shorter time as the commission may allow.

(3) The notice given under subsection (2) shall state the name of the agent so appointed and the name and address of the registration center to which the agent is assigned.

(4) A political party may, in the notice given under subsection(2),appoint an alternative registration agent who may be present and perform, whether permanently or temporarily, any of the functions of a registration agent in his absence from the registration center.

(5) Where a registration agent dies or becomes incapable of acting as such, the political party concerned may appoint another registration agent in his place, and shall immediately give to the Registration Officer and Registration Assistant concerned a notice in writing of the name and address of the registration agent so appointed and registration center to which that agent is appointed.

(6) The Registration Assistant shall, with the assistance and cooperation of the Registration agent, deal with each complaint at the registration center as soon as it arises and is brought to agent's attention by any person who wishes to be registered.

16. Voter's Card

(1) Where a person makes an application for registration as a voter in accordance with the provisions of section 15, that person shall, if he satisfies the Registration Officer or any other officer for the time being responsible for the registration of voters, that he is qualified to be registered as a voter at a polling district within the jurisdiction of such Registration Officer or such other officer, be registered as a voter for such polling district and upon being so registered shall be issued with a voter's card in the prescribed form.

(2) The Commission may by regulations made under section 124 require any person applying for registration as a voter, to fill in such forms as may be prescribed.

17. Change of residence

(1) Where any voter who is registered in one polling district becomes ordinarily resident in some other polling district, he may apply in accordance with the provisions of section 19, to the Registration Officer, Registration Assistant or any other staff as directed by the Commission for the purposes of conducting registration of voters for the polling district in which he is ordinarily resident; and the Registration Officer, Registration Assistant or any other staff as directed by the Commission for the purpose of conducting registration of voters shall-

- (a) upon being satisfied that the applicant-
 - (i) is qualified for registration; and
 - (ii) is ordinarily resident in the polling district in respect of which he makes the application; and
- (b) on the surrender by the applicant of his voter's card, or upon the applicant satisfying the Registration Officer, Registration Assistant or any other staff as directed by the Commission for the purpose of conducting registration of voter that the voter's card is lost or destroyed, register the applicant in the prescribed form for the polling district and cause to be issued another voter's card.

(2) Where a Registration Officer, Registration Assistant or any other staff as directed by the Commission for the purpose of conducting registration of voters registers an applicant under this section he shall immediately cancel the voter's card surrendered by the applicant.

(3) Notwithstanding the provisions of subsection (1) of section 16, or subsection (1) of this section, where by reason of-

- (a) any change of name of a constituency;
- (b) any adjustment in the number of constituencies; or
- (c) any adjustment in the boundaries or areas of one or more constituencies, a constituency becomes part of another constituency or a polling district of one constituency becomes a polling district or part of a polling district of another constituency it shall not be necessary for a voter whose name is in any register affected by such adjustment to apply for the transfer of his name to the appropriate register but the Director of Elections shall, as soon as possible effect such amendment of transfers as may be necessary to give effect to such adjustment as if an application for transfer had been made by a voter concerned pursuant to the provisions of this Act.

18. Voter's card lost, defaced or destroyed

(1) Where a voter's card issued to any person is lost, defaced or destroyed, the person to whom such voter's card was issued may apply in person to the Registration Officer, Registration Assistant or any other staff as directed by the Commission for the purpose of conducting registration of voters for the issue of a new voter's card.

(2) Upon any such application, the Registration Officer, Registration Assistant or any other staff as directed by the Commission for the purpose of conducting registration of voters shall, if satisfied that the application is properly made and that the applicant remains qualified for registration, issue the applicant with a new voter's card upon the applicant

paying the prescribed fee, if any, and where the application is made in respect of a defaced voter's card, upon the applicant surrendering such defaced voter's card.

19. Amendment of particulars

Where any of the particulars on a voter's card or in a Provisional Voter's Register requires amendment by reason of a change of name or of any other alteration in the circumstances affecting the person to whom a voter's card was issued, other than a change of residence from one polling district to another, the person to whom such voter's card was issued may apply for a new voter's card, and the Registration Officer, Registration Assistant or any other staff as directed by the Commission for the purpose of conducting registration of voters shall upon such application being made to him and upon being satisfied that the application is properly made and that the applicant remains qualified for registration, register the applicant in the prescribed form and cause to be issued another voter's card:

Provided that no new voter's card shall be issued under this section unless the applicant surrenders his voter's card or satisfies the Registration Officer, Registration Assistant or any other staff as directed by the Commission for the purpose of conducting registration of voters that it is lost or destroyed and pays the prescribed fee, if any.

20. Declaration relating to lost or destroyed voter's card

Where, under the provisions of this Part, an application is made to a Registration Officer, Registration Assistant or any other staff as directed by the Commission for the purpose of conducting registration of voters by a person who claims to have lost voter's card issued to him or that such voter's card has been destroyed, the Registration Officer, Registration Assistant or any other staff as directed by the Commission for the purpose of conducting registration of voters shall require the applicant to make a declaration in the prescribed form relating to such loss or destruction, and without prejudice to his power to refuse the application on other grounds, Registration Officer, Registration Assistant or any other staff as directed by the Commission for the purpose of conducting registration of voters, may refuse the application unless the applicant makes such a declaration.

21 Refusal of application

(1) Where a Registration Officer, Registration Assistant or any other staff as directed by the Commission for the purpose of conducting registration of voters, refuses an application under the provisions of this Part, he shall, if so required by the applicant, give to the applicant a written statement in the prescribed form setting out the grounds of his refusal, and where any applicant aggrieved by such refusal may, within fourteen days after receipt of such statement, appeal against such refusal to a District court

(2) The District Court shall determine such appeal within fourteen days from the date of submission of an appeal.

Part III-Objection to Registration or Continued Registration

22. Inspection of Provisional Register

(1) Any person may inspect the Provisional Voter's Register of any polling district on such day and at such time as the Registration Officer or, as the case may be, the Director of Elections, may determine.

(2) The Registration Officer shall display the Provisional Voters' Register in every ward and may amend it, if necessary, in the manner as may be prescribed by the Commission.

23. Inclusion of name in the Provisional Voters' Register

(1) Where any person who has been registered as a voter and holds a valid voter's card in respect of a polling district discovers pursuant to an inspection made in accordance with the provisions of section 22, that his name does not appear in the Provisional Voters' Register of the polling district that person he may apply to the Director of Elections, and the Director of Elections or, as the case may be; the Registration Officer shall, if satisfied that the name of such person should have been included in the Provisional Voters' Register of the polling district, amend or cause to be amended the Provisional Voters' Register by inclusion of the name of such person.

(2) Where the Director of Elections or the Registration Officer refuses to amend the Provisional Voters' Register to include the name of any person, the person aggrieved by such refusal may object to such refusal in accordance with the succeeding provisions of this Part.

24. Objections

(1) Any person whose name appears in the Provisional Voters' Register for any polling district may object to the retention in that Provisional Voters' Register of his own name or the name of any other person on the ground that he or such other person is not qualified or is no longer qualified to be so registered or that such other person is dead.

(2) The Director of Elections or the Registration Officer may object to the retention of any name in the Provisional Voters' Register of any polling district on any of the grounds referred to in subsection(1).

(3) Any person who makes an objection under this section is hereinafter referred to as "the objector".

25. Procedure for making objections

(1) Except in the case of objection being made by the Director of Elections or a Registration Officer, every objection shall be made in duplicate in the prescribed form and shall be made to the Registration Officer within such period as may be prescribed.

(2) Every objection, other than an objection made by the Director of Elections or Registration Officer, shall be accompanied by a deposit of such sum as the Commission may, by notice in the *Gazette*, prescribe.

(3) The Registration Officer shall, as soon as practicable after receiving an objection made in accordance with this Part or in the case of an objection made by himself, within such period as may be prescribed, serve notice of such objection to the person in regard to whom such objection has been made:

Provided that a Registration Officer shall not be required to serve notice where an objection is made on the ground that a person whose name appears in the Provisional Voters' Register is dead.

26. Inquiry and determination by Registration Officer

(1) The Registration Officer shall as soon as practicable hold a public inquiry into all objections which have been duly made, giving not less than seven clear days written notice of the date on which and the time and place at which such inquiry will commence to each objector and the person in regard to whom the objection has been made, and, at any such public inquiry, any person appearing to the Registration Officer to be interested in or affected by the subject matter of the inquiry, may appear and be heard either in person or by any other person duly authorized by the person interested or affected in writing in that behalf.

(2) Where an objection is made to the retention or non-inclusion of any name in the Provisional Voters' Register, the Registration Officer shall call upon the objector or any person authorised in writing in that behalf by the objector to give *prima facie* proof of the ground of the objection.

(3) Where in the opinion of the Registration Officer such *prima facie* proof is given, the Registration Officer shall require proof of the present qualification for registration of the person in regard to whom the objection has been made and-

(a) if such person's qualification is not proved to the satisfaction of the Registration Officer, the Registration Officer shall inform the Director of Elections of the same and the Director of Elections shall delete or cause to be deleted such person's name from the Provisional Voters' Register; or

(b) if such person's qualification is so proved the Registration Officer shall inform the Director of Elections of the same and the Director of Elections shall retain, or as the case may be, include or cause to be retained or included, such person's name in the Provisional Voters' Register.

(4) Where on the date fixed for inquiry into any objection, the objector or any person authorized in writing in that behalf by the objector, fails to appear or appears but fails to give *prima facie* proof to the satisfaction of the Registration Officer, the Registration Officer shall retain or cause to be retained the name of the person in regard to whom the objection is made in the register or, as the case may be, take no steps for the amendment of the Provisional Voters' Register so as to retain inclusion in the Provisional Voters' Register of the name of the person in regard to whom the objection is made.

(5) Where an objection made by any person other than the Registration Officer or the Director of Elections is disallowed by the Registration Officer and in his opinion, the objection was made without reasonable cause, the Registration Officer may, if he thinks fit, order in writing the objector to pay the person in regard to whom the objection has been made, compensation in such sum as the Commission may, by notice in the *Gazette*, prescribe.

(6) Any sum awarded as compensation under this section shall be recoverable as though the order of the Registration Officer were a decree of a District Court for the recovery of money.

(7) Where an objection is disallowed by the Registration Officer and he is of the opinion that the objection was made without reasonable cause, the deposit of such sum as the Commission may, by notice in the *Gazette* prescribe to be deposited by an objector, shall be liable to be forfeited to the Government by order of the Registration Officer, or if no such order is made, deposit shall be refunded.

(8) The validity of the proceedings under this section shall not be questioned by reason only of the Registration Officer inquiring into and determining an objection made by himself, and in any such case the procedure at an inquiry under this section shall commence at the stage at which the Registration Officer required proof of the present qualification of the person in regard to whom the objection is made.

(9) The Registration Officer shall decide on the objection under this Part within seven days from the last day of the issuance of the notice of inquiry.

27. Objector or person objected to may appeal

(1) Where any objector or person in regard to whom objection has been made is dissatisfied with the decision of the Registration Officer under section 26, the objector or person may, within seven days from the date of such decision appeal to a District Court.

(2) The District Court shall determine such appeal within fourteen days from the date of submission of an appeal.

Part IV-Appeals and Additions to or Deletions from the Provisional Voters' Registration

28. Appeals to a District Magistrate

(1) Every appeal under section 21 or 27 shall state shortly the grounds of appeal, and shall be accompanied by such sum as the Commission may, by notice in the *Gazette* prescribe as a deposit.

(2) The District Magistrate shall hear every such appeal in public giving notice of the time, date and place of the hearing of the appeal to the parties concerned and it shall be in his discretion whether to hear or not to hear any evidence and, his determination of the appeal shall be final and conclusive and shall not be called in question in any court.

(3) Where the District Magistrate has determined an appeal which has been lodged with respect to any provisional voter's register on the issue of a voter's card, he shall forward to the Registration Officer a statement under his hand containing the names which he has decided shall be deleted from the Provisional Voters' Register and a statement of a name of any person to whom a voter's card shall be issued, and the Registration Officer shall inform the Director of Elections on the result of the appeal, and the Director of Elections shall amend or cause to be amended the Provisional Voters' Register and issue a voter's card accordingly:

Provided that-

(a) The District Magistrate shall not require the Registration Officer to cause the issuance of another voter's card where the previous voter's card has been lost or destroyed, unless such person shall have made the declaration to the Registration Officer as required under section 20; and

(b) in any case to which section 18, 19 or 20 applies and no declaration has been made in accordance with section 20, Registration Officer may refuse to cause the issuance of another voter's card until the previous voter's card issued to the person concerned has been surrendered.

(4) Where an appeal is dismissed and the District Magistrate is of the opinion that the appeal was made without reasonable cause, he may order that the deposit of such sum as the Commission may, by notice in the *Gazette*, prescribe to be deposited upon appeal, be forfeited to the Government, or if no such order is made, the deposit shall be refunded.

(5) No party to an appeal shall be entitled to any costs or compensation:

Provided that if an appeal is made and allowed by the District Magistrate and in his opinion the appeal was made without cause, the District Magistrate may, if he thinks fit, order the appellant to pay compensation of such sum as the Commission may, by notice in the *Gazette*, prescribe and any sum so awarded, shall be recoverable as though the order were a decree of a District Court for the recovery of money.

(6) Where an appeal has been made under this section, the District Magistrate may, whether he allows or dismisses the appeal, order that any deposit forfeited or to be forfeited or any sum of a money paid or to be paid by way of compensation in accordance with an order of the Registration Officer under section 26; or so much of such deposit or such sum as the District Magistrate may specify shall not be paid or forfeited, or shall be returned to the

objector, as the case may be, and any sum ordered to be returned shall be recoverable as though the order were a decree of a District Court for the recovery of the money.

(7) A witness may be summoned and sworn at the hearing of an appeal under the provisions of this section in the same manner as nearly as circumstances permit as in a trial by a District Court in the exercise of its criminal jurisdiction and shall, without prejudice to the provisions of any other law, be subject to the same penalties for giving false evidence or for non-attendance.

(8) Any person entitled to appear as a party at an appeal brought under the provisions of this section may appear either in person or by an advocate.

(9) The procedure and practice of hearing appeals under this section shall be regulated in such manner as the District Magistrate shall decide and, without prejudice to the generality of the foregoing, a District Magistrate may, if satisfied that two or more appeals involve the same question declare that the decision given in an appeal heard previously shall be binding on the parties to such other appeal or appeals as he shall specify.

29. Provisions Consequential upon additions to, or deletions from the Provisional Voters' register

(1) Where the name of any person has been added to a Provisional Voters' Register pursuant to section 26, or any voter's card has been issued to any person in pursuance of that section, the Registration Officer shall take steps in relation to that person as if he had not refused the application to which the appeal relates.

(2) Where the name of any person has been deleted from the Provisional Voters' Register pursuant to section 26, the Registration Officer shall require such person either-

(a) to surrender any voter's card issued to such person under this Act; or

(b) to make and deliver to the Registration Officer the declaration provided for in section 20; within such period, being not less than ten days, as the Registration Officer shall specify; and the Registration Officer shall cause to be cancelled any voter's card so surrendered.

Chapter 111-Presidential Election

Part I-Presidential and Vice-Presidential Candidates Nomination.

30. Nomination of Presidential and Vice-Presidential candidates

Whenever a Presidential election is to be held, each registered political party intending to participate in the Presidential election shall submit to the Commission, the name of a Presidential candidate and the name of the candidate for the office of the Vice-President of that political party.

31. Number of nominators

In order to be validly nominated to stand as a Presidential candidate, a person must be nominated in writing, by not less than two hundred nominators who are registered voters for the purpose of elections under this Act from each of at least ten regions of the United Republic, out of which at least two regions are in Tanzania Zanzibar.

32. Particulars of nomination

(1) Every Presidential candidate shall deliver in such manner and at such place as the Commission may direct, not later than four o'clock on the nomination day, in such number of copies as the Commission may direct and which shall contain the following particulars-

(a) the name and address of the candidate for the office of President and of the Vice-President who shall be the running mate;

(b) the names and addresses of the nominators; and

(c) the numbers of the voter's cards of the nominators.

- (2) No person shall be a nominator for more than one Presidential candidate.
- (3) For purposes of this Part, "nomination day" means the day declared by the Commission as the last day for receiving names of aspiring Presidential candidates.

33. Deposits

- (1) Every Presidential candidate shall, at the time of delivering nomination form pursuant to other provisions of this Part, deposit with the office of the Commission, such sum of money as may be prescribed by the Commission.
- (2) The deposit shall be forfeited to the Government if-
 - (a) the Presidential candidate withdraws his candidature after nomination day; or
 - (b) the number of votes counted in his favour at the election is less than one-tenth of the total number of valid votes cast, except that such deposit shall not be forfeited if the candidate dies before the election.
- (3) Where the deposit is not forfeited under the provisions of subsection (2), it shall, as soon as practicable after the declaration of the results of the election, be refunded to the Presidential candidate or paid to his personal legal representative, as the case may be by the Commission.

34. Sole Presidential candidate

- (1) Where there is only one validly nominated Presidential candidate, the Commission shall declare such person as the sole Presidential candidate.
- (2) The Presidential candidate declared under subsection (1) shall be duly elected to the office of the President if he obtains more than fifty percent of the total votes cast.
- (3) Where the sole Presidential candidate has failed to secure the required percentage of votes, the Commission shall declare another nomination day for the purpose of Presidential election.

35. Withdrawal of candidature

A Presidential candidate may withdraw his candidature by notice in writing signed and delivered by that candidate to the Commission not later than four o'clock on the nomination day.

35A. Death or lack of candidates

- (1) Where-
 - (a) after four o'clock on the nomination day there is no validly nominated candidate; or
 - (b) at any time after four o'clock on nomination day and before the determination of an election, any Presidential or Vice-Presidential candidate dies, the Commission shall immediately, by notice in the *Gazette*, appoint a further nomination day being, in the case of death, a day not later than fourteen days from the date of death, a day to give time to the political party concerned to nominate a new Presidential or Vice-Presidential candidate, as the case may be.
- (2) Where a further nomination day is appointed under this section, the Commission shall appoint another Presidential election day and the appropriate procedures shall be commenced afresh, except that no new nomination shall be required in the case of the other Presidential candidates, if there are any.

Part II-Election Procedure

35B. Presidential election day

(1) Subject to section 35D, the Commission shall appoint a day in this Act referred to as Presidential election day, for the holding of a ballot in every constituency for the election of the President.

(2) Subject to the provisions of this section, the Commission may appoint different Presidential election days for different constituencies and may revoke the appointment of a Presidential election day and appoint some other Presidential election day.

(3) The Commission shall appoint as Presidential election day-

(a) in the case of a Presidential election held by reason of dissolution of Parliament other than in the circumstances provided for by paragraphs (b), (c), (d) or (e) of sub-article (2) of Article 38 of the Constitution-

(i) for each constituency in which there is a Parliamentary election, the day appointed as election day for that Parliamentary election;

(ii) for every other constituency, a day not less than forty days and not more than fifty days after the nomination day;

(b) in the case of a Presidential election to which paragraph

(a) of this subsection does not apply, for every constituency, a day not less than forty days and not more than fifty days after the nomination of the Presidential candidates.

(4) Different days may be appointed under sub-paragraph (ii) of paragraph (a) or paragraph (b) of subsection (3) for different constituencies.

(5) For the purpose of subsection (3), a constituency for which a Parliamentary election is commenced afresh, shall be deemed to be a constituency in which there is no Parliamentary election.

35C. Persons entitled to vote at Presidential election

(1) Every person registered as a voter under this Act shall be entitled to vote at a Presidential election.

(2) Subject to the provisions of subsection (3), a registered voter may vote-

(a) on the Presidential election day appointed for the constituency for which he is registered as a voter; and

(b) at the polling station allotted to him in the polling district for which he is so registered.

(3) The Commission may give directions and prescribe conditions under which a person may, on the Presidential election day, be allowed to vote at a polling station other than that allotted to him.

35D. Application of Chapter IV

The provisions of Chapter IV of this Act shall apply *mutatis mutandis* in relation to Presidential candidates.

35E. Application of Chapter V

The ballot for the election of a President in each constituency shall be held in the like manner as the ballot in a Parliamentary election and the provisions of Chapter V of this Act shall apply *mutatis mutandis*.

35F. Addition of Presidential votes

(1) After all the reports of the results and the ballot boxes containing the ballot papers relating to Presidential election, have been received from all the polling stations in the constituency, the Returning Officer shall, after determining the validity of any disputed votes, add together the figures of-

- (a) all the votes cast in the constituency;
- (b) the votes in favour of each candidate; and
- (c) the rejected ballot papers.

(2) The Returning Officer shall, after compiling the Presidential results in the constituency, display such results at a conspicuous place.

(3) Subject to subsection (2), the Returning Officer shall prepare and submit to the Commission, a report of the partial results of the Presidential election in the constituency.

(4) The Commission may direct that the Returning Officer shall, after preparing the report of the results under subsection (2) of this section, display a copy of the report in such conspicuous public place.

(5) The Returning Officer shall certify and give a copy of the report to each of the polling agents or if present, to the Presidential candidates.

(6) The Commission may, where there is any doubt as to the accuracy in the addition of Presidential votes in any constituency, require the repetition of the addition of the figures from the partial results from some or all of the polling stations in the constituency.

(6A) The Commission shall, after receiving the results submitted to it under subsection (3), declare the results of Presidential election for the particular constituency concerned.

(7) Subject to subsection (2), the Commission shall, after adding together all the respective total results submitted to it by each Returning Officer in accordance with subsection (2), declare the results of the Presidential election in the country.

(8) A Presidential candidate shall be declared to have been elected President if he receives the greatest number of all the valid votes cast.

35G. Second Ballot

(1) Where at the initial ballot no Presidential candidate has received the greatest number of valid votes cast, the Commission shall, by notice published in the *Gazette*, appoint some other convenient day, being not more than forty days after the election day for the second ballot of the Presidential election.

(2) Where there is a tie up in the votes for the first highest, the Presidential candidates who tied up shall be the only candidates in the second ballot.

35H. Election of President to be deemed election of Vice-President

Where a Presidential candidate is declared to have been elected, the running mate shall be deemed to have been elected to the office of the Vice-President.

36. Qualification of candidates for Parliamentary elections

No person shall be qualified to be a candidate for Parliamentary election or elected to be as a Member of Parliament unless he is qualified to be so elected by and in accordance with the provisions of Article 67 of the Constitution.

Part II-Nomination of Candidates

37. Nomination day

(1) Where a Parliamentary election is to be held in a constituency or where such election is countermanded and the election procedures are to commence afresh, the Commission shall, by notice published in the *Gazette*, appoint a nomination day for the Parliamentary election:

Provided that-

(a) where a Parliamentary election is to be held after dissolution of Parliament, the nomination day for any constituency shall be not less than five and not more than twenty-five days after the dissolution of Parliament;

(b) where a by-election is to be held the nomination day shall be not less than twenty days and not more than fifty days after the occurrence of the event by reason of which the election is to be held.

(2) Subject to the provisions of subsection (1) (b), the Speaker shall in writing notify the Chairman of the Commission the period which has been set by the National Assembly for that purpose.

(3) Where a Member of Parliament resigns, dies or otherwise relinquishes office for reason other than under section 113, the Speaker shall in writing to the Chairman of the Commission, and by notice published in the *Gazette*, declare that there is a vacancy in the seat of a Member of Parliament.

(4) The Commission may appoint different nomination days for different constituencies and may revoke the appointment for any nomination day and appoint another nomination day:

Provided that any such later day appointed as a nomination day for a Parliamentary election shall be within the period provided for under the proviso to subsection (1).

(5) The Commission shall give at least seven days' notice of nomination day and, in the case of a Parliamentary election to be held where the President has given notice of the intention to dissolve Parliament, the notice of a nomination day may be given before such dissolution.

(6) Where a by-election is to be held and the date for dissolution of Parliament has been proclaimed or is known on account of the events specified in sub-article (3) of Article 90 of the Constitution, no such by-election shall take place at any time during the period of twelve months immediately preceding the date of the dissolution of Parliament.

38. Nomination of Candidates

(1) In order to be validly nominated as a candidate for Parliamentary election, a person must be nominated in writing by not less than twenty-five nominators who are voters registered in the polling districts within the constituency for which that person is a candidate.

(2) Notwithstanding the provisions of subsection (1), the Commission may, on the nomination day, refuse to nominate a person as a candidate if it is satisfied that the person has been disqualified from participating in the nomination process by the Commission pursuant to the provisions of the Election Expenses Act.

(3) The nomination shall be in the prescribed form, signed by the candidate and by the nominators and shall contain the following particulars-

(a) the name, address and occupation of the candidate;

(b) the names and addresses of the nominators and the numbers of their voter's cards; and

(c) a certificate by the candidate that he is willing and otherwise qualified to stand for election.

(4) Every nomination form shall be accompanied by-

(a) a statutory declaration in the prescribed form, made and signed by the candidate before a magistrate and declaring the candidate's qualifications and that he is not disqualified for election except that, statutory declaration of the candidate's for the office of the President and Vice-President of the United Republic shall be made before a Judge;

(b) such number of photographs of the candidate as the Commission may deem necessary, taken not earlier than three months preceding the nomination day; and

(c) such biographical information relating to the candidate as may be required to be given by regulations in such form as may be prescribed.

(5) Where, in any case a nomination paper is not accompanied by the documents specified in subsection (4), the nomination of the candidate shall be deemed to be void:

Provided that the Commission may, in any particular case if it thinks reasonable so to do, direct that the nomination form be accepted as valid notwithstanding that such nomination form was not accompanied by any of such documents if the documents in question are submitted to the Returning Officer within such further time as the Commission may allow.

(6) The Returning Officer shall provide nomination forms and shall supply any voter with such number of nomination forms as he may require.

(7) Every candidate or one of the nominators of the candidate, shall deliver the nomination form together with one copy signed as provided for under this section, at the office of the Returning Officer not later than four o'clock in the afternoon of the nomination day.

(8) The Returning Officer shall immediately cause a copy of the nomination form to be posted in a conspicuous place outside his office.

(9) No person shall nominate more than one candidate for any one election and where a Returning Officer has issued a certificate under paragraph (b) of sub-section (4) in respect of a person's nomination of one candidate he shall refuse to issue a certificate in respect of that person's nomination of another candidate for the same election:

Provided that a person may not be prevented from signing a nomination form by reason only of his having signed a nomination form of a candidate who has died or withdrawn his candidature before delivery of such first-mentioned nomination form.

(10) Notwithstanding the provisions of subsection (9), where a nominator nominates more than one candidate for the same election and certificates have been issued under paragraph (b) of subsection (4) in respect of such person's registration, both such candidates nomination shall be valid.

(11) Any person who nominates more than one candidate commits an offence, and upon conviction shall be liable to a fine not exceeding two hundred thousand shillings.

(12) The Returning Officer may, where he is satisfied that any person has committed an offence under subsection (11), by order under his hand compound such offence by requiring such person to make payment of a sum of money:

Provided that-

(a) such sum of money shall not be more than the maximum fine provided for such offence;

(b) the power conferred by this subsection shall only be exercised where the person admits in writing that he has committed the offence; and

(c) the Returning Officer shall issue to the person from whom he receives such sum of money a receipt thereof.

(13) A nominator may, subject to the provisions of subsection (9) nominate one candidate each for Presidential, Parliamentary and Local Authority election.

(14) A Returning Officer shall, when requested by or on behalf of a candidate to issue a certificate in respect of a nominator who is registered in polling district of which he has charge, issue a certificate accordingly.

(15) The fact that, subsequent to nomination day, the name of a person who has nominated a candidate is deleted from a register of voters for the relevant polling district, shall not invalidate the nomination of the candidate.

38A. Deposits

(1) A candidate or one of his nominators shall, at the time of delivering the nomination form pursuant to the provisions of section 38, deposit with a Returning Officer such sum of money as may be prescribed.

(2) The deposit of an opposed candidate shall be forfeited to the Government if he withdraws his candidature after nomination day or if the number of votes counted in his favour at the election, is less than one-tenth of the total number of votes counted for the constituency for which he was a candidate, except that such deposit shall not be forfeited if the candidate dies.

(3) Where the deposit of a candidate is not forfeited under the provisions of subsection (2), it shall, as soon as is reasonably practicable after the declaration of the results of the election, be returned to the candidate or paid to his personal legal representative, as the case may be, by the Returning Officer.

39. Candidate to be nominated for one constituency only

No person shall be nominated as a candidate for election in more than one constituency.

40. Objections to and decisions as to validity of nomination form

(1) Objections may be made to a nomination form only on all or any of the following grounds on-

- (a) that the particulars given in respect of the candidate are insufficient to identify him;
- (b) that the nomination form does not comply with or was not delivered in accordance with the provisions of this Part;
- (c) that it is apparent from the contents of the nomination form that the candidate is not qualified to stand for election;
- (d) that the requirements of subsection (4) of section 38 have not been complied with; and
- (e) if the requirements of the Election Expenses Act, have not been complied with.

(2) No objection to a nomination form shall be allowed unless it is made to the Returning Officer not later than four o'clock in the afternoon of the day following nomination day.

(3) The objection may be made by another candidate in the constituency, or by the Director of Elections or the Registrar of Political Parties or the Returning Officer on his own motion or the Attorney General and shall be made in writing, signed by the objector, and shall specify the grounds of objection.

(4) The Returning Officer shall, before deciding on the validity of any objection with the least possible delay -

- (a) notify the person against whom the objection is made; and
- (b) avail such person an opportunity to be heard.

(4A) Where the Returning Officer decides on any objection under subsection (4), he shall notify in writing the candidate concerned of the decision and if the objection is allowed, of the grounds for the decision.

(5) Where a Returning Officer makes an objection on his own motion, under subsection (3), he shall before making any finding inform the candidate concerned in writing and after making a finding on the objection he shall refer such findings to the Commission.

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6) Any candidate who is dissatisfied with the decision of the Returning Officer on the validity of an objection may, in such manner and within such period as the Commission may prescribe, appeal to the Commission and the decision of the Commission shall be final and conclusive and shall not be challenged in any court, except by way of an election petition presented pursuant to the provisions of Chapter VII on one or other of the grounds specified in that Chapter.

(7) Notwithstanding any provisions of this section, the Registrar of Political Parties shall, upon filing an objection under subsection (3), the objection shall be subjected to the procedure laid down, under this Act.

41. Repealed

Part III-Final Nomination of Candidates for Parliamentary Election

42. Repealed.

43. Repealed

44. Unopposed candidate

Where only one candidate is nominated for an election in a constituency, such candidate shall be deemed to be elected and the Commission shall, by notice in the *Gazette*, declare that candidate to have been elected.

45. Repealed

Part IV-Election day

46. Nominated candidates and Election Day

(1) Where candidates are nominated for election other than a by-election in a constituency, the Commission shall, by notice published in the *Gazette*, appoint a day not less than sixty days and not more than ninety days after the day on which they have been nominated to stand as candidates for election in the constituency:

Provided that where there are two or more contested elections during a Parliamentary election, the Commission may appoint different election days for different constituency.

(2) Where candidates are nominated for a by-election in a constituency, the Commission shall, by notice published in a *Gazette* appoint a day not more than thirty days after the day on which they have been nominated to stand as candidates for election in the constituency.

(3) Notwithstanding the provisions of subsections (1) and (2), the Commission may for a reasonable cause or upon the occurrence of an event preventing an election to take place, revoke the election day previously appointed and appoint another election day.

(4) The Commission shall, on the election day, upon the occurrence of an event that prevents an election to take place, appoint another day of election for a Particular Constituency or Constituencies.

(5) Where the polling is adjourned under subsection (4), the time, procedure and manner of the subsequent polling shall be as on the original polling day.

47. Notice of election

(1) Where there is a contested election the Returning Officer shall on or before the eighth day before the election day, give notice in the constituency in such manner as he may think fit as to the following matters-

(a) the day or days and, subject to the provisions of subsection (4), the time or times of commencement and close of the poll;

(b) the address of the polling station or stations;

(c) in any polling district where there are two or more polling stations, the voters assigned to each polling station; and

(d) the full names of a candidates, a recent photographs and acronym or logo of the political party sponsoring candidates, if any.

(2) The day appointed for polling pursuant to the provisions of paragraph (a) of subsection (1) in any polling district, may differ from the day appointed for any other polling parties in the same constituency:

Provided that-

(a) election day for a constituency shall be the polling day for at least one polling district in that constituency;

(b) only one day shall be appointed as the polling day for each polling district; and

(c) the last day appointed for polling in any polling district in any constituency, shall be not later than such time after election day for the constituency as the Commission may appoint.

(3) For the purpose of paragraph (a) of subsection (1), unless the Commission otherwise directs, the time of commencement of the poll shall be eight o'clock in the morning and the time of closure of the poll shall be six o'clock in the evening or such earlier time as may be specified in the notice.

Part V-Withdrawal, Death or Absence of Candidates

48. Withdrawal or cessation of candidature

(1) A candidate may withdraw his candidature by notice in writing signed and delivered by him to the Returning Officer and a copy to the local branch of the Party sponsoring him not later than six o'clock in the afternoon of the day following nomination.

(2) Every withdrawal notice under subsection (1) shall be accompanied by a statutory declaration in the prescribed form, made and signed by the candidate before a Magistrate.

(3) Subject to subsection (1) where a candidate withdraws his candidature after six o'clock in the afternoon of the day following nomination the provisions of subsection (2) of section 38A shall apply.

49. Death of candidate

(1) Where after four o'clock in that afternoon on nomination day and before the close of the poll in an election, a candidate in a constituency dies, the Returning Officer shall, upon being satisfied of the fact of death, countermand the election in the constituency.

(2) In the case where the Returning Officer countermands an election pursuant to the provisions of subsection (1), the Commission shall, by notice published in the *Gazette*, appoint some other convenient day, not later than thirty days after such countermand, for the nomination of candidates for election in the constituency and the electoral procedure in that constituency shall be commenced afresh:

Provided that no new nomination shall be required in respect of any other candidate validly nominated at the previous nomination and every such candidate shall be deemed to have been already nominated unless that candidate gives notice of withdrawal.

50. Absence of candidates

Where after a nomination day by reason of death, withdrawal or for any other reason, there are no candidates in a constituency, the Commission shall, by notice in the *Gazette*, countermand the election and appoint another day not later than thirty days after such countermand, for the nomination of candidates for election in the constituency, and the electoral procedure in that constituency shall be commenced afresh.

50A. Disqualification of candidates

(1) Where the Registrar of Political Parties is satisfied that a candidate has committed a prohibited practice or failed to observe any other requirements of the Election Expenses Act, he may file an objection with the Commission.

(2) The Commission may, upon determination of the objection filed by the Registrar of Political Parties on failure of the candidate to observe the provisions of the Election Expenses Act, disqualify the candidate from continuing to participate in the election process.

Part VI-Election Campaigns

51. Election campaigns

(1) Where there is a contested election in a constituency the election campaign shall be organised by the candidate, the candidate's political party or by his agent.

(2) The candidate, his agent or the candidate's political party, as the case may be, shall supply the Returning Officer with a schedule indicating the proposed programme for the public meetings of the candidate's campaign specifying the time and places of those meetings.

(3) A candidate or his agent or a political party acting with the approval or consent of the candidate may convene or address any public meeting in the constituency held pursuant to subsection (2), for the purpose of furthering the candidate's election or undertake any public or door to door canvassing.

(4) For purpose of ensuring peaceful and orderly meetings during the campaign period, the Returning Officer shall call a meeting of all candidates or party agents and scrutinize the campaign programmes of all the candidates and if necessary advise the candidates to make changes for their programs in order to avoid conflicting meetings.

(5) Every Returning Officer shall cause a copy of the coordinated programme to be submitted to the District Commissioner and the police officer commanding district within the constituency and such programme shall constitute a notice of the proposed meetings for purposes of the Political Parties Act and the Police Force and Auxiliary Service Act.

(6) Notwithstanding sub-section (5) of this section, no public meetings shall be held in a constituency for the purpose of furthering the candidate's election campaigns on any election day or where a new election day has been appointed in accordance with subsection(2) of section 46, on any other day after the first appointed election day.

52. Repealed

53. Access to and obligation of public media

(1) Subject to subsection (2), the candidates for the office of the President and Vice-President of the United Republic and political parties participating in an election shall have the right

to use the state radio and television broadcasting service during the official period of election campaign.

(2) The Commission shall, after consultations with the candidates, the political parties concerned and the officers responsible for the public media, coordinate the use of the broadcasting rights under this section.

(3) Every print media owned by the government which publishes information relating to the electoral process shall be guided by the principle of total impartiality and shall refrain from any discrimination in relation to any candidate journalistically and in the amount of space dedicated to them.

(4) For the purpose of giving effect to this section, the Commission may in writing issue binding directives to any government owned media.

54. Repealed.

Chapter V, Part 1-Election Procedure

55. Polling days and times

In a contested election polling shall take place in each polling districts in the manner prescribed in this Part on the day appointed for polling in that polling district pursuant to the provisions of section 47.

56. Arrangements for contested elections

The Returning Officer shall-

(a) provide a sufficient number of polling stations in each polling district in accordance with terms of any notice given under the provisions of section 47;

(b) appoint in respect of each polling district such persons, to be known as polling assistants, as he may think fit to assist presiding officer during the voting in the election;

(c) appoint from among such polling assistants a person to be in charge of the polling station to be known as the presiding officer;

(d) furnish each polling station with such number of polling booths as in the opinion of the Returning Officer may be necessary, in which the voters, screened from observation, can record their votes;

(e) place or cause to be placed outside each polling station in a conspicuous place, a notice showing the names in alphabetical order of surnames, or in such other order as the Commission may direct, the full name of a candidate, a recent passport size photograph taken within three months and acronym or logo of the political party sponsoring the candidate;

(f) provide both within and outside each polling station, notices containing instructions relating to the voting procedure to be followed;

(g) provide each presiding officer with such number of ballot boxes and ballot papers as in the opinion of the Returning Officer necessary;

(h) provide each polling station with writing materials and instruments with which the voters can mark the ballot papers and for making official marks;

(i) subject to any directions which the Commission may give in that behalf, provide each polling station with copies of the register of voters for the polling district or such part of such register as contains the names of the voters allowed to vote at that polling station; and

(j) perform any other acts and do such other things as the Commission may direct.

57. Polling agent

(1) Each political party may, with the prior consent of candidates appoint one person to be known as a polling agent for each polling station within the constituency for which it has a candidate or candidates for the purpose of-

- (a) detecting impersonation;
- (b) representing and safeguarding the interests for the candidate or candidates at the polling station; and
- (c) co-operating with the presiding officer and polling assistants to secure smooth compliance with the law and procedures pertaining to the conduct of the voting and the elections at the polling station.

(2) A notice in writing of the appointment stating the name and address of the polling station to which the agent has been assigned, shall in so far as it may be possible, be given to the Returning Officer not later than seven days before election day or within such shorter time as the Commission may allow:

Provided that a political party may in the notice given under this subsection, appoint an alternate polling agent who may be present and perform any of the functions of a polling agent in the absence of the polling agent from the polling station, whether permanently or temporarily.

(3) Where any polling agent dies or becomes incapable of acting as such, the political party concerned may appoint another polling agent in his place, and shall immediately give to the Returning Officer and the presiding officer concerned, notice in writing of the name and address of the polling agent so appointed and the polling station to which he is appointed.

(4) The presiding officer shall, with the assistance and cooperation of the polling agent, solve or otherwise deal with each complaint at the polling station as soon as it arise and is brought to his attention by a candidate, a polling agent, a voter or by any other person registered and entitled to vote at the polling station concerned.

58. Ballot boxes

(1) Every ballot box shall be constructed in a manner which allows voters to put ballot papers in but not to withdraw the ballot papers.

(2) Immediately before the commencement of voting, the presiding officer at each polling station shall show the empty ballot box to persons lawfully present so that they may see that it is empty, and shall then close the ballot box and place a seal upon it in such manner as to prevent it being opened without breaking the seal, and shall place it in view for the receipt of ballot papers and shall keep the ballot box so closed and sealed.

59. Form of ballot Paper

Every ballot paper shall-

- (a) contain-
 - (i) the full name of the candidate;
 - (ii) a recent photograph taken within three months;
 - (iii) an acronym or logo of the political party sponsoring the candidate, if any;
- (b) be capable of being folded up;
- (c) be attached to counterfoil bearing a serial number.

60. Prohibition of disclosure of Vote

No person who has voted at an election shall, in any legal proceedings to question the election return be required to state for whom he voted:

Provided that this section shall not apply in any legal proceedings in which the question whether a presiding officer acting under the provision of subsection (3) paragraph (b), (c) or (i) of section 61 acted *bona fide*, is in issue.

Voting and Counting Procedure

61. Method of voting

(1) Without prejudice to the provisions of subsection (4) of section 47 and section 85, each polling agent shall be present at the opening of the voting at the polling station in respect of which he is appointed a polling agent.

(2) Before the commencement of voting at a polling station the polling agent shall be required by the presiding officer to submit to him in the prescribed manner any complaint that the polling agent has or has received, or any expression of his satisfaction with regard to the arrangements for voting in the polling station.

(3) The voting at an election shall be conducted in the following manner-

(a) every voter who wishes to vote shall present himself at the polling station allotted to him in the polling district for which he is registered, and shall satisfy the presiding officer or a polling assistant at such polling station that he is the voter he claims to be and that he has not voted already at such polling station or elsewhere and such person may satisfy the presiding officer or a polling assistant that he is the voter he claims to be by producing to that officer or a polling assistant a voter's card or any other documentary evidence as the Director of Elections may direct;

(b) if a voter is incapacitated by blindness or other physical cause or is unable to read, that voter may ask a person of his own choice other than the presiding officer, a polling assistant or a polling agent, to assist such an incapacitated person to record his vote in accordance with paragraphs (c) to (k) of this subsection and a person chosen under this paragraph shall assist not more than one voter:

Provided that where in a household there is more than one person who requires assistance under this paragraph, it shall be lawful for such members of the household to choose one person to assist them;

(c) upon being satisfied as to the identity of the voter and that such voter's name appears on the register for the polling district and the voter has been allocated to vote at such polling station the presiding officer or polling assistant shall deliver to the voter concerned a ballot paper;

(d) immediately before the presiding officer or polling assistant delivers a ballot paper to any person-

(i) the ballot paper shall be perforated, or stamped with an official mark;

(ii) the number and particulars of the voter, as stated in the copy of the register of voters or part of the register maintained at the polling station, shall be called out;

(iii) the number of the voter in the copy of the register of voters or part of the register shall be marked on the counterfoil; and

(iv) a mark shall be placed against the number of the voter in the copy of the register of voters or part of the register to denote that a ballot paper has been received by such voter;

(e) subject to the provisions of paragraph (h), a voter on receiving a ballot paper shall go immediately into one of the polling booths in the polling station, secretly record his vote in the manner provided for in paragraph (f), fold up the ballot paper so as to conceal his vote and shall proceed to the ballot box and show to a polling assistant the back of the ballot paper so as to reveal the official mark and shall then put the folded ballot paper into the ballot box;

(f) a voter shall record his vote putting a mark against the name of the candidate for whom he wishes to vote and by that mark recording no more than one vote;

(g) a voter shall not place on the ballot paper any writing or mark by which he may be identified;

(h) a voter shall vote without undue delay;

(i) if a voter is illiterate or does not understand how to record his vote the presiding officer may, in the presence of the polling agent, explain to the voter the procedure;

(j) subject to the provisions of paragraphs (b) and (i), a voter shall not show the mark which he has placed upon his ballot paper to any person, and if he does so the ballot paper shall be treated as a spoilt ballot paper:

Provided that the provisions of this paragraph shall not apply if a ballot paper is shown by a voter to the presiding officer for the purpose only of ascertaining if the voter has carried out his duties correctly;

(k) a voter who has accidentally dealt with a ballot paper in such manner that it cannot conveniently be used as a valid ballot paper to the presiding officer and after satisfying the presiding officer that the ballot paper has been spoilt by accident, obtain another ballot paper in the place of the ballot paper so delivered and the spoilt ballot paper and its counterfoil shall be immediately marked as cancelled.

(4) Where any voter has any complaint in relation to the conduct of the voting in the polling station or polling district in which he is registered, he may, before or immediately after voting but before leaving the polling station, submit his complaint in the prescribed form to the presiding officer or to a polling assistant and where the complaint concerns the conduct of the presiding officer it shall be recorded in the presence of the polling agent.

62. Repealed

63. Admission to polling station

(1) No person shall be admitted to vote at any polling station except at the polling station allocated to him in the polling district in which he is registered as a voter.

(2) No person other than the following shall be admitted into a polling station-

(a) a presiding officer;

(b) a polling assistant;

(c) a polling agent;

(d) a voter;

(e) a person assisting an incapacitated voter pursuant to section 61;

(f) an observer duly authorized in writing by the Commission;

(g) the candidate;

(h) a member of the Commission;

(i) the Director of Elections;

(j) an officer of the Commission;

(k) the Regional Elections Coordinator;

(l) a police officer or any other person responsible for security at the polling station; and

(m) the Returning Officer and Assistant Returning Officer.

(3) The presiding officer may in his discretion admit at least not less than two observers if any to the polling station.

(4) The Commission may give directions regulating the conduct of observers.

(5) Where any person misbehaves in the polling station or fails to obey the lawful orders of the presiding officer, he may immediately, by order of the presiding officer, be removed

from the polling station by any police officer in or near the station or by any other person authorized in writing by the presiding officer or by the Returning Officer, and the person so removed shall not, unless with the permission of the presiding officer, be allowed to enter the polling station.

(6) Any person removed pursuant to subsection (5), if charged with the commission of any offence in such polling station, may be kept in custody until he can be brought before a Magistrate but the powers conferred by this section shall not be exercised so as to prevent any voter who is otherwise entitled to vote at any polling station, from having an opportunity of voting at such polling station.

64. Allegation of irregularities

(1) Where the presiding officer at any polling station has reason to believe, or where a candidate or polling agent present at any polling station alleges, that any person wishing to vote at that polling station, is not a voter entitled to vote at that polling station, the presiding officer shall warn such person that he will be committing an offence under this Act by so voting.

(2) Where, notwithstanding such warning, such person persists in his wish to vote and-

(a) produces any evidence to show that he is entitled to vote at the polling station in question; and

(b) having been required to make and subscribe to a declaration as prescribed by section 66, makes and subscribes to one or both of the declaration to which that section refers, the presiding officer shall deliver a ballot paper to such person and permit that person to vote at such polling station.

(3) A presiding officer shall record in writing the full name and address which a person warned under subsection (1) gives as his name and address and, if such person has voted the presiding officer shall state that fact in such record.

(4) Before warning a person under subsection (1), a presiding officer shall state to such person the reasons for his belief that such a person is not a voter entitled to vote, at the polling station in question or, in the case of an allegation referred to in subsection (1) made by a candidate or polling agent present in the polling station in question, shall require such candidate or polling agent to state in his presence and in the presence of the person wishing to vote, the reasons for the allegation; and if a candidate or a polling agent refuses to comply with such requirement, the presiding officer shall disregard the allegation made.

65. Repealed

66. Declaration by Voters

(1) The presiding officer at any polling station may, in his discretion, and shall, on the request of a candidate present at the polling station or the polling agent, require any person wishing to vote, before he is given a ballot paper, to furnish such evidence which identifies that person with the person described in the voter's card which he presents, as the presiding officer may deem necessary and to make and subscribe to one or both of the prescribed declarations.

(2) Where any person fails to furnish such evidence of his identity or refuses to make any the declaration, the presiding officer may refuse to give that person a ballot paper.

67. Adjournment of polling in case of riot

(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence while there remains voters who have not completed the polling process, the

presiding officer shall adjourn the proceedings until the following day and shall immediately give notice to the Returning Officer.

(2) Where the poll is adjourned at any polling station-

(a) the hours of polling on the day to which it is adjourned shall be the same as for the original polling day; and

(b) references in this Act to the close of poll shall be construed accordingly.

68. Closing of poll

Where at the hour of the closing of the poll at any polling station there are voters present who have not had an opportunity to vote, the poll shall be kept open for a sufficient time to enable them to vote.

69. Procedure on closing of poll

(1) Before the closing of the polling station after the closing of the poll, the polling agent shall be given the final opportunity to submit in the prescribed form whether or not he is satisfied with or has complaint in relation to the manner the voting was conducted in the polling station, and any complaint reported shall be solved or dealt with in the best possible manner.

(2) At the conclusion of the polling, the presiding officer shall prepare a report, detailing all complaints raised during and after the close of the poll and the steps taken in respect of each of them and the report shall be read before and be confirmed and signed by the polling agent, the presiding officer and a polling assistant, and shall be submitted to the Returning Officer in accordance with section 79A.

70. Polling agent to be counting agent

(1) Every polling agent or the alternate polling agent appointed by the political party pursuant to section 57 of this Act, shall at the close of the poll and during the counting of votes, be the counting agent of the appointing candidate.

(2) Every candidate in Parliamentary or Presidential election may appoint a counting agent to represent the candidate at the place and during the addition of election results by the Returning Officer or the Commission, as the case may be.

70A. Place of counting of votes

(1) Subject to the provisions of subsection (2), both the votes for Presidential and Parliamentary election cast at a polling station shall be counted at that polling station.

(2) Notwithstanding the provisions of subsection (1), Commission, the Director of Elections or the Returning Officer may, for reasons of security, inadequacy of counting space or other facilities or for such other reasonable cause, direct that votes of a number of neighbouring polling stations or of all the polling stations in a polling district or a combination of neighbouring polling district, shall be counted in one place.

(3) Where a direction is given pursuant to subsection (2) of this section, the votes from each polling station shall be counted separately in the same manner as if the votes had been counted at the polling station at which they were cast.

71. Counting of Votes

(1) The presiding officer of each polling station assisted by the polling assistants assigned to the polling station, shall as soon as practicable after the closing of the poll, in the presence of the persons referred to in section 72, if present, proceed continuously with the counting of votes in accordance with the methods and the procedures provided in this Part until the counting is completed.

(2) At the conclusion of every stage in the process of counting votes the candidates or the polling agents if present, shall be required to state in the prescribed manner whether they are satisfied with or they have any complaint and stating the complaint if any, in relation to each stage concluded in the counting of votes.

(3) Each complaint made which can be resolved or settled, shall be resolved or settled at the stage at which it is made and the presiding officer shall prepare an account in the prescribed form, relating to that complaint and how it was resolved.

(4) Every statement recorded by the presiding officer in accordance with this section shall be confirmed by the polling agent, presiding officer and the polling assistant, signed and submitted to the Returning Officer.

72. Persons who may be present at counting of votes

(1) No person other than the following may be present at the counting of votes-

(a) the presiding officer;

(b) a polling assistant;

(c) a polling agent or an alternate polling agent;

(d) a candidate;

(e) a police officer or such other person responsible for security at the place where votes are being counted;

(f) a Returning Officer, Assistant Returning Officer, or a Regional Election Coordinator;

(g) a member of the Commission;

(h) the Director of Elections or an electoral officer of the Commission; and

(i) an election observer duly authorized in writing by the Commission.

(2) No person other than those referred to in subsection (1) shall be permitted to be within the vicinity of the place where votes are being counted.

73. Method of counting votes

(1) Before the presiding officer and polling assistants proceed to count the votes they shall, in the presence of the persons referred to in section 72, if present to-

(a) ascertain and record the number of all the persons who voted at the polling station;

(b) count and record the number of all the unused ballot papers, including any spoilt ballot papers and seal them in a special envelope;

(c) inspect the seal and to ascertain whether it has been opened or tampered with;

(d) unseal the seal; and

(e) open the ballot box.

(2) For purposes of Part II of Chapter V of this Act, the word "seal" includes a padlock and any other procedure, machinery or thing which is approved by the Commission for securing integrity of the contents of a ballot box, and the words seal, open, close or unseal, with their grammatical variations and cognate expressions shall, when used in relation to a seal or a ballot box, have a corresponding meaning.

(3) After the ballot box has been opened the presiding officer shall take out and count aloud each ballot paper and record the total of the ballot papers found in the ballot box.

(4) After the total of the ballot papers in the ballot box have been ascertained, the votes shall be counted as follows:

(a) the presiding officer shall unfold each ballot paper, display it for viewing by those present and announce aloud the candidate for which the vote has been cast or whether the ballot paper is blank, spoilt or otherwise invalid;

(b) the ballot papers which have been announced shall be arranged and displayed in separate lots facing upwards, according to the candidate for which they are cast or as blank or invalid votes;

(c) the presiding officer shall count aloud and record the votes in each lot and verify their total with the total of all the ballot papers which were found in the ballot box and the number of voters who cast their votes at the polling station.

74. Ballot papers which shall not be counted as valid

(1) A ballot paper shall not be counted as a valid vote if-

(a) it does not bear an official mark;

(b) the vote on it has been recorded otherwise than in accordance with section 61 or it is required under that section to be treated as spoilt;

(c) anything is written or marked by which a voter can be identified otherwise than by the serial number printed on it; or

(d) it is unmarked or void for uncertainty.

(2) Any vote which shall be cast in respect of any candidate who has withdrawn his candidature under this Act shall be treated as a spoilt vote.

75. Endorsements by Returning Officer

(1) The presiding officer or a polling assistant shall endorse the word "*rejected*" on any ballot paper which, under the provisions of section 74 is not counted.

(2) The presiding officer or a polling assistant shall add to the endorsement the words "*rejection objected to*", if an objection to his decision is made by any counting agent.

76. Rejected ballot papers

The presiding officer shall prepare a statement showing the number of ballot papers rejected under the following heads-

(a) want of official mark;

(b) voting recorded otherwise than as provided in paragraph (c) of section 61 or to be treated as spoilt under the provisions of paragraph (j) of section 61;

(c) writing or mark by which the voter could be identified; and

(d) unmarked or void for uncertainty, and shall on request allow any counting agent to copy the statement.

77. Equality of votes and recount in contested elections

(1) Where pursuant to section 80, an equality of votes is found to exist between candidates in a contested election so that an addition of a vote would entitle any of them to be declared elected, the Returning Officer shall make a recount of the votes cast.

(2) Where there is again an equality of votes as ascertained by such a recount, the Returning Officer shall, subject to the provisions of section 78, report the fact to the Commission which shall, by notice published in the *Gazette*, appoint some other convenient day, not later than thirty days, after the election day, for the vote to be cast for the candidates whose votes were equal during the first ballot.

78. Candidates or counting agents may require recount

(1) A candidate or his counting agent may, if present when the counting or any recount of the votes is completed, require the presiding officer to have the votes recounted once or twice but the presiding officer may refuse to make a third or subsequent recount if the results of the last two recounts are the same.

(2) No step shall be taken upon the completion of the counting or any recount of votes until the candidates and counting agents present at the completion of the counting, have been given a reasonable opportunity to exercise the right conferred by subsection(1).

79. Decision of presiding officer

The presiding officer shall, after consultations with the polling assistants, the polling agents or if present, the candidates, decide on any question arising in respect of any ballot paper and if disputed, the decision shall be subject to review by the Returning Officer, during the addition of votes from all the polling stations in the constituency and the decision of the Returning Officer shall be final and subject only to review by an election petition pursuant to Chapter VII of this Act.

79A. Duties of Presiding officer after counting

(1) Upon conclusion of the counting of the votes in accordance with section 73, the presiding officer shall-

- (a) seal up in separate packets valid, the disputed and the rejected ballot papers;
- (b) prepare a separate report of the results of each of the Parliamentary and Presidential elections in the manner and form as the Commission may direct, which shall be signed by the presiding officer and the polling agents, if present;
- (c) require the polling agents or if present, a candidate to state in the prescribed form any complaint or to confirm satisfaction with the counting of votes;
- (d) affix in some conspicuous place a copy of the report of the partial results of the elections at the polling station;
- (e) if available in sufficient number, give each polling agent a copy of the report of results;
- (f) lock up and seal in the ballot box, all the packets of ballot papers; and
- (g) accompanied by such number of polling agents present as the Commission shall direct, transmit and hand over to the Returning Officer, the ballot box together with the report of the partial results of the elections at the polling station.

(2) Where the candidate or his agent refuses to sign the prescribed form under this section the presiding officer or polling assistant shall require such candidate or agent to give reasons in writing for refusal.

(3) Where a candidate or his agent refuses to comply with the provisions of subsection (2) he shall be estopped from raising any complaint regarding the voting and the counting procedure in that particular station.

80. Addition of votes in Parliamentary election

(1) The provision of section 35F shall apply *mutatis mutandis* in relation to the addition of the votes for Parliamentary election.

(2) The following person shall be authorized to be present at the addition of votes by the Returning Officer-

- (a) a Returning Officer;
- (b) an Assistant Returning Officer;
- (c) the Regional Election Co-ordinator;
- (d) a member of the Commission;
- (e) the Director of Elections or an electoral officer of the Commission;
- (f) a candidate;
- (g) a counting agent;
- (h) a police officer or such other person responsible for security at the place of counting; or
- (i) an observer duly authorized in writing by the Commission.

(3) After all the reports of the results and ballot boxes containing ballot papers relating to the Parliamentary election have been received from the polling stations in the constituency, the Returning Officer shall, after determining the validity of any disputed votes and before the addition of the votes, announce aloud the results of each polling station in the constituency seriatim.

(4) The candidate or polling agent may request the Returning Officer to check on any part of the addition to ascertain its accuracy but shall not be entitled to request a recount of all the votes or all the ballot papers from any polling station, unless the accuracy of the report of the results from that polling station, were disputed by the polling agent or candidate present at the polling station.

(5) Where a request is made pursuant to subsection (4) the Returning Officer shall not unreasonably, refuse to check the addition or to recount the ballot papers of any particular polling station.

(6) In relation to addition of Presidential votes by the Commission under section 35F the following may be present-

(a) a member of the Commission;

(b) the Director of Elections;

(c) an electoral officer of the Commission;

(d) a candidate;

(e) a counting agent;

(f) a police officer or such other person responsible for security at the place where the Presidential votes are being added;

(g) an observer duly authorised in writing by the Commission; or

(h) such other persons as the Commission may authorise.

81. Declaration of results

Where the result of a contested election has been ascertained, the Returning Officer shall-

(a) immediately declare to be elected, the candidate for whom the majority of valid votes has been cast;

(b) send a notification of election to the successful candidate; and

(c) compile a report and submit it to the Commission, indicating-

(i) the complaints raised at each stage of the election and the measures or decisions taken in respect of each;

(ii) the views of the candidates in relation to the election, and

(iii) the result of the election;

and the Commission shall then cause the results, together with the number of votes recorded for each candidate in each constituency to be published in the *Gazette*.

81A. Repealed.

82. Custody of documents

(1) The Returning Officer shall ensure the safe custody of all documents relating to the conduct of an election.

(2) The Commission shall ensure the safe custody of all documents relating to the conduct of an election which are forwarded to it under any of the provisions of this Act.

(3) The Returning Officer and the Commission shall cause all documents to which this section applies, to be destroyed after the expiration of six months from election day, unless otherwise directed by an order of the High Court arising from any proceedings relating to the election.

83. Powers of polling assistants

A polling assistant may be authorized by the presiding officer to do any act or thing which the presiding officer is required or authorized to do at a polling station by this Act except that he may not order the arrest of any person, or the exclusion or removal of any person from the polling station.

84. Powers of candidates

A candidate may do any act or thing which the polling agent may be authorized or required to do, and may assist the polling agent or counting agent in the doing of any such act or thing.

85. Non-attendance of agents not to invalidate proceedings

Where in this Act, any act or thing is required or authorized to be done in the presence of a polling agent or a counting agent or a candidate, the non-attendance of any such agents or candidate at the time and place appointed for that purpose shall not, if the act or thing is otherwise properly done, invalidate the act or thing done.

86. Elections held simultaneously

Where in the polling district the same day is appointed as the election day for the Presidential election and a contested Parliamentary election-

(a) polling at the two elections, shall be conducted simultaneously at all polling stations in that district;

(b) the Returning Officer shall provide separate and distinctive ballot boxes and every presiding officer shall organize and conduct his polling station and shall place the ballot boxes in such a manner as to avoid any confusion arising by reason of simultaneous polling:

Provided that subject to any direction of the Commission in that behalf, a single ballot box may be provided at each polling station for both the Presidential and Parliamentary election;

(c) the respective ballot papers for those elections shall be of different colours so as to be easily distinguishable from each other;

(d) a voter who leaves a polling station after voting in respect of only one of the elections shall not be readmitted to such polling station for the purpose of voting in respect of the other;

(e) the requirements of paragraph (c) shall be deemed to have been complied with in respect of both elections if the particulars specified in that paragraph are called out once immediately before the delivery to the voter of the ballot paper for any of those elections which is first delivered to him;

(f) the counting of votes for the two elections shall be conducted separately.

86A. Nomination of women for special seats

(1) There shall be women special seats in the National Assembly as provided for in Article 66 of the Constitution.

(2) A political party which contests for Parliamentary election held after the dissolution of the National Assembly may propose and submit to the Commission names of eligible women candidates for nomination to women special seats.

(3) The Commission shall specify a number of women candidates to be nominated by each political party.

(4) The names of the women candidates proposed to the Commission shall be in the order of preference.

(5) The provisions of Article 67 of the Constitution shall apply to every woman who is sponsored by a political party.

(6) The Commission shall, subject to Articles 66, 67 and 78 of the Constitution and in accordance with the order of preference indicated in the list proposed by each political

party, declare such number of women candidates from the respective political parties as Members of Parliament for women special seats.

(7) The Commission shall send a notification of declaration to the Speaker of the National Assembly and to the Secretary General of the respective political parties.

(8) The list of names of women candidates proposed to the Commission in accordance with Article 78(4) of the Constitution by each political party for the General Elections shall, subject to Article 76 (3) of the Constitution, be the same list that shall be used by the Commission for purposes of filling any vacancy in the office of Member of Parliament for women special seats during the whole period of the life of Parliament.

87. Repealed

Chapter VI-Offences, Part I-Offences Relating to Registration and Nomination

88. Offences in relation to registration

(1) Every person who-

(a) for the purposes of procuring the registration of himself or of any other person, or of procuring a voter's card, from a registration officer or from any other person having any duty in relation to the application for registration or for the issue of voter's card, any false material statement to any application on his own behalf or on behalf of such other person for registration or for the issue of a voter's card;

(b) knowing or having reason to believe that he is registered in a polling district, applies to be registered otherwise than in accordance with section 17, and without, disclosing to the Registration Officer his previous registration in another polling district;

(c) applies to be registered in a polling district after he has applied to be registered in another polling district and the earlier application has not, been determined pending any investigation into the applicant's qualifications or withdrawn;

(d) having been issued with a voter's card, applies for the issue to himself of a new voter's card, otherwise than in the circumstances set out in sections 17, 18 or 19 and without disclosing to the Registration Officer the circumstance in which the application is made or which he does not believe to be true in a material particular; or

(e) knowingly makes any declaration provided for in section 20 which is false, or which he does not believe to be true in a material particular, commits an offence and shall be liable on conviction to a fine of not less than one hundred thousand shillings and not exceeding three hundred thousand shillings or to imprisonment for a term not exceeding two years, or to both.

(2) Any person whose name has been deleted from a register and who has been required by a Registration Officer either to surrender a voter's card issued to him or to make and to deliver to the Registration Officer the declaration provided for in section 20 within the specified time by such Registration Officer, who without lawful excuse, neither surrenders such card nor makes and delivers such declaration within the specified time, commits an offence and shall be liable on conviction to a fine not less than fifty thousand shillings and not exceeding or to one hundred thousand shillings imprisonment for a term not exceeding twelve months or to both.

89. Official discouragement of person from seeking

(1) Any person holding any official office or acting in any official capacity who, in the exercise of the functions of such office or in such official capacity, makes any statement or does any act with intent to discourage any other person from seeking nomination under

nomination this Act or to procure any person who has been nominated to withdraw his candidature, commits an offence and shall, on conviction, be liable to a fine not less than one hundred thousand shillings and not exceeding three hundred thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

(2) No proceedings shall be instituted against any person for any offence contrary to this section without prior consent of the Director of Public Prosecutions.

(3) In this section, "official office" and "official capacity" means and includes an office in the service of the United Republic and any other office or capacity the holder of which occupies a position of influence in relation to the particular or prospective candidate.

89A. Election Officers' misconduct

(1) Any election officer who knowingly or willfully does or omit to do anything in relation to an election process and thereby occasions the nullification of the election results, commits an offence and upon conviction, shall liable to a fine of not less than five hundred thousand shillings and not exceeding one million shillings or to imprisonment for a term of not less than one year and not exceeding two years, or to both.

(2) Where in an election petition the Court determines that an election officer has done or omitted to do anything in relation to election process which amounts to mishandling the election process, it shall certify such determination to the Attorney General.

(3) Where a prosecution is commenced for an offence under this section, a certificate issued under subsection (2) shall be conclusive proof of what is contained therein.

(4) For avoidance of doubt, a certificate under subsection (2) shall not prevent the prosecution from calling further evidence to substantiate the case.

(5) The provisions of the Criminal Procedure Act, or the Tanzania Evidence Act, shall apply *mutatis mutandis* in the conduct of case commenced under this section.

89B. Recovery of loss

Notwithstanding the provisions of section 89A, the provisions of the Public (Recovery of Debts) Act, shall apply *mutatis mutandis* to an election officer who occasions the Government to incur loss, costs or damages as a result of his acts or omission in relation to the election process.

89C. Definition of election officers

For purposes of sections 89A and 89B, election officer includes the Regional Election Co-ordinator, Returning Officer, Assistant Returning Officer, presiding officer and polling assistant.

90. Offences in relation to Voters' registers and Voter's Card

(1) Every person who-

(a) forges or fraudulently defaces or fraudulently destroys any register of voters; or

(b) forges, counterfeits or fraudulently destroys any voter's card or official duplicate voter's card or any official mark on such voter's card, commits an offence and shall be liable on conviction to a fine not less than two hundred thousand shillings and not exceeding five hundred thousand shillings or to imprisonment for a term not less than two years and not more than four years or to both.

(2) Any person who has in his possession or under his control any voter's card issued to any other person and who refuses or neglects, without lawful excuse, to deliver the same to the person to whom it was issued, when it is demanded by such person or by a Registration Officer, commits an offence and shall be liable on conviction to a fine of not less than one

hundred thousand shillings and not exceeding three hundred thousand shillings or to imprisonment for a term of not less than one year and not more than two years or to both.

90A.Registration officers' misconduct

(1) Any Registration Officer who knowingly does or omits to do anything in relation to registration and thereby jeopardize the registration process, commits an offence and upon conviction, is liable -

(a) in the case of officers specified under paragraph (a) of subsection (2), to a fine of not less than five hundred thousand shillings and not exceeding one million shillings or to imprisonment for a term of not less than one year and not exceeding two years, or to both such fine and imprisonment;

(b) in the case of officers specified under paragraph (b) of subsection (2), to a fine of not less than two hundred thousand shillings and not exceeding five hundred thousand shillings or to imprisonment for a term not less than six months and not exceeding one year or to both such fine and imprisonment.

(2) For purposes of this section, the Registration Officer includes -

(a) an election officer and Assistant Registration Officer; and

(b) registration assistant.

91. Offences in relation to nomination forms or ballot papers

(1) Every person who-

(a) forges or fraudulently defaces or fraudulently destroys any nomination form, or ballot paper or delivers to a Returning Officer any nomination form knowing the same to be forged;

(b) knowingly nominates more than one Presidential candidate;

(c) forges or counterfeits or fraudulently destroys any ballot paper or the official mark on any ballot form;

(d) being a Returning Officer or presiding officer knowingly or negligently fails to put an official mark on a ballot paper;

(e) without due authority supplies any ballot paper to any person;

(f) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in;

(g) without due authority takes out of any polling station any ballot paper or is found in possession of any ballot paper outside a polling station; or

(h) without due authority, destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers in use for the purpose of an election, commits an offence and shall be liable on conviction to a fine of not less than fifty thousand shillings and not exceeding three hundred thousand shillings.

(2) Any person who, for the purposes of procuring for himself or for any other person, nomination as a candidate, knowingly makes any false statement material to such nomination in a nomination form, biographical information form or statutory declaration delivered to a Returning Officer, commits an offence and shall be liable on conviction to a fine of not less than fifty thousand shillings and not exceeding three hundred thousand shillings or to imprisonment for a term of not less than six months and not more than twelve months or to both.

(3) In any prosecution for an offence in relation to a nomination form, ballot box, ballot paper counterfoil, marking instruments and other things in use in an election, the property

in such papers, boxes, instruments and things may be stated to be in possession of the Returning Officer for such election.

91A.False publication of withdrawal

Any person who knowingly, by utterance, print or broadcast, publishes any statement of the withdrawal of any candidate for purposes of promoting the election of another candidate, commits an offence of illegal practice and shall be liable on conviction to imprisonment for a term not exceeding two years.

91B.Corrupt inducement of withdrawal

Any person who corruptly induces or procures another person to withdraw from being a candidate to an election in consideration of payment or promise of payment and any person who withdraws in pursuance of such inducement or procurement, commits an offence of corrupt practice and shall be liable on conviction to imprisonment for a term not exceeding five years.

Other Election Offences

92. Miscellaneous Offences

Any person who willfully furnishes false evidence or makes a false statement in a declaration made under section 66, commits an offence and shall be liable on conviction to a fine of not less than fifty thousand shillings and not exceeding one hundred thousand shillings or to imprisonment for a term of not less than six months and not more than twelve months or to both.

93. Maintenance of secrecy at elections

(1) Every officer, clerk, interpreter, candidate and agent authorised to attend at a polling station or at the counting of votes shall, unless he has taken an oath of secrecy under any other provisions of this Act, before so attending, take an oath of secrecy in the prescribed form.

(2) The Returning Officer shall have power to administer any oaths required to be taken under the provisions of subsection (1).

(3) Every officer, clerk, interpreter, candidate and agent in attendance at a polling station shall maintain, and assist in maintaining, the secrecy of the voting in such station and shall not communicate, except for some purpose authorised by law, to any person any information as to the name or number of any voter who has or has not applied for a ballot paper or voted at the station or as to the official mark.

(4) No such officer, clerk, interpreter, candidate, agent or any other person, shall obtain or attempt to obtain in the polling station information as to the candidate for whom any person in such station is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station as to the candidate for whom any person in such station is about to vote or has voted.

(5) Every officer, clerk, interpreter, candidate or agent in attendance at the counting of the voting shall maintain, and assist in maintaining, the secrecy of the voting and shall not ascertain, or communicate any information obtained at such counting as to the candidate for whom any vote is given by any particular ballot paper.

(6) No person except a presiding officer acting for a purpose authorized by this Act, or person assisting an incapacitated person and acting for such purpose, shall communicate or

attempt to communicate with any person after such person has received a ballot paper and before he has placed the same in a ballot box.

(7) Any person who acts in contravention of the provisions of this section commits an offence and shall be liable on conviction to a fine of not less than one hundred thousand shillings and not exceeding three hundred thousand shillings or to imprisonment for a term not less than six months and not more than twelve months or to both.

94. Penalty for bribery, treating, etc.,

Any person who commits the offence of bribery, treating or undue influence commits an offence of a corrupt practice and shall be liable on conviction to a fine of not less than five hundred thousand shillings or to imprisonment for a term of not less than one year and not more than three years or to both.

95. Penalty for Impersonation

Any person who commits an offence of impersonation or of aiding, abetting, counselling or procuring the commission of the offence of impersonation commits an offence and shall be liable on conviction to a fine of not less than fifty thousand shillings and not exceeding two hundred thousand shillings or to imprisonment for a term of not less than six months and not more than twelve months or to both.

96. Disqualifications by conviction for corrupt or illegal practice

(1) Any person who is convicted of a corrupt practice and whose conviction is not set aside by a court of competent jurisdiction, shall, in addition to any other punishment, be disqualified during a period of five years from the date of conviction from being registered as a voter or from voting at any election under this Act or under any other written law.

(2) Any person who is convicted of an illegal practice and whose conviction is not set aside by a court of competent jurisdiction shall, in addition to any other punishment, be disqualified during a period of five years from the date of his conviction from being registered as a voter or from voting at any election under this Act or under any other written law.

97. Repealed

98. Repealed

99. Persons to be deemed guilty of undue influence

Any person who directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens to inflict by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss, upon or against any voter, in order to induce or to compel such voter to vote or to refrain from voting, or on account of such voter having voted or refrained from voting, at any election or who, by abduction, duress or any fraudulent contrivance, impedes or prevents the free use of the vote by any voter either to give or to refrain from giving his vote at any election, commits an offence of undue influence within the meaning of this Act.

100. Bribery, corruption and undue influence in relation to members and officers of the Commission

Where any person does any act constituting bribery, corruption or undue influence in respect of a member or officer of the Commission referred to in section 6 with intent that such a member or officer, as the case may be, shall discriminate in favour of one or other of the candidates at the election, or where any such member or officer does any such act on

account of discriminating or having discriminated in favour of one or other candidates, such person shall be deemed, according to the circumstances of the case, to have committed an offence of bribery, corruption or undue influence.

101. Persons deemed to be guilty of impersonation

Any person who at any election-

(a) applies for a ballot paper in the name of another person or knowingly tenders a vote in the name of another person, whether that name is the name of a person living or dead or of a fictitious person; or

(b) for the purpose of procuring the issue to himself of a ballot paper, knowingly tenders a voter's card issued to some other person, commits an offence of impersonation within the meaning of this Act.

102. Penalty for Persons guilty of certain corrupt and illegal practices

(1) Any person who-

(a) votes or attempts to vote, or induces or procures some other person to vote at any election if he, or if to his knowledge such other person, has already voted at that election or in the case of a general election, at any other election held during that general election; or

(b) for the purpose of procuring the issue of any ballot paper to any other person or to himself, delivers any voter's card issued to himself or to some third person to such other person, or induces or procures some third person to deliver such third person's voter's card to himself or such other person, commits an offence of a corrupt practice and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding five years or to both.

(2) Any person who-

(a) votes or induces some other person to vote at any election knowing that he or such other person is not entitled to vote or is prohibited by this Act or by any other law from voting at such election; or

(b) for the purpose of procuring the issue to himself of a ballot paper, knowingly tenders an invalid voter's card; or

(c) before or during an election, knowingly publishes any false statement of the withdrawal of a candidate at such election for the purpose of promoting the election of another candidate, commits an offence of an illegal practice and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

103. Interference with lawful public meeting to be illegal practice

Any person who, at a lawful public meeting held in connection with the election of any person between the day of publication of the notice appointing nomination day and the day on which the result of the election is published, acts or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called, commits an offence and shall be liable on conviction to a fine of not less than fifty thousand shillings and not exceeding two hundred thousand shillings or to imprisonment for a term of not less than six months and not more than twelve months or to both.

104. Public meetings on Election Day and display of emblems in vicinity of polling station prohibited

(1) No person shall hold a meeting on election day or within any building where voting in an election is in progress, or at any place within the radius of two hundred metres of such

building wear or display any card photograph, favour, or other emblem indicating support for a particular candidate in the election.

(2) Any person acting in contravention of this section commits an offence and shall be liable on conviction to a fine of not less than fifty thousand shillings and not exceeding one hundred thousand shillings.

105. Defacement of notices

Any person who without lawful authority, destroys, mutilates, defaces or removes any notice which is exhibited under the authority of this Act or any document which is made available for inspection in accordance with the provisions of this Act, commits an offence and shall be liable on conviction to a fine of not less than thirty thousand shillings and not exceeding one hundred thousand shillings or to imprisonment for a term of not less than one month and not exceeding six months or to both.

106. Documents to bear name and address of printer and publisher

(1) No person shall-

(a) print or publish or cause to be printed or published any bill, placard or poster having reference to an election or any printed document distributed for the purpose of promoting procuring the election of a candidate;

(b) post or cause to be posted any such bill, placard or posters; or

(c) distribute or cause to be distributed any printed document for the purpose referred to in subsection (1), unless the bill, placard, poster or document bears upon its face, the name and address of the printer and publisher and-

(i) in the case of Presidential election such bill, placard, poster or document has been approved

by the Commission;

(ii) in the case of Parliamentary election such bill, placard, poster or document has been approved by the Returning Officer.

(2) For the purpose of this section, any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be a printing and the expression "printer" shall be construed accordingly.

(3) Any person who contravenes the provisions of subsection(1) commits an offence and shall be liable on conviction to a fine of not less than thirty thousand shillings and not exceeding one hundred thousand shillings or to imprisonment for a term not less than three months and not more than six months or to both.

(4) Nothing in this section shall apply to any bill, placard, poster or document published by or on behalf of the Commission or a Returning Officer.

107. Persons convicted of corrupt or illegal practice to be removed from register

Where a court convicts a person of a corrupt or illegal practice under this Act, it shall report the conviction to the Director of Elections who, if the person concerned is registered as a voter-

(a) shall delete the name of such person from the register of voters in which he is registered; and

(b) shall inform in writing the Registration Officer for the polling district concerned of such deletion.

Chapter VII-Avoidance of Elections by Election Petition

108. Avoidance of election by election petition

(1) Pursuant to the limitation imposed by sub-article (7) of Article 41 of the Constitution, the provisions of this section shall apply only in relation to the election of a candidate as a Member of Parliament.

(2) The election of a candidate as a Member of Parliament shall be declared void only on an election petition if any of the following grounds is proved to the satisfaction of the High Court and on no other ground, namely-

(a) that, during the election campaign, statements were made by the candidate, or on his behalf and with his knowledge and consent or approval, with intent to exploit tribal, racial or religious issues or differences pertinent to the election or relating to any of the candidates, or, where the candidates are not of the same sex, with intent to exploit such difference;

(b) non-compliance with the provisions of this Act relating to election, if it appears that the election was not conducted in accordance with the principles laid down in such provisions and that such non-compliance affected the result of the election; or

(c) that the candidate was at the time of his election, a person not qualified for election as a Member of Parliament.

(3) Notwithstanding the provisions of subsection (2), whereupon trial of an election petition respect of an election under this Act, the High Court finds that corrupt or illegal practice in connection with the election has been committed by or with the knowledge and consent or approval of any of the candidate's agents and the High Court further finds, after giving the Attorney General or his representative an opportunity of being heard, that the candidate has proved to the High Court-

(a) that no corrupt or illegal practice was committed by the candidate himself or with the knowledge and consent or approval of such candidate;

(b) that the candidate took all reasonable means for preventing the commission of any corrupt or illegal practice at such an election; and

(c) that in all other respects the election was free from any corrupt or illegal practice on the part of the candidate, then, if the High Court so determines, the election of such candidate shall not by reason of any such practice be void.

109. Repealed

109A. Offences by election officers

Where in election it is proved that any offence of bribery, treating, corrupt or illegal practices was knowingly committed or furthered by a member or an officer of the Commission or by a person acting under the direction of the Commission, the member or officer or that other person shall be liable on conviction to imprisonment for a term not exceeding five years.

Chapter VIII-Procedure and Jurisdiction of the High Court

110. Petitions triable by High Court

(1) Every election petition shall be heard and determined by the High Court in this Chapter which shall be referred to as "the court", in accordance with the provisions of this Act.

(2) Witnesses shall be summoned and sworn in the same manner as nearly as circumstances admit, as in a trial by the court in the exercise of its original civil jurisdiction and shall,

without prejudice to the provisions of any other law, be subject to the same penalties for giving false evidence or for non-attendance.

(3) On the trial of an election petition under this Act, the court may by order, compel the attendance of any person as a witness who appears to the court to have been concerned in the election to which the petition refers, and any person refusing to obey such order commits an offence of contempt of court and the court may examine any witness so compelled to attend or any party to the petition and after the examination of such witness by the court, the witness may be cross-examined by or on behalf of the petitioner, the respondent and the Attorney General or his representative, if present, or any of them.

(4) At the hearing of an election petition, the court shall have power to compel the attendance of any person as a witness who appears to the court to have been concerned or involved in the election in question or whose evidence may assist the court to reach a just and fair decision in the matter before it.

111. Petition and procedure for deposit of security for costs

(1) An election petition may be presented by one or more of the following persons, namely-

- (a) a person who lawfully voted or had a right to vote at the election to which the petition relates;
- (b) a person claiming to have had a right to be nominated or elected at such election;
- (c) a person alleging to have been a candidate at such election; or
- (d) the Attorney General.

(2) The Registrar shall not fix a date for the hearing of any election petition unless the petitioner has paid into the court as security for costs, an amount not exceeding five million shillings in respect of each respondent.

(3) The petitioner shall within fourteen days after filing a petition, make an application for determination of the amount payable as security for costs, and the court shall determine such application within the next fourteen days following the date of filing an application for determination of the amount payable as security for costs.

(4) Where any person is made a respondent pursuant to an order of the court, the petitioner shall within fourteen days of the date on which the order directing a person to be joined as a respondent was made, pay into the court a further amount not exceeding three million shillings, as shall be directed by the court in respect of such person.

(5) Where on application made by the petitioner, the court is satisfied that compliance with the provisions of subsection (2) or (4) will cause considerable hardship to the petitioner, it may direct that:

- (a) the petitioner gives such other form of security the value of which does not exceed five million shillings, as the court may consider fit; or
- (b) the petitioner be exempted from payment of any form of security for costs.

(6) No order shall be made under subsection (3), (4) and (5) unless an opportunity has been given to the respondent, or, where there are two or more respondents, to each of the respondents to make representations in that behalf.

(

7) In the event of security for costs not being paid into the court within fourteen days from the date of determination by the court of the amount payable as security for costs, no further proceedings shall be heard on the petition.

(8) The provisions of subsections (2) and (3) shall not apply in any case in which the Attorney General is the petitioner or one of the petitioners.

(9) The amount of money deposited as security for costs or the balance of it shall, where the petitioner succeeds in the petition or on appeal and where no order as to costs lies against the petitioner, be immediately refunded to the petitioner.

112. Reliefs which may be claimed

In instituting an election petition, a petitioner may claim all or any of the following reliefs to which he may be entitled, namely-

- (a) a declaration that the election is void;
- (b) a declaration that the nomination of the person elected was invalid;
- (c) a declaration that any other candidate was elected; or
- (d) where the seat is claimed for an unsuccessful candidate on the ground that he had a majority of lawful votes, a scrutiny.

113. Certification as to validity of election

(1) The court shall, at the conclusion of the trial or appeal of an election petition, determine whether a Member of Parliament whose nomination or election is complained of, or any other person or which person, was duly nominated or elected, or whether the election was void, and shall certify such determination to the Director of Elections.

(2) After the certification made under subsection (1), the election shall be confirmed or a by-election shall be held, as the case may require, in accordance with the certification.

114. Report of Court on corrupt or illegal practices

(1) Where the court determines that a person is guilty of any corrupt or illegal practice, it shall certify the same to the Director of Elections and if the person concerned is registered as a voter-

(a) the Director of Elections shall delete his name from the register of voters in which he is registered; and

(b) the Director of Elections shall inform in writing the Returning Officer for the polling district concerned, of such deletion;

(2) At the conclusion of the trial of an election petition or appeal, the court shall certify to the Director of Election-

(a) whether any corrupt or illegal practice has been proved to have been committed by or with the knowledge and consent or approval of any candidate at the election, and the nature of such practice, if any; and

(b) the names and other particulars of all persons, if any, who have been proved to the satisfaction of the court to have been guilty of any corrupt or illegal practice.

(3) Before any person, who is neither a party to an election petition nor a candidate on behalf of whom the seat is claimed by an election petition, is certified by the court under this section, the court shall give such person an opportunity of being heard and of giving and calling evidence to show cause why he should not be so certified.

(4) Where the court certifies that an offence of corrupt or illegal practice has been committed by any person, that person shall be subject to the same disqualifications as if at the date of that certificate, he had been convicted of the offence of illegal practice.

(5) Where the court certifies that corrupt or illegal practice has been committed by any person with the knowledge and consent or approval of a candidate, then in addition to any

other consequences, the candidate shall be subject to the same disqualifications as if at the date of that certificate, he had been convicted of the offence of corrupt or illegal practice.

(6) The Director of Elections shall immediately-

- (a) cause a copy of the certificate issued under this section to be published in the *Gazette*;
 - (b) delete from the register the name of any person registered in it, who appears from the record to be disqualified from voting at an election; and
 - (c) inform in writing the Returning Officer for the relevant polling district, of every such deletion of the name of the person who is registered as a voter in that polling district.
- (7) Immediately upon being so informed, the Returning Officer shall take all steps as may be necessary for ensuring that the person concerned returns the voter's card and any other relevant document for cancellation.

115. Time for presentation and determination of election petition and appeal

- (1) Every election petition shall be presented within thirty days from the date of the declaration for the results of the election by the Returning Officer.
- (2) The court shall hear and determine a petition within twelve months from the date of filing a petition.
- (3) The court shall hear and determine an appeal within twelve months from the date of lodging the appeal.
- (4) An appeal lodged pursuant to this section shall lie to the Court of Appeal.
- (5) Where the election petition case is unlikely to be determined within twelve months, the Minister responsible for legal affairs may, after the consultation with the Chief Justice and by notice published in the *Gazette* extend the prescribed time for further period not exceeding six months as he shall determine.

116. Votes to be struck off at scrutiny

- (1) Upon a scrutiny at the hearing of an election petition only the following votes shall be struck off; namely-
 - (a) the vote of any person, other than a candidate or an official voting under subsections (4) or (5) of section 13 whose name was not in the register of voters of the polling district in which he voted;
 - (b) the vote of any person who committed or procured the commission of the offence of impersonation at the election;
 - (c) the votes of any person proved to have voted more than once at such election except the first vote recorded by such person, where such first vote can be identified to the satisfaction of the court;
 - (d) the vote of any person who, by reason of a conviction for the offence of illegal practice or by reason of the certificate of the court, or by reason of any conviction for an offence against this Act or any other law, was disqualified from voting at an election.
- (2) The vote of a registered voter shall not, except in the case specified in paragraph (d) of subsection (1) of this section, be struck off at a scrutiny by reason only of the voter not having been, or not being qualified to have his name entered into the register of voters.

117. Rules of court

- (1) The Chief Justice may make rules of court regulating the procedure and practice to be followed and prescribing the fees to be paid and in relation to election petitions and applications under this Chapter.
- (2) Rules made under this Chapter shall be published in the *Gazette*.

118. Repealed

Chapter IX- Financial and Miscellaneous Provisions

119. Inaccurate descriptions

No misnomer or inaccurate description of any person or place named or described in any register, notice or other document, prepared or issued under or for the purposes of this Act, shall in anyway affect the operation of this Act as respects that person or place, if that person or place is so described in such register, notice or document as to be identifiable.

120. Powers of Director of Elections and Returning Officers to demand information

(1) In the exercise of respective duties under this Act, the Director of Elections and Returning Officers or any other person concerned with the conduct of voting or with the registration of voters, shall at all times have power to demand information from any demand information person necessary to ascertain if a person is qualified to stand as candidate, and to identify any person or the place of abode of any person, and to ascertain whether any person has become disqualified from voting or from standing as a candidate.

(2) Any person who, after any lawful demand of information made under the provisions of subsection (1), fails to give such information which is within his knowledge or possession or unreasonably delays in giving the same commits an offence and shall be liable on conviction to a fine of not exceeding two thousand shillings.

121. Remuneration of staff

The Director of Elections, Returning Officer, and any other persons employed under and for the purposes of this Act shall, if not holding an office of employment in the service of the United Republic, receive such reasonable remuneration for the services as the Commission sees fit to authorize.

122. Expenses to be charged on Consolidated Fund

All expenses incurred-

(a) in the preparation of the registers, the issue of voter's card and in doing such other matters or things as may be required to be done for the purpose of carrying out the provisions of this Act;

(b) by the Commission, the Director of Elections, Returning Officers and any other person employed in the conduct of an election;

(c) in the remuneration of the officers specified in section 121; and

(d) by any public officer in connection with any official matter connected with or arising out of an election, shall be a charge on, and paid out of the Consolidated Fund.

123. Service of notices

A notice under this Act shall be deemed to have been served on or given to any person-

(a) if served on him personally;

(b) if left for him at his last known address; or

(c) if sent by registered post addressed to him at his last known address.

124. Regulations

(1) The Commission may make regulations for the better carrying out of the provisions of this Act and without prejudice to the generality of the foregoing, may make regulations prescribing-

(a) anything, which under the provisions of this Act, may be prescribed;

(b) forms of documents and declarations for the purposes of this Act; and

(2) Where any forms have been prescribed under this section such forms shall be used for the purposes to which they relate or to which they are capable of being adopted and may be translated into and used in such language as the Commission may direct.

124A. Electoral Code of Conduct

(1) The Commission shall, for the purpose of promoting fair, free and orderly elections, and upon consultation with all political parties and the Government, make and publish in the *Gazette* the Electoral Code of Conduct prescribing –

(a) ethical conducts for political parties, the Government and the Commission during election campaigns and elections; and

(b) mechanisms for enforcement of the Electoral Code of Conduct.

(2) The Electoral Code of Conduct shall be subscribed to by-

(a) every political party;

(b) every candidate before he submits the nomination form;

(c) the Government; and

(d) the Commission,

and shall bind the parties signatory to the Electoral Code of Conduct.

(3) Any person who contravenes the provisions of the Electoral Code of Conduct shall be liable to a penalty as may be prescribed by the Electoral Code of Conduct.

125. Exemption from stamp duty

Any instrument made on oath or affirmation pursuant to the provisions of this Act in the form prescribed, shall be exempted from stamp duty under any written law for the time being in force relating to stamp duties.

126. Directives

The Commission may, subject to the provisions of this Act, issue directives of a general or of a specific character in relation to the functions of Returning Officers, presiding officers and other persons employed or for any of purposes of the Act:

Provided that no such directive shall be inconsistent with any provision of this Act or of regulations made pursuant to section 124.

127. Replacement of Registers etc.

Where, in the opinion of the Director of Elections, it is necessary to replace any register of voters for any reason, it shall be lawful for the Director of Elections to direct that such register be replaced by a new register.

Chapter X-Repeal and Transitional Provisions

128. Repeal of Act No. 25 of 1970

The Elections Act, 1970 is hereby repealed.

129. Savings

Notwithstanding the repeal of the Elections Act, 1970-

(a) all forms approved by the Commission for the purposes of this Act, shall be deemed to be forms prescribed by regulations made under section 124 of this Act; and

(b) all subsidiary legislation made under the Act repealed by section 128 and all directions issued by the Commission and still in force, shall be deemed to have been made under this Act until repealed or revoked under this Act.

2. THE LOCAL GOVERNMENT (ELECTIONS) ACT, CAP 292 R.E 2015

This Edition of the Local Authorities (Elections) Act, Chapter 292, incorporates all amendments made up to and including 31st July, 2015. In other words, it consolidates the law relating to election to local government authorities. It further provides for the rights and procedures for registration of eligible voters; making changes on the voters' register; the right to inspect the register at anytime; procedures for making objections in respect of registration, qualifications for voting, as well as qualifications of candidates and their nomination and management of election campaigns; election day and voting and counting procedures.

Arrangement of sections

Section Title

PART I

PRELIMINARY PROVISIONS

1. Short title
2. Interpretation.
3. Application.
4. Directions and notices of an Electoral Authority.
5. [Repealed].

PART II

ELECTORAL AUTHORITY

6. [Repealed].
7. Conduct of elections.
8. Wards.
9. Returning Officers and staff.
10. Registration Officers and staff.
11. [Repealed].

PART III

HOLDING OF ELECTIONS AND TENURE OF OFFICE OF COUNCILLORS

12. Ordinary election.
13. By-election.
14. Representation of wards and tenure of office of Councillors.

PART IV

REGISTRATION OF VOTERS

15. Qualification for registration.
- 15A. Provisional Voters' Register.
- 15B. Register of Voters.
16. Disqualification for registration.
17. No person shall be registered in more than one ward.
- 17A. Registration agents
18. [Repealed].
19. Place of and disqualification for voting.
20. Change of name.

21. Time for registration.
22. Voter's card.
23. Change of residence.
24. Voter's card lost, defaced or destroyed.
25. Amendment of particulars.
26. Declaration relating to *lost* or destroyed voter's card.
27. Refusal of application.
28. Inspection of a Provisional Voters' Register.
29. Inclusion of name in the Provisional Voters' Register.
30. Objections.
31. Procedure for making objections.
32. Inquiry and determination by Registration Officer.
33. Objector or person objected to may appeal.
34. Appeals to District Magistrates.
35. Provisions consequential to additions to or deletions from Provisional Voters' Register under this Part.

PART V

VOTING

36. Persons entitled to vote.
37. Disqualification for voting.
38. Place of voting.

PART VI

QUALIFICATION OF CANDIDATES FOR ELECTION

39. Qualification of candidates.
40. Disqualification for nomination.

PART VII

NOMINATION OF CANDIDATES FOR ELECTION

41. Nomination day.
42. Nomination of candidates.
43. Candidate to be nominated for one seat only.
44. Objections to and decision as to validity of nomination forms.
45. Procedure after determination of validity of nomination.
46. Procedure if no candidate is validly nominated.
47. Photographs.

PART VIII

ELECTION DAY

48. Candidates nominated and election day.
49. Notices of election.

PARTIX

WITHDRAWAL, DEATH AND ABSENCE OF CANDIDATES

50. Withdrawal of candidature.
51. Death of candidates.
52. Absence of candidates.
- 52A. Disqualification of candidates.

PART X
THE ELECTION CAMPAIGNS

- 53. Election campaigns.
- 54. [Repealed].
- 55. Payment by candidates.

PART XIA
ELECTION PROCEDURE

- 56. Polling days and time.
- 57. Arrangements for contested election.
- 58. Polling agents.
- 59. Ballot boxes.
- 60. Form of ballot paper.
- 61. Prohibition of disclosure of vote.
- 62. Method of voting.
- 63. Admittance to polling station.
- 64. Allegations of irregularities.
- 65. [Repealed].
- 66. Declaration by voters.
- 67. [Repealed].
- 68. Adjournment of poll in case of riot.
- 69. Closing of poll.
- 70. Procedure on closing of poll.
- 70A. Place of counting.
- 70B. Methods of counting votes
- 71. Counting agents.
- 72. [Repealed].
- 73. Persons who may be present.
- 74. [Repealed].
- 75. Votes which are not to be counted.
- 76. Endorsements by Returning Officer.
- 77. Rejected ballot papers.
- 78. Equality of votes and re-count.
- 79. Candidate or counting agent may require re-count.
- 80. Returning Officer's decision final.
- 81. Vote addition in local authority election.
- 82. Declaration of results.
- 83. Custody of documents.
- 84. Powers of polling assistant.
- 85. Powers of candidates.
- 86. Non-attendance of agents not to invalidate proceedings.

PART XI
NOMINATION OF COUNCILLORS FOR WOMEN SPECIAL SEATS

- 86A. Nomination of women for special seats

PART XII

OFFENCES

87. Offences in relation to registration.
88. Official discouragement of persons from seeking nomination.
- 88A. Election Officer's misconduct
- 88B. Recovery of loss
- 88C. Definition of election officer.
89. Offences in relation to Provisional Voters' Register and Voter's Card.
- 89A. Registration officers misconduct.
90. Offence in relation to nomination forms or ballot papers.
91. Miscellaneous offences.
92. Maintenance of secrecy at elections.
93. Penalty for undue influence.
94. Penalty for impersonation.
95. [Repealed].
96. [Repealed].
97. [Repealed].
98. Persons to be deemed guilty of undue influence.
99. Undue influence in relation to Returning Officers.
100. Persons to be deemed guilty of impersonation.
101. Penalty for persons guilty of certain illegal practices.
102. Interference with lawful public meeting to be illegal practice.
103. Display of emblems in vicinity of place of voting prohibited.
104. Defacement of notices. .
105. Documents to bear name and address of printer and publisher.
106. Persons convicted of illegal practices to be removed from register.

PART XIII

AVOIDANCE OF ELECTIONS ON ELECTION PETITION

107. Avoidance of elections by election petition.
108. Certain acts or omissions to be exempt.
109. Petitions triable by Resident Magistrates' Court.
110. Petitions and deposit of security for costs.
111. Relief which may be claimed.
112. Certificate of court as to validity of election.
113. [Repealed].
114. Time for presentation and determination of election petition.
115. Votes to be struck off at scrutiny.
116. Rules of Court.

PART XIV

FINANCIAL AND MISCELLANEOUS PROVISIONS

117. Inaccurate descriptions.
118. Powers of Registration Officers and Returning-Officers to demand information.
119. Remuneration of staff.
120. Expenses to be charged on Consolidated Fund.
121. Service of notices.
122. Exemption from stamp duty.
123. Disposal of forms and records.

- 124. [Repealed].
- 125. Regulations.
- 126. Repeal.

PRELIMINARY PROVISIONS

1. Short title

This Act may be cited as the Local Authorities [Elections] Act.

2. Interpretation

(1) In this Act, unless the context requires otherwise -

"Act" means, in relation to district authority, the Local Government (District Authorities) Act, and in relation to an urban authority, the Local Government (Urban Authorities) Act;

"campaign period" in relation to councilors' election, means the whole period commencing immediately after the nomination day up to the day immediately preceding election day;

"candidate" means a person who submits himself for election to a local government authority;

Provided that for the purposes of those provisions of this Act which relate to a time after the nomination of candidates, it does not include a candidate whose nomination is declared invalid by the Returning Officer or who withdraws his candidature;

"close of polls" means the latest close of poll in polling station in relation to any election;

"contested election" means an election in a ward at which there are more candidates than vacancies;

"Council" means -

(a) in relation to a district, a District Council;

(b) in relation to a city, a city Council;

(c) in relation to a Municipality, a Municipal Council; and

(d) in relation to a town, a Town Council established or deemed to have been established under the Act;

"counting agent" means a person appointed as a counting agent under the provision of section 71;

"district authority" means a District Council, a Township Authority or as the case may be a Village Council;

"election" means an election in a ward of an elected member of a local authority and includes a by-election for that purpose;

"election day" means in relation to any ward the day appointed under section 48 or any days substituted for it in accordance with the proviso to that section or, in the case of an election in which the candidate is declared elected under subsection (2) of section 45 means the date on which he was so declared elected;

"election officer" includes the Regional Election Coordinator, Returning Officer, Assistant Returning Officer, Presiding Officer; Polling Assistant, Regional Registration Coordinator, Registration Officer, assistant Registration Officer, Registration Assistant, Camera Operator and Direction Clerk;

"Electoral Authority" means the National Electoral Commission established by Article 74 of the Constitution;

"local government authority" means a district authority or an urban authority established or deemed to have been established under the Act;

"local authority election" means the election of a member to a local government authority;

"member" means an elected member of a local government authority and includes a Councillor for women special seats;

"Minister" means the Minister responsible for local government authorities;

"nomination" means nomination as a candidate for election to a local authority and includes declaration of councilors for women special seats;

"nomination day" means a day appointed as nomination day;

"person" means a natural person;

"political party" means a party registered as such under the Political Parties Act;

"polling agent" means a person appointed under the provisions of section 58;

"polling assistant" means a person appointed as a polling assistant under the provisions of paragraph (b) of section 57:

"polling district" in relation to an election in a ward means a ward declared as such under the Act;

"polling station" means a polling station specified under the provisions of section 49;

"presiding officer" means a person appointed under the provisions of paragraph (c) of section 57 to be in charge of a polling station;

"Provisional Voters' Register" means a register established under section 15A;

"qualified" or "qualification" means _

(a) when used in relation to a person claiming to be entitled to be registered as a voter, qualified to be or qualification as a voter;

(b) when used in relation to a person claiming to be qualified as a candidate for a local authority election, qualified to be or qualification as a candidate for election to a local authority for the ward in question;

"register" means the register established under section 15B;

"registration officer" means a person appointed under section 10 and includes an Assistant Registration Officer;

"Returning Officer" means a person appointed under section 9 and includes, in so far as is provided in that section, an Assistant Returning Officer, and the Returning Officer in relation to a polling district means the

Returning Officer appointed for that polling district;

"voter" means any person who is for the time being qualified to vote at an *election* in accordance with the provisions of this Act;

"voter's card" means a card issued under the provisions of this Act verifying that the person named in such card has been registered as a voter;

"ward" means a division of the jurisdiction of a local government authority demarcated as such in pursuance of the provision of the Act and declared to be a ward of that local government authority under section 8 for the purposes of this Act.

(2) Reference in this Act to an election in a ward shall be construed as reference to the local government authority election in a ward demarcated in pursuance of the provisions of the Act and declared as such for the purposes of this Act.

3. Application

This Act shall apply to all local authorities in respect of which it is provided that some or all of the members shall be elected.

4. Directions and notices of an Electoral authority

All regulations, directions and notices which an Electoral Authority is empowered to make issued or give, shall be deemed to have been validly made, issued or given, if they are made issued or given Executive Officer of the Electoral Authority.

5. Repealed

PART II

ELECTORAL AUTHORITY

6. [Repealed]

7. Conduct of election

The conduct of every election shall be subject to the direction and supervision of the Electoral Authority having jurisdiction in the area where the election is conducted.

8. Wards

Where the Minister establishes a ward in accordance with the provisions of the Act, that ward shall be a ward for the purpose of election under this Act.

9. Returning Officers and staff

(1) For the purposes of any local government authority election held under this Act, every City Director, Municipal Director, Town Director and District Executive Director shall be a Returning Officer for the local government authority in respect of which he is such Director.

(2) The Commission shall appoint by office such number of Assistant Returning Officers as it may deem fit.

(3) Subject to such directions as the Returning Officer may from time to time issue, an Assistant Returning Officer may exercise and perform all the powers and duties conferred or imposed on a Returning Officer other than the power of appointment conferred by subsection (2) and, except with respect to the power of appointment every reference in this Act to the Returning Officer shall be deemed to include a reference to an Assistant Returning Officer.

(4) Returning Officers may, Subject to the directions of the Electoral Authority, employ such staff as they may require to carry out their functions under the provisions of this Act.

(5) Every Returning Officer and Assistant Returning Officer shall upon his appointment subscribe before a magistrate an oath of secrecy in the prescribed form.

(6) Notwithstanding subsection (1), the Commission may, where circumstances so require, by notice published in the Gazette, appoint any person by name or office to be a Returning Officer for any local government authority instead of the one referred to in subsection (1) and where such a person is so appointed, the City Director, Municipal Director, Town Director or District Executive Director as the case may be, shall cease to be the Returning Officer of the local authority.

10. Registration officers and Staff

(1) For the purposes of registration of voters under this Act, every City Director, Municipal Director, Town Director and District Executive Director shall be a Registration Officer for the local government authority in respect of which he is such Director.

(2) The Commission may, from amongst public officers, appoint by office or name such number of Assistant Registration Officers for the purpose of registering voters.

(3) Notwithstanding the provisions of subsections (1) and (2), the Commission may, where circumstances so require, by notice published in the Gazette appoint any person holding a public office by name or by office to be a Registration Officer in any Local Government Authority instead of the one referred to in subsection (1), and where such person is so appointed the City Director, Municipal Director, Town Director, District Executive Director, as the case may be shall cease to be a Registration Officer of the Local authority.

(4) Subject to such directions as the Registration Officer may from time to time issue, an Assistant Registration Officer may exercise and perform all the powers and duties conferred or imposed other than those conferred or imposed by subsection (2) and, except with respect to the power of appointment, every reference in this Act to the Registration Officer shall be deemed to include a reference to an Assistant Registration Officer.

(5) Every Registration Officer shall, before embarking on the functions of that office, take and subscribe to an oath of secrecy in the prescribed form before a Magistrate.

(6) Registration Officers may, subject to the directions of the Electoral Authority, employ such staff as they may require to carry out their functions under the provisions of this Act.

I1. [Repealed]

PART III

HOLDING OF ELECTIONS AND TENURE OF OFFICE OF COUNCILLORS

12. Ordinary Election

(1) There shall be held an ordinary election of councillors of the local government authorities in every fifth year after the previous ordinary election, and whenever a new Council is established.

(2) Notwithstanding the provisions of subsection (1), the ordinary election shall not be held where establishment of a new Council has not altered the boundaries of the Parliamentary constituencies.

(3) An ordinary election of Councillors of a local government authority shall be held in every ward or as the case may be in any particular ward of that local government authority on such date as the Electoral Authority shall, by order published in the *Gazette*, prescribe.

(4) An order made under this section shall specify the day or days on which Returning Officers may receive nomination of candidates for election in any ward to which the order relates.

13. By-election

(1) The Minister shall declare a seat of any member of a Council to be vacant when he is informed in writing by the Chairman of the Council that-

(a) a member has died or resigned;

(b) a member is, by virtue of the terms of or under this Act or any other written law, disqualified from or should be declared to be incapable of becoming or continuing to be a member;

(c) the election of a member is declared void;

(d) the seat of a member is deemed to be vacant under this Act; or

(e) a member has ceased to be a member of a political party which sponsored that member as a candidate.

(2) Any vacancy which is declared vacant pursuant to subsection (1) shall be deemed to be a causal vacancy for the purpose of this Part.

(3) For the purpose of filling causal vacancies which occurred in various wards during the calendar year, the Electoral Authority shall hold the by-election at least twice in a year on such dates as the Electoral Authority shall, by order published in the Gazette, appoint.

(4) An order under this section shall specify the day or each day or days on, and the hours within which returning officers may receive nominations of candidates for election in any ward to which the causal vacancy occurred.

(5) A member filling a casual vacancy shall hold office for the unexpired portion of the term of the office of the member whose seat is vacant.

(6) Where a casual vacancy occurs within twelve months immediately preceding the ordinary date of the expiry of the term of the member in respect of whom the vacancy occurs, a nomination or election shall not be made or held to fill the vacancy, but the vacancy shall be filled at the next ordinary nomination or election.

(7) A poll shall not be conducted in any by-election in which there is no a contested election.

14. Representation of wards and tenure of office of Councillors

(1) There shall be one Councillor elected for each ward into which the area of a Council is divided and every Councillor shall, with effect from the date following the date on which the election results are confirmed by the Electoral Authority, be an elected member of the Council for which he has been elected.

(2) Subject to the provisions of this Act, the term of office of an elected member of a Council shall be five years and all the elected members shall retire on the fifth anniversary of the date on which they assumed their office under subsection (1), and their place shall be filled by newly elected members who shall come into office on that day; but a member elected in a by-election shall hold office only for the remainder of the term of office of his predecessor.

Part IV-Registration of Voters

15. Qualifications for registration

(1) Every citizen of Tanzania who has attained the age of eighteen years shall, unless he is disqualified by this or any other Act, be entitled to be registered under and in accordance with the provisions of this Act as a voter.

(2) Notwithstanding the provisions of subsection(1),and subject to proof of age, any Tanzanian not disqualified by the Act or any other written law, who on the date of election will attain the age of eighteen years,shall be entitled to be registered as a voter in accordance with the provisions of the National Elections Act.

15A: Provisional Voters' Register

(1) The Commission shall, for the purpose of preparation of a Permanent National Voters' Register, establish a Provisional Voters' Register.

(2) The Provisional Voters' Register shall be used for-

(a) displaying for inspection by the public;

(b) amendment regarding change of residence or any other particulars of the voter;

(c) making objection against registration of any voter;

(d)inclusion or deletion of the name of the voter in the register; and

(e) effecting any other correction or amendment as may be required under this Act.

15B. Register of Voters

(1) Subject to this section, there shall, for the purposes of this Act, be a Permanent National Voters' Register which shall be in such parts, chapters or divisions as the Commission shall determine.

(2) The Director of Elections shall keep, maintain and up-date a register in accordance with the provisions of the Elections Act.

(3) The Director of Elections may by regulations give directions to the Registration Officer or Assistant Registration Officer on matters relating to registration of voters, contents of a voters' register, or any other related matter.

16. Disqualification for registration

(1) No person shall be qualified for registration as a voter or shall be registered under this Act -

(a) if he is under a declaration of allegiance to some country other than Tanzania;

(b) if, under any law in force in Tanzania, he is adjudged or otherwise declared to be of unsound mind or is detained as a criminal lunatic or during the pleasure of the President;

(c) if he is under sentence of death imposed on him by any court in Tanzania or sentence of imprisonment by whatever name called exceeding six months imposed on him by the court or substituted by competent authority for some other sentence imposed on him by that court;

(d) if he is disqualified from registering as a voter under the provisions of this Act or any other law in force relating to offences connected with any election.

(2) For the purposes of paragraph (c) of subsection (1) two or more sentences that are required to be served consecutively shall be regarded as separate sentences if none of them exceeds six months but if anyone of them exceeds six months they shall be regarded as separate sentences; and

(b) no account shall be taken of a sentence of imprisonment imposed as an alternative to, or in default of the payment of a fine.

(3) Where any person registered under this Act ceases to be qualified for registration as a voter his name shall be deleted from the register:

Provided that no name shall be deleted from a register, except in accordance with the provisions of this Part or on the report of a court that person has been guilty of a practice which disqualifies him from registering or voting.

17. No person shall be registered in more than one ward

No person shall be registered as a voter in more than one ward.

17A.Registration agents

(1) A political party may appoint one person to be a registration agent for each registration centre within the ward, for the purpose of _

(a) detecting qualified persons for registration; and

(b) assisting the registration assistant to secure a smooth compliance with the relevant laws and procedures pertaining to the conduct of the registration of voters.

(2) For the purpose of subsection (1), a political party shall by notice in writing notify the registration officer of the appointment not later than seven days before the date set for the commencement of registration of voters or within such shorter time as the Electoral Authority may allow.

(3) The notice under subsection (2) shall state the name of the agent so appointed and name and address of the registration centre to which the agent is assigned.

(4) Where a registration agent dies or becomes incapable of acting as such, the political party concerned may appoint another registration agent in his place, and shall immediately give to the Registration Officer and

Registration Assistant concerned a notice in writing of the name and address of the registration agent so appointed and registration centre to which he is appointed.

(5) A political party may, in the notice given under subsection (2), appoint an alternate registration agent who may be present and perform any of the functions of a registration agent in the absence of the registration agent from the registration centre whether permanently or temporarily.

(6) The Registration Assistant shall, with the assistance and co-operation of the registration agent, deal with each complaint at the registration station as soon as it arises and is brought to his attention by any person who wishes to be registered.

18. Repealed.

19. Place of and disqualification for voting

(1) Subject to the provision of this Act, any person who is entitled to be registered as a voter under this Act, shall be registered as such and a person who is registered as a voter in any ward and shall be entitled to vote at any election in that ward shall be entitled so to vote only at the ward where he is registered and not elsewhere.

(2) Notwithstanding the provisions of subsection (1), a presiding officer or polling assistant at any ward shall not permit any person to vote at that ward, unless that person satisfies the presiding officer or, as the case may be, the polling assistant, that he is the voter he claims to be by producing to him the voter's card issued to that person or any other documents the Commission may direct.

(3) Notwithstanding that a person is registered as a voter under this Act he shall not be entitled to vote in any election if any circumstances arise in relation to him which, if he were not so registered, would cause him to be disqualified for registration under this Act.

(4) Notwithstanding any other provisions of this Act the Director of Elections or any person authorized in that behalf by the Director of Elections may, by a certificate under his hand, authorize a registered voter who is a candidate at an election in that ward or, as the case may be, in the polling station specified in that certificate whether or not that candidate is registered as a voter in that polling station.

(5) Notwithstanding any other provision of this Act, where a voter registered as a voter in any polling station is employed as a Returning Officer, presiding officer, police officers or in any other official capacity to a ward other than the one allocated to him the Director of Elections or any person authorized in that behalf by Director of Elections may by a certificate under his hand authorize the voter to vote at any other polling station, and that polling station shall, for the purposes of this Act be deemed to be a ward allocated to that voter.

(6) A person who is serving a sentence of imprisonment may, subject to the provisions of this Act, be registered as a voter, or vote at an election, only if permitted to do so by the written law governing his imprisonment:

Provided that nothing in this subsection shall be construed as authorizing any person to vote at any polling station other than the polling station allocated to him.

20. Change of name

A person registered as a voter whose name has been changed consequent upon marriage or otherwise since being so registered shall, if not disqualified from voting under section 19, be entitled to vote under the name in which she or he is so registered.

21. Time for registration

(1) The Commission shall be responsible for setting the time to review the register of voters in every ward in a local authority.

(2) Any person entitled to be registered as a voter at any ward and who has not been so registered may present himself to the relevant ward and shall, upon so presenting himself and upon satisfying the Registration Officer in charge of the ward, that he is entitled to be registered as a Voter, be registered as a voter in accordance with the provisions of this Act.

(3) Notwithstanding any provision of this section to the contrary, the Electoral Authority may direct that the registration of voters in all wards or in any ward specified in that

direction be suspended for such period as the Electoral Authority may direct if, in the opinion of the Electoral Authority, it is desirable to suspend the registration of voters.

(4) Where a direction under subsection (3) has been issued in respect of any ward, no registration of voters shall take place in that ward during the period specified in that direction.

(5) For the purpose of this section, the Commission shall review the Permanent National Voters' Register twice between a period commencing immediately after the General Elections and the date preceding the nomination day.

22. Voter's Card

(1) Where a person makes an application for registration as a voter in accordance with the provisions of section 21, he shall, if he satisfies the Registration Officer or any other officer for the time being responsible for the registration of voters, that he is qualified to be registered as a voter for that ward, be registered as a voter for that ward, and upon being so registered shall be issued with a voter's card in the prescribed form.

(2) The Electoral Authority may by regulations made under section 125 require any person applying for registration as a voter to fill in such forms as may be prescribed.

23. Change of residence

(1) Where any voter who is registered in one ward becomes ordinarily resident in some other ward, he may apply in person in accordance with the provisions of section 21 to the Registration Officer, Registration Assistant or any other staff as directed by the Electoral Authority for the purpose of conducting registration of voters of the ward in which he is ordinarily resident and the Registration officer shall-

(a) if he is satisfied that the applicant -

(i) is qualified for registration; and

(ii) is ordinarily resident in the ward in respect of which he makes the application;

(b) on the surrender by the applicant of his voter's card or on the applicant's satisfying the Registration Officer, Registration Assistant or any other staff as directed by the Electoral Authority for the purpose of conducting registration of voters that it is lost or destroyed, register the applicant in the prescribed form for the ward and cause to be issue another voter's and

(2) Where a Registration Officer registers an applicant under this section, he shall forthwith -

(a) cancel the voter's card surrendered by the applicant and forward it to the Director of Elections; or

(b) if he is satisfied that the applicant's voter's card is lost or destroyed give notice to the Director of Elections of the issuance by him of a new voter's card, and shall amend the register accordingly.

(3) Notwithstanding the provisions of subsection (1) of section 19 or subsection (1) of this section, where by reason of

(a) any change of name of a ward;

(b) any adjustment in the number of wards; or

(c) any adjustment in the boundaries or areas of one or more wards, a ward becomes part of another ward or, as the case may be, a ward becomes a ward of another local government authority with a new name, it shall not be necessary for a voter whose name is on any register affected by that change of name or adjustment to apply for the transfer of his name to the appropriate register, but the Director of Elections shall, as soon as possible, effect such amendments or transfers as may be necessary to give effect to that adjustment as if any application for transfer had been made by the voters concerned pursuant to the provisions of this section.

24. Voter's card lost, defaced or destroyed

(1) Where a voter's card issued to any person is lost, defaced or destroyed, the person to whom that voter's card was issued may apply in person to the Registration Officer for the issuance of a new voter's card.

(2) On any application, the Registration Officer shall, if satisfied that the application is properly made and that the applicant remains qualified for registration, register the applicant in the prescribed form for the ward and cause to be issued another voter's card upon the applicant paying the prescribed fee, if any, and where the application is made in respect of a defaced voter's card, upon the applicant surrendering the defaced voter's card.

25. Amendment of Particulars

(1) Where any of the particulars on a voter's card or in a Provisional Voter's Register require amendment by reason of a change of name, or of any other alteration in the circumstances affecting the person to whom it was issued, other than a change of residence from one ward to another, the person to whom that voter's card was issued may apply in person to the Registration Officer for the issuance of a new voter's card, and the Registration Officer shall, upon an application being made to him and upon being satisfied that the application is properly made and that the applicant remains qualified for registration, shall register the applicant in the prescribed form for the polling district and cause to be issued another voter's card.

(2) No new voter's card shall be issued under this section unless the applicant surrenders his voter's card or satisfies the Registration Officer that it is lost or destroyed and pays the prescribed fee, if any.

26. Declaration relating to lost or destroyed voter's card

Where, under the provisions of this Part, an application is made to a Registration Officer by a person who claims that he has lost his voter's card issued to him or that the voter's card has been destroyed, the Registration

Officer shall require the applicant to make a declaration in the prescribed form relating to that loss or destruction and without prejudice to his power to refuse the application on other grounds, may refuse the application unless the applicant makes the declaration.

27. Refusal of application

(1) Where a Registration Officer refuses an application under the foregoing provisions of this part, he shall, if so required by the applicant, give to the applicant a written statement in the prescribed form setting out the grounds of his refusal, and any applicant aggrieved by that refusal may, within fourteen days after receipt by him of the statement appeal against that refusal to a District Magistrate.

(2) The District Court shall decide on such appeal within fourteen days from the date of submission.

28. Inspection of a Provisional Voters' Register

(1) Any person may inspect the Provisional voters' Register of any ward on such day and at such time as the Registration Officer or, as the case may be, the Director of Elections may determine.

(2) The Registration Officer shall display the provisional voters' register in every ward and may amend it, if necessary, in the manner as may be prescribed by the Commission.

29. Inclusion of name in the Provisional Voters' Register

(1) Where any person who has been registered as a voter and holds a valid voter's card in respect of a ward discovers, pursuant to an inspection made in accordance with the provisions of section 28, that his name does not appear in the Provisional Voters' Register of the Ward he may apply to the Director of Elections or the Registration Officer for inclusion of his name in the Provisional Voters' Register, and the Director of Elections or as the case may be, the Registration Officer shall, if satisfied that the name of such person should have been included in the register of the polling district, amend or cause to be amended the Provisional Voters' Register by inclusion of the name of that person.

(2) Where the Director of Elections or the Registration Officer refuses to amend or cause to be amended the Provisional Voters' Register to include the name of any person, the person aggrieved by that refusal may object that refusal.

30. Objections

(1) Any person whose name appears in the Provisional Voters' Register for any ward may object to the retention in that Provisional Voters' Register of his own name or the name of any other person who is not qualified or is no longer qualified to be registered in that Provisional Voters' Register or that other person is dead.

(2) The Director of Elections or the Registration Officer may object to the retention of any name in the Provisional Voters' Register of any polling district on any such ground aforesaid.

(3) Any person who makes an objection under this section or under section 29 shall, hereinafter, be referred to as the objector.

31. Procedure for making objections

(1) Except in the case of an objection made by a Registration Officer, every objection shall be made in duplicate in the prescribed form and shall be made to the Registration Officer within such period as may be prescribed.

(2) Every objection, other than an objection made by the Director of Elections or a Registration Officer, shall be accompanied by the sum of five hundred shillings as a deposit.

(3) Only such objections as are made in accordance with the provisions of this section, shall be received by the Registration Officer.

(4) The Registration Officer shall, as soon as practicable after receiving an objection made in accordance with this Part or, in the case of an objection made by himself, within such period as may be prescribed send a notice of such objection to the person in regard to whom that objection has been made:

Provided that a Registration Officer shall not be required to send a notice when an objection is made on the ground that a person whose name appears in a Provisional Voters' Register is dead.

32. Procedure for making objection

(1) The Registration Officer shall as soon as practicable hold a public inquiry into all objections which have been duly made, giving not less than seven clear days written notice of the date on which the time and place at which the inquiry will commence to each objector and person in regard to whom the objection has been made.

(2) At any public inquiry any person appearing to the Registration Officer to be interested in or is affected by the subject matter of the inquiry may appear and be heard either personally or by any other person duly authorized by him in writing in that behalf.

(3) Where any objection is made to the retention or non-inclusion of any name in the Provisional Voters' Register, the Registration Officer shall call upon the objector, or any person authorized in writing in that behalf by the objector, to give *prima facie* proof of the ground of the objection.

(4) Where, in the opinion of the Registration Officer, the *prima facie* proof is given, the Registration Officer shall require proof of the present qualification for registration of the person in regard to whom the objection has been made; and -

(a) if that person's qualification is not proved to the Registration Officer's satisfaction, he shall cause to be deleted such person's name from the Provisional Voters' Register;

(b) if that person's qualification is so proved, he shall cause to be retained or included, that person's name in the Provisional Voters' Register.

(5) Where, on the date fixed for inquiry into any objection, the objector or any person authorized in writing in that behalf by the objector fails to appear, or appears but fails to give *prima facie* proof of the ground of objection to the satisfaction of the Registration Officer, the Registration Officer shall retain or cause to be retained the name of the person in regard to whom the objection is made in the Provisional Voters' Register or as the case may be, take no steps for the amendment of the Register so as to obtain inclusion in the Provisional Voters' Register of the name of the person objecting against the non-inclusion of his name in the Provisional Voters' Register.

(6) Where an objection made by any person other than the Registration Officer or the Director of Elections is disallowed by the Registration Officer and, in his opinion, the objection was made without reasonable cause, the

Registration Officer may, if he thinks fit, order in writing the objector to pay the person in regard to whom the objection has been made such sum, not exceeding one thousand shillings, as the Registration Officer considers reasonable compensation for any loss suffered by that person in consequence of the objection.

(7) Any sum awarded as compensation under this section shall be recoverable as though the order of the Registration Officer were a decree of a district court for the recovery of the money.

(8) Where an objection is disallowed by the Registration Officer and he is of the opinion that the objection was made without reasonable cause, the deposit of five hundred shillings shall be liable to be forfeited to the Government by order of the Registration Officer, but otherwise that deposit shall be refunded.

(9) The validity of any proceedings under this section shall not be questioned by reason only of the Registration officer hearing and determining an objection made by himself, and in any such case the procedure at any inquiry under this section shall be commenced at the stage at

which the Registration Officer required proof of the present question of the person in regard to whom the objection is made.

33. Objector or person objected to may appeal

Where any objector or person in regard to whom objection has been made is dissatisfied with the decision of the Registration Officer under section 32 he may, within fourteen days from the date of that decision appeal to a District Court.

34. Appeals to District Magistrates

(1) Every appeal under section 27 or 33 shall state shortly the grounds of appeal, and shall be accompanied by the sum of five hundred shillings as a deposit.

(2) The District Magistrate shall hear every appeal in public, giving notice of the time, date and place of the hearing of the appeal to the parties concerned and it shall be in his discretion whether to hear or not to hear any evidence and his determination of the appeal shall be final and conclusive and shall not be called in question on any court.

(3) Where the District Magistrate has determined the appeals which have been lodged with respect to any Provisional Voters' Register or the issue of the voter's card he shall forward to the Registration Officer a statement under his hand containing the name which he has decided shall be inserted or retained in the Provisional Voters' Register and those which he has decided shall be deleted from the Provisional Voters' Register, and a statement of the name of the person to whom a voters' card shall be issued, and the Registration Officer shall cause to be amended the Provisional Voters' Register and issue the Voter's card accordingly:

Provided that -

(a) the District Magistrate shall not require a Registration Officer to issue a voter's card to any person who claims he has lost a voter's card issued to him and relevant to the proceeding, or that the voter's card has been destroyed, unless such person shall have made the declaration provided for in section 26; and

(b) in any case to which section 24, 25 or 26 applies and no declaration has been made in accordance with section 26, the Registration Officer may refuse to cause the issuance of a new voter's card until the previous voter's card issued to the person concerned has been surrendered.

(4) Where an appeal is dismissed and the District Magistrate is of the opinion that the appeal was made without reasonable cause, he may order that the deposit of five hundred shillings shall be forfeited to the Government, but in other case the deposit shall be refunded.

(5) No party to an appeal shall be entitled to any costs or compensation:

Provided that if any appeal is made and is not allowed by the District Magistrate and in his opinion the appeal was made without reasonable cause, the District Magistrate may, if he thinks fit, order the appellant to pay compensation of such amount, not exceeding one thousand shillings, as he considers reasonable and any sum so awarded shall be recoverable.

(6) Where an appeal has been made under this section, the District Magistrate may, whether he allows or dismisses the appeal, order that any deposit forfeited or to be forfeited or any sum of money paid or to be paid by way of compensation in accordance with an order of the Registration Officer under section 32 or so much of such deposit or such sum as the District Magistrate may specify shall not be paid or forfeited, or shall be returned to the objector, as the case may be, and any sum ordered to be returned shall be recoverable as through the order where a decree of a District Court for the recovery of the money.

(7) Witnesses may be summoned and sworn at the hearing of an appeal under the provisions of this section in the same manner as nearly as circumstances admit as in a trial by a District Court in the exercise of its criminal jurisdiction and shall, without prejudice to the provisions of any other law, be subjected to the same penalties for the giving of false evidence or for non-attendance.

(8) Any person entitled to appeal as a party at an appeal brought under the provisions of this section may appear either in person or by advocate.

(9) The procedure and practice of hearing of appeals under this section shall be regulated in such manner as the District Magistrate shall decide and without prejudice to the generality of the foregoing, a District Magistrate may, if satisfied that two or more appeals involved the same question, declare that the decision given in any appeal heard previously shall be binding on the parties to that of the other appeal or appeals as he shall specify.

(10) Any appeal lodged under this section shall be determined within fourteen days from the date of submission of an appeal.

35. Provisions consequential to additions to or deletions from Provisional Voters' Register under this Part

(1) Where the name of any person has been added to a register under section 34, or any voter's card has been issued to any person in pursuance of that section, the Registration Officer shall take such steps in relation thereto as if he had not refused the application of which the appeal relates.

(2) Where the name of any person has been deleted from a Provisional Voters' Register under section 32 or 34, the Registration Officer shall require that person either -

(a) to surrender any voter's card issued to such person under this Act; or

(b) to make and deliver to the Registration Officer the declaration provided for in section 26, within such period (not being less than ten days) as the

Registration Officer shall specify; and the Registration Officer shall cancel any voter's card so surrendered.

PART V

VOTING

36. Persons entitled to vote.

(1) Subject to the provisions of this Act every person, who is a citizen of the United Republic and who at the time when any election is held in any ward under this Act is duly registered in that ward, as a voter, shall be entitled to vote at that election in the ward in which he is registered or was registered.

(2) Every person shall whenever he wishes to vote at an election under this Act, identify himself to the Returning Officer in such manner as may be prescribed and no person shall be entitled to vote more than once at that election.

37. Disqualification for voting

Notwithstanding the provisions of section 36, a person who is registered as a voter shall not be entitled to vote at any election if circumstance arise in relation to that person that, if he were not so registered, would cause him to be disqualified for registration as a voter.

38. Place of voting

Every person entitled to vote under the provisions of section 36 shall vote at a ward in which he is registered as a voter for the purposes of election to a local authority, but not elsewhere.

PART VI

QUALIFICATION OF CANDIDATES FOR ELECTION

39. Qualification of candidates

(1) A person shall be ejected as a member of a local government authority or stand as a candidate at an election for local government authorities if he is qualified for election.

(2) A person shall be qualified for election if he satisfied the following conditions, that is to say –

(a) he is a citizen of the United Republic;

(b) he has attained the age of twenty one years;

(c) he is not disqualified for election under the provisions of section 40;

(d) he is ordinarily resident within the area of jurisdiction of local authority; (e) he can read and write in Kiswahili or English;

(f) he is a member of and sponsored by a political party registered as such under the Political Parties Act;

(g) he has a lawful means of livelihood; and

(h) he has not been convicted for an offence of tax evasion within a period of five years before election.

40. Disqualification for nomination

(1) A person shall be disqualified for nomination for election-

(a) if he is under a declaration of allegiance to some country other than the United Republic;

(b) if under any law in force in Tanzania he is adjudged or otherwise declared to be of unsound mind;

(c) he is under sentence of death imposed on him by any court in Tanzania or a sentence of imprisonment exceeding six months imposed on him by a court;

(d) he is detained under an order made under the Preventive Detention Act and has so been detained under the order for a period exceeding six months;

(e) he has been deported, in accordance with the provisions of the Deportation Act, under an order made under that Act which has been in force for a period exceeding six months, and is still in force;

(f) if he is a party to, or a partner in a firm or manager of a company which is a party to any subsisting contract with the local authority to which he seeks election and has not, published in the Kiswahili language and English language newspapers circulating within the area of authority concerned, a notice setting the nature of the contract and his interest or the interest of the firm or company in the contract;

(g) if he is disqualified from becoming a member of a local authority by or under any written law;

(h) if he is disqualified from registering as a voter under this Act or disqualified from voting at any election under this Act or under any written law relating to offences connected with any election;

(i) subject to such exceptions and limitation as the President may, by order published in the Gazette, prescribe, if he holds or acts in any office or appointment in the service of the United Republic or a local authority.

(2) For the purposes of paragraph (c) of subsection (1) two or more sentences that are required to be served consecutively shall be regarded as separate sentences, if none of them exceeds six months they shall be regarded as one sentence; and

(b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

PART V

NOMINATION OF CANDIDATES FOR ELECTION

41. Nomination of candidate

(1) Where a local authority election is to be held in a ward, or where the election is countermanded and the election procedures are to be commenced afresh, the Electoral Authority shall, by notice published in the *Gazette*, appoint a day (hereinafter in this Part referred to as the nomination day) for the nomination of candidates for the election.

(2) The Electoral Authority may appoint different nomination days for the different wards and may revoke the appointment of a nomination day and appoint some later day as the nomination day.

(3) The Electoral Authority shall give at least seven days notice of a nomination day.

42. Nomination of candidate

(1) In order to be validly nominated at a nomination to stand as a candidate for a ward, a person must be nominated in writing by not less than ten voters registered in the ward for which he is a candidate.

(2) The writing shall be in the prescribed form, shall be signed by the candidate and by the persons nominating him, and shall contain the following particulars -

(a) the name, address and occupation of the candidate;

(b) a certificate by the candidate that he is willing and qualified to stand for election.

(3) Notwithstanding the provisions of subsection (1), the Electoral Authority may, on the nomination day, refuse to nominate a person as a candidate if it is satisfied that the person has been disqualified from participating in the nomination process by the Electoral Authority pursuant to the provisions of the Election Expenses Act.

(4) Every Nomination Form shall be accompanied by -

(a) a statutory declaration in prescribed form, made and signed by the candidate before a magistrate and declaring the candidate's qualifications and that he is not disqualified for elections;

(b) a certificate in the prescribed form by the Registration Officer in charge of the ward certifying that the nominators are registered as voters in the ward in respect of which the candidate has been nominated; and

(c) such biographical information relating to the candidate as may be required to be given by regulations in such form as may be prescribed.

(5) Where, in any case, a nomination form is not accompanied by the documents specified in subsection (4) the nomination of the candidate shall be deemed to be void:

Provided that the Electoral Authority may, in any particular case, if it thinks reasonable so to do, direct that the nomination form shall be accepted as valid notwithstanding that nomination form was not accompanied by any of the documents if the document in question is submitted to the Returning Officer within further time as the Electoral Authority may allow.

(6) The Electoral Authority shall prescribe the number of nomination form and the manner of issuing them.

(7) Every candidate or one of the persons nominating him, shall deliver his nomination form (together with one copy of it) signed as provided in this section at the office of the Returning Officer not later than four o'clock in the afternoon of the nomination day.

(8) The Returning Officer shall forthwith cause a copy of the nomination form to be posted in a conspicuous place outside his office.

(9) No person shall nominate more than one candidate for any one election and where a Registration Officer has issued a certificate under paragraph (b) of subsection (4) in respect of a person's nomination of one candidate he shall refuse to issue a certificate in respect of that person nomination of another candidate for the same election:

Provided that a person shall not be prevented from signing a nomination form by reason only if his having signed that of a candidate who had died or withdrawn his candidature before delivery of the first mentioned nomination form.

(10) Where, notwithstanding the provisions of subsection (9), a nominator nominates more than one candidate for the same election and certificates have been issued under paragraph (b) of sub-section (4) in respect of such persons registration both, such candidates nominations shall be valid.

(11) Any person who nominates more than one candidate commits an offence, and upon conviction shall be liable to a fine not exceeding two hundred thousand shillings.

(12) The Returning Officer may, where he is satisfied that any person has committed an offence under subsection (11), by order under his hand compound such offence by requiring such person to make payment of a sum of money:

Provided that-

(a) such sum of money shall not be more than the maximum fine provided for such offence;

(b) the power conferred by this sub-section shall only be exercised where the person admits in writing that he has committed the offence; and

(c) the Returning Officer shall issue to the person from whom he receives such sum of money a receipt thereof.

(13) A nominator may subject to the provision of sub-section (9) nominate one candidate each for the President, Parliamentary and Local Authority election.

(14) A Registration Officer shall, when requested by or on behalf of a candidate to issue certificate in respect of a nominator who is registered in a ward, of which he has charge over, issue a certificate accordingly.

(15) The fact that, subsequent to primary nomination day, the name of a person who has nominated a candidate is deleted from the register of voters for the relevant ward shall not invalidate the nomination of the candidate.

43. Candidate to be nominated for one seat only

No person shall be nominated as candidate for election in more than one ward.

44. Objections to and decision as to validity of nomination form

(1) Objection may be made to a nomination form on all or any of the following grounds, but on no other ground, namely -

- (a) that the particulars given in respect of the candidate are insufficient to identify him;
- (b) that the nomination form does not comply with or was not delivered in accordance with the provisions of this Part;
- (c) that it is apparent from the contents of the nomination form that the candidate is not qualified to stand for election;
- (d) that the requirements of subsection (3) of section 42 have not been complied with;
- (e) if the requirements of the Election Expenses Act have not been complied with.

(2) No objection to a nomination form shall be allowed unless it is made *to* the Returning Officer or Assistant Returning Officer, before four o'clock in the afternoon of the day following nomination day.

(3) The objection may be made by another candidate in the ward, the Registrar of Political Parties or by the Returning Officer or Assistant Returning Officer of his own motion and shall be in writing, signed by the objector, and shall specify the grounds of objection.

(4) The Returning Officer or the Assistant Returning Officer shall before deciding on the validity of any objection with the least possible delay-

- (a) notify the person against whom the objection is made; and
- (b) avail him an opportunity to be heard.

(4A) Where the Assistant Returning Officer decides on any objection under Subsection (4), he shall forward that decision to the Returning Officer Who shall, with the least possible delay, review the matter, and may uphold or reverse the decision of the Assistant Returning Officer.

(4B) Where the Returning Officer decides on any objection under subsection (4) or (5), he shall inform the candidate concerned of his decision and, if the objection is allowed, the grounds of his decision.

(5) Where a candidate is aggrieved by the decision of the Returning Officer on an invalid nomination, the aggrieved candidate may appeal to the Electoral Authority, whose decision may be subject to review by an election petition, pursuant to the provisions of Part XIII, on

one or other of the grounds specified in that Part, except that, a decision on such petition shall be final and conclusive, and shall not be called in question on any court of law.

(6) Notwithstanding any provision of this section, an objection filed by the Registrar of Political Parties shall be subjected to the procedure laid down under this Act.

45. Procedure after determination of validity of nomination

(1) A Returning Officer shall, after he has determined the validity of the nomination form lodged with him, inform the Electoral Authority of the names of the candidates validly nominated and of the particulars stated in respect of each such candidate under subsection (2) of section 42.

(2) Where only one candidate is nominated for an election in a ward, the Returning Officer shall declare the candidate to have been elected and shall so inform the Electoral Authority.

(3) Where a Returning Officer for any ward determines that no candidate has been validly nominated for election in that ward, the Returning Officer shall so inform the Electoral Authority.

46. Procedure if no candidate is validly nominated

Where the Electoral Authority has been informed under subsection (3) of section 45, that no candidate has been validly nominated for election in a ward, the Electoral Authority shall exercise its powers under the Act to appoint another day for receiving the nomination of candidates for election in such ward and for taking a poll therein.

47. Photographs

(1) For the purpose of assisting voters to identify a candidate when voting, every candidate shall be identified by a photograph of the candidate which has been approved by the Returning Officer.

(2) The display of the photograph of a candidate during the election campaign shall be subject to the control of the Returning Officer.

PART VIII

ELECTION DAY

48. Candidate nominated

(1) Where candidates are nominated for election in a ward, the Electoral Authority shall appoint a day not less than sixty days and not more than ninety days after the nomination day to be an election day:

Provided that -

(a) where there are two or more contested elections during a local authority general election the Electoral Authority may appoint different election days for wards; and

(b) the Commission may for a reasonable cause or upon the occurrence of an event preventing an election to take place, revoke the day previously appointed and appoint another election day.

(2) Where candidates are nominated for a by election in a ward, the Commission shall by notice in the Gazette appoint a day not more than thirty days after the day on which they have been nominated to stand as candidates for election in the ward.

(3) Where on the election day, there is an occurrence of an event that prevents an election from taking place, the Commission shall appoint another day of election.

(4) Where the polling is adjourned under subsection (3), the time, procedure and manner of subsequent polling shall be as on the original polling day.

(5) The Electoral Authority may delegate any of its functions under this section in relation to a local authority election to a Returning Officer.

49. Notices of election

(1) Where there is a contested election, the Returning Officer shall, on or before the eighth day before the election day, give notice in the ward in such manner as he may think fit as to the following matter-

(a) the day or days and subject to the provisions of subsection (4) the time or times of commencement and close of the poll;

(b) the address of the polling station or stations;

(c) in any polling district where there are two or more polling stations the voters assigned to each polling station; and

(d) the full names of a candidate, a recent photograph and acronym or logo of the political party sponsoring the candidate, if any.

(2) The day appointed for polling pursuant to the provisions of paragraph (a) of subsection (1) in any polling district may differ from that appointed for any other polling district:

Provided that-

(a) one day but not more than one day shall be appointed as a polling day for each ward; and

(b) the last day appointed for polling in any ward shall be not later than such time after election day for that ward as the Electoral Authority may appoint.

(3) Where the Returning Officer has appointed a polling day for a ward pursuant to the provisions of this Section, he may, where it appears to him to be in the public interest so to do, give notice in the ward, in such manner as he may think fit altering the polling day appointed for any ward and thereupon polling shall take place in that ward on the polling day specified in the notice.

(4) For the purpose of paragraph (a) of subsection (1), unless the Electoral Authority otherwise directs, the time of commencement of the poll shall be eight o'clock in the morning and the time of the close of the poll shall be six o'clock in the evening or such earlier time as may be specified in the notice.

PART IX

WITHDRAWAL, DEATH AND ABSENCE OF CANDIDATES

50. Withdrawal of candidature

(1) A candidate may withdraw his candidature by notice in writing signed and delivered by him to the Returning Officer not later than the day following the nomination day.

(2) Every withdrawal notice under subsection (1) shall be accompanied by a statutory declaration in the prescribed form made and signed by the candidate before a Magistrate.

(3) Where a candidate withdraws his candidature after Domination day, no party shall nominate a substitute candidate.

51. Death of candidates

(1) Where, after four o'clock in the afternoon on the nomination day and before the close of the poll in an election, a candidate in a ward dies, the Returning Officer shall, upon being satisfied of the fact of death, countermand the election in the ward.

(2) In the case where the Returning Officer countermands an election pursuant to the provisions of subsection (1), the Electoral Authority shall appoint some other convenient day, not later than thirty days after the countermand, for the nomination in the ward and the electoral procedure in that ward shall be commenced afresh:

Provided that no new nomination shall be required in respect of any candidate validly nominated at the nomination and every such candidate shall be deemed to have been nominated unless he gives a notice of his withdrawal.

52. Absence of candidates

Where after the nomination day by reason of death, withdrawal or any other reason, there are no candidates in a ward, the Electoral Authority shall countermand the election and appoint some other day not later than thirty days after such countermand for the nomination of candidates for election in the ward, and the electoral procedure in that ward shall be commenced afresh.

52A. Disqualification of candidates

(1) Where the Registrar of Political Parties is satisfied that a candidate has committed a prohibited practice or failed to observe any other requirement of the Election Expenses Act, he may file an objection with the Electoral Authority.

(2) The Electoral Authority may, upon determination of the objection filed by the Registrar of Political Parties for failure by the candidate to observe the provisions of the Election Expenses Act, disqualify the candidate from continuing to participate in the election process.

PART X

THE ELECTION CAMPAIGNS

53. Election campaigns

(1) Where there is a contested election in a ward-

(a) the Electoral Authority shall declare the dates on which election campaigns shall commence and terminate within the ward;

(b) any candidate or person acting with the approval or consent of the candidate or a political party sponsoring a candidate may convene or address any public meeting in the ward for the purpose of furthering the candidate's election or undertake any public or door to door canvassing.

(2) For the avoidance of doubt and notwithstanding the provisions of section 40 of the Police Force and Auxiliary Services Act and section 11 of the Political Parties Act, a declaration of the period of campaign shall, without further assurance, constitute a permit for the

candidates and the political parties sponsoring such candidates to convene and address public meetings for purposes specified in paragraph (b) of subsection (1).

(3) Without prejudice to subsection (2) and for the purpose of ensuring peaceful and orderly meeting during the election campaign period -

(a) each political party sponsoring a candidate shall submit to the Returning Officer the programme of public meetings to be held by

(b) the Returning Officer shall scrutinize the Campaign programmes of all the candidates and if necessary advise the candidates to make changes to their programmes in order to avoid conflicting meetings: and

(c) the Returning Officer shall submit the coordinated programmes to the District Commissioner for information and for the purpose providing security at such meetings, if necessary.

54. [Repealed].

55. Payment by candidates

Every candidate shall be responsible for his personal expenses during an election.

PART XI

ELECTION PROCEDURE

56. Polling days and time

In a contested election, polling shall take place in each polling district in the manner provided in this Part on the day appointed for polling in that polling district pursuant to the provisions of section 49.

57. Arrangements for contested election

The Returning Officer shall -

(a) provide a sufficient number of polling stations in each polling district in accordance with the terms of any notice given under the Provisions of subsection (1) of section 49;

(b) appoint, in respect of each polling district, such persons to be known as polling assistants, as he may think fit to assist at the voting in the election;

(c) appoint from among polling assistants a person to be in charge of each polling station, to be known as the presiding officer;

(d) furnish each polling station with such number of compartments as in the opinion of the Returning Officer may be necessary, in which the voters can, screened from observation, record their votes:

(e) place or cause to be placed outside each polling station in a conspicuous place a notice showing in alphabetical order as the Electoral Authority may direct, the full name of a candidate, a recent passport size photograph taken within three months and acronym or logo of the political party sponsoring the candidate:

(f) provide, both within and without, each polling station with notices containing instructions relating to the voting procedure to be followed; and

(g) provide each presiding officer with such number of ballot boxes and ballot papers as in the opinion of the Returning Officer may be necessary.

58. Polling agent

(1) Each political party may with the prior consent of the candidates appoint one person to be known as a polling agent for each polling station within a ward for which it has a candidate or candidates for purposes of -

(a) detecting personation;

(b) representing and safeguarding the interests of the candidate or candidates at the polling station; and

(c) co-operating with the presiding officer and polling assistants to secure the smooth compliance with the law and procedure pertaining to the conduct of the voting and the elections at the polling stations.

(2) Notice in writing of the appointment, stating the names and addresses of the polling agents, together with the polling stations to which they have been assigned, shall be given to the Returning Officer not later than seven days before election day.

(3) Where any polling agent dies or becomes incapable of acting as an agent, the political party may appoint another polling agent in his place, and shall forthwith give to the Returning Officer and the presiding officer concerned notice in writing of the name and address of the polling agent so appointed and the polling station to which he is appointed.

59. Ballot boxes

(1) Every ballot box shall be so constructed that the ballot papers can be put in it by the voter but cannot be withdrawn by him.

(2) Immediately before the commencement of the voting, the presiding officer at each polling station shall show the ballot box empty to such persons as may lawfully be present so that they may see that it is empty, and shall then close it and place a seal upon it in such manner as to prevent it being opened without breaking the seal, and shall place it in view for the receipt of ballot papers and keep it so closed and sealed.

60. Form of ballot paper

Every ballot paper shall:

(a) contain the full names of a candidate, a recent photograph and acronym or logo of the political party sponsoring the candidate, if any;

(b) be capable of being folded up; and

(c) be attached to a counterfoil bearing a serial number.

61. Prohibition of disclosure

No person who has voted at the election shall, in any legal proceedings to question the election or return, be required to state for whom he voted.

62. Method of voting

The voting at an election shall be conducted in the following manner -

(a) every voter who wishes to vote shall present himself at the polling station allocated to him in the ward for which he is registered and shall satisfy the presiding officer or a polling

assistant at the polling station that he is the voter he claims to be and that he has not voted already at that polling station or elsewhere and a person may satisfy the presiding officer or a polling assistant that he is the voter he claims to be by producing to that officer or a polling assistant a voter's card or any other documentary evidence as the Commission may direct;

(b) upon being satisfied as to the identity of the voter and that person's name appears in the register for the ward in which the polling station is situated, the presiding officer or polling assistant shall deliver to the voter concerned a ballot paper;

(c) immediately before the presiding officer or polling assistant delivers a ballot paper to any persons-

(i) the ballot paper shall be perforated stamped with an official mark;

(ii) the number and particulars of the voter, as stated in the copy of register of the voters or part of it maintained at the polling station, shall be called out;

(iii) the number of the voters in the copy of the register of voters or part of it shall be marked on the counterfoil; and

(iv) a mark shall be placed against the number of the voter in the copy of the register of voters or part of it to denote that a ballot paper has been received by the voter:

Provided that the number of the ballot paper delivered to the voter shall not be shown in the register: and

Provided further that, where no copy of the register or part of it is available at the polling station, the presiding officer or the polling assistant shall, in lieu of complying with the provisions of sub-paragraphs (ii), (iii) and (iv), comply with such directions as the Electoral Authority may give in that behalf;

(d) subject to the Provisions of paragraph (h), a voter on receiving a ballot paper shall go immediately into one of the compartments in the polling station, and shall there secretly record his vote in the manner provided in paragraph (e), fold up of the ballot paper so as to conceal his Vote and shall then show to a polling assistant the back of the paper so as to reveal the official mark and shall then put the folded paper into the ballot box in the presence of the presiding officer and the polling agents;

(e) a voter shall record his vote by putting a mark against the name of the candidate for whom he wishes to vote thereby recording no more than one vote;

(f) a voter shall not place on the ballot paper any writing or mark by which he may be identified;

(g) a voter shall vote without undue delay;

(h) if a voter is incapacitated by blindness or other physical cause, or is unable to read, he may ask a person of his own choice other than the presiding officer, a polling assistant or a polling agent to assist the incapacitated person to record his vote in accordance with paragraphs (d) and (e) of this section:

Provided that where in a household there is more than one person who requires assistance under this paragraph, it shall be lawful for such members of the household to choose one person to assist them;

(d) if the voter is illiterate or does not understand how to record his vote, the presiding officer may, in the presence of the polling agent, explain to the voter the procedure;

(e) subject to the provision of paragraphs (h) and (i), a voter shall not show the mark which he placed upon his ballot paper to any person, and if he does so the ballot paper shall be treated as a spoiled ballot paper;

(f) a voter who has accidentally dealt with a ballot paper in a manner that it cannot conveniently be used as a valid ballot paper may, on delivering that ballot paper to the presiding officer, and after satisfying the presiding officer that the ballot paper has been spoiled by accident, obtain another ballot paper and its counterfoil shall be immediately marked "cancelled".

(g) before any process of voting starts, the presiding officer shall require a polling agent for each of the candidates to fill in a prescribed form and submit it to the presiding officer -

(i) any complaint he has with regards to the preparations to the voting;

(ii) registering his satisfaction with the preparation for the conduct of voting in the area concerned; or

(iii) any complaint brought by any voter concerning the preparation of the conduct of voting in the area concerned;

(h) where any voter has any election complaint concerning the ejection procedure at the polling station or in the ward in which he is registered to vote, he may record the complaint in a prescribed form and submit that form to the presiding officer of the polling station before the voter leaves the polling station; and

(i) where an ejection complaint referred to in paragraph (m) concerns the presiding officer of the polling station, the voter shall submit the complaint form in the presence of the polling agents of the candidates.

63. Admittance to polling station

(1) No person shall be admitted to vote at any polling station except at the polling station in the ward in which he is registered as a voter.

(2) No person other than the following persons shall be admitted into the polling station:

(a) a presiding officer;

(b) a polling assistant;

(c) a polling agent;

(d) a voter;

(e) the Regional Elections Coordinator;

(f) a person assisting an incapacitated voter pursuant to section 62;

(g) an observer duly authorized in writing by the Commission;

(h) the candidate;

(i) a member of the Commission;

(j) the Director of Elections;

(k) an officer of the Electoral Authority;

(l) the Returning Officer or an Assistant Returning Officer; and

(m) a police officer or any other person duly authorized in writing by the Commission to be responsible for security at the polling station.

(3) Where any person misconducts himself in the polling station or fails to obey the lawful orders of the presiding officer, he may immediately by order of the presiding officer, be removed from the polling station by any police officer in or near that station or by any other person authorized in writing by the presiding officer or by the Returning Officer to remove that person and the person so removed shall not, unless with the permission of the presiding officer, again be allowed to enter the polling station.

(4) Any person removed from the polling station charged with the commission in the polling station of any offence, may be kept in custody until he can be brought before a Magistrate and the powers conferred by this section shall not be exercised so as to prevent any voter who is otherwise entitled to vote at any polling station from having an opportunity of voting at such polling station.

64. Allegations of irregularities

(1) Where the presiding officer at any polling station has reason to believe, or where a candidate or a polling agent present at any polling station alleges, that any person wishing to vote at that polling station is not a voter entitled to vote at that polling station, the presiding officer shall warn the person that he may commit an offence under this Act by so voting.

(2) Where, notwithstanding the warning, such person persists in his wish to vote and -

(a) produces any evidence to show that he is the person entitled to vote at the polling station in question; and

(b) being required to make and subscribe declarations as prescribed by section 66 makes and subscribes one or both of the declarations to which that section refers, the presiding officer shall deliver a ballot paper to that person and permit him to vote at that polling station.

(3) A presiding officer shall record in writing the full name and address which a person warned under subsection (1) gives as his name and address and, if the person has voted the presiding officer shall state that fact in the record.

(4) Before warning a person in accordance with subsection (1), a presiding officer shall state to that person the reasons for his belief that the person is not a voter entitled to vote at the polling station in question or, in the case of an allegation as mentioned in subsection (1) having been made by a candidate or a polling agent present in the polling station in question, shall require the candidate or polling agent to state in his presence and the presence of the person wishing to vote and so as to be heard by both of them, the reason for the allegation and if a candidate or a polling agent refuses to comply with the requirement the presiding officer shall disregard the allegation made by that person.

65. Repealed

66. Declaration by voters

(1) The presiding officer at any polling station may, in his discretion and shall, on the request of a candidate present at the polling station or of the polling agent, require any person wishing to vote, before he is given a ballot paper, to furnish such evidence of his identity with the person described in the voter's card which he presents as the presiding officer may deem necessary and to make and subscribe to one or both of the prescribed declarations.

(2) Where any person fails to furnish that evidence of his identity or refuses to make the declaration, the presiding officer may refuse to give that person a ballot paper.

67. Repealed

68. Adjournment of poll in case of riot

(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence while there remains voters who have not completed the polling process, the presiding officer shall adjourn the proceedings until the following day and shall forthwith give notice to the Returning Officer.

(2) Where the poll is adjourned at any polling station -

(a) the hours of polling on the day to which it is adjourned shall be the same as for the original day; and

(b) reference in this Act to the close of the poll shall be construed accordingly.

69. Closing of Poll

Where at the hour of the closing of the poll at any polling station there are voters present who have not had an opportunity to vote, the poll shall be kept open for a sufficient time to enable them to vote.

70. Procedure on closing of poll

(1) Before the closing of the polling station or immediately after the closing of the poll -

(a) the polling agent for each of the candidates shall record any complaint or satisfaction in the prescribed form; and

(b) any election complaint presented under paragraph (a) of this subsection which can be resolved shall be attended to as soon as possible.

(2) At the conclusion of the polling the presiding officer shall prepare a report, detailing all complaints raised during and after the close of the poll and the measures taken in respect of each of them and the report shall be read before and be confirmed and signed by the polling agent, the presiding officer and a polling assistant and shall be submitted to the Returning Officer in accordance with section 70A.

70A. Place of counting

(1) Subject to the provisions of subsection (2), the votes for local authority election cast at a polling station shall be counted at that polling station.

(2) Notwithstanding the provisions of subsection (1), the presiding officer may for reasons of security, inadequacy of counting space or counting facilities or for any such other reasonable cause, after consultation with the polling agents or upon advice from the Returning Officer, or the polling agents, direct that votes at that polling station be counted at the nearest neighboring appropriate place different from the one at which the votes were cast.

(3) Where a direction is given pursuant to subsection (2) of this section, the votes from each polling station shall be counted separately in the same manner as if the votes had been counted at the polling station at which they were cast.

(4) Upon the conclusion of the counting of the votes at the polling station the presiding officer, with the assistance of the polling assistant shall seal up in separate packets the counted and rejected ballot papers.

(5) At the conclusion of the procedure under subsection (4) each candidate or his counting agent shall, in the prescribed form, state whether or not he is satisfied with such procedure or whether he has any complaint in relation to it.

(6) Any complaint submitted under this section which can be resolved shall be settled immediately by the presiding officer and such event shall be incorporated in the report to be submitted to the Returning Officer.

(7) Where a candidate or his counting agent refuses to complete or sign any form under this section, the presiding officer or a polling assistant shall require such candidate or his agent to give reasons in writing of his refusal and that presiding officer or a polling assistant shall record that refusal in the report which he submits to the Returning Officer.

(8) Where the candidate or his agent refuses to comply with the provisions of subsection (7), he shall be stopped from raising any complaint regarding the voting and the counting procedure in that particular polling station.

70B. Methods of counting votes

(1) Before the presiding officer and polling assistant proceed to count the votes they shall, in the presence of the candidates or their counting agents and such persons as may be authorized in writing by the Electoral Authority if present to -

- (a) ascertain and record the number of all the persons who voted at the polling station;
- (b) count and record the number of all the unused ballot papers including any spoiled ballot papers and seal them in a special envelope;
- (c) inspect the seal to ascertain whether or not it has been opened or tampered with;
- (d) unseal the seal; and
- (e) open the ballot box.

(2) After the ballot box has been opened under subsection (1), the presiding officer shall take out and count aloud each ballot paper and record the total of the ballot papers found in the ballot box.

(3) After the total of the ballot papers in the ballot box have been ascertained, the votes shall be counted as follows -

- (a) the presiding officer shall unfold each ballot paper, display it for viewing by those present and announce aloud the candidate for which the vote has been cast or whether the ballot paper is blank, spoiled or otherwise invalid;
- (b) the ballot papers which have been announced shall be arranged and displayed in separate lots facing upwards, according to the candidate for which they are cast or as the blank or invalid votes;
- (c) the presiding officer shall count aloud and record the votes in each lot and verify the total of all the ballot papers which were found in the ballot box and the number of voters who cast their votes at the polling station.

(4) For purposes of Part XI of this Act, the word "seal" includes padlock and any other procedure, machinery or thing which is approved by the Commission for securing the integrity of the contents of a ballot box, and the words seal, open, close or unseal, with their grammatical variations and cognate expressions shall, when used in relation to a seal or a ballot box, have a corresponding meaning.

71. Counting agents

(1) Every polling agent or the alternate polling agent appointed by a political party pursuant to section 58 of this Act, shall at the close of the poll and during the counting of votes, be the counting agent of the appointing candidate.

(2) Every candidate in a local authority election may appoint a counting agent to represent that candidate at the place and during the addition of the election results.

72. Repealed

73. Persons who may be present

(1) No person other than the following may be present at the counting of votes -

- (a) the presiding officer;
- (b) a polling assistant;
- (c) a polling agent or an alternate polling agent:

- (d) a candidate;
 - (e) a police officer or such other person duly authorized by the Commission to be responsible for security of the place where votes are being counted;
 - (f) a Returning Officer an Assistant Returning Officer or a Regional Elections Co-ordinator;
 - (g) a member of the Commission;
 - (h) a Director of Elections or an electoral officer of the Commission, and
 - (i) an observer duly authorized by the Commission.
- (2) No person other than those referred to in subsection (1) shall be permitted to be within the vicinity of the place where votes are being counted.

74. Repealed

75. Voles which are not to be counted

- (1) Any ballot paper shall not be counted as a valid vote if -
- (a) does not bear an official mark;
 - (b) on which votes are recorded otherwise than as provided in paragraph (d) of section 62 or which is to be treated as spoilt under the provision of paragraph (j) of section 62;
 - (c) on which anything is written or marked by which a voter can be identified otherwise than by the printed number thereon;
 - (d) which is unmarked or void for uncertainty; or
 - (e) on which the voter has voted for a number of candidates exceeding the vacancies in the ward, shall not be counted.
- (2) Any vote which shall be cast in respect of any candidate who has withdrawn his candidature under this Act, shall be treated as a spoilt vote.

76. Endorsement by Returning Officer

- (1) The presiding officer or a polling assistant shall endorse the word "rejected" on any ballot paper which under the provisions of section 75, is not to be counted.
- (2) The presiding officer or polling assistant shall add to the endorsement the word "rejection objected to" if an objection to his decision is made by any counting agent.

77. Rejected ballot papers

The presiding officer or polling assistant shall prepare a statement showing the number of ballot papers rejected under the following heads _

- (a) want of official mark;
- (b) voting recorded otherwise than as provided in paragraph (d) of section 62 or to be treated as spoilt under the provisions of paragraph (j) of section 62;
- (c) writing or mark by which the voter could be identified;
- (d) unmarked or void for uncertainty; or
- (e) voting for more candidates than those for whom a voter is entitled to vote under paragraph (e) of section 62, and shall on request allow any counting agent to copy the statement.

78. Equality of votes and recount

- (1) Where an equality of voles is found to exist between any candidates in a contested election so that an addition of a vote would entitle any of them to be declared elected, the Returning Officer or Assistant Returning Officer shall make a recount of the votes casted.
- (2) Where there is again an equality of votes, as ascertained by a recount, the Returning Officer or Assistant Returning Officer shall report the fact to the Electoral Authority which shall, by notice published in the *Gazette*, appoint some other convenient day, not later than

thirty days after election day, for the vote to be cast for the candidates whose votes were equal during the first vote.

79. Candidate or counting agent may require recount

(1) A candidate or his counting agent may, if present when the counting or any recount of the votes is completed, require the presiding officer to have the votes recounted or again recounted, but the presiding officer may refuse to do so if, in his opinion, the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any recount of votes until the candidates and counting agents present at the completion of the counting or recounting have been given a reasonable opportunity to exercise the right conferred by subsection (1).

80. Returning Officer's decision final

The decision of the Returning Officer or an Assistant Returning Officer as to any question arising in respect of any disputed ballot paper before addition shall be final and shall be subject to review only in an election petition questioning the election pursuant to Part XIII of this Act.

81. Vote addition in local authority election

(1) After all the reports relating to the election, the election results and the boxes containing ballot papers relating to a local authority election have been received from the polling stations in the ward, the Returning Officer or an Assistant Returning Officer as the case may be shall after determining the validity of any disputed votes and before the addition of votes, announce aloud the results of each polling station in the ward seriatim.

(2) Upon conclusion of the procedure under subsection (1), the Returning Officer or an Assistant Returning Officer shall proceed to add together the figures of-

- (a) all votes cast in the ward;
- (b) the votes in favour of each candidate; and
- (c) the rejected ballot papers.

82. Declaration of results

Where the result of an election has been ascertained the Returning Officer shall -

- (a) forthwith declare to be elected the candidate or candidates for whom the majority of votes have been cast;
- (b) cause a full report of the result to be displayed at the office of the Ward Executive Officer and at the Headquarters of the Council concerned; and
- (c) report the result of the election to the Election Authority which shall cause the results, together with the number of votes recorded for each candidate in each ward to be published in the *Gazette*.

83. Custody of documents

(1) The Returning Officer shall ensure safe custody of all documents relating to the conduct of the election other than the documents which the Returning Officer is required under section 45 and 46 of this Act to forward to the Electoral Authority, for the safe custody of which documents the Electoral Authority shall be responsible.

(2) The Returning Officer shall cause all documents to be destroyed after the expiration of six months from election day unless otherwise directed by an order of the Resident Magistrates Court arising from proceedings relating to the election.

84. Electoral Authority shall be responsible.

A polling assistant may be authorized by the presiding officer to do any act which the presiding officer is required or authorized to do at a polling station by this Act except that he may not order the arrest of any person, or the exclusion or removal of any person from the polling station.

85. Powers of polling assistant

A candidate may do any act or thing which the counting agent may be authorized or required to do, and may assist the counting agent in the doing of any act or thing.

86. Powers of candidates

Where in this Act, any act or thing is required or authorized to be done in the presence of a polling agent or counting agents of the candidates, the non-attendance of any agent or agents at the time and place appointed for that purpose shall not, if any act or thing is otherwise properly done, invalidate the act or thing done.

PART XI A

NOMINATION OF COUNCILLORS FOR WOMEN SPECIAL SEATS

86A. Nomination of women for special seats

(1) There shall be women special seats in the local authorities as provided for under the Local Government (District Authorities) Act and the Local Government (Urban Authorities) Act.

(2) Every political party which contests councilor's election in an ordinary election of Councilors under the Local Government (District Authorities) Act and the Local Government (Urban Authorities) Act in the Councils may propose to the Electoral Authority, names of eligible women candidates for nomination to women special seats.

(3) Subject to section 35 of the Local Government (District Authorities) Act or, as the case may be, section 19 of the Local Government (Urban Authorities) Act, the Electoral Authority shall specify the number of women candidates to be nominated by each political party.

(4) Each political party sponsoring women candidates for election shall, in not less than thirty days before election day, propose to the Electoral Authority a list of such candidates.

(5) The list names of women proposed to the Electoral Authority shall be in order of preference.

(6) Every woman candidate proposed to the Electoral Authority shall be required to complete the nomination form.

(7) The provisions of section 39 of this Act shall apply to every woman who is sponsored by a political party as a candidate.

(8) The Electoral Authority shall, subject to section 39 of this Act, the Local Government (District Authorities) Act and Local Government (Urban Authorities) Act, and in accordance

with the order of preference or priority indicated in the list proposed by each political party, declare such number of women candidates from the respective political parties to be elected Councilors for women special seats.

(9) The Electoral Authority shall send a notification of election to the Council and the Secretaries General of the respective political parties.

PART XII

OFFENCES

87. Offences in relation to registration

(1) Any person who-

(a) for the purpose of procuring the registration of himself or of any other person or to issue to himself or to any other person of a voter's card, knowingly makes to a registration officer or to any other person having any duty in relation to applications for registration or for the issue of a voter's card any false material statement to any application on his own behalf or on behalf of that other person for registration or for the issue of a voter's card;

(b) knowingly or having reason to believe that he is registered in a ward applies to be registered otherwise than in accordance with section 23 and on disclosing to the registration officer his existing registration in another ward;

(c) applies to be registered in any ward after he has applied to be registered in another ward and the earlier application has not been determined pending any investigation into the applicant's qualifications or withdrawn;

(d) having been issued with a Voter's card, applies for issuing to himself of a new Voter's card, otherwise than in the circumstances set out in section 23, 24 or 25, and not disclosing to the registration officer the circumstances in which the application is made;

(e) knowingly makes any declaration provided for in section 26 which is false, or which he does not believe to be true, in a material particulars;

(f) buys or steals any Voter's card in order to be regarded as a legally registered voter;

(g) buys, sells, steals, defaces or in any way destroys a voter's card in order to prevent any voter from voting for a candidate of a particular political party or for the purpose of procuring more Votes to be cast for a candidate of a Particular political party, commits an offence and shall be liable on conviction to a fine of not less than one hundred thousand shillings and not exceeding three hundred thousand Shillings or to imprisonment for a term of not exceeding two years, or to both.

(2) Any person whose name has been deleted from the register and who has been required by a registration officer either to surrender a voter's Card issued to him or to make and to deliver to the registration officer the declaration provided for in section 26 within a time specified by that registration officer, who without lawful excuse neither surrenders that voter's card nor makes and delivers that declaration within the specified time, commits an offence and shall be liable on conviction to a fine of not less than fifty thousand and not exceeding one hundred thousand shillings.

(3) Any person who in any way obstructs or an attempts to obstruct a presiding officer, polling assistant, a Returning Officer or an Assistant Returning Officer in the performance of

duties or in the exercise of power under this Act, commits an offence and shall upon conviction be liable to a fine of not exceeding three hundred thousand shillings.

88. Official discouragement of persons from seeking nomination

(1) Any person holding any office or acting in any official capacity who, in the exercise of the functions of that office or in that capacity, makes any statement or does any act with intent to discourage any other person from seeking nomination under this Act or to procure any person who has been nominated to withdraw his candidature, commits an offence and shall be liable on conviction to a fine of not less than one hundred thousand shillings and not exceeding three hundred thousand shillings or to both.

(2) No proceedings shall be instituted against any person for any offence contrary to this section without prior consent of the Director of Public Prosecutions.

(3) In this section, office and official capacity means an office in the service of the United Republic or a capacity in respect of the United Republic.

88A. Election Officer's misconduct

(1) Any election officer who knowingly or willfully does or omits to do anything in relation to the election process and thereby occasions the nullification of the election results commits an offence and upon conviction, shall be liable to a fine of not less than five hundred thousand shillings and not exceeding one million shillings or to imprisonment for a term of not less than one year and not exceeding two years, or to both.

(2) Where in an election petition the court determines that an election officer has done or omitted to do anything in relation to election process which amounts to mishandling of the election process it shall certify such determination to the Attorney General.

(3) Where a prosecution is commenced for an offence under this section, a certificate issued under subsection (2) shall be conclusive proof of what is contained therein.

(4) For avoidance of doubt, a certificate under subsection (2) shall not prevent the prosecution from calling further evidence to substantiate the case.

(5) The provisions of the Criminal Procedure Act, shall apply *mutatis mutandis* in the conduct of the case commenced under this section.

88B. Recovery of loss

Notwithstanding the provisions of section 88A, the provisions of the Public Officer (Recovery of Debts) Act, shall apply *mutatis mutandis* to the election officer who occasions the Government to incur loss, costs or damages as a result of omission to do or not to do anything in relation to the election process.

88C. Definition of election officer

For purposes of sections 88A and 88B, an election officer includes the Regional Election Co-ordinator, a Returning Officer, an Assistant Returning Officer, a presiding officer and a polling assistant.

89. Offences in relation to Provisional Voters', Register and voter's card

Any person who-

- (a) forges or fraudulently defaces or fraudulently destroys any register of voters; or
- (b) forges counterfeits or fraudulently destroys any voter's card or any official mark on that voters' card, commits an offence and shall be liable on conviction to a fine of not less than two hundred thousand shillings and not exceeding five hundred thousand shillings or to imprisonment for a term of not less than two years and not more than four years or to both.

89A. Registration officers misconduct

(1) Any Registration Officer who knowingly does or omits to do anything in relation to registration and thereby jeopardize the registration process, commits an offence and upon conviction, is liable -

(a) in the case of officers specified under paragraph (a) of subsection (2), to a fine of not less than five hundred thousand shillings and not exceeding one million shillings or to imprisonment for a term of not less than one year and not exceeding two years, or to both; and

(b) in the case of officers specified under paragraph (b) of subsection (2), to a fine of not less than two hundred thousand shillings or to imprisonment for a term not less than six months and not exceeding one year or to both.

(2) For purposes of this section the Registration Officer includes-

(a) an election officer, assistant registration officer; and

(b) a registration assistant.

90. Offences in relation to Nomination Forms or ballot papers

(1) Any person who-

(a) forges or fraudulently defaces or fraudulently destroys any Nomination Form or delivers to a Returning Officer any Nomination Form knowing that it is forged;

(b) forges or counterfeits or fraudulently destroys any ballot paper or the official mark on any ballot paper;

(c) without due authority supplies any ballot paper to any person;

(d) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorized by law to put in;

(e) without due authority, takes out of any polling station any ballot paper or is found in possession of any ballot paper outside a polling station; or

(f) without due authority, destroys, takes, opens or otherwise interferes with any ballot box, or packet of ballot papers in use for purposes of the election, commits an offence, and shall be liable on conviction to a fine of not less than one hundred thousand shillings and not exceeding three hundred thousand shillings or to imprisonment for a term not less than six months and not more than two years or to both.

(2) Any person, who, for the purpose of procuring nomination as a candidate for himself or for any other person, knowingly makes any false statement material to that nomination in a Nomination Form or statutory declaration delivered to a Returning Officer, commits an offence and shall be liable on conviction to a fine of not less than fifty thousand shillings and not exceeding three hundred thousand shillings or to imprisonment for a term of not less than six months and not more than twelve months or to both.

(3) In any prosecution for an offence in relation to the Nomination Forms, ballot boxes, ballot papers, counterfoils, marking instruments and other things in use in an election, such papers, boxes, instruments and other things may be stated to be in possession of the Returning Officer for such election.

91. Miscellaneous offences

Any person who-

(a) willfully furnishes false evidence or makes a false statement in a declaration made under section 66; or

(b) contravenes the provisions of paragraph (b) of section 53, commits an offence and shall be liable on conviction to a fine of not less than fifty thousand shillings and not exceeding one hundred thousand shillings or to imprisonment of not less than three months and not more than twelve months or to both.

92. Maintenance of secrecy at elections

(1) Every officer, clerk, interpreter, candidate and agent authorized to attend at a polling station or at the counting of the votes, shall, take an oath of secrecy under the provisions of this Act in the prescribed form.

(2) The Returning Officer shall have power to administer any oath required to be taken under the provisions of subsection (1).

(3) Every officer, clerk, interpreter, candidate and agent in attendance at a polling station shall maintain, and aid in maintaining, the secrecy of the voting in the station and shall not communicate, except for some purpose authorized by the law, to any person any information as to the name or number of any voter who has or has not applied for a ballot paper or voted at the station or as to the official mark.

(4) No officer, clerk, interpreter, candidate, agent, or any other person shall obtain or attempt to obtain in the polling station information as to the candidate for whom any person in the station is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station as to the, candidate for whom any person in the station is about to vote or has voted or as to the number of the ballot paper given to any person at the station.

(5) Every officer, clerk, interpreter, candidate and agent in attendance at the counting of the votes shall maintain, and aid in maintaining, the secrecy of the voting and shall not ascertain or communicate any information obtained at the counting as to the candidate for whom any vote is given by any particular ballot paper.

(6) No person, except a presiding officer acting for a purpose authorized by this Act, or a person authorized by the presiding officer and acting for that purpose, shall communicate with any person after that person has received a ballot paper and before he has placed the same in a ballot box.

(7) Any person who acts in contravention of the provisions of this section commits an offence and shall be liable on conviction to a fine of not less than one hundred thousand shillings and not exceeding three hundred thousand shillings or to imprisonment of not less than six months and not more than twelve months or to both.

93. Penalty for undue influence

Any person who commits an offence of undue influence shall be liable on conviction to a fine of not less than five hundred thousand shillings and not exceeding one million shillings,

or to imprisonment for a term of not less than one year and not more than three years or to both.

94. Penalty for impersonation

Any person who commits an offence of impersonation or of aiding, abetting, counseling, or procuring the commission of the offence of impersonation shall be liable on conviction to a fine of not less than fifty thousand shillings and not exceeding two hundred thousand shillings or to imprisonment for a term of not less than six months and not more than twelve months or to both.

95. Repealed.

96. Repealed.

97. Repealed.

98. Persons to be deemed guilty of undue influence

Any person who directly or indirectly, by himself or by any person on his behalf, makes use of, or threatens to make use of, any force, violence or restraint, or inflicts or threatens to inflict by himself, or any other person, any temporal or spiritual injury, damage, harm or loss, upon or against any voter, in order to induce or compel that voter to vote or refrain from voting at any election or who, by abduction, duress or any fraudulent contrivance, impedes or prevents the free use of the vote by any voter or thereby compels, induces, or prevails upon any voter either to give or refrain from giving his vote at any election, commits an offence of undue influence within the meaning of this Act.

99. Undue influence in relation to Returning Officers

(1) Where any person does any act as is described in section 98 to or in respect of a Returning Officer with the intent that the Returning Officer shall discriminate in favour of one or other of the candidates at the election, or whereby any Returning Officer does any such act as is so described on account of discriminating or having discriminated in favour of one or other of the candidates, he shall be deemed, according to the circumstances of the case, to have committed an offence of undue influence within the meaning of this Act.

(2) For the purpose of this section, section 98 shall be read as if references to voters and to voting were references to a Returning Officer and to discrimination respectively and if the references to the intent specified in those sections were references to the intent specified in subsection (1) of this section.

100. Persons to be deemed guilty of impersonation

Every person who -

(a) applies for a ballot paper in the name of another person, whether that name is the name of a person living or dead or of a fictitious person; or

(b) for the purpose of procuring the issue to himself of a ballot paper knowingly tenders a voting card issued to some other person, commits an offence of impersonation within the meaning of the Act.

101. Penalty for persons guilty of Certain illegal practices

(1) Any person who -

(a) votes or attempts to vote, or induces or procures some other person to vote at any election if he, or if to his knowledge that other person, has already voted at that election or at other election to a local authority; or

(b) for the purpose of procuring the issue of any ballot paper to any other person or to himself, delivers a voter's card issued to himself or to some third person to that other person, or induces or procures some third person to deliver the third person's voter's card to himself or that other person, commits an offence of illegal practice and shall be liable on conviction to a fine of not less than fifty thousand shillings and not exceeding two hundred thousand shillings or to imprisonment for a term of not less than six months and not exceeding two years or to both.

(2) Any person who -

(a) votes or induces some other person to vote at any election knowing that he or that person is not entitled or is prohibited, under or by this Act or any other written law, from voting at such election;

(b) for the purpose of procuring the issue to himself of a ballot paper knowingly tenders an invalid voter's card; or

(c) before or during an election, knowingly publishes any false statement of the withdrawal of a candidate at such election for the purpose of promoting the election of another candidates, commits an offence and shall be liable on conviction to a fine of not less than fifty thousand shillings and not exceeding two hundred thousand shillings or to imprisonment for a term of not less than six months and not exceeding two years or to both.

102. Interference with lawful public meeting to be an illegal practice

Any person who, at a lawful public meeting held in connection with the election of any person between the day of publication of the notice appointing nomination day and the day on which the result of the election is published, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together commits an offence and shall be liable on conviction to a fine of not less than fifty thousand shillings and not exceeding two hundred thousand shillings or to imprisonment for a term of not less than six months and not more than twelve months or to both.

103. Display of emblems in vicinity of place of voting prohibited

(1) No person shall, within any building where voting in an election is in progress, or on any public way within a distance of three hundred metres of any entrance to the building, wear or display any card, favour or other emblem indicating support for a particular candidate in the election.

(2) Any person acting in contravention of this section commits an offence and shall be liable on conviction to a fine of not less than fifty thousand shillings and not exceeding one hundred thousand shillings.

(3) For the purpose of this section "public way" has the same meaning as in section 5 of the Penal Code.

104. Defacement of notices

Any person who without lawful authority, destroys, mutilates, defaces or moves any notice which is exhibited under the authority of this Act or any document which is made available for inspection in accordance with the provisions of this Act, commits an offence and shall be

liable on conviction to a fine of not less than fifty thousand shillings and not exceeding one hundred thousand shillings.

105. Documents to bear name and address of printer and publisher

(1) A person shall not-

(a) print or publish or cause to be printed or published any bill, placard or poster having reference to an election or any printed document distributed for the purpose of promoting or procuring the election of a candidate; or

(b) post or cause to be posted any bill, placard or poster; or

(c) distribute or cause to be distributed any printed document for the purpose of promoting or procuring the election of a candidate, unless the bill, placard, poster or document is authorized by the Returning Officer or Assistant Returning Officer and bears upon the face of it the name and address of the printer and publisher.

(2) For the purpose of this section, any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be a printing and the expression "printer" shall be construed accordingly.

(3) Any person who contravenes the provisions of subsection (1) commits an offence and shall be liable on conviction to a fine of not less than thirty thousand shillings and not exceeding one hundred thousand shillings or to imprisonment for a term of not less than three months and not more than six months or to both.

(4) Nothing in this section applies to any bill, placard, poster or document published by or on behalf of the Registration Officer or the Returning Officer.

106. Persons convicted of corrupt illegal practices to be removed from register

(1) Where a court convicts a person of corrupt or illegal practice under this Act, it shall report the conviction to the registration officer for any ward in which it has reason to believe that person is registered.

(2) Where a registration officer receives a report under this section in respect of a person registered in a polling district of which he has charge, he shall forthwith cause to be deleted that person's name from the register and take such further steps as a registration officer is required to take under the provisions of Part IV of this Act.

PART XIII

AVOIDANCE OF ELECTIONS BY ELECTION PETITIONS

107. Avoidance of ejection by election petition

(1) The election of a candidate as a member shall not be questioned except on an election petition.

(2) The election of a candidate as a member shall be declared void on any of the following grounds if it is proved to the satisfaction of the court, namely _

(a) that by reason of corrupt or illegal practices committed in connection with the election, or other circumstances, whether similar to those enumerated or not, the majority of voters where or, may have been prevented from electing the candidate whom they preferred;

(b) that during the election campaign, statements have been made by the candidate, or on his behalf and with his knowledge and consent or approval, with intent to exploit tribal, racial or religious issues or differences pertinent to the election or relating to any of the candidates or where the candidates are not of the same sex, with intent to exploit such difference;

(c) non-compliance with the provisions of this Act relating to election if it appears that the election was not conducted in accordance with principles laid down in those provisions and that the non-compliance affected the result of the election;

(d) that corrupt or illegal practice was committed in connection with the election by, or with the knowledge and consent or approval of the candidate or with the knowledge and consent or approval of any of his agents; or

(e) that the candidate was at the time of his election a person not qualified for election as a member.

(3) Notwithstanding the provisions of subsection (2), where upon the trial of an election petition respecting an election under this Act, the court finds that corrupt or illegal practice in connection with the election has been committed by, or with the knowledge and consent or approval of any of a candidate's agents, and the court further finds after giving the Attorney-General an opportunity of being heard, that the candidate has proved to the court

–

(a) that no corrupt or illegal practice was committed by the candidate himself or with the knowledge and consent or approval of that candidate or his agent;

(b) that the candidate took all reasonable means for preventing the commission of corrupt or illegal practices at the election; and

(c) that in all other respects the election was free from any illegal practice on the part of the candidate and of his agent, then if the court so recommends, the election of that candidate shall not by reason of any that practice be void.

108. Certain acts or omission to be exempt

Where it appears to the court either on application or upon an election petition -

(a) that any act or omission of a candidate at any election or of his agent or any other person, which but for this section would be corrupt or illegal practice, has been done or made in good faith through inadvertence or accidental miscalculation or some other reasonable cause of a like nature; and

(b) that by reason of the circumstances it would be just that the candidate or his agent or any other person, or any of them, should not be subjected

to any of the consequences under this Act of the act or omission, the court may make an order allowing the act or omission to be an exception from those provisions of this Act which would otherwise make the act or omission corrupt or illegal practice, and thereupon the candidate, agent or any other person shall not be subject to any of the consequences under this Act of that act or omission.

109. Petitions triable by Resident Magistrates' Court

(1) Every election petition and application under this Act shall be tried by the Resident Magistrates' Court hereinafter referred to as "the court".

(2) All appeals under this section shall lie to the High Court.

110. Petitions and deposit of security for costs

(1) An election petition may be presented by anyone or more of the following persons, namely _

(a) a person Who lawfully voted or had a right to vote at the election to which the petition relates;

(b) a person claiming to have had a right to be nominated or elected at election;

(c) a person alleging himself to have been a candidate at such election; or

(d) the Attorney General.

(2) The Registrar shall not fix a date of the hearing of a petition unless the petitioner has paid into the court as a security for costs, an amount not exceeding five hundred thousand shillings in respect of each respondent.

(3) The petitioner shall within fourteen days after filing a petition, make an application for determination of the amount payable as security for costs, and the court shall determine such application within the next fourteen days following the date of filing an application for determination of the amount payable as security for costs.

(4) Where any person is made a respondent pursuant to an order of the court, the petitioner shall within fourteen days of the date on which the order directing a person to be joined as a respondent was made, pay into the court a further amount not exceeding two hundred thousand shillings, as shall be directed by the court in respect of such person.

(5) Where, on application made by the petitioner, the court is satisfied that compliance with the provisions of subsection (2) or (4) will cause considerable hardship to the petitioner, it may direct that:

(a) the petitioner gives such other form of security the value of which does not exceed five hundred shillings, as the court may consider fit;

(b) the petitioner be exempted from payment of any form of security for costs.

(6) No order shall be made under subsection (3), (4) and (5) unless an opportunity has been given to the respondent or, where there are two or more respondents, to each of the respondents to make representations in that behalf.

(7) In the event of security for costs not being paid into the court within fourteen days from the date of the determination by the court of the amount payable as security for costs, no further proceedings shall be held on the petition.

(8) The provisions of subsection (2) and (3) shall not apply in any case in which the Attorney General is the petitioner or one of the petitioners.

(9) The amount of money deposited as security for costs or the balance of it shall, where the petitioner succeeds in the petition or on appeal and where no order as to costs lies against the petitioner, be immediately refunded to the petitioner.

111. Relief which may be claimed

All or any of the following reliefs to which the petitioner may be entitled may be claimed in an election petition, namely-

(a) a declaration that the election is void;

(b) a declaration that the nomination of the person elected was invalid;

(c) a declaration that any candidate was duly elected; or

(d) where the seat is claimed for an unsuccessful candidate on the ground that he had a majority of lawful votes, a scrutiny.

112. Certificate of court as to validity of election

At the conclusion of the trial of an election petition, the court shall determine whether the member whose nomination or election is complained of, or any other person and which person was duly nominated or elected, or whether the election was void, and shall certify such determination to the Electoral Authority, and upon a certificate being given, the determination shall be final and the election shall be confirmed or a new election shall be held as the case may require in accordance with the certificate.

113. Repealed.

114. Time for presentation and determination of election petition

(1) Every election petition shall be presented within one month of the date of declaration of the result by the Returning Officer:

Provided that an election petition questioning the election upon the ground of a corrupt practice and specifically alleging a payment of money or other act to have been made or done since the date of declaration of the result by the Returning Officer by or with the knowledge and consent or approval of the member whose election is questioned or by or with the knowledge and consent or approval of an agent of the member, in the pursuance or in furtherance of that corrupt practice, may be presented at any time within twenty eight days after the date of that payment or act.

(2) Without prejudice to the provisions of any rules of court made under section 116, an election petition presented in due time may, for the purpose of questioning the election upon an allegation of a corrupt practice or illegal practice, be amended with the leave of the court within the time within which an election questioning the return on the election upon that ground may be presented.

(3) The court shall hear and determine each election petition within eighteen months from the date of presentation of an election petition.

(4) The Court shall continue the hearing and determination of an election petition beyond the period prescribed by subsection (3) if, lapse of eighteen months occurred when the hearing had started and the court is of the view that abatement of proceedings is likely to result in denial of justice or abuse of court process.

115. Vote to be struck off at scrutiny

(1) On a scrutiny at the trial of an election petition, the following votes only shall be struck off, namely-

(a) the vote of any person whose name was not on the register of voters of the ward in which he voted;

(b) the vote of any person whose vote was procured by bribery, treating or undue influence;

(c) the vote of any person who committed or procured the commission of impersonation at the election;

(d) the vote of any person proved to have voted more than once at the election;

(e) the vote of any person who, by reason of a conviction for a corrupt practice or illegal practice or by reason of the report of the court, or by reason of any conviction for an offence against this act or any other written law, was disqualified from voting at the election.

(2) The vote of a registered voter shall not, except in the case specified in paragraph (e) of subsection (1) of this section, be struck off at a scrutiny by reason only of the voter not having been or not being qualified to have his name entered into the register of voters.

116. Rules of Courts

The Chief Justice may make rules of court regulating the procedure and practice to be followed and prescribing the fees to be paid on and in relation to election petitions and applications under this Part.

PART XVI

FINANCIAL AND MISCELLANEOUS PROVISIONS

117. Inaccurate descriptions

No misnomer or inaccurate description of any person or place named or described in any notice or other document of any kind prepared or issued under or for the purpose of this Act, shall in any way affect the operation of this Act as respects that person or place if that person or place is so designated in the register, notice or document as to be identifiable.

118. Registration officers and returning officers to demand information

(1) In the exercise of respective duties under this Act, registration officers and Returning Officers shall at all times have power to demand from any person any information necessary to ascertain what persons are qualified to vote at elections and what persons are qualified to stand as candidates, and to identify any person or the place of abode of any person and to ascertain whether any person has become disqualified from voting or standing as a candidate.

(2) Any person who, after any lawful demand made under the provisions of subsection (1), fails to give such information as he possesses, or unreasonably delays in giving the information, commits an offence and shall be liable on conviction to a fine of not exceeding five hundred shillings.

119. Remuneration of staff

Returning Officers and any staff employed under the provisions of subsection (4) of section 9 and supervisory delegates shall receive such reasonable remuneration for their services as the Electoral Authority may see fit to authorize.

120. Expenses to be charged on Consolidated Fund

(1) All expenses incurred-

- (a) by the Returning Officers and Assistant Returning Officers in the conduct of an election;
- (b) in the remuneration of the officers specified in section 119; and
- (c) by any public officer in connection with any official matter connected with or arising out of election, shall be a charge on the Consolidated Fund.

(2) Notwithstanding the provisions of subsection (1) the Minister may after consultation with the Minister for Finance and the Electoral Authority prescribe the amount of contribution to be made by each local authority in respect of which the election is to be held.

121. Service of notices

A notice under this Act shall be deemed to have been served on or given to any person -

- (a) if served on him personally;
- (b) if left for him at his last known address; or
- (c) if sent by registered post addressed to him at his last known address.

122. Exemption from stamp duty

Any instrument made on oath or affirmation pursuant to the provisions of this Act in the form prescribed shall be exempt from payment of stamp duty under written law for the time being in force relating to stamp duties.

123. Disposal of forms and record

The Electoral Authority may, subject to the provisions of this Act, from time to time, issue directions with regard to the disposal (including destruction) of any forms, records or other papers or things relating to any matter for which provision is made in this Act.

124. Repealed.

125. Regulations

- (1) The Electoral Authority may make regulations for the better carrying out of the provisions of this Act.
- (2) Without prejudice to the generality of subsection (1), the Electoral Authority may make regulations prescribing:
 - (a) anything which is authorized under the provisions of this Act; and
 - (b) forms of documents and declarations for purposes of this Act.
- (3) Where any form has been prescribed under this section such form shall be used for the purposes to which it relates or to which it is capable of being adapted and may be translated into and used in such language as the Electoral Authority may direct.

126. [Repeal of the District Development Council (Elections), 1975].

3. THE ELECTION EXPENSES ACT, CAP 278 RE 2015

The Act is Edition of the Election Expenses Act, Chapter 278, which incorporates all amendments made up to and including 31st July, 2015 and it contains provisions for the funding of nomination process, election campaigns and elections with a view to controlling the use of funds and prohibited practices in the nomination process, election campaigns and elections; to make provisions for allocation, management and accountability of funds and to provide for consequential and related matters.

Arrangement of sections

PART I-Preliminary Provisions

1. Short title.
2. Application.
3. Interpretation.

PART II-Administration of Election Expenses

4. Functions of the Registrar.
5. Powers of inspection.
6. Power to demand information.

PART III-Election Expenses

7. Meaning of election expenses.
8. Election expenses to be incurred by political parties.
9. Disclosures of funds before election campaigns.
10. Limit of election expenses.
11. Voluntary donations.
12. Restriction of foreign funding to election expenses.
13. Organizations to disclose sources of funds.
14. Expenses for nomination process.

PART IV-Accountability

15. Disclosure of funds for election campaigns.
16. Receipt of election expenses.
17. Apportionment of election expenses incurred by a political party.
18. Returns as to election expenses.
19. Obligation to keep records.
20. Failure to disclose funds.

PART V-Prohibited Practices

21. Unfair conducts.
22. Unconscionable funding.
23. Conveyance of voters.
24. Disqualification of candidates.
25. Prohibition of prohibited practices prior to nomination process.

PART VI-Offences and Penalties

- 26. General offences and penalties.
- 27. Offences relating to powers of the Registrar.

PART VII- General Provisions

- 28. Duties of Government media.
- 29. Peace and security.
- 30. Protection from liability.
- 31. Regulations.

Part 1- Preliminary Provisions

1. Short title

This Act may be cited as the Election Expenses Act, 2010.

2. Application

This Act shall apply-

(a) in the case of Mainland Tanzania, in respect of election expenses for a candidate for the offices of the President of the United Republic, a Member of Parliament and a Councillor; and

(b) in the case of Tanzania Zanzibar, in respect of a candidate for an office of the President of the United Republic and for an office of a Member of Parliament.

3. Interpretation

In this Act, unless the context requires otherwise-

“campaign period” means the period commencing immediately after the nomination day up to the day immediately preceding the election day;

“candidate” means a person who submits himself for election in the Office of the President, a Member of Parliament or a Councillor;

“contested election” means an election in a ward, constituency or Presidential election in which there are more candidates than are vacancies;

“Constitution” means the Constitution of the United Republic of Tanzania,1977;

“Councillor” means a person who is elected in the office of -

- (a) in relation to a district, a District Council;
- (b) in relation to a municipality, a Municipal Council;
- (c) in relation to a city, a City Council; and
- (d) in relation to a town, a Town Council;

“election” means the act of selecting by vote a person from among a number of candidates to fill a vacancy in the Offices of the President, a Member of Parliament conducted under the National Elections Act or the office of a Councillor conducted under the Local Authority (Elections) Act and includes the nomination process;

“election expenses” has the meaning ascribed to it under section7;

“Minister” means the Minister responsible for political parties;

“monitoring” means information gathering, examination and evaluation of electoral process;

“nomination day” means a day appointed for the nomination of candidates in a contested election for the Offices of the President, the Vice-President, a Member of Parliament or a Councillor;

“nomination process” means the process by whatever procedure whereby a political party invites persons who wish to be sponsored by any of such political parties to stand as candidate in the election;

“political party” means any organized group of persons formed for the purpose of forming a government or a local government authority within the United Republic through election or for putting up or supporting candidates to such an election;

“polling district” means a ward declared as such under the Local Authority (Elections) Act or an area or division of a constituency made pursuant to the provisions of section 5 of the National Elections Act;

“Presidential election” means the election of the President of the United Republic;

“presidential candidate” means a person nominated to contest an election to the Office of the President of the United Republic and includes the Vice- Presidential candidate;

“prohibited practices” means any offence mentioned in and punishable under the provisions of Part V;

“Registrar” means the Registrar of Political Parties appointed under the Political Parties Act; and

“voter” means a person or a delegate who is for the time being qualified to vote during the nomination process and election in accordance with the provisions of the National Elections Act or the Local Authority (Elections) Act.

Part II- Administration of Election Expenses

4. Functions of the Registrar

The Registrar of Political Parties shall be responsible for supervision and administration of election expenses under this Act.

5. Powers of inspection

(1) For the purpose of an investigation or examination under this Act, the Registrar or his representative authorized in writing may, at any reasonable time enter into any premises in which books, papers and documents of a political party or candidate relevant to the subject matter of the investigation or examination are kept.

(2) For the purpose of subsection (1), the Registrar shall serve notice of not less than five days to a political party or a candidate concerned.

6. Power to demand information

(1) The Registrar may request for any information relating to election expenses of a political party or a candidate that is reasonably required in respect of his duties under this Act.

(2) Where a request for information is made pursuant to subsection (1), such information shall be furnished to the Registrar by a political party or a candidate within such reasonable time as the Registrar may determine.

Part III-Election Expenses

7. Meaning of election expenses

(1) The term “election expenses” means all funds expended or expenses incurred in respect of the conduct and management of nomination process, election campaign and election by a political party, a candidate or the Government and include-

- (a) in relation to nomination process, all expenses incurred by a political party during the nomination process;
- (b) in relation to nomination of a candidate under the National Elections Act, all expenses or expenditure incurred by a political party for facilitating its candidate for nomination;
- (c) in relation to election campaigns, all expenses or expenditure incurred by a political party or a candidate for the purpose of election campaigns; and
- (d) in relation to an election, all expenses incurred by the Government, political parties and candidates.

(2) All funds used for promotional art groups for purposes of presentation of a candidate to voters, including the cost of providing food, drinks, accommodation or transportation which has been reasonably incurred by a candidate for members of his campaign team shall be deemed to constitute election expenses.

(3) For purposes of subsection (2), “campaign team”, means a group of persons formed by a candidate during the nomination process or a contested election for purpose of presenting or assisting that candidate in the election campaigns, the composition of which is notified-

- (a) in the case of a Presidential candidate, to the Registrar;
- (b) in the case of a Member of Parliament in Tanzania Mainland, to the Executive Director of the relevant local government authority and, in case of Tanzania Zanzibar, to the District Administrative Secretary; and
- (c) in the case of a Councilor, to the Ward Executive Officer.

8. Election expenses to be incurred by political parties

(1) It shall be an obligation of each political party to conduct and fund its election campaign by utilizing its own funds from sources stipulated under the Political Parties Act.

(2) Subject to limitations provided for under this Act, a candidate may use own funds during election campaigns as may be necessary or required for the purpose of election campaigns.

9. Disclosure of funds before election campaigns

(1) A candidate shall be required to disclose, within seven days after the nomination day-

- (a) in the case of a Presidential candidate, to the Secretary General;
- (b) in the case of a candidate for the post of a Member of Parliament and a Council or, to the District Party Secretary, of a political party which sponsored that candidate the amount of funds which the candidate-
 - (i) has in his possession;
 - (ii) expects to receive,

And intends to use as election expenses.

(2) Every political party which participates in an election shall, within thirty days after the nomination day, disclose to the Registrar all funds which it intends to -

- (a) use as election expenses; and
 - (b) use for candidates sponsored by such political party as election expenses.
- (3) The disclosure of funds by the candidate shall, for the purpose of this Act and in the absence of any other factors, be *prima facie* evidence that the candidate has complied with the requirement for disclosure of funds.
- (4) For the purpose of subsection (3), it shall be sufficient for the District Party Secretary or the Secretary General, of a political party concerned, to issue a certificate showing that the candidate complied with the requirement of subparagraph (i) of subsection (1).
- (5) The disclosure of funds made pursuant to the provisions of this Act shall be confidential and shall not be divulged except where such information is the subject of a complaint or a complaint lodged by the Registrar or investigation initiated by the Registrar or where it is the subject of proceedings in the court of law.

10. Limit of election expenses

- (1) For the purpose of implementation of section 9 and this section, the Minister shall by an order published in the *Gazette*-
- (a) prescribe the maximum amount of election expenses depending on -
 - (i) the difference in the size of electoral constituency;
 - (ii) categories of candidates;
 - (iii) population of people; and
 - (iv) communication infrastructure;
 - (b) vary the amount of election expenses to be used by political parties during election campaigns.
- (2) Where in exceptional circumstances, a political party or a candidate expends funds in excess of the amount prescribed under sub-section (1) that political party or the candidate, as the case may be, shall be required to make a report to the Registrar containing reasons for the use of excess funds.
- (3) A political party which or a candidate who uses funds in excess of the amount prescribed pursuant to sub-section (1) commits an offence.

11. Voluntary donations

- (1) A political party may, for purposes of financing election expenses, appeal for and receive voluntary donations from any individual or organisation in and outside the United Republic, provided that the source of every such donation, exceeding shillings one million for an individual donor and shillings two million for an organization shall, within thirty days of its receipt, be disclosed to the Registrar by the Board of Trustees of the political party concerned.
- (2) Every political party shall ensure that all donations received by the party in the form of money are deposited in the special account opened by the party for election expenses and all election expenses shall be paid from that account.
- (3) Every political party shall disclose to the Registrar information relating to donations received pursuant to subsection (1) in a manner stipulated under the Political Parties Act.
- (4) For the purpose of voluntary donations, a candidate may receive or accept donation for election expenses from an individual person or organisation.

(5) A person who uses or threatens to use force or violence, injures, damages or harms any person who donates or intends to donate any funds to a candidate, a member of his family or any of his undertakings commits an offence.

(6) The term “undertakings” as used in subsection (5), means business, property, employment, contract of service and any other similar trade.

(7) Any person who contravenes the provisions of subsection (5) shall on conviction, be liable to a fine of not less than shillings one million and not more than shillings five million or to imprisonment for a term of not less than six months and not more than two years or to both.

12. Restriction of foreign funding to election expenses

(1) No political party, a Non-Governmental Organisation, a Faith Based Organisation, Community Based Organisation, other body or institution or any member of such political party, another Non-Governmental Organisation, a Faith Based Organisation, a Community Based Organisation, a body or institution and no other person shall receive, bring or cause to be brought into the United Republic, any funds or anything which can be cashed or converted into funds which, on the ground of adonation or on other ground, is intended to be used or, in the discretion of such political party, a Non-Governmental Organisation, a Faith Based Organisation, a Community Based Organisation, body, institution, member or other person, may be used to further the interest of any political party, own candidature or any other person who has been nominated or may be nominated as a candidate for any contested election.

(2) The term “funds” as used in subsection (1) shall be construed to include:

- (a) money;
- (b) a motor vehicle;
- (c) an aircraft;
- (d) transportation;
- (e) T-shirts;
- (f) a flag;
- (g) printing, publication or distribution of leaflets, brochures or any other publications;
- (h) broadcasting, radio or television equipment;
- (i) provision of food or drinks;
- (j) promotional art groups; and
- (k) any other thing intended to be used for furtherance of election campaigns.

(3) Except as provided for under the Political Parties Act, the restriction imposed by subsection (1) shall not apply to any funds received within, brought or caused to be brought into the United Republic during any period, in the case of-

- (a) the General Elections, ninety days before the election day; and
- (b) a by- election, thirty days before the election day.

(4) Any political party, a Non-Governmental Organization, a Faith Based Organization, a Community Based Organisation, other body or institution or any member of such political party, a Non-Government Organisation, other body or institution and any other person who uses any fund referred to in subsection (1) contrary to the provisions of that subsection or fails to comply with any requirements or conditions stipulated in terms of that subsection (1), commits an offence.

13. Organisations to disclose sources of funds

(1) Any Non-Governmental Organisations, a Faith Based Organisations or a Community Based Organisations which, for the purpose of election, wishes to participate in any activity referred to in subsection (3) shall be required to disclose sources and the amount of funds that shall be used for that activity.

(2) Subject to subsection (1), a Non-Governmental Organisations, a Faith Based Organisations or a Community Based Organisations shall not use more than the amount prescribed by the Minister in the regulations.

(3) Without prejudice to subsection (1), all money of a Non-Governmental Organisations, a Faith Based Organisations or a Community Based Organisations shall be used for purposes of -

(a) advocacy;

(b) public awareness, for furtherance of election campaigns.

(4) Within ninety days after the election, a Non-Governmental Organisations, a Faith Based Organisations or a Community Based Organisations referred to in subsection (1), shall furnish to the Registrar information in relation to expenses incurred for the election.

(5) A Non-Governmental Organization, a Faith Based Organization or a Community Based Organization which contravenes the provisions of this section commits an offence and shall, upon conviction, be liable to a fine not less than shillings five million or to imprisonment for a term not exceeding three years or to both.

14. Expenses for nomination process

(1) All expenses to be incurred during the nomination process within the political parties shall be borne out by apolitical party concerned.

(2) For the purpose of this section, the Minister shall, in consultation with the Registrar and political parties with full registration, make uniform regulations which shall be observed during the nomination process by all political parties.

Part IV-Accountability

15. Disclosure of fund for election

(1) All funds provided by an association or group of persons or by any person for the nomination process or election campaigns of a political party, whether as a gift, loan, advance, campaigns deposit or donation, shall be paid to the political party concerned and not otherwise and the political party shall disclose the received funds in the returns respecting election expenses.

(2) A political party which fails to disclose any gift, loan, advance, deposit or donation received as required under subsection (1) commits an act of prohibited practices.

16. Receipt of election expenses

Any person who effects payments in respect of any election expenses shall ensure that the payment made is vouched for by a bill stating the particulars and by a receipt or some other evidence of payment.

17. Apportionment of election expenses incurred by a political party

(1) With the consent of the candidates concerned, a political party may expend on the advertisement of candidates sponsored by such political party and their meetings and in that event shall-

(a) apportion the expenditure between such candidates as may be appropriate; and

(b) within thirty days after the polling day, inform each candidate of the amount so apportioned to him, and the amount so apportioned shall form part of the candidate's election expenses.

(2) Any advertisement referred to in section (1) shall include the name of the Board of Trustees of the political party in question and a statement that it is published under the authority of that political party.

(3) The Board of Trustees of a political party shall, within ninety days after the polling day, render, in respect of every candidate sponsored by such party, to the Registrar true returns in the prescribed form showing expenditure incurred in terms of subsection (1) and the amount apportioned to each candidate.

18. Returns as to election expenses

(1) Any candidate who receives funds as election expenses shall, within sixty days from the polling day, prepare and submit a verified report to the political party which sponsored that candidate in the election.

(2) Every political party which sponsored a candidate shall, within one hundred and eighty days after the submission of the report by the candidate, transmit to the Registrar the report containing true returns in the prescribed form in relation to the candidate, a financial statement of all expenses incurred together with all bills and receipts or some other evidence of payment.

(3) The report shall contain-

(a) a financial report of election expenses;

(b) an account of all funds received by a candidate or any other person on his behalf for the purpose of election expenses incurred, with a statement of every payment and sources of those funds;

(c) statement by the candidate verifying the report and stating that no payment not permitted by the Act was made with his knowledge and consent and to his knowledge and belief every expenses incurred are entered in the report of the political party; and

(d) the audit report thereon as required under this Act.

(4) Where the political party fails to file the financial report and the audited report as required by this Act, that political party shall, in addition to payment of default fine of shillings three million and the requirement to file financial report at any later time, be disqualified to contest in any election including the next General Elections unless that political party files such financial report and the audited report to the satisfaction of the Registrar before the next nomination day.

(5) Any candidate who, irrespective of whether has won or lost in the election, fails to prepare a report referred to under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding shillings two million or to imprisonment for a term not exceeding one year or to both.

(6) For the purpose of this section, the Registrar may, on sufficient cause, extend the time for a political party to submit the audited report.

19. Obligation to keep records

(1) For the purpose of financial accountability under this Act, it shall be the duty of every candidate, and each political party, a Non-Governmental Organization, a Faith Based Organization and a Community Based Organization which participated in activities referred to in subsection (3) of section 13 of this Act to keep records of-

- (a) funds received for election expenses indicating the amount and the nature of funds received;
- (b) names and postal, physical and electronic addresses of donors;
- (c) funds anticipated to be received and their sources;
- (d) funds expended for nomination, election campaigns and election; and
- (e) funds expended by candidates as nomination and election expenses.

(2) The political party shall ensure that -

- (a) donations consisting of goods or services are valued and recorded in accordance with this Act; and
- (b) financial statement as required under this Act together with auditor's report are filed with the Registrar.

(3) The Registrar shall, for the purposes of record keeping under this section, make guidelines prescribing the manner in which records shall be prepared and maintained.

(4) All records relating to funds used as election expenses shall be audited by the Controller and Auditor-General in accordance with the provisions of the Political Parties Act.

20. Failure to disclose funds

(1) A political party which, and every candidate who is required under the provisions of this Act to disclose the amount and sources of funds intended to be used as election expenses fails to disclose such funds, shall, in the absence of any reasonable explanation, render itself or himself liable for disqualification from continuing to participate in the election.

(2) Where after hearing a presentation by a political party or the candidate concerned, the Registrar is satisfied that such a political party or a candidate is liable for disqualification from continuing to participate in the election, the Registrar shall file an objection with the Director of Elections.

(3) Upon receipt of an objection filed by the Registrar, Electoral Commission may issue an order disqualifying the political party or the candidate.

(4) Without prejudice to the preceding provisions of this section, the Attorney-General, a person who was a candidate, voter or a political party which sponsored a candidate, may file an election petition challenging the nomination of a candidate by a political party or election of a candidate who contravened the requirement for disclosure of funds under this Act.

Part V-Prohibited Practices

21.Unfair conducts

(1) During the nomination process, election campaign or election, an act of prohibited practice shall be committed by-

(a) every person who, before or during the campaign period, directly or indirectly, by any other person on his behalf, gives, lends or agrees to give or to lend, or offers, promises, or promises to procure or to endeavor to procure, any money or valuable consideration to or for any voter or to or for any person on behalf of any voter or to or for any other person, in order to induce any voter to vote or to refrain from voting, or corruptly does any such act, on account of such voter having voted or refrained from voting at any nomination processor election;

(b) every person who directly or indirectly, by himself, his agent or by his political party on his behalf, gives or procures or agrees to give or to procure or to endeavor to procure, any office, place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce such voter to vote or to refrain from voting, or corruptly does any such act, on account of such voter having voted or refrained from voting at any election;

(c) every person who, before or during the election campaigns period directly or indirectly, by himself, his agent or by his political party on his behalf, makes any gift, loan, offer, promise, procurement, or agreement to or for any person in order to induce such person to procure or to endeavor to procure, the nomination of a person as a Councillor, a candidate by a political party, the election of any person as a Member of Parliament or the President or the vote of any voter at any nomination process or election;

(d) every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavors to procure the nomination of a person as a candidate by a political party, the return of any person as a Councillor, a Member of Parliament, the President or the vote of any voter at nomination process or an election;

(e) every person who, for purposes of promoting or furthering a nomination process or an election campaign, or during the nomination or campaign, or during the nomination or campaign period, advances or pays, or causes to be paid, any money to or for the use of any other person, with the intent that such money, or any part of that money, shall be expended in bribery at any nomination process or election or who knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any nomination process or election;

(f) every voter who, before or during the nomination process or election campaign period directly or indirectly, by himself or by any other person on his behalf, receives, agrees to receive or contracts for any money, gift, loan or valuable consideration, office place or employment for himself or for any other person, for voting or agreeing to vote or for refraining from or agreeing to refrain from voting at any nomination process or election; and

(g) every person who, after any nomination or election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any nomination process or election.

(2) Where it is alleged that the act constituting prohibited practice was committed by an agent or any other person on behalf of the candidate, it shall be a defense for the candidate if he proves that it was committed without his knowledge, consent or approval or that of his agent.

(3) For the purpose of this section an act or transaction shall not be deemed to constitute prohibited practice if it is proved to have been designed to advance the interests of community fund raising, self-help, self-reliance or social welfare projects within the constituency and to have been done before the nomination process or election campaign, as the case may be.

22. Unconscionable funding

The following persons shall be deemed to commit unconscionable funding within the meaning of this Act:

(a) every person who corruptly, by himself or by any other person, on his behalf, either before, during or after the nomination process or election directly or indirectly gives, or provides, or pays, wholly or in part, the expense of giving or providing food, drink, entertainment or provisions to or for any person, for the purpose of influencing that person, or any other person, to vote or to refrain from voting at such nomination process or election; and

(b) every person who corruptly accepts or takes any such food, drink, entertainment or provision.

23. Conveyance of voters

(1) No payment or contract for payment shall, for the purpose of promoting or procuring the nomination or election of a candidate at any nomination process or election, be (a) on account of the conveyance of voters to or from the poll station, whether for the hiring of vehicle, vessels or animal of transport of any kind whatsoever, or for railways fares, or otherwise; or (b) to or with a voter on account for the use of any house, land, building, or premises for the exhibition of any address, bill, account of the exhibition of any address, bill or notice.

(2) Subject to such exception as may be allowed in pursuance of this Act, if any payment is made in contravention of this section either before, during, or after an election, the person making such payment or contract shall commit an act of prohibited practice and any person receiving such payment or being a party to any such contract, knowing it to be in contravention of this section commits an act of prohibited practice.

(3) A person commits an act of prohibited practice who let, lend or employ for the purpose of conveyance of voters to and from the polling station any vehicle, vessel or animal of transport of any kind which he keeps or uses for the purpose of letting out for hire, and if he lets, lends or employs such vehicle, vessel or animal of transport knowing that it is intended to be used for the conveyance of voters to and from the polling station.

(4) A person who hires, borrows, or uses for the purpose of conveyance of voters to and from the polling station any vehicle, vessel or animal transport of any kind which knowingly that the owner thereof is prohibited by subsection (3) to let, lend, or employ for that purpose commits an act of prohibited practice.

(5) Nothing in subsection (3) or (4) shall prevent a vehicle, vessel or animal of transport of any kind being let to, or hired, employed, or used by a voter or several voters at their joint cost for the purpose of being conveyed to or from the polling station.

(6) Notwithstanding anything in the preceding provisions of this section-

(a) where it is the ordinary business of a voter as an advertising agent to exhibit for payment bills and advertisement, a payment to or contract with such voter, if made in the ordinary course of business, shall not be deemed to be a prohibited practice within the meaning of this section; and

(b) where voters are unable at an election to reach their polling station from their place of residence without crossing the sea, a branch or its arm or river, means may be provided for conveying such voters equally to their polling station or to enable them to cross in order to reach their polling station.

(7) For the purpose of paragraph (b) of subsection (6), it shall be the responsibility of the Government to ensure the means for conveyance are made available equally to all such voters who wish to avail themselves to polling stations.

24. Disqualification of candidates

(1) Any candidate who, by himself, his agent or by his political party which commits an act amounting to prohibited practice as stipulated in this Part shall himself or itself be liable for disqualification from participation in the election.

(2) For the purpose of sub-section (1), a candidate shall not be liable for prohibited practices committed by a political party without consent or connivance of the candidate, whether expressly or impliedly.

(3) Where a candidate, or his agent or his political party commits an act which amounts to a prohibited practice in respect of which no action was taken, the Attorney General may institute criminal proceedings or an election petition against that candidate.

(4) Without prejudice to the provisions of subsection (3), a person who commits an act of prohibited practice shall, irrespective of whether that person has won or lost in the election, be proceeded against in accordance with the provisions of Chapters VII and VIII of the National Elections Act, the Local Authority (Elections) Act or the Prevention and Combating of Corruption Act.

25. Prohibition of prohibited

The prohibition on prohibited practices stipulated in this Part shall extend and have the same effect to a person who, practices prior to nomination process by pronouncement or conduct, has shown an intention to participate in the nomination process.

Part VI-Offences and Penalties

26. General offences and penalties

Any person who commits an offence under this Act to which no specific penalty is prescribed shall, on conviction be liable to -

(a) in the case of a political party, to a fine of not exceeding shillings three million;

(b) in the case of a candidate, to a fine of not exceeding shillings one million;

(c) in the case of an organization, corporation or institution, to a fine of not exceeding shillings five million.

27. Offences relating to powers of the Registrar

Any person who-

- (a) obstructs the Registrar or his representative from exercising powers of the Registrar under this Act;
- (b) refuses to produce books, papers and documents as requested by the Registrar;
- (c) produces false books, documents or false information to the Registrar;
- (d) makes false statement in any returns or financial report; or
- (e) destroys any books, papers, documents or thing relating to the subject matters of investigation, examination or inspection, commits an offence and shall be liable on conviction to a fine of not exceeding shillings five million.

Part VII-General Provisions

28. Duties of Government media

- (1) The candidate for the Office of the President in an election shall have the right to utilize Government broadcasting services and television during election campaign in accordance with the provisions of the National Elections Act.
- (2) The Government media shall include in the publications information relating to the electoral process without bias and such publication shall not tamper with information or discriminate against any candidate.

29. Peace and security

- (1) The Government shall, for the purpose of maintaining peace and security during nomination process, election campaign and election, deploy the police force to provide such security-
 - (a) to any place where nomination process or election campaign is conducted by a political party;
 - (b) in respect of Presidential candidates; and
 - (c) to any other place, area or to persons as it may determine.
- (2) Expenses for deploying the police force personnel for the purpose of this section shall be borne out by the Government.

30. Protection from liability

Nothing done by any officer, officer or employee of the Office of the Registrar, the National Electoral Commission or any other official of the Government shall, if the matter or thing was done in good faith for the purposes of performance of any functions or exercise of any powers provided for under the provisions of this Act, shall make such officer or employee personally liable for the matter or thing done.

31. Regulations

- (1) The Minister may, on the recommendation of the Registrar, make regulations for or with respect to any matter which by this Act is required or permitted to be prescribed or which is necessary for giving effect to this Act.
- (2) Before making recommendation to the Minister about any regulations which are to be made, the Registrar shall submit the draft regulations to every fully registered political party for purposes of inviting opinions from the general public and in particular, political parties in such manner as may be appropriate at least thirty days before such draft regulations are submitted to the Minister.

PART FIVE

ELECTORAL REGULATIONS

1. THE NATIONAL ELECTIONS (ELECTION PETITIONS) RULES 2010 [GN No 447 OF 2010]

These regulations are made under section 117 of the National Election Act, Cap 343 RE 2015 and came into operation through Government Notice Number 447 of 2010.

Rule Title

PART I

PRELIMINARY PROVISIONS

- I. Citation.
2. Interpretation.

PART II

PRESENTATION OF ELECTION PETITION AND SECURITY FOR COSTS

3. Who may petition an election
4. Avoidance of election.
5. Particulars required to be stated in petition.
6. Parties.
7. Addition and substitution of parties.
8. Presentation of petition.
9. Rejection or amendment of petition.
10. Service of petition.
11. Security for costs.

PART III

LIST OF OBJECTED VOTES AND COMPLAINTS ON POLLING STATION

12. Lists of objected votes.
13. Complaints on polling station election results.
14. Fixing of hearing date.

PART IV

TRIAL AND ELECTION PETITIONS PROCEDURE

15. Place and time of trial.
16. Consolidation of petitions.
17. Chief Justice may order petition to be tried by more than one judge.
18. Documentary evidence to be produced at first hearing.
19. Preliminary hearing.
20. Framing of issues.
21. Witnesses.
22. Application of Civil Procedure Code.
23. Grounds which may be taken at hearing.
24. Postponement of trial.
25. Adjournments.
26. Illness, etc. of judge.
27. Failure of petitioner to appear.
28. Failure of respondent to appear.
29. Appearance by advocate.
30. Withdrawal of petition

31. Abatement of petition.
32. Petition not to be dismissed for reason of irregularity.
33. Fees.
34. Revocation of Government Notice. No.66 of 197

SCHEDULES

THE NATIONAL ELECTIONS (ELECTION PETITIONS) RULES, 2010

PART I

PRELIMINARY PROVISIONS

I. Citation

These Rules may be cited as the National Elections (Election Petitions) Rules, 2010.

2. Interpretation

In these Rules unless the context otherwise requires-

"Act" means the National Elections Act;

"court" means the High Court;

"election officer" means a Returning Officer, a presiding officer or any other officer upon whom any function of an official nature is conferred upon by the Act;

"prescribed" means, in relation to forms, forms prescribed in the First Schedule to these Rules, and in relation to fees, the fees prescribed in the Second Schedule to these Rules;

"Registrar" means the Registrar of the High Court, a Deputy Registrar or a District Registrar.

PART II

PRESENTATION OF AN ELECTION PETITION AND SECURITY FOR COSTS

3. Who may petition an election

An election petition may be presented by one or more of the persons identified in the Act.

4. Avoidance of election

Avoidance of election of a member of Parliament, shall be by way of an election petition.

5. Particulars to be required to be stated in petition

(I) Every petition shall carry a title in the prescribed Form A as specified in the First Schedule to these Rules and shall state-

(a) the name and address of the petitioner;

(b) the name and address of the respondent or, where there are two or more respondents, of each or the respondents; the grounds upon which the petitioner relies for the reliefs sought by him: and

(c) the nature of the relief or reliefs sought by the petitioner.

(2) Every petition shall be divided into paragraphs numbered consecutively, each of which shall, as nearly possible, be confined to a distinct portion of the subject matter.

6. Parties

(1) Except for a petition presented by the Attorney-General, in every petition the Attorney-General shall be made a party thereto as the respondent.

(2) Where a petition alleges any misconduct or contravention of any provisions of any written law by the successful candidate or by any person acting for or on behalf of the successful candidate, the successful candidate shall be made a party to the petition in addition to the Attorney-General.

(3) Where a petition alleges any misconduct or contravention of any provisions of the Act or any written law by the election officer, such election officer shall be made a party to the petition in addition to the Attorney-General.

(4) In a petition presented by the Attorney-General, the Attorney-General may make all such persons parties to the petition as respondents who are likely to be adversely affected in the event of the relief sought by the Attorney-General being granted.

7. Addition and substitution of parties

(1) Where the only person made a party to a petition is the Attorney-General and in the opinion of the court it is desirable or necessary for the purpose of determination of the issues involved that the unsuccessful candidate of any other person be made a party to the petition, the court may by order direct that the unsuccessful candidate or such other person be made a party, and upon such order being made the proceedings shall be adjourned until such time as the person who is to be made a party has been served with a copy of the petition.

(2) Where in any petition the Attorney-General has been joined as a party with the unsuccessful candidate and the Attorney-General advises the court in writing that he has no interest in the petition, the court may, if it is satisfied that no misconduct on the part of any election officer is alleged, direct that the Attorney-General shall cease to be a party and the petition shall be proceeded with between the petitioner and the remaining respondent or respondents as the case may be.

8. Presentation of the petition

(1) A petition shall be presented by lodging it with the Registrar by paying the prescribed fee.

(2) Where the constituency to which the petition relates lies wholly within the jurisdiction of a District Registry of the High Court, the petition shall be presented to the Registrar of such District Registry.

(3) A petition may be presented under this rule either by the petitioner himself or by his advocate.

(4) The petitioner shall supply the Registrar with three copies of the petition and with such additional number of copies as there may be respondents.

9. Rejection or amendment of petition during admission

(1) Where a petition is not drawn up in the manner hereinbefore, prescribed, it may be rejected or be returned to the petitioner for the purpose of being amended within the time to be fixed by the Registrar.

(2) Where the Registrar rejects any petition, it shall record the reasons for such rejection.

10. Service of petition

(1) Where a petition has been presented and has not been rejected or returned to the Petitioner, the Registrar shall-

(a) send a copy of the petition to the election officer together with a notice in the prescribed Form B as specified in the First Schedule to these Rules;

(b) cause to be served upon each of the respondents a copy of the petition together with a notice in the prescribed Form C as specified in the First Schedule to these Rules.

(c) post on the court notice board a certified copy of the petition.

(2) Service of the documents referred to in paragraph (b) of sub-rule (1) of this rule, shall be effected by personal service:

Provided that where the court is satisfied

(a) that the respondent cannot be found; or

(b) that the respondent has refused to accept service of the documents; or

(c) that personal service cannot be effected without considerable delay or expense; or

(d) that it is otherwise desirable so to do, the court may direct that the documents be served by substituted service in such manner as the court may direct.

11. Security for costs

(1) The procedure for deposit of security for costs shall be regulated by section of the National Elections Act.

(2) Notwithstanding sub-rule (1), no security for costs shall be payable by a petitioner who has been granted legal aid under the Legal Aid Scheme of either the faculty of Law, University of Dar es Salaam, the Tanganyika Law Society, the Tanzania Women Lawyer's Association or the Legal and Human Rights Centre or the Commission for Human Rights and Good Governance, the National Organization for Legal Assistance or the Women Legal Aid Centre or the ENVIROCARE.

PART III

LIST OF OBJECTED VOTES AND COMPLAINTS ON POLLING STATION ELECTION RESULTS

12. List of objected votes section

(1) Where scrutiny under the provisions of paragraph (d) of section 116 of the Act is sought either by the petitioner or a respondent, the party seeking such scrutiny shall, not less than six days before the day fixed for the hearing of the petition, lodge with the Registrar a list of votes intended to be objected to by him and of the objections to each vote; and no evidence shall be adduced at the trial against the validity of any vote or in support of any head of objection not specified in the list, save with the leave of the court and upon such terms as the court may order.

(2) The party lodging a list in accordance with the provisions of sub-rule (1) of this rule shall at the same time deliver to the Registrar two copies of the list and such additional number of copies as there may be parties to the petition.

(3) The Registrar shall cause a copy of the list to be sent to the Returning Officer and to every other party to the petition.

13. Complaints on polling station election results

(1) Where the petitioner intends to allege that, any candidate other than the respondent was elected, he shall, not less than six days before the day fixed for the hearing of the petition, lodge with the Registrar a list of the polling station election results upon which he intends to rely.

(2) Where a petitioner lodges with the Registrar a list in accordance with the provisions of sub-rule (I) of this rule, he shall supply the Registrar with two copies of such list and such additional number of copies as there may be parties to the petition.

(3) The Registrar shall cause a copy of the list to be sent to the Returning Officer and to every other party to the petition.

(4) No petitioner shall be heard in support of any ground of complaint not set in the list required to be lodged by this rule, save by leave of the court and upon such terms as the court may order.

14. Fixing of hearing date

(1) Subject to the rules, upon presentation of a petition the Registrar shall, as soon as may be practicable, arrange for the parties or their advocates to appear before him for the purpose of fixing a date for the hearing of the petition.

(2) Where any party fails to appear before the Registrar upon being required by him so to do, he shall proceed to fix a hearing date in the absence of such party and shall advise the party in writing of the date of hearing so fixed.

PART IV

TRIAL AND ELECTION PETITIONS PROCEDURE

15. Place and Time of Trial

(1) Subject to the provisions of section 110(1) of the Act, the trial of a petition shall be held at such time and place as the Registrar may determine.

(2) The Registrar shall, if so directed by the court, give notice of the day, time and place of the trial to each of the parties, and post such notice court notice board or in such newspapers as he may think it or, as the case may be, the court may direct.

(3) Every petition shall be tried in open court.

16. Consolidation of petitions

Where two or more petitions are presented in relation to the same election, the court may direct that some or all or such petitions be consolidated and tried as one petition.

17. Chief Justice may order petition to be tried by more than one Judge

(1) Where, a petition is likely to raise complicated questions of law or of fact, the Chief Justice, may direct that the petition shall be tried by three or by five judges.

(2) Where a petition is tried by three or by five judges, the petition shall be determined in accordance with the decision of the majority of the judges.

18. Documentary evidence to be produced at first Hearing

(1) The parties or their advocates shall produce, at the first hearing of the suit, all the documentary evidence of every description in their possession or power, on which they intend to rely and which has not already been filed in court, and all documents which the court has ordered to be produced.

(2) The court shall receive the document so produced, provided that they are accompanied by, an accurate list thereof prepared in such form as the High Court directs.

(3) The procedure [or production of documents shall be regulated, as nearly as possible, in accordance with Order XIII of the Civil Procedure Code.

19. Preliminary hearing

(1) As soon as the pleadings are complete, the court shall conduct a preliminary hearing in the presence of the parties or their advocates to consider such matters as are not in dispute between the parties and which will promote a fair and expeditious trial.

(2) The court shall ascertain from the parties and pleadings, as to which legal or factual material propositions that are not in dispute.

(3) At the conclusion of the Preliminary hearing held under this rule, the court shall prepare a memorandum of matters agreed and such memorandum shall be read over and explained to the parties or their advocates.

(4) The memorandum made under sub-rule 3 shall be signed by the parties or their advocates and the Judge.

(5) Any fact or document admitted or agreed in a memorandum filed under this rule shall be deemed to have been duly proved; save that if, during the course of the trial, where the court is of the opinion that the interests of justice so demand, the court may direct that any fact or document admitted or agreed in the memorandum be formally proved.

20. Framing of issues

(1) After the conclusion of preliminary hearing, the court shall further ascertain matters of which the parties are at variance and shall thereupon proceed to frame and record issues on which the right decision of the petition appears to depend.

(2) The framing of issues shall be regulated, as nearly as possible, in accordance with Order XIV of the Civil Procedure Code.

21. Witnesses

Witnesses shall be summoned and sworn in the same manner as nearly as circumstances admit, as in a trial by the court in the exercise of its original civil jurisdiction and shall, without prejudice to the provisions of any other law, be subject to the same penalties for giving false evidence or for non-attendance.

22. Application of the Civil Procedure Code

(1) Subject to the provisions of the Act and of these Rules, the hearing, practice and procedure in respect of a petition shall be regulated, by the rules regulating the practice and procedure in a civil suit.

(2) Without prejudice to the generality of the provisions of sub-rule (1) of this rule, the provisions of section 80 and of the First Schedule to the Civil Procedure Code, which relate to the discovery and inspection of documents, admissions, production, impounding and returning of documents, transfer of proceedings, settlement of issues and determination of suits, summoning of witnesses, admissibility of affidavits, awarding of costs, judgements and execution of a decree, shall apply mutatis mutandis to the proceedings on a trial of a petition and to the enforcement of an order for costs made by the court.

23. Grounds which may be taken at hearing

The petitioner shall not, save with the leave of the court, argue or be heard in support of any ground not set in the petition:

Provided that the court shall not, in determining a petition, be confined to the grounds set in the petition.

24. Postponement of trial

(1) The court may, from time to time, by order made on the application of a party to a petition and supported by an affidavit, and after notice to the other parties or of its own motion by notice in such form as the court may direct, postpone the beginning of the trial of the petition to such day as the court may specify.

(2) A copy of the notice and of the order issued under the provisions of sub-rule (1) of this rule shall be sent by the Registrar to each of the parties to the petition and another copy shall be posted on the court notice board.

(3) Where by reason of the absence of the judge, the trial cannot commence on the day appointed for the trial, the trial shall stand adjourned to the following day, and so on from day to day, until a judge is available to try the petition.

25. Adjournments

(1) The court may in its discretion adjourn the trial of a petition from time to time.

(2) Subject to the provisions of sub-rule (1) of this rule, the trial shall be continued until its conclusion.

26. Illness etc of Judge

Where the judge who has begun the trial of a petition, is prevented by reason of illness, death or other reasonable cause from concluding the trial, his successor may deal with any evidence or memorandum taken down as if such evidence or memorandum has been taken down or made by him and may proceed with the suit from the stage at which his predecessor left it.

Provided that, a Judge may pronounce a judgment written but not pronounced by his predecessor.

27. Failure of petitioner to appear

(1) Where a petitioner fails to appear before the court on the day on which the petition is to be heard, the court may dismiss the petition.

(2) Where a petition has been dismissed under sub-rule (1) of this rule the court may re-admit the petition if the petitioner satisfies the court that his failure to appear on the day of the hearing was due to a reasonable cause.

28. Failure of respondent to appear

Where a respondent fails to appear on the day on which the petition is to be heard, the court may proceed to try the petition, his absence notwithstanding, and the decision of the court in every such case shall be binding upon the respondent.

29. Appearance by Advocate

For the purposes of these Rules, where a party is represented by an advocate, appearance by the advocate shall be deemed to be appearance by the party whom he represents.

30. Withdrawal of petition

(1) The petitioner may at any stage after the petition has been lodged and before the decision has been delivered, by notice in writing addressed to the Registrar, withdraw the petition subject to such terms relating to costs as the court may deem fit to order.

(2) Where a petitioner withdraws a petition he shall not be entitled to file a fresh petition in respect of the same election:

Provided that where the court is satisfied that the petition was withdrawn for the reason that it would have been defeated on the ground of any procedural irregularity, the court may allow the petitioner to lodge a fresh petition in respect of the same election.

(3) Where there are two or more petitioners, the petition shall not be withdrawn save on application in writing by all the petitioners.

31. Abatement of petition

(1) A petition shall abate upon-

(a) upon the death of a sole petitioner or of the sole surviving petitioner; or

(b) the death of the successful candidate.

(2) Where a petition abates by reason of the death of the sole petitioner or the sole surviving petitioner the court may, if it considers it equitable and just so to do, award to the respondent or, where there are two or more respondents, to each of the respondents, such costs as the court may deem proper:

Provided that the amount of costs awarded to a respondent under this paragraph shall not exceed the amount of costs for which the petitioner had given security in respect of that respondent.

32. Petition not to be dismissed for reason of irregularity

(1) Save as is expressly provided for to the contrary in these Rules, no petition shall be dismissed for the reason only of noncompliance with any of the provisions of these Rules or for the reason only of any other procedural irregularity unless the court is of the opinion that such non-compliance or irregularity has resulted or is likely to result in a miscarriage of justice.

(2) Where there has been any non-compliance with any of the provisions of these Rules or any other procedural irregularity the court may require the petitioner, subject to such terms as to costs or otherwise as the court may direct, to rectify the non-compliance or the irregularity in such manner as the court may order.

(3) Where an order has been made under sub-rule (2) of this rule, and the petitioner fails to comply with such order within such time as the court may specify, the court may dismiss the petition.

33. Fee

The fee prescribed in the Second Schedule to these Rules shall be payable in respect of the matters specified in the Schedule in relation to the fees.

34. Revocation of G.N No. 66 of 1971

The Elections (Election Petitions) Rules, 1971 are hereby revoked.

SCHEDULE

FIRST SCHEDULE

Rule 5(1)

FORM A

IN THE HIGH COURT OF TANZANIA

Registry of.....

at.....

MISCELLANEOUS CIVIL CAUSE No.....of 2.....

In the matter of election Petition under the National Elections Act * and the Elections (Election Petitions) Rules.

..... Petitioner

(Name of Petitioner)

versus

..... Respondent

(Name of Respondent)

FORM B
Rule 10 (1)(a)
IN THE HIGH COURT OF TANZANIA

Registry of.....
at.....
MISCELLANEOUS CIVIL CAUSE No of 20.....
In the matter of Election Petition under the National Elections Act * and the Elections
(Election Petitions) Rules

..... Petitioner
(Name of Petitioner)

versus

..... Respondent
(Name of Respondent)

To: The Director of Elections,
The National Electoral Commission,
DAR ES SALAAM,

Take notice that the petition, of which a copy is enclosed herewith, was lodged in
the.....Court at.....on the.....day
of.....20.....

Date:.....

Registrar,

FORM C
Rule 10(1) (b)
IN THE HIGH COURT OF TANZANIA

Registry of.....
at.....
MISCELLANEOUS CIVIL CAUSE No..... of 20.....
In the matter of Election Petition under the National Elections Act * and the Elections
(Election Petitions) Rules

..... Petitioner
(Name of Petitioner)

Versus

..... Respondent
(Name of Respondent)

To:

..... (Name and address of the Respondent).

Take notice that the petition, a copy of which is annexed hereto, was lodged in this court on
theday ofof 20.....

You are hereby required to appear before me atCourt/Registry on
the.....day of.....at o'clock in the forenoon for the purpose of fixing
a date for the hearing of the petition.

Date:.....

Registrar

Copy to: (Name and address of the Petitioner).

SECOND SCHEDULE

(Rule 33)

- I. On the filing or petition.....Shs. 200,000.00
2. On the filing of an amended petition or on amending a petition ... Shs. 50,000.00
3. On filing a list under rule 12 (I)..... Shs. 50,000.00
4. On filing a list of objections under rule 13(1)Shs. 50,000.00
5. For any other matter.....The same fee as payable for a corresponding matter in a civil suit before the High Court.

Dar es Salaam,
19th November, 2010

AUGUSTINO S.L. RAMADHANI,
Chief Justice

2. THE NATIONAL ELECTIONS (ELECTION PETITIONS) (AMENDMENT) RULES, 2012 [GN No 106 OF 2012]

These regulations are made under section 117 of the National Election Act, (CAP. 343) and it came into operation through Government Notice No.106 published on 30/03/2012. Essentially, it amends rule 21 of the National Elections (Election Petitions) Rules, 2010 i.e Government Notice No 447 of 2010

RULES

(Made under section 117)

I. These Rules may be cited as the National Elections (Election Petitions) (Amendment) Rules, 2012 and shall be read as one with the National Elections (Election Petitions) Rules, hereinafter referred to as the "principal Rules".

2. The principal Rules are amended by adding immediately after rule 21 the following new rule:

"2I A. Affidavit of the witnesses

(1) The petitioner shall, not less than forty eight hours before the time fixed by the court for trial of an election petition deliver at the office of the Registrar an affidavit sworn by each witness whom the petitioner intends to call at the trial, setting out the substance of his evidence.

(2) Each affidavit shall be enclosed in a sealed envelope together with sufficient certified true copies for each of the judges, all other petitioners in the same petition and the respondents, and shall be opened by the court when the witness who has sworn the affidavit is called to give evidence.

(3) The affidavit shall be read by or on behalf of the witness and shall form part of the record of the trial and a deponent may be cross-examined by the respondent and re-examined by the petitioner.

(4) Subject to sub-rule (5), a witness shall not be permitted to give evidence for the respondent unless an affidavit sworn by him, setting out the substance of his evidence, together with sufficient certified true copies for the use by the judges and the petitioner is handed to the court when called to give evidence.

(5) A witness for the petitioner or the respondent who fails to deliver affidavit made under sub-rule (2) or (4) shall not be permitted to give evidence without leave of the court, and the court shall not grant such leave unless sufficient reason is given for the failure.

(6) The provision of Order XIX of the Civil Procedure Act, and the Oaths and Statutory Declarations Act shall apply to affidavits made under this rule".

MOHAMED CHANDE OTHMAN,

Chief Justice

3. THE LOCAL AUTHORITIES (ELECTION PETITIONS) RULES, 2010 [GN No 448 OF 2010]

These are regulations made under section 116 of the Local Authorities (Elections) Act, Cap 292 RE 2015 and it came into force through Government Notice No 448 published on 19/11/2010.

Arrangement of rules

Rule Title

PART I

PRELIMINARY PROVISIONS

- I. Citation.
2. Interpretation.

PART II

PRESENTATION OF ELECTION PETITION AND SECURITY FOR COSTS

3. Particulars required to be stated in petition.
4. Parties.
5. Addition and substitution of parties.
6. Presentation of petition.
7. Rejection or amendment of petition during admission.
8. Service of petition.

LIST OF OBJECTED VOTES AND COMPLAINTS ON POLLING STATION

9. Security for costs
10. Lists of objected votes
- 1 I. Complaints on polling station election results
12. Fixing of hearing date.

PART IV

TRIAL AND ELECTION PETITIONS PROCEDURE

13. Place and time of trial.
14. Consolidation of petitions.
15. Chief Justice may order petition to be tried by more than one magistrate.
16. Documentary evidence to be produced at first hearing.
17. Preliminary hearing.
18. Framing of issues.
19. Application of Civil Procedure Code.
20. Grounds which may be taken at hearing.
21. Postponement of trial.
22. Adjournments.
23. Illness, etc. of magistrate.

24. Failure of petitioner to appear.
25. Failure of respondent to appear.
26. Appearance by advocate.
27. Withdrawal of petition.
28. Abatement of petition.
29. Petition not to be dismissed for reason of irregularity.
30. Fees.
31. Revocation of Government Notice. No.128 of 1984.

PART 1

PRELIMINARY PROVISIONS

I. Citation

These Rules may be cited as the Local Authorities (Election Petitions) Rules, 2010.

2. Interpretation

In these Rules unless the context otherwise requires-

"Act" means the Local Authorities (Elections) Act;

"Court" means the court of a Resident Magistrate; or the District Court specified in the Order made by Chief Justice under section 5 (3) of the Magistrate's Court Act;

"election officer" means a Returning Officer, a presiding officer or any other officer upon whom any function of an official nature is conferred upon by the Act;

"prescribed" means, in relation to forms, forms prescribed in the First Schedule to these Rules, and in relation to fees, the fees prescribed in the Second Schedule to these Rules;

"Registrar" means the Registrar of the High Court, a Deputy Registrar or a District Registrar.

PART II

PRESENTATION OF AN ELECTION PETITION AND SECURITY FOR COSTS

3. Particulars required to be stated in petition

(1) Avoidance of election of a Councillor shall be by way of an election petition.

(2) Every petition shall carry a title in the prescribed Form A as specified in the First Schedule to these Rules and shall state-

(a) the name and address of the petitioner;

(b) the name and address of the respondent or, where there are two or more respondents, of each of the respondents;

(c) the grounds upon which the petitioner relies for the relief sought by him; and

(d) the nature of the relief or reliefs sought by the petitioner.

(3) Every petition shall be divided into paragraphs numbered consecutively, each of which shall, as nearly as possible, be confined to a distinct portion of the subject matter.

4. Parties

(1) Except for a petition presented by the Attorney- General, in every petition the Attorney-General shall be made a party thereto as the respondent.

(2) Where a petition alleges any misconduct or contravention of any provisions of any written law by the successful candidate or by any person acting for or on behalf of the successful candidate, the successful candidate shall be made a party to the petition in addition to the Attorney General.

(3) Where a petition alleges any misconduct or contravention of any provisions of the Act or any written law by the election officer, such election officer shall be made a party to the petition in addition to the Attorney-General.

(4) In a petition presented by the Attorney-General, the Attorney-General may make all such persons parties to the petition as respondents who are likely to be adversely affected in the event of the relief sought by the Attorney-General being granted.

5. Addition and substitution of parties

(1) Where the only person made a party to a petition is the Attorney-General and in the opinion of the court it is desirable or necessary for the purpose of determination of the issues involved that the unsuccessful candidate or any other person be made a party to the petition, the court may by order direct that the unsuccessful candidate or such other person be made a party, and upon such order being made the proceedings shall be adjourned until such time as the person who is to be made a party has been served with a copy of the petition.

(2) Where in any petition the Attorney-General has been joined as a party with the unsuccessful candidate and the Attorney-General advises the court in writing that he has no interest in the petition, the court may, if it is satisfied that no misconduct on the part of any election officer is alleged, direct that the Attorney-General shall cease to be a party and the petition shall be proceeded with between the petitioner and the remaining respondent or respondents as the case may be.

6. Presentation petition

(1) A petition shall be presented by lodging it with the court by paying the prescribed fee.

(2) A petition may be presented under this rule either by the petitioner himself or by his advocate.

(3) The petitioner shall supply the court with three copies of the petition and with such additional number of copies as there may be respondents.

7. Rejection of amendment of petition during admission

(1) Where a petition is not drawn up in the manner hereinbefore prescribed, it may be rejected or be returned to the petitioner for the purpose of being amended within the time to be fixed by the court.

(2) Where the court rejects any petition, it shall record the reasons for such rejection.

8. Service of petition

(1) Where a petition has been presented and has not been rejected or returned to the Petitioner the court shall-

(a) send a copy of the petition to the Election Officer together with a notice in the prescribed Form B as specified in the First Schedule to these Rules;

(b) cause to be served upon each of the respondents a copy of the petition together with a copy of notice in the prescribed Form C as specified in the First Schedule to these Rules;

(c) post on the court notice board a certified copy of the petition.

(2) Service of the documents referred to in paragraph (b) of sub-rule (1), shall be effected by personal service:

Provided that where the court is satisfied-

- (a) that the respondent cannot be found; or
- (b) that the respondent has refused to accept service of the documents; or
- (c) that personal service cannot be effected without considerable delay or expense; or
- (d) that it is otherwise desirable so to do, the court may direct that, the documents be served by substituted service in such manner as the court may direct.

9. Security for Costs

(1) The procedure for deposit of security for costs shall be regulated by section 110 of the Local Authorities (Elections) Act.

(2) Notwithstanding sub-rule (1), no security for costs shall be payable by a petitioner who has been granted legal aid under the Legal Aid Scheme or either the Faculty of Law, University of Dar es Salaam, the Tanganyika Law Society, the Tanzania Women Lawyer's Association or the Legal and Human Rights Centre or the Commission for Human Rights and Good Governance, or the National Organization for Legal Assistance or the Women Legal Aid Centre or the ENVIROCARE.

PART III

LIST OF OBJECTED VOTES AND COMPLAINTS ON POLLING STATION ELECTION RESULTS

10. List of objected votes

(1) Where scrutiny under the provisions of paragraph (d) of section 115 of the Act is sought either by the petitioner or a respondent, the party seeking such scrutiny shall, not less than six days before the day fixed for the hearing of the petition, lodge with the court a list of votes intended to be objected to by him and of the objections to each vote; and no evidence shall be adduced at the trial against the validity of any vote or in support if any head of objection not specified in the list, save with the leave of the court and upon such terms as the court may order.

(2) The party lodging a list in accordance with the provisions of sub-rule (1) of this rule shall at the same time deliver to the court two copies of the list and such additional number of copies as there may be parties to the petition;

(3) The court shall cause a copy of the list to be sent to the Returning Officer and to every other party to the petition.

11. Complaints on polling station election results

(1) Where the petitioner intends to allege that, any candidate other than the respondent was elected, he shall, not less than six days before the day fixed for the hearing of the petition, lodge with the court a list of the polling station election results upon which he intends to rely.

(2) Where a petitioner lodges with the court a list in accordance with the provisions of sub-rule (1) of this rule, he shall supply the court with two copies of such list and such additional number of copies as there may be parties to the petition.

(3) The court shall cause a copy of the list to be sent to the Returning Officer and to every other party to the petition.

(4) No petitioner shall be heard in support of any ground of complaint not set in the list required to be lodged by this rule, save by leave of the court and upon such terms as the court may order.

12. Fixing of hearing date

(1) Subject to the rules, upon presentation of a petition the court shall, as soon as may be practicable, arrange for the parties or their advocates to appear before it for the purpose of fixing a date for the hearing of the petition.

(2) Where any party fails to appear before the Court upon being required by him so to do, he shall proceed to fix a hearing date in the absence of such party and shall advise the party in writing of the date of hearing so fixed.

PART IV

TRIAL AND ELECTION PETITIONS PROCEDURE

13. Place and Time of Trial

(1) For the purpose of determining election petitions, the Chief Justice may in terms of section 5 (1) of the Magistrate's Courts Act, specifically designate all district courts as Resident Magistrate's Courts.

(2) The trial of a petition shall be held at such time and place as the Court may determine.

(3) The Court may, and shall, if so directed by the Court, give notice of the day, time and place of the trial to each of the parties, and post such notice court notice board or in such newspapers as he may think fit or, as the case may be, the court may direct.

(4) Every petition shall be tried in open court.

14. Consolidation of petitions

Where two or more petitions are presented in relation to the same election, the court may direct that some or all of such petitions be consolidated and tried as one petition.

15. Chief Justice may order petition to be tried by more than one

Magistrate

(1) Where a petition is likely to raise complicated questions of law or of fact, the Chief Justice may direct that the petition shall be tried by two or more magistrates.

(2) Where a petition is tried by three or by five magistrates, the petition shall be determined in accordance with the decision of the majority of the magistrates.

16. Documentary evidence to be produced at first hearing

(1) The parties or their advocates shall produce, at the first hearing of the petition, all the documentary evidence of every description in their possession or power, on which they intend to rely and which has not already been filed in court, and all documents which the court has ordered to be produced.

(2) The court shall receive the document so produced provided that they are accompanied by an accurate list thereof prepared in such form as the court directs.

(3) The procedure for production of documents shall be regulated, as nearly as possible, in accordance with Order XIII of the Civil Procedure Code.

17. Preliminary Hearing

(1) As soon as the pleadings are complete, the court shall conduct a preliminary hearing in the presence of the parties or their advocates to consider such matters as are not in dispute between the parties and which will promote a fair and expeditious trial.

(2) The court shall ascertain from the parties and pleadings, as to which legal or factual material propositions that are not in dispute.

(3) At the conclusion of the Preliminary hearing held under this rule, the court shall prepare a memorandum of matters agreed and such memorandum shall be read over and explained to the parties or their advocates.

(4) The memorandum made under sub-rule (3) shall be signed by the parties or their advocates and the magistrate.

(5) Any fact or document admitted or agreed in a memorandum filed under this rule shall be deemed to have been duly proved; save that if, during the course of the trial, where the court is of the opinion that the interests of justice so demand, the court may direct that any fact or document admitted or agreed in a memorandum filed under this section be formally proved.

18. Framing of issues

(1) After the conclusion of preliminary hearing, the court shall further ascertain matters of which the parties are at variance and shall thereupon proceed to frame and record issues on which the right decision of the petition appears to depend.

(2) The framing of issues shall be regulated, as nearly as possible, in accordance with Order XIV of the Civil Procedure Code.

19. Application of Civil Procedure Code

(1) Subject to the provisions of the Act and of these Rules, the hearing, practice and procedure in respect of a petition shall be regulated by the rules regulating the practice and procedure in a civil suit.

(2) Without prejudice to the generality of the provisions of sub-rule (1) of this rule, the provisions of section 80 and of the First Schedule to the Civil Procedure Code, which relate to the discovery and inspection of documents, admissions, production, impounding and returning of documents, transfer of proceedings, settlement of issues and determination of suits, summoning of witnesses, admissibility of affidavits, awarding of costs, judgements and execution of a decree, shall apply *mutatis mutandis* to the proceedings on a trial of a petition and to the enforcement of an order for costs made by the court.

20. Grounds which may be taken at hearing

The petitioner shall not, save with the leave of the court, urge or be heard in support of any ground not set forth in the petition:

Provided that the Court shall not, in determining a petition, be confined to the grounds set in the petition.

21. Postponement of trial

(1) The court may, from time to time, by order made on the application of a party to a petition and supported by an affidavit, and after notice to the other parties or of its own motion by notice in such form as the court may direct, postpone the beginning of the trial of the petition to such day as the court may specify.

(2) A copy of the notice and of the order issued under the provisions of sub-rule (1) of this rule shall be sent by the court to each of the parties to the petition and another copy shall be posted on the court notice board.

(3) Where by reason of the absence of the magistrate, the trial cannot commence on the day appointed for the trial, the trial shall stand adjourned to the following day, and so on from day to day, until a magistrate is available to try the petition.

22. Adjournments

(1) The Court may in its discretion adjourn the trial of a petition from time to time.

(2) Subject to the provisions of sub-rule (1) of this rule, the trial shall be continued until its conclusion.

23. Illness, etc of magistrate failure of petitioner to appear

Where the magistrate who has begun the trial of a petition, is prevented by reason of illness, death or other reasonable cause from concluding the trial, his successor may deal with any evidence or memorandum taken down as if such evidence or memorandum has been taken down or made by him and may proceed with the suit from the stage at which his predecessor left it:

Provided that, a magistrate may pronounce a judgment written but not pronounced by his predecessor.

24. Failure of petitioner to appear

(1) Where a petitioner fails to appear before the Court on the day on which the petition is to be heard, the court may dismiss the petition.

(2) Where a petition has been dismissed under sub-rule (1) of this rule the court may re-admit the petition if the petitioner satisfies the court that his failure to appear on the day of the hearing was due to a reasonable cause.

25. Failure of respondent to appear

Where a respondent fails to appear on the day on which the petition is to be heard, the court may proceed to try the petition, his absence notwithstanding, and the decision of the Court in every such case shall be binding upon the respondent.

26. Appearance by Advocate

For the purposes of these Rules, where a party is represented by an advocate, appearance by the advocate shall be deemed to be appearance by the party whom he represents.

27. Withdrawal of petition

(1) The petitioner may at any stage after the petition has been lodged and before the decision has been delivered, by notice in writing addressed to the court, withdraw the petition subject to such terms relating to costs as the court may deem fit to order.

(2) Where a petitioner withdraws a petition he shall not be entitled to file a fresh petition in respect of the same election:

Provided that where the court is satisfied that the petition was withdrawn for the reason that it would have been defeated on the ground of any procedural irregularity, the court may allow the petitioner to lodge a fresh petition in respect of the same election.

(3) Where there are two or more petitioners, the petition shall not be withdrawn save on application in writing by all the petitioners.

28. Abatement of petition

(1) A petition shall abate upon-

(a) the death of a sole petitioner or of the sole surviving petitioner; or

(b) the death of the successful candidate.

(2) Where a petition abates by reason of the death of the sole petitioner or the sole surviving petitioner the court may, if it considers it equitable and just so to do, award to the respondent or, where there are two or more respondents, to each of the respondents, such costs as the court may deem proper:

Provided that the amount of costs awarded to a respondent under this paragraph shall not exceed the amount of costs for which the petitioner had given security in respect of that respondent.

29. Petition not to be dismissed for reason of irregularity

(1) Save as is expressly provided for to the contrary in these Rules, no petition shall be dismissed for the reason only of non-compliance with any of the provisions of these Rules or for the reason only of any other procedural irregularity unless the court is of the opinion that such non-compliance or irregularity has resulted or is likely to result in a miscarriage of justice.

(2) Where there has been any non-compliance with any of the provisions of these Rules or any other procedural irregularity, the court may require the petitioner, subject to such terms as to costs or otherwise as the Court may direct, to rectify the non-compliance or the irregularity in such manner as the court may order.

(3) Where an order has been made under sub-rule (2) of this rule, and the petitioner fails to comply with such order within such time as the court may specify, the court may dismiss the petition.

30. Fees

The fee prescribed in the Second Schedule to these Rules shall be payable in respect of the matters specified in the Schedule in relation to the fees.

31. Revocation

The Local Government Authorities (Election Petitions) Rules, [GN 128 of 1981] are hereby revoked.

FIRST SCHEDULE

(Rule 3)

FORM A

IN THE COURT OF RESIDENT MAGISTRATE COURT

at.....

MISCELLANEOUS CIVIL CAUSE NoOF 20 ..

In the matter of Election Petition under the LOCAL AUTHIORITY (ELECTIONS) ACT, and the Local Government Authorities (Election Petitions) Rules .

..... Petitioner

(Name or Petitioner)

versus

.....Respondent

(Name of Respondent)

Where the Attorney-General is a party, only the designation "Attorney-General" should be stated.

FORM B

Rule 8(1) (a)

IN THE COURT OF RESIDENT MAGISTRATE COURT

at.....

MISCELLANEOUS CIVIL CAUSE No. ... OF 20

In the matter of Election Petition under the LOCAL AUTHIORITY (ELECTIONS) ACT, and the Local Government Authorities (Election Petitions) Rules.

To: The Director of Elections,

The National Electoral Commission.

Take notice that the petition, of which a copy is enclosed herewith, was lodged in the

.... Court at on the .. day of 20

Date20

.....

Resident Magistrate.

FORM C

Rule 8(1) (b)

IN THE COURT or RESIDENT MAGISTRATE COURT

at

MISCELLANEOUS CIVIL CAUSE No..... OF 20.....

In the matter of Election Petition under the LOCAL AUTHORITIES (ELECTIONS) ACT, and the Local Government Authorities (Election Petitions) Rules.

To: (Name and address of the Respondent).

Take notice that the petition, a copy of which is annexed hereto, was lodged in this court on the dayof 20

You are hereby required to appear before me at..... Court on the day of 20..... at o'clock in the forenoon for the purpose of fixing a date for the hearing of the petition.

Date..... 20

.....

Resident Magistrate in Charge

Copy to: (Name and Address of the Petitioner).

To:.....

....., : (Name and address of the Respondent).

Take notice that the petition, a Court of which is annexed hereto, was lodged in this court on the day of 20

You are hereby required to appear before me at

Court/Registry on the day of at o'clock in the forenoon for the purpose of fixing a date for the hearing of the petition.

Date:.....

Registrar Copy to: (Name and address of the Petitioner).

SECOND SCHEDULE

(Rule 30)

1. on the tiling of petition ... Shs. 100,000.00.
2. On the filing of an amended petition or on amending a petition. Shs.50,000.00
3. On filing a list under rule 12 (1)...Shs.50, 000.00
4. On filing a list of complaints under rule II (I) Shs 50,000.00
5. On filing of documents under rule 16... . . . the same fee as payable for a corresponding matter in a civil suit before the Court.
6. For any other matter..The same fee as payable for a corresponding matter in a civil suit before the Court.

Dar-es-Salaam
19th November, 2010

AUGUSTINO S.L RAMADHANI,
Chief Justice

4. THE NATIONAL ELECTIONS (PRESIDENTIAL AND PARLIAMENTARY ELECTIONS) REGULATIONS, 2015 [GN No. 307 OF 2015]

These regulations are made under section 124 of the National Elections Act, Cap 343 RE 2015 and it came into operation through Government Notice No 307 Published on 31st July, 2015.

Arrangement of regulations

PART I

PRELIMINARY

1. Citation.
2. Interpretation.

PART II

VOTER'S EDUCATION

3. Voter's education.
4. Approval of Voter Education materials.
5. Voter Education materials.
6. Contravention.

PART III

CONSTITUENCIES AND POLLING DISTRICTS

7. Constituencies.
8. Division of a constituency into polling districts.
9. Alteration of boundaries of a polling district or a constituency.

PART IV

APPOINTMENT AND TRAINING OF ELECTORAL STAFF

10. Appointment of the Regional Election Coordinator.
- II. Returning Officers.
12. Replacement of Returning Officers.
13. Appointment of Assistant Returning Officers.
14. Appointment of Presiding Officers, Polling Assistants and Direction Clerks.
15. Procedure for Appointment.
16. Oath of Secrecy and Declaration.
17. Training of Electoral Staff.

PART V

ELECTION OBSERVATION

18. Invitation and Accreditation.
19. Duration of Observation.
20. Disqualification for Accreditation.
21. Information and Briefing.

22. Rights of Observers and Prohibition.
23. Reporting by Observers.
24. Guidelines for Observers.

PART VI
NOMINATION, WITHDRAWAL, DEATH OR ABSENCE
OF CANDIDATES AND ELECTION CAMPAIGNS

A. Nomination of Candidates

25. Nomination Forms.
26. Collection of Nomination Forms.
27. Submission of Nomination Forms.
- 27A. Subscription to the Electoral Code of Conduct
28. Nomination for Presidential Election.
29. Display of Nomination Forms for Presidential Election.
30. Objection on Nomination Form against Nomination for Presidential Election and Determination.
31. Nomination for Parliamentary Election and unopposed Candidate .
32. Display of nomination forms for Parliamentary election.
33. Objection against Nomination for Parliamentary Election.
34. Appeals.
35. Determination of Appeals.
- 35A. Objections by the Registrar of Political Parties and appeals to the objections

B. Withdrawal. Death or Absence of Candidates

36. Withdrawal of a Candidate.
37. Death of Candidate.
38. Absence of Candidate.

C. Election Campaigns

39. Campaign Period
40. Coordinated campaign programme for Presidential Election.
41. Changes in the coordinated programme for Presidential election.
42. Coordinated campaign programme for Parliamentary election .
43. Coordinated programme to constitute sufficient notice.
44. Change of coordinated campaign programme in Parliamentary election.

PART VII
ELECTION DAY, VOTES COUNTING, ADDITION OF VOTES AND
DECLARATION OF RESULTS

- A. Election Day and Voting.
45. Election Day.
46. Revocation and Appointment of another Polling Day.
47. Notice of Election.
48. A Polling Stations
49. Polling Agents.
50. Polling agents for Presidential Election.

51. Distribution and custody of election equipment and materials.
52. Satisfaction or Dissatisfaction of Polling Agents on Preparation of Voting.
53. Dissatisfaction of voter on in the voting process.
54. Voting by a blind voter.
55. Voter's finger to be marked with indelible ink.
56. Voting by polling agents, electoral staff, and candidates.
57. Ballot paper count.
58. Adjournment of polling.
- B. Votes counting, Addition and Declaration of Results
59. Votes counting.
60. Satisfaction or Dissatisfaction of Counting Agents or Candidates.
61. Polling Station election results.
62. Notice of addition of votes.
63. Determination of disputed votes
64. Addition of votes.
65. Partial Presidential election results.
66. Announcement of partial Presidential election results by the Commission.
67. Declaration of Parliamentary election results.

PART VIII

DECLARATION OF MEMBERS OF PARLIAMENT FOR WOMEN

SPECIAL SEATS

68. Women Special Seats.

PART IX

MISCELLANEOUS

69. Absence or refusal to sign by Political Parties' agents or candidates.
70. Disbursement of funds and statement of expenditure.
71. Safe custody of election equipment and materials.
72. Disciplinary and legal measures
73. Other election procedures.
74. Offences and penalties.
75. Revocation of G.N.No.279 of 20 10.

SCHEDULES

PART I

PRELIMINARY PROVISIONS

1. Citation

These Regulations may be cited as the National Elections (Presidential and Parliamentary Election) Regulations, 2015 and shall come into operation on the date of publication.

2. Interpretation

In these Regulations, unless the context otherwise requires-

"Act" means the National Elections Act;

"candidate" means a person who submits himself for presidential or to the national assembly election;

"commission" means the national electoral commission established under article 74 of the constitution;

"constituency" means a constituency for the purposes of election to the National Assembly;

"constitution" means the Constitution of the United Republic of Tanzania, 1977;

"council" means a city council, municipal council, town councilor , a district council as the case may be;

"Director of Elections" means the Director of Elections appointed under the Act and it includes a person performing any of the functions of the Director of Election;

"election" means:

(a) in the case of an Election of the President, the Presidential election;

(b) in the case of an election to the National Assembly, a Parliamentary election and it includes a by-election;

"election day" mean a day appointed for election under the Act and it includes a day appointed for a by -election;

"election observation" means the observation by an observer duly accredited by the Commission for that purpose of various stage of the electoral process;

"election officer " includes a public officer, a temporary employee and all employee on contract terms working with the Commission;

"electoral staff includes a Regional Election Coordinator, a Returning Officer, an Assistant Returning Officer, a Presiding Officer, a Polling Assistant and a Direction Clerk;

"government" means the government of the United republic of Tanzania;

"ministry" means the ministry responsible for regional administration and local government;

"nomination" means nomination as a candidate for Presidential election or election to the National Assembly; and it includes declaration of a Member of Parliament for Women Special Seats;

"nomination authority" means-

(a) in the case of Presidential and Vice Presidential candidate the National Electoral Commission; and

(b) in the case of Parliamentary candidate the Returning Officer;

"nomination day" means a day appointed by the Commission under the Act for the nomination of candidates:

"observer" means a domestic or international observer and it includes individual observer, organization or a government;

"partial results" means the results of an election from polling station or constituencies before addition of all votes;

"political party" means a political party registered under the Political Parties Act:

"political party agent" means a person appointed by a candidate or a Political Party, pursuant to the provisions of the Act to represent and safeguard the interests of the candidate or the political party during polling, counting and addition of votes;

"register" means the permanent national voters' register established and maintained in accordance with the act;

"registrar" means the registrar of political parties appointed under the Political Parties Act and it includes a deputy and an assistant registrar;

"tactile ballot folder" means a device used to facilitate voting by a blind person;

"voter's card" means a card issued under the Act signifying that a person named in such a card has been registered as a voter;

"voter's education" means dissemination of information relating to the electoral process and procedures;

"woman candidate" means a woman candidate for nomination to a Parliamentary special seat under Article 78 of the Constitution.

3. Voter's Education

(1) The Commission shall be responsible for providing Voter Education, coordinating and supervising all persons involved in the provisions of voter's Education.

4. Approval of voter education materials

(1) A person shall not provide Voter Education without prior Approval of the Commission.

(2) Any person who intends to conduct voter education using materials relating to electoral process and procedure shall, before using the material, submit such materials to the Commission for scrutiny.

(3) The Commission may, upon satisfaction with the contents of the materials submitted to it for scrutiny, approve the materials.

(4) Where the Commission does not approve the materials, it shall return the material, to the person who submitted such materials and may direct that person to correct the materials.

(5) Where the Commission approves the materials, it shall grant permission in writing to use the materials for conducting Voter Education.

5. Voter education materials.

(1) For the purposes of this Part, voter education materials include brochures, posters, leaflets, booklets, radio programmes, cultural dances,

Songs, drama, television programmes and any other materials containing information related to voter's education.

(2) The materials referred to in Sub-regulation (1) shall indicate names and addresses of the author, printer and publisher.

6. Contravention

Any person who contravenes any provision of this Part shall be barred from providing voter's education.

PART III

CONSTITUENCIES AND POLLING DISTRICTS

7. Constituencies

(1) The Commission shall, pursuant to Article 75 of the Constitution, divide the United Republic into Constituencies for the purpose of Parliamentary elections.

(2) The Commission shall, in dividing the United Republic into constituencies, take into consideration the criteria and procedures prescribed under the Third Schedule to these Regulations.

8. Division of constituency into polling Districts

(1) The Commission shall, subject to the provisions of the Act, divide every constituency into polling districts and publish a notice in the Gazette specifying such polling districts.

(2) The boundaries of a polling district shall be within a ward established under the Local Government (District Authorities) Act and the Local Government (Urban Authorities) Act.

9. Alteration of boundaries of a polling district or a constituency

(1) The Commission may alter the number or area of polling districts or a constituency, whenever circumstances affecting the existing boundaries of a Polling District or a Constituency arises.

(2) The circumstances affecting the existing boundaries of a polling district or a constituency shall include-

(a) establishment of a new region, an administrative district, a councilor or a ward;

(b) alteration of the boundaries of the existing region, an administrative district, a council or a ward;

(c) abolition of a region, an Administrative District, a Council or a Ward;

(3) The Commission may by notice published in the Gazette make alteration on the existing boundaries of a Constituency or a Polling District pursuant to sub - regulation (2).

PART IV

APPOINTMENT AND TRAINING OF ELECTORAL STAFF

10. Appointment of Regional Elections Coordinator

(1) The Commission may, at any time during election and subject to the provisions of the Act, in writing appoint a public officer to be a regional elections coordinator who shall be responsible for coordination of activities in the election process in a region.

(2) Notwithstanding Sub-regulation (1), the Commission may appoint from amongst public officers a Regional Elections Coordinator for more than one region.

(3) The letter of appointment issued under Sub-regulation (1), shall contain-

(a) the date of commencement of duties and tenure of office of the regional elections coordinator;

(b) the terms and conditions of services of the regional elections coordinator; and

(c) any other directives as may be determined by the Commission or the Director of Elections.

(4) A person appointed as a Regional Elections Coordinator under this Regulation, shall within fourteen days after receiving the letter of appointment, confirm to the Director of Elections in writing of his acceptance of the appointment.

(5) The Commission may, where the appointed regional elections coordinator fails to submit a letter of acceptance within fourteen days, from the date of appointment, appoint another public officer to be a regional elections coordinator.

11. Returning Officers

(1) Subject to the Act, there shall be returning officers who shall be responsible for conducting, coordinating and supervising elections in constituencies.

(2) The Commission shall, at any time before an election, in writing inform the returning officer of-

(a) the date of commencement of duties and tenure of office;

(b) the terms and conditions of his duty; and

(c) any other directives as may be determined by the Commission or the Director of Elections.

12. Replacement of Returning Officer

(1) Where the Commission is satisfied that the returning officer is incapable of performing his duty, it may revoke his appointment and inform the returning officer concerned of the revocation of his appointment in writing.

(2) Where the Commission revokes the appointment of the Returning Officer pursuant to Sub-regulation (1), it shall-

(a) appoint another public officer to be a returning officer; and

(b) inform in writing the returning officer duly appointed.

(3) The letter of appointment of the returning officer shall contain-

(a) the date of commencement of duties and tenure of office:

- (b) terms and conditions of service; and
- (c) any other directives as may be determined by the Commission or the Director of Elections.

(4) The appointed Returning Officer shall, within fourteen days after receiving the letter of appointment, confirm to the Director of Elections in writing of his acceptance of the appointment.

13. Appointment of Assistant Returning Officers

(1) Subject to the Act, the Commission shall, writing appoint in assistant returning officers from amongst public officers, to assist the returning officer in supervising and coordinating the conduct of elections at the headquarters of a constituency and in a ward.

(2) The letter of appointment for the assistant returning officer under sub-regulation (1), shall contain-

- (a) the date of commencement of duties and tenure of office;
- (b) the terms and conditions of service; and
- (c) any other directives as may be determined by the Commission or the Director of Elections.

(3) The appointed assistant returning officer shall, within fourteen days after receiving the letter of appointment, confirm to the Director of Elections in writing of his acceptance of the appointment.

(4) Where the appointed Assistant Returning Officer without good cause fails to comply with the provisions of Sub-regulation (3), the Commission shall appoint another public officer to be an assistant returning officer.

(5) The assistant returning officer appointed under this regulation, shall perform his duties under the supervision of the returning officer.

14. Appointment of Presiding Officers, Polling Assistants and Direction Clerks

(1) Subject to the provisions of Sub-regulation (2), and the directives issued by the Commission or the Director of Elections, every returning officer shall, for the purposes of election, appoint in writing, presiding officers, polling assistants and direction clerks.

(2) The Commission shall determine the number of presiding officers, polling assistants or direction clerks required for every polling station.

(3) Any person appointed under this Regulation shall sign a contract of employment with the returning officer in Form No. II set out in the First Schedule to these Regulations.

(4) Every presiding officer shall be the officer in-charge of a Polling Station.

(5) Subject to the provisions of the Act, these Regulations, and directives issued by the Commission or Director of Elections, every presiding officer, polling assistant or direction clerk appointed under sub-regulation (1), shall perform his duties under the supervision of the returning officer or an assistant returning officer.

15. Procedure for appointment

(1) The Returning Officer shall, in appointing presiding officers, polling assistants or direction clerks-

- (a) advertise posts inviting qualified persons to apply;

(b) shortlist names of applicants and display such names at the Office of the returning officer or any other public office within the constituency; and

(c) interview the applicants.

(2) The Returning Officer, shall immediately after conducting an interview under Sub-regulation (1), appoint the qualified applicants as Presiding Officers, Polling Assistants or Direction Clerks.

16. Oath of secrecy and declaration.

(1) Every regional elections coordinator, a returning officer and an assistant returning officer shall, before assuming duties-

(a) take an oath of secrecy prescribed in Form No.6 set out in the First Schedule before a Magistrate; and

(b) make a declaration prescribed in Form No, 7 set out in the First Schedule to these Regulations before a Magistrate or a Commissioner for Oaths that he is not a member of any political party or that he has withdrawn his membership from a Political Party as.

(2) Every presiding officer and a polling assistant shall, before assuming duties, take an Oath of Secrecy prescribed in Form No.6 set out in the first Schedule.

17. Training of electoral staff.

(1) The Commission shall, at any time after the appointment of regional elections coordinator, returning officers and assistant returning officers at the constituency headquarters and before election, provide the regional election coordinator, the returning officer and the assistant returning officer with training on the electoral laws, processes, and procedures.

(2) The returning officer shall, subject to the directives of the commission or director of elections, conduct training to assistant returning officers at the ward level, presiding officers, polling assistants and direction clerks on the electoral laws, processes and procedures.

PART V

ELECTION OBSERVATION

18. Invitation and Accreditation

(1) The Government through the Ministry responsible for foreign Affairs may Before the Election processes commence, extend invitations to International observers to participate as election observers, upon accreditation.

(2) Invitation for domestic observers shall be made by the National Electoral Commission.

(3) The sponsoring organizations and governments shall notify the National Electoral Commission of their intention and plans to send domestic and international observer teams.

(4) Every observer, organization or government on behalf of the observer shall apply to the Commission for accreditation.

(5) The Commission may, upon receiving applications for accreditation, accept or refuse the application if it deems appropriate to do so.

(6) Where the Commission accepts the application, it shall issue an accreditation identity card to the applicant.

(7) Where the Commission refuses the application, it shall inform the applicant in writing.

19. Duration of observation

The election observation shall commence from the date of accreditation to the date indicated on the observer's accreditation identity card issued under sub-regulation (6) of regulation 18.

20. Disqualification for accreditation

An election observer shall be disqualified for accreditation if he fails to adhere to -

- (a) guidelines for election observers;
- (b) the electoral laws of the United Republic;
- (c) immigration laws and procedures of United Republic; and
- (d) any other written laws of the United Republic.

21. Information and briefing

The National Electoral Commission shall provide to the observer-

- (a) information on electoral laws, electoral processes and procedures applicable in the united republic;
- (b) a list of regions, councils, constituencies, polling districts, wards and polling stations;
- (c) a list of registered political parties participating in the election; and
- (d) any other related information which the commission may deem necessary.

22. Rights of Observers and Prohibition

(1) The election observers shall, subject to the Act and any other written laws have the right to-

- (a) request for and obtain reasonable information on activities relating to the electoral process;
- (b) observe all stages of the electoral process;
- (c) have freedom of movement throughout the United Republic except restricted areas; and
- (d) communicate with Political Parties.

(2) Any election observer shall not to use any information and communication technology facilities such as cellular phones, cameras, tape recorders, pagers, video cameras and two way radios inside the polling stations and tallying centres.

23. Reporting by Observer

(1) Every election observer shall report any irregularity noted in the electoral process to the Commission or to any electoral staff.

(2) Subject to the provisions of Regulation (24), every election observer shall, at the end of election observation, prepare and submit to the Commission his observation report.

(3) The observation report prepared under Sub-regulation (2) shall contain-

- (a) particulars of the observer; and
- (b) findings and recommendations.

24. Guidelines for Observers.

The Commission may make Guidelines providing for the conducts of the election observers during the election process.

PART VI

NOMINATION, SUBSCRIPTION TO THE ELECTORAL CODE OF CONDUCT, WITHDRAWAL, DEATH OR ABSENCE OF CANDIDATES AND ELECTION CAMPAIGNS

A. Nomination of Candidates and Subscription to the Electoral Code of Conduct

25. Nomination forms.

- (1) Subject to Sub-regulation (3), any person who is a member of a Political Party and is proposed by the Political Party to be a Candidate in election shall be required to complete Nomination Form Na. 8A for presidential candidate and No. 8B for parliamentary candidate in four copies and submit such forms to the respective Nominating Authority.
- (2) The nomination form under this regulation shall be as prescribed in the First Schedule to these Regulations.
- (3) The Commission shall specify the date for issuing nomination forms to proposed candidates.
- (4) A proposed candidate of each Political Party shall, before obtaining a nomination form, Submit a letter of Introduction from his respective Political Party to the nominating authority.

26. Collection of nomination forms.

A candidate or a voter on behalf of the candidate may collect nomination forms from the nominating authority.

27. Submission of nomination forms

A candidate for Presidential or Parliamentary election shall submit his nomination form to the respective nominating authorities on the nomination day.

27A. Subscription to the Electoral Code of Conduct

- (1) Subject to the provisions of the Act, the National Electoral Commission shall prepare the Electoral Code of Conduct.
- (2) The Electoral Code of Conduct prepared under Sub-regulation (1) shall be subscribed to by every Political Party, every candidate the Government and the National Electoral Commission in a manner prescribed in the Electoral Code of Conduct.
- (3) Every Candidate shall subscribe to the Electoral Code of Conduct in form No. 10 prescribed under the first schedule to these Regulations.
- (4) Every Candidate shall collect Form No. 10 from the Director of Elections or Returning Officer or Assistant Returning Officer as the case may be together with the Nomination Forms.
- (5) Form No. 10 shall be returned to the Director of Elections or Returning Officer or Assistant Returning Officer as the case may be on nomination day and shall form part of the Nomination Form.
- (6) Where a Candidate fails to fill Form No. 10, an objection may be lodged in accordance with the provisions of the Act to the Commission, Returning Officer or Assistant Returning Officer as the case may be against such Candidate.

(7) The Commission, after determination of the objection lodged under Sub-regulation (6) may disqualify the Candidate from participating in the election.

28. Nomination for Presidential election.

(1) Any person who wishes to contest for Presidential election shall submit to the Commission, a letter of introduction from the Secretary General of the respective Political Party and the Commission shall issue Form No. 8A as prescribed in the First Schedule to these Regulations.

(2) The nomination form for Presidential election candidates shall contain the following-

(a) personal particulars of the candidate;

(b) Declaration of a candidate that he qualifies to stand as a candidate for Presidential election

(c) certification by the Secretary General of the Political Party certifying that the candidate is a member of and sponsored by the Political Party;

(d) declaration, names and registration numbers of registered voters nominating the candidate;

(e) a statutory declaration of candidate;

(f) certification by the Commission that a candidate qualifies to be nominated.

(3) Subject to the provisions of section 33 of the Act, a candidate for Presidential election shall, on submitting the nomination form to the

Commission, attach four recent coloured passport size photographs and deposit with the Commission a sum of one million shillings as Security.

(4) The Commission shall, upon being satisfied that a candidate qualifies to be nominated, certify the nomination of the candidate in Form No.8A.

29. Display of nomination forms for Presidential

The Commission shall display copies of the nomination forms of Presidential and Vice-Presidential candidates who have been nominated on the notice board of the Commission's Office for twenty four hours after nomination.

30. Objection against nomination for Presidential election and determination

(1) An objection against the nomination of a Presidential or vice Presidential candidate may be lodged by another candidate, the Director of Elections or the Registrar of Political Parties.

(2) Objection raised by the Registrar of Political Parties shall be on Election Expenses Act only and be subjected to the procedures laid down under the Act and these Regulations.

(3) Subject to Sub-regulation (1), except for the Registrar of political Parties, a person who objects against the nomination of any Presidential or Vice-Presidential candidate shall lodge his objection to the Commission at any time within twenty four hours after the nomination of the candidates.

(4) All objection shall be lodged to the Commission in the prescribed Form No. 9A in the First Schedule to these Regulations stating the following-

(a) particulars of the objector;

(b) particulars of the objected candidate;

(c) the grounds for objection; and

(d) the signature of the objector.

(5) The Commission shall, before determining on the validity of any objection with the least possible delay-

- (a) notify in writing the person against whom the objection is made; and
- (b) avail such person an opportunity to be heard.

(6) Where the Commission decides on any objection, it shall inform in writing the parties concerned of its decision and reasons for the decision and the decision of the Commission shall be final and conclusive.

(7) Where the Commission has accepted the objection against a candidate, it shall delete the name of such candidate from the list of nominated candidates.

31. Nomination for Parliamentary election and unopposed candidate

(1) Any person who wishes to contest for Parliamentary election, shall submit to the Returning Officer a letter of introduction from a Regional or District Secretary of his Political Party and obtain from the Returning Officer nomination Form No. 88 as prescribed in the First Schedule to these Regulations.

(2) The nomination form for Parliamentary election shall contain-

- (a) personal particulars of the candidate;
- (b) Declaration of a candidate that he qualifies to stand as a candidate in Parliamentary election;
- (c) certification from the Regional or District office of the Secretary of a Political Party that the candidate is a member of and sponsored by a Political Party;
- (d) declaration, names and registration numbers of voters nominating a candidate;
- (e) a statutory declaration of the candidate;
- (f) certification by the Returning Officer that the candidate qualifies to be nominated.

(3) Subject to the provisions of the Act, a candidate for Parliamentary election shall, on submitting nomination forms to the Returning Officer attach recent four coloured passport size photographs and deposit with the Returning Officer a sum of fifty hundred thousand shillings.

(4) The Returning Officer shall, upon being satisfied that the candidate qualifies to be nominated, certify in Form No. 8B.

(5) Subject to the provisions of the Act, where only one candidate is nominated in a constituency, such candidate shall be deemed to be duly elected and shall assume office upon oath as a Member of Parliament.

32. Display of nomination forms for Parliamentary election

The Returning Officer shall display copies of the nomination forms of every candidate who has been nominated on the notice board of the Constituency office for twenty four hours after nomination.

33. Objection on nomination form against nomination of Parliamentary candidate

(1) The Director of Elections, Registrar of Political Parties, Returning Officer or a candidate for Parliamentary election in the Constituency may, subject to the provision of the Act, lodge an objection against the nomination of any Parliamentary candidate.

(2) Subject to Sub-regulation (1), any person other than the Returning Officer, who objects against the nomination of a Parliamentary candidate may, at any time within twenty four hours after nomination, lodge the objection in writing to the Returning Officer.

(3) Where the Returning Officer makes an objection on his own motion subject to Sub-regulation (1), he shall, before making any finding, inform the candidate concerned in writing and after making a finding on the objection he shall refer such findings to the Commission.

(4) An objection made under Sub-Regulation (2) shall be lodged to the Returning Officer in the prescribed Form No. 9B of the First Schedule to these Regulations which shall contain-

- (a) particulars of the objector;
- (b) particulars of the objected candidate;
- (c) the grounds for objection; and
- (d) the signature of the objector.

(5) A Returning Officer shall, immediately after receiving the objection from the objector and before deciding the validity of any objection;

- (a) notify in writing a person against whom the objection is made; and
- (b) avail such person an opportunity to be heard.

(6) Where a Returning Officer determines on any objection under Sub-regulation (5), he shall inform in writing the parties concerned of his decision and reasons for the decision thereof.

(7) Where a Returning Officer has accepted the objection against a candidate, he shall delete the name of such candidate from the list of nominated candidates.

34. Appeals

(1) Any person who is aggrieved by the decision of the Returning Officer under Regulation 33, may appeal to the Commission within twenty four hours, from the time of the decision or such further period as the Commission may allow.

(2) The appeal to (he Commission under Sub-regulation (1) shall be made in Form No.12 as prescribed in the First Schedule to these Regulations.

(3) Form No. 12 stipulated under Sub-regulation (2), shall contain:

- (a) particulars of the appellant;
- (b) name of the constituency;
- (c) date and time of submitting the appeal;
- (d) the grounds of appeal; and
- (e) the signature of the appellant.

(4) The appellant shall obtain the Appeal Form No. 12 from the Returning Officer.

(5) Subject to Sub-regulation (4), the appellant shall submit the appeal to the Returning Officer who shall receive the same on behalf of the Commission.

(6) The Returning Officer shall, immediately after receiving the appeal under Sub-regulation (5), attach Form No. 8B and 9B, and any other documentary evidence necessary to the appeal and forward the appeal to the Commission.

35. Determination of Appeals

(1) Subject to regulation 34, the Commission may, before determination of any appeal, summon any person to testify or require information or clarification from such person in respect of the appeal.

(2) The absence of any person summoned by the Commission under Sub-Regulation (1) at the appointed time and place shall not stop, delay or invalidate the proceedings or the decision of the Commission.

(3) The Commission may in determining any appeal, reject or accept the appeal.

(4) Where the Commission determines an appeal under sub-regulation (3), the Commission shall either reinstate or remove the name of the candidate concerned from the list of nominated candidates.

(5) The Commission shall, after the determination of any appeal under this Regulation, inform the parties in writing of its decision and reasons for the decision.

(6) Subject to the provisions of the Act, the decision made by the Commission under this regulation shall be final and conclusive and shall not be challenged in any court, except by way of an election petition pursuant to the provisions of the Act.

35A. Objections by Registrar of Political Parties and appeals to the objections

(1) Where a Political Party or a candidate fails to comply with the provisions of Section 9 and 20 of the Election Expenses Act, the Registrar shall make objection to-

(a) the National Electoral Commission where the objection concerns a Presidential candidate;

(b) Returning Officer, where the objection concerns a Parliamentary candidate.

(2) The procedures to be followed in determination of objections raised by the Registrar and their appeals thereafter shall be the procedures stipulated in these Regulations for determination of objections on nomination forms except that the objection by the Registrar shall be lodged from fourteen days after nomination day

B. Withdrawal, Death or Absence of Candidates

36. Withdrawal of candidate.

Where a candidate withdraws his candidature after nomination day under the provisions of the Act, no Political Party shall nominate a substitute candidate.

37. Death of a candidate.

Where a Parliamentary election is countermanded for the reason of death of the candidate pursuant to the provisions of the Act, the Returning Officer shall immediately inform the Commission and the party concerned shall nominate a substitute candidate.

38. Absence of candidate

Where a Parliamentary election is countermanded for the reasons of absence of a candidate pursuant to the provisions of the Act, the Returning

Officer shall immediately inform the Commission.

C. Election Campaigns

39. Campaign period

(1) The campaign period shall be the whole period commencing immediately after the nomination of candidates up to the day immediately preceding election day.

(2) Subject to Sub-regulation (1) the time for conducting campaign meetings shall be from 8.00 o'clock in the morning to 6.00 o'clock in the evening.

(3) Each Political Party or a candidate involved in any election shall comply with the coordinated programme for campaign meetings.

(4) Notwithstanding Sub-regulations (2) and (3) the coordinated programme shall not apply to door to door canvassing.

40. Coordinated campaign programme for Presidential election

(1) The Director of Elections shall, before the beginning of Presidential election campaigns, require each Political Party concerned to submit to him the proposed schedule of campaign meetings which the party intends to hold for the purpose of election.

(2) Subject to Sub - regulation (1) the Political Parties which intend to participate in the Presidential election shall submit their proposed schedule of campaign meetings seven days before the nomination day.

(3) The proposed schedule of campaign meetings shall, specify date, time, region and district where such meetings will be conducted.

(4) The Director of Elections shall, after receiving the schedules from each Political Party under Sub-regulation (1), convene a meeting of all Political Parties or candidates concerned in order to prepare a coordinated programme of campaign meetings.

(5) After preparing a coordinated programme under sub-regulation (2), the Director of Elections shall distribute copies to the following-

(a) all Political Parties involved in Presidential election;

(b) Regional Elections Coordinators;

(c) Returning Officers;

(d) the Regional Commissioners; and

(e) the Inspector General of Police for the purpose of providing security.

41. Changes in the coordinated programme for Presidential election.

(1) Where any Political Party intends to change the campaign venue or schedule, it shall inform the Director of Elections in writing stating the proposed changes and reasons, and the Director of Elections shall before determination convene a meeting of Political Parties or candidates concerned to agree on the matter.

(2) Subject to Sub-regulation (1), where the coordinated campaign programme requires to be amended, the Director of Elections shall amend it accordingly and inform Political Parties concerned and officials stated under Regulation 40 (5).

42. Coordinated campaign programme for Parliamentary election.

(1) The Returning Officer shall, before the beginning of Parliamentary election campaigns, require each Political Party concerned to submit to him the proposed schedule of campaign meetings which the party intends to hold for the purpose of election.

(2) Subject to Sub-regulation (1), the Political Parties which intend to participate in the election shall submit their proposed schedule of campaign meetings seven days before the nomination day.

(3) The proposed schedule of campaign meetings shall specify dates, time and places where such meetings will be conducted.

(4) The Returning Officer shall, after receiving the proposed schedules of campaign meetings from each Political Party under sub-regulation (1), convene a meeting of all Political Parties or candidates concerned, in order to discuss and agree on a coordinated programme of campaign meetings.

(5) After preparing a coordinated programme of campaign meetings under Sub-regulation (2), the Returning Officer shall distribute copies to-

- (a) political parties involved in Parliamentary election in the constituency;
- (b) the District Commissioner; and
- (c) the Police Officer Commanding District for the purposes of providing security during campaign meetings.

43. Coordinated programme to constitute sufficient notice

The coordinated programme shall be binding to all candidates and Political Parties and, shall constitute sufficient notice of proposed meetings for the purposes of Political Parties Act and the Police Force and Auxiliary Services Act.

44. Change of coordinated campaign programme in Parliamentary election

(1) Where any Political Party intends to change its campaign venue or schedule, it shall immediately inform the Returning Officer in writing stating reasons for the proposed changes, and the Returning Officer shall before determination, convene a meeting of Political Parties concerned to discuss and agree on the changes.

(2) Where the Parliamentary election campaign schedule interferes or collides with the coordinated campaign programme for Presidential election in the constituency, the Returning Officer shall immediately convene a meeting with Political Parties for the purposes of making necessary amendments to the coordinated Campaign programme for Parliamentary election.

(3) Where in pursuance of Sub-regulations (2) and (3), a coordinated campaign programme requires to be amended the Returning Officer shall amend it accordingly and notify Political Parties concerned, District Commissioner and Police Officer Commanding District.

PART VII ELECTION DAY, VOTES COUNTING, ADDITION OF VOTES AND DECLARATION OF RESULTS

A. Election day and voting

45. Election Day

The Election day shall be specified by the Commission as provided for under the Act.

46 . Revocation and appointment of another polling day

(1) Where before polling day, an event occurs which prevents an election to take place in a constituency on the appointed day, the Returning Officer shall immediately inform the Commission, and the Commission shall revoke the originally appointed day and appoint another election day for that particular constituency.

(2) Where on the election day, an election fails to be conducted in the constituency, the Returning Officer shall immediately inform the Commission which shall appoint another election day in respect of the particular constituency.

47. Notice of election Polling Stations

- (1) Each Returning Officer shall issue a notice of election in the constituency eight days before election day.
- (2) The notice of election under Sub-regulation (1) shall be displayed in a conspicuous place at the constituency offices and outside the Polling station and shall contain-
 - (a) the date and time for commencement and close of poll;
 - (b) the address of each polling station in the constituency;
 - (c) the names and registration numbers of voters assigned to each polling station; and
 - (d) the full names, a recent photograph of the candidate and acronym or logo of the Political Party sponsoring the candidate.

47 A. Polling Stations

- (1) The registration centres established by the Commission shall be used as polling stations.
- (2) The Commission shall inform the Returning Officer the number of polling stations in a Polling District and the number of voters allocated to each polling station.
- (3) Every Returning Officer shall within fourteen days before polling day or such other period to be directed by the Commission, issue to candidate or Political Parties the names and addresses of polling stations.

48. Polling agents

- (1) For the purposes of Sub-regulation (2), a Returning Officer shall within fourteen days before polling day or such other period to be directed by the Commission, issue to candidates or Political Parties names and addresses of polling stations.
- (2) Each Political Party involved in an election, shall subject to the provisions of the Act, and not later than seven days before election day, inform in writing the Returning Officer the names and addresses of polling agents and their respective polling stations.
- (3) The Returning Officer shall after receiving the information under Sub-regulation (2), inform the Presiding Officers or polling assistants the polling agents authorized to be at each polling station.
- (4) Every polling agent shall before assuming duty take an Oath of Secrecy in the prescribed Form No.6 of the First Schedule to these Regulations seven days before polling day.
- (5) No polling agent shall be allowed to be at the polling station without having taken an Oath of Secrecy.

49. Polling agents for Presidential election

- (1) Each Political Party sponsoring a Presidential candidate may, after consultation with the candidate, appoint a polling agent for each polling station.
- (2) Notwithstanding Sub-regulation (1), where a Political Party has already appointed a polling agent in respect of a polling station for Presidential election, the Political Party shall not appoint another polling agent for the same polling station within the constituency where there is a Parliamentary candidate or a Councilor candidate of the same party contesting an election.

50. Distribution and custody of election equipment and materials.

(1) All the election equipment and materials shall be supplied by the Commission to the Returning Officer, and the Commission or the Director of Elections shall issue directives relating to utilization, distribution and safe custody of such election equipment and materials.

(2) The Returning Officer or Assistant Returning Officer shall, not later than one day before the date of polling, distribute or cause to be distributed election equipment and materials to each Presiding officer.

(3) Subject to Sub-regulation (1), distribution of election equipment and materials under this regulation shall be issued in writing and all the election equipment and materials shall be kept in safe custody by the Presiding officer.

51. Satisfaction or dissatisfaction of polling agents on preparation of voting.

(1) Where any polling agent is satisfied with the preparation of the polling station shall, before the commencement of voting state in Form No. 14 as prescribed under the First Schedule to these Regulations.

(2) Where any Polling Agent is dissatisfied with the preparation of polling station shall before the commencement of the voting make a complaint in Form No. 14 to the Presiding Officer or Polling Assistant as the case may be and the Presiding Officer or Polling Assistant shall make a determination and indicate on the same Form the manner in which he has dealt with the matter.

52. Dissatisfaction of voters on voting process.

Where any voter who has already voted, is not satisfied with the conduct of voting, he shall register his complaint in Form No. 15 as prescribed under the First Schedule to these Regulations and the Presiding officer shall determine the matter and indicate on the same Form the manner in which he has dealt with the complaint or dissatisfaction.

53. Voting by a blind voter.

Without prejudice to the provisions of the Act, where a blind voter wants to vote at any election and upon satisfaction by the Presiding officer or polling assistant that the blind voter's name appears in the register and that the voter has been assigned to vote at such polling station and if the voter requests insert a ballot paper into tactile ballot folder and deliver to such voter.

54. Voter's finger to be marked with indelible ink

Every voter in the polling station after inserting the ballot paper into the relevant ballot box shall proceed to cause his finger to be marked with indelible ink before leaving the polling station.

55. Voting by polling agents, electoral staff and candidates

(1) A registered voter in any polling district employed as a Polling Agent, an electoral staff or a person responsible for maintaining security at the Polling Station, other than at the polling station allocated to him, may by

Form No. 18 as prescribed under the First Schedule to these Regulations, be authorized by the Returning Officer to vote at any other polling station in the polling district.

(2) Where a registered voter in the constituency is a candidate and wishes to vote at a polling station not allocated to him, the Returning Officer may, by Form No. 19 as prescribed under the First Schedule to these Regulations, authorize such candidate to vote at a specified polling station in the constituency.

56. Ballot paper count

(1) The Presiding Officer shall before and after completion of voting, record the ballot paper count in Form No. 13 as prescribed under the First Schedule to these Regulations indicating-

- (a) ballot papers issued to him by the Returning Officer;
- (b) used ballot papers;
- (c) spoilt ballot papers; and
- (d) unused ballot papers.

(2) Subject to Sub-regulation (1), the ballot paper count Form No. 13 shall be submitted to the Returning Officer.

57. Adjournment of polling

(1) Where on the polling day, polling is interrupted or obstructed by riot or open violence, the Presiding officer or, as the case may be, a polling assistant shall-

(a) where there remains voters in the register who have not completed voting, adjourn polling until next day and the polling station shall be opened for same polling hours as the original polling day; and

(b) where all voters in the register have completed voting, the polling process shall be deemed to have been completed,

(2) Where polling is adjourned under Sub-regulation (1), the Presiding Officer shall immediately inform the Returning Officer or, as the case may be, the Assistant Returning Officer and the Returning Officer shall inform the Commission.

B. Votes counting, addition and declaration of results

58. Votes counting

The Presiding officer shall, soon after the close of the poll and in the presence of counting agents or alternate counting agents, count all votes at the Polling Station.

59. Satisfaction or dissatisfaction of counting agents or candidates.

Where any polling agent is satisfied or dissatisfied with the counting of votes, shall complete Form No. 16 as prescribed under the First Schedule to these Regulations and the Presiding officer or, as the case may be, a polling assistant shall make a determination and indicate on the same Form the manner in which he has dealt with the matter.

60. Polling station election results and report of Presiding Officer

(1) The Presiding officer at the polling station shall, after counting all votes under this Regulation, record election results for the polling station in respect of Presidential election and Parliamentary election in Forms No. 21A and 21B as prescribed under the First Schedule to these Regulations respectively.

(2) The election results forms for each election shall be signed by the Presiding officer or, as the case may be, a polling assistant and polling agents or candidate, and every agent or candidate shall be given a copy of the results.

(3) The Presiding Officer, after the conclusion of counting exercise shall prepare a polling station report in Form No. 20 as prescribed under the First Schedule to these Regulations.

(4) The Presiding officer or polling assistant shall submit to the Returning Officer or, as the case may be, the Assistant Returning Officer in the polling district the following-

(a) polling station election results in Forms No 21 A and 21 B;

(b) a polling station report in Form No. 20 which shall include-

(i) completed Forms No. 15 and 16 containing satisfaction or dissatisfaction of polling agents or candidates and in the case of dissatisfaction, the manner in which the matter was dealt with;

(ii) a voters' declaration , if any, made in Form No. 17 as prescribed under the First schedule to these Regulations

(iii) Form No. 14 containing voter's complaint, if any, regarding the polling process and in the manner in which it was dealt with;

(iv) the unused Forms No.14,15,16 and 17;

(v) the ballot paper count Form No. 13;

(vi) the counterfoils of ballot papers;

(vii) unused or spoilt ballot papers if any;

(viii) Register of Voters;

(ix) Certificate authorizing electoral staff, polling agents (Form No, 18) or candidates (Form No.19) to vote at the polling station if any;

(c) the ballot boxes containing votes; and

(d) any other election equipment and materials entrusted to him for the purposes of polling exercise.

61. Notice of addition of votes

The Returning Officer shall, after receiving election results from all polling stations within the constituency, notify in writing Political Parties or candidates as to the date, time and venue for addition of all votes cast.

62. Determination of disputed votes.

(1) Subject to the provisions of the Act, the Returning Officer or Assistant Returning Officer, as the case may be, shall determine validity of disputed votes before the addition of votes and record the result in Part B of Forms No. 21A and 21B respectively indicating number of disputed votes acquired by each candidate and cause the forms to be signed by candidates or Political Parties' agents if present.

(2) The Returning Officer or an Assistant Returning Officer, as the case may be, shall issue to each candidate or his agent a copy of part B of Forms No. 21A and 21B.

63. Addition of votes

(1) Subject to Regulation 61 the Returning Officer shall conduct the addition of votes from all polling stations within a constituency in the presence of candidates or agents of political parties if any.

(2) A candidate or person appointed to be an agent shall not be allowed to be present at the addition of votes unless he has taken an Oath of Secrecy.

64. Partial Presidential election results

(1) The Returning Officer shall after the addition of votes for Presidential election-

- (a) record the partial results of the Presidential election in the constituency in Form No. 24A as prescribed under the First Schedule to these Regulations;
 - (b) issue to every candidate or his agent a copy of Form No. 24A;
 - (c) display a copy of Form No. 24A at the notice board of constituency offices; and
 - (d) immediately submit to the Commission the partial results of the Presidential election in the constituency in the prescribed forms.
- (2) For the purposes of this Regulation, partial results means Presidential election results of a particular constituency.

65. Announcement of Partial Presidential election results by the Commission

- (1) The Commission shall, after receiving partial Presidential election results submitted to it under Regulation 64, and upon verification, announce results of Presidential election for that constituency.
- (2) The Commission shall, after receiving partial results for Presidential election from all constituencies, notify in writing Political Parties or candidates concerned as to the date, time and venue for addition of votes.
- (3) Subject to this Regulation, the Commission shall add together all the respective totals of partial results for each candidate submitted to it by the Returning Officers.
- (4) The Commission shall, after addition of partial election results under Sub-regulation (3)-
 - (a) record the Presidential election results in Form No. 27 as prescribed under the First Schedule to these Regulations;
 - (b) declare a candidate for whom the majority of valid votes have been cast to be an elected President;
 - (c) issue to every candidate or his agent a copy of Form No. 27; and
 - (d) display a copy of Form No. 27 on the notice board of the Commission offices.
- (5) The Commission shall, immediately after the declaration of results under this Regulation, issue a certificate as prescribed under the Third Schedule to these Regulations to the elected candidate indicating-
 - (a) full names of the elected candidate;
 - (b) date of election;
 - (c) the title acquired by the elected candidate; and
 - (d) the signature of the Chairman or Vice Chairman of the Commission.
- (6) The Commission shall publish the Presidential election results in the Gazette.

66. Declaration of Parliamentary election results.

- (1) The Returning Officer shall, after the addition of votes from all polling stations in the constituency-
 - (a) record the election results in Form No. 248 as prescribed under the First Schedule to these Regulations and sign the Form;
 - (b) require the candidates or their agents if any, to sign Form No. 248;
 - (c) issue to every present candidate or his agent a copy of election results recorded in Form No. 248;
 - (d) declare a candidate for whom the majority of valid votes have been cast to be an elected candidate in the constituency; and
 - (e) display a copy of results recorded in Form No. 248 on the notice board of the constituency offices.

(2) The Returning Officer shall, immediately after declaration of results under Sub-regulation (1), issue to an elected candidate a certificate of election as prescribed under the Second Schedule to these Regulations.

(3) The certificate of election under Sub-regulation (2) shall contain-

- (a) the full names of the elected candidate;
- (b) the date of election;
- (c) title acquired by the elected candidate; and
- (d) the signature of the Returning Officer.

(

4) The Returning Officer shall, after the declaration of results at the constituency, forward the results to the Commission and the Commission shall cause the results to be published in the Gazette.

PART VIII

DECLARATION OF MEMBERS OF PARLIAMENT FOR WOMEN SPECIAL SEATS

67. Women Special Seats

(1) Subject to the provisions of the Act, every Political Party which contests Parliamentary elections held after the dissolution of the National Assembly may propose and submit to the Commission names of eligible women candidates for nomination as Members of Parliament for Women Special Seats.

(2) Candidates whose names have been submitted to the Commission under Sub-regulation (1) shall be subjected to the provisions of the Election Expenses Act of 2010.

(3) Every woman candidate whose name has been presented to the Commission under Sub-regulation (1) shall be required to fill the nomination Form No. 8D as prescribed under the First Schedule to these

Regulations obtained from the Commission or the Returning Officer.

(4) Form No. 8D shall contain the following-

- (a) personal particulars of the woman candidate;
- (b) statutory declaration of the woman candidate;
- (c) certification by the Political Party that the woman candidate is a member of, and is sponsored by the Political Party; and

(5) After declaration of women candidates the Commission shall publish in the Gazette the names of Members of Parliament for Women Special Seats.

PART IX

GENERAL PROVISIONS

68. Absence or refusal to sign by Political Parties' agents or candidates.

The absence or refusal to sign by Political Parties' agents or a candidate at the appointed time and place of Polling, counting and addition of votes shall not stop, delay or invalidate the election process.

69. Disbursement of funds and statement of expenditure.

(1) The Director of Elections shall disburse funds to Regional Elections Coordinators and Returning Officers for the purpose of facilitating the conduct of elections.

(2) The expenditure of funds for election by the Returning Officer shall be in accordance with the Government Financial Regulations and directives of the Director of Elections.

(3) Every Regional Elections Coordinator or Returning Officer shall, immediately after finalizing all the electoral activities and in not more than two months after declaration of results, prepare and submit to the Director of Elections the statement of expenditure in respect of funds disbursed to him for the purposes of conducting elections.

70. Safe custody of election equipment and materials

Subject to the Act, the Public Procurement Act, and directives of the Director of Elections, every Regional Elections Coordinator or a Returning Officer shall, after the finalization of election, keep in safe custody the remaining or unused electoral equipment and materials which were handed over to him for the purposes of elections.

71. Disciplinary and Legal measures

(1) Where the Regional Elections Coordinator or a Returning Officer fails to comply with regulations 69 and 70, the Director of Elections shall request the Ministry to take disciplinary measures against such officer.

(2) Notwithstanding Sub-regulation (1), the Commission shall not be precluded from taking any other legal measures against such officer whenever it deems appropriate.

72. Other election procedures

In these Regulations, the Commission, election officers, electoral staff, candidates and Political Parties shall, observe the provisions of the Constitution, the Act and other directives made by the Commission for another electoral processes which are not covered under these Regulations.

73. Offences and penalties.

Any person, who contravenes the provisions of these Regulation commits an offence and shall be proceeded against under the Act.

74. Forms

The forms to be used in each electoral process other than those provided for under these Regulation shall be as Prescribed in the First and Second Schedules to these Regulations.

75. Revocation of G.N.No.279 of 2010

The National Elections (Presidential and Regulations, 2010 are hereby revoked.

SCHEDULE

Form No.6

THE UNITED REPUBLIC OF TANZANIA
THE NATIONAL ELECTORAL COMMISSION

OATH OF SECRECY

(Made under Regulation 16 (I) (a) of the Elections (Presidential and Parliamentary) Regulation 2015)

I

Appointed/Employed to

be.....

Do hereby take an Oath/ Affirm that I will not disclose any secret to any person in respect of any matter which will come to my knowledge by virtue of my appointment except where I have been directed to do so in accordance with written law.

.....

(Signature)

*Sworn or Affirmed before me this day of

..... 20

.....

*Magistrate/commissioner of Oaths / Returning Officer/ Assistant Returning Officer.

Stamp of the Court /office of the Returning Officer

THE UNITED REPUBLIC OF TANZANIA
THE NATIONAL ELECTORAL COMMISSION

(Made Under Regulation 16 (I) (b) of the Elections (Presidential and Parliamentary) Regulations, 2015

DECLARATION OF WITHDRAWAL OF MEMBERSHIP FROM PARTY OR NOT TO BE A MEMBER OF A POLITICAL PARTY

IAppointed/Employed to be

Do hereby take an Oath/Affirm that I will not disclose any secret to any person in of any matter which will come to my knowledge by virtue of my appointment except where I have been directed to do so in accordance with written law.

(a) I am not a member of any Political Party Or

(b) I am a member of Political and I withdraw my membership from that party. This..... day of..... 20....

What is stated above is true to the best of my knowledge and belief.

*SWORN/ AFFIRMED and signed by I

.....
(Signature of the Deponent)

SWORN/ AFFIRMED

for Oath

Magistrate/ Commissioner for Oath

BEFORE ME:

Name

Designation

Stamp of the Court or Commissioner

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION
NOMINATION FORM FOR PRESIDENTIAL CANDIDATE AND
VICE-PRESIDENTIAL CANDIDATE

(Made under Regulation 28 (1) of The Elections (presidential and Parliamentary) Regulations, 2015

Filling Instructions:

- (1) This form should be filled in BLOCK LETTERS.
- (2) It is only one name that can be written in BLOCK LETTERS on the ballot paper. In that regard, the name that the candidate would like to be used for that purpose must be written at the beginning followed by the rest of the other names in full.
- (3) Names of voters who will nominate the candidate should be written on the annexure
- (4) This form should be submitted together with four recent coloured passport size photographs.
- (5) This Form should be submitted together with Form No. 10 concerning the declaration that the candidate shall respect and abide with Electoral Code of Conduct of 2015.

A. PERSONAL PARTICULARS OF A PRESIDENTIAL CANDIDATE

1. Full Names
 2. Date of Birth
 3. Place of Birth; District Region Country
 4. Physical Address:*Village/StreetDistrictTel NoPostal AddressEmail address
 5. Current occupation
 6. Name of Political Party
 7. Have you ever been charged or convicted of any criminal offence? *YES/NO
- If the answer is yes, state the following:
- (a) Offences or offence for which you were charged with.....
 - (b) Date and place of conviction
 - (c.) The sentence imposed

B. DECLARATION OF THE PRESIDENTIAL CANDIDATE

I (Full names)sponsored to be a Presidential candidate, declare that I am willing and have the qualifications to contest for Presidency in this election, and that what I have stated above is true to the best of my own knowledge.

Signature:

Presidential Candidate

Date:

C. PERSONAL PARTICULARS OF A VICE PRESIDENTIAL CANDIDATE

1. Full Names:

2. Date of Birth:

3. Place of Birth District..... Region..... Country

4. Physical Address: *Village/Street:Council..... Tel.No.....
Postal Address.....Email address:

5. Current occupation

6. Name of Political Party:

7. Have you ever been charged or convicted of any criminal offence? *YES/NO

If the answer is yes, slate the following:

(a) Offence or offences for which you were charged with

(b) Date and place of conviction:

(c) The sentence imposed:

D. DECLARATION OF THE VICE-PRESIDENTIAL CANDIDATE

I (Full names)sponsored to be Vice-Presidential candidate, declare that I am willing and have the qualifications to contest for Vice-President in this election, and that what I have slated above is true to the best of my own knowledge.

Signature:

Vice- Presidential Candidate

Date:

E. CERTIFICATION OF A POLITICAL PARTY RECOMMENDING A
PRESIDENTIAL/ VICE PRESIDENTIAL CANDIDATE

I certify that *Mr /Mrs/Ms

(i) Is a member ofPolitical Party

(ii) Has been recommended by that Political Party to contest for.....

I certify that Mr./Mrs./Ms.....

(i) Is a member of..... Political Party

(ii) Has been recommended by that Political Party to contest for.....

Full Names *Mr /Mrs/Ms

Signature:

Postal Address

Stamp of the Political Party:

Date:

F. DECLARATION OF NOMINATORS OF A
PRESIDENTIAL/VICE-PRESIDENTIAL CANDIDATE:

We, the undersigned nominators in the Annexure hereto, being Voters duly registered in election constituencies in the stated Regions, nominate *Mr / Mrs/ Ms..... of Postal Address..... to be the Presidential candidate for Political Party; and *Mr/Mrs/Ms of Postal Address to be the Vice-Presidential Candidate for the United Republic of Tanzania in the General Elections of the year 20tS whose nomination of Candidates is to take place on the day of.....

..... 20

S/N	NAME OF NOMINATOR	PHYSICAL ADDRESS CONSTITUENCY/WARD	VOTER'S CARD NUMBER	SIGNATURE OR THUMBPRINT	CERTIFICATE OF RETURNING OFFICER
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40					

G. STATUTORY DECLARATION OF A PRESIDENTIAL CANDIDATE

1.declare that I have the qualifications to be a Presidential Candidate as follows:

- (a) I am a citizen of the United Republic of Tanzania by birth;
- (b) I have attained the age of forty years or more;
- (c) I am a member and a candidate sponsored by a Political Party;
- (d) I have the qualifications enabling me to be a Member of Parliament or a member of the House of Representatives; and
- (e) I have not been convicted or sentenced in any court of law for an offense of tax evasion within the period of five years before the election date.

I strongly DECLARE and believe that this DECLARATION is true to the best of my own knowledge.

Signature of candidate

This declaration has been made before a Judge of the *High court/Court of Appeal

This..... day of20

Name of Judge

Signature

*SEAL OF THE HIGH COURT/COURT OF APPEAL

*Delete which is inapplicable

H. STATUTORY DECLARATION OF CANDIDATE FOR VICE-PRESIDENTIAL

Ideclare that I have the qualifications to be a Vice-Presidential candidate as follows:

- (a) I am a citizen of the United Republic of Tanzania by birth;
- (b) I have attained the age of forty years or more;
- (c) I am a member of and candidate sponsored by a Political Party;
- (d) I have the qualifications enabling me to be a Member of Parliament or the House of Representatives; and
- (e) I have not been convicted or sentenced in any court of law for an offense of tax evasion within the period of five years before the election date.

I strongly DECLARE and believe that this DECLARATION is true to the best of my own knowledge.

Signature of candidate

This declaration has been made before a Judge of *High Court/ Court of Appeal

this day of..... 20

Name of Judge

Signature

*SEAL OF THE HIGH COURT/COURT OF APPEAL

*Delete which is inapplicable

I. CERTIFICATON OF THE NATIONAL ELECTORAL COMMISSION

(i), I have inspected all the names of the nominators for Presidential and Vice-Presidential candidates and I certify that all of them have been registered as voters in the Penn anent National Voters' Register;

(ii). I certify that the candidates have paid Tshs as security and have been issued a receipt therein; and

(iii). I have received the nomination Forms at hours on
..... day of..... 20

Name

Signature

*Chairman/Vice Chairman
National Electoral Commission.

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION

NOMINATION FORM FOR MEMBER OF PARLIAMENT CANDIDATE.

(Made under Regulation 31(1) of The Elections (Presidential and Parliamentary) Regulations, 2015

Constituency..... Council

Filling Instructions:

- (1) This form should be filled in BLOCK LETTERS.
- (2) It is only one name that can be written in BLOCK LETTERS on the ballot paper. In that regard, the name that the candidate would like to be used for that purpose must be written at the beginning followed by the rest of the other names in full.
- (3) Names of Nominators must be written on the Annexure.
- (4) This form should be submitted together with four recent coloured passport photographs.
- (5) This Form should be submitted together with Form No. 10 concerning the declaration that the candidate shall respect and abide with the Electoral Code of Conduct of 20 15.

A. PERSONAL PARTICULARS FOR A MEMBER OF PARLIAMENT CANDIDATE

- 1. Full Names:
- 2. Date of Birth:
- 3. Place of Birth: District Region..... Country
- 4. Physical Address: Village/Street..... District
- Tel. No..... Postal AddressEmail:.....
- 5. Current Occupation
- 6. Name of Political Party
- 7. Have you ever been charged or convicted of a criminal offence? *YES/NO

If the answer is yes, state the following:

- (a) Offences or offence for which you were charged with.....
- (b) Date and place of conviction
- (c) The sentence imposed.....

B. DECLARATION OF A MEMBER OF PARLIAMENT CANDIDATE

I (Full names)..... Sponsored to be a Member of Parliament Candidate forConstituency I declare that I am willing and qualified to contest in this Parliamentary election, and that what I have stated above is true to the best of my knowledge.

Signature:

Member of Parliament Candidate

Date:

C. CERTIFICATION OF THE *REGIONAL/DISTRICT SECRETARY OF THE POLITICAL PARTY SPONSORING THE MEMBER OF PARLIAMENT CANDIDATE

I certify that *Mr/Mrs/Ms

(i) is a member of..... Political Party;

(ii) has been recommended by that Political Party to contest in..... constituency

Full names *Mr/Mrs/Ms

Designation in the Political Party

Postal address

Signature

Date

Stamp of the Political Party

D. DECLARATION OF NOMINATORS NOMINATING A MEMBER OF PARLIAMENT CANDIDATE

We, the undersigned, being voters duly registered in constituency nominate

*Mr/Mrs/Ms..... of (address) of Political Party to be a Member of Parliament candidate for..... Constituency in the Parliamentary election whose nomination of candidates is to be held onof..... 20

Annexure

S/ N	NAME OF NOMINAT OR	PHYSICAL ADDRESS CONSTITUENCY/W ARD	VOTER'S CARD NUMBER	SIGNATURE OR THUMBPRINT	CERTIFICA TE OF RETURNIN G OFFICER
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E. STATUTORY DECLARATION OF A MEMBER OF PARLIAMENT CANDIDATE

Ideclare that I have the qualifications to contest for Parliamentary Election Seat:-

- 1. I am a citizen of the United Republic of Tanzania;
- 2. I have attained the age of 21 years or more;
- 3. I have not been disqualified from contesting in a Parliamentary Election;
- 4. I can read and write in Swahili or English language;
- 5. I am a member of a Political Party that has been duly registered under the Political Parties Act and I have been sponsored by that Political Party to contest for a Member of Parliament; and
- 6. I have not been convicted or sentenced in any court of law for an offense of tax evasion within the period of five years before the election date.

I strongly DECLARE and believe that this DECLARATION is true to the best of my own knowledge.

Signature of candidate

This declaration has been made by

this day of.20

Signature of candidate.....

BEFORE ME

Name of Magistrate

Date

Signature

SEAL OF THE COURT

F. CERTIFICATION OF THE RETURNING OFFICER

(i) I have inspected all the names of nominators who have nominated the candidate mentioned herein and I certify that all of them have been Registered as voters in the Permanent National Voters' Register in..... Constituency;

(ii) I certify that the candidate has paid Tshs..... as security and have been issued a receipt No..... and

(iii). I have received the nomination forms at..... hours on..... day of..... 20

Name of Returning Officer

Signature

Date

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION

NOMINATION FORM FOR CANDIDATE OF MEMBER OF PARLIAMENT WOMEN
SPECIAL SEATS

(Made under Regulation 67 (3) of the Elections (Presidential and Parliamentary)
Regulations. 2015

To the Chairman

National Electoral Commission

A. PERSONAL PARTICULARS OF THE CANDIDATE

1. Full Names:
 2. Date of Birth:
 3. Place of Birth: DistrictRegionCountry
 4. Physical Address; *Village/Street..... District.. ... Telephone Number
.....Postal Address
 5. Current occupation
 6. Name of Political Party
 7. Have you ever been charged or convicted of a criminal offence? *YES/NO
- If your answer is yes, state the following:
- (a) Offences or offence for which you were charged with
 - (b) Date and place of conviction
 - (c) The sentence imposed

B. DECLARATION OF THE CANDIDATE

I (Full names) ,..... declare that I am willing and have the qualifications to
contest for Women Special Seats, in the City/Municipal /Town/District Council
of..... and that what I have stated above is true to the best of my own knowledge.

Signature:.....

Date:

C. CERTIFICATION OF THE SECRETARY GENERAL OF THE POLITICAL PARTY
CERTIFYING THE CANDIDATE FOR MEMBER OF PARLIAMENT SPECIAL SEATS

(i) I certify that Mrs/Ms
(ii) is a member of..... Political Party and has been recommended
by..... Political Party to contest for Councillor Women Special Seats in the
*City/Municipal/Town/District Council of
Full names Mr./Mrs./Ms
Designation in the Political Party
Signature
Postal address
Date

STAMP OF THE POLITICAL PARTY

D. STATUTORY DECLARATION OF THE CANDIDATE

1..... declare that I have the qualifications to be a Member of Council for Women
Special Seats, as follows:

1. I am a citizen of the United Republic of Tanzania;
2. I have attained the age of 21 year or more;
3. I have not been disqualified to be a Member of Parliament;
4. I can read and write in Swahili or English;
5. I am a member of a Political Party that has been registered by virtue of the Political Parties
Act and I have been recommended by that Political Party to contest as a Councillor;
6. I am an ordinary resident of..... *City/Municipal Town/District Council;
and
7. I have not been convicted or sentenced by any court of law for an offence of tax evasion
within the period of five years before the election date.

I strongly DECLARE and believe that this DECLARATION is true to the best of my own
knowledge.

This declaration has been made by
thisday of20

Signature of candidate
Date

BEFORE ME

Name of Magistrate
Signature

SEAL OF THE COURT

* Forms should be accompanied by 2 coloured passport size photographs.

E. DECISION OF THE COMMISSION

.....
.....
.....

Signature

(Director of Elections)

Date

Form No. 9A

THE UNITED REPUBLIC OF TANZANIA

NATIONAL ELECTORAL COMMISSION OBJECTION TO THE NOMINATION OF THE
PRESIDENTIAL/VICEPRESIDENTIAL CANDIDATE

(Made under Regulation 30(4) of the Elections (Presidential and Parliamentary) Regulations.
2015

To the Chairman

National Electoral Commission

1. STATEMENT OF THE OBJECTOR

I,.....Presidential/Vice Presidential
Candidate Political Party

OR

I

Director of Elections

OR

I

Registrar of Political Parties.

Object against the nomination/candidature of *Mr./Mrs/Ms

Of..... Political Party.

To be the Presidential/Vice-Presidential candidate for the following reasons

(Place a tick in the relevant box)

(a) Not a citizen of the United Republic of Tanzania by birth,

(b) Has not attained the age of forty years.

(c) Lacks qualifications for Presidential/ Vice Presidential Candidate.

(d) Lacks qualifications for a Member of Parliament or Member of the House in
Representatives.

(e) Is not a member of a registered Political Part) by virtue of the Political Parties Act, Cap
258.

(f) Is not sponsored by a Political Party to contest for Presidential/Vice Presidential election.

(g) Has been convicted of an offense of tax evasion within the period of five years before the
election date.

- (h) Has not been nominated by registered voters in ten regions of the United Republic of Tanzania including at least 2 regions of Tanzania Zanzibar.
- (i) Has not been nominated by the required number of voters.
- (j) Did not pay the security of shillings one million (1,000,000/=).
- (k) Has no photographs.
- (l) Did not present Statutory Declaration.
- (m) Has not disclosed funds to be used in election under the Election Expenses Act, 2010.
- (n) Did not return the nomination form as per the legal requirements.
- (o) Did not subscribe to the Electoral Code of Conduct, 2015.
- (p) Has committed prohibited practices under the Election Expenses Act, 2010.

*Additional information, if any, to be attached to this form.

Signature of the objector

DateTime:

2. DECISION OF THE NATIONAL ELECTORAL COMMISSION

I..... the Chairman/Vice Chairman of the National Electoral Commission.

After receiving the statement of *Mr./Mrs/Ms..... (objected to)

Whose nomination is objected to by *Mr./Mrs./Miss..... (objector)

Accept/reject the objection made for the following reasons:

.....
.....

Decision made on this day of..... 20 at..... hours

Signature

"Chairman/Vice-Chairman

Delete which is inapplicable

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION

OBJECTION TO THE NOMINATION OF THE CANDIDATE FOR MEMBER OF
PARLIAMENT

(Made under Regulation 33(4) of the Elections (Presidential and Parliamentary) Regulations. 2015

To the Returning Officer,.....

Constituency

1. STATEMENT OF THE OBJECTOR.

I..... of Political Party..... Candidate for Member of
Parliament inConstituency

OR

I

Returning Officer of..... Constituency

OR

I

Registrar of Political Parties

Object to the nomination/candidature of *Mr /Mrs/Ms of
Political Party.

To contest for Member of Parliament ofconstituency for the following
reasons:

(Place a tick in the relevant box/letter)

- (a) Not a citizen of the United Republic of Tanzania.
- (b) Has not attained the age of 21years.
- (c) Can not read and write in Swahili or English.
- (d) Is not a member of a registered Political Party by virtue of the Political Parties Act, Cap 258.
- (e) Is not sponsored by a Political Party to contest for Member of Parliament.
- (f) Has been convicted of an offense of tax evasion within the period of five years before the election date.
- (g) Has not been sponsored by registered voters in the constituency
- (h) Has not been sponsored by the required number of voters.
- (i) Did not pay the security of shillings 50,000/=
- (j) Has no photographs.
- (k) Did not present Statutory Declaration.
- (l) Has not disclosed funds to be used in election under the Election Expenses Act, 2010.
- (m) Did not subscribe to the Electoral Code of Conduct of 2015.
- (n) Did not return the nomination form as per the legal requirements.
- (o) Has committed prohibited practices under the Election Expenses Act, 2010. Additional information, If any, to be attached to this form.

Signature of objector

Date Time:

THE UNITED REPUBLIC OF TANZANIA

THE NATIONAL ELECTORAL COMMISSION CANDIDATE'S DECLARATION OF ADHERING AND ABIDING TO THE ELECTORAL CODE OF CONDUCT OF 2015.

(Made under Regulation 27A (3) of the Elections (Presidential and Parliamentary) Regulations of 2015

(This form must be completed and returned together with the nomination forms)

Iwho expects to be a:

- (a) *Presidential/Vice - Presidential Candidate in the
- (b) Member of Parliament Candidate in.....Constituency in district/council.
- (c) Councilor candidate in..... Ward in Council/ District, sponsored byPolitical Party registered under the Political Parties Act, Cap 258 of the laws of Tanzania.

I declare that I will respect/ adhere and abide to the Electoral Code of Conduct of 2015, throughout the campaign period and the Polling day.

I am making this declaration believing that what I have stated above is true to the best of my knowledge.

Signature

Physical address

This declaration has been made before me on..... day of. ...20..... athours

Name:

Signature

*Director of Elections/ Returning officer/ Assistant Returning Officer.

*Delete which is inapplicable.

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION
EMPLOYMENT CONTRACT

Made under Regulation 14(3) of the Elections (Presidential and Parliamentary) Regulations of 2015

I.of..... *Village/Street.....
..... Ward andDistrict

Who for the purposes of this contract shall be known as "the EMPLOYEE" agrees to be employed by Returning Officer.....Registration Officer of.....Council Constituency who for the purposes of this agreement shall be known as "the EMPLOYER"

WE TOGETHER, employer and employee agree as follows:

1. That the employer will organize a seminar that will provide for directions on how the employee will perform the duties of
2. That in that seminar, the employer shall pay the employee Tshs..... Per.day, for the days he will attend the seminar.
3. That the employer has agreed to employ the employee as for a period of days, that is to say, from to for the payment of Tshs..... perday. The employer may increase or decrease the employment days if need arises and the terms of this agreement shall apply thereto.
4. That the employee will carry out the work diligently for the entire period of days, that it to say, from..... to without going on strike or refusing to carry out the work of.....
5. That the employee will safeguard in all manner possible, all the equipment he will be given by the employer and to return them on the last day, that isday, in case the employer will require the equipment before the last day, that is the employee will be required to return the same to the employer.
6. That the employer or his representative will inspect the equipment whenever he deems fit to do so within the contract period.
7. The employer shall not pay for the days that the employee will not work.
8. That the employer shall pay the employee *his* money in installments as he deems fit.
9. That the employer will pay the employee the last installment without any in cumbrances on the day he will return all the equipment, given to him by the employer, in a good condition.
10. The employer may terminate this contract before its termination date by informing the employee and giving reasons for the termination of the contract.

II. The employer and employee are bound by the terms of this contract.

.....
Full Name of the Employee Signature of the Employee

Date

.....
Full name of the Employer Signature of the Employer

Date

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION

APPEAL AGAINST NOMINATION OF A CANDIDATE FOR MEMBER OF PARLIAMENT
(Made under Regulation 34(2) of the Elections (Presidential and Parliamentary) Regulations, 2015

To the National Electoral Commission
u.f.s Returning Officer

..... Constituency Council

A. PARTICULARS OF THE APPELLANT

Name of the appellant

Constituency to which the candidate requests to be nominated

his political party

(The Returning Officer to attach the relevant objection form together with the relevant annexure)

B. PARTICULARS OF THE RESPONDENT

Name of the respondent

*Ward/Constituency to which the candidate requests to be nominated

His political party

C. PARTICULARS OF THE APPEAL

I present my appeal to the Commission that I am not satisfied with the decision of the Returning officer regarding the objection against my nomination.

OR

From the objection lodged, I am not satisfied with the decision of the Returning Officer to proceed to nominate *Mr /Mrs/Ms of Political Party..... to be the "Member of Parliament candidate in..... constituency

The grounds of appeal are as follows:

.....
.....
.....

Signature of the Appellant

(If you have any additional information attach to this form)

Date

D. DECISION OF THE NATIONAL ELECTORAL COMMISSION

'Appeal has been allowed/dismissed for the following reasons:

.....
.....

Name of Director of Elections

SignatureDateTime

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION
BALLOT PAPER COUNT

(Made under Regulation 56(I) of the Elections (Presidential and Parliamentary) Regulations, 2015

A: Presidential Election

Electoral Constituency
Ward.....
Polling Station
Date of Election..... Ballot box Number.....
.....
.....
TOTAL OF BALLOT.....
I confirm that this is the correct total of all the ballot papers given to me.
Date
Name
Signature Date
Presiding Officer

B: Member of Parliament Election

Electoral Constituency
Ward.....
Polling Station
Date of ElectionBallot box Number

TOTAL OF BALLOT PAPERS.....
I confirm that this is the correct total of all the ballot papers given to me.
Date
Name
Signature
Presiding Officer

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION
SATISFACTION OR DISSATISFACTION OF THE POLLING AGENT BEFORE
COMENCEMENT OF VOTING AND AFTER VOTING

(Made under Regulation 51 of the Elections (Presidential and Parliamentary Regulations, 2015)

EVERY POLLING AGENT HAS TO FILL IN ONE FORM

TO: Presiding Officer

Council

Constituency

Polling District/Ward

Polling station

Polling Station number

Name of polling agent

Name of Political Party

SATISFACTION OR DISSATISFACTION OF THE POLLING AGENT BEFORE
COMMENCEMENT OF VOTING

(i) I affirm that I am satisfied with the preparations of the polling station.

Name of Agent..... Signature of Agent

Date

OR

(ii) *1 was not satisfied with the preparations of the polling station for the following reasons:-

.....

(iii) Information regarding how the complaint was dealt with by the Presiding Officer.....

Name..... Signature

(Presiding Officer)

Date

SATISFACTION OR DISSATISFACTION OF THE POLLING AGENT AFTER
VOTING IN THE POLING STATION

(i) I affirm that, I am satisfied with the polling procedures at this station.

Name of Agent.....

Signature of Agent

Date:

OR.

(ii) I was not satisfied with the polling procedures at this station for the following reasons:

.....

.....

(iii) Information regarding how the complaint was dealt with by the Presiding Officer

NameSignature

(Presiding Officer)

Date

NB: If the space provided is Insufficient, attach an additional paper with extra information.

AFFIRMATION OF THE POLLING AGENT

- 1. Name.....Party.....Signature.....
- 2. Name.....Party.....Signature.....
- 3. Name.....Party.....Signature.....
- 4. Name.....Party.....Signature.....
- 5. Name.....Party.....Signature.....
- 6. Name.....Party.....Signature.....
- 7. Name.....Party.....Signature.....
- 8. Name.....Party.....Signature.....
- 9. Name.....Party.....Signature.....
- 10. Name.....Party.....Signature...
- 11. Name.....Party.....Signature...
- 12. Name.....Party.....Signature...
- 13. Name.....Party.....Signature...
- 14. Name.....Party.....Signature...
- 15. Name.....Party.....Signature...
- 16. Name.....Party.....Signature...
- 17. Name.....Party.....Signature...
- 18. Name.....Party.....Signature...
- 19. Name.....Party.....Signature...
- 20. Name.....Party.....Signature...
- 21. Name.....Party.....Signature....
- 22. Name.....Party.....Signature...

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION

COMPLAINTS OF A VOTER REGARDING THE PROCEDURE OF VOTING AT
POLLING STATION

(Made under Regulation 52 of the Elections (Presidential and Parliamentary) Regulations, 2015

TO: Presiding Officer

Council.....

Electoral Constituency

Polling Station

Polling Station number

Name of voter

Physical address of the voter: *Village/Street.....

Voter's Registration Number (As it appears in the voter's card)

Complaints:

Signature/Thumbprint of the complainant Date.....

Information regarding how the complaint was dealt with by the Presiding Officer

Name..... Signature

(Presiding Officer)

Date

NB: If the provided space is insufficient, attach an additional paper with extra information

AFFIRMATION OF THE POLLING AGENT

1. Name.....Party.....Signature.....
2. Name.....Party.....Signature.....
3. Name.....Party.....Signature.....
4. Name.....Party.....Signature.....
5. Name.....Party.....Signature.....
6. Name.....Party.....Signature.....
7. Name.....Party.....Signature.....
8. Name.....Party.....Signature.....
9. Name.....Party.....Signature.....
10. Name.....Party.....Signature...
11. Name.....Party.....Signature...
12. Name.....Party.....Signature...
13. Name.....Party.....Signature...
14. Name.....Party.....Signature...
15. Name.....Party.....Signature...
16. Name.....Party.....Signature...
17. Name.....Party.....Signature...
18. Name.....Party.....Signature...
19. Name.....Party.....Signature...
20. Name.....Party.....Signature...
21. Name.....Party.....Signature...
22. Name.....Party.....Signature...

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION
SATISFACTION OR DISATISFACTION OF A CANDIDATE OR AGENT AT THE
COUNTING OF VOTES

(Made under Regulation 59 of the Elections (Presidential and Parliamentary) Regulations, 2015

EVERY CANDIDATE OR AGENT SHALL COMPLETE ONE FORM

Council.....

Constituency

*Polling District/Ward

Name of Polling Station

Number of Polling Station

Name of *Candidate/ Agent

Name of the Political Party

A I. INSPECTION OF BALLOT BOXES

*A: (i) I verify that the box/boxes {quantity}

*has been inspected/ have been inspected before me and I have no complaint.

OR

(ii) I verify that the box/boxes (quantity)has been inspected/have been inspected before me and I have the following complaints:

Name..... Signature

(Candidate/Counting Agent)

Date

*B: Information regarding how the complaints were dealt with by the Presiding Officer

NameSignature

(Presiding Officer/Polling Assistant)

Turn overleaf.

II. VERIFICATION OF NUMBER OF VOTES IN EACH BALLOT BOX

*A: (i) I verify that the ballot papers inside the box/boxes mentioned in part "1" have been counted by the Presiding Officer/Polling Assistant and the total papers in each box/ all boxes have been indicated and I have no complaints:

OR

(ii) I have the following complaints regarding votes counting procedures of the ballot papers inside the ballot box/boxes:

Name..... Signature

(Candidate/Counting Agent)*

Date

*B: Information regarding on how the complaint was dealt with by the Presiding Officer

NameSignature
(Presiding Officer/Polling Assistant)
Date.....

III. VOTES ACQUIRED BY EACH CANDIDATE

A: (i) I affirm that, I am satisfied with the counting of votes and I have no complaints.

OR

(ii) I was not satisfied with the counting of votes and I have the following complaints:

Name..... Signature
(Candidate/Counting Agent)*
Date

B: Information regarding how the complaint was dealt with by the Presiding Officer
.....

NameSignature
(Presiding Officer/Polling Assistant)
Date

NB: If the provided space is insufficient, attach an additional paper with extra information

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION

DECLARATION BY A VOTER

(Made under Regulation 74 of the Elections (Presidential and Parliamentary
Regulations of 2015

Name Signature

(Presiding Officer)

I

(Full names)

of (Address).....

Do hereby declare and state as follows:-

* (a) That I am the bearer of the name

appearing in the voter's registration card number and

In the Voter's Register ofWard/Polling District in
..... Constituency, and my registration at..... Ward/ Polling District,
was to the best of my knowledge not deleted.

OR

* (b) That I have not yet voted here or at any other polling station for the election of
President/Member of Parliament.

*(c) that i have all the qualification of a voter.

Signature /Thumbprint of voter

This Declaration has been made before me this..... day of.. ...20....

NOTE: Any person wishing to vote *may* be required to sign one or both of these declarations
as the Presiding Officer may deem necessary to do so. Where only a single declaration is
required, then the inapplicable one should be deleted by the Presiding Officer.

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION

AUTHORIZATION OF ELECTORAL STAFF AND POLLING AGENTS TO VOTE AT A
POLLING STATION WHICH HE/SHE WAS NOT REGISTERED

(Made under Regulation 55(1) of the Elections (Presidential and Parliamentary) Regulations
of 2015

*Mr./Mrs/Miss..... who is the bearer of
voter's card number issued on..... 20

at..... Registration station situated in..... Constituency Ward

Has been appointed to be *Returning Officer/Assistant Returning Officer/Presiding
Officer/ Polling Assistant/Security Personnel/Polling Agent/Direction Clerk at the polling
station number

I permit the afforesaid to vote at..polling station number at Ward
..... Constituency.

Name

Signature

*Returning Officer/ Assistant Returning Officer

Date

Stamp of the Returning Officer.

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION

AUTHORISATION OF A CANDIDATE TO VOTE AT A POLLING STATION WHICH
HE/SHE WAS NOT REGISTERED

(Made under Regulation 55(2) of the Elections (Presidential and Parliamentary) Regulations,
of 2015

Mr /Mrs/Ms:who is the bearer of voter's card
number:Issued on

at..... polling station of ward /Constituency.....

Is a candidate for * Presidency/Vice Presidency/Member of Parliament in.....
.....Constituency.

I permit the afforesaid to *vote* at polling station number..... at.....
Ward..... Constituency.

Name.....

Signature

Date

*Returning Officer! Assistant Returning Officer

Stamp of the Returning Officer

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION
REPORT OF PRESIDING OFFICER

(Made under Regulation 60(3) (b) of the Elections (Presidential and Parliamentary Regulations of 2015

To the Returning Officer:.....

Name of Polling Station:

Number.....

Polling District/Ward

Constituency

Council.....

I. I inform you that:

*A. Complaints were lodged at this Polling Station and I forward to you Form No . 14, 15 and 16 containing the said complaints and the manner in which the complaints were dealt with.

*B. No complaints were lodged at this Polling Station, and I attach Form No. 14, 15 and 16.

*c. I return to you the following unused forms:

Form No. 14 (Total)Form No. 15 (Total)Form No. 16.....(Total)

2. I return to you envelopes containing the following:

(a) Ballot papers account (Envelope No. I)

(b) Counterfoils of ballot papers used (Envelope Nos. 2A, 2B and 2C)

(c) The un used and/or spoilt ballot papers (Envelope Nos. 3A, 3B, and 3C)

(d) The Permanent National Voter's Register, Electoral staff , Polling Agents and candidate Authorization Forms (Envelope No.4)

Name..... Signature.....

(*Presiding Officer/Polling Assistant).

Date

AFFIRMATION OF POLLING AGENTS

- 1. Name.....Party.....Signature.....
- 2. Name.....Party.....Signature.....
- 3. Name.....Party.....Signature.....
- 4. Name.....Party.....Signature.....
- 5. Name.....Party.....Signature.....
- 6. Name.....Party.....Signature.....
- 7. Name.....Party.....Signature.....
- 8. Name.....Party.....Signature.....
- 9. Name.....Party.....Signature...
- 10. Name.....Party.....Signature...
- 11. Name.....Party.....Signature...
- 12. Name.....Party.....Signature...
- 13. Name.....Party.....Signature...
- 14. Name.....Party.....Signature...
- 15. Name.....Party.....Signature...
- 16. Name.....Party.....Signature...
- 17. Name.....Party.....Signature...
- 18. Name.....Party.....Signature...
- 19. Name.....Party.....Signature...
- 20. Name.....Party.....Signature....
- 21. Name.....Party.....Signature...



NATIONAL ELECTORAL COMMISSION
 PRESIDENTIAL ELECTION RESULTS AT THE POLLING STATION

(Made Under Regulation 60(1) of the Elections (Presidential and Parliamentary Elections Regulation, 2015)

PART 'A'

Name of Polling Station _____	Number					
Ward _____						

Name of Candidate	Sex	Name of Political Party	Acquired Votes	*	Name of Agent/Candidate	Signature
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						

17								
	TOTAL							
Total number of registered voters					-----			
Total number of voted voters					-----			
Total number of disputed votes					-----			
Total number of valid votes					-----			
Total number of rejected votes					-----			

Name.....Signature.....

(Presiding Officer/Polling Assistant

Date.....

Time.....

PART "B"

THIS FORM SHOULD BE FILLED BY THE RETURNING OFFICER DURING THE
DETERMINATION OF DISPUTED VOTES

THIS PART SHOULD BE FILLED BEFORE DETERMINATION OF DISPUTED VOTES				THIS PART SHOULD BE FILLED AFTER DETERMINATION OF DISPUTED VOTES				
Election results before adding of disputed votes				Election results after determination of disputed votes				
Name of Candidate	Sex		Name of Political Party	Votes acquired at polling Station	Results of disputed votes	Total number of votes for each candidate	Name of Candidate/ Agent	Signature of Candidate/ Agent
	M	F						
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
TOTAL								

Total valid votes	
Total rejected votes	

Name.....Signature.....

(Returning Officer/ Assistant Returning Officer)

Date.....



NATIONAL ELECTORAL COMMISSION
 PARLIAMENTARY ELECTION RESULTS AT THE POLLING STATION

(Made Under Regulation 61 of the Elections (Presidential and Parliamentary Elections Regulation, 2015)

PART 'A'

Name of Polling Station _____ Number	<table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> </tr> </table>								
Ward _____									

1	Name of Candidate	Sex	Name of Political Party	Acquired Votes	*	Name of Agent/Candidate	Signature
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							

14								
15								
16								
17								
18								
	TOTAL							

Total number of registered voters	-----
Total number of voted voters	-----
Total number of disputed votes	-----
Total number of valid votes	-----
Total number of rejected votes	-----

Name.....Signature.....

(Presiding Officer/Polling Assistant

Date.....

Time.....

PART "B"

THIS FORM SHOULD BE FILLED BY THE RETURNING OFFICER DURING THE DETERMINATION OF DISPUTED VOTES

THIS PART SHOULD BE FILLED BEFORE DETERMINATION OF DISPUTED VOTES				THIS PART SHOULD BE FILLED AFTER DETERMINATION OF DISPUTED VOTES				
Election results before adding of disputed votes				Election results after determination of disputed votes				
Name of Candidate	Sex		Name of Political Party	Votes acquired at polling Station	Results of disputed votes	Total number of votes for each candidate	Name of Candidate/ Agent	Signature of Candidate/ Agent
	M	F						
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
TOTAL								

Total valid votes	
Total rejected votes	

Name.....Signature.....

(Returning Officer/ Assistant Returning Officer)

Date.....



NATIONAL ELECTORAL COMMISSION
 TABLE OF RESULTS FOR PARLIAMENTARY ELECTION IN A CONSTITUENCY
 (Made Under Regulation 74 of the Elections (Presidential and Parliamentary Elections
 Regulation, 2015)

Constituency _____	Constituency Number						

Number of Polling Station	Number of Registered Voters	Actual number of voted voters	Vote Count	
			Valid Votes	Rejected Votes
TOTAL				

Name.....
 Signature.....

Returning Officer/ Assistant
 Returning Officer

Date.....



NATIONAL ELECTORAL COMMISSION
 TABLE OF RESULTS FOR PRESIDENTIAL ELECTION IN A CONSTITUENCY
 FOR EVERY POLITICAL PARTY

(Made Under Regulation 74 of the Elections (Presidential and Parliamentary Elections Regulation, 2015)

Constituency _____	Constituency Number					
--------------------	---------------------	--	--	--	--	--

N O	No of Po lli ng Sta tio ns	A F P	C C M	CH AD EM A	CH AU STA	C U F	DEM OCR ASIA MAK INI	D P	JA H AZ I AS ILI A	NC CR MA GE UZI	N L D	N R A	S A U	TA DE A	T L P	U D P	U M D	U P D P
	T O T A L																	

Name.....
 Signature.....

Returning Officer/ Assistant
 Returning Officer

Date.....



NATIONAL ELECTORAL COMMISSION

TABLE OF RESULTS FOR PARLIAMENTARY ELECTION IN A CONSTITUENCY

FOR EVERY POLITICAL PARTY

(Made Under Regulation 74 of the Elections (Presidential and Parliamentary Elections Regulation, 2015)

Constituency _____	Constituency Number						
--------------------	---------------------	--	--	--	--	--	--

No.	No of Pol lin g Sta tio ns	A F P	C M	CH AD EM A	CH AU STA	C U F	DEM OCR ASIA MAK INI	D P	JA H AZ I AS ILI A	NC CR MA GE UZI	N L D	N R A	S A U	TA DE A	T L P	U D P	U M D	U P D P
	TO TA L																	

Name.....
Signature.....

Returning Officer/ Assistant
Returning Officer

Date.....



NATIONAL ELECTORAL COMMISSION

PRESIDENTIAL ELECTION RESULTS AT THE POLLING STATION

(Made Under Regulation 64(1) of the Elections (Presidential and Parliamentary Elections Regulation, 2015)

Name of Polling Station _____	Number						
Ward _____							

Name of Candidate	Sex		Name of Political Party	Acquired Votes	*	Name of Agent/Candidate	Signature
	M	F					
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							

17								
18								
19								
20								
21								
	TOTAL							

Total number of registered voter's _____ Total number of voter's _____ Total number of valid voter's _____
--

Name.....
 Signature.....

Returning Officer/ Assistant
 Returning Officer

Date.....



NATIONAL ELECTORAL COMMISSION

PARLIAMENTARY ELECTION RESULTS AT THE POLLING STATION

(Made Under Regulation 66(1) of the Elections (Presidential and Parliamentary Elections Regulation, 2015)

Name of Polling Station _____	Number						
Ward _____							

Name of Candidate	Sex		Name of Political Party	Acquired Votes	*	Name of Agent/Candidate	Signature
	M	F					
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							

17								
18								
19								
20								
21								
	TOTAL							

Total number of registered voter's	_____
Total number of voter's	_____
Total number of valid voter's	_____

Name.....

Signature.....

Returning Officer/ Assistant
Returning Officer

Date.....

Form No. 25



NATIONAL ELECTORAL COMMISSION

TABLE OF RESULTS FOR PRESIDENTIAL ELECTION

(Made Under Regulation 74 of the Elections (Presidential and Parliamentary Elections Regulation, 2015)

NO	Constituency	Number of Registered Voters	Actual number of voted voters	Vote Count	
				Valid Votes	Rejected Votes



THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION

TABLE OF RESULTS FOR PRESIDENTIAL ELECTION FOR EVERY POLITICAL PARTY IN
EVERY CONSTITUENCY

(Made under Regulation 74 of the Elections (Presidential and Parliamentary) Regulations,
2015

NO. CONSTITUENCY.....Name of Political Party.....

Name Signature

Director of Elections

Date Time



NATIONAL ELECTORAL COMMISSION
RESULTS FOR PRESIDENTIAL ELECTION

(Made Under Regulation 65(4) (a) of the Elections (Presidential and Parliamentary Elections Regulation, 2015)

Name of Candidate	Sex		Name of Political Party	Acquired Votes	*	Winning Candidate	Name of agent/Candidate	Signature
	M	F						
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
TOTAL								

Total number of registered voters.....

Total Number of voted voters.....

Total number of valid votes.....

Total number of rejected votes.....

Name.....

Signature.....

Chairman/Vice-Chairman

National Election Commission

Date.....

Time.....

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION
RESULTS FOR PRESIDENTIAL ELECTION

(Made under Regulation 65(4) (a) of the Elections (Presidential and
Parliamentary) Regulations, 2015

Name of Candidate..... Sex of CandidateAgent/Candidate.....
Signature.....

Total number of registered voters.....

Total number of voted voters.....

Total number of valid Voles.....

Total number of rejected votes.....

Name

Signature

(*Chairman/Vice-Chairman)

National Election Commission

Date.....

Time.....

SECOND SCHEDULE

THE UNITED REPUBLIC OF TANZANIA

NATIONAL ELECTORAL COMMISSION

CERTIFICATE OF ELECTION THE PRESIDENT

(Made under Regulation 65(5) of the Presidential and Parliamentary Elections Regulations,2015)

* Prof/Dr /Mr/IMrs/Msof Party

By virtue of Section 65(5) of the **Presidential and Parliamentary Regulations of 2015**, you have been elected as a President of the United Republic of Tanzania in the elections held on day of..... 20.....

Chairman/Nice Chairman

National Electoral Commission

THE UNITED REPUBLIC OF TANZANIA

NATIONAL ELECTORAL COMMISSION

CERTIFICATE OF ELECTION FOR MEMBER OF PARLIAMENT

(Made under Regulation 66(2) of the Presidential and Parliamentary Elections Regulations, 2015)

* Prof /Dr/Mr /Mrs/Miss..... of Party

By virtue of Section 81 (b) of the National Elections Act, Cap. 343, you have been elected as a Member of Parliament in Constituency of District

in the elections held onday of..... 20

Returning Officer/ Assistant Returning Officer

THIRD SCHEDULE

(Under Regulation 7)

(BOUNDARY DELIMITATION)

CONSTITUENCIES DEMARCATION FOR THE PURPOSES OF PARLIAMENTARY
ELECTIONS

PART I

THE CRITERIA FOR CONSTITUENCIES DEMARCATION

1. Subject to the Constitution and the Act the Commission shall be responsible for demarcating the United Republic into constituencies.

2. In demarcating constituencies' boundaries, the Commission shall take into consideration the constitutional criteria and other criteria.

A. CONSTITUTIONAL CRITERIA

In exercising its duty of demarcating constituencies boundaries, the National Electoral Commission shall take into account the various criteria provided in the Constitution namely: availability of mean of communication, population and geographical conditions of the intended areas I'm demarcation.

B: OTHER CRITERIA TO BE CONSIDERED BY THE COMMISSION INCLUDE

(i) Population Quota.

This is the total number of population in the country, dividing by the total number of current constituencies. This criterion will take into account the difference of population between the Urban and Rural areas.

(ii) The Economic Status of the Constituency.

The economic status of the constituency concerned will be determined by looking on the number or percentage of people living below the poverty line and the revenue collection of a particular constituency.

(iii) The Size of Area of a Constituency.

A constituency which has a large area coverage may be considered to be divided compared to the constituency which has small area coverage.

(iv) Administrative Boundaries.

In demarcating the constituency the Commission shall take into consideration the existing administrative boundaries.

(v) A Constituency not to Cut Across Two Districts or Councils

This criterion shall be taken into account in order to avoid a political representative to represent two different District or Councils at the same time.

(vi) A Ward not to Cut Across Two Constituencies.

This criteria shall he taken into consideration to avoid a councilor not to represent one ward in two different constituencies.

(vii) The Existing Pattern of Human Settlement

This criterion shall consider the arrangement of human settlement in the area concerned.

(viii) Union Environment

The United Republic of Tanzania is the Union of two countries, Tanganyika and Zanzibar thus in demarcating the constituencies the environmental uniqueness of these two countries will be taken into consideration.

(ix) The Capacity of Parliamentary Building to Accommodate Members of Parliament. Before the demarcation process starts, the Commission shall take into account the capacity of Parliamentary building to accommodate Members of the Parliament.

(x) Special Seats for Women in the National Assembly

In deciding whether to increase the number of constituencies the commission shall take into consideration the number of special seats for women in the National Assembly.

PART II

CLASSIFICATION OF CRITERIA FOR CONSTITUNCIES BOUNDARY

All criteria provided under Part I of this Schedule shall be grouped into three categories as follows-

(A) CATEGORY A

This category shall include criteria which shall be given Preference scales and ranking depending on availability of data, these Criteria are:-

- (i) Population
- (ii) Means of Communication
- (iii) The economic status of a constituency; and
- (iv) Area size.

(B) CATEGORY B

Criteria which shall not be given Preference scales and ranking-

- (i) Administrative boundaries;
- (ii) The Constituency not to cut across two District Councils;
- (iii) A ward not to cut across two constituencies;
- (iv) Population quota;
- (v) The union environment;
- (vi) The Capacity of the Parliamentary building to accommodate Members of Parliament; and
- (vii) The number of Special Seats for women in the National Assembly.

(C) CATEGORY C

The criteria which the Commission will consult stakeholders or will use its experience are-

- (i) Geographical conditions; and
- (ii) The existing pattern of human settlement.

PART III

FORMULA FOR DETERMINING PREFERENCE SCALE AND RANKING

The Commission may make a formula and assign preference scales and ranking to each criteria.

PART IV

PROCEDURES FOR SUBMISSION OF APPLICATIONS/ RECOMMENDATIONS FOR CONSTITUENCIES DEMARCATION.

The following Procedures shall be followed in submitting applications/recommendations for Constituencies demarcation;

- (a) Applications/recommendations shall be presented to District/Municipal/City/Town Director of the respective Council and be discussed in the official meetings.
- (b) The District/Municipal/City/Town Director shall present such deliberation to Regional Administrative Secretary (RAS).
- (c) The Regional Administrative Secretary shall present such deliberations to the Regional Consultative Committee for further discussions.
- (d) The Regional Administrative Secretary (RAS) shall present/submit such recommendations to the National Electoral Commission.
- (e) The deadline of submitting application/recommendation to National Electoral Commission will be determined by the Commission.

PART IV

THE ROLE OF THE COMMISSION

The Electoral Commission, as the authority empowered by the constitution and the laws of the land to demarcate the boundaries of constituencies and electoral areas has to see to it that;

- (i) it is neutral, objective and non partisan in its approach to the demarcation exercise;
- (ii) the appropriate rules and regulations are applied in its demarcation exercises;
- (iii) the needed resources are procured and applied affectively;
- (iv) the staff who under take the exercise are well trained and adequately motivated in order to prevent the incidence of bias;
- (v) the exercise is well monitored and coordinated;
- (vi) data collected from the field exercise is well processed and stored;
- (vii) the necessary consultation are made with stakeholders including Political Parties and Public at large;
- (viii) the newly drawn electoral boundaries are put into effect.

Made by The National Electoral Commission on day of, 2015

Dar es Salaam.

.....2015

DAMIAN Z, LUBUV A

Chairman of the National Election Commission

5. THE LOCAL AUTHORITIES (COUNCILLORS' ELECTIONS) REGULATIONS, 2015 [GN No. 306 OF 2015]

These regulations are made under section 125 of the Local Authorities (Elections Act cap 292 RE 2015) and it came into force through Government Notice No 306 Published on 31st July 2015.

Arrangement of regulations

PART I PRELIMINARY PROVISIONS

- I. Citation.
2. Interpretation.

PART II VOTER'S EDUCATION

3. Voter's education.
4. Voter education materials.
5. Contravention.

PART III APPOINTEMENT AND TRAINING OF ELECTORAL STAFF

6. Regional Elections Coordinator.
7. Appointment of Returning Officers.
8. Replacement of Returning Officers.
9. Appointment of assistant Returning Officers.
10. Appointment of Presiding officers, polling assistants and direction clerks.
- II. Procedure for appointment.
12. Oath of secrecy and declaration.
13. Training of electoral staff.

PART IV ELECTIONS OBSERVATION

14. Invitation and accreditation.
15. Duration of observation.
16. Disqualification for accreditation.
17. Information and briefing.
18. Rights of observers and prohibition.
19. Report by observers.
20. Guidelines for observers

PART V NOMINATION, WITHDRAWAL, DEATH OR ABSENCE OF CANDIDATE AND ELECTION CAMPAIGNS

A. *Nomination of candidates*

21. Nomination forms.
22. Collection of nomination forms.
23. Submission of nomination forms.
24. Subscription to the Electoral Code of Conduct
25. Nomination of *candidate* for Councillors' election and unopposed *candidate*.
26. Display of nomination forms.
27. Objection on nomination form against nomination of candidate.
28. Appeals.
29. Determination of appeals.

30. Objections by Registrar of Political Parties and appeals to the objections.

B. Withdrawal. Death or Absence of candidate

31. Withdrawal of a Candidate.

32. Death of a candidate.

33. Absence of candidate.

C. Election Campaigns

34. Campaign period.

35. Campaign programme.

36. Coordinated programme to constitute sufficient notice.

37. Change of coordinated campaign of Councillors' election.

PART VI

ELECTION DAY, VOTES COUNTING, ADDITION
OF VOTES AND DECLARATION OF RESULTS

A. Election day and voting.

38. Election day.

39. Revocation and appointment of another polling day.

40. Notice of election.

41. Polling stations.

42. Polling agents.

43. Distribution and custody of election equipment and materials.

44. Satisfaction or dissatisfaction of polling agents on preparation of Voting.

45. Dissatisfaction of voter on voting process.

46. Voting by a blind voter.

47. Voter's finger to be marked with indelible ink.

48. Voting by polling agents, electoral staff and candidates.

49. Voting to be conducted in secrecy.

50. Ballot paper count.

51. Adjournment of polling.

B. Votes counting, Addition of votes and Declaration of Results.

52. Votes counting.

53. Satisfaction or dissatisfaction of polling agents on counting of votes,

54. Polling station election results.

55. Notice of addition of votes.

56. Determination of disputed votes.

57. Addition of votes.

58. Declaration of election results.

PART VII

DECLARATION OF COUNCILLORS FOR WOMEN SPECIAL SEATS

59. Women special seats.

60. Notification of nomination of Councilors for special seats.

PART VIII

MISCELLANEOUS PROVISIONS

61. Absence of Political Parties' agents or candidates.

62. Disbursement of funds and statement of expenditure.

63. Safe custody of election equipment and materials.

64. Disciplinary and Legal measures.

65. Other election procedures.

66. Offences and penalties.

67. Forms.

SCHEDULES

REGULATIONS

PART I

PRELIMINARY PROVISIONS

1. Citation

These Regulations may be cited as the Local Authorities (Councilors' Elections) Regulations, 2015.

2. Interpretation

In these Regulations, unless the context otherwise requires-

"Act" means the Local Authorities (Elections) Act;

"candidate" means a person who is nominated for councillors' election;

"Commission" means the National Electoral Commission established under Article 74 of the Constitution;

"Constitution" means the Constitution of the United Republic of Tanzania 1977;

"Council" means a City Council, Municipal Council, Town Council or a District Council as the case may be;

"Councillor" means an elected member of a Local Authority and includes a Councillor for Women Special Seats;

"Director of Elections" means the Director of Elections appointed under the National Elections Act, and includes a person for the time being performing any of the functions on his behalf;

"election" means an election in a ward of an elected member of a local authority and includes by-election;

"election day" means a day appointed for election under the Act and includes a day appointed for by-election;

"election observation" means the observation of the various stages of the electoral process by an observer duly accredited for that purpose by the Commission;

"election officer" includes a public officer, a temporary employee and an employee on contract terms working with the Commission;

"electoral staff" includes a Regional Elections Coordinator, a Returning Officer, an Assistant Returning Officer, a Presiding Officer, a Polling assistant and a Direction Clerk;

"Minister" means the Minister responsible for Regional Administration and Local Government;

"Ministry" means the Ministry responsible for Regional Administration and Local Government;

"nomination" means a candidate nomination for councilors' election, and includes declaration of a member of Council for Women Special Seats;

"nominating authority" means a Returning Officer or, as the case may be, an Assistant Returning Officer;

"nomination day" means a day appointed by the Commission under the Act for the nomination of councilors;

"Observer" means a Domestic or an International observer and includes an individual observer, an organization or a government;

"Political Party" means a Political Party registered under the Political Parties Act;

"Register" means a Permanent National Voters' Register established and maintained in accordance with the Act;

"tactile ballot folder" means a device used to facilitate voting by a blind person;

"voter's card" means a card issued under the Act signifying registration of a person as a voter;

"voter education" means dissemination of information relating to the electoral processes and procedures;

"ward" means a ward established by the Minister;

"woman candidate" means a woman nominated for a council special seat under the Local Authorities (District Authorities) Act or, as the case may be, the Local Authorities (Urban Authorities) Act.

PART II VOTER'S EDUCATION

3. Voter's Education

(1) The commission shall be responsible for providing Voter's Education, coordinating and supervising of all persons involved in the provision of Voter's Education

(2) A person shall not provide voter education without the prior approval of the Commission.

(3) Any person who wishes to conduct Voter's Education using materials relating to electoral process and procedures shall, before using such Materials, submit the materials to the Commission for scrutiny.

(4) The Commission may, upon satisfaction with the contents of the materials submitted to it for scrutiny, approve such materials.

(5) Where the Commission rejects approve the materials, it shall return the materials to the person concerned and may direct that person to make correction of the materials accordingly.

(6) Materials approved under this Regulation shall not be used without written permission by the Commission.

4. Voter's Education materials

(1) For the purposes of this Part, Voter's Education materials include brochures, posters, booklets, leaflets, radio programmes, television programmes and any other related materials containing information relating to Voter Education.

(2) All materials referred to in sub-regulation (1), shall state the name and address of the author, printer and publisher.

5. Contravention

Any person who contravenes the provisions of this Part shall be disqualified by the Commission from conducting Voter's Education.

PART III

APPOINTMENT AND TRAINING OF ELECTORAL STAFF

6. Regional Elections Coordinator

(1) Subject to the provisions of the Acts, the Commission may, at any time during the election appoint in writing a public officer to be a Regional Elections Coordinator who shall be responsible for coordination of activities in election process in the concerned region.

(2) The letter of appointment under Sub - regulation (1), shall contain-

(a) the date of commencement of his duties and tenure of office;

(b) the terms and conditions of service; and

(c) any other directives as may be determined by the Commission or the Director of Elections.

(3) A person appointed as a Regional Elections Coordinator under this Regulation shall, within fourteen days after receiving the letter of appointment, confirm to the Director of Elections in writing of his acceptance of such appointment.

(4) Where the person appointed as Regional Elections Coordinator fails to submit the letter of acceptance within fourteen days from the date of appointment, the Commission may appoint another public officer to be a Regional Elections Coordinator.

7. Appointment of Returning Officers.

(1) There shall be Returning Officers appointed pursuant to the provisions of the Act who shall be responsible for conducting, coordinating and supervising elections in wards.

(2) The Commission shall, at any time before an election, inform the Returning Officer in writing-

(a) the date of commencement of his duties and tenure of office;

(b) the terms and conditions of service; and

(c) any other directives as may be determined by the Commission or the Director of Elections.

8. Replacement of Returning Officers

(1) Notwithstanding the provisions of Regulation 7, the Commission may, where it is satisfied that the Returning Officer is for whatever reason incapable of performing his duty, revoke his appointment and inform him in writing.

(2) Where the Commission revokes the appointment of the Returning Officer pursuant to sub-regulation (1), it shall appoint another Returning Officer.

(3) The provisions of Regulation 6(2), (3) and (4) shall apply *mutatis mutandis* to the Returning Officer appointed pursuant to sub-regulation (2).

9. Appointment of Assistant Returning Officers

(1) Subject to the provisions of the Act, the Commission shall appoint in writing Assistant Returning Officers from amongst Public officers to assist the Returning Officer in supervising and coordinating the conduct of elections at the headquarters of the constituency and in a Ward.

(2) The letter of appointment for the Assistant Returning Officer under sub-regulation (1) shall contain-

- (a) the date of commencement of his duties and tenure of office;
 - (b) the terms and conditions of service; and
 - (c) any other directives as may be determined by the Commission or the Director of Elections.
- (3) The Assistant Returning Officer so appointed under this Regulation shall, within fourteen days after receiving the letter of appointment, confirm to the Director of Elections in writing of his acceptance of the appointment.
- (4) Where the Assistant Returning Officer so appointed, without reasonable excuse fails to comply with the provisions of sub-regulation (3), the Commission may appoint another Assistant Returning Officer.
- (5) The Assistant Returning Officer appointed under this Regulation shall perform his duties under supervision of the Returning Officer.

10. Appointment of Presiding officers, Polling assistants and direction clerks.

- (1) Subject to the provisions of sub-regulation (2) and directives issued by the Commission or the Director of Elections, every Returning Officer shall, for the purposes of election, appoint in writing presiding officers, polling assistants and direction clerks.
- (2) The Commission shall determine the number of Presiding officers, polling assistants or direction clerks required for every Polling Station.
- (3) Any person appointed under this Regulation shall sign a contract of employment with the Returning Officer in Form No.11 set out in the First Schedule to these Regulations.
- (4) Subject to the provisions of the Act, these Regulations, and directives issued by the Commission or Director of Elections, every presiding officer, polling assistant or direction clerk appointed under sub-regulation (1), shall perform his duties under the supervision of the Returning Officer or as the case may be, an Assistant Returning Officer.
- (5) Every Presiding officer shall be the in-charge of the polling station.
- Provided that where the commission has appointed more than one presiding officer in a polling station, the commission shall designate one of them to be the in-charge of that polling station.

11. Procedure for appointment

- (1) The Returning Officer in exercising his authority of appointing presiding officers, polling assistants or direction clerks, shall-
- (a) advertise the posts for qualified persons to apply;
 - (b) display the names of short listed applicants at the office of the Returning Officer or any other public office within the constituency; and
 - (c) interview the applicants.
- (2) The Returning Officer shall, immediately after conducting an interview under sub-regulation (1), appoint the qualified applicants as presiding officers, polling assistants or direction clerks as the case may be.

12. Oath of secrecy and declaration

- (1) Every Regional Elections Coordinator, Returning Officer and Assistant Returning Officer, before assuming their duties shall-
- (a) take an oath of secrecy before a Magistrate in Form No.6 set out in the First Schedule to these Regulations; and
 - (b) declare before a Magistrate or a Commissioner for Oaths that he is not a member of any Political Party or that he has withdrawn his membership from a Political Party in Form NO.7 set out in the First Schedule to these Regulations.
- (2) Every presiding officer and a polling assistant shall, before assuming their duties take an Oath of Secrecy in Form No.6 set out in the First Schedule before the Returning Officer or the Assistant Returning Officer as the case may be.

13. Training of electoral staff

(1) The Commission shall, at any time after the appointment of Regional Elections Coordinator, Returning Officers and Assistant Returning Officers of the headquarters of the Constituency and before election, provide training to the electoral staff on the electoral laws, processes and procedures.

(2) The Returning Officer shall, subject to the directives of the Commission or Director of Elections, conduct training to Assistant Returning Officers at the Ward level, presiding officers, polling assistants and direction clerks on the electoral laws, processes and procedures.

PART IV

ELECTIONS OBSERVATION

14. Invitation and Accreditation

(1) Before the election processes commence the Government, through the Ministry responsible for Foreign Affairs, may invite International observers to participate as election observers upon accreditation.

(2) Invitation for Domestic observers shall be made by the National Electoral Commission.

(3) The organizations and governments sponsoring observers shall notify the Commission of their intention and plans to send Local or International observer teams.

(4) Every observer, organization or government on behalf of the observer shall apply to the Commission for accreditation.

(5) Upon receiving application for accreditation, the Commission may accept or refuse the application if it deems appropriate to do so.

(6) Where the Commission accepts the application, it shall issue an Accreditation Identity Card to the applicant.

(7) Where the Commission refuses the application, it shall inform the applicant in writing.

15. Duration of observation

The election observation shall commence from the date of accreditation to the date indicated on the observer's Accreditation Identity Card.

16. Disqualification for accreditation

An election observer shall be disqualified from accreditation if he fails to adhere to-

- (a) the guidelines for observers;
- (b) the Electoral Law of the United Republic;
- (c) the Immigration Laws and procedures; or
- (d) any other written laws of the United Republic.

17. Information and briefing

The National Electoral Commission shall provide to the observers-

- (a) information on Electoral Law, Electoral Processes and procedures applicable in the United Republic;
- (b) a list of Regions, Councils, Constituencies, Polling Districts, Wards and Polling Stations;
- (c) a list of registered Political Parties participating in the election; and
- (d) any other relevant information which the Commission may deem necessary.

18. Rights of observers and prohibition

(1) Subject to the provisions of the Act and any other written laws, the election observers shall have the right to-

- (a) request for and obtain reasonable information on activities relating to the electoral process;
- (b) observe all stages of the electoral process;

- (c) have freedom of movement throughout the country except restricted areas; and
 - (d) communicate with Political Parties.
- (2) No observer shall use any Information Communication Technology facilities including cellular phones, cameras, tape recorders, pagers, video cameras and two way radios inside the polling stations and tallying centers

19. Report by observers.

- (1) Every observer shall report any irregularity noted in the electoral process to the Commission or any electoral staff.
- (2) Subject to the provisions of Regulation 20 every observer shall, at the end of the election, prepare and submit to the Commission his observation report.
- (3) The observation report under sub- regulation (2) shall, contain -
 - (a) particulars of the observer; and
 - (b) findings and recommendations.

20. Guidelines for observers

The Commission may make guidelines for the Conducts of the election observers during the election process.

PART V
NOMINATION, SUBSCRIPTION OF ELECTORAL CODE OF
CONDUCT, WITHDRAWAL, DEATH OR ABSENCE OF
CANDIDATES AND ELECTION CAMPAIGNS

A. Nomination of candidates and subscription to the Electoral Code of Conduct

21. Nomination form

- (1) The Commission shall specify the date for issuing nomination forms to the proposed candidates.
- (2) The nomination forms under these Regulations shall be as set out in the First Schedule to these Regulations.
- (3) The commission shall specify the date for issuing nomination forms to proposed candidates.
- (4) A proposed Candidate for each Political Party shall, before obtaining a nomination form submit a letter of introduction from his respective Political Party to the nominating authority.

22. Collection of nomination forms

A candidate or a voter on behalf of the candidate may collect nomination forms from the nominating authority.

23. Submission of nomination forms

Nomination forms of candidates shall be submitted to the Returning Officer or Assistant Returning Officer as the case may be, either by the candidate himself or by a person nominating him not later than four O'clock in the afternoon on the nomination day.

24. Subscription to the Electoral Code of Conduct

- (1) Subject to the provisions of the National Elections Act, the National Electoral Commission shall prepare the Electoral Code of Conduct.
- (2) The Electoral Code of Conduct prepared under sub-regulation (1), shall be subscribed to by every Political Party, the Government and the National Electoral Commission in a manner set out in the Electoral Code of Conduct.

- (3) Every Candidate shall subscribe to the Electoral Code of Conduct in Form No. 10 set out in the First Schedule to these regulations.
- (4) Every Candidate shall collect Form No. 10 from the Director of Elections or Returning Officer or Assistant Returning Officer as the case may be together with nomination forms.
- (5) Every candidate shall fill in and return to the Director of Elections or Returning Officer or Assistant Returning Officer as the case may be on nomination day and shall form part of Nomination Form.
- (6) Where a Candidate fails to fill Form No. 10, any person may lodge an objection in accordance with the provisions of the National Elections Act, to the Commission, Returning Officer or Assistant Returning Officer as the case may be against such Candidate.
- (7) The Commission, after determination of the objection lodged under Sub-regulation (7) may disqualify the Candidate from participating in the election.

25. Nomination of candidate for Councillors' election and unopposed candidate

- (1) Any person who intends to contest for Councilors' election shall submit to the Returning Officer or Assistant Returning Officer, a letter of introduction from the Regional or District Office of the respective Political Party and obtain Form No. 8C set out in the First Schedule to these Regulations.
- (2) The nomination Form No. 8c shall contain-
 - (a) particulars of the candidate;
 - (b) declaration by a candidate that he qualifies to stand as a candidate in councilors' election;
 - (c) certification by the Political Party of the candidate and its sponsorship;
 - (d) declaration, names and registration numbers of voters nominating the candidate;
 - (e) a statutory declaration of the candidate;
 - (f) certification by the Assistant Returning Officer that the candidate qualifies to be nominated.
- (3) A candidate for Councilors' election shall, on submitting nomination forms to the Returning Officer, attach recent four colored passport size photographs and deposit with the Returning Officer or Assistant Returning Officer a sum of Tanzanian Shillings five thousand only.
- (4) The Returning Officer or Assistant Returning Officer shall, upon being satisfied that the candidate qualifies to be nominated, certify as such in Form No. 8C set out in the First Schedule to these Regulations.
- (5) Where only one candidate is nominated in a Ward, such candidate shall be deemed to be duly elected and shall assume office upon oath as a Member of Council.

26. Display of nomination forms

The nominating authority shall, display copies of the nomination forms of candidates who have been nominated on the notice board of the ward office for twenty four hours after nomination.

27. Objection against nomination of a candidate

(1) An objection against the nomination of a candidate for Councilors' election may be lodged by another candidate, Returning Officer, Assistant Returning Officer, or the Registrar of Political Parties.

(2) Subject to sub-regulation (1), a person who objects against the nomination of a candidate shall lodge his objection to the Assistant Returning Officer in the relevant ward at any time within twenty four hours after the nomination of a candidate.

(3) The objection made pursuant to Sub - regulation (1) shall be lodged to the Assistant Returning Officer by filling in Form No. 9C set out in the First Schedule to these Regulations stating the following-

- (a) particulars of the objector;
- (b) particulars of the objected candidate;
- (c) the grounds for objection; and
- (d) the signature of the objector.

(4) The Assistant Returning Officer, before determining the validity of any objection with the least possible delay, shall-

- (a) notify in writing the person to whom the objection is made; and
- (b) offer such person an opportunity to be heard.

(5) Where the Assistant Returning Officer makes a decision on any objection under sub-regulation (4), he shall forward his decision to the Returning Officer who shall, with the least possible delay review the matter and may uphold or reverse the decision of the Assistant Returning Officer.

(6) Where the Returning Officer makes a decision on any objection under sub-regulation (5), he shall inform the parties concerned of his decision and reasons thereof.

(7) Where the objection against a candidate under these Regulations is accepted, the Returning Officer or Assistant Returning Officer as the case may be, shall delete the name of such candidate from the list of nominated candidates.

28. Appeals

(1) Any person who is aggrieved by the decision of the Returning Officer under Regulation 26 may appeal to the Commission within twenty four hours from the date the decision was made or such further period as the Commission may allow.

(2) The appeal to the Commission under sub-regulation (1) shall be made in the Appeal Form No. 12 set out in the First Schedule to these Regulations.

(3) The Appeal Form No. 12 stipulated under sub-regulation (2), shall contain:

- (a) particulars of the appellant;
- (b) name of the ward;
- (c) date and time of submitting the appeal;
- (d) the grounds of appeal; and
- (e) the signature of the appellant.

- (4) The Appeal Form No.12 shall be collected from the Returning Officer.
- (5) Subject to sub-regulation (4), the appellant shall submit the appeal to the Returning Officer who shall receive the same on behalf of the Commission.
- (6) The Returning Officer shall, immediately after receiving the appeal under sub-regulation (5), attach Forms No. 8C, 9C' and any other necessary documentary evidence relating to the appeal and submit them to the Commission.

29. Determination of Appeals

- (1) Subject to Regulation 27, the Commission may, before determining any appeal, summon any person to testify or require information or clarification from any person in respect of the appeal.
- (2) The absence of any person summoned by the Commission under Sub-Regulation (I) at the appointed time and place shall not stop, delay or invalidate the proceedings or decisions of the Commission.
- (3) In determining any appeal, the Commission may reject or accept the appeal.
- (4) When the Commission determines an appeal under sub-regulation (3), it shall either reinstate or delete the name of the candidate concerned from the list of nominated candidates and inform the parties in writing of its decision and reasons for the decision.
- (5) Subject to the provisions of the Act, the decision made by the Commission under these Regulation shall be final and conclusive and shall not be challenged in any court, except by way of election petition pursuant to the provisions of the Act.

30. Objections by Registrar of Political Parties and appeals to the objections

- (1) Where a Political Party or a candidate fails to comply with the provisions of Section 9 and 20 of the Election Expenses Act, the Registrar shall make objection to the Returning Officer, where the objection concerns councilor candidate.
- (2) The procedures to be followed in the determination of objections raised by the Registrar and their appeals thereafter shall be the procedures stipulated in these Regulations for determination of objections on nomination forms except that the objection by the Registrar shall be lodged from fourteen days after nomination day.

B. Withdrawal, Death or Absence of Candidate

31. Withdrawal of a candidate

- (1) A candidate may withdraw his candidature by notice in writing signed and delivered by him to the Returning Officer and a copy to the Political Party sponsoring him.
- (2) The withdrawal notice under sub-regulation (1), shall be accompanied by a statutory declaration made and signed by the candidate and witnessed by a Magistrate.
- (3) Where the Returning Officer is satisfied that the candidate has complied with the provisions of sub-regulations (1) and (2), shall delete the name of the candidate from the list of candidates and immediately inform the Director of Elections.
- (4) Subject to the provisions of the Act and these Regulations, any candidate who withdraws his candidature after a day following nomination day-
 - (a) the deposit paid by him upon nomination shall be forfeited to the Government; and
 - (h) there shall not be a nomination of replacement by his political party.

32. Death of a candidate

- (1) Where a candidate dies after nomination day and before the close of poll on election day, the Returning Officer shall, upon confirmation of the fact of death, countermand an election.
- (2) Where an election is countermanded under sub-regulation (1), the Returning Officer shall immediately inform the Commission and the party concerned shall nominate a replacement.

33. Absence of a candidate

- (1) Where after a nomination day, by reason of death, withdrawal or any other reason there is no candidate for election in a Ward, the Returning Officer shall countermand the election.
- (2) Where an election is countermanded under sub-regulation (1), the Returning Officer shall immediately inform the Commission.
- (3) A candidate shall not be refunded the deposit if:
 - (a) he has withdrawn his candidature after nomination day, or
 - (b) after the declaration of election results and has acquired less than ten percent of the total valid votes cast.

C. Election Campaigns

34. Campaign period

The campaign period shall be the whole period commencing immediately after the nomination of candidates up to the day immediately preceding election day. Subject to sub-regulation (I) the time for conducting campaign meetings shall be from eight o'clock in the morning to six o'clock in the evening.

35. Campaign programme

- (1) The Returning Officer shall, before the beginning of Councillors' election campaigns, require each Political Party concerned to submit to him the proposed schedule of campaign meetings which the Party intends to hold for the purpose of election.
- (2) The Political Party which intends to participate in election shall submit the proposed schedule of campaign meetings to the Returning Officer seven days before nomination day.
- (3) The proposed schedule of campaign meetings shall specify dates, time and places where such meetings will be conducted.
- (4) The Returning Officer shall, after receiving the proposed schedule of campaign meetings from each Political Party under Sub - regulation (1), convene a meeting of all Political Parties or candidates concerned, in order to discuss and agree on a coordinated programme of campaign meetings.
- (5) After preparing a coordinated programme of campaign meetings under sub-regulation (2), the Returning Officer shall distribute copies to-
 - (a) Political Parties involved in Councillors' election in the ward;
 - (b) the District Commissioner; and
 - (c) the Police Officer Commanding District for the purposes of providing security during campaign meetings.
- (6) Each Political Party or a candidate involved in any election shall comply with the coordinated programme for campaign meetings.
- (7) The coordinated programme shall not apply to door-to-door canvassing.

36. Coordinated Programme to constitute sufficient notice

The coordinated programme shall constitute sufficient notice of proposed meetings for the purposes of Political Parties Act, and the Police Force and Auxiliary Services Act.

37. Change of coordinated campaign programme in Councillors' election

(1) Where any Party intends to change its campaign venue or schedule, it shall immediately inform the Assistant Returning Officer in writing stating the reasons for the proposed change, and the Assistant Returning Officer shall before determination, convene a meeting of Political Parties or candidate concerned to discuss and agree on the changes.

(2) Where the Councillors' election campaign programme interferes or collides with the coordinated campaign programme for Presidential or

Parliamentary Election in the ward, the Returning Officer shall immediately convene a meeting with the Political Parties for the purposes of making necessary modification to the coordinated campaign programme for Councilors' election.

(3) Where in pursuance of sub-regulation (1) and (2), a coordinated campaign programme requires to be amended, the Returning Officer shall amend it accordingly and notify Political Parties concerned, District Commissioner and Police Officer Commanding District.

PART VI ELECTION DAY, VOTES COUNTING, ADDITION OF VOTES AND DECLARATION OF RESULTS *A. Election Day and Voting*

38. Election Day

The Election Day shall be specified by the Commission as provided for under the Act.

39. Revocation and appointment of another polling day

(1) Where before polling day, an event occurs which prevents an election to take place in a ward on the appointed day, the Returning Officer shall immediately inform the Commission and the Commission shall revoke the scheduled day and appoint another election day for that particular ward.

(2) Where on the election day, an election fails to be conducted in a ward, the Returning Officer shall immediately inform the Commission which shall appoint another election day in respect of that particular ward.

40. Notice of election

(1) Each Returning Officer shall issue a notice of election in the ward eight days before election day.

(2) The notice of election under sub-regulation (1), shall be displayed in a conspicuous place at the ward office and shall contain-

- (a) the date and time for commencement and close of poll;
- (b) the address of each polling station in the ward;
- (c) number of voters assigned to each polling station; and
- (d) the full name of candidate, a recent photograph and acronym or logo of Political Parties sponsoring candidates.

41. Polling stations

(1) The registration centers established by the Commission shall be the polling stations.

(2) The Commission shall inform the Returning Officer the number of polling stations in a Polling District and the number of voters allocated to each polling station.

(3) Every Returning Officer shall, within fourteen days before polling day or such other period to be directed by the Commission, issue to candidates or Political Parties the names and addresses of polling stations.

42. Polling agents

(1) Every Political Party involved in an election, shall subject to the provisions of the Act and not later than seven days before election day, inform in writing the Returning Officer the names and addresses of polling agents and their respective polling stations.

(2) The Returning Officer shall, after receiving the information under Sub- Regulation (1), inform the Presiding Officers or Polling Assistants the polling agents authorized to be at each polling station.

(3) Notwithstanding sub-regulation (1), where a Political Party has already appointed a polling agent in respect of a polling station for Presidential election, the Political Party shall not appoint another polling agent at the same polling station within the ward where there is a Parliamentary election candidate or a Councillor election of the same Party contesting an election.

(4) Every polling agent shall, before assuming duty, take an Oath of Secrecy in accordance with Form No.6 set out in the First Schedule to these Regulations before the Returning Officer or Assistant Returning Officer seven days before polling day.

(5) No polling agent shall be allowed to be at the polling station without having taken an Oath of Secrecy.

43. Distribution and custody of election equipment and materials

(1) All the election equipment and materials shall be supplied by the Commission to the Returning Officer, and the Commission or the Director of Elections shall issue directives relating to utilization, distribution and safe custody of such election equipment and materials.

(2) The Returning Officer or Assistant Returning Officer shall, not later than one day before the date of polling, distribute or cause to be distributed election equipment and materials to each Presiding officer.

(3) Subject to sub-regulation (1), distribution of election equipment and materials under these Regulations shall be issued in writing and all the election equipment and materials shall be kept in safe custody by the presiding officer.

44. Satisfaction or dissatisfaction of polling agents on preparation of voting

(1) Where a polling agent is satisfied with the preparation of the polling station, shall before the commencement of voting state in Form No. 14 set out in the First Schedule to these Regulations.

(2) Where any polling agent is dissatisfied with the preparation of polling station shall, before the commencement of voting make a complaint in Form No. 14 to the presiding officer or polling assistant, as the case may be, shall make a determination and indicate on the same Form the manner in which he has dealt with the matter

45. Dissatisfaction of voter on a voting process

Where any voter who is already voted, is not satisfied with the conduct of voting in a polling station, he may make his complaint in Form No. 15 as set out in the First Schedule to these Regulations, and the Presiding officer shall determine the matter and indicate on the same Form the manner in which he has dealt with the complaint or dissatisfaction.

46. Voting by a blind voter.

Without prejudice to the Provisions of the Act, where a blind voter is about to vote and, upon satisfaction by the Presiding officer or Polling assistant that the blind voter's name

appears in the register and, that the voter has been assigned to vote at such polling station and if the voter requests insert a ballot paper into a tactile ballot folder and deliver to such voter.

47. Voter's finger to be marked with indelible ink

Every voter in the polling station after inserting the ballot paper into the relevant ballot box, shall proceed to cause his finger to be marked with indelible ink before leaving the polling station.

48. Voting by polling agents, electoral staff and candidate

(1) A registered voter in a polling district employed as a polling agent, an electoral staff or a person responsible for maintaining security at the polling station, other than at the Polling station allocated to him, may, by Form No. 18 set out in the First Schedule to these Regulations, be authorized by the Returning Officer to vote at any other polling station in the ward.

(2) Where a registered voter in the ward is a candidate and wishes to vote at a polling station not allocated to him, the Returning Officer may, by Form No. 19 set out in the First Schedule to these Regulations, authorize such candidate to vote at another polling station within the Ward.

49. Voting to be conducted in secrecy

Voting shall be in secrecy and a voter in recording his vote, shall not be allowed to place any mark or writing by which he may be identified.

50. Ballot paper count

(1) The Presiding Officer shall, before and after completion of voting, record the ballot paper count in the Form No. 13 set out in the First Schedule to these Regulations indicating-

- (a) ballot papers issued to him by the Returning Officer;
- (b) used ballot papers;
- (c) spoilt ballot papers; and
- (d) unused ballot papers.

(2) Subject to Sub - regulation (1), the ballot paper count Form shall be submitted to the Returning Officer or Assistant Returning Officer.

51. Adjournment of polling

(1) Where on the polling day, polling is interrupted or obstructed by riot, or any other reason violence the Presiding Officer or, as the case may be a Polling Assistant shall-

(a) where there remains voters in the register who have not completed voting, adjourn polling until the next day and the polling station shall be opened for same polling hours as on the original polling day; or

(b) where all voters in the register have completed voting, the polling process shall be deemed to have been completed.

(2) Where polling is adjourned under Sub - regulation (1), the Presiding Officer shall immediately inform the Returning Officer or as the case may be the Assistant Returning Officer and the Returning Officer shall inform the Commission.

B. Votes Counting, Addition and Declaration of Results.

52. Votes Counting

The Presiding officer shall, soon after the close of the poll and in the presence of counting agents or alternate counting agents, count all votes at the polling station.

53. Satisfaction or dissatisfaction of counting agents or candidates

Any polling agent who is satisfied or dissatisfied with the counting of votes, shall complete Form No. 16 set out in the First Schedule to these Regulations and the Presiding officer or, a Polling Assistant, as the case may be, shall in case of dissatisfaction, make a determination and indicate on the same Form the manner in which he has dealt with the matter.

54. Polling station election results and report of Presiding officer

(1) The Presiding Officer at the polling station shall, after counting all votes casted under these Regulation, record election results in Form No. 21C set out in the First Schedule to these Regulations.

(2) The election results Form shall be signed by the Presiding Officer or, as the case may be, a Polling Assistant and polling agents or candidates if present, and every agent or candidate shall be given a copy of the results.

(3) The Presiding officer after the conclusion of counting exercise shall prepare a polling station report in Form No. 20 set out under the First Schedule to these Regulations.

(4) The Presiding Officer or Polling Assistant shall submit to the Assistant Returning Officer in the ward the following-

(a) the polling station election results in Form No. 21C;

(b) a polling station report in Form No. 20 which shall include-

(i) completed Forms No. 14 and 16 containing satisfaction or dissatisfaction of polling agents or candidates and in the case of dissatisfaction, the manner in which the matter was dealt with;

(ii) Form No. 14 containing voter's complaint if any, regarding the polling process and the manner in which the complaint was dealt with;

(iii) a voters' declaration if any, made in Form No. 17 set out in the Notice of addition of votes First Schedule to these Regulations;

(iv) the unused Forms No. 14 15, 16 and 17:

(v) the ballot paper account Form No. 13:

(vi) the counterfoils of ballot papers;

(vii) unused or spoilt ballot papers if any;

(viii) Register of voters; and

(ix) certificate authorizing electoral staff, polling agents (Form No. 18) or candidates (Form No.19) to vote at the polling station if any.

(c) the ballot boxes containing votes; and

(d) any other election equipment and materials entrusted to him for the purposes of polling exercise.

55. Notice of addition of votes

The Returning Officer or Assistant Returning Officer shall, after receiving election results from all polling stations within the ward, notify in writing Political Parties or candidate on the date, time and venue for addition of all votes cast.

56. Determination of disputed votes.

(1) Subject to the provisions of the Act, the Returning Officer or Assistant Returning Officer, as the case may be, shall determine validity of disputed votes before the addition of votes and record the result in Part B of Form No. 21C indicating number of disputed votes

acquired by each Candidate and cause the form to be signed by candidates or Political Parties' agents if present.

(2) The Returning Officer or an Assistant Returning Officer as the case may be, shall issue to each candidate or his agent a copy of part B of Form No. 21C.

57. Addition of votes

(1) Subject to Regulation 52, the Assistant Returning Officer shall conduct the addition of votes from all polling stations within the ward in presence of candidates or their authorized agents, if any.

(2) A candidate or a person appointed to be an agent shall not be allowed to be present at the addition of votes unless he has taken an oath of secrecy in Form No.6 set out in the First Schedule to these Regulations.

58. Declaration of election results

(1) The Assistant Returning Officer shall, after the addition of votes from all polling stations in the ward-

(a) record the election results in Form No. 24C set out in the First Schedule to these Regulations and sign the Form;

(b) require the candidate or his agent, if any to sign Form No. 24C;

(c) issue to every present candidate or his agent a copy of election results recorded in Form No. 24C;

(d) declare the results and the candidate for whom the majority of valid votes have been cast to be an elected candidate in the ward; and

(e) display a copy of results recorded in Form No. 24C on the notice board of the ward office.

(2) The Assistant Returning Officer shall, immediately after declaration of results under sub-regulation (1), issue to the elected candidate a certificate of election set out in the Second Schedule, to these Regulations.

(3) The certificate of election under sub-regulation (2), shall contain-

(a) the full name of the elected candidate;

(b) the date of election;

(c) title acquired by the elected candidate; and

(d) the signature of the Returning Officer.

(4) The Assistant Returning Officer shall, after the declaration of results at the ward, submit results to the Returning Officer who shall forward the results to the Commission.

(5) Subject to sub-regulation (4), the Commission shall publish election results in the *Gazette*.

PART VII

DECLARATION OF COUNCILLORS FOR WOMEN SPECIAL SEATS

59. Women special seats

(1) There shall be women special seats in the Local Authorities declared pursuant to the Act.

(2) Every Political Party which contests for Councillor's elections under the Act, may propose and submit to the Commission, names of eligible women for special seats.

(3) The names of candidates submitted to the Commission under Sub - regulation (2), shall be subjected to the provisions of the Election Expenses Act.

(4) Every woman candidate proposed to the Commission under sub-regulation

(2) shall be required to complete the nomination Form No. 8E prescribed in the First Schedule to these Regulations which shall be obtained from the Commission or the Returning Officer.

(5) Form No. 8E shall contain-

- (a) personal particulars of the woman candidate;
- (b) a statutory declaration of the woman candidate; and
- (c) certification by the Political Party that the woman candidate is a member of, and is sponsored, by a Political Party

60. Notification of nomination of Councillor for special seats

(1) The Commission shall, upon being satisfied that the candidate qualifies to be nominated as a member of Council for Women Special Seats, nominate such candidate.

(2) The Commission shall send a notification of election to the respective Council and Political Parties and shall cause the names to be published in the *Gazette*.

PART VIII

MISCELLANEOUS PROVISIONS

61. Absence or refusal to sign by Political Parties' agents

The absence or refusal to sign by a polling agent, counting agent or addition of votes agent or a candidate at the appointed time and place shall not stop, delay or invalidate the election process.

62. Disbursement of funds and statement of expenditure

(1) The Director of Elections shall disburse funds to Regional Elections Coordinators and Returning Officers for the purpose of facilitating the conduct of elections.

(2) The expenditure of funds for election by the Returning Officer shall be in accordance with the Government financial Regulations and directives of the Director of Elections.

(3) Every Regional Elections Coordinator or a Returning Officer shall, immediately after finalizing all the electoral activities and in not more than two months after declaration of results, prepare and submit to the Director of Elections the statement of expenditure in respect of funds disbursed to him for the purposes of conducting elections.

63. Safe custody of election equipment and materials

Subject to the provisions of the Act, the Public Procurement Act, and directives of the Director of Elections, every Returning Officer shall, after the finalization of election, keep in safe custody the remaining or unused electoral equipment and materials which were handed over to him for the purposes of elections.

64. Disciplinary and Legal measures

(1) Where the Regional Elections coordinator or a Returning Officer fails to comply with Regulation 61, the Director of Elections, shall request the Minister to take disciplinary measures against such Officers.

(2) Notwithstanding sub-regulation (1), the Commission shall not be precluded from taking any other legal measures against such officers, whenever it deems appropriate.

65. Other elections procedure

Save as otherwise provided in these Regulations, the Commission, election officers, electoral staff, candidates and Political Parties shall, observe the provisions of the Constitution of the United Republic of Tanzania, the Act and other directives made by the Commission for any other electoral processes which are not covered under these Regulations.

66. Offences and penalties

Any person, who contravenes the provision of these Regulations, commits an offence punishable under the Act.

67. Forms

The forms to be used in each electoral process shall be set out in the First and Second Schedule to these Regulations.

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION
OATH OF SECRECY

(Regulation 12(1) (a) of the Local Authorities (Councillors' Election) Regulations, 2015

I

Appointed/employed to be

Do hereby take an Oath/Affirm that I will not disclose any secret to any person in respect of any matter which will come to my knowledge by virtue of my appointment except where I have been directed to do so in accordance with written law.

.....

Signature

Sworn/affirmedat this..... day of 20

Before me:

.....

"Magistrate/Returning Officer/ Assistant Returning Officer

Stamp of the Court /Office of the Returning Officer'

**Delete which is inapplicable*

THE UNITED REPUBLIC OF TANZANIA
THE NATIONAL ELECTORAL COMMISSION

DECLARATION OF WITHDRAWAL OF MEMBERSHIP FROM POLITICAL PARTY OR
NOT TO BE A MEMBER OF A POLITICAL PARTY

(Made Under Regulation 12 (I) (b) of the Local Authorities (Councillors' Elections)
Regulation, 2015

I

(a) Appointed/employed to be

(b) that I am not a member of any Political Party Or

(c) that I am a member ofPolitical Party and

I withdraw my membership from that party.

On thisday of..... 20

What is stated above is true to the best of my knowledge and belief.

Declared and signed by I ,

This..... day of..... 20

.....

(Signature of the person making the declaration)

Declared before me:

.....

*Magistrate/Returning Officer/ Assistant Returning Officer

Stamp of the Court/Returning Officer

**Delete which is inapplicable*

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION
NOMINATION FORM - COUNCILLOR CANDIDATE.

(Made under Regulation 25(I) of the Local Authorities (Councilors' Elections) Regulations, 2015) Ward Council.

Filling Instructions:

- (1) This form should be filled in BLOCK LETTERS.
- (2) It is only one name that can be written in BLOCK LETTERS on the ballot paper. In that regard, the name that the candidate would like to be used for that purpose must be written at the beginning followed by the rest of the other names in full.
- (3) Names of Nominators must be written on the Annexure.
- (4) This form should be submitted together with four recent colored passport size photographs.
- (5) This Form should be submitted together with Form No. 10 concerning the declaration that the candidate shall respect and abide with the Electoral Code to Conduct, 2015.

A. PERSONAL PARTICULARS OF A COUNCILLOR CANDIDATE:

- 1. Full Names:
- 2. Date of Birth:
- 3. Place of Birth: District Region
Country
- 4. Physical Address: *Village/Street..... District
- Tel. No..... Postal Address
- 5. Current Occupation
- 6. Name of Political Party
- 7. Have you ever been charged or convicted of a criminal offence?
*YES/NO

If the answer is yes, state the following:

- (a) Offences or offence for which you were charged with
- (b) Date and place of conviction
- (c) The sentence imposed

B. DECLARATION OF A COUNCILLOR CANDIDATE

I (Full names)..... sponsored to be a Councilor candidate
.....Ward, affirm that I am willing and qualify to
contest in this Councilor's election, and that what I have stated above is true to the best of
my knowledge.

Signature:

.....
Councilor Candidate
Date:

C. CERTIFICATION OF THE *DISTRICT/WARD SECRETARY OF THE SPONSORING POLITICAL PARTY RECOMMENDING THE COUNCILLOR CANDIDATE

I certify that *Mr./Mrs./Miss.....

- (i) Is a member of Political Party; and
- (ii) Has been recommended by that Political Party to contest in Ward.

Full names *Mr./Mrs/Ms
 Designation in the Political Party
 Postal Address
 Signature
 Date
 Stamp of the Political Party

D. DECLARATION OF NOMINATORS NOMINATING A COUNCILLOR CANDIDATE

We, the undersigned nominators in the Annexure hereto being voters duly registered in Ward, nominate *Mr./Mrs/Ms..... of (Postal Address) of..... Political Party to be a councilor candidate for..... Ward in the election of Councilors whose nomination of candidates is to be held on day of 20.....

Annexure A

S/N	NAME OF NOMINATOR	PHYSICAL ADDRESS VILLAGE/STREET/WARD	VITOR'S CARD NUMBER	SIGNATUR E OR THUMB PRINT	CERTIFICAT E OF RETURNING OFFICER
1					
2					
3					
4					
5					
6					

E. STATUTORY DECLARATION OF A COUNCILLOR CANDIDATE

I..... declare that I have the qualifications to contest in councilors' election as follows:

1. I am a citizen of the United Republic of Tanzania;
2. I have attained the age of 21 years or more;
3. I have not been disqualified from being a Councillor candidate;
4. I can read and write in Swahili and English;
5. I am a member of a Political Party that has been registered by virtue of the Political Parties Act and I have been recommended by that Political Party to contest for a Councilor;
6. I am an ordinary resident of..... *City/Municipal /Town District Council; and

7. I have never been convicted or sentenced in any court of law for the offense of tax evasion within the period of five years before the election date.

I strongly DECLARE and believe that this DECLARATION is true to the best of my own knowledge.

This declaration has been presented by..... this day of20

Signature of candidate

Date

Before me:

.....

Name of Magistrate

Signature:.....

Stamp of the Court.....

F. CERTIFICATION OF THE RETURNING OFFICER

(i) I have inspected all the names of the nominators who nominated the councillor candidate and I certify that all of them have been Registered as voters in the Permanent National Voters Register for..... Ward;

(ii) I certify that the candidates has paid Tshs as security and have been issued a receipt No; and

(iii) I have received the Nomination Forms at..... hours, on day of 20

Name of the *Returning Officer/ Assistant Returning Officer

Signature

Date

**Delete which is inapplicable*

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION

NOMINATION FORM, OR CANDIDATE OF COUNCILOR WOMEN SPECIAL SEATS
(Made under Regulation 59(4) of the Local Authorities (Councilors' Elections Regulations),
2015

To the Chairman
National Electoral Commission

A. PERSONAL PARTICULARS OF THE CANDIDATE

- I. Full Names:
 - 2. Date of Birth.....
 - 3. Place of Birth: District Region Country
 - 4. Physical Address; *Village/Street District
 - Telephone Number Postal Address
 - 5. Current occupation
 - 6. Name of Political Party
 - 7. Have you ever been charged or convicted of a criminal offence? *YES/NO
- If your answer is yes, state the following:
- (a). Offences or offence for which you were charged with
 - *Delete which is inapplicable*
 - (b). Date and place of conviction ,.....
 - (c). The sentence imposed

B. DECLARATION OF THE CANDIDATE

I (Full names), declare that I am willing and have the qualifications to contest for Women Special Seats, in the *City/Municipal/Town/District Council of, and that what I have stated above is true to the best of my own knowledge.
Signature.....
Date:

C. CERTIFICATION OF THE SECRETARY GENERAL OF THE POLITICAL PARTY CERTIFYING THE CANDIDATE FOR MEMBER OF PARLIAMENT SPECIAL SEATS

- (i) I certify that Mrs/Ms
- (ii) is a member of Political Party and has been recommended by Political Party to contest for Councillor Women Special Seats in the *City/Municipal/Town/ District Council of
- Full names Mr/Mrs./Ms
- Designation in the Political Party
- Signature
- Postal address
- Date

STAMP OF THE POLITICAL PARTY

D. STATUTORY DECLARATION OF THE CANDIDATE

- 1..... declare that I have the qualifications to be a Member of Council for Women Special Seats, as follows:
- 1. I am a citizen of the United Republic of Tanzania;
 - 2. I have attained the age of 21 year or more;
 - 3. I have not been disqualified to be a Member of Council;
 - 4. I can read and write in Swahili or English;

- 5. I am a member of a Political Party that has been registered by virtue of the Political Parties Act and I have been recommended by that Political Party to contest as a Councilor;
- 6. I am an ordinary resident of *City/Municipal/Town/District Council; and
- 7. I have not been convicted or sentenced by any court of law for an offence of tax evasion within the period of five years before the election date.

I strongly DECLARE and believe that this DECLARATION is true to the best of my own knowledge.

This declaration has been made by.....this day of..... 20

Signature of candidate

Date

BEFORE ME

Name of Magistrate

Signature

SEAL OF THE COURT

** Forms should be accompanied by 2 coloured passport size photographs.*

E. DECISION OF THE COMMISSION

.....

Signature.....

(Director of Elections)

Date

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION

OBJECTION TO THE NOMINATION OF A COUNCILLOR CANDIDATE

(Made under Regulation 27(3) of the Local Authorities (Councilor Election) Regulations, 2015

To the Assistant Returning Officer

Ward.....

Council.....

1. STATEMENT OF THE OBJECTOR

I.....Councilor Candidate ofWard
in.....District.

OR

I.....Assistant Returning Officer of.....Ward

OR

I.....the Registrar of Political Parties

Object to the nomination/candidature of in.....Ward for the following reasons:

(Place a tick in the relevant box)

- (a) Not a citizen of the United Republic of Tanzania.
- (b) Has not attained the age of 21years.
- (c) He can not read and write in Swahili or English.
- (d) Is not a member of a registered Political Party by virtue of the Political Parties Act.
- (e) Is not an ordinary resident in the ward he is contesting.
- (f) Has has been convicted of an offense of tax evasion within the period of five years before the election date.
- (g) He has not been sponsored by registered voters in the Ward.
- (h) Has not hecn sponsored by the required number of voters.
- (i) Did not pay the security of Tanzania shillings five thousand (5000)
- (j) Has no photograph.
- (k) Did not present Statutory Declaration.
- (l) Is not sponsored by a Political Party to contest for Councilor, by virtue of Political Parties Act. Cap 258
- (m) Has not disclosed funds to be used in election under the Elections Expenses Act, 2010.
- (n) Did not subscribe to the Electoral Code of Conduct, 2015
- (o) Did not return the nomination form as per the legal requirements.
- (p) Has committed prohibited practices under the Election Expenses Act. 2010

(Additional information, if any, to be attached to this form)

Signature of objector

Date Time

2. DECISION OF THE ASSISTANT RETURNING OFFICER

I the Assistant Returning Officer of Ward.

After receiving the statement of *Mr/Mrs/Ms..... (objected to)

Whose nomination is objected to by *Mr.lMrs.lMs..... (objector)

I *Accept/reject the objection placed for the following reasons:

.....
.....

Decision has been made on this day of..... 20at hours

Signature

Date

3. DECISION OF THE RETURNING OFFICER

I Accept/ reject the decision on the following reasons:

This decision has been made at this hours..... day of20

Name of Returning Officer

Signature

Stamp of the Returning Officer.....

Form No. 10

THE UNITED REPUBLIC OF TANZANIA
THE NATIONAL ELECTORAL COMMISSION
CANDIDATE'S DECLARATION OF ADHERING AND ABIDING TO THE ELECTORAL
CODE OF CONDUCT OF 2015.

(Made under Regulation 24 of the Local Authorities (Councilors Elections) Regulations, 2015
(This form must be completed and returned together with the nomination forms)

Iwho intend to
be a:

(a) *Presidential/ Vice - Presidential Candidate in the

(b) Member of Parliament Candidate in.....Constituency in district.

(c) Councilor candidate in..... Ward in.....

Council sponsored by..... Political Party registered under the Political
Parties Act, Cap 258 of the laws of Tanzania.

I declare that I shall respect and abide to the Electoral Code of Conduct of 2015, throughout
the campaign period and the Polling day.

I am making this declaration believing that what I have stated above is true to the best of my
knowledge.

Signature

Physical address

This declaration has been made on Day of..... 20..... athours

BEFORE ME:

Name:.....

Signature

*Director of Elections/ Returning officer/ Assistant Returning Officer.

**Delete which is inapplicable*

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION
APPEAL AGAINST NOMINATION OF A CANDIDATE FOR MEMBER OF
PARLIAMENT/ COUNCILOR

(Made under Regulation 28(2) of the Local Authorities (Councilors Elections) Regulations. 2015)

To the National Electoral Commission
Returning Officer

..... Constituency Council.....

A. PARTICULARS OF THE APPELLANT

Name of the appellant

Ward to which the candidate requests to be nominated his political party

(The Returning Officer to attach the relevant objection form together with the relevant annexure)

B. PARTICULARS OF THE RESPONDENT

Name of the respondent

Ward to which the candidate requests to be nominated

His political party

C. PARTICULARS OF THE APPEAL

I present my appeal to the Commission that I am not satisfied with the decision of the Returning officer regarding the objection against my nomination.

OR

From the objection lodged, I am not satisfied with the decision of the Returning Officer to proceed to nominate *Mr/Mrs/Ms

Of....., Political Party to be the Councilor candidate in ward

The grounds of appeal are as follows:

.....
.....

Signature of the Appellant

(If you have any additional information attach to this form)

Date

D. DECISION OF THE NATIONAL ELECTORAL COMMISSION

Appeal has been allowed/ dismissed for the following reasons:

Name of Director of Elections.....

Signature Date

**Delete which is inapplicable*



THE UNITED REPUBLIC OF TANZANIA

NATIONAL ELECTORAL COMMISSION
BALLOT PAPER COUNT

(Made under Regulation 50(1) of the Local Authorities (Councilors Elections) Regulations, 2015

Councilors Elections

Council

Ward

Poling Station Number

Date of Election Ballot box number.

TO BE FILED BEFORE VOTING BEGINS		TO BE FILLED AFTER CLOSE OF POLL			
Ballot papers received	Total	Quantity of ballot papers used other than spoilt ballot papers	Quantity of spoilt ballot papers	Quantity of unused polling papers	Total of column Nos. 3 to 5. (total should be equal to that of column No.
(1)	(2)	(3)	(4)	(5)	(6)
(a)	To				
(b)	To				
(c)	To				
(d)	To				
(e)	To				
(f)	To				
(g)	To				
(h)	To				
(i)	To				
(j)	To				
TOTAL					

I confirm that this is the correct total of the ballot papers given to me.

Name:

Date

Signature

Presiding Officer

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION
SATISFACTION OR DISSATISFACTION OF THE POLLING AGENT BEFORE
COMMENCEMENT OF VOTING AND AFTER VOTING

(Made under Regulation 44 of the Local Authorities (Councilors Elections)Regulations, 2015)

EVERY POLLING AGENT HAS TO FILL IN ONE FORM

TO: Presiding Officer

Council

Constituency

Polling District/Ward

Polling station

Polling Station number

Name of polling agent

Name of Political Party

"A" SATISFACTION OR DISSATISFACTION OF THE POLLING AGENT BEFORE
POLLING

(i) *I affirm that I am satisfied with the preparations of the polling station.....

OR

(ii) *I was not satisfied with the preparations of the polling station for the following reasons:-

.....
.....

Name of Agent..... Signature of Agent

Date

(iii) Information regarding how the complaint was dealt with/by the Presiding Officer

NameSignatureDate

(Presiding Officer)

"B" SATISFACTION OR DISSATISFACTION OF THE POLLING AGENT AFTER POLLING
IN THE POLLING STATION

(i) I affirm that I am satisfied with the procedures of polling at this polling station

(ii) I was not satisfied with the polling procedures at this polling station for the following reasons:

.....
.....

OR

Name of Agent.....

Signature of Agent

(iii) Information regarding how the complaint was dealt with by the Presiding Officer.....

Name Signature

(Presiding Officer)

Date.....

NB: If the space provided is insufficient, attach an additional paper with extra information

Delete which is inapplicable

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION
COMPLAINTS OF A VOTER REGARDING THE PROCEDURE
OF VOTING AT POLLING STATION

(Made under Regulation 45 of the Local Authorities (Councillors Elections Regulations, 2015)

TO: Presiding Officer

Council

Coustituency

Polling Station

Polling Station number

Name of voter

Physical address of the voter: *Village/Street

Voter's Registration Number (As it appears in the voter's card)

Complaints:

Signature /Thumb print of the complainant.

Date

Information regarding how the complaint was dealt with by the Presiding Officer

.....

Name..... Signature

(Presiding Officer)

Date

NB: If the provided space is insufficient, attach an additional paper with extra information

**Delete which is inapplicable*

AFFIRMATION OF THE POLLING AGENT

S/N

1. Name.....Party.....Signature..

2. Name.....Party.....Signature..

3. Name.....Party.....Signature..

4. Name.....Party.....Signature..

5. Name.....Party.....Signature..

6. Name..... Party..... Signature..

7. Name.....Party.....Signature..

8. Name.....Party.....Signature..

9. Name.....Party.....Signature..

10. Name.....Party.....Signature..

11. Name..... Party.....Signature..

12. Name.....Party.....Signature..

13. Name..... Party.....Signature..

14. Name..... Party.....Signature..

15. Name..... Party.....Signature..

16. Name..... Party.....Signature..

17. Name..... Party.....Signature..

18. Name..... Party.....Signature..

19. Name..... Party.....Signature..

20. Name..... Party.....Signature..

21. Name..... Party.....Signature..

22. Name..... Party.....Signature..

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION
CONSENT OR COMPLAINTS OF THE CANDIDATE OR AGENT AT THE
COUNTING OF VOTES

(Made under Regulation 53 of the Local Authorities (Councilors Elections) Regulations, 2015)

EVERY CANDIDATE OR AGENT TO FILL IN A SINGLE FORM

Council.....

Constituency

*Polling District /Ward

Name of Polling Station

Number of Polling Station

Name of Candidate/ Agent*

Name of Political Party

I. INSPECTION OF BALLOT BOXES

*A: (i) I affirm that the box/boxes (quantity)

*has been inspected/have been inspected before me and I have no complaints.

OR

(ii) I affirm that the box/boxes (quantity)has been inspected/ have been inspected before me and I have the following complaints:

.....
.....

Name Signature

(Candidate/Counting Agent)

Date

*B: Information regarding how the complaints were dealt with by the Presiding Officer

Name Signature

(Presiding Officer/Polling Assistant)

II. VERIFICATION OF NUMBER OF VOTES INSIDE THE BALLOT BOX

*A: (i) I verify that the ballot papers inside the ballot box/boxes mentioned in part "I," have been counted by the Presiding Officer/Polling Assistant and the total papers in each box/all boxes has been indicated and I have no complaints: OR

(ii) I have the following complaints regarding votes counting procedures of the ballot papers inside the ballot box/boxes:

.....
.....

Name:..... Signature

(*Candidate/Counting Agent)

Date

*B: **Information** regarding on how the complaint was dealt with by the Presiding Officer:

.....

NameSignature.....

(*Presiding Officer/Polling Assistant)

Date

Delete which is inapplicable

III. VOTES ACQUIRED BY EACH CANDIDATE

(i) *A: I affirm that I am satisfied with the counting of votes and I have no complaints.

OR

(ii) I was not satisfied with the counting of votes and I have the following complaints:

NameSignature

(*Contestant/Counting Agent)

Date

*B: Information regarding how the complaint was dealt with by the Presiding Officer

.....

Name..... Signature..... Date

(*Presiding Officer/Polling Assistant)

NB: If the provided space is insufficient, attach an additional paper with extra information

**Delete which is inapplicable*

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION
DECLARATION BY A VOTER

(Made under Regulation 52(4) (b) (iii) of the Local Authorities
(Councilors Elections] Regulations, 2015)

I.....(Full names)
of (Address)

Do hereby declare and state as follows:-

* (a) That I am the bearer of the name
Appearing in the voter's registration card number..... and
In the Voter's Register of Ward/Polling District InElectoral
Constituency, and my registration atWard/ Polling District, was to the
best of my own knowledge not deleted.

OR

* (b) That I have not yet voted here or at any other polling station for the election of
President/Member of Parliament/Councilors

.....
Signature/Thumb print of voter

This Declaration has been made before me this day of.....
20

Name..... Signature
(Presiding Officer)

Date

NOTE: Any person wishing to vote may be required to sign one or both of these
declarations as the Presiding Officer may deem necessary to do so. Where only a single
declaration is required, then the irrelevant one should be deleted by the Presiding Officer
Delete which is inapplicable

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION

AUTHORIZATION OF ELECTORAL STAFF AND POLLING AGENTS TO
VOTE AT A POLLING STATION WHICH HE/SHE WAS NOT REGISTERED

(Made under Regulation 48(I) of the Local Authorities (Councilors Elections) Regulations, 2015)

*Mr /Mrs/Ms:.....

With voter's registration card number

Issued on..... at..... polling station

Constituency..... Ward.....

Has been appointed to be *Returning Officer/Assistant Returning Officer/Presiding Officer/polling Assistant Presiding Officer/Security Personnel/Polling Agent /Directions Clerk at the polling station number....

I permit the afforesaid to vote at..... polling station

Of polling station number..... atWard

Constituency

Name

Signature

*Returning Officer/ Assistant Returning Officer

Date

Stamp of the Returning Officer.

Delete which is inapplicable

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION
AUTHORISATION OF A CANDIDATE TO VOTE AT A POLLING STATION WHICH HE
WAS NOT REGISTERED

(Made under Regulation 48(2) of the Local Authorities (Councilors Elections) Regulations, 2015)

• Mr /Mrs./Ms:.....

With voter's registration card number

Issued on..... at..... polling station

Of..... Ward..... Constituency

Is a candidate for "Presidency/Vice-Presidency/Member of Parliament/Councilor in
.....Constituency..... Ward.

I permit the afforesaid to vote at

.....polling station

Number..... at..... Ward

..... Constituency.

Name

Signature

*Returning Officer/ Assistant Returning Officer

Date

Stamp of the Returning Officer

Delete which is inapplicable

THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION
REPORT OF THE PRESIDING OFFICER

(Made under Regulation 54(3) of the Local Authorities (Councilors Elections) Regulations, 2015)

To the Returning Officer.....

Name of Polling Station:.....

Number.....

Polling District/Ward

Constituency

Council.....

I. I inform you that:

*A. Complaints were lodged at this Polling Station and I attach complaint Form Nos. 14, 15 and 16 lodged and how they were dealt with.

*B. No complaints were lodged at this Polling Station, and I attach Form No. 14, 15 and 16.

"C. I return the following total of unused forms:

Form No. 14 (Total)..... Form No. 15 (Total)Form No. 16.

(Total)

2. I submit to you envelopes containing the following:

(a) Ballot papers count (Envelope No.1)

(b) Counterfoils of ballot papers used (Envelope No. 2A, 2B and 2C)

(c) The unused and spoilt ballot papers (Envelope No. 3A, 3B, and 3C)

(d) The Permanent National Voter's Register, staff, polling agent and Candidate Authorization forms (Envelope No.4)

Name..... Signature

(*Presiding Officer/Polling Assistant).

Date

**Delete which is inapplicable*

AFFIRMATION OF POLLING AGENTS

- 1. Name..... PartySignature....
- 2. Name..... Party Signature...
- 3. Name..... Party Signature...
- 4. Name Party Signature..
- 5. Name.....Party Signature..
- 6. Name.....Party..... Signature..
- 7. Name..... Party Signature..
- 8. Name..... PartySignature..
- 9. Name..... Party Signature..
- 10 Name..... Party..... Signature..
- 11 Name..... Party Signature..
- 12 Name..... Party Signature..
- 13 Name..... Party Signature..
- 14 Name..... Party Signature..
- 15 Name..... Party Signature..
- 16 Name.. Party Signature..
- 17 Name..... Party Signature..
- 18 Name..... Party Signature..
- 19 Name..... Party Signature..
- 20 Name..... Party Signature..
- 21 Name..... Party Signature..
- 22 Name..... Party Signature..

**Delete which is inapplicable*



THE UNITED REPUBLIC OF TANZANIA
 NATIONAL ELECTORAL COMMISSION
 RESULTS FOR COUNCIL OR ELECTIONS AT THE POLLING STATION

(Made under Regulation 54(1) of the Local Authorities (Councilors' Elections) Regulations, 2015)

PART A

Name of Polling Station _____	Polling Station	<input type="text"/>					
Number _____							
Ward _____							
Constituency _____		District _____		Region _____			

Name of Candidate	Sex		Name of Political Party	Acquired Votes	* √	Name of Agent/Candidate	Signature
	M	F					
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							
11.							
12.							
13.							
14.							
15.							
16.							
17.							
18.							
19.							
20.							
21.							
22.							
TOTAL							

*Delete which is inapplicable

Total number of registered voters	_____
Total number of dispute voters	_____
Total number of dispute votes	_____
Total number of valid votes	_____
Total number of rejected votes	_____

*√ This mark should be placed before the row of the candidate with the highest votes acquired.

Name

Signature

(*Presiding Officer/Polling Assistant)

Date

Time

PART 'B'

THIS FORM SHOULD BE FILLED BY THE ASSISTANT RETURNING OFFICER DURING THE DETERMINATION OF DISPUTED VOTES

THIS PART SHOULD BE FILLED BEFORE DETERMINATION OF DISPUTED VOTES					THIS PART SHOULD BE FILLED AFTER DETERMINATION OF DISPUTED VOTE				
Election results before adding dispute votes					Election results after determination of disputed votes				
Name of Candidate	Sex	Name of Political Party	Votes acquired at Polling Station		Results of disputed votes	Total number of votes for each candidate	* √	Name of Candidate/Agent	Signature of Candidate/Agent
		Me	Fe						
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									
18.									
19.									
20.									
21.									
22.									
	TOTAL								

Total valid votes	_____
Total rejected votes	_____

*√ This mark should be placed in the row of the candidate with the highest votes acquired.

Name

Signature

Assistant Returning Officer

Date Time

THE UNITED REPUBLIC OF TANZANIA
 NATIONAL ELECTORAL COMMISSION
 TABLE OF RESULTS FOR COUNCILORS ELECTIONS FOR
 EVERY POLITICAL PARTY

(Made under Regulation 58 of the Local Authorities (Councilor Elections) Regulations. 2015)

Ward..... Council.....Region

N O	Number of Polling Station	A F P	APP T MAE NDE LEO	CC M	CHA DEM A	CHA USIT A	CU F	DE MO CR ASI A MA KIN I	DP	JAH AZI ASI LIA	N C C R	N L D	N R A	S A U	T A D E A	T L P	U D P	U D P	U D P
	TOTAL																		

NameSignature
 DateTime Assistant Returning Office

Total number of voted voters

***Delete which is inapplicable**

Total number of valid votes
Total number of rejected voters

Name Signature

(*Returning Officer/ Assistant
Returning Officer)

Date

Time



Form No. 24C

THE UNITED REPUBLIC OF TANZANIA

NATIONAL ELECTORAL COMMISSION

COUNCILORS' ELECTION RESULTS

(Made under Regulation 58(1)(a) of the Local Authorities (Councilor Elections) Regulations)

Word _____	<input type="checkbox"/>					
Council _____ Region _____						

Name of Candidate	Sex		Name of Political Party	Acquired Votes	Place this mark (✓) in the row of an Elected Candidate	Name of Agent/Candidate	Signature
	M	F					
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							
11.							
12.							
13.							
14.							
15.							
16.							
17.							
18.							
19.							
20.							
21.							
22.							
TOTAL							

Total number of registered voters	_____
Total number of voted voters	_____

Total number of valid votes	_____
Total number of rejected voters	_____

Name Signature
(*Returning Officer/ Assistant
Returning Officer)
Date
Time

***Delete which is inapplicable**

SECOND SCHEDULE
THE UNITED REPUBLIC OF TANZANIA
NATIONAL ELECTORAL COMMISSION
CERTIFICATE OF ELECTION FOR COUNCILLOR

(Made under Regulation 67 of the Local Authorities (Councilors Election) Regulations, 2015)

*Prof/Dr/Mr/Mrs/Ms.....of Political Party..... by virtue of Section 82 (a) of the Local Authorities (Elections) Act, Cap. 292, you have been elected as a Councilor ofWard of..... Council in the elections held on

..... day of..... 20

*Returning Officer/ Assistant Returning Officer

Made by The National Electoral Commission on the day of, 2015

Dar es Salaam,
..... 2015

DAMIAN Z. LUBUV A
Chairman of the National election Commission

Delete which is inapplicable

6. THE ELECTION EXPENSES REGULATIONS, 2010 [GN No.246 OF 2010]

These regulations are made under section 31 of the Election Expenses Act, Cap 278 RE 2015 and it came into operation through Government Notice No 246 Published on 9th July,2010.

Arrangement of regulations

Regulation Title

PART I PRELIMINARY PROVISIONS

1. Citation.
2. Application.
3. Interpretation.

PART II PROCEDURE FOR NOMINATION OF APPLICANTS

4. Application for nomination.
5. Procedure for nomination.
6. Women special seats.

PART IV PROCEDURE FOR DISCLOSURE OF FUNDS

7. Procedure for disclosure of funds by a candidate.
8. Procedure for disclosure of funds by a political party.
9. Submission of forms for disclosure of funds.
10. Disclosure of donations.
- II. Report of funds expended in excess limit.
12. Limitation of funds for advocacy and public awareness programmes.
13. Designation of authorized officers.

PART V PROCEDURE FOR MAKING RETURNS

14. Receipts of election expenses.
15. Report, funds, verification and submission of returns.
16. Records and books of accounts.
17. Campaign team.

PART VI COMPLAINT PROCEDURE

18. Filing of a complaint.
19. Contents of a complaint.
20. Determination of a complaint.

PART VII
USE OF MEDIA
(a) Government Media

- 21. Use of Government broadcast equipment
- 22. Use of Government newspapers.

(b) Private Media

- 23. Use of private media.
- 24. Promotion of common level field.

SCHEDULE

PART I
PRELIMINARY PROVISIONS

1. Citation

These Regulations may be cited as the Election Expenses Regulations, 2010.

2. Application

These Regulations shall apply in relation to the candidates referred to in section 2 of the Act.

3. Interpretation

In these Regulations-

"Act" means the Election Expenses Act, 2010;

"applicants" means a person who submits himself to be sponsored by a political party to stand as a candidate in an election;

"candidate" has the meaning ascribed to it under the Act;

"election expenses" has the meaning ascribed to it under the Act;

"nomination day" has the meaning ascribed to it under the Act;

"nomination process" has the meaning ascribed to it under the Act;

"Registrar" means the Registrar of Political parties appointed under the Political Parties Act;

"Secretary General" means the Secretary General of a political party and includes a person who performs the functions of Secretary General or designated by a political party to perform such functions in accordance with the constitutions of a political party concerned;

"voter" has the meaning ascribed to it under the Act;

"women special seats" means Members of Parliament referred to in Article

66(1) (b) of, and nominated in terms of Article 78 of the Constitution of the United Republic of Tanzania and Councillors nominated in terms of Part XIA of the Local Authority (Elections) Act.

PART II
PROCEDURE FOR NOMINATION OF APPLICANTS

4. Application for nomination

(1) A member of a political party who wishes to be nominated by his political party as a candidate for the Office of President, Member of Parliament or a Councillor shall make an application to the Secretary General in accordance with the procedure stipulated by the political party concerned.

(2) The application shall contain, but not limited to the following particulars-

(a) name and physical address;

(b) age;

(c) sex;

(d) occupation;

(e) qualification, if any;

- (f) citizenship; and
- (g) name of a political party.

(3) The Secretary General of a political party concerned, shall not accept an application which is non compliant with the requirements of sub-regulation (2).

(4) A person, who makes application contrary to the proceeding provisions of these Regulations shall be liable for disqualification in case of misrepresentation.

5. Procedure for nomination

(1) Every political party intending to participate in an election shall nominate a suitable candidate from the list of applicants.

(2) For the purposes of sub-regulation (1), the nominating organ shall be the political party organ stipulated in constitution of the relevant political party.

(3) Each applicant shall be afforded an opportunity by his political party to make presentation and expression of his intention to be nominated as a candidate.

6. Women special seats

(1) Applicants for nomination as candidate for women special seats shall make an application in prescribed forms issued by a political party concerned and submit to the Secretary General.

(2) The appropriate party organ shall shortlist the names of the applicants according to the number of votes scored, and the names with the highest votes shall be forwarded to the highest organ of a political party concerned for approval in accordance with the procedures stipulated in the constitution of the relevant political party.

(3) Without prejudice to the preceding provisions of this regulation, the provisions of Regulations 4 and 5 shall apply *mutatis mutandis* to application procedure for nomination of candidates for women special seats.

PART III

PROCEDURE FOR DISCLOSURE OF FUNDS

7. Procedure for disclosure of funds by a candidate

(1) A candidate, a political party and an organisation shall comply with the requirement to disclose funds and sources of funds in a manner stipulated in the Act and these Regulations.

(2) A candidate required to disclose funds in his possession or expected to be received shall fill in Form EE.1 specified in the Schedule to these Regulations.

(3) Without prejudice to sub-regulation (2), the disclosure by a candidate shall contain information about -

- (a) amount of money;
- (b) other type of funds which can be cashed or converted into money value or money worth;
- (c) sources of money or other type of funds; and
- (d) any other thing intended to be used during election campaigns.

(4) For the implementation of sub-regulation (2), the candidate shall, in respect of funds expected to be received, state the projected amount and sources of funds.

8. Procedure for disclosure of funds by a political party

(1) Where a political party is required to disclose funds which it intends to use as election expenses, that political party shall fill in Form EE.3 specified in the Schedule to these Regulations.

(2) The disclosure by a political party shall contain similar information required under Regulation 7(3).

(3) Where a political party is required to disclose funds which it intends to use for presentation and promotion of candidates sponsored by that political party as election expenses that political party shall fill in Form EE.4 specified in the Schedule to these Regulations.

(4) The disclosure made pursuant to sub-regulation (3) shall state the amount of funds intended to be apportioned to candidates sponsored by that political party.

9. Submission of forms for disclosure of funds

(1) A copy of disclosure of funds contained in Form EE.1 submitted by the candidate to the Secretary General attached with a Certificate specified in Form EE.2 shall be forwarded by authorized officers to the Registrar at any earlier time being not more than seven days after the nomination day.

(2) A copy of the Conn used for disclosure shall be sent by the candidate to the Registrar or an authorized officer by registered mail, fax, scanned electronic mail or physical delivery.

(3) For the purpose of disclosure of funds in respect of returns of election expenses for a gift, loan, advance, deposit or donation, a political party shall fill in Form EE.5 specified in the Schedule to these Regulations and shall contain particulars referred to in Regulation 7(3) which shall be confidential and may only be used where the implementation of the Act requires so to do.

(4) An organisation which is required to disclose the source and amount of funds intended to be used for advocacy and public awareness shall fill in Form EE.6 specified in the Schedule to these Regulations to which there shall be attached an activity plan.

10. Disclosure of donations

(1) All voluntary donations made to a candidate or a political party shall be clearly recorded in Form EE.7 and Form EE.8, respectively-

- (a) name and physical address of the donor;
- (b) name and physical address of the donee;
- (e) purpose of donation;
- (f) date of the donation.

(2) Voluntary donations made to a candidate or a political party shall be disclosed to the Registrar sequentially showing donations-

(a) from sources outside the United Republic, whether obtained directly or through sources within the United Republic;

(b) from foreign organizations stationed within the United Republic; or

(c) from any person resident in the United Republic who is not a citizen of the United Republic.

11. Report of fund expended in excess limitation

The report on funds expended in excess of the limits specified in subsection (2) of Section 10 of the Act, shall be made-

- (a) in case of a political party, in Form EE.9 set out in the Schedule to these Regulations; and
- (b) in case of a candidate, in Form EE.10 set out in the Schedule to these Regulations.

12. Limitation of funds for advocacy and Public awareness programmes

(1) A Non-Governmental Organisation, Faith Based Organisation or Community Based Organisation which participates in advocacy and public awareness activities shall not spend the amount of funds exceeding, in the case of-

- (a) a countrywide based organisation, Shillings one billion;
- (b) a constituency based organisation, Shillings one hundred million; and
- (c) a ward based organisation, Shillings ten million.

(2) Any organisation referred to in sub-regulation (1) shall submit, an activity plan about how it intends to conduct advocacy and public awareness programmes relating to nomination process, election campaign or election.

(3) Programmes for advocacy and public awareness shall neither be used in discrimination of any candidate or a political party nor be used for purposes other than advocacy and public awareness.

(4) An organisation which contravenes the preceding provisions of this regulation commits an offence.

13. Designation of authorized officers

(1) For the purposes of disclosure required under the Act and these Regulations, the District Administrative Secretary and the Ward Executive Officer are hereby designated to be authorised officers to receive forms for disclosures of funds as submitted by candidates for the office of a Member of Parliament and the office of a Councillor, respectively.

(2) After receiving the disclosure forms, the authorised officers shall transmit the form to the Registrar.

PART IV

PROCEDURE FOR MAKING RETURNS

14. Receipts of election expenses

For the purposes of Section 16 of the Act, the evidence of payment for election expenses shall include -

(a) bills and receipts stating particulars in respect of the payment; and

(b) where the circumstance under which the payment is made are such that a bill or receipt cannot be easily obtained, a certification in writing by a person to whom the payment is effected stating-

- (i) the amount effected;
- (ii) the date on which the amount was effected;
- (iii) the purpose of the payment; and
- (iv) the signature of a person to whom the payment is effected.

15. Report funds, verification and submission of returns

(1) A candidate shall prepare a report on election expenses incurred by him during election campaigns and election.

(2) The report made pursuant to sub-regulation (1) shall contain information on-

(a) bills, receipts or any other certification; and

(b) amount of funds apportioned by his political party;

(3) On completion of the report the candidate shall verify and submit the report to-

(a) in case of a Presidential candidate, to the Secretary General of a political party concerned;

(b) in case of a Member of Parliament or a Councillor, to a person performing functions of the Secretary General within the District within sixty days following the date of notification by the political party or the amount apportioned to that candidate.

(4) For the purposes of the preceding provisions of this regulation, the report shall be made in the Form EE.II set out in the Schedule to these Regulations.

(5) Upon receipt of the report from the candidate, the Secretary General, shall before submitting that report to the Board of Trustees, verify the correctness of the report and may, where necessary ask for more information from the candidate concerned for purposes of satisfying himself.

(6) The Secretary General of the political party shall ask the Board of Trustees concerned to submit the report of true returns in Form EE.12 set out in the Schedule to these Regulations containing particulars about-

(a) an account of or expenses incurred;

(b) an account of funds received;

(c) bills and receipts; and

(d) amount of funds apportioned to candidates sponsored by that political party

(7) The management of an organization which participated in advocacy or public awareness activity shall submit the report of true returns in Form EE.I3 set out in the Schedule to these Regulations containing particulars about-

(a) an account of or expenses incurred;

(b) an account of funds received; and

(b) bills and receipts.

16. Records and books of accounts

(1) A political party and an organisation to which the provisions of these Regulations apply shall be required to apply expertise of persons who profess knowledge in accountancy and audit in preparing and keeping records for funds spent as elections expenses.

(2) The records reflecting on election expenses shall contain information all the total amount of funds ·

(3) a candidate or a political party initially had in his or its possession for purposes of election;

(b) a candidate or a political party received after initial ,disclosure way of donation; or

(c) which, in the case of an organisation, it spent for advocacy and public awareness.

(3) The records and books of accounts referred to in sub-regulation (2) shall be prepared in either electronic form or hard bound books and kept safely secured.

(4) In the case of an organisation, the records and books of accounts shall also contain information on issues stipulated in subsection (1) of Section 9 of the Act.

PART V

MEMBERS OF CAMPAIGN TEAM

17. Campaign team

(1) For the purpose of election expenses referred to under section 7 of the Act, members running a campaign team for a candidate shall not, for an office of-

- (a) the President, exceed fifty persons;
- (b) a Member of Parliament, exceed twenty persons; and
- (c) a Councillor, exceed ten persons.

(2) Notification of members of a campaign team shall be made upon application, by the candidate to the authority stipulated under subsection (3) of section 7 of the Act, at least-

- (a) two days before the commencement of the nomination process; or
- (b) seven days after the nomination day.

(3) A candidate who wishes to vary the list of members of a campaign team shall, for record purposes, notify the authority to whom initial notification was made.

(4) The number of members of a campaign team specified under paragraphs (a), (b) and (c) of sub-regulation (1) shall not include or be construed as including any person who is a member of the promotional art group.

PART VI

COMPLAINT PROCEDURE

18. Filing of a complaint

(1) A complaint may be filed with the Registrar by any person who is or becomes aware of a commission or an attempt to commit an act or omission which amounts to violation of the Act or these Regulations.

(2) Without prejudice to sub-regulation (1), an applicant for nomination as a candidate, a political party which intends to participate in the election, a voter or any other person may lodge a complaint for any of the following acts or omissions-

- (3) unfair conducts as stipulated in Section 21 of the Act;
- (b) unconscionable funding as stipulated in Section 22 of the Act;
- (c) conveyance of voters contrary to Section 21 of the Act;
- (d) non disclosure of funds by a candidate or a political party; and
- (e) disclosure of confidential information.

19. Contents of complaint

The complaint to be lodged to the Registrar shall be made in writing containing the following information-

- (a) an act or omission giving rise to the complaint; and
- (b) any evidence supporting the complaint.

20. Determination of a complaint

The Registrar shall determine the complaint within five days and communicate his decision to the parties with a copy to the Director of Elections and the Secretary General of the political party concerned.

PART VII

USE OF MEDIA

(a) Government Media

21. Use of Government broadcast equipments

(1) During election campaign, every Government broadcast media shall fix air time programme at an equitable prime time for Presidential candidate of every political party to present and promote its election manifesto to the public.

(2) For smooth implementation of this regulation, each political party participating in an election, shall submit 3 copy of the election manifesto of its political party to the management of Government broadcast media.

22. Use of Government newspapers

(1) Every Government newspaper shall fix a special column for every candidate of a political party contesting for an office of the President to promote the election manifesto of a political party which sponsors that candidate.

(2) A portrait of a candidate to be published in the Government newspaper shall be of a such size as has been vetted and authorized by a political party concerned.

(b) Private Media

23. The use of Private Media

(1) Every candidate shall at a cost have a right to use private media during election campaign.

(2) A candidate shall use private media for purposes of presenting and promoting his candidature and election manifesto of his political party.

24. Promotion of Common level field

(1) For the purpose of creating common level in presenting and promoting candidates and political parties during election campaigns a candidate or political party shall not use field lithographic publication equipment materials or broadcasting equipment in a manner which gives that candidate or political party an edge or undue advantage over other candidates or political parties.

(2) In case of contravention of the provisions of such contravention may lodge a complaint to the Registrar against a candidate, a political party or the editor of the newspaper who, and a media house which, all the case, may be contravenes such provisions.

(3) Without prejudice to the provisions of sub-regulation (2), a candidate or a political party affected by the contravention of sub-regulation (1) may apply to the High Court for an appropriate order including an order stopping such candidate, political party or editor and media house from continuing with an act or omission constituting the contravention.

DISCLOSURE OF FUND FOR ELECTION EXPENSES BY A CANDIDATE

Regulation 7(2)

I, the undersigned.....a candidate for office of.....constituency/ward do hereby declare that I have in my possession(amount) and expect to receive.....as expenses for election

Source Name	Amount /Value
1.....
2.....
3.....
4.....
5.....
Total

Dated this.....day of.....20.....

Name	Designation	Signature
.....

CERTIFICATE FOR DISCLOSURE OF FUNDS

Regulation 9(1)

I, the undersignedof a political party know as.....do hereby declare that candidate for an office of.....constituency/ward has complied with the requirement of disclosure of funds provided for in this Act.

Dated this.....day of.....20.....

Name	Designation	Signature
.....

DISCLOSURE OF FUNDS OF ELECTION EXPENSES BY A POLITICAL PARTY

Regulation 8(1)

We, the undersigned members of Board of Trustees of a political party known as.....do hereby declare that our political party intends to expend.....(amount) as election expenses

Source Name	Amount /Value
1.....
2.....
3.....
4.....
5.....
Total

Dated this.....day of.....20.....

Name	Designation	Signature
1.....
2.....
3.....

DISCLOSURE OF FUNDS APPORTIONED TO CANDIDATES BY A POLITICAL PARTY

(Regulation 8 (3))

We, the undersigned, members of the Board of Trustees of a political party known as..... do hereby declare that we intend to apportion(amount) of funds for presentation and promotion of our candidates in the election.

Name of candidate	Constituency /Ward	Amount apportioned
(1).....
(2)
(3)
Total	

Dated this..... day of..... 20

Name	Designation	Signature
(1)
(2).....
(3).....

DISCLOSURE OF FUNDS RECEIVED AS LOAN, GIFT, ADVICE, DEPOSIT AND DONATIONS

Regulation 9(3)

We, undersigned members of Board of Trustees of a political party know as.....
 Declare that, have received.....(amount) from the following sources as election expenses.

Source	Information	Amount/Value
I.....
2.....
3.....

Dated this..... day of..... 20

Name	Designation	Signature
I.....
2.....

Note: All information contained in this form is and shall remain confidential and may only be used for purpose stipulated in the Regulations.

DISCLOSURE OF FUNDS BY AN ORGANIZATION

Regulation 9(4)

I, the undersigned head of an Organisation known as.....do hereby declare that, my organization intends to expend.....(amount) for purpose of advocacy and public awareness during election campaign.

Source Name	Amount / Value
1.....
2.....
3.....
4.....
5.....
Total

Dated this.....day of.....20.....

Name	Designation	Signature
1.....

DISCLOSURE OF VOLUNTARY DONATION BY A CANDIDATE EXCEEDING
ONE/TWO MILLION SHILLING

Regulation 10

I, the undersigned a candidate for an office of.....constituency/ward of a political party knows as.....declare that have received contributions from the following sources as election expenses.

Names of Donor.....

Physical Address.....

Sources of donation of donor.....

Nature of donation.....

Amount/Value.....

Dated this.....day of.....20.....

Name	Designation	Signature
.....

DISCLOSURE OF VOLUNTARY DONATION BY A POLITICAL PARTY EXCEEDING
ONE/TWO MILLION SHILLING

Regulation 10

We, the undersigned..... members of Board of Trustees of a political party known asdeclare that have received voluntary donations from the following sources as election expenses.

Names of Donor.....

Physical Address.....

Sources of donation of donor.....

Nature of donation.....

Amount/Value.....

Dated this.....day of.....20.....

Name	Designation	Signature
1.....
2.....
3.....

DISCLOSURE OF FUNDS EXCEEDING THE MAXIMUM AMOUNT BY A POLITICAL PARTY

Regulation 11(a)

We, the undersigned..... members of the Board of Trustees of a political party known as.....hereby declare that our political party expended an amount of funds in excess of prescribed limit as shown herein below

Amount Prescribed Excess amount expended
.....

Reasons for exceeding the maximum amount
.....

Dated this.....day of.....20.....

Name Designation Signature
1.....
2.....
3.....

Form EE.10

DISCLOSURE OF FUNDS EXCEEDING THE MAXIMUM AMOUNT BY A CANDIDATE

Regulation 11(b)

I, the undersigneda candidate for an office of.....constituency/ward do hereby declare that I have expended an amount of funds in excess of prescribed limit as shown herein below

Amount Prescribed Excess amount expended
.....

Reasons for exceeding the maximum amount
.....

Dated this.....day of.....20.....

Name Designation Signature
.....

TRUE RETURNS OF ELECTION EXPENSES BY A CANDIDATE

Regulation 15(4)

I, the undersigneda candidate for an office ofConstituency/ward do hereby submit a verified report of election expenses

A. Candidate own expenditure

Amount.....

B. Apportioned expenditure

Amount.....

Dated this.....day of.....20.....

Name	Designation	Signature
.....

TRUE RETURNS OF ELECTION EXPENSES BY A POLITICAL PARTY FOR THE EXPENDITURE APPORTIONED TO THE CANDIDATE

Regulation 15(6)

We, the undersigned..... being members of the Board of Trustees of political party known as do hereby submit a true returns of expenditure apportioned to the candidate whose particulars are stated below.

Name	Constituency/ward	Amount spent
.....

Total amount spent.....

Dated this.....day of.....20.....

Name	Designation	Signature
.....

Dated this.....day of.....20.....

Signed by:

Name	Designation	Signature
.....

TRUE RETURNS OF ELECTION EXPENSES BY AN ORGANIZATION

Regulation 15(7)

I, the undersigned on behalf of an Organisation known as.....do hereby submit true return of the amount expended as election expenses in accordance with the activity plan

Amount expended.....

Dated this.....day of.....20.....

Name	Designation	Signature
.....

Dar es Salaam

2nd July 2010

MIZENGO P.PINDA

PRIME MINISTER

7. MAADILI YA UCHAGUZI WA RAIS, WABUNGE NA MADIWANI YA MWAKA 2015 TUME YA TAIFA YA UCHAGUZI [GN No 294 OF 2015]

Kanuni hizi za Maadili ya Uchaguzi wa Rais, Wabunge na Madiwani zimetungwa na Mwenyekiti wa Tume ya Uchaguzi ya Tanzania Chini ya kifungu cha 124A cha Sheria ya Taifa ya Uchaguzi, Sura ya 343 na kuanza kutumika kupitia Tangazo la Serikali Na 294 la Tarehe 27 Julai 2015.

YALIYOMO

UTANGULIZI:

SEHEMU YA KWANZA

- 1.0 Jina, Matumizi, Wahusika na Wajibu wa kusaini Maadili ya Uchaguzi ya mwaka 2015
- 1.1 Jina la Maadili
- 1.2 Mwanzo wa Kutumika
- 1.3 Wahusika wa Maadili
- 1.4 Wajibu wa Kusaini Maadili

SEHEMU YA PILI:

- 2.0 Maadili kwa Vyama vya Siasa na Wagombea katika kuendesha Shughuli za Siasa wakati wa Kampeni
- 2.1 Wajibu wa Vyama vya Siasa na Wagombea
- 2.2 Yasiyotakiwa kufanywa na Vyama vya siasa na wagombea
- 2.3 Maadili Wakati wa Upigaji kura Mpaka Kutangaza Matokeo ya Uchaguzi.
- 2.3.1 Yanayotakiwa Kufanywa
- 2.3.2 Yasiyotakiwa Kufanywa

SEHEMU YA TATU

- 3.0 Maadili kwa Serikali ya Jamhuri ya Muungano wa Tanzania
- 3.1 Wajibu wa Serikali
- 3.2 Yasiyotakiwa Kufanywa na Serikali
- 3.3 Yasiyotakiwa Kufanywa na Watendaji wa Serikali
- 5.0 Usimamizi wa Utekelezaji wa Maadili ya Uchaguzi

SEHEMU YA NNE

- 4.0 Maadili kwa Tume ya Taifa ya Uchaguzi
- 4.1 Yanayotakiwa Kufanywa na Tume
- 4.2 Yasiyotakiwa Kufanywa na Tume

SEHEMU YA TANO

- 5.1 Kamati za Maadili za Kusimamia Utekelezaji wa Maadili ya Uchaguzi
- 5.2 Muundo wa kamati ya maadili ya uchaguzi
- 5.2.1 Kamati ya Rufaa
- 5.2.2 Kamati ya Kitaifa
- 5.2.3 Kamati ya Jimbo
- 5.2.4 Kamati ya Kata

- 5.2.5 Kamati ya Maadili wakati wa chaguzi ndogo
- 5.3 Uwasilishaji wa Malalamiko
- 5.4 Muda wa kuwasilisha Malalamiko
- 5.5 Kuitisha Kikao cha Maadili ya Uchaguzi
- 5.6 Namna/Jinsi ya kushughulikia Malalamiko
- 5.7 Ruffaa Dhidi ya Maamuzi
- 5.8 Malalamiko Dhidi ya Tume ya Taifa ya Uchaguzi /Msimamizi wa Uchaguzi/Msimamizi Msaidizi wa Uchaguzi
- 5.9 Mamlaka dhidi ya Serikali
- 5.10 Mamlaka ya Kamati za Maadili ya Uchaguzi ngazi ya Taifa, Jimbo na Kata katika kushughulikia malalamiko na kutoa adhabu
- 5.11 Mamlaka ya Kamaati ya Ruffaa ya Maadili ya Uchaguzi
- 5.12 Kushindwa kutekeleza Maadili ya Uchaguzi

SEHEMU VA SITA

6.0 TAMKO LA KUKUBALI MAADILI:

- 6.1 Tamko la Serikali
- 6.2 Tamko la Tume ya Taifa ya Uchaguzi
- 6.3 Kufuta Maadili ya Mwaka 2010
- 6.4 Tamko la Vyama vya Siasa

MAADILI YA UCHAGUZI, 2015

UTANGULIZI:

Sisi Vyama vya Siasa, Tume ya Taifa ya Uchaguzi na Serikali ya Jamhuri ya Muungano wa Tanzania kwa pamoja tumekubaliana kuwa na uchaguzi huru, wa haki, uwazi, na wa kuaminika. Na kwamba Amani, Ustawi wa Nchi, Usalama wa Raia, Uhuru wa Vyama vya Siasa na Utii wa Sheria, Kanuni na taratibu za uchaguzi ndio msingi wa uchaguzi ulio huru, haki na wenye kuzingatia ushiriki wa makundi yote ya jamii katika uchaguzi. Tunajipa na tunakubaliana kuwajibika kuyatekeleza Maadili haya yanayotokana na kifungu cha 124A cha Sheria ya Taifa ya Uchaguzi ya mwaka 1985, (Sura 343). Tutafanya jitihada za wazi kuhakikisha Maadili haya yanajulikana na kuheshimiwa na wagombea na wanachama wote wa Vyama vya Siasa.

SEHEMU YA KWANZA

1.0 Jina, Matumizi, Wahusika na Wajibu wa kusaini Maadili ya Uchaguzi ya mwaka 2015

1.1 Jina la Maadili

Maadili haya yataitwa Maadili ya Uchaguzi wa Rais, Wabunge na Madiwani ya mwaka 2015.

1.2 Mwanzo na Mwisho wa Kutumika

Maadili haya yatatumika katika Uchaguzi Mkuu wa mwaka 2015, kuanzia tarehe 22 Agosti, 2015 mpaka kutangazwa kwa matokeo ya Uchaguzi Mkuu na katika chaguzi ndogo zitakazofuata.

1.3 Wahusika wa Maadili

Wahusika wa Maadili haya ni hawa wafuatao:-

- (i) Vyama vya Siasa;
- (ii) Wagombea;
- (iii) Serikali ya Jamhuri ya Muungano wa Tanzania; na
- (iv) Tume ya Taifa ya Uchaguzi.

1.4 Wajibu wa Kusaini Maadili

Kila Chama cha Siasa na kila Mgombea atawajibika kusaini Maadili haya. Chama ambacho hakitasaini Maadili haya kitazuiliwa kushiriki katika Kampeni za Uchaguzi. Kila mgombea atajaza na kusaini Fomu Na. 10 kuthibitisha kuwa ataheshimu na kutekeleza Maadili ya Uchaguzi. Fomu hiyo itatolewa na Tume na itarudishwa pamoja na Fomu ya Uteuzi. Mgombea atakayekataa kusaini Maadili haya atakatatlwa au kuondolewa kushiriki katika Uchaguzi kama Mgombea.

SEHEMU YA PILI

2.0 Maadili kwa Vyama vya Siasa na Wagombea katika kuendesha shughuli za Siasa wakati wa Kampeni.

2.1 Wajibu wa Vyama vya Siasa na Wagombea.

Kila Chama cha Siasa na Mgombea atazingatia yafuatayo:-

(a) Kuheshimu na kutekeleza Sheria za Uchaguzi, Kanuni za Uchaguzi, Maadili ya Uchaguzi na Maelekezo ya Tume ya Taifa ya Uchaguzi pamoja na Sheria zingine za nchi katika kipindi chote cha Uchaguzi.

(b) Viongozi wa Vyama vya Siasa na Wagombea wawaelimishe, wawahamasishe na kuwasisitizia Wanachama wao kutekeleza Sheria za Uchaguzi, Sheria zingine za nchi, Kanuni na taratibu zilizopo.

(c) Vyama vya Siasa vifanye mikutano ya Kampeni kwa kuzingatia ratiba rasmi iliyoratibiwa na Tume ya Taifa ya Uchaguzi au Wasimamizi wa Uchaguzi katika kutangaza sera zao. Aidha, mikutano yote itafanyika kati ya saa 2:00 asubuhi na saa 12:00 jioni. Bila kuathiri muda ulioelezwa hapo juu, Vyama vya Siasa vinaweza kutumia vipaza sauti kuanzia saa 1:00 asubuhi hadi saa 2:00 usiku kutoa matangazo ya mikutano itakayofuata.

(d) Vyama vyote vya Siasa, Wagombea, Wanachama na Wafuasi wa Vyama vya Siasa wahakikishe kwamba wanachukua hatua za makusudi:-

(i) Kufanya uchaguzi ulio huru na wa haki;

(ii) Kukataa na kulaani vitendo vya vurugu na vitisho;

(iii) Kukataa aina yoyote ya Ubaguzi katika misingi ya jinsia, ulemavu, ukabila, udini au rangi; na

(iv) Kueneza taarifa sahihi kuhusiana na mchakato wa Uchaguzi.

(e) Kuchapisha vijitabu, vipeperushi, vitini, mabango na machapisho ya aina yoyote yanayoelezea sera zao. Hata hivyo kabla ya vitu hivyo kutumika vinatakiwa kuidhinishwa na Tume ya Taifa ya Uchaguzi kwa Uchaguzi wa Rais na Msimamizi wa Uchaguzi kwa Uchaguzi wa Wabunge na Madiwani.

(f) Kutumia Vyombo vya Habari vya Umma kutangaza sera zao kwa kuzingatia Sheria za Vyombo vya Habari, Sheria za Uchaguzi, na utaratibu uliowekwa na Tume ya Taifa ya Uchaguzi. Vyombo hivyo vinaweza kutumiwa na Wagombea wa Urais na kugharamiwa na Serikali.

(g) Vyama vyote vya Siasa na Wagombea wajenge mazingira ambayo yatawezesha Uchaguzi kufanyika kwa uhuru na haki, ikiwa ni pamoja na kuwezesha makundi maalum (Katika Maadili haya Makundi Maalum yanajumuisha Wazee, Wajawazito, wenye watoto wachanga na wanaoishi na ulemavu) kushiriki vyema katika Uchaguzi. Ni wajibu wao kushirikiana na Watendaji wa Uchaguzi kuhakikisha upigaji kura unakuwa wa amani na utulivu ili Wapiga Kura wawe huru kutumia haki yao ya kupiga kura bila usumbufu, bughudha au vitisho.

(h) Vyama vya Siasa vinavyotaka kufanya maandamano wakati wa Kampeni za Uchaguzi vihakikishe vinafuata masharti ya Sheria husika kwa kuwa Sheria za Uchaguzi hazisimamii maandamano bali Mikutano ya hadhara tu.

(i) Vyama vya Siasa na Wafuasi wao wahakikishe hifadhi na usafi wa mazingira katika kusambaza matangazo ya kampeni. Aidha, kila chama kiwajibike kuyaondoa mabango,

matangazo na machapisho ya aina yoyote ile yaliyotumika wakati wa kampeni katika sehemu za wazi baada ya Uchaguzi

(j) Lugha ya Kiswahili itakuwa ndiyo lugha pekee itakayotumika katika kampeni za Uchaguzi. Pale ambapo Kiswahili hakieleweki na itakapolazimu

Mgombea atazungumza katika lugha ya Kiswahili na Mkalimani atatafsiri katika lugha inayoeleweka katika eneo husika.

(k) Viongozi wa Vyama vya Siasa, Wagombea au Wafuasi wao wahakikishe kuwa majengo wanayotumia kufanya kampeni sio ya ibada. Vile vile, Vyama vya Siasa vihakikishe kuwa havitumii Viongozi wa dini kupiga kampeni kwa ajili ya Vyama vya Siasa au Wagombea wao.

(l) Vyama vya Siasa au Wagombea wanatakiwa watoe taarifa mara moja kwa mamlaka husika mara wanapofahamu au wanapoona tukio linaloweza

kusababisha vurugu.

(m) Vyama vya Siasa, Wagombea na Wafuasi wao wahakikishe kuwa wanafanya kampeni kwa kuzingatia misingi inayolenga kutangaza sera zao na ambayo haijengi chuki, mfarakano na mgawanyiko wa jamii.

(n) Vyama vyote vya Siasa na Wagombea watachukua hatua za lazima kuhakikisha kuwa hakuna migongano ya mikutano ya kampeni na vyama vingine. Pale ambapo mikutano inagongana, Wawakilishi wao watakutana na Tume na kutatua tatizo hilo kwa amani bila ya kutumia nguvu, vitisho au vurugu.

(o) Kila Chama kitawakataza Wanachama au Wafuasi wake kutamka kauli mbiu, kuonyesha ishara za vyama vyao, au kuvaa sare zenye rangi ya Chama chao katika mikutano ya hadhara ya Vyama vingine.

(p) Vyama vya Siasa na Wagombea wao watawaelekeza Mawakala wao watakaokuwepo katika Vituo vya Kupigia, kuhesabia na kujumlishia Kura watekeleze majukumu yao kwa mujibu wa Sheria za Uchaguzi, Kanuni za

Uchaguzi, Taratibu na Maelekezo ya Tume ya Taifa ya Uchaguzi.

2.2 Yasiyotakiwa Kufanywa na Vyama vya Siasa na

Wagombea

(a) Viongozi wa Vyama vya Siasa, Wagombea wao hawatakiwi kufanya fujo au kusababisha vurugu ya aina yoyote katika mkutano wa Chama kingine.

(b) Viongozi wa Vyama vya Siasa, Wagombea wao hawatakiwi kutumia lugha ya matusi, kashfa, kejeli, udhalilishaji na vitisho au lugha inayochochea uvunjaji wa Amani, au kuashiria ubaguzi wa kijinsia, ulemavu au maumbile, kwenye mikutano ya kampeni.

(c) Mtu yeyote haruhusiwi kuwa na/au kubeba silaha yoyote ikiwa ni pamoja na silaha za jadi au zana yoyote inayoweza kumdhuru mtu katika mkutano wa kampeni au mkusanyiko wowote wa kisiasa.

(d) Hairuhusiwi kuwa na/au kubeba sanamu, kinyago au kitu chochote ambacho kinaonyesha kudhalilisha, kukebehi au kufedhehesha Chama kingine cha Siasa au Kiongozi wake au Serikali, katika mkutano au mkusanyiko wowote wa kisiasa.

(e) Viongozi wa Vyama vya Siasa, Wagombea wao hawaruhusiwi kutumia vipaza sauti vya aina yoyote ile kwa shughuli za kisiasa nyakati zote za usiku kuanzia saa 2:00 usiku hadi saa 12:00 asubuhi.

(f) Viongozi wa Vyama vya Siasa, Wagombea wao hawaruhusiwi kuchafua, kubandua au kuharibu matangazo ya kampeni ya Vyama vingine vya Siasa na matangazo ya uchaguzi yanayotolewa na Tume ya Taifa ya Uchaguzi.

(g) Vyama vya Siasa visibandike mabango ya kampeni, matangazo au mchoro wowote kwenye nyumba, majengo au vyombo vya usafiri vya watu binafsi au Taasisi mbalimbali bila idhini ya wamiliki husika.

(h) Kukosoana kati ya Vyama na Wagombea kunapofanyika ni lazima kujikita katika Sera, programu na kazi zao walizofanya. Ukosoaji wa Vyama vingine au Wagombea wengine kwa tuhuma zisizothibitishwa ni lazima uepukwe.

(i) Vyama vya Siasa au Wagombea hawaruhusiwi kuomba kupigiwa Kura kwa misingi ya udini, ukabila, jinsia au rangi.

(j) Vyama vyote vya siasa vikubali na kuheshimu maamuzi ya Tume ya Taifa ya Uchaguzi yanayofanywa kwa mujibu wa Sheria za Uchaguzi. Hii ni pamoja na Matokeo ya Uchaguzi yanayotangazwa na Tume ya Taifa ya Uchaguzi na Wasimamizi wa Uchaguzi. Pale ambapo mtu hatoridhika na matokeo yaliyotangazwa na Tume ya Taifa ya Uchaguzi au wasimamizi wa Uchaguzi ana haki ya kupeleka malalamiko ya Uchaguzi Mahakamani kwa mujibu wa Sheria za Uchaguzi.

(k) Vyama vyote vya Siasa, Wagombea, Wanachama au Wafuasi wa Vyama vya Siasa, hawaruhusiwi kutoa rushwa au shukrani ili kumshawishi mtu kusimama kama mgombea au kujitoa Ugombea wake.

(l) Vyama vyote vya Siasa, Wagombea, Wanachama au Wafuasi wasiwazuie watu kuhudhuria mikutano ya hadhara ya Vyama vingine.

(m) Siku ya upigaji Kura, Vyama vya Siasa, Wagombea, Wanachama au Wafuasi hawaruhusiwi kukodi au kutumia usafiri wa aina yoyote kubeba Wapiga Kura kwa madhumuni ya kupiga kura.

2.3 Maadili Wakati wa Upigaji Kura Mpaka Kutangaza Matokeo ya Uchaguzi:

2.3.1. Yanayotakiwa Kufanywa

(a) Vyama vya Siasa na wagombea wahakikishe kuwa mawakala wao wanakula kiapo cha kutunza siri siku saba kabla ya upigaji kura.

(b) Mawakala wa vyama vya Siasa, vyama vya Siasa, Wagombea na Watendaji wa Uchaguzi wana wajibu wa kushirikiana katika vituo vya kupigia kura kwa kuzingatia Sheria, Kanuni na Maelekezo ya Tume. Hii

itawezesha zoezi la Upigaji Kura kuendeshwa kwa amani na utulivu.

(c) Viongozi wa vyama vya Siasa wawaelimishe wanachama wao kuwa, mara wamalizapo kupiga kura waondoke vituoni ili kuepusha msongamano na vitendo vingine vinavyoweza kuchochea uvunjaji wa amani.

(d) Mawakala wa Vyama vya Siasa vinavyoshiriki Uchaguzi wanaruhusiwa kusindikiza masanduku *va* kura hadi kufikishwa mahali pa kujumlishia kura, kwa kuzingatia Maelekezoya Tume ya Taifa ya Uchaguzi.

(e) Kila Chama cha Siasa kinachoshiriki katika Uchaguzi kina wajibu wa kufuata na kutekeleza maamuzi na Maelekezo ya Tume pamoja na kuyakubali na kuyaheshimu matokeo ya Uchaguzi. Aidha, malalamiko yoyote yafikishwe kwenye mamlaka inayohusika kwa utaratibu uliowekwa kwa mujibu wa Sheria.

2.3.2 Yasiyotakiwa Kufanywa

(a) Vyama vya Siasa, Wagombea na Wafuasi wao hawatakiwi siku ya Upigaji Kura kufanya Kampeni ya aina yoyote ikiwa ni pamoja na kuvaa vazi lolote au kuwa na kitu chochote kinachoashiria kushawishi watu kumpigia kura Mgombea fulani. Hii ni pamoja na matumizi ya vyombo vya usafiri vilivyokuwa vinatumika wakati wa kampeni vinavyoashiria utambuzi wa chama fulani.

(b) Viongozi wa Vyama vya Siasa, Wagombea au Wafuasi wao wajiepushe na vitendo vinavyoweza kusababisha fujo na vurugu katika vituo vya kupigia, kuhesabia na kujumlishia kura.

(c) Hakuna mtu atakayeruhusiwa kutumia simu ya kiganjani ndani ya kituo cha Kupigia, kuhesabia na kujumlishia Kura isipokuwa Msimamizi wa Kituo,

Wasaidizi wake na Mlinzi wa Kituo cha Kupigia Kura ambao watatumia simu zao pale itakapobidi kwa shughuli za Uchaguzi tu na simu hizo wakati wote ziwe zimeondolewa mlio na ziwe kwenye mtetemo (vibration).

(d) Hakuna Kiongozi, Mtendaji wa Chama cha Siasa, Mwanachama au Mfuasi atakayejihusisha na vitendo vifuatavyo:-

(i) Kuvamia au kukaa kwa nguvu ndani ya Kituo cha Kupigia, Kuhesabia na Kujumlishia Kura;

(ii) Kuwahamasisha Wanachama au Wafuasi kupiga kura zaidi ya mara moja katika uchaguzi mmoja; na

(iii) Kununua Kadi ya Mpiga Kura, kununua Kura au kutoa hongo, zawadi, shukrani au aina yoyote ya malipo ya fedha au vifaa kwa Mpiga Kura au Mtendaji wa Uchaguzi.

(e) Hakuna Mtendaji yeyote wa Chama cha Siasa atakayetoa matusi hadharani kwa Mtendaji wa Uchaguzi katika Kituo cha Kupigia Kura. Changamoto au lalamiko lolote kuhusiana na mchakato au taratibu katika Kituo cha kupigia kura zitawasilishwa kwa maandishi kwa Msimamizi wa Kituo kupitia kwa Wakala au litawasilishwa moja kwa moja kwa Tume ya Taifa ya Uchaguzi au Afisa wa Tume na malalamiko yatolewe kwa maandishi.

SEHEMU YA TATU

3.0 Maadlli na Serikali ya Jamhuri ya Muungano wa Tanzania

3.1 Wajibu wa Serikali

(a) Serikali ina jukumu la kutoa fursa sawa kwa wadau wote hususan, Vyama vya Siasa ili kuendesha shughuli zao za kisiasa kwa uhuru na kwa kuzingatia Sheria za nchi.

(b) Serikali ihakikishe kuwa kuna hali ya usalama, amani na utulivu katika kipindi chote cha Uchaguzi. Aidha, vyombo vyake vya Usalama vitoe Ulinzi wakati wa Mikutano ya Kampeni, Maandamano na wakati wa Uchaguzi ili kuhakikisha usalama, amani na utulivu vinakuwepo. Vyombo hivyo vizingatie mahitaji na usalama wa makundi maalum kama watu wanaoishi na ulemavu, wazee, wanawake, wajawazito na wenye watoto wachanga.

(c) Serikali itoe fursa sawa kwa Vyama vya Siasa vyenye Wagombea Urais kutumia Vvombo vya Habari na Utangazaji vinavyomilikiwa na Serikali ili kutangaza sera zao.

(d) Serikali ihakikishe kuwa Viongozi na Watendaji wake wanazingatia ipasavyo ukomo wa madaraka yao katika shughuli za Uchaguzi.

3.2 Yasiyotakiwa kufanywa na Serikali

(a) Viongozi wa Serikali wasiingilie au kuzuia isivyo halali mikutano ya Vyama vya Siasa au Wagombea iliyoitishwa kwa mujibu wa ratiba ya Uchaquzi.

(b) Serikali isifanye kitendo chochote cha kuwakandamiza wafanyakazi wake kwa sababu za uanachama wao au imani yao katika Chama chochote cha Siasa.

(c) Vyombo vya Ulinzi na Usalama visitumie madaraka yao kukandamiza Wagombea, Wafuasi au Chama chochote cha Siasa. Aidha, Vyombo vya Dola visitumie nguvu za ziada (unreasonable force).

(d) Serikali haitamhamisha mtumishi yeyote wa Serikali anayehusika na shughuli za Uchaguzi mpaka mchakato wa Uchaguzi umemalizika. Endapo Serikali itaona kuna ulazima wa kumhamisha mtumishi ni lazima ishauriane na Tume ya Taifa ya Uchaguzi.

3.3 Yasiyotakiwa kufanywa na Watendaji wa Serikali

(a) Mawaziri, Wakuu wa Mkoa na Wakuu wa Wilaya wasichanganye ziara za kikazi na shughuli za kiuchaguzi na wasitumie vyombo au Watendaji wa Serikali katika shughuli za Uchaguzi kwa manufaa yao.

(b) Kuanzia kipindi cha Kampeni za Uchaguzi mpaka kutangazwa kwa Matokeo, Mawaziri, Watendaji na Mamlaka zingine za Serikali hazitakiwi:-

(i) Kutangaza katika Vyombo vya Habari au kwa namna yoyote misaada au ahadi ya aina yoyote.

(ii) Kutoa ahadi za shughuli za maendeleo ya jamii kwa mfano, kujenga barabara, kusambaza maji na mambo mengine kama hayo.

(iii) Serikali ihakikishe kwamba Viongozi na Watumishi wa Umma hawatumii Madaraka au Rasilimali za Serikali kwa shughuli za Kampeni za Uchaguzi kwa manufaa ya Chama chochote au Mgombea yeyote. Pale ambapo Serikali inakodisha Vyombo vya Usafiri basi itoe fursa sawa kwa vyama vyote na Wagombea wote na kuwe na uthibitisho kuonesha kuwa wahusika wamekodishiwa Vyombo hivyo na wamelipia.

(c) Hakuna Waziri au Afisa Mwandamizi wa Serikali yeyote atakayemwita Msimamizi wa Uchaguzi kwa lengo la kujadili masuala ya uchaguzi kuanzia kipindi cha Kampeni mpaka kutangazwa kwa Matokeo ya Uchaguzi.

(d) Mawaziri, Wakuu wa Mkoa, Wakuu wa Wilaya na Viongozi wengine wa Serikali hawaruhusiwi kuingia katika Vituo vya kupigia kura isipokuwa kama ni Wapiga kura kwa madhumuni ya kupiga kura. Aidha, hawaruhusiwi kuingia katika vituo vya kuhesabia au kujumlishia kura.

SEHEMU YA NNE

4.0 Maadili kwa Tume ya Taifa ya Uchaguzi

4.1 Yanayotakiwa kufanywa

Tume ina jukumu la kupanga, kusimamia na kuendesha Uchaguzi katika misingi inayowezesha Uchaguzi kuwa huru na wa haki zaidi kwa kufanya yafuatayo:-

- (a) Kuzingatia Katiba ya Nchi, Sheria za Uchaguzi na Sheria zingine za Nchi.
- (b) Kuvipatia Vyama vya Siasa ratiba na taarifa za Uchaguzi mapema.
- (c) Kutoa Elimu ya Mpiga kura nchi nzima, kusimamia na kuratibu taasisi na watu wanaotoa Elimu ya Mpiga Kura. Utoaji wa Elimu ya Mpiga Kura uzingatie Mahitaji maalum ya watu wasioona na wasiojua kusoma.
- (d) Kutoa mafunzo ya kutosha kwa Watendaji wanaohusika na Uchaguzi ili kuwawezesha kuendesha uchaguzi kwa ufanisi. Mafunzo yatolewayo yajumuishe elimu ya jinsia na namna ya kuwahudumia wanawake, wazee na watu wenye ulemavu.
- (e) Kuvipatia Vyama vya Siasa Kanuni, Maelekezo ya Tume, Nakala ya Daftari la Kudumu la Wapiga Kura na Nyaraka zingine za Uchaguzi zinazotakiwa kwa wakati.
- (f) Kukemea vitendo vyenye nia ya kuharibu Uchaguzi vinavyoweza kufanywa na Viongozi wa Vyama vya Siasa, Wagombea na Wafuasi wao, Serikali au Vyombo vyake.
- (g) Kuratibu matumizi ya Vyombo vya Habari vya Umma ili kutoa fursa kwa Wagombea Urais na Vyama vyao.
- (h) Kuendesha zoezi la Uchaguzi kwa uwazi na uandilifu.
- (i) Kuendesha na kuziwezesha Kamati za kusimamia Maadili ya Uchaguzi na kusimamia utekelezaji wa maamuzi yanayotolewa na Kamati hizo.
- (j) Kukutana na Wawakilishi wa Vyama vya Siasamara kwa mara pale itakapowezekana kujadili masuala mbalimbali yanayohusiana na Kampani za Uchaguzi na Uchaguzi wenyewe.
- (k) Kuhakikisha kuwa hakuna Mtendaji wa Uchaguzi atakayefanyiwa uonevu au kukoseshwa haki kutokana na utendaji wake katika shughuli za Uchaguzi.
- (l) Watendaji wa Uchaguzi ni lazima watambue majukumu ya Mawakala, Wawakilishi wa Vyama vya Siasa na Wagombea na haki yao ya kuwasilisha pingamizi au malalamiko iwapo ukiukwaji wa Sheria na Taratibu unatokea.
- (m) Watendaji wote wa Tume ya Taifa ya Uchaguzi, wakati wa Uteuzi wa Wagombea, Upigaji Kura na katika hatua yoyote ya Mchakato wa Uchaguzi watatakiwa wakati wote kuwepo katika maeneo yao ya kazi.
- (n) Kuandaa na kupeleka kwa wakati vifaa vya kutosha kwenye vituo vya kupigia kura. Vifaa hivyo vizingatie watu wenye mahitaji maalum kama walemavu.
- (o) Kuwajibisha msimamizi wa Uchaguzi na msimamizi msaidizi wa Uchaguzi kwa makosa ya kiuchaguzi.

4.2 Yasiyotakiwa kufanywa na Tume

- (a) Kupendelea Chama chochote cha Siasa au Mgombea yeyote.
- (b) Kubadili ratiba za Kampeni za Uchaguzi bila kuvishirikisha Vyama vya Siasa.
- (c) Kuchelewa au kupeleka vifaa pungufu katika vituo vya kupigia Kura bila sababu za msingi.
- (d) Kuchelewa kutangaza Matokeo ya Uchaguzi bila sababu za msingi.

SEHEMU YA TANO

5.0 Usimamizi wa Utekelezaji wa Maadili ya Uchaguzi:

5.1 Kamati za Maadili za kusimamia Utekelezaji wa Maadili ya Uchaguzi

Kutakuwa na Kamati za Maadili zifuatazo:

- i. Kamati ya Rufaa
- ii. Kamati ya Kitaifa
- iii. Kamati ya Jimbo
- iv. Kamati ya Kata

5.2 Muundo wa Kamati za Maadili ya Uchaguzi

5.2.1 Kamati ya Rufaa

Kamati ya Rufaa itaundwa na:

- (a) Mwenyekiti ambaye ni Mwenyekiti wa Tume ya Taifa ya Uchaguzi;
- (b) Makamu Mwenyekiti wa Tume ya Taifa ya Uchaguzi;
- (c) Mjumbe mmoja kutoka kila Chama cha Siasa kinachoshiriki Uchaguzi wa Rais ambaye atakuwa ni Mwenyekiti au Katibu Mkuu au mwakilishi wa Chama cha Siasa kinachoshiriki Uchaguzi wa Rais;
- (d) Mjumbe mmoja kutoka Serikalini ambaye atakuwa Katibu Mkuu wa Ofisi ya Waziri Mkuu au mwakilishi wake; na
- (e) Katibu wa Kamati atakuwa Mkurugenzi wa Uchaguzi au Mwakilishi wake.
- (f) Katibu wa Kamati Msaidizi ambaye atatoka miongoni mwa Maofisa wa Sekretarieti ya Tume ya Taifa ya Uchaguzi. Wakati wa Kikao cha Kamati ya Maadili ya Uchaguzi Katibu au Katibu Msaidizi wa Kamati atachukua muhtasari (Minutes) wa Kikao na atawajibika kutunza kumbukumbu za vikao.

5.2.2 Kamati ya Kitaifa

Kamati ya Kitaifa itaundwa na:

- (a) Mjumbe mmoja wa Tume ya Taifa ya Uchaguzi ambaye ndiye atakayekuwa Mwenyekiti wa Kamati;
- (b) Mwakilishi mmoja kutoka kila Chama cha Siasa kitakachoshiriki Uchaguzi wa Rais ambaye atawasilisha barua kwa Mwenyekiti wa Kamati kutoka kwa Katibu Mkuu wa Chama hicho.

(c) Mjumbe mmoja atakayewakilisha Serikali , atayeteuliwa kwa maandishi na Ofisi ya Waziri Mkuu; na

(d) Kutakuwa na Katibu na Katibu Msaidizi wa Kamati ya Maadili ya Uchaguzi watakaotoka miongoni mwa Maofisa wa Sekretarieti ya Tume ya Taifa ya Uchaguzi. Wakati wa kikao cha Kamati ya Maadili ya Uchaguzi Katibu au Katibu Msaidizi atachukua muhtasari (Minutes) wa Kikao na atawajibika kutunza kumbukumbu za vikao.

5.2.3 Kamati ya Jimbo

Wasimamizi wa Uchaguzi baada ya kupata Maelekezo kutoka Tume ya Taifa ya Uchaguzi wataunda Kamati za Majimbo, Kamati ya Jimbo itaundwa na :

(a) Msimamizi wa Uchaguzi katika jimbo ambaye atakuwa Mwenyekiti wa Kamati;

(b) Mjumbe mmoja kutoka kila Chama cha Siasa kinachoshiriki Uchaguzi katika jimbo husika ambaye atawasilisha barua kutoka ofisi ya Chama husika ya ngazi ya Mkoa, Wilaya au jimbo;

(c) Mjumbe mmoja atakayewakilisha Serikali ambaye atateuliwa kwa maandishi na Katibu Tawala wa Wilaya husika; na

(d) Katibu wa Kamati ya Maadili ya Uchaguzi ambaye atakuwa ni Msimamizi Msaidizi wa Uchaguzi ngazi ya Jimbo. Wakati wa Kikao cha Kamati ya Maadili ya Uchaguzi Katibu wa Kamati atachukua muhtasari

(Minutes) wa Kikao na atawajibika kutunza kumbukumbu za vikao.

5.2.4 Kamati ya Kata

Wasimamizi wa Uchaguzi au Wasimamizi Wasaidizi wa Uchaguzi baada ya kupata Maelekezo kutoka Tume ya Taifa ya Uchaguzi wataunda Kamati za Kata. Kamati ya Kata itaundwa na :

(a) Msimamizi Msaidizi wa Uchaguzi ngazi ya Kata ambaye atakuwa Mwenyekiti wa Kamati;

(b) Mjumbe mmoja kutoka kila Chama cha Siasa kinachoshiriki katika Uchaguzi kwenye Kata husika ambaye atawasilisha barua kwa Mwenyekiti wa Kamati kutoka kwa Katibu wa Wilaya au Kata wa Chama husika;

(c) Mjumbe mmoja atakayewakilisha Serikali atakayeteuliwa kwa maandishi na Katibu Tawala wa Wilaya husika; na

(e) Katibu wa Kamati ya Maadili ya Uchaguzi atatoka katika Ofisi ya Msimamizi Msaidizi wa Uchaguzi ngazi ya Kata. Wakati wa Kikao cha Kamati ya Maadili ya Uchaguzi Katibu wa Kamati atachukua muhtasari (Minutes) wa Kikao na atawajibika kutunza kumbukumbu za vikao.

5.2.5 Kamati za Maadili wakati wa Chaguzi Ndogo.

Pale ambapo uchaguzi mdogo unafanyika katika Kata, Kamati itabaki kama ilivyo katika aya ya 5.2.4 isipokuwa itaundwa Kamati Ngazi ya Jimbo kwa ajili ya kupokea rufaa kutoka ngazi ya Kata. Endapo kutakuwa na uchaguzi mdogo wa Ubunge, Kamati itakayotumika ni kama ilivyo katika aya ya 5.2.3 na itaundwa Kamati ya Kitaifa kwa ajili ya kupokea rufaa kutoka Ngazi ya Jimbo. Wajumbe wa Kamati husika watatoka katika Vyama vinavyoshiriki uchaguzi mdogo.

5.3 Uwasilishaji wa Malalamiko

Mgombea yeyote, Tume ya Taifa ya Uchaguzi, Serikali au Chama kilichosaini Maadili ya Uchaguzi na kuweka Mgombea kinachoamini kwamba Maadili ya Uchaguzi yamekiukwa kitawasilisha malalamiko kwa Mwenyekiti wa Kamati ya Maadili ya Uchaguzi katika ngazi inayohusika kwa maandishi.

5.4 Muda wa kuwasilisha Malalamiko

Malalamiko yoyote yatakayotokea yawe yamewasilishwa kwa maandishi kwenye Kamati ya Maadili ya Uchaguzi ya ngazi husika ndani ya saa sabini na mbili (72) tangu kutokea kwa tukio linalolalamikiwa.

5.5 Kuitisha Kikao cha Maadili ya Uchaguzi

Mwenyekiti wa Kamati husika baada ya kupokea malalamiko atatakiwa kuitisha kikao ndani ya saa 48.

5.6 Namna/jinsi ya kushughulikia Malalamiko

(a) Malalamiko yote yatajadiliwa na kuamuliwa katika kikao cha Kamati ya Maadili ya Uchaguzi kwenye ngazi husika.

(b) Kamati itashughulikia malalamiko na kutoa uamuzi wake mapema iwezekanavyo.

(c) Baada ya kupokea malalamiko, Kamati itamtaka aliyelalamikiwa kuwasilisha utetezi wake kwa maandishi ndani ya saa arobaini na nane (48) tangu kupokea malalamiko.

(d) Katika kushughulikia malalamiko, Kamati inaweza kumuita mtu yeyote kutoa maelezo ili kusaidia Kamati kufikia maamuzi ya haki.

(e) Akidi ya Kikao cha Kamati husika itakuwa zaidi ya nusu ya wajumbe wote wa Kamati.

(f) Kamati ya Maadili ya Uchaguzi itaamua malalamiko yote baada ya kusikiliza au kupata maelezo ya utetezi kutoka kwa pande zote mbili ambazo ni mlalamikaji na mlalamikiwa ndani ya muda wa saa 48.

(g) Maamuzi yatakayofikiwa na Kamati ya Maadili ya Uchaguzi yatatekelezwa na pande zinazohusika na maamuzi hayo.

(h) Ikitokea kuna umuhimu wa kufanya maamuzi kwa kupiga kura, wawakilishi wa mlalamikaji na mlalamikiwa wasiruhusiwe kupiga kura ya maamuzi hayo.

(i) Malalamiko yatakayoshughulikiwa na Kamati ya Maadili ya Uchaguzi ni yale ya kipindi cha Kampeni za Uchaguzi tu.

(j) Malalamiko yatakayotokea siku ya Upigaji Kura, yatashughulikiwa na Msimamizi wa Kituo cha Kupigia Kura, Msimamizi Msaidizi wa Uchaguzi, Msimamizi wa Uchaguzi au Tume ya Taifa ya Uchaguzi kwa mujibu wa Sheria za Uchaguzi.

(k) Kamati itakuwa na mamlaka ya kuchunguza malalamiko yote yatakayowasilishwa kabla ya kufanya maamuzi.

(l) Kamati inaweza kuelekeza malalamiko mengine kwenye Mamlaka zinazohusika kama itakavyoona inafaa kwa hatua zinazostahili.

5.7 Rufaa Dhidi ya Maamuzi

Upande ambao hautaridhika na uamuzi wa Kamati ya Maadili ya Uchaguzi, una haki ya kukata rufaa kwa taratibu zifuatazo:

(a) Kama ni malalamiko yaliyoshughulikiwa katika ngazi ya Kata husika, atakata rufaa kwa Msimamizi wa Uchaguzi ngazi ya Jimbo ambaye ni Mwenyekiti wa Kamati ya Maadili ngazi ya Jimbo ndani ya saa 24 tangu uamuzi husika ulipotolewa. Uamuzi utakaotolewa na Kamati ya Maadili ngazi ya Jimbo utakuwa ni wa mwisho kwa malalamiko vote yaliyoanzia ngazi ya Kata.

(b) Kama ni malalamiko yaliyoshughulikiwa katika ngazi ya Jimbo atakata rufaa kwa Mwenyekiti wa Kamati ya Maadili ya Uchaguzi ngazi ya Taifa ndani ya saa 48 tangu uamuzi husika ulipotolewa.

(c) Upande ambao hautaridhika na uamuzi wa Kamati ya Maadili ya Uchaguzi ngazi ya Taifa utakata rufaa kwa Kamati ya Rufaa ndani ya saa arobaini na nane (48) baada ya uamuzi wa Kamati ya Kitaifa kutolewa. Uamuzi wa Kamati ya Rufaa utakuwa ni wa mwisho kwa malalamiko vote yaliyoanzia ngazi ya Jimbo.

(d) Ikitokea kuna umuhimu wa kufanya maamuzi kwa kupiga kura, wawakilishi wa mlalamikaji na mlalamikiwa wasiruhusiwe kupiga kura ya maamuzi.

(e) Upande usioridhika unaweza kufungua Malalamiko ya Uchaguzi Mahakamani baada ya Uchaguzi kwa mujibu wa Sheria ya Taifa ya Uchaguzi, Sura ya 343 au Sheria ya Uchaguzi wa Serikali za Mitaa, Sura ya 292 kama itakavyokuwa.

5.8 Malalamiko Dhidi ya Tume ya Taifa ya Uchaguzi/Msimamizi wa Uchaguzi/Msimamizi Msaidizi wa Uchaguzi

(a) Pale ambapo malalamiko yaliyowasilishwa ni dhidi ya Tume ya Taifa ya Uchaguzi, Mwenyekiti wa Kamati ya Maadili ya Uchaguzi ambaye ni Mjumbe wa Tume ya Taifa ya Uchaguzi, Msimamizi wa Uchaguzi au Msimamizi Msaidizi wa Uchaguzi hataendesha Kikao hicho, bali Wajumbe wa Kamati husika watamchagua Mjumbe mmoja kutoka miongoni mwao kuwa Mwenyekiti wa muda. Kwa hiyo Mwenyekiti wa Kamati anapojitoa kuendesha kikao atashiriki kama mlalamikiwa.

(b) Malalamiko vote yatakayotolewa dhidi ya Tume ya Taifa ya Uchaguzi au wasimamizi wa Uchaguzi na iwapo Kamati itaona kuwa Tume au msimamizi wa Uchaguzi amekosea itaitaka Tume ya Taifa ya Uchaguzi au msimamizi wa Uchaguzi kurekebisha tatizo linalolalamikiwa mapema iwezekanavyo.

(c) Pale ambapo Tume ya Taifa ya Uchaguzi haitachukua hatua za lazima kurekebisha tatizo hilo upande usioridhika unaweza kufungua malalamiko ya Uchaguzi kwa mujibu wa Sheria ya Taifa ya Uchaguzi, Sura ya 343 au Sheria ya Uchaguzi wa Serikali za Mitaa, Sura ya 292 kama itakavyokuwa.

5.9 Malalamiko dhidi ya Serikali

(a) Malalamiko yote yatakayotolewa dhidi ya Serikali na iwapo Kamati itaona kuwa Serikali imekosa itaitaka Serikali kurekebisha tatizo linalolalamikiwa mapema iwezekanavyo.

(b) Pale ambapo Serikali haitachukua hatua za lazima kurekebisha tatizo hilo malalamiko ya Uchaguzi yanaweza kuwasilishwa Mahakamani baada ya Uchaguzi kwa mujibu wa Sheria ya Taifa ya Uchaguzi, Sura ya 343 au Sheria ya Uchaguzi wa Serikali za Mitaa, Sura ya 292 kama itakavyokuwa.

5.10 Mamlaka ya Kamati za Maadili ,ya Uchaguzi ngazi ya Taifa, Jimbo na Kata Katika kushughulikia malalamiko na kutoa adhabu.

Kamati za Maadili ya Uchaguzi ngazi ya Taifa, Jimbo na Kata zinaweza kuchuku hatua zituataze

- (a) Kuagiza upande uliokiuka Maadili kusahihisha kosa au makosa yaliyotendeka na iwapo italazimu, kuomba msamaha hadharani (Public apology);
- (b) Kutoa onyo au karipio kwa maandishi.
- (c) Kutangaza jina la Chama au Mgombea aliyekiuka Maadili na kueleza kosa au makosa yake kwa njia za Taarifa kwa Umma (Public Notices) kupitia: redio, televisheni, magazeti na njia nyingine za mawasiliano;
- (d) Kamati inaweza kukisimamisha Chama au Mgombea kuendelea kufanya Kampeni za Uchaguzi kwa muda itakavyoona inafaa.
- (e) Kamati inaweza kuzuia Chama au Mgombea kutumia vyombo vya habari, au kubandika machapisho ya kampeni kwa muda ambao Kamati itaona unafaa.
- (f) Kuelekeza Chama au Mgombea kulipa faini, kwa upande wa ngazi ya kata shilingi laki moja (Sh.100,000), ambayo itathibitishwa na Kamati ya ngazi ya jimbo, na faini ya shilingi laki tano (Sh.500,000) upande wa ngazi ya Jimbo ambayo itathibitishwa na Kamati ya Taifa na Ngazi ya Taifa, shilingi milioni moja (Sh.1,000,000) au kwa kadri Kamati itakavyoona inafaa.

5.11 Mamlaka ya Kamati ya Rufaa ya Maadili va Uchaguzi

Kamati ya Rufaa ya Maadili ya Uchaguzi inaweza kuchukua hatua zifuatazo katika kushughulikia malalamiko:-

- (a) Onyo au karipio.
- (b) Kuagiza upande uliokiuka Maadili kusahihisha kosa au makosa yaliyotendeka na iwapo italazimu, kuomba msamaha hadharani (public apology).
- (c) Kutangaza jina la Chama au Mgombea aliyekiuka Maadili na kueleza kosa au makosa yake kwa njia za Taarifa kwa Umma (Public Notices) kupitia: redio, televisheni, magazeti na njia nyingine za mawasiliano kama itakavyoonekana inafaa.
- (d) Kamati inaweza kuelekeza malalamiko mengine kwenye Mamlaka zinazohusika kama itakavyoona inafaa kwa hatua zinazostahili.
- (e) Kamati inaweza kusimamisha Chama au Mgombea kuendelea kufanya Kampeni za Uchaguzi kwa muda itakavyoona inafaa.
- (i) Kamati ya Rufaa ya Maadili ya Uchaguzi inaweza kuitisha na kupitia uamuzi uliotolewa na Kamati ya Kitaifa ya Maadili ya Uchaguzi au ngazi ya Jimbo na kukubaliana au kubadilisha uamuzi wa Kamati husika.
- (f) Kuelekeza Chama au Mgombea kulipa faini, kwa upande wa ngazi ya Kata shilingi laki moja (Sh.100,000), ambayo itathibitishwa na Kamati ya ngazi ya jimbo, na faini ya shilingi laki tano (Sh. 500,000) upande wa ngazi ya Jimbo, na Ngazi ya Taifa, shilingi milioni moja (Sh. 1,000,000) au kwa kadri Kamati itavyoona inafaa.
- (g) Kamati itakuwa na mamlaka ya kuchunguza malalamiko yote yaliyowasilishwa kwa njia ya Rufaa kabla ya kufanya maamuzi; na
- (h) Faini zote zitakazotowazwa na Kamati za ngazi za chini zitalipwa kwa Tume ya Taifa ya Uchaguzi, msimamizi wa Uchaguzi, au msimamizi msaidizi wa Uchaguzi, kutegemea na ngazi husika.

5.12 Kushindwa kutekeleza Maadili.

Pale ambapo Mgombea au Chama kitashindwa kutekeleza maamuzi ya Kamati husika, Kamati ya Rufaa inaweza kukisimaliisha chama husika kufanya kampeni za Uchaguzi.

SEHEMU YA SITA

6.0 TAMKO LA KUKUBALI MAADILI:

6.1 Tamko la Serikali

Serikali ya Jamhuri ya Muungano wa Tanzania inatamka kukubali na kuahidi kutekeleza Maadili haya ipasavyo.

Kwa niaba ya Serikali ya Jamhuri ya Muungano wa Tanzania.

Jina.....

Wadhifa.....

saini;.....

Tarehe.....

6.2 Tamko la Tume ya Taifa ya Uchaguzi

Tume ya Taifa ya Uchaguzi inatamka kukubali na kuahidi kutekeleza Maadili haya ipasavyo.

Jina.....

Wadhifa.....

Tarehe.....

6.3 Kufuta Maadili ya mwaka 2010.

Maadili haya ya uchaguzi wa Rais, Wabunge na Madiwani ya Mwaka 2015 yanafuta Maadili ya uchaguzi wa Rais, Wabunge na Madiwani ya Mwaka 2010.

6.4 Tamko la Vyama vya Siasa tuliotia saini zetu hapa chini, tunawakilisha Vyama vya Siasa, tunayakubali Maadili haya na kuahidi kuyatekeleza ipasavyo:

1. Jina.....

Chama.....

Cheo.....

Saini.....

Tarehe.....

2. Jina.....

Chama.....

Cheo.....

Saini.....

Tarehe.....

3. Jina.....
Chama.....
Cheo.....
Saini.....
Tarehe.....

4. Jina.....
Chama.....
Cheo.....
Saini.....
Tarehe.....

**DEMOCRATIC EMPOWERMENT PROJECT
2013-2016**

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