TANZANIA MODEL BILL ON ELECTION

PROPOSED BY

LEGAL AND HUMAN RIGHTS CENTER



AND

TANZANIA CENTER FOR DEMOCRACY

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TANZANIA ELECTION MODEL LAW

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ELECTION ACT

An Act to provide for the Law regulating the Election of the President, member of parliament, local government Elections and the conduct of the referendum

CHAPTER 1

Part i: Preliminary Provision

1. Short Title

This Act may be cited as the National Election Act of 2022

2. Interpretation Part

"Campaign period" means a period specified by the commission as may be published in the gazette to that effect

"Commission" means the Independent National Electoral commission

"Candidate" means a person contesting for an elective post

"Constituency" means one of the constituencies as may be determined by the Commission

"Court" means the district court, Resident Magistrate, the High Court and the Court of Appeal of the United Republic of Tanzania

"Director" means a Director of Election appointed under this Act

"Disability" has the meaning defining under section 2 of the Persons with Disability Act

"Election offense" means an offense under this Act

"Election period" means a period published by the commission for a presidential, parliamentary and counselor position

"Election petition" means a petition under this Act

"Election results" means the declared outcome of the casting of vote by voters at an election "Electoral area" means a village, hamlet, Ward, and Constituency in any part of the United Republic of Tanzania

"Independent candidate" means a candidate who is not nominated by a political party

"Indigenous Minorities" means indigenous Community of Tanganyika and Zanzibar before colonial invasion whose population at the time of election does not exceed two thousand

"Officer" means an officer of the Commission appointed by the commission in this Act

Presidential candidates include deputy presidential candidate

"Referendum petition" means a petition described under this Act

"Referendum" means a vote of yes or no in a certain issue as may be determined by the commission

"Officer" means an officer of the Commission appointed by the commission in this Act

"Voter" means a person who has attained the age of 18, a person of sound mind and has been registered to vote in an election

3. Application

This Act shall apply to all Union elective seats in the United Republic of Tanzania.

4. Commencement

This Act shall come into operation after a notice is published by the minister responsible for legal affairs in the government gazette but no later than a year preceding the 2025 General Election

Chapter 2: Independent National Electoral Commission

Part i: The Commission

5. Composition

- 5(1) There shall be established an electoral Commission to be known as Independent National Electoral Commission with its acronym as INEC
- 5(2) The Independent National Electoral Commission shall be composed of not less than seven and not more eleven members as follows
- a. The chairperson and deputy chairperson who shall be a Judge of the High Court or Court of Appeal with not less than 10 years' experience to be recruited in accordance with section 6 of this Act
- b. Deputy chairperson whose qualification shall be the same as that of the chairperson save that, the chairperson and the deputy shall not hail in one part of the United Republic of Tanzania and shall not be of the same sex for that purpose
- c. The Director of Election who shall be the secretary to the Commission and the head of election secretariat

d. Nine other members of the Commission four of them shall be women members to be recruited in accordance of section 6 of this Act

6. Qualification of members

- 6(1) A person shall be eligible for recruitment as a member of the Commission if he/she possess the following
 - a. In case of a chairperson or deputy chairperson shall be a sitting or retired Judge of the High Court or Court of Appeal with experience of not less than 10 years in that role
 - b. In case of a Director of Election who shall be a lawyer with vast experience not less than fifteen years of continuous practice as a Judge, principal law officer or a senior Advocate, or any other related qualification
 - c. In case other members of the Commission, shall be a person with high integrity, a holder a bachelor's degree from a recognized university, not less than 10 years' experience in the respective role
- 6(2) The chairperson and all other members of the Commission shall not be members of any political party five years preceding their candidacy and throughout their tenure as members of the Commission
- 6(3) No person holding a public office shall qualify to be a member of the Commission

6(4) A member of the commission shall not be eligible for appointment in any public office for seven years following the end his tenure

7. Powers and Functions

The commission shall be responsible for conducting or supervising general, local government elections and by elections and for

- a. Continuous registration of citizen as voters
- b. Regular revision of the voter register
- c. the limitation of constituencies and wards
- d. The regulation process by which parties nominate candidate for election
- e. settlement of electoral disputes including disputes relating to or arising from nomination but excluding election petition a.

Provided that a special committee dealing with gender based electoral conflicts eg GBV, sextortion may be established for that purpose

- f. registration of candidates for election
- g. coordinating voters' education
- h. facilitation of observation, monitoring, and evaluation of election
- i. regulation of election expenses

- j. development of code of conduct for candidates and parties contesting election
- k. Monitoring compliance with electoral registration

8. Returning officers and Assistant returning officers

- (1) The commission shall employ constituency returning officers and assistant returning officers to preside over election in the constituency and ward level of which the employment process shall observe gender equality principles
- (2) A person shall be eligible for employment in 8(1) above if"
 - (a) In case of a returning officer shall possess a degree in law
 - (b) For assistant returning officer a diploma in any field from a recognized university
- (3) Returning officers and assistant returning officers shall not be holders of a public officer, members of a political party or affiliated to it
- (4) The procedures for employment shall be prescribed in the employment notice
- (5) The commission shall be responsible for recruitment or disciplinary procedures of the returning and assistant returning officers

9. Independent National Election Commission Recruitment Committee

 There shall be an independent National Election Recruitment Committee hereby to be called the National recruitment committee

2. The committee shall be composed of

- a. The chief justice who shall be the chairperson
- b. The Zanzibar Chief Justice who shall be the vice chairperson
- c. Principal Judge of the High Court or a Judge of the High Court appointed by the Principal Judge who shall be the secretary to the Committee
- d. The Deputy Attorney General
- e. The President of the Tanganyika Law society and one other member of the society such that, if the president is a Man, then the other representative must be a Woman.
- f. The president of the association of women Judges of Tanzania.
- g. The president from the Zanzibar Law society is one other member of the society in the manner that, if the president is a Man, then the other representative must be a Woman.
- h. Two representatives from the civil society organizations working in governance and Democracy in the last ten years and one must be a Woman
- i. A representative from the federation of people with disability to be elected by the federation of which gender shall be observed
- 3. The committee shall be responsible for

- a. The recruitment of the officers of the Commission
- b. Submitting the names of the of the appointed Commission officers to the president for administration of oath
- c. The President shall administer oath to the Commission chairperson, officers, and Director of Election within 30 days of their appointment
- 4. Application for the position of the chairperson to the Commission, the Director of Election and other National officers to the Commission shall be made in writing by the Applicant to the Recruitment Committee Secretary via the headquarter of the Independent National Electoral Commission
- The modality of recruiting officers of the commission including the chairperson and the Director of Elections shall be prescribed by regulation to be made and gazette by the National Recruitment Committee.
- 6. The hearing of Applicants for the position of the chairperson, the Director of Election and other National Officers to the Commission shall be made in public with unfettered access to media

Part ii: Powers of the Court on the Business of Independent Electoral Commission

10. The Court shall have mandate to receive and determine electoral petitions and other suit for non-compliance of any law relating to election by the Commission

Part iii: Commission Fund

- 11. The commission shall run its business from the following source
 - (a)Appropriation from the national assembly which shall be not less than 3% of the national budget
 - (b) Donations from lawful source
- (c) Loans, to be secured after an approval by a governing body of that particular political party lawful composed for that purpose

Chapter 3: Voters Registration

Part i. Biometric voters Registration

12. Right to vote

- 1. Every adult citizen has the right without unreasonable restriction to be registered as a voter.
- 2. A citizen shall exercise the right to vote if is registered in the register of voters

13. Register of voters

- 1. There shall be a register of voters to be known as a register of voters which shall comprise of:
 - a. a poll registers in respect of every polling station
 - b. award register in respect of every ward
 - c. a constituency register in respect of every constituency
 - d. a register of voters residing outside Tanzania

- e. a register of voters who are in prison
- 2. The Commission shall compile and maintain the register of voters referred to in subsection 1 above in the national register of voters
- 3. The register of voters shall contain such information as shall be prescribed by the Commission

14. Registration of voters

- Registration of voters and revision of the register of voters under this Act shall be always carried out continuously throughout the interval of the successive general elections except
 - (a) In case of a General Election hundred days before the conduct of General Election
 - (b) In case of by-election between the date of declaration of the relevant vacant seat to the date of that by-election
 - (c) In case of a local government election, eighty days before the conduct of such election.
 - (d) In case of a referendum between the date of publication of the notice for referendum to the date of referendum
- 2. Notwithstanding subsection (1) where an election petition is filed in respect of an electoral area, between the date of filing

the petition and the date of determination of the Petition by the Court.

Provided that where the Court determines that a by-election is to be held, no voter registration should be allowed to continue, nor shall a voter be allowed to transfer his or her vote to the affected electoral area.

15. Qualification for Registration as a voter

- (1) Any citizen of Tanzania of sound mind, who has attained the age of eighteen years as evidenced by either a National identity card or a Tanzanian passport and whose name is not in the register of voters shall be eligible to be registered as a voter upon application, in the prescribed manner, to the commission
- (2) All applicants for registration under this section shall be registered in the appropriate register by the registration officer or any other officer authorized by the commission
- (3) The registration officer or any other authorized officer referred to in subsection (2) shall, at such time as the commission may direct, transmit the information relating to the registration of the voters to the commission for inclusion in the register of voters
- (4) The Commission shall maintain a register of voters in prison and diaspora to be established at every prison in Tanzania and Tanzania embassies abroad.

16. Inspection of register of voters

- (1) The commission shall cause the register of voters to be always open for inspection by members of the public through its website
- (2) The commission shall, for a period not less than
 - (a) Sixty days in case of a General election, referendum or local government elections
 - (b) 30 days in case of a by-election

Cause a register of members to be displayed in respect of every polling station for voters' verification and rectification of the voter's particulars therein

(3) The register of voters shall be kept at the office of the commission and copies of part of the register of voters relating to constituency for which the registration officer is responsible shall be kept at all the constituencies offices of the commission

17. Verification of biometric data

- (1) The commission, not later than 90 days before the date of a general election, open the register of voters for verification of biometric data by members of the public at their respective polling stations for a period of 60 days
- (2) The commission, upon the expiry of the period for verification under subsection (1), reverse the register of voters to consider any change in particulars arising out of the verification process

- (3) The commission shall, upon expiry of the period for verification specified under subsection (1) publish,
 - (a) notice in the gazette to the effect that the revision under subsection (2) has been completed and
 - (b) The register of voters online and in such other manner as may be prescribed by regulations

18. Voter card lost, destroyed, or defaced

- A registered voters whose voter registration card is lost, destroyed, or defaced after the closure of the Registration of voters, and anyhow within the campaign period shall upon Application to the Assistant returning officer for a particular polling Station be allowed to use the National Identification number bearing identical details with the lost, destroyed or defaced Card
- 2. The commission shall prescribe as it may deem fit the manner the application under subsection (1) shall be made

19. Transfer of voter's details

(1) Where a voter wishes to transfer the voters registration particulars to a particular electoral area other than the one the voter is registered, the voter shall notify the Commission, in the prescribed manner, of his/her intention to transfer the registration particular to the preferred electoral area not less than 30 days preceding the General election

(2) Upon receipt of the notification referred to under subsection(1) the Commission shall transfer the voter's registration particulars to the register of preferred constituency and or

electoral area not less than 15 days preceding election

- (3) The Commission shall in writing notify the assistant returning officer of the particular electoral areas of the names of the registered voters affected by the voter's particulars transfer
- (4) Assistant returning officer referred in (3) above shall cause to be displayed in the respective polling Station the particulars of persons whose details has been transferred to or from the relevant voting area.
- (5) The Commission shall cause the availability of an electronic portal for voter's particulars transfer
- (6) The voters particular transfer electronically shall be simple and shall be user friendly

20. Updating Register of Voters

- (1) The commission shall maintain an updated register of voters,
- (2) for the purpose of maintaining an updated register of voters, the commission shall,
 - (a) Regularly revise the register of voters by conducting voters' registration
 - (b) Update the register of voters by deleting the name of deceased voters and rectifying the particulars therein

(c) Review the register of voters whenever constituencies and ward boundaries are altered

21. Audit of the register of votes

- (1) The commission shall, at least eight months before the general election, engage a professional reputable firm to conduct an audit of the register of voters for the purpose of:
 - a) Verifying the accuracy of the register
 - b) Recommending mechanism of enhancing the accuracy of the register
 - c) Updating the register
- (2) The Tanzania Bureau of statistics and the Tanzania Identification Authority shall make available to the commission the information held by it in the national population register for the purpose of the conduct of an audit under subsection (1)
- (3) For a general election after the commencement of this section, the commission shall, within 60 days of the commencement of the section, engage a professional reputable firm to conduct an audit of the registrar of voters for the purpose of:
 - a) Verifying the accuracy of voters
 - b) Recommending mechanism of ensuring the accuracy of the register
 - c) Updating register

- (4) The firm engaged under subsection 3 shall conduct the audit and report to the commission within a period of 90 days from the date of engagement
- (5) The Commission shall, within 30 days of receipt of the report under subsection 4 submit the report to the national assembly
- (6) The commission shall implement the recommendations of the recommendation of the National assembly within the time prescribed in the National assembly resolution

22. Postponement of a disqualification from registration as a voter

Where a person has been declared bankrupt, or convicted of an election offense and is thereby omitted from being registered as a voter, then, if that person is entitled to appear against the decision, that person shall not be disqualified from being so registered until the expiration of 30 days after the date of the decision or such further period as the Court may, at the request of that person, direct in order to enable the person to appeal against the decision

23. Eligibility to vote

- A person whose name and biometric data are entered in a register of voters in a particular polling station, and who produces voters registration card shall be eligible to vote in that polling station
- 2. A registered voter whose Voters Registration Card is lost, defaced, or destroyed shall produce a National Identification Number, or a driving License or Passport bearing similar

- details as the lost, destroyed, or defaced Voters Registration Card to be allowed to vote in that particular Station.
- 3. Nothing in this section shall entitle a person who is prohibited from voting by any written law to vote

Part ii: Determination of questions concerning registration

24. Determination of questions as to registration

Any question whether a person is qualified to be registered as a voter shall be determined in accordance with this Act by the Commission

25. Claims

- A person who has duly applied to be registered and whose name is not included in the register of voters may, in witting submit a claim for the name to be included in the register to the registration officer in the prescribed form and manner and within the prescribed time
- 2. A claim under subsection (1) shall be determined by the registration officer in the prescribed manner, and an appeal shall lie in a prescribed manner, to the returning Officer.
- 3. A person aggrieved by the Decision of the Returning Officer may in the prescribed manner refer the Matter to the District court and the decision of the District Court on matter relating to Registration shall be final and conclusive
- 4. A person referred under (1) above shall not be condemned to any cost by the District Court

Chapter 4: Electoral Constituencies

Part i. Demarcation of electoral Constituencies

26. Powers to demarcate constituency and Ward boundaries

- (1) There shall be established election constituencies and ward to be demarcated by the Independent electoral Commission
- (2) The Commission shall Review the number, Names and boundaries of Ward and Constituencies throughout the United Republic of Tanzania at an interval of five years
- (3) The Review under (2) above shall not be conducted one fifty days preceding the General election day

Formula for demarcation

- **27.** For proper demarcation of electoral Constituencies, the Commission shall employ a specified formula for demarcating electoral constituencies such that
 - (1) In case of urban constituency, a population formula of not more than two hundred thousand population formula shall form an electoral constituency
 - (2) In case of a rural constituencies, the land size formula of not more than 4000 square kilometers save for, a population of not less than thirty thousand population inhibit the particular area shall form an electoral Constituency
 - (3) In case of an urban Ward a population formula of not more than twenty thousand persons

(4) In case of a Rural Ward a land size of not more than threehundred-kilometer square save that, the population of not less than four thousand individuals inhibit that particular Ward shall form a Ward for purpose of Election

Chapter 5:

28 Election generally and principles of Election

- 28(1) Tanzania shall abide to the principles of credible election and for that purpose hold
 - (a) Regular, democratic, fair, transparency, peaceful, free, gender responsive, accountable, and verifiable, electoral process
 - (b) Election in compliance to the Constitution and Electoral laws that guarantee maximum voters' participation, independency in the management of election and effective remedies for a person aggrieved by the conduct of election.
 - (c) Impartial electoral process that abide to the principles of separation of powers that ensures the independence of the judiciary in determining electoral disputes
 - (d) elections in a manner that guarantee the constituent a right to vote without unreasonable restrictions
- (2) for proper guarantee of the right to vote under (1)(d) above, no candidate shall be declared unopposed candidate

Provided that, in case of a single candidate in every elective position,

that candidate must secure more than fifty percent of the vote to be

declared as duly elected

(3) The Commission shall prescribe the way a single candidate election

may be conducted

29. Rule of law and due process

The government shall ensure that rule of law is upheld to guarantee

equal playing ground with all citizens, women and men throughout

electoral circle as an essential condition for the fulfillment of human

rights and inclusive democracy.

30. Universal suffrage and broad voter's participation

1) The government in collaboration with the Commission shall

ensure equal suffrage and broad participation of citizens

including minority groups including but not limited to women and

persons with Disabilities who suffer from politics of exclusion and

that the broadest pool of voters is allowed to cast ballots.

2) All eligible citizens shall have equal opportunity to exercise their

right to vote and be voted for.

Chapter 6

Part I: Nomination of candidates

31. Nomination by a political party

(1) Political parties shall conduct their internal electoral process:

- a. In case of a general election or Local government election, 30 days before the Commencement of the Independent National Electoral Commission nomination
- b. In case of a by-election immediately after the declaration of the vacant seats but not more than 10 days preceding Independent National Electoral Commission Nomination in that particular vacancy
- 3. Political parties' internal electoral process must comply with principles of democracy, transparency and fair, gender equal election and for that purpose the decision of the party primaries voters must be reflected in the party nomination of candidates.
- 4. All members of political parties who qualify to be elected in a particular vacancy in accordance with the National laws shall be entitled to register as a candidate in the political party internal electoral process
- 5. The way the Application for nomination by the political parties shall be prescribed by the party constitutions
- 5. Noncompliance by the political party in the process in subsection 2,
- 3, and 4 above shall be the ground of objection in the candidate nominated by that political party before the Independent National Electoral Commission
- 6. All political parties must promote broader women participation, young persons as well as people with disabilities participation in every

internal party election primaries Inclusiveness based gender equality and historically socially excluded groups.

32. Independent candidates

- 1) There shall be an independent candidate who is hereby known as independent candidate
- 2) The independent candidate shall be nominated by the independent National electoral commission after submitting his application form duly filed and application fees paid thereto
- 3) a person shall be eligible to be elected as a private candidate if
 (a). In a Tanzania citizenIs a person of sound mindHas met statutory age and education qualification for a prescribed position he is contesting in accordance with the law

33. Notice of election Independent Electoral Commission Nomination

- (1) The Independent National Electoral Commission shall issue the notice of election prior to commencement of nomination as follows
 - a. In case of a general election, or the referendum one fifty days before election day or the referendum day as the case may be
 - b. In case of a separate local government election, ninety days before election day
 - c. In case of a by-election, sixty days before election day
- 2. The notice referred in section (1) above shall prescribe

- (a) In case of a general election or a referendum the campaign period shall commence 90 days preceding election day or referendum day as the case maybe
- (b) In case of a separate Local government election, the campaign shall commence not less than 45 days before election day
- (c) The candidate nomination by the Independent National Electoral Commission shall be finalized 30 days before the commencement of the campaign period
- (d) Determination of objection and appeals soon after nomination and must be finalized before the commencement of the campaign
- (e) Internal political parties' nomination primaries 30 days before the date set for nomination by the Independent National Electoral Commission

Part II Presidential candidates Nomination

- 34 (1) After the publication of the notice of election by the Commission, any political party or independent person who intent to contest the election at the presidential election shall submit before electoral Commission
 - (a) In case of a political party, shall submit the name, particulars and duly filed form of the Presidential candidate as elected

in the party internal election primaries of that party pursuant to section 31(2), (3) and (4) of this Act

- (b) The name, particular and the duly filed form of the independent candidate
- (c) The Name, particulars, and duly filed form for the nominated deputy presidential candidate
- (2) The commission shall declare prescribed application fees for the presidential candidate
- (3) The presidential candidate shall be required to be sponsored by not less than 250 voters of which 50 should be from either part of the United Republic of Tanzania
- (4) The commission shall declare to have appointed a presidential candidate only if he/she has submitted his application form and no objection has been filed and sustained against such candidate pursuant to section 36 and 37 of this Act
- (5) The deputy presidential candidate shall be the running mate of the presidential candidate of which if the presidential candidate is a male then the deputy presidential candidate shall be a female and the Visser

35. Qualification for nomination as presidential and deputy presidential candidates

A person shall qualify to be nominated as a presidential candidate and deputy presidential candidate if he/she complies with conditions enshrined under article 39 of the Constitution of the United Republic of Tanzania

36. Objection as to presidential nomination

- (1) The commission shall issue a notice for objection of the appointed candidate within 24 hours after his appointment
- (2) The way the Application for objection referred under (1) above shall be prescribed by the regulation made and publicly Gazetted by the Commission
- (3) No ground other than the qualification set under Article 39 of the Constitution and non-compliance of the procedure set under section 31(2), (3) and (4) of this Act shall qualify to be the ground of objection
- (4) Clerical mistakes in filing form shall not basis for disqualification
- (5) A Person who served in the last 10 years as a judicial officer, Election officer, in any security service and any other public service forbidding person to join a political party shall not be allowed to be a candidate sponsored by a political party

37. Determination of objection and remedy for Presidential candidates

- 1) All objection against the presidential candidate shall be determined within 48 hours after an objection is lodged to the commission
- 2) In case the objection referred in (1) above is sustained, the candidate aggrieved by the decision of the Commission may file a Petition before the High Court within three days from the date of the decision of the Commission
- 3) The High Court shall determine the Petition within fourteen days.
- 4) For the Purpose of determining the Petition referred in (2) above, the High Court shall be presided by five judges
- 5) The decision of the high Court in respect of Petition filed pursuant to (2) above shall be final and conclusive
- 6) No objection or Petition of sustained objection shall be determined after launching of the Presidential campaign

Part III Parliamentary Election

38. Nomination by political party

(1) A political party shall in case of a General election nominate its candidates for an election under this Act at least 30 days before the date

set by the Independent National Electoral Commission as Nomination Day under this Act in accordance with its constitution and this Act

- (2) a political party shall not change the candidate elected by the electorate in the internal party primaries unless
 - (a) There are proof of corrupt practices from the nominated candidate that impacted the outcome of the internal party primaries from which a fresh primary shall be held
 - (b) In case of death, resignation or incapacity of the nominated candidate, the party may either hold a fresh election primary or nominate the first runner candidate in the first primaries as the party candidate
 - (3)A political party shall hear and determine all intra- party disputes arising from political party nomination within 14 days
 - (4) Political parties shall adhere to the principles of gender equality in the nomination process including but not limited to persons with disability and women

Parliamentary Nomination by the INEC

- 39(1) After the publication of the notice of election by the Commission, any political party or independent person who intent to contest for the parliamentary election other than a by-election shall submit before electoral Commission returning Officer
 - (a) In case of a candidate sponsored by a political party, submit the name, particulars and duly filed form of the parliamentary

candidate as elected in the party internal election primaries of that party pursuant to section 31(2), (3) and (4) of this Act

- (b) In case of an independent candidate, the name, particular and the duly filed form of the Independent candidate
- (c) A Person who served in the last 10 years as a judicial officer, Election officer, in any security service and any other public service forbidding person to join a political party shall not be allowed to be a candidate sponsored by a political party
- (2) The commission shall declare prescribed application fees for the parliamentary candidate
- (3) The parliamentary candidate shall be required to be sponsored by not less than 25 voters from the respective constituency from which he is contesting
- (4) The commission shall declare to have appointed the candidate only if he has submitted his application form and no Objection has been filed and sustained against such candidate pursuant to section 67 of the Constitution and section 31(2)(3) and (4) and section 40 and 41 of this Act
- (5) The rules applicable for election of Member of Parliament shall apply mutatis mutandis for local government election save for;
 - (a) The Area subject to election

- (b) Necessary statutory qualification for elective seats in the local government election
- (c) Number of people to sponsor the candidate shall be 10

40. Qualification

A person shall be eligible for nomination as a candidate for Member of Parliament if,

- (a) is a Tanzania citizen
- (b) Has attained the age of 18 years
- (c) Is a person of sound mind
- (d) is a holder of a bachelor degree from a recognized Institution

41. Disqualification

A candidate shall not qualify to contest as a member of parliament if does not possess the requirement under section 43 above

42. Objections against parliamentary candidates sponsored by a political party

1) After a parliamentary candidate is appointed by the commission under section 39(4) above, where an opposing candidate wishes to lodge an objection against the appointed candidate shall do so within 24 hours from the date the candidate is appointed

- 2) The commission returning officer shall determine an objection lodged in 42(1) above, within 48 hours from the date the objection was lodged
- 3) No ground other than the qualification set under Article 67 of the Constitution, section 40 and 41 of this Act and non-compliance of the procedure set under section 31(2), (3) and (4) of this Act shall qualify to be the ground of objection
- 4) Clerical mistakes in filing form shall not form the basis for disqualification
- 5) The procedure Applicable for objection of the private candidate shall be the same as these of the candidate sponsored by the Political party save for the requirement set under section 31(2), (3) and (4) of this Act
- 6) In case the lodged objection in 42(2) above is sustained by the Commission returning officer, the aggrieved party shall lodge a Petition to the High Court within 3 days from the date the decision of the Commission Constituent Committee has been held
- 7) The High court shall be presided by one Judge in respect the Petition under section 42(6) and shall be determined within 14 days from the date of filing
- 8) The Decision of the High Court in Respect of the Petition referred under section 42(6) above shall be final and conclusive

Part v: Special seats

43. Nomination procedures

- There shall be set by the Commission not less than 33% of electable seats for parliamentary election in respect of existing constituencies to be allotted for parallel Special Seat competitive elections in that
 - (a) 30% of the special seats slot shall be allocated for Women candidate competition
 - (b) 2% shall be allocated to People with disability and
 - (c) 1% shall be allocated to indigenous minority groups (Thinking of Hadzabe, Sandawe and Akie without any representation in any elective seat in Tanzania)
- 2. No person falling under the prescribed condition in (1) above shall be eligible to contest through Special seat if that person has
 - (a) In the preceding five years have possessed or continue to possess membership in any political party in Tanzania
 - (b) Previously appointed or elected as a member of parliament through Special seats or served as a member of parliament in any capacity
 - (c) Is an employee or served any public office five years preceding the relevant election
 - (d) If is not a resident in a particular constituency subject to special seats election

- (e) Is or for the passed five years has been a member of parliament other than a member of parliament via special seats
- 3. Any special seat candidate or any person may file an objection against the Special seat candidate if
 - (a) The candidate is disqualified under section 43(2) above or
 - (b) The candidate does not possess other statutory qualification for member of parliament save for academic qualification for Special candidate in 43(1)(c) above
- 4. for the purpose of Election of Special seats candidates
 - (a) Women Constituency special seats candidates shall be elected by all constituents in that constituency designated by the Commission in the election notice.
 - (b) Indigenous Minority groups shall elect their representative in the designated constituencies to be known as Special constituency for indigenous minorities
 - (c) People with disabilities shall be elected by Council representing the interest of people with disabilities to be known as Special constituency for people with disabilities as established by Person with Disability Act
 - (d) Election of candidates in (b) and (c) above shall consider gender aspect

5. The condition set out under section 43(1) and (2) shall apply to elections in the Local government election

44. Replacement of vacant for Special Seats

(1) The procedure applicable for the by election of members of parliament or local government elective seats shall apply mutatis mutandis with the by-election for special seats for women, People with disabilities and indigenous minorities groups

Chapter 7

Part I: Election Generally

45. Electoral campaign

- 1) The commission by the notice published in the gazette shall specify the commencement date of the electoral campaign
- 2) No application for an objection of a candidate shall be entertained after the commencement of the Campaign
- 3) In Case of a general election, the notice shall specify the campaign to commence not less than 90 days from election date

46. Election date

- 1. The commission shall by the notice published in the gazette shall specify the date for which election is to be conducted
- 2. The notice shall specify the day, time, number of polling stations for which election is to be conducted including but not limited to polling station opening and closure of the polling station open for voting and closure to that effect

- 3. In case the declared date for election falls in a working day, the commission shall declare that day as a holiday for voting purpose to that effect
- 4. Candidates or any person shall not appear in their political party's symbol or flag on a day designated for voting.
- 5. All candidates shall be required to appoint their agents for the purposes of supervising their votes
- 6. The appointed agents by candidates or political parties shall be submitted to the commission 14 days before election day in a manner that shall be prescribed by the Commission

47. Freedom of campaign and right to associate

- (1) The Commission shall cause the campaign to be free, fair to all candidates without unreasonable restrictions
 - 1) The Commission shall cause the timetable for campaigning to be public for all candidates, political parties, and the public
 - 2) The Commission or its officers shall not in any means cause itself to be an agent of a candidate or a political party for the whole period of the campaign
 - 3) It shall be an offence for a candidate to seek vote by using genderbased violence language for the whole period of the campaign

48. Security during election campaigns

The commission in consultation with the police force shall cause all candidates campaign to be adequately protected to guarantee unfettered freedom for conduct of peaceful campaign

49. Protection of election against organized interference and Gender Based Violence

The commission shall not cause any state organ to unreasonably interfere with the conduct of election including unreasonable arrest of candidates, polling agents or in any manner influence the outcome of election and gender based violence

50. Access to media during campaign

(1) The Commission in consultation with Communication Regulatory authorities shall cause all media to air out all campaign freely, impartially without any discrimination based on religion, sex, or ideological position and favor regardless of a status of candidate or a political party

51. State owned Media

- 1) Media owned by the government shall treat all candidates equally without favor or discrimination throughout the campaign period and for that purpose shall set equal time for broadcasting of candidate's campaign in every elective level
- 2) It shall be an offense for a public media to treaty candidates unfairly

- 3) The Chief Executive Officer and any other responsible officer of the media that contravene a requirement under subsection 1 shall
 - a. personally pay fine not less than 10 million and not more than20 million
 - b. be terminated from employment in the public media

52. Private owned media

- 1) Private owned Media shall abide treat all candidates fairly throughout the campaign period
- 2) The commission shall cause to be published Election broadcasting regulations, and the same shall be circulated to the media house for compliance purpose
- 3) a media that contravenes section 56 above shall be liable to a fine of not less than 10 million and not more than 20 million

Chapter 8

Death Candidates and Withdraw of candidates

53. Death of a candidate nominated by a political party

- 1) If in the cause of campaign, a candidate dies,
 - (a) in case of a presidential or deputy presidential candidate the commission shall declare the election to be adjourned
 - i. after the notice declaring adjournment of the election has been published, the commission shall notify the respective political party in case of a candidates sponsored by a political party or surviving independent candidate to appoint another candidate to serve as deputy presidential candidate in which the election shall be conducted within

60 days from the date of the occurrence of such death if the date initially set for the conduct of election has lapsed.

- ii. Political party concerned shall submit the nomination paper for the nomination of another deputy presidential candidate to the Commission within 14 days from the date of occurrence of the death of such candidate
- iii. The commission shall cause to be published a notice specifying the new election date
- (b) in case of a death of a constituency candidate sponsored by a political party, the commission shall
 - i. cause to be published a notice declaring adjournment of the election and in case the general election is over, declare another date for the conduct of parliamentary election not more than 45 days following the occurrence of such death
 - ii. Notify the political party concerned to replace another candidate in the manner prescribed in the internal party nomination process under this Act
 - iii. The Commission shall cause to be published a notice for another election day within 45 days from the date of adjourning the election if initial date set for election has lapsed

iv. Political party shall submit to the Commission particulars of the nominated candidate within 15 days from the date of occurrence of such death

Provided that, the adjournment in (a) above shall not affect the conduct of Special seats election parallel to the presidential election.

- (c) In case of Special seats, no election shall be adjourned on occurrence of death of a Special seat candidate, unless the deceased candidate was the sole candidate in such election
- (d) in case of an independent candidate, no election shall be adjourned on the occurrence of the death of the private candidate in the parliamentary election unless the Independent candidate was the sole candidate in that election
- (e) in case of a local government election, the rules under 53(b)(c)(d) above shall apply mutatis mutandis

54. Withdrawal of candidate nominated by a political party

- 1. Where a candidate declares to withdraw himself from the election process after nomination has been done by the commission:
 - (a) In case of a presidential candidate, declares to withdraw from the election three days prior to the election date, the election shall proceed as scheduled and the deputy presidential candidate shall be deemed be the presidential candidate

- (b) If the deemed presidential candidate in (a) above is elected as the president,
 - (i) In case of a candidate sponsored by a political party, the party concerned shall be obliged to nominate a person to serve as the deputy president and present to the National assembly for approval 14 days from the date the president elect was sworn as the president.
 - (ii) In case of a Private candidate, the president elect shall appoint another person to serve as deputy president and shall present the appointed person to the National assembly for approval within 14 days from the date the president elect was sworn as the president.
- (c) in case the presidential candidate declare to withdraw his candidature from the commencement of the campaign but less than three days from election day, the deputy presidential candidate shall take over as the presidential candidate and
 - (i) In case of a candidate sponsored by a political party, the political party concerned shall be obliged in consultation with the presidential candidate to nominate another person as deputy presidential candidate for that political party and present his name before the Commission within 24 hours from the date of such withdrawal

- (ii) In case of withdrawal of the independent candidate, the presidential candidate referred in (c) above shall nominate another person as deputy presidential candidate and present his name before the Commission 24 hours from the withdrawal of such candidate
- (d) In case of the withdrawal of the deputy presidential candidate, the provision in (c) above shall apply mutatis mutandis
- (e) In case of a member of parliament, Special seats or a local government candidate withdrew his candidature, either in General election, by-election, local government election then election shall proceed as planned unless such candidate was the only candidate in that election

Provided that, where a duly nominated candidate, whose name appears on the ballot paper exhibited under this Act withdrew his candidature after printing of ballot papers and related election notices, the ballot papers and related notices may continue to include his names and other particulars and shall not be refunded to such later candidate the deposit paid by him for his nomination

Chapter 9: By Elections

55. (1) Independent National electoral Commission shall on occurrence of death, resignation, or loss of the qualification by the

Member of Parliament, Ward Councilor, or other local government elective seat shall declare the seat as vacant and call for a byelection

2. The by-election shall be conducted in accordance of the procedures set out in the conduct of general election save that, the campaign period shall not exceed forty five day

56 Maintenance of Secret ballot

- All election in the United Republic of Tanzania shall be conducted by way of secret ballot
- 2. Every election officer, candidate, polling agent or any other person authorized to take part in any proceedings relating to the issue or receipt of ballot papers or to attend at a polling station or at the counting of the votes shall, before so attending, make an oath of secrecy prescribed by the Regulations
- 3. Every officer, candidate, or agent in attendance at a polling station shall-
 - a. maintain and aid in maintaining the secrecy of the ballot; and
 - b. Not communicate, except for a purpose authorized by law before the poll is closed, any information as to the name or number on the register of voters, of any voter who has or has not applied for a ballot paper or voted at that station or as to the official mark.

4. A presiding officer may, upon request, divulge to a candidate or to the agent of a candidate the total number of voters who have voted in the station at any time before the poll is closed.

57. Declaration of results

1. The National Electoral Commission shall declare electoral results as they appear from the polling stations

Chapter 10

Part i: Polling stations

58. Determination of polling stations

- 1. The commission shall by a notice published in the gazette, issue several polling stations, the number of voters in each polling stations as necessary as practicable
- 2. The commission shall describe the way polling stations shall be determined

Chapter 11

Part i: Declaration of Presidential results

59. Presidential results

1. The commission shall collect and announce the results from each polling stations in the village, hamlet, ward, constituency level

- 2. a person shall be deemed to be a winner of a presidential candidacy only if he has attained more than 50% of the valid voters
- The Outcome of a presidential election shall be declared within
 hours from polling Station closure
- 4. The commission shall cause Certificate of election to be availed to president elect as evidence of his election thereto
- 5. Once the candidate is declared as elected, the Commission should not interfere into election of that candidate unless direct to that effect by the Court of Law
- 6. After a winner is declared, he must take an oath of allegiance to the United Republic within 14 days unless a Petition challenging his election has been filed in the High Court
- 7. The petition referred in (6) above shall be filed within 7 days of declaration of presidential election final results and shall be disposed within 14 days from the date the Petition is lodged
- 8. For Purpose of determining the petition referred in (5) above, the High Court shall be composed of 7 judges and the decision of the High Court shall be final and conclusive with regard to the Decision of the High Court as an Election Court.

60. Electronic result system

- 1. for the purpose of presidential election, the commission shall:
- electronically transmit, in the prescribed form, the tabulated results of an election for the president from a polling station to the constituency tallying center and to the national tallying center
- 3. Tally and verify the results received at the national tallying center; and
- 4. Publish the polling results forms on an online public portal maintained by the commission accessible for public scrutiny

61. Declaration of parliamentary results

- 1. Before declaring and determining the results of an election the commission may announce the provisional results of an election
- 2. The commission shall announce the provisional and results in the order in which the tallying of the results is completed
- 3. The commission determines, declare, and publish the results of an election within 24 hours after closing of polling stations
- 4. The commission shall direct its constituency's officers to be responsible for tallying, announcement, and declaration of election results in a prescribed form from each polling station and in the constituency level for parliamentary and presidential election

62. Voter education

- 62. (1) The commission shall, in performing its duties under this Act establish mechanisms for the provision of continuous education and cause to be prepared a voter curriculum
- 2. The mechanism under subsection (1) shall include provisions for partnership with other agencies and non-state actors in the provision of voter education
- 3. The commission shall not, without unreasonably restrictions cause a person or an institution not to provide voter education thereto

63. Accreditation of observers, agents, and reporters

- The commission shall, at any election called in Tanzania accredit
 - a. Person as an observer, agent, or media representative or,
 - b. Any person or institution to report electoral issues on behalf of the Commission
- 2. All Application for Accreditation shall be made in the manner prescribed by the Commission
- 3. In case of a General Election, the Commission shall accredit persons or organization intending to observe election before the commencement of the Political Party Primaries

- 4. In case of a by-election, accreditation shall be made immediately after the declaration of a vacant seat as declared by the Commission
- 5. The Commission shall, in the manner from which application for accreditation is made or any other prescribed manner, communicate accreditation status to the persons or organization that applied for accreditation
- 6. The commission shall not, without unreasonably restrict, or prohibiting a person or an institution to become an observer of election
- 7. Accredited organization shall, soon after election and not later than 60 days, submit Observation report to the Commission and cause the copy of its report to be published in its website in the manner that is user friendly

64 Electoral Code of Conduct

- 1. Every political party and every person who participate in an election or referendum under this Act shall subscribe to and observe the electoral code of conduct as shall be set out in the first schedule in such manner as the commission may determine
- 2. A political party that is eligible to nominate candidate under the constitution and this Act, or any other written law or a candidate nominated to contest for election shall not contest in an election

unless the political party and the candidate have subscribed to the

Electoral Code of Conduct referred to under subsection 1 above

3. An offense committed under this section shall not in any means be

tried except a petition to the court

64. Participation in Election by Public Officers

1. A public officer who intends to contest an election under this

Act shall resign from public office at least 12 months before

the date of the election

2. A public officer who intends to contest in a by election under

this Act shall resign from public office within two month

before the occurrence of the reason for the vacant seat.

3. For purpose of a public officer in (1) and (2) above shall not

apply for a person who was before election was serving as

a. The president or Deputy President

b. The Prime Minister, the Minister or Deputy Minister

c. A member of parliament

d. The Counselor or saving any elective seat in the local

government

Chapter 12

Part I: Electoral Dispute Resolution

65. The commission to dissolve certain disputes

- 66.(1) The commission shall have powers to resolve certain disputes relating to election campaign rules compliance, access to media, frivolous allegations by candidates or any other related disputes
 - (a) in case of a dispute at the ward level, the dispute shall be referred to the commission assistant returning officer at the Ward Level
 - (b) in case of a dispute at the constituency level, the disputeshall be referred to Returning officer at the Constituency level
 - (c) in case of a dispute involving a presidential candidate, the dispute shall be referred to the Commission via the Director of election
- (2) Disputes which are being referred in subsection (1) above does not involve disputes relating to nomination procedures and election petition

66. Postponement of Election by the Commission

- 1. The Commission may, where a date has been appointed for holding an election, postpone the election in an election area, Ward, or Constituency for such period as it may consider necessary were.
 - a. there is a reason to believe that a serious breach of peace is likely to occur if the election is held on that date
 - b. it is impossible to conduct the elections because of natural disaster or other emergencies

- c. there has been occurrence of an electoral malpractice of such a nature and gravity as to make it impossible for an election to proceed
- 2. Where an election is postponed under subsection 1 the election shall be held within 30 days from the date it was postponed
- 3. Notwithstanding the provisions of this section, the Commission may, if satisfied that the results of the elections will not be affected by voting in the area in respect of which substituted date has been appointed, direct that a result of the elections be made

Part ii

67. Election Petition

- 68(1) A question as to validity of an election of a counselor shall be determined by the District Court or resident Magistrate Court where the ward is established
- (2) A question as to validity of an election of a member of parliament shall be determined by the High Court where the constituency is established
 - (3) A question under subsection 1 and 2 above shall be determined within three months from the date the petition is lodged

- (4) All petitions in subsection 1 and 2 above shall be filed within 14 days from the date results are declared by the Commission responsible Officer
- (5) in proceedings, brought under this section, a Court may grant appropriate relief including but not limited to.
 - (a) a declaration of whether the candidate whose election is questioned was validly elected
 - (b) a declaration as of which candidate was validly elected or
 - (c) A declaration for an order for the recount of vote
 - (d) an order as to whether a fresh election will be held or not
- (6) An appeal in subsection 1 above shall lie to the High Court and on both matters of law and fact and shall be.
 - (a) Filed within 30 days of the decision of the district court and
 - (b) Heard and determined within four months from the date offiling the appeal
- (7) An appeal in subsection 2 above shall lie to the court of appeal and on matters of law and facts and shall be filed in accordance with the

Court of Appeal Rules, of which shall be heard and determined within 3 months

- (8) Only the candidate shall have a locus to file election petition
- (9) A candidate may lodge an Election Petition if
 - (a) Corrupt practices
 - (b) Noncompliance with the law in the conduct of election
 - (c) if it's proved that there were promises from the government officials for provision of service in case of a particular candidate is elected
 - (d) Impersonation
 - (e) Character assassination gender segregation and other foul language

Provided that, the Court can only nullify final election results if it has been provided that, the alleged irregularities have impacted the outcome of election

Part iii

68. Security for Cost

- 69(1) A petitioner shall deposit security for the payment of costs that may become payable by the petitioner not more than 14 days after the presentation of the petition under this party
 - a. ten million in case of a petitioner against a presidential candidate

- b. Five million in case of a petitioner against a member of parliament candidate
- c. One Million shillings in case of petitioner against a councilor candidate

69. Certificate of Court as to Validity of Election

The Court at the conclusion of the hearing of an election petition, determining the validity of any question raised in the petition, and shall certify its determination to the commission and notify the relevant candidates affected by the decision

71. Report of Court on Electoral Malpractice

- The court may, at the conclusion of the hearing of a petition in addition to any other orders, decide on whether an electoral malpractice of a criminal nature may have occurred
- 2. Where the court determines that an electoral malpractice of a criminal nature may have occurred, the court shall direct that the order be transmitted to the Director of Public Prosecution
- 3. Upon receipt of the order under subsection 2 the Director of Public Prosecution shall
 - (ii) direct an investigation to be carried out by such state agency as it considers appropriate

(iii) based on the outcome of the investigation, commence prosecution, or close the matter

Chapter 13

72. Party i. Referendum

- 1. Where it become necessary to conduct a referendum for any matter, the procedures enshrined under this Act shall prevail
- 2. where it's necessary to a referendum on any issue, the president shall by the notice refer the matter to the Commission for the purpose of conducting a referendum
- 3. Where an issue to bed decided in the referendum has been referred to the Commission under subsection (2), the Commission shall frame the question or questions to be determined during the referendum
- 4. The Commission after framing the question or questions to be determined during the referendum in sub (3) above, shall cause to be submitted to the National assembly for approval
- 5. The National assembly may approve one or more referendum questions
- 6. The Commission shall publish the question or questions approved by the National assembly to the Commission website, government gazette and circulating print Media of national coverage

- 7. The Commission shall conduct a referendum within 90 days of the publication of the question or questions
- 8. The Commission may assign such symbol for each answer for each question or questions as it may consider necessary
- 9. The symbol assigned under sub section (8) shall not resemble that of the previous or active political party or of any previous or serving independent candidate

Party ii: Notice of holding referendum

- 73 (1) The Commission shall, within 14 days after publication of the question or questions referred under section 72, publish a notice of holding a referendum and the details thereof in the gazette, in its website and print media of the national circulation
- (2) The notice shall specify
 - (a) The Referendum question or questions and the option of the answer or answers
 - (b) The symbols assigned to the answer or answers to the referendum question nor questions
 - (c) The date on which the referendum is to be held which shall not be less than twenty-one days after the date of the publication of the notice
 - (d) The polling time of the referendum

- (e) The day by which the referendum committee shall have registered with the commission
- (f) The day and time by which campaign in support of or against the referendum questions shall start and cease

74 Referendum Committee

- Where a referendum question requires Yes or No answer, person indenting to campaign for or against the referendum question or questions shall form such national referendum Committees or Constituency referendum Committees as may be necessary
- 2. Where there is more than one referendum questions, person intending to campaign for or against each referendum question shall, on Application to the Commission, form one National Referendum Committee each and one Committee each in every Constituency for each referendum question
- 3. A referendum Committee shall apply to the Commission for Registration in a prescribed form.
- 4. An Application under subsection (3) shall be accompanied by the information showing that the Applicant adequately represent persons campaigning for or against the Referendum question

- 5. The National Referendum Committee Shall Control and regulate the constituency referendum Committee
- 6. A member of a Referendum Committee shall prescribe to and abide by the electoral code of conduct
- 7. each referendum Committee shall bear its own cost during the campaign period of the referendum
- 8. The Cost referred under sub section (7) shall include payments of the agents of the respective referendum Committees

75 Referendum Petitions

- 1. The conduct results and validity of the Referendum may be challenged by way of a petition to the High Court
- 2. A petition challenging the Conduct, results or validity of the referendum shall
 - (a) Set out the facts relied on to invalidate the Referendum
 - (b) Identify the specific matter or matters on which the Petitioner rely as justifying for the grant of the relief sought
 - c. Contain a request for the relief for which the Petitioner claim to be entitled

- d. Be filed in the High Court within 14 days of the publication of the notice of the results of the referendum in the Gazette
- 3. A referendum Petition may be presented on any of the following grounds
 - (a) In respect of the results of the voting in all Constituencies or in anyone Constituency that corrupt practices prevailed at or in relation to the voting at the referendum in that Constituency or there was an error or misconduct, whether by act or omissions, on the part of the referendum officer
 - (b) In respect of the declared results of the referendum, that there was an error in the Counting or tallying of the votes cast in the referendum
- 4. A referendum Petition shall be heard and determined by a bench of five Judges
- 76. Person who may present a referendum Petition
 - 1. A referendum Petition may be presented by
 - (a) In case of the Petition in respect of the results of the voting in a Constituency, a person who lawfully voted or had a right to vote in that Constituency at the Referendum

(b) In case of a Petition in respect of a declared National

referendum results, a person who voted or has the right to

vote in the referendum

(c) The Attorney General on behalf of the Government

(d) In any other case, the Commission

2. A referendum Petition shall be heard and determined within thirty

days from the date of the presentation of the Petition

Any petition filed in respect of the referendum shall be heard in Open

Court

Chapter 14

Party i: Electoral Offenses

71 (1) It shall be an offense for officer of the Commission to

(a)Temper with the systems of the Commission

(b)Illegally disclose any confidential information obtained in thecause

of his duties

(c) Produce false information

(d) Perjury

Any person convicted of an offense shall be liable for a fine not less than 10 million and not than 30 million or imprisonment for a term not less than 5 years and not more than 8 years or both.

Chapter 15: General Provisions

78. Facilitation of persons with disabilities

- 1. The Commission shall for the purpose of ensuring that persons with special needs including persons with disabilities, pregnant women, elderly realizes their rights to vote
 - a. Put in place appropriate infrastructures including special voting booth
 - b. Have in each polling Station such number of officers to facilitate voting for people with disabilities

2. Any person who

- a. forges, fraudulently defaces or destroys a nomination paper, or any other document relating to registration of a voter or delivers to a returning officer any nomination paper, knowing it to be forged
- b. forges or counterfeits or fraudulently destroy a ballot paper or the official mark in a ballot paper or,
- c. without authority supplies a ballot to any person or,

- d. sells or offers to sell a ballot paper to any person or purchases or offers to purchase a ballot paper from any person or.
- e. not being a person entitled under this law made under it to be in possession of a ballot paper which has been marked with official mark, has such a ballot paper in his possession or.
- f. knowingly and intentionally puts a ballot box anything other than the ballot paper which he is authorized by the law to put in or,
- g. without authority destroy, takes, open or interfere with a ballot box, ballot paper or packet of ballot paper in use or intended to be used for the purpose of an election or
- h. without authority print a ballot paper or what purport to be or is capable of being used as a ballot paper at an election or.
- i. not being authorized to do so under this law make a mark on a ballot paper issue to a person, other than himself, with intent that the ballot paper shall be used to record the vote of that person
- j. commit an offense and is liable on a conviction to a fine not exceeding 5 million or imprisonment to a term not

exceeding five years or both and shall, for a period of five years from the date of the expiration of his term of imprisonment be disqualified from being registered as a voter or voting at an election

79 Duty to comply

It shall be duty for every public officer or private entity to cooperate with the Commission during election or referendum and not to hinder the Commission in carrying out its functions

Chapter 15

80. Miscellaneous provisions

- 1. An election petition shall only be presented by one of the following
 - a. a person claiming to have had a right to be elected at the election
 - b. a person alleging himself to have been a candidate at the election
 - c. a person claiming to have had a right to be nominated as a candidate at the election
- 2. This Act shall apply to all local government elections for union elective seats in the United Republic of Tanzania