

THE NATIONAL ASSEMBLY (ELECTIONS) ACT, 1964

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TANGANYIKA



No. 11 OF 1964

I ASSENT,

Julius K. Nyerere
President

5TH MARCH, 1964

An Act to provide for the Registration of Voters for elections to the National Assembly and for the Nomination of Candidates and the procedures to be followed at such elections, and for purposes connected therewith and incidental thereto, to amend the Presidential Elections Act, 1962, and to amend and repeal certain other laws relating to elections

[.....]

ENACTED by the Parliament of Tanganyika.

PART I

PRELIMINARY

1. This Act may be cited as the National Assembly (Elections) Act, 1964, and shall be read as one with the Constitution.

Short title
and con-
struction
C.A. Act 1

2.—(1) This Act shall apply to the registration of voters for the purposes of elections to the National Assembly after the commencement of this Act, other than a by-election held during the interim period, and to all such elections, and matters relating thereto.

Application

(2) In this section and in section 119 the expression "interim period" has the meaning ascribed thereto in section 19 of the Republic of Tanganyika (Consequential, Transitional and Temporary Provisions) Act, 1962.

C.A. Act 2

3.—(1) In this Act, unless the context otherwise requires—

Interpretation

"candidate" means a person who submits himself in a constituency for election to the National Assembly:

General

Provided that for the purposes of those provisions of this Act relating to the procedures to be followed on a contested election, a candidate whose nomination is declared invalid by the Returning Officer, or who, having been validly nominated, withdraws his candidature, shall be deemed not to be a candidate;

- "close of the poll" in relation to a constituency means the latest close of poll in a polling district in that constituency in the relevant election;
- "the Commission" means the Electoral Commission established by the Constitution;
- constituency" means a constituency for the purposes of elections to the National Assembly;
- counting agent" means a person appointed under the provisions of section 53;
- "election" means an election in a constituency of a member of the National Assembly, including both such an election held during a general election and a by-election; and "elected" shall be construed accordingly;
- "election agent" means an election agent named under the provisions of section 88 or deemed to be named under the provisions of section 89;
- "election day", in relation to any constituency, means the day appointed under section 38 or any day substituted therefor in accordance with the proviso to that section or, in the case of an election in which the candidate is declared elected under section 33, means the date on which he was so declared elected;
- "member" means an elected member of the National Assembly;
- "nomination day", in relation to any constituency, means the day appointed under section 28, or under subsection (2) of section 34, or under section 35, or under subsection (2) of section 61, as the case may be, or any day substituted therefor in accordance with the provisions of subsection (2) of section 28;
- "person" means a natural person;
- "personal expenses", in relation to any candidate at an election, means the reasonable travelling expenses of that candidate and of his election agent and the reasonable expenses of their living at hotels or elsewhere for the purposes of and in relation to that election;
- polling agent" means a person appointed under the provisions of section 42;
- polling assistant" means a person appointed under the provisions of paragraph (b) of section 41;
- "polling district" means a division of a constituency made pursuant to section 5;
- polling station" means a polling station specified under the provisions of paragraph (b) of subsection (1) of section 39;
- "prescribed", in relation to forms, means a form prescribed in the First Schedule, as amended by the Commission in accordance with the provisions of section 116, and any other form prescribed by the Commission under that section;

- "presiding officer" means a person appointed under the provisions of paragraph (c) of section 41;
- "qualified" or "qualification" means, when used in relation to a person claiming to be entitled to, be registered as a voter in or stand as a candidate for a constituency, qualified to be or qualification as a voter in or candidate for that constituency in accordance with the provisions of the Constitution and this Act; and "disqualified" or "disqualification" has the converse meaning;
- "to register" means to register a person, as a voter under this Act, and "registration" and "registered" shall be construed accordingly;
- "a register" means a register of voters compiled and maintained in the prescribed form under this Act;
- "Registration Officer" means a Registration Officer appointed under section 6, and includes, insofar as is provided in that section, an Assistant Registration Officer; and "the Registration Officer" in relation to a constituency or polling district means the Registration Officer appointed for that constituency or for the constituency of which such polling district is a division, as the case may be;
- "registration period" means any period or day during or on which a qualified person shall be entitled, in accordance with section 13, to be registered under this Act; and a "period of general section 13 or subsection (2) of section 109;
- "Returning Officer" means a Returning Officer appointed under section 7, and includes, insofar as is provided in that section, an Assistant Returning Officer; and "the Returning Officer" in relation to a constituency means the Returning Officer appointed for that constituency;
- "voter" means a person entitled to vote in a constituency under this Act;
- "voting card" means, subject to the provisions of subsections (3) and (4) of this section, a voting card in the prescribed form issued under this Act to, a registered voter.

(2) References in this Act or in other written law to, the number of a registered voter (whether or not such references are references to the number of such voter in the register) shall be construed as references to the number of such voter's voting card as set out for the time being in such register.

(3) For the purposes of this Act, a voting card shall not constitute any authority for the holder to exercise any function or power which, under this Act, may be exercised by a person to whom a voting card has been issued or a person by whom it is presented, unless the particulars relating to the holder are entered therein, the card is signed or marked with a thumb print by the person to whom it is issued, and the card is signed by and marked with the stamp of, the person by whom it is issued:

Voting
cards

Provided that nothing in this subsection shall preclude the prosecution or conviction of a person for an offence relating to a voting card.

(4) A voting card shall, for the purposes of this Act, be-

- (a) a completed voting card if all the spaces thereon for the marking of the holder's having voted at an election have been stamped with an official stamp;

Expired
and
completed
voting cards

- (b) an expired voting card if-
- (i) a Registration Officer has required that it be surrendered under any of the provisions of Part 11 or section 87, whether such requirement was an alternative to a requirement to make a declaration under section 17 or not;
 - (ii) it has been the subject of a declaration made under section 17;
 - (iii) it has been revoked under the provisions of section 109.

Directions
of the
Commission

4. Directions given and notices issued over the signature of the Chairman or a member of the Commission, or of a secretary to the Commission, shall be deemed to be the directions and notices of the Commission.

Polling
districts

5-(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 the constituencies are varied, or in any other circumstances in which the Commission thinks it appropriate so to do, the Commission may alter the number and area of polling districts within a constituency; and upon such alteration being made it, shall publish in the *Gazette* a notice specifying the alteration.

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

Registration
Officers
and staff

6-(1) The Commission shall appoint by office a Registration Officer for each constituency, and every such Registration Officer shall be in charge of every polling district within the constituency for which he is appointed.

(2) The Registration Officer appointed for a constituency shall appoint by office such number of Assistant Registration Officers as he may think fit.

(3) 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 on a Registration Officer other than those conferred or imposed by the foregoing provisions of this section and section 22, and any reference in this Act to the Registration Officer, or the Registration Officer in charge of a polling district shall, save as aforesaid, be deemed to, include a reference to an Assistant Registration Officer.

(4) Registration Officers may, subject to the directions of the Commission, employ such staff as they may require to carry out their functions under the provisions of this Act.

Returning
Officers
and staff

7-(1) The Commission shall appoint by office a Returning Officer for each constituency.

(2) Each Returning Officer shall appoint by office such number of Assistant Returning Officers as he may think 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 those conferred by the foregoing provisions of this section, and any reference in this Act to the Returning Officer shall, save as aforesaid, be deemed to include a reference to an Assistant Returning Officer.

(4) Returning Officers may, subject to the directions of the Commission, 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, take and subscribe an oath of secrecy in the prescribed form before a magistrate.

PART II

REGISTRATION OF VOTERS

(a) *Qualifications and disqualifications for registering as voters and voting*

8. Every citizen of Tanganyika who has attained the age of twenty-one 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 registration this Act as a voter.

Qualifica-
tions for
registration

9.-(1) No person shall be qualified for registration as a voter for - the purposes of elections to the National Assembly, or shall be registered under this Act-

Disqualifica-
tions for
registration

- (a) if he is under a declaration of allegiance to some country other than Tanganyika;
- (b) if, under any law in force in Tanganyika, 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 Tanganyika or a sentence of imprisonment (by whatever name called) exceeding six months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court;
- (d) if he is disqualified from registering as a voter or voting under the provisions of this or any other law in force relating to offences connected with elections, whether to the National Assembly or otherwise.

(2) For the 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 for the purposes of elections to the National Assembly, his name shall be deleted from the register:

Provided that no name shall be deleted from a register, save in accordance with the provisions of Heads (c) and (d) of this Part, or on the report of a court that such Person has been guilty of a practice which disqualifies him from registering or voting.

No person shall be registered in more than one constituency or Polling district
Place of, and disqualification for, voting

10- No person shall be registered as a voter in more than one constituency, or in more than one polling district in a constituency.

11-(1) Subject to the provisions of this Act, a voter shall, on Production of his voting card, be entitled to vote at elections to the National Assembly at the polling station allotted to him in the polling district in which he is registered, but not elsewhere.

(2) Notwithstanding that he is registered under this Act, no person shall be entitled to vote in any election if any circumstances arise in relation to that person that, if he were not so registered, would cause him to be disqualified for registration under this Act.

Change of name **12.** 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 11, be entitled to vote under the name in which she or he is so registered.

(b) Registration

Times for registration

13-(1) The Commission shall from time to time give notice in the *Gazette* that a period specified in such notice shall be a period of general registration during which all qualified Persons not registered under this Act may apply for registration, and during every such period every Registration Officer shall comply with the directions of the Commission relating to the facilities for registration which are to be made available in their Polling districts.

(2) Subject to, the provisions of subsection (3), every Registration Officer shall, during office hours on not less than one day in each month (other than during a period of general registration), and may at any other time, make available at the headquarters of the district in which each Polling district in his charge is situated, facilities for the registration of voters.

(3) The Commission may, by notice in the *Gazette*, declare the registers to be closed during any period commencing not earlier than ninety days before, and ending not more than thirty days after, an election in a constituency, and during any such period no person shall be registered under this Act in that constituency.

(4) The Registration Officer shall-

- (a) arrange for the publication throughout his constituency in such manner as he shall think necessary of a notice published under subsection (1), and shall publish the dates, times and places when and at which persons wishing to register shall attend; and
- (b) give notice at the headquarters of the district in which each of his Polling districts are situate of the days, times and places at which persons may attend in order to make use of the facilities provided for registration under subsection (2), and of any period when, in accordance with a notice issued under subsection (3), the registers are closed.

14. Every unregistered person who is qualified for registration and wishes to be registered under this Act shall present himself, during a registration period at a time and place notified under section 13, to the Registration Officer for the polling district in which he is ordinarily resident; and the Registration Officer, if he is satisfied that the applicant-

Registration
of un-
registered
persons

(a) is qualified for registration; and

(b) is ordinarily resident in the polling district in respect of which he makes application; and

(c) is not already registered either in that or any other polling district, shall forthwith register the applicant in the register of the polling district and shall issue to him a voting card for that polling district.

15.-(I) Where any voter who is registered in one polling district becomes ordinarily resident in some other polling district, he may apply in person, during a registration period at a time and place notified under section 13, to the Registration Officer for the polling district in which he is ordinarily resident; and the Registration Officer-

Changes of
residence

(a) if he is satisfied that the applicant

(i) is qualified for registration; and

(ii) is ordinarily resident in the polling district in respect of which he makes application; and

(b) on the surrender by the applicant of his voting card, or on the applicant's satisfying the Registration Officer that it is lost or destroyed,

shall forthwith register the applicant in the register for the polling district and complete for him a new voting card for that polling district.

(2) Where a Registration Officer registers an applicant under this section, he shall forthwith-

(a) cancel the voting card surrendered by the applicant and send it to the Registration Officer of the polling district for which it was issued; or

(b) if he is satisfied that the applicant's voting card is lost or destroyed, give notice of his issue of a new voting card to the Registration Officer of the polling district for which the former card was issued,

and on receipt of such card or notice, the latter Registration Officer shall cancel the registration of the person to whom it relates in the register of his polling district.

(3) Notwithstanding the provisions of subsection (1) of section 11, or subsection (1) of this section, where, by reason of any change of name of a constituency or any adjustment in the number of constituencies or in the boundaries or area 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 another constituency or of the same constituency with a new name, it shall not be necessary for a voter whose name is on any register affected by such adjustment to apply for the transfer of his name to the appropriate register, but the Registration Officer shall, as soon as possible, effect

such amendments or transfers as may be necessary to give effect to such adjustment as if an application for transfer had been made by the voters concerned pursuant to the provisions of this section.

Other applications for voting cards, etc.

16- (1) Where-

- (a) a voting card has been completed; or
- (b) a voting card is lost or destroyed; or
- (c) any particulars on a voting card or in a register require amendment by reason of the 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 polling district to another,

the person to whom such voting card was issued may, during a registration period at a time and place notified under section 13, apply in person to the Registration Officer for the issue of a new voting card.

(2) On any such application, the Registration Officer shall-

- (a) if satisfied that the application is properly made and that the applicant remains qualified for registration; and either
- (b) on the applicant surrendering his voting card; or
- (c) on the applicant satisfying the Registration Officer that his voting card is lost or destroyed, and on his paying such fee as the Commission may require,

issue to the applicant a new voting card, and shall make any necessary amendments to the register and cancel any voting card which has been surrendered.

Declaration relating to lost or destroyed cards

17. Where, under the foregoing provisions of this Part, an application is made to a Registration Officer by a person who claims he has lost a voting card issued to him, or that such card has been destroyed, the Registration Officer shall require the applicant to make a declaration in the prescribed form relating to such loss or destruction before a magistrate and, without prejudice to his power to refuse the application on other grounds, shall refuse the application unless the applicant makes such a declaration.

Refusal of application

18. 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 such refusal may, within twenty-one days after his receipt of such statement, appeal against such refusal to a Resident Magistrate.

(c) Objections to registration or continued registration

Inspection of register

19. Any voter may, on production of his voting card, inspect the register of any polling district at any time during office hours —

- (a) during the period of seven days immediately succeeding a period of general registration; and
- (b) on such other days when facilities for the registration of voters are made available under subsection (2) of section 13, other than at such times during such days when the Registration Officer requires the register for the purposes of registering any person.

20.-(1) Any person whose name appears in the register for any polling district may object to the retention in that register of his own name or the name of any other person on the grounds that he or such person is not qualified or is no longer qualified to be registered therein or is dead.

(2) The Registration officer may object to the retention of any name in the register of any polling district on any such ground aforesaid.

(3) Any person who makes an objection under this section is hereinafter in this Part referred to as an objector.

21.-(1) Except in the case of an objection made by himself, every objection shall be made in duplicate in the prescribed form and shall be made to the Registration Officer within a permitted period.

Procedure
for making
objections

(2) Every objection, other than an objection made by a Registration Officer, shall be accompanied by the sum of five 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 a permitted period, send a 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 send a notice when an objection is made on the ground that a person whose name appears in a register is dead, and the Registration Officer is satisfied that such person is dead.

(5) In this section "a permitted period" means-

- (a) a period of fourteen days immediately succeeding any period of general registration; and
- (b) the period from the first day of January to the twenty-first day of January (both inclusive) in any year:

Provided that where, during any year, the registers are closed by the Commission during the period from the first day of January until the twenty-first day of January or any part of such period, the Commission shall appoint some other period of twenty-one days in that year and the period so appointed shall, during that year, be a permitted period.

22.-(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 fourteen clear days' written notice of the date on which and the time and place at which such inquiry will commence to each objector and person in regard to whom objection has been made. 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 personally or by any other person duly authorized by him in writing in that behalf.

inquiry and
determination
by
Registration
officer

(2) Where an objection is made to the retention of any name in the register, the Registration Officer shall call upon the objector, or some person authorized in writing in that behalf by the objector, to give prima facie proof of the ground of the objection.

(3) If, in the opinion of the Registration Officer, such prima facie proof as aforesaid is given, the Registration Officer shall require proof of the present qualification for registration of the person in regard to whom objection has been made, and-

- (a) if such person's qualification is not proved to the Registration Officer's satisfaction, he shall delete such person's name from the register;
- (b) if such person's qualification is so proved, he shall retain such person's name in the register.

(4) If, on the date fixed for inquiry into any objection, the objector or a person authorized in writing in that behalf by the objector fails to appear, or appears but fails to give such prima facie proof as aforesaid to the satisfaction of the Registration Officer, then the Registration Officer shall retain the name of the person in regard to, whom the objection is made in the register.

(5) If an objection 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 objection has been made such sum not exceeding one hundred shillings as the Registration Officer considers reasonable compensation for any loss incurred by such person in consequence of the objection.

(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) If an objection is disallowed by the Registration officer and he is of opinion that the objection was made without reasonable cause, the deposit of five shillings shall be liable to, be forfeited to the Government by order of the Registration Officer, but otherwise shall be refunded.

(8) 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 an inquiry under this section shall be commenced at the stage at which the Registration Officer requires proof of the present qualification of the person in regard to, whom objection is made.

Objector
or person
objected to
may appeal

23. If any objector or person in regard to whom objection has been made is dissatisfied with the decision of the Registration Officer under section 22, he may, within twenty days from the date thereof appeal therefrom to a Resident Magistrate.

(d) Appeals, and additions to or deletions from the register

Appeals to
Resident
Magistrates

24.(1) Every appeal under section 18 or 23 shall state shortly the ground of appeal, and shall be accompanied by the sum of twenty shillings as a deposit.

(2) The Resident Magistrate shall hear such appeals in public giving notice of the time, date and place of the hearing of the appeal to the parties concerned. It shall be in his discretion whether to hear or not to hear any evidence. His determination of the appeal shall be final and conclusive and shall not be called in question in any court.

(3) When the Resident Magistrate has determined the appeals which have been lodged with respect to any register or the issue of any voting card, he shall forward to the Registration Officer a statement under his hand containing the names which he has decided shall be inserted or retained in the register and those which he has decided shall be deleted from the register, and a statement of the names of the persons to whom voting cards shall be issued, and the Registration Officer shall amend the register and issue such cards accordingly:

Provided that-

- (a) the Resident Magistrate shall not require a Registration Officer to issue a voting card to any person who claims he has lost a voting card issued to him and relevant to the proceedings, or that any such voting card has been destroyed, unless such person shall have made the declaration provided for in section 17; and
- (b) in any case to which section 15 or 16 applied and no declaration has been made in accordance with section 17, the Registration Officer may refuse to issue a new voting card until the previous card issued to the person concerned has been surrendered.

(4) If an appeal is dismissed and the Resident Magistrate is of opinion that the appeal was made without reasonable cause, he may order that the deposit of twenty shillings shall be forfeited to the Government, but otherwise 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 is not allowed by the Resident Magistrate and in his opinion the appeal was made without reasonable cause, the Resident Magistrate may, if he thinks fit, order the appellant to pay compensation not exceeding one hundred shillings in all as he considers reasonable. Any sum so awarded shall be recoverable as though the order was a decree of a district court for the recovery of money.

(6) Where an appeal has been made under this section, the Resident 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 made under section 22 (or so much of such deposit or such sum as the Resident 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 was a decree of a district court for the recovery of 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 appear 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 the hearing of appeals under this section shall be regulated in such manner as the Resident Magistrate shall decide, and without prejudice to the generality of the foregoing, a Resident Magistrate may, if satisfied that two or more appeals involve the same question, declare that the decision given in any appeal heard previously shall be binding on the parties to such of the other appeal or appeals as he shall specify.

Provisions consequential to additions to or deletions from register under this Part

25.-(I) Where the Registration Officer adds the name of any person to a register under section 24, or issues any voting card to any person in pursuance of that section, he shall take such steps in relation thereto as if he had not refused the application to which the appeal relates.

(2) Where the Registration Officer deletes the name of any person from a register under section 22 or 24, he shall require such person either—

- (a) to surrender any voting card issued to such person under this Act; or
- (b) to make and deliver to the Registration Officer the declaration Provided for in section 17,

within such period (not being less than ten days) as the Registration Officer shall specify; and the Registration Officer shall cancel any voting card so surrendered.

PART III

ELECTIONS AND NOMINATIONS

General elections

26. After every dissolution of Parliament, an election shall take place in every constituency.

By-elections

27.-(I) Subject to the provisions of subsection (2), whenever the seat of an elected member becomes vacant otherwise than upon a dissolution of Parliament, a by-election to fill such vacancy shall take place in the constituency concerned.

(2) No by-election shall take place in any constituency during the period of six months immediately preceding the date of the dissolution of Parliament where such date has been proclaimed by the President or can be inferred from the provisions of subsections (3) and (4) of section 44 of the Constitution.

Nomination day

28.-(I) Where an election is to be held in a constituency, and where an election is countermanded and the election procedures are to commence afresh, the Commission shall, by notice in the *Gazette*, appoint a day (hereinafter referred to as nomination day)-

- (a) in the case of a general election, not less than thirty nor more than fifty days after the dissolution of Parliament;
- (b) in the case of a by-election, not less than thirty nor more than fifty days after the occurrence of the event upon which such by-election is to take place,

for the nomination of candidates for election:

Provided that, in the case of a general election—

- (i) where the President shall have given notice in the *Gazette*, of his intention to dissolve Parliament within thirty days after the publication of such notice, the Commission may appoint some earlier day (not being less than thirty days after the date of publication of such notice), and on Parliament being dissolved within such period of thirty days, the day so appointed by the Commission shall be deemed to be nomination day; and
- (ii) the date appointed as nomination day under this section shall not be earlier than the date appointed as nomination day for the purposes of the Presidential Elections Act, 1962.

C.A. Act 3

(2) The Commission may appoint different nomination days for different constituencies during the same general election, and may revoke the appointment of a nomination day and appoint some later day within the period provided for in subsection (1) to be nomination day.

(3) The Commission shall give at least fourteen days' notice of nomination day.

29-(1) In order to be validly nominated to stand as a candidate for a constituency, a person must be nominated in writing by not less than thirty-five voters, registered in the constituency for which he is a candidate.

nomination
of candi-
dates

(2) The writing shall be in the prescribed form, shall be subscribed by the candidate and by the persons nominating him, and shall contain the following particulars: —

- (a) the names, address and particulars of the candidate (which shall not include a reference to the candidate's political activities);
- (b) the proposed symbol (if any) of the candidate;
- (c) the names, addresses and descriptions of the nominators of the candidate; and
- (d) a certificate by the candidate that he is willing and otherwise qualified to stand for election.

(3) Every candidate, or one of the persons nominating him, shall at the time of his nomination deliver to the Returning Officer a statutory declaration in the prescribed form declaring his qualifications for election and also declaring that he is not disqualified for election, which has been made and subscribed by the candidate before a magistrate. If the statutory declaration is not delivered as aforesaid the nomination of the candidate shall be deemed to be void.

(4) The Returning Officer shall provide nomination papers and shall supply any voter with such number of nomination papers as he may require, and shall at the request of any voter, the candidate and all his nominators being present, complete any such nomination paper on such voter's behalf.

(5) Each candidate, or one of the persons nominating him, shall deliver his nomination paper (together with one copy thereof) subscribed as hereinbefore provided at the office of the Returning Officer not later than four o'clock in the afternoon of nomination day.

(6) The Returning Officer shall forthwith cause a copy of the nomination paper to be posted in a conspicuous position outside his office.

(7) No person shall nominate more than one candidate and, if he does, his signature shall be inoperative on any nomination paper other than the one first delivered:

Provided that a person shall not be prevented from subscribing a nomination paper by reason only of his having subscribed that of a candidate who has died or withdrawn his candidature before delivery of such first-mentioned nomination paper.

(8) 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 constituency shall not invalidate the nomination of the candidate.

Candidate
to be
nominated
for one
seat only
Deposits

30. No candidate may be nominated for election in more than one constituency.

31.-(1) A candidate, or one of the persons nominating him, shall, at the time of delivering his nomination paper pursuant to the provisions of section 29, deposit with the Returning Officer the sum of five hundred shillings, and if such sum is not deposited the nomination of the candidate shall be deemed to be void.

(2) The deposit of a candidate who is not returned unopposed pursuant to the provisions of section 33 shall be forfeited to the Government if the number of votes counted in his favour at the election is less than one-eighth of the total number of votes cast in the election unless such candidate has validly withdrawn his candidature under section 32 or dies before the close of the poll in that election.

(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 announcement of election has been made be returned to him or paid to his legal personal representative, as the case may be, by the Returning Officer.

Withdrawal
of candi-
dature

32. A candidate may withdraw his candidature by notice in writing signed by, and delivered by, him to the Returning Officer not later than four o'clock in the afternoon of nomination day:

Provided that-

- (a) such notices of withdrawal shall take effect in the order in which they are delivered; and
- (b) no such notice shall have effect if there is no other candidate standing for election in that constituency.

Unopposed
candidates

33. Where, after five o'clock in the afternoon of nomination day, there is only one candidate who has been validly nominated in a constituency, such candidate shall be deemed to be elected, and the Returning Officer shall forthwith publicly declare such candidate to have been elected.

Death of
candidates

34. (1) Where, after nomination day and before the close of the poll in an election, a candidate who has been validly nominated dies, the Returning Officer shall, upon being satisfied of the fact of death, countermand the election in the constituency.

(2) In any case where the Returning Officer countermands an election for a seat pursuant to the provisions of subsection (1), the Commission shall, by notice 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 a candidate who at the time of the countermand of the election had been validly nominated.

35. If after nomination day there is no candidate who has been validly nominated for a constituency, the Commission shall, by notice in the *Gazette*, appoint some other convenient day, not later than thirty days after the preceding nomination day for. for the nomination of candidates for election in the constituency and the electoral procedure in that constituency shall be commenced afresh.

Procedure where nominations, for vacancies incomplete

36.-(1) Objection may be made to a nomination paper on all or any of the following grounds but on no other grounds, namely: —

Objections to and decisions as to validity of nomination papers

- (a) that the description of the candidates is insufficient to identify him;
- (b) that the nomination paper 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 paper that the candidate is not qualified to stand for election;
- (d) that the requirements of subsection (3) of section 29 have not been complied with;
- (e) that the provisions of section 31 relating to, the deposit of five hundred shillings have not been complied with.

(2) No objection to a nomination paper shall be allowed unless it is made to the Returning Officer before five o'clock in the afternoon of nomination day.

(3) The objection may be made by the Returning Officer or by another candidate (or his election agent) in the constituency and shall be in writing, signed by the objector, and shall specify the grounds of objection.

(4) The Returning Officer shall, with the least possible delay, decide on the validity of every objection and inform the candidate concerned of his decision, and, if the objection is allowed, of the grounds of his decision.

(5) The decision of the Returning Officer that a nomination paper is valid or invalid shall be final and conclusive and shall not be called in question in any court but shall be subject to review by way of an election petition presented pursuant to the provisions of Part VII on one or other of the grounds specified therein.

37. (1) For the purpose of enabling a candidate to assist voters to identify him when voting, a candidate shall be entitled to associate himself, while electioneering, with such symbol as the Returning Office may in his absolute discretion and on application allow.

Use of symbols for identification purposes

(2) No application for the use of a symbol for electioneering purposes shall be granted until the candidate making application therefor has been validly nominated.

(3) Applications for the use of a symbol for electioneering purposes shall be considered in the order in which they are delivered to the Returning Officer.

(4) No candidate shall associate himself with any symbol, while electioneering, unless such symbol has been sanctioned by the Returning Officer for that purpose.

Election
day

38. Where there is a contested election in any constituency, the Commission shall, by notice in the Gazette, appoint a day not less than forty days and not more than fifty days after nomination day, to be the election day:

Provided that-

- (a) where there is more than one contested election during a general election, the Commission may appoint different election days for different constituencies;
- (b) where, by reason of the lack or death of any candidate for the office of President, the Chief Justice appoints a second or subsequent nomination day under the Presidential Elections Act, 1962, before voting has commenced in the general election, the Commission shall appoint a new election day not earlier than five days after the day so appointed by the Chief Justice; and
- (c) the Commission may revoke the appointment of an election day and appoint some other day within such period aforesaid to, be election day.

Notice of
election

39.-(1) Where there is a contested election, the Returning Officer shall, on or before the eighth day before 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 district where there is more than one polling station, the voters assigned to each polling station; and
- (d) the full names, addresses, occupations and representative symbols, if any, of the candidates nominated for election.

(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 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; and
- (b) one day but not more than one day shall be appointed as 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 that constituency as the Commission may appoint.

(3) Where the Returning Officer has appointed a polling day for a polling district 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 constituency in such manner as he may think fit altering the polling day appointed for any polling district, and thereupon polling shall take place in that polling district on the polling day specified in such notice.

(4) For the purposes of paragraph (a) of subsection (1), the time of commencement of the poll shall be eight o'clock in the morning and the time of close of the poll shall be six o'clock in the evening or such earlier time as may be specified in the notice.

PART IV

ELECTION PROCEDURE

40. In a contested election polling shall take place in each district in the manner hereinafter provided on the day appointed for polling in that polling district pursuant to the provisions of section 39.

polling
days and
times

41. The Returning Officer shall-

Arrangements
for con-
tested
elections

- (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 39;
- (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 such 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 the full names in alphabetical order of surnames, or in such other order as the Commission may direct, addresses, occupations and representative symbols, if any, of the candidates;
- (f) provide both within and without 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 may be necessary;
- (h) provide each polling station with writing materials with which the voters can mark the ballot papers, with instruments for making official marks, with indelible ink for the marking of a voter's hand in accordance with the provisions of section 46;
- (i) do such other acts and things as may be necessary for conducting the election in the manner provided in this Act.

- Polling agent **42.**-(1) Each candidate may appoint one person to be known as a polling agent to attend at each polling station within the constituency for which he is a candidate for the purpose of detecting personation.
- (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 by the candidate to the Returning Officer not later than seven days before election day.
- (3) If any polling agent dies or becomes incapable of acting as such, the candidate 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.
- Ballot boxes **43.**-(1) Every ballot box shall be so constructed that the ballot papers can be put therein by the voter but cannot by him be withdrawn.
- (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 shall keep it so closed and sealed.
- Form of ballot paper **44.** Every ballot paper shall-
- (a) contain the full names, addresses and descriptions of the candidates in the constituency, as shown in their respective nomination papers, arranged alphabetically, and, where applicable, their symbols;
 - (b) be capable of being folded up;
 - (c) have a serial number printed on the back;
 - (d) be attached to a counterfoil, bearing the same serial number as that printed on the back of the ballot paper.
- Prohibition of disclosure of vote **45.** No person who has voted at the election shall, in any legal proceeding to question the election or return, be required to state for whom he voted.
- Method of voting **46.** The voting at an election shall be conducted in the following manner:-
- (a) every voter desiring to record his vote shall present himself at the polling station at which he is entitled to vote and shall present his voting card to the presiding officer or a polling assistant and permit such officer or assistant to inspect his hands, and such officer or assistant, after satisfying himself that such voter has not already voted and is the person described in the voting card, shall deliver to him a ballot paper;
 - (b) immediately before the presiding officer or a polling assistant delivers a ballot paper to any person—
 - (i) the ballot paper shall be perforated or stamped with an official mark;
 - (ii) the particulars of the voter as stated in his voting card shall be called out;

- (iii) the number of the voter on his voting card shall be marked on the counterfoil; and
- (iv) the presiding officer or his assistant shall stamp the voter's voting card with an official stamp and mark some part of one of his hands with indelible ink;
- (c) subject to the provisions of paragraph (g), a voter on receiving a ballot paper shall go immediately into one of the screened compartments in the polling station, and shall there secretly record his vote in the manner provided in paragraph (d), fold up 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 disclose the official mark, and put the folded ballot paper into the ballot box;
- (d) a voter shall record his vote by putting a mark against the name of the candidate for whom he wishes to vote, thereby recording not more than one vote;
- (e) a voter shall not place on the ballot paper any writing or mark by which he may be identified;
- (f) a voter shall vote without undue delay;
- (g) if a voter is incapacitated by blindness or other physical cause or is unable to read, he may call the presiding officer aside, and shall tell him, no other person being present or within hearing, the name of the candidate for whom he wishes to vote, and the presiding officer shall mark the ballot paper accordingly and shall, in the presence of the voter, place the ballot paper in the ballot box;
- (h) 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;
- (i) a voter who has accidentally dealt with a ballot paper in such manner that it cannot conveniently be used as a valid ballot paper may, on delivering such 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 paper so delivered up, and the spoilt ballot paper and its counterfoil shall be immediately marked as cancelled.

47. (1) No person shall be admitted to vote at any polling station except at the one allotted to him: Admittance to polling station

Provided that where a voter for any constituency is employed as a Returning Officer, presiding officer, police officer, or in any other official capacity at a polling station within that constituency, and it is inconvenient for him to vote at the polling station in such constituency which has been allotted to him, the Returning Officer may authorize the voter, by a certificate under his hand, to vote at any other polling station in such constituency, and that polling station shall, for the purposes of this section, be deemed to be the polling station allotted to such voter.

(2) Such certificate shall be given under the hand of the Returning Officer and shall state the name of the voter, his serial number and description in his voting card and the fact that he is so employed as aforesaid.

(3) The presiding officer shall regulate the admission of voters to the polling station and shall exclude all other persons except candidates, polling agents, polling assistants, police officers on duty, and any other person who in his opinion has lawful reason to be admitted.

(4) If 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 him, and the person so removed shall not, unless with the permission of the presiding officer, again be allowed to enter the polling station.

(5) Any person so removed as aforesaid, if charged with the commission in such station of any offence, may be kept in custody until he can be brought before a magistrate. 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 station.

Allegations
of irregularities

48.-(1) Where the prescribed officer at any polling station has reason to believe, or it is alleged by a candidate present at the polling station or by his polling agent that-

- (a) the voting card presented by any person wishing to vote is an expired voting card; or
- (b) a person wishing to vote is not entitled to vote,

the presiding officer shall warn the person wishing to vote that any person who is not registered or entitled to vote is guilty of an offence if he votes, or, as the case may be, that any person presenting an expired voting card is guilty of an offence and may, on issuing a receipt therefor, impound a voting card presented by such person; but, if notwithstanding such warning, such person persists in his wish to vote, the presiding officer shall deliver a ballot paper to such person in accordance with the provisions of this Act and shall take note of the name of such person and if such be the case, of his having voted:

Provided that nothing in this subsection shall require the presiding officer to deliver a ballot paper to a person if-

- (a) the card presented by such person is marked by an official stamp for the relevant election-, or
- (b) such person's hand is marked with indelible ink; or
- (c) such person refuses to make any declaration under section 49.

(2) The presiding officer shall deliver every voting card impounded under this section and a copy of every note made hereunder to the Registration Officer, who shall make or cause to be made such investigations as the circumstances require.

(3) The Registration Officer may retain any voting card delivered to him under this section for such reasonable time as shall enable him to pursue such investigations and may retain and cancel any expired voting card.

49:- 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 his 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 voting card which he presents as the presiding officer may deem necessary and to make and subscribe one or both of the prescribed declarations.

Declaration
by voters

(2) If any person fails (to furnish such evidence of his identity or refuses to make any such declaration, the presiding officer may refuse to give him a ballot paper.

50:- Where the proceeding, at any polling station ore interrupted or obstruct by riot or open violence, the presiding officer shall adjourn the proceeding until the following day shall forthwith give notice to the Returning Officer.

Adjournment
of poll in
case of riot

(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) references in this Act to the close of the poll shall be construed accordingly.

51. If 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 a sufficient time to enable them to vote; but no one who is not in fact present at the polling station at the hour of closing the poll shall be permitted to vote.

Closing of
the poll

52.-(1) The presiding officer of each polling station, as soon as practicable after the closing of the poll, shall, in the presence of such of the candidates and their polling agents as attend, make up into separate packets, sealed with his own seal and the seal of the candidates or their agents if they desire to affix their seals-

Procedure
on closing
of poll

(a) the unused and spoilt ballot papers placed together;

(b) every voting card impounded and note made under section 48; and

(c) the counterfoils of the used ballot papers.

(2) The packets shall be accompanied by a statement, to be called the ballot papers account, prepared by the presiding officer in the prescribed form.

(3) The unopened ballot boxes shall be secured by the presiding officer and sealed with his seal and with the seals of such of the candidates or their agents as attend and desire to affix their seals in such manner that the boxes cannot be opened and nothing can be inserted therein without the seals being broken.

(4) The presiding officer shall despatch each such packet and the ballot boxes in safe custody to the Returning Officer.

Counting
agents

53.-(1) Each candidate may appoint one person, to be known as a counting agent, to attend at the counting of votes.

(2) Notice in writing of the appointment, stating the name and address of the counting agent, shall be given by the candidate to the Returning Officer not later than one day before election day; and the Returning Officer may refuse to admit to the place where the votes are counted any person purporting to be a counting agent in respect of whom such notice has not been given.

(3) If a counting agent dies or becomes incapable of acting as such, the candidate may appoint another counting agent in his place, and shall immediately give to the Returning Officer notice in writing of the name and address of the counting agent so appointed.

Counting
of votes

54.-(1) The Returning Officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll in the constituency and shall, so far as practicable, proceed continuously with the counting, allowing only reasonable time for refreshment, until it is complete.

(2) The Returning Officer shall appoint such number of persons as he shall consider necessary to, assist him in counting the votes, and such persons shall be known as enumerators.

Persons
who may be
present

55. Except with the consent of the Returning Officer, no person other than the Returning Officer, Assistant Returning Officers, the enumerators, the candidates and their counting agents may be present at the counting of votes.

Method of
counting
votes

56. Before the Returning Officer and Assistant Returning Officers proceed to count the votes, they shall, in the presence of the counting agents, if any, open each ballot box and, taking out the ballot papers, shall count and record the total number thereof, and then mix together the whole of the papers contained in the ballot boxes.

Handling
of ballot
papers

57. The Returning Officer and Assistant Returning Officers, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all precautions for preventing any person from seeing the numbers printed on the backs of the ballot papers.

Votes which
are not to
be counted

58. Any ballot paper-

- (a) which does not bear an official mark; or
 - (b) on which votes are recorded otherwise than as provided in paragraph (d) of section 46 or which is to be treated as spoilt under the provisions of paragraph (h) of that section; or
 - (c) on which anything is written or marked by which a voter can be identified otherwise than by the printed number on the back; or
 - (d) which is unmarked or void for uncertainty,
- shall not be counted.

Endorse-
ments by
Returning
Officer

59. (1) The Returning Officer or an Assistant Returning Officer shall endorse the word "rejected" on any ballot paper which, under the provisions of section 58, is not to be counted.

(2) The Returning Officer or an Assistant Returning Officer shall add to the endorsement the words "rejection objected to" if an objection to his decision is made by any counting agent,

60. The Returning Officer shall prepare a statement showing the number of ballot papers rejected under the following heads: -

Rejected
ballot papers

- (a) want of official mark;
- (b) voting recorded otherwise than as provided in paragraph (d) of section 46 or to be treated as spoilt under the provisions of paragraph (h) of that section ;
- (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.

61.-(1) Where an equality of votes is found to exist between the candidates contesting any constituency so that an addition of a vote would entitle any of them to be declared elected the Returning Officer shall make a re-count of the votes cast.

Equipment of
votes and
recount

(2) If there is again an equality of votes, as ascertained by such a re-count, the Returning Officer shall 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 election day, for the nomination of candidates for the constituency and the electoral procedure for that vacancy shall be commenced afresh.

62.-(1) A candidate or his counting agent may, if present when the counting or any re-count of the votes is completed, require the Returning Officer to have the votes re-counted or again re-counted, but the Returning Officer may refuse to do so if in his opinion the request is unreasonable.

Candidate
or counting
agent may
require
re-count

(2) No step shall be taken on the completion of the counting or any re-count of votes until the candidates and counting agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by subsection (1) of this section.

63. The decision of the Returning Officer as to any question arising in respect of any ballot paper shall be final, and shall be subject to review only on an election petition questioning the election pursuant to Part VII of this Act.

Returning
Officer's
decision final

64.-(1) Upon the conclusion of the counting of the votes, the Returning Officer, with the assistance of the Assistant Returning Officers, shall seal up in separate packets the counted and rejected ballot papers.

Returning
Officer's
duties at
conclusion
of counting

(2) The Returning Officer shall not open the sealed packet containing the counterfoils of used ballot papers, but shall proceed, in the presence of the counting agents, to verify the ballot paper account given by each presiding officer by comparing it with the number of ballot papers recorded in accordance with sections 61 and 62 and the unused and spoilt papers in his possession and shall re-seal each packet after examination.

(3) The Returning Officer shall prepare a statement as to the result of the verification and shall on request allow any counting agent to copy such statement.

65. When the result of an election has been ascertained the Returning Officer shall-

Declaration
of result

- (a) forthwith declare to be elected the candidate for whom the majority of votes has been cast;

- (b) send notification of election in writing to the successful candidate; and
- (c) report the results of the election to the Commission which shall cause such results, together with the number of votes recorded for each candidate in each constituency, to be published in the *Gazette*.
- Custody of documents **66.**-(1) The Returning Officer shall ensure the safe custody of all documents relating to the conduct of the election.
- (2) Subject to the provisions of section 98, the Returning Officer shall cause all such documents (other than registers of voters) to be destroyed after the expiration of six months from election day unless otherwise directed by an order of the High Court arising from proceedings relating to the election.
- Powers of polling assistants **67.** 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.
- Candidate has power of his agent **68.** A candidate may do any act or thing which his polling agent or counting agent would have been authorized or required to do, and may assist his polling agent or counting agent in the doing of any such act or thing.
- Non-attendance of agents not to invalidate proceedings **69.** Where in this Act, any act or thing is required or authorized to be done in the presence of the polling agents or counting agents of the candidates, the non-attendance of any such agent or agents at the time and place appointed for the purpose shall not, if any act or thing is otherwise properly done, invalidate the act or thing done.

PART V

REGISTRATION AND ELECTION OFFENCES

- Offences in relation to registration **70.**-(1) Every person who-
- (a) for the purpose of procuring the registration of himself or of any other person, or the issue to himself or to any other person of a voting 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 voting cards any false statement material to any application on his own behalf or on behalf of such other person for registration or for the issue of a voting card; or
- (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 15 and on disclosing to the Registration Officer his existing registration) in another polling district; or
- (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 in-to the applicant's qualifications, or withdrawn; or

- (d) having been issued with a voting card, applies for the issue to himself of a new voting card (otherwise than in the circumstances set out in section 15 or subsection (1) of section 16 and on disclosing to the Registration Officer the circumstances in which the application is made); or
- (e) knowingly makes any declaration provided for in section 17 which is false, or which he does not believe to be true, in a material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(2) Any person whose name has been deleted from a register and who has been required by a Registration Officer either to surrender a voting card issued to him or to make and to deliver to the Registration Officer the declaration provided for in section 17 within a time specified by such Registration Officer, who, without lawful excuse, neither surrenders such card nor makes and delivers such declaration within such specified time, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand shillings.

71.-(1) Every person who-

- (a) forges or fraudulently defaces or fraudulently destroys any register of voters; or
- (b) forges, counterfeits or fraudulently destroys any voting card or any official mark thereon,

Offences in relation to registers and voting cards

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(2) Any person who has in his possession or under his control any voting card issued to some other person and who refuses or neglects, without lawful excuse, to deliver the same to the person to whom it was issued when demand is made therefor by such person or a Registration Officer on his behalf, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment:

Provided that nothing in this subsection shall apply in relation to an expired voting card in the possession or under the control of a Registration Officer.

72.-(1) Every person who —

- (a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to a Returning Officer any nomination paper knowing the same to be forged; or
- (b) forges or counterfeits or fraudulently destroys any ballot paper or the official mark on any ballot paper; or
- (c) without due authority supplies any ballot paper to any person; or
- (d) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorized by law to put in; or
- (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

Offences in relation to nomination papers or ballot papers

- (f) without due authority, destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(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 such nomination in a nomination paper or statutory declaration delivered to a Returning Officer shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding one year

(3) In any prosecution for an offence in relation to the nomination papers, ballot boxes, ballot papers counterfoils, marking instruments and other things in use at an election, the property in such papers, boxes, instruments and things may be stated to be in the Returning Officer for such election.

Miscellaneous offences

73. Any person who-

- (a) wilfully furnishes false evidence or makes a false statement in a declaration made under section 49; or
 (b) contravenes the provisions of subsection (4) of section 37,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Maintenance of secrecy at elections

74.-(1) Every officer, clerk, interpreter, candidate and agent authorized to attend at a polling station or at the counting of the votes, shall, unless he has taken an oath of secrecy under the foregoing 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 aid in maintaining, the secrecy of the voting in such station and shall not communicate, except for some purpose authorized 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 or agent, and no person whosoever 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, or as to the number on the back of the ballot paper given to any person at such 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 attempt to ascertain at such counting the number on the back of any ballot paper 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 a person authorized by the presiding officer and acting for such purpose as aforesaid, 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) Every person who acts in contravention of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

75. Every person who is guilty of bribery, treating or undue influence shall be guilty of a corrupt practice and shall be liable on conviction to a fine not exceeding five years or to both such fine and imprisonment for a term not exceeding five years or to both such fine and imprisonment.

Penalty for bribery, treating etc

76. Every person who is guilty of personation or of aiding, abetting, counselling, or procuring the commission of the offence of personation, shall be guilty of a corrupt practice and shall be liable on conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Penalty for personation

77. (1) Every 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 ten years from the date of his conviction from being registered as a voter or of voting at any election under this Act or any other law.

Disqualifications entailed by conviction for corrupt or illegal practice

(2) Every 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 of voting at any election under this Act or any other law.

78. The following persons shall be deemed to be guilty of bribery within the meaning of this Act:-

Persons to be deemed guilty of bribery

- (a) every person who directly or indirectly, by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers, promises, or promises to procure or to endeavour 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 refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election;
- (b) every person who directly or indirectly by himself or by any other person on his behalf, gives or procures, or agrees to give or procure or to, endeavour 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 refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election;
- (c) every person who directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement, as aforesaid, to or for any person in order to induce such person to procure or to endeavour to procure, the election of any person as a member or the vote of any voter at any election;
 - (d) every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any person as a member or the vote of any voter at any election;
 - (e) every person who, 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 thereof, shall be expended in bribery at any 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 election;
 - (f) every voter who, before or during any election, 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 or agreeing to refrain from voting at any election; and
 - (g) every person who, after any 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 election:

Provided always that the provisions of this section shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any expenses lawfully and *bona fide* incurred at or concerning any election.

Persons to
be deemed
guilty of
treating

79. The following persons shall be deemed to be guilty of treating within the meaning of this Act: -

- (a) every person who corruptly by himself or by any other person, either before, during, or after an election, directly or indirectly gives, or provides, or pays, wholly or in part, the expense of giving or providing food, drink, entertainment, or provision to or for any person, for the purpose of corruptly influencing that person, or any other person, to vote or refrain from voting at such election; and
- (b) every person who corruptly accepts or takes any such food, drink, entertainment or provision.

Persons t'
be deemed -
guilty of
undue
influence

80. Every 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 in-flict 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 such voter to vote or, 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 or thereby compels, induces, or prevails upon any voter either to give or refrain from giving his vote at any election, shall be guilty of undue influence within the meaning of this Act.

81. Every 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 voting card issued to some other person,

Persons to
be deemed
guilty of
Personation

shall be guilty of personation within the meaning of this Act.

82.-(1) Every 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;
- (b) for the purpose of procuring the issue of any ballot paper to any other person or to himself, delivers any voting 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 voting card to himself or such other person,

Penalty for
persons
guilty of
certain
corrupt
illegal
practices

shall be guilty of a corrupt practice and shall be liable on conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(2) Every person who-

- (a) votes or induces some other person to vote at any election knowing that he or such other person is not entitled or is prohibited, under or by this Act or 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 expired voting 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,

shall be guilty of an illegal practice and shall be liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

83. 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 shall be guilty of an illegal

Interference
with lawful
public
meeting to
be an illegal
practice

practice and shall be liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Display of emblems in vicinity of place of voting prohibited

84. (1) No person shall, within any building where voting in an election is in progress, or on any public way within a distance of fifty yards of any entrance to such building, wear or display any card, symbol, favour or other emblem indicating support for a particular candidate in the election.

(2) Any person acting in contravention of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred shillings.

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(3) For the purposes of this section, "public way" has the same meaning as in section 5 of the Penal Code.

Defacement of notices

85. Every 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 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand shillings.

Documents to bear name and address of printer and publisher

86. (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 such bill, placard or poster as aforesaid; or
- (c) distribute or cause to be distributed any printed document for the said purpose,

unless the bill, placard, poster or document bears upon the face thereof the name and address of the printer and publisher.

(2) For the purposes 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) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding two months or to both such fine and imprisonment.

Persons convicted of corrupt and illegal Practices to be removed from register

87. (1) Where a court convicts a person of a corrupt or illegal practice under this Act, it shall report the conviction to the Registration Officer for any constituency in which it has reason to believe such person is registered and to the Registration Officer for any local government authority in whose area it has reason to believe such person is registered under any written law as a voter for the purposes of elections to such authority.

(2) Where a Registration Officer receives a report under this section or under any corresponding provision of a written law relating to elections to local government authorities in respect of a person registered in a polling district of which he has charge, he shall forthwith delete

such person's name from the register and take such further steps as a Registration Officer is required to take under the provisions of section 25 where a person's name is deleted from the register under Part 11.

PART VI

ELECTION EXPENSES

88.-(1) Not later than four o'clock in the afternoon of the third day after nomination day, a person shall be named by or on behalf of each candidate as the candidate's election agent, and the name and address of the candidate's election agent shall be declared in writing by the candidate or some other person on his behalf to the Returning Officer not later than that time. Appointment of election agent

(2) A candidate may name himself as election agent and thereupon shall, so far as circumstances admit, be subject to the provisions of this Act both as a candidate and as an election agent and, except where the context otherwise requires, any reference in this Act to an election agent shall be construed to refer to the candidate acting in his capacity as election agent.

(3) One election agent only shall be appointed for each candidate but the appointment, whether the election agent appointed be the candidate himself or not, may be revoked.

(4) If, whether before, during or after the election, the appointment of an election agent is revoked or an election agent dies, another election agent shall be appointed forthwith and his name and address declared in writing to the Returning Officer.

(5) Upon the name and address of an election agent being declared to the Returning Officer, the Returning Officer shall forthwith give public notice of that name and address in such manner as he may deem fit.

89.-(1) If no person's name and address is given as required by section 88 as the election agent of a candidate, the candidate shall be deemed to have named himself as election agent and to have revoked any appointment of another person as his election agent. Effect of default in appointment of election agent

(2) If a person whose name and address have been so given as those of the candidate's election agent (not being the candidate himself) dies and a new appointment is not made on the day of the death or on the following day, the candidate shall be deemed to have appointed himself as from the time of the death.

(3) If the appointment of a candidate's election agent is revoked without a new appointment being made, the candidate himself shall be deemed to have been appointed (or re-appointed) his own election agent.

(4) The Returning Officer, on being satisfied that the candidate is by virtue of this section to be treated as his own election agent, shall forthwith proceed to give public notice thereof as if the name and address of the candidate had been duly given to him under section 88.

90.-(1) Except as may be permitted by this Act, no payment and no advance or deposit or contract for any payment or advance or deposit shall be made by a candidate or by any agent on behalf of the candidate or by any other person at any time in respect of election expenses otherwise than by or through the election agent of the candidate.

Payment of Expenses through election agent

(2) Every payment made by an election agent in respect of any election expenses shall, except where less than forty shillings, be vouched for by a bill stating the particulars and by a receipt.

(3) All money provided by any person other than the candidate for any election expenses, whether as a gift, loan, advance, or deposit, shall be paid to the candidate or his election agent and not otherwise.

(4) A person who makes any payment, advance or deposit or contract for any payment, advance or deposit in contravention of subsection (1) or pays in contravention of subsection (3) any money so provided as aforesaid, shall be guilty of an illegal practice.

Personal expenses of candidate and petty expenses

91.-(1) A candidate at an election may pay any personal expenses incurred by him on account of or in connection with or incidental to the election.

(2) Every candidate shall send to his election agent within the time limited by section 93 for sending in claims, a written statement of personal expenses paid as aforesaid by the candidate.

(3) Any person may, if so authorized in writing by the election agent of the candidate, pay any necessary expenses for stationery, postage, telegrams and other petty expenses, to a total amount not exceeding that named in the authority, but any excess above the total amounts so named shall be paid by the election agent.

(4) A statement of the particulars of payments made by any person so authorized shall be sent to the election agent within the time limited by section 93 for sending in claims and shall be vouched for by a bill containing the receipt of that person.

Limitation of election expenses

92.-(I) No sum shall be paid and no expense shall be incurred by or on behalf of a candidate at an election or by or on behalf of his election agent, whether before, during or after an election, on account of or in respect of the conduct or management of the election, except in respect of the following matters:-

- (a) the expenses of printing, advertising, publishing, issuing and distributing addresses and notices;
- (b) stationery, messages, postages, telegrams and the use of telephones;
- (c) the hire of one central committee room, which may consist of two or more adjoining rooms, and one committee room in respect of each polling district,
- (d) the expenses of public meetings and hirings of halls or premises therefor;
- (e) the remuneration of one election agent and no more;
- (f) the remuneration of one polling agent at each polling station and no more;
- (g) the remuneration of one counting agent and no more;
- (h) the remuneration of a number of clerks not exceeding the number of committee rooms specified in paragraph (c) of this subsection and the like number of messengers;

- (i) miscellaneous expenses not exceeding in the whole two thousand shillings, and not being expenses incurred in respect of any matter or in any manner constituting an offence under this Act or any other law, or in respect of any matter or thing, payment for which is Prohibited by this Act or any other law;
- (j) expenses incurred in the supply to unpaid helpers of the candidate of a reasonable amount of petrol or other fuel for the purpose of bringing voters to the poll;
- (k) personal expenses;
- (1) the sum deposited at the time of nomination pursuant to the provisions of section 31.

(2) The sums paid and expenses incurred by or on behalf of a candidate at an election or by or on behalf of his election agent, pursuant to the provisions of paragraphs (a) to (j) inclusive of sub-section (1), shall not in respect of any election exceed three thousand shillings together with an additional fifty cents in respect of each voter in excess of one thousand registered in the constituency for which he is a candidate.

(3) For the purposes of this section, "committee room" does not include any house, room or premises occupied by a candidate at an election as a dwelling by reason only of the candidate transacting therein or thereon business with his election agent in relation to that election; nor shall any house, room or premises be deemed to be a committee room by reason only of the candidate or the election agent of the candidate addressing therein or thereon voters, committee members or others.

93.-(1) Every claim against a candidate or his election agent in respect of his election expenses which is not sent in to the election agent within fourteen days after the day on which the result of the election is declared shall be barred and not paid.

Time for
sending in
and paying
claims

(2) All election expenses shall be paid within twenty-eight days after the day on which the result of the election is declared.

(3) An election agent who pays a claim in contravention of subsection (1) or who makes a payment in contravention of subsection (2) shall be guilty of an illegal practice.

94.-(1) If the election agent disputes any claim sent in to him within the period of fourteen days mentioned in section 93 or refuses or fails to pay the claim within the period of twenty-eight days therein mentioned, the claim shall be deemed to be a disputed claim.

Disputed
claims

(2) The claimant may, if he thinks fit, bring an action for a disputed claim in any Competent court and any sum payable by the candidate or his agent in pursuance of the order of the court shall not be deemed to be in contravention of subsection (1) of section 90 or subsection (2) of section 93.

95. So far as circumstances admit, this Part of this Act shall apply to a claim for his remuneration by an election agent and to the payment thereof in like manner as if he were any other creditor.

Claim by
election
agent

Return as
to election
expenses

96.-(1) Within thirty-five days after the day on which the result of the election is declared, the election agent of every candidate at the election shall transmit to the Returning Officer a true statement in respect of that candidate of all payments made by or on, behalf of the candidate or by or on behalf of the election agent together with all the bills and receipts, and such statement shall include details of all disputed claims of which the election agent is aware and shall be as in the prescribed form.

(2) When any statement respecting election expenses has been received by the Returning Officer, he shall, without undue delay, cause a notice of the date upon which such statement was received by him and of the time and place at which it can be inspected, to be exhibited in a conspicuous position outside his office.

Punishment
for failure
in respect
of returns,
etc.

97. If an election agent fails to make a return as required by section 96 within the time therein required or makes a false return or exceeds in election expenses the maximum amount permitted by law, he shall be guilty of an illegal practice.

Disposal
of returns

98. A return made by an election agent pursuant to section 96 shall be retained by the Returning Officer for a period of ninety days and shall thereafter be destroyed by the Returning Officer or returned to the candidate at the latter's option.

PART VII

AVOIDANCE OF ELECTIONS AND ELECTION PETITIONS

Avoidance of
election on
election
petition

99. (1) The election of a candidate as a member shall not be questioned save on an election petition.

(2) The election of a candidate as a member shall be declared void on any of the following grounds which are 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 misconduct, or other circumstances whether similar to those before enumerated or not, the majority of voters were or may have been prevented from electing the candidate whom they preferred;
- (b) non-compliance with the provisions of this Act relating to elections, 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;
- (c) that a corrupt or illegal practice was committed in connection with the election by or with the knowledge and consent or approval of the candidate or by or with the knowledge and consent or approval of any of his agents; or
- (d) 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 a 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 by his election agent or with the knowledge and consent or approval of such candidate or his election agent; and
 - (b) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt or illegal practices at such election; and
 - (c) that in all other respects the election was free from any corrupt or illegal practice on the part of the candidate and of his agents,
- then, if the court so recommends, the election of such candidate shall not by reason of any such practice be void.

100. When it appears to the High Court either on application or upon an election petition-

When High Court may hold certain acts or omissions to be exempt

That any act or omission of a candidate at any election or of his election agent or of another agent or person, which but for this section would be an illegal practice, has been done or made in good faith through inadvertence or accident 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 election agent or other agent or person, or any of them, should not be subject to any of the consequences under this Act of the said act or omission,

the High 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 an illegal practice, and thereupon the said candidate, agent or person shall not be subject to any of the consequences under this Act of the said act or omission, and the election of any candidate shall not, by reason only of such act or omission, be void.

101.-(1) Every election petition shall be tried by the High Court.

Petitions triable by High Court

(2) Witnesses shall be subpoenaed and sworn in the same manner as nearly as circumstances admit as in a trial by the High 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 of 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 it to have been concerned in the election to, which the petition refers, and any person refusing to obey such order shall be guilty of a contempt of court. The court may examine any witness so compelled to attend or any person in court, although such witness is not called and examined by any party to the petition. After the examination of a witness as aforesaid by the court, such witness may be cross-examined by or on behalf of the petitioner or respondent, or both of them.

102. An election petition may be presented by any one or more of the following persons, namely:-

Who may present Petitions

- (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 himself to have been a candidate at such election.

Relief
which may
be claimed

103. All or any of the following relief 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 undue;
- (c) a declaration that any candidate was duly elected;
- (d) where the seat is claimed for an unsuccessful candidate on the ground that he had a majority of lawful votes, a scrutiny.

Certificate
of court as
to validity
of election

104. 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 and which person, was duly nominated or elected, or whether the election was void, and shall certify such determination to the Commission. Upon such certificate being given, such 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 such certificate.

Report of
court as to
corrupt or
illegal
practice

105.-(1) At the conclusion of the trial of an election petition, the court shall also report in writing to the Commission-

- (a) whether any corrupt or illegal practice has or has not been proved to have been committed by or with the knowledge and consent or approval of any candidate at the election, or by his election agents, and the nature of such practice, if any; and
- (b) the names and descriptions of all persons, if any, who have been proved at the trial to have been guilty of any such practice.

(2) Before any person, not being a party to an election petition nor a candidate on behalf of whom the seat is claimed by an election petition, is reported 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 why he should not be so reported.

(3) When the court reports that a 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 the said report he had been convicted of that practice or offence.

(4) When the court reports that a corrupt or illegal practice has been committed by any person with the knowledge and consent or approval of a candidate, or by the election agent of a candidate, the candidate shall be subject to the same disqualifications as if at the date of the said report he had been convicted of that practice.

(5) The Commission shall cause a copy of such report to be published in the *Gazette*, and it shall be the duty of all Registration Officers forthwith to peruse the report and forthwith to delete from any register of voters in their charge the name of every person appearing from the report to be disqualified from voting at an election.

Time for
presentation
of election
petition

106. (1) Every election petition shall be presented within one month of the date of publication in the *Gazette* of the result of the election:

Provided that—

- (a) 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 aforesaid 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 pursuance or in furtherance of such corrupt practice, may so far as respects such corrupt practice, be presented at any time within twenty-eight days after the date of such payment or act;

- (b) an election petition questioning the election upon an allegation of an illegal practice may, so far as respects such illegal practice, be presented within the time following, that is to say
- (i) at any time before the expiration of fourteen days after the date when the notice required by section 96 as to the election expenses of the member whose election is questioned is first exhibited in accordance with that section;
 - (ii) if the election petition specifically alleges a payment of money or other act to have been made or done since the said date 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 pursuance or in furtherance of the illegal practice alleged in the petition, the petition may be presented at any time within twenty-eight days after the date of such payment or other act.

(2) Without prejudice to the provisions of any rules of court made under section 108, an election petition presented in due time may, for the purpose of questioning the election upon an allegation of a corrupt or illegal practice, be amended with the leave of the court within the time within which an election petition questioning the return or the election upon that ground may be presented.

107.-(1) On a scrutiny at the trial of an election petition, the following votes only shall be struck off, namely:-

Votes to be struck off at a scrutiny

- (a) the vote of any person whose name was not on the register of voters assigned to the polling station at which the vote was recorded or who has not been authorized to vote at such station under the provisions of section 47;
- (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 personation at the election;
- (d) the vote of any person proved to have voted more than once at such election or, in the case of a general election, at any election held during such general election; and
- (e) the vote of any person who, by reason of a conviction for a corrupt 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 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 on the register of voters.

Rules of
court

108. 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 petitions and applications under this Part.

PART VIII

FINANCIAL AND MISCELLANEOUS

Damage,
destruction
or loss of
registers

109.-(1) If it appears to the Commission that, by reason of excessive wear and tear or damage to a register, or of the excessive amendment thereof, it is desirable that a new register be compiled for a polling district, the Commission may direct that a new register shall be compiled from the existing register, and where the Commission gives any such directions, the Registration Officer shall proceed to compile, compare and certify such new register in accordance with such directions; and when such register is certified, it shall be the register for the polling district and the former register shall be deemed to have been superseded and shall be delivered to the Commission:

Provided that no person whose name is included in the former register shall, during the course of compilation, be excluded from the new register unless his name had been previously deleted under the provisions of Part 11 of this Act or on the report of a court that such person has been guilty of a practice which disqualifies him from registering as a voter or voting

(2) Where any register has been lost or destroyed, or is so extensively damaged as to render the provisions of subsection (1) impracticable, the Commission may declare the register and all voting cards issued to persons whose names are included in the register to be revoked, and where the Commission makes any such declaration, it shall forthwith give notice thereof in the polling district concerned in such manner as it thinks fit, and in the *Gazette*, and shall give notice of a period of general registration in such polling district for the registration of voters therein.

(3) When the Commission revokes a register and any voting cards under this section, it shall ensure that the voting cards issued to persons subsequently registered in that polling district are significantly different from those previously issued therein; and no person formerly registered in that polling district shall thereafter be deemed to be validly registered therein unless he shall register therein after such declaration and every voting card issued to such a person before such declaration shall expire.

Rectification
or correction
of register

110.-(1) All additions and alterations to a register or voting card pursuant to this Act shall be made by the Registration Officer in accordance with the directions of the Commission.

(2) In addition to any Other powers in that behalf in this Act contained, the Registration Officer may delete any duplicate entries in a register and may correct any clerical or other error:

Provided that such correction does not affect the entitlement of any Person to have his name included or retained therein.

(3) If, solely through accident, inadvertence or oversight, anything required by law to be done in the preparation or maintenance of any register is Omitted to be done, the Commission may order such steps to be taken as may, in its opinion, be necessary to rectify the omission.

111- No misnomer or inaccurate description of any person or place named or described in any register, notice or other document whatsoever Prepared or issued under or for the purposes of this Act shall in any wise affect the operation of this Act as respects that person or place if that person or place is so designated in such register, notice or document as to be identifiable.

Inaccurate descriptions

112.0) In the exercise of their 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 be registered or 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.

Powers of Registration and Returning Officers to demand information

(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 same, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred shillings.

113. Registration Officers and Returning Officers and any staff employed under the provisions of subsection (4) of section 6 and subsection (4) of section 7 shall, if not holding an office of emolument in the service of the Republic, receive such reasonable remuneration for their services as the Commission shall see fit to authorize.

Remuneration of staff

114. All expenses incurred-

- (a) in the Preparation of the registers and the issue of voting cards;
- (b) by the Returning Officers and Assistant Returning Officers in the conduct of an election;
- (c) in the remuneration of the officers specified in section 113; 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 the Consolidated Fund.

Expenses to be charged on general Revenue

115. A notice under this Act shall be deemed to have been served on or given to any person-

- (a) if served on him personally; or
- (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.

Services of notices

116.-(1) The forms set out in the First Schedule shall be used for the Purposes to which they relate or to, which they are capable of being adapted and may be translated into and used in such languages as the Commission shall direct.

Forms

(2) The Commission may, by notice in the *Gazette*, amend any of the forms set out in the First Schedule and may prescribe other forms for the purposes of this Act.

Exemption
from stamp
duty

117. Any instrument made on oath or affirmation pursuant to the provisions of sections 7, 17 and 74 in the form prescribed in the First Schedule shall be exempt from payment of stamp duty under any written law for the time being in force relating to stamp duties.

Disposal
of forms
and records

118. The Commission 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.

PART IX

REPEALS, REVOCATIONS, AMENDMENTS AND SAVINGS

Repeals,
revocations
and savings
Cap. I

119.-(I) Subject to the provisions of subsection (3), the written laws specified in the Second Schedule are hereby repealed and revoked.

A.L. 22A
p. 2

(2) The provisions of section 10 of the Interpretation and General Clauses Ordinance shall apply in relation to the revocation of the National Assembly Elections Regulations, 1960, as they apply in relation to the repeal and re-enactment of an Act of Parliament.

(3) Notwithstanding the provisions of subsection (1) of this section-

A.L. 22A
pp. 71
and 87

(a) the laws specified in the Second Schedule as in force, and subject to such modifications as may be applicable thereto on the commencement of this Act, shall remain in force until the expiry of the interim period for the purposes of the present National Assembly and any by-elections thereto;

(b) the National Assembly Elections (Election Petitions) Directions, 1960, and the National Assembly Elections (Application for Relief) Directions 1960, shall be deemed to be rules of court made under section 108 of this Act, and shall continue in force as such *mutatis mutandis* subject to any amendments made thereto under the said section 108, until revoked.

Amendments

120. The laws specified in the first and second columns of the Third Schedule hereto are hereby amended in the manner set out in the third column thereof.

FIRST SCHEDULE

(Section 116)

LIST OF FORMS

1. Oath of Secrecy.
2. Form of register.
3. Voting card.
4. Statutory Declaration of loss or destruction of Voting Card.
5. Form of refusal.
6. Objection to retention of a name on a register.
7. Notice of Objection.
8. Nomination Paper.
9. Statutory Declaration of a person nominated as a Candidate.
10. Declaration of Voter.
11. Ballot papers account.
12. Statement of Election expenses.

Form 1

The National Assembly (Elections) Act, 1964

OATH OF SECRECY

(Sections 7 and 74)

I,

having been appointed

2 swear/solemnly and sincerely affirm that I will not directly or indirectly reveal to any

2/3 person any matter that comes to my knowledge or notice as a result of my appointment

3/4 any matter which I am required, by section 74 of the National Assembly (Elections)

Act, 1964, to keep secret 4 unless so authorized by law,

Signed

Sworn/Affirmed before me this day of 19.....

.....
Magistrate Returning Officer

Notes:

1. Candidates should delete.

2. Delete whichever is inapplicable.

3 and 4. Election (officers (i.e. Returning Officers, Assistant Returning Officers, Presiding Officers and Polling assistants) should delete 4. All other Persons should delete 3.

Form 2

The National Assembly (Elections) Act, 1964

FORM OF REGISTER OF VOTERS

The Register of Voters

for the Polling District

of the Constituency.

Sheet: A.L.*

Number Of Voting Card	Name	Male or Female	Address	Date of Registration	Remarks

*or such other letter and number as may be appropriate.

The National Assembly (Elections) Act, 1964
FORM OF VOTING CARD

Form 3

The Republic of Tanganyika

Stamp of
Registration
Officer

Space for Number

Signature of
Registration Officer

Name
Male or female
Constituency
Polling District

Spaces for election stamps

Signature/Thumb print

The card shall be of durable material and capable of being folded.
Further spaces for marking with official election stamps may be provided on one half of the reverse.

Form 4

The National Assembly (Elections) Act, 1964
STATUTORY DECLARATION OF LOSS OR DESTRUCTION OF VOTING CARD
(Section 17)

Polling district
I, Of
do solemnly and sincerely declare that-

- 1. I was issued with a voting card under the provisions of the National Assembly (Elections) Act, 1964, at on or about
- *2. I have since lost the said voting card. It was last in my possession on or about but, despite diligent search therefor, I have not been able to find it. I have at no time permitted any other person to take possession of it, save: f
- *3. The said voting card was destroyed in the following circumstances

I make this declaration conscientiously believing the same to be true.
Subscribed and solemnly declared by me
this day of 19.....

Signature

Before me
(Magistrate)

*Delete whichever is inapplicable.
Set out any exceptions and whether or not the card was returned or there was a refusal to return the card.

Form 5

The National Assembly (Elections) Act, 1964
STATEMENT OF REFUSAL TO REGISTER OR ISSUE VOTING CARD
(Section 18)

Polling district
TO
of.....

I hereby refuse to *register you/*issue to you a voting card/in the above polling district on the grounds that-

- *(a) I am not satisfied that you are-
 - (i) qualified for registration as a voter, for the following cause
 -
 - (ii) ordinarily resident in the said polling district;
- *(b) You have failed-
 - *(i) to surrender a voting card issued to you;
 - *(ii) to make a statutory declaration concerning its loss or destruction.

(Date) _____ *Registration Officer*

*Delete whichever is inapplicable. _____

Form 6

Serial No.

The National Assembly (Elections) Act, 1964

POLLING DISTRICT NO.

OBJECTION TO THE RETENTION OF A NAME ON A REGISTER OF VOTERS
(Section 21)

To: The Registration Officer,
..... Polling District.

My name is

I declare that:

- (i) I normally live at
in the above polling district.
- (ii) My name is on the register of voters of the above polling district and my
number is
- (iii) I object to the name of:
Name
- Number
- appearing in the register of voters of the above polling district.
- (iv) The grounds of objection are:
.....
.....
- (v) My address to which notices may be sent is:
.....
.....

Signature/Thumb print

The above objection received by me and a deposit of Shs. 10/. paid (vide G.R.
No. dated

Date..... *Registration Officer*

Form 7

The National Assembly (Elections) Act, 1964

NOTICE TO PERSONS OBJECTED TO
(Section 21)

..... Polling District.

Take notice that *I have received an objection/. *I object to the retention of your
name in the register of voters for the above-mentioned polling district.

A public inquiry will be held to decide the matter on the day
of 19 at o'clock at

If you do not appear at the inquiry, the matter will be decided in your absence.

The grounds of objection are:
.....
.....

Date _____ (Signed) _____ *Registration Officer*

*Delete whichever is inapplicable.

The National Assembly (Elections) Act, 1964
 NOMINATION PAPER
 (Section 29)

Form 8

To: The Returning Officer,

.....Constituency.

To be submitted in DUPLICATE,

We, the undersigned, being registered voters in the above constituency do hereby nominate:

(Name) (see footnote)

of (address)

(occupation)

to stand as candidate to fill vacancy in the

Constituency in the General/ *By-election, nominations for which are required to be

delivered on

Dated this day of

Name of Nominator	Address	Description	Signature	Registered Number in Polling District Register
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				
21.				
22.				
23.				
24.				
25.				
26.				
27.				
28.				
29.				
30.				
31.				
32.				
33.				
34.				
35.				

And I (full name)
 the candidate nominated herein, hereby certify that I am willing and otherwise qualified
 to stand for election, and I hereby declare that I am a candidate for the vacant seat
 in the Constituency. My proposed symbol is

Received by me at o'clock on the day
 Of 19.....

.....
 Returning Officer

.....
 Signature of Candidate

Note.-Only one name can be printed in BOLD characters on the Ballot Paper. The name which the candidate desires to use for this purpose must be entered first and followed by his other names in full.

*Delete whichever is inapplicable.

Form 9

The National Assembly (Elections) Act, 1964

STATUTORY DECLARATION OF A PERSON NOMINATED AS A CANDIDATE FOR ELECTION (Section 29)

I, _____ do solemnly and sincerely declare that:

- 1. I am a citizen of Tanganyika.
2.1 am not less than twenty-one years of age.
3.1 further declare that I am not disqualified for election under the provisions of the Constitution.

I make this solemn declaration conscientiously believing the same to be true.

Subscribed and solemnly declared by me _____

this _____ day of _____ 19__

Before me _____Magistrate.

Form 10

The National Assembly (Elections) Act, 1964

DECLARATION

(Section 49)

I, _____ (Names in full)

of _____ (Address)

hereby declare-

(a) that I am the person whose name appears as _____ in the voting card No. _____ issued for the Polling District of _____ in the Constituency of _____ and, to the best of my knowledge, my registration In that Polling District has not been cancelled;

(b) that I have not already voted either here or elsewhere for the election of a Member of the National Assembly at this General/ *By-election.

_____ Signature/Thumb print

Declared before me this _____ day of _____ 19__

_____ Presiding Officer

Note The person wishing to vote may be required to sign either or both of these declarations as the Presiding Officer deems necessary. If one only is required, the one not used must be deleted by the Presiding Officer and his deletion initialled by him.

*Delete whichever is inapplicable.

Form 11

The National Assembly (Elections) Act, 1964

BALLOT PAPERS ACCOUNT

(Section 52)

Ballot Box No.

GENERAL/ BY-ELECTION

..... Constituency

Date of Election

Polling Station

BALLOT PAPERS ACCOUNT

Number of Ballot Papers received		Number of Ballot Papers to be found in the Ballot Box	
Serial Numbers:			
From:		Number Of Unused Ballot Papers	
To:		Number of Spoilt Ballot Papers	
Total		Total	

Dated this day of 19.....

.....
Presiding Officer

Form 12

The National Assembly (Elections) Act, 1964

STATEMENT OF ELECTION EXPENSES

(Section 96)

To: The Returning Officer,

..... Constituency.

General/ By-election in the Constituency

Date of declaration of result of election

Name of candidate

1. I am the election agent of the person named above as a candidate at this election (am the person named above as a candidate at this election and was my own election agent).

2. I hereby make the following return of the candidate's (my) election expenses at this election.

Note: All bills and receipts received must be attached in support of the sums shown.

- (a) Printing, advertising, publishing, issuing and distributing addresses and notices Shs.
- (b) Stationery, messages, postage, telegrams and telephones ... Shs.
- (c) Hire of committee rooms Shs.
- (d) Hire of premises and expenses of public meetings and hiring of halls Shs.
- (e) Remuneration of Election Agent Shs.
- (f) Remuneration of Polling Agent Shs.
- (g) Remuneration of Counting Agent Shs.
- (h) Remuneration of clerks and messengers Shs.
- (i) Miscellaneous expenses Shs.
- (j) Spent on petrol or other fuel for bringing voters to the poll Shs.

Total ... Shs.

(k) Personal Expenses Shs.

In addition to the above I am aware of the following disputed claims (see section 94) particulars of which are:-

Signature of person making return

Date

Date of receipt by Returning Officer

THE SECOND SCHEDULE

(Section 119)

LAWS REPEALED AND REVOKED

The Registration of Voters (National Elections) Act, 1962.	Acts 1962, No. 41
The Registration of Voters (Temporary Provisions) Act, 1963.	Acts 1963 No. 37
The National Assembly Elections Regulations, 1960.	A.L. 22A, p. 2

THE THIRD SCHEDULE

(Section 120)

AMENDMENTS TO LAWS

1. Cap. 379	2. The Local Government Election (Urban Areas) Ordinance	3. Add, immediately below section 84, the following new section:- "Persons convicted or illegal practices to be removed from the register 84A.-(1) Where a court convicts a person of a corrupt or illegal practice under this Ordinance, it shall report the conviction to the Registration Officer of any Parliamentary constituency in which it has reason to believe such person is registered as a voter for the purposes of elections to the National Assembly and to the Registration Officer for any local government authority in whose area it has reason to believe such person is registered under any written law as a voter for the purposes of elec- tions to such authority. (2) Where a Registration Officer receives a report under this section or under any corresponding pro- vision of any written law relating to elections to the National Assembly or local government authority in respect of a person whose name is on a register of voters of which he has charge, he shall forthwith delete such person's name from such register,"
Acts 1962, No. 3	The Local Government Elections (Rural Areas) Act, 1962	Add, immediately below section 83, the following new section:- "Persons convicted of corrupt or illegal practices to be removed from the register 83A.-(1) Where a court convicts a person of a corrupt or illegal practice under this Act, it shall report the conviction to the Registration Officer of any Parliamentary constitu- ency in which it has reason

1. Act, 1902 No. 3	2. The Local Government Elections (Rural Areas) Act, 1902.	3. to believe such person is registered as a voter for the purposes of elections to the National Assembly and to the Registration Officer for any local government authority in whose area it has reason to believe such person is registered tinder any written law as a voter for the purposes of. elections to such authority, (2) Where a Registration Officer receives a report under this section or under any corresponding provision of any written law relating to elections to the National Assembly or local govern- merit authority in respect of a person whose name is on a register of voters of which he has charge, he shall forthwith delete such person's name from such register. -
C.A. Act 3	Presidential Elections Act, 1962.	<p>Section 2- Delete the definitions "national register" and "Registration Officer" and substitute the following new definitions:-</p> <p>"national register" means any register of voters for the purposes of elections to the National Assembly compiled and maintained in Acts 1904 accordance with the National No. 11 Assembly (Elections) Act, 1964;</p> <p>"Registration Officer" has the meaning ascribed thereto in the National Assembly (Elections) Act, 1964;"</p> <p>Section 5 (1): Delete the fullstop at the end of the subsection, substitute a colon therefor and add the following new proviso:-</p> <p>"Provided that, where the President shall have given notice, in the Gazette of his intention to dissolve Parliament within thirty days of the publication of such notice, the Chief Justice may appoint some earlier day (not being less than thirty days after the date of publication of such notice), and on Parliament being dissolved within such period of thirty days, the day so appointed by the Chief Justice shall be deemed to be nomination day."</p> <p>Section 6 (6): Delete subsection (6) and substitute therefor the following new subsection : -</p> <p>"(6) The fact that, subsequent to noon on nomination day, the name of a person who has nominated a candidate is deleted from a register of voters under the National Assembly (Elections) Act, 1964 shall not invalidate the nomination' of a candidate."</p>

1. C.A. Act 3	2. Presidential Elections Act, 1962.	3. Section 11: The section is repealed and replaced by the following new section:- "More than one candidate 11. Where, after noon on the day following nomination day and after all objections made under section 9 have been determined, there are two or more competent candidates, the Chief Justice shall forthwith publish their names in the <i>Gazette</i> ." Section 12 (1): Delete the words and figures "on or after the day appointed for the delivery of preferences under section 11" in the proviso to subsection (1) and substitute therefor the words "after the last day appointed as nomination day for the purposes of the relevant general election (other than in any constituency in which the election is countermanded)". Section 12 (2): Delete the subsection and substitute therefor the following new subsection:- "(2) Where a new nomination day is appointed under this section, the appropriate procedures shall be commenced afresh, save that no new nomination shall be required in the case of a surviving competent candidate." Section 13: The section is repealed and replaced by the following new section:- "Preferences 13.-(1) A Parliamentary candidate who wishes to declare a preference for a Presidential candidate shall deliver, or cause to be delivered, a signed statement declaring his preference to the Chief Justice at the office of the Electoral Commission in Dar es Salaam. A preference shall not be invalid by reason only of the facts- (a) that it has been delivered prior to nomination day and that the Presidential candidate named therein has not yet been nominated; or (b) that it has been delivered prior to a day appointed to be nomination day in the relevant general election and that the person declaring the same has not yet been nominated as a Parliamentary candidate,
------------------	---	--

I
C.A. Act, 3

2.
Presidential Elections Act,
1962.

3
but, in the exercise of his functions under this Part, the Chief Justice shall not take into account any preference other than a preference for a competent candidate declared by a Parliamentary candidate who, in accordance with the decision of the relevant Parliamentary Returning Officer, has been validly nominated under the provisions of the National Assembly (Elections) Act, 1964, and has not withdrawn his candidature.

(2) The Chief Justice shall reject any such preference which does not contain an assent signed by the Presidential candidate.

(3) The Chief Justice shall give notice in the Gazette of the names and constituencies of the Parliamentary candidates who have delivered preferences which he is required to take into account, and of the Presidential candidate for which each is declared."

Section. 14 (1): Delete the words, figures and commas " not later than the day appointed under section 11,"

Section 26: Delete paragraph (b) and substitute therefor the following new paragraph; -

"(b) not being registered under the National Assembly (Elections) Act, 1964, signs or puts his mark as a nominator to a nomination paper."

Section 27 is repealed.

Passed in the National Assembly on the eighteenth day of February, 1964.

Pius Msekwa
Clerk of the National Assembly