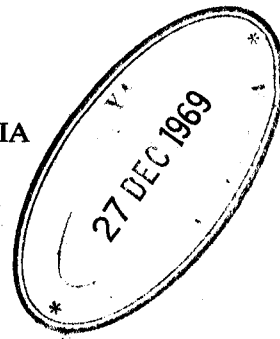


THE UNITED REPUBLIC OF TANZANIA



No. 51 OF 1969

I ASSENT,

Tulius K. Nyerere
President

24TH DECEMBER, 1969

An Act to amend the Electoral Laws

[26TH DECEMBER, 1969]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Electoral Laws (Amendment) Act, Title 1969.

PART I

AMENDMENTS TO THE NATIONAL ASSEMBLY (ELECTIONS) ACT, 1964

2. In this Part, unless the context otherwise requires—

“the Act” means the National Assembly (Elections) Act, 1964.

Cap. 551

3. Section 3 of the Act is amended—

Section 3 of
Cap. 551
amended

(a) in subsection (1)—

(i) by inserting after the definition “counting agent” the following definition:—

“‘Director of Elections’ means the person appointed to be the Director of Elections in accordance with section 5A, and includes a person for the time being performing any of the duties of that office;”;

(ii) by inserting before the definition “Registration Officer” the following definition:—

“‘registration application form’ or ‘provisional registration application form’ means the prescribed form whereby a person applies for and is granted registration or provisional registration under this Act as a voter, and includes both the original and the duplicate of such forms;”;

(iii) in the definition “Registration Officer” inserting before the words “an Assistant Registration Officer” the words “a Senior Assistant Registration Officer and”;

- (iv) by deleting the definition "voting card";
- (b) in subsection (2) by deleting the words "voting card" and substituting therefor the words "registration application form"; and
- (c) by deleting subsections (3) and (4).

New sections
5A and 5B

4. The Act is amended by inserting after section 5 the following new sections: -

"Director of
Elections

5A.-(1) The Commission shall appoint a Director of Elections and may make such appointment by name or by reference to an office.

(2) The Director of Elections shall, subject to the direction of the Commission—

- (a) ensure that every Senior Assistant Registration Officer and every officer appointed under section 6 or section 7 of this Act performs the functions and duties of his office in compliance in every respect with the provisions of this Act, the regulations, and the directions of the Commission, and for that purpose may give to any such officer such directions and instructions as he may deem necessary or expedient;
- (b) exercise and perform all such functions and duties as are conferred upon him by this Act or the regulations, or by direction of the Commission.

Senior
Registration
Officer

5B.-(1) Every Town Clerk and every Executive Officer of a local authority shall, by virtue of such office and without further or other appointment under this Act, be a Senior Assistant Registration Officer.

(2) With respect to any constituency or part of a constituency situated in the area wherein the local authority whereof he is the Town Clerk or Executive Officer has jurisdiction, a Senior Assistant Registration Officer may exercise and perform all of the powers and duties conferred or imposed on a Registration Officer by or under this Act."

New section
10A inserted

5. The Act is amended by inserting , after section 10 the following section: -

"Register
of voters

10A. The Director of Elections shall make and maintain a register of voters for each and every polling district in any and every constituency.

(2) Such register of voters shall consist of-

- (a) a serial number register; and
- (b) an alphabetical register of voters.

(3) The serial number register shall consist of the originals of all the registration application forms of eligible applicants for registration which the Registration Officer has completed by assigning thereto serial numbers and signing.

(4) The alphabetical register of voters shall consist of the names of all persons who are registered as voters for the polling district in question grouped alphabetically and with the names included in each group arranged in alphabetical order to the extent of the first two letters of the name.

(5) The alphabetical register shall show, relative to every voter named therein, the serial number allotted to his or her application registration form, his or her sex and the address at which he or she ordinarily resides."

6. Section 11 of the Act is amended by deleting subsection (1) and substituting therefor the following subsections:-

Section 11 of
Cap. 551
amended

"(1) Subject to the provisions of this Act a person who is registered as a voter shall be entitled to vote at any election in the constituency for which he is so registered and every such person shall be entitled so to vote only at the polling station allocated to him in the polling district for which he is registered and not elsewhere.

(1A) Notwithstanding the provisions of subsection (1) a presiding officer or polling assistant at any polling station shall not permit any person to vote at that polling station unless such person satisfies the presiding officer or polling assistant, as the case may be, that he is the voter he claims to be, by producing to him the duplicate of the registration application form issued to such person, or his Party Membership Card, or his driving licence, or such other proof of identity as is acceptable to the presiding officer or polling assistant."

7. Subsection (3) of section 13 of the Act is amended by deleting the words and commas *44* by notice in the *Gazette*,"

Section 13 of
Cap. 551
amended

8. The Act is amended by repealing section 14 and substituting therefor the following section:—

Section 14 of
Cap. 551
is repealed
and replaced

"Applications
for registra-
tion as voter

14,(I) A person who wishes to be registered as a voter under this Act-

- (a) shall apply in person to the Registration Officer for the polling district in which he is ordinarily resident;
- (b) may so apply during a registration period at a time and place notified under section 13; and
- (c) shall satisfy such Registration Officer-
 - (i) that he is qualified for registration as applied for by him;
 - (ii) that he is ordinarily resident in the polling district in respect of which he is making his application; and
 - (iii) that he is not already registered as a voter under this Act in respect of the polling district to which his application relates or any other polling district.

(2) Upon being satisfied as prescribed by subsection (1), the Registration officer shall give to the applicant a registration application form in duplicate.

(3) Forthwith upon receiving the registration application form the applicant shall enter in both the original and duplicate thereof the information and particulars required by the form to be furnished by him and shall sign or affix his thumb print to both the original and the duplicate of the form and return the same to the Registration Officer.

(4) The Registration Officer may assist the applicant to enter on the form such information and particulars and, subject to being satisfied that all the information and particulars required to be entered on the form in respect of the applicant have been duly entered thereon, the Registration Officer shall complete the form by entering therein the prescribed serial number and signing the same. Upon so completing the form the Registration officer shall give the duplicate thereof to the applicant and shall retain the original thereof and deal with it as prescribed.

(5) The Registration officer shall make and maintain a record of all serial numbers entered by him on registration application forms.

(6) The Director of Elections may give to registration officers generally or to a particular Registration Officer directions with respect to the making and maintaining of records of serial numbers entered upon registration application forms and every Registration Officer shall observe any such direction which is applicable to him.

(7) Within seven days after the end of any calendar month, every Registration Officer shall furnish to the Director of Elections a return showing in order of serial numbers the names of the applicants for registration as voters under this Act in respect of whom he has completed registration application forms during that month and shall accompany such return with the original of every such form. Every such return shall show, in relation to every name therein, the serial number of the completed registration application form, the residential address and sex of the person named, and the polling station at which he may vote."

Section 15 of
cap. 551
repealed and
replaced

9. The Act is amended by repealing section 15 and substituting therefor the following section :—

15.-(1) Where any person who is registered as a voter under this Act becomes ordinarily resident in a polling district other than the polling district for which he is so registered such person may apply in person to the Registration officer for that other polling district. He may so apply during a registration period at a time and place notified under section 13.

"Change of
residence

(2) If an applicant under subsection (1)-

(a) satisfies such Registration Officer-

(i) that he is qualified for registration as applied for by him;

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

(b) surrenders to such Registration Officer the duplicate of the registration application form given to him in respect of the polling district wherein he formerly ordinarily resided, or satisfies such Registration Officer that such duplicate has been lost or destroyed,

such Registration Officer shall give to such applicant a registration application form in duplicate. Forthwith upon receiving such form the applicant shall enter in both the original and duplicate thereof the information and particulars required by the form to be furnished by him, and shall sign or affix his thumb print to both the original and the duplicate of the form and return the same to the Registration Officer.

(3) The Registration Officer may assist the applicant to enter on the form such information and particulars and, subject to being satisfied that all the information and particulars required to be entered on the form in respect of the applicant have been duly entered thereon, the Registration officer shall complete the form by entering thereon the prescribed serial number and signing the same. Upon so completing the form the Registration Officer shall give the duplicate thereof to the applicant and shall retain the original thereof and deal with it as prescribed.

(4) The Registration Officer shall include in the record required under subsection (3) of section 14 to be made and maintained by him, all serial numbers of registration application forms completed by him under this section and in respect of every such form the registration officer shall include in the appropriate monthly return required under subsection (4) of section 14 to be furnished by him to the Director of Elections the name of every applicant to whom he has given the duplicate of such form, its serial number, and the polling station at which he may vote and the residential address and sex of the applicant, and shall accompany such return with the original of such form and, if the applicant has surrendered it to him, the duplicate of the application registration form issued under section 14.

(5) Notwithstanding the provisions of subsection (1) of section 11, or subsection (1), (2), (3) and (4) 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 areas of any constituencies or part of any constituency becomes part of another constituency or a polling district or part of a polling district of any other constituency, it shall not be necessary for any voter whose name is in any register affected by such change in name or adjustment to apply for the transfer of his name to the appropriate register, but the Director of Elections shall, as soon as possible, make all such amendments and transfers of registrations of voters whose registrations are affected by such change in name or adjustment as are necessary in the circumstances to ensure that every such voter is registered as such for the polling district in which he ordinarily resides."

Section 16 of
Cap. 551
repealed and
replaced

10. The Act is amended by repealing section 16 and substituting therefor the following section: -

"Provisional
registration
application
form

16.-(1) Where-

- (a) the duplicate of any registration application form is lost or destroyed; or
- (b) becomes so dilapidated that any particulars thereon cannot be read; or
- (c) any particulars of any registration application form require amendment by reason of a change of name of, or a change in any other circumstance (other than a change of residence from one polling district to another) affecting the voter in question,

the voter to whom such duplicate was issued may, during a registration period at a time and place notified under section 13, apply in person to the Registration Officer for a provisional registration application form.

(2) On any application under subsection (1) the Registration Officer-

- (a) if satisfied that the application is properly made and that the applicant remains qualified for registration;
- (b) where the application is made under paragraphs (b) or (c) of subsection (1), upon the applicant surrendering to the Registration Officer the duplicate of the registration application form to which the application relates;
- (c) where the application is made under paragraph (a) of subsection (1), upon the applicant satisfying the Registration Officer that the duplicate of the registration application form to which the application relates has been lost or destroyed;

(d) on the applicant paying to the Registration Officer such fees as the Commission may require,

may issue in respect of the applicant a provisional application registration form.

(3) A provisional application registration form shall be-

(a) in the form of, and contain the particulars required by, an application registration form;

(b) completed as required in the case of a registration application form, except that the number assigned to it shall be the serial number of the registration application form to which the application relates.

(4) A provisional application registration form shall be in duplicate and both the original and duplicate shall have printed thereon the word "Provisional" and shall differ in colour from each other and from both the original and duplicate of an application registration form.

(5) Upon completing the provisional registration application form, the Registration Officer shall give the duplicate to the applicant and shall retain the original thereof and deal with it as is required by subsection (6).

(6) With respect to provisional registration application forms the Registration Officer shall make and furnish to the Director of Elections together with the monthly return required under subsection (4) of section 14 a separate return showing the names of the applicants with respect to whom he has issued provisional registration application forms during the month to which the return under subsection (4) of section 14 relates, and shall accompany such return with the original of every provisional application registration form issued by him during that month. He shall also accompany such return with all duplicates of registration application forms which were surrendered to him by applicants named in the return."

11. The Act is amended by repealing section 17 and substituting therefor the following section: -

"Declaration relating to lost or destroyed forms

17. (1) Where in respect of an application made under the foregoing provisions of this Act the applicant claims that the duplicate of any registration application form or provisional registration application form given to him has been lost or destroyed, the Registration Officer shall require the applicant to make a declaration in the prescribed form relating to such loss or destruction.

Section 17
repealed and
replaced

(2) Without prejudice to his power to refuse the application upon any other ground, a Registration Officer shall refuse any application referred to in subsection (1) if the applicant, being required by the Registration Officer so to do, fails to make a declaration as required by that subsection."

Section 19 of
Cap. 551
amended **12.** Section 19 of the Act is amended by deleting the words "on production of his voting card" and substituting therefor the words "on production of the duplicate of his registration application form"

Section 22 of
Cap. 551
amended **13.** Section 22 of the Act is amended by-

(a) deleting subsection (3) and substituting therefor the following subsection:-

"(3) If, in the opinion of the Registration Officer, such *prima facie* proof as aforesaid is given, the Registration Officer shall require proof that the person in respect of whom the objection is made is then qualified to be registered according to the registration the subject of the objection. If such proof satisfies the Registration officer-

- (a) that the person concerned is so qualified, he shall find accordingly and disallow the objection;
- (b) that the person concerned is not so qualified, he shall find accordingly and deal with the matter as required by this subsection.

Upon completing any inquiry the Registration Officer shall inform in writing the Director of Elections of his finding thereon and, if such finding is that the person concerned is not qualified to be registered according to the registration the subject of the objection, shall accompany such information with the record of the inquiry.

Where the finding of the Registration Officer is that the person concerned is not qualified to be registered according to the registration the subject of the objection, the Director of Elections shall consider the record of the inquiry and, if satisfied that the finding is correct, shall delete the name of the person concerned from the register.

If not so satisfied, the said Director shall retain the name in question in the register.

In every such case, the said Director shall inform the person concerned whether or, not he has deleted the name of such person from the register and, if so, the grounds on which he has deleted it. ",

- (b) in subsection (4) deleting the words "then the Registration Officer shall retain the name of the person m regard to whom the objection is made in the register" and substituting therefor the words "then the Registration Officer shall disallow the objection"

Section 23 of
Cap. 551
repealed and
replaced **14.** The Act is amended by repealing section 23 and substituting therefor the following section: -

"Appeal by objector or person objected to

23. (1) An objector may appeal against the disallowance of his objection by the Registration Officer.

(2) Any person whose name is deleted from the register pursuant to an objection may appeal against such deletion.

(3) An appeal under this section shall be to a Resident Magistrate and shall be instituted within twenty-one days—

(a) in the case of an appeal under subsection (1), after the disallowance of the objection;

(b) in the case of an appeal under subsection (2), after the Director of Elections has notified the person concerned of the deletion of his name from the register."

15. Section 24 of the Act is amended by deleting subsection (3) and substituting therefor the following subsection:-

Section 24
of Cap. 551
amended

"(3) When the resident magistrate has determined the appeals which have been lodged with respect to any register or the issue of any registration application form he shall forward-

(a) to the Director of Elections a statement under his hand of the names which he has decided shall be entered or retained in the register and those which he has decided shall be deleted from the register; and

(b) to the Registration Officer a statement under his hand of the names of the persons to whom he has decided registration application forms shall be issued,

and the said Director or the Registration Officer shall amend the register or issue such forms accordingly:

Provided that-

(a) the Resident Magistrate shall not require a Registration Officer to issue an application registration form to any person who claims that a previous registration application form, issued to him which was relevant to the proceedings has been lost or destroyed unless such person shall have made the declaration provided for in section 17;

(b) in any case to which section 15 or 16 applies and no declaration under section 17 has been made, the Registration Officer shall refuse to issue another registration application form until the person concerned surrenders the previous such form issued to him

Section 25
Cap. 551
repealed and
replaced

of 16. The Act is amended by repealing section 25 and replacing it by the following section: -

"Provisions consequential to entries in or deletions from register pursuant to objection or appeal

25.-(1) Where by reason of the decision upon an appeal under section 24, the name of any person is entered in the register or a registration application form is issued to any person, the Director of Elections or the Registration Officer shall take in relation to such entry or issue all such steps as he would have taken if he had made the entry or issued the form in question in the first instance.

(2) Where the name of any person is deleted from the register under section 22 or 24, the Registration Officer shall require such person either-

- (a) to surrender the duplicate of the registration application form issued to him in respect of such registration; or
- (b) to make and deliver to the Registration Officer the declaration provided for in section 17,

within such period (being not less than ten days) as the Registration Officer shall specify; and the Registration Officer shall send any such duplicate so surrendered to the Director of Elections who shall cancel the original thereof and such duplicate."

Section 42 of
Cap. 551
repealed and
replaced

17. The Act is amended by repealing section 42 and substituting therefor the following section: -

"Polling agent

42.-(1) The District Working Committee of the Party for the district in which the constituency is situated may appoint one person to be known as a polling agent to attend at each polling station within the constituency for the purpose of detecting personation.

(2) Notice in writing of the appointment, stating the name and address of the polling agent, together with the polling station to which he has been assigned, shall be given 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, another polling agent may be appointed in his place, and notice in writing shall be given forthwith to the Returning Officer and the presiding officer concerned of the name and address of the polling agent so appointed and the polling station to which he is appointed."

18. Section 46 of the Act is amended by-Section 46 of
Cap. 551
amended

- (a) deleting paragraph (a) and substituting therefor the following paragraph: -

"(a) Every voter who wishes to vote shall present himself at the polling station allocated to him in the polling district for which he is registered and shall satisfy the presiding officer or a polling assistant at such polling station that he is the voter he claims to be and that he has not already voted at such polling station or elsewhere. A person may satisfy the presiding officer or a polling assistant that he is the voter he claims to be by producing to such officer or assistant the duplicate of the registration application form issued to him, or his Party membership card, or his driving licence, or any other document as proof of his identity as is satisfactory to such officer or assistant.

Subject to being satisfied as prescribed by this paragraph, the presiding officer or polling assistant shall deliver to the voter concerned a ballot paper¹;

- (b) in paragraph (b)-

- (i) deleting where appearing in sub-paragraph (ii) the words "in his voting card" and substituting therefor the words "in the register";
- (ii) deleting where appearing in paragraph (iii) the words "on his voting card" and substituting therefor the words "in the register";
- (iii) deleting sub-paragraph (iv).

19. Section 46A of the Act is amended-Section 46A
of Cap. 551
amended

- (a) in subsection (2) by deleting all words from and including the words "Before issuing" to the end of that subsection;
- (b) by deleting subsection (3) and substituting therefor the following subsection: -

"(3) A Returning Officer shall on election day in his constituency and in the presence of a presiding officer, put in a ballot box all special ballot papers to which this section applies received by such Returning Officer."

20. Section 47 of the Act is amended-Section 47 of
Cap. 551
amended

- (a) in subsection (2) by deleting the words "in his voting card" and substituting therefor the words "in the register";
- (b) in subsection (4) by deleting the words "in or near that station".

Section 48 of
Cap. 551
repealed and
replaced

21. The Act is amended by repealing section 48 and substituting therefor the following section: -

"Allegations
of irregu-
larities

48.-(1) Where the presiding officer at any polling place has reason to believe, or where a candidate or a polling agent present at any polling station, alleges that any person wishing to vote at that polling station is not a voter entitled to vote at that polling station, the presiding officer shall warn such person that he may commit an offence under this Act by so voting.

If, notwithstanding such warning, such person persists in his wish to vote and-

- (a) identifies himself to the satisfaction of the presiding officer as the person named in the register as entitled to vote at the polling station in question whom he claims to be; and
- (b) being thereto required as prescribed by section 49 makes and subscribes one or both of the declarations to which that section refers,

the presiding officer shall deliver a ballot paper to such person and permit him to vote at such polling place.

(2) A presiding officer shall record in writing the full name and address which a person warned under subsection (1) stated was his name and address and, if such person has voted he shall state that fact in such record.

(3) Before warning a person under subsection (1) a presiding officer shall state to such person the reasons for his belief that such person is not a voter entitled to vote at the polling station in question or, in the case of an allegation as mentioned in subsection (1) by a candidate or polling agent present in the polling station in question, shall require such candidate or polling agent to state in his presence and the presence of the person wishing to vote, and so as to be heard by both of them, the reasons for the allegation.

If a candidate or polling agent refuses to comply with such requirement the presiding officer shall disregard the allegation made by him."

Section 49 of
Cap 551
repealed and
replaced

22. The Act is amended by repealing section 49 and substituting therefor the following section: -

49.-(1) Before delivery by a presiding officer or polling assistant of a ballot paper to a person wishing to vote at a polling station, the presiding officer at that polling station may, and shall, if thereunto requested by a candidate or a polling agent present at such polling station, require such person to make and subscribe one or both of the prescribed declarations.

"Declaration
by person
wishing to
vote

(2) If any person thereunto required fails or refuses to make and subscribe one or both the prescribed declarations, the presiding officer may refuse to deliver to him a ballot paper. Where the presiding officer so refuses, no polling assistant at the polling station concerned shall deliver a ballot paper to such person."

23. Section 52 of the Act is amended in subsection (1) by deleting Section 52 paragraph (b).

Section 52
of Cap. 551
amended

24. The Act is amended by repealing section 68 and substituting therefor the following section: -

section 68 of
Cap. 551
repealed and
replaced

"Candidate may exercise powers of his agent **68.** A candidate may do any act or thing which, under this Act, a polling agent or counting agent is authorized or required to do, or may assist the polling agent or counting agent in doing any such act or thing."

25. Section 70 of the Act is amended by-

Section 70 of
Cap. 551
amended

(a) in paragraph (a) of subsection (1)-

- (i) deleting the words "voting card" wherever those words appear, and substituting therefor wherever deleted, the words "registration application form or provisional registration application form";
- (ii) deleting the words "voting cards" and substituting therefor the words "application registration form or provisional registration application form";

(b) deleting paragraph (d) of subsection (1) and substituting therefor the following paragraph: -

11(d) in respect of an application by him for registration as a voter in any polling district or (being registered as a voter in any polling district) in respect of an application by him for the issue of a provisional registration application form, makes to the Registration Officer for such district, or enters on the registration application form or, as the case may be, provisional registration application form pertaining to his application, any statement, information or particular which is false or misleading.";

(c) in subsection (2)-

- (i) deleting the words "voting card" and substituting therefor the words "duplicate of a registration application form or provisional registration application form";
- (ii) deleting the words "such card" and inserting in substitution therefor the words "such duplicate"

Section 71 of
Cap. 551
amended

26. Section 71 of the Act is amended-

- (a) in paragraph (b) of subsection (1) by deleting the words "any voting card or any official mark there in" and substituting therefor the words "any registration application form or provisional registration application form or the original or duplicate of any such form",
- (b) in subsection (2) by deleting the words "any voting card" and substituting therefor the words "the duplicate of any registration application form or provisional registration application form";
- (c) in the proviso to subsection (2) by deleting the words "an expired voting card" and substituting therefor the words "any such duplicate"

Section 81 of
Cap. 551
amended

27. Section 81 of the Act is amended in paragraph (b) by deleting the words "a voting card issued to some other person" and substituting therefor the words "a duplicate of a registration application form or of a provisional registration application form, or a Party membership card, or a driver's licence or any other document or writing which does not appertain to him"

Section 82 of
Cap. 551
amended

28. Section 82 of the Act is amended by-

- (a) deleting paragraph (b) of subsection (1) and substituting therefor the following paragraph: -

"(b) for the purpose of procuring the issue of a ballot paper to any other person or to himself, delivers to that other person the duplicate of a registration application form or of a provisional registration application form issued to him or to such other person or the duplicate of a registration application form or of a provisional registration application form issued to some third person. ,

- (b) in paragraph (b) of subsection (2) deleting the words "an expired voting card" and substituting therefor the words "the duplicate of a registration application form or of a provisional registration application form which appertains to registration as a voter which has been cancelled."

Section 87 of
Cap. 551
repealed and
replaced

29. The Act is amended by repealing section 87 and substituting therefor the following section:

"Person convicted or corrupt or illegal practice to be removed from register **87.**-(1) Where a court convicts a person of a corrupt practice under this Act, or under the Presidential Elections Act, 1965, or under the Local Government Elections Act, 1966, it shall report the conviction to the Director of Elections who, if the person concerned is registered as a voter-

- (a) shall delete the name of such person from the register of voters in which he is registered;
- (b) shall inform in writing the Registration Officer for the polling district concerned of such deletion.

(2) Forthwith upon being so informed such Registration Officer shall take all such steps as, in the case of a deletion of a name from the register under section 22 or 24, he is required by subsection (2) of section 25 to take."

- 30.** Section 105 of the Act is amended by-
- (a) in subsection (1) deleting the words "the Commission" and substituting therefor the words "the Director of Elections";
- (b) deleting subsection (5) and substituting therefor the following subsections: —
- "(5) The Director of Elections shall forthwith-
- (a) cause a copy of such report to be published in the *Gazette*,-
- (b) delete from the register the name of any person registered therein who appears from the report to be disqualified from voting at an election; and
- (c) inform in writing the Registration Officer for any polling district of every such deletion of the name of a person who is registered as a voter for that polling district.
- "(6) Forthwith upon being so informed such Registration Officer shall take all such steps as, in the case of the deletion of a name from the register under section 22 or 24 he is required by subsection (2) of section 24 to take."
- Section 105 of
Cap. 551
amended
- 31.** The Act is amended by repealing section 109.
- Section 109 of
Cap. 551
repealed
- 32.** Section 110 of the Act is amended by-
- (a) deleting subsections (1) and (2); and
- (b) deleting the numeral and brackets "(3)".
- Section 110 of
Cap. 551
amended
- 33.** Subsection (1) of section 112 of the Act is amended by inserting before the words "Registration Officers" the words "the Director of Elections"
- Section 112 of
Cap. 551
amended
- 34.** Section 113 of the Act is amended by inserting before the words "Registration Officers" the words and comma "the Director of Elections,"
- Section 113 of
cap. 551
amended
- 35.** Section 114 of the Act is amended in paragraph (a) by deleting the words "voting cards" and substituting therefor the words "Registration Application Forms and Provisional Registration Application Forms"
- section 114 of
Cap. 551
amended
- 36.** The First Schedule to the Act is amended by-
- (a) deleting in the List of Forms the numerals and words-
- "3 Voting Card;
4. Statutory Declaration of loss or destruction of Voting Card";
- and substituting therefor the numerals and words-
- "3. Registration Application Form;
4. Statutory Declaration of loss or destruction of the duplicate of the Registration Application Form"-
- The First
Schedule to
Cap. 551
amended

- (b) deleting in the first column in Form '2' the words "Number of Voting Card" and substituting therefor the words "The serial number on the Registration Application Form /Provisional Registration Application Form. ",
- (c) deleting Form 3 (Form of Voting Card) and substituting therefor the following form:-

Fomu Na.1

JAMHURI YA MUUNGANO WA TANZANIA

**OMBI LA KUHANDIKISHA KUWA MPIGA KURA/TAARIFA YA
KUBADELISHA HABARI ZA KUHANDMISHA**

Mimi,
ambae habari zangu zimeandikwa hapa chini, naomba niandikishwe kuwa ni mpiga kura. Pia nathibitisha kwamba habari zote zilizoandikwa hapa chini ni sawa kwa kwa kadiri ni juavyo. Pia najulisha kwamba habari zilizoandikwa kwenye uandikishaji wangu wa kwanza Nazibadilishwe kama hivi ifuatavyo
(kwa kujulisha habari zilizobadilishwa tu.

Tarehe.....
Sahihi au Alama ya Dole

- (a) Jina kamili: Bw./Bi
- (b) Anwani ya Makazi: Na. ya Nyumba/Ploti
Barabara/Kijiji.....
- (c) Anwani ya Posta: S.L.P Miji
- (d) Kazi (e) Umri
- (f) Uraia: Kwa kuzaliwa au
Na. ya Kuandikishwa.....

SHAHADA

Nambari ya
Kuandikishwa:

--

Inathibitishwa kwamba Bw./Bi
ambaye habari zake zimeandikwa hapa juu ameandikishwa kuwa ni mpiga kura katika jimbo la uchaguzi la
Wilaya ya Uchaguzi ya
Wadi ya

Tarehe.....
Sahihi ya Mwandishi

- (d) deleting from Form 4 (Statutory Declaration of Loss or Destruction of Voting Card) the words "Voting Card" wherever those words appear on that form, and substituting therefor the words "duplicate of a registration application form";
- (e) deleting from Form 5 (Statement of Refusal to Register or Issue Voting Card) the words "Voting Card" wherever those words appear on that form, and substituting therefor the words "duplicate of a registration application form".

37.-(1) Every voting card issued before the passing of this Act and not then expired shall be and is hereby cancelled. Voting cards cancelled

(2) Every person to whom a voting card to which subsection (1) applies is issued shall cease to be registered as a voter and shall no longer be entitled to vote at any election by virtue of the issue to him of such a voting card, but without prejudice to his entitlement to be registered as a voter under the Act as amended by this Act.

PART II

AMENDMENTS TO THE PRESIDENTIAL ELECTIONS ACT, 1965

38. In this Part, unless the context otherwise requires, "the Act" means the Presidential Elections Act, 1965.

39. The Act is amended by repealing section 3 and substituting therefor the following section: - Section 3 repealed and replaced

"Voters

3.-(1) Subject to this Act and the National Assembly (Elections) Act, 1964 a person who is registered as a voter under the National Assembly (Elections) Act, 1964 shall be entitled to vote at any election of a President.

(2) Such person may so vote-

(a) on the Presidential Election Day appointed by or under this Act for the constituency for which he is registered as a voter: and

(b) at the polling place allotted to him in the polling district for which he is so registered and not elsewhere:

Provided that where in any constituency a Presidential election day is also election day for a contested Parliamentary election a person who is a candidate for that constituency in that contested Parliamentary election may vote at any polling place in that constituency whether or not he is registered as a voter in any polling district thereof."

40. Section 5 of the Act is amended by deleting subsections (3) and (4) and substituting therefor the following subsections: - Section 5 amended

"(3) The Electoral Commission shall appoint as presidential Election Day-

- (a) in the case of a Presidential Election held by reason of the dissolution of Parliament (other than in the circumstances provided for by paragraph (b) of subsection (4) of section 7 of the Constitution)-
 - (i) for each constituency in which there is a contested Parliamentary election' the day appointed as election day for that contested election;
 - (ii) for every other constituency, a day not less than forty days and not more than fifty days after the day on which the nomination of the sole Presidential candidate shall have been certified to the Commission.
 - (b) In the case of Presidential Election to which paragraph (a) of this subsection does not apply, for every constituency a day not less than forty days and not more than fifty days after the nomination of the sole Presidential candidate shall have been certified to the Commission.
- (4) Different days may be appointed under sub-paragraph (ii) of paragraph (a) or Paragraph (b) of subsection (3) for different constituencies.
- (5) For the purposes of subsection (3) a constituency for which a Parliamentary election is countermanded or in which the election procedure for a Parliamentary election is commenced afresh, shall be deemed to be a constituency in which there is not a contested Parliamentary election."

Repeal of section 6

41. The Act is amended by repealing section 6 and substituting therefor the following section: -

"When election day to be countermanded **6.** Where, pursuant to Section 38 of the National Assembly (Elections) Act, 1964 the Parliamentary election for any constituency has been countermanded, the Electoral Commission-

- (a) shall countermand the Presidential Election Day, if any, appointed by it for that constituency under section 5 prior to such countermand; and
- (b) (having regard to election day for the Parliamentary election for that constituency which the said section 38 prescribes shall be held afresh) shall appoint under and in accordance with section 5 a fresh Presidential Election Day for that constituency."

42. The Act is amended by repealing section 9 and substituting therefor the following section: -

Section 9
repealed and
replaced

"9. In any polling district in which the polling day for a contested Parliamentary election is also a polling day for a Presidential Election and a local authority election—

- (a) polling at those three elections shall be conducted simultaneously at all polling stations in that district;
- (b) the Returning Officer shall provide separate and distinctive ballot boxes and every presiding officer shall so organize and conduct his polling station and shall so place the ballot boxes thereat, as to avoid any confusion arising by reason of such simultaneous polling;
- (c) the ballot papers for those elections respectively shall be of different colours, such colours being such as are easily distinguishable from one another;
- (d) a voter who leaves a polling place after voting for any but not all of those elections shall not be readmitted to such polling place for the purpose of voting for any of those elections for which he did not vote in the first instance;
- (e) the requirements of sub-paragraph (ii) of paragraph (b) of section 46 of the National Assembly (Elections) Act, 1964 shall be complied with in respect of all three of those elections if the particulars specified in that sub-paragraph are called out once immediately before the delivery to the voter of the ballot paper for any of those elections which is first delivered to him;
- (f) a person registered as a voter in any polling district in any constituency who is a supervisory delegate for the purposes of a contested Parliamentary Election in any other constituency may vote in a polling district of that other constituency in both the Presidential Election and the Local Authority Election in the like manner as he may vote therein for the contested Parliamentary Election;
- (g) the counting of votes for those three elections respectively shall be conducted separately."

43. Section 11 of the Act is hereby repealed.

Repeat of
section 11

PART III

AMENDMENTS TO THE LOCAL GOVERNMENT (ELECTIONS) ACT, 1966

44. In this Part unless the context otherwise requires-

"the Act" means the Local Government (Elections) Act, 1966.

Acts 1966
No. 47

Section 2 of
Act 47
of 1966
amended

45. Section 2 of the Act is amended-

(a) in subsection (I)-

(i) by deleting the definition "expired voting card";

(ii) by deleting the definition "polling district" and substituting therefor the following definition: -

" 'polling district' means a polling district under and within the meaning of the National Assembly (Elections) Act, 1964;";

(iii) by deleting the definition "Registration Officer" and "Returning Officer" and substituting therefor the following definitions: -

" 'Registration Officer' means-

(a) in relation to a constituency under and within the meaning of the National Assembly (Elections) Act, 1964, the Registration Officer under and within the meaning of that Act for that constituency; and

(b) in relation to a ward which comprises a polling district under and within the meaning of the National Assembly (Elections) Act, 1964, the Registration Officer under and within the meaning of that Act, for that polling district;";

(iv) by inserting before the definition "registration as a voter" the following definition: -

" 'Registration application form' means a registration application form under and within the meaning of the National Assembly (Elections) Act, 1964;";

(v) by deleting the definition "voting card";

(b) by deleting subsection (2).

Section 5 of
Act No. 47
of 1966
repealed and
replaced

46. The Act is amended by repealing section 5 and substituting therefor the following section: -

"Polling district **5.**-(1) Any polling district which for the time being comprises or is wholly within a ward, shall be a polling district for that ward.

(2) Where parts of a polling district lie in two or more wards, each such part shall be a polling district for the ward in which it lies."

Section 8 of
Act No. 47
of 1966
repealed and
replaced

47. The Act is amended by repealing section 8 and substituting therefor the following section: -

"Persons entitled to vote **8.**-(1) Subject to this Act and the National Assembly (Elections) Act, 1964 a person who is registered as a voter under the National Assembly (Elections) Act, 1964 shall be entitled to vote at any contested election for the ward in which he is ordinarily resident according to his registration as a voter

- (2) Such a person may so vote-
- (a) on the day appointed by or under this Act as election day for that ward;
- (b) at the polling place allotted to him in the polling district for which he is so registered and not elsewhere:

Provided that a candidate for election at such contested election for any ward may vote at any polling station in such ward and also, where election day for the ward is also Presidential election day or election day for a contested Parliamentary election for the constituency which includes such ward, for either or both those elections, as the case may be."

48. The Act is amended by repealing section 9 and substituting therefor the following section: -

"Disquali- **9.** Notwithstanding that he is registered as a voter under fication from the National Assembly (Elections) Act, 1964, no person shall voting be entitled to vote at an election if circumstances arise in relation to that person which, if he were not so registered, would disqualify him from registration as a voter under that Act."

Section 9 of Act No 47 of 1966 repealed and replaced

49. The Act is amended by repealing section 10.

Section 10 of Act No. 47 of 1966 repealed

50. Section 11 of the Act is amended by deleting the words "the age of twenty-one years" and substituting therefor the words "the age of eighteen years"

section 11 of Act No. 47 of 1966 amended

51. Section 13 of the Act is amended by deleting the words "or when an election" and substituting therefor the words "or in a ward, or when any such election"

Section 13 of Act No. 47 of 1966 amended

52. Section 14 of the Act is amended-

- (a) in subsection (1) by inserting after the words "voters registered" the words "as ordinarily resident";
- (b) by deleting paragraph (b) of subsection (3) and substituting therefor the following paragraph:-
- "(b) a certificate in the prescribed form by the Registration Officer for the constituency which includes the ward certifying that the nominators are registered as voters ordinarily resident in that ward;"-
- (c) in subsection (4) by deleting the word "votes" and substituting therefor the word "person",
- (d) by deleting subsection (8) and substituting therefor the following subsection: -

Section 14 of Act No. 47 of 1966 amended

A person may satisfy the presiding officer or a polling assistant that he is the voter he claims to be by producing to such officer or assistant the duplicate of the registration application form or provisional registration application form issued to him, or his Party membership card, or his driving licence or such other proof of his identity as is satisfactory to such officer or polling assistant.

Subject to being satisfied as prescribed by this paragraph the presiding officer or polling assistant shall deliver to the voter a ballot paper

(b) in paragraph (b)-

(i) deleting, where appearing in sub-paragraph (u), the words "in his voting card" and substituting therefor the words "in the register";

(ii) deleting, where appearing in paragraph (iii), the words "on his voting card" and substituting therefor the words "in the register";

(iii) deleting sub-paragraph (iv).

Section 36 of
Act No. 47
of 1966
amended

58. Section 36 of the Act is amended-

(a) in subsection (1) by deleting the words "at a polling station in a polling district in which" and substituting therefor the words "at the polling station allotted to him in the polling district for which";

(b) in subsection, (3) by deleting the words "in or near that station"

Section 37 of
Act No. 47
of 1966
repealed and
replaced

59. The Act amended by repealing section 37 and substituting therefor the following section: -

"Allegations
of irregu-
larities

37.-(1) Where the presiding officer at any polling station has reason to believe, or where a candidate or a polling agent present at any polling station alleges that any person wishing to vote at that polling station is not a voter entitled to vote at that polling station, the presiding officer shall warn such person that he may commit an offence under this Act by so voting.

If, notwithstanding such warning, such person persists in his wish to vote and-

(a) identifies himself to the satisfaction of the presiding officer as the person named in the register as entitled to vote at the polling station in question whom he claims to be; and

(b) being thereto required as prescribed by section 38, makes and subscribes one or both of the declarations to which that section refers.

the presiding officer shall deliver a ballot paper to such person and permit him to vote at such polling station.

(2) A presiding officer shall record in writing the full name and address which a person warned under subsection (1) stated was his name and address and, if such person has voted, shall state that fact in such record.

(3) Before warning a person under subsection (1) a presiding officer shall state to such person the reasons for his belief that such person is not a voter entitled to vote at the polling station in question or, in the case of an allegation as mentioned in subsection (1) by a candidate or polling agent present in the polling station in question, shall require such candidate or polling agent to state in his presence and the presence of the person wishing to vote, and so as to be heard by both of them, reasons for the allegation.

if the candidate or polling agent refuses to comply with such requirement the presiding officer shall disregard the allegation made by him."

60. The Act is amended by repealing section 38 and substituting therefor the following section: -

"Declaration
by person
wishing to
vote

38. Before delivery by a presiding officer or polling assistant of a ballot paper to a person wishing to vote at a polling station, the presiding officer at that polling station may, and shall if thereunto requested by a candidate or a polling agent then present at such polling station, require such person to make and subscribe one or both of the prescribed declarations.

if any person thereunto required refuses to make and subscribe one or both the prescribed declarations, the presiding officer may refuse to deliver to him a ballot paper.

Where the presiding officer so refuses, no polling assistant at the polling station concerned shall deliver a ballot paper to such person."

section 38 of
Act No. 47
of 1966
repealed and
replaced

61. Section 39 of the Act is amended-

- (a) in subsection (2) by deleting all the words from and including the words "Before issuing" to the end of that subsection;
- (b) by deleting subsection (3) and substituting therefor the following subsection: -

Section 39 of
Act No. 47
of 1966
amended

"(3) A Returning Officer shall on election day in his ward, and in the presence of a presiding officer, put in a ballot box all special ballot papers to which this section applies received by such Returning Officer."

Section 42 of
Act No. 47
of 1966
amended

62. Section 42 of the Act is amended in subsection (1) by deleting paragraph (b).

Section 51 of
Act No. 47
of 1966
amended

63. Section 51 of the Act is amended-

(a) in subsection (1) by adding at the end thereof the following words: -

"This subsection does not apply where the number of such votes entitles each and every one of the candidates concerned to be declared elected.

(b) in subsection (2) by adding at the end thereof the following words: -

"This subsection does not apply to any candidate for whom the number of votes recorded and counted exceeds the number which constitutes the equality, and accordingly such excess shall entitle such candidate or candidates to be declared elected and this subsection shall be limited in its application to any vacancy in the ward for which, by reason of the equality of votes, no candidate is entitled to be declared elected."

Section 55 of
Act No. 47
of 1966
amended

64. Section 55 of the Act is amended by deleting paragraph (a) and substituting therefor the following paragraph: -

"(a) forthwith-

- (i) declare elected the candidate who receives a majority of the votes recorded and counted; or
- (ii) in the case of a ward for which more candidates than one are required to be elected, declare elected according to such requirement the candidate who received a number of the votes recorded and counted in excess of the number of such votes received by any other candidate except a candidate who by reason of the number of such votes received by him is declared to be elected."

Section 58 of
Act No. 47
of 1966
repealed and
replaced

65. The Act is amended by repealing section 58 and substituting therefor the following section: -

"Candidate
may act as
his own
agent

58. A candidate may do any act or thing which, under this Act, a polling agent or counting agent is authorized or required to do, or may assist the polling agent or counting agent in doing any such act or thing."

66. Section 71 of the Act is amended in paragraph (b) by deleting the words "a voting card issued to some other person" and substituting therefor the words "a duplicate of a registration application form or provisional application registration form, or a Party membership card, or a driver's licence, or any other document or writing which does not appertain to him."

Section 71 of
Act No. 47
of 1966
amended

67. Section 72 of the Act is amended-

(a) by deleting paragraph (b) of subsection (1) and substituting therefor the following paragraph: -

Section 72 of
Act No. 47
of 1966
amended

"(b) for the purpose of procuring the issue of a ballot paper to any other person or to himself, delivers to that other person the duplicate of a registration application form or of a provisional registration application form issued to him or to some third person, or induces or procures some third person to deliver to himself or to such other person the duplicate of a registration application form or of a provisional registration application form issued to such third person.,"

(b) in paragraph (b) of subsection (2) by deleting the words "an expired voting card" and substituting therefor the words "the duplicate of a registration application form or of a provisional registration application form which appertains to a registration as a voter which has been cancelled".

68. The Act is amended by repealing section 77.

Section 77 of
Act No. 47
of 1966
repealed

69. Section 84 of the Act is amended-

(a) in subsection (1) by deleting the words "the Commission" and substituting therefor the words "the Director of Elections";

Section 84 of
Act No. 47
of 1966
amended

(b) by deleting subsection (5) and substituting therefor the following subsections: -

"(5) The Director of Elections shall forthwith-

(a) cause a copy of such report to be published in the *Gazette*;

(b) delete from the register the name of any person registered therein who appears from the report to be disqualified from voting at an election; and

(c) inform in writing the Registration Officer for any polling district of every such deletion of the name of a person who is registered as a voter in that polling district.

"(6) Forthwith upon being so informed, such Registration Officer shall take all such steps as, in the case of the deletion of a name from the register under section 22 and 24 of the National Assembly (Elections) Act, 1964, he is required by subsection (2) of the said section 24 to take."

Section 90 of
Act No 47
of 1967
amended

70. Section 90 of the Act is amended in subsection (1) by inserting before the words "Registration Officers" the words "the Director of Elections"

Section 92 of
Act No. 47
of 1966
amended

71. Section 92 of the Act is amended by deleting the words "shall be a charge on the general revenue of the Authority in respect of which the election is held" and substituting therefor the words "shall be a charge on the Consolidated Fund".

Passed in the National Assembly on, the seventeenth day of December, 1969.


.....
Clerk of the National Assembly