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NO T I C E

The Bill following hereunder shall be presented before the House of Representatives for the first reading which will start its session on 27st September of 2017, and is gazetted for the public notice incorporation together with their objects and reasons.

ZANZIBAR
1stSeptember, 2017

(Dr. ABDULHAMID Y. MZEE)
*Secretary to the Revolutionary
Council and Chief Secretary.*

**A BILL
FOR AN ACT TO REPEAL THE ELECTIONS ACT NO. 11 OF
1984 AND ENACT ELECTIONS ACT OF 2017 AND OTHER
MATTERS CONNECTED THEREWITH**

ENACTED BY THE HOUSE OF REPRESENTATIVES

**CHAPTER I
PRELIMINARY PROVISIONS**

Short title
and Com-
mencem
ent.

1.-(1) This Act may be cited as the Elections Act, 2017 and shall come into operation immediately after being assented to by the President.

(2) The provisions of this Act shall be read together with the Constitution of Zanzibar, 1984.

Interpretation.

2. In this Act unless the context otherwise requires:-

“Authorized Areas” mean all areas authorised by Local Government Authorities for the purpose of posting campaign material which exclude hospitals, schools, religious buildings and market areas.

“Ballot paper” means a ballot paper designed by the Commission under section 71 of this Act.

“Campaign Period” means a period campaign prescribed under section 61 of this Act.

“Candidate” means a person nominated by the Commission to vie for the post of the President of Zanzibar, Member of the House of Representative or the Councilor.

“Chairman” means a Chairman of the Commission as appointed under section 119(1)(a) of the Constitution, and includes Vice-Chairman;

“Closure of the Register” means the closure of register for a period of time appointed and declared by the Commission under section 6 of this Act.

“Commission” means the Zanzibar Electoral Commission established by the Constitution.

“Constituency” means and includes-

- (a) Subject to section 27(3) of the Constitution the whole of Zanzibar; or
- (b) an electoral area declared by the Commission for the purposes of elections of the Member of the House of Representatives.

“Constitution” means the Constitution of Zanzibar 1984;

“Counting Agent” means a person appointed as a counting agent under the provisions of section 74 of this Act;

“Dependent” means mother, father, husband, wife, grandparents, son or daughter living with a voter;

“Director” means Director of Elections appointed pursuant to the provisions of the Office of the Zanzibar Electoral Commission Act;

“Disputed vote” means a disputed vote rejected by the Presiding Officer and its rejection is objected to by any counting agent under section 91 of this Act.

“Election” means act of process of electing a person to the post of President, the Member of the House of Representatives or Councilors through voting and includes by-elections and re run.

“Election day” means a day or days appointed in writing by the Commission in which an election shall be held;

“Electoral area” means and includes polling district, Ward or Constituency;

“Electronic device” means any device capable of making or transmitting Still or moving photograph, video recordings or images of any kind and includes computer, pager, iPad,

cellphone, smartphone, moving camera, and other devices with similar features.

“High Court” means the High Court of Zanzibar established under section 93 of the Constitution.

“International observers” means and includes international organizations, International non-governmental organizations, foreign governments and foreign personalities duly recognized for the purpose this Act.

“Voter” means any person who is for the time being qualified to vote at an election in accordance with the provisions of this Act;

“Voter card” means a card granted to the voter pursuant to section 22 of this Act;

“Ward” means division of Jurisdiction of the local authority demarcated as such pursuant to the provisions of the Zanzibar Local Government Authority Act;

Functions
of the
Commission.

3.-(1) Subject to the provisions of the Constitution, the Office of the Zanzibar Electoral Commission Act, and any other law for time being in force, the functions of the Commission shall be, to-

- (a) supervise the general proceedings of elections and referendum in Zanzibar;
- (b) supervise, promote and regulate voters education;
- (c) prepare, compile, maintain and update the Permanent Voters’ Register;
- (d) review and demarcate Constituency boundaries;
- (e) declaration of election and referendum results; and
- (f) Exercise and perform all functions and duties relating to elections or Referendum.

(2) In exercising of its functions conferred to it under subsection (1), the Commission shall work independently and shall not be subject to directives or control of any person or institution.

CHAPTER II
PART I
PERMANENT VOTERS' REGISTER

4.-(1) There shall be a Permanent Voters' Register as prepared by the Commission.

Establishment of Permanent Voters' Register.

(2) The register shall contain-

- (i) full name;
- (ii) photograph;
- (iii) date of birth;
- (iv) place of residence;
- (v) registration number;
- (vi) sex;
- (vii) Registration Centre; and
- (viii) any other particulars necessary for identification of the voter.

(3) The Register shall only be kept at Commission Head Office.

(4) The Commission shall keep in each district a copy of the Register of constituency of that particular District.

(5) All procedures of keeping Register, number of registers and their uses and the manner of lodging objection shall be as provided in the regulations made by the Commission for that purpose.

5. The register shall be used for elections or referendum to-

Uses of register

- (a) identify eligible voter;
- (b) verify candidates guarantors during nomination process;
- (c) inspect voters; or
- (d) any other transaction that the Commission deems necessary.

6.-(1) The Commission shall, by notice published in the Official Gazette, declare the period of closure of the Register seven days after the nomination of the candidate for election or thirty days before referendum.

(2) After the closure of the Register pursuant to subsection (1) of this section the Commission shall not-

- (a) register any new voter;
- (b) remove any voter from the Register;
- (c) update voter's information in the Register; or
- (d) transfer voter's information from one electoral areas to another electoral areas in the Register

(3) The period of closure of Register pursuant to subsection (1) shall be terminated twenty one days after the declaration of elections or referendum results.

7.-(1) The District Election Officer by virtue of his position shall be Registration Officer on his respective District.

(2) Subject to the provision of this Act, the Registration Officer shall perform his functions as provided under the Office of Zanzibar Electoral Commission Act.

(3) The Registration Officer may, in accordance with qualifications and directives set forth by the Commission, appoint such number of Registration Clerks as he may think fit.

(4) Subject to such directives of the Commission, the Registration Officer may, from time to time, issue directions to Registration Clerks who shall perform all the powers and duties conferred or imposed on a Registration Officer.

8. The registration clerk shall, in executing his functions at the registration center, ensure that -

- (a) the registration center has been properly arranged;
- (b) there are sufficient registration materials;

- (c) there is peaceful and conducive working environment;
- (d) only eligible qualified applicants are registered;
- (e) registration forms are properly filled; and
- (f) registration is conducted in accordance with the laws, regulations pertaining to registration and directives of the Commission.

9. The Registration Clerk shall be in charge of the registration center and exercise the following powers-

Powers of
Registration
Clerk.

- (a) order the Police Officer of the center to ensure law and order are observed at the registration center;
- (b) order any person to leave the center after being satisfied that his presence at the center jeopardizes the registration process;
- (c) restrict the applicant or any other person to enter in the registration center with unauthorised instrument or tool;
- (d) restrict the uses of electronic devices at the registration center save to only authorised personnel; and
- (e) register or disqualify the applicant in accordance with the law and regulations

PART II REGISTRATION OF VOTERS

10.-(1) The Commission shall, by notice published in the Official Gazette, arrange and declare time and place for the registration of voters as it may deem necessary.

Time and
Place for
registration.

(2) Any person who is entitled to be registered as a voter at a registration center and who has not been so registered; may present himself at the relevant registration center for registration, as the Commission may direct.

11.-(1) A person shall be eligible for registration if-

- (a) he is a Zanzibari;
- (b) attained the age of eighteen years;
- (c) hold and produces his Zanzibari Identification Card issued under the law relating to Zanzibar Identity Card;
- (d) he has a permanent residency and has been living in that constituency consecutively for a period of 36 months;
- (e) his name is not in the voter register of any constituency; and
- (f) he is not disqualified to be registered as voter by any other law.

(2) Notwithstanding the provision of subsection (1)(d) of this section, a person shall be deemed to be eligible for registration in a particular constituency if he:-

- (a) is married and resides in that constituency as long as his spouse is a permanent resident of the registration centre; or
- (b) resides in that constituency for employment reasons; or
- (c) is a dependent of one or all the persons mentioned in paragraphs (a) and (b) of this subsection.

(3) For the purpose of subsection (2)(b) of this section, a person shall be deemed to be qualified for employment grounds, if he-

- (a) is a security officer who is transferred in the course of employment and includes Tanzania Peoples' Defense Force, National Security Agency, Tanzania Police Force or Special Departments;
- (b) is a civil servant or an employee of an International Organization who is transferred in the course of his employment;

- (c) is a married woman or a man married by a person who has the qualifications of service that has migrated to another area because of the transfer of her husband or his wife;
- (d) is a dependent of an employee who has fulfilled the conditions in paragraphs (a), (b) and (c).

(4) A person who, for the purposes of residency qualifications, does not qualify to be registered in his current constituency, may return to his previous constituency and be registered as a voter and shall have right to be registered in that constituency.

12.-(1) Every Zanzibari who has attained the age of eighteen years shall, unless he is disqualified by this or any other Act, be entitled to be registered under and in accordance with the provisions of this Act as a voter.

Registration
Procedure.

(2) Registration Officer shall, subject to the directives of the Commission, register a qualified person who apply and present himself before him or Registration Clerk for registration.

(3) Registration Officer or Registration Clerk shall, after being satisfied with the documentations and qualification of applicant, register such applicant and provide him with receipt which testifies his application.

13.-(1) Sheha shall be the ex-officio registration agent of the Commission within his respective Shehia

Sheha to
be ex-
official.

(2) Every Sheha or his Representative in a Shehia where registration centre is established shall cooperate with the Registration Officer or Registration Clerk to secure the smooth compliance of the laws and regulations pertaining to the conduct of the registration of voters at the registration center.

14.-(1) Every political party may, during registration, appoint one of its members who has been registered or qualified to be registered as voter within respective Shehia to be Registration Agent.

Registration
Agent.

(2) The names and addresses of the Registration Agents appointed under subsection (1) of this section together with the registration center to which they have been assigned shall, be submitted to the Registration Officer not later than seven days before registration day or within such shorter time as the Commission may allow.

(4) Registration Agent appointed under subsection (1) of this section shall represent his party and assist in detecting personation.

(5) Registration Agent appointed under subsection (1) shall co-operate with the Registration Officer and Registration Clerks to ensure smooth compliance of Laws and Regulations pertaining to the registration; and

(6) Without prejudice to the provisions of subsection (1) of this section, each registration agent shall be present at the opening of the registration center in respect of which he is appointed for.

Provided that absence of the Registration Agent shall not invalidate the registration process.

Person
allowed
in the
registration
center.

15. The following person shall be allowed to be in the registration center:-

- (a) Registration Officer;
- (b) Registration Clerk;
- (c) Sheha;
- (d) Registration Agent;
- (e) Applicant;
- (f) A person assisting an incapacitated applicant;
- (g) Observer duly authorized in writing by the Commission;
- (h) Member of the Commission;
- (i) Director of Elections;
- (j) Police or any other security officer for the purposes of maintaining security at a registration centre; or

(k) Any other person authorized by the Commission.

16.-(1) Where a Registration Clerk refused an application under the foregoing provisions of this Part, shall fill and deliver to the applicant a prescribed forms that state the reason of his refusal.

Refusal of registration application.

(2) If the applicant is not satisfied with the decision of the Registration Clerk, he shall refer his complaints to the Registration Officer who shall decide the complaints within seven days.

(3) Where the applicant is dissatisfied with the decision of the Registration Officer, he shall appeal to the Commission within seven days.

(4) Appeals under subsection (3) of this section shall be filled and determined within fourteen days from the decision

(5) Decisions of the Commission on registration made under this section shall be final and conclusive

17. Where a name of any person:-

Decision of the Commission on appeal.

(a) ordered by the Commission to be entered in the list of applicants; or

(b) ordered by the Commission not to be interred into the list of applicants,

the Registration Officer, after being served with the order from the Commission, shall take steps to enter or as the case may be, not to inter that name from the Register.

18.-(1) Registration Officer shall, after registration and subject to the directives of the Commission, display or cause to be displayed a list of new applicants for seven days in every registration center or at a place directed by the Commission.

Display of List of Applicants.

(2) Any registered voter or applicant may inspect the displayed list for the purpose of either to confirm the existances, correctness or accuracy of his particulars or object the particulars of any unqualified applicant to be in the list.

Claim
against the
displayed
List.

19.-(1) Any applicant who after inspection of the list found that, his name is not included in the list or his particulars are not correct, may apply to the registration officer in prescribed form for his name or particulars to be included or updated.

(2) Registration Officer may, after receiving a claim and after scrutiny and found that-

- (a) the applicant has the right to be included in the register, he shall register such applicant;
- (b) the applicant particulars are not correctly noted, he shall correct such particulars; or
- (c) the applicant has no right subject to subsection (2)(a) and (b) of this section, he shall refuse the application and state the reason thereof in prescribed forms.

(3) Where the applicant is not satisfied with the decision of the registration officer shall appeal to the Commission within seven days.

Objection
of
Applicant.

20.-(1) Any person whose name appears in the register or in the list of applicant for such registration center may object the name of any other person appeared in the list on the ground that such person is not qualified or is no longer qualified to be registered therein.

(2) Procedure for making objection, time, mode of deposits and place for objection shall be as prescribe under regulations of this Act.

Entry to the
Register.

21. The registration officer shall, after being satisfied with the completion of applicant registration procedures, enter the particulars of the applicant in the register to be a registered voter.

Voter Card.

22.-(1) There shall be a voter's card to be prepared by the Commission in accordance with registration's qualification.

(2) Registration Officer shall, subject to the directives of the Commission, issue a voters' card to the registered voter.

Lost,
defaced or
destroyed
voter's card.

23.-(1) Where a voter card is lost, defaced or destroyed, the voter may apply in person to the Registration Officer for a new card.

(2) Where the Registration Officer is satisfied with the application made pursuant to subsection (1) of this section, issue the applicant with a new voter card after paying the prescribed fee, and upon the applicant surrendering such defaced or destroyed voter card.

(3) Application made under this section shall be in prescribed form of declaration made under regulations.

PART III INSPECTION OF REGISTER

24.-(1) Any registered voter may, on application made to the Registration Officer, inspect the Register on his respective registration center within the District. Inspection
of Register.

(2) The procedure for inspection of the Register shall be as stipulated in the Regulations made under this Act.

25.-(1) Registered voter may, after inspection of the Register and found his name is not included or his particulars are not correct, apply to the Registration Officer in the prescribed form for his name or particular to be included or corrected. Claim to the
Register

(2) The Registration Officer may, after receiving application and satisfied that an applicant has the right to be included in the register or the applicant particulars are not correctly noted, register such applicant or correct such particulars accordingly.

(3) The Registration Officer shall refuse in prescribed form the application made subject to subsection (1) and state the reason thereof, where he found that the applicant's claims to be included in the Register or correction or the particulars have no basis.

26.-(1) Any registered voter whose name appears in the Register for such registration center may object the name of any person appeared in the register on the ground that such person is not qualified or is no longer qualified to be registered therein. Objection.

(2) Procedure for making objection, time, mode of deposit and place for objection shall be as prescribed in the regulation made by the Commission.

Inquiry and
determina-
tion
by
Registration
Officer.

27.-(1) The Registration Officer shall, as soon as practicable, hold an inquiry into all objections made.

(2) The Registration Officer shall, in not less than fourteen days, give written notice of the date, time and place at which such objection will be determined to each objector and person to whom objection was made.

(3) Any person 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 on that behalf to the Registration Officer.

(4) The Registration Officer shall determine the objection and decide accordingly, and he shall-

- (a) remove or cause to be removed that person's name from the register if he is satisfied that such person's qualifications are not proved; or
- (b) retain or include as the case may be or cause to be retained or included that person's name in the register if he is satisfied that such person's qualifications are so proved.

(5) Where the objector or any person authorized in writing in that behalf fails to appear on the date fixed for inquiry into any objection, or appears but fails to give prima facie proof to the satisfaction of the Registration Officer, the Registration Officer shall retain or cause to be retained the name of person in the Register or, as the case may be, take no steps for the amendment of the Register.

(6) Where the objection made by any person other than is rejected, Registration Officer may order in writing the objector to pay the person in regard to whom the objection was made, a compensation of such sum of money as prescribed by the Commission.

(7) If an objection is rejected by the Registration Officer and

he is of the opinion that the objection was made without reasonable cause, the deposit shall be forfeited to the Government or refunded to the objector by the order of the Registration Officer.

(8) Where the voter is dissatisfied with the decision of the Registration Officer, he shall appeal to the Commission within seven days.

(9) Appeals under subsection (8) of this section shall be filled and determined within fourteen days from the decision and the decisions of the Commission shall be final and conclusive.

PART IV UPDATING OF REGISTER

28.-(1) Where a voter in one registration center becomes permanent resident of another registration center, he may apply, to the Registration Officer, for transfer of his information from the former registration center to the later.

Transfer
of voters
information.

(2) Where the Registration Officer is satisfied that the applicant is a voter, and is a permanent resident in the registration center in respect of which he makes the application; transfer the information of such voter to that registration center.

Provided that, the transfer of information shall only be affected after the applicant endorsed by Sheha of Shehia where applicant is qualified to be transferred and surrendered his old Voter's Card.

(3) Where the Registration Officer transferred the information of an applicant under subsection (1) of this section he shall, forthwith cancel the voter's card surrendered by the applicant.

(4) The Registration Officer shall, after transfer of the applicant's particulars under this section and upon payment of prescribed fee, grant or cause to be granted a new voter card.

29. The Registration Officer shall, where particulars of a voter in the Register requires amendment by any lawful reason and upon such

Application
to correct
particulars
of registered
voter.

application being made by such voter, make or cause to be made all necessary amendments to the Register and notify the Director.

Provided that no new voter's card shall be issued under this section unless the applicant surrenders his old voter's card or satisfies the Registration Officer that it is lost and pays the prescribed fee.

Removing
of
disqualified
voter.

30.-(1) The Registration Officer shall, subject to the directives of the Commission, make enquiry in order to ascertain information of voters that required to be removed in the register.

(2) The Registration Officer during his enquiry may utilise information from the following-

- (a) Institution responsible for registration of birth and death
- (b) Sheha;
- (c) Institution responsible for Immigrations
- (d) Institution responsible for Resident Registration and Identification;
- (e) Any institution according to the directives of the Commission; or
- (f) Relatives.

(3) Subject to subsection (1) and (2) of this section, registration officer shall remove any unqualified voter in accordance to the provisions under regulation made by Commission.

Display of
transferred
and
disqualified
voters.

31. Registration Officer shall prepare and display the list of transferred or disqualified voters for seven days at the conspicuous place of the District Office or any place determined by the Commission for objection if any.

Change of
name

32. A person registered as a voter whose name has been changed consequently upon marriage or otherwise since being so registered shall, if not disqualified from voting under section 28 of this Act be entitled to vote, under the name in which he is registered

CHAPTER III
PART I
GENERAL ELECTIONS

33.-(1) Subject to the provisions of the Constitution, there shall be a general election for Zanzibar to be held after every five years. General Elections.

(2) The general election referred under subsection (1) of this section shall include the elections for-

- (a) The President;
- (b) Members of the House of Representatives; and
- (c) Councillors

(3) The Commission shall, by notice published in the Official Gazette declare a date on which the General Election shall be held be in not less than sixty days and not more than ninety days from the date of dissolution of the House of Representatives.

(4) The notice published pursuant to subsection (3) of this section shall include-

- (a) the date of election;
- (b) period of collecting and returning of nomination forms,
- (c) nomination day;
- (d) campaign period; and
- (e) voting, counting and declaration of results.

(5) The Commission may, where the circumstances requires, declare separate date of general elections for different constituencies.

34.-(1) Without prejudices provisions of section 7 (2) of Constitution, every person registered as a voter under this Act shall be entitled to vote in the elections. Persons entitled to vote.

(2) A registered voter may vote at the polling station allotted to him in the polling center for which he is so registered in the constituency.

(3) The Commission may give directives and prescribe conditions under which a person may, on the Presidential Election, be allowed to vote at a polling station other than that allotted to him.

Returning
Assistant
Returning
Officer and
polling
staff.

35.-(1) The District Elections Officer shall, by virtue of his post and in accordance with the provisions of the Office of the Zanzibar Electoral Commission Act, be the Returning Officer of the Constituencies within his respective District.

(2) The Commission shall, subject to the provisions of subsection (1) of this section, appoint for every election in every constituency Assistant Returning Officers according to the qualifications set out by the Commission for the purpose of assisting the conduct of elections in the constituency.

(3) The Returning Officer may, subject to the directives of the Commission, appoint and employ polling staff as may be necessary for the purpose of conducting elections in the constituency.

(4) The Returning Officer may, from time to time, issue directives to Assistant Returning Officer to perform and exercise any of the power or duty conferred or imposed on him and any reference to the Returning Officer shall be deemed to include a reference to Assistant Returning Officer.

(5) Returning Officer shall, before embarking upon the functions of his office according to this Act, take and subscribe an oath of secrecy before the Regional Magistrate in the prescribed form.

36.-(1) The Commission shall divide each constituency into polling center and shall publish in the Official Gazette a notice specifying such polling center.

(2) Where the boundaries of constituencies are varied or in any other circumstances in which the Commission thinks appropriate to do so, may alter the number and area of polling center within a constituency and upon such alteration being made, shall publish in the Official Gazette a notice specifying the alteration.

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

(4) The Commission may, subject to the provisions of subsection (3) of this section, provide new voter card to the voter for the polling center affected by variation of boundaries.

37.-(1) The Returning Officer shall, subject to the notice of elections published by the Commission under section 33(3) of this Act and within fourteen days before the elections give the notice of election in the constituency in such a manner as he may think fit as to the following matters-

Notice of
election.

- (a) the day or days and subject to the provisions of subsection (4) of this section, the time of commencement and close of the poll;
- (b) the address of the polling centres and polling stations;
- (c) number of voters allotted to each polling center and polling station; and

- (d) the full name, address, occupation and the Party's logo of each candidate.

(2) The day appointed for polling, pursuant to the provisions of paragraph (a) of subsection (1) of this section in any polling center may differ from that appointed day for any other polling center in the same constituency.

Provided that election day for a constituency shall be the polling day for at least one polling center in the constituency;

(3) Where the Returning Officer, after consultation with the Director, has appointed a polling day for a polling center pursuant to the provisions of this section, he may give notice in the constituency in such manner as he may think fit altering the polling day appointed for any polling center, and thereupon polling shall take place in that polling center on the polling day specified in such notice.

(4) For the purpose of paragraph (a) of subsection (1) of this section, unless the Commission otherwise directs, the time of commencement of the poll shall be seven o'clock in the morning and the time of the close of the poll shall be four o'clock in the evening or such earlier time as may be specified in the notice.

Posting of
Register
at Polling
Center.

38. The Returning Officer shall, seven days prior to elections day, post the Register at the conspicuous place of the polling centre for the purpose of enabling the voter to identify their respective polling stations.

By-
Election.

39.-(1) There shall be by-election to be held in the occurrence of the following-

- (a) in case of the President, subject to the provisions of section 34(1) of the Constitution;
- (b) in case of the Member of the House of Representatives, subject to the provisions of section 71(1) of the Constitution; and
- (c) in case of the Councillor, subject to death or resignation or any other reason that disqualifies a Councillor to be a Councillor .

(2) The Commission shall, immediately after receiving official information from mandated authority as provided in subsection (4) of this section, declare the nomination day which shall not exceed thirty days for by election.

(3) Where a by election is to be held, the nomination day shall be not less than four months and not be more than twelve months after the occurrence of the event by reason of which the by election is to take place.

(4) Mandated authority in this section means the Speaker for the vacant post of the President or Member of House of Representatives and for the vacant post of the Councillor is Minister responsible for Local Government Authority.

(5) Notwithstanding the provisions of subsections (1) and (2) of this section, the Commission may for a reasonable ground or upon the occurrence of an event that prevent by election not to be held, revoke the by election day previously appointed and appoint another day for by election being a day within the period specified under subsection (3).

(6) There shall be no by election in the last twelve months of the life of the House of Representatives.

40.-(1) Where the Commission is satisfied prior to declare the election results that there has been irregularities, abuse or violation of elections process, or Re-run of elections.

(2) Where there is a tying of results between the candidates who obtained the highest votes;

The Commission shall, either suspend or nullify the elections or any part thereof, and shall declare another date for re run of elections

(3) For the purpose of this section re run of election means the process of conducting polling with regard to the same candidates appointed for before the nulification or suspension of elections.

PART II NOMINATION OF CANDIDATES

Nomination
Day.

41.-(1) The Commission shall appoint a nomination day, that shall not be less than five and not more than twenty one days after the dissolution of House of Representatives for the general election.

(2) Nomination of candidates shall be made twenty four hours after the last day of submission of nomination form, where -

- (a) The Commission shall nominate presidential candidates; and
- (b) The Returning Officer shall nominate the candidates for Members of the House of Representatives and Councillors.

(3) Nomination of candidates shall take into consideration the Constitution, this Act, particulars of the candidate and objections raised in the nomination forms.

(4) A candidate who failed to fulfill the conditions provided under subsection (3) of this section shall not be nominated by the Commission or the Returning Officer as the case may be.

Qualifica-
tions for
Presidential
Candidate.

42. Subject to the provisions of the Constitution, a person shall be eligible to contest for Presidential Election if he -

- (a) is a Zanzibari by birth;
- (b) has attained the age of forty years;
- (c) is qualified to be elected as a Member of the House of Representatives; and
- (d) is a member and candidate proposed by a political party that has permanent registration in accordance with Political Parties Act.

Qualifica-
tions for
contesting
for Member
of House of
Represent-
atives.

43. Subject to the provisions of the Constitution, a person shall be eligible to contest for Member of House of Representatives election if he -

- (a) is a Zanzibari;
- (b) has attained the age of twenty one years;
- (c) is registered or qualified to be registered in constituency as a voter in the election for a Member of House of Representatives;
- (d) can read, but if he is visually impaired or other physically challenge is capable of speaking Kiswahili;
- (e) is a member and candidate proposed by a political party that has permanent registration in accordance with Political Parties Act; and
- (f) is not disqualified to contest elections pursuant to the provisions of the constitution or any other law.

44. A person shall be eligible to contest for Councilor election if he -

Qualifications for Councilor candidate.

- (a) is a Zanzibari;
- (b) has attained the age of twenty one years;
- (c) is registered or qualified to be registered in constituency as a voter;
- (d) can read, but if he is visually impaired or other physically challenge is capable of speaking Kiswahili;
- (e) is a member and candidate proposed by a political party that has permanent registration in accordance with Political Parties Registration Act;
- (f) is the ordinary resident within the area of jurisdiction of the Local Authority; and
- (g) is not disqualified to contest elections pursuant to the provisions of the constitution or any other law.

45.-(1) The Commission shall, for the purpose of elections, prescribe a nomination form in manner that it deems necessary to identify and recognize the qualifications of the candidate.

Nomination Form.

(2) The nomination form prescribed subject to subsection (1) of this section shall include the following-

- (a) particulars of the candidates and his Party;
- (b) names of the required guarantors; and
- (c) Affidavit in the prescribed form, made and signed by the candidate before a judge of the High Court for Presidential and the Magistrate for Members of the House of Representatives or Councilors.

Collecting
and
returning of
nomina
tion forms.

46.-(1) The Commission shall, for the purpose of elections, declare days for collecting and returning of nomination forms that shall not exceed twenty one days from the day of nomination.

(2) Each Political Party intending to contest for the elections shall submit to the Commission or to the Returning Officer, as the case may be, a name of its candidate and notify on the day and time for collecting the form.

(3) The Commission or Returning Officer, as the case may be, shall after receiving the names of proposed candidates, prepare the schedule of collecting forms and act accordingly.

(4) A candidate who collected nomination form shall, pursuant to subsection (3) of this section, return the same prior to ten o'clock on the last day of submission along with specified number of photographs of the candidate as the Commission may deem necessary.

(5) The Commission shall prescribe nonrefundable fees for collecting nomination forms.

Guarantors
for Nomina
tion.

47. A candidate shall be validly nominated to stand for-

- (a) Presidential election if he is guaranteed by not less than two hundred registered voters who are members of his party from each of the five Regions of Zanzibar;

- (b) Members of the House of Representatives election if he is guaranteed; by not less than twenty five registered voters who are members of his party in the Constituency; or
- (c) Councilor's election if he is guaranteed by not less than fifteen registered voters who are members of his party in the Ward.

48.-(1) Each candidate shall, at the time of returning his nomination form, deposit to the Commission or the Returning Officer as the case may be, the sum of money as may be prescribed by the Commission. Deposits.

(2) The deposit made pursuant to subsection (1) of this section shall be returned to the candidate if he won the elections or got not less than ten percent of the valid votes cast, or deceased before closure of polling stations.

(3) The deposit made pursuant to subsection (1) of this section shall be forfeited to the Government if the candidate-

- (a) withdrew his candidature after the nomination day;
- (b) got less than ten percent of the valid votes cast; or
- (c) is disqualified from nomination.

49. The Commission or Returning Officer, as the case may be, immediately after deadline of submission of nomination forms as prescribed by Commission shall, display such form for twenty four hours at open place of his office. Display of nomination forms.

50.-(1) A candidate may, make objection against other candidate's nomination form on one or more of the following grounds that -

- (a) particulars provided in respect of the candidate are insufficient to identify him;
- (b) false information in the nomination forms; or
- (c) nomination form of that candidate does not comply with or was not delivered in accordance with the provisions of this Act. Objection to validity of the nomination form.

(2) any objection pursuant to subsection (1) of this section shall be made within the timeframe of display.

(3) A candidate may, prior to twenty four hours before nomination day, submit his objection for nomination to the-

(a) Commission for Presidential election; or

(b) Returning Officer for the election of Members of the House of Representatives or Councillor election.

(4) Any candidate who makes objection in accordance with subsection (1) of this section, shall submit a deposit in amount as may be determined and announced by the Commission in the notice published in the Official Gazette.

(5) The deposit which provided under subsection (4) of this section shall be returned to the candidate only if the candidate succeeded in his objection.

(6) The objection made pursuant to subsection (1) of this section shall, be signed by the candidate and specify the ground of objections and shall be in prescribe form made by the Commission.

(7) The Commission or the Returning Officer may, within twenty four hours from the deadline of submission of the objections, shall hear open and all parties may call witness and any documents which are relevant to the objection made.

(8) The Commission or the Returning Officer may decide reasonably on the validity of every objection, and inform the parties on his decision.

(9) Where in any case a nomination form is not accompanied by the documents specified in the regulation shall be deemed to be void.

Provided that, the Commission or Returning Officer in any particular case if he thinks reasonable so to do, direct that nomination form shall be accepted as valid notwithstanding that such nomination form was not accompanied by any such documents if the document in question is

submitted to the Commission or Returning Officer within such further time as may allow.

51.-(1) Any candidate aggrieved by the decision of the Returning Officer made under section 50(8) may appeal to the Commission, within the period of forty eight hours, from the decision of the objection.

Appeals
against
Decision of
nomina
tion.

(2) The appeal, pursuant to subsection (1) of this section, shall be made to the Commission in prescribed forms made under Regulations.

(3) The Commission shall, within forty eight hours after receiving the appeal, decide the appeal and inform the parties on its decisions.

(4) Decisions of the Commission to the appeal shall be final and not questioner by any Court.

52.-(1) There shall be Women Special Seats in the House of Representatives subject to the provisions of section 67 of the Constitution.

Nominat
ion of
Special
Seats.

(2) There shall be forty percent of Women Special Seats for Councillors in each Local Government Authorities after Councillors election in General Election.

(3) Subject to the provisions of subsection (1) and subsection (2) of this section, before General Election is held every Political Party participating in the House of Representatives and Councillor elections shall, propose to the Commission names of its qualified members to be nominated as Members of the House of Representatives and Councillors for Women Special Seats.

(4) The Minister Responsible for Local Government may, propose to the Commission names of two persons from each Local Government Authority to be nominated as Councillors.

53.-(1) The Commission shall, after receiving names of candidates for Women Special Seats, grant nomination form.

Procedure
for nomina
tion.

(2) Candidates proposed by Party for nomination of Women Special Seats shall fill the nomination forms and return them to the Director as prescribed by the Commission.

(3) The Commission shall declare a specified day for the nomination of Women Special Seats before the election day.

(4) The Commission shall display a copy of nomination form in conspicuous place outside the Office.

(5) Any candidate for Women Special Seats may object the nomination of another candidate to the Commission subject to the provisions of section 41 of this Act.

(6) The Commission shall hear and determine objections.

(7) The Commission may prescribe nonrefundable fees for collecting nomination forms

Notice of
nomina
tion.

54.-(1) The Commission after scrutinizing the qualifications of the proposed candidates shall inform the Party concerned that the proposed candidate has or lacks the qualifications in accordance with the Constitution and this Act.

(2) The party after receiving the deliberation of the Commission shall prepare the list of names of Women Special Seats in the arrangement of priority and forthwith submit to the Commission pending the seats acquired in accordance with the percentage of the seat in the House of Representatives or Councilors in the Local Authority.

(3) The Commission shall, immediately after the declaration of the results of the House of Representatives or Councilors, declare the names of Women Special Seats in the list of priority submitted.

(4) The Commission shall submit the list of names of Women Special Seats nominated to the Speaker of the House of Representatives or Minister responsible for Local Government Authority, as the case may be, and publish in the Official Gazette.

55.-(1) The Speaker, Minister responsible for Local Government Authority immediately after acknowledging that a seat of a Women Special Seat is vacant by any legal reason shall notify the Chairman.

Vacant post
for Women
Special
Seat.

(2) The Chairman after receiving notice of the Speaker on the vacant post of Women Special Seat in the House shall request the party that its seat is vacant to submit name of candidate for the post.

(3) The Commission shall, after receiving the name of Women Special Seat candidate, nominate the name of candidate in accordance with section 53 of this Act.

56.-(1) The Commission or the Returning Officer shall, as the case may be, notify and issue the certificate of nomination to candidate who is not objected to; or who after objection or appeal endorsed to contest.

Notifica
tion and
Certificate
of nomina
tion.

(2) The Commission or the Returning Officer may, as the case may be, in exercising their original or appellate jurisdictions disqualify any candidate.

57.-(1) Where there is only one validly nominated Presidential candidates, the Commission shall declare such person as the sole Presidential candidate.

Sole
Presidential
candidate.

(2) The Presidential candidate declared under subsection (1) of this section shall be duly elected to the office of the President if he obtains not less than fifty percent plus one vote of valid votes cast.

(3) Where the sole Presidential candidate has failed to secure the required votes subject to subsection (2) of this section, the Commission shall declare another nomination day.

58. Where there is only one candidate nominated for Member of House of Representatives or Councillor, the Returning Officer shall-

Sole
candidate
for
Members
of House of
Represent
atives or
Councillor

(a) declare such person as the sole candidate; and

(b) declare the candidate duly elected as the Members of House of Representatives or Councilor as the case may be.

Withdrawal
of
candidate.

59.-(1) A Presidential, Members of House of Representatives or Councilor candidate may withdraw his candidature by notice in writing signed and delivered by himself to the Commission or the Returning Officer as the case may be, not later than forty eight hours after nomination.

(2) The notice of withdrawal pursuant to subsection (1) of this section shall be accompanied with affidavit dully signed before the High Court Judge for Presidential candidate or Magistrate for Members of the House of Representatives and Councillors.

Death or
Absence of
candidate.

60.-(1) Where:-

- (a) after four o'clock evening of a nomination day there is no validly nominated candidate; or
- (b) at any time after four o'clock evening of a nomination day and before the determination of election, any Presidential, Member of House of Representatives or Councilor candidate is deceased, the Commission shall forthwith, by notice published in the Official Gazette, appoint another nomination day in not less than twenty one days.

Provided that, no new nomination shall be required in respect of any candidate validly nominated at the nomination and every such candidate shall be deemed to have been nominated unless he gives a notice of his withdrawal.

(2) Where a new nomination day is appointed under this section, the Commission shall appoint another Presidential, or Member of House of Representatives or Councillor election's day and the appropriate procedure shall be commenced afresh.

PART III ELECTIONS CAMPAIGN

Election
Campaign.

61.-(1) The Commission may declare election campaign period that shall not be less than fifteen days and not exceeding sixty days from a nomination day.

(2) Subject to the subsection (1) of this section, a candidate or agent of the candidate or any political party contesting in the election is entitled to conduct election campaign to enable it to disseminate its intended policies to voters for discussion and consideration.

(3) Subject to the subsection (2) of this section, election campaign shall be conducted in the following activities-

- (a) Motorcade, rally or public meeting;
- (b) Political broadcast or advertisement of radio, television or printing media;
- (c) Publication of political billboards, placard, poster or pamphlet whether printed or in electronic form; and
- (d) Any other activity as may be prescribed under Regulations.

(4) Election campaigns rallies shall be conducted from eight o'clock in the morning to six o'clock evening in the designated areas agreed in the campaign programme.

(5) Every public officer and entity or authority shall give and be seen to give equal treatment to all political parties to enable them to conduct its campaign freely.

(6) Campaign period pursuant to subsection (1) of this section shall end twenty four hours prior to the commencement of polling.

62.-(1) A candidate, agent or political party may conduct public meeting or rally for furthering its campaigns only if he- Public rally.

- (a) furnishes its campaigns' schedule to the Commission or Returning Officer; and
- (b) participates in the discussion meeting to prepare joint national or district campaign schedule.

(2) A candidate, agent or Political Party may conduct public meeting or rally in accordance with the joint campaign schedule in the areas identified and agreed upon during preparation campaign schedule.

(3) Campaign rally or meeting conducted pursuant to subsection (2) of this section shall not be conducted inside hospitals, educational institutions, religious buildings and in all restricted areas. But may be conducted outside these premises after normal working hours.

(4) A joint national or district campaign schedule shall be circulated to the following-

- (a) Candidate and contesting party;
- (b) National, Regional and District Police Authority;
- (c) Regional and District Commissioners Offices.

(5) The date mentioned on the schedule made under subsection (4) of this section shall be confirmed by the candidate or Contesting party to the Commission in writing and a copy to Police Authorities and District Authorities twenty four hours before the time of the rallies.

Campaign
materials
and
Posting.

63.-(1) The Commission shall, prepare guidelines for printing and posting all electoral campaign materials in public places.

(2) All samples of campaign materials intended to be used or displayed shall, prior to being displayed or used for campaign purposes, be submitted to the Commission or Returning Officer for approval.

(3) The Commission or the Returning Officer shall only authorise the use and display of campaign materials with prior approval pursuant to subsection (2) of this section.

(4) A political party or candidate shall only post campaign material at the authorised areas after consent of the owner.

(5) A political party or candidate shall ensure all posted campaign materials pursuant to subsection (1) of this section are removed within thirty days after declaration of election results.

Code of
conduct.

64.-(1) The Commission shall, in consultation with political parties, Registrar of Political Parties and Government Authority, prepare a code of conduct for political parties to govern the conduct of Political Parties and other stakeholders in election.

(2) Notwithstanding guaranteed freedom of expression, information and assembly provided under the Constitution, no person shall in election campaign use language which is inflammatory, defamatory, or insulting or which constitutes incitement to public disorder, insurrection, hate, or violence.

(3) Political Party, candidates and supporters shall ensure, campaign materials of other candidates are not destroyed, mutilated, defaced or removed.

65.-(1) During the Campaign period, each candidate shall have the right to air its part manifesto through the public media.

Campaign reporting by public media.

(2) The media shall maintain neutrality and impartiality in the treatment and in reporting election campaigns for each candidate and his political party.

(3) The Commission may by arrangement with the public media allocate equal time to every Political Party on radio, television or Government newspaper during which they may campaign for election.

(4) For the purpose of this section, party manifesto means any activity, statement or any other form of expression aiming directly or indirectly at promoting vote for a candidate or political party contesting in election.

(5) For the purpose of giving effect to this section, the Commission may in writing, issue binding directives to public media.

PART IV PREPARATION OF VOTING

66.-(1) The Commission shall establish polling centre throughout Zanzibar and there shall be at least one polling station for each polling centre.

Polling stations.

(2) All polling stations shall be established and located in public buildings including schools, community or social halls, government administrative offices or local authorities, but not-

- (a) at a military unit or police stations;
- (b) in residential buildings;
- (c) political party buildings;
- (d) bars or clubs;
- (e) worship buildings; or
- (f) hospital or other health centers

(3) The Commission shall, before the polling day, publish in the Official Gazette and in more than one issue of a newspaper in general circulation, radio announcement or any other appropriate means, the names of all polling centers at which polling stations have been established.

Arrangement
of
polling
stations.

67. The Returning Officer shall, by following the directives and guidelines of the Commission, perform the following-

- (a) arrange sufficient number of polling stations in each polling center;
- (b) appoint in respective of each polling station specified number of polling staff, to be known as Polling Assistants, as he may think fit to assist at the voting;
- (c) appoint from among such Polling Assistants a person to be in charge of the polling station to be known as the Presiding Officer and Assistant Presiding Officers to man the polling station during voting and counting of votes;
- (d) appoint from among such polling assistants a coordinator between him and the Presiding Officers of the Polling stations;
- (e) furnish each polling station with sufficient number of booths as in the opinion of the Returning Officer may be necessary in which the voter can secretly vote;
- (f) place or cause to be placed inside and outside each polling station in a conspicuous place a sample ballot paper as the Commission may direct;

- (g) provide in each polling station notices containing instructions relating to the voting procedure;
- (h) provide each Presiding Officer with such number of voting materials as in his opinion are necessary for voting process;
- (i) Subject to any direction of the Commission, provide to the Presiding Officers copies of the register for the polling centers as contains the names of the voters allowed to vote at that polling station; and
- (j) Perform other functions as he may be directed by the Commission.

68.-(1) The Presiding Officer appointed under section 67(c) of this Act shall, in executing his functions at the voting or counting station, ensure that -

Duties of
Presiding
Officers.

- (a) the polling and counting station has been arranged in orderly manner;
- (b) there are sufficient voting and counting materials;
- (c) there is peaceful and conducive environment to enable voters to cast their votes;
- (d) voting and counting processes are conducted in accordance with the laws, regulations and directives of the Commission;
- (e) only registered voters at that polling station are voting;
- (f) votes cast at that station are counted properly and lawfully;
- (g) voting, counting and result forms are properly filled;
- (h) election result of that polling station are displayed or posted outside the counting station after counting;

- (i) election result forms and materials are handed over to the Returning Officer immediately after the completion of the counting of votes; and
- (j) The Presiding Officer shall, with the assistance and cooperation of the polling agent, solve or deal otherwise with each complaint in his polling station as soon as it arises and is brought to his attention by a candidate, a polling agent, a voter or other person registered and entitled to vote at the polling station concerned.

Powers of
Presiding
Officers.

69. The Presiding Officer shall, in executing his functions at the polling or counting station, have the power to-

- (a) order the police or other security officer to ensure law and order at the polling station;
- (b) order any person to leave the station after being satisfied that his presence at the polling station endangers the peace of that station;
- (c) prohibit the voter or any person from entering the polling station with unauthorised instrument, materials or tools; and
- (d) prohibit the uses of electronic devices at the polling and counting station save to only authorised personnel.

Voting
materials

70.-(1) The Commission shall, for the purposes of elections, arrange and procure sufficient voting and counting election materials.

(2) Elections materials pursuant to subsection (1) of this section shall include but not limited to the following-

- (a) the authenticated copy of the voters register;
- (b) the ballot papers;
- (c) ballot boxes;
- (d) envelopes;
- (f) indelible inks;

- (g) voting, counting and result forms;
- (h) records book;
- (i) lamps;
- (j) polling station tool kit or box;
- (l) seals;
- (m) stationeries necessary for polling and counting; and
- (n) ballot booth; and any other material that the commission shall consider necessary.

(3) The Returning Officer shall, subject to the directives of the Commission, be responsible for creating and guaranteeing all necessary and indispensable conditions for the custody, conservation, security and inviolability of all voting materials including sensitive materials.

(4) The Returning Officer shall, subject to the directives of the Commission, distribute election materials to the Presiding Officer prior to the polling and collect them immediately after the election.

71.-(1) The Commission shall, design and arrange for printing sufficient quantities of distinctly identifiable ballot papers for President, Members of House of Representatives and Councilors.

(2) Every ballot paper shall:

- (a) contain the full name, addresses, occupations and Party logo of the candidate as shown in his respective nomination forms and photograph;
- (b) be capable of being folded up;
- (c) have a serial number printed thereon; and
- (d) be attached to a counterfoil bearing the same serial number that is printed on the ballot papers.

(3) The Commission may exhibit to the public sample ballot papers before elections.

Ballot box.

72.-(1) The Commission shall procure ballot boxes of suitable material for use in the casting of votes.

(2) Every ballot box shall be constructed in a manner which allows a voter to put ballot paper in it but cannot withdraw them.

(3) The ballot box pursuant to subsection (2) of this section shall be transparent.

Ballot booth.

73.-(1) The Commission shall establish one or more ballot booth at each polling station.

(2) The ballot booth pursuant to subsection (1) of this section shall be constructed in such a way that-

- (a) a voter can be screened from observation when he is casting his ballot papers; and
- (b) the principles of secrecy of ballot are maintained.

Polling, counting and tallying agent.

74.-(1) Every Political Party may appoint for each polling or counting Station or tallying Center-

- (a) an agent for Presidential candidate; and
- (b) an agent for Members of House of Representatives and Councilor candidate.

(2) Subject to subsection (1) of this section, every Political Party shall notify the Commission in writing specifying names of agents and stations or Centers assigned to them not later than seven days before election day.

(3) Where the agent appointed under subsection (1) of this sections, becomes incapable of acting as such by any reason, Political Party may appoint another agent in his place and shall forthwith give notice in writing, to the Returning Officer or the Presiding Officer, the name and address of the polling agent so appointed and the polling station to which he is appointed.

- (4) The agent shall have the following rights to-
- (a) be present in the station or center to observe voting, counting or tallying process, as the case may be;
 - (b) verify polling, counting or tallying process prior to their commencement;
 - (c) request from the Returning Officer or the Presiding Officers any information which he considers necessary relating to voting or counting or tallying process;
 - (d) be consulted about any question raised on the operation of the polling, counting or tallying of votes; and
 - (e) file complaints in the form of writing about satisfaction or dissatisfaction of the casting or counting process.

(5) The agent shall have the following duties and responsibilities to-

- (a) to co-operate with the Returning Officer or Presiding Officer in the operation relating to the casting, counting or tallying of votes;
- (b) refrain from interfering unjustly and in mala fide with duties of Returning Officer or the Presiding Officer so as not to disturb the voting, counting or tallying process;
- (c) act conscientiously and objectively in the exercise of their rights under this section;
- (d) notify personation; and
- (e) represent and safeguard the interests of a candidate at the polling station.

75. Where in this Act, any act or thing is required or authorized to be done in the presence of a polling, counting or tallying agent of the candidate, the failure or non-attendance of such agent or agents, at the time and place appointed for that purpose, shall not, if the act or thing is otherwise properly done, invalidate the act or things done by the Presiding or Returning Officer.

Non -
attendance
of agents.

76.-(1) The following person shall be admitted to present at the polling stations-

- (a) the Presiding Officer or Assistant Presiding Officer;
- (b) voter or person assisting the voter;
- (c) a Polling Agent;
- (d) a candidate;
- (e) a Police officer, special department officer or any other type of security officer for maintaining security in the polling;
- (f) a Returning Officer or Assistant Returning Officer;
- (g) member of the Commission or an electoral officer;
- (h) an observer duly authorized in writing by the Commission;
or
- (i) any other person authorized by the Commission.

(2) The following person shall be admitted to present at the counting stations-

- (a) the Presiding Officer or Assistant Presiding Officer;
- (b) a counting Agent;
- (c) a candidate;
- (d) a Police officer, special department officer or any other type of security officer for maintaining security in the polling or counting of votes;
- (e) a Returning Officer or Assistant Returning Officer;
- (f) member of the Commission or an electoral officer;
- (g) an observer duly authorized in writing by the Commission;
or
- (h) any other person authorized by the Commission.

(3) No Person other than those referred to in subsection (1) and (2) of this section, shall be permitted to be within the radius of two hundred meters of polling and counting stations.

PART V VOTING

77.-(1) Voting for elections shall commence at seven o'clock in the morning and end at four o'clock in the evening or such other time as may be determined by the Commission. Voting hours.

(2) The Presiding Officer may, where the voting at the polling station has for any reason delayed or does not commence at the time specified, under subsection (1) of this section, extend the voting time at the polling station by such time the voting was delayed or postponed.

(3) Where at the time of the closing of the poll at any polling station, there are voters who have not yet cast their votes, the polling process shall continue until the last voter casts his vote.

Provided that the Presiding Officer shall order the Police Officer present at the polling station to stand behind the last voters present at the time of closure of the poll.

78.-(1) Notwithstanding any provision to the contrary in any contract of employment, all registered voters in paid employment including those working by shift, shall have the right to be released for the necessary time to exercise their right to vote. Right of employee.

(2) Every employer shall, on the day notified by the Commission for voting, provide every employee under him who is a registered voter, sufficient time off, to enable such employee to exercise his right to vote.

(3) The employer shall not make any punishment or deduction from the pay or other remuneration of the employee so permitted to cast his vote.

79. Voting at an election shall be conducted in the following manner- Voting procedures.

- (a) Every registered voter who wishes to vote shall attend personally to the polling station and produce the voter's card to the Presiding Officer.
- (b) The Presiding Officer shall-
 - (i) Receive and inspect the voter's card given by the voter and compare its particulars with that of the voter's register;
 - (ii) loudly announce the name and number of the voter as appearing in the Register;
 - (iii) place a mark alongside the name of the voter on the copy of Register; and
 - (iv) Direct a voter to the Assistant Presiding Officer to receive a ballot paper.
- (c) Assistant Presiding Officer shall, as directed by the Presiding Officer, stamp and provide the ballot paper to the voter;
- (d) The voter immediately after receiving the ballot paper shall-
 - (i) go to the polling booth and cast his vote by his free will;
 - (ii) fold the votes cast as directed;
 - (iii) put into the ballot box the vote cast;
 - (iv) be inked at the finger before leaving the polling station.

Voting by
assisted
voters

80.-(1) The Presiding Officer, after receiving the request from a voter who is unable to vote by himself by reason of physical impairment or illiterate and satisfied that the voter is unable to vote, shall-

- (a) declare to the persons admitted in the polling station that the voter is incapacitated;
- (b) mark against the name of the voter in the register;

- (c) fill the prescribed declaration form; and
- (d) accompany the voter and his assistant to witness the marking of the ballot paper.

(2) The person appointed by the voter to assist him shall, accordingly mark the ballot paper as directed by the voter in the presence of the Presiding Officer.

(3) The person appointed under subsection (1) of this section shall, fold the ballot paper in such manner as not to reveal the identity of the candidate for whom the vote has been marked;

(4) The voter or his assistant, as the case may be, shall place the ballot paper in the ballot box and the voter shall, for the purpose of this Act, be deemed to have voted.

(5) For the purpose of this section, a person shall be qualified to assist an incapacitated voter to vote, if he is a father, mother, brother, sister, husband, wife, son or daughter or any other person appointed by the incapacitated voter and he is a registered voter.

Provided that the Presiding Officer shall only allow a voter to be assisted if he is satisfied that the voter is incapacitated to vote and that a person assisting has not previously assisted other voter.

81.-(1) The Commission shall put in place, procedures to allow for advance voting which shall be a day before voting day, or any other day as may be determined by the Commission.

Advance
Voting.

(2) The advance voting under subsection (1) of this section shall only be applied on General Elections and Presidential By-Election and shall involve the following-

- (a) voters carrying out official elections duties as Returning Officer or Assistant Returning Officer, Presiding Officer, Police Officer, Member or official of the Commission; and

- (b) voter who will performing peace and security on the election day;

Claim
against
spoilt ballot
paper.

82. The Presiding Officer shall, where a voter has accidentally marked his ballot paper in such a manner that it cannot conveniently be considered as valid vote and such voter claimed a fresh ballot paper, if satisfied with such claim deliver to such voter a fresh ballot paper and mark the spoilt one and its counterfoil cancelled.

Complaint
before,
during
or after
polling.

83.-(1) The Presiding Officer shall, as soon as practicable before, during or after polling, give opportunity to polling agent if any to complain in the prescribed form in relation to the manner in which the polling was conducted.

(2) The Presiding Officer shall resolve any complaint pursuant to subsection (1) of this section in the best possible manner.

(3) At the conclusion of the polling, the Presiding Officer shall prepare a report detailing all complaints raised during and after the close of the poll and the steps taken in respect of each of them.

Closure
of polling
station.

84.-(1) The Presiding Officer shall, soon after the closing of the poll and in the presence of candidates or polling agent if any-

- (a) close and seal the aperture of the ballot box;
- (b) make up separate envelops for -
 - (i) the unused and spoilt or cancelled ballot papers placed together;
 - (ii) the counterfoils of the used ballot paper;
 - (iii) the marked copies of registers;
 - (iv) the report prepared by the Presiding Officer.

(2) the Presiding Officer may allow the candidates or agent in attendance and who desire to affix their seals, in such manner that the boxes cannot be opened.

(3) The Presiding Officer shall, officially declare the closure of the polling station by filling in the prescribed forms accordingly.

PART VI
COUNTING OF VOTES AND ANNOUNCING OF THE
RESULTS

85.-(1)The Presiding Officer after closing of the voting process which is made under section 84 of this Act shall declare the polling station to be a counting station. Counting of votes.

(2) The Presiding Officer, before counting of votes shall, in the presence of the persons admitted to the counting station-

- (a) verify the number of all votes cast at the polling station;
- (b) ascertain and record the number of all persons who voted at the polling station;
- (c) verify the number of all the unused ballot papers;
- (d) verify the number of spoilt ballot papers;
- (e) ascertain that there is a balance between the ballot papers received, the number of voters cast their votes in the polling station and the number of ballot papers used;
- (f) examine, inspect and ascertain the ballot boxes and allow the candidate or counting agent to examine the seals of all ballot boxes to satisfy that they have not been opened or tampered with;
- (g) unseal the seal; and
- (h) open the ballot box.

(3) After the ballot box has been opened the Presiding Officer shall take out and count loudly each vote and record the total votes found in the ballot box.

(4) After the total votes in the ballot box has been ascertained, the Presiding Officer shall count all votes by-

- (a) unfolding, sorting and displaying each vote and announce loudly the candidate for which the vote

has been cast or whether the ballot paper is blank, or otherwise invalid;

- (b) arranging in separate lots facing upwards, according to the candidate for which they are cast or as blank or invalid votes; and
- (c) The Presiding Officer shall, loudly count and record the votes in each lot and reconcile with total number of all votes in the ballot box compared with the number of voters who cast their votes at the polling station.

(5) The Presiding Officer shall, while counting votes of the polling station commence with Presidential, Members of the House of Representatives and Councilor votes respectively.

Recount by
Presiding
Officer.

86.-(1) The Presiding Officer, where the circumstances requires recount of the votes, he may recount if -

- (a) he finds imbalance between the total number of votes count compared to the number of votes cast; or
- (b) he is requested by candidate or his agent.

(2) Recount of votes by the request of the candidate or agent shall not be more than twice.

(3) The Presiding Officer shall, after re-counting as requested under sub section (2) of this section, proceed with the conclusion of counting process as provided under sections 87 of this Act.

Conclusion
of counting.

87.-(1) The Presiding Officer shall, immediately after counting of all votes, prepare the prescribed form of the polling station result for each election as prescribed by the Commission; which shall include-

- (a) total valid vote cast for each candidate;
- (b) total number of valid votes;
- (c) number of invalid or rejected votes;
- (d) disputed votes;

- (e) total number of votes cast; and
- (f) number of registered voters.

(2). The Presiding Officer shall, immediately after filling in the results form, do the following-

- (a) affix in conspicuous place a copy of the results form of the elections at the polling station;
- (b) give each polling agent a copy of the results form;
- (c) seal up in separate packets the valid, the disputed and the rejected votes;
- (d) announce votes cast for each candidate; and
- (e) announce the closure of the counting station.

(3) The results form shall be signed by the Presiding Officer, candidate or his agent; where it appears the candidate or his agent refused to sign the form, the Presiding Officer shall proceed with the process.

(4) The Presiding Officer shall prepare a separate report of the results of each election in the manner and form as prescribed by the Commission.

(5) The Presiding Officer shall transfer and hand over to the Returning Officer, the ballot box together with the report of the partial results of the polling station and disputed vote.

(6) Where a candidate or his agent refuses to comply with the provisions of subsection (3) of this section he shall be estopped from raising any complaint regarding the voting or the counting procedure in that particular station.

88.-(1) The Presiding Officer shall after counting, give opportunity to the candidate or polling agent if any to complain in the prescribed form in relation to the manner in which the counting was conducted.

Complaint
after
counting.

(2) The Presiding Officer shall resolve any complaint pursuant to subsection (1) of this section in the best possible manner.

(3) At the conclusion of the counting, the Presiding Officer shall prepare a report detailing all complaints raised during and after the polling and counting and the steps taken.

Valid vote.

89.-(1) The Presiding Officer shall, while counting votes, consider the votes as valid if-

- (a) it bears an official seal as prescribed by the Commission;
- (b) marked with a tick (?);and
- (c) cast or selected only one candidate.

(2) Notwithstanding with the provision of subsection (1) of this section, the Commission may determine any mark that show the intention of the voter as valid mark.

Invalid vote.

90.-(1) The Presiding Officer shall, while counting votes, consider the following votes as invalid, if it -

- (a) does not bear an official mark;
- (b) has anything written or marked by which a voter can be identified;
- (c) has been written any word or an insult;
- (d) is mutilated or torn; or
- (e) does not contained a clear indication of the candidate for whom the voter has voted for.

(2) The Presiding Officer shall, pursuant to subsection (1) of this section, endorse the word 'rejected' at the back of any vote which is considered invalid or rejected.

Disputed vote.

91.-(1) Where the Presiding Officer reject a vote under section 90 (2) of this Act, and his decision is objected to by a candidate or counting agent he shall add at the back the words "rejection objected to".

(2) The Presiding Officer shall consider the vote under subsection (1) of this section as disputed vote and shall refer it to the Returning Officer along with report of the polling station for determination.

(3) The Returning Officer shall, before addition of votes determine the disputed vote and his decision shall be final and conclusive.

92.-(1) The Returning Officer by following the directives of the Commission shall appoint a place or places within the District to be a tallying centre for tallying the election results.

Tallying of votes and declaration of results by Returning Officer.

(2) The Returning Officer after receiving all reports, results forms, and after determining the validity of any disputed votes shall, before tallying of the votes, loudly announce the results of each polling station in the constituency or ward in ascending order.

(3) Where Presidential, Member of the House of Representatives and Councillor elections are held simultaneously, the Returning Officer shall-

- (a) Make tallying of votes for the Presidential, Members of the House of Representatives and Councillor respectively as directed by the Commission.
- (b) make addition and compile the results of all polling stations in the constituency, for each election on the bases of dully signed results form; and
- (c) prepare the prescribed form of the constituency or ward results for each election as prescribed by the Commission; which shall include-
 - (i) total valid vote cast for each candidate;
 - (ii) total number of valid votes;
 - (iii) number of invalid or rejected votes;
 - (iv) total number of votes cast; and
 - (v) number of registered voters.

(4) The constituency results form for each election shall, under this section, be legible signed by the Returning Officer and candidate or his agent and shall be posted or displayed outside the tallying center.

(5) The Returning Officer shall, after addition of all votes in a Presidential election from all polling stations in the constituency, submit to the Commission with all dispatch, under condition of absolute security against loss, tampering or any interference, the constituency results forms for the Presidential election of that constituency along with polling station results forms.

(6) After the result of elections for the Member of the House of Representatives or, as the case may be, the Councilor has been ascertained, the Returning Officer shall:-

- (a) forthwith, announce all votes cast for each candidate and declare the candidate with majority of votes has been duly elected as the Member of the House of Representatives or, as the case may be, the Councilor;
- (b) grant a winning certificate of election to the successful candidate; and
- (c) Submit to the Commission with all dispatch, under condition of absolute security against loss, tampering or interference-
 - (i) the results forms for each constituency or ward, as the case may be, along with Polling station results forms; and
 - (ii) all items received from all polling stations.

(7) The Commission shall cause the results declared pursuant to subsection (6) of this section to be published in the Official Gazette.

Persons
admitted to
the tallying
center.

93. The following person shall be admitted to be present at the tallying center-

- (a) Returning Officer;
- (b) A member of the Commission;
- (c) The Director of Elections or an electoral officer of the Commission;
- (d) A candidate;

- (e) A tallying agent;
- (f) A police officer or such other person responsible for security if necessary at the place of tallying of votes;
- (g) Observers duly authorized in writing by the Commission;
or
- (h) Any other person authorized by the Commission.

94.-(1) The Returning Officer may, where the circumstances requires during the tally of votes, make a re-tally of the votes from all polling stations of the constituency or ward.

Re-tally
by the
Returning
Officer.

(2) The Returning Officer shall, if after the re-tally satisfied that there is a tie of votes between candidates who acquired highest votes for the candidates of the Members of the House of Representative or Councilor as ascertained, report the fact to the Commission which shall by notice publish in the Official Gazette, appoint some other convenient day, not later than thirty days after the election day, for run off of the elections.

95.-(1) The Commission shall, after receiving Presidential election results forms from all Constituencies, verify and make addition of votes for all constituencies.

Tallying
and
declaration
of
Presidential
results.

(2) Subject to subsection (1) of this section the Commission shall, after verification and addition of all votes certified by each Returning Officer, declare the result of the Presidential election.

(3) The Commission shall declare a duly elected President a candidate who attained majority of valid votes cast.

(4) If any record from any constituency or any element necessary for the continuation or conclusion of the addition of votes is missing the Chairman shall take necessary step to rectify the situation and may in such case suspend the addition of votes for a period not exceeding twelve hours.

(5) The Presidential election results shall be declared within seventy two hours from the closure of the last polling station except

when there are problems in some polling stations, seventy two hours after such problems have been resolved.

Publication
of Results
and
Certifica
tion.

96. The Commission shall, after declaring the Presidential results pursuant to section 95 of this Act, grant a winning certificate of election to the President elect; and publish or cause to be published the Presidential results declared in the Official Gazette.

Custody of
documents.

97.-(1) The Returning Officer shall, immediately after election, collect and ensure the safe custody of all election documents and materials and deliver to the Commission.

(2) The Commission shall ensure the safe custody of all documents relating to the conduct of an election under subsection (1) of this section.

(3) The Commission shall cause all documents to which this section applies to be destroyed after the expiration of ninety days from election day unless otherwise directed by an order of the High Court arising from any proceedings relating to the election.

Prohibition
of
disclosure
of voting.

98.-(1) Presiding Officer, candidate, polling agent, or other person in attendance at polling station shall not except for the purpose authorised under this Act-

- (a) Seek to obtain any information as to the candidate for whom a person is about to vote or has voted for at a polling station;
- (b) Communicate to any person any information concerning for whom a person has voted;
- (c) Communicate to any person as to the name or number of voters who have or have not applied for ballot papers or voted at a polling station or as to the official mark used for stamping ballot paper;
- (d) Communicate or seek to communicate with any person after that person has received a ballot paper and before that person has placed the ballot paper in the ballot box; and

- (e) Communicate to any person on any information regarding the number of votes a candidate has received in respect of a particular election before the declaration of results of that election.

(2) A person assisting a visual impaired or physical challenged or incapacitated voter in the polling station, in accordance with this Act, shall not disclose or attempt to disclose information to whom a voter to such station is about to vote or has voted for the candidate.

(3) The voter who cast his vote in any election shall not in any legal proceedings relating to issue of election results, be compelled to state for whom he voted.

CHAPTER IV

PART I

ELECTION OBSERVATION

99.-(1) The Commission may, subject to the provisions of the Office of the Zanzibar Electoral Commission Act, invite local registered institutions and international observers for the purpose of election observation. Invitation of observer.

(2) Each local registered institution shall, before being granted observer accreditation, submit to the commission the following documentations-

- (a) Constitution;
- (b) Certificate of Registration;
- (c) Recognized leadership structure; and
- (d) Experience in election observation for at least three elections.

(3) Local registered institutions which fail to meet the requirements of subsection (2) of this section shall not be granted accreditation for observation.

(4) The Commission shall, regulate accreditation and conduct of observers and in so doing shall, allocate each observer specific location

to undertake activities provided for observer under this Act and the Office of the Zanzibar Electoral Commission Act.

Scope of
observa
tion.

100. The scope of observation by observers shall consist of the following activities-

- (a) to observe the impartiality and the functioning of the Commission and its officers in conformity with this Act;
- (b) to observe the impartiality and legality of the decisions taken by the Commission and its officers in settling disputes;
- (c) to observe the registration of voters;
- (d) to observe the course of campaigning for elections;
- (e) to observe the voting process;
- (f) to observe the determination of the elections results; or
- (g) to observe access to and the use of the media.

Duration of
observation.

101. Observation shall commence with the appointment of the observers by the Commission and terminate with the determination of the national result of the election or the settlement thereafter of all election disputes.

Collabor
ation by
competent
authorities.

102. The Commission and other public authorities in Zanzibar may, co-operate with observers in their role and offer them the guarantees and other facilities necessary to fulfill their role.

Recogn
ition and
accreditation
of observer.

103.-(1) Observers shall be recognized after being accredited by the Commission and granted with adequate administrative procedures and identity card.

(2) Every observer accredited under this Act shall, while exercising his functions, use and display the identity card issued to him under subsection (1) of this section.

Obligat
ions of
observer.

104.-(1) Observers shall have the following obligations-

- (a) to exercise their role with impartiality, independence and objectivity;
- (b) to respect the laws of Zanzibar and United Republic of Tanzania;
- (c) not to interfere in, or to impede, the normal course of the election;
- (d) to maintain the secrecy of the ballot; and
- (e) to provide to the Commission with the copy of written information and statements which they have produced;

(2) The Commission may cancel the accreditation of any observer who persistently violates the obligations laid down in subsection (1) and thereupon his status as an observer shall forthwith cease.

PART II VOTER EDUCATION

105.-(1) Subject to the provisions of the Office of the Zanzibar Electoral Commission Act, the Commission may develop voter education curriculum to be used by all stakeholder in providing voter education. Voter Education curriculum.

(2) Voter education curriculum pursuant to subsection (1) of this section shall include voter education, voters information and voters sensitization programs.

(3) Any institution that intends to provide voters education outside the curriculum prepared by the commission shall, prior to the use of such curriculum, request the approval of the Commission.

(4) The Commission may, in exercise its power under subsection (3) of this section, reject any part or all content of voters education proposed by such institution that it thinks is contrary to the purpose of the curriculum prepared by the Commission.

Voter
education
permiss
ion.

106.-(1) any institution may apply to the Commission a permission to provide voter education on any phase of electoral cycle.

(2) an institution granted permission to provide voters education shall, prior conducting their programs in any district, consult and cooperate with the District Election Offices.

Period
of voter
education.

107. For the purposes of this Act, the Commission shall conduct or cause to be conducted voter education programs in all phases of electoral cycle.

CHAPTER V

SETTLEMENT OF ELECTION DISPUTES AND PETITIONS

Settlement
of election
disputes.

108.-(1) The Commission shall, pursuant to the provisions of the Constitution be responsible for the settlement of electoral disputes, including disputes relating to or arising from nominations but excluding election petitions.

(2) An electoral dispute under subsection (1) of this section, shall be determined within seven days of the lodging of the dispute with the Commission.

(3) Notwithstanding subsection (2) of this section, where a dispute under subsection (1) relates to a prospective nomination or election, the dispute shall be determined before the date set out for Campaign.

Election
Petitions.

109.-(1) A question as to validity of an election of a Member of the House of Representative or a Councilor shall be determined by High Court.

(2) A question under subsection (1) of this section shall be heard and determined within twelve months from the date of lodging of the petition.

Presentat
ion of
petitions.

110.-(1) A petition to question the validity of an election shall be filed within seven days from the declaration of the winner of the election by the Returning Officer.

(2) A petition may be served personally upon a respondent or by advertisement in a newspaper with national circulation.

111.-(1) A petitioner shall deposit security for the payment of costs of the petition that may become payable by the petitioner before the hearing of the petition under this Part.

Security for cost.

(2) A person who presents a petition to challenge an election shall deposit a sum of-

- (a) two million shillings, in the case of a petition against a member of the House of Representatives; or
- (b) five hundred thousand shillings, in the case of a petition against a Councilor.

(3) Where a petitioner failed to deposit security as required by this section, at the time of filing a petition, the Registrar of the High Court shall not fix a date for the hearing of any election petition.

(4) The costs of hearing and deciding an application under subsection (3) of this section, shall be paid as ordered by the Court, or if no order is made, shall form part of the general costs of the petition.

(5) The Court that releases the security for costs deposited under this section shall release the security after hearing all the parties and determination the Petitions.

(6) The provisions of subsection (2) of this section, requiring a petitioner to give security for costs shall not apply to the Attorney General in any case in which the Attorney General is the petitioner or one of the petitioners

112. Upon receipt of a petition, the Court shall scrutinize the petition and-

Procedure of the Court on receipt of petition.

- (a) if it considers that no sufficient ground for granting the relief claimed is disclosed therein may reject the petition summarily; or

- (b) fix a date for the trial of the petition.

Powers of
the Court.

113.-(1) The Court may, in the exercise of its jurisdiction-

- (a) summon and swear in witnesses in the same manner or, as nearly as circumstances admit, as in a trial by a High court in the exercise of its civil jurisdiction and impose the same penalties for giving of false evidence;
- (b) compel the attendance of any person as a witness who appears to the court to have been concerned in the election; and
- (c) examine a witness who is compelled to attend or any other person who has not been called as a witness in court, and examined by a party to the petition and after examination the witness may be cross examined by or on behalf of the petitioner and respondent or either of them.

(2) A person who refuses to obey an order to attend court sessions commits the offence of contempt of the Court.

(3) Interlocutory matters in connection with a petition challenging results of House of Representatives or Councillor shall be heard and determined by the court.

Who may
present
petition and
deposit of
security for
costs.

114. An election petition may be presented by any one or more of the following:-

- (a) a person who lawfully voted the election to which the petition relates; and
- (b) a person alleging himself to have been a candidate at such election.

Relief

115. A petitioner may in his pleading claim all or any of the following reliefs:-

- (a) a declaration that the election is void;
- (b) a declaration that any candidate was duly elected; or

- (c) a declaration for recount of votes.

116. The Chief Justice may, from time to time, make rules for governing election petitions under this Act.

Powers of the Chief Justice to make rule.

CHAPTER VI OFFENCES

117. Any person, who in relation to registration of voters-

Offences relating to registration.

- (a) obtains his registration or the registration of another person by giving false information;
- (b) obtains registration in more than one registration center;
- (c) registers another person knowing that such other person is not eligible for registration;
- (d) prevents the registration of another person knowing that person is eligible for registration;
- (e) having the authority to do so, does not delete a registration which he knows to be incorrect;
- (f) falsifies a Register;
- (g) sell, buy or dispose of voter card to unauthorized person;
- (h) with fraudulent intent destroy or modifies or substitutes or alter a voter card;
- (i) Unlawful hold a voter card;
- (j) through violence, threat or fraudulent intent, prevents the registration of another person;
- (k) is deleted from a register and required to surrender a voter card issued to him by a Registration Officer and refused;
- (l) knowingly obstructs the detection of incorrect registration or the verification of voters rolls; or

- (m) without authority makes, prepares, prints or is in possession of a document or paper purporting to be a register of voters.

Shall be guilty of an offence and upon conviction be liable to a fine not exceeding three million shillings and not less than three hundred thousand or to imprisonment for a term not less than three months and not more than six months or to both such fine and imprisonment.

Offences in relation to nomination forms.

118.-(1) Every person who:-

- (a) forges or fraudulently defaces or destroys any nomination papers, or delivers to a Returning Officer any nomination form knowing the same to be forged; or
- (b) knowingly guarantees more than one Presidential candidate; or
- (c) uses or threatens to use any force or restraint to induce or compel another person to sign or refrain from signing any nomination form.
- (d) Without justifiable reason collects a nomination form and not returned to the Commission or the Returning Officer as the case may be; or
- (e) for the purposes 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 form, biographical information form or affidavit delivered to a Returning Officer; or
- (f) utters, prints or broadcasts or publishes any statement of the withdrawal of any candidate for the purposes of promoting the election of another candidate;

Shall be guilty of an offence and upon conviction be liable to a fine not exceeding five million shillings and not less than five hundred thousand or to imprisonment for a term not less than six months and not more than one year or to both such fine and imprisonment.

119. Any person who in relation to campaigning for elections-

- (a) holds a public meeting or rally contrary to section 62 of this Act;
- (b) prevents the holding, or interrupts the proceedings of a public meeting authorized under section 62 of this Act;
- (c) denies any Political Party equal treatment with any other Political Party;
- (d) destroys, defaces, tears or in any manner causes to be totally or partially useless at illegible any campaign material displayed in an authorized place or space or superimposes thereon any other material concealing the earlier material;
- (e) use language which is inflammatory, defamatory or insulting or which constitutes incitement to public disorder, insurrection, hate or violence; and
- (f) conduct election campaign at unauthorized place like military units or police stations; public institutions and workplaces during normal working hours; and educational institutions during periods of classes.

Shall be guilty of an offence and upon conviction be liable to a fine not exceeding three million shillings and not less than three hundred thousand or to imprisonment for a term not less than three months and not more than six months or to both such fine and imprisonment.

120. Any person who, at a lawful campaign meeting or rally, acts or incites others to act in a disorderly manner for the purpose of preventing or interfering such campaign meeting or rally, shall be guilty of an offence and upon conviction be liable to a fine not exceeding three million shillings and not less than three hundred thousand or to imprisonment for a term not less than three months and not more than one year or to both such fine and imprisonment.

121. Any person who prints, publishes or cause to be printed or published, or posts or cause to be posted or distributes or cause to be distributed any bill, placard or poster relating to an election or election campaigns without the address of printer and the prior permission of the Commission or the Returning Officer, shall be guilty of an offence and upon conviction be liable to a fine not exceeding five million shillings and not less than five hundred thousand or to imprisonment for a term not less than six months and not more than one year or to both such fine and imprisonment.

122. Any person who, in relation to polling or counting-

- (a) knowingly presents himself at a polling station while he is otherwise not authorized be present or being registered as a voter,
- (b) knowing that he is not eligible to vote, casts a vote at any polling station;
- (c) fraudulently uses the identity of another person in order to exercise the right to vote;
- (d) deliberately allows the right to vote to be exercised by a person who does not have that right;
- (e) accompanying a person with disability or incapacitated person to vote, fraudulently and dishonestly expresses a vote not according to the wish of that person;
- (f) within the polling station, reveals his vote or procures another person by force or deceit to reveal that other person's vote;
- (g) uses or threatens by violence or uses false information or other fraudulent means to coerce or induce another person to vote for or against a particular candidate or a candidate of a particular political party or to abstain from voting;
- (h) being a public officer, uses his office to coerce or induce another person to vote for or against a particular political party or candidate or abstain from voting;

- (i) directly or indirectly, dismisses or threatens to dismiss another person from any employment or other gainful occupation or prevents or threatens to prevent another person from obtaining any employment or other gainful occupation or from continuing in any gainful occupation or applies or threatens to apply any sanction whatsoever to another person in order to induce that other person to vote for, or because that other person voted for a particular candidate or a candidate of a particular political party or because that other person voted for or did not vote for a particular candidate or a candidate of a particular political party or because that other person abstained from voting;
- (j) being a presiding officer of the polling station, fails to display a ballot box in accordance with the requirements of this Act;
- (k) illicitly introduces ballot papers in a ballot box before, during or after the voting;
- (l) fraudulently takes possession or conceals a ballot box with uncounted ballot paper or removes an uncounted ballot paper from a ballot box;
- (m) being a polling station officer, purposely neglects his duty with the view to occasioning an irregularity;
- (n) being a polling station officer, unjustifiably refuses to receive a complaint, or a response to a complaint about the proceedings at his polling station or to examine and seek to resolve such a complaint;
- (o) disturbs the regular functioning in the polling and counting station;
- (p) refuses to leave a polling station after being asked to do so by a polling station officer;
- (q) being an officer in-charge of police requested to assign police officers to keep order at a polling station, fails without justification to do so within a reasonable time;

- (r) forges or counterfeits or fraudulently destroys any ballot paper or the official mark on any ballot paper;
- (s) without due authority supplies any ballot paper to any person; or
- (t) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorized by law to put in;
- (u) 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;
- (v) without due authority, destroys, takes, opens or otherwise interferes with any ballot papers other than in use for the purpose of an election;
- (w) being a Returning Officer or a Presiding Officer knowingly or negligently fails to put a correct authentication mark on a ballot paper;
- (x) causes any disturbances or fails to comply with a lawful order of the Returning or Presiding Officer as the case may be, at any place where a register of voters is kept for inspection or at a polling station or place where the counting or tallying of votes is being carried out;
- (y) in any manner, fraudulently spoils, substitutes, conceals, destroys, amends or falsifies any document relating to the election; or
- (z) forges, counterfeits or fraudulently destroys any official mark relating to elections.

Shall be guilty of an offence and upon conviction be liable to a fine not exceeding five million shillings and not less than five hundred thousand or to imprisonment for a term not less than six months and not more than one year or to both such fine and imprisonment.

Wearing or display of symbols or emblems at the polling station.

123. Any person who wears or displays any item which portrays or indicating support for a particular party or candidate within the polling station, or at any place within the vicinity of such polling station, shall be guilty of an offence and upon conviction be liable to a fine not

exceeding two million shillings and not less than two hundred thousand or to imprisonment for a term not less than three months and not more than one year or to both such fine and imprisonment.

124. Any person who, without lawful authority, destroys mutilates, defaces or removes any notice 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 upon conviction be liable to a fine not exceeding one million shillings and not less than two hundred thousand or to imprisonment for a term not less than two months and not more than one year or both such fine and imprisonment.

Deface
ment
of notice.

125.-(1) Any person who:-

Multiple
voting

- (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 the election; or
- (b) for the purpose of procuring the votes issue any ballot paper to any person or to himself or delivers any voter card issued to him or to some other person, or induces or procures the third person to deliver such third person voter card to himself or such other person.

Shall be guilty of an offence and upon conviction be liable to a fine not exceeding five million shillings and not less than two hundred thousand or to imprisonment for a term not less than six months and not more than one year or to both such fine and imprisonment

126.-(1) It is prohibited for candidate, political party, institution or any other person, to declare election results by any means of communication before the election results are officially declared by the Commission.

Illegal
declarat
ion of
election
results.

(2) A candidate, political party, institution or any other person who declare election results or demand the commission to declare election results before the expiration of prescribed time, commits an

offence and upon conviction shall be liable for one of the following penalties-

- (a) If a candidate, imprisonment for a term of not less than five years and a fine of not less than fifty million Shillings.
- (b) If political party or Institution, for penalty of not less than one hundred million Shillings.
- (c) If any other person, imprisonment for a term of not less than eighteen months.

Obstruc-
ting or
interfere
Com-
mission,
member of
the Com-
mission or
Officer.

127. Any person who-

- (a) obstructs a member of the Commission or an Officer appointed under this Act or fails to obey a lawful order of the Director or the Officer; or
- (b) interferes with the functions, power, and autonomy of the Commission declare or cause to be declared anything which is under the mandate of the Commission.

Shall be guilty of the offence and upon conviction be liable to a fine not exceeding two hundred thousand shillings and not less than five million shillings or to imprisonment for a term not less than six months and not more than one year or to both such fine and imprisonment.

Interfering
with
voting or
registration.

128. Any person who annoys or assaults or in any way interferes with a voter within the precincts of a polling station of radius of two hundred meters of a polling station shall be guilty of an offence and upon conviction be liable to a fine not exceeding five million shillings and not less than three hundred thousand or to imprisonment for a term not less than three months and not more than one year or to both such fine and imprisonment.

Bribery.

129.-(1) Any person who directly or indirectly, by himself or on behalf of other person, for the purpose of obtaining-

- (a) nomination for himself or for that other person;
- (b) appointment to the office or place of employment as

Returning or Presiding Officer;

- (c) ballot paper or ballot papers,
- (d) voter card;
- (e) unlawful results; or
- (f) sensitive polling station material, gives or agrees to give or offers, promises or promises to procure or to authorize to procure, any money or valuable consideration to any voter or to any other person, in order to induce any voter to vote or refrain from voting.

(2) Any person who directly or indirectly, by himself or on behalf of other person, makes such gift, loan, offer, promise procurement, or agreement as aforesaid, to any person in order to induce such person to procure or to authorize to procure the election results of any person;

(3) Any voter who, before or during any election, directly or indirectly, by himself or on behalf of other person, receives, agrees to receive or contracts for any money, gift, loan or valuable consideration, office, place of 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

(4) 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, or having induced any other person to vote or refrain from voting at any election.

Shall be guilty of an offence and upon conviction be liable to a fine not exceeding five million shillings and not less than five hundred thousand or to imprisonment for a term not less than six months and not more than one year or to both such fine and imprisonment.

(5) The offences under subsection (1) of this section shall not extend or to 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.

Undue
influence.

130. Any person who directly or indirectly, by himself or by any other person on his behalf, makes use of or threaten to make use of any force, violence or restrain, or inflicts or threatens to inflict, any temporal or spiritual injury, damage, harm or loss, upon or against any voter having voted or refrained from voting at any election or who, by abduction, duress or any fraudulent contrivance, impedes or prevents the free use of the vote by any voter either to give or refrain from giving his vote at any election shall be guilty of undue influence and upon conviction be liable to a fine not exceeding five million shillings and not less than five hundred thousand or imprisonment for a term not less than six months and not more than one year or both such fine and imprisonment.

Offences
relating
to voter
education.

131. Any person or institution which conduct voter education contrary to the provisions of this Act shall be guilty of an offence and upon conviction be liable to a fine not exceeding five million shillings and not less than two hundred thousand shillings or imprisonment for a term of not less than three months and not more than six months or both such fine and imprisonment.

CHAPTER VII PART I FINANCIAL PROVISIONS

Expenses to
be charged
from
Consoli-
dated Fund
Services.

- 132.** All expenses incurred-
- (a) in the preparation of the registers, the issue of voter cards;
 - (b) in the conduct of an election;
 - (c) Voter education;
 - (d) Review of the Electoral Boundaries; and
 - (e) Any expenses incurred in connection with any matter related to the elections.

Shall be charged on and paid out of the Consolidated Fund Services.

133. Any instrument made on oath or affirmation pursuant to the provisions of this Act in the form prescribed shall be exempted from payment of stamp duty under any written law for the time being in force relating to stamp duties.

Exemption
from stamp
duty.

PART II MISCELLANEOUS PROVISIONS

134. The Commission may use technology as it considers appropriate in the electoral process.

Use of
technology.

135. For the purpose of administering and securing smooth election process, the Commission or Returning Officer, may conduct training for all staff involved in electoral processes.

Training

136.-(1) Any complaint submitted in writing to the Commission by a candidate or his agent, alleging any irregularity in polling or vote counting or tallying of votes, if not satisfactorily resolved at constituency level, the Commission shall examine and decide and where the irregularity is confirmed the Commission shall take necessary action to correct the irregularity and the effect thereof.

Complaints
to the
Commis
sion.

(2) Where the commission, due to the complaint raised by candidate or his agent, found that polling or counting in one or more polling stations or constituencies was marred by irregularity caused by unlawful act of voters, Political Party, agent or official, may repeal the results of such polling stations or constituencies.

(3) Where elections results in one or more polling stations or constituencies repealed pursuant to subsection (2) of this section, the Commission shall within 30 days conduct the election for such polling stations or constituencies.

137.-(1) The Returning Officer may, before or at any stage of polling in the polling day, adjourn the polling if he finds that the polling in the constituency is not possible due to lack or insufficient ballot papers.

Adjournm
ent
of polling.

(2) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence or force majeure the Presiding

Officer may adjourn the proceedings until the following day and shall forthwith give notice to the Returning Officer.

(3) Where the poll is adjourned at any polling station the hours of polling on the day to which it is adjourned shall be the same as for the original day; and references in this Act to the close of poll shall be construed accordingly.

Postpone
ment of
election.

138.-(1) The Commission may, where the circumstance occurs to such a nature that make it impossible for an election to proceed in a constituency or ward, postpone the election in that constituency or ward for such a period as it may consider necessary.

(2) Where a date has been appointed for holding an election and-

- (a) there is reason to believe that a serious breach of peace is likely to occur if the election is held on that date; or
- (b) it is impossible to conduct the elections as a result of a natural disaster or other emergencies, the Commission may postpone the election and shall in respect of the constituency or ward concerned, appoint another date for holding of the postponed election.

(3) Where an election is postponed under subsection (2), the election shall be held at the earliest practicable time appointed by the commission.

(4) Notwithstanding the provisions of this section, the Commission may, if satisfied that the result of the election will not be affected by voting in the area in respect of which substituted dates have been appointed, declare the results before the postponed elections conducted.

Oath of
secrecy.

139.-(1) The Commission shall require each election official, interpreter, agent or any other person authorized to attend at a polling station or at the counting of votes or tallying centre, to take and subscribe before the Commission for oath an oath of secrecy in accordance with the law governing oath before the commissioner of oath.

(2) A Person who act contrary to the oath he subscribed, shall be guilty of an offence and upon conviction shall be liable to imprisonment for twelve months.

140. Any person who is convicted of a corrupt or illegal practice by a court of competent jurisdiction shall in addition to any other punishment be disqualified during a period of five years from the date of his conviction from being registered as a voter or from voting at an election under this Act.

Disqualification due to conviction for corruption or illegal practice.

141.-(1) The Commission may, subject to the provisions of this Act, issue directives of a general or a specific character in relation to the functions of Returning Officers, Registration Officers and other persons employed for any of the purposes of this Act. Provided that no such direction shall be inconsistent with any provision of this Act or regulation.

Directives.

(2) The Director may, subject to the Directives of the Commission, employ staff as may be required to carry out the functions under the provisions of this Act.

142. The Commission shall, in exercising its election functions, have full powers, mandates and authority to determine any election matter which is not provided for under this Act or any other Act related to elections and its decision on that matter shall be final and not questioned by any Court.

General powers and mandates of the Commission.

143.-(1) The Commission may make regulations for the better carrying out of the provisions of this Act and without prejudice to the generality of the foregoing may make regulations:-

Regulations, Directives and Notice.

- (a) prescribing anything, which under the provisions of this Act, may be prescribed;
- (b) prescribing forms, documents or declarations for the purposes of this Act;

(c) to set procedures for registration and objections to the permanent voters' register.

(2) All decisions, directives or notices which the Commission is empowered to make, issue or give, shall be deemed to have been validly made, issued or given under the signature of the Chairman or the Director.

Repeal and
.saaving

144.-(1) The Electoral Act, No. 11 of 1984, is hereby repealed.

(2) Notwithstanding the repealed Act under subsection (1) of this section, anything done or action taken under the provisions of the repealed Act, shall be deemed to have been done under the provisions of this Act.

OBJECTIVES AND REASONS

The object and reasons of this Bill is to repeal the Election Act No. 11 of 1984 and enacting the new Election Act of 2017 and other matters related to it. The proposed bill aims to strengthen the management and supervision of elections in Zanzibar by removing the various defects of the existing legislation. The proposed bill will assists in the following: -

Strengthen system of voters registration and updating of the permanent voters Register by specifying the procedure for public display of voters register, transfer of voter information from one place to another, the use of the register and its control.

Similarly, the bill aims to put in place a comprehensive legal provisions that differentiate between the General Election, a by - election and a categories of elections. The bill also aims explain in detail legal procedures on the nomination of candidates for all elections including the nomination of women's special seats in the House of Representatives and Local Government Authorities.

The bill intends to set up legal guidelines on measures to be taken by the Commission where any issue occurs that leads to the

incompetence of the election and it gives the Commission the power to decide on various aspects of the elections which are not specifically stated in the Act.

The bill also aims to identify the electoral offences and to determine the penalties associated with such offences, as well as, to set up the procedure for the management and issuance of permits for election observers and their responsibilities while in the country.

The bill is divided into Chapter seven chapter and each chapter carries a self-reliant concept to ensure that the reader understands the intentions and goals intended. These chapters are:

Section One describes the introduction provisions that incorporates short title and commencement, and interpretation of some words that have been used in this Bill.

Section two describes the permanent voters' register and voter registration. This chapter sets out the qualification of a person to be enrolled as a voter, and defines the registration procedures. In addition, the chapter defines the procedures for objection and appeal to the person who has been refused to be registered by the registration clerk or the Registration Officer.

Section three defines the meaning of the General Elections and other form of elections and identifies the qualification of elections officials, the provision of election information and the preparation of the election schedule. The chapter also, defines the election campaign process, nomination of candidates, voting, counting and announcing election results.

Section four is related to the election observation and the procedures for issuing the accreditation of the election observers. This chapter clearly defines the features of observers, the responsibility of the observers and the Commission's ability to supervise the conducts of observers. The chapter also relates to the provision of voter education and its procedures.

Section five deals with election conflicts management election petitions. it explicitly defines the Commission's powers to resolve the election disputes that occur in various stages of election. In addition, the Bill describes the position of the High Court in entertaining election petitions of Members of the House of Representatives and Councilors.

Section six deals with the offences and penalties associated with the election process. The bill specifies offences and penalties associated with enrollment, voting, counting, and announcing the results, campaigns and nomination of candidates for any person or organization involved.

Section seven describes the financial conditions and miscellaneous issues that include the regulation, repeal and saving of the Act and things made under the repealed Act.

(Dr. ABDULHAMID Y. MZEE)
*Secretary to the Revolutionary
Council and Chief Secretary.*

