

THE ELECTION (AMENDMENT) ACT,
1990.

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ACT NO. 4 OF 1990

I ASSENT

Idris Abdul Wakil

IDRIS ABDUL WAKIL
PRESIDENT OF ZANZIBAR -
AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL.

27th July, 1990

AN ACT TO AMEND THE ELECTION ACT, 1984
TO ENABLE THE ELECTORAL COMMISSION TO
HEAR AND DETERMINE ELECTION COMPLAINTS
AND MATTERS CONNECTED THEREWITH.

ENACTED by the House of the Representatives
of Zanzibar.

Short title
and
commencement.

1. This Act may be cited as the Election
(Amendment) Act, 1990 and shall be read as one
with the Election Act, 1984 hereinafter referred
to as the Principal Act and shall come into
operation on the date when "The Third
Constitutional (Amendment) Act, 1990" shall
come into operation.

Amendment of
section 30.

2. Section 30 of the Principal Act is
hereby amended by :

(a) adding subsection (1A) immediately
after subsection (1).

"(1A) The Commission may appoint Sub-Committees
to hear registration appeals and make
recommendation to the Commission";

(b) changing the sum of twenty shillings
mentioned in subsection (1) to read
"hundred shillings";

- (c) repealing the words "his" and "he" which appear in section 30 and substitute for it the word "it" and "its" referred to Commission accordingly;
- (d) repealing the words "Resident Magistrate" and substitute for it the word "Commission" wherever it occurs in section 30;
- (e) repealing the words "either in person or by advocate" which appear in subsection (8) and substitute for it the words "in person";
- (f) repealing the sum of twenty shillings and four hundred shillings mentioned in subsection (4) and (5) and replaced by "hundred shillings" and four hundred shillings" respectively;

Amendment of section 38.

3. Section 38 of the Principal Act is hereby amended by :

- (a) Substituting the following paragraph immediately after paragraph (b).
 - "(c) matters pertaining to qualifications of candidates are as provided in sections 66 and 67 of the Constitution",
 - (d) procedure for primary nomination as provided by section 85, 86, 87, 88 and 89 of this Act shall apply to this part: Provided that:
 - (i) the number of voters referred to under section 85 shall be twenty five for the purpose of this part; and
 - (ii) the relevant Party sitting for the "purpose of this pursuant to subsection 89(1), (2) and (3) shall be Annual District Party Conference".

Repeal of the heading to Chapter V.

4. The heading to Chapter V of the Principal Act is hereby repealed and substituted the following heading -

"HOUSE OF REPRESENTATIVES AND LOCAL AUTHORITY ELECTIONS"

Amendment of section 85.

5. Section 85 of the Principal Act is hereby amended by adding immediately below section 85 the following new section -

"Support in writing of a candidate by registered voters.

85A. Any person, in order to be validly nominated at a primary nomination to stand as a candidate for constituency for the election of the House, must be supported in writing by not less than twenty five voters registered in the constituency within which he is to be a candidate".

Amendment of section 88.

6. Section 88 of the Principal Act is hereby amended by adding subsection (4) immediately after subsection (3).

"(4) The deadline for any objections to be made under the Provision of subsection (1) of this section shall be 6.00 pm of the third day from the day on which the deadline for the return of nomination forms.

Provided that 48 hours shall be availed for such objection to be made".

Amendment of section 89.

7. Section 89 of the Principal Act is hereby amended by:

(a) deleting the words "Annual Branch Conference and Branch Annual Conference" appearing in that section and substituting thereof the words "Branch Political Committee members from all Party Branches";

(b) adding immediately below paragraph (b) of subsection (2) the following new paragraph -

"(c) in the event of election of chairman of a Town Council, the members of the Branch Political Committees of all branches in that Town shall cast preferential vote in respect of the candidate for the seat of Chairmanship of that town";

Amendment of section 92.

8. Section 92 of the Principal Act is hereby amended by repealing the sum of two thousand shillings appearing in subsection (2) and substituting for it the sum of "five thousand shillings".

Amendment of section 93.

9. Section 93 of the Principal Act is hereby amended by repealing the sum of five thousand shillings mentioned in subsection (1) and substituting for it the sum of "twenty thousand shillings".

Amendment of section 94.

10. Section 94 of the Principal Act is hereby amended by :

(a) repealing the sum of two thousand shillings mentioned in subsection (1) and substituting for it "ten thousand shillings".

(b) repealing subsection (2).

Amendment of section 95.

11. Section 95 of the Principal Act is hereby amended by repealing the sum of five thousand shillings and two thousand shillings mentioned in subsection (1) and (2) and replaced with "twenty thousand shillings" and "ten thousand shillings" respectively.

Amendment of section 96.

12. Section 96 of the Principal Act is hereby amended by repealing the sum of two thousand shillings appeared in paragraph (b) and replaced by "ten thousand shilling".

Amendment of
section 97,
98 and 99.

13. Section 97, 98 and 99 are hereby amended by repealing the sum of five thousand shillings, ten thousand shillings and five thousand shillings appeared in their respective sections and substituted with the following -

"twenty thousand shillings"
"fifty thousand shillings" and
"twenty thousand shillings" respectively.

Amendment of
the heading to
Chapter VII.

14. The heading which appears under Chapter VII is hereby repealed and replaced the following heading -

COMPOSITION, FUNCTIONS, PROCEDURE
AND JURISDICTION OF COMMISSION.

Amendment of
section 111.

15. Section 111 of the Principal Act is hereby amended by adding the following new section immediately after section 111A under Chapter VII -

"Composition
111A.

(a) The Electoral Commission established under section 118 of the Constitution shall consist of a Chairman and not less than seven and not more than nine other members;

Provided that at least two of the members shall be lawyers and one of whom shall be a Judge of the High Court or qualifies to be a Judge of the High Court.

(b) The Chairman and members of the Commission shall be appointed by the President.

Amendment of
section 112.

16. Section 112 of the Principal Act is hereby amended by -

(a) repealing the words "High Court" and "court" which appear in that section and substituting for them the words "the Electoral Commission" wherever is occurs in that section.

(b) repealing the marginal note and substituting the following marginal note -

"Petition triable by the Electoral Commission".

(c) inserting after subsection (3) the following new subsections -

"(4) The Electoral Commission shall appoint a panel amongst its members of the Electoral Commission under the Chairmanship of its members who is a High Court Judge.

(5) The panel shall hear the election petitions and advise the Electoral Commission on the Petition.

Provided that decision of the Electoral Commission shall be final and shall not be questioned by any Court of Law."

Amendment of section 115. 17. Section 115 of the Principal Act is hereby repealed and replaced by the following -

"Instruction of the Commission to the Director.

11.(1) The Electoral Commission shall, at the conclusion of trial petition, direct the Director of Election -

- (a) to cause the publication of the trial petition report in the Gazette;
- (b) to delete from the register the name of any person registered therein who appears from the report to be disqualified from voting at an election.
- (c) to inform in writing the Registration Officer for the relevant polling district of every such deletion of

the name of the person who is registered the person who is registered as a voter in that polling district.

(2) The Electoral Commission shall be at liberty to refer allegations of a political nature to the Party and other offences of criminal nature to the High Court.

Provided that subsequent decisions and judgments reached by the Party or High Court shall in noway affect the decision made by the Electoral Commission".

Amendment of section 116.

18. Section 116 of the Principal Act is hereby amended by deleting section (2) thereof; and section 116(1) shall read 116.

Amendment of section 117.

19. Section 117 of the Principal Act is hereby amended by repealing the word "court" which appears in section 117 and substituting for it the words "Electoral Commission".

Amendment of section 118.

20. Section 118 of the Principal Act is hereby amended by -

- (a) repealing the words "Chief Justice" and replaced by the words "Electoral Commission".
- (b) deleting the word "court";
- (c) repealing the marginal note and replaced by the words "Rules of Electoral Commission".

Amendment of section 119.

21. Section 119 of the Principal Act is hereby repealed and substituting for it the following new section -

"Duration of petition trial. 119. The trial of election petition shall be completed within a period of one year from the date of publication in the Gazettee of the election results".

Amendment of
section 120.

22. Section 120 of the Principal Act is hereby amended -

- (a) by repealing the word "court" and substituting for it the words "Electoral Commission".
- (b) by repealing the word "of" which appears in the first line of subsection (1) inbetween the words "House" and "Local" and substituting for it the word "or"

Amendment of
section 121.

23. Section 121 of the Principal Act is hereby amended by repealing the words "High Court" and substituting for it the words "Electoral Commission".

Amendment of
section 127.

24. Section 127 of the Principal Act is hereby amended by adding immediately after paragraph (b) the following new paragraphs -

- "(c) prescribing the application of petition, trial procedure and appeals;
- (d) prescribing disciplinary measures against staff's misconduct".

PASSED in the House of Representatives
on the 4th day of July, 1990.

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KHAMIS JUMA CHANDE
CLERK TO THE HOUSE OF REPRESENTATIVES
OF ZANZIBAR.