



THE ELECTION (AMENDMENT) ACT, 2000

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ACT NO. 3 OF 2000

I ASSENT

Salmin Amour

DR. SALMIN AMOUR
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY COUNCIL

02nd Aug., 2000

AN ACT TO AMEND THE ELECTION ACT, 1984

ENACTED by the House of Representatives of Zanzibar.

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|-------------------------------|------|---|
| Short title and Commencement. | 1. | This Act may be cited as the Election (Amendment) Act, 2000 and shall come into operation immediately after being assented to by the President. |
| Amendment of section 2. | 2. | Section 2 of the Principal Act is hereby amended as follows : |
| | (i) | by deleting the definition of the word "candidate" and substituting for the following :

"Candidate" means a person who submits himself for election of the President of Zanzibar or member of the House of Representatives, or for election to a local Authority leader. |
| | (ii) | by inserting at their appropriate alphabetical positions the following definitions:

"Chairman" means the chairman appointed under section 4 and includes the Vice - Chairman or any person for the time being discharging the functions of the Chairman; |



“Observer” means local or international election observer so accredited by the Commission.

“Sheha” means an officer appointed as such under the provisions of section 15 of the Regional Administration Authority Act, No. 1 of 1998 and includes any person whom he has appointed on his behalf according to section 18 of that Act..

Repeal and Replacement of section 5.

3. The principal Act is hereby amended by repealing section 5 and replacing it with the following :

“Responsibility of the Commission.

5. The Commission shall be responsible for -

- (a) the over all supervision of the general conduct of all Presidential, member of the House of Representatives and local Authorities leader election in Zanzibar;
- (b) Promotion and regulation of voter Education.”

Repeal of section 9.

4. Section 9 of the principal Act is hereby repealed.

Amendment of section 10.

5. Section 10 of the Principal Act is amended by deleting subsections (1), (2), (3), (4) and (5) and substituting for them the following :

“(1) The Commission shall appoint for every election in every constituency a Returning officer and such number of Assistant Returning Officers as the Commission may think necessary for the purpose of conducting an election in the constituency and may appoint a Returning Officer for more than one constituency.

(2) A Returning Officer or Assistant Returning Officer may be appointed by office or by name.



(3) The Returning officer may, subject to the directions of the Director, appoint such staff as may be required for the purpose of conducting an election in the constituency.

(4) The Returning Officer may from time to time issue directions to an Assistant Returning Officer to perform and exercise any of the powers or duty conferred or imposed on the Returning officer, and any reference in this Act to the Returning Officer shall, save as aforesaid, be deemed to include a reference to an Assistant Returning Officer.

(5) The Returning Officer may, subject to the directions of the Commission, employ such staff as may be required to carry out the functions under the provisions of this Act. "

Addition of new Section 11 A.

6. The Principal Act is hereby amended by adding a new Section 11 A immediately after section 11 as follows :

"Registration Agents.

11 A. (1) Every candidate may Appoint one person, who is a resident in that polling district, to be known as registration agent to attend at each registration office within the constituency for which he is a candidate for the purpose of :

- (a) detecting personation;
- (b) representing and safeguarding the interest of a candidate at the registration office; and
- (c) co-operating with the Registration Officer, Assistant Registration Officer Sheha of the Shehia in which the Registration office is established to secure the smooth compliance of the law and procedure pertaining to the conduct of the registration of voters at the registration office.

(2) Every Sheha shall be the Ex-officio Registration Agent of the Commission for the Shehia in which he is the Sheha.



(3) Every Sheha of the Shehia in which the registration office is established shall co-operate with the Registration Officer, Assistant Registration Officer and the Registration Agents to secure the smooth compliance of the law and procedure pertaining to the conduct of the registration of voters at the registration office.

Amendment
of section 12.

7. Section 12 of the Principal Act is hereby amended :
in subsection (6) in paragraph (iii).

- (i) by deleting paragraph (a) thereof
 - (ii) by renumbering paragraph (b) and (c) as paragraph (a) and (b) respectively;
 - (iii) by adding the following paragraph (c) immediately after paragraph (b).
- (c) is a spouse of a person holding service qualification and has moved to a new constituency accompanying or in the course of his or her spouse transfer.

Amendment
of section 13.

8. Section 13 of the Principal Act is hereby amended as follows :

- (a) by adding immediately after subsection (1) new subsection (2) as follows :

“ (2) Registers of voters established under subsection (1) for the year Two Thousand general election shall be made permanent register of voters and shall be updated in the manner consistent with this Act and by regulation prescribed by the Commission.”
- (b) by renumbering subsection (2) as (3) and others accordingly,

Amendment
of section 17.

9. Section 17 of the Principal Act is hereby amended as follows :



- (i) by inserting a new subsection (2) immediately after subsection (1) as follows :

“(2) The Commission shall have the powers to put photographs of the voters in the certificate of registration if it is necessary so to do.”

- (ii) by renumbering subsection (2) as subsection (3)

Amendment of section 42.

10. Section 42 of the Principal Act is hereby amended by adding the following new subsection (5) and (6) immediately after subsection (4) :-

“(5) Any person or institution which shall declare the Presidential election result before it is declared by the Commission shall be guilty of an offence and shall be liable on conviction to a fine of five hundred thousand shillings or to imprisonment for a term of five years or to both such fine and imprisonment.”

(6) The Presidential election results shall be declared within three days after the day of election except when there are election problems in some polling station, three days after such problems have been solved.

Amendment of section 43.

11. Section 43 of the Principal Act is hereby amended in subsection (1) by inserting the word “valid” immediately after the word “total number of”.

Amendment of section 46.

12. Section 46 of the Pricipal Act is hereby amended as follows:-

(i) in subsection (1) by inserting the words “of his party” immediately after the word “voters”.

(ii) by deleting subsection (9) and substituting for it with the following :-

“(9) A nominator may subject to the provisions of subsection (8), nominate one candidate each for Presidential, House of Representatives and local authority election.”



Repeal and replacement of section 51.

13. Section 51 of the Principal Act is repealed and replaced by the following :

“Nominated candidates and election. 51. (1) Where candidates are nominated for election other than a by-election in a constituency, the Commission shall, by notice published in the Gazette, appoint a day not less than sixty days and not more than ninety days after the day on which they have been nominated to stand as candidates for election in the constituency:

Provided that where there are two or more contested elections during a Parliamentary election, the Commission may appoint different election days for different constituencies:

(2) Where candidates are nominated for a by-election in a constituency, the Commission shall by notice published in the Gazette, appoint a day not more than thirty days after the day on which they have been nominated to stand as candidates for election in the constituency.

(3) Notwithstanding the provisions of subsection (1) and (2), the Commission may for a reasonable cause or upon the occurrence of an event preventing an election to take place, revoke the election day previously appointed and appoint another election day, being a day within the period specified under subsection (1) or (2), as the case may be, after the revocation or after the occurrence of the event, to be an election day.”

Amendment of section 56.

14. Section 56 of the Principal Act is hereby amended by adding the following new subsection (4) immediately after subsection (3) -

“(4) No person shall conduct the election campaign at a place of worship or learning institution, and any person who conducts the election campaign at such places is guilty of an offence and shall be liable on conviction to a fine of five hundred thousand shillings or to imprisonment for a term



not exceeding six months or both such fine and imprisonment.”

Amendment of section 59.

15. Section 59 of the Principal Act is hereby amended as follows:

(a) in subsection (1) by deleting paragraph (c) (i) thereof and substituting for it the following:

“(i) if he is serving a sentence of imprisonment exceeding six months for a criminal offence”

(b) in subsection (1) by deleting paragraph (g) thereof.

Amendment of section 64.

16. Section 64 of the Principal Act is hereby amended as follows :

(i) by adding a new subsections (1) and (2) as follows :

“(1) Every Sheha shall be an ex officio polling agent of the Commission.

(2) Every Polling Agent shall be a resident of the polling district to which the polling station is situated”.

(ii) by renumbering subsection (1) ,(2) and (3) to be subsection (3),(4)and (5) respectively.

(iii) by adding a new subsection (6) as follows:

“(6) Every Sheha of the Shehia in which a polling Station is established shall advise the Presiding Officer and Polling Assistants to secure the smooth compliance of the law and procedure pertaining to the conduct of the voting and the election at the polling station”

(iv) by renumbering subsection (4) as subsection (7).



- Amendment of section 66. 17. Section 66 of the Principal Act is hereby amended by adding paragraph (e) immediately after paragraph (d) as follows :
- “(e) contain party symbol.”
- Amendment of section 69. 18. Section 69 of the Principal Act is hereby amended in subsection (1) by deleting that subsection and substituting for the following :
- “(1) Notwithstanding the provisions of section 68, a person appointed as a Polling Agent, Returning Officer, Assistant Returning Officer, Presiding Officer and his Assistants and member of the Commission for the purpose of House of Representatives election may vote for the election concerned and any other election taking place simultaneously with such first named election, in a constituency in which he is registered as a voter by voting the candidate of his choice on the special ballot paper and sending it to the Returning officer for that constituency in a sealed envelop marked “Ballot”.
- Amendment of section 70. 19. Section 70 of the Principal Act is hereby amended as follows :
- (i) in subsection (2) in paragraph (e) by deleting the words “section 67” and substituting by the words “section 68”.
- (i) in subsection (2) by adding a new paragraph (k) immediately after paragraph (j) as follows.
- “(k) Sheha”.
- Amendment of section 71. 20. Section 71 of the Principal Act is hereby amended in subsection (2) in paragraph (b) by deleting the number “64” and substituting for the number “73”.
- Repeal and Replacement of section 78. 21. Section 78 of the Principal Act is hereby repealed and replaced by the following.
- “Counting of votes 78. (1) The Presiding Officer of each polling station assisted by the Polling Assistants assigned to the polling station, shall soon after the closing of the poll, in the presence of the persons referred to in section 79 if present, proceed continuously with the counting



of votes in accordance with the methods and the procedures provided in this Part until the counting is completed.

(2) At the conclusion of every stage in the process of counting of votes the candidates or the polling agents if present, shall state in the prescribed form whether they are satisfied with or they have any complaint and stating the complaint if any, in relation to each stage concluded in the counting of votes.

(3) Each complaint made which can be resolved or settled, shall be resolved or settled at the stage at which it is made and the Presiding Officer shall prepare an account in the prescribed form, relating to that complaint and how it was resolved.

(4) Every statement recorded by the Presiding Officer in accordance with this section shall be confirmed by the Polling Agent, Presiding Officer and the Polling Assistant, signed and submitted to the Returning officer."

Repeal and Replacement of section 79.

22. Section 79 of the Principal Act is hereby repealed and replaced by the following :

"Person who may be present.

79 (1). No person other than the following shall be present at the counting of votes :

- (a) the Presiding Officer or assistant Presiding Officer;
- (b) an enumerator;
- (c) a Polling Agent;
- (d) a candidate;
- (e) Police officers or other persons responsible for security at the place of counting;



- (f) a Returning Officer or Assistant Returning officer;
- (g) a member of the Commission or an electoral officer;
- (h) an observer duly authorised in writing by the Commission;
- (i) Sheha.

(2) No person other than those referred to in subsection (1) shall be permitted to be within the vicinity of the place where votes are being counted.

(3) No person other than those referred to in subsection (1) shall be allowed to be within the radius of 200 metres of the place where votes are being counted.”

Amendment of section 80.

23. Section 80 of the Principal Act is hereby amended by deleting the words “Returning Officer and Assistant Returning Officer” and replacing by the words “Presiding Officer and Polling Assistants”.

Addition of new Section 80A.

24. The Principal Act is hereby amended by adding a new section 80A immediately after section 80 as follows:

“Powers of the Commission regarding valid and invalid votes.

80A(1) Notwithstanding the provisions of section 68 of this Act, the Commission may, by regulations, give directions specifying, valid and invalid votes.

(2) Any regulations made under this section shall be published in the Gazette.

Addition of a new section 91A.

25. The Principal Act is hereby amended by adding a new section 91 A immediately after section 91 as follows:



“Access and
obligation to
Public media.

91 A.(1) Every candidate for the office of the President of Zanzibar and political parties participating in an election shall have the right to use the state radio and television broadcasting service during the official period of election campaign.

(2) For the purpose of giving effect to this section the Commission may in writing issue binding directives to any government owned media.”

Amendment of
section 95.

26. Section 95 of the Principal Act is hereby amended in subsection (1) by deleting that subsection and substituting for the following :

“(1) Every person who :

- (a) for the purposes of procuring the registration of himself or of any other person, or of procuring a certificate of registration from a registration officer or from any other person having any duty in relation to the application for registration or for the issue of certificates of registration, gives any false statement material to any application on his own behalf or on behalf of such other person for registration or for the issue of a certificate of registration; or
- (b) knowing or having reason to believe that he is registered in a polling district, applied to be registered otherwise than in accordance with section 18, and without, disclosing to the Returning officer his previous registration in another polling district; or
- (c) applies to be registered in a polling district after he has applied to be registered in another polling district and the earlier application has not, been determined pending any investigation into the applicant’s qualifications or withdrawal; or



- (d) having been issued with a certificate of registration, applies for the issue to himself of new certificate of registration, otherwise than in the circumstances set out in sections 18, 19 or 20 and without disclosing to the Returning officer the circumstances in which the application is made; or
- (e) knowingly makes any declaration provided for in section 21 which is false, or which he does not believe to be true in material particular.

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

- (ii) in subsection (2) by deleting the words "ten" and "exceeding twelve" appeared in the seventh and eighth lines of that section and substituting for that words the words "fifty" and "less than three" and not more than six respectively

Amendment of section 96.

27. Section 96 of the Principal Act is hereby amended as follows :

- (i) in subsection (1) by deleting the words "twenty" and "exceeding two years" appeared in the last two lines in that section and substituting for that words the words "one hundred" and "less than six months";
- (ii) in subsection (2) by deleting the words "ten" and "exceeding twelve" appeared in the sixth line in that section and substituting for that words the words "fifty" and "less than three" respectively.



- Amendment of section 98. 28. Section 98 of the Principal Act is hereby amended as follows;
- (i) in subsection (1) by deleting the word "twenty" and exceeding two years" appeared in the last two lines in that section and substituting for them the words "one hundred" and "less than six months" respectively;
 - (ii) in subsection (2) by deleting the word "ten" and exceeding twelve" appeared in the last two lines in that section and substituting for them the words "fifty" and "less than three" respectively.
- Amendment of section 99. 29. Section 99 of the Principal Act is hereby amended in paragraph (b) by deleting the words "ten" and "exceeding twelve" appeared in the third and fourth lines of that paragraph and substituting for them the words "fifty" and less than three" respectively.
- Amendment of section 100. 30. Section 100 of the Principal Act is hereby amended in subsection (7) by deleting the words "twenty" and "exceeding two years" appeared in the third and fourth lines of that subsection and substituting for them the words "one hundred" and "less than six months" respectively. X
- Amendment of section 101. 31. Section 101 of the Principal Act is amended by deleting the words "ten" and "exceeding five years" appeared in the third and fourth lines of that section and substituting for them the words "fifty" and "less than six months" respectively.
- Amendment of section 102. 32. Section 102 of the Principal Act is hereby amended by deleting the words "twenty" and "exceeding two years" appeared in the fourth and fifth lines of that Section and substituting for them the words "one hundred" and "less than six months" respectively.
- Amendment of section 107. 33. Section 107 of the Principal Act is hereby amended:-
- (i) by deleting the words "an organ of the party" appearing in the second line of that section and substituting for them the words "a political party or on organ."



- (ii) by deleting the words “supervisory delegates appointed for the constituency” appearing in the fourth line of that section.

- Amendment of section 109. 34. Section 109 of the Principal Act is hereby amended in paragraph (6) by deleting the words “ten” and “exceeding five years” appeared in the seventh and eighth lines of that section and substituting for them the words “fifty” and “less than six months” and not more than one year respectively.
- Amendment of section 110. 35. Section 110 of the Principal Act is hereby amended by deleting the words “five” and “exceeding eight” appeared in sixth and seventh lines of that section and substituting for them the words “fifty” and “less than three” respectively.
- Amendment of section 111. 36. Section 111 of the Principal Act is hereby amended in subsection (2) by deleting the word “five” appeared in the second line of that section and substituting for that word the word “fifty”.
- Amendment of section 112. 37. Section 112 of the Principal Act is hereby amended by deleting the word “one” appeared in the last line of that section and substituting for that word “fifty”.
- Amendment of section 113. 38. Section 113 of the Principal Act is hereby amended in subsection (3) by deleting the words “two” and “exceeding twelve” appeared in the second and third lines of that section and substituting for them the words “fifty” and “less than three” respectively.
- Amendment of section 114. 39. Section 114 of the Principal Act is hereby amended as follows :
- (i) in subsection (1) - by adding the word “and” at the end of paragraph(a)and (b)
- (ii) in subsection (2)- by deleting the words “ten” and “exceeding twelve” appeared in the last two lines of that section and substituting for them the words “fifty” and “less than three” respectively.
- Addition of a new section 114 A. 40. The Principal Act is hereby amended by adding the following new section 114 A immediately after section 114.



“offences in relation to nomination papers etc.

114 A.(1) Every person who –

- (a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or ballot paper or delivers to a returning officer any nomination paper knowing the same to be forged;
- (b) knowingly nominates more than one Presidential candidate;
- (c) forges or counterfeits or fraudulently destroys any ballot paper or the official mark on any ballot paper;
- (d) being a Returning officer or Presiding officer knowingly or negligently fails to put an official mark on a ballot paper;
- (e) being a Returning officer or Presiding officer knowingly or negligently authorises the use of a tendered ballot paper in a manner which contravenes the provisions of this Act;
- (f) being a Returning officer or Presiding officer performs his duties negligently;
- (g) without due authority supplies any ballot paper to any person;
- (h) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorized by law to put in;
- (i) without due authority takes out of any polling station any



ballot paper or is found in possession of any ballot paper outside a polling station, or ;

- (j) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers; in use for the purpose of an election.

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

(2) Any person who, for the purposes of procuring for himself or for any other person nomination as a candidate, knowingly makes any false statement material to such nomination in a nomination paper, geographical information form or statutory declaration delivered to a Returning officer, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not less than three months or to both such fine and imprisonment.

(3) In any prosecution for an offence in relation to a nomination paper, ballot box, ballot paper counterfoil, marking instruments and other things in use in an election, the property in such papers, boxes, instruments and things may be stated to be in possession of the Returning officer for such election".

Addition of
a new section
114 B.

41. The Principal Act is hereby amended by adding the following new section 114 B immediately after section 114 A

"False Publication
of withdrawal.

114 B. Any person who knows to be false by utterance, print or broadcasting, publishes any statement of



the withdrawal of any candidate for the purposes of promoting the election of another candidate is guilty of an illegal practice and shall be liable on conviction to a fine not exceeding two hundred thousand or to imprisonment for a term not less than three months and not more than six months”.

Addition of a new section 114 C.

42. The Principal Act is hereby amended by adding the following new section 114 C immediately after section 114 B.

“Corrupt inducement of withdrawal.

114 C. Any person who corruptly induces or procures another person to withdraw from being a candidate to an election in consideration of payment or promise of payment and any person who withdraws in pursuance of such inducement or procurement, are guilty of corrupt practice and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not less than three months and not more than six months”.

Amendment of section 116.

43. Section 116 of the Principal Act is hereby amended.

- (i) by inserting immediately before the figure “116” a figure “(1)”;
- (ii) by adding immediately after the word “petition” appearing in the marginal notes the words “and deposit of security for costs”;
- (iii) by adding immediately after paragraph (d) of the renumbered subsection (1) the following new subsections –

“(2) The Registrar shall not fix a date for the hearing of any election petition unless the petitioner has paid into the court as security for costs a sum of three hundred thousand shillings for members of House of Representative and one hundred thousand shillings for Councillor



in respect of the proposed election petition.

(3) The provisions of subsection (2) 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.”

Passed in the House of Representatives on the 17th day of July, 2000.

K Chamde

{ KHAMIS JUMA CHANDE }
CLERK OF THE HOUSE OF REPRESENTATIVES