



THE ELECTIONS (AMENDMENT) (NO.2)  
ACT, 1992.

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ARRANGEMENT OF SECTIONS.

SECTIONS

TITLE

1. Short title and construction.
  2. Repeal and replacement of Chapter III of the principal Act.
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ACT NO.14 OF 1992

I ASSENT

*Salmin Amour*

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

*11th February* ..... 1993.

AN ACT TO AMEND THE ELECTIONS ACT, 1984.

ENACTED by the House of Representatives of Zanzibar.

Short title  
and  
construction.

1. This Act may be cited as the Elections  
(Amendment) (No.2) Act, 1992 and shall be read as one  
with the Elections Act, 1984, in this Act referred to  
as the "principal Act".

Repeal and  
replacement  
of Chapter III  
of the  
principal Act.

2. The principal Act is hereby amended -  
(a) in section 2 by inserting immediately after  
the definition "prescribed" the following  
definition :-

"Presidential candidate" means a person  
nominated to contest election to the  
Office of the President;

(b) by repealing Chapter III and replacing it  
with the following :-

"CHAPTER III  
PRESIDENTIAL ELECTIONS

PART I

NOMINATION OF PRESIDENTIAL CANDIDATES.

Nomination of  
Presidential  
candidate.

32. Whenever a Presidential election is to be  
held, each registered political party intending to  
participate in the Presidential election shall submit to  
the Commission a name of a Presidential candidate for  
that party.





number of  
nominators.  
Presidential  
candidate.

33. In order to be validly nominated to stand as a Presidential candidate, a person must be nominated in writing by not less than two hundred nominators who are registered voters for the purposes of elections under this Act from each of the five Regions of Zanzibar.

particulars  
of  
nomination.

34.(1) Notwithstanding the provisions of section 86(2), every Presidential candidate shall deliver in such manner and such place as the Commission may direct before noon on nomination day, two copies of each nomination paper and each shall contain the following particulars :-

- (a) the names and addresses of the nominators;
- (b) the number of certificate of registration of the nomination.

(2) No person shall nominate more than one Presidential candidate.

(3) For the purpose of this Part "nomination day" means the day declared by the Commission as the last day for receiving names of aspiring Presidential candidates.

e  
Presidential  
candidate.

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

(2) The Presidential candidate declared under subsection (1) shall be duly elected to the Office of the President if he obtains more than fifty per cent of the total votes casted.

(3) Where the sole Presidential candidate has failed to secure the required votes, the Commission shall declare another nomination day for the purpose of Presidential Election.



Deposits.

36.(1) Every Presidential candidate shall, at the time of delivering nomination papers pursuant to the provisions of this part, deposit with the office of the Commission, such sum of money as may be prescribed by the Commission.

(2) The deposit shall be forfeited to the Government if -

- (a) the Presidential candidate withdraws his candidature after nomination day; or
  - (b) the number of votes counted in his favour at the election is less than one-tenth of the total number of votes casted,
- save that such deposit shall not be forfeited if the candidate dies before election.

(3) Where the deposit is not forfeited under the provisions of subsection (2) of this section, it shall, as soon as practicable after the declaration of the results of the election, be returned to the Presidential candidate or paid to his personal legal representative as the case may be, by the Commission.

Withdrawal of candidature.

37. A Presidential candidate may withdraw his candidature by notice in writing signed and delivered by him to the Commission not later than four o'clock on nomination day.

Death or lack of candidates.

38.(1) Where :-

- (a) after four o'clock on nomination day there is no validly nominated candidate; or
- (b) at any time after four o'clock on nomination day and before the determination of election, any Presidential candidate dies,

the Commission shall forthwith, by notice in the Gazette, appoint a further nomination day being a day not less than twenty one days thereafter.





(2) Where a new nomination day is appointed under this section, the Commission shall appoint another Presidential election day and the appropriate procedure shall be commenced afresh save that no new nomination shall be required in the case of the other Presidential candidates, if there are any.

## PART II

### ELECTION PROCEDURE.

Presidential  
election  
day.

39.(1) Subject to section 39B of this Act, the Commission shall appoint a day hereinafter referred to as Presidential election day for the holding of a ballot in every constituency for the election of the President.

(2) Subject to the provisions of this section, the Commission may appoint different Presidential election days for different constituencies and may revoke the appointment of a Presidential election day and appoint some other Presidential election day in its stead.

(3) The Commission shall appoint as Presidential election day -

(a) in the case of a Presidential election held by reason of dissolution of the House of Representatives :-

(i) for each constituency in which there is House of Representatives election, the day appointed as election day for that contested election;

(ii) for every other constituency a day not less than forty days and not more than fifty days after nomination day.

(b) in the case of a Presidential election to which paragraph (a) of this subsection does not apply, for every constituency a day not less than forty days and not more than fifty after the nomination of the Presidential candidates shall have been certified to the Commission.





(4) Different days may be appointed under subparagraph (ii) of paragraph (a) or paragraph (b) of subsection (3) for different constituencies.

(5) For the purposes of subsection (3) a Constituency for which the House of Representatives election is commenced afresh, shall be deemed to be a constituency in which there is no contested election.

Persons  
entitled to  
vote at a  
Presidential  
election.

39A.(1) Every person registered as a voter under this Act shall be entitled to vote at a Presidential election.

(2) Subject to the provisions of subsection (3), a registered voter may vote -

- (a) on the Presidential election day appointed for the constituency for which he is registered as a voter; and
- (b) at the polling station allotted to him in the polling district for which he is so registered and not elsewhere.

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

Application  
of Part V.

39B. The provisions of Part V of Chapter III of this Act, shall apply mutatis mutandis in relation to Presidential candidates.

Application  
of  
Chapter IV.

39C. The ballot for the election of a President in each constituency shall be held in like manner as the ballot in a contested House of Representatives election and, subject to any necessary modification and the provisions of this section, the provisions of Chapter IV of this Act, other than the provisions of sections 73 and 77 shall apply for the regulation thereof and for such other matters as are provided for in Chapter IV of this Act.



Counting  
of votes.

39D.(1) After all the votes in a Presidential election from all the polling district in the Constituency have been counted (and if required recounted), the Returning Officer shall certify to the Commission, in such manner as the Commission shall direct -

- (a) the total number of votes cast for the Presidential election in the constituency;
  - (b) the total number of such votes which are in favour of each Presidential candidate;
  - (c) in the case of a single Presidential candidate the total number of such votes which are in favour of the Presidential candidate,
- and the Commission shall add together the respective totals for each Presidential candidate certified to it from all constituencies.

(2) The Commission may, for any reason which appears to be sufficient, require that the votes in the constituencies, or in any particular constituency, to be recounted.

(3) Subject to subsection (2), the Commission shall, after adding together all the respective totals certified to it by each Returning Officer in accordance with subsection (1), declare the result of the Presidential election in the country.

Second  
ballot.

39E.(1) Where in the Presidential election no candidate has obtained more than fifty per cent of the total number of votes cast, the Commission shall, by notice published in the Gazette, appoint some other convenient day, but not more than forty days after the election day, for the second ballot of the Presidential election.

(2) Subject to subsection (1), the Presidential candidate with the first and second highest number of the votes shall be the only candidates in the second ballot.



(3) Where there is a tie up in the votes for the first highest, the Presidential candidates who had tied up shall be the only candidates in the second ballot.

(4) Where there is a tie up in the votes for the second highest, the Presidential candidates who had tied up shall, together with the candidate with the first highest number of votes, contest in the second ballot.

Amendment  
of  
section  
93.

39F. Section 93 of the principal Act is hereby amended -

(i) by inserting the following new paragraph (b) immediately after paragraph (a) -

"(b) knowingly nominates more than one Presidential candidate";

(ii) by renumbering paragraphs (b), (c), (d), (e) and (f) as paragraphs (c), (d), (e), (f) and (g) respectively.

Passed in the House of Representatives on the  
8th day of December, 1992.

*Khande*  
KHAMIS JUMA CHANDE

CLERK TO THE HOUSE OF REPRESENTATIVES.