



THE ZANZIBAR ELECTORAL COMMISSION
ACT, 1992

ARRANGEMENT OF SECTIONS

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ACT NO. 9 OF 1992

I ASSENT

Salmin Amour

SALMIN AMOUR
PRESIDENT OF ZANZIBAR

AND
CHAIRMAN OF THE REVOLUTIONARY COUNCIL

24 Oct.
....., 1992

AN ACT TO MAKE PROVISIONS FOR THE ESTABLISHMENT
OF THE ZANZIBAR ELECTORAL COMMISSION AND OTHER
MATTERS CONNECTED THEREWITH

ENACTED by the House of Representatives of Zanzibar.

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mmencement. 1. This Act may be cited as the Zanzibar Electoral
Commission Act, 1992 and shall come into operation
immediately after being assented by the President.

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

"Candidate" means a person who submits himself for
election to the House of Representatives or Local
Governments;

"The Commission" means the Zanzibar Electoral
Commission established by the Constitution and
this Act;

"The Constitution" means the Constitution of
Zanzibar, 1984;



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"Constituency" means in an election other than of a President a constituency for the purposes of elections to the House of Representatives or to a Local Authority and in the case of an election of President means the whole of Zanzibar;

"Director of Elections" means a person appointed to be the Director of Elections in accordance with the provision of section 6 of this Act and includes a person for the time being performing any of the functions of that office;

"Election" means -

- (a) in the case of an election of the President the Presidential election;
- (b) in the case of an election to the House of Representatives a Parliamentary election, and includes by-election;
- (c) in the case of an election of Local Authority means a Local Authority election and includes by-election;

"Presidential Election" means the election of the President of Zanzibar and Chairman of the Revolutionary Council;

"Political Party" means a political party fully registered under the Political Parties Act, 1992.

Establishment
the
Commission.

3.(1) There shall be established a Commission known as the Zanzibar Electoral Commission.

(2) The Commission shall be an independent and extra ministerial department.



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composition
the
Commission.

4.(1) The Commission shall, subject to the Constitution and to this Act, consist of the following members who shall be appointed by the President -

- (a) a Chairman who shall be a person qualified to be appointed as such as the President considers necessary;
- (b) six other members who are persons possessing either adequate experience in the conduct or supervision of House of Representatives or and Parliamentary election or such other *qualifications* as the President considers necessary for or pre-requisite to the effective discharge of the role of the Commission;

Provided that one of the members shall be a lawyer.

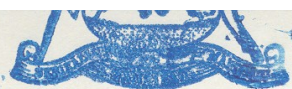
(2) Subject to the provisions of this Act, the Chairman shall preside at all meetings of the Commission and in his absence, the Vice Chairman shall preside, or if he too is absent, the commissioners present may appoint one of their number to act in the place of the Chairman.

(3) The Vice-Chairman shall be elected by the members from among themselves.

(4) The Director of Elections shall be the Secretary to the Commission and he shall be the Chief Executive of the Commission.

(5) The Chairman and members of the Commission shall, before first embarking upon the functions of their office, take and subscribe an oath of allegiance and of secrecy before the President.

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5.(1) The Commission shall be responsible for the overall supervision of the general conduct of all Presidential, House of Representatives and Local Authorities elections in Zanzibar.

(2) The Commission shall, subject to the Constitution and this Act, exercise and perform all such functions and duties conferred upon it by the provisions of the Election Act.

(3) The Commission shall, subject to the Constitution and after consultation with the President, divide Zanzibar into such number of constituencies having such boundaries and names as may be prescribed by an order made by the Commission.

(4) The Commission shall supervise all registration of voters in the election of the Presidency the members of the House of Representatives and members of the Local Authorities.

(5) In exercise of its functions under this Act the Commission shall not be subject to the orders or directions of any person, department of Government or view of a political party.

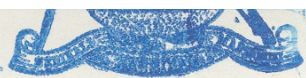
(6) No court shall have jurisdiction to inquire into the question whether the Commission has validly performed any function vested in it by this Act.

(7) In exercise of its functions under the provisions of the Constitution and this Act, the Commission shall, from time to time, consult with the National Electoral Commission of the Union.

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6.(1) There shall be a Director of Elections who shall be appointed by the President from among the names of senior civil servants of Zanzibar recommended by the Commission.

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(2) The Director shall exercise and perform all such functions and duties as are conferred upon him by this Act or on the directions of the Commission.

(3) Every Registration officer, Returning officer or other person concerned with the conduct of elections under this Act shall carry out fully all directions and instructions of the Director issued by him in pursuance of the provisions of this section.

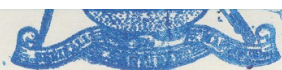
Returning
Officer and
Off.

7.(1) Every District Administrative Officer shall be the Returning Officer for the constituency or constituencies in the district in relation to which he is the District Administrative Officer.

(2) Notwithstanding subsection (1), the Director may in any fit case, by notice published in the Gazette, appoint a person by name or, by office to be the Returning officer for any constituency instead of the one referred to in subsection (1) and where such a person is so appointed, the District Administrative Officer shall cease to be the Returning officer for that constituency.

(3) Each Returning officer shall appoint by office such number of Assistant Returning officers as he may think fit.

(4) Subject to such directions as the Returning officer may from time to time issue, an Assistant Returning officer may exercise and perform all the powers and duties conferred or imposed on a Returning officer other than those conferred by the foregoing provisions of the section 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) Every Returning officer may, subject to the directions of the Director, employ such staff as they may be required to carry out their functions under this Act.

(6) Every Returning Officer and Assistant Returning Officer shall, before first embarking upon the functions of his office during any election, take and subscribe an oath of secrecy before a magistrate in the prescribed form.

(7) The Returning officer shall be responsible, for all matters relating to the registration of voters in his area of jurisdiction.

Ex-officio
Assistant
Returning
Officer.

8. Every Municipal or Town Director shall, by virtue of such office and without further or other appointment under this Act, be an Assistant Returning Officer.

Tenure
of Office.

9.(1) Subject to the provisions of this section, a member of the Commission shall cease to hold office -

(a) upon the expiration of five years from the date of his appointment; or

(b) if any circumstances arise which, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.

(2) The President may remove a member of the Commission from office only for inability to discharge the functions of office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour.

(3) The Commission may an act notwithstanding any vacancy amongst its members or the absence of any member, but any decision of the Commission shall require the concurrence of a majority of all members present.



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Regulations
of procedure
etc.

10. (2) The Commission may, subject to this Act, regulate its own procedure, including the determination of places and times of its sittings.

Power of
the
Minister.

11.(1) The Minister responsible for the Government business in the House of Representatives may make Regulations for giving better effect to the provisions of this Act.

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

Passed in the House of Representatives on the
15th day of September, 1992.

Khamis Juma Chande

KHAMIS JUMA CHANDE

CLERK TO THE HOUSE OF REPRESENTATIVES.