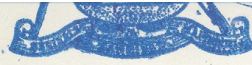


THE ELECTIONS (AMENDMENT) ACT, 1992.

ARRANGEMENT OF SECTIONS

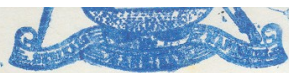
<u>SECTION</u>	<u>TITLE</u>
1.	Short title and Commencement.
2.	Amendment of section 2.
3.	Repeal of section 4.
4.	Repeal and replacement of section 6.
5.	Repeal of section 11.
6.	Amendment of section 30. Act. No.4/90, s.2.
7.	Repeal of section 38.
8.	Repeal of section 39.
9.	Repeal and replacement of section 40.
10.	Repeal of section 41.
11.	Repeal and replacement of section 42.
12.	Repeal and replacement of section 44.
13.	Repeal of section 45.
14.	Repeal and replacement of section 46.
15.	Repeal of section 47.
16.	Repeal and replacement of section 48.
17.	Amendment of section 49.
18.	Amendment of section 50.
19.	Amendment of section 53.
20.	Amendment of section 55.
21.	Amendment of section 57.
22.	Amendment of section 58.
23.	Amendment of section 60.
24.	Amendment of section 64.
25.	Amendment of section 70.
26.	Amendment of section 82.
27.	Repeal and replacement of section 84.
28.	Amendment of section 85.
29.	Repeal and replacement of section 85A. Act No.4/90, s.5.
30.	Amendment of section 86.
31.	Repeal and replacement of section 88. Act No.4/90, s.6.
32.	Repeal and replacement of section 89.
33.	Amendment of section 90.
34.	Amendment of section 92. Act No.4/90, s.8.



SECTION

TITLE

35. Amendment of section 93. Act No.4/90, s.9.
 36. Amendment of section 94. Act No.4/90, s.10.
 37. Amendment of section 107.
 38. Amendment of section 108.
 39. Amendment of section 110.
 40. Repeal and replacement of section 111A. Act No.4/90 s.15
 41. Amendment of section 112. Act No.4/90, s.16.
 42. Repeal and replacement of section 115. Act No.4/90, s.17
 43. Repeal and replacement of section 116. Act No.4/90, s.18
 44. Amendment of section 117. Act No.4/90, s.19.
 45. Repeal and replacement of section 118. Act No.4/90, s.20
 46. Repeal of section 119. Act No.4/90, s.21.
 47. Repeal and replacement of section 120. Act No.4/90, s.22
 48. Amendment of section 121.
 49. Amendment of section 124.
 50. Amendment of section 126.
 51. Amendment of section 127. Act No.4/90, s.24.
 52. Amendment of section 132.
 53. Transitional provisions.
-



ACT NO.8 OF 1992

I ASSENT

Salmin Amour

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

8th Oct.
..... 1992.

AN ACT TO AMEND THE ELECTIONS ACT, 1984.

ENACTED by the House of Representatives of
Zanzibar.

Short title
and
commencement.

1. This Act may be cited as the Elections
(Amendment) Act, 1992 and shall be read as one with
the Elections Act, 1984, hereinafter referred to as
the "Principal Act" and shall be deemed to have come
into operation on the first day of July, 1992.

Amendment of
section 2.

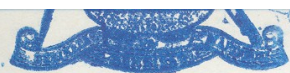
2. Section 2 is amended in subsection (1) -

(i) by deleting the definition of "candidate"
and substituting for it the following
new definition :-

" "candidate" means a person who submits
himself for election to the House of
Representatives or for election to a
local authority;"

(ii) by repealing the definition "Electoral
conference";

(iii) by deleting the definition of "nomination" and
substituting for it the following new definition:-



" "nomination" means nomination as candidate for election to the House of Representatives and Local Authority;

- (iv) by deleting the definition of "nomination day" and substituting for it the following new definition:

" "nomination day" means a day appointed for the nomination of candidates;"

- (v) by deleting the definition "party" and substituting for it the following new definition :-

" "political party" means a political party registered as such under the Political Parties Act, 1992".

Repeal of section 4.

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

Repeal and replacement of section 6.

4. Section 6 of the principal Act is repealed and replaced by the following new section :-

Director of Elections.

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

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

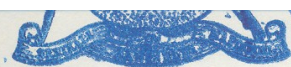
(3) Every Registration Officer, Returning Officer or other person concerned with the conduct of elections under this Act shall carry out fully all directions and instructions of the Director issued by him in pursuance of the provisions of this section."

Repeal of section 11.

5. Section 11 of the principal Act is hereby repealed.

Amendment of section 30. Act No.4/90 S.2.

6. Section 30 of the principal Act is hereby amended by -



- (a) deleting subsection (1) and replacing it with the following new subsection :-

"(1) Every appeal under section 23 or 29 shall state shortly the grounds of appeal, and shall be accompanied by such sum as the Commission may, by notice in the Gazette, prescribe as a deposit.";

- (b) deleting subsection (1A);
- (c) repealing the word "Commission" and substituting for it the words "High Court" wherever it appears in the section.

Repeal of
section
38.

7. Section 38 of the principal Act is hereby repealed.

Repeal of
section 39.

8. Section 39 of the principal Act is hereby repealed.

Repeal and
replacement
of section
40.

9. Section 40 of the principal Act is hereby repealed and replaced by the following new section :-

"Unopposed
candidate.

40.(1) Where only one candidate is nominated for an election in a constituency, such candidate shall be deemed to be elected and the Commission shall, by notice in the Gazette, declare him to have been elected.

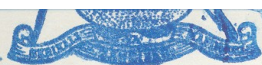
(2) Where a candidate withdraws after nomination, the provision of section 85(A) shall apply and no party shall nominate a substitute candidate."

Repeal of
section
41.

10. Section 41 of the principal Act is hereby repealed.

Repeal and
replacement
of section
42.

11. Section 42 of the principal Act is hereby repealed and replaced by the following new section :-



"Nominated
candidates
and
election.

42. Where candidates are nominated for 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 deemed to have been nominated to stand as candidates for election day in the constituency; save that -

- (a) where there are two or more contested elections during the House of Representatives general election the Commission may appoint different election days for different constituencies;
- (b) the Commission may revoke the appointment of an election day and appoint some other day within such period as aforesaid to be election day."

Repeal and
replacement
of section
44.

12. Section 44 of the principal Act is hereby repealed and replaced by the following new section :-

"Election
campaigns.

44.(1) Where there is a contested election in a constituency the election campaigns shall be organised by the candidate, the candidate's political party or his agent.

(2) The polling agent or the candidate's party, as the case may be, shall furnish the District Commissioner with a schedule indicating the proposed programme for his campaign public meeting specifying times and places of those meetings.

(3) Any polling agent or a political party acting with the approval or consent of the candidate or of his political party may convene or address any public meeting held in the constituency other than one held pursuant to subsection (2), for the purpose of furthering the candidate's election in the programme of his political party."

Repeal of
section 45.

13. Section 45 of the principal Act is hereby
repealed.

Repeal and
replacement
of section
46.

14. Section 46 of the principal Act is hereby
repealed and replaced by the following new section :-

"Candidate
to be
identified
by
photograph.

46.(1) For the purpose of assisting voters
to identify a candidate, every candidate shall be
identified by a photograph of the candidate
which has been approved by the Returning Officer.

(2) The display of the photograph of a
candidate during the election campaign shall be
subject to the control of the Returning Officer."

Repeal of
section 47.

15. Section 47 of the principal Act is hereby
repealed.

Repeal and
replacement
of section
48.

16. Section 48 of the principal Act is hereby
repealed and replaced by the following section :-

"Withdrawal
of
candidature.

48. A candidate may withdraw his candidature
by notice in writing signed and delivered by him
to the Returning Officer not later than six o'clock
in the evening of the day preceding nomination
day and if that day is not a working day, a day
preceding that other day."

Amendment
of
section 49.

17. Section 49 of the principal Act is hereby
amended by deleting the word "primary" wherever it
appears in the section.

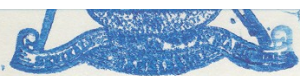
Amendment of
section 50.

18. Section 50 of the principal Act is hereby
amended by deleting the word "primary" wherever it
appears in the section.

Amendment of
section 53.

19. Section 53 of the principal Act is hereby
amended -

(i) in subsection (1) by deleting that subsection
and substituting for it the following :-



"53.(1) Each candidate may appoint one person to be known as polling agent to attend at each polling station within the constituency for which he is a candidate for the purposes of -

- (a) detecting personation;
- (b) representing and safeguarding the interests of a candidate at the polling station; and
- (c) co-operate with the presiding officers and polling assistants to secure the smooth compliance with the law and procedure pertaining to the conduct of the voting and the elections at the polling station."

- (ii) in subsection (3) by deleting the phrase "District Executive Committee" and substituting for it the word "candidate".

Amendment
of section
55.

20. Section 55 of the principal Act is hereby amended in paragraph (a) by deleting the words "where applicable" which appear in the fourth line.

Amendment
of section
57.

21. Section 57 of the principal Act is hereby amended in subsection (1) by adding the following proviso:-

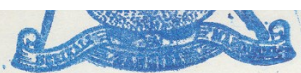
"Provided that absence of the polling agent shall not invalidate the votes;".

Amendment
of section
58.

22. Section 58 of the principal Act is hereby amended by -

- (i) deleting the phrase "supervisory delegate" wherever it appears in the section and substituting for it the phrase "polling agent";
- (ii) deleting the marginal notes and substituting for them the following marginal notes :-

"Voting by polling agents".



Amendment
of section
60.

23. Section 60 of the principal Act is hereby amended by deleting subsection (1) and substituting for it the following :-

"60.(1) Where the Presiding Officer at any polling station has reason to believe, or where a candidate or polling agent present at any polling station alleges that any person wishing to vote at that polling station is not a voter entitled to vote at that polling station, the Presiding Officer shall warn such person that he may commit an offence under this Act by so voting."

Amendment of
section
64.

24. Section 64 of the principal Act is hereby amended in the last line by deleting the word "upon" and substituting for it the word "open".

Amendment
of section
70.

25. Section 70 of the principal Act is hereby amended by re-writing the contents of paragraph (d) and the concluding phrase as follows :-

"(d) which is unmarked or void for uncertainty:
shall not be counted:
Provided that special ballot issued under the provisions of section 58 shall be counted if it complies with the provisions of that section and any directions given by the Commission under that section."

Amendment
of section
82.

26. Section 82 of the principal Act is hereby amended by -

- (i) inserting the word "and" in the second line between the words "Election" and "a contested Parliamentary Election";
- (ii) deleting the word "three" which appears in the second line of paragraph (e) and substituting for it the word "two".

Repeal and
replacement
of section
84.

27. Section 84 of the principal Act is hereby
repealed and replaced by the following :-

"Qualification
of
candidates
for the
House of
Representatives
and Local
Authority
Election.

84.(1) No person shall be qualified to be
elected as a constituency member of the House of
Representatives unless he is qualified to be
elected by and in accordance with the provisions
of the Constitution.

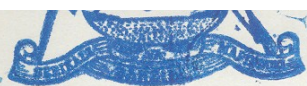
(2) A person shall be qualified for election
as a member of a Local Authority if he satisfies
the following conditions that is to say -

- (i) he has attained the age of twenty one years;
- (ii) he is registered as a voter and is not
disqualified from voting under the
provisions of this Act or any other law;
- (iii) he is the ordinary resident within the
area of jurisdiction of the Local Authority;
- (iv) he has a literacy qualification that is he
must be able to read and understand
documents normally considered by the
Commission;
- (v) he is sponsored by a political party
registered as such by the Political Parties
Act, 1992; and
- (vi) he is engaged in a lawful business.

Amendment
of section
85.

28. Section 85 of the principal Act is hereby
amended -

- (i) by deleting the word "primary" wherever it
appears in the section;
- (ii) by deleting the words "fifteen voters" which
appear in the third line of that section and
substituting for them the words "twenty five
voters";



(iii) by deleting the marginal notes and substituting for it the following marginal note :-

"Nomination of candidates".

Repeal and
replacement
of section
85A.
Act No.4/90
S.5.

29. Section 85A of the principal Act is hereby repealed and replaced by the following new section :-

"Deposits.

85A.(1) A candidate or one of the persons nominating him shall, at the time of delivering nomination paper pursuant to the provision of section 85, deposit with a Returning Officer such sum of money as may be prescribed by the Commission.

(2) The deposit of an opposed candidate shall be forfeited to the Government if he withdraws his candidature after nomination day or if the number of votes counted in his favour at the election is less than one-tenth of the total number of votes counted for the seat which he was a candidate, save that such deposit shall not be forfeited if the candidate dies.

(3) Where a deposit of a candidate is not forfeited under the provision of subsection (2) of this section, it shall, as soon as is reasonably practicable after the declaration of the results of the election, be returned to him or paid to his personal legal representative as the case may be, by the Returning Officer."

Amendment
of section
86.

30. Section 86 of the principal Act is hereby amended by adding the following paragraph :-

"(d) the proposed symbol of the political party of which he is a candidate".

Repeal and
replacement
of section
88.
Act No.4/90
S.6.

31. Section 88 of the principal Act is hereby repealed and replaced by the following section :-



"Objections to and decision as to validity of nomination paper.

88.(1) Objections may be made to a nomination paper on all or any of the following grounds, but on no other ground, namely -

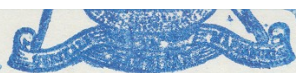
- (a) that the particulars given in respect of the candidate are insufficient to identify him;
- (b) that the nomination paper does not comply with or was not delivered in accordance with the provision of this Part;
- (c) that it is apparent from the contents of the nomination paper that the candidate is not qualified to stand for election;
- (d) that the requirements of subsection (3) of section 86 have not been complied with.

(2) No objection to a nomination paper shall be allowed unless it is made to the Returning Officer before four o'clock in the afternoon of the day following nomination day.

(3) The objection may be made by another candidate in the constituency, or by the Director of Elections or the Returning Officer of his own motion and shall be in writing, signed by the objector, and shall specify the grounds of objection.

(4) The Returning Officer shall, with the least possible delay, decide on the validity of every objection and inform the candidate concerned of his decision, and, if the objection is allowed, of the ground of his decision.

(5) Any candidate who is dissatisfied by the decision of the Returning Officer on the validity of an objection may, in such manner and within such period as the Commission may prescribe, appeal to the Commission and the decision of the Commission



shall be final and conclusive and shall not be challenged in any court, save by way of an election petition presented pursuant to the provisions of Chapter VII on one or other of the ground specified in that Chapter."

Repeal and
replacement
of section
89.

32. Section 89 of the principal Act is hereby repealed and replaced by the following section :-

"Procedure
after
determination
of validity
of
nominations.

89.(1) A Returning Officer shall, after he has determined the validity of the nomination papers lodged with him, inform the Commission of the names of the candidates validity nominated and of the particulars stated in respect of each such candidate.

(2) Where only one candidate is nominated for an election in a constituency, the Returning Officer shall declare the candidate to have been elected and shall so inform the Commission where the Constituency is situated.

(3) Where a Returning Officer determines that no candidate has been validly nominated for election in that constituency, the Returning Officer shall so inform the Commission where it is situated.

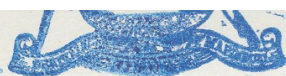
(4) Where the Commission has been advised under subsection (3) that no candidate has been validly nominated for election in that Constituency, the Commission shall exercise its powers under the Act to appoint another day for receiving the nomination of candidates for election and for taking a poll therein, in the case of an ordinary election."

Amendment of
section 90.

33. Section 90 of the principal Act is hereby amended by deleting the proviso appearing in that section.

Amendment
of section
92.
Act No.4/90
s.8.

34. Section 92 of the principal Act is hereby amended -



- (i) in subsection (1) in the last paragraph by deleting the word "five" and substituting for it the word "twenty";
- (ii) in subsection (2) by deleting the word "five" and substituting for it the word "ten";
- (iii) in the last sentence of subsection (2) by deleting the full stop and adding the following:-
....." or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment".

Amendment
of section
93.
Act No.4/90
s.9.

35. Section 93 of the principal Act is hereby amended in subsection (2) by deleting the word "two" which appears in the sixth line and substituting for it the word "ten".

Amendment
of section
94.
Act No.4/90
s.10.

36. Section 94 of the principal Act is hereby amended by repealing subsection (3).

Amendment of
section 107.

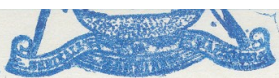
37. Section 107 of the principal Act is hereby amended by deleting the words "one" and "six" which appear in the seventh and eighth lines and substituting for them the words "five" and "eight" respectively.

Amendment
of section
108.

38. Section 108 of the principal Act is hereby amended in subsection (2) by deleting the words "two hundred" and substituting for them the words "five thousand".

Amendment
of section
110.

39. Section 110 of the principal Act is hereby amended in subsection (1)(c) in subparagraphs (i) and (ii) by deleting the passage "National Executive Committee of the Party or the Central Committee of the Party" and substituting for them the words "Political Party" and the words "District Executive Committee of the Party" and substituting for them the word "Commission" and the "Returning Officer" respectively.



Repeal and
replacement
of section
111A.
Act No.4/90
s.15.

40. Section 111A is hereby repealed and replaced
by the following new section :-

"The
Electoral
Commission.

111A. The Zanzibar Electoral Commission shall,
subject to the Constitution and the Act of the
House of Representatives, exercise and perform
all such functions and duties as are conferred
upon it by this Act, the Regulations or directions
of the Minister."

Amendment of
section 112.
Act No.4/90
s.16.

41. Section 112 of the principal Act is hereby
amended -

- (a) by deleting all references to "the Electoral
Commission" and substituting for them with
references to "the High Court"; and
- (b) by repealing the marginal note and substituting
it for the following :-

"Petition triable by the High Court";

Repeal and
replacement
of section
115.
Act No.4/90
s.17.

42. Section 115 of the principal Act is hereby
repealed and replaced by the following :-

"Reports to
the
Director
at end of
hearing
of election
petition.

115.(1) Where the High Court determines
that a person is guilty of any illegal practice,
it shall certify the same to the Director and if the
person concerned is registered as a voter -

- (a) the Director shall delete his name from the
register of voters in which he is
registered;
- (b) the Director shall inform in writing the
Registration Officer for the polling
district concerned of such deletion;



- (c) forthwith upon being so informed, the Registration Officer shall take all such steps as, in the case of deletion of a name from the register under section 28 or section 30, he is required by section 29(2) to take.

(2) At the conclusion of the trial of an election petition, the High Court shall also certify to the Director -

- (a) whether any illegal practice has not been proved to have been committed by or with the knowledge and consent or approval of any candidate at the election, and the nature of such practice, if any; and
- (b) the names and descriptions of all persons, if any, who have been proved to the satisfaction of the High Court to have been guilty of any illegal practice.

(3) Before any person, who is neither a party to an election petition, nor a candidate on behalf of whom the seat is claimed by an election petition, is certified by the High Court under this section, the court shall give such person an opportunity of being heard and of giving and calling evidence to show cause why he should not be so certified.

(4) Where the High Court certifies that an illegal practice has been committed by any person, that person shall be subject to the same disqualifications as if at the date of the said certificate he had been convicted of that practice of offence.

(5) When the High Court certifies that an illegal practice has been committed by any person with the knowledge and consent or approval of a candidate, then in addition to any other consequences, the candidate shall be subject to the same disqualifications as if at the date of the said certificate he had been convicted of that practice.

- (6) The Director shall forthwith -
- (a) cause a copy of such certificate to be published in the Gazette;
 - (b) delete from the register the name of any person registered in it who appears from the record to be disqualified from voting at an election;
 - (c) inform in writing the Registration Officer for the relevant polling district of every such deletion of the name of the person who is registered as a voter in that polling district.

(7) Forthwith upon being so informed, the Registration Officer shall take all steps as may be necessary for ensuring that the person concerned returns the certificate of registration and any other relevant document for cancellation."

Repeal and
replacement
of section
116.
Act No.4/90
s.18.

43. Section 116 of the principal Act is amended by repealing that section and replacing it with the following new section :-

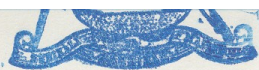
"Time for
presentation
and
determination
of election
petition.

116.(1) Every election petition shall be presented within fourteen days from the date of the declaration of the results of the election by the Returning Officer.

(2) The High Court shall hear and determine each election petition within two years from the date of presentation of the election petition before it."

Amendment
of section
117.
Act No.4/90
s.19.

44. Section 117 of the principal Act is hereby amended by deleting the words "Electoral Commission" and substituting for them the word "High Court".



Repeal and
replacement
of section
118.
Act No.4/90
s.20.

45. Section 118 is repealed and replaced by the following new section :-

118.

"Rules of
court.

118.(1) The Chief Justice may make rules of court regulating the procedure and practice to be followed and prescribing the fees to be paid on and in relation to petitions and applications under this part.

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

Repeal of
section 119.
Act No.4/90
s.21.

46. Section 119 of the principal Act is hereby repealed.

Repeal and
replacement
of section
120.
Act No.4/90
s.22.

47. Section 120 of the principal Act is hereby repealed and replaced by the following new section :-

"Avoidance
of
election
and
petition.

120.(1) The election of a candidate as a member shall not be questioned save on an election petition.

(2) The election of a candidate as a member shall be declared void on any of the following grounds which are proved to the satisfaction of the High Court namely -

- (a) that, during the election campaign, statements were made by the candidate, or on his behalf and with his knowledge and consent or approval with intent to exploit tribal, racial or religious issues or differences pertinent to the election or relating to any of the candidates, place of his origin or where the candidates are not of the same sex, with intent to exploit such difference;

- (b) non-compliance with the provisions of this Act relating to election if it appears that the election was not conducted in accordance with the principles laid down in such provisions and that such non-compliance affected the result of the election;
- (c) that the candidate was at the time of his election a person not qualified for election as a member.

(3) Notwithstanding the provisions of subsection (2); whereupon trial of an election petition respecting an election under this Act the High Court finds that an illegal practice in connection with the election has been committed by or with the knowledge and consent or approval of any of the candidate's agents and the court further finds, after giving the Attorney-General or his representative an opportunity of being heard, that the candidate has proved to the court -

- (a) that no illegal practice was committed by candidate by himself or with the knowledge and consent or approval of such candidate or his agent;
 - (b) that the candidate took all reasonable means for preventing the commission of any illegal practices at such an election;
 - (c) that in all other respects the election was free from illegal practice on the part of the candidate and his agents,
- then, if the court so recommends, the election of such candidate shall not by reason of any such practice be void."

Amendment of
section
121.

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

18/...

Amendment
of section
124.

49. Section 124 of the principal Act is amended by deleting the words "supervisory delegate" which appear in the first line.

Amendment
of section
126.

50. The principal Act is amended in section 126 by deleting that section and substituting for it with the following :-

"Service of
notices.

126. A notice under this Act shall be deemed to have been served on or given to any person -

- (a) if served on him personally;
- (b) if left for him at his last known address; or
- (c) if sent by registered post addressed to him at his last known address."

Amendment
of section
127.
Act No.4/90
s.24.

51. Section 127 of the principal Act is hereby amended in subsection (1) by -

- (i) deleting the words "of the purpose" which appear in the first line of paragraph (a);
- (ii) deleting paragraphs (c) and (d) thereof.

Amendment
of section
132.

52. Section 132 of the principal Act is amended by repealing paragraph (c).

Transitional
provisions.

53.(1) Notwithstanding the amendment of the Election Act, 1984 and section 118 of the Constitution all rules, regulations and directions made by the Electoral Commission before the commencement of this Act, shall continue in force and effect until amended, replaced or altered in any other manner by the Commission or the Chief Justice.

(2) 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.

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


KHAMIS JUMA CHANDE

CLERK TO THE HOUSE OF REPRESENTATIVES.