



THE UNITED REPUBLIC OF TANZANIA

CHAPTER 292

THE LOCAL AUTHORITIES (ELECTIONS) ACT

PRINCIPAL LEGISLATION

REVISED EDITION OF 2015

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Dar es Salaam,
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CHAPTER 292

THE LOCAL AUTHORITIES (ELECTIONS) ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 292

THE LOCAL AUTHORITIES (ELECTIONS) ACT

An Act to consolidate the law relating to election to local government authorities.

9th March, 1979

[G.N.No.63 of 1981]

Act Nos:
4 of 1979
7 of 1982
3 of 1982
8 of 1985
23 of 1991
1 of 1993
4 of 1993
14 of 1993
11 of 1994
15 of 1994
4 of 2000
10 of 2000
13 of 2004
3 of 2005
7 of 2010
17 of 2010
2 of 2013
Short title
Cap.292

PART I
PRELIMINARY PROVISIONS

1. This Act may be cited as the Local Authorities [Elections] Act.

Interpretation
Act No.3 of 1983 s.2
Act No.7 of 1992 s.2
Act No.1 of 1993 Sch.
Act No.13 of 2004 s.2
Act No.7 of 2010 s.28

2.-(1) In this Act, unless the context requires otherwise –
“Act” means, in relation to district authority, the Local Government (District Authorities) Act, and in relation to an urban authority, the Local Government (Urban Authorities) Act;
“campaign period” in relation to councilors’ election, means the whole period commencing immediately after the nomination day up to the day immediately preceding election day;
“candidate” means a person who submits himself for election to a local government authority;

Provided that for the purposes of those provisions of this Act which relate to a time after the nomination of candidates, it does not include a candidate whose nomination is declared invalid by the Returning Officer or who withdraws his candidature;

“close of polls” means the latest close of poll in polling station in relation to any election;

“contested election” means an election in a ward at which there are more candidates than vacancies;

“Council” means -

- (a) in relation to a district, a District Council;
- (b) in relation to a city, a city Council;
- (c) in relation to a Municipality, a Municipal Council; and
- (d) in relation to a town, a Town Council established or deemed to have been established under the Act;

“counting agent” means a person appointed as a counting agent under the provision of section 71;

“district authority” means a District Council, a Township Authority or as the case may be a Village Council;

“election” means an election in a ward of an elected member of a local authority and includes a by-election for that purpose;

“election day” means in relation to any ward the day appointed under section 48 or any days substituted for it in accordance with the proviso to that section or, in the case of an election in which the candidate is declared elected under subsection (2) of section 45 means the date on which he was so declared elected;

“election officer” includes the Regional Election Co-ordinator, Returning Officer, Assistant Returning Officer, Presiding Officer; Polling Assistant, Regional Registration Co-ordinator, Registration Officer, assistant Registration Officer, Registration Assistant, Camera Operator and Direction Clerk;

“Electoral Authority” means the National Electoral

Commission established by Article 74 of the Constitution;

“local government authority” means a district authority or an urban authority established or deemed to have been established under the Act;

“local authority election” means the election of a member to a local government authority;

“member” means an elected member of a local government authority and includes a Councillor for women special seats;

“Minister” means the Minister responsible for local government authorities;

“nomination” means nomination as a candidate for election to a local authority and includes declaration of councilors for women special seats;

“nomination day” means a day appointed as nomination day;

“person” means a natural person;

Cap.258

“political party” means a party registered as such under the Political Parties Act;

“polling agent” means a person appointed under the provisions of section 58;

“polling assistant” means a person appointed as a polling assistant under the provisions of paragraph (b) of section 57;

“polling district” in relation to an election in a ward means a ward declared as such under the Act;

“polling station” means a polling station specified under the provisions of section 49;

“presiding officer” means a person appointed under the provisions of paragraph (c) of section 57 to be in charge of a polling station;

“Provisional Voters’ Register” means a register established under section 15A;

“qualified” or “qualification” means -

- (a) when used in relation to a person claiming to be entitled to be registered as a voter, qualified to be or qualification as a voter;
- (b) when used in relation to a person claiming to be

qualified as a candidate for a local authority election, qualified to be or qualification as a candidate for election to a local authority for the ward in question;

“register” means the register established under section 15B;

“registration officer” means a person appointed under section 10 and includes an Assistant Registration Officer;

“Returning Officer” means a person appointed under section 9 and includes, in so far as is provided in that section, an Assistant Returning Officer, and the Returning Officer in relation to a polling district means the Returning Officer appointed for that polling district;

“voter” means any person who is for the time being qualified to vote at an election in accordance with the provisions of this Act;

“voter’s card” means a card issued under the provisions of this Act verifying that the person named in such card has been registered as a voter;

“ward” means a division of the jurisdiction of a local government authority demarcated as such in pursuance of the provision of the Act and declared to be a ward of that local government authority under section 8 for the purposes of this Act.

(2) Reference in this Act to an election in a ward shall be construed as reference to the local government authority election in a ward demarcated in pursuance of the provisions of the Act and declared as such for the purposes of this Act.

Application

3. This Act shall apply to all local authorities in respect of which it is provided that some or all of the members shall be elected.

Directions and notices of an Electoral authority

4. All regulations, directions and notices which an Electoral Authority is empowered to make issued or give, shall be deemed to have been validly made, issued or given, if they are made issued or given Executive Officer of the Electoral Authority.

Repealed
Act No.7 of
1992 s.3

5. [Repealed].

PART II
ELECTORAL AUTHORITY

Repealed
Act No.1 of
1993 sch.

6. [Repealed]

Conduct of
elections

7. The conduct of every election shall be subject to the direction and supervision of the Electoral Authority having jurisdiction in the area where the election is conducted.

Wards
Acts Nos. 3
of 1983 s.3
11 of 1994
s.3

8. Where the Minister establishes a ward in accordance with the provisions of the Act, that ward shall be a ward for the purpose of election under this Act.

Returning
Officers and
staff
Act No.3
of 1983 s.4

9.-(1) For the purposes of any local government authority election held under this Act, every City Director, Municipal Director, Town Director and District Executive Director shall be a Returning Officer for the local government authority in respect of which he is such Director.

Act Nos.10
of 2000 Sch.
10 of 2000
Sch.
13 of 2004
s.43

(2) The Commission shall appoint by office such number of Assistant Returning Officers as it may deem fit.

(3) 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 the power of appointment conferred by subsection (2) and, except with respect to the power of appointment every reference in this Act to the Returning Officer shall be deemed to include a reference to an Assistant Returning Officer.

(4) Returning Officers may, subject to the directions of the Electoral Authority, employ such staff as they may require to carry out their functions under the provisions of this Act.

(5) Every Returning Officer and Assistant Returning Officer shall upon his appointment subscribe before a magistrate an oath of secrecy in the prescribed form.

(6) Notwithstanding subsection (1), the Commission may, where circumstances so require, by notice published in the Gazette, appoint any person by name or office to be a Returning Officer for any local government authority instead of the one referred to in subsection (1) and where such a person is so appointed, the City Director, Municipal Director, Town Director or District Executive Director as the case may be, shall cease to be the Returning Officer of the local authority.

Registration
officers and
Staff
Act Nos.
13 of 2004
s.44

10.-(1) For the purposes of registration of voters under this Act, every City Director, Municipal Director, Town Director and District Executive Director shall be a Registration Officer for the local government authority in respect of which he is such Director.

3 of 2005
s.22

(2) The Commission may, from amongst public officers, appoint by office or name such number of Assistant Registration Officers for the purpose of registering voters.

(3) Notwithstanding the provisions of subsections (1) and (2), the Commission may, where circumstances so require, by notice published in the Gazette appoint any person holding a public office by name or by office to be a Registration Officer in any Local Government Authority instead of the one referred to in subsection (1), and where such person is so appointed the City Director, Municipal Director, Town Director, District Executive Director, as the case may be shall cease to be a Registration Officer of the Local authority.

(4) Subject to such directions as the Registration Officer may from time to time issue, an Assistant Registration Officer may exercise and perform all the powers and duties conferred or imposed other than those conferred or imposed by subsection (2) and, except with respect to the power of appointment, every reference in this Act to the Registration Officer shall be deemed to include a reference

to an Assistant Registration Officer.

(5) Every Registration Officer shall, before embarking on the functions of that office, take and subscribe to an oath of secrecy in the prescribed form before a Magistrate.

(6) Registration Officers may, subject to the directions of the Electoral Authority, employ such staff as they may require to carry out their functions under the provisions of this Act.

Repealed
Act No.7 of
1992 s.5

11. [Repealed].

**PART III
HOLDING OF ELECTIONS AND TENURE OF OFFICE OF
COUNCILLORS**

Ordinary
election
Act Nos.3
of 1983 s.7

12.-(1) There shall be held an ordinary election of councillors of the local government authorities in every fifth year after the previous ordinary election, and whenever a new Council is established.

8 of 1985
Sch
11 of 1994
s.4

(2) Notwithstanding the provisions of subsection (1), the ordinary election shall not be held where establishment of a new Council has not altered the boundaries of the Parliamentary constituencies.

4 of 2000
sch.
13 of 2006
s.24

(3) An ordinary election of Councillors of a local government authority shall be held in every ward or as the case may be in any particular ward of that local government authority on such date as the Electoral Authority shall, by order published in the *Gazette*, prescribe.

(4) An order made under this section shall specify the day or days on which Returning Officers may receive nomination of candidates for election in any ward to which the order relates.

By-election
Act No.7 of
2010
s.29

13.-(1) The Minister shall declare a seat of any member of a Council to be vacant when he is informed in writing by the Chairman of the Council that-

- (a) a member has died or resigned;
- (b) a member is, by virtue of the terms of or under this Act or any other written law, disqualified from or should be declared to be incapable of becoming or continuing to be a member;
- (c) the election of a member is declared void;
- (d) the seat of a member is deemed to be vacant under this Act; or
- (e) a member has ceased to be a member of a political party which sponsored that member as a candidate.

(2) Any vacancy which is declared vacant pursuant to subsection (1) shall be deemed to be a causal vacancy for the purpose of this Part.

(3) For the purpose of filling causal vacancies which occurred in various wards during the calendar year, the Electoral Authority shall hold the by-election at least twice in a year on such dates as the Electoral Authority shall, by order published in the *Gezette*, appoint.

(4) An order under this section shall specify the day or each day or days on, and the hours within which returning officers may receive nominations of candidates for election in any ward to which the causal vacancy occurred.

(5) A member filling a casual vacancy shall hold office for the unexpired portion of the term of the office of the member whose seat is vacant.

(6) Where a casual vacancy occurs within twelve months immediately preceding the ordinary date of the expiry of the term of the member in respect of whom the vacancy occurs, a nomination or election shall not be made or held to fill the vacancy, but the vacancy shall be filled at the next ordinary nomination or election.

(7) A poll shall not be conducted in any by-election in which there is no a contested election.

Representati
on of wards
and tenure of
office of
councilors
Act Nos.3 of
1983 s.9
8 of 1985
sch.
7 of 2010
s.30

14.-(1) There shall be one councilor elected for each ward into which the area of a Council is divided and every Councillor shall, with effect from the date following the date on which the election results are confirmed by the Returning Officer, be an elected member of the Council for which he has been elected.

(2) Subject to the provisions of this Act, the term of office of an elected member of a Council shall be five years and all the elected members shall retire on the fifth anniversary of the date on which they assumed their office under subsection (1), and their place shall be filled by newly elected members who shall come into office on that day; but a member elected in a by election shall hold office only for the remainder of the term of office of his predecessor.

PART IV REGISTRATION OF VOTERS

Qualification
for
registration
Act Nos.13 of
2004 s.45
Cap. 343

15.-(1) Every citizen of Tanzania who has attained the age of eighteen years shall, unless he is disqualified by this Act or any other written law be entitled to be registered in accordance with the provisions of this Act as a voter.

(2) Notwithstanding the provisions of subsection (1), and subject to proof of age, any Tanzanian not disqualified by the Act or any other written law, who on the date of election will attain the age of eighteen years, shall be entitled to be registered as a voter in accordance with the provisions of the National Elections Act.

Provisional
Voters'
Register
Act No.13
of 2004
s.46

15A.-(1) The Commission shall, for purposes of preparation of a Permanent National Voters' Register, establish a Provisional Voters' Register.

(2) The Provisional Voters' Register shall be used for:
(a) displaying for inspection by the public;

- (b) amendments regarding change of residence or any other particulars of the voter;
- (c) making objection against registration of any voter;
- (d) inclusion or deletion of the name of the voter in the register.
- (e) effecting any other corrections or amendments as may be required under this Act.

Register of Voters

15B.-(1) Subject to this section, there shall, for the purposes of this Act, be a Permanent National Voters' Register which shall be in such parts, chapters or divisions as the Commission shall determine.

Act No.1 of 1985

(2) The Director of Elections shall keep, maintain and up-date a register in accordance with the provisions of the Elections Act.

(3) The Director of Elections may by regulations give directions to the Registration Officer or Assistant Registration Officer on matters relating to registration of voters, contents of a voters' register, or any other related matter.

Disqualification for registration

16.-(1) No person shall be qualified for registration as a voter or shall be registered under this Act -

- (a) if he is under a declaration of allegiance to some country other than Tanzania;
- (b) if, under any law in force in Tanzania, he is adjudged or otherwise declared to be of unsound mind or is detained as a criminal lunatic or during the pleasure of the President;
- (c) if he is under sentence of death imposed on him by any court in Tanzania or sentence of imprisonment by whatever name called exceeding six months imposed on him by the court or substituted by competent authority for some other sentence imposed on him by that court;
- (d) if he is disqualified from registering as a voter

under the provisions of this Act or any other law in force relating to offences connected with any election.

- (2) For the purposes of paragraph (c) of subsection (1)
 - (a) two or more sentences that are required to be served consecutively shall be regarded as separate sentences if none of them exceeds six months but if any one of them exceeds six months they shall be regarded as separate sentences; and
 - (b) no account shall be taken of a sentence of imprisonment imposed as an alternative to, or in default of the payment of a fine.
- (3) Where any person registered under this Act ceases to be qualified for registration as a voter his name shall be deleted from the register:

Provided that no name shall be deleted from a register, except in accordance with the provisions of this Part or on the report of a court that person has been guilty of a practice which disqualifies him from registering or voting.

No person shall be registered in more than one ward

17. No person shall be registered as a voter in more than one ward.

Registration agents Act No.7 of 2010 s.31

17A.-(1) A political party may appoint one person to be a registration agent for each registration centre within the ward, for the purpose of -

- (a) detecting qualified persons for registration; and
 - (b) assisting the registration assistant to secure a smooth compliance with the relevant laws and procedures pertaining to the conduct of the registration of voters.
- (2) For the purpose of subsection (1), a political party shall by notice in writing notify the registration officer

of the appointment not later than seven days before the date set for the commencement of registration of voters or within such shorter time as the Electoral Authority may allow.

(3) The notice under subsection (2) shall state the name of the agent so appointed and name and address of the registration centre to which the agent is assigned.

(4) Where a registration agent dies or becomes incapable of acting as such, the political party concerned may appoint another registration agent in his place, and shall immediately give to the Registration Officer and Registration Assistant concerned a notice in writing of the name and address of the registration agent so appointed and registration centre to which he is appointed.

(5) A political party may, in the notice given under subsection (2), appoint an alternate registration agent who may be present and perform any of the functions of a registration agent in the absence of the registration agent from the registration centre whether permanently or temporarily.

(6) The Registration Assistant shall, with the assistance and co-operation of the registration agent, deal with each complaint at the registration station as soon as it arises and is brought to his attention by any person who wishes to be registered.

Repealed
Act No.13 of
2004 s.47

18. Repealed.

Place of and
disqualification
for voting
Act Nos.3 of
1983 s.12
13 of 2004
ss.48, 55

19.-(1) Subject to the provision of this Act, any person who is entitled to be registered as a voter under this Act, shall be registered as such and a person who is registered as a voter in any ward and shall be entitled to vote at any election in that ward shall be entitled so to vote only at the ward where he is registered and not elsewhere.

(2) Notwithstanding the provisions of subsection (1), a presiding officer or polling assistant at any ward shall not permit any person to vote at that ward, unless that person satisfies the presiding officer or, as the case may be,

the polling assistant, that he is the voter he claims to be by producing to him the voter's card issued to that person or any other documents the Commission may direct.

(3) Notwithstanding that a person is registered as a voter under this Act he shall not be entitled to vote in any election if any circumstances arise in relation to him which, if he were not so registered, would cause him to be disqualified for registration under this Act.

(4) Notwithstanding any other provisions of this Act the Director of Elections or any person authorized in that behalf by the Director of Elections may, by a certificate under his hand, authorize a registered voter who is a candidate at an election in that ward or, as the case may be, in the polling station specified in that certificate whether or not that candidate is registered as a voter in that polling station.

(5) Notwithstanding any other provision of this Act, where a voter registered as a voter in any polling station is employed as a Returning Officer, presiding officer, police officers or in any other official capacity to a ward other than the one allocated to him the Director of Elections or any person authorized in that behalf by Director of Elections may by a certificate under his hand authorize the voter to vote at any other polling station, and that polling station shall, for the purposes of this Act be deemed to be a ward allocated to that voter.

(6) A person who is serving a sentence of imprisonment may, subject to the provisions of this Act, be registered as a voter, or vote at an election, only if permitted to do so by the written law governing his imprisonment:

Provided that nothing in this subsection shall be construed as authorizing any person to vote at any polling station other than the polling station allocated to him.

Change of
name

20. A person registered as a voter whose name has been changed consequent upon marriage or otherwise since being so registered shall, if not disqualified from voting under section 19, be entitled to vote under the name in

which she or he is so registered.

Time for
registration
Act Nos.3 of
1983 s.13
13 of 2004
s.49
7 of 2010
s.32

21.-(1) The Commission shall be responsible for setting the time to review the register of voters in every ward in a local authority.

(2) Any person entitled to be registered as a voter at any ward and who has not been so registered may present himself to the relevant ward and shall, upon so presenting himself and upon satisfying the Registration Officer in charge of the ward, that he is entitled to be registered as a voter, be registered as a voter in accordance with the provisions of this Act.

(3) Notwithstanding any provision of this section to the contrary, the Electoral Authority may direct that the registration of voters in all wards or in any ward specified in that direction be suspended for such period as the Electoral Authority may direct if, in the opinion of the Electoral Authority, it is desirable to suspend the registration of voters.

(4) Where a direction under subsection (3) has been issued in respect of any ward, no registration of voters shall take place in that ward during the period specified in that direction.

(5) For the purpose of this section, the Commission shall review the Permanent National Voters' Register twice between a period commencing immediately after the General Elections and the date preceding the nomination day.

Voter's card
Act No.3
of 1983 s.14
Act No.13 of
2005 s.41

22.-(1) Where a person makes an application for registration as a voter in accordance with the provisions of section 21, he shall, if he satisfies the Registration Officer or any other officer for the time being responsible for the registration of voters, that he is qualified to be registered as a voter for that ward, be registered as a voter for that ward, and upon being so registered shall be issued with a voter's card in the prescribed form.

(2) The Electoral Authority may by regulations

made under section 125 require any person applying for registration as a voter to fill in such forms as may be prescribed.

Change of residence Act Nos.3 of 1983 s.15 13 of 2004 s.50 3 of 2005 s.23 7 of 2010 s.33

23.-(1) Where any voter who is registered in one ward becomes ordinarily resident in some other ward, he may apply in person in accordance with the provisions of section 21 to the Registration Officer, Registration Assistant or any other staff as directed by the Electoral Authority for the purpose of conducting registration of voters of the ward in which he is ordinarily resident and the Registration officer shall-

- (a) if he is satisfied that the applicant -
 - (i) is qualified for registration; and
 - (ii) is ordinarily resident in the ward in respect of which he makes the application;
- (b) on the surrender by the applicant of his voter's card or on the applicant's satisfying the Registration Officer, Registration Assistant or any other staff as directed by the Electoral Authority for the purpose of conducting registration of voters that it is lost or destroyed,

register the applicant in the prescribed form for the ward and cause to be issue another voter's and

(2) Where a Registration Officer registers an applicant under this section, he shall forthwith -

- (a) cancel the voter's card surrendered by the applicant and forward it to the Director of Elections; or
- (b) if he is satisfied that the applicant's voter's card is lost or destroyed give notice to the Director of Elections of the issuance by him of a new voter's card, and shall amend the register accordingly.

(3) Notwithstanding the provisions of subsection (1) of section 19 or subsection (1) of this section, where by reason of

- (a) any change of name of a ward;
- (b) any adjustment in the number of wards; or
- (c) any adjustment in the boundaries or areas of one or more wards, a ward becomes part of another ward or, as the case may be, a ward becomes a ward of another local government authority with a new name, it shall not be necessary for a voter whose name is on any register affected by that change of name or adjustment to apply for the transfer of his name to the appropriate register, but the Director of Elections shall, as soon as possible, effect such amendments or transfers as may be necessary to give effect to that adjustment as if any application for transfer had been made by the voters concerned pursuant to the provisions of this section.

Voter's card
lost, defaced
or destroyed
Act Nos.
13 of 2004
s.51
3 of 2005 s.24

24.-(1) Where a voter's card issued to any person is lost, defaced or destroyed, the person to whom that voter's card was issued may apply in person to the Registration Officer for the issuance of a new voter's card.

(2) On any application, the Registration Officer shall, if satisfied that the application is properly made and that the applicant remains qualified for registration, register the applicant in the prescribed form for the ward and cause to be issued another voter's card upon the applicant paying the prescribed fee, if any, and where the application is made in respect of a defaced voter's card, upon the applicant surrendering the defaced voter's card.

Amendment
of particulars
Act Nos.
3 of 1983 s.16

25.-(1) Where any of the particulars on a voter's card or in a Provisional Voter's Register require amendment by reason of a change of name, or of any other alteration in

13 of 2004
ss.42, 52
3 of 2005 s.25

the circumstances affecting the person to whom it was issued, other than a change of residence from one ward to another, the person to whom that voter's card was issued may apply in person to the Registration Officer for the issuance of a new voter's card, and the Registration Officer shall, upon an application being made to him and upon being satisfied that the application is properly made and that the applicant remains qualified for registration, shall register the applicant in the prescribed form for the polling district and cause to be issued another voter's card.

(2) No new voter's card shall be issued under this section unless the applicant surrenders his voter's card or satisfies the Registration Officer that it is lost or destroyed and pays the prescribed fee, if any.

Declaration relating to lost or destroyed voter's card Act No.13 of 2004 s.41

26. Where, under the provisions of this Part, an application is made to a Registration Officer by a person who claims that he has lost his voter's card issued to him or that the voter's card has been destroyed, the Registration Officer shall require the applicant to make a declaration in the prescribed form relating to that loss or destruction and without prejudice to his power to refuse the application on other grounds, may refuse the application unless the applicant makes the declaration.

Refusal of application Act Nos. 13 of 2004 s.53 7 of 2010 s.34

27.-(1) Where a Registration Officer refuses an application under the foregoing provisions of this part, he shall, if so required by the applicant, give to the applicant a written statement in the prescribed form setting out the grounds of his refusal, and any applicant aggrieved by that refusal may, within fourteen days after receipt by him of the statement appeal against that refusal to a District Magistrate.

(2) The District Court shall decide on such appeal within fourteen days from the date of submission.

Inspection of a Provisional

28.-(1) Any person may inspect the Provisional voters' Register of any ward on such day and at such time

Voters' Register Act No.13 of 2004 s.54

as the Registration Officer or, as the case may be, the Director of Elections may determine.

(2) The Registration Officer shall display the provisional voters' register in every ward and may amend it, if necessary, in the manner as may be prescribed by the Commission.

Inclusion of name in the Provisional Voters' Register Act Nos. 3 of 1983 s.18 13 of 2004 s.55

29.-(1) Where any person who has been registered as a voter and holds a valid voter's card in respect of a ward discovers, pursuant to an inspection made in accordance with the provisions of section 28, that his name does not appear in the Provisional Voters' Register of the Ward he may apply to the Director of Elections or the Registration Officer for inclusion of his name in the Provisional Voters' Register, and the Director of Elections or as the case may be, the Registration Officer shall, if satisfied that the name of such person should have been included in the register of the polling district, amend or cause to be amended the Provisional Voters' Register by inclusion of the name of that person.

(2) Where the Director of Elections or the Registration Officer refuses to amend or cause to be amended the Provisional Voters' Register to include the name of any person, the person aggrieved by that refusal may object that refusal.

Objections Act Nos. 3 of 1983 s.19 13 of 2004 ss.42, 55

30.-(1) Any person whose name appears in the Provisional Voters' Register for any ward may object to the retention in that Provisional Voters' Register of his own name or the name of any other person who is not qualified or is no longer qualified to be registered in that Provisional Voters' Register or that other person is dead.

(2) The Director of Elections or the Registration Officer may object to the retention of any name in the Provisional Voters' Register of any polling district on any such ground aforesaid.

(3) Any person who makes an objection under this section or under section 29 shall, hereinafter, be referred to

as the objector.

Procedure for making objections Act Nos. 7 of 1992 s.6 13 of 2004 ss.42, 55

31.-(1) Except in the case of an objection made by a Registration Officer, every objection shall be made in duplicate in the prescribed form and shall be made to the Registration Officer within such period as may be prescribed.

(2) Every objection, other than an objection made by the Director of Elections or a Registration Officer, shall be accompanied by the sum of five hundred shillings as a deposit.

(3) Only such objections as are made in accordance with the provisions of this section, shall be received by the Registration Officer.

(4) The Registration Officer shall, as soon as practicable after receiving an objection made in accordance with this Part or, in the case of an objection made by himself, within such period as may be prescribed send a notice of such objection to the person in regard to whom that objection has been made:

Provided that a Registration Officer shall not be required to send a notice when an objection is made on the ground that a person whose name appears in a Provisional Voters' Register is dead.

Inquiry and determination by Registration Officer Act Nos. 7 of 1992 s.7 13 of 2004 ss. 42, 55, 56

32.-(1)The Registration Officer shall as soon as practicable hold a public inquiry into all objections which have been duly made, giving not less than seven clear days written notice of the date on which the time and place at which the inquiry will commence to each objector and person in regard to whom the objection has been made.

(2) At any public inquiry any person appearing to the Registration Officer to be interested in or is affected by the subject matter of the inquiry may appear and be heard either personally or by any other person duly authorized by him in writing in that behalf.

(3) Where any objection is made to the retention or

non-inclusion of any name in the Provisional Voters' Register, the Registration Officer shall call upon the objector, or any person authorized in writing in that behalf by the objector, to give *prima facie* proof of the ground of the objection.

(4) Where, in the opinion of the Registration Officer, the *prima facie* proof is given, the Registration Officer shall require proof of the present qualification for registration of the person in regard to whom the objection has been made; and –

- (a) if that person's qualification is not proved to the Registration Officer's satisfaction, he shall cause to be deleted such person's name from the Provisional Voters' Register;
- (b) if that person's qualification is so proved, he shall cause to be retained or included, that person's name in the Provisional Voters' Register.

(5) Where, on the date fixed for inquiry into any objection, the objector or any person authorized in writing in that behalf by the objector fails to appear, or appears but fails to give *prima facie* proof of the ground of objection to the satisfaction of the Registration Officer, the Registration Officer shall retain or cause to be retained the name of the person in regard to whom the objection is made in the Provisional Voters' Register or as the case may be, take no steps for the amendment of the Register so as to obtain inclusion in the Provisional Voters' Register of the name of the person objecting against the non-inclusion of his name in the Provisional Voters' Register.

(6) Where an objection made by any person other than the Registration Officer or the Director of Elections is disallowed by the Registration Officer and, in his opinion, the objection was made without reasonable cause, the Registration Officer may, if he thinks fit, order in writing

the objector to pay the person in regard to whom the objection has been made such sum, not exceeding one thousand shillings, as the Registration Officer considers reasonable compensation for any loss suffered by that person in consequence of the objection.

(7) Any sum awarded as compensation under this section shall be recoverable as though the order of the Registration Officer were a decree of a district court for the recovery of the money.

(8) Where an objection is disallowed by the Registration Officer and he is of the opinion that the objection was made without reasonable cause, the deposit of five hundred shillings shall be liable to be forfeited to the Government by order of the Registration Officer, but otherwise that deposit shall be refunded.

(9) The validity of any proceedings under this section shall not be questioned by reason only of the Registration officer hearing and determining an objection made by himself, and in any such case the procedure at any inquiry under this section shall be commenced at the stage at which the Registration Officer required proof of the present question of the person in regard to whom the objection is made.

Objector or person objected to may appeal

33. Where any objector or person in regard to whom objection has been made is dissatisfied with the decision of the Registration Officer under section 32 he may, within fourteen days from the date of that decision appeal to a District Court.

Appeals to District Magistrates Act Nos. 7 of 1992 s.8 13 of 2004 ss 41, 42, 58

34.-(1) Every appeal under section 27 or 33 shall state shortly the grounds of appeal, and shall be accompanied by the sum of five hundred shillings as a deposit.

(2) The District Magistrate shall hear every appeal in public, giving notice of the time, date and place of the

hearing of the appeal to the parties concerned and it shall be in his discretion whether to hear or not to hear any evidence and his determination of the appeal shall be final and conclusive and shall not be called in question on any court.

(3) Where the District Magistrate has determined the appeals which have been lodged with respect to any Provisional Voters' Register or the issue of the voter's card he shall forward to the Registration Officer a statement under his hand containing the name which he has decided shall be inserted or retained in the Provisional Voters' Register and those which he has decided shall be deleted from the Provisional Voters' Register, and a statement of the name of the person to whom a voters' card shall be issued, and the Registration Officer shall cause to be amended the Provisional Voters' Register and issue the Voter's card accordingly:

Provided that -

- (a) the District Magistrate shall not require a Registration Officer to issue a voter's card to any person who claims he has lost a voter's card issued to him and relevant to the proceeding, or that the voter's card has been destroyed, unless such person shall have made the declaration provided for in section 26; and
- (b) in any case to which section 24, 25 or 26 applies and no declaration has been made in accordance with section 26, the Registration Officer may refuse to cause the issuance of a new voter's card until the previous voter's card issued to the person concerned has been surrendered.

(4) Where an appeal is dismissed and the District Magistrate is of the opinion that the appeal was made without reasonable cause, he may order that the deposit of five hundred shillings shall be forfeited to the Government, but in other case the deposit shall be refunded.

(5) No party to an appeal shall be entitled to any costs or compensation:

Provided that if any appeal is made and is not allowed by the District Magistrate and in his opinion the appeal was made without reasonable cause, the District Magistrate may, if he thinks fit, order the appellant to pay compensation of such amount, not exceeding one thousand shillings, as he considers reasonable and any sum so awarded shall be recoverable.

(6) Where an appeal has been made under this section, the District Magistrate may, whether he allows or dismisses the appeal, order that any deposit forfeited or to be forfeited or any sum of money paid or to be paid by way of compensation in accordance with an order of the Registration Officer under section 32 or so much of such deposit or such sum as the District Magistrate may specify shall not be paid or forfeited, or shall be returned to the objector, as the case may be, and any sum ordered to be returned shall be recoverable as through the order where a decree of a District Court for the recovery of the money.

(7) Witnesses may be summoned and sworn at the hearing of an appeal under the provisions of this section in the same manner as nearly as circumstances admit as in a trial by a District Court in the exercise of its criminal jurisdiction and shall, without prejudice to the provisions of any other law, be subjected to the same penalties for the giving of false evidence or for non-attendance.

(8) Any person entitled to appeal as a party at an appeal brought under the provisions of this section may appear either in person or by advocate.

(9) The procedure and practice of hearing of appeals under this section shall be regulated in such manner as the District Magistrate shall decide and without prejudice to the generality of the foregoing, a District Magistrate may, if satisfied that two or more appeals involved the same

question, declare that the decision given in any appeal heard previously shall be binding on the parties to that of the other appeal or appeals as he shall specify.

(10) Any appeal lodged under this section shall be determined within fourteen days from the date of submission of an appeal.

Provisions consequential to additions to or deletions from Provisional Voters' Register under this Part Act No13 of 2004 s.4, s.42

35.-(1) Where the name of any person has been added to a register under section 34, or any voter's card has been issued to any person in pursuance of that section, the Registration Officer shall take such steps in relation thereto as if he had not refused the application of which the appeal relates.

(2) Where the name of any person has been deleted from a Provisional Voters' Register under section 32 or 34, the Registration Officer shall require that person either -

- (a) to surrender any voter's card issued to such person under this Act; or
- (b) to make and deliver to the Registration Officer the declaration provided for in section 26,

within such period (not being less than ten days) as the Registration Officer shall specify; and the Registration Officer shall cancel any voter's card so surrendered.

**PART V
VOTING**

Persons entitled to vote Act No.3 of 1983 s.20

36.-(1) Subject to the provisions of this Act every person, who is a citizen of the United Republic and who at the time when any election is held in any ward under this Act is duly registered in that ward, as a voter, shall be entitled to vote at that election in the ward in which he is registered or was registered.

(2) Every person shall whenever he wishes to vote at an election under this Act, identify himself to the Returning Officer in such manner as may be prescribed and no person shall be entitled to vote more than once at that

election.

Disqualifi-
cation for
voting
Act No.3 of
1983 s.21

37. Notwithstanding the provisions of section 36, a person who is registered as a voter shall not be entitled to vote at any election if circumstance arise in relation to that person that, if he were not so registered, would cause him to be disqualified for registration as a voter.

Place of
voting

38. Every person entitled to vote under the provisions of section 36 shall vote at a ward in which he is registered as a voter for the purposes of election to a local authority, but not elsewhere.

PART VI
QUALIFICATION OF CANDIDATES FOR ELECTION

Qualification
of candidates
Act Nos.
7 of 1992 s.9
11 of 1994
s.6

39.-(1) A person shall be elected as a member of a local government authority or stand as a candidate at an election for local government authorities if he is qualified for election.

(2) A person shall be qualified for election if he satisfied the following conditions, that is to say -

Act No.10
of 2000 Sch.

- (a) he is a citizen of the United Republic;
- (b) he has attained the age of twenty one years;
- (c) he is not disqualified for election under the provisions of section 40;
- (d) he is ordinarily resident within the area of jurisdiction of local authority;
- (e) he can read and write in Kiswahili or English;
- (f) he is a member of and sponsored by a political party registered as such under the Political Parties Act;
- (g) he has a lawful means of livelihood; and
- (h) he has not been convicted for an offence of tax evasion within a period of five years before election.

Cap.258

Disqualificat

40.-(1) A person shall be disqualified for

ion for
nomination
Act Nos.
7 of 1992
s.10
3 of 2005
s.26

nomination for election -

11 of 2005
s.33

Cap.361

Cap.38
(R.L)

- (a) if he is under a declaration of allegiance to some country other than the United Republic;
- (b) if under any law in force in Tanzania he is adjudged or otherwise declared to be of unsound mind;
- (c) he is under sentence of death imposed on him by any court in Tanzania or a sentence of imprisonment exceeding six months imposed on him by a court;
- (d) he is detained under an order made under the Preventive Detention Act and has so been detained under the order for a period exceeding six months;
- (e) he has been deported, in accordance with the provisions of the Deportation Act ,under an order made under that Act which has been in forced for a period exceeding six months, and is still in force;
- (f) if he is a party to, or a partner in a firm or manager of a company which is a party to any subsisting contract with the local authority to which he seeks election and has not, published in the Kiswahili language and English language newspapers circulating within the area of authority concerned, a notice setting the nature of the contract and his interest or the interest of the firm or company in the contract;
- (g) if he is disqualified from becoming a member of a local authority by or under any written law;
- (h) if he is disqualified from registering as a voter under this Act or disqualified from voting at any election under this Act or under any written law relating to offences connected with any election;
- (i) subject to such exceptions and limitation as

the President may, by order published in the Gazette, prescribe, if he holds or acts in any office or appointment in the service of the United Republic or a local authority.

(2) For the purposes of paragraph (c) of subsection (1)

(a) two or more sentences that are required to be served consecutively shall be regarded as separate sentences, if none of them exceeds six months they shall regarded as one sentence; and

(b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

PART VII
NOMINATION OF CANDIDATES FOR ELECTION

Nomination day
Act Nos. 3 of 1983 s.22
7 of 1992 s.11

41.-(1) Where a local authority election is to be held in a ward, or where the election is countermanded and the election procedures are to be commenced afresh, the Electoral Authority shall, by notice published in the *Gazette*, appoint a day (hereinafter in this Part referred to as the nomination day) for the nomination of candidates for the election.

(2) The Electoral Authority may appoint different nomination days for the different wards and may revoke the appointment of a nomination day and appoint some later day as the nomination day.

(3) The Electoral Authority shall give at least seven days notice of a nomination day.

Nomination of candidates
Act Nos. 3 of 1983 s.22

42.-(1) In order to be validly nominated at a nomination to stand as a candidate for a ward, a person must be nominated in writing by not less than ten voters registered in the ward for which he is a candidate.

4 of 1993 s.8
4 of 2000
7 of 2010 s.
35

(2) The writing shall be in the prescribed form, shall be signed by the candidate and by the persons nominating him, and shall contain the following particulars –

(a) the name, address and occupation of the candidate;

17 of 2010
s.31

(b) a certificate by the candidate that he is willing and qualified to stand for election.

Cap.278

(3) Notwithstanding the provisions of subsection (1), the Electoral Authority may, on the nomination day, refuse to nominate a person as a candidate if it is satisfied that the person has been disqualified from participating in the nomination process by the Electoral Authority pursuant to the provisions of the Election Expenses Act.

(4) Every Nomination Form shall be accompanied by -

(a) a statutory declaration in prescribed form, made and signed by the candidate before a magistrate and declaring the candidate's qualifications and that he is not disqualified for elections;

(b) a certificate in the prescribed form by the Registration Officer in charge of the ward certifying that the nominators are registered as voters in the ward in respect of which the candidate has been nominated; and

(c) such biographical information relating to the candidate as may be required to be given by regulations in such form as may be prescribed.

(5) Where, in any case, a nomination form is not accompanied by the documents specified in subsection (4) the nomination of the candidate shall be deemed to be void:

Provided that the Electoral Authority may, in any particular case, if it thinks reasonable so to do, direct that the nomination form shall be accepted as valid notwithstanding that nomination form was not accompanied by any of the documents if the document in question is submitted to the Returning Officer within further time as the Electoral Authority may allow.

(6) The Electoral Authority shall prescribe the number of nomination form and the manner of issuing them.

(7) Every candidate or one of the persons nominating him, shall deliver his nomination form (together with one copy of it) signed as provided in this section at the office of the Returning Officer not later than four o'clock in the afternoon of the nomination day.

(8) The Returning Officer shall forthwith cause a copy of the nomination form to be posted in a conspicuous place outside his office.

(9) No person shall nominate more than one candidate for any one election and where a Registration Officer has issued a certificate under paragraph (b) of subsection (4) in respect of a person's nomination of one candidate he shall refuse to issue a certificate in respect of that person nomination of another candidate for the same election:

Provided that a person shall not be prevented from signing a nomination form by reason only if his having signed that of a candidate who had died or withdrawn his candidature before delivery of the first mentioned nomination form.

(10) Where, notwithstanding the provisions of subsection (9), a nominator nominates more than one candidate for the same election and certificates have been issued under paragraph (b) of sub-section (4) in respect of such persons registration both, such candidates nominations shall be valid.

(11) Any person who nominates more than one candidate commits an offence, and upon conviction shall be liable to a fine not exceeding two hundred thousand shillings.

(12) The Returning Officer may, where he is satisfied that any person has committed an offence under subsection (11), by order under his hand compound such offence by requiring such person to make payment of a sum of money:

Provided that-

- (a) such sum of money shall not be more than the maximum fine provided for such offence;
- (b) the power conferred by this sub-section shall only be exercised where the person admits in writing that he has committed the offence; and
- (c) the Returning Officer shall issue to the person from whom he receives such sum of money a receipt thereof.

(13) A nominator may subject to the provision of sub-section (9) nominate one candidate each for the President, Parliamentary and Local Authority election.

(14) A Registration Officer shall, when requested by or on behalf of a candidate to issue certificate in respect of a nominator who is registered in a ward, of which he has charge over, issue a certificate accordingly.

(15) The fact that, subsequent to primary nomination day, the name of a person who has nominated a candidate is deleted from the register of voters for the relevant ward shall not invalidate the nomination of the candidate.

Candidate to be nominated for one seat only
Act No.3 of 1983 s.24

43. No person shall be nominated as candidate for election in more than one ward.

Objections to and decision as to validity of nomination form
Act Nos. 7 of 1992 s.13

44.-(1) Objection may be made to a nomination form 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 form does not comply with or was not delivered in accordance with the provisions of this Part;

7 of 1992
s.13
3 of 2005
s.27

17 of 2010
s.32

- (c) that it is apparent from the contents of the nomination form that the candidate is not qualified to stand for election;
- (d) that the requirements of subsection (3) of section 42 have not been complied with;
- (e) if the requirements of the Election Expenses Act have not been complied with.

(2) No objection to a nomination form shall be allowed unless it is made to the Returning Officer or Assistant 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 ward, the Registrar of Political Parties or by the Returning Officer or Assistant 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 or the Assistant Returning Officer shall before deciding on the validity of any objection with the least possible delay-

- (a) notify the person against whom the objection is made; and
- (b) avail him an opportunity to be heard.

(4A) Where the Assistant Returning Officer decides on any objection under subsection (4), he shall forward that decision to the Returning Officer who shall, with the least possible delay, review the matter, and may uphold or reverse the decision of the Assistant Returning Officer.

(4B) Where the Returning Officer decides on any objection under subsection (4) or (5), he shall inform the candidate concerned of his decision and, if the objection is allowed, the grounds of his decision.

(5) Where a candidate is aggrieved by the decision of the Returning Officer on an invalid nomination, the aggrieved candidate may appeal to the Electoral Authority, whose decision may be subject to review by an election petition, pursuant to the provisions of Part XIII, on one or other of the grounds specified in that Part, except that, a decision on such petition shall be final and conclusive, and

shall not be called in question on any court of law.

(6) Notwithstanding any provision of this section, an objection filed by the Registrar of Political Parties shall be subjected to the procedure laid down under this Act.

Procedure after determination of validity of nomination Act Nos. 3 of 1983 s.25 7 of 1992 s.14

45.-(1) A Returning Officer shall, after he has determined the validity of the nomination form lodged with him, inform the Electoral Authority of the names of the candidates validly nominated and of the particulars stated in respect of each such candidate under subsection (2) of section 42.

(2) Where only one candidate is nominated for an election in a ward, the Returning Officer shall declare the candidate to have been elected and shall so inform the Electoral Authority.

(3) Where a Returning Officer for any ward determines that no candidate has been validly nominated for election in that ward, the Returning Officer shall so inform the Electoral Authority.

Procedure if no candidate is validly nominated Act Nos. 3 of 1983 s.26 7 of 1992 s.15

46. Where the Electoral Authority has been informed under subsection (3) of section 45, that no candidate has been validly nominated for election in a ward, the Electoral Authority shall exercise its powers under the Act to appoint another day for receiving the nomination of candidates for election in such ward and for taking a poll therein.

Photographs Act No.3 of 1983 s.27

47.-(1) For the purpose of assisting voters to identify a candidate when voting, 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.

**PART VIII
ELECTION DAY**

Candidates

48.-(1) Where candidates are nominated for election

nominated
and election
day
Act Nos.
3 of
1983 s.28
7 of
1992 s.17
11 of 1994
s.7
4 of 2000

in a ward, the Electoral Authority shall appoint a day not less than sixty days and not more than ninety days after the nomination day to be an election day:

Provided that -

- (a) where there are two or more contested elections during a local authority general election the Electoral Authority may appoint different election days for wards; and
- (b) the Commission may for a reasonable cause or upon the occurrence of an event preventing an election to take place, revoke the day previously appointed and appoint another election day.

13 of 2004
s.59

(2) Where candidates are nominated for a by-election in a ward, the Commission shall by notice 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 ward.

(3) Where on the election day, there is an occurrence of an event that prevents an election from taking place, the Commission shall appoint another day of election.

(4) Where the polling is adjourned under subsection (3), the time, procedure and manner of subsequent polling shall be as on the original polling day.

(5) The Electoral Authority may delegate any of its functions under this section in relation to a local authority election to a Returning Officer.

Notices of
election
Act Nos.
3 of 1983
s.29

49.-(1) Where there is a contested election, the Returning Officer shall, on or before the eighth day before the election day, give notice in the ward in such manner as he may think fit as to the following matter –

7 of 1992
s.18
4 of 1993
s.10
10 of 2000
sch.

- (a) the day or days and subject to the provisions of subsection (4) the time or times of commencement and close of the poll;
- (b) the address of the polling station or stations;

- (c) in any polling district where there are two or more polling stations the voters assigned to each polling station; and
 - (d) the full names of a candidate, a recent photograph and acronym or logo of the political party sponsoring the candidate, if any.
- (2) The day appointed for polling pursuant to the provisions of paragraph (a) of subsection (1) in any polling district may differ from that appointed for any other polling district:

Provided that-

- (a) one day but not more than one day shall be appointed as a polling day for each ward; and
 - (b) the last day appointed for polling in any ward shall be not later than such time after election day for that ward as the Electoral Authority may appoint.
- (3) Where the Returning Officer has appointed a polling day for a ward pursuant to the provisions of this section, he may, where it appears to him to be in the public interest so to do, give notice in the ward, in such manner as he may think fit altering the polling day appointed for any ward and thereupon polling shall take place in that ward on the polling day specified in the notice.
- (4) For the purpose of paragraph (a) of subsection (1), unless the Electoral Authority otherwise directs, the time of commencement of the poll shall be eight o'clock in the morning and the time of the close of the poll shall be six o'clock in the evening or such earlier time as may be specified in the notice.

PART IX
WITHDRAWAL, DEATH AND ABSENCE OF CANDIDATES

Withdrawal
of
candidature
Act No.7
of 1992 s.19

50.-(1) A candidate may withdraw his candidature by notice in writing signed and delivered by him to the Returning Officer not later than the day following the nomination day.

(2) Every withdrawal notice under subsection (1) shall be accompanied by a statutory declaration in the prescribed form made and signed by the candidate before a Magistrate.

Act No.13 of
2004 s.60

(3) Where a candidate withdraws his candidature after nomination day, no party shall nominate a substitute candidate.

Death of
candidates
Act No.3 of
1983 s.30

51.-(1) Where, after four o'clock in the afternoon on the nomination day and before the close of the poll in an election, a candidate in a ward dies, the Returning Officer shall, upon being satisfied of the fact of death, countermand the election in the ward.

(2) In the case where the Returning Officer countermands an election pursuant to the provisions of subsection (1), the Electoral Authority shall appoint some other convenient day, not later than thirty days after the countermand, for the nomination in the ward and the electoral procedure in that ward shall be commenced afresh:

Provided that no new nomination shall be required in respect of any candidate validly nominated at the nomination and every such candidate shall be deemed to have been nominated unless he gives a notice of his withdrawal.

Absence of
candidates
Act No.3 of
1983 s.31

52. Where after the nomination day by reason of death, withdrawal or any other reason, there are no candidates in a ward, the Electoral Authority shall countermand the election and appoint some other day not later than thirty days after such countermand for the nomination of candidates for election in the ward, and the electoral procedure in that ward shall be commenced afresh.

Disqualifi-
cation of
candidates
Act Nos.
7 of 2010
S.36

52A.-(1) Where the Registrar of Political Parties is satisfied that a candidate has committed a prohibited practice or failed to observe any other requirement of the Election Expenses Act, he may file an objection with the Electoral Authority.

17 of 2010
s.33

(2) The Electoral Authority may, upon determination of the objection filed by the Registrar of Political Parties for failure by the candidate to observe the provisions of the Election Expenses Act, disqualify the candidate from continuing to participate in the election process.

PART X
THE ELECTION CAMPAIGNS

Election
campaigns
Act Nos.
3 of 1983
s.32
7 of 1992

53.-(1) Where there is a contested election in a ward

- (a) the Electoral Authority shall declare the dates on which election campaigns shall commence and terminate within the ward;
- (b) any candidate or person acting with the approval or consent of the candidate or a political party sponsoring a candidate may convene or address any public meeting in the ward for the purpose of furthering the candidate's election or undertake any public or door to door canvassing.

Cap.322
and 258

(2) For the avoidance of doubt and notwithstanding the provisions of section 40 of the Police Force and Auxiliary Services Act and section 11 of the Political Parties Act, a declaration of the period of campaign shall, without further assurance, constitute a permit for the candidates and the political parties sponsoring such candidates to convene and address public meetings for purposes specified in paragraph (b) of subsection (1).

(3) Without prejudice to subsection (2) and for the purpose of ensuring peaceful and orderly meeting during the election campaign period -

- (a) each political party sponsoring a candidate shall submit to the Returning Officer the programme of public meetings to be held by

such candidate or on his behalf within the wards;

- (b) the Returning Officer shall scrutinize the campaign programmes of all the candidates and if necessary advise the candidates to make changes to their programmes in order to avoid conflicting meetings; and
- (c) the Returning Officer shall submit the co-ordinated programmes to the District Commissioner for information and for the purpose of providing security at such meetings, if necessary.

Repealed

54. [Repealed by Act No.7 of 1992 s.23].

Payment by candidates
Act No.13 of 2004 s.61

55. Every candidate shall be responsible for his personal expenses during an election.

PART XI ELECTION PROCEDURE

Polling days and time

56. In a contested election, polling shall take place in each polling district in the manner provided in this Part on the day appointed for polling in that polling district pursuant to the provisions of section 49.

Arrangements for contested election
Act Nos. 7 of 1992 s.26
4 of 1993 s.10
13 of 2004 s.62

- 57.** The Returning Officer shall –
- (a) provide a sufficient number of polling stations in each polling district in accordance with the terms of any notice given under the provisions of subsection (1) of section 49;
 - (b) appoint, in respect of each polling district, such persons to be known as polling assistants, as he may think fit to assist at the voting in the election;
 - (c) appoint from among polling assistants a person to be in charge of each polling station, to be known as the presiding officer;

- (d) furnish each polling station with such number of compartments as in the opinion of the Returning Officer may be necessary, in which the voters can, screened from observation, record their votes;
- (e) place or cause to be placed outside each polling station in a conspicuous place a notice showing in alphabetical order as the Electoral Authority may direct, the full name of a candidate, a recent passport size photograph taken within three months and acronym or logo of the political party sponsoring the candidate;
- (f) provide, both within and without, each polling station with notices containing instructions relating to the voting procedure to be followed; and
- (g) provide each presiding officer with such number of ballot boxes and ballot papers as in the opinion of the Returning Officer may be necessary.

Polling agents
Act Nos. 3 of 1983 s.34
7 of 1992 s.25
4 of 1993 s.9
10 of 2000 Sch.

58.-(1) Each political party may with the prior consent of the candidates appoint one person to be known as a polling agent for each polling station within a ward for which it has a candidate or candidates for purposes of -

- (a) detecting personation;
- (b) representing and safeguarding the interests of the candidate or candidates at the polling station; and
- (c) co-operating with the presiding officer 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 stations.

(2) Notice in writing of the appointment, stating the names and addresses of the polling agents, together with the polling stations to which they have been assigned, shall be

given to the Returning Officer not later than seven days before election day.

(3) Where any polling agent dies or becomes incapable of acting as an agent, the political party may appoint another polling agent in his place, and shall forthwith give to the Returning Officer and the presiding officer concerned notice in writing of the name and address of the polling agent so appointed and the polling station to which he is appointed.

Ballot boxes

59.-(1) Every ballot box shall be so constructed that the ballot papers can be put in it by the voter but cannot be withdrawn by him.

(2) Immediately before the commencement of the voting, the presiding officer at each polling station shall show the ballot box empty to such persons as may lawfully be present so that they may see that it is empty, and shall then close it and place a seal upon it in such manner as to prevent it being opened without breaking the seal, and shall place it in view for the receipt of ballot papers and keep it so closed and sealed.

Form of ballot paper
Act No.7 of 1992 s.26
Act No.4 of 1993 s.10
Act No.11 of 1994 s.9
Act No.4 of 2000

60. Every ballot paper shall:

- (a) contain the full names of a candidate, a recent photograph and acronym or logo of the political party sponsoring the candidate, if any;
- (b) be capable of being folded up; and
- (c) be attached to a counterfoil bearing a serial number.

Prohibition of disclosure of vote

61. No person who has voted at the election shall, in any legal proceedings to question the election or return, be required to state for whom he voted.

Method of voting
Act Nos. 15 of 1994 s.10

62. The voting at an election shall be conducted in the following manner -

- (a) every voter who wishes to vote shall present

14 of 1994
s.3
4 of 2000
sch.
13 of 2004
s.63

himself at the polling station allocated to him in the ward for which he is registered and shall satisfy the presiding officer or a polling assistant at the polling station that he is the voter he claims to be and that he has not voted already at that polling station or elsewhere and a person may satisfy the presiding officer or a polling assistant that he is the voter he claims to be by producing to that officer or a polling assistant a voter's card or any other documentary evidence as the Commission may direct;

- (b) upon being satisfied as to the identity of the voter and that person's name appears in the register for the ward in which the polling station is situated, the presiding officer or polling assistant shall deliver to the voter concerned a ballot paper;
- (c) immediately before the presiding officer or polling assistant delivers a ballot paper to any persons-
 - (i) the ballot paper shall be perforated stamped with an official mark;
 - (ii) the number and particulars of the voter, as stated in the copy of register of the voters or part of it maintained at the polling station, shall be called out;
 - (iii) the number of the voters in the copy of the register of voters or part of it shall be marked on the counterfoil; and
 - (iv) a mark shall be placed against the number of the voter in the copy of the register of voters or part of it to denote that a ballot paper has been received by the voter,

Provided that the number of the ballot paper delivered to the voter

shall not be shown in the register: and

Provided further that, where no copy of the register or part of it is available at the polling station, the presiding officer or the polling assistant shall, in lieu of complying with the provisions of sub-paragraphs (ii), (iii) and (iv), comply with such directions as the Electoral Authority may give in that behalf;

- (d) subject to the provisions of paragraph (h), a voter on receiving a ballot paper shall go immediately into one of the compartments in the polling station, and shall there secretly record his vote in the manner provided in paragraph (e), fold up of the ballot paper so as to conceal his vote and shall then show to a polling assistant the back of the paper so as to reveal the official mark and shall then put the folded paper into the ballot box in the presence of the presiding officer and the polling agents;
- (e) a voter shall record his vote by putting a mark against the name of the candidate for whom he wishes to vote thereby recording no more than one vote;
- (f) a voter shall not place on the ballot paper any writing or mark by which he may be identified;
- (g) a voter shall vote without undue delay;
- (h) if a voter is incapacitated by blindness or other physical cause, or is unable to read, he may ask a person of his own choice other than the presiding officer, a polling assistant or a polling agent to assist the incapacitated person to record his vote in accordance with paragraphs (d) and (e) of this section:

Provided that where in a household there is more than one person who requires assistance under this paragraph, it shall be lawful for such members of the household to choose one person to assist them;

- (d) if the voter is illiterate or does not understand how to record his vote, the presiding officer may, in the presence of the polling agent, explain to the voter the procedure;
- (e) subject to the provision of paragraphs (h) and (i), a voter shall not show the mark which he placed upon his ballot paper to any person, and if he does so the ballot paper shall be treated as a spoilt ballot paper;
- (f) a voter who has accidentally dealt with a ballot paper in a manner that it cannot conveniently be used as a valid ballot paper may, on delivering that ballot paper to the presiding officer, and after satisfying the presiding officer that the ballot paper has been spoilt by accident, obtain another ballot paper and its counterfoil shall be immediately marked "cancelled".
- (g) before any process of voting starts, the presiding officer shall require a polling agent for each of the candidates to fill in a prescribed form and submit it to the presiding officer -
 - (i) any complaint he has with regards to the preparations to the voting;
 - (ii) registering his satisfaction with the preparation for the conduct of voting in the area concerned; or
 - (iii) any complaint brought by any voter concerning the preparation of the conduct of voting in the area concerned;
- (h) where any voter has any election complaint concerning the election procedure at the polling

station or in the ward in which he is registered to vote, he may record the complaint in a prescribed form and submit that form to the presiding officer of the polling station before the voter leaves the polling station; and

- (i) where an election complaint referred to in paragraph (m) concerns the presiding officer of the polling station, the voter shall submit the complaint form in the presence of the polling agents of the candidates.

Admittance
to polling
station
Act Nos.
3 of 1983
s.37
4 of 2000
Sch.
7 of 2010
s.37

63.-(1) No person shall be admitted to vote at any polling station except at the polling station in the ward in which he is registered as a voter.

(2) No person other than the following persons shall be admitted into the polling station:

- (a) a presiding officer;
- (b) a polling assistant;
- (c) a polling agent;
- (d) a voter;
- (e) the Regional Elections Coordinator;
- (f) a person assisting an incapacitated voter pursuant to section 62;
- (g) an observer duly authorized in writing by the Commission;
- (h) the candidate;
- (i) a member of the Commission;
- (j) the Director of Elections;
- (k) an officer of the Electoral Authority;
- (l) the Returning Officer or an Assistant Returning Officer; and
- (m) a police officer or any other person duly authorized in writing by the Commission to be responsible for security at the polling station.

(3) Where any person misconducts himself in the polling station or fails to obey the lawful orders of the presiding officer, he may immediately by order of the

presiding officer, be removed from the polling station by any police officer in or near that station or by any other person authorized in writing by the presiding officer or by the Returning Officer to remove that person and the person so removed shall not, unless with the permission of the presiding officer, again be allowed to enter the polling station.

(4) Any person removed from the polling station charged with the commission in the polling station of any offence, may be kept in custody until he can be brought before a Magistrate and the powers conferred by this section shall not be exercised so as to prevent any voter who is otherwise entitled to vote at any polling station from having an opportunity of voting at such polling station.

Allegations
of
irregularities

64.-(1) Where the presiding officer at any polling station has reason to believe, or where a candidate or a 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 the person that he may commit an offence under this Act by so voting.

(2) Where, notwithstanding the warning, such person persists in his wish to vote and -

- (a) produces any evidence to show that he is the person entitled to vote at the polling station in question; and
- (b) being required to make and subscribe declarations as prescribed by section 66 makes and subscribes one or both of the declarations to which that section refers,

the presiding officer shall deliver a ballot paper to that person and permit him to vote at that polling station.

(3) A presiding officer shall record in writing the full name and address which a person warned under subsection (1) gives as his name and address and, if the person has voted the presiding officer shall state that fact in the record.

(4) Before warning a person in accordance with subsection (1), a presiding officer shall state to that person the reasons for his belief that the person is not a voter entitled to vote at the polling station in question or, in the case of an allegation as mentioned in subsection (1) having been made by a candidate or a polling agent present in the polling station in question, shall require the candidate or polling agent to state in his presence and the presence of the person wishing to vote and so as to be heard by both of them, the reason for the allegation and if a candidate or a polling agent refuses to comply with the requirement the presiding officer shall disregard the allegation made by that person.

Repealed

65. [Repealed by Act No.4 of 2000 Sch.]

Declaration
by voters

66.-(1) The presiding officer at any polling station may, in his discretion and shall, on the request of a candidate present at the polling station or of the polling agent, require any person wishing to vote, before he is given a ballot paper, to furnish such evidence of his identity with the person described in the voter's card which he presents as the presiding officer may deem necessary and to make and subscribe to one or both of the prescribed declarations.

(2) Where any person fails to furnish that evidence of his identity or refuses to make the declaration, the presiding officer may refuse to give that person a ballot paper.

Repealed

67. [Repealed by Act No.10 of 2000].

Adjournment
of poll in
case of riot
Act No.13 of
2004 s.64

68.-(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence while there remains voters who have not completed the polling process, the presiding officer shall adjourn the proceedings until the following day and shall forthwith give notice to the Returning Officer.

- (2) Where the poll is adjourned at any polling station -
 - (a) the hours of polling on the day to which it is adjourned shall be the same as for the original day; and
 - (b) reference in this Act to the close of the poll shall be construed accordingly.

Closing of poll

69. Where at the hour of the closing of the poll at any polling station there are voters present who have not had an opportunity to vote, the poll shall be kept open for a sufficient time to enable them to vote.

Procedure on closing of poll
Act No.4 of 2000 Sch.

- 70.**-(1) Before the closing of the polling station or immediately after the closing of the poll –
- (a) the polling agent for each of the candidates shall record any complaint or satisfaction in the prescribed form; and
 - (b) any election complaint presented under paragraph (a) of this subsection which can be resolved shall be attended to as soon as possible.
- (2) At the conclusion of the polling the presiding officer shall prepare a report, detailing all complaints raised during and after the close of the poll and the measures taken in respect of each of them and the report shall be read before and be confirmed and signed by the polling agent, the presiding officer and a polling assistant and shall be submitted to the Returning Officer in accordance with section 70A.

Place of counting
Act Nos. 4 of 2000 sch. 10 of 2000 Sch.

- 70A.**-(1) Subject to the provisions of subsection (2), the votes for local authority election cast at a polling station shall be counted at that polling station.
- (2) Notwithstanding the provisions of subsection (1), the presiding officer may for reasons of security, inadequacy of counting space or counting facilities or for any

such other reasonable cause, after consultation with the polling agents or upon advice from the Returning Officer, or the polling agents, direct that votes at that polling station be counted at the nearest neighboring appropriate place different from the one at which the votes were cast.

(3) Where a direction is given pursuant to subsection (2) of this section, the votes from each polling station shall be counted separately in the same manner as if the votes had been counted at the polling station at which they were cast.

(4) Upon the conclusion of the counting of the votes at the polling station the presiding officer, with the assistance of the polling assistant shall seal up in separate packets the counted and rejected ballot papers.

(5) At the conclusion of the procedure under subsection (4) each candidate or his counting agent shall, in the prescribed form, state whether or not he is satisfied with such procedure or whether he has any complaint in relation to it.

(6) Any complaint submitted under this section which can be resolved shall be settled immediately by the presiding officer and such event shall be incorporated in the report to be submitted to the Returning Officer.

(7) Where a candidate or his counting agent refuses to complete or sign any form under this section, the presiding officer or a polling assistant shall require such candidate or his agent to give reasons in writing of his refusal and that presiding officer or a polling assistant shall record that refusal in the report which he submits to the Returning Officer.

(8) Where the candidate or his agent refuses to comply with the provisions of subsection (7), he shall be stopped from raising any complaint regarding the voting and the counting procedure in that particular polling station.

Methods of
counting
votes
Act Nos.
4 of 2000
Sch.
10 of
2000 Sch.

70B.-(1) Before the presiding officer and polling assistant proceed to count the votes they shall, in the presence of the candidates or their counting agents and such persons as may be authorized in writing by the Electoral Authority if present to -

- (a) ascertain and record the number of all the persons who voted at the polling station;
- (b) count and record the number of all the unused ballot papers including any spoiled ballot papers and seal them in a special envelope;
- (c) inspect the seal to ascertain whether or not it has been opened or tampered with;
- (d) unseal the seal; and
- (e) open the ballot box.

(2) After the ballot box has been opened under subsection (1), the presiding officer shall take out and count aloud each ballot paper and record the total of the ballot papers found in the ballot box.

(3) After the total of the ballot papers in the ballot box have been ascertained, the votes shall be counted as follows -

- (a) the presiding officer shall unfold each ballot paper, display it for viewing by those present and announce aloud the candidate for which the vote has been cast or whether the ballot paper is blank, spoiled or otherwise invalid;
- (b) the ballot papers which have been announced shall be arranged and displayed in separate lots facing upwards, according to the candidate for which they are cast or as the blank or invalid votes;
- (c) the presiding officer shall count aloud and record the votes in each lot and verify the total of all the ballot papers which were found in the ballot box and the number of voters who cast their votes at the polling station.

(4) For purposes of Part XI of this Act, the word “seal” includes padlock and any other procedure, machinery

or thing which is approved by the Commission for securing the integrity of the contents of a ballot box, and the words seal, open, close or unseal, with their grammatical variations and cognate expressions shall, when used in relation to a seal or a ballot box, have a corresponding meaning.

Counting agents
Act No.4 of 2000 sch.

71.-(1) Every polling agent or the alternate polling agent appointed by a political party pursuant to section 58 of this Act, shall at the close of the poll and during the counting of votes, be the counting agent of the appointing candidate.

(2) Every candidate in a local authority election may appoint a counting agent to represent that candidate at the place and during the addition of the election results.

Repealed

72. [Repealed by Act No.4 of 2000].

Persons who may be present
Act No.4 of 2000 sch.

73.-(1) No person other than the following may be present at the counting of votes –

- (a) the presiding officer;
- (b) a polling assistant;
- (c) a polling agent or an alternate polling agent;
- (d) a candidate;
- (e) a police officer or such other person duly authorized by the Commission to be responsible for security of the place where votes are being counted;
- (f) a Returning Officer an Assistant Returning Officer or a Regional Elections Co-ordinator;
- (g) a member of the Commission;
- (h) a Director of Elections or an electoral officer of the Commission, and
- (i) an observer duly authorized by the Commission.

(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.

Repealed

74. [Repealed by Act No.4 of 2000 sch].

Votes which are not to be counted
Act Nos. 3 of 1983 s.40
4 of 2000 Sch.
13 of 2004 s.65

75.-(1) Any ballot paper shall not be counted as a valid vote if –

- (a) does not bear an official mark;
- (b) on which votes are recorded otherwise than as provided in paragraph (d) of section 62 or which is to be treated as spoilt under the provision of paragraph (j) of section 62;
- (c) on which anything is written or marked by which a voter can be identified otherwise than by the printed number thereon;
- (d) which is unmarked or void for uncertainty; or
- (e) on which the voter has voted for a number of candidates exceeding the vacancies in the ward, shall not be counted.

(2) Any vote which shall be cast in respect of any candidate who has withdrawn his candidature under this Act, shall be treated as a spoilt vote.

Endorsements by Returning Officer
Act No.4 of 2000 sch.

76.-(1) The presiding officer or a polling assistant shall endorse the word “rejected” on any ballot paper which under the provisions of section 75, is not to be counted.

(2) The presiding officer or polling assistant shall add to the endorsement the word “rejection objected to” if an objection to his decision is made by any counting agent.

Rejected ballot papers
Act No.4 of 2000 sch.

77. The presiding officer or polling assistant shall prepare a statement showing the number of ballot papers rejected under the following heads -

- (a) want of official mark;
- (b) voting recorded otherwise than as provided in paragraph (d) of section 62 or to be treated as spoilt under the provisions of paragraph (j) of section 62;
- (c) writing or mark by which the voter could be identified;
- (d) unmarked or void for uncertainty; or

- (e) voting for more candidates than those for whom a voter is entitled to vote under paragraph (e) of section 62, and shall on request allow any counting agent to copy the statement.

Equality of votes and recount
Act Nos. 3 of 1983 s.41
11 of 1994 s.13
4 of 2000 sch.

78.-(1) Where an equality of votes is found to exist between any candidates in a contested election so that an addition of a vote would entitle any of them to be declared elected, the Returning Officer or Assistant Returning Officer shall make a recount of the votes casted.

(2) Where there is again an equality of votes, as ascertained by a recount, the Returning Officer or Assistant Returning Officer shall report the fact to the Electoral Authority which shall, by notice published in the *Gazette*, appoint some other convenient day, not later than thirty days after election day, for the vote to be cast for the candidates whose votes were equal during the first vote.

Candidate or counting agent may require recount
Act No.4 of 2000 sch.

79.-(1) A candidate or his counting agent may, if present when the counting or any recount of the votes is completed, require the presiding officer to have the votes recounted or again re-counted, but the presiding officer may refuse to do so if, in his opinion, the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any recount of votes until the candidates and counting agents present at the completion of the counting or recounting have been given a reasonable opportunity to exercise the right conferred by subsection (1).

Returning Officer's decision final
Act No.4 of 2000 sch.

80. The decision of the Returning Officer or an Assistant Returning Officer as to any question arising in respect of any disputed ballot paper before addition shall be final and shall be subject to review only in an election petition questioning the election pursuant to Part XIII of this Act.

Vote
addition in
local
authority
election
Act No.4 of
2000 Sch.

81.-(1) After all the reports relating to the election, the election results and the boxes containing ballot papers relating to a local authority election have been received from the polling stations in the ward, the Returning Officer or an Assistant Returning Officer as the case may be shall after determining the validity of any disputed votes and before the addition of votes, announce aloud the results of each polling station in the ward seriatim.

(2) Upon conclusion of the procedure under subsection (1), the Returning Officer or an Assistant Returning Officer shall proceed to add together the figures of

- (a) all votes cast in the ward;
- (b) the votes in favour of each candidate; and
- (c) the rejected ballot papers.

Declaration
of results
Act Nos.
11 of 1994
s.15
4 of 2000

82. Where the result of an election has been ascertained the Returning Officer shall -

- (a) forthwith declare to be elected the candidate or candidates for whom the majority of votes have been cast;
- (b) cause a full report of the result to be displayed at the office of the Ward Executive Officer and at the Headquarters of the Council concerned; and
- (c) report the result of the election to the Election Authority which shall cause the results, together with the number of votes recorded for each candidate in each ward to be published in the *Gazette*.

Custody of
documents

83.-(1) The Returning Officer shall ensure safe custody of all documents relating to the conduct of the election other than the documents which the Returning Officer is required under section 45 and 46 of this Act to forward to the Electoral Authority, for the safe custody of which documents the Electoral Authority shall be responsible.

(2) The Returning Officer shall cause all documents to be destroyed after the expiration of six months from election day unless otherwise directed by an order of the Resident Magistrates Court arising from proceedings relating to the election.

Powers of polling assistant

84. A polling assistant may be authorized by the presiding officer to do any act which the presiding officer is required or authorized to do at a polling station by this Act except that he may not order the arrest of any person, or the exclusion or removal of any person from the polling station.

Powers of candidates

85. A candidate may do any act or thing which the counting agent may be authorized or required to do, and may assist the counting agent in the doing of any act or thing.

Non-attendance of agents not to invalidate proceedings

86. Where in this Act, any act or thing is required or authorized to be done in the presence of a polling agent or counting agents of the candidates, the non-attendance of any agent or agents at the time and place appointed for that purpose shall not, if any act or thing is otherwise properly done, invalidate the act or thing done.

PART XI A

NOMINATION OF COUNCILLORS FOR WOMEN SPECIAL SEATS

Nomination of women for special seats
Caps. 287
And 288
Act No.7 of
2010 s. 38

86A.-(1) There shall be women special seats in the local authorities as provided for under the Local Government (District Authorities) Act and the Local Government (Urban Authorities) Act.

(2) Every political party which contests councilor’s election in an ordinary election of Councilors under the Local Government (District Authorities) Act and the Local Government (Urban Authorities) Act in the Councils may propose to the Electoral Authority, names of eligible women candidates for nomination to women special seats.

Caps 287
and 288

(3) Subject to section 35 of the Local Government (District Authorities) Act or, as the case may be, section 19

of the Local Government (Urban Authorities) Act, the Electoral Authority shall specify the number of women candidates to be nominated by each political party.

(4) Each political party sponsoring women candidates for election shall, in not less than thirty days before election day, propose to the Electoral Authority a list of such candidates.

(5) The list names of women proposed to the Electoral Authority shall be in order of preference.

(6) Every woman candidate proposed to the Electoral Authority shall be required to complete the nomination form.

(7) The provisions of section 39 of this Act shall apply to every woman who is sponsored by a political party as a candidate.

Caps 287
and 288

(8) The Electoral Authority shall, subject to section 39 of this Act, the Local Government (District Authorities) Act and Local Government (Urban Authorities) Act, and in accordance with the order of preference or priority indicated in the list proposed by each political party, declare such number of women candidates from the respective political parties to be elected Councilors for women special seats.

(9) The Electoral Authority shall send a notification of election to the Council and the Secretaries General of the respective political parties.

PART XII OFFENCES

Offences in
relation to
registration
Act Nos.
11 of 1994
s.16
4 of 2000
Sch.
3 of 2005
s.28

87.-(1) Any person who –

- (a) for the purpose of procuring the registration of himself or of any other person or to issue to himself or to any other person of a voter's card, knowingly makes to a registration officer or to any other person having any duty in relation to applications for registration or for the issue of a voter's card any false material statement to any

application on his own behalf or on behalf of that other person for registration or for the issue of a voter's card;

- (b) knowingly or having reason to believe that he is registered in a ward applies to be registered otherwise than in accordance with section 23 and on disclosing to the registration officer his existing registration in another ward;
- (c) applies to be registered in any ward after he has applied to be registered in another ward and the earlier application has not been determined pending any investigation into the applicant's qualifications or withdrawn;
- (d) having been issued with a voter's card, applies for issuing to himself of a new voter's card, otherwise than in the circumstances set out in section 23, 24 or 25, and not disclosing to the registration officer the circumstances in which the application is made;
- (e) knowingly makes any declaration provided for in section 26 which is false, or which he does not believe to be true, in a material particulars;
- (f) buys or steals any voter's card in order to be regarded as a legally registered voter;
- (g) buys, sells, steals, defaces or in any way destroys a voter's card in order to prevent any voter from voting for a candidate of a particular political party or for the purpose of procuring more votes to be cast for a candidate of a particular political party,

commits an offence and shall be liable on conviction to a fine of not less than one hundred thousand shillings and not exceeding three hundred thousand shillings or to imprisonment for a term of not exceeding two years, or to both.

(2) Any person whose name has been deleted from the register and who has been required by a registration officer either to surrender a voter's card issued to him or to

make and to deliver to the registration officer the declaration provided for in section 26 within a time specified by that registration officer, who without lawful excuse neither surrenders that voter's card nor makes and delivers that declaration within the specified time, commits an offence and shall be liable on conviction to a fine of not less than fifty thousand and not exceeding one hundred thousand shillings.

(3) Any person who in any way obstructs or attempts to obstruct a presiding officer, polling assistant, a Returning Officer or an Assistant Returning Officer in the performance of duties or in the exercise of power under this Act, commits an offence and shall upon conviction be liable to a fine of not exceeding three hundred thousand shillings.

Official discouragement of persons from seeking nomination
Act No.7 of 1992 s.88

88.-(1) Any person holding any office or acting in any official capacity who, in the exercise of the functions of that office or in that capacity, makes any statement or does any act with intent to discourage any other person from seeking nomination under this Act or to procure any person who has been nominated to withdraw his candidature, commits an offence and shall be liable on conviction to a fine of not less than one hundred thousand shillings and not exceeding three hundred thousand shillings or to both.

Act No.3 of 2005 s.29

(2) No proceedings shall be instituted against any person for any offence contrary to this section without prior consent of the Director of Public Prosecutions.

(3) In this section, office and official capacity means an office in the service of the United Republic or a capacity in respect of the United Republic.

Election Officer's misconduct
Act Nos. 4 of 2000 Sch. 3 of 2005 s.30

88A.-(1) Any election officer who knowingly or willfully does or omits to do anything in relation to the election process and thereby occasions the nullification of the election results commits an offence and upon conviction, shall be liable to a fine of not less than five hundred thousand shillings and not exceeding one million shillings or to imprisonment for a term of not less than one year and not exceeding two years, or to both.

(2) Where in an election petition the court determines that an election officer has done or omitted to do anything in relation to election process which amounts to mishandling of the election process it shall certify such determination to the Attorney General.

(3) Where a prosecution is commenced for an offence under this section, a certificate issued under subsection (2) shall be conclusive proof of what is contained therein.

(4) For avoidance of doubt, a certificate under subsection (2) shall not prevent the prosecution from calling further evidence to substantiate the case.

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(5) The provisions of the Criminal Procedure Act, shall apply *mutatis mutandis* in the conduct of the case commenced under this section.

Recovery of loss
Cap.76
Act No.4 of 2000 sch.

88B. Notwithstanding the provisions of section 88A, the provisions of the Public Officer (Recovery of Debts) Act, shall apply *mutatis mutandis* to the election officer who occasions the Government to incur loss, costs or damages as a result of omission to do or not to do anything in relation to the election process.

Definition of election officer
Act No.4 of 2000 Sch.

88C. For purposes of sections 88A and 88B, an election officer includes the Regional Election Co-ordinator, a Returning Officer, an Assistant Returning Officer, a presiding officer and a polling assistant.

Offences in relation to Provisional Voters' Register and voter's card
Act No.3 of 2005 s.31

89. Any person who -

- (a) forges or fraudulently defaces or fraudulently destroys any register of voters; or
- (b) forges counterfeits or fraudulently destroys any voter's card or any official mark on that voters' card,

commits an offence and shall be liable on conviction to a fine of not less than two hundred thousand shillings and not exceeding five hundred thousand shillings or to

imprisonment for a term of not less than two years and not more than four years or to both.

Registration officers misconduct Act No.13 of 2004 s.66

89A.-(1) Any Registration Officer who knowingly does or omits to do anything in relation to registration and thereby jeopardize the registration process, commits an offence and upon conviction, is liable –

- (a) in the case of officers specified under paragraph (a) of subsection (2), to a fine of not less than five hundred thousand shillings and not exceeding one million shillings or to imprisonment for a term of not less than one year and not exceeding two years, or to both; and
- (b) in the case of officers specified under paragraph (b) of subsection (2), to a fine of not less than two hundred thousand shillings or to imprisonment for a term not less than six months and not exceeding one year or to both.

(2) For purposes of this section the Registration Officer includes-

- (a) an election officer, assistant registration officer; and
- (b) a registration assistant.

Offences in relation to Nomination Forms or ballot papers

Act No.3 of 2005 s.32

90.-(1) Any person who –

- (a) forges or fraudulently defaces or fraudulently destroys any Nomination Form or delivers to a Returning Officer any Nomination Form knowing that it is forged;
- (b) forges or counterfeits or fraudulently destroys any ballot paper or the official mark on any ballot paper;
- (c) without due authority supplies any ballot paper to any person;
- (d) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorized by law to put in;

- (e) 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
- (f) without due authority, destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers in use for purposes of the election,

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

(2) Any person, who, for the purpose of procuring nomination as a candidate for himself or for any other person, knowingly makes any false statement material to that nomination in a Nomination Form or statutory declaration delivered to a Returning Officer, commits an offence and shall be liable on conviction to a fine of not less than fifty thousand shillings and not exceeding three hundred thousand shillings or to imprisonment for a term of not less than six months and not more than twelve months or to both.

(3) In any prosecution for an offence in relation to the Nomination Forms, ballot boxes, ballot papers, counterfoils, marking instruments and other things in use in an election, such papers, boxes, instruments and other things may be stated to be in possession of the Returning Officer for such election.

Miscellaneous offences
Act No.3 of 2005 s.33

91. Any person who -

- (a) willfully furnishes false evidence or makes a false statement in a declaration made under section 66; or
- (b) contravenes the provisions of paragraph (b) of section 53,

commits an offence and shall be liable on conviction to a fine of not less than fifty thousand shillings and not exceeding one hundred thousand shillings or to

Maintenance
of secrecy at
elections
Act No.3
of 2005 s.34

imprisonment of not less than three months and not more than twelve months or to both.

92.-(1) Every officer, clerk, interpreter, candidate and agent authorized to attend at a polling station or at the counting of the votes, shall, take an oath of secrecy under the provisions of this Act in the prescribed form.

(2) The Returning Officer shall have power to administer any oath required to be taken under the provisions of subsection (1).

(3) Every officer, clerk, interpreter, candidate and agent in attendance at a polling station shall maintain, and aid in maintaining, the secrecy of the voting in the station and shall not communicate, except for some purpose authorized by the law, to any person any information as to the name or number of any voter who has or has not applied for a ballot paper or voted at the station or as to the official mark.

(4) No officer, clerk, interpreter, candidate, agent, or any other person shall obtain or attempt to obtain in the polling station information as to the candidate for whom any person in the station is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station as to the candidate for whom any person in the station is about to vote or has voted or as to the number of the ballot paper given to any person at the station.

(5) Every officer, clerk, interpreter, candidate and agent in attendance at the counting of the votes shall maintain, and aid in maintaining, the secrecy of the voting and shall not ascertain or communicate any information obtained at the counting as to the candidate for whom any vote is given by any particular ballot paper.

(6) No person, except a presiding officer acting for a purpose authorized by this Act, or a person authorized by the presiding officer and acting for that purpose, shall communicate with any person after that person has received a ballot paper and before he has placed the same in a ballot box.

(7) Any person who acts in contravention of the provisions of this section commits an offence and shall be liable on conviction to a fine of not less than one hundred thousand shillings and not exceeding three hundred thousand shillings or to imprisonment of not less than six months and not more than twelve months or to both.

Penalty for undue influence
Act No.3 of 2005 s.35

93. Any person who commits an offence of undue influence shall be liable on conviction to a fine of not less than five hundred thousand shillings and not exceeding one million shillings, or to imprisonment for a term of not less than one year and not more than three years or to both.

Penalty for impersonation
Act Nos. 7 of 1992 s.31
3 of 2005 s.36

94. Any person who commits an offence of impersonation or of aiding, abetting, counseling, or procuring the commission of the offence of impersonation shall be liable on conviction to a fine of not less than fifty thousand shillings and not exceeding two hundred thousand shillings or to imprisonment for a term of not less than six months and not more than twelve months or to both.

Repeal
Act No.7 of 1992 s.32ed

95. [Repealed].

Repealed
Act No.7 of 1992 s.32

96. [Repealed].

Repealed
Act No.7 of 1992 s.32

97. [Repealed].

Persons to be deemed guilty of undue influence

98. Any person who directly or indirectly, by himself or by any person on his behalf, makes use of, or threatens to make use of, any force, violence or restraint, or inflicts or threatens to inflict by himself, or any other person, any temporal or spiritual injury, damage, harm or loss, upon or against any voter, in order to induce or compel that voter to vote or refrain from voting at any election or who, by abduction, duress or any fraudulent contrivance, impedes or

prevents the free use of the vote by any voter or thereby compels, induces, or prevails upon any voter either to give or refrain from giving his vote at any election, commits an offence of undue influence within the meaning of this Act.

Undue influence in relation to Returning Officers Act No. 7 of 1992 s.33

99.-(1) Where any person does any act as is described in section 98 to or in respect of a Returning Officer with the intent that the Returning Officer shall discriminate in favour of one or other of the candidates at the election, or whereby any Returning Officer does any such act as is so described on account of discriminating or having discriminated in favour of one or other of the candidates, he shall be deemed, according to the circumstances of the case, to have committed an offence of undue influence within the meaning of this Act.

(2) For the purpose of this section, section 98 shall be read as if references to voters and to voting were references to a Returning Officer and to discrimination respectively and if the references to the intent specified in those sections were references to the intent specified in subsection (1) of this section.

Persons to be deemed guilty of impersonation

- 100.** Every person who –
- (a) applies for a ballot paper in the name of another person, whether that name is the name of a person living or dead or of a fictitious person; or
 - (b) for the purpose of procuring the issue to himself of a ballot paper knowingly tenders a voting card issued to some other person,

commits an offence of impersonation within the meaning of the Act.

Penalty for persons guilty of certain illegal practices Act Nos. 7 of 1992 s.34

- 101.-**(1) Any person who –
- (a) votes or attempts to vote, or induces or procures some other person to vote at any election if he, or if to his knowledge that other person, has already voted at that election or at other election to a local authority; or

3 of 2005
s.37

- (b) for the purpose of procuring the issue of any ballot paper to any other person or to himself, delivers a voter's card issued to himself or to some third person to that other person, or induces or procures some third person to deliver the third person's voter's card to himself or that other person,

commits an offence of illegal practice and shall be liable on conviction to a fine of not less than fifty thousand shillings and not exceeding two hundred thousand shillings or to imprisonment for a term of not less than six months and not exceeding two years or to both.

(2) Any person who -

- (a) votes or induces some other person to vote at any election knowing that he or that person is not entitled or is prohibited, under or by this Act or any other written law, from voting at such election;
- (b) for the purpose of procuring the issue to himself of a ballot paper knowingly tenders an invalid voter's card; or
- (c) before or during an election, knowingly publishes any false statement of the withdrawal of a candidate at such election for the purpose of promoting the election of another candidates,

commits an offence and shall be liable on conviction to a fine of not less than fifty thousand shillings and not exceeding two hundred thousand shillings or to imprisonment for a term of not less than six months and not exceeding two years or to both.

Interference
with lawful
public
meeting to
be an illegal
practice
Act No.3 of
2005 s.38

102. Any person who, at a lawful public meeting held in connection with the election of any person between the day of publication of the notice appointing nomination day and the day on which the result of the election is published, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together commits an

offence and shall be liable on conviction to a fine of not less than fifty thousand shillings and not exceeding two hundred thousand shillings or to imprisonment for a term of not less than six months and not more than twelve months or to both.

Display of emblems in vicinity of place of voting prohibited Act Nos. 11 of 1994 s.17
3 of 2005 s.39

103.-(1) No person shall, within any building where voting in an election is in progress, or on any public way within a distance of three hundred metres of any entrance to the building, wear or display any card, favour or other emblem indicating support for a particular candidate in the election.

(2) Any person acting in contravention of this section commits an offence and shall be liable on conviction to a fine of not less than fifty thousand shillings and not exceeding one hundred thousand shillings.

(3) For the purpose of this section “public way” has the same meaning as in section 5 of the Penal Code.

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Defacement of notices Act No.3 of 2005 s.40

104. Any person who without lawful authority, destroys, mutilates, defaces or moves any notice which is exhibited under the authority of this Act or any document which is made available for inspection in accordance with the provisions of this Act, commits an offence and shall be liable on conviction to a fine of not less than fifty thousand shillings and not exceeding one hundred thousand shillings.

Documents to bear name and address of printer and publisher Act Nos. 7 of 1992 s.35
4 of 2000 sch.
3 of 2005 s.41

105.-(1) A person shall not –

- (a) print or publish or cause to be printed or published any bill, placard or poster having reference to an election or any printed document distributed for the purpose of promoting or procuring the election of a candidate; or
- (b) post or cause to be posted any bill, placard or poster; or
- (c) distribute or cause to be distributed any printed document for the purpose of promoting or procuring the election of a candidate, unless the

bill, placard, poster or document is authorized by the Returning Officer or Assistant Returning Officer and bears upon the face of it the name and address of the printer and publisher.

(2) For the purpose of this section, any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be a printing and the expression “printer” shall be construed accordingly.

(3) Any person who contravenes the provisions of subsection (1) commits an offence and shall be liable on conviction to a fine of not less than thirty thousand shillings and not exceeding one hundred thousand shillings or to imprisonment for a term of not less than three months and not more than six months or to both.

(4) Nothing in this section applies to any bill, placard, poster or document published by or on behalf of the Registration Officer or the Returning Officer.

Persons convicted of corrupt illegal practices to be removed from register Act No.4 of 2000 sch.

106.-(1) Where a court convicts a person of corrupt or illegal practice under this Act, it shall report the conviction to the registration officer for any ward in which it has reason to believe that person is registered.

(2) Where a registration officer receives a report under this section in respect of a person registered in a polling district of which he has charge, he shall forthwith cause to be deleted that person’s name from the register and take such further steps as a registration officer is required to take under the provisions of Part IV of this Act.

PART XIII
AVOIDANCE OF ELECTIONS BY ELECTION PETITIONS

Avoidance of election by election petition Act Nos. 7 of 1992 s.37

107.-(1) The election of a candidate as a member shall not be questioned except on an election petition.

(2) The election of a candidate as a member shall be declared void on any of the following grounds if it is proved to the satisfaction of the court, namely -

4 of 2000
Sch. Cap.356
s.11

- (a) that by reason of corrupt or illegal practices committed in connection with the election, or other circumstances, whether similar to those enumerated or not, the majority of voters where or, may have been prevented from electing the candidate whom they preferred;
- (b) that during the election campaign, statements have been 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 or where the candidates are not of the same sex, with intent to exploit such difference;
- (c) non-compliance with the provisions of this Act relating to election if it appears that the election was not conducted in accordance with principles laid down in those provisions and that the non-compliance affected the result of the election;
- (d) that corrupt or illegal practice was committed in connection with the election by, or with the knowledge and consent or approval of the candidate or with the knowledge and consent or approval of any of his agents; or
- (e) 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), where upon the trial of an election petition respecting an election under this Act, the court finds that corrupt or illegal practice in connection with the election has been committed by, or with the knowledge and consent or approval of any of a candidate's agents, and the court further finds after giving the Attorney-General an opportunity of being heard, that the candidate has proved to the court -

- (a) that no corrupt or illegal practice was committed by the candidate himself or with the

knowledge and consent or approval of that candidate or his agent;

- (b) that the candidate took all reasonable means for preventing the commission of corrupt or illegal practices at the election; and
- (c) that in all other respects the election was free from any illegal practice on the part of the candidate and of his agent,

then if the court so recommends, the election of that candidate shall not by reason of any that practice be void.

Certain acts or omission to be exempt

108. Where it appears to the court either on application or upon an election petition -

- (a) that any act or omission of a candidate at any election or of his agent or any other person, which but for this section would be corrupt or illegal practice, has been done or made in good faith through inadvertence or accidental miscalculation or some other reasonable cause of a like nature; and
- (b) that by reason of the circumstances it would be just that the candidate or his agent or any other person, or any of them, should not be subjected to any of the consequences under this Act of the act or omission.

the court may make an order allowing the act or omission to be an exception from those provisions of this Act which would otherwise make the act or omission corrupt or illegal practice, and thereupon the candidate, agent or any other person shall not be subject to any of the consequences under this Act of that act or omission.

Petitions triable by Resident Magistrates' Court Act Nos. 4 of 1993 s.3 7 of 2010 s.35

109.-(1) Every election petition and application under this Act shall be tried by the Resident Magistrates' Court hereinafter referred to as "the court".

(2) All appeals under this section shall lie to the High Court.

Petitions and
deposit of
security for
costs
Act Nos.
4 of 2000
sch.
25 of 2002

110.-(1) An election petition may be presented by any one or more of the following persons, namely –

- (a) a person who lawfully voted or had a right to vote at the election to which the petition relates;
- (b) a person claiming to have had a right to be nominated or elected at election;
- (c) a person alleging himself to have been a candidate at such election; or
- (d) the Attorney General.

(2) The Registrar shall not fix a date of the hearing of a petition unless the petitioner has paid into the court as a security for costs, an amount not exceeding five hundred thousand shillings in respect of each respondent.

(3) The petitioner shall within fourteen days after filing a petition, make an application for determination of the amount payable as security for costs, and the court shall determine such application within the next fourteen days following the date of filing an application for determination of the amount payable as security for costs.

(4) Where any person is made a respondent pursuant to an order of the court, the petitioner shall within fourteen days of the date on which the order directing a person to be joined as a respondent was made, pay into the court a further amount not exceeding two hundred thousand shillings, as shall be directed by the court in respect of such person.

(5) Where, on application made by the petitioner, the court is satisfied that compliance with the provisions of subsection (2) or (4) will cause considerable hardship to the petitioner, it may direct that:

- (a) the petitioner gives such other form of security the value of which does not exceed five hundred shillings, as the court may consider fit;
- (b) the petitioner be exempted from payment of any form of security for costs.

(6) No order shall be made under subsection (3), (4) and (5) unless an opportunity has been given to the

respondent or, where there are two or more respondents, to each of the respondents to make representations in that behalf.

(7) In the event of security for costs not being paid into the court within fourteen days from the date of the determination by the court of the amount payable as security for costs, no further proceedings shall be held on the petition.

(8) The provisions of subsection (2) and (3) shall not apply in any case in which the Attorney General is the petitioner or one of the petitioners.

(9) The amount of money deposited as security for costs or the balance of it shall, where the petitioner succeeds in the petition or on appeal and where no order as to costs lies against the petitioner, be immediately refunded to the petitioner.

Relief which may be claimed

111. All or any of the following reliefs to which the petitioner may be entitled may be claimed in an election petition, namely-

- (a) a declaration that the election is void;
- (b) a declaration that the nomination of the person elected was invalid;
- (c) a declaration that any candidate was duly elected; or
- (d) where the seat is claimed for an unsuccessful candidate on the ground that he had a majority of lawful votes, a scrutiny.

Certificate of court as to validity of election

112. At the conclusion of the trial of an election petition, the court shall determine whether the member whose nomination or election is complained of, or any other person and which person was duly nominated or elected, or whether the election was void, and shall certify such determination to the Electoral Authority, and upon a certificate being given, the determination shall be final and the election shall be confirmed or a new election shall be held as the case may require in accordance with the certificate.

Repealed
Act No.7 of
1992 s.39

113. Repealed.

Time for
presentation
and
determinatio
n of election
petition.
Act Nos. 11
1994 s.18
7 of 2010.
s.40
2 of 2013
s.4

114.-(1) Every election petition shall be presented within one month of the date of declaration of the result by the Returning Officer:

Provided that an election petition questioning the election upon the ground of a corrupt practice and specifically alleging a payment of money or other act to have been made or done since the date of declaration of the result by the Returning Officer by or with the knowledge and consent or approval of the member whose election is questioned or by or with the knowledge and consent or approval of an agent of the member, in the pursuance or in furtherance of that corrupt practice, may be presented at any time within twenty eight days after the date of that payment or act.

(2) Without prejudice to the provisions of any rules of court made under section 116, an election petition presented in due time may, for the purpose of questioning the election upon an allegation of a corrupt practice or illegal practice, be amended with the leave of the court within the time within which an election questioning the return on the election upon that ground may be presented.

(3) The court shall hear and determine each election petition within eighteen months from the date of presentation of an election petition.

(4) The Court shall continue the hearing and determination of an election petition beyond the period prescribed by subsection (3) if, lapse of eighteen months occurred when the hearing had started and the court is of the view that abatement of proceedings is likely to result in denial of justice or abuse of court process.

Vote to be
struck off at
scrutiny

115.-(1) On a scrutiny at the trial of an election petition, the following votes only shall be struck off, namely-

- (a) the vote of any person whose name was not on

the register of voters of the ward in which he voted;

- (b) the vote of any person whose vote was procured by bribery, treating or undue influence;
- (c) the vote of any person who committed or procured the commission of impersonation at the election;
- (d) the vote of any person proved to have voted more than once at the election;
- (e) the vote of any person who, by reason of a conviction for a corrupt practice or illegal practice or by reason of the report of the court, or by reason of any conviction for an offence against this act or any other written law, was disqualified from voting at the election.

(2) The vote of a registered voter shall not, except in the case specified in paragraph (e) of subsection (1) of this section, be struck off at a scrutiny by reason only of the voter not having been or not being qualified to have his name entered into the register of voters.

Rules of Courts

116. 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 election petitions and applications under this Part.

PART XVI
FINANCIAL AND MISCELLANEOUS PROVISIONS

Inaccurate descriptions

117. No misnomer or inaccurate description of any person or place named or described in any notice or other document of any kind prepared or issued under or for the purpose of this Act, shall in any way affect the operation of this Act as respects that person or place if that person or place is so designated in the register, notice or document as to be identifiable.

Powers of registration officers and returning officers to demand information

118.-(1) In the exercise of respective duties under this Act, registration officers and Returning Officers shall at all times have power to demand from any person any information necessary to ascertain what persons are qualified to vote at elections and what persons are qualified to stand as candidates, and to identify any person or the place of abode of any person and to ascertain whether any person has become disqualified from voting or standing as a candidate.

(2) Any person who, after any lawful demand made under the provisions of subsection (1), fails to give such information as he possesses, or unreasonably delays in giving the information, commits an offence and shall be liable on conviction to a fine of not exceeding five hundred shillings.

Remuneration of staff Act No 11 of 1994 s.19

119. Returning Officers and any staff employed under the provisions of subsection (4) of section 9 and supervisory delegates shall receive such reasonable remuneration for their services as the Electoral Authority may see fit to authorize.

Expenses to be charged on Consolidated Fund

120.-(1) All expenses incurred –

- (a) by the Returning Officers and Assistant Returning Officers in the conduct of an election;
- (b) in the remuneration of the officers specified in section 119; and
- (c) by any public officer in connection with any official matter connected with or arising out of election,

shall be a charge on the Consolidated Fund.

(2) Notwithstanding the provisions of subsection (1) the Minister may after consultation with the Minister for Finance and the Electoral Authority prescribe the amount of contribution to be made by each local authority in respect of which the election is to be held.

Service of notices

121. 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.

Exemption from stamp duty

122. Any instrument made on oath or affirmation pursuant to the provisions of this Act in the form prescribed shall be exempt from payment of stamp duty under written law for the time being in force relating to stamp duties.

Disposal of forms and records

123. The Electoral Authority may, subject to the provisions of this Act, from time to time, issue directions with regard to the disposal (including destruction) of any forms, records or other papers or things relating to any matter for which provision is made in this Act.

Repealed Act No.7 of 1992 s.39

124. Repealed.

Regulations Act No. 7 of 2010 s.41

125.-(1) The Electoral Authority may make regulations for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Electoral Authority may make regulations prescribing:

- (a) anything which is authorized under the provisions of this Act; and
- (b) forms of documents and declarations for purposes of this Act.

(3) Where any form has been prescribed under this section such form shall be used for the purposes to which it relates or to which it is capable of being adapted and may be translated into and used in such language as the Electoral Authority may direct.

Repeal of Act No.24 of 1975

126. [Repeal of the District Development Council (Elections), 1975].

