THE UNITED REPUBLIC OF TANZANIA



No. 7 of 1992

I ASSENT,

.....
President

29/5/92

An Act to amend the Local Authorities Elections Act, 1979

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

Short title and construction

1. This Act may be cited as the Local Authorities (Elections) (Amendment) Act, 1992, and shall be read as one with the Local Authorities (Elections) Act, 1979, in this Act referred to as "the principal Act".

Amendment of section 2

2. Section 2 of the principal Act is hereby amended in sub-section (1) by —

(a) deleting the word "primary" wherever it occurs in the text of the section;

(b) deleting paragraph (b) of the definition of the word "candidate";

(c) deleting the following definitions:—

(i) Executive Committee; and

(ii) Regional Executive Committee;

(d) deleting the definition "nomination" and substituting for it the following:—

"nomination" means nomination as a candidate for election to a local authority";

(e) deleting the definition "the party" and substituting for it the following:—

"political party" means a party registered as such under an Act of Parliament".

Repeal of section 5

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 Section 5 of the principal Act is hereby repealed.

Amendment of section 6

4. Section 6 of the principal Act is hereby amended in subsection (6) by —

(a) deleting paragraph (ii); and

(b) renumbering paragraph (iv) as (iii).

Repeal of section 11

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 Section 11 of the principal Act is hereby repealed.

Amendment of section 31

6. Section 31 of the principal Act is hereby amended in subsection (2) by inserting after the word "five" the word "hundred".

Amendment of section 32

7. Section 32 of the principal Act is hereby amended —

(a) in subsection (5) by deleting the word "hundred" and substituting for it the word "thousand"; and

(b) in subsection (7) by inserting after the word "five" the word "hundred".

Amendment of section 34

8. Section 34 of the principal Act is hereby amended—

(a) in subsection (1) by deleting the word "twenty" and substituting for it the words "five hundred";

(b) in subsection (4) by deleting the word "twenty" and substituting for it the words "five hundred"; and

(c) in subsection (5), by deleting the word "hundred" and substituting for it the word "thousand".

Repeal and replacement of section 39

9. Section 39 of the principal Act is hereby repealed and replaced by the following—

Qualification of Candidates for Local Authorities ~~Election~~

39.—(1) A person shall be elected as a member of a Local Authority or stand as a candidate at an election for Local Authorities if he is qualified for Election.

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

(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 by an Act of Parliament; and

(g) he has a lawful means of livelihood.

Amendment of section 40

10. Section 40 of the principal Act is hereby amended—

(a) in subsection (1) by deleting paragraphs (h), (i), (j), (k) and (l); and

(b) by deleting subsections (3), (4), (5), (6) and (7).

Amendment of section 41

11. Section 41 of the principal Act is hereby amended by deleting the word "primary" wherever it occurs in the marginal note and in the text of the section.

Amendment of section 42

12. Section 42 of the principal Act is hereby amended—

(a) in the marginal notes by deleting the word "primary";

(b) in subsection (1) by deleting the word "primary"; and

(c) in subsection (6) by deleting the word "primary".

Amendment of section 44

13. Section 44 of the principal Act is hereby amended—

(a) in subsection (2) by deleting the word "primary"; and

(b) by deleting subsection (5) and substituting for it the following:

"(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; and save that, a decision on such petition shall be final and conclusive, and shall not be called in question on any court of law".

Repeal of replacement of section 45

14. Section 45 of the principal Act is hereby repealed and replaced by the following section—

Procedure after determination of validity of nominations

45.—(1) A Returning Officer shall, after he has determined the validity of the nomination papers 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 paragraph (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 of the Council in the area where the ward is situated.

(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 of the Council where the ward is situated".

Repeal and replacement of section 46

15. Section 46 of the principal Act is hereby repealed and replaced by the following section—

"Procedure if no candidate validly nominated

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

Repeal and replacement of section 47

16. Section 47 of the principal Act is hereby repealed and replaced by the following section—

"Photographs

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".

Amendment of section 48

17. Section 48 of the principal Act is hereby amended—

(a) in the marginal notes by deleting the words "two" and "finally"; and

(b) in subsection (1) by deleting the words "two" and "finally" where they respectively occur in that subsection.

Amendment of section 49

18. Section 49 of the principal Act is hereby amended in paragraph (d) of subsection (1) by inserting immediately after the word "addresses" the word "photographs"

Repeal and replacement of section 50

19. Section 50 of the principal Act is hereby repealed and replaced by the following—

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

Amendment of section 51

20. Section 51 of the principal Act is hereby amended by deleting the word "primary" wherever it occurs in that section.

Amendment of section 52

21. Section 52 of the principal Act is hereby amended by deleting the word "primary" where they respectively occur in that section.

Repeal and replacement of section 53

22. Section 53 of the principal Act is hereby repealed and replaced by the following section—

"Organization of elections campaign

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

(a) the Electoral Authority shall fix dates for the start and end of the election campaigns within the area of jurisdiction of the Electoral Authority;

(b) any candidate or person acting with the approval or consent of political party of the 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 convassing.

(c) each candidate shall furnish to the Electoral Authority for information, the programme of public meetings to be held by the candidate, and the District Commissioner shall provide security for the purposes of facilitating peaceful and orderly meetings".

Repeal of section 54

23. Section 54 of the principal Act is hereby repealed.

Amendment of section 57

24. Section 57 of the principal Act is hereby amended in paragraph (e) by inserting immediately after the word "addresses" the word "photographs".

Amendment of section 58

25. Section 58 of the principal Act is hereby amended—

(a) in subsection (1) by deleting the words "The District Executive Committee of the Party may" and substituting for them the words "Each candidate";

(b) in subsection (3) by deleting the words "District Executive Committee" and substituting for them the words "the candidate".

Amendment of section 60

26. Section 60 of the principal Act is hereby amended in paragraph (a) by inserting immediately after the word "addresses" the word "photographs".

Amendment of section 67

27. Section 67 of the principal Act is hereby amended—

(i) in the marginal note by deleting the words "supervisory delegates" and substituting for it the words "Returning Officers"; and

(ii) in subsection (1) by deleting the words" a supervisory delegate";

Amendment of section 69

28. Section 69 of the principal Act is hereby amended by inserting after the word "open" which appears in the third line, the word "for".

Amendment of section 88

29. Section 88 of the principal Act is hereby amended:

(a) in the marginal notes by deleting the words "of persons from seeking nomination, etc";

(b) in subsection (1) by deleting the word "one" and substituting for it the word "ten", and

(c) by deleting subsection (3) and substituting for it the following sub-section.

(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.

Repeal and replacement of section 93

30. Section 93 of the principal Act is hereby repealed and replaced by the following—

"Penalty for undue influence

93. Every person who is guilty of undue influence shall be liable on conviction to a fine not exceeding ten thousand shillings, or to imprisonment for a term not exceeding five years or to both such fine and imprisonment".

Amendment of section 94

31. Section 94 of the principal Act is hereby amended by deleting the words "shall be guilty of a corrupt practice" which appears in the third line.

Repeal of sections 95, 96, and 97

32. Sections 95, 96 and 97 of the principal Act are hereby repealed."

Repeals and replacement of section 99

33. Section 99 of the principal Act is hereby repealed and replaced by the following section—

"Undue influence in relation to returning officers

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 where any Returning Officer does any such act as is so described on account of discriminating or having discriminated is favour of one or other of the candidates, he shall be deemed, according to the circumstances of the case, to be guilty of undue influence within the meaning of this Act.

(2) For the purposes 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.

Amendment of section 101

34. Section 101 of the principal Act is hereby amended—

(i) in the marginal note by deleting the words "corrupt or";

(ii) in subsection (1) by deleting in the clause which appears after paragraph (b) the word "corrupt" and substituting for it the word "illegal";

(iii) in subsection (2) by deleting the words "one" and "six" and substituting for them the words "ten" and "twelve" respectively.

Amendment of section 105

35. Section 105 of the principal Act is hereby amended in paragraph (c) of subsection (1) by deleting the words "Branch Executive Committee or the District Working Committee of the Party" and substituting for them the words "Electoral Authority".

Amendment of section 106

36. Section 106 of the principal Act is hereby amended—

(i) in the marginal note by deleting the words "corrupt and"; and

(ii) in subsection (1) by deleting the words "a corrupt or".

Amendment of section 107

37. Section 107 of the principal Act is hereby amended by—

(a) deleting subsection (2); and

(b) renumbering subsection (3) and (4) as (2) and (3) respectively.

(c) by deleting the words "corrupt or"; and "a corrupt or" wherever they occur in the text of the section.

Repeal of section 113

38. Section 113 of the principal Act is hereby repealed".

Repeal of section 124

39. Section 124 of the principal Act is hereby repealed.

Passed in the National Assembly on 11th May, 1992.



Clerk of the National Assembly

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