

GOVERNMENT NOTICE NO. 401 published on 5/6/2020

THE LOCAL AUTHORITIES (COUNCILLORS' ELECTIONS) ACT,  
(CAP. 292)

**REGULATIONS**

*(Made under section 125)*

THE LOCAL AUTHORITIES (COUNCILLORS' ELECTIONS) REGULATIONS, 2020

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THE LOCAL AUTHORITIES (ELECTIONS) ACT,  
(CAP. 292)

**REGULATIONS**

*(Made under section 125)*

THE LOCAL AUTHORITIES (COUNCILLORS' ELECTIONS) REGULATIONS, 2020

PART I  
PRELIMINARY PROVISIONS

- Citation                    **1.** These Regulations may be cited as the Local Authorities (Councillors' Elections) Regulations, 2020.
- Interpretation  
n  
requires-  
Cap 292                    **2.** In these Regulations, unless the context otherwise requires-  
                                 "Act" means the Local Authorities (Elections) Act;  
                                 "campaign period" in relation to Councilors' election, means the whole period commencing immediately after the nomination up to the day up to the day immediately preceding the election day;  
                                 "candidate" means a person who is nominated for Councillors' election;
- Cap 2                        "Commission" means the National Electoral Commission established under Article 74 of the Constitution;
- Cap 2                        "Constitution" means the Constitution of the United Republic of Tanzania, 1977;  
                                 "Council" means a City Council, Municipal Council, Town Council or a District Council as the case may be;  
                                 "Councillor" means an elected member of a local government authority and includes a Councilor for women special seats;
- Cap.343                    "Director of Elections" means a person appointed to be the Director of Elections in accordance with the provisions of the National Elections Act;  
                                 "election" means an election in a ward of an elected member of a local authority, and includes by-election;  
                                 "election day" has the meaning ascribed to it under the Act;

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- “election observation” means the observation of various stages of the electoral process by a local observer or international observer duly accredited for that purpose by the Commission;
- “election officer” includes the Regional Election Coordinator, Returning Officer, Assistant Returning Officer, presiding officer and polling assistant;
- “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 Councillors for women special seats;
- “nominating authority” means a Returning Officer or, as the case may be, an Assistant Returning Officer;
- “nomination day” means a day appointed as a nomination day under the Act;
- “observer” means a local or an international observer;
- Cap 258 “political party” means a political party registered under the Political Parties Act;
- “polling agent” means a person appointed under the provisions of section 58;
- “region” means any part proclaimed or deemed to be proclaimed by the President to be a region pursuant to powers conferred on him by the Constitution;
- “register” means the Permanent National Voters’ Register established and maintained in accordance with the Act;
- Cap 258 “Registrar” means the Registrar of Political Parties appointed under the Political Parties Act, and it includes a Deputy and an Assistant Registrar;
- “tactile ballot folder” means a device used to facilitate voting by a visually impaired person;
- “voter’s card” means a card issued under the Act verifying that a person named in that card has been registered as a voter;
- “voters’ education” means dissemination of information relating to the electoral processes and procedures;
- Cap. 287  
Cap. 288 “ward” means a division of the jurisdiction of a local government authority demarcated as such in pursuance of the provisions of the Local Government (District Authorities) Act or as the case may be, the Local Government (Urban Authorities) Act and declared to be a ward of the local government authority under section 8 of the Act for the purposes of the Act; and

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Cap. 287  
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“woman candidate” means a woman nominated for a Council special seat under the Local Government (District Authorities) Act or, as the case may be, the Local Government (Urban Authorities) Act.

PART II  
VOTERS' EDUCATION

Conduct of voters' education

**3.** The Commission shall be responsible for providing voters' education throughout the United Republic and it shall, for that purpose, coordinate and supervise persons who conduct such education.

Approval of voters' education material

**4.-(1)** A person shall not provide voters' education without prior approval of the Commission.

(2) Any person who intends to conduct voters' education using material relating to electoral processes and procedures shall, before using such material, submit the material to the Commission for scrutiny and approval.

(3) Where the Commission does not approve the material, it shall notify the person concerned and may direct that person to correct such material in such a manner as the Commission may direct.

(4) Where the Commission approves the material, it shall grant permission in writing to use such material for conducting voters' education.

Meaning of voter's education material

**5.-(1)** For the purposes of this Part, voters' education material includes brochures, posters, leaflets, booklets, radio programmes, infographics cultural dances, songs, drama, television programmes and any other material containing information related to voters' education.

(2) The material referred to in subregulation (1) shall indicate names and addresses of the author, printer and publisher as the case may be.

Contravention

**6.** A person who contravenes any provision of this Part shall be barred by the Commission from providing voters' education.

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*Gn. No. 401 (contd.)*

PART III  
APPOINTMENT AND TRAINING OF ELECTION OFFICERS

Regiona  
l  
Election  
Coordin  
ator

7.-(1) The Commission may, at any time during election and subject to the provisions of the Act, appoint in writing a public officer to be a Regional Election Coordinator who shall be responsible for the coordination of election activities in a region.

(2) Notwithstanding subregulation (1), the Commission may for better administration of election process, appoint a Regional Election Coordinator to coordinate election activities in more than one region.

(3) A letter of appointment issued under subregulation (1) shall contain-

- (a) the date of commencement of duties and tenure of office of the Regional Election Coordinator;
- (b) the terms and conditions of services of the Regional Election Coordinator; and
- (c) any other directives as may be determined by the Commission or the Director of Elections.

(4) A person appointed as a Regional Election Coordinator shall, within fourteen days after receiving a letter of appointment, confirm to the Director of Elections in writing of his acceptance of the appointment.

(5) The Commission may, where the appointed Regional Election Coordinator fails to submit a letter of acceptance as prescribed under subregulation (4), appoint another public officer to be a Regional Election Coordinator.

Appoint  
ment of  
Returni  
ng  
Officers  
for  
election  
in ward

8.-(1) Subject to the provisions of the Act, the Commission shall appoint Returning Officers who shall be responsible for coordinating and supervising the conduct of elections in a ward.

(2) The Commission shall, at any time before an election inform in writing the Returning Officer of-

- (a) the date of commencement of duties and tenure of office;
- (b) the terms and conditions of service; and
- (c) any other directives as may be determined by the Commission or the Director of Elections.



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Replacement of Returning Officers

**9.**-(1) The Commission may, where it is satisfied that a Returning Officer is incapable of performing his duties, revoke the appointment and inform the Returning Officer in writing of such revocation.

(2) Where the Commission revokes the appointment of the Returning Officer pursuant to subregulation (1), it shall appoint another public officer in the manner set out in regulation 8.

Confirmation of appointment of Returning Officer

**10.** The provisions of regulation 7(4) and (5) shall apply *mutatis mutandis* to the appointment of Returning Officers under regulation 8.

Appointment of Assistant Returning Officers

**11.**-(1) Subject to the provisions of the Act, the Commission shall appoint in writing Assistant Returning Officers from amongst public officers to assist the Returning Officer in coordinating and supervising the conduct of elections in a constituency and in a ward.

(2) The letter of appointment for the Assistant Returning Officer under subregulation (1), shall contain-

- (a) the date of commencement of duties and tenure of office;
- (b) the terms and conditions of service; and
- (c) any other directives as may be issued by the Commission or the Director of Elections.

(3) An Assistant Returning Officer appointed under subregulation (1) shall, within fourteen days after receiving the letter of appointment, confirm to the Director of Elections in writing of his acceptance of the appointment.

(4) The Commission may, where it is satisfied that the Assistant Returning Officer is incapable of performing his duties, revoke the appointment and inform the Assistant Returning Officer in writing of such revocation.

(5) Where the Commission revokes the appointment pursuant to subregulation (4), it shall appoint another public officer in the manner as prescribed in subregulations (1) and (2).

(6) The requirement of subregulation (3) shall apply to the Assistant Returning Officer appointed in terms of subregulation (5).

(7) The Assistant Returning Officer appointed under this regulation shall perform his duties under the supervision of the Returning Officer.

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Appointment of presiding officers, polling assistants and direction clerks

**12.**-(1) Subject to the provisions of subregulation (2) and directives issued by the Commission or the Director of Elections, every Returning Officer shall, for the purposes of election, appoint in writing presiding officers, polling assistants and direction clerks.

(2) The Commission shall determine the number of presiding officers, polling assistants or direction clerks required for every polling station.

(3) A person appointed under this regulation shall be required to sign a contract of employment with the Returning Officer using Form No.11 as prescribed in the First Schedule to these Regulations.

(4) A presiding officer shall be the officer in-charge of a polling station.

(5) Subject to the provisions of the Act, these Regulations and directives issued by the Commission or Director of Elections, a presiding officer, polling assistant or direction clerk appointed under subregulation (1) shall perform his duties under the supervision of the Returning Officer or, as the case may be, Assistant Returning Officer.

Procedures for appointment of presiding officers, polling assistants and direction clerks

**13.**-(1)The Returning Officer shall, for the purpose of appointment of presiding officers, polling assistants or direction clerks-

- (a) advertise posts inviting qualified persons to apply;
- (b) shortlist names of applicants and display such names at the office of the Returning Officer or any other public office within the constituency; and
- (c) interview the shortlisted applicants.

(2) The Returning Officer shall, immediately after conducting an interview under subregulation (1), appoint the qualified applicants as presiding officers, polling assistants and direction clerks.

Oath of secrecy and declaration

**14.**-(1) A Regional Election Coordinator, Returning Officer and Assistant Returning Officer shall, before assuming duties-

- (a) take an oath of secrecy before a Magistrate using Form No. 6 as prescribed in the First Schedule to these Regulations; and

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(b) make a declaration before a Magistrate using Form No. 7 as prescribed in the First Schedule to these Regulations, that he is not a member of any political party or that he has withdrawn his membership from a political party.

(2) A presiding officer, polling assistant and direction clerk shall, before assuming duties, take an oath of secrecy before a Returning Officer using Form No.6 as prescribed in the First Schedule to these Regulations.

(3) A presiding officer, polling assistant and direction clerk shall, before assuming duties, make a declaration before the Returning Officer using Form No. 7 as prescribed in the First Schedule to these Regulations, that he is not a member of any political party or that he has withdrawn his membership from a political party.

Training  
of  
election  
officers

**15.-** (1) The Commission shall, at any time after the appointment of Regional Election Coordinators, Returning Officers and Assistant Returning Officers and before the conduct of election, train Regional Election Coordinators, Returning Officers and Assistant Returning Officers on the electoral laws, processes and procedures.

(2) The Returning Officer shall, subject to the directives of the Commission or Director of Elections, conduct training to Assistant Returning Officers at ward level, presiding officers, polling assistants and direction clerks on the electoral laws, processes and procedures.

PART IV  
ELECTIONS OBSERVATION

Invitation  
and  
accreditation  
of observers

**16.-**(1) The Commission may, through the Ministry responsible for Foreign Affairs and before the commencement of election processes, extend invitations to international observers to participate as election observers upon accreditation.

(2) In extending its acceptance for invitation pursuant to subregulation (1), a sponsoring organization, institution or foreign state shall apply to the Commission for accreditation of its observer.

(3) The Commission shall, before the commencement of an election process and through the use of local media, invite local observers to apply for participation in election observation.

(4) An organization or institution which intends to participate as a local observer in the election shall apply to the commission for accreditation of its observers team.

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*Gn. No. 401 (contd.)*

(5) The Commission may, upon receipt of an application for accreditation, accept or refuse the application where it deems appropriate to do so.

(6) Where the Commission accepts an application for accreditation, it shall notify and issue an accreditation identity card to the observers to whom the application relates.

(7) Where the Commission refuses the application, it shall notify the applicant of such refusal.

Duration of observation

**17.** The election observation shall commence from the date of accreditation to the date indicated on the observer's accreditation identity card issued under regulation 16(6).

Disqualification from election observation

**18.-** (1) An observer shall be disqualified from election observation if he-

- (a) contravenes the electoral laws;
- (b) contravenes the immigration laws and procedures;
- (c) contravenes any other written laws;
- (d) fails to adhere to these Regulations;
- (e) contravenes directives issued by the Commission or the Director of Elections; and
- (f) campaigns or conducts himself in such a manner as to show favoritism for a candidate or a political party.

(2) An observer, observer organization or institution which contravenes the provisions of these Regulations or any other written laws shall be barred from being accredited for future observations.

Information and briefing.

**19.-**(1) The Commission may provide observers with background information and material on various aspects of the election.

(2) The material and information referred to under subregulation (1) may include-

- (a) electoral laws and regulations;
- (b) electoral processes and procedures;
- (c) guidelines for election observers;
- (d) list of councils, constituencies, polling districts and polling stations;
- (e) list of registered political parties participating in the election; and
- (f) any other related material and information which the Commission may deem necessary.

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*Gn. No. 401 (contd.)*

Rights and  
Obligations  
of observers

may-

**20.-** (1) Subject to the electoral laws, an election observer

- (a) request for and obtain information on activities relating to electoral processes and procedures;
  - (b) observe stages of electoral processes;
  - (c) move in areas or places authorized by the Commission;
  - (d) communicate with political parties; and
  - (e) enter the polling stations and observe electoral processes, including voting, counting and addition of votes.
- (2) An observer shall -
- (a) adhere to the laws of Tanzania;
  - (b) abide to the lawful instructions issued by the Commission at any time of the observation;
  - (c) not do anything that interferes with the internal affairs of the country;
  - (d) exercise his role with impartiality, independence and objectivity;
  - (e) disclose to the Commission any conflict of interest associating him with an electoral process;
  - (f) ensure that their observation is neutral and non-partisan;
  - (g) not interfere with electoral processes, including not to act in such a manner as to direct the Commission's officers on how to conduct the electoral processes;
  - (h) refrain from interfering or undermining duties of the election officers;
  - (i) abide by the Commission's directives that forbid and restrict the use of any information communication technology facilities including cellular phones, cameras, two way radios or any other electronic devices inside the polling stations and tallying centers;
  - (j) not publish or express any opinion on the media while the election is ongoing;
  - (k) refrain from acting as a commission of inquiry;
  - (l) report to the Commission as soon as practicable any irregularities in the electoral processes without interfering with the election;
  - (m) submit the observation report within the time stated under these Regulations;
  - (n) surrender accreditation card, letter and any other material issued to him when required to do so by the Commission; and
  - (o) use knowledge and understanding of international standards in determining free and fair electoral process.

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*Gn. No. 401 (contd.)*

Reporting  
by observer  
organization  
or institution

**21.**-(1) An observer organization or institution shall provide the Commission with copies of its observation report not later than two months from the date of declaration of the election results.

- (2) The observation report referred to under subregulation (1) shall include-
- (a) particulars of the observer; and
  - (b) findings and recommendations of the election observation.

PART V

NOMINATION, SUBSCRIPTION TO THE ELECTORAL CODE  
OF CONDUCT, WITHDRAWAL, DEATH OR ABSENCE OF  
CANDIDATES AND ELECTION CAMPAIGNS

*A. Nomination of candidates and subscription to the Electoral Code of Conduct*

Nominatio  
n form

**22.**-(1) The Commission shall, for the purposes of this regulation, specify the date for issuance of nomination forms to proposed candidates.

(2) A person who is a member of a political party and is proposed by such political party to be a candidate shall first obtain a letter of introduction from a district, constituency or ward secretary of the respective political party.

(3) A proposed candidate shall submit a letter of introduction referred to under subregulation (2) to the nominating authority for purposes of obtaining nomination form.

(4) The proposed candidate shall obtain from the nominating authority and complete nomination Form No. 8C as prescribed in the First Schedule to these Regulations.

Submission  
of  
nomination  
forms

**23.**-(1) A proposed candidate shall, on the nomination day not later than four o'clock in the afternoon, submit to the nominating authority his nomination form together with a receipt as proof of deposit of a refundable sum of shillings five thousand only.

(2) Notwithstanding subregulation (1), where a candidate acquires less than ten percent of the total valid votes cast, the sum deposited with the Commission shall not be refunded.

Subscription  
to the  
Electoral  
Code of  
Conduct  
Cap.343

**24.**-(1) Subject to the provisions of the National Elections Act, the Commission upon consultation with political parties and the Government shall prepare the Electoral Code of Conduct.

- (2) The Electoral Code of Conduct referred to under subregulation (1) shall be subscribed by-
- (a) every political party;

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- (b) every candidate for election;
- (c) the Government; and
- (d) the Commission.

(3) A proposed candidate shall subscribe to the Electoral Code of Conduct using Form No. 10 as prescribed in the First Schedule to these Regulations.

(4) A proposed candidate for election shall obtain Form No. 10 from the Returning Officer or, as the case may be, the Assistant Returning Officer together with nomination forms in the manner as prescribed in regulation 22.

(5) A proposed candidate for election shall return Form No. 10 to the Returning Officer or, as the case may be, the Assistant Returning Officer on nomination day, and the Form shall constitute as part of the nomination form.

Cap. 343

(6) Where a candidate fails to fill Form No. 10, the Returning Officer or the Assistant Returning Officer, as the case may be, shall not nominate the proposed candidate.

Scrutiny of nomination forms

**25.** The Returning Officer or the Assistant Returning Officer shall, upon being satisfied that a proposed candidate qualifies to be nominated, certify the nomination in Form No. 8C as prescribed in the First Schedule to these Regulations.

Election of unopposed candidate

**26.** Subject to the provisions of the Act, where only one candidate is nominated in a ward, such candidate shall be deemed to be duly elected and shall assume office upon oath as a member of the Council.

Display of nomination forms

**27.** The Returning Officer or Assistant Returning Officer shall, on or before four o'clock in the afternoon of the nomination day, display on the notice board of the ward office copies of nomination forms of every candidate who has been nominated by the nominating authority.

Objection of nomination of candidate

**28.**-(1) Subject to the provisions of the Act, the Returning Officer, Assistant Returning Officer, another candidate or the Registrar of Political Parties may, lodge an objection of the nomination of a candidate.

(2) A person who intends to object the nomination of a candidate under subregulation (1) shall lodge his objection to the Assistant Returning Officer of the relevant ward after the display of nomination forms but not later than four o'clock in the afternoon of the day following nomination day.

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(3) The objection made pursuant to subregulation (1) shall be lodged to the Assistant Returning Officer by filling in Form No. 9 C as prescribed in the First Schedule to these Regulations stating the following-

- (a) particulars of the objector;
- (b) particulars of the objected candidate;
- (c) grounds for objection;
- (d) date and time of lodging the objection; and
- (e) signature of the objector.

(4) The Assistant Returning Officer shall, with the least possible delay, before determining the validity of any objection -

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

(5) Where the Assistant Returning Officer makes a decision on any objection, he shall forward his 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.

(6) Where the Returning Officer makes a decision on any objection under subregulation (5), he shall inform the parties concerned of his decision and, if the objection is allowed, the grounds of his decision.

(7) Where a Returning Officer has accepted the objection of a candidate, he shall delete the name of such candidate from the list of nominated candidates.

Appeals

**29.-** (1) A person who is aggrieved by the decision of the Returning Officer under regulation 28(5) may appeal to the Commission within twenty four hours from the time the decision was delivered or such further period as the Commission may allow.

(2) An appeal under subregulation (1) shall be made in Form No.12 as prescribed in the First Schedule to these Regulations, and the form shall be obtained from the Returning Officer.

(3) An appellant shall submit the appeal to the Returning Officer who shall receive the appeal on behalf of the Commission.

(4) The Returning Officer shall, with the least possible delay and after receiving the appeal under subregulation (3), attach Forms Nos. 8C, 9C and any other necessary documentary evidence relating to the appeal and submit them to the Commission for determination.



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*Gn. No. 401 (contd.)*

Determinati  
on of  
Appeals

**30.**-(1) The Commission may, before the determination of an appeal, summon any person to testify or provide information or clarification from such person in respect of the appeal.

(2) The absence of any person summoned pursuant to subregulation (1) shall not invalidate the proceedings or decisions of the Commission.

(3) In determining an appeal, the Commission may reject or accept such appeal.

(4) Where the Commission determines an appeal under subregulation (3), it shall either reinstate or delete the name of the candidate concerned from the list of nominated candidates.

(5) The Commission shall, after determination of an appeal under this regulation, inform the parties in writing of its decision and reasons of the decision.

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(6) Subject to the provisions of the Act, the decision made by the Commission under these Regulations shall be final and conclusive and shall not be question by any court of law, except by way of election petition pursuant to the provisions of the Act.

Objection by  
Registrar of  
Political  
Parties and  
appeals to  
objection  
Cap. 278

**31.**-(1) Where a political party or a candidate fails to comply with the provisions of sections 9 and 20 of the Election Expenses Act, the Registrar of Political Parties may makes an objection to the Returning Officer where the objection concerns Councilor candidate.

(2) The procedure to be followed in the determination of objections raised by the Registrar and any subsequent appeals thereafter shall be the procedures stipulated in regulations 28 and 29 respectively, except that the objection by the Registrar shall be lodged not later than fourteen days after nomination day.

*B. Withdrawal, Death or Absence of Candidate*

Withdrawal  
of candidate

**32.**- (1) Subject to the provisions of the Act, where the Returning Officer is satisfied that the candidate has complied with the requirement of section 50 of the Act, he shall delete the name of the candidate from the list of candidates and with the least possible delay, inform the Director of Elections.

(2) Where a candidate withdraws his candidature a day following nomination day-

(a) the deposit paid by him upon nomination shall not be refunded; and

(b) there shall be no replacement of a candidate by his political party.

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*Gn. No. 401 (contd.)*

Death of  
candidate

**33.**-(1) Where it is alleged that a candidate is dead after nomination day and before the close of poll on election day, the Returning Officer shall, upon confirmation of the fact of death, countermand the election.

(2) Where an election is countermanded under subregulation (1), the Returning Officer shall immediately inform the Commission, and the party concerned shall nominate a candidate for replacement in the manner provided for under the Act.

Absence of  
candidate

**34.** Where after a nomination day, by reason of death, withdrawal or any other reason there are no candidates for election in a ward, the Commission shall countermand the election in the manner as prescribed in the Act.

*C. Election Campaigns*

Time for  
conducting  
campaign

**35.** For the purposes of determining hours of a campaign meeting during a campaign period, the time for conducting campaign meetings shall be from eight o'clock in the morning to six o'clock in the evening.

Coordinated  
Campaign  
programme

**36.**-(1) The Returning Officer shall, before the beginning of election campaigns, require each political party concerned to submit to him the proposed schedule of campaign meetings which the party intends to hold for the purpose of election.

(2) A political party which intends to participate in election shall, within seven days before the nomination day, submit the proposed schedule of campaign meetings to the Returning Officer.

(3) The proposed schedule of campaign meetings shall specify dates, time and places where such meetings will be conducted.

(4) The Returning Officer shall, after receiving the proposed schedule of campaign meetings from each political party convene a meeting of all political parties or candidates concerned in order to prepare a coordinated programme of campaign meetings.

(5) The Returning Officer shall, after preparing a coordinated programme of campaign meetings under subregulation (4), distribute copies of the coordinated campaign programme to the following -

(a) all political parties contesting in the election in the ward;

(b) the District Commissioner; and

(c) the Police Officer Commanding District for the purposes of providing security during campaign meetings.

(6) A political party or candidate involved in an election shall comply with the coordinated campaign programme.

(7) For the purpose of this regulation, the coordinated campaign programme shall not include door-to-door canvassing.

Coordinated  
campaign  
programme  
to constitute  
sufficient  
notice  
Cap.322 and  
Cap 258

**37.** The coordinated campaign programme shall constitute sufficient notice of proposed meetings for the purposes of the Political Parties Act, and the Police Force and Auxiliary Services Act.

Changes in  
coordinated  
campaign  
programme  
in election

**38.**-(1) Where a political party intends to change its campaign venue or schedule, it shall immediately inform the Returning Officer in writing stating the reasons for the proposed change, and the Returning Officer shall before determination, convene a meeting of political parties or candidates concerned to discuss and agree on the changes.

(2) Where the councillors' election campaign programme interferes or collides with the coordinated campaign programme for Presidential or Parliamentary election in the ward, the Returning Officer shall immediately convene a meeting with the political parties for the purposes of making necessary modification to the coordinated campaign programme for councilors' election.

(3) Where in pursuance of subregulation (1) and (2), a coordinated campaign programme requires to be amended, the Returning Officer shall amend it accordingly and notify political parties concerned, the District Commissioner and the Police Officer Commanding District.

PART VI  
ELECTION DAY, VOTING, VOTES COUNTING, ADDITION OF VOTES  
AND DECLARATION OF RESULTS

A. *Election Day and Voting*

Election day

**39.** The election day shall be specified by the Commission as provided for under the Act.

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*Gn. No. 401 (contd.)*

Revocation  
of, and  
appointment  
of another  
polling day

**40.**-(1) Where before polling day, an event occurs which prevents an election to take place in a ward on the appointed day, the Returning Officer shall, with least possible delay, inform the Commission and the Commission shall revoke the scheduled day and appoint another election day for that particular ward.

(2) Where on the election day, an election fails to be conducted in a ward, the Returning Officer shall, with least possible delay, inform the Commission and the Commission shall appoint another election day in respect of that particular ward.

Notice of  
election

**41.**-(1) A Returning Officer shall issue a notice of election in the ward eight days before election day.

(2) The notice of election under subregulation (1), shall be displayed in conspicuous places at the ward office, and shall contain-

- (a) the date and time for commencement and close of poll;
- (b) the address of each polling station in the ward;
- (c) number of voters assigned to each polling station; and
- (d) the full name of candidate, a recent photograph and acronym or logo of a political party sponsoring the candidate.

Polling  
stations

**42.**-(1) The registration centers established by the Commission shall be used as polling stations.

(2) The Commission shall inform the Returning Officer the number of polling station in a polling district and the number of voters allocated to each polling station.

Polling agents

**43.**-(1) A Returning Officer shall within fourteen days before polling day or such other period to be directed by the Commission, issue to candidates or political parties names and addresses of polling stations.

(2) For the purpose of subregulation (1), a political party involved in an election shall, subject to the provisions of the Act and not later than seven days before election day, inform in writing the Returning Officer of the names and addresses of polling agents and their respective polling stations.

(3) The Returning Officer shall, after receiving the information under subregulation (2), inform the presiding officers or polling assistants of the polling agents authorized to be at each polling station.

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*Gn. No. 401 (contd.)*

(4) The polling agent shall, seven days before polling day, take an oath of secrecy before the Returning Officer in Form No. 6 as prescribed in the First Schedule to these Regulations.

(5) No polling agent shall be allowed to be at the polling station without having taken an oath of secrecy.

(6) Subject to subregulation (2), the information of a polling agent shall be accompanied by-

- (a) two recent passport size photographs;
- (b) a copy of National Identity Card;
- (c) a copy of voters' card; or
- (d) a copy of the passport that provides for personal particulars.

(7) The Returning Officer shall prepare a list of polling agents for each polling station and attach introductory letters, photographs or copies of documents named under subregulation (6) to save as an introduction of polling agents at the polling station.

(8) The introduction of polling agents under subregulation (7) shall be sufficient evidence of identity of the polling agents.

(9) Where a polling agent is introduced in terms of subregulation (8)-

- (a) no copy of Form No. 6 shall be issued for the purpose of identification; and
- (b) the production of any other form of identification at the polling station shall not be required.

(10) Without prejudice to the preceding provisions, where a political party has already appointed a polling agent in respect of a polling station for presidential election, the political party shall not appoint another polling agent at the same polling station within the ward where there is a parliamentary election candidate or a Councilor's election candidate of the same party contesting an election.

Distribution and custody of election equipment and material

**44.**-(1) All election equipment and material shall be supplied by the Commission to the Returning Officer, and the Commission or the Director of Elections shall issue directives relating to utilization, distribution and safe custody of such election equipment and material.

(2) The Returning Officer or Assistant Returning Officer shall, not later than one day before the election day, distribute or cause to be distributed election equipment and material to each presiding officer.

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*Gn. No. 401 (contd.)*

(3) The distribution of election equipment and material under these Regulations shall be issued in writing, and all the election equipment and material shall be kept in safe custody by the presiding officer.

Satisfaction or dissatisfaction of polling agents on preparation of voting

**45.**-(1) A polling agent who is satisfied with the preparation of the polling station shall, before the commencement of voting, state his satisfaction in Form No. 14 as prescribed in the First Schedule to these Regulations.

(2) A polling agent who is dissatisfied with the preparation of polling station shall, before the commencement of voting, lodge with the presiding officer or polling assistant, as the case may be, a complaint in Form No. 14 as prescribed in the First Schedule to these Regulations.

(3) The presiding officer or polling assistant shall, upon receipt of complaints under subregulation (2), resolve and indicate on the same Form No. 14 the manner in which he has dealt with the complaint.

Dissatisfaction of voter on voting process

**46.**-(1) A voter who has already voted and is not satisfied with the conduct of voting in a polling station may lodge his complaint with the presiding officer using Form No. 15 as prescribed in the First Schedule to these Regulations.

(2) The presiding officer shall, upon receipt of a complaint under subregulation (1), determine the matter and indicate on the same Form No. 15 the manner in which he has dealt with the complaint.

Voting by persons with disability or persons unable to read

**47.** Where a voter who intends to vote is incapacitated by a disability or is unable to read-

(a) that voter may ask a person of his own choice other than a presiding officer, a polling assistant or a polling agent, to assist such person to record his vote in accordance with the provisions of the Act;

(b) upon request by the voter, the presiding officer or polling assistant shall insert a ballot paper into tactile ballot folder and issue to such voter for the purposes of voting.

Voter's finger to be marked with indelible ink

**48.** Where a voter has inserted the ballot paper into the relevant ballot box, the presiding officer or polling assistant shall cause the finger of such voter to be marked with indelible ink before the voter leaves the polling station.

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Voting at  
polling  
station  
other than  
at allocated  
station

**49.**-(1) A registered voter in a polling district employed as a presiding officer, polling assistant, direction clerk, polling agent, election officer or a person responsible for maintaining security at the polling station other than at the polling station allocated to him may, through Form No. 18 as prescribed in the First Schedule to these Regulations, be authorized by the Returning Officer to vote at any other polling station in the ward.

(2) Where a registered voter in a ward is a candidate and wishes to vote at a polling station not allocated to him, the Returning Officer or Assistant Returning Officer may, through Form No. 19 as prescribed in the First Schedule to these Regulations, authorize such candidate to vote at any other polling station within the ward.

Voting to be  
conducted  
secretly

**50.** Voting shall be conducted secretly, and a voter in casting his vote, shall not be allowed to place any mark or writing by which he may be identified.

Closing of  
poll

**51.**-(1) A polling agent for each candidate shall, before closing of the polling station, record his satisfaction or complaint in Form No. 14 as prescribed in the First Schedule to these Regulations.

(2) A presiding officer shall, upon receipt of complaint lodged in terms of subregulation (1), resolve the complaint and indicate in the same Form No. 14 in the manner in which the complaint has been dealt with.

Ballot paper  
count

**52.**-(1) A presiding officer shall, before and after completion of voting, record the ballot paper count in form No. 13 as prescribed in the First Schedule to these Regulations, indicating-

- (a) ballot papers issued to him by the Returning Officer;
- (b) used ballot papers;
- (c) spoilt ballot papers; and
- (d) unused ballot papers.

(2) The ballot paper count form referred to under subregulation (1) shall be submitted to the Returning Officer or the Assistant Returning Officer.

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*Gn. No. 401 (contd.)*

Adjournment of polling

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

(2) Where the poll is adjourned at any polling station, the hours of polling on the day to which it is adjourned shall be the same as for the original polling day.

(3) Where voters present during the incidences described in subregulation (1) have completed voting, the polling process with regard to those voters shall be deemed to have been completed.

*B. Votes Counting, Addition and Declaration of Results.*

Votes counting

**54.** The presiding officer shall, immediately after closing of the poll and in the presence of counting agents or alternate counting agents, count all votes at the polling station.

Satisfaction or dissatisfaction of counting agents or candidates

**55.**-(1) A polling agent, whether satisfied or dissatisfied with the counting of votes, shall complete Form No. 16 as prescribed in the First Schedule to these Regulations.

(2) The presiding officer or polling assistant shall, upon completion of the requirement under subregulation (1) and in the case of dissatisfaction by polling agent, make determination and indicate in the same Form No. 16 the manner in which he has dealt with the matter.

Polling station election results and report of presiding officer

**56.**-(1) The presiding officer at a polling station shall, after counting votes cast, record election results for the polling station in Form No. 21C as prescribed in the First Schedule to these Regulations.

(2) The election results form shall be signed by the presiding officer or, as the case may be, a polling assistant and polling agents or candidates if present, and where the copies of the results form are available in sufficient number, the polling agent or candidate shall be given a copy of the results form.

(3) The presiding officer shall, after the conclusion of the counting exercise, prepare a polling station report in Form No. 20 as prescribed in the First Schedule to these Regulations.

(4) The presiding officer or polling assistant shall submit to the Returning Officer or, as the case may be, the Assistant



Returning Officer in the ward the following-

- (a) the polling station election results in Form No. 21C;
- (b) a polling station report in Form No. 20 which shall include-
  - (i) completed Forms No. 14 and 16 information relating to satisfaction or dissatisfaction of polling agents or candidates, and in the case of dissatisfaction, the manner in which the matter was dealt with;
  - (ii) Form No. 15 containing voter's complaint if any, regarding the polling process and the manner in which the complaint was dealt with;
  - (iii) voters' declaration if any, made in Form No. 17;
  - (iv) the unused Forms No. 14, 15, 16 and 17;
  - (v) the ballot paper count Form No. 13;
  - (vi) the counterfoils of ballot papers;
  - (vii) unused or spoilt ballot papers, if any;
  - (viii) Register of voters; and
  - (ix) certificate authorizing election officer, polling agents or candidates to vote at the polling station, if any.
- (c) the ballot boxes containing votes; and
- (d) any other election equipment and material entrusted to him for the purposes of polling exercise.

Notice of  
addition  
of votes

**57.** The Returning Officer or Assistant Returning Officer shall, after receiving election results from all polling stations within the ward, notify political parties or candidate as to the date, time and venue for addition of all votes cast.

Determi  
nation of  
disputed  
votes.

**58.**-(1) Subject to the provisions of the Act, the Returning Officer or Assistant Returning Officer, as the case may be, shall determine validity of disputed votes before the addition of votes and record the results in Part B of Form No. 21C as prescribed in the First Schedule to these Regulations indicating the number of disputed votes garnered by each candidate and cause the form to be signed by candidates or political parties' agents if present.

(2) The Returning Officer or Assistant Returning Officer, as the case may be, may issue to each candidate or his agent a

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copy of the form referred to under subregulation (1).

Addition  
of votes

**59.**-(1) Subject to regulation 57, the Assistant Returning Officer shall conduct the addition of votes from all polling stations within the ward in the presence of candidates or their agents, if any.

(2) A candidate or a person appointed to be an agent shall not be allowed to be present at the addition of votes unless he has taken an oath of secrecy in Form No. 6 as prescribed in the First Schedule to these Regulations.

Declaratio  
n of  
election  
results

**60.**-(1) The Assistant Returning Officer shall, after the addition of votes from all polling stations in the ward-

- (a) record the election results in Form No. 24C as prescribed in the First Schedule to these Regulations and sign the Form;
- (b) require the candidate or his agent, if any to sign Form No. 24C;
- (c) if available in sufficient number, issue to every candidate present or his agent a copy of election results recorded in Form No. 24C;
- (d) declare the results and the candidate for whom the majority of valid votes have been cast to be an elected candidate in the ward; and
- (e) display a copy of results recorded in Form No. 24C on the notice board of the ward office.

(2) The Assistant Returning Officer shall, immediately after declaration of results under subregulation (1), issue to the elected candidate a certificate of election as prescribed in the Second Schedule to these Regulations.

(3) The Assistant Returning Officer shall, after the declaration of results at the ward, submit results to the Returning Officer who shall forward the results to the Commission.

(4) The Commission shall, upon receipt of the results submitted under subregulation (3), publish the result in pursuant to section 82 of the Act.

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PART VII  
DECLARATION OF COUNCILLORS CANDIDATES FOR WOMEN  
SPECIAL SEATS

Women  
special seats  
Cap.292

**61.**-(1) There shall be women special seats in the local authorities as provided in the Act.

(2) The requirements for submission of the proposed names of eligible women for special seats as prescribed in the Act, shall be made through the submission to the Commission of the completed nomination Form No. 8E as prescribed in the First Schedule to these Regulations and the form shall be obtained from the Commission or the Returning Officer.

Cap. 278

(3) The names of candidates submitted to the Commission under subregulation (2) shall be subjected to the compliance of the Election Expenses Act.

Nomination  
of  
Councilors  
for women  
special seats

**62.**-(1) The Commission shall, upon being satisfied that the candidate qualifies to be nominated as a member of council for women special seats, nominate such candidate.

(2) The Commission shall send a notification of election to the respective council and political party.

PART VIII  
MISCELLANEOUS PROVISIONS

Absence or  
refusal to  
sign  
by political  
parties'  
agents  
or  
candidates

**63.** The absence or refusal by political party agents or a candidate to do any act or a thing or to authorize at the appointed time and place of polling, counting and addition of votes shall not stop, delay or invalidate the election process.

Disbursement  
of funds and  
statement of  
expenditure

**64.**-(1) The Director of Elections shall disburse funds to Regional Election Coordinators and Returning Officers for the purpose of facilitating the conduct of elections.

(2) The expenditure of funds for election by the Regional Election Coordinators and Returning Officer shall be in accordance with the laws governing public finances and directives of the Director of Elections.

(3) Every Regional Election Coordinator or a Returning Officer shall, immediately after finalizing all the electoral activities and in not more than two months after declaration of results, prepare and submit to the Director of Elections the statement of expenditure in respect of funds disbursed to him for the purposes of conducting elections.

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Gn. No. 401 (contd.)

Safe  
custody of  
election  
equipment  
and  
material  
Cap 410

**65.** Subject to the provisions of the Act, the Public Procurement Act and directives of the Director of Elections, a Returning Officer shall, after the finalization of election, keep in safe custody the remaining or unused electoral equipment and material which were handed over to him for the purposes of elections.

Disciplina  
ry and  
legal  
measures

**66.**-(1) Where the Regional Election Coordinator or a Returning Officer fails to comply with regulation 65, the Director of Elections shall request the Minister to take disciplinary measures against such officer.

(2) Notwithstanding subregulation (1), the Commission shall not be precluded from taking any other legal measures against an officer referred to under subregulation (1), whenever it deems appropriate.

Other  
election  
procedur  
es Cap.2,  
Cap.292

**67.** In these Regulations, the Commission, election officers, candidate and political parties shall, observe the provisions of the Constitution of the United Republic, the Act and other directives as may be issued by the Commission.

Offences  
and  
penalties

**68.** A person who contravenes the provisions of these Regulations commits an offence and shall be punishable under the Act.

Forms and  
certificates

**69.**-(1) The forms and certificates as prescribed in the First Schedule and Second Schedule shall be in English and Kiswahili.

(2) The forms and certificates other than those prescribed under these Regulations which are used by the Commission for the purposes of elections shall be deemed to be forms and certificates issued under the First and Second Schedules to these Regulations.

Revocation  
G.N No. 306  
of 2015

**70.** The Local Authorities (Councillor's Elections) Regulations, 2015 are hereby revoked.