

THE UNITED REPUBLIC OF TANZANIA



No. 11 OF 1994

I ASSENT,

President

29th July 1994

An Act to amend certain written laws pertaining to Local Government.

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Local Government Laws (Amendment) Act, 1994.

Short title and commencement

PART II

AMENDMENT OF THE LOCAL AUTHORITIES (ELECTIONS) ACT, 1979

2. This Part shall be read as one with the Local Authorities (Elections) Act, 1979 in this Part referred to as "the principal Act."

Construction Acts, 1979 No. 4

3. Section 8 of the principal Act is repealed and replaced by the following—

Repeal and replacement of section 8

"Wards

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."

Amend-
ment of
section 12

4. Section 12 of the principal Act is amended—

- (a) in subsection (5) by adding the words “the Electoral Authority after consultation with” between the words “as” and “the”, in the second line of that subsection”;
- (b) in subsection (6) by deleting the word “Minister” which appears in the first line of that subsection and substituting for it the words “Electoral Authority”;

Amend-
ment of
section 13

5. Section 13 of the principal Act is amended in subsection (2) by deleting the word “Minister” which appears on the first line of that subsection and substituting for that word, the word “Electoral Authority after consultation with the Minister”.

Amend-
ment of
section 39

6. Section 39 of the principal Act is amended in subsection 2 by adding immediately after paragraph (g), the following—
“(h) he does not owe any tax payable by him.

Amend-
ment of
section 48

7. Section 48 of the principal Act is amended in subsection (1) by deleting the words “twenty one” and “twenty eight” which appear in the third line of that subsection and substituting for them the words “thirty” and “ninety” respectively.

Repeal
and re-
placement
of section
53

8. Section 53 of the principal Act is repealed and replaced by the following—

“Election
cam-
paigns”

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

(a) the Electoral Authority shall declare the period not being more than fourteen days before the election day, during which election campaigns shall commence and terminate in a 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
Acts, 1992
No. 5

(2) For the avoidance of doubt and notwithstanding the provisions of section 40 of the Police Force Ordinance and section 11 of the Political Parties Act, 1992 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 the purposes specified in paragraph (b) of subsection (1).

(3) Without prejudice to subsection (2) and for the purpose of ensuring peaceful and orderly meetings during the 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 ward;

(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 purposes of providing security at such meetings, if necessary.”

9. Section 60 of the principal Act is amended by deleting paragraph (a) and substituting for it the following—

Amendment of section 60

(a) Contain—

- (i) the full name of the candidate;
- (ii) a recent photograph taken within three months;
- (iii) the acronym of the political party nominating the candidate.”

10. Section 62 of the principal Act is amended—

Amendment of section 62

(a) by deleting the fullstop which appears immediately after paragraph (k) and substituting for it, a semi-colon; and

(b) by adding immediately after paragraph (k) the following new paragraphs—

(l) 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 to the presiding officer—

- (i) any complaint he has with regard to the preparations to the voting;
- (ii) registering his satisfaction with the preparation for the conduct of voting in the concerned area; or
- (iii) any complaint brought by any voter concerning the preparation of the conduct of voting in the concerned area;

- (m) 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
- (n) where an election complaint referred to in paragraph (m) of this section 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.

Amend-
ment of
section 70

11. Section 70 of the principal Act is amended by adding immediately after subsection (4) the following—
by the presiding officer as soon as possible.”

“(5) 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 his 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.”

Repeal
and re-
placement
of section
74

12. Section 74 of the Principal Act is repealed and replaced by the following—

Methods
of count-
ing votes

74.—(1) Subject to subsection (2), before the Returning Officer and Assistant Returning Officers proceed to count the votes, they shall, in the presence of the candidates of their counting agents, if any, open each ballot box and, taking out the ballot papers, shall count and record the total number of the ballot papers, and then mix together all the ballot papers.

(2) The Returning Officer of Assistant Returning Officer shall before embarking upon the procedure for counting votes:—

- (a) brief the candidates of any important events reported to him from polling stations;
- (b) require each candidate to submit in the prescribed manner and before the other candidates and the counting agents of all candidates, any complaint, other than that contained in the report, in relation to the conduct of the voting in the ward.

(3) At the conclusion of every stage in the process of counting votes, each candidate if present or his counting agent shall be required to state in the prescribed form whether or not he is satisfied with, or whether he has any complaint in relation to, any stage concluded, and that candidate or his counting agent shall confirm by signing that form.

(4) Each complaint raised under this section which can be resolved shall be dealt with immediately at the relevant stage by the Returning Officer.

(5) The Returning Officer shall prepare an account in the prescribed form giving the details of the situation at each stage, and the report shall be submitted to the Electoral Authority together with the report of the results of the election.

(6) Where a candidate or his counting agent refuses to complete or sign any prescribed form as provided for in subsection (3) of this section, the Returning Officer shall record that fact in the report which he submits to the Electoral Authority.

13. Section 78 of the principal Act is amended by repealing subsection (2) and replacing it with the following—

Amend-
ment of
section 78

“(2) If there is again an equality of votes, as ascertained by a recount, the 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.”
vote.

14. Section 81 is amended by adding immediately after subsection (3) the following:—

Amend-
ment of
section 81

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

(5) Any complaint submitted under this section, which can be resolved shall be settled by the Returning Officer and the events of any complaint shall be incorporated in the report of the Returning Officer to be submitted to the Electoral Authority under section 82.

(6) Where a candidate or his counting agent refuses to complete or sign any form under this section, the Returning Officer shall record that event in the report which he submits to the Electoral Authority.”

15. Section 82 of the principal Act is amended by deleting paragraph (b) and substituting for it the following—

Amend-
ment of
section 82

“(b) cause a full report of the results to be displayed at the office of the Ward Executive Officer and at the Headquarters of the council concerned.

16. Section 87 of the principal Act is amended in subsection (1)

Amend-
ment of
section 87

(a) by adding immediately after paragraph (2) the following new paragraphs:—

“(f) buys, or steals, any registration card in order to be regarded as a legally registered voter”

“(g) buys, sells, steals, defaces or in any way destroys a registration card in order to prevent any voter from voting for a candidate of a particular political party or for the purposes of procuring more votes to be cast for a candidate of a particular political party;”

(b) by deleting the words “five thousand” and substituting for it the words “one hundred thousand;”

Amend-
ment of
section
103

17. Section 103 of principal Act is amended in subsection (1) by deleting the words “fifty yards” which appear in the second line of that subsection and substituting for them the words “three hundred metres”.

Amend-
ment of
section
114

18. Section 114 of the principal Act is amended in subsection (1) by deleting the words “publication in the *Gazette* of the result of the election” which appear in that subsection as well as in the proviso, and substituting for them in each case, the words “declaration of the result by the Returning Officer.”

Amend-
ment of
section
119

19. Section 119 of the principal Act is amended by deleting the words “if not holding an office of emolument in the service of the United Republic” and the words “after consultation with the Minister” wherever they appear in that section.

PART III

AMENDMENT OF THE LOCAL GOVERNMENT (DISTRICT AUTHORITIES) ACT, 1982

Construc-
tion
Acts, 1982
No. 7

20. This Part shall be read as one with the Local Government (District Authorities) Act, 1982 in this Part referred to as “the principal Act.”

Amend-
ment of
section 35

21. Section 35 of the principal Act is amended—

- (a) by deleting paragraph (b);
- (b) by renumbering paragraphs (c) and (d) as (b) and (c), respectively.

Amend-
ment of
section 42

22. Section 42 of the principal Act is amended in subsection (3) by adding the words “the Electoral Authority after consultation with” between the words “as” and “the” which appear in the second line of that subsection.”

PART IV

AMENDMENT OF THE LOCAL GOVERNMENT (URBAN AUTHORITIES) ACT, 1982

Construc-
tion
Acts 1982
N.o 8

23. This Part shall be read as one with the Local Government (Urban Authorities) Act, 1982 in this Part referred to as “the principal Act.”

No. 11

Local Government Laws (Amendment)

1994 7

24. Section 19 of the principal Act is amended—

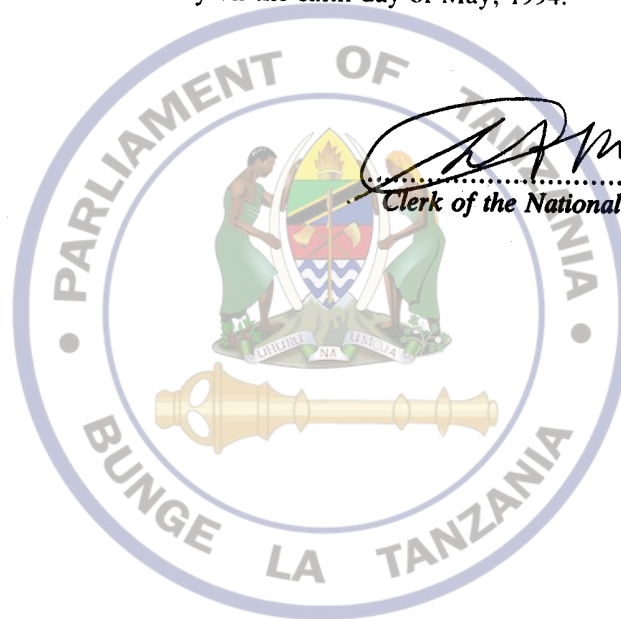
- (a) in subsection (1) by deleting paragraph (d);
- (b) in subsection (2) by deleting paragraph (d); and
- (c) in subsection (3) by deleting paragraph (d).

Amend-
ment of
section 19

25. Section 26 of the principal Act is amended by adding the words “the Electoral Authority after consultation with” between the words “as” and “the” which appears in the second line of that subsection.

Amend-
ment of
section 26

Passed in the National Assembly on the sixth day of May, 1994.



[Signature]
Clerk of the National Assembly