



No. 13 OF 2004

I ASSENT,
Benjamin W. Mkapa

15 July, 2004.
President

An Act to amend Electoral Laws in order to facilitate the establishment of the National Permanent Voters' Register and for other related matters.

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Electoral Laws (Miscellaneous Amendments) Act, 2004. Short title
2. This Act shall come into operation on the date of publication in the *Gazette*. Commencement

PART II

AMENDMENT OF THE ELECTIONS ACT, 1985

3. This Part shall be read as one with the Elections Act, 1985 in this Act referred to as the "principal Act". Construction Act No. 1 of 1985
4. Section 2 of the principal Act is amended-
 - (a) by deleting the definition of the term "Certificate of Registration";
 - (b) by inserting in its respective alphabetical order the following new definitions: Amendment of section 2

"Provisional Voters' Register" means a register established under section 11A;

"Registration Officer" means a Registration Officer appointed under section 7A and includes an Assistant Registration Officer;

"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.

Amendment of Parts II, III and IV of Chapter II

5. The principal Act is generally amended by deleting the words "Returning Officer" and "Assistant Returning Officer" wherever they appear in Parts II, III and IV of Chapter II of the Act and substituting therefor the words "Registration Officer" and "Assistant Registration Officer", respectively.

Addition of section 4C

6. The principal Act is amended by adding immediately after section 4B the following new section:

"Voters education

4C. The Commission shall be responsible for providing voters' education throughout the country and shall co-ordinate and supervise persons who conduct such education".

"Amendment of section 7

7. Section 7 of the principal Act is amended by deleting subsection (6)";

Addition of section 7A

8. The principal Act is amended by adding immediately after section 7 the following new section:

"Registration Officers

7A.-(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 purposes of registration of voters in a constituency and such Registration Officer may be for one or more than one constituency.

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

(3) Notwithstanding the provisions of subsection (1), 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 constituency 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 shall cease to be a Registration Officer in the respective constituency.

(4) The Registration Officer may, subject to the directions of the Director of Elections, appoint such staff as may be necessary for the purposes of conducting registration of voters in the constituency.

(5) Every Registration Officer and Assistant 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) The Registration Officer shall be responsible for all matters relating to the registration of voters within the area of his jurisdiction."

9. Section 10 of the principal Act is amended by:

- (a) designating the contents of section "10" as subsection "(1)";
- (b) adding immediately after subsection (1) as designated the following new subsection:

Amendment of
section 10

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

Addition
of section
11A

10. The principal Act is amended by adding immediately after section 10 the following new section:

"Provisional
Voters' Register

11A.-(1) The Commission shall, for the 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; and
- (e) effecting any other correction or amendment as may be required under this Act."

Amend-
ment of
section 12

11. Section 12 of the principal Act is amended by:

(a) deleting subsection (2) and substituting for it the following:

"(2) The Director of Elections shall keep, maintain and up-date the register established under subsection (1)."

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

"(5) The Commission shall be a custodian of the register established under subsection (1)"; and

- (c) inserting immediately after subsection (6) the following new subsection:

"(7) 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 matters.

12. The principal Act is generally amended by deleting the words "Certificate of registration" and "certificate" where they are related to registration of voters, wherever they appear in the Act and substituting for them the words "voter's card".

General amendment of the principal Act

13. Section 12A of the principal Act is amended by:

- (a) designating the contents of section "12A" as sub section "(1)";
 (b) adding immediately after subsection (1) as designated the following new subsection:

Amendment of section 12A

"(2) The Commission shall register any person in Tanzania Zanzibar who is only entitled to be registered as a voter for election of the President of the United Republic".

14. Section 15 of the principal Act is amended by:

- (a) deleting subsection (1) and substituting for it the following:

Amendment of section 15

"(1) The Commission shall be responsible for setting time and update of registration of voters in every polling district within the constituency".

- (b) deleting the phrase "in view of the fact that an election is not likely to take place in such constituency in the near future or for any other reason" appearing in the sixth to eighth lines of subsection (3).

Amend-
ment of
section 17

15. Subsection (1) of section 17 of the principal Act is amended in paragraph (b) by deleting the words "register the application in the register for the polling district and issue to that applicant a new certificate of registration for that polling district" and substituting for it the following:

"register the applicant in the prescribed form for the polling district and forward the form to the Director of Elections for processing of a new voter's card".

Amend-
ment of
section 18

16. Section 18 of the principal Act is amended by:

- (a) deleting the words "for the issue of a new certificate of registration" appearing at the end of subsection (1) and substituting for them the words:

"register the applicant in the prescribed form and forward the form to the Director of Elections for processing of another voter's card to be marked "duplicate".

- (b) by deleting the words "issue the applicant with a new certificate of registration" appearing in the third and fourth lines of subsection (2) and substituting for them the words "cause to be issued another voter's card".

Amend-
ment of
section 19,
and Parts
III and IV
of Chapter
II

17. Section 19 of the principal Act is amended:

- (a) by deleting the phrase "issue to the applicant a new certificate of registration" immediately after the word "registration" appearing in the ninth line of that section and substituting for it the phrase:

"register the applicant in the prescribed form and forward the form to the Director of Elections for processing of another voters' card."and

- (b) by inserting the words "provisional voters" between the words "the" and "register" wherever they appear in section 19 and Parts III and IV of Chapter II of this Act.";

18. Section 21 of the principal Act is amended by:

Amend-
ment of
section 21

- (a) designating the contents of section "21" as subsection "(1)";
- (b) deleting the phrase "twenty one days after receipt of such statement, appeal against such refusal to a court presided over by a Resident Magistrate" appearing after the word "within"; and substituting for it the phrase "fourteen days after receipt of such statement, appeal against such refusal to a District Court."
- (c) adding immediately after subsection (1) as designated the following new subsection :

"(2) The District Court shall determine such appeal within fourteen days from the date of submission of an appeal."

19. Section 22 is hereby repealed and replaced with the following:-

Repeal
and
Replace-
ment of
section 22

"Inspection of a Provisional Voters' Register

22.-(1) Any person may inspect the Provisional Voters' Register of any polling district on such day and at such time 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."

20. Section 26 of the principal Act is amended by:

Amend-
ment of
section 17

- (a) deleting the word "fourteen" between the words "than" and "clear" appearing in that subsection and substituting for it the word "seven";
- (b) deleting paragraphs "(a)" and "(b)" of subsection (3) and substituting therefor the following:

(a) if such person's qualification is not proved to the satisfaction of the Registration Officer, the Registration Officer shall inform the Director of

Elections of the same and the Director of Elections shall delete or cause to be deleted such person's name in the Provisional Voters' Register"; or

(b) if such person's qualification is so proved, the Registration Officer shall inform the Director of Elections of the same and the Director of Elections shall retain, or as the case may be, include or cause to be retained or included, such person's name in the Provisional Voters' Register;

- (c) adding immediately after subsection (8) the following new subsection:

"(9) The Registration Officer shall decide on the objection under this Part within seven days from the last day of the issuance of the notice of inquiry".

Amend-
ment of
section 27

21. Section 27 of the principal Act is amended by:

- (a) designating the contents of section "27" as subsection "(1)";
- (b) deleting the word "twenty" between the words "within" and "days" and the words "presided over by a Resident Magistrate" appearing in subsection (1) as designated, and substituting for them the words "seven" and "District Court" respectively;
- (c) adding immediately after subsection (1) as designated, the following new subsection:

"(2) The District Court shall determine such appeal within fourteen days from the date of submission of an appeal."

Amend-
ment of
section 28

22. Section 28 of the principal Act is amended by:

- (a) deleting the words "Resident Magistrate" wherever they appear in section 28 and substituting for them the words "District Magistrate"

(b) deleting the phrase "amend or cause to be amended the register and issue such certificate of registration, accordingly" appearing in the seventh and eighth lines of subsection (3), and substituting for it the phrase: "inform the Director of Elections on the result of the appeal, and the Director of Elections shall amend or cause to be amended the register and issue a voters card, accordingly:";

(c) deleting paragraphs (a) of subsection (3) and substituting for it the following:

"(a) the District Magistrate shall not require the Registration Officer to cause the issuance of another voter's card where the previous voters card has been lost or destroyed, unless such person shall have made a declaration to the Registration Officer as required under section 20"; and

(d) by deleting the words "Returning Officer may refuse to issue a new certificate of registration until the previous certificate of registration concerned has been surrendered" appearing in paragraph (b) of subsection (3), and substituting for them the words: "the Registration Officer may refuse to cause the issuance of another voters card until the previous voter's card issued to the person concerned has been surrendered".

23. Section 29 of the principal Act is amended in subsection (2), by deleting the word "cancel" between the words "shall" and "any" appearing in the closing words of that subsection and substituting for it the words "cause to be cancelled".

Amendment of section 29

24. Subsection (3) of section 38 of the principal Act is amended in paragraph (a) by adding immediately after the word "election" appearing at the end of that paragraph the phrase: "except that, statutory declaration of the candidates for the office of the President and Vice-President of the United Republic shall be made before a Judge".

Amendment of section 38

25. Section 38A is amended in subsection (2) by inserting the word "valid" between the words "of" and "votes" appearing in the fourth line of that subsection.

Amendment of section 38A

Amend-
ment of
section 46

26. Section 46 of the principal Act is amended:

- (a) by deleting the phrase "being a day not less than sixty days and not more than ninety days for the parliamentary election and not more than thirty days for the by election as the case may be after the revocation or after the occurrence of the event to be an election day" appearing in the fourth line to eighth line of subsection (3);
- (b) by adding immediately after subsection (3) the following new subsections:

"(4) The Commission shall, on the election day, upon the occurrence of an event that prevents an election to take place, appoint another day of election for a particular constituency or constituencies.

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

Amend-
ment of
section 48

27. Section 48 of the principal Act is amended by:

- (a) inserting immediately after subsection (1), the following new subsection:

"(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."

- (b) by renumbering subsections (2) and (3) as (3) and (4);

Amend-
ment of
section 51

28. Section 51 of the principal Act is amended by deleting subsection (4) and substituting for it the following:

"(4) For purposes of ensuring peaceful and orderly meetings during the campaign period, the Returning Officers shall call a meeting of all candidates or party agents and scrutinize the campaign programmes of all the

candidates and if necessary advise the candidates to make changes for their programs in order to avoid conflicting meetings."

29. Section 56 of the principal Act is amended in paragraph (e) by deleting the phrase "addresses, occupations, a photograph and a representative symbol, if any, of the candidate" appearing immediately after the word "direct" and substituting for it the phrase:

Amendment of section 56

"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;"

30. Section 61 of the principal Act is amended in paragraph (a) of subsection (3) by deleting the phrase "such documentary evidence as to his identity as the presiding officer or polling assistant may find satisfactory" immediately after the word "producing" and substituting for it a phrase "a voters card or any other documentary evidence as the Director of Elections may direct".

Amendment of section 61

31. Section 67 of the principal Act is amended in subsection (1) by inserting the words "while there remains voters who have not completed the polling process" between the words "violence" and "the".

Amendment of section 67

32. Section 74 of the principal Act is amended by:

Amendment of section 74

- (a) designating the contents of section 74 as subsection (1);
- (b) adding immediately after subsection (1) as designated the following new subsection:

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

33. Section 81 of the principal Act is amended by inserting the word "valid" between the words "of" and "votes" appearing in paragraph (a).

Amendment of section 81

" Addition
of a new
Clause
90 A

34. The principal Act is amended by adding immediately after section 90 the following new section—

"Registration
officers
misconduct

90A.—(1) Any Registration Officer who knowingly does or omits to do anything in relation to registration and thereby jeopardizes 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 not less than one year and not exceeding two years, or to both such fine and imprisonment;

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

(2) For the purposes of this section the registration officer includes—

(a) an election officer, registration officer, assistant registration officer; and

(b) registration assistant."

Amend-
ment of
section
104

35. Section 104 of the principal Act is amended in subsection (1) by deleting the word "person" appearing in the first line of that subsection and substituting for it the words "no person".

36. Section 107 of the principal Act is amended by:
- (a) adding the word "and" immediately after the word "registered;" appearing at the end of paragraph (a);
 - (b) deleting the "semicolon" immediately after the word "deletion" appearing at the end of paragraph (b) and substituting for it a "fulstop"; and
 - (c) deleting paragraph "(c)".
- Amendment of section 107
37. Subsection (1) of section 114 of the principal Act is amended by:
- (a) adding the word "and" immediately after the word "registered" appearing at the end of paragraph "(a)";
 - (b) deleting the "semicolon" immediately after the word "deletion" appearing at the end of paragraph "(b)", and substituting for it a "fulstop"; and
 - (c) deleting paragraph "(c)".
- Amendment of section 114
38. Section 116 of the principal Act is amended by -
- (a) deleting subsection (2);
 - (b) renumbering subsection "(3)" as "(2)".
- Amendment of section 116

PART III

AMENDMENT OF THE LOCAL AUTHORITIES (ELECTIONS) ACT, 1979

39. This Part shall be read as one with the Local Authorities (Elections) Act, 1979 hereinafter referred to as the "principal Act".
- Construction Act No. 4 of 1979
40. Section 2 of the principal Act is amended by inserting in their respective alphabetical order the following new definitions:
- Amendment of section 2
- "Provisional Voters Register" means a register established under section 15A;
- "register" means the register established under section 15B;
- "voters 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".

General
amend-
ment of
the
principal
Act

41. The principal Act is generally amended by deleting the words "certificate of registration" wherever they appear in the Act and substituting for them the words "voter's card".

Amend-
ment of
Part IV

42. Part IV of the principal Act is amended by deleting the word "register" wherever it appears in sections 25, 29, 30, 31, 32, 34 and 35 and substituting for it the words "Provisional Voters' Register".

Amend-
ment of
section 9

43. Section 9 of the principal Act is amended in subsection (1) by deleting the word "Deputy" between the words "every" and "Director" appearing in the second line of that subsection.

Amend-
ment of
section 10

44. Section 10 of the principal Act is amended:

(a) by deleting subsections (1) and (2) and substituting for them the following:

"(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.

(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 that Local Authority.";

(b) by renumbering subsections (3) and (4) as subsections (4) and (5).

45. Section 15 of the principal Act is amended by:

Amendment of section 15

(a) designating the contents of section "15" as subsection "(1)";

(b) adding immediately after subsection (1) as designated the following new subsection:

"(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 Elections Act, 1985."

Act No.1 of 1985

46. The principal Act is amended by adding immediately after section 15 the following new sections:

Addition of sections 15A and 15 B

"Provisional Voters Register

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.1of
1985

(2) The Director of Elections shall keep, maintain and up-date a register in accordance with the provisions of the Elections Act, 1985.

(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."

Repeal of
section 18

47. Section 18 of the principal Act is hereby repealed.

Amend-
ment of
section 19

48. Section 19 of the principal Act is amended by-

- (a) inserting the following phrase "any person who is entitled to be registered as a voter under this Act, shall be registered as such; and" between the words "Act" and "a person" appearing in subsection (1) of that section;
- (b) deleting the words "such other proof of his identity as the Registration Officer may for the time being direct to be a sufficient proof of identity of the person claiming to be entitled to vote" and substituting for it the phrase "a voters card or any other document as the Commission may direct;
- (c) deleting the words "in the word" appearing between the words "be" and "specified" and the words "in that word" appearing at the end of subsection (4) and substituting for them the words "in the polling station" and "in that polling station" respectively.

- (d) by deleting the word "ward" appearing in the sixth and seventh lines of subsection (5) and substituting for it the words "polling station."

49. Section 21 of the principal Act is amended by:

Amend-
ment of
section 21

- (a) deleting subsection (1) and substituting for it the following:

"(1) The Commission shall be responsible for setting the time and update of registration of voters in every ward in a local authority";

- (b) deleting the phrase "in view of the fact that an election is likely to take place in that ward in the near future or for any other reason" appearing in the seventh and eighth lines of subsection (3).

50. Section 23 of the principal Act is amended by -

Amend-
ment of
section 23

- (a) deleting the phrase "forthwith register the applicant in the register for the ward and issue him a new certificate of registration for that ward" appearing as closing words of subsection (1) and substituting for it the phrase:

"register the applicant in the prescribed form for the ward and forward the form to the Director of Elections for processing of a new voters card;"

- (b) deleting the words "Executive Officer" appearing in paragraphs (a) and (b) of subsection (2) and substituting for them the words "Director of Elections".
- (c) deleting the words "Registration Officer" between the words "the" and "shall" appearing in the sixth line of paragraph (c) of subsection (2) and substituting for them the words "Director of Elections".

51. Section 24 of the principal Act is amended in subsection (2) by deleting the phrase "issue the applicant with a new certificate of registration" and substituting for it the phrase:

Amend-
ment of
section 24

"register the applicant in the prescribed form for the ward and forward the form to the Director of Elections for processing of another voter's card marked "duplicate"."

Amend-
ment of
section 25

52. Section 25 of the principal Act is amended by:

- (a) designating the contents of section "25" as subsection "(1)";
- (b) deleting the phrase "issue to the applicant a new certificate of registration, and shall make any necessary amendments to the register" appearing in the ninths to eleventh lines of subsection (1) as designated, and substituting for it the phrase:

"shall register the applicant in the prescribed form for the polling district and forward the form to the Director of Elections for processing another voters card";

- (c) deleting the proviso to subsection (1) as designated;
- (d) adding immediately after subsection (1) as designated the following new subsection:

"(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."

Amend-
ment of
section 27

53. Section 27 of the principal Act is amended by:

- (a) designating the contents of section "27" as subsection "(1)";
- (b) deleting the words "Resident Magistrate" appearing at the end of that subsection and substituting for them the words "District Court"; and
- (c) adding immediately after subsection (1) as designated the following new subsection:

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

Repeal
and
Replace-
ment of
section 28

54. Section 28 is hereby repealed and replaced with the following:-

"Inspection of a Provisional Voters' Register

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

55. Part IV of the principal Act is amended by deleting the words "Executive Officer" wherever they appear in that Part and substituting for them the words "Director of Elections".

Amendment of Part IV

56. Section 32 of the principal Act is amended:

Amendment of section 32

- (a) by deleting the word "fourteen" between the words "than" and "clear" appearing in subsection (1), and substituting for it the word "seven";
- (b) in paragraph (a) of subsection (4), by deleting the words "delete or" between the words "shall" and "cause" appearing in that paragraph; and
- (c) in paragraph (b) of subsection (4), by deleting the phrase "retain, or as the case may be, include, or" between the words "proved" and "cause" appearing in that paragraph.

57. Section 33 of the principal Act is amended by deleting the words "twenty" and "Resident Magistrate" appearing in that section and substituting for them the words "fourteen" and "District Court" respectively.

Amendment of section 33

58. Section 34 of the principal Act is amended by:

Amendment of section 34

- (a) deleting the words "Resident Magistrate" wherever they appear in subsections (2), (3), (4), (5), (6) and (9) and substituting for them the words "District Magistrate";
- (b) deleting the phrase "amend or cause to be amended the register and issue" between the words "shall" and "the" appearing at the eighth line of subsection (3), and substituting for it a phrase "cause to be amended the Provisional Voter Register and to be issued";
- (c) deleting the words "to issue" between the words "refuse" and "a new" appearing in paragraph (b) of subsection (3), and substituting for it a phrase "to cause the issuance of";
- (d) deleting the phrase "and any sum so awarded shall be recoverable as though the order was a decree of a District Court for the

recovery of money" appearing at the end of the proviso to subsection (5);

(e) by deleting the phrase "any sum ordered to be returned shall be recoverable as though the order was a decree of a District Court for the recovery of money" appearing at the end of subsection (6);

(f) adding immediately after subsection (9) the following new subsection:

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

Amendment of section 48

59. Section 48 of the principal Act is amended by-

(a) deleting paragraph (b) of the proviso to subsection (1) and substituting for it the following:

"(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."

(b) adding immediately after subsection (1) the following new subsections:

"(2) Where candidates are nominated for a by-election in a constituency, 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 to take 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."

(c) by renumbering subsection (2) as subsection (5).

Amend-
ment of
section 50

60. Section 50 of the principal Act is amended by-

(a) inserting immediately after subsection (1) the following new subsection:

"(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".

(b) renumbering subsection (2) as (3).

Amend-
ment of
section 55

61. Section 55 of the principal Act is amended -

(a) by deleting the figure "(1)" appearing after the figure "55".

(b) by deleting subsections (2), (3) and (4).

Amend-
ment of
section 57

62. Section 57 of the principal Act is amended in paragraph (e) by deleting the phrase "addresses, photographs, the name in acronym of his party and occupations, if any, of the candidates and stating the number of candidates for whom the voter may vote" and substituting for it the phrase:

"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."

Amend-
ment
section 62

63. Section 62 of the principal Act is amended in paragraph (a) by deleting the phrase "of such documentary evidence as to his identity as the officer or assistant may think satisfactory" and substituting for it the phrase "a voter's card or any other documentary evidence as the Commission may direct."

Amend-
ment of
section 68

64. Section 68 of the principal Act is amended in subsection (1) by inserting the words "while there remains voters who have not completed the polling process" between the words "violence" and "the".

65. Section 75 of the principal Act is amended:

Amend-
ment of
section 75

- (a) by designating the contents of section "75", as subsection "(1)";
- (b) by adding immediately after subsection (1) as designated the following new subsection:

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

66. The principal Act is amended by adding immediately after section 89 the following new section—

Addition
of a new
Clause
89 A

"Registra-
tion
officers
Miscon-
duct

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

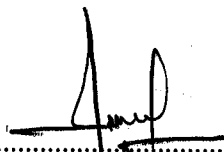
- (a) in the case of officers specified under paragraph (a) of subsection (2), to a fine of not less than five hundred thousand shillings and not exceeding one million shillings or to imprisonment for a term not less than one year and not exceeding two years, or to both such fine and imprisonment;
-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

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

(a) an election officer, registration officer, assistant registration officer, and

(b) registration assistant."

Passed in the National Assembly on the 9th June, 2004



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Clerk of the National Assembly