



THE UNITED REPUBLIC OF TANZANIA



**THE NATIONAL ELECTORAL COMMISSION
OF TANZANIA**

**THEME: THE ELECTORAL PROCESS IN EAST AFRICA:
“TANZANIA’S PERSPECTIVE”**

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COMMISSION) AT THE NINTH EAMJA ANNUAL
CONFERENCE AND GENERAL MEETING, 11TH – 15TH
OCTOBER, 2011, IMPERIAL RESORT BEACH HOTEL
ENTEBBE, UGANDA**

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1.0. BACKGROUND INFORMATION:

1.1. Historical background of Multiparty System in Tanzania

The United Republic of Tanzania Comprises Tanzania Mainland (formerly known as Tanganyika) and Tanzania Zanzibar. Before the attainment of Tanganyika Independence in 1961 and prior to the Revolution of Zanzibar in 1964, the Political System was Multiparty. After the Independence of Tanganyika and Revolution in Zanzibar, the United Republic of Tanzania adopted a Single-party Political Party System and the country was under the rule of one Party, Chama cha Mapinduzi (CCM).

In 1992 a Presidential Commission known as the Nyalali Commission was given the task of collecting views of Tanzanians on whether or not Tanzania should continue with Single-Party System. The Presidential Commission recommended the Multiparty System and the formation of an Electoral Commission which would be responsible for the conduct of elections. The recommendations were accepted by the Government.

Following the re-introduction of Multi-party System in Tanzania in 1992, the Constitution of the United Republic of Tanzania, 1977 was accordingly amended to cater for the same. The Political Parties Act of 1992 was thereafter enacted to regulate the formation and registration of Political Parties. The National Electoral Commission was also established under Article 74(1) of the said Constitution to supervise and coordinate the conduct of Presidential, Parliamentary and Councillors' Elections.

1.2. Electoral System

As aforesaid, the Electoral System which is in use in Tanzania is the First – Past – the – Post. This means that, a candidate who wins majority of valid votes is declared a winner¹. Also there is a form of Proportional Representation System whereby Parliamentary Women Special Seats are allocated to Political Parties depending on the number of valid votes each Political Party won in Parliamentary Election².

1.3. The National Electoral Commission (NEC)

The National Electoral Commission of Tanzania is established under Article 74(1) of the Constitution of the United Republic of Tanzania, 1977. It is comprised of seven Commissioners who are appointed by the President of the United Republic of Tanzania.

The tenure of office for each member is five years and it can be renewed. The security of service is quite secured and the

¹ Section 81 of the National Elections Act Cap 343 (RE 2010)

² Article 78(1) of the Constitution of the United Republic of Tanzania of 1977

President may remove a member of the Commission from Office only for inability to discharge his/her functions arising from infirmity or misconduct or for losing qualifications³ for being a member.

1.4. Independence of the National Electoral Commission

The Independence of the Commission is well guaranteed under the Constitution of the United Republic. The Constitution categorically provides that, the Commission is not obliged to comply with orders or directions of any person or any Government Department or the views of any Political Party⁴.

1.5. The Functions of the Commission

The functions of the Commission are provided for under the Constitution⁵ as follows:-

- (i) To supervise and coordinate the Registration of Voters and the Conduct of Presidential and Parliamentary Elections in the United Republic of Tanzania and Councilors' Elections in Mainland Tanzania.
- (ii) To review the constituencies' boundaries and demarcate the United Republic into various areas for the purposes of Parliamentary Elections.

³ Article 74(5) of the Constitution of the United Republic of Tanzania of 1977

⁴ Article 74 (11) of the Constitution of the United Republic of Tanzania of 1977

⁵ Article 74(6) of the Constitution of the United Republic of Tanzania of 1977

- (iii) To provide Voter Education throughout the Country and Coordinate and Supervise persons who conduct such education.
- (iv) To declare elected Members of Parliament and Councils for Women Special Seats.

2.0. THE ELECTORAL PROCESS IN TANZANIA

The Electoral Process in Tanzania comprises the following steps:- Demarcation of Constituencies, Registration of Voters/Update of the Permanent National Voters' Register (PNVR), Nomination of Candidates, Election Campaign, Voting, Counting of Votes, Addition of Votes, Declaration of Election Results, and Nomination of Women Candidates for Women Special Seats.

2.1. Demarcation of Constituencies

The National Electoral Commission is responsible for the demarcation of constituency boundaries. The Commission is required to review constituencies' boundaries at least every ten (10) years⁶. The two major reviews have been conducted in 1995 and 2010. The 2010 review increased the number of Constituencies from 232 to 239. In demarcating Constituency boundaries the Commission is guided by the following criteria: the Population, availability of means of communication, Geographical Conditions, Population quota, the Economic status of the Constituency, the size of the Constituency,

⁶ Article 75(4) of the Constitution of the United Republic of Tanzania of 1977

administrative boundaries, considering that a Constituency not to cut across two Districts or councils, a Ward not to lie in two Constituencies, Existing pattern of Human settlement, the Union Environment, the physical capacity of the Parliament Building and Number of Special Seats for Women.

Furthermore the Commission has set procedures for the Stakeholders to submit applications/recommendations for reviewing boundaries and demarcating Constituencies. The procedures are as follows:-

- (a) Applications/recommendations for reviewing the boundaries and demarcating Constituencies to be presented to the Director of the respective Council for discussion in the official Meetings of the Council.
- (b) The Council Director to forward the request/recommendations to the Regional Administrative Secretary (RAS).
- (c) The Regional Administrative Secretary (RAS) to submit recommendations to a Meeting of the Regional consultative Committee (RCC) for further views.
- (d) The Regional Administrative Secretary (RAS) to forward the request/ recommendations to the National Electoral Commission.

- (e) The Commission to consider the applications and make decisions, then accordingly ask for the consent of the President of the United Republic of Tanzania in accordance with the Constitution⁷.

2.2. Registration of Voters and Update of the PNVR

The Permanent National Voters' Register (PNVR) was established by the National Electoral Commission under Article 5(3) of the Constitution of the United Republic of Tanzania, 1977 as amended and Sections 11A and 12 of the National Elections Act, Cap 343 and Sections 15A and 15B of the Local Authorities Act, Cap 292 which were amended in April, 2004. The PNVR was used for the first time in the 2005 General Elections.

2.2.1. Update of the Permanent National Voters Register (PNVR)

After the 2005 General Election, the National Electoral Commission updated the PNVR two times that is in 2007/2008 and 2009/2010. The updating of the PNVR covers the following:-

- (a) To register new eligible voters who have attained the age of eighteen years or have qualified for registration as voters according to the electoral laws.
- (b) To remove from the Register voters who are dead or who are no longer eligible according to the law.

⁷ Article 75(1) of the Constitution of the United Republic of Tanzania, 1977

- (c) To rectify any inaccurate information regarding registered voters or of people who request for their information to be rectified.
- (d) To rectify any discrepancies occurring in the Register.
- (e) To post fresh information of voters who may have shifted from one constituency/Ward to another Constituency/Ward.
- (f) To afford opportunity to registered voters to inspect information contained in the register or information intended for updating.

The Register contains details of registered voters such as photograph, names, date of birth, signature, thumbprint, and place of birth, place of registration and date of registration as well. This information may be inspected and rectified upon request made by a registered voter.

During the updating of PNVR the following system were also updated or established:-

(i) Candidate Management System (CMS)

Candidate Management System is used to capture candidate's information after the nomination of candidates. The information captured is used for designing and preparation of sample ballot papers. Thereafter the designed sample ballot papers are

electronically transmitted to a contracted printer for appropriate production of ballot papers.

(ii) Voters Interaction System (VIS)

Voters Interaction System is a system which enables voters to check their information in the DATABASE by using cell phones through short messages system (SMS). For instance during the preparations for the 2010 General Elections, the Tanzania Communication Regulatory Authority (TCRA) provided the NEC with a short code, thus voters were able to locate more easily their polling stations.

(iii) Result Management System (RMS)

Results Management System is used to facilitate easy transmission of results from constituencies to the NEC's Office and facilitate accuracy in aggregation of election results.

(iv) Logistic Management System (LMS)

Logistic Management System is used to facilitate audit trail of field materials and equipment. The objective of this system is to reduce operational risks and control misallocation of election materials and assets.

(v) Communication and Incident Management System

Communication and Incident Management System was established to provide various information regarding incidents occurring during the progress of Electoral Process. When a problem arises anywhere information about it can be received by the System through Telephone, Fax or Short Message System (SMS) and then that information is immediately transmitted to the respective institution concerned. The System is capable of sending incidents' information to the responsible officer and later to the Director of Elections or to the Commission for information on how the problem was solved. The System is also capable of testing the Communication links (Telephone and Fax) between NEC and Constituencies (Returning Officers) and generates a report.

(vi) Geographical Information System

Geographical Information System is used to prepare Maps and generate Geographical Report on different Physical Features of the Country.

This System is used by the Commission to prepare Digital Maps for Constituencies and Wards. The Commission gets Initial Maps and GIS datasets from

various Government Institutions. The Commission then improves them to indicate the Constituencies and Wards boundaries which were not hitherto included.

In order to be able to indicate the Geographical Location of a Registration Centre/Polling Station on the Map, the Returning Officers are trained on how to capture Registration Centre/Polling Station coordinates, using Global Position Satellite receivers (GPS). The Commission has now established an accurate map of the United Republic of Tanzania showing various features such as Administrative and Political boundaries, Elevations, Road Networks, Location of Registration Centres/Polling Stations, and the Number of Voters at each Centre.

(vii) Facial Recognition System (FRS)

The Facial Recognition System is used to compare the faces of Voters in the Voters' Database to reveal multiple registrations.

(viii) Maintenance of Integrated System and Voters' Database

Integration of all the Systems implemented by the Commission such as PNVR, CMS, RMS, WLMS, CIMS, and GIS, enables the Commission to have one

integrated System which helps the Commission to manage Election more successfully.

There is a big challenge to the Commission on how to maintain the Integrated System. The said System consists of hardware and software equipment such as:- Servers, Big Tape Libraries, Big Storage Units, Local Area Networks in each office, secured Wireless Links which connect NEC officers and Disaster Recovery Sites, Computers, Printer and many other Electronic Equipment.

Further, the established Permanent National Voters' Register has very vital records. In the Database there are also Delimitation Information, Candidate Records, Election Results, Filled Registration Forms, Candidate Forms, Result Forms, Geographical Locations of Polling Centres, Villages etc. To keep and maintain all this information, the Integrated System must always be live. It is thus vitally important to make sure that there is stable supply of Electric Power. The above mentioned equipment must be kept in rooms without high temperature, humidity and dust. All software licences have to be regularly upgraded and paid for and usable spare parts must be always available when needed.

2.3. Nomination of Candidates.

The National Electoral Commission set the Nomination Day as per the Electoral Laws⁸. Nomination of candidates in Tanzania during General Elections is of three categories. These include Presidential candidates nomination done by the National Electoral Commission, Members of Parliament candidates nominated by Returning Officers in the Constituencies and Councillors candidates nomination done by Assistant Returning Officer at Ward level. Nomination day may be the same for all levels or at different dates as the Commission may deem fit.

During nomination process, where a candidate finds that another candidate is not qualified to be a candidate, he/she may file an objection to the nominating authority, that is; to the NEC if it is for Presidential Election or to the Returning Officer if it is for Parliamentary Election or to the Assistant Returning Officer if it is for Councillors Election. The decisions of the Returning Officers/Assistant Returning Officers are appealable to the Commission. The decisions of the Commission are final. A person who is aggrieved by the decision of the Commission can lodge his complaints to the courts of law after the conclusion of the Election. According to the Constitution of the United Republic of Tanzania, 1977, this is applicable only to Parliamentary and Councillors' candidates.

⁸ The National Elections Act, Cap 343, the Local Authorities Act, Cap 292

After nomination the Election Expenses Act⁹, requires that all funds provided by an association or group of persons or by any person for the nomination process or election campaigns of a political party, whether as a gift, loan, advance, deposit or donation, to be paid to the political party concerned and not otherwise and the political party shall disclose the received funds in the returns respecting election expenses. The Act, provides that any Political Party or Candidate who fails to disclose such information shall be disqualified from participating in the election¹⁰.

2.4. Election Campaign.

Election campaign starts a day after nomination day. According to the Electoral Laws, all Election Campaign meetings must be coordinated by the National Electoral Commission in respect of Presidential Election and by Returning Officers in respect of Parliamentary Elections and Assistant Returning Officers for Local Government Election. A co-ordinated programme for Presidential Election is achieved after NEC meets with all Political Parties fielding candidates and agree together on the Schedules for election campaign meetings. Where Political Parties request changes to the Programme similar meetings are summoned in order for both parties to appreciate such changes.

⁹ Section 15 of the Election Expenses Act, No. 6 of 2010

¹⁰ Section 20 of the Election Expenses Act, No. 6 of 2010

Once there is a co-ordinated programme the Political Parties are not required to seek permission for conducting their meetings. This is due to the fact that a copy of the coordinated programme is sent to Inspector General of Police if it is Presidential election, Regional Police Commander if it is Parliamentary Election and District Commanding Officer if it is Councillors election. All this is done in order to ensure security in campaign meetings.

2.5. The Electoral Code of Conduct

According to the National Elections Act, Cap. 343 The National Electoral Commission after consultation with the Government of the United Republic and Political Parties prepares an Electoral Code of Conduct for the Presidential, Parliamentary and Councillors' Elections. In the 2010 General Election the NEC prepared the Electoral Code of Conduct of 2010 which was used from a day after nomination and ended a day before voting day. All the Political Parties and candidates subscribed to the Electoral Code of Conduct of 2010.

The Electoral Code of Conduct provides for Committees at Ward level to hear and determine complaints for Councillor Election; Constituency Committee to hear and determine Parliamentary Election complaints about violation of the Electoral Code of Conduct; National Committee to hear and determine complaints about violation of the Electoral Code of Conduct by Presidential Election and also hears and determines

appeals from Constituency Committees; and an Appeal Committee to hear and determine appeals from the National Committee. The Committees sanctioned those who were found guilty of violating the Electoral Code of Conduct. The 2010 Code of Conduct was the first to have legal force since the re-introduction of Multiparty System in Tanzania.

2.5.1. Voting

The National Electoral Commission is responsible for setting the Voting date. On the Voting day the voting exercise takes place in Polling Stations. Polling Stations are opened from 7.00 am to 4.00 pm. Every voter who wants to vote has to present himself/herself to the Polling Stations. Voters who are allowed to vote are only those who present voters' cards and their names appear in the PNVR. Voters without voters' cards are not allowed to vote even if their names are in the PNVR.

In the Polling Stations, there are Polling Agents who are appointed by Political Parties to oversee the voting exercise and to represent the interest of their Political Parties and Candidates. According to the Electoral Laws, Political Parties' Agents have a right of expressing their dissatisfaction where there are irregularities in the conduct of voting exercise by filling some prescribed forms¹¹. Persons who are allowed to be present in the Polling

¹¹ Regulation 52(2) of the National Elections (Presidential and Parliamentary) Regulations of 2010

Stations are: Presiding Officer, Polling Assistants, Polling Agent, Voter, a person assisting an incapacitated voter, Observer(s) duly authorized in writing by the Commission, Candidate, Member of the Commission, Director of Elections, an Officer of the Commission, Returning Officer or Assistant Returning Officer¹². No person other than the above mentioned is allowed to be in a Polling Station. Outside the Polling Station there is a Direction Clerk who assists voters to locate their names and the Polling station to cast their votes.

The Polling Agents present at the Polling Station are nominated by their respective Political Parties in consultation with the candidate. They are there to safeguard the interests of the candidate. If a Political Party has three candidates contesting for three different posts then it will have to nominate only one Polling Agent for the three candidates.

2.5.2. Counting of Votes

Counting of Votes also takes place in Polling Stations, immediately after the conclusion of voting exercise. This exercise is done in the presence of the persons allowed to be present in the Polling Station. A Presiding Officer in a Polling Station counts all the votes in the presence of persons who are allowed to be in the Polling Station in

¹² Section 63 (2) of the National Elections Act, Cap 343 (R.E 2010)

accordance with the Electoral Laws¹³. After Counting of all the Votes the Presiding Officer records the results in the Result Forms and asks the Polling agents, if present, to sign the same. Then he/she posts a copy of the Result Form for every election in a conspicuous place outside the Polling Station and provides each Political Party Agent with a copy of the Result Form. Thereafter the Presiding Officer collects all the elections materials and sends them to the Headquarters of the Constituency together with the Results Forms and ballot boxes. Political Parties Agents are allowed to escort the Presiding Officer to the Headquarters of the Constituency.

2.5.3. Addition of Election Results

The Returning Officers after receiving all the Ballot Boxes from all Polling Stations, and in the presence of the persons who are allowed to be in the addition Centres, firstly, determine all the disputed votes and thereafter add all the results. In accordance with the National Elections Act, Cap. 343, the Returning Officers are supposed to start with the Presidential election Results. After addition of the Presidential election Results, the Returning Officers record the results of Constituencies in the Result forms, and cause the forms to be signed by Political Parties Agents present in the addition centres. Then Political Party's Agents are

¹³ Section 72 (1) of the National Elections Act, Cap 343 (R.E 2010)

provided with a copy of election Result Form and post one copy in a conspicuous place outside the addition centres. Thereafter they transmit the Presidential Election results to the Commission.

At the Headquarters of the Commission, the Commission receives the results from Constituencies and after verification it announces them as they are received. After it has received all the results, the Commission adds all the results and records the results in a Result Form and cause the form to be signed by Political Parties Agents, if present. Then it announces the final results and declares the winner.

2.5.4. Parliamentary and Councillors Election Results

The Returning Officer after conducting addition of Parliamentary results announces and declares the Results while the Assistant Returning Officer at Ward level announces and declares Councillors' Results.

2.5.5. Nomination of Members of Parliament for Women

Special Seats

In accordance with Article 78 of the Constitution of the United Republic of Tanzania, 1977 and laid down procedures, Political Parties in the General Election which won at least 5 percent of all valid votes for Parliamentary Election shall propose to the Commission names of

Women on the basis of the proportion of Votes won by each Political Party in the Parliamentary Election.

2.5.6. Special Seats for Women Councillors

Every Council is required by the law to have Special Seats for Women Councillors not less than one third (1/3) of the total elected Councillors and Members of Parliament in the Council. The number of Special Seats for Women Councillors is proportionate to the number of seats the Political Parties won in a particular Council.

3.0. INVOLVEMENT OF ELECTION STAKEHOLDERS

The NEC involved various stakeholders in the electoral process. These include:- The Government of the United Republic which availed the NEC with the necessary resources and working tools to conduct the Electoral Process; Political Parties and Candidates, the Political Parties field candidates for election and be involved in the electoral process as a whole; Civil Society Organisations which provide Civic and Voter Education and sensitizing people to come out and participate fully in election; the News Media which broadcast election news in the country and outside the country; Election Observers who were invited from within and outside the country to observe the elections. They observed the elections and made their recommendations which are vital for the conduct of future elections; other stakeholders are Religious

Institutions; Development Partners; the Registrar of Political Parties; the Police Force; and Special Groups in Society.

4.1 CHALLENGES

In the Electoral Processes there are challenges which need to be responded to. Such challenges include:-

- i) Poor Road Network which cause delay in distribution of election materials as well as submission of ballot boxes to the constituency headquarters.
- ii) Systems used not as faster as were expected to be.
- iii) Registered Voters could not vote
- iv) Inadequate fund to train polling staff.
- v) Polling staff and Polling Agents undergo different training but work in the same environment (Polling Station) which sometimes cause misunderstanding between themselves.

4.0. CONCLUSION

As it has been set forth, this paper has focused on the Electoral Processes in East Africa: 'Tanzania's Perspective' whereby the following have been dealt with. Electoral Process in Tanzania basing on the Electoral System in Tanzania, the National Electoral Commission, the Independence of the National Electoral Commission, the Functions of the National Electoral Commission, Demarcation of constituencies, Update of PNVR, Nomination of candidates, Election campaign, the Electoral Code of Conduct, Voting, Counting of votes, Addition of

election results and Declaration of results, Parliamentary and Councillors election results, Nomination of Members of Parliament for Women Special Seats and Special Seats for Women Councillors.

Thank you very much for your attention.