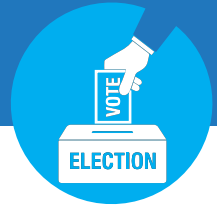


# GUIDING NOTES ON ELECTORAL DISPUTE RESOLUTION IN TANZANIA



**Prepared by:**

Hon Judge (Rtd) Robert Vincent Makaramba

Hon Judge (Rtd) Dr. Fauz Twaib

Alphonce Gura (Advocate)

Francis Kajiru (Advocate)



Tanganyika  
Law Society





# GUIDING NOTES ON ELECTORAL DISPUTE RESOLUTION IN TANZANIA

---

**Prepared by:**

Hon Judge (Rtd) Robert Vincent Makaramba

Hon Judge (Rtd) Dr. Fauz Twaib

Alphonse Gura (Advocate)

Francis Kajiru (Advocate)

## **Editorial Board**

### **Chairperson**

Prof. Dr. Alex B. Makulilo

### **Chief Editor**

Dr. Ubena John.

### **Editors**

Dr. Eugene E. Mniwasa

Mr. Clement Mubanga

Mr. Innocent Kibadu

Ms. Beatrice Cherdiel

Mr. Mackphason Buberwa

Mr. Kaleb Gamaya

### **Published By:**

Tanganyika Law Society

House No. 21 | Chato Street | Regent Estate

P.O.BOX 2148 | Dar es Salaam | Tanzania

**Telephone:** +255 22 277 5313 | **Fax:** +255 22 277 5314

**Email:** *info@tls.or.tz*

**Website:** *www.tls.or.tz*

Copyright: Tanganyika Law Society, November 2020

# TABLE OF CONTENTS

FOREWORD.....	iv
ACKNOWLEDGEMENT .....	v
Chapter One.....	1
INTRODUCTION AND BACKGROUND.....	1
Chapter Two .....	4
THE EDR SYSTEM IN TANZANIA: AN OVERVIEW.....	4
Chapter Three.....	21
THE ELECTORAL CYCLE AND ELECTORAL DISPUTE RESOLUTION .....	21
Chapter Four.....	29
ADR AS EDR TOOL.....	29
Chapter Five.....	34
CONCLUSION.....	34

## **FOREWORD**

Among the objects of the Tanganyika Law Society (TLS ) as enshrined in the Tanganyika Law Society Act is to facilitate the acquisition of legal knowledge to the members of legal profession and others. The TLS through the Research and Publication Committee has pioneered different legal materials for the legal professional, especially its members.

Through the years, the TLS has published thousands of publications that are disseminated to the advocates, stakeholders and the public for the purpose of creating and raising awareness of the legal knowledge in different areas of law. With such a longstanding and consistent background on publishing legal materials for the legal profession and public, the TLS has now decided to develop and publish Guiding notes for members of the legal profession especially young lawyers to provide guidance in specific practice areas of law. It is my strong belief that the Guiding Notes will be one of the means of ensuring continued provision of legal education to the TLS Members and the public at large.

My sincere thanks go to all contributors, the Editorial Board and the Secretariat for the job well done.

Prof. Dr. Alex B. Makulilo

### **Chairperson**

Research and Publication committee

## **ACKNOWLEDGEMENT**

This guide is a collaborative effort and would not have been possible without the able guidance, supervision and reviews by several people. First and foremost is Advocate Alphonse Gura who wrote and produced a first draft of the guide.

This work has been thoroughly reviewed by Retired Judges Hon. Robert Makaramba and Hon. Dr Fauz Twaib. The two Judges hugely contributed to the present shape of the guide. Input into this work has also been shaped by the comments made by Retired Judge John Tendwa. Reviews have also been done by Paul Anderson and Katherine Hellena from IFES, to whom TLS send gratitude.

TLS also acknowledges the guidance of its Research and Publications Committee under the chairmanship of Prof Alex Makulilo, Chief Editor Dr. Ubena John, Committee Secretary Advocate Beatrice Cherdie and all committee members. Acknowledgement goes as well to the Advocate Francis Kajiru and Advocate Pasience Mlowe, who translated the booklet into Kiswahili.

This work would also not have been possible without the generous support from the USAID and IFES. Author of this work received valuable guidance from TLS Executive Director, Kaleb Gamaya and M&E technical input from Seleman Pingoni. The entire team of TLS Secretariat is also thanked for the cooperation and support they have put to make this publication a success. More individuals have contributed to this work, and while it is not possible to mention them all, TLS acknowledge the generous support of every person not specifically mentioned.

**TLS SECRETARIAT.**





# Chapter One

---

## INTRODUCTION AND BACKGROUND

Periodic, genuine democratic elections, which are free and fair, are an expression of sovereignty, which belongs to the people of a country, the free expression of whose will provides the basis for the authority and legitimacy of government. The rights of citizens to vote and to be elected at periodic, genuine democratic elections are internationally recognized human rights. Free and fair, periodic, genuine democratic elections are central for maintaining peace and stability, and they provide the mandate for democratic governance.

Elections are an on-going process of a cyclical nature: when one election has been completed and those elected have assumed their seats, the process will start again from the beginning.

Elections involve a competition among private candidates or those sponsored and supported by legally registered political parties. Given the competitive nature of elections, disputes are bound to arise in the electoral process. This in turn makes the existence of a credible, independent and impartial system for resolving pre and post electoral disputes in a fair and transparent manner necessary. This not only will safeguard the integrity and credibility, but the legitimacy of democratic elections, thus making the final results to be accepted by the people.

Undeniably, there is a direct link between electoral justice and election integrity. Disputes which may arise at any stage of the electoral cycle, range from those that are over the demarcation and delimitation of electoral boundaries, the registration of voters; updating of the permanent voters' registers, intra party primaries and nominations, candidates' nominations, election campaigns, voting in polling stations, counting of votes, addition/tallying of votes up to the declaration of election results.

The demands of electoral justice of necessity require the existence of informed stakeholders and participants in the election process of the practice and procedures for resolving complaints and disputes which may arise at different stages of the electoral cycle.

### **1.1 The purpose and/or objective of this Guide**

The existence of a system for the resolution of complaints and disputes that occur in the electoral process is an important feature of democratic elections. Such a system addresses issues such as incidences of intimidation of voters, illegal campaigning activities, and breach of voting and counting procedures during elections. Since complaints and disputes can arise at any stage of the election cycle, and not only against the election results, it is therefore critical to address electoral irregularities before they spiral into major conflicts which may affect the credibility and integrity of electoral process, or before those disputes escalate into violence. Resolving violations quickly and imposing sanctions is essential to deter violations and build trust in the electoral process.

It is due to the above broad purpose that this Guide has been prepared to provide critical information to participants in the electoral process on the available avenues for resolving pre-election disputes and remedies.

### **1.3 The Intended Users of this Guide**

This Guide has been prepared with various stakeholders in mind; including voters, candidates, CSOs, the media, public prosecutors, investigators, State Attorneys, private legal practitioners, paralegals and court and “electoral tribunal” and officials of election management bodies. This Guide provides these stakeholders with the most important and updated information on the practice and procedures in the electoral dispute resolution process, both administratively and through courts.

This Guide also incorporates some discussion on the possibility of promoting the use of alternative dispute resolution (ADR) in resolving election disputes in Tanzania.

The Guide, however, does not cover Tanzania Zanzibar, a constituent part of the United Republic of Tanzania, but with its own separate and distinct system of electoral dispute resolution. Further to this, the Guide does not discuss the resolution of electoral offences or post-election disputes, which are a subject of separate treatment.

# Chapter Two

---

## THE ELECTORAL DISPUTE RESOLUTION (EDR) SYSTEM IN TANZANIA: AN OVERVIEW

The effective resolution of electoral complaints is integral to the integrity and legitimacy of an election. That being the case, therefore, the rules governing the resolution of election disputes and complaints have to be coherent and provide effective remedies in a timely manner; and those who handle election complaints and disputes have to be impartial and well trained, so as to enlist public trust and confidence in the electoral dispute resolution process.

### 2.1 What is EDR?

Electoral Dispute Resolution (EDR) simply means the mechanisms, both formal and alternative, that are put in place to resolve electoral disputes and complaints. The EDR mechanisms therefore should be effective to deal with any challenge that arises during any stage of the electoral process.

EDR is a critical component in the electoral cycle, as it impacts directly upon the extent to which elections are considered free and fair. It hardly needs to be emphasized that, efficient and effectual EDR mechanisms are at the core of delivery of peaceful and credible elections.

The traditional focus in EDR has been on management of election disputes. This approach tends to concentrate on EDR in regard to judicial consideration of election petitions, that is, post-election litigation. It is worth noting that, the resolution of disputes that occur before actual election significantly impacts not only on the overall character of election but also on the nature of disputes that form the basis of election petitions.

Pre-election complaints/disputes include the following:

- Disputes specifically within (intra) and between (inter) political parties;
- Complaints relating to violation of electoral laws and procedures and incidences of corrupt and illegal practices in the electoral process;
- Objections/complaints relating to voter registration;
- Complaints/Objections to nomination of candidates;
- Complaints relating to conduct of candidates during election campaigns; and
- Complaints relating to breach/violation of the Code of Electoral Conduct (ECC).

## **2.2 International Standards for Resolving Election Disputes**

EDR is a component of electoral justice, which is the process of ensuring every step of the election process is in line with the law, and protects fundamental electoral rights - the right to vote, to be elected, to assemble, to form and join associations including political parties. Political and electoral rights are considered fundamental human rights in international law, and electoral justice systems exist to protect those rights. As such, they represent the ultimate guarantee of credible and genuine elections.

Fundamental electoral rights which are part of human rights find expression in major global and regional human rights treaties, declarations and principles. Typical examples of these are: the Universal Declaration of Human Rights (Article 21), the International Covenant on Civil and Political Rights (Article 25(a) & (b)), The African Charter on Human and People's Rights (Article 13), the African Charter on Democracy, Elections and Good Governance (Article 17(2)), SADC Principles and Guidelines Governing Democratic Elections (2004), to mention but a few.

The African Union Declaration on the Principles Governing Democratic Elections in Africa (Part II), emphatically require that in order to ensure free, fair and credible elections, the processes of election dispute resolution include transparency and the timely resolution by impartial arbiters who provide effective and enforceable remedies.

The International Foundation for Electoral Systems (IFES),<sup>1</sup> on its part has come up with seven principles that are a crucial component of a complaint adjudication process, which may also inform the pre-election dispute resolution process. These are the principles:

- 1) a right of redress for election complaints and disputes;
- 2) a clearly defined regime of electoral standards and disputes;
- 3) an impartial and informed arbiter;
- 4) a system that expedites decisions;
- 5) clear burden of proof and standards of evidence;
- 6) availability of meaningful and effective remedies; and
- 7) effective education of stakeholders.

The above principles are minimum global standards for the resolution of electoral disputes. The last principle on effective education of stakeholders is particularly crucial as it seeks to enhance and strengthen the knowledge and understanding of stakeholders and participants in the electoral process on the procedures in the election dispute resolution mechanisms, an objective which this Guide ultimately intends to achieve.

### **2.2.1 Who May Make a Complaint?**

Depending on the dispute or alleged violation, the legal capacity to make a complaint (legal standing or locus standi) differs

---

<sup>1</sup> See IFES publication called “Guidelines for Understanding, Adjudicating, and Resolving Disputes in Elections” (GUARDE) which can be downloaded from this link- <http://www.ifes.org/Content/Publications/Books/2011/Guidelines-to-Understanding-Adjudicating-and-Resolving-Disputes-in-Elections.aspx>

depending on the stage of the electoral process and the nature of the complaint. It may be an eligible voter, a candidate or his / her authorized representative, election agents, political parties, Returning Officer, the NEC itself, the Registrar of Political Parties or the Attorney General.

The question as to who may make a complaint or raise an objection is important, particularly given that civil society organisations (CSOs) lack the capacity to lodge complaints or objections through the administrative processes of electoral dispute management. Further, the law does not oblige the electoral dispute bodies to provide assistance while completing the complaint or objection forms. This implies that it is at the discretion of the respective officers to either assist a complainant and admit the complaint despite procedural irregularities or dismiss it for procedural irregularities. In this regard, CSOs could be instrumental in providing guidance to complainants and objectors in this process.

A complainant or objector should be keen to ensure that the written claim includes specifics relating to the alleged violations, such as date, time, location and information on the person or institution against which the claim or objection is raised. Contact information of the person filing the objection or claim should be included.

Although the law has left the mandate of sanction to be determined by the electoral dispute resolution bodies in many respects, it is still prudent for the claimant or objector to request for the sanction in the written claim or objection. Along with that, evidence should be submitted to support the allegation.

### **2.2.2. Against Whom a Complaint May be Brought**

The law has put in place avenues for filing complaints against the NEC itself, Returning Officers (ROs) and the Government. However, the NEC has constitutional immunity for matters done within its constitutional and legal mandate. However, this does not prevent the lodging of complaints against the government in court

for abuse of authority by government leaders; using government resources for campaigning; prohibiting or disrupting public events held in accordance with the coordinated campaign programme, or allowing security organs to oppress political parties, candidates or supporters.

The law also prohibits NEC officials or ROs from engaging in corrupt or illegal practices or breaches or violations of the electoral laws and regulations and as such complaints can be instituted against such government officers on complaints of favouritism, and changing of campaign programmes unilaterally. Furthermore, Ethics Committees which comprise of a quartet in its membership are mandated, as well, to hear and decide on complaints against NEC Officials and ROs but only in relation to the election campaigns. In the just ended General Elections there were quite a number of complaints against candidates on breach of Electoral Code of Conduct.

### **2.2.3. The Requirement of the Existence of a Valid Objection or Complaint**

The law requires the existence of a valid objection or complaint. This requirement, however, differs depending on the stage at which the complaint or objection is being brought. However, a person bringing a complaint or objection needs to comply with the forms for filing an appropriate objection or complaints where they have been provided for under the electoral laws, regulations and guidelines. It is also important to determine the appropriate electoral dispute body with the mandate to entertain the dispute.

### **2.2.4. The Kind of Evidence Required to Prove Allegation**

Different kinds of evidence can be presented depending on the nature of the allegation. For instance, copy of voter list, copy of candidate nomination papers, any public statements from candidates, affidavits/testimonies from witnesses with personal knowledge of the events, experts' testimonies, copies of court orders, bank accounts statements, campaign finance reports, copies



of results sheets or campaign posters, recorded interviews through media, electronic data and logs, photographs, audios or videos, ballot boxes, ballot papers or observers' reports of polling stations on election day can all be presented as evidence and others not listed here can be presented as evidence.

### **2.2.5. The Responsibility to Prove the Allegation**

The complainant or objector has the duty to prove his or her allegation with concrete and sufficient evidence. In some instances, the law has allowed the electoral dispute bodies to gather evidence on their own by carrying out their own investigation (an inquisitorial approach). For instance, the Ethics Committee can investigate an allegation during the campaign period.

It is worth noting here that the EDR process as provided in the electoral laws – and in line with international standards for elections – is adjudicatory rather than reconciliatory or mediatory.

Tanzanian electoral laws are structured mostly to give the power to the dispute resolution body to make a judgement/ruling on the disputed matter. Experience has shown that the standards of evidence required by the dispute resolution bodies should not necessarily be beyond reasonable doubt.

These bodies are typically quasi-judicial in nature, which are required to refrain from engaging in purely traditional and technical rules of evidence. They should seek to use an inquisitorial rather than an adversarial approach in resolving complaints, and not in trying to establish the truth of the matter but only the existence of the alleged facts on a preponderance of probability.

### **2.2.6. Remedies/Sanctions/Penalties**

The electoral dispute resolution bodies have powers to issue different kinds of remedies, penalties and sanctions once the allegations are proved, the un-exhaustive list of which include the following:

- Rectification of voters' register (retention or deletion of names) if the complaint or objection relates to voter registration or issuance of voter's identity card or surrender of voter's card;
- Monetary compensation;
- Payment of fines;
- Warning or reprimand of candidates and individuals;
- Ordering the offender violator to amend or correct violation;
- Public announcement and public warning to political parties;
- Suspension, cancellation, criminal action against individuals and political parties.
- Prohibiting the party or candidate to continue with campaigning;
- Disqualification of candidate and political parties from participating in the elections
- Imprisonment of candidates especially on offences relating to election expense (by courts of law upon appropriate case filed the Office of Registrar of Political Parties through the Director of Public Prosecutions);
- Sending written warnings;
- Remedial actions (for example, ask violator to remove illegal posters on public building, request agents to leave polling centers, recommend other additional training and take necessary actions if not followed);
- Taking disciplinary sanctions against NEC officer or RO (e.g. dismissal or suspension) or inform relevant authorities about violations by its officers;
- Suspension or deregistration of a party;
- Revocation of accreditation of observers;
- Invalidation of ballots, or an election, postponement or stopping the poll;

- Disqualifying a candidate;
- Revocation of accreditation from candidate's agent;
- Declaration of a candidate a loser or declare a candidate a winner.

It is important to note that if the allegations are proved not to be true and unreasonable the objector or complainant may face sanctions or penalties. For example, an objector against voter registration, if done without reasonable cause, may be sanctioned for monetary compensation to the person against whom the objection is made. Such monetary compensation sanction may be ordered by Ethics Committees as well against persons who filed complaints on unfair campaigning without reasonable cause. Sanctions put in place should be proportional to the severity of the violation.

The electoral dispute bodies may also dismiss complaints and objections because of lack of evidence or insufficient evidence.

### **2.2.7. Timelines, Adequacy and Proportion of Remedies to Alleged Violations:**

Of importance also is the question of timeliness, adequacy and whether the available remedies are proportionate to the violation.

The EDR system in Tanzania comprehensively addresses disputes and complaints at almost every stage of the electoral cycle. When considering adequacy and timelines of the complaint handling, it is important to establish whether the grounds for every complaint is clearly stated/explained, that there are clear lines of authority for handling the disputes, whether the decision can be appealed, whether there are clear timelines provided for arriving at a decision, and the remedies available for each allegation.

In some electoral processes, the above-mentioned factors are adequately covered, for example, complaints relating to voter registration; candidate nominations; campaigning, voting, counting of votes and announcement of results.

However, with some other electoral processes, the law has not adequately addressed the complaints handling and remedial action. These include intra-party disputes on candidate nominations; inter-party disputes related to electoral process; refusal to accredit observers or disqualification of observers; and complaints on access to or by the media, observers and party agents. These processes can well be accommodated within the existing framework of the regulations governing elections.

### **2.2.8. The Contrast of NEC and Ethics Committee Jurisdiction with Law Enforcement Authorities**

Some alleged violations may relate to the jurisdiction of NEC, Ethics Committees as well as criminal law enforcement authorities such as the Police and the Prevention and Combating of Corruption Bureau (PCCB). Examples of such violations include conducts categorized as unfair, e.g., corrupt practices to induce voters, nominators, or during campaign. Other electoral offences include multiple voting (impersonation) on election day, vote buying (bribery), or intimidation of voters to vote for a specific candidate (threat or undue influence). The remedies and elements to prove the allegation differ from one offence to another.

The NEC or Ethics Committees may deal with infractions of electoral laws which are criminal in nature administratively by imposing an administrative sanction or it may also move the prosecuting authorities to bring a criminal charge before the courts of law for a criminal sanction to be applied. In any case, administrative sanctions which are much easier and quicker to impose and can also serve as a deterrent are to be preferred, rather than resorting to criminal sanctions which are much slower.

The law empowers the PCCB to investigate and prosecute complaints relating to election expenses and possible bribery at any stage of the electoral process. The only legal quagmire is the categorization of corrupt and illegal practices in the electoral laws as merely “practices” and not economic crimes thus making it extremely difficult for the PCCB to pursue possible violators under

the economic crimes law. In any case, there is no express requirement in the electoral law for NEC, ROs or Ethics Committees to refer cases to the PCCB or the Police for investigation and prosecution in criminal courts.

### **2.2.9. The Public Nature of the Inquiries and Hearings**

The law only requires electoral dispute resolution bodies to hold a hearing with the parties present where there is a necessity. Thus, the NEC, ROs, and Ethics Committees can schedule a hearing to allow the parties to present their arguments, evidence and defense. Note should be taken that these administrative bodies are not compelled under the law to conduct hearings and make decisions when one or both parties are present. Equally, there is no requirement under the law for the hearing sessions to be made public. Also, practice shows that the sessions are usually not open to the public as noted in the previous election observation reports. Further, there is no provision in the law that allows voters and observers to attend these sessions.

With the exception of judicial bodies (courts) whose place and time of hearings is predetermined under the electoral laws, the place and time where the hearings should be conducted for the different electoral dispute bodies is not determined. Thus, it can be asserted that it is not mandatory for the electoral dispute bodies to conduct hearing sessions at a constituency where the alleged violation or complaint arose. It hardly needs to be emphasized that having a hearing at the constituency level provides an easier access to justice and ease the burden for complainants, respondents, and witnesses to have to travel to the hearing place in search of electoral justice.

It is trite, therefore, to consider improvement in the regulations to make such administrative hearings a lot more accessible, transparent, so as to raise the confidence and trust of the parties involved and to comply with international electoral dispute resolution standards.

### **2.2.10. Content, Issuance and Publication of Decisions**

While the law has in some instances provided for the timelines for issuance of decisions by NEC/Ethics Committees/ROs, this does not apply to all disputes. In some instances as well, the law provides for adequate notification to the involved parties once a decision has been reached. A critical issue, however, is that the law does not require these bodies to provide written and detailed decisions stating clearly the reason for reaching to that decision. The law also does not require the NEC/RO/Ethics Committee to make public the decisions reached nor does it require the bodies to provide copies of the decision to stakeholders upon request.

However, these being administrative bodies, they are therefore bound by the principles of natural justice that require detailed explanation of the reasons for any particular decision. It is for this reason that election laws have provided adequate access to judicial review by courts if such principles are not adhered to.

## **2.3. The EDR Legal Framework in Tanzania**

The EDR legal framework in Tanzania is comprised of substantive and procedural laws as shown below. It is worth mentioning here that given the nature of the sovereign united republic state of Tanzania, there are electoral laws which apply to the whole of the “Union” such as the National Election Act, the Political Parties Act and the Election Expenses Act, but there are some which apply only in the respective constituent entities of the “Union” such as electoral laws governing local authorities elections.

### 2.3.1. The EDR Legal Framework for Tanzania Mainland

Constitutional Provisions	National Legislation		Local Authorities Legislation	
	Principal	Subsidiary	Principal	Subsidiary
The Constitution of the United Republic of Tanzania of 1977 as amended [Cap. 2 R.E. 2002]	The National Elections Act [Cap. 343 R.E. 2015]	The National Elections (Presidential and Parliamentary Elections) Regulations G.N. No. 402 of 2020	The Local Government Authorities (Elections) Act [Cap. 292 R.E. 2015]	The Local Authorities (Councilors' Elections) Regulations, G.N. No. 401 of 2020
		The National Elections (Election Petitions) Rules, 2020 [G.N. No. 782 published on 18/09/2020]	Some provisions in the Local Government (Urban Authorities) Act, No.7 of 1982 [Cap. 287 R.E. 2002] & the Local Government (District Authorities) Act, No.8 of 1982 [Cap. 288 R.E. 2002]	The Local Authorities (Election Petitions) Rules, 2010 [G.N. No. 783 published on 18/09/2020]
	The Political Parties Act as amended			

### **2.3.2. The EDR Legal Framework for Tanzania Zanzibar**

- The 1984 Constitution of Zanzibar as amended
- The Elections Act, 2017 Act No.4 of 2018, repealed and replaced the Elections Act No. 11 of 1984
- The Zanzibar Electoral Commission Office Establishment Act of 2017, Act No. 1 of 2017
- The Referendum Act, 2010, Act No.6 of 2010
- The Zanzibar Local Authority Government Act, 1984 Act No.7 of 2014

## **2.4. EDR Institutional Framework**

Though constitutionally a “united sovereign state”, the United Republic of Tanzania is enmeshed in duality in the legal and judicial systems. The management of elections, resolution of election disputes and trial of election petitions also share in this dualism. Aside from the National Electoral Commission (NEC) exercising overall management over union presidential and parliamentary elections and over councilor elections for Mainland Tanzania, the Zanzibar Electoral Commission (ZEC) has overall mandate over elections of members of the House of Representatives and local authority elections in Tanzania Zanzibar.

The mandate to resolve election disputes in Tanzania is shared among several institutions. Primarily, disputes and appeals arising during the electoral stages may be handled by the National Electoral Commission (NEC), the Ethics Committees, Returning Officers (ROs), Magistrates Courts, High Court and the Court of Appeal.

Electoral disputes may be administrative, civil, and/or criminal in nature. This means that election dispute resolution mechanisms must be both corrective and punitive: corrective, because they annul or modify an irregular act, and, as the case may be, protect or restore the enjoyment of electoral rights; and punitive because they punish the perpetrator or the entity or person responsible for the irregular act.



### **2.4.1. The National Election Commission (NEC)**

The National Electoral Commission (NEC) is a constitutional creature. In terms of Article 74(12) of the 1977 Constitution of the United Republic of Tanzania, courts of law are barred from inquiring into “*anything done by the Electoral Commission in the discharge of its functions in accordance with the provisions of this Constitution.*” Article 74(14) of the Constitution categorically stipulates that “*persons concerned with the conduct of elections*” are prohibited from joining any political party, save only that each will have the right to vote. The National Electoral Commission is the only institution in the country with the mandate to announce election results.

Depending on the dispute or alleged violation, the legal standing differs: Eligible voter, candidate or his/her authorized representative, election agents, political parties, returning officer, the NEC itself, the Registrar of Political Parties and Attorney General in some respects may have the right to file. The legal standing is set out in the table below.

The law has put in place avenues for filing complaints against the NEC itself, ROs and the Government.

### **2.4.3. The Ethics Committee**

The Ethics Committees, in particular, are stipulated in the Code of Conduct for Presidential, Parliamentarians and Councilors elections of June 2020 and are established to help resolve disputes arising during the campaign period. The committees are formed by NEC officials, representatives from both the government and political parties and functions independently from the NEC.

The Ethics Committees are empowered to supervise the implementation of and respect for the Code of Conduct, and are established at Ward, Constituency and national level. An Appeal Committee is also established at the national level. The appeals committee hears appeals from the national ethics committee. A complaint could be filed at any of these levels (except directly to

the Appeal Committee) and, if still dissatisfied with the outcome, the matter could be appealed to court.

Simply put, appeals lie in two tiers. Tier one requires exhaustion of the upper levels of the ethics committees as far as the appeals committee. Tier two mandates the High Court to entertain appeals from the decisions of Appeals Committee by way of petition. Note should be taken that the mandate of the Ethics Committees is only limited to the campaign period.

The Electoral Code of Conduct (ECC) is provided for under section 124A of the National Elections Act [Cap. 343 R.E. 2015], which was amended by Act No. 7 of 2010 [s.26]. Section 124A is a new section introduced into the National Elections Act by the Electoral Laws (Miscellaneous Amendments) Act, No.7 of 2010. The Amendment was inserted as Section 124A - Electoral Code of Conduct - in Chapter IX which is titled “Financial and Miscellaneous Provisions.” It governs the ethical conduct of political parties, the Government and the Commission (NEC) and binds the parties signatory to it.

(2) The Electoral Code of Conduct referred to under sub-regulation (1) shall be subscribed by-

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

(3) A proposed candidate is required 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 is required to collect in 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 24.

Section 124A of the Act and the Electoral Code of Conduct set a pre-condition of reporting any complaints arising in the election process including the time for election campaigns to the Electoral Code of Conduct [Ethics Committee].

The issue whether omission to refer complaint to Ethics Committee under s. 124A of the National Elections Act bars a party from filing petition for avoiding election came for consideration in the case of DANIEL NSANZUGWANKO VS. ATTORNEY GENERAL, Civil Appeal No. 106 of 2012 (unreported).

The Court of Appeal of Tanzania was called upon to pronounce itself on the issue whether the omission to refer complaint to the Ethics Committee in terms of section 124A of the NEA bars a party from filing the petition for avoiding the election.

Upon hearing of the election petition, the High Court concluded that failure to lodge a complaint to the Ethics Committee does not bar the petitioner from filing a petition to challenge the results of the elections. On appeal, the Court of Appeal held that:

“...The appellant who was a signatory to the Electoral Code of Conduct was bound by the Code to report the complaints. We agree with the learned Judge of the High Court that failure to refer the complaint to the Electoral Code of Conduct did not bar the appellant from filing the petition but watered down his case since the standard of proof in election petitions is “proof beyond reasonable doubt.”

#### **2.4.4. The Office of the Registrar of Political Parties**

The Political Parties Amendment Act, Act No. 1 of 2019, made some substantial and far reaching amendments to the Political Parties Act [Cap.258 R.E. 2019] in section 4 by adding section 5 on the functions of the Registrar of Political Parties to include (b) monitor intra-party elections and nomination process.

Section 6C of the amended law also provides for qualifications to be a member of a political party and prohibits a person from being a member of more than one political party.

Section 11A of the amended law now allows for the formation of a coalition of fully registered political parties by agreement before or after the general election.

#### **2.4.5. The Council of Political Parties**

The Political Parties Act does not provide for an independent and impartial institution for resolving intra-party disputes. The Act only provides for the establishment of Council of Political Parties (CoPP) under section 21B(1) of the Political Parties Act, whose membership is provided for under section 21B(2) as being “of not more than two national leaders of each fully registered party.” The CoPP has only an advisory role vis-à-vis the functions of the Registrar of Political Parties, the Government and political parties. Consequently, most intra-party disputes find their way to the normal courts of law (*pale mwanachama anapovuliwa uanachama*).

The nagging issue is whether the political climate in Tanzania is ripe for the establishment of an independent Political Parties’ Disputes Resolution Tribunal to deal with disputes within (intra) and between (inter) political parties as is the case in Kenya where such Tribunal exists.

In Kenya, the Political Parties Act establishes the Political Parties Disputes Tribunal (PPDT), which is given powers to determine disputes between: first, the members of a political party; second, a member of a political party and a political party; third, political parties; fourth, an independent candidate and a political party; and, fifth, coalition partners. As a precondition to activating the jurisdiction of the PPDT, parties must have exhausted the internal dispute resolution mechanisms of their respective political parties before they are referred to the tribunal. Under the Act, the tribunal also hears appeals of decisions of the registrar.

# Chapter Three

---

## COMPLAINTS HANDLING AND DISPUTE RESOLUTION: PRACTICE AND PROCEDURES

The EDR system in Tanzania comprehensively addresses disputes and complaints at almost every stage of the electoral cycle. When considering adequacy and timelines of the complaint handling it is important to establish whether the grounds for every complaint is clearly stated/ explained, that there are clear lines of authority for handling the disputes, whether a decision can be appealed, whether there are clear timelines provided for arriving at a decision, and remedies available for each allegation.

### 3.1. Voter Registration Complaints

Sections 24 and 25 of Cap.343 provides for the procedure for making objections at the stage of voter registration. The said provision provides for the kind of persons who can make objections, namely; the Director of Elections; Registration Officer and any other person whose name appears in the Provisional Voter's Register. The objections relate to allegations that a registered voter was not qualified; or no longer qualified or that he is dead.

Section 26 of Cap. 343 provides for the conduct of an inquiry and determination by Registration Officer. It mandates expressly that in the event of an objection, the Registration officer has to hold a public inquiry and the objector is required to give prima facie proof of the allegations. If objection was without reasonable grounds, the Registration Officer may order compensation to the person to whom the objection was made; which may be recoverable as though the order of the Registration Officer was a decree of a District Court for the recovery of money [section 26(6) of Cap. 343],

Section 27 of Cap. 343 provides for appeals to a District Magistrate. It provides that if the objector is dissatisfied with the decision of the Registration Officer, he may appeal to a District Court within seven days of the decision [section 27(1) of Cap. 343]. And the District Court is obliged to determine the appeal within fourteen days from the date of submission of an appeal [section 27(2) of Cap. 343].

The law stipulates categorically that the determination by the District Court “shall be final and conclusive and shall not be called in question in any court” [section 28(2) of Cap. 343].

The law directs the District Magistrate to forward a statement under his hand containing the names which he has decided shall be deleted from the Provisional Voter’s Register and a statement of a name of any person to whom voter’s card shall be issued and inform the Director of Elections on the results of the appeal [section 28(3) of Cap. 343],

Where appeal is dismissed no party to an appeal shall be entitled to any costs or compensation [section 28(5) of Cap. 343]. And a witness may be summoned and sworn at the hearing of an appeal as nearly as in a trial by a District Court in the exercise of its criminal jurisdiction [section 28(7) Cap. 343]. The District Magistrate has power to decide on the procedure and practice of hearing appeals.

Furthermore, if satisfied that two or more appeals involve the same question, the District Magistrate may declare that the decision given in an appeal heard previously shall be binding on the parties to such other appeal or appeals as he shall specify [Section 28(9) of Cap. 343].

## **3.2. Candidate Nominations Complaints**

### **3.2.1. Objection of Nomination of Presidential and Vice-Presidential Candidate**

Objections against the nomination of a presidential candidate and vice-presidential candidate are provided for under rule 28 of GN

401 and Rule 31 of GN 402 and Rule 29 of GN 401 respectively. Appeals may be taken under rule 32 of GN 402 and Rule 30 of GN 401.r.

Objections to and decisions as to validity of presidential nomination form –are provided for in section 40 Cap.343 and Rule 39 of GN 402.

### **3.2.2 Grounds for objection to the validity of the nomination form.**

Section 40(1) of Cap.343 provides the grounds for objecting to the validity of the nomination form, which may be made to a nomination form only on all or any of the following grounds:

- (a) that the particulars given in respect of the candidate are insufficient to identify him;
- (b) that the nomination form does not comply with or was not delivered in accordance with the provisions of this part;
- (c) that it is apparent from the nomination form that the candidate is not qualified to stand for election;
- (d) that the requirement of subsection (4) of section 38 have not been complied with; or
- (e) if the requirements of the Election Expenses Act have not been complied with.

### **3.2.3. Who may Object**

An objection may be made by another candidate in the constituency, the Director of Elections, the Registrar of Political Parties or the Returning Officer on his own motion or the Attorney General, in writing and signed by the objector and specifying the grounds of objection [Section 40(3) of Cap. 343].

Rule 30.(1) of GN 402, provides that subject to the provisions of the Act, the Director of Elections, Registrar of Political Parties, Returning Officer, Attorney General or a candidate for

Parliamentary election may lodge an objection to the nomination of any Parliamentary candidate.

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

Rule 39.-(1) of GN 402 stipulates that an objection to the nomination of a Presidential or Vice Presidential candidate may be lodged by another candidate, the Director of Elections, the Registrar of Political Parties or the Attorney General.

(3) An objection raised by the Registrar of Political Parties shall only be based on the Election Expenses Act and shall be in accordance with the procedure laid down under the Act and the Regulations.

(4) Subject to sub-regulation (1), a person other than the Registrar of Political Parties who objects the nomination of any Presidential or Vice-Presidential candidate shall lodge his objection to the Commission after the display of nomination forms, but not later than four o'clock in the afternoon of the day following nomination day.

(5) An objection shall be lodged to the Commission in the Form No. 9A as prescribed in the First Schedule to these Regulations.

(6) The decision of the Commission under sub-regulation (6) shall be final and conclusive and shall not be called into question by any court of law.

(7) Where the Commission has accepted the objection against a candidate, it shall delete the name of such candidate from the list of nominated candidates.



### **3.2.4. Appeals**

Any candidate dissatisfied by decision of Returning Officer may appeal to the Commission and the decision of the Commission shall be final and conclusive and shall not be challenged in any court, except by way of election petition presented pursuant to the provisions of Chapter VII on one or other of the grounds specified in that Chapter [Section 40(6) of Cap. 343].

Rule 31.-(1) of GN 402 - A person who is aggrieved by the decision of the Returning Officer under regulation 30(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.

Rule 32.-(1) of GN 402 - The Commission may, before the determination of an appeal, summon any person to testify or provide information or clarification in respect of the appeal.

Rule 32(6) of GN 402 - 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 called into question by any court of law, except by way of election petition pursuant to the provisions of the Act.

### **3.2.5. Objections by Registrar of Political Parties and appeals to objections**

- See Rule 33 of GN 402 and also Rule 31 of GN 401.

Rule 33.-(1) of GN 402 - 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, where the objection concerns Parliamentary candidate, make an objection to the Returning Officer.

(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 31 and 32 respectively,

except that the objection by the Registrar shall be lodged not later than fourteen days after nomination day.

### **3.3. Handling of Post-election Litigation**

The electoral law in Tanzania has adopted a post-litigation approach in resolving electoral disputes, which at the end may have the effect of annulling or affirming the election results. The wisdom behind this approach essentially is to try to prevent elections from being unduly protracted or obstructed by pre-election litigation. The plenary bar to pre-election litigation finds expression in Article 83(1) of the Constitution and Sections 108(2) and 107(2) of Cap. 343 and Cap 292 respectively.

The post-election litigation philosophy rests on two principles:

- (1) the preemptory urgency of prompt engineering of the whole election process without intermediate interruptions by way of legal proceedings challenging the steps and stages in between the commencement and the conclusion; and
- (2) the provision of a special jurisdiction which can be invoked by an aggrieved party at the end of the election excludes other forms, the right and remedy being creatures of statutes and controlled by the Constitution.

As a matter of general principle and without any exception, in Tanzania election results can only be questioned through an election petition, which may be presented either in the High Court, to contest the results of parliamentary elections or in the courts of Resident Magistrate (RMC) or District Delegate Court (DDC) for Councilor elections.

The laws provides a fairly broad locus standi to bring an election petition under section 111(1)(a)-(d) of Cap.343 R.E. 2015 & Section 110(1)(a)-(d) of Cap.292 R.E. 2015 respectively, which include a person who lawfully voted or had a right to vote at the election to which the election petition relates.

The filing of a petition is however subject to payment by the petitioner of security for costs of five million Tanzania shillings (Tshs, 5,000,000/=) in respect of parliamentary election petition and Tanzania shillings five hundred thousand (Tshs.500,000/=) for councilor election petition in respect of each respondent. The law allows for application for reduction or total exemption of the security for costs or for payment of an alternative security (other than monetary) of equal value.

An election petition to contest parliamentary election results is to be brought within thirty days from the date of the declaration of the results of the election by the Returning Officer [section 115 - Cap. 343] and an election petition to contest Councilor election results has to be brought within one month of the date of declaration of the result by the Returning Officer [section 115 – Cap. 292].

The law mandates the High Court to hear and determine each election petition within twelve months from the date of filing a petition and the subordinate courts within eighteen months. There is a possibility for extension of time to hear and determine the petition.

The petition to contest election results is to be grounded upon specific “grounds for avoidance” of election which are expressly stated in the law. These grounds may include among others, allegations of use of abusive language and defamatory statements during the campaign or that the elected candidate was not qualified to stand for election, or was not duly nominated or allegations of use of corrupt or illegal practices.

In the end, upon receiving evidence which has to be established to the satisfaction of the court, that is, beyond any reasonable doubt, the trial court may either annul the election or affirm the winner and accordingly certify such determination to the Electoral Authorities. If the trial court has annulled the election, a bye-election will have to be held because the law in Tanzania does not give a possibility for the trial court to declare any other candidate to have won the election.

A person aggrieved by the decision of the subordinate court may appeal against the decision to the High Court, and if the decision sought to be appealed against originates from the High Court, an appeal will automatically lie to the Court of Appeal without the need to apply for leave to appeal in the High Court.

## Chapter Four

---

### USE OF ALTERNATIVE DISPUTE RESOLUTION IN ELECTORAL DISPUTE RESOLUTION

The Tanzanian Electoral Dispute Resolution (EDR) mechanism does not explicitly provide for the use of ADR mechanisms in resolving electoral disputes. If it is considered in the narrow context of Tanzanian law, accommodation of ADR mechanisms could be negligible. This however does not mean that ADR cannot be invoked in resolving election disputes.

Much as the electoral law does not detail the approach to be used in resolving electoral disputes, there are several stages of dispute resolution in which ADR can be applied.

To take one example, the Political Parties Act requires every Political Party, prior to registration by the Registrar of Political Parties, to detail in their constitution the internal mechanism for dispute resolution. This presents an opportunity for duly registered political parties to resolve intra party disputes by using ADR and, to some extent it can also be used to resolve intra-party nominations complaints.

Likewise, the Elections Act mandates ROs, on Election Day, to resolve disputes, but without detailing the approach to dispute resolution. This is also a good avenue for the adoption of ADR in resolving some of the disputes arising on Election Day.

ADR allows people and organisations, including political parties and candidates, to reach an agreement based on their interests. ADR can be informal, as in meetings with a convener or mediator, or formal processes such as arbitration in which binding decisions are made. The type of alternative dispute resolution used in election disputes depends on the interests and goals of the parties that are involved. ADR can allow political parties, candidates, voters, civil society organisations and individuals to be part of the administrative process of resolving disputes prior to

and during elections and when post-election judicial proceedings have been instituted. This is done by bringing the parties together to explore and resolve their interests. In this way the parties can pursue “win-win” outcomes. As such, ADR provides a means to resolve many disputes quickly and efficiently. ADR also fosters and strengthens democratic values through the peaceful resolution of disputes.

#### **4.1. What is ADR?**

ADR is a voluntary means for the parties to engage in constructive, interest-based discussions, which range from very informal (as in fact-finding) to formal (as in binding arbitration) processes. The goal of ADR is to develop means for interested parties to reach an agreement. The type of alternative dispute resolution mechanism used in election disputes resolution will depend on the interests and the parties. ADR can provide a quick, cost effective way of dealing with issues that do not need to be addressed in a court or other formal dispute resolution body. However, care must be taken to ensure that ADR is not used in a way that prevents the formal process from protecting fundamental human rights.

#### **4.2. The Importance of ADR in Resolving Other Civil Matters**

ADR can provide a means to resolve many disputes quickly and efficiently. This is of particular importance for intra-party disputes before the election and in post-election. ADR facilitates a faster resolution of disputes because the parties can begin communicating earlier. The parties also have the ability to actively propose and take part in agreeing to the remedy. ADR provides the parties with a confidential avenue to discuss issues and only the results of agreement reached (not the process) being announced to the public. ADR, thus, can provide:

- More timely resolution: ADR processes promote more timely resolution of potential electoral complaints, which could be dealt with immediately as complaints or issues arise. For example, ADR could help with the removal

of offensive campaign material or party nomination or disputes around candidate or party symbols.

- Greater local access: ADR processes can provide greater local access for complaints arising in the field and at Polling Centers, where relevant parties are available for investigation and resolution.
- Dialogue and reciprocal commitments: ADR processes provide more tailored and potentially sustainable resolutions for the parties.
- ADR provides an opportunity for constructive dialogue and/or reciprocal commitments among affected stakeholders, where such commitments are desired or necessary for sustainable resolution. This latter use can be significant where the issues involve conduct under the Code of Conduct.
- Referrals from Courts and tribunals: ADR complements the judicial and quasi-judicial processes by providing the parties with an efficient means of resolving disputes in which they retain control over the outcome in a “win-win” way, as opposed to litigation which results in a “win-lose” proposition (i.e. the Court rules in favour of one of the parties to the detriment of the other party).
- Enhanced legitimacy: ADR processes can enhance confidence-building measures that improve the credibility of the electoral process.

### **4.3. Use of ADR in Resolving Electoral Disputes**

Just like EDR, all ADR approaches depend on the “rule of law,” which provides predictable rules, derived from established principles for determining election outcomes. To achieve this goal, the ADR process:

- (i) must be transparent and open, even where the actual negotiation of the parties may be confidential; and

(ii) must produce timely resolution of the issues.

ADR is appropriate for many facets of the electoral process in which there is a possibility of a dispute, and there is the need for a quick decision that will be agreeable to the parties. Some examples are:

- The resolution over recognition of candidates to stand for election where there is a need for interested parties to come to an agreement especially in the intra-party nominations;
- The resolution of intra-party disputes under a political party's constitution or rules;
- The resolution of barriers to voter registration and the denial of voting rights;
- The process may assist in settling cases before the courts, including developing a consensus on standards that will be used to determine the issues and the methods to be used to ensure that the outcome is representative of the party's choice or votes cast on Election Day and are not manipulated.

#### **4.4. Use of Mediation in Resolving Post-Election Conflicts**

Mediation is a process in which a neutral third-party brings the opposing parties together in an attempt to fashion a mutually acceptable solution through either a facilitative or evaluative approach by the mediator.

A typical mediation may involve a 5-step process including: meeting of the parties, presentation of their interests and goals, subsequent meetings to resolve ambiguities, suggestions of different resolutions, and final resolution of the dispute. In mediation, the parties control the process and the mediator's role is to guide them towards a solution.

Mediators focus the parties on an examination of their individual needs, interests, values, and goals. To do so, the mediator may hold



several sessions with one of the parties and then shuttle between the parties (sometimes called “caucus mediation” or “shuttle mediation”). The process also focuses on the outcomes that will meet the parties’ needs, interests, values, and goals.

Mediation can play an important role in three different phases.<sup>2</sup>

- a) Prevention of electoral disputes. Preventive mediation and political dialogue can help prepare the ground for peaceful elections through building the social climate for successful elections, breaking deadlocks and reducing the likelihood of violence and of outcomes that are perceived as illegitimate.
- b) Mitigation of acute electoral conflicts and violence. Mediation can be equally important for electoral conflict management if tensions are acute and in case violence breaks out.
- c) Post-election follow-up. Mediation and dialogue are important tools in the post-election period, in case the results of elections are disputed but also to address remaining tensions and complaints and strengthen trust in the democratic process.

---

<sup>2</sup> Factsheet – EEAS Mediation Support Project – Knowledge Product <https://ecdpm.org/wp-content/uploads/2013/11/EEAS-Mediation-Factsheet-Dialogue-Prevent-Mitigate-Electoral-Violence.pdf>  
Visited on 14/11/2020 at 9.05 pm

# Chapter Five

---

## GENERAL CONCLUSION

Elections, even when successful, cannot be considered an end in themselves. Rather, elections need to be viewed as a means to achieving the greater aspirations of good governance by citizens in a democratic society or in a democratizing environment. Elections should be viewed as an important step in the continuum of ongoing political and social interactions among citizens and leaders in a given nation-state, involved in negotiations and frequent renewal of the social compact and not be treated solely as a technical exercise that takes place on Election Day.

A true commitment to the rules of political governance that ensures credible and competitive elections requires a binding promise by the political parties to ensure internal democracy. When political party internal structures are fair, democracy is strengthened. Political parties should adopt commitments within their constitutions and bylaws to use ADR. The First Schedule to the Political Parties Act of 2019 requires all Political Parties to adopt in their constitutions a mechanism for intra-party dispute resolution mechanism. The following language can be highly considered:

“Preamble to Constitution: As a party, we agree to resolve all disputes within the party in a fair, transparent and expeditious manner through mediation and other recognized electoral dispute mechanisms which afford all members the right to make their interests known and fully considered in light of the party’s commitment to uphold the Constitution, the electoral laws and the party’s duty to strengthen democracy and ensure that all potential conflicts are amicably resolved.

The party shall address all complaints, member and staff discipline, disagreements and appeals under the party’s constitution, bylaws, rules, regulations and the like prior to, during and after an election fairly, expeditiously and in full compliance with recognized National Electoral

Commission electoral dispute mechanisms or other similar programmes using neutral third-parties to ensure that democracy is strengthened, the rights of all individuals to seek and hold elective office are protected, and potential conflicts are amicably resolved.”

## ANNEXURE I: Mapping of Electoral Complaints and Disputes Resolution in Tanzania

Category of Dispute	Grounds	Authority of first instance	Legal standing	Deadline for filing	Filing Fee	Decision deadline	Appeal Authority	Appeal deadlines	Remedy
<b>Suspension or cancellation of political party registration</b>	Failure to comply with PPA provisions e.g. where a political party advocates ethnicity, religion, tribalism; break up of URI; use of force and violence; use of inciting words, obscene, vindictive and defamatory language; operating in one part of the URT Section 19(1) of PPA	Registrar of Political Parties (RPP) Section 19 (1) PPA	Registrar of Political Parties initiates the process section 19(1) PPA	Not stated in the law	Not stated in the law	Not stated, but the RPP may act at any time except where the period to election does not exceed 12 months Section 19(3) of PPA	No appeal allowed, RPP decision is final Section 20(1) of PPA  Judicial Review allowed Section 20 (2) PPA	Appeal is not provided for.	Remedies available in judicial review

Category of Dispute	Grounds	Authority of first instance	Legal standing	Deadline for filing	Filing Fee	Decision deadline	Appeal Authority	Appeal deadlines	Remedy
<b>Voter registration complaints</b>	Refusal for application to be registered as a voter, or no eligibility to register section 11 (1), deletion section 11 (3), read with Section 21(1) NEA	Registration Officer or Registration Assistant Section 21 (1) NEA	Only the registration applicant requesting reasons for disqualification Section 21(1) NEA	Not determined by the law for complaints under section 21(1) NEA  Also not determined by law for complaints under the section 24 (10) and (2)	Complaints under section 21 of NEA have no fee accompanied	Decision deadline by Registration Officer not stated in the law Section 21(1) NEA	District Court Section 21(2) NEA	Appeal filed within 14 days from the date of decision by Registration Officer Section 21(1)	Retention or registration of name(s) in the provisional voter register, or amendment of the provisional voter register section 26(4) NEA
	Objection on retention of names in the provisional voter register Section 24 (1) and 24 (2) of NEA	In case of an objection an individual voter register to the Director of Elections or Registration Officer Section 24(1) NEA	Objection made by any person in provisional voters' register to the Director of Elections or Registration Officer Section 24(1) NEA	Decision by the Registration Officer has to be rendered within 7 days from last day of issuance of inquiry Section 26(7) NEA	Decision by the Registration Officer through government gazette section 28 (1) NEA	District Court Section 27(1) NEA	The District Court has to issue a decision within 14 days from the date of submission of the appeal Section 21(2) – NEA	order that voter's card be issued to the applicant  Monetary compensation to the person against whom objection is made if without reasonable cause section 26 (5) NEA	

Category of Dispute	Grounds	Authority of first instance	Legal standing	Deadline for filing	Filing Fee	Decision deadline	Appeal Authority	Appeal deadlines	Remedy
					<p>Objections under section 24(1) has a deposit fee prescribed by NEC through official gazette section 25 (2) NEA</p> <p>Deposit amount on appeal to the District Court prescribed by the NEC through government gazette section 28(1) NEA</p>				<p>Order that name(s) be deleted in the provisional voter register section 26 of NEA</p> <p>Order that voter's ID be surrendered to NEC ad section 29 (2) (a) NEA</p>

Category of Dispute	Grounds	Authority of first instance	Legal standing	Deadline for filing	Filing Fee	Decision deadline	Appeal Authority	Appeal deadlines	Remedy
<b>Intra-party disputes on candidates' nominations</b>	Dispute over implementation of party bylaws or other related issues particularly on candidates' nominations	Party internal dispute resolution mechanism Section 8D (1) of PPA read with 1st Schedule	Not Stated in the law	Not stated in law	Not stated in law	Not stated in law	Not stated in law	Not stated in law	Not stated in law
<b>Inter-party disputes related to electoral process</b>	Inter-party disputes are not explicitly stated in the law, however complaints can be submitted to the RPP on violations of Code of	Registrar of Political Parties who has the discretion to submit the complaint against a party to the Political Parties	Any person including from members of political parties or even the RPP	7 days from the date of occurrence of the event	Not stated in the law	The states that the Committee shall convene and make a decision as soon as possible upon receipt of the complaint, defence and	Review by High Court Reg. 15(1) CCPP	Not stated in the law	Warning or reprimand; order the offender violator to amend or correct violation; public announcement and public warning to the Political

Category of Dispute	Grounds	Authority of first instance	Legal standing	Deadline for filing	Filing Fee	Decision deadline	Appeal Authority	Appeal deadlines	Remedy
	Conduct for Political Parties Reg. 12 (1) (a) of Code of Conduct for Political Parties (CCPP)	Ethics Committee Reg. 12.(1) (b) CCPP				rejoinder or upon expiry of time for submission of defence Reg. 12(1) (g) CCPP			part; Or further punishment stated in the PPA e.g. suspension, cancellation, criminal action especially where there is continued violation. Reg. 13(1) of CCPP
<b>Refusal to accredit Observers or disqualification of observers</b>	Commission refusal to accredit observers Regulation 18 (5) & (7) NER	Commission Reg. 18 (5) & (7) NER	Commission has the authority to refuse accreditation to observers Reg. 18(7) NER	Not stated in the law	Not stated in the law	Not stated in the law	Appeals mechanism for affected observer or applicants is not stated in the law.	Not stated in the law	Not stated in the law



Category of Dispute	Grounds	Authority of first instance	Legal standing	Deadline for filing	Filing Fee	Decision deadline	Appeal Authority	Appeal deadlines	Remedy
	An accredited observer may be disqualified for the following reasons: Contravention of election laws or any other written laws; Contravention of immigration laws; Contravention of NEC directives; Engaging in campaigning or favoritism to a candidate or political party; Section 20(1) NEA	The law doesn't state explicitly who makes the decision of disqualification Reg. 20 (1) NER							

Category of Dispute	Grounds	Authority of first instance	Legal standing	Deadline for filing	Filing Fee	Decision deadline	Appeal Authority	Appeal deadlines	Remedy
<b>Complaints on access to/ by Media, Observers and Agents</b>	Not stated in law	Not stated in law	Not stated in law	Not stated in law	Not stated in law	Not stated in law	Not stated in law	Not stated in law	Not stated in law
<b>Candidate's nomination</b>	Disqualification for nomination for failure to comply with Election Expenses Act Section 38 (2) NEA objection to nomination of candidate for the following grounds: insufficient particulars;	Returning Officer (if RO is not the objector) Section 40(4) NEA NEC: if the objector is RO Section 40(5) NEA	Another candidate in the constituency, Director of Elections, Registrar of Political Parties, Returning Officer, or Attorney General Section 40(3) NEA read with Reg 30(1) of NER	No later than four o'clock in the afternoon of the day following nomination day Section 40(2) NEA	Not stated in the law	<b>First appeal:</b> NEC Section 40(6) NEA read with Reg. 31(1) NER <b>Second appeal:</b> High Court by way of petition Section 40(6), 110, 111 and 112 of NEA read with Reg. 32(6) NER	Appeals to NEC within 24 hours from the decision of RO Reg. 31(1) NER	Reinstatement or deletion of the name of the candidate concerned from the list of nominated candidates Reg. 32(4) NER	

Category of Dispute	Grounds	Authority of first instance	Legal standing	Deadline for filing	Filing Fee	Decision deadline	Appeal Authority	Appeal deadlines	Remedy
	failure to comply with the NEA requirements; candidate does not qualify; failure to comply with election expenses law Section 40 (1) NEA								
<b>Complaints relating to Campaigning</b>	<b>Acts by Political Parties and Candidates:</b> Failure to adhere to campaign programmes procedures and modalities laid out by the NEC; causing chaos or disorder;	Ethics Committees at Ward, Constituency, National level and Appeals Committee Code 5.2 Code 5.9 Code 5.10	Any candidate, NEC, the Government or any political party that has signed the Code. Code 5.4,	72 hours from the incidence which led to the complaint  Code 5.5	Not stated in the law	Relevant ethics committee convene within 48 hours, directs defence to be produced in written form within 48 hours,	<b>First Tier Appeal:</b> Ethics Committee in the higher hierarchy, Code 5.8 <b>Second Tier Appeal:</b> Petition to the High Court Code 5.8 (g); 5.9(c); 5.10 (b)	Ward Committee decision – appeal to Constituency Committee within 24hours Code 5.8 (a)	Ethics Committee may issue verbal or written warnings; order rectification of the mistake; public announcement of the defaulting party or

Category of Dispute	Grounds	Authority of first instance	Legal standing	Deadline for filing	Filing Fee	Decision deadline	Appeal Authority	Appeal deadlines	Remedy
	using language which is abusive, defamatory, belittling, threatening or that incites disorder or violence; carrying weapons; carrying statutes or caricatures intended to ridicule, revile or scandalize; defamatory use of media. Code of Conduct 2020; Code 2.2					conducts hearing and renders a decision within 48 hours after hearing sessions. Code 5.7		Constitutional Committee decision – appeal to National Committee within 48 hours Code 5.8 (c) National Committee decision – Appeals Committee within 48 hours. Code 5.8 (e)	candidate; prohibiting the party or candidate to continue with campaigning; prohibiting the party or candidate to distribute posters; payment of fine which range between TZS 200,000 to TZS 1,500,000/- Code 5.11 and 5.12

Category of Dispute	Grounds	Authority of first instance	Legal standing	Deadline for filing	Filing Fee	Decision deadline	Appeal Authority	Appeal deadlines	Remedy
	<p><b>Acts by NEC and ROs:</b> Favouritism, changing campaigning programmes unilaterally and Unnecessary delay in the declaration of the results. Code 4.2</p> <p><b>Acts by Government:</b> Abuse of authority by government leaders; using government resources for campaigning;</p>								

Category of Dispute	Grounds	Authority of first instance	Legal standing	Deadline for filing	Filing Fee	Decision deadline	Appeal Authority	Appeal deadlines	Remedy
	<p>Prohibiting or disrupting public events held in accordance with the coordinated campaign programme;</p> <p>Allowing security organs to oppress political parties, candidates or supporters; Code 3.2</p>								

Category of Dispute	Grounds	Authority of first instance	Legal standing	Deadline for filing	Filing Fee	Decision deadline	Appeal Authority	Appeal deadlines	Remedy
<b>Complaints related to voting</b>	Dissatisfaction of polling agents on preparation of voting Reg. 52 (2) NER	Presiding Officer or Polling Assistant Reg. 52 (2), Reg 53(1)	Any voter Reg. 52(2) NER Agent of candidate or voter Reg. 53(1) NER	Complaints on vote preparation should be lodged before the commencement of voting Reg. 52(1) NER	Not stated in the law	Not stated in the law	Not stated in the law	Not stated in the law	Not stated in the law
	Dissatisfaction of voter on voting process Reg. 53(1) NER			Complaints on voting process be lodged during or after voting at the polling station Reg. 53(1) NER					

Category of Dispute	Grounds	Authority of first instance	Legal standing	Deadline for filing	Filing Fee	Decision deadline	Appeal Authority	Appeal deadlines	Remedy
<b>Complaints related to vote counting and results</b>	Dissatisfaction of votes counting by agents and candidates Reg. 62 (1) NER	Presiding Officer or Polling Assistant Reg. 62(2) NER	Candidate or agent Reg. 62(1) NER	Immediately at the polling station level Reg. 62(1) NER	Not stated in the law	Not stated in the law	<b>Appeal:</b> Presiding Officer (PO) Decision on counting of votes, appeal lies with RO Section 79 NEA	Not stated in the law	Recounting of votes Section 78(1) NEA
	Dispute votes Reg. 65(1) NER	Disputed votes are determined and resolved by Returning Officer (RO) or Assistant Returning Officer (ARO) Reg. 65 (1)	Candidates or Political Parties Agents Reg. 65(1) NER	Disputed votes should promptly be determined before addition of votes Reg. 65(1) NER			Review by way of an election petition against RO may be filed at the High Court Section 79 NEA		



Category of Dispute	Grounds	Authority of first instance	Legal standing	Deadline for filing	Filing Fee	Decision deadline	Appeal Authority	Appeal deadlines	Remedy
<b>Complaints on election expense</b>	Non-disclosure of funds by candidate or political party Section 20 EEA  Unfair Conducts e.g. corrupt practices to induce voters, nominators, or during campaigns Section 21 EEA	Registrar of Political Parties (RPP) Section 20 (2) EEA, Reg. 18 (1) EER	Applicant for nomination as candidate, a political party, a voter, any other person Reg. 18(2) EER  RPP may further file an objection with the Director of Elections Section 20(2) EEA	Not stated in the law	Not stated in the law	Determination by the RPP within 5 days of filing of complaint and decision communicated to Director of Elections at NEC Section 20 (4) EEA	By way of petition to the High Court Section 20(4) EEA	Not stated in the law	Disqualification of candidate from participating in the nomination process or election Section 20 (1) & (3) EEA; section 24 (2);  Liable for corruption offences under the PCCB Act Section 24(8)  A candidate whether elected or not, may be disqualified and liable to
	Unconscionable funding Section 22 EEA Conveyance of voters Section 23 EEA		Attorney General, Candidate, Political Party may file a petition at the High Court Section 20(3)						

Category of Dispute	Grounds	Authority of first instance	Legal standing	Deadline for filing	Filing Fee	Decision deadline	Appeal Authority	Appeal deadlines	Remedy
	Failure to file a return on election expenses with the RPP within 180 days after elections Section 18(2) EEA  Disclosure of confidential information Also Reg. 18(2)(a)-(e) EER								a fine of TZS 2M or 1 year imprisonment for failing to file election expenses returns Section 18(5) EEA  A political party may be liable upon conviction to a fine of TZS 3M or disqualification to participate in the next general elections Section 18(4) EEA

**Election Laws and Regulations Covered:**

- PPA – Political Parties Act CAP 258 R.E. 2019
- NEA – The National Elections Act CAP 343 R.E. of 2015
- EEA – The Election Expenses Act, Act No. 6 of 2010
- NER -National Elections (Presidential and Parliamentary) Regulations, G.N. 402 of 2020
- EER – Election Expenses Regulations, G.N. 246 of 2010
- CCPP - Code of Conduct for Political Parties (CCPP)
- Code of Conduct for Presidential and Parliamentary Election of 2020

## Annex II: Mapping of Electoral Crimes in Tanzania:

CRIME	GROUNDS	PENALTY
Counterfeits/ forgery of voter's register. Section 90 NEA	possession, controlling of voter's card which belonging to another person	Fine of not less than one hundred thousand shillings (TZS 100,000) and not exceeding three hundred shillings (TZS 300,000) or imprisonment not less than a year and not more than two years or both.
False publication of withdrawal of a candidate. Section 91A NEA	Intentional printing, broad casting, publishing any statement of the withdrawal of the candidate for the purposes of promoting another candidate	Imprisonment not exceeding two years
Corrupt inducement of withdrawal. Section 91B NEA	Inducing, procuring another person to withdraw from being a candidate in consideration of payment	Imprisonment not exceeding 5 years
To furnish false evidence/ making false statement, Section 92 NEA	To present false identity card in proving individual identity	Imprisonment not less than 6 months
Failure to maintain secrecy in election, Section 93 NEA	Obtaining or attempting to get information regarding votes of some individuals. Section 93 (4) NEA Communicating any information obtained in counting of votes, Section 93 (5) NEA	A fine of not less than one hundred thousand shillings and not exceeding three hundred thousand shillings or imprisonment for a term not less than six months and not more than 12 months or both. Section 93 (7) NEA
Corrupt practices, Section 94 NEA	Bribery, treating or undue influence. Section 94 NEA	A fine of not less than five hundred thousand shillings (TZS 500,000) or imprisonment for a term of not less than a year and not more than three years or both

CRIME	GROUNDS	PENALTY
Impersonation Section 95 NEA	Applying for a ballot paper in the name of another person, Section 101 (a) NEA Intentional tendering of somebody's else card Section 101 (b) NEA	A fine of not less than fifty thousand shillings and not exceeding two hundred thousand or imprisonment for not less than six months and not more than twelve months.
Undue influence Section 99 NEA	Direct or indirectly threatens to make use of force, violence or restraint, inflict or threaten to do so, any temporal or spiritual injury, damage, harm or loss upon or against any voter in order to induce or compel him/her to vote or refrain from voting Abduction, duress or any fraudulent contrivance, impedes or prevents the free use of vote	
Defacement of notices, Section 105 NEA	Without lawful authority destroying, mutilating, defacing or removing any notice which is exhibited under this Act.	A fine not less than thirty thousand shillings and not more than one hundred thousand shillings or imprisonment for not less than one month and not more than six months or both.
Public meetings on election day Section 104 NEA Display of emblems in polling station's vicinity. Section 104 NEA	Holding a meeting on election day or within any building where voting in an election day or within the radius of 200m or such building wear or display any card photograph in favor of a particular candidate	A fine of not less than fifty thousand shillings and not exceeding one hundred thousand shillings. Section 104 (2) NEA

<b>CRIME</b>	<b>GROUND S</b>	<b>PENALTY</b>
Unfair conducts, S 21 The Election Expenses Act (EEA)	Indirectly or directly giving, lending or agreeing to give or lend, offer or promise to give any money or valuable consideration to any voter in order to induce any voter to vote or refrain from voting. Section 21 (1) (a) EEA	Disqualification from participation in the election. Section 24 (1) EEA institute criminal proceedings or an election petition against that candidate Section 24 (3) (4) EEA
	Directly or indirectly giving or procuring or endeavouring to procure, any office, place or employment, to or for any voter, or to or for any person on behalf of any Voter, to vote or refrain from voting. Section 21 (1) (b) EEA	Disqualification from participation in the election. Section 24 (1) EEA institute criminal proceedings or an election petition against that candidate Section 24 (3) & (4) EEA
	Directly or indirectly making gift, loan, offer, promise, procurement or agreement to or for any person in order to induce such person to procure or to endeavor to procure, the nomination of a person as a Councillor, a candidate by a political party, the election of any person as a Member of Parliament or the President or the vote of any voter at any nomination process or election; section 21 (1) (c) EEA	Disqualification from participation in the election. Section 24 (1) EEA institute criminal proceedings or an election petition against that candidate Section 24 (3) & (4) EEA
Bribery Section 21 (1) (e) EEA	Paying or causing one to be paid in nomination process	Disqualification from participation in the election. Section 24 (1) EEA Criminal proceedings or an election petition against that candidate Section 24 (3) & (4) EEA

CRIME	GROUNDS	PENALTY
	Directly or indirectly receiving, agreeing or contracting for any money, gift, loan or valuable consideration in order to vote for someone or refrain from vote. Section 21 (1) (f) EEA	Disqualification from participation in the election. Section 24 (1) EEA institute criminal proceedings or an election petition against that candidate Section 24 (3) & (4) EEA
Counterfeits/ forgery of voter's register. Section 90 NEA	Possession, controlling of voter's card belonging to another person	Fine of not less than one hundred thousand shillings (TZS 100,000) and not exceeding three hundred shillings (TZS 300,000) or imprisonment not less than a year and not more than two years or both.
Conveyance of voters Section 23 EEA	paying or contracting for payment for the purpose of promoting or procuring the nomination or election of a candidate at any nomination process Section 23 (1) EEA	Disqualification from participation in the election. Section 24 (1) EEA institute criminal proceedings or an election petition against that candidate Section 24 (3) & (4) EEA
Offences relating to powers of the Registrar Section 27 EEA	<ul style="list-style-type: none"> <li>• Obstructing the Registrar or his representative from exercising powers of the Registrar under the Act Section 27 (a) EEA</li> <li>• Refusing to produce books, papers and documents as requested by the Registrar Section 27(b) EEA</li> <li>• Producing false books, documents or false information to the Registrar Section 27(c) EEA</li> <li>• Makes false statement in any returns or financial report Section 27(d) EEA</li> </ul>	

CRIME	GROUNDS	PENALTY
	<ul style="list-style-type: none"> <li>• Destroying any books, papers, documents or thing relating to the subject matters of investigation, examination or inspection Section 27(e) EEA</li> </ul>	
Violation of electoral law, Reg 13 (Media Codes of Conduct for Election Reporting in Tanzania 2015)	Any act amounts to violation of electoral law as stipulated in laws Regulation 16 (1) of Kanuni za Utangazaji (Maudhui)	Media suspension, Criminal punishments
False publication of withdrawal of a candidate. Section 91A NEA	Intentional printing, broad casting, publishing any statement of the withdrawal of the candidate for the purposes of promoting another candidate	Imprisonment not exceeding two years
Corrupt inducement of withdrawal. Section 91B NEA	Inducing, procuring another person to withdraw from being a candidate in consideration of payment	Imprisonment not exceeding 5 years
Imprisonment not exceeding 5 years	To present false identity card in proving individual identity	Imprisonment not less than 6 months
Failure to maintain secrecy in election, Section 93 NEA	Obtaining or attempting to get information regarding votes of some individuals. Section 93 (4) NEA Communicating any information obtained in counting of votes, Section 93 (5) NEA	A fine of not less than one hundred thousand shillings and not exceeding three hundred thousand shillings or imprisonment for a term not less than six months and not more than 12 months or both. Section 93 (7) NEA
Corrupt practices, Section 94 NEA	Bribery, treating or undue influence. Section 94 NEA	A fine of not less than five hundred thousand shillings (TZS 500,000) or imprisonment for a term of not less than a year and not more than three years or both

<b>CRIME</b>	<b>GROUND</b> S	<b>PENALTY</b>
Impersonation Section 95 NEA	Applying for a ballot paper in the name of another person, Section 101 (a) NEA Intentional tendering of somebody's else card Section 101 (b) NEA	A fine of not less than fifty thousand shillings and not exceeding two hundred thousand or imprisonment for not less than six months and not more than twelve months.
Undue influence Section 99 NEA	Direct or indirectly threatens to make use of force, violence or restraint, inflict or threaten to do so, any temporal or spiritual injury, damage, harm or loss upon or against any voter in order to induce or compel him/her to vote or refrain from voting Abduction, duress or any fraudulent contrivance, impedes or prevents the free use of vote	
Defacement of notices, Section 105 NEA	Without lawful authority destroying, mutilating, defacing or removing any notice which is exhibited under this Act.	A fine not less than thirty thousand shillings and not more than one hundred thousand shillings or imprisonment for not less than one month and not more than six months or both.
Public meetings on election day Section 104 NEA Display of emblems in polling station's vicinity. Section 104 NEA	Holding a meeting on election day or within any building where voting in an election day or within the radius of 200m or such building wear or display any card photograph in favor of a particular candidate	A fine of not less than fifty thousand shillings and not exceeding one hundred thousand shillings. Section 104 (2) NEA



<b>CRIME</b>	<b>GROUND</b> S	<b>PENALTY</b>
Unfair conducts, S 21 The Election Expenses Act (EEA)	Indirectly or directly giving, lending or agreeing to give or lend, offer or promise to give any money or valuable consideration to any voter in order to induce any voter to vote or refrain from voting. Section 21 (1) (a) EEA	Disqualification from participation in the election. Section 24 (1) EEA institute criminal proceedings or an election petition against that candidate Section 24 (3) (4) EEA
	Directly or indirectly giving or procuring or endeavouring to procure, any office, place or employment, to or for any voter, or to or for any person on behalf of any Voter, to vote or refrain from voting. Section 21 (1) (b) EEA	Disqualification from participation in the election. Section 24 (1) EEA institute criminal proceedings or an election petition against that candidate Section 24 (3) & (4) EEA
	Directly or indirectly making gift, loan, offer, promise, procurement or agreement to or for any person in order to induce such person to procure or to endeavor to procure, the nomination of a person as a Councillor, a candidate by a political party, the election of any person as a Member of Parliament or the President or the vote of any voter at any nomination process or election; section 21 (1) (c) EEA	Disqualification from participation in the election. Section 24 (1) EEA institute criminal proceedings or an election petition against that candidate Section 24 (3) & (4) EEA
Bribery Section 21 (1) (e) EEA	Paying or causing one to be paid in nomination process	Disqualification from participation in the election. Section 24 (1) EEA Criminal proceedings or an election petition against that candidate Section 24 (3) & (4) EEA

<b>CRIME</b>	<b>GROUND</b> S	<b>PENALTY</b>
	Directly or indirectly receiving, agreeing or contracting for any money, gift, loan or valuable consideration in order to vote for someone or refrain from vote. Section 21 (1) (f) EEA	Disqualification from participation in the election. Section 24 (1) EEA institute criminal proceedings or an election petition against that candidate Section 24 (3) & (4) EEA
Unconscionable funding Section 22 (a) EEA	directly or indirectly giving, or providing, or paying, wholly or in part, the expense of giving or providing food, drink, entertainment or provisions to or for any person, for the purpose of influencing that person, or any other person, to vote or to refrain from voting at such nomination process or election.	Disqualification from participation in the election. Section 24 (1) EEA institute criminal proceedings or an election petition against that candidate Section 24 (3) & (4) EEA
Conveyance of voters Section 23 EEA	paying or contracting for payment for the purpose of promoting or procuring the nomination or election of a candidate at any nomination process Section 23 (1) EEA	Disqualification from participation in the election. Section 24 (1) EEA institute criminal proceedings or an election petition against that candidate Section 24 (3) & (4) EEA
Offences relating to powers of the Registrar Section 27 EEA	<ul style="list-style-type: none"> <li>• Makes false statement in any returns or financial report Section 27(d) EEA</li> <li>• Destroying any books, papers, documents or thing relating to the subject matters of investigation, examination or inspection Section 27(e) EEA</li> </ul>	

CRIME	GROUNDS	PENALTY
<ul style="list-style-type: none"> <li>• Obstructing the Registrar or his representative from exercising powers of the Registrar under the Act Section 27 (a) EEA</li> <li>• Refusing to produce books, papers and documents as requested by the Registrar Section 27(b) EEA</li> <li>• Producing false books, documents or false information to the Registrar Section 27(c) EEA</li> </ul>		
Violation of electoral law, Reg 13 (Media Codes of Conduct for Election Reporting in Tanzania 2015)	Any act amounts to violation of electoral law as stipulated in laws Regulation 16 (1) of Kanuni za Utangazaji (Maudhui)	Media suspension, Criminal punishments

**Laws Covered:**

NEA – The National Elections Act CAP 343 R.E. of 2015

EEA – The Election Expenses Act, Act No. 6 of 2010







Tanganyika  
Law Society

House No. 21|Chato Street | Regent Estate  
P.O. Box 2148 | Dar Es Salaam | Tanzania  
Telephone: +255 22 277 5313  
Fax: +255 22 277 5314  
Email: [info@tls.or.tz](mailto:info@tls.or.tz)  
Website: [www.tls.or.tz](http://www.tls.or.tz)

