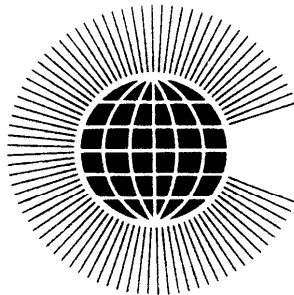


Voting for Democracy

Conference of Commonwealth Chief Election Officers
Queens' College Cambridge - 23-26 March 1998

COUNTRY PAPER: TANZANIA

Mr Alex T Banzi, Director of Elections, Tanzania



Commonwealth Secretariat

CONFERENCE OF COMMONWEALTH CHIEF ELECTION OFFICERS

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(By A. T. Banzi, Director of Elections)

1. ELECTION MANAGEMENT BODY

In Tanzania the body responsible for election management is the National Electoral Commission. It is a seven-member body comprising a Chairman, a Vice Chairman and five other members. The Chairman must be a Judge of the High Court or the Court of Appeal and one of the other Commissioners must be a member of the Tanganyika Law Society. All members are appointed by the President of the United Republic of Tanzania.

Under the Constitution, all Commissioners and members of its Secretariat are prohibited from being members of any political party. Also certain persons are disqualified from appointment as Commissioners. These are Cabinet Ministers and Deputy Ministers; Members of Parliament; Local Government Councillors; and leaders of political parties.

The Commission is responsible for delineation of parliamentary constituency boundaries, registration of voters, and the general supervision and coordination of Presidential, Parliamentary and Local Government elections.

To guarantee the Commission's independence the Constitution provides that

- (a) the Commission is an independent department and "**shall not be obliged to follow orders or directives of any person or any Government department or the views of any political party**"
- (b) decisions of the Commission are not subject to review by courts of law.
- (c) the tenure of office for a Commissioner is five years and the President can remove a member from the Commission "**only for disability to discharge the functions of his office;.... for bad behaviour of for losing the qualifications for being a Commissioner**".

The Director of Elections is the Chief Executive and Secretary to the Commission. He is appointed by the President of the United Republic on recommendation by the Commission.

2. WHAT KIND OF ELECTIONS

Tanzania is divided into 232 single member Parliamentary Constituencies and 2411 Wards for Local Government elections. In both cases, and also in the case of Presidential elections, the First Past the Post system is the one in use. The winning Presidential candidate must however obtain more than 50% of the votes.

There is also an element of proportionality, however, in Tanzania's system. In the case of Parliamentary elections there are special seats for women (not less than 15% of the other categories of Parliamentarians). These are filled in by the Commission proportionately on the basis of seats won/occupied by each political party in Parliament. A similar arrangement exist for Local Government elections, whereby the special seats for women in each Council is not less than 25%.

3. GETTING THE REGISTER RIGHT

Tanzania does not have a permanent voters register and has not yet computerised its register. We register voters for each election and everything is done manually. All this is being done in a country with no national identity cards and where the registration of births and deaths is not mandatory.

To minimise the risk of registering aliens we recruit registration officials from the local areas where they will carry out the registration exercise. In addition we invite each political party to station one representative at each registration centre.

Normally the registration exercise for a general election lasts 30 days; less for by elections. After that registers are displayed at every ward headquarter usually for four consecutive days. During that period any registered voter can inspect them and object to the retention or exclusion of any name therein. The Returning Officer's decision on any objection is subject to appeal to a Magistrate, whose decision is final, at this stage.

Some of the problems faced in the past include double registration, or tricks by parties and candidates. The latter include buying off registration certificates in order to prevent voters from voting, claims of importing voters from outside the polling district especially in urban/border areas.

4. PREPARATIONS FOR THE ELECTION

A successful election requires, among other things, careful planning well in advance, proper coordination of the various actors, an efficient system of procurement and disposal of resources (including finances, materials, manpower, and services) and proper management and vigilant supervision of all the processes involved.

The following is a list of some of the important broad categories of things and issues which we normally take into consideration at the planning stage -

- (a) Review of the conduct of the preceding election, and a survey of the prevailing environment,

- (b) Survey of the law, regulations and directives with a view to effecting amendments, if any, in good time before the beginning of the electoral processes;
- (c) Preparing estimates of eligible voters, polling stations, materials services, finances and other resources;
- (d) Stage by stage logistical/administrative arrangements, leaving no stone unturned and with minute attention to detail;
- (e) Submission of these estimates to the relevant authorities for approval and necessary action and proper follow up.
- (f) Setting the machinery for conducting the election, including training of members of the Commission's Secretariat, recruitment of additional staff, and appointment of liaison committees;
- (g) Demarcation of constituencies;
- (h) Appointment and training of Returning Officers, and other election officials;
- (i) Voter Education, Observers and accreditation;
- (j) Procurement of materials; preparation at various stages; and delivery to required destinations;
- (k) Organising, directing and controlling the electoral processes (Registration, Nomination, Polling Counting/Results) and finances.

5. CIVIL SOCIETY AND THE ELECTORAL PROCESS

1. Media

The access and obligation of public media in an election is covered by section 53 of the Election Act, 1985 under which presidential candidates and political parties participating in an election ***"shall have the right to use the state radio and television broadcasting service during the official period of election campaign"***. This use is coordinated by the Electoral Commission.

The Act also stipulates that ***"every print media owned by the government which publishes any information relating to the electoral process shall be guided by the principle of total impartiality and shall refrain from any discrimination in relation to any candidate journalistically and in the amount of space dedicated to them"***. The Electoral Commission is empowered to issue binding directives to any government owned media.

2. Political Parties

In Tanzania every Presidential, Parliamentary and Local Government election candidate must belong to, and be sponsored by, a political party. Independent candidates are not allowed. Also, according to the law political parties are among the parties allowed to organize campaigns on behalf of their candidates. Apart from these, there are several other areas in which political parties have a role in the elections directly or through their candidate. These include the right to object against the appointment of a field election official; appointment of a polling/counting agent; the right to appoint a representative to oversee the voter registration process, etc.

Apart from these the Commission has, during an election, several committees in each of which political parties are represented. Regular consultative meetings are also held between the Commission and political parties at national level and also between Returning Officers and political parties at constituency levels. Under the Elections Act the Commission may also issue directives of a general or specific character.

3. Observers

The law mentions observers only in relation to the fact that they may be allowed by the Commission to be present at polling stations and during the counting of votes. During the 1995 General Election, however, some local monitors and international observers were already on board from the registration-of-voters stage. According to the directives issued by the Commission (a) the activities of observers were to end after the announcement of the results; (b) they had the right, among others, to communicate freely with any political party, and the obligation to exercise their role with impartiality, independence and objectivity. The monitors and observers presented their reports to the Commission after the elections. In November, 1997 an international workshop was organised by the Commission to discuss these reports together with the Commission's own Report on that election.

6. THE VOTER AND THE ELECTORAL PROCESS

The contemporary multiparty system in Tanzania is a new phenomenon. To keep voters akin with the system the National Electoral Commission conducted, during the 1994 and 1995 Local government and Presidential/Parliamentary elections respectively, an extensive civic education programme. This covered education on democracy/democratic rights generally, as well as voter education specifically on the various aspects of the electoral process. It was done mainly through radio and in varying degrees by way of khangas; T.shirts; Posters; leaflets; guidelines to voters, political parties/ candidates and to election officials.

Special disadvantaged groups are taken care by the electoral system. For example women have special seats, as already indicated, in Parliament and local Government Councils. Also where a registered voter is incapacitated from voting he is allowed to take with him a person of his own choice to cast the vote for him.

7. THE COST OF ELECTIONS

Free and fair elections is the prime objective of Tanzania National Electoral commission. But in a country beset with a staggering economy, one can never avoid the need for planning the elections with a view to making their cost as low as possible, without sacrificing the prime objective.

The 1995 General Election cost T.shs, 38,567,396,767/=. Since then the Commission has taken certain measures geared at reducing the cost, including the following:

- (a) putting an end to the practice of paying allowances to polling agents while attending seminars organised by the Commission, and also while witnessing the voting/counting processes at polling stations;
- (b) polling agents will no longer be involved in seminars organised by the Commission for Polling Assistants and Presiding Officers although they will continue to be provided with training materials used in the seminars;
- (d) combining and /or redesigning certain forms wherever possible.

It may be of interest to note that during the 1995 General Election, items (a) and (b) above alone cost T.shs. 12,107,843,552/= which represents about 31% of the total election bill.

8. TRAINING AND TECHNOLOGY

Apart from less than six or seven computers of the National Electoral Commission secretariat there is no element of technology in our elections.

9. ELECTION DAY

In Tanzania Planning for the election days takes into consideration the importance of correct timing, transparency, logistics security, secrecy of the vote, counting and the declaration of the results. Some of these things are part of the law; others are regulations and/or directives issued by the commission after consultation with political parties. The following are examples of some of the methods we use:

- (a) involving candidates, polling agents and /or party agents in the exercise of distributing election materials to presiding officers; and escorting ballot boxes to and from polling stations.

- (b) requiring polling agents to sign statutory forms at the opening/closing of the poll, in which they indicate their satisfaction or dissatisfaction on the conduct of the poll. Similar forms are also available for voters with complaints at the polling stations.
- (c) As for as practicable agents are given copies of results forms, signed by the polling/counting agents themselves, and the election officials responsible for the counting exercise. A copy of the form is also displayed conspicuously at the place of counting.

NB Votes for the Presidential and Parliamentary elections are counted at the polling stations; whereas those for Local Government Elections are counted at a central place in each ward.

- (d) At the polling station/counting exercises, polling agents and observers are among the persons allowed to be present.

10. AFTER THE EVENT

In Tanzania, complaints against election results can be made to the courts of law by way of election petitions. This is allowed only for the Parliamentary and Local Government elections; no such provision exists for Presidential elections.

According to the elections Act petitions can be made only on any of the ground that during the election campaign tribal, racial, regions, or sexual differences were exploited; none compliance of the Act, which had an effect on the results of the election; and on questions relating to the qualifications of a candidate.

After the 1995 General Elections 134 petitions were filled in the High Court out of the 232 Constituencies. Eightyone were subsequently withdrawn by the petitioners; 25 were dismissed; and elections results were nullified in five constituencies. All in all there are still 12 petitions pending including some in the Court of Appeal.