



A Review of the Newly Enacted legislation on Elections and Political Parties in Tanzania



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1. Executive Summary

On 22nd March 2024, the Speaker of the Tanzanian parliament, Tulia Ackson, announced that the President of Tanzania has signed into law three bills that were tabled before her governing the conduct of elections and political parties in the country. Until 2015, Tanzanian elections had been judged by most national and international observers and monitors to be relatively free, fair, and credible. Notwithstanding long-standing discontent with elections in Zanzibar, elections had been conducted with relative transparency, inclusion, and participation not because of but despite a limiting legislative framework anchored on the constitution of the United Republic of Tanzania. As such, elections have been a subject of public scrutiny, academic reviews, and public debate in Tanzania. The 2020 general elections marked a particular low point and the first time in the country's history when such widespread fraud and violence was observed. These were preceded by a similarly fraudulent and barely credible local government election in 2019.

Following the ascension to Presidency of Samia Suluhu Hassan in March 2021, there have been numerous calls for democratic reforms. It is not surprising that electoral reforms have been at the heart of these calls for reform. In response to these calls, the President sought counsel from the Mukandala task force on Democratic reforms but also from her political opponents during their bilateral dialogue. The bone of contention when it comes to electoral reforms as revealed in both processes has centered around the independence of electoral management bodies (EMBs), impunity and limited access to justice in electoral disputes as well as limited transparency and accountability of the EMBs towards the public. It was hoped therefore that any reforms of the electoral framework would address these among other questions.

In December 2023, the Parliament of Tanzania issued a circular inviting public participation in the process leading to the enactment of three legislation i.e. the National Electoral Commission Act, the The Political Parties Affairs Laws (Amendment) Act, 2024 and The Presidential, Members of Parliament and Councillors Election Bill, 2023. Over 1,700 submissions were made in parliament by individuals and interest groups. Many of these referred to a whole litany of recommendations made by several commissions, committees, task forces and observer missions that commented on the Tanzanian elections.

The Center for Strategic Litigation joined forces with other civil society stakeholders including the Tanganyika Law Society, the Legal and Human Rights Center and Twaweza East Africa to review the proposed legislation and submit it before the Tanzanian parliament. At the end of it, some of the recommendations (at least 13%) were taken on board while others were left out. The most important of these recommendations was the need to review the constitution insofar as the management of elections is concerned in order to conform with multiple court decisions, regional standards on elections and stakeholder recommendations. In the absence of implementation of such minimal constitutional amendments, it is impossible to adequately address many of the concerns raised including the independence of the commission, inclusion, and accountability of the commission.



The enactment of the three laws therefore provided an opportunity to redress anomalies and significantly transform the conduct of elections in the country. While several of the recommendations have been adopted and notwithstanding the public participation, concerns remain. It is of concern that more than 10 court decisions have been made on Tanzania through domestic and regional courts and only one of these decisions has been implemented. Not taking into account such prevailing court decisions is an affront to the rule of law and puts to question Tanzania's commitment to it. The rejection of any constitutional amendment is also counterproductive since most of the issues complained about perennially are in fact anchored on constitutional provisions.

Some progress has been made in terms of the appointment of the NEC commissioners and to some degree the secretariat. The provision for a nomination committee to recommend such names to the President is an important step although no regulations have been made to suggest how it would ensure transparency in its operation and deliberations. All the members of the committee are nonetheless Presidential appointees begging questions on their own independence and that of the process itself. The move to open up the appointment of returning officers is commendable although it does necessarily exclude the appointment of District Executive Directors to the role. The provision to only recruit from the civil service for the returning officers and the Director of Elections is also discriminatory and does not address the concerns raised in the [*Bob Chacha Wangwe vs Attorney General & Others \(Misc. Civil Cause 6 of 2018\) \[2018\] TZHC 113.*](#)

To adequately address the outstanding concerns and to fully utilize the value of the new laws, constitutional amendments are inevitable. Implementing the passed laws is also critical to gain public confidence in the lead up to the local government (civic) and general election.

This review is based on an initial analysis of the bills tabled in parliament in collaboration with our partners. This was followed by close monitoring of the parliamentary debate and a review of the hansard from the parliament. The conclusions made are based on a review of the legislation that was eventually passed. It discusses historical concerns and observations on Tanzanian elections, salient features of the passed act and recommendations made by many stakeholders on the electoral framework. Recommendations are made on how to further improve the electoral landscape to ensure inclusive and participatory processes.



2. Background

On 10th November 2023, the Tanzanian government submitted to parliament a set of legislative amendments (bills) aimed at reforming the existing framework governing elections and political parties¹. The bills include the National Electoral Commission Bill 2023, the Presidential, Members of Parliament and Councillors Elections Bill 2023 and the The Political Parties Affairs (Amendment) Bill 2023. The latter seeks to amend the Election Expenses Act (2010) and the Political Parties Act (2019) with the view to strengthen transparency and accountability by political parties as well as civil society in accounting for funds and resources expended during elections. It also seeks to strengthen the role of the Registrar of political parties in oversight of the conduct of political parties while providing for more inclusion and efficiency in internal decision making. The former seeks to establish an independent legislation governing the conduct of the electoral management body² while the third law seeks to streamline two separate statutes that erstwhile governed elections in the country³. It must be noted that the amendments largely affect the union elections as Zanzibar maintains its own law on elections.⁴ The amendments have not explicitly included the civic elections which continue to be run by the President's office against popular expectation.⁵ The amendments thus only affect Zanzibar insofar as Political parties and the election of Members of Parliament (MPs) and the union President are concerned. Notwithstanding, the laws were finally passed by parliament in February 2024⁶ and assented to by President Samia Suluhu Hassan in March 2024 despite widespread opposition.⁷

The legislation and amendments passed come against the backdrop of a series of concerns and gaps around the conduct of elections in the country. Despite the transition back to multipartyism in 1992 via the eighth constitutional amendment,⁸Tanzania's performance has seen mixed results. Most of the laws governing elections were enacted prior to the 1992 amendment i.e. under single party rule and no effort was made to repeal them. According to the EU Election Observation Mission in 2015, *“although the frameworks governing elections in the Union and in Zanzibar provide a reasonable basis for the conduct of democratic elections, a number of issues remain unaddressed from the previous elections. These include the constitutional ban on independent candidates to stand for elections and*

¹ The Citizen (2023) Public opinion split over proposed elections bill.

<https://www.thecitizen.co.tz/tanzania/news/national/public-opinion-split-over-proposed-elections-bill-4429994>

² Until now, the overarching legislations governing elections were the constitution of the United Republic of Tanzania (1977) and the National Elections Act (1985).

³ In addition to the National Elections Act (1985), the The Local Government (1982) (District Authorities) Act, Cap 287.

⁴ (i) the Zanzibar Election Act No.4 of 2018 (See:

<https://www.zanzibarassembly.go.tz/storage/documents/acts/english/all/1674717958.pdf>) and the Zanzibar Electoral Commission Act (1992) (See: <https://www.zanzibarassembly.go.tz/storage/documents/acts/english/all/1674560255.pdf> and the Zanzibar Constitution.

⁵ Liviga A. .Ahmed R. Research and Education for Democracy in Tanzania Project & Chuo Kikuu cha Dar es Salaam Department of Political Science and Public Administration. (2017). *Local Government Elections in Tanzania: Why NEC Should Take Over their Management*. University of Dar es Salaam.

⁶ TRT Afrika (2024) Tanzania passes electoral reforms despite opposition. See: <https://www.trtafrika.com/africa/tanzania-passes-electoral-reforms-despite-opposition-16858540>

⁷ Takwa E (2024) Samia approves electoral reform bills into laws. See: <https://dailynews.co.tz/samia-approves-electoral-reform-bills-into-laws/>

⁸ Constiution.net (2024) The Constitutional history of Tanzania. <https://constitutionnet.org/country/tanzania>



the inability to challenge presidential election results, which are not in accordance with international principles for democratic elections.”⁹

While the 2015 elections were generally rated as transparent and well conducted, they concluded on a low when the Chairman of the Zanzibar electoral commission unilaterally annulled the Zanzibar elections for unexplained anomalies leading to a political standoff in the isles¹⁰. The successful conduct of fairly transparent elections in Tanzania has therefore been achieved not necessarily because of but in spite of a robust legislative framework governing elections. This is so because since the 1992 elections and despite numerous court decisions, the Tanzanian state has resisted attempts to comprehensively overhaul the legislative framework but for a few limited amendments. More importantly the primary legislation i.e. the constitution of the United Republic of Tanzania and the National Election Act (1985) remained unchanged until now. On the other hand, the Political Parties Act is essentially designed to provide for and protect the hegemony of the ruling Chama cha Mapinduzi¹¹.

Article 74 of the constitution provides unchecked authority to the President of the United Republic to appoint the entire 7member National Election Commission raising questions over the independence of the Commission. The President also appoints the Chief Executive of the Commission along with the various departmental heads. The President also appoints the Chief Executives of the various local councils who have since the 2000 elections, overseen elections in their respective districts. This implies therefore that the Tanzania President who is usually a candidate for elections is also effectively the national election returning officer through their powers of appointment. Meanwhile the constitution provides blanket immunity for the running of elections by barring any court of law from inquiring into the conduct of the electoral commission.¹² This is further compounded by the Article 41(7) of the constitution which bars any objection to Presidential election results once announced by the commission which has been called out by numerous observers and more recently the African Court on Human and People’s Rights.¹³

Tanzania’s electoral regime has also been faulted for failing to adequately provide for the inclusion of vulnerable groups including women, youth, and people with disabilities. The absence of well-defined gender and inclusion policies including quotas and protection from violence have significantly affected the participation of such groups in elections. As such, the Tanzania Women Cross Party Platform reported that 7 out of 10 women candidates in 2015 reported that they had experienced abusive language during election campaigns.¹⁴ These include cases of verbal harassment, insults, and being

⁹ European Union Election Observation Mission (2015) Tanzania–General Elections 2015 Press release.

https://www.eods.eu/library/05pressreleaseprelimstatement_en.pdf

¹⁰ BBC World (2015) Tanzania election: Zanzibar vote annulled after fight. <https://www.bbc.com/news/world-africa-34656934>

¹¹ Article 7 (2) provides: Notwithstanding the provisions of subsection (1), Chama cha Mapinduzi, also known by the acronym CCM, which was, immediately before this Act, a political party for the whole of the United Republic shall, on the coming into effect of this Act and without further requirement, be deemed to have been fully registered as a political party and shall be issued with a certificate of registration in accordance with this Act.

¹² Article 74 (12) provides: No court shall have power to inquire into anything done by the Electoral Commission in the discharge of its functions in accordance with the provisions of this Constitution.

¹³ Application no.18 of 2018. Jebra Kambole vs. The United Republic of Tanzania. See: <https://www.african-court.org/en/images/Cases/Judgment/App1.%20018%20-%202018%20-%20Jebra%20Kambole%20-%20Judgment.pdf>

¹⁴ Tanzania Women Cross Party (2015) Violence Against Women in Elections (VAWE evidence from the 2015 Tanzania General Elections)



booed while on stage. The lack of proactive protection of women has limited the opportunity for effective women's participation in elected office leading to most of them participating via special seats both in parliament and at the local councils.¹⁵ Growing violence in the elections has also meant that fewer women compete for elections resulting in a dismal 25 women elected out of 294 parliamentary seats in 2020.¹⁶ Tanzanian youth have complained about the set eligibility age for election to parliament as well as the Presidency¹⁷. Meanwhile, the lack of explicit provision for the (defined) inclusion of people with disabilities in party structures and decision making has limited the representation of PWDs in Tanzanian politics.

In April 2000, against public calls for constitutional reform, the Tanzanian government passed through parliament the 13th constitutional amendments. Instead of ceding to popular demands as indicated in the Kisanga committee report, the proposed changes marked further regression in the struggle for improving the country's democratic tradition" according to Prof. Chris Maina Peter of the University of Dar es Salaam.¹⁸

The amendment brought two major consequential changes to the constitutional and electoral framework. On the one hand, it dispensed with the requirement to attain over 50% of the vote before one could be declared winner of a presidential race replacing it with a simple majority as a requirement. This has significant ramifications for the legitimacy of the declared winner as one may indeed win the presidency without any substantial national acceptability. In 2010, Jakaya Mrisho Kikwete was declared winner of the presidential vote with only 5,276,827 votes out of 20,146,119.¹⁹ In 2015, John Pombe Magufuli was declared winner of the vote with only 8,882,935 votes out of 23,161,440 voters.²⁰ In the most recent general election in 2020 John Pombe Magufuli was again declared winner with 12,516,252 votes out of the 29,754,699 registered voters.²¹ This implies therefore that since 2010 the Tanzanian president has been declared winner with only 26%, 38% and 42% of the vote which altogether begs questions on the acceptability of the declared winner.

On the other hand, the 13th amendment introduced a new provision to allow for the President to appoint a total of 10 members to the parliament of the United Republic in what observers rule as an affront to parliamentary supremacy and independence. The combination of the simple majority and

¹⁵ Lihiru, V. M. (2023). Political Parties Act as a Stumbling Block to Women's Political Leadership in Tanzania. *The African Review* (published online ahead of print 2023). <https://doi.org/10.1163/1821889x-bja10087>

¹⁶ Lihiru V (2020). Chronicles of Women Participation in the 2020 General Elections in Tanzania. See: <https://udadisi.com/chronicles-of-women-participation-in/>

¹⁷ Philemon, S. (2023) Youth Engagement in Democratic Process and Peace Building in Tanzania: A Study of the 2020 General Elections in Dodoma City, *African Journal of Politics and Administrative Studies AJPAS*, 16(2):731-846

¹⁸ Peter (2000), CONSTITUTION-MAKING IN TANZANIA: THE ROLE OF THE PEOPLE IN THE PROCESS. See: <https://core.ac.uk/download/pdf/79425301.pdf>

¹⁹ TANZANIA ELECTION MONITORING COMMITTEE (TEMCO) (2011) THE 2010 TANZANIA GENERAL ELECTIONS: REPORT OF THE TANZANIA ELECTION MONITORING COMMITTEE. See: https://temco.udsm.ac.tz/images/stories/TEMCO_Reports/TEMCO_REPORT_2010_GENERAL_ELECTION_ENGLISH_VERSION.pdf

²⁰ The National Electoral Commission (2016) REPORT ON THE 2015 PRESIDENTIAL, PARLIAMENTARY AND COUNCILLORS' ELECTIONS. See: https://www.nec.go.tz/uploads/documents/en/1560339353-REPORT%20%20NEC%20ENGLISH_REVISIED.pdf

²¹ The National Electoral Commission (2021) REPORT ON THE 2020 PRESIDENTIAL, PARLIAMENTARY AND COUNCILLORS' ELECTIONS. See: <https://www.nec.go.tz/uploads/documents/en/1630322400-GENERAL%20ELECTION%202020%20REPORT.pdf>



the first past the post electoral rule significantly heightens the stakes of Tanzanian elections and leave room for improvement to ensure the process is both inclusive and reflective of the people’s will.²²

Observers have often questioned the level of transparency in the conduct of the National Electoral Commission.²³ The EU Election Observation Mission to Tanzania in 2015 noted that “NEC did not show full transparency in their decision making at various stages of the election process” and “stakeholders requests to scrutinise the activities of the NEC were not always granted.” In further illustrating this, the NEC has to date failed to publish the constituency level results of the Presidential election from the last general election in 2020. Observers have also raised queries about the apparent discrepancy between the total presidential votes and those for parliamentary seats.

The 2020 General Election

Notwithstanding these historical gaps, the 2020 elections and the period leading to them saw a crackdown on the rule of law.²⁴ This was illustrated by the enactment and/or aggressive but selective enforcement of various laws, including the Police and Auxiliary Services Act Cap 322, Cyber Crime Act (2015), Statistics Act (2015), Electronics and Postal Communication Regulations (2020), Prevention of Terrorism Act (2002), and the Media Services Act (2016)²⁵. Consequently, numerous arrests of opposition party members and journalists were reported. Major rights groups were barred from observing the elections, the right to assembly was curtailed, and the media faced restrictions, including internet shutdowns.²⁶ The 2020 election was marred with an unprecedented degree of violence²⁷ and the wholesale exclusion of opposition candidates from the ballot.²⁸ The leading opposition party CHADEMA reported that 57 (out of 264) of its candidates for parliament and 642 (out of 3,956) for councillorship had been disqualified. This was complemented with frequent objections of candidates by various parties both in the Union and Zanzibar elections²⁹. As a result, at the end of the election, the ruling CCM had 28 candidates for parliament who ran “unopposed” as they never had to be voted for in the first place. The 2020 events were preceded by similar developments during

²² Whitehead R. (2009) *Single-party rule in a multiparty age : Tanzania in comparative perspective* (PhD dissertation). Temple University Libraries. Temple University.

²³ Makulilo A. B. (n.d.). Independent electoral commission in tanzania: a false debate? *Representation* 435–453. <https://doi.org/10.1080/00344890903257409>

²⁴ Civicus Monitor (2020) 2020 Elections marred with gross irregularities spark growing concern for civic space in Tanzania. See: <https://monitor.civicus.org/explore/2020-elections-marred-gross-irregularities-spark-growing-concern-civic-space-tanzania/>

²⁵ Amnesty International. (2020). *Lawfare : repression by law ahead of tanzania’s general elections*. Accessed on February 9 2024.

²⁶ Sakpa D (2020) Tanzania restricts social media during election. See: <https://www.dw.com/en/tanzania-restricts-social-media-during-election/a-55433057>

²⁷ A report by Journalists for Justice, Right the Wrongs: Spotlight on the Tanzania 2020 General Election notes that During the 2020 elections in Tanzania, there were several reports of killings, physical attacks resulting in injuries, torture, abductions, and arrests. Opposition political parties reported arbitrary arrests, detention, and attacks against their members. By November 2, 2020, human rights monitors and lawyers representing political opposition parties reported over 300 people as having been arbitrarily arrested, detained, or disappeared by security forces. Available at: <https://ifjustice.net/wp-content/uploads/2022/06/RIGHT-THE-WRONGS-REPORT-4-2.pdf>

²⁸ Voice of America (2020) Tanzanian Opposition Parties Allege Candidates Have Been Unfairly Disqualified. https://www.voanews.com/a/africa_tanzanian-opposition-parties-allege-candidates-have-been-unfairly-disqualified/6195095.html

²⁹ The leading opposition candidate in Zanzibar Maalim Seif Shariff Hamad saw his candidacy threatened after an objection was raised against his nomination for failing to clearly indicate his gender. See: Seif Sharif Hamad awaits ZEC ruling on his candidacy objection: <https://www.thecitizen.co.tz/tanzania/news/national/seif-sharif-hamad-awaits-zec-ruling-on-his-candidacy-objection-2716084>



the 2019 local elections when CHADEMA reported that 94% of their candidates had been disqualified while the third-party ACT Wazalendo reported that 166,649 of their candidates were barred from contesting.³⁰

In view of these reported irregularities. The Tanzania Election Watch: a coalition of eminent persons from East and Southern Africa concluded that the 2020 election was neither free nor fair³¹. In the eyes of many observers, the said elections had fallen short of reasonable credibility. For the first time in the history of elections in the country, the UN High Commissioner for Human Rights released a statement calling out gross human rights violations in the conduct of the 2020 elections.³² This subsequently led the opposition parties to take action by first denouncing the entire election before eventually filing a suit at the African Court to challenge the conduct of the election.³³As it currently stands, there are at least 14 different court decisions on the electoral legislative framework which remain unenforced.

Against this backdrop, upon her ascent to the Presidency of the United Republic following her predecessor's unprecedented demise, President Samia Suluhu Hassan made a commitment to redress some of the past democratic gaps to improve the democratic context guided by her 4R³⁴ philosophy. This included the appointment of a task force on democratic reforms to investigate the state of the country's democracy and make recommendations for improving it. On the other hand, the President initiated bilateral consultations with the leading opposition party CHADEMA while in Zanzibar, a government of national unity was formed³⁵ notwithstanding the context. While measures to engage in bilateral dialogue were initiated although they remain stalled.

In early 2023, the President made a pledge to restore competitive politics by lifting the ban on political rallies installed by her predecessor as part of the implementation of her 4R's philosophy³⁶. This follows recommendations by the Mukandala task force as well as calls by the opposition during the bilateral dialogue. Nonetheless, in September 2023, the President called off any hopes of a Constitutional review after initially indicating support for it.³⁷ It should be noted nonetheless that a review of the Constitution is necessary in order to improve the current electoral framework in Tanzania.

³⁰ Sauti Kubwa (2019) Tanzania civic elections: Manipulated by government, shunned by opposition. See:

<https://sautikubwa.org/tanzania-civic-elections-manipulated-by-government-shunned-by-the-opposition3022-2/>

³¹ Kenya Human Rights Commission Kituo cha Katiba & Tanzania Elections Watch. (2021). *Not free not fair : final observation report on the general election held in tanzania on october 28 2020 : tanzania elections watch : final report : february 28 2021*. Kenya Human Rights Commission and Kituo cha Katiba on behalf of Tanzania Elections Watch.

³² UN News (2020) UN rights chief Bachelet condemns Tanzania election violence:

<https://news.un.org/en/story/2020/11/1077292>

³³ Seif Sharif Hamad V The United Republic of Tanzania (2020) Application No.46/2020. Available at <https://www.african-court.org/cpmt/storage/app/uploads/public/5fd/cb5/a87/5fdcb5a87073c655147976.pdf>

³⁴ The 4Rs denote: Reconciliation, Resilience, Reforms and Rebuilding.

³⁵ EDITORIAL: FRESH HOPES IN ZANZIBAR GOVT OF NATIONAL UNITY. See: <https://www.thecitizen.co.tz/tanzania/oped/-editorial-fresh-hopes-in-zanzibar-govt-of-national-unity-3259256>

³⁶ Kombe C (2023) Tanzania's Opposition Welcomes President's Pledge to Restore Competitive Politics. See:

<https://www.voanews.com/a/tanzania-s-opposition-welcomes-president-s-pledge-to-restore-competitive-politics-/6999267.html>

³⁷ Karashani B (2023) CCM, Chadema honeymoon ends in 'Maridhiano' fallout. See:

<https://www.theeastafrican.co.ke/tea/news/east-africa/ccm-chadema-honeymoon-ends-in-maridhiano-fallout-4416212>



The new electoral bills are part of the means being deployed to reform the current electoral system. They however fall short on triggering any major changes as they have evaded any constitutional reform while also failing to address most of the historical gaps observed.



3. The Current Electoral Legal Framework in Tanzania

The legal framework for elections in Tanzania includes constitutional provisions, acts, regulations, and subsidiary legislations governing the electoral process. The Constitution of Tanzania, 1977 (as amended from time to time), and National Elections Act (revised in 2015), provide the primary legal framework for conducting elections in Mainland Tanzania, while the Constitution of Zanzibar, 1984, the Zanzibar Electoral Commission Act (1992) and the Zanzibar Elections Act no.4 of 2018 govern elections in Zanzibar.

In addition to these primary legal instruments, there are several other laws and regulations that play a crucial role in governing the electoral process in Tanzania. These include the National Elections (Presidential and Parliamentary) Regulations 2020, Political Parties Act 1992, National Elections (Election Petition) Rules 2010 and the Political Parties (Amendment) Act, 2019.³⁸ This legal and regulatory framework for elections in Tanzania outlines the procedures for the election of the President, members of the National Assembly, and local government officials, as well as the regulation of election campaigns, funding, and the management of election disputes.

Tanzania is also a party to several international treaties and protocols that outline rights in relation to elections such as the UN International Covenant on Civil and Political Rights 1976, African Charter on Human and Peoples' Rights 1998, SADC Principles and Guidelines Governing Democratic Elections 2015 (Revised), UN Convention on the Elimination of Discrimination Against Women 1979, UN International Convention on the Elimination of Racial Discrimination 1969 and the Commonwealth Harare Declaration 1991.

It's important to note that Tanzania has not signed or ratified the African Union's African Charter on Democracy, Elections, and Governance (ACDEG) despite participating in the establishment of the instrument. Additionally, the establishment of the Protocol on Good Governance at the East African level has stalled since 2011.

Despite the existence of constitutional and legal guarantees of freedoms and citizen rights, there have been concerns about the existing electoral legal framework in a number of areas. Some of the concerns highlighted by stakeholders include the lack of independence of the National Electoral Commission,³⁹ lack of stakeholder consultations and oversight of the elections,⁴⁰ restrictions on election observation,⁴¹ the limited scope for legal recourse in the event of electoral disputes and exclusion of the courts from adjudicating electoral disputes etc.⁴² Thus throughout the years there

³⁸ Other laws supporting these include; The Local Government (District Authorities) Act, Cap 287, The National Elections (Election Petitions) (Amendment) Rules 2010, The Local Government (Urban Authorities) Act, Cap 288, The National Elections (Election Petitions) (Amendment) Rules 2012, The Local Authorities (Election Petitions) Rules 2010, The Election Expenses Act, Cap 278 and The Election Expenses Regulations, 2010 etc.

³⁹ Chikohomero. R & Mjenga.O, Electoral reform in Tanzania, p.7.

⁴⁰ [In 2020, the National Electoral Commission \(NEC\) introduced regulations governing Local Authorities \(councillors\) and presidential and parliamentary elections. However, concerns arose from various stakeholders, regarding the lack of stakeholder consultations in the formulation and implementation of these regulations. Tanzania Elections Watch 2020 report, p.30.](#)

⁴¹ Ibid.

⁴² Ibid.



have been calls for electoral reforms that include a review of the current Constitution and the need to review, consolidate and streamline the current electoral framework for consistency.⁴³

⁴³ Ibid.



4. Stakeholders Recommendations on Electoral Reforms throughout the years

Tanzania has a long history and backlog of recommendations provided by various stakeholders during different periods for reform of the electoral framework. Notwithstanding various Court cases, at least two major efforts are on record for having proposed reforms to the electoral framework.

4.1. The Presidential Commission on Mono Party or Multi-Party System (The Nyalali Commission) (1992)

The Nyalali Commission was established by President Ali Hassan Mwinyi with the key objective of gathering the public's opinion on the transition from one party to multipartyism.⁴⁴ The Commission traversed the whole country holding a total of 1061 public meetings with 36,299 people speaking during the said meetings before publishing a report summarising the peoples' opinions and subsequently the commission's recommendations. The report discussed several key issues while proposing pathways to resolve them in establishing and entrenching a new constitutional order in the country.

The Commission noted that despite over 77% of the population indicating their preference to retain the one-party state, many of the subsequent recommendations could only be enforced in a multiparty setting. These include the suggestion to strengthen parliamentary oversight, reviewing the role of regional and district commissioners, curbing the powers of the President and separating the party from the state. The commission therefore emphasised several dynamics that necessitated the adoption of multiparty politics. In this regard, the commission noted repeated calls for the protection of the fundamental freedom of association, freedom of choice among independents and candidates from multiple parties, calls for elevating the role of parliament as the ultimate spokesperson, and the imposition of term limits for elected officials.

4.1.1. Key Nyalali Recommendations

In addition to this the Commission further recommended changes to be made during the transition to multipartyism.

- i. The establishment of an independent electoral management body/Commission. The report proposed appointment of the Commissioners by the Parliament to protect independence, impartiality, and fairness.
- ii. The need to establish a Commission on the Constitution that will help to address challenges in the existing Constitution at that time. That included wide powers vested in the President (Article 36(2) of the Constitution) and clauses (Article 3 and 10 of the Union and Zanzibar

⁴⁴ Tambila, K. I. (1995). The Transition to Multiparty Democracy in Tanzania: Some History and Missed Opportunities. *Verfassung Und Recht in Übersee / Law and Politics in Africa, Asia and Latin America*, 28(4), 468–488. <http://www.jstor.org/stable/43110617>



- constitutions respectively) that served the single party system. It also proposed that the Commission draft the Constitution of Tanzania, Tanganyika, and Zanzibar.
- iii. Proposed the establishment of a Constituent assembly that will look at and adopt the new Constitution.
 - iv. Proposed the amendment of the 40 bad laws that were framed as oppressive laws such as the Preventive Detention Act of 1962. Some of these laws were amended or removed in the course of time while others remain in statute books to date.
 - v. Most of all the Commission warned against amending the Constitution frequently in the same way as regular laws.

4.1.2. Nyalali Missed Opportunities

In effecting the transition to multipartyism, the Tanzanian government tabled the 8th amendment to the Constitution that reintroduced multipartyism and passed the Political Parties Act in 1992, which set guidelines and regulations for the new multiparty framework. However, the passing of this act raised several concerns as it fell short of addressing some of the key recommendations of the Nyalali Commission.⁴⁵

4.1.2.1. Automatic Deregistration of Provisionally Registered Parties

The Political Parties Act mandated the automatic deregistration of provisionally registered parties after 180 days, potentially infringing on the right to associate and organise as guaranteed by the constitution. This provision favoured financially stronger parties and limited the opportunities for smaller parties to compete.

4.1.2.2. Stringent Requirements for Party Registration

The law imposed stringent requirements for party registration, including the need to present evidence of two hundred members in ten regions, with representation from Zanzibar. These requirements were contentious and raised questions about their practicality and impact on the representation of diverse interests.

4.1.2.3. Lack of Autonomy for the Registrar of Political Parties

The law made the Registrar of Political Parties' decisions subject to the approval of the Minister of Justice, potentially politicising the registration process and favouring certain parties over others.

4.1.2.4. Ban on Independent Candidates

The law prohibited independent candidates from standing for presidential or parliamentary elections, limiting political participation, and potentially violating the constitutional rights to freedom of association and participation in public affairs.

⁴⁵ Ibid



4.1.2.5. Exemption for the Ruling Party

The law provided automatic registration for the ruling party, exempting it from the same registration process as other parties. This exemption raised concerns about fairness and equal treatment under the law.

4.1.2.6. Financing of Political Parties

While the Nyalali Commission recommended measures to regulate the financing of political parties and minimise external influence, the implementation of these measures has been limited. The ruling party continues to benefit from state resources and property, undermining the level playing field for political competition.

Overall, while the Political Parties Act aimed to guide the transition to multi-partyism, its implementation has raised several challenges and falls short of addressing key recommendations for a fair and transparent transition into multipartism. To date, it remains an important obstacle to the full realisation of democratic rights in the country while a recent court ruling at the East Africa court of justice instructing its amendment remains unattended.⁴⁶

4.2. The Kisanga Commission (1998)

President Benjamin Mkapa appointed a 16-member constitutional reform committee, chaired by Court of Appeal Judge Robert Kisanga in July 1998.⁴⁷ The appointment seemed to be in response to growing public pressure for constitutional reform to reflect the relatively new multiparty dispensation following the first multiparty general election in 1995.⁴⁸

Leading up to the appointment of the commission, there was hardly any consultation with the political opposition or civil society on the scope of the review. Notwithstanding, the committee was given a mandate to consider a wider range of issues than the Nyalali commission. In the same vein, the government published a white paper outlining the issues for consideration and its own views on them. These included the structure of the Union; powers of the executive; the voting system; independent candidacy; and human rights. The committee sought the views of over 500,000 Tanzanians from across the country. Among others, the committee proposed the provision of independent candidates in Tanzanian statutes. Despite the committee's progressive legislative proposals, the ruling Chama cha

⁴⁶ Ubwani Z (2023) Court orders Tanzania government to amend political parties act. See:

<https://www.thecitizen.co.tz/tanzania/news/national/court-orders-tanzania-government-to-amend-political-parties-act-3761098>

⁴⁷ Robert Kisanga (20 June 1933 – 23 January 2018) was a Tanzanian judge. He served as a judge in the High Court of Tanzania and was a Justice of Appeal at the Court of Appeal of the United Republic of Tanzania before being appointed the First Chair of the Commission for Human Rights and Good Governance. See:

<https://thechanzo.com/2023/07/13/remembering-justice-robert-kisanga-a-giant-of-tanzanias-legal-profession/>

⁴⁸ Chris Maina Peter, "Civil Society and Constitution Making in Tanzania: A Tall Order", in *Civil Society and Constitutional Reform in Africa*, Mwengo, Harare, Zimbabwe (2014), p. 109



Mapinduzi (CCM) party made a concerted effort in “organising opinion they favoured ” in efforts to tilt the collective opinion in their direction.⁴⁹

CCM’s efforts did not prevent Kisanga’s 800-page report from including a recommendation that the United Republic should have three governments – for Union matters, the mainland and the Isles. President Mkapa was the first to publicly attack this counsel and insisted that it would have to be approved by CCM committees before being debated in the National Assembly. A 13th amendment to the 1977 constitution implemented some of Kisanga’s recommendations. In this regard, the number of special seats reserved for women and minorities was increased, but so too was the authority of the president.⁵⁰

4.3. The Constitution Review Commission (Warioba Commission)

In 2011, then Tanzanian President Jakaya Mrisho Kikwete announced a plan to introduce a new Constitution of the United Republic of Tanzania.⁵¹ Some commentators attributed this move by the then President as a way to minimise the mounting popularity of the opposition that had placed a new Constitution as a top priority in their political agenda.⁵² This announcement was followed by the tabling of a Constitution Review Bill that was faulted for several key gaps including failing to define a timeline for the completion of the process and for providing disproportionate powers to the President in determining the fate of the process.⁵³ Owing to the mounting pressure from the government of Zanzibar and Civil Society Organizations the bill was passed into law in 2012 after incorporating some of the demands.⁵⁴

Following the passing of the law, the Constitution Review Commission (CRC), famously known as the Warioba Commission was appointed in 2012. The Commission was required to conduct a participatory constitutional review process. The CRC visited all the 184 districts of Tanzania Mainland and Zanzibar, holding 1,773 meetings with 1.4m citizens participating in the process. Following the publication of the first draft constitution in June 2013, a series of constitutional review forums were hosted by the commission to get feedback from citizens.⁵⁵ In December, 2013 the CRC shared the second draft of the proposed Constitution. This draft was tabled before the 640 members’ Constituent Assembly (CA) made up of members from the Union and Zanzibar parliaments. Along with the legislators, were 201

⁴⁹ Mohammed A. Bakari, “The Union Between Tanganyika and Zanzibar Revisited”, in Ulf Engel, Gero Erdmann, and Andreas Mehler (eds.) *Tanzania Revisited: Political Stability, Aid Dependency, and Development Constraints*, Institute of African Affairs, Hamburg (2000), p.145

⁵⁰ Mohabe Nyirabu, “The Multiparty Reform Process in Tanzania: The Dominance of the Ruling Party”, *African Journal of Political Science*, Volume 7, Number 2 (2002), p.104

⁵¹ International IDEA(2015).Annual Review of Constitution-Building Processes: 2014.[online] Available at: <https://www.idea.int/sites/default/files/publications/annual-review-of-constitution-building-processes-2014.pdf>,p.7 [Accessed 16 Feb. 2024]

⁵² Edwin, B. (2016). New constitution-making in Tanzania: An examination of actors' roles and influence. *African Journal of Political Science and International Relations*, 10(5), pp.74–88. doi:<https://doi.org/10.5897/ajpsir2016.0885> p.78.[Accessed 16 Feb. 2024]

⁵³ Masabo, J., & Wanitzek, U. (2015). Constitutional Reform in Tanzania: Developing Process and Preliminary Results. *Verfassung Und Recht in Übersee / Law and Politics in Africa, Asia and Latin America*, 48(3), 329–368. <http://www.jstor.org/stable/26160033>

⁵⁴ International IDEA, Op cit, p. 17.

⁵⁵ International IDEA, Op cit, p. 18.



presidential appointees nominated by CSOs and associations.⁵⁶ Following its deliberations, the CA released a "Proposed Constitution" on October 2, 2014. Prior to this the opposition parties along with members of civil society had staged a walk out from the CA for alleged disregard of their opinion by the ruling CCM of their opinions in the process.⁵⁷ Notwithstanding, a referendum on the Proposed Constitution was initially slated for April 30, 2015 but was nonetheless postponed owing to the 2015 general election and more so for the lack of national consensus on the matter.⁵⁸

That aside, the Warioba commission made several important recommendations in relation to the electoral framework in the country;

4.3.1. Establishment of an Independent Electoral Commission

Both draft constitutions proposed an independent National Election Commission.⁵⁹ In order to protect this independence they propose having a nomination committee to vet applicants for the role of commissioners and provide the President with a list of proposed names. This (vetting) committee's composition includes the Chief Justices of both Tanzania mainland and Zanzibar, along with other reputable officials. The drafts provide that the Commission will be composed of nine members, including a chairperson and deputy chairperson. It was also proposed that the two leaders of the commission possess a minimum of five years' experience as judges of the Court of Appeal, or the High Court of Tanzania.

4.3.2. Independent Candidate

A point of departure from the 1977 Constitution and the existing electoral legal framework was the recognition of independent candidates in the Warioba drafts. Both proposals provided for the allowance of independent candidates to contest in elections without being affiliated to any political party.⁶⁰ The existing framework under the 1977 Constitution made it mandatory for all candidates to have an affiliation with a political party.

4.3.3. Presidential Electoral Petitions

Proposed reforms in both drafts outline the process for handling presidential electoral petitions.⁶¹ This provision gives aggrieved candidates the right to be heard and access courts. It further provides the High Court with jurisdiction to deal with election petitions unlike the 1977 Constitution that restricted this power. According to these proposals, any aggrieved candidate in the presidential elections retains the right to file a petition. The petition must be submitted to the High Court of Tanzania within seven

⁵⁶ Ibid.

⁵⁷ The East African (2014). Rush to salvage Tanzania's constitution review as deadline draws close. See: <https://www.theeastafrican.co.ke/tea/news/east-africa/rush-to-salvage-tanzania-s-constitution-review-as-deadline-draws-close--1324788>

⁵⁸ Masabo, J. and Wanitzek, U. (2015). Constitutional Reform in Tanzania: Developing Process and Preliminary Results. *Verfassung und Recht in Übersee / Law and Politics in Africa, Asia and Latin America*, [online] 48(3), pp.329–368. Available at: https://www.jstor.org/stable/pdf/26160033.pdf?refreqid=fastly-default%3A95e35192e638528684cdf6472f198b71&ab_segments=&origin=&initiator=&acceptTC=1 p.331 [Accessed 16 Feb. 2024].

⁵⁹ Article 181 of the First Draft Constitution and Article 190 of the Second Draft Constitution.

⁶⁰ Article 75(g) and 79(1)(f) of the first draft proposed Constitution and Article 80(1) of the 2015 second draft proposed Constitution.

⁶¹ Article 78 of the first draft and Article 81 of the second draft of the Constitution.



days of the announcement of the election results. Additionally, the reforms stipulate that the High Court must reach a decision within 14 days. Should the elections be nullified, new elections are to be held within 60 days of the judgement. Furthermore, the drafts specify that the Court may issue its judgement and reasoning within 30 days of the initial ruling. These provisions aim to streamline the resolution of electoral disputes and ensure timely decisions regarding the validity of election outcomes.

4.3.4. Threshold of votes to win Presidential elections

The proposed reforms regarding presidential elections constitute a significant aspect of electoral process reformation, which has been subject to considerable debate over the years. One key point of contention was the threshold of votes required for a presidential candidate's victor. Both drafts concur that a candidate must secure an absolute majority to win the elections. The Warioba proposed constitution stated that any presidential candidate shall be declared a duly elected President if he has obtained more than fifty percent of the total valid votes cast for the position of the President.⁶²

4.3.5. By Elections in cases of premature parliamentary seats vacancy

Unlike the 1977 Constitution, which mandates by-elections for any vacant constituency seat except due to term expiration, the Warioba draft suggested a different approach. In this case, by-elections are only required if the vacated seat was previously held by an independent candidate. In contrast, seats held by Members of Parliament affiliated with political parties would not necessitate a by-election. Instead, it is proposed to fill such vacancies from the list of candidates submitted by the winning political party during the general election.

4.3.6. Representation of women in parliament

Warioba proposes that there should be an equal number of female and male Members of Parliament.⁶³ This marks a departure from the current system of proportional representation for women in parliament (special seats for women) which are allocated to political parties based on their share of the national vote in the respective general election. The Warioba draft provides that each constituency should have two representatives, one male and one female.

Despite these forward-thinking propositions by the Warioba Commission, most recommendations remain unattended including the management of local government elections by the National Electoral Commission.

The Warioba Commission proposed an electoral framework focused on the Independent Electoral Commission (IEC) overseeing Presidential and Members of Parliament elections in Tanzania. Nonetheless, under Article 214(6) the proposed Constitution the IEC is provided to work in collaboration with the Zanzibar Electoral Commission. The Constitution is silent on the Commission's role in local government elections.

⁶² Article 77 (6) of the first draft proposal Constitution.

⁶³ Article 105 (4) of the first draft proposal Constitution and Article 113 (3) of the second draft proposed Constitution.



4.4. The Presidential Task Force on Multiparty Democracy in Tanzania (2022)

The Taskforce was initially set up in December 2021 following a meeting hosted by the Registrar of Political Parties⁶⁴ and was later adopted by the President Samia Suluhu in March 2022⁶⁵ with the aim of collecting stakeholders' opinions on the state of democracy in Tanzania. The report by the Task force presented a comprehensive set of amendments to the Political Parties Act, Cap 258 and other electoral laws, aimed at enhancing various aspects of electoral processes and governance in Tanzania. Some of the significant proposals include the following;

4.4.1. Independence of the National Electoral Commission (NEC) from external influences

In this regard, the report proposes mechanisms for challenging NEC decisions in Court to enhance accountability. Further, the report suggests reforms in the appointment process of NEC commissioners, emphasising transparency and inclusivity, with a nomination committee comprising diverse stakeholders including the Chief Justice of Tanzania (Chairperson), the Chief Justice of Zanzibar (Vice Chairperson), Commissioner of the Public Leaders' Ethics Secretariat (Tanzania Mainland), Chairperson of the Public Leaders' Ethics Secretariat (Zanzibar), Chairperson of the Commission of Human Rights and Good Governance (CHRAGG) and two other commissioners that shall be nominated by the Chief Justice of the URT after nomination by Tanganyika Law Society and Zanzibar Law Society.

The Commission further proposed that among these Commissioners at least two should be women. Other proposals in line with this include; qualifications of the member of NEC should be outlined and positions should be shared with the public allowing any Tanzanian with the qualifications to apply, qualifications of the chairperson and vice chairperson should be outlined to include being a sitting or retired Judge or Justice of the High Court or the Court of Appeal without passing through the nomination Committee and lastly the nomination committee should propose four names of members of the Committees based on this to the President who will also appoint persons based on this list.

4.4.2. Challenging Presidential election results

The taskforce proposed that Presidential elections should be challenged in Tanzania's High courts once established unlike currently where Article 41(7) of the Constitution restricts Courts jurisdiction on this matter.⁶⁶

⁶⁴Jamii Forums (2021) Msajili wa Vyama vya Siasa aunda kikosi kazi <https://www.jamiiforums.com/threads/msajili-wa-vyama-vya-siasa-aunda-kikosi-kazi.1942017/>

⁶⁵ Karashani B (2022) Task force elicits new debate on 'Katiba Mpya' versus 'Tume Huru. See: <https://www.theeastafrican.co.ke/tea/news/east-africa/task-force-new-debate-on-katiba-mpya-versus-tume-huru--3761004>

⁶⁶ It is unclear based on this proposition what the Commission means by stating that the Presidential elections can be challenged in Tanzania's High Courts once established given that Tanzania has an existing High Courts once may assume that the Commission is proposing a Constitutional Division in the High Court.



4.4.3. Employees of the National Election Commission

The report proposed the continued use of public servants as election officers and that these officers will be directly accountable to NEC in relation to election issues and that any officer that fails to adhere to this will be made accountable based on the laws of the country.

4.4.4. Budget of the National Election Commission

The taskforce proposes NEC should be given funds allocated from the government budget on time so as to allow timely implementation of NEC's tasks.

4.4.5. Management of elections

The following are the proposals on elections in relation to

4.4.5.1. Local government election management

The Commission proposed that the government should conduct research on the best modality of managing local government elections and work on eliminating the challenges that have occurred in past local government elections.

4.4.5.2. Laws governing elections in Tanzania

The Commission proposed a consolidation of the laws governing elections in Tanzania to one law that governs Presidential, Members of Parliament and Councillor elections. Furthermore, the Commission proposed the enactment of a law that will govern and provide specifically on NEC.

4.4.5.3. Use of technology

The taskforce proposed the need to emphasise and invest in infrastructure that will enhance the use of technology in elections. It further proposed that there should be established regulations that will enhance use of such technologies.

4.4.6. Engagement of women in elections

The following are proposals in relation to the involvement and engagement of women in elections.

- i. Revision of the Political Parties Act: Amend the Political Parties Act to include provisions mandating political parties to adopt gender policies and accommodate vulnerable groups.
- ii. Enforce a requirement for parties to ensure at least 40% representation of individuals from the same gender in party conflict resolution mechanisms.
- iii. Implement regulations within the Act that hold political parties accountable and include follow-up measures to ensure the implementation of gender and inclusion policies.
- iv. Inclusion of Gender Issues in Party Constitutions: Incorporate articles in party constitutions addressing gender-based violence and sexual harassment to create safer political environments.
- v. Establishment of Capacity Building Programs for Women: Create specialised capacity building programs aimed at enhancing the skills and knowledge of women interested in participating in electoral processes.



- vi. Establishment of Gender Desks: Set up gender desks within the Office of the Registrar of Political Parties (ORPP) and within political parties to address gender-related concerns and facilitate the inclusion of women and vulnerable groups.
- vii. Legal Guidelines for Nomination and Election Processes: Introduce legal guidelines governing the nomination and election of leaders within political parties, including provisions for special seats for parliamentarians, ensuring transparency and independence in the process.
- viii. Promotion of Women's Participation: Encourage political parties to adopt strategies aimed at increasing the number of women contesting in election constituencies and wards, thereby promoting gender parity in political representation.
- ix. Expansion of the Political Parties Council: Increase the representation of women in the Political Parties Council by adding one woman from each political party, ensuring a more balanced and inclusive representation within the council.
- x. Designation of Women Special Seats Parliamentarians: Designate Women Special Seats Parliamentarians as National Parliamentarians and Councillors as District Councillors to reflect the nationwide and districtwide nature of their respective elections.

4.4.7. Participation of people with disabilities in politics, democracy, and leadership

In pursuit of greater inclusivity and representation in the political landscape, several proposals were put forth by the Commission as follows.

- i. Improvement of Laws: Revision of laws that hinder the participation and inclusion of people with disabilities in politics, democracy, and leadership within political parties.
- ii. Creation of Friendly Political Environment: Political parties should establish a welcoming environment that enables people with disabilities to actively participate in political activities without encountering barriers.
- iii. Establishment of Disability Desks: Each political party should establish a dedicated desk to address issues concerning people with disabilities, ensuring their voices are heard and their needs are met.
- iv. Creation of Special Positions in Parliament and Councils: Advocate for the creation of special positions for people with disabilities in the Parliament of the United Republic of Tanzania and Council of Councillors. These positions should also be proportional to gender considerations.
- v. Amendments to the Political Parties Act: To make it a mandatory requirement for political parties to have their Constitution and Regulations available in Braille print. Provide sign language interpreters during sessions of the party's national congress.
- vi. Extend the prohibition of discrimination against people with disabilities to cover leaders within political parties.
- vii. Inclusion of a provision in the constitution of political parties mandating the development of capacity-building programs for people with disabilities to fully participate in political processes.
- viii. Adoption of regulations to enforce Section 6A(2) of the Political Parties Act, emphasizing the inclusion of people with disabilities in political and democratic issues.
- ix. Special Civic Education Programs: Media outlets should develop special civic education programs to educate the public about the rights and needs of people with disabilities.



- x. Addressing the Issue of Beggars: The government should consider addressing the issue of beggars on the streets, as it perpetuates the stereotype of people with disabilities being persons that are impoverished.
- xi. Increased Education on Disability Issues: The government should Increase education on disability-related matters, including reproductive health, accident prevention, disease management, and rehabilitation, to reduce disability rates and mitigate its consequences.

4.4.8. Participation of youth in elections:

The taskforce recommended the continued efforts of the Government on the involvement of youth in politics, democracy, economy, defence, and security of the country should persist. Additionally, proposed that new strategies should be devised to enhance success and efficiency in this regard.

4.4.9. Civic education

The task forces recommended the following in relation to civic education to the public.

- i. The government should develop national guidelines, action plans, and strategies for delivering civic education, ensuring alignment with national priorities, and fostering a common understanding among all stakeholders.
- ii. Civic education, including voter education, should be integrated into all levels of the education system, from early childhood education schools to higher education institutions. Additionally, civic education topics should be included in the education curriculum.
- iii. The Government and other stakeholders should increase sponsorship of civic education, including voter education, to address shortages in resources, personnel, and equipment necessary for effective delivery.
- iv. Continuous voter education should be provided throughout the year, not solely during elections, to ensure greater accessibility and reach among the target audience.
- v. Coordination and follow-up on civic education initiatives by various institutions, as mandated by law, should be maintained. Further added that, efforts should be made to foster an environment that facilitates the delivery of education to a broader segment of the Tanzanian population, without creating unnecessary obstacles.

4.4.10. Corruption and ethics in elections and politics

The task force recommended the following in relation to combating corruption in elections and politics:

- vi. Corruption should be explicitly addressed in the Constitution to underscore the intolerance towards corrupt acts and ensure decisive action against them. This recommendation should be pursued during the process of passing a new Constitution for effective implementation.
- vii. Amendments to the Political Parties Act (Chapter 258) to make it mandatory for political party Constitutions to disqualify individuals involved in corrupt acts from participating in election processes.
- viii. Empowering the Registrar of Political Parties to prepare guidelines and oversee the nomination process: require each political party to establish Regulations on Integrity to address violations and prescribe punishments for acts of corruption.



- ix. Amending the Election Finance Act so as it holds candidates accountable for failure to account for election finances instead of penalising the political party.
- x. Criminal acts prohibited by the law related to election finances: ensure documentation on election expenses remains with the relevant political party and remove obstacles hindering the prevention and combating of corruption in the election process.
- xi. Amending the Evidence Act (Chapter 6) to recognize Circumstantial Evidence, allowing its use in court to confirm corruption offences.
- xii. Amending election laws to disqualify candidates found guilty of corruption from contesting any election continuously for the next 10 years.
- xiii. Amending the Whistle blower and Protection of Witnesses Act (Chapter 446) to enhance protection for whistle-blowers and witnesses.
- xiv. Amending the Prevention and Combating of Corruption Act to hold accountable individuals involved in sexual corruption and align punishments with those outlined in the Sexual Offences Special Provisions Act (SOSPA).
- xv. Incorporating modules on corruption into the primary and secondary school curriculum, emphasising the importance of integrity.
- xvi. Increasing the use of technology in preventing and combating corruption to secure incontrovertible evidence through forensic expertise.
- xvii. Ensuring the Prevention and Combating Corruption Bureau operates free from political and administrative interference, adhering strictly to established laws, regulations, and procedures.
- xviii. It is proposed to instil integrity at all levels, from families to the national level, through various measures. This includes developing a national strategic plan to nurture integrity, controlling globalisation to preserve cultural alignment, respecting, and adhering to indigenous customs and behaviours, upholding the responsibilities of religious leaders, and emphasising family values. Additionally, promoting integrity in upbringing within families and schools, mandating religious education in primary and secondary schools to foster moral development, and prioritising family life while emphasising its significance are essential steps to foster integrity within society.
- xix. Enhance the emphasis on Civics and Ethics subjects in primary and secondary school curricula, ensuring comprehensive coverage across all levels.

4.4.11. Reconciliation framework for sustaining peace, tranquillity, and national unity

The taskforce proposed establishing a mechanism for Annual State of Politics Conferences involving senior national leaders of the state and political parties. These conferences aim to assess the state of competitive politics and foster solidarity among politicians and political parties. It is suggested that these conferences be held on National Democracy Day. Furthermore, the task force recommends granting the Courts ultimate authority in decision-making when reconciliation efforts between relevant parties. Additionally, in relation to the rule of law and justice delivery, the report found that it is imperative that institutions managing conflict resolution, such as the Judiciary, the Commission for Human Rights, the Ethics Commission, the Committee of Religious Leaders for National Peace, and various religious leaders, work diligently and trustworthily, particularly during conflicts. Through this



collaborative mechanism, trust in these institutions as fair arbiters of justice during conflicts can be established among the populace.

4.4.12. Mass communication, mass media and politics

The task force recommends that journalists should establish an organisation to oversee the ethical standards of journalism and news media. Secondly, it proposes the establishment of a supervisory mechanism to ensure the impartial implementation of relevant laws, particularly regarding equal broadcasting opportunities for election candidates of opposition political parties by state media organs during elections. Thirdly, proposed regulations should be drafted directing news media to uphold professional ethics, including verifying the accuracy of news stories before broadcasting or publishing. Additionally, recommended contestants, leaders, and members of political parties should refrain from using inflammatory language, ridicule, sedition, or insults via news media or public rallies. Moreover, proposed amendment of the relevant law to revoke the Director of the Department of Information Services' authority to ban news media organs without transparent accountability processes in place. Furthermore, to enhance citizen participation in development activities and expand outreach during and after elections, the taskforce proposed politicians should engage in politics through the news media, including interviews, special programs, debates, and talks. Lastly, recommended laws governing press freedom should be enhanced to promote press freedom and democracy in the country.

4.4.13. New Constitution

The Task Force proposed the completion of the Constitution review process to obtain a new Constitution for the United Republic of Tanzania through the following six stages:

- i. Stage One: National Debate for Consensus on Basic Issues: Initiating a national debate on fundamental issues to achieve consensus before commencing the process of drafting a New Constitution. This debate should involve broad participation from the populace and address key issues such as the Structure of the Union, Presidential Powers, Election System, Authority of Local Government, Corruption, Integrity, and other emerging concerns.
- ii. Stage Two: Renewal of the Constitutional Review Act and Referendum Act: Renewing the Constitutional Review Act and Referendum Act to incorporate current needs, including setting timelines for the entire process, establishing a Panel of Experts, and outlining principles for the constitutional review process. This renewal process should entail broad participation in line with the country's legislative drafting procedures.
- iii. Stage Three: Establishment of a Panel of Experts: After the renewal of the Constitutional Review Act, the President of the United Republic of Tanzania, in consultation with the President of Zanzibar and Chairman of the Revolutionary Council, should appoint a Panel of Experts. This panel will review and refine the Proposed Constitution and the Second Draft of the Constitutional Review Commission of 2011, preparing a Draft New Constitution for submission to Parliament. The Panel of Experts should prioritise issues such as reviewing the Proposed Constitution of 2014, referencing relevant documents, and addressing key national issues.



- iv. Stage Four: Passage of the New Constitution by Parliament: upon completion of the Draft New Constitution by the Panel of Experts, it will be submitted to the Parliament of the United Republic of Tanzania for debate and passage as the Proposed Constitution. The roles and responsibilities of Parliament in this process will be outlined in the Constitutional Change Act.
- v. Stage Five: Civic Education on the Proposed Constitution: Conducting civic education on the Proposed Constitution before it is put to a referendum vote. This aims to ensure that the populace understands the proposed constitution and is prepared to vote in a peaceful and informed manner.
- vi. Stage Six: Referendum: Holding a referendum for the people to vote on the Proposed Constitution, thereby finalising the process of obtaining a New Constitution for the United Republic of Tanzania.



5. The 2023 Legislative Proposals

As Tanzania approaches the 2024 local government elections and the 2025 general elections, the government presented in November 2023, three bills relevant to election to the parliament of the United Republic. These bills, namely The National Electoral Commission Bill 2023, The Political Parties Affairs Laws (Amendment) Bill 2023, and The Presidential, Members of Parliament and Councillors Elections Bill 2023, are a response to persistent challenges in the current electoral system. Stakeholders have long highlighted issues such as the lack of an independent electoral management body, constraints on challenging electoral anomalies in court, as well as concerns related to lack of transparency, accountability, and corruption in elections. Notwithstanding these concerns, the parliament of Tanzania passed the three bills in February 2024.

This analysis is an outcome of the review of parliamentary proceedings including a livestream of the session⁶⁷ and the official hansard from parliament to determine the deliberations of the national assembly based on the Minister's submission, the Parliamentary Committee on Constitutional, Legal and Administrative Affairs' rejoinder as well as the ensuing public debate. An additional review was undertaken when the law was gazetted and published following the President's assent in March 2024.

This analysis delves into key intricate details of the laws, providing a comprehensive assessment of some of its sections taking into account the local context and literature on the electoral framework. This analysis provides a discussion of the salient issues in the proposed legislation. The analysis aims to shed light on both the positive features and inherent weaknesses within the enacted laws:

5.1. The National Electoral Commission Act, 2024 (Sheria ya Tume ya Taifa ya Uchaguzi), 2024

The Act which is published in Kiswahili establishes a dedicated law to guide the operation of the National Electoral Commission. Until then, the Commission was guided by the Constitution of the United Republic of Tanzania (1977), National Elections Act Cap 343 (1985) and the Local Government (District Authorities) Act, Cap 287 and the Local Government (Urban Authorities) Act, Cap 288. The introduction of this new law therefore is a notable development which would clearly stipulate the functions of the commission beyond what is currently provided in the constitution and electoral laws. A few salient features of the Act are discussed below:

5.1.1. Independence of the National Electoral Commission (NEC)

Section 6 of the law provides that the NEC is an independent body with the authority to make decisions free from external interference. However, a closer examination reveals that subsequent sections do not sufficiently provide for the robust implementation of this autonomy, raising concerns about the practicality of the intended independence as will be noted below. This stems from the lack of a clear demarcation of such independence in the appointment and removal of the Commissioners. Section 8

⁶⁷ The Chanzo (2024) Bunge Live (Feb 02):Miswada ya Sheria ya Uchaguzi Inapitishwa. See: <https://www.youtube.com/watch?v=dDYzmYIJFz8>



(3) of the Act provides that the President may remove from office any member of the Commission if they fail to discharge their function, due to misconduct or if they lose their qualifications for appointment to the commission. Subsequently, the law under Article 8 (4) provides that the President MAY appoint an inquiry committee to review and recommend expulsion of the said member of the commission. Nonetheless, the President is neither obligated to appoint such a committee nor be bound by their recommendations in approving the expulsion of a committee member. This is further compounded by the powers granted to the President to appoint the Commission including the Chair and Deputy Chair of the commission based on the recommendations of the nomination committee which is fully made up of presidential appointees.⁶⁸

In the case of other independent constitutional bodies like the Controller and Auditor General⁶⁹ or the Commission for Human Rights and Good Governance⁷⁰, the President can only relieve the incumbent upon a thorough investigation by a commission of inquiry appointed by the Judicial Services Commission. In the case of the NEC, the President can simply relieve one of their roles at will.

5.1.2. Appointment of the National Electoral Commission members

Section 9 of the Act sets out the establishment of a nomination committee to interrogate, review and shortlist the final list of candidates for the role of Commissioners of the NEC. Notwithstanding this provision, questions remain over their independence since under Section 9(5), appointees are still required to swear an oath before the President of the United Republic of Tanzania. Interestingly the 5 member nomination committee is made up exclusively of candidates who by virtue of their roles are presidential appointees. They include the Chief Justices of the Union and Zanzibar, the Chair and Deputy Chair of the Commission for Human Rights and Good Governance and a member appointed by the President based on gender representation.

Unlike earlier proposals by stakeholders to have such a committee take oath before the Chief Justice, the current proposal potentially compromises their impartiality. Moreover, the President's involvement in swearing in both the committee and NEC commissioners raises valid questions about the independence of both entities. This is mostly because the President is usually a chairperson of the ruling party and at times a candidate in the elections.

5.1.3. National Electoral Commission Budget/Fund

Section 21 proposes that the Commission's budget will be allocated by the government, which seemingly contradicts the essential goal of establishing an independent electoral management body. In the past the Electoral Commission has noted in its reports how the lack of a dedicated allocation from the consolidated fund has resulted in challenges such as delay in receiving funds and not getting

⁶⁸ Section 9 of the Act provides that the committee is made of the Chief Justice of the Union, the Chief Justice of Zanzibar, the Chair of the Commission for Human Rights and Good Governance, the Deputy Chair of the Commission for Human Rights and Good Governance and a member appointed taking gender into consideration.

⁶⁹ Article 144 of the Constitution of the United Republic of Tanzania (1977) provides that the President shall remove the incumbent upon the recommendation of a special tribunal to investigate the matter and propose the way forward.

⁷⁰ Article 129 (7) of the Constitution of the United Republic of Tanzania (1977) provides that a Commissioner or Assistant Commissioner may only be removed from office for reasons of failure to discharge his duties or due to illness or any other reason, or for reason of his misconduct that affects code of conduct for Commissioner.



enough funds to run the elections.⁷¹ The provision of a ring-fenced fund, separate from direct government control, is crucial for ensuring the autonomy of the Commission and avoiding challenges related to fund delays and inadequacies.

5.1.4. The role of the Judiciary in dispute settlements arising from Elections

The law provides that the NEC shall have the capacity to sue and be sued in Courts of Law under section 6(2)(b). However, it does not explicitly state nor provide whether a person can file for a review of a decision of the Commission made under the Constitution and the Act. This reluctance to have such a provision may also be because the provisions of the Constitution of the United Republic of Tanzania under Article 41(7) and 74(12) bars courts from “inquiring on the Commission’s decision in relation to its discharge of functions in accordance with the provisions of the Constitution”. Such limitations cast doubt on the supremacy of the Judiciary as the ultimate guarantor of justice and further limit fundamental rights.

5.1.5. Tenure of Commissioners and Employees of the National Electoral Commission

Section 20 defines employees of the National Electoral Commission as anyone who has been employed, appointed or borrowed by the NEC. Section 19(4) provides that the Director of Elections may hire from within and beyond the civil service. Using civil servants as electoral/returning officers raises concern over the impartiality of these civil servants but also the question of whether they are answerable to the Commission when it comes to discipline and integrity or their original employers which is often the central government. These questions were raised in the famous case of [Bob Chacha Wangwe vs Attorney General & Others \(Misc. Civil Cause 6 of 2018\) \[2018\] TZHC 113](#) wherein the deployment of District Executive Directors as returning officers was challenged.⁷² It was revealed how at the time of filing of the case, 85 of the 185 Directors were in fact active cadres of the ruling Chama cha Mapinduzi who had never renounced their affiliation. It has remained a tradition to date for such directors to be appointed from among the ruling party cadre which leaves the question of independence of returning officers on the balance. While it has often been argued that it would be too costly for the NEC to hire its own independent staff, no explanation has been provided as to how the same Commission was in fact able to hire its own staff during the first multiparty elections in 1995⁷³ and how the NEC’s counterpart in Zanzibar i.e. the Zanzibar Electoral Commission is already leading the way in hiring its own staff. The Constitution of Zanzibar outlines that Commissioners are appointed for a tenure of five years and can only be removed from office due to failure to perform their duties because of illness or misconduct. Unlike under the NEC, in case of removal (of a ZEC Commissioner) the President (of Zanzibar) is required to appoint a special tribunal to investigate the case and the recommendations of the tribunal are binding on the President.⁷⁴

⁷¹ Alexander Boniface Makulilo (2009) Independent Electoral Commission In Tanzania: A False Debate?, Representation, 45:4,p.445, DOI: [10.1080/00344890903257409](https://doi.org/10.1080/00344890903257409)

⁷² Juma, Nasru, Bob Chacha Wangwe's Ruling: The Court of Appeal Has a Hill to Climb (June 2019). Available at SSRN: <https://ssrn.com/abstract=4347014> or <http://dx.doi.org/10.2139/ssrn.4347014>

⁷³ Tanzania Election Monitoring Committee. (1997). *The 1995 general elections in Tanzania : report of the Tanzania election monitoring committee*. TEMCO.

⁷⁴ Article 119 (4),(5),(7) and (8) of the Constitution of Zanzibar R.E 2006 as amended from time to time.



Notwithstanding the proposed provision, the current law falls short of guaranteeing the tenure of the Commissioners of the NEC. It is crucial that the law should explicitly safeguard the Commissioners tenure and in order to actualize this, the Constitution also ought to be amended to provide for such security of tenure.

5.1.6. Mandate of the National Electoral Commission

So far, there is no explicit mandate for managing local government elections for the National Electoral Commission. This also informs several sections within the law as will be noted below that capture this intention by the parliament. This also raises a question of conflict of interest if other bodies are vested with conducting the local government elections. Notwithstanding this, during the parliamentary debate, MPs raised the matter and the government responded by offering to add sub section (c) to section 10(1) of the law to provide that the NEC would also supervise the civic elections in accordance with a law yet to be enacted by parliament.

Recommendations

- The process of identifying and selecting Commissioners should include an open and competitive process including public interviews that will allow public participation and enhance transparency and accountability.
- The proposed names of candidates for the role of NEC Commissioners should be published while inviting public opinion and objection to any of the candidates proposed.
- Oath of the proposed members of the Commission should be taken before the Chief Justice and not the President. Kenya is a good example where nominated candidates are vetted and selected by the Electoral Selection Panel, approved by the Parliament, appointed by the President, and sworn in by the Chief Justice. Such a system ensures transparency, accountability, and independence of these bodies.
- Oath of the proposed selection panel committee members should also be taken before the Chief Justice.
- In line with the above, the current NEC should be disbanded to provide for the implementation of the new law.
- There should be amendments to the Constitution to allow for challenging decisions of the Commission in relation to Presidential elections and other decisions to ensure accountability of the Commission.
- It is also key for the law to clearly provide for earmarked and ring-fenced funds for the NEC in order to ensure its independence, effectiveness and efficiency pre, during and post elections.
- Restriction of public officials from taking part as election officers. This can also be resolved by identifying the best structure/design that will ensure the NEC is able to recruit independently.
- Gender equality principles must be provided in the appointment of both the Commissioners as well as senior executives within the election commission.
- It is important to also include gender and social inclusion considerations in the duties of the Commission in managing electoral processes.
- The law should provide for gender-sensitive reporting in the production of election commission reports, highlighting issues such as gender-based violence and discrimination.
- In line with Article 10(1)(c) of the new law, parliament should immediately pass a new law governing civic elections to comply with the new legislation.



5.2. The Political Parties Affairs Laws (Amendment) Act, 2024

This Act proposes to amend the Election Expenses Act, Cap. 278 and the Political Parties Act, Cap. 258. It was reported that the amendments proposed to these Acts aim to strengthen the role of the Registrar of Political Parties in monitoring the activities of political parties as well as strengthening compliance with laws and regulations in the activities of political parties.

Some of the salient features and observations about the law include:

5.2.1. The use of the Police Force and Auxiliary Services Act, Cap. 322

The Act proposes the amendment of Section 11 of the Political Parties Act, Cap. 258 and provides that political party processions and meetings will be subjected to the Police Force and Auxiliary Services Act, Cap. 322.⁷⁵ The aim of this amendment, reportedly, is to harmonise the provisions of section 11 with the provisions of the Police Force and Auxiliary Services Act which specify the procedure to be observed before and during processions or meetings.

Subjecting party meetings and processions to police permits has resulted in several challenges in the past. In the 2020 elections it was noted that the heavy police and army presence made it difficult for opposition parties to conduct meetings and public rallies.⁷⁶ It further created an intimidating atmosphere that generated fear and despondency with the likelihood of deterring voters from participating in key events leading the elections. There is no reasonable justification for the requirement for parties to report to the police of their meetings as that risks the freedom of assembly and public participation guaranteed under articles 20 and 21 of the Tanzanian constitution.

5.2.2. Inclusion of marginalised groups

Among the positive aspects of the act is the requirement for political parties to have a gender and social inclusion policy. Section 14 of the act adds Section 10(c) to the Political Parties Act, Cap 258 that requires political parties to have among other policies a gender and social inclusion policy. This provision seeks to ensure the inclusion of all genders and marginalised groups at the party level hence ensuring participation of these groups in party decision making but also government decision making through contesting for various political positions in elections. The act however falls short of explicitly providing a quota for the representation of gender, youth and People with disabilities as recommended in the Mukandala task force report.

5.2.3. Disclosure of Financial Reports

Section 3 to 7 of the Act provides timelines for the reporting of election offences by candidates and their parties. The provision of up to 90 days after polling day is commendable to give time to the

⁷⁵ Section 15 of the The Political Parties Affairs Laws (Amendment) Act

⁷⁶ Human Rights Watch (2020) Tanzania: Repression Mars National Elections. See:

<https://www.hrw.org/news/2020/11/23/tanzania-repression-mars-national-elections>



reporting parties to attend to multiple accounting regulations. The provisions however fall short of providing for public disclosure of elections expenses by candidates and parties as the requirement is for the former to submit their reports to the latter who then furnishes the returning officers and the registrar of political parties. No provision has been made for the public disclosure of such reports.

Recommendations

- There should not be any requirement for police presence in internal party meetings as doing so will serve as discrimination and a violation of the right to peacefully assemble guaranteed under article 21 of the Tanzanian constitution. Police presence in internal party meetings is an affront to the right to privacy of the members and leaders of political parties and discriminatory because it does not apply to any other form of voluntary association.
- On the contrary the law should clearly state that in the context of political parties, the police force should adhere to the constitutional and legal mandate to provide for safety and security during such meetings.
- The law should clearly articulate the role of the police in the context of public rallies and insist on ethical and professional conduct in crowd control and other safety obligations.
- Provide a framework and regulations for the public disclosure of election expenses for public accountability of parties and candidates.
- The Law should explicitly provide a quota for the political parties to ensure inclusion of women, youth and PWDs.



5.3. The Presidential, Members of Parliament and Councillors Election Act, 2023

This act aims to streamline the election code by consolidating and repealing the National Elections Act, Cap 343 and the Local Government Elections Act, Cap 292. The law, also published in Kiswahili, provides a consolidated piece of legislation to govern all the elections supervised by the National Electoral Commission i.e. the Ward Councillor, Parliamentary and Presidential elections. Notwithstanding the notable progress in streamlining the electoral framework, the new law has fallen short of addressing some of the longstanding complaints against the country's electoral framework.

5.3.1. Independent Non- Partisan Candidate

The new law is silent on the long-debated issue of independent candidates. The law neither provides nor recognizes independent non-partisan candidates in Tanzanian elections. The matter has been a subject of public debate and a series of litigation at the High Court of Tanzania, the Court of Appeal and even the African Court on Human and People's Rights. In all these cases, calls and court decisions have been made to allow those who do not identify with party politics to have an avenue of participating in elections. In the case of [*Tanganyika Law Society, Legal and Human Rights Center and Rev. Christopher Mtikila Application African Court of Human and People's Rights Cons. Application 9 and 11 of 2011*](#) the African Court ruled that the Tanzanian government had violated Articles 2,3,10 and 13(1) of the African Charter by restricting individuals with no party affiliation from exercising their rights to participate freely in government leadership. It is imperative that the government should see the need to implement this decision.

5.3.2. Deployment of Technology to enhance efficiency

The Commission has made strides in integrating and deploying technology and electronic solutions, such as establishing an [online platform](#) for voters to verify their details. However, there are areas where electronic systems could be further utilised. For example, while Section 166 of the Act states that the Commission may use technology in fulfilling its functions, many sections remain silent on this matter. Notably:

- Section 12 does not mention the possibility of a digital/online version of the voters registration book.
- Section 16(5) fails to provide for the review of an online voter registration book which would have gone a long way in strengthening transparency of the voter registration and verification.
- Section 34 and 50(7) only specify one method for candidates to submit their nomination forms, requiring them to do so in person at the offices of the National Electoral Commission. This marks a regression against current practices such as the High Court of Tanzania where all filing happens electronically.⁷⁷

⁷⁷ Since 2019, the Judiciary of Tanzania has provided for electronic filing following the amendment of the Civil Procedure Code (Amendment of the First Schedule) Rules, 2019 (GN No. 381 of 2019) and Tanzania Court of Appeal (Amendment)



Incorporating electronic systems into the electoral processes would help to address some of the perennial inefficiencies including long queues, absentee electoral officials, and incidents of candidates being kidnapped while returning forms to Commission offices.⁷⁸ It would also help to ensure transparency, fairer representation, efficiency and prevent the abuse of electoral regulations as well as impunity by returning officers. A digitised registration of party agents would also go a long way to enhance both efficiency and transparency of electoral processes.

5.3.3. Access to Justice and the Right to be voted

Sections 35, 51 and 63 of the law require candidates to deposit security of an amount of money (to be set by the NEC in subsidiary legislation) when applying to contest the Presidential, Parliamentary and Councillor seats. In addition to this, Section 140(2) of the law states that any aggrieved person seeking to file an election petition is required to deposit a security not more than five million Tanzanian shillings and failure to do so results in the petition not being admitted for hearing. The same is also made under section 27 of the law that requires any person filing an objection in relation to the voter's registration book as per section 26 is required to make a security deposit. The requirement to deposit security when contesting for different positions and when instituting objections and constitutional petitions limits fundamental human rights by restricting people's right to access courts and participate in the governance of public affairs.

The issue of deposit of security in election petitions has been contested and settled in Court in the case *Julius Ishengoma Francis Ndyambo vs The Attorney General (Civil Appeal 64 of 2001) [2002] TZCA 14*; where the Court delved into the issue of mandatory pre-conditions for security costs under the 1985 Elections Act that contained a similar provision as Section 35,51 and 63 of the new law. It contended that such pre-conditions, by their nature, hinder the right to a fair hearing for an ordinary citizen exercising their right to vote. Criticising the provisions as unrealistic, unreasonable, and unnecessary, especially given the economic status of most Tanzanians, the Court declared that sections 111(2) and (3) of the Elections Act 1985 were arbitrary, imposing unfair limitations on citizens' access to justice. Such limiting costs of security may have contributed to the complete absence of electoral petitions following the 2020 elections despite numerous reported irregularities.

Addressing the broader scope of constitutional rights, the Court held that the principle of equality before the law, enshrined in article 13(1) and 13(16)(a) of the Constitution of the United Republic of Tanzania, demands unrestricted access to court for all individuals. It stressed that any pre-conditions that discriminate and restrict the right to be heard are incompatible with this principle. Concluding that limitations on constitutional rights must be reasonable, non-arbitrary and non-discriminatory, the Court declared the provisions of section 111(2) and (3) of the Elections Act 1985 as constitutional violations, deeming the imposed limitations unreasonable and unjust in achieving a legitimate objective. It is on this basis that this requirement should not exist in the law in the first place.

Rules, 2019 (GN No. 344 of 2019). See: <https://finandlaw.co.tz/2019/06/05/tanzania-courts-adopt-technology-reduces-technicalities/>

⁷⁸<https://www.hrw.org/sw/news/2021/11/30/380521>



5.3.4. Denial of the right to court remedies

The new law contains finality clauses that restrict aggrieved parties from contesting the Commission's decisions in Courts of law. Section 37 (6) of the law provides that the decision made by the Commission in relation to Presidential elections shall be final and not be challenged in any Court of law. This Section is in line with what is provided under Article 41 (7) and 74(12) of the Constitution of the United Republic of Tanzania, 1977 as amended from time to time. This section and provisions of the Constitution deliberately usurp the jurisdiction of the High Court of Tanzania from inquiring into any matter regarding the results by which the President has been elected and declared by the NEC to be the winner as well as from inquiring into the manner in which the NEC conducts its business.

These provisions have been tested in Courts of law in the case; [*The Hon. Attorney General and 3 Others v. Dr. Aman Walid Kabourou Civil Appeal No. 32 and 42 of 1995, Court of Appeal of Tanzania*](#). In the matter, the jurisdiction of the Courts to inquire into the validity of actions taken by the National Electoral Commission (NEC) was elaborated. The Court acknowledged that the Constitution prohibits Courts from inquiring into anything done by the Electoral Commission in the exercise of its functions according to the provisions of the Constitution. However, the Court emphasised that this prohibition does not protect unconstitutional or illegal acts or deeds. The Court asserted that acts or deeds made contrary to the Constitution, or the relevant laws are subject to review or inquiry by the appropriate courts of law. The Court upheld the principle that nobody is above the law and that the Courts have the jurisdiction to review or inquire into actions of public authorities, including the NEC, if they are found to be unconstitutional or illegal.

The African Court of Human and People's Rights in the case [*Jebra Kambole v The United Republic of Tanzania Application no 018/2018*](#) found that Article 41(7) of the Constitution violates Article 7(1)(a) of the African Charter, which guarantees the right to a fair hearing, including the right of access to a Court for adjudication of one's grievances and the right to appeal against any decision rendered in the process. The Court also held that article 41(7) of the Constitution created discrimination between litigants, which violated the Applicant's right to non-discrimination under Article 2 of the Charter. The Court further held that Tanzania had failed to honour its obligation to recognise the rights, duties and freedoms enshrined in the Charter and to take legislative and other measures to give effect to the Charter as stipulated under Article 1 of the Charter.

Beyond these sections, several additional finality clauses recorded include:

- Section 30(2) which restricts aggrieved individuals from appealing decisions made by the District Court.
- Section 53(6) and 65(7) which constraint appeals against decisions issued by the National Electoral Commission.

Furthermore, certain sections impose unjustifiable restrictions on the right to be heard and access to the courts. For instance, Section 92(8) prohibits individuals or candidates who refuse to sign electoral forms from challenging election results through legal action. Such provisions undermine the rights of aggrieved individuals to seek recourse and redress.



5.3.5. Independence of the National Electoral Commission

Despite several recommendations by stakeholders on the need for independence of the National Electoral Commission, concerns remain over the independence of this Electoral Management Body as is discussed below:

5.3.5.1. Use of government officials in elections

Section 6 of the law provides for the appointment of returning officers in elections within their respective areas. The law specifically provides that such returning officers will only be appointed from among senior civil servants. By limiting the appointment to civil servants, the provision of the law remains discriminatory but also leaves potential risk in terms of the accountability of the returning officers being civil servants in the first place. Questions remain over the extent to which the civil servants will remain accountable to their original employers vis a vis the Commission which at the material time will have been their appointing authority. These concerns were raised in the case [Bob Chacha Wangwe vs Attorney General & Others \(Misc. Civil Cause 6 of 2018\) \[2018\] TZHC 113](#) .

The current law does not cure the challenge that was identified in the case cited above since, technically, the District Executive Directors can still be appointed as returning officers thus infringing Article 74(14). Further Section 7 of the Act explicitly states that District Executive Directors shall be registration officers in either one or more constituencies or wards.

5.3.5.2. Delineation of electoral constituencies' boundaries

Section 5(6) of assigns the responsibility of demarcating the voting constituency (at the ward level) to the Minister responsible, a function that should be performed by the Electoral Commission itself. Stakeholders have consistently recommended that this role should be transferred to the Commission, with the Minister assuming only an administrative role.⁷⁹

5.3.6. Discrimination against youth and other sections of the population

The law lacks provisions for the inclusion of certain groups in the electoral process, leading to potential discrimination against these groups. For instance, Section 59(2)(b) excludes youth under 21 from participating as candidates for the Councillor seats. Additionally, Section 7(4) and 8(1) fail to recognize and provide voting mechanisms for Tanzanians in the diaspora, despite calls for their inclusion. Legal challenges, such as the case of [Legal and Human Rights Center & Liberatus Mwang'ombe v. United Republic of Tanzania AfCHPR, Application 041/2020](#), have been raised at the African Court to address this issue.

Similarly, Section 10(1)(c) and 10(2) restrict the voting rights of prisoners, inmates, and persons in remand by failing to establish voting mechanisms and limiting their ability to exercise this right, despite court rulings to the contrary. For instance, in the case of [Tito Elia Magoti & Another vs National Electoral Commission & 3 Others \(Misc. Civil Cause 3 of 2022\) TZHC](#), the High Court of Tanzania

⁷⁹ Liviga, A. and Ahmed, R. (n.d.). *Local Government Elections in Tanzania: Why NEC Should Take Over their Management*.



declared Section 11(1)(c) of the National Elections Act unconstitutional for violating the right to vote as enshrined in the Constitution.

5.3.7. Electoral Administration

Stakeholders have consistently advocated for the simplification of electoral procedures to enhance their effectiveness and efficiency. However, the current law falls short of creating an inclusive electoral environment that guarantees the rights to vote and stand for election, as well as the conduct of free and fair elections. Several critical issues have not been addressed in the law, including:

5.3.7.1. Use of alternative identification card

Section 14(2) does not specify clearly other acceptable identification documents that can be used by voters to identify themselves when voting such as the National Identification Card, Passport, and residents identification card (*kitambulisho cha ukaazi*) by voters to identify themselves when voting. Instead, the provision delegates this authority to the returning officers, to determine which alternative documents of identification may be accepted. The lack of clarity in this provision can disenfranchise certain segments of the population, particularly those who may face barriers in obtaining the required identification.⁸⁰ It undermines the principle of universal suffrage and diminishes the inclusivity of the electoral process.

5.3.7.2. Voting system

Section 38, 54, and 66 fail to address stakeholder proposals for a voting system that requires candidates to secure more than half of the votes. This presents a lost opportunity to revert to the pre 2000 position in the electoral framework which required one to have secured more than 50% of the vote before they could be declared winner of an election. The current law leaves questions over the legitimacy of the electoral outcome in the event of stiff competition among candidates.⁸¹

5.3.8. Gender Inclusion

In a press statement, the Women, Constitution, Elections, and Leadership coalition,⁸² raised several issues that were lacking in the bills and recommended reforms on the same before the new legislation was passed. The following are some of these concerns raised;

5.3.8.1. Gender Equality in Presidential and Vice-Presidential Appointments

The coalition highlighted the absence of gender equality principles in the nomination process for presidential and vice-presidential candidates. They argued that without specific provisions

⁸⁰ As of June 2023, only 12.1 Million Tanzanians were in possession of national IDs according to the Minister for Home Affairs. See: The Citizen (2023) Tanzania lays the groundwork for issuing universal ID. Available at <https://www.thecitizen.co.tz/tanzania/news/national/tanzania-lays-the-groundwork-for-issuing-universal-id-4251776>

⁸¹ The Citizen (2022) Tanzania's voting system under the microscope. See: https://www.thecitizen.co.tz/tanzania/magazines/political-reforms/tanzania-s-voting-system-under-the-microscope-3718520#google_vignette

⁸² The Citizen (2024) Women's group faults selection of Special Seats holders. See: <https://www.thecitizen.co.tz/tanzania/news/national/women-s-group-faults-selection-of-special-seats-holders-4499922>



ensuring equal representation, it may remain challenging for women to ascend to these high-ranking positions.

5.3.8.2. Election of MPs and Councillors:

The coalition identified gender disparities in the election process, emphasising the need for increased representation of women in parliament and local government by producing two candidates (one male and one female) for each electoral constituency. They criticised the current system, which relies solely on political party nominations, potentially side lining women from running for office.

5.3.8.3. Senior Executives of the Election Commission

The coalition raised concerns about the absence of explicit provisions for gender equality in the appointment of senior executives within the election commission. They argued that without clear guidelines, gender disparities may persist in the management of electoral processes.

Recommendations

- It is important for the law to prescribe the adoption and integration of technology into electoral systems and processes pre, during and post elections such as the online registration of voters, online review, and verification of voter details, filing and submission of candidacy forms.
- Providing for the use of electronic means of registering voters, reviewing voter details, taking and returning nomination forms for Presidential, Member of Parliament and Councillor elections are an important first step in the deployment of technologies.
- It is critical to also democratise the electoral commission by allowing for those with the necessary competencies to also be hired notwithstanding qualification as senior civil servants or as civil servants.
- Removal of finality clauses that restrict access to Courts and the Judiciary in adjudicating elections of President and Vice President this should go hand in hand with the amendment of the respective Articles in the Constitution that provide for this restriction.
- Registration and voting systems should be user friendly to persons with disabilities but also solve the challenges of inefficiency that were noted in past elections.
- Removal of the requirement of deposit of security when applying for candidacy in elections and filing election petitions is necessary to provide for the majority poor.
- Enact provisions that recognize independent non-partisan candidates for elections in line with prevailing court decisions.
- Demarcation of voting constituencies at all levels should be vested on the National Electoral Commission and redistribution of electoral districts based on population rather than geography.
- The law should recognise the right to vote for all Tanzanians including those in the diaspora and in remand or prisons in line with prevailing court decisions.
- Unclear and ambiguous provisions that give blanket immunity for judicial scrutiny of the electoral commission should be repealed.
- Presidential and vice-presidential elections: Propose a 50/50 gender representation rule for presidential and vice-presidential nominations.
- Election of MPs and Councillors: Call for legal changes to enable 50/50 representation through constituencies.
- Recommend creating an open, free, and safe electoral system for women's participation.
- Need to review the current system of political parties' nominations of special seats and propose changes to ensure equal opportunities for women in elections.



6. Proposals made by the Parliamentary Committee on the laws

Between 30th January 2024 to 2nd February, 2024 the parliament held debates during which the bills were discussed and stakeholders recommendations were shared. During these sessions the parliamentary committee presented and proposed the adoption of the provisions in the bill that were also recommended by the Center in a joint analysis conducted with like-minded organisations.⁸³ Below, we highlight the key areas where the committee adopted recommendations from stakeholders as a whole or with exceptions.

6.1. The Presidential, Members of Parliament and Councillors Election Bill, 2023

One such area where recommendations were taken up is Clause 20, where stakeholders suggested removing fees for lost or destroyed voter identification cards to encourage voter participation. This recommendation was accepted, reflecting an acknowledgment of the financial barriers that may hinder individuals from participating in the electoral process. By removing these fees, the electoral system becomes more inclusive and accessible to all citizens.

Similarly, Clause 21 saw the adoption of a recommendation to eliminate fees for changing information in the voter's register. This action aims to facilitate voter registration and update processes, ensuring that citizens can easily maintain accurate and up-to-date voter information without a disproportionate financial burden. By removing financial barriers to voter registration and information updates, the electoral system becomes more equitable and responsive to the needs of all citizens.

Another significant area where recommendations were taken up was in Clause 23, where measures were implemented to allow aggrieved persons to appeal at the Primary Court for accessibility and convenience. By providing a time limit for hearing appeals and allowing aggrieved persons to appeal at the Primary Court, the electoral process becomes more transparent and accountable. This action ensures that citizens have accessible avenues for addressing grievances related to electoral matters, promoting confidence and trust in the electoral process.

Furthermore, Clause 88 saw the acceptance of a recommendation to broaden the provision for postponing elections to include factors beyond violence, such as natural disasters. This expansion of criteria for postponing elections reflects a proactive approach to addressing potential challenges that may arise during the electoral process. By considering a broader range of factors, the electoral system becomes more adaptable and resilient, ensuring the integrity and smooth conduct of elections even in the face of unforeseen circumstances.

Clause 102 provides for the adoption of a mandate for election officers to provide forms with voting results after tallying at their respective polling stations. This action enhances transparency and accountability in the electoral process by ensuring that voting results are readily available to stakeholders without subjecting this to the availability of such forms at the polling station as provided in the original text of the bill. By mandating the provision of voting result forms, the electoral system becomes more transparent, allowing for greater scrutiny and oversight of the electoral process.

⁸³ [Twaweza](#), [Legal and Human Rights Centre](#), Jukwaa la Katiba Tanzania and [Tanganyika Law Society](#).



6.1.1. Clauses taken up with exceptions/modifications

Clause 6: The Committee accepted the suggestion to remove the mandatory requirement for District Executive Directors (DED) to serve as Election Officers, acknowledging concerns about their qualifications. However, they diverged from the recommendation against using public servants for this role, opting instead to propose the involvement of any qualified individual.

Clause 8: The clause provided for the appointment of election coordinators from the public sector. Stakeholders had recommended that the coordinators for election be appointed via a competitive process as the same was not reflected in the clause. In addition to this, stakeholders had recommended in the clause the need for designating embassies and prisons as polling stations for specific voter groups.

While the proposal for using competitive process in appointing the electoral co-ordinators was taken up by the parliamentary committee it suggested the appointment of election coordinators for voters in the diaspora and the use of embassies as polling stations. The proposition also advises the government to see how the same will be implemented.

Clause 12: The Committee supported proposals for leveraging technology in voter registration and including details on persons with disabilities to facilitate their participation. However, the full recommendation for a digital voter's book allowing online registration was not entirely addressed.

Clause 57: While the Committee accepted the recommendation for the Electoral Commission to announce vacant councillor seats, the proposal retained a role for the Minister as the party that informs NEC on the vacancy of the seat resulting in unresolved conflicts of interest/interference in a role that should be independently undertaken by NEC.

Clauses 33, 34, 50, and 62: Recommendations regarding gender and persons with disabilities in candidate appointments were not fully adopted. Instead, the Committee proposed new clauses aimed at inclusivity, but overlooking crucial recommendations for improving candidacy submission processes. In the stakeholder recommendations it was recommended in these clauses to add the following.

- Clause 34(2): Proposed adding online submission of forms for Presidential Candidacy to ease up the process.
- Clause 50(1): Proposed having 20 guarantors from every ward in all identified election constituencies.
- Clause 50(7): Proposed adding online submission of forms for Member of Parliament candidates to ease the process.
- Clause 62(2)(e): Proposed candidates taking oath before the commissioner of oath to ease the process as they are available in all areas compared to Magistrates.
- Clause 62(1): Propose having at least 10 guarantors at every village/street in a ward to show how the public supports the candidate.

The above proposals by stakeholders are crucial in strengthening the current election framework.



6.2. The National Electoral Commission Bill, 2023

In response to stakeholders' recommendations, the Committee acknowledged and incorporated some proposals into the proposed National Electoral Commission Bill. For instance, stakeholders suggested adding the term "Independent" to the title of the bill and the name of the Commission. The Committee accepted this recommendation, leading to the Electoral Body being referred to as the "Independent National Electoral Commission." Similarly, stakeholders proposed adding the word "Independent" to specific clauses mentioning the Commission's name, which the Committee also adopted, ensuring alignment with stakeholders' recommendations.

Additionally, stakeholders recommended expanding the duties of the Commission to include voter registration, election supervision, and coordination at all levels. The Committee partly accepted this proposal by suggesting that the Commission should facilitate, coordinate, and supervise elections at all levels. It highlighted that based on a report by the government, it stated it would be difficult to implement this in 2024 as the civic elections are already underway. Furthermore, specifics regarding the delegation of tasks were not addressed in the Committee's proposal, indicating a partial adoption of stakeholders' recommendations in this regard.

In addition to this, stakeholders proposed appointing the Clerk of the National Assembly as the secretary of the Selection Committee to avoid conflict of interest. While the Committee's proposal to select any public servant based on qualifications or position for this role deviated from stakeholders' recommendations, it still acknowledged the importance of ensuring transparency and impartiality in the selection process.

In terms of specific qualifications for Commission members, stakeholders recommended that the Chairman and Vice Chairman should be Judges of the Court of Appeal/High Court of Tanzania or Advocates. The Committee's proposal to outline the qualifications of Commission members by Parliament, although different from stakeholders' suggestions, still reflects an acknowledgment of the need for qualified individuals to serve on the Commission.

6.3. The Political Parties Affairs Laws (Amendment) Bill, 2023

In the proposed amendments to the Election Expenses Act, stakeholders recommended altering Section 13(4) to extend the reporting period for election expenses. They proposed a uniform timeframe of sixty days for both general elections and by-elections. However, the Committee did not take this up in their recommendations.

Regarding the proposed amendments to the Political Parties Act, stakeholders advocated for changes to several clauses to enhance party governance and accountability. For instance, they suggested vesting the power to deregister a political party with the High Court rather than the Registrar. While the Committee took up this proposal, they recommended removing the provision that criminalises certain offences, a modification intended to balance the severity of penalties with the objective of the law.

Furthermore, stakeholders recommended clarifying the definition and applicability of terms such as "meetings" and "processions" within the Political Parties Act. While the Committee agreed to



incorporate some amendments related to these terms, stakeholders' proposals for further clarification and definition were not fully adopted.

Lastly, stakeholders proposed specific provisions to be included in the social inclusion policy of political parties, emphasising representation defined by quotas for marginalised groups such as youth, women, and persons with disabilities. Although the Committee acknowledged the importance of inclusion policies, the extent to which these recommendations were fully incorporated into the proposed amendments remains unclear.

The Committee's proposals, while in some instances have addressed some key issues, have also left several fundamental aspects unaddressed such as provisions for independent candidates, appeals for Presidential elections, threshold of winning votes in Presidential elections as well as deposit of security in election petitions etc. Overall, while the Committee's proposals reflect a partial alignment with stakeholders' recommendations, there are several areas where further consideration and incorporation of stakeholders' suggestions may be necessary to ensure the effectiveness and fairness of the proposed amendments.



7. Key Observations and Conclusions

The electoral laws have not made much changes in regards to the propositions made in the recommendations by stakeholders. The following are some of the things that have been incorporated in the enacted electoral laws:

7.1. The Independent National Electoral Commission Act, no 2 of 2024

The Act refers and describes the National Electoral Commission (NEC) as an independent Commission and hence the change in the title of the law as was proposed by stakeholders and the parliamentary Committee. The Act has also incorporated the suggested selection panel committee and outlines its role of vetting and recommending persons to be members of the independent NEC. Unlike the bill, the Act provides that the NEC shall have power to coordinate and administer local government elections as suggested by the parliamentary Committee and stakeholders.⁸⁴

7.2. The Presidential, Members of Parliament and Councillors Election Act, 2024

The law has incorporated some of the recommendations by stakeholders and the parliamentary Committee as follows:

7.2.1. Removal of District Executive Officers as returning officers

The Act unlike the bill states that the NEC can appoint any public servant as a returning officer in any of the electoral constituencies. It further outlines the qualifications of the appointed returning officer to include that the person should have never held any political leadership position.⁸⁵ However, despite this progressive move the Act still states that District and Municipal Executive Directors will be the registration officers for the purpose of registering voters in the electoral constituencies.⁸⁶ By limiting the eligibility of the returning officers to senior civil servants, the law discriminates against those who may be competent but outside of the public service. It also leaves room for the appointment of District Executive Directors as returning officers by failing to explicitly exclude them.

7.2.2. Removal of payment requirement for renewal of voters identification card

This significant revision aims to ensure broader accessibility to the voting process by alleviating financial barriers for citizens seeking to renew their voter identification cards.

7.2.3. Integration of Gender and Disability Options in Voter Registration Forms

The Act has added a crucial provision mandating the incorporation of gender and disability options within voter registration forms. This progressive step facilitates the inclusion of marginalised groups in the electoral process, empowering the National Electoral Commission (NEC) to strategically equip ballot stations with inclusive facilities and accommodations, thereby promoting equitable

⁸⁴ [Section 11\(c\) of the National Election Commission Act no 2 of 2024.](#)

⁸⁵ [Section 6 of the Presidential, Members of Parliament and Councillors Election Act no 1 of 2024.](#)

⁸⁶ [Section 7 of the Presidential, Members of Parliament and Councillors Election Act no 1 of 2024.](#)



participation in democratic exercises.⁸⁷ This has also been added in Section 62 whereby candidates forms contain a gender and disability option that is to be filled by Applicants.

7.2.4. Timeline for decision making in voter registration complaints

The Act stipulates a 14-day timeline for registration officers to render a decision on complaints lodged concerning the voter registration process or register. Additionally, it has amended the procedure for aggrieved parties dissatisfied with the decision, allowing them to appeal to Primary Courts, which are readily accessible nationwide, instead of filing in District Court.⁸⁸

7.2.5. Objection of voter's name in the voters registration book

The Act, unlike the bill, has amended the provision regarding objections to a voter's name in the voter registration book. Previously, only a voter registration officer or Electoral Director could raise such objections. However, the Act now allows any individual to raise objections regarding the presence of a voter's name in the registration book.⁸⁹

7.2.6. Election appeals

The Act has revised the part IV and provides all complaints on the voter's register or process shall be filed in the Primary Court instead of District Court as was provided in the bill easing up access.⁹⁰ It has also not adopted clause 28 of the bill that restricted appeals.

7.2.7. Provision of copies of election results forms

The Act now mandates that the electoral officer must provide copies of the electoral results to all election agents present at the polling station. Previously, the bill indicated that this provision would apply if enough papers were available.⁹¹

7.2.8. Announcement of vacant councillor post

The Act as was proposed by the parliamentary committee provides that the NEC shall be the authority that announces the vacancy of a councillor seat upon being informed by the Minister in charge.⁹²

7.2.9. Provision on gender inclusion

The Act has additionally incorporated a provision specifically addressing gender-based violence and sexual harassment during elections, aiming to promote gender inclusion and ensure a safe electoral environment⁹³

⁸⁷ [Section 20 of the Presidential, Members of Parliament and Councillors Election Act no 1 of 2024.](#)

⁸⁸ [Section 23 of the Presidential, Members of Parliament and Councillors Election Act no 1 of 2024.](#)

⁸⁹ Section 26 of the Presidential, Members of Parliament and Councillors Election Act no 1 of 2024.

⁹⁰ Section 29 of the Presidential, Members of Parliament and Councillors Election Act no 1 of 2024.

⁹¹ Section 23 of the Presidential, Members of Parliament and Councillors Election Act no 1 of 2024.

⁹² The Minister in charge in this case is the Minister of President's Office Regional Administration and Local Government (PO-RALG).

⁹³ [Section 136 of the Presidential, Members of Parliament and Councillors Election bill.](#)



7.2.10. Removal of clause restricting electoral adverts

The Act has omitted clause 136 of the electoral bill, which previously restricted the publication and posting of electoral campaign advertisements without prior approval from the National Electoral Commission in case of Presidential elections and Electoral officers in case of Members of Parliament or Councillor elections.⁹⁴

7.2.11. Timeline of election petition

Unlike the bills, the Act has shortened the timeline for the hearing of election petitions from twelve months to six months.⁹⁵ It further specifies that appeals must be heard within six months as well.⁹⁶ However, it states that in case there are circumstances that make it impossible for the case to be heard within six months.⁹⁷ This provision does not clearly state what these circumstances are leaving it open to interpretation.

7.3. The Political Parties Affairs Laws (Amendment) Act 2024

The Act has introduced two amendments that were absent from the proposed bill. One of these amendments involves the modification of Section 8C(4) of the Political Parties Act. In addition to imposing a fine, which remains an option, parties failing to maintain updated registers for members of the party, leaders at each administrative level, and members of party organs at each administrative level, may now face suspension or deregistration. The fine imposed ranges from not less than one million shillings to a maximum of three million shillings.

Furthermore, the Act amends Section 21D of the Political Parties Act by revising the penalties outlined therein. It stipulates that individuals who commit an offence under the Political Parties Act, for which no specific penalty is prescribed, shall be subject to a fine of not less than three million shillings. Previously, the provision allowed for either a fine of not less than three million but not above ten million or imprisonment as a penalty.

8. Conclusion

Tanzania's electoral landscape reflects a complex interplay of historical legacies, political dynamics, and ongoing reform efforts. Despite Tanzania's transition to a multiparty system in the early 1990s and subsequent efforts towards democratisation, the electoral landscape remains marred by persistent challenges. The recent passing of electoral bills by Parliament, however, reflects a missed opportunity to address these issues comprehensively. Despite recommendations emphasising the importance of reforms to enhance the independence of electoral institutions, promote inclusivity, and safeguard fundamental rights, the enacted legislation fails to incorporate these crucial changes.

More importantly, the passing of these laws with disregard to prevailing court decisions dampens the country's commitment to the rule of law for failing to honor such rulings and may potentially amount

⁹⁴ [Section 135 of the Presidential, Members of Parliament and Councillors Election Act no 1 of 2024.](#)

⁹⁵ [Section 144\(2\) of the Presidential, Members of Parliament and Councillors Election Act no 1 of 2024.](#)

⁹⁶ [Section 144\(5\) of the Presidential, Members of Parliament and Councillors Election Act no 1 of 2024.](#)

⁹⁷ [Section 144\(6\) of the Presidential, Members of Parliament and Councillors Election Act no 1 of 2024.](#)



to contempt of court. The passing of the laws marked an important opportunity for bringing the country's electoral framework up to par with global and regional standards on elections particularly the African Charter on Democracy, Elections and Governance which Tanzania is yet to ratify. Collectively, this leaves Tanzania's record as a bastion of progressive democracy in the region hanging on a balance and may not be sufficient to redress some of the perennial gaps with the country's electoral framework.

As Tanzania approaches significant electoral milestones, including the 2024 local government (civic) elections and the 2025 general elections, the lack of action on these recommendations raises concerns about the integrity and credibility of the electoral process. Without meaningful reforms, democratic governance and citizen participation are at risk of being compromised.

Building on the progress recorded so far is imperative if Tanzania is to live up to its potential. Implementing the outstanding court decisions and ratifying the African Charter on Democracy, Elections and Governance are two critical starting points towards this end.



9. Annex I: Key Court Cases challenging various laws and provisions within the Electoral Legal Framework

Since the transition to multipartism up to date there have been several cases that have been filed in relation to various provisions in the electoral legal framework below is a table outlining these cases, provisions challenges and the Court ruling on the cases.

S/N	NAME OF CASE	ISSUE BEING CHALLENGED	RULING OF THE COURT
1.	<u>Rev. Christopher Mtikila v. The Attorney General Tanzania Law Report 1995 TLR</u>	Requirement that Candidates of election have to be sponsored by a political party	The High Court of Tanzania found the provisions contravene freedom of association and freedom to participate in public affairs. However, instead of declaring them unconstitutional, the court held that it would also be lawful for an individual to contest in an election as an independent candidate.
2.	Rev Christopher Mtikila vs. Attorney General 2005 and 2006	Subsequently after the above case the Government amended the constitution and other election laws to circumvent the judgment in the case. Aggrieved with this amendment, the Petitioner (Mtikila) filed a fresh case challenging these amendments	The High Court found that the amendments were unconstitutional. The Court held that it would be lawful for an individual to contest in an election as an independent candidate. The Court made an order against the Government to implement the ruling by creating a mechanism that would make operational the participation of an independent candidate before the General Election 2010. The Government appealed and this judgement was overturned by the Court of Appeal.
3.	<u>The Hon. Attorney General and 3 Others v. Dr. Aman Walid Kabourou</u>	Jurisdiction of the Courts to inquire into the validity of actions taken by	The Court acknowledged that the Constitution prohibits the Courts from



	<p><u>Civil Appeal No. 32 and 42 of 1995, Court of Appeal of Tanzania</u></p>	<p>the National Electoral Commission (NEC).</p>	<p>inquiring into anything done by the Electoral Commission in the exercise of its functions according to the provisions of the Constitution.</p> <p>However, the Court emphasised that this prohibition does not protect unconstitutional or illegal acts or deeds.</p> <p>The Court asserted that acts or deeds made contrary to the Constitution or the relevant law are subject to review or inquiry by the appropriate Courts of law.</p> <p>The Court upheld the principle that nobody is above the law and that the Courts have the jurisdiction to review or inquire into actions of public authorities, including the NEC, if they are found to be unconstitutional or illegal.</p>
4.	<p><u>Julius Ishengoma Francis Ndyababo vs The Attorney General (Civil Appeal 64 of 2001) [2002] TZCA 14</u></p>	<p>Mandatory pre-conditions for security costs under the 1985 Elections Act.</p>	<p>The Court held that such pre-conditions, by their nature, hinder the right to a fair hearing for an ordinary citizen who exercised their right to vote.</p> <p>Criticising the provisions as unrealistic, unreasonable, and unnecessary, especially given the economic status of the majority of Tanzanians, the Court declared that sections 111(2) and (3) of the Elections Act 1985 were arbitrary, imposing unfair limitations on the citizens' access to justice.</p>
5.	<p><u>Tanganyika Law Society, Legal and Human Rights Center and Christopher Mtikila Cons. (AfCHPR) App No. 09 and 11 of 2011</u></p>	<p>The case challenged the limitation of independent candidates to contest elections.</p>	<p>The African Court ruled that the Tanzanian government had violated Articles 2,3, 10 and 13(1) of the African Charter by restricting individuals with</p>



			no party affiliation from exercising their rights to participate freely in government leadership
6.	<u>Francis Muhingirwa Garatwa and Others v. Attorney General (Consolidated Misc. Civil Cause No.4 2018 and Misc Civil Cause No.8 of 2018)</u>	Determination of the Constitutionality of Sections 43-46 of the Police Force Auxiliary Act and Section 11(2),(4),(5) and (7) of the Political Party Act as it relates to the right of assembly	The High Court of Tanzania held that these provisions are constitutional and that they do not infringe on the rights outlined under Article 13(6)(a), 18, 20(1), 21(2) and 29(2) but rather provide safeguards on how political parties can engage in public meetings, rallies and foras.
7.	<u>Jebra Kambole and others v United Republic of Tanzania, AfCHPR Application No. 018/2018</u>	The case challenged Article 41(7) of the United Republic of Tanzania's Constitution that bars any Court from inquiring into the election of a presidential candidate after the Electoral Commission had declared a winner.	<p>The Court found that article 41(7) of the Tanzania's Constitution violated the rights under Article 7(1)(a) of the Charter, which guarantees the right to a fair hearing, including the right of access to a Court for adjudication of one's grievances and the right to appeal against any decision rendered in the process.</p> <p>The Court also held that article 41(7) of Tanzania's Constitution created a discrimination between litigants, which violated the right to non-discrimination under Article 2 of the Charter.</p> <p>The Court further held that Tanzania had failed to honour its obligation to recognise the rights, duties and freedoms enshrined in the Charter and to take legislative and other measures to give effect to the Charter as stipulated under Article 1 of the Charter</p>
8.	<u>Freeman Mbowe and 5 others vs. AG of Tanzania EACJ, Consolidated References No.3 and 4 of 2019</u>	Challenged the provisions in the 2019 Political Parties Act Amendment Act that is: Sections 3 that amends section 5b:	Among the challenged provisions the EACJ found that the Section 3, 4, 5, 9, 15 and 29 of the Political Parties Amendment Act of 2019 were in



		<p>For providing the Registrar of Political Parties power to monitor intra party elections and nomination processes (violates intra party democracy).</p> <p>Section 4 that introduces Section 5B: introduces penalties to party leaders/political parties for failing to furnish information to the Registrar (violates right to privacy).</p> <p>Section 5 that introduces Part II A under Section 6B(a) for being discriminatory for requiring only citizens with two Tanzanian born parents to register a political party.</p> <p>Section 29 introducing section 21E that empowers the Registrar to suspend a political party member from conducting political parties activities in violation of</p> <p>Section 21D that introduces Criminal Sanctions in the Political Parties Act in violation of principles of good governance, democracy and rule of law</p>	<p>violation of the EACJ treaty and other international instruments and ordered that they are amended.</p>
9.	<p><u>Bob Chacha Wangwe and Legal and Human Rights Centre v. United Republic of Tanzania, AfCHPR Application No. 011/2020</u></p>	<p>Challenges Section 6(1) of the National Elections Act on appointment of District Executive Directors as election officers</p>	<p>Section 6(1) of the NEA: The African Court ruled that this section violated Article 13(1) of the Charter in so far as it did not prescribe qualification criteria for persons to be appointed as Returning Officers, and this infringement was not considered a permissible limitation under the terms of Article 27(2) of the Charter.</p>



10.	<u>Tito Elia Magoti & Another vs National Electoral Commission & 3 Others (Misc. Civil Cause 3 of 2022) TZHC</u>	The case challenged the provisions of section 11(1)(c) of National Elections Act, alleging that they violate or are inconsistent with Article 5(2)(c) of the Constitution of the United Republic of Tanzania for providing a wide/blanket restriction of the right to vote to inmates serving 6 months in prison and on a death sentence without specifying specific crimes.	The High Court of Tanzania declared that the provisions of Section 11(1)(c) of the National Elections Act, Cap 343 R.E 2015 are unconstitutional to the extent that they are inconsistent and violate the right to vote under Article 5(2)(c) of the Constitution of the United Republic of Tanzania (1977) as amended from time to time. The Court reasoned that there is no Constitutional provision or law that restricts remandees from taking part in election processes nor provides for discretion on the exercise of this right. Furthermore, the Court stated that the interpretation of Article 5(2)(c) provisions requires the parliament to enact or provide regulations that will outline what crimes are restricted from exercising instead of how it currently stands where all inmates convicted for different crimes are limited from taking part in elections.
11.	<u>Joram Lwehabura Bashange vs the Chairman of National Electoral Commission and Another (Misc. Civil Cause 19 of 2021) [2021] TZHC 6745</u>	The petition contested the legality and constitutionality of specific sections within the National Elections Act, Cap 343 and the Local Government (Elections) Act, Cap 292, as amended by the Electoral Laws (Miscellaneous Amendments) Act, no. 7 of 2010. Specifically, it challenged Section 44 of Cap 343, which permitted unopposed candidates for Member of Parliament to assume office, and Sections 45(2) and 13(7) of Cap 292, which allowed unopposed candidates for Councillor to be declared elected. The petitioner asserted that these provisions violated Article 21(1) & (2) and	The High Court of Tanzania declared and affirmed that the provisions of Section 44 of the National Elections Act, Cap. 343 (hereinafter Cap. 343), and Sections 45(2) and 13(7) of the Local Government (Elections) Act, Cap. 292 (hereinafter Cap. 292), are unconstitutional and therefore null and void for contravening Article 21(1) and (2) of the Constitution of the United Republic of Tanzania, as amended from time to time. The High Court proceeded to remove the said provisions from the statute book.



		<p>Article 26(1) of the United Republic of Tanzania Constitution, as amended. Additionally, they argued that the requirement for members of parliament or councillors to be elected by secret ballot was infringed upon by the allowance of unopposed candidates. Moreover, the petitioner contended that these sections contravened Article 13(1) of the African Charter on Human and Peoples' Rights (1981), Article 25(a) and (b) of the International Covenant on Civil and Political Rights (1966), and Article 21(1) and (3) of the Universal Declaration of Human Rights (1948).</p>	
12.	<p><u>Legal and Human Rights Center & Liberatus Mwang'ombe v. United Republic of Tanzania AfCHPR Application 041/2020</u></p>	<p>The Applicants allege that the Tanzanian government violated various rights by enacting Article 5(2)(c) of the 1977 Constitution and implementing the National Elections Act (Cap. 343 R.E 2015), which disqualifies individuals under certain criminal sentences from voting. They argue that these provisions contravene the African Charter on Human and Peoples' Rights, the International Covenant on Civil and Political Rights, and the Universal Declaration of Human Rights. Specifically, they claimed that the laws violated the right to vote and participate in public affairs (Articles 13(1) of the Charter, 25(a) and (b) of the ICCPR, and 21(1) of the UDHR), the right to non-discrimination (Article 2 of the Charter, 2(1)(2) of the ICCPR, 2 of the UDHR, and 13(2) and (4) of the Tanzanian Constitution), and the right to equality before the law and equal</p>	<p>The case is still ongoing at the African Court.</p>



		<p>protection of the law (Articles 3 of the Charter and 7 of the ICCPR). They Applicants further contended that the respondent state failed to protect human rights under Articles 1 of the Charter and 2(2) of the ICCPR. As a result, the Applicants are asking the Court to declare the respondent's actions as violations of these rights, compel the immediate registration of affected individuals as voters, set up polling centres in prisons and diaspora locations, report on implementation within twelve months, and grant any other appropriate remedies</p>	
13.	<p><u>Deusdedit Valentine Rweyemamu and Paul Revocatus Kaunda Vs United Republic of Tanzania AfCHPR Application Consolidated Application No. 040 and 043 of 2020</u></p>	<p>The case challenged the constitutionality of Articles 74(1) and 74(12) of the Constitution of Tanzania and Article 119(13) of the Constitution of Zanzibar, asserting that these provisions violated provisions of the African Charter on Human and Peoples' Rights, the Universal Declaration of Human Rights (UDHR), and the International Covenant on Civil and Political Rights (ICCPR). The Applicants argue that the challenged provisions unreasonably restricted individuals' access to Courts, thereby violating their basic rights and negatively impacting the judiciary's function. Specifically, they contended that Articles 74(12) and 119(13) of the respective constitutions denied individuals access to Courts for remedies and rendered the judiciary functionless in determining matters arising from decisions of the National Electoral Commission (NEC) and Zanzibar Electoral Commission</p>	<p>The case is still pending in Court</p>



		(ZEC).	
14.	<u>Ado Shaibu and 5 others vs United Republic of Tanzania AfCHPR Application 046/2020</u>	<p>The Applicants alleged violations of their rights during the 2020 elections in Tanzania, including actions by the National Elections Commission (NEC), the Zanzibar Electoral Commission (ZEC), the Tanzania Police Force, and other state agents, which they claimed curtailed their rights to participate in the elections as candidates and registered voters. They alleged unilateral appointment of commissioners, discrimination on political grounds, electoral malpractices, violence, torture, unlawful intimidation, arrest, and detention. These actions, they argued, violated their rights guaranteed under the African Charter on Human and Peoples' Rights, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), and the International Covenant on Civil and Political Rights (ICCPR). The Applicants prayed to the Court for various declarations, orders for investigation and accountability, adoption of remedial measures, reparations, and costs in their favour.</p>	The case is still ongoing at the African Court.

Table no 1: Cases challenged in national and regional Courts on various election provisions



10. Annex II: Stakeholders Recommendations based on past election observations

RECOMMENDATIONS TO REFORM THE TANZANIA ELECTORAL SYSTEM BY ELECTION OBSERVERS (ELECTION OBSERVATION REPORTS (2020))						
	ISSUE	Electoral Institute for Sustainable Democracy in Africa (EISA)	Tanzania Elections Watch (Kenya Human Rights Commission)	Research and Education for Democracy Tanzania Report	European Union Election Observation Mission to Tanzania	National Election Commission Tanzania Report
1.	Electoral Legal Framework a. Challenging Presidential Elections and other electoral discrepancies	Review the legal framework to provide for mechanisms for redress of disputes arising from the Presidential elections.	<ul style="list-style-type: none"> - Presidential election results should be challenged in Court. (Based on NEC's stakeholders' engagement) - Appeals Mechanisms: Implementation of proper mechanisms for hearing appeals and providing comprehensive reasons for disallowing them, with a commitment to 	Providing timely and transparent communication on electoral appeals are suggested.	<ul style="list-style-type: none"> - Legislation should be enacted to establish the right to petition presidential election results, aligning with international democratic election standards and principles. - The judiciary should possess a distinct supervisory 	



			<p>fairness and even-handedness.</p>		<p>authority over the conduct and determination of the electoral commissions.</p> <ul style="list-style-type: none"> - Decisions made by the NEC and the ZEC should be subject to judicial review promptly after the candidate nomination period and throughout the entirety of the electoral process. It is imperative that aggrieved parties do not have to wait until results are announced to seek legal redress. - Costs for filing electoral petitions <p>The costs associated with filing a petition should be drastically reduced</p>	
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					<p>in order to provide petitioners the effective right to access justice and a legal remedy.</p> <p>- Time frame of hearing electoral petitions:</p> <p>To ensure consistency and transparency in the electoral process, the ZEC and NEC should align the timeframes for submission and handling of election petitions in Zanzibar with those provided for the Union. Currently, in Zanzibar, petitions must be submitted within 15 days after result announcement, with courts taking up to 24 months to issue a decision. Conversely, in the Union, petitions</p>	
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					can be submitted within 30 days, and courts have a 12-month period for ruling. Adopting clear, consistent, and transparent procedures for handling electoral complaints will enhance confidence and transparency in the process	
	b. Independent Candidates				The eligibility to run for election should extend beyond party-nominated candidates. Independent candidates must be granted the right to stand for election, in accordance with the principles outlined in the 1966 International Covenant on Civil and Political Rights.	



	<p>c. Review the direct nomination of unopposed candidates</p>	<p>To make the election process competitive and provide a level playing field, NEC should consider reviewing the direct nomination of unopposed candidates.</p>	<p>Unopposed parliamentary and councillor candidates are subjected to the ballot box: Based on NEC (stakeholder engagement)</p>			
	<p>d. Political Parties Law and Regulations reform</p>		<p>Review the procedure for the introduction of political party agents</p>			
	<p>e. Consolidation of the Electoral laws</p>					<p>There is a need to merge the National Elections Act, Cap 343, and the Local Authorities (Elections) Act, Cap 292, into a single election statute for easy implementation; 121</p>
	<p>f. Translation of the electoral laws from English to Swahili</p>					<p>Recommended having electoral laws in swahili so as to allow the general public to have a clearer</p>



						understanding of the laws.
	g. Revising guidelines on early voting			Revisiting provisions related to early voting and nomination forms: This will help to minimise disqualifications on technical grounds.		
	h. Guidelines for election agent vetting and swearing in		Establishment of clear guidelines, timelines, and adherence to international human rights standards in the vetting and swearing-in process of election agents.			
2.	Reform of the National Electoral Commission - Independent Commission	- Establish a two tier appointment system of appointment of NEC Commissioners The government should consider adoption of a two-tier appointment process where the NEC	- Constitutional Securing of Election Management Bodies (EMBs): The necessity of securing EMBs constitutionally implies embedding their roles, responsibilities,		Appointment of Commissioners: The appointment of NEC commissioners should be revised in order to increase confidence in the NEC's	- Enactment of a National Electoral Commission Act : This will enable the Commission to discharge its constitutional mandate more



		<p>Commissioners are subjected to parliamentary vetting before approval.</p> <ul style="list-style-type: none"> - Hiring independent staff instead of using public officials <p>Considerations should be made to provide for hiring of ad hoc staff to help the Commission in conducting elections as opposed to secondment of public servants.</p>	<p>and independence within the constitutional framework of a country.</p> <ul style="list-style-type: none"> - Inclusive Selection and Appointment Procedures for Commissioners: Suggest the inclusive procedures in selecting and appointing commissioners to EMBs, ensuring representation and diversity. - Independence in Appointing Secretariat and Staff: Commissioners should have the authority to independently appoint the secretariat and staff of the EMB, enhancing their autonomy and effectiveness. - Mechanisms for Integrity and Impartiality: Establishment of mechanisms to ensure 		<p>independence among all stakeholders. Also, a multi-party appointment panel and a two term limit mandate for the commissioners should be considered</p>	<p>efficiently and effectively</p> <ul style="list-style-type: none"> - Support Impartiality: Strengthen mechanisms to uphold the impartiality of commissioners, fostering trust and credibility in electoral processes.
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			integrity and impartiality within EMBs, including transparent and competitive selection processes, popular approval of appointments, and checks and balances.			
3.	Efficiency of the electoral system					
	a. Stakeholders consultations	Timely and comprehensive consultation with all electoral stakeholders. This will help with safeguarding transparency.				
	b. Use of government officials as electoral officers				Serious efforts should be made to limit the involvement of governmental administrative structures in the organisation and implementation of the electoral process. The development of an independent structure should be envisaged for the	



					NEC and the ZEC throughout the country, diminishing its dependence on local administrative structures	
	c. Election staff and funding		Guarantees for Free and Fair Elections: Ensuring free and fair elections through various means such as control over election staff, adequate funding, timely amendment of laws, and fair treatment of political actors.	Establishing consolidated funds for elections: This will ensure effectiveness in carrying out elections in the Country.		
	d. Election constituency boundaries				A comprehensive review of constituency boundaries is necessary to align them with current population trends, promoting equitable voting rights. Equal	



					<p>suffrage demands that each vote holds equal significance. The NEC and the ZEC must rectify the significant disparities in registered voters across constituencies by redrawing boundaries and potentially establishing new constituencies. This will ensure that electoral divisions accurately reflect population density and contribute to fair parliamentary representation.</p>	
	<p>e. Commission offices at all level</p>					<p>Establishment of Commission offices at the local Level:</p>



						The Commission should establish offices at the council level so as to enhance its efficiency and effectiveness.
	f. Transparency and accountability in the election process		Publicising Public Interest Information: Commitment to publicising information relevant to the electoral process to enhance its credibility, transparency, and verifiability, thereby fostering public trust.	<p>Deploying adequate number of polling agents to boost confidence in the electoral process and reduce the perceptions of malpractice</p> <p>Facilitating mainstream and social media freedom : This is key in a democratic state to enhance participation and free and fair elections</p>	<ul style="list-style-type: none"> - The NEC and the ZEC should permit unrestricted access for political party representatives and observers at every phase of the presidential, National Assembly, House of Representatives, and Councilor elections' aggregation. - Adequate facilities should be provided to enable comprehensive 	



					<p>monitoring of the process, particularly given that presidential results declared by the NEC and the ZEC are not subject to legal challenge.</p> <ul style="list-style-type: none"> - The NEC and ZEC should prioritise transparency and accountability in electoral administration by promptly publishing and disseminating key technical information such as polling station lists, constituency lists, voters' lists, and details on public financing of election campaigns. 	
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					<ul style="list-style-type: none">- To foster trust among political parties in the electoral process, the NEC and the ZEC should create a robust platform for dialogue and collaboration. This platform should ensure transparent and timely dissemination of clear, updated information to all stakeholders. Additionally, decisions and regulations from the Electoral Commissions should be thoroughly communicated and explained to	
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					stakeholders.	
	g. Election results announcements			Expediting election result announcement: Ensuring that election results are announced promptly after voting concludes helps maintain transparency and prevents uncertainty among the electorate.		
	h. Provision of adequate training:				There is a need to provide comprehensive training for lower-level election staff and ensure procedural manuals are widely accessible to both staff and stakeholders well in advance of election day. Additionally, procedural details concerning the aggregation,	This should be carried out before any election to political parties, party agents and polling staff.



					transmission, and announcement of results should be clear and unambiguous. This will help in avoiding challenges observed in the 2015 elections such as improper positioning of voting booths compromising ballot secrecy.	
	i. Early Establishment of Polling Stations			Setting up polling stations well in advance of voting hours will reduce confusion and logistical challenges on election day. Early establishment allows voters to easily locate their designated polling stations, mitigating delays and ensuring a smoother voting experience.		



	j. Strengthening the Office of Registrar of Political Parties (ORPP			To ensure effective implementation of the Election Expenses Act.		
	k. Prevention of electoral corruption			Strengthening the PCCB to enable it to deal with allegations of corruption during intra party nominations.		
	l. Involvement of police in election processes			Ensuring that the Police Force acts professionally and refrains from making politically inclined statements against candidates and political parties.	Minimising the number of police force present prior and during elections as such display of security in polling stations, does not contribute to a tranquil atmosphere on election day.	
	m. Electoral calendar				The NEC and the ZEC should prioritise creating and adhering to a comprehensive electoral calendar,	



					outlining precise deadlines for each stage of the electoral process, from production to implementation.	
					The electoral commissions should introduce a system by which details of turned away voters holding a voter card but not found on the voters' register are recorded at the polling stations. The records should be forwarded to the commissions for scrutiny and further action.	
4.	Review the accreditation procedures of observers	- Conduct a review of accreditation procedures The NEC should consider reviewing the accreditation procedures for citizen observers to ensure timely and efficient consideration of	- Instituting necessary changes in the guidelines for Local and International Election Observers, 2020 with a view to providing room for			- <i>Facilitation of organisations accredited to provide voter education</i> The Government to consider facilitating



		<p>accreditation requests.</p> <ul style="list-style-type: none"> - Timely feedback of accreditation and provision for appeals <p>Decisions not to accredit national observer groups to participate in national elections should be an exception and written reasons for accreditation rejection should be provided and timely appeals made possible.</p>	<p>appeal against accreditation refusal by NEC.</p>			<p>organisations and institutions that are accredited to provide voter education.</p>
5.	Equality and Inclusion of marginalised groups			<ul style="list-style-type: none"> - Ensuring that all registration and voting centres are accessible to PWDs to maximise their full participation. - Increasing gender representation in election management - Ensuring that political parties and candidates can compete in elections based on equal 	<ul style="list-style-type: none"> - Recommends having legal requirements mandating parties to disclose eligible candidates for reserved seats, particularly for women in the National Assembly and House of Representatives. These lists should be made public 	<p>Sustaining participation of people with disabilities in the electoral processes.</p>



				<p>treatment before the law. The legal framework for elections should be applied in a non-partisan way without any discrimination.</p>	<p>before election day to inform voters about candidates who may benefit from their votes.</p> <ul style="list-style-type: none"> - Implementing visual aids at polling stations, district, and national levels to clearly register and display results to stakeholders would enhance the transparency of the electoral process and validate the results. 	
6.	Voters registration				<ul style="list-style-type: none"> - A thorough evaluation of the voters' register is essential to enhance its quality, reliability, and accuracy. Impleme 	



					<p>nting a civil registry, introducing accessible and free national identification cards, and extending the public exhibition period of the register would greatly improve its quality for future elections.</p> <p>- Political parties should be regularly updated with timely information regarding additions, corrections, and deletions to the voter register. Furthermore, they should receive copies of the voter register well in advance of elections.</p>	
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					<ul style="list-style-type: none"> - Handling of registered voters whose names are not on the registration book during elections. - The electoral commissions should introduce a system by which details of turned away voters holding a voter card but not found on the voters' register are recorded at the polling stations. The records should be forwarded to the commission for scrutiny and further action. 	
7.	Election expenses				<p>Recommends limiting the campaign timeline to four to six week so as to have better utilisation of available resources</p>	



					for political parties' campaign activities	
8.	Media freedom				<ul style="list-style-type: none"> - Media law reform in Tanzania has stagnated, lacking stakeholder input and clear progress. To ensure independence, state-owned broadcasters' mandates must be precisely defined, separating them from government influence. - State-owned media should adhere to impartial and balanced coverage guidelines during elections. Private broadcasters should also 	



					<p>uphold these standards.</p> <ul style="list-style-type: none"> - A supervisory board should oversee media conduct, allocate free airtime to political parties, and address media-related complaints promptly. The Media Council of Tanzania demonstrated effectiveness during the election campaign but is not explicitly designated for this role. - Clear identification of paid political advertising is essential to inform voters about the source 	
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					<p>of broadcasts. TVZ in Zanzibar should differentiate purchased airtime from free slots provided by the ZEC.</p> <ul style="list-style-type: none"> - Professional development opportunities should be provided to journalists, editors, and managers to enhance their understanding of electoral processes and uphold journalistic standards, particularly focusing on regional journalists. 	
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