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THE NATIONAL ELECTIONS ACT,
(CAP 343)

REGULATIONS

(Made under section 124)

THE NATIONAL ELECTIONS (PRESIDENTIAL AND PARLIAMENTARY
ELECTIONS) REGULATIONS, 2020

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THE NATIONAL ELECTIONS ACT,
(CAP 343)

REGULATIONS

(Made under section 124)

THE NATIONAL ELECTIONS (PRESIDENTIAL AND PARLIAMENTARY
ELECTIONS) REGULATIONS, 2020

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the National Elections (Presidential and Parliamentary Elections) Regulations, 2020.
- Interpretation 2. In these Regulations, unless the context otherwise requires-
- Cap. 343 “Act” means the National Elections Act;
 “campaign period” means the period commencing immediately after the nomination day up to the day immediately preceding the election day;
 “candidate” means a person who submits himself for election to the National Assembly;
 “Commission” means the National Electoral Commission established under Article 74 of the Constitution;
 “constituency” means a constituency for the purposes of election to the National Assembly;
- Cap. 2 “Constitution” means the Constitution of the United Republic of Tanzania, 1977;
 “council” means a City Council, Municipal Council, Town Council or a District Council as the case may be;
 “Director of Elections” means the person appointed to be the Director of Elections in accordance with the provisions of section 6 of the Act and includes a person performing any of the functions of the Director of Elections;
 “election” means-

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(a) in the case of an election of the President, the Presidential election;

(b) in the case of an election to the National Assembly, a Parliamentary election and it includes a by-election;

“election day” has the meaning ascribed to it under the Act;

“election observation” means the observation of various stages of the electoral process by an observer duly accredited by the Commission for that purpose;

“election officer” includes the Regional Election Coordinator, Returning Officer, Assistant Returning Officer, presiding officer and polling assistant;

“Government” means the Government of the United Republic of Tanzania;

“Minister” means the Minister responsible for Regional Administration and Local Government;

“nomination” means nomination as a candidate for election to the National Assembly, nomination for women special seats, and it includes a by-election;

“nominating authority” means-

(a) in the case of Presidential and Vice Presidential candidates, the National Electoral Commission; and

(b) in the case of Parliamentary candidate, the Returning Officer;

“nomination day” means a day appointed by the Commission for the nomination of candidates under the Act;

“observer” means local or international observer;

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“political party” means a political party registered under the Political Parties Act;

“polling agent” means a person appointed as a polling agent under section 57 of the Act;

“Presidential candidate” means a person nominated to contest election for the office of the President;

“region” means any part proclaimed or deemed to be proclaimed by the President to be a region pursuant to powers conferred on the President by the Constitution;

“register” means the Permanent National Voters’ Register established and maintained in accordance with the Act;

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“Registrar” means the Registrar of Political Parties appointed under the Political Parties Act, and it includes a Deputy and an Assistant Registrar;

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“tactile ballot folder” means a device used to facilitate voting by a visually impaired person;

“Vice-Presidential candidate” means a person nominated to contest election for the office of the Vice-President;

“voters’ card” means a card issued under the Act verifying that a person named in such card has been registered as a voter;

“voters’ education” means dissemination of information relating to the electoral processes and procedures; and

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“woman candidate” means a woman candidate for nomination to a Parliamentary women special seats under Article 78 of the Constitution.

PART II
VOTERS’ EDUCATION

Voters’ education

3. The Commission shall be responsible for providing voters’ education throughout the United Republic and it shall, for that purpose, coordinate and supervise persons who conduct such education.

Approval of voters’ education material

4.-(1) A person shall not provide voters’ education without prior approval of the Commission.

(2) Any person who intends to conduct voters’ education using material relating to electoral processes and procedures shall, before using such material, submit the material to the Commission for scrutiny and approval.

(3) Where the Commission does not approve the material, it shall notify the person concerned and may direct that person to correct such material in such a manner as the Commission may direct.

(4) Where the Commission approves the material, it shall grant permission in writing to use such material for conducting voters’ education.

Meaning of Voters’ education material

5.-(1) For the purposes of this Part, voters’ education material includes brochures, posters, leaflets, booklets, radio programmes, cultural dances, songs, drama, television programme, infographics and any other material containing information relating to voters’ education.

(2) The material referred to in subregulation (1) shall indicate names and addresses of the author, printer and publisher as the case may be.

Contravention

6. A person who contravenes any provision of this Part shall be barred by the Commission from providing voters’ education.

PART III
CONSTITUENCIES AND POLLING DISTRICTS

Division of constituency

7.-(1) The Commission shall divide a constituency into polling districts in the manner provided for under the Act.

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into polling districts
Caps. 287
and 288

(2) The boundaries of a polling district shall be within a ward established under the Local Government (District Authorities) Act and the Local Government (Urban Authorities) Act.

Alteration of boundaries of polling district or constituency

8.(1) The Commission may alter the number or area of polling districts or a constituency, whenever circumstances affecting the existing boundaries of a polling district or a constituency arise.

(2) The circumstances affecting the existing boundaries of a polling district or a constituency shall include-

(a) establishment of a new region, an administrative district, a council or ward;

(b) alteration of the boundaries of the existing region, administrative district, a council or ward; and

(c) abolition of a region, an administrative district, a council or ward.

(3) The Commission may, in the manner provided for under the Act, make alteration on the existing boundaries of a constituency or a polling district.

PART IV

APPOINTMENT AND TRAINING OF ELECTION OFFICERS

Appointment of Regional Election Coordinator

9.(1) The Commission may, at any time during election and subject to the provisions of the Act, appoint in writing a public officer to be a Regional Election Coordinator who shall be responsible for coordination of activities related to the election process in a region.

(2) Notwithstanding subregulation (1), the Commission may, for better administration of the election process, appoint from amongst public officers a Regional Election Coordinator for more than one region.

(3) A letter of appointment issued under subregulation (1) shall contain-

(a) the date of commencement of duties and tenure of office of the Regional Election Coordinator;

(b) the terms and conditions of service of the Regional Election Coordinator; and

(c) any other directives as may be determined by the Commission or the Director of Elections.

(4) A person appointed as a Regional Election Coordinator under this regulation shall, within fourteen days after receiving the letter of appointment, confirm to the Director of Elections in writing of his acceptance of the appointment.

(5) The Commission may, where the appointed Regional Election Coordinator fails to submit a letter of

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acceptance as prescribed under subregulation (4), appoint another public officer to be a Regional Election Coordinator.

Appointment
of Returning
Officers

10.-(1) Subject to the provisions of the Act, the Commission shall appoint Returning Officers who shall be responsible for coordinating and supervising the conduct of elections in constituencies.

(2) The Commission shall, at any time before an election, inform in writing the Returning Officer of-

- (a) the date of commencement of duties and tenure of office;
- (b) the terms and conditions of duty; and
- (c) any other directives as may be determined by the Commission or the Director of Elections.

Replacement
of Returning
Officers

11.-(1) The Commission may, where it is satisfied that the Returning Officer is incapable of performing his duties, revoke his appointment and inform the Returning Officer in writing of such revocation.

(2) Where the Commission revokes the appointment of the Returning Officer pursuant to subregulation (1), it shall appoint another public officer to be a Returning Officer in the manner as prescribed in regulation 10.

Confirmation
of
appointment
of Returning
Officer

12. The provisions of regulations 9(4) shall apply *mutatis mutandis* to the appointment of a Returning Officer under regulation 10.

Appointment
of Assistant
Returning
Officers

13.-(1) Subject to the provisions of the Act, the Commission shall appoint in writing Assistant Returning Officers from amongst public officers to assist the Returning Officer in coordinating and supervising the conduct of elections in a constituency and in a ward.

(2) The letter of appointment under subregulation (1) shall contain-

- (a) the date of commencement of duties and tenure of office;
- (b) the terms and conditions of service; and
- (c) any other directives as may be issued by the Commission or the Director of Elections.

(3) An Assistant Returning Officer appointed under subregulation (1) shall, within fourteen days after receiving the

letter of appointment, confirm to the Director of Elections in writing of his acceptance of appointment.

(4) The Commission may, where it is satisfied that the Assistant Returning Officer is incapable of performing his duties, revoke the appointment and inform the Assistant Returning Officer in writing of such revocation.

(5) Where the Commission revokes the appointment pursuant to subregulation (4), it shall appoint another public officer in the manner as prescribed in subregulations (1) and (2).

(6) The requirement of subregulation (3) shall apply to the Assistant Returning Officer appointed in terms of subregulation (5).

(7) The Assistant Returning Officer appointed under this regulation shall perform his duties under the supervision of the Returning Officer.

Appointment of presiding officers, polling assistants and direction clerks

14.- (1) Subject to the provisions of subregulation (2) and directives issued by the Commission or the Director of Elections, every Returning Officer shall, for the purposes of election, appoint in writing presiding officers, polling assistants and direction clerks.

(2) The Commission shall determine the number of presiding officers, polling assistants and direction clerks required for every polling station.

(3) A person appointed under this regulation shall be required to sign a contract of employment with the Returning Officer using Form No.11 as prescribed in the First Schedule to these Regulations.

(4) A presiding officer shall be the officer in-charge of a polling station.

(5) Subject to the provisions of the Act, these Regulations and directives issued by the Commission or Director of Elections, a presiding officer, polling assistant and direction clerk appointed under subregulation (1) shall perform his duties under the supervision of the Returning Officer or, as the case may be, Assistant Returning Officer.

Procedures for appointment of presiding officers, polling

15.-(1)The Returning Officer shall, for the purpose of appointment of presiding officers, polling assistants and direction clerks-

(a) advertise posts inviting qualified persons to apply;

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assistants or
direction
clerks

- (b) shortlist names of applicants and display such names at the office of the Returning Officer or any other public office within the constituency; and
- (c) interview the shortlisted applicants.

(2) The Returning Officer shall, immediately after conducting an interview under subregulation (1), appoint the qualified applicants as presiding officers, polling assistants and direction clerks.

Oath of
secrecy and
declaration

16.- (1) A Regional Election Coordinator, Returning Officer and Assistant Returning Officer shall, before assuming duties-

- (a) take an oath of secrecy before a Magistrate using Form No. 6 as prescribed in the First Schedule to these Regulations; and
- (b) make a declaration before a Magistrate using Form No. 7 as prescribed in the First Schedule to these Regulations that he is not a member of any political party or that he has withdrawn his membership from a political party.

(2) A presiding officer, polling assistant and direction clerk shall, before assuming duties, take an oath of secrecy before a Returning Officer using Form No.6 as prescribed in the First Schedule to these Regulations.

(3) A presiding officer, polling assistant and direction clerk shall, before assuming duties, make a declaration before the Returning Officer using Form No. 7 as prescribed in the First Schedule to these Regulations that he is not a member of any political party or that he has withdrawn his membership from a political party.

Training of
election
officers

17.- (1) The Commission shall, at any time after the appointment of Regional Election Coordinators, Returning Officers and Assistant Returning Officers and before the conduct of election, train such election officers on the electoral laws, processes and procedures.

(2) The Returning Officer shall, subject to the directives of the Commission or Director of Elections, conduct training to Assistant Returning Officers at ward level, presiding officers, polling assistants and direction clerks on the electoral laws, processes and procedures.

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PART V
ELECTION OBSERVATION

Invitation and accreditation of observers **18.**-(1) The Commission may, through the Ministry responsible for foreign affairs and before the commencement of election processes, extend invitations to international observers to participate as election observers upon accreditation.

(2) In extending its acceptance for invitation pursuant to subregulation (1), a sponsoring organization, institution or foreign state shall apply to the Commission for accreditation of its observer team.

(3) The Commission shall, before the commencement of an election process and through the use of local media, invite local observers to apply for participation in election observation.

(4) An organization or institution which intends to participate as a local observer in the election shall apply to the Commission for accreditation of its observer team.

(5) The Commission may, upon receipt of an application for accreditation, accept or refuse the application where it deems appropriate to do so.

(6) Where the Commission accepts an application for accreditation, it shall notify and issue an accreditation identity card to the observers to whom the application relates.

(7) Where the Commission refuses the application, it shall notify the applicant of such refusal.

Duration of observation **19.**An election observation shall commence from the date of accreditation to the date indicated on the observer's accreditation identity card issued under regulation 18(6).

Disqualification of election observer **20.**- (1) An observer shall be disqualified from election observation if he-

- (a) contravenes the electoral laws;
- (b) contravenes the immigration laws and procedures;
- (c) contravenes any other written laws;
- (d) fails to adhere to these Regulations;
- (e) contravenes directives issued by the Commission or the Director of Elections; and
- (f) campaigns or conducts himself in such a manner as to show favoritism for a candidate or a political party.

(2) An observer, observer organization or institution which contravenes the provisions of these Regulations or any other written laws shall be barred from being accredited for future observations.

Information and briefing **21.**-(1) The Commission may provide observers with

background information and material on various aspects of the elections.

(2) The material and information referred to under subregulation (1) may include-

- (a) electoral laws and regulations;
- (b) electoral processes and procedures;
- (c) guidelines for election observers;
- (d) list of councils, constituencies, polling districts and polling stations;
- (e) list of registered political parties participating in the election; and
- (f) any other related material and information which the Commission may deem necessary.

Rights and
Obligations
of observers

22.-(1) Subject to the electoral laws, an election observer may-

- (a) request for and obtain information on activities relating to electoral processes and procedures;
 - (b) observe stages of electoral processes;
 - (c) move in areas or places authorized by the Commission;
 - (d) communicate with political parties; and
 - (e) enter the polling stations and observe electoral processes, including voting, counting and addition of votes.
- (2) An observer shall -
- (a) adhere to the laws of Tanzania;
 - (b) abide to the lawful instructions issued by the Commission at any time of the observation;
 - (c) not do anything that interferes with the internal affairs of the country;
 - (d) exercise his role with impartiality, independence and objectivity;
 - (e) disclose to the Commission any conflict of interest associating him with an electoral process;
 - (f) ensure that his observation is neutral and non-partisan;
 - (g) not interfere with electoral processes, including not to act in such a manner as to direct the Commission's officers on how to conduct the electoral processes;
 - (h) refrain from interfering or undermining duties of the

- election officers;
- (i) abide by the Commission's directives that forbid and restrict the use of any information communication technology facilities including cellular phones, cameras, two way radios or any other electronic devices inside the polling stations and tallying centers;
 - (j) not publish or express any opinion on the media while the election is ongoing;
 - (k) refrain from acting as a commission of inquiry;
 - (l) report to the Commission as soon as practicable any irregularities in the electoral processes without interfering with the election;
 - (m) submit the observation report within the time stated under these Regulations;
 - (n) surrender accreditation card, letter and any other material issued to him when required to do so by the Commission; and
 - (o) use knowledge and understanding of international standards in determining free and fair electoral processes.

Reporting by
observer
organization
or institution

23.-(1) An observer organization or institution shall provide the Commission with copies of its observation report not later than two months from the date of declaration of the election results.

- (2) An observation report referred to under subregulation (1) shall include-
- (a) particulars of the observer; and
 - (b) findings and recommendations of the election observation.

PART VI
NOMINATION, SUBSCRIPTION TO THE ELECTORAL CODE OF CONDUCT,
WITHDRAWAL, DEATH OR ABSENCE OF CANDIDATES AND ELECTION
CAMPAIGNS

A: Nomination of Parliamentary Candidates and Subscription to the Electoral Code of Conduct

Nomination
forms

24.-(1) The Commission shall, for the purposes of this regulation, specify the date for issuance of nomination

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forms to proposed candidates.

(2) A person who is a member of a political party and is proposed by such political party to be a candidate shall first obtain a letter of introduction from a regional, district or constituency secretary of the respective political party.

(3) A proposed candidate shall submit a letter of introduction referred to under subregulation (2) to the nominating authority for purposes of obtaining nomination form.

(4) The proposed candidate shall obtain from the nominating authority and complete nomination Form No. 8B as prescribed in the First Schedule to these Regulations.

Submission
of
nomination
forms

25.-(1) A proposed candidate shall, on the nomination day not later than four o'clock in the afternoon, submit to the nominating authority his nomination form together with-

- (a) four recent coloured passport size photographs; and
- (b) a receipt as proof of deposit of a refundable sum of Tanzanian shillings fifty thousand only.

(2) Notwithstanding subregulation (1), where a candidate acquires less than ten percent of the total valid votes cast, the sum deposited with the Commission shall not be refunded.

Subscription
to Electoral
Code of
Conduct

26.-(1) Subject to the provisions of the Act, the Commission shall, upon consultation with political parties and the Government, prepare the Electoral Code of Conduct.

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

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

(3) A proposed candidate shall subscribe to the Electoral Code of Conduct using Form No. 10 as prescribed in the First Schedule to these Regulations.

(4) A proposed candidate for election shall obtain Form No. 10 from the Returning Officer or, as the case may be, the Assistant Returning Officer together with nomination forms in the manner as prescribed in regulation 24.

Scrutiny of
nomination
forms

27. The Returning Officer or Assistant Returning Officer shall, upon being satisfied that a proposed candidate qualifies to be nominated, certify the nomination in Form No. 8B as

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prescribed in the First Schedule to these Regulations.

Parliamentary election of unopposed candidate

28. Subject to the provisions of the Act, where only one candidate is nominated in a constituency, such candidate shall be deemed to be duly elected and shall assume office upon oath as Member of Parliament.

Display of nomination forms for Parliamentary Election

29. The Returning Officer or Assistant Returning Officer shall, on or before four o'clock in the afternoon of the nomination day, display on the notice board of the constituency office copies of nomination forms of every candidate who has been nominated by the nominating authority.

Objection of nomination of Parliamentary candidate

30.-(1) Subject to the provisions of the Act, the Director of Elections, Registrar of Political Parties, Returning Officer, Attorney General or a candidate for Parliamentary election may lodge an objection of the nomination of any Parliamentary candidate.

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

(3) The objection made pursuant to subregulation (1) shall be lodged to the Returning Officer by filling in Form No. 9B as prescribed in the First Schedule to these Regulations stating the following-

- (a) particulars of the objector;
- (b) particulars of the objected candidate;
- (c) grounds for objection;
- (d) date and time of lodging the objection; and
- (e) signature of the objector.

(4) The Returning Officer shall, with the least possible delay and before determining the validity of any objection-

- (a) notify in writing the person to whom the objection is made; and
- (b) avail such person an opportunity to be heard.

(5) Where the Returning Officer makes a decision on any objection, he shall inform the parties concerned of his decision and the reason thereof.

(6) Where a Returning Officer has accepted the objection of a candidate, he shall delete the name of such candidate from the list of nominated candidates.

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Appeals

31.-(1) A person who is aggrieved by the decision of the Returning Officer under regulation 30(5) may appeal to the Commission within twenty four hours from the time the decision was delivered or such further period as the Commission may allow.

(2) An appeal under subregulation (1) shall be made in Form No.12 as prescribed in the First Schedule to these Regulations, and the form shall be obtained from the Returning Officer.

(3) An appellant shall submit the appeal to the Returning Officer who shall receive the appeal on behalf of the Commission.

(4) The Returning Officer shall, with the least possible delay and after receiving the appeal under subregulation (3), attach Forms Nos. 8B, 9B and any other necessary documentary evidence relating to the appeal and submit them to the Commission for determination.

Determination of Appeals

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

(2) The absence of any person summoned pursuant to subregulation (1) shall not invalidate the proceedings or decisions of the Commission.

(3) In determining an appeal, the Commission may reject or accept the appeal.

(4) Where the Commission determines an appeal under subregulation (3), it shall either reinstate or delete the name of the candidate concerned from the list of nominated candidates.

(5) The Commission shall, after the determination of an appeal under this regulation, inform the parties in writing of its decision and reasons of the decision thereof.

(6) Subject to the provisions of the Act, the decision made by the Commission under these Regulations shall be final and conclusive and shall not be called into question by any court of law, except by way of election petition pursuant to the provisions of the Act.

Objection by Registrar of Political Parties and appeal to the objections

33.-(1) Where a political party or a candidate fails to comply with the provisions of sections 9 and 20 of the Election Expenses Act, the Registrar of Political Parties may, where the objection concerns Parliamentary candidate, make an objection to the Returning Officer.

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Cap 278 (2) The procedure to be followed in the determination of objections raised by the Registrar and any subsequent appeals thereafter shall be the procedures stipulated in regulations 31 and 32 respectively, except that the objection by the Registrar shall be lodged not later than fourteen days after nomination day.

B. Withdrawal, Death or Absence of Candidates

Withdrawal of candidates **34.**-(1) Subject to the provisions of the Act, where the Returning Officer is satisfied that the candidate has complied with the requirements of section 48 of the Act, he shall delete the name of the candidate from the list of candidates and with the least possible delay, inform the Director of Elections.

(2) Where a candidate withdraws his candidature a day following the nomination day-

- (a) the deposit paid by him upon nomination shall not be refunded; and
- (b) there shall be no replacement of a candidate by his political party.

Death of candidate **35.**-(1) Where it is alleged that a candidate is dead after nomination day and before the close of poll on election day, the Returning Officer shall, upon confirmation of the fact of death, countermand the election.

(2) Where an election is countermanded under subregulation (1), the Returning Officer shall immediately inform the Commission, and the party concerned shall nominate a candidate for replacement in the manner provided for under the Act.

Absence of candidate **36.** Where after a nomination day, by reason of death, withdrawal or any other reason there are no candidates for election in a constituency, the Commission shall countermand the election in the manner as prescribed in the Act.

C. Nomination of Presidential and Vice - Presidential Candidate and Subscription to the Electoral Code of Conduct

Nomination of Presidential and Vice - Presidential **37.**-(1) Subject to section 30 of the Act, persons who are sponsored by a political party to contest for the office of the President and the Vice-President respectively shall submit to the Commission, a letter of introduction from the Secretary General

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Candidates of the respective political party and the Commission shall issue that person with Form No. 8A as prescribed in the First Schedule to these Regulations.

(2) The Nomination form referred to in subregulation (1) shall be accompanied by Form No. 10 to be subscribed by the proposed Presidential candidate.

(3) The nomination form for Presidential election candidates shall contain the following-

- (a) personal particulars of the candidate;
- (b) declaration of a candidate that he qualifies to stand as a candidate for Presidential election;
- (c) certification by the Secretary General of the political party certifying that the candidate is a member of and sponsored by the political party;
- (d) declaration, names and registration numbers of registered voters nominating the candidate;
- (e) a statutory declaration of candidate; and
- (f) certification by the Commission that a candidate qualifies to be nominated.

(4) A proposed candidate for Presidential election shall, on the nomination day, not being later than four o'clock in the afternoon, submit to the Commission his nomination form together with-

- (a) four recent coloured passport size photographs; and
- (b) receipt of deposit of a refundable sum of shillings one million.

(5) Notwithstanding subregulation (4), where a proposed Presidential candidate acquires less than ten percent of the total valid votes cast, the sum deposited with the Commission shall not be refunded.

(6) The Commission shall, upon being satisfied that proposed Presidential candidate qualifies to be nominated, certify the nomination of the candidate in Form No. 8A.

Display of nomination form for Presidential and Vice-Presidential candidate

38. The Commission shall, on or before four o'clock in the afternoon of the nomination day, display on the notice board of the Commission's office a copy of the nomination form of Presidential and Vice-Presidential candidates who have been nominated by the Commission.

Objection of nomination of Presidential and Vice-Presidential candidate
Cap. 278

39.-(1) An objection of the nomination of a Presidential or Vice Presidential candidate may be lodged by another candidate, the Director of Elections, the Registrar of Political Parties or the Attorney General.

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

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

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

- (a) particulars of the objector;
- (b) particulars of the objected candidate;
- (c) the grounds for objection;
- (d) date and time of lodging the objection; and
- (e) the signature of the objector.

(5) The Commission shall with the least possible delay, before determining the validity of any objection -

- (a) notify in writing the person against whom the objection is made; and
- (b) avail such person an opportunity to be heard.

(6) Where the Commission decides on any objection, it shall inform in writing the parties concerned of its decision and reasons for the decision.

(7) The decision of the Commission under subregulation (6) shall be final and conclusive and shall not be called into questioned by any court of law.

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

D. Election Campaigns

Time for conducting campaign

40. For the purposes of determining hours of a campaign meeting during a campaign period, the time for conducting campaign meetings shall be from eight o'clock in the morning to six o'clock in the evening.

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Coordinated
campaign
programme
for
Presidential
election

41.-(1) The Director of Elections shall, before the beginning of Presidential election campaigns, require each political party concerned to submit to him the proposed schedule of campaign meetings which the party intends to hold for the purpose of election.

(2) Subject to subregulation (1), the political parties which intend to participate in the Presidential election shall submit their proposed schedule of campaign meetings seven days before the nomination day.

(3) The proposed schedule of campaign meetings shall specify date, time, region, district and place where such meetings will be conducted.

(4) The Director of Elections shall, after receiving the schedules from each political party under subregulation (1), convene a meeting of all political parties or candidates concerned in order to prepare a coordinated programme of campaign meetings.

(5) The Director of Elections shall, after preparing a coordinated campaign programme under subregulation (4), distribute copies of the coordinated campaign programme to the following-

- (a) all political parties contesting in the Presidential election;
- (b) Regional Election Coordinators;
- (c) Returning Officers;
- (d) Regional Commissioners; and
- (e) the Inspector General of Police for purposes of providing security.

(6) A political party or a candidate involved in an election shall comply with the coordinated campaign programme for campaign meetings.

(7) For the purpose of this regulation, the coordinated campaign programme shall not include door-to-door canvassing.

Changes in
coordinated
Campaign
programme
for
Presidential
election

42.-(1) Where a political party intends to change a campaign venue or schedule, it shall inform the Director of Elections in writing stating the proposed changes and reasons, and the Director of Elections shall before determination, convene a meeting of political parties or candidates concerned to agree on the matter.

(2) Where the coordinated campaign programme requires amendment the Director of Elections shall amend it accordingly and inform political parties concerned and officials referred to under regulation 41(5).

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GN No. 402 (contd.)

Coordinated
campaign
programme
for
Parliamentar
y Election

43.-(1) The Returning Officer shall, before the beginning of Parliamentary election campaigns, require each political party concerned to submit to him the proposed schedule of campaign meetings which the party intends to hold for the purpose of election.

(2) A political party which intends to participate in election shall, within seven days before the nomination day, submit the proposed schedule of campaign meetings to the Returning Officer.

(3) The proposed schedule of campaign meetings shall specify dates, time and places where such meetings will be conducted.

(4) The Returning Officer shall, after receiving the proposed schedule of campaign meetings from each political party convene a meeting of all political parties or candidates concerned in order to prepare a coordinated programme of campaign meetings.

(5) The Returning Officer shall, after preparing a coordinated programme of campaign meetings under subregulation (4), distribute copies to-

- (a) political parties involved in election in the constituency;
- (b) the District Commissioner; and
- (c) the Police Officer Commanding District for the purposes of providing security during campaign meetings.

(6) A political party or candidate involved in the election shall comply with the coordinated campaign programme.

(7) For the purpose of this regulation, the coordinated campaign programme shall not include door-to-door canvassing.

Coordinated
Campaign
programme
to constitute
sufficient
notice Caps
258 and 322

44. The coordinated campaign programme shall constitute sufficient notice of proposed meetings for the purpose of the Political Parties Act, and the Police Force and Auxiliary Services Act.

Changes in
coordinated
campaign
programme
in
Parliamentar
y election

45.-(1) Where a political party intends to change its campaign venue or schedule, it shall immediately inform the Returning Officer in writing stating the reasons for the proposed change, and the Returning Officer shall before determination, convene a meeting of political parties or candidates concerned to discuss and agree on the changes.

(2) Where the Parliamentary election campaign programme interferes or collides with the coordinated campaign programme for Presidential election in the constituency, the Returning Officer shall immediately convene a meeting with the political parties for the purpose of making necessary modification to the coordinated campaign programme for Parliamentary election.

(3) Where in pursuance of subregulation (1) and (2), a coordinated campaign programme requires to be amended; the Returning Officer shall amend it accordingly and notify political parties concerned, the District Commissioner and the Police Officer Commanding District.

PART VII

**ELECTION DAY, VOTING, VOTES COUNTING, ADDITION OF VOTES AND
DECLARATION OF RESULTS**

A. Election day and voting

Election day **46.** The election day shall be specified by the Commission as provided for under the Act.

Revocation and appointment of another polling day **47.**-(1) Where before polling day, an event occurs which prevents an election to take place in a constituency on the appointed day, the Returning Officer shall, with least possible delay, inform the Commission and the Commission shall revoke the appointed day and appoint another election day for that particular constituency.

(2) Where on the election day, an election fails to be conducted in a constituency, the Returning Officer shall, with least possible delay, inform the Commission and the Commission shall appoint another election day in respect of that particular constituency.

Notice of election **48.**-(1) A Returning Officer shall issue a notice of election in the constituency eight days before election day.

(2) The notice of election under subregulation (1) shall be displayed in conspicuous places at the constituency offices and outside the polling station, and shall contain-

- (a) the date and time for commencement and close of poll;
- (b) the address of each polling station in the constituency;

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- (c) number of voters assigned to each polling station;
and
- (d) the full names, a recent photograph of the candidate
and acronym or logo of the political party
sponsoring the candidate.

Polling
stations

49.-(1) The registration centers established by the Commission shall be used as polling stations.

(2) The Commission shall inform the Returning Officer the number of polling stations in a polling district and the number of voters allocated to each polling station.

Polling
agents

50.-(1) A Returning Officer shall within fourteen days before polling day or such other period to be directed by the Commission, issue to candidates or political parties names and addresses of polling stations.

(2) For the purpose of subregulation (1), a political party participating in an election shall, subject to the provisions of the Act and not later than seven days before election day, inform in writing the Returning Officer the names and addresses of polling agents and their respective polling stations.

(3) The Returning Officer shall, after receiving the information under subregulation (2), inform the presiding officers or polling assistants of the polling agents authorized to be at each polling station.

(4) The polling agent shall, seven days before polling day, take an oath of secrecy before the Returning Officer in Form No. 6 as prescribed in the First Schedule to these Regulations.

(5) No polling agent shall be allowed to be at the polling station without having taken an oath of secrecy.

(6) Subject to subregulation (2), the information of a polling agent shall be accompanied by -

- (a) two recent coloured passport size photographs;
- (b) a copy of national identity card;
- (c) a copy of voters' card; or
- (d) a copy of the passport that provides for personal particulars.

(7) The Returning Officer shall prepare a list of polling agents for each polling station and attach introductory letters, photographs or copies of documents named under subregulation (6) to serve as an introduction of polling agents at the polling stations.

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(8) The introduction of polling agents under subregulation (7) shall be sufficient evidence of identity of the polling agents.

(9) Where a polling agent is introduced in terms of subregulation (8)-

(a) no copy of Form No. 6 shall be issued for the purpose of identification; and

(b) the production of any other form of identification at the polling station shall not be required.

(10) Without prejudice to the preceding provisions, where a political party has already appointed a polling agent in respect of a polling station for presidential election, the political party shall not appoint another polling agent at the same polling station within the ward where there is a parliamentary election candidate or a Councilor's election candidate of the same party contesting an election.

Distribution and custody of election equipment and material

51.-(1) All election equipment and material shall be supplied by the Commission to the Returning Officers, and the Commission or the Director of Elections shall issue directives relating to utilization, distribution and safe custody of such election equipment and material.

(2) The Returning Officer or Assistant Returning Officer shall, not later than one day before the election day, distribute or cause to be distributed election equipment and material to each presiding officer.

(3) The distribution of election equipment and material under this regulation shall be issued in writing, and all the election equipment and material shall be kept in safe custody by the presiding officer.

Satisfaction or dissatisfaction of polling agents on preparation of voting

52.-(1) A polling agent who is satisfied with the preparation of the polling station shall, before the commencement of voting, state his satisfaction in Form No. 14 as prescribed in the First Schedule to these Regulations.

(2) A polling agent who is dissatisfied with the preparation of polling station shall, before the commencement of the voting, lodge with the presiding officer or polling assistant, as the case may be, a complaint in Form No. 14 as prescribed in the First Schedule to these Regulations.

(3) The presiding officer or polling assistant shall, upon receipt of complaints under subregulation (2), resolve and indicate on the same Form No. 14 the manner in which he has

dealt with the complaint.

Dissatisfaction of voter on voting process

53.-(1) A voter who has already voted and is not satisfied with the conduct of voting in the polling station may lodge a complaint with presiding officer using Form No. 15 as prescribed in the First Schedule to these Regulations.

(2) The presiding officer shall, upon receipt of complaints under subregulation (1), resolve the matter and indicate on the same Form No. 15 the manner in which he has dealt with the complaint.

Voting by persons with disability or persons unable to read

54. Where a voter who intends to vote is incapacitated by a disability or is unable to read-

- (a) that voter may ask a person of his own choice other than a presiding officer, a polling assistant or a polling agent, to assist such person to record his vote in accordance with the provisions of the Act; and
- (b) upon request by the voter, the presiding officer or polling assistant shall insert a ballot paper into tactile ballot folder and issue to such voter for the purposes of voting.

Voters' fingers to be marked with indelible ink

55. Where a voter has inserted the ballot paper into the relevant ballot box, the presiding officer or polling assistant shall cause the finger of such voter to be marked with indelible ink before the voter leaves the polling station.

Voting at polling station other than at allocated one

56.-(1) A registered voter in a polling district employed as a presiding officer, polling assistant, direction clerk, polling agent, election officer or a person responsible for maintaining security at the polling station other than at the polling station allocated to him may, through Form No. 18 as prescribed under the First Schedule to these Regulations, be authorized by the Returning Officer to vote at any other polling station in the polling district.

(2) Where a registered voter in a constituency is a candidate and wishes to vote at a polling station not allocated to him, the Returning Officer may, through Form No. 19 as prescribed in the First Schedule to these Regulations, authorize such candidate to vote at any other polling station within the constituency.

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Voting to be conducted secretly 57. Voting shall be conducted secretly, and a voter in casting his vote, shall not be allowed to place any mark or writing by which he may be identified.

Closing of poll 58.-(1) A polling agent for each candidate shall, before closing of the polling station, record his satisfaction or complaint in Form No.14 as prescribed in the First Schedule to these Regulations.

(2) A presiding officer shall, upon receipt of complaint lodged in terms of subregulation (1) resolve the complaint and indicate in the same Form No. 14 in the manner in which the complaint has been dealt with.

Ballot paper count 59.-(1) A presiding officer shall, before and after completion of voting, record the ballot paper count in Form No. 13 as prescribed in the First Schedule to these Regulations indicating-

- (a) ballot papers issued to him by the Returning Officer;
- (b) used ballot papers;
- (c) spoiled ballot papers; and
- (d) unused ballot papers.

(2) The ballot paper count form referred to under subregulation (1) shall be submitted to the Returning Officer.

Adjournment of polling 60.-(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence and there are still voters who have not completed the voting process, the presiding officer shall adjourn the proceedings until the following day and shall immediately give notice to the Returning Officer.

(2) Where the poll is adjourned at any polling station, the hours of polling on the day to which it is adjourned shall be the same as for the original polling day.

(3) Where voters present during the incidences described in subregulation (1) have completed voting, the polling process with regard to those voters shall be deemed to have been completed.

B. Votes Counting, Addition and Declaration of Results

Votes counting 61. The presiding officer shall, immediately after closing of the poll and in the presence of counting agents or alternate counting agents, count all votes at the polling station.

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Satisfaction
or
dissatisfaction
of counting
agents or
candidates

62.-(1) A polling agent, whether satisfied or dissatisfied with the counting of votes, shall complete Form No. 16 as prescribed in the First Schedule to these Regulations.

(2) The presiding officer or polling assistant shall, upon completion of the requirement under subregulation (1) and in the case of dissatisfaction by polling agent, make determination and indicate in the same Form No. 16 the manner in which he has dealt with the matter.

Polling
station
election
results and
report of
presiding
officer

63.-(1) The presiding officer at a polling station shall, after counting votes cast, record election results for the polling station in respect of Presidential election and Parliamentary election in Forms Nos. 21A and 21B respectively as prescribed in the First Schedule to these Regulations.

(2) The election results forms for each election shall be signed by the presiding officer or, as the case may be, a polling assistant and polling agents or candidates, and where the results forms are available in sufficient number, the polling agent or candidate may be given a copy of the forms.

(3) The presiding officer shall, after the conclusion of the counting exercise, prepare a polling station report in Form No. 20 as prescribed in the First Schedule to these Regulations.

(4) The presiding officer or polling assistant shall submit to the Returning Officer or, as the case may be, the Assistant Returning Officer in the constituency the following-

(a) polling station election results in Forms Nos. 21A and 21B;

(b) a polling station report in Form No. 20 which shall include-

(i) completed Forms Nos. 14 and 16 indicating information relating to the satisfaction or dissatisfaction of polling agents or candidates and in the case of dissatisfaction, the manner in which the matter was dealt with;

(ii) a voters' declaration, if any, made in Form No. 17 as prescribed in the First Schedule to these Regulations;

(iii) Form No. 15 containing voters' complaint, if any, regarding the polling process and the manner in which it was dealt with;

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- (iv) the unused Forms Nos. 14,15,16 and 17;
 - (v) the ballot paper count Form No. 13;
 - (vi) the counterfoils of ballot papers;
 - (vii) unused or spoilt ballot papers, if any;
 - (viii) Register of Voters; and
 - (ix) certificate authorizing election officer, polling agents or candidates to vote at the polling station, if any;
- (c) the ballot boxes containing votes; and
- (d) any other election equipment and material entrusted to him for the purposes of polling exercise.

Notice of addition of vote

64. The Returning Officer shall, after receiving election results from all polling stations within the constituency, notify political parties or candidates as to the date, time and venue for addition of all votes cast.

Determination of disputed votes

65.-(1) Subject to the provisions of the Act, the Returning Officer or Assistant Returning Officer, as the case may be, shall determine validity of disputed votes before the addition of votes and record the results in Part B of Form Nos. 21A and 21B respectively as prescribed in the First Schedule to these Regulations indicating the number of disputed votes garnered by each candidate and cause the forms to be signed by candidates or political parties' agents, if present.

(2) The Returning Officer or Assistant Returning Officer, as the case may be, may issue to each candidate or his agent a copy of the forms referred to under subregulation (1).

Addition of votes

66.-(1) Subject to regulation 64, the Returning Officer shall conduct the addition of votes from all polling stations within the constituency in the presence of candidates or agents of political parties, if any.

(2) A candidate or a person appointed to be an agent shall not be allowed to be present at the addition of votes unless he has taken an oath of secrecy in Form No. 6 as prescribed in the First Schedule to these Regulations.

Partial Presidential election results

67.-(1) The Returning Officer shall after the addition of votes for Presidential election-

- (a) record the partial results of the Presidential election in the constituency in Form No. 24A as prescribed in

- the First Schedule to these Regulations;
- (b) issue to every candidate or his agent a copy of Form No. 24A;
- (c) display a copy of Form No. 24A at the notice board of constituency offices; and
- (d) immediately submit to the Commission the partial results of the Presidential election in the constituency in the prescribed forms.

(2) For the purpose of this regulation, “partial results” means Presidential election results of a particular constituency.

Announcement of partial Presidential election results by Commission

68.-(1) The Commission shall, after receiving partial Presidential election results submitted to it under regulation 67, and upon verification, announce results of the Presidential election for that constituency.

(2) The Commission shall, before receiving partial results for the Presidential election from all constituencies, notify political parties or candidates concerned as to the date, time and venue for addition of votes.

(3) The Commission shall add together all the respective total of partial results for each candidate submitted to it by the Returning Officers.

(4) The Commission shall, after addition of partial election results under sub-regulation (3)-

- (a) record the Presidential election results in Form No. 27 as prescribed in the First Schedule to these Regulations;
- (b) declare a candidate to whom the majority of valid votes have been cast to be an elected President;
- (c) issue to every candidate or his agent a copy of Form No. 27; and
- (d) display a copy of Form No. 27 on the notice board of the Commission offices.

(5) The Commission shall, immediately after the declaration of results under this regulation, issue a certificate as prescribed under the second Schedule to these Regulations to the elected candidate indicating-

- (a) full names of the elected candidate;
- (b) date of election;
- (c) the title acquired by the elected candidate; and
- (d) the signature of the Chairman or Vice Chairman of the Commission.

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Declaration
of
Parliamentary
election
results

69.-(1) The Returning Officer shall, after the addition of votes from all polling stations in the constituency-

- (a) record the election results in Form No. 24B as prescribed in the First Schedule to these Regulations and sign the form;
- (b) require the candidates or their agents if any, to sign Form No. 24B;
- (c) issue to every present candidate or his agent a copy of election results recorded in Form No.24B;
- (d) declare a candidate for whom the majority of valid votes have been cast to be an elected candidate in the constituency; and
- (e) display a copy of results recorded in Form No. 24B on the notice board of the constituency offices.

(2) The Returning Officer shall, immediately after declaration of results under subregulation (1), issue to an elected candidate a certificate of election as prescribed in the Second Schedule to these Regulations.

(3) The certificate of election under subregulation (2) shall contain-

- (a) full names of the elected candidate;
- (b) date of election;
- (c) title acquired by the elected candidate; and
- (d) signature of the Returning Officer.

(4) The Returning Officer shall, after the declaration of results at the constituency, forward the results to the Commission.

PART VIII

**DECLARATION OF PARLIAMENTARY CANDIDATES FOR
WOMEN SPECIAL SEATS**

Women
special seats

70.-(1) Subject to the provisions of the Act, every political party which contests for Parliamentary elections held after the dissolution of the National Assembly may propose and submit to the Commission names of eligible women candidates for nomination as Members of Parliament for women special seats.

(2) The requirements for submission of the proposed names of eligible women for special seats as prescribed in the Act shall be made through the submission to the Commission or Returning Officer of the completed nomination Form No. 8D as prescribed in the First Schedule to these Regulations and the form

shall be obtained from the Commission or the Returning Officer.
Cap. 278 (3) The names of candidates submitted to the Commission under subregulation (2) shall be subjected to the compliance of the Election Expenses Act.

**PART IX
MISCELLANEOUS PROVISIONS**

Non-attendance of agents or candidate not to invalidate proceedings **71.** Where in these Regulations, any act or thing is required or authorized to be done in the presence of a polling agent or a counting agent or candidate, the non-attendance of any such agents or candidate at the time and place appointed for that purpose shall not, if the act or thing is otherwise properly done, invalidate the act or thing done.

Disbursement of funds and statement of expenditure **72.**-(1) The Director of Elections shall disburse funds to Regional Election Coordinators and Returning Officers for the purpose of facilitating the conduct of elections.

(2) The expenditure of funds for election by the Regional Election Coordinator and the Returning Officer shall be in accordance with the laws governing public finances and directives of the Director of Elections.

(3) Every Regional Election Coordinator or Returning Officer shall, immediately after finalizing all the electoral activities and in not more than two months after declaration of results, prepare and submit to the Director of Elections the statement of expenditure in respect of funds disbursed to him for purposes of conducting elections.

Safe custody of election equipment and material
Cap. 410 **73.** Subject to the provisions of the Act, the Public Procurement Act, and directives of the Director of Elections, a Regional Election Coordinator or Returning Officer shall, after the finalization of election, keep in safe custody the remaining or unused electoral equipment and material which were handed over to him for the purposes of elections.

Disciplinary and legal measures **74.**-(1) Where the Regional Election Coordinator or a Returning Officer fails to comply with regulations 72 and 73, the Director of Elections shall request the Minister to take disciplinary measures against such officer.

(2) Notwithstanding subregulation (1), the Commission shall not be precluded from taking any other legal measures

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against an officer referred to under subregulation (1), whenever it deems appropriate.

Other
election
procedures

75. In these Regulations, the Commission, election officers, candidate and political parties shall, observe the provisions of the Constitution of the United Republic, the Act and any other directives as may be issued by the Commission.

Offences and
penalties

76. A person who contravenes the provisions of these Regulations commits an offence and shall be punishable under the Act.

Forms and
certificates

77.-(1) The forms and certificates as prescribed in the First Schedule and Second Schedule shall be in English and Kiswahili.

(2) The forms and certificates other than those prescribed under these Regulations which are used by the Commission for the purposes of elections shall be deemed to be forms and certificates issued under the First and Second Schedules to these Regulations.

Revocation
G.N No. 307
of 2015

78. The National Elections (Presidential and Parliamentary Elections) Regulations, 2015 are hereby revoked.