

THE UNITED REPUBLIC OF TANZANIA



No. 3 OF 1983

I ASSENT,

Julius K. Nyerere
.....
President

1ST JANUARY, 1983

An Act to amend the Local Authorities (Elections) Act, 1979, in consequence of the enactment of new local government legislation

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Local Authorities (Elections) ^{Short title} (Amendment) Act, 1983, and shall be read as one with the Local ^{and} Authorities (Elections) Act, 1979, in this Act referred to as "the ^{construction} principal Act".

2.—(1) Section 2 of the principal Act is hereby amended in sub- ^{Amendment} section (1)— ^{of section 2}

(a) by inserting, immediately before the definition "candidate", the following new definition:

"the Act" means, in relation to a district authority, the Local Government (District Authorities) Act, 1982, and in relation to an urban authority, the Local Government (Urban Authorities) Act, 1982;";

(b) by deleting the definition "Council" and substituting for it the following definition:

"Council" means—

(a) in relation to a district, a District Council;

(b) in relation to a city, a City Council;

(c) in relation to municipality, a Municipal Council;

(d) in relation to a town, a Town Council,

established or deemed to have been established under the Act;

(c) by deleting the definition "Decentralization Act";

(d) by inserting, immediately after the definition "Council", the following new definition:

“district authority” means a District Council, a township authority or, as the case may be, a Village Council;”

(e) by deleting the definition “District Working Committee” and substituting for it the following definition:

“Executive Committee” in relation to Council means the District Political Committee of the Party for the District within which the Council is established and in relation to a Ward means the Political committees of all branches in the Ward which shall meet together for the purposes of election.

(f) by deleting the definition “local authority” and substituting for it the following definition:

“local government authority” means a district authority, or an urban authority established or deemed to have been established under the Act;”;

(g) by deleting the definition “polling district” and substituting for it the following definition:

“polling district” in relation to an election in a ward means a ward declared as such under the Act;”;

(h) by deleting the definition “Regional Working Committee” and substituting for it the following definition:

“Regional Executive Committee” in relation to a District Council or an urban authority, means the Political Committee of the Regional Executive Committee of the Party for the region within which the District Council or the urban council is established;”;

(i) by deleting the definition “ward” and substituting for it the following definition:

“ward” means a division of the jurisdiction of a local government authority demarcated as such in pursuance of the provisions of the Act, and declared to be a ward of that local government authority under section 8 for the purposes of this Act;”.

(2) The principal Act is hereby amended in section 2 by deleting the whole of subsection (2) of that section and substituting for it the following subsection:

“(2) Reference in this Act to an election in a ward shall be construed as reference to the local government authority election in a ward demarcated in pursuance of the provisions of the Act and declared as such for the purposes of this Act.”.

Amendment
of Section 6

3. Section 6 of the principal Act is hereby amended by deleting subsection (4) and substituting for it the following subsection:

“(4) Every Deputy City Director, Municipal Director, Town Director and every District Executive Director shall be an Assistant Executive Officer of the Electoral Authority in respect of the local government authority for which the Electoral Authority is established.”.

Repeal and
replacement
of section 8

4. Section 8 of the principal Act is hereby repealed and replaced by the following:

“Wards

8. The Minister shall, by notice published in the *Gazette*, declare the wards within the area of a local government authority which shall be wards for the purposes of this Act.”.

5. Section 9 of the principal Act is hereby amended by deleting subsection (1) of that section and substituting for it the following: Amendment

“(1) For the purposes of any local government authority election held under this Act, every Deputy City Director, Municipal Director, Town Director and District Executive Director shall be a Returning Officer for the local government authority in respect of which he is such Director.”.

6. Section 11 of the principal Act is hereby amended— Amendment
of section 11

- (a) in paragraph (b) of subsection (1), by deleting the words “or village” occurring immediately after the word “ward”;
- (b) in paragraph (b) of subsection (2), by deleting the passage “or a village” occurring immediately after the word “ward”.

7. Section 12 of the principal Act is hereby repealed and replaced by the following section: Repeal and
replacement
of section 12

Ordinary
election

12.—(1) There shall be held an ordinary election of Councillors of a local government authority in every third year after the previous ordinary election, and whenever—

- (a) a new Council is established, or
- (b) an alteration is made in the division of the area of an existing local government authority into wards or villages or in the delimitation of the boundaries of any ward or village.

(2) An ordinary election of Councillors of a local government authority shall be held in every ward on such date as the Minister shall, by order published in the *Gazette*, prescribe.

(3) The Minister may, in the order made under subsection (2), direct that an ordinary election of Councillors of a local government authority specified in the order shall be held in every ward or, as the case may be, in any particular ward of that local government authority.

(4) An order made under this section shall specify the day or days on which Returning Officers may receive nomination of candidates for election in any ward to which the order relates.”.

8. Section 13 of the principal Act is hereby amended in subsections (2) and (3) by deleting the words “or village” where they occur in each of those provisions. Amendment
of section 13

Amendment
of section 14

9. Section 14 of the principal Act is hereby amended—

- (a) in subsection (1), by deleting the words “or village” occurring in the first line of that subsection;
- (b) by deleting the whole of subsection (2) and substituting for it the following:

“(2) Subject to the provisions of this Act, the term of office of an elected member of an Council shall be three years and all the elected members shall retire on the third anniversary of the date on which they assumed their office under subsection (1), and their place shall be filled by newly elected members who shall come into office on that day; but a member elected in a by-election shall hold office only for the remainder of the term of office of his predecessor.”.

Amendment
of section 17

10. Section 17 of the principal Act is hereby amended in subsection (1) by deleting the words “and village” which occur at the end of that subsection.

Amendment
of section 18

11. Section 18 of the principal Act is hereby amended in subsection (1) by deleting the words “and village” which occur at the end of that subsection.

Amendment
of section 19

12. Section 19 of the principal Act is hereby amended—

- (a) in subsection (1), by deleting the words “or village” occurring immediately after the words “any ward”, and the passages “or that village” and “or the village” where they respectively occur in that subsection.
- (b) in subsection (2), by deleting the words and passage “or village” and “or, as the case may be, that village” where they respectively occur in that subsection;
- (c) by deleting subsection (4) and substituting for it the following subsection:

“(4) Notwithstanding any other provision of this Act, the Executive Officer or any person authorized in that behalf by the Executive Officer may, by a certificate under his hand, authorize a registered voter who is a candidate at an election in that ward or, as the case may be, in the ward specified in that certificate whether or not that candidate is registered as a voter in that ward.”.

- (d) by deleting subsection (5) and substituting for it the following subsection:

“(5) Notwithstanding any other provision of this Act where a voter registered as a voter in any ward is employed as a Returning Officer, Presiding Officer, Police Officer or

in any other official capacity to a ward other than the one allocated to him, the Executive Officer or any person authorized in that behalf by the Executive Officer, may by a certificate under his hand, authorize the voter to vote at any other ward, and that ward shall, for the purposes of this Act be deemed to be a ward allocated to that voter.”.

13. Section 21 of the principal Act is hereby amended—

Amendment
of section 21

- (a) in subsection (1), by deleting the passage “and every village”;
- (b) in subsection (2), by deleting the words “or village” and the passage “or, as the case may be, the village,” where they occur respectively in that subsection;
- (c) by deleting subsection (3) and substituting for it the following:

“(3) Notwithstanding any provision of this section to the contrary, the Electoral Authority may direct that the registration of voters in all wards or in any ward specified in that direction shall be suspended for such period as the Electoral Authority may direct if, in the opinion of the Electoral Authority, it is desirable to suspend the registration of voters in view of the fact that an election is likely to take place in that ward in the near future or for any other reason.”.

- (d) by deleting subsection (4) and substituting for it the following:

“(4) Where a direction under subsection (3) has been issued in respect of any ward, no registration of voters shall take place in that ward during the period specified in that direction.”.

14. Section 22 of the principal Act is hereby amended in subsection (1) by deleting the passages “or, as the case may be, for that village,” and “or village, as the case may be” where they respectively occur in that subsection in each case after the word “ward”.

Amendment
of section 22

15. Section 23 of the principal Act is hereby repealed and replaced by the following:

Repeal and
replacement
of section 23

“Change of
residence

23.—(1) Where any voter who is registered in one ward becomes ordinarily resident in some other ward, he may apply in person in accordance with the provisions of section 21 to the Registration Officer-in-charge of the ward in which he is ordinarily resident; and the Registration Officer shall—

- (a) if he is satisfied that the applicant—
 - (i) is qualified for registration; and
 - (ii) is ordinarily resident in the ward in respect of which he makes the application;

(b) on the surrender by the applicant of his certificate of registration or on the applicant's satisfying the Registration Officer that it is lost or destroyed,

forthwith register the applicant in the register for the ward, and issue him a new certificate of registration for that ward.

(2) Where a Registration Officer registers an applicant under this section, he shall forthwith—

(a) cancel the certificate of registration surrendered by the applicant and forward it to the Executive Officer; or

(b) if he is satisfied that the applicant's certificate of registration is lost or destroyed, give notice to the executive officer of the issuance by him of a new certificate of registration,

and shall amend the register accordingly.

(3) Notwithstanding the provisions of subsection (1) of section 19 or subsection (1) of this section, where by reason of—

(a) any change of name of a ward; or

(b) any adjustment in the number of wards; or

(c) any adjustment in the boundaries or areas of one or more wards,

a ward becomes part of another ward or, as the case may be, a ward becomes a ward of another local government authority with a new name, it shall not be necessary for a voter whose name is on any register affected by that change of name or adjustment to apply for the transfer of his name to the appropriate register, but the Registration Officer shall, as soon as possible, effect such amendments or transfers as may be necessary to give effect to that adjustment as if an application for transfer had been made by the voters concerned pursuant to the provisions of this section.

Amendment
of section 25

16. Section 25 of the principal Act is hereby amended by deleting the words "or village" where they occur in that section.

Amendment
of section 28

17. Section 28 of the principal Act is hereby amended by deleting the words "or village" where they occur in that section.

Amendment
of section 29

18. Section 29 of the principal Act is hereby amended in subsection (1) by deleting the words "or village" and the passage "or, as the case may be, the village" where they respectively occur in that subsection.

19. Section 30 of the principal Act is hereby amended in sub-section (1) by deleting the words "or village" occurring immediately after the word "ward". Amendment of section 30
20. Section 36 of the principal Act is hereby amended by deleting the words and passages "or village,"; "or that village, as the case may be" and "or village" where they occur in subsection (1). Amendment of section 36
21. Section 38 of the principal Act is hereby amended by deleting the passage "or, as the case may be, a village" which occurs immediately after the word "ward". Amendment of section 38
22. Section 41 of the principal Act is hereby amended— Amendment of section 41
- (a) in subsection (1), by deleting the words "or village" occurring after the word "ward";
- (b) in subsection (2), by deleting the passage "or villages, as the case may be," occurring after the word "wards".
23. Section 42 of the principal Act is hereby amended— Amendment of section 42
- (a) in subsection (1), by deleting the words "or village" and the passage "or as the case may be, the village";
- (b) in subsection (3), by deleting paragraph (b) and substituting for it the following paragraph:
- (b) a certificate in the prescribed form by the Registration Officer in charge of the yard certifying that the *nominators* are registered as voters in the ward in respect of which the candidate has been nominated;
- (b) in subsection (11), by deleting the words "or villages" where they occur in that subsection;
- (d) in subsection (11), by deleting the words "or villages" where they occur in that subsection.
24. Section 43 of the principal Act is hereby amended— Amendment of section 43
- (a) by inserting a full stop immediately after the word ward;
- (b) by deleting the passage "or in more than one village, as the case may be."
25. Section 45 of the principal Act is hereby amended in subsection (10) by deleting the passage "or as the case may be, village". Amendment of section 45
26. Section 46 of the principal Act is hereby amended in subsection (1)— Amendment of section 46
- (a) by deleting the words "or village" and the passage "or village, as the case may be" which respectively occur in paragraph (a);
- (b) by deleting the passage "or village, as the case may be" which occurs in paragraph (b).

Amendment
of section 47

27. Section 47 of the principal Act is hereby amended—

- (a) in subsection (1), by deleting the words “or village” occurring immediately after the word “ward”;
- (b) in subsection (2), by deleting the passage “or village as the case may be” which occurs in paragraph (b) of that subsection;
- (c) in subsection (3), by deleting the passage “or village, as the case may be” which occurs at the end of that subsection;
- (d) in subsection (4), by deleting the words “or village” and the passage “or that village” where they respectively occur;
- (e) in subsection (5) by deleting words “or village” where they occur.

Amendment
of section 48

28. Section 48 of the principal Act is hereby amended by deleting the passage “or a village” “or the village as the case may be” and “or villages, as the case may be”, which occur in subsection (1), and in paragraph (a) of the provision to that subsection respectively.

Amendment
of section 49

29. Section 49 of the principal Act is hereby amended—

- (a) in subsection (1) by deleting the passage “or villages as the case may be”;
- (b) in subsection (2)—
 - (i) by deleting the passage “or, as the case may be, for each village”, occurring in paragraph (a) of that subsection;
 - (ii) by deleting the passages “or any village”, and “or, as the case may be, that village”, occurring respectively in paragraph (b) of that subsection;
- (c) in subsection (3), by deleting the passages “or a village”, “or, as the case may be, the village”, “or, as the case may be, any village”, and “or that village” where they respectively occur in that subsection.

Amendment
of section 51

30. Section 51 of the principal Act is hereby amended—

- (a) in subsection (1), by deleting the passages “or a village”, and “or, as the case may be, the village”, where they respectively occur.
- (b) in subsection (2), by deleting the passage “or, as the case may be, the village.”.

Repeal and
replacement
of section 52

31. Section 52 of the principal Act is hereby repealed and replaced by the following section:—

“Absence of
candidates

52. If after the primary nomination day by reason of death, withdrawal or any other reason, there are no candidates in a ward, the Electoral Authority shall countermand the election and appoint some other day not later than thirty days after such countermand for the primary nomination of candidates for election in the ward, and the electoral procedure in that ward shall be commenced afresh.”.

32. Section 53 of the principal Act is hereby amended—

Amendment
of section 53

- (a) in subsection (1)(a) and (b), by deleting the passages “or a village” and “or the village” wherever they respectively occur in those provisions;
- (b) in subsection (2), by deleting the passage “or, as the case may be, for the village”, and “or village, as the case may be”, where they respectively occur in that provision.

33. Section 54 of the principal Act is hereby amended—

Amendment
of section 54

- (a) in subsection (1), by deleting the passage “or, as the case may be, for the village”, where it occurs;
- (b) in subsection (2), by deleting the passage “or, as the case may be, for the village,” where it occurs.

34. Section 58 of the principal Act is hereby amended in subsection (1), by deleting the passage “or, as the case may be, village,” where it occurs. Amendment
of section 58

35. Section 60 of the principal Act is hereby amended in paragraph (a) by deleting the passage “or, as the case may be, the village,” where it occurs. Amendment
of section 60

36. Section 62 of the principal Act is hereby amended—

Amendment
of section 62

- (a) in paragraph (a), by deleting the words “or village”;
- (b) in paragraph (b), by deleting the passage “or the village”.

37. Section 63 of the principal Act is hereby amended. in subsection (1), by deleting the words “or village” where they occur. Amendment
of section 63

38. Section 67 of the principal Act is hereby amended—

Amendment
of section 67

- (a) in subsection (1), by deleting the words “village” and the passages “or village, as the case may be,” “or, as the case may be, the village”, and “or as the case may be, that village,” wherever they respectively occur in that subsection;
- (b) in subsection (2), by deleting the passage “or the village” where it occurs;
- (c) in subsection (3), by deleting the words “or village” and the passage “or village, as the case may be,” where they respectively occur.

39. Section 72 of the principal Act is hereby amended in subsection (1) by deleting the passage “or as the case may be the village”, where it occurs. Amendment
of section 72

40. Section 75 of the principal Act is hereby amended in subsection (2), by deleting the passage “or, as the case may be, the village” which occurs in paragraph (e) of that subsection. Amendment
of section 75

41. Section 78 of the principal Act is hereby amended in subsection (2), by deleting the passage “or, as the case may be, village”, which occur in that subsection. Amendment
of section 78

Amendment
of section 82

42. Section 82 of the principal Act is hereby amended in paragraph (c), by deleting the passage "or, as the case may be, each village".

Amendment
of section 87

43. Section 87 of the principal Act is hereby amended in subsection (1)—

- (a) by deleting the words "or village" and the passage "or village, as the case may be" which occur respectively in paragraph (b);
- (b) by deleting the words "or village" and the passage "or village, as the case may be" which occur respectively in paragraph (c).

Amendment
of section 99

44. Section 99 of the principal Act is hereby amended in subsection (1) by deleting the passage "or, as the case may be, the village".

Amendment
of section 106

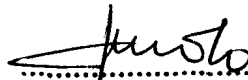
45. Section 106 of the principal Act is hereby amended in subsection (1), by deleting the passage "or village, as the case may be,"

General
Amendments

46. The principal Act is hereby amended—

- (a) by deleting the passage "the Decentralization Act" wherever it occurs in the Act and substituting for it in each case the words "the Act";
- (b) by deleting the passages "District Working Committee" and "Regional Working Committee" wherever they respectively occur in the Act and substituting for them respectively in each case the passages "District Executive Committee" and "Regional Executive Committee";
- (c) by deleting the words "local authority" wherever they occur in the Act and substituting for them in each case the passage "local government authority".

Passed in the National Assembly on the twenty-seventh day of January, 1983.



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Clerk of the National Assembly