

## APPENDIX I

### **RULES OF PROCEDURE FOR THE NOMINATION AND ELECTION OF THE SPEAKER AND MEMBERS OF THE ASSEMBLY IN VARIOUS ELECTIONS**

*(Made Under S. O. 7 and 9)*

1. In these Rules unless the context otherwise requires:-

Interpretation

“Speaker”, “Member”, “Clerk” and “Chairperson” have the meanings respectively ascribed to them in the Standing Orders of the National Assembly;

“Candidate” means a person duly nominated by a Political Party to stand for election of the Speaker or of the Members of the Assembly conducted by the Assembly pursuant to Standing Order 7 and 9 of the Standing Orders of the National Assembly;

“election” means the election of the Speaker or of the Members of the Assembly in accordance with Standing Order 7 and 9 of the Standing Orders of the National Assembly;

“nomination body” means Political Party which nominates its candidates for the purposes of the election conducted pursuant to Standing Order 7 and 9 of the Standing Orders of the National Assembly;

“nomination day” means the day which shall be published by the Returning Officer to be the last day for receiving application forms from the candidates;

“Party” means any Political Party permanently registered as a Political Party under the Political Parties Act, 1992;

“vacancy” means a vacancy in the post of the Speaker or of Members from amongst Members of the Assembly caused by the dissolution of a Parliament or a casual vacancy;  
Speaker to Supervise election

Speaker to  
Supervise  
election

2. Except where stated otherwise, any election in the Assembly shall be conducted and supervised by the Speaker or the Chairperson pursuant to these rules of procedure.

## **PROCEDURE FOR NOMINATION AND ELECTION OF CANDIDATES FOR THE POSITION OF THE SPEAKER**

Procedures for the nomination of Candidates shall be as follows:-

Procedures  
for Nomina-  
tion of Cand-  
idates for  
the Position  
of the  
Speaker

1. At the time during which the election the Speaker shall be conducted, and the Political Party intending to participate in that election, shall submit to the Clerk of the Assembly, only one name, of either a Member of the Assembly of that Party or any other member of that Party who has the qualifications to be a Member of the Assembly to be its candidate.

2. The nominated candidate or a National level officer of the party proposing him shall submit to the Clerk the name of the candidate. (For purpose of this election, the Clerk of the National Assembly shall be the Returning Officer). The name of the Candidate shall be required to reach the Clerk of the National Assembly, in his office, in Dodoma, before four O'clock in the afternoon of the nomination day.

3. For a person to be nominated to contest or stand for the election of the vacancy of Speaker of the National Assembly, it shall be compulsory for him to fulfill all the conditions and requirements of being a candidate for that vacancy as stated in section 38 of the Election Act, 1985 (No. 1 of 1985).

4. Where until four O'clock in the afternoon of the nomination day there shall be only one name which shall have been submitted to the Returning Officer, that candidate shall be declared by the Returning Officer that he has been elected unopposed to be the Speaker.

5. The election of the Speaker shall be conducted in accordance with Standing Order 7 of the Standing Orders of the National Assembly.

Procedure  
for the  
election of  
the Speaker

## **PROCEDURES FOR NOMINATION AND ELECTION OF MEMBERS OF THE ASSEMBLY WHO ARE TO REPRESENT THE NATIONAL ASSEMBLY IN OTHER BODIES**

The Procedures for nomination of Candidates shall be as follows:

Procedures for nomination of Candidates for various representative vacancies

**1.** At the time during which an election shall be conducted, every Member of the Assembly who desires to participate shall submit his name to the Clerk of the Assembly (who shall be Returning Officer of that election). The names of all candidates shall be required to reach the Clerk of the Assembly in his office, in Dodoma, one day before the nomination day.

**2.0** The Election of Candidates for representative vacancies shall be conducted and supervised by the Speaker in accordance with the following procedure:-

Election Procedures

**2.1** At the First Meeting of the election of the announced vacancies, immediately after the candidates have submitted their names,

- (a) direct that the names of all Candidates nominated be distributed to Members of the Assembly;
- (b) announce in the Assembly, the day and time during a sitting of the Assembly, on which the balloting for election shall take place;
- (c) a written notice of the day and time on which balloting for the election shall take place, shall be given by the Clerk, within a time not less than twenty four hours, before the time appointed.

Election to fill casual vacancies

**2.2** Where a vacancy occurs amongst the number of the Members of the Assembly elected in accordance with these rules of Procedure, otherwise than by reason of the dissolution of Parliament, or where such vacancy is not filled (hereinafter in either case referred to as a casual vacancy), the Speaker shall be required to:-

- (a) give notice to all Members of the Assembly, in the Assembly, on the occurrence of such vacancy.

- (b) as soon as he receives the names of all candidates, direct the necessary notices to be given and make the like announcement as provided for in sub-paragraphs (a), (b) and (c) of paragraph (2) of rule 2.
- (c) Where there are two or more casual vacancies at the same time, the elections and the ballots thereof shall be conducted as one. Ballot Papers

Ballot  
Papers

2.3 For the purposes of an election for filling any vacancy mentioned in paragraphs (1) and (2) of rule 2 of these rules, there shall be only one ballot paper, which shall contain a list, in alphabetical order, of the names of candidates, together with the name of the Political Party by which each candidate is nominated, and there shall be a blank space opposite to each candidate's name for purposes of inserting the vote mark.

Excepts that, where required, Members shall be elected having regard to the ratio mentioned in Standing Order 9A of the National Assembly Standing Orders. The names of Candidates shall be arranged in the ballot paper in the order of the relevant categories of Members, and the Speaker shall direct on the number of votes to be casted in each category.

Number of  
Votes and  
manner of  
Voting

**2.4 (1)** Every Member present in the Assembly Chamber at the time a ballot is held, may, with regard to the provision of the Constitution:-

- (a) at the first election in the First Meeting of a New Parliament, cast one vote after another (at a time) or, as much as in accordance with the directions in the ballot paper in relation to the candidates contesting for the vacancy amongst the nominated candidates.
- (b) in an election to fill a casual vacancy or vacancies, cast one vote each for as many candidates as there are vacancies in such election.

(2) The Voter shall cast his vote by writing the mark 'V', and nothing else whatsoever in the blank space on the ballot paper opposite the name of the candidate for whom he wishes to vote, and place the ballot paper, folded so as not to disclose how he voted, in the ballot box provided by the Clerk.

**3 (1)** At the time appointed by the Speaker for balloting in an Balloting election, the Speaker shall interrupt the proceedings of the Assembly and direct that the ballot be held.

(2) At the same time the following shall be done:-

- (a) The Clerk shall announce the number of vacancies to be filled and the type of election to be conducted.
- (b) The Clerk shall appoint two Members to supervise the counting of votes.
- (e) Every candidate shall be given an opportunity to express himself/herself in relation with the election to be conducted.

(3) The Clerk shall deliver ballot paper to each Member then present, and after allowing the Member a sufficient time to mark the same, shall collect the ballot papers in the ballot box (es), which prior to such use, shall be shown to the Assembly to be empty.

(4) The ballot box shall be kept in the custody and supervision of the Clerk and the Members appointed to supervise the counting of votes, until the votes are counted, and the clerk and such Members shall have powers to ensure that the box is not opened until the counting of votes commences, and that, nothing is put therein after the ballot papers have been collected in accordance with the provisions of paragraph (3).

(5) After the ballot papers have been collected, proceedings in the Assembly shall be resumed at the point at which they were interrupted.

Counting  
of Votes

**4. (1)** As soon as possible, after the holding of a ballot, and before the end of the current Sitting of the Assembly, the Clerk, in the presence of the two Members appointed in accordance with Rule 3, shall open the ballot box and count and record the number of votes cast for each candidate.

(2) A ballot paper shall be rejected and the vote thereof not counted:-

- (a) if it is not in the official colour of the ballot paper provided by the Clerk;

- (b) if the voter has cast more, or less votes than those prescribed in paragraph (1) of Rule 2(4)
- (c) if there appears oil it any writing or mark by the voter other than the mark prescribed by paragraph (2) of Rule 2.4 (2);
- (d) if it is unmarked or so marked that it is not clear for which candidate the voter intended to vote or has voted for; Provided that, if some of the votes on the ballot pa- per are clear and some are not clear, the ballot paper shall be rejected only in respect of those votes which are not clear and the remainder of the clear votes shall be counted.

(3) The decision of the Speaker as to whether a ballot paper shall be rejected wholly or in part shall be final.

Results of  
Votes

**5. (1)** After the votes have been counted, the Clerk shall announce Results of the results of all votes casted, and shall call the names of the approved candidates who has received the highest number of votes casted and declare them to have been elected.

(2) Where, after the counting of votes, there shall be a need for holding a further ballot by reason of an equality of votes between two or more candidates in any vacancy in an election, the Speaker shall explain the reasons for the holding of a further ballot, and direct a further ballot to be held in order to determine the winner for the respective vacancy or vacancies,

(3) Where a further ballot is directed to be held in accordance with paragraph (2), the candidates balloted for shall only be those for whom an equal number of votes were cast.

(4) Where the Speaker is unable to declare the appropriate number of approved candidates elected by reason of an absence of votes, he shall:-

- (a) declare elected as many of such approved candidates as have received votes; and
- (b) give notice, in accordance with Rule 2, to all Members of the Assembly of the remaining vacancy or vacancies, and the election procedure shall commence afresh in respect of such vacancy or vacancies.

(5) Every declaration and direction by the Speaker under this Rule shall be made or given in the Assembly.

(6) In this Rule "the appropriate number" is the number of vacancies to be filled at an election.

**6. - (1)** The Clerk shall endorse the words "rejected" and "rejected vote" on wholly rejected ballot papers or rejected votes respectively and shall retain them together with validly used ballot papers for a period of six months after the declaration of the results of the ballot. There-after, unless the Assembly shall direct otherwise, the Clerk shall destroy the ballot papers.

Sorting  
out Ballot  
papers

(2) Used ballot papers shall not be disclosed to any person by the Clerk, except in accordance with a resolution of the Assembly on a Substantive motion being passed to that effect.

7. Where any candidate shall be dissatisfied with the results of an election in respect of how the election was conducted, he shall have right to institute proceedings in the High Court, and such claims shall be dealt with in accordance with the law enacted by Parliament for purposed of determining the questions pertaining to the election of Members of Parliament.

Complaints  
on Elections