

## THE ELECTIONS REGULATIONS, 2008

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(Made Under Section 130(1))

**IN EXERCISE of the powers conferred under section 130(1) of the Election Act, No. 11 of 1984 and its amendments, The Zanzibar Electoral Commission, do hereby makes the following Regulations:**

### **PART I PRELIMINARY**

- Short title and commencement.      1. These Regulation may be cited as the Elections Regulations, 2008 and shall come into operation on such date as published in the *Official Gazette*.
2. In these Regulations, unless the context otherwise requires:-
- Interpretation.      "Act" means the Elections Act No. 11 of 1984 and its amendments;
- "Ballot box" means a ballot box prepared by the Commission in a manner which allow voter to put in ballot paper in such away that he shall not be able to remove it;
- "Ballot paper" means a ballot paper prepared by the Commission in a manner capable to be used by voters in an election;
- "Candidate" means a person who submits himself for election of the President of Zanzibar or Member of the House of Representatives or for election to a Local Authority Leader;
- "Commission" means the Zanzibar Electoral Commissions as established by the Constitution of Zanzibar, 1984;
- "Chairman" means the Chairman of the Commission as appointed under article 119 of the Constitution and includes the Vice-Chairman or any person appointed to discharge the functions of the Chairman;

“Constituency” means in an election other than that of a President, a constituency for the purposes of elections to the House of Representatives or to a local authority and in the case of an election of President means the whole of Zanzibar;

“Constitution” means the Constitution of Zanzibar 1984 its amendments;

“Counting agent” means a person appointed as a counting agent under the provisions of section 77 of the Act;

“Contested election” means an election in a constituency;

“Director” means the Director of Elections as appointed under section 7 of the Act and includes a person appointed to perform any of the function of that office;

“Election” means:-

- (a) in the case of an election of the President, the Presidential election;
- (b) in the case of an election to the House of Representatives, the House of Representatives election; and includes by-election;
- (c) in the case of an election of the local authority, means the local authority election; and includes by-election;

“Election day” means a day appointed for election under section 51 of the Act and includes a by-election and local leaders election;

“Nomination” means nomination of a candidate for election to the House of Representatives and Local Authority;

“Nomination day” means a day appointed for the nomination of candidates;

“Observer” means the local or international election observer so accredited by the Commission;

“Political Party” means a political party registered as such under the Political Parties Act, No. 5 of 1992;

“Presidential Candidate” means a person nominated to contest in election to the office of the President;

“Presidential Election” means the election of the President of Zanzibar and Chairman of the Revolutionary Council;

“Register” means a permanent register of voters prepared and maintained by the Commission in accordance with the provision of the Act;

“Registration Officer” means a registration officer appointed under section 8 of the Act and includes Assistant Registration Officer;

“Returning Officer” means a returning officer appointed under section 10 of the Act and includes Assistant Returning Officer;

“Sheha” means a person appointed as a sheha under section 15 of the Regional Administration Authority Act, No. 1 of 1998, and include any person appointed on his behalf according to section 18 of that Act;

“Special Department” means a special department as established under article 121 of the Constitution;

“Voter” means any person who is registered as a voter in accordance with the provision of that Act;

“Voter’s Card” means a card issued to a person signifying that a person named in such a card has been registered as a voter.

**PART II  
VOTERS EDUCATION**

Preparation and providing of voter education.

3.(1) Notwithstanding the provision of section 5 of the Act, the Commission shall be responsible for preparation and providing voters’ education, coordinating and supervising all persons involved in the provision of voter education.

(2) Subject to sub rule 1 and the provisions, the Commission shall be responsible to promote and regulating all processes of voters education throughout Zanzibar.

(3) For the purpose of this rule the voters’ education may includes dissemination of information relating to the electoral processes and procedures.

Approval of voter education materials.

4. (1) No person shall provide voters education without the prior approval of the Commission.

(2) Unless the Commission direct otherwise, all materials which may be used in the process of voter education, shall be prepared and provided by the Commission.

(3) Any person who wishes to conduct voter education using a private materials relating to electoral process and procedures, shall before using that materials submit the same to the Commission for examination and approval.

(4) The Commission shall have the discretion to approve or disapprove the materials as provided under sub rule (3) of this rule.

(5) Where the Commission does not approve the materials shall return to the concerned person to make correction if necessary.

(6) Where the Commission approved the materials

shall grant permission to use the materials for the voter education.

Voter's education materials.

5. For the purpose of this part, voter's education materials include brochures, posters, leaflets, booklets, radio and television programmes containing information related to voters education.

Contravention.

6. Any person, who contravenes the provision of this regulation, shall be barred by the Commission to conduct voter's education.

### **PART III CONSTITUENCIES AND POLLING DISTRICTS**

Constituencies.

7.(1) All the constituencies as provided for under the Constitution shall continue to exist throughout Zanzibar.

(2) Subject to the provisions of the Constitution, any changes of either adding or reducing the constituencies shall be made in accordance with the provision, the Act or any other law enacted by the House of the Representatives for that purposes.

Division of a Constituency into polling districts.

8.(1) Subject to the provisions of the Constitution and the Act, the Commission shall divide every Constituency into polling districts and shall publish in the Gazette a notice specifying such polling district.

(2) The area and boundaries of a polling district shall be within a ward as established by the Minister responsible for Local Government of Zanzibar.

Alteration of boundaries of a polling district.

9.(1) Subject to the provision of the Act, the Commission may alter the number or area of a polling district or as the case may be a constituency where it appears necessary so to do, affecting the existing boundaries of a constituency or a polling district within the constituency.

(2) The circumstances or the so called necessity affecting the existing boundaries of a polling district or

a constituency includes.

- (a) establishment of a new region, district, ward or council;
- (b) alteration of the boundaries of the existing region, district, ward or council;
- (c) abolition of a region, district, ward or council.

(3) The Commission may by notice published in the Gazette make alteration on the existing boundaries of a polling district in a constituency pursuant to sub regulation (2).

#### **PART IV APPOINTMENT OF ELECTORAL STAFF**

Appointment of  
a Registration  
Officer.

10.(1) The Commission may, at any time before the election and subject to the provisions of the Act, appoint a persons to be a Registration Officers for registration of voters.

(2) The Registration Officers shall be appointed in accordance with the qualifications that the Commission shall set and every Registration Officer so appointed shall be responsible for the electoral area for which he is so appointed.

(3) Notwithstanding sub-regulation (1) and (2), the Registration Officer so appointed, shall appoint in accordance with qualifications that shall be set, such number of Assistant Registration Officers as the Commission may direct.

(4) The Registration Officer, from time to time may issue direction to an Assistant Registration Officer to exercise and perform all the powers and duties conferred upon him.

(5) Upon issuing the directions, subject to sub-regulation (4), the Registration Officer shall be corm form with the provisions of the Act and these Regulation.

Appointment of  
a Returning

11.(1) There shall be a Returning Officers who shall be responsible for conducting, coordinating and

Officer.

supervising election in a constituencies.

(2) The Returning Officers under sub-regulation(1) shall be appointed with the provision of section 10 of the Act.

(3) The Commission shall, at any time before an election, inform the Returning Officer in writing the following:-

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

Replacement of Returning Officers.

12.(1) Notwithstanding regulation 11, the Commission may where it is satisfied that, the Returning Officer provided for under section 10 of the Act, is for whatever reasons incapable of performing his duty properly:-

- (a) appoint any other person to be a Returning Officer;
- (b) inform in writing the Returning Officer provided for under the Act accordingly.

(2) The letter of appointment for the Returning Officer under sub-regulation (1) shall contain:-

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

(3) The appointed Returning Officer shall, within fourteen days after receiving the letter of appointment

inform the Director of Elections in writing of his acceptance of the appointment.

(4) Where the appointed Returning Officer without good cause, fails to comply with sub-regulation (3) the Commission shall appoint another person to be a Returning Officer.

(5) Notwithstanding Regulations 11(2) and 12(1), the Commission may, where it is satisfied that, the Returning Officer is for whatever reason incapable of performing his duty, appoint another person to be a Returning Officer.

Appointment of  
Assistant  
Returning  
Officers.

13.(1) Subject to section 10(2) of the Act, the Commission shall appoint Assistant Returning Officer in accordance with the qualification that the Commission shall set.

(2) In order to make the appointment of Assistant Officer be officially effective, the appointment shall be made in writing.

(3) The letter of appointment for the Assistant Returning Officer under sub-regulation (1) shall contain:-

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

(4) The appointed Assistant Returning Officer shall, within fourteen days after receiving the letter of appointment inform the Director of Elections in writing of his acceptance of the appointment.

(5) Where the appointed Assistant Returning Officer without good cause fails to comply with sub-regulation (4) the Commission shall appoint another person to be an Assistant Returning Officer.



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

Appointment of a Presiding Officers.

14.(1) Subject to the directions issued by the Commission or the Director of Elections, every Returning Officer shall, for the purposes of election appoint in writing a Presiding Officers and Polling Assistant.

(2) The Commission shall determine the number of Presiding Officers or Polling Assistants required for every polling station.

(3) Any person appointed under this regulation shall be required to sign a contract of employment with the Returning Officer, as directed by the Commission or the Director of Election.

(4) Every Presiding Officer shall be the officer in charge of a polling station.

(5) Subject to the provisions of the Act, these Regulations and directions issued by the Commission or Director of Elections, every Presiding Officer, Polling Assistant appointed under sub-regulation (1), shall perform his duties under the supervision of the Returning Officer or as the case may be, an Assistant Returning Officer.

Procedure for appointment.

15.(1) The Returning Officer, after consultation with the Commission or the Director of Election shall in appointing Presiding Officers or a Polling Assistants:-

- (a) advertise posts inviting qualified persons to apply;
- (b) short list names of applicants and display such names at the office of the Returning Officer or any other public office so appointed in the constituency; and
- (c) interview the applicants.

(2) The Returning Officer shall immediately after conducting an interview under sub-regulation (1), appoint the qualified applicant as the Presiding Officer or as the case may be, a Polling Assistant.

Oath of secrecy and declaration.

16.(1) Every Regional Elections Coordinator, a Returning Officer, an Assistant Returning Officer, shall, before assuming their respective duties:-

- (a) take an oath of secrecy in a Form as prescribed in the schedule; and
- (b) make a declaration before a Magistrate or a Commissioner for oaths that he has withdrawn his membership from a Political Party in a Form as prescribed in the schedule to these Regulation.

(2) Every Presiding Officer and a Polling Assistant shall, before assuming their duties take an oath of secrecy in a form as prescribed in the schedule.

Training of electoral staff.

17.(1) The Commission shall, at any time after the appointment of electoral staffs and before the election, arrange and facilitate training to electoral staffs on the electoral process, procedure and law.

(2) The Returning Officer shall, subject to the directions of the Commission or Director of Elections, conduct training to Assistant Returning Officers, Presiding Officers and Polling Assistant on the electoral process, procedures and the law prevailing for election.

**PART V**  
**NOMINATION OF CANDIDATES, WITHDRAWAL**  
**OR ABSENCE OF CANDIDATES AND**  
**ELECTION CAMPAIGNS**

**A - Nomination of Candidates.**

Nomination Forms.

18.(1) Subject to the provision of the Act, any person who is a member of a political party and is nominated by a political party to be a candidate in election shall be required to fill a nomination Form four copies and submit to the Commission.

(2) The nomination Form under this regulation shall be as prescribed in the schedule to these Regulations.

(3) A nominated candidate of each Political Party shall, before obtaining a nomination Form from the Commission, submit the letter of introduction from his respective political party.

(4) The Commission shall specify the date for issuing nomination Forms to political parties.

Prohibition to collect nomination Form.

19.(1) No candidate from any political party shall obtain a nomination Form from the Commission before submitting a letter of introduction from his political party.

Submission of nomination Form.

20. Nomination Forms for a Presidential candidates or members of the House of Representatives shall be submitted to the Commission head office or sub-office or any other office as the Commission or Director of Election may direct.

Nomination for Presidential Election.

21. Any person who wishes to contest in Presidential election, shall submit to the Commission, a letter of introduction From his respective political party and obtain a Form as prescribed in the schedule for that purpose.

(2) The nomination Form for Presidential election shall contain the following particulars:-

- (a) names and registration numbers of registered voters of a nominated candidates;
- (b) personal particulars of the candidates;
- (c) certification by the political party that candidates are members of and sponsored by a political party; and
- (d) statutory declaration of candidates.

(3) Any candidate for Presidential election shall, on

submitting the nomination Form to the Commission, attach four recent colour postcard size photographs and deposit with the commission a particular sum of one million shilling as determined by the Commission.

(4) The Commission, shall upon being satisfied that a candidate qualifies to be nominated, certify as such in the Form as proscribed in the schedule to these Regulations.

Display of nomination Forms for presidential election.

22. The Commission shall, display copies of the nomination Form of Presidential candidates who has, been nominated, on the notice board of the Commissions office for 24 hours after nomination.

Objection against nomination for presidential election and determination.

23.(1) The Director of Elections or a candidate for Presidential election may lodge an objection against another candidate.

(2) Subject to sub-regulation (1), a person who objects, against the nomination of any Presidential election candidate shall lodge his objection to the Commission at any time within 24 hours after nomination of candidates.

(3) The objection made under sub-regulation (2), shall be in writing stating reasons for objection and it shall be signed by the objector.

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

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

(5) Where the Commission decides on any objection, it shall inform in writing the parties concerned of its decision, grounds for the decision and the decision of the Commission shall be final and conclusive.

(6) Where the Commission has accepted the

objection against a candidate, it shall delete the name of such candidate from the list of nominated candidates.

Nomination for members of House of Representatives.

24.(1) Any person who wishes to contest for House of Representative election, shall submit to the Returning officer a letter of introduction from the Region or District office of his political party and obtain nomination Form in his constituency.

(2) The nomination Form for House of Representative election shall contain the following particulars:-

- (a) names and registration numbers of voters nominating a candidate;
- (b) personal particulars of a candidate;
- (c) a statutory declaration of a candidate; and
- (d) certificate by the political party that the candidate is a member of and sponsored by a political party.

(3) A candidate for House of Representative election shall, on submitting nomination Forms to the Returning officer attach recent four coloured post card size photographs and deposit with the Returning Officer a sum of fifty thousand shillings.

(4) The Returning Officer shall upon being satisfied that the candidate qualifies to be nominated, certify as such in the Form as prescribed in the schedule below to these Regulation.

Display of nomination Forms for House of Representative election.

25. The Returning Officer shall display copies of nomination Forms of every candidate who has been nominated on the notice board of the constituency offices for twenty four hours after nomination.

Objection against

26.(1) The Director of Elections, a Returning Officer or a candidate for House of Representatives

nomination for  
House of  
Representative  
election

may, subject to the Act, lodge an objection against the nomination of any candidate stand for members of the House of Representatives.

(2) Subject to sub-regulation (1) a person who object against the nomination of a House of Representatives candidate may, at any time within twenty four hours after the nomination, lodge the objection in writing to the Returning Officer.

(3) The objection shall be lodged to the Returning Officer in the prescribed Form stating the followings:-

- (a) particulars of the objector;
- (b) particulars of the objected candidate; and
- (c) the grounds for objection.

(4) The Returning Officer shall, immediately after receiving the letter of objection from the objector and before deciding the validity of any objection:-

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

(5) Where the Returning Officer determines on any objection under sub-regulation (4) he shall inform in writing the parties concerned of his decision and grounds for the decision.

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

Appeals.

27.(1) Any person who is aggrieved by the decision of the Returning Officer under regulation 26, may appeal to the Commission within forty eight hours from the time of the decision or such further period as the Commission may allow.

(2) The appeal to the Commission under sub-

regulation (1) shall be made by filling appeal Form as prescribed in the schedule to these Regulations.

(3) The Form of appeal shall contain the followings:-

- (a) particulars of the appellant which include his/her address;
- (b) name of the constituency;
- (c) the grounds of appeal;
- (d) date and signature of the appellant

(4) The appellant shall obtain the appeal Form from the Returning Officer.

(5) Subject to sub-regulation (4), the appellant shall submit his appeal Form to the Returning Officer who shall receive the same on behalf of the Commission.

(6) The Returning Officer shall, immediately after receiving the appeal Form properly filled by the appellant under sub-regulation (3), make all other necessary step and forward the appeal to the Commission.

Determination of Appeals.

28.(1) Subject to regulation 27, the Commission may, before determination of any appeal, summons any person or require information or clarification in whatever way from any person.

(2) The Commission may summons any person to testify on any matter relating to such appeal.

(3) Failure to appear of any person summoned by the Commission under sub-regulations (1) and (2) at the specified time and place shall not affect, or invalidate the proceedings or the decision of the Commission.

(4) The Commission may in determining any appeal, reject or accept the appeal.

(5) Where the Commission determines an appeal under sub-regulation (4), the Commission shall reinstate or remove the name of the candidate concerned from the list of nominated candidate.

(6) Where the Commission determines any appeal under this regulation, shall inform the parties in writing of its decision and grounds for that decision.

(7) Subject to the provisions of the Act, the decision made by the Commission under this regulation shall be final.

### **B. Withdrawal, Death or Absence of Candidates**

Withdrawal of candidates.

29.(1) A candidate may withdrawal his candidature by notice in writing signed and delivered by him to the nomination authority and a copy to the political party sponsoring him.

(2) The withdrawal notice under sub-regulation (1) shall be accompanied by a statutory declaration made and signed by the candidate before a magistrate.

(3) Subject to the provisions of the Act, and these Regulations, any candidate who withdrawal his candidature after six o'clock of the day following nomination days the deposit paid by him to Commission, upon nomination shall be forfeited to the Government.

(4) Where a candidate withdrawal his candidature after the nomination day, no political party shall nominate a substitute candidate.

Death of candidate.

30.(1) Where, after nomination day and before the close of poll in an election day, a candidate dies, the Returning Officer shall upon being satisfied of the fact of death, countermand an election.

(2) Where a House of Representatives election is countermanded pursuant to sub-regulation (1) the Returning Officer shall immediately inform the Commission.



(3) Where any election is countermanded, under sub-regulation (1), the Commission shall, not later than thirty days after such countermand appoint another day for the nomination of a candidate.

Absence of a candidate.

31.(1) Where after a nomination day there is no candidate for election, the Returning Officer shall countermand the election.

(2) Where a House of Representatives election is countermanded pursuant to sub-regulation (1), the Returning Officer shall immediately inform the Commission.

(3) The Commission shall, not later than thirty days after the election has been countermanded, appoint another day for the nomination of candidates for election.

Refund of deposit.

32.(1) Where a candidate dies after nomination day or before the close of poll, the deposit paid by him to Commission upon nomination, shall be returned to his personal legal representative by the Returning Officer.

(2) Subject to sub-regulation (1) a candidate shall not be refunded the deposit if:-

- (a) he has withdrawal his candidature after nomination day or;
- (b) after the declaration of election results has acquired less than ten percent of the total valid votes cast.

### **C. Election Campaigns**

Campaign period.

33.(1) The campaign period shall be the whole period commencing from the day after nomination of candidates up to one day before election day.

(2) Subject to sub-regulation (1), the time for conducting campaign meetings shall be from 8.00

o'clock in the morning to 6.00 o'clock in the evening.

(3) Each political party or a candidate involved in any election shall comply with the coordinated programme for campaign meetings.

(4) Notwithstanding sub-regulations (2) and (3) the coordinated programme shall not apply to door to door canvassing.

Coordinated  
campaign  
programme for  
presidential  
election.

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

(3) The Director of Elections shall, after receiving the schedules from each Political Party under sub-regulation (1), convene a meeting of all Political Parties or candidates concerned in order to prepare a coordinated programme of campaign meetings.

(4) After preparing a coordinated programme under this regulation, the Director of Elections shall distribute copies to the followings:-

- (a) all Political Parties involved in presidential election;
- (b) Regional Elections Coordinators;
- (c) Returning Offices;
- (d) the Regional Commissioner for information; and
- (e) the Inspector General of Police for the purpose of providing security.

Changes in the

35.(1) Where any Political Party intends to change

coordinated programme for presidential election.

the campaign venue or schedule, it shall inform the Director of Elections in writing stating the reasons for that proposed changes.

(2) The Director of Elections, immediately after receiving such information, shall before determination convene a meeting of political parties or candidates concerned to agree on the matter.

(3) Subject to sub-regulations (1) and (2), where the coordinated campaign programme requires to be amended, the Director of Elections shall amend it accordingly and inform Political Parties concerned and official stated under Regulations 34.

Coordinated campaign programme for House of Representatives election.

36.(1) The Returning Officer shall, before the beginning of House of Representatives 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) The proposed schedule of campaign meetings shall specify dates, times, and places where such meetings will be conducted.

(3) The Returning Officer shall, after receiving the proposed schedules of campaign meetings from each Political Party under sub-regulation (1), convene a meeting of all Political Parties or candidates concerned, in order to discuss and agree on a coordinated programme of campaign meetings.

(4) After preparing a coordinated programme of campaign meetings under sub-regulation (2), the Returning Officer shall distribute copies to:-

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

campaigns meetings.

Coordinated programme to constitute sufficient notice.

37. The coordinated programme shall be binding upon all candidates and Political Parties and, it shall constitute sufficient notice of proposed meetings for the purposes of Political Parties Act and the Police Force Ordinance.

Changes of coordinated campaign programme in a House of Representatives election.

38.(1) Where any Political Party intends to change its campaign venue or schedule, it shall immediately inform the Returning Officer in writing stating reasons for the proposed changes.

(2) The Returning Officer immediately after receiving the proposed changes, shall convene a meeting of all Political parties concerned to discuss and agree on the matter.

(3) Where the House of Representatives election campaign schedule interferes or collides with the coordinated campaign programme for Presidential election in the Constituency, the Returning Officers shall inform the Political Parties and request them to make necessary amendments to the coordinated campaign programme for the House of Representatives election.

(4) Where in pursuance of sub-regulation (2) and (3), a coordinated campaign programme has been amended by the Political Party, the Returning Officer shall either approve or disapprove the amendment.

(5) Where the Returning Officer approved or disapproved the amendment as referred to sub-regulation (4), shall state reasons for either approval or disapproval as the case may be.

(6) Subject to this regulation, the Returning Officer after the amendment shall notify, the followings:-

- (a) the Political Parties Concerned;
- (b) the District Commissioner; and
- (c) the Police Officer Commanding District.

**PART VI  
ELECTION DAY, VOTE COUNTING, ADDITION  
OF VOTES AND DECLARATION OF RESULTS**

**A. Election day and Voting:**

Election day.

39. The election day shall be specified by the Commission as provided for under the Act.

Appointment of another polling day.

40.(1) Where before polling day, any event occurs which prevents an election to take place in the constituency on the appointed day, the Returning Officer shall immediately inform the Commission and the Commission shall revoke the originally appointed day and appoint another election day for that particular constituency.

(2) Where on the election day an election fails to be conducted in the constituency, the Returning Officer shall immediately inform the Commission which shall appoint another election day in respect of the particular constituency.

Notice of election.

41.(1) Each Returning Officer shall issue a notice of election in the Constituency, eight days before election day.

(2) The notice of election under sub-regulation (1), shall be displayed in a conspicuous place at the constituency offices and shall contains:-

- (a) the date and times for commencement and close of poll;
- (b) the addresses of each polling station in the constituency;
- (c) the names and registration numbers of voters assigned to each polling station; and
- (d) the full names and photographs of candidates and the names of their respective Political Parties.

(3) Subject to sub-regulation (2), the Notice of

Election shall be displayed in a conspicuous place outside each polling station and shall contain the followings:-

- (a) the date and times for commencement and close of poll;
- (b) the name and address of the polling station;
- (c) the names and registration numbers of voters assigned to vote at the polling station; and
- (d) the full names and photographs of candidates and the names of their respective Political Parties.

Issuance of  
Polling stations.

42. The Returning Officer shall within fourteen days before the polling day or such other period to be directed by the Commission, issue to candidate or Political Parties names and addresses of a polling stations.

Polling agent.

43.(1) Each Political Party involved in an election shall, subject to the provisions of section 64 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.

(2) The Returning Officer shall after receiving the information under sub-regulation (1), inform the Presiding Officers or Polling Assistants the polling agents authorized to be at each polling station.

(3) Every polling agent shall before assuming duty take an oath of secrecy in a form as prescribed in the schedule to these Regulations.

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

Polling agents  
for Presidential

44.(1) Each Political Party sponsoring a presidential candidate may, after consultation with the

election. candidate, appoint a polling agent for each polling station.

(2) Notwithstanding sub-regulation (1), and 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 constituency where a House of Representatives elections candidate or a councilor election candidate of the same party is contesting an election.

Distribution and custody of election equipments and materials.

45.(1) All the election equipments and materials shall be supplied by the Commission to the Returning Officer, and the Commission or the Director of Elections shall issue directions relating to utilization, distribution and safe custody of such election equipments and materials.

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

(3) Subject to sub-regulation (1), distribution of election equipments and material under this regulation, shall be in writing and all the election equipment and materials shall be kept in safe custody by the Presiding Officer.

Admission to polling station.

46.(1) Every person who is legally registered as a voter, shall be admitted to vote at a polling station assigned to him in a particular polling district.

(2) Subject to sub-regulation (1), no person other than the following shall be admitted into a polling station:-

- (a) a Presiding Officer;
- (b) a polling assistant;
- (c) a polling agent;
- (d) a voter;

- (e) a person assisting an incapacitated voter pursuant to section 68(3) of the Act;
- (f) an observer duly authorized in writing by the Commission;
- (g) a candidate;
- (h) a member of the Commission;
- (i) the Director of Elections;
- (j) an election officer;
- (k) a police officer or any other person responsible for security at the polling station, and
- (l) the Returning Officer and Assistant Returning Office.

Dissatisfaction or satisfaction of polling agents preparation of voting.

47. Where any Polling Agent is satisfied or dissatisfied with the preparation of the polling station, shall before the voting process start, he shall fill a prescribed Form, and the Presiding Officer or, as the care may be, a Polling Assistant shall make a determination and indicate on the same Form the manner in which he has dealt with the matter.

Dissatisfaction of voters on voting process.

48. Where any voter who has already voted, is not satisfied with the conduct of voting, shall register his complaint in a Form as prescribed in the schedule to these Regulations, and the Presiding officer shall determine the matter and indicate on the same Form the manner in which he has dealt with the complaint or dissatisfaction.

Voting.

49. Subject to the provisions of section 68(3) of the Act, the Presiding Officer or Polling Assistant shall upon being satisfied that the voter's name appears in the register and that the voter has been assigned to vote at such polling station:-

- (a) check the voter's card and particulars of the



voter as stated in the register of voters;

- (b) mark on the counter foil of the ballot paper the number of the voter indicated in the register and voter's card;
- (c) stamp the back of the ballot paper with an official mark;
- (d) deliver to the voter the ballot paper or where a voter happens to be a blind person upon request, a ballot paper inserted into a fictile ballot folder; and
- (e) place a mark against the name of a voter in the Register of voters to indicate that a ballot paper has been received by such voter.

(2) A voter shall immediately after receiving a ballot paper subject to sub-regulation (1):-

- (a) go into the polling booth and record his vote by putting a mark against the name of one candidate for whom he wishes to vote;
- (b) fold the ballot paper so as to conceal his vote;
- (c) proceed to show to the Polling Assistant or the Presiding officer the back of the ballot paper so as to reveal the official mark;
- (d) put the folded ballot paper into the relevant ballot box; and
- (e) proceed to cause his finger to be marked with indelible ink before leaving the polling station.

Voting by polling agents, electoral staffs and candidates.

50.(1) Where a registered voter in any polling district is employed as a polling agent, an electoral staff or a person responsible for maintaining security at the polling station, other than at the polling station allocated to him, the Returning Officer may by filling a prescribed Form in the schedule to these Regulations,

authorize such a voter to vote at any other polling station in the polling district.

(2) Where a registered voter in the constituency happens to be a candidate and wishes to vote at a polling station which is not allocated to him, the Returning Officer may, by filling a prescribed Form in the schedule to these Regulations, authorize such a candidate to vote at a specified polling station in the constituency.

Voting in  
secrecy

51. Notwithstanding Regulations 49 and 50, a voter shall vote in secrecy and shall recoding his vote, and shall not be allowed to place any mark or writing by which he may be identified.

Ballot paper  
Account.

52.(1) The Presiding Officer shall before and after completion of voting, record the ballot paper account in the Form prescribed in the schedule to these Regulations, indicating the followings:-

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

(2) Subject to sub-regulation (1), the ballot paper account Form shall be submitted to the Returning Officer.

Adjournment of  
polling.

53.(1) Where on the polling day, polling is interrupted or obstructed by riot or open violence the Presiding Officer, or as the case may be, a Polling Assistant shall:-

- (a) where there remains voters in the register who have not completed voting, adjourn polling until the next day and the polling station shall be open for the same polling hours as on the original polling day;

- (b) where all voters in the register have completed voting the polling process shall be deemed to have been completed.

(2) Where polling is adjourned under sub-regulation (1), the Presiding Officer shall immediately inform the Returning Officer or, as the case may be, the Assistant Returning Officer and the Returning Officer shall inform the Commission.

### **B. Vote Counting, Addition and Declaration of Results**

Vote counting at a polling stations.

54. The Presiding Officer shall, soon after the close of the poll and in the presence of a counting agent count all votes at the polling station.

Admission to counting of votes.

55. No person other than the following may be present at the counting of votes:-

- (a) a Presiding Officer;
- (b) a Polling Assistant;
- (c) a counting agent;
- (d) a candidate;
- (e) a member of the Commission;
- (f) a police officer or such other person responsible for security at the place where votes are being counted;
- (g) the Returning Officer, Assistant Returning Officer, or Regional Elections Coordinator;
- (h) the Director of Elections or the election officer of the Commission; and
- (i) an Election Observer duly authorized in writing by the Commission.

Satisfaction or dissatisfaction of

56. Where appears that any polling agent is satisfied or dissatisfied with the counting of votes, he

counting agents or candidates. shall fill Form as prescribed in the schedule to these Regulations, and the Presiding officer or a Polling Assistant as the case may be, shall make a determination and indicate on the same Form, the manner in which he has dealt with the matter.

Polling station election results. 57.(1) The Presiding Officer at the polling station shall, after counting all votes as required in the Act and these Regulations, record election results for the polling station in respect of Presidential election and a House of Representatives election in their respective forms as prescribed in the 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 candidate if any, and every agent or candidate shall be given a copy of the results.

(3) The Presiding Officer or Polling Assistant shall submit to the Returning Officer or, as the case may be, the Assistant Returning Officer in the polling district the followings:-

- (a) polling station election results in a Forms properly filled;
- (b) a polling station report which shall include:-
  - (i) properly filled Forms as prescribed in the schedule to there Regulations, containing satisfaction or dissatisfaction of polling agents or candidate and the manner in which they were dealt with;
  - (ii) a voter's declaration if any, made in Form as prescribed in the schedule to these Regulation;
  - (iii) a Form containing voter's complaint if any regarding the polling process and the manner in which it was dealt with;
  - (iv) the unused Forms;

- (v) the ballot paper account Form;
- (vi) the counter foils of ballot papers;
- (vii) unused or spoilt ballot papers if any;
- (viii) Register of Voters;
- (ix) Certificate authorizing electoral staff, polling agents or candidates to vote at the polling station if any.

- (c) the ballot box and votes, and;
- (d) any other election equipment and materials entrusted to him for the purposes of polling exercise.

Notice to addition of votes.

58. The Returning Officer shall, after receiving election results from all polling stations within the constituency notify in writing the political parties or candidates on the day, time and venue for addition of votes.

Addition of votes.

59. Subject to regulation 58, the Returning Officer shall conduct the addition of votes from all polling stations within a constituency in the presence of candidates or members of a political parties if any.

Partial Presidential Election Results.

60.(1) The Returning Officer shall after the addition of votes for Presidential Election:-

- (a) records the partial results of the presidential election in the Constituency in a Form as prescribed in the schedule to these Regulations;
- (b) issue to every candidate or his agents a copy of that Form containing so results;
- (c) display a copy of that Form at the notice board of a Constituency Offices;
- (d) immediately submit to the Commission the

partial results of the Presidential election in the Constituency in the prescribed Form to these Regulations.

Declaration of Presidential election results by the Commission.

61.(1) The Commission shall, after receiving partial presidential election results as submitted to it under Regulation 60, upon verification, declare results of presidential election for that constituency.

(2) The Commission shall, after receiving partial results for presidential elections from all constituencies, notify in writing political parties or candidates concerned on the date, time and vance for addition of votes.

(3) Subject to this regulation, the Commission shall add together all the respective totals of partial results for each candidates submitted to it by the Retuning Officers.

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

- (a) record the Presidential election results in a Form as prescribed in the schedule to these Regulations;
- (b) declare a candidate who has obtained the majority of valid votes casted to him;
- (c) issue to every candidate or his agent or a political parties concerned a copy of a Form properly filled; and
- (d) display a copy of that Form on the notice board of the Commission Offices.

(5) The Commission shall, immediately after making the declaration of Presidential election results under this regulation, issue a certificate in writing to the elected candidate indicating:-

- (a) full name of the elected candidate;

- (b) date of election;
- (c) the title acquired by the elected candidate; and
- (d) the signature of the chairman of the Commission.

(6) The Commission shall publish the Presidential election Results in the Gazette.

Declaration of the House of Representatives election results.

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

- (a) record the election results in a prescribed Form, and sign that Form;
- (b) require the candidates or their agents if any to sign a Form as prescribed in the schedule to these regulations;
- (c) issue to every present candidate or his agent a copy of election results recorded in the Form as prescribed in the schedule to these Regulations;
- (d) declare a candidate for whom the majority of valid votes have been casted to be an elected candidate in the constituency; and
- (e) display a copy of results recorded in a prescribed Form, on the notice Board of the constituency offices.

(2) The Returning Officer shall immediately after declaration of results under sub-regulation (1), issue to an elected candidate a certificate of election.

(3) The certificate of election under sub-regulation (2), shall contain:-

- (a) the full names of the elected candidate;
- (b) the date of election;

- (c) title acquired by the elected candidate; and
- (d) the signature of the Returning Officer.

(4) The Returning Officer shall after the declaration of results at the constituency, forward the results to the Commission and the Commission shall cause the results to be published in the Gazette.

**PART VII  
DECLARATION OF WOMEN MEMBERS TO THE  
HOUSE OF REPRESENTATIVES FOR  
SPECIAL SEATS**

Women special seats.

63.(1) There shall be women special seats in the House of Representative as provided for under Article 67 of the Constitution.

(2) Subject to sub-regulation (1), every political party which contests in a House of Representative election, may propose names of eligible women candidates for nomination to special members seats for women in the House of Representatives.

Procedure for nomination.

64.(1) Subject to Articles 67 and 68 of the Constitution, the Commission shall specify the number of women candidates to be nominated by each Political Party.

(2) Each Political Party sponsoring women candidates for election in accordance with the provisions of the Constitution, the Act and this regulation, shall in not less that thirty days before election day, submit to the Commission a list of such candidates.

(3) The names of the women candidates submitted to the Commission under sub-regulation (2), shall be in order of preference.

(4) Every women candidate presented to the Commission, under sub-regulation (2), shall be



required to fill the nomination Form as prescribed in the schedule to these Regulations, obtained from the Commission or the Returning Officer.

(5) The Form shall contain the followings:-

- (a) personal particulars of the woman candidates;
- (b) statutory declaration of the women candidate;
- (c) certification by the political party that the women candidate is a member of and is sponsored by a political party.

(6) The provisions of Articles 68 of the Constitution shall apply to every woman who is sponsored by a political Party as a candidate.

(7) The Commission shall, subject to the provisions of Articles 67 and 68 of the Constitution, this regulation and in accordance with the order of preference on priority indicated in the list of candidates submitted by each political party, declare to be elected such number of women candidates from the respective political parties.

(8) The Commission shall send a notification of election to the Speaker of the House of Representatives and the respective political parties.

(9) The Commission shall publish in the Gazette the names of all women members of the House of Representative for Special Seats.

### **PART VIII MISCELLANEOUS**

Absence of polling agents or candidate.

65. The absence of polling agent counting agent, or a candidate at the appointed time and place of voting shall not stop, delay or invalidate the election process.

Refusal of polling agent to

66.(1) Where a candidate, polling agent or a counting agent refuses to sign any prescribed Form

sign a Form. during voting or counting of votes, he shall state in writing reasons for such refusal.

(2) Where a candidates, polling agent or a counting agent does not comply with sub-regulation (1), he shall be estopped from raising any complaint regarding the voting and counting procedure in that particular station.

Disbursement of funds and statement of expenditure. 67.(1) The Director of Elections, shall disburse funds to Regional Elections Coordinators and Returning Officers for the purpose of facilitating the conduct of elections.

(2) The expenditure of funds for election by the Returning Officer shall be in accordance with the Government Financial Regulations and directions of the Director of Elections.

(3) Every Regional Elections 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 the purposes of conducting elections.

Failure to comply with regulation 67. 68.(1) Where the Regional Elections Coordinator or a Returning Officer fails to comply with regulation 67 the Director of Elections, shall take the disciplinary measures against such Officers.

(2) Notwithstanding sub-regulation (1), the Commission shall not be precluded from taking any other legal measures against such officers, whenever it deems appropriate.

Other election procedures. 69. The Commission, Election Officers, electoral staff, candidates and Political Parties shall, observe the provisions of Constitution, Act, these Regulations and any other directions issued by the Commission for any other electoral processes which are not covered under these Regulations.

Offences and penalties. 70. Any person who contravenes the provisions, of these Regulations commits an offence and may be

liable to be proceeded against the Act.

Forms.

71. The Forms to be used in each electoral process as referred herein to these Regulations are prescribed in the Schedule hereunder.



