

SUBSIDIARY LEGISLATION

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THE ELECTION EXPENSES ACT, 2010

(NO. 6 OF 2010)

REGULATIONS

ARRANGEMENT OF REGULATIONS

THE ELECTION EXPENSES REGULATIONS, 2010

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THE ELECTION EXPENSES ACT, 2010
(No. 6 OF 2010)

REGULATIONS

(Made under section 31)

THE ELECTION EXPENSES REGULATIONS, 2010

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Election Expenses Regulations, 2010.
- Application 2. These Regulations shall apply in relation to the candidates referred to in section 2 of the Act.
- Interpretation 3. In these Regulations-
Act No. 6 of 2010 "Act" means the Election Expenses Act, 2010;
 "applicants" means a person who submits himself to be sponsored by a political party to stand as a candidate in an election;
 "candidate" has the meaning ascribed to it under the Act;
 "election expenses" has the meaning ascribed to it under the Act;
 "nomination day" has the meaning ascribed to it under the Act;
 "nomination process" has the meaning ascribed to it under the Act;
 "Registrar" means the Registrar of Political Parties appointed under the Political Parties Act;
Cap.258 "Secretary General" means the Secretary General of a political party and includes a person who performs the functions of Secretary General or

designated by a political party to perform such functions in accordance with the constitutions of a political party concerned;

“voter” has the meaning ascribed to it under the Act;

“women special seats” means Members of Parliament referred to in Article 66(1)(b) of, and nominated in terms of Article 78 of the Constitution of the United Republic of Tanzania and Councillors nominated in terms of Part XI A of the Local Authority (Elections) Act.

Cap.2 and 292

PART II

PROCEDURE FOR NOMINATION OF APPLICANTS

Application for nomination

4.-(1) A member of a political party who wishes to be nominated by his political party as a candidate for the Office of President, Member of Parliament or a Councillor shall make an application to the Secretary General in accordance with the procedure stipulated by the political party concerned.

(2) The application shall contain, but not limited to the following particulars-

- (a) name and physical address;
- (b) age;
- (c) sex;
- (d) occupation;
- (e) qualification, if any;
- (f) citizenship; and
- (g) name of a political party.

(3) The Secretary General of a political party concerned, shall not accept an application which is non compliant with the requirements of subregulation (2).

(4) A person who makes application contrary to the proceeding provisions of these Regulations shall be liable for disqualification incase of misrepresentation.

Procedure for nomination

5.-(1) Every political party intending to participate in an election shall nominate a suitable candidate from the list of applicants.

(2) For the purposes of subregulation (1), the nominating organ shall be the political party organ stipulated in constitution of the relevant political

party.

(3) Each applicant shall be afforded an opportunity by his political party to make presentation and expression of his intention to be nominated as a candidate.

Women special
seats

6.-(1) Applicants for nomination as candidate for women special seats shall make an application in prescribed forms issued by a political party concerned and submit to the Secretary General.

(2) The appropriate party organ shall shortlist the names of the applicants according to the number of votes scored, and the names with the highest votes shall be forwarded to the highest organ of a political party concerned for approval in accordance with the procedures stipulated in the constitution of the relevant political party.

(3) Without prejudice to the preceding provisions of this regulation, the provisions of Regulations 4 and 5 shall apply *mutatis mutandis* to application procedure for nomination of candidates for women special seats.

PART III

PROCEDURE FOR DISCLOSURE OF FUNDS

Procedure for
disclosure of
funds by a
candidate

7.-(1) A candidate, a political party and an organisation shall comply with the requirement to disclose funds and sources of funds in a manner stipulated in the Act and these Regulations.

(2) A candidate required to disclose funds in his possession or expected to be received shall fill in Form EE.1 specified in the Schedule to these Regulations.

(3) Without prejudice to subregulation (2), the disclosure by a candidate shall contain information about -

- (a) amount of money;
- (b) other type of funds which can be cashed or converted into money value or money worth;
- (c) sources of money or other type of funds; and
- (d) any other thing intended to be used during election campaigns.

(4) For the implementation of subregulation (2), the candidate shall, in respect of funds expected to be received, state the projected amount and sources of funds.

Procedure for disclosure of funds by a political party

8.-(1) Where a political party is required to disclose funds which it intends to use as election expenses, that political party shall fill in Form EE.3 specified in the Schedule to these Regulations.

(2) The disclosure by a political party shall contain similar information required under Regulation 7(3).

(3) Where a political party is required to disclose funds which it intends to use for presentation and promotion of candidates sponsored by that political party as election expenses that political party shall fill in Form EE.4 specified in the Schedule to these Regulations.

(4) The disclosure made pursuant to subregulation (3) shall state the amount of funds intended to be apportioned to candidates sponsored by that political party.

Submission of forms for disclosure of funds

9.-(1) A copy of disclosure of funds contained in Form EE.1 submitted by the candidate to the Secretary General attached with a Certificate specified in Form EE.2 shall be forwarded by authorized officers to the Registrar at any earlier time being not more than seven days after the nomination day.

(2) A copy of the form used for disclosure shall be sent by the candidate to the Registrar or an authorized officer by registered mail, fax, scanned electronic mail or physical delivery.

(3) For the purpose of disclosure of funds in respect of returns of election expenses for a gift, loan, advance, deposit or donation, a political party shall fill in Form EE.5 specified in the Schedule to these Regulations and shall contain particulars referred to in Regulation 7(3) which shall be confidential and may only be used where the implementation of the Act requires so to do.

(4) An organisation which is required to disclose the source and amount of funds intended to be used for advocacy and public awareness shall fill in Form EE.6 specified in the Schedule to these Regulations to which there shall be attached an activity plan.

Disclosure of donations

10.-(1) All voluntary donations made to a candidate or a political party shall be clearly recorded in Form EE.7 and Form EE.8, respectively-

- (a) name and physical address of the donor;
- (b) name and physical address of the donee;

(e) purpose of donation;

(f) date of the donation.

(2) Voluntary donations made to a candidate or a political party shall be disclosed to the Registrar sequentially showing donations-

(a) from sources outside the United Republic, whether obtained directly or through sources within the United Republic;

(b) from foreign organizations stationed within the United Republic; or

(c) from any person resident in the United Republic who is not a citizen of the United Republic.

Report of funds
expended in
excess limit

11. The report on funds expended in excess of the limits specified in subsection (2) of Section 10 of the Act, shall be made-

(a) in case of a political party, in Form EE.9 set out in the Schedule to these Regulations; and

(b) in case of a candidate, in Form EE.10 set out in the Schedule to these Regulations.

Limitation of
funds for
advocacy and
public
awareness
programmes

12.-(1) A Non-Governmental Organisation, Faith Based Organisation or Community Based Organisation which participates in advocacy and public awareness activities shall not spend the amount of funds exceeding, in the case of-

(a) a country-wide based organisation, Shillings one billion;

(b) a constituency based organisation, Shillings one hundred million; and

(c) a ward based organisation, Shillings ten million.

(2) Any organisation referred to in subregulation (1) shall submit, an activity plan about how it intends to conduct advocacy and public awareness programmes relating to nomination process, election campaign or election.

(3) Programmes for advocacy and public awareness shall neither be used in discrimination of any candidate or a political party nor be used for purposes other than advocacy and public awareness.

(4) An organisation which contravenes the preceding provisions of this regulation commits an offence.

Designation of
authorised
officers

13.-(1) For the purposes of disclosure required under the Act and these Regulations, the District Administrative Secretary and the Ward Executive Officer are hereby designated to be authorised officers to receive forms for disclosures of funds as submitted by candidates for the office of a Member of Parliament and the office of a Councillor, respectively.

(2) After receiving the disclosure forms, the authorised officers shall transmit the forms to the Registrar.

PART IV PROCEDURE FOR MAKING RETURNS

Receipts of
election
expenses

14. For the purposes of Section 16 of the Act, the evidence of payment for election expenses shall include -

- (a) bills and receipts stating particulars in respect of the payment; and
- (b) where the circumstance under which the payment is made are such that a bill or receipt can not be easily obtained, a certification in writing by a person to whom the payment is effected stating -
 - (i) the amount effected;
 - (ii) the date on which the amount was effected;
 - (iii) the purpose of the payment; and
 - (iv) the signature of a person to whom the payment is effected.

Report, funds,
verification and
submission of
returns

15.-(1) A candidate shall prepare a report on election expenses incurred by him during election campaigns and election.

(2) The report made pursuant to subregulation (1) shall contain information on-

- (a) bills, receipts or any other certification; and
 - (b) amount of funds apportioned by his political party;
- (3) On completion of the report the candidate shall verify and submit the report to-
- (a) in case of a Presidential candidate, to the Secretary General of a political party concerned;
 - (b) in case of a Member of Parliament or a Councillor, to a person

performing functions of the Secretary General within the District within sixty days following the date of notification by the political party or the amount apportioned to that candidate.

(4) For the purposes of the preceding provisions of this regulation, the report shall be made in the Form EE.11 set out in the Schedule to these Regulations.

(5) Upon receipt of the report from the candidate, the Secretary General, shall before submitting that report to the Board of Trustees, verify the correctness of the report and may, where necessary ask for more information from the candidate concerned for purposes of satisfying himself.

(6) The Secretary General of the political party shall ask the Board of Trustees concerned to submit the report of true returns in Form EE.12 set out in the Schedule to these Regulations containing particulars about-

- (a) an account of or expenses incurred;
- (b) an account of funds received;
- (c) bills and receipts; and
- (d) amount of funds apportioned to candidates sponsored by that political party.

(7) The management of an organization which participated in advocacy or public awareness activity shall submit the report of true returns in Form EE.13 set out in the Schedule to these Regulations containing particulars about-

- (a) an account of or expenses incurred;
- (b) an account of funds received; and
- (b) bills and receipts.

16.-(1) A political party and an organisation to which the provisions of these Regulations apply shall be required to apply expertise of persons who profess knowledge in accountancy and audit in preparing and keeping records for funds spent as elections expenses.

(2) The records reflecting on election expenses shall contain information on the total amount of funds -

- (a) a candidate or a political party initially had in his or its possession for purposes of election;
- (b) a candidate or a political party received after initial disclosure way of donation; or

Records and
books of
accounts

- (c) which, in the case of an organisation, it spent for advocacy and public awareness.
- (3) The records and books of accounts referred to in subregulation (2) shall be prepared in either electronic form or hard bound books and kept safely secured.
- (4) In the case of an organisation, the records and books of accounts shall also contain information on issues stipulated in subsection (1) of Section 19 of the Act.

PART V MEMBERS OF CAMPAIGN TEAM

Campaign team

17.-(1) For the purpose of election expenses referred to under section 7 of the Act, members forming a campaign team for a candidate shall not, for an office of-

- (a) the President, exceed fifty persons;
- (b) a Member of Parliament, exceed twenty persons; and
- (c) a Councillor, exceed ten persons.

(2) Notification of members of a campaign team shall be made upon application by the candidate to the authority stipulated under subsection (3) of section 7 of the Act, at least-

- (a) two days before the commencement of the nomination process; or
- (b) seven days after the nomination day.

(3) A candidate who wishes to vary the list of members of a campaign team shall, for record purposes, notify the authority to whom initial notification was made.

(4) The number of members of a campaign team specified under paragraphs (a), (b) and (c) of subregulation (1) shall not include or be construed as including any person who is a member of the promotional art group.

PART VI COMPLAINT PROCEDURE

Filing of a
complaint

18.-(1) A complaint may be filed with the Registrar by any person who is or becomes aware of a commission or an attempt to commit an act or

omission which amounts to violation of the Act or these Regulations.

(2) Without prejudice to subregulation (1), an applicant for nomination as a candidate, a political party which intends to participate in the election, a voter or any other person may lodge a complaint for any of the following acts or omissions-

- (a) unfair conducts as stipulated in Section 21 of the Act;
- (b) unconscionable funding as stipulated in Section 22 of the Act;
- (c) conveyance of voters contrary to Section 23 of the Act;
- (d) non disclosure of funds by a candidate or a political party; and
- (e) disclosure of confidential information.

Contents of a
complaint

19. The complaint to be lodged to the Registrar shall be made in writing containing the following information-

- (a) an act or omission giving rise to the complaint; and
- (b) any evidence supporting the complaint.

Determination
of a complaint

20. The Registrar shall determine the complaint within five days and communicate his decision to the parties with a copy to the Director of Elections and the Secretary General of the political party concerned.

PART VII

USE OF MEDIA

(a) Government Media

Use of
Government
broadcast
equipments

21.-(1) During election campaign, every Government broadcast media shall fix air time programme at an equitable prime time for Presidential candidate of every political party to present and promote its election manifesto to the public.

(2) For smooth implementation of this regulation, each political party participating in an election, shall submit a copy of the election manifesto of its political party to the management of Government broadcast media.

Use of
Government
newspapers

22.-(1) Every Government newspaper shall fix a special column for every candidate of a political party contesting for an office of the President to promote the election manifesto of a political party which sponsors that candidate.

Form EE.4

**DISCLOSURE OF FUNDS APPORTIONED TO CANDIDATES BY A
POLITICAL PARTY
(Regulation 8 (3))**

We, the undersigned, members of the Board of Trustees of a political party known asdo hereby declare that we intend to apportion..... (amount) of funds for presentation and promotion of our candidates in the election.

Name of candidate	Constituency /Ward	Amount apportioned
(1)
(2)
(3)
Total	

Dated this day of 20....

Name	Designation	Signature
(1)
(2)
(3)