

THE REFERENDUM ACT, 2013

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SCHEDULE

THE UNITED REPUBLIC OF TANZANIA



NO.10 OF 2013

I ASSENT,

President

An Act to provide for legal and institutional framework for the conduct of referendum with a view of making decision by the people on the proposed Constitution, and for other related matters.

ENACTED by Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

Short title and
commencement

1. This Act may be cited as the Referendum Act, 2013 and shall come into operation on the date to be appointed by the Minister by order published in the *Gazette*.

Application

2. This Act shall apply to Mainland Tanzania and Tanzania Zanzibar in relation to a referendum for approval of the proposed Constitution.

Interpretation

3. In this Act, unless the context requires otherwise-

“agent” means a person duly appointed by a referendum committee and registered by the Commission to act both as a counting agent and a polling agent for the purposes of this Act;

“Attorney General” means the Attorney General of the United Republic or as the case may be the Attorney General of Zanzibar;

“Commission” means the National Electoral Commission and the Zanzibar Electoral Commission;

“Constitution” means the Constitution of the United Republic of Tanzania 1977;

“constituency” means a constituency for the purposes of elections of the member of the National Assembly or the House of Representative;

“deputy referendum officer” means the person appointed under section 7(2);

“deputy referendum returning officer” means the person appointed under sections 7(1);

“Director” has a meaning ascribed to it under the National Elections Act and the Zanzibar Elections Acts;

“High Court” means the High Court of Tanzania and the High Court of Zanzibar and their respective registries shall be construed accordingly;

“Minister” means the Minister responsible for electoral affairs;

“polling station” means a room or place designated and equipped for the casting of vote by a voter at a referendum;

“President” means the President of the United Republic;

“proposed Constitution” means an enactment of the Constituent Assembly which is the subject of the referendum;

“referendum” means a public vote or a poll cast in accordance with the provisions of this Act for the purpose of attaining people’s decision on the proposed constitution;

- “referendum campaign period” means the period specified as such by the President pursuant to section 4;
- “referendum committee” means the committee established under section 12;
- “referendum coordinator” mean a person appointed under section 8(1);
- “referendum officer” means a person appointed under section 7(2) for the purpose of conducting the referendum at a polling station;
- “referendum period” means a referendum period specified by the President pursuant to section 4;
- “referendum returning officer” means a person appointed under section 7(1);
- “voter’s card” means a card issued to a voter by the Commission as an evidence of the person’s registration in the register of voters;
- “voter” means a person qualified to vote at an election in accordance with the law governing election for Presidential or a Member of the Parliament or House of Representatives.

PART II CONDUCT OF REFERENDUM

Power to initiate
a referendum

4.-(1) The President in Consultation with the President of Zanzibar shall, within fourteen days from the date of receiving the proposed Constitution, by Order published in the *Gazette*, direct the Commission to conduct a referendum on the proposed Constitution.

(2) An Order for a referendum shall be in the Form set out in the Schedule to this Act, and shall-

- (a) specify the proposed Constitution to be determined;
- (b) specify the period within which the referendum campaign shall be conducted; and
- (c) specify the period within which a referendum shall be held.

(3) For the purpose of subsection (2), the Commission shall, within seven days after the publication of the proposed Constitution, frame and publish in the *Gazette* the question to be determined by the referendum.

(4) The question to be asked to the referendum shall require the voter to indicate whether the voter approves or does not approve the proposed Constitution and shall be so framed in the manner which requires the voter to answer "YES" or "NO".

Notice of holding
referendum

5.-(1) The Commission shall, within fourteen days after publication of the referendum question in the *Gazette*, specify-

- (a) the period for sensitization and public awareness on the referendum for the proposed Constitution;
- (b) the day on which the referendum is to be held; and
- (c) the polling time of the referendum.

(2) Every referendum returning officer shall, within twenty one days from publication of the notice by the Commission, notify the public in his respective constituency about the procedure for the conduct of the referendum.

(3) For the purposes of sensitization and public awareness on the referendum for the proposed Constitution, the Commission shall provide civic education on the proposed Constitution for the period of sixty days from the date of publication of the proposed Constitution in the *Gazette*.

(4) Without prejudice to subsection (3), the Commission may allow civil societies and non-governmental organisations which are interested in carrying out civic education or awareness programme on the proposed Constitution to carry out civic education or awareness programme for a period of not more than sixty days prior to the voting date.

(5) A civil society or non-governmental organisation which has been allowed to carry out civic education or awareness programme on the proposed Constitution shall notify the Commission of the date, place and time within which it shall carry out civic education or awareness programme.

(6) Where the Commission refused a civil society or non-governmental organisation to carry out civic education or awareness programme, the Commission shall state the reasons thereof.

Responsibilities
of the
Commission.

6.-(1) Save as otherwise provided for under this Act, the Commission shall be responsible for-

- (a) supervision of the general conduct of a referendum; and
- (b) promotion and regulation of voters' education for the referendum.

(2) The Commission shall organize and supervise the conduct of poll during the referendum.

(3) During the conduct of a referendum, the Commission shall not be subject to the direction or control of any person or authority.

Referendum
Returning
officer

7.-(1) The Commission shall upon consultation with the Commission appoint a referendum returning officer for each constituency and may appoint such deputy referendum returning officers for the constituency as it may consider necessary.

(2) The referendum returning officer shall upon consultation with the Commission, appoint referendum officers and deputy referendum officers to preside at a polling station.

(3) The Commission shall issue guidelines providing for the appointment referendum returning officers and management of objections against such appointments.

(4) The guidelines issued under subsection (3) shall be binding upon the referendum returning officers.

(5) A deputy referendum returning officer shall, subject to the general direction and control of the referendum returning officer, have all the powers and may perform all the duties of the referendum returning officer under this Act.

(6) A deputy referendum officer may, upon the direction and control of the referendum officer, perform any act which the referendum officer is required or authorized to perform under this Act; except that such officer shall not have power to order the arrest of any person or the exclusion or removal of any person from a polling station.

(7) Every appointment of a referendum returning officer and a referendum deputy returning officer under this section shall be published in such manner as the Commission may deem necessary.

(8) Any officer appointed under this Act shall, before assuming office, take an oath or affirmation in the manner to be

prescribed by the Commission and be partial in performing his duties.

Appointment of
other officers

8.-(1) The Commission may, during a referendum, appoint by office or by name in respect of every region, a regional referendum coordinator to coordinate information, the availability of material resources and other matters necessary for the efficient conduct of referendum in constituencies within the Region.

(2) The Commission may appoint such other staff as it deems necessary to assist in the conduct of the referendum and such staff may, subject to the general or specific directions of the Commission, exercise any or all of the duties and powers conferred or imposed upon the Commission under this Act or any other written law.

Right to vote at
referendum
Cap.343
Act No.11
of 1984

9.-(1) The register of voters established under the National Elections Act and the Zanzibar Elections Act shall be the register of voters for the purpose of the referendum.

(2) A person whose name is entered in the register of voters established under the National Elections Act or the Zanzibar Elections Act shall, unless that person is prohibited from voting by any other written law, be entitled to vote at the referendum.

(3) A referendum officer shall require a person applying for a ballot paper to produce the voter's card issued by the Commission as a sufficient proof of identity of that person claiming to be entitled to vote.

(4) Where a person is a registered voter and his particulars are available in the voters' register but has lost the voter's card, the referendum officer shall, before allowing that person to vote, require that person fill a declaration form prescribed by the Commission.

Polling areas and
polling stations

10.-(1) The Commission shall-

- (a) divide each constituency in which the referendum is to be held into polling areas or declare any particular constituency to be a single polling area;

- (b) assign to each polling area distinctive number or letter or a combination of both number and letter;
 - (c) appoint the polling station or stations for each polling area; and
 - (d) publish in the *Gazette* a notice specifying-
 - (i) the polling area for each constituency;
 - (ii) the distinctive number, letter or their combination, assigned to each polling area.
- (2) In determining the boundaries of the polling areas the Commission shall have regards to-
- (a) the existing polling stations in a given constituency;
 - (b) geographical considerations;
 - (c) population; and
 - (d) any other factors affecting communication between various places within the polling area.

Use of public facilities

11.-(1) The Commission may, free of charge, use any public facility as a polling station.

(2) The Commission may when need arises use private facilities after obtaining consent of the private owner.

PART III THE REFERENDUM COMMITTEES

Establishment of Referendum Committees

12.-(1) There is established two referendum committees at the National level and two referendum committees at the constituency level.

(2) The referendum committees established under subsection (1) shall be composed of groups of persons, associations, civil society organization or organizations intending to support or oppose the referendum question during the referendum period.

Registration of referendum Committees

13.-(1) A referendum committee shall, within twenty one days prior to the referendum campaign period, apply to the Commission for registration for the purposes of conducting referendum campaign.

(2) Every referendum committee that intends to apply for registration shall, before applying, appoint a leader.

(3) The leader appointed under subsection (2) shall be responsible for-

- (a) all the affairs of the registered referendum committee;
- (b) appointment of agents of the referendum committee; and
- (c) provision of the sample signatures of the agents to-
 - (i) the Commission, where the referendum committee is at the national level; and
 - (ii) the referendum returning officer, where the referendum committee is at the Constituency level.

(4) An application under this section shall be accompanied by information and statements showing that the applicant adequately represents those campaigning for or against a referendum question.

(5) An application for registration shall be signed by the leader of the referendum committee and shall-

- (a) set out-
 - (i) the full name of the committee;
 - (ii) the full name, address, telephone number of the leader of the committee;
 - (iii) the name, address and telephone number and title of each officer of the committee;
 - (iv) the address and telephone number of the office of the committee to which communication may be addressed;
 - (v) the name, address and telephone number of the agents;
- (b) disclose its sources of funds;
- (c) indicate the areas in which the committee intends to support or oppose the referendum question; and
- (d) be accompanied by a statement signed by the leader that the agent has accepted the appointment as an agent.

(6) On receipt of an application for registration of a referendum committee, the Commission or, as the case may be, the referendum returning officer shall, within seven days after determination of the application, register or refuse to register the applicant and in case of a refusal, state reasons thereof.

(7) A referendum committee shall not be registered if-

(a) the name of the committee resembles the name of a previously registered referendum committee that the committee is likely to be confused with that previously registered committee; or

(b) the Commission or as the case may be, the referendum returning office is not satisfied that the applicant adequately represents the person he is campaigning for a particular outcome.

(8) The registration of a referendum committee shall be valid for the referendum campaign period.

Register of
agents

14. The Commission shall maintain a register of the agents of registered referendum committees in which shall be recorded the name, address and telephone number of the agents of each such committee.

Appointment of
agents at a
polling area

15.-(1) The leaders of all referendum committees shall appoint not more than two agents to be present where polling is taking place at each polling area.

(2) Every person appointed as an agent pursuant to this section shall be appointed in writing and be issued with an identity card prior to engagement in any referendum activities and shall take such oath of office as the Commission may specify.

Referendum
question
campaign

16.-(1) A referendum committee supporting or opposing the referendum question may carry out campaigns to support or oppose the referendum question for a period of thirty days during the referendum period.

(2) A referendum committee shall not commence a campaign under subsection (1) unless the Commission announces the date on which the campaign will commence.

(3) All campaigns referred to in subsection (1) shall cease twenty-four hours before the start of polling.

(4) The announcement for commencement of referendum campaign shall be in the form prescribed by the Commission.

Referendum
campaign
expenses

17.-(1) A referendum committee shall conduct and fund its own referendum campaign.

(2) A referendum Committee shall disclose the sources of its funds to the Commission.

(3) The disclosure of funds under this section shall be confidential and shall not be divulged except where such information is the subject of complaint lodged by any person, Director or investigation initiated by the Director or if it is the subject of proceedings in the court of law.

(4) For the purpose of implementation of this section, the Minister in consultation with the Minister responsible for elections affairs in Zanzibar shall, by order in the *Gazette*, prescribe the Maximum amount of referendum expenses depending on the different in the size of constituency.

(5) The Commission shall prescribe the procedure for disclosure of the sources of the funds by the referendum Committee and the audit of the expenses incurred by the referendum Campaign.

PART IV VOTING AT A REFERENDUM

Voting at a
referendum.

18.-(1) Voting at a referendum shall be by secret ballot and shall be held in accordance with the provisions of this Act.

(2) Except for persons prescribed under section 37, a person shall not vote in an area other than that which he is registered as a voter.

(3) A person shall not cast more than one vote at a referendum.

(4) Notwithstanding any provision of this Act, where a registered voter is employed as a referendum returning officer, referendum officer, police officer, polling agent or any other officer working for or on behalf of the Commission at a polling station other than the polling station he was registered, the Director or any person authorized in that behalf by the Director may, by a certificate under his hand, authorize the voter to vote in such constituency, and that polling station shall, for the purposes of this Act, be deemed to be the polling station allocated to such voter.

Equipment of
polling stations

19.-(1) The referendum returning officer shall provide to each referendum officer with such number of ballot boxes and ballot papers to the extent of the needs of polling station for the effective carrying out of the provisions of this Act.

(2) Every ballot box shall be constructed-

- (a) with an aperture which is large enough to receive a ballot paper but which is no larger;
- (b) so as to be capable of being sealed so that ballot papers cannot be taken out of the box so long as the seal is unbroken; and

(c) so that it bears serial numbers of the polling stations which shall be displayed conspicuously at every polling station.

(3) The returning officer shall provide each polling station with-

- (a) materials to enable voters to mark their ballot papers where marking is necessary;
- (b) instruments for stamping the official mark on ballot papers;
- (c) a seal of the Commission suitable for that purpose;
- (d) a bottle or container with indelible ink suitable for that purposes;
- (e) a copy of the register of voters or such part thereof as contains the names of the voters entitled to vote at that polling station;

- (f) a sufficient number of polling booths to enable voters to mark their votes secretly; and
- (g) any other equipment authorized by the Commission for the conduct of voting at the polling station.

Admission to
polling stations

20.-(1) The referendum officer shall regulate the number of voters to be admitted to a polling station at one time, and shall exclude all other persons except-

- (a) commissioners or officers of the Commission;
- (b) police officers or any other person responsible for security;
- (c) persons necessarily assisting blind or incapacitated voters;
- (d) agents registered by the Commission;
- (e) accredited observers and representatives of the print and electronic media approved or accredited by the Commission.

(2) A person, other than a registered voter, shall not be admitted to a polling station.

Order at the
polling station

21.-(1) It shall be the duty of the referendum officer to keep order at the polling station.

(2) The referendum officer may order the dispersal of any gathering of persons which appears to the officer to be preventing free entrance to, or exit from, the polling station or to be intimidating or interfering with voters, and any such order shall be sufficient authority for a police officer, or any other person authorized by the order, to effect the dispersal.

(3) The power conferred on a referendum officer and a police officer under this section shall not be limited to the area covered by the polling station only but shall also encompass a radius of two hundred meters from the centre of the polling station.

(4) Where any person causes disruption at a polling station, or fails to obey the lawful instructions or orders of the referendum officer, that person may immediately be removed, by order of the referendum officer, or by a police officer, and a person so removed shall not re-enter the polling station during the continuance of the poll without the permission of the referendum officer.

Postponement
and extension of
polling

22.-(1) Notwithstanding the terms of any notice issued under this Act, a referendum officer may postpone polling proceedings at the polling station if they are interrupted by a riot, violence, natural catastrophe, shortage of equipment or other cause, but the proceedings shall resume as soon as practicable.

(2) The powers of a referendum officer shall include the power to transfer the proceedings to another polling station in the same constituency, and in such a case-

- (a) the referendum officer shall, after consultation with the referendum committees, issue a notice of the fact in the manner he thinks sufficient to bring the notice to voters; and
- (b) the polling area for the polling station from which the proceedings are transferred shall, for that purpose be deemed to be part of the polling area of the polling station to which the proceedings are transferred.

(3) A referendum officer may extend the hours of polling at the polling station where polling has been interrupted or for other good cause, and shall, where polling in that polling station is delayed, extend the period of polling to recover any lost time.

Communication
with voters at
polling station

23.-(1) A person other than a returning officer or a referendum officer on duty shall not, except with the authority of the referendum officer, communicate with a voter who is within the area of a polling station for the purpose of voting.

(2) Subsection (1) shall not be construed as preventing the companion of a blind or incapacitated voter from communicating with that voter.

Sealing of ballot
boxes

24.-(1) The referendum officer shall, immediately before the commencement of the poll, show the ballot box or ballot boxes to the agents so as to ascertain that the box or boxes are empty, and thereupon close the box or boxes so that they may not be opened without breaking the seal.

(2) After a ballot box is sealed, the referendum officer shall cause it to be placed in the polling station such that it can at all times be in the view of the officer, the deputy referendum officer and the agents present.

(3) On the adjournment of the poll in a polling station to another day, or on the close of the poll at one station with a view to transferring a ballot box to another station, and at any other time when the ballot box is not in use, the referendum officer shall close the aperture used for the insertion of the ballot papers into the box and place an official seal on it in such a manner as to prevent the insertion of ballot papers without breaking the seal.

(4) After a ballot box has been sealed, the seal shall not be broken or the aperture opened until the seal is broken and opened in the presence of those persons lawfully present at the polling station where polling is about to resume.

(5) The referendum officer shall allow agents present at the polling station to inspect the ballot papers provided for use at the polling station and note the serial numbers thereon, before polling commences.

Ballot papers

25.-(1) The Commission shall be responsible for preparing the ballot papers for use at a referendum.

(2) Ballot papers shall-

- (a) contain the question being voted on in Kiswahili language;
- (b) be foldable, numbered, or a combination of both letter and number, printed on the front;
- (c) attach a counterfoil with the same number or combination of letter and number printed on it; and
- (d) contain a different and distinct symbol for each answer to the question to be voted on.

(3) The ballot papers for voting in a referendum shall state the question to be answered in form of "YES" or "NO" by the voters.

General voting procedures

26.-(1) The referendum officer shall, before delivering a ballot paper to a voter, ensure that-

- (a) the back of the ballot paper is stamped with the official mark of the Commission;
- (b) the number and name of the voter as stated in the copy register is called out; and
- (c) the name of the voter is marked and the electoral number of the voter is retained as proof that a ballot paper has been delivered to him.

(2) A voter shall-

(a) upon receiving the ballot paper -

- (i) immediately proceed into one of the polling booth of the polling station and while there, secretly mark the ballot paper in the box and column provided against the symbol of the side for which the voter wishes to vote;

- (ii) fold it up so as to conceal the vote and put it into the ballot box in the presence of the referendum officer, in full view of the persons lawfully present;
 - (b) have his little left finger or any other part of his body immersed, dipped or marked in ink in the manner sufficiently indelible to leave a mark for the period of the referendum ; and
 - (c) immediately after voting, leave the polling station.
- (3) A person, other than a person acting under section 20, shall not be present in the polling booth of a polling station while a voter is inside that polling booth for the purpose of marking the ballot paper.
- (4) A person who knowingly fails to place a ballot paper issued to him, other than a spoilt ballot paper, into a ballot box before leaving the place where the box is situate, commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three months or to both.
- (5) An officer who deliberately refuses to mark or stamp any ballot paper commits an offence and is liable, on conviction to fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three months or to both.

Assisted
voters

27.-(1) The referendum officer shall, on the application of a voter who declares to be unable to read or write or who is incapacitated by reason of blindness or other physical disability causing him not to vote in the manner prescribed under this Act, permit the voter to be assisted by a person of the voter's own choice.

(2) A person, other than the person chosen by the voter, shall not enter the polling booth whilst the voter is casting his vote.

(3) A person who assists a voter shall-

- (a) assist only one voter but if in the household there is more than one person who requires assistance under this paragraph it shall be lawful for such member of the household to assist such voters at the same time; and
- (b) immerse or dip his left thumb or any part of the body of the assisted person in a container containing ink of a distinctive colour which is sufficiently indelible to leave a mark for the period of the referendum.

(4) The referendum officer may make such inquiries as the officer may deem necessary in order to establish that the voter and the chosen assistant complies with the provisions of this Act.

(5) The referendum officer, may where the voter has no assistant, and upon request by the voter, cause the vote of the voter to be cast on the voter's behalf.

(6) Where the referendum officer grants the request of a voter under this section, the referendum officer shall record in the copy register, against the name of the voter, the fact that the voter was assisted and the reason for the assistance.

(7) A person who makes a false statement in relation to his incapacity, together with an officer or agent who knowingly permits or assists that person to be assisted commits an offence.

(8) A person who contravenes the provisions of this section commits an offence and is liable, on conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three months or to both.

Procedure on
close of polling
station

28.-(1) The referendum officer shall, immediately after the close of the polling station make a written statement of the number of-

- (a) ballot papers issued to the referendum officer;
- (b) used ballot papers;

- (c) spoiled ballot papers; and
 - (d) ballot papers remaining unused.
- (2) The referendum officer shall, immediately after the completion of the statement in subsection (1), in the presence of agents, make separate packets containing the-
- (a) spoiled ballot papers, if any;
 - (b) marked copy register;
 - (c) counterfoils of the used ballot papers; and
 - (d) statement specified in subsection (1),
- and shall seal each of the packets with an official seal of the Commission.

Votes to be
counted at the
polling station

29.-(1) The referendum officer shall, immediately after completion of voting exercise and in the presence of agents, count the votes for that polling station.

(2) No agent shall be deemed to be a counting agent unless at least thirty six hours before the close of the poll in the referendum, the name and address of the agent and the appointment letter as such by the registered referendum committee has been submitted to the referendum officer and a referendum officer shall not allow a person whose authorization has not been so submitted to attend to a counting of votes.

(3) Notwithstanding the provisions of this section, a referendum officer shall not admit more than two counting agents, to the counting of votes in the polling station.

(4) The referendum officer shall admit observers duly approved or accredited by the Commission, commissioners or officers of the Commission, police officers or any other person responsible for security, or agents registered by the Commission to attend the proceedings of counting of votes.

Recount

30. A registered agent may, upon completion of counting of votes and where he is not satisfied with the counting of the votes, require the referendum officer to

have the votes recounted or the referendum officer may on his own initiative have the votes recounted, save that no recount of votes shall take place more than twice.

Rejected ballot
papers

31.-(1) Every rejected ballot paper shall be marked with word "rejected" by the referendum officer and, if an objection to the rejection is made by a person or group of persons interested in the results of the referendum, the referendum officer shall add the words "rejection objected to".

(2) The referendum officer shall mark every counted ballot paper whose validity has been disputed or questioned by a person or group of persons interested in the results of the referendum with word "disputed".

(3) When the counting of votes is concluded, the referendum officer shall prepare a statement showing the number of rejected ballot papers on the basis of the following grounds -

- (a) want of an official mark;
- (b) voting, both in support of, and in opposition to the referendum question;
- (c) unauthorized writing or a mark by which the voter might be identified; and
- (d) unmarked or void for uncertainty.

(4) A person or group of persons interested in the results of the referendum shall be entitled to a copy of that statement.

Sealing of ballot
papers

32.-(1) On completion of counting of the votes, the referendum officer shall seal in separate packets the-

- (a) counted votes which are not disputed;
- (b) rejected votes together with the statement relating to those; and
- (c) disputed votes.

(2) The referendum officer shall-

- (a) put the three packets under subsection (1) together with the statement made under section 28;
- (b) announce the declaration of results;

- (c) demonstrate to the voters, accredited observers and any agents present that the ballot box is empty;
- (d) seal the ballot box with the Commission's seal;
- (e) let the agents present or any of them affix their own seals on the ballot box if they so wish; and
- (f) as soon as is practicable deliver to the referendum returning officer the ballot box containing the items listed under subsection (2).

Constituency
results

33.-(1) Immediately after the results of the poll for all polling stations in a constituency have been received by the referendum returning officer, the referendum returning officer shall, in the presence of commissioner or officer of the Commission, police officer or any other person responsible for security, agents registered by the commission, accredited and approved representatives of electronic and print media, accredited observers and leaders of the referendum committees-

- (a) examine the ballot papers marked "rejected", "rejection objected to" and "disputed" and confirm or vary the decisions of the referendum officers with regard to the validity of those ballot papers;
- (b) publicly announce to persons present the total number of valid votes cast for each side in the referendum;
- (c) publicly declare to the persons present the side that has received the greater number of the valid votes cast in the referendum and therefore the winning side;
- (d) complete form in which he shall declare the-
 - (i) name of the constituency;
 - (ii) total number of registered voters;
 - (iii) valid votes cast in support of or in opposition to the referendum question;

- (iv) number of rejected votes cast in support of or in opposition to the referendum question in each polling station;
- (v) aggregate number of votes cast in the constituency;
- (vi) aggregate number of rejected votes; and
- (e) sign and date the form and-
 - (i) give a copy of the form to the registered referendum committee's agents; and
 - (ii) deliver the original of form the Commission.
- (2) The results in a constituency shall be in a form to be issued by the Commission and shall be subject to confirmation by the Commission after a tallying of all the votes cast in the referendum.
- (3) The decision of the referendum returning officer on the validity or otherwise of a ballot paper or vote under this section shall, subject to verification by the Commission, be final except where a referendum petition has been filed.

Announcement
and publication
of referendum
results

34.-(1) The Commission shall, on receipt of results of the referendum from all constituencies and within seventy two hours from the close of the final polling in the referendum-

- (a) announce to the public the total number of valid votes cast supporting or opposing the referendum question;
- (b) declare whether or not the subject matter of the referendum has been ratified by more than fifty per cent of the valid votes cast for Mainland Tanzania and Zanzibar;
- (c) publish a notice in the *Gazette* indicating the results of the referendum in each constituency; and

- (d) publish in the *Gazette* a certificate declaring the results of the referendum and confirming whether or not the matter to be decided has been ratified in accordance with the provisions of the Act.
- (2) For the purposes of subsection (1)(b), the votes to be counted for Zanzibar shall include:
- (a) votes of persons registered in the Zanzibar Electoral Commission register; and
- (b) votes of persons residing in Zanzibar or Tanzania Mainland and registered under the National Electoral Commission register.
- (3) For all purposes of the referendum, the results published in the *Gazette*, shall be the official results of the referendum.

Referendum
results

35.-(1) The referendum results shall be decided on the basis of support by more than fifty per cent of the total number of valid votes cast in Mainland Tanzania and more than fifty per cent of the total number of valid votes cast in Tanzania Zanzibar.

(2) The majority of valid votes cast in the referendum shall be the basis for determination of the question of the referendum and the referendum results declared by the Commission shall be binding on the Government of the United Republic and the Revolutionary Government of Zanzibar.

(3) Where the votes cast "YES" on a question at a referendum are not more than fifty per cent of the total number of valid votes cast in either Mainland Tanzania or Tanzania Zanzibar, the Commission shall, by notice published in the *Gazette*, appoint another day, within sixty days after the declaration of the results, on which to repeat the poll and referendum procedures shall commence afresh.

(4) Subject to subsection (3), the Commission may, where circumstances so require, afford :

(a) sufficient time for sensitization and public awareness on the referendum on the proposed Constitution; or

(b) necessary time for the President, in agreement with the President of Zanzibar, to reconvene the Constituent Assembly in order to reconsider provisions of the proposed Constitution.

Cap. 2

(5) Where the majority of the valid votes cast in the referendum is "NO", the Constitution of the United Republic of Tanzania, 1977 shall remain in force.

PART V GENERAL PROVISIONS

Procedure for
conduct of
referendum
Caps.343and
292, Act No.11
of 1984

36. The procedure for conducting the General Elections under the National Elections Act, the Zanzibar Elections Act, and the Local Authorities (Elections) Act shall, with necessary modifications, apply to the conduct of a referendum under this Act.

Voting under
special
circumstances

37. The Commission may make special provisions for voting a referendum for voters who would not be able to vote on the voting day because of essential duties being away for social and economic reasons, patients in hospitals, persons admitted at homes for the aged and similar institutions, persons who lead nomadic life on account of vagaries of weather, physically disabled persons and expectant mothers:

Provided that, a person shall not vote unless he is registered as a voter in the voter's register.

Accreditation
of observers

38.-(1) A person who, or an association, institution or organization, which intends to act as observer, shall, not later than two months before the referendum date, apply to the Commission for accreditation.

(2) The Commission may accredit a person or

officials of associations, institutions or organizations, which are manifestly non-partisan to act as referendum observers.

(3) The Commission shall issue guidelines for referendum observers, which shall be binding on accredited referendum observers.

(4) The Commission may revoke the accreditation it has granted to any referendum observer where it is satisfied that the referendum observer is partisan.

(5) All the accredited referendum observers shall submit to the Commission a written report of their individual or group observation not later than fourteen day after the date of the announcement of the referendum results in respect of the referendum observed.

Attendance
of agents

39. Where in this Act expressions are used requiring, authorizing, or implying that any act or thing is to be done in the presence of polling or counting agents, those expressions shall be regarded as such and the absence of any agent at that time and place shall not, if any act or thing is otherwise lawfully done, invalidate that act or thing.

General powers
of the
Commission

40. Nothing in this Act shall be construed as preventing the Commission from taking further administrative measures or issuing policy guidelines and regulations to ensure effective conduct of a referendum.

Cost of
referendum

41. The expenses incurred in conducting a referendum shall be charged out of the Consolidated Fund.

Person not
required to state
how he voted

42. A person who has voted at a referendum shall not in any proceedings, whether brought under this Act or otherwise, be required to state how he voted.

Challenging
referendum
results

43. (1) A petition by a referendum Committee challenging the results of the proposed Constitution shall lie in the High Court constituted by five Judges.

(2) A referendum committee shall only be allowed to file a petition to the High Court challenging referendum results if-

- (a) it is the referendum committee at the national level; and
- (b) it obtains not less than ten percent signatures of the total number of the registered voters from each part of the Union of at least five constituencies.

(3) A petition shall be filed in the High Court Registry within fourteen days after the declaration of referendum results.

(4) For the purposes of subsection (2), the referendum committee shall not include in its petition the name of a person without that person's consent or the name of a person who demised before the filling of a petition.

(5) A person who claims that his name was included in the petition without his consent, or that the petition includes name of a person who died before the date of the petition, shall lodge an objection to the High Court.

(6) A person who contravenes subsection (4) commits an offence, and is liable on conviction to a fine of ten million shillings or imprisonment for seven years or both.

(7) A referendum committee may challenge the results of a referendum for non compliance of this Act or the National Election Act and the Zanzibar Elections Act, if such non-compliance has substantial effect on the referendum results.

Cap.343 and
Act No.11
of 1984

Deposit of
security for
costs

44.-(1) The Registrar of the High Court shall not fix a date for hearing of any referendum petition unless the petitioner has paid to the Court, as security for costs, a sum not exceeding five million shillings as may be determined by the Registrar.

(2) The money deposited as security for costs under subsection (1) shall, where the petitioner succeeds in the petition or an appeal and no order for costs lies against him, be refunded to the petitioner.

Determination of
petition by the
court

45.-(1) The High Court shall have jurisdiction to determine referendum petitions.

(2) The High court shall inquire into and determine the referendum petition not later than twenty one days from the date on which the petition is filed.

(3) After due inquiry of the referendum petition, the High Court may either-

- (a) dismiss the petition;
- (b) declare the results to be incorrect and declare the correct results;

(c) order the Commission to repeat the polling in any particular place or places; or

(d) annul the referendum results and order a new referendum to be conducted.

(4) Without prejudice to subsection (3) the High Court may, before making a decision, order a recount of the votes cast.

(5) Nothing in this section confers on the High Court power to convict a person of a criminal offence when hearing a petition under this section.

(6) Where it appears to the High Court, at the hearing of a petition under this section that the facts before it disclose that a criminal offence may have been committed, it shall make a report on the matter to the Director of Public Prosecutions for appropriate action to be taken and shall state in the report the name of the person.

Appeals

46.-(1) Any party to a referendum petition aggrieved with the decision of the High Court made under section 43 shall lodge an appeal to the Court of Appeal within seven days from the date of obtaining a copy of the judgment and proceedings.

(2) The High Court shall avail a copy of the judgment and proceedings to the applicant within five days from the date of the decision.

(3) The Court of Appeal, sitting as a panel of five Justices of Appeal, shall determine the appeal within fourteen days from the lodging of the petition of appeal.

Prohibition of incitement of public disorder at a referendum

47.-(1) A person shall not, while canvassing in a referendum, use any language which is defamatory or which constitutes incitement to public disorder, hatred or violence.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine of not less than two million shillings or to imprisonment for a term of not less than six months or to both.

Offences and penalties
Cap. 343

48. Any person who contravenes the provisions this Act for which no penalty has been provided, commits an offence and is liable to a fine of one million shillings or to imprisonment for a term of six months.

Rules of procedure

49. The Chief Justice may, after consultation with the Chief Justice of Zanzibar, make Rules of procedure for referendum petitions and appeals under this Act.

Regulations

50.-(1) The Commission may, make Regulations providing for the better carrying out of the provisions of this Act.

(2) Without prejudice the generality of subsection (1), the Commission may make regulations providing for the following matters-

- (a) the establishment of polling stations;
- (b) the manner and procedure of voting at a referendum;
- (c) the manner of ascertaining the identity of persons wishing to vote at a referendum, and whether such persons are qualified to vote;
- (d) the manner in which persons with disability may vote at a referendum;
- (e) voting by persons employed on duties on the day of a referendum;
- (f) the maintenance of secrecy at a referendum;
- (g) the postponement and extension of time for a poll in case of riot or violence at a referendum;

- (h) the administering of oaths or affirmations by officers in respect of such matters as may be prescribed;
 - (i) the procedure to be followed at the conclusion of a poll in a referendum;
 - (j) the procedure for counting and addition of votes in a referendum, for Mainland Tanzania and for Tanzania Zanzibar, and the circumstances in which votes in a referendum may be rejected by a returning officer as invalid;
 - (k) the declaration, notification and publication of the results of a referendum;
 - (l) the custody and disposal of ballot papers, records, documents or other things relating to the conduct of a referendum;
 - (m) the forms and records to be used for any of the purposes of this Act; or
 - (n) any other thing which the commission may deem necessary for the purposes of this Act.
- (3) The Regulations under this Act shall be published in the *Gazette*.

Power to amend
or replace
Schedule

51. The Minister, in consultation with the Minister responsible for elections in Tanzania Zanzibar may, by notice published in the *Gazette*, amend or replace all or any part of the Schedules under this Act.

Application of
other laws
Cap 343

52-(1) Where there is no guiding provision under this Act, the National Elections Act and the Zanzibar Elections Act, shall apply to the conduct of the referendum, with necessary modifications.

(2) Where there is conflict between this Act and any provision of the National Elections Act and the Zanzibar Elections Act, this Act shall prevail.

Promulgation of
the Constitution

53. Upon promulgation of the new Constitution, this Act shall be spent and shall have no legal effect.

PART VI
CONSEQUENTIAL AMENDMENTS

Construction
Cap.83

54. This part shall be read as one with the Constitutional Review Act hereinafter referred to as the "principal Act".

Addition of
sections 28A and
28B

55. The principal Act is amended by adding immediately after section 28 the following:

"Publication
and submission
of proposed
Constitution

28A.-(1) Upon the adoption of the proposed Constitution by the Constituent Assembly, the Chairman of the Constituent Assembly, shall within seven days submit the proposed Constitution to the President.

(2) The President shall, within seven days after receiving the proposed Constitution and upon consultation and agreement with the President of Zanzibar, cause the proposed Constitution to be published in the *Gazette* and other local newspapers.

Validation of
proposed
Constitution

29B. The referendum Act shall apply in respect of validation of the provisions of the proposed Constitution."

SCHEDULE

ORDER FOR A REFERENDUM

(Made under section 4(2))

I,President of the United Republic of Tanzania, hereby order the Commission to conduct a referendum to obtain people's decision on the proposed Constitution issue.....

The views of the people on the issue for the referendum should be known not later than seventy days counting from the date of this order.

Dated on theday of 20.....

.....
President

Passed in the National Assembly on the 6th December, 2013.



.....
Clerk of the National Assembly

SHERIA YA KURA YA MAONI YA MWAKA 2013

MPANGILIO WA VIFUNGU

Kifungu

Maelezo

SEHEMU YA KWANZA MASHARTI YA UTANGULIZI

1. Jina na kuanza kutumika.
2. Matumizi.
3. Tafsiri.

SEHEMU YA PILI UENDESHAJI WA KURA YA MAONI

4. Mamlaka ya kuitisha kura ya maoni.
5. Taarifa ya kufanyika kwa kura ya maoni.
6. Wajibu wa Tume.
7. Wasimamizi wa kura ya maoni.
8. Uteuzi wa maafisa wengine.
9. Haki ya kupiga kura katika kura ya maoni.
10. Maeneo na vituo vya kupigia kura.
11. Kutumika kwa vifaa vya umma.

SEHEMU YA TATU KAMATI ZA KURA YA MAONI

12. Uanzishaji wa Kamati za kura ya maoni.
13. Usajili wa kamati za kura ya maoni.
14. Daftari la mawakala.
15. Uteuzi wa mawakala katika eneo la kupigia kura.
16. Kampeni za Swali la kura ya maoni.
17. Gharama za Kampeni ya kura ya maoni.

SEHEMU YA NNE
UPIGAJI WA KURA KATIKA KURA YA MAONI

18. Upigaji wa kura ya maoni.
19. Vifaa vya vituo vya kupigia kura.
20. Kuingia katika kituo cha kupigia kura.
21. Utulivu katika kituo cha kupigia kura.
22. Kuahirishwa na kuongezwa kwa muda wa upigaji kura.
23. Mawasiliano na wapiga kura katika kituo cha kupigia kura.
24. Kufungwa kwa sanduku la kupigia kura.
25. Karatasi za kura.
26. Taratibu za jumla za kupiga kura.
27. Wapiga kura wanaohitaji msaada.
28. Utaratibu wa kufungwa kituo cha kupigia kura.
29. Kura kuhesabiwa katika kituo cha kupigia kura.
30. Kuhesabu kura kwa mara nyingine.
31. Karatasi za kupiga kura zilizokataliwa.
32. Kufungwa kwa karatasi za kupigia kura.
33. Matokeo ya jimbo.
34. Kutangazwa na kuchapishwa matokeo ya kura ya maoni.
35. Matokeo ya kura ya maoni.

SEHEMU YA TANO
MASHARTI YA JUMLA

36. Utaratibu wa kuendesha kura ya maoni.
37. Kupiga kura katika mazingira maalum.
38. Kuthibitishwa kwa waangalizi.
39. Mahudhurio ya mawakala.
40. Mamlaka ya jumla ya Tume.
41. Gharama za uendeshaji wa kura ya maoni.
42. Mtu hatatakiwa kueleza jinsi alivyopiga kura.
43. Kupinga matokeo ya kura ya maoni.
44. Uwekaji dhamana ya dhamana.
45. Uamuzi wa malalamiko wa Mahakama.
46. Rufaa.
47. Zuiro la kuchochea vurugu wakati wa kura ya maoni.

-
48. Makosa na adhabu.
 49. Kanuni za mwenendo.
 50. Kanuni.
 51. Mamlaka ya kurekebisha au kubadilisha Jedwali.
 52. Kutumika kwa sheria nyingine.
 53. Utangazaji wa Katiba.

SEHEMU YA SITA
MABADILIKO YATOKANAYO

54. Jina.
55. Nyongeza ya kifungu cha 28A na 28B.

JEDWALI

JAMHURI YA MUUNGANO WA TANZANIA



NA. 10 YA 2012

NAKUBALI,

Jua ya Kwanza

Rais

[*30 Desemba, 2013*]

Sheria itakayoweka muundo wa kisheria na kitaasisi kwa ajili ya uendeshaji wa kura ya maoni ili kupata uamuzi wa wananchi kuhusu Katiba inayopendekezwa na mambo mengine yanayohusiana na hayo.

IMETUNGWA na Bunge la Jamhuri ya Muungano wa Tanzania.

SEHEMU YA KWANZA
MASHARTI YA UTANGULIZI

Jina na kuanza
kutumika

1. Sheria hii itaitwa Sheria ya Kura ya Maoni ya mwaka, 2013, na itanza kutumika katika tarehe ambayo itatangazwa na Waziri kwa Amri itakayochapishwa katika *Gazeti* la Serikali.

Matumizi

2. Sheria hii itatumika Tanzania Bara na Tanzania Zanzibar kuhusiana na kura ya maoni kwa ajili ya kuthibitisha Katiba inayopendekezwa.

Tafsiri

3. Katika Sheria hii, isipokuwa kama muktadha utahitaji vinginevyo-

“afisa wa kura ya maoni” maana yake ni mtu aliyeteuliwa kwa mujibu wa kifungu cha 7(2) kwa dhumuni la kuendesha kura ya maoni katika kituo cha kupigia kura;

“Jimbo” maana yake ni jimbo kwa madhumuni ya uchaguzi wa Ubunge au Ujumbe wa Baraza la Wawakilishi;

“kadi ya mpiga kura” maana yake ni kadi iliyotolewa kwa mpiga kura na Tume kama ushahidi wa usajili katika daftari la wapiga kura;

“kamati ya kura ya maoni” maana yake ni kamati iliyoanzishwa chini ya kifungu cha 12;

“Katiba” maana yake ni Katiba ya Jamhuri ya Muungano wa Tanzania ya mwaka 1977;

Sura ya 83

“Katiba inayopendekezwa” maana yake ni Rasimu ya Katiba iliyopitishwa na Bunge Maalum kwa ajili ya kupigiwa kura ya maoni;

“kituo cha kupigia kura” maana yake ni chumba au sehemu iliyotengwa na kuwekewa vifaa kwa ajili ya upigaji wa kura ya maoni;

“kipindi cha kampeni ya kura ya maoni” maana yake ni kipindi kilichoainishwa kwa ajili hiyo na Rais kwa mujibu wa kifungu cha 4;

“kipindi cha kura ya maoni” maana yake ni kipindi kitakachoainishwa na Rais kwa mujibu wa kifungu cha 4;

“kura ya maoni” maana yake ni kura ya wananchi au kura iliyopigwa kwa mujibu wa masharti ya Sheria hii kwa madhumuni ya kupata uamuzi wa wananchi juu ya Katiba inayopendekezwa;

“Mahakama Kuu” ina maana ya Mahakama Kuu ya Tanzania na Mahakama Kuu ya Zanzibar pamoja na masjala zake zitatafsiriwa ipasavyo;

- “Mkurugenzi” ina maana kama ilivyotafsiriwa katika Sheria ya Taifa ya Uchaguzi na Sheria ya Uchaguzi ya Zanzibar;
- “mpiga kura” maana yake ni mtu aliye na sifa ya kupiga kura katika uchaguzi kwa mujibu wa sheria inayosimamia uchaguzi wa Rais au wabunge au wajumbe wa Baraza la Wawakilishi.
- “mratibu wa kura ya maoni” maana yake ni mtu aliyeteuliwa chini ya kifungu cha 8(1);
- “msimamizi wa kura ya maoni” maana yake ni mtu aliyeteuliwa chini ya kifungu cha 7(1);
- “Mwanasheria Mkuu wa Serikali” maana yake ni Mwanasheria Mkuu wa Jamhuri ya Muungano na Mwanasheria Mkuu wa Zanzibar;
- “naibu msimamizi wa kura ya maoni” maana yake ni mtu aliyeteuliwa chini ya kifungu cha 7(1);
- “Rais” maana yake ni Rais wa Jamhuri ya Muungano;
- “Tume” maana yake ni Tume ya Taifa ya Uchaguzi na Tume ya Uchaguzi ya Zanzibar;
- “wakala” maana yake ni mtu aliyeteuliwa na kamati ya kura ya maoni na kusajiliwa na Tume chini ya Sheria hii;
- “Waziri” maana yake ni Waziri mwenye dhamana ya masuala ya uchaguzi;

SEHEMU YA PILI
UENDESHAJI WA KURA YA MAONI

Mamlaka ya
kuitisha kura ya
maoni

4.-(1) Rais kwa kushauriana na Rais wa Zanzibar, ndani ya siku kumi na nne baada ya kupokea Katiba inayopendekezwa, kwa amri itakayochapishwa kwenye *Gazeti la Serikali*, ataielekeza Tume kuendesha kura ya maoni kuhusiana na Katiba inayopendekezwa.

(2) Amri ya kuitisha kura ya maoni itakuwa kama ilivyoainishwa katika Fomu iliyowekwa katika Jedwali la Sheria hii, na-

- (a) itaainisha Katiba inayopendekezwa itakayoamuliwa; na

- (b) itaainisha muda ambao kampeni ya kura ya maoni itafanyika;
 - (c) itaainisha kipindi ambacho kura ya maoni itafanyika.
- (3) Kwa madhumuni ya kifungu kidogo cha (2), Tume ndani ya siku saba za uchapishaji wa Katiba inayopendekezwa, itatayarisha na kuchapisha kwenye *Gazeti la Serikali* swali litakaloamuliwa kwa kura ya maoni.
- (4) Swali litakaloulizwa katika kura ya maoni litamtaka mpiga kura kuonyesha iwapo anaridhia au kutoridhia Katiba inayopendekezwa na litatayarishwa kwa namna ambayo litamtaka mpiga kura kujibu "Ndiyo" au "Hapana".

Taarifa ya
kufanyika kwa
kura ya maoni

5.-(1) Tume ndani ya siku kumi na nne baada ya kuchapishwa kwa swali la kura ya maoni katika *Gazeti la Serikali* itaainisha:

- (a) muda wa kuelimisha na kuhamasisha wananchi kupiga kura ya maoni kuhusu Katiba inayopendekezwa ;
 - (b) siku ambayo kura ya maoni itafanyika; na
 - (c) muda wa upigaji kura ya maoni.
- (2) Kila msimamizi wa kura ya maoni ndani ya siku ishirini na moja baada ya kuchapishwa kwa taarifa ya kura ya maoni na Tume, atautaarifu umma katika jimbo lake juu ya utaratibu wa uendeshaji wa kura ya maoni.
- (3) Kwa madhumuni ya kuelimisha na kuhamasisha wananchi kuhusu kura ya maoni Tume, itatoa elimu ya uraia juu ya Katiba inayopendekezwa kwa kipindi cha siku sitini kuanzia tarehe ya kuchapishwa katika *Gazeti la serikali* kwa Katiba inayopendekezwa.
- (4) Bila kuathiri masharti ya kifungu kidogo cha (3), Tume inaweza kuziruhusu asasi za kiraia na mashirika yasiyo ya kiserikali yanayopendelea kutoa elimu ya uraia na kuendesha uhamasishaji kuhusu Katiba inayopendekezwa, kutoa elimu na programu za

kuhamasisha kuhusu Katiba hiyo kwa kipindi kisichozidi siku sitini kabla ya upigaji kura.

(5) Asasi za kiraia au mashirika yasiyo ya kiserikali ambayo yameruhusiwa na Tume kutoa elimu ya uraia na kuendesha programu za uhamasishaji kuhusu Katiba inayopendekezwa zinapaswa kuitaarifu Tume kuhusu tarehe, mahali na muda ambao watatoa elimu ya uraia na kuendesha programu ya uhamasishaji.

(6) Endapo Tume itakataa kuruhusu asasi za kiraia na mashirika yasiyo ya kiserikali kutoa elimu ya uraia na kuendesha programu ya uhamasishaji itatakiwa kutoa sababu za kukataa.

Wajibu wa Tume

6.-(1) Isipokuwa kama iemelezwa vinginevyo katika Sheria hii, Tume itakuwa na wajibu wa-

(a) kusimamia kwa ujumla uendeshaji wa kura ya maoni; na

(b) kuhamasisha na kusimamia elimu ya mpiga kura kwa ajili ya kura ya maoni.

(2) Tume itaandaa, kuendesha na kusimamia upigaji wa kura wakati wa kura ya maoni.

(3) Wakati wa kuendesha kura ya maoni, Tume haitapokea maelekezo au kuwa chini ya udhibiti wa mtu au mamlaka yoyote.

Msimamizi wa kura ya maoni

7.-(1) Tume itateua msimamizi wa kura ya maoni wa kila jimbo na inaweza kuteua naibu wasimamizi wa kura ya maoni kwa majimbo kama itaonekana ni lazima.

(2) Msimamizi wa kura ya maoni baada ya kushauriana na Tume, atateua maafisa wa kura ya maoni na naibu maafisa wa kura ya maoni kusimamia upigaji kura katika kituo cha kupigia kura.

(3) Tume itatoa mwongozo utakaofuatwa katika uteuzi wa wasimamizi wa kura ya maoni na taratibu za kushughulikia pingamizi dhidi ya uteuzi huo.

(4) Wasimamizi wa kura ya maoni watawajibika kutekeleza masharti ya miongozo itakayotolewa chini ya kifungu kidogo cha (3).

(5) Naibu msimamizi wa kura maoni, kwa kuzingatia maelekezo ya jumla na udhibiti wa Msimamizi wa kura ya maoni ana mamlaka yote na anaweza kufanya kazi zote za msimamizi wa kura ya maoni zilizoainishwa chini ya Sheria hii.

(6) Naibu Afisa wa kura ya maoni anaweza, kwa maelekezo na udhibiti wa afisa wa kura ya maoni kufanya kitu chochote ambacho Afisa wa kura ya maoni anatakiwa au ameidhinishwa kufanya chini ya sheria hii, isipokuwa kwamba afisa huyo hatakuwa na mamlaka ya kuamrisha kukamatwa kwa mtu yeyote au kuondoshwa kwa mtu yeyote kutoka kituo cha kupigia kura.

(7) Kila uteuzi wa msimamizi wa kura ya maoni na naibu msimamizi wa kura ya maoni chini ya kifungu hiki, utatangazwa katika namna ambayo Tume itaona ni lazima.

(8) Afisa yeyote aliyeteuliwa chini ya Sheria hii, kabla ya kuanza kutekeleza majukumu yake, atakula kiapo au yamini kwa namna itakavyoainishwa na Tume na atatekeleza majukumu yake bila upendeleo.

Uteuzi wa maafisa
wengine

8.-(1) Tume wakati wa kura ya maoni kwa kuzingatia kila mkoa inaweza kumteua kwa jina, mratibu wa kura ya maoni wa mkoa kuratibu taarifa, upatikanaji wa vifaa na masuala mengine ya lazima kwa ajili ya kufanikisha uendeshaji wa kura ya maoni katika majimbo ndani ya mkoa.

(2) Tume inaweza kumteua mtumishi yeyote mwingine kama itaona ni lazima kwa ajili ya kusaidia katika uendeshaji wa kura ya maoni na mtumishi huyo anaweza, kwa kuzingatia maelekezo ya jumla au mahususi ya Tume, kutekeleza jukumu lolote au majukumu yote na kutumia mamlaka ya Tume yalilyotolewa na Sheria hii au Sheria nyingine yoyote.

Haki ya kupiga
kura katika kura
ya maoni

9.-(1) Daftari la wapiga kura lililoanzishwa chini ya Sheria ya Taifa ya Uchaguzi na Sheria ya Uchaguzi ya Zanzibar litakuwa ni daftari la wapiga kura kwa madhumuni ya kura ya maoni.

(2) Mtu ambaye jina lake limeingizwa katika Daftari la Wapiga Kura lililoanzishwa chini ya Sheria ya Taifa ya Uchaguzi au Sheria ya Uchaguzi ya Zanzibar atakuwa na haki ya kupiga kura ya maoni, isipokuwa kama mtu huyo amezuiwa kupiga kura na sheria nyingine yoyote.

(3) Afisa wa kura ya maoni atamtaka mtu anayeomba karatasi ya kupigia kura kutoa kadi ya mpiga kura iliyotolewa na Tume kama uthibitisho wa utambulisho wa mtu anayedai kuwa anaruhusiwa kupiga kura.

(4) Endapo mtu amesajiliwa kama mpiga kura na taarifa zake zipo kwenye daftari la wapiga kura na ikitokea amepoteza kitambulisho cha kupigia kura, Afisa wa kura ya maoni kabla ya kumruhusu mtu huyo kupiga kura, atamtaka mtu huyo kujaza fomu ya tamko kama itakavyoainishwa na Tume.

Maeneo ya
kupigia kura na
vituo vya kupigia
kura

10.-(1) Tume-

- (a) itagawanya kila jimbo ambamo kura ya maoni inafanyika kuwa maeneo ya kupigia kura au kutangaza jimbo lolote husika kuwa eneo pekee la kupigia kura;
- (b) itatoa kwa kila eneo la kupigia kura namba ya kipekee au herufi au vyote kwa pamoja namba na herufi;
- (c) itateua kituo au vituo vya kupigia kura kwa kila eneo la kupigia kura; na
- (d) itatangaza katika *Gazeti* la Serikali taarifa itakayoelezea:
 - (i) eneo la kupigia kura kwa kila jimbo; na
 - (ii) namba ya kipekee au herufi, au mchanganyiko wake, zilizotolewa kwa kila eneo la kupigia kura;

(2) Katika kuamua mipaka ya eneo lolote la kupigia kura, Tume itazingatia:

- (a) vituo vya kupiga kura vilivyopo katika jimbo la uchaguzi;
- (b) mazingira ya kijiografia;
- (c) idadi ya watu; na
- (d) sababu nyingine yoyote inayoathiri mawasiliano katika maeneo mbalimbali ndani ya eneo la kupigia kura.

Matumizi ya vifaa vya umma

11.-(1) Tume inaweza, bila malipo yoyote, kutumia eneo lolote la umma kama kituo cha kupigia kura.

(2) Tume inaweza pale ambapo kutakuwa na haja, kutumia jengo au eneo binafsi baada ya kupata ridhaa ya mmiliki wa eneo au jengo hilo.

SEHEMU YA TATU KUANZISHWA KWA KAMATI ZA KURA YA MAONI

Uanzishwaji wa kamati za kura ya maoni

12. (1) Zinaanzishwa kamati mbili za kura ya maoni katika ngazi ya taifa na Kamati mbili za Kura ya maoni katika ngazi ya jimbo.

(2) Kamati zilizoanzishwa chini ya kifungu kidogo cha (1) zitaundwa na makundi ya watu, vyama vya siasa, taasisi za kiraia au asasi zinazokusudia kuunga mkono au kupinga swali la kura ya maoni katika kipindi cha kura ya maoni.

Usajili wa kamati za kura ya maoni

13.-(1) Kamati ya kura ya maoni, ndani ya siku ishirini na moja kabla ya kipindi cha kampeni, itaomba usajili kwa Tume, endapo ni kamati ya kitaifa au kwa msimamizi wa kura ya maoni, endapo ni kamati ya jimbo kwa madhumuni ya kuendesha kampeni za kura ya maoni.

(2) Kila kamati ya kura ya maoni ambayo inakusudia kuomba usajili kabla ya kuwasilisha maombi yake itateua kiongozi.

(3) Kiongozi aliyeteuliwa chini ya kifungu kidogo cha (2) atawajibika kwa-

(a) masuala yote ya kamati ya kura ya maoni iliyosajiliwa;

(b) uteuzi wa mawakala wa kamati ya kura ya maoni; na

(c) kutoa sampuli za saini za mawakala kwa Tume.

(4) Maombi chini ya kifungu hiki yataambatana na taarifa na matamko yanayoonesha kwamba muombaji anawakilisha wale wanaopiga kampeni ya kuunga mkono au kupinga swali la kura ya maoni.

(5) Ombi la usajili litasainiwa na kiongozi wa kamati ya kura ya maoni na lita-

(a) onyesha-

(i) jina kamili la kamati;

(ii) jina kamili, anuani na nambari za simu za kiongozi wa kamati ya kura ya maoni;

(iii) jina, anuani na nambari ya simu na cheo cha kila mjumbe wa kamati;

(iv) anuani na nambari ya simu ya ofisi ya kamati ambayo mawasiliano yanaweza kupelekwa;

(v) jina, anuani na nambari ya simu ya mawakala;

(b) onyesha vyanzo vya mapato;

(c) onyesha maeneo ambayo kamati inataka kuunga mkono au kupinga swali la kura ya maoni; na

(d) ambatana na taarifa iliyosainiwa na kiongozi kwamba wakala amekubali uteuzi kama wakala.

(6) Baada ya kupokea maombi kwa ajili ya usajili wa kamati ya kura ya maoni, Tume au kama hali itakavyokuwa, msimamizi wa kura ya maoni atatolea maamuzi maombi ndani ya siku saba na itamsajili muombaji au kukataa maombi ya usajili na kama maombi yatakataliwa, Tume itaeleza sababu za kukataa.

(7) Kamati ya kura ya maoni haitasajiliwa iwapo-

(a) jina la kamati linafanana na jina la kamati ya kura ya maoni iliyosajiliwa awali kwamba kamati inaweza kuchanganywa na kamati iliyosajiliwa awali; au

(b) Tume haitaridhishwa kuwa muombaji anawawakilisha vya kutosha wale wanaofanya kampeni kwa ajili ya matokeo fulani;

(8) Usajili wa kamati ya kura ya maoni kwa madhumuni ya kura ya maoni utakuwa ni halali tu kwa kura ya maoni hayo.

Daftari la
mawakala

14. Tume itatunza daftari la mawakala wa kamati za kura ya maoni zilizosajiliwa ambamo yataingizwa majina, anuani na nambari za simu za mawakala wa kila kamati.

Uteuzi wa
mawakala katika
eneo la kupigia
kura

15.-(1) Viongozi wa kamati zote za kura ya maoni watateua mawakala wasiozidi wawili wa kura ya maoni watakaokuwepo mahali ambapo kura zinapigwa katika kila eneo la kupigia kura.

(2) Kila mtu aliyeteuliwa kama wakala kwa mujibu wa kifungu hiki atateuliwa kwa maandishi na atapewa kitambulisho kabla ya kujihusisha na shughuli zozote za kura ya maoni na atakula kiapo au yamini kama Tume itakavyoelekeza.

Kipindi cha kampeni za kura ya maoni

16.-(1) Kamati ya kura ya maoni inayounga mkono au inayopinga swali la kura ya maoni inaweza kufanya kampeni za kuunga mkono au kupinga swali la kura ya maoni kwa kipindi cha kisichozidi siku thelathini katika kipindi cha kura ya maoni.

(2) Kamati za kura ya maoni hazitaanza kampeni chini ya kifungu kidogo cha (1) hadi pale Tume itakapotangaza tarehe rasmi ya kuanza kwa kampeni.

(3) Kampeni zote zilizorejewa katika kifungu kidogo cha (1) zitakoma saa ishirini na nne kabla ya kuanza kupiga kura.

(4) Tamko la kuanza kwa kampeni ya kupiga kura ya maoni litakuwa katika fomu itakayoainishwa na Tume.

Gharama za kampeni na kura ya maoni kubebwa na kamati

17.-(1) Kamati ya Kura ya maoni itaendesha na kugharimia kampeni zake za kura ya maoni.

(2) Kamati ya Kura ya maoni italazimika kutoa taarifa ya vyanzo vyake vya mapato kwa Tume.

(3) Taarifa ya vyanzo vya mapato itakayotolewa chini ya kifungu hiki itakuwa ya siri na itatolewa pale tu taarifa hiyo inahusika kwenye malalamiko yaliyowasilishwa na mtu yeyote, Mkurugenzi au upelelezi ulioanzishwa na Mkurugenzi, au inahusika kwenye kesi yoyote iliyoko mahakamani.

(4) Kwa ajili ya utekelezaji wa kifungu hiki, Waziri, kwa kushauriana na Waziri anayehusika na masuala ya uchaguzi Zanzibar, kwa Amri iliyochapishwa kwenye *Gazeti la Serikali*, atainisha kiwango cha juu cha gharama zitakazotumiwa na Kamati ya kura ya maoni kulingana na ukubwa wa jimbo.

(5) Tume itaweka utaratibu wa kutoa taarifa ya vyanzo vya mapato ya Kamati za kura ya maoni na ukaguzi wa mahesabu ya gharama ambazo kamati ya kura ya maoni imezitumia kwa ajili ya kuendesha kampeni za kura ya maoni.

SEHEMU YA NNE
UPIGAJI WA KURA KATIKA KURA YA MAONI

Upigaji kura ya
maoni

18.-(1) Upigaji kura katika kura ya maoni utakuwa kwa kura ya siri na utafanyika kwa mujibu wa masharti ya Sheria hii.

(2) Isipokuwa kwa watu waliotajwa katika kifungu cha 37, hakuna mtu atakayepiga kura katika eneo, tofauti na lile ambalo ameandikishwa kama mpiga kura.

(3) Mtu yeyote hatopiga zaidi ya kura moja katika kura ya maoni.

(4) Bila ya kujali masharti mengine yoyote ya Sheria hii, endapo mpiga kura aliyeandikishwa katika eneo la uchaguzi ameajiriwa kama Afisa wa kura ya maoni, msimamizi wa kituo, afisa wa polisi, wakala au afisa mwingine yeyote anayefanya kazi ya Tume au kwa niaba ya Tume, katika eneo la uchaguzi mbali na eneo alilosajiliwa kupiga kura, Mkurugenzi au mtu mwingine yeyote aliyeidhinishwa na Mkurugenzi anaweza, kwa hati aliyoisaini, kumuidhinisha mpiga kura huyo kupiga kura katika kituo kingine chochote cha kupigia kura katika eneo hilo la uchaguzi na kituo hicho kwa madhumuni ya Sheria hii kitahesabika kuwa ni kituo cha kupigia kura alichoandikishwa mpiga kura huyo.

Vifaa vya kituo
cha kupigia kura

19.-(1) Msimamizi wa kura ya maoni atatoa kwa kila afisa wa kura ya maoni, idadi ya masanduku ya kura na karatasi ya kupigia kura, kulingana na mahitaji ya maeneo, kwa utekelezaji bora wa masharti ya Sheria hii.

(2) Kila sanduku la kura litatengenezwa-

(a) na kiupenyo chenye ukubwa wa kutosha kupitisha karatasi ya kupigia kura lakini ambacho si kikubwa sana;

(b) ili kuweza kufungwa kiasi kwamba karatasi za kura hayataweza kutolewa ndani ya sanduku pale ambapo lakiri haijavunjwa; na

- (c) ili liweze kuwekewa namba zinazofuatana za vituo vya kupigia kura ambazo zitabandikwa katika sehemu ya wazi kwa kila kituo cha kupigia kura.
- (3) Msimamizi wa kura ya maoni atatoa kwa kila kituo cha kupigia kura-
- (a) vifaa ili kuwawezesha wapiga kura kuweka alama katika karatasi ya kupigia kura pale alama inapohitajika;
- (b) vifaa vya kugongea alama rasmi katika karatasi za kupigia kura;
- (c) lakiri ya Tume inayofaa kwa dhumuni hilo;
- (d) chupa au chombo kilicho na wino usiyofutika unaofaa kwa madhumuni hayo;
- (e) nakala ya daftari la wapiga kura au sehemu yake iliyo na majina ya wapiga kura wanaostahili kupiga kura katika kituo cha kupigia kura;
- (f) idadi ya kutosha ya vyumba vya kupigia kura kuwezesha wapiga kura kupiga kura kwa usiri; na
- (g) kifaa kingine chochote cha kupigia kura kitakachoidhinishwa na Tume kwa ajili ya kupiga kura katika kituo cha kupigia kura.

Kuingia katika
kituo cha kupigia
kura

20.-(1) Afisa wa kura ya maoni atasimamia idadi ya wapiga kura watakaolingia katika kituo cha kupigia kura kwa wakati mmoja na atazuia watu wengine wote isipokuwa-

- (a) makamishna au maafisa wa Tume;
- (b) maafisa wa polisi au mtu mwingine mwenye jukumu la ulinzi;
- (c) watu wanaohitajika kwa ajili ya kuwasaidia wapiga kura wasioona au wasiyojiweza;
- (d) mawakala waliosajiliwa na Tume; na
- (e) waangalizi wanaotambulika na wawakilishi wa vyombo vya habari vinavyochapisha

habari na vya kielektroniki vilivyoidhinishwa au kutambuliwa na Tume;

(2) Mtu yeyote ambaye hajaandikishwa kama mpiga kura, hatoruhusiwa kuingia katika kituo chochote cha kupiga kura.

Utulivu katika kituo cha kupigia kura

21.-(1) Itakuwa ni jukumu la Afisa wa kura ya maoni kuhakikisha utulivu katika kituo cha kupigia kura.

(2) Afisa wa kura ya maoni anaweza kuamuru kutawanyika kwa mkusanyiko wa watu ambao unaonekana kwa msimamizi huyo kuwa utazuia uingiaji au utokaji kwa uhuru katika kituo cha kupigia kura au kutuo au kuingilia wapiga kura, na amri hiyo itakuwa ni mamlaka tosha kwa ofisa wa polisi au mtu mwingine yeyote aliyeidhinishwa kwa amri hiyo kutekeleza utawanyishaji wa mkusanyiko.

(3) Mamlaka aliyopewa Afisa wa kura ya maoni na ofisa wa polisi kwa mujibu wa kifungu hiki hayatakuwa na ukomo katika eneo ambalo kituo cha kupigia kura kipo pekee, isipokuwa yatajumuisha eneo la umbali wa mita miambili kutoka katika kituo cha kupigia kura.

(4) Iwapo mtu yeyote atafanya fujo katika kituo cha kupigia kura, au kutotii maelekezo au amri halali ya Afisa wa kura ya maoni, mtu huyo anaweza kuondolewa mara moja, kwa amri ya Afisa wa kura ya maoni au ofisa wa polisi, na mtu huyo aliyeondolewa hataingia tena katika kituo cha kupigia kura wakati upigaji kura ukiendelea bila ya ruhusa ya Afisa wa kura ya maoni.

Kuahirishwa na kuongeza muda wa upigaji kura

22.-(1) Bila kujali masharti ya taarifa yoyote iliyotolewa chini ya Sheria hii, Afisa wa kura ya maoni anaweza kuahirisha zoezi la kupiga kura ya maoni katika kituo cha kupigia kura iwapo utaingiliwa na vurugu, janga la asili, upungufu wa vifaa au sababu nyingine, isipokuwa zoezi litaruhusiwa kuendelea haraka iwezekanavyo.

(2) Mamlaka ya Afisa wa kura ya maoni yatajumuisha mamlaka ya kuhamisha zoezi la kupiga kura kwenda katika kituo kingine cha kupigia kura katika jimbo hilo hilo, na katika hali kama hiyo-

- (a) Afisa wa kura ya maoni atatoa taarifa ya jambo hilo baada ya kushauriana na kamati za kura ya maoni, kwa namna yoyote atakayoona inafaa kufikisha taarifa hiyo, kwa wapiga kura; na
- (b) eneo la kupigia kura la kituo cha kura ambacho zoezi la kupiga kura linahamishiwa kwa madhumuni hayo litachukuliwa kuwa ni sehemu ya eneo la kupigia kura na kituo cha kupigia kura ambacho zoezi la kupigia kura linahamishiwa.

(3) Afisa wa kura ya maoni anaweza kuongeza muda katika kituo cha kupigia kura pale ambapo upigaji kura umeingiliwa au kwa sababu nyingine ya msingi, na ataongeza muda wa kupiga kura ili kufidia muda wowote uliopotea pale ambapo upigaji kura katika kituo umecheleweshwa.

Mawasiliano na
wapiga kura
katika kituo cha
kupigia kura

23.-(1) Hakuna mtu isipokuwa msimamizi wa Kura ya maoni au Afisa wa kura ya maoni aliyeko zamu, isipokuwa kwa mamlaka ya Afisa wa kura ya maoni, atakayewasiliana na mpiga kura ambaye yuko ndani ya eneo la kituo cha kupigia kura kwa madhumuni ya kupiga kura.

(2) Kifungu kidogo cha (1) hakitatafsiriwa kuwa kinamzuia msaidizi wa mtu asiyeona au asiyejua kusoma na kuandika kuwasiliana na mpiga kura huyo.

Kufungwa kwa
sanduku la kupiga
kura

24.-(1) Mara tu kabla ya kuanza kwa upigaji kura, Afisa wa kura ya maoni ataonyesha sanduku la kupigia kura au masanduku ya kupigia kura kwa mawakala ili kuhakikisha kuwa sanduku hilo au masanduku hayo ni matupu, na baada ya hapo atalifunga sanduku au masanduku kiasi kwamba hayataweza kufunguliwa

pasipo kuvunja lakiri.

(2) Baada ya sanduku la kupigia kura kufungwa na lakiri, Afisa wa kura ya maoni ataelekeza liwekwe katika kituo cha kupigia kura kiasi kwamba katika kipindi chote litaweza kuonekana na Afisa wa kura ya maoni, naibu afisa wa kura ya maoni na mawakala waliopo.

(3) Wakati wa kuahirishwa kwa zoezi la kupigia kura ya maoni katika kituo cha kupigia kura kwa siku nyingine, au kwa kufungwa kwa kituo kimoja kwa lengo la kuhamisha sanduku la kupigia kura kwenda kituo kingine, na katika muda mwingine wowote pale ambapo sanduku la kupigia kura halitumiki, Afisa wa kura ya maoni atafunga kiupenyo kilichotumika kuingizia karatasi za kupigia kura katika sanduku na kuweka lakiri rasmi juu yake kwa namna itakayozuia uingizaji wa makaratasi ya kupigia kura pasipo kuvunja lakiri.

(4) Baada ya sanduku la kupigia kura kufungwa kwa lakiri, lakiri haitavunjwa au kiupenyo kufunguliwa hadi hapo lakiri itakapovujwa na kufunguliwa mbele ya watu ambao wako kihalali katika kituo cha kupigia kura katika muda ambao upigaji kura unaanza tena.

(5) Afisa wa kura ya maoni atawaruhusu Mawakala wa kura ya maoni waliopo katika kituo cha kupigia kura kukagua karatasi ya kupigia kura yaliyotolewa kwa matumizi katika kituo cha kupigia kura na kunakili namba zilizo katika mfululizo, kabla ya upigaji kura-kuanza.

Karatasi za Kura

25.-(1) Tume itakuwa na wajibu wa kuandaa Karatasi ya kupigia kura kwa ajili ya kutumika wakati wa kura ya maoni.

(2) karatasi za kupigia kura-

(a) itakuwa na swali linalopigiwa kura katika lugha ya Kiswahili;

(b) itaweza kukunjika, kuwa na namba au muunganisho wa herufi na namba, vilivyochapishwa kwa mbele;

- (c) itaambatana na kishina kilicho na namba zile zile au muunganisho wa herufi na namba vilivyochapishwa kwa mbele; na
 - (d) itakuwa na alama tofauti na ya kipekee kwa kila jibu la swali linalopigiwa kura.
- (3) karatasi ya kupigia kura ya maoni itaelezea swali linalotakiwa kujibiwa na wapiga kura kwa mfumo wa jibu la "NDIYO" au "HAPANA".

Taratibu za jumla
za kupiga kura

26.-(1) Afisa wa kura ya maoni, kabla ya kumpatia mpiga kura karatasi ya kupigia atahakikisha kwamba-

- (a) sehemu ya nyuma ya karatasi ya kupigia kura inapigwa mhuri wenye alama maalum ya Tume;
- (b) namba na jina la mpiga kura kama lilivyoainishwa katika nakala ya daftari linatajwa;
- (c) jina la mpiga kura linawekewa alama na namba ya mpiga kura inabakizwa kama ushahidi kuwa karatasi ya kupigia kura imetolewa kwake.

(2) Mpiga kura-

- (a) baada ya kupokea karatasi ya kupigia kura -
 - (i) ataenda mara moja katika moja ya vyumba vya kupigia kura na wakati akiwa hapo kwa siri ataweka alama katika karatasi ya kupigia kura katika kiboksi na safu iliyotolewa pembeni ya alama katika upande ambao mpiga kura anataka kupigia kura;
 - (ii) ataikunja kiasi cha kuficha kura na kuiweka karatasi ya kupigia kura katika sanduku la kupigia kura mbele afisa wa kura ya maoni, huku akiwa anaonekana kikamilifu na watu waliopo hapo kihalali;

(b) atapakwa wino katika sehemu yoyote ya mwili ambayo wino huo hautofutika kwa kipindi chote cha kura ya maoni;

(c) mara baada ya kupiga kura ataondoka katika kituo cha kupigia kura.

(3) Hakuna mtu, isipokuwa mtu anayefanya kazi kwa mujibu wa masharti ya kifungu cha 20, atakaye kuwepo katika chumba cha kupigia kura cha kituo cha kupigia kura wakati mpiga kura yuko ndani ya chumba hicho kwa madhumuni ya kuweka alama katika karatasi ya kupigia kura.

(4) Mtu ambaye, akiwa na ufahamu kamili, atashindwa kuweka karatasi ya kupigia kura iliyotolewa kwake, mbali na karatasi ya kupigia kura iliyoharibika, katika sanduku la kupigia kura kabla ya kuondoka katika eneo ambalo sanduku la kupigia kura lipo, anatenda kosa, na atakapotywa hatiani, atawajibika kulipa faini isiyozidi shilingi laki tano au kutumikia kifungo kwa kipindi kisichozidi miezi mitatu au vyote.

(5) Afisa wa kura ya maoni ambaye kwa makusudi atakataa kuweka alama au mhuri katika karatasi yoyote ya kupigia kura, anatenda kosa na atakapotywa hatiani, atawajibika kulipa faini isiyozidi shilingi laki tano au kutumikia kifungo kwa kipindi kisichozidi miezi mitatu au vyote.

Wapiga kura
wanaohitaji
msaada

27.-(1) Afisa wa Kura ya Maoni, kutokana na ombi la mpiga kura ambaye anatamka kuwa hana uwezo wa kusoma au kuandika, au ambaye anashindwa kupiga kura kutokana na ulemavu wa kuona au sababu nyingine ya kimaumbile kwa namna iliyoainishwa chini ya Sheria hii, atamruhusu mpiga kura huyo kusaidiwa na mtu ambaye mpiga kura huyo atamchagua.

(2) Mtu yeyote ambaye si mtu aliyechaguliwa na mpiga kura hataruhusiwa kuingia katika chumba cha kupigia kura wakati mpiga kura anapiga kura yake.

(3) Mtu ambaye atamsaidia mpiga kura -

- (a) atamsaidia mpiga kura mmoja tu lakini ikiwa katika familia kuna watu zaidi ya mmoja ambao wanahitaji msaada chini ya aya hii, itakuwa halali kwa familia kumchagua mmoja wao kuwa saidia wapiga kura hao; na
- (b) atazamisha au kuchovya kidole cha kushoto au sehemu yoyote ya mwili wa mpiga kura anayehitaji msaada katika wino ulio na rangi ya kipekee ambao, kwa kadri itakavyowezekana, utakuwa haufutiki kiasi cha kuacha alama kwa kipindi chote cha upigaji wa kura ya maoni.

(4) Afisa wa kura ya maoni anaweza kufanya uchunguzi kama ambavyo inafaa ili kujiridhisha kuwa mpiga kura na msaidizi wake wanafuata masharti ya sheria hii.

(5) Afisa wa kura ya maoni anaweza, pale ambapo mpiga kura hana msaidizi, na kutokana na ombi la mpiga kura, kuwezesha kura ya mpiga kura kupigwa kwa niaba ya mpiga kura huyo.

(6) Pale ambapo afisa wa kura ya maoni anakubali ombi la mpiga kura chini ya kifungu hiki, afisa wa kura ya maoni atanakili kwenye nakala ya daftari, pembeni mwa jina la mpiga kura kama ushahidi kwamba mpiga kura huyo alisaidiwa na sababu ya kusaidiwa huko.

(7) Mtu ambaye atatoa maelezo ya uongo kuhusiana na kutokuwa na uwezo, pamoja na afisa mwingine au wakala ambaye anafahamu, anaruhusu au anamsaidia mtu huyo kusaidiwa anatenda kosa.

(8) Mtu ambaye atakiuka masharti ya kifungu hiki anatenda kosa na atawajibika, atapakotiwa hatiani, kulipa faini isiyozidi shilingi milioni mbili au kutumikia kifungo kwa kipindi kisichozidi miezi mitatu au vyote.

Utaratibu wa
kufunga kituo
cha kupigia kura

28.-(1) Mara baada ya kufungwa kwa kituo cha kupiga kura, afisa wa kura ya maoni ataandaa taarifa ya maandishi yenye idadi ya :

- (a) karatasi za kupigia kura zilizotolewa kwa afisa wa kura ya maoni;
- (b) karatasi za kura yaliyotumika;
- (c) kura zilizoharibika; na
- (d) karatasi za kura ambayo yaliyosalia bila kutumika.

(2) Mara baada ya kukamilika kwa maelezo katika kifungu kidogo cha (1), afisa wa kura ya maoni, mbele ya mawakala atatenga katika bahasa tofauti inayojumuisha-

- (a) kura zilizoharibika, kama zipo;
- (b) nakala ya daftari lililowekwa alama;
- (c) vishina vya makaratasi ya kupigia kura yaliyotumika; na
- (d) maelezo yaliyotolewa katika kifungu kidogo cha (1),

na atafunga kila pakiti kwa muhuri rasmi wa Tume.

Kura zitahesabiwa
katika kituo cha
kupigia kura

29.-(1) Afisa wa kura ya maoni mara baada ya zoezi la kupiga kura kukamilika mbele ya mawakala, atahesabu kura za kituo hicho cha kupigia kura.

(2) Hakuna wakala atakayechukuliwa kuwa ni wakala wa kuhesabu kura isipokuwa angalau saa thelathini na sita kabla ya kufungwa kwa kupiga kura katika kura ya maoni, jina na anuani ya wakala na barua yake ya uteuzi na kamati ya kura ya maoni iliyosajiliwa imewasilishwa kwa Afisa wa kura ya maoni na Afisa wa kura ya maoni hataruhusu mtu ambaye uthibitisho wake haujawsilishwa kuhudhuria kuhesabu kura.

(3) Bila kujali masharti ya kifungu hiki, Afisa wa kura ya maoni hatapokea zaidi ya mawakala wawili wa kuhesabu kura katika kituo cha kupigia kura.

(4) Afisa wa kura ya maoni atawaruhusu wafuatao kuwa katika kituo cha kuhesabu kura-

- (a) Makamishna au maafisa wa Tume;
- (b) maafisa wa polisi au mtu mwengine mwenye jukumu la ulinzi;
- (c) Mawakala waliosajiliwa na Tume; na

(d) waangalizi walioruhusiwa na Tume.

Kuhesabu kura
kwa mara
nyingine

30. Wakala wa kura ya maoni anaweza, baada ya kukamilika kwa kuhesabu kura na pale ambapo hajaridhika na kuhesabiwa kwa kura, atamtaka Afisa wa kura ya maoni kuhesabu kura kwa mara nyingine au Afisa wa kura ya maoni anaweza, kwa matakwa yake mwenyewe kuhesabu kura kwa mara nyingine, isipokuwa kwamba kuhesabu kura kwa mara nyingine hakutafanyika zaidi ya mara mbili.

Karatasi za kupiga
kura
zilizokataliwa

31.-(1) Kila karatasi ya kupigia kura iliyokataliwa itawekwa alama yenye neno "imekataliwa" na Afisa wa kura ya maoni na, iwapo pingamizi la kukataliwa limetolewa na mtu au kundi la watu lenye maslahi katika matokeo ya kura ya maoni, Afisa wa kura ya maoni ataongeza maneno "kukataliwa kumepingwa".

(2) Afisa wa kura ya maoni ataweka alama katika kila karatasi ya kupigia kura iliyohesabiwa ambayo uhalali wake unapingwa au unabishaniwa na mtu au kundi la watu lenye maslahi katika matokeo ya kura ya maoni kwa neno "imepingwa".

(3) Pale ambapo kuhesabu kura kumefikia tamati afisa wa kura ya maoni ataandaa maelezo yanayoonesha idadi ya karatasi za kupiga kura yilizokataliwa kwa kuzingatia sababu zifuatazo-

- (a) hitaji la alama rasmi;
- (b) kupiga kura kwa vyote viwili, kuunga mkono na kwa kupinga swali la kura ya maoni;
- (c) maandishi yasiyoidhinishwa au alama ambayo kutokana nayo mpiga kura anaweza kutambulika; na
- (d) haijawekwa alama au ni batili kwa kutoeleweka.

(4) Mtu au kundi la watu lenye maslahi katika matokeo ya kura ya maoni watastahili kupewa nakala ya maelezo hayo.

Kufungwa kwa karatasi za kupigia kura

32.-(1) Baada ya kukamilika kwa zoezi la kuhesabu kura, afisa wa kura ya maoni atafunga katika pakiti tofauti-

- (a) kura zilizohesabiwa ambazo hazibishaniwi;
 - (b) kura zilizokataliwa pamoja na maelezo kuhusiana nazo; na
 - (c) kura zinazobishaniwa.
- (2) Afisa wa kura ya maoni ata-
- (a) ziweka bahasha tatu zilizotajwa chini ya kifungu kidogo cha (1) pamoja na maelezo yaliyotengenezwa chini ya kifungu cha 28;
 - (b) tangaza matokeo;
 - (c) ataonesha wazi kwa wapiga kura, waangalizi waliokubalika na mawakala wowote waliokuwepo, kwamba boksi la kupigia kura liko tupu;
 - (d) funga sanduku la kupigia kura kwa lakiri ya Tume;
 - (e) ruhusu mawakala waliopo au yeyote kati yao kuweka lakiri zao katika sanduku la kupigia kura endapo watapenda; na
 - (f) haraka iwezekanavyo atawasilisha kwa msimamizi wa kura ya maoni sanduku la kupigia kura lenye vitu vilivyoorodheshwa chini ya kifungu kidogo cha (2).

Matokeo ya jimbo

33.-(1) Mara baada ya matokeo ya kura kwa vituo vyote vya kupigia kura katika jimbo kupokelewa na msimamizi wa kura ya maoni, msimamizi wa kura ya maoni, katika uwepo wa wajumbe au maafisa wa Tume, askari ama mtu yeyote anayeshughulikia usalama, wakala, waangalizi na waandishi habari waliothibitishwa na Tume na kiongozi wa kamati ya kura ya maoni-

-
- (a) atachunguza makaratasi ya kupigia kura yaliyowekewa alama ya “imekataliwa” “kukataliwa kumepingwa” na “inabishaniwa” na kuthibitisha au kutofautiana na maamuzi ya maafisa wa kura ya maoni kwa kuzingatia uhalali wa makaratasi hayo ya kupigia kura;
- (b) atatangaza wazi kwa watu waliopo idadi ya jumla ya kura halali zilizopigwa kwa kila upande katika kura ya maoni;
- (c) atamka wazi kwa watu waliopo upande ambao umepata idadi kubwa ya kura halali zilizopigwa katika kura ya maoni na hivyo ndiyo upande ulioshinda;
- (d) atakamilisha Fomu;
- (i) jina la jimbo;
 - (ii) idadi ya jumla ya wapiga kura waliosajiliwa;
 - (iii) kura halali zilizopigwa ambazo zinaunga mkono au kupinga swali la kura ya maoni;
 - (iv) idadi ya kura zilizokataliwa zilizopigwa kuunga mkono au kupinga swali la kura ya maoni katika kila kituo cha kupigia kura;
 - (v) idadi ya kura zote zilizopigwa katika jimbo; na
 - (vi) idadi nzima ya kura zote zilizokataliwa; na
- (e) atasaini na kuweka tarehe katika fomu na-
- (i) kutoa nakala ya fomu kwa mawakala waliosajiliwa wa kamati ya kura ya maoni; na
 - (ii) kuwasilisha nakala halisi ya fomu hiyo kwa Tume.

(2) Matokeo katika jimbo yatakuwa katika fomu itakayotolewa na Tume na yatazingatia uthibitisho wa Tume baada ya kuhesabiwa kwa kura zote zilizopigwa katika kura ya maoni.

(3) Uamuzi wa msimamizi wa kura ya maoni juu ya uhalali au vinginevyo wa makaratasi ya kupigia kura au kura chini ya kifungu hiki, kwa kuzingatia uthibitisho wa Tume, utakuwa ni wa mwisho isipokuwa, pale ambapo kwa maoni itakuwa imepingwa mahakamani.

Kutangazwa na
kuchapishwa
matokeo ya kura
ya maoni

34.-(1) Tume, baada ya kupokea matokeo ya kura ya maoni kutoka katika majimbo yote na ndani ya saa sabini na mbili toka kufungwa kwa upigaji kura wa mwisho katika kura ya maoni:

- (a) itatangaza kwa umma idadi ya jumla ya kura halali zilizopigwa kuunga mkono au kupinga swali la kura ya maoni kama iliyowekwa katika Jedwali la Pili la Sheria hii;
- (b) itatamka iwapo au la jambo linalojadiliwa la kura ya maoni imekubaliwa na zaidi ya asilimia hamsini ya kura halali zilizopigwa kwa Tanzania Bara na Tanzania Zanzibar;
- (c) itachapisha tangazo katika *Gazeti* la Serikali kuonesha matokeo ya kura ya maoni katika kila jimbo; na
- (d) itachapisha katika *Gazeti* la Serikali cheti katika fomu itakayoandaliwa na Tume akitangaza matokeo ya kura ya maoni na kuthibitisha iwapo au la jambo linalotakiwa kuamuliwa limekubaliwa kwa mujibu wa masharti ya Sheria.

(2) Kwa madhumuni ya kifungu kidogo cha (1)(b), kura zitakazo hesabiwa kwa Tanzania Zanzibar zitajumuisha:

- (a) kura za watu walioandikishwa katika daftari la wapiga kura la Tume ya Uchaguzi ya Zanzibar; na

- (b) kura za watu wanaoishi Zanzibar au Tanzania Bara na walioandikishwa chini ya daftari la kura la Tume ya Taifa ya Uchaguzi.

(3) Kwa madhumuni yote ya kura ya maoni, matokeo yaliyochapishwa katika *Gazeti* la Serikali yatakuwa ni matokeo rasmi ya kura ya maoni.

Matokeo ya kura
ya maoni

35.-(1) Matokeo ya kura ya maoni yataamuliwa kwa msingi wa kuungwa mkono kwa asilimia inayozidi hamsini ya jumla ya kura halali zote zilizopigwa kutoka Tanzania Bara na zaidi ya asilimia hamsini ya kura halali zote za maoni zilizopigwa Tanzania Zanzibar.

(2) Wingi wa kura ya halali zilizopigwa katika kura ya maoni zitaamua juu ya matokeo ya swali litakalopigiwa kura ya maoni na matokeo ya kura ya maoni yatakayotangazwa na Tume ya Taifa ya Uchaguzi yataheshimiwa na Serikali ya Jamhuri ya Muungano na Serikali ya Mapinduzi ya Zanzibar.

(3) Pale ambapo kura zilizopigwa za "NDIYO" ya swali la kura ya maoni hazijazidi asilimia hamsini ya jumla ya kura halali zote zilizopigwa Tanzania Bara au Tanzania Zanzibar, Tume kwa taarifa itakayotangazwa katika *Gazeti* la Serikali, itateua siku nyingine ya kupiga kura ndani ya siku sitini baada ya kutangazwa matokeo, na itarudia utaratibu wa kupiga kura ya maoni ambao utaanza upya.

(4) Bila ya kujali masharti ya kifungu kidogo cha (3), Tume pale ambapo mazingira yatahitaji, inaweza:

(a) kutoa muda wa kutosha kwa ajili ya uhamasishaji na kutoa elimu juu ya kura ya maoni ya Katiba inayopendekezwa; au

(b) kutoa muda unaofaa kwa Rais, kwa kukubaliana na Rais wa Zanzibar kuitisha upya Bunge la Katiba kwa dhumuni la kuangalia upya vifungu vya Katiba inayopendekezwa.

(5) Pale ambapo wingi wa kura halali zilizopigwa kwenye kura ya maoni zitakuwa ni "HAPANA", Katiba ya Jamhuri ya Muungano wa Tanzania ya mwaka 1977, itaendelea kutumika.

SEHEMU YA TANO
MASHARTI YA JUMLA

Utaratibu wa
kuendesha kura ya
maoni
Sura ya 343 na
292
Sheria Na.11 ya
1984

36. Utaratibu wa uendeshaji wa Uchaguzi Mkuu chini ya Sheria ya Taifa ya Uchaguzi, Sheria ya Uchaguzi ya Zanzibar na Sheria ya Uchaguzi wa Serikali za Mitaa pamoja na marekebisho yanayofaa, utatumika kuendesha kura ya maoni chini ya Sheria hii.

Kupiga kura
katika mazingira
maalum

37. Tume inaweza kuweka masharti maalum kwa ajili ya upigaji kura ya maoni kwa ambao hawataweza kupiga kura siku ya kupiga kura kutokana na majukumu muhimu, kwa sababu za kijamii na kiuchumi, wagonjwa walioko hospitalini, watu wanaoishi katika nyumba za kutunzia wazee na taasisi zinazofanana na hizo, watu wanaoishi maisha ya kuhama hama kutokana na mabadiliko ya hali ya hewa, watu wenye ulemavu na wakina mama wajawazito:

Isipokuwa, mtu hataruhusiwa kupiga kura mpaka awe amesajiliwa kama mpiga kura katika daftari la mpiga kura.

Uthibitishaji wa
waangalizi

38.-(1) Mtu yeyote au chama, taasisi au asasi, inayotaka kuwa mwangalizi, italazimika kuomba katika Tume kwa ajili ya kuthibitishwa kwa muda usiozidi miezi miwili kabla ya tarehe ya kura ya maoni.

(2) Tume inaweza kuwathibitisha watu, au maafisa wa chama, taasisi au asasi ambazo si wanachama wa chama chochote cha siasa kuwa waangalizi wa kura ya maoni.

(3) Tume itatoa miongozo kwa ajili ya waangalizi wa kura ya maoni, ambao itafuatwa na waangalizi wa kura za maoni waliothibitishwa.

(4) Tume inaweza kufuta uthibitisho ilioutoa kwa mwangalizi yeyote wa kura ya maoni, iwapo itajiridhisha kwamba muangalizi wa kura ya maoni ni mwanachama anayegemea upande mmoja.

(5) Waangalizi wote wa kura ya maoni waliothibitishwa watawasilisha kwa Tume taarifa ya maandishi kuhusu maoni yao binafsi au ya kikundi si zaidi ya siku kumi na nne baada ya tarehe ya kutangazwa kwa matokeo ya kura ya maoni kuhusiana na uangalizi wa kura ya maoni.

Mahudhurio ya mawakala

39. Pale ambapo katika sheria hii yametumikwa maneno ambayo yanahitaji, yanaidhinisha au kuonyesha kwamba kitendo chochote au kitu kinatakiwa kufanywa mbele ya mpiga kura au wakala wa kuhesabu kura, maneno hayo yatachukuliwa kama hivyo na kutokuwepo kwa wakala yeyote katika muda na mahali hapo na kama kitendo au kitu chochote kimefanywa kihalali hakitabatilisha kitendo au kitu hicho.

Mamlaka ya jumla ya Tume

40. Hakuna kitu chochote katika Sheria hii kitakachotafsiriwa kuizuia Tume kuchukua hatua zaidi za kiutawala au kutoa miongozo ya kisera na kanuni kuhakikisha utekelezaji sahihi wa uendeshaji wa kura ya maoni.

Gharama za uendeshaji kura ya maoni

41. Gharama zitakazotumika katika uendeshaji wa kura ya maoni zitachukuliwa kutoka katika Mfuko Mkuu wa Hazina ya Serikali.

Mtu hatatakiwa kueleza jinsi alivyopiga kura

42. Mtu ambaye amepiga kura katika kura ya maoni hatahitajika katika mwenendo wowote ambao umeletwa chini ya sheria hii au vinginevyo, kueleza jinsi alivyopiga kura.

Kupinga matokeo
ya Kura ya maoni

43.-(1) Pingamizi ya kamati ya kura ya maoni dhidi ya matokeo ya Kura ya maoni ni juu ya Katiba inayopendekezwa itawasilishwa mbele ya Mahakama Kuu itakayokaa chini ya jopo la Majaji watano.

(2) Kamati ya kura ya maoni itaruhusiwa kuwasilisha mwenendo katika Mahakama Kuu kupinga matokeo ya kura ya maoni endapo-

(a) ni kamati ya kura ya maoni katika ngazi ya kitaifa ; na

(b) imekusanya si chini ya asilimia kumi ya saina za idadi yote ya wapiga kura waliosajiliwa kutoka katika majimbo matano ya kila upande wa Muungano.

(3) Ombi litakuwa kama ilivyoelezwa katika fomu iliyowekwa katika Jedwali la Tatu la Sheria hii, na litawasilishwa katika Masjala ya Mahakama Kuu ndani ya siku kumi na nne baada ya kutangazwa kwa matokeo ya kura ya maoni.

(4) Kwa madhumuni ya kifungu kidogo cha (2), Kamati ya kura ya maoni haitajumuisha katika ombi lake jina la mtu bila idhini yake au jina la mtu ambaye alifariki kabla ya tarehe ya ombi.

(5) Mtu ambaye anadai kuwa jina lake limejumuishwa katika ombi bila idhini yake, au kwamba ombi limejumuisha jina la mtu aliyefariki kabla ya tarehe ya kufanyika kwa ombi, atawasilisha pingamizi katika Mahakama Maalum, katika fomu iliyowekwa katika Jedwali la Nne la Sheria hii.

(6) Mtu anayekiuka kifungu kidogo cha (4) anatenda kosa, na atawajibika, iwapo atatiwa hatiani, kulipa faini ya shilingi milioni kumi au kifungu kwa kipindi cha miaka saba au vyote viwili.

(7) Kamati ya kura ya maoni inaweza kupinga matokeo ya kura ya maoni ya walioshindwa kufuata Sheria hii au Sheria ya Taifa ya Uchaguzi na Sheria ya Uchaguzi ya Zanzibar, iwapo kutofuata huko kumeathiri kwa kiasi kikubwa matokeo ya kura ya maoni.

Sura ya 343 na
Sheria Na. 11
ya 1984 (Z)

Uwekaji wa
dhamana

44.-(1) Msajili wa Mahakama Kuu hatapanga tarehe ya kusikilizwa kwa maombi yoyote ya kupinga matokeo ya kura ya maoni isipokuwa kama mpinga matokeo amelipa kwa mahakama na kama dhamana ya gharama kiasi ambacho hakitazidi shilingi milioni tano kama itakavyoamuliwa na Msajili wa Mahakama Kuu.

(2) Kiasi cha fedha kilicholipwa kama dhamana za gharama chini ya kifungu kidogo cha (1), zitarejeshwa kwa mleta maombi ya kupinga matokeo ya kura ya maoni pale ambapo mpinga matokeo anashinda kesi au baada ya rufaa, na iwapo hakuna amri ya kulipa gharama imetolewa dhidi yake.

Uamuzi wa
malalamiko wa
Mahakama

45.-(1) Mahakama Kuu itakuwa na mamlaka ya kusikiliza na kutolea uamuzi malalamiko ya kura ya maoni.

(2) Mahakama Kuu itawasikiliza na kutoa uamuzi juu ya pingamizi la kura ya maoni ndani ya kipindi cha siku ishirini na moja tangu lalamiko lillipowasilishwa mahakamani.

(3) Baada ya kulisikiliza lalamiko la kura ya maoni, Mahakama Kuu inaweza, ama-

(a) kuondoa maombi;

(b) kutangaza matokeo kuwa si sahihi na kutangaza matokeo sahihi;

(c) kuiamuru Tume kurudia kupiga kura ya maoni katika eneo lolote maalum au maeneo yoyote maalum; au

(d) kutengua matokeo ya kura na kuamuru kura ya maoni kupigwa upya.

(4) Bila kuathiri kifungu kidogo cha (3), Mahakama Kuu inaweza, kabla ya kufanya uamuzi, kuamuru kura zilizopigwa zihesabiwe upya.

(5) Hakuna katika kifungu hiki kitakachoipa Mahakama Kuu mamlaka ya kumtia mtu hatiani kwa kosa la jinai wakati wa kusikiliza lalamiko chini ya kifungu hiki.

(6) Pale inapotokea kwa Mahakama Kuu, wakati wa kusikilizwa kwa lalamiko chini ya kifungu hiki, kwamba maelezo yaliyotolewa kabla ya kubainisha kwamba kosa la jinai linaweza kuwa limetendeka, itapeleka taarifa kuhusu jambo hilo kwa Mkurugenzi wa Mashtaka kwa ajili ya kuchukua hatua stahiki na itataja katika taarifa hiyo jina la mtu huyo.

Rufaa

46.-(1) Upande wowote usioridhishwa na uamuzi wa Mahakama Kuu uliofanywa chini ya kifungu cha (44) atakata rufaa katika Mahakama ya Rufaa ndani ya siku saba kutoka tarehe aliyo pata nakala ya hukumu na mwenendo wa shauri.

(2) Mahakama Kuu itatoa nakala ya hukumu na mwenendo wa shauri kwa muombaji ndani ya siku tano kutoka tarehe ya kutolewa uamuzi.

(3) Mahakama ya Rufaa, itakayokaa chini ya jopo la Majaji saba, itaamua rufaa ndani ya siku kumi na nne kutoka tarehe ya kuwasilishwa kwa ombi la rufaa.

Zuio la kuchochea
vurugu wakati wa
kura ya maoni

47.-(1) Mtu, yeyote wakati wa zoezi la kura ya maoni hatatumia lugha inayodhalilisha au inayochochea uvunjifu wa amani ya umma, chuki au vurugu.

(2) Mtu ambaye anakiuka kifungu kidogo cha (1), atakuwa anatenda kosa na atawajibika, atakapotiwa hatiani, kulipa faini isiyopungua shilingi milioni mbili au kutumikia kifungo kwa kipindi kisichopungua miezi sita au vyote viwili.

Makosa na adhabu
Sura 343

48. Mtu yeyote ambaye anakiuka masharti yoyote ya Sheria hii ambayo kwayo adhabu haijatolewa, anatenda kosa na atawajibika, kulipa faini ya shilingi milioni moja au kutumikia kifungo cha miezi sita.

Kanuni za
mwenendo

49. Jaji Mkuu, baada ya kushauriana na Jaji Mkuu wa Zanzibar, anaweza kuandaa Kanuni za mwenendo wa maombi ya kupinga kura ya maoni na rufaa chini ya Sheria hii.

Kanuni

50.-(1) Tume inaweza, pale itakapohitajika, kutunga kanuni kwa ajili ya utekelezaji bora wa masharti ya Sheria hii.

(2) Bila kuathiri ujumla wa kifungu kidogo cha (1), Tume inaweza kutunga kanuni kwa ajili ya mambo yafuatayo:

- (a) uanzishwaji wa vituo vya kupigia kura;
- (b) namna na utaratibu wa kupiga kura katika kura ya maoni;
- (c) namna ya kuhakikisha utambuzi wa watu waliō na nia ya kupiga kura katika kura ya maoni, na kama watu hao wanazo sifa za kupiga kura;
- (d) namna ambayo watu waliyo na ulemavu wanavyoweza kupiga kura katika kura ya maoni;
- (e) upigaji kura kwa watu walio kazini katika siku ya kupiga kura ya maoni;
- (f) utunzaji wa usiri katika kura ya maoni;
- (g) usitishaji au kuongezwa kwa muda kwa ajili ya kupiga kura iwapo kunatokea fujo au vurugu katika kura ya maoni;
- (h) viapo au uapishwaji wa maafisa kuhusiana na masuala ambayo yameainishwa;
- (i) utaratibu utakaofuatwa katika kuhitimisha upigaji kura katika kura ya maoni;
- (j) utaratibu wa kuhesabu na kujumlisha kura katika kura ya maoni kwa Tanzania Bara na kwa Zanzibar na mazingira ambayo kura inaweza kukataliwa na msimamizi wa kura ya maoni kama ni batili;
- (k) utangazaji, utoaji taarifa na uchapishaji wa matokeo ya kura ya maoni;
- (l) utunzaji na kuharibu karatasi a kupigia kura, kumbukumbu, nyaraka au vitu vingine vinavyohusiana na uendeshaji wa kura ya maoni;

- (m) fomu na kumbukumbu zitakazotumika kwa madhumuni yoyote la sheria hii;
- (n) jambo jingine lolote ambalo Tume itaona inafaa kwa madhumuni ya Sheria hii.
- (3) Kanuni chini ya Sheria hii zitachapishwa katika *Gazeti* la Serikali.

Mamlaka ya
kurekebisha au
kubadilisha
Jedwali

51. Waziri anaweza baada ya kushauriana na Waziri mwenye dhamana na masuala ya Uchaguzi wa Tanzania Zanzibar kwa taarifa iliyochapishwa katika *Gazeti* la Serikali, kurekebisha, kutofautisha au kuondoa Jedwali lote au sehemu ya Jedwali chini ya Sheria hii.

Kutumika kwa
Sheria nyingine
Sura za
343

52.-(1) Sheria ya Taifa ya Uchaguzi, na Sheria ya Uchaguzi Zanzibar pale ambapo hakuna vifungu vinavyoelezewa chini ya Sheria hizi zitatumika katika uendeshaji wa kura ya maoni, ikiwa na marekebisho muhimu.

(2) Inapotokea mgongano kati ya Sheria hii na masharti yoyote ya Sheria za Uchaguzi, Sheria hii itatumika.

Utangazaji wa
Katiba

53. Mara baada ya kutangazwa kwa Katiba Mpya, Sheria hii haitatumika na haitakuwa na nguvu yoyote kisheria.

SEHEMU YA SITA MABADILIKO YATOKANAYO

Jina
Sura ya 83

54. Sehemu hii itasomwa pamoja na Sheria ya Mabadiliko ya Katiba ambayo itajulikana hapa kama "Sheria kuu".

Nyongeza ya
kifungu cha 28A
na 28B

55. Sheria kuu inarekebishwa kwa kuongeza mara baada ya kifungu cha 28 vifungu vifuatavyo:-

“Uchapishaji
na
uwasilishaji
wa katiba
inayopende-
kezwa

28A.-(1) Mara baada ya Bunge Maalum kupitisha Katiba inayopendekezwa, Mwenyekiti wa Bunge Maalum ndani ya siku saba, atawasilisha kwa Rais Katiba inayopendekezwa.

(2) Ndani ya siku saba baada ya kupokea Katiba inayopendekezwa, Rais, baada ya kushauriana na kukubaliana na Rais wa Zanzibar, ataamuru Katiba inayopendekezwa ichapishwe katika Gazeti la Serikali na katika magazeti ya kawaida.

Uhalalishaji
wa Katiba
inayopende-
kezwa

28B. Sheria ya Kura ya Maoni itatumika kwa madhumuni ya kuyapatia uhalali masharti yaliyomo kwenye Katiba inayopendekezwa”.

JEDWALI

FOMU NA. 1

AMRI YA KUTTISHA KURA YA MAONI*(Imetengenezwa chini ya kifungu cha 4(2))*

Mimi.....Rais wa Jamhuri ya Muungano wa Tanzania,
nina iamuru Tume kuendesha kura ya maoni ili kupata uamuzi wa watu
kuhusu Katiba inayopendekezwa, ilyotangazwa


.....

Maoni ya watu kuhusu Katiba inayopendekezwa ya tatangazwa si zaidi ya
siku sabini tangu tarehe ya kutolewa kwa amri hii.

Imetolewa tarehe.....Mwaka
20.....

.....
Rais

Imepitishwa na Bunge tarehe 6 Desemba, 2013.


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Katibu wa Bunge