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Unique thanks should go to Election Observers from all regions in Tanzania Mainland and Unguja who willingly accepted this important responsibility without counting the risks. Had they not actively participated in the exercise, the Observation Mission work would have been a futile endeavour. We thank them heartily for their substantial contribution to the important Democratic process of our Nation.

We also express our sincere gratitude to the Christian Social Services Commission (CSSC) for its contributions toward the completion of the study in terms of handling all required logistics. Special thanks go to Mr. Peter Maduki (Executive Director- CSSC) whose coordination efforts were central in rendering that to happen in a quite satisfactory manner.

Lastly, we would like to mention the national coordinators, Gloria Mafole (Policy Analyst CCT) and Godlisten Moshi (TEDG-Coordinator), who participated full time in training, coordinated the Observation Mission overall and compile this report. They too deserve our heart-felt gratitude.

CSSC will keep on advocating for Peaceful, free, fair and credible elections for sustainability of peace and security of our Nation.

Rt. Rev. Dr. Alex G. Malasusa
PRESIDENT-CSSC
<table>
<thead>
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<tbody>
<tr>
<td>ACT</td>
<td>Accountability Tanzania</td>
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<tr>
<td>BVR</td>
<td>Biometric Voters Registration</td>
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<td>CCM</td>
<td>Chama Cha Mapinduzi</td>
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<td>CCT</td>
<td>Christian Council of Tanzania</td>
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<td>CHADEMA</td>
<td>Chama Cha Demokrasia na Maendeleo</td>
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<td>CPCT</td>
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<td>Christian Social Services Commission</td>
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<td>CUJF</td>
<td>Civic United Front</td>
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<td>ELCT</td>
<td>Evangelical Lutheran Church of Tanzania</td>
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<td>FECCCLAHA</td>
<td>Fellowship of Christian council and churches in Great Lake and Horn of Africa</td>
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<td>NCCR-MAGEUZ1</td>
<td>National Conventional for Construction and Reformation</td>
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<td>NEC</td>
<td>National Electoral Commission</td>
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<td>NLD</td>
<td>National League for Democracy</td>
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<td>PCCB</td>
<td>Prevention and Combating Corruption Bureau</td>
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<tr>
<td>PNVR</td>
<td>Permanent National Voters Register</td>
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<td>RC</td>
<td>Roman Catholic</td>
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<td>TCF</td>
<td>Tanzania Christian Forum</td>
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<td>TEC</td>
<td>Tanzania Episcopal Conference</td>
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<td>TEDG</td>
<td>Tanzania Ecumenical Dialogue Group</td>
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<tr>
<td>UKAWA</td>
<td>Umoja wa Katiba ya Wananchi</td>
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<td>ZEC</td>
<td>Zanzibar Electoral Commission</td>
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Executive Summary

On 25th October, 2015, Tanzania held its fifth general elections since the re-introduction of the multi-party system in 1992. The Christian Social Service Commission (CSSC), on behalf of the Tanzania Christian Forum (TCF), applied for domestic observation status which was granted for 800 local observers (who include 700 from the Mainland and 100 from Zanzibar). TCF consists of CCT, Charismatic, TEC, and CPCT; hence, the observers were drawn from representatives of all the four umbrella institutions.

A total of 437 local observers were deployed in 26 regions of both the Mainland and Zanzibar. The total number of polling stations observed was 689 for the Mainland and 20 for Zanzibar.

The campaigns were attractive owing to the slogans used by political parties: Thus, whereas CHADEMA’s slogan was “Movement for Change (M4C)”, that of ACT was “UTU, UZALENDO NA UADILIFU”, while for CCM it was ”HAPA KAZI TU”; and for the others the focus was mainly on ‘CHANGE’ slogan. These slogans attracted massive attendance of citizens to the campaign grounds in a manner that made it difficult to predict the winner of the elections. However, the state of unpredictability made each party to be innovative and flexible in its strategic plans and tactics as well as in improving its campaign messages so as to win.

The Election Day was generally peaceful and orderly. Overall, polling station procedures were observed and applied evenly across the country and voting was, on the whole, conducted in a calm manner, subject to only a few exceptional incidents of minor discrepancies here and there in the over 689 observed polling stations.

Unfortunately, the secrecy of the vote was compromised in some the observed polling stations and CSSC observers reported that the layout of the polling booths at those polling stations did not guarantee the secrecy of the vote.

On the whole, the General Elections were peacefully conducted as there were no serious cases of breach of peace or law and order reported from any of the polling stations we observed. Citizens were calm and they fully complied with all directives issued by electoral instruments. The exercise of extra force was little experienced in a few places where indications of violence occurred.

The voter turnout increased significantly by 23.3% as compared to the 2010 General Elections; the major contributory factor being stiff competition between CCM and CHADEMA candidates who attracted and sensitized a lot of eligible citizens to vote.

Despite the logistical challenges due to the size of the country and the big number of registered voters, both electoral commissions managed fairly well the preparations for the
Elections and largely guaranteed the attainment of universal suffrage. The CSSC observers assessed the performance of the Elections administration at local level to be, on the average, inefficient owing to the generally low level of understanding and relevant experience of the presiding officers regarding how to run a general election. In a few places, it was noted that the election was delayed for more than an hour owing to late delivery of election materials.

The fact that election commissioners are presidential appointees and other electoral officials at lower levels are civil servants raised concerns among stakeholders and, in some cases, led to doubts about the impartiality of the electoral administration. Furthermore, the Electoral Commission enjoy far-reaching executive powers of decision-making outside the scrutiny of the Judiciary, thereby undermining the original competence and supervisory role of judicial authorities over all quasi-judicial decisions of administrative and management bodies.

During the final stage of aggregation and validation of the Presidential election results, electoral commission proceedings were not transparent since political party agents or observers were prohibited from monitoring them. The observers were only allowed to attend the results announcement in the hall where the results were released to the public. However, at the constituency levels, some of the Electoral officers prevented CSSC observers from observing the aggregation of constituency election results.

The general evaluation of the CSSC observers is that there were quite a number of irregularities observed during the Elections exercise. A number of voters could not vote because of the miscommunication of NEC which was indifferent as to the consequences. On the other hand, it was further observed that the intention of the electoral management bodies at the lower level of delaying the release of results was, tactical; namely, to alter/tamper with the results.

**Overall, however, in the view of CSSC, the elections of the United Republic of Tanzania of 25th October, 2015 was FREE and PEACEFUL but not FAIR and CREDIBLE at all its stages and in all its significant steps.**
CHAPTER ONE

ABOUT CSSC, ELECTION OBSERVATION, METHODOLOGY AND STANDARDS

1. Introduction and Purpose

Christian Social Services Commission (CSSC) is an ecumenical body established in 1992 jointly by the Christian Council of Tanzania (CCT) and the Tanzania Episcopal Conference (TEC) to coordinate and facilitate the delivery of social services (health and education) by the member churches in Tanzania. CSSC, in exercise of its mandate, formed an ecumenical dialogue platform which is the think tank regarding socio-economic matters and overseeing, as observer, national political processes.

CSSC, on the basis of its mandate, has been involved in political processes including elections in Tanzania and SADC countries for decades now. Indeed, CSSC has been so involved in General Elections since the revival of the multiparty system in Tanzania followed by the holding of the first General Elections in 1995. CSSC’s involvement in the second (2000), third (2005), fourth (2010) and fifth General Elections (2015), the last mentioned being the key subject of this Report.

In all of those Elections, excepting that of 2015, CSSC has been involving different religious stakeholders from the two main Christian religious bodies, namely CCT and TEC. For the first time in its history, CSSC has actively engaged in election observation through ecumenical umbrella bodies of Tanzania Christian Forum (TEC, CCT, CPCT and KARISMATIC) fostering its belief that effective participation of Tanzanians in the processes of governance is very important in shaping the nation’s future. It is a fact and matter of common knowledge that Tanzania since its independence 54 years ago has not experienced a change of ruling party government.

Our involvement in the election observation exercise also helps establish whether the Tanzania 2015 General Elections were free, fair and credible.

CSSC, through ecumenical umbrella bodies of Tanzania Christian Forum, has vast and well established countrywide and multi-denominational structures down to
the grassroots via its member churches. The existing varied structures enhance physical presence and effective participation in an observation mission which is thus able to operate at low or with, virtually, no cost. Thus, the grassroots-based varied structures have helped and in the last Elections did greatly assist, in informing the higher church authorities of what was happening on the ground all over the country.

The deployment of domestic election observers was done after thorough training of trainers (ToTs) sessions conducted in respect of 33 persons or trainees at national level. Those trainees went down and trained the observers at regional level (between 8 to 15 people). The deployment was done per (political) region, except Dar es Salaam where the deployment was done per constituency. The total of 437 domestic observers was deployed in most parts of the country in both the Mainland and Zanzibar. The entire Total of 22 regions on the Mainland was covered, though partially (i.e., in some places only), while 3 regions were covered in Zanzibar. In Dar es Salaam, all the region’s 10 Constituencies had observers and, thus, each observer had an opportunity to oversee more than one polling center.

The Total number of polling stations visited was 689 in Mainland Tanzania and 20 in Zanzibar.

The Mission was guided by the following objectives for its execution:-

1. To assess whether the elections were conducted in accordance with the country's own constitutional and legal framework, as well as the African Union Charter on Democracy Elections and Governance, SADC Principles & Guidelines Governing Democratic Elections and Declaration Of Global Principles For Non-Partisan Election Observation And Monitoring By Citizen Organizations.

2. To observe the relevant aspects of the preparation, organization and conduct of the 2015 General Elections in Tanzania.

3. To provide an opportunity for religious leaders to learn the electoral process and how democratic governance is practiced in the electoral process in particular.

4. To make recommendations to NEC and ZEC that would improve the conduct of future elections in Tanzania.
The CSSC Election Observation Methodology

In order for CSSC to have effective observation of the general elections, it set up a TOT programme for Election Observer Coordinators (EOCs) under which 33 EOCs (6 Women and 27 men) were trained in two days. These EOCs were appointed from member churches at the respective regions in which the church was mandated to observe. The EOCs went down to their regions to train other 15 observers by giving them orientation and skills regarding observation legal frameworks. The total number of Observers deployed was 437 (433 domestic/local, 4 international) which included 310 men and 127 women. There are a lot of factors as to why women were less than men, including the general cultural feeling, attitude or belief that men are more muscled or more likely to persist than women should anything happen in the course of the Elections process especially during the night.

Checklists

The methodology used for conducting this Election observation by our Mission involved systematic gathering of relevant and structured information from the 433 domestic and 4 international observers deployed all over the country. For this purpose, checklists were drafted. The domestic observers were supposed to stay at their respective assigned polling stations from opening to voting, counting and announcement of results at those stations.

The checklists were tailored to meet both the substantive and procedural legal requirements by NEC, on the one hand, and, on the other, the best practices of elections observation. The checklists had 52 questions and were quite comprehensive. However, taking into account the fact that an observer spent the whole day at one polling station and that most of the questions just required to tick “Yes” or “No”, it was real challenge for most of the observers to fill the forms correctly. Each form also provided a template for copying the results of the Presidential, Parliamentary and Councillor Candidates.

The checklist advised the observer that, in cases of serious violations of election procedures, an Incident Report Form had to be filled and the coordinator had to be contacted and briefed about the incident. This made it easy for the observer to decide whether it was a serious incident or not and as to actions to be taken.
The checklist also required the observer to document the seal numbers of the ballot boxes when they were still sealed in the morning and before the boxes were opened for counting of votes. This was to ensure that the seals remained the same and that nobody had tampered with the ballot boxes up to the point of counting the votes.

**Incident Report Forms**

The Incident Report Form comprised nine straightforward questions about the nature of a particular incident, when and where it occurred, witnesses and how it affected the polling or counting process. The observer was required to give a brief factual description. For easy identification of the nature of the incident, the observer had to just indicate the question number on the checklist to which the incident related. In addition to filling the incident report form, the observer was supposed to call his coordinator to brief him. This ensured that immediate action was taken in order to alert NEC on the problem for the problem’s early resolution.

**Aggregation of Votes Report Form**

This form was designed for relevant observations during the aggregation of votes at constituency and ward levels. Unfortunately, however, as already stated above, observers were not allowed into the Strong Room at the Nyerere International Conference Hall where the national tallying of the Presidential votes was carried out.

The form contained 15 questions, concerning issues of presence of party agents and other observers, requests for recount of votes, arithmetical errors and whether they were corrected or not. The aggregation of the votes process was considered to be crucial because of a high risk of rigging.
**Role of Coordinators**

There were 33 coordinators in 24 regions that coordinated teams of observers comprising between 4 and 16 volunteers. The coordinators, as already indicated above, were trained as trainers. They then trained their respective teams of observers. The coordinators were in charge of deployment and coordination of their respective observers teams. They de-briefed their observers and collected all filled checklists, incident forms, aggregation of votes report forms/ observations forms in order to bring or send them back to the situation room. Observers were supposed to first inform their coordinator about any serious incident they observed. The coordinator – after having been satisfied that it was, in fact, a serious incident – then informed the situation room for further action.

**Situation Room**

For the purpose of coordinating the 430 CSSC domestic and four (4) International Observers on the polling day and during counting and aggregation of results processes, a situation room (“call centre”) was established at the Regency Park Hotel in Dar es Salaam. The situation room was staffed with four dedicated and highly motivated people and equipped with laptop computers and special phone lines. CSSC coordinators and observers were told to call or text to the situation room any serious incident which occurred in their respective polling stations. The coordinators and observers were guided by the incident report form and the checklist on the question which incidents were considered serious.

The reported incidents were recorded and NEC was contacted for their information about the incidents. In most of the reported cases NEC was able to solve the problems.

The CSSC election consultant supported the situation room in analysing the reported incidents and – based on the Elections Act and electoral procedures as well as his experience and expertise - recommended appropriate action.

The plan to conduct four structured de-briefings (three on voting and one on counting) of the 33 coordinators was not possible because of serious time constraints. Each coordinator was supposed to de-brief his respective group of observers using a template. After that, the coordinators were to be de-briefed by the situation room. However, there were some communication challenges which rendered this effort not
to be practicable. It will, hopefully, be implemented in future CSSC election observation missions in order to get an immediate overview on the observations by all observers. The full information on the observations of the observers, however, was duly recorded in the checklists and incident forms.

The situation room was also in charge of systematically collecting and recording polling station results from as many polling stations as possible. The observers were asked to take photographs of the filled and duly signed result forms using the cameras in their cell phones (if available). The Presiding Officers were required by the law to affix the official results at a publicly accessible place at the polling station to inform the general public of the results.

This, however, was not done by all Presiding Officers. If it was difficult to take photos, our observers were supposed to copy the results using a template which was provided together with the observer checklist.

Altogether, 46 polling station results were documented and forwarded to the situation room. Those results were aimed to compare with the final official results released by the National Electoral Commission (NEC) in order to verify the results. This action was crucial for the credibility of the election results because there was a high risk that results would be tempered with during or after transmission to the NEC central computer systems. However, the exercise was not visible because the final aggregation is what was announced and not per each polling station. It is known that even small irregularities could have a serious impact on the final election results.

**Criteria to be considered for free, fair and credible elections**

Elections are, by nature, conflict-ridden and adversarial as they involve a contest between/among aspirants and/or political parties. Election is not only voting for or against someone rather it is a process which involves different stages. All election processes have equal importance in order for an election to be declared free, fair and credible. In order for General Elections to be declared to have been conducted freely and fairly from beginning to end, it is important to know the applicable criteria for such declaration.

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The following sets of criteria were the basis for our evaluations featured in this Report:

1. Political environment should be free of intimidation. That the registration of political parties is free and unhindered and that there is no any form of discrimination of political parties and all legally registered parties are afforded opportunity to develop and propagate their policies and political ideas;

2. An election must have a “level playing field” for all players from the nominations state through to the polling day. That the ruling party is clearly separated from the state and that it does not abuse its political position, and that support to political parties is made on an equal basis to all political parties;

3. That there exists a strong legal and constitutional basis to support democratic principles and emphasize free and fair elections;

4. That the population in general and political parties in particular have total confidence in persons who have been appointed to form the electoral body in that they are persons who can render just decisions;

5. That all those who are eligible to vote are allowed, without any restriction, to register as voters so that they can participate in the elections;

6. That in the registration of voters, the nomination process and management of the whole electoral exercise, gender equality are strictly adhered to;

7. That in the nomination process within the political parties a fair and just system of nomination of candidates is established and followed;

8. That political parties, candidates and the civil society have been able to access the population for purposes of providing civic and voter education without any restriction;

9. That political parties and candidates have been afforded equal access to both public and private media;

10. That there has been sufficient voter education to the population as well as officers of the electoral institutions and the candidates;
11. That political parties have been able to propagate their policies and manifestos sufficiently to enable voters to make their choices from a point of knowledge of whom they are voting for;

12. That all political parties have been transparent on their sources of funds to finance the party activities and operations as well as the election campaigns;

13. That the vote is secret and the voters have been enabled to elect candidates of their choice;

14. The elections are conducted and actors behave in manner that is free from corruption and vote rigging;

15. Election results declare the actual winners and losers, and responses of contenders;

16. There is a means and mechanism to manage election related conflicts;

17. That the whole electoral exercise has been conducted in a peaceful manner;

18. That the election results have been received well by political parties, candidates, the international community and the people in general.

This list is not exhaustive but it provides principles of free and fair elections from international instruments. These criteria were to be used as benchmark in evaluating whether the 2015 Tanzania General Elections were free, fair and credible.
CHAPTER TWO

LEGAL FRAMEWORK AND ELECTORAL SYSTEM IN TANZANIA

2.1 Electoral Systems

The electoral systems in Tanzania are governed by a legal framework and electoral institutions created thereunder. The systems determine number of constituencies, registration of voters, nomination of candidates, campaigns, voting processes, counting processes and announcing of votes. The whole country is divided into constituencies and wards. Each constituency elects its member of parliament and each ward elects its councillor. The President is elected across all the wards and constituencies.

The electoral systems in Tanzania consist of three types of elections, namely;


2. The Local Authorities Elections - For electing chairpersons for villages, hamlets, streets and members of village councils and street councils.

3. By-elections - for re-elections of councillors, parliamentarians, and representatives in case of death, resignation or the post falling vacant for any valid reasons.

Tanzania conducts General Election every five years. Usually, the local authorities elections are conducted a year before general elections. The electoral system mainly used in Tanzania is that the candidate who receives a simple majority of the votes cast becomes the winner of the contested post (First Past the post). The Proportional representation approach is used in allocation of special seats for women in the National Assembly/House of Representatives, where political parties are allocated the seats in proportion to their votes.

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3 Ibid., p 16.
5 Article 66, 67 and 78 of the Constitution of the United Republic of Tanzania, Cap 2.
2.2 Legal Framework


2.2.1 The Constitution of United Republic of Tanzania\(^6\)

Article 8 (1) (a) of the Constitution provides for sovereignty of the people. And it is from the people that the Government shall get powers and authority through periodical elections conducted by the State.

Articles 12-29 provide for fundamental rights and duties of individuals. Some of election related rights include: right to vote; right to equality before the law; right to personal freedom; right to freedom of association; right to freedom of expression, right to freedom of assembly and right to participate in public affairs.

The procedures to vie for different political posts are subject to conditions provided in the Constitution including to be a member of one of the registered political parties.\(^7\) It should be noted that, in Tanzania, the Constitution does not provide for independent candidate. The procedures, qualifications and requirements for presidential candidates\(^8\) and parliamentary candidates\(^9\) are detailed in the Constitution. According to the Constitution, at least 30% of the members of parliament shall consist of women elected by political parties.\(^10\) NEC receives the Names of women proposed/elected by the political parties. However not all political parties can propose such names of candidates; it is only the parties that have at least 5% of the votes cast in the General parliamentary Elections.\(^11\)

\(^6\) Cap 2.

\(^7\) Article 21,39 and 67 of the Constitution of United Republic of Tanzania, Cap 2.

\(^8\) Article 38 to 41 of the Constitution.

\(^9\) Article 76 to 83 of the Constitution.

\(^10\) Article 66 (1) b of the Constitution.

\(^11\) Article 78(1) of the Constitution.
Article 74(1) of the Constitution provides for the establishment of the National Electoral Commission of Tanzania (NEC) for coordinating election processes in Tanzania. NEC is responsible for maintenance of Permanent Voters Register, provision of specific voting procedures and voters' education as well as for announcement of results.

**2.2.2 The National Elections Act**

The National Elections Act guides presidential and parliamentary elections. The Act provides the Composition, responsibility and powers of the National Electoral Commission to demarcate and designate constituencies, polling stations; registration of voters and management of the Permanent National Voters Register; Presidential and Vice-President nominations; Nomination of Parliamentary candidates; election, voting procedures and nomination of members of parliament for women special seats; Management of electoral campaigns; elections; Voting and counting procedures and procedures for avoidance of by election petition.

**2.2.3 The Local Authorities (Elections) Act**

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12 Article 74 (6) of the Constitution.
13 Article 5(3) of the Constitution.
14 Cap 343.
15 Section 4(1) of the National Elections Act.
16 Section 4(2) of National Elections Action.
17 Section 5 of the National Elections Act, Cap 343.
18 Section 10 to 29 of National Elections Act, Cap 343.
19 Section 30 to 35A of National Elections Act, Cap 343.
20 Section 36 to 40 of National Elections Act, Cap 343.
21 Section 55 to 60 of National Elections Act, Cap 343.
22 Section 51to 53 ibid.
23 Section 35(B-H) for Presidential Elections, Section 46 to 50A for parliamentary Elections and 86A for special seats.
24 Section 55 to 86 of National Elections Act, Cap 343.
25 Section 108 to 117 of the National Elections Act, Cap 343.
26 Cap 292.
The Local Authorities (Elections) Act manages elections at the local government authority level. It governs the election of councillors. It also governs the appointment and coordination of election officers at the local level. Section 9(1) provides that the Municipal, town, district executive director and deputy city director shall be returning officer. These officials are also mandated to supervise Presidential and Parliamentary elections in their respective localities. It provides for rights and registration of voters,\textsuperscript{27} updating of the Voters Register,\textsuperscript{28} right to inspect the Register, procedures for making changes on the Voters Register,\textsuperscript{29} qualifications for voting,\textsuperscript{30} qualification of candidates for Local Government Authority elections,\textsuperscript{31} nomination of candidates,\textsuperscript{32} management of election campaigns,\textsuperscript{33} voting and counting procedures\textsuperscript{34} and declaration of result.\textsuperscript{35}

\textbf{2.2.4 \ The Political Parties Act}\textsuperscript{36}

This Act provides for conditions and registration of political parties and for related matters. It creates the office of the Registrar of Political Parties\textsuperscript{37} and vests it with the powers of registering political parties.\textsuperscript{38} It also governs the sources of funds and management of political parties’ funds.

\textbf{2.2.5 \ Election Expenses Act of 2010}

The Election Expenses Act governs the election expenses which include all expenses incurred in the conducting of nomination of candidates, election

\textsuperscript{27} Section 15 of the Local Authorities (Elections) Act.
\textsuperscript{28} Section 23 to 25 of the Local Authorities (Elections) Act.
\textsuperscript{29} Section 28 to 34 of the Local Authorities (Elections) Act.
\textsuperscript{30} Section 36 to 38 of the Local authorities (Elections) Act.
\textsuperscript{31} Section 39 to 40 of the Local Authorities (Elections) Act.
\textsuperscript{32} Section 41 to 47 of local Authorities (Elections) Act.
\textsuperscript{33} Section 53 of Local Authorities (Elections) Act.
\textsuperscript{34} Section 56 to 83 of local Authorities (Elections) Act.
\textsuperscript{35} Section 84 of the Local Authorities (Elections) Act.
\textsuperscript{36} Cap 258.
\textsuperscript{37} Section 4(1) of Political Parties Act, Cap 258.
\textsuperscript{38} Section 4(3) of Political Parties Act, Cap 258.
campaigns and elections by political parties, candidates or government\textsuperscript{39}. It makes provisions to control the use of money in electoral processes. It also governs allocation, management and accountability of funds used by political parties during elections. The Act also mandates the Registrar of Political Parties to supervise and coordinate election expenses.\textsuperscript{40} It requires each political party to fund and conduct its electoral process\textsuperscript{41} in accordance with the Political Parties Act.\textsuperscript{42} It also requires disclosure of any funding from individuals or organizations outside Tanzania\textsuperscript{43} to the Registrar of the Political Parties. Furthermore, it imposes restrictions on foreign funding.\textsuperscript{44}

2.3 Electoral institutions

The Tanzania elections are managed by different electoral institutions. The major institutions include the National Electoral Commission, Registrar of Political Parties, Law enforcers, PCCB and (participating) political parties.

2.3.1 National Electoral Commission

Section 74 of the Constitution establishes the National Electoral Commission of Tanzania with the mandate to manage presidential, parliamentary and councillor’s elections in Tanzania.\textsuperscript{45} NEC powers and mandate are also found in the National Elections Act\textsuperscript{46} and the Local Government (Elections) Act.\textsuperscript{47} The Commission is composed of chairperson, vice-chairperson and five other members who are appointed by the President.\textsuperscript{48} The Director of Elections shall be the secretary of the

\textsuperscript{39} Section 7 Of the Election Expenses Act.
\textsuperscript{40} Section 4 to 6 of the Election Expenses Act.
\textsuperscript{41} Section 8 of the Election expenses Act.
\textsuperscript{42} Section 13 of the Political Parties Act.
\textsuperscript{43} Section 11 of the Election Expenses Act.
\textsuperscript{44} Section 12 of Election Expenses Act.
\textsuperscript{45} The Constitution of the United Republic of Tanzania, Cap 2.
\textsuperscript{46} Cap 343.
\textsuperscript{47} Cap 292.
\textsuperscript{48} Section 4 of the National Election Act, Cap 343.
NEC and the chief executive of the NEC.\textsuperscript{49} Director of Election is also appointed by the President and is a supervisor of all registration officers and returning officers.\textsuperscript{50} NEC is an autonomous institution that, once it announces the winner of the Presidential race, its decision cannot be questioned in any courts of laws.\textsuperscript{51}

NEC functions at regional and district levels through regional coordinators\textsuperscript{52} and returning officers who are city director, municipal director, town director and district director.\textsuperscript{53} The returning officers are mandated to declare the results of elections within their area of competence and jurisdiction at the constituency level for the candidate for whom the majority of votes have been cast.\textsuperscript{54} There are also presiding officers and assistant presiding officers and polling assistants who also participate in the administration of elections at the polling stations. The presiding officers are mandated to declare votes as per results at their respective polling station and affix the results in a conspicuous place at the polling stations.\textsuperscript{55}

\textsuperscript{49} Section 4(4) of Cap 343.
\textsuperscript{50} Section 6 of Cap 343.
\textsuperscript{51} Article 74(12) of the constitution, Cap 2.
\textsuperscript{52} Section 8 of Cap 343.
\textsuperscript{53} Section 7A of Cap 343.
\textsuperscript{54} Section 81 of Cap 343.
\textsuperscript{55} Section 79 to 79A of Cap 343.
2.3.2 Registrar of Political Parties

In elections, the Registrar of Political Parties is mandated to supervise and coordinate the Election Expenses Act. In case of any electoral misconduct done by a candidate, contrary to the Election Expenses Act, the Registrar shall report such misconduct to the NEC for proper legal action. The Registrar is not very independent in taking action but is protected by the law in case of any liability under this Act.

2.3.3 Prevention and Combating of Corruption Bureau (PCCB)

PCCB is established with the mandate to control abuse of public powers and combat corruption. Section 21 of the Election Expenses Act provides PCCB with the mandate to follow up and take action against commission of election misconducts which are corrupt conducts.

2.3.4 Political Parties

Political parties are main players in elections in Tanzania. The Tanzania Constitution only allows candidates from political parties to contest. As already indicated, it does not allow for independent candidates. It should be noted that parties can not join and form a strong coalition due to the legal requirement of registration of political parties. Therefore, parties can only form loose coalitions and agree on their terms of coalition. Political parties are supposed to prepare their party manifestos for campaigns. And they are allowed to appoint/select and prepare their party agents and deploy them in all the polling stations and tallying stations. The party agents sign results forms and get a copy of the forms.

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56 Section 5(1) and 6 of the Election Expenses Act.
57 Section 50(A) of the Election Expenses Act.
58 Section 30 of Election Expenses Act, and Section 6 of Political Parties Act.
60 Article 39 (c) and Article 67(e) of the Constitution, Cap 2.
61 Section 80 and 81 of Cap 343.
2.4 2015 Election Code of Conduct

This is made under section 124A of the National Elections Act. The Code is an agreement between the political parties, candidates, the Government and the National Electoral Commission. The agreement is basically concerned with upholding agreed ethical standards during the election processes. The Code thus prescribes what should and what should not be done by the actors, and the mechanisms for enforcement of the agreed ethics. There is also a part in the Code that clearly stipulates what can be done when the actors disregard the Code’s provisions.

2.4.1 Political Parties

Clause 2.1( c)\textsuperscript{62} of the Code stipulates that in campaigning for their policies, political parties shall hold campaigns meetings as per official timetable, coordinated by the National Electoral Commission or Returning Officer and that all meetings shall be held between 8.00 a.m. and 6.00 pm.\textsuperscript{63} It also allows use of the public addressing systems for the next meetings from 7.00 a.m. to 8 p.m. Political parties are forbidden to use discriminatory and abusive language, to use force and violence, to use vernacular languages, to carry weapons in the campaign rallies and not to use worship buildings for campaigning.\textsuperscript{64} They are also to communicate to NEC in case of any problem for verification and action.

2.4.2 The Government of Tanzania

The Government has the duty to provide equal opportunity to all political parties participating in the campaign. It has a duty to make sure that there is peace and security during the election processes, provide equal space to use public media to all political parties.\textsuperscript{65} It should prohibit Government officials like Ministers, District officials from using government resources during the campaign, not to interfere with the returning officers; and the security forces are prohibited to use unreasonable force against members of the political parties.\textsuperscript{66}

\textsuperscript{62} Election Code of Conduct 2015.
\textsuperscript{63} Election Code of Conduct 2015.
\textsuperscript{64} Clause2.1 and 2.2 of Election Code of Conduct, ibid.
\textsuperscript{65} Clause3.1, ibid.
\textsuperscript{66} Clause 3.2-3.3, bid.
2.4.3 National Electoral Commission (NEC)

The Code stipulates that NEC has to function according to the Constitution of (the United Republic of) Tanzania and (other applicable) laws. NEC has the duty to provide the Timetable for the election processes, provide civic and voters education, training to the election officers, election guidelines, take actions against those who commit offences, regulate the use of public media, conduct stakeholders meetings and make sure that elections are conducted in a free and fair manner.\textsuperscript{67} The Code prohibits NEC to favor any political party, change Timetable for elections, delay in provision of election materials, and delay in announcing the election results.\textsuperscript{68}

The Code creates ethical ward, constituency, national and appeal committees for handling complaints concerning violation of the Code of Conduct. The committees are made of NEC officials, members from each political party participating in the elections, government official and secretary from NEC officers/officials.\textsuperscript{69}

\textsuperscript{67} Clause 4.1 to 4.2, ibid.

\textsuperscript{68} Clause 4.2 of the 2015 Election Code of Conduct.

\textsuperscript{69} Section 5 of the 2015 election Code of Conduct.
CHAPTER THREE

COOPERATION WITH NEC, VOTER EDUCATION AND REGISTRATION OF VOTERS

3.1 Cooperation with National Elections Commission (NEC)

Pursuant to part V of the National Elections (Presidential and Parliamentary) Regulations and part IV of the Local Authorities (Councilors Elections) Regulations of 2015, NEC is mandated to call for Domestic Observers. On July 3rd, 2015 NEC called for organizations which wished to observe the General Elections in October, 2015 to apply. In response to the call, CSSC applied to become one of the domestic observers. CSSC was accredited on 25th August, 2015, for seven hundred (700) domestic observers in all Tanzania Mainland regions. All applicants who submitted their passports were each given an Accreditation Identity Card (AIDC).

NEC produced observation materials including printed T-shirts, Caps and Bags. In addition, NEC provided electoral materials including principal laws, regulations, observers’ guidelines and all constituency maps in a flash disk for references. However, there were no comprehensive electoral procedures to guide the whole process (written logical steps). Despite a few shortfalls, CSSC received all available materials for conducting election observations which were distributed to all accredited observers.

At the pre-election stage, observers in the General Elections Observation Mission were invited to attend the stakeholders meetings run by NEC, which provided significant insights into the Election process. During the Election Day, whatever the irregularities observed by our observers were directly reported to Election officials and were solved. In addition, except in relation to only two polling stations; CSSC observers were allowed to enter the polling stations and observe the process. Despite NEC giving five (5) chances for CSSC observers to observe Presidential results announcement at the Tallying Centre for Presidential Results, there was no permission given to any observer to observe the aggregation and the transmission of results.

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70 Article V of National Elections (Presidential and Parliamentary) Regulations and Section IV of The Local Authorities [Councilors’ Elections Regulations, 2015]
3.2 Voter Education

The Commission (NEC) shall be responsible for providing voters’ education throughout the United Republic and shall coordinate and supervise persons who conduct such education.71

Voter education and information activities are crucial to ensure that all eligible citizens are aware of their political rights to vote, more so in a society with such high levels of illiteracy and good governance deficits.

In pursuance of the Act provisions stated above, NEC coordinated the voters’ education by inviting organisations which were willing to provide such education to apply for the same. So, many organisations applied for the approval to provide voters’ education. Most of the applicants were granted permission to do voters’ education. Yet, voters’ education was not widely conducted, especially by civil society organisations (CSOs), because of lack of funds most if not all of which were expected to be donor provided.; However, for the first time since first multiparty elections in Tanzania in 1995, the development partners who had been significantly funding the CSOs in promoting governance by providing civic and voters education, in 2015, many of them did not support any organization. Therefore, despite being approved to conduct voter education, none of the CSOs did so; except for very few of them that got very little funding from different sources (mainly own sources).

NEC conducted Voters’ Education through posters and the media (it used TV, radio, posters, social media and newspapers) to propagate crucial information towards the elections day. It conducted multi-stakeholders meetings where information of various forms and types was exchanged and it had a series of press releases clarifying different debatable issues towards General Elections.

However, the CSSC observers noted that, in many parts of the country, especially in rural areas, the outreach of the mentioned activities was limited. In general, throughout the country, voter education was mainly conducted by political parties during rallies. They mobilized people to vote on the Election Day, they also conducted

71 Article 4C of National Elections Act, Cap 343.
voter’s education by showing the voters how to cast their votes without violence and so on.

Religious leaders, in the course of raising a prophetic voice, did a significant job of educating institutional followers and in feeding them with the relevant information that guided them towards the Elections. The use of pulpits to provide civic and voters education was high where the top religious leaders preached about peace and conducted some special national prayers at the National Stadium to pray for peace in the country towards, on and immediately after the Election Day. There is no doubt that the religious leaders played a significant role in reconciliation and peace building in our nation during the crucial period.

For the first time religious leaders also dared to change the worship day calendar as well as the worshiping time so as to give enough opportunity for the believers to fulfil their constitutional rights and citizen obligation by participating in voting for their leaders. Some of Christian denominations/dioceses worshiped on Saturday which is not the official worshiping day (Among many examples is Catholic Church, Moshi Diocese). Traditionally, many churches have more than one mass on Sunday but on the 2015 Election Day, the leaders rescheduled to have only one mass which strictly started at 6:00hrs and finished at 7:00hrs. Both of the moves contributed significantly to the increase of voters’ turnout because experience had shown that when Sunday masses are prolonged on the voting day, most of followers ignore to go and vote.

These mentioned efforts above seem to have had an impact on voters turn out as it increased by 23.3% as compared to the turn out at the 2010 Elections.
3.3 The Registration Process

The Permanent National Voters Register (PNVR) is established by the Constitution\textsuperscript{72} and the National Elections Act.\textsuperscript{73} NEC is mandated to prepare, keep and update PNVR in Tanzania. It is also empowered to prepare a provisional voters register for public display for inspection, amendment of change of residence, objecting to registration, effecting any legal correction or amendment.\textsuperscript{74} Section 15(5) of the National Elections Act mandates NEC to update the PNVR twice within the period commencing immediately after the general elections and the date preceding nomination day.

It was agreed among electoral stakeholders that there is a need to prepare a credible and maintain a reliable PNVR in Tanzania. To enhance the effecting of this, NEC in 2015 re-established the PNVR using the Biometric Voters Register (BVR) system. This step was aimed at making sure that all registered voters can vote and make the PNVR electronic instead of the traditional system used in 2010. Therefore, all voters were to be newly registered.

Thus NEC was able to register a total of 23,161,440 of voters out of the estimated eligible voter population of 23,913,184\textsuperscript{75} persons. This was a significant achievement despite the fact that NEC was under-resourced and under pressure from various electoral stakeholders. Moreover, although there is no legal provision in Tanzania which compels adults to register and that NEC and Civil society organizations did not provide voter’s education, the turn out for registration was excellent, indicating that people are conscious of their civic rights. However, despite all these achievements, the registration of voters faced several challenges.

\textsuperscript{72} Article 5 (3)a of the Constitution, Cap 2.
\textsuperscript{73} Section 12 of Cap 343.
\textsuperscript{74} Section 11A of Cap 343.
\textsuperscript{75} www.nec.go.tz
3.4. Challenges Related to Establishment of PNVR and Use of BVR in 2015 Elections

3.4.1 Knowledge on the operations of the BVR

Essential skills for staff operating biometric voter registration (BVR) include basic computer skills, with an emphasis on data capture, processing and administration. Staff should also have planning and logistical skills. It is also commended that there should be some capacity of staff to repair and maintain equipment. Adequate time must also be set aside for training of staff.

In our particular instance, it was noted that owing to lack of needed relevant knowledge and skills, some of the BVR operators failed to operate and maintain the kits. It was further noted that the number of the people who serviced the kits was inadequate and that may explain why, sometimes, the maintenance of the BVR kits took up two days. For example, it was reported in Wanging’ombe ward that there was slow pace in registering eligible voters due to inadequate competence and inexperience of the BVR kits operators, resulting in unnecessarily long queues. On Day One, on average, it took 7-10 minutes to complete the registration of a single voter. 76

3.4.2 Insufficient registration tools

During the registration of voters, it was noted that the BVR kits were not enough. NEC requested 16,000 kits but it was given half that number (8000 kits) only. These kits were also given to NEC in instalments. The quality of the kits was also very challenging. Many of the kits failed during the registration exercise. There were incidents where the BVR kits either completely stopped working or had an ‘on-and-off’ behaviour. Some of the reasons mentioned by the operators included ‘faint printing ink’, ‘overheating’ and ‘weak e-connectivity’. 77 Furthermore, some eligible voters could not be registered because the BVR kits/technology failed to detect their finger prints owing to damaged ‘finger contours’.

3.4.3 Time frame for registration

76 TEMCO, 2015 Newsletter issue Nos. 1 and 2.
77 Ibid.
The time which was estimated for registration in each region was also challenging. NEC projected the number of prospective/potential voters in each region as a basis for establishing the time frame for registrations and the number of BVR kits to be sent there. In some of the regions, there was underestimation of the number of people to be registered; therefore, the days estimated by NEC were not sufficient to register all eligible potential voters. This situation in some areas gave rise to violence and resulted in some people not being registered. However, in some areas, NEC had to extend the period of registration for a number of days so as to make sure that all voters were registered. This happened in respect of, for example, Dar-es-salaam, Kilimanjaro, Arusha and Njombe regions.

The timing for the registration was also difficult for university students who, by the time the registration was going on in their places of permanent residence, they were in their study sessions. But when the registration was taking place in their places of study, they were at home for the long vacation. This denied many students their rights for registration and, hence, to vote.

3.4.5 Voters verification

Verification of names against those appearing in the PNVR at the polling stations was a big challenge. The PNVR was displayed for seven days for people to verify their names. The display was done in polling stations, in/at village/street offices and other public places like church/mosque areas. During verification, some of the people’s names were not found in the PNVR and the justification provided by NEC was that some of the new wards and constituencies were not yet established when the registration of voters was going on. Therefore, there were people with registration cards but their names were not appearing in the displayed Voters Register. For example, in Singida region, when people went to verify their names in PNRV, they could not find them while they had their registration cards. One witness said that he had his voter’s card but in the PNRV the photograph was not his.

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78 Violence incidences were reported in Dar es Salaam, Iringa, Arusha, and Mwanza to mention few where people even locked in some of registration officer demanding for them to be registered.

79 In Mbweni Dar es Salaam, the display was done at a Roman Catholic Church.

80 Musa said in Ngimu ward, Singida region
In the verification process, the BVR kits were not found in the places where voters could rectify incorrect information. Most of the BVR kits were found in District council offices and that is where the changes could be made. NEC also introduced online verification of voters using phones. The code that was used for verification of voters was (* 152*00#). Despite the mistrust aroused by the use of this code due to the belief that the voter's registration card number would be noted and that, thus, one would not be able to vote, the system worked well. Nevertheless, NEC clarified the matter and calmed the situation. In some areas like Dar-es-salaam, NEC failed to display the PNVR on the specific date for people to verify their names and people were confused as to when they could do so in relation to the PNVR.

Furthermore, NEC also used an online Link for verification of voters. The link was http://voters.nec.go.tz:8081/vote/. By using this link, a voter was able to verify his/her names and identify the relevant polling station.

Generally, the registration process using the BVR system took a long time to complete and there were no mechanism set by NEC for identification of eligible voters by proof of their age and citizenship. Furthermore, Tanzanians living outside the country (in the Diaspora) and prison inmates serving less than six months were not allowed to register as voters.

3.5 Budget and Financing of elections
Election financing is another important component of a system of ensuring smooth management of the electoral process which, in turn, would result in a free and fair election. The need for NEC to have adequate funding for its activities cannot be overstated as it is through adequate resources that the Commission could be able to satisfactorily fulfil its responsibilities including: intensive training of returning officers, presiding officers, polling assistants and clerks.81 The Commission would be able to employ permanent staffs in constituencies instead of relying on government employees, which reduces the credibility of the

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81 Tacceo (2010): General elections report, p 33
Commission’s ability to manage elections on a free and fair basis especially in the context of the multiparty system. Above all, with adequate resources, the Commission could spend more time in updating the PNVR, and providing civic and voter education consistently without waiting until the year of elections.

In the 2015 General Elections, NEC was clearly underfinanced and this affected some of the NEC activities. For example, the BVR kits were not provided as requested by NEC and NEC received the kits in instalments. This delayed the registration process. NEC also failed to train and move with staff trained and/or experienced in operational/technical issues and matters associated with the BVR kits in each region.

NEC failed to provide adequate and timely civic and voter education because of the financing problem. For example, in sensitizing people to go for registration, NEC used public addressing systems, posters, media advertisement and multi-stakeholder meetings. Even then, many people were not reached and made aware of the registration processes. On the other hand, the political parties and religious leaders helped a lot in urging people to go and register. For example Churches like EFATHA Ministry, ELCT, RC, KANISA LA UFUFUO NA UZIMA, Mosques, etc.

Due to the inadequacy of resources, NEC even failed to pay timely and full allowances to presiding officers and assistant presiding officers which led some of them to destroy election materials. For example, in the Ubungo Constituency, Dar es Salaam, the presiding officers tore up ballot papers and destroyed the ballot boxes. Moreover, in the polling stations, the presiding officers could not even buy food or water as they had no allowances.

Furthermore, NEC failed to provide civic and voter education to the public as mandated by the Constitutions owing to the same problem of inadequacy of resources. Therefore, the provision of civic and voter’s education was virtually left to the participant political parties and a few civil society organizations. Sometimes, the political parties distorted some aspects of the electoral process and NEC could not clarify or rectify as, presumably, was expected of it to do. For Example, the rule that people should 200 meters away from polling stations to

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82 Tacceo (2010), General Election Report
wait for the announcement of result was falsely interpreted by politicians to mean that people should stand there to protect their votes. But the apparent meaning/intention was that they keep at that distance while awaiting the announcement of results.

Even the courts seem to have failed to interpret the section rightly, namely that people should stay 200 meters away to wait for the announcement/declaration of results as provided in the National Election Act.83

3.6 Constituency Demarcation, New Regions and Districts

The Constitution of the United Republic of Tanzania mandates the National Electoral Commission (NEC) to divide the United Republic of Tanzania into constituencies as it deems fit.84 The criteria set for demarcation include President’s consent, geographical and communication position of the constituency and population quarters.85 It should be noted that when NEC makes its decision, such decision cannot be challenged in any law court.86 It is with this power that NEC introduced twenty six (26) new constituencies making their total number to rise from 239 in 2010 to 265.

Thus 20 Constituencies resulted from additional established district councils and six constituencies from population quarters. New constituencies were established as a result of creation of new districts are Handeni Urban, Nanyamba, Makambako, Butiama, Tarime Urban, Tunduma, Msimbo, Kavuu, Geita Urban, Mafinga Urban, Kahama Urban, Ushetu, Nzega Urban, Kondoa Urban, Newala Urban, Mbulu Urban, Bunda Urban, Ndanda, Madaba, Mbinga Urban. The constituencies resulting from population growth include Kibamba, Mbagala, Vwavwa, Manonga, Mlimba and Ulyankhulu. Ten constituencies changed their names thus: Rungwe East (formerly known as Busekelo), Rungwe West (Rungwe), Urambo East (Urambo), Urambo West (Kaliua), Njombe West (Wanging’ombe).

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83 Section 81 of the National Elections Act, Cap 343.
84 Article 75 of the Constitution of the United Republic of Tanzania, Cap 2.
85 Article 75 (1-4) of the Constitution, Cap 2.
86 Article 75(6), ibid.
Njombe South (Lupembe), Bariadi East (Itilima), Bariadi West (Bariadi), Kondoa North (Kondoa), and Kondoa South (Chemba).\textsuperscript{87}

Although there was such a significant increase in the number of constituencies as well as changes in their names for the 2015 General Elections, there were no complaints among the electoral stakeholders regarding how NEC demarcated or made changes in relation to the constituencies.

The major issue of discussion in the demarcation of the new constituencies is with regard to the powers of the President and of the Electoral Commission(s). The legal provisions above indicate that the power to create and demarcate constituencies may be used to meet political ends if there is no mechanism in place to check its abuse.\textsuperscript{88} There has been a very genuine public feeling that the courts should have been allowed to entertain cases that challenge constituency demarcations unlike the situation now where no such intervention by the courts is allowed.

\textsuperscript{87} www.nec.go.tz

\textsuperscript{88} Tacceo, 2010 General Elections Report, p.34-35.
PARTY MANIFESTOS AND NOMINATION OF CANDIDATES

4.1 Political Parties’ Election Manifestos

Most of the political parties issued their election manifestos. The manifestos are devoted to respond to the needs, concerns and demands of the electorate. If one makes a skim through all the party manifestoes, one will find slight differences in emphasis and, probably, also the lines of argumentation but in essence, there is general agreement among almost all the parties on the important issues. The major issue on which all of the political parties were agreed was change/ “MABADILIKO”.

The following are some of the key issues in the parties’ manifestos:

4.1.1 CCM Manifesto

In its manifesto, CCM priorities are indicated as mainly four, namely poverty reduction, youth unemployment, fighting against corruption and maintenance of peace and security.

In respect of poverty reduction, the Party promises to embark on Kilimo kwanza as the majority of Tanzanians as well as the country's economy depend on farming. It also encompasses increasing formalization of land and provision of title deeds; provision of quality social services, such as education, health, electricity and water, and rendering support to small entrepreneur businesses.

Youth employment shall be attained by increasing entrepreneur programs and establishment of medium and large industries that can provide employment to the youth.

In fighting against corruption, CCM will embark on taking actions against corruption culprits, making sure that institutes of accountability are functioning properly and establishment of an independent court on corruption issues. It will also make sure that public servants do not mismanage public funds.

Maintenance of security and peace will be done through improving the security forces by proving them with modern security instruments and making sure that they fight against killing of albino and old people.
4.1.2 UKAWA Manifesto

UKAWA comprises four major political parties which are CUF, CHADEMA, NCCR-Mageuzi and NLD. Their manifesto has been built on the slogan “It’s time for change”. The public wants to see changes in the performance and delivering of services by the government. The manifesto addresses the following issues.

- Maintenance of peace, security and solidarity of the nation;
- To facilitate development of people’s constitution;
- Improving education, infrastructure networks and industries of the nation for the next Five years;
- Improve education sector and provide free education from nursery to tertiary levels;
- Reduction of poverty;
- Accountability in the public sector;
- Maintenance of international relations which are important to the country.

4.1.3 ACT Wazalendo Manifesto

This newly established party identified four areas in which, if they were to win the elections, they would address with a view to bringing about change. The identified areas are as follows:

1. Social security: where they will ensure that even those in the informal sector like farmers and pastoralists access social security schemes. Making sure that all aged people from sixty years of age and above receive monthly old-age pension;
2. Holistic economic reforms;
3. Health;
4. Education.

However, the whole campaign manifests reflected the need for changes in the performance of the government in respect of delivering of services and being accountable to the society. With regard to the provision of public services, such as health and education, this was a main agenda item for all the participant political parties and public at large as well.

4.2 Nomination of Candidates
Whenever a presidential election is to be held, each registered political party intending to participate in the Presidential election shall submit to the Commission the name of a presidential candidate and the name of the candidate for the office of the Vice President of that political party.\textsuperscript{89}

In order to be validly nominated to stand as a presidential candidate, a person must be nominated in writing by not less than two hundred nominators who are registered voters for the purpose of elections from each of at least ten regions of the United Republic of Tanzania, out of which at least two regions shall be from Zanzibar.\textsuperscript{90}

Procedures for nomination of candidates in any election are among the pillars for credible, free and fair elections. Rights, opportunities and limitations of the nomination processes will be examined to determine the credibility, freeness and fairness of the 2015 General Elections. In this sub-section, we discuss the intra-political party nominations and different factors used in such nominations like ethnicity, corruption, favoritism, who-knows-who and powers of chairpersons to determine who should stand despite the votes cast.

\textbf{4.2.1 Presidential nominations}

Article 39(1) of the Union Constitution provides for the qualification of a person to be elected as President to be a citizen of Tanzania by birth who has attained the age of forty, a member of a political party and has qualifications of being a member of parliament. Moreover, for a period of five years, he should not have been convicted of any criminal offence.

The major discussion on these qualifications has been centred on the issue of affiliation to political parties. The public outcry has been to introduce independent candidates and this was a major issue in the 2012-2013 Constitutional Review/ ‘New Constitution’ debates.

\textbf{4.2.2 Members of Parliament}

\textsuperscript{89} Section\textsuperscript{30} of the National Elections Act 2015 (Cap 343).

\textsuperscript{90} Section\textsuperscript{31} of the National Elections Act 2015 (Cap 343).
Article 67 sub-Article (1) of the Constitution of the United Republic of Tanzania clearly stipulates thus: “any person shall be qualified for election or appointment as a Member of Parliament if he; (a) is a citizen of the United Republic who has attained the age of twenty-one years and who can read and write in [the] Kiswahili or English language; and (b) is a member and candidate sponsored by a political party”. Sub-Article (2) enumerates a list of qualities that whoever exhibits them shall be disqualified in the nomination as candidate for Member of Parliament; such as foreign citizenship, criminal offence records for the past five years, legally denied registration in the Permanent Voter Register and non-affiliation to a political party.

There has been a great debate concerning the education background of the members of parliament. Even though the working language of the Parliament is Kiswahili, a lot of documents, including legislative ones, are issued in English. However, in order to play an active role of oversight, the Members of Parliament have to be able to analyze different documents in which a high level of education is needed.

4.2.3 Councilors
The qualifications for a person to stand as a counselor candidate are stipulated in sections 1 and 2 of the Local Government (Elections) Act. The qualifications are similar to those of the parliamentary candidate.

4.3 Nomination of Candidates by Political Parties
The political parties used different models to call for their members to vie for different positions. Different models were used. One of the models used by ruling party and parties constituting UKAWA was to pick forms and apply. Other parties used different methodologies. For the first time since the first multiparty elections in 1995, the number of aspirants for different positions increased rapidly in the 2015 National Elections.

4.3.1 CCM Nominations
For the first time in its history, 41 people from the ruling party picked up nomination forms to vie for the Presidential post. Each person picking up the form had to deposit a sum of one million Tanzanian shillings. The members who sought to vie for the Presidential post convened press meetings and even aired live media programmes to express their intention to stand for the contest. The rules also prescribed that a
A person seeking nomination had to collect 450 member’s signatures from 15 regions across Tanzania (Mainland and Zanzibar). During the collection of signatures, the candidates convened big meetings with the media to publicise their manifestos; some had even specially composed songs as well as advertisement materials like posters, khanga and caps for that purpose.

There were lots of complaints about aspirants using huge amounts of money to collect the signatures and to ‘facilitate’ their nomination as such by the National Executive Committee other organs of CCM, including its National Congress. Furthermore, during the National Executive Committee meeting of the ruling party, some of its members publicly complained that the procedures for nomination of the candidates were not being properly followed. This slowed down the nomination process at different levels in CCM including the National Congress. In the end, CCM nominated Dr. John Pombe Magufuli as its Presidential Candidate and presenting him to the public as having qualities of a clean person and one with no groups within the Party. However, some members were aggrieved and so disappointed with the process that they decided to renounce their party membership and leave the Party.

In parliamentary nominations aspirant members also collected requisite forms in their respective districts. There was no uniform deposit of the amount to be collected, as it ranged from Tanzanian shillings 500,000 to 5,000,000 million. This is because some of the party district offices had no finances to support the campaigns and it will depend on the number of contestants. The deposited amount was supposed to cover the costs for campaigns within the wards to canvass for ‘preferential nomination’ votes. The members were to vote for the most preferable person to stand as CCM representative candidate.

However, the process was reported to be riddled with corruption and that many candidates used a lot of money to secure votes. In some areas, the candidates even fought and some bit each other in their bid for nomination. There were also reported widespread instances of nepotism. Most of the nominated candidates were

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91 Sophia Simba and Emmanuel Nchimbi called a press conference saying that the chairperson had not followed the procedure for nominating a presidential candidate.

92 For example, the aspirants for Kilolo deposited 800,000 while those in Ngorongoro deposited 3,000,000.

93 For example in Kongwa District, Ndugai beat one of the candidates but he was nevertheless nominated.
either parents or relatives of the incumbent Members of Parliament or leaders of political parties.\textsuperscript{94} There was also use of abusive language between candidates. In some areas like Kilolo constituency, even the preferential voting processes had to be repeated.

4.3.2 UKAWA Nominations

For the first time since the re-emergence of opposition parties in the country, opposition parties forming UKAWA agreed to nominate only one candidate for each constituency to represent them all. Therefore, members of the parties within UKAWA followed their internal nomination procedures to make their respective preferential candidate nominations from the lowest to the highest levels. After that, parties constituting UKAWA decided to share constituencies according to their relative strengths and likelihood to win there. They then, as a group, proceeded to nominate candidates for the constituencies accordingly. However, there were areas where they failed to make one candidate stand for them all like in Segerea Constituency where until the campaigns officially begun in August, there were CUF and CHADEMA parliamentary candidates.

Following the intra-party nomination processes in CCM and the UKAWA coalition member parties, particularly CHADEMA and CUF, some members defaulted from their parties. In CCM, Edward Ngoyai Lowasa and Frederick Tluway Sumaye (both former CCM Prime Ministers), one deputy minister and three regional party chairmen defected from CCM to CHADEMA. Edward Lowassa became UKAWA’s Presidential candidate. Kingunge Ngombare Mwiru supported UKAWA without joining any party. In CHADEMA and CUF, some of their top leaders opted out in protest against the process leading to the selection of the Presidential candidate for the coalition. The Secretary General of CHADEMA, Dr. Wilbroad Slaa, who had stood for the party in the 2010 elections and who was expected to stand again for the party in the 2015 Presidential election race, resigned from active party politics. Again, the CUF Chairman, Prof. Haruna Lipumba, also decided to resign from his position and to stay only as an ordinary party member. Some political parties resorted to undemocratic nomination procedures partly because the Tanzania Political Party Act does not

\textsuperscript{94} For example Riziwan Kikwete, Nape Nnauye, Mgimwa, Kippi Warioba, David Mathayo, Husein Mwinyi, Kombani and Kigoda sons.
provide for parties to create coalitions and alliances for electoral purposes and internal processes are not that democratic.

The small parties with no seats in the National Assembly and local government councils handpicked the candidates showing interest to participate in election. It is generally observed that, after two decades of operational multiparty democracy, political parties have not become democratic institutions. They have also failed to perform their principle function of preparing, nurturing and grooming future leaders as a succession plan. Furthermore, their rates of knots towards building internal democracy are very slow.

4.3.3 Nominations by NEC and ZEC

NEC and ZEC are mandated to nominate names of candidates proposed by political parties to stand in elections at different levels. As well, the Electoral Management Boards are empowered to handle objections against the nomination of candidates at different levels lodged by other candidates; returning officers; assistant returning officers; or the Registrar of Political Parties. Persons aggrieved by lower level decisions have the right to appeal to the next level and finally to NEC or ZEC.

In the 2015 Presidential Elections, ten (10) candidates collected nomination forms from NEC. However, only eight (one female and seven males) satisfied the requirements and were nominated to stand for the Union Presidential Elections. Regarding the Union Parliamentary elections in 2015, 1,218 aspirants among whom 985 males and 233 females were nominated by NEC. The local council elections had 10,879 candidates amongst whom 10,191 were males and 679 females.

NEC also received and determined all appeals by either reinstating or upholding the verdict of the lower level. There were ten (10) cases where candidates were nominated unopposed at lower levels but NEC allowed them to contest as proper candidates. Parliamentary appeals that were determined by NEC included those received from five constituencies of Tandahimba, Mwanga, Wanging’ombe, Handeni
Urban and Kasulu Urban. NEC received and determined appeals regarding 70 wards in relation to councilor’ elections. As opposed to the 2010 elections where 16 CCM parliamentary candidates and 500 councilor candidates were elected unopposed, the unopposed parliamentary candidate phenomenon did not feature in the 2015 General Elections.

Our general assessment is that NEC handled the nomination process in accordance with the law and dealt with appeals in a manner that satisfied political parties as well as the public.
CHAPTER FIVE

MEDIA MONITORING OF THE ELECTORAL PROCESS

5.1 Introduction

While a free, fair and credible election is one of the pillars of democracy, another pillar is access to communication through the media. International instruments provide that, for an election to be free and fair, political parties and candidates should be afforded equal access to both public and private media. The Media is one of the strongest pillars in a democratic society where there is political competitiveness amongst different social classes. Some of the Media are owned by the Government while others by private individuals. We should note that media owners have different political, economic and social interests. However, despite the differences, the media play the following multifaceted role of-

- Informing and educating the public
- Interpreting to the society different situations/incidences that happen in the communities
- Providing various forums for expression of public opinions on different issues
- Ensuring that members of the public participate in politics generally and electoral processes particularly
- Preparing mentally the candidates participating in elections regarding what the public expects them to do.

This chapter will examine the role played by the media in the October 2015 General Elections in Tanzania.

5.2 Provision of Civic and Voter Education

It is the responsibility of the media to present programmes and articles that provide civic and voter education. Voter education is short and it focuses on educating the voters on how to vote correctly while civic education is a continuous process aiming at making sure that citizens know their rights and respective positions in political processes so that they become accountable citizens. Civic education provides

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95 SADC guidelines and UN guidelines on elections.
education on the importance of registration, legal and regulatory frameworks regarding elections, the role of political parties in elections, nomination processes, qualification of candidates, campaigns, rights of voters, and institutions responsible for electoral processes.

In the 2015 elections, various Media (print, electronic and social) forums did a great job of educating the citizens on registration of voters using the BVR system and reporting on the challenges facing the registration process. However, although the media did excellent work in providing voter education, which was not the case in the area of civic education where the work was not, done effectively by the media.

5.3 Media Providing Space for Citizens to Give Own Opinions

The Media is one of the instruments that foster democracy during electoral processes. The Media provide space for citizens to air own opinions and express what they want from their leaders. Freedom of speech and media is one of the pillars of a country that respects human rights.

In the 2015 General Elections, there was a lot of media space for the citizens to give opinions. Such space included letters to the editors; live TV and Radio programmes on elections; panel discussion programmes on radio and TV; articles in different daily and weekly news papers and magazines; [different phone calls and messages to Radio and TV stations during live sessions on electoral issues]; and in the social media (twitter messages, face book discussions and WhatsApp messages). These helped a lot to provide space for citizens to air their views. There was much chance that if one of the media organs refused a citizen’s opinion, another media member could air it.

However the presence of the Cybercrime Act of 2015 threatened the rights of citizens to air their opinions freely with impunity. The Government and the Ruling Party used it as a shield against opposing/opponent opinions of the people. To show respect to public opinions, the Government would have to amend some of the provisions of that Act of 2015. For example, the Government invaded the LHRC Centre on Elections Observation on the basis of The Cybercrimes Act, 2015 and also invaded UKAWA tallying station on the same basis. So, this Act contradicts the citizen’s rights and freedoms of speech and expression of opinion.
5.4 Direct and Provide the Vision of the Public

The Media is a powerful tool and has a role in the provision of a vision for the country. The use of investigative journalism, collection of opinions from different experts and analysis of information enables the media to shape public opinion and to show the direction towards which the country should go in the next so many years of leadership of the in-coming Government.

In the 2015 General Elections in Tanzania, the vision was “Mabadiliko” meaning “Change”, claimed by both all levels contestant parties. But what kind of change the public in general wants has been a challenge. The media seem to have been so polarised and affiliated to political party candidates as not to play its expected role explained above but rather, to just report about campaign meetings; the number of people attending and only some few issues on political manifestos. Catch words like Mafuriko (Floods) and Sunami (Tsunami) appearing as Newspaper headlines were ostensibly intended to show the large number of people attending the political campaign rallies of Presidential candidates fielded by the two chief contestant sides in the Elections, CCM and UKAWA. Therefore, the Media failed to create a vision of the changes people wanted and vision for the country. The media just reported of what the candidates have said in their campaigning rallies and meetings. The media did not take time to discuss manifestos and how they will solve the needs of the Tanzanians.

5.5 Reporting of the Issues in the Campaign

During the period of campaigns the Media has the role of reporting to the public on issues raised or aired by the contesting candidates meant to facilitate/induce the electorate to make informed decisions as to whom to vote for.

In the 2015 electoral campaigns, the Media reported issues regarding free education, health, water, unemployment, corruption and mismanagement of funds and how culprits of corruption would be dealt with. The reporting of the issues changed as the campaigns headed towards the end.
5.6 Connect the Candidates with the Voters

The whole period of the electoral processes, the Media was used as a tool to sell/connect the candidates to the voters. There were different methodologies used by the Media. In the Electronic Media, there were different TV and Radio programmes; public Presidential debates, even though the CCM and UKAWA Presidential Candidates did not participate; documentaries of candidates were aired; live coverage of the meetings, especially the opening and closure of party campaigns; as well as media advertisement and news on the campaigns in every radio and television station. In the print media, there were different articles, open letters, editor’s opinions and news of the campaigns meetings. The use of social media like WhatsApp messages, SMS, U-tube, blogs, Face book and Twitter was also resorted to in order to connect the candidates to the voters.

However, the candidates and political parties with a lot of money to pay the media were the ones that got greater coverage. Most of the coverage was given to CCM and UKAWA candidates. Also the private owned media reported highly on their favourite candidates. ITV was media that provided space to almost every party and every candidate.

^96 Like Tufunge safari uchaguzi 2015, Uchaguzi wetu
5.7 How the Private and Public Media Reported the Elections.

Both the private and public media in 2015 reported massively on the elections process. It was well noted that the public media, TBC TV and Radio, continued with their behaviour of supporting the Ruling Party and its candidates. For, this time again, they only reported one-sided news for the ruling party and only amplified the bad or distractive issues from oppositions. For example the candidate of UKAWA have failed to address the public, has fallen down and he is sick.

The private media as well failed to provide direction and act independently as many of them were polarised in favour either of the Ruling Party (CCM) or the Opposition Parties' coalition (UKAWA). Sometimes, when one looked at the media news, one might think that there were only two Presidential Candidates, namely Magufuli for CCM and Lowassa for UKAWA. This is because the other five Candidates were not getting much of the media coverage.

Thus, the media failed to act professionally and responsibly but rendered themselves tools used by politicians to instil different ideas to the voters so that they would give their votes to the candidate the respective media organs wanted. This was evident if one read a newspaper, watched TV or listened to news from a radio station; one could tell where the particular media organ stood.

It was notable that, even though the private media is supposed to be independent, yet, they were not. Those which are owned by members of or particular political parties tended to report only for their respective parties. For example, Star TV and Channel Ten reported mostly on issues concerning the Ruling Party; while Tanzania Daima newspaper reported mostly for UKAWA.
CHAPTER SIX

THE 2015 ELECTION CAMPAIGNS

6.1. Observation of the 2015 Campaigns

Campaign procedures for presidential and parliamentary candidates are regulated by sections 51 and 53 of the National Elections Act, Cap 343. While procedures for councilor candidates’ campaigns are provided for under sections 53 and 55 of the Local Authorities (Elections) Act, 1979 and under the 2015 Election Code of Conduct.

6.2 Campaign Programmes

Section 52(2) of the National Elections Act, clearly stipulates that “the candidate, his agent or the candidate’s political party, as the case may be, shall supply the returning officer with a schedule indicating the proposed programme for the public meetings of the candidate’s campaign specifying the time and places of those meetings”. Sections 34 to 37 of the Local Authorities (councilors’ Elections) regulations, 2015 provides for campaign time, campaign program, coordinated program with notice and change of coordinated campaign program. Essentially, this was meant to avoid collision between parties. By and large, in the 2015 General Elections, the Presidential Candidates adhered to the campaign timetable. However, owing to lack of funds, some of the councilors and parliamentary rallies did not adhere to the timetable.

6.3 Language Used in the Campaigns

According to clause 2.2(b) of the 2015 Election Code of Conduct, use of abusive, discriminatory and offensive language during the campaigns is forbidden. It insists on members of political parties during the campaigns to use good language.

However, in the 2015 Elections campaigns, a lot of abusive, defamatory and inflammatory language was been used throughout. Campaigns revolved around personalities rather than election manifestos. The general feeling of the citizens was irked by the use of abusive language. For example, at the launching of the Ruling Party’s campaign, retired President William Benjamin Mkapa, while addressing the public, said that all people who wanted change “Malofa na wapumbavu” (idiots/Paupers and stupid). Furthermore, it was commonly heard during the electoral campaigns that Lowassa was sick and that the State House had no budget for...
the sick and dead ones. Indeed, most of the time, the language used was abusive and aimed against personalities instead of addressing issues and respective candidates’ party manifestos.

Moreover, the use of discriminatory language was widespread. This was contrary to the provisions of Clause 2.1(k) of the Election Code of Conduct which prohibit using worship places for campaigning and religious leaders to campaign for specific candidates. Clause 2.2(i) of the Code further prohibits conducting campaigns in Discriminatory manner in terms of religion, tribes, colour and gender. Yet, despite these provisions of the legal framework as well as those of the agreement among the major electoral stakeholders, discrimination against tribes, zones and religion was observed as rampant during the campaigns. For example, the candidate of Chalinze constituency, Ridhiwani Kikwete of CCM said that it is impossible for the President to come from the North. On the other hand, UKAWA Presidential Candidate Edward Lowasa, in one of his campaign trips upcountry went to a Lutheran church in Tabora and said “Pray for me as we have never had a president from the Lutheran Church in this country”. However, in this regard, NEC as regulator held a press conference to condemn Lowasa for his statement but said nothing about Ridhiwani and his statement as well as about other CCM politicians’ discriminatory utterances during the campaign. Indeed, NEC said what had been said by Ridhiwani were just (legally inoffensive) political utterances. Despite expressed public concern about it, NEC did not take any action. This raises serious concern about NEC’s impartiality.

In addition, the campaigns featured a lot of ethnical languages in diametrical violation of Clause 2.1(j) of the 2015 Election Code of Conduct. There was widespread use of dialect languages in some areas especially in parliamentary and local councilors’ election contrary to the provisions of the elections legislation and the code of ethics for political parties. The presidential candidates also occasionally resorted to some

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97 The campaign meetings in Mwanza, Tanga, Arusha and Dodoma as reported by our observers and the media.

98 Rizone Kikwete on the meeting of UV CCM in Bagamoyo and on his tweeter.

99 Lowasa on 6th September, 2015, on ELCT Church in Tabora town when greeting the church congregation.
ethnical language. For example, when Magufuli was in Geita and Tabora, he used the Kisukuma dialect when addressing the people.\textsuperscript{100}

\textbf{6.4 Adherence to Campaign Meeting Time}

Clause 2.1(c) of the 2015 Election Code of Conduct provides the time during the day at which the election campaign rallies should start end. The campaign rallies were to start at 8.00 in the morning and end at 6:00 in the evening. There were occasions that the political parties exceeded the time stipulated and agreed in the Code of Conduct. For example, in the inauguration of the CCM campaigns, the organizers/leaders extended the time and closed their meetings at 6:45 pm. However, NEC did not take any action concerning that default and when the Inspector General of the Police force was asked about it, he said: “It's not a criminal offence to extend agreed campaign time.”\textsuperscript{101}

Therefore, since there was no action taken against those extending time, there were several campaign rallies that ended beyond the stipulated time limit. For example, in Dar Es-Salaam, 21 reported rallies, in Mwanza 17 and in Shinyanga 15 such rallies went beyond the time. Furthermore, when the rally speeches closed, still people continued to play music on the grounds. The question here is the time limit set by the Code meant that by 6.00 pm all the campaign business was to end or that, by that hour, only campaign speeches were to end? All the political parties tried to end the speeches by 6.00 pm but they told their followers to continue with the music as some had great musicians in their campaigning teams.

\textsuperscript{100} Magufuli public rally in Geita on 23\textsuperscript{rd} September 2015 and Tabora on 24\textsuperscript{th} September 2015

\textsuperscript{101}
6.5 Campaign Visibility Materials

The 2015 Election campaigns were characterised by humorous use of the visibility materials by both Ruling Party and Opposition UKAWA members. However, other parties had limited visibility materials. The visibility materials included banners, flags, posters of different sizes, T-shirts, fliers, badges, caps, khanga, gown dresses (Derar), match boxes, head scuffs, scuffs, political party- colour-painted and flag-bearing cars, motor vehicles, helicopters, and houses. The party artists also produced songs, poems and drama for campaigns.

Because of such a huge production of materials, the issue of adequate space to hang the visibility materials conveniently for the intended viewers was a major challenge to the respective party organizers. There are reported cases where the Ruling Party and the Opposition’s UKAWA complained about their visibility materials being destroyed and torn up by youth groups. A good example was in Ubungo constituency where a group of youths of the Opposition, UKAWA, and of the Ruling Party, CCM, destroyed visibility materials of each other. This tendency was also noted in Constituencies in Mbeya, Mwanza, Mbagala, Temekte and Iringa.102

Moreover, some of the advertisement space also created a challenge. When the Opposition, UKAWA applied for advertisement space they could not get as much of it as did the Ruling Party, CCM.103 NEC had to mediate in that situation and try to create equal space for all the participant parties but with slight success. All over the country, visibility materials for the Ruling Party and UKAWA candidates were displayed and seen in many public and private (individual/family member) places. With so much produced visibility materials, especially of CCM and UKAWA, the question of costs was a matter of great concern to many people. Many people questioned the cost of such production and if it was in accordance with the prudential requirements of the Election Expenses Act of 2010.

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102 Reports from CSSC observers in those regions and media reports
103 Media reported and direction from the chairman of NEC to provide equal play ground
6.6 Campaign Slogans

During the campaign period, political parties used different slogans at their campaign rallies, meetings, media presentations and in their respective visibility materials. CCM’s two main slogans were: “Hapa Kazi Tul; “Chagua Magufuli mjadilifu, mfuatiliaji na mchapa kazi”. (Literally: Here it is work only! choose/elect Magufuli, he is principled, effective overseer and hard worker.) Those of UKAWA were: “Movement for change (M4C)” “Mbadiliko Lowasa, Lowasa Mbadiliko.” (Literally: Change means/requires Lowassa, Lowassa means/comes with change.). And AcT – Wazalendo used the slogan “Utu, Uzalendo na Uadilifu.” (Literally: Humanism, Patriotism and Morality/Ethical Conduct).

In the 2016 Elections public morale for change was very high and people participated in huge numbers in the campaign rallies. The Ruling Party used different means to mobilize the people: musicians and artists, members, public announcements and transporting people to the grounds where campaign rallies were to be held. The Opposition UKAWA used public announcements and helicopter to mobilize people while Act –Wazalendo used public addressing systems and announcements. As already stated, the dubbing of the huge rallies by the press as “Mafuriko, Sunami,” etc connotes that the number of people participating in the rallies was huge because their morale arising from the popularly felt need for changes in their lives was so high.

However, when the campaigns became increasingly intensive and competitive the Ruling Party Presidential candidate also adapted the Opposition UKAWA slogan M4C (Movement for Change) to his campaign needs by rendering the acronym M4C to mean “Magufuli for Change“. So that citizens could be induced to support his candidature. Sometimes, the Ruling Party itself had to use that Opposition UKAWA symbol for a similar or the same purpose.104

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104 Magufuli at Mbeya rally to make gesticulations emulating the symbol for change used by UKAWA.
CHAPTER SEVEN

POLLING, COUNTING AND AGGREGATION OF VOTES

7.0 Introduction

It was observed that during the campaign there were no fair grounds to candidates in propagating their manifests. The Ruling Party was more privileged than the others in terms of the number and quality of campaigning centers as well as security and support from government officials. This is evidenced by the fact that, at the point when UKAWA applied for the Jangwani playground for launching their campaigns, the management of the Municipality refused to grant permission until UKAWA made a referral to NEC and NEC resolved it in UKAWA’s favour.

7.1 Polling stations (voting centers)

Some of the polling stations were uncomfortable to the voters owing to the fact that some were too small to accommodate the number of voters allocated to them (for example, the Tumaini Nursery Kinondoni Center). In other places, the polling centers were established on open grounds (such as at Chang’ombe, DSM) where the level of management and control was too low for the assigned population. Other centers were established in private areas or places (Churches/Mosques). However, in Tembeke, there was a station where the environment was not conducive to support disabled to access the polling booth. It has also been reported that, at some of the polling stations, there was no electricity to the extent that some of the party agents used their phones in counting votes. This is what is reported to have happened at some places in Same and Lindi.

Additionally, some of the candidates, especially at ward level, entered the polling stations without permission of the presiding officers. This caused discomfort especially to the members and supporters of participating Opposition parties. The voting stopped for a while when the candidates discussed the matter with the presiding officers. This notably happened in the Ilemela, Kyela, constituencies.

7.2 Changing of polling stations:

There were some unannounced reallocations of polling stations which were made at some of the already established polling centers on the polling day. This caused a lot of inconveniences and unnecessary disturbances. This was evidenced at SERIKALI YA MTAA MKWIDA Nos. 1, 2, 3 and 4.
7.3 Missing of names for registered voters

It was witnessed that all voters whose names did not appear in the Permanent National Voters Register (PNVR), missed the right to vote. The large numbers of these people were those who had IDs with their details but none of which were reflected in the Register. This was vividly evidenced in Kibamba, Temeke, Arusha, Ilemela, Kawe and Tanga.

7.4 Late start of voting

The official voting time was set to be between 0700-1600 hrs. The challenge of transportation of election materials was highly noted in many places which resulted in significant delay of commencement of voting. In some places, there were significant delays for up to two or even three hours. Some of the people who had woken up early and had gone to the polling centers gave up and went back home (it is suspected that some of them did not return for voting when it actually began).

7.5 Stamp problem

It was reported that some of the polling stations faced a ‘stamp problem’ in two ways, firstly, owing to lack of enough ink and, secondly, ignorance of presiding officers with regard to how to use the stamp as reported from Tumaini Nursery polling station as well as from stations in Arusha, Rorya, Mtwara Urban, Kibamba, etc. The stamps used were not durable in that they easily broke down causing a lot of inconveniences where ballot papers had to be stamped next door while others had to wait for more than an hour for replacements. This was evidenced in very many places (all constituencies in Dar es Salaam, Shinyanga, Arusha, Mtwara, etc).

7.6 Fighting

It was reported that some polling stations experienced a certain amount of uneasiness due to different reasons At Ubungo, for instance, some clashes occurred owing to young voters who refused special groups (e.g., elders) to be allowed to vote without having to stay in queue.

Observers reported that, at Kilombero in Morogoro, fighting occurred to the extent that voters threw stones at Government Ministry building and burnt it on 26th October, 2015 due to delay in releasing the constituency results. Some of the people were arrested and taken to the police station for questioning.
7.7 Excessive use of security guards in the polling stations

It was observed that some polling stations had an unduly large number of security forces (Police Officers) with bombs and tear gas. This caused disturbance to the voters who feared to enter the polling stations in order to exercise their constitutional right to vote, such as occurred at Kawe in Dar es Salaam and in Arusha.

7.8 Secrecy in voting

Due to mistrust between Political parties’ agents and presiding officers, the set up of polling booths and sitting arrangements was reinforced. In many places like Mbagala (DSM), Ilemela (MZ), Mbeya, Mtwara, etc., the very long discussions took place before getting consensus on the voting room set up. Most of the places did not have enough secrecy in voting in that everyone could see who was being voting for.

7.9 Ballot boxes

All ballot boxes at the polling stations covered by CSSC observers were empty before voting started. Some of the ballot boxes were not duly sealed; most of them were sealed in one or two corners only while the sealing points were supposed to be four in every ballot box.

7.10 Irregularities

CSSC observed that only one person was assisting the illiterate and disabled voters in some polling stations. It was seen at Mgeninani Street polling station where one political party cadre supported more than three voters who could not read and write. The same happened in different reported places.

7.11 Application of tear gas

In some of the areas, the Police Force used tear gas owing to the people’s pressure exerted on the Electoral officers to announce the results because they were tired of waiting for the results that took longer than normal to be announced. For instance, unexpectedly, a group of people at Kyela District Council tallying center sang loudly endeavouring to force the officials to announce the result; this made the police officers to apply tear gases to disperse them. The same situation arose at Kilombero, Morogoro.
7.12 Treatment of CSSC observer

According to the National Election Act and the guidelines for domestic and international observers, 2015, Observers who are accredited by NEC are allowed to access all the polling stations. In order to recognize accredited observers NEC provided IDs and Observation materials. However some of presiding officers denied the observers right to access the polling stations. This was strongly evidenced at some centers in Kibamba and Kawe (Dar es Salaam) Constituencies. In addition one of CSSC observers was harassed by the police on grounds of suspicion that he took a picture in the polling station. The observer was taken to the police station, made to go through a thorough search in his phone only to find that he was innocent. Therefore, he was released.

7.13 Non-trusted NEC officials

Some of the NEC officials (presiding and returning officers) were not trusted because some of the documents were lost without sufficient reason as evidenced in Temeke where the results forms disappeared ‘magically’. When the officials were asked where the forms were, they had not enough explanation to justify the forms’ disappearance. Some of the officials were neither professional nor impartial in even resolving petty issues. In such instances, some of them tended to show favor to one of the parties.

7.14 Vote Sorting

The sorting and counting of the votes was mostly reported as having run smoothly despite minor divergences from and violations of the prescribed counting procedures. Vivid illustrations of these are reported to have occurred at the Mgeninani Street center and others where, while sorting the votes at certain moments, each party agent was given the number of votes cast for the candidate of his/her party (CCM for CCM, CUF for CUF, CHADEMA for CHADEMA, etc., candidate). Power failure was experienced at some polling stations during vote counting. Overall, our assessment of the counting of votes is that, subject to a few minor exceptions, it was systematic and that there were no cases of fighting observed around the polling centers. At the constituency level, tallying centers were also well organized but announcement of the results in some areas was murky As exemplified by events at Nyamagana, Mbagala, Ubungo, Kigamboni, etc.. already noted in this Report.
7.15 Vote counting

Vote counting is guided by section 74 of the National Election Act, which allows a mark which shows the voters’ choice of a candidate. In some circumstances some votes were not properly marked as required by NEC. In such circumstance the law allows the presiding officers and party agents to determine the validity of the vote. During counting there were improperly marked votes such as two marks on the same ballot paper, selecting more than one candidate on the same ballot paper which requires presiding officers and party agents to determine the validity of the votes. In contrary some presiding officers convinced the party agents on who do the improperly marked votes belong. However there were some places where presiding officers failed to resolve issues relating to improperly marked votes, as a result clashes occurred and some party agents refused to sign the final results forms. This was experienced at SERIKALI YA MTAA MKWIDA No. 1 polling station where, for those reasons, the final announcement of the results was delayed.

7.16 Announcement of the results

The announcement of the results at some of the polling stations was unduly delayed to the extent that there were at such stations peace destabilizing occurrences. This was highly experienced at Ward level (for Councilors) and at Council level (for Legislators) particularly in the wards and councils where the Ruling Party seemed to have been defeated. It is suspected that the delaying of giving results was a tactic for the actual winner to be compromised (corruptly) so that the looser could be announced as winner. This created high tension among followers of the contending political parties resulting in breaking down of law and order such as it briefly happened at Mbagala Constituency, and in Iringa, Mtwara, Arusha, Kawe, Ilala, etc., already related in this Report.
CHAPTER EIGHT

TANZANIA MAINLAND STATISTICAL ANALYSIS

8.0 Introductions

This analysis of the systematic election observations of the almost 700 CSSC observers from all over the country provides a comprehensive picture of the 2015 General Elections. The CSSC Elections Observation Mission (EOM) was one of a few missions which had domestic elections observers all over the country and also in Zanzibar.

This analysis only covers Mainland Tanzania without Zanzibar. The observations on the elections in Zanzibar were analysed separately. The reason was that Zanzibar has its own national electoral commission. ZEC annulled Zanzibar election for allegation of rigging but NEC said the Union election was correct. This annulment was controversial.

The domestic elections observers were deployed to pre-assigned polling stations. They observed the entire electoral process on polling day starting with the opening of the polling stations, the voting, closing, sorting and counting. Their observations were recorded in comprehensive checklists which they had to fill in.

It has to be emphasized that the statistics are based on the observations of the CSSC EOM observers only. It does not necessarily mean that this is a factual picture of the conduct of the elections in the whole country. The situation could have been very different in other polling stations which were not covered by our observers. The decisions which polling stations to cover were not made according to representative or scientific research but were based on practical issues such as accessibility thereto for our domestic observers.

It should be taken into account that this was the first time ever for the CSSC to coordinate joint Christians to observe elections. The exercise was extremely complex and involved having to deal with a number of challenges. Despite the fact that all domestic observers and coordinators were trained, some of them were overwhelmed with their task. Some questions on the checklist were not always fully understood by
all observers. And not all observers answered all the questions. Therefore, there were bound to be inconsistencies in respect of some findings.

**Tanzania Mainland Analysis (Questions 3-6A)**

Graph 1

The polling stations were supposed to open at 7.00 am. At this time, voting was supposed to start. In more than two-thirds of the observed polling stations, there were either no or only short delays. However, in 16% of the observed polling stations, voting was delayed for more than one hour. The reasons were usually related to technical deficiencies of NEC. For, in most cases, those significant delays were caused by the unavailability of certain sensitive materials such as ballot papers, ink, voter list, ballot boxes and rubber stamps for verification. The missing sensitive materials had to be delivered by NEC. This process took some time. The delays were frustrating to the voters who had to wait for a long time. That notwithstanding, however, the delays did not adversely affect the credibility of the elections because every duly registered voter who wanted to vote was allowed to do so. It is suggested, nevertheless, that, in future elections, NEC should make sure that such logistical hiccups are reduced to a minimum. For their incidence at the rate of 16% is considered much too high for well managed elections.
Every duly accredited election observer was assigned a seat inside the polling station by the Presiding Officer. In order to reduce commotion and to ensure a smooth running of the voting process, observers were supposed to observe from their respective assigned places. In 84% of the observed polling stations, the assigned places were satisfactory; which means that the CSSC-observers were able to observe the voting without any major problems. Only in 10% of the polling stations the assigned places did not allow easy observation. In most of such latter cases, this was due to the awkward room conditions of the polling stations in question. There was no systematic approach of banning observers from effective observation. However, it is suggested that, in future elections, NEC should ensure that polling stations are set up in a way which allows all observers and party agents to observe the voting process without any problems.
In 74% of the observed polling stations, NEC members of staff were present at the time of arrival of the CSSC observers. Only in 4% the NEC staff members were not present or late. This shows that almost all of the NEC staff teams were committed to the performance of their respective electoral assignments. The high number of N/A was caused by the fact that NEC staff did not wear badges or ID cards and were, therefore, not always easy to identify.
Party agents were present in almost all of the observed polling stations. This was very important because party agents represent their parties on the ground and their observations are crucial for the political parties and related candidates to accept or reject the results.

Graph 5

In almost all of the observed polling stations there were party agents from more than one party present. This demonstrates the keen interest of the (two major) political parties in the process. The presence of party agents from government and opposition parties is a pre-requisite for credible elections because the party agents add legitimacy to the electoral process on the ground. They were requested to sign the result forms after the counting. They also enjoyed important rights such as to file official complaints with the Presiding Officer and request for a recount of votes.
The conduct of party agents in the observed polling stations was professional. Only in 1% of the stations, party agents interfered with the process or campaigned for the party they represented. This shows that party agents were aware of their role and committed to professionalism.
Security personnel were present in 93% of the observed polling stations. Only in 4% of the polling stations there was no security. The presence of professional security personnel was important for a secure environment.

In most of the observed polling stations, the security personnel did not interfere in the voting process and did not handle election materials. Security officers were supposed to be present at any polling station. They were not allowed to interfere with
the electoral process. Their main duty was to ensure order and security. However, in 10% of the observed polling stations, security personnel acted beyond their mandate. They interfered with the process and did not conduct themselves professionally. This is a significant number. Even then, there were no incidents observed in which the security officers attempted to rig the elections or to openly work in favour of a political party or candidate. Nevertheless, for future elections, more emphasis should be put on the training of the security staff to increase their professionalism.

Graph 9

Although 84% of the observed polling stations were in public premises such as schools, community halls or open squares, yet, as high as 13% of them were situated on private premises. The fact that a polling station is housed at a private building could intimidate (negatively influence) the voters because the owners (especially if they are well known personalities affiliated to a certain political party) are perceived as influential. This is not favourable for purposes of free and fair electoral polling which needs a neutral environment. Worse still, in a number of cases, polling stations were housed in inappropriate premises such as bars.
As sensitive are all voting materials considered necessary to conduct the voting such as ballot papers, ballot boxes, voter list, seals, indelible ink and official stamps. If there are no ballot papers, voting cannot commence. In most of the observed polling stations (92%), all sensitive voting materials were available. However, in 7% of the stations, the CSSC observers reported that some materials were missing. This caused delays during the opening in a number of stations. In some cases, materials were not sufficient and this caused an interruption and temporary suspension of voting until the missing materials were delivered by NEC. In general, the missing of sensitive materials caused temporary delay which was, in each instance, quickly corrected by NEC by providing remedial supplies. Thus it did not disenfranchise voters from their right to vote. However, as already observed the delays were frustrating to the voters and it cannot be ruled out that some of them lost patience and left the polling station before casting their vote.
According to international standards, the secrecy of the ballot is one of the most important pre-requisites of a credible democratic election. It guarantees a favourable environment for the voter to exercise his or her right. According to the CSSC observers this secrecy was ensured almost everywhere. Only in 1% of the observed polling stations, the polling booths were placed in a way that compromised the secrecy of the voting. However, this figure is in contrast to the observations of the international FECLLAHA observers who were part of the CSSC elections observation mission. In quite a number of polling stations they observed, the secrecy was compromised because of the way the polling booths were placed. In those polling stations, there was a risk that other persons (NEC staff, party agents or other voters) could see how a voter marked his ballot paper. But the way the booths were placed was in line with NEC requirements. Therefore, there is need for NEC to reconsider the set-up procedures in order to ensure better secrecy. The secrecy of the vote is enshrined in the Constitution and should be taken seriously. However, it must be noticed that the lack of secrecy was not perceived as a problem by most of the voters as well as by the CSSC observers. There was no systematic or widespread intended violation of the secrecy of the ballot. Such problems are not unknown in elections in other countries too.
Before voting commences the NEC staff members were supposed to prove to everybody present (such as party agents, observers, security personnel, voters) that the ballot box was empty. This is done by turning it upside down. This procedure was done in almost all the observed polling units. In only 1% of the polling units, this was not done. However, this does not necessarily mean that the boxes were not empty. It is more likely that this was due to ignorance by NEC staff. In 7% the CSSC observers were probably late and missed the procedure.
In almost three-quarters of the observed polling stations, the ballot boxes were duly sealed before polling started. In 12% of the polling stations, the boxes were not sealed. This was a clear irregularity but it does not necessarily mean that the ballots were tempered with. The main reason why boxes were not sealed was lack of seals. In a number of stations, no seals at all were provided by NEC; in others, the number of seals was not sufficient. Although seals are considered as sensitive materials which are absolutely necessary to conduct a credible election, voting commenced even if there were no seals. This was a clear violation of the Elections Act. In future elections, NEC needs to improve its logistical capacities and provide sufficient numbers of seals to all polling stations.
In almost all of the observed polling stations, the ballot box was placed in an open position visible to all stakeholders such as party agents, observers, NEC staff, security personnel and voters present inside the polling station. This is to ensure transparency (the voter casting his/her vote is seen to everybody) and prevent multiple voting, casting more than one ballot paper, ballot box stuffing or the illegal exchanging of boxes.
There was a significant number of polling stations (19%) where the CSSC observers noted that potential voters were turned away because their names did not appear in the permanent voter list. These voters had voter cards for the particular polling station. Although these were limited cases, it was quite disturbing because it shows that the registration and verification processes were deficient. It is not acceptable that duly registered voters who have correct voter cards are denied the right to cast their votes due to logistical shortcomings in NEC.
The availability of the correct voter list is a pre-requisite for the voting. Without it, voting could not have taken place. In almost all the observed polling stations, the correct voter list was available. Only in 1% of the stations, this was not the case and the correct list had to be delivered by NEC. This caused delays at the commencement of voting in the few affected polling stations.
It is very encouraging that almost 97% of the observed polling stations were accessible to all voters including the physically challenged. Only very few (1%) of the polling stations were not accessible mostly because of stairs. However, physically challenged voters were assisted even in polling stations which were not easily accessible for/to them.

Graph 18

According to the NEC regulations, vulnerable voters such as physically challenged persons, pregnant women, nursing mothers and the elderly were supposed to be
given priority. Waiting for a long time in a queue would have been unbearable for such voters. It is very encouraging that in almost all of the observed polling stations, this priority was given. In a few polling stations (1%), voters qualifying for such priority did not know about it and kept quiet.

Graph 19

According to the Elections Act, every voter had to present a voter card. Only when the name of the voter was on the permanent voter list the voter was accepted and allowed to cast his/her vote. The only exceptions were for security staff and NEC staff deployed to a polling station where they did not register. The high incidence of people who voted without registration (23%) has to be taken with caution. It seems that this question was not fully understood by a number of CSSC observers. Given the nature of the incidents reported, this issue is considered not to have played a major negative role. If the figure were, in essence, correct, it would have serious implications associated with over-voting (casting of more votes than justified by the number of registered voters) and, consequently, could have compromised the credibility of the entire electoral process.
In 90% of the observed polling stations, the NEC staff appeared professional and impartial. This shows the high commitment of NEC staff and the general trust of the stakeholders and voters in the voting process. However, in 5% of the observed polling stations, the NEC staff force was overwhelmed by its work load or – in fewer cases – was perceived as biased towards a political party. In summary, this result is (still) in line with international standards for credible elections.
According to the National Elections Act (sec. 63 (1)), only authorized persons were allowed inside the polling station. Authorized persons are NEC Staff, accredited party agents, accredited observers, voters about to cast their votes, a person assisting an incapacitated voter, the candidate and security officers assigned to the polling station. This is an important provision to ensure that no other persons can interfere with the elections. In more than three-quarters of the observed polling stations, this requirement was respected. In 18% of the polling stations, the CSSC observers noted the presence of unauthorized persons inside the voting room. These persons were members or office holders of political parties and representatives of the media. As long as they did not interfere in the work of NEC or intimidate voters, NEC staff or party agents, the presence of party officials (and representatives of the media) should be considered a minor irregularity which could not seriously compromise the credibility of the elections.

Graph 22

According to the electoral procedures, every single ballot paper had to be stamped with the official NEC rubber stamp print on its backside. This was required to make a ballot more secure. Stolen blank ballot papers could not be turned into valid votes because they were not signed or stamped. During the sorting process, ballots without stamp print were rejected. This security provision made it more difficult but not
completely impossible to rig the elections because even stamps can be faked. However, in a few observed cases, the rubber stamp broke apart. In some cases, it was observed that ballot papers were issued without the stamp print because the rubber stamp broke apart and was no longer usable. The respective NEC staff reported this to NEC Head Office in order to avoid the prospect that all ballots without a stamp print would be declared as rejected. It is suggested that, in future elections, NEC should ensure that all rubber stamps are of sufficient quality in order to avoid such problems.
According to the National Elections Act (sec. 61(3)(b), a blind or incapacitated or illiterate voter may choose a person of his choice to accompany him into the polling station and assist him/her to vote. This could be any person but not a presiding officer, NEC staff or a party agent. The person is only allowed to assist one voter. This procedure was followed in almost all the observed polling stations. In a very few cases (1%), however, it was observed that party agents assisted voters. This was a clear violation of the electoral legislation involving the risk that the party agent would not be neutral in marking the ballot paper. He could easily ignore the instructions of the voter without him noticing it. According to the observations of CSSC observers, there were only isolated cases of non-compliance noted.
According to the National Elections Act, party agents were not allowed to assist voters. In 80% of the polling stations, this was respected. In 14% of the observed polling stations the CSSC observers saw party agents assisting voters. The CSSC observers noticed that, only in 1% of the observed polling stations, the procedure was not followed.
According to the National Elections Act, security staff members were not banned from assisting incapacitated voters to mark their ballot paper if they were requested by such a voter to assist him/her. In a significant number of observed polling stations (12%), the CSSC observers saw security personnel assisting voters. Although this is perfectly in line with the law, NEC should consider excluding security staff from assisting voters. Security officers are widely perceived as organs of the State and the Ruling Party. Their loyalty to the Government might bear the risk that they influence the voter to vote for the Ruling Party and its candidates. In most countries, security personnel are excluded from assisting incapacitated voters.
Family or group voting means that a voter comes with his family or a group of people and collects the ballot papers of the family or group members and marks them on behalf of them. This is not allowed according to the National Elections Act. It would not only compromise the secrecy of the vote but also the right of every registered voter to cast his/her vote. This was respected in most of the observed polling stations. However, in 5% of the polling stations, the CSSC observers came across family or group voting. Usually those incidents were caused by tradition where the head of the household (usually a man) “assisted” his wife and/or his adult children to mark the ballot paper. It is important that the NEC staff force is sensitized on this issue and that it will not tolerate such serious derogation. Voter education should also focus on this aspect in order to reduce such illegal cases. However, overall this could not seriously compromise the credibility of the elections because the numbers of such incidents were quite low.
Proxy voting means that a voter who is personally absent on polling day will ask another person to cast his/her vote on his/her behalf. This could be a trusted family member or a close friend. According to the National Elections Act, proxy voting is not allowed. Every voter has to come in person and has to mark the ballot paper himself/herself. This was respected in most of the observed polling stations. However, in 7% of the stations, there were cases of proxy voting noticed. This was only possible if the identification of the voter was not properly carried out by the NEC officer. In some cases, only the voter cards and the names in the permanent voter list were cross-checked but not whether the person is identical with the owner of the voter card. Even the calling out of the name of the voter could not be a guarantee to ensure that the person is the owner of the voter card because not everybody is known in his community (especially in urban areas). A biometric identification of voters would minimize such irregularities.
It is illegal for a voter to expose his/her marked ballot to anybody. This is to ensure the secrecy of the vote and to avoid vote buying. If a voter exposes his vote to the people inside the polling station, the party agents would be able to register for whom he voted. Based on this “proof”, the party or candidate could pay the voter for his vote. Such marked ballot exposure was only observed in 1% of the polling stations which were covered by CSSC observers.

Graph 29
According to the National Elections Act, exposed marked ballots had to be taken away from the voter and had to be marked as spoilt by the Presiding Officer. The voter had no right to request for a replacement of the ballot paper. In a few cases, this procedure was followed while in some other few cases it was not. The reason was that the NEC staff did not notice the exposure of the ballot. Since there were only few of such cases, the credibility of the elections was not affected and could not fault on that count.

Graph 30

Voters were to be ‘inked’ with indelible ink after voting in order to prevent multiple voting. This was always done in 92% of the observed polling stations. In 6% of the polling stations, however, it was observed that not all voters were ‘inked’. This was not done systematically owing to negligence of NEC staff. In some polling stations, ink was not available or not sufficient. Voters who were not ‘inked’ or who had removed the ink could have voted more than once by pretending that they were another voter in the voter register. This, however, would not have been easy because they had to produce that person’s voter card. He also had to look similar to that person (because of the photo on the voter card). The ‘inking’ was an additional security measure which was not really essential for an orderly conduct of the elections.
Serious irregularities were observed in 16% of the visited polling stations. This is in line with the answers to the other questions on voting such as not properly sealed ballot boxes and party or security agents who assisted voters to cast their votes. Most of those irregularities were not very serious. Overall, it shows that the voting procedures were followed and that in 80% of the visited polling stations no serious irregularities were observed.
Violence occurred in only 4% of the observed polling stations. Overall, this small number of violence incidents is encouraging and shows that Tanzanians are peace-loving people. There were isolated cases of violence observed but on polling day in the stations observed, there were no lives lost. However, a few people were injured. For details see the narration and analysis of serious incidents. In no observed polling station voting was interrupted because of violence. In 92% of the observed polling stations, there was no violence at all.

Graph 33

Just as violence, intimidation occurred only in a few observed polling units (4%). In some cases, voters were intimidated by party agents or security personnel.
Bribery and vote buying are usually done secretly and difficult to detect by observers. Both are illegal. In almost all observed polling stations, bribery and vote buying were not observed. This is in line with the few cases where marked ballot papers were exposed to the people present in the polling station (1%). Such an exposure could be a hint for vote buying. Contrary to vote buying, bribery is more general because the secrecy of the vote remains intact. A voter can accept money or favours from different parties and candidates but still vote for his genuine choice. Therefore, bribery is less alarming than vote buying. According to the findings of the CSSC observers, 3% of the 4% were related to bribery.
There were very few cases of stuffing of the ballot box with ballot papers observed. In some polling stations, voters were seen casting more than one ballot into the ballot box. This was a serious violation of the laws and considered a criminal offence. However, despite some isolated cases, no widespread stuffing with huge numbers of ballot papers was observed. It is unlikely that the illegally cast ballots had a significant impact on the final election results.
The snatching of a ballot box by unauthorized persons would be a most serious incident which would attract a lot of national attention. It would mean that the ballots inside the box are lost and polling must be repeated in the affected polling stations. Interestingly, 4% of the CSSC observers claimed that they observed that ballot boxes were snatched. However, there was no single such case reported. It is, therefore, likely that the observers did not fully understand this question.

Graph 37

In none of the observed polling stations was voting postponed owing to serious violence. According to the National Elections Act (sec. 67), the Presiding Officer can adjourn polling if riots or serious violence make/makes it impossible to continue with the voting. That this was not the case shows that serious violence was not an issue inside all the observed polling stations.
According to the National Elections Act, every voter who arrives at his polling station before the closing time (4.00 pm) shall be allowed to cast his vote (sec. 68). At exactly 4.00 pm, the queue had to be closed by a NEC official or security officer. Whoever arrived before the closing time had to be allowed to vote even if it would take hours to handle all the waiting voters. This was carried out in most of the observed polling stations. However, according to the observations of the CSSC observers, in 10% of the stations, voters were not allowed to vote because the polling station stopped voting at 4.00 pm. This was a clear breach of the law and is unacceptable. Voters were denied their democratic right to cast their votes. It shows lack of training of NEC staff and also lack of commitment. NEC has to improve on this to abide by its enabling statute and meet international standards in this area.
The overall assessment of the CSSC observers on the opening and voting processes is positive. In 95% of the observed polling stations, the procedures were either very good or good. There were serious irregularities which caused a bad or very bad assessment only in 5% of the polling stations. In general, this overall assessment is in line with the findings of the observers.

Graph 40

Ballot boxes still sealed?

- Yes: 53%
- N/A: 43%
- No: 4%

0%
Before polling started, the ballot boxes had to be sealed with numbered plastic seals in order to prevent tempering with the ballots inside the boxes. The CSSC observers were requested to write down those seal numbers. Before the ballot boxes were officially opened for sorting and counting of the ballots, the seal numbers were announced by NEC staff. After this, the seals were broken and the sorting and counting of the ballots started. If the boxes were no longer sealed, there was a high risk that someone had tempered with the ballots during the voting. Another explanation could be that the boxes were not sealed since opening them at the start of polling because of lack of sufficient plastic seals. This applies to the 4% of observed polling stations where the boxes were not sealed.

Graph 41

The seal numbers on the boxes were supposed to be identical. In such event, nobody would have tempered with the ballots. It is only in 5% of the observed polling stations that the seal numbers were found not to be identical. In most of those cases, the boxes were not sealed at all. This was due to lack of seals material and inadequate training of NEC staff. In other cases, the seal numbers were not identical. This could be a result of a mistake when recording the seal numbers or that the boxes were really opened and sealed again. If the latter, then, the implication would be that this was a clear sign of rigging. However, the latter was not actually reported by the CSSC observers.
The sorting and counting of ballots, which were done at the particular polling station, were almost everywhere orderly and transparent. Only in 1% of the observed polling stations, the process was either not orderly or not transparent. In a few polling stations, party agents were keeping the ballots in favour of their respective party during the counting process. This was a clear violation of the law because party agents are not allowed to handle election materials. In other stations, it was observed that party agents made phone calls during the counting. Even this was not in line with the regulations. This clearly shows that party agents and NEC staff need to be better trained.

Unlike what happened in past Elections, in these Elections, the voters of at polling station were not allowed to observe the counting. This decreased the transparency of the exercise.
Whether a ballot is valid or rejected is clearly defined by the National Elections Act. A valid ballot had to show the official polling station stamp print. This was to ensure that no faked ballot papers were counted. The CSSC observers, however, did not come across faked ballot papers. Moreover, any ballot which discloses the identity of the voter is to be rejected (sec. 74) in order to prevent vote buying. The main source of dispute over the validity of ballots was whether the intention of the voter was clear or not. In some instances, ink from the thumb print was accidentally applied on more than one candidate’s space which rendered the ballot be a rejected ballot. Such disputes were in most cases solved orderly and professionally by the Presiding Officer in agreement with all party agents. Party agents have the right to object to the rejection of a ballot (sec. 75). Overall, the number of disputes in this regard was very high (65%). This shows that party agents and voters need to be better informed/instructed regarding the criteria for rejecting a vote.
According to the National Elections Act (sec. 78), a candidate or his/her party agent has the right to request for a vote recount once or twice. If the results of the first two recounts are identical, the Presiding Officer should refuse a third recount. In almost one-third of the observed polling stations, there were requests for a recount. This is remarkable and shows that the counting process was not fully transparent to all party agents.

Graph 45
The request for a recount by party agents was honoured by the Presiding Officers in almost all the observed polling stations. The high number of N/A (58%) shows that there were no requests for a recount in those stations. It is not clear why Presiding Officers in 5% of the polling stations did not accept the request for a recount. This is a clear breach of the National Elections Act. It seems that the Presiding Officers were not fully aware of the law. They need to be better trained.

Graph 46

In almost two-thirds of the observed polling stations, the announced results were perceived as correct and credible. Only in 6% of the stations, the results were faulty. This was because of arithmetical errors or because of the criteria for the rejection of votes (either valid votes were rejected or votes which did not show the intention of the voters were counted). However, those were isolated cases which did not seriously compromise the election results. Arithmetical errors were corrected at the aggregation centres.
The forms with the official polling station results were signed by all party agents who were present in 78% of the stations. Since in most of the observed polling stations there were party agents from different parties present, it means that the results were widely accepted and legitimized. Only in 1% of the stations did party agents of one or more parties refuse to sign the result forms because of serious irregularities. According to the National Elections Act, the refusal of party agents to sign the forms would not have an impact on the validity of the results. In one-fifth of the observed polling stations, party agents had already left before signing or the CSSC observers missed the signing.
According to the National Elections Act (se. 79A (1)(d), a copy of the polling station results had to be affixed at a publicly accessible place. This is an important pre-requisite for transparency. In almost all of the visited polling stations, the result forms were, indeed, affixed. In 1% of the stations, however, this was not done because of ignorance of the Presiding Officers. Since the voters were not allowed to witness the counting and public declaration of results inside or nearby the polling station, those displayed forms were the only reliable way of communication of the results to the public and the media. All in all, NEC was committed to transparency.
Contrary to previous elections, in the 2015 elections the voters were not allowed to come back to their polling station to witness the counting process and the declaration of polling station results. Therefore, there was bound to be not much public reaction immediately when the results were announced. The reaction was observed after the closure of counting when voters checked the result sheets which were publicly affixed. In most polling stations, the reaction was peaceful. Only in 5% of the stations was there some kind of open expression of anger or disappointment which led to cases of violence. However, those were isolated occurrences.
In 80% of the visited polling stations the sorting of ballots and counting of ballots processes were rated good (58%) or very good (22%). However, in one-fifth of the observed polling stations, the CSSC observers rated the processes negatively. This is not quite understandable because none of the detailed questions received a negative answer by more than 6%. In only 1% of the polling stations, the counting was not orderly and transparent. In only 6%, the announced results were not correct and credible, and in 1%, not all party agents signed the result forms.
The CSSC observers were requested to document the official polling station results and cross-check whether the reconciliation of ballots was correctly done. In detail, the question was whether the number of rejected ballot papers plus the number of valid votes and the number of spoilt votes (if a voter exposed his marked ballot to the public) equalized with the number of people who actually voted. In only 5% of the observed polling stations, the figures did not balance. This shows that there were errors in the counting of ballots. Such errors were usually small with discrepancies of a few ballots only. This could not seriously compromise the credibility of the results. It must be noted that 63% of the observers did not answer this question.
According to the National Elections Act, accredited party agents and observers had the right to accompany the ballot boxes and all sensitive materials to the aggregation centre. This was allowed in most of the observed polling stations. Only in 7% of the visited stations were they not allowed. However, since signed copies of the official result forms had to be given to all party agents, the following of the boxes was less relevant. The results from the polling stations with those announced by the aggregation centres could easily be crosschecked to identify any errors or irregularities.
Almost all of the CSSC observers were allowed to observe the aggregation of results process at their respective aggregation centre. However, in 3% of the aggregation centres, the observers were not allowed in despite the fact that they were duly accredited. This shows that NEC should fully inform their Presiding Officers at aggregation centres about the role of accredited election observers.
Almost all of the visited aggregation centres were properly set up. This means that the set-up was conducive for an orderly and transparent environment for the aggregation of results. Only in 2% of the observed aggregation centres this was not the case.
Party Agents were present in 97% of the visited aggregation centres. In only 1% of the centers were there no party agents. The presence of party agents is crucial because they are eyes and ears of their respective candidates and parties. The aggregation of votes bears a potential high risk of rigging. Small omissions, whether intended or not, could have a serious impact on the final election results. Most of the party agents were vigilant and eager to observe the process. Their presence added credibility to the process generally and to the election results particularly. However, the quality of the observation depends on the commitment and on the training of the party agents. A party agent who was not well-trained would not be able to detect sophisticated rigging.

Graph A4

In most of the visited aggregation centres, party agents from different parties were present. This is important to prevent any possible conspiracy to rig in favour of one party. If the contenders from different parties are present, they will check on each other and will critically observe the aggregation process. Only in 5% of the visited aggregation centres were there either party agents from only one party or no party agents at all.
Election observers were present in almost all of the visited aggregation centres. In contrast to the party agents observers are neutral and impartial stakeholders in the elections. A huge number of domestic NGOs and a number of international bodies deployed accredited election observers all over the country. Most of the observers appeared to have been better trained than the party agents. Thus only in 1% of the visited accreditation centres were there no observers present at all. So the aggregation process was closely monitored.

In almost all of the visited aggregation centres, security was present. Only in 2% of the centers was there no security. The presence of security is crucial in order to avoid unauthorized persons to interfere with or even disrupt the process.
While it is necessary to have proper security at the aggregation centres, it is also important that the security personnel act professionally. According to the law, they were not allowed to interfere with the work of NEC. However, in a significant number of visited aggregation centres, the security staff did interfere with the work of NEC (19%). This is unacceptable. Security personnel must be better trained about their role. Even NEC staff should not have tolerated such behavior. That it did shows that the authority and supremacy of security personnel are still accepted even if there is no legal provision for it. NEC staff should be better trained in order not only to know the provisions of the law but also to implement them.
According to the National Elections Act, only NEC officials, security personnel, accredited party agents, candidates and accredited observers were allowed inside the aggregation centre. This rule was respected in 90% of the visited aggregation centres. However, in 8% of the centres, the CSSC observers saw unauthorized persons. These were mostly party officials other than accredited party agents.

**Graph A8**

<table>
<thead>
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<th>Unauthorized persons present?</th>
<th>N/A</th>
<th>Yes</th>
</tr>
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<tbody>
<tr>
<td>20%</td>
<td>8%</td>
<td></td>
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**Graph A9**

<table>
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<th>Did they interfere in the process?</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>17%</td>
<td></td>
</tr>
</tbody>
</table>

| N/A | 79% | Yes | N/A |

0%
According to the observations of the CSSC observers, unauthorized persons, mostly party officials, interfered with the work of NEC in 4% of the visited aggregation centres. Although this was a small number, it is unacceptable. NEC and security personnel should have ensured that no unauthorized persons were present inside the centres. However, there were no hints that these persons tempered with the election results.

Graph A10

In almost all of the visited aggregation centres, the aggregation of results process was orderly and transparent (92%). The interference of the security personnel (graph A7) was in many centres not perceived as very serious by the CSSC observers. Only in 5% of the centres the process was not orderly and transparent. The main reasons were logistical shortcomings and management problems of NEC officials.
According to the CSSC observations, in 14% of the visited aggregation centres, arithmetical or other errors occurred in the results aggregation process. This is a significant number but when compared with elections in other (African) countries, it is not alarming. Taking into account the poor infrastructure in polling stations and aggregation centres, errors could easily occur. Even human errors are not avoidable in such a complex exercise. There are serious errors which could have an impact on the final results and other errors which are less relevant for the results, such as turnout or numbers of ballot papers allocated to a polling station. Serious errors must be corrected at the aggregation centre level to ensure that the final results are correct and credible.
The observation results on this question are not in line with the findings of Graph A11. According to the observers, only in 14% of the visited aggregation centres did errors occur. It is, therefore, not possible that, in 31% of the aggregation centres, and errors were corrected while in 13%, they were not. For that would mean that there were errors observed in 44% (31%+13%) of the visited aggregation centres. This inconsistency is not easy to explain. Probably, the observers were not fully aware of the meaning of this question. However, since the findings depicted in Graph A13 are in line with those in Graph A11, not too much emphasize should be put on the findings in Graph A12. Overall, it seems that most of the serious arithmetical errors were corrected. The CSSC observers did not report incidents of serious errors which were not corrected.
In almost all of the visited aggregation centres, the announced results were correct. Only in 1% of the centres were there serious errors and announcement of faulty results observed. This also shows that almost all of the arithmetical or other errors were corrected.
Party agents have a right to request for a recount twice. If both recounts sum up to the same results, no more recounts should be entertained. In 39% of the visited aggregation centres, there were no requests for a recount. In a significant number of centres, however, there were such requests (61%). In 54% of them, the requests were honoured while in only 7% of the aggregation centres such requests were turned down. The reasons for the turning down are not obvious. It might be that the Presiding Officers in those centres used their authority to turn them down because the reconciliation of ballots did not show any discrepancies. However, this was a violation of the National Elections Act. Presiding Officers should be better informed on this provision of the law.
In almost all of the visited aggregation centres, the party agents were satisfied with the results aggregation process. In only 4% of the observed centers party agents were not satisfied. It is likely that in those stations where their requests for a recount were not honoured, the party agents had reservations. At least in 3% (Graph A14 showing 7% of centres where the requests were turned down) of the aggregation centres, the turning down of the requests for a recount did not lead to dissatisfaction of the party agents. The findings of the Observation Mission show that the results aggregation process was – with a few exceptions – satisfactory.
10.1 General Conclusions

1. CSSC observers did not observe systematic and widespread rigging which could have seriously affected the final results. Although the national tallying process of presidential votes was not transparent because observers were not admitted into the Strong Room, the wide margin of more than 2.8 million votes between the two main contestants could be seen as an indicator that the tallied results were – despite all observed flaws and shortcomings – correct.

2. The voter turnout of 65.3% was much higher than in the last General Elections (of 2010). This shows that Tanzanians were eager to participate in the process. The number of rejected votes (2.6%) was still within the acceptable range of 3% according to international standards.

3. There was inadequate provision of civic and voter education which was supposed to be carried out by accredited CSOs under the supervision by NEC. This was not comprehensively done because of lack of funds.

4. Presiding Officers and polling staff generally appeared not to have been trained sufficiently. In many of the observed polling stations, they were overwhelmed by their duties and unsure of the proper procedures. Moreover, Presiding Officers handled the same situation differently, which shows that their training was not consistent. This was also the case in dealing with the question whether a ballot was valid or to be rejected.

5. Most of the Presiding Officers in the observed polling stations had no prior experience with elections. This proved to be a disadvantage for managing the polls.

6. In a few polling stations, our duly accredited observers were not allowed access by the Presiding Officer. This shows that the Officers were ignorant of the rights and duties of accredited observers.

7. There was lack or shortage of sensitive materials such as ballot papers, result forms and other sensitive materials in a number of observed polling stations, which led to significant delays for more than one hour before voting started.

8. In a number of observed polling stations, the ballot boxes were not properly sealed owing to lack of seals. In some cases, only one seal was applied, which did not serve
the purpose because the box could still be corruptly opened without leaving any signs on the single seal of any such thing having been done to the box.

9. In some observed polling stations, the rubber stamps for the validation of ballots broke down. In some of the affected stations, the broken stamp was continued to be applied in its broken state while in others the ballot papers were not stamped at all.

10. In many observed polling stations, there was only one party agent of CCM present while the opposition parties were not represented.

11. In some observed polling stations, party agents did not respect their limits and actively engaged in the administration of elections by handling election materials and taking over the work of the NEC polling staff. This was a clear violation of the National Elections Act and shows that the party agents were not sufficiently trained.

12. During the counting process, party agents were observed leaving and re-entering the polling stations and making phone calls. This was in conflict with the applicable Act and regulations. Party agents even handled the ballots in favour of their candidate. The National Elections, however, Act does not permit such actions.

13. The secrecy of voting was seriously compromised in a significant number of observed polling stations. The polling booths were arranged in a way that allowed party agents and/or other voters to see the marking of the ballots. In some cases, this was done deliberately because the party agents wanted to ensure that no voter marks more than one ballot. This, however, was a clear violation of the National Elections Act and created a risk of illegal vote buying.

14. Some polling stations were situated in unsuitable places such as bars, private premises or in open space with insufficient security.

15. Security personnel interfered with the administration of elections in some observed polling stations by giving the Presiding Officer orders or directives. This was contrary to the Act.

16. Significant numbers of voters were not allowed to vote despite having a voter card because their names were not on the permanent voter list. This caused a lot of frustration.

17. Especially in rural areas, it was observed that the lamps provided for the counting were not working. This caused a good amount of inconvenience to the polling station staff which had to use candles.
18. In a number of polling stations, duly filled result sheets were not affixed outside the polling station for public consumption as stipulated by the Act. This made it difficult for observers to document those results.

19. The registration of voters’ period was not sufficient to register every citizen who wanted to be registered. The verification period of only eight days was too short. This caused a significant number of voters not voting because their names were not on the permanent voter list.

20. Political parties failed to adhere to the rules and regulations in nomination process and hence a lot of discrepancies happened. Many members were dissatisfied with the internal political parties processes.

21. The media did not play its role as neutral and impartial organs to make sure that party manifestoes are understood by the community members and provide equal media space for all candidates.

22. The independence of the NEC and ZEC is questionable and this calls for constitutional reforms.
10.2 General Recommendations

10.2.1 NATIONAL ELECTORAL COMMISSION (NEC)

i. The use of the Biometric Voter Register (BVR) in the identification of voters would be helpful to making the verification process of voters safer. Since the registration of voters was successfully carried out using the BVR, however, this system should be applied in future elections and referendum. Other countries, such as Nigeria and Ghana, have successfully applied the BVR for identification of voters.

ii. The voter turnout of 65.3% was encouraging. However, there is need for intense civic and voter education to increase the turnout. The number of rejected votes (about 400,000 which is 2.6 % of the valid vote cast) is within the internationally acceptable range of 3% but leaves room for improvement. Civic and voter education should be seen as an ongoing activity and should start immediately not just some months before an election. A strong democracy needs many well informed voters.

iii. In a number of polling stations, our duly accredited observers were not allowed to observe and were sent out by the Presiding Officer. This is a clear breach of the General Elections Act and related regulations and, in principle, it is not acceptable. Presiding Officers must be fully informed about the rights and duties of accredited election observers.

iv. NEC should ensure that the quality of materials used for election is of highly important. For example the rubber stamps which were used for authenticating ballots were of very poor quality and broke down in a significant number of polling stations after a short time of their being used and poor lamps that could not even be used in counting process

v. All election materials should be available in sufficient quantities and on time. This includes Form No. 18 and seal which were not available or they were insufficient. The late arrival of materials caused severe delays in a significant number of polling stations.

vi. The secrecy of voting was not ensured in a large number of polling stations because of the way the voting booths were arranged. A lot of the polling stations were very narrow, a state of affairs that also compromised the secrecy of voting. There should be improvements in future elections in these regards.

vii. In general, it is advisable that Presiding Officers and party agents agree on how to handle certain aspects of the polling. However, this needs to be based on the
applicable substantive and procedural provisions/requirements of law and should not be in conflict with them. The handling of ballots by party agents or compromising the secrecy of voting is clearly against the applicable provisions of the law and unacceptable.

viii. Presiding Officers and NEC polling staff should be better trained. In a large number of polling stations observed, they were overwhelmed by their duties and showed lack of competence. Presiding officers and polling staff should have some experience with elections in order to smoothen the administration of elections. New polling staffs should work side by side with experienced polling staff.

ix. In order to increase transparency, accredited observers should be allowed to have access to the Strong Room where the national tallying for the presidential elections votes is carried out. Without this access, observer missions cannot be in a position to comment on whether or not the tallying was credible and accurate. This restriction violates international standards for democratic elections.

x. Voter registration and verification should be a continuous process to allow all qualified citizens are registered

xi. In the polling stations observed, a significant number of voters were not on the permanent voter list despite information on their voter card. This system should be improved in future elections (i.e., by using the BVR for identification of voters) in order to allow every duly registered voter to cast his vote.

xii. Polling stations should not be placed in private premises or unsuitable locations such as bars. Polling stations should be situated in a safe environment and not in open spaces without proper security.

xiii. NEC should release polling station results on their website as soon as they are available. This would increase transparency of the process.
10.2.2 SECURITY FORCES

i. The security forces should provide equal and fair security environment to all political parties participating in the elections.

ii. The security personnel should be equipped with election laws so as to play their role according to the laws and procedures.

10.2.3 POLITICAL PARTIES

i. Party agents should be sufficiently trained in order to adhere to electoral laws and procedures which enable them to effectively and efficiently participate in elections.

ii. The parties – especially the main contenders – should field party agents in each polling station to ensure full observation.

iii. The criteria for the validity of a ballot should be clear to all Presiding Officers and party agents. According to the law, a ballot is valid as long as the intention of the voter is clear. If this had been followed, the number of rejected votes should have been less.

iv. The internal political parties’ processes should be more democratic, transparent and accountable to allow all party members to full participate in nomination and support to nominated candidate.

v. Political parties should adhere to electoral laws, guidelines, procedures and code of conducts for peaceful, free, fair and credible elections.
10.2.4 GOVERNMENT OF TANZANIA

i. The Constitution should be amended to allow independent candidate, independent electoral commission, independent judiciary and challenge of presidential results in Court. The absence of these environments contradicts international standards for democratic elections.

ii. The government should provide timely and adequate budget to the NEC to allow frequent updating of PNRV, recruitment of qualified staffs and supply of quality and adequate election materials. This will ensure the effectiveness and efficiency of NEC in undertaking its mandate.

iii. The government should ensure that, public resources are not used to facilitate campaigns of any political parties. In the event of use of public grounds or media the government should provide equal and fair access to all political parties.