

THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

No. 1

19th March, 2010

to the Gazette of the United Republic of Tanzania No. 12 Vol. 91 dated 19th March, 2010

Printed by the Government Printer Dar es Salaam by Order of Government

THE ELECTION EXPENSES ACT, 2010

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No. 6 OF 2010

I ASSENT,

JAKAYA MRISHO KIKWETE,
*President*17th March, 2010

An Act to make provisions for the funding of nomination process, election campaigns and elections with a view to controlling the use of funds and prohibited practices in the nomination process, election campaigns and elections; to make provisions for allocation, management and accountability of funds and to provide for consequential and related matters.

[.....]

ENACTED by Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONSShort title and
commencement1.-(1) This Act may be cited as the Election Expenses
Act, 2010.(2) This Act shall come into operation on the 1st day of
April, 2010..

Application

2. This Act shall apply-

- (a) in the case of Mainland Tanzania, in respect of election expenses for a candidate for the office of the President of the United Republic, a Member of Parliament and a Councillor; and
- (b) in the case of Tanzania Zanzibar, in respect of a candidate for an office of the President of the United Republic and for an office of a Member of Parliament.

Interpretation

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

“campaign period” means the period commencing immediately after the nomination day up to the day immediately preceding election day;

“candidate” means a person who submits himself for election in the Office of the President, a Member of Parliament or a Councillor;

“contested election” means an election in a ward, constituency or Presidential election in which there are more candidates than are vacancies;

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

“Councillor” means a person who is elected in the office of -

- (a) in relation to a district, a District Council;
- (b) in relation to a municipality, a Municipal Council;
- (c) in relation to a city, a City Council; and
- (d) in relation to a town, a Town Council;

“election” means the act of selecting by vote a person from among a number of candidates to fill a vacancy in the Office of the President, a Member of Parliament conducted under the National Elections Act or a Councillor conducted under the Local Authority (Elections) Act and includes the nomination process;

Caps. 343 and
292

“election expenses” has the meaning ascribed to it under section 7;

“Minister” means the Minister responsible for political parties;

“monitoring” means information gathering, examination and evaluation of the electoral process;

- “nomination day” means a day appointed for the nomination of candidates in a contested election for the Office of the President, the Vice-President, a Member of Parliament or a Councillor;
- “nomination process” means the process by whatever procedure whereby a political party invites persons who wish to be sponsored by any of such political parties to stand as candidate in the elections;
- “political party” means any organized group of persons formed for the purpose of forming a government or a local government authority within the United Republic through elections or for putting up or supporting candidates to such elections;
- “polling district” means a ward declared as such under the Local Authority (Elections) Act or an area or division of a constituency made pursuant to the provisions of section 5 of the National Elections Act;
- “Presidential election” means the election of the President of the United Republic;
- “presidential candidate” means a person nominated to contest an election to the Office of the President of the United Republic and includes the vice-presidential candidate;
- “prohibited practices” means any offence mentioned in and punishable under the provisions of Part V;
- “Registrar” means the Registrar of Political Parties appointed under the Political Parties Act;
- “voter” means a person or delegate who is for the time being qualified to vote during the nomination process and election in accordance with the provisions of the National Elections Act or the Local Authority (Elections) Act.

Caps. 292
and 343

Cap. 258

Caps. 343 and
292

PART II

ADMINISTRATION OF ELECTION EXPENSES

Functions of
the Registrar

4. The Registrar of Political Parties shall be responsible for supervision and administration of election expenses under this Act.

Powers of
inspection

5.-(1) For the purposes of an investigation or examination under this Act, the Registrar or his representative authorized in

writing may, at any reasonable time enter into any premises in which books, papers and documents of a political party or candidate relevant to the subject matter of the investigation or examination are kept.

(2) For the purpose of subsection (1), the Registrar shall serve notice of not less than five days to a political party or a candidate concerned.

Power to
demand
information

6.-(1) The Registrar may request for any information relating to election expenses of a political party or a candidate that is reasonably required in respect of their duties under this Act.

(2) Where a request for information is made pursuant to subsection (1), such information shall be furnished to the Registrar by a political party or a candidate within such reasonable time as the Registrar may determine.

PART III ELECTION EXPENSES

Meaning of
election
expenses

7.-(1) The term "election expenses" means all funds expended or expenses incurred in respect of the conduct and management of nomination process, election campaign and election by a political party, candidate or Government and include-

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- (a) in relation to nomination process, all expenses incurred by a political party during the nomination process;
- (b) in relation to nomination of a candidate under the National Elections Act or all expenses or expenditure incurred by a political party for facilitating its candidate for nomination;
- (c) in relation to election campaigns, all expenses or expenditure incurred by a political party or candidate for the purpose of election campaigns; and

- (d) in relation to an election, all expenses incurred by the Government, political parties and candidates.

(2) All funds used for promotional art groups for purposes of presentation of a candidate to voters including the cost of providing food, drinks, accommodation or transportation which has been reasonably incurred by a candidate for members of his campaign team shall be deemed to constitute election expenses.

(3) For the purposes of subsection (2), "campaign team" means a group of persons formed by a candidate in the nomination process or a contested election for purpose of presenting or assisting that candidate in the election campaigns, who have been approved-

- (a) in the case of a Presidential candidate, by the Registrar;
- (b) in the case of a Member of Parliament, by the District Administrative Secretary; and
- (c) in the case of a Councilor, by the Ward Executive Officer.

Election
expenses to be
incurred by
political parties
Cap. 258

8.-(1) It shall be an obligation of each political party to conduct and fund its election campaign by utilizing its own funds from the sources stipulated under the Political Parties Act.

(2) Subject to the limitations provided for under this Act, a candidate may use his own funds during election campaigns as may be necessary or required for the purpose of election campaigns.

Disclosure of
funds before
election
campaigns

9.-(1) A candidate shall be required to disclose at least seven days before the nomination day-

- (a) in the case of a Presidential candidate, to the Secretary General;
 - (b) in the case of a candidate for the post of a Member of Parliament and a member of the Council, to the District Party Secretary,
- of a political party which sponsored that candidate the amount of funds which the candidate-

- (i) has in his possession; and
 - (ii) expects to receive.
- intends to use as election expenses. .

(2) Every political party which participates in any election shall, within thirty days after the nomination day, disclose to the Registrar all funds which it intends to -

- (a) use as election expenses; and
- (b) use for candidates sponsored by such political party as election expenses.

(3) The disclosure of funds by the candidate shall, for the purpose of this Act, in the absence of any other factors, be *prima facie* evidence that the candidate has complied with the requirement for disclosure of funds.

(4) For the purpose of subsection (3), it shall be sufficient for the District Party Secretary or the Secretary General, of a political party concerned, to issue a certificate showing that the candidate has complied with the requirement of subparagraph (i) of subsection (1).

(5) The disclosure of funds made pursuant to the provisions of this Act shall be confidential and shall not be divulged except when such information is the subject of a complaint or a complaint lodged by the Registrar or investigation initiated by the Registrar or if it is the subject of proceedings in the court of law.

Limit of
election
expenses

10.- (1) For the purpose of implementation of section 9 and this section, the Minister shall, by an order in the *Gazette*-

- (a) prescribe the maximum amount of election expenses depending on -
 - (i) the difference in the size of electoral constituency;
 - (ii) categories of candidates;
 - (iii) population of people; and
 - (iv) communication infrastructure;
- (b) vary the amount of election expenses to be used

by political parties during election campaigns.

(2) Where in exceptional circumstances, a political party or a candidate expends funds in excess of the amount prescribed under sub-section (1) that political party or the candidate, as the case may be, shall be required to make a report to the Registrar containing reasons for the use of excess funds.

(3) A political party which or a candidate who uses funds in excess of the amount prescribed pursuant to sub-section (1) commits an offence.

Voluntary
donations

11.-(1) A political party may, for the purposes of financing election expenses, appeal for and receive voluntary donations from any individual or organisation, in and outside the United Republic, provided that the source of every donation, exceeding shillings one million for an individual donor and shillings two million for an organization shall, within thirty days of its receipt, be disclosed to the Registrar by the Board of Trustees of the political party concerned.

(2) Each political party shall ensure that all donations received by the party in the form of money are deposited in the special account opened by the party for election expenses, and all election expenses shall be paid from that account.

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(3) Every political party shall disclose to the Registrar information relating to donations received pursuant to subsection (1) in a manner stipulated under the Political Parties Act.

(4) For the purpose of voluntary donations, a candidate may receive or accept donation for election expenses from an individual person or organisation.

(5) A person who uses or threatens to use force or violence, injures, damages or harms any person who donates or intends to donate any funds to a candidate, a member of his family or any of his undertakings commits an offence.

(6) The term "undertakings" as used in subsection (5) means business, property, employment, contract of service and any other similar trade.

(7) Any person who contravenes the provisions of subsection (5) shall, on conviction, be liable to a fine of not less than shillings one million and not more than shillings five million or to imprisonment for a term of not less than six months and not more than two years or to both.

Restriction of
foreign funding
to election
expenses

12.-(1) No political party, Non-Governmental Organisation, Faith Based Organisation, Community Based Organisation, other body or institution or any member of such political party, Non-Governmental Organisation, Faith Based Organisation, Community Based Organisation, body or institution and no other person shall receive, bring or cause to be brought into the United Republic, any funds or anything which can be cashed or converted into funds which, on the ground of a donation or on other ground, is intended to be used or, in the discretion of such political party, Non-Governmental Organisation, Faith Based Organisation, Community Based Organisation, body, institution, member or other person, may be used to further the interest of any political party, own candidature or any other person who has been nominated or may be nominated as a candidate for any contested election.

(2) The term "funds" as used in subsection (1) shall be construed to include:

- (a) money;
- (b) a motor vehicle;
- (c) an aircraft;
- (d) transportation;
- (e) T-shirts;
- (f) a flag;
- (g) printing, publication or distribution of leaflets, brochures or any other publications;
- (h) broadcasting, radio or television equipment;
- (i) provision of food or drinks;
- (j) promotional art groups; and
- (k) any other thing intended to be used for furtherance of election campaigns.

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(3) Except as provided for under the Political Parties Act, the restriction imposed by subsection (1) shall not apply to any

funds received within, brought or caused to be brought into the United Republic during any period, in the case of-

- (a) the General Elections, ninety days before the election day; and
- (b) a by- election, thirty days before the election day.

(4) Any political party, Non-Governmental Organization, Faith Based Organization, Community Based Organisation, other body or institution or any member of such political party, Non-Government Organisation, other body or institution and any other person who uses any fund referred to in subsection (1) contrary to the provisions of that subsection or fails to comply with any requirements or conditions stipulated in terms of that subsection (1), commits an offence.

Organisations
to disclose
sources of
funds

13.-(1) Any Non-Governmental Organisations, Faith Based Organisations or Community Based Organisations which, for the purpose of election, wishes to participate in any activity referred to in subsection (3) shall be required to disclose sources and the amount of funds that shall be used for that activity.

(2) Subject to subsection (1) Non-Governmental Organisations, Faith Based Organisations or Community Based Organisations shall not use more than the amount prescribed by the Minister in the regulations.

(3) Without prejudice to subsection (1), all money of Non-Governmental Organisations, Faith Based Organisations or Community Based Organisations shall be used for purposes of -

- (a) advocacy;
 - (b) public awareness,
- for furtherance of election campaigns.

(4) Within ninety days after the election, Non-Governmental Organisations, Faith Based Organisations or Community Based Organisations referred to in subsection (1), shall furnish to the Registrar information in relation to expenses incurred for the election.

(5) A Non-Governmental Organization, Faith Based Organization or Community Based Organization which contravenes the provisions of this section commits an offence and shall, upon conviction, be liable to a fine not less than shillings five million or to imprisonment for a term not exceeding three years or to both.

Expenses for
nomination
process

14.-(1) All expenses to be incurred during the nomination process within the political parties shall be borne out by a political party concerned.

(2) For the purpose of this section, the Minister shall, in consultation with the Registrar and political parties with full registration, make uniform regulations which shall be observed during the nomination process by all political parties.

PART IV

ACCOUNTABILITY

Disclosure of
fund for
election
campaigns

15.-(1) All funds provided by an association or group of persons or by any person for the nomination process or election campaigns of a political party, whether as a gift, loan, advance, deposit or donation, shall be paid to the political party concerned and not otherwise and the political party shall disclose the received funds in the returns respecting election expenses.

(2) A political party which fails to disclose any gift, loan, advance, deposit or donation received as required under subsection (1) commits an act of prohibited practices.

Receipt of
election
expenses

16. Any person who effects payments in respect of any election expenses shall ensure that the payment made is vouched for by a bill stating the particulars and by a receipt or some other evidence of payment.

Apportionment
of election
expenses
incurred by a
political party

17.-(1) With the consent of the candidates concerned, a political party may expend on the advertisement of candidates sponsored by such political party and their meetings and in that event shall-

(a) apportion the expenditure between such candidates as may be appropriate; and

- (b) within thirty days after the polling day, inform each candidate of the amount so apportioned to him, and the amount so apportioned shall form part of the candidate's election expenses.

(2) Any advertisement referred to in section (1) shall include the name of the Board of Trustee of the political party in question and a statement that it is published under the authority of that political party.

(3) The Board of Trustees of a political party shall, within ninety days after the polling day, render, in respect of every candidate sponsored by such party, to the Registrar true returns in the prescribed form showing expenditure incurred in terms of subsection (1) and the amount apportioned to each candidate.

Returns as to
election
expenses

18.-(1) Any candidate who receives funds as election expenses shall, within sixty days from the polling day, prepare and submit a verified report to the political party which sponsored that candidate in the election.

(2) Every political party which sponsored a candidate shall, within one hundred and eighty days after the submission of the report by the candidate, transmit to the Registrar the report containing true returns in the prescribed form in relation to the candidate, a financial statement of all expenses incurred together with all bills and receipts or some other evidence of payment.

(3) The report shall contain-

- (a) a financial report of election expenses;
- (b) an account of all funds received by a candidate or any other person on his behalf for the purpose of election expenses incurred, with a statement of every payment and sources of those funds;
- (c) statement by the candidate verifying the report and stating that no payment not permitted by the Act was made with his knowledge and consent and to his knowledge and belief every expenses incurred are entered in the report of the political party; and

- (d) the audit report thereon as required under this Act.

(4) Where the political party fails to file the financial report and the audited report as required by this Act, that political party shall, in addition to payment of default fine of shillings three million and the requirement to file financial report at any later time, be disqualified to contest in any election including the next General Elections unless that political party files such financial report and the audited report to the satisfaction of the Registrar before the next nomination day.

(5) Any candidate who, irrespective of whether has won or lost in the election, fails to prepare a report referred to under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding shillings two million or to imprisonment for a term not exceeding one year or to both.

(6) For the purpose of this section, the Registrar may, on sufficient cause, extend the time for a political party to submit the audited report.

Obligation to
keep records

19.-(1) For the purposes of financial accountability under this Act, it shall be the duty of every candidate, and each political party, Non-Governmental Organization, Faith Based Organization and Community Based Organization which participated in activities referred to in subsection (3) of section 13 of this Act to keep records of-

- (a) funds received for election expenses indicating the amount and the nature of funds received;
- (b) names and postal, physical and electronic addresses of donors;
- (c) funds anticipated to be received and their sources;
- (d) funds expended for nomination, election campaigns and election; and
- (e) funds expended by candidates as nomination and election expenses.

(2) The political party shall ensure that -

- (a) donations consisting of goods or services are valued and recorded in accordance with this Act; and
- (b) financial statement as required under this Act together with auditors report are filed with the Registrar.

(3) The Registrar shall, for the purposes of record keeping under this section, make guidelines prescribing the manner in which records shall be prepared and maintained.

(4) All records relating to funds used as election expenses shall be audited by the Controller and Auditor-General in accordance with the provisions of the Political Parties Act.

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Failure to
disclose funds

20.-(1) A political party which, and every candidate who is required under the provisions of this Act to disclose the amount and sources of funds intended to be used as election expenses fails to disclose such funds, shall, in the absence of any reasonable explanation, render itself or himself liable for disqualification from participating in the election.

(2) Where after hearing a presentation by a political party or the candidate concerned, the Registrar is satisfied that such a political party or a candidate is liable for disqualification from participating in the election, the Registrar shall file an objection with the Director of elections.

(3) Upon receipt of an objection filed by the Registrar, the National Electoral Commission may issue an order disqualifying the political party or the candidate.

(4) Without prejudice to the preceding provisions of this section, the Attorney General, a person who was a candidate, voter or a political party which sponsored a candidate, may file an election petition challenging the nomination of a candidate by a political party or election of a candidate who contravened the requirement for disclosure of funds under this Act.

PART V

PROHIBITED PRACTICES

Unfair conducts

21.-(1) During the nomination process, election campaign or election, an act of prohibited practice shall be committed by-

- (a) every person who, before or during the campaign period, directly or indirectly, by any other person on his behalf, gives, lends or agrees to give or to lend, or offers, promises, or promises to procure or to endeavor to procure, any money or valuable consideration to or for any voter or to or for any person on behalf of any voter or to or for any other person, in order to induce any voter to vote or to refrain from voting, or corruptly does any such act, on account of such voter having voted or refrained from voting at any nomination process or election;
- (b) every person who directly or indirectly, by himself, his agent or by his political party on his behalf, gives or procures or agrees to give or to procure or to endeavor to procure, any office, place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce such voter to vote or to refrain from voting, or corruptly does any such act, on account of such voter having voted or refrained from voting at any election;
- (c) every person who, before or during the election campaigns period directly or indirectly, by himself, his agent or by his political party on his behalf, makes any gift, loan, offer, promise, procurement, or agreement to or for any person in order to induce such person to procure or to endeavor to procure, the nomination of a person as a Councillor, a candidate by a political party, the election of any person as a Member of Parliament or the President or the vote of any voter at any nomination process or election;

- (d) every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavors to procure the nomination of a person as a candidate by a political party, the return of any person as a Councillor, a Member of Parliament, the President or the vote of any voter at nomination process or an election;
- (e) every person who, for purposes of promoting or furthering a nomination process or an election campaign, or during the nomination or campaign, or during the nomination or campaign period, advances or pays, or causes to be paid, any money to or for the use of any other person, with the intent that such money, or any part of that money, shall be expended in bribery at any nomination process or election or who knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any nomination process or election;
- (f) every voter who, before or during the nomination process or election campaign period directly or indirectly, by himself or by any other person on his behalf, receives, agrees to receive or contracts for any money, gift, loan or valuable consideration, office place or employment for himself or for any other person, for voting or agreeing to vote or for refraining from or agreeing to refrain from voting at any nomination process or election; and
- (g) every person who, after any nomination or election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or

refrain from voting at any nomination process or election.

(2) Where it is alleged that the act constituting prohibited practice was committed by an agent or any other person on behalf of the candidate, it shall be a defense for the candidate if he proves that it was committed without his knowledge, consent or approval or that of his agent.

(3) For the purposes of this section an act or transaction shall not be deemed to constitute prohibited practice if it is proved to have been designed to advance the interests of community fund raising, self-help, self-reliance or social welfare projects within the constituency and to have been done before the nomination process or election campaign, as the case may be.

Unconscionable
funding

22. The following persons shall be deemed to commit unconscionable funding within the meaning of this Act:

- (a) every person who corruptly, by himself or by any other person, on his behalf, either before, during or after the nomination process or election directly or indirectly gives, or provides, or pays, wholly or in part, the expense of giving or providing food, drink, entertainment or provisions to or for any person, for the purpose of influencing that person, or any other person, to vote or to refrain from voting at such nomination process or election; and
- (b) every person who corruptly accepts or takes any such food, drink, entertainment or provision.

Conveyance of
voters

23.-(1) No payment or contract for payment shall, for the purpose of promoting or procuring the nomination or election of a candidate at any nomination process or election, be made-

- (a) on account of the conveyance of voters to or from the poll station, whether for the hiring of vehicle, vessels or animal of transport of any kind whatsoever, or for railways fares, or otherwise; or

- (b) to or with a voter on account for the use of any house, land, building, or premises for the exhibition of any address, bill, account of the exhibition of any address, bill or notice.

(2) Subject to such exception as may be allowed in pursuance of this Act, if any payment is made in contravention of this section either before, during, or after an election, the person making such payment or contract shall commit an act of prohibited practice, and any person receiving such payment or being a party to any such contract, knowing it to be in contravention of this section commits an act of prohibited practice.

(3) A person commits an act of prohibited practice who let, lend or employ for the purpose of conveyance of voters to and from the polling station any vehicle, vessel or animal of transport of any kind which he keeps or uses for the purpose of letting out for hire, and if he lets, lends or employs such vehicle, vessel or animal of transport knowing that it is intended to be used for the conveyance of voters to and from the polling station.

(4) A person who hires, borrows, or uses for the purpose of conveyance of voters to and from the polling station any vehicle, vessel or animal transport of any kind which knowingly that the owner thereof is prohibited by subsection (3) to let, lend, or employ for that purpose commits an act of prohibited practice.

(5) Nothing in subsection (3) or (4) shall prevent a vehicle, vessel or animal of transport of any kind being let to, or hired, employed, or used by a voter or several voters at their joint cost for the purpose of being conveyed to or from the polling station.

(6) Notwithstanding anything in the preceding provisions of this section-

- (a) where it is the ordinary business of a voter as an advertising agent to exhibit for payment bills and advertisement, a payment to or contract with such voter, if made in the ordinary course of business.

- shall not be deemed to be a prohibited practice within the meaning of this section; and
- (b) where voters are unable at an election to reach their polling station from their place of residence without crossing the sea, a branch or its arm or river, means may be provided for conveying such voters equally to their polling station or to enable them to cross in order to reach their polling station.

(7) For the purpose of paragraph (b) of subsection (6), it shall be the responsibility of the Government to ensure the means of conveyance is always made available equally to all such voters who wish to avail themselves to their polling station.

Disqualification
of candidates

24.-(1) Every political party shall undertake and complete the nomination process within twenty one days before the nomination day.

(2) Any candidate who, by himself, his agent or by his political party which commits an act amounting to a prohibited practice as stipulated in this Part shall himself or itself liable for disqualification from participation in the nomination process or election.

(3) For the purpose of sub-section (2), a candidate shall not be liable for prohibited practices committed by a political party without consent or connivance of the candidate, whether expressly or impliedly.

(4) Where the Registrar is satisfied that the candidate who, by himself, his agent or his political party has committed a prohibited practice for which that candidate or political party is liable for disqualification from participation in the nomination process, he shall, in the case of -

- (a) a candidate, notify the political party concerned to nominate another candidate in place of the candidate; and
- (c) a political party, notify the political party concerned that it may be barred from sponsoring

a candidate in a ward, constituency or Presidential election.

(5) Where, during the nomination process, a political party whose candidate is liable for disqualification has failed to nominate another candidate *in lieu* of the candidate who is liable for disqualification, the Registrar shall inform Director of Election that the political party concerned which sponsored that candidate in a contested election in a relevant ward, constituency or Presidential election may be disqualified.

(6) A person who has been nominated by virtue of the operation of subsection (4) shall be subjected to all procedures relating to nomination of candidates as stipulated under the National Elections Act or the Local Authority (Elections) Act.

(7) Where a candidate, or his agent or his political party commits an act which amounts to a prohibited practice in respect of which no action was taken, the Attorney General may institute criminal proceedings or an election petition against that candidate.

(8) Without prejudice to the provisions of subsection (7), a person who commits an act of prohibited practice shall, irrespective of whether that person has won or lost in the election, be proceeded against in accordance with the provisions of Chapters VII and VIII of the National Elections Act, the Local Authority (Elections) Act or the Prevention and Combating of Corruption Act.

25. The Prohibition of prohibited practices stipulated in this Part shall extend and have the same effect to a person who, by pronouncement or conduct, has shown an intention to participate in the nomination process.

PART VI

OFFENCES AND PENALTIES

26. Any person who commits an offence under this Act to which no specific penalty is prescribed shall on conviction be liable to -

Caps 343
and 292

Prohibition of
prohibited
practices prior
to nomination
process

General
offences and
penalties

- (a) in the case of a political party, to a fine not exceeding shillings three million;
- (b) in the case of a candidate, to a fine not exceeding shillings one million;
- (c) in the case of an organization, corporation or institution, to a fine not exceeding shillings five million.

Offences
relating to
powers of the
Registrar

27. Any person who-

- (a) obstructs the Registrar or his representative from exercising powers of the Registrar under this Act;
- (b) refuses to produce books, papers and documents as requested by the Registrar;
- (c) produces false books, documents or false information to the Registrar;
- (d) makes false statement in any returns or financial report; or
- (e) destroys any books, papers, documents or thing relating to the subject matters of investigation, examination or inspection.

commits an offence and shall be liable on conviction to a fine not exceeding shillings five million.

PART VII

GENERAL PROVISIONS

Duties of
Government
media

Cap.3:43

28.-(1) The candidate for the Office of the President in an election shall have the right to utilize the Government broadcasting service and television during the election campaign, in accordance with the provisions of the National Elections Act.

(2) The Government media shall include in their publications information related to the electoral process without bias and such publication shall not tamper with information or discriminate against any candidate.

Peace and
security

29.-(1) The Government shall, for the purpose of maintaining peace and security during nomination process.

election campaign and election, deploy the police force provide such security-

- (a) to any place where nomination process or election campaign is conducted by a political party;
- (b) in respect of Presidential candidates; and
- (c) to any other place, area or to persons as it may determine.

(2) The expenses for deploying the police force personnel for the purpose of this section shall be borne out by the Government.

Protection from liability

30. No matter or thing done by any officer, officer or employee of the Office of the Registrar, the National Electoral Commission or any other official of the Government shall, if the matter or thing was done in good faith for the purposes of performance of any functions or exercise of any powers provided for under the provisions of this Act, shall make such officer or employee personally liable for the matter or thing done.

Regulations

31.-(1) The Minister may, on the recommendation of the Registrar make regulations for or with respect to any matter which by this Act is required or permitted to be prescribed or which is necessary for giving effect to this Act.

(2) Before making recommendation to the Minister about any regulations which are to be made, the Registrar shall submit the draft regulations to every fully registered political party for purposes of inviting opinions from the general public and in particular, political parties, in such manner as may be appropriate, at least thirty days before the draft regulations are submitted to the Minister.

PART VIII

CONSEQUENTIAL AMENDMENTS

Construction
Cap. 258

32. The provisions of this Part shall be read as one with the Political Parties Act.

Miscellaneous
amendments
Cap. 258

33. The Political Parties Act is amended-

- (a) in section 13 by inserting the phrase "Subject to the provisions of Part III of the Election Expenses Act, 2009" just before the words "Every party" which appears in subsection (2); and
- (b) by inserting after section 13 the following provisions:

"Protection
of informer
and witness

13A.-(1) Every person who is or becomes aware of the commission or the intention to commit by another person, whether that person is a voter, a candidate, a leader of a political party or not, to commit an offence of prohibited practice shall be required to give information to the Registrar.

(2) No information relating to commission of an offence under this Act shall be admitted in evidence in any civil or criminal proceedings and no witness in any civil or criminal proceedings shall be obliged to -

- (a) disclose the name or address of any informer who has given information to the Registrar with respect to an offence under this Act or the name or address of any person who has assisted the Prevention and

Combating of
Corruption Bureau
in any way in
relation to such an
offence; or

- (b) answer any question if the answer to such question would lead, or would tend to lead, to discovery of the name or address of such informer or person.

(3) Where any book, document or paper which is the subject of evidence or liable for inspection in any civil or criminal proceedings contain an entry in which that informer or person is named or described, or which might lead to the discovery of that informer or person by the public, the court shall cause all such passages to be concealed from view by the public or to be obligated so far as may be necessary to protect the informer or such other person from discovery by the public.

(4) Any informer who suffers reprisal, retaliation or victimization, injury or any harm from a person accused of corruption, perpetrators of offences of corruption, prohibited practices and their accessories shall be afforded reasonable

protection, compensation and assistance by the Government upon ascertainment by the Registrar the magnitude of victimization, injury or harm."

Passed in the National Assembly on the 11th February, 2010.

DR. THOMAS D. KASHILILLAI
Clerk of the National Assembly