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SPECIAL SUPPLEMENT

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THE CONSTITUTION OF THE UNITED REPUBLIC OF TANZANIA,
1977

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NOTICE
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(Made under Article 84(1) (8), 86(1) and 149 (1) (c) (2))
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THE ELECTION OF THE SPEAKER OF THE NATIONAL ASSEMBLY OF TANZANIA

Citation

1. This Notice may be cited as the Election of the Speaker of the National Assembly Notice, 2022.

Public
Notice

2. Notice is hereby given to the general public that, following the resignation of the Speaker of the National Assembly of Tanzania in accordance with Article 149(1)(c) and (2), the Office of the Speaker of the National Assembly is vacant.

Vacancy
and election
of the
Speaker

3. The general public is further notified that, pursuant to Article 84(8) of the Constitution, no business can be transacted in the National Assembly where the Office of the Speaker is vacant; and for that reason, election of the Speaker of the National Assembly shall be conducted on the 1st day of February, 2022 which is the date of the first sitting of the National Assembly immediately after the occurrence of a vacancy in the Office of the Speaker.

Participation
of political
parties and
nomination
of
candidates

4. During the election of the Speaker of the National Assembly, each fully registered political party has the right to participate by proposing one name of a member of parliament from that party or the name of a person who is not a member of parliament to stand as candidate for that political party in the election of the Speaker of the National Assembly:

Provided that, the name of a person who is not a member of parliament shall first be submitted by the respective political party to the National Elections Commission, five days before the election date.

Day for
nomination
of
candidates

5. By this Notice, a fully registered political party which intends to take part in the election of the Speaker of the National Assembly shall submit to the Clerk of the National Assembly who is the Returning Officer, the name of a candidate not later than four O'clock of 31st day of January, 2022 at the Office of the National Assembly, situated at Dar es Salaam Road, Makole Street, Dodoma.

Rules for
election of
the Speaker

6. The election of the Speaker of the National Assembly shall be conducted in conformity with the election procedures set out under Order 9 of the Parliamentary Standing Orders, June 2020 Edition and the Election Rules set out in the First Schedule to the Parliamentary Standing Orders, as extracted in the Schedule to this Notice.

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SCHEDULE
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NYONGEZA YA KWANZA

KANUNI ZA UCHAGUZI WA SPIKA NA NAIBU SPIKA

(Chini ya Kanuni ya 9 (1) na 11 (3))

SEHEMU YA KWANZA

MASHARTI YA AWALI

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| Jina | 1. Kanuni hizi zitaitwa Kanuni za Uchaguzi wa Spika na Naibu Spika. |
| Matumizi | 2. Kanuni hizi zitatumika katika mchakato wa Uchaguzi wa Spika na Naibu Spika. |
| Tafsiri | 3. Katika Kanuni hizi, isipokuwa pale maelezo yatakapohitaji vinginevyo- |
| Sura ya 2 | <p>“Chombo cha Uteuzi” ni Chama kinachopendekeza mgombea au wagombea wake;</p> <p>“Katibu” ni Katibu wa Bunge aliyetajwa katika Ibara ya 87 ya Katiba na inajumuisha pia mtumishi mwingine yeyote wa Bunge aliyeidhinishwa kutekeleza kazi yoyote ya Katiba;</p> <p>“Mgombea” ni mtu aliyejitokeza au aliyeipendekezwa na Chama cha Siasa kuwa mgombea wa uchaguzi;</p> <p>“Msimamizi wa Uchaguzi” ni mtu ambaye kwa mujibu wa Kanuni hizi amepewa mamlaka ya kuendesha na kusimamia Uchaguzi;</p> <p>“Nafasi” ni nafasi wazi ya Spika au Naibu Spika, iliyotokea ama kutokana na kuvunjwa kwa Bunge au kutokana na nafasi itokeayo kwa nasibu;</p> <p>“Nafasi ya nasibu” ni nafasi wazi ya uwakilishi wa Wabunge isiyotokana na kuvunjwa kwa Bunge;</p> <p>“Naibu Spika” ni Naibu Spika wa Bunge aliyetajwa katika Ibara ya 85 ya Katiba;</p> <p>“Siku ya uteuzi” ni siku ambayo imetangazwa na Msimamizi wa Uchaguzi kwamba ndiyo siku ya mwisho ya kupokea majina ya wagombea;</p> <p>“Spika” ni Spika wa Bunge aliyetajwa katika Ibara ya 84 ya Katiba; na</p> <p>“Uchaguzi” ni Uchaguzi wa Spika au Naibu Spika.</p> |

SEHEMU YA PILI
MSIMAMIZI WA UCHAGUZI

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| Uendeshaji na usimamizi wa Uchaguzi | 4. Isipokuwa kama imeelezwa vinginevyo, uchaguzi wa Spika na Naibu Spika utaendeshwa na kusimamiwa na Katibu wa Bunge, kwa mujibu wa utaratibu uliowekwa na Kanuni za Bunge pamoja na Kanuni hizi. |
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SEHEMU YA TATU
KUWASILISHA JINA LA MGOMBEA

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|-----------------------|---|
| Kuwasilisha majina ya | 5.-(1) Inapofika wakati wa uchaguzi wa Spika au Naibu Spika, Chama chochote cha Siasa chenye kusudio la kushiriki kwenye uchaguzi huo |
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Election of the Speaker of the National Assembly of Tanzania

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wagombea kitawasilisha kwa Katibu wa Bunge jina moja tu la ama Mbunge wa Chama hicho au la mtu mwingine yeyote wa Chama hicho mwenye sifa za kuwa Mbunge kuwa mgombea wake.

(2) Mgombea mhusika au Ofisa wa ngazi ya kitaifa wa Chama kilichompendekeza, atawasilisha jina la mgombea huyo kwa Katibu ambaye ndiye Msimamizi wa Uchaguzi.

(3) Jina la mgombea huyo linatakiwa limfikie Katibu Ofisini kwake Dodoma, kabla ya saa kumi jioni ya siku ya uteuzi.

SEHEMU YA NNE
MASHARTI YA MGOMBEA UCHAGUZI

Masharti kwa mgombea 6.-(1) Mtu yeyote anaweza kuteuliwa kugombea kuchaguliwa kuwa Spika au Naibu Spika iwapo tu atakuwa ametimiza masharti yote ya kuwa mgombea wa nafasi hizo, kama yalivyotajwa katika Sheria ya Uchaguzi.

(2) Mgombea yeyote anaweza kumtaarifu Katibu kwa maandishi kwamba anajitoa kugombea, kabla ya shughuli za kupiga kura kuanza Bungeni, na Katibu atalifuta jina la mgombea huyo katika karatasi za kura.

(3) Endapo itatokea mgombea amejitoa wakati karatasi za uchaguzi zikiwa zimekwishaandaliwa, Katibu atalitaarifu Bunge kuhusu kujiondoa huko na hivyo Wabunge wapige kura kwa wagombea waliobaki, na ikitokea kuwa kura imepigwa kwa mgombea ambaye amejitoa kwa mujibu wa fasili hii, kura hiyo itahesabika kuwa imeharibika.

SEHEMU YA TANO
UTARATIBU WA KUPIGA KURA

Kumpigia kura mgombea mmoja Sura ya 343 7. Endapo hadi kufikia saa kumi jioni ya siku ya uteuzi kutakuwa na jina moja tu lililowasilishwa kwa Msimamizi wa Uchaguzi, mgombea huyo atapigiwa kura ya “Ndiyo” au “Hapana”, na iwapo atapata kura nyingi za “Ndiyo” atatangazwa na Msimamizi wa Uchaguzi kuwa amechaguliwa kuwa Spika au Naibu Spika.

Utaratibu wa kupiga kura 8. Endapo wamependekwezwa wagombea wawili au zaidi, uchaguzi utafanyika kwa kufuata utaratibu ufuatao:-

- (a) Kabla ya kikao cha Bunge cha kumchagua Spika au Naibu Spika kuanza, Katibu ataandaa karatasi za kura zitakazoonesha majina ya wagombe wote waliopendekezwa na wakati wa kupiga kura atatoa karatasi moja tu ya kura kwa kila Mbunge;
- (b) Kila Mbunge atapiga kura ya siri kwa kuweka katika karatasi ya kura alama ya “V” katika mraba pembeni mwa jina la mgombea anayemtaka awe Spika au Naibu Spika, na ataitumbukiza karatasi hiyo katika sanduku la kura;
- (c) Mbunge ambaye kabla ya shughuli za uchaguzi kumalizika atakosea katika kuweka alama kwenye karatasi za kura ataruhusiwa kumrudishia Katibu karatasi hiyo, na papo hapo Katibu atalifuta na kuiharibu kisha kumpa Mbunge huyo karatasi nyingine;

- (d) Baada ya Katibu kuridhika kwamba Wabunge wote waliomo Bungeni wamepiga kura na kutumbukiza karatasi zao za kura kwenye masanduku ya kura, masanduku yote yatakusanywa na kuwekwa mahali panapoonekana na baada ya hapo masanduku hayo ya kura yatapelekwa kwenye chumba maalum na kura hizo zitahesabiwa chini ya usimamizi wa wawakilishi walioteuliwa na wagombea, mmoja kwa kila mgombea; na
- (e) Endapo zoezi hili la uchaguzi litaendeshwa kwa mfumo wa elektroniki wa upigaji kura basi upigaji na uhesabuji kura utakuwa wa papo kwa papo na matokeo yake yatakuwa halali.

SEHEMU YA SITA
MATOKEO YA UCHAGUZI

Matokeo ya
uchaguzi

9.-(1) Mgombea atakuwa amechaguliwa kuwa Spika au Naibu Spika iwapo atapata zaidi ya nusu ya kura za Wabunge wote na iwapo hakutakuwa na mgombea aliyepata zaidi ya nusu ya kura hizo, uchaguzi utarudiwa lakini ni wagombea wawili tu waliopata kura nyingi zaidi ndio watakaopigiwa kura, na katika hatua hiyo, mgombea atakayepata kura nyingi zaidi atatangazwa kuwa mshindi.

(2) Endapo wagombea wawili au zaidi watapata kura sawa katika nafasi ya mwanzo basi wagombea hao tu ndiyo watakaopigiwa kura na mgombea atakayepata kura nyingi zaidi atakuwa ndiye mshindi.

(3) Iwapo wagombea wawili au zaidi watapata kura sawa katika nafasi ya pili na yule wa kwanza hajapata zaidi ya nusu ya kura zilizopigwa, basi wagombea hao wawili pamoja na yule wa kwanza ndio watakaopigiwa kura na mgombea atakayepata kura nyingi zaidi atakuwa ndiye mshindi.

(4) Endapo awamu ya pili ya upigaji kura itashindwa kupata mshindi, basi Mwenyekiti au Spika atapiga kura yake ya uamuzi ili mshindi apatikane.

(5) Mara baada ya mshindi kupatikana, Katibu atamtangaza Spika au Naibu Spika aliyechaguliwa na Mwenyekiti au Spika atasitisha Mkutano wa uchaguzi na kutaja muda ambao Spika au Naibu Spika ataapishwa.

Dodoma,
8 Januari, 2022

NENELWA J. MWIHAMBI,
Katibu wa Bunge
Msimamizi wa Uchaguzi