

TANGANYIKA



No. 3 OF 1962

I ASSENT,

P. Wintham
.....
Chief Justice

28th FEBRUARY, 1962

An Act to make provision for the Regulation of Elections to District Councils and to certain Native Authorities and for matters incidental thereto and consequentially to amend the Native Authority Ordinance and the Local Government Ordinance

[2ND MARCH, 1962]

ENACTED by the Parliament of Tanganyika.

PART I

PRELIMINARY

1. This Act may be cited as the Local Government Election (Rural Short title Areas) Act, 1962.

2. In this Act, unless the context otherwise requires—
- “Authority”, in relation to a rural area, means where the area is the area of a district council, such council, and, where the area is the area of a native authority, such native authority;
- “candidate” means a person submitting himself for election as an elected member for a ward;
- “counting agent” means a person appointed under the provisions of section 52;
- “district council” means a district council established under the Local Government Ordinance;
- “elected member” means an elected member of an Authority;
- “election”, in relation to a rural area or ward, means an election of an elected member to serve in the Authority serving that rural area or ward pursuant to the provisions of this Act and includes a by-election for that purpose;
- “election agent” means an election agent named under section 84 or deemed to be named under section 85;
- “Minister” means the Minister for the time being responsible for local government;

Interpreta-
tion

- Cap. 72 "native authority" means a native authority established under the Native Authority Ordinance;
- "person" means a natural person;
- "polling agent" means a person appointed under the provisions of section 42;
- "polling district" means the division of a ward made pursuant to the provisions of section 12;
- "polling station" means a polling station specified under the provisions of section 39;
- "register of voters" means a register of voters prepared in accordance with section 16-;
- "Registration Officer" means a person appointed under the provisions of section 11, and includes an Assistant Registration Officer appointed under the provisions of section 13;
- "Returning Officer" means a person appointed under the provisions of section 30, and includes an Assistant Returning Officer appointed under the provisions of section 31;
- "Revising Officer" means a person appointed under the provisions of section 21;
- "rural area" means the area of a district council or a native authority to which this Act applies;
- "voter" means a person for the time being entitled to vote at an election in a ward under the provisions of this Act;
- "ward" means a division of a rural area, in the case of a district council, under the Local Government Ordinance and, in the case of a native authority, under section 3A of the Native Authority Ordinance or, if there is no such division, means the rural area.
- Application 3. This Act shall apply to the area of jurisdiction of any district council some or all of the members of which are, pursuant to the terms of the Instrument establishing the district council or any amendment thereof, to be elected, and to the area of jurisdiction of any native authority some or all of whose members are, pursuant to an order made by the Minister under section 3A of the Native Authority Ordinance, to be elected.

PART 11

QUALIFICATIONS OF VOTERS AND CANDIDATES

- Qualifications of voters in rural areas 4.-(I) Subject to the provisions of this Act, every person who-
- (a) has attained the age of eighteen years; and
 - (b) has for a period of not less than one year immediately preceding his application to register resided within a rural area and is so resident at the time of such application; and
 - (c) is at the time of his application to register, a citizen of Tanganyika; and
 - (d) being male, is registered in the area in which he resides as a person liable to pay local rate in that area; or
 - (e) being female and resident in the area of jurisdiction of a native authority, is a person subject to the jurisdiction of such native authority,

shall be entitled to be registered as a voter in such rural area in the ward in which he or she resides.

(2) For the purposes of subsection (1), where any person who is entitled to be registered as a voter resides in premises which lie partly within one ward and partly within another, such person may elect as to within which of such wards he shall be registered as a voter and any election so made shall be irrevocable so long as the boundary of the wards concerned remains unchanged.

(3) In this section "local rate" means-

- (a) in the area of jurisdiction of a district council, a rate levied by such council under section 89 of the Local Government Ordinance; and
- (b) in the area of jurisdiction of a native authority, a rate levied by such authority under section 3 of the Native Authority (Rating) and Local Government (Tax) Ordinance.

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(4) For the avoidance of doubt it is hereby declared that a person who is registered as a person liable to pay local rate in a rural area shall not cease to be entitled to be registered as a voter in such area by reason only that he is exempt from payment of such rate under the provisions of section 93 of the Local Government Ordinance or section 12 of the Native Authority (Rating) and Local Government (Tax) Ordinance.

5. No person shall be registered as a voter-

- (a) in more than one rural area; or
- (b) in more than one ward in the same rural area.

No person entitled to be registered more than once

6. Subject to the provisions of section 7, any person registered as a voter in a ward shall be entitled to vote in that ward at an election therein in the manner provided for in this Act.

Person registered entitled to vote

7. No person shall be registered as a voter, or, being so registered, shall be entitled to vote at any election in any ward who-

Disqualification for registration or voting

- (a) is a person adjudged to be of unsound mind, or is condemned as a criminal lunatic under any law for the time being in force in Tanganyika; or
- (b) is under sentence of death imposed on him by any court in Tanganyika or a sentence of imprisonment (by whatever name called) exceeding six months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court; or
- (c) is disqualified from registering as a voter or voting under any law for the time being in force in Tanganyika relating to offences connected with elections.

8. A person registered as a voter shall not be entitled to have his name retained on the register of voters for any ward-

Disqualification for retention of name on register

- (a) if, for a period exceeding twelve months, he has ceased to reside in the rural area in which that ward is situated; or
- (b) if he becomes disqualified for voting under the provisions of section 7; or
- (c) if, being male, he ceases to be registered in the area in which he resides as a person liable to pay local rate in that area.

Qualifications of candidates

9. Subject to the provisions of section 10, and to his having been validly nominated, a person shall be qualified for election as an elected member in a ward if-

- (a) he has attained the age of twenty-one years; and
- (b) he is entitled to be registered as a voter in, and his name is on a register of voters for, the rural area within which such ward is, situated.

Disqualification of candidates

10. A person shall be disqualified for election as an elected member if-

- (a) he is a person holding an office of profit under or in the gift of the Authority to which he seeks election, or is an inspector or auditor of the accounts of such Authority, or is disqualified under any other law; or
- (b) he is a serving member of the military forces of Tanganyika or of the Tanganyika Police Force or of the Tanganyika Prisons Service; or
- (c) he is in the employment of the Government or of the Common Services Organization and is not in possession of written authority from the Head of his Department authorizing him to stand for election; or
- (d) he ceases to be entitled to have his name retained on any register of voters for the rural area, under the provisions of section 8; or
- (e) he has within five years from the date of election been surcharged under section 30 of the Native Authority Ordinance or section 45 of the Municipalities Ordinance or section 117 of the Local Government Ordinance, to an amount exceeding one hundred pounds; or
- (f) being a person possessed of professional qualifications, he is disqualified (otherwise than at his own request) from practising his profession in Tanganyika by the order of any competent authority made in respect of him personally:
Provided that disqualification under this paragraph shall not exceed a period of five years from the date on which such person was disqualified from practising his profession as aforesaid; or
- (g) he is an undischarged bankrupt or makes a composition or arrangement with his creditors.

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PART III

REGISTRATION OF VOTERS

Appointment of Registration Officers

11. For the purposes of the registration of voters under this Act the Minister may from time to time, and as often as he may deem necessary, appoint fit and proper persons to be Registration Officers for rural areas or one or more wards therein to prepare and publish registers of voters in the manner specified in this Act.

Polling districts

12. Subject to any general or specific directions which the Minister may from time to time give in that behalf, a Registration Officer may divide any ward in respect of which he is appointed into such polling districts within such ward as he may deem necessary for the proper carrying out of his duties.

13. (1) Registration Officers may appoint fit and proper persons to be Assistant Registration Officers for one or more wards or polling districts to assist them in the preparation of registers of voters in accordance with this Act.

Appointment
of Assistant
Registration
Officers

(2) Subject to the authority, direction and control of the Registration Officer, an Assistant Registration Officer shall have all the powers and may perform any of the duties of a Registration Officer under this Act.

14. On a date not less than one hundred and twenty days before the first election and, unless the Minister otherwise directs, annually thereafter on the second Tuesday in May or, where (under the Instrument of a district council or under an order made pursuant to section 3A of the Native Authority Ordinance), provision is made in respect of any district council or native authority for elections on a date otherwise than in the month of September, at least four months before the day of the month so provided, the Registration Officer shall publish in the rural area in respect of which he is appointed, in such manner as he may deem appropriate, a notice in the Form A in the Schedule requiring every person who claims to be entitled to register as a voter in the area specified in the notice, and who is not already so registered, to present himself in person before the Registration Officer within such period (being a period of not less than twenty-one days nor more than twenty-eight days from the date of publication of the notice) as may be specified in the notice at the time and place so specified.

Notice
inviting
claims of
voters

Forms A

15.-(1) Every person who desires and is entitled to be registered as a voter in any ward, and who is not already registered as such, shall at the time and place notified by the Registration Officer, present himself to the Registration Officer for that ward, and shall complete an application for registration in the Form B in the Schedule in the presence of the Registration Officer; and, on completion of such form every applicant shall, unless dumb, make and sign the solemn declaration attached thereto:

Notice of
claim to
registration

Form B

Provided that the Registration Officer shall, on the instructions of the applicant, fill in the form of any applicant who is himself unable to do so, and in every such case the Registration Officer shall make an endorsement on the form to the effect that it was filled in by him in pursuance of such instructions.

(2) Any person who, for the purpose of procuring registration for himself or any other person, knowingly makes any false statement material to his application for registration, either verbally or in writing, to a Registration Officer, shall be guilty of an offence and liable on conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(3) No prosecution for an offence under this section shall be instituted save with the consent of the Director of Public Prosecutions.

16.(1) The Registration Officer shall examine the qualifications in respect of which a claim is made under section 15 and shall receive such evidence as may be necessary to satisfy him that the claimant possesses such qualifications.

Examinational
and
registration

Form C (2) Where the Registration Officer for any ward is satisfied that the claimant is qualified to be registered as a voter in such ward, he shall register the claimant in the register of voters for that ward in the Form C in the Schedule and shall deliver to the claimant a signed receipt in the Form B in the Schedule.

Plural registration **17.** Where any person qualified and claiming to be registered as a voter in any ward declares that he is registered as a voter in any ward other than that in respect of which the claim is made and the Registration Officer is satisfied that such person is no longer entitled to be so registered in such other ward, the Registration Officer shall, in accordance with the provisions of section 16, register such person as a voter and shall, if such other ward is within the area for which he is appointed Registration Officer, forthwith strike out that person's name from the register of voters for that ward, or, if such other ward is not within the area for which he is appointed Registration Officer or is within another rural area, shall forthwith inform the Registration Officer of such other ward or rural area who shall thereupon strike out that person's name from the register of voters for the ward concerned.

Alteration of registers in consequence of alteration of wards **18.-(1)** Notwithstanding the provisions of sections 15 and 17, where-

- (a) by reason of any change of name of a ward or of any alteration in the number of wards or in the boundaries or areas of one or more wards, a ward or any part of a ward becomes part of any other ward or of the same ward with a different name, or any one ward is divided into two or more wards; and
- (b) by reason of any of the circumstances set out in paragraph (a) of this subsection-
 - (i) a person whose name is on the register of voters for a ward (hereinafter in this section referred to as the old ward) ceases to be qualified to be registered as a voter in that ward, or the old ward in which any person is registered ceases to exist, and
 - (ii) such person becomes qualified to be registered instead in another ward (hereinafter in this section referred to as the new ward),

it shall not be necessary for such person to make claim to be registered as a voter in the new ward, but the register of voters of both the old ward and the new ward shall be amended to give effect to such change or alteration as aforesaid in accordance with the provisions of this section.

(2) The Registration Officer for the rural area concerned or, if more than one Registration Officer has been appointed within that rural area, such Registration Officer as the Minister may direct shall, as soon as may be after any such change or alteration as aforesaid has been made, strike out of the register of voters for the old ward the name of every person to whom the provisions of paragraph (b) of subsection (1) apply and enter the same in the register of voters for the new ward.

(3) Where, as a result of any such change or alteration as aforesaid, the premises in which any person resides lie partly in one ward and partly in another, and such person was, immediately prior to such change or alteration, registered as a voter in one or other of such wards, the Registration Officer shall not strike out or transfer the name of such person in accordance with subsection (2) unless within one year of the change or alteration the latter elects to have his name struck out of the register of the one ward and transferred to that of the other.

(4) Where, as a result of any such alteration as aforesaid, the old ward is divided into two or more new wards and the premises in which any person resides lie partly in the such new ward and partly in another, and such person was immediately prior to such alteration registered as a voter in the old ward, the Registration Officer shall serve notice on such person calling upon him to elect as to within which of such new wards he wishes to be registered, and the Registration Officer shall transfer such person's name in accordance with such election or, if such person fails to inform the Registration Officer of his election within fourteen days of the service of such notice upon him, shall transfer his name as the Registration Officer thinks fit.

(5) A Registration Officer shall not exercise the powers conferred by this section—

- (a) in any rural area, between the date upon which there is published in that rural area, for the last time prior to an election (other than a by-election), a copy of a register of voters under section 19 and the date of the election; or
- (b) in respect of any ward in which there is a by-election, between the date upon which the Minister gives notice in the *Gazette* appointing the date of the by-election and the date of the by-election.

(6) A register of voters prepared under the provisions of this section shall be deemed to be a register of voters prepared under section 16.

19. Every Registration Officer shall, within a period of twenty-one days after the last day upon which any claim specified in section 15 is allowed to be made or such other period as the Minister may in any particular case allow, cause to be made and exhibited in the office of the Authority, and in such places as he may deem fit, a copy of the register of voters within the area for which he is appointed.

Copy of register of voters to be exhibited

20. Every Registration Officer shall not less than thirty days before the first election and annually thereafter in the month of May, or where (under the Instrument of a district council or under an order made pursuant to section 3A of the Native Authority Ordinance) provision is made in respect of any district council or native authority for elections on a date otherwise than in the month of September, at least three months before the day of the month so provided, ascertain whether any of the persons registered as voters in the register of voters made up as herein before provided are dead, and he shall write the word "dead" against the name of every person who, he has cause to believe, is dead.

Registration officer to record death of persons registered as voters

PART IV

REVISION OF REGISTERS

- 21.** The Minister may from time to time and as often as he may deem necessary appoint fit and proper persons to be Revising Officers for rural areas to revise the registers of voters thereof in the manner hereinafter provided.
- 22.**-(1) Every person whose name has been omitted from a copy of the register of voters, or part thereof, prepared and exhibited under the provisions of this Act and who claims to have his name inserted therein shall within ten days after the exhibition of such copy under the provisions of section 19, give notice in writing to the Registration Officer in the Form D in the Schedule.
- (2) Every person whose name appears in a copy of the register of voters for any ward or part thereof, prepared and exhibited under the provisions of section 19, may object to the retention on the register of voters of any other person whose name also appears therein as not being entitled to be registered as a voter or to have his name retained on the register of voters, and shall within ten days after such exhibition give notice in writing in the Form E in the Schedule to the Registration Officer and to the person objected to.
- (3) The Registration Officer may object to the retention on the register of voters of any person whose name appears therein as not being entitled to have his name entered or retained thereon, and shall, within ten days after the exhibition of the register of voters, give notice in writing to the person objected to in the Form E in the Schedule.
- (4) Within six days after the expiration of the period of ten days hereinbefore specified, the Registration Officer shall cause to be prepared and exhibited, in each place where a copy of the register of voters has been exhibited under the provisions of section 19, a statement of all such claims and objections in respect of such copy and the names of the persons who have made the same.
- 23.**-(1) An open court shall be held annually in each rural area for the purpose of revising the register of voters by and before the Revising Officer for that rural area:
- Provided that if no claims or objections have been made no such court shall be held.
- (2) The court shall be held on such day, being within seven days after the exhibition of the statement of claims and objections under the provisions of subsection (4) of section 22, as may be fixed by the Revising Officer and three days' notice of the holding of the court and of the place at which the same is to be held shall be given in such manner as the Revising Officer may consider appropriate.
- 24.**-(1) Upon the production in court by the Registration Officer of the register of voters for the wards for which he is appointed and the statement of claims and objections, the Revising Officer shall go through the same and shall insert in the register of voters the name of every person who is proved to his satisfaction to be entitled to have his name inserted therein, and shall strike out of the register of voters the name

Appointment
OfficersProcedure
as to
omissions
and
objections

Form D

Form E

Form E

Revising
Officer
to revise
register in
each rural
areaProcedure
of court
revising
register

of every person who, upon the application of the objector, is proved to the satisfaction of the Revising Officer not to be entitled to have his name retained therein or in respect of whose death the Revising Officer is satisfied.

(2) If the objector appears neither in person nor by advocate, the objection shall be overruled and the name of the person shall be retained in the register of voters concerned.

(3) The Revising Officer holding a court under this Act may require any person present to give any information in his possession which the Revising Officer may require for the purpose of his duties as Revising Officer and may, subject to the provisions of section 25, adjourn the court to such time and as often as may be necessary and shall have the same powers as a magistrate for keeping order in his court and for summoning witnesses and taking evidence.

(4) The Revising Officer shall write his initials against any name struck out of a register of voters or inserted therein, against any mistake or omission corrected, and immediately after the last name on every page of the register.

(5) If the Revising Officer is of the opinion that the claim or objection of any person is without foundation or is frivolous, he may order such person to pay for the actual costs of the inquiry, including the costs of the witnesses, and such costs shall be recoverable by the Registration Officer in a suit before any court of competent jurisdiction.

25. The registers of voters shall be finally settled and signed by the Revising Officer and such registers shall be delivered by him to the Registration Officer within five days from the date on which such Revising Officer first commenced to hold his court and revise the registers of voters or such extended period as the Minister may in any particular case allow.

Settlement
of registers
of voters

26. The registers of voters for the time being in force shall be *prima facie* evidence for the purpose of determining whether a person is or is not entitled to vote at the election in the ward to which such register of voters or part thereof relates.

Registers
to be
prima facie
evidence

PART V

ELECTION DATES AND CANDIDATURE

27. Unless otherwise provided by law in relation to any Authority, the first election in a rural area shall take place on a date to be appointed by the Minister by notice in the *Gazette*, being a date not earlier than eighteen weeks nor later than thirty-six weeks after the date of the coming into force of any provision under the Native Authority Ordinance or the Local Government Ordinance, as the case may be, providing for elected members in the constitution of the Authority concerned.

First
election

28. Unless otherwise provided by law in relation to any Authority, an election shall take place in a rural area on such date as may be appointed by the Minister by notice in the *Gazette*.

Subsequent
elections

By-election	<p>29. An election to fill any vacancy in an Authority for an elected member shall take place on a date to be appointed by the Minister by notice in the <i>Gazette</i>, being a date not earlier than forty-two days after such vacancy arises nor later than the period provided under the Local Government Ordinance.</p>
Minister to appoint Returning Officer and require nominations	<p>30.-(1) Whenever an election becomes necessary in a rural area or ward, the Minister shall by notice in the <i>Gazette</i> not less than forty-two days before the date for the election-</p> <p>(a) appoint a Returning Officer for the rural area in respect of which the election is to be held; and</p> <p>(b) require that nominations in respect of persons selves for election to the Authority be delivered to the Returning Officer for such rural area or ward not later than twenty-eight days before the date of the election.</p> <p>(2) The Returning Officer shall, not less than thirty-five days before the date for such election, cause to be published in at least one news paper (if any) circulating in the rural area, and at the office of the Authority and in such other places as he may consider appropriate, a notice in the terms of paragraph (b) of subsection (1) and specifying the date of the election.</p>
Appointment of Assistant Returning Officers	<p>31.-(1) The Returning Officer shall, in respect of each ward within the rural area for which he is appointed, appoint a fit and proper person to be an Assistant Returning Officer.</p> <p>(2) Subject to the authority, direction and control of the Returning Officer, an Assistant Returning Officer shall have all the powers and may perform any of the duties of a Returning Officer under this Act.</p>
Nomination Of candidates	<p>32.-(1) Every candidate shall be nominated in writing by ten voters of the ward for which he is a candidate, and no candidate may be nominated for more than one ward.</p> <p>(2) The writing shall be subscribed by the candidate and by the persons nominating him in the Form F in the Schedule, and the nomination form shall contain the following particulars-</p> <p>(a) the name, address and description of the candidate;</p> <p>(b) the proposed symbol or colour, if any, of the candidate;</p> <p>(c) the names, addresses and description of the nominators of the candidate; and</p> <p>(d) a certification by the candidate that he is willing and qualified to stand for election.</p> <p>(3) The Returning Officer shall Provide nomination papers and shall supply any voter with such number of nomination papers as he may require, and shall at the request of any voter, the candidate and all his nominators being present, complete any such nomination paper on such voter's behalf.</p> <p>(4) Each candidate, or one of the persons nominating him, shall deliver his nomination paper subscribed as hereinbefore provided at the office of the Returning Officer not later than twenty-eight days before the date of election and before four o'clock in the afternoon of the last day for the delivery of nomination papers.</p>
Form F	

(5) The Returning Officer shall forthwith cause a copy of the nomination paper to be posted in a conspicuous position outside the office of the Returning Officer.

33.-(1) Objection may be made to a nomination paper on all or any of the following grounds but on no other grounds, namely-

- (a) that the description of the candidate is insufficient to identify him;
- (b) that the nomination paper does not comply with or was not delivered in accordance with the provisions of this Act;
- (c) that it is apparent from the contents of the nomination paper that the candidate is not qualified for election as an elected member.

Objections to and determination of questions relating to nomination

(2) No objection to a nomination paper shall be allowed unless it is made to the Returning Officer before four o'clock in the afternoon on the day following the last day for the delivery of nomination papers.

(3) The objection may be made by the Returning Officer, another candidate or a voter in the ward in which the candidate objected to is standing for election and shall be in writing, signed by the objector, and shall specify the grounds of objection.

(4) The Returning Officer shall with the least possible delay decide on the validity of every objection and inform the candidate concerned of his decision and, if the objection is allowed, of the grounds of his decision.

(5) The decision of the Returning Officer, if disallowing an objection, shall be final and conclusive and shall not be called in question in any court, but, if allowing the objection, shall be subject to review by way of an election petition presented pursuant to the provisions of Part IX

34. The Returning Officer shall, not later than thirteen days before the date fixed for the election, cause to be published within the rural area at the office of the Authority and in such other places and in such manner as he may deem appropriate, a list containing the full names, addresses, description and, if applicable, the symbols and colours of the candidates, the wards for which they are nominated, and of the persons by whom they were nominated.

List of candidates to be published

35. Any candidate may withdraw his candidature by notice in Writing signed by, and delivered by, him to the Returning Officer not later than four o'clock in the afternoon of the eleventh day before the day of election:

Withdrawal of candidature

Provided that-

- (i) such notices of withdrawal shall take effect in the order in which they are delivered; and
- (ii) no such notice shall have effect so as to reduce the number of candidates in any ward below the number of vacancies for elected members in the Authority in respect of that ward.

Unopposed
candidates

36. Where the number of candidates in any ward is the same as or less than the number of the vacancies for elected members in the Authority in respect of that ward, such candidates shall be deemed to be elected, and on the day appointed for the election the Assistant Returning Officer appointed to such ward under the provisions of section 31 shall declare such candidates to have been elected to the Authority and shall report the result of the election to the Returning Officer.

Death of
candidates

37.-(1) Where, after the expiration of the time allowed for the delivery of nomination papers by subsection (4) of section 32, and before the commencement of the voting in a contested election, a candidate dies, the Returning Officer shall, upon being satisfied of the fact of death, countermand the election in respect of the ward for which the deceased was a candidate.

(2) In such case the Minister shall appoint some other convenient day not more than seventy-five days after such countermand for the election and the electoral procedure shall be commenced de novo:

Provided that no new nomination shall be required in respect of a candidate who, at the time of the countermand of the election, has been properly nominated in accordance with the provisions of section 32.

Procedure
where
nominations
for
vacancies
incomplete

38. If after the last day for the delivery of nomination papers under section 12, no candidate has been validly nominated for any vacancy, the electoral procedure in relation to the seats (if any) for which candidates have been validly nominated shall proceed as in this Act provided unaltered by reason of such vacancy, and the Minister shall appoint some other convenient day for the by-election of a member to fill the vacancy for which no candidate was nominated:

Provided that the provisions of section 29 relating to the appointment of a date for a by-election shall not apply to the appointment of a day under this section.

Notice of
election

39. In the case of a contested election, the Returning Officer shall on or before the fourth day before the day of election give notice of the election at the office of the Authority and in such manner as he may think fit, specifying-

- (a) the day and hours fixed for the voting;
- (b) the full name, address, description and, if applicable, the symbol or colour of each candidate;
- (c) the names, addresses and description of the persons who nominated each candidate; and
- (d) the situation of each polling station and a statement of the persons entitled to vote thereat.

Use of
symbols and
colour for
identification
purposes

40. (1) For the purpose of enabling a candidate to assist voters to, identify him when voting, a candidate shall be entitled to associate himself, while electioneering, with such symbol or colour or both as the Returning Officer may in his absolute discretion allow.

(2) No application for the use of a symbol or colour for electioneering purposes shall be entertained until the candidate making application therefor has been properly nominated in accordance with the provisions of section 32 or later than twenty-six days before the day fixed for the election.

(3) Applications for the use of a symbol or colour for electioneering purposes shall be considered in the order in which they are delivered to the Returning Officer.

(4) No candidate shall associate himself with any symbol or colour and no other person shall associate a candidate with any symbol or colour, while electioneering, unless such symbol or colour has been sanctioned by the Returning Officer for that purpose and any candidate or other person who contravenes the provisions of this subsection shall be guilty of an offence and liable to a fine of one thousand shillings or imprisonment for a term not exceeding six months or to both such fine and imprisonment.

PART VI

ELECTION PROCEDURE

41. The Returning Officer shall-

- (a) provide a sufficient number of polling stations in each ward and, in accordance with the terms of any notice given under the provisions of paragraph (d) of section 39, allot the voters within the ward to the polling stations in such manner as seems to him most convenient; Arrange-
ments for
elections
- (b) appoint in respect of each ward such persons, to be known as polling assistants, as he may think fit to assist at the voting in the election;
- (c) appoint from such polling assistants a person to be in charge of each polling station to be known as the presiding officer;
- (d) furnish each polling station with such number of compartments as in the opinion of the Returning Officer may be necessary, in which the voters can, screened from observation, record their votes;
- (e) provide each presiding officer with such number of ballot boxes and ballot papers as in the opinion of the Returning Officer may be necessary;
- (f) provide each polling station with instruments for making an official mark on the ballot papers, with pads impregnated with indelible ink of a distinctive colour, and with copies of the register of voters for the ward concerned, or such part thereof as contains the names of the voters allotted to vote at the polling station; and
- (g) do such other acts and things as may be necessary for conducting the election in the manner provided in this Act.

42.-(1) Each candidate may appoint two persons, to be known as polling agents, to attend at each polling station within the ward for which he is a candidate for the purpose of detecting personation. Polling
agents

(2) Notice in writing of the appointment, stating the names and addresses of the polling agents, together with the polling stations to which they have been assigned, shall be given by the candidate to the Returning Officer not later than three days before the day fixed for the election.

(3) If any polling agent dies or becomes incapable of acting as such, the candidate may appoint another polling agent in his place, and shall forthwith give to the Returning Officer notice in writing of the name and address of the polling agent so appointed.

Ballot
boxes

43.-(1) Every ballot box shall be so constructed that the ballot papers can be put therein by the voter but cannot by him be withdrawn.

(2) At each polling station there shall be available a separate ballot box for each candidate in each compartment and each ballot box shall be plainly marked with the name, colour and symbol (if any) of a candidate.

(3) Immediately before the commencement of the voting, the presiding officer at each polling station shall show each ballot box empty to such persons as may lawfully be present so that they may see that it is empty, and shall then close and seal it in such manner as to prevent it being opened without breaking the seal, and shall place it in one of the screened compartments and shall keep it so closed and sealed.

Method
of voting

44. The voting at an election shall be conducted in the following manner:-

- (a) Every voter desiring to record his vote shall present himself to a Polling assistant at the polling station at which he is entitled to vote, and the polling assistant, after satisfying himself that the name of such voter appears on the copy of the register of voters, or part thereof provided for that polling station, that he is not disqualified for voting under the provisions of section 7 and that he has not already voted, shall deliver to him a ballot paper.
- (b) Immediately before the polling assistant delivers a ballot paper to a voter-
 - (i) the ballot paper shall be marked with an official mark;
 - (ii) the number, name, address and description of the voter as stated in the copy of the register of voters shall be called out;
 - (iii) the number of the voter, in the register of voters, shall be marked on the counterfoil; and
 - (iv) a mark shall be placed against the number of the voter in the copy of the register of voters, or part thereof, to denote that a ballot paper has been received, but without showing the number of the ballot paper which has been received.
- (c) A polling assistant may, and if required by a candidate or a polling agent shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions or either of them--
 - (i) Are you the person whose name is on the register of voters as follows (reading the copy of the entry in the register)?
 - (ii) Have you already voted at the present election at this or any other Polling station?
 and the person to whom either or both of such questions are put shall answer truthfully.

- (d) Subject to the provisions of paragraph (f), a voter, on receiving a ballot paper, shall go immediately into one of the screened compartments in the polling station and shall there secretly record his vote by putting the ballot paper into the ballot box marked with the name, colour and symbol (if any) of the candidate for whom he wishes to vote. The voter shall vote without undue delay.
- (e) A voter shall not place on the ballot paper any writing or mark whatsoever.
- (f) If a voter is, by reason of blindness or other physical cause, unable to identify the ballot box pertaining to the candidate for whom he wishes to vote, he shall call the presiding officer aside and shall tell him the name of the candidate for whom he wishes to vote and the presiding officer shall, in the presence of the voter, place the ballot paper in the ballot box pertaining to that candidate.
- (g) A voter who has accidentally dealt with his ballot paper in such a manner that it cannot conveniently be used as a valid ballot paper may, on delivering such ballot paper to the presiding officer and after satisfying him that the ballot paper has been spoilt by accident, obtain another ballot paper in the place of the paper so delivered up, and the spoilt ballot paper shall be immediately cancelled.
- (h) Immediately before recording his vote, a voter shall for the purposes of identification, if so called upon by the presiding officer, submit to having his left thumb pressed upon a pad impregnated with ink sufficiently indelible to leave a mark for a period of approximately ten hours.

45. Ballot papers shall be pieces of plain paper numbered consecutively and attached to a counterfoil which shall bear the same number as that printed on the ballot paper.

Form of
ballot
paper

46.-(1) No person shall be permitted to vote at any polling station other than the one allotted to him under the provisions of paragraph (a) of section 41.

Admission
of persons
to polling
station

(2) The presiding officer shall regulate the admission of voters to the polling station, and shall exclude all other persons except candidates, polling agents, polling assistants, police officers on duty, and any other person who in his opinion has lawful reason to be admitted.

47.-(1) If at the time a person applies for a ballot paper, or after he has so applied and before he has left the polling station, a polling agent declares to the presiding officer that he has reasonable cause to believe that the applicant has committed the offence of personation and undertakes to substantiate the charge in a court of competent jurisdiction, the presiding officer may order a police officer or any officer or employee of the Authority who is in uniform to arrest such person, and the order of the presiding officer shall be sufficient authority for the police officer or officer or employee of the Authority so to do.

Personation

(2) A person in respect of whom a polling agent makes a declaration in accordance with the provisions of subsection (1) of this section shall not, by reason thereof, be prevented from voting, but the presiding

officer shall cause the words "protested against for personation" to be placed against his name in the marked copy of the register of voters, or portion thereof:

Provided that where a person in respect of whom such declaration is made, admits to the presiding officer that he is not the person he held himself out to be, he shall not be permitted to vote if he has not already done so, and if he has already voted, the presiding officer shall make a note of the number of the ballot paper delivered to him, and, upon the count being taken, such ballot paper shall be invalid.

(3) A person arrested under the provisions of this section shall be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without a warrant.

Tendered
ballot
papers

48. If a person representing himself to be a voter named in the register of voters applies for a ballot paper after another person has voted as such voter, the applicant shall, upon giving satisfactory answers to the questions set out in paragraph (c) of section 44, be entitled to receive a ballot paper in the same manner as any other voter and to record his vote by placing such ballot paper in a ballot box, but such ballot paper, hereinafter called a tendered ballot paper, shall be of a colour different from the ordinary ballot papers, and shall not be counted by the Assistant Returning Officer as hereinafter provided; and the name of the voter and his number on the register of voters shall be entered on a list to be called the tendered voters list, and this list shall be admissible in any legal proceedings arising out of the election.

Conduct in
polling
stations

49.-(1) The presiding officer shall keep order at the polling station.

(2) If any person misconducts himself in a polling station, or fails to obey any lawful order of the presiding officer, he may, by order of the presiding officer, be removed from the place of election by any police officer or by any officer or employee of the Authority who is in uniform, or by any other person authorized in writing by the presiding officer in that behalf; and the person so removed shall not, without the permission of the presiding officer, again enter the polling station during the day of the election; and any person so removed may, if charged with the commission of an offence in such station, be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without a warrant:

Provided that the provisions of this section shall not be exercised so as to prevent any voter who is otherwise entitled to vote at any polling station from having an opportunity of so voting.

Adjourn-
ment of
poll in case
Of riot

50.-(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer shall adjourn the proceedings till the following day and shall forthwith give notice of such adjournment to the Returning Officer.

(2) Where the poll is adjourned at any polling station under subsection (1)-

- (a) the hours of polling on the day to which it is adjourned shall be the same as for the original day; and
- (b) references in this Act to the termination of the voting shall be construed accordingly.

51.-(1) As soon as practicable after the termination of the voting, the presiding officer shall, in the presence of the polling agents, make UP into separate packets, each sealed with his own seal-

Presiding officer's duties at close of voting

- (a) each ballot box in use at his polling station, unopened and sealed so as to prevent the introduction of additional ballot papers;
- (b) unused and spoiled ballot papers, placed together,
- (c) the marked copies of the register of voters, or portion thereof;
- (d) the counterfoils of the used ballot papers; and
- (e) the tendered voters list,

and shall deliver the packets to the Assistant Returning Officer for the appropriate ward.

(2) The packets shall be accompanied by a statement to be called the ballot papers account prepared by the presiding officer, accounting for them under the following heads:-

- (a) number of spoiled ballot papers; and
- (b) number of unused ballot papers.

52.-(1) Each candidate may appoint one person, to be known as a counting agent, to attend at the counting of votes.

Counting agents

(2) Notice in writing of the appointment, stating the name and address of the counting agent, shall be given by the candidate to the Returning Officer not later than one day before the day of the election; and the Assistant Returning Officer may refuse to admit to the place where the votes are counted any person purporting to be a counting agent in respect of whom such notice has not been given.

(3) If a counting agent dies or becomes incapable of acting as such, the candidate may appoint another counting agent in his place, and shall immediately give to the Returning Officer notice in writing of the name and address of the counting agent so appointed.

53. The Assistant Returning Officer shall make arrangements for counting the votes in the presence of the counting agents as soon as Of practicable after the termination of the voting and shall, so far as practicable, Proceed continuously with the counting, allowing only reasonable time for refreshment, until it is complete.

Counting of votes

54. Except with the consent of the Assistant Returning Officer, no person other than the Returning Officer, the Assistant Returning Officer his polling assistants, the candidates and their counting agents may be present at the counting of votes.

Persons who may be present

55. Any ballot paper-

- (a) which does not bear an official mark; or
- (b) on which anything is written or marked, other than the official mark; or
- (c) which is invalid under the Provisions of section 47; or
- (d) which is a tendered ballot paper,

Votes not to be counted

shall not be counted.

Endorse-
ments by
Assistant
Returning
Officer

56.-(1) The Assistant Returning Officer shall endorse the word "rejected" on any ballot paper which, under the provisions of section 55, is not to be counted.

(2) The Assistant Returning Officer shall add to the endorsement the words "rejection objected to" if an objection to his decision is made by any counting agent;

Rejected
ballot
papers

57. The Assistant Returning Officer shall prepare a statement showing the number of ballot papers rejected under the following heads:-

- (a) want of official mark;
- (b) writing or mark the than official mark;
- (c) invalid under section 47; and
- (d) tendered ballot papers,

and shall on request allow any counting agent to copy the statement.

Equality
of votes
and re-count

58.-(1) Where an equality of votes is found to exist between any candidates so that an addition of a vote would entitle any of them to be declared elected, the Assistant Returning Officer shall make a re-count of the votes cast. If there is again an equality of votes, as ascertained by such a re-count, the Assistant Returning officer shall report the fact to the Returning Officer. The Returning Officer shall transmit such report to the Minister who shall order that another election shall be held for that ward on such day as he shall determine.

(2) A candidate or his counting agent may, if present when the counting or any re-count of the votes is completed, require the Assistant Returning Officer to have the votes re-counted or again re-counted but the Assistant Returning Officer may refuse to do so if in his opinion the request is unreasonable.

(3) No step shall be taken on the completion of the counting or any re-count of votes until the candidates and counting agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by this section.

Assistant
Returning
Officer's
decision
final

59. The decision of the Assistant Returning Officer as to any question arising in respect of any ballot paper shall be final, and shall be subject to review only on an election petition questioning the election.

Assistant
Returning
Officer's
duties at
conclusion
of counting

60. Upon the conclusion of the counting of the votes, the Assistant Returning Officer shall seal up in separate packets the counted and rejected ballot papers. He shall not open the sealed packet containing the marked copy of the register of voters or the sealed packet containing the counterfoils of used ballot papers, but shall proceed, in the presence of the counting agents, to verify the ballot papers account given by each presiding officer by comparing it with the number of ballot papers counted in accordance with section 53, the unused and spoil papers in his possession and the tendered voters list, and shall re-seal each packet after examination. The Returning Officer shall prepare a statement as to the result of the verification and shall on request allow any counting agent to copy such statement.

Declaration
of result

61. When the result of the election has been ascertained, the Assistant Returning Officer shall-

- (a) forthwith declare to be elected the candidate or candidates for whom the majority of votes has been cast;
- (b) report the result of the election to the Returning Officer; and
- (c) deliver all the documents specified in section 60 to the Returning Officer.

62. Upon the receipt of the results of the elections in respect of all the wards within the rural area for which he is appointed and after taking such steps as seem to him proper to verify such results, the Returning Officer shall-

Notification to successful candidates and publication of result

- (a) send notification of election in writing to the successful candidates; and
- (b) cause a notice to be displayed at the office of the Authority setting out the names of the successful candidates; and
- (c) report the results of the elections to the Minister.

63. (1) The Returning Officer shall ensure the safe custody of all documents relating to the conduct of the election.

Custody of documents

(2) The Returning Officer shall cause all such documents to be destroyed after the expiration of six months from the date of the election unless otherwise directed by an order of a court of competent jurisdiction arising from proceedings relating to the election.

64. A polling assistant may be authorized by the presiding officer to do any act which the presiding officer is required or authorized to do at a polling station by this Act, except that he may not order the arrest of any person or the exclusion or removal of any person from the polling station.

Power of polling assistants

65. A candidate may do any act or thing which his polling agent or counting agent would have been authorized or required to do, and may assist his polling agent or counting agent in the doing of any such act or thing.

Candidate has power of his agent

66. Where in this Act any act or thing is required or authorized to be done in the presence of the polling agents or counting agents of the candidates, the non-attendance of any such agent or agents at the time not to and place appointed for the purpose shall not, if any act or thing is otherwise properly done, invalidate the act or thing done.

Non-attendance of agent not to invalidate proceedings
Hours of voting

67. The hours of voting shall be from 9 a.m. to 6 p.m.

68.-(1) Where a presiding officer is prevented by storm, tempest, flood or any other act of God, whether similar to the foregoing or not, from reaching at the time appointed for the commencement of voting the polling station of which he is in charge, the poll at such polling station shall be postponed until the next following day and thereafter from day to day until such presiding officer is able to attend at such polling station.

Postponement of poll

(2) Where a poll is postponed at any polling station under subsection (1)-

- (a) the day on which the poll is held shall be deemed for all purposes to be the day originally appointed for such poll; and
- (b) references in this Act to the termination of the voting shall be construed accordingly.

PART VII

ELECTION OFFENCES

Corrupt
practice

69.-(1) The election of an elected member shall not be valid if any corrupt or illegal practice is committed in connection therewith by the candidate elected or his election agent.

(2) Where on an election petition it is shown that corrupt or illegal practices committed in reference to the election for the purpose of promoting or procuring the election of any person thereat have so extensively prevailed that they may be reasonably supposed to have affected the result, his election, if he has been elected, shall be void and he shall be incapable of being elected to fill the vacancy or vacancies for which the election was held.

Penalty
for false
answer

70. Every person who fails to answer or makes a false answer, knowing it to be false or not believing it to be true, to any question lawfully put to him in pursuance of this Act, shall be guilty of an offence and shall be liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Offences
in respect
of nomination
papers,
etc.

71. (1) Every person who-

- (a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers, to any person to whom nomination papers are required, under the provisions of this Act, to be delivered, any nomination papers knowing the same to be forged; or
- (b) forges or counterfeits or fraudulently destroys any ballot paper or the official mark on any ballot paper; or
- (c) without due authority, supplies any ballot paper to any person; or
- (d) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorized by law to put in; or
- (e) fraudulently takes out of any place of voting or place of election any ballot paper; or
- (f) without due authority, destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election,

shall be guilty of an offence, and shall be liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(2) In any prosecution for an offence in relation to the nomination papers, ballot boxes, ballot papers, counterfoils, marking instruments and other things in use at an election, the property in such papers, boxes, instruments and things may be stated to be in the Returning Officer at such election.

Maintenance
of secrecy

72.-(1) Every Registration Officer, Returning Officer, Assistant Registration Officer, Assistant Returning Officer, presiding officer, enumerator and polling assistant shall, upon his appointment, take and subscribe an oath of secrecy before a magistrate which shall be in Form G in the Schedule.

Form G

(2) Every officer, clerk, interpreter, candidate and agent authorized to attend at a polling station, or at the counting of the votes, shall, unless he has taken an oath under the provisions of subsection (1) of this section, before so attending, take an oath of secrecy substantially as in Form G in the Schedule.

(3) The Returning Officer shall have power to administer any oaths required to be taken under subsection (2) of this section.

73.-(1) Every person conducting or assisting in the conduct of an election or in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting in an election and shall not communicate, except for some purpose authorized by law, to any person any information as to the name or number on a register of voters of any voter who has or has not applied for a ballot paper or voted, or as to the official mark.

Infringe-
ment of
secrecy

(2) No person shall interfere with or attempt to interfere with a voter when casting his vote, or otherwise attempt to obtain information as to the candidate for whom any voter is about to vote or has voted, or communicate at any time to any person information obtained during any election as to the candidate for whom any voter is about to vote, or has voted.

(3) No person shall directly or indirectly induce any voter to make known to any person the name of the candidate for whom he has voted.

(4) Every person who acts in contravention of the provisions of this section shall be guilty of an offence and shall be liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment:

Provided always that the provisions of this section shall not extend or be construed to extend to any procedure provided under this Act for recording the vote of any voter who is incapacitated by blindness or other physical cause.

74. Every person who is guilty of bribery, treating or undue influence shall be guilty of corrupt practice and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

Penalty for
bribery
treating
etc

75. Every person who is guilty of personation or of aiding, abetting, counselling, or procuring the commission of the offence of personation, shall be guilty of a corrupt practice and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Penalty for
personation

76. Every person who is convicted of a corrupt practice shall, in addition to any other punishment, be incapable, during a period of ten years from the date of his conviction-

Incapacity
entailed by
conviction
for corrupt
practise

- (a) of being registered as a voter or of voting at any election under this Act or any other law; and
- (b) of being elected or appointed as a member of an Authority or, if elected or appointed before his conviction, of retaining his seat as such member.

Persons to
be deemed
guilty of
bribery

77. The following persons shall be deemed to be guilty of bribery within the meaning of this Act-

- (a) every person who directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour 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 refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election;
- (b) every person who directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure or to endeavour 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 refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election;
- (c) every person who directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement, as aforesaid to or for any person in order to induce such person to procure or to endeavour to procure the return of any person as an elected member of an Authority or the vote of any voter at any election;
- (d) every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any person as an elected member of an Authority or the vote of any voter at any election;
- (e) every person who 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 thereof, shall be expended in bribery at any 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 election;
- (f) every elector who, before or during any election, 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 or agreeing to refrain from voting at any election; and
- (g) every person who, after any 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 election:

Provided always that the provisions of this section shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses *bona fide* incurred at or concerning any election.

78. The following persons shall be deemed to be guilty of treating within the meaning of this Act-

Persons to be deemed guilty of treating

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

79. Every person who, directly or indirectly, by himself or by any other person, on his behalf, makes use of, or threatens to make use of, any force, violence or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss, upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who, by abduction, duress or any fraudulent contrivance, impedes or prevents the free use of the vote by any voter or thereby compels, induces or prevails upon any voter either to give or refrain from giving his vote at any election, shall be guilty of undue influence within the meaning of this Act.

Persons to be deemed guilty of undue influence

80. Every person who at any election applies for a ballot paper in the name of another person or knowingly tenders a vote in the name of another person whether that name is the name of a person living or dead or of a fictitious person, or who, having voted once at any election, applies for a ballot paper or tenders a vote at the same election, in his own name, shall be guilty of personation within the meaning of this Act.

Persons to be deemed guilty of personation

81. Every person who-

- (a) votes, or induces, or procures any other person to vote, at any election, knowing that he or such other person is prohibited by any provision of this Act or any other law from voting at such election; or
- (b) before or during an election, knowingly publishes any false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate,

Penalty for persons guilty of certain illegal practices

shall be guilty of an illegal practice, and shall be liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment, and shall be incapable, during a period of five years from the date of his conviction, of voting at any election.

82. Any person who, at a lawful public meeting held in connection with the election of any person to an Authority, between the date of publication of the notice appointing a day for the holding of an election and the date at which the result of the election is published, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called

Interference with lawful public meeting to be an illegal practice

together, shall be guilty of an illegal Practice and shall be liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment, and shall be incapable, during a period Of five years from the date of his conviction, of voting at any election.

Display of
emblems in
Vicinity Of
Place of
voting
Prohibited

83.-(1) No Person shall within any building where voting for election of an elected member of an Authority is in Progress, or on any public way within a distance Of fifty yards of any entrance to such building, wear or display any card, symbol, favour or other emblem indicating support for a particular candidate in the election.

(2) Any person acting in contravention of this section shall be guilty of an Offence and shall be liable to a fine not exceeding two hundred shillings.

Cap. 16

(3) For the Purposes of this section "public way " has the same meaning as in section 5 of the Penal Code.

PART VIII

ELECTION EXPENSES

Appointment
of election
agent

84.-(1) Not later than the latest time for the delivery Of notices of withdrawals for an election, a person shall be named by or on behalf of each candidate as the candidate's election agent, and the name and address of the candidate's election agent shall be declared in writing by the candidate or some other person on his behalf to the Returning Officer not later than that time.

(2) A candidate may name himself as election agent and thereupon shall, so far as circumstances admit, be subject to the Provisions of this Act both as a candidate and as an election agent, and, except where the context otherwise requires, any reference in this Act to an election agent shall be construed as a reference to the candidate acting in his capacity as election agent.

(3) One election agent only shall be appointed for each candidate but the appointment, whether the election agent appointed be the candidate himself or not, may be revoked.

(4) If, whether before, during or after the election, the appointment of an election agent is revoked or an election agent dies, another election agent shall be appointed forthwith and his name and address declared in writing to the Returning Officer.

(5) Upon the name and address of an election agent being declared to the Returning Officer, the Returning Officer shall forthwith give public notice of that name and address in such manner as he may deem fit.

Effect of
default in
appointment
of election
agent

85.-(1) if no person's name and address is given as required by section 84 as the election agent of a candidate who remains validly nominated at the latest time for delivery of notices of withdrawals, the candidate shall be deemed at that time to have named himself as election agent and to have revoked any appointment of another Person as his election agent.

(2) If a person whose name and address have been so given as those of the candidate's election agent (not being the candidate himself) dies and a new appointment is not made on the day of the death or on the following day, the candidate shall be deemed to have appointed himself as from the time of the death.

(3) If the appointment of a candidate's election agent is revoked without a new appointment being made, the candidate himself shall be deemed to have been appointed (or re-appointed) election agent.

(4) The Returning Officer on being satisfied that the candidate is by virtue of this section to be treated as his own election agent shall forthwith proceed to give public notice thereof as if the name and address of the candidate had been duly given to him under section 84.

86.(1) Except as may be permitted by this Act, no payment and no advance or deposit or contract for any payment or advance or deposit shall be made by a candidate or by any agent on behalf of the candidate or by any other person at any time in respect of election expenses otherwise than by or through the election agent of the candidate.

Payment of expenses through election agent

(2) Every payment made by an election agent in respect of any election expenses shall, except where less than forty shillings, be vouched for by a bill stating the particulars and by a receipt.

(3) All money provided by any person other than the candidate for any election expenses, whether as gift, loan, advance or deposit, shall be paid to the candidate or his election agent and not otherwise.

(4) A person who makes any payment, advance or deposit or contract for any payment, advance or deposit in contravention of subsection (1) of this section or pays in contravention of subsection (3) of this section any money so provided as aforesaid shall be guilty of an illegal practice.

87.(1) A candidate at an election may pay any personal expenses incurred by him on account of or in connection with or incidental to the election.

Personal expenses of candidate and petty expenses

(2) Every candidate shall send to his election agent, within the time limited by section 89 for sending in claims, a written statement of personal expenses paid as aforesaid by the candidate.

(3) Any person may, if so authorized in writing by the election agent of the candidate, pay any necessary expenses for stationery, postage, telegrams and other petty expenses, to a total amount not exceeding that named in the authority, but any excess above the total amounts so named shall be paid by the election agent.

(4) A statement of the Particulars of Payments made by any person so authorized shall be sent to the election agent within the time limited by section 89 for sending in claims and shall be vouched for by a bill containing the receipt of that person.

88. No sum shall be paid and no expense shall be incurred by a candidate at an election or his agent, whether before, during or after an election, on account of or in respect of the conduct or management of the election, in excess of five hundred shillings and, if the number of voters in the ward for which he is a candidate exceeds five hundred, an additional fifty cents for each voter above the first five hundred voters,

Limitation of election expenses

Time for
sending in
and paying
claims

89.-(1) Every claim against a candidate or his election agent in respect of his election expenses which is not sent in to the election agent within fourteen days after the day on which the result of the election is declared shall be barred and not paid.

(2) All election expenses shall be paid within twenty-eight days after the day on which the result of the election is declared.

(3) An election agent who pays a claim in contravention of subsection (1) of this section or who makes a payment in contravention of subsection (2) of this section shall be guilty of an illegal practice:

Provided that where on an election petition the court reports that it has been proved by the candidate that any payment was made by the election agent without the sanction or connivance of the candidate, the election of the candidate shall not be void, nor shall he be subject to any incapacity under this Act by reason Only of that payment having been made in contravention of this section.

Disputed
claims

90.-(1) If the election agent disputes any claim sent in to him within the period of fourteen days mentioned in section 89 or refuses or fails to pay the claim within the period of twenty-eight days therein mentioned, the claim shall be deemed to be a disputed claim.

(2) The claimant may, if he thinks fit, bring an action for a disputed claim in any competent court and any sum payable by the candidate or his agent in Pursuance of any order of the court shall not be deemed to be in contravention of subsection (1) of section 86 or subsection (2) of section 89.

Claim by
election
agent

91. So far as circumstances admit, this Part shall apply to a claim for his remuneration by an election agent and to the payment thereof in like manner as if he were any other creditor.

Return as to
election
expenses

92. Within thirty-five days after the day on which the result of the election is declared, the election agent of every candidate at the election shall transmit to the Returning Officer a true statement as respects that candidate of all payments made by the election agent together with all the bills and receipts.

Punishment
of failures
in respect
of returns

93.- If a candidate or an election agent fails without good cause to make a return as required by section 92 within the time therein required or makes a false return or exceeds in election expenses the maximum amount permitted by law he shall be guilty of an illegal Practice.

Disposal of
returns

94. A return made by the election agent pursuant to section 92 shall be retained by the Returning Officer for a period of ninety days and may, during that period, be inspected by any member of the public (who may take copies thereof) and shall thereafter be destroyed by the Returning Officer or returned to the candidate at his option.

PART IX

ELECTION PETITIONS AND CIVIL PROCEEDINGS

Questions
as to elected
members to
be deter-
mined by
High Court

95.-(1) All questions which may arise as to the right of any person to be or remain an elected member of an Authority shall be referred to and determined by the High Court on a petition presented by the Attorney-General or by a Voter or by a candidate, in accordance with the procedure prescribed for the trial of an election petition, and the decision of the High Court on any such petition shall be final.

(2) Where the question to be decided concerns the right of any person to remain an elected member of an Authority, the Registrar of the High Court shall certify its decision in writing to the Minister; and where the High Court has decided that any person is not entitled to remain an elected member, such person shall thereupon cease to be an elected member.

96. A petition complaining of an undue return or undue election of an elected member, hereinafter called an election petition, may within one month from the date of the publication of the result of the election be presented to the High Court in its civil jurisdiction by any one or more of the following persons, that is to say:-

Presentation
of election
petition

- (a) some person who voted or had a right to vote at the election to which the petition relates; or
- (b) some person who claims to have had a right to be returned or elected at such election; or
- (c) some person who alleges himself to have been a candidate at such election.

97. (1) Every election petition shall be tried by the High Court in open court.

Trial
election
petition

(2) During such trial the High Court may order-

- (a) the inspection and production of any rejected or returned ballot papers; or
- (b) the opening of any sealed packet of counterfoils of used ballot papers; or
- (c) the inspection of any counted ballot papers.

(3) At the conclusion of the trial, the High Court shall determine whether the elected member whose return or election is complained of, or any other and what person, was duly returned or elected, or whether the election was void, and the Registrar of the High Court shall certify such determination to the Minister; and, upon such certificate being given, such determination shall be final and no appeal shall lie therefrom; and the election shall be confirmed, or a new election shall be held, as the case may require, in accordance with such certificate.

98.-(1) Subject to the provisions of subsection (2), the procedure at the trial of election petitions shall *mutatis mutandis* be governed by the Rules entitled the Local Government (Election Petition) Rules, 1956, and contained in the Second Schedule to the Local Government Election (Urban Areas) Ordinance as from time to time amplified, amended or replaced in accordance with subsection (2) of section 99 of that Ordinance and the provisions of subsection (1) of section 99 of that Ordinance shall apply to any election petition presented under this Act.

Procedure
at trial of
election
petitions
cap. 379

(2) In the application of the Local Government (Election Petition) Rules, 1956, to an election petition presented under this Act any reference in the said Rules to the Local Government Election (Urban Areas) Ordinance or to the Ordinance shall be deemed to be and shall be read and construed as a reference to this Act.

99. No election shall be invalid by reason of a non-compliance with this Act if it appears that the election was conducted in accordance with the principles laid down in this Act, or that such non-compliance did not affect the result of the election.

Non-
compliance
with Act

PART X

FINANCIAL AND MISCELLANEOUS PROVISIONS

Remuneration of officers

100. The Registration Officer, Assistant Registration Officers, Revising Officers, Returning Officer, Assistant Returning Officers and polling assistants shall receive such reasonable remuneration for their services as the Minister shall see fit to authorize.

Expenses to be a charge on general revenue of Authority

101. All expenses incurred-

- (a) in the preparation of registers of voters (including the alteration of registers and the transfer of the names of voters from one register to another under the provisions of section 18);
- (b) by the Returning Officer in the conduct of an election;
- (c) in the remuneration of officers specified in section 100; and
- (d) by the Returning Officer in the institution of legal proceedings arising out of an election,

shall be a charge on the general revenue of the Authority in respect of which the election is held.

Amendment of Cap. 72

102. The Native Authority Ordinance is hereby amended by inserting immediately after section 3 thereof the following new section to be numbered 3A'-

"Election of 3A. The Minister may, by order in the *Gazette*, declare that all or such number as he may specify of the members of a native authority (other than any such authority which consists of an individual person) named in the order shall be elected in accordance with the provisions of the Local Government Election (Rural Areas) Act, 1962, and may by such order-

- (a) provide for the division of the area of the Authority into wards and for the representation of such wards in the Authority;
- (b) prescribe the term of office of members of the Authority elected pursuant to the order; and
- (c) prescribe the date or dates and place of the first and subsequent elections to the Authority."

Amendment of cap 333

103. The Local Government Ordinance is hereby amended by deleting subsections (1) and (2) of section 17 thereof.

Regulations

104. The Minister may make regulations for the better carrying out of the purposes and provisions of this Act and for prescribing anything which is to be or may be prescribed hereunder and may make different regulations in respect of different rural areas.

SCHEDULE

Form A

THE LOCAL GOVERNMENT ELECTION (RURAL AREAS) ACT, 1962

NOTICE TO VOTERS

(Section 14,

All Persons wishing and entitled to be registered as voters for the ward of the.....district must Present themselves personally before the Registration Officer/Assistant Registration Officer, at between the hours ofand.....(Mondays to Fridays) or between

the hours of _____ and _____ (Saturdays) not later than _____
the _____ 19____
Place _____
Date _____

*Registration / Assistant Registration
Officer*

Form B

THE LOCAL GOVERNMENT ELECTION (RURAL AREAS) ACT, 1962

APPLICATION TO BE REGISTERED AS A VOTER IN A DISTRICT COUNCIL/ NATIVE
AUTHORITY ELECTION
(Section 15)

To: The Registration Officer for the rural area of _____

My name is _____ (BLOCK CAPITALS)
I live at _____ Village in the area of
Headman _____ in the Division of _____
I APPLY to have my name registered in the register of voters for the _____
ward on the grounds-

- (1) that my age is _____ years (Note: It is sufficient to write "over 18");
- (2) (a) that I have been ordinarily resident in the rural area of _____
for the last twelve months and reside in the ward at the above address; and
(b) *that I am registered as a ratepayer in the above rural area;
- (3) that I am not registered as a voter in any other rural area or for any other ward
in the above rural area.

SOLEMN DECLARATION

I solemnly declare that all Particulars entered by me/on my behalf on this form are
correct and that I am not disqualified under section 7 of the Local Government Election
(Rural Areas) Act, 1962.

(Signature or mark of applicant)

Form completed by the applicant before me/by me on behalf of the applicant in
pursuance of his/her instructions.

*(Signature of Registration or
Assistant Registration officer)*

Date _____

*Delete if applicant is female. _____

REGISTRATION OF VOTERS

Rural area of _____

I acknowledge receipt of an application for registration as a voter in the _____
Ward, from _____ and have included the
name of the said _____ in the register
of voters for that ward.

*(Signature of Registration or
Assistant Registration Officer)*

Form C

THE LOCAL GOVERNMENT ELECTION (RURAL AREAS) ACT, 1962

REGISTER OF VOTERS
(Section 16)

District Council/Native Authority _____ Ward _____

Serial No.	Names		Address	Occupation
	Surname	First Names		

Form D

THE LOCAL GOVERNMENT ELECTION (RURAL AREAS) ACT, 1962

NOTICE OF OMISSION PRO', REGISTER OF VOTERS

(Section 22)

To: The Registration -1 Assistant Registration Officer at

(Address)

I, of hereby give You notice that I object to the Omission Of my name from the copy of the register of voters for the ward of district and that I claim to have my name inserted in the register Of voters as a voter oil the following grounds.,

Dated this day of 19

In the presence Of (Signature or mark of applicant)

(Signature Or mark Of witness)

THE LOCAL GOVERNMENT ELECTION (RURAL AREAS) ACT, 1962 Form E

NOTICE OF GOVERNMENT TO RETENTION OF NAME IN LIST OF VOTE

(Section 22)

TO: The Registration or Assistant Registration Officer at

(Address)

being a Person whose name appears in the COPY of the register Of voters for the ward of district hereby give You notice that I object to the name of of being retained in the register Of vote, for the ward on the ground that

Dated this day of , 19

In the presence of (Signature or mark of objector)

2. Notice to Person objected to. (Signature or mark of witness)

TO:

I, of belong a person whose name appears in the copy of the register of voters for the ward of district hereby give You notice that I object to Your name being retained in the register of voters for the ward of district on the grounds that

and that you will be required to Prove Your qualification at the time of revising the said List.

Dated this day of 19

(signature or mark of Objector or Registration Officer)

In the Presence of

(Signature or mark of witness)

Form F

THE LOCAL GOVERNMENT ELECTION (RURAL AREAS) ACT, 1962

NOMINATION PAPER
(Section 32)

Ward for which candidate seeks election
Date of election

1. I, the undersigned, am the candidate to whom this nomination paper relates, and I hereby state that I am willing to stand for election to the district council/native authority as an elected member for the ward.

2. I also hereby state that I am qualified, and not disqualified, for election to the district council/native authority in accordance with the requirements of the Local Government Election (Rural Areas) Act, 1962.

Name
Address
Description
Proposed symbol or colour
Date
Signature

We, the undersigned, are the ten nominators of the above candidate, and are voters of the ward for which this candidate seeks election.

1

Name
Address
Description
Date
Signature

2

Name
Address
Description
Date
Signature

3

Name
Address
Description
Date
Signature

4

Name
Address
Description
Date
Signature

5

Name
Address
Description
Date
Signature

6

Name
Address
Description
Date
Signature

7

Name
Address
Description
Date
Signature

8

Name _____
 Address _____
 Description _____
 Date _____
 Signature _____

9

Name _____
 Address _____
 Description _____
 Date _____
 Signature _____

10

Name _____
 Address _____
 Description _____
 Date _____
 Signature _____

Received by me at _____ o'clock _____
 on the _____ day of _____, 19

 (Returning Officer)

Form G

THE LOCAL GOVERNMENT ELECTION (RURAL AREAS) ACT, 1962

OATH
 (Section 72)

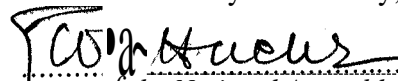
_____ having been appointed _____ swear/solemnly and sincerely affirm that I will not directly or indirectly reveal to any person any matter as to which I am required to maintain secrecy, or which I am prohibited from communicating, by subsection (1) of section 73 of the Local Government Election (Rural Areas) Act, 1962, unless so authorized by law.

_____ (signed)

Sworn /Affirmed before me this _____ day
 of _____ 19 ____

 Magistrate

Passed in the National Assembly on the sixteenth day of February, 1962.


 Clerk of the National Assembly