This project was supported by Sweden
EISA strives for excellence in the promotion of credible elections, participatory democracy, human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa.

EISA Observer Mission Report, No. 69
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ACRONYMS AND ABBREVIATIONS

ACT  Alliance for Change and Transparency (Wazalendo)
ADC  Alliance for Democratic Change
ADS  Africa Democracy Strengthening
ACDEG  African Charter on Democracy Elections and Governance
ACHPR  African Charter on Human and Peoples' Rights
AROs  Assistant Returning Officers
ASP  Afro-Shirazi Party
AU  African Union
CBO  Community-based Organisation
CCM  Chama Cha Mapinduzi
CEDAW  Convention on the Elimination of All Forms of Discrimination against Women
CHADEMA  Chama cha Demokrasia na Maendeleo
CHAUMA  Chama cha Ukombozi wa Umma
CSO  Civil Society Organisation
CPRW  Convention of the Political Rights of Women
CRPD  Convention on the Rights of Persons with Disabilities
CUF  Civic United Front
EAC  East African Community
DOP  Declaration of Principles for International Election Observation
EEA  Elections Expenses Act
EISA  Electoral Institute for Sustainable Democracy in Africa
EMB  Election Management Body
EOM  Election Observer Mission
FBO  Faith-based Organisations
FPTP  First-Past-The-Post
ICCCPR  International Covenant on Civil and Political Rights
ICERD  International Convention on the Elimination of All Forms of Racial Discrimination
ID  Identity Card
IEOM  International Election Observer Mission
LA(E)A  Local Authorities (Elections) Act
LGAs  Local Government Authorities
MCT  Media Council of Tanzania
MISA-TAN  Media Institute of Southern Africa –Tanzania Chapter
MPLC  Multi-Party Liaison Committee
NCCR  National Convention for Construction and Reform – Mageuzi
NEA  National Elections Act
NEC  National Electoral Commission
NGO  Non-Governmental Organisation
NLD  National League for Democracy
NRA  National Reconstruction Alliance
ORPP  Office of the Registrar of Political Parties
PPA  Political Parties Act
PEEMO  Principles for Election Management, Monitoring and Observation
PNVR  Permanent National Voters Register
PVT  Parallel Vote Tabulation
PWD  Persons With Disabilities
RECs  Regional Economic Communities
ACKNOWLEDGEMENTS

The Electoral Institute for Sustainable Democracy in Africa (EISA) deployed an International Election Observation Mission (IEOM) to the 2020 general elections in the United Republic of Tanzania. The IEOM was the fourth to be deployed by EISA in the United Republic of Tanzania since the 2000 elections.

The mission would not have been possible without the assistance and support of several individuals and institutions as follows:

The mission leader, Advocate Pansy Dikeledi Tlakula, Chairperson of the Information Regulator of South Africa and former Chairperson, Electoral Commission of South Africa, and her deputy Mr Grant Masterson, EISA’s senior manager Governance Institutions and Political Processes (GIPPS), the international observers who represented civil society organisations (CSOs) and election management bodies (EMBs) drawn from 14 African countries, and representatives of regional economic communities (RECs). The stakeholders who provided invaluable information and the support necessary for the success of the mission are the National Electoral Commission (NEC) at national and local levels, the Tanzania Police Force (TPF), Tanzania Communications Regulatory Authority (TCRA), CHADEMA (the Party for Democracy and Progress), civil society organisations, and electoral experts. The EISA IEOM met other international observer missions from the African Union (AU) and the East African Community (EAC).

The mission would also like to thank the EISA Elections and Political Processes Department and the technical team that supported the mission. The technical team comprised Grant Masterson, Stephen Mattia, Lenny Taabu, Naphtaly Sekamogeng and Magdalena Kieti. The deployment of the EISA IEOM was made possible by the generous financial contribution of, Embassy of Sweden’s regional office, Addis Ababa.
EXECUTIVE SUMMARY

The Electoral Institute for Sustainable Democracy in Africa (EISA) deployed an international election observation mission (IEOM) to the general elections in Tanzania held on 28 October 2020. The mission was led by Advocate Pansy Dikeledi Tlakula, Chairperson of the Information Regulator of South Africa and former Chairperson, Electoral Commission of South Africa. Mr. Grant Masterson, EISA’s senior manager for Governance Institutions and Political Processes, (GIPPS) was the deputy mission leader. The delegation comprised 14 international observers drawn from civil society organisations (CSOs) and election management bodies (EMBs) from nine African countries. The mission was supported by a technical team comprising a coordinator, a media expert and a political analyst. The IEOM was in Tanzania from 20 October to 2 November 2020 and was the fourth EISA IEOM deployed in Tanzania since the 2000 elections.

As part of the preparation for the IEOM, EISA deployed a pre-election assessment mission (PAM) to Tanzania from 21 to 25 September 2020. The PAM aimed at assessing the pre-election and political context and determining whether conditions existed for conducting democratic elections there during the 28 October 2020 general elections. The mission also examined the state of preparedness for the elections by key stakeholders such as the NEC, political parties, and CSOs.

The EISA IEOM’s assessment methodology is guided by its commitments as an endorser of the Declaration of Principles for International Election Observation (DoP) and its attendant code of conduct for international observers. The IEOM assessed the extent to which the legal framework and procedures in the 2019 electoral process complied with Tanzania’s commitments and obligations set out in the following international instruments: the OAU/AU Declaration on the Principles Governing Democratic Elections; the African Charter on Democracy, Elections and Governance (ACDEG); the Principles for Election Management, Monitoring and Observation (PEMMO), and the national legal framework for elections in Tanzania. During their deployment, the observers monitored several activities in order to gather both information on key pre-election issues and stakeholder perspectives of the process. Before
election day the IEOM engaged with key electoral stakeholders, including the NEC, TPF, TCRA, political parties, CSOs and electoral experts. They also attended party campaigns and visited polling stations on election day, and after election day visited the tally centres in their areas of deployment and at national level. On election day, eight teams of observers visited 87 polling stations across seven regions in mainland Tanzania and Zanzibar.

Summary of the findings

It was observed that:

- The elections had the second lowest voter turnout since the return to multi-party democracy in 1992. The ruling party continued its hold on the government and won a majority (98%) of parliamentary seats. The opposition however lost the gains made in the 2015 elections. While the lead opposition candidate in 2015 garnered 40% of the votes cast (the highest ever by the opposition since 1992), the main opposition candidate in 2020 garnered only 13% of the total votes cast.
- The legal framework provided sufficient basis for the conduct of democratic elections in line with the international and regional commitments to which Tanzania is party. However, the Constitution and legal framework do not reasonably provide for independent institutions necessary for the conduct of credible elections, especially the NEC and ZEC; prohibit contesting by independent candidates; prohibit inquiry by the courts into a presidential election result declared by the NEC while allowing inquiry, through petitions, into parliamentary and councillors’ results. The mission noted that the legal reforms made ahead of the elections, including the electoral code of conduct, were not consultative. Consultation with stakeholders is important as it guarantees their right and freedom to participation in public affairs, as enshrined in the Constitution. The mission further noted that implementation of the legal framework appeared to have been unevenly applied to different stakeholder groups during the 2020 general elections.
- The 2020 elections were conducted in a political environment marked by reduced democratic space and increased human rights violations. Since the 2015 elections, several pertinent changes were made that negatively impacted on democratic rights and freedoms. These included limiting
political rallies and public gatherings; detention of government officials and political leaders of opposition parties; and limiting freedom of expression through reforms to the media laws, including suspension of live broadcasts of parliamentary sessions. These key issues shaped the pre-election context and set the tone for the campaigns in the 2020 elections.

• The NEC did not undertake delimitation and demarcation of the constituencies ahead of the elections. The only changes made were in regard to name change and abolition of two constituencies added through the 2015 demarcation exercise in Zanzibar. While a new process was not undertaken, the mission noted that issues raised regarding the process in 2015 remained unaddressed.

• The requirements for voter registration are reasonable and in line with international standards. There were however conflicting registrations during the first phase of voter registration which caused confusion. The voter registration exercise conducted at different stages between 17 April 2020 to 4 May 2020 was undertaken during a serious COVID-19 wave in Tanzania. Registration officials and voters observed preventive measures including wearing of masks and handwashing.

• An enforceable electoral code of conduct was provided which all political parties and candidates were expected to follow. Some stakeholders, including political parties, noted that the development of this code of conduct was not consultative.

• Campaigns were largely peaceful with TPF providing security. Parties upheld their commitment to the code of conduct and mechanisms were provided for the resolution of any breach of the code of conduct.

• The requirements for party registration and candidate nomination are considered reasonable, objective and in line with international standards. Citizens are able to establish and participate in political parties as both members and candidates without undue restrictions and discrimination.

• The registration and regulation of civil society organisations was considered restrictive. Accreditation for voter education and observation was limited and delayed. Most of the experienced CSOs that previously conducted these two key activities were not accredited. The late accreditation impacted on the ability of the organisations to fundraise and conduct robust voter education and domestic observation.
Media activities were also restricted. Amendments to the legal framework for the media narrowed the democratic space, infringed fundamental freedoms, and limited the scope of action for bloggers, media, and CSOs. Media houses resorted to self-censorship in order to avoid confrontation with authorities.

The NEC was largely inaccessible and lacked transparency. Stakeholders consulted by the mission noted they were not adequately engaged by the NEC during the pre-election period, with meetings held mainly for information sharing as opposed to consultation.

The Constitution provides for affirmative action aimed at increasing the number of female representatives in the National Assembly and House of Representatives. This has played a crucial role in increasing the number of women to at least 30% in both houses over the years. The NEC took positive steps to include women in the electoral process, and they comprised 49% of poll workers on election day, and 42% of party agents.

Election day was described as largely peaceful in mainland Tanzania, with violence reported in Zanzibar. TPF were present in the polling stations and executed their mandate professionally. In the majority of the polling stations visited, voters took less than six minutes to complete the voting process and this indicates general familiarity with the stipulated voting procedures. Election procedures for opening, voting, closing and counting were not applied consistently according to NEC guidelines and this could indicate inadequate training or assimilation by the electoral staff. The mission noted the low number of citizen election observers, as they were encountered in only 26% of the polling stations visited. This is likely a result of the limited and delayed accreditation by the NEC.

The largely peaceful pre-election period was curtailed by reported violence in Zanzibar on election day, and in both mainland Tanzania and Zanzibar in the post-election period. After the election, opposition political leaders calling for mass and continuous demonstrations to protest the election results were arrested. Once the TPF banned the protests, the context remained generally peaceful.

In conclusion, the EISA IEOM appreciated the invitation by the United Republic of Tanzania to observe the 2020 general elections. It applauded the
Tanzanian government’s commitment to fully fund the cost of its electoral administration, enhancing the sovereignty of the country. In the context of challenges faced in administering elections during the global COVID-19 pandemic, the IEOM noted that Tanzania held elections on time and with minimal disruptions due to the virus. The online accreditation system for observer groups facilitated remote applications, enabling international observer groups to submit the necessary documents at a distance. The mission further commended the NEC and ZEC for the efficient delivery of the necessary materials to polling stations, with almost no issues relating to electoral materials reported during the 2020 campaign.

While the IEOM commended the Tanzanian government, the NEC, ZEC and the people of Tanzania for the above, it noted the following areas of concern that impacted on the 2020 general elections:

1. The political environment in which the 2020 elections took place was less open and less tolerant than previous elections in Tanzania, including the limitation of political campaigning, freedom of assembly, freedom of speech and freedom of expression.
2. Amendments to Tanzania’s legal and electoral framework, the net effect of which was to decrease the levels of openness and opportunity for all stakeholders to contest on an equal or at least equitable footing.
3. Amendments to the electoral regulations, including through specific directives issued by Tanzania regulators and state institutions. These heightened the levels of uncertainty about the legality of actions which occur ordinarily in the course of election observation. They included but were not limited to restrictions to the conduct of international observers themselves which do not fall within international guidelines and standards.
4. Access to election information by voters, political parties and other stakeholders. Limited televised access to parliamentary proceedings, restrictions on freedom of the media and internet restrictions during the voting process are examples of ways in which information was limited during the 2020 electoral period.
5. The arrest and detention of significant numbers of opposition candidates, party leaders and members of the press. While the IEOM supports the upholding of the laws of Tanzania, it regrets the effect of these arrests in creating an atmosphere of tension and fear.
6. The instability and loss of life due to election related violence, particularly in Zanzibar.

7. The decision not to accredit established CSOs to support NEC and ZEC efforts to promote voter and civic education, as well as limited evidence of national voter education campaigns. These likely impacted on the familiarity of voters, polling staff and polling agents with the electoral rules and procedures on election day.

The mission offered the following recommendations to improve future elections:

**To the Parliament and Government of Tanzania**

- Timing of legal reforms: to reconsider the timing of legal reforms and enactment of laws within the electoral cycle to ensure that laws can be operationalised and tested well ahead of elections.
- Quotas for youth and persons with disabilities (PWD): consider quota legislation to ensure the increased participation of youth and PWDs.
- Inclusion in voting: universal suffrage requires that broad participation be promoted, meaning that eligible voters should not be restricted. To make the elections more inclusive, the law may be reviewed to explicitly extend the right to vote to Tanzanians living in the diaspora as well as those serving prison sentences of less than six months.
- Out-of-country voting: to consider legislation on out-of-country registration and voting for Tanzanian citizens.
- Election dispute resolution: to consider reviewing the legal framework providing for mechanisms to redress disputes arising from the presidential election.
- Equality in voting and being voted for: to consider reviewing the legal framework to allow for independent candidates.
- Independence of the Electoral Commission: in order to enhance independence of the NEC, to consider adoption of a two-tier appointment process where the NEC Commissioners are subjected to parliamentary vetting before approval. Further considerations should be made to provide for hiring ad hoc staff as opposed to seconded public servants to help the commission in conducting elections.
Registrar of Political Parties

- To enforce the Election Expenses Act, 2010 to ensure that there is a level playing field for all political parties.

NEC

- Transparency: to consider timely and comprehensive consultation with all electoral stakeholders.
- Stakeholder accreditation: to consider reviewing the accreditation procedures for citizen observers to ensure timely and efficient consideration of accreditation requests. Decisions not to accredit national observer groups to participate in national elections should be an exception and written reasons for accreditation rejection should be provided and timely appeals made possible.
- Enhance competition: to make the election process competitive and provide a level playing field, the NEC should consider reviewing the direct nomination of unopposed candidates. Mechanisms can be put in place to ensure that voters exercise their right to cast a ballot for their representative in the legislature or local council.
- Voter education: to commence voter education initiatives earlier in the process as well as accredit CSOs in good time. The process should be uninterrupted in the sense that it should be devoid of distractive activities such as the registration for other documents, for example national identity cards. This could decrease the number of invalid votes and improve voter turnout.
- Training of polling staff: to improve the training and refresher training of electoral staff to address the concern about the non-standardised application of procedures by election staff.

To Political Parties

- Party agent training: to enhance the training of party agents on their role as monitors.
- Quotas for women: to consider providing quotas aimed at increasing the number of female candidates for single constituency members. Besides the quotas, parties should ensure transparency in the nomination process for elective positions.
- Voluntary quotas for youth and PWDs: parties should consider adopting voluntary quotas to increase the representation of youth and PWDs in parliament.
EISA’s APPROACH TO ELECTION OBSERVATION

Since its inception in July 1996 EISA has established itself as a leading institution and an influential player dealing with elections and democracy-related issues in Africa. It envisions an African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment. The institute’s vision is executed through its work, striving for excellence in the promotion of credible elections, citizen participation and the strengthening of political institutions for sustainable democracy in Africa.

EISA seeks to realise effective and sustainable governance in Africa through strengthened electoral processes, good governance, human rights and democratic values. In this regard, EISA undertakes applied research, capacity building, and technical support to continental and regional bodies on election observation, advocacy and other targeted interventions. Within this broad context EISA fields election observer missions (IEOMs) to assess and document the context and conduct of selected elections on the continent.

EISA deploys international observer missions as a contribution to the transparency, integrity and improvement of electoral processes. In its assessment of elections EISA recognises that an election is a technical process with deep political implications, as opposed to an event. It therefore adopts a holistic approach that enables it to cover the main aspects of the electoral process and the context within which the elections were conducted.

The EISA IEOM’s methodology was guided by its commitments as an endorser of the Declaration of Principles for International Election Observation (DoP). The IEOM assessed the extent to which the legal framework and procedures in the 2020 electoral process complied with Tanzania’s commitments and obligations set out in the following international instruments: the OAU/AU Declaration on the Principles Governing Democratic Elections; the African Charter on Democracy, Elections and Governance; the Principles for Election Management, Monitoring and Observation (PEMMO); and the revised SADC Principles and Guidelines Governing Democratic Elections.

The observers engaged in several activities to gather information on key pre-
election issues and to gather the perspectives of stakeholders on the process. Activities undertaken include:

- participation at the briefing conducted by the NEC for international observers;
- consultations with key electoral stakeholders, including the National Electoral Commission (NEC), the Tanzania Police Force (TPF), Tanzania Communications Regulatory Authority (TCRA), political parties, accredited CSOs, and election experts;
- attendance at party campaigns;
- visits to polling stations on election day observation in seven regions in mainland Tanzania and Zanzibar; and
- post-election assessment, which included observation of vote tallying and announcement of results.

The EISA mission also closely coordinated with other IEOMs in the country on matters related to the elections. On 23 October 2020, the mission released a press statement to announce their arrival. Pre-deployment briefing and orientation sessions for the observers were conducted from 22 to 24 October 2020. They aimed at familiarising observers with the concept and methodology of the EISA IEOM, their responsibilities as observers, and to familiarise them with the context of the elections through stakeholder briefings. The mission leadership also held stakeholder consultations at national level, where it met with the NEC, TCRA, TPF, political parties, and election experts.

To cover election day, EISA observers were deployed in eight teams to seven regions of mainland Tanzania and Zanzibar. The observers were in their areas of deployment from 25 to 30 October 2020. They observed the last days of the electoral campaigns, pre-polling activities, special voting in Zanzibar, and election day procedures and results aggregation. Observers also held stakeholder consultations within their areas of deployment to gain an understanding of their perspectives on the electoral process at municipal and local levels. On election day, the eight teams of observers visited a total of 87 polling stations. The selection of polling stations was done by random sampling. A debriefing session was held on 31 October 2020 to provide a platform to compare notes and share experiences among the observer teams.
The mission issued a statement on its preliminary findings and recommendations at a press conference held on 30 October 2020. This final report presents the mission’s overall assessment of the process.

This was the fourth EISA IEOM to Tanzania’s elections. EISA has previously deployed observer missions there in 2000, 2005 and 2010.
INTRODUCTION

The 2020 elections were the sixth general elections held in Tanzania since the reintroduction of multi-party democracy in 1992. EISA has a long-standing interest in supporting democratic consolidation in Tanzania. Since its creation in 1996, EISA seeks to realise effective and sustainable governance in Africa through strengthened electoral processes, good governance, human rights and democratic values. In this regard, EISA undertakes technical support to continental and regional bodies on election observation, advocacy and other targeted interventions. Within this broad context EISA fields international election observer missions (IEOMs) to assess and document the context and the conduct of selected elections on the continent.

In line with its commitment, EISA deployed an IEOM to observe the 2020 general elections in Tanzania. The IEOM was in the country from 20 October to 2 November 2020. The EISA IEOM to the 2020 elections was the fourth to be deployed in Tanzania, and reports of previous EISA IEOMs are available on the EISA website https://www.eisa.org/epp-tanzania.php.

This EISA IEOM builds on the findings of the previous IEOMs. It recalls some of the key recommendations made by the IEOM deployed to the 2010 elections in Zanzibar as follows:

- Independence of the Zanzibar Electoral Commission (ZEC): the measures taken to make the ZEC an impartial and credible electoral body should be further consolidated.
- Vote counting and management of results: mechanisms should be considered whereby the electorate are regularly updated by the ZEC on the progress in the tabulation of votes, as this would significantly reduce tension and uncertainty in the post-election period.
- Staff training: the ZEC should strive to improve the level of standardisation in its staff practices and procedures, as this would reduce discrepancies in the application of electoral procedures.
- Identifying ZEC officials: in order to reduce confusion, the ZEC should take particular care to distinguish its own staff from other stakeholders present at the polling stations.
• Civic and voter education: the ZEC should coordinate broad-based, continuous civic and voter education, not exclusively around election periods, in order to ensure that the gains made during the 2010 elections are sustainable.

The EISA IEOM to the 2020 elections noted that the recommendation on the identification of polling staff and announcement of provisional election results were implemented. Polling staff were easily identifiable by the bibs provided by both the NEC and ZEC. Provisional presidential results were announced periodically before the announcement of final results. However, the EISA IEOM noted that challenges with staff training, independence of the electoral commission, and civic and voter education persisted during the 2020 elections.

This report presents the findings, conclusions and recommendations of the EISA IEOM deployed to the 28 October 2020 general elections in Tanzania. The report is structured along the phases of the electoral cycle, with the first chapter assessing the political context and the second chapter providing an assessment of the legal framework. The third, fourth and fifth chapters present an assessment of the pre-election, election day and the post-election contexts. The sixth chapter addresses cross-cutting issues, and the final chapter presents the EISA IEOM’s conclusions and recommendations.
Figure 1: Map of Tanzania.

Source https://www.researchgate.net/figure/Map-of-Tanzania-showing-administrative-regions
1 Historical and Political Overview

1.1 Historical Background and Political Context

The United Republic of Tanzania is made up of the former Republic of Tanganyika (the mainland) and the People’s Republic of Zanzibar. They were both former colonies of Britain and gained independence on 9 December 1961 and 10th December 1963 respectively. Zanzibar as a constitutional monarchy under the Sultan. Zanzibar obtained majority rule from Sultanate rule on 12th January 1964 through a revolution. The two territories united on 26 April 1964 to form the United Republic of Tanzania. Zanzibar maintains semi-autonomy and participates in national elections.

The newly united nation of Tanzania inherited multi-party democracy from the British political system, and its independence Constitution of 1961 provided for competitive multi-party politics. This system was in place from 1961 to 1965, with the dominant parties being the Tanganyika African National Congress (TANU) under Mwalimu Julius Nyerere and the African National Congress (ANC) under Zuberi Mtemvu. Zanzibar’s dominant party was the Afro-Shirazi Party (ASP).

In 1965 the Constitution formally established a one-party system. Elections under this regime were held in 1965, 1970, 1975, 1980, 1985, and 1990. The two ‘sister’ political parties, TANU and ASP, were in power in Tanzania and

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1 The sultanate was supported by a minority Arab ruling elite.
Zanzibar until 1977 when they merged to form the Revolutionary party, Chama Cha Mapinduzi (CCM). Following its formation, CCM was the only political party permitted in the country and its national chairman Julius Nyerere was automatically elected to serve three consecutive five-year terms as president. At the National Assembly, voters were presented with two CCM candidates to choose from.

The Union held its first democratic elections in 1995. This followed constitutional amendments in 1992, pursuant to Article 3(1) of the Union Constitution, 1977, which made provision for multi-party politics. The first president under this new regime was Julius Nyerere. He was deputised by Abeid Karume, then president of Zanzibar. Nyerere introduced socialism – what he called African socialism, or Ujamaa – to Tanzania through the 1967 Arusha Declaration. The declaration endorsed the need to abolish dependence on foreign capital, develop the country’s resources independently and build a democratic workers’ state. This was in order to achieve development targets and self-reliance, raise the standard of living and establish a non-exploitative society for Tanzania based on the tenets of African socialism. The essential components of Ujamaa were freedom, unity, equality, respect for human dignity and human rights. The policies did not, however, achieve the intended goal but instead led to a gradual decline in the economy and a reduced quality of life with a lack of basic needs. Although the country is in the post-Ujamaa era, the spirit of socialism underpins Tanzania’s social and political life.

Tanzania has been ruled by six presidents since independence, all of whom have been from the ruling party CCM (see Table 1 on the Political trend in Tanzania). Transfer of power has been peaceful with all presidents since 1985 serving the constitutional limit of two five-year terms.

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Since its formation in 1977, CCM has also been the ruling party in Zanzibar. Unlike the situation on the mainland, CCM has faced steep competition from opposition parties, especially the Civic United Front (CUF). As a result, Zanzibar has had four contentious elections since 1995, the latest being the 2015 elections. In all these elections, CCM has claimed victory despite claims of irregularities from international observers. The 2015 elections were annulled following allegations of irregularities, and new elections were held on 20 March 2016.

Table 1: Political Trends in Tanzania

<table>
<thead>
<tr>
<th>Year</th>
<th>Name of President</th>
<th>Political party</th>
</tr>
</thead>
<tbody>
<tr>
<td>1962 - 1985</td>
<td>Julius Nyerere</td>
<td>CCM</td>
</tr>
<tr>
<td>1985 - 1995</td>
<td>Ali Hassan Mwinyi</td>
<td>CCM</td>
</tr>
<tr>
<td>1995 - 2005</td>
<td>Benjamin Mkapa</td>
<td>CCM</td>
</tr>
<tr>
<td>2005 - 2015</td>
<td>Jakaya Kikwete</td>
<td>CCM</td>
</tr>
<tr>
<td>2015 - 2020</td>
<td>John Magufuli</td>
<td>CCM</td>
</tr>
</tbody>
</table>

Source: NEC

In the 2015 elections, the CCM maintained its firm lead in the presidency, continuing its fifth successive governance since the advent of multiparty democracy in 1992. President Magufuli garnered 8,882,935 votes representing 58.46% of the total votes cast. Edward Lowassa of CHADEMA (representing the UKAWA opposition coalition) emerged second, garnering 6,072,848 votes representing 39.97% of the total votes cast. In the 2015 elections, the CCM maintained its firm lead in the presidency, continuing its fifth successive governance since the advent of multiparty democracy in 1992. President Magufuli garnered 8,882,935 votes representing 58.46% of the total votes cast. Edward Lowassa of CHADEMA (representing the UKAWA opposition coalition) emerged second, garnering 6,072,848 votes representing 39.97% of the total votes cast. (See full presidential results in Table 2 below). While CCM retained its parliamentary majority, its share of seats reduced compared to 2010 as shown in Table 3.

Table 2: 2015 Presidential Results

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Party</th>
<th>Votes</th>
<th>% Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Magufuli</td>
<td>Chama Cha Mapinduzi (CCM)</td>
<td>8,882,935</td>
<td>58.46</td>
</tr>
<tr>
<td>Edward Lowassa</td>
<td>Chama cha Demokrasia na Maendeleo (CHADEMA)</td>
<td>6,072,848</td>
<td>39.97</td>
</tr>
</tbody>
</table>

4 Mr. Lowassa left the CCM to join CHADEMA after failing to win the CCM presidential primaries in July 2015. He competed under the umbrella of opposition UKAWA coalition.
<table>
<thead>
<tr>
<th>Political Party</th>
<th>No. of Seats 2015</th>
<th>No. of seats 2010</th>
<th>+/-</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chama Cha Mapinduzi (CCM)</td>
<td>188</td>
<td>186</td>
<td>+2</td>
</tr>
<tr>
<td>Chama cha Demokrasia na Maendeleo (CHADEMA)</td>
<td>34</td>
<td>23</td>
<td>+11</td>
</tr>
<tr>
<td>Civic United Front</td>
<td>32</td>
<td>24</td>
<td>+8</td>
</tr>
<tr>
<td>Alliance for Change and Transparency (ACT)</td>
<td>1</td>
<td>0</td>
<td>+1</td>
</tr>
<tr>
<td>National Convention for Construction and Reform – Mageuzi (NCCR–Mageuzi)</td>
<td>1</td>
<td>4</td>
<td>-3</td>
</tr>
<tr>
<td>United Democratic Party (UDP)</td>
<td>0</td>
<td>1</td>
<td>-1</td>
</tr>
<tr>
<td>Tanzania Labour Party</td>
<td>0</td>
<td>1</td>
<td>-1</td>
</tr>
<tr>
<td>Total</td>
<td>256</td>
<td>239</td>
<td></td>
</tr>
</tbody>
</table>

Source: NEC
1.2 POLITICAL AND ELECTORAL DEVELOPMENTS AHEAD OF THE 2020 GENERAL ELECTIONS

The general elections on 28 October 2020 were the sixth to be held since the reintroduction of multi-party politics in Tanzania in 1992. Tanzania’s voters on the mainland cast their ballots for the Union president, members of the unicameral National Assembly (Bunge) and local offices. Zanzibar voters cast ballots for a president, House of Representatives and local councils in addition to the Union president and Bunge. The elections were the first to be fully funded by the government of Tanzania.

Dr. Magufuli came into office in 2015 on an anti-corruption and development platform. His firm stand against corruption in particular won him the hearts of many citizens. During his first term, he was able to steer the nation into making notable economic gains. The country was declared a middle-income nation by the World Bank effective 1 July 2020, five years earlier than predicted, indicating a step forward in the nation’s development and poverty reduction agenda.

On the other hand, however, the country’s political environment underwent several pertinent changes which have threatened to weaken the accrued gains. Most of the changes were concretised through legal reforms. Since 2015, holding political rallies and public gatherings were severely limited by the TPF and only resumed in 2020 during the official campaign period. While the mission noted conflicting reports on the existence of an official ban on such gatherings, the effect has been the same whether or not such a decree existed.

The period witnessed the arrests and detention of government officials and political leaders of opposition parties, particularly members of the CHADEMA and ACT-Wazalendo parties, including attempts on some of their lives. The arrests were for various alleged offences committed under

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5 The significance of Tanzania’s elevation from a low to a middle-income country is that the country can access international credit markets.

6 There was an assassination attempt on Tundu Lissu, the CHADEMA presidential candidate, in September 2007. He was shot 16 times and seriously wounded by armed gunmen outside his residence in Dodoma. He had been arrested at least six times during the year, accused of among others, insulting the president and disturbing public order. He went into exile in Belgium and only returned in 2020 to contest the presidential elections.
Tanzania’s laws. While every individual has a responsibility to respect and uphold the laws of Tanzania within its sovereign borders, it is important for the state to ensure that legal proceedings are conducted in a manner that enhances trust in the electoral system.

In addition, live broadcasts of parliamentary sessions were suspended by the government in 2017, citing financial constraints. This reduced access to information not only about the government but also about the political situation, in contravention of the right to information as guaranteed under the Tanzanian Constitution. The ban was also in contravention of international standards which give the state an obligation to ensure transparency and access to information to all its citizens. Other actions which threatened public access to information included bans issued by the TCRA against media outlets, and limitations on other media freedoms that are not in line with international standards and best practice regarding freedom of information. For instance, at least three newspapers were banned by the government for alleged criticism of the president.7

While the 2020 presidential contestation was between 15 candidates, it was largely considered to be a two-horse race pitting incumbent Dr. John Magufuli of CCM against Tundu Lissu of CHADEMA. Two of the presidential candidates and five of the vice-presidential candidates were women. In accordance with the law, Dr. Magufuli contested for his second and final five-year term. A total of 1,257 candidates were nominated for seats in the National Assembly, of which 293 candidates were women. Finally, 9,231 candidates were nominated for local authorities, of whom 669 candidates were women.

The 2020 general elections were held against the backdrop of the COVID-19 pandemic around the world. While some nations opted to either postpone or delay elections at various levels (presidential, legislative or local),8 Tanzania conducted its elections as scheduled. The country was declared COVID-19 free9 with the last public report of cases being 29 April 2020. According to the Africa Centres for Disease Control and Prevention (Africa CDC), the

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8 Ethiopia, Kenya, South Africa, Nigeria, Tunisia, Uganda, Zambia, and Zimbabwe.
9 On 20 July 2020 President Magufuli announced that there was no COVID-19 virus in Tanzania.
country had 509 cases, 21 deaths and 183 recoveries as at June 2020. The major electoral activity undertaken in Tanzania during the period when COVID-19 was active was the first phase of voter registration. During that period, the mission was informed that COVID-19 preventive measures were taken into consideration by both registration clerks and voters. However, since the general elections were held after the country was declared COVID-19 free, the mission did not witness any meaningful measures to mitigate the transmission of the virus during campaigning or voting.

Constitutional and Legal Framework

The legal framework establishes the rules for every stage of the electoral process. It should therefore set conditions for transparency, inclusiveness, accountability, and the fulfillment of rights and freedoms that lead to and guarantee a credible and genuine elections.

International and Regional Instruments

International instruments are an important source of electoral law. As such, democratic constitutional states recognise and adopt international treaties and conventions in their internal legal system. Tanzania is party to international human rights instruments that guide the conduct of democratic elections. These include the UN Universal Declaration of Human Rights of 1948, the International Covenant on Civil and Political Rights (ICCPR) of 1966, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) of 1966, the Convention on the Rights of Persons with Disabilities (CRPD) of 2006, and the Convention of the Political Rights of Women (CPRW) of 1952. International laws are however not self-executing in Tanzania due to its dualistic nature. It is therefore mandatory to domesticate them before they can be applicable in national courts of law.

Regionally, Tanzania is a member of the African Union (AU), Southern African Development Community (SADC) and the East African Community (EAC). It

**National electoral legislation**

The legal framework for the conduct of elections is provided by the Constitution of the United Republic of Tanzania, 1977; the National Elections Act (NEA), 1985, as amended; the Local Authorities (Elections) Act – LA(E) A, 2015; the Political Parties Act (PPA), 1992, as amended; and the Elections Expenses Act (EEA), 2010, as amended. For Zanzibar, the key instruments are the Constitution of Zanzibar, 1984; the Elections Act, 1984; the Zanzibar Municipal Council Act, 1995; and the District and Town Councils Act, 1995. Other relevant laws include the Evidence Act, Cap 6; Civil Procedure Code, Cap 33; and the Criminal Procedure Act, Cap 20.

There are also a number of regulations attached to the electoral law as well as guidelines and instructions issued by the NEC and the Office of Registrar of Political Parties (ORPP). These include the codes of conduct or ethics to regulate political parties and election observers in the electoral process. The regulations include the National Elections (Presidential and Parliamentary Elections) Regulations, 2020, Local Authorities (Councillors Elections) Regulations, 2020 and the Political Parties (Code of Conduct) Regulations, 2019.

**2.1 THE CONSTITUTION**

**The Constitution**

The Constitution defines Tanzania as a democratic, secular and socialist state which adheres to multi-party democracy. It declares that the republic is a state which adheres to the principles of democracy and social justice. As such, sovereignty resides in the people and it is from the people that the government derives all its power and authority.

The Constitution guarantees various civil liberties and human rights that are critical in a democratic dispensation. Every citizen of the Untied Republic
who has attained the age of eighteen (18) years is entitled to vote in any election held in the country. Further, every citizen is entitled to take part in matters pertaining to the governance of the country, either directly or through freely elected representatives, and has the right and the freedom to participate fully in the process leading to the decision on matters affecting him, his well-being or the nation. The Constitution further guarantees the right to equality, dignity, right to life and security of person, right to privacy, freedom of conscience, freedom of movement, expression, assembly and association (Section III). It is provided that these civic rights, duties and interests of every person and community shall be protected and determined by the courts of law.

The Constitution also provides for the entrenchment of democracy through provisions for a multi-party-political system; the separation of powers within a presidential system; a first-past-the-post (FPTP) electoral system; conduct of regular elections managed by independent institutions; and term limits for elective offices. Specifically, the Constitution establishes the NEC and ZEC as independent institutions and mandates them to conduct regular elections. The Constitution further defines the roles of the various arms of government whereby the executive is entrusted with executive functions, the legislature with the legislative and supervisory powers over the conduct of public affairs, and the judiciary with the authority of dispensing justice.

The Constitutional makes provision for the establishment of an independent judiciary, and the respect for the principles of the rule of law, human rights and good governance. The judicial system of the United Republic of Tanzania comprises the hierarchy of the Court of Appeal of the United Republic of Tanzania; the High Courts for Mainland Tanzania and Zanzibar; Magistrates Courts, which are at two levels, the Resident Magistrate Courts and the District Court, both of which have concurrent jurisdiction; and Primary Courts. The High Court has power to hear and determine election petitions arising from parliamentary elections. Appeals are lodged with the Court of Appeal.

### 2.2 ELECTORAL LAWS
The National Elections Act, 1985, as amended, regulates presidential and parliamentary elections in Tanzania Mainland. It provides for the composition,
responsibilities and powers of the National Electoral Commission. The Act regulates the following aspects of the electoral process: registration of voters and maintenance of the voters’ roll; candidate nomination; election procedures including polling days and times and polling agents; election campaigns; voting and counting procedures; nomination of women for special seats; election offences; and electoral justice. It also contains financial and miscellaneous provisions including regulations and code of conduct.

The Local Authorities (Elections) Act, Cap. 292 (R.E. 2015) governs elections at the Local Government Authorities (LGAs). It provides for the conduct of elections at the LGAs including designation and responsibilities of the registration and returning officers (ROs); rights and procedures for registration of voters; qualifications and nomination of candidates for elections; campaigns; election day procedures; nomination of councillors for women’s special seats; election offences and electoral justice.

The Political Parties Act, 1992, as amended, provides for the terms, conditions and procedure for the registration of political parties in Tanzania. It specifically provides for the establishment of the ORPP including appointment, responsibilities and powers; formation and registration of political parties; privileges of registered political parties; and financial provisions. Under the general provisions, it provides for the establishment and functions of the Political Parties Council, which among others is tasked with advising the registrar on disputes arising amongst political parties; matters of national interest with reference to political parties or political situations; and advising the government through the registrar on the enactment, amendment and implementation of the Political Parties Act and other laws relating to political parties. There are further provisions on penalties and offences under the Act as well as on suspension from conducting political activities, and on regulations.

The Elections Expenses Act, 2010, as amended, makes provisions for the funding of the nomination process, election campaigns and elections with a view to controlling the use of funds and prohibited practices in the nomination process, election campaigns and elections; making provision for the allocation, management and accountability of funds; and providing for consequential and related matters.
Electoral laws are also supported by regulations. New regulations to operationalise the National Elections Act and Local Authorities (Elections) Act were introduced ahead of the 2020 elections. These were the National Elections (Presidential and Parliamentary Elections) Regulations, 2020; and the Local Authorities (Councillors Elections) Regulations, 2020. The NEA regulations, 2020 and the Local Authorities (Councillors’ Elections) Act regulations, 2020, regulate the following: invitation, accreditation, rights and reporting by election observers; regulation on nomination and subscription to the electoral code of conduct; regulation on election campaigns; regulation on election day procedures including voting, vote counting, addition and declaration of results; declaration of councillors and parliamentary candidates for women’s special seats.

The National Elections (Election Petitions) Rules, 2020 make regulations concerning the presentation of an election petition including the persons who may present a petition, the form and content of a petition, parties to a petition, presentation of a petition as well as security for cost; regulation on list of objected votes and complaints on polling station election results; and election petition procedure. The second schedule provides the fees associated with filing a petition.

There are several regulations that operationalise the PPA, 1992, as amended. These include regulating election expenses; political parties’ code of conduct; and political parties’ registration and monitoring. The Political Parties (Code of Conduct) Regulations, 2019, includes regulations concerning adherence to the code of conduct and responsibility of political parties; oaths of loyalty to the code of conduct; handling complaints for violation of the code of conduct; and the establishment, composition and responsibilities of the political parties’ ethics committee.

The various regulations contribute to strengthening the legal framework and guide the NEC and ZEC in managing critical aspects of the electoral process.

Section 63(4) of the NEA, 1985, as amended, gives the commission a mandate to make directions guiding the conduct of observers. In line with this, the NEC produced guidelines for local and international observers in 2020. These were aimed at providing a framework for the accreditation of observers; for
rights of observers; for guidance on the implementation of obligations; and
the conduct of observers during the electoral process. The commission also
reviewed the Electoral Code of Conduct for the 2020 general elections. Some
of the directives were in relation to the use of alternative identity cards (IDs)
on election day; on the responsibilities of political parties and candidates
during the campaigns; and on the appointment of polling agents and the
announcement of results.

According to the Guidelines for Local and International Election Observers,
2020, various restrictions were placed on observer groups that impacted their
ability to conduct a full and proper observation. Section 10(k) prevented
observer groups from expressing any opinion in the media while the election
was under way. Section 10(l) specifically ordered IEOMs to refrain from
‘acting as a commission of inquiry’ , without specifying further what type of
actions constitute such a commission. Section 13(e) further limited observer
groups ‘not to express any opinion to the press on the electoral process when
polling in polling stations is still in progress’. These prescriptions are not in
line with Section 6 of the SADC guidelines, Article 19(2) of the ACDEG, and
DoP section 12 (e) which require the host country to guarantee free access
to information, freedom to issue public statements without interference, and
full cooperation with international election observer missions.

The EISA IEOM noted that the legal framework broadly provides sufficient
basis for the conduct of democratic elections in line with the international
and regional commitments to which Tanzania is party. It noted, however,
that this implementation appeared to have been unevenly applied to
different stakeholder groups during the 2020 general elections. Further, some
stakeholders informed the mission of a lack of consultation especially in the
development and review of the new regulations and electoral code of conduct.
Consultation with stakeholders is important as it guarantees their right and
freedom to participation in public affairs, as enshrined in the Constitution.
It is also vital as it assures them of transparency on the part of the election
management body, which in turn builds trust and confidence leading to
credibility and the acceptance of the outcome of the electoral process.

2.3 THE ELECTORAL SYSTEM
The electoral system is a fundamental component of representative democracy.
It is, broadly speaking, a mechanism by which votes are translated into seats.
Strictly defined, it is a system used to convert the number of votes cast into political mandates which ensure that the electorate can hold its representative accountable.\textsuperscript{11}

Sovereign power in Tanzania is exercised and controlled by a duality of centres. This is because of its status as a union of two states, Mainland Tanzania and Zanzibar. The Constitution thus vests the Government of the United Republic and the Revolutionary Government of Zanzibar with executive powers. Similarly, two organs, the Judiciary of the United Republic and the Judiciary of the Revolutionary Government of Zanzibar are vested with judicial powers, while the Parliament of the United Republic and the House of Representatives are vested with legislative and supervisory powers over public affairs.\textsuperscript{12}

Tanzania’s electoral system is a combination of two electoral systems, the first-past-the-post (FPTP) and proportional representation (PR). The president is elected under the FPTP system after nomination by a political party. Due to the nature of the Union arrangement, if a presidential candidate comes from Tanzania Mainland, then his running mate, the vice-presidential candidate, must come from Zanzibar, and vice versa. The president is the head of state, head of government and chief of the armed forces in Tanzania, and the president’s approval is required for any bill from the National Assembly to pass into legislation. Zanzibar elects a separate president, also under the FPTP system, who operates in an identical manner with regard to all matters relating to Zanzibar’s House of Representatives and non-Union controlled Zanzibari issues. The president of the Union is the president of Tanzania. Both the Union and Zanzibar presidents are elected for a tenure of five years limited to two terms of office.

According to Article 64(1)(2) of the Constitution, 1977, legislative power in relation to all Union matters and also in relation to all other matters concerning Mainland Tanzania is vested in the Union National Assembly. Legislative power in Zanzibar over all matters which are not Union matters is vested in the House of Representatives. Both houses are elected through


\textsuperscript{12} Article 4(1)(2) of the Constitution, 1977.
the FPTP system, after nomination by political parties, for five-year terms. The National Assembly consists of 264 members elected directly from single-member constituencies of which 214 are on the mainland and 50 are in Zanzibar. The total number of members of the National Assembly is 393.\textsuperscript{13} Zanzibar’s House of Representatives consists of 82 members, of which 50 are elected directly from single-member constituencies, ten (10) presidential appointees, 20 women’s special seats; and representation from the speaker and attorney general.\textsuperscript{14}

The election of councillors for the local government authorities is also through the FPTP system. Councillors represent wards and their term of office is five years.

The PR system, through party lists, is used to allocate parliamentary and councillors’ women’s special seats to political parties. This allocation of seats is dependent on the number of valid votes each political party obtains in parliamentary and councillors elections.\textsuperscript{15} The Union Constitution provides that not less than 30\% of the members of the National Assembly shall be women, filled from lists submitted by the political parties in proportion to the share of the votes each party obtains at the general election.\textsuperscript{16} The Zanzibar Constitution provides for reserved seats for women allocated to political parties on a proportional basis to ensure that 30\% of the total membership of the house of representatives are women.\textsuperscript{17}

Article 35B of the NEA, 1985, as amended, empowers the commission to appoint a presidential election day for holding a ballot in every constituency for the election of the president. The law further provides for the appointment of an election day for parliamentary elections. The date set for the 2020 general elections was 28 October 2020. On the mainland, voting took place for the

\begin{itemize}
\item In addition to the directly elected members, there are 118 indirectly elected members. These include 113 special seats for women elected by political parties in proportion to their share of the electoral vote; and five members elected by Zanzibar House of Representatives. Other members are 10 appointed by the president (the president can appoint up to 10 members), and the attorney general. The speaker may be designated from outside parliament and becomes a member of parliament by virtue of holding the office of speaker.
\item https://www.zanzibarassembly.go.tz/statistics.php accessed 20 November 2020
\item Article 78(1) of the NEA, 1985, as amended.
\item Articles 66(1)(b) and 78(1) of the Constitution, 1977
\item Article 67(1) (2) of the Constitution, 1984, as amended.
\end{itemize}
The mission noted that using a mixture of FPTP and PR systems allows Tanzania to draw on the advantages of both systems. It further allows for a balancing of the weakness of each of the systems. For instance, the FPTP is criticised for excluding minorities and women from fair representation since the most popular and desirable candidate is fielded. This is counterbalanced by the PR system which offers greater opportunities for legislative representation of minority groups and women. By nominating parliamentary and councillors’ women’s special seats through PR, women who would hitherto have been excluded are granted an opportunity to serve in the respective legislatures.

The mission further noted that by stipulating that candidate may only be nominated by political parties, the Constitution prohibits the participation of independent candidates. This impinges on the principle of equal opportunity to vote and to be voted for. It also violates the freedom of association (which includes the right not to associate) and limits the voter’s choice of available candidates. An amendment of the Constitution to provide for independent candidates would be welcome as it would reduce undue restrictions on the right of all citizens to equal exercise of their right to stand.

2.4 ELECTION MANAGEMENT: THE NATIONAL ELECTORAL COMMISSION

Election management in the United Republic of Tanzania is conducted by the NEC and the ZEC. Article 74(1) of the Constitution of the United Republic of Tanzania, 1977 establishes the NEC. The ZEC is established under Article 119 of the Constitution of Zanzibar, 1984. It is responsible for conducting Zanzibar’s presidential and parliamentary elections. Local elections in Zanzibar are conducted by the NEC.

The autonomy of the commissions is guaranteed in the respective constitutions. Both commissions are defined as autonomous departments which shall not be obliged to comply with the orders or directions of any person or any government department or the views of any political party
while discharging its functions. The constitutions further provide that no court shall have jurisdiction to enquire into anything done by the NEC and ZEC in the performance of their functions.18

**Composition**
The NEC comprises seven commissioners: the chairperson, the vice-chairperson and five other commissioners. The chairperson and the vice-chair must be judges of the High Court or the Court of Appeal of Tanzania. Article 74(2) of the Constitution provides for the appointment of the vice-chairman of the Electoral Commission based on the principle that where the chairman hails from one part of the Union, the vice-chairman shall be a person who hails from the other part of the Union. One member should be a representative from the Tanganyika Law Society while the other four should be persons who have experience in the conduct or supervision of parliamentary elections, or who have other qualifications considered necessary by the president for the effective performance of the commission’s functions.19

The members are appointed by the president of the United Republic of Tanzania. They hold the office for a five-year renewable period as provided under Article 74(4)(a) of the Constitution. Commissioners enjoy security of tenure of office and their appointment may only be revoked by the president for inability to discharge their functions arising from infirmity or misconduct or for losing qualifications for being a member.

In implementation of its functions and duties, the commission is supported by a secretariat. It is headed by the director of elections, who is also the chief executive and the secretary of the commission. He or she is appointed by the president, from among civil servants, on the recommendation of the commission.

For its regional administrative and operational structure, the NEC utilises senior local government officials. The NEC appoints regional election officers from among regional or district administration and local government executive officials who fall under the prime minister’s office.

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19 Article 4(1)(c) (d) of the National Elections Act, 1985
The ZEC comprises seven members: the chairman and six other members. All members are appointed by the president as follows: the chairman in a manner that the president deems fit; two members on the recommendation of the leader of government business in the House of Representatives; two members on the recommendation of the opposition leader in the House of Representatives or if there is no opposition leader by consultation with the political parties; one member from among the judges of the High Court; and one member as the president sees fit.

The Constitution provides that the chairman of the ZEC shall be a person with qualification to be a judge of High Court or Court of Appeal of any member country of the Commonwealth or a respected person in the society. The commission appoints the vice-chairman from amongst its members.

Members are appointed for a five-year term. A member of the commission may only be removed by the president for failure to perform his functions, either because of illness or for any other reason or because of misbehaviour or due to disqualification to be a member. Recommendation for the removal should however be by a special commission, appointed by the president.

The Secretariat is headed by the director of elections for the ZEC whose functions reflect those of their counterpart at the NEC.

**Responsibilities of NEC and ZEC**

According to Articles 74(6) and 78 of the Constitution, 1977, the NEC is responsible for: the supervision and coordination of the registration of voters in presidential and parliamentary elections in the United Republic, and of voters in councillors’ elections in mainland Tanzania; supervision and conduct of presidential and parliamentary elections in the United Republic of Tanzania and local government elections in mainland Tanzania; review of boundaries and demarcation of constituencies and other electoral areas; declaration of elected members of women's parliamentary special seats; and any other functions legislated by parliament. Other functions in accordance with the NEA, 1985, as amended, and the LA(E)A, 2015, are:

- to provide voter education;
- coordinate and supervise institutions and other stakeholders dealing with the provision of voter education;
nominate and announce candidate members of women parliamentary and councillors for special seats.

Articles 4(2)(5) of the Zanzibar Electoral Commission Act, No. 9 of 1992 set the functions of the commission as: supervise general proceedings of elections and referendum; supervise, promote and regulate voter education; prepare, compile, maintain and update the permanent voters register (PVR; review and demarcate constituency boundaries; regulate election campaigns; and perform any other function conferred upon it by law.

The two commissions are obliged to consult with one another in the discharge of their functions. They are funded by the government through the consolidated funds.

The EISA IEOM noted that the legal framework does not reasonably provide for the functional independence of the commissions. While the law provides for the autonomy of the commissions, the provision in the mandate to appoint and remove commissioners from office, which is solely vested in the president, may cast doubt on its impartiality. This has an implication on stakeholder perception of its ability to conduct credible elections. The mission further noted that the limitation of the role of the courts during the electoral process has serious potential to undermine the rights of citizens enjoyed under the constitutions of Tanzania and Zanzibar. These concerns have been raised previously by election observers in the country.

2.5 POLITICAL PARTY AND CAMPAIGN FINANCE

The law provides for public and private funding of political parties. Private funding should derive from membership fees; voluntary contributions; the proceeds of any investment, project or undertaking in which the party has an interest; and donations, bequests and grants from any other source.

Public funding is provided to political parties that are fully registered, have participated in the immediate past general or local election, and have at least one candidate elected as a member of parliament or member of a

21 Article 13 (1) of the PPA, 1992.
local government authority. Political parties which meet these criteria are compelled to maintain a separate bank account for the purpose of depositing and the expenditure of the public funds.

The law provides that the total public funds should not exceed 2% of the annual recurrent budget, less the amount payable in defraying the national debt. This amount is provided annually. In addition to these funds, the state also provides an annual grant to every qualifying political party in relation to its local government authority activities. This amount is computed on the basis of the number of members of the political party who are members of a district or urban council. Funds are provided to political parties according to two proportions: 50% of the funds on basis of the ratio between the number of parliamentary constituencies in the United Republic, and the other 50% amongst qualifying parties each of which has won not less than 5% of all the valid votes cast in all constituencies in the United Republic. They are disbursed amongst the parties in proportion to the number of seats they hold.

Public funds may only be spent on the operational costs of a party. These are political party parliamentary activities; civil activities or any lawful activity relating to an election in which a political party nominates a candidate; any other necessary or reasonable requirement of a political party. Public funds may not be used for campaign-related activities during an election.

All fully registered political parties are required to maintain proper accounts of funds and properties of the political parties. In line with the principle of transparency, the parties are obligated to account for both public and private funds, by submitting to the registrar an annual statement of the account of the political party and the report of the account as well as an annual declaration of all the property owned by the party. Submission should be by 31 October each year and the accounts should be audited by the controller and auditor general. Public funds should be accounted for separately. The registrar is expected to publish an annual report in the official gazette on the audited accounts of every political party.

The EEA, 2010, as amended, regulates election expenses and controls the use of funds, imposes prohibitions on certain practices, and provides for

22 (Art. 16 (1) of the PPA, 1992, as amended.)
penalties for breach of its provisions. It regulates expenses by political parties and candidates in elections on both mainland Tanzania and Zanzibar. For the Mainland it applies to national presidential, National Assembly and municipal elections. For Zanzibar, it relates to national presidential and National Assembly elections. Election expenses are supervised and administered by the Registrar of Political Parties.

The Act provides for the disclosure of election expenses in relation to nominations, campaigns and election processes. The nature of expenses is well defined with timelines provided for the disclosure. For instance, candidates are required to inform party structures seven days before nomination day of the funds in their possession, funds they anticipate receiving and how they intend to spend them. Political parties must in turn disclose funds and expenditures to the registrar within 30 days after nomination day. Any non-governmental organisation (NGO), faith-based organisations (FBO), or community-based organisation (CBO) wishing to fund political parties is required to disclose sources and the amount of funds 90 days after the election. Failure to comply amounts to an offence which upon conviction is liable to a fine not less than shillings five million or to imprisonment for a term not exceeding three years or to both.

The Act also provides for sources of funding. Political parties can be funded, either directly or indirectly, from sources both within and outside the country. It stipulates that a political party may receive voluntary funds to finance election expenses from any individual or organisation, inside and outside the United Republic. Donations exceeding one (1) million shillings for an individual donor and two (2) million shillings for an organisation should be disclosed to the Registrar within 30 days of its receipt. Foreign funding is only allowable if received within ninety days before the general elections and thirty days before election day in the case of a by-election. There is a limit to the amount that can be provided. Section 54(2) of the Political Parties Act 2017 states that no person or organisation shall, in any one year, contribute to a political party an amount, whether in cash or in kind, exceeding thirty percent of the annual total expenditure of the political party.
The law bans anonymous donations. It provides that all candidates, political parties, NGOs, FBOs and CBOs participating in election activities/expenses are obligated to keep records of: funds received for election expenses indicating the amount and the nature of funds received; names and postal, physical and electronic addresses of donors; funds anticipated to be received and their sources; funds expended for nomination, election campaigns and election; and funds expended by candidates as nomination and election expenses. The records should be audited by the controller and auditor-general and the financial statement together with the auditor’s report filled with the registrar.

Candidates are required to submit verified reports of election expenses to sponsoring political parties within 60 days from the polling day. Political parties should transmit to the registrar the report in relation to the candidates within 180 days after the submission of the report by the candidate. Failure to do so attracts a default payment of sh. 3 million and disqualification from contesting in the following election if requirements are not met.

The minister responsible for political parties is empowered to set a maximum limit on election expenditure, by an order published in the Gazette. For the 2020 elections, the ceiling for expenditure by political parties was set at Sh. 15 billion and 5 billion shillings for presidential candidates. Compared to 2015 elections, there was a decrease by sh. 2 billion for political parties. A party that exceeds provided limits commits an offence and is liable to a fine of up to three million shillings.

The mission noted that the law provides for clear mechanisms for funding and reporting of expenses by political parties throughout the electoral process. This ensures transparency and accountability. The mission however also noted that by only considering parties with at least one representation at the national and local legislatures, the disbursement criteria for public funds is contrary to the principle of equality. It strengthens strong and larger

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23 Ceilings for parliamentary seats were in six clusters based on the size, population and level of communication infrastructure. These ranged from Sh. 30 million; Sh. 40 million; Sh. 50 million; Sh. 80 million; to Sh. 10 million and Sh. 2.5 – Sh. 3.5 million for candidates vying for parliamentary and civic special seats. For civic candidates, the limits were sh. 7 million for civic candidates in urban wards and sh. 5 million for their rural counterparts. https://www.thecitizen.co.tz/tanzania/oped/are-parties-candidates-mindful-of-election-expenses-limits--2718192, accessed on 1 December 2020
parties while excluding weak and smaller parties. Further, while there are laws governing election expenses, it was noted that the enforcement has been weak.

2.6 DISPUTE RESOLUTION AND ELECTORAL JUSTICE
The competitive nature of elections makes election disputes inevitable, making effective and fair dispute resolution an integral part of the electoral process. Effective electoral remedy ensures the fulfilment of fundamental political rights and freedoms, guarantees the integrity and legitimacy of an election, and prevents violence.

In Tanzania, election dispute resolution is anchored in the Constitution, the NEA, 1985 as amended and the LA(E)A, 2015. Pre-election complaints and appeals are mainly handled within the framework of the NEC and ZEC while the courts are responsible for the resolution of post-election disputes. Complaint procedures in the pre-election period are in relation to voter registration, political party registration, the nomination of candidates for an election, and violations to the code of conduct for political parties and candidates. The NEA and LA(E)A make provisions for handling of complaints in relation to the refusal of applications for voter registration and objections to registration. Appeals by aggrieved applicants, objectors or objected persons are lodged with the district courts. Arising decisions are final.24 Objections to and decisions on the validity of nominations of candidates to the National Assembly, House of Representatives and local councillors are handled by the respective returning officers, whose decisions may be appealed to the NEC and ZEC. Decisions on the appeals by the NEC and ZEC are final at this stage and only subject to review in the post-election period, after announcement of results, through an election petition.25

The Constitution vests the courts with the power to hear and determine election petitions. The election results that can be challenged by way of petitions are for members of parliament (MPs), House of Representatives and councillors seats and should be presented to the High Court or resident magistrates for MPs or House of Representatives and councillors

24 Articles 21 (1)(2) and 24 - 28 of the NEA and Articles 27(1)(2) and 30 - 34of the LEA.
25 Articles 21 (1)(2) and 24 - 28 of the NEA and Articles 27(1)(2) and 30 - 34of the LEA.
respectively. Article 83(4) of the Constitution and section 115(4) of the NEA provide for the right to appeal on decisions of the High Court. The appeal lies with the Court of Appeal and it is final.

The law provides timelines for the presentation and determination of petitions. Petitions should be presented within thirty (30) days or one month from the date of the declaration of results for the parliamentary and HoR seats and councillors seats respectively. For parliamentary and HoR seats, the court shall hear and determine petitions within twelve months from the date of filing a petition. An extension of a period not exceeding six months may be sought in a situation where the election case is unlikely to be determined within twelve months. For local authorities, the court shall hear and determine election petitions within eighteen months from the date of filing a petition. An appeal lodged with the Court of Appeal should be determined within twelve months from the date of submission.

The law further provides for the grounds under which an election can be declared void following a petition as well as the persons eligible to launch a petition. Those who may petition are: a person who lawfully voted or had a right to vote at the election to which the election petition relates; a person claiming to have had a right to be nominated as a candidate or elected at the election to which the election petition relates; a person claiming to have been a candidate at the election to which the election petition relates; and the attorney-general.

Presidential elections cannot be contested in a court of law. According to Article 41(7) of the Constitution, 1977: ‘When a candidate is declared by the Electoral Commission to have been duly elected in accordance with this Article, then, no court of law shall have any jurisdiction to inquire into the election of that candidate’.

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26 Articles 21(1)(2) and 24 - 28 of the NEA and Articles 27(1)(2) and 30 - 34 of the LEA respectively.


28 See Chapter VII and Article 111(1)(a)-(d) of the NEA and Articles 107(3) and Article 110(1)(a)-(d) of the LA(E)A.
The mission noted that the legal framework recognises the right to remedy both during the pre-election and post-election periods. While largely timely, timelines for resolution of nomination disputes and the timelines provided for determination of the petitions could be improved. For instance, the period allowable for the postponement of determination could be further reduced to a maximum of three months. In addition, the right to timely appeal in regard to refusal by the NEC or ZEC of the nomination of a parliamentary candidate is not ensured. This is because such appeals can only be submitted in the post-election period, following the announcement of election results.

The mission further noted, with concern, the constitutional provisions prohibiting enquiry by the courts into a presidential election result declared by the NEC while allowing inquiry, through petitions, into the parliamentary and councillors’ results. This provision makes an assumption that the elections will be faultless and thus devoid of any complaints. This is not the case, especially in view of the competitive nature of elections. The provision contravenes international and regional treaties which obliges states to ensure the effective remedy of a breach of fundamental rights. For instance, Article 2(3)(a) of the ICCPR requires States Parties to the covenant, to ensure an effective remedy for a breach of rights. These fundamental rights include the right to vote and be elected at genuine periodic elections. The right to an effective remedy for the violation of rights is also enshrined in the Universal Declaration of Human Rights, Article 8. At the regional level, Article 17(2) of the African Charter on Democracy, Elections and Governance (2007) obliges member states to establish and strengthen national mechanisms that redress election-related disputes in a timely manner.
3.1 Delimitation of Constituencies

The Constitution of the United Republic of Tanzania, 1977 and NEA, 1985, as amended, provide for the demarcation of constituencies in terms of mandate, timelines and criteria. Article 75 of the Constitution provides that the United Republic shall be demarcated into constituencies of such number and in such manner as shall be determined by the Electoral Commission after obtaining the consent of the president. In demarcating the boundaries of constituencies, the commission considers the following criteria: geographical conditions; population quota; the economic status of the constituency; the size of the constituency; administrative boundaries ensuring that a constituency does not cut across two districts or councils; that a ward does not lie in two constituencies; and number of special seats for women. There are procedures for the stakeholders to submit recommendations for reviewing boundaries and demarcating constituencies.

A review of the demarcated constituencies should be conducted from time to time and at least after every ten years. Any resultant alteration in the number of members of parliament representing those constituencies should take effect after the dissolution of parliament. The law however prohibits legal challenges to the demarcation process.29

29 Article 75 (6) states that, ‘Notwithstanding the other provisions of this Article, no court shall have power to inquire into anything done by the Electoral Commission in its discharge of the function of demarcating the United Republic into constituencies’.
In Zanzibar, delimitation of constituencies is the mandate of the ZEC. Section 120(1) of the Zanzibar Constitution 1984 requires that not less than 40 and not more than 55 constituencies are created during an election. The Constitution further stipulates that all the constituencies shall as far as possible, have an equal number of residents as ZEC may determine. This is however not binding as the ZEC can determine any suitable figure for a particular constituency by taking into consideration the following factors: the number of people in the constituency; population explosion; means of communication; and administrative boundaries. Review of electoral constituencies should be conducted regularly between eight and ten years, or at any other time the House of Representatives decides to do so.

The last review was conducted in the run-up to the 2015 elections. There were an additional 25 and 4 new constituencies in the Mainland and Zanzibar respectively. This resulted in 264 and 54 constituencies which were used for the purposes of National Assembly and House of Representative elections respectively, and 3,956 wards for local council elections. Since no further review was conducted ahead of the 2020 elections, the number of constituencies for the Mainland remained at 264. NEC however announced a name change in three constituencies as follows: Chilonwa constituency in Chamwino, Dodoma DC was changed to Chamwino; Mtera constituency in Chamwino DC in Dodoma was changed to Mvumi; and Kijitoupele constituency in West B, Urban West region in Zanzibar was changed to Pangawe.

Constituencies in Zanzibar reverted to the initial 50 which existed before the 2015 review (as per the 2005 delimitation). In 2015, the number of constituencies in Zanzibar increased from 50 to 54 with all four new constituencies being added to Unguja, which is perceived to be a stronghold of the CCM. Pemba, perceived to be an opposition (CUF) stronghold did not receive any new constituency. Of the 54 constituencies, 18 were in Pemba and 36 in Unguja. In the new changes announced by ZEC in the run-up to the 2020 elections, the four constituencies namely Kijitoupele, Kiwengwa, Chukwani and Mtopepo were dissolved. Zanzibar thus reverted to the

original 50 constituencies, 32 in Unguja and 18 in Pemba. ZEC also changed the name of Mgogoni constituency in Wete to Pandani.

The EISA IEOM noted that while the abolition of the four constituencies may have toned down the perception of bias by the ZEC in favour of the CCM, some of the pertinent concerns raised in regard to the demarcation exercise still hold. For instance, in its final report, the EUEOM to the 2015 general elections argued that, even with the additional four constituencies in Unguja, the electorate in Pemba remained over-represented by two seats in the House of Representatives. Discrepancies in the equality of the vote in Ungunja were also noted. The constituency of Uzini had the largest number of voters (15,069), while the smallest number was in Fuoni with only 1,923 voters. This meant that a vote in Fuoni had 7.8 times more weight than one in Uzini. In the absence of a boundary review, this concern (which is not in line with international standards) was not addressed. International and regional treaties require elections to respect equal suffrage. One of the criteria for demarcation in Tanzania as provided by law is equality in population distribution.

3.2 VOTER REGISTRATION AND VOTERS’ ROLL
The right to vote is protected through ensuring that registration is offered to the broadest pool of citizens. It is therefore important to ensure that the process is undertaken in a transparent and inclusive manner to ensure satisfaction of the key electoral stakeholders, who are the voters.

Article 74(6) of the 1977 Constitution of the United Republic of Tanzania entrusts the NEC with the responsibility of supervising and coordinating the registration of voters in presidential, parliamentary and councillors’ elections in the United Republic. The NEC also registers persons in Zanzibar who are entitled to be registered for the Union presidential elections.

The right to vote is guaranteed to Tanzanian citizens who have attained the age of 18 years. Those who are ineligible for registration include: persons declared to be of unsound mind; and those serving death sentences or under sentence of imprisonment exceeding six months. Article 13(6) of the NEA,
1985, as amended, provides that a person serving a sentence in prison may be registered as a voter, or vote at an election, only if permitted to do so in written law governing the person’s imprisonment. There are however no legal provisions for voting by prisoners serving sentences of less than six months who are eligible voters. The law also does not provide mechanisms for diaspora voting.

Article 12(1)(5) of the NEA, 1985, as amended, provides for a permanent national voters register (PNVR) under the custodian of the NEC. The law requires that voter registration drives be carried out twice every five years. This is between the period commencing immediately after the general elections and the date preceding the nomination day.

In line with this requirement, the commission updated the PNVR twice. The update was undertaken between 18 July 2019 and 20 June 2020, during which time two phases were conducted. The first phase was from July to December 2019, while the second was from 17 to 19 April 2020 and 2 to 4 May 2020. The preliminary voters’ register was displayed for verification and objections in line with the law.

Biometric voter registration (BVR) technology that had been adopted by the commission in 2015 was used. The mission was informed that the BVR kits were installed with the voters’ registration system, enabling them to register new voters, update voter details and remove from the register the names of voters who had become ineligible. The commission also used the automated fingerprints identification system (AFIS). The system was used to process voters’ fingerprints and identify voters registered multiple times, thus removing duplicates from the PNVR.

Updating of the PNVR was thus four-fold. First, it entailed registration of voters who had attained the age of 18 since the last update in 2015, and those who would be 18 by October 2020. Second, details of voters who wished to transfer registration details as a result of a change of residency were updated. Third it provided an opportunity for the replacement of damaged or lost

32 Article 15(5) of the National Elections Act, Cap. 343, and Article 21(5) of the Local Authorities (Elections) Act, Cap. 292.
33 Articles 11A and 22 of the NEA, 1985 and Article 15A of the Local Authorities Act, Cap. 292.
voter’s cards; and finally, it entailed the removal of ineligible voters from the register.

During the first phase of the registration, a total of 7,043,247 people were registered; 3,225,778 updated their details and 16,707 had their names removed from the register because they had become ineligible. The second phase of updating the PNVR covered 1,951 voter registration centres recommended from each ward in Tanzania Mainland and 50 voter registration centres at the ward level in Zanzibar. During this phase, a total of 620,210 voters turned out, 283,305 of whom were new voters; 323,068 were those who had updated their details; and 13,780 were those who had become ineligible.

The provisional register was displayed pursuant to sections 11A and 22 of the National Election Act, Cap. 343, and section 15A of the Local Authorities (Elections) Act, Cap. 292. The commission was required to display the provisional register to give the people a chance to verify their details, correct any mistakes and make objections, in the case of those who were considered ineligible. A total of 57 objections were made at the time of displaying the register. The objections were successfully determined by voter registration officials. They dealt with people who had registered more than once and those whose names had been deleted from the register. There were also objections to those who had registered outside their wards of residence, who did not have the right to vote in a councillors’ election.34

At the conclusion of the PNVR updating exercise, a total of 7,326,552 new voters were registered comprising 25.1% of the PNVR; 3,548,846 voters updated their details; and 30,487 were removed from the register as a result of disqualification by law. The total number of voters for the 2020 elections was 29,188,347 compared to 23,161,440 voters in 2015. This marked a 26% increase in the number of registered voters. Of these 14,496,604 (49.67%) were male while 14,691,743 (50.33%) were female. In conducting general elections in Zanzibar, the NEC uses ZEC’s voter register for the Union elections. The register had a total of 566,352 voters, of whom 272,115 (48.05%) were male while 294,237 (51.95%) were female (see tables 1 and 2 below).

For the 2020 elections, the NEC increased the total number of voter registration centres, which also doubled as the voting centres, in both Mainland and Zanzibar. Centres in the Mainland increased by 858 from 36,549 to 37,407 while those in Zanzibar increased by 27 from 380 to 407. There was a total of 80,155 polling stations (PS) for the Mainland and 1,412 for Zanzibar bringing the total number of PS to 81,567. Each polling station had a maximum of 500 voters.

In accordance with the law, all political parties were presented with soft and hard copies of the PNVR as well as the voters’ register.

The second phase was conducted before Tanzania was declared to be COVID-19 free. The mission was informed that several organisations were able to observe the registration process and adherence to COVID-19 safety guidelines. It was observed that safety guidelines were followed as registration staff wore protective masks and had hand-washing stations at the registration centres.

Stakeholders who were consulted informed the mission that the level of participation in the registration process was impacted by several issues. First, there were two contradicting registrations under way which confused the voters, leading to low voter turnout. For the Mainland, there was a registration drive for civic elections, which are under the jurisdiction of the office of the president. In Zanzibar, there was also registration for national ID Cards undertaken by the ZEC. The other issues were limited civic education, as well as loss of the value initially attached to the voter registration card. Previously the card could be used for identification as well as banking, including loan access. As a result of reforms the card has presently lost this value, and can be used only for voting purposes.

The mission noted that the requirements for registration as a voter are reasonable and in line with international standards, as prescribed universal suffrage and the right to vote are provided with reasonable and objective objections. Universal suffrage requires that broad participation be promoted, meaning that eligible voters should not be restricted. Therefore, to make

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35 Art. 4(2) of ACDEG and General Comment 25, para. 4,10 of the ICCPR.
36 General comments, para 11 of the ICCPR
it more inclusive, the law may be reviewed to explicitly extend the right to vote to Tanzanians living in the diaspora as well as those serving prison sentences of less than six months.

Table 4: Registered Voters 2020 (Registered by NEC)

<table>
<thead>
<tr>
<th>Voters by Gender</th>
<th>Total</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>14,496,604</td>
<td>49.67</td>
</tr>
<tr>
<td>Female</td>
<td>14,691,743</td>
<td>50.33</td>
</tr>
<tr>
<td>Total</td>
<td>29,188,347</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: NEC

Table 5: Registered Voters 2020 (Registered by ZEC)

<table>
<thead>
<tr>
<th>Voters by Gender</th>
<th>Total</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>272,115</td>
<td>48.05</td>
</tr>
<tr>
<td>Female</td>
<td>294,237</td>
<td>51.95</td>
</tr>
<tr>
<td>Total</td>
<td>566,352</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: NEC

3.3 POLITICAL PARTY REGISTRATION AND CANDIDATE NOMINATION

Political Party Registration

Political parties are the prime actors in elections. Their registration process, which grants them legal status, should be transparent, impartial and include reasonable eligibility criteria. This fosters integrity in the electoral process.

The Constitution, 1977\(^{37}\) and the PPA, 1992, as amended, set out the conditions and procedures for the registration of political parties. Article 4 of the PPA, 1992, as amended, establishes the Office of the Registrar of Political Parties as an autonomous institution under the ministry responsible for political parties. The registrar together with the deputy are appointed by the president. The

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\(^{37}\) Articles 39 (1)(a), 67 (1)(b) of the Constitution.
registrar has the sole responsibility for the registration of parties as well as the enforcement of regulation.

Registration of political parties is in two stages, provisional followed by full registration, subject to qualification. Application for full registration should take place not later than one hundred and eight days from the date of provisional registration, upon fulfillment of all requirements. To secure full registration, a political party must:

- be provisionally registered;
- have obtained not less than two hundred members who are qualified to be registered as voters for the purpose of parliamentary elections from at least half the regions of the United Republic, of which at least two regions are in Tanzania Zanzibar, one region being from Unguja and the other region from Pemba;
- have submitted the names of its members to the registrar for verification;
- have submitted to the registrar a location of its head office and subhead office on the basis that if the head office is established in Tanzania Mainland the subhead office shall be established in Tanzania Zanzibar;
- through its constitution restricted its members from having dual membership;
- have submitted the names of the national leadership of the party and confirm that such leadership draws its members from both Tanzania Zanzibar and Tanzania Mainland; and
- have submitted to the registrar the location of its head office within

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38 In order to qualify for provisional registration: the application should be accompanied by a copy of the constitution of the proposed political party; its membership should be voluntary and open to all the citizens of the United Republic without discrimination on the basis of gender, disability, religious belief, race, tribe, ethnic origin, profession or occupation; and the election of its leaders at the general elections is open to both genders. A political party shall not qualify for provisional registration if: by its constitution, rules and policies or activities it aims to advocate or further the interests of any religious belief or group, any tribal, ethnic or racial group, or only a specific area within any part of the United Republic; it advocates the breaking up of the union constituting the United Republic; it accepts or advocates the use of force or violence as means of attaining political objectives; it advocates or aims to carry on its political activities exclusively in one part of the United Republic; it does not allow periodic and democratic election of its leadership; and it allows its leaders and members to utter or use obscene language, vindictive, defamatory or inciting words which are likely to cause or lead to the disruption of peace.
the United Republic and a postal address to which notices and other communications may be sent.

The registrar has powers to suspend or cancel the registration of a political party. Registration may however not be cancelled twelve months prior to a general election.\(^{39}\) The decision of the registrar regarding the suspension or cancellation of the registration of a party cannot be appealed against in a court of law but may be appealed in court by way of judicial review. There are presently nineteen political parties with full registration and one with provisional registration.\(^{40}\) Five of these parties are more active than the others.\(^{41}\)

The PPA was amended in 2019. Among the provisions introduced was the right for political parties to form coalitions before or after elections. Stakeholders consulted by the mission expressed concerns about the amendments which granted more powers to the registrar; for instance, the power to deregister political parties and to demand information from the parties. If misused, this could erode the foundation for multiparty regime.

The legal framework provides for an enforceable code of conduct for political parties that all candidates, political parties, the commission and government are expected to abide by.\(^{42}\) Any person who contravenes the provisions shall be liable to a penalty as may be prescribed by the Electoral Code of Conduct. All political parties contesting the national elections signed the code of conduct on 27 May 2020. By signing, they pledged their commitment to free and fair elections and upholding the code of conduct. The mission was, however, informed that the development of the code of conduct had not been consultative as required by law. Further, some political parties noted

\(^{39}\) Article 19 (3) of the PPA, 1992.

\(^{40}\) Parties with full registration are: Chama cha Mapinduzi (CCM); Civic United Front (CUF), Chama cha Democrasia na Maendeleo (CHADEMA), National Convention for Construction and Reform – NCCR, Union for Multiparty Democracy (UMD), National League for Democracy (NLD), United Peoples’ Democratic Party (UPDP), National Reconstruction Alliance (NRA), African Democratic Alliance Party (ADA-TADEA), Tanzania Labour Party (TLP), United Democratic Party (UDP), Demokrasia Makini (MAKINI), Democratic Party (DP), Sauti ya Umma (SAU), Alliance for African Farmers Party (AAFP), Chama cha Kijamii (CCK), Alliance for Democratic Change (ADC), Chama cha Ukombozi wa Umma (CHAUMMA), and Alliance for Change and Transparency (ACT-Wazalendo). The provisionally registered party is the Restoration of Nation Party (RNP).

\(^{41}\) These are CCM, Chadema, Act- Wazalendo, NCCR and CUF.

\(^{42}\) Section 124A of the NEA, 1985, as amended.
that they were requested to append their signatures on the occasion of the unveiling of the document.

**Candidate Nomination**

The Union and Zanzibar Constitutions\(^{43}\) and the NEA, 1985, as amended,\(^{44}\) outline the qualification and eligibility criteria for the various elective positions including the office of the president, parliamentary and local council.

To qualify as a presidential candidate for the Union elections a person must:

- be a citizen of Tanzania by birth;
- be at least 40 years old;
- a member of, and nominated by, a registered political party;
- qualify to be a member of parliament or a member of the House of Representatives; and
- within a period of five years prior to the general election s/he must not have been convicted by any court for any offence relating to the evasion to pay any government tax.

The presidential candidate and his running mate must come from different parts of the Union Republic. The nomination of any candidate must be supported by no less than 200 registered voters from at least ten regions, out of which at least two are in Zanzibar. Additionally, a candidate must also deposit a sum of Tanzania Shillings (TZS)1,000,000 (the equivalent of United States Dollar - USD 431.22)\(^{45}\) which may be refundable.\(^{46}\) The deposit for a presidential candidate from Zanzibar is TZS 2,000,000 (USD 862.44). A candidate must possess a statutory declaration before a judge that the candidate has the qualifications to stand in the election, and that there are no reasons why s/he should be disqualified.


\(^{44}\) Art. 36

\(^{45}\) As of 15 December 2020, for all conversions.

\(^{46}\) According to Article 33(2) of the NEA, 1985, the deposit shall be forfeited to the Government if (a) the Presidential candidate withdraws his candidature after nomination day; or (b) the number of votes counted in his favour at the election is less than one-tenth of the total number of valid votes cast, except that such deposit shall not be forfeited if the candidate dies before the election. Where the deposit is not forfeited under the above provisions, it shall, as soon as practicable after the declaration of the results of the election, be refunded to the presidential candidate or paid to his personal legal representative, as the case may be, by the Commission.
Presidential aspirants for the Union and for Zanzibar submit their nominations to the NEC and ZEC respectively. The vice-presidential candidate standing on a party ticket must come from the other part of the Union from his running mate, that is, if the presidential candidate is from the Mainland, his/her running mate must come from Zanzibar and vice versa.

To qualify as a candidate for the parliamentary election, prospective candidates must be a citizen of the United Republic of Tanzania; have attained the age of 21 years; be able to read and write in Kiswahili and English; be a member of, and nominated candidate from, a registered political party; and not have been convicted for tax evasion by any court in the past five years. A candidate must submit a deposit of 50,000 Tanzanian shillings (equivalent of USD 21.56). For the Zanzibar House of Representatives, a candidate must deposit TZS 100,000 (USD 43.12). Further, a candidate must be nominated in writing by at least twenty-five nominators who are voters registered in the constituency in which they stand. He or she must also provide a statutory declaration before a magistrate to confirm that they meet the qualifications to stand for a parliamentary seat, and that there is no reason for them to be disqualified from standing.

Candidates for membership of a local government authority must be: a citizen of the United Republic; have attained the age of twenty-one years; be ordinarily a resident within the area of jurisdiction of local authority; be able to read and write in Kiswahili or English; be a member of and sponsored by a registered political party; have a lawful means of livelihood; and must not have been convicted for the offence of tax evasion within a period of five years before ejection. Further, he/ she must be nominated in writing by not less than ten voters registered in the ward for which he/ she is a candidate. A candidate must submit a refundable deposit of 5,000 Tanzanian shillings (equivalent of USD 2.16).47

Nominations for the National Assembly of the Union and for the House of Representatives of Zanzibar, and local councils, are dealt with by returning officers at constituency level and by assistant returning officers at ward level respectively.

47 The sum deposited shall not be refundable where a candidate acquires less than 10% of the total valid votes cast.
After nomination, the Election Expenses Act requires the political party to disclose all funds received for election expenses for the nomination process or election campaigns, whether as a gift, loan, advance, deposit or donation. Any political party or candidate that fails to disclose such information is disqualified from participating in the election.

The NEC is responsible for the announcement of nomination dates. Section 37 of the NEA, 1985, as amended, provides that the nomination day for any constituency shall be not less than five and not more than twenty-five days after the dissolution of parliament. In line with this provision, the nomination of candidates for the presidency and vice presidency, parliament, and ward councillors was on 25 August 2020. The presidential candidacy forms were available to the contesting parties from 5 August to 25 August, and forms for parliamentary and aspirant wards councillors from 12 August to 25 August.

All 19 registered political parties nominated candidates for the various elective seats for the 2015 elections. Following the nomination process, the NEC validated the nomination of 15 presidential and vice-presidential candidates, 1,257 parliamentary candidates and 9,231 councillor candidates. There were 28 unopposed parliamentary candidates and 870 councillors, all from CCM.

The mission was informed that during the nomination process the NEC received two objections to the presidential nominations, one each against the CCM and CUF presidential candidates. They were both unsuccessful. The commission further received and determined 165 appeals with regard to the parliamentary election and as a result 67 candidates were reinstated, 39 appeals dismissed and 59 rejected. There were also 462 appeals regarding the councillors’ elections; 236 candidates were reinstated, and 226 appeals dismissed.

The EISA IEOM noted that the requirements for party registration and candidate nomination are reasonable and objective and in line with international standards. Citizens are able to establish and participate in political parties as members and candidates without undue restriction and discrimination. The mission also noted that the recent amendments to the PPA in 2019 made provision for the formation and management of pre- and
post-election political coalitions in line with recommendations made by IEOMs during the 2015 elections. This promotes the right of free association to party members.

### 3.4 CIVIC AND VOTER EDUCATION

Section 6(4C) of the NEA, 1985 entrusts the NEC with the responsibility of providing voters’ education throughout the United Republic and coordinating and supervising persons who conduct such education. Any organisation seeking to conduct civic and voter education during the electoral period needs to apply for accreditation from the NEC.

The NEC accredited twelve organisations to conduct voter education during the updating of the PNVR. Ten were from Mainland Tanzania and two from Zanzibar. For the 2020 general elections, only 247 out of the 4,000 organisations that applied for accreditation to conduct voter education were successful. Accreditation, which was applied for in December 2019, was granted in July 2020, only two months before the general elections.

The NEC, supported by accredited CSOs, conducted voter education during the voter registration process and in the run-up to the general elections. The main communication channels used for voter education were media adverts in television and radio; the commission’s public address van and also through public transport; social media networks; workshops; the performing arts and music concerts. Stakeholders consulted by the mission reported the effectiveness of social media used for voter education by the NEC, especially their Instagram page which was observed to be up to date. It was however noted that the communication disseminated was more about voter information than education.

The mission noted that the limited number of accredited organisations coupled with the delay in accrediting CSOs for voter education likely affected their ability to fundraise and launch meaningful outreach programmes. This in turn impacted on the quality and level of voter education. The effectiveness of voter education efforts can be evaluated through the voter turnout and the number of spoilt ballots. There were 261,755 rejected ballots, representing 1.73% of the total votes cast nationwide. Voter turnout decreased compared to 2015 and was the second lowest recorded in the history of the country,
at 50.72%, down from 67% in 2015. Lack of widespread civic and voter education limits the citizen’s right and opportunity to participate in public affairs, contrary to international standards and the laws of Tanzania.

3.5 ELECTION CAMPAIGNS

The PPA, 1992, NEA, 1985, and EEA, 2010, make provisions for electoral campaigns. The EEA, 2010 governs campaign financing. It provides for the funding of the nomination process, election campaigns and elections with a view to controlling the use of funds and prohibitive practices in the nomination process, election campaigns and elections, and makes provision for the allocation, management and accountability of funds. The PPA, 1992 provides for the funding and regulation of funds within political parties. The Act specifies the sources from which a party can derive funding. It also provides for reporting by the party of such funds, including campaign funds.

The NEA, 1985 provides for the Electoral Code of Conduct for the presidential, parliamentary and councillors’ elections. Section 124A(1) of the NEA stipulates that:

The Commission shall, for the purpose of promoting fair, free and orderly elections, and upon consultation with all political parties and the Government, make and publish in the Gazette the Electoral Code of Conduct prescribing – (a) ethical conducts for political parties, the Government and the Commission during election campaigns and elections; and (b) mechanisms for enforcement of the Electoral Code of Conduct. The Electoral Code of Conduct should be subscribed by every political party; every candidate before he submits the nomination form; the Government; and the Commission. The code is binding to all the parties who are signatory.

Campaigns for 2020 general elections were held from 26 August to 27 October 2020, 24 hours before election day. The EISA IEOM observed campaigning during the deployment of its observer teams. Police officers were present during the campaigns and undertook their duties in a professional manner.

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48 The lowest voter turnout was in 2010 at 42.84%.
49 Section 9 of EEA, 2010.
50 Section 13 of the PPA, 1992.
The IEOM observed that political parties conducted largely peaceful campaigns in the areas in which it deployed. The NEC reported that it received twelve complaints and seven appeals during the campaign period, all of which were resolved.

However, the mission received reports from opposition political parties of several challenges faced during the campaign period, including cancellation of pre-approved campaign events; arrests and detention of party candidates during campaigning; the use of teargas and dispersion of party supporters by the TPF; and intimidation and restriction of movement. The mission also noted with concern reports of a specific incident in Pemba on 27 October 2020, during which live ammunition was used on political party supporters allegedly attempting to interfere with the electoral process in polling stations in Kagangani village in Ole constituency in Pemba.

3.6 PREPAREDNESS OF THE EMB
The NEC did not release an election calendar detailing timelines for various activities during the electoral period. The only dates released were in regard to nominations and campaigns. The mission noted that the NEC adhered to the provided timelines.

The overall budget for the 2020 elections was 331,728,258,035 Tanzania Shillings and was fully funded by the government of Tanzania, without donor funding. The NEC indicated that the amount was sufficient to run the elections.

The NEC set up 81,567 polling stations and recruited and trained 329,861 election staff. These included 28 regional election coordinators (RECs); 194 returning officers (ROs); 742 assistant returning officers (AROs) at the constituency level and 7,912 AROs at the ward level; 181 election officers; 184 procurement officers and 320,620 polling staff. The NEC also procured and distributed electoral materials, and monitored campaign activities including the resolution of complaints in relation to the electoral code of conduct.

The NEC established ward, constituency, national and appellate committees to monitor adherence to the Electoral Code of Conduct and build consensus during campaigns. The first level, which is the ward level, draws membership
from all political parties participating in the election, district administration secretariat, and ARO from NEC. The constituency committee comprises the RO, one member from contesting political parties, one member appointed by the district director who may be the RO, and the ARO. They handle appeals from the wards and their decision is final regarding ward issues. Appeals from the constituency level are taken to the national level which comprises one commissioner of NEC (Chair), one member from each contesting party, a government representative appointed by the Prime Minister, and one commissioner from the NEC who acts as the secretary. The appellate committee is the highest body. It comprises the chair who is the chairperson of the NEC, vice chair, one member from each political party that has a contestant, one member appointed by the permanent secretary of local government, and the director of elections who is the secretary.

Section 3 of the NEA empowers the NEC to issue regulations, directives and notices under the signature of the chairman of the NEC or the director of elections. The mission observed that several directives were issued close to the elections. While the issuance of these directives can assist in bringing clarity to specific matters of law and procedure, they can also create disruption and uncertainty when they are issued close to the elections and without sufficient stakeholder consultations and sensitisation.

Stakeholders consulted by the EISA IEOM expressed concerns about the transparency of the NEC. They noted that they were not adequately engaged by the NEC during the pre-election period, with meetings held mainly for information sharing as opposed to consultation purposes. For instance, some stakeholders noted that they were not consulted during the development of the electoral code of conduct for the 2020 general elections but were only called upon to launch it and append their signature.
EISA IEOM teams observed election day procedures, including opening, voting, closing and counting, in a total of 87 polling stations, across seven regions where they were deployed.

The polling station environment was reported as orderly and mostly peaceful.

The presence of women at polling stations as voters, polling officials, party agents and citizen observers were noteworthy. At the polling stations, 49% of the polling staff and 42% of the party agents were women. The EISA IEOM also noted significant participation in the process by young people.

4.1 OPENING

EISA teams observed opening procedures in nine polling stations, of which eight opened on time. Observers were granted access to the opening procedures in all polling stations. It was reported that the NEC rules and procedures were inconsistently applied by the polling staff during the opening.

4.2 ELECTION PERSONNEL

EISA observers noted that the majority of the polling stations had the full complement of polling staff, 49% of whom were women. The staff were easily identifiable as they wore the bibs provided by the NEC.
While the process was largely conducted in an orderly manner, the application of polling procedures was not consistently followed.

4.3 POLLING STATIONS AND ELECTION MATERIALS
Most of the polling stations visited (79%) were accessible to persons with disability. The inaccessible stations were either in facilities with very rough surfaces or located upstairs.

The mission observed that electoral materials were present throughout the day in all polling stations visited.

4.4 INDEPENDENT OBSERVERS, MONITORS AND SECURITY FORCES
EISA teams reported that observers and party agents were granted easy access to the voting stations and were able to observe the entire process without any interference or restrictions on election day in the majority of polling stations visited. Party agents were present in 100% of the polling stations which the mission observed, with female party agents comprising 42%. EISA observer teams noted an average of five polling agents per polling station with CCM deploying in all polling stations visited. They further reported varying levels of competence and vigilance from polling agents, likely indicating uneven levels of training.

The observers, however, noted the low number of citizen election observers, as they were encountered in only 26% of the polling stations visited. EISA is cognisant of the critical role that citizen observers play in promoting electoral security, transparency and integrity and confidence. They are well situated to foster accountability from the various players in the process and engage in policy advocacy beyond the election cycle.

TPF officials were present in all voting stations visited. Their presence was considered to be professional and discreet throughout the day.

4.5 VOTING PROCEDURES AND THE SECRECY OF THE BALLOT
The layout in 94% of the polling stations visited was adequate for an easy flow of voters. In all polling places visited by observers, the voting procedures allowed for privacy of voting from the polling staff and citizens thus guaranteeing secrecy of the vote. The ballot boxes were appropriately sealed in all but one of the polling stations observed.
The mission observed that in the majority of the polling stations visited, voters took less than six minutes to complete the voting process. This is indicative of average familiarity with the stipulated voting procedures.

Assisted voters were accorded the necessary assistance as prescribed by law. Priority was given to persons with disability, the elderly, and nursing mothers.

### 4.6 CLOSING AND COUNTING

EISA observers were present at the closing and counting in eight polling stations. They reported that all polling stations closed on time and voters in the queues at the time of closing were allowed to vote before the counting process began. The closing and counting process environment was reported as peaceful. The counting took place in the polling stations immediately after the conclusion of voting and closing procedures.

After counting all the votes, presiding officers recorded the results in the results forms and requested polling agents to sign. Copies of the signed results forms were posted outside the polling stations and a copy provided to each political party agent, with very few exceptions observed by the mission.

The mission teams noted that the closing and counting procedures were not consistently applied according to NEC guidelines. This could be indicative of inadequate training or assimilation by the electoral staff. The mission witnessed a serious irregularity during counting in Shule ya Msingi Bunge 1, where the presiding officer completed the acceptance form and made polling agents sign prior to commencing the count. When polling agents later objected to the final tally, the form had already been completed. Observers also witnessed counting errors that consistently prejudiced specific political parties and were concerned at the recurrence of these errors.
5.1 RESULTS AGGREGATION

As per the NEC procedures, addition and publication of election results is undertaken at two levels, the constituency and national levels. At the constituency level, results addition entailed the following: having received all the ballot boxes from all polling stations, the ROs in the presence of the persons allowed to be in the addition centres first have to determine all the disputed votes then add up all results. In accordance with the NEA, 1985, as amended, the ROs are supposed to start with the presidential election results.

Following the addition of the partial presidential election results, ROs record the results of constituencies in the results form and cause the forms to be signed by political party agents or candidates present in the addition centres. Each agent is provided with a copy of the election results form and one copy is affixed in a conspicuous place outside the addition centres. A similar process is followed for the parliamentary and councillors’ elections. The winner for the parliamentary elections should be declared at the constituency level by the RO while the winner of the councillors’ elections is declared by the ARO at the ward level. The presidential election result is transmitted by the RO to the commission.

The commission receives the constituency results at the national results centre. After verification, it announces the partial presidential results as they are received. The commission then adds up and records all the results, after
receipt, in a results form and cause the form to be signed by political party agents, who are present. The commission then announces the final results and declares the winner. The results of the presidential, parliamentary and councillors’ election are then published by the commission in the Official Gazette.

The commission provided continuous and live updates of the results, at the national results centre, to all stakeholders.

5.2 ANNOUNCEMENT OF FINAL RESULTS
The legal framework in Tanzania does not provide a fixed timeline for the announcement of results by the electoral commission. The only timelines provided by the Constitution are in regard to the assumption of office by the president after the declaration of election results by the NEC. Section 42(1) of the Constitution provides that the president-elect shall assume the office of the president as soon as possible after it is declared that he has been elected president, but in any event, he shall assume office before the expiration of not more than seven days. The announcement of final presidential results is guided by Sections 38(1), 41(6) and 47(2) of the 1977 Constitution, and Article 35(f)(8) and 35(h) of NEA, 1985, as amended. The commission is mandated to declare a winner following the verification and addition of partial results for each candidate from all constituencies.

The NEC began the announcement of partial results upon receipt from the constituencies on 29 October 2020. EISA IEOM observers, headed by the mission leader, visited the national addition centre. The final results of the 2020 general elections were announced on 30 October 2020, three days after the elections. Following the announcement, 12 out of the 13 agents from political parties that had participated in the presidential elections, and who were present, signed the results form (form 27) as provided for in the law.51

5.3 VOTER TURNOUT
The results recorded the second lowest voter turnout since the return to multi-party democracy in 1992, as shown in Table 6 below. Of a total of 29,754,699 registered voters, 15,091,950 turned out to cast their ballots in the

51 Non-attendance by party agents does not invalidate the election result as per Article 85 of the NEA, 1985, as amended.
various polling stations. This represented 50.72%, slightly more than half of the total voters registered by both the NEC and ZEC. Of these, 14,830,195 votes were valid while 261,755 (1.73%) were rejected. In 2020 the voter turnout decreased by 3.23% compared to the 2015 elections where a total of 15,596,110 voters (67.34%) out of 23,161,440 registered voters turned out to cast their ballots. Conversely, the number of registered voters who did not vote increased in 2020 compared to 2015 elections: 14,662,749 (49.28%) of the 29,754,699 registered voters in 2020 did not vote compared to 7,565,330 (32.66%) of the 23,161,440 total registered voters in 2015. The decrease in voter turnout could be as a result of, among others, low civic and voter education as pointed out earlier.

Table 6: Voter Turnout against Registered Voters

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Registered Voters</th>
<th>Total Votes Cast</th>
<th>% Voter Turnout</th>
<th>Invalid votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>29,754,699</td>
<td>15,091,950</td>
<td>50.72</td>
<td>1.73%</td>
</tr>
<tr>
<td>2015</td>
<td>23,161,440</td>
<td>15,596,110</td>
<td>67.34</td>
<td>2.58%</td>
</tr>
<tr>
<td>2010</td>
<td>20,137,303</td>
<td>8,626,283</td>
<td>42.84</td>
<td>2.64%</td>
</tr>
<tr>
<td>2005</td>
<td>16,442,657</td>
<td>11,875,927</td>
<td>72.23</td>
<td>4.30%</td>
</tr>
<tr>
<td>2000</td>
<td>10,088,484</td>
<td>8,517,648</td>
<td>84.43</td>
<td>4.10%</td>
</tr>
<tr>
<td>1995</td>
<td>8,929,969</td>
<td>6,846,681</td>
<td>76.67</td>
<td>4.90%</td>
</tr>
</tbody>
</table>

Source: NEC

5.4 OVERVIEW OF ELECTION RESULTS

Dr. Magufuli of CCM was declared the winner after garnering 12,516,252 votes, representing 84% of the total votes cast. The main opposition leader, Tundu Lissu of CHADEMA, came a distant second with 1,933,271 votes representing 13% of the total votes cast. He was followed by Bernard Membe of Act Wazalendo who garnered 81,121 votes representing 0.5% of the total votes cast. Table 7 below shows the full list of the presidential results as announced by the NEC. The performance by the main opposition sharply contrasted the gains made by the opposition in 2015. The lead opposition candidate in 2015 garnered 40% of the votes cast, the highest ever by the opposition since the return to multi-party democracy in 1992.
In Zanzibar, Hussein Mwinyi of CCM was declared the winner with 76.6% of the votes. He was followed by Maalim Seif of Act Wazalendo who garnered 19.87% of the votes.

At the time of writing this report, the NEC had not officially published election results for the parliamentary and councillors’ elections. However, according to the African Report, CCM won 261 of the 264 parliamentary seats representing 98.86% of the total parliamentary seats. Similarly, in the House of Representatives, the ruling party won 47 out of the 50 seats. CCM therefore has absolute majority and control over both Tanzania mainland and Zanzibar for the first time since the return to multi-party democracy in 1992, as shown in Table 8.

Table 7: 2020 Presidential Election Results

<table>
<thead>
<tr>
<th>Name</th>
<th>Political party</th>
<th>Votes</th>
<th>% Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Pombe Joseph Magufuli</td>
<td>Chama cha Mapinduzi (CCM)</td>
<td>12,516,252</td>
<td>84.397083</td>
</tr>
<tr>
<td>Lissu Tundu Antiphas Mughwai</td>
<td>Chama cha Democrasia na Maendeleo (CHADEMA)</td>
<td>1,933,271</td>
<td>13.036046</td>
</tr>
<tr>
<td>Membe Bernard Kamilius</td>
<td>Alliance for Change and Transparency (ACT-Wazalendo)</td>
<td>81,129</td>
<td>0.5470528</td>
</tr>
<tr>
<td>Mahona Leopold Lucas</td>
<td>National Reconstruction Alliance (NRA)</td>
<td>80,787</td>
<td>0.5447467</td>
</tr>
<tr>
<td>Shibuda John Paul</td>
<td>African Democratic Alliance Party (ADA-TADEA)</td>
<td>33,086</td>
<td>0.2230989</td>
</tr>
<tr>
<td>Muttamwega Bhatt Mgaywa</td>
<td>Sauti ya Umma (SAU)</td>
<td>14,922</td>
<td>0.100619</td>
</tr>
<tr>
<td>Cecilia Augustino Mmanga</td>
<td>Demokrasia Makini (MAKINI)</td>
<td>14,556</td>
<td>0.0981511</td>
</tr>
<tr>
<td>Yeremia Kulwa Maganja</td>
<td>National Convention for Construction and Reform – NCCR</td>
<td>19,969</td>
<td>0.134651</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Candidate 1</th>
<th>Party/Alliance</th>
<th>Votes</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lipumba Ibrahim Haruna</td>
<td>Civic United Front (CUF)</td>
<td>72,885</td>
<td>0.4914635</td>
</tr>
<tr>
<td>Philipo John Fumbo</td>
<td>Democratic Party (DP)</td>
<td>8,283</td>
<td>0.0558523</td>
</tr>
<tr>
<td>Queen Cuthbert Sendiga</td>
<td>Alliance for Democratic Change (ADC)</td>
<td>7,627</td>
<td>0.0514289</td>
</tr>
<tr>
<td>Twalid Ibrahim Kadege</td>
<td>United Peoples’ Democratic Party (UPDP)</td>
<td>6,194</td>
<td>0.0417661</td>
</tr>
<tr>
<td>Hashim Spunda Rungwe</td>
<td>Chama cha Ukombozi wa Umma (CHAUMMA)</td>
<td>32,878</td>
<td>0.2216963</td>
</tr>
<tr>
<td>Mazrui Khalfani Mohamed</td>
<td>Union for Multiparty Democracy (UMD)</td>
<td>3,721</td>
<td>0.0250907</td>
</tr>
<tr>
<td>Seif Maalim Seif Hamad</td>
<td>Alliance for African Farmers Party (AAFP)</td>
<td>4,635</td>
<td>0.0312538</td>
</tr>
<tr>
<td><strong>Total valid votes</strong></td>
<td></td>
<td><strong>14,830,195</strong></td>
<td><strong>98.265599</strong></td>
</tr>
<tr>
<td><strong>Rejected votes</strong></td>
<td></td>
<td><strong>261,755</strong></td>
<td><strong>1.7344015</strong></td>
</tr>
<tr>
<td><strong>Total votes cast</strong></td>
<td></td>
<td><strong>15,091,950</strong></td>
<td><strong>50.721232</strong></td>
</tr>
<tr>
<td><strong>Total registered voters</strong></td>
<td></td>
<td><strong>29,754,699</strong></td>
<td>-</td>
</tr>
</tbody>
</table>

**Table 8: Ruling Party Victory**

<table>
<thead>
<tr>
<th>Year</th>
<th>Ruling Party (CCM) % victory</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995</td>
<td>61.82</td>
</tr>
<tr>
<td>2000</td>
<td>71.74</td>
</tr>
<tr>
<td>2005</td>
<td>80.28</td>
</tr>
<tr>
<td>2010</td>
<td>62.84</td>
</tr>
<tr>
<td>2015</td>
<td>58.46</td>
</tr>
<tr>
<td>2020</td>
<td>84.40</td>
</tr>
</tbody>
</table>

**5.5 POST-ELECTION CONTEXT**

Following the declaration of the 2020 elections winner, opposition parties, mainly CHADEMA and Act Wazalendo, declined to accept the results. They cited irregularities and fraud and therefore called upon their supporters to hold continuous nationwide demonstrations from 2 November 2020 to call for a repeat of the elections. The protests were banned by the police and several...
opposition members were arrested in connection with the planned protests.\textsuperscript{53} These included the chairman of CHADEMA, Freeman Mbowe; Godbless Lema, a former MP; Isaya Mwita, a former mayor of Dar es Salaam; and Boniface Jacob, the former mayor of Ubungo. The NEC denied the allegations, and specifically termed allegations of ballot stuffing as unproven and invalid, noting that they had not been reported to the commission.

Tundu Lissu, the CHADEMA presidential candidate, and ACT Wazalendo’s leader Zitto Kabwe were also briefly arrested and released, in relation to the planned protests. Lissu left the country on 10 November 2020 for exile in Belgium. In Zanzibar, Maalim Seif, the main opposition leader, was arrested and later released on similar grounds.

There is no legal recourse for grievances in relation to the presidential election results in Tanzania. The president was sworn in on 5 November 2020.

\textsuperscript{53} The arrests were confirmed by Dar es Salaam Special Police Zone commander, Mr Lazaro Mambosasa. https://www.theeastafrican.co.ke/tea/news/east-africa/tanzania-opposition-leaders-arrest-2728652 accessed on 15 November 2020
6 Cross-cutting Issues

6.1 Role of Civil Society

Civil society organizations (CSOs) in Tanzania are registered under the Non-Governmental Organisations (NGO) Act, 2002, as amended. Ahead of the elections, amendments were introduced to the NGO Act (Amendments) Regulations, 2018, the Written Laws (Miscellaneous Amendments) No. 3 Bill of 2019, and the NGO guidelines, 2020. The amendments aimed at, among others: making a distinction between NGOs and societies (hitherto, NGOs could register under the Companies Act); widening the scope of the functions of the registrar of NGOs to suspend and deregister NGOs; conducting an evaluation of NGO activities as well as investigations; introducing the renewal of registration certificates after every ten years; and a requirement for NGOs to publicly avail the prepared annual audited reports. Under the new amendments, all NGOs that did not conform to the introduced provisions were deregistered and requested to re-register.

Organisations planning to provide civic education and observe elections need to be accredited by the NEC. For civic and voter education during voter registration, the NEC approved only 24 organisations. The application period for accreditation as civil educators and domestic observers for the general elections closed on 31 January 2020. The list of successful organisations was released around five months later on 7 July 2020. A total of 247 organisations, out of around 4,000 applications, were accredited to undertake voter education while 97 were approved for domestic observation. Some CSOs
who had conducted extensive voter education and observation activities in 2015 were not accredited to do the same in 2020. As a result, and compared to 2015, CSO rollout of voter education may have been more limited in the 2020 pre-election period. Furthermore, national CSOs excluded from election observation and voter education were provided with neither reason for their rejection in writing nor opportunities for timely appeals.

The mission was informed that it had been the tradition of the United Nations Development Program (UNDP) to support elections in Tanzania through the electoral support programme. It was, however, noted that the government did not make an official appeal for UNDP support for the 2020 elections. In so doing, the government denied access to election support (both financial and technical) to all stakeholders including all CSOs. The limited financial access for CSOs likely impacted on their ability to implement activities in support of the electoral process, key among them voter education.

### 6.2 ROLE OF THE MEDIA

The Tanzania Communications Regulatory Authority (TCRA) is responsible for regulating the Communications and Broadcasting sectors in Tanzania. It is a quasi-independent government body which was established under the Tanzania Communications Regulatory Act No.12 of 2003 to regulate the electronic communications, postal services, and management of the national frequency spectrum in the United Republic of Tanzania. The TCRA became operational on 1 November 2003 and took over the functions of the now defunct Tanzania Communications Commission (TCC) and Tanzania Broadcasting Commission (TBC).

Other non-state institutions aimed at promoting state freedom in the country include the Media Council of Tanzania (MCT) and the Media Institute of Southern Africa –Tanzania Chapter (MISA-TAN). The MCT was started by the media fraternity as an independent, voluntary, non-statutory regulatory body in 1995 and began operations in 1997. Its activities also include training the media on ethics and professionalism. MISA-TAN is an NGO registered in 1997. It is an advocacy-based organisation that works primarily on promoting freedom of expression and that of the media.

Article 39 (2) of the Constitution of Tanzania, 1977 guarantees freedom of speech and of expression which are critical civil and political rights vis-à-
vis the electoral process. This is further amplified by Section 53(1) of the Elections Act. The electoral law enjoins the public broadcaster, the national radio, television and print media, to ensure that candidates and political parties have access to airtime during the campaign period. The law provides for the right of use of the state radio and television broadcasting service by presidential and vice-presidential candidates and all political parties during the official election campaign period. It further encourages total impartiality and prohibits discrimination by state media in relation to any candidate journalistically and in the amount of space dedicated to them. The NEC is obligated to coordinate the use of state-owned media to give equal opportunities to presidential and vice-presidential candidates and their parties.\textsuperscript{54} In so doing, the NEC is obligated to consult with key stakeholders including candidates, political parties and public media players.

Other legal provisions that have a bearing on media regulation include the Political Party Elections Broadcasts Code (PPEBC), 2020; the Electronic and Postal Communications Act (EPCA), 2010 and its attending regulations, namely the Electronic and Postal Communications (EPC), (online Content) Regulations 2020 and EPC (Radio and Television) Regulations 2018.

Towards the 2020 elections, amendments were introduced to some of these laws. While some of the provisions are progressive and aim at preventing the spread of falsehoods and fake news, there are some provisions which contradict the freedoms guaranteed in the Constitution. For instance, Art. 9(2) of the PPEBC, 2020 calls for the cancellation or postponement of a planned media interview between two parties if one of the parties fails to participate, until both parties participating are represented. The EPC (Online Content) Regulations, 2018, as amended, requires online content service providers (bloggers) to register and pay licence fees. This curtails access for many would-be bloggers who are also required to reveal their sources of information. In addition, a licence holder (broadcaster or media house registered in Tanzania) is not allowed to join forces with another content service provider to broadcast local or foreign programmes without permission from the authorities. After receiving permission, the licence holder will be liable for all content that

\textsuperscript{54} Articles 53(1)(3) of the NEA, 185, as amended, Art. 4.1(h) of the Electoral Code of Conduct for the presidential, parliamentary and councilors’ elections, and the Political Party Elections Broadcasts Code (PPEBC), 2020
violates the law and these regulations. The holder of a content licence is not allowed to visit, or do business with, foreign nationals regarding the broadcast of content without being accompanied by a government official or an employee of the regulatory authority. This indirectly bars foreign broadcasters from working in the country.

Stakeholders consulted by the EISA IEOM indicated that these amendments narrow the democratic space, infringe fundamental freedoms, and limit the scope of action for bloggers, media, and CSOs. Presently, Tanzania ranks 124 out of 180 countries in the 2020 World Press Freedom Index by Reporters Without Borders, with a score of 40.25. Similarly, the country has a score of one over four in regard to a free and independent media, according to Freedom House.

The mission noted efforts by the TCRA to convene weekly meetings with all media houses and journalists. The meetings provided a platform for the regulator and media to analyse the prevailing situation and deliberate on adherence to the media code of conduct and any challenges thereof.

6.3 GENDER AND MINORITY RIGHTS

The legal framework provides for equality before the law. It further makes provision for affirmative action aimed at increasing the number of female representatives in the National Assembly and House of Representatives. Article 66(1)(b) of the Union Constitution, 1977 stipulates that women parliamentarians should comprise at least 30% of the total number of members of parliament. The women are elected by political parties on the basis of a proportion of the electoral votes. Additionally, five of the ten presidential appointees to parliament should be women.

The Zanzibar Constitution, 1984 similarly provides for reserved seats for women. Article 67 stipulates that there shall be female members of the House of Representatives, thirty percent (30%) of all elected members in electoral constituencies. The seats are allocated on a proportional basis, in

accordance with the votes garnered by the political party. The previous parliament had 145 (36.9%) women parliamentarians. These included 25\(^{59}\) elected from single member constituencies, 113 special women seats; two members nominated from the House of Representatives in Zanzibar and five members appointed by the president.\(^{60}\) The House of Representatives in Zanzibar comprised 27 women representing 33.8% of the total number of members. These included three constituency seats (6%), 20 special women seats and four presidential appointees (40%).\(^{61}\) At the time of writing this report, the official number of elected and nominated female following the 2020 elections had not been published.

Women constituted 50.33% (14,691,743) of the total registered voters for the 2020 elections. Two of the 15 presidential candidates and five of the vice-presidential candidates were women. There was a slight increase in the number of female candidates for the 2020 elections compared to 2015. The increase was observed across all the elective seats except councillors, as follows: presidential candidates from 12.5% of total votes cast in 2015 to 13.3% in 2020; vice-presidential candidates from 12.5% to 33.3%; members of parliament from 19% to 23%; and councillors from 7.25% to 6.24% in 2020. Tanzania elected the first female vice-president in 2015. She was re-elected for a second term alongside the president.

The mission noted that the special seats for women, coupled with the presidential appointments, have previously boosted the number of women in both houses. This has contributed to the high ranking of the country in regard to parliamentary female representation. Tanzania is currently ranked 28 out of 193 countries by the Inter Parliamentary Union (IPU). The IEOM further noted that the legal framework permits persons with a disability to be assisted by persons of their choice. The mission appreciated the provision of tactile ballot papers, introduced in 2015, to aid voters with visual impairments to have an independent and secret vote during elections. The NEC also provided guidelines for assisting these voters.

\(^{59}\) 18 were from CCM, 6 from Chadema, and 1 from CUF https://www.iri.org/sites/default/files/wysiwyg/tanzania_gender_report.pdf accessed on 9th October 2020.

\(^{60}\) Inter Parliamentary Union http://archive.ipu.org/wmn-e/classif.htm accessed on 13 October 2020

The presence of women at polling stations as voters, polling officials, party agents and citizen observers was noteworthy. At the polling stations, 49% of the polling staff and 42% of the party agents were women. The EISA IEOM also noted that young people participated in the process significantly. The mission noted that the participation of women in the electoral administration and as polling agents was commendable. However, the number of women candidates on all ballots is not yet approaching equitable levels. While the number of women represented in both houses has been boosted by the affirmative action measures, they could be increased further through deliberate efforts, like quotas for women, by individual parties. This will propel the house towards gender parity.

### Table 9: Female Candidates in the 2020 General Elections

<table>
<thead>
<tr>
<th>Elective Seat</th>
<th>2015</th>
<th></th>
<th></th>
<th>2020</th>
<th></th>
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<tr>
<td></td>
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<td>% Women</td>
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<td>Presidential</td>
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<td>Vice-presidential</td>
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<td>Councillors'</td>
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<td>10879</td>
<td>6.24</td>
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<td>12145</td>
<td>7.57</td>
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Source: NEC

### 6.4 SECURITY

The right to security of the person as well as of the electoral process is one of the key tenets of democratic elections. Security agencies play important roles in the electoral process by maintaining a peaceful election environment. They ensure that all voters, stakeholders and election officials, as well as materials are secured and safe.

The mission was informed that several measures had been put in place to ensure peace and security. These included the provision of close protection...
to all presidential candidates and their residences; ensuring the security of NEC and ZEC officials; ensuring the security of election materials during transportation and in storage at both the national and regional centres; and crowd control during campaigns. The police also established a Joint Operation Center (JOC) in cooperation with other law enforcement agencies aimed at jointly evaluating and responding to security affairs in the country. The JOC operated at the national, regional and district levels.

Stakeholders consulted by the IEOM noted that the presence of security personnel during the updating of the PNVR process was limited, with various groups admitting that they would have liked to see more security personnel. The need for more training to inform the security forces of their role throughout the entire electoral cycle was underscored in this regard. EISA observers however reported the presence of security personnel during the campaigns and on election day. They were reported to be professional in execution of their mandate. The mission observed that the pre-election period was characterised by stability and calm, and in many areas, campaigning continued without major obstacles.
7 Conclusion and Recommendations

7.1 Conclusion

In conclusion, the EISA IEOM appreciated the invitation by the United Republic of Tanzania to observe the 2020 general elections. It applauded the Tanzanian government’s commitment to fully fund the cost of its electoral administration, enhancing the sovereignty of the country. In the context of challenges faced globally in administering elections during the global COVID-19 pandemic, the IEOM noted that Tanzania held elections on time and with minimal disruptions due to the virus. The online accreditation system for observer groups facilitated remote applications, enabling international observer groups to submit the necessary documents at distance. The mission further commended the NEC and ZEC for the efficient delivery of the necessary materials to polling stations, with almost no issues relating to electoral materials reported during the 2020 campaign.

While the IEOM commended the Tanzanian government, the NEC, ZEC and the people of Tanzania for the above, it noted the following areas of concern that impacted on the 2020 general elections:

- The political environment in which the 2020 elections took place was less open and less tolerant than previous elections in Tanzania, including the limitation of political campaigning, freedom of assembly, freedom of speech and freedom of expression.
• Amendments to Tanzania’s legal and electoral framework, the net effect of which was to decrease the levels of openness and opportunity for all stakeholders to contest on an equal or at least equitable footing.

• Amendments to the electoral regulations, including through certain directives issued by Tanzania’s regulators and state institutions, which heightened the levels of uncertainty about the legality of actions which occur ordinarily in the course of election observation. This included but was not limited to restrictions to the conduct of international observers themselves, which do not fall within international guidelines and standards.

• Access to election information by voters, political parties and other stakeholders. Limited televised access to parliamentary proceedings, restrictions on freedoms of the media and internet restrictions during the voting process are examples of ways in which information was limited during the 2020 electoral period.

• The arrest and detention of significant numbers of opposition candidates, party leaders and members of the press. While the IEOM supports the upholding of the laws of Tanzania, the effect of these arrests in creating an atmosphere of tension and fear was regrettable.

• The instability and loss of life due to election related violence, particularly in Zanzibar.

• The decision not to accredit established CSOs to support NEC and ZEC efforts to promote voter and civic education, as well as limited evidence of national voter education campaigns which likely impacted on the familiarity of voters, polling staff and polling agents with the electoral rules and procedures on election day.

7.2 RECOMMENDATIONS

To the Parliament and Government of Tanzania

1. Timing of legal reforms: to reconsider the timing of legal reforms and enactment of laws within the electoral cycle to ensure that laws can be operationalised and tested well ahead of elections.

2. Quotas for youth and persons with disabilities (PWD): consider legislation of quotas to ensure the increased participation of youth and PWDs.
3. Inclusion in voting: universal suffrage requires that broad participation be promoted, meaning that eligible voters should not be restricted. To make the elections more inclusive, the law may be reviewed to explicitly extend the right to vote to Tanzanians living in the diaspora as well as those serving prison sentences of less than six months.

4. To consider legislation on out-of-country registration and voting for Tanzanian citizens.

5. Election dispute resolution: to consider reviewing the legal framework to provide for mechanisms for the redress of disputes arising from the presidential election.

6. Equality in voting and being voted for: to consider reviewing the legal framework to allow for independent candidates.

7. Independence of the Electoral Commission: in order to enhance the independence of the NEC, to consider the adoption of a two-tier appointment process whereby the NEC commissioners are subjected to parliamentary vetting before approval. Further considerations should be made to provide for hiring ad hoc staff to help the commission in conducting elections, as opposed to secondment of public servants.

To the Registrar of Political Parties

8. To enforce the Election Expenses Act, 2010 to ensure that there is a level playing field for all political parties.

To the NEC

9. Transparency: to consider timely and comprehensive consultation with all electoral stakeholders.

10. Stakeholder accreditation: to consider reviewing the accreditation procedures for citizen observers to ensure timely and efficient consideration of accreditation requests. Decisions not to accredit national observer groups for participation in national elections should be an exception, and written reasons for accreditation rejection should be provided and timely appeals made possible.

11. Enhance competition: to make the election process competitive and provide a level playing field, NEC should consider reviewing the direct nomination of unopposed candidates. Mechanisms can be put in place to ensure that voters exercise their right to cast a ballot for their representative in the legislature or local council.
12. Voter education: to commence voter education initiatives earlier in the process as well as accredit CSOs in good time. The process should be uninterrupted in the sense that it should be devoid of distractive activities like registration for other documents such as national identity cards. This could decrease the number of invalid votes and improve voter turnout.

13. Training of polling staff: improve the training and refresher training of electoral staff to address the concern raised about the non-standardised application of procedures by election staff.

To Political Parties

14. Party agent training: to enhance the training of party agents in their role as monitors.

15. Quotas for women: to consider recommending quotas aimed at increasing the number of female candidates for single constituency members. Besides the quotas, parties should ensure transparency in the nomination process for the elective positions.

16. Voluntary quotas for youth and PWDs: parties should consider adopting voluntary quotas to increase the representation of youth and PWDs in parliament.
ANNEXURES

ANNEXURE 1

EOM Group Photo
## ANNEXURE 2

### EOM DEPLOYMENT PLAN

<table>
<thead>
<tr>
<th>Location</th>
<th>Name &amp; Surname</th>
<th>Nationality</th>
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<tr>
<td>Team 1: Dar es Salaam</td>
<td>Catherine Onekalit</td>
<td>Ugandan</td>
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<td>Thembelani Mazibuko</td>
<td>South African</td>
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<td>Team 2: Arusha/Moshi</td>
<td>Hamoosa Halubala</td>
<td>Zambian</td>
<td>English</td>
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<td>Anne Iyonu</td>
<td>Nigerian</td>
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<td>Team 3: Dodoma</td>
<td>Peter Natana</td>
<td>South Sudan</td>
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<td>Valma Henriks</td>
<td>South African</td>
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<td>Team 4: Pemba</td>
<td>Clara Mutanda</td>
<td>Kenyan</td>
<td>English</td>
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<td>Jean Claude Manzi</td>
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<td>Team 5: Mbeya</td>
<td>Ericino de Salema</td>
<td>Mozambican</td>
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<td>Susan Mwape</td>
<td>Zambian</td>
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<td>Team 6: Zanzibar/Ugunja</td>
<td>Wilbroad Kangala</td>
<td>Zambian</td>
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<td>Crystal Africa</td>
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<td>Team 7: Mwanza</td>
<td>Deo Kanyinda</td>
<td>DRC</td>
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<td>Ann Nderitu</td>
<td>Kenya</td>
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<td>Team 8: Dar es Salaam</td>
<td>Denis Kadima</td>
<td>DRC</td>
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<td>Adv. Pansy Tlakula</td>
<td>South African</td>
<td>English</td>
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<td>Team 9: Dar es Salaam</td>
<td>Stephen Mattiah</td>
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<td>Lenny Taabu</td>
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<tr>
<td>Team 10: Dar es Salaam</td>
<td>Naphtaly Sekamogeng</td>
<td>South African</td>
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ARRIVAL STATEMENT OF THE EISA ELECTION OBSERVATION MISSION TO THE 2020 GENERAL ELECTIONS IN THE UNITED REPUBLIC OF TANZANIA
23 October 2020

The Electoral Institute for Sustainable Democracy in Africa (EISA) announces the arrival of its election observation mission (EOM) in the United Republic of Tanzania to observe the 28 October 2020 General Elections. The EISA EOM is in Tanzania at the invitation of the National Elections Commission (NEC), to conduct an independent assessment of the electoral process.

The mission is comprised of 14 international observers drawn from Civil Society Organisations (CSOs) and Election Management Bodies (EMBs) from across Africa. The EISA EOM is led by Ms Pansy Dikledi Tlakula, former Chairperson, Electoral Commission of South Africa. She is deputised by EISA’s Senior Manager for Governance Institutions and Political Processes, Mr Grant Masterson and supported by a coordination team and a technical team. This IEOM is the 4th to be deployed by EISA in Tanzania since the 1999 elections.

The mission will base its assessment on the legal framework governing elections in the United Republic of Tanzania and the OAU/AU Declaration on the Principles Governing Democratic Elections, the standards and obligations stipulated in the African Charter on Democracy, Elections and Governance, the ECOWAS Protocol on Democracy and Good Governance, the Principles for Election Management, Monitoring and Observation (PEMMO) and the International Declaration of Principles for International Election Observation.

EISA observers will be deployed to seven (7) regions in mainland Tanzania and Zanzibar to observe key processes beginning with the electoral campaigns, pre-polling activities, election day and post-polling activities. On 30 October 2020, the EISA EOM will prepare a statement on its preliminary findings and recommendations on the electoral process up to the voting and counting phases.

The mission will remain in Dar es Salaam until 2 November 2020.

For further information, please contact the Mission Coordinator, Ms Lenny Taabu +255 756818610.

Dar es Salaam 24 October 2020
JOINT STATEMENT

CALL FOR PEACE AND ORDER IN THE UNITED REPUBLIC OF TANZANIA GENERAL ELECTIONS

Dar es Salaam, 27 October 2020

The Heads of the Election Observation Missions to the United Republic of Tanzania’s 28 October General Elections, H.E. Sylvestre NTIBANTUNGANYA, former President of Burundi, East African Community (EAC) Mission; H.E. Goodluck JONATHAN, former President of Nigeria, the African Union (AU) Mission and Advocate Pansy TLAKULA, former Chairperson of South Africa’s Independent Electoral Commission, the Electoral Institute for Sustainable Democracy in Africa (EISA) Mission, would like to seize this opportunity to commend the people of Tanzania for the largely peaceful conduct of the election campaigns. As the country goes to the polls tomorrow, 28 October 2020 we would like to call upon citizens and all political stakeholders to refrain from any acts that could undermine the peaceful conduct of these elections.

Since our arrival in the country, we have observed preparations for the elections and held consultations with key stakeholders. We confirm that the process has been largely peaceful. We therefore wish to encourage the people of the United Republic Tanzania, all political parties, candidates and their supporters to continue upholding the long-enduring peace, security and stability of the country at the forefront.
ANNEXURE 5

PRELIMINARY STATEMENT

EISA ELECTION OBSERVATION MISSION TO THE 2020 GENERAL ELECTIONS IN TANZANIA

Preliminary Statement

I. INTRODUCTION
This statement presents the preliminary findings, conclusions and recommendations of the Electoral Institute for Sustainable Democracy in Africa (EISA) International Election Observer Mission (IEOM) deployed to 2020 General elections in the United Republic of Tanzania. This statement is being issued while the transmission and tallying of results are still on-going, and therefore only reflects the mission's observations up to the conclusion of the counting process at polling stations. This statement therefore neither covers the transmission of results nor the finalisation of the results tally process, and anything contained in this statement excludes those processes. EISA will issue a final report covering the entire electoral process after the declaration of the final election results.

Since its arrival in Tanzania, the EISA IEOM has interacted with various Tanzanian stakeholders including the National Electoral Commission (NEC), the Tanzania Police Force (TPF), Tanzania Communications Regulatory Authority (TCRA), accredited Civil Society Organisations (CSOs) and election experts. The EISA Mission closely coordinated with other IEOMs in the country on matters related to the elections.

The EISA IEOM’s assessment of the electoral process is based on the principles and obligations for democratic elections stipulated in the following international benchmarks: the African Union (AU) Declaration on the Principles Governing Democratic Elections; the African Charter
on Democracy, Elections and Governance (ACDEG); the Principles for Election Management, Monitoring and Observation (PEMMO); and the legal framework for elections in Tanzania. EISA’s observation methodology is guided by the Declaration of Principles for International Observation (DOP) and its attendant code of conduct for observers.

This IEOM is the 4th to be deployed by EISA in Tanzania since the 2000 elections. For the 2020 elections, EISA deployed 14 International observers from CSOs and Election Management Bodies (EMBs) from 9 African states. The EISA IEOM is led by Advocate Pansy Dikeledi Tlakula, former Chairperson of the Electoral Commission of South Africa and the current Chairperson of the Information Regulator of South Africa. She is deputised by EISA’s Senior Manager for Governance Institutions and Political Processes, Mr Grant Masterson, and supported by a coordination team and a technical team. Observer teams were deployed to seven (7) regions in mainland Tanzania and Zanzibar1 to observe key processes beginning with the electoral campaigns, pre-polling, election day and limited post-election activities. The mission will remain in Dar es Salaam until 2 November 2020.

This report gives a summary of the situation regarding the electoral campaigns; the state of preparedness of the EMB; as well as the legal, political and security environment up to and including the voting and counting operations on Election Day.

2. POLITICAL ENVIRONMENT

The October 2020 general elections were the sixth to be held since the reintroduction of multi-party politics in Tanzania in 19922. These elections were the first to be fully funded by the government of Tanzania. Voters in mainland Tanzania cast their ballots for the President, and members of the unicameral National Assembly (Bunge) and local offices. Zanzibar voters cast ballots for a President, House of Representatives and Local Councils in addition to the Union President and Bunge.

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1 The seven (7) regions are: Dar es Salaam; Dodoma; Arusha/Moshi; Mwanza; Mbeya; Pemba; and Unguja.

2 Since the introduction of multi-party politics, five elections have been held, in 1995, 2000, 2005, 2010 and 2015
Since the 2015 general elections, Tanzania’s political environment has undergone several pertinent changes. Under the current government, holding political rallies and public gatherings has been severely limited by the TPF. While the Mission noted conflicting reports on the existence of an official ban on such gatherings, the effect has been the same whether such a decree existed or not.

Furthermore, the Mission notes with concern the arrest and detention of government officials and political leaders of opposition parties, particularly members of the CHADEMA and ACT-Wazalendo parties, for various alleged offences committed under Tanzania’s laws. While every individual has a responsibility to respect and uphold the laws of Tanzania within its sovereign borders, it is important for the state to ensure that legal proceedings are conducted in a manner that enhances trust in the electoral system.

The Mission further noted concerns relating to public access to information. It is regrettable that live broadcasts of parliamentary sessions were suspended in 2017 reducing access to information about this important institution of government. During the pre-election period, the IEOM also received reports of bans issued by the TCRA against media outlets, and limitations on other media freedoms that are not in line with international standards and best practices regarding freedom of information.

Fifteen presidential candidates were nominated for the 2020 Union presidential elections, of whom two were women. A total of 1,257 candidates were nominated for seats in the National Assembly, 293 of these candidates were women. Finally, 9,231 candidates were nominated for local authorities, of whom 669 candidates were women.

The 2020 general elections were held against the backdrop of the Covid-19 pandemic around the world. While some nations have opted to either postpone or delay upcoming elections, Tanzania has conducted its elections as scheduled. The country was declared Covid-19 free with the last public report of cases being April 29, 2020. In this context, the Mission did not witness any meaningful measures to mitigate the transmission of the Covid-19 virus during campaigning or voting procedures.

3. CONSTITUTIONAL AND LEGAL BACKGROUND

The United Republic of Tanzania is a union of Mainland Tanzania and Zanzibar. The Constitution defines Tanzania as a democratic, secular and socialist state which adheres to multi-party democracy. The legal framework for the conduct of elections in Tanzania is provided by the Constitution of the United Republic of Tanzania, 1977; the National Elections Act (NEA), 1985, as amended; the Political Parties Act (PPA), 1992, as amended; the Local Authorities (Elections) Act, 2015; and the Elections Expenses Act (EEA), 2010, as amended.

For Zanzibar, the key instruments are the Constitution of Zanzibar, 1984; the Elections Act, 1984; the Zanzibar Municipal Council Act, 1995; and the District and Town Councils Act, 1995. The EISA IEOM is cognisant of other supportive legislations, policies and penal code that support and regulate the conduct of electoral processes in Tanzania.

The EISA IEOM notes that the Constitution recognises fundamental rights and freedoms that are critical in a democratic dispensation. These include the freedoms of movement, assembly, association and expression, and the right to protection from discrimination.

The Mission notes that while the Constitution vests the courts with the power to hear and determine election petitions, there are no provisions for dispute resolution following the announcement of the Presidential election results. The Constitution prohibits enquiry by the courts into a Presidential election result declared by the NEC. Petitions for parliamentary elections must be made within 14 days of the announcement of results and are heard by the High Court. Section 15 of the Basic Rights and Duties Enforcement Act does not allow any petitions against the electoral process while the election is ongoing.

New regulations to operationalise the National Elections Act and Local Authorities (Elections) Act were introduced ahead of the 2020 elections. These were the National Elections (Presidential and Parliamentary Elections) Regulations, 2020; and Local Authorities (Councilors Elections) Regulations

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4 Article 3 (1) of the Constitution, 1977.
5 See Constitution 1977, Article 41(7); National Elections Act, 35, 81, 110, 111
of 2020. The Electoral Code of Conduct for the 2020 general elections were also reviewed. However, some stakeholders informed the mission that they were not consulted in the development and review of these regulations.

According to the Guidelines for Local and International Election Observers, 2020 various restrictions were placed on observer groups that impacted their ability to conduct a full and proper observation. Section 10(k) prevents Observer groups from expressing any opinion in the media while the election is ongoing. Section 10(l) specifically orders IEOMs to refrain from “acting as a commission of inquiry”, without specifying further what type of actions constitute such a commission. Section 13(e) further limits observer groups “not to express any opinion to the press on the electoral process when polling in polling stations is still in progress”. These prescriptions are not in line with Section 6 of the SADC guidelines, Article 19 (2) of the ACDEG, and DOP section 12 (e) which require the host country to guarantee free access to information, freedom to issue public statements without interference and full cooperation with international election observer missions.

The EISA IEOM notes that while the legal framework broadly provides sufficient basis for the conduct of democratic elections, its implementation appears to have been unevenly applied to different stakeholder groups during the 2020 general elections.

4. THE ELECTORAL SYSTEM

The Tanzanian electoral system combines the First-Past-The-Post (FPTP) and Proportional Representation (PR) systems in electing of representatives. The President of the Union, as well as the President of Zanzibar are elected by simple majority through a FPTP system. Members of the Union National Assembly and Zanzibar House of Representatives are elected at constituency level and Local authorities are elected at ward level using the same FPTP system. A number of special seats reserved for women in the National Assembly, House of Representatives and local councillors are allocated using a PR system. Due to the nature of the Union arrangement, if a presidential candidate comes from the mainland in Tanzania, then his running mate, the vice-presidential candidate, must come from Zanzibar, and vice versa.

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6 Articles 66(1)(b) and 78(1) of the Constitution, 1977 and Article 67(1) (2) of the Constitution, 1984, as amended
5. THE ELECTORAL MANAGEMENT BODY

Election management in the United Republic of Tanzania is conducted by the NEC and the ZEC. The two institutions are established under their respective Constitutions and have a membership of seven (7) Commissioners. The Chairpersons of the two Commissions have to be judges of the High Court or the Court of Appeal of Tanzania. The Chairperson’s of the Commissions are appointed by their respective President.

The Constitution mandates the NEC to perform the following functions: supervision and conduct of Presidential and Parliamentary elections in the United Republic of Tanzania and local authority elections in Tanzania; supervision and coordination of voter registration; delimitation of constituencies and other electoral areas; supervision and coordination of elections; declaration of results; and any other functions legislated by Parliament. ZEC is responsible for conducting Zanzibar Presidential and House of Representatives elections.

Commissioners enjoy security of tenure of office and their appointment may only be revoked by the President for inability to discharge their functions arising from infirmity or misconduct or for losing qualifications for being a member.

The Constitution defines NEC as an autonomous department which shall not be obliged to comply with orders or directions of any person or any government department or the views of any political party while discharging its functions. Further, no court shall have power to inquire into anything done by the Electoral Commission in the discharge of its functions in accordance with the provisions of this Constitution. The Mission notes that this limitation of the role of the courts during the electoral process has serious potential to undermine the rights of citizens enjoyed under the Constitution of Tanzania.

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7 Article 74(1) of the Constitution of the United Republic of Tanzania, 1977 and Article 119 of the Constitution of Zanzibar, 1984
6. VOTER REGISTRATION

The Constitution provides for universal suffrage with citizens who have attained the age of 18 being eligible to vote. NEC is entrusted with the responsibility of supervising and coordinating the registration of voters. Section 12 of the NEA, 1985 provides for updates to the Permanent National Voters Register (PNVR) under the custodianship of the NEC to be carried out twice every five years.

As provided in the law the NEC and ZEC updated the PNVR at different stages between 17 April 2020 to 4 May 2020. Any citizen who would attain the age of 18 by October 2020 was eligible to be registered to vote in the 2020 elections. NEC procedures allowed for voters not in possession of their voter’s card to present other official identification, such as a driver’s licence and cast their vote if their name appears on the official register.

In line with the law and with the principles of transparency, the provisional voters’ register was displayed for verification and objections. Display of the Provisional Register granted an opportunity for the voters to verify their details, correct any mistakes and make objections, in the case of those who were considered ineligible. A total of 27 objections were made at the time of displaying the register. The objections were successfully determined by voter registration officials. The voters register was made available to all political parties.

A total of 29,754,699 voters from both the mainland and Zanzibar were registered. Of these 14,496,604 (49.67%) were male while 14,691,743 (50.33%) were female. A total of 7,326,552 (24.6%) new voters were added to the roll.

7. POLITICAL PARTIES AND NOMINATION OF CANDIDATES

Section 37 of the NEA, 1985 provides for the announcement of nomination dates by NEC. In line with this provision, the nomination of candidates for the Presidency and Vice President, Parliament, and Councillor was on 25 August 2020. A total of 19 political parties nominated candidates for the various elective seats for the 2020 general elections. NEC received 627 appeals, out of which 165 were for Members of Parliament and 462 for councillors.

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9 Section 15(5) of the National Elections Act, Cap. 343, and section 21(5) of the Local Authorities (Elections) Act, Cap. 292.
10 Sections 11A and 22 of the NEA, 1985 and Section 15A of the Local Authorities Act, Cap. 292.
Following the nomination process, the NEC validated the nomination of 15 presidential and vice-presidential candidates, 1,257 National Assembly candidates and 9,231 local authority candidates. A total of 28 candidates for the parliamentary seats and 870 for the councillor seats ran unopposed, all of whom were for the CCM party.

The legal framework provides for an enforceable code of conduct for political parties that all political parties are expected to abide by. Political parties pledged their commitment to free and fair elections and upholding the Code of Conduct on 27 May 2020.

Amendments to the PPA introduced new provisions to allow for the formation of coalitions between political parties. These amendments are in line with recommendations made by IEOMs during the 2015 elections. The Mission was informed of the absence of NEC and ZEC trainings for political party agents.

8. GENDER AND VOTERS WITH DISABILITY

The legal framework provides for equality before the law\textsuperscript{11}. It further makes provisions for affirmative action aimed at increasing the number of female representatives in the National Assembly and House of Representatives. Article 66(1)(b) of the Union Constitution, 1977 stipulates that women parliamentarians should comprise at least 30% of the total number of members of parliament. Women are elected by political parties on the basis of proportion of the electoral votes. Additionally, five of the ten presidential appointees to the National Assembly should be women. These provisions are mirrored in the Zanzibar Constitution, 1984 for the House of Representatives\textsuperscript{12}.

Women constitute 50.3% of registered voters in Tanzania. Two (2) of the 15 Presidential candidates and 5 of the Vice-Presidential candidates are women. The IEOM notes that the special seats for women, coupled with the presidential appointments have previously boosted the number of women in both Houses.

\textsuperscript{11} Article 12(1) of the Constitution, 1977.
\textsuperscript{12} Article 67 (1)
The Mission further notes that the legal framework permits persons with disability to be assisted by persons of their choice. The Mission appreciated the provision of tactile ballot papers, introduced in 2015, to aid voters with visual impairments to have an independent and secret vote during elections. The NEC also provided guidelines for assisting these voters.

9. CIVIL SOCIETY ORGANIZATIONS

Civil Society Organizations (CSOs) in Tanzania are registered under the Non-Governmental Organisations (NGO) Act, 2002 (as amended). Ahead of the elections, amendments were introduced to the NGO Act (Amendments) Regulations, 2018 and the Written Laws (Miscellaneous Amendments) No. 3 Bill of 2019 and the NGO guidelines, 2020.

Organisations planning to provide civic education and observe elections need to be accredited by NEC. The application period for accreditation as voter educators and domestic observers for the general elections closed on 31 January 2020. The list of accredited organisations was released on 7 July 2020. A total of 247 organisations were accredited to undertake voter education while 97 were approved for domestic observation. Some CSOs who had conducted extensive voter education and observation activities in 2015 were not accredited to do the same in 2020. As a result, and compared to 2015, CSO roll out of voter education may have been more limited in the 2020 pre-election period. Furthermore, national CSOs excluded from election observation and voter education were neither provided with reasons for their rejection in writing nor opportunities for timely appeals.

10. MEDIA

Article 39 (2) of the Constitution guarantees freedom of speech and of expression. This is further amplified under Section 53(I) of the Elections Act. The Electoral Law enjoins the public broadcaster, the national radio, television and print media, to ensure that candidates and political parties have access to airtime during the campaign period. The law provides for access to state radio and television broadcasting service by presidential and vice-presidential candidates and all political parties during the official period of election campaign. It further encourages total impartiality and prohibits discrimination by state media in relation to any candidate journalistically and in the amount of space dedicated to them. The NEC is obligated to coordinate
the use of state-owned media to give equal opportunities to presidential and vice-presidential candidates and their parties\textsuperscript{13}.

Section 37 of the Electronic and Postal Communications Act (EPCA), 2018 was expanded to require any broadcasting station seeking to air materials from another station within or outside the country to secure a permit from the TCRA. It prohibits Tanzanian radio and television broadcasters from working with foreign broadcasters without communications authority or other government staff present.

The Electronic and postal communication (Online Content Regulations), 2018 as amended requires online content service providers (bloggers) to register and pay licence fees. Additionally, bloggers are required to reveal their sources of information.

Stakeholders consulted indicated that these amendments narrow the democratic space, infringe fundamental freedoms, and limit the scope of action for bloggers, media, and CSOs.

The Mission notes the efforts by the TCRA to convene weekly meetings with all the media houses and journalists. The meetings provide a platform for the regulator and media to analyse the media landscape and deliberate on adherence to the media code of conduct and any challenges thereof.

\section{CAMPAIGNS}

Campaigns in Tanzania are regulated by the PPA, 1992; NEA, 1985; and EEA, 2010. Campaigns for 2020 general elections were held from 26 August and ended on 27 October 2020, 24 hours before the election day. The EISA IEOM observed campaigning during the deployment of its observer teams.

For the most part, political parties conducted their campaigns in a peaceful and orderly manner. Police officers were present during the campaigns and professionally undertook their duties. The IEOM observed that political parties conducted largely peaceful campaigns in the areas which it deployed.

\textsuperscript{13} Articles 53(1)(3) of the NEA, 185, as amended, Art. 4.1(h) of the Electoral Code of Conduct for the presidential, parliamentary and councilors’ elections, and the Political Party Elections Broadcasts Code (PPEBC), 2020
NEC reported that it received 12 complaints and seven (7) appeals during the campaign period, all of which were resolved. However, the Mission received reports from opposition political parties of several challenges faced during the campaign period, including: cancellation of pre-approved campaign events, arrests and detention of party candidates during campaigning, the use of teargas and dispersion of party supporters by the TPF, intimidation and restriction of movement. The Mission also noted with concern reports of a specific incident in Pemba on 27 October 2020 during which live ammunition was used on political party supporters allegedly attempting to interfere with the electoral process in polling stations in Kagangani village in Ole constituency in Pemba.

12. PREPAREDNESS OF THE NATIONAL ELECTORAL COMMISSION
The overall budget for 2020 elections was 331,728,258,035 Tanzania Shillings and was fully funded by the government of Tanzania, without donor funding. The NEC indicated that the amount was sufficient to run the elections. The NEC set up 81,567 polling stations, recruited and trained 329,861 election staff. The NEC also procured and distributed electoral materials, monitored campaign activities including resolution of complaints in relation to the electoral code of conduct.

Section 3 of the NEA empowers NEC to issue regulations, directives and notices under the signature of the Chairman of the NEC or the Director of Elections. The mission observes that several directives were issued close to the elections. While the issuance of these directives can assist in bringing clarity to specific matters of law and procedure, they can also create disruption and uncertainty when they are issued close to the elections and without sufficient stakeholder consultations and sensitisation.

Stakeholders consulted by the EISA IEOM expressed concerns about the transparency of NEC. They noted that they were not adequately engaged by the NEC during the pre-election period with meetings held mainly for information sharing as opposed to consultation purposes. For instance, some stakeholders noted that they were not consulted during development of the

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14 These included 28 Regional Election Coordinators (RECs); 194 Returning Officers (ROs), 742 Assistant Returning Officers (AROs) at the constituency level and 7,912 AROs at the ward level, 181 Election officers; 184 procurement officers and 320,620 polling staff
electoral code of conduct for the 2020 general elections but were called upon to launch and append their signature.

13. ROLE OF SECURITY
Security agencies play important roles in the electoral process by maintaining a peaceful election environment. They ensure that all voters, stakeholders and election officials, as well as materials are secured and safe.

The Mission understands that several measures had been put in place to ensure peace and security. These included provision of close protection to all presidential candidates and their residences; ensuring security of NEC and ZEC officials; and crowd control during campaigns. The police also established a Joint Operation Center (JOC) in cooperation with other law enforcement agencies aimed at jointly evaluating and responding to security affairs in the country. The JOC operates at the national, regional and district levels.

The Mission observes that the pre-election period was characterised by stability and calm, and in many areas, campaigning continued without major obstacles.

14. FINDINGS FROM ELECTION DAY AND RESULTS TALLY PROCEDURES
EISA teams observed election day procedures, including opening, voting, closing and counting, in a total of 87 polling stations, across seven (7) regions where they were deployed. This is a summary of the election day observations of the EISA IEOM.

The polling station environment was reported as orderly and mostly peaceful. Security personnel were present at all stations, and their presence was mostly professional and discreet. Party agents were present in 100% of the polling stations where the Mission observed.

Most of the polling stations visited (79%) were accessible to persons with disability. The inaccessible stations were either in facilities with very rough surfaces or located upstairs. Priority was given to persons with disability, the elderly, nursing mothers and other persons requiring assistance.
The presence of women at polling stations as voters, polling officials, party agents and citizen observers was noteworthy. At the polling stations, 49% of the polling staff and 42% of the party agents were women. The EISA IEOM also noted that young people participated in the process significantly.

EISA observer teams noted an average of 5 polling agents per polling station. The Mission reported varying levels of competence and vigilance from polling agents, likely indicating uneven levels of training.

**Opening Procedures**
The EISA teams observed opening procedures in 9 polling stations, of which 8 opened on time. The NEC rules and procedures were inconsistently applied by the polling staff during the opening.

**Voting Process**
The layout in 94% of the polling stations visited was adequate for an easy flow of voters. In all polling places visited, secrecy of the vote was protected. The ballot boxes were appropriately sealed in all but one of the polling stations. In the majority of the polling stations visited, voters took less than 6 minutes to complete the voting process.

The EISA IEOM noted the presence of citizen observers in 26% of polling stations visited. The presence of citizen observers and polling agents is important to enhance confidence in the electoral process.

**Closing and counting process**
EISA observers were present at 8 polling stations for the close of the polls. The closing and counting process environment was reported as peaceful. The closing and counting procedures were not consistently applied according to NEC guidelines.

The Mission teams reported that all polling stations closed on time and voters in the queues at the time of closing were allowed to vote before the counting process began.

The counting took place in the polling stations, immediately after the conclusion of voting and closing procedures.
The mission witnessed a serious irregularity during counting in Shule ya Msingi Bunge 1, where the Presiding officer completed the acceptance form and made polling agents sign prior to commencing the count. When polling agents later objected to the final tally, the form had already been completed. Observers also witnessed counting errors that consistently prejudiced specific political parties, and are concerned at the recurrence of these errors.

This statement does not pronounce on any findings or observation made relating to the tabulation and announcement of results. A final report will be released that will incorporate EISA’s findings on these and all aspects of the 2020 electoral process.

**CONCLUSION**

The EISA IEOM appreciates the invitation by the United Republic of Tanzania to observe the 2020 general elections.

The mission applauds the Tanzanian government’s commitment to fully fund the cost of its electoral administration, enhancing the sovereignty of the country.

In the context of challenges faced globally in administering elections during the global Covid-19 pandemic, Tanzania has held elections on time and with minimal disruptions due to the virus. The online accreditation system for observer groups facilitated remote applications, enabling international observer groups to submit the necessary documents at distance.

The participation of women in the electoral administration and as polling agents is commendable. However, the number of women candidates on all ballots is not yet approaching equitable levels, and all parties are encouraged to promote opportunities for more women candidates on the constituency ballots. The allocation of special seats for women MPs is a useful legal provision that enhances representation in the legislature.

The IEOM would also like to commend the NEC and ZEC for the efficient delivery of the necessary materials to polling stations, with almost no issues relating to electoral materials reported during the 2020 elections.
While the IEOM commends the Tanzanian government, NEC, ZEC and the people of Tanzania for the above, it noted the following areas of concern that impacted on the 2020 general elections.

(1) The political environment in which the 2020 elections took place was less open and less tolerant than previous elections in Tanzania, including the limitation of political campaigning, freedom of assembly, freedom of speech and freedom of expression.

(2) Amendments to Tanzania’s legal and electoral framework: the net effect of which was to decrease the levels of openness and opportunity for all stakeholders to contest on an equal or at least equitable footing.

(3) Amendments to the electoral regulations, including through certain directives issued by Tanzania regulators and state institutions which heightened the levels of uncertainty about the legality of actions which occur ordinarily in the course of election observation. This includes but is not limited to restrictions to the conduct of international observers themselves which do not fall within international guidelines and standards.

(4) Access to election information by voters, political parties and other stakeholders: Limited televised access to parliamentary proceedings, restrictions on freedoms of the media and internet restrictions during the voting process are all examples of ways in which information was limited during the 2020 electoral period.

(5) The arrest and detention of significant numbers of opposition candidates, party leaders and members of the press. While the IEOM supports the upholding of the laws of Tanzania, the effect of these arrests in creating an atmosphere of tension and fear is regrettable.

(6) The instability and loss of life due to election related violence, particularly in Zanzibar, is of grave concern to the IEOM, who once again appeals for calm and orderly conduct by all stakeholders to allow the electoral process to conclude without further loss of life or serious injury.

(7) The decision not to accredit established CSOs to support NEC and ZEC efforts to promote voter and civic education, as well as limited evidence of national voter education campaigns likely impacted on the familiarity of voters, polling staff and polling agents with the electoral rules and procedures on election day.
RECOMMENDATIONS
Review the legal framework to provide for mechanisms for redress of disputes arising from the presidential election.

In order to enhance independence of the NEC, government should consider adoption of a two-tier appointment process where the NEC Commissioners are subjected to parliamentary vetting before approval. Further considerations should be made to provide for hiring of ad hoc staff to help the Commission in conducting elections as opposed to secondment of public servants.

To enhance transparency, NEC should consider timely and comprehensive consultation with all electoral stakeholders.

The NEC should consider reviewing the accreditation procedures for citizen observers to ensure timely and efficient consideration of accreditation requests.

Decisions not to accredit national observer groups to participate in national elections should be an exception and written reasons for accreditation rejection should be provided and timely appeals made possible.

To make the election process competitive and provide a level playing field, NEC should consider reviewing the direct nomination of unopposed candidates.