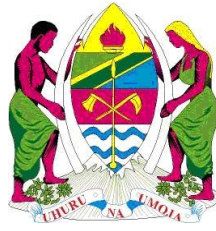


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THE UNITED REPUBLIC OF TANZANIA

**ELECTORAL CODE OF CONDUCT FOR THE
PRESIDENTIAL, PARLIAMENTARY AND
COUNCILLORS' ELECTIONS, 2010**

(Made under Section 124 A of the National Elections Act, Cap 343)



THE NATIONAL ELECTORAL COMMISSION

Government Notice No. 273, August 2010

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THE ELECTORAL CODE OF CONDUCT, 2010

INTRODUCTION:

Free and fair elections are one of the key pillars of democracy. Different international conventions on civil and political rights emphasize the need for governments to come to power through free and fair elections in which all citizens are given equal rights to elect and to be elected. Tanzania is a signatory to these conventions and she has seen to it that they are part of the 1977 Constitution of the United Republic and the laws and regulations that govern elections under multiparty political system. The multiparty system in Tanzania aims at creating an atmosphere for competitive politics, enhancement of democracy, strengthening good governance and laying strong foundations for development. For this competitive environment to be realized there is need to have a leveled playing field. One way of making this playing field level is through the presence of the Electoral Code of Conduct.

According to Section 124 A of the National Elections Act, Cap 343, the Commission is empowered to prepare an Electoral Code of Conduct for elections after consultations with Political Parties and the Government. Once the code is ready it shall be signed by all Political Parties, Candidates, the Government and the National Electoral Commission as in the following manner; The Government, the National Electoral Commission and Political Parties shall sign the Electoral Code of Conduct in a meeting to be organized by the National Electoral Commission. A Candidate shall fill in Form No. 10 to be issued by the National Electoral Commission before returning Nomination Form declaring that he/she shall respect and implement the Electoral Code of Conduct.

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PART ONE

1.0 Citation, Application, Parties and the Obligation to Subscribe the Electoral Code of Conduct for the 2010 Elections.

1.1 Citation of the Code

This code shall be cited as The Electoral Code of Conduct for the Presidential, Parliamentary and Councillors' Elections, 2010.

1.2 Commencement

This code shall be applicable in the 2010 General Elections, from 20th August to the announcement of results of the General Elections, as well as in subsequent by-elections.

1.3 Parties to the Code

Parties to this code shall be the following;

- (i) Political parties;
- (ii) Candidates;
- (iii) The Government of the United Republic of Tanzania; and
- (iv) The National Electoral Commission.

1.4 Obligation to Subscribe to the Electoral Code of Conduct

Each Political Party and Candidate shall subscribe to the Code. A Political Party that shall not subscribe to the Code shall not be allowed to campaign in the election campaigns. Similarly, a Candidate who shall not subscribe to the Code shall not be nominated as a Candidate.

PART TWO

2.0 Ethics for Conducting Political Affairs during Election Campaigns for Political Parties and Candidates.

2.1 The Responsibilities of Political Parties and Candidates

Each Political Party and Candidate shall observe the following:-

- (a) To respect and implement the electoral laws, electoral regulations, and any directives from the National Electoral Commission, as well as any other laws of the land throughout the whole election period.
- (b) Leaders of all Political Parties and Candidates shall mobilize and insist upon their members and supporters to abide by the electoral laws in force. They should also warn them to refrain from committing actions that go against the electoral laws or other laws of the land.
- (c) In campaigning for their policies, Political Parties shall hold campaign meetings as per the official timetable, coordinated by the National

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Electoral Commission or Returning Officers. All meetings shall be held between 8.00 am and 6.00 pm.

- (d) All Political Parties, Candidates, Members and Supporters of Political Parties shall make sure that they take deliberate steps:
 - i. To carry out a free and fair election;
 - ii. To condemn any unruly behaviour as well as threats;
 - iii. To refuse any type of discrimination based on gender, ethnicity, religion or colour; and
 - iv. To disseminate correct information concerning the electoral process.
- e) To use loudspeakers during the officially allowed time, that is between 7.00 am and 8.00 pm.
- f) To publish booklets, fliers, handouts and posters which depict their policies; before using these materials they have to be approved by the National Electoral Commission if they concern the Presidential election, and the Returning Officer if they concern Parliamentary and Councillors' elections.
- g) To use public news media to disseminate their policies while adhering to the laws which govern news media, and as per the directives from the National Electoral Commission. For the Presidential Candidates, the costs for using public media will be paid for by the Government.
- h) All Political Parties and Candidates shall strive to create a conducive environment that will allow the conduct of free and fair elections during the campaign period, on the polling day, and until the announcement of election results. It is their responsibility to cooperate with Electoral Officials to make sure that polling is carried out in a peaceful and tranquil atmosphere so that voters are able to use their voting rights without undue hassle or threats.
- i) Political Parties intending to hold processions during the election campaigns period shall be required to abide by the respective laws, procedures and regulations that governing procession since the electoral law does not cover processions but rather, public meetings only.
- j) Political Parties and their supporters shall ensure cleanliness of environment in distributing and posting of electoral campaign materials.
- k) Kiswahili shall be the only language to be used in the election campaigns. In a place where Kiswahili is not understood and when it is necessary the Candidate shall speak in Kiswahili and an interpreter shall translate into a language spoken in that particular place.

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- l) Leaders of Political Parties, Candidates or supporters shall make sure that during the campaign period they do not use worship buildings or such places where religious groups congregate. Also, Political Parties shall make sure that they do not use religious leaders to campaign for them or their Candidates.
- m) Political Parties or Candidates are required to immediately report to the respective authority any incident that may lead to the disturbance of the peace.
- n) Political Parties, Candidates and their supporters shall make sure that they disseminate their policies in campaign meetings in a manner that does not lead to hatred, confrontation and divisions of communities.
- o) All Political Parties and Candidates shall take the necessary steps to make sure that there are no collisions of campaign meetings of different political parties. When and where such incident occurs, representatives from the affected Political Parties shall meet and resolve the problem amicably.
- p) Each Political Party shall forbid its members and supporters to use slogans or wear clothes with their party colours in other Political Parties meetings.
- q) Political Parties shall instruct their agents present in the polling, counting and addition centres to implement their responsibilities in accordance with the electoral laws, regulations, procedures and directives from the National Electoral Commission, as well as cooperating with Electoral Officials in polling stations for transparency and efficiency of the electoral process.

2.2 Acts ought not to be done (Don'ts) by Political Parties and Candidates

- a) Leaders of Political Parties, Candidates and their supporters shall not cause chaos or disturbance of any sort in public meetings of other political parties.
- b) Leaders of Political Parties, Candidates and their supporters shall not use abusive, defamatory, belittling, ridiculing, threatening or any other language which can lead to the breaching of the peace in political campaigns.
- c) No person shall carry or be in possession of any weapon including traditional weapon or any tool which is capable of causing injury to any person in campaign meetings or a political gathering.
- d) It is prohibited to be in possession and/or carry a statute, caricature, or anything that will demean, ridicule, or humiliate another Political Party or its leader or the government, in political meetings and gatherings.

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- e) Leaders of Political Parties, Candidates and their supporters shall be refrained from utilising loudspeakers of any kind for political activities during the night from 8.00 pm to 6.00 am.
- f) Leaders of Political Parties, Candidates and their supporters will not use the news media to slander leaders, Candidates and followers of other Political Parties or the Government.
- g) Leaders of Political Parties, Candidates and their supporters will not disfigure, remove or destroy campaign materials of other Political Parties, or election publications issued by the National Electoral Commission.
- h) Political Parties should not post campaign posters, announcements or any drawing on houses, buildings or means of transport of private persons or institutions without prior permission from their rightful owners.
- i) Criticism among Political Parties when carried out should base on policies, programmes and their implementation. Criticism on other Political Parties and Candidates on unsubstantiated allegations should be refrained.
- j) Political Parties and Candidates are prohibited from pleading for votes on the ground of religious, ethnic, gender or colour.
- k) All Political Parties shall accept and respect decisions made by the National Electoral Commission in accordance with the electoral laws. This includes the election results announced by the Commission and Returning Officers. Where a person is not satisfied with the results announced by the Commission he may file an electoral complaint before the courts of law in accordance with the electoral laws.
- l) All Political Parties, Candidates, Political Party members or supporters are prohibited to give gifts or gratitude in order to induce a person not to stand as a candidate or to withdraw from his candidature.
- m) Political Parties, Candidates, Political Party members or supporters will not seek to obstruct other persons from attending campaign meetings or political rallies of other Parties.
- n) On the polling day, Political Parties, Candidates, members and supporters of Political Parties are prohibited to hire or use any kind of transport, to carry voters to the polling stations in order to be voted for.

2.3 Ethics during Voting and Declaration of Election Results

2.3.1 Acts ought to be done (Do's)

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- a) Party Agents, Political Parties, Candidates and Electoral Officials shall cooperate at polling stations in accordance with the electoral laws, regulations and directives issued by the Commission. This will allow the voting exercise to be conducted peacefully in tranquility.
- b) Leaders of Political Parties shall educate their supporters to leave the polling stations immediately after casting their votes in order to avoid crowding at the stations as well as minimizing possibility of inciting violence and other acts that can lead to the breaching of peace.
- c) While adhering to the directives by the National Electoral Commission, agents of the Political Parties participating in the elections are allowed to escort the ballot boxes to the place where results aggregation shall take place.
- d) Each Political Party participating in the election has the duty to adhere to and implement the directives and decisions reached by the National Electoral Commission, as well as accepting and respecting election results announced by the Commission. Any electoral complaint should be submitted to the relevant authority in accordance with the procedures prescribed in the electoral laws.

2.3.2 Acts ought not to be done (Don'ts)

- a) On the polling day, Political Parties, Candidates and their supporters shall not conduct campaign of any kind, including wearing any attire or anything indicating support or promotion of a particular Candidate.
- b) Leaders of Political Parties, Candidates, or their supporters shall refrain from doing acts that can cause chaos or commotion at the polling stations, counting and vote addition centres.
- c) Nobody shall be allowed to use a mobile phone inside a polling station except a Presiding officer, Polling Assistant, and the Security Officers who will use their mobile phones when it is necessary for election related activities only. The mobile phones shall be on the 'vibration' mode all the time.
- d) No leader, Political Party Official, Party member or supporter shall be involved in the following acts:-
 - i. To invade or stay by force in a polling, counting or addition of votes stations.
 - ii. To mobilize party members or supporters to cast more than one vote in an election; or
 - iii. To buy a voter's card, votes or to bribe, offer gifts, gratitude or provide any monetary or material payments to a voter or Electoral Official.

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- e) No Political Party Official shall have an open confrontation or argument with an Electoral Official at a polling station. Any complaint or challenge in relation to the electoral process and procedures at a polling station shall be submitted to the Presiding Officer through a Party Agent, or be submitted directly to an officer of the National Electoral Commission in writing.

PART THREE

3.0 Ethics for the Government of the United Republic of Tanzania

3.1 The Responsibilities of the Government

- a) The Government shall ensure equal opportunity to all electoral stakeholders, and in particular the Political Parties, in order for them to be able to discharge their political activities in accordance with the laws of the United Republic of Tanzania.
- b) The Government shall ensure that there is security, peace and harmony during the whole period of election. Furthermore, The Governments security organs shall provide security during campaign meetings, processions and on the polling day in order to ensure the existence of security, peace and tranquility.
- c) The Government shall provide equal opportunity to all Political Parties which have fielded Presidential Candidates to use the public-owned media to publicize their policies.
- d) The Government shall ensure that its leaders and officials exercise their powers within their limits when dealing with electoral activities.
- e) The Government shall accept and respect the lawful decisions taken by the National Electoral Commission. This includes the election results as shall be announced by the Commission as well as the Returning Officers.

3.2 Acts ought not be done by the Government (Don'ts)

- a) Government leaders should not unlawfully interfere with public meetings of Political Parties or Candidates that are carried out in accordance with the official campaign programme.
- b) The Government shall refrain from doing any act that oppresses its employees on the basis of their party membership or ideology.
- c) The Government shall ensure that its security organs do not use their powers to oppress Candidates, supporters or any Political Party. Furthermore, the security organs shall refrain from using excessive force except when it is absolutely necessary.

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- d) The Government shall not transfer any of its employee who is involved in electoral activities amid the electoral process. If that becomes absolutely necessary then the Government shall first consult the National Electoral Commission.

3.3. Act ought not to be done by Governmental Officials

- a) Ministers shall not combine official trips and electoral activities, and they shall not use public officials and/or resources for election-related activities in their personal interest.
- b) From the commencement of campaign period to the announcement of election results, Ministers, Government officials and other Government authorities are not allowed :-
 - i. To announce to the public through the media or in any way donations or promises of any kind.
 - ii. To give promise to the public on development projects like building roads, distribution of water and other things of that nature.
 - iii. The Government shall ensure that leaders and public officials do not use their powers and government resources for election campaign activities for the benefit of any Political Party or Candidate. Where the Government hires its means of transport then it should give equal opportunity to all Political Parties and Candidates and there should be evidence that the services have been paid by the concerned Political Party or Candidate.
- c) From the campaign period to the announcement of election results no Minister or Senior Government Official shall summon a Returning Officer for purposes of discussing election issues.
- d) Ministers, Regional Commissioners and District Commissioners and other Government leaders are prohibited to enter into polling stations save in their capacity as voters. Moreover, they are not allowed to be in polling stations while votes are being counted unless they are Candidates.

PART FOUR

4.0 Ethics Conducts for the National Electoral Commission

4.1 Acts ought to be done (Do's)

The Commission has the responsibility of planning, supervising and managing the elections in a manner that will ensure the elections are free and fair by doing the following:-

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- a) To abide with the Constitution of the United Republic of Tanzania, the electoral laws and other laws of the land.
- b) To avail election programs and information to Political Parties in a timely manner;
- c) To provide voter education, and to supervise and coordinate other institutions which provide voters education.
- d) To adequately train Electoral Officials so that they can run the electoral process efficiently.
- e) To issue electoral regulations, guidelines, copies of the Permanent National Voters Register and other election documents to Political Parties in a timely manner.
- f) To condemn all acts of Political Parties, Candidates, supporters, the Government and its organs that are aimed at jeopardizing the elections.
- g) To coordinate the use of the public news media so as to give equal opportunity to all Presidential Candidates and their Political Parties.
- h) To manage the electoral process in a diligent and transparent manner.
- i) To manage and facilitate the Electoral Code of Conduct Committees, as well as overseeing the implementation of decisions reached by these Committees.
- j) To hold frequent meetings with representatives of the Political Parties to discuss different issues related to election campaigns and the election itself.
- k) To make sure that no Election Official is victimized or deprived of his/her rights as a result of performing elections-related activities.
- l) Officials of the National Electoral Commission have to make sure that they attend all meetings, workshops and training sessions aimed at making them perform their duties efficiently.
- m) Electoral Officials have to be cognizant with the roles of Political Party Agents, Political Parties' Representatives and Candidates and their right to submit objections or complaints in cases where breach of electoral laws or procedures occur; and
- n) During the nomination of Candidates, polling day and all other stages of the electoral process all National Electoral Commission Officials have to be present in their work places all the time.

4.2 Acts ought not to be done by the Commission (Don'ts)

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The Commission shall not:

- a) Favour any Political Party or a Candidate;
- b) Change the electoral campaign programs without involving the Political Parties participating in the elections;
- c) Delay the delivery of election materials or send inadequate election materials to polling stations without reasonable causes;
- d) Delay declaration of election results without reasonable due cause.

PART FIVE

5.0 Supervision of the Implementation of the Electoral Code of Conduct.

5.1 Supervision Committees for the Implementation of the Electoral Code of Conduct.

There shall be the following Electoral code of conduct committees.

- i. The Appeal Committee
- ii. The National Committee
- iii. The Constituency Committee
- iv. The Ward Committee

5.2 The Composition of the Electoral Code of Conduct Committees

5.2.1 The Appeal Committee

The Appeal Committee shall comprise the following:-

- a) The Chairperson who will be the Chairperson of the National Electoral Commission;
- b) The Vice-Chairperson of the National Electoral Commission;
- c) One member from each Political Party participating in the Presidential Election, who shall be either the Chairperson or the Secretary General of a Political Party which participate in Presidential Election or his representative.
- d) One member from the Government who is representing the Permanent Secretary in the Prime Minister's Office;
- e) The Secretary to the Committee shall be the Director of Elections.

5.2.2 The National Committee

The National Committee shall comprise the following:-

- a) One commissioner of the National Electoral Commission and who shall be the Chairperson of the committee;

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- b) One member from each Political Party participating in the Presidential election, who shall submit a official letter to the Committee's Chairperson from his/her party's Secretary General;
- c) One member shall represent the Government, who shall be nominated in writing by the Prime Minister's Office; and
- d) There shall be a Secretary and an Assistant Secretary to the Committee both of whom shall come from amongst the officials of the Secretariat of the National Electoral Commission.

5.2.3 The Constituency Committee

Returning Officers shall form Constituencies Committee after being instructed by the Commission to do so. The Constituency Committee shall comprise the following:-

- a) A Returning Officer who shall be the chairperson;
- b) One member from each Political Party participating in the Parliamentary election in a constituency who shall submit a official letter from his/her party's District/Regional Secretary to the Committee's Chairperson;
- c) One member who shall represent the Government and who shall be nominated in writing by the District Administrative Secretary of the relevant district; and
- d) The Secretary to the Constituency Committee shall be one of the Assistant Returning Officers from the headquarters of the constituency.

5.2.4. The Ward Committee

Returning officers or Assistance Returning Officers shall form Wards Committees after being directed by the Commission to do so. The Ward Committee shall comprise the following:-

- a) An Assistant Returning Officer in a ward who shall be the Chairperson;
- b) One member from each Political Party participating in the Councillors' election in a ward, who shall submit an introduction letter from his/her party's District/ Ward Secretary to the Committees Chairperson;
- c) One member who shall represent the Government and who shall be nominated by the District Administrative Secretary of the relevant district; and
- d) The Secretary to the Committee shall come from the Office of the Assistant Returning Officer at the ward Level.

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5.3 Submission of Complaints

Any Candidate or Political Party signatory to the Electoral Code of Conduct which has fielded a Candidate, and which believes that the Electoral code of Conduct has been contravened shall submit in writings complaint(s) to the Chairperson of the Committee concerned.

5.4 Time for Submission of Complaints

Any complaint that needs the attention of the Electoral Code of Conduct Committee shall be submitted to the relevant Committee within forty-eight (48) hours from the occurrence of an event that caused the complaint.

5.5 How to Handle Complaints

- a) All complaints shall be discussed and decided upon in a meeting of the Committee concerned.
- b) The Committee shall deliberate on complaints and make decisions as early as possible.
- c) Upon receiving the complaint, the Committee shall require the side/party against whom the complaint has been made to submit his/her/its defence in writing within forty eight (48) hours from the time the complaint was lodged.
- d) The quorum for the Committee's meetings shall be more than half of the total number of its members.
- e) The Committee shall make decision on complaints after hearing both sides or receiving written explanations from both sides.
- f) The decision(s) reached by the Committee shall be implemented by the party against which the decision was made.
- g) Any Party that does not respect and implement the decision(s) of the Committee and where it is a Political Party or a Candidate the Committee may give the following punishment:-
 - (i) a written reprimand;
 - (ii) a fine of 50,000/= for the Councillors' election, 100,000/= for Parliamentary Election and 200,000/= for Presidential Election; or
 - (iii) if the Party concerned continues to break the Code or does not pay the fine, it may be stopped from continuing with election campaigns by the order of the National Committee.
- h) Fines shall be paid to the National Electoral Commission, the Returning Officers or the Assistant Returning Officers.

5.6 Appeals against Committees' Decisions

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Any side that shall not be satisfied with the decisions of the Electoral Code of Conduct Committees:

- a) If it is a complaint that was handled at the ward level, an appeal shall be lodged to the Returning Officer who is the Chairperson of the Committee at the constituency level within twenty four (24) hours from the time the decision was made. The decision of the Constituency Committee shall be final.
- b) If the complaint was handled at the constituency level an appeal shall be lodged to the Chairperson of the National Committee within forty eight (48) hours from the time the decision was made.
- c) The side that shall not be satisfied with the decision of the National Committee shall appeal to the Appeal Committee within forty eight (48) hours after the National Committee's decision. The Appeal Committee decision on the matter shall be final.
- d) The side that shall not be satisfied with the decision of the Appeal Committee may file an Election Petition in the courts of law after election in accordance with the National Elections Act, Cap 343 or Local Government (Elections) Act, Cap 292 as the case may be.

5.7 Complaints against the National Electoral Commission/ Returning Officer/ Assistant Returning Officer

- a) Where a complaint is against the National Electoral Commission, a Chairperson of an Electoral Code of Conduct Committee who is a Commissioner of the National Electoral Commission, a Returning Officer or an Assistant Returning Officer shall not preside over the meeting to deliberate over the matter. Members of the relevant Committee shall elect one member amongst themselves to be a temporary chairperson.
- b) In all complaints against the National Electoral Commission or the Government, where it is found out that the Commission or the Government is in fault the relevant committee shall require the Commission or the Government to rectify the situation as soon as possible.
- c) Where the National Electoral Commission or the Government does not take necessary measures to address the complaint, an election petition may be filed in the courts of law after the elections in accordance with the National Elections Act, Cap 343 or Local Government (Elections) Act, Cap 292 as the case may be.
- d) Complaints that shall be deliberated upon by the Electoral Code of Conduct Committees shall be only those occurring during the election campaigns period.

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- e) Complaints that shall occur on the polling day shall be dealt with by the Presiding Officer at the polling station, Assistant Returning Officer, Returning Officer or the National Electoral Commission in accordance with the electoral laws.
- f) During the Meetings of the Electoral Code of Conduct Committee, the Secretary to the Committee shall take minutes, and shall be the custodian of all Committee meetings' records.

5.8 Powers of the Electoral Code of Conduct Committees at the National, Constituency and Ward Levels

The Committee at national, constituency and ward levels may take the following measures in dealing with complaints:

- a) To order a party which contravenes the Electoral Code of Conduct to correct its mistake, and, if necessary, to issue a public apology;
- b) To publicize the name of a Political Party or Candidate which/who contravened the Electoral Code of Conduct through public notices, radio, television, newspapers and any other medium of communication;
- c) The Committee may submit some complaints to other authorities as it shall think fit to do so;
- d) The National Committee may suspend a Political Party or a Candidate to conduct election campaigns for a certain period as it may deem fit as well as imposing a fine as it has been provided in this code;
- e) The Committee shall have powers to investigate any complaint submitted to it before making any decisions.

5.9 Powers of the Appeal Committee

The Appeal Committee may take the following measures when dealing with complaints:

- a) To order the Party which contravenes the Electoral Code of Conduct to correct the mistake, and, if necessary, to issue a public apology;
- b) To publicize the name of a Political Party or Candidate which/who has contravened the Electoral Code of Conduct through the public notices, radio, television, newspapers and any other medium of communication;
- c) The Committee may submit some complaints to other authorities as it may think fit for further or appropriate steps;
- d) The Committee may suspend a Political Party or a Candidate to conduct election campaigns for a period as it may deem fit as well as imposing a fine as it has been provided under this code;

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- e) The Committee shall have powers to investigate any complaint against which an appeal has been filed before making any decision;
- f) The Appeal Committee may call and review the decisions made by the National Committee or Constituency Committee and may uphold or reverse the decisions.

PART SIX

6.0 Declaration of Acceptance

6.1 Declaration by the Government

The Government of the United Republic of Tanzania agrees and undertakes to implement the Electoral Code of Conduct accordingly.

On behalf of the Government of the United Republic of Tanzania

Name

Designation

Signature

Date

6.2 Declaration by the National Electoral Commission

The National Electoral Commission agrees and undertakes to implement the Electoral Code of Conduct accordingly.

Name

Designation

Signature

Date

6.3 Declaration by Political Parties

We, the Undersigned, representing our Political Parties agree and undertake to implement the Electoral Code of Conduct accordingly:

S/N	NAME	PARTY	SIGNATURE	DATE
1.		AFP		
2.		PPT-		

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		MAENDELEO		
3		CCM		
4		CHADEMA		
5		CHAUSTA		
6		CUF		
7		DP		
8		JHAZI ASILIA		
9		MAKINI		
10		NCCR- MAGEUZI		
11		NLD		
12		NRA		
13		SAU		
14		TADEA		
15		TLP		
16		UDP		
17		UMD		
18		UPDP		