

Review

Evolution of elections management in Tanzania

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This paper provides a discussion on the evolution of elections management in Tanzania with a focus on technological advancement in administering registration of voters. The paper provides the merits that permanent voters register has brought over the thumb practice. It traces the management of elections during colonialism, after independence through 1990s but before reintroduction of multiparty democracy. The paper concludes that technological advancement has eased the management of elections in Tanzania and has removed most of complaints that were made by political parties regarding forgery of names in the register among others.

Key words: Election management, permanent voters register, technology.

INTRODUCTION

Historical background

Tracing elections in Tanzania can be revealed that elections were officially conducted for the first time accommodating various political parties, during colonial era in September 1958 and subsequent elections in February 1959 (Norman, 2003; Msekwa, 2006). Thus prior to independence two major elections were conducted that is 1958/1959 and 1960 enabling three political parties to participate. The parties were Tanganyika African National Union (TANU), the United Tanganyika Party (UTP), and the African National Congress (ANC) (NEC, 2001). The ANC is also referred as Tanganyika African National Congress (Msekwa, 2006). The most notable and probably most remembered is an election held 1960 just a year before independence. This was the second pre-independence general election. The administration of these elections was conducted under the department of elections under colonial regime. It is worth noting that during the 1960 general election, seventy-one seats were contested with distribution guided by a law where fifty seats were open to all races,

ten seats were for Asian candidates from any party, and eleven seats were for European race from any party (Msekwa, 2006). In this election, TANU won seventy seats, and one seat won by an independent candidate. The notable incident in the aforesaid election is the number of unopposed who were fifty-eight. Msekwa further, emphasizes that the number of unopposed means that the people were effectively disfranchised, because of the perceived denial to cast their votes. During this period, elections were administered by the department of the assembly and were headed by the secretary of the parliament popularly known as the Clark of the Assembly (CA). In December 9, 1961, Tanzania Mainland attained her independence from the British government and in that course; it inherited the electoral management body from the colonial government. Hence, the administration of elections was still under the assembly, with the Chief Executive Officer of elections being the Clark of the Assembly.

It is also important to realize that all elections were under multiparty democracy. The multiparty democracy ended in July 1965 from what the government considered unnecessary division amongst the people and an appeal for unity propagated by most African head of states during the early times of independence particularly 1960s.

Hence the first post independence election in Tanzania was conducted in 1965 (Norman, 2010) and only one

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party (TANU) participated. The administration of elections was done through the Clerk of the Assembly who was the Returning Officer (RO). One anomaly can be said to have existed, that is an elections management body being party of the National Assembly. However, since the prevailing democracies were under mono party, few or no complaints were noted. The whims from the developed countries which insisted among others, on good governance, which they believed could be attained through multiparty democracies, pushed many African countries to transform from one party democracy to multiparty democracies. Other concerns were from within African countries where some elites felt a need for multiparty democracy as opposed to one party for creating a sense of freedom of opinion particularly the members of parliament (Msekwa, 2006).

Multi party democracies to one party democracy

The technological advancement and the advantages accrued on elections management body cannot be covered without tracing the evolution of elections management in Tanzania, which to some extent goes hand in hand with the evolution of political systems (mono party or multiparty). The later can be referred to be the cause for the change of the earlier. Hence, in realizing the elections administration in Tanzania we would need to trace the change of the political systems. The elections results of 1960 were of great importance on considering the review of the elections laws to enable more people participate in contesting elections. What was clear is the assurance of TANU winning in whichever model developed. Tanganyika had few European and Asians, even the few present were sure that the majority of voters were TANU members. Hence, most of them were contesting though TANU, conforming to the popular say 'if you are not sure of winning join the winners' (Norman, 1996). Thus, TANU considered the possibility of changing laws for the purpose of ensuring more people participating in elections rather than winning unopposed. Secondly, is to ensure that members of parliament were participating without fear for losing a bill from opposition.

It is thus pertinent to argue that while the reform was a concern at the party level but the same had indirect impact to the formation of the new commission for managing elections. Tanganyika Gazette (7.2.64 General notice number 300) reveal that the commission for reviewing the possible changes was tracked under the Chairmanship of Rashid Mfaume Kawawa and was mandated to consider necessary changes in the constitution of Tanganyika African National Union (TANU) and the practices of the government. The commission was not seeking to establish or to abolish the one party democracy because the approval for having one party democracy had already been done by the TANU central

committee. The essence of the Kawawa Commission was to find out the best way of implementing the one party democracy, particularly on terms of electoral competition and the need to put in place appropriate mechanisms for checking the abuse of power by the people in position of authority. Hence, the commission concluded the findings and in July 10, 1965, the enactment of one party democracy concluded through the Act of Parliament.

The administration of elections during this period could be said to be in shambles as were conducted by a non-independent organ. The electoral management body was actually under those who were contesting the entire elections and was headed by the Clerk of Assembly. The administration of elections continued until 1990 when the Nyalali Commission was formed to among others; look at whether Tanzanian people were for multiparty democracy or one party democracy. The findings of the Nyalali Commission revealed that, although majority of Tanzanian preferred one party state about (80%) yet the remaining percent should also be given its choice. Nyerere had this to say commenting on the importance of multiparty democracy "those who have voted for one party as their choice had actually meant CCM. However the minority about 18% to 20% seem to say no to CCM hence an appeal to give them a right for choosing, and or forming the party of their interest" (Nyerere, 1992).

ELECTIONS MANAGEMENT UNDER MULTI-PARTY POLITICS

Tanzania marked a new history of elections management in 1992, when the Nyalali Commission, which resorted in seeking public opinion on their affiliation regarding political system - one party or multi-party democratic system concluded its work enabling the eighth constitutional amendments, which paved a way for enacting Act, 1992 which allowed the establishment and registration of political parties (Act, No. 5 of 1992). Consequently, multiparty democracy called for the establishment of the body entrusted with authority to conduct and supervise elections processes. Such a body should be perceived to be free, independent, transparent, principled, accountable and credible. Hence the Constitution of the United Republic of Tanzania was also amended to establish an independent body which will cater for the administration of elections under the multi-party political system.

Establishment of the National Electoral Commission

The National Electoral Commission (NEC) was established under article 74 of the constitution of United Republic of Tanzania of 1977 as amended. The commission has seven members appointed by the President of the United Republic of Tanzania. The President also appoints the

Director of Elections who is the Chief Executive Officer and Secretary to the Commission. According to Article 74 (1) of the constitution of the United Republic of Tanzania, 1977 the Chairman and the Vice Chairman must be a judge of the High Court or a Justice of the Court of Appeal or a person who is qualified to be an Advocate and has been with such qualifications for a period of not less than fifteen years (URT, 1977). The creation of election management body went hand in hand with the concern of establishing a system that would reduce complaint from political parties regarding the commission being in favor of the ruling party -as perceived during single party democracy.

Further, Section 4 (1) of the elections Act. No. 1 of 1985 provides for the qualifications of other members as follows; that one member of the commission should be appointed from members of the Tanganyika Law Society; and four other members should be appointed from persons possessing either adequate experience in the conduct or supervision of parliamentary elections or other such qualifications as the president considers necessary for or pre-requisite to, the effective discharge of the functions of the Commission (Act. No. 1 of 1985).

It is worth noting that among the challenges that NEC face is the appointment of the members to the commission (the National Electoral Commission).

Mandate of the National Electoral Commission

The mandate of the National Electoral Commission as the only body which administers elections management for presidential, parliamentary, and local government election (councilors elections) are enshrined in Article 74 of the Constitution of United Republic of Tanzania, 1977 and the elections Act. No. 1 of 1985 and Act. No. 4 of 1979 both as amended. Section 6 of the constitution provides responsibilities of the commission. The responsibilities are:

- a) To supervise and coordinate the registration of voters in presidential and parliamentary elections in the United Republic;
- b) To supervise and coordinate the registration of voters in presidential and parliamentary elections in the United Republic;
- c) To review the boundaries and demarcate the united republic into various areas for the purposes of parliamentary elections;
- d) To supervise and coordinate the registration of voters and the conduct of the elections of councilors;
- e) To perform any other functions in accordance with a law enacted by parliament
- f) Administering objections (Act. No. 1 of 1985; Act. No. 4 of 1979).

There are many responsibilities/functions of the National

Electoral Commission; however, this paper assesses the management of elections with a focus on technological advancement and how the permanent voters register has facilitated the management of elections in Tanzania.

Pushes to the establishment of PNVR

The first multiparty election was the councilors elections established under the local government Act No. 4 of 1979, which was conducted in 1994. The election saw most seats being taken by the ruling Chama Cha Mapinduzi. A year later, that is 1995 the general elections were conducted which included the presidential elections and Member of Parliament (MPs). This can be said the most competitive election since independence, if the ranking is on votes attained by presidential candidates. The competitiveness can be said was associated by the shift of Augustino Lyatonga Mrema who was the Minister for Home Affairs and Deputy Prime Minister at the expense of joining National Convention for Construction and Reform (NCCR). In this election, the candidate through CCM, Benjamin William Mkapa emerged winner and was ranked by NCCR candidate Augustine Lyatonga Mrema with a difference of 1.5 million votes. Mkapa attained 3.5 million votes and Mrema attained 1.5 million votes. It was during this election, which also saw most of the parties complaining on the way elections were conducted. Cases were presented at the High Court for consideration for review of the decisions, as most candidates felt that the National Electoral Commission favored CCM (TEMCO, 1995).

Complaints submitted

Seeking for redress is common in most games. This is also true in a political 'game' where most infringed parties complained on several grounds (Massoi and Norman, 2009). The grounds however cemented on what was, and is still conceived as impartial of the electoral common as members are appointed by the president who is also the chairman of the ruling party CCM. Although Norman and Senguji (2003) argued that, there is no point to look at the appointment criteria as a weakness of the National Electoral Commission since it is a worldwide phenomenon. They further added that even the presence of judiciary is dependent on the appointing authority, in this regard the president who is also the Chairman of the Ruling Chama Cha Mapinduzi.

ESTABLISHMENT OF PERMANENT NATIONAL VOTERS REGISTER

This provides some answers to the key questions regarding the functions of the permanent voters register.

It articulates the advantages of the PNVR versus the rule of thumb. A comparative analysis has been made to understand the merits of the PNVR. The questions range from the responsibilities of PNVR, who may register, flexibility on dates for registration and updating the register, reasons for voters register, differences between voters register and the rule of thumb, who will register, and updating the voters register.

Q1. Why establish the PNVR?

NEC was required by law to establish the PNVR which was used for the first time in the 2005 general elections and subsequent elections. NEC was also responsible for the conduct and administration of presidential and parliamentary elections in the United Republic of Tanzania and councilor's elections in Tanzania mainland.

Q2. Who may register?

Any person who is a citizen of Tanzania and has attained the age of 18 or above qualifies to register. However, such person can lose qualifications if; has attained citizenry of another country or under a sentence of death imposed by any court in Tanzania or under sentence of imprisonment for a term exceeding six months or declared to be unsound mind or is disqualified from registering as a voter by law.

Q3. When should a person register?

The commission has mandate to register those that have attained the age of 18 years at the time of convenience such that every person that attains the age of 18 has a right to register.

Q4. Why do we need a new voters register?

There are many reasons for a new voters' register:

1. The electoral law requires that NEC establish the voters' register and shall be used in the 2005 general elections and subsequent elections.
2. We need a register to reduce the huge cost incurred in registration process under the manual system.
3. We need a register to reduce workload and time spent for registration exercise by the people.
4. We also need a register that can be updated more easily than a manually compiled register. To meet these needs, NEC will compile a permanent electronic register that can be easily updated on a continual basis.
5. We need the PNVR to reduce workload of the NEC to administer the registration exercise.

6. Further, it is acknowledged that the old register might have included some multiple registrations, ghost names and other anomalies that could not be detected and weeded out because registration was done manually. Today, in 2004, we are taking advantage of modern technology and now have the capacity to create a new, accurate Permanent National Voters Register. Everyone entitled to vote will be included, with built procedures which eliminate instances of fraud and other mal-practices as much as possible. In doing this, Tanzania joins the ranks of other countries around the globe that have moved from unreliable old fashioned manual voters lists, to modern credible systems that are able to be continually updated.

Q5. How will this register be different from the previous one?

The previous register was compiled manually and the eligible voter was given a registration certificate which was naturally short-lived as was used in only one election. With the establishment of PNVR the eligible voter will be given a permanent voter's card to enable the voter to vote in the 2005 general elections and subsequent elections.

The new system is electronic thus will be faster to create more accurate data, updated on a continual basis and keep the data electronically with the use of computers and other sophisticated equipments. In the previous (manual) system the use of hard copies made it difficult to keep the records.

The PNVR provides voters with voter's card which bears the photo of the person possessing it, thus simplifies identification compared to the registration certificate provided in the previous elections. It is also easy to keep the voter's card as it is water proof.

Q6. Who is working on the new system?

NEC wanted to be sure that the best available people were hired to create the new voters' register. A wide search was conducted for experts and NEC consulted widely with other electoral commissions. The consortium of Tanzania, Commonwealth Secretariat and United Nations Development Programme (UNDP), were commissioned to undertake this work. There are also a number of consultants from various countries including, of course, Tanzania.

Q7. Why has there been a delay in starting the voter's registration exercise?

In planning for the new electronic register NEC has taken the time to make sure that any system selected will

achieve all its objectives. NEC began planning for this new system in 2000. After the planning was completed, NEC required funding from the National Assembly to implement the project. Although funds were approved in 2003 they were not actually received by NEC until March 2004. It was only when funds were secured that NEC was able to conclude contracts and get the work started.

Q8. Is the new registration process at the registration center the same as the previous?

Yes. The process at the registration center is much the same as previously. Citizens will still be asked to provide their basic details such as name and age for inclusion in Form No.1. There is one new form called an Optical Mark Recognition (OMR) form, which will be filled in by the registration official. This form comes in for the purpose of entering date into the computer system. Thumbprints will still be taken but this time they will be placed on the OMR form for scanning by the computer.

Q9. Is the voter's card the same as any identity (ID) card?

No. NEC to identify a citizen eligible to vote in an election issues the voter's card. However, it can be used for other identification purposes in the absence of any identity (ID) card.

Q10. How does registration work?

NEC has established approximately 30,000 voter registration centers around the country. Citizens will go in person to the centers in the wards (polling districts) they normally reside.

The process at the registration center is much the same as before. There will be two registration officials at each center and a photographer. The process includes:

1. A person who wants to be registered must present himself/herself and apply for being registered to the first registration assistant at the authorized registration centre.
2. The first registration assistant shall cause a person applying for registration to be photographed free of charge at the same centre. The applicant will be issued with two photographs which will be submitted to the registration assistant.
3. The first registration assistant shall complete filing in the application form and sign.
4. The registered voter shall sign and thumb prints the OMR Form and also sign or thumb prints the voter's card.
5. The first registration assistant shall direct an applicant

to present the photos to the second registration assistant.

6. The second registration assistant shall fix one photograph on the OMR form and another on the voters' card.

7. The second registration assistant shall laminate the voter's card bearing voter photograph.

8. The second registration assistant shall deliver the voter card to the respective voter.

Q11. What is new in the process?

There are two new parts to registration. To computerize the voters' register, NEC will transfer the voters' information provided on the Form No.1 to an OMR form. This Optical Mark Recognition form is the document that NEC will use to convert information to what is called "captured data" that is, it will be able to be ready by the computer. This time the thumbprint will be placed on the OMR form and used as a form of identification.

Q12. Why is the OMR form necessary as part of form No.1?

The OMR form is necessary for the creation of the new electronic register. The form No.1 contains basic information which is retained in hard copy as a backup. The OMR form is a simple way to transfer information from the form No.1 on to the computer scanner that will create the electronic voters' register.

Q13. What is the qualification of registration officials?

NEC recruits ad hoc staff from the ranks of teachers; experienced people who served in similar exercises such as those who worked in the 2002 National Sensor and other persons as NEC determines. All will be trained in their responsibilities.

Q14. What if I do not know my date of birth?

This information is not a prerequisite for a citizen to register. However, you are required to state your age in the event you know it. No citizen will be denied registration because the birth date information is not available.

Q15. Why do we have to place a thumbprint on the form?

The thumbprint of every individual is different and unique

only to that person. No two people have the same thumbprint. Modern computers can scan the image of thumbprints and check them against every other thumbprint on the list. In this way, multiple registrations can be detected and rejected. Thumb printing is the major form of identification in the new voters' registration system. This will be backed up later by photos on the permanent voters' cards and the data base.

Q16. What about people who do not have a thumb due to illness or accident for example?

All eligible citizens have the rights to be included in the voters register. The registration details for these people will be verified and recorded by the registration official in the space reserved in the OMR. Party agents and other observers will keep a close eye on this process. If any improper action is taken, it will be reported.

Q17. How do I ensure my name is spelt correctly on the register?

There will be opportunities to check the voter's register for omission of names spelled incorrectly. Following the voter registration field exercise, the manual list of registered (provisional voters register) voters will be displayed at each ward headquarters. Citizens are encouraged to go to the nearest ward centers in which they registered and make sure their names appear. A process to allow for objections to names that should not have been on the register and claims for inclusion of names that were omitted will be provided. In this way any corrections can be made before the final data base is established.

Q18. What happens if people register more than once?

It is against the law to register more than once. NEC has taken several steps to prevent such practices. First NEC will use a computer program called the Automated Fingerprint Identification System (AFIS) to search the voters' register and identify any duplicates. The computer compares quickly each thumbprint against every other thumbprint and rejects duplicates. Remember, each thumbprint is different. No two people have the same thumbprint. Severe penalties including fine and imprisonment apply to any person who tries to register more than once.

Q19. Can I register on behalf of other people?

Not at all, each person wanting to register to vote must

present himself or herself in person at the registration center. No-one may register the name of any other person. Severe penalties apply for people attempting to register for other people.

Q20. Will party agents observe the registration process?

Each party is entitled to have one agent at the center. In addition, international and local observers from various organizations and nations accredited by the commission may also be present. All observers, whether they are from parties or from the *non-governmental organization* (NGO) sector will be wearing a clear identification card. These people perform the observatory role and should not interfere in the process.

Q21. Why is an electronic register better than a manual one?

An electronic voter's registration list is the international standard in Elections Management Bodies all over the world and we are proud that Tanzania is joining the ranks of countries committed to the advantages that a modern transparent electronic register can provide. Modern computer technology provides more security and less opportunity for fraud and manipulation than a manual list. An electronic list can also be updated on a continual basis.

Q22. How can you be sure the computer system will not be manipulated?

An electronic system eliminates opportunities for manipulation of the register through in-built security systems which treat every piece of information in exactly the same way. Once a computer program is written it is almost impossible to change for the purposes of manipulating certain individual forms such as those from a particular center.

The voters' registration database is part of a process which involves checks and balances at each stage. For example, immediately after the field exercise a provisional voter's register will be displayed so that citizens can check their names if they are correctly spelled on the register and to allow claims and objections to be heard before the next stage.

NEC computer system is programmed to reject any form entering the system that has not been authorized to be used for the commission. In the highly unlikely event of tampering, all changes can be traced back to the source of interference. Also, any changes in the original official voter's register must be explained and documented by NEC before it can be accepted. Access

to the system is restricted only to authorized personnel. Also, the system can be independently audited.

Q23. Can we be sure the contractors have not included strange codes in the computer?

NEC has been involved in the process from the beginning, working closely with the international team in establishing the data base software. All changes to the database can be tracked via an audit process. NEC information technology (IT) personnel is highly professional and continue to verge on data base systems to ensure that nothing strange is included in the computer.

Q24. What about power/electricity failures? Will this affect the computer?

NEC has built comprehensive backup processes into the system to ensure information is not lost. The computer systems housed in the processing centers have special interruption-free power generators and other systems to protect the computers from power failure or lightning, as well as back up and copying systems built into the computer to ensure no information is lost.

Q25. Can the computer detect under-age voters?

It will be the responsibility of registration officials, party agents and official observers to monitor the registration of under-age voters. Allegations of improper conduct will be reported. Severe penalties including fines and imprisonment apply to under age registration.

Q26. Has the computer system been tested?

Yes. There is a number of equipment used in this new system. All the equipments are well tested and proven. The "Electoral Management Software" is the special program written for NEC to manage Tanzania voter registration needs. It is continually tested and subjected to NEC rules and policies to ensure that the system meets the strict standards required for Tanzania conditions. The whole system is continually tested and has been successfully demonstrated by NEC IT personnel.

CONCLUSION

The evolution of elections management in Tanzania has moved from hardship to modern technology. The evolution has involved structural adjustment of both the management and technology. To date Tanzania is one of

the countries that is considered a pillar of democracy and certainly a mother of democratic transformation in Africa and the world at large. In that regard, Tanzania has managed four smooth presidential transitions. There is every positive indication that the trend will keep on improving subject to realization of the key issues that are debated yet not given thorough solutions. The grave is worthy to bury bodies of animals, including human beings, but the same is not for burying the thinking of mankind. Solutions towards thinking is the articulation of the thinking into a more critical thinking and giving solutions with consideration of objectivity part of it, and not the whims. It is only truth that sets people free. Therefore understanding the roots of every problem is fundamental in redeeming the situation. It is prudent to recover a thousand kilometers as a lost distance than keeping moving another one-kilometer on wrong direction. Hence, countries will continue improving the levels of governance through realization of truth in every matter. There is no point for anyone to act contrary to what he believes, unless so directed by votes of majority.

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