

**ENHANCING PUBLIC UNIVERSAL SUFFRAGE IN TANZANIA
MAINLAND
THE CASE OF UBUNGO CONSTITUENCY:**

**By
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**This Research is submitted in Partial Fulfilment of the Requirement for the
award of Masters of Public Administration
(MPA)**

2013

CERTIFICATION

We, the undersigned, certify that we have read and hereby recommend for acceptance by the Mzumbe University, a dissertation/thesis entitled **Enhancing Universal Public Suffrage in Tanzania Mainland:the case of Ubungo Constituency**, in partial/fulfillment of the requirements for award of the degree of Master of Public Administration of Mzumbe University.

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DEDICATION

This dissertation is dedicated to my beloved parents: Mr and Mrs Mafole; My sister and her husband Mr and Mrs Myenzi and all beloved friends and family members who even when I came close to the edge; when I stumbled and slide; they gladly and freely gave their support and constantly reminding me that “No struggle need ever be pointless”.

ABBREVIATIONS

ANC	African National Congress
CA	Clark of the Assembly
CCM	Chama Cha Mapinduzi
CUF	Civic United front
EU	European Union
LHRC	Legal and Human Rights Centre
NCCR Mageuzi	National Convention for Construction and Reform– Mageuzi
NEC	National Election Commission
NVR	National Voters Register
PNVR	Permanent National Voters Register
PVR	Permanent Voters Register
TACCEO	Tanzania Civil Society for Election Observation
TANU	Tanganyika African National Union
TEMCO	Tanzania Election Monitoring Council
TLP	Tanganyika Labour Part
TLS	Tanganyika Law Society
UDHR	Universal Declaration of Human Rights
UDP	United Democratic Party
UN	United Nations
UTP	United Tanganyika Party
VEO	Village Executive officer
WEO	Ward Executive Officer
RITA	Registration Insolvency Trusteeship Agency
CRPWD	Conventions on the Right of Persons with Disability

ABSTRACT

This study assesses and examines the voter's perception on the effectiveness of the Permanent National Voters Register (PNVR) in improving the right to vote in Mainland Tanzania particularly at Ubungo area, Kinondoni district in Dar es Salaam city. The specific objectives are; to critically analyse the effectiveness of the PNVR in enhancing free and fair elections, to find out the extent to which PNVR enhances universal suffrage, to identify the challenges of maintaining an effective PNVR and to draw solutions on how to overcome the challenges. Therefore, the study involved a sample size of 80 respondents drawn from Ubungo area of Kinondoni District in the region of Dar es Salaam, The selection done randomly and purposively sampling techniques. Data were collected through techniques methods namely; Desk review, interviews and questionnaires. Data collected were analyzed through the use of SPSS, discussed and presented through the use of figures, tables and a text.

The findings of the study revealed that the majority of respondents are aware of the existence of the Permanent National Voters Register; this might be attributed to the fact that the majority of the interviewee of the study was adults of who most might have participated in the 2005 general election when the system was formally introduced.

It is recommended that there is a need of deliberation of systematic interventions that would correct the voters' information in the PNVR to create a viable ways of ensuring that the PNVR is regularly updated and to enhance the right to vote. This would also be done through education on how to use the PNRV during elections.

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CHAPTER ONE

INTRODUCTION

1.1 Background of the problem

This chapter explains the processes which have prompted this research. It provides the background, statement of the problem and questions, the objectives of the study and the significance/relevance of the research.

1.2 Background of the Study

During the period of pre-colonial, communities in Tanzania had their own different practices based on legal system and customs to conduct their lives. The customs were enforced by elders, and clan leaders who performed both civic and spiritual duties. The community was the one to determine the powers exercised by the clan elders. These powers included keeping peace, settling disputes during election of customary leaders and other disasters. Leadership in these times was by heritage, from father to son. Basically, the first sons of the clan leader were trained since their childhood to have authority and lead thereafter. There was nothing like voting power rotated in specific families that were in the leadership (Norman 2003, Msekwa 2006).

Tanzania Mainland was colonized by Germany between 1880-1919 and became British Protectorate Territory in between 1919 to 1961, during this period, the colonial government used the colonial system on how to elect leaders the election system was not democratic. The first democratic election was done during colonialism in 1960, whereas, before the election every citizen who wants to vote must had to register. The colonial voters list consisted of electoral lists in which those who met the conditions were listed. Copies of full lists were printed for each polling district (TEMCO, 2005). Large quantities of stencils; duplicating paper; duplicating ink; typewriters, duplicating machines as well as hundreds of typists were required to produce lists, which were redundant, as soon as the election was over. The process was expensive and wasteful, since it had to be repeated every five years. Electoral lists were replaced by a voters' register with voting cards and indelible ink (TEMCO, 2005). In 1960 Tanganyika conducted the first multi-party

election which accommodated various political parties which included; Tanganyika African National Union (TANU), United Tanganyika Party (UTP), and African National Congress (ANC) (Norman et.al, 2003; Msekwa, 2006).

This system of voting continued even after independence. However, during this time, the elections were administered by the department of the assembly and were headed by the secretary of the parliament popularly known as the Clerk of the Assembly (CA).

In 9th December, 1961, Tanzania Mainland attained her independence from the British government and in that course; it inherited the electoral management body from the colonial government. The assembly continued to control and administers elections and elections were under multiparty democracy. In July 1965 the government considered unnecessary to divide seats amongst the people of different race. An appeal for unity propagated by most African head of states during the early times of independence. Under the leadership /power of TANU, there was a thought of the possibility of changing laws for the purpose of ensuring more people participating in elections rather than winning the opposed side. Also to ensure that members of parliament were participating without fear of losing from opposition (TEMCO, 2005).¹

Later on the idea of good governance emerged from developed countries who insisted on democratic elections. Developed countries and other African countries believed that democratic election could be attained through multiparty democracies. This pushed many African countries to transform from one party democracy to multiparty democracies and Tanzania was among them. In 1992, Tanzania adopted the multiparty system which made the eighth constitutional amendment. The 8th Constitution amendment paved a way of enacting the Act No. 5 of 1992² which allowed and established the registration of political parties in the country. The establishment of the National Election Commission (NEC) entrusted with authority to conduct and supervise elections processes.). However, NEC was expected to be

¹ TEMCO Report on Election Observation 2005.

² Political party Act, No. 5 of 1992

free, independent, transparent, principled, accountable and credible (Norman 2003, Lubawa 2006), but the situation became vice versa.

The first multiparty election with NEC was the councilor's elections, conducted in 1994 and next was the 1995 presidential and Parliamentary general elections. In the presidential election, the candidate for CCM, Benjamin William Mkapa emerged winner with 3.5 million votes and NCCR candidate Augustine Lyatonga Mrema with 1.5 million votes. These elections resulted in complaints, on the way elections were conducted with cases presented in the High Court for consideration for review of the decisions, as most candidates felt that the National Electoral Commission favored CCM (TEMCO, 1995).

However, during this time of election, there emerged some shortcomings and complaints which called for reformation in the way that NEC ran its activities. The Permanent National Voter's Registrar (PNVR) was introduced to solve the complaints which emerged during the 1995 election. Therefore, in 2000, the government of Tanzania formally introduced the Permanent Voters' Register (PVR) which would guide the coming elections in the country; however, the PNVR has become a subject of much contention on its adequacy and reliability to ensure the right to (TEMCO, 2005). The first general election conducted using PNVR was 2005 general election the registration of voters was conducted in six zones comprising 21 regions of Tanzania Mainland. Registration started on 7th October 2004 and ended on 18th April 2005. Therefore, NEC needed a register that could be updated more easily than a manually compiled register (NEC 2005).

The aim for introducing the PNVR was to ensure that election is done in a transparency way, adequately with reliability so as to increase accountability and transparency during elections to ensure the right to vote. However, the system was unreliable which brought and raised a lot of injustices that were not accounted for by the electoral commission. The PNVR created loopholes for opportunist leaders to infringe on the right to vote of the citizens. Currently, PNVR in Tanzania has

become a subject of much contention on its adequacy and reliability to ensure the right to vote (TACCEO, 2010).

In the first modern democracies, voting was restricted to those people with property and wealth, which always meant a minority of the male population had right to vote. In some jurisdictions, other restrictions existed, such as restrictions on voters of a given religion. In all modern democracies the number of people who could vote increased progressively with time. In 19th century there was a movement advocating "universal (male) suffrage". The democratic movement of the late 19th century, aimed at unifying liberals and social democrats particularly in Northern Europe used the slogan *Equal and Common Suffrage* (Adam, 2005).

1.3 Statement of the problem:

Trust in democracy is promoted when voter's registration process is open and transparent enough to allow for the participation of all eligible people in election. The first Tanzanian multiparty general election was held in 1995 after the country adopted political pluralism in 1992. However, there was a huge public outcry against the manner in which the election was conducted. Among many factors, the complaints directed to NEC were on registration of voters. TEMCO (2005) reported that the registration of voters was unreliable and it was hard to account for. TEMCO and other elections observer reports proposed for reforms to the registration of voters hence leading to the introduction of PNVR.

An adequate and reliable PNVR is a significant tool for legitimate election results and reduces the possibilities of rigging the elections through dummy votes. Besides, the PNVR purported to enhance the democratic elections far beyond other registration mechanisms and could potentially reduce cost if well managed. PNVR could be a solution to provide safeguards against illicit registration that makes the effectiveness of the system which would enhance and guarantee the right to vote by all Tanzanian citizens.

However, the extent to which PNVR is an effective mechanism to enhance universal suffrage in mainland Tanzania is still a mystery, and will be the curiosity to embark

upon. Literature shows that there has not been above 50% registered voters who have successfully voted during an election due to inadequacies in the use of PNVR (TACCEO 2010). This has continuously violated citizen's human rights especially the right to vote. Above all, it impedes citizens from participating in choosing their leaders. This work examines the effectiveness of the PNVR as a mechanism to enhance Universal Suffrage and draw some recommendations as the solution to overcome the shortcomings thereto.

1.4 Research Questions

1.4.1 General Questions

- i. How can PNVR enhance universal suffrage and guarantee the right to vote in Tanzania Mainland.

1.4.2 Specific Questions

- i. How effective is PNVR in enhancing free and fair elections?
- ii. To what extent has PNVR enhanced universal suffrage?
- iii. What are the challenges of maintaining an effective PNVR?
- iv. What are the solutions to the challenges?

1.5 Research Objectives

1.5.1 General Objective

The study broadly is purported to examine how PNVR enhances universal suffrage and guarantees the right to vote in Tanzania Mainland. The study concentrated on Mainland Tanzania due to the fact that procedures for registration to vote in Mainland Tanzania are quite different from those of Zanzibar. There is no need for national identity in order to register for election in mainland as opposed to Zanzibar where procedures require the prospective voter to show identity card and proof of permanent residency in respective constituency for at least thirty six months.

1.5.2 Specific Objective

- i. To critically analyze the effectiveness of the PNVR in enhancing free and fair elections.
- ii. To find out the extent to which PNVR enhances universal suffrage.
- iii. To identify the challenges of maintaining an effective PNVR.
- iv. To draw solutions on how to overcome the challenges

1.6 Scope of the study

1.6.1 Subject Scope

The study focused on the enhancing of public Universal suffrage by the using of Permanent National Voters Register (PNVR). Components namely transparency, inclusiveness and accessibility of PNVR price are determinant to universal suffrage. Citizens, leaders and NEC officials are useful for establishing the gap of the study.

1.6.2 Geographical Scope

The study was conducted in Dar es Salaam focusing on citizens Local leaders and Political leaders and NEC leaders. The researcher chose this region because he researcher live and work in this region and these regions is one of among biggest region in which have a lot of people who voted have a lot of voters who vote in general election. This was helpful in collecting data from both citizens and leaders for enhancing Universal public suffrage.

1.7 Limitation of the Study:

Although this research was carefully prepared, we are still aware of its limitations and shortcomings. Firstly, the research was conducted in the two intermediate classes which have lasted for seven months. Seven months is not enough for the researcher to observe all of the efficient of the PNVR in enhancing Universal suffrage.

In addition, since the assessment of the pretest and post test was conducted by the author himself, it is unavoidable that in this study, certain degree of subjectivity can be found. In fact, it would have been sort of objective if it had been decided by two or three examiner.

1.8 Significance to the Study

Adequate and reliable PNVR is a significant tool for legitimate election results it reduces the possibilities of rigging the elections through dummy votes.

Furthermore, PNVR is believed to enhance the democratic management of elections far beyond other registration mechanisms and could potentially reduce cost if well managed. Many studies have been conducted mainly focusing on the processes of citizens registration to the voter registers but little has been said about the effectiveness of PNVR in enhancing the voter's right. The findings of this study shows how PNVR can be used as a tool to enhance universal suffrage in Tanzania and support free and fair elections.

Such information is highly needed by policy makers, election management bodies, political parties and the judiciary in reforming various laws and policies that can enhance universal suffrage in Tanzania. This is especially true in view of the struggles that have been going on in the society to reduce complains from voters who are refused to vote due to different reasons related to faults in the PNVR. Furthermore, the study provides a broad picture on how to address the universal suffrage question in Tanzania.

Lastly, this study like many others intended to be an objective inquiry into this broad subject and thus, the findings provided the basis for other similar studies to be initiated. On the other hand, the findings of this study will serve as points of reference for comparative studies between the effectiveness of PNVR and other registration mechanisms in Tanzania and elsewhere.

1.9 Summary and Concluding Remarks

This chapter portrays background information about the study, statement of the problem, objectives and research questions. It has also provided with limitation of the study. The chapter ends with significance of the study explaining to why conducting this study was important.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter provides definition of the main concepts and theoretical framework of the problem under study. Also it critically analyses the literature review of Universal suffrage and PNVR basing on the experiences from other countries in regard to the right to vote as provided by other researchers.

2.2 Definition of the Key Terms

2.2.1 Permanent National Voter's Register (PNVR)

Means a glorified technical and administrative structure designed to collect, manipulate, store, maintain and retrieve data, which can process the information to produce various voters' lists and reports required in the management of election activities (TEMCO, 2005).³

2.2.2 Universal Suffrage

Means the right to vote in political elections or Suffrage for all persons over a certain age, usually 18 or 21, who in other respects satisfy the requirements established by law (Dictionary.com).

2.2.3 Effectiveness

According to this study effectiveness means the degree to which something is successful in producing a desired result (oxford 1998) (that mean the degree to which PNVR is successfully to enhance universal suffrage)

2.3 Literature Review

This part of literature focuses on discussing how universal suffrage in Mainland Tanzania is being enhanced by the use of PNVR. The PNVR helps in the voting process during elections. The loopholes in the PNRV have brought problems and because these problems have been ignored the register could not enhance the right to

³Report of Tanzania Election Monitoring Committee volume 1

vote. A reliable PNVR makes the election process efficient and gives easy accountability to the people while according them an opportunity to make comments on the election results. This situation can make the Electoral Commission accountable with no excuses caused by unreliable PNVR.

Recently, development in the administration of democracy in many parts of the world, have proven the use of PNVR to be the best mechanism in administration of democracy, peace and security within the society which guarantee the right to vote. The traditional system always tried to put all the election decisions in the hands of the leaders by allowing clan leaders to choose their sons and relatives to be the leaders compared to modern systems of winner takes it all. The systems have proved to be successful in bringing societies harmony peace and justice. There are noteworthy examples around the world on the usefulness of permanent national voter's register which was depicted in some countries to wit (Msekwa, 2006).

TACCEO (2010)⁴ explained about the establishment of the PNVR in Tanzania and how it came into force. It started from 2005 general election to 2010 general election. The report also discussed the challenges that emerged after PNVR came into force. These included erred PNRV causing mix-up of names (first, middle and sir name), deceased or disqualified voter were included the register the names on the voter identity card did not match with the names in the register all these voters were denied their right to vote. Some voters who were still alive found their names listed among the deceased denying them their right to vote.

Moreover, delayed display of the PNVR list on the polling station which was supposed to be done 7days before the voting day so that voters could deal with the PNVR error of missing names mix-up names to consequently allow eligible voters the right to elect their leaders these was not the case The errors ruled the day and denied most voters their right to vote. Another major problem was of contradicting number of voters in the PNVR and the constituents the list of voters displayed by NEC differed with that used by the returning officers causing the officers to report to

⁴TACCEO 2010 General Observer Report pg 27-35

different figures for the registered voters for presidential candidate and those for parliamentary candidate; dysfunctional PNVR on the website where voters were encourage to cross check their names on the web page (www.nec.go.tz), unfortunately the website was either unable to hold many subscribers at the time or had other technical problems that denied access and opportunity to verify names so, many who could not access their name concluded that they were not registered and didn't bother going to the polling station hence denial of right to vote due to unreliable PNVR (TACCEO:2010)⁵.

A.S Norman, et.al's (2006)⁶ discussion focuses on technological advancement in administering registration of voters, He traced the management of elections during colonialism, after independence through 1990s, and his discussion did not go beyond the time of reintroduction of multiparty democracy in 1992. The paper provides the merits that PNVR has brought over the thumb practice. Such as it reduced the huge expenses cost incurred during registration process done under the manual system. The paper tries to reduce workload and time spent for registration exercise by the people. He proposed that the register can be updated more easily than when it was a manually compiled register. NEC was able to compile a permanent electronic register that was easily updated on a continual basis.

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. However, the paper did not touch the extent to which PNVR reached the desired goal. Again, the researcher focused only on the advantages of PNVR, they did not explain the disadvantages of its use on universal suffrage as the purported aim of this research which explains the advantages and how PNVR can hinder the realization of the right to vote of the voters.

⁵Report on election observation 2010 page 29-31).

⁶Evolution of election Management in Tanzania

TEMCO(2005)⁷ defines PVNR as a glorified technical and administrative structure designed to collect, manipulate, store, maintain and retrieve data, which can process the information to produce various voters lists and reports required in the management of election activities. This report also reveals the problems which occurred in 1995 when the first multipart general election which led the government to decide on the introduction of PNVR in the coming election of 2000. But yet till that year the government failed to introduce PNVR. The PNVR started to be effectively used in the election of 2005. This report also discusses some challenges facing PNVR soon after its introduction. Furthermore, this report discussed the challenges that PNVR faced after its introduction because the researcher said, even though there are good reason as to why it was introduced, there are still many complaints from the voters. This paper also reveals more challenges facing PNVR and provides more possible solutions to overcome those challenges facing PNVR so as to meet its expectations.

Kawishe (2011)⁸ explained the establishment and the update of the PNVR. After 2005 General Election, NEC updated the PNVR two times; in 2007/2008 and 2009/2010. The updating of the PNVR covers the followings; one was to register new eligible voters who have attained the age of eighteen years or have qualified for registration as voters according to the electoral laws, two, was to remove the names of dead persons or persons who are no longer eligible according to the law from the register of voters. Three was to rectify any inaccurate information regarding registered voters or people who request for their information. Four, was to rectify any discrepancies occurring in the register, five was, to post fresh information of voters who may have shifted from one constituency/ward to another constituency/ward and to give opportunity to the registered voters to inspect information contained in the register or information intended for updating. Despite all efforts done by Kawishe,

⁷Report of Tanzania Election monitoring Committee volume 1

⁸The electoral process in East Africa: “Tanzania’s perspective a paper presented by Mr. Emmanuel Kawishe at the Ninth Eamja Annual Conference and general meeting, 11th – 15th October, 2011, Imperial Resort Beach Hotel Entebbe, Uganda

the paper misses a discussion on whether this update was sufficient to help the people to get their right to vote and whether the update was done carefully so as to reduce the errors which can occur in the updating process as the aim of the discussion concentrated in this study.

The European Union 2010⁹ reported about what the observer witnessed during preparation of the election. It was reported that the update which was done before election was not proper. NEC spent a lot of time to updating the information in PNVR which was done during August 2007-December 2008 and October 2009-July 2010. The update did not occur simultaneously in the seven electoral zones. A six-day period was allocated to each zone but still six days was not enough for the update so a lot of voters lost their right to be registered in PNVR and thus led to lose their right to vote. Also this report revealed some of the challenges facing PNVR the voter registration system used Optical Mac Recognition (OMR) program. It was programmed to identify double registrations by comparing fingerprints, names and the dates of birth. After the last update, the voter register contained 256,000 double registrations detected by the OMR system. The two entries, the original and the double, were both wrongly deleted, creating a situation where a voter could hold a legally issued voter card without being on the permanent register resulting in the disenfranchisement of these voters' right to vote. Further, during the nomination of candidates, the NEC disputed a number of applications for the Union presidential and National Assembly elections when verifying the identity of candidates' supporters in the (PNVR). The NEC claimed it could not find these voters in the register.

The opposition parties claimed the rejected supporters were registered voters holding voter's cards delivered by NEC, this suggestion that the PNVR was inaccurate and did not include all voters who were in possession of a voter card. Despite the NEC promises of early delivery, a copy of the PNVR was distributed only two weeks

⁹This report was produced by the European Union Election Observation Mission to Tanzania 2010 and presents the Mission's findings on the 31 October 2010 general elections

before the Election Day to the political parties, thus not allowing enough time to verify its integrity. The controversy over the number of voters, the alleged missing voters on the PNVR and the late distribution of the register to the political parties raised questions about the quality of the register and doubts about the transparency of the process. However, his paper did not discuss how to solve these challenges and this is what this research work discusses, while also showing how those challenges have greatly affected universal suffrage and provides for the recommendation to solve the update process and registration process.

Tanganyika Law Society (TLS) (2010)¹⁰ reported that PNVR was not yet fully complete and was laden with issues, including missing some of the names of voters, improper documentation of names of voters, and inconsistencies in voter constituency information. All these issues served to either prevent voters from casting their vote, or delay the voting process, hence frustrating voters. Also the PNVR could be reviewed in greater detail, and the process of changing information contained within the PNVR should be extended so that all citizens are given a wider opportunity to update their information. The TLS recommended that the PNVR should be updated on a continuous basis over the course of the next five years so that the PNVR is complete for the 2015 elections. Furthermore, the NEC should allow voters more than one week to correct mistakes contained in the PNVR the list should be issued months in advance of the 2015 election so that all voters are given more time to verify the information.. The timeframe of one week has proved grossly inadequate and has significantly contributed to the unusually low voter turnout. Again, the TLS report misses directions on how the PNVR could be effective in ensuring the right to vote and that is what this work intends to discuss.

2.4 Universal Suffrage

Mean the right to vote in political elections OR Suffrage for all persons over a certain age, usually 18 or 21, who in other respects satisfy the requirements established by law (Dunn, 2005).

¹⁰Report on Election Observation 2010

Norman et.al (2006)¹¹ provided a historical background of universal suffrage in Tanzania before colonialism and after colonialism and after independence this article went further to discuss how universal suffrage was being done until the government decided that it was important to establish PNVR so as to enhance support for the Universal suffrage. Furthermore what is missing in this report is the measurement of how many people enjoy universal suffrage and why it seems to be important to establish the PNVR to enforce suffrage and not without PNVR? And this study is meant to cure these gaps.

Adam (2005)¹² discussed about the different historical background of the universal suffrage in the world and the first countries to adopt suffrage in the first modern democracies. Adam revealed that the vote was restricted to those having adequate property and wealth, which almost always meant a minority of the male population. In some jurisdictions, other restrictions existed, restrictions of voters to a given religion. In all modern democracies the number of people who could vote increased gradually with time. The 19th century featured movements advocating "universal adult male suffrage" regardless of property requirements or other measures of wealth. In 1792 France was the first nation to recognize universal male suffrage system and abolish all property requirements for voting. This was during the revolutionary period, and the turmoil which then made this ineffective until 1848 when France and Switzerland continuously introduced universal male suffrage for resident male citizens, longer than any other countries. The German Empire had universal male suffrage from the beginning in 1871. New Zealand became the first nation in the world to achieve universal suffrage in 1893. (manin 1997)

In most countries, full universal suffrage – with the inclusion of women – followed universal *male* suffrage by about ten to twenty years. Notable exceptions were France, where women could not vote until 1945, Italy (1946), Belgium (1948) and Switzerland (1971) according to (Dunn 2005)

¹¹Evolution of Election Management in Tanzania

¹²Conquered of Granted? A history of suffrage extension

The democratic movement of the late 19th century, unifying liberals and social, particularly in northern Europe, used the slogan Equal and Common Suffrage. It is also worth mentioning that the United Nations (UN) included a provision of universal and equal suffrage in Article 21 (3) of the Universal Declaration of Human Rights (UDHR) of 1948, this made all countries that subscribed to the United Nations to include this in their laws and to enforce it of which Tanzania is part of the United Nations. What this paper is missing is how that different history of suffrage increased people's right to vote and what challenges they were facing due to the introduction of universal suffrage in those times. This study research discusses and provides for the better helpful solutions.

PNVR on Free and Fair Election

One of the criteria used to assess and evaluate any electoral system has to be free and fair. Fairness is an important factor in the consideration of the choice of electoral systems. According to the TEMCO report (2005) the assessment of an election to be free and fair focuses on the major election process such as preparation of PNVR, nomination of candidates, campaign, voting, vote counting and declaration of result. Therefore assessing whether an election was free and fair, is not the process that begins on the polling day but also it starts from the early stages of the election process. CETA Journal of (2009) provide the following condition to be observed for an election to be declared free and Fair

(i) Equal opportunities to all parties

Candidates and parties who are contesting in the election should be treated equally. In different places, sometimes people in the area do not allow opposing parties or candidates to campaign. As a result only one point of view from a ruling party is heard. In democratic elections all point of views from all parties must be given equal opportunity to be heard during political campaigns.

(ii) Free and Fair Campaigns

Campaigns are political meetings where candidates present their views, manifesto and programs. Potential voters are given a chance to ask questions to the candidates who are contesting for various posts. These views can be

heard or read from the electronic media such as radio, TV, video or internet. They can also be read in print media such as newspapers, posters, fliers and pamphlets. During campaigns the citizens hear many differing views to enable them to make informed choices on the Election Day. In a democratic state the government should allow freedom of expression. Candidates, parties and voters should not be intimidated, threatened, bribed or prevented from voting.

(iii) Campaigns focus on political and socio-economic issues

In every election, parties and candidates have political and socio-economic issues to address. They may focus on poor access to primary, secondary and tertiary education, economic crisis, inadequate health services, poor transport and communication network, low prices of agricultural products and excessive taxation, et cetera. Party candidates speak out on how they will solve social and economic problems their voters face, or how they intend to improve social services. Sometimes, campaigners focus on candidates' personalities and popularity and therefore allow their campaigns to be dominated by criticisms directed to their opponents, rather than dwelling on pertinent issues.

(iv) Equal access to the mass media

The mass media which include (radio, television, posters, newspapers, leaflets, banners, stickers & internet) influence the way people vote. In democratic elections all candidates and parties are supposed to have equal access to the media. The existing government or the party in power should not dominate the media or suppress the freedom of the press when it senses it is losing ground during election campaigns.

Moreover there are four basic principles of democratic elections which include;-

(a) Universal Voting

This is a condition which allows all citizens of the state who have legally met voting qualifications, to vote and be voted for, regardless of their sex, race, language, income, profession, education, religion or political beliefs. This condition is also known as universal suffrage.

(b) Equality of Voters

If the election is democratic, each voter carries one vote. This means that the votes should not be valued or counted according to property, income, education, religion, race, sex or political beliefs. In undemocratic states, for example South Africa during the apartheid regime; Africans' votes were counted under village basis, i.e. a total voting population of one village was counted as a single ballot.

(c) Secret Ballot

Secret ballot simply means voting secretly. This condition requires that the voting act should not be known by a third party. It should be a secret.

(d) Direct Elections

This is when the voters decide for themselves who their leaders will be. That action of casting a vote against or for a candidate means that the voters are directly electing their leader.

This, researcher observes that concepts of free and fair election may embrace registration and voting procedures or the outcome of voting, as it impacts on the seats gained by parties measured against the number of registered voters and votes received during election. The purpose of this study is to assess how the PNVR promotes free and fair election and not an overall assessment of election process. In this context of the use of PNVR, the concepts of free and fair are primarily assessed with respect to perception of disenfranchisement during voter registration and voting process in general.

National Election Act and Practice

The National Electoral Commission (NEC), was established in 1992 under article 74 (1) of the Constitution of United Republic of Tanzania of 1977. NEC is the only body which administers and supervises elections management for presidential, parliamentary, and local government election (councilor's elections) as provided in article 74 of the Constitution of United Republic of Tanzania, 1977, the Elections Act. No. 1 of 1985 and the Act No. 4 of 1979 both as amended, (Norman et.al 2011). Moreover NEC is required to be free, independent, transparent, principled,

accountable and credible to the public.¹³ According to the constitution of united republic of Tanzania article 74(6) and sections 4C of the National Election Act¹⁴ NEC responsibility includes:

- (a) To supervise and co-ordinate the registration of voters in presidential and parliamentary elections in the United Republic of Tanzania and councilors' election on Mainland Tanzania.
- (b) To supervise and co-ordinate the conduct of presidential and parliamentary elections in the United Republic of Tanzania and councilors' election on Mainland Tanzania;
- (c) To review the boundaries and demarcations ofwithin the United Republic of Tanzania into various constituencies for the purpose of parliamentary elections.
- (d) To declare women who have fulfilled all conditions, that they have been elected members of the Parliament or Councilors of Special seats.
- (e) To provide, co-ordinate and supervise persons involved in the provision of voter and education. and
- (f) To perform any other functions in accordance with a law enacted by the Parliament.

From these functions of National Electoral Commission, (NEC) which runs and controls Permanent National Voters Register, (PNVR) the study aims to find out how effective these function and are implemented and whether they enhance free and fair election that influence voters' the right to vote. .

In relation to this study, Article 5(2) of the Constitution vests the mandate to the National Election Act of lying down condition which may disqualify a person from the exercising his right to vote. Basing on that mandate, section 14(1) of the Act which sets out categories of persons who cannot be registered as voter including any person who has become a citizen of another country, other than Tanzania or a person

¹³ See the National Election commission (2006), the National electoral commission in the report of the 2005 presidential, Parliamentary and councilors Elections, 1.5 pg.3

¹⁴ See section 6 of the Electoral Laws (Miscellaneous Amendment)Act, (Act No.13/2004)

is of unsound mind or is detained as a criminal lunatic or it is detailed during the pleasure of the president.

Another category of persons who are restricted from registering as voters under that section are those in the death row or serving sentence of imprisonment exceeding a term of six months are disqualified from registering as voters. Under the provision of this Act or any other law in force relating to offences connected with any election. As in other many countries Tanzania as well, registration is among the prerequisites or requirement for any eligible voter. That means if one fails to register he cannot cast his vote during elections¹⁵. However, it is surprising how people registered in PNVR are denied of their right to vote. Similarly, the provisions of section 13(1) of the Act set another condition which has to be fulfilled for a voter to be able to cast his vote when such a person is shifted to another place. It states that,

“Person registered as a voter in any polling district shall be entitled to vote in any election in that polling district and every such person shall be entitled to vote at the polling stations allocated to him in such polling district”.

However, there are specific persons who have been exempted from the scope of this section, which means that they are allowed to cast their votes in another polling station other than that allocated to them or even if they are not registered as voters in that polling district. These persons are explained in section 13(4) and (5) as follows:

“The Director of Elections or any person authorized in that behalf of the Director of the Elections may by certificates, under his hand, authorize a registered voter who is a candidate at an election constituency, to vote at the election in that constituency at the polling station as specified in such certificates whether or not that person is registered as a voter in that polling district”

“Where a voter registered in any polling district is employed as Registration officer, presiding officer, police officer or in any official capacity at the polling stations in such polling station allocated to him , The Director of Elections or any person authorized in that behalf of the Director of the

¹⁵ Section 17(1), 42(1) and (2) of the National Election Act

Elections may by certificates, under his hand, authorize the voter to vote at any polling stations in such polling district, and that polling station shall be deemed to be the polling station allocated to such voter”

From sections 13(4) and (5) as cited above, it is clear that the exception provided does not cover other persons who are registered in PNVR, like those who failed to be present at their respective polling station due to business, work and study leave. These people reside within the country putting aside those who are in Diaspora for business, work and study as well. This omission in the Act is a limitation as it fails to address the most compelling problem of denying a large number of eligible voters registered in PNVR from the casting their vote during different general elections. The omission as well fails to cover all possible situations that could be half different categories of citizens making it impossible for them to cast their vote on the polling day, the practice which denies them the right to participate in affairs of the public. For example people who are sick and administered in hospital, elders to mention but a few.

Therefore, while the right to vote and right to freedom to participate in public affairs are well embedded in the constitution which is the superior law, all is not well with the National Election Act. Majority of Tanzania citizens such as people living abroad, people with visual impairment and physical disabilities, imprisoned persons and persons not at the polling station at the polling day, the hospitalized, The homebound and most elderly persons have frequently and systematically been excluded from exercising their right to vote despite the fact they are constitutionally qualified to vote and they have been registered in PNVR.

One may wonder that Tanzania is maintaining its stance of not extending and guaranteeing universal suffrage to all citizens in its electoral laws, which most modern democracy countries are presently increasing and gradually with time the number of potential voters who were always excluded in the voting system.¹⁶ Tanzania, as the rest of the world, should broaden the context of universal suffrage

¹⁶ The Free Dictionary (20013) Universal suffrage

so as to cover all potential voters who are excluded and denied the right to vote. There should be expansion to all citizens irrespective of their differences and social status. What is important is, these people should be registered in PNVR and not disqualified by the law.

As observed from literature review above, despite of the presence of PNVR a number of hindrances have emerged which resulted in denial of right to vote to some eligible citizens. Therefore, the study reveals ways to overcome those obstacles.

In summary, the above reviewed studies indicate that there is still a knowledge gap regarding the contribution of PNVR to the free and fair election. We have seen that the majority of the reviewed studies were isolated actions that did not give a clear picture to those effective contributions brought by PNVR to enhance universal suffrage. The present study attempted to widen its scope in coverage by studying the impact of Permanent National Voters Register with inclusion of various stakeholders such as NEC officers, political parties and public at large.

2.5 Right to vote in the First and Third World Countries

Generally, the concepts of extending the right to vote to different categories of persons is crucial for enabling citizens to have an active role in the affairs of their government and to ensure the protection of other human right¹⁷. Voting is recognized as a fundamental right, and most reforms have been made in constitutions and various legislations to prevent exclusion of certain individuals from voting based on their race, previous servitude, class, gender or status.

However, the exclusion has been the order of the day in a number of countries. For instance, the denial of civil rights to the convicted offenders has an ancient origin. It is a product of the idea that commission of an offence divests a convicted person from enjoying legal rights¹⁸. Criminals who did not suffer death penalty would yet suffer civil death, an idea aimed to emulate the results which natural death would

¹⁷ Sun Kim and Frank C. Newman (2007), 'The Right to vote: Defining and Protecting an Essential Human Right,' pg. 1.

¹⁸ E.Coke (2006), Institutes of the Laws of England, Vol. I, No. 41 a.

produce, and thus succession would be opened. The civilly dead persons could not dispose upon intestacy or by will, or receive gifts. Essentially, all his family and political rights were forfeited¹⁹. The overseas voting right is mainly the question of principle, based on universality of the right to vote. The reasons for introducing it nevertheless differ according to the historical and political contexts of each Country. In most African countries the importance for adoption and design of overseas voting provisions was accentuated during the democratic transitions of the 1990s²⁰. As regards voting opportunities for person with disabilities, these have generally been complicated and cumbersome processes, resulting in their being overlooked from participating in the public elections²¹. Numbers of persons with disabilities in most countries still suffer exclusion from voting²².

However, this study has confined its discussion only to the political right to vote of persons with physical and visual impairment.

The following is a critical analysis which explains the election process which promotes the rights to vote in different jurisdictions apart from Tanzania. The electoral legal framework, case laws, development and practices of the selected countries of UK and Mozambique in the first and third world setting and the treatment of categories of people who are identified in this study as sidelined voters as follows;

¹⁹ M.R.Damaska(1968), 'diverse Legal Consequences of Conviction and their Removal: A Comparative Study,' Criminal Law, Criminology and police Science, Vol. 59, pg.351

²⁰ Andrew Ellis (2007), 'The history and politics of External Voting,' in the International IDEA Handbook, Voting from Abroad, pg.41 & 44.

²¹ Arizona Centre for Disability Law (2008), 'Voting Rights for Persons with Disabilities' in Protection and Arizona <[http:// www.azdisability law.org](http://www.azdisabilitylaw.org)>accessed on 29/04/2013.

²² Kay Schriener, et.al (1997), 'The Last Suffrage Movement : Voting Rights for Persons with Cognitive and Emotional Disabilites,' *Public: The Oxford Journal of Federalism*, University of Arkansas, Vol. 27, No.3 ,pp. 75-96.

2.5.1 United Kingdom

The United Kingdom (U.K) is a monarchy government which does not have a written constitution. Its body of law is based on statute, common law and tradition rights (practice). U.K is among the European countries which are ranked higher in the contested history of democracy. As in other countries, the evolution of the franchise in U.K was highly contested with larger struggles for power²³. But today, all British citizens over the age of eighteen share a fundamental human right, including the right to vote and to have a voice in the democratic process. However, this right is the result of a hard struggle. The suffrage campaigners of the 18th and early 20th centuries struggled against opposition from both parliament and the general public to eventually gain the vote for the entire British population in 1928²⁴. This voting opportunity was slowly changed over the course of the 19th and 20th centuries through the Parliamentary Franchise in the United Kingdom, 1885-1918 to allow universal suffrage. The entire process led to number of Reform Acts which brought about some order by amending franchises in a uniform manner. The amendments were done in the Reform Act, 1832, the Reform Act, 1867 and the Representation of People Act, 1884²⁵.

In U.K, overseas voting started with the political demand from a voice of those in war. The demand led to the introduction of absentee voting for military personnel in the 1918 which were conducted by proxy. Similarly, in 1945 the postal voting was introduced but it was only restricted for military personnel, merchant seamen and others working overseas on matters of national importance. For the first time, it took place with a three –week delay between domestic polling and counting to allow for ballot papers to be returned (Ellis, 2007).

²³ Alexander Keyssar (2000), *The right to vote: The Contested History of Democracy in the United States*, XV-116, New York: Basic Books.

²⁴ British library, *The Campaign for suffrage – A Historical Background*, in the *Citizenship: Dreamers & Dissenters* © The British Library Board <http://www.bl.uk/learning/histcizens/21cc/struggle/html> accessed on 04/03/2013.

²⁵ Neal Blewett (1965), 'The Franchise in the United Kingdom 1885-1918', *Oxford Journal, Humanities: Past and Present*, Vol.32, No 1, pp.27-56.

In the 1980s, the government saw the importance of introducing the general enfranchisement of British citizens living overseas. The law was enacted but it extended the maximum period of overseas residences from five years to twenty five years. This is the position to date, if British citizens living abroad were registered to vote in the UK within the past fifteen years, such citizens keep the right to vote in general elections and European Union elections for up to fifteen years. However, he cannot vote in UK local government elections of the factor of overseas residence. As a matter of procedure, he is simply required to apply to be an overseas voter and then vote by post or proxy²⁶.

There is also a special procedure for people who live in the UK but move abroad temporarily on the polling day, or they are within the country but not at the polling district where they were registered. For instance if they are on holiday or have travelled on duty or on business, they can as well vote by post or proxy. However, this right of voting from abroad is available only for those who have registered to vote in the UK [*emphasis supplied*]²⁷. As for persons with disabilities, they do not presently suffer any denial when exercising their right to vote in UK. This fact is settled in the provisions of sections 18B (4) (b), (c) and 18D (1) (d) and (2) (b) of the UK Electoral Administration Act, 2006.

Apart from the important developments in the legal framework through various amendments made in the UK, case law is another area which has also contributed much in extending the right to vote. However, most decided cases are focusing on the voting right of the convicted persons who were previously not allowed to vote.

In 2004 the European Court of Human Rights (ECHR) in *Hirst v. United Kingdom* (No.2)²⁸, overruled section 3(1) of the Representation of the People Act 1983 which was providing that, a convicted person who was detained in a penal institution in pursuance of his sentence he was legally incapable of voting at any parliamentary or

²⁶ Directory government citizens and rights voting from abroad <http://www.direct.gov.uk/en/Governmentcitizensandrights/UKgovernment/Politicalparticesandelectio ns/DG-073241>, Accessed on 13/04/2013

²⁷ Ibid

²⁸ 74025/01 ECHR 2004

local government election during that time. The ECHR challenged the validity of that existing legal framework on the disenfranchisement which radically altered the position²⁹.

The issue in the *Hirst* case, was the interpretation of Article 3 of the Protocol to the European Convention of Human Rights, 1952³⁰ which states the High contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure free expression of the opinion of the People in the choice of the legislature³¹.

In the first instance, the domestic court held that the effect of Article 3 of the Protocol was that, if a prisoner was to be disenfranchised, it should be in the pursuit of a legitimate aim which was best left to the legislature. When the matter proceeded to the ECHR, it agreed that the right to vote was subject to exceptions that were imposed in pursuit of a legitimate aim, but held that the English disenfranchisement provision violated Article 3³².

The Court further noted that, the UK had asserted two aims in the legislation. The first is to prevent crime and punish offenders and the second is to enhance civil responsibility and respect for the rule of law by depriving those who have seriously breached the basic rules of society of the right to have a say in the way such rules are made for the duration of their sentence³³.

In the second object in the *Hirst* case, the court followed the same reasoning made by the Canadian Supreme Court in *Sauvé's. Canada (Chief Electoral Officer)*³⁴ in its first objective where it argued that, the legitimacy of the law and the obligation to

²⁹ Government and citizens right

³⁰ Signed by States Members of the Council of Europe, at Paris, on 20/3/1952 and entered into force on 18/5/1954

³¹ *ibid*

³² *Hirst v. Attorney General* [2001] EWHC Admin 239, para. 40

³³ *Ibid* at para. 42

³⁴ [2002] 3 SCR 519

obey the law flow directly from the right of every citizen to vote. It further argued that, to deny prisoners the right to vote is to lose an important means of teaching them democratic values and social responsibility³⁵.

As to the object of punishment and deterrence, the ECHR again favored the judgment of the *Sauve*' case because it found no evidence in support of the proposition that disenfranchisement deters crimes and that a blanket removal of the voting right from prisoners discloses no rational link between the punishment and the offender. The ECHR conceded that the legislature might legitimately remove the vote in respect of particular offences, or might give sentencing court discretion to deprive a convict of his right to vote in certain circumstances, but found that an absolute bar on serving prisoners violated Article 3³⁶

2.5.2 Mozambique

Mozambique is another democratic state which adopted a democratic Constitution in 1990. The Constitution of the Republic of Mozambique, 1990³⁷ has an extensive Bill of rights and mechanisms for ensuring a constitutional government. Mozambique is among few African countries which promote and protect universal adult suffrage which protect and promote the right to vote. Within this context, every adult Mozambican citizen including those living abroad is entitled to cast his vote not only for the representatives to the parliament³⁸ but also in presidential elections. The Mozambique citizens living abroad can exercise their right to vote in their countries of residence. It is also important to note that, based on the provisions of the constitution which guarantees the right to vote to overseas, its realizations has necessitated the Mozambican legal framework on elections to undergo various reforms.

³⁵ Ibid at para.26, 42, 43, 46.

³⁶ Ibid., at para.45

³⁷ As revised in 2013

³⁸ Commonly referred to as the Assembly of the Republic

Various laws have been amended or enacted in order to supplement the voting right guaranteed in the constitution. For instance, the Voter Registration Law emphasizes that every Mozambican citizens including those living abroad has the right to register as a voter and can vote. Notwithstanding all efforts made to make sure that their citizens living abroad retain that voting right, its exercise has been always depending on other factors. These include the requirements provided in the electoral laws that the voting right can be exercised only if and when the National Electoral Commission (NEC) has considered it possible to conduct overseas voting³⁹.

The Mozambique Electoral Law, 2002⁴⁰ provides for the institutionalization of systematic electoral registration for elections and referendums in Mozambique. Article 9 provides for the procedure of registration of votes which can be conducted both within the national territory and abroad. It also provides that the geographical boundaries and locations for electoral registration abroad are at diplomatic or consular missions.

This law also subjects the right to vote to other factors because it provides that the electoral registration abroad can be carried out only if the NEC considers that, the necessary material conditions and control, review and inspection mechanism are in place in all regions (Nanitelamio, 2007).

Similarly, Article 10 of the General Elections Laws, 2004⁴¹ provides that Mozambican citizens registered abroad are eligible to participate I elections. Article 11 further states that, the registered citizens living abroad can cast their vote at the respective diplomatic or consular mission of the Republic of Mozambique. As in the previous laws, this law provides likewise, that for the electoral acts to take place abroad the NEC has to verify and confirm that the necessary conditions with regards to the material conditions and control, review and inspection mechanisms are in a

³⁹ Ibid

⁴⁰ No. 18/2002

⁴¹ Law No.7/2004

place in the regions constituting the electoral districts of Mozambique communities abroad (Nanitelamio, 2007).

As analyzed above, since 1990 the constitution of Mozambique had provisions which guarantee overseas voting right for the Mozambique citizens living abroad and it is legislated in various pieces of electoral laws, but it did not take place until the general elections held in December 2004. The electoral registrations operation took place for two days in the countries; seven in Africa and two in Europe. The countries included Tanzania, Kenya, Malawi, South Africa, Swaziland, Zambia, Zimbabwe, Germany and Portugal. The main reason for choosing those countries where overseas registration took place was the anticipation of the existence in that country of a minimum of 1000 legally registered Mozambican citizens⁴².

There was a special operation for external registration and voting in South Africa as it was extended to the mining sites where most of the migrants Mozambican citizens are concentrated. But in other eight countries the operations were limited to the vicinity of Mozambican diplomatic and consular missions. The same voting requirement and procedures that applied in the national territory were applied for the overseas voting.

The right to vote was exercised in person at the polling station where the voter was registered. No postal or remote voting was allowed. For voters to cast their voters their names had to be included in the electoral register. Before announcing the overseas voting results publicly, the Constitutional Council approved them together with the in country results⁴³. There was an argument against overseas voting in 2004 election, justifying that, there is a small number of registered voters abroad. However, their high turnout confines med overseas citizens' eagerness to take part in the politics of their country by electing their representatives⁴⁴. This factual situation

⁴² *ibid*

⁴³ *Ibid*, pg 62

⁴⁴ Turnout was 57 percent in Africa and 64 percent in the rest of the World as compared to 36 percent in the country, Mozambique.

emphasized the magnitude of the problem the country is causing by denying the Mozambican citizens living outside their country the right to vote in national elections.

As it is advised that, the Tanzania general National Election Committee should adapt Mozambique's system of voting for further participation of Tanzanians voters.

2.6 Global Development regarding Extending the Right to Vote

In general, formal constitutional or statutory recognition of a citizen's right to vote is common to democratic countries which play both a substantive and confidence-building role. However, international practice seems to be evolving towards fewer permissible restrictions on the right to vote⁴⁵. Historically, the two greatest grounds for exclusion from the right to vote were gender and ethnicity⁴⁶

The trend has now changed as this right is often subjected to requirements. Countries differ in the details of who can and cannot vote. Depending on each country, the requirements include age, intellectual ability or mental illnesses, citizenship, residence or possession of property. Similarly, where a citizen is incarcerated or criminally convicted of certain offences or he is a long past political criminal his right to vote can be removed or restricted⁴⁷.

However, the legitimacy of such a disqualification which ends up in the denial of voting rights is now open to question. In recent years, the underlying idea that all can cast a vote, based ideas of universal suffrage has changed. This view has been the norm in the Western democracies since the 1920s. In earlier times, the right to equal treatment, and thus the right to vote, was granted by decision makers to those

⁴⁵ International Institute for Democracy and Electoral Assistance IDEA(2002), 'International Electoral Standards, ' in the Guidelines for Reviewing the legal Framework of Electrons, Bulls Tryckeri, Halmstad,Sweedn,pg.33,<http://www.idea.int/publications/ies/>accessed on 05/04/2013

⁴⁶ See History of the Vote, The Right to vote, Votes for Women and election Day through the years,<http://www.electrons.org.nz/study/teacher/elect/elect-franchise.html>accessed on 18/03/2013.

⁴⁷ International Institute for Democracy and Electoral Assistance IDEA(2002), 'International Electoral Standards, ' in the Guidelines for Reviewing the legal Framework of Electrons, Bulls Tryckeri, Halmstad,Sweedn,pg.33,<http://www.idea.int/publications/ies/>accessed on 04/05/2013

deemed to be of equal status to themselves, rather than to all people. It has always been hard for those seeking it to be given the vote because the decision would be made by those already had it and may not wish to see their influence diluted⁴⁸.

It is argued that the rights to vote should be extended to other group of persons who are presently excluded are mainly based on the ideas of equal rights as there is no real difference between those who can vote and those who should be allowed to vote, there are two core strands to the arguments. One is that, those who are not currently enfranchised have equal ability as those who can vote to participate in self governance, to make informed decisions and to understand election. More recently, arguments have emphasized equal right under universal civil and political rights. Universal suffrage now exists across the developed democracies and in the developing democracies⁴⁹.

Even seemingly simple and clear, access to the voting is also as important as substantive rights, because a right which cannot be exercised is a right denied, For example, where a voter has a disability and he is not provided with accessible voting facilities or where the identification of such a voter at the polling station is overly complex, this effectively deprives him of the right to vote⁵⁰. One set of common arguments for exclusion echoes historic arguments about the extension of the franchise, where the core concern relates to acceptance of an entire category of people really having the capacity to participate as informed voters. The other common arguments relate to whether people really have a connection to society, and whether they have a stake in the country and therefore should have a voice in decision making⁵¹.

⁴⁸ Ibid

⁴⁹ Alexander Keyssar, 'the Right to vote: The Contested History of Democracy in the United States of America, ' pg. 223.

⁵⁰ Ibid

⁵¹ ibid

Similarly, some countries place other temporally or permanent voting restrictions on individuals who are currently living abroad, mentally disabled, person not at the polling station or prisoners who have been or are incarcerated, causing distressing numbers of individuals to be excluded from the civil process⁵².

2.7 Domestication of Key International and Regional Instruments in Tanzania

Tanzania is among the UN and African Union (AU) member state that have ratified the ICCPR⁵³ and the Banjul Charter⁵⁴ respectively and signed the Conventions on the Right of Persons with Disability (CRPWD)⁵⁵. As indicated in foregoing discussion, for any international and regional treaty to be binding to Tanzania country, some countries inclusive Tanzania should practically undergo two processes. Firstly, it has to domesticate and incorporate the contents of that treaty into the municipal law through an Act of Parliament⁵⁶ so as to give it force. The government of Tanzania has ratified, acceded and/ or signed some of the aforesaid international and regional treaties, but it has not domesticated them (Mapunda, 2003). Thus, with that attitude it cannot be considered that the international influence has played an important part in the development of the Tanzanian electoral legal framework particularly on the voting right. This fact is substantiated by the existing practices which show how voting rights of some persons have continued to be restricted by procedural means and operations of the International law.

The analysis of the Universal Declaration of Human Rights (UDHR) has indicated how Article 21 is emphasizing on the importance of every eligible citizen to contribute to the election of his government by exercising his voting right without

⁵² Dahl, Robert, 'polyarchy: Participation and Opposition, 'pg.1.

⁵³ Acceded on 03/04/2013

⁵⁴ Ratified on 18/02/1984

⁵⁵ Signed on 30/03/2007

⁵⁶ Referred to as 'Implementation Act 'which is legislation used to incorporate treaties in municipal law. See B.T. Mapunda(2003), ' Treaty Making and Incorporation in Tanzania, 'Eastern Africa Law Review, Volume 28-30, pg. 160.

prejudice. Although the UDHR does not need ratification or accession, its influence has been substantial. It has created international human rights standards and principles that are codified in various international treaties and incorporated into the constitutions of many countries.

Whilst the UDHR is not a legally binding document, it has universal aspirations and has achieved the status of customary international law because people regard it as a common standards of achievement for all people and all nations, and thereby eventually becomes binding in character to all UN member states including Tanzania as provided in the Vienna Convention on the Law of Treaties, 1969.

Articles 10(3) and 25 provide for the importance of Universal suffrage including prisoners. Tanzania has acceded to the ICCPR but it is using the dualistic system which requires that after becoming a party to the treaty, to domesticate it by incorporating the provisions of the same into the domestic law through an Act of Parliament. However, the findings have revealed that although some of the ICCPR's contents are reflected in the Constitution and other statutory laws including the National Elections Acts, they cannot automatically apply in the country because the governments need to domesticate and incorporate them into municipal law in its form through the Implementation Act.

The study reveals how the introduction of Permanent national voters register(PNVR) has enhanced the implementation of UDHR as article 21 emphasize on importance of every eligible person to contribute to the election of his/her right by exercising his/her voting rights without prejudice.

2.8 Conceptual Framework

Free and fair election means that voters have a choice among candidates and that they have a right to information concerning those candidates' platforms, elections are open to all people without discrimination based on sex, race or ethnicity, and are unrestricted by government coercion and interference. Moreover, they create the underpinning for greater domestic investment and less capital flight. The right to free

and fair elections should be guaranteed by appropriate constitutional or legal safeguards. Only with honest elections the governments can be held accountable to their citizens. Voters should be able to participate freely in the political process, whether through political parties or civic organizations. When election is done openly freely without any environment of corruption this increases people beliefs on the election body and this led to more people to use their right to vote (LHRC 2012)⁵⁷

Transparency means that everything must be done openly without any bureaucracies. Transparent is important so as to increase people awareness which allow voters to use well their right to vote. Generally transparency, as well as free and fair election helps to increase awareness to the voters on universal suffrage.

Regular updating of PNVR can determine universal suffrage. Regular updating of PNVR removes people who have died, also it will include people who have reached the age of voting at that time also it solve the problem of lost IDs. Updating PNVR gives opportunity for eligible voters to update their information for example, now update is done for a period of three years but its better do be done in every after six months after the last update.

Voters' education ⁵⁸ means "Dissemination of information relating to electoral processes and procedures". It is thus a legally procedure thus a legally regulated process. Looking at Tanzania where voting is done by way of casting a secret ballot paper for ones candidate of choice in the ballot box, it is imperative to see that voters receive adequate information on procedure and process to be able to make informed choices through the ballot box. The Act⁵⁹ gives mandate to the commission where it states that; "the commission shall be responsible for providing voters education throughout the country and shall coordinate and supervise the person who conduct such education". If the government is willing to supporting PNVR, it has to make

⁵⁷ Mwongozo kwa madiwani Kuhusu haki za Binadamu, katiba, sheria za kazi, rushwa na utawala bora

⁵⁸ Section 2 of the national election Act

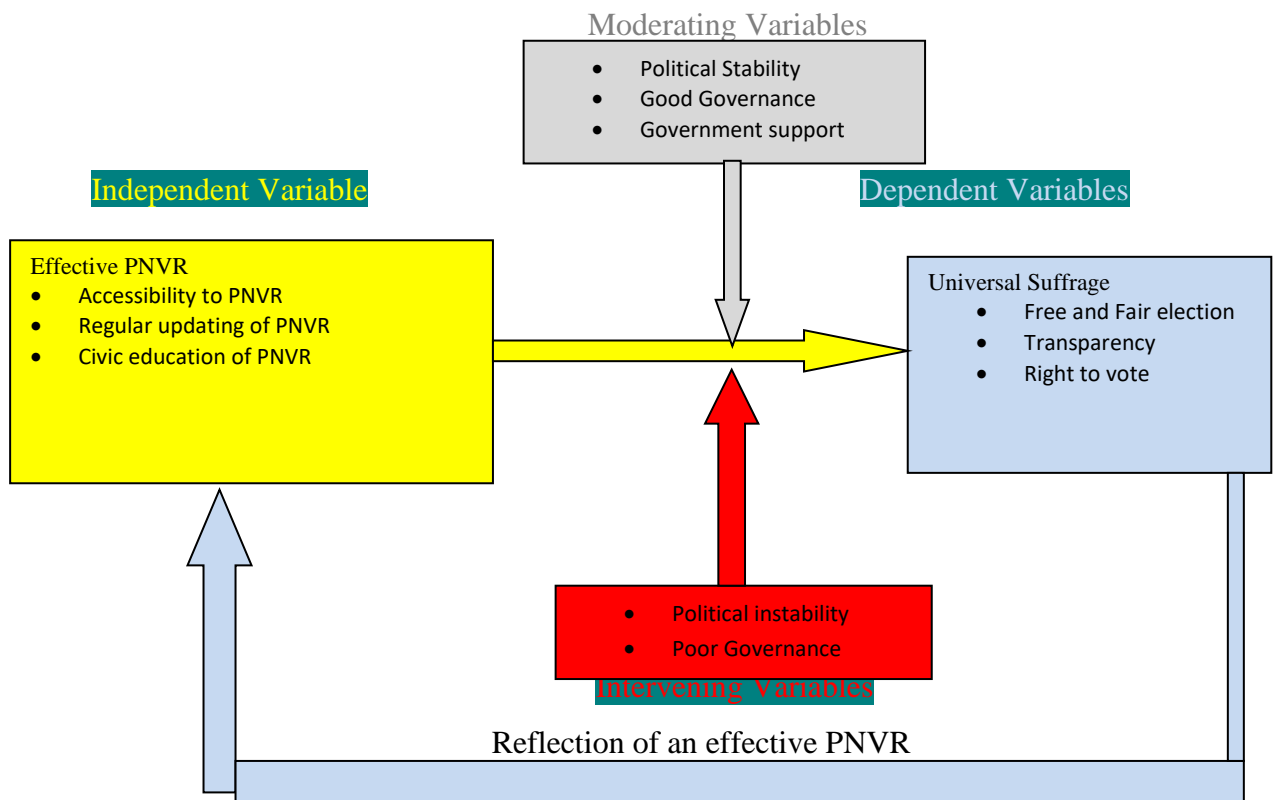
⁵⁹ Section 2 of the national election Act

sure that people get education on the use of the PNVR, help more people to registrar and hence increase in suffrage.

Moreover efficient and effective PNVR which is based on regular updated and people get electoral education will help to increase people to universal suffrage (TEMCO 2005).

However even a political stability in which guaranteed peace and harmony in the society this helps to increase to universal suffrage this is due to the reason that people may ensure that they may have go to vote and return to home safely and waiting to the expected results. Not only that but also the accessibility of PNVR helps to universal suffrage this can be elaborated as it is in the following conceptual framework

Figure 2.1: Relationship between PNVR and Universal Suffrage



Source: Constructed by Researcher, 2013

2.9 Summary and Concluding Remarks

The prevailing chapter presents a general picture of PNVR, universal suffrage free and fair election and right to vote. Both general and specific reviews reveal that, there is no precise work that has been conducted to analyze how PNVR has been effective in enhancing free and fair election that promote right to vote; to what extend PNVR enhances universal suffrage and the challenges to maintain effective PNVR. This study also attempts to fill these gaps by showing other jurisdiction electoral system and management of the system that at least accommodate all eligible voters to exercise the right to vote and the comparative drawn from UK and Mozambique countries.

The chapter examines literature review presenting theoretical part, empirical part, conceptual framework and hypotheses. It will elaborate terms and concepts used in study and how these concepts have been defined by various authors.

CHAPTER THREE

RESEARCH METHODOLOGY

3.0 Introduction

This chapter is presenting the discussion of research methodologies which have been used in the study. It explains the research approach which was used and it also tells the reasons for selecting some methods of data collection and analysis.

3.1 Research Design

The research design that have been used as guide to the researcher in this study is exploratory in nature and this is because this research design involves reviewing literatures, generating new ideas, increasing the researcher's familiarity with the research problem and interviewing experienced persons in the area of study.

This kind of research design investigates into a problem or by providing sights to the researcher. This research is meant to provide details where a small amount of information exists. It has used a variety of methods such as trial studies, interviews, group discussions, experiments, or other tactics for the purpose of gaining information.(Creswell; 2005). Exploratory research is also carried out when little is known about the topic and previous theories are not so explicit to the topic of study. Exploratory research clarifies problems, gathers data and creates initial theories about subjects and variables under study. The primary point of exploratory research is to give researchers pertinent information and help them to form initial theories and outcomes about the subject (Creswell; 2005).

This research employs a case study approach in the selected area which is Ubungo Constituency where PNVR was used. This research design has exposed the researcher to the reality on what currently exists in the study area as a basis of collecting rich information.

3.2 Study Area

This study was conducted in Dar es Salaam region, at Ubungo Constituency. This constituency was selected due to the fact that it's among Tanzanians constituency where by its people were registered before participating in 2005 Tanzania general election. Mean while, researcher lives in Dar es Salaam which makes it appropriate to reach the correspondents easily. Ubungo constituency is divided into two basic division which are which are Kibamba and Magomeni, . Ubungo constituency has four wards, two in each division; these are Magomeni, Sinza, Kijitonyama and Makumbusho. Street in Ubungo are national housing street, University of Dar es salaam street, Sinza A street, and Sinza B street, Mpakani B street, Mwenge street, Nsanza street Makumbusho street and Mchangani street.

3.3 Study Population

Population is the totality of objects under investigation its noted that in the research point of view population is not only applicable to Human being but also to any case of interest in the study (Kamuzora 2008). The targeted population for this study were constitutes Political parties participate in 2010 election in Ubungo Constituency. These are Chama cha Demokrasia na Maendeleo (CHADEMA), Chama Cha Mapinduzi (CCM), United Democratic Party (UDP), National Convention for Construction and Reform (NCCR) Mageuzi, NEC National, NEC division, Ward Executive Officer (WEO), Village Executive officer (VEO), Village chairman's and ordinary villagers . These were chosen so as interview their experiences are shared with the researcher on how PNVR enhance right to vote in Mainland Tanzania.

In the this study area Ubungo Constituencies which have two division namely Magomeni and Kibamba the study have interviewed NEC officers in constituency which comprises of two 2 officers division. The study had also interviewed one (1) NEC national official, not only that but also questioned respondents from all wards in Ubungo constituency which are Sinza, Magomeni, Kijitonyama and Makumbusho.

Moreover in each ward the study concentrated in interviewing two street in Ubungo the researchor had interviewed in National Housing and University of Dare s

salaam street, in Sinza, Sinza A and Sinza B In Kijitonyama Mpakani B and Mwenge Nsanza in Makumbusho, Makumbusho and Mchangani which amount to eight(8) street in every street the researcher interviewed village chairman and VEO which amount to 16 leaders in addition to that the researcher interviewed 5 ordinary citizen in each street which amount to 40 people and lastly but not least political parties participate in the voting in constituency which amount to eight(8) political party. So generally researcher have used sample of 80 people as summarized in the table 1 below.

Table 3.4: Population Distribution

S/N	Department	Number of respondent	Percentage	Sampling technique
1	NEC National	1	1.25%	Purposive
2	NEC Constituency	2	3%	Purposive
3	Political Parties	8	10%	Purposive
4	Ward Levels	4	5%	purposive
5	Street Level	16	20%	random
6	Normal citizens in 8 street	49	61.25%	Random
7	Total	80	100%	

Source: Research finding, 2013

3.4 Sample size and Sampling Techniques

Simple random sampling technique and purposive sampling have been used to select the sample size among the respondents. In total 56 respondents were drawn randomly from Normal Citizens and Street Level having Using PNVR. Purposive sampling have been used to obtain 15 respondents from NEC national office, NEC constituency, Political parties and Ward Level .Purposive sampling employs the

merit of respondent by virtual of their positions. Citizens were picked randomly, thus is to say random sampling technique was used.

3.5 Methods and Tools for Data Collection

The under listed methods were used for data collection in this study.

3.5.1 Interview Method

This method was used by the researcher through using either telephone or face to face contacts depending on the situation at hand. The method used to collect data from the respondent at NEC National, NEC constituency, Political parties' leaders, village leaders and to respondents who did not have enough time to fill in the questionnaires. The method was also used because it proved in-depth and detailed information relevant for the study.

3.6 Type of Data Collection

3.6.1 Primary Data Collection

This involves direct data from respondents through questionnaires and semi-structured interviews. Primary data were obtained from NEC respondents, Political Parties, Ward leaders and aggrieved parties who have faces challenges of PNVR.

This type of data provides an insight into the understanding of PNVR laws in relation to improvement in Universal suffrage.

3.6.2 Secondary Data Collection

Secondary data were collected from documentary reviews which provide challenges facing PNVR from TEMCO election reports of 2005 and 2010, TACCEO report on election observation 2010, TLS report on election Observation 2010, LHRC report on election observation 2010, NEC report on election et cetera. These founded data were used to verify the findings based on primary data.

3.7 Data Analysis

The challenges faces PNVR were analyzed by using simple statistics such as percentage, mode, median, range and deviations.

The researcher used the qualitative method of data collection in the study process. Qualitative methods are ways of collecting data which are concerned with describing meaning, rather than with drawing statistical inferences and what qualitative methods for instance, interviews lose on reliability they gain it in terms of validity since they provide a more in depth and rich description.

Qualitative data can be arranged into categories that are not numerical. These categories can be physical traits, gender, colors or anything that does not have a number associated to it. Qualitative data is sometimes referred to as categorical data. The qualitative process of data analysis is an inductive one, in which the data is examined from a "bottom-up" approach (Creswell, 2005). The specific data is examined to identify more general themes that which are used to understand the meaning of the data. The collected have been analyzed through qualitative process of breaking up and separating, disassembling of research materials into pieces and the facts broken down into manageable pieces, through;

Coding: The initial coding of data involved representing and noticing new things in the founded data and this means that there was a need to read the original data files again and it involves creation of coding scheme and coding data. This involved creation of coding scheme that best defined the themes that have been identified and provided a way to break up the data for further analysis. The codes were then used to identify the specific sections for instance, of the interview data that represents the category. The act of coding changed both the original data and researchers' relationship to the data. It led to revisions in coding scheme and the data were analyzed by noticing new things in the data through importing and numbering data files, coding data files and searching for coded segments in the data.

Making connections to the research questions; this involved describing and further developing the themes from the data to answer the major research questions. The themes identified were revisited with the major research questions as the lens for analysis of data and this applied to each research question and the data collected on it.

Interpreting findings; Once the data had been collected and coded, the data were then divided into themes. This was done by cutting up the interview data "blocks" and sorting them into each of the codes. This involved making multiple copies of the transcripts as data to be placed into more than one category and it was important always to keep the original information in its entirety. The data was then reviewed within the themes or categories, and an understanding of each theme is reached.

The researcher tentatively read and re-read the data collected and tape recorded, was listened several times and records were written down especially all the valid impressions. Furthermore, the researcher cross-checked questions, this was followed by categorizing information through coding and the data were analyzed into coherent categories. Those data were then identified in form of patterns and connections and interpreted all together by attaching meaning and significance to the data.

In conclusion, the study have deliberate comprised a considerable number of techniques and methods with the aim of coming out with accurate results that helped the study to achieve its objectives.

3.9 Summary and Concluding Remarks

This chapter has explained in detail the methodology of the study. The chapter has described the research design, area of study, study population and sampling techniques. It has also described methods of data collection, sources of data and data analysis. The next chapter contains data presentation, analysis and discussion of the findings.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND DISCUSSION OF THE FINDINGS

4.0 Introduction

This chapter analyses, present and discusses findings on the study about how public universal suffrage in mainland Tanzania is maintained through Permanent Nation Voter Register (PNRV). It attempts to answer the three research objectives that were presented Ubungo in Dar es Salaam city, the objectives based on analyzing the effectiveness of the PNVR in enhancing free and fair elections, to find out the extent to which PNVR enhances universal suffrage and to establish the challenges of maintaining an effective PNVR. To analyze the data obtained from the field by relating them to the study objectives, tables, charts, graphs and pie charts were used to present the field results. The presentation of results is in form of tables, bars and charts. Furthermore the researcher use SPSS program in analyzing data which collected from the field. Therefore presentation, analysis and discussion of the findings based on research questions.

4.1 Demographic Profile of Respondents

It was found to be important to capture data on demographic information of the respondents, including gender, age and education level because of its implication on this study. Information on each of these aspects is provided below.

4.1.1 Age

Regarding age of respondents they were categorized into three parts. In part one respondent were aged between 18 to 30 years, part two respondents were aged between 31 to 44 years, and the last part respondents were in age 45 to 55 years. From table 1: the data from the study area shows that the age of respondents aged between 18 up to 30 years were 12.5%, and about 56.25% of the respondents were in the age between 31 up to 44 and the remaining 31.25% of the respondents were aged between 45 up to 55 years. This implies that, about 56.25% of the respondents were in the age between 31 to 44 years old. See table 4.1.1 below

Table 4.1.1: Age characteristics (%) of respondents (N=80)

Item	Sex		No. of respondents	Percentage
	Male	Female	Total	%
18-30	6	4	10	12.5
31-44	26	19	45	56.25
45-55	14	11	25	31.25
Total	46	34	80	100

Sources: Research finding, (2013)

The results in the table above shows that a larger portion of the sample were young people between 31 to 44 years and adolescents, which shows that the study was able to capture majority of active respondent who participate fully in voting and have experience in the entire process of election particularly during the time of conducting vote and that have been attributed by the youngest and adolescents of the field in Tanzania Country.

4.1.2 Gender of Respondents

The respondents were asked to mention their gender, which enabled the researcher to categorize their gender. The findings of this study reveal that 57.5% of the respondents were male while 42.5% of the 80 respondents were female as summarized in the table 4.1.2 below.

Table 4.1.2: Distribution of Respondents by Gender (N=80)

Item	Sex		No. of respondents	Percentage	
	Male	Female	Total	Male	Female
	46	34	80	57.5	42.5
Total	46	34	80	57.5	42.5

Sources: field data, (2013)

The above findings show that majority of respondents (57.5%) who participated in this study were male. The study assumed that the number of females who engaged in voting is low compared to male. Due to this the researcher noted that some women

are inhibited by their Husbands to participate in the voting hence cause few number of female to participate in voting and also due to the number of errors that appears in the PNRV register majority of women perceive that their names can not appear even though they will participate in the voting process.

4.1.3 Education Level of Respondents

In this part respondent were required to indicate their level of education. The distribution of education level of each respondent shows that, 50% of the respondents have secondary education level and 13% have attended post secondary education. Further details are indicated in the table 4.1.3 below.

Table 4.1.3: Education characteristics of respondents (N=80)

Item	Sex		No. of respondents	Percentage
	Male	Female	Total	%
Primary level	5	5	10	12.5
Secondary level	24	16	40	50
Post level	19	11	30	37.5
Total	48	32	80	100

Source: Research finding, 2013

The above findings show that levels of education of the respondents (50%) who participate in this study are Secondary level. Therefore the findings shows that the respondent's level of education range from primary up to Secondary level levels, the study reveals that large group of respondents participated in the provision of information about the PNRV had normal education.

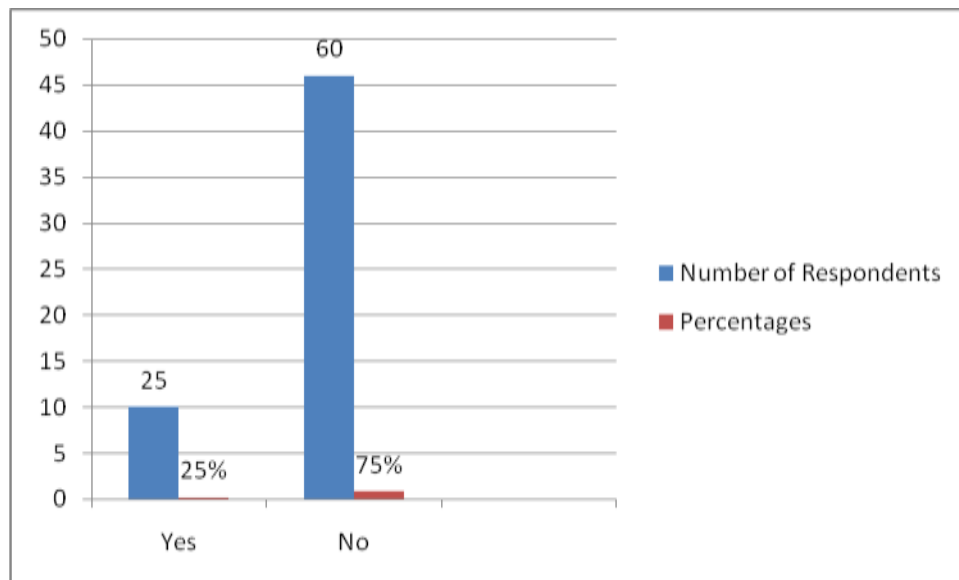
4.2 Effectiveness of PNRV on Enhancing the Free and Fair Election.

The first objective of the study was to analyze the effectiveness of the PNRV in enhancing free and fair elections. To fulfill this objective the researcher asked several questions.

4.2.1 Determination of back up mechanisms to crosscheck counterfeit votes or ghost voters in PNVR system.

This question was asked to the respondents. The findings show that, 20 (25%) of respondents said Yes, 60(75%) of respondents said No, as shown in figure 4.2.1 below.

Figure 4.2.1: Determination of back up mechanisms to crosscheck counterfeit votes



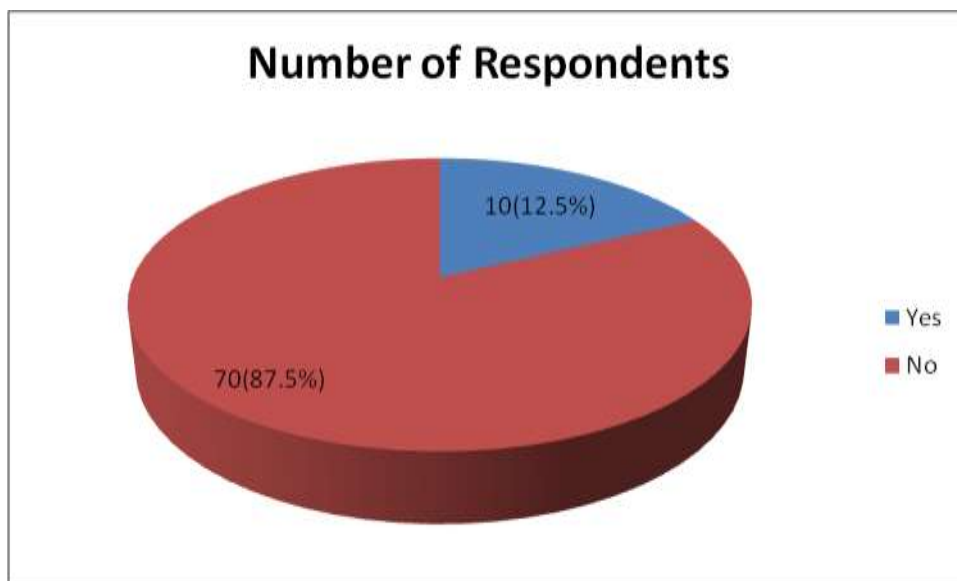
Source: Research finding, 2013

Therefore the researcher noted that, there is no frequent back up mechanisms to crosscheck counterfeit votes or ghost voters in PNVR system. This might be attributed to the fact that all registered voters may have identity cards but they do not see photographs in the PNVR to identify the voter and counter check if they are the real person with the name on the register and the printouts themselves are displayed too late next to the election day that one cannot have time to rectify immediately before the same election and this basically makes a person lose their right to vote due to inaccessibility of the PNVR on time. Thereafter, it was noted that human rights to vote is extremely undermined to the public.

4.2.2 Accessibility of PNVR to the public.

This question was asked to the respondents so as to ensure transparency, they were asked if they have access to the **PNVR**. The findings reveals that, 10(12.5%) of respondents said Yes, while 70(87.5%) of respondents said No. as shown in figure 4.2.2 below.

Figure 4.2.2: Accessibility of PNVR to the public (N=80)



Source: Research finding, (2013)

Therefore the researcher noted that, majority have no chance to get access to the PNVR. This might be because the citizens usually access the PNVR to make corrections and check if their names are rightly registered only just before the elections which usually does not accord them enough time to make corrections and subsequently vote and the PNVR system doesn't allow citizens to access it in their own time to be able to rectify their names.

4.2.3 Determination of voter names before the election time

This question was asked to the respondents if there is tendency of cross checking their names and make corrections before the election time. The findings show that,

20 (25%) of respondents said Yes, 60(75%) of respondents said No, as shown in table 4.2.3 below.

Table 4.2.3: Determination of voter names before the election time

Responses	Number of Respondents	Percentages
Yes	20	25 %
No	60	75%

Source: Research finding, (2013)

Therefore the finding revealed that, majority claim that there is no the tendency of cross checking Voter’s names and make corrections before the election time. Hence the researcher noted that, there are strong problems in the PNVR system on the process of citizens checking their names and rectifying them which leads to providing unrelated results after general elections.

4.2.4 Availability of procedures to file complaints regarding the problems with PNVR.

Respondents in this aspect were asked if there are procedures to file complaints regarding the problems associated with PNVR. The findings show that, 24 (30%) of respondents said Yes, 56 (70%) of respondents said No, as shown in table 4.2.4 below.

Table 4.2.4: Determination of voter names before the election time

Responses	Number of Respondents	Percentages
Yes	24	30 %
No	56	70%

Source: Research finding, (2013)

Therefore the finding revealed that, majority have never come across any procedures that have to be used to file complaints regarding the problems associated with the PNVR, hence this show that the Citizens are not aware on the procedures that have to be used to file complaints regarding the problems associated with PNVR.

4.2.5 Inclusiveness of Eligible voters to register in the PNVR

Some of respondents in this aspect were asked to provide details if there are limitations of PNVR system in terms of age, gender, disability and time limits:-

The responses revealed that, 78(97.5%) out of 80 Respondents had said that “*There are many limitations in the PNVR system.*”

Table 4.2.5: limitations in the PNVR system (N=80)

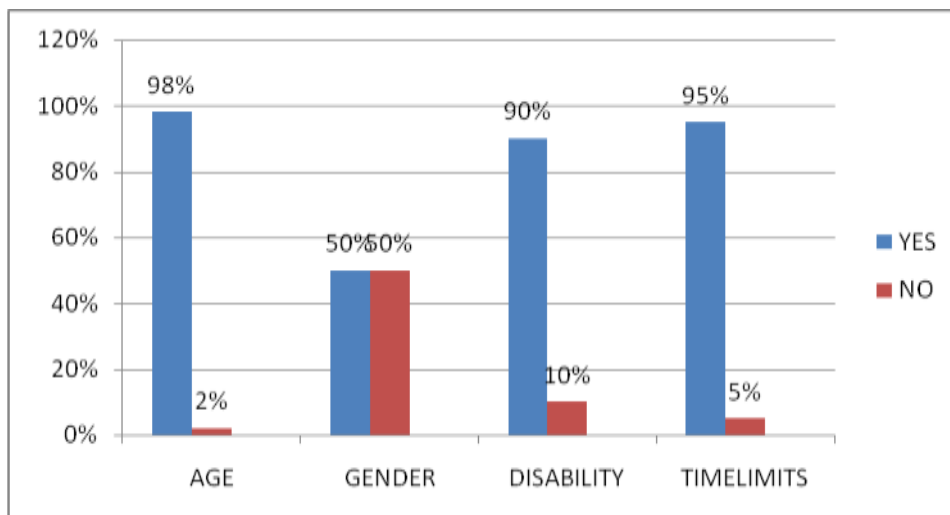
Responses	Number of Respondents	Percentages
Yes	2	2.5 %
No	78	97.5%

Source: Research finding, (2013)

The limitations of inclusiveness that were considered in the question include age, gender, disability and time limits. The findings reveal that on age 72 (90%) said it was inclusive and 8(10%) said it was not inclusive. The other point is gender, 40 (50%) Said it was inclusive and 40 (50%) it was not, on the point of disability, 72 (90%) of the respondents out of 80 said it is not inclusive and lastly the time limit, 76

(95%) of the respondents out of 80 said that it was not inclusive as shown in the figure below.

Figure 4.2.5: Inclusiveness of Eligible voters to register in the PNVR (N=80)



Sources: Research finding, (2013)

On age, it can be attributed to the fact that at 18 years it is an internationally known age for a person to make decisions on their own and life expectancy being above 50 years it allows the voter to have a longer time to participate in decision making.

With gender it could be due to the fact that the Government has tried to include women in decision making even to the extent of the president putting special seats but on the other hand women are not included especially in villages due to their work schedules which do not coincide with the registration time limits.

On the fact of disability it can be because the system of registration does not consider the blind and deaf, lame citizens who cannot access the PNVR, the very old and the sick in hospital, all these can easily be denied their right to vote.

By looking on time limits, it can be attributed to the fact that it doesn't consider work and school schedules of citizens, like when the students are in holiday because some students are of voting age, they can also make a call for the citizens to register and yet it may be a short time that most citizens may have travelled, may be busy or caught up and cannot make it.

4.2.6 Functions of PNVR

Respondents were asked whether to provide the main functions of PNVR according to their understanding. This question was directed to 11(13.75%) respondents given that they have direct access to PNVR, Commenting on these aspect respondents said;

“To reduce the huge cost incurred in registration process under the manual system, to reduce workload and time spent for registration exercise by the people, to ease the updated information more easily than a manually compiled registers.”

Other respondents said;

“To meet these needs, NEC will compile a permanent electronic register that can be easily updated on a continual basis, to reduce workload of the NEC to administer the registration exercise, Further, the old register was observed to might have included some multiple registrations, ghost names and other anomalies that could not be detected and weeded out because registration was done manually. With a new, accurate Permanent National Voters Register, everyone entitled to vote will be included, with built procedures which eliminate instances of fraud and other malpractices as much as possible”

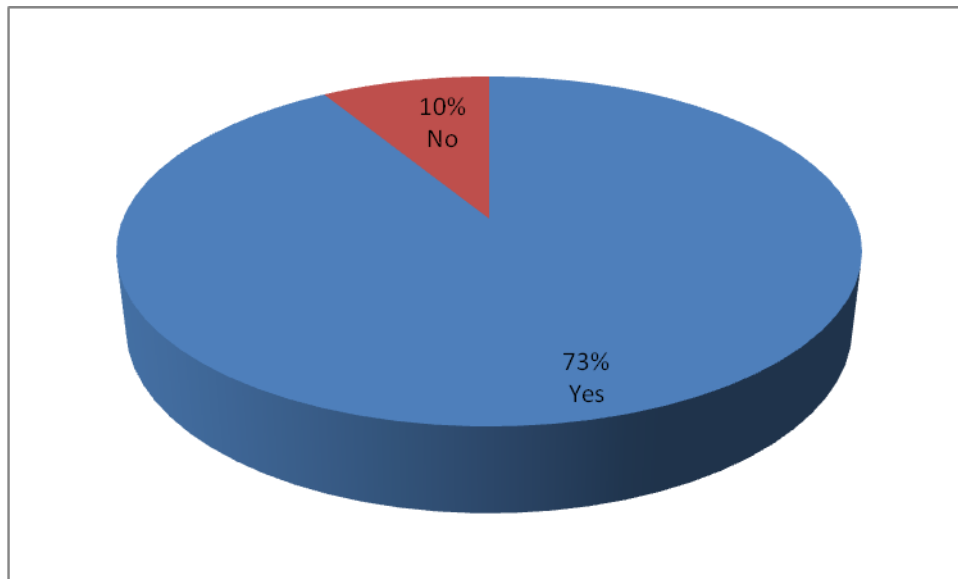
4.3 The extent to which PNVR Enhances Universal suffrage.

The second objective of the study was to find out the extent to which PNVR enhances universal suffrage. To fulfill this objective the researcher asked several questions.

4.3.1 Awareness on the Existence of PNVR

This question was asked to the respondents, whether they are aware of existence of PNVR in Tanzania. The findings revealed that, 73 (90%) of respondents said Yes, while 7 (10%) of respondents said No. For further details see figure 4.3.1 below.

Figure 4.3.1: Awareness on the existence of PNVR (N=80)



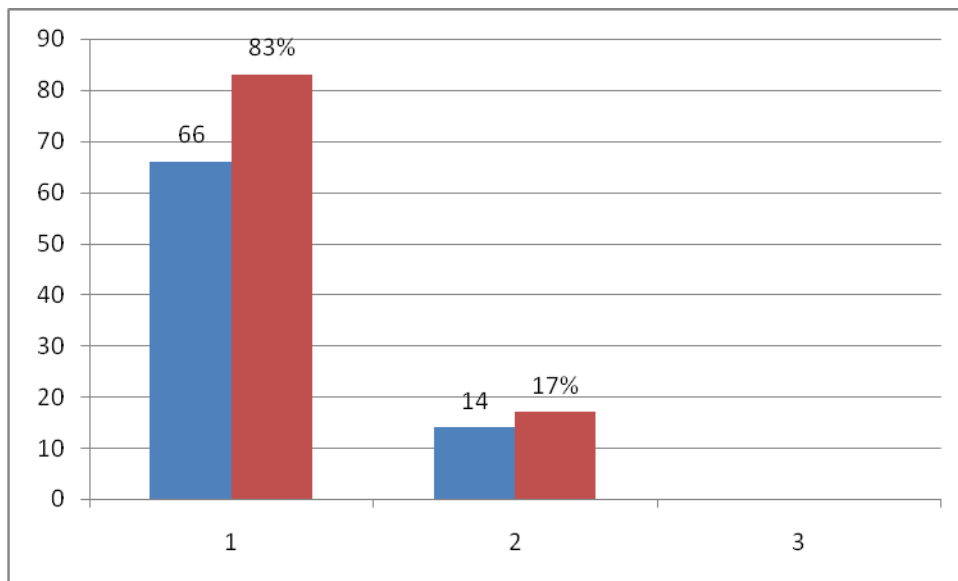
Sources: Research finding, (2013)

The findings above reveals that the majority of respondents are aware of the existence of the Permanent National Voters Register, this might be attributed to the fact that the big part of the study were adults of whom most might have participated in the 2005 general election where by the system was formally introduced. Furthermore the government has been running a number of public announcements in various media including radios, television and newspapers on the existence of PNVR and the importance of its citizens to register so as they become eligible for the participation of local and general elections.

4.3.2 Awareness of Respondents on Universal Suffrage

The question was asked to the respondents, weather they aware of universal suffrage. The findings revealed that, 66(83%) of respondents said Yes, while 14(17%) of respondents said No. For further details see figure 4.3.2 below.

Figure 4.3.2: Awareness of Respondents on Universal suffrage right (N=80)



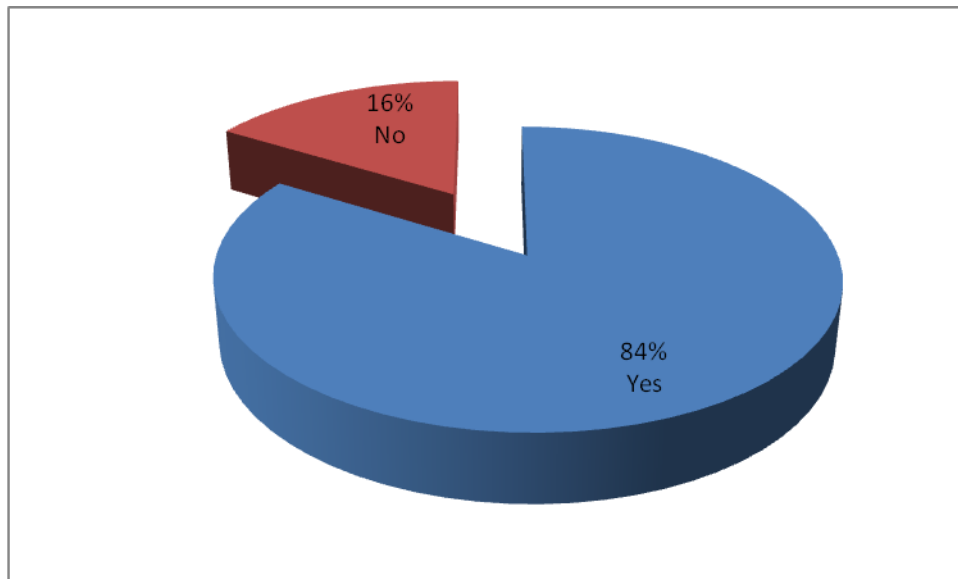
Sources: Research finding, (2013)

The results above from the study shows that majority of respondents are fully aware of their right to vote and be voted, while minority are not aware of their right as they see it as a right for those elites citizen. A high number of the respondents who said they were not aware of their right to the universal suffrage right were those with below secondary education most being those with primary school level.

4.3.3 Dissemination of PNVR Knowledge to the Citizen

The researcher inquired respondents to indicate whether they have ever received any education concerning PNVR roles, 67(84%) of respondents said Yes, 13(16%) of respondents said No. For further details see figure 4.3.3 below.

Figure 4.3.3: Dissemination of PNVR Knowledge to its Citizens (N=80)



Sources: Research finding, (2013)

The findings from the study, indicates that the government have invested a great deal of efforts to educate its citizen on what is Permanent National Voters Register and its importance to the fulfillment of citizens' right of suffrage. A high number of respondents justifies that they have received education on PNVR most notable moment being during registration process for general election voting. Media outlets including TBC Taifa radio, Mwanachi newspaper and ITV television broad casted short programs on PNVR and the importance of the citizen to register.

4.3.2. Kinds of Education Given by the Government on PNVR to its Citizens

After obtaining the fact that government do give education on various matters concerning PNVR, the researcher wanted to find out agendas being given on those education sessions to the citizen by the government. 26 (32%) of respondents said mentioned Importance of participating in Free and fair election agenda, 22 (28%) of respondents listed equality of voters agenda, 13 (16%) of respondents said secret ballot agenda and 19 (24%) of respondents listed Meaning of Permanent National Voters Register agenda. For further details see the table 4.3.2 below.

Table 4.3.2: Education given by the government on PNVR to its Citizens (N=80)

Response	No. of Respondents	Percentage
Participating in Free and fair election	26	32
Equality of voters agenda	22	28
Secret ballot agenda	13	16
Permanent National Voters Register agenda	19	24
Total	80	100

Sources: Research finding, (2013)

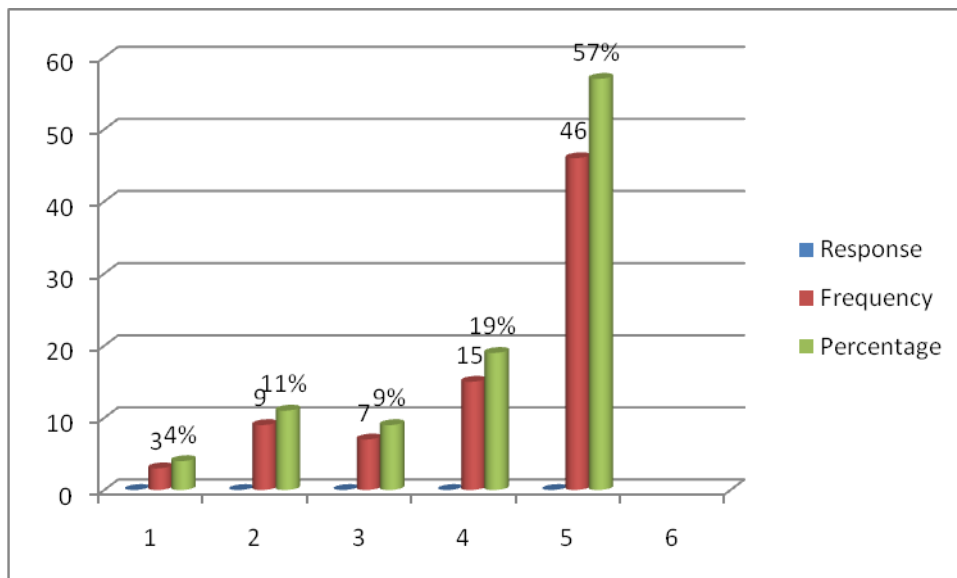
The findings above indicates that to achieve its goals of including a high number of citizens in voting for general elections, the government have been disseminating variety issues concerning PNVR so as its citizens come full aware of the program and its objectives, as it have indicated above several agenda were provided by the respondents most noted ones being. The importance of participating in Free and fair election where by all citizens of the state who have legally met voting qualifications, are allowed to vote and be voted for, regardless of their sex, race, language, income, profession, education, religion or political beliefs. This condition is also known as universal suffrage.

Equality of Voters was another mentioned agenda where by an election is democratic, each voter carries one vote. This means that the votes should not be valued or counted according to property, income, education, religion, race, sex or political beliefs. In undemocratic states, for example South Africa during the apartheid regime; Africans' votes were counted under village basis, i.e. a total voting population of one village was counted as a single ballot. Secret Ballot agenda insists on voting secretly. This condition requires that the voting act should not be known by a third party. It should be a secret.

4.3.5. Classes to which those Education are Targeted

The study wanted to understand as to which group in society the given education are targeted. The findings of the study show that 3(4%) of respondents said to are targeted to Primary Education, 9(11%) of respondents said to Vocational Education, 7(9%) of respondents said Tertiary Education, 15(19%) of respondents said Higher/University Education and 46 (57%) of respondents said were given to All. For further details, see the figure 4.3.5 below.

Figure 4.3.5: Classes to which those educations are targeted (N=80)



Sources: Research finding, (2013)

The above results implies that education given are not segregate and do not prioritize any class in the society as its main objective is to make high number eligible citizens to participate in local elections and general election without consideration to their academic level status. This is done deliberate so as to fulfill among basic principle of free and fair election to all eligible citizens where by eligibility is measure on;

- a) Age requirement – any citizen of the United Republic of Tanzania who has attained the age of 18 years has the legal right to participate in the election process.
- b) Citizenship – He or she should be a Tanzanian by birth or acquisition.
- c) Any citizen wishing to vote should be sane with a sound mind.

d) Any citizen wishing to vote must officially be registered before the polling day.

e) Any citizen who is not barred to register as a voter by the Act of Parliament

4.4 Challenges facing PNVR in maintaining its Roles Effectively

The third objective of the study was to identify the challenges of maintaining an effective PNVR. To fulfill this objective the researcher asked several questions.

4.4 .1 Challenges Facing PNVR (Permanent National Voters Register)

The respondents were required to mention the challenges which are facing Permanent National Voters Register, PNVR. The findings reveals that 23 (29%) of the respondents mentioned Existence of ineligible voters in the register of voters, 17(21%) of the respondents listed Miss Pelt names and wrong entries of voter's details in the register of voters, 26(32%) of the respondents mentioned Inadequate voter education and publicity on voter registration, 13(16%) of the respondents said Double/multiple voter registration and 11 (14%) of the respondents listed Financial and equipment constraints. For further details, see the table 4.4.1 below.

Table 4.4.1: Challenges facing Permanent National Voters Register (N=80)

Response	No. of Respondents	Percentage
Ineligible voters in the register of voters	23	29
Miss Pelt names and wrong voter's details	17	21
Inadequate voter education	26	32
Double/multiple voter registration a	13	16
Financial and equipment constraints	11	14
Total	80	100

Sources: Research finding, (2013)

The findings above justify that in spite of government good aim to establish Permanent National Voters Register (PNVR) in order to enhance free and fair election, The PNVR still facing a variety of challenges most notable ones being

Existence of ineligible voters in the register of voters, Miss pelt names and wrong entries of voter’s details in the register of voters, Inadequate voter education and publicity on voter registration, Double/multiple voter registration and Financial and equipment constraints. Thus deliberate effort should be allocated to the weak areas as mentioned above so as to obtain the basic objectives of PNVN.

4.4.2 Challenges Facing Citizens during Voting Period

The researcher was keen to understand challenges which were faced by respondents during voting period. Long chains of participants in voting was mentioned by 23 (29%) respondents, 21 (27%) said Low number of election supervisors, 17(21%) mentioned Regular violence from some of the voters, 10 (13%) of respondents said listed delaying of result after voting exercise and 9(11%) of respondents said poor safety as summarized in the table 4.4.2 below.

Table 4.4.2: Challenges facing citizens during voting period (N=80)

Response	No. of Respondents	Percentage
Long chains of participants in voting	23	29
Low number of election supervisors	21	27
Regular violence from some of the voters,	17	21
Delaying of result after voting exercise	10	13
Poor safety	9	11
Total	80	100

Sources: Research finding, (2013)

This implies that many respondents might be eager to participate in voting for election but a number of hindrances such as Regular violence from some of the voters and poor safety which is highly caused by laziness of police officials in maintaining the required safety for effectiveness of voting exercise. Long chain of participants which causes jam in voting emerges as a major problem. This calls for the Tanzanian government to think of introducing Information Technology system for voting to simplify the exercise of voting in general. Disabled, home bound

people, prisoners are denied their rights to vote because they were not at their polling station on the polling day

4.4.3 Ways to Improve Right to Vote by using PNVR

The researcher inquired respondents to indicate ways in which the government should use to improve the right to vote by using PNVR. Several of ways were suggested mostly notable being. Commenting on this aspect respondent reported that;

“More education should be given by government to its citizens on the importance of participating on registering exercise for election voting, the government should consider introduction of digital technology on PNVR so as to reduce jam in registering names, A considerable amount of election officers should be hired to satisfy the need of citizens to be registered, and a number of police officers should be assigned to supervise the registration exercise for safety purpose”

4.5 Summary and Concluding Remarks

This chapter was an attempt to answer three specific objectives as they were presented in chapter one of this study. From the findings we have seen majority of respondents are aware of the Permanent National Voters Register existence, this may be attributed with the education that NEC provided to the voters, since PNVR was in use since 2005 general election where by the system was formally introduced.

The chapter has also shown that majority of respondents are fully aware of their right to vote and be voted, though they identified some rules and regulation that are established by NEC, which hinders majority of the voters to not exercise their right to vote.

Lastly, the discussion has revealed that, The PNVR still facing a variety of challenges most notable ones being existence of ineligible voters in the register of voters, Miss pelt names and wrong entries of voter’s details in the register of voters, Inadequate voter education and publicity on voter registration, Double/multiple voter registration and Financial and equipment constraints. All these need to be resolved so as to ensure smooth running of PNVR. The next chapter provides summary of the findings, conclusion and recommendation for further study.

CHAPTER FIVE

CONCLUSION, SUMMARY AND RECOMMENDATION

5.1 Introduction

This chapter presents a summary, conclusion recommendations drawn from the study. The purpose of this study was to assess the voter's perception on the PNVR efficiency and how it guarantees their right to vote in Mainland Tanzania. The study sample was taken from at Ubungo Kinondoni district in Dar es Salaam city.

5.1 Summary of the Major Findings

The findings show that the majority of respondents are aware of the existence of the Permanent National Voters Register, this might be attributed to the fact that the big part of the study were adults of whom most might have participated in the 2005 general election where by the system was formally introduced. The findings further revealed that that majority of respondents are fully aware of their right to vote and be voted, while minority are not aware of their right as they see it as a right for those elites citizen.

A high number of the respondents who said they were not aware of their right to the universal suffrage right were those with below secondary education most being those with primary school level, the findings also indicates that the government have invested a great deal of efforts to educate its citizen on what is Permanent National Voters Register and its importance to the fulfillment of citizens' right of suffrage. A high number of respondents justifies that they have received education on PNVR most notable moment being during registration process for general election voting. Media outlets including TBC Taifa radio, Mwanachi newspaper and ITV television broad casted short programs on PNVR and the importance of the citizen to register.

On top of that the findings show that education given are not segregate and do not prioritize any class in the society as its main objective is to make high number eligible citizens to participate in local elections and general election without consideration to their academic level status. Moreover, there are still a number of challenges continuing to limit the development of friendly electronic system to the

voters. These include: inclusion of ineligible voters, and exclusion of the eligible voters; human error during registration; inaccessible information; inadequate voters' education; double registration and financial and equipment constraints. Therefore, if there had to be free and fair the mentioned challenges need to be adequately addressed.

5.2 Conclusion

This work has provided a critical analysis on the effectiveness of the PNVR by showing how the eligible and registered voters in the PNVR were allowed to vote without discrimination. This has been termed as one of the most important dimensions of the universal suffrage. The study has shown that despite the attempt to put in place the PNVR in all the registration and polling stations of the study area, some factors inherent to the processing of the PNVR constrained some voters to exercise their freedom to choose their preferred leaders. The study has clearly shown how voters such as home bound citizens and prisoners, to mention but a few, in Ubungo constituency could not exercise their right to vote because they were not at their polling station on the polling day a redress which would have been provided by the PNVR. Furthermore, some common errors in the PNVR such as name spelling mistakes, ghost voters and tented identities constrained eligible voters from exercising their right.

Such limitations, the study argues reduced the effectiveness of the PNVR in enhancing universal suffrage particularly in Ubungo constituency Kinondoni district of Dar es salaam region where this study was conducted. Both the study findings and literature reviewed on the subject underscore the importance of the PNVR in promoting democratic elections but on condition that is operationalization is not marred with irregularities that dilute the effectiveness of this election machinery.

The study thus puts forward a number of recommendations to improve the registration process through the PNVR in order to broaden the democratic space for citizens to exercise their rights. Such recommendations are directed to the government through the National electoral commission and the various stakeholders involved in the election processes. Among other recommendations, the NEC should

ensure that there is a systematic follow-up for updating, and registration of voters while working with other departments of the Governments like Registration insolvency and trusteeship agency (RITA).

5.3 Recommendations

- a) There is a need for deliberate and systematic interventions that would correct the voters' information in the Permanent National Voter Register (PNVR) as well as generating viable ways of ensuring that the NPVR is regularly updated. We recommend that the NEC should consider introducing an effective online voter registration and online verification of voters' details to enable Tanzanians living in other countries as well as those who have access to the internet to register. Not only that but also education on how to go about it, should be given too. This will help to reduce the problems they when doing periodic voter registration system so as creates a periodic register established for a specific electoral event and a continuous voter registration system used to creates a register of all currently eligible voters, adjusted to take account of voter registration changes between electoral events. The current system of updating and registering new voters have failed over time; outrageously expensive with very little productivity. The voters' registration should be updated almost in every year so that the voters can be added every time. This will also reduce the pollution that surface during 6days allocated to register and update information. The NEC should also be taken to ensure that information in the voter register including voters' registration cards number and names are accurately recorded and published and the changes are accurately communicated to the stakeholders.
- b) The voters' register should be exhibited for inspection at polling stations. Also, voters would like to have at least 2 month set aside for the inspection of the voters register. In India for example, a draft voters' roll is prepared after an intensive house-to-house enumeration/registration process where all electors are captured. The enumeration of electors is normally done once in every five years. However, there is a provision for summary revisions done every year to capture those who have changed their locations. During this

period, the existing electoral rolls are published at each polling booth locations where claims and objections for inclusion, deletion, modification and transposition are made. This is followed by preparation and publishing of a supplementary electoral roll.

- c) Allowing Voter Transfer, from the field, we have seen that, many voters did not vote because they could not be present at their registered polling station on the polling day. Voters were of the opinion that voter transfer should be allowed due to voter mobility caused by factors such as acquisition of property elsewhere, marriage, education, change of jobs, and nomadic life of some communities. However, voters pointed out that there should be caution on the modality of transfer and that transfers should be monitored and limited to avoid voter trafficking. With regard to the time frame for voter transfer, majority of the respondents were of the opinion that it should be allowed within 1 to 6 months to election day and that there should be a time frame between the closure of transfer period and the election day so as to allow the Nation Electoral Commission sufficient time to verify if there are any cases of multiple registrations.
- d) No one feels or understands the needs of people with disabilities than people with disabilities themselves. With this in mind, NEC should ensure that people with disability are accorded with facilities according to the nature of their disability so that they can exercise their right to vote in a supportive environment.
- e) Finally, practical voters' education should be provided frequently and not only during election; should the voters be educated on the importance of voting; why they should register in PNVR and the importance of updating their information in PNVR. Adequate time for education should be also given to the registration officers; they need to be told on the importance of recording accurate voters' information since their mistakes have costed eligible voters their right to vote

5.4 Area(s) for Further Studies

Basing on these findings, the following areas for further studies are suggested;

- Trend of PNVR to achieve perfection in free and fair elections.

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APPENDICIES

QUESTIONNAIRE USED FOR DATA COLLECTION

Appendix I

My name is.....student of Masters of Public Administration at Mzumbe University, Dar Es Salaam University College. I am conducting a Research to analyze how Universal suffrage is enhanced through Permanent National Voters Register (PNVR). The information you provide will be kept confidential and used for academic purposes only; your name will not be included in this questionnaire; feel free to express your opinion.

Instructions

- i. The objective of this study is to investigate Permanent National Voters Register (PNVR) enhances Universal Suffrage in Mainland Tanzania.
- ii. The answers should be written in the space provided.
- iii. Kindly answer the questions clearly and honestly. As a researcher, hereby guarantees that the information given shall be solely used for the study and shall be treated with high confidentiality.

1. General Information

A. General Information

No.	Place	
1.1	Region	
1.2	District	
1.3	Ward	
1.4	Constituency	
1.5	Street	

1.6	Sex (put a tick)	Me	Fe
-----	------------------	----	----

i. Level of Education

• Primary

• Secondary

- Diploma
- Degree
 - Bachelor
 - Masters

2. Are you aware of existence of PNVR?

- a) Yes
- b) No

3. What do you understand by the term PNVR?

.....

4. List core Objective of PNVR that you know.

.....

5. Mention functions PNVR to your society

.....

6. Have you ever received any knowledge concerning PNVR?

- Yes ()
- No ()

7. Briefly state the kind of Education you received

.....

8. What academic class education targeted? Tick where appropriate'

- (a) Primary Education ()
- (b) Vocational Education ()
- (c) Tertiary Education ()
- (d) Higher/University Education ()
- (e) All ()

9. What are the challenges facing PNVR?

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)

INFORMATION ABOUT UNIVERSAL SUFFRAGE

10. What do you understand by the word Universal Suffrage?

.....
.....
.....
.....

11. List problem (s) you faced when voting

.....
.....
.....

OTHER INFORMATION:

12. Briefly state ways through which the Government can use in order to increase for the right to vote by the using of PNVR?

.....
.....
.....
.....

13. Briefly mention any problems faced Universal suffrage in Tanzania after the introduction on PNVR in mainland Tanzania

.....
.....
.....