

Election Petition: Relevant Cases on Electoral Process in 1982

1. Solomon Alexander Ole Saibul v. Hubert Mbagu [1982] TLR 1 (C.A)

Facts:

A bench of three H.C judges found inter alia that a number of voters were denied their right to vote because of confusion by some registration officers over the polling District boundaries. They however held that such irregularities took place due to ignorance and that the election officers did not act maliciously. The number of voters who were denied their right to vote was very small, not more than 100, and that it could not have affected the election result.

Held: (C.A)

The C.A dismissed the appeal and held that: in view of the size of the electorate and the large number of people who actually voted, they were not satisfied that the majority of voters were, or may have been prevented by such irregularities from electing the candidate whom they preferred.

2. Rev. Simon Eliya Chiwanga v. Rev. Severino Andrea Supa [1982] TLR 12 (C.A)

Facts:

The appellant won a parliamentary election in Dodoma Urban Constituency in 1980 general elections. The respondent (his opponent) challenged the said victory in the H.C on 13 grounds. The H.C found 6 out of 13 grounds proved. The two of the 6 grounds were; voting by minors, and failure to allocate voters to specific polling stations c/ss. 13 and 17(1) respectively, of the Election Act.

The H.C held that the named grounds above though proven, did not affect the result of the election. However, the H.C nullified the result on other grounds such as bribes, and displaying election symbols within the vicinity of the polling stations.

Held: (C.A)

The C.A upheld the decision of the H.C and reiterated its prior position that for an illegal practice to vitiate the election result/s, it must be shown that they had the effect of preventing voters from electing the candidate they had preferred.

3. Gabriel Chrisant Rugumila v. Samuel Ntambala Luangisa & Attorney General [1982] TLR 340 (C.A)

Facts:

The appellant was the unsuccessful candidate in the 1980 general election for Bukoba Urban Constituency by a narrow majority of only 233 votes. The appellant to the H.C alleging irregularities:- i.e. 21 persons voted twice, allowed a non-citizen and minors to vote and presiding officer maliciously altered the voters' register in favour of his opponent.

The trial Judge dismissed the petition on the ground that the alleged irregularities did not affect the election result.

Held: (C.A)

Quashed the H.C's decision and affirmed the appellant's ground, therefore annulled the said election result.