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# FACTS ABOUT THE REFERENDUM



A REFERENCE BOOK FOR CIVIC  
EDUCATORS

JANUARY 2000

# **FACTS ABOUT THE REFERENDUM**

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EDUCATORS**

Developed and published by the NGO Materials  
Development Committee for the Referendum 2000  
(UWONET, ACFODE, UJCC, NOCEM) in  
collaboration with the Uganda  
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## **INTRODUCTION**

Between 3<sup>rd</sup> June and 2<sup>nd</sup> July 2000, a referendum will be held to allow Ugandans to choose between the present no party "Movement: system, a multi-party system, or any other democratic and representative system." If the people of Uganda are to make a meaningful and informed choice in this referendum, then it is essential that they are provided with civic education in advance of the referendum vote. It is also essential that a comprehensive monitoring operation is undertaken to assess whether the process is conducted in line with the Referendum Act.

The Electoral Commission (EC) is responsible for coordinating and monitoring civic education prior to the referendum. A number of Non Governmental Organisations (NGOs) have been accredited by the Electoral Commission to carry out civic education and monitoring of the referendum and it is working closely with them.

This booklet is a result of combined effort by the Civic Education and Training department of the Electoral Commission and the NGOs accredited to conduct civic education for the 2000 Referendum. The Commission appreciates the input of members of the NGOs material development committee which include Uganda Women's Network (UWONET), Action for Development (ACFODE), Uganda Joint Christian Council (UJCC) and the National Organisation for Civic Education and Election Monitoring (NOCEM)

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# FACTS ABOUT THE REFERENDUM

## INTRODUCTION TO THE REFERENDUM

The year 2000 will be a landmark year in Uganda's history. It is the year in which the Referendum on Political Systems will be held. It is therefore important that we Ugandans understand the issues at stake, the process itself and what the vote we cast will mean.

### What is a referendum?

A referendum is a vote taken on an important issue by all people of a country. It is one way through which people may express their views with regard to government policy or proposed legislation. Unlike in an election where people vote for candidates or political parties, in a referendum they vote over issues or questions.

Usually decisions about government policy are taken by elected representatives of the people (for example, members of parliament).

However, in a referendum, everybody has a chance to vote on a particular issue. A national referendum is usually held to resolve very important political issues that affect the whole country in a fundamental way.

Occasionally, when an issue only concerns people in a certain part of a country, then a referendum can be held in that area only.

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### Example 1

- In Egypt a referendum was held in September 1999 to decide whether Hosni Mubarak could be given another term as President of that country.

### Example 2

- In November 1999, Australia held a referendum to decide whether the country should become republic, or remain under the British monarch.

## **Has Uganda ever held a referendum before?**

In 1964 a referendum took place in Uganda regarding the 'lost' counties. People of the then Buyaga and Bugangaizi counties were given a chance through a referendum to decide whether to remain under the then Buganda Kingdom, join the then Bunyoro Kingdom or become a separate district. They opted to return to the then Bunyoro Kingdom.

## **Why will there be a referendum in Uganda in the year 2000?**

The Constitution provides that the people of Uganda will have the right to choose and adopt a political system of their choice through free and fair elections or referenda.

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## **Why is the referendum important?**

Building a culture of respect for the Constitution is a key challenge for Uganda. Therefore it is important to respect the constitutional provision for a referendum to choose a political system for the country.

A referendum is an extremely democratic mechanism for consulting the entire nation on a fundamentally important issue. Citizens should make the most of this opportunity to make their choice known.

## **Who can vote in the referendum?**

All Ugandans who are registered as voters are entitled to vote in the coming referendum. It is important to emphasise that marginalised groups have the same right to vote as others, and it is extremely important that their voice should be heard.

Women, people with disabilities, youth, the elderly, people from every religious and cultural background can all vote, provided that they are over the age of 18 and have been registered as voters.

## **When will the referendum be held?**

According to the Constitution the referendum should be held in the fourth year of the term of the Parliament elected under the new Constitution. This will be sometime between 3<sup>rd</sup> June and 2<sup>nd</sup> July 2000.

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## **REFERENDUM 2000**

### **Are we voting for an individual leader in this referendum?**

No, we are voting to decide which political system should be used to elect new leaders in the future.

### **What is the difference between a referendum and an election?**

In an election people vote for candidates to represent them in a certain structure of government. In a referendum, we vote about a major constitutional issue, not for a person.

### **What is a political system?**

A political system is the way in which a country elects its leaders and governs its affairs. Some political systems are democratic, while others are not. The Constitution permits a referendum to be held to choose between different **democratic** political systems. In this way, the Constitution protects democracy in Uganda.

### **What are the laws governing the political systems?**

- The Constitution
- The Movement Act – to govern the functioning of the movement system



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- The Political Organisations Act – to govern the functioning of political organisations.

**What are the different political systems envisaged in the Constitution?**

- The movement system
- The multi-party system
- Any other democratic and representative political system as determined by (Parliament may or may not define a third or fourth system) in accordance with the additional political system.

**What other democratic and representative political system could be proposed for Uganda?**

For the Ugandan referendum in 2000, a third (and possibly even a fourth) political system might be suggested, although it is not yet clear what this might be.

The Constitution provides that only democratic and representative systems will be accepted as additional systems. If no such system is approved by Parliament, the Ugandans will simply have to choose between the movement and multiparty systems.

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## **What is a one-party system?**

This is an undemocratic system where only one party is allowed to exist by law and political diversity is strongly discouraged.

A single party completely dominates the affairs of the state. Article 75 of the Constitution prohibits Parliament from passing a law to establish a one-party political system in Uganda.

## **What is a multi-party system?**

In a multi-party system, several different parties compete in an election and more than two parties may be represented in government. All citizens are given the right to belong to the political party of their choice, or even to form their own political party.

A political party is an organisation with strong ideas about the economic, social and political direction of a country. Some parties have strong views about other issues too (for example, cultural or environmental issues).

Parties provide an opportunity for people who share common opinions about how the country should be governed to organise themselves and compete for political power.

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## **How does the multi-party system operate?**

- Different parties offer alternative policies regarding political, economic, social and cultural issues.
- Opposition parties act as a check on the ruling party's policies and keep a watchful eye on all its operations. They can do this in Parliament and even outside. Their opposition must be within the constitutional framework.
- Opposition parties are "governments in waiting", always attempting to convince the electorate that they have better solutions, and always ready to offer themselves when the ruling party loses its mandate.
- Parties compete for power but also co-operate in the exercise of political power. In a multi-party democracy, competition between parties is encouraged, but they are also expected to accept the results of an election and abide by the decisions of the majority. Parties are expected to offer loyal, not subversive, opposition.

## **How does decision-making happen in a multi-party system?**

In a multi-party system, candidates in an election are put forward by a party. In order to become a candidate, you must be a member of the party, and must participate in the internal process that determines who will represent the party at which level. Elected representatives in government participate in discussions and make

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decisions according to their party's position on the issues at hand. They primarily represent the views of the people who voted for their party, and its members.

### **What is the movement system?**

The movement system of governance is the one presently operating in Uganda. Its mode of operation is laid out in the Constitution and the Movement Act which state the principles and characteristics of the movement system as follows:

- All inclusive
- Broad based
- Non partisan

### **How does the movement system operate?**

The Movement Act establishes the following organs through which the movement system operates:

- **The National Conference.** This is a body of political leaders selected from various levels of local government, Parliament and other arms of

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government. The National Conference is headed by the Chairperson of the Movement who is elected by the members.

- **The National Executive Committee (NEC).** This is a standing committee of the National Conference. It plays an advisory role to the Conference.
- **The Movement Secretariat.** This body provides administrative services to the two organs above, and implements their decisions.
- **The lower movement organs.** The movement system of governance also includes various movement organs from the village up to the district level.

### **How does decision-making happen under the movement system?**

Under the movement system, leaders are elected on the basis of individual merit to represent their communities. All positions of leadership are, according to the law, accessible to all citizens. There is no organised opposition in Parliament.

Elected representatives in Parliament (or in any other structure of government) participate in discussions and make decisions according to their personal beliefs and the views of their respective constituencies.

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## **THE REFERENDUM QUESTION**

### **What is the referendum question?**

Traditionally in a referendum, a question is asked and voters are supposed to respond with either a "yes" vote or a "no" vote. At the time of publication of this handbook, the question for Uganda's referendum had not yet been framed (that is, the exact wording of the question has not been worked out, although the referendum issue is well known). Civic educators, will, however, begin the work of civic education so that voters can begin to understand what the referendum is all about.

### **Who will frame the question?**

An independent panel of three judges will be appointed to frame the question in consultation with the sides competing in the referendum. The framing of the question is an extremely important and sensitive process. It needs to be clear and objective, enabling voters to make their choice confidently.

### **How will the people get to know of the question?**

The Commission will publish in the Gazette a notice stating the issue on which the referendum is to be held. Once the issue is known, civic educators will focus on it closely. There will also be a lot of publicity to ensure that all citizens know what the issue is.

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## **ORGANISATION OF THE REFERENDUM**

### **Who is responsible for organising the referendum?**

The referendum will be organised by the Uganda Electoral Commission. The Commission is an independent body responsible for making all the necessary practical arrangements for voting to take place. It must prepare the voters' register and ensure that every polling station is fully staffed and fully equipped. It must also provide impartial information to the electorate so that all Ugandans are able to cast their vote.

### **What ensures the independence of the Electoral Commission?**

The seven members of the Electoral Commission are individuals of high moral character whose task is to provide an independent framework within which Ugandans are able to vote.

The Constitution says that the Commission should not be subject to the direction or control of any person or authority when performing any of its functions. Members of the Electoral Commission are not allowed to hold office in any other structure of government or in the executive of any political organisation.

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## **What specific responsibilities does the Electoral Commission have for the referendum?**

The Commission will set the date of the referendum and, in consultation with the sides, it will select the symbols to appear on the ballot paper. The Commission also accredits non-partisan organisations to carry out voter education, and lays down guidelines for this work. In addition, the Commission is expected to provide equal facilitation to all sides for purposes of the referendum.

## **THE REFERENDUM CAMPAIGN**

### **Who is campaigning in the referendum?**

The proponents (or supporters) of the different political systems will conduct campaigns with the aim of convincing voters why their system is preferable to the others. The supporters of the different systems are known as the **sides** competing in the referendum.

### **How will the different sides organise themselves?**

In accordance with the Referendum Act, each of the sides (movement supporters, multi-partyists and supporters of any other option that might be recognised for purposes of the referendum) is expected to establish a National Referendum Committee consisting of not more than twenty members.



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Functions of the referendum committees include:

- To organise campaigns for their sides
- To appoint agents for purposes of campaigns and voting
- To liaise with the Commission on any matters related to the referendum

**How will canvassing for support be conducted?**

Any person or group of persons is free to campaign for any side, provided notice is given to the police officer in charge of the area or the sub-county or division chief. As with all elections; the sides will use every possible means to promote themselves. They will advertise on radio and television as well as in newspapers. The law says that state-owned media must give equal exposure to all the sides, but they are also free to use private media (at their own expense).

They will distribute printed material such as pamphlets, magazines and posters. Their agents will also solicit votes for votes from door to door. As the referendum approaches, people will hear more and more about it. Public meetings will also be held, so that people can listen to the sides explaining their points of view. In the past, candidates in elections have all participated in the same public meetings. For the referendum, the sides will hold separate meetings.

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Sub-county or divisional chiefs of the area have to be informed of any meeting at least 72 hours (3 days) before the meeting takes place. If people want to inform themselves properly, they should note carefully when meetings will be held and be sure to attend them. According to the Referendum Act, all campaigning must stop 24 hours before the referendum date.

### **What about those people who want to boycott the referendum?**

There are certain groups that are unhappy about the referendum and have declared that they do not wish to participate. It is their right not to do so, but they should not forcefully attempt to prevent anyone from voting. A referendum is a very valuable opportunity for all citizens to have their say on a very important issue. The more people who vote, the more representative the result will be of national opinion.

### **What will ensure that the campaigns are free and fair?**

The Referendum Act provides a strict set of rules that must be obeyed by the sides when conducting their campaigns. Campaign activities should be peaceful at all times and not provoke public disorder or violence. The sides are not allowed to make false or insulting statements about each other. They also have to ensure that their activities of soliciting for votes do not cause divisions and friction between people, for example on the

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basis of ethnic origin, tribe or religion. Any person or group of persons is found guilty of such offenses, will be punished in accordance with the law.

Monitors from NGOs will observe campaign activities all around the country for several months before the referendum to ensure that the sides are respecting all the rules. All citizens can also play a role by reporting any irregular activities to the police, monitors or representatives of the Electoral Commission.

### **How will people decide which side to vote for?**

Campaign activities provide a vital opportunity to find out exactly what the referendum is about. Civic educators will provide non-partisan information to give people a broad understanding of what is happening.

However, if people want to find out more about the advantages and disadvantages of the various political systems, they should attend the campaign meetings of the various sides. Of course the sides will all claim that their system is best, but by listening to all the options and arguments, people will be able to make up their minds for themselves.

### **How can people protect themselves from intimidation?**

All citizens should remember that they are free to decide for themselves which side they will support in the referendum. Your choice is your **secret**.

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If you are feeling intimidated by the supporters of a particular side, then you can even promise them that you will vote for their side. However, when you go to vote, you can choose the side that you really prefer. Nobody will ever be able to find out which side you voted for.

### **What if campaigners try to bribe people to support their side?**

In the interests of good governance, it is always best not to accept bribes and to report such activities to the authorities. In fact, if supporters of a particular side are offering bribes, that provides a good reason to question their sincerity and integrity.

Remember offering bribes is an offence

## **VOTER REGISTRATION**

### **What is the voters' register?**

The voters' register contains the name, address and date of birth of eligible voters. When people go to vote, the first thing that happens is that an official looks for their names in the voters' register. If the names are found, then they are ticked on the register to ensure that the same people do not attempt to vote again on that day. If their names do not appear, then they are not allowed to vote.

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## **Why is it important for voters to register?**

If you do not register, then you cannot vote. The register also ensures that only those who are qualified to vote participate in the referendum, and that nobody votes more than once. In this way, the register helps to guarantee that the referendum is free and fair.

### **Who should register to vote?**

All Ugandan citizens aged 18 years and over have the right to vote in the referendum. However, to realise this right, you are expected to register as a voter.

## **What is the registration process?**

In the case of the forthcoming referendum, those who would like to apply for registration or transfer to new polling should do so at the district Registrars offices. The process will continue until the Commission stops it.

After the Commission has stopped the update the register will be publicly displayed so that voters who have registered will be able to ensure that their details have been recorded correctly. It is important to check the register during the display period because it is possible for mistakes to slip in.

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Listen carefully for announcements from the Commission giving further information about this process.

### **Where can voters go to register?**

To the office of the Parish Chief of the area where you wish to vote from.

### **Why is the voter's card important?**

Your voters' card is used to identify you when you go to vote, and to prove that you are indeed a registered voter. When you go to the polling station on the referendum day, if you do not have your voter's card you will not be allowed to vote. You will be asked to present your card at the entrance to the polling station. The voters' register will then be checked to ensure that your name appears. (You might also be asked to sign or thumb print against your name so that officials can verify that the card definitely belongs to you).

It is very important to keep your voter's card safe so that you can vote in the referendum. In the past, stories have been told about people who had their voters' cards taken away from them just before voting was about to take place. This meant that these people lost their vote. Nobody has the right to take your voters' card from you. Protect your right to vote by updating your card and taking good care of it.

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## VOTING

### **How will voting be done?**

Voting in the referendum will be by secret ballot. You will mark your vote on a ballot paper, and then place it in a ballot box. When the ballot boxes are opened and the votes are counted, it will be impossible to tell who voted for which side.

### **What will the voting process be?**

Details about the exact voting process had not been confirmed at the time of publication of this handbook. However, in the referendum a voting process similar to that used in the Presidential and Parliamentary elections will be used.

#### **Table 1**

At the entrance to the polling station, your hand will be checked to make sure that you have not voted already. You will be asked to present your voter's card. The official will look for your name in the voters' register. If your name cannot be found, you will have to leave the voting station. (If your name is found, you might then be asked to sign against your name or give your finger-print, so that the officials can double-check your identity). The next official will issue you with a ballot paper.

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### Table 2

You will then go to a place where you can mark your ballot paper in private. A basin or similar shield is provided to ensure that nobody can see your vote.

### Table 3

After this, you will drop your ballot paper in the ballot box.

### Table 4

Just before you leave the polling station, your thumb will be marked with indelible ink to prove that you have voted. Each person can only vote once in the referendum.

### **What will the ballot paper look like?**

At the time of publication of this handbook, information about the ballot paper was not yet available. The appearance of the ballot paper will depend on the symbols determined for each side by the Commission in consultation with the sides. After the symbols have been determined, the ballot paper will be designed bearing the symbols representing the different political systems. The symbols will make it easy for voters to make their choice even if they cannot read. There will be no photographs of leaders on the ballot paper this time, since we will not be voting for individuals. Civic educators, the



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Commission and the sides themselves will all provide information about the ballot paper once its format is known.

### **Where will voting take place?**

The Electoral Commission is responsible for setting up polling stations. Voters should ensure that they know where their nearest polling station is. You can only vote in the place where you registered. Remember that you can only vote once. If you would like to vote in a place different from the one you voted in the last time, then you should apply for a transfer in time. Remember if you are not registered you will not be allowed to vote.

## **DETERMINING THE RESULT OF THE REFERENDUM**

### **How will votes be counted?**

Votes will be counted at the polling stations immediately after they have closed. The counting process is transparent and open.

Representatives of the different sides contesting in the referendum will be able to monitor the counting process. Independent monitors will be present as well. Even voters themselves are free to witness the counting of votes and the tallying of the result.

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## **How will the result of the referendum be determined?**

The side that gets the majority of votes will win the referendum. In other words, the result will be determined by a simple majority of votes. Even if a side gets only one vote more than another, the side with the extra vote will be declared the winner.

## **What will happen to the current government if the majority of people vote against the movement political system?**

The current government was elected to be in office for five years. Its term expires in June 2001, and it will remain in place until then.

After that there will be another election under the system that is chosen in the referendum.

## **Will people be victimised after the referendum for voting the way they did?**

It is not possible for anyone to find out which side you voted for, unless you tell them yourself. If people try to force you to tell them, you can say whatever you like to satisfy them, because they will not be able to find out the truth. Your vote is secret.

Any attempt to victimise voters for their choice of political system is an offence and should be reported to the authorities immediately.

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In a referendum, just like in an election, there are winners and losers. All sides try their best to win, but when the result is released it needs to be accepted by all citizens. The referendum is not meant to divide citizens, but rather to ensure that the will of the majority is heeded. Winners and losers should not insult each other, but accept the outcome and look to the future with the best interests of all Ugandans at heart.

### **Is it possible to contest the result?**

If a voter has very serious objections to the result (based on proof of irregularities, not simply on disappointment), then that person can petition as long as she has obtained support from at least 2% of the registered voters in Uganda.

The result can then be challenged in the High Court. Such a petition should be filed within thirty days after the result has been published in the Government Gazette. Only registered voters are entitled to petition against the results of a referendum.

### **Will this referendum be the last?**

The referendum on political systems in 2000 will not necessarily be the last. According to the Constitution, a referendum can be held if requested by:

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- A resolution supported by more than half of all members of parliament
  - A resolution supported by the majority of members in over half of all district councils
  - A petition to the Electoral Commission supported by one-tenth of the registered voters in at least two-thirds of the election constituencies.

Those who would have lost in the 2000 referendum have an opportunity to change the system in the year 2005.

The resolutions and petitions for the purposes of changing the political system shall be taken only in the fourth year of the term of any Parliament.

## **MONITORING THE REFERENDUM PROCESS**

### **What will ensure that the referendum is free and fair?**

There are numerous checks and balances that have been put in place by law to ensure that all citizens can have free access to information about the referendum and make an independent choice.

The law also says that the sides should receive equal support from the Electoral Commission, equal treatment from the government media, and should be able to campaign freely in any part of the country. Of course, on

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the referendum day itself, the process should be transparent so that no irregularities can pass unnoticed.

Some of the important things that will ensure that the referendum is free and fair include:

- An accurate voters' register
- Independent monitors from NGOs and elsewhere, who will observe the campaign process as well as the voting process
- Vigilant citizens who know their rights as far as the referendum is concerned, and who alert the authorities to any irregularities
- An atmosphere of tolerance and peace in the run-up to the referendum

### **What role can all Ugandans play in the monitoring of the referendum process?**

All citizens have an important role to play in ensuring that the referendum process is free and fair. Official monitors cannot be in all places at all times, so it is vital that everyone should keep their eyes open and report any irregularities.

### **Who will officially monitor the referendum?**

There will be independent monitors from a wide range of Ugandan organisations. Certain women's organisations will also ensure that the referendum is monitored from a gender perspective.

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At the time of the referendum itself, there may also be some foreign observers who come to monitor the polling day arrangements and the counting process.

### **When will monitoring take place?**

The monitoring process will cover both the pre-referendum period, the referendum and the post-referendum period. Unless the referendum process is monitored, then it is not possible to assess to what extent it was free and fair.

