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**ACTS SUPPLEMENT**

*to The Uganda Gazette No. 39 Volume XCIII dated 12th June, 2000*

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**Act 9                      Referendum (Political Systems) Act                      2000**

**THE REFERENDUM (POLITICAL SYSTEMS) ACT, 2000.**

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**F. CLIFTON WHITE RESOURCE CENTER 9/00  
INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS**

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CURRENCY POINT.

PETERSONS & CO. PRINTERS, 100, SOUTH BRIDGE ROAD, SINGAPORE 058561

**THE REFERENDUM (POLITICAL SYSTEMS) ACT, 2000.**

**An Act to make provision for the holding of the referendum required to be held under article 271 of the Constitution to determine the political system the people of Uganda wish to adopt and for other related matters.**

DATE OF ASSENT: 9th June, 2000.

*Date of Commencement:* See section 2.

BE IT ENACTED by Parliament as follows:

**PART I—PRELIMINARY.**

- |   |                        |
|---|------------------------|
| <p>1. This Act may be cited as the Referendum (Political Systems) Act, 2000.</p>  | <p>Short title.</p>    |
| <p>2. This Act shall be deemed to have come into force on the 2nd day of July, 1999.</p>  | <p>Commencement.</p>   |
| <p>3. In this Act unless the context otherwise requires—</p> <p>“agent” means an agent of a side;</p> <p>“Commission” means the Electoral Commission established by article 60 of the Constitution;</p> <p>“currency point” has the meaning assigned to it in the Schedule to this Act;</p> | <p>Interpretation.</p> |

“Minister” means the Minister responsible for public elections and referenda;

“referendum” means the referendum required to be held under article 271 of the Constitution;

“side” means the supporters of an affirmative answer to a question in the referendum or as the case may be, the supporters of a negative answer to a question in the referendum.

#### PART II—REFERENDUM UNDER ARTICLE 271.

Referendum  
under article  
271 of the  
Constitution.

4. (1) A referendum shall be held under this Act for the purposes of article 271 of the Constitution.

(2) For the purposes of the referendum, the Minister shall refer the matter to the Chief Justice who shall appoint a panel of three Judges to frame the question in consultation with the sides to the referendum.

(3) Any question submitted to the referendum under this section shall be framed so as to enable the voters to make a choice.

(4) In the referendum the voting may be on one question or a series of questions.

Electoral  
Commission  
to be  
responsible  
for  
referendum.

5. (1) For the avoidance of doubt, the Commission shall organise, conduct and supervise the referendum.

(2) The Commission shall, for the purposes of the referendum, appoint and publish in the *Gazette*, a date falling within the period 3rd day of June to 2nd day of July in the year 2000 on which the referendum shall be held to determine the political system that the people of Uganda wish to adopt.

(3) The Commission shall, in the notice published under subsection (2) of this section, state the issue in respect of which the referendum is to be held.

(4) The Commission shall provide for the referendum to be held everywhere on the same day in the whole of Uganda, unless it is impracticable to do so; and in that case the referendum may be held on different dates in different places as is practicable.

(5) The Commission shall, before the referendum, formulate and implement civic educational programmes relating to the referendum.

6. (1) Before polling begins in the referendum, the presiding officer at each polling station shall open each ballot box to be used at that polling station and show it to the voters present as being empty and shall give the voters present reasonable opportunity to inspect the ballot box.

Voting at  
referendum

(2) The Commission shall, in consultation with the sides, select symbols which shall be used on the ballot paper in the referendum to facilitate the exercise of a choice by voters.

(3) The symbols agreed upon shall be published in the *Gazette*.

(4) At the referendum, voting shall, subject to the provisions of the Constitution, be by secret ballot using one ballot box at each polling station for all sides in the referendum.

(5) Immediately after the close of the poll, the presiding officer shall proceed to count at the polling station, the ballot papers of that station and record the votes cast in favour of or against each question.

(6) Subject to this Act, agents of a side in the referendum shall be entitled to be present at the polling station throughout the period of voting, counting and tallying of the votes and ascertaining of the results of the poll.

(7) The presiding officer and the sides contesting in the referendum or their agents, if any, shall sign and retain a copy of a declaration stating—

(a) the polling station;

(b) the number of votes cast in favour of each question;

and the presiding officer shall there and then, announce the results of the voting at that polling station before communicating them to the returning officer.

(8) The following shall apply in respect of the signing of the declaration and the announcement of results of voting under subsection (7)—

(a) the sides or their agents shall sign the declaration form before the announcement of the results under subsection (7);

(b) where any of the sides or their agents refuse or fail to sign the declaration form—

(i) the sides and their agents refusing or failing to sign shall record on the declaration form the reasons for the refusal or failing to sign; and

(ii) where they refuse or fail to record the reasons, the presiding officer shall record the fact of their refusal or failure;

(c) where any side or agent is absent, the presiding officer shall record the fact of their absence;

(d) the refusal or failure of a side or agent to sign any declaration form under subsection (7) or to record the reasons for their refusal to sign as required under this subsection shall not by itself invalidate the results announced under subsection (7);

(e) the absence of a side or an agent from the signing of a declaration form or the announcement of results under subsection (7) shall not by itself invalidate the results announced under subsection (7).

7. Subject to the provisions of the Constitution and this Act, the issue for determination by the referendum shall be taken to be determined by a majority of the votes cast at the referendum.

Majority votes required for the referendum.

8. Where in the referendum no side obtains the majority provided for in section 7, the referendum shall be repeated.

Referendum to be repeated where required majority obtained.

9. (1) The Commission shall ascertain, publish and declare in writing in the prescribed form, under its seal, the results of the referendum within forty eight hours from the close of final polling in the referendum.

Publication of result of the referendum.

(2) The results shall be published in the media and the Commission shall as soon as practicable, cause them to be published in the *Gazette*.

(3) For all purposes of the referendum, the results published in the *Gazette* shall be taken to be the official results of the referendum.

10. (1) This Act shall be read as one with the Electoral Commission Act, 1997.

Application of other electoral laws. Act No. of 1997.

(2) The Parliamentary Elections (Interim Provisions), Statute, 1996 and any amendment to it or any enactment replacing it, shall, with necessary modifications and so far as may be necessary and practical, apply to the referendum as it applies to an election.

Statute of 1996.

11. The persons entitled to vote at the referendum under this Act are persons registered as voters for public elections on the date when the voting in the referendum is to take place.

Persons entitled to vote at the referendum.



12. (1) Subject to the Constitution and to this Act, any person or group of persons is free to canvass for support of any side in the referendum and may form a referendum committee or a similar structure for the purpose.

(2) For the purposes of the referendum, the side shall consist of individuals and organised groups who subscribe to the multiparty system or the movement system, or to any other political system as the case may be.

(3) The individuals and groups subscribing to the political systems referred to in subsection (2) shall, in respect of each political system to which they subscribe, establish a national referendum committee consisting of not more than twenty members and submit the details of the committee to the Commission by such date as the Commission shall prescribe.

(4) It shall be the duty of a national referendum committee to organise the canvassing for its side, and to appoint agents for the purposes of canvassing and voting.

(5) A national referendum committee shall be free to organise at national and local levels until the referendum is held.

(6) Subject to the Constitution and any other law, every person or group of persons shall enjoy freedom of expression and access to information in the exercise of the right to canvass in the referendum.

(7) The Commission shall issue guidelines for orderly canvassing which shall be complied with by every committee or agent while conducting canvassing for the referendum under this Act.

(8) Any person or group of persons who wishes to canvass for any side in the referendum in any public place, by way of meeting or public address, shall, in writing, notify the Sub-county or Division Chief of the area and the police officer in charge of the area, not less than seventy two hours before the canvassing, meeting or public address which he or she wishes to undertake.

(9) A person or group wishing to canvass and referred to in subsection (8), shall give the police officer in charge of the area or the Sub-county or Division Chief such information relating to the activity that that person or group wishes to undertake as the police officer may reasonably require.

(10) Canvassing for the referendum shall cease twenty four hours before the date of polling in the referendum.

(11) Any person who contravenes subsection (8), (9) or (10) of this section, commits an offence and is liable on conviction, to a fine not exceeding twenty five currency points or imprisonment not exceeding three months or both.

13. (1) No person shall, while canvassing in the referendum, use any language which is defamatory or which constitutes incitement to public disorder, hatred, or violence.

Prohibition of incitement to public disorder, etc.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding one hundred and fifty currency points or imprisonment not exceeding two years or both.

PART III—AGENTS OF SIDES IN THE REFERENDUM.

14. In the referendum, each side shall, within such time as the Commission may determine, identify its agents for every polling station for the purposes of clause (4) of article 68 of the Constitution.

Agents of sides.

15. During the period of canvassing in respect of the referendum, every public officer, public authority and public institution shall give equal treatment to all agents of the sides contesting in the referendum.

Equal treatment to all sides.

16. (1) Agents of each side shall be given equal access to and opportunity to use State-owned communication media.

Rights and duties of agents, etc.

(2) Subject to any other law, while canvassing, any agent may, either alone or in common with others, publish canvassing materials in the form of books, booklets, pamphlets, leaflets, magazines, newspapers or posters intended to solicit votes from voters but shall, in any such publication, specify particulars to identify the agent or agents concerned.

(3) No person shall, during canvassing, print, publish or distribute, a newspaper, circular or pamphlet containing an article, report, letter or other matter commenting on any issue relating to the referendum unless the author's name and address, or the authors' names and addresses, as the case may be, are set out at the end of the article, report, letter or other matter or, where part only of the article, report, letter or matter appears in any issue of a newspaper, circular, pamphlet or letter, at the end of that part.

(4) Subject to the following provisions of this section, an agent may use electronic media for canvassing.

(5) No person shall, during canvassing, use electronic media to do any of the following acts against another side or their agent—

- (a) making statements which are known by the maker to be false or in respect of which he or she is reckless whether they are true or false;
- (b) making malicious statements;
- (c) making statements containing sectarian words or allusions;
- (d) making abusive or insulting or derogatory statements;
- (e) making exaggerations or using caricatures of the agent or using words of ridicule;
- (f) using derisive or mudslinging words against a side or their agent;

- (g) juxtaposition of words or statements with any of the effects described in the foregoing paragraphs;
- (h) using songs, poems or images with any of the effects described in the foregoing paragraphs.
- (6) The proprietor or operator of electronic media shall not use the media or allow it to be used to do any of the acts prohibited in subsection (5) of this section.
- (7) Any person who contravenes any of the provisions of subsections (2), (3), (5) and (6) of this section commits an offence and is liable on conviction—
- (a) in the case of an offence under subsection (2) or (3), to a fine not exceeding fifteen currency points or imprisonment not exceeding three months or both; and
- (b) in any other case to a fine not exceeding twenty five currency points or imprisonment not exceeding six months or both.
- (8) In this section, electronic media includes television, radio, internet and email and any other similar medium.

#### **PART IV—CHALLENGING THE REFERENDUM.**

**17.** (1) Any registered voter supported by the signatures of not less than two percent of the total number of registered voters in Uganda may petition the High Court challenging the results of the referendum.

Challengin  
the  
referendum.

(2) The only ground on which the results of the referendum may be challenged is non-compliance with the provisions of this Act or where applicable, the Parliamentary Elections (Interim Provisions) Statute, 1996, affecting the result of the referendum in a substantial manner.

(3) For the avoidance of doubt, the referendum may be annulled under subsection (2) if the petitioner proves to the satisfaction of the Court—

(a) that there has been non-compliance with the provisions of this Act or where applicable, of the Parliamentary Elections (Interim Provisions) Statute, 1996; and

(b) but for the non-compliance, the majority of the votes could have been in favour of a side different from the side in whose favour the majority was declared by the Commission to be, in the result of the referendum.

(4) A petition under subsection (1) shall be in the prescribed form and shall be lodged in the High Court registry within thirty days after the referendum results were published in the *Gazette*.

(5) The High Court may require the petitioner to deposit an amount of money as security for costs not being more than one hundred currency points.

(6) The High Court shall inquire into and determine the petition expeditiously and declare its findings not later than thirty days from the date on which the petition is filed.

(7) Where no petition is filed within the time prescribed under subsection (4), or where a petition having been filed, is withdrawn by the person who filed it or is dismissed by the High Court, the results of the referendum declared shall conclusively be the final results of the referendum.

(8) After due inquiry under this section the High Court may—

(a) dismiss the petition;

(b) declare the published results to be incorrect and declare the correct results;

(c) order the Commission to repeat the polling in any particular place or places;

(d) annul the referendum and order a new referendum to be held.

(9) Subject to subsection (3), the referendum may only be annulled on the ground specified in subsection (2) of this section.

(10) The High Court may, before coming to a decision under subsection (6), order a recount of the votes cast.

(11) Nothing in this section confers on the High Court when hearing a petition under this section, power to convict a person for a criminal offence.

(12) Where it appears to the High Court on hearing a petition under this section that the facts before it disclose that a criminal offence may have been committed, it shall make a report on the matter to the Director of Public Prosecutions for appropriate action to be taken and shall state in the report the name of the person, the nature of the offence and any other information that the Director of Public Prosecutions considers relevant and appropriate.

(13) Where the referendum is annulled, a fresh referendum shall be held not later than ninety days from the date of the annulment.

(14) The Chief Justice may, in consultation with the Attorney-General, make rules providing for the conduct of petitions under this Act and may, where necessary, apply with or without modifications the provisions of any enactment.

**18. (1) At the hearing of an election petition—**

(a) any witness shall be summoned and sworn in the same manner as a witness may be summoned and sworn in civil proceedings;

(b) the court may summon and examine any person who, in the opinion of the court, is likely to assist the court to arrive at an appropriate decision;

(c) any person summoned by the court under paragraph (b) may be cross-examined by the parties to the petition if they so wish.

Witness in  
petition.

(2) A witness who, in the course of the trial of a petition, wilfully makes a statement of fact material to the proceedings which he or she knows to be false or does not know or believe to be true or in respect of which he or she is reckless whether it is false, commits an offence and is liable on conviction to a fine not exceeding sixty currency points or imprisonment not exceeding one year or both.

Withdrawal  
of petitions.

19. (1) A petition under this Part may be withdrawn after giving written notice to the court and to the other parties to the suit.

(2) If a petition is withdrawn the petitioner shall be liable to pay the costs of the respondent.

Appeals to  
Court of  
Appeal.

20. (1) A person aggrieved by the decision of the High Court on hearing a petition under section 17, may appeal to the Court of Appeal against the decision within fourteen days after the decision of the High Court.

(2) The Court of Appeal shall proceed to hear and determine an appeal under this section expeditiously and may, for that purpose, suspend any other matter pending before it.

(3) Unless the Court extends the time on exceptional grounds, the hearing of an appeal shall be completed within thirty days from the lodging of the record of appeal.

(4) The decision of the Court of Appeal in an appeal under this section is final.

#### PART V—MISCELLANEOUS.

Constitutional right  
to canvass  
in respect of  
referendum.

21. On and after the 2nd day of July, 1999 any person shall be free to canvass for public support for a political system of his or her choice for the purpose of the referendum.

Prohibition  
of ethnic or  
religious  
symbols, etc.

22. (1) No person shall, for canvassing in respect of the referendum, use any words, slogans or symbols which could arouse division on the basis of sex, race, colour or ethnic origin, tribe, birth, creed or religion or other similar division.

(2). Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding one hundred currency points or imprisonment not exceeding one year or both.

23. (1) The expenses incurred by the Commission in the holding of the referendum shall be paid out of monies voted by Parliament.

Expenses of  
the  
referendum.

(2) The Commission shall give equal facilitation to all sides for the purposes of the referendum, out of monies approved by Parliament.

24. Except as authorised by section 23 or any other law, no person shall use public resources for the purpose of canvassing for any side in the referendum.

Use of  
public  
resources.

25. (1) The Minister may, with the approval of Parliament, by statutory instrument, make regulations as may be expedient for carrying into effect the provisions of this Act.

Regulations.

(2) Without prejudice to the general effect of subsection (1) of this section, regulations may be made under it—

(a) prescribing forms to be used for the purposes of this Act;

(b) to ensure the secrecy of the voting;

(c) applying with or without modifications, the provisions of any enactment relating to elections, including any provisions relating to election offences;

(d) regulating the manner of canvassing for votes;

(e) regulating the financing of the sides in the referendum including restricting or prohibiting the funding of any side in the referendum from foreign sources;



(f) without prejudice to the penalties prescribed in the Parliamentary Elections (Interim Provisions) Statute, 1996, prescribing penalties not exceeding a fine of one hundred and fifty currency points or imprisonment for two years or both, in respect of any contravention of the regulations.

Statute No.  
4 of 1996.

(4) For the avoidance of doubt, nothing in this section shall prejudice the powers of the Commission under the Electoral Commission Act, 1997.

Act No. 3  
of 1997.

Power of  
Minister to  
amend  
Schedule.

**26.** The Minister may, with the approval of the Parliament, by statutory instrument, amend the Schedule to this Act.

Removal of  
doubts.

**27.** Notwithstanding the provisions of any other law, the referendum required to be held under article 271 of the Constitution shall be held in accordance with this Act.

Protection  
in respect of  
past  
offences.

**28.** Notwithstanding section 2 of this Act, no person shall be charged with or convicted of any offence under this Act unless the act constituting the offence is committed after the publication of this Act in the *Gazette*.

Transitional  
provision.

**29.** Notwithstanding the provisions of any other law, any action taken or purported to have been taken in good faith, and any statutory instrument made or purported to have been made in good faith, before the publication of this Act in the *Gazette* for the purposes of the referendum required to be held under article 271 of the Constitution, shall be deemed to have been taken or made under this Act.

**SCHEDULE.**

**CURRENCY POINT.**

**SECTION 3.**

**A currency point is equivalent to twenty thousand shillings.**

