

Date Printed: 12/30/2008

JTS Box Number: IFES_19
Tab Number: 14
Document Title: THE REFERENDUM AND OTHER PROVISIONS ACT,
1999
Document Date: 1999
Document Country: UGA
Document Language: ENG
IFES ID: EL00023



law / UGA / 1999 / 016 / eng



THE REPUBLIC OF UGANDA

THE REFERENDUM AND OTHER PROVISIONS ACT, 1999

ACTS

SUPPLEMENT No. 2

3rd July, 1999.

ACTS SUPPLEMENT

to The Uganda Gazette No. 34 Volume XCII dated 3rd July, 1999.

Printed by UPPC, Entebbe, by order of the Government.

Referendum and Other Provisions Act

Act 2 **1999**

THE REFERENDUM AND OTHER PROVISIONS ACT, 1999.

ARRANGEMENT OF SECTIONS.

Section.

PART I—PRELIMINARY.

1. Short title.
2. Commencement.
3. Interpretation.

PART II—REFERENDA GENERALLY.

4. Referendum generally.
5. Electoral Commission to be responsible for referenda.
6. Voting at referenda.
7. Majority of votes required in a referendum.
8. Referendum to be repeated where required majority not obtained.
9. Publication of results of a referendum.
10. Application of other electoral laws.
11. Persons entitled to vote at a referendum.
12. Right of citizens to demand referenda.
13. Canvassing for a referendum.
14. Prohibition of incitement to public disorder, *etc.*

PART III—CHANGE IN POLITICAL SYSTEM BY REFERENDA OR BY PETITIONS AND RESOLUTIONS.

15. Referenda for change in political system under article 74(1) of the Constitution.

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

Section.

16. Change of political system by petition of district councils and resolution of Parliament under article 74(2) of the Constitution.
17. Time for resolutions or petitions for changing of political systems under article 74.
18. Subsequent elections to be held under adopted system.

PART IV—AGENTS OF SIDES IN A REFERENDUM.

19. Agents of sides.
20. Equal treatment to all sides.
21. Rights and duties of agents *etc.*

PART V—CHALLENGING REFERENDA.

22. Challenging referenda.
23. Witness in petition.
24. Withdrawal of petitions.
25. Appeals to Court of Appeal.

PART VI—MISCELLANEOUS.

26. Referendum on political system under article 271 of the Constitution.
27. Prohibition of ethnic or religious symbols *etc.*
28. Expenses of referenda.
29. Use of public resources.
30. Regulations.
31. Power of Minister to amend Schedule.
32. Repeal of Statute No. 2 of 1994.

SCHEDULE.

CURRENCY POINT.

**THE REFERENDUM AND OTHER PROVISIONS
ACT, 1999**

An Act to make provision for the holding of referenda in pursuance of the provisions of articles 74 and 76 of the Constitution; to give effect to articles 255, 259 and 271 of the Constitution; to cater for any other referendum required to determine any matter; to cater for a change in the political system by petition of district councils and a resolution of Parliament under clause (2) of article 74 of the Constitution; to repeal and replace the Referendum Statute, 1994 and to provide for other matters connected with or incidental to the foregoing.

DATE OF ASSENT: 3rd July, 1999.

Date of commencement: 2nd July, 1999.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

- | | |
|---|-----------------|
| 1. This Act may be cited as the Referendum and Other Provisions Act, 1999. | Short title. |
| 2. This Act shall be deemed to have come into force on the 2nd day of July, 1999. | Commencement. |
| 3. In this Act unless the context otherwise requires— | Interpretation. |

“agent” means an agent of a side;

“Commission” means the Electoral Commission established under article 60 of the Constitution;

“currency point” has the meaning assigned to it in the Schedule to this Act;

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

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

PART II—REFERENDA GENERALLY.

Referendum
generally.

4. (1) Referenda shall be held in the following circumstances—

- (a) if a demand is made by citizens of Uganda under article 255 of the Constitution and the provisions of section 12 of this Act are complied with;
- (b) if a request is made for the holding of a referendum under paragraph (a),(b) or (c) of clause (1) of article 74 of the Constitution and the provisions of section 15 of this Act are complied with;
- (c) if a referendum is required for amending the Constitution under article 259 of the Constitution;
- (d) to give effect to article 271 of the Constitution and section 26 of this Act; and
- (e) if the Minister by statutory order made with the approval of Parliament, directs that a referendum should be held on any issue.

*Referendum and Other
Provisions Act*

Act 2

1999

(2) Where a referendum is to be held under this section, 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 a referendum under this section shall be framed so as to enable the voters to make a choice.

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

5. (1) For the avoidance of doubt, the Commission shall organise, conduct and supervise all referenda held under this Act or any other written law.

Electoral
Commission
to be
responsible
for
referenda.

(2) The Commission shall, by notice published in the *Gazette*, notify the date for a referendum to be held under this Act and shall state in the notice the issue in respect of which the referendum is to be held.

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

(4) Where the referendum is to take place in a particular part of Uganda the notice issued under this section shall specify clearly the boundaries of that part.

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

Voting at
referenda.

6. (1) Before polling begins in a 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.

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

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

(4) At a 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 a 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, an issue for determination by a referendum shall be taken to be determined by a majority of the votes cast at the referendum.

Majority of votes required in a referendum.

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

Referendum to be repeated where required majority not obtained.

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

Publication of results of a 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.

(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 a referendum as it applies to an election.

11. (1) The persons entitled to vote at a referendum under this Act are—

(a) persons registered as voters for public elections on the date when the voting in the referendum is to take place; or

(b) where the referendum is to take place only in a particular part of Uganda, the persons registered as voters for public elections in that part on the date when the voting is to take place and who are present there on that date.

12. (1) Subject to this section, the Commission shall cause a referendum to be held for the purposes of article 255 of the Constitution, either nationally or in any particular part of Uganda if a petition is made for the purpose under this section.

(2) A referendum shall be held under this section—

(a) if a petition is made in writing, in the case of a national referendum, by a registered voter and in the case of a referendum in a particular part of Uganda, by a voter registered in that part; and

Application
of other
electoral
laws.
Act No. 3
of 1997.

Statute No. 4
of 1996.

Persons
entitled to
vote at a
referendum.

Right of
citizens to
demand
referenda.

(b) if the petition is supported—

- (i) in the case of a national referendum, by at least one tenth of the total registered voters from at least one third of the districts of Uganda; and
- (ii) in the case of a referendum in a particular part of Uganda, by at least one third of the total registered voters in that part.

(3) A petition under this section shall be addressed to the Commission.

(4) The petition shall be signed by each registered voter supporting the petition and shall state the issue on which a referendum is requested and such other matters as may be prescribed by regulations made under section 30 of this Act.

(5) The Commission shall, on receiving a petition under this section, verify whether the petition has been duly submitted by a registered voter and supported by the required number of registered voters.

(6) The Commission shall verify whether the signatures are those of registered voters and that subsection (2) (b) of this section has been complied with.

(7) The Commission, upon being satisfied that a petition has been duly submitted in accordance with this section, shall issue a certificate to that effect in the prescribed form stating its findings in the matter.

(8) The Commission shall, within fourteen days, cause the certificate to be published in the *Gazette*.

(9) If the Commission certifies that the particulars in the petition are correct and in accordance with this section, the Commission shall, within thirty days after publication of the certificate in the *Gazette*, appoint under section 5 a date for the holding of the referendum nationally or in the particular part of Uganda as requested in the petition.

*Referendum and Other
Provisions Act*

Act 2

1999

Canvassing
for a
referendum.

13. (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 a referendum and may form a referendum committee or a similar structure for the purpose.

(2) For purposes of the referendum under clause (3) of article 271 of the Constitution 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 organize 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 organize 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 a 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 a referendum in any public place, by way of a 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 person or group wishes to undertake as the police officer may reasonably require.

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

14. (1) No person shall, while canvassing in a 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—CHANGE IN POLITICAL SYSTEM BY REFERENDA,
OR BY PETITIONS AND RESOLUTIONS.

15. (1) Where a resolution has been passed by Parliament in accordance with paragraph (a) of clause (1) of article 74 of the Constitution, the Clerk to Parliament shall, within seven days after the passing of the resolution, forward to the Commission a copy of the resolution certified by him or her in the prescribed form to have been supported by more than one half of all the members of Parliament.

Referenda for change in political system under article 74(1) of the Constitution.

(2) Each District Council which passes a resolution under paragraph (b) of clause (1) of article 74 of the Constitution in support of a request for the holding of a referendum shall forward the resolution to the Commission, in the prescribed form stating the total membership of the Council, the names of the members of the Council and indicating the number of members who voted in favour of the resolution and the number of those who voted against; and the statement shall be certified by the Speaker of the Council to be correct.

(3) The Commission, upon receipt of a resolution under subsection (2) of this section in respect of a request for the holding of a referendum under paragraph (b) of clause (1) of article 74 of the Constitution, shall verify the matter and shall certify whether or not the resolution was duly passed; and upon receipt of the required number of duly passed resolutions in accordance with paragraph (b) of clause (1) of article 74 of the Constitution in support of the request, certify in the prescribed form—

- (a) that a request has been made by resolution for the holding of a referendum for the purpose of changing the political system; and
- (b) that the resolution is supported by a majority of the total membership of each of at least one half of all district councils in Uganda.

(4) Where the Commission has received a request for a referendum made in accordance with paragraph (c) of clause (1) of article 74 of the Constitution, the Commission shall, within fourteen days after receipt of the petition, certify in the prescribed form whether or not the requirements of paragraph (c) of clause (1) of article 74 of the Constitution have been complied with.

(5) The Commission shall, within thirty days after—

- (a) receipt of a resolution of Parliament under subsection (1) of this section; or

(b) issuing a certificate under subsection (3) of this section certifying that a request for a referendum has been duly made in accordance with paragraph (b) of clause (1) of article 74 of the Constitution; or

(c) issuing a certificate under subsection (4) of this section, to the effect that the requirements of paragraph (c) of clause (1) of article 74 of the Constitution have been complied with;

take necessary steps under section 5 of this Act to appoint a date for the holding of a referendum as demanded in the request or petition.

(6) Any Speaker of a district council who in communicating any information under this section, makes any statement which he or she knows to be false in any material particular commits an offence.

(7) Any Speaker of a district council charged with the responsibility of communicating information under this section who wilfully or knowingly omits to do so commits an offence.

(8) Any person who commits an offence under this section is liable on conviction, to a fine not exceeding twenty currency points or imprisonment not exceeding four months or both.

16. (1) A petition and resolution of each district council to Parliament supporting the petition for a change of the political system under clause (2) of article 74 of the Constitution shall be addressed to the Commission and shall be certified by the Speaker of each district council in the prescribed form stating the total membership of the council, and the names of the members of the council and indicating the number of members who voted in favour of the resolution and the number of members who voted against it.

Change of political system by petition of district councils and resolution of Parliament under article 74(2) of the Constitution.

(2) The Commission shall, upon receipt of a petition forwarded to it under this section, verify whether the petition has been duly submitted in accordance with clause (2) of article 74 of the Constitution.

(3) The Commission shall, upon being satisfied that a petition has been duly submitted in accordance with clause (2) of article 74 of the Constitution, certify to the Clerk to Parliament in the prescribed form that a petition has been duly made to Parliament supported by not less than two thirds of the total membership of each of at least one half of all district councils in Uganda.

(4) Upon Parliament passing a resolution in support of a petition, in accordance with clause (2) of article 74 of the Constitution, the Clerk to Parliament shall forward to the Commission a copy of the resolution certifying in the prescribed form that the resolution was supported by not less than two thirds of all members of Parliament.

(5) Upon receipt by the Commission of the resolution of Parliament forwarded under subsection (4) of this section, the Commission shall within forty eight hours cause it to be published in the media and shall within fourteen days cause it to be published in the *Gazette*.

(6) Any Speaker of a district council who in communicating any information under this section makes any statement which he or she knows to be false in any material particular commits an offence.

(7) Any Speaker of a district council charged with the responsibility of communicating information under this section who wilfully or knowingly omits to do so commits an offence.

(8) Any person who commits an offence under this section is liable on conviction, to a fine not exceeding twenty currency points or imprisonment not exceeding four months or both.

(9) So far as practicable the provisions of this Act relating to referenda shall apply with necessary modifications to any proposal for a change in the political system under this section.

(10) The question in any motion for a resolution to be submitted to a district council for approval under this section shall be framed by a panel of three Judges appointed by the Chief Justice.

17. The resolutions or petitions for the purpose of changing the political system under article 74 of the Constitution shall be taken only in the fourth year of the term of any Parliament.

Time for resolutions or petitions for changing of political systems under article 74.

18. (1) Where the result of a referendum held under this Act, or a resolution of Parliament passed in accordance with clause (2) of article 74 of the Constitution, determines that a change shall be made in the existing political system, then, subject to the Constitution, subsequent Presidential, Parliamentary, local government and other public elections shall be held under the new political system adopted.

Subsequent elections to be held under adopted system.

(2) This section does not apply to a by-election held before the expiration of the term of Parliament under article 77 of the Constitution.

PART IV—AGENTS OF SIDES IN A REFERENDUM.

19. In case of any 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.

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

Equal treatment to all sides.

21. (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 and 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 subsections (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 V—CHALLENGING REFERENDA.

22. (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 a referendum.

Challenging referenda.

(2) Where the referendum is in respect of a particular part of Uganda, the petition shall be by a voter registered in that part supported by the signatures of not less than two percent of the total number of registered voters from that part.

(3) The only ground on which the results of a 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.

Statute No. 4 of 1996.

(4) For the avoidance of doubt, a referendum may be annulled under subsection (3) 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.

(5) 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*.

(6) 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.

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

(8) Where no petition is filed within the time prescribed under subsection (5), 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.

(9) 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.

(10) Subject to subsection (4), a referendum may only be annulled on the ground specified in subsection (3) of this section.

(11) The High Court may, before coming to a decision under subsection (7), order a recount of the votes cast.

(12) 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.

(13) 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.

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

(15) 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.

23. (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;

Witness in
petition.

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

(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.

24. (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.

25. (1) A person aggrieved by the decision of the High Court on hearing a petition under section 22, 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 VI—MISCELLANEOUS.

Referendum
on political
system
under article
271 of the
Constitution.

26. (1) The Commission shall, for the purposes of clause (3) of article 271 of the Constitution, appoint and publish in the *Gazette*, a date falling within the period 3rd day of June to 2nd July in the year 2000 on which a referendum shall be held to determine the political system that the people of Uganda wish to adopt.

*Referendum and Other
Provisions Act*

Act 2

1999

(2) The notice appointing the date shall state the issue on which the referendum is to be held.

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

(4) 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 a referendum under this section.

27. (1) No person shall, for canvassing in respect of a 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.

Prohibition
of ethnic or
religious
symbols etc.

(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.

28. (1) The expenses incurred by the Commission in the holding of any referendum under this Act shall be paid out of monies voted by Parliament.

Expenses of
referenda.

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

29. Except as authorised by section 28 or any other law, no person shall use public resources for the purpose of canvassing for any side in a referendum.

Use of
public
resources.

30. (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 a referendum including restricting or prohibiting the funding of any side in a 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.

(3) Regulations under this section may be made to apply either generally or to any particular referendum.

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

Statute No.
4 of 1996.

Act No. 3
of 1997.

Power of
Minister to
amend
Schedule.

Repeal of
Statute No.
2 of 1994.

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

32. The Referendum Statute, 1994 is repealed.

SCHEDULE

CURRENCY POINT

Section 2.

A currency point is equivalent to twenty thousand shillings.

