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**BILLS**  
**SUPPLEMENT No. 14**

**22nd December, 1995.**

**BILLS SUPPLEMENT**

*to the Uganda Gazette No. 56 Volume LXXXVIII dated 22nd December, 1995.*

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**"ANNEXURE"**

**THE PARLIAMENTARY ELECTIONS (INTERIM  
PROVISIONS) BILL, 1995.**

**MEMORANDUM**

The object of this Bill is to re-establish the Interim Electoral Commission, to provide for its functions and to make provision for Parliamentary Elections in accordance with article 264 of the Constitution and to make other provision for bringing the Constitution into force.

**STEVEN KAVUMA,**  
*Minister of State for Justice and Constitutional Affairs.*

THE PARLIAMENTARY ELECTIONS  
(INTERIM PROVISIONS) BILL, 1995.

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Clause.

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FIRST SCHEDULE

Rules for election of women representatives and representatives of special interest groups.

SECOND SCHEDULE

Standard of Education equivalent to "A" level standard.

A BILL for a Statute

ENTITLED

THE PARLIAMENTARY ELECTIONS  
(INTERIM PROVISIONS) BILL, 1995.

A Statute to provide in accordance with article 264 of the Constitution, for the establishment of an Interim Electoral Commission, to provide for its composition, appointment and functions; to make interim provision for Parliamentary elections; to make other provision for giving full effect to article 264 of the Constitution and to provide for matters connected with or incidental to the foregoing.

BE IT ENACTED by the President and the National Resistance Council as follows:

PART I—PRELIMINARY.

1. This Statute may be cited as the Parliamentary Elections (Interim Provisions) Statute, 1995. Short title.

2. (1) In this Statute, unless the context otherwise requires— Interpre-  
tation.

"agent" by reference to a candidate, includes a representative and polling agent of a candidate;

"authorised mark of choice" means the voter's mark of choice authorised under paragraph (b) of subsection (5) of section 59 of this Statute;

"campaign period" means the period determined by the Commission under section 48 as the period during which campaigning may take place;

"candidate" means a person nominated as a candidate for election as an elected member of Parliament;

"Commission" means the Interim Electoral Commission established by section 3;

"constituency" means one of the constituencies into which Uganda is divided for the purpose of elections;

"district" means an electoral district;

"election" means the election of a member of Parliament;

"election officer" includes registration officers, returning officers, assistant registration officers, assistant returning officers, presiding officers, polling assistants and counting officers;

"election petition" means a petition filed in accordance with section 90;

"illegal practice" means an act declared to be an illegal practice under this Statute;

"Legislature" means the body empowered to make laws for the whole of Uganda;

"Minister" means the Minister responsible for Presidential and Parliamentary elections and referenda;

"money" includes any pecuniary reward;

"nomination day" means any day fixed to be nomination day;

"office hours" means the hours on a week-day during which the relevant office is open to members of the public;

"parish" includes a ward;

"Parliament" means the Parliament of Uganda under the Constitution;

"payment" includes any pecuniary or other reward;

"pecuniary reward" includes any office, place of employment, and valuable security or other equivalent for money and any valuable consideration;

"polling agent" means a person appointed by a candidate as a polling agent;

"polling day" means any day appointed to be polling day under this Statute;

"polling division" means one of the polling divisions into which a constituency is divided;

"presiding officer" means any person appointed under section 34 to be a presiding officer for a polling station;

"registered", in relation to a voter, means registered for the purpose of voting at an election;

"registered voter" means a person whose name is entered on the voters register;

"Speaker" means the Speaker of Parliament;

"voter" means a person qualified to be registered as a voter at an election who is so registered and at the time of an election is not disqualified from voting;

"voters' card" means a voter's card issued under section 26 to a voter whose name appears in the voters register;

"voters register" means the National Voters Register compiled under section 18 of this Statute;

"voters roll" means the voters roll for any constituency or polling division prepared and maintained under this Statute.

## PART II—INTERIM ELECTORAL COMMISSION.

3. (1) The Interim Electoral Commission in existence immediately before the commencement of this Statute under the Interim Electoral Commission Statute, 1995 shall continue in existence subject to the provisions of this Statute and shall be deemed to be duly established for the purposes of article 264 of the Constitution.

(2) The Commission shall consist of a Chairperson, a Deputy Chairperson and not exceeding five other members appointed by the President with the approval of the Legislature.

(3) Members of the Commission shall be persons of high moral character and proven integrity and who possess considerable experience and demonstrated competence in the conduct of public affairs.

(4) A person holding any of the following offices shall relinquish that office on appointment as a member of the Commission—

- (a) a member of the Legislature; or
- (b) a member of a local government council; or
- (c) a member of the executive of a political party or political organisation; or
- (d) a public officer.

(5) The members of the Interim Electoral Commission existing immediately before the commencement of this Statute shall continue in office in the corresponding offices on the Commission until the first permanent Electoral Commission is appointed under article 272 of the Constitution

(6) If a member of the Commission is absent, resigns, dies or is removed from office under subsection (7), the President shall, subject to article 272 of the Constitution, with the approval of the Legislature, appoint a person qualified in terms of this section to act in his or her place until that person is able again to resume his or her duties or, as the case may be, until a new person is appointed to fill the vacancy.

(7) A member of the Commission may be removed from office by the President only for—

(a) inability to perform the functions of his or her office arising out of physical or mental incapacity;

(b) misbehaviour or misconduct; or

(c) incompetence.

4. Subject to the provisions of the Constitution and this Statute, the Commission shall be independent and shall, in the performance of its functions, not be subject to the direction or control of any person or authority.

5. (1) The Commission shall have a Secretary who shall be a public officer appointed by the President on the advice of the Cabinet upon such conditions as may be specified in the instrument of appointment.

(2) The Secretary shall be a person of high moral character and proven integrity, possessing the relevant qualifications and proven ability in the field of public administration and qualified to be appointed to the office of Permanent Secretary.

(3) The Commission shall also have such other officers and employees as may be necessary for the discharge of its functions.

Interim  
Electoral  
Commis-  
sion.  
Statute No.  
5 of 1995.

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Con  
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(4) The officers and employees referred to in subsection (3) shall be appointed by the Commission acting in consultation with the Public Service Commission, and shall hold office upon such terms and conditions as shall be determined by the Commission in consultation with the Public Service Commission.

(5) Public Officers may be seconded to the service of the Commission.

(6) The person who was Secretary of the Commission immediately before the commencement of this Statute shall be deemed to have been duly appointed for the purposes of this Statute.

6. Members of the Commission and the Secretary shall be paid such emoluments as the Legislature may determine.

7. (1) The Legislature shall ensure that reasonably adequate resources and facilities are provided to the Commission to enable it to perform its functions effectively.

(2) The Commission shall be a self-accounting institution and shall deal directly with the Ministry responsible for finance on matters relating to its finances.

(3) The salaries, allowances and other benefits payable to or in respect of members of the Commission and the Secretary shall be charged on the Consolidated Fund.

(4) All funds provided for under this Statute shall be administered and controlled by the Secretary who shall be the accounting officer in accordance with the Public Finance Act.

8. A member of the Commission or any other person performing any function of the Commission under the direction of the Commission shall not be personally liable to any civil proceedings for any act done in good faith in the performance of those functions.

9. The Commission shall have a seal which shall be in such form as the Commission may determine and shall, subject to the provisions of any law, be applied in such circumstances as the Commission may determine.

Seal of  
Commis-  
sion.

### PART III—GENERAL FUNCTIONS OF COMMISSION.

10. (1) The Commission shall, subject to the provisions of the Constitution and this Statute have the following functions—

Functions  
of Commis-  
sion.

- (a) to ensure that free and fair elections are held;
- (b) to organise, conduct and supervise elections and referenda in accordance with the Constitution, this Statute and any other enactment;
- (c) demarcate constituencies in accordance with the provisions of the Constitution and this Statute;
- (d) to ascertain, publish and declare in writing under its seal the results of the elections and referenda;
- (e) to compile, maintain, revise and update the voters register;
- (f) to hear and determine election complaints arising before and during polling;
- (g) to formulate and implement civic educational programmes relating to elections; and
- (h) to perform such other functions as are prescribed by this Statute or any other law.

(2) The Commission shall, without prejudice to subsection (1) of this section, have the following powers—

- (a) to appoint a polling day for any election subject to any law;

Remune-  
ration of  
members  
of Commis-  
sion.

Expenses  
of Commis-  
sion.

Cap. 149.

Immunity of  
members  
and staff of  
Commis-  
sion.

- (b) to design, print, distribute and control the use of ballot papers;
- (c) to provide and distribute ballot boxes;
- (d) to create polling divisions and establish and operate polling stations;
- (e) to take measures for ensuring that the entire electoral process is conducted under conditions of freedom and fairness;
- (f) to establish secure conditions necessary for the conduct of any election in accordance with this Statute;
- (g) to promote, through appropriate means, civic education of the citizens of Uganda on the purpose, and voting procedures, of any election;
- (h) to ensure that the candidates campaign in an orderly and organised manner;
- (i) to accredit any non-partisan individual, group of individuals or an institution or association, to carry out voter education subject to guidelines determined by the Commission and published in the *Gazette*;
- (j) to ensure compliance by all election officers and candidates with the provisions of this Statute;
- (k) to pay such allowances, as the Minister may approve, to election officers, and other persons assisting the Commission in carrying out the purposes of this Statute;

- (l) to employ, with the prior approval of the Minister and upon such terms as the Minister may determine, any person whose special expertise may be required for the proper discharge of the functions of the Commission under this Statute; and
- (m) to discharge such other functions as are conferred upon the Commission by this Statute or any other law made under this Statute or as are necessary for the proper carrying out of the purposes of this Statute.

11. (1) Subject to article 63 of the Constitution, Uganda shall be divided into constituencies for the purpose of election of members of Parliament and each constituency shall be represented by one member of Parliament.

Constituencies.

(2) When demarcating constituencies for the purposes of subsection (1) of this section, the Commission shall ensure that each county, as approved by Parliament, has at least one member of Parliament; except that no constituency shall fall within more than one county.

(3) Subject to subsection (2) of this section, the boundary of a constituency shall be such that the number of inhabitants in the constituency is, as nearly as possible, equal to the population quota.

(4) For the purposes of subsection (3) of this section, the number of inhabitants of a constituency may be greater or less than the population quota in order to take account of means of communication, geographical features, density of population, area and boundaries of districts.

(5) Subject to subsection (1) of this section, the Commission shall review the division of Uganda into constituencies within twelve months after the publication of results of a census of the population of Uganda and may as a result re-demarcate the constituencies.

(6) Where the boundary of a constituency established under this section is altered as a result of a review under subsection (5), the alteration shall come into effect upon the next dissolution of Parliament.

(7) For the purposes of this section, "population quota" means the number obtained by dividing the number of inhabitants of Uganda by the number of constituencies into which Uganda is to be divided under article 63 of the Constitution.

Appeals  
tribunal.

12. (1) Any person aggrieved by a decision of the Commission in respect of a demarcation of a constituency may, within seven days after the publication of the notice of the demarcation, appeal to a tribunal appointed in accordance with article 64 of the Constitution, and the Commission shall give effect to the decision of the tribunal.

(2) In accordance with clause (3) of article 64 of the Constitution, any person aggrieved by a decision of the tribunal arising out of an appeal filed under subsection (1), may appeal to the High Court and the decision of the High Court on the appeal shall be final.

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

Power of  
Commission  
to delegate  
functions.

13. (1) The Commission may, by resolution either generally or as otherwise provided by the resolution, delegate to an election officer, a public officer or any member of the staff of the Commission, any of its powers under this Statute other than the power of delegation.

(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Statute be taken to have been exercised by the Commission.

(3) A delegation of a power under subsection (1)—

(a) may be revoked by resolution of the Commission, whether or not adopted by the persons constituting the Commission at the time when the power was delegated;

(b) does not prevent the exercise of the power by the Commission; and

(c) continues in force notwithstanding a change in the membership of the Commission.

(4) A document signed by the Chairman of the commission stating any matter with respect to a delegation of a power under subsection (1) shall be conclusive evidence of the delegation.

14. (1) Any complaint submitted in writing alleging any irregularity with any aspect of the electoral process at any stage, if not satisfactorily resolved at a lower level of authority, shall be examined and decided by the Commission and where the irregularity is confirmed, the Commission shall take necessary action to correct the irregularity and any effects it may have caused.

(2) An appeal shall lie to the High Court against a decision of the Commission confirming or rejecting the existence of an irregularity and the appeal shall be made by way of a petition, supported by affidavits of evidence, which shall clearly specify the declaration the High Court is being requested to make.

(3) On hearing a petition under subsection (2), the High Court may make such order as it thinks fit and its decision shall be final.

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

Power to  
accredit  
observers  
and  
monitors.

15. (1) The Commission may, at any election, accredit any individual, group or institution to act as election observers or monitors.

(2) The Commission shall not accredit any citizen of Uganda, whether resident in Uganda or abroad, to be an election observer.

(3) The Commission may issue guidelines to observers and monitors and may impose operational restrictions on any person, group or institution accredited to act as an observer or monitor.

(4) No person, group or institution shall observe or monitor any election unless the person, group or institution, has obtained prior accreditation from the Commission.

(5) Any person who contravenes subsection (4) commits an offence.

Discre-  
tionary  
powers of  
Commis-  
sion.

16. (1) Where during the course of an election, it appears to the Commission that, by reason of any mistake, miscalculation, emergency or unusual or unforeseen circumstance, any of the provisions of this Statute do not accord with the exigencies of the situation, the Commission may by particular or general instructions, extend the time for doing any act, increase the number of election officers or polling stations or otherwise adapt any of the provisions of this Statute as may be required to achieve the purposes of this Statute to such extent as the Commission considers necessary to meet the exigencies of the situation.

(2) The Commission shall not exercise its discretion under subsection (1) in such a manner as to permit a nomination paper to be received by a returning officer after four o'clock in the afternoon on nomination days or subject to subsection (4) of section 58 of this Statute, to permit a vote to be cast before or after the hours fixed in this Statute for the opening and closing of the poll.

Commission  
to exercise  
powers of  
election  
officers.

17. Notwithstanding any other provision of this Statute, the Commission may—

(a) assume and exercise any function which under this Statute is vested in a returning officer, a district registrar, presiding officer, polling assistant, counting officer or other election officer;

(b) delegate any of the functions of a returning officer or a district registrar to any public officer;

(c) assign or authorize the delegation of all or any of the functions which are vested in a returning officer, district registrar, presiding officer, polling officer, counting officer or other official to any other such officer.

#### PART IV—NATIONAL REGISTER OF VOTERS AND VOTERS ROLLS.

18. (1) The Commission shall compile, maintain and update, on a continuing basis, a national voters register in this Statute referred to as the voters register which shall include the names of all persons entitled to vote in any national or local government election or referendum.

National  
voters  
register and  
voters rolls.

(2) The Commission shall also maintain as part of the voters register a voters roll for each constituency under this Statute.

(3) The Commission shall also maintain as part of the voters roll for each constituency, a voters roll for each polling division within the constituency as established under section 33 of this Statute.

19. (1) Any person who—

Registration  
of voters.

(a) is a citizen of Uganda; and

(b) is eighteen years of age or above—

shall apply to be registered as a voter in a polling division where the person—

(i) originates from; or

(ii) resides; or

(iii) works in gainful employment.

(2) Subject to this Statute, a voter has a right to vote in the polling division where he or she is registered.

(3) If a registered voter wishes to vote in a polling division other than the one in which he or she is registered, the voter shall apply to transfer his or her registration to the polling division where the voter wishes to vote.

Electoral  
districts.

20. (1) For the purposes of this Statute, there shall be as many electoral districts as there are administrative districts.

(2) Where a district is established after proceedings for an election in the area of the district have commenced, the new district shall only become an electoral district for subsequent elections.

District  
registrars.

21. (1) For the purpose of maintaining and updating the voters register on a continuing basis for each district, each returning officer shall designate a district registrar who shall be a public officer.

(2) The registrar shall exercise such functions as may be specified by the Commission or the returning officer in relation to the registration of voters, and in the exercise of his or her functions, the registrar shall not be subject to the direction or control of any other person or authority other than the returning officer and the Commission.

Assistant  
registrars  
and update  
officers.

22. (1) For each constituency there shall be—

(a) an assistant registrar; and

(b) an appropriate number of register update officers,

who may be appointed by the returning officer whenever a general update of the voters register is about to take place and only for such period and on such terms as the Commission may determine.

(2) An assistant registrar shall exercise such functions as are specified by the returning officer of the district in which the constituency for which he or she has been appointed assistant registrar falls or as may be delegated to him or her from time to time by the district registrar.

(3) Where practicable for the purposes of registering Ugandans residing abroad, the Commission may appoint any foreign service officer stationed at any Embassy of Uganda in any country to carry out the registration or the update of the voters register in respect of Ugandans of voting age residing in that country or a group of countries.

23. (1) Each district registrar shall have charge and custody of the voters register for his or her district under the general supervision of the returning officer and the Commission.

Duties of  
registrars  
and  
assistant  
registrars.

(2) The voters register shall be kept in such form as may be prescribed by the Commission by statutory instrument.

(3) For the purpose of updating the voters register, a district registrar shall use application forms provided by the Commission.

(4) In the performance of his or her duties under this Statute, a district registrar and an update officer may—

(a) demand from any applicant any information necessary to enable him or her to ascertain whether the applicant is qualified to be registered as a voter;

(b) require any voter or applicant to complete an application within a period specified by him or her.

Inspection  
of con-  
stituency  
voters  
rolls.

24. (1) The voters roll for every constituency shall be open to inspection by the public, free of charge, at the office of the returning officer during office hours.

(2) A person inspecting the voters roll for a constituency may, without payment of any inspection fee, make copies of the roll or make extracts from it in each case at his or her expense during office hours but without removing the roll from the office of the returning officer.

(3) The Commission may, whenever it considers it desirable, cause the voters roll for each constituency to be printed, and any person may obtain from the Commission, on payment of such charges and subject to such conditions as may be prescribed, copies of any voters roll for the constituency or for a polling division within it so printed.

(4) Where the voters roll for any constituency has been printed under subsection (3) immediately before a general election or a by-election or election to the office of the President, and it contains the names of the voters who will be entitled to vote at that election, the Commission shall publish a notice in the *Gazette* declaring that the printed voters roll shall be used for the purpose of the identification of voters at that election.

Display of  
copies of  
the voters  
rolls.

25. (1) Before any election is held, the Commission shall, by notice in the *Gazette*, appoint a period, of not less than fourteen days, during which a copy of the voters roll for each polling division shall be displayed for public scrutiny and during which any objections or complaints in relation to the names included in the voters roll or in respect of any omissions from the voters roll or in relation to any necessary corrections, shall be raised or filed.

(2) The display of a copy of the voters roll referred to in subsection (1) shall be carried out in a public place within each polling division.

(3) During the period of the display of the voters roll under this section, any person may raise an objection against the inclusion in the voters roll of any name of a person on grounds that the person is not qualified to vote or to be registered as a voter, in the constituency or polling division.

(4) An objection under subsection (3) shall be addressed to the returning officer through the RC II Chairman of the parish of the person raising the objection.

26. (1) The Commission may design, print and issue voters' cards to voters whose names appear in the voters register.

Power to  
print and  
issue  
voters'  
cards.

(2) No voter shall without lawful authority, hold more than one valid voter's card in the voter's own name.

(3) Any person who contravenes subsection (2) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand shillings or imprisonment not exceeding two years or both.

(4) The Commission may, whenever it considers it necessary, recall all or any voters' cards for the time being held by voters and, in exchange, issue new voters' cards.

27. (1) Whenever a voter's card is lost, destroyed, defaced, torn or otherwise damaged, the voter shall, at least seven days before polling day, notify in writing the returning officer or any other officer duly authorised for that purpose by the returning officer, stating the circumstances of that loss, destruction, defacement or damage.

Power to  
issue  
duplicate  
voters'  
cards.

(2) If the returning officer or that other officer is satisfied as to the circumstances of the loss, destruction, defacement or damage of the voter's card, he or she shall issue to the voter a duplicate copy of the voter's original voter's card with the word "DUPLICATE" clearly marked or printed on it.

(3) No duplicate voter's card shall be issued to any voter on polling day or within three days before polling day.

(4) Any person who contravenes subsection (3) commits an offence.

Offence of  
buying or  
selling  
voters'  
cards.

28. (1) The property in any voter's card issued to any voter shall vest in the Commission.

(2) The Commission may withdraw a voters' card from any person who ceases to be a voter.

(3) Any person who—

(a) is unlawfully in possession of any voter's card whether issued in the name of any voter or not; or

(b) sells or attempts to sell or offers to sell, any voter's card whether issued to any voter or not; or

(c) buys or offers to buy any voters' card whether on his or her own behalf or on behalf of any other person,

commits an offence and is liable, on conviction, to a fine not exceeding three hundred thousand shillings or imprisonment not exceeding three years or both.

Offences  
relating to  
registration  
of voters.

29. (1) Any person who—

(a) makes a false statement of fact in any application for registration as a voter knowing it to be false; or

(b) after demand made of him or her under paragraph (a) or (b) of subsection (4) of section 23 without just cause, fails to give any such information as he or she possesses or unreasonably delays in giving the information; or

(c) fails to comply with any requirement made under section 23; or

(d) in the name of any other person, whether living, dead or fictitious, signs an application form for registration as a voter to have that other person registered as a voter; or

(e) transmits or is concerned in transmitting to any person as genuine a declaration relating to registration which is false in any material particular, knowing it to be false; or

(f) by himself or herself or any other person procures the registration of himself or herself or any other person on a voters roll for a constituency, knowing that he or she or that other person is not entitled to be registered on that voters roll or is already registered on it or on another voters roll; or

(g) by himself or herself or any other person procures the registration of a fictitious person,

commits an offence and is liable on conviction to a fine not exceeding three hundred thousand shillings or imprisonment not exceeding one year or both.

(2) Any person who—

(a) by duress, including threats to invoke any supernatural means whatsoever or reference to such supernatural means; or

(b) by any fraudulent device or contrivance,

causes or induces any person or attempts to cause or induce any person or persons generally to refrain from registering as a voter or voters, as the case may be, commits an offence and is liable on conviction to a fine not exceeding three hundred thousand shillings or imprisonment not exceeding three years or both.

PART V—RETURNING OFFICERS AND OTHER  
ELECTION OFFICERS.Appoint-  
ment of  
returning  
officers,  
etc.

30. (1) The Commission shall by notice in the *Gazette*, appoint a returning officer for each electoral district.

(2) The office of a returning officer shall not become vacant unless the holder dies or, with the prior permission of the Commission, he or she resigns, or unless he or she is removed from office under subsection (3).

(3) The Commission may, by notice in the *Gazette*, remove from office any returning officer where the returning officer—

- (a) is appointed by virtue of a public office, and the person appointed returning officer ceases to hold that public office;
- (b) ceases to be ordinarily resident in the district for which he or she is appointed returning officer;
- (c) is incapable, by reason of illness, or physical or mental infirmity of satisfactorily performing his or her duties under this Statute;
- (d) is incompetent;
- (e) has been proved to be politically partisan in the performance of his or her duties under this Statute;
- (f) has since his or her appointment, behaved in a corrupt manner in relation to his or her duties as returning officer.

(4) Where the office of returning officer becomes vacant, the appointment of a returning officer for that electoral district under subsection (1), shall be made within fourteen days from the date on which the Commission is informed of the vacancy.

Appoint-  
ment of  
Assistant  
Returning  
Officers.

31. (1) Every returning officer shall, upon his or her appointment, appoint in writing with the approval of the Commission, an assistant returning officer, who shall be a competent person who is qualified as a voter, and resident in the electoral district, and notice of the appointment shall be published in the *Gazette*.

(2) The returning officer and the assistant returning officer shall each, before assuming his or her duties as returning officer or assistant returning officer, take and subscribe the prescribed oath and the returning officer shall transmit the oaths taken by them to the Commission.

(3) A returning officer may in writing, delegate any of his or her duties to the assistant returning officer.

32. (1) An assistant returning officer may be removed from office by the returning officer by whom he or she is appointed with the approval of the Commission.

Replace-  
ment of  
assistant  
returning  
officers.

(2) Where the returning officer dies or his or her term of office expires, the assistant returning officer shall continue in office until the successor of the returning officer has appointed a new assistant returning officer.

(3) Where an assistant returning officer dies, becomes disqualified or incapable of acting or refuses to act, or is removed from office for any other reason, the returning officer who appointed that assistant returning officer shall, immediately, appoint a substitute, under section 31.

33. (1) Each returning officer may, with the approval of the Commission, create in each constituency within his or her electoral district, as many polling divisions as are convenient for the casting of votes by voters taking into account the distances to be travelled by voters to polling stations, the number of registered voters in the constituency and the geographical features of the constituency.

Polling  
divisions,  
polling  
stations and  
polling  
centres

(2) Each polling division, shall have one polling station and where it is not possible to have a separate polling station for each polling division, a polling centre serving more than one polling division may be created at a single location, so that voters from one polling division vote at a distinct polling station within the polling centre.

**34. (1) Each returning officer—**

- (a) shall appoint one presiding officer and not more than three polling assistants for each polling station;
- (b) may for good cause, at any time, before polling day, replace any presiding officer or polling assistant; and
- (c) may, for each constituency, appoint not more than four counting officers to assist him or her in tallying the votes cast by voters on polling day.

(2) Where a presiding officer dies after his or her appointment or is unable to act as presiding officer on polling day, the returning officer may appoint another person in his or her place as presiding officer; and if no such appointment is made, one of the polling assistants, who is oldest in age, shall act as presiding officer.

**35. (1) Whenever it is considered necessary and, at the latest, immediately after the date of an election is appointed, the Commission shall transmit to every returning officer—**

- (a) sufficient copies of this Statute, and such instructions prepared by the Commission, as are required for the proper conduct of an election by the returning officer and to enable the returning officer to supply to each election officer a copy of those instructions as each election officer may need;

Appoint-  
ment of  
presiding  
officers.

Information  
to be given  
to returning  
officers.

- (b) copies of the voters roll for each polling station within the electoral district;
- (c) sufficient blank report books and other election material; and
- (d) sufficient funds to cover all the expenses to be incurred by the returning officer in carrying out the electoral process.

(2) The Commission shall also transmit to each returning officer as soon as practicable after nomination days, a sufficient number of ballot papers for each constituency within the electoral district of the returning officer.

**36. (1) Every candidate, election officer, candidate's, agent or other person in attendance at a polling station during the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and no candidate, officer, clerk, candidate's agent or other person shall—**

- (a) at the polling station, interfere with, or attempt to interfere with, a voter when marking the ballot paper, or otherwise attempt to obtain information with respect to the candidate for whom any voter is about to vote or has voted;
- (b) at the counting of the votes, attempt to ascertain the number on the counterfoil of any ballot paper;
- (c) at any time, communicate any information with respect to the manner in which any ballot paper has been marked in his or her presence in the polling station;
- (d) at any time or place, directly or indirectly, induce or endeavour to induce any voter to show his or her ballot paper after he or she has marked it, so as to

Secrecy  
required of  
election  
officers  
and others.

make known to any person the name of the candidate for or against whom the voter has cast his or her vote;

(e) at any time, communicate to any person any information obtained at a polling station with respect to the candidate for whom any voter at the polling station is about to vote or has voted; or

(f) at the counting of the votes, attempt to obtain any information or communicate any information obtained at the counting with respect to the candidate for whom any vote is given in any particular ballot paper.

(2) A person shall before assuming the duties of election officer take and subscribe the oath of secrecy.

(3) Any person who contravenes subsection (1) commits an offence.

**PART VI—REPRESENTATIVES OF WOMEN AND SPECIAL INTEREST GROUPS, AND NOMINATION OF CANDIDATES FOR ELECTION AS MEMBERS OF PARLIAMENT.**

37. (1) As required by paragraph (b) of clause (1) of article 78 of the Constitution, there shall be one woman representative in Parliament for every district.

(2) There shall be the following representatives of special groups in Parliament for the purposes of paragraph (c) of clause (1) of article 78 of the Constitution—

(a) for the Uganda Peoples Defence Forces there shall be ten representatives;

(b) for the National Organisation of Trade Unions there shall be two representatives;

(c) for the National Youth Council there shall be five representatives; and

(d) for the National Union of Disabled People of Uganda there shall be two representatives.

(3) The First Schedule to this Statute shall apply with respect to the election of the women representatives and representatives of the special interest groups specified in subsection (2) of this section.

(4) The Minister may by statutory order made with the approval of the Legislature, amend the First Schedule.

38. (1) A person is qualified to be a member of Parliament if that person—

(a) is a citizen of Uganda;

(b) is a registered voter; and

(c) has completed a minimum formal education of Advanced Level standard or its equivalent.

(2) A person is not qualified for election as a member of Parliament if that person—

(a) is of unsound mind;

(b) is holding or acting in an office the functions of which involve a responsibility for or in connection with the conduct of an election;

(c) is a traditional or cultural leader as defined in clause (6) of article 246 of the Constitution;

(d) has been adjudged or otherwise declared bankrupt under any law in force in Uganda and has not been discharged; or

Qualifications and disqualifications of members of Parliament.

Representatives of women and special interest groups.

(e) is under a sentence of death or a sentence of imprisonment exceeding nine months imposed by any competent court without the option of a fine.

(3) A person elected to Parliament when he or she is a member of local government council or holds a public office shall resign the office before assuming the office of member of Parliament.

(4) For the purposes of this section the Second Schedule to this Statute shall have effect for determining the minimum formal education taken to be equivalent to Advanced Level standard.

(5) The Minister may, by statutory order made with the approval of the Legislature, amend the Second Schedule.

Appoint-  
ment of  
nomination  
days.

39. (1) The Commission shall issue a notice in the *Gazette* appointing two days during which the nomination of candidates are to take place indicating—

(a) the places and times fixed for the nomination of candidates; and

(b) the hours on each nomination day, during which nominations are to take place.

(2) Every place fixed under paragraph (a) of subsection (1) for the nomination of candidates shall be a public place such as a court house, city or town hall, community centre or other public or private building in the most central place in the electoral district or the place that is most convenient for the majority of voters in the electoral district.

(3) The hours to be indicated in accordance with paragraph (b) of subsection (1) shall be between ten o'clock in the forenoon and four o'clock in the afternoon on each nomination day.

40. (1) Nomination of a candidate shall be made on nomination day, by any two registered voters tendering to the returning officer the following—

Procedure  
for the  
nomination  
of candi-  
dates.

(a) a nomination paper in the prescribed form containing a statement under oath by the person seeking nomination specifying—

(i) the name, age, address and occupation of the person seeking nomination;

(ii) the address designated by the person seeking nomination for service of process and papers under this Statute;

(iii) the name and address of a person appointed official agent by the person seeking nomination;

(b) a statement signed by the person named under subparagraph (iii) of paragraph (a) of this subsection stating that he or she has accepted the appointment as agent for the candidate;

(c) the names and signatures of a minimum of ten persons who are registered voters in the constituency where the person seeks nomination as a candidate supporting the nomination and each of the persons so signing shall state in the nomination paper his or her village, occupation and personal voter registration number; and

(d) a statement under oath stating—

(i) that the person seeking nomination is a citizen of Uganda;

(ii) that that person is eighteen years of age or above; and

- (iii) that the person named in the nomination paper as seeking nomination consents to the nomination and is not disqualified to stand as a candidate by this Statute or any other law in force in Uganda.

(2) The nomination paper shall be accompanied by a nomination fee of two hundred thousand shillings in legal tender or a bank draft for that amount made payable to Uganda Administration.

(3) The nomination paper of every candidate shall be accompanied by two postcard size copies of the candidate's own recent straight face, colour photograph.

(4) For the purpose of subparagraph (i) of paragraph (a) of subsection (1)—

(a) the name of the candidate shall be recorded in the nomination paper with the surname first and shall not include any title, degree or other prefix or suffix but may include a nickname if the candidate so wishes; and

(b) the occupation of the candidate shall be stated briefly and shall correspond to the occupation by which the candidate is known in the place of his or her ordinary residence.

41. (1) Where a nomination paper is signed by more than ten persons, the nomination paper is not invalid by reason only that some of the persons signing the nomination paper are not qualified voters in the constituency, if at least ten of the persons who so signed are qualified voters.

(2) A returning officer shall not refuse to accept any nomination paper—

(a) by reason of an alleged ineligibility of the candidate sought to be nominated, unless the ground for the alleged ineligibility appears on the nomination paper; or

(b) solely on account of any minor variation between the name of any person as it appears on the nomination paper and as it appears on the voters roll, if the returning officer is reasonably satisfied that the variation is due to an error; or

(c) on account of any other imperfection in the nomination paper if the returning officer is satisfied that there has been substantial compliance with this Statute.

(3) A nomination paper which a returning officer has refused to accept for filing may be replaced by another nomination paper or may be corrected; except that a new or corrected nomination paper shall be filed with the returning officer not later than the time for the closure of nominations specified in section 39 of this Statute.

(4) The returning officer shall, immediately after the expiry of the nomination time, announce the name of every candidate who has been duly nominated.

42. A person shall not be regarded as duly nominated for a constituency and the nomination paper of any person shall be regarded as void if—

(a) the nomination was not lodged with the returning officer of the electoral district of the constituency in which the candidate seeks election; or

(b) the person's nomination paper was not signed and countersigned in accordance with subsection (1) of section 40; or

Factors which do not invalidate nomination paper.

Factors which may invalidate a nomination.

- (c) the nomination fee referred to in subsection (2) of section 40 was not lodged with his or her nomination paper; or
- (d) the person seeking nomination was not qualified for election under section 38 of this Statute;
- (e) the person seeking nomination has been duly nominated for election for another constituency for which the poll has not taken place.

43. (1) Where, at the close of the nomination days—

- (a) no person has been duly nominated for election for a constituency, the returning officer shall report the fact to the Commission and the Commission shall fix a new polling day under section 46 of this Statute and the Chairperson of the Commission shall appoint fresh nomination days in respect of the constituency in question;
- (b) only one person has been duly nominated for election for a constituency, the returning officer shall forthwith declare that person duly elected as a member of Parliament with effect from the polling day fixed in accordance with this Statute.

(2) Where a returning officer makes a declaration under paragraph (b) of subsection (1), the returning officer shall notify the Commission which shall cause to be published in the *Gazette* a notice of the name of the candidate declared so elected and the day with effect from which he or she was declared elected.

(3) If, by virtue of an appeal under section 45 of this Statute or as otherwise permitted under this Statute, an additional candidate is later duly nominated, the Commission shall revoke the *Gazette* notice and the returning officer shall revoke his or her declaration.

44. Any voter registered on the voters roll of a constituency may—

- (a) during office hours on the nomination days at the office of the returning officer, inspect any nomination paper filed with the returning officer in respect of the constituency;
- (b) after the closure of the nomination time and during such period as may be prescribed, inspect any nomination paper in respect of the constituency at such time and subject to such conditions as may be prescribed; and

may lodge any complaint with the returning officer or the Commission in relation to any nomination in respect of the constituency challenging the qualifications of any person nominated.

45. (1) Where a nomination paper of a person has been rejected or has been regarded as void by virtue of section 42—

- (a) the returning officer shall forthwith notify the person or the agent of the person of the decision giving reasons for the decision; and
- (b) the person shall have the right to complain against the decision to the Commission which may confirm or reverse the decision of the returning officer.

46. (1) The Commission shall, as soon as practicable after nomination days, by notice in the *Gazette*, appoint—

- (a) a day to be known as polling day.
- (b) the time and the place where each returning officer will tally the number of votes given to each candidate at each polling station.

(2) Polling day appointed under subsection (1) shall be not later than thirty days after nomination days.

Right of voter to inspect nomination papers and to lodge complaints.

Right to complain to the Commission upon rejection of nomination paper.

Commission to appoint polling day and tallying places.

Where no candidate or where one candidate, is nominated.

(3) At least seven days before polling day, each returning officer shall—

(a) fix at his or her office a list of the names of all the presiding officers and polling assistants appointed under section 34 for each polling station in the electoral district, with the names and numbers of their respective polling stations; and

(b) permit free access to and afford full opportunity for the inspection of the list by the candidates and any other interested persons during normal working hours.

(4) The time to be indicated under paragraph (b) of subsection (1) as the time when the returning officer will tally the votes given to the several candidates shall, at a general election, be not later than forty eight hours immediately following polling day.

Withdrawal  
of candi-  
dates.

47. (1) Subject to subsections (2) and (3), a duly nominated candidate for election for a constituency may withdraw his or her nomination at any time before polling day or the first polling day, as the case may be, in the election for which the person is standing as a candidate.

(2) A withdrawal of a candidate under subsection (1) shall be effected by means of a written notification to the returning officer and shall be signed by the candidate personally and the candidate's signature shall be witnessed by the signatures of two registered voters of the constituency concerned.

(3) Any vote cast on polling day for a candidate who has withdrawn his or her nomination shall be invalid.

(4) Where a candidate withdraws after nomination day and after the ballots are printed, the returning officer shall—

(a) in writing, inform every presiding officer in the constituency where the candidate has withdrawn, of the fact of the withdrawal; and

(b) if the time permits, print a notice of the withdrawal and distribute it to each presiding officer.

(5) Where a candidate withdraws under this section, the presiding officer shall, on polling day—

(a) post a notice of the withdrawal in a conspicuous place in the polling station; and

(b) when delivering a ballot paper to each voter, verbally inform the voter of the withdrawal.

#### PART VI—CAMPAIGNING.

48. (1) Subject to the provisions of the Constitution and this Statute, the Commission may determine the manner and the period during which campaigns shall take place and shall publish that information in the *Gazette* and forward a copy to each returning officer.

Candidates'  
meetings  
programme.

(2) For each constituency within the electoral district, the returning officer shall prepare and conduct a programme to be known as a candidates' meetings programme so that at least one candidates' meeting is held within each parish in a constituency.

(3) Where it appears in the opinion of the returning officer to be convenient to do so, one joint candidates' meeting may be held for two or more parishes and more than one such meeting may be held within one parish.

(4) The object of the candidates' meetings programme shall be to enable all candidates within the constituency to collectively meet, address and answer questions of voters in each parish within the constituency.

(5) Every returning officer shall give to the Commission a copy of each candidates' meetings programme, prepared by the returning officer under subsection (1), before the commencement of the programme.

(6) The returning officer shall make available to every candidate a copy of the candidates' meetings programme for his or her constituency before the commencement of the programme and the returning officer shall allow all candidates reasonable time to arrange their attendance at the candidates' meetings scheduled in the candidates' meetings programme.

(7) In each parish, the candidate's meeting shall be chaired by a person other than an election officer appointed by the returning officer.

(8) At every candidates' meeting, the chairperson shall introduce the candidates one by one and allow each candidate reasonable time, but in any case not less than twenty minutes, to address the meeting on matters relating to the election.

(9) After all candidates have addressed the meeting, the chairperson shall invite questions from the voters and give the candidates reasonable time to answer them.

(10) At a candidates' meeting, the chairperson and the candidates may use the local language of the area.

(11) The costs to be incurred by each candidate for the purposes of attending any candidates' meetings shall be borne by the candidate.

(12) Rallies and any form of public demonstration in support of, or against, any candidate shall not be permitted at any

candidates' meeting and any person who organises or participates in any such rally or demonstration commits an offence.

(13) The operation of the candidates' meetings programme shall not commence until the expiry of nomination days.

(14) No candidate shall hold any rally or other public meeting intended to solicit votes other than at a candidates' meeting.

(15) Nothing in subsection (14) prohibits a candidate or a candidate's agent from holding a consultative meeting with the candidate's campaign agents for the purposes of planning and organising the candidates' election campaign.

(16) No candidates' meeting shall be held within twenty-four hours before polling day.

(17) The Commission shall ensure that adequate security is provided for candidates at candidates' meetings.

(18) Any person who contravenes subsection (14) of this section commits an offence.

(19) In this section "rally" means a meeting of more than ten persons in a public place for the purpose of soliciting votes.

49. (1) During the campaign period every public officer and public authority and institution shall as far as possible give equal treatment to all candidates in dealing with them.

Protection  
and immunity  
of candidates.

(2) Subject to the Constitution and any other law every candidate shall enjoy complete and unhindered freedom of expression and access to information in the exercise of the right to campaign under this Statute.

(3) No person shall, while campaigning use any language which is defamatory or insulting or which constitutes incitement to public disorder, insurrection, hatred, violence or which threaten war.

(4) Any person who contravenes subsection (3) commits an offence.

(5) The Commission may issue guidelines to be complied with by every candidate while conducting his or her campaign for the election under this Statute.

Rights of  
Candidates.

50. (1) No candidate in an election shall be denied reasonable access to and use of, State-owned communication media.

(2) Subject to any other law, during the campaign period any candidate, may, either alone or in common with others, publish campaign 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 candidate or candidates concerned.

(3) No person shall, during the campaign period print, publish or distribute, a newspaper, circular or pamphlet containing an article, report, letter or other matter commenting on any issue relating to the election 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) Any person who contravenes subsection (3) commits an offence.

51. (1) No person shall use or attempt to use any political party colour or symbol, or political party, tribal, or religious affiliations or any other sectarian ground as a basis for his or her candidature for election or in support of his or her campaign.

(2) Any person who contravenes subsection (1) commits an offence.

52. (1) Except as authorised under this Statute no candidate shall use Government resources for purpose of campaigning for election.

(2) Where a candidate is a Minister or holds any other political office or a public office he or she shall, during the campaign period, restrict the use of the official facilities ordinarily attached to his or her office to the execution of his or her official duties.

53. (1) In a constituency where only two candidates stand validly nominated after the close of nominations, and before the closing of the polls one of them dies or ceases to be a candidate by reason of his or her ceasing to be qualified for election, the Commission shall postpone the polling in the constituency and fix fresh nomination days for the nomination of candidates.

(2) Where fresh nomination days are fixed under subsection (1), any candidate previously validly nominated shall not be required to be re-nominated and only candidates who did not go through the nomination process during the first nomination days shall tender their nomination papers to the returning officer.

(3) An election arising out of a postponement effected under subsection (1) shall, as far as possible be conducted in accordance with the provisions of this Statute.

Non-partisan  
or non-sectarian  
campaign.

Use of  
Government  
resources.

Where one  
of only two  
candidates  
dies.

## PART VIII—VOTING AND VOTING PROCEDURE.

Persons temporarily disqualified to vote.

54. (1) The following persons may be registered as voters and their names may remain in the voters register and voters roll in their respective polling divisions, but shall not be qualified to and shall not vote at an election—

(a) every person undergoing punishment as an inmate in any penal institution or whose movement is restricted by order of any court of law as part of a lawful punishment, for the commission of any offence; and

(b) every person whose liberty of movement is lawfully restrained or who is lawfully deprived of management of his or her property by reason of being of unsound mind.

(2) Without prejudice to subsection (1), no person may hinder any person from registering as a voter or from voting.

(3) Any person who contravenes subsection (2) commits an offence.

Authority to print ballot papers.

55. (1) The Commission shall, in designing and printing ballot papers ensure that they are convenient and easily understandable by the voters in exercising their choice of the candidates standing for election.

(2) Every ballot paper shall be authenticated by a watermark to be determined by the Commission.

(3) The ballot papers shall be bound or stitched in books containing such number of ballot papers as may be suitable for supplying the polling stations taking account of the number of voters registered for the polling divisions served by the polling stations.

56. Within forty-eight hours before polling day, every returning officer shall furnish each presiding officer in the district with—

(a) a sufficient number of ballot papers to cover the number of voters likely to vote at the polling station for which the presiding officer is responsible;

(b) a statement showing the number of ballot papers so supplied with the serial numbers indicated in the statement; and

(c) the other necessary materials for the voters to mark the ballot papers and complete the voting process.

57. (1) The Commission shall, by notice in the *Gazette* publish—

(a) a list of the polling stations in each constituency; and

(b) a list of the names of the candidates nominated for each constituency in alphabetical order with surnames first.

(2) The Commission shall also forward each list referred to in subsection (1) to all returning officers; and the returning officers shall ensure that the lists relevant to each constituency are published widely in the constituency.

58. (1) Every polling station shall, as far as possible, be located in an open ground, or where there is no open ground, in large premises of convenient access, having an outside door for the admittance of voters, and, if possible, another door through which voters may leave after voting.

(2) At every polling station, polling time shall commence at seven o'clock in the morning and close at five o'clock in the afternoon.

Distribution of election materials.

Publication of list of polling stations and candidates.

Polling stations and voting time.

(3) Any person registered as a voter and whose name appears in the voters roll of a polling division and who holds a valid voters' card shall be entitled to vote at the polling station established for that polling division.

(4) If at the official hour of closing the poll in subsection (2) there are any voters in the polling station, or in the line of voters under subsection (3) of section 59 who are qualified to vote and have not been able to do so, the polling station shall be kept open to enable them to vote; but no person who is not actually present at the polling station or in the line of voters at the official hour of closing shall be allowed to vote, even if the polling station is still open when he or she arrives.

Polling and  
polling  
procedure.

59. (1) Voting at every election shall be by secret ballot using one ballot box at each polling station for all candidates in accordance with this Statute.

(2) No presiding officer shall inquire about or attempt to see, for whom a voter intends to vote.

(3) On polling day, all voters intending to vote shall form one line commencing backward from a point at least twenty metres away from the table at which each voter is to place the authorised mark of choice on the ballot paper.

(4) Voters who have cast their votes and all other persons in the vicinity of the polling station other than election officers, shall stand or sit at least twenty metres away from the table mentioned in subsection (3).

(5) Subject to subsection (7) at every polling station there shall be positioned—

- (a) a table where every voter shall report for identification in the voters roll and collection of a ballot paper;

(b) a second table positioned at least fifteen metres from the first with two pens, each pen being attached to the table with a string measuring about one metre in length, where every voter shall proceed and vote for a candidate of the voter's choice by means of fixing the authorised mark of choice, namely, a tick or a thumb print, in the space provided in the box against the picture of the candidate on the ballot paper and, after voting, fold the ballot paper so as to enable it to be deposited in the slot of the ballot box;

(c) a third table located at least ten metres away from the second and on top of which shall rest a ballot box into which every voter shall deposit the folded ballot paper in the full view of all present; and

(d) a fourth table located at least ten metres from the ballot box where every voter, after depositing the ballot paper into the ballot box, shall proceed and have the thumb on the voters' right hand, dipped into indelible ink to indicate that the voter has cast the ballot.

(6) Where for the purposes of paragraph (d) of subsection (5)—

(a) the voter has no thumb on the right hand, the process specified in that paragraph shall be applied to the finger nearest to the position of the thumb on the voters' right hand; or

(b) the voter has no right hand the process shall be applied to the left hand; or

(c) a voter has no fingers on the left or right hand, the voter may dip the tip of any hand into indelible ink; or

(d) the voter has no hands, the process shall be applied to any other conspicuous part of the voter's body as a polling assistant may determine.

(7) The presiding officer at each polling station shall, at the commencement of the poll and in the full view of all present, open the first ballot box, turn it upside down with the open top facing down to ensure to the satisfaction of everyone present, that the ballot box is devoid of any contents and thereafter place the ballot box on the table under paragraph (b) of subsection (5) and where more than one ballot box is used after the first is filled, the same procedure shall be followed prior to the placing on the table, of any additional ballot box.

(8) For the purposes of subsection (5), "table" includes a desk, a box, a chair, a stool and any other object with a hard and smooth surface that can be used as a table.

60. (1) No person shall vote or attempt to vote more than once and any person who does so commits an offence.

(2) For the purpose of ensuring that no voter casts a vote more than once, a presiding officer or a polling assistant may, before issuing a ballot paper, inspect the fingers of any voter in order to ascertain whether or not the voter has been marked with indelible ink in accordance with section 59; and the presiding officer or a polling assistant, as the case may be, shall refuse to issue a ballot paper to that voter if the presiding officer or polling assistant has reasonable grounds to believe that the voter has already voted or if the voter refuses to be inspected under this subsection.

(3) Any person who refuses to be inspected under subsection (2) commits an offence.

61. (1) A candidate may be present in person or through his or her representatives or polling agents at each polling station for the purposes of safeguarding the interests of the candidate with regard to the polling process.

No person  
to vote  
more than  
once.

Candidates  
may appoint  
polling  
agents.

(2) Not more than two representatives or polling agents shall be appointed by a candidate under subsection (1) and the appointments shall be in writing addressed to the presiding officer of the polling station.

(3) Representatives or polling agents appointed under subsection (2) shall report to the presiding officer of the polling station on polling day.

62. (1) Every voter shall vote in accordance with section 59 of this Statute without undue delay and may leave the polling station as soon as his or her ballot paper has been put into the ballot box under section 59.

(2) The presiding officer may allow expectant mothers, old or sickly voters or voters with disabilities and persons required for essential duties to vote without waiting in the line of voters.

63. (1) A voter wishing to obtain a ballot paper, for the purpose of voting, shall produce his or her voters' card to the presiding officer or polling assistant at the table under paragraph (a) of subsection (5) of section 69.

(2) If the presiding officer or polling assistant is satisfied that the voter's name and number indicated in the voter's card correspond to the voter's name and number in the voters register for the polling division, he or she shall stamp with an official stamp provided by the Commission the voter's card in the space provided in the card for stamping to indicate that the voter has voted.

(3) The presiding officer or polling assistant shall place a tick against the voter's name in the voters roll for the polling division.

(4) The presiding officer or polling assistant shall write the name of the polling station in the space provided on top of the ballot paper before handing the ballot paper to the person claiming to vote.

No de-  
voting

Proced-  
for han-  
ballot p-  
to vote

(5) Subject to section 68 of this Statute, no person shall be permitted to vote at a polling station unless the person's name appears in the voters roll for the polling division served by that polling station.

(6) Any person who contravenes subsection (5) commits an offence.

Where a voter spoils ballot paper.

64. A voter who has inadvertently dealt with the ballot paper delivered to him or her under paragraph (a) of subsection (5) of section 59 in such a manner that it has become impracticable to use it, shall return it to the presiding officer who shall—

(a) deface it by making two diagonal lines across it and writing the word "spoilt" on it; and

(b) deliver another ballot paper to the voter.

Where two voters appear under same name.

65. (1) Where a person represents himself or herself to be a particular voter and applies for a ballot paper after another person has voted in the name of that person the second person shall only be entitled to receive a ballot paper and to vote after taking the oath of identity, in the prescribed form and otherwise establishing his or her identity to the satisfaction of the presiding officer.

(2) In any case referred to in subsection (1), the presiding officer shall enter in the copy of the voters register or the voters roll, opposite the name of the voter—

(a) a note of the voter having voted on a second ballot paper issued under the same name;

(b) the fact of the oath of identity having been taken and

(c) any objections made on behalf of any of the candidates.

66. (1) Where a voter is by reason of blindness, illiteracy, old age or any other disability unable to fix the authorised mark of choice on the ballot paper, that voter may report at the polling station accompanied by a person of his or her choice to assist the voter to fix the authorised mark of choice on the ballot paper on the voter's behalf or the voter may request another person present at the polling station to assist such voter in that behalf.

(2) It shall be lawful for any member of a voter's family to assist a voter under subsection (1) notwithstanding the fact that the former is below the age of eighteen years.

(3) An election officer, a candidate's agent, an observer or monitor, at any polling station, is not permitted to assist any voter with a disability under subsection (1).

(4) No person is authorised to assist any voter to mark the ballot paper under subsection (1) unless the voter has voluntarily requested such assistance.

(5) Any person who contravenes subsection (4) commits an offence.

67. The Commission may make special provision for the taking of the votes of patients in hospitals, or persons admitted in sanatoria, or homes for the aged and similar institutions and also for persons in restricted areas such as soldiers and other security personnel.

68. (1) The claim of a person to vote at any election shall not be rejected by reason only—

(a) that any of the person's names has been omitted from the voters register or from the voters roll; or

(b) of the entry in the voters register or in the voters roll of a wrong name, a wrong village or of a wrongly spelt name,

Assistance to illiterate voters, and other voters with disability.

Special procedure for voting of persons in institutions and restricted areas.

Factors which may not prevent a person from voting.

if, in the opinion of the presiding officer, the person is sufficiently identified.

(2) The claim of a female voter to vote at any polling station shall not be rejected by reason only that she has changed her surname by reason of marriage and that the change has not been reflected in the voters register or the voters roll for the polling division.

Employers  
to grant  
mandatory  
leave of  
absence to  
voters.

69. (1) If an employee who is a registered voter notifies the employer before polling day that the employee requires leave of absence to vote at the election, the employer shall, if the absence desired is necessary to enable the employee to vote at the election, grant the employee permission to take leave of absence without any penalty or disproportionate deduction of pay for such reasonable period, not exceeding two days, as is necessary to enable the employee to travel and vote at the election.

(2) No employee shall obtain permission to take leave of absence under subsection (1) unless that employee intends to use the leave of absence to vote at the election.

(3) Subsection (1) does not apply to an employee whose services are essential for the preservation of human life or whose services are necessary for national security.

(4) An employer who contravenes subsection (1) commits an offence and is liable, on conviction to a fine—

(a) If the offender is a natural person, not exceeding two hundred and fifty thousand shillings; or

(b) If the offender is a body corporate, not exceeding five hundred thousand shillings,

in respect of each voter to whom leave of absence is denied.

Returning  
officers to  
have powers  
of justices  
of the peace.

70. During an election and while the polls are open, every returning officer and presiding officer is a keeper of the peace and has all the powers of a justice of the peace, and he or she may—

(a) require the assistance of a member of the Uganda Police Force or other persons present to aid him or her in maintaining peace and good order at the polling station; or

(b) arrest or cause, by verbal order, to be arrested, and place or cause to be placed in the custody of any police officer or other person authorised by law, any person disturbing the peace and good order at the polling station; or

(c) cause any arrested person to be imprisoned under an order signed by him or her until not later than an hour after the closure of the poll.

71. (1) Any presiding officer, except a presiding officer for a polling station located in an urban area, may in the absence of a police officer appoint another person present as an election constable to maintain order in the polling station throughout polling day where the presiding officer deems the services of an election constable to be absolutely necessary.

Presiding  
officer to  
appoint  
election  
constable.

(2) A presiding officer may only appoint a person other than a police officer to be an election constable under subsection (1) when there is actual or threatened disorder or, when it is likely that a large number of voters will seek to vote at the same time.

(3) There shall be appointed at every polling centre established under subsection (2) of section 33 one person in order to ensure the orderly and prompt entrance of the voters into their proper polling station within the centre.

(4) When an election constable has been appointed by a presiding officer, the constable shall take an oath in the prescribed form before commencing to discharge his or her responsibilities as election constable.

(5) Every presiding officer who has appointed an election constable at a polling station shall state his or her reasons for making the appointment in the space provided for that purpose in the polling report book.

(6) A presiding officer of a polling station located in an urban area may, where required for the purposes of subsection (2), appoint a police officer to maintain order in the polling station.

(7) In this section "urban area" means a town, municipality or the City of Kampala.

72. (1) No person shall arm himself or herself, during any part of polling day, with any arms or ammunition or approach within one kilometre of a polling station, with arms and ammunitions unless called upon to do so by lawful authority or where he or she is ordinarily entitled by virtue of his or her office to carry arms.

(2) Any person who contravenes subsection (1) commits an offence.

73. (1) No person shall, on any polling day, for the purpose of promoting or opposing any candidate use any loudspeaker or similar communication device within hearing distance of any polling station.

(2) Any person who contravenes subsection (1) commits an offence.

74. (1) The campaign period prescribed by the Commission under subsection (1) of section 48 shall not extend beyond midnight of the day before polling day.

(2) No person shall—

(a) post or display on or in a polling station or in a hall, window or door of a building used as a polling station, any campaign literature, emblem, ensign, badge, label, ribbon, flag, banner, card, bill, poster or device, that could be taken as an indication of support for or opposition, to a candidate; or

(b) while in a polling station, display on his or her person any emblem, ensign, badge, label, ribbon, flag, banner, card or device as a badge intended or likely to be taken as intended to distinguish the wearer as a supporter of any candidate.

(3) Nothing in subsection (1) shall prohibit a meeting of a candidate with his or her agents and facilitators for the election.

(4) Notwithstanding subsection (2) an agent of a candidate, may in a polling station display on his or her person, in such form as the Commission may authorise, a label identifying his or her function and the name of the candidate he or she represents.

(5) A person who contravenes this section commits an offence.

75. (1) Where polling at a polling station is interrupted by a riot or violence or any other event while there remains, in the voters register, voters who have not completed the polling process, the presiding officer shall adjourn the polling to the next day or to any other time of the same day and shall immediately inform the returning officer of that fact.

(2) Where the polling is adjourned to the following day under subsection (1), the time, procedure and manner of the subsequent polling shall be as on the original polling day.

76. (1) The candidates' agents and any voter present at a polling station may raise doubts and present in writing complaints relating to the voting at the polling station and shall have the right to obtain information from the presiding officer concerning the counting process.

(2) No presiding officer shall refuse to receive a complaint presented to him or her under subsection (1) and shall initial every such presentation and annex it as part of the official record of the polling station.

Interruption  
and post-  
ponement of  
polling.

Complaints  
at polling.

Arms and  
ammunition  
prohibited.

Loud  
speakers  
prohibited  
at polling  
stations.

Campaigns  
to stop on  
eve of  
polling day.

(3) Subject to subsection (4) any presentation received by the presiding officer under this section shall be deliberated upon and resolved by the presiding officer and the polling assistants.

(4) Where necessary in the opinion of the presiding officer to enable the voting process to proceed, the deliberation or resolution of a presentation under subsection (3) may be postponed until the completion of the voting process.

#### PART IX—COUNTING OF VOTES AND ANNOUNCEMENT OF RESULTS.

77. (1) Votes cast at every polling station shall be counted at that polling station immediately after the presiding officer declares the polling closed and the votes cast in favour of each candidate shall be recorded separately in accordance with this part of this Statute.

(2) Subject to section 87 of this Statute, no votes shall stay uncounted overnight and, where required, the presiding officer shall provide lanterns for the purposes of counting votes.

(3) A candidate may be present in person or through his or her representatives or polling agents at each polling station, and at the place where the returning officer tallies the number of votes for each candidate or conducts a recount under section 84 of this Statute for the purposes of safeguarding the interests of the candidate with regard to all stages of the counting, tallying or recounting processes.

(4) At the commencement of the counting, the presiding officer shall, in the presence and full view of all present, open the ballot box and empty its contents onto the polling table, and with the assistance of polling assistants proceed to count the votes separating the votes polled by each candidate.

78. (1) A candidate or a candidate's agent or any voter present may raise any objection during the counting of the votes and each presiding officer shall—

Votes to be  
counted at  
each polling  
station.

Complaints  
during the  
counting of  
votes.

(a) keep a record, in the report book, of every objection made by any candidate or a candidate's agent or any voter present, to any ballot paper found in the ballot box; and

(b) decide every question arising out of the objection.

(2) Every objection recorded under subsection (1) shall be numbered and a corresponding number placed on the back of the ballot paper to which it relates and the ballot paper shall be initialled by the presiding officer.

(3) The decision of a presiding officer in respect of an objection raised under subsection (1) is final, subject to reversal only on recount or on petition questioning the election return.

79. (1) A vote cast is invalid if—

(a) the ballot paper is torn into two or more parts; or

(b) where the voting is by placing a mark of choice on the ballot paper;

(i) the voter marks the ballot with a mark other than the authorised mark of choice; or

(ii) places the authorised mark of choice on the ballot paper in such a way that the choice of the voter cannot be reasonably ascertained.

(2) No ballot paper shall be taken as invalid under this section irrespective of where the authorised mark of choice is placed, so long as the voter's choice can be reasonably ascertained.

(3) A vote which is invalid shall not be counted in determining the results of the election.

Votes to be  
treated as  
invalid.

Declaration  
of results  
forms.

80. (1) Each presiding officer shall fill the necessary number of copies of a prescribed form for the declaration of results as follows —

- (a) one copy of the completed form shall remain attached to the report book referred to in paragraph (c) of subsection (1) of section 35;
- (b) one copy shall be retained by the presiding officer for display at the polling station;
- (c) one copy shall be enclosed in an envelope supplied by the Commission for the purpose, sealed by the presiding officer and delivered to the nearest result collection centre prescribed by the returning officer, together with the report book, for transmission to the returning officer;
- (d) one copy shall be delivered to each of the candidates' agents or, in the absence of those agents, to any voters present claiming to represent the candidates; and
- (e) one copy shall be deposited and sealed in the ballot box.

(2) The presiding officer shall, in the presence of the candidates and the candidates' agents as may wish to be present, seal the ballot box with a seal provided for the purpose by the Commission.

(3) The sealed ballot box referred to in subsection (2) shall contain the following items—

- (a) one duly signed declaration of results form;
- (b) the ballot papers received by each candidate, tied in separate bundles;
- (c) the invalid ballot papers, tied in one bundle;
- (d) the spoilt ballot papers, tied in one bundle;

- (e) the unused ballot papers; and
- (f) the voters roll used at the polling station.

(4) The declaration of results form referred to in subsection (1) shall be signed by the presiding officer and the candidates or their agents as are present and wish to do so, 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.

81. (1) A returning officer may appoint one or more persons for the purpose of collecting the results of the poll from a given number of results collecting centres prescribed by him or her and each person shall, on delivering the results to the returning officer, sign the prescribed declaration of delivery of results form.

Collection  
of results.

(2) Each presiding officer shall, without any delay after closing the poll, transmit or deliver to the returning officer or to the nearest results collecting centre—

- (a) the sealed ballot box;
- (b) the duly filled and signed declaration of results form;
- (c) the report book filled in and signed by the presiding officer and the polling assistants, if any.

82. (1) The returning officer is responsible for the safe custody of all the election documents used in the district in connection with an election until the documents are destroyed in accordance with the directions of the Commission.

Safe  
keeping of  
election  
materials  
and records.

(2) A returning officer shall, on the receipt of each ballot box—

- (a) take every precaution for its safe custody;

(b) examine the seal affixed to the ballot box, with a view to ensuring that the box is properly sealed; and

(c) if the box is not in good order, record his or her observations and affix a different seal supplied by the Commission.

83. (1) After all the envelopes containing the declaration of results forms have been received, the returning officer shall open the envelopes and add up the number of votes cast for each candidate as recorded on each form.

(2) Where any envelope under subsection (1) does not contain the results of the poll, the returning officer may, for the purpose of finalising a statement of the poll, use the declaration of results form in the presiding officer's report book and if the report book does not contain the declaration of results form duly filled by the presiding officer, the returning officer may, in the presence of a Senior Police Officer, open the ballot box in order to obtain the declaration of results form for the purpose of adding up the results of the poll.

(3) Where the returning officer opens the ballot box under subsection (2) he or she shall reseal the ballot box immediately after ascertaining the results with the declaration of results forms resealed in the envelopes in the ballot box.

84. (1) Where, after the official addition of the votes—

(a) there is an equality of votes between two or more candidates obtaining the highest number of votes; or

(b) the number of votes separating the candidate receiving the highest number of votes and any other candidate is less than twenty,

Tallying of  
the results  
by the  
returning  
officer.

Cases of  
mandatory  
recount.

the returning officer shall if requested in writing by a candidate, a candidates' agent or a voter registered to vote in the constituency, in the presence of a senior police officer recount the votes after giving a written notice of the intention to recount to all interested parties.

(2) Where a recount under this section results in an equality of votes, among two or more candidates obtaining the highest number of votes, a run off election shall be held involving only the candidates with equal votes; and the election shall take place not later than thirty days from the date of the recount.

85. (1) Within seven days after the date on which a returning officer has in accordance with section 88, declared as elected the candidate who has obtained the highest number of votes, any candidate may apply to the Chief Magistrate for a recount.

Application  
to Chief  
Magistrate  
for a  
recount.

(2) The applicant under subsection (1) shall deposit with the registrar of the court such sum of money as may be prescribed as a security for the costs of the candidate who has obtained the highest number of votes.

(3) The Chief Magistrate shall appoint the time to recount the votes, which time shall be within four days after receipt of the application under subsection (1) and the recount shall be conducted in accordance with the directions of the Chief Magistrate.

86. (1) Where a recount under section 85 does not alter the result of the poll as to affect the declaration by the returning officer under section 88, the court may order the costs of the candidate declared elected to be paid by the person who applied for the recount.

Recovery of  
costs of the  
recount.

(2) The monies deposited as security for costs shall, so far as necessary, be paid out to the candidate in whose favour costs are awarded and, if the deposit is insufficient to cover the costs, the court shall order the liable party to pay the balance.

Interruption  
and post-  
ponement of  
counting,  
tallying or  
recounting.

87. (1) Where counting, tallying or recounting of votes is interrupted by a riot or violence or any other event, the presiding officer or returning officer shall adjourn the counting, tallying or recounting to the next day or to any other time of the same day and shall immediately inform—

(a) in the case of the presiding officer, the returning officer; or

(b) in the case of the returning officer, the Commission, of that fact.

(2) Where the counting, tallying or recounting of votes is adjourned to the following day under subsection (1), the time, procedure and manner of the subsequent counting, tallying or recounting shall be as on the original occasion.

Declaration  
of winning  
candidate.

88. (1) Each returning officer shall, immediately after the addition of the votes under subsection (1) of section 83, or after any recount, declare elected the candidate who has obtained the largest number of votes by completing the return in the prescribed form.

(2) Upon completing the return, every returning officer shall transmit to the Commission the following documents—

(a) the return form;

(b) a report of the elections within the returning officer's electoral district;

(c) the tally sheets; and

(d) the declaration of results forms from which the official addition of the votes was made.

(3) Where a returning officer receives notice of a recount under section 85 of this Statute, he or she shall delay transmission of the return and report for the constituency in question until he or she has received from the court a certificate of the result of the recount.

Declaration  
of results  
and reports  
by the  
Commission.

89. (1) The Commission shall, as soon as practicable after the election, ascertain, declare in writing under its seal and publish in the *Gazette*, the results of the election in each constituency.

(2) The Commission shall, as soon as practicable after each general election produce a detailed report on the conduct of the election.

(3) For the purposes of a report under subsection (2), every candidate at an election and every official agent of any candidate has the right to send to the Commission a statement in writing containing any complaint that he or she may wish to make with respect to the conduct of the election or of any election officer and any suggestions with respect to such changes or improvements in the law as he or she may consider desirable.

#### PART X—ELECTION PETITIONS.

90. (1) Election petitions under this Statute shall be filed in the High Court.

(2) An election petition may be filed by any of the following persons—

(a) a candidate who loses an election; or

(b) a registered voter in the constituency concerned supported by the signatures of not less than five hundred voters registered in the constituency in a manner prescribed by regulations.

(3) Every election petition shall be filed within thirty days after the day on which the result of the election has been notified by the Commission in the *Gazette*.

(4) The petitioner shall, not later than seven days after the presentation of the election petition, furnish security of an amount fixed by the Chief Registrar, for the payment of all costs, charges and expenses that may become payable by the petitioner.

Who may  
present  
election  
petition.

(5) The security given under subsection (4) may be by recognizance entered into by the petitioner and sureties not exceeding four in number in a form approved by the Chief Registrar which recognizance shall be signed in the presence of the Chief Registrar.

Grounds for  
setting aside  
election.

91. (1) The election of a candidate as a member of Parliament shall only be set aside on any of the following grounds if proved to the satisfaction of the court—

- (a) non-compliance with the provisions of this Statute relating to elections, if the court is satisfied that there has been failure to conduct the election in accordance with the principles laid down in those provisions and that the non-compliance and such failure affected the result of the election in a substantial manner;
- (b) that a person other than the one elected won the election;
- (c) that an illegal practice or any other offence under this Statute was committed in connection with the election by the candidate personally or with his knowledge and consent or approval; or
- (d) that the candidate was at the time of his or her election not qualified or was disqualified for election as a member of Parliament.

(2) Nothing in this section confers on the court when hearing an election petition, a power to convict a person for a criminal offence.

(3) Where it appears to the court on hearing an election 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.

(4) Where an election is set aside, a fresh election shall be held as if it were a by election in accordance with section 115 of this Statute.

92. Notice in writing of the presentation of a petition accompanied by a copy of the petition shall, within seven days after the filing of the petition be served by the petitioner on the respondent or respondents, as the case may be.

Notice of  
petition to  
be served  
on  
respondent.

93. (1) Every election petition, filed under this Statute, shall be tried in open court.

Trial of  
election  
petitions.

(2) The High Court shall proceed to hear and determine the matter expeditiously and may, for that purpose suspend any other matter pending before it.

(3) If, on the trial of an election petition it is proved that any person who voted for a candidate—

- (a) was bribed or subjected to undue influence by the candidate or anyone acting on behalf of the candidate; or
- (b) was guilty of personation or of an illegal practice or was not qualified or was disqualified as a voter at the election,

then without prejudice to any other consequences prescribed for the infringement of any provision of this Statute, the vote given for the candidate by that person shall be deducted from the total number of votes given for the candidate at the election.

(4) After due inquiry the court hearing an election petition may—

- (a) dismiss the petition; or
- (b) declare that a candidate other than the candidate declared elected was validly elected; or
- (c) set aside the election and order a new election.

(5) The High Court before coming to a decision under subsection (4), may order a recount of the votes cast.

(6) At the conclusion of the trial of an election petition the court shall determine whether the respondent was duly elected or whether any, and if so which person other than the respondent was or is entitled to be declared duly elected, and if the court determines that—

- (a) the respondent was duly elected, the election shall be and remain as valid as if no petition, had been presented against the respondent's election;
- (b) the respondent was not duly elected but that some other person was or is entitled to be declared duly elected—
  - (i) the respondent shall be ordered to vacate his or her seat; and
  - (ii) the court shall certify its determination to the Commission and the Speaker, and the Commission shall thereupon, by notice published in the *Gazette*, declare that other person duly elected with effect from the day of the determination by the court;
- (c) the respondent was not duly elected and that no other person was or is entitled to be declared duly elected—
  - (i) the seat of the respondent shall be declared vacant; and
  - (ii) the court shall forthwith, certify its determination to the Speaker and the Commission, and the Speaker shall notify the Minister that a vacancy has occurred in the constituency in question and the cause of the vacancy.

94. (1) At the trial 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.

(2) A witness who, in the course of the trial of an election 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, commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shillings or imprisonment not exceeding two years or both.

95. (1) An election petition shall not be withdrawn without the leave of the court and after such notice has been given as the court may direct.

(2) On the hearing of the application for withdrawal, any person who might have been a petitioner in respect of the election to which the petition refers may apply to the court to be substituted as a petitioner for the petitioner who desires to withdraw.

(3) The court may substitute as a petitioner any applicant under subsection (2) and may further, if the proposed withdrawal has been, in the opinion of the court, induced by any corrupt bargain or consideration, by order, direct that the security given on behalf of the original petitioner shall remain as security for any costs that may become payable by the substituted petitioner and that the original petitioner shall be liable to pay the costs.

Witnesses  
in election  
petitions.

Withdrawal  
of election  
petitions.

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

Appeals.

96. (1) A person aggrieved by the determination of the High Court on hearing an election petition may appeal to the Court of Appeal against the decision.

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

Petition to  
abate on  
death of  
petitioner

97. An election petition shall abate at the death of the sole petitioner or of all the petitioners, as the case may be, but such abatement shall not affect the liability of the estate of the petitioner or petitioners for the payment of costs previously incurred.

#### PART XI—ILLEGAL PRACTICES.

Bribery

98. (1) Any person who, either before or during an election with intent, either directly or indirectly to influence another person to vote or to refrain from voting for any candidate, gives or provides or causes to be given or provided any money, gift or other consideration to that other person, commits the offence of bribery and is liable on conviction to a fine not exceeding two hundred thousand shillings or imprisonment not exceeding two years or both.

(2) Any person receiving any money, gift or consideration under subsection (1) also commits the offence under that subsection.

(3) Subsection (1) does not apply in respect of the provision of refreshments or food—

(a) offered by a candidate or a candidate's agent who provides refreshments or food as an election expense at a candidates' campaign planning and organisation meeting under subsection (15) of section 48; or a meeting of campaign workers and voters for the celebration of the victory of a candidate; or

(b) offered by any person other than a candidate or a candidate's agent who, at his or her own expense provides the refreshments or food at a candidates' campaign planning and organisation meeting under subsection (15) of section 48.

(4) Every candidate or candidate's agent who, by himself or herself or any other person, directly or indirectly, before the close of polls on polling day offers, procures or provides or promises to procure or provide alcoholic beverages to any person commits an illegal practice.

(5) An offence under subsection (1) shall be an illegal practice.

99. Any person who votes or induces or procures any person to vote at an election, knowing that he or she or that person is prohibited by law from voting at that election, commits an illegal practice.

Procuring  
prohibited  
persons to  
vote.

100. Any person who, before or during an election, publishes a false statement of the illness, death or withdrawal of a candidate at that election for the purpose of promoting or procuring the election of another candidate, knowing that statement to be false or not knowing or believing it on reasonable grounds to be true, commits an illegal practice.

Publication  
of false  
statements  
as to illness,  
death or  
withdrawal  
of candi-  
date.

101. Any person who, at an election, or on nomination days, wilfully obstructs a voter, or an aspiring candidate either at the polling station or nomination centre or on his or her way to or from, the polling station, or nomination centre, commits an illegal practice.

Obstruction  
of voters.

General  
penalty for  
illegal  
practices

**102.** Any person who commits an illegal practice under this Statute commits an offence and where no penalty is expressly provided for it that person is liable to a fine not exceeding three hundred thousand shillings or imprisonment not exceeding three years or both.

#### PART XII—OTHER ELECTION OFFENCES.

Misconduct  
at  
candidates'  
meetings.

**103.** (1) Any person who, at any candidates' meeting relating to an election, acts in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting is held commits an offence and is liable, on conviction to a fine not exceeding two hundred thousand shillings or imprisonment not exceeding six months or both.

(2) The chairperson of a meeting to which this section applies may direct any person who, in the opinion of the chairperson, is preventing the transaction of the business for which the meeting is being held, to leave the place and if the person fails or refuses to leave, the chairperson may cause that person to be removed from that place using such force as may be reasonably necessary.

(3) A person who has in accordance with subsection (2), left or who has been removed from a place in which a meeting to which this section applies is taking place, shall not, without the permission of the chairperson of the meeting, return to that place while the meeting is still in progress and any person who contravenes this subsection commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or imprisonment not exceeding six months or both.

Failure by  
presiding  
officers to  
furnish  
election  
returns.

**104.** Any presiding officer who fails to furnish the returns of the election to the returning officer within the time in which that person is required to furnish those returns commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment not exceeding one year or both.

Offences  
relating to  
voting.

**105.** Any person who—

- (a) forges or fraudulently defaces or destroys any document relating to the holding of an election, or alters any such document or delivers to the returning officer any document, knowing it to be forged;
- (b) forges, counterfeits or destroys any ballot paper or the official mark on any ballot paper;
- (c) without authority supplies any ballot paper to any person;
- (d) without authority sells or offers to sell any document relating to the holding of an election to any person or purchases or offers to purchase any such document from any person;
- (e) not being a person entitled under the provisions of this Statute to be in possession of any document relating to the holding of an election, has any such document in his or her possession;
- (f) knowingly and intentionally puts into a ballot box anything other than the ballot paper;
- (g) without authority, takes out of a polling station any ballot paper or other official document relating to an election or is found in possession of any ballot paper or such document outside a polling station;
- (h) without due authority, destroys, takes, opens, or otherwise interferes with a ballot box, ballot documents or other property in use or intended to be used for the purpose of an election;
- (i) without due authority, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election; or

- (j) not being authorised so to do under the provisions of this Statute makes any mark on a ballot paper issued to a person, other than the person making the mark, with intent that such ballot paper shall be used to record the vote of that other person,

commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment not exceeding five years or both.

Unauthorised  
voting or  
voting more  
than once.

**106. Any person who knowingly—**

- (a) votes at an election at which that person is not entitled to vote; or

- (b) votes more than once at an election,

commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings or imprisonment not exceeding five years or both.

Making  
wrong  
returns of  
an election.

**107. Any election officer, or other person having any duty to perform in relation to an election who—**

- (a) makes in any record, return or other document which he or she is required to keep or make under this Statute, any entry which he or she knows or has reasonable cause to believe to be false; or

- (b) permits any person whom he or she knows or has reasonable cause to believe not to be a person who is subject to a disability under subsection (1) of section 66 to vote in the manner provided for such persons under that subsection; or

- (c) refuses to permit any person whom he or she knows or has reasonable cause to believe to be a person who is subject to a disability under subsection (1) of section 66 to vote in the manner provided for such a person under that subsection; or

- (d) wilfully prevents any person from voting at the polling station at which he or she knows or has reasonable cause to believe such person is entitled to vote; or

- (e) wilfully rejects or refuses to count any ballot paper which he or she knows or has reasonable cause to believe is validly cast in favour of a candidate; or

- (f) wilfully counts any ballot paper as being validly cast in favour of a candidate which he or she knows or has reasonable cause to believe was not validly cast for that candidate; or

- (g) without reasonable cause acts or omits to act in breach of his or her official duty,

commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings or imprisonment not exceeding five years or both.

- 108. (1)** A person commits the offence of personation if he or she votes as some other person, whether that other person is living or dead or is a fictitious person.

Personation.

- (2) A person who commits an offence of personation is liable, on conviction, to imprisonment not exceeding five years.

**109. A person commits the offence of undue influence—**

Offence of  
undue  
influence.

- (a) if that person directly or indirectly in person or through any other person—

- (i) makes use of, or threatens to make use of, any force or violence;

- (ii) inflicts or threatens to inflict in person or through any other person any temporal or spiritual injury, damage, harm or loss upon or against any person,

in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting; or

- (b) if by abduction, duress or any fraudulent device or contrivance impedes or prevails upon a voter either to vote or to refrain from voting.

Prohibition  
of certain  
activities on  
polling day.

**110.** (1) Without derogation from any other provision of this Statute or any other enactment, no person shall, within one hundred metres of any polling station on any polling day—

- (a) convoke or take part in any gathering of more than twelve persons;
- (b) canvass for votes;
- (c) utter slogans;
- (d) distribute leaflets or pamphlets for or on behalf of any candidate; or
- (e) organize or engage in public singing or dancing; or
- (f) use bands or any music instruments.

(2) During the hours when a polling station is open on a polling day no person shall, within two hundred metres of any polling station, seek to influence, in whatever manner, any person to vote for any candidate or to ascertain for which candidate any voter intends to vote or has voted.

(3) During the hours when a polling station is open on a polling day no person shall, within four hundred metres of any polling station, sell any intoxicating liquor.

(4) Any person who contravenes subsections (1), (2) or (3) of this section commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand shillings or imprisonment not exceeding twelve months or both.

**111.** (1) Any person who without lawful excuse, destroys, mutilates, defaces or removes any notice which is exhibited under the authority of this Statute or any document which is made available for inspection in pursuance of any provision of this Statute, commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or imprisonment not exceeding six months or both.

(2) Any person who maliciously defaces or removes or tears, any election poster of any nominated candidate commits an offence and is liable, on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment not exceeding one year or both.

(3) A court convicting a person of an offence under the provisions of subsection (1) shall, within fourteen days of the conviction, report the conviction in writing to the Commission.

**112.** Any person who wilfully obstructs or interferes with an election officer in the execution of the officer's duty commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding three years.

**113.** Where no penalty is expressly provided under this Statute for an offence other than an illegal practice, the offender is liable, on conviction to a fine not exceeding two hundred thousand shillings or imprisonment not exceeding two years or both.

**114.** (1) A person shall not be prosecuted for an offence under this Statute without the consent in writing of the Director of Public Prosecutions.

(2) Subsection (1) shall not prevent a person from being—

Defacement  
of notices  
and posters.

Obstruction  
of election  
officers.

General  
penalty for  
offences  
other than  
illegal  
practices.

Prior con-  
sent of the  
D.P.P. to  
prosecute.

(a) charged with any such offence; or

(b) arrested with or without warrant in respect of any such offence; or

(c) remanded on bail or in custody in respect of any such offence;

without the consent of the Director of Public Prosecutions.

(3) In a prosecution for an offence under this Statute in relation to a ballot box or a ballot paper or any other document, the property in the ballot box, ballot paper or other documents as well as the property in the counterfoil of any ballot papers, shall be stated to be in the Commission.

#### PART XIII—GENERAL.

115. (1) Whenever a member of Parliament—

(a) dies; or

(b) where the seat of a member of Parliament becomes vacant under article 83 of the Constitution;

the Clerk to Parliament shall notify the Commission in writing within ten days after the vacancy has occurred; and a by-election shall be held within sixty days after the vacancy has occurred.

(2) A by election shall not be held under this section within six months before the holding of a general election of Parliament.

(3) Whenever a registrar of births and deaths registers the death of a member of Parliament, the registrar shall forthwith, in writing, inform the Speaker of the fact of the death of the member.

116. Proceedings against a person in respect of an illegal practice or any other offence under this Statute shall be commenced within three months after the offence which is alleged to have been committed or within one month after a court, finds, on trial of a petition, that an offence may have been committed.

117. No person who has voted at an election shall in any legal proceedings, whether taken to question the election or return or otherwise, be required to state for whom he or she has voted.

118. Any person who wilfully interrupts, obstructs or disturbs any proceedings taken under this Statute in connection with an election or disturbs the peace and good order of any such proceedings, commits an offence and shall be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a period not exceeding six months.

119. (1) A public notice required to be given by any person who under this Statute is required to give public notice shall, except where it is expressly directed to be published in the *Gazette* or in any other particular manner, be sufficiently given if it is published in a newspaper circulating in the constituency or area intended to be affected by the notice or if it is posted outside the principal outer door of every magistrate's court office in that constituency or area or in such other place or places, if any, as the Commission may determine.

(2) Except as otherwise specially provided in this Statute and without derogation from the provisions of the Interpretation Decree, 1976, when any notice or other document is required to be served on any person under this Statute, it may be served—

(a) by delivering it to the person to whom it is addressed or his or her authorised agent; or

Time within which criminal proceedings must be commenced.

No person required to divulge how he or she voted.

Penalty for interruption.

Service of notices and documents.

Decree No. 18 of 1976.

(b) by leaving it at his or her last known place of residence or any place of residence stated on a voters roll as his or her place of residence; or

(c) by sending it to any place of residence referred to in paragraph (b) through the post by registered letter marked upon the outside "electoral notice letter" and, unless the contrary is proved, the notice or other document shall be deemed to have been served at the time at which such registered letter would have been delivered in the ordinary course of post.

When  
appointed  
dates fall on  
weekend or  
public  
holiday.

**120.** (1) Whenever under this Statute anything is required to be commenced, concluded or done on a particular day, and that day happens to fall upon a Saturday or Sunday or a public holiday, that thing shall be commenced, concluded or done on the day next succeeding the Sunday or public holiday or, if the last mentioned day is also a Saturday or Sunday or a public holiday, then on the day next succeeding the Sunday or public holiday.

(2) The Minister may, by statutory instrument, declare that the provisions of this section shall not apply in relation to any thing specified in the instrument.

Rules of  
court.

**121.** (1) The Chief Justice, in consultation with the Attorney General, may make rules as to the practice and procedure to be observed in respect of any jurisdiction which under this Statute is exercisable by the High Court and also in respect of any appeals from the exercise of such jurisdiction.

(2) Without prejudice to subsection (1) any rules made under that subsection may make provision for—

(a) the practice and procedure to be observed in the hearing of election petitions;

(b) service of an election petition on the respondent;

(c) priority to be given to the hearing of election petitions and other matters coming before the courts under this Statute.

**122.** (1) The Minister may make regulations prescribing any matter which by this Statute is required or authorised to be prescribed or which in his or her opinion are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Statute other than matters to be prescribed by rules of court.

Regulations.

(2) Without prejudice to the general effect of subsection (1), regulations may be made under that subsection for any or all of the following matters—

(a) the form of any document to be used in the carrying out of the purposes of this Statute;

(b) the duties of election officers including the manner of identifying applicants for ballot papers and the questions that may be put to the applicants;

(c) the issue of duplicate voters' registration cards;

(d) such measures to be taken in connection with an election as may be desirable or expedient to ensure that—

(i) a person does not cast more than one vote; or

(ii) a person who is not eligible to vote does not cast a vote;

(e) measures to be taken by employers to provide their employees with an opportunity to vote in any election;

(f) measures to be taken for ensuring that candidates are afforded reasonable access to the use of state-owned communication media, for the purposes of complying with clause (2) of article 67 of the Constitution and subsection (1) of section 50 of this Statute.

(3) Regulations made under this section may provide in respect of the contravention of the regulations, penalties not exceeding a fine of five hundred thousand shillings or not exceeding five years imprisonment or both.

Repeal and  
savings.

123. (1) The following enactments are repealed—

Cap 131.

(a) the National Assembly (Elections) Act; and

Statute No.  
5 of 1995.

(b) the Interim Electoral Commission Statute, 1995.

(2) Notwithstanding the repeal of the Interim Electoral Commission Statute, 1995, anything duly done under that Statute towards the preparation for elections shall remain valid and shall, with the necessary modifications be deemed to have been done under this Statute.

(3) Without prejudice to subsection (2) of this section the Interim Electoral Commission under this Statute shall succeed to the assets, rights, obligations and liabilities of the Interim Electoral Commission established under the Interim Electoral Commission Statute, 1995.

## SCHEDULES

### FIRST SCHEDULE

Section 37

#### RULES FOR THE ELECTION OF WOMEN REPRESENTATIVES AND REPRESENTATIVES OF SPECIAL INTEREST GROUPS

1. These Rules shall apply to the election of the women representatives and representatives of special interest groups referred to in section 37 of the Statute and paragraphs (b) and (c) of clause (1) of article 78 of the Constitution.

Application.

2. In these Rules "Statute" means the Parliamentary Elections (Interim Provisions) Statute, 1995.

Parliamentary  
Elections  
(Interim  
Provisions)  
Statute  
No. ... of  
1995.

3. (1) The woman representative for every district shall be elected by an electoral college comprising—

Election of  
women rep-  
resentatives.

(a) all councillors at RC II and RC III level within the district; and

(b) all members of Parish Women Councils and Sub-County Women Councils within the district.

(2) Except as provided expressly in these Rules, the election of the women representatives shall be conducted by the Commission in accordance with the provisions of the Statute, with such modifications as the Commission may direct.

4. (1) For purposes of the election of women representatives the returning officer shall prepare a register of the members of the electoral college within each parish of the district.

Register of  
voters.

(2) A copy of the register prepared under sub-rule (1) shall be displayed in every parish for a period of at least fourteen days preceding polling day.

Candidates' meetings programme.

(3) Any vacancy occurring in any Council referred to in rule 3 shall not affect the result of an election.

5. (1) For each district the returning officer shall prepare and conduct a programme to be known as a candidates' meetings programme so that there shall be held one candidates meeting in every sub-county of the district.

(2) Notwithstanding subrule (1), where in the opinion of the returning officer it is necessary to do so, the returning officer may, in consultation with the Commission—

(a) conduct more than one candidates' meetings in a sub-county; or

(b) hold one joint candidates' meeting for two or more sub-counties.

(3) The returning officer shall, in conducting the candidates' meetings under subrule (2), consider the following factors—

(a) the geography of the area;

(b) the size of the sub-county; and

(c) means of communication within the sub-county.

Polling stations.

6. Polling stations shall, for the purposes of the election of women representatives, be at parish level.

Voting.

7. (1) The voting procedure laid down in the provisions of the Statute shall apply to elections for women representatives.

(2) Notwithstanding the generality of sub-rule (1), voting time for the purposes of elections for a woman representative shall be between 7:00 a.m. and 3:00 p.m.

Elections of representatives of the Youth, Statute No. 2 of 1993.

8. The elections of the representatives of the Youth to Parliament shall be carried out by the National Youth Council established by the National Youth Council Statute, 1993 in a manner determined by the Commission in consultation with the Council.

Election of representatives of UPDF, NOTU and NUDIPU.

9. The election of the representatives of the Uganda Peoples' Defence Forces, the National Organisation of Trade Unions and the National Union of Disabled People of Uganda shall be conducted in a manner determined by the Commission in consultation with the bodies concerned.

Powers of the commission, etc.

10. (1) If the Minister, after consultation with the national executive committee or council or similar body of the special interest group to which rule 8 or 9 relates, directs the Commission to do so, the Commission shall, after consultation with the national executive committee, council or other body of the special interest group—

(a) give such directions as appear to the Commission reasonable for ensuring the due election of the representatives of that special interest group;

(b) appoint returning officers and presiding officers and other election officers as may appear to the Commission reasonably necessary for the purpose of conducting the election of the representatives of that special interest group, with such functions as the Commission may direct.

(2) For the avoidance of doubt, subrule (1) gives no power to the Minister to direct the conduct of the functions of the Commission.

11. Any person who—

Penalties.

(a) refuses or without reasonable excuse fails to comply with any direction given by the Commission under these Rules; or

(b) obstructs the Commission or any returning officer, presiding officer or other election officer appointed by the Commission, in the carrying out of the functions of the Commission or such officer under these Rules,

commits an offence and is liable on conviction, to a fine not exceeding two hundred thousand shillings or imprisonment not exceeding two years or both.

## SECOND SCHEDULE

Section 38

### STANDARD OF EDUCATION EQUIVALENT TO "A" LEVEL STANDARD

1. (a) Nurse's Certificate awarded by the Nurses and Mid-Wifery Council if the course lasts at least 2 years after 'O' level;

- (b) A Grade III Teachers' Certificate awarded by the Institute of Teachers Education Kyambogo to a teacher who pursues the course for two years after "O" level or Grade II Certificate awarded after a four year course or post primary education and has taken a continuous Grade III course lasting at least two years;
- (c) Technical Certificate Diploma awarded by Uganda National Examinations Board to a person who holds an "O" level certificate and who has studied for at least two continuous years in a technical school, institute or college or polytechnic;
- (d) A Business Certificate awarded by the Uganda National Examinations Board or awarded by other examining bodies recognised by the Board to a person who holds an "O" level certificate and who has taken a course for at least two years continuously after "O" level;
- (e) A certificate or diploma awarded by a body recognised by the Uganda National Examinations Board to a person as an engineer, technician or a pilot who holds "O" level certificate and who has taken a course lasting for at least two years after "O" level;
- (f) A certificate or diploma awarded to a hotelier who has taken a course of at least two years duration after "O" level in a body recognised by the Uganda National Examinations Board;
- (g) A certificate awarded by a military academy or school to a person who has after "O" level completed a course at the academy or school.
- (h) Any minimum standard of formal education acquired outside Uganda and in respect of which the Commission is satisfied after consultation with such educational authority in Uganda as it thinks fit, that it is equivalent to any of the foregoing and consequently equivalent to Advanced Level standard.

- 2. A person who holds a degree or post-graduate diploma from a recognised university and who is in possession of an "O" level certificate shall be taken to hold an "A" level certificate.