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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 PRESIDENTIAL ELECTIONS (INTERIM
PROVISIONS) BILL, 1995.**

MEMORANDUM

The object of this Bill is to make provision for election to the office of President in accordance with article 264 of the 1995 Uganda Constitution. The Bill when enacted will be administered by the independent Interim Electoral Commission and will be applied alongside the law on Parliamentary elections.

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

THE PRESIDENTIAL ELECTIONS
(INTERIM PROVISIONS) BILL, 1995.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Interpretation.
3. Qualifications for candidates.
4. Election of President.
5. Refund of deposit.
6. Public campaign meetings.
7. Security and facilitation of candidates.
8. Use of Government resources.
9. Where a candidate dies, *etc.*
10. Result of presidential election.
11. Challenging presidential election.
12. Application of provisions of the Parliamentary Elections
(Interim Provisions) Statute, 1995.
13. False declarations.
14. Non-partisan or non-sectarian campaign.
15. Bribery.
16. Regulations.

SCHEDULES.

A BILL for a Statute

ENTITLED

**THE PRESIDENTIAL ELECTIONS
(INTERIM PROVISIONS) STATUTE, 1995.**

**A Statute to provide for the election to the office of President
and other related matters.**

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

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

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

“candidate” means a person duly nominated as a candi-
date in a presidential election under section 4;

“Commission” means the Interim Electoral
Commission established under section 3 of the
Interim Electoral Commission Statute, 1995;

“Legislature” means the body empowered to enact laws
for the whole of Uganda;

*Statute
No. 5
of 1995.*

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

3. (1) A person is not qualified for election as President unless that person is—

- (a) a citizen of Uganda by birth;
- (b) not less than thirty-five years and not more than seventy-five years of age; and
- (c) a person qualified to be a member of Parliament.

(2) The Commission may request such evidence as it thinks necessary of the qualifications specified in subsection (1).

4. (1) The election of the President shall be by universal adult suffrage through a secret ballot using one ballot box for all candidates at each polling station.

(2) A person shall not be a candidate in a presidential election unless—

- (a) that person submits, to the Commission on or before the day appointed as nomination day in relation to the election, a nomination paper in the form specified in the First Schedule to this Statute, which is signed by that person, nominating him or her as a candidate; and
- (b) the nomination is supported by one hundred voters in each of at least two thirds of all the districts in Uganda.

(3) A candidate shall be proposed and seconded in the manner specified in the First Schedule to this Statute and the nomination paper shall be subscribed by ten registered voters apart from the candidate, the proposer and the seconder.

(4) Each candidate shall attach to his or her nomination paper a list of names of one hundred voters from each of at least two thirds of all the districts in Uganda and each of the one hundred voters shall append to that list his or her name, signature, physical address and voter's registration number as specified in the First Schedule.

(5) A person shall not subscribe to more than one nomination paper and no person shall give his or her support under subsection (4) to more than one candidate.

(6) A person who contravenes subsection (5) 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.

(7) The nomination paper shall be accompanied by—

- (a) a declaration in the form specified in the second Schedule to this Statute;
- (b) a declaration of income, assets and liabilities in the form specified in the Third Schedule to this Statute;
- (c) a deposit of two million shillings payable to the Uganda Administration in cash or bank draft; and
- (d) three postcard size copies of a recent photograph of the proposed candidate.

(8) No person shall be taken to have been duly nominated as a candidate unless he or she has complied with the provisions of subsection (7).

(9) Where one or more of the persons who signed the nomination paper of a candidate or one or more of the persons who gave their support to the candidate under subsection (2) of this section are not qualified, the nomination shall not be taken

to be invalid if there are at least ten qualified persons or at least one hundred qualified persons who signed the nomination paper or, as the case may be, who gave their support to the candidate under subsection (2) of this section.

Refund of
deposit.

5. (1) A deposit paid by a candidate under section 4 shall be received by the Commission and the Commission shall—

(a) issue a general receipt in respect of the deposit; and

(b) deliver the deposit to the Secretary to the Treasury to be credited to the Consolidated Fund.

(2) A candidate who polls more than twenty-five percent of the total valid votes cast at an election is entitled to a refund of the deposit made under paragraph (c) of subsection (7) of section 4.

Public
campaign
meetings.

6. (1) Subject to article 269 of the Constitution, every candidate may hold individual public campaign meetings in any part of Uganda in accordance with any existing law.

(2) A candidate or a candidate's agent may hold a consultative meeting with the candidates' campaign agents for the purposes of planning and organising the candidates' election campaign.

(3) A candidate shall not hold any public campaign meeting under subsection (1) unless he or she has given to the Commission notice of the intention to hold the campaign meeting and the programme for the meeting.

(4) All candidates shall be given equal time and space in the State-owned media to present their programmes to the people.

7. (1) The Commission shall provide security for the protection of each candidate.

Security and
facilitation
of candi-
dates.

(2) The Commission shall, with the approval of the Legislature offer such facilities to candidates as the Commission may consider appropriate.

(3) Subject to this section, a candidate may raise additional assistance for his or her campaign through lawful means.

(4) A candidate shall not obtain, solicit or receive any financial or other assistance for the purposes of his or her campaign, from any foreign Government, institution, body or person which or who has demonstrated an intention to overthrow the lawfully established Government of Uganda or to endanger the security of Uganda.

(5) Every candidate shall maintain a record of all assistance obtained or solicited under this section.

(6) Each candidate shall, within fourteen days after the election—

(a) account to the Commission for the facilitation given to him or her under subsection (2);

(b) submit a return to the Commission disclosing all assistance obtained by the candidate from any source.

(7) The Commission shall have the right at any time to demand the production of any record required to be maintained under subsection (5) or any information relating to it.

(8) A candidate commits an offence who—

(a) contravenes subsections (4), (5) or (6) of this section; or

(b) refuses or neglects without lawful excuse to produce any record or information demanded by the Commission under subsection (7); or

(c) for the purposes of subsection (6) or (7) of this section makes a statement which he or she knows to be false in any material particular.

(9) A person who commits an offence under subsection (8) of this section is liable on conviction—

(a) in the case of an offence under subsection (4) of this section, to a fine not exceeding ten million shillings or imprisonment not exceeding five years or both; and

(b) in any other case, to a fine not exceeding three million shillings or imprisonment not exceeding three years or both.

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

(2) Notwithstanding subsection (1), a candidate who for the time being is holding the office of President, or who is the holder of another political office or a public office may continue to use during the campaign but shall use only, those Government facilities which are ordinarily attached to and utilised by the holder of that office.

9. (1) Where in a presidential election, after the close of nominations and before the closing of polls, a candidate dies or ceases to be a candidate by reason of his or her ceasing to be qualified for election, the Commission shall fix fresh nomination days for giving such time as it thinks reasonable for enabling a new or new candidates to be nominated and may, for that purpose postpone the elections.

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

(3) Where fresh nomination days are fixed under subsection (1), the Commission shall, where necessary, postpone the election to a convenient date.

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

10. (1) A candidate shall not be declared elected as President unless the number of votes cast in favour of that candidate at the presidential election is more than fifty percent of the valid votes cast at the election.

Result of
Presidential
election.

(2) Where at a presidential election there are more than two candidates and no candidate obtains the number or percentage of votes specified in subsection (1), a second election shall be held within thirty days after the declaration of the results in which election the two candidates who obtained the highest number of votes shall be the only candidates.

(3) The Commission shall ascertain, publish and declare in writing under its seal, the results of the presidential election within forty-eight hours from the close of polling.

(4) A declaration executed by the Commission under subsection (3) of this section and bearing the seal of the Commission, shall be evidence that the person named in the declaration has been elected President.

11. (1) Any aggrieved candidate may petition the Supreme Court for an order that a candidate declared elected as President was not validly elected.

Challenging
Presidential
election.

(2) A petition, under subsection (1) shall be in a form prescribed by the Chief Justice under subsection (7) of this section and shall be lodged in the Supreme Court registry within ten days after the declaration of the election results.

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

(4) Where no petition is filed within the time prescribed under subsection (2), or where a petition having been filed, is withdrawn by the person who filed it or is dismissed by the Supreme Court, the candidate declared elected shall conclusively be taken to have been duly elected as President.

(5) After due inquiry under subsection (3) of this section, the Supreme Court may—

- (a) dismiss the petition; or
- (b) declare which candidate was validly elected; or
- (c) annul the election.

(6) The election of a candidate as President shall only be annulled on any of the following grounds if proved to the satisfaction of the court—

(a) non-compliance with the provisions of this Statute or where applicable, the Interim Parliamentary Elections Statute, 1995, relating to elections, if the court is satisfied that the election was not conducted in accordance with the principles laid down in those provisions and that the non-compliance affected the result of the election in a substantial manner;

(b) that the candidate was at the time of his or her election not qualified or was disqualified for election as President.

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

(8) Where it appears to the Supreme 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.

(9) Where an election is annulled, a fresh election shall be held within twenty days from the date of the annulment.

(10) The Chief Justice may, in consultation with the Attorney-General, make rules providing for the conduct of petitions under this Statute.

12. Subject to the Constitution and to this Statute, the provisions of the Parliamentary Elections (Interim provisions) Statute, 1995 shall apply to the election of a President with such modifications as the Commission may direct, being modifications in respect of which the Commission is satisfied are necessary or practical for application of that Statute to a presidential election.

Application of provisions of the Parliamentary Elections (Interim Provisions) Statute, 1995.

13. A person who—

(a) makes a declaration under paragraph (a) of subsection (7) of section 4 of this Statute which that person knows to be false in a material particular or has no reasonable ground to believe to be true; or

(b) makes a declaration of assets and liabilities, which that person knows to be false in a material particular or has no reasonable ground to believe to be true;

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

False declarations.

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

Non-partisan or non-sectarian campaign.

(2) Any person who contravenes subsection (1) of this section commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shillings or imprisonment not exceeding one year or both.

Bribery.

15. Any person who whether 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, directly or indirectly gives, provides or causes to be given or provided any money or gift or other consideration to that other person, commits the offence of bribery and is liable on conviction to a fine not exceeding five hundred thousand shillings or imprisonment not exceeding five years or both.

Regulations.

16. The Minister may by statutory instrument make regulations for giving effect to the provisions of this Statute.

SCHEDULES.

FIRST SCHEDULE.

Section 4.

NOMINATION PAPER FOR PRESIDENTIAL ELECTIONS.

We, the undersigned, being registered voters, nominate the undermentioned person as a candidate at the presidential election.

Candidates's Name in full	Other names	Place of Residence and address	Occupation or profession	Voters' Registration Number	Age and Sex

Name Signature Voters Reg. Number

Proposer _____

Seconder _____

We the undersigned, being registered voters, support the foregoing nomination.

Name Signature Voters Reg. Number

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

PROPOSED CANDIDATE

I, _____
consent to my nomination as a candidate for the presidential election and my name and address for serving papers are—

name in full (Block Capitals)

Address _____

Signature _____

* Attach list of names of ONE HUNDRED supporters from each of at least two thirds of all the districts in Uganda in the attached form.

SECOND SCHEDULE Section 4

DECLARATION OF A PERSON SEEKING TO BE
NOMINATED AS A CANDIDATE FOR ELECTION
AS PRESIDENT OF UGANDA.

I do solemnly and
sincerely declare that—

1. I am a citizen of Uganda by birth.
2. I have attained the age of thirty five years and I do not exceed
seventy five years of age.
3. I am registered as a voter in the con-
stituency with voter's registration number
4. I have the following educational qualification for standing for
election
5. I do not owe allegiance to any country other than Uganda.
6. (i) I have paid all the taxes due from me; or
(ii) I have made arrangements satisfactory to the appro-
priate authority for the payment of my taxes.
(delete where inapplicable)
7. I have not been adjudged or otherwise declared—
(i) bankrupt under any law in force in Uganda from
which I have not been discharged; nor
(ii) to be of unsound mind under any law in force in
Uganda.
8. I am not under sentence of death or other sentence of imprison-
ment exceeding nine months without the option of a fine, imposed on
me by any competent court.
9. I am not disqualified by reason of my holding or acting in any
office the functions of which involve a responsibility for or in connec-
tion with the conduct of an election.

I make this solemn declaration knowing and believing it to be
true.

Subscribed and solemnly declared by me

on this day of19

.....
Candidate

Before me

A Commissioner for Oaths/Magistrate, Registrar of High Court
(including deputy and district registrar) or other person authorised by
law to administer oaths.

THIRD SCHEDULE Section 4

DECLARATION OF INCOME, ASSETS AND LIABILITIES

1. Full Names
(Surname) (First Name) (Other Names)
2. Date of birthsex
3. Place of birth (Village, Parish, Sub-County, County and District)
.....
.....
.....
4. Present address (physical and postal).....
.....
.....
5. Present profession/present occupation
.....
.....

6. (a) Name of employer
- (b) Date of employment
- (c) Salary (U) Shs.
- (d) subsidy
- (e) other emoluments
- (f) Rewards for personal services for consultancy, lecturing research.....
- (g) Details of employment (Permanent, Contract, Temporary, etc.)
- (h) Others
7. If self employed, income per annum
8. Present assets, business interests and contracts.

Statement of Assets held by person or his or her nominee	Location	Approx. Value (Shs.)
(i) Land		
(ii) Building		
(iii) Farms		
(iv) Ranches		
(v) Vehicles types and make		
(vi) Boat/ship/aircraft		
(vii) Shares		
Bank deposit/investment incomes and incomes incidental to these		
(viii) Any other additional information, if any		

9. Present indebtedness (or liabilities) if any

Statement of indebtedness of person or his or her nominee	Location	Total Shs
Details of liabilities— Overdrafts, loans and securities in respect of— (i) Land		
(ii) Building		
(iii) Farms		
(iv) Ranches		
(v) Vehicles types and make		
(vi) Boat/ship/aircraft		
(vii) Shares		
Bank deposit/investment incomes and incomes incidental to these		
(viii) Any other additional information, if any		

10. Do you have any interests which are likely to conflict with your duties and responsibilities?
if so, state interests—

I, solemnly declare that the information I have given above is truthful, complete and correct to the best of my knowledge and I declare that I have no objection to this declaration being made public.

Date Signature

Signature of witness

Full name of witness

Address of witness

N.B.—If you find this form not adequate for your purposes, please state the rest of your information on sheets of paper and attach them to the form.