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THE CONSTITUENT ASSEMBLY STATUTE, 1993.

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THE CONSTITUENT ASSEMBLY STATUTE, 1993.

A Statute to provide for the establishment of a Constituent Assembly for the purpose of considering and enacting a new national Constitution for the Republic of Uganda; to provide for the composition and functions of the Assembly; to establish a Commission for conducting the election of the delegates to the Assembly and to serve as the Secretariat for the Assembly and for other connected or incidental matters.

DATE OF ASSENT: 14th May, 1993.

Date of commencement: See section 2.

PREAMBLE

WHEREAS under the Ten-Point Programme, the National Resistance Movement envisioned a fundamental need for the development of a new national consensus upon Uganda's constitutional arrangements as a prerequisite for the democratic process and the rule of law:

AND WHEREAS the National Resistance Council, by enacting the Uganda Constitutional Commission Statute, 1988, took concrete steps towards achieving the ideal of procuring a national Constitution freely made by all the people of Uganda.

AND WHEREAS it is deemed expedient, and in concert with the policy of involving the will of the people in the entire process of the national Constitution-making, that a truly representative Constituent Assembly be established to scrutinise, debate, finally redraft and enact the Constitution prepared and submitted to the Minister in accordance with subsection (6) of section 6 of the Uganda Constitutional Commission Statute, 1988:

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

PART I—PRELIMINARY.

- Short title. 1. This Statute may be cited as the Constituent Assembly Statute, 1993.
- Commence-
ment. 2. This Statute shall come into force on such date as the Minister may, by statutory instrument, appoint and shall remain in force until the day the new Constitution comes into force, and on that day, shall expire.
- Interpre-
tation. 3. In this Statute, unless the context otherwise requires—
“Assembly” means the Constituent Assembly established by subsection (1) of section 4;
“candidate” means a person who has been duly nominated as a candidate for election as a delegate to the Assembly;
“Chairman” means the Chairman of the Constituent Assembly and a reference to “the Chairman” in sections 15, 17 and 18, shall be construed to mean the Chairman or the Deputy Chairman, as may be presiding;

“Commission” means the Commission for the Constituent Assembly established by section 20;

“Commissioner” means the Commissioner for the Constituent Assembly appointed under subsection (2) of section 21;

“Constitution” means the Constitution adopted or to be adopted by the Assembly;

“court of competent jurisdiction” means a Chief Magistrate’s Court or a court presided over by a Magistrate Grade I;

“delegate” means a person elected or appointed as a delegate to the Constituent Assembly under the provisions of subsection (2) of section 4;

“election officer” includes a registration officer, a returning officer, a deputy returning officer, a presiding officer and a polling assistant;

“Electoral Area” means an area designated as such by the Commissioner under this Statute;

“Minister” means the Minister responsible for constitutional affairs;

“parish” includes a ward.

**PART II—ESTABLISHMENT AND COMPOSITION OF
CONSTITUENT ASSEMBLY AND QUALIFICATIONS
OF DELEGATES.**

4. (1) There is hereby established a Constituent Assembly for the purpose of scrutinising, debating, enacting and promulgating a new Constitution of the Republic of Uganda.

(2) The Assembly shall, subject to the provisions of this Statute, consist of the following delegates—

Establishment and Composition of Constituent Assembly.

- (a) such number of directly elected delegates as is equivalent to the number of Electoral Areas designated by the Commissioner and elected in accordance with the rules set out in the Third Schedule to this Statute, one delegate being elected for each Electoral Area;
- (b) the number of delegates specified in the First Schedule to this Statute, elected in relation to each body specified in that Schedule, and in the manner specified in that Schedule or prescribed under this Statute; and
- (c) not more than ten delegates appointed by the President in accordance with the advice of the Cabinet.

(3) The Rules set out in the Third Schedule to this Statute shall have effect with regard to the election of the delegates referred to in paragraph (a) of subsection (2).

Qualifica-
tions of
delegates.

5. A person shall be qualified to be elected or appointed as a delegate if that person—

- (a) is a citizen of Uganda;
- (b) has attained the age of 18 years;
- (c) has paid all liabilities in respect of any taxes and other revenue obligations due from that person under any law for the time being in force in Uganda or has made arrangements for their payment satisfactory to the authority responsible for the collection of the taxes; or
- (d) in the case of delegate referred to under paragraph (b) of subsection (2) of section 4, is a member of the body in respect of which the person seeks to be elected.

6. (1) No person shall be qualified to be elected or appointed as a delegate to the Assembly who—

Disqualifications of delegates.

- (a) is of unsound mind or is detained as a criminal lunatic;
- (b) owes allegiance or has declared allegiance to a country other than Uganda and has not, in accordance with the law, renounced such allegiance;
- (c) has been declared bankrupt or insolvent under any law for the time being in force in Uganda or in any other country and is an undischarged bankrupt or insolvent;
- (d) is under sentence of death or is under a sentence of imprisonment exceeding six months imposed upon that person by any court or public tribunal for an offence involving moral turpitude;
- (e) within a period of ten years immediately prior to the date of election or appointment as a delegate, has been convicted of an offence involving fraud, dishonesty, moral turpitude or violence or has been convicted of an offence relating to or connected with elections under any law in force in Uganda and has not been granted a pardon in relation to such conviction;
- (f) holds office as a Commissioner, Deputy Commissioner or as an election officer, employee or agent of the Commission; or
- (g) is, for any other reason, disqualified to be elected or appointed a delegate by any law for the time being in force.

(2) For the avoidance of doubt, it is hereby declared that a member of the National Resistance Council or a person who holds public office shall not be disqualified from being elected or appointed a delegate by reason only of membership of the National Resistance Council or of holding public office.

(3) A person holding public office who wishes to be a candidate shall apply for leave of absence at least thirty days before the commencement of the nomination day or days.

(4) Where a person holding a public office is a candidate he shall, before proceeding on leave, relinquish any vehicle or other equipment or thing in his custody belonging to his employer and shall not use any such vehicle, equipment or thing for the purposes of campaigning for his election.

(5) For the purpose of subsections (2), (3) and (4), "public office" has the same meaning as in clause (1) of Article 130 of the Constitution in force on the commencement of this Statute and includes an office in the Teaching Service and service in a statutory corporation or in a company in which the Government owns a controlling interest.

(6) Every employer to whom subsection (3) relates shall, upon receiving an application by an employee, grant to the employee leave of absence, with or without pay, to seek nomination as a candidate and to be a candidate for election as a delegate, and for such period as may be requested by the employee.

Qualifica-
tions for
registra-
tion as a
voter or
for voting.

7. (1) Subject to subsection (2), a person shall be qualified to be registered as a voter or to vote at an election of delegates if—

- (a) that person is a citizen of Uganda and has attained the age of eighteen years; and
- (b) for the purposes of registering or voting for a delegate in an Electoral Area, the person—
 - (i) originates from the Electoral Area; or
 - (ii) resides in the Electoral Area; or
 - (iii) works in gainful employment in the Electoral Area; or
- (c) for the purpose of registering or voting for a delegate from a body referred to in paragraph (b) of subsection (2) of section 4, is a member of that body.

(2) No person shall be registered as a voter or, notwithstanding that that person has been registered as a voter, to vote at an election of delegates if--

- (a) the person is not qualified to be registered as a voter under subsection (1); or
- (b) being a registered voter, circumstances arise which, if that person were not a registered voter, would have caused such person to be disqualified to be registered as such; or
- (c) the person is of unsound mind or is detained as a criminal lunatic.

(3) No person shall register as a voter more than once or in more than one Electoral Area.

8. (1) The functions of the Assembly shall be—

- (a) to scrutinise, debate, and prepare a final draft of the constitutional text prepared and submitted to the Minister by the Uganda Constitutional Commission under the provisions of subsection (6) of section 6 of the Uganda Constitutional Commission Statute, 1988; and
- (b) to enact and promulgate a new Constitution of the Republic of Uganda.

Functions
of Consti-
tuent As-
sembly.

Statute
No. 5 of
1988.

(2) The Assembly shall complete its functions under this Statute within a period not exceeding four months commencing from the date of its first meeting.

(3) If the Assembly does not complete its functions within the period prescribed under subsection (2), the Minister may, in consultation with the Minister responsible for finance, by statutory instrument, extend the period by an additional period of, or periods not exceeding in the aggregate, three months.

PART III—CHAIRMAN, DEPUTY CHAIRMAN, OFFICERS
AND STAFF OF THE ASSEMBLY.

Chairman
and Deputy
Chairman.

9. (1) The Assembly shall have a Chairman and a Deputy Chairman.

(2) The President shall submit to the Assembly, at the Assembly's first meeting, a list of not more than five names of persons nominated by the President, in accordance with the advice of the Cabinet, to be candidates for the offices of Chairman and Deputy Chairman.

(3) The Chief Justice shall introduce to the delegates each person whose names appear on the list submitted by the President and circulate particulars of the qualifications and experience of each nominee.

(4) The delegates shall, after due consultations, elect a Chairman and a Deputy Chairman from the Presidential nominees.

(5) The first meeting of the Assembly shall be convened by the Commissioner.

(6) The Chairman and, in the absence of the Chairman, the Deputy Chairman, shall preside at all meetings of the Assembly but the Chief Justice shall preside over the first two sittings of the Assembly for the purpose of administering the oath of allegiance to the delegates and for the election of the Chairman and Deputy Chairman.

Qualifica-
tions for
appoint-
ment or
election
to the
office of
Chairman
or Deputy
Chairman,
etc.

10. (1) A person shall not be qualified for election to the office of Chairman or Deputy Chairman of the Assembly unless the person—

- (a) is of high moral character, integrity and impartiality;
- (b) has had experience in public affairs or in employment in a high public office for a period of not less than ten years; and
- (c) is capable of attending to the duties of the office of Chairman or Deputy Chairman on a full time basis.

(2) No delegate shall be elected to the office of Chairman or Deputy Chairman of the Assembly unless the delegate obtains the votes of two-thirds of all the other delegates to the Assembly.

(3) If, at the conclusion of the vote for the election of a Chairman or Deputy Chairman, no delegate obtains the number of votes required by subsection (2), the vote shall be repeated until a Chairman or Deputy Chairman is elected.

11. A delegate shall vacate the seat in the Assembly if—

- (a) the delegate ceases to be a citizen of Uganda; or
- (b) the delegate is absent from the sittings of the Assembly in contravention of section 27 of this Statute; or
- (c) any relevant circumstances relating to the provisions of section 5 arise that, if the person were not a delegate, would cause that person to be disqualified for election as a delegate; or
- (d) any of the circumstances referred to in subsection (1) of section 6 arise in relation to the delegate.

(2) The Chairman may, at any time, upon a decision of the Assembly signified by a resolution supported by the majority of delegates, invite any person to address the Assembly on any matter before the Assembly.

12. (1) The Commissioner for the Constituent Assembly appointed under subsection (2) of section 21, shall be the head of the Secretariat of the Assembly and shall be responsible for the day-to-day administration of all the affairs of the Assembly.

(2) The Attorney-General shall provide the Assembly with the services of a technical committee to prepare the draft of the constitutional text.

Tenure of
office of
delegates.

Secretariat
of the
Assembly.

PART IV--CONDUCT OF BUSINESS OF THE ASSEMBLY.

Oath of
allegiance.

13. Every delegate including the Chairman shall, upon taking a seat in the Assembly, take and subscribe the oath of allegiance specified in the Second Schedule and administered either by the Chief Justice under subsection (5) of section 9 or, at any other meeting, by the Commissioner and, except for the purpose of taking and subscribing the oath of allegiance, no person shall sit or vote in the Assembly before taking and subscribing such oath.

Official
language
of Assem-
bly.

14. The proceedings and records of the Assembly shall be in English.

Quorum.

15. (1) The quorum of the Assembly, for the purpose of transacting any business other than adjournment, shall comprise the Chairman and not less than one-half of the total number of delegates.

(2) Any delegate, other than the Chairman, may, at any time during the proceedings of the Assembly, take objection that there are fewer delegates present at the meeting than those necessary to constitute the quorum required under subsection (1).

(3) Whenever objection is taken under subsection (2) and is upheld by the Chairman, the Assembly shall stand suspended or adjourned until such time as a quorum is realised.

Procedure
of
Assembly.

16. (1) Except as otherwise provided in this Statute, the proceedings of the Assembly shall be conducted in accordance with the Rules of Procedure of the National Resistance Council in force on the date of commencement of this Statute, with such modifications as the Minister may, with the prior approval of the Assembly signified by resolution supported by the majority of the total number of delegates, by statutory instrument make, and subject to such modifications, those Rules shall apply as the Rules of Procedure of the Assembly.

(2) Subject to the provisions of subsection (1), the Assembly may regulate its own procedure.

17. (1) Every decision of the Assembly shall, as far as possible be by consensus. Decisions of
Assembly.

(2) Where on any matter consensus cannot be obtained—

(a) the Chairman may make a ruling that the matter be resolved by voting ;or

(b) if the Chairman has not made a ruling under paragraph (a) of this subsection, a delegate may propose a motion that the matter be resolved by voting.

(3) Where the Chairman has ruled that a matter be resolved by voting or where a motion proposed under paragraph (b) of subsection (2) is supported by fifty or more other delegates, the following provisions shall apply in resolving the matter—

(a) voting shall be by division in the lobby and the vote of each delegate voting for or against the motion shall be recorded against the name of the delegate;

(b) every delegate other than the Chairman shall have one vote; and

(c) the Chairman shall have neither an original nor a casting vote;

(d) the motion shall be carried if it obtains the support of not less than two-thirds of the delegates voting;

(e) the motion shall be lost if it is supported by less than the votes of the majority of the delegates voting; and

(f) the matter shall be regarded as contentious if the motion is supported by the votes of the majority of delegates voting but does not obtain the support of two-thirds of the delegates voting.

(4) A vacancy in the membership of the Assembly shall not invalidate any proceedings of the Assembly.

Matters
which may
be resol-
ved by
national
referendum.

18. (1) Any contentious matter referred to in paragraph (f) of subsection (3) of section 17 shall, if it is a matter of national character, be referred by the Chairman to the Minister to present to the nation for resolution through a national referendum.

(2) Where a national referendum is held on any contentious matter, any question presented by the Minister for approval shall be approved if it is supported by the votes of the majority of all the persons voting in the referendum.

(3) Without prejudice to subsection (1), the President may, upon the advice of the Cabinet, at any time before, during or after the deliberations of the Assembly, direct that any issue or specified issues be resolved by a referendum.

(4) Whenever the President directs that a referendum be held under subsection (3), any decision of the Assembly on the issue or issues, presented for decision at the referendum shall be confirmed or varied by the outcome of the referendum which shall be final and conclusive.

(5) For the avoidance of doubt, it is hereby declared that no national referendum may be held on any contentious matter which is of a local character to a particular region, district or community but the matter shall be settled through negotiation or consultation between the concerned region, district or community and the Government.

Effective
date for
new Con-
stitution.

19. (1) The Constitution enacted by the Assembly under this Statute shall come into effect as the Constitution of the Republic of Uganda, by law established, on such day as the President may, by statutory instrument, appoint for its promulgation.

(2) The day to be appointed by the President, under subsection (1), shall be not later than sixty days after the day on which the Assembly enacts the Constitution.

(3) The promulgation of the Constitution by the Assembly as referred to in subsection (1) shall be done in the presence of the President and the members of the National Resistance Council.

PART V—COMMISSION FOR THE
CONSTITUENT ASSEMBLY.

20. There is hereby established a Commission to be known as the Commission for the Constituent Assembly which shall consist of—

Establishment and composition of Commission for the Constituent Assembly.

(a) a Commissioner for the Constituent Assembly; and

(b) two Deputy Commissioners for the Constituent Assembly to be designated as follows:

(i) a Deputy Commissioner for the Constituent Assembly responsible for Technical Affairs;

(ii) a Deputy Commissioner for the Constituent Assembly responsible for Administration.

21. (1) The Commissioner and the Deputy Commissioners shall be appointed not later than fourteen days after the commencement of this Statute.

Appointment and qualifications of Commissioner and Deputy Commissioners.

(2) The Commissioner shall be appointed by the President in accordance with the advice of the Cabinet and upon such terms and conditions as the President may, in the instrument of appointment, specify.

(3) The Deputy Commissioners shall be appointed by the President in accordance with the advice of the Minister and upon such terms and conditions as the President may, in their instruments of appointment, specify.

(4) A person shall not be appointed Commissioner or Deputy Commissioner unless that person—

- (a) in the case of the Commissioner, is qualified for appointment to the office of Permanent Secretary;
- (b) in the case of a Deputy Commissioner for Technical Affairs, is qualified for appointment as a judge of the High Court of Uganda; and
- (c) in the case of a Deputy Commissioner for Administration, possesses relevant qualifications and proven ability in the field of public administration.

(5) The Commissioner and each Deputy Commissioner shall take and subscribe before the Chief Justice the oath of allegiance specified in the Second Schedule to this Statute.

**Functions
of Com-
missioner.**

22. (1) The functions of the Commissioner shall be—
- (a) to designate Constituent Assembly Electoral Areas throughout Uganda;
 - (b) to organise and supervise the election of the delegates specified in paragraph (a) of subsection (2) of section 4;
 - (c) to exercise general direction and supervision over the administration and management of the election of delegates and to ensure, on the part of all election officers, fairness, impartiality and compliance with the provisions of this Statute and any other law made under this Statute;
 - (d) to appoint, for the purposes of this Statute, by name or office, registration officers and returning officers;
 - (e) to issue to election officers such instructions as the Commissioner may, from time to time, deem necessary to ensure the effective execution of the provisions of this Statute;
 - (f) to carry out the day-to-day administration of the Assembly;

- (g) to publish daily a record of the deliberations of the Assembly;
- (h) to organise, administer and conduct any referendum required under this Statute;
- (i) to pay such allowances, as the Minister may authorise, to election officers, and other persons assisting the Commissioner in carrying out the purposes of this Statute, as the Minister may determine;
- (j) 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
- (k) to exercise and perform such other powers and duties as are conferred or imposed upon the Commissioner by this Statute or any other law made under this Statute.

(2) For the purpose of performing the functions entrusted to the Commissioner under this Statute, the Commissioner may bring an action before any court in Uganda and may seek from the court any remedy which may be available.

(3) The functions of the Deputy Commissioners shall be to assist the Commissioner in the performance of the Commissioner's functions.

23. (1) The Commissioner and Deputy Commissioners shall enjoy the same independence as a judge of the High Court and, in the performance of the functions entrusted to the Commissioner by this Statute and the Constituent Assembly Election Rules, the Commissioner shall not be subject to the direction or control of any person or authority.

Guarantee
of the in-
dependence
of Commis-
sioner
and De-
puty Com-
missioners.

(2) A Deputy Commissioner or a person appointed by the Commissioner shall in the exercise of the powers

conferred upon the Commissioner by this Statute or any other law be answerable only to the Commissioner and not to any other person or authority.

(3) The Commissioner, a Deputy Commissioner or any other person performing any functions of the Commission shall not be personally liable to civil proceedings for any act done in good faith in the performance of those functions.

Settle-
ment of
disputes,
jurisdic-
tion, etc.

24. (1) Any person who is aggrieved by a decision of the Commissioner or who has any objection or complaint against the election or appointment of any person as a delegate to the Assembly may, within seven days from the date of such decision, election or appointment, apply to a court of competent jurisdiction for such remedy as the court considers appropriate and just in the circumstances.

(2) Every court of competent jurisdiction to which an application is made under subsection (1) shall determine the application expeditiously and in summary proceedings.

(3) In every application under subsection (1), the decision of the court of competent jurisdiction shall be final and shall not be subject to any appeal.

PART VI—FINANCE.

Expenses
charged
upon Con-
solidated
Fund.

25. (1) All monies required to defray all the expenses to be incurred in carrying out the purposes of this Statute, including the allowances to delegates and the Commissioner, Deputy Commissioners and the staff and employees of the Commission, are hereby charged upon and shall be issued out of the Consolidated Fund without any further appropriation than this Statute.

(2) All funds referred to in subsection (1) shall be controlled and administered by the Commissioner who, in respect of monies required for the purposes of this Statute, shall be the accounting officer in accordance with the Public Finance Act.

Cap. 149.

26. The delegates, the Commissioner, the Deputy Commissioners, the staff and employees of the Commission and the members of the technical committee, shall be paid such allowances and enjoy such benefits as the Minister may, in consultation with the Minister responsible for finance, determine.

Allowances to be paid to delegates, Commissioners, etc.

PART VII—GENERAL.

27. (1) Every delegate shall attend to the business of the Assembly on a full time basis.

Unauthorised absence of delegate from sittings.

(2) Any delegate who, without the prior permission of the Chairman or without good cause, fails to attend to the business of the Assembly for more than seven days within any one month during which the Assembly is sitting, whether the seven days are consecutive or in the aggregate, shall cease to be a delegate and shall vacate his seat.

28. (1) In the event of the absence of a delegate contrary to section 27 or due to death, mental or physical incapacity or to any other cause which may render a delegate unable to participate in the proceedings of the Assembly, the Chairman shall immediately upon the occurrence of that event inform the Minister.

Replacement of delegate in case of absence, death or incapacity, etc.

(2) On receipt of the information referred to in subsection (1), the Minister shall issue a writ to the Commissioner requiring the Commissioner to take steps, within fourteen days of the issuing of the writ, for the replacement of the delegate.

29. The National Assembly (Powers and Privileges) Act shall apply to the Assembly, its delegates and other persons and in respect of all other matters as it applies to the National Resistance Council.

Powers and privileges of Assembly, etc.
Cap. 249.

30. (1) For the better carrying out of the provisions of this Statute, the Minister may, by Statutory Instrument, with the approval of the National Resistance Council signified by resolution—

Rules and Regulations.

(a) amend the Third Schedule;
and

(b) make Regulations in respect of any matter which
may be regulated under this Statute.

Decree No.
18 of 1976.

(2) Notwithstanding section 38 of the Interpretation
Decree, 1976, rules or regulations made under subsection (1)
may provide for penalties not exceeding imprisonment for
five years or a fine of two hundred thousand shillings or both.

Prohibi-
tion of
non-dele-
gates from
sitting or
voting in
the Asse-
mbly.

31. (1) No person, who is not a delegate shall sit or vote
in the Assembly.

(2) Any person who, not being a delegate, sits, or
votes in the Assembly, knowing or having reasonable grounds
for knowing that such person is not so entitled to sit or vote
commits an offence and is liable, on conviction, to a fine not
exceeding two hundred and fifty thousand shillings or to
imprisonment for a term not exceeding one month for each
day such person sits or votes in the Assembly.

Rules of
Court.

32. The Attorney-General, in consultation with the Chief
Justice, may make court rules regulating the procedure for—

(a) the determination of any application made under
subsection (1) of section 24; and

(b) the determination of any election petition filed
under sub-rule (1) of rule 28 of the Constituent
Assembly by Election Rules set out in the Third
Schedule to this Statute.

Repeal and
savings.
Legal No-
tice No. 1
of 1986.
Act No. 12
of 1987.

33. (1) Paragraph 14B of Legal Notice No. 1 of 1986
is repealed.

(2) The Constituent Assembly Act, 1967, is repealed,

(3) Notwithstanding the expiry of this Statute, as
provided in section 2, if at the time of such expiry, there
are functions which, in the opinion of the Minister should
continue to be discharged by the Commission or any
officer of the Commission, the Commissioner, or a Deputy

Commissioner or officers of the Commission specified by the Commissioner for that purpose, may continue to perform those functions and to hold the same offices as they would have held immediately before the expiry of this Statute, for such period as the Minister may determine, as if this Statute had not expired; and all funds necessary for the discharge of those functions shall continue to be disbursed to the Commission accordingly.

SCHEDULES.

FIRST SCHEDULE. (s. 4 (2) (b))

DELEGATES TO BE ELECTED BY
SPECIFIED BODIES

<i>Name of Specified Body</i>	<i>Number of delegates to be elected by each body</i>
1. One woman delegate from each district, elected, in each case, by an electoral college comprising all councillors at RC III level, within the district and all members of the Sub-County Women's Councils within the district.	
2. The National Resistance Army ...	10
3. The National Organisation of Trade Unions	2
4. The four political parties which took part in the general elections held on the 10th December, 1980, namely—	
(a) the Conservative Party;	
(b) the Democratic Party;	
(c) the Uganda Patriotic Movement; and	
(d) the Uganda Peoples Congress	8 (2 each)
5. A National Youth Council established by law	4
6. The National Union of Disabled People of Uganda	1

SECOND SCHEDULE. (ss. 13 and 21 (5))

OATH OF ALLEGIANCE TO BE TAKEN BY THE
CHAIRMAN, DELEGATES, COMMISSIONERS AND
DEPUTY COMMISSIONERS

I,, do hereby
swear, in the name of Almighty God, (Solemnly affirm) that
during the discharge of my responsibilities as

..... I will bear true faith and allegiance to
the Republic of Uganda as by law established and that I
shall, at all times, well and truly serve the Republic of Uganda
in the office of of the Constituent
Assembly as by law established. (So help me, God.)

THIRD SCHEDULE.

(s. 4 (2) (a))

CONSTITUENT ASSEMBLY (ELECTION RULES)

ARRANGEMENT OF RULES.

PART I—RULES

Rule.

1. Title and application.

*Designation of Electoral Areas and Registration
of Voters*

2. Designation of Electoral Areas.

3. Appointment of registration officers.

4. Registration of voters.

5. Display of register and corrections.

6. Appointment of returning officers, etc.

Nomination of Candidates

7. Declaration of nomination days.

8. Procedure for nomination of candidates.

9. Declaration of qualification and payment of nomination fee.

10. Unopposed candidate or where a candidate dies before polling day.

Electoral Campaigns

11. Elections to be non-partisan.

12. Returning officers to design and conduct programme of candidates' meetings.

13. Other permitted methods of campaigning.

Voting and Voting Procedure

14. Appointment of polling day.
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29. Prohibition of holding public meetings other than Candidates' Meetings.
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PART II--FORMS

- Certificate of Registration as a Voter.
- Voter's Registration Form.
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- Nomination Paper.
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THIRD SCHEDULE. (s. 4 (2) (a)).

CONSTITUENT ASSEMBLY
ELECTION RULES

PART I—RULES.

Application.

1. These Rules may be cited as the Constituent Assembly Election Rules and shall apply to the election of the delegates referred to in paragraph (a) of subsection (2) of section 4 of the Constituent Assembly Statute, 1993.

Title and
applica-
tion.

Designation of Electoral Areas.

2. (1) For the purposes of the election of the delegates referred to in paragraph (a) of subsection (2) of section 4 of the Statute, the Commissioner shall, by notice in the *Gazette*, designate Electoral Areas throughout Uganda.

Designa-
tion of
Electoral
Areas.

(2) The Commissioner shall, under sub-rule (1), only designate every county and every municipality as an Electoral Area.

(3) When designating Electoral Areas, the Commissioner shall—

(a) where a county has a population of one hundred and forty thousand inhabitants or more, designate out of that county, two or more Electoral Areas so that each Electoral Area comprises approximately seventy thousand inhabitants; and

(b) in the case of Jinja Municipality, designate out of that Municipality, two Electoral Areas.

(4) The five divisions of the City of Kampala, for the purpose of these Rules, shall be regarded as counties.

(5) The Commissioner shall, as far as practicable, avoid the division of any sub-county into different parts for the purpose of designating an Electoral Area.

Registration of Voters

Appoint-
ment of
registration
officers.

3. (1) The Commissioner shall, by notice in the *Gazette*, appoint registration officers for the purpose of compiling a voter's register for each Electoral Area.

(2) For the purposes of sub-rule (1), the Commissioner may appoint parish chiefs as registration officers within their respective areas.

(3) The Commissioner shall compile a voters' register for each Electoral Area showing all persons entitled to vote in the Electoral Area and indicating the names of voters in each parish within each Electoral Area.

Registra-
tion of
voters.

4. (1) The Commissioner shall, by notice in the *Gazette*, appoint a period, not exceeding thirty consecutive days, during which registration of voters shall take place in all villages and parishes.

(2) The registration of voters shall commence in each village within each parish and shall be recorded in Form RV set out in Part II of these rules in respect of each voter.

(3) Every parish voters' register compiled by the registration officer of the parish shall, within such period as the Commissioner may determine, be delivered by the registration officer to the respective sub-county headquarters from where it shall be collected by the Commissioner for inclusion in the respective Electoral Area voters' register.

(4) Every person registered as a voter shall be issued with a certificate of registration which shall be in Form CR set out in Part II of these rules after such person's application for registration in Form RV set out in Part II is approved by the registration officer.

Display of
register and
corrections.

5. (1) The Commissioner shall, by notice in the *Gazette*, appoint a period, not exceeding fourteen days, during which the voter's register for each Electoral Area, prepared by the

Commissioner under sub-rule (3) of rule 3, shall be displayed for public scrutiny and during which any objections or complaints in relation to the names included in the register or in respect of any omissions from the register or in relation to any necessary corrections, may be raised or filed.

(2) Each register of voters referred to in sub-rule (3) of Rule 3 shall be displayed and be open to inspection by the public—

(a) at the Commission's offices in Kampala showing the names of registered voters in all Electoral Areas in Uganda; and

(b) at the offices of each parish or county or at any other conspicuous public place within the parish or county, showing the names of registered voters within the parish or county.

(3) Every objection or complaint, raised in relation to the register of voters within any parish, shall be made to the returning officer of the respective district.

(4) The Commissioner may issue directions to returning officers regarding the type of objections or complaints which a returning officer may refer to the Commissioner and those which a returning officer may refer to the respective Parish Resistance Committee Court, and in either case, the decision of the Commissioner or of the Parish Resistance Committee Court, as the case may be, shall be final and conclusive.

6. (1) The Commissioner shall, in respect of each district, by name or office, appoint one returning officer.

Appoint-
ment of
returning
officers, etc.

(2) Every returning officer appointed under sub-rule (1) shall be the officer-in-charge of the election of all delegates from the Electoral Areas within the district of which such officer is appointed returning officer.

(3) Every returning officer shall, by notification to the Commissioner, appoint not more than two assistant returning officers to assist the returning officer to carry out the responsibilities of the office of returning officer.

(4) For the purposes of sub-rules (1) and (2), no person who holds a political office, within a district, shall be appointed either returning officer or assistant returning officer.

Nomination of Candidates

Declaration
of nomina-
tion days.

7. (1) The Commissioner shall, by notice in the *Gazette*, declare a period of two days, to be known as nomination days, during which every person aspiring to be elected as a delegate will tender such person's declaration of qualifications and nomination paper in Forms DQ and NP to the returning officer.

(2) The Commissioner shall, in the notice referred to under sub-rule (1), specify the time during nomination days during which the nomination of all candidates shall take place, which shall be between the hours of ten o'clock in the forenoon and four o'clock in the afternoon and shall specify the places where such nomination shall be conducted in each district.

Procedure
for nomi-
nation of
candidates.

8. (1) During nomination days, every returning officer or assistant returning officer shall attend at the place notified by the Commissioner, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon to receive the nomination papers of each candidate, for election as a delegate, in any Electoral Area within the district.

(2) The nomination of every candidate shall be in Form NP set out in Part II of these rules.

(3) The nomination of every candidate shall—

(a) be proposed by two persons registered as voters, and normally resident in the Electoral Area of the person seeking nomination;

(b) be supported by ten persons registered as voters, and residing, in the respective Electoral Area;

(c) be endorsed by the proposed candidate's own consent signified by the candidates' signature on the nomination paper; and

(d) be accompanied by three recent black and white passport-size photographs, of the person seeking nomination.

(4) Where, subsequent to the nomination of any candidate, any voter who proposed or supported such nomination is disqualified as a voter or dies before election day, that fact alone shall not invalidate the nomination of the candidate.

(5) No person shall propose or support more than one candidate or a candidate in an Electoral Area in which that person is not registered as a voter.

9. (1) The nomination of every candidate shall not be complete or valid unless, at the time of such nomination—

Declaration
of qualifi-
cation and
payment
of nomi-
nation fee.

(a) the candidate files with the returning officer a declaration of qualification signed by the candidate in Form DQ set out in Part II of these rules; and

(b) the candidate pays, in cash or bank draft, a fee of one hundred thousand shillings to Uganda Administration.

(2) The returning officer shall—

(a) issue a general receipt in respect of all fees received under paragraph (b) of sub-rule (1); and

(b) deliver all such fees to the Secretary to the Treasury to be credited to the Consolidated Fund.

(3) All nomination fees credited to the Consolidated Fund under this rule are not refundable.

(4) No person shall stand nominated as a candidate in more than one Electoral Area and where any candidate is so nominated, both nominations shall be invalid.

(5) A returning officer shall declare the nomination of any person invalid where the provisions of sub-rule (3) of rule 8 or of sub-rule (1) of rule 9 have not been complied with and a returning officer shall not accept the nomination papers of any candidate where the nomination papers are tendered to the returning officer after four o'clock in the afternoon on any of the two nomination days.

Unopposed
candidate
or where
candidate
dies be-
fore polling
day.

10. (1) For any Electoral Area where, at the closure of the nomination days, only one person has been nominated as a candidate, the returning officer shall declare that candidate elected as a delegate and forward such candidate's name to the Commissioner.

(2) In any Electoral Area where no more than two candidates are nominated as candidates, and one of such candidates dies subsequent to nomination but before polling day, the Commissioner shall order a fresh nomination of additional candidates for, and set a separate polling day, in that Electoral Area.

Election Campaigns

Non-
partisan
elections.

11 (1) Elections for delegates shall be non-partisan and every candidate for election as a delegate within an Electoral Area, shall stand and be voted for by voters upon personal merit.

(2) Any person who uses or attempts to use any political party, tribal or religious affiliations or any other sectarian ground as a basis for such person's candidature or election as a delegate commits an offence and shall, upon the satisfaction of the Commissioner of that fact, be disqualified from standing as a candidate for election as a delegate.

(3) Any person disqualified by the Commissioner under sub-rule (2) may, within seven days from the date of the decision, appeal to a court of competent jurisdiction against the decision.

(4) No election shall take place in any Electoral Area where a person who has been duly nominated as a candidate, but has been disqualified by the Commissioner under sub-rule (2) and has filed an appeal under sub-rule (3), until the appeal has been determined by the court.

Returning
officers to
prepare
and con-
duct pro-
gramme of
candidates'
meetings.

12. (1) For each Electoral Area, the returning officer shall prepare and conduct a programme to be known as "Candidates' Meetings" so that there shall be held one Candidate's Meeting within each parish in an Electoral Area :

Provided that where it is deemed by the returning officer to be convenient, one joint Candidates' Meeting may be held for two or more parishes and more than one such meeting may be held within one parish.

(2) The object of the Candidates' Meetings Programme shall be to enable all candidates within an Electoral Area to collectively meet, address and answer questions of voters in each parish within the Electoral Area.

(3) Every returning officer shall avail to the Commissioner a copy of each Candidates' Meetings Programme, designed by the returning officer under sub-rule (1).

(4) A copy of the Candidates' Meetings Programme, for every Electoral Area, shall be made available by the returning officer before the commencement of the programme, to every nominated candidate for that Electoral Area and the returning officer shall allow all candidates reasonable time to arrange their attendance of the meetings scheduled in the programme.

(5) In each parish, the Candidates' Meeting shall be chaired by the presiding officer for that parish or by a person appointed by the returning officer for the purpose.

(6) At every Candidates' Meeting, the presiding officer shall introduce the candidates one by one and allow each candidate reasonable time, but in each case not less than twenty minutes to address the meeting on matters relating to the Constitution.

(7) After all candidates have addressed the meeting, the presiding officer shall invite questions from the voters and a candidate to whom a question is directed shall be allowed reasonable time to answer it.

(8) At a Candidates' Meeting, the presiding officer and the candidates may use the local language of the area.

(9) The costs to be incurred by each candidate for the purposes of attending any Candidates' Meetings shall be borne by the candidate.

(10) Public 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 is guilty of an offence.

(11) For the avoidance of doubt, it is hereby declared that the operation of the Candidates' Meetings Programme shall not commence until the expiry of nomination days.

Other methods of campaigning.

13. Subject to sub-rule (2) of rule 11, any candidate may, in addition to attending the Candidates' Meetings, use other methods of campaigning such as distribution of posters and pamphlets to solicit votes from voters but no candidate shall hold any public meeting intended to solicit votes other than at a Candidates' Meeting.

Voting and Voting Procedures

Appointment of polling day.

14. (1) The Commissioner shall, by notice in the *Gazette*, appoint a day to be known as polling day.

(2) The Commissioner shall not appoint as polling day any day which allows a period of less than thirty days between nomination day and polling day.

Polling stations and voting time.

15. (1) In every parish there shall be located one polling station and the polling station may be located at the parish offices or at any other convenient public place within the parish.

(2) Where there are reasonable grounds to believe that a single polling station within a parish may be inconvenient or cause hardship to the residents or where the population of voters or the distances involved necessitates it, the returning officer may allow more than one polling station within a parish.

(3) 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.

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

16. (1) Every returning officer shall, at such time as may be notified to all returning officers by the Commissioner, appoint for each polling station, a presiding officer and two polling assistants.

Appoint-
ment of
presiding
officers and
polling
assistants.

(2) A returning officer may, at any time before polling day, revoke the appointment of a presiding officer and appoint another person to perform the duties of presiding officer.

(3) In the absence of the presiding officer from the polling station, the polling assistant who is older in age shall be the presiding officer.

17. (1) A candidate may, at any time after nomination but prior to polling day, withdraw as a candidate by filing, in person, with the returning officer, a declaration in writing to that effect, signed by the candidate and attested to by the signatures of two voters who are qualified to vote in the Electoral Area in which the candidate was nominated.

Withdra-
wal of
Candidates.

(2) Where a candidate withdraws under sub-rule (1)—

(a) any votes cast for that candidate on polling day shall be void;

(b) where time permits, the returning officer shall print a notice of the candidate's withdrawal and distribute it to all presiding officers within the Electoral Area;

(c) on polling day, each presiding officer shall place, in a conspicuous place, in the polling station, a notice of the candidate's withdrawal; and

(d) when delivering the ballot paper to each voter, the presiding officer, shall inform the voter of the candidate's withdrawal.

(3) Where, only two candidates are nominated and one of them withdraws before polling day, the returning officer shall, without waiting for polling day, declare the remaining candidate as duly elected.

(4) Any person who, before or on polling day, with the intention of procuring the election of another candidate or out of malice or bad will, intended to create panic or confusion in the election process, announces or publishes a false statement of the withdrawal of a candidate, commits an offence.

**Polling
procedure.**

18. (1) On polling day, all voters, intending to vote, shall form one line commencing backward from a point at least ten metres away from the table at which each voter is to place the mark of choice on the ballot paper, and voters, after casting their votes, and other persons present other than election officers, shall stand or sit at least ten metres away from that table.

(2) At every polling station there shall be positioned—

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

(b) a table positioned at least four 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 a tick, a cross 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 four times to enable it to be deposited in the slot of the ballot box;

(c) a third table located at least four 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 four metres from the ballot box where every voter, after depositing the ballot paper into the ballot box, shall proceed and have the little finger or, if the voter has no little finger, the finger nearest to the position of the little finger of the voter's left hand dipped into indelible ink to indicate that the voter has cast the ballot:

Provided that

- (i) if the voter has no left hand the process shall be applied to the right hand; or
- (ii) if a voter has no fingers on the left or right hand, such voter may dip the tip of any hand into indelible ink;
- (iii) if 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.

(3) For the purposes of sub-rule (2), "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.

(4) No person shall vote more than once or at more than one polling station; and any person who does so commits an offence.

(5) For the purposes 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; and the presiding officer or a polling assistant, as the case may be, may 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 sub-rule.

(6) Any person who refuses to be inspected under sub-rule (3) commits an offence.

(7) A candidate may appoint, in writing addressed to the presiding officer, at every polling station within the Electoral Area, not more than two polling agents whose duty shall be to safeguard the interests of the candidate with regard to the voting process; and polling agents appointed under this sub-rule shall report to the respective presiding officer on polling day.

(8) The presiding officer or polling assistant shall just before the commencement of polling and at reasonable intervals of time thereafter explain to the voters the procedure of voting.

Ballot
papers.

19. (1) The ballot papers to be used at every election shall be in Form BP specified in Part II of these Rules.

(2) Each ballot paper shall have a counterfoil and a stub, with a line of perforations between the ballot paper and the counterfoil and between the counterfoil and the stub.

(3) The ballot papers shall be bound or stiched in books containing twenty-five, fifty or one or two hundred ballots as may be suitable for supplying the polling stations proportionately to the number of voters in each station.

(4) Every returning officer shall furnish each presiding officer in the district, at least twenty-four hours before polling day, with—

- (a) a sufficient number of ballot papers, at least enough to cover the number of voters in the parish voters' register or in the polling roll of the polling station;
- (b) a statement showing the number of ballot papers so supplied with their serial numbers indicated in the statement; and
- (c) the other necessary materials for the voters to mark the ballots and complete the voting process.

20. (1) Where a voter is blind or is, for any other reason including illiteracy, old age or infirmity, unable to fix the required mark of choice on the ballot paper, such voter may report at the polling station accompanied by a spouse or any other member of the voter's family, to assist the voter to fix the mark of choice on the ballot paper on the voter's behalf or may request the presiding officer or a polling assistant at the polling station to assist such voter in that behalf.

Assistance
to be
given to
disabled
voters.

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

21. (1) The Commissioner shall cause ballot boxes to be distributed to all polling stations and two or more ballot boxes shall be placed at each polling station at least twenty-four hours before the commencement of polling time.

Distribu-
tion of
ballot
boxes, etc.

(2) 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 at the polling table; and where more than one ballot box is used after the first is filled, the same procedure shall be followed during the placing on the polling table, of any additional ballot box.

(3) Where one ballot box gets filled with ballot papers and cannot take in any more ballot papers, the presiding officer shall seal the top of the filled ballot box with a marked sealing pad and place a second ballot box on the polling table without removing the first one from the polling table and the process may be repeated where need for an additional ballot box arises.

22. A presiding officer, may close the polling station before the expiry of polling time where—

- (a) every voter, in the line of voters, completes the voting process before the expiry of voting time;
or

Earlier
closure of
polling sta-
tion.

(b) a riot breaks out at the polling station or any other event occurs which, in the judgement of the presiding officer, cannot permit the voters the free exercise of their choice of candidates or the polling to commence or to continue.

Adjournment of poll in cases of disturbances or other events.

23. (1) In the event of any polling at a polling station being interrupted by a riot or violence or any other event while there remains, in the voter's 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 sub-rule (1), polling ~~time~~ shall be the same as on the original polling day.

Votes to be counted at each polling station.

24. (1) Votes cast at every polling station shall be counted at that polling station immediately after the presiding officer declares the polling closed.

(2) No votes shall stay overnight uncounted and, where required, the presiding officer shall provide lanterns for the purposes of counting votes.

(3) A candidate may appoint one counting agent at each polling station for the purpose of ensuring fairness in the polls' counting process.

(4) At the commencement of the counting process, the presiding officer shall, in the presence and full view of all present, unseal each ballot box, one at a time, and empty its contents onto the polling table, and with the assistance of polling assistants proceed to count the votes putting votes polled by each candidate separately.

(5) During the counting of votes, the presiding officer shall reject as invalid any ballot paper which—

(a) is not stamped or perforated with the official mark;
or

(b) is marked by a voter more than once and in such a manner that no clear voter's choice can be ascertained; or

(c) does not bear any voter's mark of choice:

Provided that the presiding officer's decision to reject any ballot paper shall be based upon reasons which the presiding officer shall give in the presence of polling assistants and counting agents.

25. (1) At the closure of the counting process and any necessary verifications, the presiding officer shall announce to those present the votes polled by each candidate at the polling station.

Polling results to be announced at polling stations.

(2) The presiding officer shall enter the particulars of votes polled by each candidate at the polling station against the name of the respective candidate on the Declaration of Results Form, set out as Form DR in Part II of these rules and the form shall be completed in triplicate and signed by the presiding officer in the presence of the polling assistants and the counting agents of each candidate and two copies shall be delivered by the presiding officer to the returning officer one copy remaining at the polling station.

26. (1) Every returning officer, after receiving all the polling results from all the polling stations in an Electoral Area, and after verifying the total votes polled in favour of each candidate, shall declare the candidate who obtains the greatest number of votes as the elected delegate and communicate the name of the winning candidate, together with copies of the Form DR signed at all polling stations within the Electoral Area to the Commissioner.

Declaration of winning candidate.

(2) In any Electoral Area where there is an equal number of votes in favour of two leading candidates the Commissioner shall nominate another polling day and only the two leading candidates shall remain candidates for the election.

Secure storage of ballot papers and boxes.

27. Every presiding officer shall ensure that at the conclusion of the counting process all ballot papers used at the polling station are returned into the ballot boxes which shall be sealed, and for a period of six months commencing on the date following polling day, stored in such secure place within the district as the Commissioner shall approve.

Election petitions to be filed and determined expeditiously.

28. (1) Any candidate who loses an election as a delegate may, within thirty days from polling day, file a petition in a court of competent jurisdiction and obtain such remedy as the court may consider just and appropriate.

(2) Every petition filed under sub-rule (1) shall be determined by the court expeditiously and, in any case, not later than three months from the date the petition is filed.

(3) Every decision of a court of competent jurisdiction arising from the determination of a petition under sub-rule (1), shall be final and no appeal to any other court shall lie from such decision.

Offences and Penalties

Prohibition of public meetings, etc. other than candidates' meetings.

29. Any candidate or other person, whether such person is an agent of a candidate or not, who holds a public meeting other than a Candidates' Meeting or stages any public rally or demonstration for the purpose of soliciting votes or influencing voters commits an offence and shall be liable, on conviction, to imprisonment for a period not exceeding six months or to a fine not exceeding one hundred thousand shillings or both.

Impersonation of a voter.

30. Any person who knowingly receives or applies for a ballot paper in the name of some other person, whether that person is living or dead, or in the name of a fictitious person, shall be liable, on conviction, to imprisonment for a period not exceeding two years or to a fine not exceeding two hundred thousand shillings or both.

Obstruction of voters, causing riots, etc.

31. Any person who interferes with or obstructs any voter or cause a riot or violence, at any polling station or meeting whether or not with the intention of disrupting the election

of any candidate or affecting the prospects of the election of any candidate commits an offence and shall be liable, on conviction, to imprisonment for a period not exceeding two years or to a fine not exceeding two hundred thousand shillings or both.

32. 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, directly or indirectly gives or provides or causes to be given or provided, any money or gift or other consideration (in this rule collectively referred to as a bribe) to that other person, shall be guilty of an offence and liable to imprisonment for a term not exceeding five years or to a fine not exceeding five hundred thousand shillings or both; and any person who receives a bribe shall be guilty of an offence and liable to the same maximum penalty: Bribery.

Provided that where the person convicted under this rule is the person who offered the bribe, such person shall be sentenced to a term of imprisonment of not less than two years with or without a fine.

33. (1) Any registration officer who wrongfully and without just cause—

- (a) prevents or attempts to prevent the name of any person from being registered as a voter;
- (b) registers or attempts to register as a voter a person who is not qualified to be so registered; or
- (c) enters or attempts to enter in the register of voters the name of any person whether real or imaginary knowing that the name should not be entered in such register

commits an offence.

(2) Any person who registers as a voter more than once or in more than one Electoral Area, commits an offence and shall be liable on conviction, to imprisonment not exceeding two years or to a fine not exceeding one hundred thousand shillings or both.

Offences
by election
officers, etc

(3) Any election officer who—

- (a) neglects the duties entrusted to that election officer under these Rules; or
- (b) by wilful act, omission or negligently, delays the commencement of voting on polling day, or by any wilful or negligent act or omission disrupts the voting process; or
- (c) does or omits to do, any act or conspires with any other person to do or omit to do, anything which such person is, by these Rules, required to do, with the intention of according an advantage or disadvantage to any candidate,

commits an offence and shall, on conviction be liable to a term of imprisonment not exceeding three years or to a fine not exceeding three hundred thousand shilling or both.

Offences
by presi-
ding officers
or polling
assistants.

34. Any presiding officer or polling assistant who wrongfully and without just cause—

- (a) prevents a registered voter from voting;
 - (b) permits a person not registered as a voter to vote;
- or

(c) tampers with the ballot cast at an election commits an offence.

Other
Offences.

35. (1) Every person who—

- (a) forges or fraudulently defaces or fraudulently destroys any nomination paper or ballot paper or utters any such paper knowing the same to be forged; or
- (b) without due authority supplies any ballot paper to any person; or
- (c) sells or offers to sell any ballot paper to any person or purchases or offers to purchase any ballot paper from any person; or

- (d) not being a person entitled to be in possession of any ballot paper which has been marked with the official mark has any such ballot paper; or
- (e) puts into any ballot box anything other than the ballot paper which that person is authorised by law to put in; or
- (f) without due authority takes out of a polling station any ballot paper or is found in possession of any ballot paper outside a polling station; or
- (g) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers in use or intended to be used for the purposes of an election; or
- (h) 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
- (i) manufactures, constructs, imports into Uganda, has in his possession, supplies or uses for the purposes of an election, or causes to be manufactured, constructed, imported into Uganda, supplied or used for the purposes of any election, any appliance, device or mechanism by which a ballot paper may be extracted or manipulated after having been deposited in a ballot box during the polling at any election

shall be guilty of an offence.

36. Where no penalty is prescribed for an offence under these rules, a person convicted of such offence shall be liable to a term of imprisonment not exceeding three years or to a fine not exceeding three hundred thousand shillings or both.

General
penalty.

PART II
FORMS

FORM RV

THE CONSTITUENT ASSEMBLY
ELECTION RULES

APPLICATION FOR REGISTRATION
AS A VOTER

rule 4 (4).

1. PARTICULARS OF PERSON TO BE REGISTERED:

Names
Age Sex
Citizenship
Normal place of residence
For how long have you lived in Uganda?

2. PARTICULARS OF ANCESTRY:

Father's Name
Mother's Name
Place where mother/father live/lived

3. PARTICULARS OF ELECTORAL AREA:

Village
Parish
Sub-County
Electoral Area

.....
*Signature/Thumb Print of
Applicant.*

Approved/not approved for registration.

Date

.....
Registration Officer.

FORM CR

THE CONSTITUENT ASSEMBLY
ELECTION RULES

CERTIFICATE OF REGISTRATION
OF A VOTER

rule 4 (4).

I certify that has today been
registered as a voter under Reg. No.
in the Register of Voters for the
Electoral Area in accordance with the provisions of the
Constituent Assembly Statute, 1992.

.....
Registration Officer.

.....
Electoral Area.

Date

NOTE:—*You must produce this Certificate for identification
on polling day.*

FORM DQ

THE CONSTITUENT ASSEMBLY
ELECTION RULES

DECLARATION OF QUALIFICATION BY
PERSON TO BE NOMINATED AS
A CANDIDATE

rule 9 (1) (a)

I,, do solemnly and sincerely
declare that;

1. I am a citizen of Uganda;

2. I am not below the age of eighteen years;
3. I have paid all liabilities in respect of any taxes and other revenue obligations due from me/have made satisfactory arrangements for the purpose;
4. I have neither been adjudged to be of unsound mind nor have I been detained as a criminal lunatic;
5. I do not owe allegiance to a country other than Uganda;
6. I am not an undischarged bankrupt or insolvent;
7. I am not under sentence of death;
8. Within the last ten years, I have not been convicted or imprisoned for an offence involving fraud, dishonesty, moral turpitude or violence or an offence relating to elections; and
9. I am neither disqualified by reason of holding any office involving responsibilities for the conduct of elections nor by any law in force in Uganda.

I make this solemn declaration conscientiously believing the contents to be true to the best of my knowledge and belief.

.....
Name and Signature.

Subscribed and declared before me at
this day of, 19.....

.....
Commissioner for Oaths.

THE CONSTITUENT ASSEMBLY
ELECTION RULES

rule 8 (2)

NOMINATION PAPER

We the undersigned registered voters in the ELECTORAL AREA of hereby propose the following person as a candidate for election as a delegate to the Constituent Assembly and we certify that to the best of our belief he is qualified to be elected as such—

Surname	Other Names	Number in register of voters	Address	Occupation

Names and signatures of persons proposing the nomination

Number on register of voters

- 1.
- 2.

We the undersigned registered voters in the ELECTORAL AREA of hereby support the nomination of

Names and signatures of persons supporting nomination of candidate

Number on register of voters

- 1.

	<i>Constituent Assembly Statute</i>	1993
--	---	-------------

Statute No. 6

- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

I, consent to my nomination as a candidate for election as a delegate to the Constituent Assembly.

Signature









Address

Date

THE CONSTITUENT ASSEMBLY
ELECTION RULES rule 19(1)

Election Area Polling Station

BALLOT PAPER

ACEN ALIMA (MRS)		<input type="checkbox"/>
BARIYOO CHARLES (MR)		<input type="checkbox"/>
JUMA ABDU (HAJI)		<input type="checkbox"/>
KYOMUKAMA DAVID (MR)		<input type="checkbox"/>
NASSALI SARAH (DR)		<input type="checkbox"/>
OPIO JAMES (MR)		<input type="checkbox"/>
OUMA AMOS (DR)		<input type="checkbox"/>
WERE JOAN (MRS)		<input type="checkbox"/>

THE CONSTITUENT ASSEMBLY
ELECTION RULES

DECLARATION OF RESULTS rule 25(2)

Electoral Area of

Polling Station of

Candidate's Name	Number of votes polled by each Candidate	Total Number of votes cast	Total Number of spoilt Ballot Papers
1.
2.
3.
4.
5.
6.
7.
8.

I the undersigned certify that the above information is true and correct.

Signed
Presiding Officer.

Date

Place and time



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- S.I. No. 81—The Sales Tax (Remission of Tax) (No. 19) Order, 1993.
- S.I. No. 82—The Expropriated Properties (Repossession and Disposal) (Amendment) Regulations, 1993.

General Notice No. 246 of 1993.

CITY COUNCIL OF KAMPALA.

NOTICE.

DEATH OF SULAIMAN KYEYUNE.

The above named person was a joint tenant with his son one Abby Mugimu on Plots No. 19-23, Tucker Road, Luzira. The son, Abby Mugimu reported to Kampala City Council that Sulaiman Kyeeyune went missing in 1981 and has never been seen again and therefore the property should be registered in his names (Abby Mugimu) in the Estates of missing persons (management) Decree 20 of 1973 section 19 thereof, provides:—

"Notwithstanding the provisions of section 107 of the Evidence Act, or any other law to the contrary, where a period of three years beginning with the date of the disappearance of the missing person elapses, the missing person shall be presumed dead".

Sulaiman Kyeeyune is therefore legally presumed dead, and since he was in a joint tenancy with Abby Mugimu, his share automatically passed to the surviving tenant i.e. Abby Mugimu

Following the disappearance of Sulaiman Kyeeyune in 1981 and therefore being presumed dead in law, Plots No. 19-23, Tucker Road is now going to be registered in the names of Abby Mugimu the surviving joint tenant.

Kampala,
4th November, 1993.

V. M. SERUGENDO,
Deputy Town Clerk.

General Notice No. 247 of 1993.

THE PROPERTIES AND BUSINESS (ACQUISITION) DECREE, 1975.

(DECREE No. 11 OF 1975)

NOTICE.

REAPPOINTMENT OF BOARD OF VALUERS

(Under section 2(1)).

NOTICE IS HEREBY GIVEN that the following have been appointed as the Board of Valuers under section 2(1) of the Properties and Business (Acquisition) Decree, 1975.

1. Mr. Steven Oringo,
Commissioner of Land Administration (Valuation),
Ministry of Lands, Housing and Urban Development,
2. Mr. Adam Sebugwawo Ga-Biraa,
Chartered Valuation Surveyor,
3. Mr. Andrew Babumba Kyeeyune,
Secretary, Institution of Surveyors of Uganda.
4. Mr. V. T. Okello Ag. Chief Engineer, Departed
Asians' Property Custodian Board, shall be the
Secretary to the Board of Valuers.

J. S. MAYANJA-NKANGI,
*Minister of Finance and Economic
Planning.*

General Notice No. 248 of 1993.

IN THE MATTER OF THE COMPANIES ACT (Cap. 85). (Section 303).

NOTICE.

IN THE MATTER OF VOLUNTARY WINDING UP OF

MESSRS KOKO JAGGERY MILL (U) LIMITED AND

IN THE MATTER OF NOTICE BY LIQUIDATORS.

We Julius I. K. Kintu, Micheal J. K. Nsubirwa, Henry Kiggundu and Eriva Namukasa of P.O. Box 4628, Buikwe, hereby give notice that by a special Resolution of the Company dated 19th October, 1993 it was resolved that the Company be voluntarily wound up and that we four be the Liquidators of the Company.

DATED at Buikwe, this 21st day of October, 1993.

B. KAINAMURA,
Assistant Registrar of Companies.

General Notice No. 249 of 1993.

THE INCOME TAX DECREE.

(Under Section 12 of the Income Tax Decree).

NOTICE.

NOTICE IS HEREBY GIVEN that the income arising from the remuneration of Employees of Independent Sugar Corporation Limited, (Bermuda) seconded to Kakira Sugar Works Ltd., under the Agreement for staffing services of 3rd August, 1988, and financed out of the Development Credit Agreement of 11th May, 1988 is hereby exempted during the time of subsistence of the said Agreements.

DATED this 12th day of October, 1993.

MATTHEW N. RUKIKAIRE,

Minister of State for Finance and Economic Planning also holding the portfolio of Minister of Finance and Economic Planning.

General Notice No. 250 of 1993.

THE INCOME TAX DECREE.

(Decree No. 1 of 1974).

NOTICE.

PURSUANT to the provisions of sub-section (2) of section 12 of the Income Tax Decree, notice is hereby given that Income Tax chargeable under the provisions of section 3 of the Income Tax Decree upon the income of the Joint Managing Directors of Kakira Sugar Works (1985) Limited which accrues in or is derived from Uganda in respect of their employment or services rendered to Kakira Sugar Works (1985) Limited is hereby exempted.

NOTICE IS FURTHER GIVEN that this exemption is applicable to such income of the Joint Managing Directors which accrued to them for the period commencing 1st January, 1986 and ending 31st December, 1994.

DATED at Kampala this 30th day of September, 1993.

MOSES R. K. KINTU,

Minister of State for Finance and Economic Planning (C/B) also holding the portfolio of Minister of Finance and Economic Planning.

General Notice No. 251 of 1993.

THE ADVOCATES ACT.

NOTICE.

APPLICATION FOR A CERTIFICATE OF ELIGIBILITY.

IT IS HEREBY NOTIFIED that an application has been presented to the Law Council by Sheila Nkwasiabwe who is stated to be a holder of a Bachelor of Laws of Makerere University having been awarded a Degree on the 23rd day of March, 1990 and to have been awarded a Diploma in Legal Practice by the Law Development Centre on the 7th day of June, 1991 for the issue of a Certificate of Eligibility for entry of her name on the Roll of Advocates for Uganda.

C. A. OKELLO (Ms.),
Secretary, Law Council.

Kampala,
3rd November, 1993.

General Notice No. 252 of 1993.

THE CONSTITUENT ASSEMBLY STATUTE, 1993.

(Statute No. 6 of 1993).

APPOINTMENT OF POLLING DAY.

NOTICE.

IN EXERCISE of the powers conferred upon the Commissioner for the Constituent Assembly by sub-rules (1) and (2) of rule 14, of the Constituent Assembly Election Rules, (Third Schedule to the Constituent Assembly Statute No. 6 of 1993).

1. Monday, 28th March, 1994, is hereby appointed as polling day for the election of delegates to the Constituent Assembly in all Electoral Areas throughout Uganda.

2. The polling day appointed under paragraph (1) of this Notice is restricted to the election of the 214 delegates representing Electoral Areas and is not appointed as polling day for the election of delegates representing the bodies specified in the First Schedule to the Statute.

ISSUED at Kampala, this 19th day of November, 1993.

STEPHEN BESWERI AKABWAY,
Commissioner for the Constituent Assembly.

General Notice No. 253 of 1993.

THE CONSTITUENT ASSEMBLY STATUTE, 1993.

(Statute No. 6 of 1993).

APPOINTMENT OF RETURNING OFFICER.

NOTICE.

IN EXERCISE of the powers vested in the Commissioner for the Constituent Assembly by sub-rule (1) of rule 6 and paragraph (d) of sub-rule (1) of rule 22, the person whose name is specified in the Schedule to this Notice is hereby appointed Returning Officer, for the purposes of the election of the delegates to the Constituent Assembly in respect of the district named in the Schedule.

ISSUED at Kampala, this 19th day of November, 1993.

STEPHEN BESWERI AKABWAY,
Commissioner for the Constituent Assembly.

SCHEDULE.

Name	Current Post	District to which appointed Returning Officer
Mr. James B. Nkata	AS/ADES	Kabarole District.