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THE PRESIDENTIAL ELECTIONS ACT, 2005

(Act No. 16 of 2005).

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(Act No. 17 of 2005).

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THE UGANDA ADVANCED CERTIFICATE OF
EDUCATION AND ITS EQUIVALENT FOR PERSONS
WISHING TO RUN FOR PRESIDENTIAL,
PARLIAMENTARY AND LOCAL COUNCIL FIVE
ELECTIONS, 2005.

PREAMBLE

BY VIRTUE of the powers conferred upon the National Council for Higher Education (NCHE) under Section 4 of the Presidential Elections Act, 2005 and Section 4 Parliamentary Elections Act, 2005 and Section 1(2) the Local Governments (Amendment) Act, 2005, the National Council for Higher Education hereby publishes the following list of qualifications considered as 'A' Level or its equivalent.

1. A person shall be deemed to have an 'A' level certificate of education on presentation of an original 'A' level certificate issued by the Uganda National Examinations Board (UNEB), the East African Examinations Council or Cambridge Local Examinations Syndicate.
2. In the event of the loss of the original certificate, a person purporting to have an 'A' level certificate shall produce an original letter of verification of results issued by UNEB.
3. A person who does not possess an 'A' Level certificate as in (1) above shall be required to produce evidence of an equivalent qualification as in Schedules (1) and (2).

SCHEDULE 1

Equivalences based on qualifications obtained within Uganda from recognised institutions:

- (a) A Grade III Teacher's certificate awarded by institutions recognised by the Ministry of Education and Sports and its agencies to a person who pursues a course for two years after UCE level or Grade II Teachers' Certificate and has taken a Grade III course lasting for at least two continuous years.

- (b) A Technical Certificate or a Diploma awarded by UNEB or other recognised examining body to a person who holds a UCE Certificate and has studied for at least two continuous years in a technical institution.
- (c) A Business Certificate awarded by UNEB to a person who holds a UCE level Certificate and has studied for at least two years continuously in a recognised Business Institution by the Ministry of Education and Sports.
- (d) Any person who holds a certificate issued by a nationally recognised university after a mature entrance examination will be deemed to have an Advanced level standard equivalent.
- (e) A certificate or diploma awarded by a body recognised by NCHE to a person as an engineer, technician or pilot who holds "O" level certificate and who has taken a course lasting for at least two continuous years after "O" level.
- (f) A certificate or diploma awarded to a hotelier who has taken a course of at least two years duration after "O" level in an institution recognised by the NCHE.
- (g) Nurse's Certificate awarded by the Nurses and Mid-Wifery Council if the course lasted at least 2 years after "O" level.
- (h) A certificate awarded by a military, police or Prisons College or academy or school recognised by the relevant Ministry to a person who has after 'O' level completed an approved course of not less than nine months at the college, academy or school.
- (i) Or other qualifications acceptable to the Council as equivalent to 'A' Level.

SCHEDULE 2

Equivalences based on qualifications obtained elsewhere:

Candidates presenting qualifications obtained outside Uganda shall be required to prove to the satisfaction of the NCHE that admission to that programme (in a recognised institution) was obtained on the basis of Advanced Level Standard of Education or its equivalent.

SCHEDULE 3

Candidates presenting their qualification to NCHE for verification/equating resulting into the issuance of a certificate referred to in the Presidential, Parliamentary Elections Acts, 2005 and The Local Governments (Amendment) Act, 2005 shall pay UGX. 750 000.

SCHEDULE 4:

LIST OF RECOGNISED UNIVERSITIES IN UGANDA

1. Makerere University
2. Mbarara University of Science and Technology
3. Gulu University
4. Kyambogo University
5. Islamic University in Uganda
6. Ndejje University
7. Uganda Martyrs University
8. Bugema University
9. Busoga University
10. Nkumba University
11. Uganda Christian University
12. Kampala University
13. Kampala International University
14. Aga Khan University
15. Kumi University
16. Kabale University
17. Mountains of the Moon University
18. African Bible College
19. Uganda Pentecostal University
20. Fairland University
21. Namasagali University

Dated at Kampala this 15th day of November, 2005.

PHENNY BIRUNGI,
Acting Executive Director.

General Notice No. 557 of 2005.

THE POLITICAL PARTIES AND ORGANISATIONS
ACT, 2002.
NOTICE

NOTICE IS HEREBY GIVEN that the National Redemption Party (NRP) has lodged an application for registration as a political party with the following particulars:

Name: National Redemption Party
Address: P.O. Box 27947, Kampala.
Symbols: The termite



Colours: Red, green, blue.

Slogan: "To serve, not to be served".

Any person who has grounds to oppose the registration of this application may within 14 days from the date of this Gazette, lodge an objection to the Registrar concerning the name, aim, objects, and constitution of the proposed organisation or any other lawful ground. The application can be inspected at the office of the Registrar General, 4th Floor Amamu House, Plot No. 5B George Street, P.O. Box 6848, Kampala.

JULIET NASSUNA,
Assistant Registrar Political Parties/Organisations.

General Notice No. 558 of 2005.

THE POLITICAL PARTIES AND ORGANISATIONS
ACT, 2002.
NOTICE

NOTICE IS HEREBY GIVEN that the National Youth Revolutionary Organisation (NYRO) has lodged an application for registration as a political party with the following particulars:

Name: National Youth Revolutionary Organisation

Address: Plot 2 Kumi Road P.O. Box 983, Mbale.

Symbols: A flag with a lion surrounded by stars, a weight scale, a book.



Colours: Red, black, green and blue

Slogan: A struggle for generations

Any person who has grounds to oppose the registration of this application may within 14 days from the date of this Gazette, lodge an objection to the Registrar concerning the name, aim, objects and constitution of the proposed organisation or any other lawful ground. The application can be inspected at the office of the Registrar General, 4th Floor Amamu House, Plot No. 5B George Street, P.O. Box 6848, Kampala.

JULIET NASSUNA,
Assistant Registrar Political Parties/Organisations

General Notice No. 559 of 2005.

THE ELECTORAL COMMISSION ACT

CAP. 243

NOTICE

PUBLICATION OF RE-SCHEDULED DATES FOR THE
RATIFICATION OF THE CONSTITUTION
(AMENDMENT) BILL (NO. 2) OF 2005.

NOTICE IS HEREBY GIVEN by the Electoral Commission that the ratification exercise for the Constitution (Amendment) (No. 2) Bill of 2005, by the respective District Councils, was re-scheduled and shall be conducted on the 24th and 25th of November, 2005.

ISSUED at Kampala, this 14th day of November, 2005.

ENG. DR. BADRU M. KIGGUNDU,
Chairman, Electoral Commission.

ACTS SUPPLEMENT

to The Uganda Gazette No. 74 Volume XCVIII dated 21st November, 2005.

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Act 16

Presidential Elections Act

2005

THE PRESIDENTIAL ELECTIONS ACT, 2005

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THE PRESIDENTIAL ELECTIONS ACT, 2005

An Act to provide for elections to the office of President; to repeal and replace the Presidential Elections Act; to provide for qualifications and disqualifications for candidates and the manner of establishing equivalent qualifications; to provide for the nomination, campaigning, polling procedure, counting and tallying and declaration of results of a presidential election and the procedure for challenging the results; and for other related matters.

DATE OF ASSENT: 16th November, 2005.

Date of commencement: 21st November, 2005.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.**1. Interpretation**

(1) In this Act, unless the context otherwise requires—

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

“aspirant” means a person intending to stand as a candidate during the election for the office of President;

“authorised mark of choice” means the tick or mark authorised under section 31 to be applied to a ballot paper against the picture of a candidate of choice of a voter;

“campaign period” means the period determined by the Commission under section 21 as the period during which campaigning may take place;

“candidate” means a person duly nominated as a candidate for a presidential election under section 10;

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

“Commission Act” means the Electoral Commission Act;

“constituency” means one of the constituencies into which Uganda is divided pursuant to article 63 of the Constitution for the purpose of elections;

“currency point” means the value specified in relation to a currency point in the First Schedule;

“district” means an electoral district;

“election” means a presidential election;

“election officer” includes a returning officer, assistant returning officer, registration officer, assistant registration officer and any other officer appointed by or under the authority of the commission with responsibility for registration of voters, for presiding over voting in any election or for counting votes at any election;

“election petition” means a petition filed in accordance with section 59;

“illegal practice” means an act declared to be an illegal practice under Part IX of this Act;

“Minister” means the Minister responsible for presidential and parliamentary elections and referenda;

“money” includes a pecuniary reward;

“nomination day” means a day fixed to be nomination day under this Act;

“nomination paper” has the meaning assigned to it in section 10;

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

“parish” includes a ward;

“payment” includes a pecuniary or other reward;

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

“polling agent” means a person appointed by a candidate as a polling agent;

“polling day” means a day appointed to be polling day under this Act;

“presiding officer” means a person appointed under the Commission Act to be a presiding officer for a polling station;

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

“registered voter” means a person whose name is entered on the voters` register;

“returning officer” means a returning officer appointed under the Commission Act;

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

“voters card” means a voter’s card issued under section 26 of the Commission Act to a voter whose name appears in the voters’ register;

“voters’ register” means the National Voters’ Register compiled under section 18 of the Commission Act;

“voters’ roll” means the voters’ roll for any constituency or parish prepared and maintained under the Commission Act.

(2) The Commission Act shall be construed as one with this Act.

PART II—MODE OF ELECTION AND QUALIFICATIONS FOR ELECTION OF PRESIDENT.

2. Election of President

(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) The election of the President shall, subject to article 61 of the Constitution, be held during the first thirty days of the last ninety days before the expiration of the term of the President.

(3) Apart from the election required to be held by clause (2) of article 61 of the Constitution, election of the President shall also be held in the following circumstances—

(a) an election held under clause (6) of article 104 of the Constitution where a presidential election is annulled;

(b) an election held under clause (3) of article 105 of the Constitution where the office has become vacant by expiration of the term of the President or if the incumbent dies or resigns or ceases to hold office as President by removal under article 107 of the Constitution;

- (c) an election held under clause (2) of article 109 of the Constitution within six months after the death, resignation or removal of the President; and
- (d) an election necessitated by the fact that a normal presidential election could not be held as a result of the existence of a state of war or a state of emergency in which case, the election shall be held within such a period as Parliament may, by law, prescribe.

as
3.**Aspirant consultations**

(1) An aspirant may consult in preparation for his or her nomination as a presidential candidate within twelve months before the nomination date.

(2) While consulting under subsection (1), a presidential aspirant may—

- (a) carry out nation-wide consultations;
- (b) prepare his or her manifesto and other campaign materials;
- (c) raise funds for his or her campaign through lawful means;
- (d) convene meetings of national delegates.

(3) While consulting, the aspirant shall introduce himself or herself to the Commission and notify the relevant local council and the police of the area to which he or she goes.

4. Qualifications for candidates

(1) Subject to clause (7) of article 15 of the Constitution, 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 shall request such evidence as it thinks necessary of the qualifications specified in subsection (1).
- (3) For the purposes of subsection (1), a person is qualified to be a member of Parliament if that person—
- (a) is a citizen of Uganda;
 - (b) is a registered voter; and
 - (c) has completed a minimum formal education of Advanced Level standard or its equivalent.
- (4) A person is not qualified for election as a member of Parliament if that person—
- (a) is of unsound mind;
 - (b) is holding or acting in an office the functions of which involve a responsibility for or in connection with the conduct of an election;
 - (c) is a traditional or cultural leader as defined in clause (6) of article 246 of the Constitution;
 - (d) has been adjudged or otherwise declared bankrupt under any law in force in Uganda and has not been discharged;
 - (e) is under a sentence of death or a sentence of imprisonment exceeding nine months imposed by any competent court without the option of a fine;
 - (f) has, within the seven years immediately preceding the election, been convicted by a competent court of a crime involving dishonesty or moral turpitude;
 - (g) has, within the seven years immediately preceding the election, been convicted by a competent court for contravention of any law relating to elections conducted by the Commission.

(5) Under the movement political system, a person who is elected President while he or she is a member of a local government council or who holds a public office shall resign that office before assuming the office of President.

(6) Under the multiparty political system, a public officer or a person employed in any government department or agency of the government or an employee of a local government or any body in which the government has controlling interest, who wishes to stand for election as President shall resign his or her office before nomination day.

(7) For the purposes of subsection (3)(c), any of the following persons wishing to stand for election as President shall establish his or her qualification with the Electoral Commission as a person holding a minimum qualification of Advanced level or its equivalent at least two months before nomination day, in the case of a normal presidential election, or where a presidential election is held otherwise than as a result of expiry of the term of the President, at least two weeks before nomination day—

- (a) persons, whether their qualification is obtained from Uganda or outside Uganda, who are claiming to have their qualification accepted as equivalent to advanced level education;
- (b) persons claiming to have advanced level qualifications obtained from outside Uganda;
- (c) persons claiming to have academic degrees which were obtained from outside Uganda.

(8) A person required to establish his or her qualification under subsection (7) shall do so by the production of a certificate issued to him or her by the National Council for Higher Education in consultation with the Uganda National Examinations Board.

(9) A person who claims to possess a qualification referred to in subsection 7(c) of this section shall, before the issue of the certificate prove to the satisfaction of the National Council for Higher Education that admission to that qualification was obtained on the basis of Advanced Level Standard of Education or its equivalent.

(10) The certificate issued under subsection (9) shall be in the form in the Second Schedule to this Act.

(11) A certificate issued by National Council for Higher Education under subsection (8) shall be sufficient in respect of any election for which the same qualification is required.

(12) A certificate issued by the National Council for Higher Education under any other enactment, to the same effect as a certificate required to be obtained under subsection (8) shall be sufficient for the purposes of subsection (3)(c).

(13) A person aggrieved by the grant or refusal to grant a certificate by the National Council for Higher Education under this section is entitled to appeal to the High Court against the decision and the High Court may confirm, modify or reverse the decision.

(14) The Chief Justice may, in consultation with the Attorney General make rules to regulate the procedure for appeals under subsection (14) and may for that purpose apply, with or without modifications, rules of court applicable to civil proceedings in the High Court.

(15) For the avoidance of doubt, if a candidate has an advanced level certificate obtained in Uganda or qualifications higher than the prescribed qualification obtained in Uganda or obtained from the former University of East Africa or any of its constituent colleges, then, there shall be no need for the verification of his or her qualifications by the National Council for Higher Education.

(16) The Electoral Commission shall not accept for the purpose of this section a statutory declaration or affidavit as evidence of an academic qualification required by this section.

(17) Under the movement political system, a person holding a public office, or a member of a Local Government Council or a Commission established under the Constitution, wishing to be a candidate shall apply for leave of absence at least sixty days before the expiry of the term of the President; except that in the case of an election taking place other than by reason of the normal expiry of the term of the President, the person shall apply for leave at least fourteen days before the nomination for the election.

(18) Where a person to whom subsection (17) applies wishes to be a candidate he or she shall, before proceeding on leave, relinquish any vehicle or office equipment in his or her custody belonging to his or her employer.

(19) For the purposes of enforcing this section the Commission shall, by writing require any candidate to state in writing the facilities ordinarily attached to any office held by that person to which subsection (18) applies or by virtue of that office; and the candidate shall comply with the requirement.

(20) Every employer to whom subsection (17) relates shall, upon receiving an application by an employee, grant to the employee leave of absence with pay, or where the employee has not earned leave, leave without pay, to seek nomination as a candidate and to be a candidate for election, and for such period as may be requested by the employee.

(21) In this section, "public service" and "public officer" have the meanings assigned to them by article 257 of the Constitution; and "public officer" shall for the avoidance of doubt, include an employee of any Commission established by the Constitution.

(22) This section applies with the necessary modifications, to an employee of a statutory corporation or of a company in which the Government owns a controlling interest as it applies to a public officer.

(23) Where any person intends to stand for election he or she shall not accept office as an election officer.

(24) A person to whom a certificate is issued under this section, shall pay to the National Council for Higher Education a prescribed fee for the certificate.

5. Forgery of certificate of academic qualification

(1) A person who—

(a) forges a certificate purporting it to be issued by the National Council for Higher Education under section 4 or utters such a forged certificate; or

(b) forges any academic certificate for the purpose of nomination for any election under this Act or utters such a forged certificate, commits an offence and is liable on conviction to a fine not exceeding two hundred and forty currency points or imprisonment not exceeding ten years or both.

(2) A court which convicts a person under this section shall sentence him or her to a fine not less than seventy two currency points or imprisonment not less than three years or both.

**PART III—INFORMATION TO RETURNING OFFICERS
AND SECRECY.**

6. Information to be given to returning officers

(1) Whenever it is considered necessary and, in any case, immediately after the date of an election is appointed, the Commission shall transmit to every returning officer—

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

(b) copies of the voters roll for each polling station within the electoral district;

- (c) sufficient blank report books and other election materials; and
- (d) sufficient funds to cover all the expenses to be incurred by the returning officer in carrying out the electoral process.

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

Secrecy required of election officers and others

(1) Every candidate, election officer, clerk, candidate's agent or other person in attendance at a polling station during the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and a candidate, officer, clerk, candidate's agent or other person shall not—

- (a) at the polling station, interfere with, or attempt to interfere with, a voter when marking the ballot paper, or otherwise attempt to obtain information with respect to the candidate for whom any voter is about to vote or has voted;
- (b) at any time, communicate any information with respect to the manner in which any ballot paper has been marked in his or her presence in the polling station;
- (c) at any time or place, directly or indirectly, induce or endeavour to induce any voter to show his or her ballot paper after he or she has marked it, so as to make known to any person the name of the candidate for or against whom the voter has cast his or her vote;
- (d) at a polling station, induce or endeavour to induce any voter to vote for a person other than the person of his or her choice;
- (e) at any time, communicate to any person any information obtained at a polling station with respect to the candidate for whom any voter at the polling station is about to vote or has voted; or

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

(2) A candidate, election officer, candidates agent or other person on duty at a polling station shall not, except for a purpose authorised by law, communicate to any person any information as to—

(a) the name of a voter who has or has not applied for a ballot paper or voted at a polling station; or

(b) the number on the voters register of a voter who has or has not applied for a ballot paper or voted at a polling station.

(3) A person who has undertaken under section 38 to assist a blind, illiterate or other voter with disability to vote, shall not communicate at any time to another person information as to the candidate for whom the assisted voter intends to vote or has voted, or as to the number, if any, on the ballot paper given for the use of the voter.

(4) A person shall, before assuming the duties of election officer, take and subscribe the oath in Form EO specified in the Sixth Schedule to this Act.

(5) A person who contravenes subsection (1), (2) or (3), commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

(6) A election officer who, without lawful authority, reveals to any person any matter that has come to his or her knowledge or notice as a result of his or her appointment, commits an offence and is liable on conviction, to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

PART IV—NOMINATION OF CANDIDATES FOR ELECTION
AS PRESIDENT.

8. Appointment of nomination days

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

- (a) the places and times fixed for the nomination of candidates; and
- (b) the hours of each nomination day, during which nominations are to take place.

(2) Every place fixed under subsection (1) (a) for the nomination of candidates shall be a public place such as a court house, city or town hall, community centre or other public or private building in a central place.

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

9. Sponsorship of candidates by political organisation or political party

Under the multiparty political system, nomination of candidates may be made by a registered political organisation or political party sponsoring a candidate or by a candidate standing for election as an independent candidate without being sponsored by a political organisation or political party.

10. Procedure of nomination

(1) 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 document, in this Act referred to as a nomination paper, in the form specified in the Third Schedule to this Act, which is signed by that person, nominating him or her as a candidate; and

(b) the nomination is supported by not less than one hundred voters in each of at least two thirds of all the districts in Uganda.

(2) A candidate shall be proposed and seconded in the manner specified in the Third Schedule to this Act.

(3) Each candidate shall attach to his or her nomination paper a list of names of the registered voters required under subsection (1) (b); and each of those registered voters shall, append to that list his or her name, signature, physical address and voter registration number as specified in the Third Schedule.

(4) A person shall not subscribe to more than one nomination paper and no person shall give his or her support under subsection (3) to more than one candidate.

(5) A person who contravenes subsection (4) commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

(6) The nomination paper shall be accompanied by—

(a) a declaration in the form specified in the Fourth Schedule to this Act;

(b) a non-refundable fee of four hundred currency points payable to the Uganda Administration in cash or bank draft; and

(c) three postcard size copies of a recent photograph of the proposed candidate; except that professional or occupational attire shall not be worn by the candidate in the photograph.

(7) Where under the multi party political system, a person is sponsored by a political organisation or political party, the nomination paper shall indicate that he or she is so sponsored, stating the name and address of the political organisation or political party.

(8) A person is not duly nominated as a candidate unless he or she has complied with subsection (6).

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

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

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

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

(10) A nomination paper which a returning officer has refused to accept for filing may be replaced by another nomination paper or may be corrected; except that a new or corrected nomination paper shall be filed with the returning officer not later than the time for the closure of nominations specified in section (8).

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

(12) For the purposes of the nomination of candidates for a presidential election, the returning officer shall be the chairperson of the Commission or a person designated in writing by the Commission.

(13) A candidate who uses a convoy of vehicles for the purpose of his or her nomination shall have not more than two vehicles in the convoy and each vehicle shall bear police stickers and shall not carry more than ten persons.

(14) A person who contravenes subsection (13) commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

11. Factors which may invalidate a nomination

A person shall not be regarded as duly nominated and the nomination paper of any person shall be regarded as void if—

(a) the person's nomination paper was not signed and seconded in accordance with section 10(1) and (2);

(b) the nomination paper of the person was not accompanied by the list of names of registered voters as required by section 10(1) and (3);

(c) the person has not complied with section 10(6);

(d) the person seeking nomination was not qualified for election under section 4; or

(e) the person seeking nomination has been duly nominated for election as a member of Parliament.

12. Payment of deposit

The deposit payable under section 10 shall be received by the Commission which shall issue a general receipt in respect of the deposit.

13. Inspection of nomination papers and lodging of complaints

A registered voter may—

(a) during office hours on the nomination day, at the office of the returning officer or other place determined by the Commission, inspect any nomination paper filed with the returning officer;

(b) after the closure of the nomination time and during such period as may be prescribed, inspect any nomination paper in respect of a candidate at such time and subject to such conditions as may be prescribed; and

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

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

Where a nomination paper of a person has been rejected or has been regarded as void by virtue of section 10—

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

15. Allocation of symbols and colours

(1) Where an election is contested, the Commission shall as soon as practicable after the nomination days—

- (a) allocate to each candidate the symbol of his or her political organisation or political party in the case of a candidate sponsored by a registered political organisation or political party;
- (b) allocate to a candidate who is not sponsored by a political organisation or political party, a symbol or colour chosen by him or her; or
- (c) in any other case allocate such symbol or colour as it considers appropriate.

(2) A symbol or colour under subsection (1)(b) and (c) shall be chosen or assigned for the purpose of this section from among symbols and colours approved by the Commission for the purposes of the election.

(3) A person shall not be allocated a symbol or colour which has a tribal or religious affiliation or any other sectarian connotation.

16. Commission to appoint polling day and tallying places

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

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

(2) The polling day appointed under subsection (1) shall, subject to the Constitution, be not later than ninety days after nomination days.

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

- (a) fix at his or her office within the district and in each constituency, a list of the names of all the presiding officers and polling assistants appointed under the Commission Act for each polling station in the electoral district, with the names and numbers of their respective polling stations to enable persons to raise any objections; they think necessary; and

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

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

17. Withdrawal of candidates

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

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

(3) A candidate who withdraws his or her nomination under subsection (1) within thirty days after his or her nomination shall refund the funds received under section 22.

(4) A vote cast on polling day for a candidate who has withdrawn his or her nomination is invalid.

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

(a) in writing, give notice in the *Gazette* of the fact of withdrawal;

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

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

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

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

18. Where a candidate dies etc.

(1) Where in a presidential election, after the close of nominations and before the closing of polls, a candidate dies, 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.

(2) Where fresh nomination days are fixed under subsection (1), the remaining candidate previously validly nominated, shall not be required to be renominated.

(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 (3) shall, as far as possible, be conducted in accordance with this Act.

(5) Where a candidate ceases to be a candidate otherwise than by reason of his or her death after the close of nominations and before the closing of polls, no fresh nominations shall be carried out by reason of his or her ceasing to be a candidate.

19. Declaration of unopposed candidate elected

(1) Where a candidate at time of the close of nominations is the sole candidate nominated, the Commission shall publish and declare under its seal within forty eight hours from the close of nominations, that that candidate is elected unopposed with effect from the date fixed for the poll under section 16.

(2) A declaration under subsection (1) shall be in Form A specified in the Seventh Schedule to this Act.

20. False declarations

A person who makes a false declaration under section 10 (6) (a) 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 on conviction liable to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

PART V—CAMPAIGNING.

21. Time and manner of campaigns; candidate meetings programme

(1) Subject to the Constitution and this Act, the commission may determine the manner and the period during which campaigns shall take place giving at least one day in each district and shall publish that information in the *Gazette* and forward a copy to each returning officer.

(2) Every candidate may hold individual public campaign meetings in any part of Uganda in accordance with any existing law.

(3) For the avoidance of doubt, a candidate's agent may carry on campaign meetings on behalf of the candidate and otherwise carry on any campaign which the candidate is allowed to do under this Act.

(4) The Commission may, after consultation with all the candidates, organise one or more joint candidates' campaign meetings for those candidates who consent to such a meeting.

(5) A candidate or a candidate's agent authorised in writing by the candidate to do so, may hold a consultative meeting with the candidate's campaign agents for the purposes of planning and organising the candidate's election campaign.

(6) A candidate shall not hold any public campaign meeting under subsection (2) except in accordance with a programme of meetings submitted by the candidate to the Commission.

22. Security, protection and facilitation of candidates

(1) The Commission shall ensure that the relevant organs of the state provide during the entire campaign period—

(a) protection of each candidate; and

(b) adequate security at all meetings of candidates.

(2) The Commission shall offer to each candidate as contribution to be used solely for the election—

(a) the sum of one thousand currency points; and

(b) such other facilities as may be approved by Parliament.

(3) Except as otherwise provided by this section, a candidate or a candidate's agent may raise additional funding for the candidate's campaign through lawful means.

(4) A candidate or a candidate's agent shall not obtain, solicit or receive any financial or other assistance for the purpose of the candidate's 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) For the purposes of subsection (4), the Government shall lay before Parliament the necessary information as to the prohibited foreign governments institutions, bodies or persons, at least three months before the nomination day.

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

(7) Each candidate shall, within thirty 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.

(8) A candidate or a candidate's agent who contravenes subsection (4) or a candidate who—

- (a) contravenes subsection (6) or (7); or
- (b) for the purposes of subsection (6) or (7), makes a statement which he or she knows to be false in any material particular, commits an offence.
- (9) A person who commits an offence under subsection (8) is liable on conviction—
 - (a) in the case of an offence under subsection (4), to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years or both; and
 - (b) in any other case, to a fine not exceeding seventy two currency points or imprisonment not exceeding three years or both.

23. Equal treatment, freedom of expression and access to information of candidates

(1) During the campaign period, every public officer and public authority and public institution shall, give equal treatment to all candidates and their agents.

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

(3) A person shall not, while campaigning, use any language—

- (a) which constitutes incitement to public disorder, insurrection or violence or which threatens war; or
- (b) which is defamatory or insulting or which constitutes incitement to hatred.

(4) A person who contravenes subsection (3) commits an offence and is liable, upon conviction—

(a) in case of an offence under subsection (3)(a), to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years or both; and

(b) in the case of an offence under subsection (3)(b), to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

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

24. Rights of candidates

(1) All presidential candidates shall be given equal treatment on the State owned media to present their programmes to the people.

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

(3) A person shall not, during the campaign period print, publish or distribute, a newspaper, circular or pamphlet containing an article, report, letter or other matter commenting on any issue relating to the election unless the author's name and address, or the authors' names and addresses, as the case may be, are set out at the end of the article, report, letter or other matter or, where part only of the article, report, letter or matter appears in any issue of a newspaper, circular, pamphlet or matter at the end of that part.

(4) Except as otherwise provided in this section, a candidate may use private electronic media for his or her campaign.

(5) A candidate shall not while campaigning, do any of the following—

(a) making statements which are false—

(i) knowing them to be false, or

(ii) in respect of which the maker is reckless whether they are true or false;

(b) making malicious statements;

(c) making statements containing sectarian words or innuendoes;

(d) making abusive, insulting or derogatory statements;

(e) making exaggerations or using caricatures of the candidate or using words of ridicule;

(f) using derisive or mudslinging words against a candidate; or

(g) using songs, poems and images with any of the effects described in the foregoing paragraphs.

(6) The proprietor or operator of a private electronic media shall not knowingly use the media or allow it to be used to do any of the acts prohibited in subsection (5).

(7) A person who contravenes any of the provisions of subsections (2), (3), (4), (5) and (6) commits an offence and is liable on conviction—

(a) in the case of an offence under subsection (3), to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both; and

(b) in any other case to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.

(8) In this section "electronic media" includes television, radio, internet and email.

25. Non-sectarian campaign

(1) A person shall not use a symbol or colour which has a tribal, religious affiliation or any other sectarian connotation as a basis for that persons candidature for election or in support of that person's campaign.

(2) Under the movement political system, a person shall not use as a basis for his or her candidature or campaign, a symbol or colour of a political organisation or political party.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction—

(a) in the case of an offence under subsection (1), to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years or both; and

(b) in the case of an offence under subsection (2), to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

26. Interference with electioneering activities of other persons

A person who, before or during an election for the purpose of effecting or preventing the election of a candidate either directly or indirectly—

(a) by words, whether spoken or written, song, sign or any other representation or in any manner seeks to excite or promote disharmony, enmity or hatred against another person on grounds of sex, race, colour, ethnic origin, tribe, birth, creed or religion;

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(b) organises a group of persons with the intention of training the group in the use of force, violence, abusive, insulting, corrupt or vituperative songs or language calculated to malign, disparage, condemn, insult or abuse another person or candidate or with a view to causing disharmony or a breach of the peace or to disturb public tranquillity so as to gain unfair advantage in the election over that other person or candidate;

(c) obstructs or interferes or attempts to obstruct or interfere with the free exercise of the franchise of a voter or compels or attempts to compel a voter to vote or to refrain from voting;

(d) compels, or attempts to compel a candidate to withdraw his or her candidature;

(e) in any manner threatens any candidate or voter with injury or harm of any kind; or

(f) induces or attempts to induce any candidate or voter to fear or believe that he or she will suffer illness or will become an object of divine, spiritual or fetish displeasure or censure;

commits an offence and is liable on conviction to a fine not exceeding seventy two currency points or imprisonment not exceeding three years or both.

27. Use of Government resources

(1) Except as authorised under this Act, or otherwise authorised by law, no candidate shall use Government resources for the purpose of campaigning for election.

(2) Notwithstanding subsection (1), a candidate who holds the office of President, may continue to use Government facilities during the campaign, but shall only use those Government facilities which are ordinarily attached to and utilised by the holder of that office.

(3) For purposes of subsection (2), the Minister responsible for public service shall lay before Parliament a statement of those Government facilities which are attached to and utilised by the President.

PART VI—VOTING AND VOTING PROCEDURE.**28. Distribution of election materials**

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

- (a) a sufficient number of ballot papers to cover the number of voters likely to vote at the polling station for which the presiding officer is responsible;
- (b) a statement showing the number of ballot papers supplied under paragraph (a) with the serial numbers indicated in the statement; and
- (c) the other necessary materials for the voters to mark the ballot papers and complete the voting process.

29. Publication of polling stations and candidates

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

- (a) a list of the polling stations in each constituency at least fourteen days before nomination; and
- (b) a list of the names of the candidates nominated in alphabetical order with surnames first.

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

30. Polling stations and voting time

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

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

(3) In the process of voting a voter shall not be allowed to carry a bag or anything that can be used for concealment.

(4) A person registered as a voter and whose name appears in the voters roll of a polling station and who holds a valid voters card is entitled to vote at the polling station.

(5) If at the official hour of closing the poll in subsection (2) there are any voters in the polling station, or in the line of voters under section 31(3) who are qualified to vote and have not been able to do so, the polling station shall be kept open to enable them to vote; but a person who is not actually present at the polling station or in the line of voters at the official hour of closing shall not be allowed to vote, even if the polling station is still open when he or she arrives.

31. Polling and polling procedure

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

(2) A presiding officer shall not inquire about or attempt to see, for whom a voter intends to vote; and any person who contravenes this subsection commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

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

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

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

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

(b) a second table positioned at least fifteen metres from the first with an ink pad, two pens, each pen being attached to the table with a string measuring about one metre in length, where every voter shall—

(i) fix a tick with a pen or mark with a thumbprint in the space provided in the box against the picture of the candidate of his or her choice; and

(ii) fold the ballot paper, to enable it to be deposited in the slot of the ballot box;

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

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

(6) Where voting takes place for two or more elections in the same premises at the same time the application of the indelible ink under subsection (5)(d) shall be done after the voter votes in the last the only election for which he or she chooses to vote.

(7) Where for the purposes of subsection (5) (d)—

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

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

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

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

(8) The presiding officer at each polling station shall, at the commencement of the poll and in the full view of all present, demonstrate to the satisfaction of all present, that the ballot box is devoid of any contents and after that place the ballot box on the table referred to in subsection (5) (c).

(9) Where more than one ballot box is used after the first is filled, the procedure prescribed in subsection (8) shall be followed prior to the placing on the table, of any additional ballot box.

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

32. A person not to vote more than once

(1) A person shall not vote or attempt to vote more than once at an election irrespective of the number of offices held by the person relevant to the election.

(2) For the purposes of ensuring that no voter casts a vote more than once, a presiding officer or a polling assistant shall, before issuing a ballot paper, inspect the fingers of any voter in order to ascertain whether or not the voter has been marked with indelible ink in accordance with section 31.

(3) The presiding officer or polling assistant, as the case may be, shall refuse to issue a ballot paper to the voter referred to in subsection (2) 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 that subsection.

(4) A person who refuses to be inspected under subsection (2) and votes or attempts to vote commits an offence and on conviction is liable to a fine not exceeding twelve currency points or imprisonment not exceeding six months or both.

33. Polling agents of candidates

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

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

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

(4) A representative or polling agent appointed under this section shall be paid an allowance determined by the Commission.

34. No delay in voting

(1) Every voter shall vote in accordance with section 31 without undue delay and may leave the polling station as soon as his or her ballot paper has been put into the ballot box under that section.

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

35. Procedure for handing ballot paper to voter

(1) A voter wishing to obtain a ballot paper, for the purpose of voting, shall produce his or her voters' card to the presiding officer or polling assistant at the table under section 31(5)(a).

(2) If the presiding officer or polling assistant is satisfied that the voter's name and number indicated in the voter's card correspond to the voter's name and number in the voter's register for the polling station, he or she shall issue a ballot paper to the voter.

(3) Where a person does not have a voter's card but is able to prove to the presiding officer or polling assistant that his or her name or photograph or both is or are on the voter's register, the presiding officer or polling assistant shall issue him or her with a ballot paper.

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

(5) Subject to section 40, a person shall not be permitted to vote at a polling station unless the person's name appears in the voter's roll for that polling station.

(6) A person who contravenes subsection (5) commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

36. Where a voter spoils ballot paper

A voter who has inadvertently dealt with the ballot paper delivered to him or her under section 31(5)(a) in such a manner that it has become impracticable to use it, shall return it to the presiding officer who shall—

- (a) deface it by making two diagonal lines across it and writing the word "spoilt" on it; and
- (b) deliver another ballot paper to the voter.

37. Where two voters appear under the same name

(1) Where a person represents himself or herself to be a particular voter and applies for a ballot paper after another person has voted in the name or number of that person, the second person shall only be entitled to receive a ballot paper and to vote after making before the presiding officer the declaration of identity, in Form ID in the Sixth Schedule to this Act and otherwise establishing his or her identity to the satisfaction of the presiding officer.

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

- (a) a note of the voter having voted on a second ballot paper issued under the same name;
- (b) the fact of the declaration of identity having been made;
and

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

(3) Any person who makes a false statement in a declaration under this section—

(a) knowing the statement to be false; or

(b) in respect of which he or she is reckless whether it is true or false,

commits an offence and is liable to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

38. Assistance to illiterate voters and other voters with disability

(1) Where a voter is by reason of blindness, illiteracy, old age or any other disability unable to fix the authorised mark of choice on the ballot paper, that voter may report at the polling station accompanied by a person of his or her choice to assist the voter to fix the authorised mark of choice on the ballot paper if necessary, on the voter's behalf; or the voter may, subject to sub section (4), request another person present at the polling station to assist that voter for the purpose.

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

(3) A person shall not assist more than one voter to vote under subsection (1) in the election.

(4) A presiding officer shall refuse to allow a person to assist a voter to vote unless that officer is satisfied that it is permitted under subsection (1).

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

(6) A person is not authorised to assist any voter to mark the ballot paper under subsection (1) unless the voter has voluntarily requested that assistance.

(7) A person who—

(a) pretends to have a disability for the purposes of subsection (1) when he or she does not; or

(b) contravenes subsection (3) or (6),

commits an offence and is liable on conviction, to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

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

(1) The Commission may make special provision for the taking of the votes of patients in hospitals, or persons admitted in sanatoria or homes for the aged and similar institutions and also for persons in restricted areas such as soldiers and other security personnel, but the Commission shall publish in the *Gazette* a list of the restricted areas under this section.

(2) An area provided for voting for members of the Uganda Peoples' Defence Forces shall be outside any barracks.

40. Factors which may not prevent a person from voting

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

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

(b) by reason of the entry in the voters register or in the voters roll of a wrong village or of a wrongly spelt name, if, in the opinion of the presiding officer, the person is sufficiently identified.

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

41. Returning officer to have powers of justice of the peace

During an election and throughout the campaign and polling period, every returning officer and presiding officer or any other authorised agent of the Commission is a keeper of the peace and has all the powers of a justice of the peace, and he or she may—

- (a) require the assistance of a member of the Uganda Police Force or other persons present to aid him or her in maintaining peace and good order at the polling station;
- (b) warn or arrest or cause, by verbal order, to be arrested, and place or cause to be placed in the custody of any police officer or other person authorised by law, any person disturbing the peace and good order at the polling station; or
- (c) cause any arrested person to be imprisoned under an order signed by him or her until not later than an hour after the closure of the poll.

(2) The returning officer or presiding officer shall where he or she causes the arrest of any person under subsection (1), report the arrest gives details and reasons of the arrest in a form provided under the Fifth Schedule.

42. Presiding officer to appoint election constable

(1) A presiding officer other than a presiding officer for a polling station located in an urban area, may, in the absence of a police officer appoint another person present as an election constable to maintain order in the polling station throughout polling day where the

presiding officer finds the services of an election constable to be essential.

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

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

(4) When an election constable has been appointed by a presiding officer, the constable shall take and subscribe the oath in Form OC in the Sixth Schedule to this Act before commencing to discharge his or her responsibilities as election constable.

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

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

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

43. Arms and ammunition prohibited

(1) A person shall not arm himself or herself during any part of polling day with any deadly weapon or approach within one kilometre of a polling station with deadly weapons unless called upon to do so by lawful authority or where he or she is ordinarily entitled by virtue of his or her office to carry arms.

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

44. Loud speakers prohibited at polling stations

(1) A person shall not, on any polling day, for the purpose of promoting or opposing any candidate, use any loudspeaker or similar communication device prohibited within hearing distance of any polling station.

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

45. Limitation on campaign period and on display of emblems etc., on polling day

(1) The campaign period prescribed by the Commission under section 21(1) shall not extend beyond midnight of the day before polling day.

(2) A person shall not—

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

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

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

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

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

46. Interruption and postponement of polling

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

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

47. Complaints at polling

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

(2) A presiding officer shall not refuse to receive a complaint presented to him or her under subsection (1) and shall initial every such presentation and annex it as part of the official record of the polling station.

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

(4) Subject to article 103(7) of the Constitution, where necessary in the opinion of the presiding officer to enable the voting process to proceed, the deliberation or resolution of a presentation under subsection (3) may be postponed until the completion of the voting process.

**PART VII—COUNTING OF VOTES AND ANNOUNCEMENT
OF RESULTS.**

48. Votes to be counted at each polling station

(1) Votes cast at a polling station shall be counted at the polling station immediately after the presiding officer declares the polling closed, and the votes cast in favour of each candidate shall be recorded separately in accordance with this Part of this Act.

(2) Subject to section 55, no votes shall stay uncounted overnight and, where required, the presiding officer shall provide light for the purposes of counting votes.

(3) A candidate is entitled to be present in person or through his or her representative or polling agent at each polling station throughout the voting and counting of the votes and at the place of the tallying of the votes and ascertaining of the results of the poll for the purposes of safeguarding the interests of the candidate with regard to all stages of the counting or tallying processes.

(4) The presiding officer and the candidates or their agents, if any, shall sign and retain a copy of a declaration stating—

(a) the polling station;

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

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

(5) Votes cast for each candidate shall be recorded in both figures and words and countersigned by polling agents before the declaration of the results.

(6) The following shall apply in respect of the signing of the declaration and the announcement of the results of voting under subsection (4)—

- (a) the candidates or their agents shall sign the declaration form before the announcement of the results under subsection (4);
- (b) where any of the candidates or their agents refuse or fail to sign the declaration form—
 - (i) the candidates and their agents refusing or failing to sign shall record on the declaration form the reasons for the refusal or failing to sign; and
 - (ii) where they refuse or fail to record the reasons, the presiding officer shall record the fact of their refusal or failure;
- (c) where any candidate or agent is absent, the presiding officer shall record the fact of that absence;
- (d) the refusal or failure of a candidate or agent to sign any declaration form under subsection (4) or to record the reasons for that refusal to sign as required under this subsection shall not by itself invalidate the results announced under subsection (4);
- (e) the absence of a candidate or an agent from the signing of a declaration form or the announcement of results under subsection (4) shall not by itself invalidate the results announced.

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

49. Complaints during the counting of votes

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

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

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

(2) An objection recorded under subsection (1) shall be numbered and a corresponding number placed on the back of the ballot paper to which it relates, and the ballot paper shall be initialled by the presiding officer and it shall be witnessed by the polling assistants and candidates' agents.

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

50. Votes to be treated as invalid

(1) A vote cast is invalid if—

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

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

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

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

(2) A ballot paper shall not be taken as invalid under this section, irrespective of where the authorised mark of choice is placed, so long as the voter's choice can be reasonably ascertained.

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

51. Declaration of results forms

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

(a) one copy of the completed form shall remain attached to the report book referred to in section 6(1) (c);

(b) one copy shall be retained by the presiding officer for display at the polling station;

(c) one copy shall be enclosed in an envelope supplied by the Commission for the purpose, sealed by the presiding officer and delivered to the nearest result collection centre prescribed by the returning officer, together with the report book, for transmission to the returning officer;

(d) one copy shall be delivered to each of the candidates' agents or, in the absence of those agents, be retained by the presiding officer who shall transmit it to the returning officer; and

(e) one copy shall be deposited and sealed in the ballot box.

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

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

- (a) one duly signed declaration of results form;
- (b) the ballot papers received by each candidate, tied in separate bundles;
- (c) the invalid ballot papers, tied in one bundle;
- (d) the spoilt ballot papers, tied in one bundle;
- (e) the unused ballot papers; and
- (f) the voters' roll used at the polling station.

(4) The declaration of results form referred to in sub-section (1) shall be signed by the presiding officer and the candidates or their agents as are present and wish to do so, and section 48(3) and (4) shall apply.

52. Collection of results

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

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

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

53. Safekeeping of election materials and records

(1) The returning officer shall be responsible for the safe custody of all the election documents used in the district in connection with an election until the documents are destroyed in accordance with the directions of the Commission; but the Commission shall not give such directions before the settlement of disputes, if any, arising from the election.

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

- (a) take every precaution for its safe custody;
- (b) examine the seal affixed to the ballot box, with a view to ensuring that the box is properly sealed, and
- (c) if the box is not in good order, record his or her observations and affix a different seal supplied by the Commission.

54. Tallying of results by returning officer

(1) After all the envelopes containing the declaration of results forms have been received, the returning officer shall, in the presence of the candidates or their agents or such of them as wish to be present, open the envelopes and add up the number of votes cast for each candidate as recorded on each form.

(2) The returning officer may open the envelopes and add up the number of votes cast even though some of the envelopes have not been received, if the candidates or the candidates' agents and a police officer not below the rank of inspector of police are present.

(3) Where any envelope under subsection (1) does not contain the results of the poll, the returning officer may, for the purpose of finalising a statement of the poll, use the declaration of results form in the presiding officer's report book.

(4) If the report book does not contain the declaration of results form duly filled by the presiding officer, the returning officer may, in the presence of a police officer, not below the rank of Inspector of Police and any of the candidates or candidates' agents who wish to be present, open the ballot box in order to obtain the declaration of results form for the purpose of adding up the results of the poll.

(5) Where the returning officer opens the ballot box under subsection (4) he or she shall re-seal the ballot box immediately after ascertaining the results with the declaration of results forms re-sealed in the envelopes in the ballot box.

55. Interruption and postponement of counting or tallying

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

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

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

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

(3) Where counting is adjourned under this section, the ballot boxes shall be kept in safe custody and the candidates or their agents shall be entitled to be present to keep watch on the boxes until counting resumes.

56. Returning officer to transmit return and documents to Commission

(1) Each returning officer shall, immediately after the addition of the votes under section 54(1), declare the number of votes obtained by each candidate and also complete a return in the prescribed form, indicating the number of votes obtained by each candidate.

(2) Upon completing the return under subsection (1), the returning officer shall transmit to the Commission the following documents—

(a) the return form;

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

(c) the tally sheets; and

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

57. Declaration of results of presidential election

(1) 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.

(2) The declaration under subsection (1) shall be in Form B or Form C as specified in the Seventh Schedule to this Act as the case may be.

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

(4) 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.

(5) Where at a presidential election there are more than two candidates and no candidate obtains the number or percentage of votes specified in subsection (4), 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.

(6) Subject to article 103 of the Constitution the candidate who obtains the highest number of votes in an election under subsection (5) shall be the elected President.

(7) A declaration executed by the Commission under subsection (1) and bearing the seal of the Commission shall be evidence that the person named in the declaration has been elected President.

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

(9) For the purposes of a report under subsection (8), every candidate at an election and every agent of any candidate has the right to send to the Commission a statement in writing containing any complaint that he or she may wish to make with respect to the conduct of the election or of any election officer and any suggestions with respect to such changes or improvements in the law or in the administrative arrangements as he or she may consider desirable.

(10) Sub-sections (7), (8) and (9) shall, with the necessary modifications, apply to an election in which an unopposed candidate is declared elected under section 19.

58. Assumption of office of elected President

(1) A person elected President during the term of a President shall assume office within twenty four hours after the expiration of the term of the predecessor and in any other case, within twenty four hours after being declared elected President.

(2) Before assuming the duties of the office of President a person elected President shall take and subscribe the oath of allegiance and the presidential oath specified in the Fourth Schedule to the Constitution.

PART VIII—CHALLENGING PRESIDENTIAL ELECTION.

59. Challenging presidential election

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

(2) A petition under subsection (1) shall be in a form prescribed by the Chief Justice under subsection (11) 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), the Supreme Court may—

- (a) dismiss the petition;
- (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 Act, 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;
- (c) that an offence under this Act was committed in connection with the election by the candidate personally or with his or her knowledge and consent or approval.

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

(8) Where upon hearing a petition and before coming to a decision, the Court is satisfied that a recount is necessary and practical, it may order a recount of the votes cast.

(9) 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 and shall state in the report the name of the person, the nature of the offence and any other information that the court considers relevant and appropriate for the Director of Public Prosecutions.

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

(11) The Chief Justice shall, in consultation with the Attorney General, make rules providing for the conduct of petitions under this Act.

60. Witnesses in election petition

(1) At the trial of an election petition—

- (a) any witness shall be summoned and sworn in the same manner as a witness may be summoned and sworn in civil proceedings;
- (b) the court may summon and examine any person who in the opinion of the court is likely to assist the court to arrive at an appropriate decision;
- (c) any person summoned by the court under paragraph (b) may be cross-examined by the parties to the petition if they so wish.

(2) A witness who in the course of the trial of an election petition wilfully makes a statement material to the proceedings—

- (a) which he or she knows to be false; or
- (b) which he or she does not know to be true; or
- (c) which is false and in respect of which he is reckless whether it is true or false,

commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

61. Withdrawal of election petition

(1) An election petition shall not be withdrawn except with leave of the court and after such notice has been given as the court may direct.

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

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

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

62. Petition to abate on death of petitioner

An election petition shall abate at the death of the sole petitioner or of all the petitioners.

63. Saving in respect of vacation of office

Where as a result of the determination of an election petition the election of a person as President is set aside, the determination shall not invalidate anything done by that person prior to the determination, in the purported exercise of the functions of the office of President.

PART IX—ILLEGAL PRACTICES.

64. Bribery

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

(2) A person who receives any money, gift or other consideration under subsection (1) also commits the offence under that subsection.

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

(a) offered by a candidate or candidate's agent who provides refreshments or food as an election expense at a candidates' campaign planning and organisation meeting; or

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

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

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

(6) A person who during the campaign in respect of an election, solicits from a candidate or a candidate's agent any money, gift, alcoholic beverage or other consideration in return for directly or indirectly influencing another person to vote or refraining from voting for a candidate or in consideration for his or her voting for the candidate or not voting for another candidate, commits an illegal practice.

65. Procuring prohibited persons to vote

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

66. Publication of false statements as to illness, death or withdrawal of candidate

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

67. Obstruction of voters

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

68. Penalty for certain illegal practices, under sections 64, 65, 66 and 67

A person who commits an illegal practice under sections 64(5) or (6) or section 65, 66 or 67, commits an offence and is liable to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.

PART X—OTHER ELECTION OFFENCES.**69. False statements concerning character of candidates**

(1) A person who, before or during an election for the purpose of effecting or preventing the election of a candidate, makes or publishes or causes to be made or published by words whether written or spoken, or by song in relation to the personal character of a candidate, a false statement—

(a) which he or she knows or has reason to believe to be false or

(b) in respect of which he or she is reckless whether it is true or false,

commits an offence and is liable on conviction to a fine not exceeding twelve currency points or imprisonment not exceeding six months or both.

70. Misconduct at candidates' meetings

(1) A person who, at any candidates' meeting relating to an election, acts in a disorderly manner for the purpose of disrupting and preventing the transaction of the business for which the meeting is held commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

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

(3) A person who has in accordance with subsection (2), left or who has been removed from a place in which a meeting to which this section applies is taking place, shall not, without the permission of the chairperson of the meeting, return to that place while the meeting is still in progress.

(4) A person who contravenes subsection (3) commits an offence and is liable on conviction to a fine not exceeding twelve currency points or imprisonment not exceeding six months or both.

71. Failure by presiding officers to furnish election returns

A presiding officer who fails without lawful excuse to furnish the returns of the election to the returning officer within the time in which that person is required to furnish those returns commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

72. Offences relating to voting

A person who—

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

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

commits an offence and is liable on conviction to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years or both.

73. Unauthorised voting or voting more than once

A person who knowingly—

- (a) votes at an election at which that person is not entitled to vote; or
- (b) votes more than once at an election,

commits an offence and is liable on conviction to a fine not exceeding one hundred and twenty currency points or to imprisonment not exceeding five years or both.

74. Making wrong returns of an election

An election officer, or other person having any duty to perform in relation to an election who—

- (a) makes in any record, return or other document which he or she is required to keep or make under this Act, any entry which he or she knows or has reasonable cause to believe to be false;
- (b) permits any person whom he or she knows or has reasonable cause to believe not to be a person with disability under subsection (1) of section 38 to vote in the manner provided for such persons under that subsection;

- (c) refuses to permit any person whom he or she knows or has reasonable cause to believe to be a person with disability under subsection (1) of section 38 to vote in the manner provided for such a person under that subsection; or
- (d) wilfully prevents any person from voting at the polling station at which he or she knows or has reasonable cause to believe that person is entitled to vote; or
- (e) wilfully rejects or refuses to count any paper which he or she knows or has reasonable cause to believe is validly cast in favour of a candidate; or
- (f) wilfully counts any ballot paper as being validly cast in favour of a candidate which he or she knows or has reasonable cause to believe was not validly cast for that candidate; or
- (g) without reasonable cause acts or omits to act in breach of his or her official duty,

commits an offence and is liable on conviction to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years or both.

75. Personation

(1) A person who votes as some other person, commits the offence of personation whether that other person is living or dead or is a fictitious person.

(2) A person who commits the offence of personation is liable, on conviction, to fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years or both.

76. Offence of undue influence

(1) Where a person—

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

- (i) makes use of, or threatens to make use of, any force or violence;
 - (ii) inflicts or threatens to inflict in person or through any other person any temporal or spiritual injury, damage, harm or loss upon or against any person, in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting; or
 - (b) by abduction, duress or any fraudulent device or contrivance, impedes or prevails upon a voter either to vote or to refrain from voting,
- that person commits the offence of undue influence.

(2) A person who commits an offence under subsection (1) is liable on conviction—

- (a) in case of an offence under subsection (1)(a) or in case of an offence under subsection (1)(b) where the offence involves abduction, to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years or both; or
- (b) in the case of an offence under subsection (1)(b) which does not involve abduction, to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.

77. Prohibition of certain activities on polling day

(1) Without derogation from any other provision of this Act or any other enactment, a person shall not, within one hundred metres from any polling station on any polling day—

- (a) convoke or take part in any gathering of more than twelve persons;

- (b) canvass for votes;
- (c) utter any slogan;
- (d) distribute leaflets or pamphlets for or on behalf of any candidate;
- (e) organise or engage in public singing or dancing; or
- (f) use any band or any musical instrument.

(2) During the hours when a polling station is open on a polling day no person shall, within two hundred metres of any polling station—

- (a) seek to influence, in any manner, any person to vote for any candidate or to ascertain for which candidate any voter intends to vote or has voted; or
- (b) sell any intoxicating liquor.

(3) A person who contravenes subsections (1) or (2) commits an offence and is liable, on conviction, to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

78. Defacement of notices and posters

(1) A person who, without lawful excuse, destroys, mutilates, defaces or removes any notice which is exhibited under the authority of this Act or any document which is made available for inspection under any provision of this Act commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

(2) A person who maliciously defaces or removes or tears any election poster of any nominated candidate, commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

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

79. Obstruction of election officers

A person who wilfully obstructs or interferes with an election officer in the execution of the officer's duty commits an offence and is liable on conviction to a fine not exceeding seventy two currency points or imprisonment not exceeding three years or to both.

PART XI—GENERAL.

80. Prior consent of the Director of Public Prosecutions to prosecute

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

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

(a) charged with an offence under this Act;

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

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

without the consent of the Director of Public Prosecutions.

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

81. Time within which criminal proceedings must be commenced

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

82. A person not to be required to divulge how he or she voted

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

83. Penalty for interruption

A person who wilfully interrupts, obstructs or disturbs any proceeding taken under this Act in connection with an election, or disturbs the peace and good order of any such proceedings, commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

84. Service of notice and documents

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

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

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

- (b) by leaving it at his or her last known place of residence or any place of residence stated on a voters roll as his or her place of residence; or
- (c) by sending it to any place of residence referred to in paragraph (b) through the post by registered letter marked upon the outside "electoral notice letter"; and, unless the contrary is proved, the notice or other document shall be taken to have been served at the time at which the registered letter would have been delivered in the ordinary course of post.

85. When appointed dates fall on weekend or public holiday

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

86. Publications in media

Whenever any matter is required to be published in the *Gazette*, it shall also as soon as practicable, be published in a newspaper circulating in the relevant area.

87. Modification of Act pursuant to change in political system under article 74

(1) Where a new political system is adopted in accordance with article 74 of the Constitution, this Act, and any statutory instruments made under it, shall have effect subject to such modifications as are practical and necessary to give effect to the adoption of the new political system under article 74 of the Constitution.

(2) Where a new political system is adopted as referred to in subsection (1), the Minister may, with the prior approval of Parliament, make such regulations as may be necessary for giving

effect to the change in the political system for the purposes of this Act and may, in particular, subject to subsection (1), where necessary, by such regulations, make different provision for campaigning than what is prescribed under this Act.

88. Regulations

(1) The Minister may, on the recommendation of the Commission and with the approval of Parliament, by statutory instrument, make regulations for giving effect to the provisions of this Act.

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

- (a) the form of any document to be used in carrying out any purposes of this Act other than forms in proceedings before a court under this Act;
- (b) the duties of election officers, including the manner of identifying voters for issuing to them of ballot papers and the questions to be put to them;
- (c) such measures to be taken in connection with an election as may be desirable or expedient to ensure that—
 - (i) employers provide their employees with an opportunity to vote in any election;
 - (ii) candidates are afforded reasonable and equal access to the use of State-owned communication media, for the purposes of complying with article 67 (2) and (3) of the Constitution and section 23 (1) and (2) of this Act.
- (d) where practicable, measures necessary for ensuring that Ugandans qualified to vote but resident outside Uganda, are enabled to vote.

(3) Regulations made under this section may provide in respect of a contravention of the regulations any penalty not exceeding a fine of twelve currency points or imprisonment not six months or both.

89. Power of Minister to amend First Schedule

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

90. Repeal and saving

(1) The Presidential Elections Act is repealed.

(2) Without prejudice to the Interpretation Act, any statutory instrument, form or other document made or issued under or existing by virtue of the Presidential Elections Act, and in force at the commencement of this Act, shall, with the necessary modifications, continue in force until revoked or replaced under this Act.

(3) The constituencies to be used for an election under this Act shall be those used for parliamentary elections under the Parliamentary Elections Act.

SCHEDULES

FIRST SCHEDULE

CURRENCY POINT

Section 1

One currency point is equivalent to twenty thousand shillings.

Section 4

CERTIFICATE OF COMPLETION OF FORMAL EDUCATION OF
ADVANCED LEVEL STANDARD OR OF ITS EQUIVALENT

THE PRESIDENTIAL ELECTIONS ACT

I certify that(name), who was born on the(date
of birth), has satisfied the National Council for Higher Education in
consultation with the Uganda National Examinations Board that he/she has
completed formal education of advanced level standard or its equivalent, in
that he/she holds the following qualification/s—

.....
.....
.....
.....

.....
Secretary of National Council for Higher Education

Date

[] Seal of National Council for Higher Education

Serial Number

THIRD SCHEDULE

Section 10

NOMINATION PAPER FOR PRESIDENTIAL ELECTIONS

We, the undersigned, being registered voters, nominate the under-mentioned person as a candidate at the presidential election

<i>Candidate's Name in full</i>	<i>Other Names</i>	<i>Place of Residence and Address</i>	<i>Occupation or Profession</i>	<i>Voters' Registration Number</i>	<i>Age and Sex</i>

Name

Signature

Voters Reg. Number

Proposer _____

Seconded _____

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 _____

I am sponsored for nomination by _____
(state name of political party or organisation)

whose address is _____
(state address of political party or organisation)

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.

NOMINATION OF PRESIDENTIAL CANDIDATE

REGISTERED VOTERS SUPPORTING CANDIDATE

PRESIDENTIAL ELECTIONS ACT

We the undersigned support the candidature of.....
for election to the office of President

NAME OF DISTRICT

Serial No.	Name of Supporter (surname & other names)	Signature or thumb print	Voter's Number	Age	Sex	Constituency	Parish	Village
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								
11.								
12.								
13.								
14.								

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

I....., 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 am not more than seventy five years of age.
3. I am registered as a voter in the constituency with voter's registration number
4. I attach a certificate issued by the National Council for Higher Education, in accordance with section 4 of the Presidential Elections Act, certifying that I have completed a minimum formal education of Advanced Level Standard or its equivalent as required by articles 80 (1)(c) and 102 (c) of the Constitution.
5. I do not owe allegiance to any country other than Uganda.
6. (i) I have paid all taxes due from me; or
(ii) I have made arrangements satisfactory to the appropriate 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 imprisonment 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 connection 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 of20...

.....
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.

FIFTH SCHEDULE

S. 41(2)

REPORT OF ARREST

Date

Polling station.....

I,
being returning officer/presiding officer have arrested/caused the arrest of
(particulars of person).....
for the following reasons.

Returning Officer/Presiding Officer

SIXTH SCHEDULE

FORMS

FORM EO

Section 7

OATH OF ELECTION OFFICER

PRESIDENTIAL ELECTIONS ACT

I having been appointed
swear/affirm that I will not directly or indirectly reveal to any person any
matter that may come to my knowledge or notice as result of my
appointment unless so authorised by law.

SWORN/AFFIRMED before me this day of.....200....

.....
*Signature

*A commissioner for oaths/magistrate, registrar of High Court (including
deputy and district registrar) or other person authorised by law to
administer oaths.

DECLARATION OF IDENTITY BY A PERSON WHOSE NAME AND
VOTER NUMBER HAVE ALREADY BEEN USED BY
ANOTHER PERSON

THE PRESIDENTIAL ELECTIONS ACT

1. of polling
station.....villageConstituency
..... District, solemnly and sincerely declare that:

1. I am a citizen of Uganda;
2. I am not below the age of eighteen years;
3. I am entitled to vote in this polling station because I
(originate from, reside in or work in gainful employment in) this
electoral area;
4. I am the holder of voter card No.....;
5. I have not yet voted in this particular polling station or elsewhere
during this election;
6. I have not colluded with any person to vote in my name and under my
voter number under the above mentioned voter number.

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

.....
Name and signature of voter.

Subscribed and declared before me atthis.....day of ... 20.....

.....
Presiding Officer

Section 42(4)

OATH OF ELECTION CONSTABLE

THE PRESIDENTIAL ELECTIONS ACT

Ibeing appointed to exercise the function of election constable of the Electoral Commission swear in the name of the Almighty God/solemnly affirm that I will discharge my duties in maintaining order at the polling station to the best of my abilities without fear or favour.

Dated this..... day of.....200.....

.....
Election Constable.....
Presiding Officer.

DECLARATION OF RESULTS FORMS

FORM A

DECLARATION OF UNOPPOSED CANDIDATE ELECTED
PRESIDENT

THE PRESIDENTIAL ELECTIONS ACT

WHEREAS theday and day of in the year.....
were appointed nomination days for the Presidential Election scheduled to
be held on theday ofin the year 20.....

AND WHEREAS at the close on nominations on theday of
in the year 20.....
(name of candidate) was the sole candidate nominated;

NOW THEREFORE in exercise of the powers conferred on the Electoral
Commission by section 19 of the Presidential Elections Act, the
commission publishes and declares that (name of
candidate).....elected as President of the Republic of Uganda
with effect from the dated fixed for the poll for the presidential election
namely, theday ofin the year 20.....

DATED thisday ofin the year
20.....

.....
Chairperson

.....
Deputy Chairperson

.....
Commissioner

.....
Commissioner

FORM B

DECLARATION OF RESULTS WHEN THERE IS A
WINNING CANDIDATE

(Under Article 103 (7) of the Constitution and section of the
Presidential Elections Act)

Whereas a presidential election was held on the day of
....., at which the candidates were

AND WHEREAS polling for the presidential election closed at on
..... the day of

AND WHEREAS the electoral commission has ascertained the results of the
presidential election;

NOW THEREFORE, in exercise of the powers conferred on the Electoral
Commission by article 103(7) of the Constitution and section 57 of the
Presidential Elections Act, the commission publishes and declares the
results of the presidential election as follows —

Candidates' names (in alphabetical order, surname first)	Number of valid votes polled by each candidate	Percentage of total valid votes cast

1.
2.
3.
4.
5.

Total number of valid votes cast for candidates

Total number of invalid votes amounting to percent of the total number of votes cast.

Total number of votes cast amounting to percent of the total number of registered voters.

NOW THEREFORE the candidate..... having obtained the highest number of votes in the election and the votes cast in his/her favour being more than 50 percent of the valid votes cast at the election, the commission declareselected president of the Republic of uUganda at the presidential election held on the day of,

Dated this day of.....

.....
Chairperson

.....
Deputy Chairperson

.....
Commissioner

.....
Commissioner

.....
Secretary/Electoral Commission.

FORM C

Section 57

DECLARATION OF RESULTS WHEN THERE IS NO
WINNING CANDIDATE

*(Under article 103 (7) of the Constitution and section 57 of the
Presidential Elections Act)*

WHEREAS a presidential election was held on the day of at
which the candidates were

AND WHEREAS polling for the presidential election closed at
..... on the day of

AND WHEREAS the Electoral Commission has ascertained the results of
the presidential election;

NOW THEREFORE, in exercise of the powers conferred on the electoral
commission by article 103(7) of the Constitution and section 57 of the
Presidential Elections Act, the commission publishes and declares the
results of the presidential election as follows —

<i>Candidates' names (in alphabetical order, surname first)</i>	<i>Number of valid votes polled by each candidate</i>	<i>Percentage of total valid votes cast</i>

1.
2.
3.
4.
5.

Total number of valid votes cast for candidates.....

Total number of invalid votes amounting to percent of the total number of votes cast.

Total number of votes cast amounting to percent of the total number of registered voters.

No candidate obtained more than fifty percent of the valid votes cast at the election.

Dated this day of, 20.....

.....
Chairperson

.....
Deputy Chairperson

..... Commissioner Commissioner
..... Commissioner Commissioner
..... Commissioner Commissioner
..... Secretary/Electoral Commission	

ACTS SUPPLEMENT

to The Uganda Gazette No. 74 Volume XCVIII dated 21st November, 2005.

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Act 17

Parliamentary Elections Act

2005

THE PARLIAMENTARY ELECTIONS ACT, 2005.

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SECOND SCHEDULE—FORMS

THE PARLIAMENTARY ELECTIONS ACT, 2005

An Act to make provision for parliamentary elections and related matters in accordance with article 76 of the Constitution; to repeal and replace the Parliamentary Elections Act, 2001; to provide for qualifications and disqualification for election, the manner of establishing equivalent of advanced level, nomination, campaigning, polling, counting of votes, tallying and declaration of election results; to provide for petitions for challenging election results, election offences, parliamentary constituencies and tenure of office of members of Parliament; to make provision for parliamentary elections whether under the movement political system or under the multiparty political system; and to provide for other matters related to the foregoing.

WHEREAS paragraph 11 (Democratic Principles) of the National Objectives and Directive Principles of State Policy of the Constitution, provides *inter alia* as follows—

- (i) The State shall be based on democratic principles which empower and encourage the active participation of all citizens at all levels in their own governance;
- (ii) All the people of Uganda shall have access to leadership positions at all levels subject to the Constitution”;

AND WHEREAS clauses (3) and (4) of article 1 of the Constitution provide as follows—

“(3) All power and authority of Government and its organs derive from this Constitution, which in turn derives its authority from the people who consent to be governed in accordance with this Constitution.

(4) The people shall express their will and consent on who shall govern them and how they should be governed, through regular, free and fair elections of their representatives or through referenda”;

DATE OF ASSENT: 16TH NOVEMBER, 2005.

Date of commencement: 21st November, 2005.

NOW THEREFORE, BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

1. Interpretation

(1) In this Act, unless the context otherwise requires—

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

“authorised mark of choice” means the tick or mark authorised under section 30 to be applied to a ballot paper against or in the picture of a candidate of choice of a voter;

“campaign period” means the period determined by the Commission under section 20 as the period during which campaigning may take place;

“candidate” means a person nominated as a candidate for election as an elected member of parliament;

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

“Commission Act” means the Electoral Commission Act;

"constituency" means subject to section 101, one of the constituencies into which Uganda is divided under article 63 of the Constitution for the purpose of elections;

"currency point" means the value specified in relation to a currency point in the First Schedule to this Act;

"district" means an electoral district;

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

"election officer" includes a returning officer, assistant returning officer, registration officer, assistant registration officer and any other officer appointed by or under the authority of the commission with responsibility for registration of voters, or for presiding over voting in any election or for counting votes at any election;

"election petition" means a petition filed in accordance with section 60;

"illegal practice" means an act declared to be an illegal practice under Part XI of this Act;

"Minister" means the Minister responsible for presidential and parliamentary elections and referenda;

"money" includes a pecuniary reward;

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

"nomination paper" has the meaning assigned to it in section 11;

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

"parish" includes a ward;

"payment" includes a pecuniary or other reward;

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

“polling agent” means a person appointed by a candidate as a polling agent;

“polling day” means a day appointed to be polling day under this Act;

“presiding officer” means a person appointed under the Commission Act to be a presiding officer for a polling station;

“public officer” means a person holding or acting in any public office;

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

“registered voter” means a person whose name is entered on the voters’ register;

“returning officer” means a returning officer appointed under the Commission Act;

“Speaker” means the Speaker of Parliament;

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

“voter’s card” means a voter’s card issued under section 26 of the Commission Act to a voter whose name appears in the voters’ register;

“voters’ register” means the National Voters’ Register compiled under section 18 of the Commission Act;

“voters’ roll” means the voters’ roll for any constituency or parish prepared and maintained under the Commission Act.

(2) The Commission Act shall be construed as one with this Act.

PART II—PARLIAMENTARY ELECTIONS GENERALLY.

2. Election of members of Parliament

(1) A general election of members of Parliament shall be held in accordance with article 61 of the Constitution.

(2) Every person elected to Parliament shall take the oath of allegiance and the oath of a member of Parliament specified in the Fourth Schedule to the Constitution.

(3) Except for the purpose of taking the oaths referred to in subsection (2) of this section, no person shall sit or vote in Parliament before taking and subscribing the oaths.

3. By-elections

(1) Whenever a member of Parliament—

(a) dies; or

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

(c) where the seat of a member becomes vacant under section 4, the Clerk to Parliament shall notify the Commission in writing within ten days after the vacancy has occurred; and a by-election shall, subject to section 95, be held within sixty days after the vacancy has occurred.

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

LAW DEVELOPMENT CENTRE
REFERENCE LIBRARY

**PART III—QUALIFICATIONS, DISQUALIFICATIONS, TENURE OF OFFICE
AND RIGHT OF RECALL.****4. Qualifications and disqualifications of members of Parliament**

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

(a) is a citizen of Uganda;

(b) is a registered voter; and

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

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

(a) is of unsound mind;

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

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

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

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

(f) has, within the seven years immediately preceding the election, been convicted by a competent court of a crime involving dishonesty or moral turpitude; or

(g) has, within the seven years immediately preceding the election, been convicted by a competent court for contravention of any law relating to elections conducted by the Commission.

(3) Under the movement political system, a person who is elected to Parliament while he or she is a member of a local government council or who holds a public office shall resign the office before assuming the office of a member of Parliament.

(4) Under the multiparty political system, a public officer or a person employed in any government department or agency of the government or an employee of a local government or any body in which the government has controlling interest, who wishes to stand for election as a member of Parliament shall—

(a) in the case of a general election, resign his or her office at least ninety days before nomination day; and

(b) in the case of a by election, resign his or her office at least fourteen days before nomination day.

(5) For the purposes of paragraph (c) of subsection (1), any of the following persons wishing to stand for election as a member of Parliament shall establish his or her qualification with the Commission as a person holding a minimum qualification of Advanced Level or its equivalent at least two months before nomination day in the case of a general election, and two weeks in the case of a by election—

(a) persons, whether their qualification is obtained from Uganda or outside Uganda, who are claiming to have their qualification accepted as equivalent to advanced level education;

(b) persons claiming to have advanced level qualifications from outside Uganda;

(c) persons claiming to have academic degrees which were obtained outside Uganda.

(6) A person required to establish his or her qualification under subsection (5) shall do so by the production of a certificate issued to him or her by the National Council for Higher Education in consultation with the Uganda National Examinations Board.

(7) A person who claims to possess a qualification referred to in sub-section (5)(c) of this section shall before the issue of the certificate prove to the satisfaction of the National Council for Higher Education that admission to that qualification was obtained on the basis of Advanced Level Standard of Education or its equivalent.

(8) The certificate shall be in the form in the Second Schedule to this Act.

(9) A certificate issued by National Council for Higher Education under subsection (6) shall be sufficient in respect of any election for which the same qualification is required.

(10) A certificate issued by the National Council for Higher Education under any other enactment, to the same effect as a certificate required to be obtained under subsection (6) shall be sufficient for the purposes of subsection (1)(c).

(11) A person aggrieved by the grant or refusal to grant a certificate by the National Council for Higher Education under this section is entitled to appeal to the High Court against the decision and the High Court may confirm, modify or reverse the decision.

(12) The Chief Justice may, in consultation with the Attorney General make rules to regulate the procedure for appeals under subsection (10) and may for that purpose apply, with or without modifications, rules of court applicable to civil proceedings in the High Court.

(13) For the avoidance of doubt, if a candidate has an advanced level certificate obtained in Uganda or qualifications higher than the prescribed qualification obtained in Uganda or obtained from the former University of East Africa or any of its constituent colleges, then, there shall be no need for the verification of his or her qualifications by the National Council for Higher Education.

(14) The Commission shall not accept for the purposes of this section a statutory declaration or affidavit as evidence of an academic qualification required by this section.

(15) Under the movement political system, a person holding a public office, or a member of a Local Government Council or a Commission established under the Constitution, wishing to be a

candidate shall apply for leave of absence at least sixty days before the expiry of the term of the President; except that in the case of an election taking place other than by reason of the normal expiry of the term of the President, the person shall apply for leave at least fourteen days before the nomination for the election.

(16) Where a person to whom subsection (15) applies wishes to be a candidate he or she shall, before proceeding on leave, relinquish any vehicle or office equipment in his or her custody belonging to his or her employer.

(17) For the purposes of enforcing this section the Commission shall, by writing require any candidate to state in writing the facilities ordinarily attached to any office held by that person to which subsection (15) applies or by virtue of that office; and the candidate shall comply with the requirement.

(18) Every employer to whom subsection (15) relates shall, upon receiving an application by an employee, grant to the employee leave of absence with pay, or where the employee has not earned leave, leave without pay, to seek nomination as a candidate and to be a candidate for election, and for such period as may be requested by the employee.

(19) In this section, "public service" and "public officer" have the meanings assigned to them by article 257 of the Constitution; and "public officer" shall for the avoidance of doubt, include an employee of any Commission established by the Constitution.

(20) This section applies with the necessary modifications, to an employee of a statutory corporation or of a company in which the Government owns a controlling interest as it applies to a public officer.

(21) Where any person intends to stand for election he or she shall not accept office as an election officer.

5. Forgery of certificate of academic qualification

(1) A person who—

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

(2) A candidate, election officer, candidate's agent or other person on duty at the polling station shall not, except for a purpose authorised by law, communicate to any person any information as to—

- (a) the name of the voter who has or has not applied for a ballot paper or voted at a polling station; or
- (b) the number on the voters' register of the voter who has or has not applied for a ballot paper or voted at a polling station.

(3) A person who has undertaken under section 37 to assist a blind, illiterate or other voter with disability to vote, shall not communicate at any time to another person information as to the candidate for whom the assisted voter intends to vote or has voted, or as to the number, if any, on the ballot paper given for the use of that voter.

(4) A person shall, before assuming the duties of election officer take and subscribe the oath in Form EO specified in the Second Schedule to this Act.

(5) A person who contravenes subsection (1), (2) or (3) commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

(6) An election officer who, without lawful authority reveals to any person any matter that has come to his or her knowledge or notice as a result of his or her appointment, commits an offence and is liable to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

PART V—DISTRICT, CITY WOMEN REPRESENTATIVES AND SPECIAL INTEREST GROUPS.

8. District or city women representatives and special interest groups

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

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

(a) for the Uganda Peoples Defence Forces there shall be ten representatives at least two of whom shall be women;

(b) for workers there shall be five representatives at least one of whom shall be a woman;

(c) for the youth there shall be five representatives at least one of whom shall be a woman; and

(d) for persons with disabilities, there shall be five representatives, at least one of whom shall be a woman.

(3) In accordance with article 78(2) of the Constitution, Parliament shall review the representation under article 78(1)(b) and (c) of the Constitution and may by resolution supported by not less than two thirds of all members of Parliament, retain, increase or abolish any such representation.

(4) The following provisions shall apply to district women representatives and special interest groups referred to in subsection (2)—

(a) in the case of the election of district women representatives—

(i) the election shall be by secret ballot;

(ii) the election shall be by universal adult suffrage;

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(a) for the Uganda Peoples Defence Forces there shall be ten representatives at least two of whom shall be women;

(b) for workers there shall be five representatives at least one of whom shall be a woman;

(c) for the youth there shall be five representatives at least one of whom shall be a woman; and

(d) for persons with disabilities, there shall be five representatives, at least one of whom shall be a woman.

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(4) The following provisions shall apply to district women representatives and special interest groups referred to in subsection (2)—

(a) in the case of the election of district women representatives—

(i) the election shall be by secret ballot;

(ii) the election shall be by universal adult suffrage;

- (iii) subject to the provisions of this Act, the election of district women representatives may be held on a different day from the day on which the general election of members of Parliament elected directly to represent constituencies under article 78(1)(a) of the Constitution is held;
 - (iv) separate ballot boxes shall be used in respect of the election of district women representatives from those used for the election of members of Parliament directly elected to represent constituencies;
 - (v) the provisions of this Act shall apply with the necessary modifications to the election of district women representatives as they apply to members directly elected to represent constituencies;
 - (b) the representatives of the Uganda People's Defence Forces shall be elected in a manner prescribed by regulations made by the Minister under section 100;
 - (c) the representatives of the youth shall be elected in a manner prescribed by regulations made by the Minister under section 100 by the district youth councils within the region of representation constituted into an electoral college in accordance with such regulations and the woman youth representative shall be elected by a national youth conference in accordance with the regulations;
 - (d) the representatives of the workers shall be elected in a manner prescribed by regulations made by the Minister under section 100;
 - (e) the representatives of persons with disabilities shall be elected by an electoral college of representatives of such persons from each district in a manner prescribed by regulations made by the Minister under section 100.
- (5) Where a new district is created the following provisions shall apply to the election of district women representatives—

- (a) the district woman representative for the original district affected shall continue to represent the district of her choice;
- (b) election shall be held to elect a district woman representative for the district not represented under paragraph (a).
- (c) the election shall be held within sixty days after creation of the new district.

PART VI—NOMINATION OF CANDIDATES FOR ELECTION AS
MEMBERS OF PARLIAMENT

9. **Appointment of nomination days**

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

- (a) the place and times fixed for the nomination of candidates; and
- (b) the hours on each nomination day, during which nominations are to take place.

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

(3) The hours to be indicated in accordance with paragraph (b) of subsection (1) shall be from nine o'clock in the morning to five o'clock in the evening on each nomination day.

10. **Sponsorship of candidates by political organisations or political parties**

Under the multiparty political system, nomination of candidates may be made by a political organisation or political party sponsoring a candidate or by a candidate standing for election as an independent candidate without being sponsored by a political organisation or political party.

11. Procedure for the nomination of candidates

(1) Nomination of a candidate shall be made on nomination day by two registered voters appearing in person tendering to the returning officer the following—

- (a) a nomination paper in duplicate in the prescribed form containing a statement under oath by the person seeking nomination specifying—
 - (i) the name, age, address and occupation of the person seeking nomination;
 - (ii) the address designated by the person seeking nomination for service of process and papers under this Act;
 - (iii) the name and address of a person appointed official agent by the person seeking nomination;
- (b) a statement signed by the person named under paragraph (a)(iii), stating that he or she has accepted the appointment as agent for the candidate;
- (c) the names and signatures of a minimum of ten persons who are registered voters in the constituency where the person seeks nomination as a candidate supporting the nomination and each of the persons so signing shall state in the nomination paper his or her village, occupation and personal voter registration number; and
- (d) a statement under oath stating that—
 - (i) the person seeking nomination is a citizen of Uganda;
 - (ii) the person is eighteen years of age or above; and

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

(2) Where under the multi party political system, a person is sponsored by a political organisation or political party, the nomination paper shall indicate that he or she is so sponsored stating the name and address of the political organisation or political party.

(3) The nomination paper shall be accompanied by a nomination of ten currency points in legal tender or a bank draft for that amount made payable to the Uganda Administration.

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

(5) For the purpose of subsection (1)(a)(i)—

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

(b) the occupation of the candidate shall be stated briefly.

(6) A duplicate copy of the nomination paper certified by the returning officer shall be given to the candidate.

(7) A person who uses a convoy of vehicles for the purpose of his or her nomination shall have not more than two vehicles in the convoy and each vehicle shall bear police stickers and shall not carry more than ten persons.

(8) A person who contravenes subsection (7) commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

12. Factors which do not invalidate nomination paper

(1) A nomination paper shall be signed by persons who are qualified voters in the constituency and if any person, who is not a qualified voter signs the nomination paper, the nomination paper shall be invalid.

(2) A returning officer shall refuse to accept any nomination paper if—

- (a) an allegation of ineligibility of the candidate is made and the grounds for the allegation appear on the nomination paper;
- (b) there appears a major variation between the name of any person as it appears on the nomination paper and the voters roll;
- (c) there is any imperfection in the nomination paper leading to a substantial diversity from the requirements of this Act.

(3) A nomination paper which a returning officer has refused to accept for filing may be replaced by another nomination paper or may be corrected; except that a new or corrected nomination paper shall be filed with the returning officer not later than the time for the closure of nomination specified in section 9.

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

13. Factors which may invalidate a nomination

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

- (a) the person's nomination paper was not signed and countersigned in accordance with subsection (1) of section 11;
- (b) the nomination fee referred to in subsection (3) of section 11 was not lodged with his or her nomination paper;

- (c) the person seeking nomination was not qualified for election under section 4;
- (d) the person seeking nomination has been duly nominated for election for another constituency for which the poll has not taken place; or
- (e) the person has not complied with the provisions of section 4.

Where no candidate or where one candidate is nominated

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

- (a) no person has been duly nominated for election for a constituency, the returning officer shall report the fact to the Commission and the Commission shall fix a new polling day under section 18 and the Chairperson of the Commission shall appoint fresh nomination days in respect of the constituency in question;
- (b) only one person has been duly nominated for election for a constituency, the returning officer shall forthwith declare that person duly elected as a member of Parliament with effect from the polling day fixed in accordance with this Act.

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

(3) If, by virtue of an appeal under section 16 or as otherwise permitted under this Act, an additional candidate is later duly nominated, the Commission shall revoke the *Gazette* notice and the returning officer shall revoke his or her declaration.

15. Inspection of nomination papers and lodging of complaints

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

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

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

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

Where a nomination paper of a person has been rejected or has been regarded as void by virtue of section 13—

- (a) the returning officer shall forthwith notify the person of the decision giving reasons for the decision; and
- (b) the person shall have the right to complain against the decision to the Commission within seven days from the date of rejection and the Commission may confirm or reverse the decision of the returning officer within seven days from the receipt of the complaint.

17. Allocation of symbols and colours

(1) Where an election is contested, the Commission shall as soon as practicable after the nomination days—

- (a) allocate to each candidate the symbol of his or her political organisation or political party in the case of a candidate sponsored by a registered political organisation or political party;
- (b) allocate to a candidate who is not sponsored by a political organisation or political party, a symbol or colour chosen by him or her; or

- (c) in any other case allocate such symbol or colour as it considers appropriate.

(3) A symbol or colour under subsection (1)(b) and (c) shall be chosen or assigned for the purpose of this section from among symbols and colours approved by the Commission for the purposes of the election.

(4) A person shall not be allocated a symbol or colour which has tribal or religious affiliation or any other sectarian connotation.

18. Commission to appoint polling day and tallying places

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

(a) a day to be known as polling day; and

(b) the time and the place where each returning officer will tally the number of votes given to each candidate at each polling station.

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

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

(a) fix at his or her office within the district and in each constituency, a list of the names of all the presiding officers and polling assistants appointed under the Commission Act for each polling station in the electoral district, with the names and numbers of their respective polling stations to enable persons to raise any objections they feel necessary; and

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

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

19. Withdrawal of candidates

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

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

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

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

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

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

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

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

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

20. Campaign programmes

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

(2) Each candidate shall give his or her campaign programme to the returning officer and the returning officer shall ensure that campaign meetings by different candidates do not coincide in one parish.

(3) At campaign meetings the candidate may use the local language of the area.

(4) Campaign meetings shall not commence until the expiry of nomination days.

(5) A campaign meeting shall not be held within twenty-four hours before polling day.

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

(7) Subject to the provisions of this section, every candidate for election to Parliament has a right to conduct his or her campaign freely and in accordance with the law.

21. Protection and immunity of candidates

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

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

(3) A person shall not, while campaigning, use any language—

(a) which constitutes incitement to public disorder, insurrection or violence or which threatens war; or

(b) which is defamatory or insulting or which constitutes incitement to hatred.

(4) A person who contravenes subsection (3) commits an offence and is liable, upon conviction—

(a) in case of an offence under subsection (3)(a), to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years or both; and

(b) in the case of an offence under subsection (3)(b), to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

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

22. Rights of candidates

(1) A candidate in an election shall not be denied reasonable access to and use of, State-owned communication media.

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

(3) A person shall not, during the campaign period print, publish or distribute, a newspaper, circular or pamphlet containing an article, report, letter or other matter commenting on any issue relating to the

election unless the author's name and address, are set out at the end of the article, report, letter or other matter or, where part only of the article, report, letter or matter appears in any issue of a newspaper, circular, pamphlet, at the end of that part.

(4) Except as otherwise provided in this section, a candidate may use private electronic media for his or her campaign.

(5) A candidate shall not use private electronic media to campaign any other candidate.

(6) In particular, the following acts are prohibited under subsection (5)—

(a) making statements which are false—

(i) knowing them to be false, or

(ii) in respect of which the maker is reckless whether they are true or false;

(b) making malicious statements;

(c) making statements containing sectarian words or innuendoes;

(d) making abusive, insulting or derogatory statements;

(e) making exaggerations or using caricatures of the candidate or using words of ridicule;

(f) using derisive or mudslinging words against a candidate; or

(g) using songs, poems and images with any of the effects described in the foregoing paragraphs;

(7) A person other than a candidate shall not do any of the acts prohibited in subsections (5) and (6).

(8) The proprietor or operator of a private electronic media shall not use the media or allow it to be used to do any of the acts prohibited in subsections (5) and (6).

(9) A person who contravenes any of the provisions of subsections (3), (5), (6), (7) and (8) commits an offence and is liable on conviction—

(a) in the case of an offence under subsection (3), to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both; and

(b) in any other case, to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years or both.

(10) In this section “electronic media” includes television, radio, internet and email.

23. Non - sectarian campaign

(1) A person shall not use a symbol or colour which has a tribal, religious affiliation or any other sectarian connotation as a basis for that persons candidature for election or in support of that person's campaign.

(2) Under the movement political system, a person shall not use as a basis for his or her candidature or campaign, a symbol or colour of a political party or organisation.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction—

(a) in the case of an offence under subsection (1), to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years or both; and

(b) in the case of an offence under subsection (2), to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

24. Interference with electioneering activities of other persons

A person who, before or during an election, for the purpose of effecting or preventing the election of a candidate either directly or indirectly—

- (a) by words, whether spoken or written, song, sign or any other representation or in any manner seeks to excite or promote disharmony, enmity or hatred against another person on grounds of sex, race, colour, ethnic origin, tribe, birth, creed or religion;
- (b) organises a group of persons with the intention of training the group in the use of force, violence, abusive, insulting, corrupt or vituperative songs or language calculated to malign, disparage, condemn, insult or abuse another person or candidate or with a view to causing disharmony or a breach of the peace or to disturb public tranquillity so as to gain unfair advantage in the election over that other person or candidate;
- (c) obstructs or interferes or attempts to obstruct or interfere with the free exercise of the franchise of a voter or compels or attempts to compel a voter to vote or to refrain from voting;
- (d) compels, or attempts to compel a candidate to withdraw his or her candidature;
- (e) in any manner threatens any candidate or voter with injury or harm of any kind; or
- (f) induces or attempts to induce any candidate or voter to fear or believe that he or she will suffer illness or will become an object of divine, spiritual or fetish displeasure or censure;

commits an offence and is liable on conviction to a fine not exceeding seventy two currency points or imprisonment not exceeding three years or both.

25. Use of Government resources

(1) Except as authorised under this Act or otherwise authorised by law, no candidate shall use Government or public resources for the purpose of campaigning for election.

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

(3) For the purposes of enforcing this section the Commission shall, by writing require any candidate to state in writing the facilities ordinarily attached to any office held by that person to which subsection (2) applies and the candidate shall comply with the requirement.

(4) This section applies with the necessary modifications to an employee of a statutory corporation or company in which the government owns a controlling interest and a member of a commission or committee established by the Constitution as it applies to a public officer.

(5) A person who contravenes any provision of this section commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

26. Where one of only two candidates dies

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

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

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

PART VIII—VOTING AND VOTING PROCEDURE.

27. Distribution of election materials

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

- (a) a sufficient number of ballot papers to cover the number of voters likely to vote at the polling station for which the presiding officer is responsible;
- (b) a statement showing the number of ballot papers supplied under paragraph (a) with the serial numbers indicated in the statement; and
- (c) any other necessary materials for the voters to mark the ballot papers and complete the voting process.

28. Publication of list of polling stations and candidates

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

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

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

29. Polling stations and voting time

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

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

(3) In the process of voting a voter shall not be allowed to carry a bag or anything that can be used for concealment.

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

(5) If at the official hour of closing the poll in subsection (2) there are any voters in the polling station, or in the line of voters under subsection (3) of section 30 who are qualified to vote and have not been able to do so, the polling station shall be kept open to enable them to vote; but no person who is not actually present at the polling station or in the line of voters at the official hour of closing shall be allowed to vote, even if the polling station is still open when he or she arrives.

30. Polling and polling procedure

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

(2) A presiding officer shall not inquire about or attempt to see, for whom a voter intends to vote; and any person who contravenes this subsection commits an offence and is liable to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

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

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

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

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

(b) a second table positioned at least fifteen metres from the first with an ink pad, two pens, each pen being attached to the table with a string measuring about one metre in length, where every voter shall—

(i) fix a tick with a pen or mark with a thumb print in the space provided in the box against the picture or in the picture of the candidate of his or her choice; and

(ii) fold the ballot paper, lengthwise to enable it to be deposited in the slot of the ballot box;

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

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

(6) Where voting takes place for two or more elections in the same premises at the same time the application of the indelible ink under subsection (5)(d) shall be done after the voter votes in the last or only election in which he or she chooses to vote.

(7) Where for the purposes of subsection (5) (d)—

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

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

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

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

(8) The presiding officer at each polling station shall, at the commencement of the poll and in the full view of all present, demonstrate to the satisfaction of all present, that the first ballot box is devoid of any contents and after that, place the ballot box on the table under paragraph (c) of subsection (5).

(9) Where more than one ballot box is used after the first is filled, the procedure prescribed in subsection (8) shall be followed prior to the placing on the table, of any additional ballot box.

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

31. A person not to vote more than once

(1) A person shall not vote or attempt to vote more than once at any election irrespective of the number of offices held by the person relevant to the election.

(2) For the purposes of ensuring that no voter casts a vote more than once, a presiding officer or a polling assistant shall, before issuing a ballot paper, inspect the fingers of any voter in order to ascertain whether or not the voter has been marked with indelible ink in accordance with section 30.

(3) The presiding officer or polling assistant, as the case may be, shall refuse to issue a ballot paper to the voter referred to in subsection (2) 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 that subsection.

(4) A person who refuses to be inspected under subsection (2) and votes or attempt to vote commits an offence and is liable on conviction to a fine not exceeding twelve currency points or imprisonment not exceeding six months or both.

32. Polling agents of candidates

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

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

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

(4) A representative or polling agent appointed under this section shall be paid an allowance determined by the Commission.

33. No delay in voting

(1) Every voter shall vote in accordance with section 30 without undue delay and may leave the polling station as soon as his or her ballot paper has been put into the ballot box under that section.

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

34. Procedure for handing ballot paper to voter

(1) A voter wishing to obtain a ballot paper, for the purpose of voting, shall produce his or her voters' card to the presiding officer or polling assistant at the table under paragraph (a) of subsection (5) of section 30.

(2) If the presiding officer or polling assistant is satisfied that the voter's name and number indicated in the voter's card correspond to the voter's name and number in the voter's register for the polling station, he or she shall issue a ballot paper to the voter.

(3) Where a person does not have a voter's card but is able to prove to the presiding officer or polling assistant that his or her name or photograph or both is or are on the voter's register, the presiding officer or polling assistant shall issue him or her with a ballot paper.

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

(5) Subject to section 39, a person shall not be permitted to vote at a polling station unless the person's name appears in the voter's roll for that polling station.

(6) A person who contravenes subsection (5) commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

35. Where a voter spoils ballot paper

A voter who has inadvertently dealt with the ballot paper delivered to him or her under paragraph (a) of subsection (5) of section 30 in such a manner that it has become impracticable to use it, shall return it to the presiding officer who shall—

- (a) deface it by making two diagonal lines across it and writing the word “spoilt” on it; and
- (b) deliver another ballot paper to the voter.

36. Where two voters appear under same name

(1) Where a person represents himself or herself to be a particular voter and applies for a ballot paper after another person has voted in the name or number of that person, the second person shall only be entitled to receive a ballot paper and to vote after making before the presiding officer the declaration of identity, in Form ID in the Second Schedule to this Act and otherwise establishing his or her identity to the satisfaction of the presiding officer.

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

- (a) a note of the voter having voted on a second ballot paper issued under the same name;
- (b) the fact of the declaration of identity having been made; and
- (c) any objections made on behalf of any of the candidates.

(3) A person who makes any statement which is false in a declaration under this section—

(a) knowing the statement to be false or

(b) in respect of which he or she is reckless whether it is true or false,

commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

37. Assistance to illiterate voters and others with disability

(1) Where a voter is by reason of blindness, illiteracy, old age or any other disability unable to fix the authorised mark of choice on the ballot paper, that voter may report at the polling station accompanied by a person of his or her choice to assist the voter to fix the authorised mark of choice on the ballot paper if necessary, on the voter's behalf or the voter may, subject to subsection (4), request another person present at the polling station to assist that voter for the purpose.

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

(3) A presiding officer shall refuse to allow a person to assist a voter to vote unless that officer is satisfied that it is permitted under subsection (1).

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

(5) A person is not authorised to assist any voter to mark the ballot paper under subsection (1) unless the voter has voluntarily requested that assistance.

(6) A person who—

(a) pretends to have a disability for the purposes of subsection (1) when he or she does not; or

(b) contravenes subsection (5);

commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

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

(1) The Commission may make special provision for the taking of the votes of patients in hospitals, or persons admitted in sanatoria or homes for the aged and similar institutions and also for persons in restricted areas such as soldiers and other security personnel, but the Commission shall publish in the *Gazette* a list of the restricted areas under this section.

(2) An area provided for voting for members of the Uganda Peoples' Defence Forces shall be outside any barracks.

39. Factors which may not prevent a person from voting

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

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

(b) of the entry in the voters' register or in the voters' roll of a wrong village or of a wrongly spelt name, if, in the opinion of the presiding officer, the person is sufficiently identified.

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

40. Returning officers to have powers of justice of the peace

(1) During an election and throughout the campaign and polling period, every returning officer and presiding officer or any other authorised agent of the Commission is a keeper of the peace and has all the powers of a justice of the peace, and he or she may—

- (a) require the assistance of a member of the Uganda Police Force or other persons present to aid him or her in maintaining peace and good order at the polling station; or
- (b) warn or arrest or cause, by verbal order, to be arrested, and place or cause to be placed in the custody of any police officer or other person authorised by law, any person disturbing the peace and good order at the polling station; or
- (c) cause any arrested person to be imprisoned under an order signed by him or her until not later than an hour after the closure of the poll.

(2) A returning officer or presiding officer shall where he or she causes the arrest of any person under subsection (1) report the arrest giving details and reasons for the arrest in the form specified in the Second Schedule to this Act.

41. Presiding officers to appoint election constable

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

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

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

(4) When an election constable has been appointed by a presiding officer, the constable shall take and subscribe the oath in Form OC in the Second Schedule to this Act before commencing to discharge his or her responsibilities as election constable.

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

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

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

42. Arms and ammunition prohibited at polling stations

(1) A person shall not arm himself or herself during any part of polling day, with any arms or ammunition or approach within one kilometre of a polling station, with arms and ammunition unless called upon to do so by lawful authority or where he or she is ordinarily entitled by virtue of his or her office to carry arms.

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

Loud speakers prohibited at polling stations

(1) A person shall not, on any polling day, for the purpose of promoting or opposing any candidate, use any loudspeaker or similar communication device within hearing distance of any polling station.

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

44. Limitation on campaign period and on display of emblems etc. on polling day

(1) The campaign period prescribed by the Commission under subsection (1) of section 20 shall not extend beyond midnight of the day before polling day.

(2) A person shall not—

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

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

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

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

(5) A person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

45. Interruption and postponement of polling

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

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

46. Complaints at polling

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

(2) A presiding officer shall not refuse to receive a complaint presented to him or her under subsection (1) and he or she shall initial every such presentation and annex it as part of the official record of the polling station.

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

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

PART IX—COUNTING OF VOTES AND ANNOUNCEMENT OF RESULTS.

47. Votes to be counted at each polling station

(1) Votes cast at a polling station shall be counted at the polling station immediately after the presiding officer declares the polling closed and the votes cast in favour of each candidate shall be recorded separately in accordance with this Part of this Act.

(2) Subject to section 57, no votes shall stay uncounted overnight and, where required, the presiding officer shall provide light for the purposes of counting votes.

(3) A candidate may be present in person or through his or her representative or polling agent at each polling station, and at the place where the returning officer tallies the number of votes for each candidate or conducts a recount under section 54 for the purposes of safeguarding the interests of the candidate with regard to all stages of the counting, tallying or recounting processes.

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

(5) The presiding officer and the candidates or their agents, if any, shall sign and retain a copy of a declaration stating—

(a) the polling station;

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

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

(6) Votes cast for each candidate shall be recorded in both figures and words and the countersigned by polling agents before the declaration of the results.

(7) The following shall apply in respect of the signing of the declaration and the announcement of the results of voting under subsection (5)—

(a) the candidates or their agents shall sign the declaration form before the announcement of the results under subsection (5);

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

- (i) the candidates and their agents refusing or failing to sign shall record on the declaration form the reasons for the refusal or failing to sign; and
- (ii) where they refuse or fail to record the reasons, the presiding officer shall record the fact of their refusal or failure;
- (c) where any candidate or agent is absent, the presiding officer shall record the fact of that absence;
- (d) the refusal or failure of a candidate or agent to sign any declaration form under subsection (5) or to record the reasons for that refusal to sign as required under this subsection shall not by itself invalidate the results announced under subsection (5);
- (e) the absence of a candidate or an agent from the signing of a declaration form or the announcement of results under subsection (5) shall not by itself invalidate the results announced.

48. Complaints during the counting of votes

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

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

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

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

49. Votes to be treated as invalid

(1) A vote cast is invalid if—

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

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

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

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

(2) A ballot paper shall not be taken as invalid under this section irrespective of where the authorised mark of choice is placed, so long as the voter's choice can be reasonably ascertained.

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

50. Declaration of results forms

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

(a) one copy of the completed form shall remain attached to the report book referred to in paragraph (c) of subsection (1) of section 6;

(b) one copy shall be retained by the presiding officer for display at the polling station;

(c) one copy shall be enclosed in an envelope supplied by the Commission for the purpose, sealed by the presiding officer and delivered to the nearest result collection centre prescribed by the returning officer, together with the report book, for transmission to the returning officer;

(d) one copy shall be delivered to each of the candidates' agents or, in the absence of those agents, to any voters present claiming to represent the candidates; and

(e) one copy shall be deposited and sealed in the ballot box.

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

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

(a) one duly signed declaration of results form;

(b) the ballot papers received by each candidate, tied in separate bundles;

(c) the invalid ballot papers, tied in one bundle;

(d) the spoilt ballot papers, tied in one bundle;

(e) the unused ballot papers; and

(f) the voters roll used at the polling station.

(4) The declaration of results form referred to in subsection (1) shall be signed by the presiding officer and the candidates or their agents as are present and wish to do so, and the presiding officer shall there and then, announce the results of the voting at that polling station before communicating them to the returning officer.

51. Collection of results

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

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

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

52. Safe keeping of election materials and records

(1) The returning officer shall be responsible for the safe custody of all the election documents used in the district in connection with an election until the documents are destroyed in accordance with the directions of the Commission, but the Commission shall not give such directions before the settlement of disputes if any arising from the election.

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

- (a) take every precaution for its safe custody;
- (b) examine the seal affixed to the ballot box, with a view to ensuring that the box is properly sealed; and
- (c) if the box is not in good order, record his or her observations and affix a different seal supplied by the Commission.

53. Tallying of results by the returning officer

(1) After all the envelopes containing the declaration of results forms have been received the returning officer shall, in the presence of the candidates or their agents or such of them as wish to be present, open the envelopes and add up the number of votes cast for each candidate as recorded on each form.

(2) The returning officer may open the envelopes and add up the number of votes cast even though some of the envelopes have not been received, if the candidates or the candidates' agents and a police officer not below the rank of Inspector of Police are present.

(3) Where any envelope under subsection (1) does not contain the results of the poll, the returning officer may, for the purpose of finalising a statement of the poll, use the declaration of results form in the presiding officer's report book.

(4) If the report book does not contain the declaration of results form duly filled by the presiding officer, the returning officer may, in the presence of a police officer, not below the rank of Inspector of Police and any of the candidates or candidates' agents who wish to be present, open the ballot box in order to obtain the declaration of results form for the purpose of adding up the results of the poll.

(5) Where the returning officer opens the ballot box under subsection (2) he or she shall re-seal the ballot box immediately after certifying the results with the declaration of results forms re-sealed the envelopes in the ballot box.

54. Cases of mandatory recount

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

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

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

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

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

55. Application to Chief Magistrate for a recount

(1) Within seven days after the date on which a returning officer has, in accordance with section 58, declared as elected the candidate who has obtained the highest number of votes, any candidate may apply to the Chief Magistrate for a recount.

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

(3) A candidate who requests a recount under this section shall deposit with the Chief Magistrate a security for costs of thirty currency points.

56. Recovery of costs of recount

(1) Where a recount under section 55 does not alter the result of the poll as to affect the declaration by the returning officer under section 58, the court may order the costs of the candidate declared to be paid by the person who applied for the recount.

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

57. Interruption or postponement of counting, tallying or recounting

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

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

(b) in the case of the returning officer, the Commission,

that fact.

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

(3) Where counting is adjourned under this section, the ballot boxes shall be kept in safe custody and the candidates or their agents shall be entitled to be present to keep watch on the boxes until counting resumes.

58. Declaration of winning candidate

(1) Each returning officer shall, immediately after the addition of votes under subsection (1) of section 53, or after any recount, declare elected the candidate who has obtained the largest number of votes by completing a return in the prescribed form.

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

(a) the return form;

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

(c) the tally sheets; and

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

(3) Where a returning officer receives notice of a recount under section 55, he or she shall delay transmission of the return and report for the constituency in question until he or she has received from the court a certificate of the results of recount.

59. Declaration of results and reports by the Commission

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

(2) The Commission shall, as soon as practicable after each general election, produce a detailed report on the conduct of the election and submit it to the Minister who shall in turn present it before Parliament.

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

PART X—ELECTION PETITIONS.

60. Who may present election petition

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

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

- (a) a candidate who loses an election; or
- (b) a registered voter in the constituency concerned supported by the signatures of not less than five hundred voters registered in the constituency in a manner prescribed by regulations.

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

(4) For the purposes of this section, where any rules of court require a petition to be filed in any particular registry of the High Court, the filing of the petition in a registry of the High Court other than in the first-mentioned registry shall not invalidate the petition; and the registrar at the place where it is filed shall take necessary steps to cause the petition to be transferred to the appropriate registry but the court may award costs in respect of such filing.

61. Grounds for setting aside election

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

- (a) non-compliance with the provisions of this Act relating to elections, if the court is satisfied that there has been failure to conduct the election in accordance with the principles laid down in those provisions and that the non-compliance and the failure affected the result of the election in a substantial manner;
- (b) that a person other than the one elected won the election; or
- (c) that an illegal practice or any other offence under this Act was committed in connection with the election by the candidate personally or with his or her knowledge and consent or approval; or

- (d) that the candidate was at the time of his or her election not qualified or was disqualified for election as a member of Parliament.

(2) Where an election is set aside, then, subject to section 63, a fresh election shall be held as if it were a by-election in accordance with section 3.

(3) Any ground specified in subsection (1) shall be proved on the basis of a balance of probabilities.

62. Notice of petition to be served on respondent

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

63. Trial of election petitions

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

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

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

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

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

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

(a) dismiss the petition; or

(b) declare that a candidate other than the candidate declared elected was validly elected; or

(c) set aside the election and order a new election.

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

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

(a) the respondent was duly elected, the election shall be and remain as valid as if no petition had been presented against the respondent's election;

(b) the respondent was not duly elected but that some other person was or is entitled to be declared duly elected—

(i) the respondent shall be ordered to vacate his or her seat; and

(ii) the court shall certify its determination to the Commission and the Speaker, and the Commission shall thereupon, by notice published in the Gazette, declare that other person duly elected with effect from the day of the determination by the court.

(c) the respondent was not duly elected and that no other person was or is entitled to be declared duly elected—

(i) the seat of the respondent shall be declared vacant; and

(ii) the court shall forthwith, certify its determination to the Clerk to Parliament and the Commission.

(7) Nothing in this Part confers on the High Court power to convict a person of a criminal offence when hearing any election petition under this Part.

(8) At the conclusion of the hearing of an election petition, the High Court shall, if it is of the opinion that a person has been proved to have committed a criminal offence in connection with the election to which the petition relates, send a written report to the Director of Public Prosecutions stating the name of the person, the nature of the offence and any other information that the court may consider relevant and appropriate for the Director of Public Prosecutions.

(9) The High Court shall determine an election petition before it within six months after the petition was lodged in that Court.

64. Witnesses in election petitions

(1) At the trial of an election petition—

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

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

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

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

65. Withdrawal of election petitions

(1) An election petition shall not be withdrawn except with leave of the court and after such notice has been given as the court may ect.

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

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

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

66. Appeals

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

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

(3) A person aggrieved by the decision of the Court of Appeal under sub section (2) may appeal against the decision to the Supreme Court.

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

67. Petition to abate on death of petitioner

An election petition shall abate at the death of the sole petitioner or of all the petitioners.

PART XI—ILLEGAL PRACTICES.

68. Bribery

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

(2) A person who receives any money, gift or other consideration under subsection (1) also commits the offence under that subsection.

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

(a) offered by a candidate or candidate's agent who provides refreshments or food as an election expense at a candidates' campaign planning and organisation meeting; or

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

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

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

(6) A person who during the campaign in respect of an election, solicits from a candidate or a candidate's agent any money, gift, alcoholic beverage or other consideration in return for directly or indirectly influencing another person to vote or refraining from voting for a candidate or in consideration for his or her voting for the candidate or not voting for another candidate, commits an illegal practice.

69. Procuring prohibited persons to vote

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

70. Publication of false statements as to illness, death or withdrawal of candidate

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

71. Obstruction of voters

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

- (d) without authority sells or offers to sell any document relating to the holding of an election to any person or purchases or offers to purchase any such document from any person;
- (e) not being a person entitled under this Act to be in possession of any document relating to the holding of an election, has any such document in his or her possession;
- (f) knowingly and intentionally puts into a ballot box anything other than the ballot paper which he or she is authorised to put in;
- (g) without authority, takes out of a polling station any ballot paper or other official document relating to an election or is found in possession of any ballot paper or such document outside a polling station;
- (h) without due authority, destroys, takes, opens, or otherwise interferes with a ballot box, ballot documents or other property in use or intended to be used for the purpose of an election;
- (i) without due authority, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election; or
- (j) not being authorised so to do under this Act makes any mark on a ballot paper issued to a person, other than the person making the mark, with intent that the ballot paper shall be used to record the vote of that other person,

commits an offence and is liable on conviction to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years or both.

77. Unauthorised voting or voting more than once

A person who knowingly—

- (a) votes at an election at which that person is not entitled to vote; or
- (b) votes more than once at an election,

commits an offence and is liable on conviction to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years or both.

78 Making wrong returns of an election

An election officer, or other person having any duty to perform in relation to an election who—

- (a) makes in any record, return or other document which he or she is required to keep or make under this Act, any entry which he or she knows or has reasonable cause to believe to be false;
- (b) permits any person whom he or she knows or has reasonable cause to believe not to be a person with disability under subsection (1) of section 37 to vote in the manner provided for such persons under that subsection;
- (c) refuses to permit any person whom he or she knows or has reasonable cause to believe to be a person with disability under subsection (1) of section 37 to vote in the manner provided for such a person under that subsection;
- (d) wilfully prevents any person from voting at the polling station at which he or she knows or has reasonable cause to believe that person is entitled to vote;
- (e) wilfully rejects or refuses to count any paper which he or she knows or has reasonable cause to believe is validly cast in favour of a candidate;

- (f) wilfully counts any ballot paper as being validly cast in favour of a candidate which he or she knows or has reasonable cause to believe was not validly cast for that candidate; or
- (g) without reasonable cause acts or omits to act in breach of his or her official duty,

commits an offence and is liable on conviction to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years or both.

79. Personation

(1) A person who votes as some other person, commits the offence of personation whether that other person is living or dead or is a fictitious person.

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

80. Offence of undue influence

(1) Where a person—

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

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

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

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

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

that person commits the offence of undue influence.

(2) A person who commits an offence under subsection (1) is liable on conviction—

- (a) in case of an offence under subsection (1)(a) or in case of an offence under subsection (1)(b) where the offence involves abduction, to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years or both; or
- (b) in the case of an offence under subsection (1)(b) which does not involve abduction, to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.

81. Prohibition of certain activities on polling day

(1) Without derogation from any other provision of this Act or any other enactment, a person shall not, within one hundred metres of any polling station on any polling day—

- (a) canvass for votes;
- (b) utter any slogan;
- (c) distribute leaflets or pamphlets for or on behalf of any candidate;
- (d) organise or engage in public singing or dancing; or
- (e) use any band or any musical instrument.

(2) During the hours when a polling station is open on a polling day, a person shall not, within two hundred metres of any polling station—

- (a) seek to influence, in whatever manner, any person to vote for any candidate or to ascertain for which candidate any voter intends to vote or has voted; or
- (b) sell any intoxicating liquor.

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

82. Defacement of notice and posters

(1) A person who without lawful excuse, destroys, mutilates, defaces or removes any notice which is exhibited under the authority of this Act or any document which is made available for inspection under any provision of this Act, commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

(2) A person who maliciously defaces or removes or tears, any election poster of any nominated candidate, commits an offence and is liable, on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

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

83. Obstruction of election officers

A person who wilfully obstructs or interferes with an election officer in the execution of the officer's duty, commits an offence and is liable on conviction to a fine not exceeding seventy two currency points or imprisonment not exceeding three years or both.

PART XIII—GENERAL.

84. Tenure of office of members of Parliament

(1) A member of Parliament shall vacate his or her seat in Parliament—

- (a) if he or she resigns his or her office in writing signed by him or her and addressed to the speaker;

- (b) if such circumstances arise that if that person were not a member of Parliament would cause that person to be disqualified for election as a member of Parliament under article 80 of the Constitution;
- (c) subject to clause (4) of article 77 of the Constitution, upon dissolution of Parliament;
- (d) if that person is absent from fifteen sittings of Parliament without permission in writing of the Speaker during any period when Parliament is continuously meeting and is unable to offer satisfactory explanation to the relevant Parliamentary Committee for his or her absence;
- (e) if that person is found guilty by the appropriate tribunal of violation of the Leadership Code of Conduct and the punishment imposed is or includes the vacation of the office of a member of Parliament;
- (f) if recalled by the electorate in his or her constituency in accordance with the Constitution;
- (g) if that person leaves the political organisation or political party for which he or she stood as a candidate for election to Parliament to join another organisation or party or to remain in Parliament as an independent member;
- (h) if, having been elected to Parliament as an independent candidate, that person joins a political organisation or political party; or
- (i) if that person is appointed a public officer and has accepted the appointment.

(2) Notwithstanding paragraphs (g) and (h) of subsection (1) of this section, membership of a coalition government of which his or her original political organisation or political party forms part, shall not affect the status of any member of Parliament.

(3) The provisions of paragraphs (g) and (h) of subsection (1) and of subsection (2) of this section shall only apply during any period when the multiparty political system is in operation.

85. Right and procedure of recall

(1) Subject to article 84 of the Constitution, the electorate of any constituency and of any special interest group referred to in article 78 of the Constitution have the right to recall their member of Parliament before the expiry of the term of Parliament.

(2) The right to recall a member of Parliament only applies when the movement political system is in force.

(3) A member of Parliament may be recalled from that office on any of the following grounds—

- (a) physical or mental incapacity rendering that member incapable of performing the functions of the office; or
- (b) misconduct or misbehaviour likely to bring hatred, ridicule, contempt or disrepute to the office; or
- (c) persistent deserting of the electorate without reasonable cause.

(4) The recall of a member of Parliament shall be initiated by a petition in writing setting out the grounds relied on and signed by at least two thirds of the registered voters of the constituency or of the special interest group referred to in subsection (1), and shall be delivered to the Speaker.

(5) On receipt of the petition referred to in subsection (4), the Speaker shall, within seven days require the Commission to verify whether the petition is initiated within the requirements of subsection (4) and to conduct a public inquiry into the matters alleged in the petition and the Commission shall expeditiously conduct the necessary inquiry and report its findings to the Speaker.

(6) The Speaker shall—

- (a) declare the seat vacant, if the Commission reports that it is satisfied from the inquiry, with the genuineness of the petition; or
- (b) declare immediately that the petition was unjustified, if the Commission reports that it is not satisfied with the genuineness of the petition.
- (7) For the purposes of any inquiry under subsection (5), the Commission shall be assisted by counsel appointed by the Attorney-General.
- (8) The member of Parliament to whom the inquiry relates is entitled to appear in his or her own defence and to be represented by counsel of his or her choice.
- (9) Where it is alleged in a petition submitted under subsection (4) that a member of Parliament be recalled on grounds of permanent physical or mental incapacity rendering that member incapable of performing the functions of the office of member of Parliament, the Speaker shall request the head of the medical services of Uganda to appoint a medical board to examine the member of Parliament with a view to establishing the state of health of that member of Parliament and shall immediately notify the Commission of the appointment.
- (10) The member of Parliament shall be informed by the Commission of the appointment of the medical board within seven days after being notified of the appointment.
- (11) If the medical board determines that the member of Parliament in question is unfit for the work of Parliament on the ground specified in subsection (9), that member shall cease to be member of Parliament and the Clerk to Parliament shall notify the Commission of the vacancy under article 81(2) of the Constitution.
- (12) The medical board shall report its findings to the Commission with a copy to the Speaker.

(13) Where the Commission reports to the Speaker that the member of Parliament has refused or failed to submit himself or herself to be examined by the medical board, the member of Parliament shall be suspended from proceedings of Parliament for three months from the date the Commission's report is communicated to the Speaker.

(14) If the Commission further reports to the Speaker that the member in question has refused or failed to submit himself or herself for examination by the medical board within the period of three months referred to in subsection (13), the member of Parliament shall cease to be a member of Parliament upon the date of the report of the Commission and the Clerk to Parliament shall notify the Commission of the vacancy under article 81(2) of the Constitution.

(15) A member of Parliament who ceases to hold office under subsection (14) shall be deemed to have been recalled under subsection (3)(a) of this section.

(16) In the case of an allegation under paragraph (b) of subsection (3), the Commission shall request the Chief Justice to nominate a judicial officer to hear and determine the allegation and report his or her findings to the Commission as soon as possible and the Chief Justice shall nominate a judicial officer accordingly.

(17) The Commission shall, upon receipt of the findings of the judicial officer, embody them in its report to the Speaker.

(18) In the case of an allegation under paragraph (c) of subsection (3) the Commission shall, subject to this section, conduct such investigation and inquiry as may be just and practicable, in accordance with this section and shall report its findings to the Speaker.

(19) Subject to the provisions of this section, the Minister shall, with the approval of Parliament, by regulations, prescribe any additional procedure necessary to be followed for the recall of a member of Parliament.

86. Determination of questions of membership

(1) The High Court shall have jurisdiction to hear and determine any question whether—

(a) a person has been validly elected a member of Parliament or the seat of a member of Parliament has become vacant; or

(b) a person has been validly elected as Speaker or Deputy Speaker or having been so elected, has vacated that office.

(2) A person aggrieved by the determination of the High Court under this section may appeal to the Court of Appeal.

(3) Subject to the provisions of this Act in relation to election petitions, and to the provisions of article 137 of the Constitution, the Attorney-General may petition the High Court under article 86 of the Constitution for the determination of the question referred to in that article.

(4) If upon application to the Attorney-General in writing signed by not less than fifty registered voters stating that a question referred to in subsection (1) has arisen stating the ground for coming to that conclusion the Attorney-General fails to petition to the High Court within thirty days after receipt of the application, any one or more of the persons who made the application may petition the High Court for determination of the question.

(5) Any party aggrieved by the decision of the High Court may appeal to the Court of Appeal against the decision and subsequently appeal to the Supreme Court.

(6) The High Court, the Court of Appeal or the Supreme Court shall proceed expeditiously to hear and determine any question or as the case may be, any appeal before it under this section and may for that purpose suspend any other matter pending before it.

(7) In any case the High Court shall determine a question under this section within twelve months after the petition in relation to the question was lodged in that Court.

87. Prior consent of the D.P.P to prosecute

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

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

(a) charged with an offence under this Act; or

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

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

without the consent of the Director of Public Prosecutions.

(3) If no consent is obtained under subsection (1) within three months from the date of arrest or charge, the person charged shall be discharged.

(4) In a prosecution for an offence under this Act in relation to a ballot paper or other document, the property in the ballot paper or other document, as well as the property in the counterfoil of any ballot paper, shall be stated to be vested in the Commission.

88. Time within which criminal proceedings must be commenced

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

89. A person not to be required to divulge how he or she voted

A person who has voted at an election shall not, in any legal proceedings, whether taken to question the election or return or otherwise, be required to state for whom he or she has voted.

90. Penalty for interruption

A person who wilfully interrupts, obstructs or disturbs any proceeding taken under this Act in connection with an election, or disturbs the peace and good order of any such proceedings, commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

91. Service of notices and documents

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

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

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

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

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

92. When appointed dates fall on weekend or public holiday

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

93. Rules of court

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

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

- (a) regulating the practice and procedure of the High Court, the Court of Appeal and the Supreme Court for the purposes of hearing and determining petitions under section 85 or as the case may be, for hearing and determining appeals from decisions of the High Court under that section;
- (b) the practice and procedure to be observed in the hearing and determining of election petitions;
- (c) service of an election petition on the respondent;
- (d) priority to be given to the hearing of election petitions and other matters coming before the courts under this Act.

(3) Rules made under this section may, in the case of the High Court, the Court of Appeal and the Supreme Court, apply to the proceedings the rules of practice and procedure applicable to civil proceedings in the High Court, the Court of Appeal or the Supreme Court as the case may be, subject to such modifications as may be specified in the rules.

94. Saving in respect of vacation of office

Where as a result of the final determination of an election petition or a petition under section 86, the seat of any member of Parliament becomes vacant, the determination of the petition shall not invalidate anything done by that person, during the period preceding the determination, in the purported exercise of the functions of the office of that person.

95. Postponement of vacation of office

(1) When a member of Parliament—

- (a) is adjudged or declared to be of unsound mind; or
- (b) is adjudged or declared bankrupt in terms of article 80(2)(d) of the Constitution;
- (c) is sentenced to a term of imprisonment in terms of article 80(2)(e) of the Constitution; or
- (d) is convicted of an offence referred to in article 80(2) (f) or (g),

the seat of that member shall not become vacant until the expiry of the time within which an appeal may be lodged and where an appeal is lodged, until the appeal is fully disposed of or withdrawn.

(2) Where the High Court declares the seat of a member of Parliament vacant as a result of a petition lodged under section 8, the decision shall not have the effect of causing that person to vacate his or her seat—

- (a) where no appeal is lodged, until the expiry of the time within which an appeal may be lodged; or
- (b) where an appeal is lodged, the appeal has been fully disposed of or withdrawn.

(3) Where as a result of an election petition the election of a person who has been elected is set aside the decision shall not have the effect of causing that person to vacate his or her seat until—

(a) where no appeal is lodged, the expiry of the time within which an appeal may be lodged; or

(b) where an appeal is lodged, the appeal has been fully disposed of or withdrawn.

96. Commission to supervise other elections

The Commission shall have power to oversee and supervise and if requested by the Minister, conduct any election under any enactment preliminary to or directly or indirectly related to any election held or to be held under this Act for the purposes of article 78(1)(c) of the Constitution.

97. Publication in media

Whenever any matter is required to be published in the Gazette, it shall also as soon as practicable, be published in a newspaper circulating in the relevant area.

98. Minister's power to amend First Schedule

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

99. Modification of Act pursuant to change in political system under article 74

(1) Where a new political system is adopted in accordance with article 74 of the Constitution, the provisions of this Act, and any statutory instruments made under it, shall have effect subject to such modifications as are practical and necessary to give effect to the adoption of the new political system.

(2) Where a new political system is adopted as referred to in subsection (1), the Minister may, with the prior approval of Parliament, make such regulations as may be necessary for giving

effect to the change in the political system for the purposes of this Act and may in particular subject to subsection (1), where necessary, by such regulations, make different provision for campaigning than what is prescribed under this Act.

100. Regulations

(1) The Minister may, on the recommendation of the Commission and with the approval of Parliament, by statutory instrument, make regulations prescribing any matter which is required or authorised by this Act to be prescribed or which in his or her opinion is necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act other than matters to be prescribed by rules of court.

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

- (a) the form of any document to be used in the carrying out any of the purposes of this Act other than forms in proceedings before a court under this Act;
- (b) the duties of election officers, including the manner of identifying voters for issuing to them of ballot papers and the questions to be put to them;
- (c) the issue of voter's cards and duplicate voters' registration cards;
- (d) such measures to be taken in connection with an election as may be desirable or expedient to ensure that—
 - (i) employers provide their employees with an opportunity to vote in any election;
 - (ii) candidates are afforded reasonable access to the use of state-owned communication media, for the purposes of complying with clause (2) of article 67 of the Constitution and subsection (1) of section 22;

- (e) providing for the procedure for obtaining two thirds for recalling the Member of Parliament under article 84 of the Constitution where applicable.

(3) Regulations made under this section may provide in respect of the contravention of the regulations, penalties not exceeding a fine of forty eight currency points or imprisonment not exceeding two years or both.

101. Repeal and savings

(1) The Parliamentary Elections Act, 2001 is repealed.

(2) Notwithstanding the repeal effected by this section, until constituencies are prescribed by Parliament and demarcated by the Commission under article 63 of the Constitution, Uganda shall, in accordance with section 11 of the Electoral Commission Act, be divided into the constituencies set out in the First Schedule to the Parliamentary Elections (Interim Provisions) Statute, 1996.

(3) Without prejudice to the provisions of the Interpretation Act, any statutory instrument, form or other document made or existing under the Parliamentary Elections Act, 2001 and in force immediately before the commencement of this Act, shall, with the necessary modifications, continue in force until revoked or replaced under this Act.

SCHEDULES.

CURRENCY POINT

Section 1.

A currency point is equivalent to twenty thousand shillings.

FORMS

Section 4(8)

CERTIFICATE OF COMPLETION OF FORMAL EDUCATION OF
ADVANCED LEVEL STANDARD OR OF ITS EQUIVALENT

THE PARLIAMENTARY ELECTIONS ACT

I certify that.....(name), who was born on the
(date of birth), has satisfied the National Council for Higher Education in
consultation with the Uganda National Examinations Board that he/she has
completed formal education of advanced level standard or its equivalent, in
that he/she holds the following qualification/s –

.....
.....
.....
.....
.....

.....
Secretary of National Council for Higher Education

Date.....

[] Seal of National Council for Higher Education

Serial Number

FORMS

OATH OF ELECTION OFFICER

Section 7(4)

PARLIAMENTARY ELECTIONS ACT, 2005

I,

being appointed to exercise the functions of election officer swear in the name of the Almighty God/solemnly affirm that I will discharge my duties as election officer to the best of my abilities without fear or favour.

Dated this day of 20....

Signed:

.....

Election Officer.

Signed:

.....

Presiding Officer.

FORM ID

THE PARLIAMENTARY ELECTIONS ACT, 2005

Section 36(1)

DECLARATION OF IDENTITY BY A PERSON WHOSE NAME AND
VOTER NUMBER HAVE ALREADY BEEN USED BY ANOTHER
PERSON

Iof
.....polling station
.....village
.....Constituency
.....District, 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 am entitled to vote in this polling station because I.....
.....
(originate from, reside in) this electoral area;
4. I am the holder of Voter Card No.....
5. I have not yet voted in this particular polling station or elsewhere during the election;
6. I have not colluded with any person to vote in my name and under my voter number under the above-mentioned voter number.

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

.....
Name and Signature of Voter.

Subscribed and declared before me at.....this day of 20....

.....
Presiding Officer.

REPORT OF ARREST

Date

Polling station

I,, being
returning officer/presiding officer have arrested/caused the arrest of
(particulars of for the following reasons.

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....
Returning Officer/Presiding Officer

PARLIAMENTARY ELECTIONS ACT, 2005

OATH OF CONSTABLE

Section 41(4)

.....
being appointed to exercise the functions of election constable of the
Electoral Commission swear in the name of the Almighty God/solemnly
affirm that I will discharge my duties in maintaining order at the polling
station to the best of my abilities without fear or favour.

DATED this.....day of20....

Signed:

.....
Election Officer.

Before the:

.....
Presiding Officer

Cross references.

1. The Electoral Commission Act, Cap 140
2. The Interpretation Act, Cap 3

ACTS SUPPLEMENT

to The Uganda Gazette No. 74 Volume XCVIII dated 21st November, 2005.

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Act 18 ***Political Parties and Organisations Act*** **2005**

THE POLITICAL PARTIES AND ORGANISATIONS ACT, 2005.

ARRANGEMENT OF SECTIONS.

Section.

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2. Interpretation.

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SCHEDULES.**FIRST SCHEDULE—Currency Point.**

SECOND SCHEDULE—Districts in each of the traditional geographical regions of Uganda.

THIRD SCHEDULE—Forms.

THE POLITICAL PARTIES AND ORGANISATIONS ACT, 2005.

AN ACT to make provision for regulating the financing and functioning of political parties and organisations, their formation, registration, membership and organisation under articles 71, 72 and 73 of the Constitution; the prescription of a code of conduct for political parties and organisations and the establishment of a national consultative forum for political parties and organisations; to repeal and replace the Political Parties and Organisations Act, 2002 and for related matters.

WHEREAS under paragraph (e) of clause (1) of article 29 of the Constitution every person has the right to freedom of association which shall include the freedom to form and join associations or unions, trade unions and political and other civic organisations;

AND WHEREAS article 71 of the Constitution sets out the principles to which political organizations shall conform;

AND WHEREAS the right to form political parties and any other political organisations is guaranteed under article 72 of the Constitution which, in clauses (2) and (3) provides as follows—

“(2) An organisation shall not operate as a political party or organisation unless it conforms to the principles laid down in this Constitution and it is registered.

(3) Parliament shall by law regulate the financing and functioning of political parties and organizations”;

AND WHEREAS article 73 of the Constitution requires Parliament to regulate the conduct of political organizations subscribing to other political systems during the period when one political system is in force in Uganda;

AND WHEREAS article 270 of the Constitution provided that political parties or organisations in existence immediately before the commencement of the Constitution shall, notwithstanding clause (2) of article 72 of the Constitution continue to exist and operate in conformity with the provisions of the Constitution until Parliament makes laws relating to registration of political parties and organisations:

DATE OF ASSENT: 16th November, 2005.

Date of commencement: 21st November, 2005.

NOW THEREFORE, be it enacted by Parliament as follows—

PART I—PRELIMINARY.

1. Short title

This Act may be cited as the Political Parties and Organisations Act, 2005.

2. Interpretation

(1) In this Act unless the context otherwise requires—

“currency point” means the value specified in relation to a currency point in the First Schedule to this Act;

“district” means the area of authority of a District Council;

“executive committee” means the governing body of a political party or organisation by whatever name called;

“founder of a political party or organisation” means a person who participates in the establishment of a political party or organisation and who is among the first members of the political party or organisation;

“Minister” means the Minister responsible for justice and constitutional affairs;

“non-Ugandan non-Governmental Organisation” means a non-governmental organization which is registered in Uganda but whose headquarters are located outside Uganda;

“political organization” means any free association or organization of persons the objects of which include the influencing of the political process or sponsoring a political agenda, whether or not it also seeks to sponsor or offer a platform to a candidate for election to a political office or to participate in the governance of Uganda at any level;

“political party” means a political organisation the objects of which include the influencing of the political process or sponsoring a political agenda, whether or not it also seeks to sponsor or offer a platform to a candidate for election to a political office or to participate in the governance of Uganda at any level;

“promoter of a political party or organisation” means a signatory to the original documents registering that political party or organisation under section 7(1);

“public office” means an office in the public service;

“public officer” means a person holding or acting in any public office;

“public service” means services in a civil capacity of the Government or of a local government;

“symbol” includes a motto;

“traditional or cultural leader” means a king or similar traditional leader or cultural leader by whatever name called, who derives allegiance from the fact of birth or descent in accordance with the customs, traditions, usage or consent of the people led by that traditional or cultural leader.

(2) The definition of ‘political organisation’ in subsection (1) shall not include the following—

(a) the movement political system referred to in article 70 of the Constitution;

(b) pressure groups;

(c) civic organisations;

(d) news media organisations registered with the Media Council in accordance with the Press and Journalists Act.

(3) For the purposes of this section, a pressure group is a group of people that actively tries to influence public opinion and government action.

(4) For the purposes of this section, a civic organisation is an organisation registered as such under the laws of Uganda.

PART II—REGISTRATION OF POLITICAL PARTIES AND ORGANISATIONS.

3. Formation of political parties or organizations

(1) A political party or organisation may, in accordance with this Act, be founded in Uganda to further any purpose which is not contrary to the laws of Uganda.

(2) Every citizen of Uganda has a right to form or join a political party or organisation of his or her choice.

4. Electoral Commission to register political parties and organizations

The Electoral Commission shall be responsible for the registration of political parties or organisations under this Act.

5. Prohibition of ethnic or religious organisations

(1) A person shall not form a political party or organisation—

(a) the membership of which is based on sex, race, colour or ethnic origin, tribe, birth, creed or religion or other similar division; or

(b) which uses words, slogans or symbols which could arouse divisions on any basis specified in paragraph (a); or

(c) the objects and membership of which are not of a national character.

(2) For the purposes of subsection (1), a political party or organisation is formed on any of the basis specified in subsection (1) if membership or leadership is restricted to members of any particular category specified in that subsection or if its structure and mode of operation is not national in character.

(3) Any political party or organization and any member of the executive committee of a political party or organisation which or who contravenes any provision of this section commits an offence and—

(a) in the case of a political party or organisation, is liable on conviction to a fine not exceeding seventy two currency points; and

(b) in the case of a member of the executive committee of a political party or organization, is liable on conviction to a fine not exceeding seventy two currency points or imprisonment not exceeding three years or both.

(4) For the purpose of this section, a political party or organization shall not be taken to be of a national character unless it has in its membership at least fifty representatives from each of at least two thirds of all the districts of Uganda and from each region of Uganda.

6. Registration of political parties and organizations

(1) A political party or organization in Uganda shall be registered in accordance with this Act and shall pay such fee as may be prescribed by the Minister by regulations made under section 27.

(2) The Electoral Commission shall maintain a register of political parties and organisations under this Act.

(3) A political party or organisation registered under this Act shall be a body corporate and shall have perpetual succession and may sue and be sued in its corporate name; but a court or tribunal shall not have power in any suit to grant an order of involuntary winding up of a political party or organisation in favour of a judgement creditor.

7. Method of registration of political parties and organisations

(1) An application to register a political party or organisation shall be made to the Electoral Commission and shall be accompanied by—

(a) two copies of the constitution of the political party or organisation duly signed by authorized officers of the political party or organisation;

(b) a list of the full names and addresses of at least fifty members of the political party or organization from each of at least two thirds of all the districts of each of the traditional geographical regions of Uganda listed in the Second Schedule, being members ordinarily resident or registered as voters in the district;

(c) a full description of the identifying symbols, slogans and colours of the political party or organization, if any;

(d) the registration fee specified in section 6(1).

(2) The application referred to in subsection (1) shall be in Form 1 in the Third Schedule.

(3) The Electoral Commission may cause independent inquiries to be made so as to ascertain the truth or correctness of particulars submitted with the application.

(4) The Electoral Commission shall cause a notice of the application to be published in the *Gazette* within thirty days after receiving it, inviting objections from any person concerning the name, aim, objects, and constitution of the political party or organisation or on any other lawful ground and specifying the time not being longer than fourteen days within which the objections must be submitted.

(5) The Electoral Commission shall not register any political party or organisation whose—

(a) name, symbol, slogan, or colour resembles that of a political party or organisation that has already been registered or contravenes paragraph (a) of section 8;

(b) aims, objectives, or constitution, contravene any law.

(6) Where upon independent inquiries under subsection (3), the Electoral Commission is of the opinion that the particulars submitted are false or inaccurate—

(a) the Electoral Commission shall, within fourteen days, give notice of its opinion in writing and require the party or organisation to show cause why the registration should not be refused; and

(b) the political party or organization shall submit its answer in writing within twenty one days after receipt of the notice.

(7) Where an objection has been brought to the notice of the Electoral Commission under subsection (4), the Electoral Commission shall not register the political party or organisation until the objection has been disposed of by the Electoral Commission within fourteen days.

(8) The Electoral Commission shall determine any matter to which subsection (6) applies within twenty-one days after receipt of the answer of the political party or organisation under subsection (6) or if no answer is submitted, within twenty one days after the expiry of the period given for submitting an answer under that subsection.

(9) If the Electoral Commission determines that inquiries made under subsection (3) establish that any of the particulars submitted with the application for the registration do not conform to the requirements of this section, the Electoral Commission shall allow twenty one days for compliance.

(10) The Electoral Commission, upon registering a political party or organisation shall issue to that political party or organisation a certificate of registration which shall be evidence that the provisions of this Act with respect to registration have been complied with.

(11) The Electoral Commission shall process applications for registration under this section within six months.

(12) Where the Electoral Commission—

(a) refuses to register a political party or organisation under this section; or

(b) fails to process the application within the time prescribed in subsection (11),

the applicant may, in writing, petition the High Court for an order requiring the Electoral Commission to process the application.

(13) A person who has submitted an objection to the Electoral Commission under this section in respect of the application for registration of a political party or organisation and who is aggrieved by the decision of the Electoral Commission or the failure of the Electoral Commission to act on the objection, may petition the High Court.

8. Prohibition of certain identifying symbols, etc

A political party or organization shall not submit to the Electoral Commission for the purpose of registration under section 7, any identifying symbol, slogan, colour or name which is the same as or similar to the symbol, slogan, colour or name or initials of—

(a) any registered political party or organisation;

(b) the Republic of Uganda; or

(c) a statutory corporation or other body the whole or the greater part of the proprietary interest in which is held by or on behalf of the State, or in which the State has a controlling interest;

or which so closely resembles, the symbol, slogan, colour or name or initials of another political party or organisation or the Republic of Uganda or a body described in paragraph (c) as to be likely to deceive or confuse members of the public.

PART III—CONDUCT OF POLITICAL PARTIES
AND ORGANISATIONS.

9. Declaration of assets and liabilities

(1) Every political party or organization shall, within sixty days after the expiry of the first year after the issue to it of a certificate of registration under section 7, or such longer period as the Electoral Commission may allow, submit to the Electoral Commission a written declaration in Form 2 in the Third Schedule.

(2) The political party or organisation shall also, annually, after the first year, within such time as the Electoral Commission may direct, submit to the Electoral Commission a written declaration in Form 2 in the Third Schedule.

(3) A declaration submitted to the Electoral Commission under subsection (1) or (2), shall state the sources of funds and other assets of the political party or organization.

(4) The declaration shall be authorised by the members of the executive committee.

(5) The Electoral Commission shall, within thirty days after receipt of the declaration, publish in the Gazette notice of the fact that the declaration has been received and that it is available for inspection at the offices of the Electoral Commission by any member of the public upon payment of a fee prescribed under this Act.

(6) Where a political party or organisation fails to comply with this section within twenty one days after notice from the Electoral Commission to do so, the Electoral Commission may apply to the High Court for an order to de-register the political party or organisation.

(7) Without prejudice to any other penalty provided in this Act, where a political party or organisation makes a statement for the purpose of this section which is false in a material particular, the political party or organisation commits an offence and is liable on conviction to a fine not exceeding seventy two currency points.

(8) A member of the executive committee of a political party or organisation referred to in subsection (7) who contributes in any way to the commission of the offence referred to in that subsection, also commits the offence and is liable on conviction to a fine not exceeding seventy two currency points or imprisonment not exceeding three years or both.

10. Internal organisation of political parties or organisations

(1) A political party or organisation shall, in its internal organisation, comply with the provisions of the Constitution, in particular articles 71 and 72 of the Constitution.

(2) Every political party or organisation shall elect such persons as may be determined by the members of the political party or organisation as members of the executive committee of the political party or organisation with due consideration for gender equity.

(3) The election of members of the executive committee of every political party or organisation shall be conducted at regular intervals not exceeding five years.

11. Notification of changes or alterations in constitution, etc

(1) Where a political party or organisation registered under section 7 intends to change or alter—

(a) its constitution; or

(b) its identifying symbol, colour or name,

the political party or organisation shall notify the Electoral Commission of its intention.

(2) The Electoral Commission shall, in the case of a change under subsection (1), within twenty one days after the receipt of the notification, cause to be published in the *Gazette* a notice of the intended change or alteration.

(3) Every change or alteration referred to in subsection (1) shall come into effect when the Electoral Commission approves the application to change or alter the symbol, constitution, colour or name as the case may be, and after publication of the approval in the *Gazette*.

(4) A political party or organisation registered under section 7 shall notify the Electoral Commission in writing within twenty one days after any change occurs in the title, name or address of any person or office submitted to the Electoral Commission under section 7 and the Electoral Commission shall, within fourteen days after receipt of the notification, cause it to be published in the *Gazette*.

12. Records and audit of political parties or organizations

(1) Every political party or organization shall maintain at its national head office, an accurate and permanent record consisting of the following—

- (a) any contribution, donation or pledge of contribution or donation whether in cash or in kind made by the founders or promoters of the political party or organisation;
- (b) a statement of its accounts, showing the sources of its funds and the name of any person who has contributed to the funds including contributions by persons who are not citizens of Uganda, membership dues paid, donations in cash or in kind and all the financial transactions of the political party or organisation which are conducted through, by or with the head or national office of the political party or organisation;
- (c) any property that belongs to the political party or organisation and the time and mode of acquisition of the property; and
- (d) such other particulars as the Electoral Commission may reasonably require with respect to the foregoing.

(2) The record maintained under subsection (1) shall be accessible to any member of the political party or organisation.

(3) The accounts of every political party or organization shall be audited once in every year but not later than six months after its financial year by an auditor from a recognized professional body.

(4) A copy of the audited accounts referred to in subsection (3) shall be filed by the political party or organisation with the Electoral Commission within six months from the end of its financial year.

(5) A member of a political party or organization and also a member of the public is entitled upon payment of a reasonable fee prescribed by the Electoral Commission, to inspect or be given copies of the audited accounts of a political party or organization filed with the Electoral Commission under this section.

(6) Where a political party or organization does not submit its audited accounts under subsection (4) the Electoral Commission may order the accounts of a political party or organisation to be audited by an auditor appointed by the Electoral Commission and also require the political party or organisation to file with the Electoral Commission the audited accounts at a time specified by the Electoral Commission.

(7) For the avoidance of doubt, the political party or organisation shall be responsible for meeting the costs of any auditor referred to in subsection (6).

13. Non-Ugandans not to hold office in a political party or organization, etc

A person who is not a citizen of Uganda shall not be appointed to and shall not accept appointment to a political office in a political party or organisation.

14. Restriction on contributions from foreign sources, etc

(1) The persons or bodies referred to in subsection (2) shall not directly or indirectly make a contribution, donation or loan whether in cash or kind in excess of the value of twenty thousand currency points within any period of twelve months, to funds held or to be held by or for the benefit of a political party or organisation.

(2) Subsection (1) applies to the following—

(a) a non-Ugandan citizen;

(b) a foreign Government or diplomatic mission;

(c) a non-Ugandan non-Governmental organisation, registered in Uganda under the Non-Governmental Organisations Registration Act.

(3) A political party or organisation shall not—

(a) demand or accept directly or indirectly a contribution, donation or loan in excess of the value of twenty thousand currency points within any period of twelve months, from any organization specified in subsection (2); or

(b) demand or accept directly or indirectly any contribution, donation or loan in excess of the total value of two hundred thousand currency points in any period of twelve months from any one or more of the sources referred to in subsection (2).

(4) A political party or organisation which receives any contribution, donation or loan in accordance with sub-section (3) shall report to the Electoral Commission the acceptance of the contribution, donation or loan within twenty-one days after receipt.

(5) A political party or organisation shall not—

(a) obtain, solicit or receive any financial or other assistance 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;

(b) obtain, solicit or receive any financial or other assistance from an organisation which has been declared a terrorist organisation under the Anti Terrorism Act, 2002;

(c) employ for the purposes of its operations any financial or other assistance from any Government, institution, body or person described in paragraph (a) or from an organisation referred to in paragraph (b).

(6) For the purpose of this section the Minister responsible for internal affairs may, with the approval of Parliament, by statutory instrument, declare the foreign Governments, institutions, bodies or persons from whom assistance is prohibited under paragraph (a) of subsection (5).

(7) In this section “non-citizen” means—

- (a) a person who is not a citizen of Uganda as defined by the Constitution and the Uganda Citizenship Act;
- (b) in the case of a corporate body, in which the controlling interest lies with non-citizens;
- (c) in the case of a body where shares are not applicable, where the body’s decision-making lies with non-citizens;
- (d) a company in which the shares are held in trust for non-citizens;
- (e) a company incorporated in Uganda whose articles of association do not contain a provision restricting the transfer or issue of shares to non-citizens.

(8) For the purpose of this section “controlling interest” means—

- (a) in the case of a company with shares where the majority of shares are held by persons who are not citizens; and
- (b) in the case of a company without shares, a company in which decisions are arrived at by the majority who are not citizens.

(9) Any political party or organisation which contravenes this section, commits an offence; and any member of the executive committee of the political party or organisation who contributes in any way to the contravention also commits an offence, and is liable—

- (a) in the case of a political party or organisation, to a fine not exceeding seventy two currency points; or
- (b) in the case of a member of the executive committee of the political party or organisation, to a fine not exceeding seventy two currency points or imprisonment not exceeding three years or both.

(10) Without prejudice to any other penalty imposed by the court under this Act any money or other assistance, obtained by a political party or organisation contrary to this section shall be forfeited to the State by order of the court which convicts any person of a contravention of this section.

15. Duty of political parties or organisations to give information to Electoral Commission

(1) The Electoral Commission may, in writing, request an officer of a political party or organisation to furnish for inspection by the Electoral Commission records required to be maintained under section 12 or such other information as is reasonably required by the Electoral Commission to enable the Electoral Commission to ensure that the provisions of this Act are complied with.

(2) A political party or organisation or officer of the political party or organisation shall comply with a request made to it or to him or her by the Electoral Commission under subsection (1).

(3) Any political party or organisation or a person which or who—

(a) refuses or fails to comply with a request under this section;
or

(b) furnishes information knowing it to be false in any material particular,

commits an offence and is liable on conviction—

(i) in the case of a political party or organisation, to a fine not exceeding forty eight currency points; or

(ii) in the case of a person other than a political party or organisation, to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.

16. Certain persons not to participate in political party or political organisation activities

(1) A member of the Uganda Peoples Defence Forces, the Uganda Police Force, the Uganda Prisons Service or a public officer or a traditional or cultural leader or a person employed in a company wholly owned by the government shall not—

- (a) be a founder, promoter or other member of a political party or organisation;
- (b) hold office in a political party or organisation;
- (c) speak in public or publish anything involving matters of political party or organisation controversy; or
- (d) engage in canvassing in support of a political party or organisation or of a candidate standing for public election sponsored by a political party or organisation.

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

17. Merger of political parties and organisations

Where two or more registered political parties or organisations come together and merge as one party or organisation—

- (a) the registration of each party or organisation existing immediately before the effective date of the merger shall lapse; and
- (b) the new party or organisation shall be required to be registered for the purposes of this Act.

18. Alliance of political parties and organisations

Where two or more registered political parties or organisations form an alliance of their parties or organisations, the following provisions shall apply—

- (a) each party or organisation shall remain as a separate registered political party or organisation for the purposes of this Act;
- (b) each party or organisation shall furnish the Electoral Commission within such period as the Electoral Commission shall direct a copy of the terms of the agreement of the alliance;
- (c) in any public elections each candidate shall be personally identified by the symbol of his or her party on the ballot paper;
- (d) where the parties nominate separate candidates to contest an election in the same constituency each candidate shall be identified separately on the ballot paper and in relation to his or her party only; and
- (e) fees payable under this Act or any regulations made under this Act by or in respect of a candidate for elections shall be paid separately by or for each candidate standing for the elections in the name of his or her own party, the alliance notwithstanding.

PART IV—GENERAL PROVISIONS.

19. Code of conduct for political parties and organisations

(1) The Minister shall in consultation with the Electoral Commission and the political parties and organisations and with the approval of Parliament, by regulations made under section 27, prescribe a code of conduct for political parties and political organisations and may for that purpose provide for any other matter necessary for giving effect to the code of conduct.

(2) Without prejudice to the general effect of subsection (1) regulations made under that subsection may provide for appropriate sanctions for the breach of the code.

20. National consultative forum for political parties and political organisations

(1) There shall be a national consultative forum for political parties and political organisations.

(2) The national consultative forum shall be composed of—

(a) one representative from every registered political party or organisation appointed by the party or organisation;

(b) the chairperson of the Electoral Commission or his or her representative;

(c) the Attorney General or his or her representative as an ex-official member; and

(d) the secretary of the Electoral Commission, who shall be the secretary.

(3) The term of office of members of the national consultative forum nominated under subsection(2)(a) shall be for a period not exceeding five years.

(4) The functions of the national consultative forum shall include—

(a) liaising with the Electoral Commission on matters pertaining to political parties and organisations;

(b) ensuring that political parties and organisations comply with the code of conduct prescribed under section 19;

(c) communicating the complaints and grievances of political parties and organisations to the Electoral Commission;

(d) representing political parties and organisations in any case where the parties and organisations have to give a common position;

- (e) the resolution of disputes among political parties and organisations;
- (f) making recommendations to the Minister on any matter under this Act; and
- (g) such other functions as may be prescribed by the Minister with the approval of Parliament.

(5) Funds required for operating the national consultative forum shall be provided from monies approved by Parliament.

21. Non-compliance with this Act

(1) Where a political party or organisation does not comply with the provisions of this Act, the Electoral Commission may by writing require compliance; and if the political party or organisation persists in non-compliance, the Electoral Commission may apply to the High Court for an order winding up the political party or organisation.

(2) In any case, a political party or organisation convicted—

(a) of an offence under section 14; or

(b) of any other offence under this Act more than three times, the Electoral Commission shall apply to the High Court for an order to de-register the political party or organisation and the High Court shall make such orders as may be just for the disposition of the property, assets, rights and liabilities of the political party or organisation.

(3) Subsection (2) shall not have effect during any period when an appeal may be brought against any conviction referred to in that subsection or while any such appeal is pending.

22. Appeals

(1) Where any appeal under this Act has been determined by the High Court, any party aggrieved by the decision of the High Court may appeal to the Court of Appeal against that decision.

(2) Any party aggrieved by the decision of the Court of Appeal may appeal to the Supreme Court against the decision.

(3) Notwithstanding subsections (1) and (2), where a matter touches on the interpretation of the Constitution, any aggrieved party may petition the Constitutional Court.

(4) The Chief Justice may, in consultation with the Attorney-General, make rules of court to regulate the procedure in the High Court and Court of Appeal under this Act.

(5) Subject to this Act but without prejudice to the general effect of subsection (4), rules of court made under this section may—

(a) prescribe the time within which an appeal may be made or when any step connected with the appeal shall be taken;

(b) prescribe the time within which the appeal or any proceeding connected with the appeal shall be completed;

(c) prescribe forms and fees in relation to such appeals;

(d) apply to the appeal any existing rules of court or other enactment applicable to the High Court or the Court of Appeal as the case may be, and in each case with such modifications as may be specified in the rules made under this section.

23. Expedition of proceedings

Where any appeal under this Act or any proceedings arising out of section 21 are before the High Court, Court of Appeal or Supreme Court the Court shall proceed with the matter expeditiously and may, for that purpose, suspend any other matter pending before it.

24. Gazette notices, etc

Where a provision of this Act requires the Electoral Commission to publish anything in the *Gazette*, the Electoral Commission may, in addition, cause it to be published through the print and electronic media; and the provisions of this Act shall have effect accordingly.

25. Winding up of political parties or organisations

(1) Upon the court making an order winding up a political party or organisation under section 21, the court shall make such orders as appear just and equitable for the disposition of property, assets, rights and liabilities of a political party or organisation.

(2) The Electoral Commission shall not apply for an order winding up a political party if there is an appeal pending in respect of that matter.

26. Delegation by Electoral Commission

The Electoral Commission may designate any of its officials to carry out any functions conferred upon it by this Act.

27. Regulations

(1) The Minister may, with the approval of Parliament, make regulations for the implementation of the provisions of this Act.

(2) Without prejudice to the general effect of subsection (1), regulations made under it may prescribe a penalty for contravention of the regulations of a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

28. Minister's power to amend Schedules

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

29. Repeal and savings

(1) The Political Parties and Organisations Act, 2002 is repealed.

(2) Without prejudice to the general effect of the Interpretation Act—

(a) any political party or organisation registered under the repealed Act shall be deemed to be registered under this Act;

- (b) any statutory instrument made under the repealed Act and in force immediately before the commencement of this Act, shall, with the necessary modifications, continue in existence as if made under this Act until revoked under this Act;
- (c) any proceeding pending under the repealed Act before the commencement of this Act may be continued and completed under this Act.

SCHEDULES

FIRST SCHEDULE

Section 2

A currency point shall be equivalent to twenty thousand shillings.

SECOND SCHEDULE

Section 7(1)(b)

DISTRICTS IN EACH OF THE TRADITIONAL GEOGRAPHICAL
REGIONS OF UGANDA

1. Kalangala	}	Buganda
2. Kayunga		
3. Kiboga		
4. Luwero		
5. Masaka		
6. Mityana		
7. Mpigi		
8. Mubende		
9. Mukono		
10. Nakaseke		
11. Nakasongola		
12. Rakai		
13. Sembabule		
14. Wakiso		

1. Abim	}	East
2. Amuria		
3. Bugiri		
4. Bukwo		
5. Busia		
6. Butaleja		
7. Iganga		
8. Jinja		
9. Kaabong		
10. Kaberamaido		
11. Kaliro		
12. Kamuli		
13. Kapchorwa		
14. Katakwi		
15. Kotido		
16. Kumi		
17. Mayuge		
18. Mbale		
19. Moroto		
20. Nakapiripirit		

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|---------------|---|-------------|
| 21. Namutumba | } | East |
| 22. Pallisa | | |
| 23. Sironko | | |
| 24. Soroti | | |
| 25. Tororo | | |

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|-------------|---|--------------|
| 1. Adjumani | } | North |
| 2. Amolatar | | |
| 3. Amuru | | |
| 4. Apac | | |
| 5. Arua | | |
| 6. Dokolo | | |
| 7. Gulu | | |
| 8. Kitgum | | |
| 9. Koboko | | |
| 10. Lira | | |
| 11. Moyo | | |
| 12. Nebbi | | |
| 13. Oyam | | |
| 14. Pader | | |
| 15. Yumbe | | |

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|---------------|---|-------------|
| 1. Buliisa | } | West |
| 2. Bundibugyo | | |
| 3. Bushenyi | | |
| 4. Hoima | | |
| 5. Ibanda | | |
| 6. Isingiro | | |
| 7. Kabale | | |
| 8. Kaborole | | |
| 9. Kamwenge | | |
| 10. Kanungu | | |
| 11. Kasese | | |
| 12. Kibaale | | |
| 13. Kiruhura | | |
| 14. Kisoro | | |
| 15. Kyenjojo | | |
| 16. Masindi | | |
| 17. Mbarara | | |
| 18. Ntungamo | | |
| 19. Rukungiri | | |

THIRD SCHEDULE

FORM 1

Section 7(2)

APPLICATION TO REGISTER A POLITICAL
PARTY/ORGANISATION*(Under article 72(2) of the Constitution and section 7 of the Act)*

In the matter of an application by.....
(state the name of the Political Party/Organisation) for registration.

To: The Electoral Commission
Kampala.

We enclose the following:

1. Two copies of the Constitution of
(state the name of the Political Party/Organisation). The Constitution
comprises.....(state number of articles).
2. The following are the members of the Political Party/Organisation
(*delete whichever is not applicable*).

*Name**Address*

.....
.....

(Note: The names must be stated in full and the address must indicate village, parish, sub-county. Further, the member must be ordinarily resident or a registered voter in the district).

3. The colours of the Political Party/Organisation are.....
.....
(Give a full description of the colours including the order in which they will appear).
4. The symbol(s) of the Political Party/Organisation* shall be
(*delete whichever is not applicable*)
.....

(Give the description of the symbol(s) and
the slogan(s) of the Political Party/Organisation *)
(Delete whichever is not applicable).

5. I (full
names) holding the office of (title in
the Political Party/Organisation) do swear/affirm that the above facts
are true to the best of my knowledge.

Sworn at.....	} Deponent
by the said.....	
this.....	
day of.....20.....	

Before me

.....
Commissioner for Oaths

6. I (full names)
holding the office of (title in the
Political Party/Organisation) do swear/affirm that the above facts are
true to the best of my knowledge.

Sworn at.....	} Deponent
by the said.....	
this.....	
day of.....20.....	

Before me

.....
Commissioner for Oaths

For Official use only

**DECLARATION OF ASSETS AND LIABILITIES AND
PARTICULARS OF A POLITICAL PARTY/ORGANISATION**
(Article 71(e) of the Constitution and section 9 of the Act).

To: The Electoral Commission
Kampala.

I.....(full names) holding the office of
.....(title of office) in the
(state the name of the Political Party/Organisation) issued with a Certificate
of Registration on theday of.....20..... furnish
evidence of existence of location of national and other offices as below—

The national office is situate at.....(state plot
number, leasehold register and folio number. Attach a copy of the title deed)

The other offices are situate at:

<i>Town/Trading Centre</i>	<i>District</i>	<i>Name of Road/Street and Plot Number</i>
.....
.....
.....

Attach copies of rental agreement or title deeds if available. Also names
of the proprietor/landlord.

2. The members of the executive committee of the Political
Party/Organisation are:

Name

Office Held

.....
.....
.....
.....

3. The Political Party/Organisation has the following assets:

.....
.....
.....
.....
(Use separate page if space provided is not sufficient).

4. The following are the liabilities of the Political Party/Organisation

.....
.....
.....
.....
(Use separate page if space provided is not sufficient).

5. The income of the Political Party/Organisation in the previous year was shillings.....while the income of this year is shillings.....
(Attach the Balance Sheet)

6. The Political Party/Organisation received contributions, donations and/or pledges from its members as indicated in the Schedule attached to this declaration. (The Schedule shall state the name, party, card number, village, District of the member. It shall also indicate how much each member has contributed and whether in cash, kind or pledge).

7. I..... holding the office of..... in.....(name of Political Party/Organisation) do solemnly and sincerely declare that the contents of this declaration are true and I make this solemn declaration conscientiously believing them to be true (by virtue of the provisions of the Statutory Declarations Act, 2000, Cap. 22).

Declared aton this....day of.....20...

Before me

.....
Commissioner for Oaths/Notary Public

8. I holding the
office of in (name
of Political Party/Organisation) do solemnly and sincerely declare
that the contents of this declaration are true and I make this solemn
declaration conscientiously believing the contents to be true (by
virtue of the provisions of the Statutory Declarations Act).

Declared at on this day of 20...

Before me

.....
Commissioner for Oaths/Notary Public

Cross references

Constitution

Statutory Declaration Act, Cap. 22

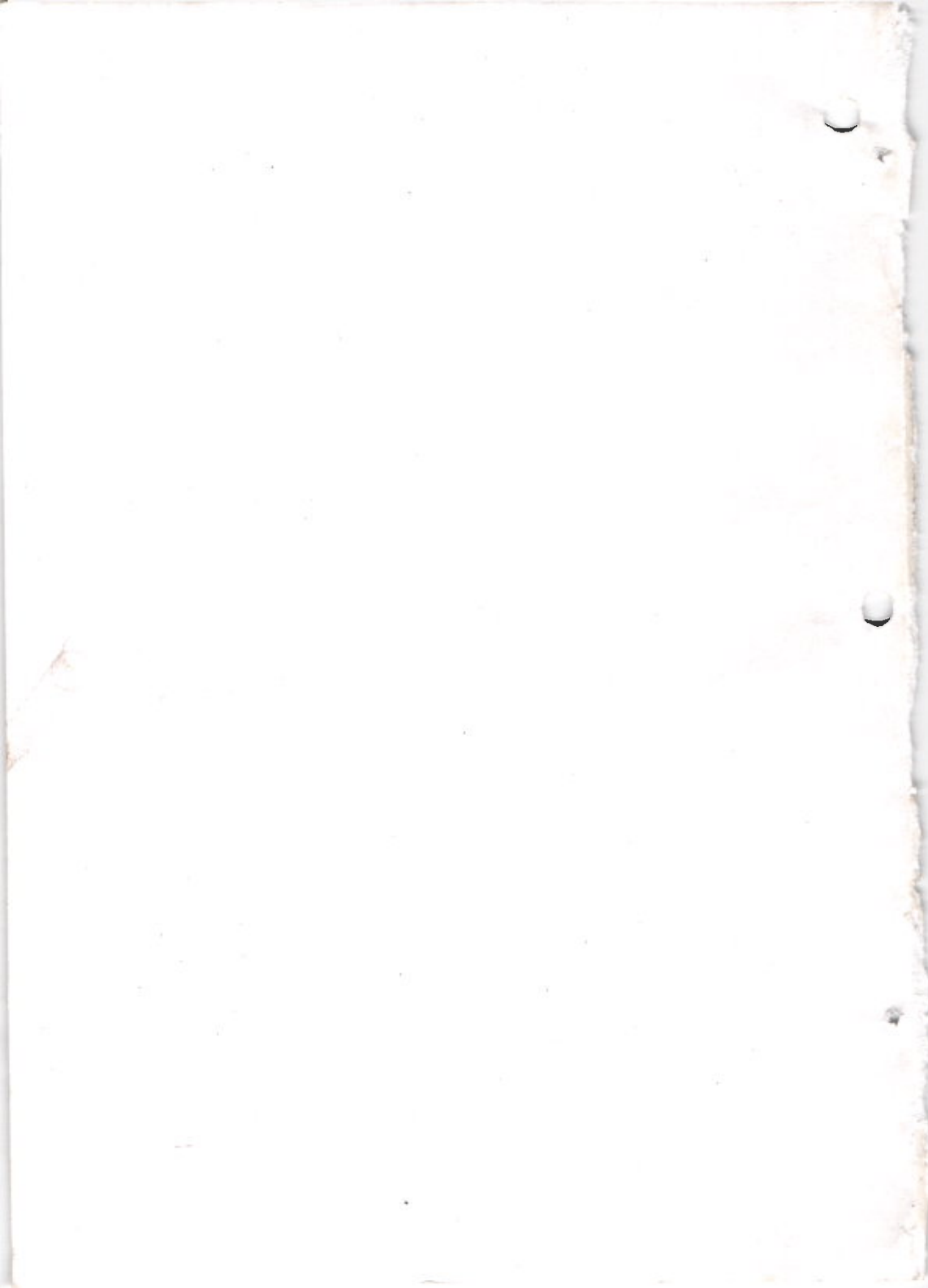
Uganda Citizenship Act, Cap. 65

Press and Journalists Act, Cap. 105

Non Governmental Organisations Registration Act, Cap 113

Anti Terrorism Act, 2002, Act No.14 of 2002

Political Parties and Organisations Act, 2002, Act No. 18 of 2002



ACTS SUPPLEMENT

to The Uganda Gazette No. 74 Volume XCVIII dated 21st November, 2005.

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Act 19

National Agricultural Research Act

2005

THE NATIONAL AGRICULTURAL RESEARCH ACT, 2005.

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SECOND SCHEDULE—Meetings of the council

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FOURTH SCHEDULE—Meetings of the management committee

FIFTH SCHEDULE—Composition of interviewing panel

THE NATIONAL AGRICULTURAL RESEARCH ACT, 2005.

An Act to provide for the development of an agricultural research system for Uganda for the purpose of improving agricultural research services delivery, financing and management; establishment of a National Agricultural Research Organisation with its governing council and as body corporate to serve as the apex body for guidance and coordination of all agricultural research activities in the national agricultural research system, to repeal the National Agricultural Research Organisation Act, Cap 205 and to provide for other related and incidental matters.

DATE OF ASSENT: 4th September, 2005.

Date of Commencement: 21st November, 2005.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Citation

This Act may be cited as the National Agricultural Research Act, 2005.

2. Interpretation

In this Act, unless the context otherwise requires—

Act 19

National Agricultural Research Act

2005

“adaptive research” means research designed to solve a specific problem for a specific decision maker or research designed to adjust a technology to specific environmental conditions, including the selecting or customising of technologies, processes, or knowledge to suit the needs of users in a specific location;

“agriculture” means the management and utilisation of natural resources to produce food, drink, fibre, wood and other products;

“agricultural” means the various kinds of activities and jobs or work connected, associated or based on agriculture;

“agriculturalist” means a person involved in the profession dedicated to the harnessing of plants and animals for food, drink, fibre, wood and other products and educating people how to do it for human use;

“agricultural product” means any plant or animal product or such other product as may be declared to be an agricultural product by the Minister for the purposes of this Act;

“agricultural research” means the furtherance, accumulation and improvement of knowledge in the agricultural and related sciences through original and other investigations and methods of a scientific or indigenous nature into the production, treatment or handling of an agricultural product, including research required for a better understanding of the process involved in or the environment necessary for the production of an agricultural product with the advancement of agriculture as its object;

“agricultural research service provider” means any person whether in the public or private sector who conducts or manages agricultural research in accordance with this Act; and includes a public agricultural research institute, universities, tertiary institutions, farmers groups, civil society organisations, private sector organisations and any other entity as may be determined by the council;

“applied research” means research on a subject with a broad range of problems facing a society as a whole or research that creates new technologies;

“basic research” means research designed to improve a discipline and advance the frontiers of knowledge or research that creates new scientific knowledge and may consist of research to develop or improve theories, techniques or measurements with known or unknown relevance;

“chairperson” means the chairperson of the council appointed under section 9;

“currency point” has the value given to it in the First Schedule to this Act;

“council” means the governing body of the National Agricultural Research Organisation;

“development” means the activities by which knowledge acquired through research is scaled-up and utilised;

“director general” means the director general appointed under section 15;

“farmer” means a person who gathers or raises plants, livestock, poultry and fish as food, drink, wood, fibre and other products for human use;

“farmers’ fora” means institutions comprising of democratically elected representatives from farmers’ groups at the sub-county, district or national level;

“farmers’ organisations” means organisations recognised by the council and are formed by those engaged in either production or processing or marketing of a specific agricultural commodity;

“farmer groups” means groups constituted by farmers who have common agricultural interests and is recognised by the council;

“Fund” means the Fund established under section 41;

“industry” means any enterprise involved in the processing of agricultural products in such fields as shall be approved in accordance with this Act;

“innovative agricultural research” means agricultural research that may not be considered immediately relevant but which may open up opportunities for the future and is funded under the innovative fund;

“invention” includes the development, in whatever way, of new animal breeds, plant cultivars and other organisms living or non-living;

“management committee” means the management committee of a public agricultural research institute;

“Minister” means the Minister to whom the President has assigned responsibility for agricultural research;

“NAADS” means the National Agricultural Advisory Services established by the National Agricultural Advisory Services Act, 2001;

“national agricultural research system” means a cross section of stakeholders whether in public or private sector; and comprises of the organisation, public agricultural research institutes, universities and other tertiary institutions, farmer groups, civil society organisation, private sector and any other entity engaged in the provision of agricultural research services;

“national strategic research” means research responding to national research questions or priorities and identifying the processes, principles and technological elements required for successful adaptation of technologies and increasing the efficiency of applied and adaptive research;

“organisation” means the National Agricultural Research Organisation established under section 5;

“private agricultural research” means research that focuses largely on technological innovations that enable inventors, agricultural research service providers, private firms and others to capture all or some of the economic benefits generated by their innovation;

“public agricultural research” means research that focuses on public interests and research outputs of public goods nature;

“public agricultural research institute” means a public agricultural research institute established under section 28;

“research of national strategic interest” means agricultural research that Uganda cannot rely on third parties to conduct;

“technology transfer” means the transfer of knowledge, techniques and processes for their application; and

“zonal agricultural research and development institute” means a zonal agricultural research and development institute established under section 28.

3. Purpose of this Act

The purpose of this Act is to—

- (a) create an integrated agricultural research system that will facilitate the achievement of sustainable increases in economic, social and environmental benefits from agricultural research services and products by all the people of Uganda;
- (b) provide for a market-responsive and client oriented national agricultural research system that generates knowledge and information, and disseminates demand driven problem solving, profitable and environmentally sound technologies on a sustainable basis;

- (c) create options for financing and delivery of agricultural research services appropriate for the different categories of farmers and market needs of Uganda;
- (d) facilitate the involvement of the private sector, universities, the civil society and others in the governance, financing, management and conduct of agricultural research;
- (e) provide innovative mechanisms for allocation and execution of agricultural research contracts including devolution of responsibilities for contracting of agricultural research to client-led organs and the provision of agricultural research services to the most competent agricultural research service providers;
- (f) provide for the continued public sector participation in the governance, financing, management and conduct of agricultural research;
- (g) provide for coordination of implementation of agricultural research activities either singly or jointly, with one or more agricultural research service providers;
- (h) promote linkages, partnerships and collaboration among various categories of agricultural research service providers whether public, private, local, regional or international in the conduct, financing and development of agricultural research in Uganda; and
- (i) provide for sustainable institutional arrangements for the governance, financing, management and conduct of agricultural research in Uganda.

4. Objects of agricultural research

The objects of agricultural research in Uganda are to—

- (a) transform agricultural production into a modern science-based market oriented agriculture capable of greater efficiency, profitability and of sustaining growth in the agricultural sector while contributing to poverty eradication;

- (b) promote agriculture and related industry for the purposes of contributing to the improvement of the quality of life and livelihoods of the people, having regard to the protection of the environment; and
- (c) support the development and implementation of national policy with relevant information and knowledge.

PART II—INSTITUTIONAL ARRANGEMENTS

5. Establishment of the National Agricultural Research Organisation ^{und}

(1) There is established an Organisation to be known as the National Agricultural Research Organisation.

(2) The organisation is a body corporate with perpetual succession and a common seal and may—

- (a) acquire, hold and dispose of moveable and immoveable property;
- (b) sue and be sued in its corporate name; and
- (c) do all other things as a body corporate may lawfully do.

(3) The organisation shall comprise the council as its governing body, committees of the council as its specialised organs, a secretariat for its day-to-day operations with the semi autonomous public agricultural research institutes under its policy guidance.

6. Object of the organisation ^{cal}

The organisation shall be the principal institution for the coordination and oversight of all aspects of agricultural research in Uganda.

7. Functions of the organisation

(1) The functions of the organisation shall be to—

- (a) provide strategic direction for publicly funded agricultural research in Uganda and act as a forum for agricultural researchers in Uganda;

and technology transfer in the agricultural sector so as to optimally utilise agricultural resources and improve production capacity of such resources;

- (j) provide leadership and advocacy for the promotion, protection and development of agricultural research in Uganda;
- (k) make grants or provide funds to any institution or person for the advancement of agricultural research and development on both competitive and non-competitive basis; and
- (l) perform such other functions as are conferred on the organisation by this Act or any other law for the purpose of promoting agricultural research and development.

(2) In carrying out its functions as a forum for agricultural researchers in Uganda, the organisation shall convene a meeting at least once a year of representatives of agricultural research service providers, farmers, private sector and civil society and other stakeholders for the purpose of discussing issues relevant to agricultural research and setting agricultural research priorities.

8. Other functions of the organisation

The organisation shall, in addition to its functions, in section 7, and subject to its objects—

- (a) advise the Minister on research, development and technology transfer in the field of agriculture;
- (b) co-ordinate, collect, collate and analyse data and information on agricultural research and ensure their publication and dissemination, and take inventory of all agricultural research in Uganda;
- (c) inspect facilities and any area where agricultural research is being carried out or intended to be carried out;
- (d) register potential agricultural research service providers in the public and private sectors; and

- (e) maintain a central register of agricultural research and development.

9. The members of the council

(1) The council shall consist of the following members—

- (a) an eminent Ugandan scientist who shall be a chairperson appointed by the Minister;
- (b) four representatives of farmers, at least two of whom shall be women elected in a manner prescribed by the Minister by recognised Farmers' Groups or organisations and one of whom shall be a person with disabilities elected in a manner prescribed by the Minister;
- (c) a representative from the private sector;
- (d) a representative of the Uganda Non-Governmental Organisations Forum;
- (e) three persons with experience in agricultural research representing the Universities, public agricultural research institutes and private agricultural research providers at least one of whom shall be a woman;
- (f) a representative of the local authorities nominated by the Uganda Local Authorities Association;
- (g) the Permanent Secretary of the Ministry responsible for agricultural research;
- (h) the Permanent Secretary of the Ministry responsible for finance;
- (i) the director general, *ex-officio*;
- (j) the Executive Director NAADS, *ex-officio*; and
- (k) the Executive Secretary of Uganda National Council for Science and Technology, *ex-officio*.

- (d) set targets and approve work plans and budgets for the organisation;
- (e) establish with the approval of the Minister the terms and conditions of service and approve rules and procedures for appointment, termination and discipline of staff of the organisation's secretariat and employees of public agricultural research institutes;
- (f) appoint and discipline members of staff of the organisation's secretariat;
- (g) appoint the directors and research scientists of the public agricultural research institutes, but in exercising this function, the council shall ensure full participation of the management committee of the respective public agricultural research institute in the entire process and the interviewing panel for this purpose shall be constituted in accordance with the fifth schedule; and
- (h) perform any other functions relating to the above as the Minister may direct.

15. Secretariat and staff of organisation

- (1) The organisation shall have a secretariat which shall be responsible for the day to day operations of the organisation.
- (2) The secretariat shall be headed by the director general who shall be appointed by the Minister on the recommendation of the council on such terms and conditions to be specified in the instrument of appointment.
- (3) The director general shall be a person with a minimum qualification of a masters degree with proven experience in public or private sector management and administration, and with relevant experience in agricultural research.
- (4) The director general shall hold office for four years and is eligible for re-appointment for one further term.

16. Functions of director general

(1) The director general is the chief executive of the secretariat and is responsible for the day-to-day operations and administration of the secretariat.

(2) Subject to this Act and to the general supervision and control of the council the director general is responsible for—

- (a) tendering advice to the council;
- (b) coordinating and implementing policies, programmes and activities of the organisation and reporting on them to the council;
- (c) the proper management of the funds, property and affairs of the organisation;
- (d) managing the various funds created by this Act;
- (e) coordinating and monitoring of agricultural research programmes and the award of contracts given under the Agricultural Research Trust Fund established under this Act and any other agricultural research activities contracted directly by the organisation;
- (f) the management and control of the staff of the organisation's secretariat;
- (g) the development of an operating plan and strategies to guide the organisation in achieving its objectives;
- (h) the development of management plans and strategies for utilisation in agricultural research;
- (i) the development of an efficient and cost effective internal management structure; and
- (j) performing any other duty that may be assigned to him or her by the council or under this Act.

(3) The director general, in the performance of his or her functions, is answerable to the council.

17. Vacation of office by the director general.

The director general shall cease to hold office if—

- (a) he or she resigns;
- (b) he or she is declared or becomes bankrupt, insolvent or has made an arrangement with his or her creditors;
- (c) he or she is convicted of an offence involving dishonesty, fraud or moral turpitude;
- (d) he or she is removed from office by the members of the council for—
 - (i) inability to perform the functions of his or her office arising from infirmity of body or mind; or
 - (ii) misbehaviour or misconduct; or
 - (iii) incompetence.

18. Other staff

(1) The organisation shall engage such other officers and employees as may be necessary for the proper and efficient discharge of its objects and functions.

(2) The officers and employees appointed under this section shall hold office on terms and conditions that the council may determine.

(3) Without prejudice to the generality of subsection (2), the organisation may provide for the payment to its officers and employees of salaries, allowances, pension, gratuities or other retirement benefits and may require them to contribute to any pension, provident fund or superannuation scheme.

19. Committees of the council

(1) The council may appoint such committees as it may determine to assist it in the carrying out of its functions and may delegate to any committee such functions as it may consider fit and subject to such condition as it may determine.

(2) The committee appointed under subsection(1) shall consist of a chairperson who shall be a member of the council and four other persons whether members of the council or not.

(3) The council shall prescribe the procedure of any committee appointed by it under this section.

20. The finance, scientific and users committees

(1) Without prejudice to the provisions of section 19, there is established the following standing committees of the council whose members shall be appointed in accordance with section 19—

- (a) finance committee;
- (b) scientific committee; and
- (c) users committee.

(2) In appointing the committees, the council shall ensure that there is adequate representation of farmers on the finance committee and that the user committee is composed of farmers and other users of result of agricultural research.

(3) The finance committee shall—

- (a) ensure that financial and other resources are mobilised and effectively deployed;
- (b) review and recommend for approval annual budget and financing plan of the organisation and public agricultural research institutes;

- (c) plan financing of the envisaged agricultural research, development and technology transfer, taking into consideration the available expertise and the economic merits; and
 - (d) subject to the instructions of the council, perform such other functions as the council may determine.
- (4) The scientific committee shall—
- (a) ensure that publicly funded agricultural research has a scientific, social, economic and environmental basis;
 - (b) recommend national thematic research areas on basis of national priorities determined in consultation with stakeholders;
 - (c) identify core agricultural research activities to be undertaken by the public agricultural research institutes;
 - (d) review and recommend on the core capacity including on an annual basis, the budgetary resources required to undertake core agricultural research activities by public agricultural research institutes;
 - (e) review projections on requirements for different types of scientific expertise and recommend appropriate human resources development and capacity development needs for the entire agricultural research system;
 - (f) coordinate the external and peer reviews of publicly funded agricultural research programmes, proposals and bids for their scientific integrity, taking into consideration the available expertise, facilities, the economic and social merits; and
 - (g) perform such other functions as the council may determine.
- (5) A users committee shall—
- (a) ensure that the clients' needs and priorities are met in all agricultural research activities; and
 - (b) perform such other functions as the council may determine.

PART III—PROVISION OF AGRICULTURAL RESEARCH SERVICE

21. Provision of agricultural research services

Under the national agricultural research system, agricultural research services shall be provided by agricultural service providers who shall comprise of public agricultural research institutes, universities, tertiary institutions, private sector organisations, civil society organisations, farmers groups and any other entity with appropriate capacity as may be determined by the council.

22. Common functions of agricultural research service providers

(1) The functions of agricultural research service providers shall include—

- (a) carrying out agricultural research whether basic, applied, adaptive or strategic;
- (b) utilisation of the technologies and expertise in its possession arising out of publicly funded agricultural research including making it generally available;
- (c) mobilising teams to carry out agricultural research;
- (e) participating in problem identification and prioritisation;
- (f) establishment and control of facilities in fields of research, development and technology transfer which are of interest to them or which the organisation may from time to time delegate to them;
- (g) the training of agricultural researchers and others;
- (h) hiring or letting of services for the management and conduct of agricultural research;
- (i) establishing and maintaining collaboration with other agricultural research service providers, organisation and agricultural research institutes both at national and international levels;

- (j) reporting on the findings of agricultural research to the organisation in particular agricultural research service undertaken with public funding from the organisation;
- (k) as an end-product of research development and technology transfer undertaken—
 - (i) produce, process and sell agricultural products;
 - (ii) conduct or commission market research and sale of its results;
 - (iii) provide against payment, services not directly related to agricultural research;
- (l) acquisition and dissemination of agricultural research and development results from tertiary institutions and other entities; and
- (m) provision of grants for agricultural research and development activities;
- (n) providing agricultural research services as a contracted agricultural research service provider and entering into performance arrangement with the organisation or any other person;
- (o) ensuring the multiplication of foundation technologies;
- (p) undertaking agricultural research with farmers and other stakeholders; and
- (q) collaborating and consulting with the farmers' fora and farmer groups or organisations provided for under Part V of this Act.

(2) An agricultural research service provider shall be professionally competent as shall be determined by the council.

23. Registering of agricultural research service providers

(1) No person or institution shall provide or carry out agricultural research service using public funds under this Act, unless that person or institution is registered to do so by the organisation or is working in partnership and under the guidance of a person or institution registered by the organisation.

(2) The Minister shall, on the recommendation of the council by regulations, provide the system of registering of agricultural research service providers and the fees payable and other matters connected with it.

(3) Any person who contravenes this section, commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

24. Guidelines for carrying out agricultural research

(1) The council shall issue guidelines and such directives as may be necessary for the conduct and management of agricultural research.

(2) Any person who fails to comply with the guidelines or directives issued under subsection (1) commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

25. Contracting of agricultural research service providers

(1) The council may contract or enter into an arrangement with an agricultural research service provider to carry out agricultural research on any agricultural product or activity.

(2) An agricultural research service provider under this Act shall carry out agricultural research activities in accordance with a performance contract from the organisation, or from a public agricultural research institute, or from a local government and in accordance with code of conduct issued by the organisation.

(3) Notwithstanding anything to the contrary in this Act, research, development and technology transfer shall under subsection (1) be undertaken on such conditions as may be agreed upon between the organisation and the agricultural research service provider, including any institution, Government or Local government, on whose behalf the research, development and technology transfer are to be undertaken.

26. Functions of universities and tertiary institutions

Subject to the Universities and Tertiary Institutions Act, 2002 and in addition to the provisions of section 22(1), the function of universities and tertiary institutions in the provision of agricultural research shall be—

- (a) training the personnel who shall act as agricultural research service providers;
- (b) acting as centres of excellence, especially for basic scientific research;
- (c) providing services as managers of agricultural research at any level;
- (d) conducting strategic research on contract from the organisation and the private sector; and
- (e) undertaking adaptive research on a competitive basis from organisation, local governments, civil society and the private sector.

27. Functions of the private sector and civil society organisations

(1) In addition to the provision of section 22(1), the private sector and civil society organisations shall—

- (a) participate in the articulation of demand and supply of agricultural research services;
- (b) mobilise and provide funds, personnel and facilities for agricultural research; and
- (c) provide advice and information to support the development and implementation of a given policy.

(2) The organisation may contract the universities, private sector and civil society organisations to provide a variety of agricultural research services such as—

- (a) providing services as managers of agricultural research at any level;

- (b) conducting agricultural research through contracts from the organisation, from the public agricultural research institute or from local governments;
- (c) conducting technology demonstrations and multiplication; and
- (d) participating in monitoring and evaluating agricultural research programmes.

PART IV—ESTABLISHMENT OF PUBLIC AGRICULTURAL RESEARCH
INSTITUTES

28. Establishment of public agricultural research institutes

(1) For the purpose of this Act, there are established public agricultural research institutes as provided in the third schedule to this Act as semi-autonomous agencies under the policy guidance of the National Agricultural Research Organisation for the purpose of providing agricultural research services.

(2) The public agricultural research institutes shall be of two categories—

- (a) national agricultural research institutes; and
- (b) zonal agricultural research and development institutes.

(3) The objectives of public agricultural research institutes shall be—

- (a) in case of national agricultural research institutes, to manage and carry out agricultural research of a strategic nature and of national importance; and
- (b) in case of zonal agricultural research and development institutes, to manage and carry out agricultural research whether applied or adaptive for a specific agro-ecological zone.

(4) A public agricultural research institute shall be under the general supervision of its management committee.

29. Operation of a public agricultural research institute

(1) A public agricultural research institute shall be autonomous in its operations relating to the implementation of its programmes, allocation and management of its resources in accordance with its approved annual programmes and budget as approved by the council.

(2) Each public agricultural research institute shall have a management committee.

(3) Each public agricultural research institute shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its own name and do things as body corporate may lawfully do.

30. Establishment of other public agricultural research institutes

Subject to section 60, the Minister may, on the advice of the council, establish such other public agricultural research institutes, as may be deemed necessary for the purposes of carrying out agricultural research.

31. Functions of a public agricultural research institute

In addition to the functions prescribed in section 22, the specific functions of a public agricultural research institute shall be as follows—

- (a) planning, conducting national strategic agricultural research which is of public interest and in case of zonal agricultural institute, conducting applied and adaptive research of zonal importance;
- (b) acting as a centre of excellence and reference on specified agricultural research programmes and enterprises;
- (c) conducting relevant training and skills development programmes for other agricultural research service providers;
- (d) maintaining core technical, administrative research staff and facilities;
- (e) providing technical back-stopping to advisory service providers in collaboration with NAADS;

- (f) establishing and maintaining regular contacts and collaboration with other research and technology institutes both at national and international levels; and
- (g) exploring new opportunities in agricultural research and development.

32. Composition of management committee of a public agricultural research institute

(1) A management committee of a public agricultural research institute shall consist of persons provided for in subsections (2) and (3).

(2) In case of a National Agricultural Research Institute, it shall comprise of—

- (a) the director of the institute who shall be an *ex-officio* member;
- (b) a representative of the Ministry responsible for agricultural research;
- (c) three representatives of the farmers, at least one of whom shall be woman elected in a manner prescribed by the Minister by recognised Farmers' Groups or farmers' organisation and one of whom shall be a person with disabilities elected in a manner prescribed by the Minister;
- (d) a representative of the agricultural advisory service providers;
- (e) an eminent scientist not affiliated to any of the public agricultural research institutes; and
- (f) two other persons of integrity and who had experiences of and proven capacity in economic, finance, development, business or administration.

(3) In case of the Zonal Agricultural Research and Development Institutes, it shall comprise of the following—

- (a) three representatives of farmers at least one of whom shall be a woman elected in a manner prescribed by the Minister by recognised farmers' group or farmers' organisations and one of whom shall be a person with disabilities elected in a manner prescribed by the Minister;
- (b) a representative chosen by the agricultural advisory service providers from within the area served by a particular zonal agricultural research and development institute;
- (c) the director of the zonal agricultural research and development institute, *ex-officio* member;
- (d) a representative from the district local governments served by a particular zonal agricultural research and development institute; and
- (e) two other persons of integrity and had experiences of and proven capacity in economic, finance, business, development or administration.

(4) The members of the management committee shall recommend to the council for appointment a person as their chairperson.

(5) The chairperson and members of the management committee shall be persons of high moral character and proven integrity who have experience of, and shown capacity in agriculture, agricultural research, business and administration.

(6) The council shall appoint the members of the management committee and membership of the management committee shall be on part time basis.

(7) The council shall, in appointing the members of the management committee, ensure that there is a balance of skills, gender and experience among the members of the management committee.

(8) The members of the management committee shall hold office on terms and conditions specified in their instruments of appointment.

(9) The Minister may, by statutory instrument alter the composition of a management committee of a public agricultural research institute as and when necessary.

33. Functions of the management committee

The management committee of a public agricultural research institute shall—

- (a) formulate the policies of a public agricultural research institute and mobilise sufficient resources for the proper functioning of a public agricultural research institute;
- (b) ensure that the objects and functions of a public agricultural research institute are carried out in line with policy and guidelines provided by the council;
- (c) approve work plans and prepare budgets for a public agricultural research institute;
- (d) appoint and discipline all support staff of a public agricultural research institute;
- (e) provide technical support and guidance to a public agricultural research institute in the delivery of agricultural research services;
- (f) convene a meeting twice a year of agricultural researchers from the respective public agricultural research institute, farmers, NAADS service providers, local authorities and other relevant stakeholders for the purpose of discussing matters relevant to the conduct of the respective institutes-program of agricultural research;
- (g) establish and maintain linkages between the respective public agricultural research institute and National Agricultural Advisory Services;
- (h) establish an appropriate incentive scheme for the employees of a public agricultural research institute;

- (i) in collaboration with the council formulate and design the human resource development and training programmes for the public agricultural research institutes;
- (j) prepare for approval by the council rolling three years research and manpower development plans for the public agricultural research institutes;
- (k) develop and implement an agricultural research information management strategy for the public agricultural research institutes and facilitate sharing of information amongst the public agricultural research institutes;
- (l) review and evaluate performance of all staff of public agricultural research institutes; and
- (i) do all other things which are incidental to the efficient and effective discharge of the functions of the management committee.

34. Tenure of office of the management committee

(1) A member of the management committee other than the director, shall hold office for three years and is eligible for re-appointment for one more term.

(2) A member of the management committee may at any time, resign his or her office by letter addressed to the Council.

(3) The council may, at any time, remove a member of the management committee

- (a) for inability to perform the functions of his or her office arising from infirmity of body or mind;
- (b) for misbehaviour or misconduct;
- (c) for incompetence;
- (d) if the member is absent without prior permission of the chairperson, for more than four consecutive meetings of the management committee;

- (e) if the member is bankrupt or insolvent or enters into a composition scheme with his or her creditors; or
- (f) if the member is convicted of an offence involving dishonesty, fraud or moral turpitude.

35. Remuneration of management committee

The chairperson and the members of management committee shall be paid such remuneration as the Minister may in consultation with the Minister responsible for public service determine in relation to that member.

36. Funds of a public agricultural research institute

(1) The funds of a public agricultural research institute shall consist of—

- (a) money appropriated by the Parliament for the purposes of a public agricultural research institute;
- (b) monies received by virtue of the contracts and the functions performed by the institute as agricultural research service provider;
- (c) loans, donations or contributions from any person, local government, institution or private company; and
- (d) money which may become payable to the institute in the performance of its functions.

(2) All revenue collected by or payable to a public agricultural research institute shall form part of the revenue of the public agricultural research institute and, having regard to its capacity to generate income from its own operations and its annual business plans and budget, the Minister after consultation with the Minister responsible for finance shall determine, in respect of each public agricultural research institute the amount of revenue which shall remain the property of the public agricultural research institute.

37. Meetings of the management committee

The Fourth Schedule has effect in relation to meetings of the management committee and other matters provided for in that Schedule.

PART V—FARMERS' FORA AND OTHER FARMERS' GROUPS OR ORGANISATIONS

38. Farmers' fora and other farmers' groups or organisations

The farmers' fora referred to and established under Part IV of the National Agricultural Advisory Services Act, 2001 and other farmer groups or organisations recognised by the organisation shall carry out the following functions for the purpose of this Act—

- (a) identify and prioritise agricultural research needs;
- (b) monitor the effectiveness of agricultural research activities;
- (c) advise on the use and integration of local knowledge in agricultural research;
- (d) collaborate with agricultural research service providers in agricultural research and development activities;
- (e) assist local communities to benefit from agricultural research;
- (f) perform such other functions relating to agricultural research as the organisation may require or delegate to them; and
- (g) inform the organisation of the ideas, desires and opinions of the people in their respective areas on all matters relating to agricultural research.

PART VI—DISCOVERIES, INVENTIONS AND IMPROVEMENTS BY AGRICULTURAL RESEARCH SERVICES PROVIDERS

39. Rights of patents, inventions etc

(1) All rights of patent in discoveries, inventions and improvements on proprietary inputs both technological and material, transformational systems, selectable markers, promoters, genetic research including diagnostic probes, shall vest in the organisation in cases of agricultural research from public funds.

(2) Subject to subsection (1), the rights in all discoveries and innovations and in all improvements in respect of processes, apparatus and machinery made by—

(a) persons assisting the organisation with any investigation or research shall vest in the organisation; or

(b) persons to whom bursaries or grants-in-aid have been granted by the organisation, shall vest in the organisation.

(3) For the purpose of this section, the intellectual property rights is limited to tools and methods used in agricultural research.

(4) The organisation may make discoveries, inventions and improvements referred to in subsection (2) available for use in the public interest subject to such conditions or the payment of such fees or royalties as the organisation may determine.

(5) Where any discovery, invention or improvement is vested in the organisation under subsection (1), the organisation may award to the person responsible for the discovery, invention or improvement such bonus as agreed, or make provision for financial participation by that person in the profits derived from the discovery, invention or improvement to such extent as the organisation may determine, after consultation with the Minister and in accordance with the existing laws relating to intellectual property rights.

(6) The organisation or an agricultural research service provider may apply for a patent in respect of any discovery, invention or improvement referred to in subsection (1), and shall for the purposes of Patents Act and Plant Variety Protection Act be regarded as the assignee of the discoverer or inventor in question.

(7) The Minister in consultation with the council shall prescribe by regulations the manner for protecting intellectual property, innovations, improvements and inventions arising out of agricultural research.

40. Amendment of the Patents Act, Cap 216

For purposes of patenting results of a discovery, invention or improvement, made under section 39, section 7 of the Patents Act is amended by repealing paragraph (b) of subsection (2).

PART VII—FINANCE**41. Agricultural Research Trust Fund**

(1) There is established a fund to be known as the Agricultural Research Trust Fund.

(2) Subject to the provisions of this Act, the Agricultural Research Trust Fund shall be managed by the council.

(3) The monies to constitute the Agricultural Research Trust Fund shall consist of—

- (a) moneys appropriated by Parliament;
- (b) loans obtained by Government;
- (c) grants from donors;
- (d) any surplus made from the operations of the council and declared to the Minister responsible for finance;
- (e) any monies paid into the Fund under this Act; and
- (f) any other source approved by the Minister in writing in consultation with the Minister responsible for finance.

42. Utilisation of the Agricultural Research Trust Fund

(1) The Fund shall be utilised as follows—

- (a) for funding of core activities of research of national strategic interest;
- (b) to create endowment, with which to support competitive funds;
- (c) for funding of national and zonal competitive agricultural research contracts; and

(d) for funding of innovative agricultural research.

(2) The Minister shall, on the recommendation of the council, by regulations provide for—

(a) management of the Fund;

(b) eligibility criteria for research funding; and

(c) adequate representation of farmers on the body administering the Fund.

43. Funds of the organisation

(1) The funds of the organisation consist of—

(a) money appropriated by Parliament;

(b) money received by virtue of contracts and the functions performed by the organisation;

(c) donations or contributions which the organisation may receive from any person, institution, government or any other source;

(d) interest on investments by the organisation;

(e) fees prescribed by the organisation for processing of registration applications charged under this Act, royalties and such other fees, including fees payable annually by registered persons as may be prescribed under this Act;

(f) ten percent of the cess collected on agricultural produce export;

(g) money borrowed by the organisation under this Act or any other law; and

(h) grants and gifts from Government and grants, gifts or donations from other sources acceptable to the Minister and the Minister responsible for finance.

(2) The organisation shall utilise its funds for defraying expenses in connection with the performance of its functions and the exercise of its powers.

(3) The organisation may, in respect of any work performed or services rendered by it under this Act, or for the use of its facilities or rights consequent upon any discoveries, inventions or improvements, charge such fee or make such other financial arrangement as it may deem fit.

44. Estimates

(1) The director general shall, not less than two months before the beginning of each financial year, prepare and submit to the council for its approval, estimates of income and expenditure for that financial year.

(2) The director general may also, at any time before the end of the financial year, prepare and submit to the council for approval, any estimates supplementary to the estimates under subsection (1).

(3) The council shall submit the estimates approved by it under this section to the Minister for his or her approval and the Minister shall submit the estimates to the Minister responsible for finance, for inclusion in the annual estimates of Government for a financial year.

(4) No expenditure shall be made out of the funds of the organisation unless the estimates in respect of the expenditure have been approved in the manner provided by this section.

(5) The organisation and a public agricultural research institute shall not incur any expenditure exceeding its budget without the approval of the Minister.

45. Use of Funds

(1) The funds of the organisation and a public agricultural research institute may be applied for the—

(a) payment or discharge of its expenses, obligations or liabilities incurred in connection with the performance of its functions or exercise of its powers under this Act, and

(b) payment of any remuneration or allowances payable under this Act.

(2) Subject to subsection (1), the funds of the organisation and a public agricultural research institute may be invested in—

(a) fixed deposits with a bank approved by the council, or a management committee;

(b) treasury bills and securities of the Government; or

(c) such other manner as may be approved by the council or the management committee after consultation with the Minister.

(3) Funds of the organisation or a public agricultural research institute may not be invested in any business licensed under this Act.

(4) Where, at the end of a financial year of the organisation or of a public agricultural research institute, and after—

(a) setting aside the amount required for its capital expenditure and operations;

(b) making provision for bad and doubtful debts;

(c) making provision for depreciation of assets; and

(d) taking into consideration any other contingencies;

any surplus is made from its operations, the, organisation and a public agricultural research institute shall declare the surplus to the Minister responsible for finance and it shall be paid into the Fund.

46. Financial year

The financial year of the organisation and a public agricultural research institute shall be the twelve months beginning on the 1st July of each year and ending on the 30th June in the following calendar year.

47. Books of account

- (1) The organisation shall keep proper accounts of its income and expenditure and records in relation to them.
- (2) For the purpose of proper accounting, each public agricultural institute shall keep separate accounts which shall be maintained in a manner and form approved by the organisation and in accordance with the Government accounting regulations for the time being in force.
- (3) The organisation shall, within three months after the end of each financial year, cause to be prepared and submitted to the Auditor-General for auditing by the Auditor-General or an auditor appointed by the Auditor-General, a statement of accounts of the organisation for that financial year in a form approved by the Auditor General.
- (4) The Auditor-General or an auditor appointed by him or her is entitled to inspect all books, papers and other records of the organisation and a public agricultural research institute relating to all matters dealt with in any statement of accounts required to be prepared under subsection (3) and is entitled to any information and explanation required in relation to those financial records.
- (5) The Auditor-General shall, within three months after receiving the accounts of the organisation under subsection (3), cause them to be audited and reported on in accordance with article 163 of the Constitution.

48. Duty to operate on sound financial principles.

The organisation and a public agricultural research institute shall, in discharging its functions under this Act, operate in accordance with sound financial and commercial practice and shall ensure that expenditure do not exceed revenue.

49. Power to open and operate bank accounts

- (1) Subject to section 40 of the Public Finance and Accountability Act, 2003 the organisation and a public agricultural research institute shall open and maintain such bank accounts as are necessary for the performance of their functions.

(2) The organisation and a public agricultural research institute shall ensure that all moneys received by or on behalf of the organisation or a public agricultural research institute are banked as soon as practicable after being received.

(3) The organisation and a public agricultural research institute shall ensure that no money is withdrawn from or paid out of any of the bank accounts without the approval of authorised person.

50. Borrowing powers

The organisation and a public agricultural research institute may, with the approval of the Minister given in consultation with the Minister responsible for finance, borrow money from any source as may be required for meeting its obligations or for the discharge of the functions of the organisation and a public agricultural research institute under this Act.

51. Annual and other reports

(1) The organisation shall, one month after the end of each financial year, submit to the Minister, a statement of its activities in the preceding financial year, containing such information as the Minister may require.

(2) The organisation shall also submit to the Minister, such other reports on its activities or on any other matter as the Minister may, from time to time, require.

52. Accounting officers

(1) The director general shall be the accounting officer charged with the responsibility of accounting for all money received, its utilisation and the use and care of the properties of the council.

(2) The head of each public agricultural research institute shall be the sub-accountant charged with the responsibility for accounting for all money received, its utilisation and the use and care of all the properties of the institute he or she heads.

(3) A sub accountant referred to in subsection (2) shall for accounting purpose be directly answerable to the accounting officer referred to in subsection (1).

53. Official seal of the organisation

(1) The official seal of the organisation shall be in a form determined by the council.

(2) The official seal shall, when affixed to any document, be authenticated by the signatures of the director general and one other member of the council.

(3) In the absence of the director general, the person performing the functions of the director general shall sign.

(4) An instrument or contract which if executed or entered into by a person other than a body corporate would not require to be under seal may be executed or entered into on behalf of the organisation by the director general, or by any member of the council or any other person if that member of the council or other person has been duly authorised by resolution of the council to execute or enter into the instrument or contract as the case may be.

(5) Every document purporting to be an instrument or contract executed or issued by or on behalf of the organisation in accordance with this section shall be deemed to be so executed or issued until the contrary is proved.

54. Powers of the Minister

The Minister may give general directions in writing to the organisation and a public agricultural research institute with respect to the policy to be observed and implemented and the organisation and public agricultural research institute shall comply with those directions.

55. Service of documents

(1) Any notice or document may be served on the organisation by delivering it at the office of the director general or by sending it by registered post to the director general.

(2) Any notice or document may be served on a public agricultural research institute by delivering it at the office of the head of the institute or by sending it by registered post to the head of a particular institute.

56. Protection of members and employees

(1) A member of the council, an employee of the organisation or any person performing any function of the organisation under the direction of the organisation shall not be personally liable to any civil proceedings for any act done in good faith in the performance of those functions.

(2) A member of the management committee or an employee of a public agricultural research institute or any person performing any function of a public agricultural research institute under the direction of the management committee shall not be personally liable to any civil proceedings for any act done in good faith in the performance of those functions.

57. Regulations

(1) The Minister may, by statutory instrument, after consultation with the council, make regulations for the better carrying into effect the provisions of this Act.

(2) Notwithstanding the general effect of subsection (1), the Minister may after consultation with the council make regulations—

- (a) prescribing the procedure and criteria for the allocation of grants both on competitive and non-competitive basis;
- (b) for the registration, conduct of agricultural research service providers and the payment of fees by agricultural research service providers;
- (c) for the setting of standards and a code of conduct of the agricultural research service providers;
- (d) for the management of public agricultural research institutes;
- (e) prescribing the procedure and criteria for the election of district local governments and the chairpersons of the management committee;
- (f) for the registration and management of agricultural research service providers;
- (g) prescribing anything which is authorised or required to be prescribed under this Act;

- (h) prescribing the procedure and criteria for the election of persons as members of a management committee; and
- (i) prescribing in respect of the contravention of the regulation, a penalty of a fine not exceeding twenty five currency points.

58. Delegations

(1) The council, may delegate any of its function under this Act to—

- (a) any member of the council;
- (b) any public agricultural research institute;
- (c) any management committee of a public agricultural research institute;
- (d) any employee of the organisation or of a public agricultural research institute.

(2) The management committee of a public agricultural research institute may delegate any of its functions under this Act to—

- (a) a member of the management committee; or
- (b) any employee of the public agricultural research institute.

(3) Any delegation made under this Act may be made subject to such conditions and restrictions as may be contained in the delegation.

59. Transfer of assets and liabilities.

(1) All property and assets which immediately before the commencement of this Act vested in the National Agricultural Research Organisation for use as it's headquarter shall vest in the organisation.

(2) All other property and assets vested in the dissolved National Agricultural Research Organisation before the commencement of this Act, shall vest in the respective public agricultural research institutes.

(3) The organisation shall assume all the liabilities and trusts affecting the property and assets mentioned in subsections (1) and (2).

60. Succession

(1) Any agreement or similar arrangement made under the National Agricultural Research Organisation Act repealed by section 62 shall continue in force until terminated in accordance with the terms and conditions of the agreement or arrangement.

(2) The organisation shall, on the effective date of its operations, accept into its employment every person who, immediately before the commencement of the Act, was an employee of the secretariat of the National Agricultural Research Organisation and who was given an option to serve by the organisation and has opted to serve as an employee of the organisation.

(3) A person who is not accepted as an employee of the organisation is entitled to terminal benefits and pensions in accordance with the existing terms and conditions of the employment.

(4) Any person employed immediately before the commencement of this Act with a public agricultural research institute shall, after the commencement of this Act continue to be employed with the corresponding public agricultural research institute on terms not less favourable than before.

(5) Where a doubt exists as to which institute under this Act correspond to an institute existing immediately before the commencement of this Act, the matter shall be determined by the Minister.

61. Amendment of Schedules

The Minister may, by statutory instrument, and with the approval of Cabinet, amend the Schedules to this Act.

62. Repeal and savings, Cap 205

(1) The National Agricultural Research Organisation Act is repealed and the National Agricultural Research Organisation established under it is dissolved.

(2) Any licence or other authorisation granted under the repealed National Agricultural Research Organisation Act and any thing done under that Act may continue to take effect as if done under this Act.

(3) Any statutory instrument made under the repealed National Agricultural Research Organisation Act and in force on the coming into operation of this Act so long as it is consistent with this Act, shall continue in force until revoked or amended under this Act.

SCHEDULES.

SECTION 2

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

THIRD SCHEDULE

SECTION 28(1)

PUBLIC AGRICULTURAL RESEARCH INSTITUTES

PART I—NATIONAL AGRICULTURAL RESEARCH INSTITUTES

1. National Crops Resources Research Institute;
2. National Fisheries Resources Research Institute;
3. National Forestry Resources Research Institute;
4. National Livestock Resources Research Institute;
5. National Agricultural Research Laboratories; and
6. Serere National Semi Arid Resources Research Institute.

PART II—ZONAL AGRICULTURAL RESEARCH AND DEVELOPMENT INSTITUTES

1. Abi Zonal Agricultural Research and Development Institute;
2. Bulindi Zonal Agricultural Research and Development Institute;
3. Kachwekano Zonal Agricultural Research and Development Institute;
4. Mukono Zonal Agricultural Research and Development Institute;
5. Ngetta Zonal Agricultural Research and Development Institute;
6. Nabuin Zonal Agricultural Research and Development Institute;
7. Mbarara Zonal Agricultural Researches and Development Institute.
8. Buginyanya Zonal Agricultural Research and Development Institute; and
9. Rwebitaba Zonal Agricultural Research and Development Institute.

FOURTH SCHEDULE

SECTION 37

MEETINGS OF MANAGEMENT COMMITTEE

1. Meetings of the management committee

(1) The chairperson shall convene every meeting of the management committee at such times and places as the management committee may determine, and the management committee shall meet for the discharge of business at least once in every three months.

(2) The chairperson may, at any time, convene a special meeting of the management committee and shall also call a meeting within fourteen days if requested to do so in writing by at least four members of the management committee.

(3) Notice of a management committee shall be given in writing to each member at least fourteen working days before the day of the meeting.

(4) The chairperson shall preside at every meeting of the management committee and in the absence of the chairperson, the members present shall elect one of their number to preside at the meeting.

2. Quorum

(1) The quorum for a meeting of the management committee shall be one-third of the members of the management committee.

(2) All decisions at a meeting of the management committee shall be by a majority of the votes of the members present, and in case of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

3. Power to co-opt

(1) The management committee may invite any person who, in the opinion of the management committee, has expert knowledge concerning the functions of the public agricultural research institutes, to attend and take part in the proceedings of the management committee.

(2) A person attending a meeting of the management committee under this section may take part in any discussion at the meeting on which his or her advice is required, but shall not have any right to vote at that meeting.

4. Validity of proceedings not affected by vacancy

The validity of any proceedings of the management committee shall not be affected by a vacancy in its membership, or by any defect in the appointment or qualification of a member.

5. Disclosure of interest of members

(1) A member of the management committee who is in any way directly or indirectly interested in a contract made or proposed to be made by the management committee or in any other matter which falls to be considered by the management committee, shall disclose the nature or extent of his or her interest at a meeting of the management committee.

(2) A disclosure made under subparagraph (1) shall be recorded in the minutes of that meeting.

(3) A member who makes a disclosure under subparagraph (1) shall not participate in any deliberation, or take part in any decision of the management committee with respect to that matter.

(4) For purposes of determining whether there is a quorum, a member withdrawing from a meeting or who is not taking part in a meeting under subparagraph (3) shall be treated as being present.

6. Management committee may regulate its procedure

Subject to this Act, the management committee may regulate its own procedure or any other matter relating to its meetings.

FIFTH SCHEDULE

SECTION 14

1. Appointment of directors and research scientists

The appointment of the director and scientists of the public agricultural research institute shall be by the council but with full participation of the management committees of the public agricultural research institutes.

2. Composition of the interviewing panel

The following persons shall constitute a panel for the selection process of the directors and scientists of the public agricultural research institutes—

- (a) a representative of the respective public agricultural research institutes;
- (b) a representative from the public service commission;
- (c) a representative from the Ministry responsible for agricultural research; and
- (d) a representative from the scientific committee of the council.

Cross References

The Constitution.

The National Agricultural Research Organisation Act, Cap 205.

The Patents Act, Cap 216.

The Public Finance and Accountability Act, Act No 6 of 2003.