

CHAPTER 176

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CHAPTER 176

THE ELECTORAL COMMISSION ACT

Commencement: 2 May, 1997

An Act to provide for additional matters relating to the functions of the Electoral Commission under the Constitution and for related matters.

PART I—GENERAL

1. Interpretation

In this Act, unless the context otherwise requires—

- “Commission” means the Electoral Commission established by Article 60 of the Constitution;
- “constituency” means one of the constituencies into which Uganda is divided under Article 63 of the Constitution, for the purpose of elections;
- “currency point” has the value assigned to it in Schedule 1 to this Act;
- “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, or for presiding over, voting in any election or for counting votes at any election;
- “Minister” means the Minister responsible for public elections and referenda;
- “polling day” means a day appointed under any enactment for the casting of votes for an election;
- “returning officer” means a person appointed under any law relating to any elections to be in charge of an electoral district for the purposes of any such election or for the purpose of the registration of voters within the district;
- “Secretary” means the Secretary to the Commission appointed under section 5.

2. Commission to be body corporate

The Commission shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name and may, subject to the provisions of the Constitution, do, enjoy or suffer anything that may be done, enjoyed or suffered by a body corporate.

3. Oath of Commissioners

Every member of the Commission shall, before assuming his or her duties as Commissioner, take and subscribe the oath specified in Schedule 2 to this Act.

4. Commissioners to work on full time basis

The members of the Commission shall hold office on a full time basis.

5. Secretary and other staff of Commission

(1) The Commission shall have a secretary who shall be a public officer appointed by the Commission acting in consultation with the Public Service Commission upon such terms and conditions as may be determined by the Commission in consultation with the Public Service Commission and specified in his or her instrument of appointment.

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

(3) The Secretary shall, subject to section 9, perform such functions as may be assigned to him or her by the Commission.

(4) The Secretary shall hold office for a term of five years renewable once.

- (5) The Secretary may be removed by the Commission only for—
- (a) inability to perform the functions of his or her office arising out of physical or mental incapacity;
 - (b) misbehaviour or misconduct; or
 - (c) incompetence.

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

(7) The officers and employees referred to in subsection (6) shall be appointed by the Commission acting in consultation with the Public Service Commission and shall hold office upon such terms and conditions as shall be determined by the Commission in consultation with the Public Service Commission.

6. Terms of employment

If an officer in the service of the Commission was immediately before his or her appointment to the service of the Commission an officer in the public service, his or her service as an officer of the public service shall be counted as service with the Commission for purposes of—

- (a) leave;
- (b) pay *in lieu* of leave;
- (c) calculating pension, gratuity and other retiring benefits.

7. Leave to serve under other Acts

(1) If an officer in the service of the Commission is appointed under another Act other than this Act, the Commission may, on application, grant the officer leave of absence without pay for the period of his or her absence.

(2) The period during which an officer is absent on leave under subsection (1) shall be counted as part of his or her period of service.

(3) Where an officer is granted leave under this section, his or her other office in the service of the Commission becomes vacant on the commencement of the leave and he or she is an unattached officer for the period of leave.

(4) At the end of the period of leave, an unattached officer subject to retirement age or dismissal for misconduct shall be entitled to be appointed to an office not lower in classification than his or her former office.

(5) Where there is no vacancy to which an officer may be suitably appointed in accordance with subsection (4), the officer shall continue as an unattached officer until a suitable vacancy occurs.

8. Procedure of Commission

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

(2) Where on any matter consensus cannot be obtained, the matter shall be decided by voting; and the matter shall be taken to have been decided if supported by the votes of a majority of all the members of the Commission.

(3) In any vote under subsection (2), each member of the Commission shall have one vote, and none shall have a casting vote.

(4) The quorum of the Commission at any meeting shall be five.

(5) The Commission may act notwithstanding the absence of any member or any vacancy in the office of a member.

(6) The Secretary shall cause to be recorded minutes of all proceedings of the Commission.

(7) The Secretary shall have custody of the minutes of the Commission.

(8) Subject to this Act and the Constitution, the Commission may regulate its own procedure.

9. Funds and expenses of Commission

(1) All funds of the Commission shall be administered and controlled by the Secretary who shall be the accounting officer in accordance with the Public Finance Management Act.

(2) All money required to defray all expenses that may be incurred in the discharge of the functions of the Commission or in carrying out the purposes of this Act are charged on the Consolidated Fund.

(3) The funds of the Commission may, with the prior approval of the Minister responsible for finance, include grants and donations from sources within or outside Uganda to enable the Commission to discharge its functions.

10. Seal of Commission

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

11. Constituencies

(1) Subject to Article 63 of the Constitution, Uganda shall be divided into such number of constituencies as Parliament may by resolution prescribe, and the constituencies as prescribed by Parliament shall be demarcated by the Commission under that article.

(2) The number of constituencies prescribed under subsection (1) shall be published in the *Gazette*.

PART II—PARTICULAR FUNCTIONS OF COMMISSION

12. Additional powers of Commission and regulation of ballot papers

(1) The Commission shall, subject to and for the purposes of carrying out its functions under Chapter Five of the Constitution and this Act, have the following powers—

- (a) to appoint a polling day for any election subject to any law;
- (b) to design, print, distribute and control the use of ballot papers;
- (c) to provide, distribute and collect ballot boxes;
- (d) to establish and operate polling stations;
- (e) to take measures for ensuring that the entire electoral process is conducted under conditions of freedom and fairness;
- (f) to take steps to ensure there are secure conditions necessary for the conduct of any election in accordance with this Act or any other law;
- (g) to promote and regulate through appropriate means civic education of the citizens of Uganda on the purpose and voting procedures of any election, including, where practicable, the use of sign language;
- (h) to ensure that the campaign of a candidate is in an orderly and organised manner;
- (i) to accredit any non-partisan individual, group of individuals or an institution or association to carry out voter education subject

to guidelines determined by the Commission and published in the *Gazette*;

- (j) to ensure compliance by all election officers and candidates with the provisions of this Act or any other law;
- (k) to take necessary steps to ensure that people with disabilities are enabled to vote without any hindrance;
- (l) to pay such allowances as the Minister responsible for finance may approve to election officers and other persons assisting the Commission in carrying out the purposes of this Act or any other law;
- (m) subject to paragraph (n), and in consultation with the Minister, to engage on such terms as the Commission may determine, the services of any person whose special expertise may be required for the proper discharge of the functions of the Commission;
- (n) to pay to any person engaged under paragraph (m) remuneration at such rates as may be determined by the Commission in consultation with the Minister responsible for finance;
- (o) to produce and submit to Parliament through the Minister a report on any election conducted by it within six months after the declaration of the results of the election; and
- (p) to discharge such other functions as are conferred upon the Commission by this Act or any other law made under this Act or as are necessary for the proper carrying out of the purposes of this Act.

(2) The Commission may, in the exercise of its powers under subsection (1), adopt technology in the management of elections.

(3) Notwithstanding the general effect of subsection (2), the Commission shall put in place an electronic display system at every tallying center on which the votes being tallied shall be displayed to the general public.

(4) The Minister shall, by statutory instrument, in consultation with the Commission, make regulations prescribing the manner in which technology will be used in the management of elections.

(5) The statutory instrument referred to in subsection (4) shall be laid before Parliament for information.

(6) The Commission may, by writing, require from any person responsible for registering births or deaths any information in possession of that person reasonably needed by the Commission for carrying out its functions; and it shall be the duty of that person to supply that information.

(7) Every ballot paper printed by the Commission shall be authenticated by a security mark to be determined by the Commission.

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

(9) Any person who, without reasonable excuse, fails to provide to the Commission any information required under subsection (6) or who provides any such information which he or she knows to be false or has no reason to believe to be true, commits an offence and is liable, on conviction, to a fine not exceeding thirty currency points or to imprisonment for a term of one year, or both.

13. Independence of Commission

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

14. Assignment of duties by Commission

(1) The Commission may assign to any election officer, public officer, member of staff of the Commission or any organisation or institution or group such duties for promoting the discharge of the functions of the Commission as the Commission may think fit and subject to such conditions and restrictions as the Commission may direct.

(2) The Commission may revoke or transfer to any person, organisation, institution or group or assume the performance of any duties assigned by it under subsection (1).

(3) The Commission may also, where necessary, assume the performance of any function of an election officer under any law.

15. Power of Commission to resolve complaints; appeals

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

(2) An appeal shall lie to the High Court against a decision of the Commission confirming or rejecting the existence of an irregularity.

(3) The appeal shall be made by way of a petition, supported by affidavits of evidence, which shall clearly specify the declaration that the High Court is being requested to make.

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

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

(6) The Chief Justice shall, in consultation with the Attorney General, make rules of court for regulating the procedure in respect of any appeals under this section and may, for that purpose, adopt any procedure prescribed by any enactment, subject to such modifications as the Chief Justice may specify.

16. Power to accredit observers

(1) The Commission may at any election accredit any individual, group or institution to act as an election observer.

(2) Notwithstanding subsection (1), political parties, or organisations and representatives of independent candidates shall be accredited by the Commission as election observers.

(3) The Commission shall issue guidelines to observers or other persons, groups or institutions involved in the electoral process.

(4) Without prejudice to the general effect of subsection (3), guidelines issued under that subsection may specify the objectives of the steps to be taken under the accreditation granted under subsection (1).

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

(6) An individual, group or institution accredited as an election observer under this section shall make a written report to the Commission on his or her or its observation not later than six months after the declaration of the results of the election or such earlier date as the Commission may specify in writing.

(7) Any person who contravenes subsection (5) or (6) commits an offence and is liable, on conviction, to a fine not exceeding fifteen currency points or to imprisonment for a term not exceeding six months, or both.

17. Right of Commission to bring actions

For the purpose of performing its functions, the Commission may bring an action before any court and may seek from the court any remedy which may be available under the law.

PART III—NATIONAL VOTERS REGISTER AND VOTERS ROLLS

18. National Voters Register and voters rolls

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

(2) The Commission shall maintain as part of the Voters Register a voters roll for each constituency under this Act.

(3) The Commission shall maintain as part of the voters roll for each constituency a voters roll for each polling station within the constituency as prescribed by law.

19. Commission to transmit Voters Register to political parties and organisations

The Commission shall transmit to every political party and organisation taking part in an election, an electronic copy of the Voters Register immediately after the nomination day but before polling day and an updated paper copy of the Voters Register containing photographs of the voters to be used on polling day, two weeks before polling day or in the case of a by-election, at least three days before polling day.

20. Registration of voters

- (1) A person who—
 - (a) is a citizen of Uganda; and
 - (b) is eighteen years of age or above,

shall apply to be registered as a voter in a parish or ward where the person originates or resides.

(2) No person shall be qualified to vote at an election if that person is not registered as a voter in accordance with Article 59 of the Constitution.

(3) Subject to this Act, a voter has a right to vote in the parish or ward where he or she is registered.

(4) Subject to subsection (1), if a registered voter wishes to vote in a parish or ward other than the one in which he or she is registered, the voter shall apply to transfer his or her registration to the parish or ward where the voter wishes to vote, except that the parish or ward shall be one where the voter—

- (a) originates from; or
- (b) resides.

(5) A transfer under subsection (4) may only be effected during any period when the Voters Register is being revised or updated.

- (6) Where a transfer is effected under subsection (4)—
 - (a) the voter shall surrender the voters card issued to him or her at the polling station at which he or she was previously registered and shall have his or her name struck off the voters roll for that station; and

- (b) where the transfer is effected to a polling station within a different constituency from the one in which the voter was previously registered, he or she shall have his name struck off the voters roll for the constituency in which he or she was previously registered.

(7) When updating the Voters Register, the Commission shall, by statutory instrument, update it to a date appointed in accordance with subsection (8) as the date on which the updating shall end.

(8) Where elections are to be held by the Commission, the statutory instrument referred to in subsection (7) appointing the date on which updating shall end shall be made—

- (a) in the case of all general elections, by the Commission;
- (b) in the case of a by-election for election to Parliament, constituency members of Parliament, district women representatives or representatives of special interest groups, by the Minister; and
- (c) in the case of a by-election to local government councils or committees, by the Commission.

21. Electoral districts

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

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

22. District election administrator

(1) For the purpose of maintaining and updating the Voters Register on a continuing basis for each district, the Commission shall appoint a district election administrator who shall be a public officer.

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

23. Assistant district election administrator and update officers

- (1) For each district there shall be—
 - (a) an assistant district election administrator; and
 - (b) an appropriate number of register update officers.

(2) The persons referred to in subsection (1) may be appointed by the Commission whenever a general update of the Voters Register is about to take place and only for such period and on such terms as the Commission may determine.

(3) An assistant district election administrator shall exercise such functions as are specified by the Commission.

24. Duties of district election administrator and update officers

(1) Every district election administrator shall have charge and custody of the Voters Register for his or her district under the supervision of the Commission.

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

(3) For the purpose of updating the Voters Register, a district election administrator shall use application forms provided by the Commission.

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

- (a) demand from any applicant any information necessary to enable him or her to ascertain whether the applicant is qualified to be registered as a voter;
- (b) require any voter or applicant to complete an application within a period specified by him or her.

25. Inspection of constituency voters rolls, printing of rolls and use of printed rolls

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

hours and shall also be made available at the subcounty headquarters and at each polling station within the constituency.

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

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

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

26. Display of copies of voters rolls; objections to rolls

(1) Before any general election is held, the Commission shall, by notice in the *Gazette*, appoint a period of not less than twenty-one days during which a copy of the voters roll for each parish or ward shall be displayed for public scrutiny.

(2) In addition to the twenty-one days referred to in the subsection (1), the Commission shall allow a period of ten days during which any objections or complaints in relation to the names recommended by the tribunal to be included or deleted from the voters roll or in relation to any necessary corrections shall be raised or filed.

(3) In the case of a by-election, the Commission shall display the voters roll for a period of ten days and in addition shall allow a period of six days for the display of the recommendations from the tribunal during which any objections or complaints in relation to the names included or deleted from the voters roll or in relation to any necessary corrections shall be raised or filed.

(4) For purposes of this section, the complaints relating to the voters roll shall be received by the tribunal.

(5) The display of a copy of the voters roll referred to in subsection (1) shall be carried out in a public place within each parish or ward.

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

(7) An objection under subsection (6) shall be addressed to the returning officer through the chairperson of the parish council of the person raising the objection.

(8) The chief magistrate of a magisterial area or magistrate grade I designated by the chief magistrate shall appoint a tribunal comprising five members not being public officers to determine objections received by the returning officer under subsection (7).

(9) The tribunal shall comprise of—

- (a) two elders, one female and the other male; and
- (b) three other members who shall be appointed by the chief magistrate or magistrate grade I in consultation with political parties or organisations participating in the elections in the area.

(10) In this section, “an elder” means a person of sixty years of age or above.

(11) The following shall apply to decisions of a tribunal appointed under this section—

- (a) all decisions shall as far as possible be by consensus;
- (b) in the absence of a consensus on any matter, decision on it shall be taken by vote, each member having one vote, and none having a casting vote;
- (c) in case of voting, any matter shall be taken to have been decided if supported by the votes of a majority of members of the tribunal present and voting.

(12) A decision of a tribunal appointed under subsection (8) shall be subject to review by the Commission.

(13) The members of the tribunal shall elect from among themselves a chairperson and a secretary.

27. Power to print and issue voters cards

(1) The Commission may design, print and control the issue of voters cards to voters whose names appear in the Voters Register.

(2) No voter shall hold more than one valid voters card.

(3) Any person who contravenes subsection (2) commits an offence and is liable, on conviction, to a fine not exceeding sixty currency points or to imprisonment for a term not exceeding two years, or both.

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

28. Power to issue duplicate voters cards

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

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

(3) The Commission shall not issue a duplicate voters card to a voter on polling day or within ninety days before polling day.

(4) Any person who contravenes subsection (3) commits an offence and is liable, on conviction, to a fine not exceeding thirty currency points or to imprisonment for a term not exceeding one year, or both.

29. Offence of buying or selling voters cards

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

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

(3) Any person who—

- (a) is unlawfully in possession of any voters card whether issued in the name of any voter or not;
- (b) sells or attempts to sell or offers to sell any voters card whether issued to any voter or not; or
- (c) buys or offers to buy any voters card whether on his or her own behalf or on behalf of any other person,

commits an offence and is liable, on conviction, to a fine not exceeding ninety currency points or to imprisonment for a term not exceeding three years, or both.

30. Offences relating to registration of voters

(1) Any person who—

- (a) makes a false statement of fact in any application for registration as a voter knowing it to be false;
- (b) after demand or requisition made of him or her under section 24(4) (a) or (b), without just cause, fails to give any such information as he or she possesses or does not give the information within the time specified by the district registrar for doing so;
- (c) fails to comply with any requirement made under section 24;
- (d) in the name of any other person, whether living, dead or fictitious, signs an application form for registration as a voter to have that other person registered as a voter;
- (e) transmits or is concerned in transmitting to any person as genuine a declaration relating to registration which is false in any material particular, knowing it to be false;
- (f) by himself or herself or any other person procures the registration of himself or herself or any other person on a voters roll for a constituency, knowing that he or she or that other person is not entitled to be registered on that voters roll or is already registered on it or on another voters roll; or

(g) by himself or herself or any other person procures the registration of a fictitious person, commits an offence and is liable, on conviction, to a fine not exceeding thirty currency points or to imprisonment for a term not exceeding one year, or both.

(2) Any person who—
(a) by duress, including threats to invoke any supernatural means whatsoever or reference to such supernatural means or by any fraudulent device or contrivance, causes or induces any person or persons generally to refrain from registering as a voter or voters; or
(b) in any way hinders a person from registering as a voter, commits an offence and is liable, on conviction, to a fine not exceeding ninety currency points or to imprisonment for a term not exceeding three years, or both.

PART IV—RETURNING OFFICERS AND OTHER ELECTION OFFICERS

31. Appointment of returning officers, etc.

(1) The Commission shall, by notice in the *Gazette*, appoint a returning officer and an assistant returning officer for each electoral district and for elections for special interest groups.

(2) A person appointed under subsection (1) shall be of high moral character and proven integrity.

(3) Notwithstanding subsection (1), the Commission may, by notice in the *Gazette*, appoint a returning officer and an assistant returning officer for a municipality, city division or any other area in an electoral district as the Commission may determine.

(4) For the purposes of subsection (1), “special interest groups” means representatives of the army, youth, workers, persons with disabilities and such other groups as Parliament may determine in accordance with Article 78(1)(c) of the Constitution.

(5) The office of returning officer or assistant returning officer shall not become vacant unless the holder dies or, with the prior permission of the

Commission, he or she resigns, or unless he or she is removed from office under subsection (9).

(6) The Commission shall, by notice in the *Gazette*, appoint a returning officer and an assistant returning officer to be responsible for the election of representatives of special interest groups.

(7) Where a returning officer vacates office in accordance with subsection (5), the assistant returning officer shall perform the functions of returning officer until a returning officer is appointed in accordance with subsection (10).

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

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

- (a) is appointed by virtue of a public office and the person appointed returning officer or assistant returning officer ceases to hold public office;
- (b) is transferred from the district for which he or she was appointed;
- (c) is incapable, by reason of illness or physical or mental infirmity, of satisfactorily performing his or her duties as returning officer or assistant returning officer;
- (d) is incompetent;
- (e) has been proved to be partial in the performance of his or her duties;
- (f) has, since his or her appointment, behaved in a corrupt manner in relation to his or her duties as returning officer or an assistant returning officer; or
- (g) has been found in an election petition judgment to have participated in election irregularities, illegal practices or participated in the commission of an election offence.

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

- (11) Any returning officer or assistant returning officer who—
- (a) is proved to be partial in the performance of his or her duties; or
 - (b) dishonestly demands or accepts any money, gift or other consideration in order to influence him or her in carrying out his or her duties or as a reward for having done or refrained from doing anything in carrying out his or her duties,

commits an offence and is liable, on conviction, to a fine not exceeding ninety currency points or to imprisonment for a term not exceeding three years, or both.

(12) For the purposes of subsection (9)(f), a person shall be taken to have behaved in a corrupt manner in relation to his or her duties if he or she commits any act of dishonesty in connection with his or her duties whether or not it constitutes a criminal offence.

(13) Where in any election petition, the court finds the Commission to have committed an election irregularity or an illegal practice and awards compensation to the successful party, a returning officer who is found to be personally liable for that election irregularity or illegal practice shall pay a portion of the compensation, as may be determined by court.

32. Polling stations and polling centres

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

(2) Where the circumstances require, the returning officer may, under subsection (1), establish a polling centre at which are located more than one polling station; except that in that case, the returning officer shall ensure that steps are taken to inform voters as early as possible of the particular polling station at which they are required to vote, that the polling stations are separated by a sufficient distance and also that the circumstances are such as to guarantee orderly voting without confusion.

(3) The Commission shall publish in the *Gazette* and in the print media, a list of all places at which a Voters Register is required to be displayed

and a list of all polling stations, at least sixty days before the date of display or polling day.

33. Appointment of presiding officers

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

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

PART V—BOUNDARY DEMARCATION APPEAL TRIBUNALS

34. Publication of decisions of Commission on demarcation

The Commission shall publish its decisions on demarcation of the boundaries on constituencies in the *Gazette* and media.

35. Right of appeal

Any person aggrieved by a decision of the Commission in respect of a demarcation of a boundary of a constituency under Article 63 of the Constitution, may appeal to the Tribunal established under this Act within thirty days after the decision is published in the *Gazette* and media.

36. Constituency boundary demarcation appeal tribunal

(1) For the purposes of Article 64(2) of the Constitution, there shall be a constituency boundary demarcation appeal tribunal, in this Part referred to as a tribunal.

(2) A tribunal shall consist of three persons appointed by the Chief Justice.

(3) Where it appears to the Chief Justice that the circumstances justify, the Chief Justice may, in consultation with the Commission, constitute more than one tribunal to cater for disputes arising in different areas of Uganda.

(4) A tribunal shall be in existence for such period as the Chief Justice may specify.

37. Qualifications for appointment to tribunal

(1) The chairperson of a tribunal shall be a person qualified to be appointed as a High Court judge.

(2) The other members of a tribunal shall be persons possessing such qualifications and experience as appear to the Chief Justice relevant to the work of the tribunal and shall be persons of high moral character and proven integrity.

38. Conditions of service of members of tribunal

(1) The members of a tribunal shall be paid such remuneration as Parliament may by resolution prescribe.

(2) The remuneration of members of a tribunal may be related to the number of days on which the tribunal sits.

(3) The Chief Justice may remove a member of a tribunal for—

- (a) inability to perform the functions of his or her office arising out of physical or mental incapacity;
- (b) misbehaviour or misconduct; or
- (c) incompetence.

39. Functions of tribunal

Upon hearing an appeal from a decision of the Commission under Article 64(2) of the Constitution, a tribunal may confirm, reverse or vary the decision of the Commission or remit the decision to the Commission for reconsideration.

40. Procedures and powers of tribunal

(1) The Chief Justice may, in consultation with the Attorney General, make regulations of the procedure of a tribunal and may, for that purpose apply any rules of procedure applicable in the High Court with such modifications as the Chief Justice may specify.

(2) A tribunal shall, for the purposes of carrying out its functions have the powers of the High Court for—

- (a) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise; and
- (b) compelling the production of documents.

(3) Any person who—

- (a) when summoned to give evidence before a tribunal—
 - (i) refuses or fails to do so without lawful excuse; or
 - (ii) makes any statement knowing it to be false; or
- (b) does anything in connection with a tribunal which if done in connection with the proceedings of a court would amount to contempt of court,

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

(4) A tribunal shall hear and determine any appeal before it under this Part as expeditiously as possible.

41. Registrar and other staff

(1) The Chief Justice may, in consultation with the Judicial Service Commission and the Public Service Commission, designate a public officer as registrar of a tribunal.

(2) The Judicial Service Commission may, in consultation with the Public Service Commission, provide to a tribunal the services of such other public officers as may be necessary for the efficient performance of its functions.

42. Witness allowance

A person summoned by and appearing before a tribunal as a witness is entitled to be paid by way of reimbursement of his or her expenses such allowances as are payable to a witness appearing before the High Court in criminal proceedings.

43. Immunity of witnesses

A witness before a tribunal shall have the same immunity and privileges as if he or she were a witness before the High Court.

44. Appeal to High Court

(1) Any person aggrieved by a decision of a tribunal referred to in Article 64(2) of the Constitution may appeal to the High Court within thirty days after the decision.

(2) Where any appeal is before the High Court under subsection (1), the High Court shall proceed to hear and determine the appeal expeditiously and may, for that purpose, suspend any other matter pending before it.

(3) The rules of procedure applicable in the High Court in relation to appeals before it shall apply to appeals under this section with such modifications as may be necessary to give effect to this Part and such other modifications as the Chief Justice may, in consultation with the Attorney General by statutory instrument make.

45. High Court decision final

The decision of the High Court on an appeal from a tribunal under this Part shall be final.

PART VI—MISCELLANEOUS**46. Application of Act to referenda**

The provisions of this Act shall, with necessary modifications, apply to referenda.

47. Offence of hindering person from registering or voting

(1) No person shall hinder any person from voting.

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

48. Exemption from liability

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

49. Special powers of Commission

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

(2) For the avoidance of doubt, this section applies to the whole electoral process, including all steps taken for the purposes of the election and includes nomination.

(3) The Commission shall, in exercising the special powers under this section, inform all political parties and organisations and independent candidates of any action taken.

50. Regulations

(1) The Minister may, by statutory instrument, in consultation with the Commission, make regulations for the effective performance of

the functions of the Commission under this Act and, in particular, for the registration of voters and the conduct of public elections.

(2) Regulations made under this section shall, within fourteen days after being published in the *Gazette*, be laid before Parliament and may be annulled by Parliament by resolution within twenty-one days after being so laid.

(3) The Minister may, in any regulation made under this section, adopt the provisions of any enactment subject to such modifications as the Minister may, in consultation with the Commission, consider reasonable.

(4) Any period specified in subsection (2) shall not run during any time when Parliament is not sitting.

(5) A regulation annulled under this section shall cease to have effect on the day of annulment but without prejudice to its previous operation or to the power to make further regulations under this section.

51. Power to amend Schedule 1

The Minister may, by statutory instrument, with the approval of Cabinet, amend Schedule 1 to this Act.

SCHEDULES

Schedule 1

Sections 1, 51

Currency Point

A currency point is equivalent to twenty thousand shillings.

Schedule 2

Section 3

Oath of member of Electoral Commission

I, _____,
being appointed chairperson/member of the Electoral Commission, swear
in the name of the Almighty God/solemnly affirm that I will well and truly
exercise the functions of chairperson/member of the Electoral Commission
in accordance with the Constitution and the laws of the Republic of Uganda
without fear or favour, affection or ill will. (So help me God.)

History: Act 3/1997; Act 4/1999, s. 8; Act 4/2000; Cap. 140 (Revised Edition,
2000); Act 4/2002; Act 23/2002; Act 15/2010; Act 9/2020

Cross References

Constitution

Public Finance Management Act, Cap. 171
