



VOTER REGISTRATION AND VOTERS' REGISTERS IN A MULTI-PARTY DEMOCRACY

Presented by

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1.0 INTRODUCTION

The Electoral Commission was established under Article 60(1) and mandated under Article 61 of the Constitution of the Republic of Uganda (1995) to organize, conduct and supervise regular, free and fair elections and referenda. The Electoral Commission Act 1997 (as amended) spells out the functions and powers of the Commission.

The functions of the Electoral Commission include, among others, to ensure free and fair elections are held and thus organise, conduct and supervise these elections. In this regard, the Commission has a duty to demarcate constituencies, compile voters' registers, formulate and implement civic education programmes related to elections and publish, under its seal, results of elections.

1.1 The Status Quo

The Electoral Commission evolved from the Interim Electoral Commission that conducted the 1996 Presidential and Parliamentary elections. It was constituted in the later half of 1996. The Electoral Commission has conducted all subsequent elections that include the following;

- Referendum (2000)
- Presidential and Parliamentary elections (2001)
- Local Council elections from village to District (2002)

All these elections were conducted under the Movement system of governance i.e individual merit criteria.

To that effect, the Electoral Commission organized the electoral process and was in total control of all the activities like registration of voters, civic/voter education, nominations, campaigns and polling day.

Since there were not recognized political parties, individual candidates would appoint and send agents to monitor all the activities. This obviously placed limitations on the system.

1.2 A Multi-Party Political System

On the other hand, a multi-party political system, cherishes the following in competing parties;

- a) That they should bear a national character;
- b) That they should conform to the democratic principles as enshrined in the Constitution;
- c) That they should have a membership that is not be based on sex, ethnicity, religion or other sectional division;
- d) That they should be required by law to account for the sources and use of their funds and assets;
- e) That they should have members of the national organs of the political party who are citizens of Uganda; and
- f) That they should not compel any person to join a particular party by virtue of belonging to an organization or interest group¹.

¹ Article 70, of the Constitution (1995)

1.3 Change of Political Systems

The political system obtaining in Uganda today is that of the Movement system. However, change of Political systems², is possible through a referenda or elections. A referendum shall be held for purposes of changing the political system;

- 1) If requested by a resolution in Parliament;
- 2) If requested by a resolution supported by the majority of the total membership of each of at least one half of the district councils;
- 3) If requested through a petition to the Electoral Commission by, at least one tenth of the registered voters from each of at least two thirds of the constituencies.

The political system may also be changed by the elected representatives of the people in Parliament and District Councils by a resolution of Parliament supported by 2/3rds of all members of Parliament upon a petition supported by not less than two-thirds majority of the total membership of each of at least half of all district councils³.

This then is the status quo.

2.0 The Role of the Electoral Commission in a Multiparty System

The Electoral Commission is established under Article 60 (1) and mandated under Article 61 of the Constitution of the Republic of Uganda (1995) to organize, supervise and conduct regular free and fair elections. Cognizant of the Constitutional provisions as stipulated above, the Electoral Commission will continue with its mandate to organize, conduct and supervise regular, free and fair elections and referenda through an impeccable electoral process⁴.

The Electoral Commission has to act within the current ambit of the law until such a time that legislation is amended to cater for multi-party activities. The current functions of the Electoral Commission, which are listed hereunder, are basic and a few changes are anticipated after the new legislation comes into force. However, the lawmakers will spell out to us **the method** and conduct of the elections under the multi-party political dispensation.

In order to obtain legitimate leaders through participation of all adults, give elected leaders a clear mandate and have a genuine democracy and peaceful change of leaders, elections must be held. For these elections to be acceptable, they must not only **be** free and fair but be seen to be free and fair.

One of the critical variables for the success or failure of democracy and/or democratic transition is the administration of elections. In developing countries like Uganda, with low levels of literacy, administration of elections is not an easy task. This is often because in a developing democracy, technical problems become political ones, which then threaten credibility of the whole electoral process.

² Article 74, section (1) 1995 Constitution

³ Article 74, Constitution (1995), Section (2)

⁴ The Electoral Commission Act, 1997 (as amended)

The Electoral Commission conducts the following elections;

- Presidential elections;
- Parliamentary elections;
- Local Council elections at village, parish, sub county, county and district levels;
- Women council/committees elections (village to national level);
- Youth councils/committees elections (village to national level); and
- PWDs and UPDF elections (national level)

There is a misconception that the electoral process is actually polling day. The process actually starts with cut-off date of registration of voters that is of paramount importance if the register has to be processed, the display exercise where the population is given a chance to object to inclusion or omission of certain particulars, nomination of candidates, campaigns, polling day and finally post polling period. During these activities credibility of the whole electoral process is at stake.

Activities under each of the above elections in which the Electoral Commission required to ensure success include;

- Demarcation of constituencies and electoral areas;
- Establishment of polling stations;
- Registration of voters;
- Display of the voters' register;
- Nomination of candidates;
- Campaigns;
- Consultative meetings for stakeholders;
- Preparation and distribution of election materials;
- Polling day activities that includes tallying and declaration of results; and
- Post election period.

2.1 The Voters' Register

One of the tasks of the Electoral Commission is to compile and maintain an accurate Voters' Register to be used to conduct free and fair elections (Article 61(e) of the Uganda Constitution, 1995). There are 3 types of voters' registers, namely:

- Voters' register for residents in each village governed by the Local Government Act (1997) that includes non-citizens of Uganda but who are resident in a village.
- Voters' register for Special Interest Groups, that is, Women, Youth, Workers, Uganda Peoples Defense Force (UPDF) and Persons with Disabilities.
- The National Voters' registers which is used in elections by universal adult suffrage.

The importance of the voters' register and the period that deals with the update and display of the voters' register cannot be overemphasized. It is often ignored yet it is the time that determines who will be able to cast their vote. This period commences with the **cut off date** for *Electoral Commission Feb'05*.

registration of voters through the display of voters' roll to be used during polling, nomination of candidates, and campaigns up to polling day itself. The first two activities determine who will be able to vote and who will not. This period may result in eligible voters being removed from the register and ineligible (ghost) voters being added which invariably leads to tension on polling day. After the cut off date, no person can register in or transfer to the electoral area(s) to which the cut off applies.

2.2 Elections Management

Nomination of candidates and campaigns definitely create tension and a challenge to law enforcement agencies as well as the Electoral Commission. This is especially true for local council elections that require joint campaigns for all candidates at the same location and at the same time meaning rival supporters will definitely meet. This will most likely change with the advent of multi-party politics. However management of this period is not envisaged to be any easier.

The challenges of polling day cannot be ignored. They are well documented and can hopefully be reduced by participation of political parties. Certainly, with party agents monitoring the packing and distribution of polling day materials as well as being physically present at the polling station, it is hoped much of the suspicion will be minimized.

2.3 Post Polling Period

After the winner has been announced, any dispute is the business of Courts of Judicature. Our experience shows that losers do not always accept results and as a consequence, there are acrimonious feelings that may often turn into ugly acts of civil disobedience. This we must avoid at all costs. In elections, like in any other contest, there are winners and losers.

3.0 Challenges in a Multi-Party Democracy

3.1 The Voters Register

The challenges that may be envisaged under a multiparty political setting follow the electoral process. Principally, how to compile a register of voters that is devoid of 'ghosts' and that is acceptable to all stakeholders. i.e. credible This can best be achieved if all the stakeholders understand and participate fully in the process and thus own the product. The voters' register needs to become a document of the people whose particulars it contains and not the property of the Electoral Commission. The various stakeholders, particularly the political parties, have to take keen interest and monitor the registration, display and issuance of voters' cards activities at the polling stations.

3.2 Nomination of Candidates

The method of nomination of candidates that will include party primaries will, to a certain extent, remove the responsibility of the vetting of aspiring candidates from the Electoral Commission and place it in the hands of political parties as they conduct their primaries. On the other hand, the Electoral Commission will have to resolve conflicts arising out of the candidates presented by parties that do not have the requisite qualifications.

3.3 Polling Day

Polling day itself will present new challenges as to the physical arrangement of the polling station, which officials to man it and how they are recruited and vetted. With majority of Ugandans becoming card-carrying members of political parties, it will be difficult, if not impossible, to find neutral acceptable and qualified personnel. The credibility of the polls, therefore, will be derived from the stakeholders being always in the know of all the activities and the procedures and consequently not permitting any fraud to take place at any stage of the electoral process. This applies to all election supervisors. There is no law that can guarantee credible elections; only the people involved with the process can do that.

4.0 The Way Forward

The Electoral Commission is committed to fulfilling its mandate as enshrined in the Constitution of the Republic of Uganda. To this end, the Commission is putting into place mechanisms that will ensure that it conducts free and fair polls. Example of these include the photograph-bearing register that will ensure that impersonation is a thing of the past, issuance of photograph bearing voters cards that will confirm all duly registered voters and a duplicate analysis system that enables the Electoral Commission to detect persons who register more than once with a wish to vote many times in the same poll.

The Commission is also very cognizant of the fact that a lot of voter education needs to be undertaken to enlighten the population of their rights and obligations. In the absence of sufficient funds, the Electoral Commission takes opportunity of any available chance to pass its message across. This is the issue being addressed in this paper. The Commission would like to have this message to be disseminated far and wide but is aware that there is a political transition currently taking place that may change the ways polls have been conducted to date. Many of the messages on '**How to vote**' cannot, therefore, be disseminated at this time. Only messages on '**why to vote**' can be passed across. The Commission believes that in empowering all the stakeholders to take interest in **all activities of the electoral processes**, a genuine free and fair poll can be conducted.

5.0 Conclusion

In conclusion the Commission reiterates its position to fulfill its mandate to organise, conduct and supervise free and fair elections. In doing this, the Commission calls upon all stakeholders to join hands with it to make this dream a reality. How can this be done? It can only be done if the stakeholders take an interest to learn about all the activities that are involved in conducting an election and then participating fully in these activities to enable the conduct of fraud-free, fair and credible become a reality.

There has to be a degree of trust in the Electoral Commission to do the right thing and this comes with confidence in ones knowledge of the process. Too many times, wild allegations are made that from an informed point of view, cannot really be of substance or are not practicable. This is not to say that the Commission cannot make mistakes, it can. But as partners in this process we need to learn to correct each other. Unfortunately, often times, a genuine technical mistake is interpreted politically. This should not be the case. Together we can build a democracy but apart we only build to fail.

THANK YOU AND GOD BLESS YOU

Electoral Commission Feb'05.