



The Electoral Commission

Politics and Elections in Uganda

May 2006

1.0 The Electoral Commission

The Commission is composed of a Chairperson, Deputy Chairperson and 5 other Members who work full time. The Commission has a seven (7) year term renewable once.

Article 62 of the Constitution guarantees the independence of the Commission both in decision-making and in financing. The President with approval of Parliament appoints Commissioners. The Commission shall be under no other authority in the conduct of its affairs.

The Commission has a secretariat headed by a Secretary to the Commission and other staff as the Commission may hire as required. In addition to headquarter staff, the Commission has an office and staff in each of the 69 districts.

1.1 Elections Management

The Electoral Commission was established and is mandated under Article 60, 61 and 62 of the Constitution of the Republic of Uganda (1995) to conduct free and fair elections and referenda.

The Electoral Commission Act, 1997 (as amended) operationalises the constitutional articles. Other specific election laws that include the Presidential Elections Act, the Parliamentary Elections Act, Local Government Act, Referendum and Other Provisions Act and Women, Youth and Persons with Disabilities (PWDs) Council Acts govern the actual conduct of elections in the country.

The Commission, since its establishment, has conducted Presidential and Parliamentary elections in 1996, 2001 and 2006 and Local Government elections in 1998 and 2002 as well as Referenda on political systems in 2000 and 2005. The Commission has also conducted various elections of councils for Special Interest Groups (Women, Youth and PWDs) from the village to the national level and lower administrative (village and Parish) during the same period.

2.0 LEGISLATIVE FRAMEWORK

The applicable laws in the conduct of elections and/or referenda in Uganda include:-

- a. The Constitution of the Republic of Uganda, 1995
- b. The Political Parties and Organizations Act, 18 Of 2005
- c. The Presidential Elections Act, 16 of 2005
- d. The Parliamentary Elections Act, 17 of 2005
- e. The Parliamentary Elections (Special Interest Groups) Regulations, 2001(**covers Election of Youth, Workers and the Army Representatives to Parliament**)

- f. The Parliamentary Elections (**District Women Representatives**) Regulations, 2001
- g. The Local Governments Act, Cap 243 (as amended)
- h. The Electoral Commission Act, Cap 140
- i. The National Youth Council Act and Regulations
- j. The National Women Council Act and Regulations

Presidential elections in Uganda are conducted in accordance with the constitutional provisions mandating the Electoral Commission to conduct the same within the first thirty days of the last ninety days before the expiration of the term of the President. The term of the President and Parliament is five(5) years.

The recently concluded Presidential and Parliamentary elections were conducted on the same day pursuant to Article 61 (3). However, it was not practicable to conduct the Local Government Council elections on the same day. The different levels local government elections were staggered over a three week period.

There are two pieces of legislation have now lapsed with coming into force of the multi party system of governance. They were operational in the Movement system of government. They are;

(i) *The Movement Act, 1997*

(ii) *The Movement (Elections) Regulations, 1997*

3.0 ELECTORAL SYSTEM.

The electoral system translates the vote's cast in a general election into seats won by Political Parties and Candidates. The electoral system in Uganda is generally prescribed in the Constitution and the relevant electoral laws, and may be outlined as follows: -

3.1 Presidential Elections.

Article 103 (1) of the Constitution of the Republic of Uganda states that

“The Election of the President shall be by universal adult suffrage through a secret ballot.”

Article 103 (5) “ A Candidate shall not be declared elected as President unless the number of voters cast in favor of that Candidate at the Presidential election is more than fifty percent of valid votes cast at the election”

The Electoral System for the President, therefore, has ingredients of universal adult suffrage, secret ballot and the requirement of absolute majority.

The elections are conducted under a Multiparty Political System and nomination of Candidates may be made by a registered political organization/political party sponsoring a candidate or by a candidate standing for election as an independent.

3.2 Parliamentary Elections

3.2.1 Composition of the Parliament

The Parliament of Uganda comprises of two hundred and fifteen (215) directly elected members representing constituencies, sixty nine (69) District Women Representatives, and twenty five (25) Representatives of Special Interest Groups i.e. ten (10) for Uganda Peoples Defense Forces (the national army), five (5) for Workers, five (5) for the Youth and five (5) for Persons with Disabilities.

3.2.2 Mode of Elections

For the Directly Elected Members and District Women Representatives, voting is by universal adult suffrage secret ballot and winners are determined by a first past the post methods.

The Members Representing Special Interest Groups are elected by secret ballot in Electoral Collages that comprise of leaders in those groups from grass root level. The winners are determined by a first past the post method within the collages.

3.3 Local Governments

The system of local government in Uganda is based on the district as a unit under which there are lower Local Governments and administrative units.

3.3.1 Composition of Local Governments:-

Local government councils are headed by an Executive composed of the Chairperson, Vice Chairperson and Secretaries for Production, Finance, Information and Mobilisation, Health and Works. The same structure exists at the district, sub-county and at the lower administrative units. Special Interest groups (women, Youth and Persons with Disabilities) are represented at these levels.

(a) In a district are: -

- (i) District councils
- (ii) Sub-County Councils

(b) In a city are:-

- (i) City Council
- (ii) City Division Council

(c) In a Municipality are:-

- (i) Municipal Council
- (ii) Municipal Division Council

(d) In a town

- (i) The Town Council

The Chairperson, and Councillors directly elected to represent electoral areas are elected by universal adult suffrage, secret ballot and winners determined by the first past the post method.

The Councillors Representing Special Interest Groups i.e. The Youth and Persons with Disability are elected by secret ballot under electoral collages comprising leaders in these groups from grassroots.

3.4 Lower Administrative Units

At the Village/Cell, only the Chairperson is elected by secret ballot. He appoints his executive from among members of the village council that includes all residents in a village. The executive is then approved by the whole council.

The Village/Cell executives from villages/cells that make up a parish/ward then form the Electoral College for electing a parish/ward executive.

4.0 BOUNDARY DELIMITATION

Drawing of electoral boundaries for representation in parliament and local Government Councils is provided for in Constitution of the Republic of Uganda, the Parliamentary Elections Act, 2005 and Local Government Act, 1997 (as amended).

4.1 Parliamentary Constituencies

Uganda is divided into two hundred and fifteen Parliamentary constituencies. The Constitution provides the following as guidelines to the Commission;

- (i) Uganda shall be divided into as many constituencies for purposes of election of members of parliament as parliament may prescribe.
- (iii) Each county as approved by Parliament has at least one Member of Parliament.
- (iv) No constituency shall fall within more than one county.
- (v) The boundary of a constituency shall be such that the number of inhabitants in the constituency is as nearly as possible, equal to the population quota.
- (vi) The number of inhabitants of a constituency may be greater or less than the population quota in order to take account of means of communication, geographical features, density of population, area and boundaries of districts.
- (vii) The electoral commission is mandated to review the division of Uganda into constituencies within twelve months after publication results of a census of the population of Uganda.

4.2 Local Government Electoral Areas

Boundaries of Local Government electoral areas are drawn by the Electoral Commission in accordance with the Constitution and Local Government Act, 1997 (as amended).

4.2.1 Basic Administrative Unit For Representation:

- a) In case of a district, every Sub-county or Municipal division is represented at the district council and no Sub-county or municipal division shall be sub divided for the purpose of adding a part of it to another division.
- b) In the case of a City, every division is represented at the City Council and that no division shall be subdivided for the purposes of adding a part of it to another division.
- c) In the case of the Sub County, municipality, City division or Town, every parish shall Local Government Council and no parish or ward shall be subdivided for the purpose of adding a part of it to another parish or ward.

4.2.2 The population quota

The number of inhabitants in an electoral area may be greater or less than other electoral areas in order to take account of means of communication, geographical features and density of population.

4.2.3 The legal provision that the total number of Councillors for Local Government Council shall not be less than ten.

4.2.4 The requirement of women constituting a third of any local government council.

5.0 VOTE COUNTING

The procedures for vote counting during elections in Uganda are provided for and prescribed under **Part VII** of the Presidential Elections Act, 2005 and **Part IX** of the Parliamentary Elections Act, 2005 as follows:-

- 5.1 Votes cast at every polling station shall be counted at the polling station immediately after the presiding officer declares the polling closed and votes cast in favour of each candidate shall be recorded separately in prescribed forms.
- 5.2 No voters shall stay uncounted overnight. Therefore adequate light shall be provided for the purpose of counting votes.
- 5.3 A candidate or his/her agent may be present at each polling station for the purposes of safeguarding the interest of the candidate with regard to all stages of counting, tallying or recounting processes.

- 5.4 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 table and with the assistance of Polling Assistants proceed to count the votes separating the votes polled by each candidate.
- 5.5 Each Presiding Officer shall immediately after counting fill the necessary number of copies of the prescribed form for declaration of results.
- 5.6 The declaration of results forms filled 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 District Returning Officer.
- 5.7 Each Presiding Officer shall without any delay after closing the poll transmit or deliver to the Returning Officer or nearest results collecting center the duly filled and signed declaration of results form.
- 5.8 After the envelopes containing the declaration of results forms have been received the Returning Officer shall in the presence of 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 declaration of results form.
- 5.9 Each Returning Officer shall immediately after the addition of the votes declare elected the candidate who has obtained the largest number of votes by completing a return in the prescribed form.
- 5.10 Each Returning Officer shall upon completing the return transmit to the commission the results.

6.0 VOTER REGISTRATION

The Electoral Commission Act, 1997 (as amended), Sect. 18(1) requires the Commission to compile, maintain and update the voters' register on a continuing basis.

A fresh national registration exercise was conducted countrywide under the Photographic Voter Registration and Identification System (PVRIS) in August/September 2001. The Commission, using parish registration teams, registered **8.2 million voters** out of a total of 10.7million eligible voters. Since then, the eligible voter population has increased to 11.8 million eligible voters as per Uganda Bureau of Statistics (UBOS) figures derived from the last national census that was conducted in September 2002.

The current national voters register, therefore, has photographs alongside the text data, a useful method of identifying voters and increasing accuracy. The Commission has been and continues to issue photograph bearing voters' cards. The total number of registered voters on the national voters' register is **10,450,788** or **90.0% of total**

eligible voters out of the estimated 26 million Ugandans. The voters are distributed among a total of **19,788 polling** stations countrywide.

There are 3 types of voters' registers, namely:

- (i) Voters' register for residents in each village/cell governed by the Local Government Act (1997) that includes non-citizens of Uganda but who are resident in a village/cell.
- (ii) Voters' register for Special Interest Groups, that is, Women, Youth, Workers, Uganda Peoples Defense Force (UPDF) and Persons with Disabilities.
- (iii) The **National Voters' Register (NVR)** 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 registration of voters, the display of voters' roll to be used during polling, nomination of candidates, campaigns and 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 or transfer to the electoral area(s) to which the cut off applies.

7.0 POLITICAL PARTIES AND CANDIDATES

From 1986 to 2005, Uganda was under the Movement (No Party) political system. This system applied the principle of **individual merit** to those aspiring for political office. Everybody was by law a member of the Movement and candidates stood on their own merit and campaigned as such. The Referendum of July 2005 returned a verdict of multi party political system. This system was duly adopted. In a multiparty political system nomination of candidates may be made by a political organization or political party sponsoring a candidate or by a candidate standing for election as an independent candidate without being sponsored by a political organization or political party.

The Political Parties and Organizations Act No.18 of 2005 (PPOA) was passed against the background of a successful transition from the Movement to the Multiparty Political System.

To harmonise and regulate Political Parties and organistaions, the PPOA provides for a **Code of Conduct for political Parties and Organisations** and a **National Consultative Forum for Political Parties and Organizations** in section 19 and 20 of the Act. The registration and regulation of political parties or organization is however conducted by the Electoral Commission.

Both the prescription of the Code of conduct and the establishment of the National Consultative Forum have met some success; while the Code of conduct is in advanced stages of being passed into law, the National Consultative Forum has largely been functioning as a **National Electoral Liaison Committee**.

In addition, the Commission has established **Complaints Desks** at every district to listen to complaints from Political parties and candidates. Experience from the just concluded general elections shows that the desks went a long way in fostering harmony during the electoral process.

8.0 CHALLENGES OF ELECTION ADMINISTRATION IN A MULTI-PARTY DEMOCRACY

8.1 The Voters Register

The backbone of any good election is an accurate voters' register. The challenge, therefore, is how to compile a voters' register that includes all eligible voters and is acceptable to all stakeholders. The register possesses unique features that assist in identifying the voters e.g photographs, voter identification number and thumbprints e.t.c. These introduce technical challenges.

8.2 Funding of Elections

Elections are very expensive exercises. In a developing country like Uganda, there are competing priorities for the limited resource envelope. Adequate funding of electoral activities is not always possible. Consequently, activities like voter education and remuneration of elections officials (registration, display and polling officials) funds for physical aspects like offices and vehicles are often under funded.

8.3 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 is difficult, if not impossible, to find neutral acceptable and qualified personnel.

8.4 Voter Education

Despite efforts by the Commission to conduct voter education, the challenge of a largely illiterate voting population compounded by lack of adequate funding has greatly reduced the impact of the programme.

8.5 Relations Between Political Parties and The Electoral Commission

The relationship between political parties and the Commission in a new multiparty dispensation has been challenging. The parties are suspicious of the Commission's intention and indeed capacity to deliver free and fair elections. The Commission, on the other hand, has tried to bring on board the parties in all electoral activities with several dialogue workshops, institution of a National Liaison Committee on which all parties taking part in the election are represented and similar committees at the district level to

here and investigate complaints. During polling, each participating party is entitled to a maximum of two agents at each polling station who witness the exercise, endorse the declaration form and are entitled to a copy of the declaration form.

9.0 CONCLUSION

The Electoral Commission is committed to fulfilling its mandate as enshrined in the Constitution of the Republic of Uganda. To this end, the Commission has put into place mechanisms that will ensure that it conducts free and fair polls. Examples of these include the **photograph-bearing register** that minimises impersonation, **issuance of photograph bearing voters' cards** that 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. 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.

In conclusion the Commission reiterates its position to fulfill its constitutional mandate to organise, conduct and supervise free and fair elections.

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