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NOMINATION GUIDELINES FOR LOCAL GOVERNMENT COUNCILS

1.0 LAW APPLICABLE

- The Constitution of the Republic of Uganda, 1995
- The Parliamentary Elections Act, 2005
- The Local Government Act, Cap 243 (As amended)
- The Electoral Commission Act, Cap 140
- The Political Parties and Organisations Act, 2005

These guidelines shall apply to the nomination of District Chairpersons, Municipal Chairpersons Sub-county/Town/Municipal Division Chairperson, City Division Chairpersons and respective Councillors.

1.1 DEFINITIONS

Currency point: One currency point is equivalent to twenty thousand shillings (20,000=).

Public Officer means a person holding or acting in any public office and shall for the avoidance of doubt include an employee of any Commission established by the Constitution. It also applies with the necessary modification 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.

2.0 DISTRICT OR CITY CHAIRPERSONS

2.1 A person shall not qualify for election as chairperson of a district or city unless that person –

- (a) is a citizen of Uganda;
- (b) is ordinarily resident or has made undertaking in writing to the Electoral Commission that within six months of his or her election, he or she shall have established a residence in that city or district;

- (c) Is at least thirty years and not more than seventy-five years of age;
- (d) is a registered voter;
- (e) has completed a minimum education of Advanced Level standard or its equivalent.
- (f) has submitted to the Returning Officer of a district or city on or before the nomination day the nomination paper signed by two persons nominating him or her as a candidate.
- (g) attaches to his or her nomination paper a list of names of fifty registered voters from each of at least two-thirds of the electoral areas, and each voter shall have appended to that list his or her signature, physical address and voters' registration number.

2.2 Any of the following persons wishing to stand for election as a district chairperson shall establish his or her qualification with the Commission as a person holding a minimum qualification of Advanced Level or its equivalent before nomination-

- (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 outside Uganda.

2.3 A person required to establish his or her qualification 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 Examination Board.

2.4 A person who claims to possess a qualification 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 or its equivalent.

2.5 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 of Higher Education.

- 2.6 The Commission shall not accept a statutory declaration or affidavit as evidence of an academic qualification.

3.0 SUB-COUNTY/TOWN/MUNICIPAL DIVISION, MUNICIPALITY/CITY DIVISION CHAIRPERSONS

- 3.1 A person shall not qualify for election as chairperson of a municipality, city division, town, municipal division or sub-county unless that person-

- (a) is a citizen of Uganda;
- (b) is ordinarily resident or has made undertaking in writing to the Electoral Commission that within six months of his or her election he or she shall have established a residence in that municipality, city division, town, municipal division or sub-county;
- (c) is at least thirty years and not more than seventy-five years of age;
- (d) is a registered voter;
- (e) has submitted to the Returning Officer on or before the nomination day the nomination paper signed by two persons nominating him or her as a candidate.
- (f) attaches to his or her nomination paper a list of names of twenty registered voters from each electoral area, and each of the twenty registered voters shall have appended to that list his or her name, signature, physical address and voters' registration number.

4.0 NOMINATION REQUIREMENTS AND FEE FOR CHAIRPERSONS

- 4.1 The nomination paper (Form EC 1) shall be accompanied by-

- (a) a declaration by a person seeking nomination for election as Chairperson (Form EC 2);
- (b) a declaration of income, assets and liabilities (Form EC 3);
- (c) three postcard-size copies of recent photograph (straight face) of the proposed candidate;
- (d) evidence of the candidate's appointment of his or her agent specifying the name, voter's registration number, address and occupation of the official agent (Form EC 5);

- (e) acceptance by the agent of appointment and a statement of oath before a Commissioner for Oaths or a person so authorised (Form EC 6);
- (f) a statement under oath (Form EC 7) stating among other things-
 - (i) that the person seeking nomination is a citizen of Uganda;
 - (ii) that he or she is eighteen years of age or above; and
 - (iii) that he or she is not disqualified from being a local government councillor under the Local Governments Act or any other law in force;
- (g) candidate's consent to his or her nomination (EC 8);
- (h) a non-refundable fee in cash or bank draft payable to the relevant local government council as follows-
 - (i) Two hundred thousand shillings (200,000=) (Ten Currency Points) in the case of a district/city chairperson;
 - (ii) One hundred thousand shillings (100,000=) (Five Currency Points) in the case of a municipality chairperson; and
 - (iii) Fifty thousand shillings (50,000=) (Two and One-Half Currency Point) in the case of a city division, a town or a sub-county chairperson.

- 4.2 A person shall not subscribe to more than one nomination paper, and no person shall give his or her support to more than one candidate for the same office.

A person who contravenes the foregoing paragraph commits an offence and is liable on conviction to a fine not exceeding sixty thousand shillings (60,000=) or imprisonment not exceeding six months or both.

5.0 DEATH, DISQUALIFICATION AND WITHDRAWAL OF CANDIDATES

- 5.1 Where there are two candidates and one dies, the Returning Officer shall fix another nomination day giving reasonable time to candidates, if any, to be nominated. A candidate previously and validly nominated shall not be required to be nominated again.
- 5.2 Where fresh nomination days are fixed, the Returning Officer shall, where applicable, postpone the election to another convenient date.

5.3 Where there are two candidates and one withdraws in writing or is disqualified or ceases to be a candidate by reason of his or her ceasing to qualify for election, the Returning Officer shall immediately declare the remaining candidate elected unopposed.

6.0 QUALIFICATION OF DISTRICT, CITY DIVISION, MUNICIPALITY, TOWN, MUNICIPAL DIVISION AND SUB-COUNTY COUNCILLORS

6.1 A person is qualified to be a member of a district or city council other than the chairperson if that person-

- (a) is a citizen of Uganda;
- (b) is a registered voter.

6.2 A person shall not be elected a local government councillor if that person-

- (a) is of unsound mind;
- (b) is acting in or holding an office the functions of which involve a responsibility for or in connection with the conduct of election;
- (c) is a traditional or cultural leader as defined in the Constitution;
- (d) is under sentence of death or imprisonment exceeding six months without the option of a fine; or
- (e) is employed by that local government council.

6.3 A public officer, a person employed in any government department or agency of the government, an employee of a local government or an employee of a body in which government has a controlling interest, who wishes to stand for election to a local government office shall resign his or her office at least thirty days before nomination day in accordance with the procedure of the service or employment to which he or she belongs.

6.4 A person however, is not required to resign his or her office if elected to an administrative unit at village, parish or ward.

6.5 For the avoidance of doubt, a public officer employed by a local government shall not be a councillor of that local government or another local government or lower government.

7.0 NOMINATIONS FOR THE COUNCILLORS' ELECTION

7.1 The nomination paper (EC 4) shall be signed by the candidate and seconded by two registered voters and tendered to the Returning Officer with the following-

- (a) the names and signatures of not less than five persons who are registered as voters in the constituency where the person is seeking nomination, and each person shall indicate his or her name, village, occupation and voter's registration number;
- (b) evidence of the candidate's appointment of his or her agent specifying the name, voter's registration number, address and occupation of the official agent (Form EC 5);
- (c) acceptance by the agent of appointment and a statement of oath before a Commissioner for Oaths or a person so authorised (Form EC 6);
- (d) a statement under oath (Form EC 7) stating among other things-
 - (i) that the person seeking nomination is a citizen of Uganda;
 - (ii) that he or she is eighteen years of age or above; and
 - (iii) that he or she is not disqualified from being a local government councillor under the Local Governments Act or any other law in force;
- (e) candidate's consent to his or her nomination (EC 8);
- (f) two postcard size photographs of the proposed candidate's recent photograph (straight face), and a duplicate copy of the nomination paper certified by the Returning Officer, shall be given to the candidate;
- (g) a non refundable nomination fee in cash or bank draft payable to the respective local government council as follows-
 - (i) in the case of a district, city or municipality, fifty thousand shillings (50,000=)(Two and One-Half Currency Point); and
 - (ii) in the case of a town, city division or sub-county, twenty thousand shillings (20,000=)(One Currency Point).

7.2 The nomination of a candidate shall be submitted by the candidate himself or herself.

7.3 The 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.

- 7.4 A political party or organisation can not subscribe to more than one nomination paper or sponsor more than one candidate for a given office.
- 7.5 Where at the close of the nomination day or days no person is duly nominated for election for an electoral area, the Returning Officer shall report to the Electoral Commission, and the Commission shall fix another day for nominations.
- 7.6 Where only one candidate is nominated at the close of the nomination day or days, the person nominated shall be declared elected unopposed.

8.0 SUBMISSION OF NOMINATION RETURNS

At the end of the nomination exercise, the respective Returning Officers shall submit to the Commission Headquarters the following;-

- (a) One copy of the nomination form;
- (b) One postcard photograph; and
- (c) A copy of the Control Form indicating the names and number of nominated candidates in a given electoral area.

Dr. Jenny B. Okello
Ag. Chairperson, Electoral Commission