



THE REPUBLIC OF UGANDA
THE ELECTORAL COMMISSION

Our Ref: EMT19/01

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**LOCAL GOVERNMENT COUNCILS ELECTIONS 2011
GUIDELINES FOR NOMINATION OF CANDIDATES**

1.0 LAW APPLICABLE

- The Constitution of the Republic of Uganda, 1995 [As amended]
- The Presidential Elections Act 2005 [PEA] [As amended]
- The Parliamentary Elections Act, .2005 [PAR-EA] [As amended]
- The Local Governments Act, Cap 243 [LGA] [As amended]
- The Electoral Commission Act, Cap 140 [ECA] [As amended]
- The Political Parties and Organisations Act, 2005 [PPOA] [As amended]

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

1.1 DEFINITIONS

- Currency point:** One currency point is equivalent to twenty thousand Uganda 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 APPOINTMENT OF NOMINATION DAYS [Section 119, of LGA]

- 2.1 The Commission shall issue a notice in the gazette appointing days and time during which the nomination of candidates shall take place.
- 2.2 Every place fixed for nominations of candidates shall be a public place such as a court house, city or town hall, community center or other public or private building in a central place.

3.0 QUALIFICATION FOR DISTRICT OR CITY CHAIRPERSONS [Section 111 (3) of LGA]

- 3.1 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 append to that list his or her signature, physical address and voter registration number.

NB: The electoral areas referred to are those for Directly Elected Councillors.

- 3.2 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.
- 3.3 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 Examinations Board.
- 3.4 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 of Education or its equivalent.

- 3.5 For the avoidance of doubt, if a candidate has an Advanced Level Certificate of Education 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.
- 3.6 The Commission shall not accept a statutory declaration or affidavit as evidence of an academic qualification.

4.0 QUALIFICATION FOR SUB-COUNTY/TOWN/MUNICIPAL DIVISION; MUNICIPALITY/CITY DIVISION CHAIRPERSONS [Section 111 (4) of LGA]

- 4.1 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.
- 4.2 A person shall not subscribe to more than one nomination paper, and no person shall give his/her support to more than one candidate for the same office.

NB: The Electoral Areas referred to are those for Directly Elected Councillors to the relevant Local Government.

5.0 NOMINATION REQUIREMENTS FOR CHAIRPERSONS [Section 111 (7) of LGA]

- 5.1 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 coloured 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-a-half Currency Points) in the case a City Division, a Town or a Sub-County Chairperson.

NB: Candidates are advised to pay to the relevant Local Government Council in cash or bank draft and obtain General Receipts before nomination days.

6.0 DEATH, DISQUALIFICATION AND WITHDRAWAL OF CANDIDATES [Section 113, of LGA]

- 6.1 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.
- 6.2 Where fresh nomination days are fixed, the Returning Officer shall, where applicable, postpone the election to another convenient date.
- 6.3 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.

7.0 QUALIFICATION OF DISTRICT/CITY, MUNICIPALITY/CITY DIVISION, SUBCOUNTY/TOWN/ MUNICIPAL DIVISION COUNCILLORS [Section 116, of LGA]

- 7.1 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.
- 7.2 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 an election under the Local Government Act, Cap 243.
 - (c) is a traditional or cultural leader as defined in Article 246(6) of 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.
- 7.3 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.
- 7.4 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.

8.0 NOMINATION OF CANDIDATES FOR ELECTION AS COUNCILLORS TO LOCAL GOVERNMENT COUNCILS [Section 119, of LGA] [Directly Elected Councillors, Women Councillors forming one third of Councils, Councillors representing Youth and Persons with Disabilities.

- 8.1 **(i) Nomination of candidates for election of Councillors to Local Government Councils shall be conducted at the County Level.**
- (ii) The nomination papers of a candidate shall be submitted by the candidate himself or herself.
- 8.2 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 Electoral Area 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) the candidate's consent to his or her nomination (EC 8);
 - (f) (i) two postcard size photographs of the proposed candidate's recent photograph (straight face). The candidate's photograph should be taken against a light background preferably white or light grey.
 - (ii) 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-a-Half Currency Points); and
 - (ii) in the case of a town, city division or sub-county, twenty thousand shillings (20,000=) (One Currency Point).
- 8.3 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.
- 8.4 A political party or organisation shall not subscribe to more than one nomination paper or sponsor more than one candidate for a given office.
- 8.5 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.
- 8.6 Where only one candidate is nominated at the close of the nomination day or days, the person nominated shall be declared elected unopposed.

8.7 A person who uses a convoy of vehicles for the purpose of his/her nomination shall have no more than two (2) vehicles in the convoy and each vehicle shall bear police stickers and shall not carry more than ten persons.

9.0 ALLOCATION OF SYMBOLS AND COLOURS [Section 17, of LGA]

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/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 chosen by him/her.
 - (c) in any other case, allocate such a symbol or colour as it considers appropriate;
- A symbol or colour under (b) and (c) shall be chosen or assigned from among symbols and colours approved by the Commission for purposes of the election. These symbols are attached to these guidelines.

NB • The symbols approved by the Commission are attached to these guidelines and they shall be used for election in the form in which they appear.

- **Independent candidates must ensure that they have selected and have been allocated symbols before leaving the nomination venue. This will be done by candidates signing against the selected symbol on the Nomination Control Forms.**

10.0 USE OF LOCAL COUNCIL OR GOVERNMENT RESOURCES [Section 126, of LGA]

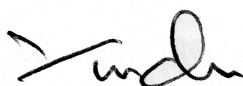
- a) Except as authorised by law, where a candidate is a chairperson or holds any other political or public office, he/she shall not use local council or Government facilities for the purpose of campaigning for elections.
- b) Where a candidate holds any political office, he/she shall, during the campaign period restrict the use of official facilities ordinarily attached to his/her office to the execution of his/her duties.
- c) For purposes of enforcing 10(b), the Commission shall, by writing require any candidate to state in writing the facilities ordinarily attached to that office and candidate shall comply with the requirement.
- d) (a), (b) and (c) above, apply with the necessary modification to an employee of a statutory corporation or company in which Government holds a controlling interest and a member of a Commission or Committee established by the Constitution as it applies to a public officer.

11.0 CAMPAIGN PROGRAMMES

Intending candidates are advised to submit together with their Nomination Paper a copy of their proposed campaign programme on nomination day(s) for purposes of harmonisation of campaign programmes.

12.0 OFFENCES

- 12.1 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 three currency points equivalent to sixty thousand shillings (60,000/=) or imprisonment not exceeding six months or both.
- 12.2 A person who forges a certificate purporting to be issued by the National Council for Higher Education or utters a forged certificate commits an offence and is liable on conviction to a fine not exceeding two hundred and forty currency points equivalent to Ug. Shs. 4,800,000= (Four million eight hundred thousand shillings only) or imprisonment not exceeding ten years or both
- 12.3 A person who forges any academic certificate for the purpose of nomination for any election or utters such forged certificate commits an offence and is liable on conviction to a fine not exceeding two hundred and forty currency points equivalent to Ug. Shs. 4,800,000/= (Four million eight hundred thousand shillings only)
- 11.4 A person who uses more than two vehicles carrying more than ten persons, yet without police stickers commits an offence and is liable on conviction to a fine not exceeding twenty-four currency points equivalent to Ug. Shs. 480,000/= (Four hundred eighty thousand shillings only) or imprisonment not exceeding one year or both.



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