



THE REPUBLIC OF UGANDA  
**THE ELECTORAL COMMISSION**

Our Ref: EMT19/01

Date: 26th August, 2010

**PRESIDENTIAL ELECTIONS 2011  
GUIDELINES FOR NOMINATION OF PRESIDENTIAL CANDIDATES**

**1.0 LAW APPLICABLE**

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

**2.0 APPOINTMENT OF NOMINATION DAYS** [Section 8, of PEA]

- 2.1 The Commission shall issue a notice in the gazette appointing two days during which the nomination of candidates shall take place indicating:
- a) the places and times fixed for nomination of candidates; and
  - b) the hours on each nomination day, during which nominations are to 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.
- 2.3 The hours to be indicated shall be from ten o'clock in the morning to four o'clock in the afternoon (10.00 am - 4.00 pm) on each nomination day.

**3.0 QUALIFICATION OF CANDIDATES** [Section 4, of PEA]

- 3.1 A person is not qualified for election as President unless that person is:
- (a) a citizen of Uganda by birth;
  - (b) not less than thirty five years and not more than seventy five years of age;
  - and
  - (c) a person qualified to be a Member of Parliament.
- 3.2 The Commission shall request such evidence as it thinks necessary for the qualifications specified in 3.1(a) &(b) above. Evidence may include, Birth Certificate, Baptism Certificate, Sworn Affidavit, etc.
- 3.3 A person is qualified to be a Member of Parliament if that person:
- (a) is a citizen of Uganda;
  - (b) is a registered voter; and
  - (c) has completed a minimum formal education of Advanced Level standard or its equivalent.
- 3.4 A person is not qualified for election as a President if that person [Section 4 (4) of PEA]:
- (a) Is of unsound mind;
  - (b) Is holding or acting in an office the functions of which involve a responsibility for or in connection with the conduct of an election;
  - (c) Is a traditional or cultural leader as defined in clause (6) of Article 246 of the Constitution.
  - (d) Has been adjudged or otherwise declared bankrupt under any law in force in Uganda and has not been discharged;
  - (e) Is under a sentence of death or a sentence of imprisonment exceeding nine months imposed by any competent court without the option of a fine;
  - (f) Has within the seven years immediately preceding the election, been convicted by a competent court of a crime involving dishonesty or moral turpitude; and
  - (g) Has within the seven years immediately preceding the election, been convicted by a competent court for contravention of any law relating to elections conducted by the Commission.

**4.0 PUBLIC SERVANTS TO RESIGN** [Section 4 (6) of PEA]

A public officer or a person employed in any government department or agency of the government or an employee of a local government or any body in which the Government has controlling interest who wishes to stand for election as President shall resign his or her office before nomination day.

Evidence of resignation shall be presented to the Returning Officer together with the Nomination Paper.

#### **5.0 VERIFICATION OF ACADEMIC QUALIFICATIONS** [Section 4(7) of PEA]

Any of the following persons wishing to stand for election as president shall establish his or her qualifications with the Electoral Commission as a person holding a minimum qualification of advanced level or its equivalent **at least two months before nomination day**, in case of a normal presidential election, or where a presidential election is held otherwise than as a result of expiry of the term of the president, at least two weeks before nomination day.

- (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 qualification obtained from outside Uganda.
- (c) Persons claiming to have academic degrees which were obtained from outside Uganda.

A person required to establish his/her qualification(s) under (a) and (b) shall do so by production of a certificate issued to him or her by the National Council for Higher Education in consultation with Uganda National Examinations Board.[Section 4(8) of PEA].

A person who claims to possess qualifications referred to in (c) 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 [Section 4(9) of PEA].

5.1 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 qualification by the National Council for Higher Education [Section 4 (15) PEA 05].

5.2 The Electoral Commission shall not accept for the purpose of this section, a statutory declaration or affidavit as evidence of an academic qualification [Section 4 (16) of PEA 05].

#### **6.0 SPONSORSHIP OF CANDIDATES BY POLITICAL ORGANISATION OR POLITICAL PARTY** [Section 9 of PEA]

Nomination of candidates may be made by a registered 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. Where a candidate is sponsored by a political party/organisation, the nomination paper shall be endorsed and SEALED by the political party/organisation sponsoring the candidate.

**NB: The Secretary General of a party or a person designated by him or her shall ensure that the nomination papers are endorsed and sealed.**

#### **7.0 NOMINATION PROCEDURE** [Section 10 of PEA]

A person shall not be a candidate in a presidential election unless:

- a) that person submits to the Commission on or before the day(s) appointed as nomination day(s) in relation to the election, a document referred to as a Nomination Paper, which is signed by that person, nominating him or her as a candidate, and
- b) the nomination is supported by not less than one hundred voters in each of at least two thirds of all the districts of Uganda, i.e. not less than 75 districts of Uganda.

**NB: Intending candidates are encouraged to submit the lists of supporters to the Electoral Commission for verification at least 2 weeks before the nomination dates.**

7.1 Each candidate shall attach to his or her nomination paper a list of names of the registered voters required under 7.0 and each of those registered voters shall append to that list his or her name; signature, physical address and voter registration number as specified in the Nomination Paper [Section 10 (3) of PEA].

7.2 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.

7.3 The Nomination paper shall be accompanied by:

- a) a declaration in the form specified in the Fourth Schedule to the PEA;
- b) a non refundable fee of four hundred currency points, equivalent to Eight million Uganda Shillings payable to the Uganda Administration in Cash or bank draft;

**NB:** Intending candidates are advised to make payments and obtain General Receipts in respect of the payment from the Commission before nomination days to:

**Bank : Stanbic Bank**  
**Account Title : Electoral Commission Non-Tax Revenue Account**  
**Account No. : 0141001072873101**

- c) three post card size copies of the candidate's own recent straight face colour photograph.  
**NB • Intending candidates are advised to take their photographs against a light background preferably white or grey.**
  - Intending candidates shall write their names, surname first behind each photograph.

## **8.0 FACTORS WHICH MAY INVALIDATE A NOMINATION [Section 11 of PEA]**

A person shall not be regarded as duly nominated and the nomination paper of any person shall be regarded as void if:

- a) the person's nomination paper was not signed and seconded in accordance with 7.0;
- b) the nomination paper of the person was not accompanied by the list of names of registered voters as required under 7.1;
- c) the person has not complied with the requirements under 7.3;
- d) the person seeking nomination was not qualified for election under 3.0;
- e) the person seeking nomination has been duly nominated for election as a member of Parliament.

## **9.0 RETURNING OFFICER [Section 10 (12) of PEA]**

For the purposes of the nomination of candidates for a presidential election, the Returning Officer shall be the **Chairperson of the Electoral Commission** or a person designated in writing by the Commission.

## **10.0 CONVOY OF VEHICLES**

- a) A candidate who uses a convoy of vehicles for the purpose of his or her nomination shall have not more than two vehicles in the convoy and each vehicle shall bear police stickers and shall not carry more than ten (10) persons [Section 10 (13) of PEA].
- b) An incumbent President who is a candidate shall use such number of vehicles as is ordinarily attached to his office [Section 27 (2) of PEA].

## **11.0 INSPECTION OF NOMINATION PAPERS AND LODGING OF COMPLAINTS [Section 13, of PEA].**

A registered voter may:

- a) During office hours on the nomination day, at the office of the Returning Officer or any other place as determined by the Commission, inspect any nomination paper filed with the Returning Officer.
- b) After the closure of the nomination time and during such period as may be prescribed, inspect any nomination paper in respect of a candidate at such time and subject to such conditions as may be prescribed; and may lodge any complaint with the Returning Officer or the Commission in relation to any nomination in respect of a candidate challenging the qualifications of any person nominated.

**NB: The Commission has prescribed a period of 5 days between 9.00 and 4.00 pm on each day after the closure of nominations for purposes of inspection referred to in (b) at the Returning Officer's office at Plot 55, Jinja Road.**

## **12.0 ALLOCATION OF SYMBOLS [Section 15 (1) of PEA].**

Where an election is contested (i.e. more than one candidate), the Commission shall as soon as practicable after the nomination days;

- a) allocate to each candidate the symbol of his or 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 or colour chosen by him or her.

**NB: For purposes of (b) above, candidates standing for election as Independent Candidates should submit their proposed symbols both in hard copy and soft copy on CD to the Commission on nomination day(s).**

### **13.0 SYMBOL NOT TO HAVE SECTARIAN CONNOTATION** [Section 15 (3) of PEA].

A person shall not be allocated a symbol or colour which has a tribal or religious affiliation or any other sectarian connotation.

### **14.0 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 in compliance with Section 21(6) of PEA.

### **15.0 WITHDRAWAL OF CANDIDATES** [Section 17 of PEA].

- 15.1 A duly nominated candidate for election as President may withdraw his/her nomination at any time before polling day, in the election for which the person is standing as a candidate.
- 15.2 A withdrawal of a candidate under 15.1 shall be effected by means of a written notification to the Commission or the Returning Officer and shall be signed by the candidate personally and the candidate's signature shall be witnessed by the signatures of 2 registered voter.
- 15.3 Where a candidate is sponsored by a political party/organisation, the notification shall be signed and filed by the Secretary General of the political party/organisation or any other person authorised by the political party/organisation
- 15.4 A candidate who withdraws his or her nomination within thirty days after his or her nomination shall refund the Ug. Shs. 20 million contribution to be used for election to the Commission [Section 10(4)].

### **16.0 DECLARATION OF UNOPPOSED CANDIDATE ELECTED**

1. Where a candidate at time of the closure of nominations is the sole candidate nominated, the Commission shall publish and declare under its seal within 48 hours from the close of nominations, that that candidate is elected unopposed with effect from the date fixed for the poll under Section 16 of PEA.
2. Where, as a result of withdrawal of other candidates for election, there remains only one candidate the Returning Officer will immediately declare the remaining candidate elected unopposed.

### **17.0 OFFENCES**

- 16.1 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 [Section 5, of PEA].
- 16.2 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) [Section 5, of PEA].
- 16.3 A person who contravenes Guideline 10.0 [Section 13 of PEA] 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 [Section 10 (14)of PEA].



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