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1st December, 2005

THE PARLIAMENTARY ELECTIONS ACT, 2005
NOMINATION GUIDELINES

Law Applicable

The Constitution of the Republic of Uganda, 1995
The Parliamentary Elections Act, 2005
The Electoral Commission Act, Cap 143

Definitions

Currency point means the specified value of Ug. Shs. 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.

Qualification for Members of Parliament

1. A person is qualified to be a Member of Parliament if that person-
 - (a) is a citizen of Uganda;
 - (b) is a registered voter; or
 - (c) has completed a minimum formal education of Advanced Level standard or its equivalent.

2. A person is not qualified for election as a Member of Parliament if that person-

- (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 the Constitution of the Republic of Uganda;
- (d) Has been adjudged or otherwise declared bankrupt under any law in force in Uganda and has not been discharged; or
- (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 crime involving dishonesty or moral turpitude; or
- (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.

3. 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 a Member of Parliament shall-

- (a) In the case of a general election, resign his or her office at least ninety days before nomination day; and
- (b) In the case of a by-election, resign his or her office at least fourteen days before nomination.

4. The following persons wishing to stand for election as a Member of Parliament shall establish his or qualification with the Commission as a person holding a minimum qualification of Advanced Level or its equivalent at least two months before nomination day in the case of a general election, and two weeks in the case of a by-election-

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

5. A person establishing 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.

6. A person who claims to possess a given 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.

Sponsorship of Candidates by Political Organisations or Political Parties

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.

Nomination Procedure

1. Nomination of a candidate shall be made on nomination day by two registered voters appearing in person tendering to the Returning Officer the following-
 - (a) a nomination paper in duplicate containing a statement under oath by the person seeking nomination specifying-
 - (i) the name, age, address and occupation of the person seeking nomination;
 - (ii) the address designated by the person seeking nomination for service of process and papers; and
 - (iii) the name and address of a person appointed official agent by the person seeking nomination;

- (b) a statement signed by the person named as official agent, stating that he/she has accepted the appointment as agent for the candidate;
- (c) the names and signatures of a minimum of ten persons who are registered voters in the constituency where the person seeks nomination as a candidate supporting the nomination and each of the persons so signing shall state in the nomination paper his or her village, occupation and personal voter registration number; and
- (d) a statement under oath stating that-
 - (i) the person seeking nomination is a citizen of Uganda;
 - (ii) the person is eighteen years of age or above; and
 - (iii) the person named in the nomination paper as seeking nomination consents to the nomination and is not disqualified to stand as a candidate under any law in force.

Note: A duplicate copy of the nomination paper certified by the Returning Officer shall be given to the candidate.

2. Where a person is sponsored by a political party or political organisation, the nomination paper shall indicate that he/she is so sponsored stating the name and address of the political organisation or political party.
3. The nomination paper shall be accompanied by a nomination fee of 200,000= (Two hundred thousand shillings only) in legal tender or bank draft for that amount made payable to the Uganda Administration.
4. The nomination paper of every candidate shall be accompanied by two postcard sized copies of the candidate's own recent straight face, colour photograph.
5. The name of the candidate shall be recorded in the nomination paper with the surname first and shall not include any title, degree or other prefix or suffix. The occupation of the candidate shall be stated briefly.

6. 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.

Factors which do not Invalidate Nomination Papers

1. A nomination paper shall be signed by persons who are qualified voters in the constituency and if any person, who is not a qualified voter, signs the nomination paper, the nomination paper shall be invalid.
2. A Returning Officer shall refuse to accept any nomination paper if-
 - (a) an allegation of ineligibility of the candidate is made and the grounds for the allegation appear on the nomination paper.
 - (b) there appears a major variation between the name of any person as it appears on the nomination paper and the voters' roll.
 - (c) there is any imperfection in the nomination paper leading to a substantial diversity from the requirements of the Parliamentary Elections Act.
3. A nomination paper which a Returning Officer has refused to accept for filing may be replaced by another nomination paper or may be corrected, except that a corrected nomination paper shall be filed with the Returning Officer not later than the specified time for the closure of nomination.
4. The Returning Officer shall, immediately after the expiry of the nomination time, announce the name of every candidate who has been duly nominated.

Factors Which May Invalidate a Nomination

1. A person shall not be regarded as duly nominated for a constituency and the nomination paper of any person shall be regarded as void if-
 - (a) the person's nomination paper was not signed and countersigned as required by the Parliamentary Elections Act;

- (b) the nomination fee was not lodged with his/her nomination paper;
- (c) the person seeking nomination was not qualified for election.
- (d) the person seeking nomination has been duly nominated for election for another constituency for which the poll has not place; or
- (e) the person has not complied with the provisions of this Act in relation to qualification to contest for the election.

Appeal to the Commission on Rejection of Nomination Paper

1. Where a nomination paper of a person has been rejected or has been regarded as void-
 - (a) the Returning officer shall forthwith notify the person of the decision giving reasons for the decision; and
 - (b) the person shall have the right to complain against the decision to the Commission within seven days from the date of rejection and the Commission may confirm or reverse the decision of the Returning Officer within 7 days from the receipt of the complaint.

Inspection of Nomination Papers

1. Any voter registered on the voters' roll of a constituency may-
 - (a) during office hours on the nomination day at the office of the Returning Officer, inspect any nomination paper filed with the Returning Officer in respect of the constituency;
 - (b) after the closure of the nomination time and during such period as may be prescribed, inspect any nomination paper in respect of the constituency at such time and subject to such conditions as may be prescribed; andlodge any complaint with the Returning Officer or the Commission in relation to any nomination in respect of the

constituency challenging the qualifications of any nominated person.

Offences

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 Ug.shs 4,800,000=(Four million eight hundred thousand shillings only).
2. A person who forges any academic certificate for the purpose of nomination for any election or utters such a forged certificate commits an offence and is liable on conviction to a fine not exceeding Ug.shs 4,800,000=(Four million eight hundred thousand shillings only).
3. 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 Ug.shs. 480,000= (Four hundred eighty thousand shillings only) or imprisonment not exceeding one year or both.

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