

# THE ELECTORAL COMMISSION

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## GUIDELINES FOR ELECTION OF REPRESENTATIVES OF PERSONS WITH DISABILITY (PWDs) IN PARLIAMENT, 2017

### 1.0 Introduction

These guidelines shall apply to election of representatives of Persons With Disabilities (PWDs) in Parliament.

### 2.0 Laws applicable to the elections of representatives of Persons With Disabilities in Parliament

- i. The Constitution of the Republic of Uganda, 1995;
- ii. The Electoral Commission Act, Cap 140;
- iii. The Political Parties and Organizations Act, 2005 (as amended);
- iv. The Presidential Elections Act, 2005 (as amended);
- v. The Parliamentary Elections Act, 2005 (as amended);
- vi. National Council for Disability Act, 2003 (as amended); and
- vii. The National Council for Disability Election Regulations, 2015

### 3.0 Nomination of candidates

3.1 The Electoral Commission shall issue a Notice in the Gazette appointing two days during which the nomination of candidates shall take place indicating:

- a) the place; and
- b) times (hours) fixed for the nomination exercise.

3.2 Nomination of candidates shall take place from nine o'clock in the morning to five o'clock in the evening (9:00 a.m - 5:00 p.m) on each nomination day.

3.3 Qualification for nomination as Member of Parliament

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 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 a cultural leader as defined in clause 6 of Article 246 of the Constitution of the Republic of Uganda;
- d) has been adjudged or otherwise declared bankrupt under any law in force and has not been discharged; or
- e) is under a sentence of death or a sentence of imprisonment exceeding nine months imposed by 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; 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 Electoral Commission;

3.5 A public officer or a person employed in any government department or agency of the government or an employee of a local government or anybody in which the government has a 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.

3.6 The following persons wishing to stand for election as a Member of Parliament shall establish their qualification(s) with the Commission as persons 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 education from outside Uganda.
- c) Persons claiming to have academic degrees which were obtained from outside Uganda.

3.7 A person establishing his or her qualifications shall do so by production of a certificate issued to him or her by the National Council for Higher Education in consultation with the Uganda National Examinations Board.

3.8 A person who claims to possess a given qualification referred to in section 3.6 (a), (b), (c) of these guidelines, 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.

**3.9 Nomination forms shall be obtained from the Electoral Commission Headquarters, Kampala.**

- 3.10 Nomination of candidates shall be made on nomination day, **at the Electoral Commission Headquarters Kampala**, by two registered voters, who are members of the National Electoral College for electing representatives of Persons With Disabilities in Parliament, appearing in person tendering to the Returning Officer the following:
- a) a nomination paper in triplicate in the prescribed form 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 and are members of the National Electoral College, supporting the nomination and each of the persons so signing shall state in the nomination paper his or her village, occupation and **voter number or National ID Number or Application ID Number**;
  - d) a statement under oath stating that:
    - i. the person seeking nomination is a citizen of Uganda;
    - ii. the person is at least eighteen years old; 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 in Uganda.

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

- 3.11 The nomination paper shall be accompanied by proof of payment of a nomination fee of one hundred and fifty currency points, equivalent to shs. 3,000,000/= (Three million) only to the Uganda Administration.

**Intending candidates shall pay in any bank which collects Non Tax Revenue guided by the following steps:**

- i. log onto the URA website [www.ura.go.ug](http://www.ura.go.ug)
- ii. register and obtain a Payment Registration Number (PRN)
- iii. present the PRN to the bank that shall post the payment to the URA account
- iv. obtain a receipt from the bank confirming payment
- v. the intending candidates shall present the receipt obtained in (iv) to the commission on or before nomination day
- vi. the Commission shall then issue to the intending candidate a General Receipt that he/she shall use for the purpose of nomination.

- 3.12 The nomination paper of every candidate shall be accompanied by two postcard

size copies of the candidate's own recent straight face, colour photograph.

- i. Intending candidates are advised to take their photographs against a light background preferably white or grey; and,
  - ii. Intending candidates shall write their names, surname first and constituency particulars behind each photograph.
- 3.13 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.
- 3.14 A person who uses a convoy of vehicles for the purpose of her/his nomination shall have not more than two (2) vehicles in the convoy and each vehicle shall bear police stickers and shall not carry more than ten persons.
- 3.15 Any voter who is a member of the National Electoral College may, during office hours on nomination day at the Electoral Commission Headquarters Kampala, inspect any nomination paper filed with the Returning Officer in respect of the candidature of representatives of Persons With Disabilities in Parliament.
- 3.16 After the closure of nomination time and during such period as may be prescribed, any voter who is a member of the National Electoral College may:
- i. inspect any nomination paper at such time and subject to such conditions as may be prescribed; and
  - ii. lodge any complaint with the Returning Officer or the Commission in relation to any nomination challenging the qualifications of any nominated person.

#### **4.0 Sponsorship of candidates by Political Organisations or Political Parties (Section 10 of Parliamentary Elections Act, 2005, as amended)**

- a) 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.
- b) Where a candidate is sponsored by a Political Organisation/Party, the nomination paper shall be endorsed by the Political Organisation/Party sponsoring the candidate (section 11(2) of Parliamentary Elections Act, 2005, as amended); and the Commission shall allocate to each candidate the symbol of Political Organisation/Party sponsoring him/her; and the candidate shall sign against the symbol of Political Organisation/Party sponsoring him/her.
- c) Where a person is standing for election as an independent candidate without being sponsored by a Political Organisation or Political Party, he/she shall endorse the nomination paper as an independent candidate.
- d) The Commission as it considers appropriate and in case of a contested election, shall allocate to the independent candidate a symbol of his/her choice from the set of symbols approved by the Commission; and the candidates shall, before leaving the nomination venue, sign against the selected symbol.

## 5.0 Campaigns

After closure of the nomination period, candidates may canvass for support for election as representatives of Persons With Disabilities in Parliament.

## 6.0 Mode of election and the Electoral College

- a) Election of representatives of Persons With Disabilities in Parliament shall be conducted by secret ballot by the National Electoral College comprising the five Persons With Disabilities Executive Committee members from each district.
- b) Members of the National Electoral College for election of representatives of Persons With Disabilities in Parliament, shall convene at a National venue on a day(s) as shall be designated and communicated by the Electoral Commission.
- c) Any vacancy in the National Electoral College shall not invalidate the election.

## 7.0 Polling Procedure

- 7.1 Voting by members of the National Electoral College for representatives of Persons With Disabilities in Parliament shall be by secret ballot.
- 7.2 Each voter shall tick against the **two names of her/his preferred Person With Disabilities candidate** on the ballot paper.
- 7.3 No person shall be allowed to vote if she/he is not a member of the National Electoral College.
- 7.4 The Presiding Officer shall conduct polling by allowing the National Electoral College to cast their votes by secret ballot.
- 7.5 The Presiding Officer shall ensure that at least five (5) eligible voters are present before opening of polls.
- 7.6 Each Candidate may appoint not more than two agents to oversee the conduct of polling and vote counting.
- 7.7
  - a) Where a voter is, by reason of blindness, illiteracy or any other disability, unable to fix the authorized mark of choice on the ballot paper, that voter may report at the polling station accompanied by a person of her/his choice to assist the voter to fix the authorized mark of choice on the ballot paper, on the voter's behalf; the voter may, request another person present at the polling station to assist her/him.
  - b) **However, no person shall assist more than one voter to fix the authorized mark of choice on the ballot paper.**
- 7.8 An Election Officer, Candidates' Agent, Observer or Monitor is not permitted to assist any voter to fix the authorized mark on the ballot paper.

## 8.0 Vote Counting, Tallying and Declaration of Results

- 8.1 Votes cast at the polling station shall be counted and tallied at the polling station immediately after the Presiding Officer declares polling closed.

- 8.2 The Returning Officer shall, immediately after the addition of all the votes for each Candidate or after any recount, declare elected Candidates who have obtained the highest number of votes.
- 8.3 The Returning Officer shall complete the necessary number of declaration of results form [Regulation 20 of the Parliamentary Elections (Special Interest Groups) Regulations, 2001], sign them and do the following:
- a) one copy shall be delivered to the Electoral Commission headquarters, Kampala.
  - b) one copy shall be delivered to each candidate or, in the absence of the candidate, to his/ her official agent.
  - c) one copy shall be deposited and sealed in the ballot box.



Justice Byabakama Mugenyi Simon  
**Chairperson, Electoral Commission**