



THE REPUBLIC OF UGANDA

THE ELECTORAL COMMISSION

Our Ref: LEG/19/01

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LOCAL GOVERNMENT COUNCIL ELECTIONS, 2021 POLLING GUIDELINES

These guidelines shall apply to election of candidates for District/City chairpersons, Municipality/City Division Chairpersons, Sub –county/Town/Municipal Division Chairpersons, and the respective councilors.

1.0 Law Applicable

1. The Constitution of Uganda, 1995 (as amended)
2. The Electoral Commission Act, Cap.140 [ECA] (as amended)
3. The Political Parties and Organizations Act [PPOA] (as amended)
4. The Presidential Elections Act, 2005[PEA] (as amended)
5. The Parliamentary Elections Act, 2005[PAR-EA] (as amended)
6. The Local Governments Act, Cap.243 [L.G.A] (as amended)
7. The Public Health (Control of COVID-19) Rules, 2020 (SI 83/2020)

2.0 Standard Operating Procedures

In order to mitigate the spread of COVID-19, the following measures shall be observed:

1. Voters shall be required to wash hands with soap and water and wear face masks before entering the polling station ring.
2. Polling stations will be re-arranged to required social distance to allow for sufficient space between voters, polling staff, party agents and observers during all procedures.
3. Polling officials shall enforce the required social distancing between voters in the line and during all polling procedures.
4. Regular cleaning of surfaces and objects frequently touched by people shall be done with alcohol based sanitizers.
5. Polling station lay out posters shall be designed, distributed and displayed to guide on social distancing.
6. Voter education campaigns shall be conducted at the polling station to include anti-Covid messages.

3.0 Packing and dispatch of election materials [Section 28A of PAR-EA]

- 3.1 Political parties, political organizations and independent candidates participating in an election may, through their duly appointed representatives, be present during the packing and dispatch of election materials.
- 3.2 The Commission shall provide political parties, political organizations and independent candidates participating in an election with:
 - (a) The serial numbers of ballot papers supplied to each polling station; and
 - (b) The serial numbers of seals affixed to and enclosed in the ballot boxes supplied to all polling stations, as soon as practicable after packing and dispatch of the election materials, and in any case not later than 24 hours before polling day.
- 3.3 Any replacement of the seals referred to in (2) (b) shall be documented by the presiding officer and witnessed by the agents of the political parties, political organizations and independent candidates present at the polling station.

4.0 Distribution of election materials [Section 27 of PAR-EA]

Within forty-eight hours before polling day, every Returning Officer shall furnish each presiding officer in the district with:

- 4.1 A sufficient number of ballot papers to cover the number of voters likely to vote at the polling station for which the presiding officer is responsible.
- 4.2 A statement showing the number of ballot papers supplied under paragraph 3.1 with the serial numbers indicated in the statement; and
- 4.3 The other necessary materials for the voters to mark the ballot papers and complete the voting process.

5.0 Polling stations and voting time [Section 29 of PAR-EA]

- 5.1 Every polling station shall, as far as possible, be located in an open ground, or where there is no open ground, in large premises of convenient access, having an outside door for the admittance of voters, and if possible, another door through which voters may leave after voting and the polling station shall, as far as possible, be such as to facilitate access by persons with disabilities and the aged.
- 5.2 At every polling station, polling time shall commence at seven o'clock [7:00am] in the morning and close at four o'clock [4:00pm] in the afternoon.
- 5.3 In the process of voting, a voter shall not be allowed to carry a bag or anything that can be used for concealment.
- 5.4 A person registered as a voter and whose name appears in the voters' roll of a polling station is entitled to vote at the polling station.
- 5.5 If at the official hour of closing the poll there are any voters in the polling station, or in the line (queue) of voters who are qualified to vote and have not been able to do so, the polling station shall be kept open to enable them vote; but no person who is not actually present at the polling station or in the line (queue) of voters at the official hour of closing shall be allowed to vote, even if the polling station is still open when he or she arrives.

6.0 Polling and voting procedure [Section 128 of L.G.A]

- 6.1 Voting at every election for a district, city or municipal council shall be by secret ballot using one ballot box at each polling station for each category of candidates.
- 6.2 At the polling station, no presiding officer or any other person shall inquire about or attempt to see for whom a voter intends to vote.
- 6.3 On polling day, all voters intending to vote shall form one line (queue) from a point at least twenty metres (20m) away from the table at which each voter is to place the authorised mark of choice on the ballot paper.
- 6.4 Voters who have cast their votes and all other persons in the vicinity of the polling station other than election officers, candidates, agents, observers and monitors shall stand or sit at least one hundred metres (100m) away from the table mentioned in paragraph 6.3 above.
- 6.5 At every polling station there shall be positioned:
 - (a) a table where every voter shall report for identification in the voters roll and collection of a ballot paper;
 - (b) a second table positioned at least fifteen metres (15m) from the first, with an ink pad, two pens, each pen being attached to the table with a string measuring about one metre in length where every voter shall proceed and vote for a candidate of the voter's choice by fixing a tick or a thumb print in the space provided in the box against the picture of the candidate on the ballot paper and, after voting, fold the ballot paper (lengthwise) to enable it to be deposited in the slot of the ballot box;
 - (c) on the second table, a basin or a similar object into which a voter shall place the ballot paper to mark the candidate;
 - (d) a third table located at least ten metres (10m) away from the second and on top of which shall rest a ballot box into which every voter shall deposit the folded ballot paper in the full view of all present; and
 - (e) a fourth table located at least ten metres (10m) from the ballot box where every voter, after depositing the ballot paper into the ballot box, shall proceed and have the thumb on the voter's right hand, dipped into indelible ink/marked with an indelible marker to indicate that the voter has cast the ballot.
- 6.6 Candidates' agents shall sit near the table referred to in paragraph 6.5 (a) (identification table) or be positioned in such a way that they are able to crosscheck the names of the voters on the voters' roll against the voter's card or any other identification given.
- 6.7 Where for purposes of marking a voter as having cast a vote:
 - (a) the voter has no thumb on the right hand, the process specified in that paragraph shall be applied to the finger nearest to the position of the thumb on the voter's right hand;
 - (b) the voter has no right hand, the process shall be applied to the left hand;
 - (c) a voter has no fingers on the left or right hand, the voter may dip the tip of any hand into indelible ink; or
 - (d) the voter has no hands, the process shall be applied to any other conspicuous part of the voter's body as the presiding officer may determine.
- 6.8 The presiding officer at each polling station shall, at the commencement of the poll and in the full view of at least 10 voters who are registered to vote at that polling station, open the first ballot box,

turn it upside down with the open top facing down to ensure to the satisfaction of everyone present that the ballot box is devoid of any contents and thereafter place the ballot box on the third table mentioned above ; and where more than one ballot box is used after the first is filled, the same procedure shall be followed prior to the placing on the table of any additional ballot box.

- 6.9 Where another election has to be held within three months after an election in which a voter and the hand of the voter has been marked in accordance with the law, the corresponding part of the hand other than the one marked in the first election shall be marked in the subsequent election; and where this is not possible such part of the body of the voter shall be marked as the presiding officer shall determine.
- 6.10 For the purposes of voting, “table” includes a desk, a box, a chair, a stool and any other object with a hard and smooth surface that can be used as a table.

7.0 Polling agents of candidates [Section 32 of PAR-EA]

- 7.1 A candidate may be present in person or through his or her representative or polling agent at each polling station for the purposes of safeguarding the interests of the candidate with regard to the polling process.
- 7.2 Not more than two representatives or polling agents shall be appointed by a candidate under paragraph 7.1 and the appointments shall be in writing addressed to the presiding officer of the polling station.
- 7.3 A representative or polling agent appointed under paragraph 7.2 shall report to the presiding officer of the polling station on polling day and shall sit at the table where identification of the voter is done or be positioned in such a way that he or she is able to crosscheck the names of the voters on the voters’ roll against the voter’s card or any other identification given (Covid-19 Standard Operating Procedures shall be complied with).

8.0 Person to vote once in an election [Section 130 of L.G.A]

- 8.1 No person shall vote or attempt to vote more than once in any election.
- 8.2 For the purpose of ensuring that no person votes more than once, a presiding officer or a polling assistant shall, before issuing a ballot paper, inspect the fingers of any voter in order to ascertain whether or not the voter has been marked with indelible ink in accordance with the law; and the presiding officer or a polling assistant, as the case may be, shall refuse to issue a ballot paper to that voter if the presiding officer or polling assistant has reasonable grounds to believe that the voter has already voted or if the voter refuses to be inspected under the law.
- 8.3 Any person who refuses to be inspected under the law commits an offence and is liable on conviction to a fine not exceeding ten currency points [200,000/=] or to a term of imprisonment not exceeding two years or both.

9.0 No delay in voting [Section 33 of PAR-EA]

- 9.1 Every voter shall vote in accordance with the law without undue delay and may leave the polling station as soon as his or her ballot paper has been put into the ballot box and marked with indelible ink/marker on his/her authorized part of the body.
- 9.2 The presiding officer may allow expectant mothers, old or sickly voters or voters with disabilities and persons required for essential duties to vote without waiting in the line of voters.

10.0 Procedure for handing ballot paper to voter [Section 34 of PAR-EA]

- 10.1 A voter wishing to obtain a ballot paper, for the purpose of voting, shall produce his or her Voter Location Slip or any other form of identification to the presiding officer or polling assistant at the identification table.
- 10.2 If the presiding officer or polling assistant is satisfied that the voter’s name and details indicated in the Voter Location Slip correspond to the voter’s name and details in the voter’s register for the polling station, he or she shall issue a ballot paper to the voter.
- 10.3 Where a person does not have any form of identification but is able to prove to the presiding officer or polling assistant that his or her name and photograph are on the voters’ register, the presiding officer or polling assistant shall issue him or her with a ballot paper.
- 10.4 Where a person has a voter location slip and his or her name appears on the voters’ register but the photograph does not appear on the register, the presiding officer or polling assistant shall issue him or her with a ballot paper.
- 10.5 The presiding officer or polling assistant shall place a tick against the voter’s name in the voters’ roll for the polling station.
- 10.6 Except for persons allowed under the law, a person shall not be permitted to vote at a polling station unless the person’s name appears in the voters’ roll for that polling station.
- 10.7 A person who unlawfully votes without his name in the voter’s register commits an offence and is liable on conviction to a fine not exceeding twenty four currency points [480,000/=] or imprisonment not exceeding one year or both.

11.0 Where a voter spoils ballot paper [Section 35 of PAR-EA]

- 11.1 A voter who has inadvertently dealt with the ballot paper delivered to him or her in such a manner that it has become impracticable to use, shall return it to the presiding officer who shall:
- (a) deface it by making two diagonal lines across it and writing the word "spoilt" on it; and
 - (b) deliver another ballot paper to the voter.

12.0 Where two voters appear under the same name [Section 36 of PAR-EA]

- 12.1 Where a person represents himself or herself to be a particular voter and applies for a ballot paper after another person has voted in the name or number of that person, the second person shall only be entitled to receive a ballot paper and to vote after making before the presiding officer the declaration of identity, in **Form ID** and establishing his or her identity to the satisfaction of the presiding officer.
- 12.2 In any case where a person makes a declaration of identity, the presiding officer shall enter in the copy of the voters register or the voters' roll, opposite the name of the voter:
- (a) a note of the voter having voted on a second ballot paper issued under the same name;
 - (b) the fact of the declaration of identity having been made; and
 - (c) any objections made on behalf of any of the candidates.
- 12.3 Any person who makes a false statement in a declaration of identity mentioned above:
- (a) knowing the statement to be false; or
 - (b) in respect of which he or she is reckless whether it is true or false, commits an offence and is liable to a fine not exceeding twenty four currency points [480,000/=] or imprisonment not exceeding one year or both.

13.0 Assistance to illiterate voters and other voters with disabilities. [Section 129 of L.G.A]

- 13.1 Where a voter is by reason of blindness, illiteracy, old age or any other disability unable to fix the authorised mark of choice on the ballot paper, that voter may report at the polling station accompanied by a person of his or her choice to assist the voter to fix the authorised mark of choice on the ballot paper, on the voter's behalf, or the voter may, other than a person not authorised under the law to assist, request another person present at the polling station to assist the voter in that behalf.
- 13.2 Any member of a voter's family may assist a voter under the law although the assisting person is below the age of eighteen years.
- 13.3 An election officer, a candidate's agent, an observer or monitor at any polling station is not permitted to assist any voter with a disability under the law.
- 13.4 No person is authorised to assist any voter to mark the ballot paper under the law unless the voter has voluntarily requested the assistance.
- 13.5 A person may not assist more than one voter at a polling station.
- 13.6 A person who:
- (a) pretends to have a disability when he or she does not; or
 - (b) involuntarily assists a voter (without his/her request) commits an offence of illegal practice.
- 13.7 Any person who commits any offence under (13.4), (13.6) or betrays the trust of the voter with disability under this section is liable on conviction to a fine not exceeding five currency points [100,000/=] or to a term of imprisonment not exceeding two years or to both.

14.0 Factors which may not prevent a person from voting [Section 39 of PAR-EA]

- 14.1 The claim of a person to vote at any election shall not be rejected by reason only:
- (a) that one of the person's names has been omitted from the voters' register or from the voters' roll; or
 - (b) by reason of the entry in the voters register or in the voters roll of a wrong village or of a wrongly spelt name, if, in the opinion of the presiding officer, the person is sufficiently identified.
- 14.2 The claim of a female voter to vote at any polling station shall not be rejected by reason only that she has changed her surname by reason of marriage and that the change has not been reflected in the voters register or the voters roll for the polling station.

15.0 Returning Officers to have powers of justices of the peace [Section 131 of L.G.A]

During an election and while the polls are open, every Returning Officer and Presiding officer is a keeper of the peace and has all the powers of a justice of the peace to maintain law and order at the polling station, and he or she may:-

- (a) require the assistance of a member of the Uganda Police Force or other persons present to aid him or her in maintaining peace and good order at the polling station;

- (b) warn or arrest or cause, by verbal order, to be arrested, and place or cause to be placed in the custody of any police officer or other person authorised by law, any person disturbing the peace and good order at the polling station; or
- (c) cause any arrested person to be imprisoned under an order signed by him or her until not later than an hour after the closure of the poll.

16.0 Presiding officer to appoint election constables [Section 41 of PAR-EA]

- 16.1 A presiding officer shall ensure that polling takes place in a free and secure environment.
- 16.2 A presiding officer other than a presiding officer for a polling station located in an urban area may, in the absence of a police officer, appoint at least one person present and resident within the area of the polling station as an election constable to maintain order at the polling station throughout polling day where the presiding officer finds the services of an election constable to be essential.
- 16.3 "Urban area" means a town, municipal division, municipality, city division or a city.
- 16.4 A presiding officer may only appoint a person other than a police officer to be an election constable in the above case when there is actual or threatened disorder or when it is likely that a larger number of voters will seek to vote at the same time.
- 16.5 There shall be appointed at every polling centre where many polling stations are located in one area, one person in order to ensure the orderly and prompt entrance of voters into their proper polling station within the centre.
- 16.6 When an election constable has been appointed by a presiding officer, the constable shall take and subscribe the oath in Form OC before commencing to discharge his or her responsibilities.
- 16.7 A presiding officer who appoints an election constable shall announce publicly and record the appointment in the space provided for that purpose in the official report book.
- 16.8 A presiding officer may, where he or she deems it necessary, request for police assistance and he or she shall record in writing, reasons which necessitated the request for the assistance.
- 16.9 For avoidance of doubt, military personnel, a member of the Internal Security Organization or the External Security Organization shall not be appointed as an election constable.

17.0 Arms and ammunition prohibited [Section 42 of PAR-EA]

- 17.1 A person shall not arm himself or herself during any part of polling day with any arms or ammunition or approach within one kilometer of a polling station with arms or ammunition unless called upon to do so by lawful authority or where he or she is ordinarily entitled by virtue of his or her office to carry arms.
- 17.2 Any person who contravenes section 42(1) of the Act, commits an offence and is liable on conviction to a fine not exceeding twenty four currency points [480,000/=] or imprisonment not exceeding one year or both.

18.0 Loud speakers prohibited at polling stations [Section 43 of PAR-EA]

- 18.1 A person shall not, on any polling day, for the purpose of promoting or opposing any candidate, use any loudspeaker or similar communication device prohibited within hearing distance of any polling station.
- 18.2 Any person who unlawfully uses prohibited communication devices, commits an offence and is liable on conviction to a fine not exceeding twenty four currency points [480,000/=] or imprisonment not exceeding one year or both.

19.0 Limitation on campaign period and on display of emblems etc., on polling day [Section 44 of PAR-EA]

- 19.1 The campaign period prescribed by the Commission under the law shall not extend beyond midnight of the day before polling day.
- 19.2 A person shall not:
 - (a) post or display on or in a polling station or in a hall, window or door of a building used as a polling station, any campaign literature, emblem, ensign, badge, label, ribbon, flag, banner, card, bill, poster or device, that could be taken as an indication of support for or opposition, to a candidate; or
 - (b) while in a polling station, display on his or her person any emblem, ensign, badge, label, ribbon, flag, banner, card or device as a badge intended or likely to be taken as intended to distinguish the wearer as a supporter of any candidate.
- 19.3 An agent of a candidate may, in a polling station, display on his or her person, in such form as the Commission may authorize, a label identifying his or her function and the name of the candidate he or she represents.
- 19.4 A person who displays unauthorized items under paragraph 19.2 commits an offence and is liable on conviction to a fine not exceeding twenty four currency points [480,000/=] or imprisonment not exceeding one year or both.

20.0 Interruption and postponement of polling [Section 45 of PAR-EA]

- 20.1 Where polling at a polling station is interrupted by a riot or violence or any other event while there remains, in the voters' register, voters who have not completed the polling process, the presiding officer shall adjourn the polling to the next day or to any other time of the same day and shall immediately seal and transfer the box to the nearest sub county headquarters and inform the returning officer of the fact.
- 20.2 Where the polling is adjourned to the following day under the law, the time, procedure and manner of the subsequent polling shall be as on the original polling day.

21.0 Complaints at polling [Section 46 of PAR-EA]

- 21.1 The candidates' agents and any voter present at a polling station may raise and present in writing complaints relating to the voting at the polling station and shall have the right to obtain information from the presiding officer concerning the counting process.
- 21.2 A presiding officer shall not refuse to receive a complaint presented to him or her and shall initial every such presentation and annex it as part of the official record of the polling station.
- 21.3 Subject to the law, any presentation received by the presiding officer under paragraph 21.2 shall be deliberated upon and resolved by the presiding officer and the polling assistants.
- 21.4 Where necessary in the opinion of the presiding officer to enable the voting process to proceed, the deliberation or resolution of a presentation under paragraph 21.2 may be postponed until the completion of the voting process.

Note

The Commission through the Returning Officer and any other designated officer(s) may establish a complaints desk to resolve voters' complaints on polling day at a central place within the district or region pursuant to Article 61 (1) (f) of the Constitution of Uganda and S.15 of the Electoral Commission Act.

22.0 Votes to be counted at each polling station [Section 132 of L.G.A]

- 22.1 Votes cast at every polling station shall be counted at the polling station immediately after the presiding officer declares the polling closed, and the votes cast in favour of each candidate shall be recorded separately on Form EC9 (Declaration of Results Form) .
- 22.2 No votes shall stay uncounted overnight and, where required, the presiding officer shall provide lanterns or any other source of adequate light for the purposes of counting votes.
- 22.3 A candidate may be present in person or through his or her representative or polling agents at each polling station, and at the place where the Returning Officer tallies the number of votes for each candidate or conducts a recount, for the purposes of safeguarding the interests of the candidate with regard to all stages of the counting, tallying or recounting processes.
- 22.4 At the commencement of the counting, the presiding officer shall, in the presence and full view of all present, open the ballot box and empty its contents onto the polling table and with the assistance of polling assistants proceed to count the votes separating the votes polled by each candidate.
- 22.5 The presiding officer and the candidates or their agents, if any, shall sign and retain a copy of a declaration stating the polling station; the number of votes cast in favor of each candidate; and the presiding officer shall there and then announce the results of the voting at that polling station before communicating them to the Returning Officer.
- 22.6 Votes cast for each candidate shall be recorded in both figures and words and countersigned by polling agents before the declaration of the results.
- 22.7 The following shall apply in respect of the signing of the declaration and the announcement of the results of voting under the law:
- (a) the candidates or their agents shall sign the declaration form before the announcement of the results ;
 - (b) where any of the candidates or their agents refuse or fail to sign the declaration form:
 - (i) the candidates and their agents refusing or failing to sign shall record on the declaration form the reasons for the refusal or failing to sign; and
 - (ii) where they refuse or fail to record the reasons, the presiding officer shall record the fact of their refusal or failure;
 - (c) where any candidate or agent is absent, the presiding officer shall record the fact of that absence;
 - (d) the refusal or failure of a candidate or agent to sign any declaration form or to record the reasons for that refusal to sign as required under the law. Refusal to sign shall not by itself invalidate the results announced ;
 - (e) the absence of a candidate or an agent from the signing of a declaration form or the

announcement of results shall not by itself invalidate the results announced.

23.0 Complaints during the counting of votes [Section 48 of PAR-EA]

- 23.1 A candidate or a candidate's agent or any voter present may raise any objection during the counting of the votes, and each presiding officer shall:
- (a) keep a record, in the report book, of every objection made by any candidate or a candidate's agent or any voter present, to any ballot paper found in the ballot box; and
 - (b) decide every question arising out of the objection.
- 23.2 An objection recorded shall be numbered and a corresponding number placed on the back of the ballot paper to which it relates, and the ballot paper shall be initialed by the presiding officer and it shall be witnessed by the polling assistants and candidates' agents.
- 23.3 The decision of a presiding officer in respect of an objection raised is final, subject to reversal only on recount or on a petition questioning the election return.

24.0 Votes to be treated as invalid [Section 49 of PAR-EA]

- 24.1 A vote cast is invalid if:
- (a) the ballot paper is torn into two or more parts; or
 - (b) where the voting is by placing a mark of choice on the ballot paper:
 - (i) the voter marks the ballot with a mark other than the authorized mark of choice; or
 - (ii) places the authorized mark of choice on the ballot paper in such a way that the choice of the voter cannot be reasonably ascertained.
- 24.2 A ballot paper shall not be taken as invalid under the law, irrespective of where the authorized mark of choice is placed, so long as the voter's choice can be reasonably ascertained.
- 24.3 A vote which is invalid shall not be counted in determining the results of the election.

25.0 Declaration of results forms (Form EC9) [Section 136 of L.G.A]

- 25.1 Each presiding officer shall complete the necessary number of copies of the declaration of results forms, sign them and do the following:
- (a) one copy shall be retained by the presiding officer for display at the polling station;
 - (b) one copy shall be enclosed in an envelope supplied by the Electoral Commission for the purpose, sealed by the presiding officer and delivered to the nearest result collection centre prescribed by the Returning Officer together with the report book for transmission to the Returning Officer;
 - (c) one copy shall be delivered to each of the candidates' agents or, in the absence of those agents, to any voters present claiming to represent the candidates; and
 - (d) one copy shall be deposited and sealed in the ballot box.
- 25.2 The presiding officer shall, in the presence of the candidates and the candidates' agents as may wish to be present, seal the ballot box with a seal provided for the purpose by the Electoral Commission.
- 25.3 The sealed ballot box referred to in paragraph 25.2 shall contain the following items:
- (a) one duly signed declaration of results form;
 - (b) the ballot papers received by each candidate, tied in separate bundles;
 - (c) the invalid ballot papers, tied in one bundle;
 - (d) the spoilt ballot papers, tied in one bundle;
 - (e) the unused ballot papers; and
 - (f) the voters roll used at the polling station.
- 25.4 The declaration of results' form shall be signed by the presiding officer and the candidates or their agents present who wish to do so, and the presiding officer shall there and then announce the results of the voting at that polling station before communicating them to the Returning Officer.

26.0 Collection of results [Section 51 of PAR-EA]

- 26.1 The presiding officer shall immediately after close of polls, deliver the declared results and the sealed ballot box to the sub county headquarters or the division headquarters to the designated officer of the Commission, together with the report book for transmission to the Returning Officer.
- (a) A polling agent who wishes to accompany the presiding officer to witness the delivery of results may do so at his or her own expense.
- 26.2 Each presiding officer shall, without any delay after closing the poll, transmit or deliver to the returning officer or to the nearest results collecting centre:
- (a) the sealed ballot box;
 - (b) the duly filled and signed declaration of results form;
 - (c) the report book filled in and signed by the presiding officer and the polling assistants.
- 26.3 A Presiding Officer who fails without lawful excuse to furnish the returns of the election to the

Returning Officer within the time in which that person is required to furnish those returns, commits an offence and is liable on conviction to a fine not exceeding 24 currency points or to imprisonment not exceeding one year or both.

27.0 Safekeeping of election materials and records [Section 52 of PAR-EA]

- 27.1 The Returning Officer shall be responsible for the safe custody of all the election documents used in the district in connection with an election until the documents are destroyed in accordance with the directions of the Commission; but the Commission shall not give such directions before the settlement of disputes, if any, arising from the election.
- 27.2 A Returning Officer shall, on the receipt of each ballot box:
- (a) take every precaution for its safe custody;
 - (b) examine the seal affixed to the ballot box, with a view to ensuring that the box is properly sealed, and
 - (c) if the box is not in good order, record his or her observations and affix a different seal supplied by the Commission.

28.0 Tallying of results by Returning Officer [Section 53 of PAR-EA]

- 28.1 After all the envelopes containing the declaration of results forms have been received, the returning officer shall, in the presence of the candidates or their agents or such number of them as wish to be present, open the envelopes and add up the number of votes cast for each candidate as recorded on each form.
- 28.2 The Returning Officer may open the envelopes and add up the number of votes cast even though some of the envelopes have not been received, if the candidates or the candidates' agents and a police officer not below the rank of Inspector of police are present.
- 28.3 Where any results envelope does not contain the results of the poll, the returning officer may, for the purpose of finalizing a statement of the poll, use the declaration of results form in the presiding officer's report book.
- 28.4 If the report book does not contain the declaration of results form duly filled by the presiding officer, the returning officer may, in the presence of a police officer, not below the rank of Inspector of Police and any of the candidates or candidates' agents who wish to be present, open the ballot box in order to obtain the declaration of results form for the purpose of adding up the results of the poll.
- 28.5 Where the Returning Officer opens the ballot box under paragraph 28.4 he or she shall re-seal the ballot box immediately after ascertaining the results with the declaration of results forms re-sealed in the envelopes in that ballot box.

29.0 Cases of mandatory recount [Section 54 of PAR-EA]

- 29.1 Where, after the official addition of the votes:
- (a) there is an equality of votes between two or more candidates obtaining the highest number of votes; or
 - (b) the number of votes separating the candidate receiving the highest number of votes and any other candidate is less than fifty, the Returning Officer shall, if requested in writing by a candidate, a candidate's agent or a voter registered to vote in the constituency, in the presence of a senior police officer recount the votes after giving a written notice of the intention to recount to all interested parties.
- 29.2 Where a recount under the law is in equality of votes among two or more candidates obtaining the highest number of votes, a runoff election shall be held involving only the candidates with equal votes; and the election shall take place not later than thirty days from the date of the recount.

30.0 Interruption and postponement of counting, tallying or recounting [Section 133 of L.G.A]

- 30.1 Where counting, tallying or recounting of votes is interrupted by a riot or violence or any other reasonable cause, the presiding officer or Returning Officer shall adjourn the counting, tallying or recounting to the next day or to any other time of the same day and shall immediately inform:
- (a) in the case of the presiding officer, the Returning Officer; or
 - (b) in the case of the Returning Officer, the Electoral Commission, of that fact.
- 30.2 Where the counting, tallying or recounting of votes is adjourned to the following day, the time, procedure and manner of the subsequent counting, tallying or recounting shall be as on the original occasion.
- 30.3 Where counting is adjourned, the ballot boxes shall be kept in safe custody and the candidates or their agents shall be entitled to be present to keep watch on the boxes until counting resumes.

31.0 Declaration of winning candidate [Section 135 of L.G.A]

- 31.1 Each Returning Officer shall, immediately after the addition of all the votes for each candidate or after any recount, declare elected a candidate who has obtained the largest number of votes by completing the return in the Form EC10 (Return Form for Transmission of Results).
- 31.2 Upon completing the return, every Returning Officer shall transmit to the Electoral Commission the following documents:
- (a) the return form;
 - (b) a report of the elections within the Returning Officer's electoral area;
 - (c) the declaration of results forms (Form EC9) from which the official addition of the votes was made.

32.0 Declaration of results and reports by the Electoral Commission [Section 137 of L.G.A]

- 32.1 The Electoral Commission shall, as soon as practicable after the election, ascertain, declare and, in writing under its seal, publish in the Gazette the results of the election in each constituency.
- 32.2 The Electoral Commission shall, as soon as practicable after each general election, produce a detailed report on the conduct of the election.
- 32.3 For the purposes of a report by a Returning Officer, every candidate at an election and every official agent of any candidate has the right to send to the Commission a statement in writing containing any complaint that he or she may wish to make with respect to the conduct of the election or of any election officer and any suggestions with respect to changes or improvements in the law that he or she may consider desirable.

ILLEGAL PRACTICES AND OFFENCES

33.0 Offence of bribery [Section 147 of L.G.A]

- 33.1 Any person who, with intent either before or during an election, either directly or indirectly influences another person to vote or to refrain from voting for any candidate, or gives, provides or causes to be given or provided any money, gift or other consideration to another person, to influence that person's voting, commits an illegal practice of the offence of bribery.
- 33.2 A person receiving any money, gift or consideration also commits the offence of illegal practice under the law.
- 33.3 Paragraph 33.1 does not apply in respect of the provision of refreshments or food:
- (a) offered by a candidate or a candidate's agent at a candidate's campaign planning and organisation meeting;
 - (b) offered by any person other than a candidate or a candidate's agent at a candidate's campaign planning and organisation meeting.
- 33.4 A candidate or candidate's agent who, by himself or herself or any other person, directly or indirectly, before the close of polls on polling day offers, procures or provides or promises to procure or provide alcoholic beverages to any person commits an offence of illegal practice.
- 33.5 Any person who commits the offences of bribery is liable on conviction to a fine not exceeding five currency points [100,000/=] or to a term of imprisonment not exceeding two years or both.

34.0 Offence of Illegal Practice [Section 148 of LGA]

- 34.1 A person, who votes or induces or procures any person to vote at an election, knowing that he or she or that person is prohibited by law from voting at that election, commits an illegal practice.
- 34.2 A person who, before or during an election, publishes a false statement of the illness, death or withdrawal of a candidate at that election for the purpose of promoting or procuring the election of another candidate knowing that statement to be false or not knowing or believing it on reasonable grounds to be true, commits an illegal practice.
- 34.3 A person who, at an election, or on nomination days, willfully obstructs a voter, or an aspiring candidate either at the polling station or nomination centre or on his or her way to or from, the polling station, or nomination centre, commits an illegal practice.
- 34.4 Any person who commits the Offence of Illegal Practice under this section is liable to on, conviction to a fine not exceeding five currency points (100,000/=) or to a term of imprisonment not exceeding two years or both.

35.0 Offences relating to voting [Section 151 of L.G.A]

- 35.1 Any person who:
- (a) forges or fraudulently defaces or destroys any document relating to the holding of an election under this Act, alters any document or delivers to the Returning Officer any document, knowing it to be forged;
 - (b) forges, counterfeits or destroys any ballot paper or the official mark on any ballot paper;

- (c) without authority supplies any ballot papers to any person;
- (d) without authority sells or offers for sale any document relating to the holding of an election under this Act to any person or purchases or offers to purchase any such document from any person;
- (e) not being a person entitled under the law to be in possession of a document relating to the holding of an election, has that document in his or her possession;
- (f) knowingly and intentionally puts into a ballot box anything other than the ballot paper;
- (g) without authority, takes out of a polling station any ballot paper or other official document relating to an election or is found in possession of any ballot paper or such document outside a polling station;
- (h) without due authority, destroys, takes, opens or otherwise interferes with a ballot box, ballot documents or any other property in use or intended to be used for the purpose of an election;
- (i) without due authority, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election; or
- (j) not being authorised under the law makes any mark on a ballot paper issued to a person, other than the person making the mark, with intent that the ballot paper be used to record the vote of that other person commits an offence and is liable on conviction to a fine not exceeding fifteen currency points [300,000/=] or to imprisonment not exceeding three years or to both.

35.2 A person who commits an offence under paragraph 35.1 (h) shall, in addition to the punishment provided above, be disqualified from standing or participating in an election for a period of not less than three years.

36.0 Unauthorised voting, etc [Section 152 of L.G.A]

Any person who knowingly:

- (a) votes or attempts to vote at an election at which that person is not entitled to vote; or
- (b) votes more than once at an election, commits an offence and is liable on conviction to a fine not exceeding fifteen currency points [300,000/=] or to imprisonment not exceeding three years or to both.

37.0 Making wrong returns of an election [Section 78 of PAR-EA]

An election officer, or other person having any duty to perform in relation to an election who:

- (a) makes in any record, return or other document which he or she is required to keep or make under the law, any entry which he or she knows or has reasonable cause to believe to be false;
- (b) permits any person whom he or she knows or has reasonable cause to believe not to be a person with disability under the law to vote in the manner provided for such persons;
- (c) refuses to permit any person whom he or she knows or has reasonable cause to believe to be a person with disability under the law to vote in the manner provided for such a person ; or
- (d) willfully prevents any person from voting at the polling station at which he or she knows or has reasonable cause to believe that person is entitled to vote; or
- (e) willfully rejects or refuses to count any ballot paper which he or she knows or has reasonable cause to believe is validly cast in favor of a candidate; or
- (f) willfully counts any ballot paper as being validly cast in favor of a candidate which he or she knows or has reasonable cause to believe was not validly cast for that candidate; or
- (g) without reasonable cause acts or omits to act in breach of his or her official duty, commits an offence and is liable on conviction to a fine not exceeding one hundred and twenty currency points [2,400,000/=] or imprisonment not exceeding five years or both.

38.0 Personation [Section 153 of L.G.A]

38.1 A person commits the offence of personation if he or she votes as some other person, whether that other person is living or dead or is a fictitious person.

38.2 A person who commits an offence of personation is liable on conviction to imprisonment not exceeding five years.

39.0 Offence of undue influence. [Section 154 of L.G.A]

A person commits an offence of undue influence:

- (a) if that person directly or indirectly in person or through any other person:
 - (i) makes use of, or threatens to make use of, any force or violence;
 - (ii) inflicts or threatens to inflict in person or through any other person any temporal or spiritual

injury, damage, harm or loss upon or against any person, in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting; or

- (b) if that person by abduction, duress or any fraudulent device or contrivance impedes or prevails upon a voter either to vote or to refrain from voting, is liable on conviction to a fine not exceeding five currency points [100,000/=] or to imprisonment not exceeding two years or to both.

40.0 Prohibition of certain activities on polling day [Section 155 of L.G.A]

40.1 Without derogation from any provision of the law or any other enactment, no person shall, on any polling day and in relation to the elections—

- (a) convoke or take part in any gathering of more than twelve persons;
- (b) canvass for votes;
- (c) utter slogans;
- (d) distribute leaflets or pamphlets for or on behalf of any candidate;
- (e) organise or engage in public singing or dancing; or
- (f) use bands of any music instruments.

40.2 During the hours when a polling station is open on a polling day no person shall, within two hundred metres of any polling station, seek to influence in whatever manner any person to vote for any candidate or to ascertain for which candidate any voter intends to vote or has voted.

40.3 During the hours when a polling station is open on a polling day no person shall, within four hundred metres of any polling station, sell any intoxicating liquor.

40.4 Any person who contravenes paragraphs 38.1, 38.2 or 38.3 commits an offence and is liable on conviction to a fine not exceeding five currency points [100,000/=] or to imprisonment not exceeding twelve months or to both.

41.0 Obstruction of election officers [Section 157 of L.G.A]

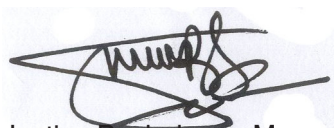
Any person who wilfully obstructs or interferes with an election officer in the execution of the officer's duty commits an offence and is liable on conviction to a fine not exceeding five currency points [100,000/=] or to imprisonment for a term not exceeding three years.

42.0 General penalty for offences [Section 158 of L.G.A]

Where no penalty is expressly provided under the law for an offence other than an illegal practice, the offender is liable on conviction to a fine not exceeding five currency points [100,000/=] or to imprisonment not exceeding one year or to both.

43.0 Election Petitions

Once results are declared by the Returning Officer without a tie by candidates, votes in the first position or a written request of recount in case the margin of winning candidate is less than fifty votes, the candidate or voters' complaints can only be determined by a petition filed with courts of law.



Justice Byabakama Mugenyi Simon
Chairperson, Electoral Commission