

THE REPUBLIC OF UGANDA
THE ELECTORAL COMMISSION

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**POLLING GUIDELINES FOR
PRESIDENTIAL ELECTIONS, 2021**

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 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; and
6. Voter education campaigns shall be conducted at the polling station to include anti-Covid 19 messages.

3.0 Distribution of election materials [Section 28 of PEA]

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

- 2.1 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;
- 2.2 A statement showing the number of ballot papers supplied under paragraph 2.1 with the serial numbers indicated in the statement; and
- 2.3 The other necessary materials for the voters to mark the ballot papers and complete the voting process.

4.0 Packing and dispatch of election materials [Section 28A of PEA]

- (1) Political parties, political organisations and independent candidates taking part in an election may, through their duly appointed representatives, be present during the packing and dispatch of election materials.
- (2) The Commission shall provide political parties, political organisations and independent candidates taking part in an election with the serial numbers of:-

- (a) ballot papers supplied to each polling station; and
 - (b) seals affixed to and enclosed to 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) 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 organisations and independent candidates present at the polling station.

5.0 Publication of polling stations and candidates [Section 29 of PEA]

- 5.1 The Commission shall, by notice in the Gazette publish the list of the:
- (a) polling stations in each constituency at least fourteen days before nomination; and
 - (b) names of the candidates nominated in alphabetical order with surnames first.
- 5.2 The commission shall also forward each list referred to in paragraph 5.1 to all Returning Officers; and the Returning Officers shall ensure that the lists relevant to each constituency are published widely in that constituency.

6.0 Polling stations and voting time [Section 30 of PEA]

- 6.1 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.
- 6.2 At every polling station, polling time shall commence at seven o'clock in the morning and close at four o'clock in the afternoon.
- 6.3 In the process of voting, a voter shall not be allowed to carry a bag or anything that can be used for concealment.
- 6.4 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.
- 6.5 If at the official hour of closing the polling (4:00 pm) 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 remain open to enable them to vote; but a person who is not actually present at the polling station or in the line of voters at the official hour of closing shall not be allowed to vote, even if the polling station is still open when he or she arrives.

7.0 Polling and polling procedure [Section 31 of PEA]

- 7.1 Voting at every election shall be by secret ballot using one ballot box at each polling station for each category of candidates in accordance with the law.
- 7.2 A presiding officer shall not inquire about or attempt to see, for whom a voter intends to vote; and any person who contravenes this paragraph 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.
- 7.3 On polling day, all voters intending to vote shall form one line commencing backward 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.
- 7.4 Voters who have cast their votes and all other persons in the vicinity of the polling station other than election officers, candidates, candidates' agents and observers shall stand or sit at least twenty metres (20m) away from the table mentioned in paragraph 5.3
- 7.5 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 being attached to the table with a string measuring about one metre in length, where every voter shall-
 - (i) fix a tick with a pen or mark with a thumbprint in the space provided in the box against the picture of his or her candidate of choice; and

- (ii) fold the ballot paper(length wise), to enable it to be deposited in the slot of the ballot box;
 - (c) 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
 - (d) 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 to indicate that the voter has cast the ballot.
- 7.6 Where voting takes place for two or more elections in the same premises at the same time the application of the indelible ink under the law shall be done after the voter votes in the last or the only election for which he or she chooses to vote.
- 7.7 Where for the purposes of marking the voter above as having cast a vote:
- (a) the voter has no thumb on the right hand, the process of marking 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 the 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 a polling assistant may determine.
- 7.8 The presiding officer at each polling station shall, at the commencement of the poll and in full view of at least 10 voters who are registered to vote at that polling station, demonstrate to the satisfaction of all present, that the ballot box where a voter is going to deposit his ballot on the third table is empty.
- 7.9 Where more than one ballot box is used after the first is filled, the procedure prescribed in paragraph 7.8 shall be followed prior to the placing on the table, of any additional ballot box.
- 8.0 For the purposes of polling, "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.

8.0 A person not to vote more than once [Section 32 of PEA]

- 8.1 A person shall not vote or attempt to vote more than once at an election.
- 8.2 For the purposes of ensuring that no voter casts a vote 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 [Section 31 of PEA]
- 8.3 The presiding officer or polling assistant, as the case may be, shall refuse to issue a ballot paper to the voter who refuses his/her fingers to be inspected if the presiding officer or polling assistant has reasonable grounds to believe that the voter has already voted.
- 8.4 A person who refuses to be inspected and votes or attempts to vote commits an offence and on conviction is liable to a fine not exceeding twelve currency points [240,000/=] or imprisonment not exceeding six months or both (Coid-19 Standard Operating Procedures shall be complied with).

9.0 Polling agents of candidates [Section 33 of PEA]

- 9.1 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.
- 9.2 Not more than two representatives or polling agents shall be appointed by a candidate and the appointments shall be in writing addressed to the presiding officer of the polling station.
- 9.3 A representative or polling agent of the candidate shall report to the presiding officer of the polling station on polling day and shall sit at a table provided under paragraph 7.5(a)/identification table 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.

10.0 No delay in voting [Section 34 of PEA]

- 10.1 Every voter shall vote in secrecy, without undue delay and may leave the polling station as soon as his or her ballot paper has been put into the ballot box.

- 10.2 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.

11.0 Procedure for handing ballot paper to voter [Section 35 of PEA]

- 11.1 A voter wishing to obtain a ballot paper, for the purpose of voting, shall produce his or her Voter Location Slip or any other identification documents to the presiding officer or polling assistant at the identification table.
- 11.2 If the presiding officer or polling assistant is satisfied that the voters name and details indicated in the identification document correspond to the voter's name and details in the voters register for the polling station, he or she shall issue a ballot paper to the voter.
- 11.3 Where a person does not have the relevant identification document 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.
- 11.4 The presiding officer or polling assistant shall place a tick against the voter's name in the voters roll for the polling station.
- 11.5 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.
- 11.6 A person who votes yet is not allowed under the paragraph above 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.

12.0 Where a voter spoils ballot paper [Section 36 of PEA]

- 12.1 A voter who has inadvertently/by mistake dealt with the ballot paper delivered to him or her at the identification table 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.

13.0 Where two voters appear under the same name [Section 37 of PEA]

- 13.1 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, provided and otherwise establishing his or her identity to the satisfaction of the presiding officer.
- 13.2 In any case referred to above, 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.
- 13.3 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.

14.0 Assistance to illiterate voters and other voters with disability [Section 38 of PEA]

- 14.1 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 him/her to fix the authorised mark of choice on the ballot paper if necessary, on the voter's behalf; or the voter may, on satisfying the Presiding Officer of his/her inability, request another person present at the polling station to assist that voter to vote.

- 14.2 It shall be lawful for any member of a voter's family to assist a voter above although the person assisting may be below the age of eighteen years.
- 14.3 A person shall not assist more than one voter of the above inability to vote in the election.
- 14.4 A presiding officer shall refuse to allow a person to assist a voter to vote unless the officer is satisfied that the voter actually falls in the category of disabled persons.
- 14.5 An election officer, a candidate's agent or an observer at any polling station is not permitted to assist any voter with disability mentioned above.
- 14.6 A person is not authorised to assist any voter to mark the ballot paper unless the voter has voluntarily requested that assistance.
- 14.7 A person who:
 - (a) pretends to have a disability mentioned above when he or she does not; or
 - (b) assists a voter under inability more than once or involuntarily assists that voter, 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.

15.0 Factors which may not prevent a person from voting [Section 40 of PEA]

- 15.1 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.
- 15.2 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.

16.0 Returning Officer to have powers of justice of the peace [Section 41 of PEA]

- 16.1 During an election and throughout the campaign and polling period, every returning officer and presiding officer or any other authorised agent of the Commission is a keeper of the peace and has all the powers of a justice of the peace, 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.
- 16.2 The Returning Officer or presiding officer shall where he or she causes the arrest of any person breaching peace at the polling station report the arrest, give details and reasons of the arrest in the polling form provided for that purpose.

17.0 Appointment of election constables [Section 42 of PEA]

- 17.1 A presiding officer shall ensure that polling takes place in a free and secure environment.
- 17.2 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.
- 17.3 A presiding officer may only appoint a person other than a police officer to be an election constable under paragraph 17.2 above 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.
- 17.4 There shall be appointed at every polling centre in which more than one polling station are located as established under the Electoral Commission Act, one person in order to ensure the orderly and prompt entrance of voters into their proper polling station(s) within the centre.

- 17.5 When an election constable has been appointed by a presiding officer, the constable shall take and subscribe the oath in the prescribed form under the Presidential Elections Act before commencing to discharge his or her responsibilities.
- 17.6 A presiding officer who appoints an election constable above shall announce publicly and record the appointment in the space provided for that purpose in the polling report book.
- 17.7 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.
- 17.8 For avoidance of doubt, military personnel, a member of the Internal Security Organisation or the External Security Organisation shall not be appointed as an election constable.
- 17.9 Under the Presidential Elections Act, "urban area" means a town, municipality or the City of Kampala.

18.0 Arms and ammunition prohibited [Section 43 of PEA]

- 18.1 A person shall not arm himself or herself during any part of polling day with any deadly weapon or approach within one kilometre (1km) of a polling station with deadly weapons 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.
- 18.2 Any person who unlawfully carries any deadly weapon to a polling station, 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 Loud speakers prohibited at polling stations [Section 44 of PEA]

- 19.1 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.
- 19.2 Any person who uses such loud speakers unlawfully, 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 Limitation on campaign period and on display of emblems etc., on polling day [Section 45 of PEA]

- 20.1 The campaign period prescribed by the Commission shall not extend beyond midnight of the day before polling day.
- 20.2 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.
- 20.3 A candidate's meeting with his or her agents and facilitators for the election is not prohibited by law.
- 20.4 An agent of a candidate may, in a polling station, display on his or her person, in such form as the Commission may authorise, a label identifying his or her function and the name of the candidate he or she represents.
- 20.5 A person who campaigns beyond the prescribed time before polling day and/ or displays unauthorised devices at the polling station 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.

21.0 Interruption and postponement of polling [Section 46 of PEA]

- 21.1 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.
- 21.2 Where the polling is adjourned to the following day in the above circumstances, the time, procedure and manner of the subsequent polling shall be as on the original polling day.

22.0 Complaints at polling [Section 47 of PEA]

- 22.1 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.
- 22.2 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.
- 22.3 Any presentation received by the presiding officer under the law shall be deliberated upon and resolved by the presiding officer and the polling assistants.
- 22.4 Where necessary in the opinion of the presiding officer, and to enable the voting process to proceed, the deliberation or resolution of a complaint may be postponed until the completion of the voting process but in any case within 48-hours before declaration of the presidential elections results.

COUNTING OF VOTES AND ANNOUNCEMENT OF RESULTS

23.0 Votes to be counted at each polling station [Section 48 of PEA]

- 23.1 Votes cast at a 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 in accordance with the law.
- 23.2 Unless there is interruption and postponement of counting or tallying under the Presidential Elections Act, no votes shall stay uncounted overnight and, where required, the presiding officer shall provide light for the purposes of counting votes.
- 23.3 A candidate is entitled to be present in person or through his or her representative or polling agent at each polling station throughout the voting and counting of the votes and at the place of tallying of the votes and ascertaining of the results of the poll for the purposes of safeguarding the interests of the candidate with regard to all stages of the counting or tallying processes.
- 23.4 The presiding officer and the candidates or their agents, if any, shall sign and retain a copy of a declaration stating:
 - (a) the polling station;
 - (b) the number of votes cast in favour 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.
- 23.5 Votes cast for each candidate shall be recorded in both figures and words and countersigned by polling agents before the declaration of the results.
- 23.6 The following shall apply in respect of the signing of the declaration and the announcement of the results of voting:
 - (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 shall not by itself invalidate the results announced by the presiding officer; and
 - (e) the absence of a candidate or an agent at the signing of a declaration form or the announcement of result shall not by itself invalidate the results announced.
- 23.7 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.

24.0 Complaints during the counting of votes [Section 49 of PEA]

- 24.1 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.
- 24.2 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 initialled by the presiding officer and it shall be witnessed by the polling assistants and candidates' agents.
- 24.3 The decision of a presiding officer in respect of an objection raised above is final, subject to reversal only on recount ordered by the court upon an election petition.

25.0 Votes to be treated as invalid [Section 50 of PEA]

- 25.1 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 authorised mark of choice; or
 - (ii) places the authorised mark of choice on the ballot paper in such a way that the choice of the voter cannot be reasonably ascertained.
- 25.2 A ballot paper shall not be taken as invalid under the law, irrespective of where the authorised mark of choice is placed, so long as the voter's choice can be reasonably ascertained.
- 25.3 A vote which is invalid shall not be counted in determining the results of the election.

26.0 Declaration of results forms [Section 51 of PEA]

- 26.1 Each presiding officer shall fill the necessary number of copies of the prescribed form for the declaration of results as follows:
- (a) one copy of the completed form shall remain attached to the report book as mentioned above;
 - (b) one copy shall be displayed by the presiding officer at a conspicuous place in the polling station;
 - (c) one copy shall be enclosed in an envelope supplied by the Commission for the purpose, sealed by the presiding officer and delivered to the sub county headquarters or division headquarters to the designated officer of the Commission, together with the report book for transmission to the Returning Officer.
 - (d) one copy shall be delivered to each of the candidates' agents or, in the absence of those agents, be retained by the presiding officer who shall transmit it to the Returning Officer; and
 - (e) one copy shall be deposited and sealed in the ballot box.

- 26.2 (a) 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 Commission.
- (b) A presiding officer who without reasonable cause fails to cause to be posted a copy of the duly filled and signed declaration of results form as provided in law, commits an offence and is liable on conviction to a fine not exceeding twelve currency points [240,000/=] or imprisonment not exceeding six months or both.
- 26.3 The sealed ballot box referred to above 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.
- 26.4 The declaration of results form referred to above shall be signed by the presiding officer and the candidates or their agents as are present and wish to do so, unless there is an objection raised under the law as above provided.

27.0 Collection of results [Section 52 of PEA]

- 27.1 (a) 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.
- (b) 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.
- 27.2 Each presiding officer shall, without any delay after closing the poll, transmit or deliver to the returning officer or to the nearest results collection 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.

28.0 Safekeeping of election materials and records [Section 53 of PEA]

- 28.1 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.
- 28.2 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.

29.0 Tallying of results by the Returning Officer [Section 54 of PEA]

- 29.1 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 as may wish to be present, open the envelopes and add up the number of votes cast for each candidate as recorded on each form.

- 29.2 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.
- 29.3 Where any envelope mentioned above does not contain the results of the poll, the Returning Officer may, for the purpose of finalising a statement of the poll, use the declaration of results form in the presiding officer's report book.
- 29.4 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.
- 29.5 Where the Returning Officer opens the ballot box to get a copy of the Results form, 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 the ballot box.

30.0 Interruption and postponement of counting or tallying [Section 55 of PEA]

- 30.1 Where counting or tallying of votes is interrupted by a riot or violence or any other reasonable cause, the presiding officer or Returning Officer shall adjourn the counting or tallying 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 Commission, of that fact.
- 30.2 Where the counting or tallying of votes is adjourned to the following day according to the law, 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 under the law, 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 Returning officer to transmit return and documents to Commission [Section 56 of PEA]

- 31.1 Each returning officer shall, immediately after the addition of the votes under section 54(1) of the Presidential Elections Act, declare the number of votes obtained by each candidate and also complete a return in the prescribed form, indicating the number of votes obtained by each candidate.
- 31.2 Upon completing the return, every returning officer shall:
- (a) transmit to the commission, with a copy to participating political parties and organisations, a candidate and a candidate's official agent, the following documents electronically:
 - (i) the return form;
 - (ii) the tally sheets; and
 - (iii) the declaration of results forms from which the official addition of the votes was made; and
 - (b) deliver to the commission the documents referred to in paragraph (a)."
- 31.3 A Returning Officer shall compile and submit to the Commission, within seven days after the conclusion of the election, a report of the election within the Returning Officer's electoral district.

32.0 Declaration of results of presidential election [Section 57 of PEA]

- 32.1 The Commission shall ascertain, publish and declare in writing under its seal the results of the presidential election within forty-eight hours from the close of polling.
- 32.2 The above declaration shall be in Form B or Form C as specified under the law as the case may be.

- 32.3 The results shall be published in the national media and the Commission shall as soon as practicable, cause them to be published in the Gazette.
- 32.4 A candidate shall not be declared elected as President unless the number of votes cast in favour of that candidate at the presidential election is more than fifty percent of the valid votes cast at the election.
- 32.5 Where at a presidential election there are more than two candidates and no candidate obtains the number or percentage of votes of more than fifty percent, a second election shall be held within thirty days after the declaration of the results in which election the two candidates who obtained the highest number of votes shall be the only candidates.
- 32.6 Within 48 hours, declaration of the presidential elections results will be done for the candidate who obtains the highest number of votes in the election conducted under 32.5 above.
- 32.7 A declaration executed by the Commission and bearing the seal of the Commission shall be evidence that the person named in the declaration has been elected President.
- 32.8 The Commission shall, as soon as practicable after each presidential election, produce a detailed report on the conduct of the election.
- 32.9 For the purposes of a report under the law, every candidate at an election and every 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 such changes or improvements in the law or in the administrative arrangements as he or she may consider desirable.
- 32.10 Paragraphs 32.7, 32.8 and 32.9 shall, with the necessary modifications, apply to an election in which an unopposed candidate is declared elected under the law relating to nomination of only one candidate.

ILLEGAL PRACTICES/ELECTORAL OFFENCES

33.0 Bribery [Section 64 of PEA]

- 33.1 A person who, either before or during an election with intent, either directly or indirectly to influence another person to vote or to refrain from voting for any candidate, gives or provides or causes to be given or provided any money, gift or other consideration to that other person, commits the offence of bribery and is liable on conviction to a fine not exceeding seventy two currency points [1,440,000/=] or imprisonment not exceeding three years or both.
- 33.2 A person who receives any money, gift or other consideration above also commits the offence under the law.
- 33.3 The law in 33.0 above does not apply in respect of the provision of refreshments or food:
 - (a) offered by a candidate or candidate's agent who provides refreshments or food as an election expense at a candidates' campaign planning and organisation meeting; or
 - (b) offered by any person other than a candidate or a candidate's agent who, at his or her own expense provides the refreshments or food at a candidates' campaign planning and organisation meeting.
- 33.4 A person who receives or gives a bribe commits an illegal practice and is liable on conviction to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.
- 33.5 Every 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 any alcoholic beverage to any person commits an illegal practice.
- 33.6 A person who during the campaign in respect of an election, solicits from a candidate or a candidate's agent any money, gift, alcoholic beverage or other consideration in return for directly or indirectly influencing another person to vote or refraining from voting for a candidate or in consideration for his or her voting for the candidate or not voting for another candidate, commits an illegal practice.
- 33.7 A candidate or an agent of a candidate shall not carry out fundraising and the giving of donations during the period of campaigning.
- 33.8 A person who fundraises or gives donations during campaign, commits an illegal practice and is liable on conviction to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.

33.9 A person, who votes or induces or procures any person to vote at an election, knowing that that person is prohibited by law from voting at that election, commits an illegal practice.

34.0 Publication of false statements as to illness, death or withdrawal of candidate [Section 66 of PEA]

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.

35.0 Obstruction of voters [Section 67 of PEA]

A person, who, at an election, or on nomination days, wilfully 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.

36.0 Penalty for certain illegal practices, under Sections 64, 65, 66 and 67 of the Presidential Elections Act. [Section 68 of PEA]

A person who commits an illegal practice under Sections 64(5) or (6) or Section 65, 66 or 67 of the Presidential Elections Act, commits an offence and is liable to a fine not exceeding forty eight currency points [960,000/=] or imprisonment not exceeding two years or both.

37.0 False statements concerning character of candidates [Section 69 of PEA]

A person who, before or during an election for the purpose of effecting or preventing the election of a candidate, makes or publishes or causes to be made or published by words whether written or spoken, or by song in relation to the personal character of a candidate, a false statement:

- (a) which he or she knows or has reason to believe 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 on conviction to a fine not exceeding twelve currency points or imprisonment not exceeding six months or both.

38.0 Failure by presiding officers to furnish election returns [Section 71 of PEA]

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 twenty four currency points [480,000/=] or imprisonment not exceeding one year or both.

39.0 Offences relating to voting [Section 72 of PEA]

A person who:

- (a) forges or fraudulently defaces or destroys any document relating to the holding of an election, or alters any such 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 paper to any person;
- (d) without authority sells or offers to sell any document relating to the holding of an election 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 any document relating to the holding of an election, has any such document in his or her possession without reasonable cause;
- (f) knowingly and intentionally puts into a ballot box anything other than the ballot paper which he or she is authorised to put in;
- (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 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 to do so 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 shall be used to record the vote of that other person, 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.

40.0 Unauthorised voting or voting more than once [Section 73 of PEA]

A person who knowingly:

- (a) votes 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 one hundred and twenty currency points [2,400,000/=] or to imprisonment not exceeding five years or both.

41.0 Making wrong returns of an election [Section 74 of PEA]

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 this Act, 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) wilfully 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) wilfully rejects or refuses to count any paper which he or she knows or has reasonable cause to believe is validly cast in favour of a candidate; or
- (f) wilfully counts any ballot paper as being validly cast in favour 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.

42.0 Personation [Section 75 of PEA]

- 42.1 A person who votes as some other person commits the offence of personation whether that other person is living or dead or is a fictitious person.
- 42.2 A person who commits the offence of personation is liable, on conviction, to fine not exceeding one hundred and twenty currency points [2,400,000/=] or imprisonment not exceeding five years or both.

43.0 Offence of undue influence [Section 76 of PEA]

43.1 Where a person:

- (a) 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) by abduction, duress or any fraudulent device or contrivance, impedes or prevails upon a voter either to vote or to refrain from voting, that person commits the offence of undue influence.
- 43.2 A person who commits an offence of undue influence 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;

44.0 Prohibition of certain activities on polling day [Section 77 of PEA]

44.1 Without derogation from any other provision of this Act or any other enactment, a person shall not, within one hundred metres from any polling station on any polling day—

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

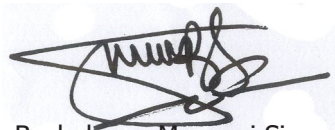
44.2 During the hours when a polling station is open on a polling day no person shall, within two hundred metres of any polling station:

- (a) seek to influence, in any manner, any person to vote for any candidate or to ascertain for which candidate any voter intends to vote or has voted; or
- (b) sell any intoxicating liquor.

45.0 A person who participates in any of the above in para.(44.2) 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.

49.0 Obstruction of election officers [Section 79 of PEA]

A 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 seventy two currency points [1,440,000/=] or imprisonment not exceeding three years or to both.



Justice Byabakama Mugenyi Simon
Chairperson, Electoral Commission