



# THE ELECTORAL COMMISSION

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## PARLIAMENTARY BY-ELECTIONS 2024 GUIDELINES FOR NOMINATION OF CANDIDATES INCLUDING STANDARD OPERATING PROCEDURES FOR MITIGATING COVID-19 EFFECTS

### 1.0 LAWS APPLICABLE

- The Constitution of the Republic of Uganda, 1995 *[As amended]*
- The Electoral Commission Act, Cap 140 [ECA] *[As amended]*
- The Parliamentary Elections Act, 2005 [PAR-EA] *[As amended]*
- The Political Parties and Organizations Act, 2005 [PPOA] *[As amended]*
- The Public Health (Control of COVID-19) Rules, 2020 (SI 83/2020)

### 1.1 Definitions

- (i) Currency point means the specified value of Ug. Shs. 20,000/=
- (ii) Public Officer means a person holding or acting in any public office and shall for the avoidance of doubt include an employee of any Commission established by the Constitution. It also applies with the necessary modification to an employee of a statutory corporation or of a company in which the Government owns a controlling interest as it applies to a public officer.

### 2.0 STANDARD OPERATING PROCEDURES (SOPS)

These SOPs incorporate measures and guidelines put in place by the Ministry of Health and the outcome of consultations made by the Commission to prevent and combat person to person, person to object and object to person spread of the COVID -19 during the management of both pre-election and election activities.

#### 2.1 Pre Nomination Activities

##### (a) Issuance and Receipt of Nomination Forms

In order to prevent and combat person to person, person to object and object to person spread of the COVID -19 during the issuance of Nomination Papers-

- (i) soft copies of nomination forms have been uploaded on the Electoral Commission Website and aspiring candidates may access them using the link [www.ec.or.ug](http://www.ec.or.ug);
- (ii) hard copies of the nomination papers may be picked from the District Electoral Commission offices of the District Returning Officers for aspirants to the general parliamentary elections;
- (iii) all Election Officers shall be required to regularly wash hands, wear the recommended face masks and wear gloves while issuing out Nomination Forms;
- (iv) all aspiring candidates and respective agents shall while accessing and leaving the offices where nomination forms are being issued be required to wash hands and wear the recommended face masks. The use of sanitizers is equally advised; and
- (v) Both the Election Officials and aspiring candidates/agents have the obligation to ensure compliance in the wearing of masks, washing of hands, use of sanitizers; and observation of social distancing, during the issuance and receipt of nomination papers.

##### (b) Collection of Signatures

All aspiring candidates shall be required to collect signatures to support their nominations. However, given that the collection of signatures in support may contribute to the spread of the COVID -19; and in order to prevent and combat person to person, person to object and object to person spread of the COVID -19

- (i) all aspiring candidates and respective agents shall while accessing and leaving the homes of the voters required to sign their nomination forms be required to wash hands and wear the recommended face masks. The use of sanitizers is equally advised;

- (ii) all voters signing and/or thumb printing a nomination paper shall be required to wear the recommended face masks at all times and wash hands before and after signing and/or thumb printing a nomination paper;
- (iii) Both the voters and aspiring candidates/agents have the obligation to ensure compliance in the wearing of masks, washing of hands, use of sanitizers; and observation of social distancing; and
- (iv) In order to ease the verification of supporters given the COVID -19 environment, aspiring candidates/agents will be required to record the telephone numbers of supporters to their nomination on the nomination form.

## **2.2 CONDUCT OF NOMINATION ACTIVITIES**

- (a) All the nomination venues shall be provided with hand washing facilities and sanitizers; and the aspiring candidate, proposer and seconder shall be required to wash hands while accessing and exiting the nomination venue.
- (b) The aspiring candidate, appearing in person, shall be allowed into the nomination venue accompanied by 2 persons (Secunder and Proposer), who shall be required to wear masks at all times.
- (c) Aspiring candidates are advised to use only two vehicles for purposes of their nominations; and each vehicle should not carry more than 3 persons, driver inclusive. Each of the vehicles shall bear a police sticker.
- (d) The respective Returning Officers and accompanied by such numbers of persons conducting nominations shall be required to wash hands, use gloves and wear the recommended face masks while conducting nominations. The use of sanitizers is equally advised.
- (e) All other election officials and the security personnel authorized at the Nomination Venues shall at all times wear the recommended masks and gloves.
- (f) Hand washing with water and soap and use of sanitizers shall be mandatory for all before accessing the Nomination Venues.
- (g) All persons accessing the nomination venues shall have their temperature taken and required to go through normal security checks and observe social distancing.
- (h) Convoys and crowds of supporters shall not be allowed during the period designated for nominations.
- (i) All facilities at the nomination venues – tables, chairs, door handles, etc, shall be sanitized and/or disinfected regularly to mitigate the spread of COVID -19.
- (j) All nominated candidates are advised to submit to the Returning Officer, a copy of their proposed campaign meetings and media campaign programmes.
- (k) All political parties and organizations sponsoring candidates are similarly advised to submit to the respective Returning Officers their Party/Organisations Broadcasts programmes.
- (l) The Commission shall, through the Uganda Communication Commission require all media houses (privately owned inclusive) to make public their rate cards, availability of time, the broadcasting schedule and cost of presenting their programs and allocate time to the candidates.

## **2.3 INSPECTION OF NOMINATION PAPERS**

Persons wishing to inspect nomination papers and in order to prevent and to combat the spread of COVID-19 person to person, person to object and object to person the following shall be observed:

- a) While accessing and leaving the offices where nomination papers are being inspected, persons shall be required to wash hands and wear the recommended face masks. The use of sanitizers is equally advised.
- b) Both the election officials, candidates/agents have the obligation to ensure compliance in the wearing of face masks, washing of hands, use of sanitizers and observation of social distancing during the inspection of nomination papers.
- c) All facilities at the inspection venues like tables, chairs, door handles shall be sanitized or disinfected regularly to mitigate the spread of COVID-19.
- d) All persons accessing the inspection venue shall be required to go through normal security checks and observe social distancing.

### 3.0 APPOINTMENT OF NOMINATION DAYS [Section 9, of PAR-EA]

- 3.1 The Commission shall issue a notice in the gazette appointing days during which the nomination of candidates shall take place indicating:
- a) the places and times fixed for nomination of candidates; and
  - b) the hours on each nomination day, during which nominations are to take place.
- 3.2 Every place fixed under 3.1 shall be a public place such as a court house, city or town hall, community center or other public or private building in a central place in the Electoral District or the place that is most convenient for the majority of voters in the Electoral District.
- 3.3 The hours to be indicated shall be from nine o'clock in the morning to five o'clock in the evening (9.00 am - 5.00 pm) on each nomination day.

### 4.0 QUALIFICATION FOR MEMBERS OF PARLIAMENT [Section 4 of PAR-EA]

- 4.1 A person is qualified to be a Member of Parliament if that person:
- (a) is a citizen of Uganda;
  - (b) is a registered voter; and
  - (c) has completed a minimum formal education of Advanced Level standard or its equivalent.
- 4.2 A person is not qualified for election as a Member of Parliament if that person:
- (a) Is of unsound mind;
  - (b) Is holding or acting in an office the functions of which involve a responsibility for or in connection with the conduct of an election;
  - (c) Is a traditional or cultural leader as defined in clause 6 of Article 246, the Constitution of the Republic of Uganda;
  - (d) Has been adjudged or otherwise declared bankrupt under any law in force in Uganda and has not been discharged; or
  - (e) Is under a sentence of death or a sentence of imprisonment exceeding nine months imposed by any competent court without the option of a fine;
  - (f) Has, within the seven years immediately preceding the election, been convicted by a competent court of a crime involving dishonesty or moral turpitude; or
  - (g) Has, within the seven years immediately preceding the election, been convicted by a competent court for contravention of any law relating to elections conducted by the Commission.
- 4.3 A public officer or a person employed in any government department or agency of the government or an employee of a local government or any body in which the government has controlling interest, who wishes to stand for election as a Member of Parliament shall:
- (a) In the case of a general election, resign his or her office at least **ninety days** before nomination day; and
  - (b) In the case of a by-election, resign his or her office at least **fourteen days** before nomination.
- 4.4 The following persons wishing to stand for election as a Member of Parliament shall establish their qualification(s) with the Commission as persons holding a minimum qualification of Advanced Level or its equivalent at least **two months** before nomination day in the case of a general election, and **two weeks** in the case of a by-election:
- (a) Persons, whether their qualification is obtained from Uganda or outside Uganda, who are claiming to have their qualification accepted as equivalent to advanced level education.
  - (b) Persons claiming to have advanced level qualifications from outside Uganda.
  - (c) Persons claiming to have academic degrees which were obtained outside Uganda.
- 4.5 A person establishing his or her qualification shall do so by the production of a certificate issued to him or her by the National Council for Higher Education in consultation with the Uganda National Examination Board.
- 4.6 A person who claims to possess a given qualification referred to in [Section 4.4(a),(b),(c)] shall before the issue of the certificate prove to the satisfaction of the National Council for Higher Education that admission to that qualification was obtained on the basis of Advanced Level Standard of Education or its equivalent.

### 5.0 SPONSORSHIP OF CANDIDATES BY POLITICAL ORGANISATIONS OR POLITICAL PARTIES [Section 10, of PAR-EA]

Nomination of candidates may be made by a political organisation or political party sponsoring a candidate or by a candidate standing for election as an independent candidate without being sponsored by a political

organisation or political party.

Where a candidate is sponsored by a political party/organisation, the nomination paper shall be endorsed and SEALED by the political party/organisation sponsoring the candidate [Section 11(2) of PAR-EA].

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

## **6.0 NOMINATION PROCEDURE** [Section 11, of PAR-EA]

6.1 Nomination of a candidate shall be made on nomination day by **two registered voters appearing in person** tendering to the Returning Officer the following:

- (a) a nomination paper in **triplicate** in the prescribed form containing a statement under oath by the person seeking nomination specifying:
  - (i) The name, age, address and occupation of the person seeking nomination;
  - (ii) The address designated by the person seeking nomination for service of process and papers, and
  - (iii) The name and address of a person appointed official agent by the person seeking nomination;
- (b) a statement signed by the person named as official agent, stating that he/she has accepted the appointment as agent for the candidate;
- (c) the names and signatures of a minimum of ten persons who are registered voters in the constituency where the person seeks nomination as a candidate supporting the nomination and each of the persons so signing shall state in the nomination paper his or her village, occupation and Voter Number or National ID Number or Application ID Number;
- (d) a statement under oath stating that:
  - (i) The person seeking nomination is a citizen of Uganda;
  - (ii) The person is eighteen years of age or above; and
  - (iii) The person named in the nomination paper as seeking nomination consents to the nomination and is not disqualified to stand as a candidate under any law in force in Uganda.

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

6.2 The nomination paper shall be accompanied by a nomination fee of **one hundred and fifty currency points, equivalent to 3,000,000/= (Three million shillings only)** to the Uganda Administration. Intending candidates shall pay in any bank which collects Non Tax Revenue guided by the following step;

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

6.3 The nomination paper of every candidate shall be accompanied by two postcard size copies of the candidate's own recent straight face, colour photograph.

- NB • Aspiring candidates are advised to take their photographs against a light background preferably white or grey.**
- **Aspiring candidates shall write their names, surname first and constituency particulars behind each photograph.**

6.4 The name of the candidate shall be recorded in the nomination paper with the surname first and shall not include any title, degree or other prefix or suffix. The occupation of the candidate shall be stated briefly.

6.5 A person who uses a convoy of vehicles for the purpose of his/her nomination shall have no more than two (2) vehicles in the convoy and each vehicle shall bear police stickers and shall not carry more than ten persons.

## **7.0 ALLOCATION OF SYMBOLS AND COLOURS** [Section 17, of PAR-EA]

Where an election is contested, the Commission shall as soon as practicable after the nomination days:

- (a) allocate to each candidate the symbol of his/her political organisation or political party in the case of a candidate sponsored by a registered political organisation or political party;
- (b) allocate to a candidate who is not sponsored by a political organisation or political party, a symbol chosen by him/her.
- (c) in any other case, allocate such symbol or colour as it considers appropriate;

A symbol or colour under (b) and (c) shall be chosen or assigned from among symbols and colours approved by the Commission for purposes of the election.

- NB**
- **The symbols approved by the Commission are attached to these guidelines and they shall be used for election in the form in which they appear.**
  - **Independent candidates must ensure that they have selected and have been allocated symbols before leaving the nomination venue. This will be done by candidates signing against the selected symbol.**

## **8.0 FACTORS WHICH DO NOT INVALIDATE A NOMINATION PAPER** [Section 12, of PAR-EA]

8.1 A nomination paper shall be signed by persons who are qualified voters in the constituency and if any person who is not a qualified voter, signs the nomination paper, the nomination paper shall be invalid.

8.2 A Returning Officer shall refuse to accept any nomination paper if-

- (a) an allegation of ineligibility of the candidate is made and the grounds for the allegation appear on the nomination paper.
- (b) there appears a major variation between the name of any person as it appears on the nomination paper and the voters' roll.
- (c) there is any imperfection in the nomination paper leading to a substantial diversity from the requirements of the Parliamentary Elections Act, 2005.

8.3 A nomination paper which a Returning Officer has refused to accept for filing may be replaced by another nomination paper or may be corrected, except that a new or corrected nomination paper shall be filed with the Returning Officer not later than the specified time for the closure of nomination, specified in Section 9 of PAR-EA.

8.4 The Returning Officer shall, immediately after the expiry of the nomination time, announce the name of every candidate who has been duly nominated.

## **9.0 FACTORS WHICH MAY INVALIDATE A NOMINATION** [Section 13, of PAR-EA]

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

- (a) the person's nomination paper was not signed and countersigned as required by the Parliamentary Elections Act, 2005;
- (b) the nomination fee was not lodged with his/her nomination paper;
- (c) the person seeking nomination was not qualified for election under Guideline 4.0 [Section 4 PAR-EA];
- (d) the person seeking nomination has been duly nominated for election for another constituency for which the poll has not taken place; or
- (e) the person has not complied with the provisions of the Parliamentary Elections Act, 2005 in relation to qualification to contest for the election.

## **10.0 APPEAL TO THE COMMISSION ON REJECTION OF NOMINATION PAPER** [Section 16, of PAR-EA]

Where a nomination paper of a person has been rejected or has been regarded as void:

- (a) the Returning officer shall forthwith notify the person of the decision giving reasons for the decision; and
- (b) the person shall have the right to complain against the decision to the Commission within **seven days** from the date of rejection and the Commission may confirm or reverse the decision of the Returning Officer within **seven (7) days** from the receipt of the complaint.

## **11.0 INSPECTION OF NOMINATION PAPERS [Section 15, of PAR-EA]**

Any voter registered on the voters' roll of a constituency may:

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

**NB: The Commission has appointed a period of 6 days between 9.00 and 4.00 pm on each day after the closure of nominations for purposes of inspection referred to in (b) at the District Returning Officer's office.**

## **12.0 WITHDRAWAL OF CANDIDATES [Section 19 of PAR-EA].**

- 12.1 A duly nominated candidate for election as Member of Parliament may withdraw his/her nomination at any time before polling day, in the election for which the person is standing as a candidate.
- 12.2 A withdrawal of a candidate under 12.1 shall be effected by means of a written notification to the Commission or the Returning Officer and shall be signed by the candidate personally and the candidate's signature shall be witnessed by the signatures of two registered voters of the Constituency concerned.
- 12.3 Where a candidate is sponsored by a political party/organisation, the notification shall be signed and filed by the Secretary General of the political party/organisation or any other person authorised by the political party/organisation

## **13.0 WHERE NO CANDIDATE OR WHERE ONE CANDIDATE IS NOMINATED [Section 14 of PAR-EA]**

Where at the close of Nomination days:

- a) No person has been duly nominated for election for a constituency, the Returning Officer shall report the fact to the Commission and the Commission shall fix a new polling day under Section 18 of PAR-EA and the Commission shall appoint fresh nomination days in respect of the Constituency in question.
- b) Only one person has been duly nominated for election for a constituency, the Returning Officer shall forthwith declare that person duly elected as Member of Parliament with effect from the polling day fixed in accordance with the Parliamentary Elections Act.

## **14.0 USE OF GOVERNMENT RESOURCES**

- a) Except as authorised by law, no candidate shall use Government or public resources
- b) Where a candidate is a minister or holds any other political office, he/she shall, during the campaign period restrict the use of official facilities ordinarily attached to his/her office to the execution of his/her duties.
- c) For purposes of enforcing 14(b), the Commission shall, by writing require any candidate to state in writing the facilities ordinarily attached to that office and candidate shall comply with the requirement.
- d) (a), (b) and (c) above, apply with the necessary modification to an employee of a statutory corporation or company in which Government holds a controlling interest and a member of a Commission or Committee established by the Constitution as it applies to a public officer.

**NB: Aspiring candidates are advised to submit together with their Nomination Paper a copy of their proposed campaign programme on nomination day(s) for purposes of harmonisation of campaign programmes in compliance with Section 20(2) of PAR-EA.**

## **15.0 OFFENCES**

- 15.1 A person who forges a certificate purporting to be issued by the National Council for Higher Education or utters a forged certificate commits an offence and is liable on conviction to a fine not exceeding two hundred and forty currency points equivalent to Ug. Sh. 4,800,000= (Four million eight hundred thousand shillings only) or imprisonment not exceeding ten years or both [Section 5, of PAR-EA].
- 15.2 A person who forges any academic certificate for the purpose of nomination for any election or utters such forged certificate commits an offence and is liable on conviction to a fine not exceeding two hundred and forty currency points equivalent to Ug. Shs 4,800,000/= (Four million eight hundred thousand shillings only) [Section 5, of PAR-EA].

- 15.3 A person who uses more than two vehicles carrying more than ten persons, yet without police stickers commits an offence and is liable on conviction to a fine not exceeding twenty-four currency points equivalent to Ug. Sh. 480,000= (Four hundred eighty thousand shillings only) or imprisonment not exceeding one year or both [Section 11 (7), (8) of PAR-EA].
- 15.4 A person who contravenes any provision under 13.0 [Section 25 of PAR-EA] commits an offence and is liable on conviction to a fine not exceeding twenty-four currency points equivalent to Ug. Sh. 480,000/= or imprisonment not exceeding 1 year or both.



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