

THE REPUBLIC OF UGANDA



THE ELECTORAL COMMISSION

# GENERAL ELECTIONS HANDBOOK FOR OBSERVERS





THE ELECTORAL COMMISSION

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# **GENERAL ELECTIONS**

## **HANDBOOK FOR OBSERVERS**

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## Forward

The Electoral Commission is established by Article 60 of the Constitution of the Republic of Uganda (1995) and mandated to conduct free and fair elections and referenda as one of its functions.

In addition, the Electoral Commission Act, CAP 140 (Section 16) mandates the Commission to accredit Election Observers/Monitors for the purpose of transparency of the electoral process.

Election observation is emerging as a support to the growth of democracy through the promotion of free and fair elections and referenda. It has become a practice during elections/referenda to invite observers, both national and international, to observe the process and make independent judgments about the electoral process and environment.

Observers, therefore, facilitate the prevention/minimizing of fraud, help build confidence among voters and the competing political actors and thus enhance the integrity of the electoral process and legitimize governance.

This booklet is supplied in order to guide Election Observers in the performance of their duties during the electoral process.



Eng. Dr. Badru M. Kiggundu  
**Chairman, Electoral Commission**  
**8<sup>th</sup> January 2016**

## 1.0 Introduction

According to Section 16(1) of the Electoral Commission Act, CAP 140, the Commission may at any election accredit any individual, group or institution to act as election observers.

## 2.0 Definition of Election Observers

An observer is an individual or a group accredited by the body in charge of elections in a country to evaluate the electoral process. They assess whether the electoral process is free and fair and make recommendations for reform and improvement.

### 2.1 Categories of Election Observers

There are two broad categories of observers namely national and international observers.

- a) National observers: These are observers who are locally based citizens/organisations of the country where the election is being held;
- b) International Observers: Are observers sponsored by international organizations and governments, including sister Election Management Bodies (EMBs).

### 2.2 Scope of Observation

Observation means the verification of the various stages of the electoral cycle, by Organisations, Governments and personalities duly accredited for purposes of election observation.

Elections Observers play an important role in the pursuit of democratic elections as their presence enhances the integrity of the process. They are witnesses to the event rather than

interventionists. Their credibility is based on their experience of observing in various countries and consequent ability to assess and record what they see in a wider context and make recommendations in a report to host organizations or country.

### **3.0 Election Observation Objective**

The main objective of the election observation is to ascertain the fairness and freeness of the process and render credibility to the election results to both the National and International Community.

### **4.0 Importance of Election Observation**

Election Observation is important for various reasons, in as far as it:

- a) Enhances public confidence in the electoral process;
- b) Encourages the Electoral Commission to be independent and maintain a good reputation;
- c) Promotes accountability and transparency;
- d) Eases political tensions;
- e) Deters improper practices;
- f) Enhances credibility of the electoral process;
- g) Assesses the legitimacy of the electoral process and the outcome in accordance with the national laws and internationally accepted standards; and
- h) Contributes to resolution of conflict between parties.

## 5.0 Role of Observers

An accredited person/group of persons/institutions shall endeavor to study the various aspects of an election and come out with a fair judgment on the process.

### 5.1 The Scope of Election Observers

Observation means the verification of the various stages of the electoral cycle by organisations, governments and foreign personalities duly accredited for purposes of election observation.

- a) Ascertaining the adequacy of the electoral legal framework for purposes of holding free and fair General Elections;
- b) Observing and verifying the impartiality and legality of decisions taken by the Electoral Commission and its Officers;
- c) Observing the verifying of the registration of voters as provided for under the Electoral Commission's guidelines, the Electoral Laws and the Constitution of the Republic of Uganda, 1995 (as amended);
- d) Ascertaining the voters/public awareness on the entire Election's Process;
- e) By studying their participation in General Election's campaign process/programs;
- f) By studying the ease with which those campaigning access the public; or

- g) Role of stakeholders e.g. Government, Electoral Commission, Media, Police, Political Parties, Candidates, Voters, etc.
- h) Observing and verifying the process as provided in the Electoral Laws of Uganda.

The Observers are also free to obtain information on activities relating to the Electoral Process, such as registration of voters, display of the voters' register, list of polling stations, nomination of candidates, campaigns, polling, tallying venues etc. Copies of the electoral laws and guidelines can be downloaded from the Electoral Commission website: [www.ec.or.ug](http://www.ec.or.ug).

## **Returning Officers**

- a) Please note that the Chairman of the Electoral Commission is the Returning Officer for purposes of the Presidential Elections; and,
- b) The Returning Officer in each electoral district shall return the results for Parliamentary and Local Government Councils in the respective electoral district.



## 6.0 Code of Conduct of Election Observers

The objective of this Code is to ensure that the activities of the observers are coordinated by the organizations they represent and the Electoral Commission, and conducted with integrity and impartiality, which contributes to public confidence in the electoral process.

### 6.1 Observers shall not do the following:

- a) Disrupt or interfere with any electoral activity or process;
- b) Exert influence on any voter in any way;
- c) Talk to voters inside the polling station;
- d) Instruct, give orders or countermand to Electoral Commission officials;
- e) Make any objections publicly or file complaints;
- f) Observe how a voter has marked a ballot paper;
- g) Support a candidate, a party or a side;
- h) Accept gifts or favours from a political party/organization or persons involved in the elections (e.g. candidates, candidates agents, etc);
- i) Carry prescribed identification with partisan symbols or colours
- j) State any quantitative results information;
- k) Interfere with the secrecy of the voting process, e.g. photographing the voters' choice.

## 6.2 Observers Should;

- a) Respect and comply with the laws of Uganda;
- b) Respect the role, status and authority of the Electoral Commission and Election Officials at all times;
- c) Introduce yourself to the Presiding Officer;
- d) Present your identification document and any official identification required of accredited observers;
- e) Wear your official identification tag in a clearly visible place.
- f) Observe elections impartially and independently of any party or candidate contesting the election;
- g) Be competent and professional in observing the elections and perform their work with diligence and thoroughness, researching and recording their findings in an objective manner. They should document their observations so that they are verifiable and, in all instances, attempt to distinguish objective from subjective evidence;
- h) Provide the Commission on a regular basis with a comprehensive review of the elections, taking into account all relevant circumstances including;
  - i) The degree of impartiality shown by the Commission;
  - ii) The degree of freedom of political parties/agents to organize, move, assemble and express their views publicly;
  - iii) The opportunity for political parties/candidates to have their agents observe all aspects of the electoral process;

- iv) The fairness of access for political parties to national media and other resources of the state;
- v) The proper conduct of polling and counting of votes; and,
- vi) Refrain from making personal or premature comments publicly to any medium.

## 7.0 The Final Report

- a) The final report covering the whole election cycle will be prepared and delivered within six (6) months, after polling;
- b) The report cannot declare the election valid or invalid. It gives particulars of the process as observed pointing out irregularities, if any.

Any observer who contravenes with Ugandan Electoral Laws commits an offence and is liable on conviction to a fine not exceeding fifteen currency points or imprisonment not exceeding six months or both (Section 16 (6)).

No person, group or institution shall observe any election unless the person, group or institution has obtained prior accreditation from the Commission. Any person who contravenes this provision is liable on conviction to a fine, not exceeding fifteen – currency point or to imprisonment not exceeding six months or both (Section (16 (4) & (6)), under the Electoral Commission Act, CAP 140.

**NB: One currency point is equivalent to twenty thousand shillings (20,000/=)**



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