

THE REPUBLIC OF UGANDA
THE ELECTORAL COMMISSION

Telephone: +256-41-337500/337508-11
Fax: +256-31-262207/41-337595/6
E-mail: secretary@ec.or.ug
Ref: **EC/16**



Plot 55 Jinja Road
P. O. Box 22678 Kampala, Uganda
Website: www.ec.or.ug
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**GUIDELINES FOR ELECTION OF WORKERS' COUNCILLORS TO LOCAL
GOVERNMENT COUNCILS, 2018**

These guidelines shall apply to elections of Workers' Councillors to Local Government councils.

- 1.0 Laws applicable to the Elections of Workers' Councillors to District Local Government Councils:
 - a) **The Constitution of the Republic of Uganda, 1995, as amended;**
 - b) **The Electoral Commission Act, CAP 140, as amended;**
 - c) **The Political Parties and Organizations Act, 2005, as amended;**
 - d) **The Parliamentary Elections Act, 2005, as amended;**
 - e) **The Local Governments Act [LGA], CAP 243, as amended;**
 - f) **The Labour Unions Act, 2006, as amended;**
 - g) **The Labour Unions (Election of Workers Representatives to District Councils) Regulations, 2016.**

- 2.0 **Definition**

Worker - Means "any person who performs services in exchange for remuneration, other than a person who performs services as an independent contractor or an apprentice who is engaged primarily for the purpose of receiving training in a trade or profession."

- 3.0 **Mode of election**
 - a) Elections of Workers' Councillors shall be conducted by secret ballot using the prescribed electoral colleges.

- 4.0 **Electoral Colleges for Election of Workers' Councillors (S. 118, LGA)**
 - 4.1 For each District Local Government Council, there shall be two Workers' Councillors, one of whom shall be a female, to represent the Workers in the District Local Government Council.
 - 4.2 The two Workers' Councillors at the District shall be elected by an Electoral College composed of: -

- i. Twenty Delegates, at least six of whom shall be women, nominated directly to the Electoral Commission by every registered Labour Union with membership in the District; and
- ii. Ten Delegates, at least three of whom shall be women, nominated by the non unionized workers in the District; the ten Delegates shall be the Delegates elected to represent the District at the Regional non-unionised Workers' conference constituted under section 8G(2)(c) of the Parliamentary Elections Act, 2005 as amended.

5.0 Qualifications for Candidates for Workers' Councillors at Local Government Councils

5.1 To qualify for nomination as a Workers' Councillor, one must be: -

- i. A Worker as defined in paragraph 2.0 above;
- ii. A citizen of Uganda;
- iii. A registered voter on the National Voters Register;
- iv. Ordinarily resident in the District in which he/she seeks to stand.

N.B Academic qualifications are not a pre-requisite for one to stand as a Candidate for election to the District Local Government Council.

5.2 A person shall not be elected a Local Government Councillor if that person is: -

- a) of unsound mind;
- b) acting in or holding an office the functions of which involve a responsibility for or in connection with the conduct of an election under the Local Government Act;
- c) a traditional or cultural leader as defined in Article 246 (6) of the Constitution;
- d) under sentence of death or imprisonment exceeding six (6) months without the option of a fine;
- e) an employee of:
 - i. any government department or;
 - ii. agency of the Government or;
 - iii. any Local Government or;
 - iv. a body in which Government has a controlling interest;

unless the person resigns his or her office at least thirty **(30) days** before nomination day in accordance with the procedure of the service or employment to which he/she belongs.

6.0 Nomination of Candidates for Workers' Councillors (S. 119, LGA)

- i. The Electoral Commission shall publish in the gazette and local media nomination day(s), place(s) and the time(s) when Candidates for Workers' Councillors shall be nominated.

- ii. The nomination of a Candidate shall be submitted by the Candidate herself/himself to the Returning Officer or a person designated by her/him.
- iii. A nomination paper in **Form EC 4** shall be signed by the Candidate, proposed by one and seconded by another member of the Workers' Electoral College of the relevant District Local Government Council in which the Candidate seeks to stand; the following must also be tendered:
 - a) the names and signatures of not less than five (5) persons who are members of the electoral college in the district where the person is seeking nomination and each person shall indicate her/his name, village, occupation and voter registration number- which shall be part of or appended to **Form EC 4**, in support of the nomination of that person;
 - b) Form EC 7 - a statement under oath indicating the person's eligibility to stand for the office;
 - c) Form EC 8 - indicating the person's consent to her/his nomination for the office;
 - d) A non refundable nomination fee of two-and-a-half currency points (50,000/=),
 - e) two postcard-size photographs of the Candidate's own straight face.

N.B. The fee may be paid in cash or bank-draft, to the District Council

- iv. Where at the close of the nomination day(s), no person is duly nominated for election, the Returning Officer shall report to the Electoral Commission and the Commission shall fix another day for nominations;
- v. Where only one Candidate is duly nominated at the close of the nomination day(s), the person nominated shall be declared elected unopposed for that office.

During nominations, a Returning Officer or a person designated by her/him MUST ensure that:

- a) a person holding a political office does not use any Local Council or Government facilities during nominations, campaigns or polling;
- b) the two proposers and the supporters of the nomination (who should not be less than five (5)), have appended their signatures in the right places, on the nomination paper;
- c) no suffix or prefix is attached to any candidate's surname;
- d) there is evidence that a person holding a public office resigned at least thirty (30) days before the nomination day(s);

- e) no person has subscribed to more than one nomination paper or supported more than one person for the same office;
- f) all nomination papers are duly signed and are in triplicate. A duplicate copy of the nomination paper certified by the Returning Officer shall be given to the Candidate;

7.0 Campaigns

- 7.1 The Electoral Commission shall appoint a Campaign Period for Candidates to represent the Workers in Local Government Councils.
- 7.2 The Returning Officer or a person designated by her/him shall harmonise Candidates' campaign programmes for all Candidates.
- 7.3 Every Public Officer and Public Authority and Institution, shall as far as possible, give equal treatment to Candidates.
- 7.4 Candidates shall enjoy freedom of expression and access to information in the exercise of the right to campaign during which, no abusive or slanderous statements shall be used against any Candidate.
- 7.5 No person shall use or publish defamatory words, insulting words or those which constitute incitement of public order, insurrection, hatred, violence or which threaten war. *Such a person commits an offence and is liable on conviction, to a fine not exceeding ten currency points (200,000/=) or a term of imprisonment not exceeding two years or both and shall be disqualified as a Candidate*
- 7.6 Once a person is nominated, she/he shall not attempt to use any tribal, cultural or religious affiliations as a basis for her/his candidature for election or in support of her/his campaign. *Such a person commits an offence and is liable on conviction, to a fine not exceeding ten currency points (200,000/=) or a term of imprisonment not exceeding two years or both and shall be disqualified as a Candidate*

8.0 Polling Procedure

- 8.1. No person shall be allowed to vote if she/he is not a member of the respective Electoral College.
- 8.2. The polling station shall be at the District headquarters;
- 8.3. The Presiding Officer shall conduct polling by allowing the electorate to cast their votes by secret ballot.

- 8.4. Polling shall not commence before 7:00 a.m. in the morning and shall not continue beyond 4:00 p.m. in the evening. The Presiding Officer shall ensure that at least five (5) eligible voters (members of the Electoral College) are present before opening of polls.
- 8.5. Each Candidate may appoint not more than two agents to oversee the conduct of polling and vote counting.
- 8.6. a) Where a voter is, by reason of blindness, illiteracy or any other disability, unable to fix the authorized mark of choice on the ballot paper, that voter may report at the polling station accompanied by a person of her or his choice to assist the voter to fix the authorized mark of choice on the ballot paper, on the voter's behalf; the voter may, request another person present at the polling station to assist her/him.
- b) However, no person shall assist more than one voter to fix the authorized mark of choice on the ballot paper.
- 8.7. An election officer, Candidates' Agent or Observer or Monitor is not permitted to assist any voter with disability to fix the authorized mark on the ballot paper.

9.0 Vote Counting and Declaration of Results

- 9.1 Votes cast at every polling station shall be counted at the polling station immediately after the Presiding Officer declares polling closed.
- 9.2 Each Presiding 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.
- 9.3 The Presiding Officer shall complete the necessary number of declaration of results form (Form EC 9), 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 and sealed by the presiding officer and delivered together with the official 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.



Justice Byabakama Mugenyi Simon
Chairperson, Electoral Commission