

THE REPUBLIC OF UGANDA  
**THE ELECTORAL COMMISSION**

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## **CAMPAIGN GUIDELINES FOR PARLIAMENTARY CANDIDATES**

### **1.0 Laws Applicable**

The Constitution of Uganda, 1995 (as amended)  
The Electoral Commission Act, Cap.140 (ECA) (as amended)  
The Presidential Elections Act, 2005 (PEA) (as amended)  
The Parliamentary Elections Act, 2005 [PAR-EA] (as amended)  
The Political Parties and Organizations Act [PPOA] (as amended)  
The Uganda Communications Act, 2013  
The Uganda Communications (Content) Regulations, Act, 2019  
The Public Health (Control of COVID – 19) Rules, 2020 (SI 83/2020)  
The Computer Misuse Act, 2011  
The Uganda Communications (Text and Multimedia Messaging) Regulations 2019 S.I 83/2019

### **2.0 Time and manner of campaigns [Section 20 of PAR-EA]**

- 2.1 Each candidate shall give his/her campaign programme to the Returning Officer who shall ensure that the candidates' meetings do not coincide or clash in one parish.
- 2.2 Every candidate may hold individual public campaign meetings in any part of Uganda in accordance with any existing law, and subject to the harmonized campaign Programme.
- 2.3 Candidates shall ensure that campaigns do not go beyond 6.00 pm on each of the campaign days.

### **3.0 Protection and Immunity of Candidates [Section 21 of PEA]**

- 3.1 During the campaign period, every public officer, public authority and institution shall, as far as possible, give equal treatment to all candidates.
- 3.2 Subject to any other law, every candidate shall enjoy complete and unhindered freedom of expression and access to information in the exercise of the right to campaign under the law.
- 3.3 A Person shall not, while campaigning, use any language;
  - (a) Which constitutes incitement to public disorder, insurrection or violence or which threatens war; or
  - (b) Which is defamatory or insulting or which constitutes incitement to hatred.
- 3.4 The Commission may issue other guidelines/directives to be complied with by every candidate while conducting his/her campaign for the election under the law.

### **4.0 Rights of candidates. [Section 22 of PAR-EA]**

- 4.1 A candidate in an election shall not be denied reasonable access to and use of, state-owned communication media.
- 4.2 Subject to any other law, during the campaign period any candidate, may, either alone or in common with others, publish campaign materials in the form of books, booklets, pamphlets, leaflets, magazines, newspapers or posters intended to solicit votes from voters but shall, in any such publication specify particulars to identify the candidate or candidates concerned.
- 4.3 A person shall not, during the campaign period print, publish or distribute, a news paper, circular or pamphlet containing an article, report, letter or other material commenting on any issue relating to the election unless the author's name and address, are set out at the end of the article, report, letter or other matter or, where part only of the article, report, letter or matter appears in any issue of a newspaper, circular, pamphlet, at the end of that part.

- 4.4 Except as otherwise provided in (4.1), a candidate may use private electronic media for his/her campaign.
- 4.5 A candidate shall not use private electronic media to de-campaign any other candidate(s).
- 4.6 In particular, the following acts are prohibited under (4.5) above;
  - (a) Making statements which are false-
    - (i) Knowing them to be false, or
    - (ii) In respect of which the maker is reckless whether they are true or false;
  - (b) Making malicious statements;
  - (c) Making statements containing sectarian words or innuendoes;
  - (d) Making abusive, insulting or derogatory statements;
  - (e) Making exaggerations or using caricatures of the candidate or using words of ridicule;
  - (f) Using derisive or mudslinging words against a candidate; or
  - (g) Using songs, poems and images with any of the effects described in the foregoing paragraphs;
- 4.7 A person other than a candidate shall not do any of the acts prohibited in (4.5) and (4.6).
- 4.8 The proprietor or operator of a private electronic media shall not use the media or allow it to be used to do any of the acts prohibited in (4.5) and (4.6).

N.B "electronic media" includes television, radio, internet and email.

## **5.0 Non-Sectarian campaign [Section 23 of PAR-EA]**

- 5.1 A person shall not use a symbol or colour which has a tribal, religious affiliation or any other sectarian connotation as a basis for that person's candidature for election or in support of that person's campaign.

## **6.0 Interference with electioneering activities of other persons [Section 24 of PAR-EA]**

- 6.1 A person who, before or during an election for the purpose of effecting or preventing the election of a candidate either directly or indirectly;
  - (a) By words, whether spoken or written, song, sign or any other representation or in any manner seek to excite or promote disharmony, enmity or hatred against another person on grounds of sex, race, colour, ethnic origin, tribe, birth, creed or religion;
  - (b) organises a group of persons with the intention of training the group in the use of force, violence, abusive, insulting, corrupt or vituperative songs or language calculated to malign, disparage, condemn, insult or abuse another person or candidate or with a view to causing disharmony or a breach of the peace or to disturb public tranquility so as to gain unfair advantage in the election over that other person or candidate;
  - (c) Obstructs or interferes or attempts to obstruct or interfere with the free exercise of the franchise of a voter or compels or attempts to compel a voter to vote or to refrain from voting;
  - (d) compels, or attempts to compel a candidate to withdraw his or her candidature;
  - (e) In any manner threatens any candidate or voter with injury or harm of any kind; or
  - (f) induces or attempts to induce any candidate or voter to fear or believe that he or she will suffer illness or will become an object of divine, spiritual or fetish displeasure or censure;

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 both.

## **7.0 Use of Government resources [Section 25 of PAR-EA]**

- 7.1 Except as authorized under the law, no candidate shall use Government or public resources for the purpose of campaigning for election.
- 7.2 where a candidate is a minister or holds any other political office, he or she shall, during campaign period, restrict the use of the official facilities ordinarily attached to his or her office to the execution of his or her official duties.
- 7.3 For purposes of (7.2) above, the Commission shall, by writing require any candidate to state in writing the facilities ordinarily attached to any office held by that person to which (7.2) applies and the candidate shall comply with the requirement.
- 7.4 The provision in (7.2) applies with the necessary modifications to an employee of a statutory corporation or company in which the government owns a controlling interest and a member of a commission or committee established by the constitution as it applies to a public officer.
- 7.5 A person who contravenes any provisions of (7.2) to (7.4) 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.

## **ILLEGAL PRACTICES [Part XI of PAR-EA]**

### **8.0 Bribery [Section 68 of PAR-EA]**

- 8.1 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 provides 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.
- 8.2 A person who receives any money, gift or other consideration under paragraph 8.1 also commits the offence under that paragraph.
- 8.3 The provision of 8.1 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.
- 8.4 An offence under paragraph 8.1 shall be an illegal practice.
- 8.5 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.
- 8.6 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.

### **9.0 Publication of false statements as to illness, death or withdrawal of a candidate [Section 70 of PAR-EA]**

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.

- NB A person who commits an illegal practice described in paragraphs 8.5, 8.6 and 9.0 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.

### **10.0 Other Offences and Penalties [Sections 21 (3), 22 (9), 23 (3), 25 (5), 74 (4), of PAR-EA]**

- 10.1 A person who uses any language that incites public disorder, violence, insurrection, threatening war or defamatory statements during campaign 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 one year or both. [Section 21(3) of PAR-EA]
- 10.2 A person who authors any document without stating his particulars as a candidate or a candidate's agent or makes untrue, malicious, abusive, sectarian statements, songs, caricatures by him/herself as a candidate or through an electronic media 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. [Section 22 (9) PAR-EA]
- 10.3 Any person who uses sectarian connotations during campaign as a basis of a candidate's support 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. **[Section 23 (2), (3) of PAR-EA]**
- 10.4 A person who publishes false statements as to illness, death or withdrawal of candidate commits an illegal practice and is liable to a fine not exceeding forty eight currency points (960,000/=) or imprisonment not exceeding two years or both. **[Section 72 of PAR-EA]**
- 10.5 A person who during campaign uses money, gifts, alcoholic beverage or other consideration in return for support to a candidate commits an illegal practice and is liable to a fine not exceeding forty eight currency points (960,000/=) or imprisonment not exceeding two years or both. **[Section 68 (6) of PAR-EA]**
- 10.6 A person who obstructs a voter or an aspiring candidate to vote or canvass support lawfully commits an illegal practice and is liable on conviction to a fine not exceeding forty eight currency points (960,000/=) or imprisonment not exceeding two years or both. **[Section 71 and Section 72 of PAR-EA]**

### **11.0 False statements concerning character of candidates [Section 73 of PAR-EA]**

11.1 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 [240,000/=] or imprisonment not exceeding six months or both.

### **12.0 Misconduct at candidates' meetings [Section 74 of PAR-EA]**

12.1 A person who, at any candidates meeting relating to an election, acts in a disorderly manner for the purpose of disrupting and preventing the transaction of the business for which the meeting is held 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.

12.2 The chairperson of a meeting mentioned above may direct any person who, in his opinion, is preventing the transaction of the business for which the meeting is being held to leave the place; and if the person fails or refuses to leave, the chairperson may cause that person to be removed from that place using such force as may be reasonably necessary.

12.3 A person who has in accordance with paragraph 13.2, left or who has been removed from a place in which the above meeting is taking place, shall not, without the permission of the chairperson of the meeting, return to that place while the meeting is still in progress.

12.4 A person who contravenes paragraph 13.2 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.

### **13.0 Defacement of notices and posters [Section 82 of PAR-EA]**

13.1 A person who, without lawful excuse, destroys, mutilates, defaces or removes any notice which is exhibited under the law or any document which is made available for inspection under the law 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.

13.2 A person who maliciously defaces or removes or tears any election poster of any nominated candidate, 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.

14.3 A court which convicts a person of an offence under paragraph 14.1 shall, within fourteen days after the conviction, report the conviction in writing to the Commission.

### **14.0 Standard Operating Procedures (SOPs) against the spread of Covid-19 Pandemic**

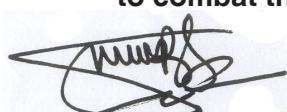
The SOPs incorporate measures and guidelines put in place by the Ministry of Health and the outcome of consultations made by the Commission to prevent and combat person to person, person to object and object to person spread of the COVID-19 during the management of registration, display, nominations, campaigns and voting.

14.1 The Electoral Commission COVID-19 Task force in conjunction with the Ministry of Health Team will supervise and remind the participating parties to ensure that the Ministry of Health (MOH) guidelines and SOPs are abided by for the Safety of Electoral Commission officials and participating political players.

The following shall be observed;

- (a) Wearing of face masks shall be a must for everyone accessing the various venues to be used for the above mentioned activities;
- (b) Social distancing shall be observed – keep at least a 2 metre distance from others;
- (c) Cover coughs or sneezes with bent elbow or tissues;
- (d) All facilities at the various venues that shall be used shall be regularly disinfected to mitigate the spread of COVID-19;

**NOTE: Stakeholders are reminded that the elections are taking place in a Covid-19 environment and therefore, we are all required to observe the Ministry of Health (MOH) guidelines to combat the spread of the virus.**



Justice Byabakama Mugenyi Simon

**CHAIRPERSON, ELECTORAL COMMISSION**