



## **POLLING GUIDELINES FOR OLDER PERSONS (OPs) COUNCILS/ COMMITTEES ELECTIONS FROM VILLAGE TO DISTRICT, 2020**

*(Under the National Council for Older Persons Act, 2013, [as amended])*

Our Ref: **EC/15**

Date: **18th February, 2020**

### **1.0 Introduction**

These guidelines shall apply to elections of Older Persons (OPs) Councils/Committees at:

- (i) Village/Zone/Cell;
- (ii) Parish/Ward;
- (iii) Subcounty/Town/Municipal Division;
- (iv) Municipality/ City Division; and
- (v) District/City.

### **2.0 Laws applicable to the Elections of OPs Councils/Committees:**

- (a) The 1995 Constitution of the Republic of Uganda, 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, Cap 243, as amended;
- (f) The Kampala City City Act, 2011, as amended; and
- (g) The National Council for Older Persons Act (OPA), 2013, and attendant regulations.

#### **2.1 Older Persons and Older Persons Committees**

- (a) An Older Person is a person aged sixty (60) years and above.
- (b) The OPs Councils/Committees elections and these guidelines shall apply to every person aged sixty (60) years and above, willing to be a member of a Village OPs Council/Committee in her/his village of residence as at the cut-off (last day) of Update of the National Voters' and Older Persons' Register / Registration.
- (c) The members of the OPs Committee shall be elected by the members of the OPs Council/Committees from among their number.
- (d) A person shall not be a member of more than one OPs Council/Committee.
- (e) Where a person is elected to a higher OPs Council/Committee, his or her office in the lower OPs Council/Committee shall fall vacant and another person shall be elected in his/her place.

### **3.0 OPs Councils/Committees (Section 28, OPA)**

3.1 For each administrative unit, there shall be an OPs Committee consisting of the following:

- (a) Chairperson;
- (b) vice Chairperson;
- (c) Secretary;
- (d) Vice Secretary; and
- (e) Treasurer.

3.2 A member of a village or parish OPs Council/Committee vacating office at the end of his/her term at village or parish level, shall, subject to the provisions of the laws governing OPs elections, be eligible for re-election for only one more term.

**3.3 At least one third (1/3) of the executive committee members shall be older women.**

3.4 The following OPs Councils/Committees are established in each District:-

- (a) Village/Cell/Zone OPs Councils/Committees
- (b) Parish/Ward OPs Councils/Committees
- (c) Sub-County/Town/Municipal Division OPs Councils/Committees
- (d) Municipal/City Division OPs Councils/Committees
- (e) District/City OPs Councils/Committees

**3.5 Composition of OPs Councils**

**(i) Village/Cell/Zone OPs Councils /Committees shall comprise**

every willing OP of at least sixty (60) years and is resident in that Village/Cell/Zone as at the **cut-off date** for Registration of voters/Update of the National Voters' Register or OPs' Register;

**(ii) Parish/Ward OPs Councils shall comprise**

all members of Village/Cell/Zone OPs Committees in the Parish

**(iii) Sub-County/Town/Municipal Division OPs Councils shall comprise**

all members of Parish/Ward OPs Committees in the Sub-county / Town / Municipal Division.

**(iv) Municipal/City Division OPs Councils shall comprise**

All members of Parish/Ward OPs Committees in the Municipality/City Division

**(v) District OPs Councils shall comprise the following: -**

members of the Sub-County/Town/Municipal Division /Municipality OPs Committees in the district.

**(vi) City OPs Councils shall comprise**

members of the City Division OPs Committees in the City.

**4.0 Electoral Colleges for Election of OPs' Committees (S. 28, OPA)**

4.1 At Village/Zone/Cell

- (a) For each Village/Zone/Cell, there shall be elected five OPs Committee members.
- (b) The five OPs Committee Members at the Village/Zone/Cell shall be elected by an Electoral College consisting of all registered OPs voters resident in that Village/Zone/Cell and are willing to participate in elections of OPs Councils/committees.
- (c) The elected members of each village OPs Committee shall be recorded in a parish/Ward register book for OPs for use at the parish/Ward OPs Committee elections.

4.2 At Parish/Ward

- (a) For each Parish/Ward, there shall be elected five OPs Committee members.
- (b) The five OPs Committee Members at the Parish/Ward shall be elected by all members of Village/Zone/Cell OPs Committees in the Parish/Ward, forming an Electoral College as shall have been compiled in 4.1 (c) above.
- (c) The elected members of each Parish/Ward OPs Committee shall be recorded in a Subcounty/Town/Municipal Division or Municipality/City Division register book for OPs for use at the Subcounty/Town/Municipal Division or Municipality/City Division OPs Committee elections.

4.3 At Subcounty/Town/Municipal Division or Municipality/City Division

- (a) For each Subcounty/Town/Municipal Division or Municipality/City Division, there shall be elected five OPs Committee members.
- (b) The five OPs Committee Members at the Subcounty/Town/Municipal Division or Municipality/City Division shall be elected by all members of Parish/Ward OPs Committees in the Subcounty/Town/Municipal Division or Municipality/City Division forming an Electoral College as shall have been compiled in 4.2 (c) above.
- (c) The elected members of each Subcounty/Town/Municipal Division or Municipality/City Division OPs Committee shall be recorded in a District/City register book for use at the District/City OPs Committee elections.

4.4 At District level:

- (a) For each District, there shall be five OPs Committee Members.
- (b) The five OPs Committee Members for the District level shall be elected by all members of Subcounty/Town/Municipal Division/Municipality OPs Committees in the district forming an Electoral College as shall have been compiled in 4.3 (c) above.

4.5 At City Level:

- a) For Kampala Capital City Authority, there shall be elected five OPs Committee Members.
- b) The five OPs Committee Members for Kampala Capital City level shall be elected by all members of City Division OPs Committees in the City forming an Electoral College as shall have been compiled in 4.3 (c) above.

5.0 A person shall not be elected a member of the Older Persons' Council/Committee 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;
- (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;

**6.0 Mode of election**

The elections of all OPs Councils/Committees shall be conducted by voters (members of the respective electoral colleges at each level) lining behind **candidates' portraits** or **candidates' symbols** or **candidates' agents** or the **individual candidates** of their choice.

**7.0 Election Process**

7.1 Presiding Officers

- 7.1.1 The Presiding Officers for the OPs Committee elections shall be appointed by the Electoral Commission.
- 7.1.2 The Presiding Officer shall be under the overall supervision of the Returning Officer and shall have the duty of keeping order at the polling station.
- 7.1.3 There shall be **two** Polling Assistants (Enumerators) and **one** Polling Constable at each polling station, as shall be determined by the Returning, to assist the Presiding Officer in conducting the polls.

7.2 No person shall be allowed to vote if she/he is not a member of the respective Electoral College.

7.3 For all elections of members of OPs' Committees from village to district, the polling station shall be at the usual place/venue where the community usually holds meetings.

7.4 The Presiding Officer shall conduct polling by allowing eligible voters to line behind **candidates' portraits** or **candidates' symbols** or **candidates' agents** or the **individual candidates** of their choice.

7.5 Voting Day Program

The following program shall guide the flow of activities on polling day:

- 7.00 am – 8.00 am : Arrival of candidates and voters
- 8.00 am – 8.30 am : Voter education, briefing and sensitization of voters on voting procedures by the Presiding Officer.
- 8.30 am – 9.00 am : Verification of voters by the Presiding Officer.
- 9.00 am – 2.00 pm : Voting by the electorate lining up and counting of votes; and
- 2.00 pm – 4.00 pm : Filling of Forms and Declaration of Results.

7.6 Voting:

- (a) Voting shall commence by voters lining behind candidates; beginning with the Chairperson, followed by the Vice Chairperson, the Secretary, Vice Secretary and the Treasurer in that order.
- (b) Voting shall not go beyond 4:00 p.m.

- 7.7 Each Candidate may appoint not more than two agents to oversee the conduct of polling and vote counting.
- 7.8 Elections for each office of Older Person's Committee shall take place one after another for the following offices:
  - (a) Chairperson;
  - (b) Vice chairperson;
  - (c) Secretary;
  - (d) Vice Secretary; and
  - (e) Treasurer.

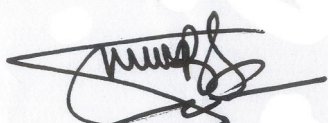
## 8.0 Vote Counting and Declaration of Results

- 8.1 The Presiding Officer and his Assistants shall count the voters lining behind each candidate at the polling station and shall record the scores for each candidate on **Form OLD1** for each elective office.
- 8.2 In case of a tie of candidates in the first position, the Presiding Officer shall, after a break of five minutes, cause a repeat of the exercise by allowing voters to line up behind the candidates that tied in the first position.
- 8.3 Each Presiding Officer shall, immediately after counting of all votes for each Candidate or after a recount in case of a repeat of the exercise for candidates, who tied in the first position, declare elected a Candidate who has obtained the highest number of votes.
- 8.4 The Presiding Officer shall then submit the village election returns on **Form OLD2**, in triplicate, sealed in an envelope provided by the Electoral Commission, to the Parish Supervisor for purposes of compiling the village election returns in an **OPs' Parish/Ward Register Book** provided by the Electoral Commission for elections at Parish/Ward.
- 8.5 The Subcounty Supervisor shall compile parish/Ward election returns recorded in triplicate on form **Form OLD2**, in a:
  - (a) Sub-County/Town/Division or Municipal **OPs Register Book** on conclusion of elections at parish/Ward level for elections at Sub-County/Town/Division or Municipality.
  - (b) District/City **OPs Register Book** on conclusion of elections at Sub-County/Town/Division or Municipal level for elections at District/City.

## 9.0 Offences and penalties

Any person who:

- 9.1 Forges, fraudulently defaces or fraudulently destroys any election return, record or official mark on any election return or record,
- 9.2 Bribes or attempts to bribe any voter in an Older Person's Council with the intention of soliciting for his/her vote,
- 9.3 Corruptly offers to any voter any food, drink, refreshment or provisions for the purpose of influencing the person to vote in any manner at the Older Person's Council/Committee election,
- 9.4 Makes use of or threatens to use force, violence or restraint, or inflict physical or psychological injury or harm against any person for the purpose of influencing the person to vote in any manner at the Older Person's Council/Committee,
- 9.5 Gives or lends or promises to procure any money, gift, loan, benefits or valuable consideration to any voter, or to any person on behalf of any voter in order to induce any voter to vote or refrain from voting,
- 9.6 Accepts any money, gift, benefit or valuable consideration from a candidate for purpose of voting for such candidate or influencing other candidates to vote for the same, commits an offence and shall be liable on conviction, to imprisonment or a term not exceeding two years and in addition to the imprisonment, be disqualified for a period of five years from the date of his/her conviction, from holding an office on any Older Person's Committee or being a member of any Older Person's Council, other than a Village Older Person's Council.



Justice Byabakama Mugenyi Simon  
**CHAIRPERSON, ELECTORAL COMMISSION**