

THE REPUBLIC OF UGANDA
THE ELECTORAL COMMISSION

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CAMPAIGN GUIDELINES FOR PRESIDENTIAL CANDIDATES INCLUDING STANDARD OPERATING PROCEDURES TO MITIGATE THE EFFECTS OF COVID-19

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 Standard Operating Procedures (SOPs)

2.1 Conduct of Campaign Meetings and use of Media for Campaigns

- (a) Following the Ministry of Health measures to, among others, control public gatherings arising from the COVID -19 pandemic, candidates' public meetings, conferences and political rallies remain banned.
- (b) Conveners of meetings and venue owners shall ensure that measures and guidelines put in place by the Ministry of Health to prevent and combat the spread of COVID -19 are strictly observed and shall ensure social distancing, wearing of masks and washing of hands (hand washing facilities should be available at the meeting and campaign venues) during the period campaigns.
- (c) All the identified meeting venues should be preferably outdoor and enable the observance of the said COVID-19 measures and guidelines and social distancing of least 2 metres apart for the persons attending the meeting/campaigns.
- (d) Conveners of meetings shall notify the respective Electoral District Returning Officers on the identified venues which shall be inspected for suitability in regard to compliance with the Ministry of Health guidelines.
- (e) The Returning Officers shall ensure that the meeting/campaign venues are suitable for these meetings/campaigns and both the candidates and venue owners shall ensure compliance with the said Ministry of Health guidelines.
- (f) All candidates shall ensure that they comply with the harmonized campaign meetings programmes and that the identified meeting venues enables the electorates comply with the Ministry Health Measures and Guidelines on COVID-19.
- (g) For the avoidance of doubt, a candidate's agent may carry out campaign meetings on behalf of the candidate and any other meetings which the candidate is allowed to do under this Act, and this should be in compliance with the said Ministry of Health Measures and Guidelines.
- (h) Candidates and/or their agents shall ensure that campaign meetings do not go beyond 6.00 pm on each of the campaign days.

- (i) The Commission shall ensure that all Presidential candidates are given equal treatment on State-owned media to present their programs to the people (Section 24 (1) of the Act).
- (j) A State-owned media house shall, within fourteen days after nomination day, notify in writing, all Presidential candidates of the availability of time, the broadcasting schedule and cost of presenting their programs and shall allocate time to the candidates. (Section 24 (1a) of the Act).
- (k) A State-owned media house that contravenes the foregoing provision commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points.
- (l) Similarly, a person in charge of the State-owned media house may, where the State-owned is found to have contravened (j) above, be held liable, on conviction to a fine not exceeding five hundred currency points or imprisonment not exceeding two years or both.
- (m) A public officer who campaigns, solicits for votes or public support for a candidate; or uses or permits another person to use resources for purposes of campaigning, soliciting for votes or support for a candidate commits an offence and is liable on conviction to a fine not exceeding five hundred currency points or imprisonment for a period not exceeding five years or both.
- (n) All candidates, conveners and venue owners shall ensure that the campaign/meeting venues are provided with hand washing facilities and sanitizers; and the candidates shall ensure that the supporters attending the campaigns/ meetings wash hands and at all times wear masks while accessing and exiting the meeting venues.
- (o) All candidates are advised to desist from holding rallies and conducting processions from one meeting to another. Similarly, convoys and crowds of supporters shall not be allowed outside the designated Meeting Venues.
- (p) All other election officials and the security personnel authorized at the Campaign Meeting Venues shall at all times wear the recommended masks; and gloves, where applicable.
- (q) Hand washing with water and soap and use of sanitizers shall be mandatory for all before accessing and exiting the Campaign Meeting Venues.
- (r) The respective candidates shall ensure that all persons accessing the meeting venues shall have their temperature taken and required to go through normal security checks, where applicable, and observe social distancing.
- (s) All candidates shall ensure that facilities at the meeting venues – tables, chairs, door handles, etc, are sanitized and/or disinfected to mitigate the spread of COVID -19.
- (t) All candidates shall conduct their media engagements in accordance with the programs submitted to the respective Returning Officers and harmonized by the respective media houses.
- (u) All political parties and organizations' Broadcasts programmes submitted shall be broadcasted in accordance with the terms and conditions of the respective media houses.
- (v) Candidates may use the Community Based Public Address Systems and a program for usage should be communicated by the candidates/agents to the respective Returning Officers.

3.0 Time and manner of campaigns [Section 21 of PEA]

- 3.1 Subject to the Constitution and the Presidential Elections Act , the Commission has determined the manner and the period during which campaigns shall take place. That campaigns shall not necessarily take place in all districts. That a Presidential candidate may campaign in more than one district in a day.
- 3.2 Every candidate may hold individual public campaign meetings in any part of Uganda in accordance with any existing law.
- 3.3 For the avoidance of doubt, a candidate's agent may carry on campaign meetings on behalf of the candidate and otherwise carry on any campaign which the candidate is allowed to do under this Act.
- 3.4 Candidates and/or their agents shall ensure that campaigns do not go beyond 6.00 pm on each of the campaign days.

4.0 Candidates campaign meetings [Section 21 of PEA]

- 4.1 The Commission may, after consultation with all the candidates, organise one or more joint candidates' campaign meetings for those candidates who consent to such a meeting.
- 4.2 A candidate or a candidate's agent authorised in writing by the candidate to do so, may hold a consultative meeting with the candidate's campaign agents for the purposes of planning and organising the candidate's election campaign.
- 4.3 A candidate shall not hold any public campaign meeting under paragraph 4.2 except in accordance with a programme of meetings submitted by the candidate to the Commission and accordingly agreed to.

5.0 Security and protection of candidates during campaigns [Section 22 of PEA]

- 5.1 The Commission shall ensure that the relevant organs of the state during the entire campaign period provide:
 - (a) Protection of each candidate during campaigns and at the place of residence is to be provided by the Commission.
 - (b) Adequate security at all meetings of candidates.

6.0 Facilitation of candidates [Section 22 of PEA]

- 6.1 The Commission shall offer to each candidate facilities to be used solely for the election:
 - (a) A lead vehicle with Police personnel;
 - (b) Such other facilities as may be approved by Parliament.
- 6.2 Except as otherwise provided by paragraph 6.1 above, a candidate or a candidate's agent may raise additional funding for the candidate's campaign through lawful means.
- 6.3 A candidate or a candidate's agent shall not obtain, solicit or receive any financial or other assistance for the purpose of the candidate's campaign, from any foreign government, institution, body or person which or who has demonstrated an intention to overthrow the lawfully established Government of Uganda, or to endanger the security of Uganda;
- 6.4 For the purposes of paragraph 6.3 above, the Government shall lay before Parliament the necessary information as to the prohibited foreign governments institutions, bodies or persons, at least three months before the nomination day.
- 6.5 Every candidate shall maintain a record of all assistance obtained or solicited for under paragraph 6.2 above.
- 6.6 Each candidate shall, **within thirty days** after the election:
 - (a) account to the Commission for the facilitation given to him or her under paragraph 6.1;
 - (b) submit a return to the Commission disclosing all assistance obtained by the candidate from any source (paragraph 6.2).

7.0 Equal treatment, freedom of expression and access to information of candidates [Section 23 of PEA]

- 7.1 During the campaign period, every public officer and public authority and public institution shall, give equal treatment to all candidates and their agents.
- 7.2 Subject to the Constitution and 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 Presidential Elections Act.
- 7.3 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.
- 7.4 The Commission may issue other guidelines to be complied with by every candidate while conducting his or her campaign for the election under the Presidential Elections Act.

8.0 Rights of candidates [Section 24 of PEA]

- 8.1 All presidential candidates shall be given equal treatment on the State owned media to present their programmes to the people.
- 7.2 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.
- 8.3 A person shall not, during the campaign period print, publish or distribute, a newspaper, circular or pamphlet containing an article, report, letter or other matter commenting on any issue relating to the election unless the author's name and address, or the authors' names and addresses, as the case may be, 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 or matter at the end of that part.
- 8.4 Except as otherwise provided in this section, a candidate may use private electronic media for his or her campaign.
- 8.5 A candidate shall not while campaigning, do any of the following:
 - (a) Make 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) Make malicious statements;
 - (c) Make statements containing sectarian words or innuendoes;
 - (d) Make abusive, insulting or derogatory statements;
 - (e) Make exaggerations or use caricatures of the candidate or using words of ridicule;
 - (f) Use derisive or mudslinging words against a candidate; or
 - (g) Use songs, poems and images with any of the effects described in the foregoing paragraphs.
- 8.6 The proprietor or operator of a private electronic media shall not knowingly use the media or allow it to be used to do any of the acts prohibited in paragraph 7.5 above.

N.B "Electronic Media" includes television, radio, internet and email.

9.0 Non-Sectarian campaign [Section 25 of PEA]

- 9.1 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.

10.0. Interference with electioneering activities of other persons [Section 26 of PEA]

- 10.1 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.

11.0 Use of Government resources [Section 27 of PEA]

- 11.1 Except as authorised under this Act, or authorised by law, a person shall not use Government resources for the purpose of campaigning for any candidate, party or organization in an election.
- 11.2 Notwithstanding (11.1) above, a candidate who holds the office of President, may continue to use Government facilities during the campaign, but shall only use those Government facilities which are ordinarily attached to and utilised by the holder of that office.
- 11.3 For purposes of (11.2) above, the Minister responsible for public service shall lay before Parliament a statement of those Government facilities which are attached to and utilised by the President.

Illegal Practices [Part IX of PEA]

12.0 Bribery [Section 64 of PEA]

- 12.1 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 provided 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.
 - 12.2 A person who receives any money, gift or other consideration under paragraph 11.1 also commits the offence under that paragraph.
 - 12.3 The provision of 12.1 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.
 - 12.4 An offence under paragraph 12.1 shall be an illegal practice.
 - 12.5 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.
 - 12.6 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.
 - 12.7 A candidate or an agent of a candidate shall not carry out fundraising and the giving of donations during the period of campaigning.
 - 12.8 A person who contravenes the provision under paragraph 12.7 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.
- NB For the purpose of this section, fundraising shall not include the soliciting of funds for a candidate to organize for elections or donations given by the president in the ordinary course of his or her duties.**

13.0 Publication of false statements as to illness, death or withdrawal of a candidate [Section 66 of PEA]

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 the following paragraphs 64 (4), (5), (6) or (8), 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.

14.0 Other Offences and Penalties [Sections 22 (8) (a) (b), 23 (4), 24(7), 25 (3), 66, 64, 67 of PEA]

- 14.1 A candidate or candidate's agent who receives financial assistance for purposes of his/her campaign from any government, institution, body or person which or who has demonstrated an intention to overthrow the lawful government or threatens to endanger the security of Uganda 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.
- 14.2 Any candidate who fails to maintain a record of all assistance obtained or solicited under the law or fails to account for such resources within thirty days after the election or knowingly makes a false statement concerning such resources in any material particular 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.
- 14.3 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.
- 14.4 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 forty eight currency points (960,000/=) or imprisonment not exceeding two years or both.
- 14.5 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.
- 14.6 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.
- 14.7 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.
- 14.8 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.

15.0 False statements concerning character of candidates [Section 69 of PEA]

- 15.1 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.

16.0 Misconduct at candidates' meetings [Section 70 of PEA]

- 16.1 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.
- 16.2 The chairperson of a meeting to which this section applies may direct any person who, in the opinion of the chairperson, 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.
- 16.3 A person who has in accordance with the provision of paragraph 16.2, left or who has been removed from a place in which a meeting to which this section applies 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.
- 16.4 A person who contravenes the foregoing provision 16.3 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.

17.0 Defacement of notices and posters [Section 78 of PEA]

- 17.1 A person who, without lawful excuse, destroys, mutilates, defaces or removes any notice which is exhibited under the authority of this Act or any document which is made available for inspection under any provision of this Act 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.
- 17.2 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.
- 17.3 A court which convicts a person of an offence under paragraph 16.1 shall, **within fourteen days** after the conviction, report the conviction in writing to the Commission.



Justice Byabakama Mugenyi Simon
CHAIRPERSON, ELECTORAL COMMISSION