



# THE ELECTORAL COMMISSION

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## PRESIDENTIAL ELECTIONS 2021 GUIDELINES FOR NOMINATION OF CANDIDATES INCLUDING STANDARD OPERATING PROCEDURES FOR MITIGATING COVID-19 EFFECTS

### 1.0 LAWS APPLICABLE

- The Constitution of the Republic of Uganda, 1995 *[As amended]*
- The Electoral Commission Act, Cap 140 [ECA] *[As amended]*
- The Presidential Elections Act, 2005 [PEA] *[As amended]*
- The Political Parties and Organizations Act, 2005 [PPOA] *[As amended]*
- The Public Health (Control of COVID-19) Rules, 2020 (SI 83/2020)

### 2.0 STANDARD OPERATING PROCEDURES (SOPs)

These 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 these pre-election and election activities.

### 2.1 PRE NOMINATION ACTIVITIES

#### (a) Issuance and Receipt of Nomination Forms

In order to prevent and combat person to person, person to object and object to person spread of the COVID -19 during the issuance of Nomination Papers:

- (i) soft copies of nomination forms have been uploaded on the Electoral Commission Website and aspiring candidates may access them using the link [www.ec.or.ug](http://www.ec.or.ug);
- (ii) hard copies of the nomination papers may be picked from the Electoral Commission Head Office by the aspiring Presidential candidates;
- (iii) all Election Officers shall be required to regularly wash hands, wear the recommended face masks and wear gloves while issuing out Nomination Forms;
- (iv) all aspiring candidates and respective agents shall while accessing and leaving the offices where nomination forms are being issued, be required to wash hands and wear the recommended face masks. The use of sanitizers is equally advised; and
- (v) Both the Election Officials and aspiring candidates/agents have the obligation to ensure compliance in the wearing of masks, washing of hands, use of sanitizers; and observation of social distancing, during the issuance and receipt of nomination papers.

#### (b) Collection of Signatures

All aspiring candidates shall be required to collect signatures to support their nominations. However, given that the collection of signatures in support may contribute to the spread of the COVID -19; and in order to prevent and combat person to person, person to object and object to person spread of the COVID -19.

- (i) all aspiring candidates and respective agents shall while accessing and leaving the homes of the voters required to sign their nomination forms, be required to wash hands and wear the recommended face masks. The use of sanitizers is equally advised;
- (ii) all voters signing and/or thumb printing a nomination paper shall be required to wear the recommended face masks at all times and wash hands before and after signing and/or thumb printing a nomination paper;
- (iii) Both the voters and aspiring candidates/agents have the obligation to ensure compliance in the wearing of masks, washing of hands, use of sanitizers; and observation of social distancing; and
- (iv) in order to ease the verification of supporters, given the COVID-19 environment, aspiring candidates/agents will be required to record telephone contacts of supporters to their nomination in the nomination form.

## **2.2 CONDUCT OF NOMINATION ACTIVITIES**

- (a) All the nomination venues shall be provided with hand washing facilities and sanitizers; and the aspiring candidate, proposer and seconder shall be required to wash hands while accessing and exiting the nomination venue.
- (b) The aspiring candidate, shall be allowed into the nomination venue accompanied by 2 persons (Secunder and Proposer), who shall be required to wear masks at all times.
- (c) Aspiring candidates are advised to use only two vehicles for purposes of his/her nominations; and each vehicle should not carry more than 3 persons, driver inclusive. Each of the vehicles shall bear a police sticker.
- (d) For the avoidance of doubt, the incumbent President who is a candidate shall use such number of vehicles as is ordinarily attached to his office.
- (e) The respective Returning Officers and accompanied by such number of persons conducting nominations shall be required to wash hands, use gloves and wear the recommended face masks while conducting nominations. The use of sanitisers is equally advised.
- (f) All other election officials and the security personnel authorized at the Nomination Venues shall at all times wear the recommended masks and gloves.
- (g) Hand washing with water and soap and use of sanitizers shall be mandatory for all before accessing the Nomination Venues.
- (h) All persons accessing the nomination venues shall have their temperature taken and required to go through normal security checks and observe social distancing.
- (i) Convoys and crowds of supporters shall not be allowed during the period designated for nominations.
- (j) All facilities at the nomination venues – tables, chairs, door handles, etc, shall be sanitized and/or disinfected regularly to mitigate the spread of COVID -19.
- (k) All nominated candidates are advised to submit to the Returning Officer, a copy of their proposed campaign meetings and media campaign programmes.
- (l) All political parties and organizations sponsoring candidates are similarly advised to submit to the respective Returning Officers their Party/Organisations Broadcasts programmes.
- (m) The Commission shall, through the Uganda Communication Commission require all media houses (privately owned inclusive) to make public their rate cards, availability of time, the broadcasting schedule and cost of presenting their programs and allocate time to the candidates.

## **2.3 INSPECTION OF NOMINATION PAPERS**

Persons wishing to inspect nomination papers and in order to prevent and to combat the spread of COVID-19 person to person, person to object and object to person the following shall be observed:

- a) While accessing and leaving the offices where nomination papers are being inspected, persons shall be required to wash hands and wear the recommended face masks. The use of sanitizers is equally advised.
- b) Both the election officials, candidates/agents have the obligation to ensure compliance in the wearing of face masks, washing of hands, use of sanitizers and observation of social distancing during the inspection of nomination papers.
- c) All facilities at the inspection venues like tables, chairs, door handles shall be sanitized or disinfected regularly to mitigate the spread of COVID-19.
- d) All persons accessing the inspection venue shall be required to go through normal security checks and observe social distancing.

## **3.0 APPOINTMENT OF NOMINATION DAYS [Section 8, of PEA]**

3.1 The Commission shall issue a notice in the gazette appointing two days during which the nomination of candidates shall take place indicating:

- a) the places and times fixed for nomination of candidates; and
- b) the hours on each nomination day, during which nominations are to take place.

3.2 Every place fixed for nominations of candidates shall be a public place such as a court house, city or town hall, community center or other public or private building in a central place.

3.3 The hours to be indicated shall be from ten o'clock in the morning to four o'clock in the afternoon (10.00 am - 4.00 pm) on each nomination day.

#### **4.0 QUALIFICATION OF CANDIDATES** [Section 4, of PEA]

4.1 A person is not qualified for election as President unless that person is:

- (a) a citizen of Uganda by birth;
- (b) at least eighteen years and above;
- (c) has completed a minimum formal education of Advanced Level standard or its equivalent; and
- (d) is a registered voter.

4.2 The Commission shall request such evidence as it thinks necessary for the qualifications specified in 4.1(a) & (b) above.

4.3 A person is not qualified for election as a President if that person [Section 4 (4) of PEA]:

- (a) Is of unsound mind;
- (b) Is holding or acting in an office the functions of which involve a responsibility for or in connection with the conduct of an election;
- (c) Is a traditional or cultural leader as defined in clause (6) of Article 246 of the Constitution.
- (d) Has been adjudged or otherwise declared bankrupt under any law in force in Uganda and has not been discharged;
- (e) Is under a sentence of death or a sentence of imprisonment exceeding nine months imposed by any competent court without the option of a fine;
- (f) Has within the seven years immediately preceding the election, been convicted by a competent court of a crime involving dishonesty or moral turpitude; and
- (g) Has within the seven years immediately preceding the election, been convicted by a competent court for contravention of any law relating to elections conducted by the Commission.

#### **5.0 PUBLIC SERVANTS TO RESIGN** [Section 4 (6) of PEA]

A public officer or a person employed in any government department or agency of the government or an employee of a local government or any body in which the Government has controlling interest who wishes to stand for election as President shall resign his or her office before nomination day. Evidence of resignation shall be presented to the Returning Officer together with the Nomination Paper.

#### **6.0 ESTABLISHMENT OF ACADEMIC QUALIFICATIONS** [Section 4(7) of PEA]

6.1 Any of the following persons wishing to stand for election as president shall establish his or her qualifications with the Electoral Commission as a person holding a minimum qualification of advanced level or its equivalent **at least two months before nomination day**, in case of a normal presidential election, or where a presidential election is held otherwise than as a result of expiry of the term of the president, at least two weeks before nomination day;

- (a) Persons, whether their qualification is obtained from Uganda or outside Uganda, who are claiming to have their qualification accepted as equivalent to Advanced Level education;
- (b) Persons claiming to have advanced level qualification obtained from outside Uganda.
- (c) Persons claiming to have academic degrees which were obtained from outside Uganda.

6.2 A person required to establish his/her qualification(s) under (a) and (b) shall do so by production of a certificate issued to him or her by the National Council for Higher Education in consultation with Uganda National Examinations Board.[Section 4(8) of PEA].

6.3 A person who claims to possess qualifications referred to in 6.1 (c) shall, before the issue of the certificate, prove to the satisfaction of the National Council for Higher Education that admission to that qualification was obtained on the basis of Advanced Level standard of education or its equivalent [Section 4(9) of PEA].

6.4 If a candidate has an Advanced Level Certificate of Education obtained in Uganda or qualifications higher than the prescribed qualification obtained in Uganda or obtained from the former University of East Africa or any of its constituent colleges, then, there shall be no need for the verification of his or her qualification by the National Council for Higher Education [Section 4 (15) PEA 05].

6.5 The Electoral Commission shall not accept for the purpose of this section, a statutory declaration or affidavit as evidence of an academic qualification [Section 4 (16) of PEA 05].

## 7.0 SPONSORSHIP OF CANDIDATES BY POLITICAL ORGANISATION OR POLITICAL PARTY

[Section 9 of PEA]

Nomination of candidates may be made by a registered political organisation or political party sponsoring a candidate or by a candidate standing for election as an independent candidate without being sponsored by a political organisation or political party. Where a candidate is sponsored by a political party/organisation, the nomination paper shall be endorsed and SEALED by the political party/organisation sponsoring the candidate.

**NB: The Secretary General of a party or a person designated by him or her shall ensure that the nomination papers are endorsed and sealed.**

## 8.0 NOMINATION PROCEDURE [Section 10 of PEA]

8.1 A person shall not be a candidate in a presidential election unless:

- a) that person submits to the Commission on or before the day(s) appointed as nomination day(s) in relation to the election, a document referred to as a Nomination Paper, which is signed by that person, nominating him or her as a candidate, and
- b) the nomination is supported by not less than one hundred voters in each of at least two thirds of all the districts of Uganda.

**NB: Aspiring candidates are encouraged to submit the lists of supporters to the Electoral Commission for verification at least 2 weeks before the nomination dates. In view of the COVID-19 environment and for ease of verification, supporters will be required to leave their telephone contacts.**

8.2 Each candidate shall attach to his or her nomination paper a list of names of the registered voters required under 8.1(b) and each of those registered voters shall append to that list his or her name; signature, physical address and voter registration number as specified in the Nomination Paper [Section 10 (3) of PEA].

8.3 A person shall not subscribe to more than one nomination paper and no person shall give his or her support to more than one candidate.

8.4 The Nomination paper shall be accompanied by:

- a) a declaration in the form specified in the Fourth Schedule to the PEA;
- b) a non refundable fee of **one thousand currency points, equivalent to 20,000,000/= (twenty million) Uganda Shillings** payable to the Uganda Administration. Intending candidates shall pay in any bank which collects Non Tax Revenue guided by the following steps;
  - i) Log onto the URA website [www.ura.go.ug](http://www.ura.go.ug)
  - ii) Register and obtain a Payment Registration Number (PRN)
  - iii) Present the PRN to the bank that shall post the payment to the URA account.
  - iv) Obtain a receipt from the bank confirming payment
  - v) The intending candidates shall present the receipt obtained in (iv) to the Commission on or before nomination day.
  - vi) The Commission shall then issue to the intending candidate a General Receipt that he/she shall use for purpose of nomination.
- c) three post card size copies of the candidate's own recent straight face colour photograph.

**NB**

- **Aspiring candidates are advised to take their photographs against a light background, preferably white or grey.**
- **Aspiring candidates shall write their names, surname first behind each photograph.**

## 9.0 FACTORS WHICH MAY INVALIDATE A NOMINATION [Section 11 of PEA]

A person shall not be regarded as duly nominated and the nomination paper of any person shall be regarded as void if:

- a) the person's nomination paper was not signed and seconded in accordance with procedure under 8.0;
- b) the nomination paper of the person was not accompanied by the list of names of registered voters as required under 8.2;
- c) the person has not complied with the requirements under 8.4;
- d) the person seeking nomination was not qualified for election under 4.0;
- e) the person seeking nomination has been duly nominated for election as a member of Parliament.

## 10.0 RETURNING OFFICER [Section 10 (12) of PEA]

For purposes of the nomination of candidates for a presidential election, the Returning Officer shall be the **Chairperson of the Electoral Commission** or a person designated in writing by the Commission.

### 11.0 CONVOY OF VEHICLES

- a) A candidate who uses a convoy of vehicles for the purpose of his or her nomination shall have not more than two vehicles in the convoy and each vehicle shall bear police stickers and shall not carry more than ten (10) persons [Section 10 (13) of PEA].
- b) An incumbent President who is a candidate shall use such number of vehicles as is ordinarily attached to his office [Section 27 (2) of PEA].

### 12.0 INSPECTION OF NOMINATION PAPERS AND LODGING OF COMPLAINTS [Section 13, of PEA].

A registered voter may:

- a) During office hours on the nomination day, at the office of the Returning Officer or any other place as determined by the Commission, inspect any nomination paper filed with the Returning Officer.
- b) After the closure of the nomination time and during such period as may be prescribed, inspect any nomination paper in respect of a candidate at such time and subject to such conditions as may be prescribed; and may lodge any complaint with the Returning Officer or the Commission in relation to any nomination in respect of a candidate challenging the qualifications of any person nominated.

**NB: The Commission has appointed a period of 5 days between 9.00 and 4.00 pm on each day after the closure of nominations for purposes of inspection referred to in (b) at the Returning Officer's office at Plot 55, Jinja Road.**

### 13.0 ALLOCATION OF SYMBOLS [Section 15 (1) of PEA].

Where an election is contested (i.e. more than one candidate), the Commission shall as soon as practicable after the nomination days:

- a) allocate to each candidate the symbol of his or her political organisation or political party in the case of a candidate sponsored by a registered political organisation or political party.
- b) allocate to a candidate who is not sponsored by a political organisation or political party, a symbol or colour chosen by him or her.
- c) a symbol or colour under (b) shall be chosen or assigned from among symbols and colours approved by the Commission for the purpose of the election.

- NB**
- The symbols approved by the Commission are attached to these guidelines and they shall be used for election in the form in which they appear.
  - Independent candidates must ensure that they have selected and have been allocated symbols before leaving the nomination venue. This will be done by candidates signing against the selected symbol.

### 14.0 APPEAL TO THE COMMISSION ON REJECTION OF NOMINATION PAPER [Section 14, of PEA]

Where a nomination paper of a person has been rejected or has been regarded as void:

- (a) the Returning officer shall forthwith notify the person of the decision giving reasons for the decision; and
- (b) the person shall have the right to complain against the decision to the Commission and the Commission may confirm or reverse the decision of the Returning Officer.

### 15.0 SYMBOL NOT TO HAVE SECTARIAN CONNOTATION [Section 15 (3) of PEA].

A person shall not be allocated a symbol or colour which has a tribal or religious affiliation or any other sectarian connotation.

**NB: Aspiring candidates are advised to submit together with their Nomination Paper a copy of their proposed campaign programme on nomination day(s) for purposes of harmonisation of campaign programmes in compliance with Section 20(2) of PAR-EA.**

### 16.0 WITHDRAWAL OF CANDIDATES [Section 17 of PEA].


- 16.1 A duly nominated candidate for election as President may withdraw his/her nomination at any time before polling day, in the election for which the person is standing as a candidate.
- 16.2 A withdrawal of a candidate under 16.1 shall be effected by means of a written notification to the Commission or the Returning Officer and shall be signed by the candidate personally and the candidate's signature shall be witnessed by the signatures of 2 registered voters.
- 16.3 Where a candidate is sponsored by a political party/organisation, the notification shall be signed and filed by the Secretary General of the political party/organisation or any other person authorised by the political party/organisation

## 17.0 DECLARATION OF UNOPPOSED CANDIDATE ELECTED

1. Where a candidate at time of the closure of nominations is the sole candidate nominated, the Commission shall publish and declare under its seal within 48 hours from the close of nominations, that that candidate is elected unopposed with effect from the date fixed for the poll under Section 16 of PEA.
2. Where, as a result of withdrawal of other candidates for election, there remains only one candidate the Returning Officer will immediately declare the remaining candidate elected unopposed.

## 18.0 OFFENCES

- 18.1 A person who forges a certificate purporting to be issued by the National Council for Higher Education or utters a forged certificate commits an offence and is liable on conviction to a fine not exceeding two hundred and forty currency points equivalent to Ug. Shs. 4,800,000= (Four million eight hundred thousand shillings only) or imprisonment not exceeding ten years or both [Section 5, of PEA].
- 18.2 A person who forges any academic certificate for the purpose of nomination for any election or utters such forged certificate commits an offence and is liable on conviction to a fine not exceeding two hundred and forty currency points equivalent to Ug. Shs. 4,800,000= (Four million eight hundred thousand shillings only) [Section 5, of PEA].
- 18.3 A person who contravenes Guideline 11.0 [Section 13 of PEA] commits an offence and is liable on conviction to a fine not exceeding twenty-four currency points equivalent to Ug. Shs. 480,000= (Four hundred eighty thousand shillings only) or imprisonment not exceeding one year or both [Section 10 (14)of PEA].



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