



GUIDELINES FOR THE BY-ELECTION OF SPECIAL INTEREST GROUPS (SIGs) COUNCILLORS TO RESPECTIVE DISTRICT/CITY DIVISION/SUBCOUNTIES/TOWNS AND MUNICIPAL DIVISIONS.

1.0 Introduction

These guidelines shall apply to the by-election of Special Interest Groups (SIGs) representatives; Youth, Workers, Older Persons and Persons with Disabilities (PWDs) to the respective Local Government Councils.

2.0 Legal Framework

- a) The Constitution of the Republic of Uganda 1995 (as amended);
- b) Local Governments Act, CAP 243; [LGA]
- c) The Electoral Commission Act, CAP 140 (as amended); [ECA]
- d) The National Youth Council Act, Cap 319 (as amended); [NYCA]
- e) The National Council for Older Persons Act, 2013; [NOPA]
- f) Persons with Disabilities Act, 2020; [PWDA]
- g) The Labour Unions (Election of Workers Representatives to District Councils) Regulations, 2016.
- h) The Public Health (Control of Covid-19) Rules, 2020 (SI 83/2020)

3.0 Electoral Colleges for Election of SIGs Councillors

3.1 Electoral Colleges for Election of PWD Councilors (S.10(1)(d) 118(2), [LGA]

In the case of a District/City Council, the five executive members from each Sub-county or Municipal Division Council or Town Council shall assemble at the District or City Council to elect two representatives being male and female, to the District/City Council Local Government.

In the case of a Subcounty, Division Council or Town Council, the five executive members from each parish or ward shall assemble at the Sub-county, Municipal Division Council or Town Council to elect one male and female, representatives to Subcounty, Division or Town Council. **[S.23]**

3.2 Electoral Colleges for Election of Workers' Councilors S.10 (1) (fa) [LGA]

3.2.1 For each District Local Government Council, there shall be two Workers' Councilors, one of whom shall be a female, to represent the Workers in the District/City Local Government Council.

The two workers' representatives to a district council shall be elected by a district electoral college constituted by the Electoral Commission as follows:

- a) Twenty Delegates nominated directly to the Electoral Commission by the General Secretary of every registered Labour Union with membership in the district, at least six of whom shall be women.
- b) Ten Delegates, at least three of whom shall be women, nominated by the non unionized workers in the District.

3.3 Electoral Colleges for Election of Older Persons (OP) Councilors (S.10(1)(f) S.28 [NOPA] 118(2a) [LGA]

- a) All parish or ward executive committee members of the Sub county shall meet to elect executive members of the Sub county or town or municipality or division and two representatives (male or female) to the Sub county or city division council.
- b) In the case of a District/City, all Sub County or Town or Municipality or City Division executive committee shall meet to elect executive members of district or City to the district or city council.

3.4 Electoral Colleges for Election of Youth Councilors (S.10(1)(c) 118(1) [LGA]

The youth councilors shall be elected by an electoral college consisting of—

- a) In case of a District Council, all Subcounty Youth Councils; and the District Youth Executive;
- b) In the case of a City Council, all Division Youth Councils; and the City Youth Executive;
- c) In the case of a Municipal Council, all Parish or Ward Youth Councils; and the Municipal Youth Executive;

- d) In the case of a Subcounty, Town or Division Council all Parish or Ward Youth Councils; and the Subcounty, Town or Division Youth Executive as the case may be.

4.0 Standard Operating Procedures (SOPs)

While conducting all electoral activities leading to elections of Councilors representing Special Interest Groups against the spread of covid-19 shall be observed.

- i. Wearing Masks
- ii. Washing hands
- iii. Observing social distance and
- iv. Use of sanitizers among others.

5.0 Display of the SIGs Registers for the By-Election

- a) The Commission will generate the electoral college registers from the existing Special Interest Groups structures.
- b) The display of Special Interest Groups Register will be conducted for a period of 10 days from 8th November, 2021 to 17th November, 2021 from 8 am to 6 pm at the District/City or Sub-county/Municipal/Division/Town headquarters during which the public will be given an opportunity to scrutinize the register at the respective polling stations.
- c) The polling stations for the election activities of the Special Interest Groups representatives to the Local Governments will be at the District/City/Municipality/Municipal division/Town/Sub-county headquarters as the case may be.

N.B: All Councils, which do not have Special Interest Groups structures, will not hold by- elections.

6.0 Nomination of Special Interest Groups Candidates (S. 119, LGA)

- a) The Electoral Commission shall publish in the gazette and local media nomination day(s) **29th November 2021 to 30th November 2021**, place(s) and the time(s) when Candidates for Youth, Workers, Older Persons, and Persons with Disabilities (PWDs) Councilors shall be nominated at the District headquarters.
- b) The nomination of a Candidate shall be submitted by the Candidate herself/himself to the Returning Officer or a person designated by her/him.



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6.0 Nomination of Special Interest Groups Candidates (S. 119, LGA)

- a) The Electoral Commission shall publish in the gazette and local media nomination day(s) **29th November 2021 to 30th November 2021**, place(s) and the time(s) when Candidates for Youth, Workers, Older Persons, and Persons with Disabilities (PWDs) Councilors shall be nominated at the District headquarters.
- b) The nomination of a Candidate shall be submitted by the Candidate herself/himself to the Returning Officer or a person designated by her/him.

BY-ELECTION SIGs GUIDELINES

- c) A nomination paper in Form EC 4 shall be duly filled and signed by the Candidate, proposed by one and seconded by another member who must belong to the respective electoral college.
- d) In respect of the electoral college of the relevant District/City Local Government Council in which the Candidate seeks to stand, the following must be tendered:
 - i. 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;
 - ii. Form EC 7 – a statement under oath indicating the person’s eligibility to stand for the office;
 - iii. Form EC 8 – indicating the person’s consent to her/his nomination for the office;
 - iv. Two postcard-size photographs of the Candidate’s own straight face.
- e) In regard of candidates contesting for District/City, a non-refundable nomination fee of **two-and-a-half currency points (50,000/=)** will be paid.
- f) In regard of candidates contesting for Municipality and Sub-county, a **non-refundable fee of one currency point (20,000/=)** will be paid.

N.B. The fee may be paid in cash or bank-draft, to the District/City Council and NOT to the Electoral Commission.
- g) 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;
- h) During nominations, a Returning Officer or a person designated by her/him MUST ensure that: -
 - i) A person holding a political office does not use any Local Council or Government facilities during nominations, campaigns or polling;
 - ii) 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;
 - iii) No suffix or prefix is attached to any candidate’s surname;

- iv) No person has subscribed to more than one nomination paper or supported more than one person for the same office;
- v) 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;
- i) 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.

7.0 Sponsorship of a candidate [S.23(7), S.119(A) LGA]

Under the multiparty political system, nomination of candidates may be made for election under this Act by a political organization or political party sponsoring a candidate or by a candidate standing for election as an independent candidate without being sponsored by a political organization or political party.

For avoidance of doubt, a person representing the youth or persons with disability or older persons-

- i. May be chosen on the multiparty basis or as an independent and
- ii. Shall be a person who is willing to serve in that capacity.

8.0 Campaigns

- a. The Electoral Commission shall appoint a Campaign Period **2nd December 2021 to 14th December 2021** for Candidates to represent the Youth, Workers, Older Persons, Persons with Disabilities (PWDs) in Local Government Councils.
- b. The Returning Officer or a person designated by her/him shall harmonise Candidates' campaign programs for all Candidates.
- c. Every Public Officer and Public Authority and Institution, shall as far as possible, give equal treatment to Candidates. **[S.123(1) LGA]**
- d. 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. **[S.123(2) LGA]**
- e. 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 **[S.123(3), (4) LGA]**

- f. Once a person is nominated, she/he shall not attempt to use any 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 **[S.125 (1) & (4a)]**

9.0 Polling Procedure

- a. No person shall be allowed to vote if she/he is not a member of the respective Electoral College.
- b. The polling stations shall be at the District/City, Municipality or Sub county headquarters respectively for the election of the representatives to these levels.
- c. The Presiding Officer shall conduct polling by allowing the electorate to cast their votes by secret ballot.
- d. 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 ten (10) eligible voters (members of the Electoral College) are present before opening of polls.
- e. Each Candidate may appoint not more than two agents to oversee the conduct of polling and vote counting.
 - i. 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/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.
 - ii. However, no person shall assist more than one voter to fix the authorized mark of choice on the ballot paper.
 - iii. An election officer, Candidates' Agent or Observer is not permitted to assist any voter with disability to fix the authorized mark on the ballot paper.


10.0 Vote Counting and Declaration of Results

- 10.1** Votes cast at every polling station for each executive office shall be counted at the polling station immediately after the Presiding Officer declares polling closed.
- 10.2** 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.

10.3 The Presiding Officer shall complete the necessary number of declaration of results form (Form EC 9), fill and sign them and do the following: -

- a) One copy shall be displayed 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 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;
- d) One copy shall be deposited and sealed in the ballot box; and
- e) One copy shall be enclosed in the Official Report Book and delivered to the Returning Officer.

NOTE: Stakeholders are reminded that the by-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
Chairman, Electoral Commission