



THE REPUBLIC OF UGANDA
THE ELECTORAL COMMISSION

Our Ref: **ADM**

Date: **9th November, 2021**

CAMPAIGN GUIDELINES FOR LOCAL GOVERNMENT COUNCILS BY-ELECTIONS 2021, INCLUDING STANDARD OPERATING PROCEDURES (SOPs) 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 Local Government Act, Cap.243[LGA] (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

These guidelines shall apply to the campaigns of candidates for District/City Lord Mayors, Municipality/City Division Chairpersons, Sub County/Town/Municipal Division Chairpersons, and the respective councilors.

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 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) Campaigns shall as much as possible be conducted virtually, through use of the media and other technologies and in accordance with the programs submitted to the respective Returning Officers and harmonized by the different media houses.
- (c) Candidates are supposed to hold meetings of not more than 200 persons per session in order to comply with SOPs.

- (d) Conveners of meetings, candidates 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, mandatory wearing of masks, use of sanitizers and washing of hands (handwashing facilities should be available at the meeting and campaign venues) and while accessing and leaving the campaign venue.
- (e) 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.
- (f) Conveners of meetings shall notify the respective Electoral District Returning Officers on the identified venues for the small meetings which shall be inspected for suitability in regard to compliance with the Ministry of Health guidelines.
- (g) 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.
- (h) 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.
- (i) All candidates are advised to desist from holding rallies; conducting procession from one meeting to the another. Similarly, convoys and crowds of supporters shall not be allowed outside the designated Meeting Venues.
- (j) 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.
- (k) All political parties and organizations' Broadcasts programmes submitted shall be broadcasted in accordance with the terms and conditions of the respective media houses.
- (l) 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.
- (m) In addition, all participants and stakeholders shall;**
 - (i) Keep at least a two metre distance from others;
 - (ii) Must wear a mask at all times;
 - (iii) Avoid crowded or poorly ventilated areas;
 - (iv) Cover coughs and sneezes with bent elbow or tissues; and
 - (v) Clean hands frequently, hand washing and use of sanitizers

3.0 Candidates meetings (Section 122 (1) to (8) of L.G.A)

- 3.1** Each candidate shall give his/her campaign programme to the Returning Officer who shall ensure that the campaign meetings by different candidates do not coincide or clash in one parish.
- 3.2** A candidate may hold individual public campaign meetings in any part of the local government electoral area for which the candidate seeks an election.
- 3.3** The Returning Officer shall make available to all candidates a copy of the candidates' campaign meetings programme and shall allow all candidates reasonable time to arrange their attendance of the meetings.
- 3.4** The Returning Officer shall forward a copy of the campaign programme submitted under 3.1 to the Electoral Commission.

4.0 Time and manner of campaigns (Section 122 (1) of LGA)

- 4.1** Candidates shall ensure that campaigns do not go beyond 6.00 pm on each of the campaign days.

5.0 Equal Treatment to Candidates (Section 123 of L.G.A)]

- 5.1** During the campaign period, every public officer and public authority and institution shall, as far as possible, give equal treatment to all candidates.
- 5.2** 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 law, but shall not be protected against any abusive or slanderous statements.
- 5.3** A person shall not, while campaigning use any language which; -
 - (a) constitutes incitement to public disorder, insurrection or violence or which threatens war; or
 - (b) is defamatory or insulting or which constitutes incitement or hatred.
- 5.4** The Commission may issue other guidelines to be complied with by every candidate while conducting his/her election campaign under the law.

6.0 Rights of candidates. (Section 124 of L.G.A)]

- 6.1** A candidate in an election shall not be denied reasonable access to and use of, state-owned communication media.
- 6.2** 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.
- 6.3** A person shall not, during the campaign period print, publish or distribute, a newspaper, circular or pamphlet containing an article, report, letter or other 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.
- 6.4** Except as otherwise provided by law, a candidate may use private electronic media for his/her campaign. (S 172 of LGA and S.22 (4) PAR-EA)
- 6.5** A candidate shall not use private electronic media to de-campaign any other candidate. (S 172 of LGA and S.22 (5)PAR-EA)
- 6.6** In particular, the following acts are prohibited under paragraph (6.5) 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; (S 172 of LGA and S.22 (6) PAR-EA)
- 6.7** A person other than a candidate shall not do any of the acts prohibited in paragraph (6.5) and (6.6).
- 6.8** 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 (6.5) and (6.6).

N.B "electronic media" includes television, radio, internet and e-mail.

7.0 Non-sectarian campaign [Section 125 of L.G.A]

- 7.1** 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.

- 7.2** Subject to any law, under the multiparty political system, political party or organization symbols or colours may be used.

8.0 Interference with electioneering activities of other persons (Section 172 of LGA and Section 24 of PAR-EA)

- 8.1** 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.

9.0 Use of Local Council or Government facilities. [Section 126 of L.G.A]

- 9.1** Except as otherwise provided under the law, where a candidate is a chairperson or holds any other political or public office, he/she shall not use local council or Government facilities for the purpose of campaigning for election under the law.
- 9.2** Where a candidate holds any political office, he/she shall during the campaign period, restrict the use of the official facilities ordinarily attached to his/her office to the execution of his/her duties.
- 9.3** For the purpose of enforcing the above law, the Electoral Commission shall, by writing require any candidate to state in writing the facilities ordinarily attached to any office held by that person to which paragraph (9.2) applies and the candidate shall comply with the requirement.
- 9.4** The provisions of paragraph (9.0) shall apply with necessary modifications to an employee of a statutory Corporation or Company in which government has controlling interest and a member of a Commission or Committee established by the constitution as it applies to a public officer.

ILLEGAL PRACTICES/OFFENCES

Among others these are some of the illegal practices/offences;

10.0 Offence of Bribery/ [Section 147 of L.G.A]

- 10.1** 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.

10.2 A person who receives any money, gift or other consideration under paragraph 10.1 also commits the offence of bribery.

10.3 Paragraph (10.0) 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.

10.4 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.

10.5 Any person who commits the offence stipulated in (10.4) is liable on conviction to a fine not exceeding five currency points [100,000/=] or to a term of imprisonment not exceeding two years or both.

11.0 Publication of false statements as to illness, death or withdrawal of a candidate [Section 148 (2) of LGA]

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.

12.0 False statements concerning character of candidates [Section 172 Of LGA and Section 73 of PAR-EA]

12.1 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.

13.0 Misconduct at candidates' meetings [Section 149 of L.G.A]

13.1 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.

13.2 The chairperson of a meeting to which paragraph (13.1) 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.

13.3 A person who has in accordance with paragraph (13.2), 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.

13.4 A person who contravenes paragraph (13.3) commits an offence and is liable on conviction to a fine not exceeding five currency points [100,000/=] or imprisonment not exceeding six months or both.

- 14.0** No person shall while campaigning use or publish defamatory words or words which are insulting, or which constitute incitement or public disorder, insurrection, hatred, violence or which threaten war 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. **(Section 123 of LGA).**
- 15.0** 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 172 of LGA and Section 22 PAR-EA]**
- 16.0** 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 forty-eight currency points (960,000/=) or imprisonment not exceeding two years or both. **(Section 125 of LGA)**
- 17.0** A person who publishes false statements as to illness, death or withdrawal of candidate commits an offence of illegal practice and is liable on conviction to a fine not exceeding five currency points (100,000/=) or to a term of imprisonment not exceeding two years or both. **(Section 148 of LGA).**
- 18.0** 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 on conviction to a fine not exceeding five currency points (100,000/=) or to a term of imprisonment not exceeding two years or both. **(Section 147 of LGA)**
- 19.0** 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 172 of LGA and Section 71 and 72 of PAR-EA)**
- 20.0 Defacement of notices and posters [Section 156 of L.G.A]**
- 20.1** 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 any provision of the law commits an offence and is liable on conviction to a fine not exceeding five currency points [100,000 /-=] or to imprisonment not exceeding six month or both.
- 20.2** 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 five currency points [100,000/=-] or imprisonment not exceeding one year or both.
- 20.3** A court which convicts a person of an offence under paragraph 20.1 shall, as soon as practicable after the conviction, report it in writing to the Electoral Commission.

N.B.

Applications of laws relating to presidential and parliamentary elections [S. 172 L.G.A]

For any issue not provided for under the Local Governments Act, the Presidential Elections Act and the Parliamentary Elections Act in force shall apply to the elections of local councils with such modifications as may be deemed necessary by the Electoral Commission.



Justice Byabakama Mugenyi Simon,
CHAIRPERSON, ELECTORAL COMMISSION