



Voter

Education Handbook

Revised Edition



THE ELECTORAL COMMISSION, UGANDA

VISION

To be a Model Institution and Centre of Excellence in Election Management



MISSION

To efficiently Organize, Conduct and Supervise Regular Free, Fair and Transparent Elections and Referenda to Enhance Democracy and Good Governance



Voter Education Handbook

(Revised Edition)

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2019

FOREWORD



This Voter Education Handbook is a major tool in the Electoral Commission’s effort to promote Voter Education through sensitization of citizens about their rights, duties and enhancing their participation in the electoral process. It covers key aspects in the electoral cycle and provides basic election information to Voters, Candidates, Political Parties, Agents, field Election Officials, Observers, Monitors, Civil Society and other Stakeholders. It is also a guide to the conduct of electoral activities.

Voter education is necessary for democracy to thrive. It helps equip citizens with the information necessary, for engaging meaningfully with stakeholders in the electoral process. The outcome of voter education is enhanced citizen participation and growth of a democratic culture. This ensures that citizens appreciate and respect individual or group choices in all electoral undertakings.

The Electoral Commission is committed to its Constitutional Mandate of Organising, Conducting, and Supervising regular, free and fair elections and referenda, embedded in its mission “**To efficiently Organize, Conduct and Supervise Regular Free, Fair and Transparent Elections and Referenda to Enhance Democracy and Good Governance.**” Therefore, I encourage all stakeholders to utilise this resource in order to participate actively and make informed choices during elections and referenda. It is important to note that the core of any democratic society is the ability to conduct free, fair and transparent elections.

A handwritten signature in black ink, appearing to read 'Mugenyi Simon', written over a large, stylized flourish.

Justice Byabakama Mugenyi Simon

CHAIRPERSON ELECTORAL COMMISSION

Table of Contents

Foreword.....	iii
Table of Contents.....	iv
Illustrations.....	ix
Tables.....	x
List of Abbreviations and Acronyms.....	xi
INTRODUCTION.....	xii

CHAPTER 1

REPRESENTATION OF THE PEOPLE.....	1
1.0 Introduction.....	1
1.1 Objectives:.....	1
1.2 Category of Representation and Mode of Elections:.....	1
1.2.1 Category and mode of election of representatives at different levels.....	2
1.3 Duties of Representatives at various levels.....	4
1.4 Challenges of Representation.....	6
1.5 Remedies to the challenges of representation.....	6
1.6 Qualities of a Good Representative.....	7

CHAPTER 2

DEMARICATION OF ELECTORAL AREAS.....	8
2.0 Introduction.....	8
2.1 Objectives.....	8
2.2 Phase one of Demarcation of Electoral Areas.....	8
2.2.1 Procedure for Demarcation of Electoral Areas for Representation at Local Government Councils.....	9
2.2.2 Steps followed for demarcation of Local Government Electoral Areas for Directly Elected Councillors	9
2.2.3 Steps followed for demarcation of Electoral Areas for Women Councillors forming one third of Local Government Councils,	8
2.2.4 Framework for demarcation of Electoral areas for Directly Elected Councillors.....	11
2.3 Phase Two of Demarcation of Electoral Areas.....	12

CHAPTER 3

RE-ORGANISATION OF POLLING STATIONS.....	14
3.0 Introduction.....	14
3.1 Objectives.....	14
3.2 Purpose of Re-organisation.....	14

3.2.1	Creation/Allocation of new Polling Stations.....	14
3.2.2	Merging of polling stations.....	14
3.2.3	Splitting of polling stations.....	15
3.2.4	Rationalisation of polling stations.....	15
3.2.5	Relocation of polling stations.....	15
3.2.6	Re-naming of polling stations	16
3.2.7	Harmonisation of parishes, villages and polling stations in the register.....	16
3.3	Procedure for Re-organisation.....	16
3.4	Duties of field Re-organisation Officials.....	16

CHAPTER 4

UPDATE OF THE VOTERS' REGISTER	18	
4.0	Introduction	18
4.1	Objectives.....	18
4.2	Officials involved in the update exercise.....	18
4.3	Role of Officials involved in the Update exercise	18
4.3.1	District Registrars and Assistant District Registrars.....	18
4.3.2	Sub county Supervisors.....	19
4.3.3	Parish Supervisor.....	19
4.3.4	Update Officials.....	19
4.4	Requirements for Registration as a voter.....	20
4.5	Procedure for Update of the National Voter Register.....	20
4.5.1	Update of voters particulars:.....	20
4.5.2	Transfers.....	21
4.6	Importance of registering as a voter.....	21

CHAPTER 5

THE DISPLAY OF THE NATIONAL VOTERS' REGISTER	23	
5.0	Introduction.....	23
5.1	Objectives.....	23
5.2	Officials involved in the Display exercise.....	23
5.3	Role of Officials in the Display Exercise.....	23
5.3.1	Returning Officers/District Registrars.....	24
5.3.2	Subcounty Supervisors.....	24
5.3.3	Parish Supervisors.....	24
5.3.4	Display Officers.....	24
5.3.5	Parish Tribunals.....	25
5.4	Procedure for the Display Exercise.....	25

5.5	Importance of the Display Exercise.....	26
5.6	Purpose of the Clean (CLN) Forms.....	26
5.7	Issuance of Voter Locator Slips.....	26

CHAPTER 6

NOMINATION OF CANDIDATES.....	28	
6.0	Introduction.....	28
6.1	Objectives.....	28
6.2	The Nomination Exercise.....	28
6.2.1	Role of Stakeholders.....	28
6.3	Nomination of Presidential Candidates.....	29
6.3.1	Qualifications for Presidential Candidates.....	29
6.3.2	Nomination Requirements for Presidential Candidates.....	30
6.3.3	Factors which do not invalidate nomination.....	30
6.4	Nomination of Parliamentary Candidates.....	30
6.4.1	Qualifications for Parliamentary Candidates.....	30
6.4.2	Nomination requirements for Parliamentary Candidates.....	30
6.5	Nomination of District Chairpersons.....	31
6.5.1	Nomination Requirements for District Chairpersons.....	31
6.5.2	Nomination of Municipality/Town/Division/Subcounty Chairpersons.....	31
6.6	Nomination Requirements for Councillors.....	32
6.7	Inspection of nomination papers and lodging of complaints.....	32

CHAPTER 7

CAMPAIGNS.....	36	
7.0	Introduction.....	36
7.1	Objectives.....	36
7.2	Campaign methods.....	36
7.3	Role of stakeholders during campaigns.....	36
7.3.1	The Electoral Commission.....	36
7.3.2	Candidates, Political Parties/Organisations.....	37
7.3.3	Agents.....	37
7.3.4	Voters.....	37
7.3.5	Uganda Police.....	37
7.3.6	Media.....	37
7.4	Rights and responsibilities of Candidates & Agents during campaigns.....	38
7.4.1	Rights of Candidates.....	38

7.4.2 Responsibilities of Candidates.....38

CHAPTER 8

THE POLLING PROCESS.....40

8.0 Introduction.....40

8.1 Objectives.....40

8.2 Importance of voting.....40

8.3 Duties of Polling Day Officials.....40

8.3.1 Presiding Officers.....40

8.3.2 Polling Assistants.....41

8.2.3 Election Constables.....41

8.3.4 Orderly Officers.....42

8.4 The Polling Station Setup (Layout).....42

8.5 Stages in the Polling process.....45

8.5.1 Opening of polls.....45

8.5.2 Voting/polling.....45

8.5.3 Closure of Polls46

8.5.4 Procedure for Counting of Votes.....46

8.5.5 Announcement of election results.....47

8.5.6 Transmission of results.....47

CHAPTER 9

SOME ELECTION OFFENCES.....51

9:0 Introduction.....51

9:1 Objectives.....51

9.2 Offences related to duties of Election Officials.....51

9.3 Offences by stakeholders.....52

APPENDICES

Appendix. I:	The Electoral cycle.....	53
Appendix. II:	Casting a vote for more than one elective office.....	55
Appendix. III:	Sample of the Declaratiion of Results form.....	56
Appendix. IV:	Sample of the Accountability of Ballot Papers form.....	57

Illustrations

	Pages
Illustration I:	Registration of voters.....22
Illustration II:	Voters checking for their particulars at Display Venue.....27
Illustration III:	Nomination of Candidates35
Illustration IV:	A Campaign rally.....39
Illustration V:	A single polling station layout43
Illustration VI:	Marking of the cuticle after voting44
Illustration VII:	Authorised mark of choice56

Tables

Table I: Category and mode of elections

Table II: Steps for demarcation of electoral areas for women

Table III: Population quarters for Local Government

Table IV: Demarcation of other Electoral areas in Local Government Councils

List of Abbreviations and Acronyms

EC	Electoral Commission
SIGs	Special Interest Groups
UAS	Universal Adult Suffrage
DEC	Directly Elected Councillors
PWDs	Persons with Disabilities
NUDIPU	National Union of Disabled Persons of Uganda
Y	Youth
WQ	Women Quota
PQ	Population Quota
WC	Woman Councillor
IDPs	Internally Displaced People
RO	Returning Officer
DR	District Registrar
PC	Polling Constable
CLN	Clean Form
LC	Local Council
LGC	Local Government Council
PO	Presiding Officer
PA	Polling Assistant
OO	Orderly Officer
ORB	Official Report Book
ABP	Accountability of Ballot Papers
EA	Electoral Area
DR FORM	Declaration of Results form
ADR	Assistant District Registrar
ARO	Assistant Returning Officer
BVVK	Biometric Voter Verification Kit
ERTDS	Electronic Results Transmission and Dissemination System

INTRODUCTION

The Electoral Commission's mandate to conduct "regular free and fair elections and referenda" can be realised if all stakeholders are committed, honest and transparent in the conduct of electoral activities. Voters are expected to act in accordance with the established laws and electoral guidelines without undue influence and to respect the opinions and choices of others.

The Electoral Commission is mandated by Article 61, paragraph (g) of the 1995 Constitution of the Republic of Uganda to "formulate and implement Voter educational programmes relating to elections". This ensures that citizens understand their rights and responsibilities regarding elections.

Voter Education involves providing information on the electoral process that includes demarcation of electoral areas, re-organisation of polling stations and administrative units, registration of voters, update of voters register, display of the register, nomination of candidates, campaigns and the polling process. Civic education on the other hand supplements voter education by providing a wider understanding of citizenship and democracy.

The Voter Education Handbook has been designed to assist voters, Election Officials and other stakeholders to understand the electoral process, enhance voters' awareness and increase participation in the electoral process in order to promote good governance. The intended outcome of this effort is to ensure that voters are ready, willing and able to participate in the electoral process.

CHAPTER 1

REPRESENTATION OF THE PEOPLE

1.0 Introduction

The Constitution of the Republic of Uganda, 1995 provides that all power belongs to the people who shall exercise their sovereignty in accordance with the Constitution; and that the people shall express their will and consent on who shall govern them and how they should be governed through regular, free and fair elections of their representatives or through referenda.

It is not easy, however, for the people to make individual decisions on all issues that concern them. The people must therefore, elect representatives who make these decisions on their behalf. It is important that the citizens should be knowledgeable about what that representation does for them.

When people participate effectively in decisions that affect them, directly or indirectly through their representatives, then democracy prevails.

1.1 Objectives:

By the end of this chapter the reader should be able to:

- a) List the various levels of representation;
- b) Name the representatives at various levels;
- c) Explain the mode of election for each level;
- d) List the duties of the representatives at different levels;
- e) State the challenges in the process of representation;
- f) Suggest ways of overcoming challenges of representation.

1.2 Category of Representation and Mode of Elections

In a descending order, representation begins at the national level, constituency level and local council levels which include: District, Municipality, City Division, Municipal Division/ Town /Sub-county, Parish/Ward and Village/Zone/Cell councils.

Representation of people at various levels is through Political Parties, although people are free to present their candidature for leadership as independents.

1.2.1 Category and mode of election of representatives at different levels

The category and mode of election of representatives vary depending on the level of representation as summarised in table 1.

Table 1: Category and mode of election of representatives at different levels

LEVEL	CATEGORY	ELECTORATE	MODE OF ELECTION
National	President	Universal adult suffrage (UAS)	Secret ballot
Parliamentary	Directly Elected	Constituency, UAS	Secret ballot
	District Woman Representative	District, UAS	Secret ballot
SIGs	Army	Army Council, Electoral College	Secret ballot
	Workers	Workers' Unions, Electoral College	Secret ballot
	Youth	Youth Councils, Electoral College	Secret ballot
	PWDs	PWD councils, Electoral College	Secret ballot
Local Government			
District	Chairperson	UAS	Secret ballot
	Directly Elected Councillors	UAS	Secret ballot
	Women Councillors	UAS	Secret ballot
	PWD Councillors	PWD councils,	Secret ballot
	Youth Councillors	Youth councils, Electoral College	Secret ballot
	Older persons	Older persons councils, Electoral College	Secret ballot
	Workers	Workers councils, Electoral College	Secret ballot
	City	Chairperson	UAS
	Directly Elected Councillors	UAS	Secret ballot
	Women councillors	UAS	Secret ballot
	PWD councillors	PWD councils, Electoral College	Secret ballot
	Youth Councillors	Youth councils, Electoral College	Secret ballot
	Older persons Rep.	Older persons councils, Electoral College	Secret ballot

	Workers Rep.	Workers councils, Electoral College	Secret ballot
	Professional bodies(4)	Electoral College	Secret ballot
Kampala City Authority	Lord Mayor	UAS	Secret ballot
	Deputy Lord mayor	Appointed by Mayor	Approved by council
	DEC	UAS	Secret ballot
	PWDs	PWD councils, Electoral College	Secret ballot
	Women Rep.	UAS	Secret ballot
	Youth	Electoral college	Secret ballot
	Representatives of professional bodies	Electoral College	Secret ballot
Municipalities, Sub counties, Town councils, City & Municipal divisions	Chairperson	UAS	Secret ballot
	DEC	UAS	Secret ballot
	Women councillors	UAS	Secret ballot
	PWDs	PWD councils, Electoral College	Secret ballot
	Youth councillors	Youth councils, Electoral College	Secret ballot
	Older persons	Electoral College	Secret ballot
Admin Units			
Parish/Ward	Chairperson	Electoral college-(Village Executives)	Lining up
Village/Zone/Cell	Chairperson	UAS-(Village Council)	Lining up

I. National level

At this level, there is only one elective position for the Presidency, elected by Universal Adult Suffrage and secret ballot.

The Electoral area for this level is the whole country.

The President is the head of the executive and is the one who appoints members of the executive i.e. the ministers.

II. Parliamentary level

Election of representatives to Parliament falls under 3 categories:

- a) Directly Elected Members of Parliament whose electoral area (EA) is a constituency i.e a county or part of it as may be determined by Parliament.
- b) District Women Representatives to Parliament in line with affirmative action.
- c) Special Interest Groups comprising of the following:
 - i) Five Workers representatives, one of whom must be a woman.
 - ii) Five representatives of Persons with Disabilities, (PWDs) one of whom must be a woman.
- iii) Ten representatives of the Uganda Peoples Defence forces (UPDF) two of whom must be women.
- iv) Five representatives of Youth, one of whom must be a woman.

Note:

- i) Elections in categories a, and b above are conducted by universal adult suffrage and secret ballot.
- ii) Categories c (i, ii, iii and iv) are elected by their respective electoral colleges by secret ballot.

III. Local Government level

Local Government refers to Districts, Sub counties, Cities, City divisions, Municipalities, Municipal Divisions and Town councils.

At the Local Government level, elective positions include:

- a) Chairpersons;
- b) Directly elected councillors representing an electoral area in that local government such as a sub county/division in case of a district, a parish or ward in case of a sub county or division or Town council/Municipality;
- c) A woman elected to represent an administrative unit, part of it or a combination of two or more administrative units.
- d) Every Local Government Council has two seats (male and female) reserved for each of the following: the Youth, Persons with Disabilities and Older persons, who are elected by their respective electoral colleges by secret ballot.
- e) Every District council has two seats (male and female) reserved for workers

Note:

- i) One third of every Local Government Council is reserved for women.
- ii) The mode of elections for a, b & c above, is by universal adult suffrage and secret ballot.
- iii) The mode of elections for d & e is by Electoral College and secret ballot

IV. Administrative Unit level

- i) Representation of the people at this level refers to a village/cell/zone (Local council I/LC I) and Parish Ward (Local council II/LC II) level.
- ii) The elective position at the administrative unit is that of the Chairperson only.
- iii) The Chairperson appoints an executive from members of the council, subject to

approval by the respective council.

- iv) The election of Chairperson at LC I is by Universal Adult Suffrage and lining up, i.e. all eligible village residents (village council) take part in the voting.
- v) The election of Chairperson at LC II is by Electoral College and lining up, i.e. all LC I executives in the Parish/Ward take part in the voting.

Note: The LC I executives form the Electoral College for elections at LC II.

1.3 Duties of Representatives at various levels

Representatives are elected at various levels and have got different duties and responsibilities to perform on behalf of the citizens they represent.

a) Duties of the President

Duties of the President include among others the following:

- i) Head of state, Head of government, Commander in chief of Uganda Peoples Defence Forces and Fountain of Honour;
- ii) Take precedence over all persons in Uganda;
- iii) Head of the Executive arm of Government. Executive authority is vested in the President;
- iv) Execute and maintain the Constitution and all other laws;
- v) Abide by, uphold and safeguard the Constitution and the laws of Uganda;
- vi) Deliver to Parliament an address on the state of the nation at the beginning of each session of Parliament;
- vii) Address Parliament from time to time on matters of national importance.

Note: Subject to the provisions of the Constitution, the functions conferred upon the President may be exercised by the President directly or indirectly through officers subordinate to the President.

b) Duties of Members of Parliament

- a) At this level, known as the Legislature or Parliament the functions of the representatives include:
 - i) Making laws on any matter for the peace, order, development and good governance of Uganda;
 - ii) Making provisions having the force of law in Uganda;
 - iii) Protect the Constitution and promote the democratic governance of Uganda.

c) Duties of Chairpersons and Councillors at Local Government level

This level of representation includes; District, city, Municipality, City Division, Municipal Division/Town/Sub-County Councils. The leaders exercise political, administrative and executive powers and functions. They also provide services that are within their responsibility as per the law.

d) Functions of Local Government Executive Committees and councils.

The Local Government Executive Committee performs the following functions:

- (i) Initiate and formulate policies for approval by the council;

- (ii) Oversee the implementation of the Government and Council’s policies, monitor and coordinate activities of non-governmental organisations in a district;
- (iii) Monitor the implementation of Council programmes and take remedial action where necessary;
- (iv) Recommend to the Council persons to be appointed members of the District Service Commission, Local Government Public Accounts Committee, District Tender Board, District Land Board or any other Boards, Commissions or Committees that may be created;
- (v) Receive and solve problems or disputes forwarded to it from lower Local Government Councils;
- (vi) At the end of each financial year consider and evaluate the performance of the Council against the approved work plans and programs; and
- (vii) Carry out any other duty as may be authorised by the Council or any law.

e) Duties of Representatives at Administrative Units level (Village and Parish level)

The leaders at these levels have the duty to:

- i) Implement the policies and decisions made by their councils;
- ii) Assist in the maintenance of law and order;
- iii) Play a leading role in the mobilisation of people, materials as well as technical assistance in self help projects for development of areas of their jurisdiction;
- iv) Vet and recommend the residents for recruitment in the security forces, such as the army, prisons, police and local defence units;
- v) Recommend residents for employment and enrolment into schools/institutions;
- vi) Facilitate communication between the people in the area, those in government and higher councils;
- vii) Monitor the administration in the area and report to higher councils;
- viii) Monitor activities and projects including those conducted by non-governmental organisations;
- ix) Endorse travel and other documents for residents.

1.4 Challenges of Representation

Challenges of representation include:

- i) Citizens may not be vigilant enough in the choice of leaders/representatives;
- ii) Lack of a well informed citizenry;
- iii) Apathy during the electoral process;
- iv) Representatives may serve their own needs and preferences over those of the people;
- v) “Tyranny of the majority” Because majority rule is a central characteristic of democracy, the danger always exists that the majority, may overlook the interests of the minority;
- vi) Clash between local and national interests;
- vii) Limited resources to implement manifestos;
- viii) Legal limitations in operationalization of their offices.

1.5 Remedies to the challenges of representation

Some of the remedies to the above challenges are:

- i) Intensive sensitisation of citizens on their rights and obligation in choosing leaders;
- ii) Continuous voter education;
- iii) Diversification of approaches to conducting voter education and other electoral processes;
- iv) Affirmative action on representation of recognised minority interests;
- v) Continuous review of the legal framework.

1.6 Qualities of a Good Representative

Representatives ought to be good leaders. Leadership is the art/ability to get others to willingly follow what the leader wants them to do. A good leader should have the following qualities:

- i) Be exemplary in executing his/her duties;
- ii) Have proven Integrity in his/her conduct;
- iii) Be dedicated to serve at all times;
- iv) Have humility towards other people;
- v) Promote teamwork in every activity/task;
- vi) Be focused and visionary in your work;
- vii) Be objective in making decisions;
- viii) Be able to listen and communicate effectively to others;
- ix) Be responsive, assertive and creative in implementing tasks;
- x) Be accountable for all your actions.

CHAPTER 2

DEMARCATION OF ELECTORAL AREAS

2.0 Introduction

Demarcation of Electoral Areas for representation at Local Governments is done in accordance with Article 181 of the 1995 Constitution of the Republic of Uganda and the Local Governments Act, Cap 243, sections 108, 109 and 110. Demarcation is creation of electoral boundaries.

2.1 Objectives

The purpose of this chapter is to enable readers to:

- i) Explain the necessity to demarcate;
- ii) Describe the procedure for demarcation;
- iii) List the principles of demarcation;
- iv) Explain the framework for demarcation.

The necessity for demarcation of electoral areas arises out of the following:

a) Constituency

A constituency is an area prescribed by Parliament and demarcated by the Electoral Commission for representation by a Member of Parliament through elections.

A Parliamentary constituency is formed by the following;

- i) Each county has to be represented by a member of parliament;
- ii) The law defines a population quota to be represented by a member of parliament considering; communication, geographical features, density of the population, area and boundaries of districts.

b) Local Government Councils

Local Government councils are created as follows;

- i) The creation of districts whose councils have to be formed for the first time;
- ii) Creation of sub counties/towns whose councils have to be formed for the first time and also affecting representation at District level;
- iii) Creation of parishes/wards affecting representation at Sub county/Town/Municipal Division level.

2.2 Phase One of Demarcation of Electoral Areas

An electoral area (EA) means one of the areas into which a District, City, Town, Division, Sub county or parish is divided for the purpose of election or

representation.

Demarcation work is carried out in two phases:

The first phase is aimed at determining the size of the councils i.e. number of councillors, which determine the number of the electoral areas required for each category of representation.

The second phase is the actual merging and/or splitting of basic administrative units in the districts for formation of electoral areas for election of representatives.

2.2.1 Procedure for Demarcation of Electoral Areas for Representation at Local Government Councils

There is a procedure followed in demarcation of electoral areas at Local Government Councils, as described in the steps below:

2.2.2 Steps followed for demarcation of Local Government Electoral Areas for Directly Elected Councillors are as follows:

- Step I: Consider the basic administrative unit for representation as provided for under Section 109 of the Local Governments Act, Cap. 243.
- Step II: Consider the total population of the relevant basic administrative unit in step I above and compare with the population quota as provided for under section 108 (1) of the Local Governments Act, Cap. 243. This will determine the number of electoral areas to be demarcated out of the basic administrative unit.
- Step III: Consider the provision that the total number of councillors for a Local Government Council shall not be less than ten as provided for under section 108(4) of the Local Governments Act, Cap. 243.
- Step IV: Consider Electoral Areas that may be created after taking into account means of communication, geographical features and density of population.

Note: Local Government electoral areas are demarcated in such a manner, that the number of inhabitants in each electoral area should be approximately equal to the population quota.

2.2.3 Steps followed for demarcation of Electoral Areas for Women Councillors forming one third of Local Government Councils, are explained in table 2

Table 2: Steps for demarcation of Electoral Areas for Women Councillor

Step I:	Establish the composition of the two thirds ($\frac{2}{3}$) of the total Council in order to derive the one third of the women quota (WQ) i.e. ($\frac{1}{3}$ of the Council). This is derived from the following formula: $WQ = \text{Directly Elected Councillors} + \text{Councillors representing the Youth} + \text{Councillors representing persons with disabilities} = \frac{2}{3}$ of the Council. Women quota means the number of seats specifically reserved for women in a council.			
Step II:	Derive the number of Women Councillors, which will form one third of the Council and therefore the number of electoral areas for representation at the respective Council as follows:			
	Let:	DEC	=	Number of electoral areas for Directly Elected Councillors;
		Y	=	Councillors representing Youth to the respective Local Government;
		PWD	=	Councillors representing Persons With Disabilities to the respective Local Government;
	Then, the number of Women Councillors forming one third ($\frac{1}{3}$) of the council $WC = \frac{DEC+Y+PWD}{2}$			
	For each Local Government Council, there are 2 Councillors representing the Youth and 2 representing Persons With Disabilities as provided for under Sections 11 (c), (d) and 24(c), (d) of the Local Governments Act, Cap 243. Therefore, at all Local Government Councils, Y=2 and PWD= 2 The number of Women Councillors forming one third of the Council is derived from the formula below; $WC = \frac{DEC + 4}{2}$ (Since, $DEC+Y+PWD = \frac{2}{3}$ of the Council).			
Step III:	Compare the total number of basic administrative units for representation with the number of seats for women councillors.			

Note:

- i) If the number of women councillors is equal to the number of basic administrative units, then each basic administrative unit will be represented by one Woman councillor;
- ii) If the number of women councillors is less than the number of basic administrative units, it implies that some administrative units shall be combined to form electoral areas, proceed to steps IV.

- iii) If the number of women councillors is greater than the number of administrative units, it implies that some basic administrative units shall be split to form electoral areas. Therefore, ensure that each basic administrative unit is represented and proceed to step IV.

Step IV:

Derive the Population Quota to be used for demarcation for the relevant Local Government, which shall be;

$$PQ = \frac{\text{Total Population (Official recent census figures) of Local Government}}{\text{Number of Electoral Areas to be represented by women}}$$

Unit

$$WC = \text{Number of Electoral Areas to be represented by women}$$

Step V:

Use the total populations (official recent census figures) of the basic administrative units for representation and the Population quota derived in step IV to demarcate electoral areas taking proximity into consideration. The following three scenarios may be achieved:

- i) A basic administrative unit forming an electoral area for representation;
- ii) Combining two or more basic administrative units to form one electoral area for women representation;
- iii) Splitting one basic administrative unit into two or more electoral areas for representation.

Note:

For avoidance of doubt, directly elected women councillors do not affect the computation for the women quota.

2.2.4 Framework for Demarcation of Electoral areas for Directly Elected Councillors for Local Governments

The Local Governments Act Section 108(1) and Section 109, Cap. 243 provides for population quotas and basic administrative units respectively. These serve for both Directly Elected and Women Councillors, forming one third of Councils. This is illustrated in the table below:

Table 3: Basic Administrative Units of Representation and Population quotas for various Local Governments

NO.	LOCAL GOVERNMENT	BASIC ADMINISTRATIVE UNIT FOR REPRESENTATION	POPULATION QUOTA
1.	District	Sub county/Town/Municipal Division	30,000
2.	City	City Division	50,000
3.	Municipality/City Division	Parish/Ward	6,000
4.	Sub county	Parish	10,000
5.	Town/Municipal Division	Parish/Ward	3,000

- i) Any administrative unit has to be represented at the relevant council. Each council shall have 2 Youth and 2 PWDs representatives, in addition to the directly elected and women councillors whose numbers vary from council to council.
- ii) An administrative unit can have two or more representatives if its population increases in multiples of the stipulated population quota.
- iii) The Electoral Commission may reduce the population quota if using that quota, the total number of councillors is less than 10.

2.3 Phase Two of Demarcation of Electoral Areas

Work in this phase is done in the field by the Returning Officers and District Registrars assisted by Sub county and Parish Supervisors.

The steps followed are explained in table 4

Table 4: Steps for the demarcation of Electoral Areas

Step1:	Study the relevant documents carefully and understand them.	
	Establish the composition of the various Local Government councils in the district.	
	Establish whether the composition of the councils for the forthcoming General Elections, is different from that of the existing councils. If the composition has changed, establish the reasons for the change.	
Step 2:	a.	<p>District/City councils (Basic unit for representation is the Sub County/ Town/Municipal Division). Consider Electoral Areas for Directly Elected and Women Councillors forming one third of councils.</p> <p>If the number of Sub counties/Towns/Municipal Divisions is greater than the number of women councillors to be elected, look out for Sub Counties/Towns/Municipal Divisions to be combined and combine appropriately. The basic administrative units with smaller population figures should be combined if proximity and geographical features allow.</p> <p>If the number of Sub counties/Towns/Municipal Divisions is less than the number of Women Councillors to be elected, look out for Sub counties/ Towns/ Divisions to be subdivided into electoral areas and subdivide listing the names of parishes in each electoral area on the relevant form.</p> <p>If the number of Sub Counties/Towns/Municipal Divisions is less than the number of Directly Elected Councillors to be elected, look out for Sub counties/Towns/ Divisions to be subdivided into electoral areas and subdivide listing the names of parishes in each electoral area on the relevant form.</p>

	b.	<p>Municipality Councils (basic unit for representation is the Parish/Ward). Consider Electoral Areas for Directly Elected and Women Councillors forming one third of the relevant council.</p> <p>If the number of Parishes/Wards is greater than the number of women councillors to be elected, look out for Parishes/Wards to be combined and combine appropriately. The Parishes/wards with smaller population figures should be combined if proximity and geographical features permit.</p> <p>If the number of parishes/wards is less than the number of Women Councillors to be elected, look out for parishes/ward to be subdivided into electoral areas and subdivide listing the names of villages and polling stations in each electoral area on the relevant form.</p> <p>If the number of parishes/wards is less than the number of Directly Elected Councillors to be elected, look out for parishes/wards to be subdivided into electoral areas and subdivide listing the names of villages and polling stations in each electoral area on the relevant form.</p>
	c.	<p>Sub county/Town/Municipal Division Councils (basic unit for representation is the Parish/Ward).</p> <p>Consider Electoral Areas for Directly Elected and Women Councillors forming one third of councils.</p> <p>If the number of Parishes/Wards is greater than the number of women councillors to be elected, look out for Parishes/Wards to be combined and combine appropriately. The Parishes/wards with smaller population figures should be combined if proximity and geographical features permit.</p> <p>If the number of parishes/wards is less than the number of Women Councillors to be elected, look out for parishes/ward to be subdivided into electoral areas and subdivide listing the names of villages and polling stations in each electoral area on the relevant form.</p> <p>If the number of parishes/wards is less than the number of Directly Elected Councillors to be elected, look out for parishes/wards to be subdivided into electoral areas and subdivide listing the names of villages and polling stations in each electoral area on the relevant form.</p>

Note:

The District Returning Officer/District Registrar is required to certify all working documents provided before submitting them to the Electoral Commission.

CHAPTER 3

RE-ORGANISATION OF POLLING STATIONS

3.0 Introduction

It is the mandate of the Electoral Commission under Section 12 (1) (d) of the Electoral Commission Act, (Cap 140), to establish and operate Polling Stations. In preparation for General Elections, the Commission conducts re-organization of Polling Stations country-wide; to enable voters to conveniently cast their votes. Re-organization of polling stations therefore is the placing of voters in the right polling stations and putting polling stations in the right locations.

3.1 Objectives

The purpose of this chapter is to enable readers to:

- i) State the purpose of re-organisation;
- ii) Describe the procedure of re-organisation;
- iii) Identify officials involved in re-organisation;
- iv) Outline the duties of officials involved in the re-organisation exercise.

3.2 Purpose of Re-organisation

Re-organization of polling stations serves to:

- i) Allocate each parish/ward or electoral area at least one polling station;
- ii) Merge Polling Stations that have far less than the optimum number of voters as determined by the Electoral Commission;
- iii) Split polling stations with significantly more than the optimum number of voters into two or more polling stations;
- iv) Rationalise polling stations which had earlier been split on the basis of the alphabet;
- v) Re-locate polling stations on the basis of voter accessibility and management;
- vi) Re-name polling stations according to their physical locations;
- vii) Harmonise parish and village names with the corresponding polling stations.

3.2.1 Creation/Allocation of new Polling Stations

By law each Electoral Area or parish must have at least one Polling Station.

Polling stations are established in newly created parishes in order for each of them to have at least one.

There is a need for at least one Polling Station for each Electoral Area for the Election of Directly Elected Councillors and/or Women Councilors.

Newly created polling stations should have clear and appropriate names depicting the location of the polling stations.

3.2.2 Merging of Polling Stations

This refers to the act of putting together two or more polling stations within the same parish, that may each have the number of voters less than the optimum

number to form one large polling station which must have the number not exceeding the optimum.

The reason for merging polling stations is to bring together voters from smaller polling stations within the same Parish or Ward that are close to one another, to form one larger polling station provided the total number of voters does not exceed 900 (or 1200 voters in the case of Kampala District and Wakiso). This is done putting into consideration the distance voters have to travel to vote on polling day, which should not be long.

Note: The maximum accepted number of voters (i.e. 800 or 1,200 for Kampala) for ease of administering polling activities at the polling station is referred to as the optimum number of voters.

3.2.3 Splitting of Polling Stations

Splitting of polling stations refers to the division of one polling station into two or more polling stations because either its number of voters are more than the optimum number; or the village has a new one created out of it; or villages are mixed up and hence the division according to village of residence and proximity to polling station.

In this case more but smaller polling stations are got considering the convenience of the distances to be travelled by the voters.

3.2.4 Rationalization

Rationalization is the process of reorganizing polling stations according to villages or cells such that names of residents of the same village or cell appear on the same register. Furthermore, it becomes possible to move or relocate the polling station to one of the villages or cells whose voters identify with it. It is advisable to rename such polling stations according to villages/cells where they are located or moved to. Consequently rationalization helps voters to easily locate their polling stations.

Sometimes polling centres (i.e places where two or more polling stations are located) such as school compounds or playgrounds may have registers for each of the polling stations comprising names of voters from different villages existing in the Parish or Ward mixed. This leads to confusion on polling day which is solved through rationalization.

3.2.5 Relocation

This is the changing of the location of a polling station.

Relocation may be necessitated by the following factors:

- i) Location in contestable areas e.g. bars, private premises such as in compounds or residences;
- ii) Natural disasters;
- iii) Dissolution of IDP camps;
- iv) Lack of adequate space for polling activities;
- v) Long distances travelled by voters to access polling stations;
- vi) Where developments have taken place e.g. buildings, roads, industries, factories and places that are no longer public.

3.2.6 Re-naming

This refers to giving a polling station another name to replace its former one. Re-naming of polling stations is done to reflect the new physical location of a relocated polling station or to correct a name which was not portraying the proper location. The new name of the polling station should be familiar to the voters.

3.2.7 Harmonisation of parishes, villages and polling stations in the register

This is the aligning of correct villages to the voters on the National Voters' Register to ensure that they belong to the right Parishes and are allocated polling stations on the basis of residence as per the list of the villages provided by the Electoral Commission. Harmonization is intended to specify villages forming polling stations to appear in their rightful parishes.

3.3 Procedure for Re-organisation

Re-organization of polling stations involves the following steps:

- i) Identification by the District Returning Officer of new parishes/wards and electoral areas without any polling stations;
- ii) Identification by the District Returning Officer of target polling stations that need re-organisation;
- iii) Isolation by the District Returning Officer of polling stations for splitting/merging;
- iv) Recruitment and training of re-organisation officials;
- v) Holding of stake holders meetings to publicise the re-organisation exercise;
- vi) Conducting meetings for re-organisation exercise during which proposals and adoption of recommendations for creation of new or splitting, relocations, merging or closure of polling stations are captured on prescribed forms;
- vii) Retrieval of Re-organisation returns;
- viii) Verification of Re-organisation returns by field supervisors;
- ix) Effect recommendations of re-organisation teams.

3.4 Duties of field Re-organisation Officers

The officers involved in the re-organization process include the following;

- i) District Returning Officers/ Registrars
- ii) Assistant District Returning Officers/Registrars
- iii) Sub county supervisors
- iv) Parish supervisors / Re-organisation Officers

a) District Returning Officer/ Registrar

Specific duties of the District Returning Officer/Registrar during the re-organization exercise are the following;

- i) The Returning Officer is the lead voter educator on issues of Re-organisation in the district;
- ii) The Returning Officer is mandated under Sec 33(1) of the Electoral Commission Act and with the Electoral Commission to establish within each parish/ward within his or her Electoral District, as many polling stations as convenient for the casting of votes;
- iii) Appointing in writing with the approval of the Electoral Commission an

- assistant Returning Officer;
- iv) The Returning Officer may in writing delegate his/her duties to the Assistant;
- v) Supervision of the Electoral Commission temporary staff;
- vi) Dispatch and retrieval of re-organisation materials;
- vii) Verification and endorsement of re-organisation returns;
- viii) Submission of re-organisation returns to the Commission headquarters;
- ix) Supervision of the verification exercise;
- x) Effect payment of allowances etc. to re-organisation officials;
- xi) Convenes stakeholders meeting for re-organisation.
- xii) Accountability for used and unused materials;

b) Assistant District Returning Officers/Registrars

- i) Assists the District Returning Officer/ Registrar in all duties assigned.
- ii) Reports to the District Returning Officer/ Registrar

c) Sub-county Supervisor

- i) Liaise with the District staff;
- ii) Educate the public on the re-organisation process, especially its timing and location;
- iii) Receive and distribute re-organisation materials;
- iv) Supervise the re-organisation exercise in the subcounty;
- v) Retrieve re-organisation returns;
- vi) Verify completeness of returns and sign/ endorse them;
- vii) Accountability of materials;
- viii) Submit returns to the District Registrar.

d) Parish Supervisor/Re-organisation Officer

- i) Mobilise voters and residents;
- ii) Educate the public on the re-organisation process, especially its timing and location;
- iii) Receive re-organisation materials from Sub county supervisor;
- iv) Chair meetings and take minutes for conducting the re-organisation exercise;
- v) Verify and sign re-organisation forms;
- vi) Account for re-organisation materials;
- vii) Submit to the Sub-county supervisor re-organisation returns;
- viii) Capture and compile physical information collected;
- ix) Ascertain accuracy of data collected including spelling of village names on the relevant form.

3.5 Reorganisation Meetings

The Reorganisation meetings are held at Parish level and have to be attended by;

- i) The Parish Supervisor as the Reorganisation Official who chairs the meeting and also takes the minutes of the meeting.
- ii) Village residents
- iii) Local/ Opinion Leaders
- iv) Representatives of registered Political Parties/ Organisations within the Parish.

Note: In case of Parishes/ Villages/ Electoral Areas without Polling Stations, meetings will take place at the mother parish or village where current polling stations are located.

CHAPTER 4

UPDATE OF THE NATIONAL VOTERS' REGISTER

4.0 Introduction

The Electoral Commission is mandated by law (Sec 18[1] EC Act) 1997 to compile, maintain and update on a continuous basis the National Voters' Register. Update of the voters' register refers to the process of adding on to an already existing voters' register, names of eligible voters who have never been registered; according an opportunity to those who would like to change their voting locations and correcting of particulars of voters already existing on the register.

4.1 Objectives

The purpose of this chapter is to enable readers to:

- i) List officials involved in the update exercise;
- ii) Enumerate the roles of officials involved in the exercise;
- iii) State the requirements to register as a voter;
- iv) Describe the update procedure;
- v) Explain the importance of registering as a voter.

4.2 Purpose of the Update Exercise

- i) To avail an opportunity to eligible persons who have never registered before to do so;
- ii) To effect transfers for voters who would like to change their voting locations in accordance with the law;
- iii) To facilitate nomination of candidates i.e contestants , seconders of nominations and supporters.
- iv) To enable eligible persons (voters) exercise their right to vote.

4.3 Officials involved in the Update exercise

The officials involved in the Update exercise include the following;

- i) District Returning Officer/ Registrar
- ii) Assistant District Returning Officer /Registrar
- iii) Sub-county and Parish Supervisors
- iv) Update officers

4.4 Roles of Officials involved in the Update exercise

Officials involved in the Update exercise play different roles as here under listed:

4.4.1 District Returning Officers / Registrars

The roles of the District Returning Officers/ Registrars are to:

- i) Supervise the Update exercise in the District;
- ii) Recruit, train and appoint Update officers;

- iii) Account for funds and materials;
- iv) Conduct voter education;
- v) Address complaints arising during the exercise.
- i) Register all those who qualify and are willing to register as voters;
- ii) Maintain and update the voters' register on a continuous basis;
- iii) Monitor and supervise the Update exercise;
- iv) Custody of all the Commission materials and equipment;
- v) Train Update officers.

4.4.2 Assistant District Returning Officers/Registrars

The roles of the Assistant District Returning Officers/Registrars are to;

- i) Assist the Returning Officer/ District Registrar in his or her roles during the update exercise;
- ii) Report to the Returning Officer.

4.4.3 Subcounty Supervisors

The roles of sub county supervisors are to:

- i) Receive from the District Returning Officer/ Registrar and distribute Update materials to Parish supervisors;
- ii) Retrieve Update materials from Parish Supervisors for onward transmission to the District Returning Officer/ Registrar;
- iii) Monitor the Update exercise in the Sub County;
- iv) Supervise Parish Supervisors and Update Officers in his/her Sub county;
- v) Account for all Update materials in the Sub County;
- vi) Publicise activities regarding the Update exercise in the Sub county.
- i) Conduct voter education on the exercise in the Subcounty

4.4.4 Parish Supervisors

The Parish supervisors roles are the following:

- i) Receive and distribute Update materials;
- ii) Retrieve Update materials from Update Officials for onward transmission to the Subcounty supervisor;
- iii) Mobilise parish residents for the Update exercise.
- iv) Conduct voter education on the update exercise in his/her parish.

4.4.5 Update Officers

Update Officers are entrusted with the following roles:

- i) Drawing programmes for the Update exercise;
- ii) Receive update materials from the Parish Supervisors
- ii) Communicating and publicising dates, time and venues for the Update exercise;
- iii) Report at the update centres on a daily basis during the designated period;
- iv) Verify and ascertain all information before registering a voter;
- v) Ensure that the relevant forms are filled correctly;
- vi) Capture bio-data i.e. particulars of the applicants/voters comprising of names, sex, dates of birth and villages;
- vii) Capture biometric data of applicants i.e. photographs, fingerprints and signatures;

- viii) Keep order at the update centre;
- ix) Remit returns to the parish supervisor at the end of the exercise;
- x) Finally account for all update materials.

4.5 Requirements for Registration as a voter in the National Voter's Register

There are requirements that must be fulfilled in order to be registered as a voter in the National Voters' Register.

4.5.1 In order to qualify to register as a voter in the National Voters' Register, a person must be:

- i) A citizen of Uganda;
- ii) 18 years of age and above;
- iii) Originating from or residing in that parish or ward.

4.5.2 Information required for registration as a voter is;

- i) One's full Names
- ii) Place of Residence or Origin (Village , Parish and Subcounty)
- iii) Date of birth
- iv) Sex or gender
- v) Marital status
- vi) Names of parents
- vii) Citizenship
- viii) Photograph
- ix) Preferred polling station
- x) Finger Prints
- xi) Signature.
- i) NIRALC 1 Form endorsed by LC1 Chairperson verifying origin or residence.

4.5.3 Information required for transfer of voting location

- i) Particulars appearing on the register
- ii) National ID or Application Form counterfoil received when one registered as a voter
- iii) EC LC 1 Form endorsed by LC1 Chairperson verifying origin or residence.
- iv) Filling a transfer form

4.6 Procedure for Update of the National Voters' Register

During Update, the applicant/voter is required to:

- i) Present him/herself in person
- ii) Provide the details listed in (4.5) to the update officers.

4.6.1 Registration of those who just turned 18 years and those persons over 18 years but did not previously register to vote.

At the end of a successful update exercise the applicant is issued with a counterfoil of the Application for Registration Form (with an Application ID Number) which she/he must keep as evidence of registration.

4.6.2 Transfer of voting location

At the end of a successful update exercise the applicant is issued with a duplicate copy of the Transfer Form which she/he must keep as evidence of transfer of voting location, bearing either the 8 digit voter number from the National voters register or the N.I.N as recorded on the National ID card or the Application ID number as recorded on the application form for registration as a voter.

4.6.3 Correction of voters' particulars:

This involves correction of the voters' names, dates of birth, sex and villages. Where a voter's particulars are missing from the register, but he/ she has all the evidence that he/she was previously registered i.e presents either a National ID, a Registration Application Form counterfoil received after registration. The fingerprints and specimen signature of the applicant shall also be captured and The Update Officer shall ensure that all particulars of the voter are correct.

4.7 Importance of registering as a voter

Registering as a voter enables one to:

- i) Vote for a candidate of one's choice;
- ii) Contest for an elective office;
- iii) Propose the nomination of a candidate of one's choice;
- iv) Second or support the nomination of a candidate of one's choice;
- v) Raise objections or petitions related to elections;
- vi) Participate in referenda;
- vii) Acquire a voter identification card.



Illustration I: Registration of voters taking place

CHAPTER 5

THE DISPLAY OF THE NATIONAL VOTERS' REGISTER

5.0 Introduction

The Electoral Commission is mandated under Sec. 25 of the Electoral Commissions Act to appoint a period of not less than twenty one days during which a copy of the voters roll for each parish or ward is displayed for public scrutiny. In addition to the twenty one days, the Commission enjoined to allow a period of ten days (a period of Natural Justice) during which any objections or complaints in relation to the names recommended by the parish tribunals to be included or deleted from the voters roll may be raised or filed.

In case of a by-election, the Commission displays the voters roll for a period of ten days and in addition allow a period of six days for the display of the recommendations from the parish tribunals.

During the display period, any person may raise an objection against the inclusion of any name of a person on grounds that the person is not qualified to vote or to be registered as a voter in the constituency, parish or ward or that the name of a person qualified to vote has been omitted.

5.1 Objectives

At the end of this chapter, the reader(s) should be able to:

- i) Name the officials involved in the display exercise;
- ii) List the roles of the Officials involved in the display exercise;
- iii) Describe the procedure of the Display exercise;
- iv) Outline the importance of the display exercise;
- v) Identify and state the purpose of Clean (CLN) Forms.

5.2 Officials involved in the Display exercise

The following Officials will be involved in the Display of the National Voters' Register:

- i) Returning Officers/District Registrars;
- ii) Assistant Returning Officers/Assistant District Registrars;
- iii) Sub county Supervisors;
- iv) Parish Supervisors;
- v) Display Officers;
- vi) Parish Tribunals.

5.3 Role of Election Officials during the Display Exercise

Officials involved in the Display Exercise perform the following roles:

5.3.1 Returning Officers/District Registrars

- i) Recruitment and appointment of Display Officers;
- ii) Training and deployment of Display Officers;
- iii) Monitoring of the Display exercise;
- iv) Supervision of Display officials;
- v) Distribution and retrieval of display materials;
- vi) Verification and endorsement of Display returns;
- vii) Accountability for Display materials and funds;
- viii) Publicise activities regarding Display exercise;
- ix) Conduct voter education.

Note: Assistant Returning Officers/Registrars deputise the Returning Officer/District Registrar in the above roles.

5.3.2 Sub county Supervisors

- i) Receive and distribute Display materials to the parish Supervisors;
- ii) Retrieve Display materials from Parish Supervisors for onward transmission to the Returning Officer/District Registrar;
- iii) Monitoring of Display exercise in the Sub county;
- iv) Supervision of Parish Supervisors and Display Officers in the Sub county;
- v) Accountability for all Display materials in the Sub county.

5.3.3 Parish Supervisors

- i) Receive and distribute Display materials to the Display Officers;
- ii) Retrieve materials from Display Officers for onward transmission to the sub county Supervisor;
- iii) Mobilise voters for the exercise.

5.3.4 Display Officers

The Returning Officer appoints Display Officers on behalf of the Electoral Commission to display the voters register, and issue voter locator slips

Their role is to:

- i) Display the Voters Register at the polling station or at the designated place;
- ii) Identify eligible voters who registered but whose particulars do not appear on the Register and fill form CLN 6 for their inclusion;
- iii) Fill form CLN 9 for removal of voters queried such as the dead, the under age, and non-citizens and fill form CLN 9 for their removal;
- iv) After CLN 9 has been filled, the Display officer will sort out all voters said to have died from CLN 9 per village and transfer them to CLN 9 D which later will be taken to chairperson LC I for confirmation and endorsement.
- v) The Display officer will sort out all voters labelled Left Area (LA) from CLN 9 and transfer them to CLN 9 LA and is taken to the chairperson LC 1 for confirmation and endorsement.
- vi) At the end of Display exercise, CLN 9 D and CLN 9 LA shall be attached to CLN 9 and retrieved to EC headquarters.
- vii) Identify registered voters without a photograph or whose photograph does not

- viii) match the information on the Register and make the necessary corrections;
- viii) Ensure that the Register is displayed in a public place easily accessible to all voters including persons with disabilities and older persons;
- ix) Keep safe custody of the Display materials and account for them after the exercise;
- x) Submit the Display returns to the Parish Supervisor in time and ensure cooperation and coordination with the Parish tribunal;
- xi) Ensure that all CLN forms are correctly filled and duly signed.

5.3.5 Parish Tribunal

A Parish Tribunal is a committee of five (5) members appointed by the Chief Magistrate of a magisterial area.

The Tribunal is composed of the following:

- i) Two (2) older persons of sixty (60) years or above, one female and the other male; and,
- ii) Three (3) other members appointed in consultation with political parties/ organisations participating in the election in the area.

The Magistrate will appoint the tribunal in writing and submit a signed list of tribunal members to the Returning Officer for training.

The Parish Tribunal plays a fundamental role during the display of the National Voters' Register as highlighted below:

- i) Calling weekly meetings to scrutinise CLN forms submitted by the Display Officer;
- ii) Endorse and sign the filled forms after scrutiny;
- iii) Submit the endorsed forms to the Parish Supervisor;
- iv) Study any objection to any recommendation that may have been raised;
- v) Reverse any recommendation if convinced of genuineness of the objection by endorsing form CLN 7;
- vi) After the display of CLN 6, 9 & 10 for a period of 10 days in the interest of Natural Justice, the Parish Tribunal endorses the filled form CLN 7 of valid counter objections (if any).

Note: Decisions of Parish Tribunals are subject to review by the Electoral Commission in accordance with the law.

5.4 Procedure of the Display Exercise

The display of the National Voters' Register is conducted according to the procedure below;

- i) A general Display of the National Voters' Register is conducted at each polling station by a Display Officer, appointed by the Returning Officer;
- ii) The exercise is conducted for a period of at least twenty one (21) days during a general election or referendum and ten (10) days for a by-election;
- iii) The exercise is done by hanging the A3 spiral bound register on a hook/nail attached to a hard surface, like a wall or tree at a reasonable height from the ground;
- iv) The Display Officer allows interested persons to flip through the register for

- scrutiny;
- v) The Display Officer records on the required CLN form any objection raised and ensures that the complainant signs the form;
- vi) The Display exercise must be conducted with utmost impartiality;
- vii) The Display Officer has to ensure that Display returns are submitted to the Parish Supervisor, on a weekly basis, for onward transmission to the Parish Tribunal;
- viii) The Parish Tribunal has to endorse filled CLN 6, 9 & 10 forms on a weekly basis, after satisfying themselves that the objections and/or corrections therein are valid;
- ix) After the Display exercise, all the Display materials must be handed over to the Parish Supervisor.

5.5 Importance of the Display Exercise

The Display exercise is aimed at generating a clean voters' register which is the cornerstone for free and fair elections. The display exercise therefore:

- i) Allows voters check correctness of their particulars;
- ii) Enables voters confirm that their photographs appear against their correct particulars;
- iii) Allows voters to make recommendations for deletions of the following categories of persons from the register;
 - a) The dead,
 - b) Non citizens,
 - c) Those under the age of 18 years,
 - d) Those who neither reside nor originate from the parish,
 - e) Those who registered in another polling station in the parish,
 - f) Those who reside or originate from a parish other than the one they are registered in and
 - g) Those registered more than once (multiple registrations).

At the end of the display exercise, the voters who would have responded to the exercise will be sure of their correct particulars, polling stations, and will be able to vote for candidates of their choice.

5.6 Purpose of the Clean (CLN) Forms

The following are the relevant forms used during the display exercise:

- a) **Form CLN 6;** used for raising objection against the **omission of a qualified voter** from the register;
- b) **Form CLN 9;** used for raising objection against the **inclusion of an unqualified voter** on the register;
- c) **Form CLN 10;** used for raising objection regarding a correction in the particulars of a voter as they appear on the register;
- d) **Form CLN 7;** used for raising a **counter objection** against what was recommended on forms 6, 9, & 10. This form is used in the interest of natural justice
- e) **Form CLN 3;** Mismatched particulars of voters

5.7 Issuance of Voter Locator Slip

Voter Locator Slips are issued to voters during the display period to assist them in identifying their polling stations.



Illustration II: Voters checking their particulars at a Display venue

CHAPTER 6

NOMINATION OF CANDIDATES

6.0 Introduction

Nomination is the process by which aspiring candidates for each elective office, present their duly filled nomination papers to the Returning Officer for verification. Aspiring candidates, who meet the nomination requirements, are declared duly nominated to contest for an elective office. The Electoral Commission shall publish in the Gazette and local media nomination days, place and time when persons who wish to stand for elections for any elective office shall be nominated.

6.1 Objectives

At the end of the chapter the reader(s) should be able to:

- 1) Explain the purpose of nomination;
- 2) Identify the key players in the nomination exercise;
- 3) List the qualifications required for various positions, and
- 4) Outline the nomination process.

6.2 The Nomination Exercise

The purpose of nomination is to vet aspiring candidates, who have expressed interest in contesting for available elective offices. There are various key players involved in the nomination exercise. These include:

- i) Electoral Commission;
- ii) Political Parties/Organisations;
- iii) Voters;
- iv) Aspiring candidates;
- v) Observers.

6.2.1 Role of Stakeholders

a) Electoral Commission

The Electoral Commission plays the following role:

- i) Appoints and gazettes the Returning Officers and Assistants to preside over the nomination exercise in the district;
- ii) Appoints dates, time and venue at which nomination of candidates is to take place, and notifies the public through “The Uganda Gazette”;

b) Political Parties/Organizations

The political parties/organizations play the following role:

- i) Nominate and sponsor their flag bearer;
- ii) Mobilise support for their flag bearer;
- iii) Resource mobilisation.

c) Voters

The voters play the following role:

- i) Propose and second an aspiring candidate;
- ii) Support the nomination of an aspiring candidate;
- iii) Inspection of nomination papers and lodging complaints.

d) Aspiring Candidates

Aspiring candidates play the following role:

- i) Offer and present themselves for nomination;
- ii) Mobilise support for themselves;
- iii) Present duly filled nomination papers to the Returning Officer.

e) Observers

Election observers play the following role:

- i) Enhance credibility of the exercise;
- ii) Their presence deters malpractices;
- iii) They make constructive criticism and recommendations.

6.3 Nomination of Presidential Candidates

In a multi party system, a Presidential aspirant may be fronted by a party or he/she can be an Independent aspirant. Nomination of Presidential candidates is presided over by the Chairperson of the Electoral Commission as the National Returning Officer.

6.3.1 Qualifications for Presidential Candidates

A Presidential aspirant must fulfill the following;

- i) A citizen of Uganda by birth,
- ii) Eighteen years of age and above,
- iii) Is a registered voter,
- iv) Has completed a minimum formal education of Advanced Level standard or its equivalent,
- v) For public officers, one should have resigned before nomination,
- vi) Is of sound mind,
- vii) Is not holding an office connected with elections,
- viii) Is not a traditional or cultural leader,
- ix) Has not been adjudged or, otherwise declared bankrupt under any law,
- x) Is not under a sentence of death or, of imprisonment exceeding nine months imposed by a competent court without the option of a fine,
- xi) Has not within seven years of the elections been convicted by a competent court of a crime involving dishonesty or moral turpitude,
- xii) Has not within seven years of the elections been convicted by a competent court for contravention of any law relating to elections conducted by the commission, and
- xiii) Has not within seven years of the elections been disqualified for elections as Member of Parliament.

6.3.2 Nomination Requirements for Presidential Candidates

A presidential aspirant must submit the following to the National Returning Officer on or before nomination days:

- i) A list of one hundred supporters in each of at least two thirds of all districts in Uganda. Each of the registered voters must include name, signature, physical address and voter registration number for verification;
- ii) A nomination paper signed by the aspirant, proposer and seconder nominating him or her as a candidate and as the case may be certified by the political party/organisation sponsoring the aspirant including name and address of such political party/organisation;
- iii) A declaration form confirming the aspirants legal qualifications for nomination;
- iv) A non-refundable fee of (1000 currency points) 20,000,000 Uganda shillings in cash or, a bank draft payable to Uganda Administration;
- v) Three recent postcard-size straight face colour photographs of the aspirant in plain clothes, and
- vi) Proposer's and seconder's names, signatures and voter registration numbers.

6.3.3 Factors which do not invalidate Nomination

There are factors which do not invalidate nomination and they include:

- i) Minor variation in a name as it appears on the nomination paper and on the voters' roll;
- ii) Any minor variation that does not substantially contradict the relevant electoral laws in force and
- iii) Allegations of ineligibility that are apparent.

6.4 Nomination of Parliamentary Candidates

In a multi party system, a Parliamentary aspirant may be fronted by a party or he/she can be an independent aspirant.

6.4.1 Qualifications for Parliamentary Candidates

Qualifications for parliamentary candidates are the same as those for presidential candidates except:

- i) The lower age limit is 18 years and
- ii) Citizenship is not strictly by birth.

6.4.2 Nomination requirements for Parliamentary Candidates

Parliamentary aspirants must submit the following to the District Returning Officer on or before nomination days:

- i) Ten signatures of registered voters in support of the nomination from the constituency;
- ii) A non refundable fee of 150 currency points (3,000,000 Uganda shillings) in cash, or a bank draft payable to Uganda Administration and
- iii) 2 recent postcard size front face colour photographs of aspirant.

6.5 Nomination of Local Council V Chairpersons

Aspirants for the LC V Chairperson's office must fulfill the following:

6.5.1 Nomination Requirements for LC V Chairpersons

A person shall not qualify for elections as Chairperson of a district or city unless that person:

- i) Is a citizen of Uganda,
- ii) Is ordinarily resident or has made undertaking in writing to the Electoral Commission that within six months of his/her election shall have established a residence in that district or city,
- iii) Eighteen years of age and above,
- iv) Is a registered voter,
- v) Has completed a minimum education of advanced level standard or its equivalent,
- vi) Has submitted to the Returning Officer of a district or city on or before the nomination day, a nomination paper, in Form EC 1 specified in the seventh schedule to the Act, which document is signed by two persons nominating him/her as a candidate and
- vii) Attaches to his or her nomination paper a list of names of fifty registered voters from at least two thirds of the electoral areas and each of the fifty shall have appended to that list his/ her name, signature, physical address and voters registration number as specified in Form EC 1 of the seventh schedule to the Act,
- vii) Attaches to his or her nomination paper
 - a) a declaration of person seeking to be nominated as a candidate for election as chairperson
 - b) a declaration of income, assets and liabilities,
- ix) A non-refundable fee of ten currency points (200,000 Uganda shillings) in cash or a bank draft payable to the relevant Local Government Council, for which a receipt shall be issued,
- x) Three post-card size front face colour photograph of the aspirant.

Aspirants for the Municipality and LC III Chairpersons office fulfil the same requirements as those for LC V Chairpersons except;

- i) The aspirant should be at least thirty years (30) and not more than seventy five (75) years of age
- ii) There is no minimum level of education required

6.5.2 Nomination of Municipality, Town, Division or Subcounty Chairpersons

- iii) The aspirant has to submit to the Returning Officer of the district or Public office designated by him or her for that purpose on or before the nomination day, a nomination paper Form EC specified in the seventh schedule (LG Act 1997) signed by two persons nominating him or her as a candidate.
- iv) Attaches to his or her nomination paper a list of the names of twenty registered voters from each electoral area and who shall have appended to that list their name, signature, physical address and voters registration number as specified in form EC 1 of the seventh schedule

(LG Act 1997)

- v) A non refundable fee; in case of a Municipality, five currency points (100,000 Uganda shillings) and in case of a City Division, a Town or a Sub county two and half currency points (50,000 Uganda shillings) payable in cash or bank draft to the relevant Local Government Council, for which a receipt shall be issued.

6.6 Nomination requirements for Councillors

- a) A person who aspires for the position of a directly elected Councillor and a Woman Councillor at lower Local Government such as district/city, municipality, division, and town councils/subcounty must be;
 - i) 18 years of age or above,
 - ii) A citizen of Uganda,
 - iii) A registered voter,
 - iv) Of sound mind,
 - v) Not acting or holding any office in connection with Local Government Elections,
 - vi) Not a traditional or cultural leader,
 - vii) Not under a sentence of death or imprisonment exceeding six months without the option of a fine,
 - viii) Not an employee of that Local Government Council or any other council.

- b) Persons aspiring for the office of a Local Government Councillor must submit the following to the District Returning Officer:
 - i) An EC 4 nomination paper duly signed by the aspirant, proposer and seconder,
 - ii) Names and signatures of at least five registered voters in the aspirant's electoral area,
 - iii) Form EC 5 as evidence of the aspirant's appointment of his/ her Official agent,
 - iv) Form EC 6- indicating that the agent has accepted the appointment and taken oath,
 - v) Form EC 7- a statement under oath indicating the candidate's eligibility to stand for office,
 - vi) Form EC 8- indicating the candidates consent to be nominated,
 - vii) A non refundable fee of two and a half currency points Uganda shillings 50,000 (in case of a District/City/Municipality) and 1 currency point 20,000 (in case of Town, Division or Sub County) payable in cash, or a bank draft to the relevant Local Government Council and
 - viii) Three recent postcard straight face colour photographs of the aspiring candidate.

6.7 Inspection of nomination papers and lodging of complaints

Any Person/voter may:

- a) Inspect any nomination paper filed with the Returning Officer to verify the information therein. The inspection of nomination papers can be done during working hours on nomination days and after close of nomination exercise at such a time and subject to such conditions as may be prescribed by the Electoral Commission.
- b) Lodge a complaint with the Returning Officer, or the Commission, challenging the nomination of any candidate.

6.8 Nominations for Elections of Administrative Units (Village & Parish Council)

These elections shall be conducted in accordance with the multi-party political dispensation. So the nomination procedure for the Candidates for Chairperson at Village & Parish level:

- a. The Aspiring candidate for elections as village Chairperson shall pick the nomination forms from the Parish election Officer/Nomination Officer of the Parish in which the village is located.
- b. The Parish Election Officer/Nomination Officer shall conduct nominations at Parish level.
- c. Nomination of candidates may be made for elections at village or Parish / Ward by a Political Party/Organisation sponsoring a candidate or by a candidate standing for independent.
- d. Nomination Forms for candidates sponsored by political parties/organisations shall be endorsed by the political party/organisation.
- e. Political parties /organisations shall furnish the Commission with names of persons authorised to endorse on nomination forms before nominations commence.
- f. No voter shall propose or second more than one candidate for nomination for the same office. The Nominating officer shall ensure that no person proposes and seconds more than one candidate by marking on the register, persons who have proposed and seconded a given candidate.

6.8.1 Qualifications for Nomination as a Chairperson of any Administrative Lower Council

A person to be nominated for the Chairperson Village/Parish Council must fulfil the following;

- i. A citizen of Uganda
- ii. Ordinarily resident in the area,
- iii. Should be of 18 years of age and above at the time of registration,
- iv. Registered in the Village Council Register
- v. No academic qualifications shall be required for elections of Village Chairperson,
- vi. No nomination fee shall be required.
- vii. Must be willing to be a member of the Village Council

6.8.2 Nomination Procedure

1. The aspiring candidate accompanied by his/her proposer and seconder shall present two copies of the nomination Forms to the village Election Officer. The proposer and seconder shall be registered voters on the Village Council Register.
2. The Parish Election Officer/Nomination Officer shall check nomination papers to ensure the candidate has filled them properly.
3. The Parish Election Officer shall check whether aspiring candidate, proposer and seconder appear on the Village Council Register.
4. If the Aspirant is standing as an Independent, he/she shall pick a symbol from the list approved by the Commission.

5. The Parish Supervisor /Nomination Officer shall fill the nomination control forms and the aspiring candidate shall sign/thumb print against his/her particulars on the nomination control form.
6. The Parish Election Officer (PEO)/Nomination Officer shall endorse on both nomination forms, declare the candidate duly nominated and hand over one copy of the nomination forms to the nominated candidate.
7. If the Candidate doesn't fulfil the requirements and is not nominated, the Parish Election Officers/Nomination Officer shall write the words NOT NOMINATED and initial at the top of the page of both nomination papers. One copy of the nomination papers shall be returned to the aspiring candidate. The Nomination Control Form shall not be filled in this case.

6.8.4 Submission of Nomination Returns

The PEO shall submit the nomination control form which contains names and other particulars of all nominated candidates for each village to the Village Election Officer (VEO) of a given village before voting day. The VEO shall keep the form for use during the election and return it to the PEO immediate after the election.

6.8.5 Nomination of the Executive committee at Village /Parish Lower Council;

All members of the executive committee at the village and parish level shall be nominated by the chairperson from the members of the council present and approved by the respective council one by one by show of hands. The nomination for the following of officers and approval shall be done on the day of election of the chairperson;

- a) Vice Chairperson;
- b) General Secretary;
- c) Secretary for information, education and mobilization;
- d) Secretary for security;
- e) Secretary for finance; and secretary for production and environmental protection.

After the approval of the six (6) Committee members above, the Presiding Officer shall fill Declaration of Election Results of village Administration Unit Form II(section 167 LGA).

6.8.6 Nominations for the elections of the Parish Chairperson and Executive Committee Members

1. The Parish Election Officer /Nomination Officer (PEO) shall issue the nomination forms to aspiring candidates.
2. Conduct Nominations of candidates for elections as parish administrative unit chairperson at parish/ward level and fill the parish nomination control form.
3. The PEO shall file parish nomination forms in the file provided by the Commission.
4. The PEO shall preside over the Nominations and approval of the members of the parish executive committee at parish level.

Note: The procedure for nomination at parish level is as to the village level. The only difference is that at Parish level the Electoral College is comprised of all the members of the Village Executive Committees of each respective Parish.

No voter is allowed to support the nomination of more than one candidate in any given set of elections.

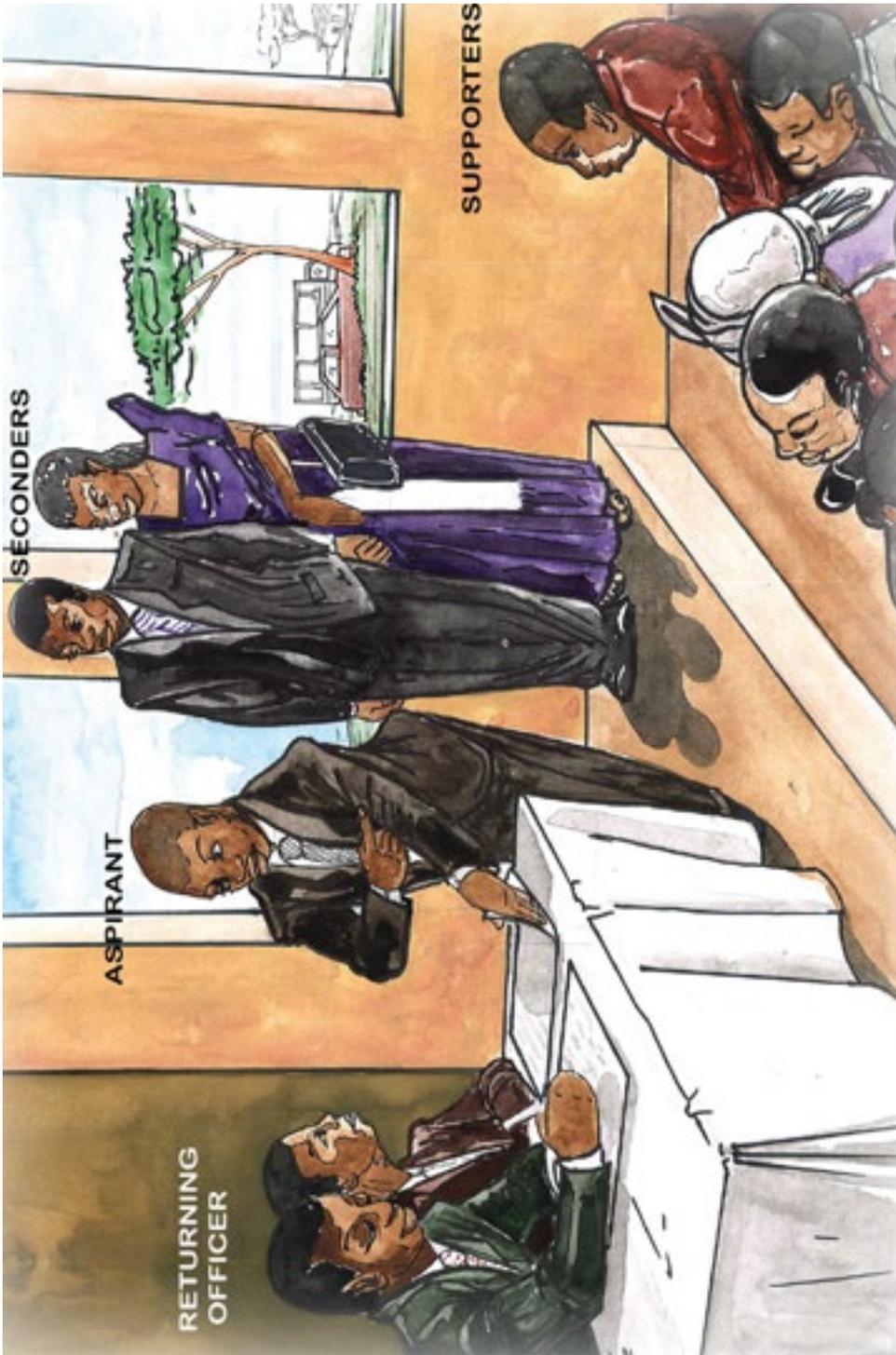


Illustration III: Nomination of candidates in progress

CHAPTER 7

CAMPAIGNS

7.0 Introduction

Campaign is the period immediately following nominations, during which candidates meet voters and solicit for votes. By law, the Electoral Commission designates dates and gazettes the campaign period. Campaigning must end 24 hours before polling, this applies to all categories of elections conducted under universal adult suffrage.

Candidates or political parties or their agents normally organize their campaigns. During campaigns, candidates and political parties/organizations present their manifestos outlining their political priorities.

7.1 Objectives

At the end of the chapter, the reader(s) should be able to:

- i) Define campaign in relation to elections;
- ii) Identify campaign methods;
- iii) State the role of stakeholders;
- iv) State the rights and responsibilities of candidates.

7.2 Campaign methods

Different methods are used by candidates while campaigning for various positions.

These may include the following:

- i) Political rallies;
- ii) Face to face canvassing;
- iii) Media (both electronic and print);
- iv) Posters - Visual presentations;
- v) Public debates and
- vi) Road shows.

7.3 Role of Stakeholders during campaigns

There are various stakeholders in the campaign process. These include the Electoral Commission, candidates, political parties/organizations, agents, voters, police and media.

7.3.1 The Electoral Commission

The Electoral Commission plays a vital role by:

- i) Appointing, gazetting and publishing the campaign period;
- ii) Issuing guidelines on how the campaigns should be conducted;
- iii) Ensuring adequate security by working hand in hand with the police;
- iv) Monitoring and supervising the campaigns;
- v) Coordinating the entire campaign programme for candidates;
- vi) Hearing and determining complaints, and
- vii) Conducting consultative meetings with stakeholders/their agents.

7.3.2 The Candidates, Political Parties/Organisations

During campaigns Candidates, Political Parties/Organizations perform the following:

- i) Draw and harmonise campaign programmes with the Returning Officer;
- ii) Present their manifestos to the voters;
- iii) Canvass for votes;
- iv) Display and distribute campaign materials e.g. posters, brochures etc.

7.3.3 The Agents

The role of agents is to:

- i) Assist their candidate/political party/organisation draw a campaign programme with the Returning Officer,
- ii) Canvass for votes on behalf of their political party/organisation or candidates;
- iii) Distribute and publicise the manifesto for their candidate or political party/organisation;
- iv) Mobilise voters to attend political rallies or meetings;
- v) Participate in discussions and debates on behalf of their candidate or political party/organisation;
- vi) Attend consultative meetings with the Returning Officer and other stakeholders on behalf of their political party/organisation or candidate;
- vii) Raise any objections in writing to the Returning Officer on behalf of their political party/organisation or candidate regarding the conduct of the campaigns;
- viii) Mobilise resources for their candidate or political party/organisation.

7.3.4 The Voters

The role of voters is to:

- i) Attend campaign rallies to make an informed choice,
- ii) Attend voter education programmes pertaining to the campaigns,
- iii) Disseminate views of their candidates or political parties/organisations in a constructive manner,
- iv) Task candidates on how they plan to realise their campaign promises.

7.3.5 The Uganda Police

The role of Uganda police is to:

- i) Preserve law and order,
- ii) Prevent and detect crime,
- iii) Work closely with the Electoral Commission,
- iv) Provide protection for each candidate and
- v) Provide adequate security at all meetings of candidates.

7.3.6 The Media

The role of the media is to:

- i) Provide equal access and coverage to candidates or political parties/ organisations,
- ii) Inform the public on campaigns in a responsible manner and
- iii) Mobilise voters to participate in the campaign programmes.

7.4 Rights and Responsibilities of Candidates/Agents During Campaigns

Candidates/Agents have got rights they enjoy and responsibilities they have to exercise during campaigns and these include:

7.4.1 Rights of Candidates

All candidates/agents have the following rights:

- i) Freedom of expression and movement;
- ii) Access to use of public media;
- iii) Make independent campaign programmes and give a copy to the Electoral Commission for purposes of coordination;
- iv) Publication of authenticated campaign materials for soliciting votes e.g. posters, booklets etc;
- v) Canvass for votes and support;
- vi) Mobilise resources.

7.4.2 Responsibilities of Candidates

Candidates/Agents have the following responsibilities:

- i) Adherence to the laws and guidelines governing campaigns;
- ii) Respect for one another;
- iv) Tolerate other candidates' political views, and
- v) Avoid malicious and sectarian statements.



Illustration IV:A Campaign rally

CHAPTER 8

THE POLLING PROCESS

8.0 Introduction

Polling is a critical milestone in the electoral process, during which voters exercise their right to choose their leaders. It encompasses accessibility of a polling station, procedures for voting, counting of votes and declaration of results. Polling is the climax of all activities in the electoral process.

The Returning Officer, appointed by the Electoral Commission, is mandated under Section 34(1) EC Act to appoint Polling day Officials, to manage the polling exercise at all polling stations. These are Presiding Officers, Polling Assistants and Election Constables.

8.1 Objectives

At the end of the chapter, readers should be able to do the following:

- i) Explain the importance of voting;
- ii) Identify polling day officials and list their duties;
- iii) Describe the setup of the polling station and
- iv) Describe the stages in the polling process.

8.2 Importance of voting

Voting is the expression of choice of a candidate/political party/referendum side by a voter on the ballot paper using the authorised (*allowed by law*) mark of choice (tick or thumbprint). This applies to voting by secret ballot.

Voting is a constitutional right that enables voters to:

- i) Choose and change leadership according to their preference;
- ii) Approve or disapprove a referendum question;
- iii) Hold the leaders accountable and
- iv) Promote democracy and good governance.

8.3 Duties of Polling Day Officials

Polling day officials are appointed by the Returning Officer to manage polling stations. They include presiding officers, polling assistants, election constables and orderly officers. They perform the following duties:

8.3.1 Presiding Officers

- i) Prepare the Polling Station at least 2 days before polling day;
- ii) Collect the polling kit from designated centres;
- iii) Ensure that polls open at 7:00 a.m. and to declare polling closed at 4:00 p.m. and record the votes cast in favour of each candidate;
- iv) Conduct elections at polling stations for which they are responsible and to supervise other polling officials at the polling station;
- v) Ensure that voters form one orderly line at least 20 meters away from the Presiding Officer's table;

- vi) Mark with an asterisk (*) the names of the five (5) voters who were present during the opening of the polling kit;
- vii) Inspect the fingers of voters before issuing the ballot paper to ensure that they have not voted already;
- viii) Issue the ballot papers according to the serial numbers;
- ix) Ensure that those who have cast their votes and other persons in the vicinity other than election officials, agents, observers stand/sit at least 100 meters from the polling station;
- x) Keep peace at the polling station because all Presiding Officers have the power of a justice of the peace during the polls;
- xi) Empty the ballot box and count the votes in the full view of all present. The box should be shown to those around to confirm that it is empty;
- xii) Ensure that the ballot box is transferred for safe custody when counting is adjourned;
- xiii) Fill copies of the relevant forms and the report book;
- xiv) Ensure that Declaration of Results Forms are signed by the agents present who wish to do so;
- xv) Announce the results of the voting at the polling station and leave a copy of results at the station;
- xvi) Deliver the 2 evident tamper envelope one containing the DR form, ORB, ABP and the second containing the DR form only of the voting at the polling station, to the Returning Officer to allow for declaration of results within the time stipulated by law
- xvii) Accounts for all polling materials at the polling station.

8.3.2 Polling Assistants

Polling Assistants assist Presiding Officers in the performance of their duties. They take charge in the absence or failure of the Presiding Officer and are therefore, expected to fully understand the roles of Presiding Officers.

Polling Assistants perform the following duties;

- i) Check the fingers of voters for the presence of indelible ink before they are issued with a ballot paper,
- ii) Check the accuracy of the voter's information on the voter locator slip, biometric information and ensure that it corresponds with that on the voter's register,
- iii) Mark the register indicating that the voter has been issued a ballot paper,
- iv) Mark the voter's cuticle of the right hand thumb or any other finger with indelible ink after voting. In the absence of fingers, the most visible part of the body should be marked,
- v) Make sure that agents sit in the right place for monitoring the process,
- vi) Assist the Presiding Officers during counting of votes and filling of all relevant forms,

8.3.3 BVVK Operator

This is the Polling Assistant who operates the Biometric Voter Verification Kit (a machine used to verify voters at the polling station).

8.3.4 Election Constables

The duties of election constables are the following:

- i) Reports to the Presiding Officer,

- ii) Take the oath of the Election Constable before undertaking official duty,
- iii) Keep law and order at the polling station,
- iv) Identify and give priority to vulnerable persons e.g. persons with disabilities, older persons, the sick, expectant mothers and public officers such as medical personnel whose services may be urgently required elsewhere,
- v) Make sure that voter's form one line, so as to vote in an orderly manner,
- vi) Keep crowds away from the polling station,
- vii) Effect any lawful arrest ordered by the Presiding Officer,
- viii) Ensure the safety of polling materials and
- ix) Stand behind the last voter at 4:00 p.m. prompt to signify closure of polling.

Note:

- i) Carrying of arms and ammunition at the polling station is prohibited.
- ii) No polling official is allowed to assist illiterate voters to fix the authorised mark of choice on the ballot paper.

8.3.4 Orderly Officers

At every polling centre, established under Section 33(2) of the Electoral Commission Act, an Orderly Officer is appointed to ensure the orderly and prompt entrance of the voters into their proper polling stations within the polling centre. A polling centre is a voting location with two or more polling stations in the same vicinity.

8.4 Polling Station Setup (Layout)

The voting process at a Polling Station can be single or multiple depending on the type of election. The voting is said to be single if the election is for one elective position. In this case only one ballot box is provided for casting votes. In multiple voting, the election is for two or more elective positions. The number of ballot boxes for casting the votes corresponds to the number of elective positions.

(a) Casting a vote for one elective office

This includes the following steps:

- i) At Table One, a voter mentions his/her name loudly and clearly for everyone to hear and hand in his/her voter locator slip (VLS). The Presiding Officer checks for the name and photograph in the register and examines the right hand thumb to verify that the voter has not yet voted.
- ii) The BVVK Operator scans the QR code on the Voter Locator Slip (VLS) and verifies the finger print(s) of the voter to ascertain whether the information corresponds with that on the register, it is only then that the voter will be given a ballot paper and his/her voter locator slip will be returned. The Presiding Officer will then show the voter how to fold the ballot paper lengthwise before giving it to the voter and remind him/ her not to drop the VLS in the ballot box.
- ii) Carry the ballot paper to Table Two, use the basin provided for secrecy to tick or place a thumbprint in the box next to the photograph/symbol of the Candidate/Party of choice/Referendum Side. Fold the ballot paper lengthwise, as shown by the Presiding Officer and move on to Table Three with the ballot paper.
- iii) At Table Three, insert the marked folded ballot paper through the slit on top of the transparent ballot box.
- iv) At Table Four, the Polling Assistant marks the cuticle of the voter's right

hand thumb with the indelible ink Marker as shown in the illustration VI. Then the voter exits the polling station.

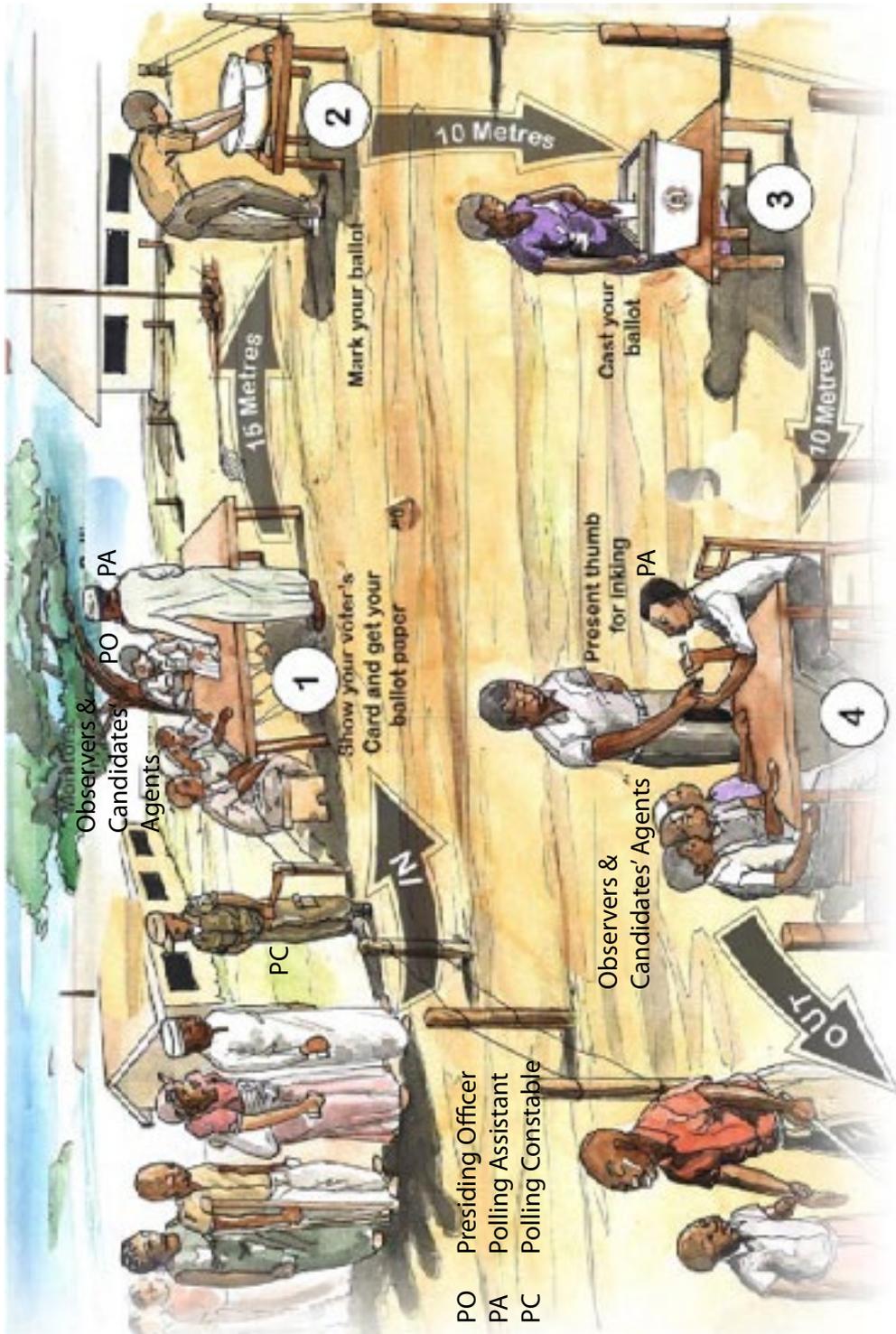


Illustration V: A single polling station layout depicting Casting a vote for one elective office

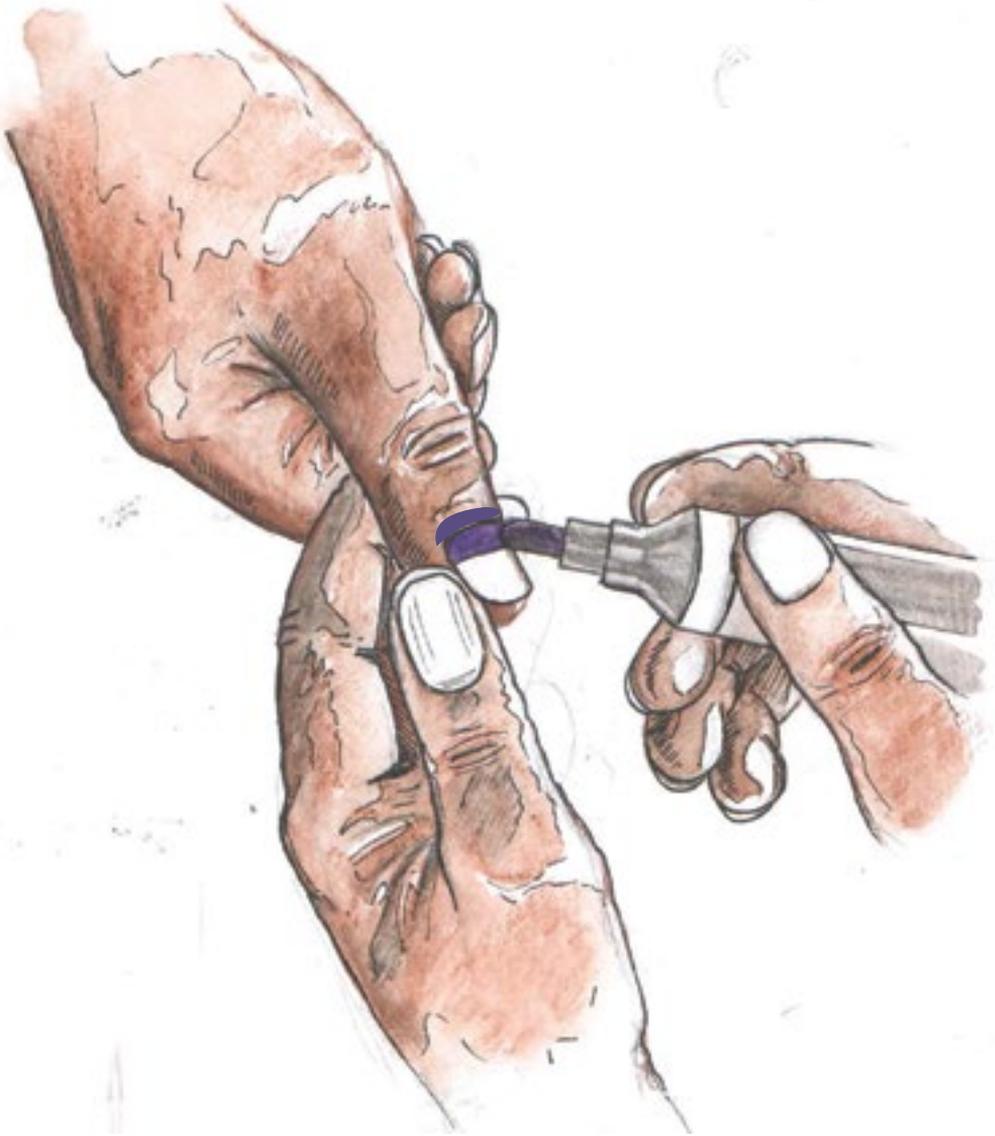


Illustration VI: Marking of the Cuticle of a thumb after casting a vote

Note:

- a) Voters are advised to keep their Voter Locator Slips (VLS) safely. The Voter Locator Slips help voters to locate their polling stations
- b) A voter who notices that the ballot paper issued to him/ her is pre-marked should report and return the same to the Presiding Officer and request for a fresh ballot paper. The Presiding Officer will then cross out the returned pre-marked ballot paper write on with two times spoilt, check the rest ballot paper booklets to ascertain they are not pre-marked and then issue the fresh ballot paper to the voter.

c) If a voter accidentally spoils a ballot paper she/he should not cast it into the transparent ballot box, he/she is allowed to return it to the Presiding Officer and be issued with a fresh one. The spoiled one is withdrawn and kept by the Presiding Officer.

d) **The Biometric Voter Verification Kit (BVVK)**

The BVVK is a device/machine used to scan QR codes on Voter Locator Slips (VLS), read finger prints of voters for the purpose of validating the identity and displays the image of the verified person.

The purpose of the BVVK is to;

- i) Verify the voters
- ii) Avoid multiple voting
- iii) Avoid impersonation during voting
- iv) Provide useful information to the voter such as; correct polling station address within the district (i.e direct voters to their right polling stations)

How the BVVK is used to verify

This is done using either of the following;

- i) Voter Location Slips (VLS)
- ii) National Identification Number (NIN) obtained from the National Identification Card (National ID)
- iii) For voters without the above but whose particulars appear in the Voters' register, the Voter Number/ Perno is used.

8.5 Stages in the Polling process

There are various stages in the polling process. They are opening of polls, voting, closure of polls, counting of votes, filling of forms, announcement of results and transmission of results to the Returning Officer.

8.5.1 Opening of polls

This is the first stage in the polling process before the actual casting of the vote starts. At the opening of polls, the Presiding Officer should do the following:

- i) Open the Ballot Box in the presence of candidates' agents and at least five registered voters,
- ii) Pour out the contents for verifying against the official report book
- iii) Confirm the total number of ballot papers issued indicating to all present that they have not been tampered with,
- iv) Fill the first part of the Official Report Book (ORB),
- v) Seal the transparent ballot box and take it to Table 3 for voting,
- vi) Assign duties and administer the Oath to the Constables and Polling Assistants,
- vii) Conduct some basic voter education i.e. authorised mark of choice,
- viii) Place an asterisk (*) against the names of the first five voters in the voters register who witnessed the opening of polls,

8.5.2 Voting

At this stage, the voters are allowed to make a choice of the candidate and cast their votes.

Before one is issued with a ballot paper, the presiding officer must ensure the following:

- i) The voter audibly pronounces his/her name for identification purposes,
- ii) Request the voter to present the finger for biometric verification
- iii) Confirm the particulars of the voter on the register,
- iv) Crosscheck the fingers to ensure that the voter has not already voted,
- v) Issue the voter with a ballot paper,
- vi) Constantly checking that the stamp pad does not dry up and
- vii) Ensuring that the voter's cuticle of the right hand thumb has been inked before leaving the polling station.

8.5.3 Closure of Polls

At 4 o'clock prompt, no one is allowed to join the queue. The constable stands behind the last person in the line. Voting continues until the last person in the line casts his/her vote.

After the last person has voted the Presiding Officer;

- i) Closes the election round using the BVVK machine
- ii) Gather voting materials at the table of the Presiding Officer.
- iii) Ensure that all materials are secure
- iv) Takes account of the unused ballot papers
- v) Opens the ballot box in the presence of Agents and all present to start the counting process.

8.5.4 Procedure for Counting of Votes

At this stage the Presiding Officer will:

- i. Arrange the station for vote counting,
- ii. Open the ballot box,
- iii. Empty the contents carefully on the polyethene sheet provided,
- iv. Arrange and unfold the ballot papers into straight piles,
- v. Sort the ballot papers per candidates in full view of the voters present by determining the valid and invalid,
- vi. Count the ballot papers for each candidate,
- vii. Count the spoilt, invalid and unused ballot papers,
- viii. Fill the Declaration of Results Form and other relevant forms. Filling of the DR Form should be in both figures and words.

The following shall apply in respect to the signing of the Declaration forms and announcement of results:

- (a) When all ballot papers have been counted the Presiding Officer shall fill and sign the Declaration of Results Form (Form DR), allow Agents to sign if they so wish and thereafter announce the results by reading from the DR Form the votes polled by each candidate.
- (b) Where any of the Agents refuses or fails to sign:
 - i) He/She shall record on the Declaration Form (Form DR) the reasons for the refusal or failure to sign and
 - ii) Where he/she refuses or fails to record reasons, the Presiding Officer shall record the fact of the refusal or failure.
- (c) Where any agent is absent, the Presiding Officer shall record the fact of such an Agent's absence on the DR Form.
- (d) The refusal or failure of an Agent to sign any Declaration Form or to record the

reasons for his/her refusal to sign as required on the Form shall not by itself invalidate the results.

- (e) The absence of an Agent from the signing of a Declaration of Results Form or the announcement of results shall not by itself invalidate the results.

8.5.5 Announcement of election results

After filling the forms in both figures and words, the Presiding Officer will announce the results of the poll to everyone present at the polling station.

- i) A copy of the DR form should be given to each of candidate through their agents,
- ii) A copy should be displayed at the polling station,
- iii) Another copy locked in the ballot box and
- iv) Two copies sealed in the transparent tamper evident envelopes for transmission to the Returning Officer.

8.5.6 Transmission of results

A copy of Declaration of Result Form(DR) duly filled and signed by the Presiding Officer shall be sealed in a transparent Tamper Evident Envelope provided by the Electoral Commission for onward transmission to the Returning Officer by the Presiding Officer for purposes of tallying the Results. (Sec 54(2) Presidential Elections Act 2005 as amended.

A copy of Declaration of Result Form (DR) duly filled and signed by the Presiding Officer attached to Official Report Book (ORB) and a copy of Accountability of Ballot Papers (ABP) shall be enclosed in a second Transparent Tamper Evident envelope provided by the Electoral Commission for onward transmission to the Returning Officer. (Sec 54(3) Presidential Elections Act 2005 as amended.

A copy of the Declaration of Result Form (DR) duly filled and signed by the Presiding Officer, a copy of Accountability of Ballot Papers (ABP) a copy of Official Report Book (ORB), Used and Unused Ballot Papers plus the voters' Register shall be enclosed in the opaque tamper Evident envelope provided by the Electoral Commission shall be sealed in the metallic black ballot box or storage box. (Sec 54(4&5) Presidential Elections Act 2005 as amended.

8.6 Tally Centre

A tally centre is a gazetted place where results from all polling stations are collected, inspected for authenticity and added up to establish who or which side has won the election or referendum respectively.

8.6.1 National Tally centre

This is a gazetted place, where results for a Presidential election from the whole country are tallied and a winning candidate declared by the Returning Officer who is the Chairperson of the Electoral Commission.

8.6.2 Returns received at National Tally Centre

The following returns shall be received at the National tally centre:

- i. District tally forms and Declaration of Results forms (polling station level) sent via the Electronic Results Transmission and Dissemination system (ERTDs)
- ii. Hard copies of Declaration of Result forms and District Tally Forms submitted by District Returning Officers.

8.6.3 District Tally Centre

A district tally centre is a gazetted place organised for receiving, compiling, announcing and declaration of polling results by the District Returning Officer.

8.6.4 Functions of a Tally Centre

There are three main functions of the tally centre as provided for under Sections 52, 53, 54, and 56 of the Presidential Elections Act and Sections 51, 52, 53 and 58 of the Electoral Commissions Act. The functions are:

- i. Receiving polling returns from Presiding officers
- ii. Tallying results as per declarations of results received from presiding officers
- iii. Declaration of winning candidate for a Presidential election at the National Tally centre
- iv. Announcement of Presidential election results and declaration of winning candidates for Parliamentary and Local Government Council elections at the District Tally centre.

8.6.5 Returns to be received by the Returning officer at Tally Centre

As provided for by sub section 52 (2) of the Presidential Elections Act, the Returning officer must receive election returns that shall include the following:

- i. A sealed black metallic (storage) box
- ii. Transparent tamper evident envelopes containing duly filled and signed declaration of results forms
- iii. Transparent tamper evident envelope containing the official Report Book and accountability of ballot papers forms filled in and signed by the Presiding Officer
- iv. All other re-usable items.

8.6.6 Handling of polling items at the Tally Centre

i. Sealed ballot box

- a. Take every precaution for its safe custody
- b. Examine the seal affixed to the ballot box and ensure that the ballot box is properly sealed and
- c. If the ballot box is not in good order, the Returning Officer should record his/her observations and affix a different seal supplied by the commission.

ii. The results envelopes

- a. Sections 54 (1) and 53(1) of the Presidential and parliamentary Elections Acts respectively provide that 'after all the envelopes containing the Declaration of results forms have been received, the Returning Officer shall in the presence of

the candidates or their agents....open the envelopes and add up the number of votes cast as recorded on each form.

- b. ‘The Returning Officer may open the envelopes and add up the number of votes cast even though some have not been received, if the candidates or candidates agents and a police officer not below the rank of Inspector of Police are present’ (Section54(2) and 53(2) of the presidential and Parliamentary Elections Acts)
- c. ‘Where any envelope...does not contain the results of the poll, the Returning Officer may for the purpose of finalizing a statement of the poll use the declaration of results form in the Presiding officers Report Book’ (Sections 54(3) and 53(3) of the Presidential and Parliamentary Elections acts)
- d. Sections54 (4) and53 (4) of the Presidential and Parliamentary Elections Acts respectively provide that ‘if the Official Report Book does not contain the Declaration of Results form duly filled by the presiding Officer, the Returning Officer may in the presence of a police officer, not below the rank of Inspector of Police and any other candidates agents who wish to be present, open the ballot box in order to obtain the Declaration of results form for the purpose of adding up the results of the poll’
- e. Where the Returning Officer opens the ballot box... he/she shall reseal the ballot box immediately after ascertaining the results with the declaration of results forms resealed in the envelopes in the ballot box(Sect54(5)of the PEA

iii. Announcement and Declaration of Results

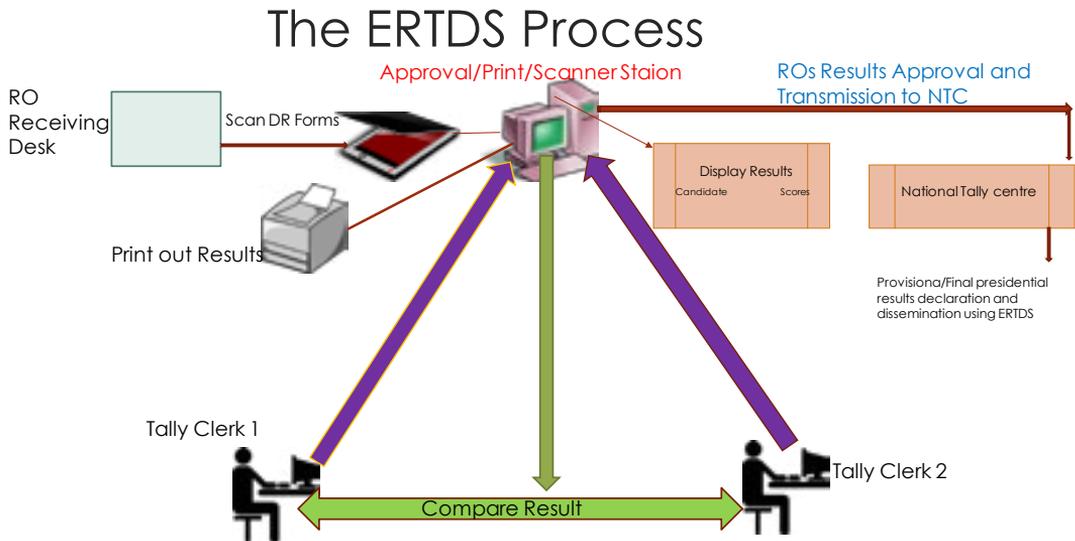
- a). Each Returning Officer shall, immediately after addition of votes, announce the number of votes obtained by each of the Presidential Candidates in his/her electoral district
- b) Each Returning Officer shall, immediately after addition of votes obtained by a Parliamentary Candidate or Local Government representative, announce the winning candidate.

iv. Transmission of Results

The Returning Officers shall submit to the Electoral Commission, upon completion of tallying and announcement of results the following returns:

- a) Return forms
- b). Tally sheets
- c) Declaration of results forms from which official additions of votes was made.

8.6.7 Electronic Results Transmission and Dissemination System (ERTDS)



The results are received by the RO and scanned into the district server computer. Thereafter 2 tally clerks capture the results manually into 2 different computers connected to the server. The server will compare and show errors in case one of the clerks enters something different and thereafter it has to be corrected.

The RO will approve results on the server indicating that what has been entered is matching with what was scanned.

After approval the results are printed, displayed to the agents and transmitted to the National Tally Centre.

8.6.2 Declaration of Results

The Presidential Elections Act 16 of 2005, section 57(1) provides that, “The Commission shall ascertain, publish and declare in writing under its seal the election results of the Presidential election within forty-eight (48) hours from the close of the polling”.

The candidate shall not be declared elected as a President unless the number of votes cast in favour of that candidate at the presidential elections is more than fifty percent(50%) of the valid votes cast at the election (Presidential Elections Act, section 57(4)).

CHAPTER 9

ELECTION OFFENCES AND ILLEGAL PRACTICES

9:0: Introduction

There are various offences that can be committed by both election officials and stakeholders, during elections. The offences highlighted below are quoted from the Presidential Elections Act 2005, as amended, Parliamentary Elections Act 2005, as amended, Electoral Commissions Act Cap 140 and the Local Government Act Cap 243.

9:1 Objectives

At the end of this chapter, readers should be able to;

- i. Identify election offences and their penalties;
- ii. List offences by stakeholders and their penalties;
- iii. Quote the relevant law applicable to a particular offence.

9.2 Offences related to duties of election officials

Election Officials should note the following:

- i) When an Election Officer, an Agent or Observer, at any polling station, assists any voter with a disability, he/she commits an offence.
- ii) Failure by the Presiding Officer to submit voting results is an offence and the offender is liable on conviction to a fine not exceeding 100,000/= (One hundred thousand shillings) or imprisonment not exceeding one year or both.
- iii) Preventing a person from voting is an offence and anyone who commits the offence of obstruction is liable to a fine of 200,000/= (Two hundred thousand shillings) or imprisonment for two years.
- iv) Any Election Officer who knowingly counts a ballot paper in favor of the candidate for whom it was not cast, commits an offence. On conviction a person is liable to a fine not exceeding 500,000/= (Five hundred thousand shillings) or imprisonment not exceeding five years or both.

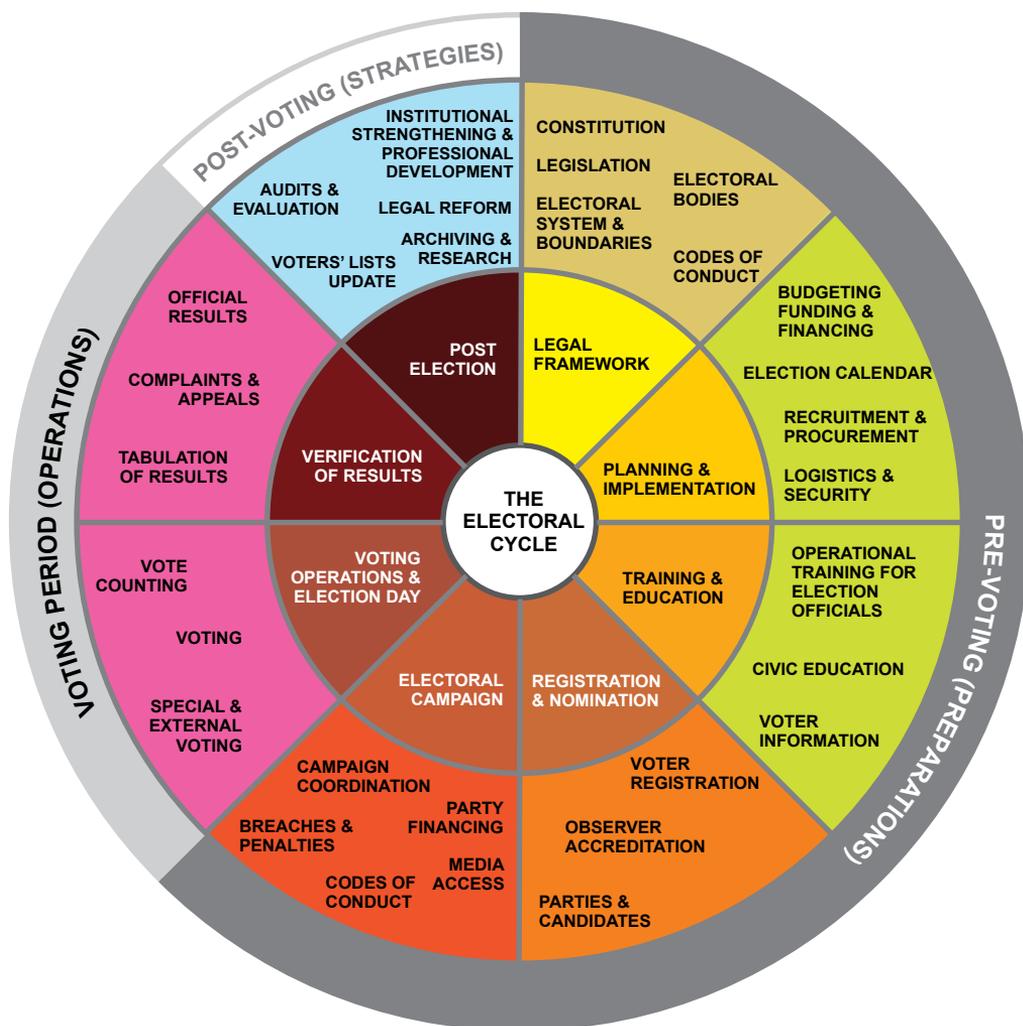
9.3 Offences by stakeholders

All stakeholders should note the following:

- i) Pretending to have a disability is an offence and any person who commits this offence is liable to a fine not exceeding 100,000/= (One hundred thousand shillings) or imprisonment not exceeding two years or both.
- ii) Assisting a voter without authority is an offence and the offender will on conviction be liable to a fine not exceeding 200,000/= (Two hundred thousand shillings) or two years imprisonment or both.
- iii) Voting more than once is an offence and on conviction a person is liable to a fine not exceeding 500,000/= (Five hundred thousand shillings) or to imprisonment not exceeding five years or both.

- ii) Refusing to have one's fingers to be inspected is an offence and the offender is liable on conviction to a fine not exceeding 200,000/ (Two hundred thousand shillings) or to a term of imprisonment not exceeding two years or both.
- iii) Voting on behalf of another person (living or dead) is an offence and on conviction one is liable to imprisonment of five years (without option of a fine).
- iv) Selling alcohol within four hundred metres of any polling station is an offence and any person who commits this offence is liable on conviction to a fine not exceeding 200,000/= (Two hundred thousand shillings) or imprisonment not exceeding twelve months or both.
- v) Any person who arms himself or herself during any part of polling day with any arms or ammunition without lawful authority commits an offence and shall on conviction be liable to a fine not exceeding 200,000/= (Two hundred thousand shillings) or imprisonment not exceeding two years or both.
- vi) Preventing a person from voting is an offence and anyone who commits the offence of obstruction is liable to a fine of 200,000/= (Two hundred thousand shillings) or imprisonment for two years.

Appendix I: The Electoral Cycle



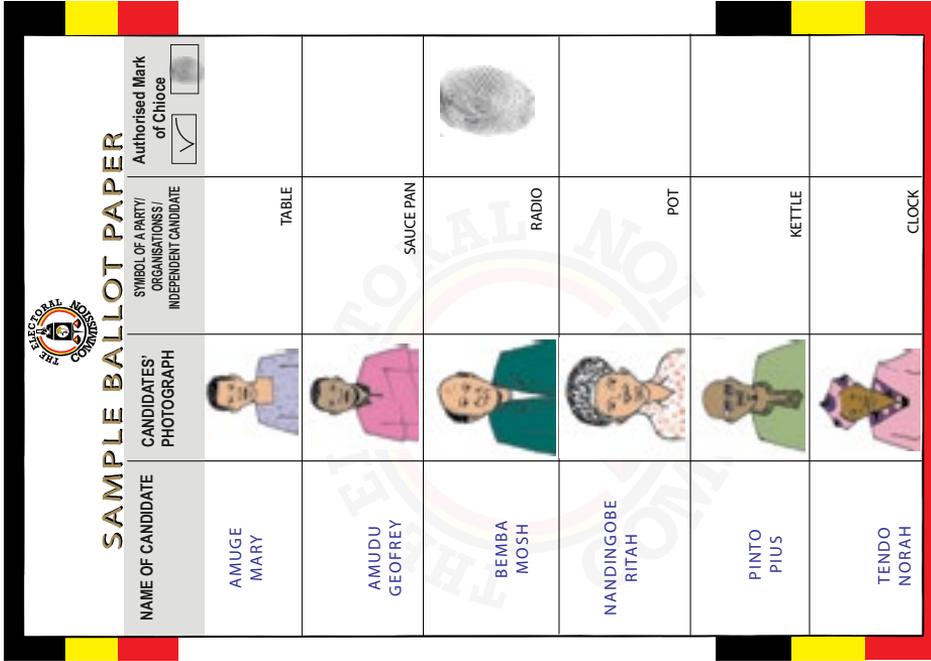
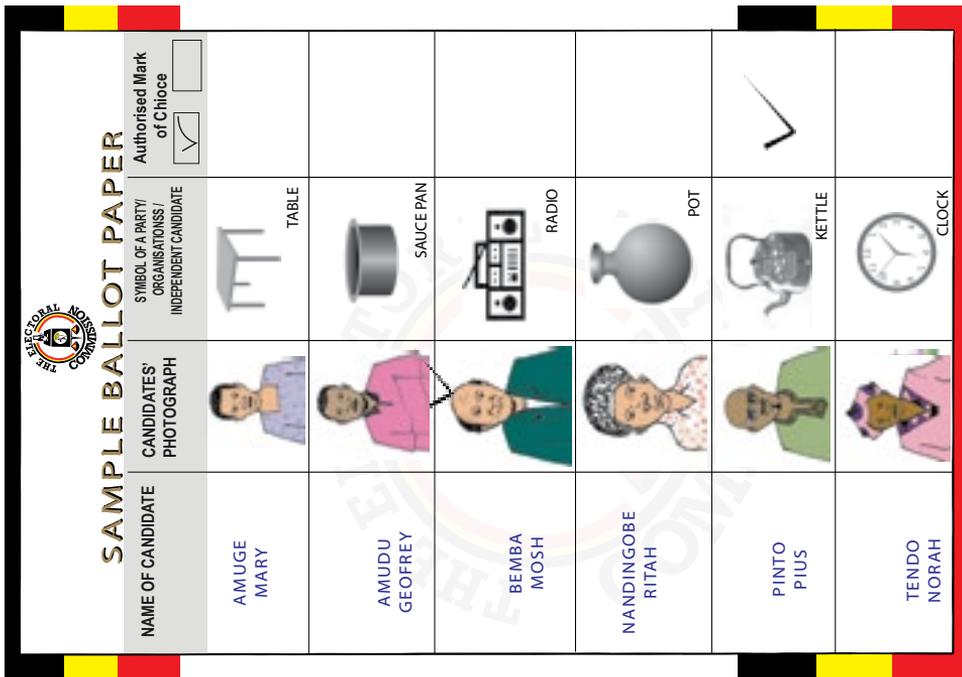
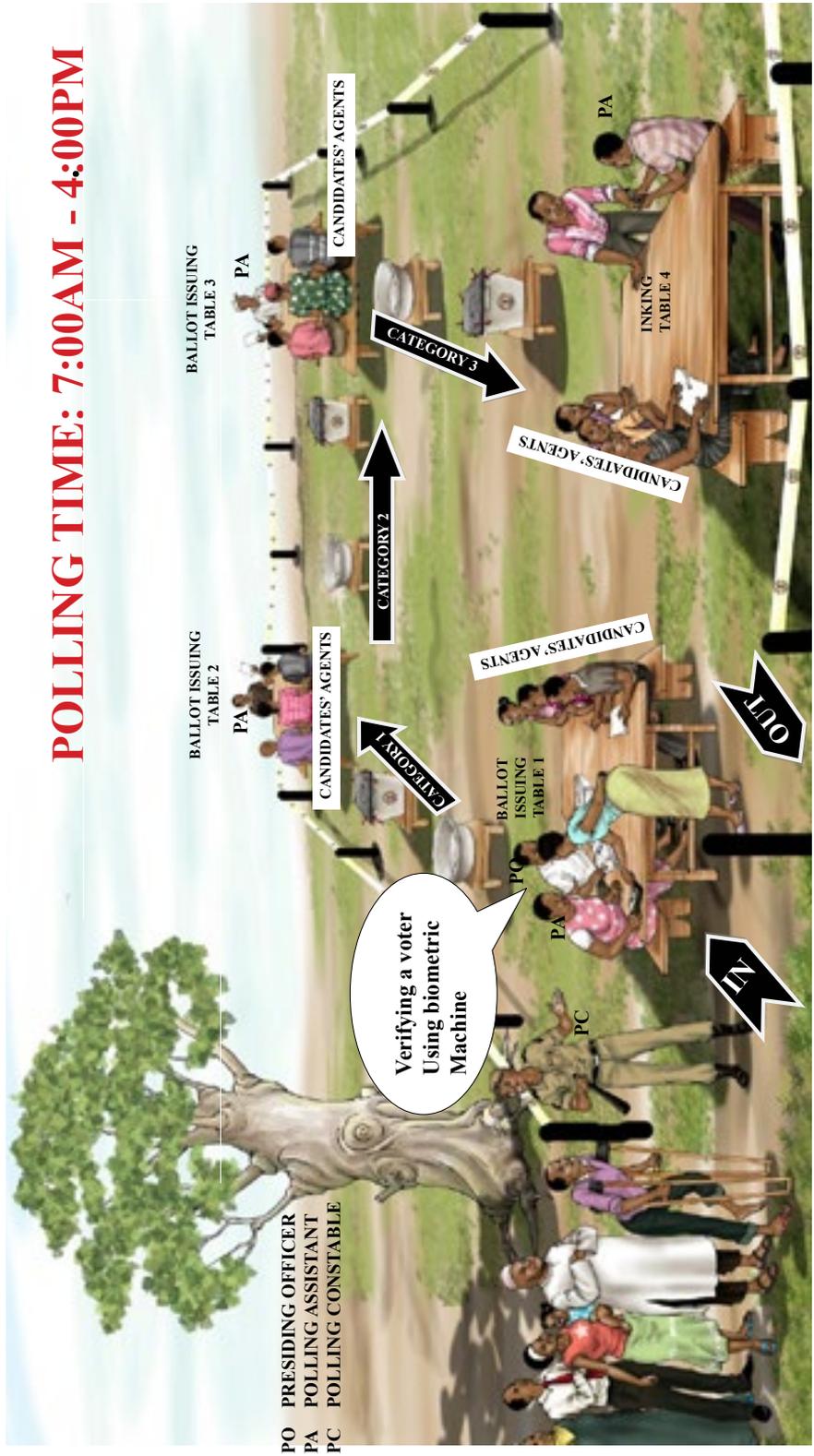


Illustration VII: The Authorised mark of choice is either a tick or thumbprint

Appendix II: A multiple polling station layout depicting casting a vote for more than one elective office



Appendix IV: Sample of Accountability of Ballot Papers Form



FORM ABP

PARLIAMENTARY BY-ELECTIONS, 2016
(Parliamentary Elections Act, 2005)

DISTRICT WOMAN MEMBER OF PARLIAMENT

ACCOUNTABILITY OF BALLOT PAPERS AT THE POLLING STATION

(To be filled in duplicate)

District: Code.....
 Constituency: Code.....
 Sub County/Town/Municipal Division: Code.....
 Parish/Ward: Code.....
 Polling Station: Code.....

Details of Ballot Papers	Total Number
Ballot Papers received from the Commission	
Serial numbers : From..... to	
Unused ballot papers the serial numbers of which are appended	
Spoilt ballot papers the serial numbers of which are appended	
Invalid ballot papers the serial numbers of which are appended	
Valid votes cast	
Voters who cast votes (Valid and invalid Ballot papers)	

SERIAL NUMBERS OF UNUSED, SPOILT, AND INVALID BALLOT PAPERS		
Serial Numbers of Unused Ballot Papers	Serial Numbers of Spoilt Ballot Papers	Serial Numbers of Invalid Ballot Papers

Page 1 of 2

AGENTS PRESENT

NAMES OF CANDIDATES	POLITICAL PARTY/ ORGANISATION	NO.	AGENTS' NAMES	SIGNATURE
		1.		
		2.		
		1.		
		2.		
		1.		
		2.		
		1.		
		2.		
		1.		
		2.		
		1.		
		2.		
		1.		
		2.		

Page 2 of 2

I, the undersigned, certify that the above information is true and correct.

Presiding Officer: Names Signature:

Place Date: Time:

page 2 of 2