

CHAPTER 140

THE ELECTORAL COMMISSION ACT.

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THE ELECTORAL COMMISSION ACT.

Commencement: 2 May, 1997.

An Act to make miscellaneous provisions relating to the functions of the Electoral Commission under the Constitution and to provide for other related matters.

PART I - GENERAL.

1. Interpretation.

In this Act, unless the context otherwise requires -

- (a) “commission” means the Electoral Commission established by article 60 of the Constitution;
- (b) “constituency” means one of the constituencies into which Uganda is divided under article 63 of the Constitution, for the purpose of elections;
- (c) “currency point” means the value specified in relation to a currency point in the First Schedule to this Act;
- (d) “election officer” includes a returning officer, assistant returning officer, registration officer, assistant registration officer and any other officer appointed by or under the authority of the commission with responsibility for registration of voters for, or for presiding over, voting in any election or for counting votes at any election;
- (e) “Minister” means the Minister responsible for public elections and referenda;
- (f) “polling day” means a day appointed under any enactment for the casting of votes for an election;
- (g) “returning officer” means a person appointed under any law relating to any elections to be in charge of an electoral district for the purposes of any such election or for the purpose of the registration of voters within the district;
- (h) “secretary” means the secretary to the commission appointed under section 5.

2. Commission to be a body corporate.

The commission shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name and may, subject to the provisions of the Constitution, do, enjoy or suffer anything that may be done, enjoyed or suffered by a body corporate.

3. Oath of commissioners.

- (1) Subject to subsection (2), every member of the commission shall, before assuming his or her duties as commissioner, take and subscribe the oath specified in the Second Schedule to this Act.

- (2) Where before the commencement of this Act any person has been appointed a member of the commission, that person shall, as soon as practicable, take and subscribe the oath referred to in subsection (1).

4. Commissioners to work on a full-time basis.

The members of the commission shall hold office on a full-time basis.

5. Secretary and other staff of the commission.

- (1) The commission shall have a secretary who shall be a public officer appointed by the commission acting in consultation with the Public Service Commission upon such terms and conditions as may be determined by the commission in consultation with the Public Service Commission and specified in the instrument of appointment.
- (2) The secretary shall be a person of high moral character and proven integrity, possessing the relevant qualifications and proven ability in the field of public administration and qualified to be appointed to the office of Permanent Secretary.
- (3) The secretary shall, subject to section 9, perform such functions as may be assigned to him or her by the commission.
- (4) The secretary may be removed by the commission only for-
 - (a) inability to perform the functions of his or her office arising out of physical or mental incapacity;
 - (b) misbehaviour or misconduct; or
 - (c) incompetence.
- (5) The commission shall also have such other officers and employees as may be necessary for the discharge of its functions.
- (6) The officers and employees referred to in subsection (5) shall be appointed by the commission acting in consultation with the Public Service Commission and shall hold office upon such terms and conditions as shall be determined by the commission in consultation with the Public Service Commission.
- (7) Public officers may be seconded to the service of the commission.

6. Terms of employment.

If an officer in the service of the commission was immediately before his or her appointment to the service of the commission an officer in the public service, his or her service as an officer of the public service shall be counted as service with the commission for purposes of -

- (a) leave;
- (b) pay in lieu of leave;

(c) calculating pension, gratuity and other retiring benefits.

7. Leave to serve under other Acts.

- (1) If an officer in the service of the commission is appointed under another Act other than this Act, the commission may, on application grant the officer leave of absence without pay for the period of his or her absence.
- (2) The period during which an officer is absent on leave under subsection (1) shall be counted as part of his or her period of service.
- (3) Where an officer is granted leave under this section his or her other office in the service of the commission becomes vacant on the commencement of the leave and he or she is an unattached officer for the period of leave.
- (4) At the end of the period of leave, an unattached officer subject to retirement age or dismissal for misconduct shall be entitled to be appointed to an office not lower in classification than his or her former office.
- (5) Where there is no vacancy to which an officer may be suitably appointed in accordance with subsection (4) the officer shall continue as an unattached officer until a suitable vacancy occurs.

8. Procedure of the commission.

- (1) Every decision of the commission shall, as far as possible, be by consensus.
- (2) Where on any matter consensus cannot be obtained, the matter shall be decided by voting; and the matter shall be taken to have been decided if supported by the votes of a majority of all the members of the commission.
- (3) In any vote under subsection (2), each member of the commission shall have one vote, and none shall have a casting vote.
- (4) The quorum of the commission at any meeting shall be five.
- (5) The commission may act notwithstanding the absence of any member or any vacancy in the office of a member.
- (6) The secretary shall cause to be recorded minutes of all proceedings of the commission.
- (7) The secretary shall have custody of the minutes of the commission.
- (8) Subject to this Act and the Constitution, the commission may regulate its own procedure.

9. Funds and expenses of the commission.

- (1) All funds of the commission shall be administered and controlled by the secretary who shall be the accounting officer in accordance with the Public Finance Act.
- (2) All monies required to defray all expenses that may be incurred in the discharge of the functions of the commission or in carrying out the purposes of this Act are charged on the Consolidated Fund.
- (3) The funds of the commission may, with the prior approval of the Minister responsible for finance, include grants and donations from sources within or outside Uganda to enable the commission to discharge its functions.

10. Seal of the commission.

The commission shall have a seal which shall be in such form as the commission may determine and shall, subject to the provisions of any law, be applied in such circumstances as the commission may determine.

11. Constituencies.

- (1) Subject to article 63 of the Constitution, Uganda shall be divided into such number of constituencies as Parliament may by resolution prescribe, and the constituencies as prescribed by Parliament shall be demarcated by the commission under that article.
- (2) The number of constituencies prescribed under subsection (1) shall be published in the Gazette.
- (3) Notwithstanding the repeal of section 13 of the Parliamentary Elections (Interim Provisions) Statute, until Parliament prescribes the constituencies under subsection (1) of this section, Uganda shall be divided into the number of constituencies prescribed by the Schedule to the Parliamentary Elections (Interim Provisions) Act.

PART II - PARTICULAR FUNCTIONS OF THE COMMISSION.

12. Additional powers of the commission and regulation of ballot papers.

- (1) The commission shall, subject to and for the purposes of carrying out its functions under Chapter Five of the Constitution and this Act, have the following powers -
 - (a) to appoint a polling day for any election subject to any law;
 - (b) to design, print, distribute and control the use of ballot papers;
 - (c) to provide, distribute and collect ballot boxes;
 - (d) to establish and operate polling stations;

- (e) to take measures for ensuring that the entire electoral process is conducted under conditions of freedom and fairness;
 - (f) to take steps to ensure that there are secure conditions necessary for the conduct of any election in accordance with this Act or any other law;
 - (g) to promote and regulate through appropriate means civic education of the citizens of Uganda on the purpose and voting procedures of any election, including, where practicable, the use of sign language;
 - (h) to ensure that the candidates campaign in an orderly and organised manner;
 - (i) to accredit any nonpartisan individual, group of individuals or an institution or association to carry out voter education subject to guidelines determined by the commission and published in the Gazette;
 - (j) to ensure compliance by all election officers and candidates with the provisions of this Act or any other law;
 - (k) to take necessary steps to ensure that people with disabilities are enabled to vote without any hindrance;
 - (l) to pay such allowances as the Minister responsible for finance may approve to election officers and other persons assisting the commission in carrying out the purposes of this Act or any other law;
 - (m) subject to paragraph (n), and in consultation with the Minister, to engage on such terms as the commission may determine, the services of any person whose special expertise may be required for the proper discharge of the functions of the commission;
 - (n) to pay to any person engaged under paragraph (m) remuneration at such rates as may be determined by the commission in consultation with the Minister responsible for finance;
 - (o) to produce and submit to Parliament through the Minister a report on any election conducted by it within six months after the declaration of the results of the election; and
 - (p) to discharge such other functions as are conferred upon the commission by this Act or any other law made under this Act or as are necessary for the proper carrying out of the purposes of this Act.
- (2) The commission may, by writing, require from any person responsible for registering births or deaths any information in possession of that person reasonably needed by the commission for carrying out its functions; and it shall be the duty of that person to supply that information.
- (3) Every ballot paper printed by the commission shall be authenticated by a security mark to be determined by the commission.

- (4) The ballot papers shall be bound or stitched in books containing such number of ballot papers as may be suitable for supplying the polling stations, taking account of the number of voters registered for the parishes or wards served by the polling stations.
- (5) Any person who without reasonable excuse fails to provide to the commission any information required under subsection (2) or who provides any such information which he or she knows to be false or has no reason to believe to be true commits an offence and is liable on conviction to a fine not exceeding thirty currency units or to twelve months imprisonment or to both.

13. Independence of the commission.

Subject to the Constitution, the commission shall be independent and shall, in the performance of its functions, not be subject to the direction or control of any person or authority.

14. Assignment of duties by the commission, etc.

- (1) The commission may assign to any election officer, public officer, member of the staff of the commission or any organisation or institution or group such duties for promoting the discharge of the functions of the commission as the commission may think fit and subject to such conditions and restrictions as the commission may direct.
- (2) The commission may revoke or transfer to any person, organisation, institution or group or assume the performance of any duties assigned by it under subsection (1).
- (3) The commission may also, where necessary, assume the performance of any function of an election officer under any law.

15. Power of the commission to resolve complaints; appeals.

- (1) Any complaint submitted in writing alleging any irregularity with any aspect of the electoral process at any stage, if not satisfactorily resolved at a lower level of authority, shall be examined and decided by the commission; and where the irregularity is confirmed, the commission shall take necessary action to correct the irregularity and any effects it may have caused.
- (2) An appeal shall lie to the High Court against a decision of the commission confirming or rejecting the existence of an irregularity.
- (3) The appeal shall be made by way of a petition, supported by affidavits of evidence, which shall clearly specify the declaration that the High Court is being requested to make.

- (4) On hearing a petition under subsection (2), the High Court may make such order as it thinks fit, and its decision shall be final.
- (5) The High Court shall proceed to hear and determine an appeal under this section as expeditiously as possible and may, for that purpose, suspend any other matter pending before it.
- (6) The Chief Justice shall, in consultation with the Attorney General, make rules of court for regulating the procedure in respect of any appeals under this section and may, for that purpose, adopt any procedure prescribed by any enactment, subject to such modifications as the Chief Justice may specify.

16. Power to accredit observers.

- (1) The commission may at any election accredit any individual, group or institution to act as an election observer.
- (2) The commission shall issue guidelines to observers or other persons, groups or institutions involved in the electoral process.
- (3) Without prejudice to the general effect of subsection (2), guidelines issued under that subsection may specify the objectives of the steps to be taken under the accreditation granted under subsection (1).
- (4) No person, group or institution shall observe any election unless the person, group or institution has obtained prior accreditation from the commission.
- (5) Any individual, group or institution accredited as an election observer under this section shall make a written report to the commission on his or her or its observation not later than six months after the declaration of the results of the election or such earlier date as the commission may specify in writing.
- (6) Any person who contravenes subsection (4) or (5) commits an offence and is liable on conviction to a fine not exceeding fifteen currency points or to imprisonment not exceeding six months or to both.

17. Right of the commission to bring actions.

For the purpose of performing its functions, the commission may bring an action before any court in Uganda and may seek from the court any remedy which may be available under the law.

PART III - NATIONAL REGISTER OF VOTERS AND VOTERS ROLLS.

18. National voters register and voters rolls.

- (1) The commission shall compile, maintain and update, on a continuing basis, a national voters register, in this Act referred to as the voters register, which shall

include the names of all persons entitled to vote in any national or local government election.

- (2) The commission shall maintain as part of the voters register a voters roll for each constituency under this Act.
- (3) The commission shall maintain as part of the voters roll for each constituency a voters roll for each polling station within the constituency as prescribed by law.

19. Registration of voters.

- (1) Any person who -
 - (a) is a citizen of Uganda; and
 - (b) is eighteen years of age or above,
shall apply to be registered as a voter in a parish or ward where the person-
 - (i) originates from; or
 - (ii) resides.
- (2) No person shall be qualified to vote at an election if that person is not registered as a voter in accordance with article 59 of the Constitution.
- (3) Subject to this Act, a voter has a right to vote in the parish or ward where he or she is registered.
- (4) Subject to subsection (1), if a registered voter wishes to vote in a parish or ward other than the one in which he or she is registered, the voter shall apply to transfer his or her registration to the parish or ward where the voter wishes to vote, except that the parish or ward shall be one where the voter -
 - (a) originates from; or
 - (b) resides.
- (5) A transfer under subsection (4) may only be effected during any period when the voters register is being revised or updated.
- (6) Where a transfer is effected under subsection (4) -
 - (a) the voter shall surrender the voters card issued to him or her at the polling station at which he or she was previously registered and shall have his or her name struck off the voters roll for that station; and
 - (b) where the transfer is effected to a polling station within a different constituency from the one in which the voter was previously registered, he or she shall have his name struck off the voters roll for the constituency in which he or she was previously registered.

- (7) When updating the voters register, the commission shall update it to a date appointed by statutory instrument in accordance with subsection (8) as the date on which the updating shall end.
- (8) Where elections are to be held by the commission, the statutory instrument referred to in subsection (7) appointing the date on which updating shall end shall be made -
 - (a) in the case of all general elections, by the commission;
 - (b) in the case of a by-election for election to Parliament, constituency members of Parliament, district women representatives or representatives of special interest groups, by the Minister; and
 - (c) in the case of a by-election to local government councils or committees, by the commission.

20. Electoral districts.

- (1) For the purposes of this Act, there shall be as many electoral districts as there are administrative districts.
- (2) Where a district is established after proceedings for an election in the area of the district have commenced, the new district shall only become an electoral district for subsequent elections.

21. Registrars.

- (1) For the purpose of maintaining and updating the voters register on a continuing basis for each district, the commission shall appoint a registrar who shall be a public officer.
- (2) The registrar shall exercise such functions as may be specified by the commission or the returning officer in relation to the registration of voters; and in the exercise of his or her functions, the registrar shall not be subject to the direction or control of any other person or authority other than the returning officer and the commission.

22. Assistant registrars and update officers.

- (1) For each constituency there shall be -
 - (a) an assistant registrar; and
 - (b) an appropriate number of register update officers.
- (2) The persons referred to in subsection (1) may be appointed by the commission whenever a general update of the voters register is about to take place and only for such period and on such terms as the commission may determine.
- (3) An assistant registrar shall exercise such functions as are specified by the commission.

23. Duties of registrars and update officers.

- (1) Each district registrar shall have charge and custody of the voters register for his or her district under the supervision of the commission.
- (2) The voters register shall be kept in such form as may be prescribed by the commission by statutory instrument.
- (3) For the purpose of updating the voters register, a district registrar shall use application forms provided by the commission.
- (4) In the performance of his or her duties under this Act, a district registrar and an update officer may -
 - (a) demand from any applicant any information necessary to enable him or her to ascertain whether the applicant is qualified to be registered as a voter;
 - (b) require any voter or applicant to complete an application within a period specified by him or her.

24. Inspection of constituency voters rolls, printing of the rolls and use of the printed rolls.

- (1) The voters roll for every constituency shall be open to inspection by the public, free of charge, at the office of the returning officer during office hours and shall also be made available at the subcounty headquarters and at each polling station within the constituency.
- (2) A person inspecting the voters roll for a constituency may, without payment of any inspection fee, make copies of the roll or make extracts from it in each case at his or her expense during office hours but without removing the roll from the office of the returning officer.
- (3) The commission shall cause the voters roll for each constituency to be printed, and any person may obtain from the commission, on payment of such charges and subject to such conditions as may be prescribed, copies of any voters roll for the constituency or for a parish or ward within it.
- (4) Where the voters roll for any constituency has been printed under subsection (3) immediately before a general election or a by-election or an election to the office of the President or a local government election, and it contains the names of the voters who will be entitled to vote at that election, the commission shall publish a notice in the Gazette declaring that the printed voters roll shall be used for the purpose of the identification of voters at that election.

25. Display of copies of the voters rolls; objections to the rolls. [Amended. Act 4 of 2002] [Amended. Act 23 of 2002]

- (1) Before any election is held, the commission shall, by notice in the Gazette, appoint a period of not less than twenty-one days during which a copy of the voters roll

for each parish or ward shall be displayed for public scrutiny and during which any objections or complaints in relation to the names included in the voters roll or in relation to any necessary corrections shall be raised or filed.

- (1a) In the case of the elections to be held for local government councils in January and February, 2002, for the period not less than twenty one days, referred to in subsection (1) for the display of a copy of the voters' roll, there shall be substituted, not less than ten days.
- (2) The display of a copy of the voters roll referred to in subsection (1) shall be carried out in a public place within each parish or ward.
- (3) During the period of the display of the voters roll under this section, any person may raise an objection against the inclusion in the voters roll 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 or to be registered has been omitted.
- (4) An objection under subsection (3) shall be addressed to the returning officer through the chairperson of the parish council of the person raising the objection.
- (5) The returning officer shall appoint a tribunal comprising five members to determine objections received by him or her under subsection (4).
- (6) The tribunal shall comprise -
 - (a) at least three members of the village executive committee, at least one of whom shall be a woman; and
 - (b) at least one each of the following -
 - (i) elders;
 - (ii) chiefs.
- (7) The following shall apply to decisions of a tribunal appointed under this section-
 - (a) all decisions shall as far as possible be by consensus;
 - (b) in the absence of a consensus on any matter, decision on it shall be taken by vote, each member having one vote, and none having a casting vote;
 - (c) in case of voting, any matter shall be taken to have been decided if supported by the votes of a majority of members of the tribunal present and voting.
- (8) Any decision of a tribunal appointed under subsection (5) shall be subject to review by the commission.

26. Power to print and issue voters cards.

- (1) The commission may design, print and control the issue of voters cards to voters whose names appear in the voters register.
- (2) No voter shall hold more than one valid voters card.
- (3) Any person who contravenes subsection (2) commits an offence and is liable on conviction to a fine not exceeding sixty currency points or to imprisonment not exceeding two years or to both.
- (4) The commission may, whenever it considers it necessary, recall all or any voters cards for the time being held by voters and in exchange issue new voters cards.

27. Power to issue duplicate voters cards.

- (1) Whenever a voter's card is lost, destroyed, defaced, torn or otherwise damaged, the voter shall, at least seven days before polling day, notify in writing the returning officer or any other officer duly authorised for that purpose by the returning officer, stating the circumstances of that loss, destruction, defacement or damage.
- (2) If the returning officer or that other officer is satisfied as to the circumstances of the loss, destruction, defacement or damage of the voter's card, he or she shall issue to the voter a duplicate copy of the voter's original voters card with the word "DUPLICATE" clearly marked or printed on it.
- (3) No person shall issue a duplicate voters card to any voter on polling day or within seven days before polling day.
- (4) Any person who contravenes subsection (3) commits an offence and is liable on conviction to a fine not exceeding thirty currency points or to imprisonment not exceeding one year or to both.

28. Offence of buying or selling voters card.

- (1) The property in any voters card issued to any voter shall vest in the commission.
- (2) The commission may withdraw a voters card from any person who ceases to be a voter.
- (3) Any person who -
 - (a) is unlawfully in possession of any card whether issued in the name of any voter or not;
 - (b) sells or attempts to sell or offers to sell any voters card whether issued to any voter or not; or
 - (c) buys or offers to buy any voters card whether on his or her own behalf or on behalf of any other person, commits an offence and is liable on conviction to

a fine not exceeding ninety currency points or to imprisonment not exceeding three years or to both.

29. Offences relating to registration of voters.

- (1) Any person who -
 - (a) makes a false statement or fact in any application for registration as a voter knowing it to be false;
 - (b) after demand or requisition made of him or her under section 23(4)(a) or (b), without just cause, fails to give any such information as he or she possesses or does not give the information within the time specified by the district registrar for doing so;
 - (c) fails to comply with any requirement made under section 23;
 - (d) in the name of any other person, whether living, dead or fictitious, signs an application form for registration as a voter to have that other person registered as a voter;
 - (e) transmits or is concerned in transmitting to any person as genuine a declaration relating to registration which is false in any material particular, knowing it to be false;
 - (f) by himself or herself or any other person procures the registration of himself or herself or any other person on a voters roll for a constituency, knowing that he or she or that other person is not entitled to be registered on that voters roll or is already registered on it or on another voters roll; or
 - (g) by himself or herself or any other person procures the registration of a fictitious person, commits an offence and is liable on conviction to a fine not exceeding thirty currency points or to imprisonment not exceeding one year or to both.
- (2) Any person who -
 - (a) by duress, including threats to invoke any supernatural means whatsoever or reference to such supernatural means or by any fraudulent device or contrivance, causes or induces any person or persons generally to refrain from registering as a voter or voters;
 - (b) in any way hinders a person from registering as a voter, commits an offence and is liable on conviction to a fine not exceeding ninety currency points or to imprisonment not exceeding three years or to both.

PART IV - RETURNING OFFICERS AND OTHER ELECTION OFFICERS.

30. Appointment of returning officers, etc.

- (1) The commission shall, by notice in the Gazette, appoint a returning officer for each electoral district; and the person appointed shall be a person of high moral character and proven integrity.

- (2) The office of a returning officer shall not become vacant unless the holder dies or, with the prior permission of the commission, he or she resigns, or unless he or she is removed from office under subsection (3).
- (3) The commission may, by notice in the Gazette, remove from office any returning officer where the returning officer -
 - (a) is appointed by virtue of a public office and the person appointed returning officer ceases to hold public office;
 - (b) ceases to be ordinarily resident in the district for which he or she is appointed returning officer;
 - (c) is incapable, by reason of illness or physical or mental infirmity, of satisfactorily performing his or her duties as returning officer;
 - (d) is incompetent;
 - (e) has been proved to be partial in the performance of his or her duties; or
 - (f) has since his or her appointment, behaved in a corrupt manner in relation to his or her duties as returning officer.
- (4) Where the office of returning officer becomes vacant, the appointment of a returning officer for that electoral district under subsection (1) shall be made within fourteen days from the date on which the commission is informed of the vacancy.
- (5) Any returning officer who -
 - (a) is proved to be partial in the performance of his or her duties; or
 - (b) dishonestly demands or accepts any money, gift or other consideration in order to influence him or her in carrying out his or her duties or as a reward for having done or refrained from doing anything in carrying out his or her duties, commits an offence and is liable on conviction to a fine not exceeding ninety currency points or to imprisonment not exceeding three years or to both.
- (6) For the purposes of subsection (3)(f), a person shall be taken to have behaved in a corrupt manner in relation to his or her duties if he or she commits any act of dishonesty in connection with his or her duties whether or not it constitutes a criminal offence.

31. Appointment and duties of, assistant returning officers.

- (1) Every returning officer shall, upon his or her appointment, appoint in writing with the approval of the commission, an assistant returning officer, who shall be a competent person who is qualified as a voter, and resident in the electoral district; and notice of the appointment shall be published in the Gazette.

- (2) A returning officer may, in writing, delegate any of his or her duties to the assistant returning officer.

32. Replacement of an assistant returning officer.

- (1) An assistant returning officer may be removed from office by the returning officer by whom he or she is appointed with the approval of the commission.
- (2) Where the returning officer dies or his or her term of office expires, the assistant returning officer shall continue in office until the successor of the returning officer has appointed a new assistant returning officer.
- (3) Where an assistant returning officer dies, becomes disqualified or incapable of acting or refuses to act or is removed from office for any other reason, the returning officer for his or her electoral district shall immediately appoint a substitute under section 31.

33. Polling stations and polling centres.

- (1) Each returning officer may, with the approval of the commission, establish within each parish or ward within his or her electoral district as many polling stations as are convenient for the casting of votes, taking into account the distances to be travelled by voters to polling stations, the number of voters in the constituency and the geographical features of the constituency.
- (2) Where the circumstances require, the returning officer may, under subsection (1), establish a polling centre at which are located more than one polling station; except that in that case, the returning officer shall ensure that steps are taken to inform voters as early as possible of the particular polling station at which they are required to vote, that the polling stations are separated by a sufficient distance and also that the circumstances are such as to guarantee orderly voting without confusion.

34. Appointment of presiding officers.

- (1) Each returning officer-
 - (a) shall appoint one presiding officer and not more than three polling assistants for each polling station;
 - (b) may, for good cause, at any time before polling day replace any presiding officer or polling assistant; and
 - (c) may, for each constituency, appoint not more than four counting officers to assist him or her in taking the votes cast by voters on polling day.
- (2) Where a presiding officer dies after his or her appointment or is unable to act as presiding officer on polling day, the returning officer may appoint another person in his or her place as presiding officer; and if no such appointment is made, one of the polling assistants, who is oldest in age, shall act as presiding officer.

PART V - BOUNDARY DEMARCATION APPEAL TRIBUNALS.

35. Publication of commissioner's decision on demarcation.

The commissioner shall publish its decisions on demarcation of the boundaries on constituencies in the Gazette and media.

36. Right of appeal.

A person aggrieved by a decision of the commission in respect of a demarcation of a boundary of a constituency under article 63 of the Constitution, may appeal to the tribunal established under this Act within thirty days after the decision is published in the Gazette and media.

37. Appeal tribunal.

- (1) For the purposes of article 64(2) of the Constitution, there shall be a Constituency Boundary Demarcation Appeal Tribunal, in this Part referred to as a tribunal.
- (2) A tribunal shall consist of three persons appointed by the Chief Justice.
- (3) Where it appears to the Chief Justice that the circumstances justify it, the Chief Justice may, in consultation with the commission, constitute a tribunal or more than one tribunal to cater for disputes arising in different areas of Uganda.
- (4) A tribunal shall be in existence for such period as the Chief Justice may specify.

38. Qualifications for appointment to tribunal.

- (1) The chairperson of a tribunal shall be a person qualified to be appointed as a High Court judge.
- (2) The other members of the tribunal shall be persons possessing such qualifications and experience as appear to the Chief Justice relevant to the work of a tribunal and shall be persons of high moral character and proven integrity.

39. Conditions of service of members of tribunal.

- (1) The members of a tribunal shall be paid such remuneration as Parliament may by resolution prescribe.
- (2) The remuneration of members of a tribunal may be related to the number of days on which the tribunal sits.
- (3) The Chief Justice may remove a member of a tribunal for -
 - (a) inability to perform the functions of his or her office arising out of physical or mental incapacity;
 - (b) misbehaviour or misconduct; or
 - (c) incompetence.

40. Functions of tribunal.

Upon hearing an appeal from a decision of the commission under article 64(2) of the Constitution, a tribunal may confirm, reverse or vary the decision of the commission or remit the decision to the commission for reconsideration.

41. Procedures and powers of tribunal.

- (1) The Chief Justice may, in consultation with the Attorney General, make regulations of the procedure of a tribunal and may, for that purpose apply any rules of procedure applicable in the High Court with such modifications as the Chief Justice may specify.
- (2) A tribunal shall, for the purposes of carrying out its functions have the powers of the High Court for -
 - (a) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise; and
 - (b) compelling the production of documents.
- (3) Any person who -
 - (a) when summoned to give evidence before a tribunal -
 - (i) refuses or fails to do so without lawful excuse; or
 - (ii) makes any statement knowing it to be false; or
 - (b) does anything in connection with a tribunal which if done in connection with the proceedings of a court would amount to contempt of court, commits an offence and is liable on conviction to a fine not exceeding thirty currency points or to imprisonment not exceeding one year or to both.
- (4) A tribunal shall hear and determine any appeal before it under this Part as expeditiously as possible.

42. Registrar and other staff.

- (1) The Chief Justice may, in consultation with the Judicial Service Commission and the Public Service Commission, designate any public officer as registrar of a tribunal.
- (2) The Judicial Service Commission may, in consultation with the Public Service Commission, provide to a tribunal the services of such other public officers as may be necessary for the efficient performance of its functions.

43. Witness allowance.

Any person summoned by and appearing before a tribunal as a witness is entitled to be paid by way of reimbursement of his or her expenses such allowances as are payable to a witness appearing before the High Court in criminal proceedings.

44. Immunity of witnesses.

A witness before a tribunal shall have the same immunity and privileges as if he or she were a witness before the High Court.

45. Appeal to the High Court.

- (1) Any person aggrieved by a decision of a tribunal referred in article 64(2) of the Constitution may appeal to the High Court within thirty days after the decision.
- (2) Where any appeal is before the High Court under subsection (1) the High Court shall proceed to hear and determine the appeal expeditiously and may, for that purpose, suspend any other matter pending before it.
- (3) The rules of procedure applicable in the High Court in relation to appeals before it shall apply to appeals under this section with such modifications as may be necessary to give effect to this Part of this Act and such other modifications as the Chief Justice may, in consultation with the Attorney General by statutory instrument make.

46. High Court decision final.

The decision of the High Court on an appeal from the tribunal under this Part shall be final.

PART VI- MISCELLANEOUS.

47. Application of the Act to referenda.

The provisions of this Act shall, with necessary modifications, apply to referenda.

48. Offence of hindering a person from registering or voting.

- (1) No person shall hinder any person from voting.
- (2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding thirty currency points or to imprisonment not exceeding one year or to both.

49. Exemption from liability.

A member of the commission or an employee of the commission or any other person performing any function of the commission under the direction of the commission shall not be personally liable to any civil proceedings for any act done in good faith in the performance of those functions.

50. Special powers of the commission.

- (1) Where, during the course of an election, it appears to the commission that by reason of any mistake, miscalculation, emergency or unusual or unforeseen circumstances any of the provisions of this Act or any law relating to the election, other than the Constitution, does not accord with the exigencies of the situation,

the commission may, by particular or general instructions, extend the time for doing any act, increase the number of election officers or polling stations or otherwise adapt any of those provisions as may be required to achieve the purposes of this Act or that law to such extent as the commission considers necessary to meet the exigencies of the situation.

- (2) For the avoidance of doubt, this section applies to the whole electoral process, including all steps taken for the purposes of the election and includes nomination.

51. Regulations.

- (1) The Minister may, in consultation with the commission, by statutory instrument, make regulations for the effective performance of the commission's functions under this Act and, in particular, for the registration of voters and the conduct of public elections.
- (2) Any regulations made under this section shall, within fourteen days after being published in the Gazette, be laid before Parliament and may be annulled by Parliament by resolution within twenty-one days after being so laid.
- (3) The Minister may, in any regulation made under this section, adopt the provisions of any enactment subject to such modifications as the Minister may, in consultation with the commission, consider reasonable.
- (4) Any period specified in subsection (2) shall not run during any time when Parliament is not sitting.
- (5) Any regulation annulled under this section shall cease to have effect on the day of annulment but without prejudice to its previous operation or to the power to make further regulations under this section.

52. Amendment of the Schedule.

The Minister may, by statutory instrument, with the approval of the Cabinet, amend the First Schedule to this Act.

SCHEDULES

First Schedule

s. 1.

Currency point.

A currency point shall be equivalent to twenty thousand shillings.

Second Schedule.

s.3.

Oath of a member of the Electoral Commission.

I, _____, being appointed chairperson/member of the Electoral Commission, swear in the name of the Almighty God/solemnly affirm that I will well and truly exercise the functions of chairperson/member of the Electoral Commission in accordance with the Constitution and. the laws of the Republic of Uganda without fear or favour, affection or ill will. (So help me God.)

History: Act 3/1997; Act 4/1999, s. 8; Act 4/2000.

Cross References

Constitution of 1995.

Parliamentary Elections (Interim Provisions) Act, Cap. 141.

Parliamentary Elections (Interim Provisions) Statute, Statute 4/1996.

Public Finance Act, Cap. 193.