



**POLLING GUIDELINES FOR FORMATION OF ELECTORAL
STRUCTURES/COMMITTEES OF PERSONS WITH DISABILITIES (PWDs)
FROM VILLAGE TO DISTRICT, 2017**

(Under the National Council for Disability Act, 2003, as amended)

Our Ref: **EC/15**

Date: **8th June, 2017**

1.0 Introduction

These guidelines shall apply to elections of Persons With Disabilities (PWDs) Electoral Structures/Committees at:

- (i) Village/Zone/Cell;
- (ii) Parish/Ward ;
- (iii) Subcounty/Town/Municipal Division;
- (iv) Municipality/ City Division; and
- (v) District/City.

2.0 Laws applicable to the Elections of PWDs Electoral Structures/Committees:

- (a) The 1995 Constitution of the Republic of Uganda, as amended;
- (b) The Electoral Commission Act, CAP 140;
- (c) The Political Parties and Organizations Act, 2005, as amended;
- (d) The Parliamentary Elections Act, 2005, as amended;
- (e) The local Government Act, CAP 243; and
- (f) The National Council for Disability Act (NCDA), 2003, as amended and attendant regulations.

2.1 Person With Disability

Is a person with substantial functional limitations of daily life activities caused by physical, sensory or mental impairment and environmental barriers. (Section 2 of NCDA)

2.1.1 Disability Codes (S. 31 A, SCHEDULE B of NCDA)

The following codes shall be applied to determine whether the person, willing to participate in elections of PWD Electoral Structures/Committees, is a PWD.

DISABILITY CODINGS

DISABILITY CATEGORIES			
SENSORY	PHYSICAL DISABILITIES AMPUTATIONS	DEFORMITIES	OTHER DISABILITIES
1. Deaf with speech	7. One arm	11. Lower limb	18. Albinism
2. Deaf without speech	8. Both arms	12. Upper limbs, shoulders, forearm and hand	
3. Deaf-blind	9. One leg	13. Club feet	
4. Hard of hearing	10. Both legs	14. Spina Bifida	
5. Total blindness		15. Spinal cord injuries	
6. Low vision/Nose readers		16. Rheumatism	
		17. Little persons	

- 2.2 The PWD Electoral Structures/Committees elections and these guidelines shall apply to every person with disabilities aged at least 18 years, resident and willing to be a member of a Village PWD Electoral

Structure/Committee in the village of residence as at the cut-off (last day) of Update of the Voters' Register/Registration.

- 2.3 The members of the PWD Committee shall be elected by the members of the PWD Electoral Structures/Committees from among their number.
- 2.4 A person shall not be a member of more than one PWD Electoral Structure/Committee.
- 2.5 Where a person is elected to a higher PWD Electoral Structure/Committee, his or her office in the lower PWD Electoral Structure/Committee shall fall vacant and another person shall be elected in his/her place.

3.0 PWD Electoral Structures/Committees (Section 31 A, NCDA)

- 3.1 For each administrative unit, there shall be a PWD Electoral Structure/Committee consisting of the following:
 - (a) a Chairperson; and
 - (b) Four members (Vice Chairperson, Secretary, Publicity Secretary and Treasurer).
- 3.2 The following PWDs Electoral Structures/Committees are established in each District:
 - (1) Village/Cell/Zone PWD Electoral Structures/Committees
 - (2) Parish/Ward PWD Electoral Structure/Committee
 - (3) Sub-County/Town/Municipal Division
 - (4) Municipal/City Division PWDs Electoral Structures/Committees
 - (5) District/City PWD Electoral Structures/Committees
- 3.3 Composition of PWDs electoral Structures
 - (i) Village/Cell/Zone PWD Electoral Structures/Committees shall comprise the following:

Every willing PWDs of at least eighteen (18) years and is resident in that Village/Cell/Zone as at the **cut-off date** for Update/Registration of the National Voters' Register or PWDs' Register;
 - (ii) Parish/Ward PWD Electoral Structure/Committee shall Comprise the following:

All members of Village/Cell/Zone PWD Electoral Structures/Committees in the Parish
 - (iii) Sub-County/Town/Municipal Division PWDs Electoral Structures/Committees shall comprise the following:

All members of Parish/Ward PWD Electoral Structures /Committees in the Sub-county/Town/Municipal Division.
 - (iv) Municipal/City Division PWDs Electoral Structures/Committees shall comprise the following:

All members of Parish/Ward PWD Electoral Structures /Committees in the Municipality/City Division
 - (v) District PWD Electoral Structures/Committees shall comprise the following:

Members of the Sub-County/Town/Municipal Division /Municipality PWDs Electoral Structures/Committees in the district.
 - (vi) City PWD Electoral Structure/Committee shall comprise the following:

Members of the City Division PWDs Electoral Structures/Committees in the City.

4.0 Electoral Colleges for Election of PWD Committees (S. 31A, NCDA)

- 4.1 At Village/Zone/Cell
 - (1) For each Village/Zone/Cell, there shall be elected five PWD Committee members.
 - (2) The five PWD Committee Members at the Village/Zone/Cell shall be elected from and by an Electoral College consisting of all registered PWDs voters resident in that Village/Zone/Cell and are willing to participate in elections of PWD electoral Structures/committees.
 - (3) The elected members of each village PWD Committee shall be recorded in a Parish/Ward register book for PWDs for use at the Parish/Ward PWD Committee elections.
- 4.2 At Parish/Ward
 - (a) For each Parish/Ward , there shall be elected five PWD Committee members.
 - (b) The five PWD Committee Members at the Parish/Ward shall be elected from and by all members of Village/Zone/Cell PWD Committees in the Parish/Ward , forming an Electoral College as shall have been compiled in 4.1 (3) above.
 - (c) The elected members of each Parish/Ward PWD Committee shall be recorded in a Subcounty/Town/Municipal Division or Municipality/City division register book for PWDs for use at the Subcounty / Town / Municipal Division or Municipality/City division PWD Committee elections.

- 4.3 At Subcounty/Town/Municipal Division or Municipality/City division
- (a) For each Subcounty/Town/Municipal Division or Municipality/City division, there shall be elected five PWD Committee members.
 - (b) The five PWD Committee Members at the Subcounty/Town/Municipal Division or Municipality/City division shall be elected from and by all members of Parish/Ward PWD Committees in the Subcounty/Town/Municipal Division or Municipality/City division forming an Electoral College as shall have been compiled in 4.2 (c) above.
 - (c) The elected members of each Subcounty/Town/Municipal Division or Municipality/City division PWD Committee shall be recorded in a District/City register book for PWDs for use at the District/City PWD Committee elections.
- 4.4 At District level:
- (a) For each District, there shall be five PWD Committee Members.
 - (b) The five PWD Committee Members for the District level shall be elected from and by all members of Subcounty/Town/Municipal Division/Municipality PWD Committees in the district forming an Electoral College as shall have been compiled in 4.3 (c) above.
- 4.5 At City Level:
- (a) For Kampala Capital City Authority, there shall be elected five PWD Committee Members.
 - (b) The five PWD Committee Members for Kampala Capital City level shall be elected from and by all members of City Division PWD Committees in the City forming an Electoral College as shall have been compiled in 4.3 (c) above.

5.0 A person shall not be elected a member of the electoral Structure if that person is: -

- (a) of unsound mind;
- (b) acting in or holding an office the functions of which involve a responsibility for or in connection with the conduct of an election;
- (c) a traditional or cultural leader as defined in Article 246 (6) of the Constitution;
- (d) under sentence of death or imprisonment exceeding six (6) months without the option of a fine;

6.0 Mode of election (Section 31 A A of NCDA)

- (a) Except at District/City, elections of all PWD Electoral Structures/Committees shall be conducted by voters (members of the respective electoral colleges at each level) lining behind **candidates' portraits** or **candidates' symbols** or **candidates' agents** or the **individual candidates** of their choice.
- 6.1 Presiding Officers
- 6.1.1 The Presiding Officers for the PWDs Committee elections shall be appointed by the Electoral Commission.
 - 6.1.2 The Presiding Officer shall be under the overall supervision of the Returning Officer and shall have the duty of keeping order at the polling station.
 - 6.1.3 There shall be **two** Polling Assistants (Enumerators) and **one** Polling Constable at each polling station, to assist the Presiding Officer in conducting the polls.
- 6.2 No person shall be allowed to vote if she/he is not a member of the respective Electoral College.
- 6.3 For all elections of members of PWDs' Committees from village to district, the polling station shall be at the place/venue where the community usually holds meetings.
- 6.4 The Presiding Officer shall conduct polling by allowing eligible voters to line behind **candidates' portraits** or **candidates' symbols** or **candidates' agents** or the **individual candidates** of their choice.
- 6.5 Polling time:
- (a) Polling shall not commence before 10:00 a.m. and shall not continue beyond 4:00 p.m. in the evening.
 - (b) Members of the Electoral College (voters) shall assemble for verification by the Presiding Officer at the election venue between 10:00 a.m and 12:00 noon.
 - (c) The Presiding Officer shall verify the eligibility of voters present using the PWDs' voters' register, provided by the Commission, before opening of polls.
- 6.6 Elections for each office of PWD Committee shall take place one after another for the following offices:
- (a) Chairperson;
 - (b) Vice chairperson;

- (c) Secretary;
- (d) Publicity Secretary; and
- (e) Treasurer.

6.7 Voting:

- (a) Voting shall commence at 12:00 noon by voters lining behind candidates; beginning with the Chairperson, followed by the Vice Chairperson, the Secretary, Publicity Secretary and the Treasurer in that order.
- (b) Voting shall not go beyond 4:00 p.m.

6.8 Each Candidate may appoint not more than two agents to oversee the conduct of polling and vote counting.

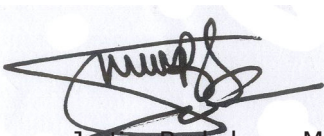
7.0 Vote Counting and Declaration of Results

- 7.1 The Presiding Officer and his Assistants shall count the voters lining behind each candidate at the polling station and shall record the scores for each candidate on form **PWD1** for each elective office.
- 7.2 In case of a tie of candidates in the first position, the Presiding Officer shall, after a break of five minutes, cause a repeat of the exercise by allowing voters to line up behind the candidates that tied in the first position.
- 7.3 Each Presiding Officer shall, immediately after counting of all votes for each Candidate or after a recount in case of a repeat of the exercise for candidates, who tied in the first position, declare elected a Candidate who has obtained the highest number of votes.
- 7.4 The Presiding Officer shall then submit the village election returns on **form PWD2** in triplicate, sealed in an envelope provided by the Electoral Commission, to the Parish Supervisor for purposes of compiling the village election returns in a **PWDs' Parish/Ward Register Book** provided by the Electoral Commission for elections at Parish/Ward.
- 7.5 The Subcounty Supervisor shall compile Parish/Ward election returns recorded in triplicate on **form PWD2**, in a:
 - (a) Sub-County/Town/Division or Municipal **PWDs Register Book** on conclusion of elections at Parish/Ward level for elections at Sub-County/Town/Division or Municipality.
 - (b) District/City **PWDs Register Book** on conclusion of elections at Sub-County/Town/Division or Municipal level for elections at District/City.
- 7.6 The District Registrar shall record in triplicate on Form PWD2 the results on conclusion of elections at the District/City.

8.0 Offences and penalties

Any person who:-

- 8.1 Forges, fraudulently defaces or fraudulently destroys any election return, record or official mark on any election return or record,
- 8.2 Bribes or attempts to bribe any voter in PWDs' Council with the intention of soliciting for his/her vote,
- 8.3 Corruptly offers to any voter any food, drink, refreshment or provisions for the purpose of influencing the person to vote in any manner at the PWDs' Council/Committee election,
- 8.4 Makes use of or threatens to use force, violence or restraint, or inflict physical or psychological injury or harm against any person for the purpose of influencing the person to vote in any manner at the PWDs' Council/Committee,
- 8.5 Gives or lends or promises to procure any money, gift, loan, benefits or valuable consideration to any voter, or to any person on behalf of any voter in order to induce any voter to vote or refrain from voting,
- 8.6 Accepts any money, gift, benefit or valuable consideration from a candidate for purpose of voting for such candidate or influencing other candidates to vote for the same, commits an offence and shall be liable on conviction, to imprisonment or a term not exceeding two years and in addition to the imprisonment, be disqualified for a period of five years from the date of his/her conviction, from holding an office on any PWDs' Committee or being a member of any PWDs' Council, other than a Village PWDs' Council.



Justice Byabakama Mugenyi Simon
Chairperson, Electoral Commission.