

**UGANDA**



**INNOVATIVE PRACTICES IN ELECTION MANAGEMENT: A  
CASE OF THE ELECTORAL COMMISSION  
OF UGANDA**

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## **Background to Uganda's Electoral Process**

The 1995 Constitution<sup>1</sup>, which is the supreme law of this land, is a compendium of principles by which the state is governed. It is a social contract or a pact by which the citizens of Uganda define their fundamental and common values and aspirations and agree with their leaders on the system by which they shall be governed in pursuance of the common good to achieve their needs and aspirations, in an atmosphere of freedom, liberty and harmony.

National leaders must rise to their offices through regular free and fair electoral processes in accordance with their Constitution in order for such leaders to have the stamp of legitimacy. Once the citizens have elected leaders of their choice to implement the best national programs or manifestos presented to them, the leaders must implement such programs in a participatory and consultative manner with the electorate. It is only then that elected leaders are efficient, transparent and accountable and are always guided in their decisions by public interest. Such is what may be safely called good governance founded on Constitutionalism and the rule of law.

Constitutionalism, rule of law and good governance are the fundamental pillars of democracy. Democracy, irrespective of whatever form it takes in different national domains, must not lose its universal sense of a government of the people by the people and for the people (Abraham Lincoln). This is why democratic leadership in any country should only be accessed through a free and fair electoral process, which is the foundation of true democracy.

Since independence and particularly in the last decade, the quest for pluralist democracy and good governance has become a major area of concern in Africa generally and as recent as July 2005 in Uganda via a National Referendum<sup>2</sup>.

In the struggle for democracy, each developing country must always take into account its own capacity and ability to shoulder the heavy financial burden that goes with the holding of an election. This can be achieved with a well-oriented electoral law and process.

## **Election Management in Uganda**

The Electoral Commission was established and is mandated under Article 60, 61 and 62 of the Constitution of the Republic of Uganda (1995) to conduct free and fair elections and referenda.

Prior to Uganda's independence in 1962 and following the 1958 Constitutional Conference, the 1<sup>st</sup> Electoral Commission was set up which held various elections in 1958 (Legislative Councils - LEGICO). In 1962 Uganda Peoples Congress( UPC) and Kabaka Yekka( KY) parties merged leading to the first post independence Uganda Government following which the following elections were held with attendant changes in laws:-

- a) 1964 Referendum on Lost Counties, a regional electoral event
- b) 1980 Presidential and Parliamentary General Elections
- c) 1989 Resistance Council and Committee Elections, and
- d) 1994 Constituent Assembly (CA) Elections through which the members debated and promulgated the 1995 Constitution of Uganda.

After the 1994 CA elections and under an Interim Electoral Commission, the Presidential and Parliamentary elections of 1996<sup>3</sup> were organized and conducted.

A permanent Electoral Commission was established under Article 60(1) and mandated under Article 61 of the 1995 Constitution of Uganda to organize, conduct and supervise regular free and fair elections and referenda. Elections since then, including the 1997<sup>4</sup> Local Government Councils, the Referenda on political systems in 2000<sup>5</sup> and 2005<sup>2</sup>, the 2001<sup>6</sup> presidential and parliamentary elections, 2001<sup>7</sup> Local Government Council Elections, the 2006<sup>8</sup> General Elections as well as various elections of councils for Special Interest Groups like the Uganda Peoples Defence Forces (UPDF), (Women, Youth and peoples with disabilities(PWDs) which are conducted from the village to the national level) and lower administrative units (village and Parish) have been conducted.

The Electoral Commission Act, 1997 (as amended)<sup>9</sup> operationalises the Constitutional articles. Other specific election laws that include the Presidential Elections Act<sup>10</sup>, the Parliamentary Elections Act<sup>11</sup>, Local Government Councils Act<sup>12</sup>, Referendum and Other Provisions Act<sup>13</sup> and Women<sup>14</sup>, Youth<sup>15</sup> and Persons with Disabilities (PWDs) Council Acts govern the actual conduct of elections in Uganda.

### **Challenges/Difficulties towards Implementing the Constitutional Mandate**

Experience has shown that elections are not merely activities or the events on polling day. Elections are a process that goes through the stages of planning, enactment of appropriate electoral laws, registration, cut-off date of voter registration, display period, retrieval and cleaning the voters' register, nomination of candidates, campaigns, polling and post polling day activities. At any of these stages, participation and cooperation of stakeholders is important.

In the performance of its duties, the Commission ensures transparency, accountability and impartiality at each stage of the electoral process so that the stakeholders can have trust and confidence in the process and the results of the elections. In some instances, technical problems encountered by the Commission in the performance of its duties are turned around by some stakeholders to assume political dimensions which then threaten the credibility of the entire electoral process. The major challenges faced by the Electoral Commission include:-

**(vii) Negative perception of the Electoral Commission**

There is widespread mis-judgment of the stature of the Electoral Commission officials and activities. Some sections of Ugandans only praise the Commission when they triumph in elections and blame the Commission when they lose.

**(viii) Dealing with Political Parties**

The Commission has found this to be problematic with some political parties due to:-

- a) Change of physical addresses/location of some registered political parties which are not formally communicated to the Commission
- b) Wrangles within some political party leaderships/office bearers which causes the Commission difficulties on who to approach when need arises

**Innovations Developed**

Despite the fact that there are numerous challenges that have to be overcome to improve the administration of elections in Uganda, the Commission has devised strategies that have been tested through a number of elections and by-elections conducted since 2002. With the cooperation of all stakeholders since embracing of the multiparty political dispensation in July 2005, these measures have since continued to contribute to an improvement in the conduct of free and fair elections. The innovations have included, among others:-

1. Use of a photo-bearing voters' register
2. Issuance of photograph bearing voters' cards to confirm that one is a duly registered voter
3. Use of a duplicate analysis system that enables the Electoral Commission to detect persons who register more than once with the likely intension of voting more than once in the same poll
4. Timely involvement and regular consultation with stakeholders in the planning and delivery processes: Since the 2006 General Election period, there has been creation of the National/District/Constituency Liaison Committees aimed at speedy resolution of conflicts that may arise during the election period
5. Strengthened cooperation with Uganda Police who assume responsibility for all security matters during the electoral period
6. Transparent identification, recruitment and training of field election officials. The cooperation of political parties/candidates is paramount in these undertakings.
7. Encouragement of political parties/candidates to send their agents to be trained with the electoral officials to ensure transparency in all electoral processes
8. Timely publicity of the electoral programmes and activities to all stakeholders
9. Enhanced monitoring and supervision of all the electoral activities
10. Strong denunciation of all forms of electoral violence and sensitisation of the candidates to be tolerant of each other

11. Limited convoys at nominations and during campaigns to minimise clashes amongst intending/contesting candidates and their supporters;
12. Holding the first ever **three-in-one** election in Uganda during the 2006 General Elections (Presidential, Parliamentary and District Woman Representative) which was a cost saving undertaking that also improved voter participation
13. Use of transparent/translucent ballot boxes since the 2006 General Elections
14. Use of security seals on Declaration of Results Envelopes to counteract tampering with results before tallying, including serialising the form(s) and the results delivery envelopes
15. Introduction of Complaints' Desks at National and District levels on polling day to which Participating political parties/candidates agents' can be members.
16. In a bid to counteract the disenfranchisement of voters, the Commission has now instituted a period after the official display of the voters register, to display, at parish level, the names recommended for deletion. This is done to provide natural justice
17. Invitation of political parties/candidates' agents to the tally centres to witness the tallying of results process as ways of promoting transparency and accountability
18. Timely submission of proposals for amendment of relevant electoral laws
19. Strategic planning in election management
20. Integration of voter education into school and functional adult literacy curricular
21. Proactive planning including phased implementation and funding of electoral activities, hence the 2011 General Elections Roadmap. Some of the objectives of this innovation were:
  - a. Avoid last minute rush in implementation of electoral activities;
  - b. Provide a basis for better planning, implementation, benchmarking and performance assessment of every electoral activity;
  - c. Improve electoral administration and management;
  - d. Improve stakeholder participation in the entire electoral process;
  - e. Deliver timely electoral results; and
  - f. Contribute towards continued good governance and security
22. Conduct participatory workshops to evolve a draft Code of Conduct for Political Parties and Organisations including Independent candidates in the country, to regulate their actions, conduct and relationships at all times
23. Conduct performance evaluation workshops after every major electoral activity. Various stakeholders are always invited to participate in these workshops to help indicate areas where improvements should be done in future
24. Constitutional requirement to declare unfailingly presidential election results within 48 hours from close of polling(Art. 103(7) of 1995 Constitution)
25. Constitutional provision for holding presidential, general parliamentary and local government elections within the first 30 days of the last 90 days of the term of the president ( Art. 61(2) of 1995 Constitution), and
26. Constitutional provision for settling a presidential election petition within 30 days from the date of filing( Art 104(3) of 1995 Constitution)

## Conclusion

Despite the numerous challenges in upholding democratic elections and governance, the Electoral Commission remains committed to fulfilling its mandate as enshrined in the Constitution of the Republic of Uganda.

Through the experience gained in the industry, the adoption of lessons learnt from other Electoral Commissions to improve service delivery and the need for proactive election management and development, the Commission has been, and will continue to put in place mechanisms aimed at ensuring that elections are held in a more peaceful, transparent, free and fair atmosphere to guarantee social, political and economic stability in the country.

It is however a known fact that there is no such a thing as a perfect election in the world. **Ultimately Democracy is a journey!**

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## REFERENCES:

- <sup>1</sup>The Constitution of the Republic of Uganda 1995 (as amended)
- <sup>2</sup>Report on the Referendum 2005, Electoral Commission, Uganda, 2006
- <sup>3</sup>Report on the 1996 General Elections
- <sup>4</sup>Report on the Local Government Elections (1997)
- <sup>5</sup>National Referendum Report (2000)
- <sup>6</sup>Report on the 2001 General Elections
- <sup>7</sup>Report on the Local Government Council Elections (2001)
- <sup>8</sup>Report on the 2005/2006 General Elections, August 2006
- <sup>9</sup>The Electoral Commission Act 1997 (as amended) Cap 140
- <sup>10</sup>The Presidential Elections Act 2005 (as amended) Cap 142
- <sup>11</sup>The Parliamentary Elections Act 2005 (as amended) Cap 141
- <sup>12</sup>The Local Governments Act (as amended) Cap 243
- <sup>13</sup>Referendum and Other Provisions Act 2005, Cap 142
- <sup>14</sup>The National Women Council (Amendment) Act, 2002 Cap 318
- <sup>15</sup>The National Youth Council (Amendment of Schedule) Instrument, 2001 Cap 319