Election Management Bodies in East Africa

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Uganda
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A. Summary
The Electoral Commission of Uganda has been perceived negatively and does not enjoy great trust among stakeholders, including opposition parties and civil society organisations. Its composition, the manner of its appointment and how it has executed its mandate in conducting elections in the recent past have all contributed to this trust deficit. Recent elections have been conducted in an environment where media freedom is limited; freedom of assembly, association and expression are constrained; and political parties are weak.

The Electoral Commission (EC) has had challenges in the following areas:

- Updating the national voters’ register, resulting in disenfranchisement of some voters;
- Demarcation of constituencies when new districts are formed;
- Oversight of political parties and candidates;
- Ensuring equal access to public media;
- Conducting elections;
- Voter education;
- Delays in publishing results, particularly of parliamentary elections;
- Delays in hearing and determining complaints, especially at the district level; and
- Inadequate remuneration for its staff.

The EC’s strategic plan for 2013–2017 attempts to address some of these concerns, and is based on five pillars, namely:

- An institutionally strengthened election management body;
- Free, fair and transparent elections;

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• A credible, accurate and accessible national voters’ register;
• Effective and comprehensive voter education; and
• A more service-oriented election management body (EMB).

The strategic plan is, however, inadequate for addressing all the issues surrounding the electoral process – such as the EC’s own independence, strict implementation of all electoral laws, and review and amendment of existing laws that have an impact on the elections, among other things. The EC is one of the many key players in the electoral process.

This study makes the following recommendations:
• Law reform by Parliament should provide for a more credible, participatory and transparent process for the appointment and removal of the members of the EC, and increased media access to electoral processes.
• The EC should improve the execution of its mandate, particularly in civic education, updating the national voters’ register, adjudication of complaints and the conduct of elections.

B. Political history of elections

Before independence, elections in Uganda were not greatly valued, as the colonial government handled the affairs of the country.794 Prior to gaining independence from Britain in 1962, the only elections in Uganda were for the Legislative Council (LEGCO). It was small and composed only of Europeans. Its legislative powers were limited, since all important and major decisions came from Her Majesty’s Government in the United Kingdom. The LEGCO was created by the British colonial government in 1920 through an order-in-council and held its first meeting on Wednesday, 23 March 1921. It was made up of the colonial governor as president, four officials and two nominated non-officials, all of European descent; in later years, a few Indians were added.

Although there was a provision for five elected members from Buganda, elections did not take place, because the Buganda Government and Lukiiko had advised people in Buganda to boycott the elections. There was no representative from Karamoja. There were six nominated Europeans and six nominated Asians. The government side had 32 members while the representative side had 30 members, including the five vacancies for Buganda. The government effectively had a majority of seven (32 minus 25). The LEGCO also had, at the time, five nominated women members.

After independence, the political, social and economic dynamics of the country began to take shape as citizens developed an interest in Uganda’s democracy.

Transition to independence

In 1961, the colonial government organised elections contested by two political parties, the Democratic Party (DP) and the Uganda People’s Congress (UPC), leading to the formation of the first ever internal self-government headed by Chief Minister Benedict Kiwanuka. The 1961 elections were characterised by violence instigated by the Buganda Government in an effort to prevent the Baganda from registering to vote.

In 1962, the colonial government organised another election in which the DP won the majority of seats in Parliament. The DP’s victory led to the first alliance of political parties in Uganda, composed of a merger between the UPC and Kabaka Yekka (KY) to become the UPC-KY. This new majority took over government, headed by the first Prime Minister, Milton Obote, and Major General Sir Edward Frederick Mutesa II (Kabaka of Buganda) as the first President.

Following the 1962 elections, Uganda gained independence from Britain on 9 October 1962. The LEGCO was replaced by the National Assembly, also called the Uganda Parliament.

Constitutional change (1962–1986)

The 1962 Constitution was abrogated by Prime Minister Milton Obote in 1966, who imposed an interim Constitution on the legislature through military force. The regime, among other things, removed the constitutional recognition for kingdoms in Uganda.

The 1962 Constitution was replaced with the 1967 Constitution, which though widely debated, extended Obote’s rule for five years without elections and established a republic, with a strong presidency that had powers to appoint officers who should normally have been elected into office. Elections that had been scheduled for 1967 were abandoned and the tenure of Members of Parliament (MPs) was automatically extended for another five years. In 1969, political parties were banned in an effort to consolidate Obote’s rule and Parliament turned the country into a one-party state.

In 1971, Idi Amin overthrew Obote’s government. The country sank further into dictatorship as the Constitution and political activity were suspended. Amin ruled through military decrees passed by the military council. Elections were suspended and replaced by military appointments until Amin’s removal from power in April 1979.

Thereafter, Uganda was governed by the Uganda National Liberation Front (UNLF), which was composed of a group of exiles who had taken over power with the assistance of the government of Tanzania. The National Consultative Council, the legislative structure of the UNLF, elected Prof. Yusuf Lule and then Godfrey Binaisa as President in quick succession.

In 1980, elections were organised by the Military Commission, an organ of the UNLF, in conjunction with the EC. The electoral process was marred by gerrymandering, ballot box stuffing, coercion, violence, fraud, discrimination and harassment of
non-UPC candidates. During these elections, each political party had its own ballot box, which intimidated supporters of parties other than the UPC. Furthermore, the counting of votes was carried out at the district headquarters and not at the polling stations. The electoral process was largely described as irregular and was characterised by violence, harassment and intimidation of non-UPC members. Afterwards, it was alleged that the DP had won the elections, but an announcement was made prohibiting the EC or any person other than the chairman of the Military Commission from announcing the results. Eventually, when the results were announced declaring that the UPC’s Milton Obote had won the presidency, they were rejected by the parties that had participated. The alleged fraudulent elections prompted Yoweri Museveni and others to resort to an armed struggle to restore democracy.

The period between 1980 and 1986 was politically unstable, with a civil war raging. There were no elections. Obote was overthrown as President in July 1985 by General Tito Okello, who was in turn deposed in January 1986 by Museveni of the National Resistance Movement.

The National Resistance Council

In 1986, the National Resistance Movement (NRM) came to power after overthrowing the military regime of General Tito Okello. This group formed the National Resistance Army government and, using the National Resistance Council (NRC), which served as Parliament, enacted Statute No. 5 in 1988 to establish the Uganda Constitution Commission. The commission began the process of writing and developing a new Constitution for Uganda. Justice Benjamin Odoki was its chairman.

The first elections under the NRM were held in 1989, specifically to fill the positions in the NRC from the village to the national level, including the legislature. The 1989 elections were held under an umbrella movement without political parties. Candidates stood on individual merit. The elections were criticised for their lack of direct participation, which was limited to the village level. Direct participation did not extend to the national level, where elections were conducted through electoral colleges and were removed from the people. Although these elections were praised as an improvement on the 1980 polls because the process was more transparent with votes counted at the polling stations and gerrymandering eliminated, they were also characterised by lack of voter education, bribery and partiality.

The restoration of multi-party politics

In 1993, the Commission for the Constituent Assembly (CCA) was established and mandated to organise and conduct Constituent Assembly elections.\textsuperscript{797} Elections to the Constituent Assembly were direct, with provision also made for special groups, such as women, to participate through electoral colleges. The elections were characterised by inadequate voter education, as well as allegations of fraud and bribery, among other irregularities. Elected members of the Constituent Assembly would later be tasked to debate, pass and adopt a new Constitution.

The 1995 Constitution restored presidential and parliamentary elections in Uganda. Nonetheless, Uganda has yet to experience a change in occupancy of the presidency through the ballot box.

The 1996 and 2001 elections were held under the ‘movement system’, in which individual political parties were not permitted. Elections were held for posts at different levels within the structures of the NRM. The 1996 elections were the first since the military takeover in 1986 and the major issue of contention for observers was the lack of political party participation. Nevertheless, the elections were, by and large, deemed free and fair and there were no major complaints of irregularities and voter intimidation or harassment. In the referendum held in 2000, Ugandans voted for the retention of the NRM. The 2001 elections, however, faced many allegations of malpractice and were challenged in the Supreme Court, which confirmed anomalies like multiple voting, evidence of pre-ticked ballot papers and harassment of voters.\textsuperscript{798}

The 2006 and 2011 elections were held under the multi-party political dispensation, following amendments to the Constitution. This followed a recommendation from the Constitutional Review Commission and a referendum in July 2005, which showed overwhelming support by Ugandans for a multi-party political system. Therefore, in 2005, Parliament approved a constitutional amendment to return the country to a multi-party political system – but also scrapped presidential term limits. The NRM, which had transformed into a party, won both elections, with 214 of the 309 seats in the Eighth Parliament, which served between 2006 and 2011.

The 2006 elections were particularly marred by harassment and arrest of the opposition presidential candidate on charges of rape and treason. The NRM won that election with a lower margin than before\textsuperscript{799} and the Supreme Court acknowledged widespread electoral malpractices and vote rigging; however, according to the court, this did not substantially affect the result of the elections.\textsuperscript{800}

The 2011 general elections for the President and 375 MPs were the second multi-party polls held since 1980. They were less violent than previous elections and deemed by observers to be, by and large, free and fair, though not perfect. Some of the issues

\textsuperscript{797} Constituent Assembly Statute No. 6 of 1993.
\textsuperscript{798} Col. Dr Besigye Kizza vs Museveni Yoweri Kaguta, Electoral Commission (Election Petition No. 1 of 2001).
\textsuperscript{799} President Yoweri Kaguta Museveni won the election with 59.26% of the vote, which was 10% less than his 2006 election win.
\textsuperscript{800} Rtd Col. Dr Kizza Besigye vs Electoral Commission, Yoweri Kaguta Museveni (Election Petition No. 1 of 2006).
of concern related to the negative perception of the independence of the EC, commercialisation of elections, disenfranchisement of voters because of errors in the national voters’ register, intimidation and harassment of voters and other administrative glitches. Nevertheless, these polls stood out as some of the best organised in the country when compared to the rest. Parliament passed the necessary laws to help standardise regulation of the electoral administration and management, media coverage and political parties.

The 1995 Constitution provides for measures to ensure the representation of particular groups in Parliament, including women and persons with disabilities. According to these provisions, there is a woman representative for every district in Parliament. However, women representatives for non-reserved constituencies are very few. Persons with disabilities were elected through an electoral college constituted by members of the National Union of Disabled Persons in Uganda (NUDIPU).

Although there were 38 registered political parties, only seven presented presidential candidates for the 2011 general election; one candidate ran as an independent. The presidential election results are presented in Table 6.1.

Table 6.1: Summary of the 2011 presidential election results

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Party</th>
<th>Votes</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abed Bwanika</td>
<td>People’s Development Party (PDP)</td>
<td>51,708</td>
<td>0.65%</td>
</tr>
<tr>
<td>Besigye Kizza Kifefe</td>
<td>Forum for Democratic Change (FDC)</td>
<td>2,064,963</td>
<td>26.01%</td>
</tr>
<tr>
<td>Beti Olive Kamya Namisango</td>
<td>Uganda Federal Alliance (UFA)</td>
<td>52,782</td>
<td>0.66%</td>
</tr>
<tr>
<td>Bidandi-Ssali Jaberi</td>
<td>People’s Progressive Party (PPP)</td>
<td>34,688</td>
<td>0.44%</td>
</tr>
<tr>
<td>Mao Norbert</td>
<td>Democratic Party (DP)</td>
<td>147,917</td>
<td>1.86%</td>
</tr>
<tr>
<td>Olara Otunnu</td>
<td>Uganda People’s Congress (UPC)</td>
<td>125,059</td>
<td>1.58%</td>
</tr>
<tr>
<td>Samuel Lubega Mukaaku</td>
<td>Independent</td>
<td>32,726</td>
<td>0.41%</td>
</tr>
<tr>
<td>Yoweri Kaguta Museveni</td>
<td>National Resistance Movement (NRM)</td>
<td>5,428,369</td>
<td>63.38%</td>
</tr>
<tr>
<td>Total valid votes cast</td>
<td></td>
<td>7,938,212</td>
<td></td>
</tr>
<tr>
<td>Total ballot papers counted</td>
<td></td>
<td>8,272,760</td>
<td>59.29% of registered voters</td>
</tr>
</tbody>
</table>

Source: EC

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802 Section 8 of the Parliamentary Elections Act and Regulations 10 and 11 of the Parliamentary Elections (Special Interests Groups) Regulations, 2001.
The electoral context
The legal framework, political environment and institutional capacities before, during and after polling day have an impact on how rights are enjoyed during elections.\textsuperscript{803}

Media
The media play an important role in elections. However, media freedom was scaled down by law and access to media remains a major challenge.\textsuperscript{804} The EC has no control over media organisations to ensure that there is an equitable distribution of airtime to all political parties.\textsuperscript{805}

During the 2011 elections, the Forum for Democratic Change (FDC) opposition candidate Kizza Besigye was denied access to several radio stations, including Nakaseke FM, Bunyoro Broadcasting Services, King’s Broadcasting Services, Radio Kitara, Spice FM, Hoima FM, Liberty Broadcasting Services, Voice of Teso, among others.\textsuperscript{806} The Uganda Broadcasting Corporation (UBC) gave him considerably less coverage than it gave the President.\textsuperscript{807} Some radio stations denied Besigye access even after he had paid for services.\textsuperscript{808}

Freedom of the media is largely constrained. Media organisations have been closed for certain periods or threatened with closure when they report issues that are considered sensitive by the government.\textsuperscript{809} A number of individual journalists were threatened with criminal prosecution for offences related to their work.\textsuperscript{810}

The merger of the Broadcasting Council and the Communications Commission under the Uganda Communications Act, 2013, also had an effect on media operations. The new law came into force on 18 January 2013. Originally, the Broadcasting Council granted licences, whereas the Communications Commission performed duties of a regulatory nature.\textsuperscript{811} The Communications Commission has threatened media institutions that give vent to divergent views or those considered contrary to the government

\begin{footnotes}
\item[805] Ibid., p. 39.
\item[808] African Centre for Media Excellence (2011), op. cit.
\item[811] For background, see AfriMAP (2010) Public Broadcasting in Africa Series: Uganda, OSIEA.
\end{footnotes}
position. More recently, media that reported an alleged plot by the President to groom his son, Muhoozi Kainerugaba, to take over from him were closed for a while.

In addition, the Interception of Communications Law, coupled with the requirement that all mobile telephone numbers be registered in the absence of a data protection law, will likely make journalists cautious of who they speak to by telephone because of fears about who might be listening in.

**Freedom of assembly and freedom of association**

 Freedoms of assembly and of association are pertinent to the democratic process, both during the election period and between elections. The Constitution provides that every person has the right to freedom of assembly and freedom of association, including the freedom to form and join political organisations. It also guarantees every person the right to participate in the affairs of government, individually or through his or her representatives in accordance with the law, as well as to participate in peaceful activities to influence the policies of government through civic organisations. The National Objectives and Directive Principles of State Policy established at the beginning of the Constitution provide that ‘the state shall be based on democratic principles which empower and encourage the active participation of all citizens at all levels in their own governance’.

 However, there are legislative restrictions on freedom of assembly and freedom of association. For example, Statutory Instrument No. 53 of the Police Act, which came into effect in September 2007, places restrictions on meetings of more than 25 people. The African Peer Review Mechanism Country Review Report for Uganda recommended the repeal of this provision.

 The Public Order Management Act, 2013, seeks to regulate the rights of citizens to hold demonstrations and assemble. It gives the Inspector-General of Police powers to regulate the conduct of all public meetings. This law has undergone various changes.

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814 Regulation of Interception of Communications Act 18 of 2010 and the Uganda Communications Act 1 of 2013.
816 Article 29 of the Constitution of the Republic of Uganda, 1995 (hereafter ‘the Constitution’), provides that ‘Every person shall have the right to freedom to assemble and to demonstrate together with others peacefully and unarmed and to petition’.
817 Article 38 of the Constitution.
818 Principle II(i).
Human rights and civil society organisations (CSOs) argued that the Bill, when it was first published, had the potential to stifle public debate on government policies and practices in violation of the Constitution by seeking to restrict the content of matters or issues that can be discussed at public meetings.\textsuperscript{820} However, the law that was eventually passed is not as restrictive. Nevertheless, it has had an impact on how citizens can demonstrate and assemble, as it provides guidance and regulates their activities.

The NGO Registration (Amendment) Act, 2006, which revised the NGO Registration Act of 1989, places a significant legislative hindrance on the exercise of the freedoms of assembly and association for CSOs by allowing the government to exert considerable control over their operations. It does so through requiring that non-governmental organisations (NGOs) be registered. The NGO Board has the authority to monitor NGO operations and develop policy guidelines for community-based organisations. In addition to the existing obligation for NGOs to register with the national board, the Registration (Amendment) Act further requires them to obtain a periodic permit in order to operate. The law also expands the ministry’s power to regulate the dissolution of NGOs. Giving the government such expansive powers over NGOs’ right to assemble significantly undermines their space to consistently carry out operations. This could have serious implications on democratic processes as their activities may be unnecessarily restricted by the government.\textsuperscript{821}

\textit{Political parties}

Ugandan political parties are fledgling and fragile. From 1962 to 1967, Uganda had several political parties. However, this changed in 1967 under Obote’s one-party system up to the time when he was deposed by Idi Amin. During Amin’s reign, from 1971 to 1979, Uganda was under military rule. Political parties re-emerged after Amin was overthrown – between 1980 and 1985. However, political party activities were suspended for over two decades after 1986 when the country was placed under the ‘movement’ system. The movement system of government, which was widely criticised, was perceived as a one-party state. It was only in 2005 that the ban on political parties was lifted on the recommendation of the Constitutional Review Commission and the July 2005 referendum in which Ugandans expressed overwhelming support for a return to multi-party politics. Currently, there are 39 registered political parties but some of them risk being de-registered for failure to comply with requirements for the declaration of sources of


funds and other assets. The parties face many challenges, including the availability of resources to mobilise and to conduct campaigns effectively.

The National Resistance Movement (NRM) dominates the political landscape, but other parties of some significance include the Forum for Democratic Change (FDC), Conservative Party (CP), Democratic Party (DP), Justice Forum (JEEMA), Peoples Progressive Party (PPP) and the Ugandan People’s Congress (UPC). Some opposition parties have formed a coalition known as the Inter-Party Cooperation (IPC).

The political parties are governed by the Political Parties and Organisations Act, which was enacted in 2005 but underwent several amendments in 2008 in preparation for the 2011 elections. In order to address the issues relating to financing, lawmakers passed the Political Parties and Organisations (Amendment) Bill in a record seven minutes during the last sitting day of Parliament in 2009. The action opened the way for political parties to be funded by government, most likely with money sourced from tax revenues. The main beneficiary in the amended law was the NRM, which has the highest numbers in Parliament, because it introduced a new clause that the funding from government would be based on the numerical strength of the party. However, in reality, no party received funding in 2011, as money was not made available for this purpose and there was no follow-up from any of the political parties and other stakeholders to lobby the Ministry of Finance for funding. The opposition parties rejected the kind of funding the law would impose and the issue was put on hold and remains outstanding. The law was further criticised for not adequately providing a comprehensive framework for party financing that covers private contributions and financial spending.

Notably, the parties operate in a highly commercialised environment with a consumerist approach characterised by voter bribery. The voters actually demand gifts or money in exchange for their vote and the candidates comply. Political candidates who are unable to buy gifts or give money to voters are generally at a disadvantage.

C. Legal framework for the Electoral Commission

History of EMBs
There have not been many EMBs since independence. The 1962 Constitution created an Electoral Commission consisting of a chairman and no less than two other members appointed by the President, who acted in accordance with the advice of the Prime Minister. The 1962 Constitution further required that the members be appointed in consultation with the leader of the opposition and that they hold office for a term of four years.

822 Patrick Byakagaba, Head Political Parties Desk, EC, interview, EC offices in Kampala, 3 October 2013.
825 Semogerere (2011), Reality Check, op. cit.
826 Article 45(1).
years.\textsuperscript{827} This Constitution was abrogated by Obote, who introduced an interim Constitution in 1966 and then the 1967 Constitution, which extended his government in office for five years without elections.

In the 1980 elections, the first since independence, the Electoral Commission headed by KMS Kikira with Vincent Sekkono as secretary managed the contest. The Electoral Commission at the time was largely influenced by the Military Commission, which more or less took over the elections and departed from the usual tenets of a free and fair election, such as the secrecy of the ballot.

The 1995 Constitution established the Interim Electoral Commission (IEC). Appointments to the IEC were made by the President, with the approval of Parliament. It was funded by the government and development partners, mainly the United Nations Development Programme (UNDP) and was chaired by Steven B Akabway.\textsuperscript{828} The purpose of the IEC was to organise and conduct the general election of 1996 – the first direct presidential and parliamentary elections in Uganda.\textsuperscript{829}

In May 1997, Parliament enacted the Electoral Commission Act (1997) to establish a permanent EMB to replace the IEC in line with Article 60 of the Constitution. The first permanent EC was chaired by Hajji Aziz K. Kasuja.\textsuperscript{830} It was this EMB that organised the 2001 elections.

The 2006 and 2011 elections were held under the chairmanship of Dr Badru Kiggundu, with a few changes in membership.\textsuperscript{831} The commissioners were appointed by the President and approved by Parliament. Given that they serve for a seven-year term that began in November 2009, the commissioners are likely to be in charge of the 2016 general election. The members of the EC have diverse backgrounds and qualifications but have largely been perceived as NRM cadres by the opposition parties, among other stakeholders.\textsuperscript{832}

\textsuperscript{827} Article 45(3)(a).
\textsuperscript{828} The other members were Mrs Flora Nkurukenda (deputy chairperson), Mr Charles Owor, Mrs Margaret Sekaggya, Mr Philip Idro, Ms Syda Bumba and Mr Aziz K Kasuja.
\textsuperscript{829} Statute 3 of 1996 and Parliament (Interim) Provisional Statute No. 4 of 1996.
\textsuperscript{830} The other members were Flora Nkurukenda (deputy chairperson), Mr Ted Wamusi, Ms Mary Maitum, Mr Robert Kitariko, Ms Nassanga H Miro and Mr Charles D Owiny. In August 2000, Sister Margaret Magoba was appointed to the EC to replace Ms Mary Maitum, who had been appointed judge of the High Court. Mr Andrew Muwonge served as Secretary.
\textsuperscript{831} The current commission is composed of Dr Badru M Kiggundu, Mr Joseph Biribonwa (deputy chairperson), Dr Jenny Okello, Mr Tom Buruku, Mr Steven Ongaria, Dr Tomasi Sisye Kiryapawo and Ms Justine Mugabi Ahabwe. (The contract of Dr Kiryapawo expired in February 2011.)
Institutional framework

The EC consists of a chairperson, a deputy chairperson and five other members appointed by the President with the approval of Parliament.

The EC is mandated under Article 61 of the Constitution to:

- Ensure that regular, free and fair elections are held;
- Organise, conduct and supervise elections and referenda in accordance with the Constitution;
- Demarcate constituencies in accordance with the provisions of the Constitution;
- Ascertain, publish and declare in writing under its seal the results of the elections and referenda;
- Compile, maintain, revise and update the voters’ register;
- Hear and determine election complaints arising before and during polling;
- Formulate and implement civic educational programmes relating to elections; and
- Perform such other functions as may be prescribed by Parliament by law.

The EC members make policy decisions, which are implemented by the secretariat, headed by the secretary to the commission. The secretary is in charge of the management of funds as well as the day-to-day operations of the commission – with the assistance of the directors for operations, technical support services, and finance and administration, among others. Members of the commission work full time. The EC secretariat does not have legislative authority, but can make proposals for electoral reform to Parliament through the Ministry of Justice and Constitutional Affairs. The EC has offices at the regional and district levels.

Appointment, removal and remuneration of commissioners

Both the Constitution and the EC Act stipulate that the President shall appoint the seven members of the commission with the approval of Parliament. The Constitution requires that commission members must be of ‘high moral character, proven integrity and … [must] possess considerable experience and demonstrated competence in the conduct of public affairs’. Where an appointment is being renewed, the renewal should be done at least three months before the expiry of the first term. Each commissioner’s term lasts seven years and is only renewable once. Parliament determines the commissioners’ remuneration.

The nomination processes for all constitutional bodies and the judiciary follow the same procedure: appointment by the President on approval by Parliament. Within Parliament, the Appointments Committee, headed by the Speaker, is responsible for vetting
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presidential nominations for constitutional bodies such as the EC. The independence of the person appointed is thus, in theory, dependent on the personal integrity and professionalism of the individual, and her or his ability to resist pressure from all sides.

Commissioners can only be removed from office by the President for inability to perform the functions of his or her office arising out of physical or mental incapacity, misbehaviour or misconduct, or incompetence.838

The members of the EC, who work full-time, are remunerated on the same basis as members of all other constitutional bodies under the Salaries and Allowances (Specified Officers) Act, including the Uganda Human Rights Commission (UHRC) and the Equal Opportunities Commission.839 Remuneration for the EC is charged to the Consolidated Fund.840 Nevertheless, there have been concerns about the inadequate remuneration paid to the EC. Currently, the commissioners are not as well remunerated as the Inspector-General of Government, the Executive Director of the Kampala Capital City Authority, the Auditor-General, and the Governor of the Bank of Uganda, whose salaries are negotiated and are not regulated under the Specified Officers Act.841 In order to address this disparity, the EC intends to harmonise the salary and benefits of its staff with those of other statutory bodies.842

Secretariat
The EC secretariat is headed by the secretary, who is appointed by the members of the commission in consultation with the Public Service Commission. The secretary is assisted by the directors of Finance and Administration, Operation, and Technical Support Services.

The Directorate of Operations has four departments:
- Voter Data Management;
- Field Operations;
- Election Management; and
- Voter Education and Training.

The directorate of Finance and Administration consists of three departments:
- Finance;
- Human Resources; and
- Administration.

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838 Ibid., Article 60(8).
839 Salaries and Allowances (Specified Officers) Act, Chapter 291.
840 Article 66(3) of the Constitution.
842 Strategic Plan, op. cit., p. 11.
The directorate of Technical Support Services has two departments:

- Information Technology; and
- Planning and Research.

The Legal Department, Public Relations Unit, and Internal Audit and Procurement Unit report directly to the secretary of the commission. At the district level, electoral offices are headed by district registrars. All of these are permanent staff.

Staff members at lower levels are hired on a temporary basis to execute specific election activities like registration of voters, display of voters’ registers, and polling. They include:

- Sub-county/town/municipality division supervisors;
- Parish/ward supervisors;
- Registration officials;
- Display officials; and
- Polling officials.

The EC has noted that given the large numbers of staff, the periodic nature of their tasks and the expenses required, it is not prudent to appoint all staff on a permanent basis.\(^{843}\) In 2010/2011, the EC had a total of 776 regular staff. Of these, 102 were Uganda Police Officers who had been assigned to work with the EC.\(^{844}\) The EC used a total of 8,561 temporary officials – 1,327 at the sub-county and 7,234 at the parish level – to conduct the 2010/2011 general election.\(^{845}\)

**Mandate of the EC**

*Preparing, managing and updating the voters’ register*

The EC Act provides that the commission shall compile, maintain and update on a continuous basis a voters’ register, which shall include the names of all persons entitled to vote in a national or local election.\(^{846}\) Furthermore, the commission is required to maintain as part of the voters’ register, a voters’ roll for each constituency and for each polling station.\(^{847}\)

*Demarcation of electoral constituencies*

Under the Constitution, Uganda is divided into a number of constituencies as prescribed by Parliament by resolution, which are demarcated by the EC and published in the

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\(^{843}\) Information from Leonard Mulekwah, Director of Operations, EC, interview, 3 October 2013.


\(^{845}\) Ibid.

\(^{846}\) Section 18(1) of the EC Act.

\(^{847}\) Sections 18(2&3) of the EC Act.
The EC has a duty to demarcate constituencies and to organise the election of MPs for them. The EC has to ensure that each county, as approved by Parliament, has at least one MP, and that no constituency falls within more than one county. The EC is required to review the demarcation of constituencies within 12 months after the publication of the results of a census of the population of Uganda, and may as a result re-demarcate the constituencies. The electoral districts are dependent on the number of administrative districts.

Oversight of parties and candidates

Register and oversee political parties

The Political Parties and Organisations Act requires the EC to register all political parties and organisations. The EC has the obligation to maintain a register of political parties and organisations as well as maintain oversight over them. Parties are required to submit to the EC a written declaration of their assets and liabilities. Failure to make such a declaration within 21 hours after notice from the EC may cause the commission to apply to the High Court for an order to de-register the political party or organisation. Political parties and organisations are also required to provide information to the EC regarding their records and audits.

Nomination of candidates

The EC oversees the nomination of all candidates, whether independent or belonging to a party. The EC receives the nomination papers of all candidates – presidential, MP, or local council – on appointed dates, which are published in the Gazette. A candidate’s nomination can be rejected on account of failure to meet the statutory requirements of age and number of supporters, among other things. When a candidate fulfils all requirements, s/he is duly nominated to run for elections.

Supporting the National Consultative Forum and Code of Conduct

The Political Parties and Organisations Act provides both for a Code of Conduct and for the establishment of a National Consultative Forum (NCF), in which political parties

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848 Article 63 of the Constitution.
849 Ibid., Article 63(1).
850 Ibid., Article 63(2).
851 EC Act, Article 20.
852 Section 4 of the Political Parties and Organisations Act.
853 Section 6(2) of the Political Parties and Organisations Act 2005 (as amended).
854 Ibid., section 9(6).
855 Ibid., sections 15 and 12.
856 Presidential Elections Act, 2005 (as amended); Parliamentary Elections Act 2005 (as amended);
Local Governments Act, Chapter 243 (as amended); Political Parties and Organisations Act, 2005 (as amended).
and the EC discuss and try to avoid points of conflict and tension.\textsuperscript{857} The NCF is composed of:

- One representative from every registered political party or organisation;
- The chairperson of the EC (or his or her representative);
- The Attorney-General (or his or her representative); and
- The secretary of the EC, who is also the secretary to the NCF.\textsuperscript{858}

This means that the EC is a member of the NCF and plays an important role in the administration of the forum. Like any other member, the EC has a duty to ensure that all political parties and organisations comply with the Code of Conduct.\textsuperscript{859}

The chairperson for the NCF, who must be selected from the party with the most representatives in Parliament,\textsuperscript{860} is currently Dr Ruhakana Rugunda of the NRM. The vice-chairperson is Mr Amanya Mushega. The NCF liaises with the EC on matters pertaining to political parties and organisations, and ensures that political parties and organisations comply with the Code of Conduct. It also communicates the complaints and grievances of political parties and organisations to the EC, and makes recommendations to the minister on any matters under the Act.\textsuperscript{861}

The NCF has held several meetings where it has developed an action plan, as well as reviewed and approved a Code of Conduct, which has been submitted to the Ministry of Justice and Constitutional Affairs for presentation to Parliament for enactment.\textsuperscript{862} The MPs will need to carry out the necessary consultations before the code is passed. The NCF has also considered and agreed on several electoral reforms and has made recommendations to Parliament and the executive. Some of the recommendations relate to the provision of civic and voter education to enhance citizen participation, compliance with the law, to secure a level playing field, to maintain a credible voters’ register and to ensure a competent, efficient and credible EMB, among others.\textsuperscript{863}

\textit{Overseeing party financing}

The EC oversees party financing. Political parties and organisations are required to submit written declarations stating their sources of funds, assets and liabilities.\textsuperscript{864} Furthermore, parties and organisations are required to submit information relating to records of donations, contributions or pledges of contributions, statements of accounts

\begin{footnotesize}
857 Sections 19 and 20 of the Political Parties and Organisations Act 2005 (as amended).  
858 Ibid., Section 20(2).  
859 Ibid., section 20(4)(b).  
860 Ibid., section 20(a).  
861 Ibid., section 20(4).  
862 Hon. Dr Ruhakana Rugunda, chairperson of the NCF, interview at the Ministry of Health, 30 September 2013.  
863 Ibid. Also see proposals for electoral reforms by the NCF on file with the author.  
864 Section 9 of the Political Party and Organisations Act 2005 (as amended).
\end{footnotesize}
showing sources of funding, property and how it was acquired, and a copy of their audited accounts, among other things.\textsuperscript{865}

\textit{Ensuring equitable access to media}

The EC has the responsibility to ensure that regular, free and fair elections are held, and additionally has the duty to organise, conduct and supervise elections in accordance with the Constitution.\textsuperscript{866} The EC, therefore, has an important role in upholding the constitutional requirement that no candidate in the election should be denied reasonable access and use of state-owned communication media.\textsuperscript{867} Indeed, the EC in April 2007 made recommendations for electoral reform by requiring national media to allocate sufficient time and space for registered political parties.\textsuperscript{868} However, access to the media remains a challenge.

\textit{Conduct and management of electoral operations}

The EC has a duty to organise, conduct and supervise elections. This includes the following duties:

- Appoint a polling day for any election;
- Design, print, distribute and control the use of ballot papers;
- Provide, distribute, and collect ballot boxes and establish and operate polling stations;\textsuperscript{869}
- Take measures for ensuring that the entire electoral process is conducted under conditions of freedom and fairness;
- Take steps to ensure that there are secure conditions necessary for the conduct of any election;
- 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;\textsuperscript{870}
- Ensure that the candidates campaign in an orderly and organised manner;
- Accredit any non-partisan 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 \textit{Gazette};
- Ensure compliance by all election officers and candidates with the provisions of the law; and
- Take necessary steps to ensure that people with disabilities are enabled to vote without any hindrance.\textsuperscript{871}

\textsuperscript{865} Ibid., section 12.
\textsuperscript{866} Article 61(a) and (b) and Section 12 of the EC Act.
\textsuperscript{867} Ibid., Article 67(2).
\textsuperscript{868} Sekaggya (2010), \textit{Uganda}, op. cit. p. 34.
\textsuperscript{869} Section 12(1)(a–d) of the EC Act.
\textsuperscript{870} Ibid., section 12(1)(e–g).
\textsuperscript{871} Ibid., section 12(1)(h–p).
Voter education

The Constitution gives the EC the responsibility to formulate and implement election-related voter education programmes. The EC Act takes up and essentially re-delegates this responsibility by accrediting any non-partisan individual, group, institution or association to carry out voter education, subject to the commission’s guidelines. The UHRC likewise has the constitutional mandate of conducting general civic education to create and sustain within society the awareness of the provisions of the Constitution as the fundamental law of Uganda. This includes human rights education as well as voter education.

Publication of results

The EC is required 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. On Election Day, the EC is required to announce the results of voting at the polling station before communicating them to the returning officer. It is required to publish results of the presidential election within 48 hours from the close of polling.

Hearing and determination of complaints

The EC has powers to resolve complaints related to any irregularities in the electoral process. Any complaint can be submitted in writing, alleging any irregularity on any aspect of the electoral process at any stage. Any complaint that has not been satisfactorily resolved at a lower level of authority can be examined and decided by the EC. If the irregularity is confirmed, the EC has a duty to take the necessary action to correct the irregularity and any effects it may have caused. If anyone is dissatisfied with the decision of the EC, they can appeal to the High Court and the decision of the High Court is final.

Amendment of electoral laws

Amendment of electoral laws (and any other law) is generally the role of Parliament. Nevertheless, the EC can make recommendations for the amendment of electoral laws. Although the EC recommendations are not binding, they are persuasive. In April 2007, the EC proposed 18 amendments concerning electoral laws to the Minister of Justice and Constitutional Affairs, including provisions relating to access to media, voter education, the management of local government elections, qualifications for election as

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872 Article 61 of the Constitution.
873 Article 12 of the EC Act.
874 Article 52(1)(c, e, g) of the Constitution.
875 Section 12(1)(o) of the EC Act.
876 Section 48(4)(b) of the Presidential Elections Act.
877 Ibid., section 57(1).
878 Section 15(1) of the EC Act.
879 Ibid., section 15(2–4).
880 Article 76 of the Constitution.
an MP, and timeliness for the adoption of election laws. Some of the recommenda-
tions, especially the adoption of election laws, were adopted. However, the laws were
passed less than a year before the elections, contrary to the EC’s recommendations.
Other recommendations, such as those relating to access to media and voter education,
are still pending.

Independence of the EC

According to the Constitution of Uganda, the EC is supposed to be independent and
should, in the performance of its functions, not be subject to the direction or control of
any person or authority. The Constitution further requires that members of the EC
should be persons of high moral character, proven integrity and possess considerable
experience and demonstrated competence in the conduct of public affairs.

Despite legal provisions relating to the appointment and independence of the EC,
many political groups strongly believe that the commission is not independent and does
not reflect diversity as expected in a multi-party system. In particular, there are concerns
relating to the system for appointments to the EC, credibility and security of tenure
for commissioners, among others.

During the 2011 presidential election campaigns, there were threats of withdrawal
from the political process and calls for the disbandment of the EC by both CSOs and
political parties. They claimed that the EC was not independent and impartial, and that
it could not deliver free and fair elections. The EC dismissed these calls and refused
to succumb to the pressure to disband. Instead, it went ahead to organise polls that were
considered to have been better than the 2006 ones by some observers, despite anomalies
such as the monetisation of elections, unequal access to media and problems with
the national voters’ register, to mention a few.

The appointment of the current members of the EC by the President raised concerns
about their ability to deliver a credible election. This was because the same team, with
the exception of one member, had handled the 2006 elections. The 2006 elections had been
marred by voter bribery, intimidation, multiple voting, ballot stuffing and disenfranchise-
ment of voters, as well as inaccuracies in the counting and tallying of results.

882 Article 62 of the Constitution.
883 Ibid., Article 60(2).
885 Opiyo, N et al. (2013) Breaking the Conflict Trap in Uganda: Proposals for Constitutional and Legal
Reforms, ACODE Policy Research Series No. 58.
887 ‘Uganda’s Electoral Commission Chairman Promises Fair Elections’, Voice of America, 15 February
2011, www.voanews.com/content/uyandas-electoral-commission-chairman-promises-fair-
Uganda Elections, op. cit.
889 Col. Rtd Kizza Besigye vs Yoweri Museveni and the Electoral Commission (Election Petition No. 1 of 2007).
The nomination of Kizza Besigye as presidential candidate

A test of the independence of the EC in the 2006 presidential election was when Dr Kizza Besigye’s nomination as a presidential candidate was challenged in the Constitutional Court because it had occurred in absentia. The Attorney-General, together with the petitioners, stated that by nominating Dr Besigye while he was in prison, the EC had disregarded the Attorney-General’s advice not to do so, thus contravening Article 119(3) of the Constitution, which provides that the Attorney-General is the principal legal advisor of government. The EC argued, however, that it was an independent body and not subject to the authority of the Attorney-General. The EC further argued that the act of nominating Dr Besigye in absentia did not contravene the Constitution as alleged by the petitioners and that the Presidential Elections Act does not provide for physical presence of candidates during nomination. The Constitutional Court dismissed the petition.\footnote{Kabagambe Asol and Others vs Electoral Commission and Another (Constitutional Petition No. 1 of 2006).}

The African Peer Review Mechanism (APRM) panel of eminent persons, in noting the issues surrounding the EC in relation to independence and security of tenure, recommended that Uganda ‘devise a system of appointing electoral commissioners so that only non-partisan, independent and professional people with a high reputation are selected’.\footnote{‘Country Self-Assessment Report’, as reported in APRM (2009) Republic of Uganda, APRM Country Review Report, op. cit., paragraph 284.} The UHRC likewise recommended reviewing the process of appointing members of the EC to establish greater consensus and acceptance of the members by the opposition, civil society and the public.\footnote{UHRC (2011) 14th Annual Report, p. xxviii.} The EU Mission observers also noted the vague and subjective criteria for the selection of commissioners, concluding that they are not consultative and the qualifications are not the same as those of the UHRC and the Director of Public Prosecutions.\footnote{EU Election Observation Mission (2011) Uganda Final Report, op. cit., p. 16.}

There are proposals to amend the Constitution to provide for nomination, vetting and appointment of members through an open and competitive process to ensure an electoral process that is acceptable, transparent and credible. It has been recommended that the process of recruitment should be carried out in consultation with the registered political parties and organisations, as well as other interest groups, CSOs, professional bodies or associations, and the general public.\footnote{NCF Proposals on Electoral Reform, on file with the author.}

Regarding security of tenure, the Constitution provides that the members of the EC can be removed from office by the President for physical or mental incapacity, misconduct or misbehaviour and incompetence.\footnote{Article 60(8)(a–c) of the Constitution.} It has been suggested that this affects their independence as their tenure is at the mercy of the President. Unlike other public...
officials, such as members of the judiciary\textsuperscript{275} and the UHRC,\textsuperscript{276} who cannot be removed without a tribunal hearing, the members of the EC can be removed from office by the President for any of the grounds listed without a hearing. This provision was applied in 2002 when President Museveni removed Aziz Kasujja from his position as the head of the EC, as well as five other commissioners, on the grounds of financial mismanagement and administrative incompetence on the recommendation of the Inspector-General of Government.\textsuperscript{906}

It is important that the EC has security of tenure by protecting members from arbitrary removal. It has been recommended by the APRM panel that Uganda ‘institutionalise security of tenure for members of the EC by ensuring that removal is dependent on recommendations of a tribunal’.\textsuperscript{899} This has been echoed by other stakeholders such as CSOs.\textsuperscript{900}

**D. Management of electoral disputes**

The Constitution and various laws provide for ways and means through which electoral disputes are dealt with by the EC and the courts of law such as tribunals.\textsuperscript{901} The Constitution empowers the EC to hear and determine election complaints arising before and during polling.\textsuperscript{902} Any aggrieved person may appeal to the High Court against a decision on an election complaint.\textsuperscript{903} Any dispute relating to demarcation of electoral boundaries may be appealed to a tribunal and further appeals can be lodged in the High Court, whose decision is final.\textsuperscript{904}

**Electoral adjudication by the EC**

The EC has powers to resolve complaints related to any irregularities in the electoral process.\textsuperscript{905} Any complaint that has not been satisfactorily resolved at a lower level of authority can be examined and decided by the EC. If the irregularity is confirmed, the EC has a duty to take the necessary action to correct the irregularity and any effects it may have caused. If anyone is dissatisfied with the decision of the EC, that person can appeal to the High Court, whose decision is final.\textsuperscript{906} The Constitution permits a person

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\textsuperscript{896} Ibid., Article 144.
\textsuperscript{897} Ibid., Articles 56 and 144.
\textsuperscript{902} Article 61(f) of the Constitution.
\textsuperscript{903} Ibid., Article 64(1).
\textsuperscript{904} Ibid., Article 64(4).
\textsuperscript{905} Section 15(1) of the EC Act.
\textsuperscript{906} Ibid., section 15(2–4).
aggrieved by a decision of the EC regarding the demarcation of a boundary to appeal to a tribunal consisting of three persons appointed by the Chief Justice, and the EC shall give effect to the decision of the tribunal. The Constitution further stipulates that a person aggrieved by a decision of the tribunal may appeal to the High Court, and its decision shall be final.

**Appeals to the courts**

Anyone aggrieved by the decision of the EC has the right to appeal it in court. The court chosen depends on the nature of the matter. If it concerns the election of the President, the Constitution provides that petitions be lodged with the Supreme Court for an order that a candidate declared by the EC to have been elected as President was not validly elected. Regarding complaints relating to the electoral process in general, where complaints have been heard and determined by the EC, the High Court is the forum for appeal and its decision is final.

**Presidential elections**

After the EC announces the presidential election results, any aggrieved candidate has ten days to file a petition in the Supreme Court to invalidate the election. The court must then make an expeditious inquiry and make a determination within 30 days. The court may choose to dismiss the petition, declare which of the candidates was validly elected, or annul the election and order a new election within 20 days of the annulment.

In the 2001 and 2006 elections, Dr Kizza Besigye petitioned the Supreme Court on the grounds that President Yoweri Museveni was not validly elected due to the various contraventions of the law during the electoral process. Although the Supreme Court in both instances acknowledged that there were some malpractices that compromised democratic principles embedded in the law – such as voter bribery, intimidation, multiple voting, ballot stuff ing, disenfranchisement of voters and inaccuracies in the counting and tallying of votes – it was not satisfied that these actions affected the results in a substantial manner. As such, the results of the elections were upheld.

Although opposition political parties rejected the outcome of the 2011 presidential election, they did not lodge any petitions because they did not trust the judiciary to make an appropriate decision, based on the decisions made in the 2001 and 2006 election petitions.

907 Article 64(2) of the Constitution.
908 Ibid., Article 64(3).
909 Ibid., Article 104.
910 Article 61(f) of the Constitution and section 12 of the EC Act.
911 Article 104(1) of the Constitution.
912 Ibid., Articles 104(5)(a–c) and 104(6).
913 Rtd Col. Dr Kizza Besigye vs Electoral Commission, Yoweri Kaguta Museveni (Election Petition No. 1 of 2001) and Rtd Col. Dr Kizza Besigye vs Electoral Commission, Yoweri Kaguta Museveni (Election Petition No. 1 of 2006).
914 UHRC (2011) 14th Annual Report, op. cit., p. 64.
Parliamentary elections

One of the functions of the EC is to hear and determine election complaints arising before and during polling at all levels. Any person aggrieved by a decision of the commission may appeal to the High Court, whose decision is final.

The Parliamentary Elections Act, 2005, also provides for election petitions to be filed within 30 days by a losing candidate or a registered voter in the concerned constituency. Such election petitions are based on the grounds that:

- The law was not complied with during elections and that this affected the results in a substantial manner;
- A person other than the one elected won the election;
- An illegal practice or any other offence was personally committed by the candidate or with his or her knowledge and consent or approval; and
- The candidate was disqualified or unqualified.

The High Court has a maximum of six months to make a decision on the election petitions. Anyone dissatisfied with the decision of the High Court has the right to contest it in the Court of Appeal, and subsequently in the Supreme Court.

After the 2006 elections, about 40 election petitions relating to parliamentary elections were lodged in the High Court. Some of the petitions were successful, resulting in the annulment of results and fresh elections. For instance, in Abdu Katuntu vs Ali Kirunda Kivenjinja and the Electoral Commission, the petitioner and first respondent contested the parliamentary seat in Bugweri County, Iganga District, in 2006. The petitioner filed a petition on the following grounds:

- That the electoral process was non-compliant with the provisions and principles of the Parliamentary Elections Act, 2005;
- That the failure to conduct the election in compliance with the provisions and principles in the electoral law benefitted the first respondent and affected the final result in a substantial manner; and
- That the first respondent personally or through his agents, with his knowledge, consent or approval, committed numerous election offences and illegal practices.

The court ruled that there was widespread intimidation, violence and torture by gangs...
trained and deployed by the first respondent, and furthermore that incidents of multiple voting occurred at a number of polling stations. The court concluded that there were instances of non-compliance with the provisions and principles established in the Parliamentary Elections Act, and that this affected the results of the election in a substantial manner.923

After the 2011 elections, there were about 110 election petitions challenging parliamentary election results. The judiciary developed a strategy to handle election petitions effectively. The Principal Judge appointed 25 judges and 43 magistrates to hear election petitions. These judicial officers would liaise with the civil division in making all the requisite arrangements for the efficient and expeditious disposal of all petitions.924 Furthermore, the judiciary affirmed that the Court of Appeal would promptly dispose of appeals arising from the election petitions in six months.925 The strategy is deemed to have been effective in yielding results. Judiciary Spokesperson Erias Kisawuzi said that out of the 110 election petitions filed, 105 were disposed of within the first four months after the 2011 elections.926 This was a remarkable achievement for the judicial system, which still had a case backlog from the 2006 elections.927

E. Financing the EC

Legal framework for election funding
Parliament is required to ensure that adequate resources and facilities are provided to the EC to enable it to perform its functions effectively.928 The EC is a self-accounting institution and deals directly with the ministry responsible for finance on matters relating to its finances.929 The administrative expenses of the EC, including salaries, allowances and pensions payable to persons serving on it are charged to the Consolidated Fund.930 Other funds may, with prior approval of the minister responsible for finance, include grants and donations from sources within or outside Uganda to enable the EC to discharge its functions.931

923 Ibid.
928 Article 66(1) of the Constitution.
929 Ibid., Article 66(2).
930 Ibid., Article 66(3).
931 Section 9(3) of the EC Act.
Funding of the IEC (1993–1996)

The Constituent Assembly and the 1996 electoral processes were products of a combined and concerted partnership involving the government, the election managers and the donor community. In the late 1980s and early 1990s, support by the donor community was predicated on a genuine effort by the government of Uganda towards establishing a democratic system of governance. Various donors were willing to give financial and technical support to the Constituent Assembly electoral process as part of the transition to democratic governance in Uganda.\(^\text{932}\)

The UNDP provided direct financial and technical assistance through the National Execution Unit in the then Ministry of Finance and Economic Development. It also coordinated donor assistance from Austria, Sweden, Norway, the Netherlands, and to some extent, the United States Agency for International Development.\(^\text{933}\) The UN Department for Development of Support Management Services sent a needs assessment mission to Uganda to determine electoral support requirements and thereafter some external donor assistance began.

Funding of elections since 1996

General elections in Uganda have been characterised by late enactment of enabling laws, late releases of funds and inadequate time to carry out activities as a result of inadequate planning and bureaucratic administrative systems, among others. In order to avoid problems previously witnessed, the EC developed a roadmap for the 2010–2011 general election, in which activities leading to the elections were regarded as a project funded over a period of three years, beginning with Phase I in 2008 and 2009 to Phase III in 2010 and 2011.\(^\text{934}\)

General elections in Uganda are largely financed by the government, and on average cost UGX 280 billion (approximately USD 112 million) over a period of three years. The government funds about 95% of the election budget, while about 5% is funded by donors. For example, the EC received donor funds relating to specific projects by such donors as the EU and the Danish International Development Agency (Danida, under the Deepening Democracy Funding Project) in the form of information technology equipment and budgetary support. The 2011 general election was better funded than the previous elections in 2006 and 2001.

In 2011 and 2012, the EC received adequate funds to execute its mandate of organising presidential and parliamentary elections, as indicated in its own reports:

\(^\text{933}\) Ibid.
The commission was adequately funded and was able to procure all the equipment, vehicles and materials required for the conduct of the general elections and, therefore, the electoral activities were executed in accordance with the strategic plan and road map.\textsuperscript{935}

Most donor support was channelled through the Democratic Governance Facility to the EC, and was aimed at or related to political party activities such as operationalising the political parties’ desks, workshops involving the political parties, meetings of the NCF, and civic education.\textsuperscript{936}

\textit{Table 6.2: Budget and source of funds for the 2011 general election}

<table>
<thead>
<tr>
<th>Period</th>
<th>Total Amount in UGX (USD)</th>
<th>Source of funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008/2009</td>
<td>6.2 billion (USD 2.5 million)</td>
<td>Government of Uganda</td>
</tr>
<tr>
<td>2009/2010</td>
<td>88.8 billion (USD 35.5 million)</td>
<td>Government of Uganda</td>
</tr>
<tr>
<td>2010/2011</td>
<td>185.3 billion (USD 74.1 million)</td>
<td>Government of Uganda</td>
</tr>
<tr>
<td></td>
<td>921 million (USD 0.37 million)</td>
<td>EU</td>
</tr>
<tr>
<td></td>
<td>4.5 billion (USD 1.8 million)</td>
<td>Danida, Deepening Democracy Funding Project</td>
</tr>
</tbody>
</table>


The budget for elections is usually spread out over more than one year, as can be seen from Table 6.2. Even when it is not an election year, money is disbursed to the EC for preparations for the next elections, for elections that may arise following the death of some of the elected officials, or decisions from courts overturning the results of previous polls. The EC budget is mainly funded by the government of Uganda.

\textbf{The EC’s management of funds}

The EC is accountable to Parliament\textsuperscript{937} and is audited by the Auditor-General.\textsuperscript{938} As such, the commission appears before the Parliamentary Accounts Committee to present its policy statement and budget, and to answer any queries from the Auditor-General. The EC, like most institutions funded by government, has raised queries, some of which have been related to delays in submitting accountability reports. For example, when the EC spent UGX 2.93 billion on security,\textsuperscript{939} it claimed that the money had been given to the police and that the Ministry for Internal Affairs had been late in submitting accountability reports. Other complaints relate to failure to comply with procurement

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\textsuperscript{935} Ibid.
\textsuperscript{936} Ibid., pp. 28–32.
\textsuperscript{937} Articles 60(1), 66(1) of the Constitution and Section 12(1)(o) of the EC Act.
\textsuperscript{938} Section 23 of the Public Finance Act, 1962.
procedures, for example, the procurement of the road show blitz, where the Public Procurement and Disposal of Public Assets Authority found that in this instance the procedures did not comply with the law and that there was contract mismanagement, among other irregularities.940

F. A critical assessment of election management in Uganda

The Electoral Commission of Uganda has several duties, which include:

- Formulating and implementing civic education programmes relating to elections;
- Compiling, maintaining, revising and updating the voters’ register;
- Demarcating constituencies;
- Conducting regular, free and fair elections in line with the Constitution and other laws of Uganda;
- Ascertaining, publishing and declaring results of the elections; and
- Hearing and determining election complaints arising before and during polling.

The EC has done well, especially in terms of declaring the results of the elections, particularly the presidential election in the requisite time of 48 hours. It has also done well in determining complaints regarding the nomination of candidates for elections. However, it has experienced challenges in implementing civic education, updating the national voters’ register, demarcating constituencies, conducting elections in line with the law, and determining complaints at the local level.

Civic and voter education

Although there were some improvements in 2011 over the 2006 elections in terms of publicity, civic education was on the whole insufficient.941 The Constitution provides that both the EC and the UHRC have a duty to provide civic education.942 The EC mainly provides voter education while the UHRC provides civic and human rights education. The EC carried out voter education through radio, newspapers, television, booklets, leaflets and drama, but it did not reach all voters. The UHRC also carried out civic education, including human rights education for security agencies, and hosted national and regional dialogues to promote violence-free elections. However, civic and voter education was insufficient.

942 Articles 61(g) and 52(1)(g) of the Constitution.
In order to address this deficit, the EC has prioritised effective and comprehensive voter education in its strategic plan for 2013–2017 and the UHRC is developing a National Civic Education Policy to guide the delivery of civic education. It is important for the EC and the UHRC to work in partnership to enhance civic education.

The voters’ register

There were problems in 2011 with the national voters’ register, just as there had been in the 2006 elections, despite efforts to update it. The EC updated the voters’ register by registering voters from 3 May to 18 June 2010. The updated lists were displayed in August and the public invited to submit information relating to the accuracy of the rolls. The final updated voters’ register had photographs for most of the voters and was relied upon heavily during elections. On Election Day, there were complaints by voters who were unable to find their names at the polling stations where they were supposed to vote. Some observers noted that there were inconsistencies between the online voters’ register, or short text message information, and the hard copy at various polling stations, which led to the disenfranchisement of some voters.943

A credible, accurate and accessible national voters’ register is high on the priority list of the EC in the upcoming elections.944 The EC planned to obtain primary data for the compilation of the national voters’ register from the National Security Information System Project by 1 September 2014.945 There are high expectations that this system will work, but in the event that it does not, the EC will have to register voters in order to comply with the Constitution and other laws.

Demarcation of constituencies

The EC has had challenges in keeping up with the demarcation of constituencies whenever new districts are created. The district is a basic unit within which electoral areas are determined. Counties in a district are usually constituencies for elections of MPs. Each county has at least one MP. In the past 27 years, the districts have increased from 33 to 112. The EC faced challenges particularly when new districts were created close to the elections, as was the case in 2000, 2005 and 2010.946 The EC usually organises elections according to a roadmap and it is on the basis of such a plan that the budget is prepared and disbursed. The EC’s plans are affected when a new district is created, as it may require additional resources, which may times not be readily available outside the government budget cycle.

944 Strategic Plan, op. cit.
945 Ibid., p. viii.
946 Leonard Mulekwah, Director of Operations, EC, interview, 3 October 2013.
Conduct of elections
Although the conduct of elections has improved over the years, it is still wanting; this has been confirmed by court rulings in various election petitions.947 The EC has the duty to conduct regular, free and fair elections in line with the Constitution and other laws. This entails:

- Election administration;
- Registration of candidates and political parties;
- Ensuring a conducive electoral environment;
- Access to media;
- Participation of minorities and vulnerable groups;
- Participation of CSOs;
- Management of the Election Day;
- Announcement of results; and
- Managing the dispute resolution processes.

Electoral administration
Apart from implementing the roadmap for the 2011 general election, the EC faced the arduous task of trying to gain the trust of various stakeholders involved in the electoral process. Opposition political parties and CSOs raised concerns right from the start about the EC’s ability to conduct a credible election. It was argued that the EC was largely composed of the same members who had conducted the 2006 elections, which were marred by voter bribery, intimidation, multiple voting, ballot stuffing, disenfranchisement of voters, and inaccuracies in the counting and tallying of results. Regardless of the fact that the court had ruled that these malpractices did not affect the results of the presidential election in a substantial manner, many stakeholders did not – and still do not – trust the members of the EC.948

In spite of its negative image, the EC conducted the 2011 elections better than it did those of 2006.949 The EC followed the roadmap for elections, and improvements were noted in terms of its staffing and logistics, innovative use of technology and increased publicity and transparency with stakeholders.950 However, there were issues of concern relating to the following:

- Errors in the national voters’ register, resulting in the disenfranchisement of some voters;
- Inadequate implementation of electoral laws;

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947 Col. Dr Besigye Kizza vs Museveni Yoweri Kaguta, Electoral Commission (Election Petition No. 1 of 2001) and Rtd Col. Dr Kizza Besigye vs Electoral Commission, Yoweri Kaguta Museveni (Election Petition No. 1 of 2006).
Unequal access to the media;
Insufficient civic education;
Limited participation of minorities and vulnerable groups in the elections;
Lack of a level playing field;
Commercialisation of elections; and
Electoral violence.\textsuperscript{951}

\section*{Registration of parties and candidates}

The EC has attempted to fulfil its role in the registration of parties and ensuring that these parties submit financial and other records by threatening to de-register those that fail to submit records of accountability.\textsuperscript{952} In July 2013, the EC filed an application to de-register ten political parties that had not declared their sources of funds, audited accounts and other assets and liabilities. Notably, most parties are lackadaisical in filing declarations with the EC. By and large, the EC has been lenient with political parties and organisations, but it has had to step up its efforts in order to ensure compliance with the law.\textsuperscript{953}

The EC has done well in the registration of candidates – both party and independent candidates – for parliamentary and presidential elections, as well as in handling complaints relating to the candidates who have been nominated to contest. In the 2011 general election, the EC deregistered or reversed nominations for 21 candidates and only two of its decisions were overturned by the High Court.\textsuperscript{954}

\section*{Election campaign and pre-election environment}

The EC’s role in campaigns and making the environment more conducive for free and fair elections has been limited by its inadequate civic education programme, among other factors. The election campaign and pre-election environment is largely determined by civic education, which ensures that citizens know and can claim their rights and perform their civic duties. It is also dependent on the rule of law, democracy and good governance.

Violence during election campaign periods was a cause for concern. Violence in the 2006 elections took the following forms:

\begin{itemize}
  \item Intimidation of opponent supporters;
  \item Threats through agents, phone calls and public and radio statements;
  \item Assaults;
  \item Intimidation, arrests and beatings by security personnel; and
  \item Destruction of property.\textsuperscript{955}
\end{itemize}


\textsuperscript{952} Patrick Byakagaba, Head Political Parties Desk, EC, interview, 3 October 2013.

\textsuperscript{953} Ibid.


\textsuperscript{955} Okille (2011) \textit{Towards the Uganda 2011 Elections}, op. cit., p. 42.
In the 2011 election campaign, basic rights such as freedom of association, movement and assembly were generally respected. Most political parties and candidates held campaign rallies that attracted large crowds. The EC coordinated campaign schedules to prevent party rallies from overlapping and thereby ensured the peaceful conduct of campaigns.\textsuperscript{956} By and large, the candidates complied with the requirements of the law and EC directions in relation to the campaign schedules. However, there were complaints relating to the following:

- Denied access to media;
- Meddling by the Resident District Commissioners, who disrupted rallies (especially opposition candidate rallies);
- Use of excessive force by security agencies, especially against opposition party members; and
- Buying of votes.\textsuperscript{957}

Moreover, some political parties and candidates were reported to have formed vigilante groups to allegedly protect their votes. This was a source of concern as stakeholders feared that these groups could become violent during elections; the EC and the Inspector-General of Police, however, warned against interfering with the electoral process.\textsuperscript{958} Further, the recruitment of crime preventers by the Uganda Police Force sparked a lot of suspicion and disquiet because the recruits were allegedly mainly NRM supporters.\textsuperscript{959}

Another issue of concern for the opposition, CSOs and observers during the campaign period was the use and misuse of state resources.\textsuperscript{960} Use of state resources for election campaigns is prohibited except for a candidate who is holding the office of President. The President is allowed to use those resources that are ordinarily attached and utilised by the President.\textsuperscript{961} It was alleged that this was abused especially by the NRM party candidates.\textsuperscript{962} It is believed that the law, which has no restrictions on term limits, enables the President to stay in power and makes the electoral field uneven.\textsuperscript{963}

\textit{Access to media}

The right to media access has continuously been abused in the country’s recent elections – opposition candidates do not receive the same space as the ruling party to canvass support.\textsuperscript{964} As mentioned before, the EC has a responsibility to ensure that regular, free and
fair elections are held. It also has a duty to organise, conduct and supervise elections in accordance with the Constitution.\textsuperscript{965} The EC should, therefore, play an important role in ensuring the constitutional requirement that no candidate in the election is denied reasonable access and use of state-owned communication media.\textsuperscript{966} Indeed, in April 2007, the EC made recommendations for electoral reforms requiring national media to allocate sufficient time and space for registered political parties.\textsuperscript{967} However, this recommendation has not yet been implemented and access to the media by the opposition political parties, especially during campaign time, remains a challenge. Although state media reported all candidates, there were complaints of unequal coverage, which the EC also acknowledged and highlighted as an area in need of improvement.\textsuperscript{968} The Code of Conduct for the media covering elections was also issued very late – only a few days before the 2011 elections, and just before the end of the campaign period. Perhaps, if the Code of Conduct had been issued and disseminated earlier, the situation would have abated. The EC has provided for the establishment of a mechanism to ensure that media adhere to the Code of Conduct on Elections in its strategic plan. In addition to this mechanism, the EC should follow up on its recommendation on amending the law and ensure that it is passed and enforced.

\textit{Management of polling on Election Day}

Most election days have been uneventful, save for a few incidents. The EC is supposed to ensure the prompt delivery of election materials such as kits for the registration process, sufficient equipment such as cameras and computers, staff professionalism in the administration of the process, and adequate resources to pay officials manning electoral activities. Polling stations open at 7am and voting can only start in the presence of a minimum of five registered voters. At every polling station, there must be a presiding officer, four polling assistants and an election constable (police officer). Where there are more than 1,000 voters at a polling station, two constables should be deployed. Transparent ballot boxes are used, which increases accountability and electoral security.

In the 2006 elections, voting procedures were generally followed in most polling stations. Party and candidate agents were present in most polling stations, except in some upcountry ones. The presidential election results were declared within 48 hours. Nevertheless, the 2006 elections were also characterised by the following:

- Acts of intimidation;
- Lack of freedom and transparency;
- Unfairness and violence;
- Disenfranchisement of voters by deleting their names;
- Bribery and intimidation;

\textsuperscript{965} Article 61(a&b) and Section 12 of the EC Act.
\textsuperscript{966} Ibid., Article 67(2).
\textsuperscript{967} Sekaggya (2010), op. cit., p. 34.
• Allowing multiple voting and ballot stuffing;
• Failure to cancel results at polling stations where gross malpractices took place;
• Failure to declare results in accordance with the law; and
• Failure to take measures to ensure that the entire electoral process was conducted under conditions of freedom and fairness.\textsuperscript{969}

During the 2011 elections, most polling stations opened slightly after 7am. However, it was reported that a few polling stations opened much earlier, while others started hours later than 7am because of the late arrival of electoral materials, polling officials and voters. Concerns raised on polling day included disenfranchisement of registered voters who could not find their names on the national voters’ register and inadequate training of the polling station officials.\textsuperscript{970} There were unfortunate incidents of clashes between political parties on Election Day, as was the case in Serere and Iganga, and there was violence in Budadiri West and unlawful interruption of the voting in Mbale by armed gangs.\textsuperscript{971}

In future elections, the EC and the Uganda Police Force should ensure that security is maintained and that any incidents on polling day are managed to prevent disruptions to the electoral process.

\textbf{Access for disabled persons}

During the 2011 elections, the EC delegated the role of support for the participation of disabled persons to NUDIPU. However, there were complaints that the EC did not provide adequate resources and assistance to NUDIPU. The delegation of its authority to the union allegedly affected the participation of persons with disabilities who were not NUDIPU members. Furthermore, the participation of persons with disabilities was compromised by a lack of sign interpreters and Braille, among others.\textsuperscript{972}

\textbf{Publication of results}

The EC must ascertain, publish and declare results of all elections. It has, by and large, carried out this duty satisfactorily although there have been some problems.

\textbf{Counting, transmitting and tallying results}

After polling closes, ballot boxes are opened, votes counted, and the declaration of results filed and signed by the presiding officers and candidates’ agents. The results are then publicly announced at the polling station. The announced results are delivered to sub-county headquarters with a sealed Declaration of Results form, routed to the districts for tallying, and thereafter the returning officer declares the winner. In 2006,

\textsuperscript{969} Rtd Col. Dr Kizza Besigye vs Electoral Commission, Yoweri Kaguta Museveni (Election Petition No. 1 of 2006).
\textsuperscript{971} UHRC (2011) \textit{14th Annual Report}, op. cit., p. 64.
the court found that there had been some inaccuracies in the counting and tallying of results in some polling stations. In 2011, the EC used a new electronic results transmission and dissemination system for tallying. Data relating to the results, in particular the Declaration of Results form, was entered at the District Tally Centre from the polling stations and transmitted to the National Tally Centre. However, there were some glitches as the system was sometimes slow.

**Declaring of election results**
The EC has a duty to declare the results of elections and referenda. The EC declared presidential results within the constitutional timeframe of 48 hours after the closure of polling stations. Results were also published for each polling station on the EC website. This was not the case for parliamentary election results, which were published over two weeks after the closure of polling. This is probably because there is no time limit for declaring the results for parliamentary elections as is the case for presidential elections.

**Hearing and resolving complaints**
The EC has competently handled dispute resolution during and after polling with fairly good results. For example, in the year 2005/2006 the EC handled a total of 856 complaints, which included:

- Presentation of questionable academic papers during nominations;
- Failure to resign from public office before contesting elections;
- Intimidation during campaigns/polling;
- Missing/misallocation of symbols and names of candidates;
- Underage persons in the voters’ register;
- Double registration;
- Requests to nullify declared results;
- Voter bribery;
- Ballot stuffing;
- Defacing of posters;
- Disrupting rallies; and
- The use of abusive language.

The courts also determine or resolve electoral disputes. In 2006, the courts received 122 post-election petitions, some of which have been resolved while others are still pending. There has been a general complaint over delays in disposing of election petitions, especially those regarding parliamentary and local government elections. Another concern is the high awards made, which discourage potential litigants from petitioning courts whenever they are dissatisfied with the results of an election.

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973 Col. Dr Besigye Kizza vs Museveni Yoweri Kaguta, Electoral Commission (Presidential Election Petition No. 1 of 2006).
As part of the electoral reforms, the EC stated that in 2011, it established complaints desks at the district level in addition to the national desk to handle election-related complaints. The EC also established Election Liaison Committees at the national and district level, consisting of a representative of the police, the EC and contesting political parties, which were to support the operations of the complaints desk, although it is reported that only a few of them were established.

From 12 February 2011 to 13 March 2011, the EC conducted elections countrywide for the presidential and parliamentary offices, Local Council 3 and 5 representatives, municipal leaders and special interest groups – the second of its kind under the multiparty system. As of 1 April 2011, the EC had filled more than 18,650 elective positions, including that of the president, MPs, local government councils and representatives of special interest groups. The EC received up to 358 pre-electoral complaints. A vast majority of the cases were about nomination requirements and eligibility. The EC reported that it reversed 21 nominations of candidates in the parliamentary, district, municipality and sub-county elections; the High Court overturned two of its decisions.

**Relationship with security agencies, political parties and civil society**

*Security services*

The EC relies heavily on the Uganda Police Force and other security agencies to maintain law and order during elections; however, it does not seem to have any control over errant security personnel. For example, when some opposition party candidate rallies were unlawfully disrupted by security agencies and Resident District Commissioners, the EC could not address these transgressions.

The EC should have quasi-judicial powers to provide redress for complainants in such cases. Although the Uganda Police Force is constitutionally mandated to preserve law and order in the country, the overall supervisory role on the security of elections lies with the EC, which is in charge of all its aspects. The EC should be able to assert its constitutional mandate, which gives it authority over all election-related matters in Uganda.

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975 Ibid., p. 65.
979 Ibid.
980 Article 212(b) of the Constitution.
981 EC Act (as amended) and Articles 60–68 of the Constitution.
Political parties and agents

Political party agents usually work with EC officials to ensure that the elections are conducted in compliance with the law. In order to curb the incidence of pre-ticked ballots, the EC allowed political parties to have their agents present at all polling stations during the 2011 elections. Parties were, therefore, able to monitor the process from the beginning. Where malpractices were detected, steps were taken to address them depending on the situation. Where necessary, elections could be postponed. For example, the EC reported that the Kampala mayoral and councillors’ elections were called off owing to failure by polling officials to observe opening procedures, as well as ballot stuffing and connivance by some polling officials with candidates, which had been observed by party agents. These failures resulted in violence in some parts of Kampala and forced the EC to postpone the elections.  

CSOs

Ugandan elections have had observers since 1980. Both international and domestic observers must apply for accreditation from the EC. The EC may, at any election, accredit any individual, group or institution to act as election observer. It also issues guidelines for them. Anyone who observes elections without accreditation or does not write a report within six months after the declaration of results (or earlier as the EC may require), is liable on conviction to a fine or imprisonment not exceeding six months. Although this law has not been put into practice, it can act as a deterrent for election observers.

In 2011, regional observers such as the Inter-Government Authority on Development and international missions from the East African Community, African Union, the EU and the Commonwealth were also present. Local observers came from CSOs such as the Citizen’s Coalition for Electoral Democracy in Uganda (CCEDU), Human Rights Network (HURINET), Democracy Monitoring Group and the Inter-Religious Council of Uganda, among others. The EC reported that a total of 3,497 observers were accredited to observe the general election:

- 706 international observers;
- 1,232 national observers;
- 369 political parties/organisations;
- 116 international journalists; and
- 533 national journalists.

The national tallying process was observed by 541 observers.

CSOs used innovative ways to observe and monitor the elections. In the 2011 elections, observers were drawn from their local communities due to their understanding

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983 Section 16 of the EC Act.
of the local terrain. This innovation increased the people’s alertness on electoral malpractices. For instance, in Kasese, the local observers were able to alert the CCEDU on the polling stations that had not been gazetted, since they were aware that the places being used as polling stations were not legally designated as such.

The other innovative method was to set up parallel vote tallying. This has mainly been used during the by-elections and could be used to challenge the results the EC announces. The CCEDU used the Kodeo Vote Tallying Centre in the by-elections. The CCEDU has also built a network of voter observers who conduct voter education from door to door. This approach was used for the Butaleja by-elections. In 2016 elections, the CCEDU intends to rely on these observers, who are already trained, and will also have an observation centre that will collect information from the public and be a central reporting unit for observers.

Technology has played a critical role in the monitoring and observation of results. CSOs have used short text messages and websites. In 2011, they were able to identify hotspots and alert the responsible people in the EC of malpractices. They formed the ‘Uchaguzi Platform’, which was used to obtain information and plan for hotspots. Vote mobilisation and ‘honour your vote’ campaigns were carried out through social media using Facebook pages and through websites. There is evidence that mobilisation, detection of malpractices and tallying of results is possible because of technological innovations. CSOs opened platforms on Twitter and other social network websites and posted voter education messages, so there is more use of the electronic media in campaigns.

Notably, most observers concentrated on polling day and did not monitor the pre-election and post-election periods, which are equally important in the electoral process. Furthermore, the advanced electronic technology that was introduced in the 2011 elections requires expertise. Observers without the requisite knowledge were limited in their ability to observe the elections.

G. Conclusion
The Electoral Commission of Uganda has come a long way. It has laboured under the weight of negative public perception and a lack of trust from most stakeholders, but to its credit, it has taken steps to address most of the issues raised by observers and critics. In its report on the 2011 general election, the commission acknowledged areas in need of improvement, which included:

- Delays in the delivery of election materials in some polling stations;
- Imbalances in media reporting and coverage;
- The use of basins as voting booths;
- Bribery and commercialisation of elections;
- Inadequate voter education;
• Issues with the national voters’ register such as missing names and mix-ups in some voter locations;
• An uneven electoral ground for presidential candidates;
• Election violence and voter intimidation;
• Violation of electoral guidelines;
• Absence of legal ceilings for campaign expenditure; and
• Separation of elections to reduce voter fatigue and congestion.\textsuperscript{984}

After the 2011 general election, there were extensive consultations, including discussions on the recommendations of observer missions. The EC has internally evaluated the 2011 general election through an analysis of internal reports, observer reports, political party criticisms, petitions and court rulings, assessment surveys and a series of regional and national workshops for stakeholders.\textsuperscript{985} These assessments have been taken into account in the formulation of a new strategic plan for 2013–2017, whose purpose is to address shortfalls, weaknesses and challenges, as well as build on the strengths identified during the 2011 elections. The plan seeks to leverage the positive reforms introduced during the preparations for the previous elections and address the gaps and weaknesses that manifested themselves. It seeks to enhance the organisational and individual capacity of EC employees in administering the electoral process in partnership with external stakeholders.

Specifically, the EC strategic plan has five major areas of focus, which address some of the concerns raised by various stakeholders. The plan is based on five pillars:

• An institutionally strengthened election management body;
• Free, fair and transparent elections;
• A credible, accurate and accessible national voters’ register;
• Effective and comprehensive voter education; and
• A more service-oriented EMB.

However, the EC’s strategic plan does not address all the issues surrounding the electoral process, such as its own independence, restoration of term limits for the office of President, strict implementation of all electoral laws, as well as review and amendment of current laws that have an impact on elections, among other issues. The EC is one of the many key players in the electoral process. The following recommendations are made to deepen reforms of the electoral process in Uganda.

\textsuperscript{985} Strategic Plan, op. cit., p. vii.
H. Recommendations

In order to improve the electoral process and the work of the Electoral Commission, the following recommendations are made to Parliament, the EC and other stakeholders.

**Parliament**

- Pass laws relevant to elections relating to the appointment and removal of the members of the EC, access to media, use of state resources, term limits for the office of President, and time limits for the declaration of parliamentary election results. Recommendations from the EC for amendment of laws to provide for provisions relating to access to media, voter education and timely adoption of election laws should be heeded.
- Increase the funding allocated to the EC to enable it to perform its functions effectively. The EC should not be subjected to the Medium Term Expenditure Framework for critical areas such as the national voters’ register and obtaining election materials. The phased funding approach that was applied in the 2011 election cycle should be maintained.
- Ensure that the creation of districts and the subsequent demarcation of constituencies is being carried out in a planned, coordinated and efficient manner before the elections.
- Ensure that the National Consultative Forum is strengthened to secure the multi-party system.
- Pass the Code of Conduct for political parties.

**Electoral Commission**

- Ensure the maintenance of an accurate, credible and accessible national voters’ register.
- Enhance the conduct of elections by training all polling officials and ensuring compliance with the electoral law.
- Enhance dispute adjudication mechanisms by strengthening and establishing complaints desks in all districts and at the national level to handle election-related complaints.
- Establish and strengthen Election Liaison Committees comprising a representative of the police, the EC and contesting political parties, at the national and district levels.
- Work with the Uganda Police Force to ensure that elections are secure and are not unlawfully interrupted by anyone.
- The EC should comprehensively perform its role and use its constitutional powers to ensure that the elections are conducted in accordance with the law.
Electoral Commission and other stakeholders

- The EC and the Uganda Human Rights Commission should work in partnership with CSOs to enhance civic education efforts to fulfil its constitutional obligations. Civic education should be comprehensive and provided in a continuous manner.
- The EC and the Communications Commission should ensure that media houses adhere to their code of conduct on elections.

CSOs

- CSOs need to build their capacity to observe elections, including electronically, and to be able to observe the whole electoral process, including the pre-election and post-election period, and not just polling day.
- It may be necessary to consider establishing an independent monitoring system to audit the whole electoral process from beginning to end.