



RECENT EXPERIENCES OF ELECTION MANAGEMENT IN UGANDA

AT THE 6TH SYMPOSIUM OF ELECTION MANAGEMENT

BY

ENG. DR. BADRU M. KIGGUNDU

CHAIRPERSON/ELECTORAL COMMISSION, UGANDA

27TH – 29TH MAY 2013

MAURITIUS

1.0 INTRODUCTION

- Articles 60, and 61 of the 1995 Constitution of the Republic of Uganda establish and mandate the Electoral Commission (EC) to organize, conduct and supervise elections.
- Article 62 provides for independence of the Commission in delivering its mandate
- Article 60 (2) Members of the commission shall be persons of high moral character, proven integrity and who possess considerable experience and demonstrated competence in conduct of public affairs.
- Article 60 (3) The members of the commission shall hold office for seven years, and their appointment may be renewed for one more term only.
- Article 60 (4) If the appointment of a member of the commission is being renewed, the renewal shall be done at least three months before the expiry of the first term.

2.0 STRENGTHS OF THE ELECTORAL COMMISSION UGANDA

- Constitutionally established and constituted
- Staffed with competent technical personnel at Headquarter, Regional level and in all 112 Districts of Uganda
- Guided by a comprehensive legal framework
- Fairly good electoral system (National Elections after every 5 years)
- Uganda adopted a new system of Multiparty Political Governance following the 2005 National Referendum (with 38 parties registered)
- Formulates a 5-year Strategic Plan out of which a Roadmap to General Elections is derived – to aid implementation of election activities (currently launched the 2013-2017 Strategic Plan and Roadmap to 2016 General Elections)
- Strong adherence to the legal framework
- Subscribes, recognizes and adheres to the International canons of free and fair elections
- Believes in and promotes multi-stakeholder responsibility to achieve free, fair and peaceful elections

3.0 MAJOR DEVELOPMENTS RESPONSIBLE FOR THE COMMISSION'S SUCCESS IN ELECTION MANAGEMENT IN UGANDA

a) Compliance with the Electoral Legal Framework

During the implementation of its Constitutional mandate, the Commission is guided and controlled by an elaborate legal framework. Stakeholders including the Commission regularly proposes amendments and new legal enactments arise. The electoral laws that guide the Commission's planning and execution of its mandate include among others;

- The Constitution of the Republic of Uganda, 1995 (as amended)
- The Presidential Elections Act, 2005 (as amended)
- The Parliamentary Elections Act, 2005 (as amended)
- The Local Governments Act, Cap. 243, (as amended)
- The Political Parties and Organisations Act, 2005 (as amended)
- The Electoral Commission Act (as amended), and
- Numerous regulations/guidelines

b) The National Voters' Register (NVR)

During the 1990's and before, elections were conducted using handwritten registers which were easy to manipulate resulting to such anomalies as multiple voting. For the 2001 and 2006 General Elections, the Commission acquired technology to computerise, update and maintain the NVR with photos subsequently included to ease identification of the voter. There were more improvements on the NVR in 2011 when the Commission added the biometrics component to its computerised register. The new biometric registrants (over 4 million) were combined with the already existing photo bearing register (over 10 million) and one register was produced. The Commission is in consultation with various stakeholders to ensure that the NVR for the 2016 General Elections is fully biometric to completely weed out any cases of double registration/voting which may not have been yet discovered during the cleaning of the register/duplicate analysis.

c) Handling of Election Results and Transmission

In Uganda, voting takes place from 7:00 a.m. to 5:00 p.m. at every polling station. Immediately, votes are counted and announced by the Presiding Officer of that polling station. They are transported to the Sub County which is the collection centre and thereafter delivered to the District. The District Returning Officer tallies and declares the outcome for that level. The presidential results are announced only at the District and transmitted to the National Tally Centre for the general tally and final declaration **within 48 hours after closure of polls** (as per Article 103(7) of the 1995 Constitution of Uganda)

The manner of results transmission has evolved over the years. For the last General Elections (2011), Development Partners supported the Commission and installed the a new technology, much quicker and more transparent in transmitting results from the Districts to the National Tally Centre. This wireless transmission system enabled the stakeholders like political party/candidates' representatives, observers and the media, present at the National Tally Centre to check on-line and get information about the results as they progressively trickled in from the Districts.

d) Enhancing Stakeholder Participation, Transparency and Accountability

Throughout the preparations of implementing election activities, the Commission has found it rewarding to be open and transparent throughout the election cycle. Various stakeholders including the Political Parties, Local and international Observers, and the Media, are allowed to observe all the activities right from the re-organisation of polling stations, to the printing, packing and dispatch of the polling materials to the Districts, the polling stations and to the tally centres.

Prior to the display and polling activities, agents of political parties/candidates are called upon to be trained together with the field election officers so as to move in tandem with whatever is to be done.

The Commission by law issues a polling register to participating political parties/candidates for each polling stations to ease identification of voters between the polling officials and agents and also to ensure that anyone missing is not allowed to vote.

Results are announced in clear view of the voters at polling stations and before observers and agents at tally centres.

e) Regular dialogue with the Media

It is a well known fact that the media can make or break you. This is why the Commission through regular dialogue urges the media to act responsibly in their operations. Media coverage of the electoral process is at three levels i.e. during the pre-election, during elections and post-election periods. The major role to be played by the media is also embedded in its traditional roles of:-

- Informing;
- Educating;
- Mobilizing and,
- Entertaining.

The Commission is conscious that the media in a changing society has taken on new roles including:-

- Agenda-setting;
- Change agent;
- Socialisation;
- Watch-dog;
- Interpreter;
- Surveillance;
- Companion etc.

f) **Regular dialogue with the Police**

Annually, the Commission engages the Police Training School students to inform them about their duties and responsibilities during elections. Regular dialogues also take place between the two institutions prior to any election/by-election to ensure that there is neutrality emphasized by professional conduct of the Police. Section 12 (f) of the Electoral Commission Act (1997) (as amended), requires the Commission to **take steps to ensure that there are secure conditions necessary for the conduct of any election.** The Police is the lead agency and other security organs can be called in by the Police as and when need arises to ensure that there is:-

- Security of persons (life) and election materials
- A conducive atmosphere for all stakeholders throughout the entire electoral process
- Freedom of movement, assembly, association and expression
- Proper investigation of electoral offences/malpractices
- Respect for the Rule of Law as contained in the electoral guidelines

g) Management of Candidates' Campaigns

Prior to the 2006 General Election period, candidates' campaigns witnessed a lot of clashes resulting into violence, loss of lives and destruction of property. The Commission proposed measures to minimise catastrophies and presented them to Government, Parliament and the Uganda Police. These proposals were a welcome relief and some have been passed into law while others are still being implemented as administrative measures between the Commission and the Police. The initiatives included among others;

- Limiting the number of supporters and vehicles to the nomination venue and to the agreed campaign venue (permitted vehicles must have Police stickers)
- Harmonisation of candidate campaign programmes between the Commission and participating parties/candidates. Any changes must first be agreed upon between the Commission and all participating candidates to avoid clashes (presidential candidates sign a Memorandum of Understanding to adhere to harmonised programmes)
- Observation of campaign time i.e. closure time is 6:00 p.m. daily

4.0 MAJOR CHALLENGES OF THE COMMISSION

Despite the numerous measures/strategies that put in place to ensure peaceful, free and fair electoral activities, the Commission still encounters challenges while delivering its mandate and these include:-

- Delayed enactment/amendment of the electoral laws leading to inadequate voter education, requisition of supplementary funding and crisis management of some electoral activities
- Delayed and inadequate funding therefore low wages for field staff which leads to engagement of low calibre officials prone to easy compromise
- Voter apathy
- Negative perception of the Commission by the public, losing parties/candidates
- Uneasy dealing with political parties some do not comply with legal requirement to declare assets/liabilities, sources of funding, and change of addresses which are not communicated to the EC
- Lengthy procurement procedures
- Unconfirmed position of handling ICT initiatives e.g. a complete biometrics voters' register versus the National Identity Card project prior to 2016

5.0 STRATEGIES RESPONSIBLE FOR CONTINUOUS IMPROVEMENTS

- Development of Strategic Plans and General Elections Roadmaps to ensure phased funding and implementation of electoral activities (at least in 3 FYs)
- phased implementation and funding of electoral activities, hence the 2011
- Holding of regular consultative meetings, seminars, workshops with all stakeholders e.g. political parties/candidates, Government, Police, Parliamentary Committees, media, civil societies,
- Close partnership with the Police
- Establishment of a National Information Desk and District Complaints Desks during election periods
- Integration of voter education into the school and functional adult literacy curricular
- Intensive monitoring and supervision of all electoral activities
- Transparent identification, recruitment and training of election officials
- Timely display of lists of recruited temporary election officials for verification by public and political parties
- Zero tolerance for undisciplined electoral officials behaviour (black listing culprits)

- Decentralisation of election administration
- Timely identification and submission of areas for electoral reform to stakeholders
- Training of party/organisation/candidates agents with electoral officials prior to demarcation, display and polling activities
- Secondary display of lists of voters' particulars recommended for deletion from the voters register (natural justice)
- Provision of serialised Declaration of Results Forms for each polling station
- Organized and proper packing of the electoral kits at all levels
- Issuance of Statement of ballot papers indicating the quantity and serial numbers of ballot papers per polling station for easy tracking
- Use of transparent ballot boxes at all polling stations
- Use of tamper evident envelopes for sealing and retrieval of election results from polling stations
- Computerised tallying of election results
- Development of software to reject any result returns of 100% or beyond

6.0 EXPERIENCES OF THE POST ELECTION PERIOD

With reduced pressures, the post-election period constitutes an ideal time for a number of actions, such as:-

- Review of lessons learnt and recommendations, strategic thinking, planning and proposing new initiatives
- needs-assessment
- consolidation and capitalisation from the gains made during the preparation and conduct of previous elections
- filling of gaps and correction of deficiencies
- discussing electoral reforms, structural changes, undertaking institutional strengthening and long term capacity development initiatives, without the considerable pressure of an electoral event
- defining long term sustainable support programmes
- adopting and applying lessons and recommendations, and implementing programmes

- Proposing legal reforms/amendments
- arranging capacity development, institution strengthening and voter education programmes
- having dialogue and stakeholder consultation
- making technical evaluations and audits
- doing technology upgrades
- Drawing of new strategic plan and roadmap
- Lobbying for support to enhance better performance in next cycle of elections

7.0 CONCLUSION

- The level of achievement of free and fair elections is dependent on the level and timely participation of all stakeholders, recognition and adherence to the legal framework by all stakeholder, and level of execution of respective roles by all stakeholders.
- Despite the diverse experiences both good and challenging in administering elections in Uganda, the Commission will always remain committed to serving Ugandans in line with the legal procedures and devising new strategies to improve service delivery.

EC Vision

*“To be a Model Institution and Centre of excellence
in Election Management”*

EC Mission

*“To Efficiently Organise, Conduct and Supervise
Regular Free, Fair and Transparent Elections and
Referenda to Enhance Democracy and Good
Governance”*

For God and My Country

I thank you.