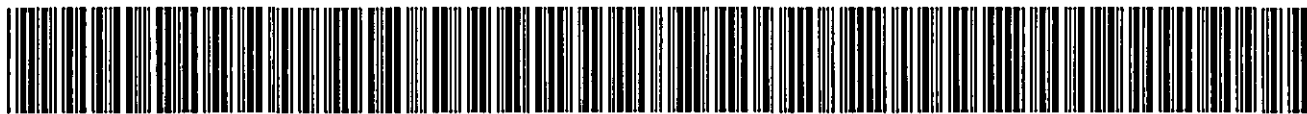


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CIVIC/VOTER EDUCATION INSTRUCTIONAL MANUAL FOR THE REFERENDUM ON THE CHOICE OF A POLITICAL SYSTEM

Which way?

MOVEMENT

MULTIPARTY

OR

OTHER

Your VOTE will decide



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CHAIRMAN'S MESSAGE

The new programs of civic/voter education demand that civic educators should learn to sing the song of the electorate and dance their dance. The assumption here being that democracy will not work unless we have a vibrant society which in turn fosters and/or engenders a civil minded ethos in society on popular participation.

The bottom line of civic education is to seek to maintain the interest in matters of Government and governance in the people. To elicit in the people the feeling and responsibility in participation which is theirs as responsible stakeholders. The net works of civic engagement facilitate communication and improve the flow of information about trustworthiness of individuals, net works of civic engagement allow reputation to be transmitted and refined. Thus other things being equal, the greater the communication both direct and indirect among participants, the greater their mutual trust and the easier they will find it to cooperate.

It is hoped that this manual carefully worked out by the Electoral Commission and organised NGOs who have been accredited by the Commission to carry out Civic Education because of their impartiality, objectivity, experience, skills and expertise would create intellectual stimulus among the stakeholders in discussing and crystallizing their choice of a political system they prefer for governance of this country.

The Electoral Commission will supervise this exercise to ensure that the core issues of the referendum are being addressed and the myriad questions are answered properly to make the referendum exercise a success. I recommend to the stakeholders internalisation of the issues discussed in this handbook in order to be a precursor to the successful execution of our goals, aims and objectives in the democratization process.



AZIZ K. KASUJJA

CHAIRMAN - ELECTORAL COMMISSION

INTRODUCTION

As the country prepares for the referendum on the choice of political systems, the Electoral Commission in collaboration with Non-Governmental Organisations accredited to conduct Civic Education has produced this manual as a reference and guide for all those who will conduct civic/voter education relating to this referendum.

This booklet has also been designed to cater for people from all walks of life e.g. religious, opinion and civic leaders, institutions as well as in homesteads. Civic Educators will particularly find it useful during the course of their work because an attempt has been made to address issues likely to engage the inquisitive minds of the electorate in understanding the referendum question.

It is required of us as citizens of this country to actively and whole-heartedly participate in putting into place a political system of our choice. This is our civic duty as enshrined in the Constitution. The information contained in this manual is aimed at sensitising the reader and equip him/her to conscientiously choose a political system under which the country will be governed until a change is demanded through the already established mechanism.

This manual together with other voter education publications should in the first place prove handy to the family as an important unit of instruction and interaction where ideally, sensitisation about the referendum process should begin.

ACKNOWLEDGEMENTS

This Instruction Manual is a result of a combined effort by the Civic Education and Training department of the Electoral Commission, and the Non Governmental Organisations (NGOs) accredited to conduct civic/voter education for the 2000 Referendum.

The Commission appreciates the input by members of the NGOs Manual Drafting Committee from the underlisted organisations chaired and coordinated by Mr. Kintu - Nyago of Uganda Matyrs University, Nkozi, and Friedrich Ebert Foundation (FES) which facilitated the Non-Governmental Organisations Committee in its operations.

- Federation of Women Lawyers (FIDA)
- Uganda project Implementation and Management Centre (UPIMAC)
- CASE International
- National Association of Women Organisations (NAWOU)
- Retrenched Manpower Services (REMASE)
- Uganda Journalists safety Committee (UJSC)
- Uganda Joint Christian Council (UJCC)
- National Organisation for Civic Education and Election monitoring (NOCEM)
- United Religions Initiative (URI)
- Action for Development (ACFODE)
- Wilsken Agencies

This manual incorporates information from:

- The Constitution of the Republic of Uganda 1995.
- The Referendum and other provisions Act 1999.
- The Constitutional Commission Report 1993.

CHAPTER ONE

GENERAL INFORMATION ON CIVIC EDUCATION

1.1 WHAT IS CIVIC EDUCATION?

Civic Education is that essential form of Education that informs any given society on its core values, necessary for the promotion of its social cohesiveness and economic wellbeing. This passing on of information and values takes place at various levels ranging from the family to national level.

The Constitution of Uganda provides for the creation and nurturing of a democratic society in which all citizens have the right participate in the affairs of their government, and civic education enhances the peoples' competence and opportunity to participate meaningfully and responsibly, in self-governance.

Referendum On Political Systems

The Referendum on Political Systems Should not divide us



**We are Ugandans and we SHALL remain Ugandans even if we
vote differently**

VOTING SHOULD NOT DIVIDE US

1.2 DEMOCRACY AND GOOD GOVERNANCE.

Democracy has been defined in various ways by different people i.e.

- a) Rule by the people
- b) Government where power belongs to the people
- c) Government of the people, by the people and for the people.
- d) Government which has been consented to by the people and is accountable to them.

All the above definitions are correct because they talk about the people being the source of

power for mandating their elected representatives democratically.

Such a situation would ultimately lead to good governance i.e. when public affairs are administered in a predictable democratic, transparent and accountable manner.

Good governance therefore entails the following components: -

- involving partnerships of democracy that infuse and sustain it, (civil society, NGOs and private sector)
- holding of regular free and fair elections to choose or change leaders.
- Conducting of Public Affairs in a transparent manner.
- Leaders leading by example and being accountable to those they lead.
- Presence of an independent and impartial judiciary, which administers, defends, protects and preserves the rule of Law.
- Gender-sensitive approaches to governance.
- Respect for the rights of the minorities and vulnerable social and cultural groups.
- Tolerance of political, social, religious and cultural debate amongst people of different political ideologies.

1.3 THE FAMILY.

The family is the most important level at which societal values should be instilled into young people as they grow up. Parents especially mothers are the first educators of children. They inculcate into the young people moral, cultural, and social values.

Civic Education therefore begins at home and is imparted through a combination of simple instructions and observance of strict codes of unwritten laws. This process enables the growing child to grasp values, which become very handy later in life.

1.4 WOMEN AND CIVIC EDUCATION.

We have already seen in this chapter that women as mothers, play a very important role in the upbringing of children. They are the first civic educators and the values they inculcate in the child at family level are responsible for the child's attitude towards various aspects in his/her adult life.

Many of our cultures do not accord women the social status proportionate to their contribution to society. The Uganda Constitution however, has addressed this anomaly and what remains is for this affirmative action for women to be continually emphasized and translated into action in order to enhance women's dignity integrity, productivity and contribution for the general good of society.

The people must be sensitised about the urgency to translate policies of justice, equity, and modernisation into actions which involve women as equal partners. It therefore follows that the empowerment of women in this regard will in reality also mean the empowerment of society as a whole.

1.5 THE COMMUNITY AND CIVIC EDUCATION.

A community refers to a group of people who live in a particular geographical area. People in a village for example, share a lot of things. They are in daily contact with each other because they fetch water from a common source, their children go to the same schools, they go to the same market and they pray from the same churches or mosques.

The more developed a village is, the easier life becomes and subsequently, the more developed the higher levels of the community will be. But most often the village needs to combine efforts with neighbouring villages for the common good. For that matter, higher units comprising several villages exist and they constitute administrative structures up to the national level. Depending on the need, leaders at these different levels come together to plan, discuss and work for the betterment of their area.

Uganda's local government system offers opportunity for the people to participate in the affairs of their local governance and it can be used by the people from village level through to district and national level to organise themselves for the development of their area and country. This creates reciprocal relationships of trust and collective action popularly known as social capital.

Through local councils and other civic organisations, the democratisation process is slowly being concretised and civic awareness has been improving.

1.6 CULTURE AND CIVIC EDUCATION.

Culture can be defined as a people's way of life. There is no country without culture or cultures and it is by it that a people can be identified. Culture touches all facets of life e.g. Language, customs, music, dance, literature, oral traditions etc. Its role in shaping civil society is fundamental because it constitutes the very first values, which are inculcated in a child by the parents during its upbringing.

Cultural identity can contribute to group solidarity and is not easy to suppress. But culture is dynamic and, civic educators should recognise and encourage those cultural values which are consistent with fundamental human rights and freedoms in as far as they contribute to the enhancement of human dignity and the nurturing of a democratic culture.

Civic Educators should be broadminded and respectful of peoples cherished values, which should render their work productive.

CHAPTER TWO

METHODOLOGY

2.1 INTRODUCTION

Civic Education delivery using this manual will assume a multi-pronged approach i.e.

- (i) involving discussions, demonstrations, question and answer, role-plays, brainstorming, sharing materials as well as individual experiences to enrich group interaction.
- (ii) Addressing people at various gatherings.
- (iii) Informal discussions with small groups in different places.

The civic educator is therefore being prepared for all these scenarios and the lessons must be as participatory as possible.

2.2 TEACHING AIDS

In the event where the civic educator is to conduct a session formally, he should carry the following.

- (i) The Civic Education Manual
- (ii) The Constitution of Uganda
- (iii) The Referendum Act
- (iv) Appropriate posters for demonstration
- (v) A flip-chart and markers
- (vi) Chalk (in case he has to use a black board).

2.3 LESSON OBJECTIVES.

At the end of each lesson/session participants should be able to:

- (i) Know what a political system is
- (ii) Know what the Constitution is
- (iii) Define the term referendum
- (iv) Know what a referendum question is
- (v) Distinguish between a referendum and other elections
- (vi) Why the 2000 referendum is necessary
- (vii) Define a political system
- (viii) Distinguish between Movement and Multiparty political systems

- (ix) Why it is important for him/her to participate in the 2000 referendum
- (x) Distinguish between a national referendum and one held for a given area
- (xi) Know how to petition for local and national referenda.

2.4 PRACTICAL APPLICATION.

Depending on the time available and the methodology employed, participants should be encouraged to participate in the following:

- Discussions revolving around the term referendum for better grasp.
- Discuss and give examples of other referenda similar to this one.
- Discuss a referendum question.
- Discuss canvassing or campaigning for the 2000 referendum.
- Discuss offences that concern them as voters.
- Discuss the advantages and disadvantages of a referendum.

2.5 LESSON PLAN.

- (i) Lesson objectives.

The objectives of the lesson will be stated at the onset of the lesson to make the content absolutely clear and to help participants anticipate the kind of practical applications they will be recommended to carry out.

- (ii) Presentation of the topic.

The civic educator is expected to make the lesson as interesting as possible by:

- (a) being brief and to the point
- (b) using visual aid demonstration wherever possible
- (c) quoting or giving relevant examples
- (d) answering questions satisfactorily
- (e) being audible and presentable.

- (iii) Practical Applications:

These will be of two kinds i.e. those, which will be carried out immediately after the presentation, or those, which will take the form of assignments. e.g. role-play, marking a dummy ballot paper.

- (iv) Others.

If flip charts and markers are not available, the civic educator should use any other available appropriate material. e.g. black board, chalk.

Literate participants should be encouraged to come with pen/pencil and a notebook.

Participants should be encouraged to extend the learning process beyond the lesson. They could for example discuss it and its practical applications with their family members, friends and other members of the community.

CHAPTER THREE

REFERENDA GENERALLY

3.0 A REFERENDUM is a vote taken on an important issue by all the people of a country or part of it. It is one way through which people may express their views with regard to government policy or proposed legislation. Unlike in an election where people vote for candidates or political parties, in a referendum they vote over issues or questions.

For example referenda are held to resolve political, economic, social or cultural issues on which the people are sharply divided. The issues may be of national importance or may be affecting a section of people in the country.

A case in point was the 1964 referendum held in Uganda regarding the “lost” counties. People of the then Buyaga and Bungangaizi counties were given chance through a referendum to decide whether to remain under the then Buganda Kingdom, join the then Bunyoro Kingdom, or become a separate district. They opted to revert to the then Bunyoro Kingdom.

Many national constitutions provide for holding referenda. Examples:

- In Australia constitutional amendments must be endorsed through referenda. In November, 1999 a referendum was held to decide whether Australia should remain a monarchy or do away with the status of the British queen as Head of State and become a republic. The majority chose to remain under the monarchy.
- In 1975 Great Britain solved its problem over membership of the then European Community (now European Union) by holding a nation-wide referendum.
- In 1955 a referendum was held in Sweden to determine on which side of the road cars should be driven.
- In Egypt a referendum, was held on 27th September 1999 to determine that President Hosni Mubarak should be given another term as a President of that country.
- In 1986 Spain’s membership in the North Atlantic Treaty Organisation (NATO) was put to a referendum.
- In Malawi the decision to introduce the multiparty political system was taken after a referendum.
- In Canada, a mainly English speaking country, a local referendum is periodically carried out in the French speaking province of Quebec, to determine whether it should secede or remain a province of Canada.

- In East Timor, the people on 30th August 1999 voted in a referendum to become independent from Indonesia.
- Other countries where referenda have been held are Northern Ireland, and Switzerland.

QUESTIONS AND ANSWERS

1. QUESTION: What is the justification for holding a referendum?

ANSWER: In a democracy power belongs to the people. Therefore, should there be any issue over which they are divided the most democratic means of resolving the disagreement is for all the people to vote on it. By so doing, they assume the decision-making role which is usually reserved for elected leaders in parliaments and district councils since the elected representatives may not always reflect the views and interests of the people.

2. QUESTION: What is the difference between an election and a referendum?

ANSWER: In an election people vote for candidates while in a referendum they vote on issues.

3. QUESTION: Who is entitled to vote in a referendum?

ANSWER: All persons who are registered as voters are entitled to vote at a referendum. If the issue is national, all voters in the country will vote. If the issue concerns people in a particular district or region only, those registered voters in the that district/region/area will vote. The same applies when petitioning for a referendum.

4. QUESTION: Is the referendum on political systems necessary?

ANSWER: Yes, it is one of the ways of enabling the people to decide under which system they wish to be governed.

5. QUESTION: What if I do not participate?

ANSWER: You will not be penalised for not participating, but you need to know that your vote could make a significant difference on the results. The side you support could lose because of you and others who think like you.

CHAPTER FOUR

THE UGANDA CONSTITUTION AND THE REFERENDUM

4.1 HISTORICAL BACKGROUND

In order to understand the spirit of Article 69 of the Constitution and other provisions related to the contents of this manual, it is important to delve a little into the history of our country.

Since pre-colonial times, Uganda has experienced a number of political systems. Some were states moulded around monarchies while others were chieftaincies.

The 1962 Independence Constitution provided for a multiparty political system. It also accorded the different areas of Uganda different relationships with the central government. For example Buganda was given federal status while the kingdom areas of Western Uganda and the kingdom of Busoga got semi-federal status. The remaining non-kingdom areas were administered under a unitary arrangement with the central government.

Between 1962 and 1986 Uganda was governed as shown here below:

- 1962 - 1971 - Multiparty system
- 1971 - 1979 - Military rule
- 1979 - 1980 - Uganda National Liberation Front (Umbrella)
and the military commission
- 1981 - 1985 - Multiparty system
- 1985- 1986 - Military rule
- 1986 - to date - National Resistance Movement.

One of the issues handled by the Constitutional Commission while gathering peoples' views, and the Constituent Assembly while debating the draft Constitution, was that of the movement vis-a-vis the multiparty system. The Constitutional Commission concluded that the majority of Ugandans wanted both systems to be included in the new Constitution and consequently both systems were provided for in the draft Constitution. The draft further provided that the movement system, which was in existence prior to the enactment of the new Constitution, should continue for another five years during which period political parties would be in abeyance.

During the debate in the Constituent Assembly, the issue proved controversial and threatened to bog down the work of the Assembly. The issue polarised the delegates into pro-movement and pro-multiparty advocates to the extent that some delegates walked out of the Assembly.

After a heated debate about the virtues of the movement vis-a-vis the multi-party systems, article 69 which provided for the entrenchment of the movement, multiparty and any other democratic system was passed. It was further provided in the new constitution that in the forth year of the term of parliament elected under the new Constitution, a referendum would be held to determine which political system Ugandans wish to adopt.

4.2 THE REFERENDUM AND POLITICAL SYSTEMS

What is a political system?

Politics is the study of how a country is ruled and how its rulers are chosen, so the political system is the manner in which citizens of a country regulate their society aimed at resolving disagreements in a peaceful manner. You hear words like democracy, federation, Constitutional democracy, social democracy, dictatorship, monarchy, all these describe a political system in different countries.

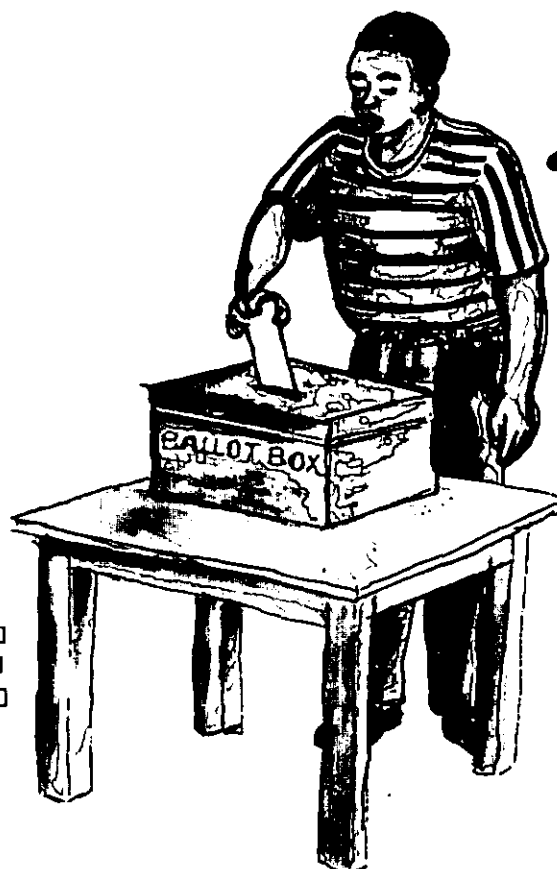
According to Article 1 of the Constitution of Uganda "all power belongs to the people who shall exercise their sovereignty in accordance with this Constitution".

In recognition of the fact that power belongs to the people, the Constitution provides for holding of referenda under different circumstances as follows: -

- a) Article 271 provides for holding of a referendum to determine the political system the people of Uganda wish to adopt after the current presidential and parliamentary terms.
- b) Article 74 provides that the political system may be changed during every fourth year of any parliament through a referendum requested by:-
 - (i) a resolution of more than half of all members of parliament; or
 - (ii) a resolution supported by the majority of the total membership of each of at least one half of all district councils; or
 - (iii) by one-tenth of the registered voters from each of at least two-thirds of the constituencies for directly elected members of parliament.
- c) Article 255 of the Constitution provides for the right of Ugandans to demand for the holding of a referendum in either the whole country or in a particular part of it on any issue.
- d) Article 259 provides for holding of a referendum to amend certain parts of the Constitution. These provisions are as follows: -
 - (i) Article 259
 - (ii) Chapter one Articles 1&2
 - (iii) Chapter four Article 44
 - (iv) Chapter five Articles 69, 74 and 75
 - (v) Chapter six Article 79 clause (2)
 - (vi) Chapter seven Article 105 clause (1)

REFERENDUM 2000

UGANDA NEEDS
YOUR PARTICIPATION
IN DETERMINING THE
POLITICAL SYSTEM



VOTE

- (vii) Chapter eight Article 128 clause (1) and
- (viii) Chapter sixteen.

- (e) Article 69 of the Constitution provides that:
 - (i) The people of Uganda shall have the right to choose and adopt a political system of their choice through free and fair elections or referenda.
 - (ii) The political systems prescribed by the Constitution are-
 - (a) The movement political system;
 - (b) The multiparty political system; and
 - (c) Any other democratic or representative political system.

4.3 MOVEMENT POLITICAL SYSTEM

Article 70(1) of the constitution defines the MOVEMENT POLITICAL SYSTEM as broad-based, inclusive and non-partisan.

The Movement political system conforms to the following principles; (Article 70(1))

- a) participatory democracy
- b) democracy, accountability and transparency
- c) accessibility to all positions of leadership by all citizens
- d) individual merit as a basis for election to political offices.

4.4 MULTI-PARTY POLITICAL SYSTEM

A MULTI-PARTY POLITICAL SYSTEM is where two or more parties exist for the sake of taking control of state power. Article 71 of the Constitution of the Republic of Uganda outlines the principles that a political party under a multi-party system shall conform to. They include;

- a) every party shall have a national character
- b) membership of a political party shall not be based on sex, ethnicity, religion or other sectional division
- c) the internal organization of a political party shall conform to the democratic principles enshrined in the Constitution
- d) Members of the national organs of a political party shall be regularly elected from citizens of Uganda and with due consideration of gender
- e) political parties shall be required by law to account for the sources and use of their funds and assets

- f) no person shall be compelled to join a particular party by virtue of belonging to an organisation or interest group.

4.5 SOME DISTINCTIONS BETWEEN THE MOVEMENT SYSTEM AND THE MULTIPARTY SYSTEM OF GOVERNMENT.

MOVEMENT POLITICAL SYSTEM	MULTIPARTY POLITICAL SYSTEM
<p>1. Membership is all inclusive and there is no registration and issuing of member-ship cards</p> <p>2. Accessibility to all positions of leadership by all citizens.</p> <p>3. Individual merit as a basis for election to political offices.</p> <p>4. No official opposition in parliament.</p> <p>5. Political offices are open.</p>	<p>1. Membership is open to those who subscribe to the ideals and policies of the party and are in possession of member-ship cards or known to be followers of the party</p> <p>2. Leadership within the party is restricted to party members only.</p> <p>3. Parties determine the candidates for elective offices by using a sieving process after which the one leading becomes a party candidate.</p> <p>4. Existence of official opposition in parliament.</p> <p>5. Political offices are normally reserved for members of the winning party, or winning parties in the case of a coalition government.</p>

Which way,
Movement OR Multiparty?
Your VOTE will decide



4.6 ONE PARTY POLITICAL SYSTEM

A one-party political system refers to a situation where by law other political parties are banned and there is only one political party in the country. Article 75 of the Constitution prohibits the enactment by Parliament of a law establishing a one-party political system in Uganda.

The following are the characteristics of a one -party political system where it exists: -

- (a) Only one party is allowed to exist.
- (b) All other parties/organisations are banned by Law.
- (c) In Presidential elections there is only one candidate and voting is through a yes or no against the candidate.
- (d) The right to stand is determined by the party.

QUESTIONS & ANSWERS

1. QUESTION: How shall I know which political system is the best?

ANSWER: Everybody is advised to listen to the advocates of each of the sides and make up his mind.

2. QUESTION: If I vote in the referendum, do I have to vote again in the presidential and parliamentary elections in the year 2001?

ANSWER: Yes, because the two are different. You are encouraged to vote in both the referendum and other elections provided you are 18 years and above, a registered voter, and a citizen of Uganda.

3. QUESTION: Does the movement mean President Museveni and Multi-party mean Obote or Semwogerere?

ANSWER: No, the referendum is not about political leaders but about political systems. Leaders will be elected during general elections.

4. QUESTION: Is the Referendum issue peculiar to Uganda only?

ANSWER: No, many other countries have used and continue to use referenda to resolve issues of national and regional interest.

5. QUESTION: Won't my choice cause my victimization by those from the side I do not support?

ANSWER: Your choice is secret. No one will know which side you have voted for unless you disclose it yourself.

In this Referendum
who is contesting?



The Referendum aims at agreeing on a system
on how we shall be governed but not the
individual candidates

CHAPTER FIVE

HIGHLIGHTS OF THE REFERENDUM AND OTHER PROVISIONS ACT NO. 2 OF 1999

The Referendum and other Provisions Act No. 2 of 1999 was enacted to among others;

- a) Cater for any referendum required to determine any matter;
- b) Cater for any change in the political system;
- c) Cater for a referendum in the year 2000 in which referendum Ugandans will determine the political system they want to adopt;
- d) Provide for the role of the Commission as stipulated under section 5(1) of the Act;
- e) Provide for other matters incidental to the above.

5.1 THE ELECTORAL COMMISSION

Article 60 of the Constitution provides for an Electoral Commission. The Commission is independent and shall, in the performance of its functions, not be subject to the direction or control of any person or authority. Article 61(b) vests in the Electoral Commission power to organise, conduct and supervise all referenda.

5.2 OTHER FUNCTIONS OF THE ELECTORAL COMMISSION

- a) To formulate and implement civic educational programmes relating to elections;
 - b) To organise, conduct and supervise elections in accordance with the constitution;
 - c) To ensure that regular, free and fair elections are held;
 - d) In consultation with the sides, approve symbols to appear on the ballot paper;
 - e) To determine dates on which any referendum will be held;
 - f) In exercising its functions relating to the referendum, the Commission may 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.
7. To avail equal facilitation to all sides for purposes of a referendum as provided under section 28(2) of the Act.

5.3 THE REFERENDUM ON POLITICAL SYSTEMS

Article 271 of the Constitution states in:-

- a) Clause (2) that: "two years before the expiry of the term of the first Parliament elected under the constitution, any person shall be free to canvass for public support for a political system of his or her choice for the purposes of a referendum;"
- b) Clause (3) that "during the last month of the fourth year of the term of Parliament referred to in clause (2) a referendum shall be held to determine the political system the people of Uganda wish to adopt"; and
- c) Clause (4) that "Parliament shall enact laws to give effect to the provisions of article 271"

To this end Section 26 of the Referendum and other Provisions Act 1999 provides that, the referendum to determine the political system shall be held between 3rd June and 2nd July in the year 2000. The Electoral Commission will appoint the particular date.

5.4 CANVASSING FOR THE REFERENDUM

According to Section 13(3) any person or group of persons is free to campaign for any side of his liking. The law further provides that campaigning shall stop twenty four hours before the referendum date. Individuals and groups subscribing to the movement or multiparty system or any other system shall for EACH side, establish a National Referendum committee consisting of not more than twenty members.

Functions of the referendum committees include:-

- a) to organise campaigns for the respective sides
- b) to appoint agents for purposes for campaigns and voting
- c) to liaise with the commission on any other matter related to the referendum.

5.5 VOTING AT THE REFERENDUM

- a) Voting at the referendum shall be by secret ballot using one ballot box at each polling station for all sides.
- b) Counting of votes will take place immediately after the close of the poll and representatives of the sides contesting in the referendum or their agents shall be entitled to be present in person at the polling stations.
- c) The winning side shall be determined by a simple majority of the votes cast at the referendum, i.e. the side which will get the most votes will win. For example, if three people turn up to vote in the referendum and one side gets two votes and another gets one vote, the side that gets two votes will win; the one with one vote will lose.

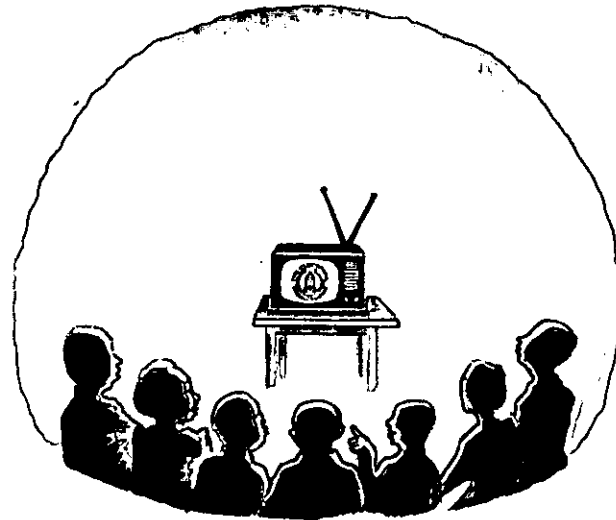
REFERENDUM 2000

On what facts do I base my choice of a political system ?



(A) Read Newspapers

REFERENDUM 2000



(B) Listen to Radio and Television



(C) Attend Campaign meetings and Seminars.

The above channels will enable you to make an informed choice.

5.6 OFFENCES VOTERS SHOULD BE AWARE OF

(i) Prohibition of incitement to public disorder.

Section 14 of the Act states that:

- (1) No person shall while canvassing in a referendum, use any language which is defamatory or which constitutes incitement to public disorder, hatred or violence.
- (2) Any person who contravenes sub section (1) above commits an offence and is liable on conviction to a fine not exceeding one hundred and fifty currency points (Shs. 1.2m) or imprisonment not exceeding two years or both.

(ii) Rights and duties of agents etc.

Section 21, of the Act states that:

- (1) Agents of each side shall be given equal access to and opportunity to use state owned communication media.
- (2) Subject to any other law, while canvassing any agent may either alone or in common with others, publish canvassing materials in the form of books, booklets, pamphlets, leaflets, magazines, newspapers or posters intended to solicit votes from voters but shall in any such publication, specify particulars to identify the agent or agents concerned.
- (3) No person shall, during canvassing, print, publish or distribute, a newspaper, circular or pamphlet containing an article, report, letter or any other matter commenting on any issue relating to the referendum unless the author's name and address, or the authors' names and addresses, as the case may be, are set out at the end of the article, report, letter or other matter or, where part only of the article, report, letter or matter appears in any issue of a newspaper, circular, pamphlet or letter, at the end of that part.
- (4) Subject to the following provisions of this section an agent may use electronic media for canvassing.
- (5) No person shall, during canvassing, use electronic media to do any of the following acts against another side or their agent.

- a) making statements which are known by the maker to be false or in respect of which he or she is reckless whether they are true or false;
 - b) making malicious statements;
 - c) making statements containing sectarian words or allusions;
 - d) making abusive or insulting or derogatory statements;
 - e) making exaggerations or using caricatures of the agent or using words or ridicule;
 - f) using divisive or mudslinging words against a side or their agents;
 - g) juxtaposition of words or statements with any of the effects described in the foregoing paragraphs.
- (6) The proprietor or operator of electronic media shall not use the media or allow it to be used to do any of the acts prohibited in subsections (5) of this section.
- (7) Any person who contravenes any of the provisions of subsections (2), (3), (5) and (6) of this section commits an offence and is liable on conviction:
- (a) in case of an offence under subsection (2) or (3), to a fine not exceeding fifteen currency points (i.e. 300,000/=) or imprisonment not exceeding three months or both; and
 - (b) in any other case to a fine not exceeding twenty five currency points (i.e. 500,000/=) or imprisonment not exceeding six months or both.
- (8) In this section electronic media includes television, radio, internet, e-mail and any other similar medium.

(iii) Miscellaneous

- (27) (1) No person shall, for canvassing in respect of a referendum, use any words, slogans or symbols which could arouse division on the basis of sex, race, colour or ethnic origin, tribe, birth, creed or religion or other similar division.
- (2) Any person who contravenes sub section (1) commits an offence and is liable on conviction to a fine not exceeding one hundred currency points (i.e. 2,000,000/=) or imprisonment not exceeding one year or both.

- (28) (1) The expenses incurred by the Commission in the holding of any referendum under this Act shall be paid out of monies voted by Parliament.
- (2) The Commission shall give equal facilitation to all sides for the purposes of a referendum, out of monies approved by Parliament.
- (29) Except as authorised by section 28 or any other law, no person shall use public resources for the purposes of canvassing for any side in a referendum.

QUESTIONS AND ANSWERS

1. QUESTION: Who is responsible for organising the referendum?

ANSWER: The constitution of Uganda has vested the powers of organising all public elections and referenda in the Electoral Commission (article 61 (b)).

2. QUESTION: Who is entitled to vote at the referendum 2000?

ANSWER: The persons entitled to vote at this referendum are all those registered as voters.

3. QUESTION: Isn't the referendum violating my fundamental Human Rights?

ANSWER: No, the referendum is provided for in the supreme law of the land i.e. the Constitution which states among other things that: "The people shall express their will and consent on who shall govern them and how they should be governed, through regular and free elections of their representatives or referenda.

4. QUESTION: What treatment should the sides in a referendum expect from government organs?

ANSWER: Each side will be given equal facilitation by government and during canvassing (campaigning) every government officer or government institution like the Army, Police, Civil Service must give equal treatment to all sides.

5. QUESTION: Are there any practices, which are prohibited?

ANSWER: Yes, No person is allowed to use public resources for purposes of campaigning during the referendum.

6. QUESTION: Will the referendum be free and fair?

ANSWER: Yes, the Electoral Commission will have to ensure that voting is free and fair so that at the end of the day it is the people, not government, to decide through their votes, on the system they want.

7. QUESTION: Must sides use only government media?

ANSWER: No, they are free to use both government and private media but if they use private media, they will have to foot their own bills.

8. QUESTION: What will happen to the current government if the majority of the people vote against the movement political system?

ANSWER: The term of the current government will expire in June 2001. After that the government elected under the system determined by the 2000 referendum will take over, (Article 271 of the Constitution).

9. QUESTION: What is expected of responsible citizens during the referendum on political systems?

ANSWER:

- a) If you are a Ugandan citizen aged eighteen years and above, register to vote in the referendum.
- b) During the display of the voters' register, check for your name on the register. Report all those on the register that are not qualified to be there i.e. the non-citizens, the under-age, the dead, and the non-existent voters. If your name is not on the register inform the display officer for immediate action.
- c) During the campaigns attend the canvassing rallies even if you do not agree with the speakers. All sides should be heard. Avoid abusing each other as well as taking or giving bribes.
- d) The voting process will be open and transparent. You are therefore free to witness the voting including the counting of ballot papers and the tallying of results.
- e) Should your side lose, accept the results because in a referendum like in an election there are losers and winners.
- f) Should you feel aggrieved, remember that the law provides that any registered voter supported by not less than 2% of the registered voters in Uganda can challenge the results of a referendum in the High Court within thirty days after the results are published in the Gazette.
- g) Should you be dissatisfied with the decision of the High Court, you can appeal to the Court of Appeal whose decision shall be final. Remember, if no petition is filed within thirty days or a petition is withdrawn, the results declared by the Commission shall be final.

10. QUESTION: Am I free to campaign anywhere in the country for the side I support?

ANSWER: Yes, but inform in writing the Sub-County Chief of the area as well as the police officer in charge of the area in question not less than 72 hours before you start the meeting.

11. QUESTION: If I am a married woman and my husband supports a side which I do not support, will I not be in trouble if I vote differently from my husband?

ANSWER: Voting is by secret ballot, your husband or any person will not know which side you vote for unless you reveal it to them. So please keep your side a secret.

12. QUESTION: Is Federal one of the systems to be decided on?

ANSWER: No. Federal is not a political system but a form of government which can exist under either multiparty or movement system.

GUIDELINES FOR CIVIC/VOTER EDUCATION ON THE REFERENDUM IN THE YEAR 2000.

In accordance with sub-section 1(I) of section 12 of the Electoral Commission Act, No. 3 of 1997 and the Referendum and other Provisions Act No. 2 1999, the Commission issues guidelines for carrying out voter/civic education relating to the referendum on political systems as herein below.

Accordingly the public is hereby notified that civic/voter education for the referendum shall only be conducted in accordance with the law and the Electoral Commission guidelines and only by individuals, groups of individuals or institutions or associations accredited by the Electoral Commission for this purpose.

1. OBJECTIVES OF CIVIC/VOTER EDUCATION:

Any person, group of persons, institution or association seeking to be accredited to carry out voter education on the Referendum 2000 on behalf of the Electoral Commission should be aware of its objectives, which include the following:-

- a) to help Ugandans understand the need for the referendum and the power and importance of their informed decision regarding the political systems.
- b) To create public awareness of the rights and duties of citizens so that they can
 - i) ensure that they are registered;
 - ii) attend canvassing meetings;
 - iii) vote wisely on polling day and
- c) teach the voters the referendum law, so as to enable them to fully participate in the referendum.

2. CRITERIA FOR ACCREDITATION

Accreditation of persons, institutions and non-governmental organisation to carry out civic/voter education shall be based on the following criteria:-

- a) the individuals, institutions and associations seeking accreditation must be impartial and non-partisan;
- b) a proven presence in the district of operation with experience and a network spreading to the grassroots;
- c) capacity and ability to coordinate activities up to grass roots levels;

- d) a sound financial resource base and capacity to live in a state of preparedness for the task;
- e) experience of social interaction with the people at grassroots; and
- f) readiness to work under the direction and supervision of the Electoral Commission both at headquarters and in the districts through the Returning Officers and other Election Officials, based on the understanding that the work is supplementing the Commission's effort to achieve the above stated objectives.

3. SCOPE OF THE ACTIVITIES FOR CIVIC/VOTER EDUCATORS

An accredited person, group or institution will be required to carry out the following activities:

- a) With the approval of the Commission, to recruit staff to carry out civic/voter education in the field.
- b) To conduct effective and successful voter education programmes for the referendum
- c) To carry out such other duties related to voter education as the Commission shall deem necessary.

Note: The Electoral Commission reserves the right to withdraw accreditation of any individual, group of individuals, institution or association which does not comply with the criteria stated above.

4. CIVIC/VOTER EDUCATION MATERIALS:

- a) The Electoral Commission shall, jointly with accredited Non-Governmental Organisations, produce teaching materials/manuals which the accredited individuals, groups or institutions will use in the civic/voter education for the referendum.
- b) The Commission shall approve any literature and/or posters produced by any accredited individual or group before they are used for civic/voter education.
- c) Presentation in the print and electronic media by accredited individuals, associations and organisations shall comply with these guidelines. Failure to do so will lead to withdrawal of accreditation.

5. RECRUITMENT OF CIVIC/VOTER EDUCATORS

While recruiting staff in the districts, accredited bodies or individuals shall be required to consult with the respective Returning Officers to ensure the sustainability of those to be recruited. The Commission retains the right to reject appointments made contrary to the requirements under these guidelines.

6. QUALIFICATIONS FOR CIVIC/VOTER EDUCATORS

In recruiting the staff, the following requirements should be adhered to:

- a) the educator must be a respectable person within the ward/parish of operation
- b) he/she must be non-partisan, impartial, and must not be an agent in canvassing for any side.
- c) He/she must have the ability to read and interpret the voter/civic education materials/literature;
- d) He/she should be a resident in his/her parish/ward of operation;
- e) Should be mature and have at least "O" level standard of education or its equivalent;
- f) Should preferably have leadership experience;
- g) Must be able to express him/herself intelligibly in the language understood by the people of the area;
- h) Must be prepared to work within the terms and conditions stipulated;
- i) Recruitment process must be transparent, and based on merit, but mindful of the interest of marginalised groups.
- j) Performance as civic/voter educator in the past will be an added advantage.

APPENDIX II

CODE OF CONDUCT FOR CIVIC EDUCATORS FOR THE REFERENDUM 2000

WHEREAS the people of Uganda are committed to building a new constitutional order founded on the principles of unity, peace, equality, democracy, social justice and progress,

AND WHEREAS it is a duty of all citizens of good will to promote public awareness of the constitution and the cause of democratic governance,

AND WHEREAS there are a number of accredited organisations for the purpose of carrying out civic education at the grassroots level in all parishes in Uganda on the referendum on political systems within the framework of terms and conditions for accreditation,

AND WHEREAS it is desirable to have a Code of conduct which shall govern the activities of the volunteers, agents or servants of the above-mentioned organisations in order to facilitate effective realisation and attainment of the above goals and objectives.

NOW THEREFORE, this CODE OF CONDUCT, comprising of a 7 point statement of principles governing the work of Civic Educators as made by the coordinating Committee shall apply to all persons who will be involved in carrying out civic education on behalf of the above-mentioned organisations in the run-up to the forth-coming referendum.

1.0 STATEMENT OF GUIDING PRINCIPLES

- 1.1 The principle duty of the civic educator is to promote awareness among the population of Uganda in general and the voting population in particular on the need for all citizens of Uganda of voting age to register and vote in the forthcoming referendum.
- 1.2 A civic educator is a friend of every voter and will endeavour to provide appropriate information, insight and advice to every voter on any issue relating to the referendum but will not use his or her position as a civic educator to influence any voter or group of voters to vote for any particular political system or to refrain from voting for any particular political system.
- 1.3 A civic educator shall endeavour to use every means at his or her disposal to;
 - a) encourage every citizen of Uganda of voting age within his or her area of operation, to exercise his or her constitutional right to register and vote in the forth-coming referendum for a political system of his or her choice.
 - b) Encourage all voters to take keen interest in the referendum campaigns and to attend all rallies or meetings to be addressed by the advocates of the various political systems

- b) encourage all voters to take keen interest in the referendum campaigns and to attend all rallies or meetings to be addressed by the advocates of the various political systems,
- c) encourage the voters to study and critically reflect upon the positive and negative aspects advanced by the advocates of the various political systems;
- d) encourage voters to seek clarification or ask pertinent questions in relation to the various aspects of the different political systems.
- e) advise a voter to cast his or her vote after carefully weighing the implications of his or her vote in relation to the need to further the cause of good governance and democracy in Uganda;
- f) advise voters to abide by the laws governing the referendum;
- g) advise voters to desist from engaging in any act or acts that may lead to a breach of the peace or stir up hatred among the electorate, interfere with or undermine the constitutional requirement of holding a free and fair referendum.

- 1.4 A civic educator shall not directly or indirectly express his or her preference for any political system nor conduct himself or herself in any manner that may invite suspicion or damage public confidence in his or her impartiality and good intentions as a civic educator.
- 1.5 A civic educator shall not accept to be used either directly or indirectly to propagate any political ideology or to act as an agent or member of a campaign team of any political system in the run-up to the referendum.
- 1.6 A civic educator shall be diligent and shall carry out his or her work conscientiously bearing in mind at all times the need to promote the cause of unity, peace, social justice and good governance in Uganda.
- 1.7 A civic educator shall endeavor to be just and upright in all matters pertaining to his or her work as a civic educator.

2.0 STATEMENT OF ACCEPTANCE OF GUIDING PRINCIPLES

- 2.1 I Do hereby accept to serve as a civic educator.
- 2.2 I accept to be bound to the above statement of Principles and any regulations that may be made from time to time by the Coordinating Committee for the purpose of giving effect to the above statement of Principles which I hereby undertake to uphold at all times during my term of service as civic educator.
- 2.3 I undertake to relinquish my duty as a civic educator if required to do so, for good cause by the competent authority of the coordinating committee.

PERSONAL PROFILE

Name

Age

Occupation

Postal Address

Area of Operation

Date

Signature

OFFICIAL ENDORSEMENT

The above undertaking was made in my presence
on the above-mentioned date, by the said;

Mr./Mrs./Ms./Dr./Rev

Name

Title

Signature

Section.

17. Time for resolutions or petitions for changing of political systems under article 74.
18. Subsequent elections to be held under adopted system.

PART IV—AGENTS OF SIDES IN A REFERENDUM.

19. Agents of sides.
20. Equal treatment to all sides.
21. Rights and duties of agents *etc.*

PART V—CHALLENGING REFERENDA.

22. Challenging referenda.
23. Witness in petition.
24. Withdrawal of petitions.
25. Appeals to Court of Appeal.

PART VI—MISCELLANEOUS.

26. Referendum on political system under article 271 of the Constitution.
27. Prohibition of ethnic or religious symbols *etc.*
28. Expenses of referenda.
29. Use of public resources.
30. Regulations.
31. Power of Minister to amend Schedule.
32. Repeal of Statute No. 2 of 1994.

SCHEDULE.

CURRENCY POINT.

THE REFERENDUM AND OTHER PROVISIONS ACT, 1999

An Act to make provision for the holding of referenda in pursuance of the provisions of articles 74 and 76 of the Constitution; to give effect to articles 255, 259 and 271 of the Constitution; to cater for any other referendum required to determine any matter; to cater for a change in the political system by petition of district councils and a resolution of Parliament under clause (2) of article 74 of the Constitution; to repeal and replace the Referendum Statute, 1994 and to provide for other matters connected with or incidental to the foregoing.

DATE OF ASSENT: 3rd July, 1999.

Date of commencement: 2nd July, 1999.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

1. This Act may be cited as the Referendum and Other Provisions Act, 1999. Short title.
2. This Act shall be deemed to have come into force on the 2nd day of July, 1999. Commencement.
3. In this Act unless the context otherwise requires— Interpretation.
 - “agent” means an agent of a side;
 - “Commission” means the Electoral Commission established under article 60 of the Constitution;
 - “currency point” has the meaning assigned to it in the Schedule to this Act;
 - “Minister” means the Minister responsible for public elections and referenda;
 - “side” means the supporters of an affirmative answer to a question in a referendum or as the case may be, the supporters of a negative answer to a question in the referendum.

PART II—REFERENDA GENERALLY.

Referendum
generally.

4. (1) Referenda shall be held in the following circumstances—

- (a) if a demand is made by citizens of Uganda under article 255 of the Constitution and the provisions of section 12 of this Act are complied with;
- (b) if a request is made for the holding of a referendum under paragraph (a), (b), or (c) of clause (1) of article 74 of the Constitution and the provisions of section 15 of this Act are complied with;
- (c) if a referendum is required for amending the Constitution under article 259 of the Constitution;
- (d) to give effect to article 271 of the Constitution and section 26 of this Act; and
- (e) if the Minister by statutory order made with the approval of Parliament, directs that a referendum should be held on any issue.

(2) Where a referendum is to be held under this section, the Minister shall refer the matter to the Chief Justice who shall appoint a panel of three Judges to frame the question in consultation with the sides to the referendum.

(3) Any question submitted to a referendum under this section shall be framed so as to enable the voters to make a choice.

(4) In a referendum the voting may be on one question or a series of questions.

Electoral
Commis-
sion to be
responsible
for
referenda

5. (1) For the avoidance of doubt, the Commission shall organise, conduct and supervise all referenda held under this Act or any other written law.

(2) The Commission shall, by notice published in the *Gazette*, notify the date for a referendum to be held under this Act and shall state in the notice the issue in respect of which the referendum is to be held.

(3) The Commission shall provide for the referendum to be held everywhere on the same day in the whole of Uganda or as the case may be, in the whole of the part of Uganda where the referendum is intended to be held, unless it is impracticable so to do; and in that case the referendum may be held on different dates in different places as is practicable.

(4) Where the referendum is to take place in a particular part of Uganda the notice issued under this section shall specify clearly the boundaries of that part.

(5) The Commission shall, before each referendum formulate and implement civil educational programmes relating to the referendum.

6. (1) Before polling begins in a referendum, the presiding officer at each polling station shall open each ballot box to be used at that polling station and show it to the voters present as being empty and shall give the voters present reasonable opportunity to inspect the ballot box.

(2) The Commission shall, in consultation with the sides, select symbols which shall be used on the ballot paper in a referendum to facilitate the exercise of a choice by voters.

(3) The symbols agreed upon shall be published in the *Gazette*.

(4) At a referendum, voting shall, subject to the provisions of the Constitution, be by secret ballot using one ballot box at each polling station for all sides in the referendum.

(5) Immediately after the close of the poll, the presiding officer shall proceed to count at the polling station, the ballot papers of that station and record the votes cast in favour of or against each question.

(6) Subject to this Act, agents of a side in a referendum shall be entitled to be present at the polling station throughout the period of voting, counting and tallying of the votes and ascertaining of the results of the poll.

(7) The presiding officer and the sides contesting in the referendum or their agents, if any, shall sign and retain a copy of declaration stating—

(a) the polling station;

(b) the number of votes cast in favour of each question;

and the presiding officer shall there and then, announce the results of the voting at that polling station before communicating them to the returning officer.

(8) The following shall apply in respect of the signing of the declaration and the announcement of results of voting under subsection (7)—

(a) the sides or their agents shall sign the declaration form before the announcement of the results under subsection (7);

(b) where any of the sides or their agents refuse or fail to sign the declaration form—

(i) the sides and their agents refusing or failing to sign shall record on the declaration form the reasons for the refusal or failing to sign; and

(ii) where they refuse or fail to record the reasons, the presiding officer shall record the fact of their refusal or failure;

- (c) where any side or agent is absent, the presiding officer shall record the fact of their absence;
- (d) the refusal or failure of a side or agent to sign any declaration form under subsection (7) or to record the reasons for their refusal to sign as required under this subsection shall not by itself invalidate the results announced under subsection (7);
- (e) the absence of a side or an agent from the signing of a declaration form or the announcement of results under subsection (7) shall not by itself invalidate the results announced under subsection (7).

Majority of votes required in a referendum.

7. (1) Subject to the provisions of the Constitution and this Act, an issue for determination by a referendum shall be taken to be determined by a majority of the votes cast at the referendum.

Referendum to be repeated where required majority not obtained.

8. Where in any referendum no side obtains the majority provided for in section 7, the referendum shall be repeated.

Publication of results of a referendum.

9. (1) The Commission shall ascertain, publish and declare in writing in the prescribed form, under its seal, the results of a referendum within forty eight hours from the close of final polling in the referendum.

(2) The results shall be published in the media and the Commission shall as soon as practicable, cause them to be published in the *Gazette*.

(3) For all purposes of the referendum, the results published in the *Gazette* shall be taken to be the official results of the referendum.

Application of other electoral laws. Act No. 3 of 1997.

10. (1) This Act shall be read as one with the Electoral Commission Act, 1997.

Statute No. 4 of 1996.

(2) The Parliamentary Elections (Interim Provisions), Statute, 1996 and any amendment to it or any enactment replacing it, shall, with necessary modifications and so far as may be necessary and practical, apply to a referendum as it applies to an election.

Persons entitled to vote at a referendum.

11. (1) The persons entitled to vote at a referendum under this Act are—

- (a) persons registered as voters for public elections on the date when the voting in the referendum is to take place; or
- (b) where the referendum is to take place only in a particular part of Uganda, the persons registered as voters for public elections in that part on the date when the voting is to take place and who are present there on that date.

12. (1) Subject to this section, the Commission shall cause a referendum to be held for the purposes of article 255 of the Constitution, either nationally or in any particular part of Uganda if a petition is made for the purpose under this section.

Right of
citizens to
demand
referenda.

(2) A referendum shall be held under this section—

(a) if a petition is made in writing, in the case of a national referendum, by a registered voter and in the case of a referendum in a particular part of Uganda, by a voter registered in that part; and

(b) if the petition is supported—

(i) in the case of a national referendum, by at least one tenth of the total registered voters from at least one third of the districts of Uganda; and

(ii) in the case of a referendum in a particular part of Uganda, by at least one third of the total registered voters in that part.

(3) A petition under this section shall be addressed to the Commission.

(4) The petition shall be signed by each registered voter supporting the petition and shall state the issue on which a referendum is requested and such other matters as may be prescribed by regulations made under section 30 of this Act.

(5) The Commission shall, on receiving a petition under this section, verify whether the petition has been duly submitted by a registered voter and supported by the required number of registered voters.

(6) The Commission shall verify whether the signatures are those of registered voters and that subsection (2) (b) of this section has been complied with.

(7) The Commission, upon being satisfied that a petition has been duly submitted in accordance with this section, shall issue a certificate to that effect in the prescribed form stating its findings in the matter.

(8) The Commission shall, within fourteen days, cause the certificate to be published in the *Gazette*.

(9) If the Commission certifies that the particulars in the petition are correct and in accordance with this section, the Commission shall, within thirty days after publication of the certificate in the *Gazette*, appoint under section 5 a date for the holding of the referendum nationally or in the particular part of Uganda as requested in the petition.

13. (1) Subject to the Constitution and to this Act, any person or group of persons is free to canvass for support of any side in a referendum and may form a referendum committee or a similar structure for the purpose.

Canvassing
for a
referendum.

(2) For purposes of the referendum under clause (3) of article 271 of the Constitution the side shall consist of individuals and organised groups who subscribe to the multiparty system or the movement system, or to any other political system as the case may be.

(3) The individuals and groups subscribing to the political systems referred to in subsection (2) shall, in respect of each political system to which they subscribe, establish a national referendum committee consisting of not more than twenty members and submit the details of the committee to the Commission by such date as the Commission shall prescribe.

(4) It shall be the duty of a national referendum committee to organise the canvassing for its side, and to appoint agents for the purposes of canvassing and voting.

(5) A national referendum committee shall be free to organise at national and local levels until the referendum is held.

(6) Subject to the Constitution and any other law, every person or group of persons shall enjoy freedom of expression and access to information in the exercise of the right to canvass in a referendum.

(7) The Commission shall issue guidelines for orderly canvassing which shall be complied with by every committee or agent while conducting canvassing for the referendum under this Act.

(8) Any person or group of persons who wishes to canvass for any side in a referendum in any place, by way of meeting or public address, shall, in writing, notify the Sub-county or Division Chief of the area and the police officer in charge of the area, not less than seventy two hours before the canvassing, meeting or public address which he or she wishes to undertake.

(9) A person or group wishing to canvass and referred to in subsection (8) , shall give the police officer in charge of the area or the Sub-county or Division Chief such information relating to the activity that person or group wishes to undertake as the police officer may reasonably require.

(10) Canvassing for a referendum shall cease twenty four hours before the date of polling in a referendum.

(11) Any person who contravenes subsection (8), (9) or (10) of this section, commits an offence and is liable on conviction, to a fine not exceeding twenty five currency points or imprisonment not exceeding three months or both.

Prohibition
of incite-
ment to
public dis-
order, etc.

14. (1) No person shall, while canvassing in a referendum, use any language which is defamatory or which constitutes incitement to public disorder, hatred, or violence.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding one hundred and fifty currency points or imprisonment not exceeding two years or both.

PART III—CHANGE IN POLITICAL SYSTEM BY REFERENDA OR
BY PETITIONS AND RESOLUTIONS.

15. (1) Where a resolution has been passed by Parliament in accordance with paragraph (a) of clause (1) of article 74 of the Constitution, the Clerk to Parliament shall, within seven days after the passing of the resolution, forward to the Commission a copy of the resolution certified by him or her in the prescribed form to have been supported by more than one half of all the members of Parliament.

Referenda
for change
in political
system
under
article
74(1) of
the
Constitu-
tion.

(2) Each District Council which passes a resolution under paragraph (b) of clause (1) of article 74 of the Constitution in support of a request for the holding of a referendum shall forward the resolution to the Commission, in the prescribed form stating the total membership of the Council, the names of the members of the Council and indicating the number of members who voted in favour of the resolution and the number of those who voted against; and the statement shall be certified by the Speaker of the Council to be correct.

(3) The Commission, upon receipt of a resolution under subsection (2) of this section in respect of a request for the holding of a referendum under paragraph (b) of clause (1) of article 74 of the Constitution, shall verify the matter and shall certify whether or not the resolution was duly passed; and upon receipt of the required number of duly passed resolutions in accordance with paragraph (b) of clause (1) of article 74 of the Constitution in support of the request, certify in the prescribed form—

(a) that a request has been made by resolution for the holding of a referendum for the purpose of changing the political system; and

(b) that the resolution is supported by a majority of the total membership of each of at least one half of all district councils in Uganda.

(4) Where the Commission has received a request for a referendum made in accordance with paragraph (c) of clause (1) of article 74 of the Constitution, the Commission shall, within fourteen days after receipt of the petition, certify in the prescribed form whether or not the requirements of paragraph (c) of clause (1) of article 74 of the Constitution have been complied with.

(5) The Commission shall, within thirty days after—

(a) receipt of a resolution of Parliament under subsection (1) of this section; or

(b) issuing a certificate under subsection (3) of this section certifying that a request for a referendum has been duly made in accordance with paragraph (b) of clause (1) of article 74 of the Constitution; or

(c) issuing a certificate under subsection (4) of this section, to the effect that the requirements of paragraph (c) of clause (1) of article 74 of the Constitution have been complied with;

take necessary steps under section 5 of this Act to appoint a date for the holding of a referendum as demanded in the request or petition.

(6) Any Speaker of a district council who in communicating any information under this section, makes any statement which he or she knows to be false in any material particular commits an offence.

(7) Any Speaker of a district council charged with the responsibility of communicating information under this section who wilfully or knowingly omits to do so commits an offence.

(8) Any person who commits an offence under this section is liable on conviction, to a fine not exceeding twenty currency points or imprisonment not exceeding four months or both.

Change of political system by petition of district councils and resolution of Parliament under article 74(2) of the Constitution.

16. (1) A petition and resolution of each district council to Parliament supporting the petition for a change of the political system under clause (2) of article 74 of the Constitution shall be addressed to the Commission and shall be certified by the Speaker of each district council in the prescribed form stating the total membership of the council, and the names of the members of the council and indicating the number of members who voted in favour of the resolution and the number of members who voted against it.

(2) The Commission shall, upon receipt of a petition forwarded to it under this section, verify whether the petition has been duly submitted in accordance with clause (2) of article 74 of the Constitution.

(3) The Commission shall, upon being satisfied that a petition has been duly submitted in accordance with clause (2) of article 74 of the Constitution, certify to the Clerk to Parliament in the prescribed form that a petition has been duly made to Parliament supported by not less than two thirds of the total membership of each of at least one half of all district councils in Uganda.

(4) Upon Parliament passing a resolution in support of a petition, in accordance with clause (2) of article 74 of the Constitution, the Clerk to Parliament shall forward to the Commission a copy of the resolution certifying in the prescribed form that the resolution was supported by not less than two thirds of all members of Parliament.

(5) Upon receipt by the Commission of the resolution of Parliament forwarded under subsection (4) of this section, the Commission shall within forty eight hours cause it to be published in the media and shall within fourteen days cause it to be published in the *Gazette*.

(6) Any Speaker of a district council who in communicating any information under this section, makes any statement which he or she knows to be false in any material particular commits an offence.

(7) Any Speaker of a district council charged with the responsibility of communicating information under this section who wilfully or knowingly omits to do so commits an offence.

(8) Any person who commits an offence under this section is liable on conviction, to a fine not exceeding twenty currency points or imprisonment not exceeding four months or both.

(9) So far as practicable the provisions of this Act relating to referenda shall apply with necessary modifications to any proposal for a change in the political system under this section.

(10) The question in any motion for a resolution to be submitted to a district council for approval under this section shall be framed by a panel of three Judges appointed by the Chief Justice.

17. The resolutions or petitions for the purpose of changing the political system under article 74 of the Constitution shall be taken only in the fourth year of the term of any Parliament.

Time for resolutions or petitions for changing of political systems under article 74.

18. (1) Where the result of a referendum held under this Act, or a resolution of Parliament passed in accordance with clause (2) of article 74 of the Constitution, determines that a change shall be made in the existing political system, then, subject to the Constitution, subsequent Presidential, Parliamentary, local government and other public elections shall be held under the new political system adopted.

Subsequent elections to be held under adopted system.

(2) This section does not apply to a by-election held before the expiration of the term of Parliament under article 77 of the Constitution.

PART IV—AGENTS OF SIDES IN A REFERENDUM.

19. In case of any referendum, each side shall, within such time as the Commission may determine, identify its agents for every polling station for the purposes of clause (4) of article 68 of the Constitution.

Agents of sides.

20. During the period of canvassing in respect of a referendum, every public officer, public authority and public institution shall give equal treatment to all agents of the sides contesting in a referendum.

Equal treatment to all sides.

21. (1) Agents of each side shall be given equal access to and opportunity to use State-owned communication media.

Rights and duties of agents etc.

(2) Subject to any other law, while canvassing, any agent may, either alone or in common with others, publish canvassing materials in the form of books, booklets, pamphlets, leaflets, magazines, newspapers or posters intended to solicit votes from voters but shall, in any such publication, specify particulars to identify the agent or agents concerned.

(3) No person shall, during canvassing, print, publish or distribute, a newspaper, circular or pamphlet containing an article, report, letter or other matter commenting on any issue relating to the referendum unless the author's name and address, or the authors' names and addresses, as the case may be, are set out at the end of the article, report, letter or other matter or, where part only of the article, report, letter or matter appears in any issue of a newspaper, circular, pamphlet or letter, at the end of that part.

(4) Subject to the following provisions of this section, an agent may use electronic media for canvassing.

(5) No person shall, during canvassing, use electronic media to do any of the following acts against another side or their agent—

- (a) making statements which are known by the maker to be false or in respect of which he or she is reckless whether they are true or false;
- (b) making malicious statements;
- (c) making statements containing sectarian words or allusions;
- (d) making abusive or insulting or derogatory statements;
- (e) making exaggerations or using caricatures of the agent or using words of ridicule;
- (f) using derisive or mudslinging words against a side or their agent;
- (g) juxtaposition of words or statements with any of the effects described in the foregoing paragraphs;
- (h) using songs, poems and images with any of the effects described in the foregoing paragraphs.

(6) The proprietor or operator of electronic media shall not use the media or allow it to be used to do any of the acts prohibited in subsection (5) of this section.

(7) Any person who contravenes any of the provisions of subsections (2), (3), (5) and (6) of this section commits an offence and is liable on conviction—

- (a) in the case of an offence under subsection (2) or (3), to a fine not exceeding fifteen currency points or imprisonment not exceeding three months or both; and

(b) in any other case to a fine not exceeding twenty five currency points or imprisonment not exceeding six months or both.

(8) In this section electronic media includes television, radio, internet and email and any other similar medium.

PART V—CHALLENGING REFERENDA.

22. (1) Any registered voter supported by the signatures of not less than two percent of the total number of registered voters in Uganda may petition the High Court challenging the results of a referendum.

Challenging
referenda.

(2) Where the referendum is in respect of a particular part of Uganda, the petition shall be by a voter registered in that part supported by the signatures of not less than two percent of the total number of registered voters from that part.

(3) The only ground on which the results of a referendum may be challenged is non-compliance with the provisions of this Act or where applicable, the Parliamentary Elections (Interim Provisions) Statute, 1996, affecting the result of the referendum in a substantial manner.

Statute No.
4 of 1996.

(4) For the avoidance of doubt, a referendum may be annulled under subsection (3) if the petitioner proves to the satisfaction of the Court—

(a) that there has been non-compliance with the provisions of this Act or where applicable, of the Parliamentary Elections (Interim Provisions) Statute, 1996; and

(b) but for the non-compliance, the majority of the votes could have been in favour of a side different from the side in whose favour the majority was declared by the Commission to be, in the result of the referendum.

(5) A petition under subsection (1) shall be in the prescribed form and shall be lodged in the High Court registry within thirty days after the referendum results were published in the *Gazette*.

(6) The High Court may require the petitioner to deposit an amount of money as security for costs not being more than one hundred currency points.

(7) The High Court shall inquire into and determine the petition expeditiously and declare its findings not later than thirty days from the date on which the petition is filed.

(8) Where no petition is filed within the time prescribed under subsection (5), or where a petition having been filed, is withdrawn by the person who filed it or is dismissed by the High Court, the results of the referendum declared shall conclusively be the final results of the referendum.

(9) After due inquiry under this section the High Court may—

(a) dismiss the petition;

(b) declare the published results to be incorrect and declare the correct results;

(c) order the Commission to repeat the polling in any particular place or places;

(d) annul the referendum and order a new referendum to be held.

(10) Subject to subsection (4), a referendum may only be annulled on the ground specified in subsection (3) of this section.

(11) The High Court may, before coming to a decision under subsection (7), order a recount of the votes cast.

(12) Nothing in this section confers on the High Court when hearing a petition under this section, power to convict a person for a criminal offence.

(13) Where it appears to the High Court on hearing a petition under this section that the facts before it disclose that a criminal offence may have been committed, it shall make a report on the matter to the Director of Public Prosecutions for appropriate action to be taken and shall state in the report the name of the person, the nature of the offence and any other information that the Director of Public Prosecutions considers relevant and appropriate.

(14) Where a referendum is annulled, a fresh referendum shall be held not later than ninety days from the date of the annulment.

(15) The Chief Justice may, in consultation with the Attorney-General, make rules providing for the conduct of petitions under this Act and may, where necessary, apply with or without modifications the provisions of any enactment.

Witness in
petition.

23. (1) At the hearing of an election petition—

(a) any witness shall be summoned and sworn in the same manner as a witness may be summoned and sworn in civil proceedings;

(b) the court may summon and examine any person who, in the opinion of the court, is likely to assist the court to arrive at an appropriate decision;

(c) any person summoned by the court under paragraph (b) may be cross-examined by the parties to the petition if they so wish.

(2) A witness who, in the course of the trial of a petition, wilfully makes a statement of fact material to the proceedings which he or she knows to be false or does not know or believe to be true or in respect of which he or she is reckless whether it is false, commits an offence and is liable on conviction to a fine not exceeding sixty currency points or imprisonment not exceeding one year or both.

24. (1) A petition under this Part may be withdrawn after giving written notice to the court and to the other parties to the suit.

With-
drawal of
petitions.

(2) If a petition is withdrawn the petitioner shall be liable to pay the costs of the respondent.

25. (1) A person aggrieved by the decision of the High Court on hearing a petition under section 22, may appeal to the Court of Appeal against the decision within fourteen days after the decision of the High Court.

Appeals to
Court of
Appeal.

(2) The Court of Appeal shall proceed to hear and determine an appeal under this section expeditiously and may, for that purpose, suspend any other matter pending before it.

(3) Unless the Court extends the time on exceptional grounds, the hearing of an appeal shall be completed within thirty days from the lodging of the record of appeal.

(4) The decision of the Court of Appeal in an appeal under this section is final.

PART VI—MISCELLANEOUS.

26. (1) The Commission shall, for the purposes of clause (3) of article 271 of the Constitution, appoint and publish in the *Gazette*, a date falling within the period 3rd day of June to 2nd July in the year 2000 on which a referendum shall be held to determine the political system that the people of Uganda wish to adopt.

Referendum
on political
system
under
article 271
of the
Consti-
tution.

(2) The notice appointing the date shall state the issue on which the referendum is to be held.

(3) The Commission shall provide for the referendum to be held everywhere on the same day in the whole of Uganda unless it is impracticable so to do; and in that case, the referendum may be held on different dates in different places as is practicable.

(4) On and after the 2nd day of July, 1999 any person shall be free to canvass for public support for a political system of his or her choice for the purpose of a referendum under this section.

27. (1) No person shall, for canvassing in respect of a referendum, use any words, slogans or symbols which could arouse division on the basis of sex, race, colour or ethnic origin, tribe, birth, creed or religion or other similar division.

Prohibition
of ethnic or
religious
symbols
etc.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding one hundred currency points or imprisonment not exceeding one year or both.

28. (1) The expenses incurred by the Commission in the holding of any referendum under this Act shall be paid out of monies voted by Parliament.

Expenses of
referenda.

(2) The Commission shall give equal facilitation to all sides for the purposes of a referendum, out of monies approved by Parliament.

Use of
public
resources.

29. Except as authorised by section 28 or any other law, no person shall use public resources for the purpose of canvassing for any side in a referendum.

Regula-
tions.

30. (1) The Minister may, with the approval of Parliament, by statutory instrument, make regulations as may be expedient for carrying into effect the provisions of this Act.

(2) Without prejudice to the general effect of subsection (1) of this section, regulations may be made under it—

(a) prescribing forms to be used for the purposes of this Act;

(b) to ensure the secrecy of the voting;

(c) applying with or without modifications, the provisions of any enactment relating to elections, including any provisions relating to election offences;

(d) regulating the manner of canvassing for votes;

(e) regulating the financing of the sides in a referendum including restricting or prohibiting the funding of any side in a referendum from foreign sources;

(f) without prejudice to the penalties prescribed in the Parliamentary Elections (Interim Provisions) Statute, 1996, prescribing penalties not exceeding a fine of one hundred and fifty currency points or imprisonment for two years or both, in respect of any contravention of the regulations.

Statute
No. 4 of
1996.

(3) Regulations under this section may be made to apply either generally or to any particular referendum.

(4) For avoidance of doubt, nothing in this section shall prejudice the powers of the Commission under the Electoral Commission Act, 1997.

Act No. 3
of 1997.

Power of
Minister
to amend
Schedule.

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

Repeal of
Statute
No. 2 of
1994.

32. The Referendum Statute, 1994 is repealed.

SCHEDULE.

CURRENCY POINT

Section 2.

A currency point is equivalent to twenty thousand shillings.

