

5 THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA

(MBALE CIRCUIT)

HOLDEN AT TORORO

ELECTION PETITION NO. 30 OF 2021

10 IN THE MATTER OF THE LOCAL GOVERNMENT ACT CAP 243

AND

IN THE MATTER OF BUMASHETI SUBCOUNTY, CHAIRPERSON ELECTIONS

HELD ON 3RD FEBRUARY 2021

BETWEEN

15 WAMARA GABRIEL DOMINIC PETITIONER

VERSUS

1. THE ELECTORAL COMMISSION

2. LUMBUKU GODFREY RESPONDENTS

BEFORE: HON LADY JUSTICE IMMACULATE BUSINGYE BYARUHANGA

20 JUDGMENT

Introduction

This petition was brought by Mr. Wamara Gabriel Dominic (herein after referred to as the petitioner) on the 17th May 2021 challenging the election and declaration of Mr. Lumbuku Godfrey (herein after referred to as the 2nd respondent) as the duly elected LC III Chairperson, Bumasheti Sub-County, Bududa District. The crux of the petitioner's grounds of the petition as against the Electoral Commission (herein after referred to as 1st respondent) and the 2nd respondent is that;

- a. The electoral process was flawed and voting at Bunamuwenje Church of Uganda and Matiri Primary School polling stations was characterized by acts of intimidation, harassment, violence, lack of freedom, transparency and fairness.

- b. The 1st respondent failed to manage and ensure that the electoral process delivers a free and fair election contrary to Article 6 (a) of the 1995 Constitution and Section 12 (1) (e) of the Electoral Commission Act.
- 35 c. The 1st respondent failed to take steps to ensure that there were secure conditions necessary for the conduct of election in the two polling stations when the 1st respondent failed to stop the 2nd respondent's agent from taking over the said polling stations, intimidating and stopping people from voting for the petitioner.
- 40 d. The 1st respondent failed to ensure that the 2nd respondent's agents and supporters complied with the Electoral Laws and did not engage in acts of violence, intimidation and obstruction of voters contrary to Section 12 (1) (j) of the Electoral Commission Act.
- 45 e. The 1st respondent failed to maintain and update the voters' register whereby votes were cast in names of deceased people and those who had migrated to Kenya and other places contrary to Article 6 (e) of the Constitution and Section 18 of the Electoral Commission Act.
- f. The petitioner's polling agents were prevented by the 2nd respondent and his agents from protecting the petitioner's interest.

The petitioner made a prayer for the following declarations;

- 50 a. That the elections were not conducted in accordance with the law and that the failure affected the results in a substantial manner.
- b. The 2nd Respondent committed an electoral offence personally.
- c. The 2nd respondent was not validly elected Chairperson LC III for Bumasheti Sub-County.
- 55 d. The election of the 2nd respondent be annulled, set aside and a fresh election be held.
- e. That costs be met by the respondents

The petition was duly served upon the respondents. The 1st and 2nd respondents filed answers to the petition together with accompanying affidavits on the 31st day of May 2021 and the 1st of June 2021 respectively. The petitioner filed additional affidavits in support

of petition on the 12th day of August 2021 and on the 23rd of August 2021. The 2nd respondent filed an affidavit in rebuttal and accompanying affidavits on the 26th day of August 2021.

Background

65 On the 3rd day of February 2021, the 1st respondent conducted the general election for the Sub-County Chairperson LC III for Bumasheti Sub-County, Bududa District where the petitioner polled a total of 1,322 (One thousand three hundred and twenty-two) votes and the 2nd respondent polled with a total of 1,438 (One thousand four hundred, thirty-eight) votes.

70 The 1st respondent declared the 2nd respondent as the winner of the election and he was gazetted as the duly elected LC III Chairperson, Bumasheti Sub County. Being dissatisfied with the results of the election, the petitioner filed this petition in his capacity as a candidate who had lost the election claiming that the election was not free and fair and was veiled with electoral offences which were committed by the 2nd respondent.

75 The 1st respondent on the other hand denied the contents of the petition and contended that the entire electoral process was conducted in a peaceful, free fair and secure environment. Furthermore, the 1st respondent claims that if any malpractices were committed, they were not brought to the knowledge of the 1st respondent.

In his answer to the petition, the 2nd respondent stated that the election was conducted in
80 compliance with the law and that he was validly and lawfully nominated. The 2nd respondent also maintained that the election was conducted in a free, fair and transparent manner. In addition, the 2nd respondent stated that the petitioner would be put to strict proof to prove his allegations of malpractice against the 2nd respondent.

Representation

85 The petitioner is represented by Counsel Gyabi James **M/s Gyabi & Co Advocates** while the 1st and 2nd respondents were represented by Counsel Mwase Jude from the **Legal Department of the Electoral Commission** and Counsel Nangulu Eddie of **Nangulu and Mugoda Advocates** respectively.

For the determination of this petition, the parties filed a joint scheduling memorandum on
90 the 26th day of August 2021 and agreed on a number of issues thus;

1. *Whether the Local Government Elections for the LC III Chairperson for Bumasheti Sub-County were held in contravention of the provisions of the Electoral Laws.*
2. *If so, whether the non-compliance affected the results of the election in a substantial manner.*
- 95 3. *Whether the 2nd respondent personally committed the alleged illegal practices or offences in connection with the election and or through his agents with its knowledge, approval and or consent.*
4. *What remedies if any are available to the parties.*

The burden and standard of proof

100 The Petitioner, who has come to Court to overturn the election results, bears the burden to prove his case. This is in accordance with the case of **Col (Rtd) Dr. Kiiza Besigye versus Yoweri Kaguta Museveni & Electoral Commission - S.C. Election Petition No 1 of 2001**. Since this a civil case, the standard of proof is on a balance (preponderance) of probabilities as stated by Willes J in **Cooper versus Slade** (1857), 6
105 H.L.C. 746 at p.772. The same principle was equally stated by Lord Denning in the case of **Miller versus Minister of Pensions** (1947) 2 ALL ER 372 where he stated;

110 *“...the case must be decided according to the preponderance of probability. If at the end of the case the evidence turns the scale definitely one way or the other, the tribunal must decide accordingly, but if the evidence is so evenly balanced that the tribunal is unable to come to a determine conclusion one way or the other, then the man must be given the benefit of the doubt. This means that the case must be decided in favour of the man unless the evidence against him reaches the same degree of cogency as is required to discharge a burden in a civil case. That degree is well settled. It must carry a reasonable degree of probability, but not so high as is required in a criminal case. If the evidence is
115 such that the tribunal can: “we think it more probable than not,” the burden is discharged, but if the probabilities are equal, it is not. ¶*

Issue No: 1: Whether the Local Government Elections for the LC III Chairperson for Bumasheti Sub-County were held in contravention of the provisions of the Electoral Laws.

120 Counsel James Gyabi for the petitioner submitted that the elections at Matiri and Bunamuwenje polling stations were held without compliance with Electoral laws. Counsel for the petitioner submitted that it is the petitioner's evidence that the 2nd respondent came to Matiri polling station while in the company of armed police officers.

Counsel further submitted that it is the evidence of the petitioner in corroboration with
125 Musinda Godfrey and Kutosi James that the 2nd respondent's agents including Mutuma Ronald, Wamono William among others were very violent and they grabbed the voter register and started ticking ballots. On this subject, counsel further submitted that in their affidavits, Wanira Julius and Namashetsa David stated that they came to vote and their names had already been ticked.

130 In addition, counsel for the petitioner submitted that at Bunamuwenje Church of Uganda polling station, it is the petitioner's evidence that some people were denied the right to vote like Mboki Bernard among others. In conclusion, counsel submitted that because of the illegalities at the above mentioned polling stations, the petitioner's agents refused to sign the Declaration of Results forms (DR).

135 In reply, counsel for the 2nd respondent submitted that the burden of proof rests upon the petitioner to prove each and every allegation. Counsel further submitted that the degree is higher than a balance of probabilities as per **Karokora Katono Zedekia versus Electoral Commission & Mondo Kagonyera Election Petition No.2 of 2001** and that in this case the petitioner had failed to discharge the burden of proof to the required
140 standard. Counsel submitted that Shibale Andrew (PW3) told court what was different from his affidavit. He told court that violence started after 10:30am. During cross-examination he fumbled and he told court that he witnessed children voting. The same witness told court that after 10:30am he was locked up and could not witness what was taking place. Furthermore, in his affidavit, Shibale Andrew indicated that the process was
145 peaceful until 10:30am. The same witness told court that he was locked up at 10:30am

and yet his affidavit in paragraph 19 indicates he was locked up at 1:00pm in his affidavit filed on 23rd August 2021. His evidence is unreliable and had integrity issues.

150 Counsel submitted that the petitioner's witnesses are liars because the affidavit of Mataki Titus makes no mention of the arrest of the polling constable. He did not report to anybody at the polling station about the alleged malpractices. Nangomba Milton (page 71 of the additional affidavit in support of the petition) in his affidavit indicates in paragraph 7 that he voted at 1:00pm. Counsel submitted that had there been violence at 1:00pm, how then did he vote? Counsel further submitted that the same applies to Muboli Bernard who indicated that he arrived at the polling station at 12:00pm and (paragraph 5 of his affidavit) 155 and voted.

Counsel also submitted that the affidavit of Kuranga Alex in support of the petition is based on hearsay and he was never at the polling station. In the affidavit of Wakoko Joyce (page 33 of the petition), paragraph 3 thereof makes no mention of violence. He makes mentions of the deceased voting yet we are told the ballot papers had been grabbed.

160 Counsel for the 2nd respondent submitted that the affidavit of Namono in support of the petition paragraph 6 indicates that voting started at 8:00am and ended at 4:00pm. Next paragraph she indicates voting was peaceful until 11:30am. This is contrarily to the affidavit of the petitioner who stated in paragraph 9 that he received a call at 9:00am indicating that his agents had been chased from Matiri primary school polling station. 165 Whose account is true? The same Namono Betty gives an account in paragraph 17 indicating voting ended at 4:00pm (page 17 of the petition). The affidavit of Murami Moses (page 19 of the petition) contradicts the evidence of the petitioner. According to him violence commenced at 11:30am yet the petition states violence started at 9:00am. As a polling constable he did not call police. Counsel relied on the case of **Oboth** 170 **Marksons Jacob versus Otiam Otaala Emmanuel EPA 38 of 2011** where it was held where a Declaration of Results (D/R) form has been signed, the candidate is prohibited from denying the results.

The respondent's evidence indicates that the elections were conducted freely and fairly and the results reflect the will of the voters. There are falsehoods in the petition. He denied

175 Busikwa being an agent. Buiskwa indicated in her affidavit that she was the petitioner's agent and saw the 2nd respondent at 1:00pm at the polling station.

The petitioner and the 2nd respondent competed for the LC III Chairperson seat for Bumasheti Sub- County. The 2nd respondent emerged victorious polling 1438 (one thousand four hundred thirty-eight) votes and the petitioner polled 1322 (one thousand
180 three hundred twenty-two) votes.

The petitioner states that the difference of 116 (one hundred and sixteen) votes between himself and the 2nd respondent was as a result of violence, intimidation and multiple voting in Matiri and Bunamuwenje polling stations hence non-compliance with election laws.

In the instant case the petitioner testified that he was informed by his agents that there
185 was violence and intimidation at Matiri polling station that disrupted voting while in Bunamuwenje polling station, ineligible voters voted.

a. Electoral violence and intimidation

In the instant the petitioner's witness Busikwa Irene swore an affidavit on 17th May 2021 and in paragraphs 3-5 stated that she was the polling agent of the petitioner at Matiri
190 primary school polling station and that after voting had commenced between 7:30 and 8:00am, the 2nd respondent's agents who were calling themselves his pressure group told her to leave the polling station and these included Womaniala Moses, Wamono William, Wereba Somaset, Wandera Jonan, Wereba Patrick, Wambyala Fred, Kamali Dan and Wabuteya James.

195 During her cross examination, Busikwa Irene (PW2) testified that on polling day, the 2nd respondent came to polling station while in the company of armed officers, and they were in a convoy and these included Brian Ochaya.

In corroboration, PW3 (Shibaale Andrew) testified that the voting was peaceful until 10:30 am when he was locked up and he witnessed the presiding officer telling the respondent's
200 agents that they should not allow the petitioner to defeat the 2nd respondent. (see paragraph 6 of his affidavit at page 60 of the additional affidavits in support of the peition).

In paragraph 9, he deposed that he saw the LC I Chairperson leading a group of people armed with pangas and sticks.

205 In his affidavit (paragraph 5), Muboli Bernard stated that he arrived at the polling station at 12:00pm. This evidence is corroborated by Wakoko Joyce, Wanyana Julius and Namasheta who stated in their affidavits that they voted at Matiri Polling stations between 10:00 am and 1:00pm and that they did not experience violence.

210 Corporal Musundi James in his affidavit in support of the petition paragraphs 4 to 10 stated that he received a phone call at 11:30 am, on 3rd February 2021, he received a phone call from Constable Murami Moses who informed him that the 2nd respondents agents were disrupting voting. He further stated that he stayed at Matiri Polling station for 30 minutes and the voting process was peaceful. The petitioner (PW1) testified that the petitioner's agents made verbal complaints to the 1st respondent's agents.

215 I have studied the declaration of results (D/R) forms for Matiri primary school and Bunamuwenje Church of Uganda polling stations on record as attached to the petition and the petitioner's agents all signed the declaration forms and never made any formal complaints at the back of the D/R forms.

220 None of the petitioner's witnesses were able to prove that the 2nd respondent consented to any of the rowdy actions of his alleged agents or that the alleged armed officers that were accompanying the 2nd respondent were the 2nd respondent's employees.

225 It is important to note that elections are serious business and as such substantial evidence ought to be adduced to warrant the overturning of an election. In the case of **Ocen Peter & EC versus Ebil Fred EPA No. 74 of 2016**, court observed that from the examination of 10 affidavits upon which the trial judge relied to reach a finding that this offence had been established, it appeared that they fell short of proving the allegations against the 1st appellant. None of the instances cited pointed to the fact that the 1st appellant either knew of the malpractices or that they were committed and approved or condoned by him. He could not, therefore be made responsible for the actions of the police, and the unnamed supporters, ganga and unproved agents or even his sons.

230 Furthermore, in the case of **Amoru and EC versus Okello Okello EPA No. 39 and 95**
of 2016, the Court of Appeal stated as follows:-

235 *“a candidate is entitled to be present in person or through his or her*
representatives or polling agents at the polling station throughout the period of
voting, counting votes and ascertaining of the results of the poll. This is for the
purpose of safeguarding the candidate’s interest with regard to all stages of the
counting, tallying recounting process.” More to that “.... none of the respondent’s
agents recorded any complaints or raised any objections. Rather, they signed
declaration of results (DR) forms confirming the results from various polling
stations. It was not sufficient for them to depose in their affidavits that they made
240 *complaints to the returning officers and polling assistants which were not*
addressed. Cogent and sufficient evidence had to be produced to prove these
allegations to the satisfaction of the court. DR forms contain provision for
registration of complaints and where agents have not taken advantage of the
same, they are generally estopped from raising the complaints subsequently
245 *though this is not a hard and fast rule.....”*

In the instant case, the petitioner has not proved the principal- agency relationship
between the so called 2nd respondents’ agents and the 2nd respondent as he did not
produce any appointment letters. Furthermore, the evidence on record shows that the
declaration of results forms for Matiri and Bunamuwenje polling stations were signed by
250 the petitioner’s agents.

The petitioner’s evidence is very contradictory in as far as the timing of the violence but
more to that, there is no evidence on record to prove that those witnesses who came to
the polling station during the alleged timing of violence, were voters of the 2nd respondent.
Secondly, it is also very speculative that the votes that would have been gotten during
255 that window of alleged violence would have been the petitioner’s votes.

Therefore, I find that the offence of electoral violence and intimidation has not been
proved.

b. Ballot stuffing, multiple voting and unauthorized persons voting

Counsel for the petitioner submitted that there was ballot stuffing at Matiri polling station.
260 PW1 (the petitioner) testified that he was told by the constable that the 2nd respondent’s
agents grabbed the ballot boxes and it was the 2nd respondent ticking the ballots. This

evidence is supported by the affidavit evidence of Namono Betty in paragraphs 9 and 19, and the affidavit of Murami Moses in paragraphs 16 at page 17 of the affidavits in support of the petition. During cross examination PW3 (Shibale Andrew) testified that he did not know the people who had voted more than once. Shortly thereafter, he testified that Makayi Siraji voted more than once.

In the case of **Kinyamatama versus Sentongo, Kasirabo and EC EPA No. 92 of 2016**, it was noted that ballot stuffing is an election malpractice which involves voting more than once at a polling station or moving to various polling stations casting votes with in the names of people who did not exist at all or those who were dead or absent at the time of voting and yet were recorded to have voted. Ideally at the end of the polling exercise, the number votes cast ought to be equal to the number of people who physically turned up to vote.

In the instant case, the petitioner's witnesses including Busikwa Irene testified that her daughter was marked as having voted yet she was in Kenya at the time of the polls. Wakoko Joyce in her affidavit at paragraphs 6 and 7, stated that Wambululu Yefusa and Mutuwa Susan died in August 2020 and February 2019 respectively and yet they were marked as having voted. Wakoko Joyce also stated that the presiding officer allowed a person to vote in the names of her co-wife Kalenda Egulasa who had long shifted.

I find this evidence to be lacking because apart from stating these facts, there is no cogent evidence accompanying these facts to prove the alleged facts. The petitioner has not produced any death certificates to prove that dead people were voting and neither has he produced immigration documents to prove that people leaving outside Uganda voted. Furthermore, the petitioner has not produced a certified copy of the voters register to prove that these alleged persons voted. These loopholes make it difficult to rely on this evidence.

In conclusion, I find that the petitioner has failed to discharge his burden of proving non-compliance with Electoral Laws on the part of the 1st respondent.

Issue No. 2: *If so, whether the non-compliance affected the results of the election in a substantial manner.*

Counsel for the Petitioner submitted that the non-compliance by the respondents affected the results in a substantial manner. Counsel submitted that the 2nd respondent won the elections by a margin of 166 votes and the annexures of the 2nd respondent show that there were 10 polling stations where the 2nd respondent won overwhelmingly. Counsel
295 further submitted that the complaint is with Matiri and Bunamuwenje polling stations where victory by margin of 166 votes was procured by intimidation, harassment, ballot stuffing and it denied the petitioners voters from voting.

Counsel for the petitioner further submitted that the evidence of Namono Betty has not been challenged and it is to the effect that voting was very peaceful up to around 11:30am
300 when the agents of the 2nd respondent grabbed the ballot papers and the register. This explains the inflated victory of 197 votes against the 21 votes of the petitioner. Counsel invited court to believe Namono's evidence as it had not been rebutted and that if the elections of Matiri and Bunamuwenje are cancelled, the 2nd respondent cannot win. The illegalities affected the results in substantial manner. Counsel for the petitioner prayed
305 that the results of these two polling stations be cancelled.

In reply, counsel for the 2nd respondent submitted that no substantial effect had been shown because no malpractice has been proved and as such the petition should be dismissed.

In further reply by counsel for the 1st respondent, he associated himself with the
310 submissions of the counsel for the 2nd respondent. On the issue of non-compliance, Harassment, intimidation, violence and ballot stuffing, the 1st respondent's counsel submitted that those malpractices did not take place. Counsel further submitted that according to the affidavit of Womanial Moses, he indicated that he did not sign the D/R form. This is false because according to the copy of the D/R form it suggested that
315 Womaniala Moses signed.

In addition, counsel for the 1st respondent submitted that each of the deponents deposed that they are registered voters however, there is no proof by voter location slips and National Voters' Register to prove that these deponents are registered voters of Bumasheti Sub-County. Counsel also submitted that neither the petitioner nor his agents

320 made any formal complaints at these polling stations (Matiri and Bunamuwenje polling stations) to the officials of the 1st respondent.

On the issue of people who were not around and dead people voting, counsel submitted that no immigration documentation or death certificates were produced in court or tendered in as exhibits to prove that these alleged people were outside the country or
325 dead at the time of voting. This evidence has not been substantiated to prove the allegations.

On the issue of the police report annexed to the affidavit of the petitioner, counsel submitted that this report is of no evidential value and an afterthought. Counsel submitted that this report was prepared at the request of the petitioner, two months after the election
330 and as such It is a biased report which ought to have been presented in evidence by the author. The police officer who prepared the report did not swear an affidavit. Counsel relied on the case of **Chemoiko Chebrot Stephen versus Soyekwo Kenneth & EC EPA No. 56 of 2016 pages 16-17 of the judgment** where it was held that evidence of such nature is inadmissible. The officer is not a witness in this case. Counsel prayed that
335 grounds 1, 2, 3 and 4 be answered in the negative. The alleged malpractice did not occur. If it did at all, it did not affect the credibility of elections or affect the election in a substantial manner.

In rejoinder, counsel for the petitioner submitted that the burden of proof has been discharged by the petitioner because some of the petitioner's affidavits were not
340 challenged. Counsel further submitted that Matiri and Bunamuwenje polling stations are a part and should not be confused. Counsel stated that violence and intimidation took place at Matiri polling station and the evidence of Bunamuwenje polling station is to the effect that most of the voters were denied a right to vote and ineligible voters voted.

Counsel for the petitioner submitted that the petitioner's witnesses could not report their
345 complaints to the presiding officers because they were accomplices of the 1st and 2nd respondent. Counsel prayed that the petitioner be declared the winner and bye-elections are conducted in the two polling stations.

It is important to note that non-compliance with electoral law per se is not enough to overturn the outcome of an election. The non-compliance has to be so significant as to substantially affect the results.

Section 139 (a) of the Local Government Act requires that;

“The election of a candidate as a chairperson or a member of a council shall only be set aside on any of the following grounds if proved to the satisfaction of the court ... that there was failure to conduct the election in accordance with the provisions of this part of the Act and that the noncompliance and failure affected the result of the election in a substantial manner.” (emphasis on the underlined part). This position was confirmed by the Court of Appeal in **Akugizibwe Lawrence versus Muhumuza David, Mulimira Barbara and Electoral Commission Election Petition Appeal No. 22 of 2016** where the non-compliance identified by the trial judge related to two out of 91 polling stations. The Court of Appeal held that this did not justify nullifying the election, as this would have the effect of disenfranchising the people in the remaining 89 polling stations. This is not mentioning the tension among the population that is normally experienced during campaign and election time.

The courts have come out to indicate that the test of substantial effect may be both qualitative and quantitative which means that the quantitative approach takes a numerical approach to determining whether the non-compliance significantly affected the results.

In **Adoa Hellen and Electoral Commission versus Alaso Alice Election Petition Appeal No. 57 and 54 of 2006**, it was held that it is not sufficient for the respondent to only establish that electoral malpractices or irregularities did occur. The respondent had a duty to establish that the said electoral malpractices were of such a magnitude that they substantially and materially affected the outcome of the electoral process and as such she failed to discharge this burden. Furthermore, in **Adoa Hellen and Electoral Commission versus Alaso Alice (supra)**, at the Trial Court, the respondent alleged that the following irregularities had occurred;

- a. Excess unused ballot papers, unexplained ballot papers and alteration of results which affected the results in a substantial manner.
- b. Harassment and arrest of supporters of the respondent by military personnel.
- c. Bribery

d. *Donation of an ambulance by the appellant.*

380 e. *Validity of the election due to non-compliance with the law and commission of electoral offences*

Although the Court of Appeal came to the same conclusion as the High Court that the Electoral Commission should conduct a fresh election, it also noted that the total number of ballot papers exceeded the ballot papers that had been issued, it was the decision of
385 the appellate court that the said irregularity did not have effect on the actual votes cast. Court further held that there was no evidence adduced to suggest that at the time off voting there were any ballot papers already in the ballot boxes at the polling station.

In the instant case, at Matiri polling station the petitioner scored 21 votes and the 2nd respondent scored 238 votes. At Bunamuwenje C.O.U Polling station, the petitioner
390 scored 68 votes while the 2nd respondent scored 197 votes. The difference in these results is rather big. As earlier stated, I already found that the petitioner has failed to prove that the respondents did not comply with the Electoral Laws. The petitioner only queried the results of the above mentioned polling stations.

As earlier stated, the petitioner was not able to prove any of the electoral offences and as
395 such the issue of substantial effect is left redundant and has not been proved. Therefore, this issue is answered in the negative..

Issue No: 4: What remedies are available to the parties?

Counsel for the petitioner submitted that the election was not conducted in a free and fair manner and that the non-compliance affected the results in a substantial manner and as
400 such the results of Matiri and Bunamuwenje C.O.U polling stations should be cancelled.

Having found that the petitioner has failed to produce sufficient evidence to prove his case against the respondents, I order as follows;

- a. The 1st respondent conducted a free and fair election for LC III Chairperson of Bumasheti Sub County, Bududa District.
- 405 b. the 2nd respondent was validly elected as LC III Chairperson of Bumasheti Sub County, Bududa District

c. The petitioner's petition is dismissed with costs to the respondents.

I SO ORDER

Judgment delivered at the High Court, Mbale Circuit this 12th day of October 2021.

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A handwritten signature in blue ink, appearing to read "Busingye", is written over a horizontal line.

IMMACULATE BUSINGYE BYARUHANGA

JUDGE

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