

ACTS SUPPLEMENT

to The Uganda Gazette No. 44, Volume CXIII, dated 27th July, 2020

Printed by UPPC, Entebbe, by Order of the Government.

Act 11 *Presidential Elections (Amendment) Act* **2020**

THE PRESIDENTIAL ELECTIONS (AMENDMENT) ACT, 2020

ARRANGEMENT OF SECTIONS

Section

1. Amendment of Act No.16 of 2005.
2. Amendment of section 4 of principal Act.
3. Amendment of section 16 of principal Act.
4. Amendment of section 21 of principal Act.
5. Amendment of section 24 of principal Act.
6. Amendment of section 31 of principal Act.
7. Substitution of section 39 of principal Act.
8. Amendment of section 56 of principal Act.
9. Amendment of section 59 of principal Act.
10. Amendment of section 64 of principal Act.
11. Insertion of section 79A in principal Act.

**THE PRESIDENTIAL ELECTIONS (AMENDMENT)
ACT, 2020**

An Act to amend the Presidential Elections Act, 2005 to prescribe the period for holding presidential elections; to prescribe the time for campaigns; to provide for the electronic transmission of results and to align the Presidential Elections Act, 2005 with the Constitution as amended by the Constitution (Amendment) Act, 2018.

DATE OF ASSENT: 17th June, 2020.

Date of Commencement: 27th July, 2020.

BE IT ENACTED by Parliament as follows:

1. Amendment of Act No. 16 of 2005.

The Presidential Elections Act, 2005, in this Act referred to as the principal Act, is amended in section 2 by substituting for the words “ninety days” the words “one hundred and twenty two days”.

2. Amendment of section 4 of principal Act.

The principal Act is amended in section 4—

- (a) by substituting for subsection (1) the following—

“(1) Subject to clause (7) of article 15 of the Constitution, a person is qualified for election as President if that person—

- (a) is a citizen of Uganda by birth;
- (b) is a registered voter; and
- (c) has completed a minimum formal education of Advanced Level standard or its equivalent.”;

- (b) by repealing subsection (3);

- (c) by substituting for subsection (4), the following—

“(4) A person is not qualified for election as President if that person—

- (a) is of unsound mind;
- (b) is holding or acting in an office the functions of which involve a responsibility for or in connection with the conduct of an election;
- (c) is a traditional or cultural leader as defined in article 246(6) of the Constitution;
- (d) has been adjudged or otherwise declared bankrupt under any law in force in Uganda and has not been discharged;
- (e) is under a sentence of death or a sentence of imprisonment exceeding nine months imposed by any competent court, without the option of a fine;
- (f) has, within seven years immediately preceding the election, been convicted by a competent court of an offence involving dishonesty or moral turpitude; or

- (g) has, within seven years immediately preceding the election, been convicted by a competent court of an offence under any law relating to elections conducted by the Electoral Commission.”

3. Amendment of section 16 of principal Act.

Section 16 of the principal Act is amended by repealing subsection (2).

4. Amendment of section 21 of principal Act.

Section 21 of the principal Act is amended by inserting immediately after subsection (1) the following—

- “(1a) Notwithstanding subsection (1), a candidate or his or her agent shall hold a campaign rally between seven o’clock in the forenoon and six o’clock in the afternoon.
- (1b) A person who contravenes subsection (1a) commits an offence and is liable, on conviction, to a fine not exceeding forty-eight currency points or imprisonment not exceeding two years or both.”

5. Amendment of section 24 of principal Act.

Section 24 of the principal Act is amended—

- (a) by substituting for subsection (1) the following—

“(1) The Commission shall ensure that all presidential candidates are given equal treatment on State owned media to present their programs to the people.”;

- (b) by inserting immediately after subsection (1) the following—

“(1a) A State owned media house shall, within fourteen days after nomination day, notify in writing, all presidential candidates of the availability of time, the broadcasting schedule and cost of presenting their programs and shall allocate time to the candidates.

(1b) State owned media means a media house in which the controlling interest is held by the State.

(1c) A State owned media house that contravenes subsections (1a) commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points.

(1d) For the purposes of this section, a person in charge of the State owned media house may, where the State owned media house is found to have contravened subsection (1a), be held liable for the offence committed by the State owned media house and is liable, on conviction, to a fine not exceeding five hundred currency points or imprisonment not exceeding two years or both.”

6. Amendment of section 31 of principal Act.

Section 31 of the principal Act is amended in subsection (8), by substituting for the words “full view of all present” the words “full view of at least ten voters who are registered to vote at the polling station.”

7. Substitution of section 39 of principal Act.

The principal Act is amended by substituting for section 39 the following—

“39. Special procedure for voting of persons in restricted areas.

(1) The commission may make special provision for voting for specified persons employed in institutions engaged in the administration of elections, in restricted areas and operation areas.

(2) The commission shall publish in the *Gazette* and in a newspaper of wide national circulation the special provisions and a list of restricted areas and operation areas referred to in subsection (1).

(3) An area provided for voting for members of the Uganda Peoples' Defence Forces shall be outside of any barracks and the commission shall not create any special or separate polling station exclusively for the army or any other security personnel.

(4) For the purposes of this section—

- (a) “operation area” includes an area where soldiers and other security personnel are deployed on special duty during an election period and may include a restricted area; and
- (b) “restricted area” includes an area experiencing an epidemic, disaster or insecurity.”

8. Amendment of section 56 of principal Act.

Section 56 of the principal Act is amended by substituting for subsection (2) the following—

“(2) Upon completing the return, every returning officer shall—

- (a) transmit to the commission, with a copy to participating political parties and organisations, a candidate and a candidate's official agent, the following documents electronically—
 - (i) the return form;
 - (ii) the tally sheets; and
 - (iii) the declaration of results forms from which the official addition of the votes was made; and
- (b) deliver to the commission the documents referred to in paragraph (a).”

9. Amendment of section 59 of principal Act.

Section 59 of the principal Act is amended—

- (a) in subsection (2) by substituting for the words “ten days” the words “fifteen days”;
- (b) by substituting for subsection (3) the following—

“(3) The Supreme Court shall inquire into and determine the petition expeditiously and shall declare its findings and reasons not later than forty five days from the date the petition is filed.”;
- (c) in subsection (10) by substituting for the words “twenty days”, the words “sixty days”.

10. Amendment of section 64 of principal Act.

Section 64 of the principal Act is amended in subsection (9) by repealing the words “or donations given by the President in the ordinary course of his or her duties”, appearing immediately after the word “elections”.

11. Insertion of section 79A in principal Act.

The principal Act is amended by inserting immediately after section 79 the following—

“79A. Involvement of a public officer in a political campaign.

(1) A public officer who—

- (a) campaigns, solicits for votes or public support for a candidate; or
- (b) uses or permits another person to use public resources for purposes of campaigning, soliciting for votes or support for a candidate,

commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points or imprisonment for a period not exceeding five years or both.”