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GLOBAL AND REGIONAL TRENDS IN
ELECTORAL MANAGEMENT

A PRESENTATION

By

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ON

“ELECTORAL PRACTICE AND TRENDS –
OVERVIEW OF EXPERIENCES IN UGANDA”

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1.0 INTRODUCTION

The management and conduct of credible elections, although challenging, must of essence be guided by the principles of independence, impartiality, integrity, transparency, efficiency and professionalism, among others. Uganda’s election management body is established under the country’s Constitution (1995 as amended), charged with specific functions and in the performance of which is to be independent – not to be subject to the direction or control of any person or authority.

The Commission organizes and conducts referenda, presidential, parliamentary, local government council and administrative council elections; as well as elections for the special interest group representatives to parliament and the respective local government councils.

In presenting an overview of the trends and practice in the country’s election administration and management, I will share with you my experience, subject to the following:-

(a) Election integrity and electoral system;
(b) Impacts and changes to electoral systems and their effects on representation;
(c) Efforts to enhance universal suffrage;
(d) Changes in voter turn out;
(e) Development in remote voting;
(f) ICT and the electoral process and use of election technology;
(g) Financing of political parties and electoral programs;
(h) Judicial review of elections;
(i) Participation of vulnerable groups in electoral process; and
(j) Electoral law making process.

2.0 ELECTION INTEGRITY AND ELECTORAL SYSTEM

The country’s Constitution (Article 1 (4)) guarantees the people’s will and consent as pertinent in determining governance issues and by whom and how they should be governed. This is achieved through regular, free and fair elections of their representatives or through referenda. The country’s general elections under the movement political system were conducted by secret ballot and by universal adult suffrage. Similarly, under the multiparty dispensation, general elections in the country are by universal adult suffrage and by secret ballot using one ballot box for an elective office as provided for under both the Constitution and the enabling electoral laws.

Under Section 16 of the Electoral Commission Act, Cap 140, political parties and their agents are accredited as election observers and thus they are able to observe any stage of the electoral process, including printing and packing of ballot papers and packing and dispatch of other election materials.
The Commission by law is required to transmit to every political party and organization taking part in an election an electronic copy of the voters’ register immediately after nomination and an updated copy of the paper copy of the register containing photographs of the voters to be used on the polling day, two weeks before polling day.

Further, funding is advanced to the National Consultative Forum to enable this umbrella body of registered political parties execute its functions which include dispute resolutions among political parties, handling grievances of political parties (electoral related, inclusive) with the Commission, liaising with Electoral Commission on matters pertaining to political parties and organizations, ensuring compliance with code of conduct by political parties, among other functions as prescribed under the law.

3.0 IMPACTS AND CHANGES TO ELECTORAL SYSTEMS AND THEIR EFFECTS ON REPRESENTATION

The country in a referendum conducted in 2005 adopted a multiparty political system turning away from the then movement political system which focused mainly on individual merit for election to office. The country’s elections since then have been conducted under a multiparty dispensation.

However, if a party sponsored candidate loses in the primary party elections, he/she can stand as an independent candidate. Independent candidates not directly from the foregoing scenario are provided for under the law.

An elected member of parliament, for example, will lose his/her seat, if that person leaves the political party for which he/she stood as a candidate for election to parliament to join another party or to remain in Parliament as an independent member.

Similarly, an elected member of parliament will lose his/her seat, if having been elected to Parliament as an independent candidate, that person joins a political party.

Needless to mention, challenges in representation seemingly emanates from other factors ranging from economical to social, political and cultural issues as opposed to changes in the electoral system.

4.0 EFFORTS TO ENHANCE UNIVERSAL SUFFRAGE

In Uganda, citizens who are eighteen years and above are eligible to register to vote and once registered, stand for elective position of choice. Voter registration is continuous by law and a general update of the register is conducted before any election. However, since registration is voluntary, some would be voters, averaging to 10% of the eligible population do not register.

Currently, the Government, under a multi – agency project (Phase 1) is undertaking mass enrolment of all its citizens of 16 years and above. Persons
below this age bracket will be registered in the next phase of registration (birth and deaths and the non-citizens, inclusive).

Persons being registered as citizens are equally requested to provide details on where they will prefer to vote. The data is to be maintained in a central Citizen’s Data Base for use by various relevant agencies.

This project aims at minimizing effort in capturing routine details of citizens and duplication of effort and costs by various institutions involved with registration of persons.

Further, the Commission will extract this data for purposes of compiling and maintaining a National Voters’ Register for purposes of elections for all the categories of voters and have the same displayed for purposes of elections. This strategy will minimize and/or close the gap of eligible but unregistered persons.

5.0 CHANGES IN VOTER TURNOUT

Changes in voter turnout have come to be associated with the elective office. The country has consistently registered a higher voter turn-out during presidential elections compared to the parliamentary, local government council and administrative elections, in that order. Other factors include voter fatigue associated with the 696,637 elective offices to be filled, voter apathy, among other factors.

Needless to mention all these elective offices have to be filled within the first thirty days of the last ninety days before the expiration of the term of the President (Article 61(2) of the Constitution).

6.0 DEVELOPMENT IN REMOTE VOTING.

Although practiced in other jurisdictions, this has not been adopted in the country. Voting requires one’s presence in the polling station and casting the ballot in the ballot box stationed in the polling station.

Proposals for early voting and establishing of mobile polling stations have been made to Parliament, through the Ministry of Justice and Constitutional Affairs to enable polling officials and professionals on duty vote. It is hoped that this will proposal will be adopted before the General Elections, 2016.

7.0 ICT AND THE ELECTORAL PROCESS/USE OF ELECTION TECHNOLOGY

The country has embraced both photographic and biometric systems for voter registration. While voting and counting of votes is manually done at the respective polling stations, tallying is done at the districts using our in house developed software. Transmission of results (only presidential results) to the National Tallying Centre is done electronically using the developed Transmission of Results System; and hard copies are similarly transmitted for credibility and auditability purposes and further serves for purposes of
verification of queries and back-up in the event of data loss. Transmission is done per polling station for transparency purposes as opposed to result aggregation per District.

8.0 FINANCING OF POLITICAL PARTIES AND ELECTORAL PROGRAMS

Under Section 14A of the Political Parties and Organizations Act, funding in respect to elections shall be done on equal basis; and in respect to normal day to day activities, funding shall be based on numerical strength of each political party or organization in Parliament. This is yet to be implemented.

Currently, funding is only advanced to presidential candidates in terms of cash amounting to UgShs. 20,000,000/= (Twenty million Uganda Shillings), fuel and motor vehicles; as well as security and protection of each candidate and at the respective meetings of candidates.

9.0 JUDICIAL REVIEW OF ELECTIONS

Prior to elections, all decisions of the Commission sitting as a quasi-judicial body to handle complaints/disputes is subject to appeal to the High Court and its decision is final. Similarly all persons aggrieved with the outcome of an election have recourse to courts of law. Timeline within which to lodge these petitions and have court determine the dispute is prescribed by law. Determination of presidential election petition is within 30 days after lodging; while parliamentary election petition has to be determined within six months.

10.0 PARTICIPATION OF VULNERABLE GROUPS IN ELECTORAL PROCESS

All vulnerable groups referred to as Special Interest Groups have prescribed seats by law at both the local government councils and parliamentary levels and they include Persons with Disabilities, Youth and Women. Each District is represented to Parliament by a Woman (112) and 1/3 of the local Government seats at both District and Sub-county levels is reserved for Women, 2 slots for persons with disabilities reserved at District and Sub-county levels; and 2 slots for the Youth are reserved at District and Sub-county levels.

This is in addition to the 5 seats and 4 seats reserved for the Youth and Persons with disabilities, respectively at the Parliament level.

11.0 ELECTORAL LAW MAKING PROCESS

This, in practice is usually done at the end of an electoral cycle with the involvement and participation of all the stakeholders before the Commission can submit its proposals for amendments. Equally, with the participation of the National Consultative Forum (an umbrella organization for all registered political parties), to which the Commission is a member; proposals for amendments are made and submitted to the relevant authority.

In practice, the Commission has had challenges with implementing some of the laws proposed on the floor of parliament and the same is equally adopted
and passed into law without study and justification in regard to the cost implications. This includes amendments to the Local Governments Act, requiring the Commission to publish the voters’ register for elections at administrative units in the official *Gazette*. (A one page publication in the official Gazette is UgShs. 2,400,000 (Two million four hundred thousand Uganda Shillings). A similar amendment was passed after budget approval and release of the electoral roadmap requiring the Commission to transmit to every political party and organization taking part in an election an electronic copy of the voters’ register immediately after nomination and an updated copy of the paper copy of the register containing photographs of the voters to be used on the polling day, two weeks before polling day.

The cost implication and bulk of paper work was not envisaged requiring the Commission to request for additional funds so as to comply with this provision which equally had timelines. This strained the Commission’s operations thus and this led to the need for adjustments in the electoral roadmap.

12.0 CONCLUSION

The foregoing principles discussed and shared are all pertinent in the conduct of elections and although they remain a challenge for most Election Management Bodies, the same cannot be divorced from any process that seeks to address its governance issues through elections and referenda.

FOR GOD AND MY COUNTRY