

STATUTORY INSTRUMENTS SUPPLEMENT
to The Uganda Gazette No. 20 Volume XCVIII dated 15th April, 2005
Printed by UPPC, Entebbe, by Order of the Government.

S T A T U T O R Y I N S T R U M E N T S
2005 No. 34.

THE REFERENDUM REGULATIONS, 2005.

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T N

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STATUTORY INSTRUMENTS

2005 No. 34.

The Referendum Regulations, 2005.

(Under subsection (1) of section 31 of the Referendum and Other Provisions Act, 2005)

IN EXERCISE of the powers conferred upon the Minister by subsection (1) of section 31 of the Referendum and Other Provisions Act, 2005, these Regulations are made this 15th day of April, 2005.

1. These Regulations may be cited as the Referendum Regulations, 2005. Title.
2. These Regulations shall apply to referenda held under the Act. Application.
3. In these Regulations, unless the context otherwise requires— Inter-pretation.
 - “Act” means the Referendum and Other Provisions Act, 2005;
 - “canvassing” means any activity, statement or any other form of expression aimed directly or indirectly at soliciting for votes for a side in a referendum;
 - “Commission” means the Electoral Commission established by article 60 of the Constitution;
 - “facilitation” means financial, human and material support given to a side to the referendum out of money approved by Parliament.
4. (1) In accordance with section 12(1) of the 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

(2) A referendum committee may form sub-committees to assist it in carrying out its functions.

(3) A referendum committee shall be free to organize the canvassing for its side, and to appoint agents for the purposes of canvassing and voting.

Functions of
referendum
committee

5. Subject to the Act, the functions of a referendum committee are—

(a) to give guidance to individuals and sub-committees canvassing for votes for the side;

(b) to co-ordinate the activities of the side and to maintain a smooth canvassing process;

(c) to appoint agents for the purposes of canvassing for votes and for polling; and

(d) to do any other lawful thing to ensure the success of the side at a referendum.

Adherence
to laws, etc

6. Every referendum committee shall ensure that while canvassing for votes, the laws, regulations and guidelines governing the referendum process are strictly adhered to by every individual and group supporting the side for that committee.

Established
office

7. Each referendum committee shall have an established office.

Freedom of
expression
and
information

8. Every person shall enjoy complete and unhindered freedom of expression and information in the exercise of the right to canvass under these Regulations subject to the law for the time being in force in Uganda governing freedom of expression and information.

Freedom of
assembly

9. Each side shall, alone or together with others, enjoy complete and unhindered freedom of peaceful assembly in canvassing in a referendum.

10. (1) Every side to a referendum shall be free to have the substance of its canvassing reported on radio and television news broadcasts and in any newspapers or other media.

News
broadcasts

(2) In the case of State-owned media, neutrality shall be maintained in the manner of reporting the news concerning the canvassing of all sides.

11. (1) Any person who, at any canvassing meeting acts in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting is held commits an offence and is liable on conviction to a fine not exceeding twelve currency points or imprisonment not exceeding six months or both.

Misconduct
at
canvassing
meeting

(2) The Chairperson if any, of a meeting to which this regulation applies may direct a person who, in the opinion of the Chairperson, is preventing the transaction of the business for which the meeting is being held, to leave the place, and if that person refuses or fails to leave, the Chairperson may direct a constable or a member of the local defence unit to remove that person from that place and the constable or the member of the local defence unit may thereupon take such steps as are necessary to remove that person.

12. (1) In accordance with section 29(2) of the Act, the Commission shall give equal facilitation to all sides for the purposes of a referendum out of monies approved by Parliament.

Facilitation

(2) Subject to this regulation, any person or side may in addition, solicit for financial assistance from other sources through lawful means.

(3) A side or agent shall not—

(a) obtain, solicit or receive any financial or other assistance for the purpose of the side's canvassing propaganda from any foreign Government, institution, body or person which or who have demonstrated an intention to endanger the security of Uganda;

(b) employ for the purposes of any side's canvassing any financial or other assistance from any Government institution, body or person described in paragraph (a).

(4) Every side or agent shall maintain a record of all assistance obtained or solicited under this regulation.

(5) Each side shall, within thirty days after the referendum is held—

(a) account to the Commission for the facilitation given to that side under sub-regulation (1); and

(b) submit a return to the Commission disclosing all assistance obtained by the side or agent from any source.

(6) The Commission shall have the right at any time to demand the production of any record to be maintained under sub-regulation (4) or any information relating to it.

(7) A person who—

(a) contravenes sub-regulation (3);

(b) refuses or neglects without lawful excuse to produce any record or information demanded by the Commission under sub-regulation (6);

(c) for the purposes of sub-regulation (5) or (6) makes a statement which he or she knows to be false in any material particular;

commits an offence.

(8) A person who commits an offence under sub-regulation (7) is liable on conviction—

(a) in case of an offence under sub-regulation (3), to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both; and

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

13. The Commission may, so far as practicable, apply to referenda under the Act the provisions of the Parliamentary Elections Act, 2001 with necessary modifications.

Application
of
Parliamentary
Elections
Act, 2001

14. The forms specified in the Schedule to these Regulations shall be used in the cases to which they relate and for the purposes to which they relate under the Act.

Forms.

15. The Referendum and Other Provisions (Form of Certificate to be issued by the Clerk to Parliament under section 15(1) of the Referendum and Other Provisions Act, 2005) Regulations, 2005 are revoked.

Revocation
of S.I. No.
33 of 2005.

**SCHEDULE
FORMS**

NATIONAL REFERENDUM ON POLITICAL SYSTEMS
Regulation 14
ELECTORAL COMMISSION **FORM REF DR**

**DECLARATION OF RESULTS OF REFERENDUM ON
POLITICAL SYSTEMS UNDER ARTICLE 74(1) OF THE
CONSTITUTION AND SECTION 8 OF THE REFERENDUM
AND OTHER PROVISIONS ACT, 2005**

Whereas a referendum on political systems was held on the.....day
of.....20..... at which the contesting sides were
.....

And whereas polling for the referendum on political systems closed
at.....on the.....day of.....20.....,

And whereas the Electoral Commission has ascertained the results of
the referendum.

NOW THEREFORE, in exercise of the powers conferred on the Electoral
Commission by articles 61(b) and 74(1) of the Constitution and section
8 of the Referendum and Other Provisions Act, 2005, Act No.1 of
2005 the Commission declares the results of the referendum on
political systems as follows—

<i>Sides contesting (in alphabetical order)</i>	<i>Number of valid votes polled by each side</i>	<i>Percentage of total valid votes</i>
1. Movement political system		
2. Multiparty system		
3.		
Total number of valid votes cast for the sides		

Dated this day of20.....

<i>Title</i>	<i>Name</i>	<i>Signature</i>
Chairperson
Deputy Chairperson
Commissioner
Commissioner
Commissioner
Commissioner
Secretary (Seal of E/C)

FORM A

**QUESTION FOR APPROVAL OF A BILL BY REFERENDUM
UNDER ARTICLE 259 OF THE CONSTITUTION**

*Section 14 (3) of the Act
Regulation 14*

In this Bill for an Act of Parliament entitled
which is now before you, Parliament has amended the following
provisions of the 1995 Constitution of the Republic of Uganda, among
other provisions of the Constitution—

.....

Do you approve this Bill, Yes/No?

FORM B

**QUESTION FOR RATIFICATION OF A BILL BY MEMBERS OF
DISTRICT COUNCILS UNDER ARTICLE 260 OF THE
CONSTITUTION**

*Section 20 (7) of the Act
Regulation 14*

**In this Bill for an Act of Parliament entitled,
which is now before you, Parliament has amended the following
provisions of the 1995 Constitution of the Republic of Uganda, among
other provisions of the Constitution—**

.....

Do you ratify this Bill, Yes/No?

FORM C

*Article 259 of the Constitution and section 8 of the Act
Regulation 14*

FORM REF DR.

ELECTORAL COMMISSION

**DECLARATION OF RESULTS OF A REFERENDUM UNDER
ARTICLE 259 OF THE CONSTITUTION AND SECTION 8 OF
THE REFERENDUM AND OTHER PROVISIONS ACT, 2005,
ACT NO. 1 OF 2005**

Whereas a referendum was held on theday of.....20.....
for the approval of the.....Bill, 20.....

.....
which sought to amend the following articles of the Constitution.....
.....

And whereas polling for the referendum closed at on
the of 20....

And whereas the Electoral Commission has ascertained the results of
the referendum:

NOW THEREFORE, in exercise of the powers conferred on the
Electoral Commission by articles 61(b) and 259 of the Constitution
and section 8(1) of the Referendum and Other Provisions Act, 2005,
Act No. 1 of 2005, the Commission declares the results of the
referendum on the Constitution (Amendment) Bill as follows—

<i>Number of voters cast in favour of the Bill</i>	<i>Number of votes cast against the Bill</i>	<i>Total number of valid votes cast</i>
Percentage of votes cast in favour of the Bill	Percentage of votes cast against the Bill	

The Constitution (Amendment) Bill was *approved/was not approved
at the referendum held onday of.....20.....

Dated this day of20.....

<i>Title</i>	<i>Name</i>	<i>Signature</i>
Chairperson
Deputy Chairperson
Commissioner
Commissioner
Commissioner
Commissioner
Commissioner
Secretary (Seal of E/C)

* Delete whichever is not applicable.

FORM D

*Section 11(4) of the Act
Regulation 14*

**OTHER MATTERS TO BE STATED IN A PETITION UNDER
ARTICLE 255 OF THE CONSTITUTION**

A petition under article 255 of the Constitution and section 11(4) of the Referendum and Other Provisions Act, 2005 shall state also—

1. The full name of the person;
2. That he or she is 18 years of age or above;
3. That he or she is a registered voter, stating his or her voter registration number;
4. The physical address of the person and the constituency in which the person is registered.

FORM E

Article 255 of the Constitution
Section 11(9) of the Act
Regulation 14

OBJECTION UNDER SECTION 11 (9) OF THE REFERENDUM
AND OTHER PROVISIONS ACT, 2005, ACT NO. 1 OF 2005
REGARDING PETITIONS UNDER ARTICLE 255 OF THE
CONSTITUTION

I of
(physical address) wish to make objection as follows—

- (a)* that in the petition for
(issue of petition) under article 255 of the Constitution
dated my name was included among
the persons making the petition and that I have not
given my consent to the inclusion of my name in the
petition;

- (b)* that in the petition for
(issue of petition) under article 255 of the Constitution
dated the name of who
died on before the date
of the petition, was included in the petition.

I therefore, pray that*—

- (a) my name should be expunged from the above petition;
- (b) the name of (deceased)
should be expunged from the above petition.

Date

Name:

Signature

Witness to Signature

* Delete which ever is not applicable.

FORM F

*Article 255 of the Constitution,
Section 11(13) of the Act*

CERTIFICATE OF ELECTORAL COMMISSION UNDER
SECTION 11(13) OF THE REFERENDUM AND OTHER
PROVISIONS ACT, 2005, ACT NO.1 OF 2005 CONCERNING
SUBMISSION OF PETITION UNDER ARTICLE 255 OF
CONSTITUTION.

The Electoral Commission, upon receipt of a petition under section 11 of the Referendum and other Provisions Act, 2005 and article 255 of the Constitution and upon verifying whether the petition has been duly submitted by a registered voter and supported by the required number of registered voters, certifies—

A*

- (a) that the referendum is a national referendum;
- (b) that the petition is made in writing by a registered voter;
- (c) that the petition is supported by at least one tenth of the total registered voters from at least one third of the districts of Uganda;
- (d) that the total number of registered voters in Uganda is
- (e) that the number of registered voters who support the petition is,.....

And therefore the petition was duly submitted; or

B*

- (a) that the referendum is to be held inbeing a part of Uganda;
- (b) that the petition is made in writing by a registered voter registered in that part of Uganda;
- (c) that the petition is supported by at least one third of the total registered voters in that part of Uganda;

- (d) that the total number of registered voters in that part of Uganda; is
- (e) that the number of registered voters in that part of Uganda who support the petition is.....

And therefore the petition was duly submitted; or

C*

That the petition does not satisfy the requirements of section 11(2) of the Act and therefore was not duly submitted for the following reasons—

.....

Any other comments

Dated this day of20.....

<i>Title</i>	<i>Name</i>	<i>Signature</i>
Chairperson
Deputy Chairperson
Commissioner
Commissioner
Commissioner
Commissioner
Secretary (Seal of E/C)

* Delete whichever is not applicable.

FORM G

*Section 14(2) of the Act
Regulation 14*

CERTIFICATE OF CLERK TO PARLIAMENT UNDER SECTION 14(2) OF REFERENDUM AND OTHER PROVISIONS ACT, 2005 ACT NO.1 OF 2005 THAT A BILL TO WHICH ARTICLE 259 OF THE CONSTITUTION RELATES HAS BEEN PASSED BY PARLIAMENT SUPPORTED BY NOT LESS THAN TWO-THIRDS OF ALL MEMBERS OF PARLIAMENT AT SECOND AND THIRD READINGS IN PARLIAMENT

To the Electoral Commission

I,..... Clerk to Parliament, certify that theBill, 20..... amending the following provision(s) of the Constitution.....was approved and passed onby Parliament and was supported at the Second and Third Readings in Parliament by not less than two-thirds of all members of Parliament.

Date:, 20.....

.....
Clerk to Parliament.

FORM H

Section 14(5)(b) of the Act
Regulation 14

STATEMENT OF THE ELECTORAL COMMISSION UNDER
SECTION 14(5) (b) OF THE REFERENDUM AND OTHER
PROVISIONS ACT, 2005, ACT NO.1 OF 2005 THAT A BILL WAS
NOT APPROVED AT A REFERENDUM UNDER ARTICLE
259(1)(b) OF THE CONSTITUTION

To the Clerk to Parliament

The Electoral Commission certifies—

- (a) that in accordance with article 259(1)(b) of the Constitution, theBill, 20.....seeking to amend the following provision(s) of the Constitution..... was referred to a decision of the people for their approval in a referendum held on.....day.....20.....
- (b) that the Bill was not approved in the referendum;
- (c) that the total number of votes cast in favour of the Bill in the referendum was.....
- (d) that the total number of votes cast against the Bill in the referendum was

Dated this day of20.....

<i>Title</i>	<i>Name</i>	<i>Signature</i>
Chairperson
Deputy Chairperson
Commissioner
Commissioner
Commissioner
Commissioner
Secretary (Seal of E/C)

FORM I

Section 15(1) of the Act
Regulation 14

CERTIFICATE OF CLERK OF PARLIAMENT UNDER SECTION
15(1) OF THE REFERENDUM AND OTHER PROVISIONS ACT,
2005 ACT NO.1 OF 2005 IN RESPECT OF A RESOLUTION BY
PARLIAMENT UNDER ARTICLE 74(1)(a) OF THE
CONSTITUTION REQUESTING THE HOLDING OF A
REFERENDUM FOR THE PURPOSE OF CHANGING THE
POLITICAL SYSTEM

To the Electoral Commission

I,Clerk to Parliament, certify that
Parliament on the.....day of.....20.....passed
the attached resolution supported by not less than half of all the
members of Parliament.

Total number of members of Parliament:

Number of members of Parliament who supported the resolution:

.....
Clerk to Parliament

(Attach resolution)

FORM J

Section 15(2) of the Act
Regulation 14

RESOLUTION PASSED BY DISTRICT COUNCIL UNDER
SECTION 15(2) OF THE REFERENDUM AND OTHER
PROVISIONS ACT, 2005, ACT NO.1 OF 2005 AND UNDER
ARTICLE 74(1) (b) OF THE CONSTITUTION IN SUPPORT OF A
REQUEST FOR THE HOLDING OF A REFERENDUM

RESOLUTION BYDISTRICT COUNCIL

BE IT RESOLVED THAT a referendum should be held under article
74(1)(b) of the Constitution for the purpose of changing the political
system.

Total membership of the District Council

The names of members of theDistrict
Council are as attached.

The number of members of theDistrict
Council who voted in favour of the resolution is.....

The number of members of the.....District Council
who voted against the resolution is.....

I,Speaker ofthe
District Council certify that the above resolution was passed on
.....day of, 20.....and that the above
statement is correct.

Dated this.....day of, 20.....

.....
Signature of Speaker of the District Council.

Name and signature of witness.....

FORM K

Section 15(3) of the Act
Regulation 14

CERTIFICATE OF ELECTORAL COMMISSION UNDER
SECTION 15(3) OF THE REFERENDUM AND OTHER
PROVISIONS ACT, 2005, ACT NO.1 OF 2005 AFTER
VERIFYING RESOLUTIONS OF DISTRICT COUNCILS UNDER
ARTICLE 74(1)(b) OF THE CONSTITUTION

The Electoral Commission, after verifying resolutions passed by district councils in respect of the proposal for the holding of a referendum for the purpose of changing the political system under article 74(1)(b) of the Constitution, certifies that—

- (a) a request has been made by resolution for the holding of a referendum for the purpose of changing the political system;
- (b) the resolution is supported by a majority of the total membership of each of at least one half of all district councils in Uganda;
- (c) the district councils the majority of whose membership voted in favour of the resolution are as attached.
- (d) the district councils where the majority of the total membership did not vote in favour of the resolution are as attached
- (e) the total number of district councils in Uganda is

Dated thisday of20.....

<i>Title</i>	<i>Name</i>	<i>Signature</i>
Chairperson
Deputy Chairperson
Commissioner
Commissioner
Commissioner
Commissioner
Commissioner
Secretary (Seal of E/C)