

**The role of the electoral commission in electoral
administration**

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Introduction

A referendum was held on July 28, 2005 in Uganda on change of the political system. The voter turn up was low, but the 47% who turned up voted overwhelmingly for the return of the multiparty politics after nearly two decades under the “no party” movement system. The month of July ended with release of referendum results. That of August was mainly a time the Electoral Commission (EC) had to tally results especially in the early days of the month and responding to various political pressures from various groups. Queries pertaining to the referendum were answered too. This report looks at the publication of referendum results, criticism to the commission by various groups including legal redresses, EC responses to these and finally preparation for the pre-2006 General Elections. In all this, the EC is fulfilling its constitutional mandate provided under articles 60, 61 as well as Electoral Commission Act (2002).

Referendum results

The referendum results released on July 30, 2005 indicated a return to multi-party politics and a 47% voter turn up. Comments by most referendum observers revealed that the exercise was free and fair (see Press Reports, Saturday July 30, 2005) and that voter turn up was low. The ‘YES’ side scored 92.5% of the votes cast, while the ‘NO’ side managed to get 7.5 percent. Low voter turn up was blamed on variables like: calls for the boycott by opposition politicians (*Daily Monitor*, Wednesday, August 10, 2005)

On August 11 2005, the EC published referendum results by constituency and district, and the publicity included all district and constituencies therein. These were also put in the press (*The New Vision*, Thursday, August, 11, 2005). The reporter selected randomly, from the EC referendum results published, only ten (10) districts whose results are presented here.

Referendum results; 10 Districts selected

District	No. Of voters registered.	No. Of polling stations	Total ballot peppers collected	% Turn up
Jinja	138,415	268	44,013	31.8
Kampala	539,246	905	86,285	16.0
Arua	248,855	488	98,189	39.5
Kisoro	87,346	154	66,601	76.2
Kalangala	16,935	48	3,138	18.5
Moyo	35,612	72	16,194	45.5
Kabarole	121,213	232	68,497	56.5

Soroti	101,804	237	41,464	40.7
Mbarara	428,131	791	345,735	80.8
Gulu	178,674	352	47,711	26.7

Sources: Electoral Commission, *Daily Monitor*, Thursday, August 11, 2005, *The New Vision*, Thursday, August 11, 2005.

As compilation of these results was going on, pressures from various circles were being felt by the Commission. *Daily Monitor*, Wednesday, August 10, 2005 quoted Democratic Party (DP) lawyer, Elias Lukwago as alleging that up to Shs. 18 billion meant for the referendum was slashed away by the Movement to use it next year's (2006) general elections. The paper quoted him as saying :

"whereas at first we thought that Shs. 30 billion was obtained by the referendum, we have since established that it was Shs. 22 billion and the Electoral Commission got only 4 billion. The EC gave out about Shs. 350 million to the "yes" group and as much to the "no" group (see Daily monitor, Wednesday, August 10, 2005).

However previous research indicates that a total of Shs. 396 million was given to each side to the referendum. An independent and personal observation can also be made here, that only Shs.4 billion could not have been enough for the commission to do the little that it did. Forum for Democratic Change had asked for detailed results of the referendum, Polling station by Polling Station, and in a letter dated August.1.2005, to the EC chairman, FDC demanded for the following;

- Detailed results per polling station;
- List of independent observers;
- Terms of reference of independent observers;
- Reports of all independent observers;
- Names, positions (on local councils) of all polling agents by polling stations, and the side each represented.

FDC claimed it wanted to use referendum results to evaluate the capability of EC to handle general elections in 2006 under a multi-party arrangement. *Daily monitor*, Wednesday, August 10, 2005 quoted the FDC letter to EC in part ‘

We intend to use the above information to further examine the merits of the July 28,2005 referendum ,which we have reason to believe was not managed , by EC, in accordance with the Referendum and Other Provisions Act,2005, leading to highly questionable poll results that were announced by yourself in the media...FDC is concerned that the flawed process casts doubt on the ability of the electoral commission to handle presidential, Parliamentary and Local Council elections due in 2006, unless it is checked immediately and correction measures 'instituted'

The EC further encouraged the public to reach its official website; www.ec.org.ug for information concerning electioneering in Uganda. The release of results on August 11, 2005, cannot be seen as a response to FDC pressure though the FDC demand is not completely negligible.

Criticism to the Electoral Commission

In addition to the above demands by FDC and Elias Lukwago's assertion about the referendum, the EC was further accused and blamed. The FDC argued that the EC is incompetent, citing the 'massive irregularities' in July 28 referendum. It called for immediate disbanding of the EC (current) and its replacement with an inter-party commission where interests of all parties are represented. FDC envoy who also wrote the letter quoted above, Ms Betty Kamywa said; "*We have written to the EC to give us detailed results ... and we have the results from the ground. We are going to prove that they are incompetent. You return election results where there is 105% return and you are not incompetent? That is sheer incompetence*"

The EC chairman was accused by FDC of attending press briefing of the 'Yes' side for which the president campaigned. He was further accused (EC C/man) of failure to restrain President Museveni when he was flouting article 74 of the constitution. Further accusation was that the EC C/man was quoted by the media, smiling, laughing and applauding what Museveni said hence the Electoral Commission behaved as if it was part of the 'yes' side'. (*The New Vision*, Tuesday, August 16, 2005.)

Daily monitor, Thursday, August 11, 2005 (pg. 5) published a group of twelve (12) "aggrieved Ugandans" who sued government and the Electoral Commission over the July 28 referendum exercise. Through Rugambanengwe and Co. Advocates, "Aggrieved Ugandans" filed a petition on August 5, 2005 in the Constitutional Court, claiming that the referendum was unconstitutional, and should not have been carried out because Uganda had not yet adopted a multiparty political system. The "aggrieved Ugandans" published by the paper include: Mugabe Kaitoson, Onyait Charles, Tsubira Johnson, Todwong Jackie, Abuk Lucy, Uhuru Francis, Haguma Jacinta, Rushere Aggrey, Rutahigwa Guma, Turyahirwa Patrick, Twehangane Alfred Coach and Mutyaba Godfrey.

"Aggrieved Ugandans" claimed that on May 4, 2005 the Movement Government moved a motion in Parliament for a resolution requesting EU to hold a referendum on possible change of the political system, and the motion was passed.. The EU received the resolution but refused to implement it, thereby contravening article 6/ (a), (b) and (g), and article 74 (i) of the constitution. They also argued that section 12 (i), (2) of the referendum and other provisions Act, that allowed any person to form a referendum committee for purposes of cuirassing votes during the referendum, contravenes Article 69 of the constitution. They accused EU of intentionally framing the referendum question to effectuate the Movement resolution passed on March 31, 2003, which, to them, was passed in contravention of Article 69 and 74 of the constitution.

They also accused government and EU of diverting resources meant for the referendum to other purposes to fulfill their objectives. They therefore wanted court to declare the referendum exercise unconstitutional, and order the EU and government to pay costs of the case.

In the same vein, FDC resolved "to petition the constitutional court to determine whether it is correct for the EU set up during the movement system, and whose

leadership (top) contested the previous elections as Movement candidates, to oversee the 2006 elections that will be held in under a multiparty system.” They want the EU to be headed by “a supreme court judge, someone who is impeccable”. (*Daily monitor*, Tuesday August 16, 2005)

In response to all the above, EU chairman said the commission will not be influenced, but that it will stick to its legal mandate. He likened his accusers to husbands who blame their wives for poor cooking while they do not know how hectic the exercise is (*Daily monitor*, Friday, August 19 2005).

He further defended the low voter turn-out, saying the referendum was not a heated exercise. He said EC had relied heavily on radio as a means of communicating with voters. A study revealed that 73% of the population was aware of the referendum. (*Daily Monitor*, Monday August 22, 2005).

Deficits and future plans

It should be pointed out all budgetary allocations to the EC have been released. Preparations for 2006 elections require further funding, according to the EC secretary, Mr. Sam Rwaloojo: “The government has budgeted only shs 30 billion, but we gave them a budget of shs. 42 billion. We have written to the Ministry of Finance and Parliament telling them that the money is not enough”. (*Daily monitor*, Thursday August 25, 2005).

The commission has to grapple with a number of activities for the holding of 2006 elections, arrangements starting October or November 2005. The update and display of the voters’ register, civic/voters’ education, distribution of photo bearing voters’ cards, continuous registration of new voters and setting regulations for election are the major activities. To meet the constitutional deadline, presidential, parliamentary and local council five (LC5) candidates will be nominated in December 2005. This requires timely release of funds.

The EC has set up a mobile registration unit to register eligible voters at weddings, conferences, public functions (and other big gatherings). The EC chairman said; “Any one who has planned a function where you have people exciding 20 should inform me and I shall send the mobile unit to register eligible voters Ugandans are registered”. This was revealed at workshop held to review the referendum of July 28 at pope Paul memorial center-Lubaga (Kampala) on Thursday, August 18, 2005.

