

STATUTORY INSTRUMENTS SUPPLEMENT
to The Uganda Gazette No. 5, Volume CIX, dated 29th January, 2016
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

2016 No. 10.

THE UGANDA LAW SOCIETY (ELECTIONS) REGULATIONS, 2016.

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STATUTORY INSTRUMENTS

2016 No. 10.

The Uganda Law Society (Elections) Regulations, 2016

(Under sections 11 and 25 of the Uganda Law Society Act, Cap. 276)

IN EXERCISE of the powers conferred upon the Council by sections 11 and 25 (h) and (i) of the Uganda Law Society Act, and with the approval of the Society by special resolution, these Regulations are made this 18th day of January, 2016.

PART I—PRELIMINARY

1. Title.

These Regulations may be cited as the Uganda Law Society (Elections) Regulations, 2016.

2. Interpretation.

In these Regulations, unless the context otherwise requires—

“Act” means the Uganda Law Society Act, Cap. 276;

“Committee” means the Elections Committee of the Society appointed under regulation 3;

“Council” means the Council established under section 9 of the Uganda Law Society Act, Cap 276;

“general meeting” means the annual general meeting of the Society and includes an extra ordinary meeting of the Society;

“paid-up member” means a member of the Society who has paid subscription fees for the year in which the election takes place;

“Society” means the Uganda Law Society established under section 2 of the Act; and

“Society representative” means a member of the Uganda Law Society representing the Society on any statutory body, institution created under any law in Uganda.

3. Elections Committee.

(1) The Council shall appoint an Elections Committee of the Society comprising five persons, who may be members of the Society or honorary members.

(2) The members of the Elections Committee shall be representative of the regions of Uganda.

(3) The members of the Elections Committee shall elect the chairperson and vice chairperson from among themselves and inform the Council as soon as practicable.

(4) The chairperson and vice chairperson of the Elections Committee shall be advocates who have been members of the Uganda Law Society for at least five years.

(5) A member of the Elections Committee shall serve for one term of four years only.

(6) A member of the Elections Committee is not eligible to stand for any elective office of the Society while still serving on the Elections Committee.

(7) A person shall cease to be a member of the Elections Committee for any of the following grounds—

- (a) upon resignation of the member;
- (b) upon the member being certified to be of unsound mind;
- (c) upon the member being adjudged bankrupt;
- (d) upon removal of the member by the Council;
- (e) upon the member being suspended or barred from legal practice;
or
- (f) upon the member being convicted of an offence involving moral turpitude under any law of Uganda or any other jurisdiction.

4. Functions of the Elections Committee.

(1) The Elections Committee shall—

- (a) receive, scrutinise and approve nominations for elective offices;
- (b) organise and conduct in a free, fair, safe and transparent manner, elections for the elective offices of the Society;
- (c) monitor the campaigns of the candidates to the elective offices in accordance with these Regulations;
- (d) receive and deal with complaints arising out of the nomination, campaign or election process and make election pronouncements; and
- (e) perform any other duties in relation to the elections of the Society as the Council or general meeting may from time to time direct.

(2) In the performance of the functions under subregulation(1), the Elections Committee shall protect, promote, uphold the interests and objectives of the Society, and shall present the Society as an appropriate example of democratic, fair and transparent practices and processes.

5. Presiding officer, quorum and vacancy in membership.

(1) The chairperson of the Elections Committee shall be the presiding officer for each election conducted by the Society.

(2) In the absence or inability of the chairperson, the vice chairperson shall be the presiding officer.

(3) In the absence of the chairperson and vice chairperson, the remaining members of the Elections Committee shall select from among themselves a person to act as chairperson.

(4) The quorum at every meeting of the Elections Committee and for purposes of conducting elections shall be three members, one of whom shall be the Chairperson or Vice Chairperson.

PART III—ELECTION STANDARDS AND PROCEDURES

6. Fair and democratic elections

The Elections Committee shall conduct the elections of the Society in a fair, democratic and transparent manner that results in acceptance of the processes and results by the candidates and members of the Society.

7. Election observers

(1) An election of the Society may be observed by—

(a) the Law Societies of other partner states of the East African Community; and

(b) any other body, as may be accredited by the Elections Committee.

(2) A candidate at an election may appoint observers of his or her choice from among the members of the Society, and the names of the observers shall be made available to the Elections Committee, and announced by the presiding officer to the general meeting prior to commencement of voting.

8. Electoral roll

(1) The Elections Committee shall cause to be prepared and kept, in respect of each election, an electoral roll consisting of the paid up members of the Society.

(2) The electoral roll shall be displayed at the secretariat of the Uganda Law Society and website for at least two days before the election date.

(3) The electoral roll shall contain such information about each member of the Society as may be sufficient to enable satisfactory identification of the member as a paid up member for the purposes of an election.

9. Election procedures

(1) Each member of the Society on the electoral roll shall have one vote for each elective office.

(2) The presiding officer shall, as soon as the tallying process is completed and certified by the Elections Committee, announce the results of an election, to the general meeting.

(3) For purposes of determining the winning candidate at any election for any elective office, the results as certified under subregulation (2) shall be conclusive.

(4) A candidate to an elective office who gains a simple majority shall be declared winner.

(5) Every election of the Society shall be conducted in accordance with these Regulations.

10. Appointment of tallying officers

(1) The Elections Committee may, appoint not more than fifteen persons, who are paid up members of the Society to assist the Elections Committee in tallying the results of an election.

(2) The presiding officer shall notify the general meeting of the persons appointed to assist in tallying the results.

11. Secret ballot

Unless otherwise determined by special resolution of a general meeting, the elections of the Society shall be held by secret ballot, using one ballot box for each elective office for all candidates.

PART IV—ELECTIVE OFFICES AND OTHER MATTERS RELATING TO
CONDUCT OF ELECTIONS

12. Elective Offices

(1) The elective offices of the Council of the Society are—

- (i) president;
- (ii) vice president;
- (iii) treasurer;
- (iv) secretary;
- (v) four other members of the Council.

(2) two members to represent the Society at the Law Council; and

(3) Society representative.

13. Election of Society representative

Where any law requires the representation of the Society on a statutory or other body, the Elections Committee shall notify the members of the Society of the day and place for the election of the Society representatives.

14. Qualifications for election to Council or as Society representative

(1) A person is qualified for nomination as president, vice president or treasurer if he or she—

- (a) is a paid up member of the Society;
- (b) has been in legal practice for at least seven years;
- (c) has not been convicted of a criminal offence involving moral turpitude by a court of competent jurisdiction or been found guilty of an offence by the Law Council within twenty four months immediately preceding the nomination;
- (d) is not an un-discharged bankrupt or the subject of any bankruptcy proceedings in any country; and
- (e) is not otherwise disqualified under any legislation in force in Uganda or elsewhere.

(2) A person is qualified for nomination as secretary or Council member if he or she—

- (a) is a paid up member of the Society;
- (b) has been in legal practice for at least five years;
- (c) has not been convicted of a criminal offence involving moral turpitude by a court of competent jurisdiction or been found guilty of an offence by the Law Council within twenty four months immediately preceding the nomination;
- (d) is not an un-discharged bankrupt or the subject of any bankruptcy proceedings in any country; and
- (e) is not otherwise disqualified under any legislation in force in Uganda or elsewhere.

(3) A person is qualified for nomination as a Society representative if he or she—

- (a) is a paid up member of the Society;
- (b) has been in legal practice for at least five years;
- (c) has not been convicted of a criminal offence involving moral turpitude by a court of competent jurisdiction or been found guilty of an offence by the Law Council within twenty four months immediately preceding the nomination;

- (d) is not an un-discharged bankrupt or the subject of any bankruptcy proceedings in any country; and
- (e) is not otherwise disqualified under any legislation in force in Uganda or outside Uganda or elsewhere.

15. Vacancy in membership of Council.

(1) Where, for any reason, a vacancy occurs—

- (a) in the position of president, the vice president shall assume the position of the president in an acting capacity until the next annual general meeting;
- (b) in the position of the vice president, treasurer or secretary, the Council may appoint a paid up member of the Society to complete the term of the vacating member in an acting capacity and may, if already a Council member, hold concurrently with the acting position, the position to which he or she was originally elected;
- (c) in the position of Council member, the Council may appoint a paid up member of the Society to replace the vacating member within one month of the occurrence of the vacancy.

(2) A person shall cease to be a member of the Council if he or she—

- (a) resigns;
- (b) is disqualified, barred or suspended from practicing as an advocate in Uganda or a country other than Uganda;
- (c) is certified to be of unsound mind;
- (d) is appointed to any position which creates a conflict of interest with his or her leadership on the Council;
- (e) is under a sentence of death or imprisonment exceeding six months by a court of competent jurisdiction without the option of a fine; and
- (f) is removed by special resolution of members of the Society voting at a general meeting.

16. Nomination of candidates.

(1) The Elections Committee shall appoint the days for the nomination of the candidates for the elective offices which shall be at least twenty one days before the date of the general meeting convened for the purposes of elections.

(2) A candidate for an elective office shall on the date fixed by the Elections Committee as the nomination day, present to the Elections Committee his or her nomination form, as prescribed in the Schedule to these Regulations, signed by the candidate and supported by at least thirty paid up members of the Society whose names and signatures shall be attached to the nomination form.

(3) A paid up member shall nominate only one candidate for an elective office.

(4) The Elections Committee shall circulate to the members of the Society, a list of the duly nominated candidates, as soon as practicable after the close of nominations.

(5) A candidate who seeks nomination for a specified office shall pay a non-refundable nomination fee indicated for the elective office—

- (a) president – two million shillings;
- (b) vice president – one million five hundred thousand shillings;
- (c) treasurer – one million shillings;
- (d) secretary – five hundred thousand shillings;
- (e) council member- five hundred thousand shillings.

(6) A person who does not pay the nomination fee shall not be nominated.

(7) Where only one candidate is nominated for an elective office, the presiding officer shall at the annual general meeting, declare the candidate duly elected for that post.

17. Conduct of campaigns.

(1) A candidate for any elective office may campaign in all the regions of Uganda, at his or her expense but in accordance with a timetable agreed to with the Elections Committee.

(2) Every candidate who is duly nominated is entitled to have his or her candidature notified on the official website of the Society and in a newspaper of wide circulation for a period determined by the Elections Committee.

(3) Every candidate shall conduct his or her campaign in a dignified and morally upright manner, with probity and appropriate decorum which does not create acrimony and which does not result in defamatory and inflammatory pronouncements.

(4) A candidate shall not during campaigns bring the Society into disrepute.

(5) Campaigns shall be directed at the members of the Society and not to the public generally and campaigns conducted in the mass media are prohibited except where a closed group consisting only of members of the Society is addressed.

(6) Complaints relating to campaigns shall be submitted to the Elections Committee and the Elections Committee shall resolve the complaints within seven days from the date of submission of the complaint.

(7) A candidate shall not—

- (a) use any political party colours or symbols;
- (b) campaign on any sectarian ground including tribe, creed, nationality, age, gender, religion or political party or organization affiliation.

(8) A candidate shall be allotted time, if he or she so requests, to make an oral or written presentation to the members at a general meeting prior to voting.

(9) Each candidate shall be allotted the same time for making oral or written presentations and the order of making the oral or written presentations shall be at the discretion of the presiding officer.

(10) A duly nominated candidate may request the Executive Director for the use of electronic facilities of the Society, to send out a written message to the members of the Society.

(11) The Executive Director shall oblige to the request of a duly nominated candidate made in subregulation (10) and each candidate shall be entitled to send out only one message.

(12) A message sent under subregulation (10) shall not exceed a single A4 sheet of paper and shall be availed to the Elections Committee in a transmittable form as may be prescribed by the Elections Committee.

(13) The Elections Committee shall approve the contents of the message before it is sent out.

(14) A statement circulated by or on behalf of a candidate shall not contain direct or indirect personal criticisms of or attacks on a nominated candidate or identifiable member of the Society or its staff.

18. Voting Procedure for Council member and Society representative.

(1) The Presiding Officer shall, on the day of election, place in the location where voting is to take place—

- (a) a table for verification which shall have the electoral roll of members entitled to vote;
- (b) a table with ballot papers; and
- (c) a table with a ballot box and a facility that permits a voter to exercise his or her right to vote, in confidence, which shall be placed at least five meters from the other tables.

(2) A member who wishes to vote shall declare his or her name to the officer in charge of the table for verification and present his or her Society identity card, a national identity card, or other form of official identification capable of being used to verify the identity of that person and evidence that the member is a fully paid-up member of the Society, and upon verification, the member shall be handed a ballot paper.

(3) The design of a ballot for any election shall be determined by the Elections Committee except that each ballot paper shall have sufficient information to identify the elective office, the year of the election and sufficient space where the voting member may indicate his or her candidate of choice.

(4) After indicating his or her candidate of choice on the ballot, the member shall fold it and slot it into the ballot box and leave the voting area in order to enable other voters to cast their ballots.

(5) Where a member is by reason of physical disability unable to indicate his or her choice on the ballot, that member may be accompanied and assisted by one person of his or her choice to indicate the candidate of choice of that member on the ballot and to place the ballot in the ballot box.

(6) Where the voting is concluded, the presiding officer shall supervise the counting of the ballots, in the presence of the members who are present at the venue.

(7) Subject to regulation 9 (2), the Presiding Officer shall, as soon as the tallying and verification of the number of ballots cast in favour of each candidate is ascertained, announce the results of an election.

(8) The announcement of the presiding officer shall constitute the official result of the election.

(9) In case of a tie of votes of the leading candidates, the leading candidates whose votes are tied shall be the candidates in the next round of voting which shall be conducted immediately after the announcement of the tie.

(10) In the event of a second tie after the second round of voting, the presiding officer shall decide whether to conduct a third and or further rounds of voting until a winner is declared or to postpone the election for that position to another date.

(11) Subject to subregulation (6), voting shall be concluded by 5:00 pm.

(12) An election shall not be rendered invalid for the reason that rational changes in the timing are made by the Elections Committee, so long as they are made in good faith for the good of the Society.

19. Complaints.

(1) The Council shall appoint an Election Appeals Committee of the Society comprising of five members.

(2) The qualifications and terms of service of the Elections Committee appointed under regulation 3 (1) shall apply to the Election Appeals Committee.

(3) An aggrieved person shall make a complaint concerning the conduct of elections to the Elections Committee which shall respond to the complaint as soon as is reasonably practicable but in any event, prior to voting taking place.

(4) A complaint that the Elections Committee does not reasonably consider to be of a substantial nature shall not stay the conduct of an election.

(5) Where the complainant is not satisfied with the decision of the Elections Committee, he or she may within fourteen days appeal to the Election Appeals Committee in writing and the Elections Appeals Committee shall meet to resolve the complaint as soon as practicable.

(6) The Election Appeals Committee shall make and communicate its decision by e-mail or in writing to the complainant within seven days of receipt of the appeal.

(7) The Elections Committee shall prepare and avail to the Council, a report of the elections, for circulation to the members of the Society, within fourteen days after the day on which the elections were conducted.

PART V—GENERAL

20. Disqualification of candidate.

(1) Any candidate who is proved to have knowingly or intentionally violated any provision of these Regulations shall be disqualified from the election unless the Elections Committee finds, under a harm analysis, that the actions of the candidate may be remedied with a warning.

(2) The harm analysis under subregulation (1) shall consider the following factors—

- (a) the actual prejudice suffered by the other candidates in the election as a result of the violating candidate's action;

- (b) the effect of the action of the candidate on the integrity of the election and the Society; and
- (c) the manner in which the violation occurred.

(3) Where a candidate is disqualified or withdraws from the election, the Elections Committee shall issue a notice of the disqualification or withdrawal of the candidate on the Society website and notice board and to all members of the Society.

21. Assumption of office.

Where an election is concluded, the elected persons shall immediately assume leadership of the Society save that the outgoing office bearers may arrange for a formal handover ceremony within thirty days of the elections.

22. Revocation of S.I. No. 7 of 2015.

The Uganda Law Society (Elections) Regulations, 2015 are revoked.

SCHEDULE
NOMINATION FORM

Regulation 16 (2)

I, _____ (name) offer myself as a candidate for election to the Council of the Uganda Law Society for the position of _____ for the year _____.

I undertake to comply with the Uganda Law Society (Election) Regulations 2016, and the Uganda Law Society Act and any other applicable regulations of the Uganda Law Society.

I confirm my support to the objectives of the Society and if elected, intend to serve for the full term of office.

I am a duly paid up member of the Society and I am not an un-discharged bankrupt, a convict serving any sentence or a person otherwise disqualified to act as an advocate in Uganda.

Signed this day of20

.....
Signature of candidate

RUTH SEBATINDIRA,
Chairperson Council and President Uganda Law Society.

Cross References
The Advocates Act Cap. 267.