

BILLS SUPPLEMENT

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Bill No. 19 *Electoral Commission (Amendment) Bill* **2019**

THE ELECTORAL COMMISSION (AMENDMENT) BILL, 2019

MEMORANDUM

The purpose of this Bill is to amend the Electoral Commission Act, Cap.140 to establish the Electoral Reform Committee; to provide for the use of technology in the management of elections; to re-designate registrars as district election administrators; to provide for the appointment of assistant returning officers by the commission; to require the commission to publish in the Gazette, places at which voters' registers and polling stations are to be displayed and to align the Electoral Commission Act with the Constitution as amended by the Constitution (Amendment) Act, 2018.

MAJ. GEN (RTD) KAHINDA OTAFIIRE,
Minister of Justice and Constitutional Affairs.



THE ELECTORAL COMMISSION (AMENDMENT) BILL, 2019

ARRANGEMENT OF CLAUSES

Clause

1. Amendment of Cap.140.
2. Amendment of section 12 of principal Act.
3. Amendment of section 18A of principal Act.
4. Amendment of section 21 of principal Act.
5. Amendment of section 22 of principal Act.
6. Amendment of section 23 of principal Act.
7. Amendment of section 27 of principal Act.
8. Amendment of section 30 of principal Act.
9. Repeal of section 31 of principal Act.
10. Repeal of section 32 of principal Act.
11. Amendment of section 33 of principal Act.

A Bill for an Act

ENTITLED

**THE ELECTORAL COMMISSION (AMENDMENT)
BILL, 2019**

An Act to amend the Electoral Commission Act, Cap.140 to establish the Electoral Reform Committee; to provide for the use of technology in the management of elections; to re-designate registrars as district election administrators; to provide for the appointment of assistant returning officers by the commission; to require the commission to publish in the Gazette, places at which voters' registers and polling stations are to be displayed and to align the Electoral Commission Act with the Constitution as amended by the Constitution (Amendment) Act, 2018.

BE IT ENACTED by Parliament as follows—

1. Amendment of Cap.140.

The principal Act is amended by inserting immediately after section 10 the following new section—

“10A. Electoral Reform Committee.

(1) There is established an Electoral Reform Committee which shall be comprised of—

- (a) four persons representing the Electoral Commission, one of whom shall be the Secretary to the Electoral Commission who shall be the chairperson of the committee;
- (b) three persons representing the Attorney General;
- (c) the Secretary of the Uganda Law Reform Commission or his or her representative;
- (d) a person representing political parties or organisations nominated by the National Consultative Forum;
- (e) a person representing civil society appointed by the Chairperson of Electoral Commission;
- (f) the Permanent Secretary of the Ministry responsible for local government or his or her representative;
- (g) the Permanent Secretary of the Ministry responsible for women, youth, workers or persons with disability or his or her representative.

(2) The Electoral Reform Committee shall be responsible for—

- (a) in liaison with Uganda Law Reform Commission, studying electoral and other laws relating to matters and processes of elections;
- (b) synthesising various reforms proposed by political parties, election observers and monitors, civil society and other stakeholders or arising from court decisions;
- (c) consulting the relevant stakeholders on the proposed electoral reforms;
- (d) recommending to the Minister responsible for justice, concrete proposals for electoral reforms and for strengthening the electoral system; and
- (e) performing any other function as may be assigned by the Minister.

(3) The chairperson of the Electoral Commission shall constitute the Election Reform Committee within six months after the date of the last general elections.

(4) The Electoral Reform Committee shall make recommendations to the minister within eighteen months after being constituted.

(5) The Minister shall present the proposed electoral reforms to Parliament, if any, at least two years before the next general elections.

(6) The Minister may, in consultation with the commission, by statutory instrument, make regulations prescribing the terms and conditions of service of the Electoral Reform Committee.”

2. Amendment of section 12 of principal Act.

Section 12 of the Electoral Commission Act, in this Act referred to as the principal Act, is amended by adding immediately after subsection (1) the following—

“(1a) The Commission may, in the exercise of its powers under subsection (1), adopt technology in the management of elections.

(1b) The Minister may, in consultation with the commission, by statutory instrument, make regulations prescribing the manner in which technology will be used in the management of elections.”

3. Amendment of section 18A of principal Act.

Section 18A of the principal Act is amended by inserting at the end of the section the following—

“or in the case of a by-election, at least three days before polling day.”

4. Amendment of section 21 of principal Act.

Section 21 of the principal Act is amended by substituting for the word “registrar” wherever it appears in that section, the words “district elections administrator”.

5. Amendment of section 22 of principal Act.

Section 22 of the principal Act is amended—

- (a) in subsection (1)—
 - (i) by substituting for the word “constituency” the word “district”;
 - (ii) by substituting for “assistant registrar” in paragraph (a) the words “assistant district elections administrator”;
- (b) in subsection 3, by substituting for the words “assistant registrar” the words “assistant district elections administrator”;

6. Amendment of section 23 of principal Act.

Section 23 of the principal Act is amended by substituting for the word “registrars” or “district registrar” wherever the words appear in that section, the words “district elections administrators” or “assistant district elections administrator”, respectively.

7. Amendment of section 27 of principal Act.

Section 27 of the principal Act is amended in subsection (1) by substituting for the words “seven days” the words “thirty days”.

8. Amendment of section 30 of principal Act.

Section 30 of the principal Act is amended—

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

“(1) The commission shall, by notice in the Gazette, appoint a returning officer and an assistant returning officer for each electoral district and for elections for special interest groups.”;
- (b) by inserting immediately after subsection (1) the following—
 - (1a) For purposes of subsection (1), “special interest groups” means representatives of the army, youth, workers, persons with disabilities and such other groups as Parliament may determine in accordance with article 78(1)(c) of the Constitution.

- (c) in subsections (2), (3), (4) and (5), by inserting immediately after the words “returning officer” wherever the words appear, the words “or an assistant returning officer;” respectively;
- (d) by inserting immediately after subsection (2) the following—
 - “(2a) The commission shall, by notice in the Gazette, appoint a returning officer and an assistant returning officer to be responsible for the election of representatives of special interest groups.
 - (2b) Where a returning officer vacates office in accordance with subsection (2), the assistant returning officer shall perform the functions of returning officer until a returning officer is appointed in accordance with subsection (4).
 - (2c) A returning officer may, in writing, delegate any of his or her duties to the assistant returning officer.”;
- (e) by repealing subsection (3)(a);
- (f) by substituting for subsection (3)(b) the following—
 - “(b) is transferred from the district for which he or she was appointed;”.

9. Repeal of section 31 of principal Act.

Section 31 of the principal Act is repealed.

10. Repeal of section 32 of principal Act.

Section 32 of the principal Act is repealed.

11. Amendment of section 33 of principal Act.

Section 33 of the principal Act is amended by substituting for subsection (3) the following—

“(3) The commission shall, as soon as practicable, publish in the Gazette a list of all places at which a voter’s register is required to be displayed and a list of all polling stations.”