**Wednesday, 30 September 2015**

*Parliament met at 2.14 p.m. in Parliament House, Kampala.*

PRAYERS

*(The Speaker, Mr Jacob Oulanyah, in the Chair.)*

*The House was called to order.*

COMMUNICATION FROM THE CHAIR

**THE DEPUTY SPEAKER:** Honourable members, I welcome you to this sitting. I was informed that this is a sitting to consider some three urgent Bills. However, I received a copy of the Order Paper last night and there was item 4 that should be stayed so that we can deal with the reason this Parliament had been called back. Of course, the other subsequent matters will be handled at an appropriate time.

Therefore, specifically, I have been briefed that the reason this Parliament has been called back is to deal with items 5, 6 and 7. That is how we are going to proceed. Thank you very much.

2.16

**MR KENNETH LUBOGO (Independent, Bulamogi County, Kaliro):** Thank you very much, Mr Speaker. I rise on a matter of strategic national importance. This pertains to the rollout of the Social Assistance Grant for Empowerment (SAGE) programme. This is money, which is given to support the elderly people of this nation.

Mr Speaker, you recall that when passing the current budget, we had a serious debate in this House and the point was to find money to rollout this programme to cover other districts, which were previously not covered.

At that time, only 14 districts were covered in this SAGE programme. To date, the rollout has not taken effect and the information from the ministry is that tomorrow, the rollout is starting from Bundibugyo and then, it will go to other places. In Busoga, it will cover only Kamuli.

The point I am putting forward is that at the time statistics were collected to find the poverty levels of the different places, Kamuli was together with Kaliro as one district. The programme is now going to be rolled out and taken only to Kamuli leaving out Kaliro. We are not even aware when the other over 30 districts are going to be brought on board.

Therefore, I seek your indulgence, Mr Speaker, to require the minister concerned to come to this House, in case we are sitting tomorrow, to explain to us how this programme is going to be rolled out and what factors have been considered to take it to other districts and leave out others. Kaliro is actually poorer than Kamuli. In fact, the biggest poverty that was in Kamuli was being contributed by Kaliro but now Kamuli is being preferred to Kaliro.

Therefore, Mr Speaker, I implore you to direct the minister to come and explain to us why Kaliro and other places have not yet been taken on board. I thank you.

**THE DEPUTY SPEAKER:** Honourable minister, SAGE in Busoga districts is only in Kamuli. Can you explain why? Is it the Minister of Local Government or Minister of Finance, Planning and Economic Development? Minister of Gender?

2.19

**THE GOVERNMENT CHIEF WHIP (Ms Ruth Nankabirwa):** Thank you very much, Mr Speaker. I would like to appreciate my colleague. The matter he has raised is very pertinent especially at this time when we are explaining Government programmes.

As you may be aware, Mr Speaker, this programme started only in three districts and this was according to poverty levels. From three districts to 14 and 26. As Government, we agreed that we will be rolling out.

We sat here and passed the budget. Committees sat and went through the ministerial policy statements. I would like to plead that you explain to our colleagues in that district that this is a Government programme, which is intended to cover all the districts of Uganda but in a phased manner.

**MR LUBOGO:** Maybe the minister did not understand my explanation because she was just coming in. What I said is that the poverty index indicators that were used to allocate this programme were of 2002 and 2003. At that time, Kaliro and Kamuli was one district. Therefore, if you are to consider taking SAGE to Kamuli, there is no reason you should isolate Kamuli as it stands today and leave out Kaliro, which was formerly part of it. Besides, the biggest chunk of money has been put to administration. In fact, that money could even cover five more districts.

**MS RUTH NANKABIRWA:** I understand, Mr Speaker. Even in the districts where this programme started operating, it was in selected sub-counties. Kiboga, for example, had just two sub-counties and Kyankwanzi had one sub-county. That is what we call rolling out in a phased manner.

2.21

**MR ISAIAS JOHNY SSASAGA (FDC, Budadiri County East, Sironko):** Thank you, Mr Speaker. I rise on a matter of national importance.

On Friday, 25th of this month, Budadiri Health Centre IV in Budadiri Town Council, Budadiri East County, Sironko was torched by some members of the community. The reason was that the medical doctor had been interdicted by the district CAO. The district said the reason he was interdicted was because he had spent three years without renewing his practising certificate. The CAO was also in a difficult situation to continue employing him since for one reason or another, he had refused to renew his practising certificate. The office of the RDC went into action to put him away from the station when the new doctors reported.

However, the community was not in agreement with the action taken by both the CAO and the RDC. They moved into action, burning down the maternity ward. Some mattresses were burnt down while others were stolen; the drug store was broken into and the medicines were taken away.

Currently, Mr Speaker, the Health Centre IV is not functional. All the medical workers were scared away from the place. The district still insists that for the medical doctor to come back, he must have a practising licence.

I am appealing to Government to carry out investigations into who mobilised the community to torch the health centre. I believe they were mobilised by one of the leaders to carry out that backward act.

Secondly, I appeal to Government to prevail over the medical workers to report back to the health centre, more so that the pregnant mothers are now stranded.

Generally, the area is insecure. As you have been seeing in the media, things are not okay. I call upon Government to come to our rescue. The district has made it possible and made correspondences to the relevant ministries but no action has been taken yet.

I, therefore, call upon the Ministry of Health and the Ministry of Security to come in and rescue the ugly situation which is in Budadiri East Constituency and in the Health Centre IV. Thank you very much.

**MS RUTH NANKABIRWA:** Mr Speaker, it is very absurd that such acts of criminality take place and the district security committee failed to get the people who are suspected to have started this act.

The honourable member says that since the incident took place, nothing has been done. That means the district security committee of that area is sleeping. I expect at least some people to be put in jail as we investigate.

Therefore, I will direct the Minister of Internal Affairs to go down on the ground. This is in order for us to see a process of bringing to book the people who have caused this major loss. I take it upon myself to direct the minister concerned.

2.25

**MR BERNARD ATIKU (FDC, Ayivu County, Arua):** Thank you, Mr Speaker. I rise on a point of national importance. On 27 March 2015, the Minister of Local Government invited district local leaders at Imperial Royale Hotel. He disseminated information by way of a letter written by H.E the President directing the district leaders to go and pass resolutions to create counties. Ayivu County East and West were supposed to be part of this process.

Mr Speaker, again on 14 May -

**THE DEPUTY SPEAKER:** Honourable, you need to go to the specific subject you briefed me about.

**MR ATIKU:** The President came to Arua and declared it a city. This was supposed to be followed by a motion on the floor of Parliament. This matter has generated a lot of anxiety in Arua.

As I talk, the people have resolved not to participate in any elective process because they were given city divisions. The way I see, these divisions and the city motions are not forthcoming.

Mr Speaker, if you do not see me in the 10th Parliament, the blame goes to Government for failure to guide the people of Arua. *(Laughter)* The President met the people of Arua twice at State House and pledged to them a city.

However, the way things are going, there is no city. We wanted Government to come out and clear the air that the city that was promised to the people of Arua is hot air; the President, indeed, lied to the people of Arua, so that the people reconstitute themselves and campaign according to the old structures of the constituencies.

Otherwise, I have been compelled to bring this here as a matter of national importance because the candidates of NRM now on ground have been told not to campaign. The people have also resolved not to participate in the 2016 general elections.

I would like clarification from the government. If the status quo remains, we can go by it. If there is a city, then we can know so that the people prepare to do politics according to the new arrangement.

Mr Speaker, that is the prayer I am making to Government and I am seeking clarification.

**MS RUTH NANKABIRWA:** Thank you very much, Mr Speaker. We are all aware of the processes of creating new administrative units, district counties and others.

The Minister of Local Government came here and tabled motions in phases. We dealt with the first, second and then third motion. I am sure another motion will come to create cities. If the motion is not yet passed in this House, that means the status quo remains.

It will be out of order for people to begin sharing constituencies, which do not exist. Therefore, let the status quo remain. If a city is created in the middle of a term, then electoral processes will take charge.

I will pray for you my brother so that you come as you came to this Parliament. Thank you.

2.30

**MR SIMON ALEPER (NRM, Moroto Municipality, Moroto):** Mr Speaker, I rise on a matter of national importance and to clearly put facts on record.

Most of the members here may have followed this from the news that the situation in Karamoja is not as some people have underrated it. We have lost people to hunger due to the long drought spell. Our people went to the garden but due to the climatic conditions, which are beyond the corner of our people, we are losing a number of them.

It is very unfortunate that some people of high profile even in Government went over radio and made very unfortunate statements. They said that people who have died in Karamoja may be the Turkana who are within Uganda.

There is also another person who made the statement that those people are dying because they are moving from place to place. There was a radio talk show on KFM. That statement was made by two of our brothers: Mr Francis Babu and Mr Moses Byaruhanga. They appeared to be underrating what is happening in Karamoja.

Mr Speaker, we have lost almost 20 people to the hunger situation. Government has responded. However, what has been taken there cannot sustain and is not commensurate to what is obtaining now.

The disaster committees in the district have even feared to distribute the little food they have sent there. Our call now is *- (Interruption)*

**MR EPETAIT:** I would like to put the facts straight. The talk show you are referring to took place on the KFM Hot Seat on Wednesday 23 September. What Mr Byaruhanga mostly stated was that the problem is that the Karimojong do not want to cultivate. They keep moving up and down only to turn round and ask Government for food aid.

I thought that was a very unfortunate statement. This is because the fact of the matter on the ground is that whereas many families took in to agriculture, the climatic situations could not allow the crops to mature.

**MR ALEPER:** Thank you my brother for the information. It was very irresponsible of a person of high calibre like Mr Byaruhanga to make such a statement when we are losing people.

Our call upon Government is to step up the response so that we rescue a number of the lives that we are now losing in Karamoja to hunger. Thank you, Mr Speaker.

**MS RUTH NANKABIRWA:** Thank you very much, Mr Speaker. What I have picked from what my brother has submitted is that although Government has come in to save the situation, we still have a lot of work to do. The relief is not enough and the situation needs to be discussed in detail so that we get an everlasting solution to the problem of scarcity of food and adverse drought in Karamoja.

Being from the Office of the Prime Minister, I am aware of the series of meetings that have taken place so far and therefore, I take it upon myself to go and deliver this message so that we can do what we can to save the situation.

**MS ABIA:** Thank you, Mr Speaker. In the Eighth Parliament, there was an extensive and intensive discussion here about water for production not only for Karamoja nor drought prone areas but also for the entire country.

In every region, this country has abundant water. Unfortunately, for the last three decades, the NRM administration has never invested in water for production and now, we are losing lives. Can the minister, therefore, try to explain to his country, what it would cost to have water for production and at the same time, ensure that all the resources and attention that has been directed to that region, to the extent of appointing a very serious and senior person to head the Ministry of Karamoja Affairs, that there would be no such occurrence of death as a result of failure to have water for production, in the entire country and particularly, for Karamoja?

**MS RUTH NANKABIRWA:** Facts on the ground in Karamoja indicate that the situation as it was in the Eighth Parliament is not what it is today. I know a lot has been done and I know that every year, we increase the budget for water. We have Shs 400 billion for water – (*Interruption)*

**MS ABIA:** Mr Speaker, is the honourable minister in order to suggest that there has been this glamorous transformation in Karamoja when in the 21st century - even two weeks ago, the country is witnessing death as a result of famine in a country laden with water and she is suggesting that the situation is going to improve, when nothing has improved at all?

The MPs of Karamoja are complaining that they are losing lives as a result of food insecurity. Is she in order?

**THE DEPUTY SPEAKER:** Honourable members, I find it difficult to give ruling on suggestions. If the minister is suggesting, I do not have much to do about it, please.

**MS RUTH NANKABIRWA:** Mr Speaker, facts remain facts. There is progress in Karamoja but there is a lot to be done and we cannot deny that. We sit here and appropriate money and set our priorities. We decide to locate Shs 3 trillion in roads and infrastructure and we move on.

When we deal with one priority, we move to the next; the Shs 400 billion which was allocated for water cannot do everything that we intend to do but what can we do if we do not have enough money? Therefore –(*Interruption)*

**MR WAFULA OGUTTU:** Thank you, Mr Speaker. The number one thing that Government has undertaken to do for Ugandans is to protect lives and property. You do not build roads for dead bodies. You first and foremost preserve people’s lives.

In Karamoja, we have a dedicated ministry with the First Lady as the minister. We have RDCs and yet, people are dying of famine. Is the minister in order to be referring to the Shs 3 trillion for roads when people are dying because of famine? Is the minister in order?

**THE DEPUTY SPEAKER:** Honourable minister, would you like to focus on the budget for Karamoja and conclude you remarks?

**MS RUTH NANKABIRWA:** As I conclude, Mr Speaker, there is improvement in Karamoja but we need to do a lot more. I sympathise with the situation on the ground. There is no single soul that we would like to see perishing because of hunger. No, even one soul is very important. My Government is going to do all that it takes to ensure that we save the people of Karamoja. (*Applause)*

**THE DEPUTY SPEAKER:** Honourable members, in the public gallery this afternoon, we have students from History Department, Makerere University, who are studying public ideas. They are here on a study visit to Parliament and they are attending today’s sitting. They are represented by hon. Sebuliba Mutumba and hon. Nabilah Sempala. Please, join me in welcoming them. You very welcome.

**MR ANYWARACH:** Thank you very much, Mr Speaker. The last time we were here, the Minister of Gender, Labour and Social Development was directed to present a statement on the externalisation of labour in regard to exporting our young girls as domestic workers to the Middle East.

Mr Speaker, would it not be procedurally right that we ask the minister if that report is ready because that is a very pertinent issue. Thank you very much.

**THE DEPUTY SPEAKER:** Is the report ready? If it were ready, it would have been on the Order Paper. If it is not ready, we will find out later and see how we proceed with that.

**MR KEN-LUKYAMUZI:** Mr Speaker, as if that was not enough, the Minister in charge of Foreign Affairs recently made a promise before Parliament that within a week or so, he will have brought a report briefing Parliament about the tragedies that have befallen 27 Ugandans, now languishing in the United Arab Emirates.

Where is the report? Are you serious? Why don’t you resign if you have no report? *(Laughter)*

**THE DEPUTY SPEAKER:** I remember I was chairing when that request was made and it was supposed to come in the regular sitting of Parliament. This is one of those sittings that is for a specific purpose because we had to be recalled from the recess. I guess that is why it is not yet here.

**MR MUWUMA:** Thank you, Mr Speaker. I rise on a point of procedure. Yesterday, the Constitutional Court made a ruling to the effect that members representing special interest groups in this Parliament are sitting here illegally.

We needed to hear from you on the way forward as a head of this institution on whether the Attorney-General or the Minister of Justice is bringing amendments or members are supposed to leave this House. They were talking of the members representing the UPDF, the Youth and the Workers. Therefore, we would like to know the fate of our colleagues’ stay in this House. I thank you Mr Speaker.

2.42

**THE DEPUTY ATTORNEY-GENERAL (Mr Mwesigwa-Rukutana):** Thank you, Mr Speaker. It is not true that the Constitutional Court ruled that members representing special interest groups are here illegally. I have a brief statement on that ruling, which is meant to allay fears of honourable members, which I would like to make –

Yesterday, 29 September 2015, the Constitutional Court of the Republic of Uganda delivered judgments in three consolidated Constitutional Petitions. That is: Constitutional Petition number 37 of 2010, number 40 of 2010, number 48 of 2010. These were filed in 2010 challenging the laws governing the elections of Members of Parliament representing special interest groups: the Workers, Youth, Army and Persons with Disabilities.

The specific laws affected by the decisions of the Constitutional Court are the following:

1. The Parliamentary Elections (Special Interest Groups) Regulations Statutory Instrument number 31 of 2001 as amended by Statutory Instrument number 6 of 2011.
2. The Regulations Governing Election of Parliamentary Representative under the Army Council.

The gist of the judgment of the Constitutional Court is that under Article 78(4) of the Constitution, “*Parliament shall, by law, prescribe the procedure of elections of representatives referred to in clause (1) (b) and (c) of this article*.” This implies that Parliament is vested with powers to enact legislation prescribing procedures for election of representatives to Parliament for special interest groups.

**MR MUWANGA KIVUMBI:** Mr Speaker, with due respect, I rise on a point of procedure to find out if the honourable minister is reading out a ministerial statement, and whether he knows our Rules of Procedure and how he is supposed to proceed. He is proceeding as if he has a formal statement to read, yet he is just responding to a point of procedure. This will make it very hard for Parliament to proceed if we move that way.

 Therefore, my point of procedure is; under which rules of procedure is he reading a formal statement before the floor of this Parliament?

**THE DEPUTY SPEAKER:** A procedural point was raised that touches on matter where the Attorney-General was a party but the Speaker was not party. I requested the Attorney-General to guide us on what the situation is and what the court said. For the minister to proceed with full statement, that might not be necessary - just brief the House about what the situation is. Are the members supposed to get out of this House or not?

**MR RUKUTANA:** Mr Speaker, I was not reading a statement. I was only refreshing my memory from my notes. *(Interjections)* I was saying that it is not true that the Constitutional Court annulled the representation of members who are here representing special interest groups. I was also going ahead to explain what transpired in the Constitutional Court.

The court found that in respect of elections of persons with disabilities –(*Interjection)–* no, the court did not declare *–*

**THE DEPUTY SPEAKER**: Honourable Ken-Lukyamuzi, let him finish, let him advise the House and I make a ruling on the procedural matter.

**MR RUKUTANA:** In judgment, as I said, the court did not declare or order that the 2011 Parliamentary Elections in respect of Members of Parliament representing special interest groups stand annulled or that the seat of the honourable Members of Parliament representing special interest groups stand vacant. It only made some orders on the constitutionality of the laws.

We have looked at the judgment and with respect, we do not agree with the findings of their Lordships and we intend to appeal the judgment. That said, I would like to emphasise that, in that judgment –(*Interruption*)

**MR KEN-LUKYAMUZI:** Mr Speaker, I briefly read the ruling of court to that effect. The minister after reading the judgment should be lamenting because Government was put on task for not having attended to the contents of Article 78 (1) (b) and (c) which necessitates the viewing and programming the instances related to the electoral process of those privileged groups. Is the honourable minister in order to lament after failing to advise Government on what should have been done as reported by the ruling of the court? What is he talking about?  *(Laughter)*

**THE DEPUTY SPEAKER:** Honourable members, the decision of the court is clear. I was served with the copy of the judgment and this has been raised as a procedural point. Let me just read the decision of the court, which is on the last page – the signature page signed by their Lordships, the Justices of the Supreme Court: Justice Augustine Nshimye, Justice Court of Appeal; Justice Remmy Kasule, Justice Court of Appeal; Justice Rubby Opio Aweri, Justice Court of Appeal; Justice Richard Buteera, Justice Court of Appeal; and Justice Fredrick Martin Engonda-Ntende the judge that signed this judgment.

On the decision page, this is what is said, *“The impugned law in relation to election of the representatives of the Army, Youth and Workers is void and we declare so in accordance with Article 2 of the Constitution. We do grant an injunction against the respondents and the respondents are the Attorney-General, the Electoral Commission and the National Union of Disabled Persons of Uganda.*

*We do grant an injunction against the respondents restraining them from conducting elections for the special interest groups of the Army, Youth and Workers under the law that we have found to be unconstitutional. The elections for the representatives of people with disabilities may go ahead as the law in relation to the same passes constitutional matter.*

*As this is a matter of significant public interest, we order each party to bear their cost.”*

Signed, dated and delivered at Kampala, this 29 day of September 2015. There is no order from the court directing the sitting members of this House to vacant their seats. (*Applause)*

**MR AMURIAT:** Mr Speaker, I have listened to part of the ruling, which effectively bars Electoral Commission from organising elections for those interest groups. I know that, at the moment, there is an exercise going on within political parties in this country aimed at preparing especially the youth for elections next year.

Given that ruling, what does this say about what is going on within the political parties especially if the ruling stands because we do not know if the appeal will effectively challenge that ruling?

What message does it give to the youth who are now enthusiastic about being elected to come to this House and also to other organs or institutions of government of this country?

I am rising on a procedural point to seek the guidance of the Attorney-General on this matter because it is something that does not only affect this Parliament but the politics of this country; the nation needs to be informed.

**THE DEPUTY SPEAKER:** You raised a procedural point. Honourable members, the respondents in this case are clear. FDC, NRM, UPC and any other political parties are not respondents. None of the political parties are respondent in this case. Their internal procedures cannot be affected by this ruling.

What they are doing is to prepare people to go and – you want to continue my ruling from there? What the parties are doing is not barred by this ruling. That is internal; it is not part of the law that is challenged.

The law that is challenged relates to the national elections conducted under the laws enacted by this Parliament that has been annulled. The parties’ procedures to have a candidate for a particular office is not affected, in my opinion.

**MR RUKUTANA:** I entirely agree with your ruling and I wish to add, that as I said earlier, we are dissatisfied with some of the points raised in the ruling and we are examining them with the view to appealing because we think that Parliament has the power to delegate its functions. Whatever was done was by Parliament dully -

**THE DEPUTY SPEAKER:** Learned Attorney-General, we are safer to stick with what the court has said because that is what is obtaining now. We cannot anticipate what the other court will say or what grounds of appeal you will generate; that might be anticipation.

Let us just go by what the court has ruled. As I have said, it does not affect the processes in the parties. It affects any process that is national.

Anything that is being done by Electoral Commission is stopped. If it is the Electoral Commission of a political party, that is not affected; that is my view on this.

**MR KAWUMA:** Thank you, Mr Speaker. Inferring from your explanation and clarification offered, national elections conducted by Electoral Commission, specifically for youth councils are already underway -

**THE DEPUTY SPEAKER:** That is what has been stopped by the injunction. So, there is no debate about it.

**MR BAKKA:** Mr Speaker, what is happening at the countryside is that we are being asked by all these stakeholders on what will come next. The minister says he is going to appeal.

What we would like, and I imagine that was what hon. Amuriat wanted, is a clear statement on how Government is going to handle this matter. Should we tell the people “Government is going to appeal” - because the youth were already in motion?

I wanted the House and the country to know exactly what is the way forward on this matter from Government? Should we take it that you are going to appeal and we just leave it at that? I seek further guidance on this matter, Mr Speaker.

**THE DEPUTY SPEAKER:** What is Government going to do given this paralysis that has been created by the court ruling?

**MR RUKUTANA:** Mr Speaker, I said we have looked at the judgement, we do not agree with the findings of their Lordships in some aspects and we are going to appeal.

As I talk now, we have already filed a Notice of Appeal. When we appeal, we apply for *- (Interjection)*

**MS OSEGGE:** Thank you, Mr Speaker. I would have thought that the minister would have given, in the interim, what to do with the processes that are on-going. Is he in order to continue elaborating about what is yet to be done, whose outcome he cannot even anticipate at this point? Is he in order?

**THE DEPUTY SPEAKER:** The learned Deputy Attorney-General is very aware of the procedures. He is just trying to see if we are alert, let us not anticipate. Guide the House and the people, in the interim, what is going to happen. There is a court ruling subsisting - what should happen with that court ruling.

**MR RUKUTANA:** As I said earlier, the ruling does not affect the existing offices. As for the process, we are saying that we are lodging a Notice of Appeal and we are going to get a stay of execution so that the processes can continue as we go ahead with determination of the matters in a higher court.

**THE DEPUTY SPEAKER:** Honourable members, please, let us put this to a rest. The court has ruled and we are bound by that ruling. All the institutions listed, who are mandated to carry-out those functions that have been stopped by the court cannot proceed with them.

That is clear. In the interim, what I expected the minister to say that he is going to communicate to the whole of the country that those processes should be stayed for the moment until they further communicate on the way forward. (*Applause)*

Communication to the way forward might be a result of an appeal and a stay of execution. When that matures, then you can give subsequent communication. As of now, the ruling regime is that those issues have been stopped.

That is what you should communicate and if you are going to make adjustments in future based on your application to the court and the courts granting a stay of execution, then you communicate that you can continue because you have got stay of execution.

**MR NZOGHU:** Thank you, Mr Speaker. I read some content of the ruling. The point of procedure, which I am raising is, what happens when you are elected under a law, which is void?

**THE DEPUTY SPEAKER:** Honourable members, that should have been declared by the court. The court made a specific finding and made its decision. And they are four.

If they wanted to do that, they would have directly said, the current Members of Parliament elected under these laws cease to hold office. We cannot begin interpreting something that violates other people’s rights, by inference.

You want us now to say, “Because of this, these members –“ where do you get it from? *(Laughter)* If the court had said that, we would not be having this debate.

In the gallery this afternoon, we have student leaders from Islamic University in Uganda, Makindye East, represented by hon. John Ssimbwa and hon. Sempala. They are here to observe the proceedings. Please, join me in welcoming them. You are welcome. (*Applause*)

BILLS

FIRST READING

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL, 2015

3.04

**THE MINISTER OF STATE FOR FINANCE (PLANNING) (Mr David Bahati):** Mr Speaker, I beg to move that the Bill entitled, “The Public Finance Management (Amendment) Bill, 2015” be read the first time.

**THE DEPUTY SPEAKER:** Does it have the accompanying documents?

**MR BAHATI:** Yes, it has the certificate of financial implication.

**THE DEPUTY SPEAKER:** Let the records capture the Bill and it stands referred to the appropriate committee to handle within the framework of the rules and advise the House on how to proceed.

BILLS

SECOND READING

THE PRESIDENTIAL ELECTIONS (AMENDMENT) BILL, 2015

**THE DEPUTY SPEAKER:** Honourable members, I have got to request that the members outside should find space to sit. If there is no further space, then we will see how to make some adjustments. Please, let us see how to adjust, if we do not sit properly and there are still members outside, I will make the appropriate guidance on how we proceed. However, there is still space; let us fill it and if it is filled up, we will see how to proceed.

3.05

**THE ATTORNEY-GENERAL (Mr Fred Ruhindi):** Mr Speaker, I beg to move that the Bill entitled, “The Presidential Elections (Amendment) Bill, 2015” be read for the second time.

**THE DEPUTY SPEAKER:** Is the motion seconded? It is seconded by hon. Fox odoi, hon. Bahati, hon. Ntabazi, hon. Mwesigye, hon. Baba Diri and hon. Banyezaki.

**MR RUHINDI:** Mr Speaker, the object of this Bill is to amend the Presidential Elections Act, 2005 to revise the nomination fees payable under the Act; to revise the facilitation provided to a presidential candidate under the Act; to remove the requirement for a candidate to campaign in every district of Uganda; to provide for polling to close at 4.00 p.m. on polling day; to require the Electoral Commission to provide for persons engaged in the electoral activities on duty in specific professions or areas to vote and to provide for related matters.

Since much of the detail is articulated in the report of the Committee on Legal and Parliamentary Affairs, I beg to move so that the chairperson can read the report.

REPORT OF THE COMMITTEE ON LEGAL AND PARLIAMENTARY AFFAIRS ON THE PRESIDENTIAL ELECTIONS (AMENDMENT) BILL, 2015

3.09

**THE CHAIRPERSON, COMMITTEE ON LEGAL AND PARLIAMENTARY AFFAIRS (Mr Stephen Tashobya):** Thank you very much, Mr Speaker. It is my pleasure to present a report on the Sectoral Committee on Legal and Parliamentary Affairs on the Presidential Elections (Amendment) Bill, 2015. Before I do that, let me lay on Table the minutes and the submissions of the stakeholders that came to our meetings. I beg to lay.

**THE DEPUTY SPEAKER:** Let the records capture that.

**MR TASHOBYA:** Mr Speaker, permit me also to express my gratitude to the members of the committee from both sides of the House who, in a period of eight days, have been able to consider three Bills. I also thank them that we are presenting the report, which is unanimously accepted without a minority report. (*Applause*)

If you go to page 2, we indicate the methodology and also report that in the eight days that we have met, we have been able to meet 18 stakeholders whose names are listed on pages 2 and 3. Permit me to start with the analysis of the Bill with recommendations.

This analysis will consider the proposed amendments in the Presidential Elections Act 2005; the current provision being amended, a comparative analysis of similar provisions in other jurisdictions, the effect of the amendments if any, the stakeholders’ views on the proposed amendments and the legal analysis of the proposed amendments.

The Presidential Elections Act 2005 is proposed to be amended as follows:

1. The long title: An Act to amend the Presidential Elections Act 2005, to revise the nomination fees payable under the Act, to revise the facilitation provided to a presidential candidate under the Act, to remove the requirement for a candidate to campaign in every district of Uganda, to provide for polling to close at 4.00 p.m. on polling day, to require the Electoral Commission to provide for persons engaged in the electoral activities on duty in specific professions or areas to vote and to provide for related matters.
2. Stakeholders’ view: The Opposition proposed to have the long title amended as follow: Long title, “An Act to amend the Presidential Elections Act 2005, to increase the nomination days from two to three, harmonise the requirements for the nomination of presidential candidates with Article 103(2) of the Constitution, to provide for a minimum number of districts a candidate is required to campaign in Uganda, to require the Electoral Commission for persons engaged in electoral activities on duty in various professions or people in the diaspora to vote and provide for related matters.”

Mr Speaker, the committee recommended that any amendments to the long title should be done after Parliament has considered all the proposals during the committee stage and this is because the long title should reflect what has been adopted by the House.

Section 10 (6)(b) of the principal Act is amended by substituting for the words “four hundred” with the words “one thousand” and the current provision under section 10(6)(b) of the Presidential (Amendment) Act, 2005 reads as follows:

“(b) *A non-refundable fee of four hundred currency points payable to the Uganda administration in cash or bank draft*.”

Mr Speaker, the effect of the proposed amendment is that it will increase the nomination fee from Shs 8 million to Shs 20 million. The stakeholders’ views are as follows:

Uganda Patriotic Movement

The Uganda Patriotic Movement rejected the proposed amendment on grounds that it is intended to eliminate some candidates and favours the incumbent. The Opposition political parties were of the view that the fee paid by candidates is just a commitment fee and is not a form of taxation or means of raising funds for the electoral process. It should not be made exorbitant to disfranchise those who would have provided an alternative to the voters. The Opposition proposed to maintain the status quo of Shs 8 million.

We received the views and presentation from hon. Nandala-Mafabi, the Secretary General of FDC. His views were that increment in the nomination fees will kill democracy. He proposed that the status quo remains and the nomination fee should not be increased since it will disfranchise the people who would like to stand but cannot afford the nomination fees.

We also received presentation from Foundation for Farmer Empowerment in Uganda and their views was that increasing nomination fees will create a certain class of citizens who can afford to participate in the political field.

Mr Francis Mwijukye a member from the FDC submitted that the requirement for presidential aspirants to pay Shs 20 million is unconstitutional because it deprives other citizens who cannot afford the money to offer themselves for the positions of leadership. He urged that all positions of leadership should be accessible to all Ugandans irrespective of their economic status. He proposed that the nomination fee be reduced to Shs 2 million.

The Electoral Commission supported the proposed amendments. Our analysis as a committee was that there are two schools of thought on the requirement to deposit or pay nomination fees prior to being nominated to contest in a presidential election. The first school of thought views these fees as a mechanism of weeding out or sieving the serious contenders from the pretenders.

The second school of thought views the requirements to pay nomination fees as a mechanism to keep political offices among the elites only at the expense of the poor who might be willing to serve but without the necessary financial capacity.

If you go down to comparative study: in Ghana, a person intending to stand as a presidential candidate is required to pay a non-refundable nomination fee of Shs 5,000 cedis which is approximately $2,600 while in Guinea, one pays approximately $55,000.

Mr Speaker, in Malawi section 45(3) of the Parliamentary and Presidential Elections Act empowers the Electoral Commission to determine and publish nomination fees for candidates to contest for the position of Member of Parliament, President and other elective offices. Pursuant to the provision, the Malawi Electoral Commission requires individuals who are interested in contesting as presidential candidates to pay approximately $2,900.

In Benin, a person intending to stand as a presidential candidate pays approximately $25,690 but this fee is refundable at the end of the exercise. In Burundi, a person intending to stand as a presidential candidate pays approximately $9,721 refundable if the candidate scores a minimum of five per cent of the votes in the elections.

Mr Speaker, in the Democratic Republic of Congo a presidential candidate pays a nomination fee of 5.0 million francs approximately $5,389 which is refundable if the candidate receives 15 per cent of the vote at the general election.

The proposal is for a candidate to pay Shs 20 million which is approximately $5,450. This fee is not far off from the one charged in other jurisdiction as explained above.

The committee observes that the fee of four hundred currency points was fixed in 2005 and since then, the economy has gone through very many changes. It, therefore, recommends that the amount to be deposited by the candidate is revised upwards as proposed in the Bill.

Section 21 of the principal Act is amended in subsection (1) by repealing the words “giving at least one day in each district.” The current provision in section 21(1) in the principal Act reads as follows: *“Subject to the Constitution and this Act, the commission may determine the manner and period during which campaigns shall take place giving at least one day in each district and shall publish that information in the gazette and forward a copy to each returning officer.”*

The effect of the proposed amendment is to remove the requirement of a presidential candidate to campaign for a minimum of a day in every district of Uganda.

Stakeholder’s views - those are the FDC, CP, DP, UPC and JEEMA

The Opposition disagreed with the proposed amendment reasoning that a premise on which Government opted to create all those districts was to bring the services to the people. According to the Opposition, leaders are only accountable if they can access the voters and have an interface. The Opposition takes cognisance that some leaders, especially the incumbent has been campaigning throughout assisted by Government machinery, denying a candidate to access voters in every district, goes to the roots of a free and fair campaign. Managing time for campaign should be left to the candidates and not the law.

Hon. Nandala-Mafabi disagreed with the proposal and proposed that instead, a number of days allocated to presidential campaigns should be increased to enable presidential candidates cover all the districts of Uganda.

Mr Mwijukye supported the proposed amendment to section 21, but was of the view that the presidential aspirants campaign in a reasonable number of districts and not in each district as is currently the case.

Mr Speaker, the Electoral Commission supported the proposed analysis. The requirements for a presidential candidate to campaign for a minimum of a day in every district of Uganda was introduced in the Presidential Election Act, 2005 and it was intended to ensure that presidential candidates are known by the people of Uganda in all districts of Uganda.

The amendment proposes to remove the requirements for presidential candidates to hold campaigns in all the districts of Uganda. It is challenging for presidential candidates to fulfil this requirement because of the cost involved and the time allocated for campaigns.

Secondly, Mr Speaker, the 2014 census report indicates that 34 percent of registered voters are in 15 districts. These include Kampala with a population of 1.5 million and of these 1,180,347 people are registered to vote. This is followed by Wakiso District, with a population of 2,007,700 people, of which 749,476 are registered voters.

The other districts with higher registered voter numbers include Kasese with 303,125 registered voters, Mubende with 275,101 registered voters, Arua with 254,580 registered voters, Mukono with 244,856 registered voters, Kibaale with 243,777 registered voters, Jinja with 236,770 registered voters, Mbarara with 230,212 registered voters, Ntungamo with 220,400 registered voters, Mbale with 218,029 registered voters, Kabale with 214,296 registered voters, Kabarole with 209,148 registered voters, Iganga with 205,364 registered voters and Tororo with 205,135 registered voters.

Mr Speaker, it would be unrealistic to require a presidential candidate to equally apportion the same campaign time to the districts mentioned above with others that have less registered voters. For instance, Amudat District has 21,023 registered voters, Buvuma with 26,480 registered voters, Ntoroko with 31,561 registered voters, Otuke with 32,793 registered voters, Bukwo with 33,042 registered voters and Nakapiripirit with 42,421 would be required to equally share the campaign time with the likes of Kampala, Wakiso and other districts with higher registered voters.

More so, there are other mechanisms through which the electorate in all districts a presidential candidate has not reached can access information or campaign material pertaining to their candidate of choice. This can be done through putting campaign messages in print and electronic media in districts the presidential candidate would not personally campaign in, using campaign agents as well as utilizing social media platforms such as *Facebook* and *YouTube*.

The committee recommends that Parliament adopts the proposed amendment as given.

Amendment of Section 22 of the principal Act

Section 22 of the principal Act is amended by substituting for subsection (2), the following: *“(*2) The Commission shall offer to each candidate as contribution to be used solely for the election, the sum of two thousand five hundred currency points.”

The current provision of section 22 (2) of the Presidential Elections (Amendment) Act, reads as follows:

 *“(2) The Commission shall offer to each candidate as contribution to be used solely for the election —*

 *(a) the sum of one thousand currency points; and*

 *(b) such other facilities as may be approved by Parliament.”*

Effect of the proposed amendment

The amendment intends to increase the contribution given to a presidential candidate from 1,000 currency points (Shs 20 million million) to 2,500 currency points (Shs 50,000,000 million) and no other facilitation.

Stakeholders’ views

1. Opposition political parties

The Opposition political parties support the proposed amendment. The Opposition believes that being a presidential candidate requires a certain standard that matches with the dignity of such an office. It is an important office where Government should invest in to get maximum alternative policies and views.

1. Electoral Commission

The Electoral Commission agreed with the proposed amendment.

Analysis

Given the increase in the cost of living, the campaign costs have also gone high since the introduction of this provision under the 2005 Presidential Elections Act. Furthermore, the number of districts the candidates are required to visit has also increased from 70 to 112, necessitating the increase of government contribution to the candidates.

The committee recommends that Government contribution to presidential candidates is revised upwards as proposed in the Bill.

Amendment of Section 30 of the principal Act

Section 30 of the principal Act is amended in subsection (2) by substituting for the word “five”, the word “four”.

Current Provision

Section 30 (2) of the principal Act reads as follows:

*“(2) At every polling station, polling time shall commence at seven O’clock in the morning and close at five O’clock in the afternoon.”*

Effect of the proposed amendment

The amendment proposes that polling to close at 4.00 p.m. on the polling day instead of 5.00 p.m.

Stakeholders’ views

1. Opposition Political Parties

The Opposition proposes to maintain the status quo as there is no lacuna so far being cured. Ugandan population, according to them, first attends their other activities and report to vote later in the evening. Voting is a fundamental right of an individual that goes to the roots of democracy. It is the legitimate expression of choosing leadership. It will be unrealistic to deny Ugandans a right to vote when the day is still bright. Time of closure for voting should remain at five O’clock.

1. The Electoral Commission

The Electoral Commission agreed with the proposed amendment reasoning that it gives them additional time to count, tally, fill the required forms and transmit the results before it gets dark especially in areas that don’t have electricity.

1. Mwijukye, FDC Member and political activist

Mr Mwijukye suggested that the committee rejects government proposal to reduce voting time to 4.00 O’clock because at times in rural areas voting begins late hence reducing the time available for voting. He suggests that instead Government facilitates the Electoral Commission with sources of light like paraffin lanterns and transport to enable them work in the night. He proposed that the status quo remains.

Mr Speaker, in Ghana, polling commences at 7.00 O’clock in the morning and closes at 5.00 O’clock in the evening. In Kenya, polling commences at 6.00 O’clock in the morning and closes at 5.00 O’clock in the evening. In Malawi, polling commences at 6.00 O’clock in the morning and closes at 6.00 O’clock in the evening.

In Rwanda, polls open at 7.00 O’clock in the morning and closes at 3.00 O’clock in the afternoon. In the United Kingdom, polls open at 7.00 O’clock in the morning and closes at 10.00 O’clock in the evening.

The amendment proposes to reduce the time allocated for casting votes by one hour. The committee notes that the reduction of polling time by one hour will disenfranchise voters given the fact that voting material usually arrive late in most parts of the country.

The committee recommends that Parliament rejects the proposed amendment.

Amendment of Section 31 of the principal Act

Section 31 of the principal Act is amended in subsection (5) by substituting for paragraph (d), with the following:

“(d) a fourth table located at least ten metres from the ballot box where every voter, after depositing the ballot paper into the ballot box, shall proceed and have the thumb or other finger on the voter’s right hand determined by the commission, marked with or applied with indelible ink as one of the indicators that the voter has cast the ballot.”

Current Provision

Section 31 (5) (d) of the principal Act reads as follows:

*“(d) a fourth table located at least ten metres from the ballot box where every voter, after depositing the ballot paper into the ballot box, shall proceed and have the thumb on the voter’s right hand, dipped into indelible ink to indicate that the voter has cast the ballot.”*

Mr Speaker, the effect of the above provision is to allow the Electoral Commission determine any other finger, other than the thumb that the indelible ink is to be applied on as an indicator that a particular voter has cast his or her vote. It further removes the requirement of dipping the thumb or finger of a person who has cast his or her vote into indelible ink.

Stake holder’s views

Hon. Nathan Nandala-Mafabiopposed the proposed amendment on grounds that the introduction of any other method other than the dipping of the finger or thumb would facilitate multiple voting and rigging.

The Electoral Commission was of the view that due to advance in technology, ink should be applied to the thumb without necessarily dipping the thumb into the ink as one of the ways indicating that a person has voted. They further argued that dipping of the thumb of a voter in ink exposes the voter to health risks as so many people dip in the same ink.

The Opposition parties were of the view that whereas the Opposition agreed with the spirit of the amendment, they observed that the amendment presupposes that every voter has a right hand, a thumb or finger to be marked. There are those voters living with disability but are able to write using any other part of the body. The amendment should be all inclusive without discrimination.

They proposed that the amendment reads as follows:

"(d) a fourth table located at least 10 meters from the ballot box where every voter, after depositing the ballot paper into the ballot box, shall proceed and have the thumb, finger or any other part of the body used to put a mark on a ballot paper as may be determined by the commission, marked with or applied with indelible ink as one of the indicators that the voter has cast the ballot.”

Mr Speaker, it is common practice the world over to have a mark put on the finger of a person who has cast or is about to cast his or her vote to prevent them from multiple voting. For instance in Ghana, Section 31 of the Presidential and Parliamentary Elections law requires that immediately before the ballot paper is delivered, a mark, which shall so far as possible be permanent, shall be made on the voter.

However, the proposed amendment assumes that all persons in Uganda have all their fingers on their right hands and does not take care of persons who may not have all their fingers on their right hand and yet are capable of casting their votes.

Therefore, there is need to have the mark either made on the voters’ right hand or any other hand or part of the body. This will cover persons who have no hands or who are missing some limbs on their body.

Recommendation

The committee recommends that Parliament adopts the proposed amendment but the provision should be amended to allow the Electoral Commission have the discretion in situations where a voter does not have a right hand or thumb.

Amendment of section 39 of the principal Act

Section 39(1) of the principal Act is amended by inserting immediately after the word “institutions” the following words, “medical personnel, election officer”

The current section39 (1) of the principal Act reads as follows:

*“39. Special procedure for voting for persons in institutions and operation areas*

*Subject to this Act or any other law, the Commission may make special provision for the taking of votes of patients in hospitals or persons admitted in sanatoria or homes for the aged and similar institutions and also for persons in operation areas such as soldiers and other security personnel, and the commission shall publish in the gazette a list of the operation areas referred to in this section.”*

Mr Speaker, the effect of this proposal is to requirethe Electoral Commission to make special provision for taking of votes of medical personnel and election officers.

Stakeholders’ views

The Opposition agreed with the spirit of the amendment but observed that there was need to cater for the people in the diaspora.

They buttressed this by suggesting that the population of Ugandans living in the diaspora was estimated at 2.5 million by the UN Human Development Report 2009 and as of today, it is around 3.0 million.

They further averred that the Ugandan community in the diaspora contributes 19 per cent to our national budget and should therefore be facilitated to exercise their right to vote and chose the manner in which to be governed.

In our analysis, theprovision of special voting for a given class of people arises from the fact that although such persons have a right to vote, they cannot exercise their right to vote because they are sick and in hospitals, they are in elderly homes or they are professionals, whose services are required or they are overseeing the election process in their different capacities.

These people are normally allowed to vote and depending on the nature of the legal regime before or after the general population has done so. In Ghana, for instance, security officials, election officials or staff of the Electoral Management Board are given special voting rights and vote a day before the elections.

That being the case, the committee notes that there are no modalities for implementing the proposed amendment and has never been implemented since it was introduced in 2005.

The committee therefore recommends that the proposal be studied further and there is need to have consultations put in place to ensure that the process is not abused.

Amendment of section 43 of the principal Act

Section 43 of the principal Act is amended by inserting immediately after subsection (2), the following -

 “(3) For the purposes of this section, “deadly weapon” has the meaning assigned to it in Section 286 of the Penal Code Act.”

Mr Speaker, the current provision ofSection 286 of the Penal Code Act provides as follows:

*(3) In subsection (2) “deadly weapon” includes—*

*(a) (i) an instrument made or adapted for shooting, stabbing or cutting and any imitation of such an instrument;*

*(ii) any substance, which when used for offensive purposes is capable of causing death or grievous harm or is capable of inducing fear in a person that it is likely to cause death or grievous bodily harm; and*

*(b) any substance intended to render the victim of the offence unconscious.”*

The effect of the proposed amendment is todefine what a “deadly weapon” is.

Stakeholders’ views

The Opposition political parties agreedwith the proposed amendment.

In our analysis, currently, although section 43 prohibits the carrying of deadly weapons on the polling day, there is no definition of what amounts to a deadly weapon in the Act. This is instead defined in section 286 of the Penal Code Act Cap.120

For purposes of consistency and harmony in the laws, it is therefore necessary to adopt the definition of a “deadly weapon” as provided for in the Penal Code Act.

Mr Speaker, the committee recommends that Parliament adopts the proposed amendment.

# General recommendations and conclusion

The committee recommends that the Bill be passed into law subject to the amendments that are contained there under.

Mr Speaker, as earlier alluded to, the report has been unanimously agreed to as showed by the signatures appended to the report.

I would once again like to express my sincere gratitude to all members of the committee from both sides of the House for the support and input that they had that facilitated the quick consideration of the report and its subsequent presentation to this House. I beg to move.

**THE DEPUTY SPEAKER:** Thank you, chairperson and members of the committee. Honourable members, that is the report of the committee and I now propose the motion for your debate.

The motion that I propose for your debate is that the Bill entitled, “The Presidential Elections (Amendment) Bill, 2015” be read the second time and that debate is on the principles of this Bill. It is about nomination fees, whether campaigns should be in all districts, facilitation of candidates, closing time of polling, introduction of the fourth table for using the ink, special voting procedures and the definition of deadly weapon. Those are the general areas that this Bill seeks to regulate. I now open debate and debate starts now. Each Member will take three minutes.

Before we start, in the public gallery this afternoon we have constituents from Bukoto Central represented by hon. Edward Ssekandi, His Excellency the Vice-President, and hon. Freda Kase-Mubanda. They are here to observe the proceedings; please join me in welcoming them. You are very welcome. *(Applause)*

3.45

**MS OLIVIA KWAGALA (NRM, Woman Representative, Iganga):** Thank you, Mr Speaker. I do support the motion and firmly say that given the economic status of our country, the Shs 50 million which has been proposed as an increment from the Shs 20 million should be accepted by the members for presidential elections. Mr Speaker, I studied English and they say mother tongue influences our speech in English so you should forgive me if some people have gone astray. *(Laughter)*

Regarding campaigns in districts, we do believe that a presidential candidate should have people campaigning for them. Given the aspect of the statistics, it equally implies that presidential candidates can base on populated areas so that they can be assisted by the parties in other areas.

I do support this motion and firmly stand on behalf of the people I represent. Thank you, Mr Speaker.

3.47

**MR JOHN KEN-LUKYAMUZI (CP, Rubaga Division South, Kampala):** Thank you very much, Mr Speaker. I have reservations about the report in light of what I am going to say.

I am a little bit unhappy with the report over the fees a candidate has got to pay. The decision to stand as a presidential candidate is not a luxury; you must have the capacity to deliver and therefore you have to volunteer for the good of the country, even if you are poor. When I stood as a parliamentary candidate in Rubaga South, very few people knew I was poor but because I had rich ideas, people supported me. Therefore, we should not heighten the scope of fees to discourage people who are not rich materially but rich in ideas. If we nominate and elect people who are rich in ideas, they are potential leaders capable of delivering. We are fed up of the politics of money.

I, therefore, propose very strongly that the hiking of fees for the presidential candidate should be discouraged, so that we go in for a line which promotes even people who have no money but have rich political ideas. We must stop thinking that the money we pay to the Electoral Commission is a form of tax because we all pay taxes.

As if that is not enough, I would like to refer to the most recent budget, the 2015/2016 budget. We have fresh statistics and figures about the work of the Electoral Commission. The Electoral Commission has no excuse to hike the rates to be paid by the presidential candidates because they took into consideration the requirements for what they were supposed to do with the candidates. They are pushing up the amount of money so that they raise more money. This is not a question of raising money; it is a question of ensuring that there is harmony within the candidates themselves and the capability for them to reach every angle during the struggle to make Uganda a peaceful country.

Mr Speaker, I am a little bit worried because the impression I am getting is that - *(Member timed out.)*

5.53

**MR ROBERT SSEBUNYA (NRM, Kyadondo County North, Wakiso):** Thank you, Mr Speaker. I agree with the report after all it has been overwhelmingly supported by almost all members of the committee with maximum signatures.

On the fee to be paid by a presidential candidate, I look at the amount that the presidential candidate is going to use in the campaigns, which I think is in the range of Shs 500 million. Given the cars, security and the fact that they have to go around the districts for almost two months, that amount is exorbitant and it is going to be taken from the taxpayers’ money. Therefore, this person who wants to be president must first show cause that he is capable. After all, they have told us that if he attains a certain number of votes, that money can be given back to that candidate. If he can galvanise about five per cent of the population at the end of the campaign, he can be given some part of this money back.

I think that Shs 20 million is not farfetched; it is within the range. The only impediment I see is whether the law will apply retrospectively now that the candidates have already started the process. That is the only problem I see and that is for the members to decide. I would propose that with a few discussions here and there, we go to committee stage and pass this law. I thank you, Mr Speaker.

3.53

**MR JACOB OPOLOT (NRM, Pallisa County, Pallisa):** Thank you very much, Mr Speaker. I would like to commend the committee for a good report.

I have heard colleagues trying to demonstrate discomfort with the revisions of the amount of money to be paid as nomination fee by the presidential candidates and also the facilitation. From what hon. Ken-Lukyamuzi has said, this thing is voluntary and since it is voluntary, you should not be going so much into facilitation. However, if you are to come in and we are saying this is a highly respectable office, then you must demonstrate your worth.

Therefore, the Shs 20 million should be accepted as the new figure so that we weed out jokers and comedians. We do not want this office to be infested by such jokers who want to make it laughable. Therefore, I agree with the committee that the increment on the nomination fee should be upheld; after all, we are also saying that the facilitation should be increased by the same number of times. If we only increase the facilitation and not the amount to be paid by the candidate, we are attracting more jokers because there will be Shs 50 million for you to play around the country for as long as you can account for it and yet you are not putting anything into the basket.

I also would like to commend the committee for rejecting the proposal to reduce the voting time from 5.00 p.m. to 4.00 p.m. I would think that we retain what has been there, after all some countries vote up to 10.00 p.m. Why don’t we maintain ours so that the Electoral Commission takes the responsibility of ensuring that all the facilities are availed to ensure smooth vote counting and transmission of the results? Thank you very much, Mr Speaker.

3.54

**MR PETER OKEYOH (NRM, Bukooli Island County, Namayingo):** Thank you, Mr Speaker. I would like to thank the committee for the report.

The committee rightly points out that the time for voting should not be reduced by an hour. In hard-to-reach areas like islands, for example, voting begins as late as midday and if the time is reduced to 4.00 p.m., it would disenfranchise most of our voters. I therefore thank the committee for that observation.

However, I would like to observe that a presidential candidate should have the capacity to go around the whole country. An elephant’s tusk has never been heavy for it to carry. Every day we clamour for districts in the guise that we are bringing services closer to the people; I think that a presidential candidate should have the capacity to go around the 117 districts. Thank you.

3.56

**MS BETTY AMONGI (UPC, Oyam County South, Oyam):** Thank you, Mr Speaker. I stand to support the motion and I thank the committee for their report.

First of all, I thank the committee because their decisions and recommendations are based on comparative analysis of other countries. When you look at the recommendation related to increase of fees to Shs 20 million, which is roughly $5,000, they cite Benin and DRC and other countries that are charging similar amounts. They also support the Shs 50 million contributions for candidates who want to contest. My only problem is that whereas the Shs 20 million would weed out the jokers as the honourable has articulated, for business purposes I still believe that there will be people who will borrow Shs 20 million with the aim that when they pay this Shs 50 million, they will still remove the Shs 20 million and remain with the Shs 30 million.

I would like the committee to help me because I am a businesswoman and I have to think like the business people. Somebody will go and borrow Shs 20 million and pay with the aim of getting Shs 50 million and even if you get it and you do not move, you still have your Shs 30 million. It is very good profit. (*Laughter*) Therefore, did the committee think about this aspect and what is their analysis on this?

Mr Speaker, I would like to agree with the committee for rejecting the proposal to reduce the voting time from 5.00 p.m. to 4.00 p.m. It is not only in the hard-to-reach areas but also in many areas that voting materials do not reach by 7.00 a.m. In majority of the places, voting begins at 9.00 a.m. Therefore, if we are to reduce the time to 4.00 p.m., it would have disenfranchised many voters. I pledge to support this provision and request that the Attorney-General withdraws this proposal and supports the committee.

I also would like to say that it is important that we plan in time. This House had requested several times for electoral laws to be brought. Some people have already paid –(*Member timed out.*)

3.59

**MR PATRICK AMURIAT (FDC, Kumi County, Kumi):** Thank you very much, Mr Speaker. I stand to support the motion and the report of the committee with reservations.

On the nomination fee, it is not written anywhere in the books of this country that politics shall be for the wealthy alone. I have heard my friends talking about jokers; who would be happy to joke with Shs 8 million? I think those cease to be jokers. As far as I know, the money paid to the Electoral Commission is not a tax; it is a commitment, given the fact that we appropriate money for the activities of the Electoral Commission. Therefore, it should be taken as a commitment not levying taxes from candidates. Therefore, it my proposal that we maintain the nominalisation fee at Shs 8 million as it was before in order not to disenfranchise people who would have wished to contest as presidential candidates.

In as far as limiting the time for the districts to which a presidential candidate should go, I would like to oppose the committee. I think it should be left to the presidential candidate to choose where to go after all this person, after being elected, will be the President of Uganda and of all Ugandans. I think they should be given opportunity to go to every nook of this country if it is possible for them and time should not be a constraint. They should be allowed to go wherever they wish to go to convey their manifesto to the citizens of this country. I do not see any use in limiting anybody. If I may use the example of Members of Parliament; you want to go around to every little village and I hear some of you talking about going from house to house. Why wouldn’t you allow a presidential candidate, if they had the opportunity, to do the same?

Mr Speaker, on the matter of dipping the right finger against marking, I think the status quo should be maintained. The proposal is for a new table to be introduced 10 metres away from where the vote is cast and this is being done ostensibly because we now have new technology. What is new in this technology of marking and not dipping? Is there much difference? If you were talking about using thumbprints, the basis of which our register is prepared, I think I would buy it –(*Member timed out.*)

4.02

**MR LATIF SSEBAGALA (DP, Kawempe Division North, Kampala):** Thank you, Mr Speaker. I support the recommendation, of course with some few reservations.

We have been voting by lining up as early as 7.00 a.m. and ending at 5.00 p.m. and we have been seeing many voters missing out because of the time factor. My suggestion is that if we are to accommodate as many voters as possible, let the voting begin at 6.00 a.m. and end at 5.00 p.m.; that is my conviction.

Secondly, on the issue of the nomination fee, I agree that we are not looking at the nomination fee as a deterring factor and way of blocking those who have the potential and ability to stand as presidential candidates. The moment we increase it, we will really be doing a very big disservice to others who have very little money but with good intentions for this country and would like to contest.

Thirdly, we have heard the Uganda Revenue Authority talking about a tax clearance certificate. If it is very important, let it be brought right here to avoid ambiguity on nomination day. Let it be among the basic requirements so that it is embedded in our laws. Otherwise, we shall create some kind of ambiguity. If it is very necessary, let it be among the requirements so that we have a certificate of tax clearance on nomination day when it is embedded in our laws. We do not want to leave it to the decision of who is there and who is required to present this, otherwise we are going to have that kind of ambiguity.

Lastly, Mr Speaker, I request that it is very important for those who are going to campaign for the presidency to be given ample time to comb all parts of this country. We have seen presidents who have been in power for more than 20 years and have not reached certain -*(Member timed out.)*

**THE DEPUTY SPEAKER:** Honourable members, debating an amendment law is very different from debating an original law. This is because the principle is already captured in the law itself and that is why we are discussing the amendments. There is no principle to debate. If it was not very burdensome, I would have proposed that we go and deal with this debate at a structured level when we are dealing with the specific amendments. However, before I do that, I will allow the Leader of the Opposition to say something. The debate is about amendments.

4.06

**THE LEADER OF THE OPPOSITION (Mr Phillip Wafula-Oguttu):** Thank you very much, Mr Speaker. In Uruguay, there is an outgoing President called Jose Mujica. He has done his two terms and he was a very poor person. Actually, all the time he was president, he only had a Volkswagen car and he stayed on his farm in a farmhouse. However, he has been a wonderful president. If they had a law like the one we are making, President Mujica would not have been the President of Uruguay.

Therefore, I would like to appeal to honourable members that we should not make a law and discriminate against poor Ugandans from becoming presidents of Uganda. Otherwise, you are going to have even drug dealers who can afford to pay and will become our president. It is about whether the person is acceptable. I know of a young man who came to I think the CA; I was told he was riding a bicycle in some place in western Uganda and he was elected by people. He was poor. I would like to appeal to Members that we should not discriminate against people who want to become our president.

Secondly, on the issue of visiting districts, I do not see the rationale in even mentioning that you should go to two or five districts. Let it be open to the candidate to go to any district they want. It could be one or two but let it be a choice of the candidate.

On the issue of vehicles, I think we have talked a lot about jokers. I appeared before the committee and maybe the minister should listen to this too. We should make a law with criteria that can weed out jokers. However, as a country, we should facilitate a presidential candidate during campaigns. Vehicles should also be availed to the candidates. However, we should know who we are giving cars. Maybe as of now, the law does not help us sieve them out but in future, we should sit down and have a very careful law that weeds out these jokers and brings forth people who can be leaders and who can be seen to be leaders. The state should facilitate them.

On the issue of closing time, we should maintain the status quo that we should have the time we have. However, if the country is willing to start voting at 6.00 a.m. – which I think is very difficult for Ugandans – then we could end at 4.00 p.m. because in some villages, the night becomes a serious problem. However, if we do not start at 6.00 a.m. then it is important that we maintain the status quo. Thank you very much.

**THE DEPUTY SPEAKER:** Honourable members, with those contributions, can I now put the question and then we go to deal with the specifics of the Bill? Honourable members, I now put the question to the motion that the Bill entitled the Presidential Elections (Amendment) Bill, 2015 be read the second time.

*(Question put and agreed to.)*

BILLS

COMMITTEE STAGE

THE PRESIDENTIAL ELECTIONS (AMENDMENT) BILL, 2015

Clause 1

**MR NANDALA-MAFABI:** Thank you very much, Mr Chairman. I would like to move an amendment that clause 1 be deleted. The justification is that standing for president does not mean that you are committing a crime. Shs 8 million or any money they pay is not money to be used towards the election process. This money is called non-tax revenue and it goes to the Consolidated Fund.

If there are jokers, the system will always weed them out. The joker will not go to all districts. He will fail to show accountability because the law says you must be in two-thirds of the districts of Uganda. Why should somebody get more money which he should have used towards the campaign and take to the Electoral Commission?

Mr Chairman, we cannot kill democracy because of nomination fees. We have examples. In Makerere, and I am sure you were there, Rwomushana was in charge of needy students and if they had said he should pay, he would not have afforded. However, he was one of the best chairpersons of the needy students and guild presidents. It clearly shows that if we had used money, we would have lost such a good leader. It even applied to Mr Okello-Okello from northern Uganda.

Therefore, Mr Chairman, we are the ones who have commercialised politics. Under normal circumstances everybody should go and campaign. I am sure if we make it fair for everybody to try, there are very many talented people who can go and campaign and win elections without money. If you block them because of Shs 20 million I do not think it is right. *(Interruption)*

**MR BYABAGAMBI:** Thank you, Mr Chairman. I would also like to thank my colleague for giving way. Hon. Nandala-Mafabi gave an example of how Mr Rwomushana was poor and he was elected. How do you explain the fact that that very poor person embezzled guild money and hon. Jim Muhwezi here is the one who paid for his debts? How do you explain that?

**MR NANDALA-MAFABI:** You mean you do not know where the Anti-Corruption Court is? That is not a question for me. (*Interjection*)-Answer what? Did I come to answer questions?

Mr Chairman, we should be reasonable. I know you are the Minister of Works and Transport and you know what happened yesterday when Kagina fired all the UNRA staff. Where were you? This incompetence of this nature shows how bad it is. Some of these people wear suits but they are very dangerous. What I would like to make very clear here is that we should not kill democracy through nomination fees. I would like to propose then that we delete that so that we allow all Ugandans to pay maybe Shs 8 million and compete for presidential elections.

**THE DEPUTY CHAIRPERSON:** Honourable members, the motion is for deletion of clause 1. The implication of that would mean we retain what is in the original law. That is what the member is proposing. Can I put the question to that amendment? Honourable members, I put the question to the amendment as proposed by hon. Nandala-Mafabi.

(*Question put and negatived.*)

**THE DEPUTY CHAIRPERSON:** Honourable members, I will put the question again and ask those in favour to stand and those against to also stand in turn. I now put the question that those in favour of the amendment proposed by hon. Nandala-Mafabi that clause 1 be deleted stand. Are you standing, General? (*Laughter*) Please, sit. We have taken count. Will those against the amendment as proposed by hon. Nandala-Mafabi stand. No ex-officio member can vote.

Honourable members, those abstaining, please stand. Are you abstaining? I am only asking members abstaining to stand. If you cannot be seen but you are abstaining, please raise your hand.

Honourable members, the result of the votes is as follows: Those for the motion for deletion of clause 1 are 22. Those against the deletion of clause 1 are 144. There is only one person abstaining.

(*Question put and negatived*.*)*

**MR AMURIAT:** Mr Chairman, I rise to propose an amendment to clause 1 of the Presidential Election (Amendment) Bill, 2015 as follows: To raise the amount from Shs 8 million to Shs 10 million. The argument given by Government through the Bill brought here by the Attorney-General talks about increasing this amount from Shs 8 million to Shs 20 million in order to tie up with the economic realities of this country since we prescribed this fee in 2005.

As far as I see, the Bill seeks to increase the fee by more than 100 per cent. If we have to go by the arguments of Government, then this is not commensurate with the increase of Shs 12 million that they proposed. Mr Chairman, I would like to appeal to our inner feelings to appreciate the fact that not everybody is wealthy but many are eligible to be elected as president of this country. We also need to recognise that we have young people who are ambitious who may not have lived or worked long enough to accumulate a lot of money but would be of substance to this country in as far as leadership is concerned.

Therefore, I would like to appeal to the inner feelings of you, my brothers and sisters, especially those seated on the other side, to think about this country as a whole and not about us alone. Mr Chairman, I do propose that amendment.

**THE DEPUTY CHAIRPERSON:** What would that be in terms of currency points? They are using currency points here - 400 to 1,000 currency points. Would you propose an appropriate amendment that would tally with what is in the Bill? How many currency points are those?

**MR AMURIAT:** You just divide this by 20,000. Somebody can help with this simple arithmetic. Shs 10 million would be 500 currency points. Therefore, what I am appealing to the House is for us to maintain this at the level of 500 currency points while appreciating -

**THE DEPUTY CHAIRPERSON:** No, you have already spoken. I just wanted the issue of the currency points clarified so that your amendment can tally with the provision that is in the law. He is proposing that instead of 1,000 it should be 500. It should increase from 400 to 500 but not to 20,000. That is the amendment hon. Amuriat is proposing.

**MR KEN-LUKYAMUZI:** Mr Chairman, we are discussing a very important matter in the chapter of the politics of this country. Is it procedurally right for members from the government side to sit on the Opposition side?

**THE DEPUTY CHAIRPERSON:** Honourable members, I had not yet authorised free sitting. Members, there is enough space on either side; please, move. Get seated so that we transact business. This should not cause any problems.

**MS KABAKUMBA MASIKO:** Mr Chairman, now that you had not authorised free sitting, is it procedurally right for members of the government side to sit in the no man’s land in the middle, which was curved out by the Speaker for Members of Parliament?

**THE DEPUTY CHAIRPERSON:** No, that is part of the Chamber. Please, let us sit and proceed with business. The honourable member for Kumi has proposed an amendment that instead of what is in the Bill, the increase should be up to 500 currency points. Can I put the question to that proposed amendment? Are we going to stand again so that it is clear? Should I do that? I will now put the question to that amendment?

*(Question put and negatived.)*

**MR KAFUDA:** Thank you very much, Mr Chairman. On clause 1, this issue -

**THE DEPUTY CHAIRPERSON:** Propose the amendment first.

**MR KAFUDA:** I propose that we amend from the 1,000 currency points in the Bill to 2,500 currency points, which equates to Shs 50 million. Mr Chairman, the justification for this is that we are trying to weed out the pretenders and the jokers in this position.

What we are handling is a very crucial matter. If you look at section 22 of the principal Act, we are trying to amend the contribution or facilitation of the Electoral Commission to the candidates whereby they will be given Shs 50 million. This will turn into a business where we shall attract more pretenders. This is because anybody can afford to raise Shs 20 million. It is better we lift it to Shs 50 million.

**THE DEPUTY CHAIRPERSON:** Honourable members, that is the amendment being proposed by the member for Busongora South. Honourable minister, would you like to say something on this amendment?

**MR RUHINDI:** Mr Chairman, the debate in the House is quite positive. However, we should also be mindful that any proposal made should also not be a reprisal. It should not be a situation whereby the critical funding, which would help a person during a campaign, is tied up in the nomination fees or any other necessary expenditure that would actually go to the state. Therefore, I strongly object to that. I think the proposal that we have made and has so far been supported across board should be maintained.

**THE DEPUTY CHAIRPERSON:** Honourable member, would you like me to put it to vote or would you like to withdraw?

**MR KAFUDA:** No, let us proceed with the vote and see.

**THE DEPUTY CHAIRPERSON:** Honourable members, I will put the question to that amendment first. The amendment is that instead of 1,000 currency points, we make it 2,500 currency points. I will put the question to that amendment.

*(Question put and negatived.)*

**MR WAFULA OGUTTU:** Mr Chairman, I would like to move an amendment that if a candidate gets about five per cent of the national election, then that person should have his or her money refunded. At the end of the election, that person should get half of his or her money refunded.

**MR RUHINDI:** I was still consulting but I think taking that route brings us into a different area all together. There is a nomination fee for one to be nominated; is that the one which you are saying should be refunded if that person gets five per cent of the votes?

Mr Chairman, I think that proposal is not well articulated. This is why sometimes amendments which come on the Floor of the House without serious scrutiny can end up being a problem in future when we have the legislation on the statute books. The question would now be what is the rationale of the five per cent of the votes? Why not ten, three or even one per cent? The criterion is not well thought out. It has not been considered by the committee; it is simply an ambush. I would seriously object to that kind of approach in transacting business at the committee stage.

**THE DEPUTY CHAIRPERSON:** Should I put the question to this amendment? I think the issue is clear. It is clear that either you -

**MR NANDALA-MAFABI:** Mr Chairman, the procedural issue I am raising is that the committee has come with a report and it clearly shows that when people make deposits for the nomination fee, when they get a certain percentage, their money is refunded. We are following the report. The Leader of Opposition has read the report. Would it be procedurally wrong to follow the report on which the committee has done research? Will it be procedurally wrong to comment on it by putting the figures of the committee?

**THE DEPUTY CHAIRPERSON:** No, I have not said that he is procedurally incorrect; I have not said that.

**MR KEN-LUKYAMUZI:** In light of that, I propose, with humility, that we attempt to justify the prior amendments.

**THE DEPUTY CHAIRPERSON:** No, the proposal is clear. No amount of speeches will change what will happen.

**MR KEN-LUKYAMUZI:** I would like to attempt to justify the proposal.

**THE DEPUTY CHAIRPERSON:** No, attempting will be impeaching on our time.

**MR OBOTH:** Thank you, Mr Chairman. The Attorney-General guided us. I think the committee was giving examples, drawing examples from other countries, without giving the rationale. Supposing you are refunding that of the presidential candidate who obtained five per cent, how much will you refund to the one who got 50 per cent? It defeats logic if the issue of the refund is brought here to this level *– (Interruption)*

**MR KIVUMBI:** Mr Speaker, in your wisdom, you refused hon. Ken-Lukyamuzi to rationalize the argument. Now hon. Oboth is attempting a defence. I think equity should prevail.

**THE DEPUTY CHAIRPERSON:** No, we said that these matters are clear. That was a researched position by the committee from various experiences. Let us leave it at this. Let us take a decision on this matter please. I already ruled that the honourable member should not proceed.

Let me put the question to this amendment of refund of five per cent as proposed by the Leader of the Opposition. When you get five per cent at the end of the vote, then the nomination fee should be refunded. That is the amendment he has proposed. Can I put the question to this amendment?

*(Question put and negatived).*

**THE DEPUTY CHAIRPERSON:** Honourable members, I now put the question that clause 1 stand part of the Bill.

***(****Question put and agreed to).*

*Clause 1, agreed to.*

Clause 2

**MR KAWUMA:** Mr Chairman, I attempted to stand up time and again to propose an amendment on 1 –

**DR EPETAIT:** Mr Chairman, I beg to move that clause 2 be deleted with the following justification:

One, during the time of nomination, the Electoral Commission demands that each presidential aspirant gets nominations from at least two-thirds of all the districts in Uganda.

Secondly, once the calendar is made, each candidate must make an attempt to cover as many districts as possible in the country. They all would like to win. I was not comfortable with the argument of the committee that there are some districts which have a lower population than others, districts like Buvuma, Bukwo, Amudat, and therefore do not deserve to be visited by the presidential candidates. I think that argument should not be kept in our records.

A district is a district. Let each candidate make every effort to reach as many districts as possible. Some candidates may even wish to spend three to four days in a particular district. Some may even manage to go twice to all the districts. I beg that we delete clause 2 and leave it open. Let the commission make a programme which covers at least all the districts. I beg to move.

**MR TASHOBYA:** Thank you very much, Mr Chairman. I think in many ways, the committee agrees with the Leader of the Opposition. The committee agrees with the views of the Leader of the Opposition and what hon. Epetait is talking about. What we are saying is that yes, the presidential candidate can do house to house if he can. He can even go to whatever places he wants to go to. However, it is not the business of the House to ask him to go and spend a day in a district. It will be upon him, if he can, to go to homes and wherever he wants to go and do his campaigns. We are making it open for the presidential candidate to visit as many places as he can.

The purpose of being a presidential candidate is to win an election. If that means that he should go to homes of the electorate, if it means that he spends two days in a district, so be it.

**MR FUNGAROO:** Thank you, Mr Chairman. Honourable members, in my understanding of the proposal here, it actually captures the arguments raised by Dr Epetait. If you can go to every district, it is okay and if you cannot go to every district, there is no problem as long as you can win with the one district, the two districts or whichever number of districts you were able to visit. *(Laughter)*  This is what is here. I have not yet expressed my opinion; I am analysing what is here.

For those who are saying that let the presidential candidate be allowed to visit as many districts as possible, you are in agreement with what is there. As for me, I say that given what we know about the opinion of people and even the elections we have passed through - everyone who is here - possibly some people never campaigned in every village and they are here. I find that there is no problem as long as even the people in the districts you have never reached can vote for you or not because if you do not reach all the districts, it is you to be punished by people not voting for you. This is my understanding of what is here.

**MR TANNA:** Thank you, Mr Chairman, for this opportunity. Hon. Betty Amongi made an observation here and that observation has been ringing in my mind for the last half an hour or so. Somebody pays Shs 20 million and is nominated and then he or she is given Shs 50 million to go and campaign.

You are now changing the law to say that it is not necessary to visit at least two thirds of the districts. You are therefore opening the doors for this person to go and sit in his house and earn Shs 30 million. What is the caveat? That provision of the law is the one that held that person accountable, that he should have moved in those many districts using the Shs 50 million. Remember, Mr Chairman, that they are also given vehicles and body guards. The Electoral Commission provides vehicles for these people and what are the caveats – *(Interruption)*

**MR OBOTH:** Thank you, hon. Sanjay Tanna, for giving way. The clarification I would like to seek from you -

**THE DEPUTY CHAIRPERSON:** Order, members!

**MR OBOTH:** What would be the problem if the person contesting for president wants to have Shs 50 million to get the difference of Shs 30 million? What would be our concern in this House if somebody is not credible enough and is looking at this as a money making venture? Should it be our concern at this stage – (*Interjection)* - that we regulate how people make business while trying to contest for president? If he goes to his house and only wants to make 30 million more, why should it be our concern when other people’s concern is to win an election for president? *(Laughter)*

**MR TANNA:** Mr Chairman, I find the contribution of hon. Oboth absurd. This is taxpayer’s money. We sit in this House to appropriate and rationalise the expenditure. My opinion is that a candidate must traverse at least the two-thirds because that is the requirement for nomination. Let us be consistent in making laws not for today but for posterity. I beg to submit.

**THE DEPUTY CHAIRPERSON:** For your information, it is not two-thirds; it is all the districts. Let the records show that it is not two-thirds.

**MR RUHINDI:** Colleagues, lend me your ears. Being a presidential candidate is not an event; it is a process that you would have gone through to become a nominated presidential candidate. For instance, upon nomination, you are supposed to have or to demonstrate that you have at least 100 supporters in at least two-thirds of the districts of Uganda. That is demonstrated through your consultations.

Under the Presidential Elections Act, we have two sections; principally, one dealing with presidential aspirants under section 3 where you go out to consult, engage people and gather at least 100 supporters from at least two-thirds of the districts of Uganda. The national character that you are talking about of a presidential candidate would have been achieved through the implementation of Article 103 of the Constitution. That is number one.

Secondly, let us not confuse issues; here we are talking about a campaign. Hon. Sanjay Tanna, when you say candidates should be left to go everywhere, you assume any time. A campaign period is fixed by the Electoral Commission and it is that campaign period we are talking about here. We are only saying this given the rising number of districts in Uganda because in 2005, when this law was made, we had 75 districts and now we have 112. If you say that each candidate, at the risk of having - I do not know how many people are being nominated these days – 43, and you require each to go to every district of Uganda, it is certainly close to impossible.

The only proposal that we are making is this - It is a pity that you did not come with the laws that we are amending. Maybe you can access them on your iPads because if you look at section 21 of the Presidential Elections Act, it is about time and manner of campaigns; candidate meetings programme. The first one we are trying to amend is, *“Subject to the Constitution and this Act, the commission may determine the manner and period during which campaigns shall take place giving at least one day in each district and shall publish that information in the Gazette and forward a copy to each returning officer.”*

All we are trying to do is to delete the expression “at least one day in each district” so that the provision now reads: “Subject to the Constitution and this Act, the commission may determine the manner and the period during which campaigns shall take place and shall publish that information in the *Gazette* and forward a copy to each returning officer.” That rests the matter.

**MS ALUM:** Thank you, Mr Chairman. I would like to start by saying that one of the most serious reasons as to why districts were created is to take services nearer to the people. My question to the Attorney-General is: why is it that this time we do not want to take the services of the presidential electoral candidates closer to the people? *(Laughter)*

Secondly, I have another serious issue arising from the submission of hon. Sanjay Tanna. The voters are very serious and central stakeholders as far election is concerned since they are supposed to make decisions and the decisions that they are supposed to make must be from an informed point of view. Now, if we say that some of these presidential candidates are not going to reach some of the districts, how will the voters make decisions when they have not heard some of these presidential candidates?

I know that the Electoral Commission makes the electoral schedule and road map basing on the laws. If we leave this to the discretion of the Electoral Commission and they decide, basing on the law that we are about to pass, that they give presidential candidates only month for serious campaigns, that means that some of the districts will not have the opportunity to see the presidential candidates. I think, believe and pray that my district should not be one of the districts that will not be visited by these presidential candidates.Mr Chairman, on that note, I propose that clause 2 should be deleted. Thank you.

**THE DEPUTY CHAIRPERSON:** Can we take a decision on this?

**MR RUHUNDA:** Thank you very much, Mr Chairman. One of the reasons of avoiding going to all the districts is to save time and money because the country losses a lot during the political season. If you look at other countries, they do not spend all these months. You can see how our economy is hurting because we are spending a lot of time politicking instead of producing. This is a crisis.

Mr Chairman, there are many avenues through which you can reach people nowadays and these include YouTube, Internet, Facebook and WhatsApp. There are so many avenues, including SMS. Mobile technology has gone up to the household level. Therefore, let us save the country time by allowing fewer districts to be visited. I thank you.

**MR TUMWEBAZE:** Thank you, Mr Chairman. My sister, the honourable from Oyam District, hon. Santa Alum, raised a very important point - the spirit of taking services nearer to the people and therefore, the need to take the candidates nearer to the people. I thought this is what this amendment seeks to cure. The legislation was restricting a candidate to one day per district but this means you can even do more. Therefore, if I want to cover more or if I want to use other mechanisms of outreach – *(Interruption)*

**MR AMURIAT:** Mr Chairman, is the Minister for the Presidency in order to mislead this House? We know that by bringing these amendments, we give discretionary powers to the Electoral Commission and the Electoral Commission could decide anything. It could say that the campaign period is 60 days or even 30 days, which is less than the number of districts that we have today. A candidate in the best condition would find it a problem traversing two or three districts in a day if they have got to conduct any meaningful campaign.

Therefore, Mr Chairman, is the minister in order to attempt to do the work of the Electoral Commission here and in so doing, mislead this House and the country? Is he in order?

**THE DEPUTY CHAIRPERSON:** That is a point of clarification.

**MR TUMWEBAZE:** Thank you, Mr Chairman. I regret the time lost. The point I was making is that, let us not restrict the candidates. If I can cover 10 districts, let me do so.

Secondly, hon. Ruhunda raised a very important point. For us to legislate and recognise that campaigning only means district outreaches is to narrow our understanding. I can campaign in different fora. I can send audio recordings. I can act in a way that is not usual *–(Mr Nzoghu rose\_) -* Please, I am submitting, I am not just – *(Interruption)*

**MR NZOGHU:** Mr Chairman, it looks a bit unclear when the Minister for the Presidency says something contrary to what he does. He is the minister in charge of the presidency and I have seen the President move to almost every village of this country. He is now saying that there are other avenues through which a presidential candidate can reach out to the people in the different districts. Why hasn’t he invented those avenues for the presidency, which he serves?

**THE DEPUTY CHAIRPERSON:** That is a clarification.

**MR TUMWEBAZE:** As I conclude, despite the interruptions, the point is that the spirit of the amendment is not to interfere with the powers of the Electoral Commission to designate the time. If the time is designated and you want to prescribe the time a candidate must spend in a district, you are, in a way, interfering with the work of the Electoral Commission. I thank you.

**MR KEN-LUKYAMUZI:** Mr Chairman, is the honourable minister in order not to understand the contents of Article 176 of the Constitution, which simply says that Uganda is governed in accordance with the principle of decentralisation, which endeavours to bring services nearer to the people?

Is he in order to de-campaign a system, which is constitutional? We are trying to correct the error made by the Electoral Commission of distancing those services from the people. Is he in order to contradict the contents of the Constitution?

**THE DEPUTY CHAIRPERSON:** Honourable members, I cannot rule on somebody’s failure to understand something. I cannot rule somebody out of order for failing to understand something. That would be difficult.

**MR OBOTH:** Mr Chairman, I am rising on a procedural issue. We seem to agree. When we talk about decentralisation, most of us think that by mentioning the words “each district”, we are doing decentralisation and that when we remove those words, we are not allowing the candidates to go to each district. When I tried to debate the other way round, my submission was coined as absurd.

Mr Chairman, the procedural issue that I am raising here, and I would seek that you help us to resolve this matter, is that we seem to agree, so can the question be put to determine those of us who oppose and those who are for so that we move forward?

**THE DEPUTY CHAIRPERSON:** That was a procedural matter. Can I have a proper motion to that effect, if that is what you desire?

**MR WAMANGA-WAMAI:** Thank you very much, Mr Chairman. I understand that we have between 15 to 16 million voters in this country. If I was a presidential candidate, definitely I would want to reach each and every district to be able to garner more than the 10 or 15 million votes.

We are saying that for one to be nominated, he or she must have two-thirds of the districts of Uganda. Mr Chairman, if I was a presidential candidate, I would visit more than three districts, and we have seen this happen; I could do Sironko, Bulambuli, Bududa and Mbale in one day. Therefore, we should leave this open and not restrict this. We know that the Electoral Commission - I see some people up there in the gallery who are from the Electoral Commission - have programmes, which will guide these presidential candidates. Therefore, we should leave this free for all presidential candidates to try as much as they can to reach all the districts.

**MR KYAMADIDI:** Thank you so much, Mr Chairman. In view of the fact that we are in agreement, I beg to move a motion that the question be put.

**THE DEPUTY CHAIRPERSON:** Honourable members, the motion is seconded. There is a motion seconded by the Minister of Defence, Minister of Works, - I suppose hon. Fungaroo is supporting - (*Laughter*) - and hon. Oboth. Can I put the question to the motion that the question be put? Please, the rules say that I need to put the question when this motion is moved. I now put the question to the motion that the question be put.

(*Question put and agreed to*.)

**THE DEPUTY CHAIRPERSON:** I now proceed to put the question to the amendment that is proposed by the honourable member for Tororo Municipality. That is the amendment that he proposed. Was there no amendment? Okay, then I will put the question to the clause. Honourable members, I now put the question that clause 2 stands part of the Bill.

*(Question put and agreed to.)*

Clause 3

**MR BAHINDUKA:** Mr Chairman, I suggest that clause 3 be deleted. The justification is: to cure all fears of businessmen who will invest Shs 20 million and get Shs 50 million at the end of the day as well as the jokers. I would suggest that it stays at 1000 currency points such that the only gain for a candidate should be victory of the votes and not anything monetary.

Therefore, I suggest that someone invests 1000 currency points, which is Shs 20 million, and is equally given 1000 currency points, which is Shs 20 million. I think we shall have put all these matters to rest if there is no economic gain and the only gain is victory. My proposal therefore is that clause 3 be deleted.

**THE DEPUTY CHAIRPERSON:** Honourable members, that is the proposal; that clause 3 be deleted. *(An honourable member rose\_)-* Are you seconding? You have another amendment? Can I deal with this amendment? Honourable members, there is an amendment proposed that clause 3 be deleted and it is proposed by hon. Bahinduka. Can I put the question to that amendment for deletion? I put the question to the motion for deletion.

*(Question put and negatived.)*

**MR SABILA:** Mr Chairman and honourable colleagues, I feel that instead of the Electoral Commission contributing Shs 50 million to a candidate, I propose that the Electoral Commission contributes Shs 30 million to candidates. This is to minimise the margin for profit making. Thank you.

**MR FUNGAROO:** Thank you very much, Mr Chairman. Honourable members, let us ask ourselves: what is the purpose of this money? What will the money do in the electoral process? If you begin from there, you look at things like security, - escorts for the candidate – communication; the national broadcaster, Uganda Broadcasting Corporation (UBC), does not cover the whole country. With things as they are today and Internet not accessible in Obongi, and with no hopes of it reaching soon, by giving a candidate only Shs 20 or 30 million, are you facilitating this candidate to really communicate to the people?

I therefore suggest that the amount of money proposed here be doubled. Yes, it should be doubled because the Electoral Commission is working on the side of the people and not on the side of the candidate. You must distinguish this. The provisions of the Electoral Commission are to cover the requirements of the people of Uganda and not the requirements of the candidate. We should therefore be on the side of the people instead of being on the side of the candidate. The people need means of communication and they need assurance from the side of security and all this –

**THE DEPUTY CHAIRPERSON:** Honourable members, there are now two proposals: to reduce the amount to Shs 30 million and now there is a proposal to increase it to Shs 100 million.

**MR ODONGA OTTO:** Thank you, Mr Chairman. I would think that those vying for President should not be given anything –(*Laughter*)– not even a shilling - because we seem to be shooting ourselves in the feet. We have just asked them to contribute Shs 20 million as nomination fees. If you are saying that we should give an additional Shs 50 million, I would walk there and say, cancel the Shs 20 million for nomination fees and give me the balance of Shs 30 million, and I would have a very genuine course of action.

If the funding under the Political Parties Organisation Act can be strengthened so that political parties are given money well in advance during their normal tenure, we would not, in any way, need to give money to any candidate. I can assure you that we are going to make this a business. I saw about seven independent candidates picking nomination forms and the next day they said that they are behind one person. I will get my Shs 20 million, invest it there, loiter around for three months and come and get an additional Shs 30 million. That would be a very good business, better than the interest rate of the banks. Therefore, for – (*Interruption*)

**MR KAKOOZA:** Thank you, hon. Odonga Otto. When you look at the candidates who have picked the nomination papers and multiply the number by the amount of money, which is going to be given to these candidates, it is quite a lot.

Secondly, why do you allow every Tom, Dick and Harry to become presidential material when they are not able? You must be able to finance your campaigns as a presidential candidate. This is a state.

**MR ODONGA OTTO:** Mr Chairman, someone was raising a question that, what about the independents if we are giving money to political parties? The moment we make it lucrative to be independent, I would still leave my political party, go and collect that money as an independent. Therefore, there should be no motivation whatsoever to leave a party and go and benefit as an independent candidate.

Given what hon. Kakooza has said, in case we have 1000 independents who get nominated and fulfil all the conditions, the country will have to part with billions of shillings to fund those who cannot even be LC IIIs of their sub counties. Therefore, I think that we should stand our ground for now so that they pay the nomination fees of Shs 20 million –(*Interruption*)

**MR MAGYEZI:** Thank you, honourable, for giving way. I just wanted to say that it is dangerous to have a discriminatory law. Presidential candidates are not the only candidates campaigning and they are not the only ones paying a nomination fee. Members of Parliament are campaigning and they are paying a nomination fee, councillors too are campaigning. Therefore, there is no justification for a law that only gives a contribution to presidential candidates. Otherwise, we shall stretch that to Members of Parliament and councillors and the budget cannot stand this.

**MR ODONGA OTTO:** Mr Chairman, as I wind up, I would say that anyone who goes to pick nomination forms to be the first citizen in the country must have done something for himself and his community before thinking of attending to the whole country. Therefore, I would like to formally submit that we do not give any money whatsoever. Thank you so much.

**MR RUHINDI:** Mr Chairman, the submission of hon. Odonga Otto speaks for itself. However, we have a background to all this. We have a tradition and a culture that we would like to think through. When you are standing as a presidential candidate, and notwithstanding those who come without serious cause, we do not want to take that to signify the character of all those who contest as presidential candidates. I think many, by and large, who contest for these positions are people who are vying to serve the public; it is a public cause. A genuine contribution by the state towards their campaign strategy and mobilisation to galvanise society should be supported.

This is why the Government is proposing a modest amount. You cannot, after all, fund and foot the entire bill of a presidential candidate, no. We are only saying that this is a serious public cause and Government is coming out to support you with this modest contribution to add to your already existing facilities.

Hon. Fungaroo is talking about security arrangements. Those are already provided for; protection is guaranteed and we are not touching that particular component in the law. It is there and guaranteed under section 22. Thank you, Mr Chairman.

**THE DEPUTY CHAIRPERSON:** Honourable members, we now have three positions and we need to process them otherwise we will lose out.

**MR ANYWARACH:** Thank you very much, Mr Chairman. Let me do away with two fears: One is regarding somebody who will be unserious and would like to make a fortune out of that contribution by the Electoral Commission. We had a gentleman called Ssenkubuge Siyasa some years back. At that time, the nomination fee was Shs 8 million and the contribution from Government was Shs 16 million. He was given money and he was either a journalist or a DJ somewhere on some radio - I am being corrected that he was a comedian. What happened is that he did not go on the ground to campaign and he was asked to refund the money that he was given. That is the question of administration.

Therefore, I agree in totality with what hon. Ruhindi is saying that although there could be people with that kind of tendency of making fortunes, we must not now make all others who have justified reasons to contest victims of such circumstances. Therefore, my proposal would be that the Shs 50 million is good enough. Thank you.

**MR KEN-LUKYAMUZI:** Mr Chairman, I would like to thank the Attorney-General for being reasonable because if we go by the results of history, we cannot say that presidential candidates in Uganda are not serious. Last season, there were eight presidential candidates. This season, there are six candidates and this means that they are becoming more serious and therefore, they should be entitled to some money because what they are doing is for the good of the country.

**THE DEPUTY CHAIRPERSON:** Honourable members, there are three situations and we need to narrow the area. There is a proposal that they should be given nothing and that is from Aruu County. There is a proposal from Obongi County that they should be given Shs 100 million. There is the one of Shs 30 million from Kongasis County. Those are the proposals. Can we process this?

**MR AMURIAT:** Thank you, Mr Chairman. I would like to propose that the status quo remains as it is in the Bill, that the presidential candidate be given Shs 20 million.

**THE DEPUTY CHAIRPERSON:** In the Bill it is Shs 50 million.

**MR AMURIAT:** No, in the principal Act. I propose that he or she gets Shs 20 million together with a vehicle. That is what has been subsisting.

**THE DEPUTY CHAIRPERSON:** Honourable member, we have already taken a decision on that because there was a proposal from Ntoroko that clause 3 be deleted. You would be introducing the same amendment, which was rejected by the House.

**MR AMURIAT:** Mr Chairman, we have different arguments.

**THE DEPUTY CHAIRPERSON:** No, it was rejected by the House and I am just informing you that we voted on it. Honourable members, let us narrow down these areas.

**MR NANDALA-MAFABI:** Mr Chairman, what we are trying to stop is somebody who comes and wants to make money by depositing Shs 20 million and getting Shs 30 million. That is good business. However, when hon. Odonga Otto spoke, he mentioned funding political parties and I am sure that political parties, which are funded, are those which have got representation in Parliament. If they have got representatives in Parliament, it means that they have the capacity to field a candidate. Therefore, every candidate who stands in a political party just carries the flag of that party.

Why then don’t we do it in this way: that this money is not paid to the candidate but – *(Interjections) -* Please, listen to me! If you want to learn, you will do so by listening. I am saying that instead of giving money - because we would like to promote multiparty politics as per the Constitution - we should get the money, which is due to any party, which has nominated a candidate and that money is passed on to that person. *(Interjections)-* Yes, I want money for the party because I am a secretary general. The reason I am raising this is that anybody who would like to contest now would need a political party through which to contest.

**THE DEPUTY CHAIRPERSON:** Honourable member, what figure are you proposing because that is another angle altogether. There is nothing, Shs 100 million, Shs 30 million and Shs 50 million.

**MR NANDALA-MAFABI:** I am proposing nothing for those who are standing as individuals but for those who have political parties, they should be paid –

**THE DEPUTY CHAIRPERSON:** Honourable member, we need to take a decision on the amount of money before we go to what you are proposing. That is why I was saying there is nothing, Shs 100 million, Shs 30 million and the Shs 50 million in the Bill.

**MR NANDALA-MAFABI:** Mr Chairman, if we agree that it is political parties –

**THE DEPUTY CHAIRPMAN:** Can I put the question? Let me start processing this one by one. I will now start with the one that is furthest. Honourable members, we are going to take a vote and we will start with the proposal that no money should be given to the candidate. Honourable members, I put the question to that. Let us do it this way: I am going to ask you to rise up so that we can do the counting. Let me put the question again. Those who say that the contribution to the candidates should be zero; I put the question now.

*(Question put and agreed to.)*

**THE DEPUTY CHAIRPERSON:** That means that the proposal – Honourable members, let me explain. What that means is that any proposal for any amount is now unsustainable and that the substance of the amendment now will be that there will be no contribution by the Electoral Commission to any presidential candidate. In other words, the Principal Act is amended by deleting that provision that requires – Please, let me explain what we have done now.

Honourable members, that means that there is still an amendment. We have amended the Principal Act by deleting whatever amount was there and now we have said that there shall be no contribution to the candidates. That is the decision that we have taken.

**THE DEPUTY CHAIRPERSON:** I now put the question that clause 3, as amended, stands part of the Bill.

*(Question put and agreed to.)*

Clause 4

**MR TASHOBYA:** Thank you very much, Mr Chairman. The committee proposes deletion of clause 4 and the justification is that the reduction of polling time by one hour would disenfranchise voters given the fact that voting materials usually arrive late in most parts of the country. In other words, Mr Chairman, we are proposing that we maintain the closing time at 5 o’clock as it has been before.

**THE DEPUTY CHAIRPERSON:** Honourable members, the amendment that is being proposed by the committee is to delete clause 4 in the Bill so that the closing time for polling stations remains as it has always been; at 5 o’clock. I put the question to that.

**MR NANDALA-MAFABI**: Mr Chairman, the reason for closing at 5 p.m. is to enable people to vote. I want to give an example of where I come from –

**THE DEPUTY CHAIRPERSON:** No, what are you proposing first so that we understand where you are going?

**MR NANDALA-MAFABI:** I would like to say that in some areas like mine, it becomes dark when it is still early. Therefore, for ease of counting, we need to close these polling stations early. I want to go with the amendment of 4 p.m. and the reason why I am supporting it is because in Bugisu, by 5 o’clock it is becoming dark and when it becomes dark, rigging takes place. The voting day is a public holiday so why should somebody be in the line by 7 o’clock so that he is able to vote by 1 o’clock?

Therefore, I would propose that we go for 4 p.m. so that the Electoral Commission is given time to count the votes when it is still light and to tally them.

**MR KAKOOZA:** Mr Chairman, I would like to support the amendment of the committee that the time remains 5 o’clock. The justification is that we have been going through a series of elections and you know the Electoral Commission. In some areas, the materials used by the Electoral Commission on voting day reach at 11 a.m. In addition, to mobilise the people to come to the polling stations sometimes takes time.

Therefore, when you close at 4 p.m., it means that you would have jeopardised the time of the voting exercise and some people would not have voted. Even the counting – I know that if it is 5 p.m. and people start counting, within one hour, the polling station would have closed. Therefore, I support the committee’s amendment that the time remains as it has been because we know that however much the Electoral Commission is accurate, sometimes materials are delivered to the polling stations late.

**MS OSEGGE:** Thank you so much, Mr Chairman. I think that as we go forward, we desire to achieve efficiency. If our problem is poor delivery of materials because of the timing then that is what we need to seek to improve, not adjusting in order to succumb to inefficiencies. I propose that the time remains 4 o’clock.

**COL (RTD) FRED MWESIGYE:** Thank you, Mr Chairman. I would like to support the proposal in the Bill of 4 o’clock. If, by any mistake, there is delayed delivery of materials, that becomes administrative. Therefore, the presiding officer can record that the materials arrived late and he can extend the time and that can be allowed. We should not support inefficiencies. Therefore, I support the proposal because it will increase efficiency and people will come early to vote instead of -

**THE DEPUTY CHAIRPERSON:** Your proposal is for 4 o’clock?

**COL (RTD) FRED MWESIGYE:** Yes.

**MS ANN MARIA NANKABIRWA:** Thank you, Mr Chairman. I would like to support the original proposal of the Bill for 4 o’clock because according to the regulations of the Electoral Commission, by the time polls close, if you are still in the line, you are allowed to vote. That means that if by 4 o’clock, the line is still long, voting might continue until almost 5.30 p.m. By that time, votes can still be counted while there is still light and not in darkness. However when you push it to 5 o’clock and the line is still long, that is why they close at 6 p.m. or even 7 p.m. and they count very late.

**MS GRACE BYARUGABA:** Thank you, Mr Chairman. My view is that we should adjust the time to 4 o’clock so that we allow time for the smooth conclusion of the process. *(Interjections)* Mr Chairman, that is my recommendation and I do not see why Members are harassing me for my view. We should adjust to 4 o’clock so that we allow for a smooth conclusion of the process. Thank you.

**MS EKWAU:** Thank you. I also support the proposal in the Bill to have the voting time end at 4 o’clock. We have had time – Our people are so enthusiastic that they vote and follow these boxes to the sub-county and later to the district. If you give it time and it ends late, it becomes very difficult. In addition, there are those who come very early to vote and then there is laxity the entire day at the polling stations because people are not voting. They wait to go and vote towards 5 o’clock.

I think it is something that we should not - Ugandans have a mentality of last minute gambling. I think that we should encourage efficiency by closing polls at 4 o’clock so that the process ends early.

**MS NYAKIKONGORO:** Thank you, Mr Chairman. I was a victim of circumstances during the previous NRM primaries when voting ended at 5 o’clock. In some areas, vote counting started late and when they took me to court, they said that people were counting votes using candles in areas where there was no light.

I would therefore like to propose that voting stops at 4 o’clock so that people are capable of counting votes during broad daylight. I thank you.

**MR OLANYA:** Thank you, Mr Chairperson. I would like to move a motion that the question be put regarding what is on the Floor.

**THE DEPUTY CHAIRPERSON:** Honourable members, there is a motion that the question be put and I will put the question to that motion.

*(Question put and agreed to.)*

**THE DEPUTY CHAIRPERSON:** Now the question that I am going to put is in relation to the amendment proposed by the committee. The committee has proposed that clause 4 be deleted, which in effect means that we go back to 5 o’clock. I need to explain the vote. If clause 4 is deleted, the implication is that we go back to end polling at 5 o’clock and the motion is to delete clause 4. I put the question to the motion for deletion of clause 4.

*(Question put and negatived.)*

**THE DEPUTY CHAIRPERSON:** I will now put the question that clause 4 stands part of the Bill.

*(Question put and agreed to.)*

Clause 5

**THE DEPUTY CHAIRPERSON:** I put the question that clause 5 –

**MS BBUMBA:** Thank you very much, Mr Chairman. Clause 5(d) provides for marking of the thumb on the right hand. We know that there are quite a number of people who have lost one or both hands in which case, they do not have the thumb recommended here for marking.

Uganda being a country that respects people with disability, I wish to propose that the marking is not only limited to the right hand thumb but also extends to other parts of the limb that are visible in case the thumb is not available. I thank you.

**MR RUHINDI:** Mr Chairman, I think that the thinking of hon. Bbumba was the thinking *– (Interjections)* If I may be protected, Mr Chairman.

**THE DEPUTY CHAIRPERSON:** Order, Members**.**

**MR RUHINDI:** The thinking of hon. Syda Bbumba could have been the thinking of the committee in not going with our proposal. However, there are worries that necessitated their recommendation that this matter be deferred for further scrutiny and study. It could have been different had they looked at the provisions of section 31, clause 7 that states, *“Where for purposes of subsection 5(d)(a) the voter has no thumb on the right hand, the process specified in that paragraph shall be applied to the finger nearest to the position of the thumb on the voter’s right hand.*

*(b) Where the voter has no right hand, the process shall be applied to the left hand.*

*(c) Where a voter has no fingers on the left or right hand, the voter may dip the tip of any hand into the indelible ink.*

*(d) Where the voter has no hands, the process shall be applied to any other conspicuous part of the voter’s body as the polling assistant may determine.”*

Therefore, that area is sufficiently covered in the law and had the committee addressed its mind to this, they would have sustained our proposal. I have already shared this with the chairperson who is in full agreement that in view of that, we can go with the proposal in the Bill.

**THE DEPUTY CHAIRPERSON:** Hon. Syda Bbumba, is that clear now? So everything is captured?

**MS BBUMBA:** Yes.

**THE DEPUTY CHAIRPERSON:** Can I now put the question to this? Yes, the Member for Budadiri West.

**MR NANDALA-MAFABI:** Mr Chairman, I do not know why the Electoral Commission wants to remove dipping and mark instead. When they mark, somebody can even use saliva to remove the mark. We have been there and we know this.

I think that the old law is better where somebody – Even if you do not have a thumb, they will look for somewhere they can dip. We should continue with people dipping in indelible ink so that you do not need to start searching to find out whether one has rubbed off the ink or not. If the whole thumb is dipped into the ink, it will be clear that this person has voted.

Mr Chairman, I would like to move an amendment that clause 5 be deleted because we have the ink for which we gave them money to buy as we had already budgeted for it. It is a matter of you coming – By the way, it is even quicker because you just come and dip but it takes a long time for somebody to start marking your thumb. I wish that we delete it.

**MR TASHOBYA:** Thank you very much, Mr Chairman. I would really like to allay the fears of hon. Nandala-Mafabi because he also raised this matter in the committee and we actually had another meeting with the Electoral Commission.

I think that what is most important is that the ink is indelible. It is not a matter of placing your thumb into your mouth and the ink is removed. Once it is put, it sticks and cannot get off.

What is the secret of having the ink under your nails? The essence is for somebody to see and know that you have actually voted and that can be achieved without actually dipping your finger – *(Interruption)*

**MR NSEREKO:** Thank you, Mr Chairman. I would like the committee chairperson to humbly tell this House what is wrong with dipping that justifies the use of a minor mark. Is it cancerous or does it have any health hazard to us when we dip the entire finger? In any case, in order to move on very fast, they should concede that we dip so that everyone is comfortable with a clear mark and we maintain the status quo.

**THE DEPUTY CHAIRPERSON:** Can the committee chairperson deal with that issue? What is the problem with dipping?

**MR TASHOBYA:** To save time, the committee will concede to dipping the finger.

**THE DEPUTY CHAIRPERSON:** Mr chairman, would that amount to deleting clause 5? Then I need you to move it properly.

**MR TASHOBYA:** Mr Chairman, if we go by dipping, which the committee has conceded to, that would necessary mean deleting clause 5. I do so propose.

**THE DEPUTY CHAIRPERSON:** The motion is that clause 5 be deleted.

**MR BAKKA:** Mr Chairman, before you propose the deletion of that clause, it is important that we relay to this House the wisdom of the Electoral Commission on this matter. Let me give you information –*(Interruption)*

**MS OPENDI:** Thank you, Mr Chairman. This matter has been on the Floor and we have heard from different people. The chairman of the committee has just conceded and hon. Baka, who is now trying to come up with a different proposal, is the vice chairman of the committee. Is it therefore in order for the chairman of the committee to agree that we delete this particular clause and the vice chairman goes ahead to come up with a different propose? Is he in order?

**THE DEPUTY CHAIRPERSON:** I cannot rule him out of order as he is a free Member of the House and he can express any opinion as long as it does not violate any rules of procedure. Therefore, he is within his right to do so. Honourable members, the motion is for deletion. I now put the question that clause 5 be deleted.

*(Question put and agreed to.)*

Clause 6

**THE DEPUTY CHAIRPERSON:** I put the question that clause 6 stands part of the Bill.

*(Question put and agreed to.)*

**MR TASHOBYA:** Thank you very much, Mr Chairman. The committee proposes deletion of clause 6 and the justification is that there is need to have the proposal studied further and to have proper procedures put in place in order to ensure that the process is not abused.

In other words, what we are saying is that allowing medical personnel and election officers to vote early should be studied further because there may be issues of abuse. For now, the committee is not in position to support the proposal.

**THE DEPUTY CHAIRPERSON:** The proposal is for deletion of clause 6.

**MR RUHINDI:** Mr Chairman, I had consulted with the chairperson and we had agreed on the proposal, as put by him, that we could allow consultation on this matter. However, when he was presenting the report, there was something I forgot to clarify. He appeared to be saying that the clause that we are trying to amend is a clause of 2005 but you may recall, Mr Chairman, that in 2010, we expanded this section.

Before 2010, we did not have provision for the voting of patients in hospitals, we did not have a provision for the voting of persons admitted in sanatoria or homes for the aged and similar institutions. That is also the time that we made provision for voting of persons in operation areas such as soldiers and other security personnel.

In view of that background, exclusion of medical staff who are involved in the process of elections and even exclusion of those who participate in helping us to do what we are supposed to do like election officers would be unfair. This is why we thought that we should expand this category of people who may be specially provided for to vote during this period and include medical personnel involved in the electoral process and the election officers who are also involved because at the moment, they are denied that opportunity. With that clarification, I think it is better to support this proposal in the Bill and pass it.

**THE DEPUTY CHAIRPERSON:** Honourable members, the proposal from the committee is to delete clause 6. The Attorney-General is articulating the point that there is need to maintain clause 6.

I will start with the proposal for deletion as moved by the committee. If we do not delete it, the clause remains as it is. If it is deleted then we have no further matter to handle on this matter. I will put the question for deletion of clause 6 from the Bill.

*(Question put and agreed to.)*

Clause 7

**THE DEPUTY CHAIRPERSON:** I put the question that clause 7 stands part of the Bill.

*(Question put and agreed to.)*

The Title

**THE DEPUTY CHAIRPERSON:** I put the question that the Title to the Bill remains as the Title to this Bill.

*(Question put and agreed to.)*

MOTION FOR THE HOUSE TO RESUME

**THE ATTORNEY-GENERAL (Mr Fred Ruhindi):** Mr Chairman, I beg to move that the House do resume and the Committee of the Whole House reports thereto.

**THE DEPUTY CHAIRPERSON:** Honourable members, the motion is for resumption of the House to enable the Committee of the Whole House report. I put the question to that motion.

*(Question put and agreed to.)*

***(****The House resumed, the Deputy Speaker presiding.)*

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

5.53

**THE ATTORNEY-GENERAL (Mr Fred Ruhindi):** Mr Speaker, I beg to report that the Committee of the Whole House has considered the Bill entitled, The Presidential Elections (Amendment) Bill, 2015 and passed it with amendments.

MOTION FOR ADOPTION OF THE REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

5.53

**THE ATTORNEY-GENERAL (Mr Fred Ruhindi):** Mr Speaker, I beg to move that the report from the Committee of the Whole House be adopted.

**THE DEPUTY SPEAKER:** Honourable members, the motion is for adoption of the report of the Committee of the Whole House. I put the question to that motion.

*(Question put and agreed to.)*

*(Report adopted.)*

BILLS

THIRD READING

THE PRESIDENTIAL ELECTIONS (AMENDMENT) BILL, 2015

5.55

**THE ATTORNEY-GENERAL (Mr Fred Ruhindi):** Mr Speaker, I beg to move that the Bill entitled, “The Presidential Elections (Amendment) Bill, 2015” be read the third time and do pass.

**THE DEPUTY SPEAKER:** Honourable members, the motion is that the Bill entitled, “The Presidential Elections (Amendment) Bill, 2015” be read the third time and do pass. I put the question to that motion.

*(Question put and agreed to.)*

A BILL FOR AN ACT ENTITLED THE PRESIDENTIAL ELECTIONS (AMENDMENT) ACT, 2015

**THE DEPUTY SPEAKER:** Congratulations, honourable minister and thank you, honourable members. Congratulations for finishing this matter.

BILLS

SECOND READING

THE PARLIAMENTARY ELECTIONS (AMENDMENT) BILL, 2015

5.55

**THE ATTORNEY-GENERAL (Mr Fred Ruhindi):** Mr Speaker, I beg to move that the Bill entitled, “The Parliamentary Elections (Amendment) Bill, 2015” be read for the second time.

**THE DEPUTY SPEAKER:** Is the motion seconded? It is seconded by Member for Bulambuli District, Member for Tororo District, Member for Bugabula South and Member for Rushenyi County. Would you like to speak to your motion?

**MR RUHINDI:** Mr Speaker, on a more positive note, I must say that the passage of the Presidential Elections (Amendment) Bill will greatly facilitate the passage of this Bill because most of the amendments will now be consequential.

However, it is good to inform colleagues that the object of the Bill is to amend the Parliamentary Elections Act, 2005 to revive the nomination fees payable under the Act, to provide for polling to close at 4 p.m. on polling day, to require the Electoral Commission to provide for persons engaged in electoral activities or on duty in specific professions or areas to vote and to provide for related matters.

The details are articulated in the report of the Committee on Legal and Parliamentary Affairs and I would not like to pre-empt their report. I thank you and I beg to move.

**THE DEPUTY SPEAKER:** Honourable chairman, would you give us a summary of the report? If you could give us the recommendations, it would be okay so that we can debate it.

5.57

**THE CHAIRMAN, COMMITTEE ON LEGAL AND PARLIAMENTARY AFFAIRS (Mr Stephen Tashobya):** Thank you so much, Mr Speaker. I would like to agree with the learned Attorney-General that most of the clauses in the Parliamentary Elections (Amendment) Bill are similar to the ones we have just passed. I think I will read the recommendations.

This is the recommendation on the Long Title because a proposal had come to amend the Long Title of the Bill. The committee recommended that any amendment to the Long Title should be done after Parliament has considered all the proposals during the committee stage and this is because the Long Title should reflect what has been adopted by the House.

Regarding the amendment to clause 8, which relates to representation of persons with disability, the Bill proposes that elections for persons with disability should be done at regions. We had a number of stakeholders, including Members of Parliament and also a number of institutions and the recommendation of the committee is on page 8.

The committee notes that although it is a good idea to have Members of Parliament for persons with disability voted for in the manner that has been proposed in the amendment, that is doing it at regional level, there is need for Government to carry out further consultations to address the challenges that would be faced during the implementation of the provision. The committee therefore recommends that Parliament rejects the proposed amendment.

Mr Speaker, amendment to section 11 relates to the fees payable by Members of Parliament before nomination. We report on the comparative studies that we have made in different countries and the different stakeholders that came before the committee, including Opposition political parties and individuals.

The committee, on page 12, observes that the fee of 10 currency points was fixed in 2005 and since then, the economy has gone through so many changes. The committee therefore recommends that the amount to be deposited by the candidates is revised upwards to 150 currency points. In other words, we propose to raise the current nomination fees for Members of Parliament from Shs 200,000 to Shs 3 million.

Mr Speaker, we will go to clause 4 that relates to the amendment of section 26 of the Principal Act that relates to a situation where one of the candidates dies before elections. We received a number of proposals and also did comparative studies and the committee recommends that Parliament adopts the proposed amendment in the Bill.

Mr Speaker, there is also a proposal to amend section 29, which we have just considered in the Presidential Elections Act in relation to time; amendment of time from 5 p.m. to 4 p.m. and this House has already taken a position that the time of 4 o’clock should be maintained. This, therefore, means that it has been overtaken by the discussions and resolution of Parliament.

Mr Speaker, there is also a proposal to amend Section 30 of the principal Act. This is also similar to a provision that we have just considered in relations to the Presidential Elections (Amendment) Bill, 2015 and on which a decision has already been taken. This was dropped and, therefore, it has also been overtaken by time.

The same applies to the amendment on Section 38 in relations to early voting in respect of medical workers and election officers. This House has already taken a decision that this matter be deferred for further scrutiny and study. Therefore, it is also overtaken by debate and the decision that we have had in the House.

Mr Speaker, the last proposal is in respect of Section 32 that goes to define what a deadly weapon is. This is exactly also the same as the provision that has been adopted in the Bill that we have passed in the House. Mr Speaker, I beg to move.

**THE DEPUTY SPEAKER:** Thank you, Mr Chairman and Members of the committee, for this work. Honourable members, the motion that I now propose for your debate is that the Bill entitled, “The Parliamentary Elections (Amendment) Bill, 2015” be read the second time. That means that we debate the principles of the Bill.

Honourable members, by what has just been summarised by the committee, the principles we discussed in the Presidential Elections (Amendment) Bill, 2015 are similar to what we are going to discuss now. Therefore, what do we do? Should I open debate or we go and consider it?

6.05

**MR PATRICK AMURIAT (FDC, Kumi County, Kumi):** Mr Speaker, the rest are similar of course except for the area where the Bill seeks to increase the fees from Shs 200,000 -

**THE DEPUTY SPEAKER:** We can also deal with that.

**MR AMURIAT:** I thought it requires some kind of debate, Mr Speaker.

**THE DEPUTY SPEAKER:** We can deal with it when the amendment comes.

6.06

**MR GEOFREY EKANYA (FDC, Tororo County, Tororo):** Thank you very much, Mr Speaker. I beg to move a motion that we move to committee stage. *(Laughter)*

**THE DEPUTY SPEAKER:** That the question be put?

**MR EKANYA:** That the question be put. *(Laughter)*

**THE DEPUTY SPEAKER:** Honourable members, the motion that is on the Floor proposed by the Member for Tororo County is that the question be put. I now put the question to the motion that the question be put.

*(Question put and agreed to.)*

**THE DEPUTY SPEAKER:** Honourable members, I now put the question to the motion that the Bill entitled, “The Parliamentary Elections (Amendment) Bill, 2015” be read the second time.

*(Question put and agreed to.)*

BILLS

COMMITTEE STAGE

THE PARLIAMENTARY ELECTIONS (AMENDMENT) BILL, 2015

Clause 1

**MR TASHOBYA:** Thank you, Mr Chairman. The committee proposes the deletion of clause 1. This is because there is need for Government to carry out further consultations to address the challenges that will be faced during the implementation of this provision.

**THE DEPUTY CHAIRPERSON:** Honourable members, the motion is for the deletion of clause 1. I put the question to that deletion.

*(Question put and agreed to.)*

*Clause 1, deleted.*

Clause 2

**MR TASHOBYA:** Thank you very much, Mr Chairman. The committee proposes the amendment of clause 2 of the Bill by substituting the word “fifty” appearing in the second line of the provision, with the words “one hundred and fifty.” The justification is to increase the nomination fee in order to reflect the changes in the economy since 2005 when it was introduced.

**THE DEPUTY CHAIRPERSON:** Member for Kumi.

**MR AMURIAT:** Thank you very much, Mr Chairman. I stand to oppose the proposal of the committee to raise this amount from Shs 200,000 to Shs 3 million for the following reasons.

Firstly, the argument given by Government is that this increment is going to be in line with the economic realities in this country. By proposing a fee of Shs 3 million, you are increasing the nomination fee by 1,500 per cent. This is not in reality with the economic situation in the country.

Secondly, we are legislating a nomination fee that we expect our opponents to raise. When we raise this fee to Shs 3 million, we as a House, stand to be misunderstood. It might seem like we are trying to bar other deserving Ugandans from competing. This makes this House look bad. It makes us look selfish. I would like to appeal to this House that we open opportunities to as many people as possible to run for Parliament. If I may ask, Mr Chairman –*(Interruption)*

**MR ODONGA OTTO:** Mr Chairman, I rise on a point of order. We are the national Parliament of Uganda and we have the mandate of making laws. Is the honourable member of Kumi in order to insinuate that we do not have powers to do what we are about to do and whatever we do we are doing it in bad faith? Didn’t he find it important to raise that when we were determining our salaries? Is the honourable member in order to stop Parliament from doing its constitutional mandate?

**THE DEPUTY CHAIRPERSON:** The Member for Kumi has not attempted to stop Parliament from doing its mandate. He is only saying that in doing its mandate, it should take considerations of some factors.

**MR AMURIAT:** Thank you for that ruling. Whether he likes it or not, we as a Parliament are going to look bad in the eyes of the public; we are. With the economic difficulties that we are going through today -

**THE DEPUTY CHAIRPERSON:** What are you proposing?

**MR AMURIAT:** Mr Chairman, I am proposing that we take the proposal that is given by Government to raise this fee from Shs 200,000 to Shs 1 million. Shs 3 million will be very high. We should not make it difficult or even impossible for others to access Parliament based on their inability to raise this fee.

Mr Chairman, as I conclude, I would like Members to reflect where they were before they joined this House. Put yourself in the shoes of that person who wants to come to this House. Where were you, five years from now? If the Parliament had sat here before you and made difficult for you to get nominated, how would you have got here? Mr Chairperson, I beg to submit.

**THE DEPUTY CHAIRPERSON:** Thank you. Honourable members – first wait - let us see if we can process this quickly. The minister had proposed a figure; an increase from 10 to 50 currency points. The committee has come out with 150 currency points. I would like to the minister to speak on this proposed increase because the government wanted 50 currency points.

**MR RUHINDI:** Mr Chairperson, I consulted with the chairperson of the committee. We had a parliamentary dialogue with them and we accepted their proposals. Therefore, I reaffirm what we had agreed on; Government supports their proposal to raise it to Shs 3 million.

**THE DEPUTY CHAIRPERSON:** Okay.

**MR KYAMADIDI:** Thank you so much, Mr Chairperson. I stand to oppose the proposal by the committee and Government to increase the money to Shs 3 million and Shs 1 million respectively.

I have one justification. You people who have been campaigning in the countryside can see how much we have commercialised politics. It is terrible. Everywhere you go, everyone is demanding for money.

Now, you as even Parliament, you are putting a benchmark that to come to Parliament, you must exhibit some high source of money. Honestly, I beg to move that we maintain it at Shs 200,000. By the way, if it was more than –(*Interjections*)– that is my proposal and Mr Chairperson, I should be protected.

With your protection, Mr Chairperson –*(Interjections)*– of course and I have constantly said that what man has learnt from history is that man does not run from history. Many of us, as the honourable member from Kumi has said, if we were subjected to Shs 3 million three years ago, many of us would not have managed –(*Interruption*)

**MR BAHINDUKA:** Mr Chairperson, I rise on a point of order. Hon. Mujuni Kyamadidi is actually contesting in the NRM primary where he paid Shs 2 million as a nomination fee. Is he therefore, in order to complain at this stage yet he did not complain at the initial stage?

**THE DEPUTY CHAIRPERSON:** Hon. Mujuni Kyamadidi, you now know.

**MR KYAMADIDI:** Mr Chairperson, I agree with you and I always like your wise counsel. Whenever you see a dog eating something with its teeth out, it does not mean it is happy, but because it has to eat it. (*Laughter*)

Mr Chairperson, I propose - and I have a right to my proposal - that the Shs 200,000 was not discriminative and prohibitive. For us, as a Parliament, to come here and make laws to benefit ourselves because we can afford it, is not only unconstitutional, but it is very dangerous.

**MS KAWOOYA:** Thank you so much, Mr Chairperson. While I do appreciate my colleague’s concern about the economic situation, I would like to inform the honourable members that the original fee of Shs 200,000 - in the NRM, it is the fee that was paid by the councillors.

I would like to also say that this House has just set a precedent of increasing the presidential nomination fee from Shs 8 million to Shs 20 million and the reasons were vividly given. Take for example, in Ntungamo constituency where 34 people have come up - to reduce such a mediocrity and pressure, I propose that the fee be moved from Shs 3 million to Shs 5 million –(*Laughter*)– for clean campaigns and efficiency in order for us to have a very clean and clear situation. I beg to move.

**THE DEPUTY CHAIRPERSON:** Honourable members, this is not an area we should debate for long. There is a proposal for Shs 200,000, which is what is in the Act. There is a proposal by Government initially in the Bill of Shs 1 million. There is what has now been proposed by committee, which is Shs 3 million and now Hon. Hanifa Kawooya has proposed Shs 5 million. Honourable members, I do not think we should speak too much on these figures.

**MR BYABAGAMBI:** Mr Chairperson, the Attorney-General has concurred with the chairperson of the committee, which means the government side has withdrawn Shs 1 million and conceded to the committee’s proposal of Shs 3 million. The Attorney-General, who is the author of the Bill, has agreed with the chairperson of the committee.

Therefore, I do not know whether it is procedurally right to continue considering Shs 1 million when the author of the Bill has conceded?

**THE DEPUTY CHAIRPERSON:** I have the Bill. The Bill that has been printed, the figure has not been crossed so I still have the Bill because nobody has moved formally from the government to take away what it says. So, the writing is there. Let us process them and see. If you are proposing and you are agreeing that we take it out, we will take it out. Honourable members, let us not spend too much time on this.

**MR ODONGA OTTO:** Mr Chairperson, thank you. The Chairperson had given me the Floor before the point of procedure came. In the national protocol, Members of Parliament fall around number 11. When I came to Parliament, it was 17th and the President being number one. The protocol ends on RDC in 35th and LC5 34th positions respectively. We have just proposed that the President, being first in the protocol, pays Shs 20 million. We are just halfway in the national protocol list. (*Laughter*)

Mr Chairperson, I am proposing that for Members of Parliament, we pay Shs 10 million. (*Laughter*) This is majorly for two reasons: One, I would recommend that the Shs 10 million be refundable at the end of the elections - (*Interjections*) -someone is saying non-refundable. Mr Chairperson, we are going to have a situation where we will have 70 people on one ballot paper and we will have to tell our people that I am on page 6, No. 28 - (*Interruption*)

**MR AMURIAT:** Mr Chairperson, Hon. Odonga-Otto’s in proposal of Shs 10 million is being discriminative of a number of Ugandans.We know that a good percentage of Ugandans leave under the poverty line yet many of them would have wished to aspire for political office.

By proposing Shs 10 million, hon. Odonga-Otto cuts off so many Ugandans who would wish to hold political offices. I do not see the principle of fairness in what he is trying to propose-

**THE DEPUTY CHAIRPERSON**: What is the point of order?

**MR AMURIAT:** Is the hon. Odonga-Otto in order to be unfair to a majority of Ugandans and to discriminate against fellow Ugandans, especially given the economic situation, just because he is able to raise that Shs 10 million, he thinks the rest can raise the same money? Is he in order?

**THE DEPUTY CHAIRPERSON:** Honourable members, the proposal by the Member is to the House. If the House adopts it, that will be it. If the House does not adopt it, that will also be it.

**MR ODONGA-OTTO:** Mr Chairman, I insist on Shs 10 million nomination fees, non-refundable. This is also a way of giving back to the society because we earn so well. That will also be an opportunity for those who have been earning well to pay for the cost of election.

Therefore, I formally move that the nomination fee for Members of Parliament be Shs 10 million for every candidate. Thank you so much.

**MR KYOOMA:** Thank you, Mr Chairman. I think we need to follow logic when we are handling issues, which involve figures. We have just done it for the presidential candidates from Shs 8 million to Shs 20 million, which is more than 100 per cent.

When you look at the different proposals, hon. Odonga-Otto’s proposal would mean that we are increasing the nomination fee by 4900 per cent. For the agitators of Shs 3 million, we would be increasing the nomination fee by 1400 per cent and for the cabinet position; we would be increasing the nomination fee by 400 per cent.

Mr Chairman, I think we need to be logical. We should not be looked at as putting laws in place, which will bar other willing contenders from contesting. I would therefore, support the government original position of the nomination fee of Shs 1 million. I thank you.

**THE DEPUTY CHAIRPERSON:** There is no Government position of Shs 1 million anymore. Therefore, you are just proposing it.

**MS AOL:** Thank you, Mr Chairman. If we really take in to consideration the presidential one, it is from Shs 8 to Shs 20 million. What percentage is that? It is just 150 per cent. Then you want that one of the Members of Parliament to go to over 1000 or over even 4000. Are we being realistic?

When hon. Odonga-Otto says that we have to give back to the people, is he considering Members of Parliament as the only candidates to go for these nominations? We must not be selfish. I just want to say that at worst, we can go to Shs 1 million. I second the position of the- let us be fair; let us not be selfish.

**MR WAFULA OGUTTU:** Mr Chairman, we were sent here to make laws that serve Ugandans. We were not sent here to make laws for ourselves. We should not make laws that appear to punish others and discriminate against others –*(Interruption)*

**MR SSEBUNYA:** Mr Chairman, you had guided that we debate in a way that gives decorum to this Parliament. We who are here are respectable people in society. We cannot be selfish.

Therefore, is the honourable member on the Floor of Parliament in order to insinuate that we who are seated here are insensitive to societal needs or decorum? Are you in order to say that we are not mature enough to make judgements to what fits a Member of Parliament?

**THE DEPUTY SPEAKER:** The Leader of the Opposition was giving his opinion. His use of the word “non-discrimination” is constitutional. It is part of our Constitution that we should not adopt processes or decisions that discriminate on the basis of whatever. I think he is proceeding properly.

**MR WAFULA OGUTTU:** Thank you very much, Mr Chairman for your wise ruling. Before many of us came here - if we were asked to pay Shs 3, 5 or 10 million nomination fees, we probably would never have come here yet we are excellent legislators but it is because we were given a chance to come. I think that the government’s initial proposal of Shs 1 million was sensible. It is affordable, but it would appear - because when Shs 10 million was *–(Interruption)*

**MR NANDALA-MAFABI:** Thank you very much, Leader of Opposition for giving way. The information I want to give is that in this House, we know those who came after being counsellors. Their income was Shs 50,000 per month. If it required them to pay Shs 200,000 they would save for four months without eating. Now there are more counsellors who want to come. It is different if you are talking about a Member of Parliament now, but now we are talking about those who are out there.

The information I would like to give the Leader of Opposition is that we should not do this because we are in an advantaged position. If you want to go by the scientific formula, just like hon. Ken-Lukyamuzi said, the presidential fee was Shs 8 million and we moved it to Shs 20 million. This means we multiplied by 2.5. If you want to be consistent, get that one of the Member of Parliament and multiply with the rate you applied for presidential. You can explain that better to the world.

**MR WAFULA OGUTTU:** Thank you very much, hon. Nandala-Mafabi. Mr Chairman, we should not appear to the public that we are beginning our campaigns in this House by making a law that disadvantages those who are going to stand against us; we shouldn’t appear like that to the public at all. We should be descent people and have free and open competition. We should be accommodative to that. Therefore, I would like to propose that we either use hon. Nandala-Mafabi’s formula or we proceed with the Shs 1 million.

**THE DEPUTY CHAIRPERSON:** What is your proposal?

**MR WAFULA OGUTTU:** My proposal is Shs 1 million, Mr Chairman.

**MR ALEPER:** Mr Chairman, I recall very well when you were almost asking the Attorney-General to say what he had agreed on with the committee. I thought that it would be proper now, instead of debating on this, to let Government give us a position there that they have conceded to the position of the committee so that we proceed with what the committee has proposed as Shs 3 million. This is important because now Members are torn apart; they are still referring to Government side and the committee as well. Can we refer to one position of the committee, which the Attorney-General has conceded to? Can the Attorney-General make a statement before the Floor of Parliament so that we can debate appropriately?

**THE DEPUTY CHAIRPERSON:** He did but he can say it again.

**MR RUHINDI:** Mr Chairman, I think we are misunderstanding the events in this debate. Although after consultations with the committee, there was an agreement that we go to Shs 3 million there are so many people who have spoken in favour of Shs 1 million. It would be unfair to prejudice their submissions. I propose that, that position also be put to vote.

**THE DEPUTY CHAIRPERSON:** Honourable members, we need to take a decision on this matter. We have sufficient proposals now. There are proposals of: Shs 200,000, 1 million, 3 million, 5 million and 10 million. Okay?

**HON. MEMBERS:** Yes.

**THE DEPUTY CHAIRPERSON:** There is a formula - what does the formula come to? It comes to Shs 500,000? What is the proposal then?

**MR NZOGHU:** Mr Chairman, considering the explanation, which hon. Nandala-Mafabi gave, I wish to move a proposal that we increase it in a consistent manner and when we do that, like we put the presidential fee at Shs 20 million, that was at a rate of 2.5, we should also multiply the parliamentary nomination fee at the rate of 2.5 and that comes to Shs 500,000. That is my proposal.

**THE DEPUTY CHAIRPERSON:** We now have enough figures to -

**MR BIRAARO:** Mr Chairman and honourable colleagues, the justification we have given for increasing the presidential nomination fees, are the changes within the economy. I do not think that the economy has affected the MPs less than it is affecting the presidential aspirants.

Mr Chairman, when you move Shs 8 million to Shs 20 million, you have increased it by 2.5 times. Assuming that the economy is affecting both parties the same way, if you increase the parliamentary nomination fees by 2.5, it comes to Shs 500,000. If you move it to Shs 1 million, it will be five times already, far much more a rate than the presidential aspirant.

Therefore Mr Chairman, my proposal - and a logical one which I believe we should take - is that the parliamentarians should pay a nomination fee of Shs 500,000 in order to be consistent with the presidential nomination fees.

**MS ATIM:** Thank you, Mr Chairman. We are Members of Parliament. Did hon. Nandala-Mafabi ask those of us who came to this House when formerly were councillors at the district and teachers - I was a councillor at the district and affording Shs 200, 000 was not easy for me.

Honourable members, competition is very healthy. Can we allow people to compete with us but we defeat them? Let them come to the race and we defeat them.

**MR LUBOGO:** Thank you very much, honourable for giving way. The information I would like to give you is: It is unfortunate that Members are perceiving money as a weapon to use to lock out other people. That is very unfortunate. People, who came up as councillors, did not actually use money to campaign but were able to put up a competition and won.

Therefore, I would like to say that the right thing for us to do is to be consistent in all these laws that we are making and apply the same rate across our laws and have Shs 500,000, as the amount of money payable by the MP. You will defeat them.

**MS ATIM:** Thank you very much. Mr Chairman, I feel we should be considerate and fair to those who are going to compete with us. Can we allow the government proposal of Shs 1 million? Let us not show the electorate that we have too much. We do not have a lot. What we are paying should be Shs 1 million and then we go to the race and we compete. Thank you.

**THE DEPUTY CHAIRPERSON:** Attorney-General, please help us with this. We have all these array of issues, can you please guide us on what would be the most suitable way forward.

**MR RUHINDI:** Mr Chairman, if I may - in the interest of being fair and on the principles of justice, not that justice should be done but should also be seen to be done, I think Shs 1 million, in my opinion is fair. *(Applause)*

**MR TASHOBYA:** Thank you very much, Mr Chairman. I am surprised that the Attorney-General is again shifting the goal post because as he rose, he pointed out –

**THE DEPUTY CHAIRPERSON:** No, that is what has happened in the House. You have been here.

**MR TASHOBYA:** I am saying that we had extensive discussions with Attorney-General on this matter and I am saying that I am surprised that he does not normally shift goal posts as he is doing now but I would like to say that we carried out consultations with many people, Members of Parliament and people outside Parliament and this figure was arrived at after looking at all matters. We stand by our proposal of Shs 3 million. *(Applause)*

**THE DEPUTY CHAIRPERSON:** Honourable members, there are too many figures. You withdraw yours of how much? You are not the only one who proposed the figure of Shs 500,000 so you cannot withdraw it. We need to zero down on the figure honourable members. Do we still consider Shs 200,000?

**HON. MEMBERS:** No.

**THE DEPUTY CHAIRPERSON:** Okay, Shs 200,000 is out. Do we consider Shs 10 million?

**HON. MEMBERS:** No.

**THE DEPUTY CHAIRPERSON:** Do we consider Shs 5 million?

**HON. MEMBERS:** No.

**THE DEPUTY CHAIRPERSON:** Do we consider Shs 3 million? Do we consider Shs 500,000? Honourable members, can we now agree on two figures and take decisions from there? We need to decide on whether to take either Shs 500,000 or Shs 3 million. I am trying to find the best way forward in this so that we can agree. There is Shs 500,000, Shs 1 million and Shs 3 million. Can we agree on Shs 1 million or 500,000 as a compromise?

**MR SSEKIKUBO:** Thank you very much, Mr Chairman. I was inclined on Shs 500,000 but because we have to build consensus - and I would like to caution my colleagues not to set something that will work against you and that will put us in bad light. The best we can have in this situation - ideally it would have been 500,000 but let us put it in tandem with the mood and the general trend. Therefore, I propose Shs 1 million –(*Interjection)*– and Shs 1 million should be the winning position, Mr Chairman.

**THE DEPUTY CHAIRPERSON:** Let me have Koboko. Give us some wisdom. Apparently, we have a lot of it.

**MS BABA DIRI:** Thank you, Mr Chairman. When you come to Parliament, you must be somebody who is well established with basic needs. You come here to serve the people and not to make money. Therefore, by the time you come to Parliament, you should be able to afford to pay a reasonable nomination fee of Shs 3 million. (*Applause)* Thank you very much.

**THE DEPUTY CHAIRPERSON:** Honourable members, the actual position in the Bill is Shs 1 million and the amendments are focusing on Shs 500,000 and Shs 3 million. But the position in the Bill is Shs 1 million. Those are the two amendments. We will start with the vote on –

**MR SSASAGA:** Thank you, Mr Chairman. I am raising a procedural issue on whether we are proceeding well because the mood of the House seems that Members are insinuating that to be a Member of Parliament, you must have -

**THE DEPUTY CHAIRPERSON:** No, please.

**MR SSASAGA:** I am coming to this.

**THE DEPUTY CHAIRPERSON:** No, you are not proceeding properly. Honourable Ssasaga, we have reached decision point.

**MR SSASAGA:** Your indulgence, Mr Chairman.

**THE DEPUTY CHAIRPERSON:** Please, you have asked for my indulgence and I have not granted it. The issue is, there have positions and now we want to process. The position in the Bill is 50 currency points, which is Shs 1 million. There are two amendments to that and the rules of amendment and that you start with the one that is furthest to the subject. That is how you process amendments and in this case, the one that is furthest from the subject is Shs 3 million. So, I will start with the decision on Shs 3 million. That is, it is processed. I am now going to put the question first to - no problem, we can do standing. The proposal from the committee is that the amendment should be to Shs 3 million, which is 150 currency points is. I will put the question to that. Those in favour of the amendment by the committee, stand up.

Honourable members, we are going to take a vote. Please those of you who are just coming in, we need to be stable in the House so that we can take this vote properly. There are enough seats honourable members. Please find sitting places so that we can process these things properly. I do not want an incident of confusion.

Please honourbale members, move and create spaces for your colleagues. I have not ordered free sitting members. Hon Kwizera, get a seat please?

**MR ANYWARACH:** Thank you, Mr Chair. The point of procedure I am raising is: When we are voting on the amount for the presidential nomination fees, we did start with zero. So my understanding was that we are going progressively higher. So, would it not be procedurally right in this voting that we go progressively by start with Shs 500,000, to Shs 1 million and then Shs 3 million? Thank you.

**THE DEPUTY CHAIRPERSON:** Honourable member, in this case there are two amendments. There is one position in the middle, how do you go progressively? The Bill says Shs 1 million or 50 currency points. There are two proposals.

The rule on processing amendments is that you start with one furthest from the subject; that is the standard rule of procedure and that is exactly what I am doing here. Shs 3 million is furthest compared to Shs 500,000.

Let us first process that, dispose it off and then we come to the other amendments. Can I now put the question - the Opposition objected to the free sitting. I will now put the question, those in favour of Shs 3 million, please stand.

*(Members voted by standing.)*

**THE DEPUTY CHAIRPERSON:** Those against Shs 3 million, please rise.

*(Members voted by standing.)*

**THE DEPUTY CHAIRPERSON:** Please sit, those abstaining.

*(Members voted by standing.)*

**THE DEPUTY CHAIRPERSON:** Honourable members, these are the results of the vote. Those in favour of Shs 3 million are 126. *(Applause)* Those against are 69 –*(Applause)*– and there is no abstention. So the *Ayes* have it.

The implication of this is that the other positions now are not sustainable. What is in the Bill cannot now stand. What has been amended is Shs 3 million. The Bill is accordingly amended to that effect.

I now put the question that clause 2, as amended stand part of the Bill.

*(Question put and agreed to.)*

*Clause 2, as amended, agreed to.*

*Clause 3, agreed to.*

*Clause 4, agreed to.*

Clause 5

We already adopted this same position in the Presidential Elections (Amendment) Bill, 2015. What was clause 4? Was it for deletion? Clause 4 was deleted?

**MR TASHOBYA:** Mr Chairman, this is in respect of time to which we agreed to have as 4 O’clock.

**THE DEPUTY CHAIRPERSON:** So, it was not deleted, not so?

**MR TASHOBYA:** It was adopted.

**THE DEPUTY CHAIRPERSON:** Okay, clause 5 was deleted.

**MR TASHOBYA:** Clause 5, was deleted, Mr Chairman.

**THE DEPUTY CHAIRPERSON:** Okay, can you now propose?

**MR TASHOBYA:** Thank you, very much, Mr Chairman. The committee concedes to the proposal that clause 5 be deleted and I so propose.

**THE DEPUTY CHAIRPERSON:** Honourable members, the motion is for deletion of clause 5. I put the question to that motion.

*(Question put and agreed to.)*

*Clause 5, deleted.*

Clause 6

**MR TASHOBYA:** Thank you, very much, Mr Chairman. The committee proposes deletion of clause 6. The deletion was done previously in the Presidential Elections (Amendment) Bill, 2015.

**THE DEPUTY CHAIRPERSON:** Honourable members, I now put the question for the deletion of clause 6.

*(Question put and agreed to.)*

*Clause 6, deleted.*

Clause 7

**THE DEPUTY CHAIRPERSON:** What did we adopt? There was no amendment. I now put the question that clause 7 stands as part of the Bill.

*(Question put and agreed to.)*

*Clause 7, agreed to.*

*The title, agreed to.*

MOTION FOR THE HOUSE TO RESUME

7.02

**THE ATTORNEY-GENERAL (Mr Fred Ruhindi):** Mr Chairman, I beg to move that the House do resume and the Committee of the Whole House reports thereto.

**THE DEPUTY CHAIRPERSON:** Honourable members, the motion is for resumption of the House to enable the committee of the whole House report.

*(Question put and agreed to.)*

*(The House resumed, the Deputy Speaker presiding.)*

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

7.03

**THE ATTORNEY-GENERAL (Mr Fred Ruhindi):** Mr Speaker, I beg to report that the Committee of the whole House has considered the Bill entitled, “The Parliamentary Elections (Amendment) Bill, 2015” and passed it with amendments.

MOTION FOR THE ADOPTION OF THE REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

7.03

**THE ATTORNEY-GENERAL (Mr Fred Ruhindi):** Mr Speaker, I beg to move that the report from the Committee of the whole House be adopted.

**THE DEPUTY SPEAKER:** Honourable members, the motion is for the adoption of the report of the Committee of the whole House. I put the question to that motion?

*(Question put and agreed to.)*

*Report adopted.*

BILLS

THIRD READING

THE PARLIAMENTARY ELECTIONS (AMENDMENT) BILL, 2015

7.04

**THE ATTORNEY-GENERAL (Mr Fred Ruhindi):** Mr Speaker, I beg to move that the Bill entitled, “The Parliamentary Elections (Amendment) Bill, 2015” be read the third time and do pass.

**THE DEPUTY SPEAKER**: Honourable members, the motion is that the Bill entitled, “The Parliamentary Elections (Amendment) Bill, 2015” be read the third and do pass. I put the question to that motion?

*(Question put and agreed to.)*

A BILL FOR AND ACT ENTITLED, “THE PARLIAMENTARY ELECTIONS (AMENDMENT) ACT, 2015”

**THE DEPUTY SPEAKER:** Congratulations honourable minister and honourable members. Thank you.

BILLS

SECOND READING

THE ELECTORAL COMMISSION (AMENDMENT) BILL, 2015

7.05

**THE ATTORNEY-GENERAL (Mr Fred Ruhindi):** Mr Speaker, I beg to move that the Bill entitled, “The Electoral Commission (Amendment) Bill, 2015” be read the second time.

**THE DEPUTY SPEAKER:** Is the motion seconded? It is seconded by the Member for Bulambuli; the Member for Kiboga; the Member for West Budama South; the Member for Bubulo East; and the Member for Kigulu. Would you like to speaker to your motion?

**MR RUHINDI:** Mr Speaker –*(Interjections)*– may I be protected from tomorrow? The object of this Bill is to amend the Electoral Commission Act, Chapter 140, to re-designate registrars as district election administrators and provide for the commission to specify their duties; to provide for the commission to appoint assistant returning officers; and provide for related matters. The details are in the report of the Legal and Parliamentary Affairs Committee. I beg to move.

**THE DEPUTY SPEAKER:** Honourable members, I seek your indulgence that we receive this report. If it is complicated, we will see what to do but if it is not, we could as well proceed and finish it. Chairperson of the committee, you have five minutes.

7.06

**THE CHAIRPERSON, COMMITTEE ON LEGAL AND PARLIAMENTARY AFFAIRS (Mr Stephen Tashobya):** Thank you, Mr Speaker. I suppose Members have received this report and read it; I will attempt in two minutes to pass through the recommendations.

Mr Speaker, at page five, there is a proposal about the transmission of voters’ register to political parties and organisations. The proposal in the Bill is to transport electronic copies of the voters’ register to political parties.

The recommendation of the committee is that the current status where the Electoral Commission transmits hard copies of the registers with photographs, should be maintained and therefore, we do not support the proposal to send the electronic registers without photographs.

Mr Speaker, there is also a proposal to amend the designation and names of the election officers, as contained in Section 21 of the Act. The committee recommends that the proposals in the Bill be adopted by this Parliament.

The committee further recommends that the proposals contained in the Bill to amend Section 22 to create the post of assistant district election administrators, be supported. Therefore, the committee recommends that Parliament adopts the proposal contained in the Bill.

Mr Speaker, the Bill further proposes to substitute Section 23, by providing duties of registrars. The committee recommends that Parliament adopts that proposal as contained in the Bill.

The Bill as well proposes that the commission shall, before the display of the copy of the voters’ roll, publish in the Gazette and print media a list of all places at which a voters’ roll is required to be displayed under this section. The committee recommends that Parliament adopts that proposal.

Further, the Bill proposes to insert sub-section (2) after Section 30 to provide for the appointment of returning officers and assistant returning officers. The committee recommends that Parliament adopts that proposed amendment.

The Bill also proposes a repeal of Section 31 of the principal Act that provides for the appointment and duties of the assistant returning officers. The committee recommends that Parliament adopts the proposed amendment.

Mr Speaker, the Bill proposes to repeal Section 32 of the Act replacing it with a new provision, providing for placement of an assistant returning officer. The committee recommends that Parliament adopts the proposed amendment.

The Bill also provides for amendments in Section 33 of the principal Act by substituting for Subsection 3 the following:

“3) The commission shall publish in the Gazette and print media, a list of all polling stations, at least 60 days before the polling day.”

Mr Speaker, the committee recommends that Parliament adopts the proposed amendments. Thank you very much, Mr Speaker and I beg to report.

**THE DEPUTY SPEAKER:** Thank you, Chair and members of the committee for this work that you have been able to complete. Honourable members, the question that I now propose for your debate is that the Bill entitled, “The Electoral Commission (Amendment) Bill, 2015” be read for the second time. That is the motion for your debate and debate starts now.

Honourable members, if there are any discussions on the principles of the Bill, we could have it because I see the committee has proposed one amendment after scrutinising the Bill and after the public hearing on the Bill where both sides of the House were represented. If we can move to the next stage then we can see what to do with it. My view - if I can propose - is that instead of rolling out this business tomorrow - I see that it is not big business anymore. You could be free to go back to the constituency, if we are able to finish this.

I have looked at the Bill and the amendment is only one and in clause 1. There is only one amendment.

7.15

**MR JACOB OBOTH (Independent, West Budama County South, Tororo):** Mr Speaker, I beg to move a motion - being aware that this Bill does not carry much of controversiesin content, the object of the Bill is clear – that we move to the committee stage and make our contribution during the debate at that stage. I beg to move.

**THE DEPUTY SPEAKER**: Honourable members, the motion is seconded, but I would like to seek your indulgence. You look at the Bill again. If there are any controversies pointed out to me - but the way it is, it follows what we passed in the Constitutional Amendment. So, I do not see any new matter just like the committee has also looked at it and came with an amendment to delete just clause 1.

If it was in the spirit of why we have been called back and it is also necessary that we go back as soon as possible, it would be –

7.17

**MR JOHN KEN-LUKYAMUZI (CP, Rubaga Division South, Kampala):** Mr Speaker, this Bill may have limited amendments, but it is very important because it is about the real managers of the coming elections. Let us give ourselves time so that we resume tomorrow.

**THE DEPUTY SPEAKER:** No, but honourable member, you need to point out to us which is the very complicated aspect of it so that we can be guided.

**MR KEN-LUKYAMUZI:** Even that very amendment, which we are supposed to do, is sointense in nature that we need to think about it.

7.17

**MR ODONGA OTTO (FDC, Aruu County, Pader):** Mr Speaker, I am aware there is a motion - I do not know those who called us from where we were what they had in mind. I do not know but I was thinking - because tomorrow some of us have to go back, it would be a huge inconvenience to come here at 2.00 p.m. again - Mr Speaker, if we could give it 20 minutes and dispose of this issue so that tomorrow we can attend to other matters.

7.18

**MR JOHN SSIMBWA (NRM, Makindye Division East, Kampala):** Thank you, Mr Speaker. A motion was moved by hon. Jacob Oboth and we seconded it that we move to the committee stage and dispose of the work. I do not understand why we are wasting time – sorry, Mr Speaker.

**THE DEPUTY SPEAKER:** Do not use that kind of language when people are building consensus, please. As a consensus builder, I do not take that one very well; we need to go together and we do not use words like those, honourable member. Is it okay for me to put the question that we move to committee stage and see how far we can go? If we fail to go, we stop.

Honourable members, I will now put the question that the Bill entitled, “The Electoral Commission (Amendment) Bill, 2015” be read for the second time. I put the question to that motion.

*(Question put and agreed to.)*

BILLS

COMMITTEE STAGE

THE ELECTORAL COMMISSION (AMENDMENT) BILL, 2015

Clause 1

**MR TASHOBYA:** Thank you so much, Mr Chairman. The committee proposes deletion of clause 1. The justification is the inability of the Electoral Commission to transmit the electronic voters’ register without photographs; it will create suspicion on its authenticity, making it easy to be tampered with.

**THE DEPUTY CHAIRPERSON:** Honourable members, the committee proposes to delete clause 1 and the justification has been given. Can I put the question to that? I put the question to deletion of clause 1.

*(Question put and agreed to.)*

*Clause 1, deleted.*

Clause 2

**MR NANDALA-MAFABI:** Mr Chairman, I propose to move an amendment to clause 2 on district election administrators/returning officers. The justification is that when it is time for declaring results or election time, they can become returning officers.

If that is not there, they will be district administrators. Otherwise, if we don’t do that there will be two offices being created, which will be too costly to the public.

Mr Chairman, this has happened. For example, in cooperatives, there is a commissioner/registrar of cooperatives. That is the justification I would like to give.

**MR RUHINDI:** Mr Chairman, just allow me one minute to consult on that particular clause.

**THE DEPUTY CHAIRPERSON:** Okay, it is stood over briefly.

Clause 3

**MR NANDALA-MAFABI:** Mr Chairman, it is the same because it is consequential and even clause 3 – you heard members say that Electoral Commission sometimes brings materials at midday or very late - we would like to make sure that in each constituency there is a returning officer and an assistant to the district returning officer; we should also have an assistant at the constituency for purposes of easing the election process and also to avoid the delay, which members have been claiming that they start – and it will even cut a lot of costs.

Mr Chairman, because –*(Interjections)–* I wish you were reading the law; they are saying that we are even creating assistant district election officers. Mr Chairman that is my proposal.

**MR SSIMBWA:** Mr Chair, hon. Nandala-Mafabi has just proposed that in order to cut on costs, we should have one person to be the district election officer/returning officer. Now, when he comes to clause 3, he is proposing appointment of more than 260 people to act as election officers/returning officers at the constituency level.

I see that as a contradiction and an addition of costs to Government. So if he is proposing it up there, I do not see it working down here because it is a cost added to Government.

**THE DEPUTY CHAIRPERSON:** But if you read clause 1, it is a discretionary clause; so why would you want to do anything to that? After all it will be what is administratively tenable to the commission – it is their decision to make. So why would you want to designate?

**MR NANDALA-MAFABI:** Mr Chairman, I wish my brother had read the law; it says now that this is an assistant - we are saying that every district must have an assistant district election administrator. So what I am trying to say is that instead of – for example, I come from Sironko; if the district registrar – election administrator and his assistant, the boss can be in one constituency and the assistant can be in another county for administrative purposes so that it eases the process.

**THE DEPUTY CHAIRPERSON:** You know, hon. Mafabi, what they are proposing here is on the number of assistants; if you want to talk about combining the name that is okay. But “such number of assistants” means the commission has the discretion to determine on the field because some terrains are not the same. Your area there of Sironko might require more than my place because yours is mountainous while mine is flat; or the islands could warrant a different situation. So it will be a practical decision to be taken by the commission – so it is giving it that discretion.

**MR NANDALA-MAFABI:** Mr Chairman, that is true – where the terrain is bad, you can decide that since this is a mountain; one is this side and another on the other. But for purposes where the terrain is okay – you see, the reason we are trying to do this is we want – there was a district, I think in Karamoja, where it took two days before the results were announced due to movement problems.

But if we say that every constituency should at least have an assistant – like now we have the sub-counties with sub-county chiefs whose designation is “assistant CAOs” –*(Interjections)*– yes, if you are not aware. We have the former LC V here; you must do things from experience.

So the same way – we are not saying that we should go to the sub-county; but for the ease of that constituency, let us have as many as we can but at least we should designate one per constituency. That is all.

**MR KATOTO:** Thank you, Mr Chairman. When we look at 3(1), it says: *“There shall be such a number of assistant district election administrators for each electoral district as the Commission will determine.”* I think this is administrative because there will be several people according to their numbers. So if there is an area which needs that electoral assistant, he will be deployed there definitely. So I think it is administrative and I think we should leave it the way it is.

**MR SABILA:** Mr Chairman, the Bill, as it is, is very flexible because the provision allows for multiple assistants, which makes the work of the commission efficient; it is only them to reorganise and deploy them according to how they deem necessary. So I feel that it is okay the way it is.

**MR RUHINDI:** Mr Chairman, it is good that I found the debate going on in light of what I found through my consultation. This is because through the consultation, I have established that if you say “district election administrator/returning officers” that means that every district election administrator becomes a returning officer. But returning officers are designated by the commission – not that every district election administrator will be a returning officer. But returning officers will be designated from district election administrators.

And you see, what we are trying to come from - what is in the current legislation is district registrars. But when you talk about a district registrar, you are confined to registration. But practice has shown that actually those district registrars do carry out functions beyond mere registration, which are administrative in nature. And you will find that – just to reduce the debate on these matters, under the current law, it would be the district registrars who would appoint assistant registrars. That is an anomaly because that should be the function of the Electoral Commission. So we are actually harmonising those provisions around what I have said.

**THE DEPUTY CHAIRPERSON:** So can we now go back to the clause? Yes, Leader of the Opposition?

**MR OGUTTU:** Mr Chairman, very often we hear government emphasising bringing services nearer to the people; but experience has shown that elections at the district level, deny voters a chance. And our view is that it would have been better that we have the constituency or the county as an electoral area. And, therefore, when you have assistant returning officers, then they can handle work at that level so that results are declared at the constituency level. Why is that? It is possible for people to come to the constituency and see what happens during the elections than going to the district headquarters.

**MR TASHOBYA:** Thank you, Mr Chair. The first point is the financial cost to have multiple officers and offices that would be required. Most important, is the capacity because when you look at the location of constituencies; the logistical capacity, electricity to have the facilities to be able to handle that type of work - there is more to lose by decentralising this activity to places where you do not have the capacity in terms of manpower, electricity and support to do this type of work.

This matter was raised by the Leader of the Opposition in our interaction and we went further to interrogate it. We had meetings with the Electoral Commission and our considered view is that for now, it is not practically wise to undertake that process.

**THE DEPUTY CHAIRPERSON:** Okay. So are we on clause 2 now; can I now put a question to clause 2? -[HON. MEMBERS: “Yes.”] - Okay, I now put the question to clause 2.

*(Question put and agreed to.)*

*Clause 2, agreed to.*

Clause 3

**MR NANDALA-MAFABI:** Mr Chairperson, clause 3(2) where it says that an assistant elections administrator shall be appointed by the Commission for the period and terms determined by the Commission. Now since this is an assistant to the district election administrator – because when he or she is not around, the assistant is the acting district election administrator. So the terms for appointing both of them should be the same. If the other one shall be a public officer, then this one shall also be a public officer.

**MR OBOTH:** My understanding of the word assistant election administrator is that he or she is not the deputy. The word “assistant” here cannot be construed to be deputy. If it was so, then the law should be able to spell that out.

When you look at (3), it gives the impression that their role is to assist the district election administrator in the performance of his or her duties. If it was to deputise, then let us put that clearly because my understanding of an assistant and looking at how many assistants can be there, I believe that the position of the Bill covers it comfortably.

**MR ALEX RUHUNDA:** Mr Chairperson, bearing in mind that the Electoral Commission sometimes in the period of the year may not have a lot of work; I am imagining that these assistants could be temporary and then we do not have to burden ourselves by making them full time.

So leaving it as an assistant would enable a part-time arrangement and when the assignments are complete, they can go back to other duties.

**MR BAKKA:** Mr Chairperson, I would just like to affirm that indeed these assistant election administrators are temporary. They are not permanent and therefore cannot be on the same terms as the district election officers and their terms are different and determined from time-to-time.

**MR NANDALA-MAFABI:** If you read clause 2 (2), it says that the district election administrator shall be appointed by the commission and shall be a public officer. If you say that this one is a public officer and his assistant is not, then we are already making a mistake. Let us make the law consistent. The reason as to why I am saying that is that on (2) –

**MR BAKKA:** You seem to insinuate that public officers are never on temporary basis because what we are saying is that the district election administrator is on a permanent basis and the assistant election administrator is temporary. They are all public officers but one is permanent and the other is temporary and that is what we are saying.

**MR NANDALA-MAFABI:** I have discovered that your explanation cannot be of help. Even anybody on contract can be a public officer as long as they are doing public functions. What I am trying to say is that the moment you refer to him or her as an assistant to the district election administrator, then it means that when the boss is not around, he or she is the one in charge and should be doing work in that respect. So what you have to do here – whatever contract that you give whether temporary or otherwise, that person in that respective office must be treated as a public officer. That is all.

**THE DEPUTY CHAIRPERSON:** What is in the existing section 22? Learned Attorney-General, what are we replacing - so that we can understand it?

**MR RUKUTANA:** Mr Chairperson, the way that I look at it is that in the amendments, it is intended to carry the spirit of the old provision whereby the Assistant Registrar in the old provisions was appointed only whenever need arose. When we look at section 22 (2), it says that the person referred to in sub-section (1) may be appointed by the commission whenever a general update of the voters registrar is about to take place and only for such a period and on such terms as the commission may determine. In other words, the spirit was that you should only be appointed when need arises for only a specified purpose.

**THE DEPUTY CHAIRPERSON:** What were they called?

**MR RUKUTANA:** They were called assistant registrars and so the amendment intended to carry on the spirit of the old provision.

**THE DEPUTY CHAIPERSON:** Yes, Attorney-General.

**MR RUHINDI:** I do not want to disagree with my colleague. Let us now carry the spirt with us as he says. But all we are saying is that in clause 3 of the Bill, the head note says “Replacement of Section 22 of the principal Act” we are replacing the entire section of the Act – we are replacing clause 1 and clause 2 of section 22 and clause 3 of section 30.

Now this spirit, on a temporary nature of these assistant election administrators now translates in (2) which says that *“An Assistant Election Administrator shall be appointed by the commission for a period and on terms determined by the Commission.”* They may be temporary or permanent. So this is a total replacement of the existing provision. The spirit maybe in the terms “fixed by or determined by the Commission” but it is not on all fours with the existing provisions that we are trying to amend.

**MS BETTY AMONGI:** I thank you, Mr Chairperson. I would like the Attorney-General to clarify why they want to have two permanent positions if originally the registrar was not permanent but only the returning officer? I am seeing an amendment for the returning officer which is a permanent position. So why have two permanent positions of a returning officer and an assistant and then you are going to have an administrator who is also permanent? Why is that so? If the rationale is for purposes of saving money, can’t you have only one position that is permanent and you leave out the other?

**MR RUHINDI:** I do see why the returning officer is permanent because when you look at clause 6 of the Bill, it says “Replacement of Section 30 of the principal Act”. They substituted the following: Appointment of returning officers and assistant returning officers: *“The commission shall by notice in the gazette appoint a returning officer and assistant returning officers for each electoral district and each special interest group election.”*

*“The committee shall not appoint a person returning officer or assistant returning officer unless the person is of high moral -”* - this is by designation *- (Interjections) -* yes, I was still reading.

*“The office of returning officer or assistant returning officer shall not become vacant unless the holder dies or with a prior permission of the commission, he/she resigns or unless he/she is removed from office under sub-section 4”*.

*“The commission may by notice in the gazette remove from office any returning officer or assistant returning officer where the person is appointed by virtue of a public office and the person ceases to hold the public office - is incapable by reason of illness or physical or mental infirmity and is incapable of satisfactorily performing his or her duties as returning officer -”* and so on and so forth.

In sub-section 5, “*where an office of returning officer or assistant returning officer becomes vacant, the commission shall appoint another officer for that electoral district within 14 days from the date on which the commission is informed of the vacancy.”* I do not see a contradiction there.

**MS BETTY AMONGI:** Yes, Attorney-General, you are not seeing the contradiction when in 6(3) you say: *“The office of returning officer or assistant returning officer shall not become vacant unless the holder dies or with the prior permission of the commission he/she resigns or unless he/she is removed from office under sub-section 4 -”* and sub-section 4 is basically those conditions within which a public officer vacates office constitutionally. This is binding you to have this as a permanent office. You cannot run away from it unless you rephrase it and decide which office you want to be permanent; is it one for the administrator or the one for the returning officer and assistant returning officer? You need to clarify that otherwise the way it is framed in this will make three offices permanent.

**MR NZOGHU:** Thank you, Mr Chairman. I agree with hon. Nandala and to that effect I am proposing that we could redraft that because then we can actually have 3 turned into 1, so that we say: “There shall be an assistant district election administrator for each electoral district in Uganda”.

Then two: “An assistant district election administrator shall be appointed by the commission and shall be a public officer”. That becomes 2.

Then we add on: “There shall be such a number -”, No.1 becomes No.3 then No.2 becomes No.4 because we have introduced another element there. That will cure that gap.

**MR MAGYEZI:** In the parent law, it was very clear under 22 that for each constituency there shall be an assistant registrar. I do not know why, the honourable minister, is now putting it differently; there shall be such number of assistants as district election administrators.

It becomes a bit different. If you look at what is in the parent law; you re-designated those registrars to district election administrators - I think it is straight forward; what you are introducing here is a bit confusing.

I think a little later you have to specify or distinguish clearly the roles of the returning officer from the registrars and the assistants. I wish you would go back to the parent law on these registrars where it was clear that for every constituency, there shall be an assistant registrar and there shall be an appropriate number of register update officers. You are throwing away this without putting the right alternative, honourable minister.

**THE DEPUTY CHAIRPERSON:** Learned Attorney-General, there were two aspects in the original law. There is a provision relating to national registers for voters and voters rolls which is part III. Then there is part IV which is returning officers and other electoral officers.

The two provisions seem to suggest that there are two different categories of people: the registrars and the returning officers. We might have to think through carefully what we mean by who does what because if the same person called the registrar in the initial law is actually the one who turns around to become the returning officer during elections, then we need to clarify that. There seems to be a problem and I was beginning to wonder why we are making this amendment in the first place. It may just be enough to amend the names in the old law rather than making provisions that could create confusion.

**MR OBOTH:** Mr Chairman, I know that this is not controversial, the only controversy is the special attention a returning officer is getting in this Bill. But it has been the practice, Mr Chairman, that even in this House we have people appointed as chief administrative officers. We have people appointed as permanent secretaries, but the appointment of accounting officers is another administrative work given.

They do not earn extra salary for being returning officers; they do not earn extra salary for being accounting officers. I think this is purely for purposes of declaration of results. There can be election administrators but when declaring results, you must have the return signed by a returning officer. So this is what I thought that we needed to address our minds to and harmonise it and we conclude.

I believe that the Attorney-General agrees with me that this is very simple. The pronouncement in 4; the appointment of returning officers as in 6, is purely for administration - you see the nature, they will be put in the gazette. This appointment is purely administrative just like we do for accounting officers. In fact in the Local Government Act, probably section 94 says that there shall be a Chief Administrative Officer in each district who shall be the returning officer. If we borrow from that it will be easy.

**MR RUKUTANA:** Mr Chairperson, when you look at the old provision section 22, it makes an assistant registrar a permanent officer because it says for each constituency there shall be an assistant registrar and an appropriate number of register update officers.

**THE DEPUTY CHAIRPERSON:** No read (2)

**MR RUKUTANA:** That way under the old law.

**THE DEPUTY CHAIRPERSON:** No read sub-section 2

**MR RUKUTANA:** Now 2, says: *“The person referred to in sub-section 1, may be appointed by the Commission whenever a general update of voters register is about to take place and only for such a period and on such terms as the Commission may determine”*. Now this was contradictory:

1. Makes it a permanent phenomenon but here the amendment is very clear because it says that there shall be such a number of assistant district election administrators for each electoral district as the Commission shall determine.
2. An Assistant election administrator shall be appointed by the Commission for a period and on terms determined by the Commission. This way we avoid the contradiction. Initially there was a contradiction because while section 22 sub section 1 made it a permanent office, here it is clear that the intention is to have them appointed other than when need arises – *(Ms Namara and Mr Magyezi rose\_) –* No, I think I am very clear in my mind that -

**THE DEPUTY CHAIRPERSON:** You are very clear in your mind but your mouth is letting you down.

**MR RUHINDI:** Let us first see whether this can clear the air if not then we might have to seek for an adjournment. Mr Chairperson, I tend to be convinced by the argument of hon. Oboth-Oboth because if I understood him well, it would mean that these offices are not as permanent as it may look on the face of it but because of the nature and importance of the office, for as long as the person holds it, that person must be protected because of its nature. The idea of publishing these names in the gazette and the protection that surrounds their appointment is to protect you because you are the returning officer; you should not be changed or dismissed anyhow. Therefore, the protection is to the office but not to create permanence in the office. That is the way I actually understand it and that is how I understood him. If we understand it in that perspective, maybe we can move on.

**MR ALEX BYARUGABA:** Thank you, Mr Chairperson. I do not know how to make this a little clearer, but it is important that as you read this, you do it together. Numbers 21 and 22 should be read together. For instance, we are talking about resignation in 21; we have had a registrar hitherto whom we would like to call to give another duty over and above his original duties of a registrar. However, during the time of elections, this person can as well handle our elections hence we baptise them the title “District Elections Officer” to combine both the duty of a registrar and that of a returning officer.

Now let us go to 22; it talks about nothing but an assistant stationed at a sub-county. This is why we have been trying to emphasise that this person can only do that duty temporarily. It is a temporary assignment –(*Interjections*)– not at the constituency; they will be based at the sub-county.

**THE DEPUTY CHAIRPERSON:** Honourable minister, I think you could help us state clearly the new situation we are creating in the amendment. Why are we moving from the old law; because it looks like you are changing names and making small amendments that you have chosen to bring as a complete set of amendments. The rest of the things are the same as what is in the old law. What is intended to be achieved by this amendment? Let us know so that we can crystallise on that and move on. This is because the actual wording, the text of the Bill and the Act are the same.

**MR MAGYEZI:** Mr Chairperson, when you look at the old law, there was a very clear distinction between the registrar and the returning officer. The registrar was in charge of update of voters’ registers. Now by the government introducing the district election administrator, you totally confuse things because when you look at 4 (3) in the Bill; a district election administrator shall perform duties related to update of voters’ register or to elections as determined by the Commission. Now you get somebody in charge of administration of elections and then you have a returning officer. Honourable minister, you need to go back and sort this out because we are really stuck.

**THE DEPUTY CHAIRPERSON:** If there is nothing substantially wrong with the existing law, my proposal would be that you withdraw this amendment and we proceed with the rest of the Bill. We maintain what is in the law now - if there is no big problem with it because I have not seen any personally. What is the problem? That is what I want you to point out.

**MR RUKUTANA:** With due respect, Mr Chairperson, section 21 provides for registrars, section 22; I am referring to the old law that we are amending, refers to assistant registrars and update officers. In 22(1), it creates a permanent office and says for each constituency there shall be an assistant registrar and be an appropriate number of register update officers.

Now when you stop at that level, those are permanent offices. However, when you come to the amendments, the proposal here is that there shall be such a number of assistant district election administrators for each electoral district as the Commission shall determine. Now this is opposed to the previous provision where it is stipulated mandatorily that for each constituency, there shall be an assistant registrar and an appropriate number of register update officers.

To me, the amendment was supposed to emphasise on the temporary nature of these assistant district election administrators as opposed to the mandatory provision contained in Section 22(1) of the old law.

**MS NAMARA:** Thank you very much, Mr Chairman. First of all, I wonder why the Attorney-General was reading piece meals of section 22. Section 22 – in totality – reads;

1. *For each constituency there shall be -*
2. *An assistant registrar; and*
3. *An appropriate number of register update officers.*
4. *The persons referred to in sub-section (1) may be appointed by the commission whenever a general update of voters register is about to take place and only for such a period and on such terms as the Commission may determine.*

That does not make them permanent.

**MR RUKUTANA:** Mr Chairperson, I was saying that, that was an ambiguity. You cannot in section 22(1) create it mandatorily and then in sub-section (2) subject it to the whims of the commission. In sub-section (1), it was stipulated that the offices had to be there. However, in sub-section (2) as hon. Namara rightly points out, it was at the whims of the commission. The amendment cures that ambiguity.

**MR LUGOLOOBI:** Thank you very much, Mr Chairman. I think members have dug enough holes in this amendment and it appears that we are not in a position to continue because as we dig deeper, we get even more confused. In view of that, I would like to propose an adjournment until such a time when they have dealt with these contradictions.

**MS AKELLO:** Mr Chairman, I think your earlier ruling was the best. The explanation by the Attorney-General makes matters worse. When you read section 22(1) that “There shall be such number of assistant district election administrators” that statement is already suggesting “there shall be such number -” which is not even stated. That makes it more ambiguous than what we have in the current law. I suggest that we take your earlier ruling and we go by the old law. Thank you.

**MS BETTY AMONGI:** Mr Chairman, just to add something little. The fundamental thing that I have discovered which is new in this is that the district administrator and the assistant are now answerable to the Electoral Commission directly. In the old law, they were answerable to the returning officer who is always the district CAO *–(Interjections)–* any public officer gazetted; a returning officer gazetted by the Electoral Commission.

Maybe, you need to tell us why you now want this administrator, who used to be a registrar, to be answerable directly to the Electoral Commission and not to the returning officer?

**MAJ. GEN. MUHWEZI:** Having listened to the various arguments, it would appear that the new provision intends to make the commission have powers to manage the elections better by making it flexible. The old law was making it permanent that “there must be” a person in each electoral area. Now it is saying “as the Electoral Commission may determine”.

As you know, especially in the area of hon. Mafabi, the situation can be very fragile and the Electoral Commission may find it necessary *–(Interruption)*

**MR NANDALA-MAFABI:** Mr Chairman, the order I am raising is about my brother, Jim. People are only fragile or hard when it is involving safety of public money such as GAVI. Therefore, is he in order to say that in my area people are violent or fragile? –(*Interjections*)– I studied in Busoga College, Mwiri. I grew up in Bugisu. We have a report on you and you were even censured.

**THE DEPUTY CHAIRPERSON:** Honourable Mafabi.

**MR NANDALA-MAFABI:** He has asked where I grew up from. Since he has been guided, I would like to ask if he is in order to say that in my area elections can be fragile.

**THE DEPUTY CHAIRPERSON:** Honourable members, how do we proceed with this?

**MR MUGABI:** Mr Chairman, there is a proposal that came from the honourable member for Ntenjeru. Since that time – for the last five minutes – this House seems to be engaged in a discussion that I cannot even determine what to call *–(Interjection)–* actually a cocktail of confusion. Mr Chairman, isn’t it procedurally right for us to break and continue with this discussion tomorrow?

Mr Chairman, I am surprised that there is controversy around this section because I do not see any.

**THE DEPUTY CHAIRPERSON:** Honourable members, I am saying the things I am saying because I have read both the Bill and the Act. The Bill does not suggest anything new. I have asked, what does the Bill intend to achieve? There is nothing being explained to me. If you are talking about the temporary nature of the appointment, it is in the Act.

That is the one that should be pointed out rather than bringing all these to say, “Resignation”.

**MR RUHINDI:** Mr Chairperson, I appreciate your frustration. The circumstances are such that in order to do justice to this matter, we by and large received these proposals from the different stakeholders. We tried as much as possible to scrutinise them. It would be better that we do some further consultations and come back tomorrow and finalise this matter realistically at 10 O’clock.

**THE DEPUTY CHAIRPERSON:** No, we are adjourning.

MOTION FOR THE HOUSE TO RESUME

8.14

**THE ATTORNEY-GENERAL (Mr Fredrick Ruhindi):** Mr Chairperson, I beg to move that the House do resume and the Committee of the whole House reports thereto.

**THE DEPUTY CHAIRPERSON:** Honourable members, the motion is for the resumption of the House to enable the Committee of the whole House report. I put the question to that motion.

(*Question put and agreed to.*)

*(The House resumed, the Deputy Speaker presiding.)*

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

8.15

**THE ATTORNEY-GENERAL (Mr Fred Ruhindi):** Mr Speaker, I beg to move that the Committee of the whole House has considered the Bill entitled “The Electoral Commission (Amendment) Bill, 2015”, and dropped clause 1, passed clause 2 and stood over the other clauses of the Bill. I beg to report.

MOTION FOR ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE HOUSE

8.15

**THE ATTORNEY-GENERAL (Mr Fred Ruhindi):** Mr Speaker, I beg to move that the report from the Committee of the whole House be adopted.

**THE DEPUTY SPEAKER:** Honourable members, the motion is for adoption of the report of the committee of the whole House. I put the question to that motion.

(*Question put and agreed to.*)

*(Report adopted.)*

**MS NTABAZI:** Thank you, Mr Speaker and honourable members. Mr Speaker, it is really unfortunate that we have not concluded. Tomorrow, my district is hosting the International Day of the Elderly and most of the ministers and members will be going down there for that international function.

Therefore, I am –(*Interjections*)– what is your problem? I am submitting as the host Member of Parliament that if some of us do not appear tomorrow, let it be taken in good faith. It is not that we are sabotaging the Bill.

**THE DEPUTY SPEAKER:** Learned Attorney-General, can you guide the House on the significance of this particular Bill so that we see when to schedule it?

8.19

**THE ATTORNEY-GENERAL (Mr Fred Ruhindi):** Mr Speaker, having consulted widely in view of the fact that the sponsors of this Bill, the proposers of the provisions in the Bill, particularly the Electoral Commission, its greatest –(*Interjections*)– let me make my contribution. Its greatest proposal which we discussed with them and we all decided that we should abandon was clause 1. The other provisions were principally administrative. I think in view of the fact that they were principally administrative and we can find the best way of advising that institution to handle those matters administratively, I propose that this Bill be withdrawn.

**THE DEPUTY SPEAKER:** Honourable minister, under our Rules of Procedure, you have to properly seek leave of the House to withdraw this Bill.

8.20

**THE ATTORNEY-GENERAL (Mr Fred Ruhindi):** Mr Speaker, I seek leave of the House to withdraw the Bill entitled “The Electoral Commission (Amendment) Bill, 2015”.

**THE DEPUTY SPEAKER:** Is the motion seconded? It is seconded by the Minister of Defence, Minister of Internal Affairs and hon. Baka.

Honourable members, the motion that I now propose for your debate is that leave be granted to the Minister to withdraw the Bill entitled “The Electoral Commission (Amendment) Bill, 2015”. That is the motion for your debate and the debate starts now. (*Laughter*)

Honourable members, can I put the question to the motion that leave be granted to the minister? I put the question that leave be granted to the minister.

(*Question put and agreed to.*)

**THE DEPUTY SPEAKER:** You can now withdraw your Bill.

8.21

**THE ATTORNEY-GENERAL (Mr Fred Ruhindi):** Mr Speaker, having got the guidance from you and the House, I formally withdraw the Bill entitled “The Electoral Commission (Amendment) Bill, 2015”.

**THE DEPUTY SPEAKER:** Honourable members, the motion is for withdrawal of the Bill entitled “The Electoral Commission (Amendment) Bill, 2015”. I put that question for your debate or I can put the question to that motion now.

I now put the question to that motion that the Bill entitled “The Electoral Commission (Amendment) Bill, 2015”, be withdrawn.

*(Question put and agreed to.)*

*(Bill withdrawn.)*

**THE DEPUTY SPEAKER:** The Bill is withdrawn?

**MR BAKKA:** Mr Speaker, I rise on a point of procedure. A while ago, this House was disturbed with a Constitutional Court ruling which put our colleagues who were representing the various interest groups *–(Interjections)–* yes, absolutely.

In the same vein, our own colleague in this House, hon. Bihande also had issues in the Constitutional Court. It is only right for the country, and particularly this House to get to know his status.

Wouldn’t it be procedurally right for us to get a statement of personal explanation from him? This is in order for us to be able to understand what happened in court?

**THE DEPUTY SPEAKER:** The reason as to why we dealt with the issue of the representation in the House of the special groups was because the matter was raised as a procedural point here. You are now raising this as a procedural point to ask a private member of this House who has not felt it necessary to explain.

This is because a statement of personal explanation is not a command of the House. It is a Member who volunteers information to the House that he needs to make a personal statement. We cannot procedurally or in a way compel a Member to make a statement. If the Member sought for permission from the Speaker that he wants to make a personal statement, then that would be different.

**MR RUHINDI:** Mr Speaker, I would like to take this opportunity to greatly and sincerely thank Members of Parliament and you for this great day. This is the day that the Lord has made –*(Laughter)*– let us rejoice and be glad in it.

I was not quite sure whether we would raise quorum today. I was overwhelmed by the great turn up of the Members of Parliament. I want to thank you sincerely. I was really touched by the submission of hon. Betty Amongi. This is because I realised the calibre of the Members of Parliament we have here. They are extremely intelligent.

I want to thank you –*(Laughter)*– it is on very rare days that I am caught off guard and I have no answers on the Floor of this House. However, I was touched by your contributions and I thank you so much. God bless you.

I wish you, and of course - did I forget the committee? I could not have forgotten the committee. I want to thank the committee with its Chairman, hon. Tashobya, for having handled this work in such a short time and in a record of two to three days. They came up with very clear reports that we have debated. I wish you a good electioneering period. We all hope that we will return to this House in the Tenth Parliament.

8.27

**THE CHAIRPERSON, COMMITTEE ON LEGAL AND PARLIAMENTARY AFFAIRS (Mr Stephen Tashobya):** Thank you very much, Mr Speaker and honourable colleagues, Members of Parliament. As I mentioned, when I was opening my first report, it is only eight days ago when we received these three Bills for consideration.

I would like to thank my colleagues the members of the committee, Members of Parliament and all stakeholders, particularly those that were able to bring their submissions to the committee. I do not think there has been a time in the history of this House, at least for the time I have been a chairman, whereby we have had such enormous amount of work handled in such a short time.

We would like to thank you, Mr Speaker and the management of Parliament for the support you have accorded us. We would like to thank the leadership of parties that have been able to bring in their submission and in very many ways also supported me and my committee in having this work done.

To those that have contributed today, we thank you so much. Learning is a continuous process. I am sure given the time that we had, we gave it the best shot and we hope we have gone a step forward and we have put a brick on the building blocks of bringing democracy in this country. Thank you so much, Mr Speaker and honourable members.

8.28

**THE PRIME MINISTER AND LEADER OF GOVERNMENT BUSINESS (Dr Ruhakana Rugunda):** Mr Speaker, I would like to join the Attorney-General and the chairperson of the committee –

**THE DEPUTY SPEAKER:** Honourable Prime Minister, why don’t we give the chance to the Leader of the Opposition and then you close?

8.29

**THE LEADER OF THE OPPOSITION (Mr Phillip Wafula-Oguttu):** Mr Speaker, thank you very much. Mr Speaker, we seemed to be coming to the end of the electoral reforms and electoral amendments. However, we note that Government is not very interested in having these electoral laws.

They have always said they do not have time. The first time we wanted the amendment in 2010, the Government pleaded there was no time. Again this time round, there was no time. We are making laws when actually the process has started. We have amended the fee for the presidential candidates when they have already picked forms and returned them. We have changed laws in the middle of a process. Smart people do not behave like that *–(Interjections)*

We have behaved in a manner that shows that we are not organised and everything we are doing is in a hurry. I think we should style up as a people and as leaders of this country that we do it properly. We should do things properly according to our laws and Constitution.

It is sad that today we have passed part of the legislation that literally locks out many of our competitors. We have called them jokers. Literally, we have locked them out because that secondary school teacher in Koboko or that councillor in Busia will not be able to raise Shs 3 million to compete with us *–(Interjections)*– that is what we decided as a House.

It is just sad that, that is what we decided and we wanted it on record; One is that Government is not willingly to make laws and secondly that we seemed to be making laws that protect our personal interests not necessarily laws that help the country move forward. Thank you very much.

**THE PRIME MINISTER AND LEADER OF GOVERNMENT BUSINESS (Dr Ruhakana Rugunda):** Thank you, Mr Speaker. As I had said earlier, I would like to thank the House, the Attorney-General and the chairperson of the committee for the good work done.

Secondly, I do not agree with the Leader of the Opposition. This is because in my view, this House has done all the essential business required to conduct a good election for Uganda. *(Applause)* Therefore, Parliament has acquitted itself.

We are aware that there are three pending businesses on electoral reforms but this is an on-going process and when the right time comes, we will deal with that subject matter.

The last comment Mr Speaker, I was amazed by the robust debate in this House today. I was particularly struck by one point; when there was a vote on how much money should be paid by the candidates.

The debate was so honest and it really united the House in many ways; you saw the House divided almost equally, for and against. From both sides; I saw my friend Moses Ali, the deputy Leader of Government Business voting with the Leader of the Opposition –*(Laughter)–* it just showed that the House has been doing serious business and that where the common good of the people of Uganda is concerned, this House has stood very firmly, has been tested and has won. Let us keep it up. Thank you very much.  *(Applause)*

**THE DEPUTY SPEAKER:** Honourable members, this makes me happy to be part of the greatest demonstration of commitment to this country that we have just shown. I am actually humbled by the attendance of Members. It is now 8.30 p.m., and we still have these big numbers in the House.

It will go down in history that when we were tested, we were not found wanting –*(Applause)–* that when duty called, we responded with vigour and accomplished what we must; that we can deliver for this country. The future can only be brighter and it is now my wish and prayer, that the ventures that you are going to go into should deliver good results.

You go with my prayers and I go with your prayers too, that whatever we are going to do should consolidate the gains we have made as a country. We should not waver when it come to the security and stability of this country; we must not waver but stand firm and do everything possible to guarantee the security of our people and our country. By what we do, say and how we do our mobilization; it should be able to promote unity to the rest of the country. I thank you very much and may the blessings that I cannot give; coming from elsewhere, be upon all of you. This House stands adjourned sine die

*(The House rose at 8:36 p.m. and adjourned sine die.)*