

**BILLS
SUPPLEMENT No. 17**

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Bill No. 31 Parliamentary Elections (Amendment) (No. 2) Bill 2015

**THE PARLIAMENTARY ELECTIONS (AMENDMENT) (No. 2)
BILL, 2015.**

MEMORANDUM.

1. Object

The object of this Bill is to amend the Parliamentary Elections Act, 2005 to prescribe the procedure for elections of representatives of the army, youth, workers and persons with disabilities and to provide for related matters.

2. Defects in the existing law

Article 78 (4) of the Constitution, requires Parliament to enact legislation prescribing procedures for election of representatives to Parliament for special interest groups. Parliament prescribed part of the procedure in Part V (section 8) of the Parliamentary Elections Act, 2005 and authorized the Minister responsible for justice to prescribe the rest of the procedure with the approval of Parliament. The Minister, with the approval of Parliament issued the Parliamentary Elections (Special Interest Groups) Regulations, 2001 prescribing the procedure for election of representatives of special interest groups to Parliament.

On 29th September, 2015 the Constitutional Court delivered its Judgment in three consolidated Constitutional Petitions; 37/2010; 40/2010 and 48/2010 filed in 2010. The Constitutional Court declared the Regulations issued by the Minister void since they were not made by Parliament as required by article 78(4) of the Constitution.

In effect, the declaration of the Constitutional Court renders the procedure for the election of representatives of special interest groups incomplete.

3. Remedies

In order to give effect to the judgment of the Constitutional Court, the Bill seeks to amend the Parliamentary Elections Act, 2005 to provide for the procedure for electing representatives of the army, youth, workers and persons with disabilities in Parliament.

The Bill seeks to amend the Parliamentary Elections Act, 2005 to insert new sections 8A, 8B, 8C, 8D, 8E, 8F, 8G, 8H, 8I, 8J, 8K and 8L to specifically provide for the manner and procedure for elections of representatives of the army, youth, workers and persons with disabilities.

KAHINDA OTAFIIRE
MAJ.GEN. (RTD)

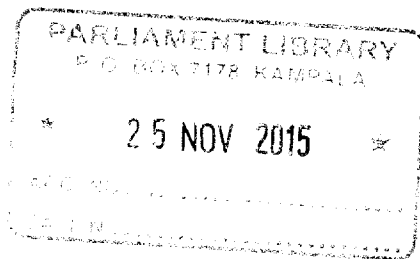
Minister of Justice and Constitutional Affairs.

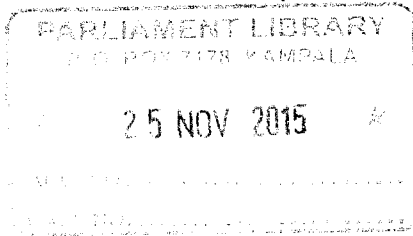
**THE PARLIAMENTARY ELECTIONS (AMENDMENT) (No. 2) BILL,
2015.**

ARRANGEMENT OF CLAUSES.

Clause.

1. Amendment of the Parliamentary Elections Act, 2005.
2. Amendment of section 8 of the principal Act.
3. Insertion of new sections 8A, 8B, 8C, 8D, 8E, 8F, 8G, 8H, 8I, 8J, 8K and 8L.
4. Insertion of new Third and Fourth Schedule to the principal Act.





A Bill for an Act

ENTITLED

**THE PARLIAMENTARY ELECTIONS (AMENDMENT)
(No. 2) ACT, 2015.**

An Act to amend the Parliamentary Elections Act, 2005 to prescribe the procedure for elections of representatives of the army, youth, workers and persons with disabilities; and to provide for related matters.

BE IT ENACTED by Parliament as follows:

1. Amendment of the Parliamentary Elections Act, 2005.

The Parliamentary Elections Act, 2005, in this Act referred to as the principal Act is amended in section 1 (1) by inserting the following definitions in their appropriate alphabetical order—

- (a) “region” means a region specified in the Third Schedule;
- (b) “special interest groups” means the groups referred to in article 78 (1)(c) of the Constitution;
- (c) “youth” means a person aged between eighteen and thirty years of age;.

2. Amendment of section 8 of the principal Act.

Section 8 of the principal Act is amended—

- (a) in subsection (4) (b), by substituting for the words “in a manner prescribed by regulations made by the Minister under section 100”, the words “in accordance with section 8A;”;
- (b) in subsection (4) by substituting for paragraph (c), the following—
 - “(c) the representatives of the youth shall be elected by the district youth councils within each region of representation constituted into an electoral college in accordance with sections 8B to 8E and the woman youth representative shall be elected by a national youth conference in accordance with section 8F;”;
- (c) in subsection (4) (d), by substituting for the words “in a manner prescribed by regulations made by the Minister under section 100”, the words “in accordance with section 8G”;
- (d) in subsection (4) (e), by substituting for the words “in a manner prescribed by regulations made by the Minister under section 100”, the words “in accordance with section 8H”;

3. Insertion of new sections 8A, 8B, 8C, 8D, 8E, 8F, 8G, 8H, 8I, 8J, 8K and 8L.

The principal Act is amended by inserting immediately after section 8, the following new sections—

“8A. Representatives of the Uganda Peoples Defence Forces.

The representatives of the Uganda Peoples’ Defence Forces to Parliament shall be elected by the Uganda Peoples’ Defence Forces Council as follows—

- (a) the Commander-in-Chief shall in consultation with the leadership of the Uganda Peoples Defence Forces or any other persons the Commander-in-Chief considers necessary, submit a list of at least twenty and not more than thirty officers or militants to the Defence Forces Council;
- (b) the Defence Forces Council shall elect the ten representatives of the army from persons nominated by the Commander-in-Chief;
- (c) the Commander-in-Chief shall not nominate a person to the Defence Forces Council unless that person is qualified to be elected a member of Parliament under article 80 of the Constitution and this Act;
- (d) voting by the Defence Forces Council shall be by secret ballot.

8B. Representatives of the youth.

(1) For the purposes of the election of representatives of the youth in Parliament, Uganda shall be divided into four regions namely—

- (a) the Northern Region;
- (b) the Eastern Region;
- (c) the Central Region; and
- (d) the Western Region.

(2) The regions shall each comprise the areas of the districts specified in relation to them in the Third Schedule.

8C. Electoral college within region of representation.

All the members of a District Youth Council within each region shall constitute an electoral college for the election of the representative of the youth in Parliament for that region.

8D. Qualification for election of representatives of the youth.

(1) A person seeking to be elected as a representative of the youth in Parliament shall be aged between eighteen and thirty years and shall also be qualified to be a member of Parliament in terms of article 80 of the Constitution and section 4 of this Act.

(2) Subject to article 80 of the Constitution, and section 4 of this Act, election shall be open to all youth.

8E. Election of representative of youth for each region.

(1) The Commission shall appoint by notice published in the *Gazette* three days within which the electoral college of each region shall meet in their region to elect the representative of the youth for that region.

(2) The nomination of a candidate for election under subsection (1) shall be made on a day appointed by the Commission on a form and in a manner approved by the Commission supported by two registered voters who are members of the electoral college and shall be accompanied by the nomination fee specified to in section 8I.

8F. Woman youth representative in Parliament.

(1) The electoral college for electing the woman representative of the youth in Parliament shall be the National Youth Council constituted in accordance with section 5 of the National Youth Council Act.

(2) The Commission shall by notice published in the *Gazette*, appoint three days within which the electoral college for referred to in subsection (1) shall meet to elect the woman representative of the youth in Parliament.

(3) The nomination of candidates for election under this section shall be made on a day appointed by the Commission and on a form and in a manner approved by the Commission supported by two registered voters who are members of the electoral college and shall be accompanied by the nomination fee specified in section 8I.

8G. Representatives of workers

(1) Four of the five workers' representatives to Parliament shall be elected in accordance with the following formula—

Formula for sharing workers' representatives to Parliament between NOTU and COFTU—

$$\text{NOTU} = \frac{N \times 4}{T}$$

$$\text{COFTU} = \frac{C \times 4}{T}$$

(2) The following shall apply for the interpretation of subsection (3)—

- (a) N = Total verified subscribed members of each affiliated union to NOTU;
- (b) C = Total verified subscribed members of each affiliated union to COFTU;
- (c) T = (N + C) (overall total of verified subscribed members of each affiliated union to NOTU and COFTU); and
- (d) where figures become fractions they shall be corrected to the nearest whole number.

(3) The four representatives of workers in Parliament shall be elected by two electoral colleges of NOTU and COFTU constituted by the Electoral Commission as follows—

- (a) in the case of NOTU, the electoral college shall be constituted by—
 - (i) the Chairman General, Vice Chairman General, Secretary General, Deputy Secretary General, Treasurer General and Deputy Treasurer General of NOTU;

- (ii) the Chairperson, General Secretary and Treasurer of every labour union affiliated to NOTU; and
 - (iii) seven delegates nominated directly to the Electoral Commission by every labour union affiliated to NOTU, at least two of whom shall be women;
- (b) in the case of COFTU, the electoral college shall be constituted by—
- (i) the Chairman General, Vice Chairman General, Secretary General, Deputy Secretary General, Treasurer General and Deputy Treasurer General of COFTU;
 - (ii) the Chairperson, General Secretary and Treasurer of every labour union affiliated to COFTU; and
 - (iii) seven delegates nominated directly to the Electoral Commission by every labour union affiliated to COFTU, at least two of whom shall be women.”;

(4) For the purposes of the elections, the Registrar under the Labour Unions Act, 2006 shall submit to the Electoral Commission a list of the registered labour unions and the federation they are affiliated to.

(5) The woman workers representative shall be elected by an electoral college constituted by the Electoral Commission, comprising all the persons constituting the COFTU and NOTU electoral colleges under sub section (1).

(6) The Commission shall appoint nomination and polling days for election of workers representatives to Parliament.

(7) A union registered within six months before a general election shall not be taken into account by the Electoral Commission for the purposes of electing workers' representatives to Parliament.

(8) For purposes of this section—

“COFTU” means the Central Organisation of Free Trade Unions;

“NOTU” means the National Organisation of Trade Unions.”

8H. Representatives of persons with disabilities.

The representatives of persons with disabilities in Parliament shall be elected in accordance with the National Council for Disability Act, 2003.

8I. Nomination fees.

A candidate for election to Parliament under this Part shall pay a non-refundable nomination fee of one hundred and fifty currency points.

8J. Vacancies not to affect election result.

Any vacancy occurring in any office the holder of which is required to be a member of an electoral college under this Act for the purpose of any election shall not affect the result of the election.

8K. Notification of results.

(1) As soon as the election of a representative of a special interest group is completed under this Act, the returning officer appointed shall notify the Commission of the name of the representative elected in the form specified in the Fourth Schedule to this Act.

(2) The Commission shall, as soon as possible after receiving the results of elections of representatives of special interest groups under subsection (1), publish the results in the *Gazette* and communicate the results to the Clerk to Parliament.

8L. Commission to facilitate elections.

The Commission shall provide reasonable financial and other necessary assistance for purposes of conducting elections under this Part.

4. Insertion of new Third and Fourth Schedules to the principal Act.

The principal Act is amended by inserting immediately after the Second Schedule the following new schedules —

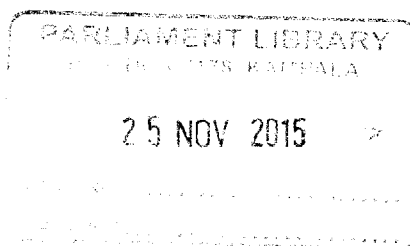
“Third Schedule

Section 8B (2)

REGIONS

(1) Northern Region

1. Arua
2. Maracha
3. Moyo
4. Nebbi
5. Zombo
6. Gulu
7. Nwoya
8. Kitgum
9. Agago
10. Lira
11. Dokolo
12. Lamwo
13. Amuru
14. Alebtong
15. Apac



16. Kole
17. Oyam
18. Otuke
19. Moroto
20. Napak
21. Kotido
22. Kaabong
23. Abim
24. Koboko
25. Adjumani
26. Yumbe
27. Pader
28. Nakapiripirit
29. Amolatar

(2) *Eastern Region*

1. Soroti
2. Ngora
3. Serere
4. Bukedea
5. Amuria
6. Kumi
7. Kapchorwa
8. Kween
9. Bukwo
10. Mbale
11. Bududa
12. Manafwa
13. Tororo
14. Butaleja
15. Jinja
16. Pallisa
17. Kibuku
18. Budaka
19. Iganga

20. Luuka
21. Namutumba
22. Kamuli
23. Buyende
24. Kaliro
25. Katakwi
26. Bugiri
27. Namayingo
28. Busia
29. Mayuge
30. Sironko
31. Bulambuli
32. Amudat
33. Kaberamaido

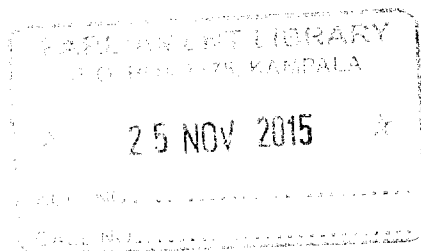
(3) Central Region

1. Kampala City
2. Mukono
3. Buikwe
4. Buvuma
5. Mpigi
6. Gomba
7. Butambala
8. Masaka
9. Kalungu
10. Lwengo
11. Bukomansimbi
12. Kalangala
13. Rakai
14. Lyantonde
15. Mubende
16. Mityana
17. Luwero
18. Nakaseke
19. Kiboga

20. Kyankwanzi
21. Sembabule
22. Nakasongola
23. Kayunga
24. Wakiso

(4) Western Region

1. Kabale
2. Ntungamo
3. Rukungiri
4. Kisoro
5. Mbarara
6. Ibanda
7. Isingiro
8. Kiruhura
9. Bushenyi
10. Mitooma
11. Buhweju
12. Rubirizi
13. Kasese
14. Sheema
15. Bundibugyo
16. Ntoroko
17. Kabarole
18. Hoima
19. Buliisa
20. Masindi
21. Kiryandongo
22. Kibale
23. Kamwenge
24. Kyenjojo
25. Kyegegwa
26. Kanungu.”



Fourth Schedule

Section 8K (1)

DECLARATION OF RESULTS

THE PARLIAMENTARY ELECTIONS ACT, 2005.

To:

The Chairperson Electoral Commission

ELECTION OF SPECIAL INTEREST GROUP REPRESENTATIVES.

WHEREAS elections were held by the to return representatives to Parliament as provided in section 8 of the Parliamentary Elections Act, 2005 and article 78 (1) (c) of the Constitution;

I hereby notify you that the results of the election are that the following candidates are elected—

Name

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

Signed

Returning Officer