

BILLS SUPPLEMENT

to the Uganda Gazette No. 51, Volume CVIII, dated 11th September, 2015.

Printed by UPPC, Entebbe by Order of the Government.

Bill No. 23 *Parliamentary Elections (Amendment) Bill* **2015**

**THE PARLIAMENTARY ELECTIONS (AMENDMENT)
BILL, 2015**

MEMORANDUM

1. Object of the Bill

The object of this Bill is to amend the Parliamentary Elections Act, 2005 to revise the nomination fees payable under the Act; to provide for polling to close at 4.00pm 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.

2. Provisions of the Bill

Clause 1 of the Bill seeks to amend section 8(4)(e) of the Parliamentary Elections Act, 2005 to provide for the four representatives of persons with disabilities to be elected by electoral colleges constituted in accordance with the four traditional regions of Uganda, namely Central, Eastern, Northern and Western regions and for the woman representative to be elected in accordance with the national electoral college constituted under the National Council for Disability Act, 2003. Currently, all the five representatives of persons with disabilities are required to be elected by the national electoral college of persons with disabilities.

Clause 2 of the Bill seeks to amend section 11(3) of the Parliamentary Elections Act, 2005 to revise the nomination fees payable under that section from Shs. 200,000/= to Shs. 1,000,000/= to reflect the changes in the economy since the fees were prescribed in 2005.

Clause 3 seeks to replace section 26 of the Act to provide for the Electoral Commission to fix fresh nomination days where a candidate dies after nomination but before polling day. Currently, section 26 requires the Commission to call for fresh nomination only where there are only two candidates and one of them dies after nomination but before polling day.

Clause 4 seeks to amend section 29(2) to change the time for close of polling from five o'clock to four o'clock in the afternoon. This is necessary to give the Electoral Commission additional time to count, tally, fill the required forms and transmit the results before it gets dark.

Clause 5 of the Bill seeks to amend paragraph (d) of section 30(5) to remove the requirement for the Electoral Commission to dip the thumb of a person who has cast a ballot into indelible ink to indicate that the person has voted. The Bill proposes that due to advances in technology, ink should be applied to the thumb without necessarily dipping the thumb into the ink as one of the ways of indicating that a person has voted.

Clause 6 of the Bill seeks to amend section 38 of the Parliamentary Elections Act, 2005 which empowers the Commission to make special provision for taking the votes of persons in certain institutions and restricted areas, to include medical personnel and persons engaged in electoral activities in order not to disenfranchise persons who are on duty during the polling period.

Clause 7 seeks to amend section 42 of the Parliamentary Elections Act, 2005 to define "deadly weapon" for the purposes of the Act to carry the definition of deadly weapon already provided for in section 286 of the Penal Code Act. Currently, whereas section 42 prohibits the carrying of deadly weapons on polling day, there is no definition of what amounts to a deadly weapon in the Act.

FREDRICK RUHINDI, (MP)
Attorney General
Also holding the portfolio of
Minister of Justice and Constitutional Affairs

Bill No. 23 Parliamentary Elections (Amendment) Bill 2015

THE PARLIAMENTARY ELECTIONS (AMENDMENT) BILL, 2015

ARRANGEMENT OF CLAUSES

Clause

1. Amendment of the Parliamentary Elections Act, 2005.
2. Amendment of section 11 of the principal Act.
3. Replacement of section 26 of the principal Act.
4. Amendment of section 29 of the principal Act.
5. Amendment of section 30 of the principal Act.
6. Amendment of section 38 of the principal Act.
7. Amendment of section 42 of the principal Act.

A Bill for an Act

ENTITLED

**THE PARLIAMENTARY ELECTIONS (AMENDMENT)
ACT, 2015.**

An Act to amend the Parliamentary Elections Act, 2005 to revise the nomination fees payable under the Act; to provide for polling to close at 4.00pm 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.

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 8(4) by substituting for paragraph (e), the following—

“(e) four of the representatives of persons with disabilities shall be elected in accordance with section 31A of the National Council for Disability Act, 2003 by the persons with disability executive committee members of each district constituting an electoral college within each of the central, eastern, northern and western regions of Uganda and the woman representative shall be elected by the national electoral college constituted under that Act.”

2. Amendment of section 11 of the principal Act.

Section 11 of the principal Act is amended in subsection (3) by substituting for the word “ten”, the word “fifty”.

3. Replacement of section 26 of the principal Act.

For section 26 of the principal Act there is substituted the following—

“26. Where a candidate dies.

(1) Where a candidate dies after nominations but before polling day, the commission shall fix fresh nomination days giving such time as the commission thinks reasonable to enable new candidates to be nominated.

(2) Where fresh nomination days are fixed under subsection (1), any candidate previously validly nominated shall not be required to be nominated again.

(3) An election arising out of a postponement effected under subsection (1) shall as far as practicable be conducted in accordance with this Act.”

4. Amendment of section 29 of the principal Act.

Section 29 of the principal Act is amended in subsection (2) by substituting for the word “five”, the word “four”.

5. Amendment of section 30 of the principal Act.

Section 30 of the principal Act is amended in subsection (5) by substituting for paragraph (d), 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 determined by the commission, on the voter’s right hand, marked with or applied with indelible ink as one of the indicators that the voter has cast the ballot.”

6. Amendment of section 38 of the principal Act.

Section 38 of the principal Act is amended by inserting immediately after the word “institutions”, the words, “medical personnel, election officers”.

7. Amendment of section 42 of the principal Act.

Section 42 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.”

Bill No. 23 *Parliamentary Elections (Amendment) Bill*

2015

Cross reference

The Penal Code Act, Cap. 120