

BILLS SUPPLEMENT

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Bill No. 22 *Presidential Elections (Amendment) Bill* **2015**

THE PRESIDENTIAL ELECTIONS (AMENDMENT) BILL, 2015

MEMORANDUM

1. Object of the Bill

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 pm 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 10(6)(b) of the Presidential Elections Act, 2005 to revise the nomination fees payable under that section from Shs. 8,000,000/= to Shs. 20,000,000/= to reflect the changes in the economy since the fees were prescribed in 2005.

Clause 2 seeks to amend section 21(1) to remove the requirement for a candidate to campaign in every district of Uganda. Currently, section 21(1) requires the Electoral Commission to determine the manner and period of campaign. The Electoral Commission is required to ensure that each candidate gives at least one day in each district. This provision was relevant in 2005 when Uganda had fewer districts. The campaign programme of a candidate should not be pegged to appearing in every district anymore, especially where the number of districts keeps increasing and has increased significantly since 2005.

Clause 3 seeks to amend section 22 of the Presidential Elections Act, 2005 to revise the facilitation provided by the Electoral Commission to a candidate as a contribution by the State towards the election activities of that candidate. Currently, the Electoral Commission provides Shs. 20,000,000/= and a vehicle to every candidate. The Bill proposes to increase this amount to Shs. 50,000,000/= and to consolidate the contribution of the State in that amount.

Clause 4 seeks to amend section 30(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 31(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 39 of the Presidential 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 43 of the Presidential 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 43 prohibits the carrying of deadly weapons on polling day, there is no definition of what amounts to a deadly weapon in the Act.

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THE PRESIDENTIAL ELECTIONS (AMENDMENT) BILL, 2015

ARRANGEMENT OF CLAUSES

Clause

1. Amendment of the Presidential Elections Act, 2005.
2. Amendment of section 21 of the principal Act.
3. Amendment of section 22 of the principal Act.
4. Amendment of section 30 of the principal Act.
5. Amendment of section 31 of the principal Act.
6. Amendment of section 39 of the principal Act.
7. Amendment of section 43 of the principal Act.

A Bill for an Act

ENTITLED

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

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 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 pm 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 Presidential Elections Act, 2005.

The Presidential Elections Act, 2005, in this Act referred to as the principal Act is amended in section 10(6)(b), by substituting for the words “four hundred”, the words “one thousand”.

2. Amendment of section 21 of the principal Act.

Section 21 of the principal Act is amended in subsection (1) by repealing the words “giving at least one day in each district”.

3. 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.”

4. 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”.

5. Amendment of section 31 of the principal Act.

Section 31 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 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.”

6. 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 officers”.

7. 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.”

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Cross reference

The Penal Code Act, Cap. 120