

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. 24 *Electoral Commission (Amendment) Bill* **2015**

THE ELECTORAL COMMISSION (AMENDMENT) BILL, 2015

MEMORANDUM

1. Object of the Bill

The object of this Bill is to amend the Electoral Commission Act, Cap 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 to provide for related matters.

2. Defects in the existing law

Section 18A of the Electoral Commission Act requires the commission to transmit a photo-bearing copy of the voters' register to every political party or organization in Uganda. This requirement has cost, storage and handling challenges for the Commission yet some political parties and organization do not collect or use the register.

In addition, section 21, 22 and 23 provide for the commission to appoint registrars and assistant registrars whose duty is to maintain and update the voters' register.

The duties of registrars and assistant registrars are by law limited to registration of voters and maintaining and updating the voters' register yet they may be allocated other duties by the commission in the electoral process.

Sections 31 and 32 provide for the returning officer to appoint and replace assistant returning officers, instead of the Electoral Commission which has the overall and constitutional responsibility of managing electoral activities in Uganda.

3. Remedies

The Bill seeks to provide for the commission to transmit an electronic text based copy of the voters' register without the photographs, to reduce the cost of making the copies of the register available to political parties and organisations.

The Bill seeks to re-designate registrars as district election administrators and to provide for them to maintain and update the voters' register and assist the commission to manage other activities in the electoral process.

The Bill further seeks to remove the appointment of assistant returning officers from returning officers and to vest that power in the Commission.

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THE ELECTORAL COMMISSION (AMENDMENT) BILL, 2015.

ARRANGEMENT OF CLAUSES

Clause

1. Amendment of the Electoral Commission Act.
2. Replacement of section 21 of the principal Act.
3. Replacement of section 22 of the principal Act.
4. Replacement of section 23 of the principal Act.
5. Amendment of section 25 of the principal Act.
6. Replacement of section 30 of the principal Act.
7. Repeal of section 31 of the principal Act.
8. Repeal of section 32 of the principal Act.
9. Amendment of section 33 of the principal Act.

A Bill for an Act

ENTITLED

**THE ELECTORAL COMMISSION (AMENDMENT) ACT,
2015.**

An Act to amend the Electoral Commission Act 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 to provide for related matters.

BE IT ENACTED by Parliament as follows:

1. Amendment of the Electoral Commission Act.

The Electoral Commission Act, in this Act referred to as the principal Act is amended by substituting for section 18A the following—

“18A. Commission to transmit voters register to political parties and organisations

The commission shall, not later than two weeks before polling day, transmit to every political party and organisation and independent candidate taking part in an election, an electronic text based copy of the voters’ register which the commission shall use on polling day.”

2.

2. Replacement of section 21 of the principal Act.

The principal Act is amended by substituting for section 21 the following—

“21. District election administrators.

(1) There shall be a district election administrator for each electoral district in Uganda.

(2) The district election administrator shall be appointed by the commission and shall be a public officer.”

3. Replacement of section 22 of the principal Act.

For section 22 of the principal Act there is substituted the following—

“22. Assistant district election administrators.

(1) There shall be such 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.

(3) An assistant district election administrator shall assist the district election administrator in the performance of his or her duties.”

4. Replacement of section 23 of the principal Act.

For section 23 of the principal Act there is substituted the following—

“23. Duties of district election administrators.

(1) A district election administrator shall, under the supervision of the commission, have charge and custody of the voters’ register for the district.

(2) A district election administrator shall keep the register in the manner and form prescribed by the commission by statutory instrument.

(3) A district election administrator shall perform duties in relation to maintaining and updating the voters' register or to elections as determined by the commission."

5. Amendment of section 25 of the principal Act.

Section 25 of the principal Act is amended by inserting immediately after subsection (2), the following—

"(2a) The commission shall, before the display of the copy of the voters' roll publish in the Gazette and in the print media, a list of all places at which a voters' roll is required to be displayed under this section."

6. Replacement of section 30 of the principal Act.

For section 30 of the principal Act there is substituted the following—

"30. Appointment of returning officers and assistant returning officers.

(1) 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.

(2) The commission shall not appoint a person returning officer or assistant returning officer unless that person is of high moral character and proven integrity.

(3) 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 or she resigns, or unless he or she is removed from office under subsection (4).

(4) The commission may, by notice in the Gazette, remove from office any returning officer or assistant returning officer where the person—

- (a) is appointed by virtue of a public office and the person ceases to hold the public office;

- (b) is incapable, by reason of illness or physical or mental infirmity, of satisfactorily performing his or her duties as returning officer;
- (c) is incompetent;
- (d) is proved to be partial in the performance of his or her duties; or
- (e) has, since his or her appointment, behaved in a corrupt manner in relation to his or her duties as returning officer or assistant returning officer.

(5) Where the office of returning officer or assistant returning officer becomes vacant, the commission shall appoint another officer for that electoral district within fourteen days from the date on which the commission is informed of the vacancy.

(6) Any returning officer who—

- (a) is proved to be partial in the performance of his or her duties; or
- (b) dishonestly demands or accepts any money, gift or other consideration in order to influence him or her in carrying out his or her duties or as a reward for having done or refrained from doing anything in carrying out his or her duties,

commits an offence and is liable on conviction to a fine not exceeding ninety currency points or to imprisonment not exceeding three years or to both.

(7) For the purposes of subsection (4)(e), a person shall be taken to have behaved in a corrupt manner in relation to his or her duties if he or she commits any act of dishonesty in connection with his or her duties, whether or not it constitutes a criminal offence.”

7. Repeal of section 31 of the principal Act.

Section 31 of the principal Act is repealed.

8. Repeal of section 32 of the principal Act.

Section 32 of the principal Act is repealed.

9. Amendment of section 33 of the principal Act.

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

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