

**BILLS SUPPLEMENT**

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**Bill No. 7**      *Local Governments (Amendment) Bill*

**2012**

**THE LOCAL GOVERNMENTS (AMENDMENT) BILL, 2012.**

**MEMORANDUM.**

1. The object of this Bill is to amend the Local Governments Act, Cap.243; to abolish county councils; to provide for the transmission of an electronic version of the paper copy of the voters' register to registered political parties and organisations in the case of local council elections; publication in the Gazette of polling stations and the posting of the relevant parts of the voters register on notice boards in every parish; to provide for appointment of tribunals for village and parish elections and for related matters.
2. The proposal to abolish county councils is intended to avoid duplication and costs since district councils cover the same area as county councils.
3. At present section 18A of the Electoral Commission Act, Cap.140 requires the Electoral Commission to transmit to registered political parties and organisations taking part in an election electronic copies of the voters' register and also an updated paper copy of the register containing photographs of the voters to be used on polling day, two weeks before polling day. Compliance with this requirement has proved almost impossible and very costly to the taxpayers.
4. It has therefore become necessary to reduce the burden imposed by requiring in the Bill the transmission of only the electronic version in the case of local council elections and in particular in the case of election of local councils to dispense with photographs. See clause 6 of the Bill.

A Bill for an Act

ENTITLED

**THE LOCAL GOVERNMENTS (AMENDMENT) ACT, 2012**

**An Act to amend the Local Governments Act to abolish county councils, to provide for the transmission of an electronic version of the paper copy of the voters register to registered political parties and organisations in the case of local council elections to provide for the publication of the voters register in the Gazette and the posting of relevant parts of the voters register on notice boards in every parish; to provide for appointment of tribunals for village and parish elections and for related matters.**

BE IT ENACTED by Parliament as follows:

**1. Amendment of the Local Governments Act, Cap. 143.**

The Local Governments Act, in this Act referred to as the principal Act is amended in section 45 by substituting for subsection (2) the following--

“(2) There shall be a council at each level of the administrative unit except in the case of a county”.

5. At present section 18A of the Electoral Commission Act, Cap.140 requires the publication in the Gazette and in the print media of polling stations and list of places at which voters' registers are required to be displayed.
6. Compliance with this provision imposes heavy costs on the taxpayer. It is therefore proposed in the Bill that in the case of local council elections the publication should be limited to publication in the Gazette and that the requirement of publication in the print media be dispensed with but to require that the Electoral Commission should post notices on notice boards in every parish the part of the voters register relating to the parish (See proposed section 101B).
7. At present section 159(d) of the Local Governments Act, Cap.243 is to the effect that all registered voters in the village comprise the tribunal to determine objections under section 25(5) of the Electoral Commission Act, Cap.140. This makes the determination of objections expensive and unaffordable. The more serious objection is that the members of the tribunal are likely to have a conflict of interest since they have an interest in the matter to be determined, if they themselves or persons they support are standing for election.

HON. ADOLF MWESIGE,  
*Minister of Local Government.*

- (b) the Electoral Commission shall provide, as soon as practicable after nomination but before polling day an updated electronic version of the paper copy of the voters' register to political parties and organizations participating in the local council elections;
- (c) for the avoidance of doubt the voters' register in respect of local council elections shall not require photographs.

**101B Publication of voters register in the Gazette and posting of relevant parts of the register on notice boards in every parish.**

Notwithstanding section 33 of the Electoral Commission Act, in the case of local council elections, the Electoral Commission shall—

- (a) publish the voters register in the Gazette;
- (b) cause to be posted on notice boards in every parish that part of the voters register relating to that parish”.

**7. Amendment of section 159A of the principal Act.**

Section 159A of the principal is amended by—

- (a) repealing the words ‘and county’.
- (b) substituting for paragraph (d) the following—
  - “(d) in the case of village and parish electons, objections shall be decided by the tribunal appointed under section 25 (5) of the Electoral Commission Act”.
- (c) by repealing paragraph (e) and
- (d) in paragraph (f) (i) by repealing the word ‘village’.

**2. Amendment of section 46 of the principal Act.**

Section 46 of the principal Act is amended—

- (a) in subsection (1) by repealing paragraph(a);
- (b) in subsection (2) by repealing paragraph (a).

**3. Amendment of section 47 of the principal Act.**

Section 47 of the principal Act is amended—

- (a) in the headnote by repealing the words ‘county chairperson’; and
- (b) by repealing subsection (1).

**4. Amendment of section 48 of the principal Act.**

Section 48 of the principal Act is amended—

- (a) by repealing paragraph (b);
- (b) in paragraph (c) by repealing the words ‘county and’.

**5. Amendment of section 50 of the principal Act.**

Section 50 of the principal Act is amended in paragraph (a) by repealing the words ‘county and’ and ‘country or’

**6. Insertion of new sections 101A and 101B.**

The principal Act is amended by inserting immediately after section 101 the following—

**“101A Transmission of voters register to political parties and organizations.**

(1) Notwithstanding section 18A of the Electoral Commission Act—

- (a) the Electoral Commission shall not be required to provide paper copies of the voters’ register to registered political parties and organisations in the case of local council elections;

**8. Amendment of section 161A of the principal Act**

Section 161A of the principal Act is amended by repealing the words ‘and county’.

**9. Amendment of section 162 of the principal Act**

Section 162 of the principal Act is amended—

- (a) in the headnote, by repealing ‘and county’;
- (b) in subsection (1) by repealing the words ‘or county’;
- (c) in subsection (2) by repealing the words ‘or in the case of a county, unless the members of the executive committees of at least half or the sub counties in the county are present’

**10. Replacement of section 168 of the principal Act.**

For section 168 of the principal Act there is substituted the following—

**“168 Election petition for a village or parish**

An election petition relating to elections at a village or parish shall be filed in the magistrate grade 1 court having jurisdiction in that constituency”.

**11. Amendment of the Seventh Schedule to the principal Act**

The Seventh Schedule to the principal Act is amended in form EC11, in the title of the form, by repealing the word ‘county’.

**8. Amendment of section 161A of the principal Act**

Section 161A of the principal Act is amended by repealing the words ‘and county’.

**9. Amendment of section 162 of the principal Act**

Section 162 of the principal Act is amended—

- (a) in the headnote, by repealing ‘and county’;
- (b) in subsection (1) by repealing the words ‘or county’;
- (c) in subsection (2) by repealing the words ‘or in the case of a county, unless the members of the executive committees of at least half or the sub counties in the county are present’

**10. Replacement of section 168 of the principal Act.**

For section 168 of the principal Act there is substituted the following—

**“168 Election petition for a village or parish**

An election petition relating to elections at a village or parish shall be filed in the magistrate grade 1 court having jurisdiction in that constituency”.

**11. Amendment of the Seventh Schedule to the principal Act**

The Seventh Schedule to the principal Act is amended in form EC11, in the title of the form, by repealing the word ‘county’.