



Bill No. 23 Electoral Commission (Amendment) Bill.....2009

THE ELECTORAL COMMISSION (AMENDMENT) BILL, 2009

MEMORANDUM

1. The object of this Bill is to amend the Electoral Commission Act, 2005—

- (a) to provide for the tenure of office of the Secretary of the Commission. Currently the Secretary is a public officer appointed by the Commission in consultation with the Public Service Commission. The rationale is to promote accountability and independence of the Commission;
- (b) to reduce the period of display of the voter's roll for a general election from twenty one days to fifteen days and to provide for six days during which any objections or complaints to the inclusion or deletion of names as recommended by the tribunal or any necessary corrections may be raised or filed;
- (c) in case of a by-election, to require the Commission to display the voters register for ten days and in addition to allow a period of six days during which objections or complaints in relation to names included or deleted from the voters roll or in relation to any necessary corrections, shall be raised or filed;
- (d) to require returning officers to appoint a tribunal comprising members not being public officers to determine objections received by them; and

(e) to require duplicate voters' cards to be issued at least ninety days before polling day. The provision as it is now is self defeating and makes the issue of duplicate cards impracticable. At present, section 27 provides that no person shall issue a voters card to any person on polling day or within seven days before polling day. It means a voter can ask for a voter's card within eight days before polling day which is not practicable.

2. The amendment under paragraph 1(d) above arises out of a ruling in Constitutional Court Petition No. 21 of 2006 (Rubaramira Ruranga V Electoral Commission) to the effect that the tribunal as constituted under the existing law is not impartial since most of the members are appointed by the State raising the issue of conflict of interest.

HON. (DR) E. KHIDDU MAKUBUYA (MP),
Attorney General and Minister of Justice and Constitutional Affairs.

A Bill for an Act

ENTITLED

**THE ELECTORAL COMMISSION (AMENDMENT) ACT,
2009**

An Act to amend the Electoral Commission Act to provide for the tenure of office of the Secretary to the Commission; to reduce the period of display of voters roll for a general election from twenty one days to fifteen days; to provide for six days for the display of the recommendations from the tribunal during which any objections or complaints in relation to the names included and deleted from the voter's roll or in relation to any necessary corrections shall be raised or filed; to require that the members of the tribunal to be appointed by the Commission to determine objections shall not be public officers; to prohibit the Electoral Commission from issuing a duplicate voters card on polling day or within ninety days before polling day; and for related matters.

BE IT ENACTED by Parliament as follows:

1. Amendment of section 5 of the Electoral Commission Act
Section 5 of the Electoral Commission Act, in this Act referred to as the principal Act is amended by inserting immediately after subsection (3) the following—

“(3a) The Secretary shall hold office for a term of five years renewable for one more term only.”

2. Amendment of section 25 of the principal Act

Section 25 of the principal Act is amended as follows—

(a) by substituting for subsection (1) the following—

“(1) Before any general election is held, the Commission shall, by notice in the *Gazette*, appoint a period of not less than fifteen days during which a copy of the voter's roll for each parish or ward shall be displayed for public scrutiny.”

(b) by inserting immediately after subsection (1) the following—

“(1a) In addition to the fifteen days referred to in subsection (1), the Commission shall allow a period of six days during which any objections or complaints in relation to the names recommended by the tribunal to be included or deleted from the voters roll or in relation to any necessary corrections shall be raised or filed.

(1b) In the case of a by-election, the Commission shall display the voters roll for a period of ten days and in addition shall allow a period of six days for the display of the recommendations from the tribunal during which any objections or complaints in relation to the names included or deleted from the voters roll or in relation to any necessary corrections shall be raised or filed”.

(c) by substituting for subsection (5) the following—

“(5) The returning officer shall appoint a tribunal comprising five members, not being public officers, to determine objections received by him or her under subsection (4) including two elders; one female and the other male and the other three shall be representatives nominated from political parties or organisations by the National Consultative Forum”; and

(d) by substituting for subsection (6) the following—

“(6) In this section “an elder” means a person of sixty years of age or above.”

3. Amendment of section 27 of the principal Act

Section 27 of the principal Act is amended by substituting for subsection (3) the following—

“(3) The Electoral Commission shall not issue a duplicate voters card to a voter on polling day or within ninety days before polling day”.