

ACTS SUPPLEMENT

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Act 9 *Electoral Commission (Amendment) Act* **2020**

THE ELECTORAL COMMISSION (AMENDMENT) ACT, 2020

ARRANGEMENT OF SECTIONS

Section

1. Amendment of Cap. 140.
2. Amendment of section 18A of principal Act.
3. Amendment of section 21 of principal Act.
4. Amendment of section 22 of principal Act.
5. Amendment of section 23 of principal Act.
6. Amendment of section 27 of principal Act.
7. Amendment of section 30 of principal Act.
8. Repeal of section 31 of principal Act.
9. Repeal of section 32 of principal Act.

**THE ELECTORAL COMMISSION (AMENDMENT)
ACT, 2020**

An Act to amend the Electoral Commission Act, Cap. 140 to provide for the use of technology in the management of elections; to re-designate registrars as district election administrators; to provide for the appointment of assistant returning officers by the commission; to require the commission to publish in the Gazette, places at which voters' registers and polling stations are to be displayed and to align the Electoral Commission Act with the Constitution as amended by the Constitution (Amendment) Act, 2018.

DATE OF ASSENT: 17th June, 2020.

Date of Commencement: 27th July, 2020.

BE IT ENACTED by Parliament as follows:

1. Amendment of Cap. 140.

The Electoral Commission Act, in this Act referred to as the principal Act, is amended in section 12 by inserting immediately after subsection (1) the following—

- “(1a) The commission may, in the exercise of its powers under subsection (1), adopt technology in the management of elections.

- (1b) Notwithstanding the general effect of subsection (1a), the commission shall put in place an electronic display system at every tallying center on which the votes being tallied shall be displayed to the general public.
- (1c) The Minister shall, in consultation with the commission, by statutory instrument, make regulations prescribing the manner in which technology will be used in the management of elections.
- (1d) The statutory instrument referred to in subsection (1c) shall be laid before Parliament for information."

2. Amendment of section 18A of principal Act.

Section 18A of the principal Act is amended by inserting at the end of the section the following—

"or in the case of a by-election, at least three days before polling day."

3. Amendment of section 21 of principal Act.

Section 21 of the principal Act is amended by substituting for the word "registrar" wherever it appears in that section, the words "district election administrator".

4. Amendment of section 22 of principal Act.

Section 22 of the principal Act is amended—

- (a) in subsection (1)—
 - (i) by substituting for the word "constituency" the word "district";
 - (ii) by substituting for "assistant registrar" in paragraph (a) the words "assistant district election administrator"; and
- (b) in subsection (3), by substituting for the words "assistant registrar" the words "assistant district election administrator".

5. Amendment of section 23 of principal Act.

Section 23 of the principal Act is amended by substituting for the word “registrars” or “district registrar” wherever the words appear in that section, the words “district election administrators” or “assistant district election administrator”, respectively.

6. Amendment of section 27 of principal Act.

Section 27 of the principal Act is amended in subsection (1) by substituting for the words “seven days” the words “thirty days”.

7. Amendment of section 30 of principal Act.

Section 30 of the principal Act is amended—

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

“(1) The commission shall, by notice in the Gazette, appoint a returning officer and an assistant returning officer for each electoral district and for elections for special interest groups.

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

“(1a) A person appointed under subsection (1) shall be of high moral character and proven integrity;”

(1b) Notwithstanding subsection (1), the commission may, by notice in the Gazette, appoint a returning officer and an assistant returning officer for a municipality, city division or any other area in an electoral district as the commission may determine.

(1c) For purposes of subsection (1), “special interest groups” means representatives of the army, youth, workers, persons with disabilities and such other groups

as Parliament may determine in accordance with article 78(1)(c) of the Constitution.”;

- (c) in subsections (2), (3), (4) and (5), by inserting immediately after the words “returning officer” wherever the words appear, the words “or an assistant returning officer;” respectively;
- (d) by inserting immediately after subsection (2) the following—

“(2a) The commission shall, by notice in the Gazette, appoint a returning officer and an assistant returning officer to be responsible for the election of representatives of special interest groups.

(2b) Where a returning officer vacates office in accordance with subsection (2), the assistant returning officer shall perform the functions of returning officer until a returning officer is appointed in accordance with subsection (4).

(2c) A returning officer may, in writing, delegate any of his or her duties to the assistant returning officer.”;

- (e) by substituting for subsection (3)(b) the following—

“(b) is transferred from the district for which he or she was appointed;”;
- (f) by inserting immediately after paragraph (f), the following—

“(g) has been found in an election petition judgment to have participated in election irregularities, illegal practices or participated in the commission of an election offence.”; and

- (g) by inserting immediately after subsection (6) the following—

“(7) Where in any election petition, the court finds the commission to have committed an election irregularity or an illegal practice and awards compensation to the successful party, a returning officer who is found to be personally liable for that election irregularity or illegal practice shall pay a portion of the compensation, as may be determined by court.”

8. Repeal of section 31 of principal Act.

Section 31 of the principal Act is repealed.

9. Repeal of section 32 of principal Act.

Section 32 of the principal Act is repealed.