

BILLS SUPPLEMENT

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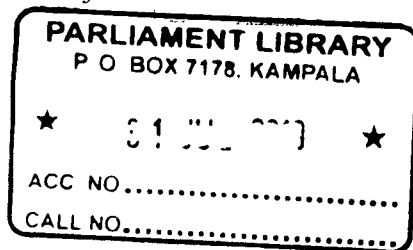
Bill No. 21 *Local Governments (Amendment) Bill* **2019**

THE LOCAL GOVERNMENTS (AMENDMENT) BILL, 2019

MEMORANDUM

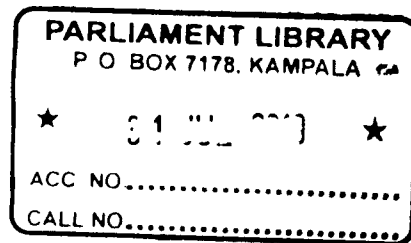
The purpose of this Bill is to amend the Local Governments Act, Cap. 243 to provide for the creation of local government and magistrate units at least two years before the due date for the next general elections; to provide for the demarcation of electoral areas; to prescribe the manner of conducting campaigns; to bar persons not ordinarily resident in a local government area from contesting for councilor for that area; to provide for the procedure for commencement of polls at each polling station and to align the Local Governments Act with the provisions of the Constitution as amended by the Constitution (Amendment) Act, 2018.

MAJ. GEN (RTD) KAHINDA OTAFIIRE,
Minister of Justice and Constitutional Affairs.



THE LOCAL GOVERNMENTS (AMENDMENT) BILL, 2019**ARRANGEMENT OF CLAUSES***Clause*

1. Amendment of Cap. 243.
2. Amendment of section 10 of principal Act.
3. Amendment of section 12 of principal Act.
4. Amendment of section 23 of principal Act.
5. Amendment of section 108 of principal Act.
6. Amendment of section 111 of principal Act.
7. Amendment of section 116 of principal Act.
8. Insertion of new sections 119B, 119C and 119D in principal Act.
9. Amendment of section 122 of principal Act.
10. Repeal of section 127 of principal Act.
11. Amendment of section 128 of principal Act.
12. Amendment of Part XII of principal Act.
13. Amendment of Seventh Schedule to principal Act.



A Bill for an Act

ENTITLED

THE LOCAL GOVERNMENTS (AMENDMENT) BILL, 2019

An Act to amend the Local Governments Act, Cap.243 to provide for the creation of local government and magistrate units at least two years before the due date for the next general elections; to provide for the demarcation of electoral areas; to prescribe the manner of conducting campaigns; to bar persons not ordinarily resident in a local government area from contesting for councilor for that area; to provide for the procedure for commencement of polls at each polling station and to align the Local Governments Act with the provisions of the Constitution as amended by the Constitution (Amendment) Act, 2018.

BE IT ENACTED by Parliament as follows—

1. Amendment of Cap. 243.

The Local Governments Act, in this Act referred to as the principal Act, is amended in section 7—

- (a) in subsection (2a) by inserting immediately after the word “Minister” the words “in consultation with the Minister responsible for finance”;

(b) in subsection (3A), by inserting immediately after the word “Minister” the words “in consultation with the Minister responsible for finance”;

(c) by substituting for subsection (4) the following—

“(4) A district may, with the approval of the Minister after consultation with the Minister responsible for finance, within its area of jurisdiction, at the request of or in consultation with the relevant municipal council, alter the boundaries of or create a new municipal division council.”;

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

“(5) A district council may, with the approval of the Minister after consultation with the Minister responsible for finance, within its area of jurisdiction at the request of or in consultation with the relevant subcounty councils, alter the boundaries of or create a new subcounty.”;

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

“(6) A subcounty or city division council may, within its area of jurisdiction, with the approval of the district or city council and at the request of or in consultation with the relevant parishes or wards, and with the approval of the Minister after consultation with the Minister responsible for finance, alter the boundaries of or create a new parish or ward.”; and

(f) by substituting for subsection (9A) the following—

“(9a) Notwithstanding anything in this section, the Electoral Commission shall not hold elections, in

a local government or administrative unit created after the general elections, until the next general elections.”

2. Amendment of section 10 of principal Act.

The principal Act is amended in section 10(1) by substituting for paragraph (e) the following—

“(e) women councillors forming one-third of the council, such that the councillors elected under paragraphs (b), (c), (d), (f) and (fa) shall form two-thirds of the council;”.

3. Amendment of section 12 of principal Act.

The principal Act is amended in section 12 by repealing subsection (2) (b).

4. Amendment of section 23 of principal Act.

Section 23 of the principal Act is amended by inserting immediately after subsection (6) the following subsection—

“(6a) The women councillors forming one-third of the council referred to in subsections (1), (2), (3), (4) and (5) shall include the councillors representing older persons.”

5. Amendment of section 108 of principal Act.

Section 108 of the principal Act is amended—

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

“(1) Subject to article 181 of the Constitution, the commission shall demarcate local government electoral areas in such a manner that the number of inhabitants in the electoral area is approximately—

(a) one hundred thousand in the case of a city;

- (b) thirty thousand in the case of a district;
- (c) fifteen thousand in the case of a municipality or city division;
- (d) seven thousand in the case of a municipal division or town; and
- (e) twelve thousand in the case of a subcounty.”

6. Amendment of section 111 of principal Act.

Section 111 of the principal Act is amended—

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

“(b) is ordinarily resident in that district or city;

- (b) by repealing subsection (3) (c);

- (c) by substituting for subsection (4)(b) the following—

“(b) is ordinarily resident in the municipality, town, division, or subcounty;

- (d) by repealing subsection (4) (c).

7. Amendment of section 116 of principal Act.

Section 116 of the principal Act is amended—

- (a) in subsection (2) by inserting immediately after paragraph (e) the following—

“(f) is not ordinarily resident in that local government area.”; and

- (b) by inserting immediately after subsection (5) the following—

“(5a) Subsection (5) does not apply to persons representing workers.”

8. Insertion of new sections 119B, 119C and 119D in principal Act.

The principal Act is amended by inserting immediately after section 119A the following—

“119B. Eligibility to stand as independent candidate.

(1) A person is eligible to stand for election as an independent if that person is not a member of a registered political party or organisation—

- (a) having ceased to be a member of a political party or organisation twelve months before nomination day; or
- (b) having never been registered as a member of a political party or organisation.

(2) An independent candidate shall be taken to have ceased to be a member of a political party or organisation under subsection (1) (a), if that person has complied with the constitution, rules and regulations of the political party or organisation to which he or she belonged, that relate to cessation of membership of that political party or organisation and was properly discharged by the political party or organisation.

119C. Funding for elections.

(1) A candidate or candidate’s agent shall declare to the commission, within fourteen days after the date of nomination, the source of funds for financing his or her election.

(2) A candidate or a candidate’s agent shall not—

- (a) obtain, solicit or receive any financial or other assistance from any foreign Government, institution, body or person which or who has demonstrated an intention to overthrow the lawfully established Government of Uganda, or to endanger the security of Uganda;

- (b) obtain, solicit or receive any financial or other assistance from an organisation which has been declared a terrorist organisation under the Anti-Terrorism Act, 2002; or
- (c) employ for the purposes of his or her campaign, any financial or other assistance from any Government, institution, body or person described in paragraph (a) or from an organisation referred to in paragraph (b).

(3) A candidate or candidate's agent who contravenes this section, commits an offence and is liable, on conviction, to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years or both.

(4) Without prejudice to any other penalty imposed by the court under this Act, any money or other assistance obtained by a candidate contrary to this section shall be forfeited to the State by order of the court convicting a person under subsection (3).”

119D. Allocation of symbols and colours.

(1) Where a candidate is sponsored by a registered political party or organisation, the Electoral Commission shall, after nomination, allocate to the candidate, the symbol of his or her political party or organisation.

(2) The Electoral Commission shall allocate to an independent candidate a symbol and colour chosen by the candidate from among colours and symbols approved by the Electoral Commission for the purposes of the election.

(3) A person shall not be allocated a symbol or colour which has tribal or religious affiliation or any other sectarian connotation.”

9. Amendment of section 122 of principal Act.

The principal Act is amended by substituting for section 122 the following—

“122. Candidates meetings.

(1) A candidate may hold individual public campaign meetings in any part of the local government electoral area for which the candidate seeks an election, between seven o'clock in the forenoon and six o'clock in the afternoon.

(2) Every candidate shall give a copy of his or her campaign programme to the returning officer and the returning officer shall ensure that campaign meetings by different candidates do not coincide.

(3) The returning officer shall forward a copy of every campaign programme submitted under subsection (2) to the Electoral Commission.

(4) The returning officer may, after consultation with all the candidates, organise one or more joint candidates' campaign meetings for those candidates who consent to hold such a meeting.

(5) A candidate or a candidate's agent authorised in writing by the candidate to do so, may hold a consultative meeting with the candidate's campaign agents for the purposes of planning and organising the candidate's election campaign.

(6) A candidate shall not hold any public campaign meeting under subsection (1) except in accordance with the programme submitted by the candidate to the returning officer under subsection (2).

(7) A candidate's agent may conduct campaign meetings on behalf of the candidate and otherwise conduct any campaign which the candidate is allowed to hold under this Act.

(8) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.”

10. Repeal of section 127 of principal Act.

Section 127 of the principal Act is repealed.

11. Amendment of section 128 of principal Act.

Section 128 of the principal Act is amended—

- (a) by substituting for subsection (8), the following—

“(8) The presiding officer at each polling station shall, at the commencement of the poll, in the presence of at least five voters registered to vote at the polling station, open the first ballot box, turn it upside down with the open top facing down to ensure to the satisfaction of the voters present, that the ballot box is devoid of any contents and shall thereafter place the ballot box on the table in accordance with subsection (5)(d); and where more than one ballot box is used after the first is filled, the same procedure shall be followed in the full view of everyone present, prior to the placing on the table, of any additional ballot box.”; and

- (b) by inserting immediately after subsection (8) the following—

(8a) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding twenty-four currency points or imprisonment not exceeding one year or both.”

12. Amendment of Part XII of principal Act.

The principal Act is amended—

- (a) by repealing the title to Part XII; and
- (b) by repealing sections 180 to 187.

13. Amendment of Seventh Schedule to principal Act.

The Seventh Schedule to the principal Act is amended in Part 1 by repealing paragraph 2 of Form EC 2.

Cross Reference

The Anti-Terrorism Act, 2002, Act No.14 of 2002.

