



THE REPUBLIC OF UGANDA

MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS

PRESS STATEMENT

GOVERNMENT POSITION ON THE ELECTORAL LAW REFORMS

On 25th July 2019, the Electoral Law Reform Bills were tabled before Parliament for 1st reading. The Bills are-

- The Presidential Elections (Amendment) Bill, 2019.
- The Parliamentary Elections (Amendment) Bill 2019,
- The Electoral Commission (Amendment) Bill, 2019.
- The Local Government (Amendment) Bill, 2019.
- The Political Parties and Organisations (Amendment) Bill, 2019.

The Bills contain proposed electoral reforms received from various stakeholders, including the Electoral Commission, the National Planning Authority, the National Consultative Forum, Interparty Organisation for Dialogue (IPOD), the Citizen's Coalition for Electoral Democracy in Uganda and the European Union in its Election Observation Mission Report of the Uganda Presidential, Parliamentary and Local Council Elections dated 18th February 2016.

The five Bills as tabled before Parliament also give effect to the recommendations of the Supreme Court in the case of *Hon. Amama Mbabazi Vs H.E Yoweri Kaguta Museveni and others Election Petition No.1 of 2016*. These are specifically contained in clause 1, 7, and 13 of the Presidential Elections (Amendment) Bill, 2019 and clause 2 of the Electoral Commission (Amendment) Bill, 2019. These reforms are in addition to the recommendations that Parliament handled under the Constitution (Amendment) Act, 2018.

Since 25th July 2019 when the Electoral Bills were tabled before Parliament, there have been a number of misrepresentations on the contents of the Bill arising from the failure to carefully read and comprehend the provisions of the Bills or intentionally made to misinform the public by way of politicking and concocting

provisions which do not form part of the Bills presented before Parliament by Government.

Among the provisions are-

- (a) early voting by soldiers and other security personnel;
- (b) prohibition on use of cameras or cell phones at polling stations;
- (c) prohibition of independent members from forming an alliance with registered political parties or organisation; and
- (d) restricting the declaration of elections results to the presence of five voters only.

From the Bills tabled before Parliament, there is no single provision in the Bills that has a direct or indirect expression as to early voting by soldiers and other security personnel; prohibition on use of cameras or cell phones at a polling station; and prohibition of independent members from forming an alliance with registered political parties or organisations. These are mere concoctions maliciously made for other political motives.

As to restricting the declaration of elections results to the presence of five voters only, **this proposal does not appear anywhere in the Bills presented before Parliament.** What is provided for in the proposed Bills with the expression of "five voters" appears in clause 4 (c) of the Parliamentary Elections (Amendment) Bill, 2019 amending section 30 (8) on the polling and polling procedure. The proposal is only meant to clarify that verification that a ballot box is devoid of any contents before the commencement of the polling should be witnessed by at least a minimum of five voters registered to vote at a polling station.

The facts that have been misrepresented include-

- (a) failure to address the Supreme Court recommendations in the case of Hon. Amama Mbabazi Vs H.E Yoweri Kaguta Museveni and others Election Petition No. 1 of 2016; and
 - (b) independent members forming alliances with political parties or organisations.
1. On the failure to address the Supreme Court recommendations in the case of *Hon. Amama Mbabazi Vs H.E Yoweri Kaguta Museveni and others; Election Petition No. 1 of 2016* as earlier indicated above, all the recommendations of the Supreme Court are addressed in the Bills specifically contained in clause 1, 7 and 13 of the Presidential Elections (Amendment) Bill, 2019 and in clause

2 of the Electoral Commission (Amendment) Bill, 2019, these are in addition to the recommendations that Parliament handled under the Constitution (Amendment) Act, 2018.

2. On the prohibition of independent members forming alliances with political parties or organisation, clause 6 of the Parliamentary Elections (Amendment) Act, 2019 which seeks to amend section 84 of the principal Act by inserting subsection (4) clearly states that-

“(4) A person elected to Parliament as an independent candidate may form an alliance with a registered political party or organisation, but the forming of an alliance shall not be construed as joining that political party or organisation, within the meaning of subsection (1) (h).”

The above proposed amendment does not in any way prohibit independent members forming alliances with political parties or organisation. It only regulates the relationship of the independent member and the political party or organisation within the ambit of the Constitution, specifically article 29 on freedom of association and article 83 (2a) on an independent member joining a political party or organisation.

Conclusion

The purpose of this statement, therefore, is to inform and clarify to the general public that the ongoing discussions by various media houses and social media concerning the Electoral Reform Bills that were tabled before parliament on the 25th July 2019 are factually incorrect.



William Byaruhanga
ATTORNEY GENERAL