

20. Amendment of section 97 of the principal Act

Section 97 of the principal Act is amended by repealing subsection (2).

21. Amendment of section 111 of the principal Act

Section 111 of the principal Act is amended—

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

“(1) All elections at local government and administrative unit levels shall be by secret ballot using one ballot box for all candidates at each polling station”;

(b) by repealing subsection (2);

(c) by inserting immediately after subsection (3) the following—

“(3a) For the purposes of subsection (3)(e), any of the following persons wishing to stand for election as a district chairperson shall establish his or her qualification with the Commission as a person holding a minimum qualification of Advanced Level or its equivalent at least two months before nomination day in the case of a general election, and two weeks in the case of a by-election—

(i) persons whether their qualification is obtained from Uganda or outside Uganda, who are claiming to have their qualification accepted as equivalent to advanced level education;

(ii) persons claiming to have advanced level qualifications obtained from outside Uganda;

(iii) persons claiming to have academic degrees which were obtained outside Uganda.

(3b) A person required to establish his or her qualification under subsection (3a) shall do so by the production of a certificate issued to him or her by the National Council for Higher Education in consultation with the Uganda National Examinations Board.

Act *Local Governments (Amendment) Act* **2005**

(3c) A person who claims to possess a qualification referred to in subsection (3a) (iii) of this section shall, before the issue of the certificate prove to the satisfaction of the National Council for Higher Education that admission to that qualification was obtained on the basis of Advanced Level Standard of Education or its equivalent.

(3d) For the avoidance of doubt, if a candidate has an advanced level certificate obtained in Uganda or qualifications higher than the prescribed qualification obtained in Uganda or obtained from the former University of East Africa or any of its constituent colleges, then there shall be no need for the verification of his or her qualifications by the National Council of Higher Education.

(3e) The Commission shall not accept for the purposes of this section a statutory declaration or affidavit as evidence of an academic qualification required by this section.”

22. Amendment of section 116 of the principal Act

Section 116 of the principal Act is amended by substituting for subsections (3), (3a), (4) and (5) the following—

“(3) Under the movement political system a person elected a chairperson or member of a local government executive committee when holding a public office shall resign the public office before assuming the office of chairperson or a member of the executive committee.

(4) Under the movement political system a person holding a public office who wishes to be a candidate for a local government office or councillor under this Act shall apply for annual leave or leave without pay at least fourteen days before nominations commence.

(5) Under the multi party political system, a public officer, a person employed in any government department or agency of the government, an employee of a local government or an

Act *Local Governments (Amendment) Act* **2005**

employee of a body in which government has a controlling interest, who wishes to stand for election to a local government office shall resign his or her office at least thirty days before nomination day in accordance with the procedure of the service or employment to which he or she belongs.

(6) For the avoidance of doubt—

- (a) a public officer employed by a local government shall not be a councillor of that local government or another local government or lower local government”.
- (b) a person referred to in subsection (5) is not required to resign his or her office if elected to an administrative unit at village, parish or ward level”.

23. Amendment of section 118 of the principal Act

Section 118 of the principal Act is amended by inserting immediately after subsection (2) the following—

“(2a) Councillors representing the elderly shall be elected by the associations of the elderly forming an electoral college composed as follows—

- (a) in the case of the district, all members of the district executive committee and subcounty executive committees in the district;
- (b) in the case of a city, all members of the city executive committee and division executive committees;
- (c) in the case of other urban councils and subcounty councils, all members of the town or division or subcounty executive committees and parish or ward executive committees.

Act

Local Governments (Amendment) Act

2005

(2b) The Commission shall, where existing organisations are formed into electoral colleges to elect representatives of persons with disabilities at different levels of local governments, facilitate the organisations to establish the different bodies that form the electoral colleges.”

24. Insertion of new section 119A of principal Act

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

“119A Sponsorship of candidates by political organisations or political parties

Under the multiparty political system, nomination of candidates may be made for election under this Act by a political organisation or political party sponsoring a candidate or by a candidate standing for election as an independent candidate without being sponsored by a political organisation or political party”.

25. Replacement of section 125 of the principal Act

For section 125 of the principal Act there is substituted the following—

“125. Non-sectarian campaign

(1) A person shall not use a symbol or colour which has a tribal or religious affiliation or any other sectarian connotation as a basis for that person’s candidature for election or in support of that person’s campaign.

(2) Under the movement political system, a person shall not use as a basis for his or her candidature or campaign a symbol or colour of a political party or organisation.

(3) Subject to any law, under the multiparty political system, political party or organisation symbols or colours may be used.

Act *Local Governments (Amendment) Act* **2005**

(4) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction—

(a) in the case of an offence under subsection (1), to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both; and

(b) in the case of an offence under subsection (2), to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.”

26. Replacement of section 126 of the principal Act

For section 126 of the principal Act there is substituted the following—

“126. Use of local council or Government facilities

(1) Except as otherwise provided in this section, where a candidate is a chairperson or holds any other political or public office, he or she shall not use local council or Government facilities for the purpose of campaigning for election under this Act.

(2) Where a candidate holds any political office, he or she shall, during the campaign period, restrict the use of the official facilities ordinarily attached to his or her office to the execution of his or her official duties.

(3) For the purposes of enforcing this section the Commission shall, by writing require any candidate to state in writing the facilities ordinarily attached to any office held by that person to which subsection (2) applies and the candidate shall comply with the requirement.

(4) This section applies with the necessary modifications to an employee of a statutory corporation or company in which the government owns a controlling interest and a member of a commission or committee established by the Constitution as it applies to a public officer.

Act *Local Governments (Amendment) Act* **2005**

(5) A person who contravenes any provision of 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.

27. Repeal of section 161A of the principal Act

Section 161A (Election of village and parish chairperson to be by secret ballot) of the principal Act is repealed.

28. Replacement of section 170 of the principal Act

For section 170 of the principal Act, there is substituted the following—

“170. Term of office of councils and chairperson

(1) The chairperson, local government councils and administrative councils shall be elected every five years.

(2) Subsection (1) shall have effect after the expiry of the term of local government councils in existence at the time this section comes into force.”

29. Amendment of section 171 of the principal Act

Section 171 of the principal Act is amended—

(a) in subsection (1) by substituting for “as soon as it is practicable” the words “within twenty one days”;

(b) by inserting at the end of subsection (1), the following—

“except that in the case of a district chairperson, the commission shall organize the bye election within sixty days from the occurrence of the vacancy”;

(c) by substituting for subsection (3) the following—

“(3) Where the seat of a councillor becomes vacant under regulation 3 of the Third Schedule to this Act, the Clerk to the council shall notify the Electoral Commission in writing within twenty one days after the vacancy occurred and the commission shall organize a by-election within six months after the occurrence of the vacancy.

Act

Local Governments (Amendment) Act

2005

(3a) Where the seat of a chairperson of a subcounty council, town council, municipal division, municipal council or city division, the subcounty chief or town clerk as the case may be, shall notify the district registrar within twenty one days after the occurrence of the vacancy and the Electoral Commission shall organize a by-election within ninety days after being notified of the vacancy

(3b) For the purposes of this section the parish chief shall report to the subcounty chief any vacancy occurring in a parish or village council within ten days after the occurrence of the vacancy for onward transmission to the district registrar and the Electoral Commission shall organise a by-election within six months after the occurrence of the vacancy to fill the vacancy.

(3c) Notwithstanding anything in this section, no by-election shall be held where the term of the council to which the vacancy relates has less than six months to expire."

30. Repeal of section 171A of the principal Act

Section 171A (Local council elections not to coincide with presidential and parliamentary elections) of the principal Act is repealed.



THE REPUBLIC OF UGANDA

This printed impression has been carefully compared by me with the bill which was passed by Parliament and found by me to be a true copy of the bill.

[Signature]
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Clerk to Parliament

Date of authentication: 24. 11. 2005
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