

BILLS SUPPLEMENT

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Bill No. 15 *Constitution (Amendment) (No.2) Bill* **2017**

THE CONSTITUTION (AMENDMENT) (NO. 2) BILL, 2017.

MEMORANDUM.

1. The object of the bill is to amend the Constitution of the Republic of Uganda in accordance with articles 259 and 262 of the Constitution—

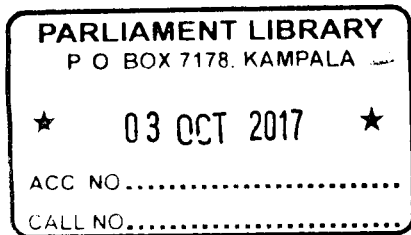
- (a) to provide for the time within which to hold presidential, parliamentary and local government council elections under article 61;
- (b) to provide for eligibility requirements for a person to be elected as President or District Chairperson under articles 102(b) and 183(2)(b);
- (c) to increase the number of days within which to file and determine a presidential election petition under 104(2) and (3);
- (d) to increase the number of days within which the Electoral Commission is required to hold a fresh election where a presidential election is annulled under article 104(6); and
- (e) for related matters.

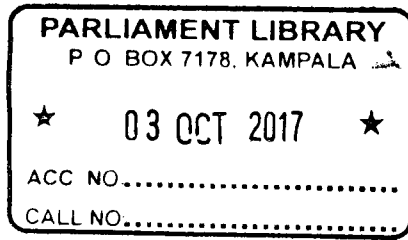
2. This amendment is further premised on the Supreme Court decision in **Amama Mbabazi Vs Yoweri Kaguta Museveni, Electoral Commission and The Attorney General in Presidential Election Petition No. 01 of 2016.**

3. There is also need to review the eligibility requirements for a person to be elected as President or District Chairperson under articles 102(b) and 183(2) to comply with article 1 which gives the people of Uganda the absolute right to determine how they should be governed and articles 21 and 32 which prohibit any form of discrimination on the basis of age and other factors.

4. The procedure for amending articles 61(2), 102(b), 104(2),(3),(6) and 183(2)(b) of the Constitution is by Parliament through a bill for an Act of Parliament supported at the second and third readings by the votes of not less than two-thirds of all members of Parliament as provided for by article 262 of the Constitution.

RAPHAEL MAGYEZI (MP),
Igara West.





A Bill for an Act

ENTITLED

THE CONSTITUTION (AMENDMENT) (NO. 2) ACT, 2017.

An Act to amend the Constitution of the Republic of Uganda in accordance with articles 259 and 262 of the Constitution; to provide for the time within which to hold presidential, parliamentary and local government council elections; to provide for eligibility requirements for a person to be elected as President or District Chairperson; to increase the number of days within which to file and determine a presidential election petition; to increase the number of days within which the Electoral Commission is required to hold a fresh election where a presidential election is annulled; and for related matters.

BE IT ENACTED by Parliament as follows;

**PART I—AMENDMENT OF CHAPTER FIVE OF THE CONSTITUTION—
REPRESENTATION OF THE PEOPLE.**

1. Amendment of article 61 of the Constitution.

Article 61 of the Constitution is amended by substituting for clause (2) the following—

“(2) The Electoral Commission shall hold presidential, general parliamentary and local government council elections within the first thirty days of the last one hundred and twenty days before the expiration of the term of the office of the President.”

**PART II—AMENDMENT OF CHAPTER SEVEN
OF THE CONSTITUTION—THE EXECUTIVE.**

2. Amendment of article 102 of the Constitution.

Article 102 of the Constitution is amended by repealing paragraph (b).

3. Amendment of article 104 of the Constitution.

Article 104 of the Constitution is amended by substituting for clauses (2), (3) and (6) the following—

“(2) A petition under clause (1) of this article shall be lodged in the Supreme Court registry within fifteen days after the declaration of the election results.

(3) The Supreme Court shall inquire into and determine the petition expeditiously and shall declare its findings and reasons not later than forty five days from the date the petition is filed.

(6) Where an election is annulled, a fresh election shall be held within sixty days from the date of the annulment.”

**PART III—AMENDMENT OF CHAPTER ELEVEN OF
THE CONSTITUTION—LOCAL GOVERNMENT.**

4. Amendment of article 183 of the Constitution.

Article 183 of the Constitution is amended in clause (2) by repealing paragraph (b).