THE EAST AFRICAN COMMUNITY

BILL SUPPLEMENT

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THE EAST AFRICAN LEGISLATIVE ASSEMBLY ELECTIONS BILL, 2011

MEMORANDUM

The object of this Bill is to provide a framework for the laws, regulations and procedures relating to election of Members to the East African Legislative Assembly and for matters incidental thereto.

HON. FREDERIC NGENZEBUHORO,
Chairperson Legal Rules and Privileges Committee.
East African Legislative Assembly Elections Bill, 2011

THE EAST AFRICAN LEGISLATIVE ASSEMBLY
ELECTIONS BILL, 2011

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THE EAST AFRICAN LEGISLATIVE ASSEMBLY ELECTION ACT 2011

An Act to make provision for election of the members of the East African Legislative Assembly and to provide for other related matters.

Enacted by the East African Community and assented to by the Heads of State.

PART I—PRELIMINARY

1. This Act may be cited as the East African Legislative Assembly Elections Act, 2011 and shall come into force on such day as the Council may, by notice published in the Gazette appoint.

2. In this Act unless the context otherwise requires—

"Assembly" means the East African Legislative Assembly established by Article 9 of the Treaty;

"candidate" means a person who is duly nominated in accordance with rules of procedure of the respective National Assembly to stand for election to the Assembly;
“Clerk” means the Clerk to the Assembly appointed under Article 48 of the Treaty;

“election” means an election to the Assembly in accordance with the provisions of this Act;

“member” means a member of the Assembly elected in accordance with this Act;

“National Assembly” with its grammatical variation and cognate expression means the national legislature however designated of a Partner State;

“Secretary General” means the Secretary General of the East African Community provided for by Article 67 of the Treaty;

“Speaker” means the Speaker of the Assembly provided for under Article 53 of the Treaty;

“Treaty” means the Treaty for the establishment of the East African Community.

PART II—ELECTION OF MEMBERS OF THE ASSEMBLY

3. The Clerk shall, in not less than ninety days before the expiry of the Assembly notify the Speaker of the National Assembly of each Partner State to cause the election of the members of the next Assembly.

4. (1) The National Assembly of each Partner State shall, in accordance with its rules of procedure elect not from among its members, nine members of the Assembly.

(2) The National Assembly shall elect members of the Assembly within ninety days before the expiry date of the outgoing Assembly.
(3) The members elected under sub section (1) shall in as much as it is feasible represent—

(a) political parties represented in the National Assembly;

(b) shades of opinion;

(c) gender;

(d) special interest groups in that Partner State; and

(e) continuity and institutional memory.

(4) At least one third of the elected members shall reflect either gender.

5. The Speaker of the National Assembly of each Partner State shall immediately after election of members of the Assembly, cause publication of their names in the official gazette of the Partner State and transmit the names to the Clerk of the Assembly.

6. In addition to Article 51 (2) of the Treaty, a member shall vacate his or her office—

(a) upon dissolution of the Assembly;

(b) upon his or her appointment as an officer in the service of the Community; or

(c) upon death.

7. (1) The Speaker of the Assembly shall notify the Speaker of the National Assembly of the Partner State on the existence of a vacancy under this Act.
(2) After notification of a vacancy under subsection (1), a bye-election shall be held within a period of 30 days.

8. (1) A bye-election shall be conducted whenever a member of the Assembly—

(a) dies; or

(b) where the seat of a member of the Assembly becomes vacant under Article 52 of the Treaty.

(2) Notwithstanding subsection (1), a member of the Assembly elected under this section shall serve for the remaining term.

(3) A bye-election shall not be held under this section within six months before the expiry of the term of the Assembly.

PART III—MISCELLANEOUS

9. (1) A session of the first meeting of the Assembly shall be convened by the Clerk in Arusha in the United Republic of Tanzania.

(2) Subject to subsection (1) the Assembly shall determine the venue and appropriate periods of its sessions and sittings.

10. The Assembly shall stand dissolved at the expiration of the 5 year term.

12. The National Assembly of each Partner State shall make Rules governing the procedure for election of members pursuant to Article 50 of the Treaty.