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THE EAST AFRICAN LEGISLATIVE ASSEMBLY ELECTIONS ACT, 2012

ARRANGEMENT OF SECTIONS

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N/A

**THE EAST AFRICAN LEGISLATIVE ASSEMBLY
ELECTIONS ACT 2012**

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

Date of assent 15th April, 2012.

Date of commencement See Section 1.

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, 2012 and shall come into force on such day as the Council may, by notice published in the Gazette appoint.

Citation and commencement

2. In this Act unless the context otherwise requires

Interpretation.

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

Notification. 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.

Election of members. 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.

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

(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, transmit the names to the Clerk of the Assembly.

Transmission of names of elected members.

6. (1) Any question that may arise whether any person is an elected member of the Assembly or whether any seat in the Assembly is vacant shall be determined by the institution of the Partner State that determines questions of the election of members of the National Assembly responsible for the election in question.

Questions as to membership of the Assembly

(2) The National Assembly of the Partner State shall notify the Speaker of the Assembly of every determination made under subsection (1).

7. (1) Subject to this section, an elected member of the Assembly shall hold office for five years and be eligible for re-election for a further term of five years.

Tenure of office of elected members

(2) The terms and conditions of service of the members of the Assembly shall be determined by the Summit on the recommendation of the Council.

(3) An elected member of the Assembly shall vacate his or her seat in the Assembly upon the happening of any of the following events

- (a) upon the delivery of his or her resignation in writing to the Speaker of the Assembly;
- (b) upon his or her ceasing to be qualified for election as an elected member;
- (c) upon his or her election or nomination as a member of the National Assembly of a Partner State;
- (d) upon his or her appointment as a Minister in the Government of a Partner State;
- (e) upon his or her having been absent from the Assembly for such period and in such circumstances as are prescribed by the rules of procedure of the Assembly;
- (f) upon his or her conviction by a Court of competent jurisdiction, of an offence and sentenced to imprisonment for a term exceeding six months and if no appeal has been preferred against such a decision;
- (g) upon his or her appointment as an officer in the service of the Community;
- (h) upon the dissolution of the Assembly; or
- (i) upon death.

Vacation of
office.

8. (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.

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(2) After notification of a vacancy under subsection (1), a bye — election shall be held within a period of 90 days.

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

Bye-election.

(a) dies; or

(b) where the seat of a member of the Assembly becomes vacant under this Act.

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

(3) A bye-election shall not be held under this section within six months before the expiry of the term of the Assembly except where failure to hold the election affects the quorum of the Assembly.

PART III MISCELLANEOUS

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

Sessions of the Assembly.

(2) Subject to Article 55(1) of the Treaty the Assembly shall determine the venue and appropriate periods of its sessions and sittings.

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

Dissolution of the Assembly.

12. The National Assembly of each Partner State shall make rules governing the procedure for election of members subject to this Act and Article 50 of the Treaty.

Procedure for election of members.