

Rwanda

Organic Law governing election of Rwanda Members of the East African Legislative Assembly

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Rwanda

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We, KAGAME Paul,

President of the Republic;

**THE PARLIAMENT HAS ADOPTED AND WE SANCTION, PROMULGATE THE FOLLOWING ORGANIC LAW
AND ORDER IT BE PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF RWANDA**

THE PARLIAMENT:

The Chamber of Deputies, in its sitting of 08 August 2022;

The Senate, in its sitting of 11 August 2022;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 2, 10, 64, 69, 70, 71, 85, 87, 88, 90, 91, 93, 95, 106, 120, 122 and 176;

Having reviewed Law n° 15/2012 of 03/05/2012 relating to election procedures for Rwanda Members of the East African Legislative Assembly as amended to date;

ADOPTS:

Article One – Purpose of this Organic Law

This Organic Law governs election of Rwanda Members of the East African Legislative Assembly, hereinafter abbreviated as “EALA”.

Article 2 – Categories Rwanda Members of EALA originate from

Rwanda Members of EALA originate from the following categories:

- 1° Political organisations represented in the Parliament, the Chamber of Deputies;
- 2° the National Youth Council;
- 3° the National Women Council;
- 4° the National Council of Persons with Disabilities.

Article 3 – Number of Rwanda Members of EALA

The number of Rwanda Members of EALA is nine (9). At least thirty per cent (30%) of those members must be women.

Article 4 – Requirements to be a candidate

A Rwanda Member of EALA candidate must fulfil the following requirements:

- 1° be a Rwandan by nationality;
- 2° be twenty-one (21) years old at least;
- 3° be a person of integrity;
- 4° have interest, competence or experience in working for the promotion of East African Community objectives;
- 5° not have been deprived of civil and political rights by a court of law;
- 6° not have been irrevocably sentenced to a penalty equal to or exceeding six (6) months imprisonment, which has not been removed by amnesty or rehabilitation.

Article 5: Incompatibilities with being a candidate

A Rwanda Member of EALA candidate must not be a Rwanda Parliament member, Cabinet member or member of staff of the East African Community at the time of election.

Article 6 – Number of Members from each category

Each category in which Rwanda Members of EALA are elected is allotted a number of Members as follows:

- 1° political organisations, six (6) Members simultaneously elected;
- 2° National Women Council, one (1) Member;
- 3° National Youth Council, one (1) Member;
- 4° National Council of Persons with Disabilities, one (1) Member.

Article 7 – Number of candidates from each category

Each political organisation, coalition of political organization represented in the Parliament, the Chamber of Deputies, which so wishes submits not more than three (3) candidates among whom at least one (1) is female.

Each National Council presents not more than three (3) candidates, among whom at least one (1) is female.

Article 8 – Submission of a list of candidates and the list of prospective candidates to the National Electoral Commission

The list of candidates representing the political organisation, the coalition of political organizations and the list of prospective candidates representing the National Youth Council, the National Women Council and the National Council of Persons with Disabilities, with their curriculum vitae are forwarded to the National Electoral Commission in a signed note by the representatives of these respective categories.

Instructions of the National Electoral Commission determine the deadline and modalities for submission of the lists and curricula vitae referred to in Paragraph One of this Article.

Article 9 – Organ in charge of submitting the list of candidates and the list of prospective candidates to the National Electoral Commission

A competent organ to represent a political organisation, a coalition of political organization, the National Youth Council, the National Women Council and the National Council of Persons with Disabilities forwards to

the National Electoral Commission a list and curricula vitae of candidates and prospective candidates for the categories represented, as referred to in Article 8 of this Organic Law.

Article 10 – Elections of candidates from National Councils

The National Electoral Commission prepares and conducts elections of candidates of the National Women Council, the National Youth Council and the National Council of Persons with Disabilities.

Instructions of the National Electoral Commission determine the modalities for conducting the elections referred to in Paragraph One of this Article.

Article 11 – Submission of the list of approved candidates to the President of the Senate and to the Speaker of the Chamber of Deputies

When the National Electoral Commission has examined the list and curricula vitae of candidates, it submits the list of approved candidates to the President of the Senate and to the Speaker of the Chamber of Deputies and with a copy to the President of the Republic and to the President of the Supreme Court.

Article 12 – Polling

The polling of Rwanda members of EALA is conducted by Members of both Chambers of the Parliament in a joint sitting chaired by the Speaker of the Chamber of Deputies, or in his or her absence, by the President of the Senate.

Article 13 – Polling day

The poll of Rwanda members of EALA is held in a period not exceeding seven (7) days from the date of submission of the list of approved candidates to the President of the Senate and to the Speaker of the Chamber of Deputies.

The polling day of Rwanda members of EALA and polling modalities are approved by the Bureaux of both Chambers of the Parliament.

Article 14 – Electoral college

The electoral college comprises members of both Chambers of Parliament in a joint sitting.

Article 15 – Electoral college quorum

The quorum required for conducting the election is three fifths ($\frac{3}{5}$) of members of each Chamber of Parliament.

Article 16 – Election campaign

Election campaign is held on polling day before the electoral college.

Candidates are given equal time for campaign, which is determined by the Bureaux of both Chambers of Parliament.

Article 17 – Electoral proceedings

The election is conducted in public through direct ballot by both Chambers of Parliament in a joint sitting.

The election is held by secret ballot and votes of members present are counted together.

Each category is voted on its own, on a separate ballot paper.

Article 18 – Successful candidates

The successful candidates are those who obtain higher votes than the other candidates in accordance with the number of Members allotted to each category.

In case of a tie for the seat contested, the voting is repeated for the candidates with equal number of votes.

The elections are repeated only once and if they obtain the same number of votes again, the winner is decided by drawing lots.

Article 19 – Announcement of the election results

The one who presides over the joint sitting of the Chambers of the Parliament announces the results of the election of Rwanda Members of EALA immediately after closure of the polls.

Article 20 – Complaint related to the election results

The complaint relating to the election of Rwanda Members of EALA is lodged with the competent court within a period not exceeding forty-eight (48) hours starting from the announcement of the election results were announced.

Article 21 – Time limit for deciding on the complaint

The competent court decides on complaint relating to the election of Rwanda Members of EALA within a period not exceeding five (5) days from date on which the complaint was lodged.

Article 22 – Final publication of Rwanda Members of EALA

After forty-eight (48) hours of announcement of electoral results without a complaint relating to the election results being lodged with the competent court or after the time the competent court has submitted the decision on appeal to the President of Senate and to the Speaker of the Chamber of Deputies, the Speaker of the Chamber of Deputies or, in his or her absence, the President of Senate submits the list of elected members for publication to the organ in charge of the Official Gazette of the Republic of Rwanda for publication and gives a copy to the Clerk of EALA.

Article 23 – Term of office for a Rwanda Member of EALA

The term of office for a Rwanda Member of EALA is five (5) years renewable once.

Article 24 – Vacation of office of a Rwanda Member of EALA

A Rwanda Member of EALA vacates his or her seat for one of the following reasons:

- 1° he or she no longer fulfils the requirements to be a Rwanda Member of EALA;
- 2° he or she is given other duties of the country's interest or of the East African Community;
- 3° he or she is no longer able to perform his or her duties due to disability or illness certified by a recognised medical doctor;
- 4° he or she resigns;
- 5° he or she is definitively sentenced to a term of imprisonment equal to or exceeding six (6) months, and without having been granted amnesty in accordance with the Law or rehabilitated;
- 6° he or she dies.

Article 25 – Replacement of a Rwanda Member of EALA

A Rwanda Member of EALA who vacates his or her seat following one of the reasons referred to in Article 24 of this Organic Law is replaced in accordance with the procedure and modalities used to elect him or her as a Rwanda Member of EALA.

The replacement of a Rwanda Member of EALA is done if the Member vacates his or her seat at least six (6) months before the end of the term of the Members of EALA. However, the replacement of a Member whose remaining term is less than six (6) months may be done if it is evident that the quorum specified by EALA regulations cannot be obtained.

A member who replaces a Rwandan Member who vacated his or her seat in EALA completes the remaining period of term of office.

Article 26 – Notification of a vacation of office of a Rwanda Member of EALA

When a Rwanda Member of EALA vacates his or her seat following one of the reasons referred to in Article 24 of this Organic Law, the President of the Senate and the Speaker of the Chamber of Deputies notify the same to the Speaker of EALA. This applies in a case a replacing Member is elected.

The President of the Senate and the Speaker of the Chamber of Deputies also notify the vacation of office of a Rwanda Member of EALA to the President of the Republic with a copy to the President of Supreme Court and the President of National Electoral Commission within three (3) working days.

Article 27 – Drafting, consideration and adoption of this Organic Law

This Organic Law was drafted, considered and adopted in Ikiyarwanda.

Article 28 – Repealing provision

The Law n° 15/2012 of 03/05/2012 relating to election procedures for Rwanda Members of the East African Legislative Assembly as amended to date as well as all prior legal provisions contrary to this Organic Law are repealed.

Article 29 – Commencement

This Organic Law comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.