

PARLIAMENT OF KENYA



NATIONAL ASSEMBLY

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ELEVENTH PARLIAMENT – FOURTH SESSION - 2016

*Paper Laid*  
*By Hon. Samuel Chepkongor*  
*Chair - DC-ILA*  
*Thurs. Sept. 01. 2016*  
*(AM)*  
*Mmm*

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

REPORT ON THE CONSIDERATION OF THE ELECTION OFFENCES BILL, 2016  
(NATIONAL ASSEMBLY BILL NO. 36)

CLERK'S CHAMBERS  
PARLIAMENT BUILDINGS,  
NAIROBI

AUGUST, 2016

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## **CHAIR'S FOREWORD**

On behalf of the Departmental Committee on Justice and Legal Affairs and pursuant to provisions of Standing Order 199 (6), it is my pleasant privilege and honor to present to this House the Report of the Committee on its consideration of the Election Offences Bill, 2016.

The Bill was read for the first time on 30<sup>th</sup> August 2016 and subsequently committed to the Committee pursuant to the provisions of Standing Order 127 (1); it is on the basis of this that the Committee makes this Report.

The Committee wishes to register its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for the support accorded to the Committee and the staff, in the execution of its mandate. Let me take this opportunity to thank all Members for their patience, endurance and dedication to committee business, despite their other commitments and tight schedules, which enabled the Committee to complete this Report.

**Hon. Samuel Chepkong'a M.P**

## **COMMITTEE MANDATE**

The Departmental Committee on Justice and Legal Affairs is established under the National Assembly Standing Orders No. 216 (1). The functions and mandate of the Committee are also contained under the National Assembly Standing Orders, No. 216(5) as:-

1. Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
2. Study the program and policy objectives of the Ministries and departments and the effectiveness of the implementation;
3. Study and review all legislation referred to it;
4. Study, access and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with its stated objectives;
5. Investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
6. Vet and report on all appointments where the constitution or any law requires the National Assembly to approve, except those under Standing Order 204; and
7. Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

The subject matter of the Departmental Committee on Justice and Legal Affairs are stated in the Second Schedule of the National Assembly Standing Orders as follows:

- (a) Constitutional affairs;
- (b) The administration of law and Justice, including the Judiciary, public prosecutions, elections, ethics, integrity and anti-corruption; and
- (c) Human rights.

## **MEMBERS OF THE COMMITTEE**

<b>Chairperson</b>	Hon. Samuel Chepkong'a, M.P.
<b>Vice Chairperson</b>	Hon. Priscilla Nyokabi, M.P.
<b>Members</b>	Hon. Njoroge Baiya, M.P.
	Hon. Muriithi Waiganjo, M.P.
	Hon. Ndirangu Waihenya, M.P.
	Hon. Florence Kajuju, M.P.
	Hon. Kang'ata Irungu, M.P.
	Hon. Benson Mutura, M.P.
	Hon. John Njoroge Chege, M.P.
	Hon. William Cheptumo, M.P.
	Hon. Mohamed Abdi Haji, M.P.
	Hon. Bitok Kirwa, M.P.
	Hon. Sammy Koech, M.P.
	Hon. Moses Cheboi, M.P.
	Hon. Paul Bii, M.P.
	Hon. Charles Gimose, M.P.
	Hon. Johana Ng'eno, M.P.
	Hon. Boniface Otsiula, M.P.
	Hon. David Ouma Ochieng, M.P.
	Hon. Neto Agostinho, M.P.
	Hon. Kaluma Peter, M.P.
	Hon. Fatuma Ibrahim Ali, M.P.
	Hon. Ben Momanyi Orori, M.P.
	Hon. T. J. Kajwang', M.P.
	Hon. (Bishop)Mutua Mutemi, M.P.
	Hon. Olago Aluoch, M.P.
	Hon. Christine Oduor Ombaka, M.P.
	Hon. Benjamin Andayi, M.P.
	Hon. Kamoti William Mwamkale, M.P.

**SECRETARIAT**

<b>First Clerk Assistant</b>	Mr. Abenayo Wasike
<b>Third Clerk Assistant</b>	Mr. Ahmed Salim
<b>Third Clerk Assistant</b>	Ms. Mary Luka
<b>Legal Counsel</b>	Mr. Denis Abisai
<b>Legal Counsel</b>	Ms. Mugure Gituto
<b>Research Officer</b>	Ms. Clare Jerotich

**SITTINGS**

The Committee considered the Election Offences Bill in its Sitting held on Wednesday, 31<sup>st</sup> August, 2016 and adopted its report on the same day.

**COMMITTEE RECOMMENDATIONS**

The Committee having considered the Election Offences Bill, 2016, it recommends that the National Assembly passes the Bill in its original form. The Committee did not propose any amendments.



**ADOPTION OF THE REPORT**

We the Members of the Departmental Committee on Justice & Legal Affairs have, pursuant to Standing Order 199, adopted this report and affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity.

## 1.0 INTRODUCTION

The Election Offences Bill, 2016 was read for the first time on 30<sup>th</sup> August 2016 and subsequently committed to the Departmental Committee on Justice and Legal Affairs for consideration pursuant to the provisions of Standing Order 127 (1), and report to the House.

## 2.0 CONSIDERATION OF THE ELECTION OFFENCES BILL, 2016

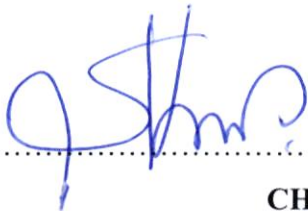
The Committee considered the Election Offences Bill, 2016 in its Sitting held on Wednesday, 31<sup>st</sup> August, 2016. The Committee noted and appreciated the fact that the Bill was a product of stakeholder engagement and public participation which was conducted by the Joint Parliamentary Select Committee on matters regarding the Independent Electoral & Boundaries Commission (IEBC).

The Committee resolved that no amendments were necessary. The Bill adequately served the purpose in line with its objects and reasons.

## 3.0 COMMITTEE RECOMMENDATIONS

Having considered the Election Offences Bill, 2016, the Committee recommends that the National Assembly passes the Bill in its original form. The Committee did not propose any amendments to the Bill.

SIGNED .....



CHAIRPERSON

(HON. SAMUEL CHEPKONG'A, M.P)

DATE .....

15<sup>th</sup> September, 2016

**MINUTES OF THE SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE  
AND LEGAL AFFAIRS HELD ON WEDNESDAY, 31<sup>ST</sup> AUGUST, 2016 AT 10.30 A.M.  
IN COMMITTEE ROOM 7, MAIN PARLIAMENT BUILDING**

**PRESENT**

Hon. Samuel Chepkonga, M.P. - Chairperson  
Hon. Priscilla Nyokabi, M.P. - Vice Chairperson  
Hon. Neto Agostinho, M.P.  
Hon. Ben Momanyi, M.P.  
Hon. Bitok Kirwa, M.P.  
Hon. Charles Gimose, M.P.  
Hon. Dr. Christine Ombaka, M.P.  
Hon. David Ochieng, M.P.  
Hon. Fatuma Ibrahim, M.P.  
Hon. Florence Kajuju, M.P.  
Hon. Johana Ngeno, M.P.  
Hon. John Njoroge Chege, M.P.  
Hon. John M. Waiganjo, M.P.  
Hon. Olago Aluoch, M.P.  
Hon. Kamoti Mwamkale William, M.P.  
Hon. Mohamed Abdi Haji, M.P.  
Hon. Njoroge Baiya, M.P.  
Hon. Paul K. Bii, M.P.  
Hon. Peter Kaluma, M.P.  
Hon. (Bishop) Robert Mutemi, M.P.  
Hon. Tom J. Kajwang', M.P.

**ABSENT**

Hon. Kang'ata Irungu, M.P.  
Hon. Benson Mutura, M.P.  
Hon. Ndirangu Waihenya, M.P.  
Hon. Moses Cheboi, M.P.  
Hon. Sammy Koech, M.P.  
Hon. Boniface Otsiula, M.P.  
Hon. William Cheptumo, M.P.

## **SECRETARIAT**

Mr. Abenayo Wasike	-	Clerk Assistant I
Mr. Ahmed Salim	-	Clerk Assistant III
Mr. Denis Abisai	-	Legal Counsel
Ms. Mugure Gituto	-	Legal Counsel II

## **MIN No.JLA. /2016:-**

## **PRELIMINARIES**

The Chairperson called the meeting to order at 10.50 a.m. with a word of prayer from Hon. Fatuma Ibrahim, M.P. The Chairperson introduced the agenda of the meeting; as consideration of the Election Laws (Amendment) Bill, 2016 and the Election Offences Bill, 2016.

## **MIN No.JLA. /2016:-**

## **CONSIDERATION OF THE ELECTION LAWS (AMENDMENT) BILL, 2016**

The Committee considered the Bill and the following amendments were proposed:

Amendments to the Election Laws (Amendment) Bill, 2016 in Clauses 2, 3, 4, 6, 9, 10, 12, 13, 14, 16, 18 and the First Schedule to the Bill.

## **MIN No.JLA. /2016:-**

## **CONSIDERATION OF THE ELECTION OFFENCES BILL, 2016**

The Committee considered the Election Offences Bill, 2016 and no amendments were proposed. It was the considered view of the Committee, having gone through the Bill clause by clause, that no amendments were necessary. The Committee endorsed the Bill in its form.

## **MIN No.JLA. /2016:-**

## **ADOPTION OF THE REPORT ON ELECTION LAWS (AMENDMENT) BILL, 2016**

The Report on the Election Laws (Amendment) Bill, 2016 was adopted by the Committee. Adoption was proposed by Hon. Bitok Kirwa and seconded by Hon. Fatuma Ibrahim.

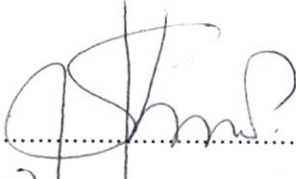
The Report on the Election Offences Bill, 2016 was adopted by the Committee. Adoption was proposed by Hon. Njoroge Baiya and seconded by Hon. Priscila Nyokabi.

**MIN No.JLA. /2016:-**

**ADJOURNMENT**

The meeting was adjourned at five minutes past five o'clock.

Signed.....



**(Chairperson)**

Date.....

15<sup>th</sup> September, 2016

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT

(FOURTH SESSION)

NA.L&P.2016/COMM (074)

August 16, 2016

PAPERS LAID

Hon. Speaker, I beg to lay the following Papers on the Table of the House, today  
Wednesday, August 17, 2016:

**THE REPORTS OF THE DEPARTMENTAL COMMITTEE ON JUSTICE  
& LEGAL AFFAIRS ON THE CONSIDERATION OF:**

1. THE SENATE AMENDMENTS TO THE PROTECTION OF TRADITIONAL KNOWLEDGE AND CULTURAL EXPRESSIONS BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2015); AND
2. THE PUBLIC FUNDRAISING APPEALS BILL (SENATE BILL NO. 28 OF 2014).

(CHAIRPERSON, JUSTICE & LEGAL AFFAIRS COMMITTEE)

Copies to:

The Speaker

Deputy Speaker

The Leader of the Majority Party

The Leader of the Minority Party

The Clerk

Hansard Editor

Hansard Reporters

The Press

Approved *[Signature]*  
SWA  
16/8/16

