



REPUBLIC OF KENYA
NATIONAL ASSEMBLY

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THE INTER-PARTIES PARLIAMENTARY GROUP (IPPG)

ELECTORAL CODE COMMITTEE

REPORTS AND RESOLUTIONS ADOPTED

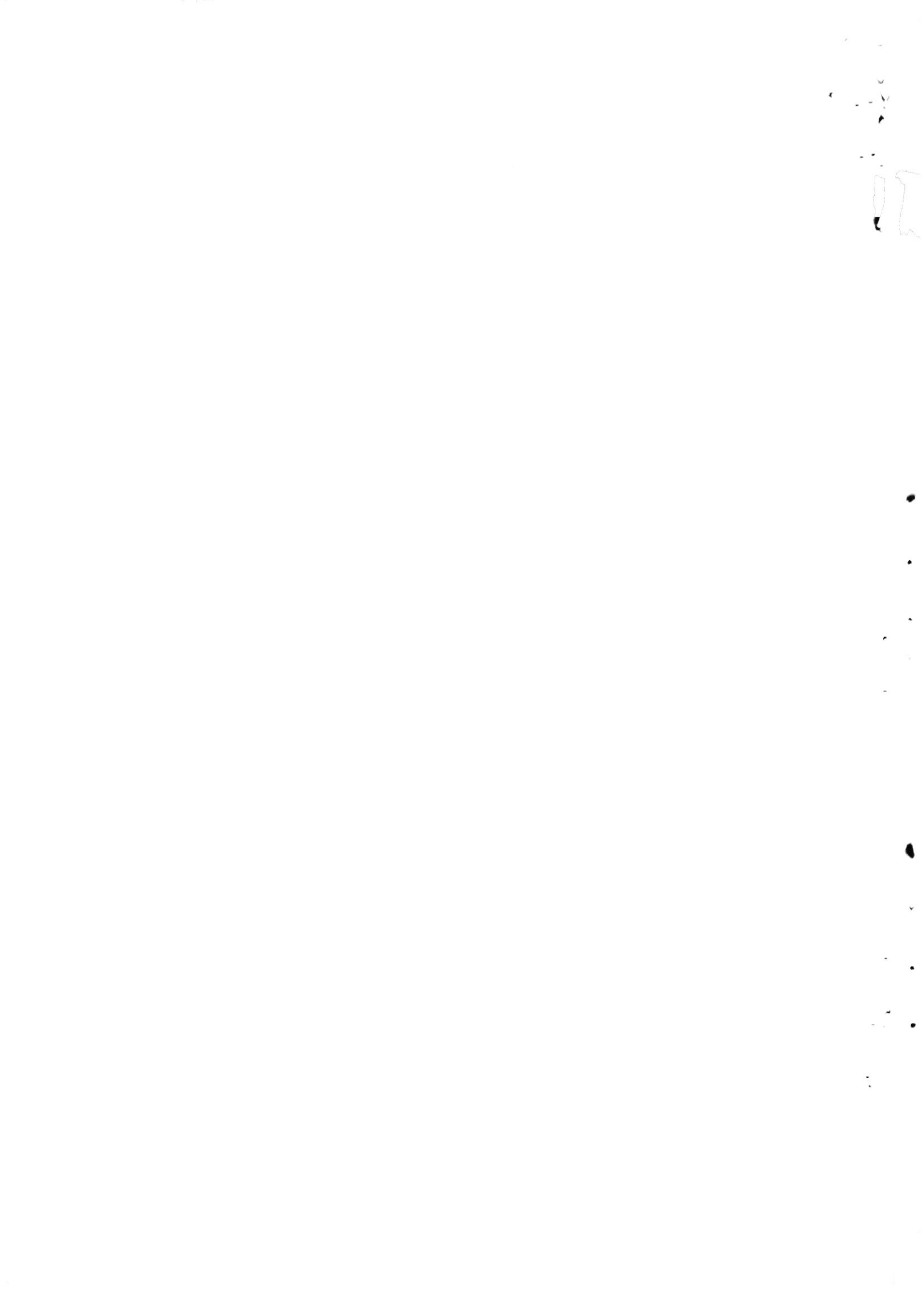
BY THE

THIRD PLENARY OF IPPG

ON

THURSDAY, 11TH SEPTEMBER, 1997

OLD CHAMBER - PARLIAMENT BUILDINGS



REPUBLIC OF KENYA

TOWARDS CONSTITUTIONAL REFORMS

FOREWORD

1. Kenya is a sovereign Republic with a republican constitution and various institutions. The cardinal and principal institutions of the Republic include the Executive, the Legislature and the Judiciary. The rest of the institutions of the Republic revolve around the constitutional troika, i.e. Government, Parliament and Judiciary.
2. The various functions and powers of the principal institutions of the Republic of Kenya are prescribed by and under the Constitution of the Republic. Thus, the functions and powers of the Executive are prescribed by and under Chapter II (Sections 4-29) of the Constitution. The functions and powers of the Legislature or the Parliament of the Republic are prescribed by and under Chapter III (Sections 30-59) of the Constitution. The functions and powers of the Judiciary are prescribed by and under Chapter IV (Sections 60-69) of the Constitution.
3. The Constitution of the Republic of Kenya also has a Bill of Rights consisting of the Fundamental Rights and Freedoms of the Individual as enshrined in Chapter V (Sections 70-86) of the Constitution. The Fundamental Rights and Freedoms of the Individual enshrined in the Constitution include:
 - (a) Life, liberty, security of the person and the protection of the law.
 - (b) Freedom of conscience, of expression and of assembly and association.
 - (c) Protection for the privacy of his home and other property and from deprivation of property without compensation.
4. The protection of the Fundamental Rights and Freedoms of the Individual is subject to limitations designed to ensure that the enjoyment of those rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest. These limitations constitute the derogations from the Fundamental Rights and Freedoms in order to establish a balance between the interests of the individual and the general public.
5. The principal institutions of the Republic are based on the democratic Doctrine of Separation of Powers with checks and balances between the Executive, the Legislature and the Judiciary. These checks and balances are designed to ensure mutual autonomy and harmony in the functions, operations and powers of the three principal institutions of the Republic of Kenya. This autonomy and harmony is essential and imperative for the constitutional and democratic governance of the Republic.
6. The functions, operations and powers of the Executive, the Legislature and the Judiciary are based on the constitutional interactions and relationships of the three institutions. In so far as the protection of the Fundamental Rights and Freedoms of the Individual is concerned, the Executive, the Legislature and the Judiciary have a mutual accountability and responsibility to the people of Kenya.

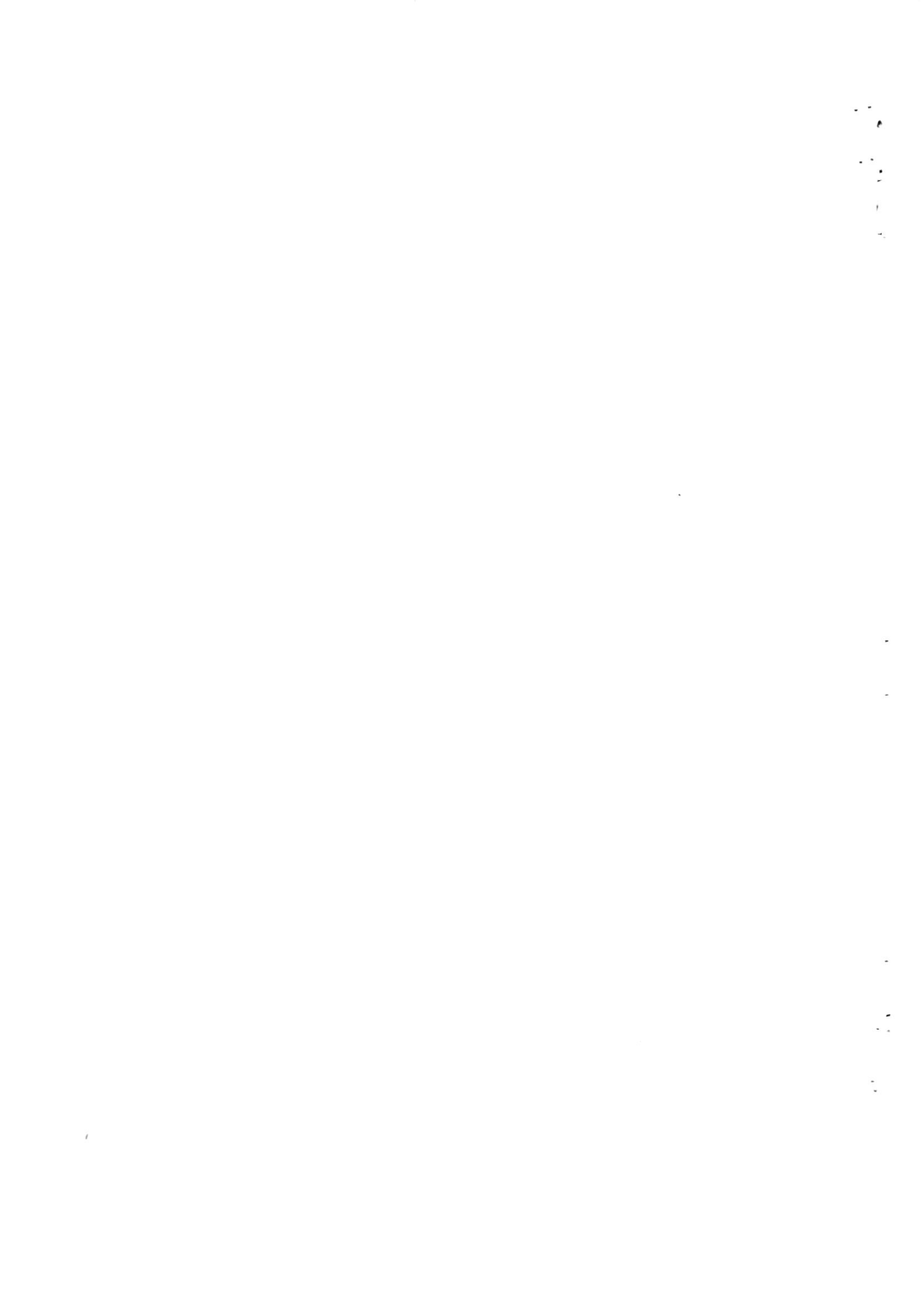


7. The legislative functions and powers of the Republic of Kenya have been and are vested in the Parliament of Kenya, which consists of the President and the National Assembly as provided by and under Section 30 of the Constitution of Kenya. The legislative functions and powers of Parliament are exercisable by Bills passed by the National Assembly and assented to by the President as provided by and under Sections 46 of the Constitution.
8. The legislative functions and powers of the Parliament of Kenya embrace the alteration of the Constitution as stipulated by and under Section 47 of the Constitution. The legislative function and power of the Republic of Kenya is a constitutional prerogative of the Parliament of Kenya. The legislative function and power of the Republic cannot be arrogated or ceded to any other authority without committing a serious breach of the letter and spirit of the Constitution of the Republic. Indeed, any such breach of the Constitution would constitute a state of unmitigated anarchy, chaos and even violent revolution.
9. The Constitution of the Republic of Kenya has served the country for the last thirty four years. There is need for a fundamental reform of the Constitution in order to reflect the current realities and meet future challenges of democratic, political and social transformation of our Motherland. These reforms are necessary and are supported by all Kenyans. The necessity of the reforms is also recognised by both sides of the political divide.
10. What is probably lacking in the current reform process is a national vision and will on the part of the stakeholder regarding the modalities or *modus operandi* and the time-frame of the reform process. There are also elements of dangerous brinkmanship and mutual suspicion. These factors have bedeviled the reform process and resulted in ugly confrontations and loss of life and property. This situation is driving the country to a political precipice of calamity and catastrophe. The catastrophe must be averted at all costs. The country must be saved from a political holocaust.
11. Whereas constitutional reform is a right of all Kenyans as individuals, civil society groups, religious organisations and political parties, the legislative mandate and responsibility for their reforms is the preserve of the Parliament of Kenya as by law established. The composition of the Parliament is prescribed by and under Section 31 of the Constitution.
12. The current Seventh Parliament of Kenya was duly elected by Kenyans in the 1992 General Election as stipulated by and under Section 32 with nominated and *ex-officio* members as stipulated by and under Sections 33, 36 and 37 of the Constitution. The constitutional legitimacy of the current Parliament is not in doubt or questionable at all. The Parliament has the constitutional legitimacy, mandate and responsibility to deal with and guide the reform process in accordance with the Constitution in the best interest of all Kenyans. To suggest otherwise would be a sure prescription of a recipe for constitutional chaos and violence.

Hon. George M. Anyona, MP
KITUTU MASABA (KSC)

Parliament Buildings
NAIROBI

August 27, 1997



THE INTER-PARTIES PARLIAMENTARY GROUP (IPPG)

FIRST PLENARY

COUNTY HALL - 28TH AUGUST 1997

1. The first meeting of the Inter-Parties Parliamentary Group (IPPG) took place at the Country Hall Precinct of Parliament on Thursday, 28th August 1997 with a prayer from Hon. Bishop Kimani MP, Nakuru North (FA).
2. The Members who attended the Inter-Parties Parliamentary Group meeting in their individual capacities were drawn from Kanu, Ford-Kenya, Ford-Asili, Democratic Party and Kenya Social Congress.
3. The IPPG meeting was open to all Members of Parliament. The number of Members who attended the meeting and those who had signed willingness to attend but did not do so for various reasons was 110. Specific apology was tendered on behalf of the Chairman and some members of Ford-Kenya as well as the Chairman and some members of DP who were attending a party meeting at the same time. The meeting was also open to the Press and observers.
4. The IPPG meeting was facilitated and guided by Hon. Jilo J. Falana MP (Kanu), Hon. Achieng Oneko MP (Ford-Kenya) and Hon. George M. Anyona MP (KSC). The meeting took place in a very rare atmosphere of comraderie, candour, civility, cordiality and courtesy. The meeting was opened with words of experience and wisdom by Hon. Achieng Oneko (Ford-K) and was addressed by Hon. Falana (Kanu), Busolo (FK), Mutiso (Kanu), Wamae (DP), Shikuku (FA), Khalif (Kanu), Ouma (FK), Ndetei (Kanu), Karua (DP), Ntimama (Kanu), Osogo (Kanu), Mungai (FA), Nthenge (FA), Kariuki (Kanu), Sifuna (FA), Bishop Kimani (FA) and Anyona (KSC).
5. The issues broached during the IPPG meeting included: the political crisis facing the economic and country, the search for peace and unity, the need for dialogue and trust, the spectre of violence, the recent events in Mombasa, the constitutional and legal reform process, the role of Parliament and Civil Society in the reform process and the forthcoming General Election.
6. The meeting unanimously adopted a working document presented by Hon. George M. Anyona MP (KSC). The title of the document was: Towards Constitutional Reform. The document was made available to the Press and the general public to underscore the transparency of the Inter-Parties Parliamentary Group meeting. The working document will form the basis of the deliberations of the Co-ordinating Working Committee of the IPPG.
7. The Inter-Parties Parliamentary Group meeting resolved to appoint an Inter-Parties Parliamentary Committee of thirteen Members to co-ordinate the IPPG activities and meetings.



The Committee was mandated to draw up the agenda for the next IPPG meeting. The Coordinating Working Committee would consist of 5 Kanu, 2 FK, 2 FA, 2 DP, 1 KSC and 1 NDP Members of Parliament to be chosen by the respective parties and forwarded in due course.

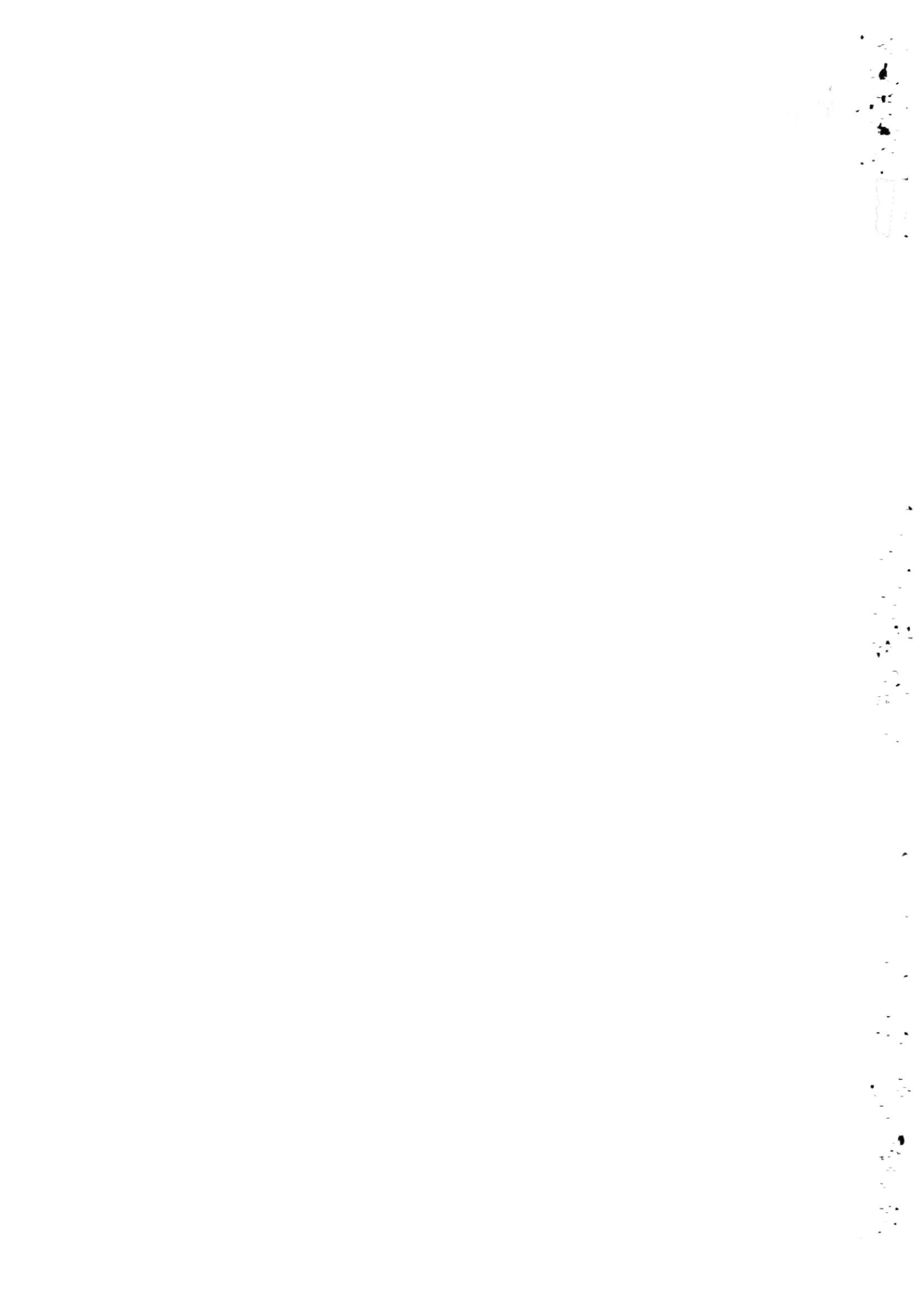
8. The Co-ordinating Working Committee would hold its first meeting on Monday 1st September at 10.00 a.m. to prepare the agenda and programme for the next IPPG meeting scheduled for 2nd September, 1997. The venue of the IPPG meeting will be arranged by the Committee.
9. The IPPG meeting unanimously adopted and passed the following resolutions proposed by Hon. Saulo Busolo:
 - (a) We, Parliamentarians meeting on 28th August, 1997 at County Hall, Nairobi, to review the current political debates around the laws of this country, do hereby resolve to adopt the Working Document presented by Hon. George M. Anyona, MP to be presented to the Committee appointed at this meeting to be composed as follows:

Ford-K	-	2
Ford-A	-	2
DP	-	2
Kanu	-	5
KSC	-	1
NDP	-	1
 - (b) This Committee will review the agenda from issues discussed at this meeting to be presented to the next meeting.
10. The IPPG meeting closed with a prayer from Hon. Bishop Njeru, Mwea (DP) and Members left in a spontaneous mood of geniality, optimism and reconciliation.

Hon. George M. Anyona, MP
KITUTU MASABA (KSC)

Parliament Buildings
Nairobi.

1st September, 1997



THE INTER-PARTIES PARLIAMENTARY GROUP (IPPG)

CO-ORDINATING-WORKING COMMITTEE

1. The IPPG Coordinating-Working Committee was appointed by the Members attending the First Plenary Meeting of the IPPG at County Hall on 28th August, 1997.
2. The IPPG Coordinating-Working Committee was mandated to co-ordinate the general activities and prepare the Agenda of the Second Plenary meeting of the IPPG on 2nd September, 1997.
3. The Members of the IPPG Coordinating-Working Committee submitted by the respective Political Parties are as follows:

Hon. J.J. Falana, MP	- Kanu
Hon. J.C.N. Osogo, MP	- Kanu
Hon. Kipkalya Kones, MP	- Kanu
Hon. Ibrahim Salat, MP	- Kanu
Hon. J. N. Angwenyi, MP	- Kanu
Hon. Achieng Oneko, MP	- FK
Hon. Saul Busolo, MP	- FK
Hon. George Nthenge, MP	- FA
Hon. John Mutere, MP	- FA
Hon. Martha Karua, MP	- DP
Hon. Matu Wamae, MP	- DP
Hon. George M. Anyona, MP	- KSC

4. The IPPG Co-ordinating-Working Committee met at County Hall Committee Room on Monday, 1st September, 1997 at 10.00 a.m. The attendance at the meeting was as follows:

a) Present

Hon. J.J. Falana, MP
Hon. Achieng Oneko, MP
Hon. George Anyona, MP
Hon. Saul Busolo, MP
Hon. Ibrahim Salat, MP
Hon. John Mutere, MP
Hon. Matu Wamae, MP



Hon. James Osogo, MP
Hon. Martha Karua, MP
Hon. George Nthenge, MP
Hon. Kipkalia Kones, MP
Hon. Jimmy Angwenyi, MP

- b) Absent NDP was not represented.
5. The IPPG Coordinating Working Committee meeting considered the Draft Proceedings of the 1st IPPG Plenary prepared and presented by Hon. George M. Anyona, MP for Kitutu Masaba (KSC) and adopted it for the confirmation of the Second IPPG Plenary on 2nd September, 1997.
6. The IPPG Co-ordinating-Working Committee considered and adopted the issues which will constitute the Agenda for the 2nd meeting of the IPPG as follows:
- A. The venue of the Second IPPG Plenary at County Hall, Conference Hall.
- B. The date and time of the IPPG Plenary:
- (i) Date - 2nd September, 1997
(ii) Time - 10.00 am to 12.30 pm
- 3.00 pm to 05.00 pm
- C. The attendance of the IPPG Plenary:
- (i) Members of Parliament
(ii) Press
- D. The confirmation of the Draft Proceedings of the First IPPG Plenary:
- E. The IPPG discussed and adopted the Agenda and Programme of the Second Plenary of the IPPG as follows:
- (a) Commitment to dialogue
- (b) Reforms
- (i) Constitutional Reforms:
- The Constitution of Kenya Review Commission Bill, 1997
The Opposition Document
Minimum Reforms
Long-term Reforms
- (ii) Legal Reforms:
Amendments and repeals of Statutes contained in the Statute Miscellaneous Law (Repeals and Miscellaneous Amendments) Bill, 1997.

1

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Statutes not covered by the Statute Law (Repeals and Miscellaneous Amendments Bill, 1997.

Opposition document

Electoral Code of Conduct

(iii) Administrative Reforms:

Opposition Document

Other Proposals

(c) Peace and Security:

(i) Security situation in Coast Province and the rest of the country

(ii) Banditry

(iii) Cattle rustling

(iv) Incitement at public meetings and processions

(v) Permits for public meetings

(d) General Election

(i) Voters Roll

(iii) Electoral law, regulations and rules

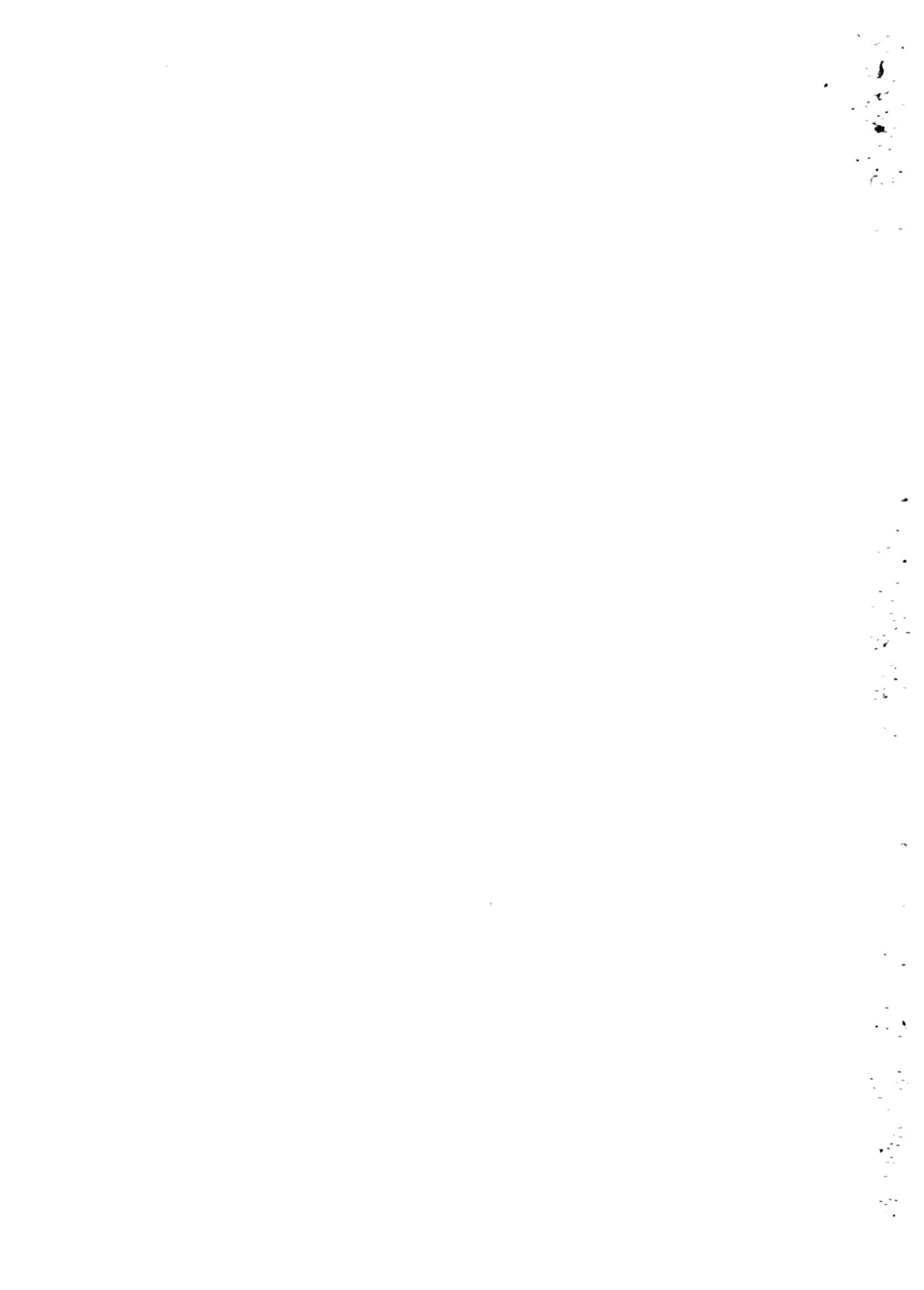
(iv) Access to public media

8. Time frame

Reports before 15th September, 1997

9. Any Other Business

11. Resolutions



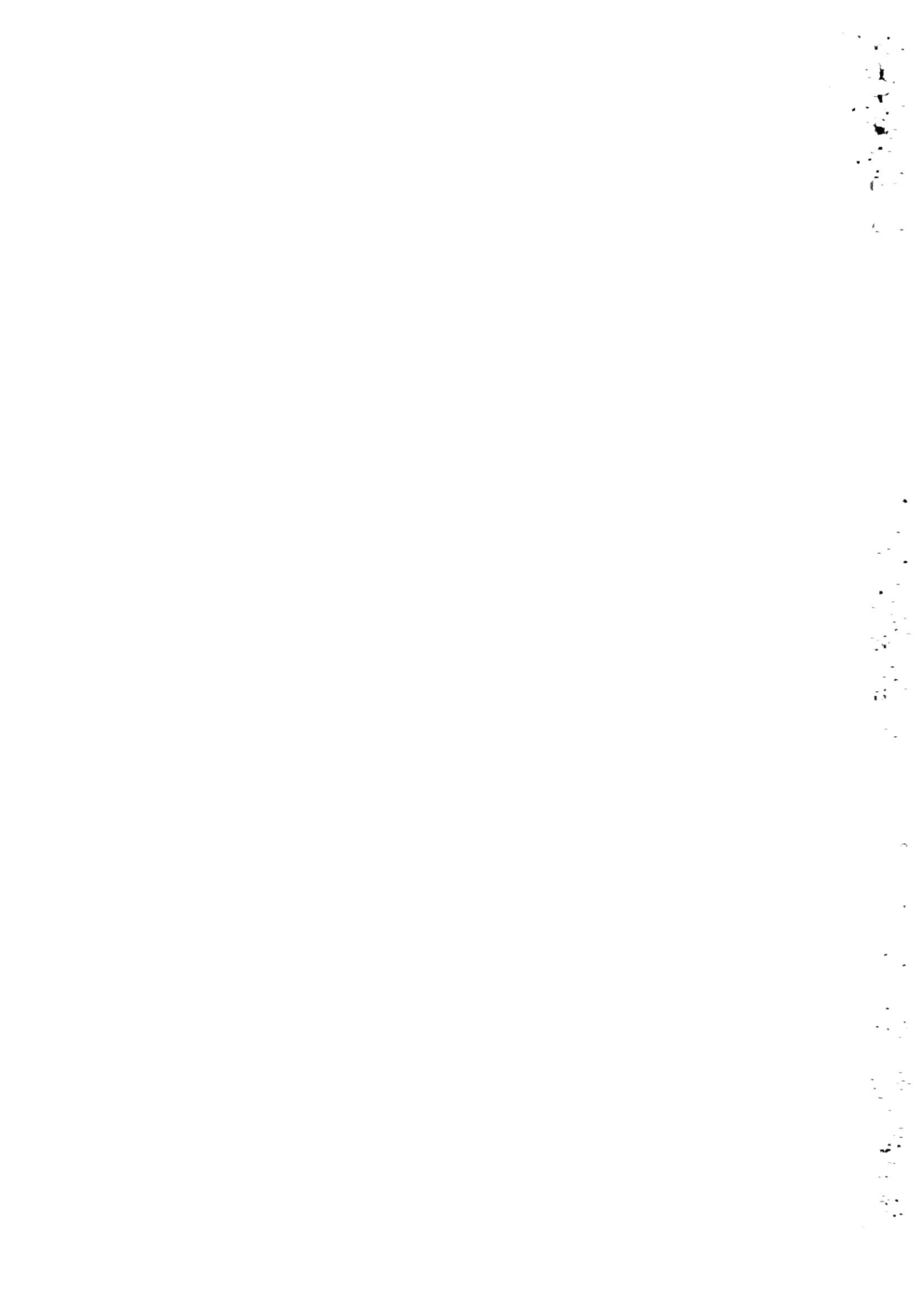
THE INTER-PARTIES PARLIAMENTARY GROUP (IPPG)

SECOND PLENARY

COUNTY HALL: 2ND SEPTEMBER, 1997

P R O G R A M M E

1. Prayers
2. Introductory Remarks
3. Adoption of Agenda and Report of 1st IPPG Meeting
4. Commitment to Dialogue
5. Reforms
 - (a) Constitutional Reforms
 - (i) The Constitution of Kenya Review Commission Bill, 1997
 - (ii) The Opposition Document
 - (iii) Minimum Reforms
 - (iv) Long-term Reforms
 - (v) Participation
 - (b) Legal Reforms
 - (i) Amendments and repeals of statutes contained in the Statute Law (Repeals and Miscellaneous Amendments) Bill, 1997 (see list)
 - (ii) Statutes not covered by the Statute Law (Repeals and Miscellaneous Amendments) Bill, 1997 (see list)
 - (iii) Opposition Document
 - (iv) Election Code of Conduct



- (c) Administrative Reforms
 - (i) Opposition Document
 - (ii) Others

6. **PEACE AND SECURITY**

- (a) Security situation in Coast Province and the rest of the country.
- (b) Banditry
- (c) Cattle rustling
- (d) Incitement at public meetings and processions
- (e) Permits for public meetings

7. **GENERAL ELECTIONS**

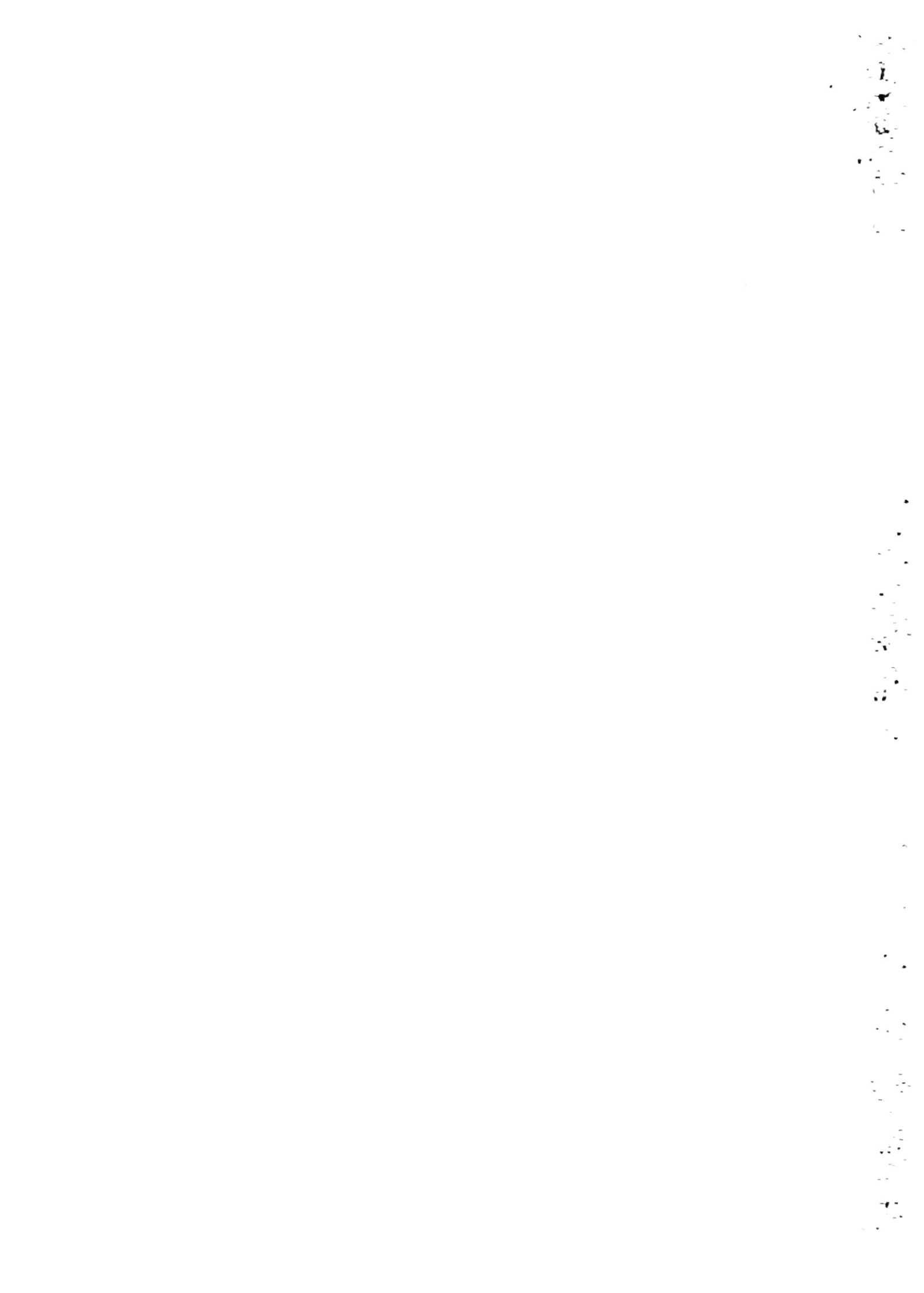
- (a) Voters Roll
- (b) Electoral law, regulations and code of conduct
- (c) Access to Public Media

8. **TIME - FRAME**

Reports before 30th September, 1997

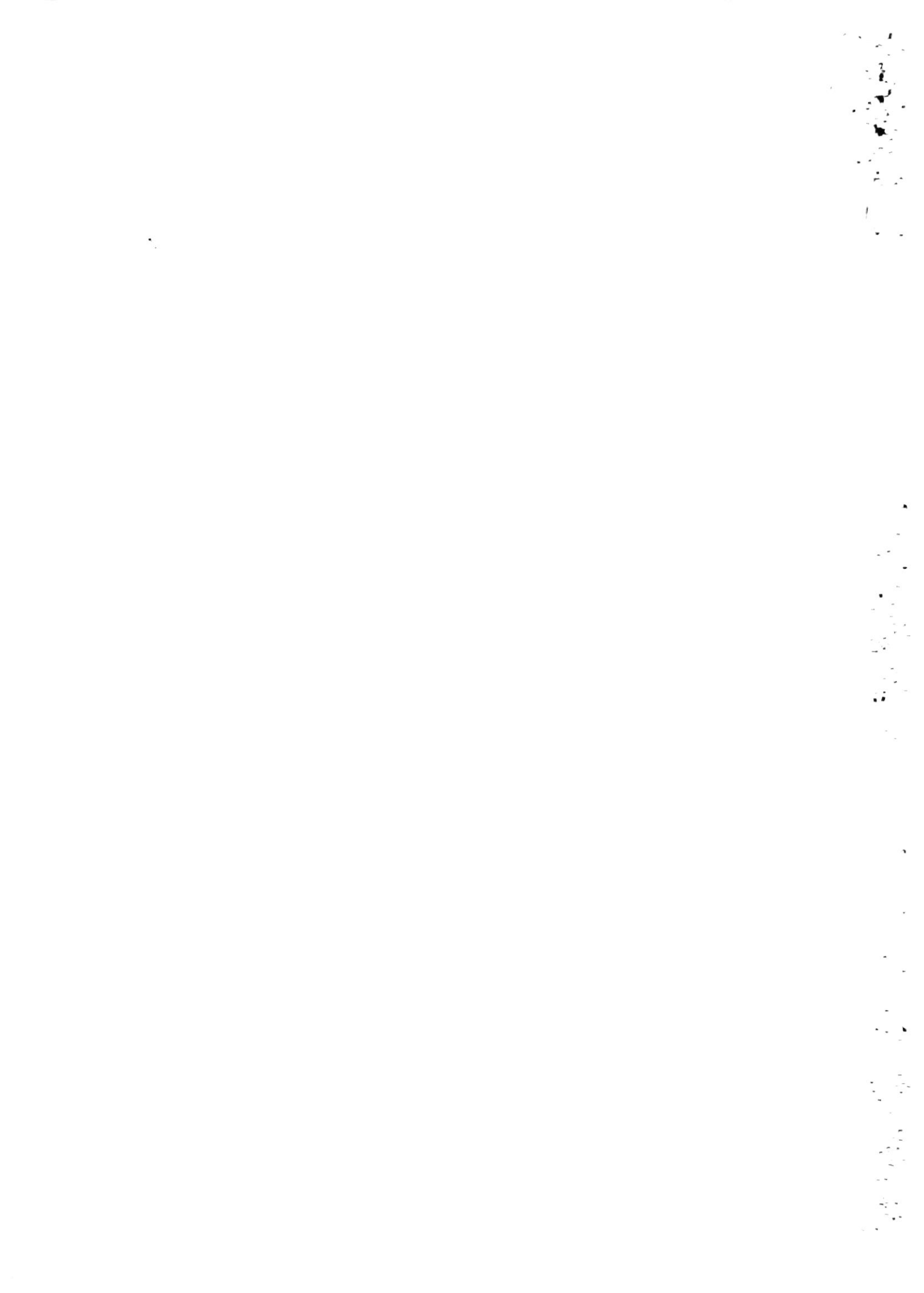
9. A.O.B.

10. Resolutions



AGENDA NO.5 (b) - STATUTES

1. The National Assembly and Presidential Elections Act -Cap 7
2. The Public Order Act - Cap 56
3. The Preservation of Public Security Act - Cap 57
4. The Vagrancy Act - Cap 58
5. The Penal Code - Cap 63
6. The Prevention of Corruption Act - Cap 65
7. The Election Offences Act - Cap 66
8. The Police Act - Cap 84
9. The Administration Police Act - Cap 85
10. The Outlying Districts Act - Cap 104
11. The Special Districts (Administration) Act-Cap 105
12. The Public Collections Act - Cap 106
13. The Societies Act - Cap 108
14. The Traditional Ligour Act - Cap 122
15. The Chiefs Authority Act - Cap 128



AGENDA NO.5 (a - c) - OPPOSITION DOCUMENT

CONSTITUTIONAL REFORMS

1. **Presidential Election (Section 5)**

The successful presidential candidate should in addition to getting at least 25% of the votes cast in at least 5 provinces be required to get over 50% of the total votes cast.

Should no clear winner emerge from the first round of polling then around-off shall be held within 21 days between the two candidates who scored the highest votes in the first round and a simple majority shall decide the winner.

2. **Coalition Government (Sections 7,15,16 and 19)**

The Constitution should expressly provide for the formation of a coalition government.

3. **Electoral Commission (Section 41)**

A truly independent and no-partisan Electoral Commission should be established. Members of the Commission should be nominated by all political parties, religious organisations and organised sectors of the civil society. The new independent and non-partisan Electoral Commission should be given adequate power to organise control and manage elections.

4. **Nominated Members of Parliament (Section 33)**

The Power to nominate twelve members of Parliament is open to abuse. Section 33 should therefore be repealed.

5. **Date of Elections**

The date of general elections should be established under the Constitution and should be in the third week of December of the 5th year after the previous general election.

6. **Independent Candidates**

Provision should be made for independent presidential, parliamentary and civic candidates to participate in elections.

LEGAL REFORMS

1. **Public Order Act**

The requirement of licensing public meetings and processions should be removed. Instead individuals should be required merely to notify the local police station of an intended public meeting or procession for security arrangements.

2. **Preservation of Public Security Act**

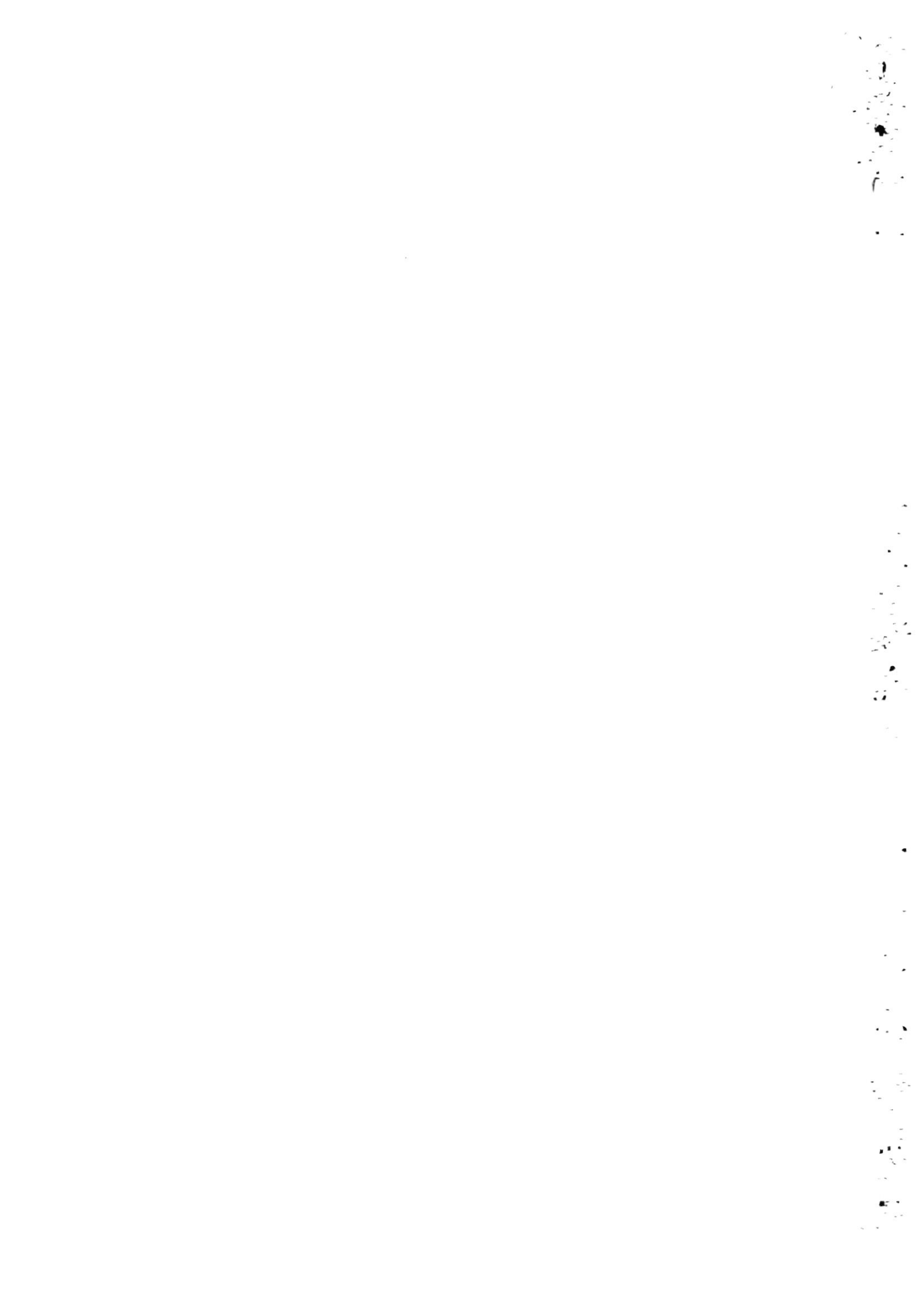
The power to detain and restrict persons without trial should be abolished while the power to declare a state of emergency should be subject to parliamentary approval.



3. **Societies Act**
Political parties should **not** be required to register under the Societies Act but should instead be required to notify the Electoral Commission of their formation.
4. **Chief's Authority Act**
This Act should be repealed
5. **Films and Stage Plays**
The requirement of licensing films and stage plays should be abolished
- 6a. **Penal Code (Section 56 and 57)**
Sedition provisions which criminalise free speech should be repealed.
- 6b. **The Public Collection's Act**
The requirements of licensing public collections (harambees) should be abolished by a repeal of this act.
7. **Election Code**
The independent and non-partisan Electoral Commission should operate under an Election Code which should provide for the following amongst other things:
 1. Registration of voters using any of the following documents: (a) National Identity Card (old or new), (b) Birth Certificate and (c) Passport.
 2. Nomination period for prospective candidates for a period of three days. Nomination papers may be presented to the Electoral Commission by the candidate or his/her agent.
 3. Introduction of reasonable expenditure ceilings for candidates during elections.
 4. The voting day shall be made a public holiday.
 5. Accessibility of information on register of voters, ballots, etc to the public.
 6. Use of transparent ballot boxes.
7. The counting of votes and announcement of results be at each polling stations. Results should be certified by the agents to respective candidates before being forwarded to the central recording station.

ADMINISTRATIVE REFORMS

1. All political prisoners including Koigi wa Wamwere, his co-accused, the Mungiki Cultists and Apiny Odhiambo should be released.
2. All victims of ethnic cleansing should be resettled.
3. All unregistered political parties should be registered.
4. PCs, DCs, DOs, Chiefs, the police and other civil servants should be banned from interfering with the electoral process.
5. Private radio and television should be licensed immediately.
6. Illegal presidential decrees on elections should be prohibited.
7. The gagging of the press and religious organisations should be prohibited.



THE INTER-PARTIES PARLIAMENTARY GROUP (IPPG)

SECOND PLENARY

COUNTY HALL - 2ND SEPTEMBER, 1997

SUMMARY PLENARY PROCEEDINGS

1. The Inter-Parties Parliamentary Group (IPPG) held three Sessions of the Second Plenary at the County Hall Conference Room of the precincts of Parliament from Tuesday, 2nd September to Thursday, 4th September, 1997. The Plenary Sessions were co-chaired by Hon. James Osogbo (Kanu) and Hon. Achieng Oneko (Ford-K) with Hon. George Anyona (KSC) as the Secretary.
2. The Plenary Sessions of the IPPG were attended and covered by the Press Corps. The Speaker of the National Assembly, Hon. Francis ole Kaparo, MP, also attended the Plenary Session on Wednesday, 3rd September, 1997 in an observer capacity. The attendance at the Plenary Sessions was as follows:
 - (a) First Session, Tuesday, 2nd September, 1997 - 106 Members
 - (b) Second Session, Wednesday, 3rd September, 1997 - 100 Members
 - (c) Third Session, Thursday, 4th September, 1997 - 96 Members
3. The IPPG Plenary Session on 2nd September, 1997 adopted the Draft Agenda and Programme prepared by the Co-ordinating Committee as mandated by the First Plenary on 1st September, 1997. The Plenary also adopted, by acclamation, the Report or Proceedings of the First Plenary presented by the Secretary to the IPPG, Hon. George M. Anyona, MP (KSC).
4. The IPPG Plenary commenced its deliberations with "Commitment to Dialogue". At the end of the deliberations, there was broad and general consensus on commitment to dialogue as the only way to deal with the current situation in the country and also with future challenges. The Plenary proposed a Resolution on Commitment to Dialogue which was read by Hon. Simeon Nyachae, MP (Kanu).
5. The IPPG Plenary Session exchanged view on the various subjects on reform, peace and security as well as the forthcoming General Election as follows:
 - (a) **Constitutional Reform**
 - (i) The Constitution of Kenya Review Commission Bill, 1997 on long term reform.
 - (ii) The Opposition Document on minimum reforms:
 - Presidential Election
 - Coalition Government
 - Electoral Commission
 - Nominated Members
 - Date of Election
 - Independent Candidates



(b) **Legal Reforms**

The statutes contained in the Statute Law (Repeals and Miscellaneous Amendments) Bill, 1997.

- (i) The Public Order Act Cap 56
- (ii) The Preservation of Public Security Act, Cap 57
- (iii) The Vagrancy Act, Cap 58
- (iv) The Penal Code, Cap 63
- (v) The Election Offences Act, Cap 66
- (vi) The Police Act, Cap 84
- (vii) The Administration Police Act, Cap 85
- (viii) The Outlying Districts Act, Cap 104
- (ix) The Special Districts (Administration) Act, Cap 105
- (x) The Public Collections Act, Cap 106
- (xi) The Societies Act, Cap 108
- (xii) The Chiefs Authority Act, Cap 128

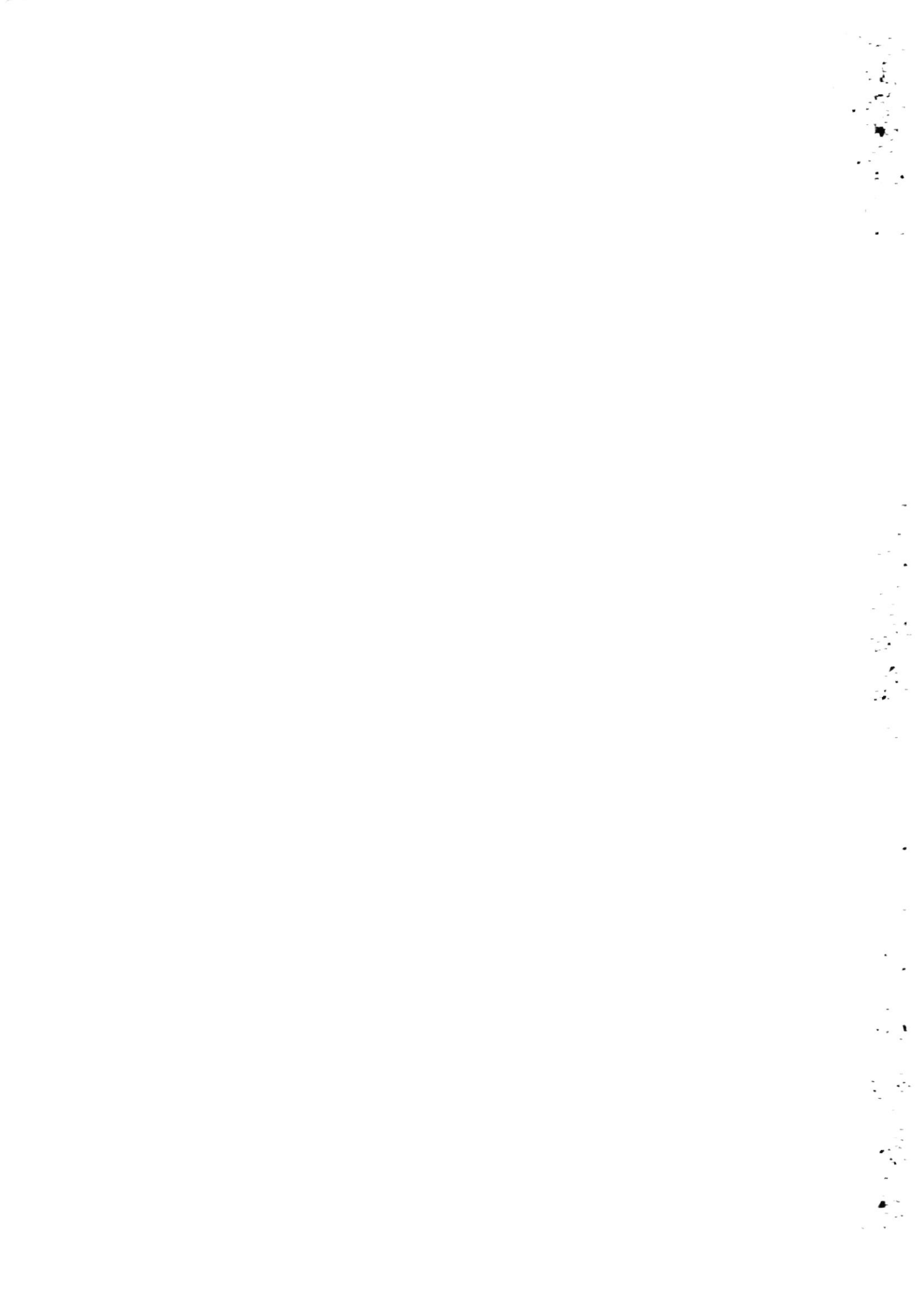
(ii) The Statutes not contained in the Statute Law (Repeals and Miscellaneous Amendments) Bill, 1997:

- (i) The National Assembly and Presidential Elections Act, Cap 7
- (ii) The Films and Stage Plays Act, Cap
- (iii) The Tradition Liquor Act, Cap 122
- (iv) The Kenya Broadcasting Corporation Act - Cap 221
- (v) The Trade Unions Act, Cap 233
- (vi) The Local Government Act, Cap 265

(iii) The issues and statutes contained in the Opposition Document

Presidential Election
Coalition Government
Electoral Commission
Nominated Members
Date of Election
Independent Candidates
Public Order Act
Prservation of Public Security Act
Societies Act
Chiefs Authority Act
Films and Stage Plays Act
Penal Code
Public Collections Act
Election Code
Release of Political Prisoners
Settlement of Victims of Clashes

Registration of all Political Parties
Delinking the Provincial Administration, Civil Servants and the Police
from the election process



Licensing of private radio and television media
Prohibition of Presidential "decrees" on elections
The Press and Religious Organisations

(c) **Administrative Reform**

- (i) The Opposition Document
- (ii) General proposals

(f) **Peace and Security**

- (i) Security situation in Coast Province and the rest of the country.
- (ii) Banditry
- (iii) Cattle Rustling
- (iv) Incitement at Public Meetings and Processions

(g) **General Election**

- (i) Voters Roll
- (ii) Electoral law, regulations and code of conduct
- (iii) Access to Public Media

(h) **Time-Frame**

- (i) Participation
- (ii) Reporting before 15th September, 1997

(i) **Any Other Business**

- (i) The on Union of Kenya Civil Servants
- (ii) ALGAK
- (iii) The Kenya Women's Political Caucus

(j) **Resolutions**

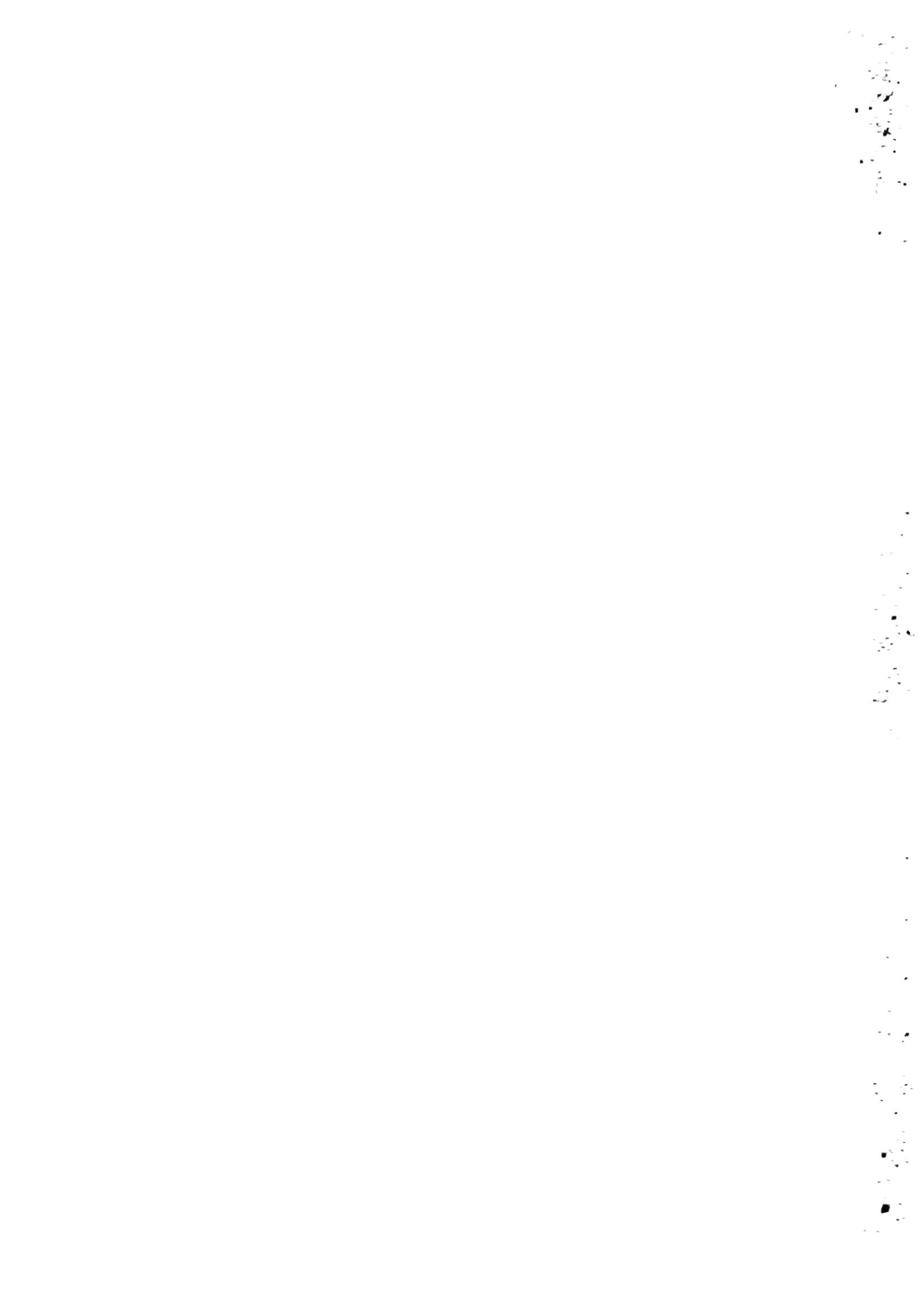
- (i) Commitment to Dialogue
- (ii) Reforms
- (iii) Peace and Security
- (iv) Electoral Code

6. The IPPG Plenary admitted three petition memoranda for consideration as follows:

- (a) Election of Chairmen and Mayors from ALGAK (Association of Local Government Authorities of Kenya) presented by Hon. Martha Karua, MP.
- (b) Rights of Women from the Kenya's Political Women Caucus on reform initiatives presented by Hon. Phoebe Asiyo, MP
- (c) The revival of the Union of Kenya Civil Servants from former officials presented by Hon. George M. Anyona, MP.



7. The IPPG Plenary resolved to extend the mandate of the Co-ordinating Committee to guide the dialogue and reform initiatives. The Plenary then established three Technical Committees to deal with issues discussed in the Plenary Sessions as follows:
 - (a) Constitutional, Legal and Administrative Reform Committee.
 - (b) Peace and Security Committee
 - (c) Electoral Code Committee
8. The IPPG Plenary accepted and approved the proposal made by the Co-ordinating Committee to hold consultations on the reform process with the President, religious community leaders and other stakeholders. The Plenary was not unanimous on consultations with the diplomatic community but left the issue to the discretion of the Co-ordinating Committee.
9. The IPPG Plenary made and adopted the following resolutions:
 - (a) Commitment to Dialogue Resolution:
 - (i) We are unequivocally committed to the current dialogue on legal, administrative and constitutional reform through the Inter-Parties Parliamentary Group (IPPG).
 - (ii) We shall do anything within our individual and collective capacity to avoid all acts and utterances inimical to positive peaceful change in our country.
 - (iii) We shall make all efforts to accommodate dissenting views as a way of reflecting diversity and not hate.
 - (iv) We shall stand together in prosecuting the course of this dialogue on reform without any fear.
 - (b) Technical Committees Resolution:
 - (i) A technical committee comprising ten members from Kanu and ten from the Opposition to discuss and draft recommendations to the IPPG reflecting consensus between the parties to this dialogue on constitutional, legal and administrative reform, with a view to developing possible bills for enactment into law by the National Assembly.
 - (ii) A technical committee comprising seven members from Kanu and seven from the Opposition to develop recommendations for the IPPG on a draft electoral code, and draft legislation and regulation to govern the operations of the Electoral Commission.



- (iii) A technical committee comprising seven Kanu members and seven from the Opposition to deliberate upon and recommend to the IPPG on a collective resolution regarding the current problems of insecurity and banditry with a view to developing a collective commitment to the rule of law, maintenance of peace and exclusion of peace or exacerbation of conflict.

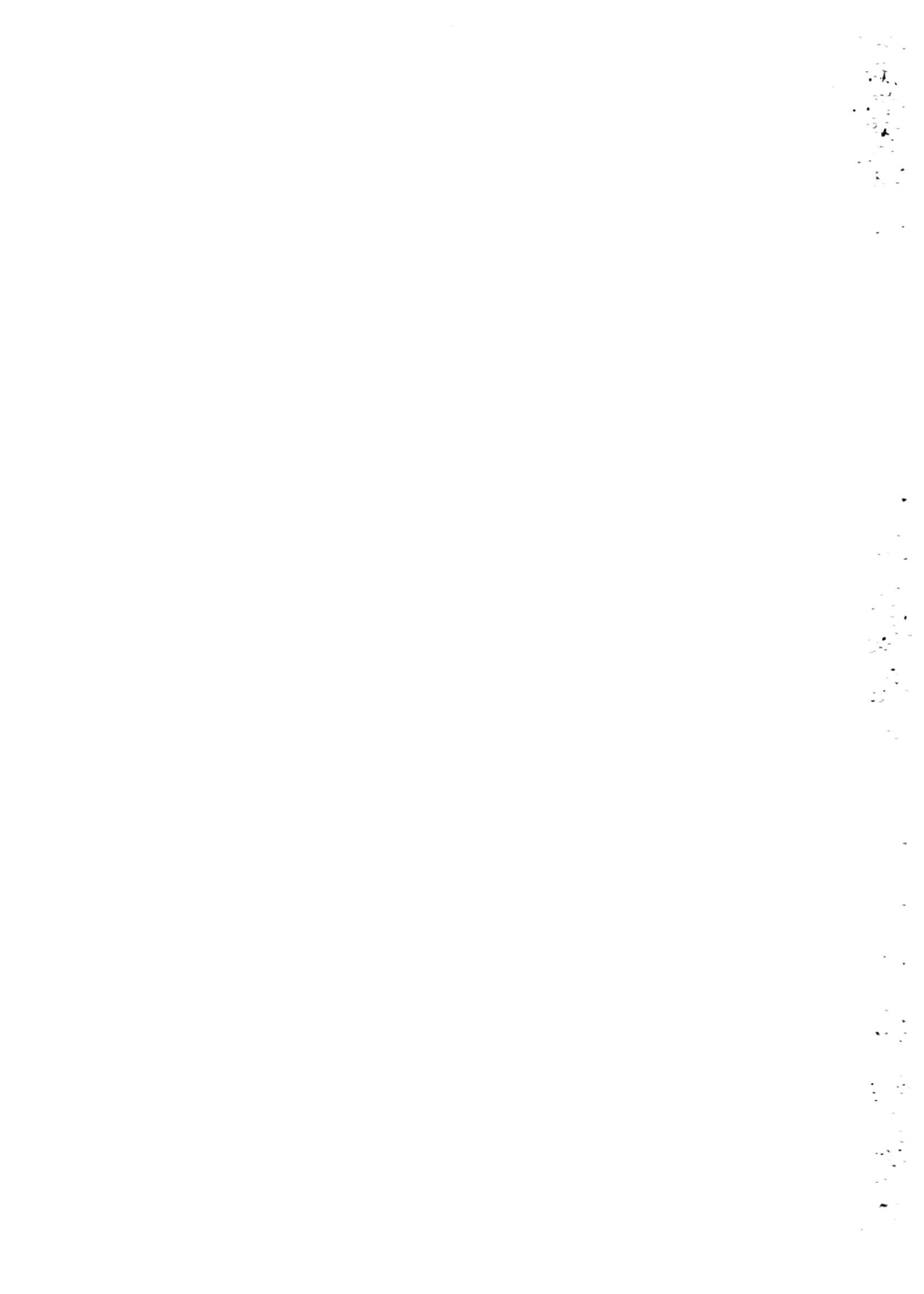
That the established committees work for a period of one week and thereafter report back to the IPPG through the Co-ordinating Committee.

10. The IPPG Plenary mandated the Co-ordinating and the Technical Committees to undertake the responsibilities bestowed upon them in the discussions and resolutions of the Plenary within one week and report proposed recommendations to the Third Plenary of the IPPG at 10.00 a.m on Tuesday, 9th September, 1997 at County Hall Conference Room.

Hon. George M. Anyona, MP
Secretary to Co-ordinating Committee and IPPG

Parliament Buildings
NAIROBI

September 10, 1997



THE INTER-PARTIES PARLIAMENTARY GROUP (IPPG)

TECHNICAL COMMITTEES

PRESS BRIEFINGS

The Technical Committees established by the Inter-Parties Parliamentary Group (IPPG) Plenary Session on 4th September, 1997 are as follows:

A. CO-ORDINATING COMMITTEE

The Hon. J.J. Falana, MP	-	Convener (Kanu)
The Hon. C.N. Osogo, MP	-	Co-Chairman (Kanu)
The Hon. Ramogi Achieng Oneko, MP	-	Co-Chairman (Ford-K)
The Hon. George M. Anyona, MP	-	Secretary (KSC)
The Hon. Kipkalya Kones, MP	-	Member (Kanu)
The Hon. George G.W. Nthenge, MP	-	Member (Ford-A)
The Hon. Joseph M. Shikuku, MP	-	Member (Ford-A)
The Hon. Ibrahim Salat, MP	-	Member (Kanu)
The Hon. Matu Wamae, MP	-	Member (DP)
The Hon. Martha Karua, MP	-	Member (DP)
The Hon. Saulo Busolo, MP	-	Member (Ford-K)
The Hon. Jimmy N. Angwenyi, MP	-	Member (Kanu)

B. CONSTITUTIONAL, LEGAL AND ADMINISTRATIVE REFORM COMMITTEE

The Hon. Dalmas Otieno, MP	-	Co-Chairman (Kanu)
The Hon. Kiraitu Murungi, MP	-	Co-Chairman (Ford-K)
The Hon. George M. Anyona, MP	-	Secretariat (KSC)
The Hon. Dr. Mukhisa Kituyi, MP	-	Secretariat (Ford-K)
The Hon. J.C.N. Osogo, MP	-	Member (Kanu)
The Hon. Kipkalya Kones, MP	-	Member (Kanu)
The Hon. Peter Maundu, MP	-	Member (Kanu)
The Hon. Julius ole Sunkuli, MP	-	Member (Kanu)
The Hon. G.G. Kariuki, MP	-	Member (Kanu)
The Hon. F.N. Kagwima, MP	-	Member (Kanu)
The Hon. Moses Wetangula, MP	-	Member (Kanu)
The Hon. Henry Obwocha, MP	-	Member (Ford-K)
The Hon. Martha Karua, MP	-	Member (DP)
The Hon. Norman Nyagah, MP	-	Member (DP)
The Hon. Matu Wamae, MP	-	Member (DP)
The Hon. George Nthenge, MP	-	Member (Ford-A)
The Hon. Dr. Lwali Oyondi, MP	-	Member (Ford-A)
The Hon. Abubakar Badawy, MP	-	Member (Kanu)

C. PEACE AND SECURITY COMMITTEE

The Hon. Moody Awori, MP	-	Chairman (Kanu)
The Hon. Kennedy Kiliku, MP	-	Co-Chairman (DP)
The Hon. William Morogo, MP	-	Member (Kanu)
The Hon. Mwangi Githiomi, MP	-	Member (DP)



The Hon. Chris Kamuyu, MP	-	Member (Ford-A)
The Philip Rotino, MP	-	Member (Kanu)
The Hon. Linus A. Polo, MP	-	Member (Ford-K)
The Hon. Eliud Mcharo, MP	-	Member (Kanu)
The Hon. Khalif S. Mwavumo, MP	-	Member (Ford-K)
The Hon. Jillo Falana, MP	-	Member (Kanu)
The Hon. Mohammed Shidiye, MP	-	Member (Kanu)
The Hon. Sammy Leshore, MP	-	Member (Kanu)
The Hon. Mrs Phoebe Asiyu, MP	-	Member (Ford-K)

D. ELECTORAL CODE COMMITTEE

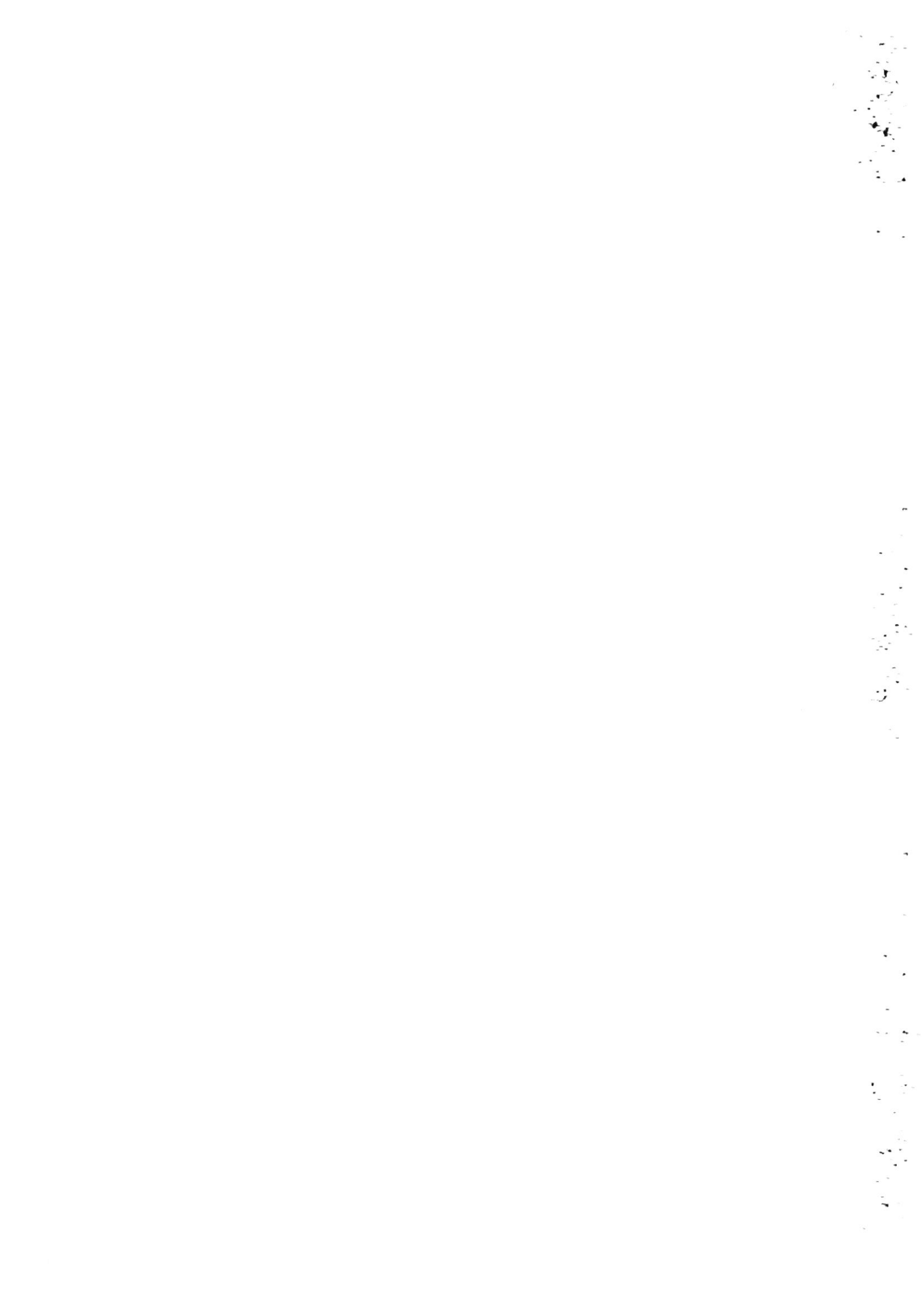
The Hon. Andrew Ligale, MP	-	Co-Chairman (Kanu)
The Hon. Joseph Mulusya, MP	-	Co-Chairman (DP)
The Hon. Prof. Ouma Muga, MP	-	Member (Ford-K)
The Hon. Prof. Anyang Nyong, MP	-	Member (Ford-K)
The Hon. George Kapten, MP	-	Member (Ford-K)
The Hon. Muhika Mutahi, MP	-	Member (DP)
The Hon. Shadrack Manga, MP	-	Member (Kanu)
The Hon. Japhet Shamala, MP	-	Member (Kanu)
The Hon. Boaz Kaino, MP	-	Member (Kanu)
The Hon. John S. Mumba, MP	-	Member (Kanu)
The Hon. Gonzi Rai, MP	-	Member (Kanu)
The Hon. Mrs Agnes Ndetei, MP	-	Member (Kanu)
The Hon. Bishop Joseph Kimani, MP	-	Member (Ford-A)
The Hon. Njenga Mungai, MP	-	Member (Ford-A)

2. The Technical Committees met yesterday afternoon and constituted themselves as above. The Committees also compiled their Work Programme for Friday, Saturday, Sunday and Monday.
3. The Committees started working this morning and continued in the afternoon. They will be working throughout the weekend.
4. The Committees are working in a cordial and relaxed atmosphere. The Committees are so far making good progress in their deliberations.
5. The Committees will compile provisional reports on Monday, 8th September, 1997. The reports will be presented to the Plenary Session of the IPPG on Tuesday, 9th September, 1997 at County Hall. The Committees will also hold the next Press Briefing on Monday, 8th September, 1997.

Hon. George M. Anyona, MP
Secretary to Co-ordinating Committee

Parliament Buildings
Nairobi

September 5, 1997



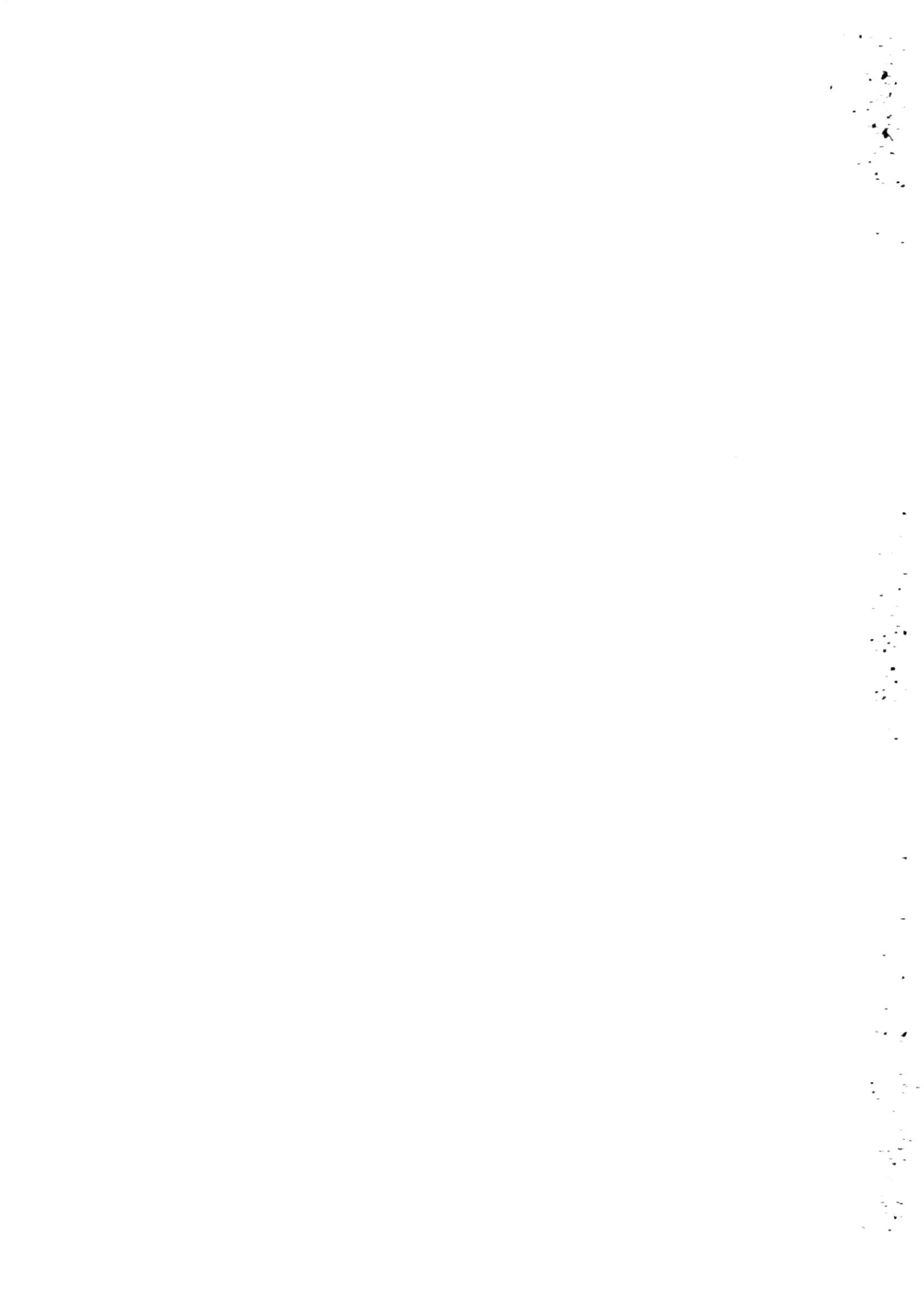
THE INTER-PARTIES PARLIAMENTARY GROUP (IPPG)

PRESS BRIEFING

1. The Technical Committees have been meeting today.
 - (a) The Constitutional, Legal and Administrative Reform Committee met in the morning and adjourned to allow members to attend the national Harambee for Women. The Committee has completed deliberations on Legal Reform covering Statutes listed in the Bill and Agenda No.5(b).
 - (b) The Peace and Security Committee met in the afternoon and completed their deliberations on the following issues before adjourning and will meet tomorrow to draft Resolutions for the Plenary:
 - (i) Rule of Law
 - (ii) Maintenance of Peace
 - (iii) Threats to Security
 - (iv) Banditry
 - (v) Cattle Rustling
 - (vi) Clashes
 - (vi) Urban Insecurity
 - (c) The Electoral Code Committee is in session and making good progress.
2. The Committees will meet again tomorrow to deal with remaining business. The Committees are working hard and deliberations are based on general consensus.
3. The Committees are keenly conscious of their grave responsibilities to Kenyans and are determined to discharge and honour these responsibilities to the best of their abilities.
4. The Committees are most grateful to all Kenyans for being and remaining calm while the IPPG deals with the situation.
5. We appeal and urge all Kenyans of goodwill to give support to the current dialogue initiatives by the IPPG.

Hon. George M. Anyona, MP
SECRETARY TO COMMITTEE & IPPG

6th September, 1997



THIRD (IPPG) PLENARY

RESOLUTION

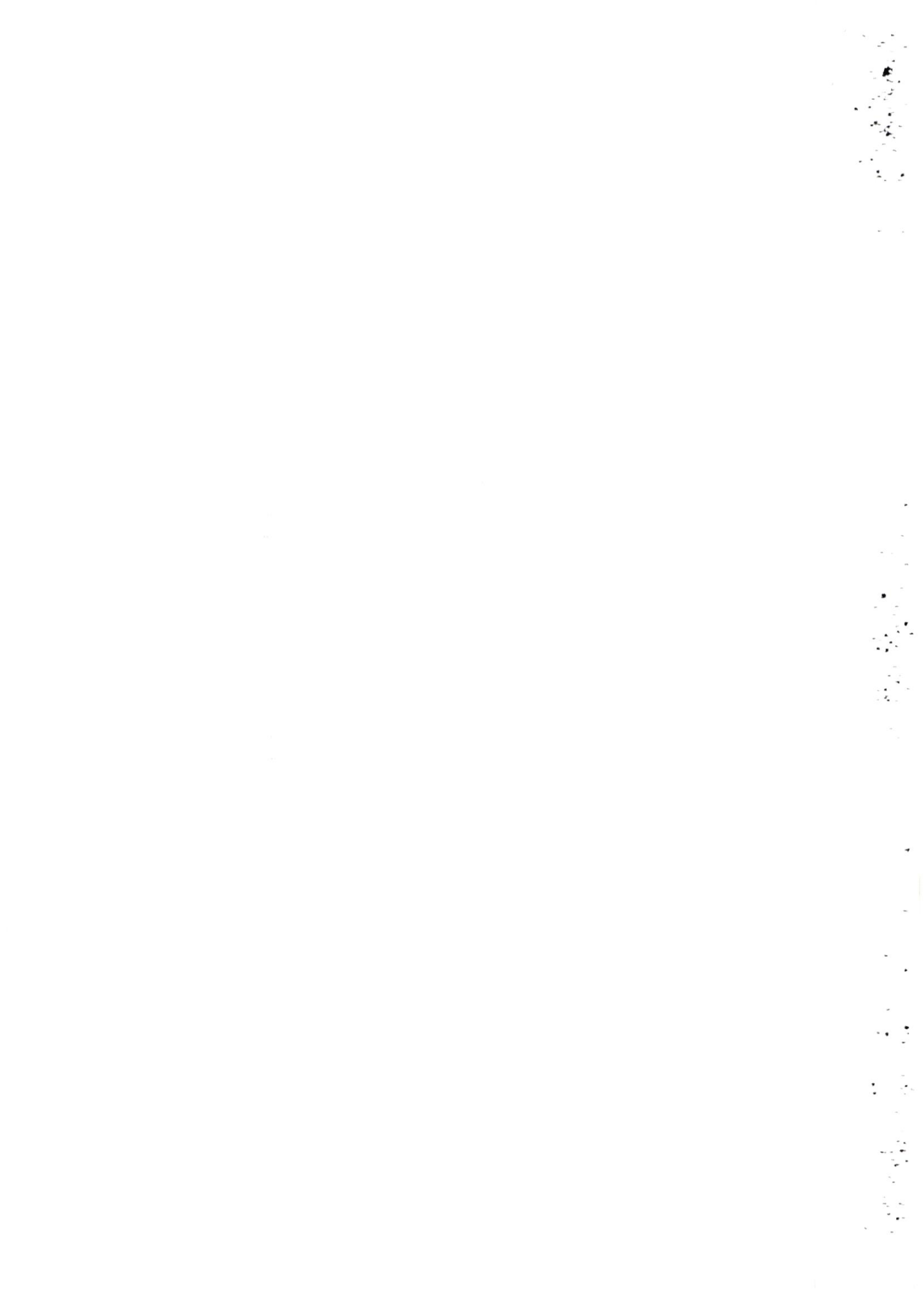
PRESS BRIEFINGS

1. The Committees have been meeting again this morning and proceedings are in progress this afternoon.
2. The Security Committee has finalised resolutions. The Committee will meet the Commissioner of Police and his security team tomorrow morning.
3. The Constitutional, Legal and Administrative Reform Committee has started deliberations this afternoon and may complete the work tomorrow. Drafts on legal reforms are in progress with co-operation of the Attorney-General's office.
4. The Electoral Code Committee will complete work on Local Government this afternoon. Drafts are ready on the Electoral Code.
5. The Committees will meet tomorrow to finalise Drafts Reports and Recommendations.

Hon. George M. Anyona, MP
SECRETARY TO CO-ORDINATING COMMITTEE AND IPPG

Parliament Buildings
NAIROBI

September 07, 1997



THE INTER-PARTIES PARLIAMENTARY GROUP (IPPG)

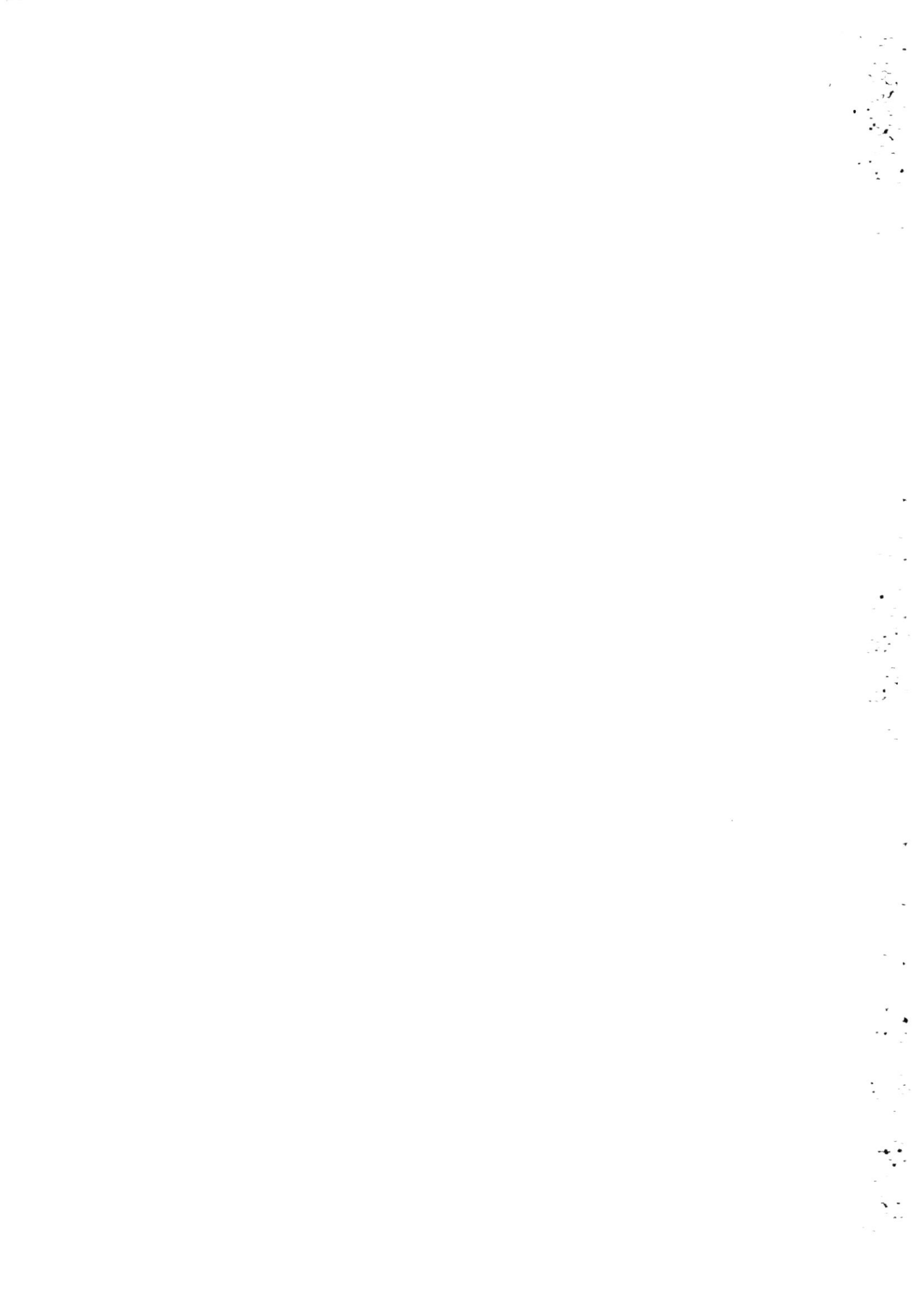
PRESS BRIEFINGS

1. The Technical Committees of the IPPG met and continued working this morning and afternoon. The deliberations of the Committees are still in progress.
2. The Peace and Security Committee held consultations with the Commissioner of Police and his security team this morning. In the afternoon, the Committee continued with the drafting of Resolutions. The Committee is being facilitated in the drafting of the Resolution by an officer from the Attorney-General's Chambers, Mr. Milton Odhiambo.
3. The Electoral Code Committee continued deliberations on Local Government. The Committee had consultations with the Permanent Secretary for Local Government, Mr. Richard Siele, who attended the morning session. The Committee is also being facilitated by an officer from the Attorney-General's Chambers, Ms Linda Mulira, in preparing draft Resolutions.
4. The Constitutional, Legal and Administrative Committee continued deliberations on both minimum and long-term constitutional reform. In both respects of the reform agenda, the Committee reached consensus on most of the issues under discussion, including the Electoral Commission, Nominated Members, etc. The Committee will proceed to deliberate on administrative reform. The Committee is being facilitated by three officers from the Attorney-General's Chambers, Ms Margaret Nzioka, Mr. Stephen Mwenesi and Ms Elizabeth Ng'ang'a, in drafting proposed constitutional and legal amendments and repeals to the Constitution and various Statutes.
5. Given the exceptional goodwill and large volume of work generated by deliberations of the Technical Committees, it will not be possible for the Committees to complete the Draft Resolutions and present them to the Co-ordinating Committee today. The Technical Committees require at least another two days to finalise their assignments.
6. In view of the foregoing, it has been agreed through consultations that the Third Plenary of the IPPG, scheduled for Tuesday, 9th September, 1997, be postponed until Thursday, 11th September, 1997, at 10.00 a.m. The venue of the Plenary will be notified in due course.
7. In the meantime, the Co-ordinating Committee and Technical Committees will seek consultations with the religious community and other stakeholders in the reform process. There will also be consultations with the Head of State.

Hon. George M. Anyona, MP
Secretary to Co-ordinating Committee and IPPG

Parliament Buildings
NAIROBI

September 08, 1997



THE INTER-PARTIES PARLIAMENTARY GROUP (IPPG)

PRESS BRIEFINGS

1. The proceedings of the Technical Committees of the IPPG have reached advanced stages. The spirit of consensus and cordiality that has guided and imbued the proceedings of the Committees from the beginning of the IPPG dialogue and reform initiatives has been sustained and strengthened throughout the deliberations of the Committees. This has resulted in quick and remarkable achievements by the Technical Committees in the deliberations of the issues involved in the reform process as well as the peace and security situation in the country.
2. The Peace and Security Committee forwarded the proposed reports and resolutions to the Attorney-General's Chambers for drafting. The draft reports and resolutions were received from the Attorney-General's Chambers this afternoon and the Committee will now adopt them for presentation to the Co-ordinating Committee of the IPPG some time tomorrow.
3. The Electoral Code Committee has completed deliberations and is reviewing draft reports and resolutions on the following:
 - (a) The Constitution of Kenya
 - (b) The National Assembly and Presidential Elections Act, Cap 7.
 - (c) The Schedule to Section 34(i) and (h) on the Electoral Code of Conduct.
 - (d) The Election Offences Act, Cap 66.
 - (e) The Local Government Act, Cap 265
 - (f) The Proposed electoral Bills proposed by the Electoral Commission and the Opposition.
 - (g) The Presentation by the Association of Local Authorities of Kenya (ALGAK).
4. The Constitutional, Legal and Administrative Committee has now completed deliberations on all the items of the reform process. There is overwhelming consensus on these issues and reports, resolutions and possible legislations are in the process of drafting with the willing and welcome co-operation of officers from the Attorney-General's Chambers.
5. The Technical Committees are scheduled to present their draft reports and resolutions to the Co-ordinating Committee tomorrow, Wednesday, 10th September, 1997. The Co-ordinating Committee will then prepare the Agenda and Programme for the Third Plenary of the IPPG on Thursday, 11th September, 1997.

Hon. George M. Anyona, MP
Secretary to Co-ordinating Committee and IPPG

Parliament Buildings
NAIROBI

September 09, 1997



THE INTER-PARTIES PARLIAMENTARY GROUP (IPPG)

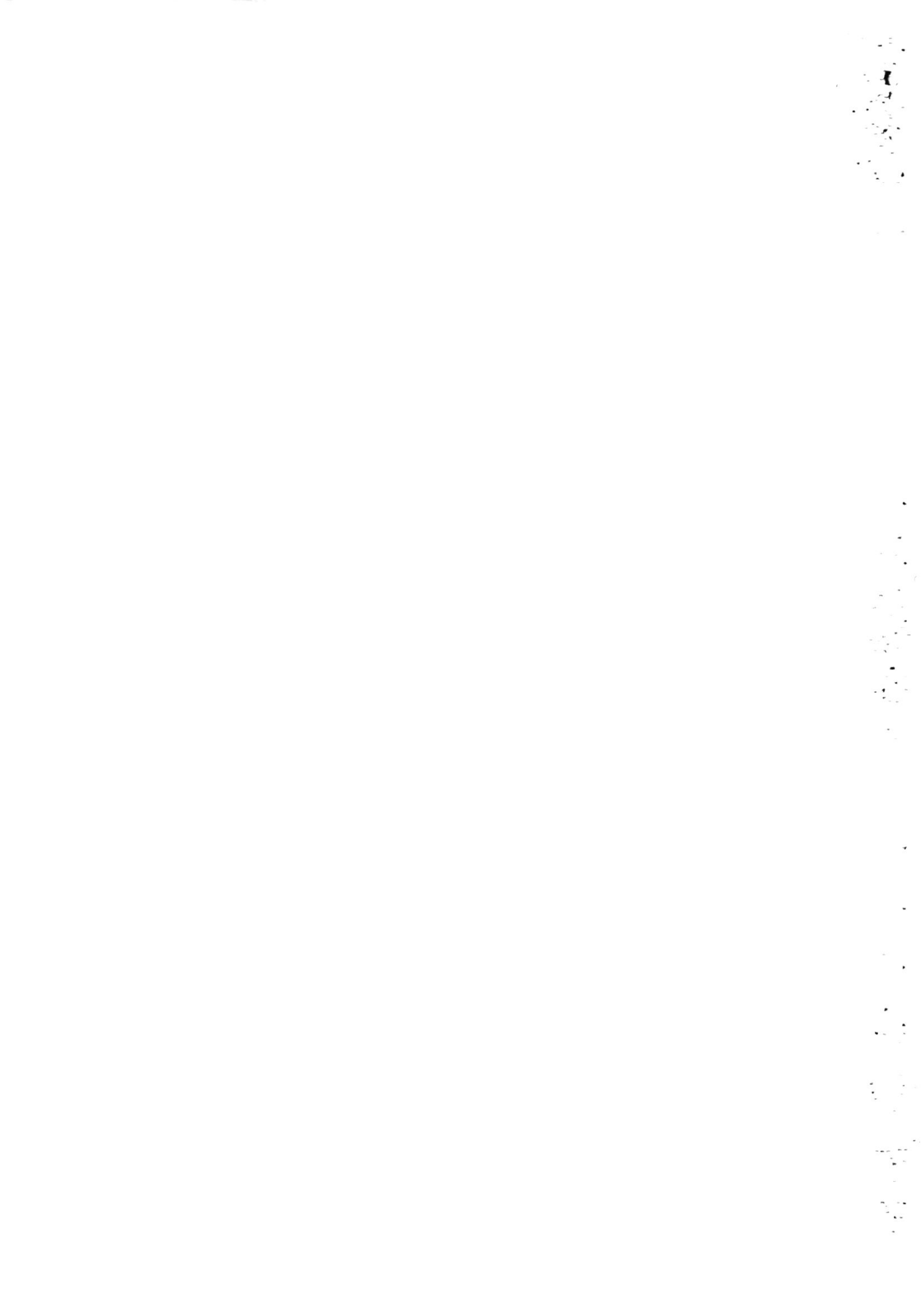
TECHNICAL COMMITTEES - DRAFT REPORTS

PRESS BRIEFINGS

1. The Three Committees established by the Fourth Session of the Second Plenary of the IPPG on Thursday, 4th September, 1997, have completed their work and presented Draft Reports and Resolutions to the Co-ordinating Committee for consideration and adoption.
2. The Draft Reports and Resolutions cover all the issues contained in the Agenda of the Second Plenary of the IPPG. These issues include:
 - (a) Minimum short-time constitutional, legal and administrative reforms.
 - (b) Comprehensive long-term constitutional, legal and administrative reforms.
 - (c) Peace and Security
 - (d) General Election
3. The Technical Committees deliberated, in a candid manner and free atmosphere, controversial and sensitive aspects of the reform agenda that were anathema to public scrutiny in the past. Indeed, the spirit and wind of dialogue was so strong that the Draft Reports and Resolutions were made and reached by general consensus.
4. The Draft Reports and Resolutions of the Technical Committees have been presented to the Co-ordinating Committee for consideration and adoption. The Co-ordinating Committee has duly considered the Draft Reports and Resolutions presented by the Technical Committees and duly adopted them with unanimity.
5. The Draft Reports and Resolutions of the Technical Committees have been compiled by the Co-ordinating Committee as an Interim Report for presentation to the Third Plenary of the IPPG on Thursday, 11th September, 1997, for consideration, adoption and sanction. The Interim Report will form a basis on which to defuse the explosive situation in the country and point the way forward from the current political impasse in the reform process as well as the deteriorating security situation. The recommendations will create a level-playing field for fair, free and peaceful General Election. The recipe for fair, free and peaceful General Election consists of, inter alia, co-operation, goodwill, tolerance and transparency.

Hon. George M. Anyona, MP
SECRETARY TO COMMITTEE & IPPG

10th September, 1997



THE INTER-PARTIES PARLIAMENTARY GROUP (IPPG)

THIRD PLENARY

OLD CHAMBER - 11TH SEPTEMBER, 1997

P R O G R A M M E

1. ATTENDANCE:

- (a) Members of Parliament
- (b) Religious Community Facilitation Team (RCFT) Observers
- (c) Diplomatic Community Observers
- (d) Resident Representatives of IMF, World Bank and European Commission Observers.
- (e) Amnesty International Observer
- (f) Press

2. PRELIMINARIES:

- (a) Prayer
- (b) Opening Remarks
- (c) Adoption of Agenda
- (d) Adoption of Proceedings of Second Plenary of IPPG

3. PRESENTATION OF REPORTS AND RESOLUTIONS:

- (a) Peace and Security Committee
- (b) Electoral Code Committee
- (c) Constitutional, Legal and Administrative Reform Committee

4. PLENARY DELIBERATIONS

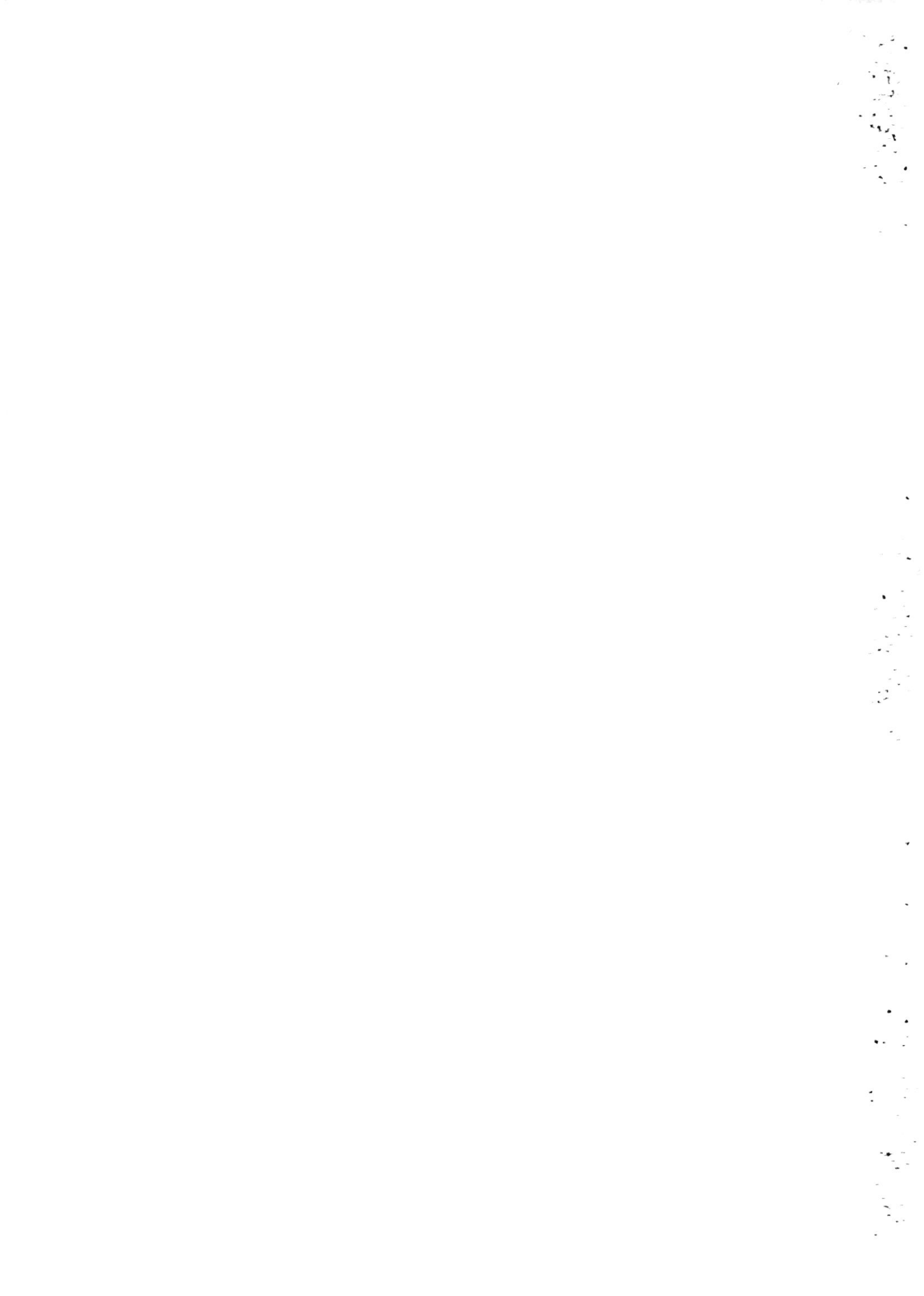
5. RESOLUTIONS

Parliament Buildings

Old Chamber

NAIROBI

11th September, 1997



THIRD IPPG PLENARY

RESOLUTION

We, Members attending the Third Plenary of the Inter-Parties Parliamentary Group (IPPG) of the Seventh Parliament meeting on the eleventh day of September, 1997 to consider the reports of the Peace and Security Committee, the Electoral Code Committee and the Constitutional, Legal and Administrative Committee regarding minimum reforms before the forthcoming General Elections do hereby

urge the National Assembly of Kenya to adopt the reports of the said three Committees through a House Resolution;

empower the Attorney-General to translate the reports of the said three committees into draft Bills for presentation to the National Assembly before the forthcoming General Elections;

recommend that all the four committees of the IPPG continue to work in close collaboration with the Attorney-General's Chambers to ensure that the contents of the Bills are fully cognisant of these recommendations;

call upon the National Assembly to ascertain that the respective Bill are enacted into law so as to ensure free and fair elections.

**Old Chamber
Parliament Buildings
NAIROBI**

Thursday, September 11, 1997

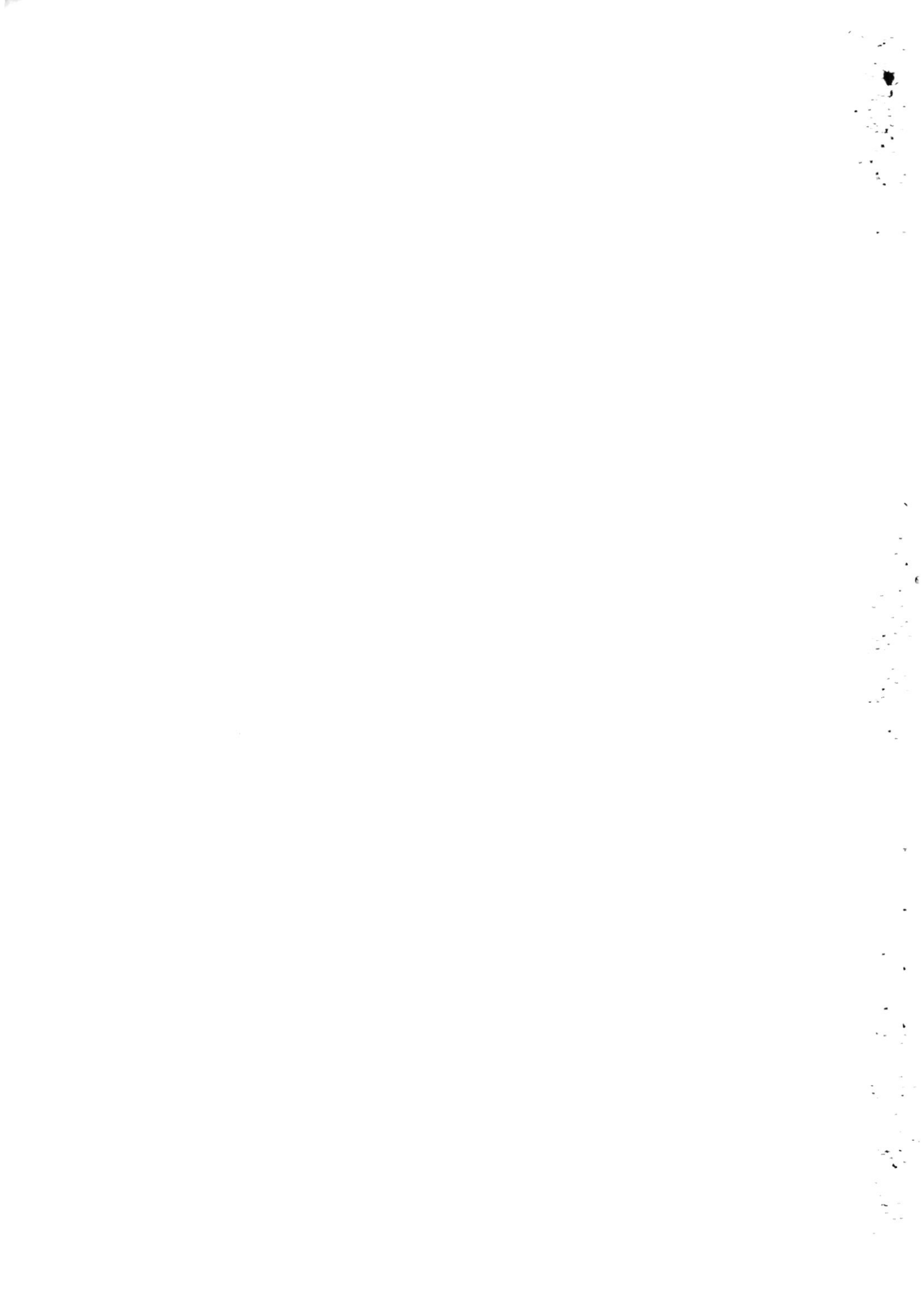


THE INTER-PARTIES PARLIAMENTARY GROUP (IPPG)

THIRD PLENARY

SUMMARY PLENARY PROCEEDINGS

1. The Third Plenary of the IPPG took place in the Old Chamber of Parliament Buildings, on Thursday, 11th September, 1997, from 10.50 a.m. to 1.50 p.m.
2. The Plenary was attended as follows:
 - (a) Members of Parliament - 138 Members
 - (b) Speaker and Attorney General (Observers)
 - (c) Religious Community Facilitation Team (RCFT) Observers - 10 Members
 - (d) Diplomatic Community Observers - 30 Diplomats
 - (e) Donor Community Observers - 3 Resident Representatives
 - (f) Amnesty International Observer - 1 Representative
 - (g) Press: Local and International
3. The Plenary started with a prayer by Hon. Bishop Joseph Kimani, M.P. (Nakuru North), after which the Agenda and Programme of the Plenary was adopted by acclamation. The adoption of the Report was proposed by Hon. Dr. Joseph Misoi, M.P. (Eldoret South) and seconded by Hon. Aluoch Polo, M.P. (Rongo). The Plenary also adopted the Summary Proceedings of the Second Plenary circulated by the Secretary to the IPPG by acclamation after the adoption was proposed by Hon. Jimmy N. Angwenyi, M.P. (Kitutu Chache) and seconded by Hon. Matu Wamae, M.P. (Mathira).
4. The Plenary commenced its deliberations with introductory and opening remarks from Hon. J.J. Falana, M.P.(Saku), Convenor, Hon. Achieng Oneko, M.P. (Rarieda), Co-Chairman and Hon. James Osogo, M.P. (Bunyala), Co-Chairman.
5. The Plenary was informed that some members of the Coordinating Committee of the IPPG had met the President at State House, Nairobi, during the morning of 11th September, 1997 and briefed him on the progress of the Technical Committees of the IPPG as follows:
 - (a) Peace and Security
 - (b) Electoral Code
 - (c) Constitutional, Legal and Administrative Reform.



THIRD IPPG PLENARY

RESOLUTION

We, Members attending the Third Plenary of the Inter-Parties Parliamentary Group (IPPG) of the Seventh Parliament meeting on the eleventh day of September, 1997 to consider the reports of the Peace and Security Committee, the Electoral Code Committee and the Constitutional, Legal and Administrative Committee regarding minimum reforms before the forthcoming General Elections do hereby

urge the National Assembly of Kenya to adopt the reports of the said three Committees through a House Resolution;

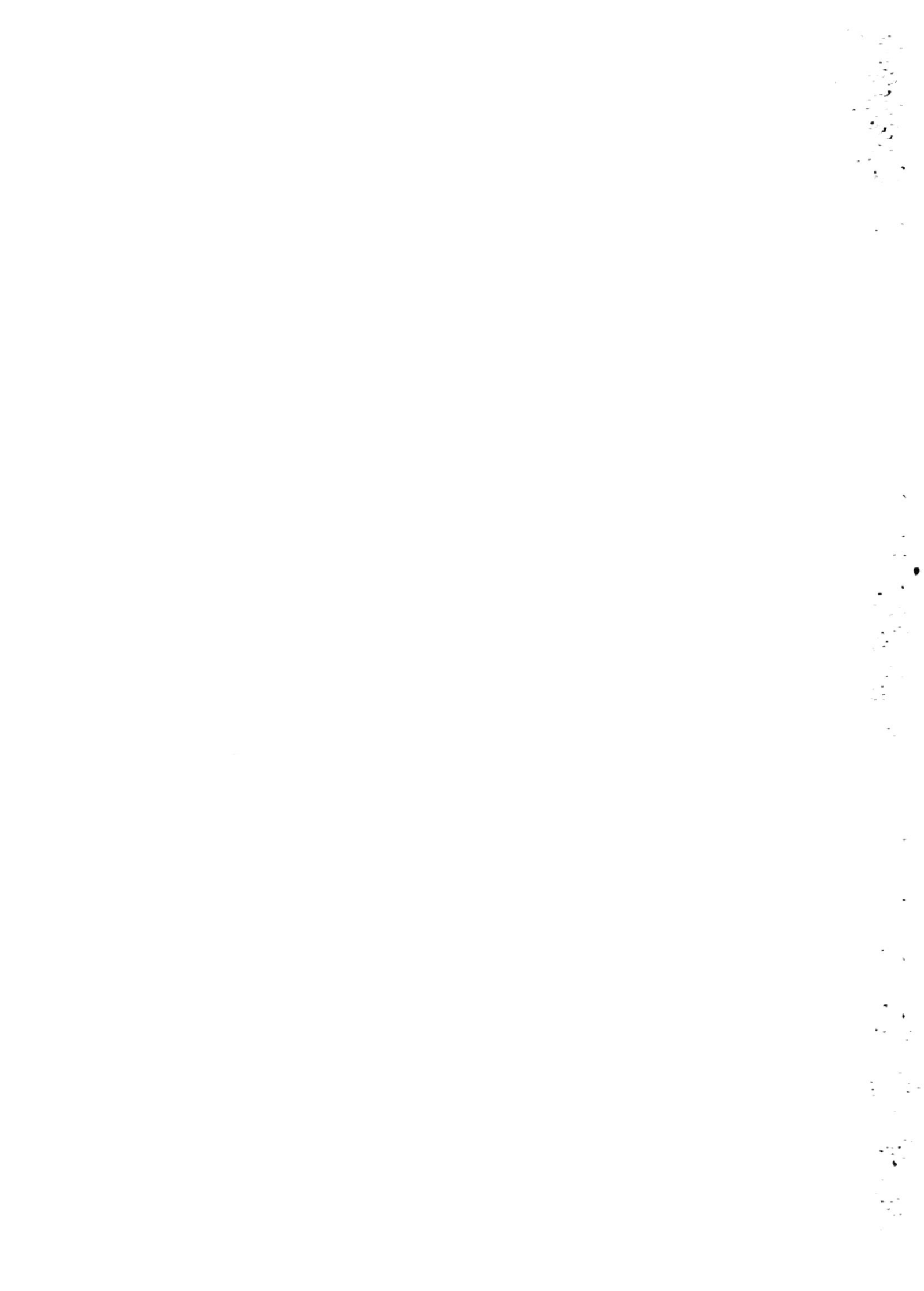
empower the Attorney-General to translate the reports of the said three committees into draft Bills for presentation to the National Assembly before the forthcoming General Elections;

recommend that all the four committees of the IPPG continue to work in close collaboration with the Attorney-General's Chambers to ensure that the contents of the Bills are fully cognisant of these recommendations;

call upon the National Assembly to ascertain that the respective Bill are enacted into law so as to ensure free and fair elections.

**Old Chamber
Parliament Buildings
NAIROBI**

Thursday, September 11, 1997



INTER PARTIES PARLIAMENTARY GROUP

ELECTORAL CODE COMMITTEE

INTERIM REPORT

1. INTRODUCTION

1.1. MEMBERSHIP

1. Hon. A.N. Ligale, M.P.
2. Hon. J.W. Mulusya, M.P.
3. Hon. Prof. J. Ouma Muga M.P.
4. Hon. Agnes Ndetei, M.P.
5. Hon. J.P. Mutere, M.P.
6. Hon. Muhika Mutahi, M.P.
7. Hon. S. Manga, M.P.
8. Hon. J. Shamalla, M.P.
9. Hon. B. Kaino, M.P.
10. Hon. Njenga Mungai, M.P.
11. Hon. Gonzi Rai, M.P.
12. Hon. J.S. Mumba, M.P.
13. Hon. G.W. Kapten, M.P.
14. Hon. Prof. P.Anyang Nyong'o, M.P.

1.2 CHAIRMAN AND SECRETARY

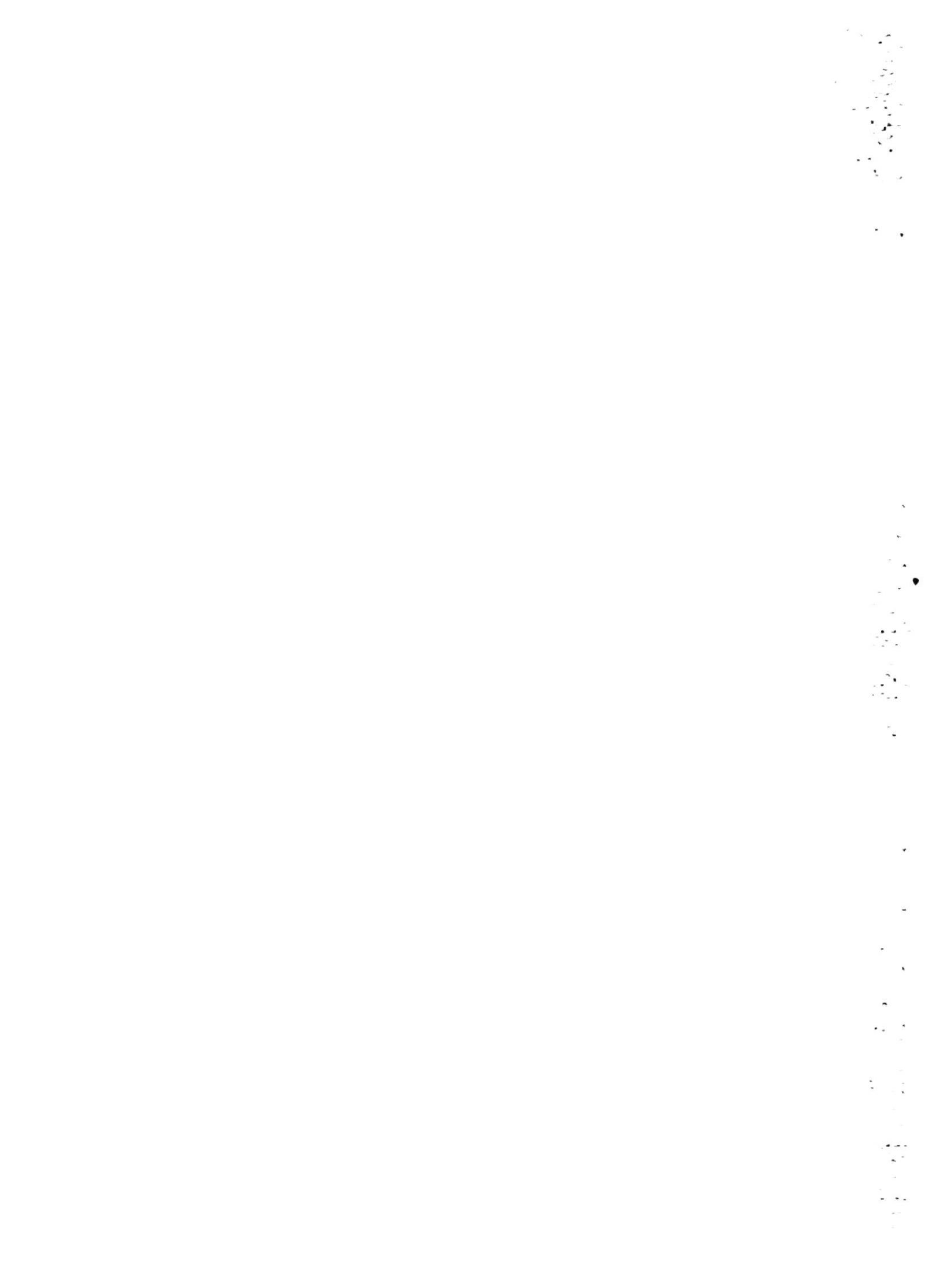
At the first meeting held on 4th September, 1997, the Committee elected Hon. A.N. Ligale, M.P and Hon. J.W. Mulusya, M.P. as Co-Chairmen and Hon. Prof. J. Ouma Muga, M.P. as Secretary.

The Committee held 7 (seven) meetings from Thursday 4th September, 1997 to 10th September, 1997 including Saturday and Sunday.

The meetings were held in an atmosphere of commitment and co-operation.

The Committee interviewed 3 resource persons, viz:-

- (1) Mr. Richard Siele - Permanent Secretary, Ministry of Local Government,
- (2) Councillor Dick Waweru - Mayor of Nairobi; and
- (3) The Chairman of Electoral Commission - Justice (Rtd) Zachaeus Chesoni.



2. DOCUMENTS

The Committee examined the following documents:-

- Doc 1 - The Constitution of Kenya
- Doc 2 - National Assembly and Presidential Elections Act, (7.
- Doc 3 - SCHEDULE
Sections 34(i)(h)
Electoral Code of Conduct
- Doc 4 - Election Offences Act, Cap 66
- Doc 5 - The Local Government Act, Cap 265
- Doc 6 - Electoral Bill (small) - Abridged Summary from Centre for Governance and Development (CGD).
- Doc 7 - Electoral Bill (big) - Draft from Centre for Governance and Development (CGD).
- Doc 8 - ALGAK - Association of Local Government Authorities of Kenya
- Doc 9 - Omamo Report
- Doc 10 - The Draft Elections Bill, 1996 - by the Electoral Commission.

IN ATTENDANCE

During the meetings, the Committee had the following officers attendance;

1. Miss Christine Mwambua - Senior Clerk Assistant and,
2. Miss Mary Chesire - Third Clerk Assistant from the National Assembly
3. Miss Linda Murila from the Attorney General's Chambers.



PART II - ELECTORAL COMMISSION

3. RECOMMENDATIONS

Recognising the need for a completely independent Electoral Commission, the Committee recommends;

1. (a) That the Constitution be amended to provide for a restructured and more broad-based Electoral Commission, and;
 - (i) that in the short term, the number of Commissioners be increased;
 - (ii) that in the long term, whatever number of Commissioners are to be appointed, their appointments be as broad based as possible and that the appointments be approved by National Assembly.
 - (b) There should be constitutional provisions setting out the independence of the Electoral Commission, which should include the following;
 - (i) the Secretariat
 - (ii) the Accounting Unit,
 - (iii) the funding of the Commission to be drawn directly from the consolidated fund.
 - (c) That the Commissioners be adequately remunerated.
2. That the Electoral Commission be totally delinked from the Executive arm of the Government including the administration of funds for the Electoral Commission at local level.
 3. That the Chairman and Vice-chairman be people who would be qualified to be appointed Judges of the High Court.
 4. That the Committee examined the draft Electoral Code of Conduct prepared by the Electoral Commission, suggested amendments, and recommend it for ratification before the forthcoming General Elections and that the political parties and candidates adhere to the Code.
 5. (i) That, Parliament shall vote such moneys to be drawn from the Consolidated Fund every year to finance parliamentary political parties, proportionate to the number of seats held by such parties.



- (ii) That such funds be subject to auditing by the Controller and Auditor General.

PART III - THE ELECTORAL PROCESS

(i) ELECTORAL AREAS

Currently, the Electoral Process is contained in the Constitution, and three Separate Acts namely;

1. The National Assembly and Presidential Elections Act, Cap 7.
2. The Election Offences Act, Cap 66
3. The Local Government Act, Cap 265 and the Rules and Regulations thereto.

The administering authority under these Acts also differ and create conflicts e.g. in the power vested in the Minister for Local Government in the creation of Wards.

The Committee therefore recommends the following;

That the various Acts save the Constitution, be codified into one Act and the Administering Authority be the Electoral Commission.

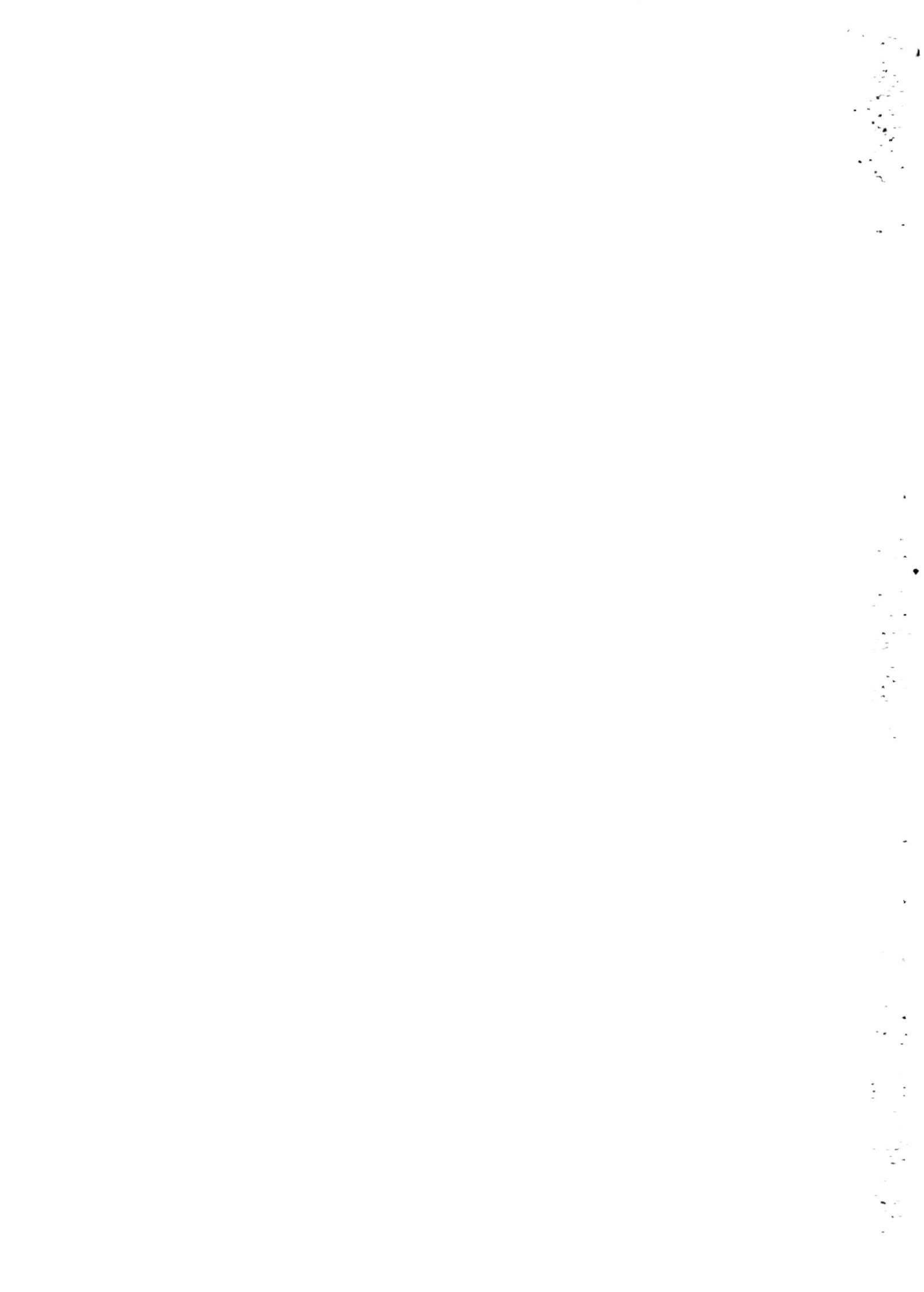
Short Term Measures

That Cap 7 Section 12 be amended to provide that, once Parliament is dissolved by the President, the Electoral Process, including the naming of the Polling Day be taken over by the Electoral Commission.

(ii) Registration of Voters:

The Committee recommends;

- (a) That registration of voters be a continuous process.
- (b) Creation of Electoral areas (Wards) for Local Government elections be removed from the Minister for Local Government to the Electoral Commission.



(iii) **Nomination of Candidates:**

- (a) That for Presidential, Parliamentary and civic elections, nomination of a candidate take place any time within two consecutive days from 8.00 a.m. to 1 pm and from 2 p.m. to 4 p.m.
- (b) The Electoral Commission shall, on request by a political party, supervise nomination of their candidates.

(iv) **Campaign Process**

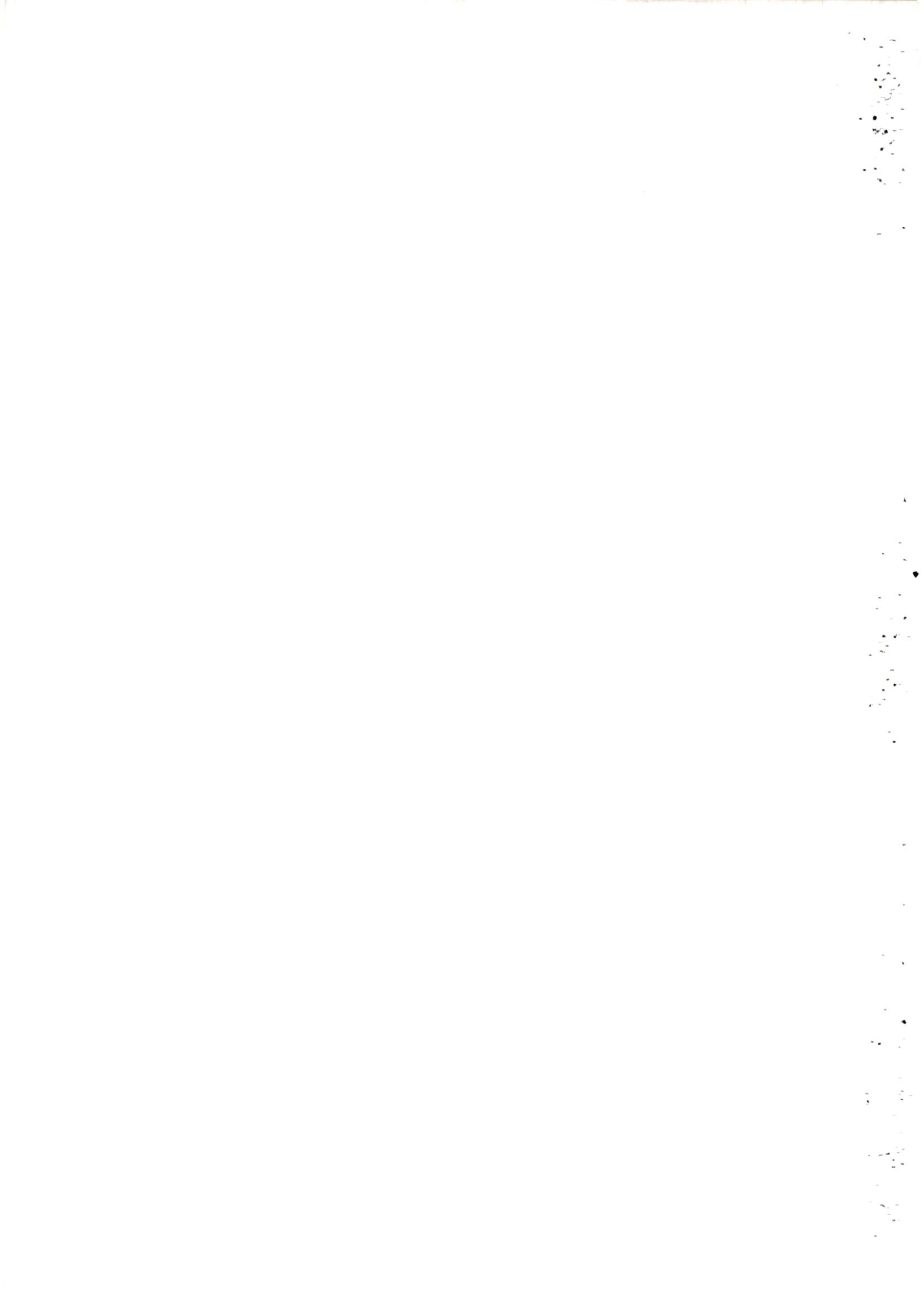
- (a) That the whole Campaign Programme be managed by the Electoral Commission without undue interference from the Provincial Administration.
- (b) That the Electoral Commission ensures adequate security at all levels.
- (c) The Electoral Commission be empowered to invoke sanctions against any political party or candidate who promotes and/or manages violence during the campaign period.
- (d) That the Kenya Broadcasting Corporation Act, be amended to ensure equitable access to publicly funded media by all political parties and candidates and that the Electoral Commission be empowered to ensure compliance with this proviso.

(v) **Polling:**

- (i) There have been many reports of ballot papers being cast without official marks/stamps, which have resulted in the invalidation of those ballot papers at the subsequent counting;

The Committee therefore recommends;

- (a) that in the absence of stamps or where stamps are malfunctioning polling shall be temporarily stopped until the situation is rectified;
- (b) that any time lost shall be compensated by extending the closing time.



- (c) That, to ensure transparency in the casting of votes it would be desirable to provide transparent ballot boxes. However, owing to financial implications and time constraint; the Committee recommends that the type of ballot boxes used in the 1992 elections be made available for the forthcoming General Elections, but that as a long term measure, transparent ballot boxes of suitable material and design be made available;
- (d) That the ballot boxes shall bear serial numbers according to the polling stations, that they be published widely in the media and that the serial numbers be posted for full view at the polling stations.
- (e) That in a general election, Polling Day be a Public Holiday.

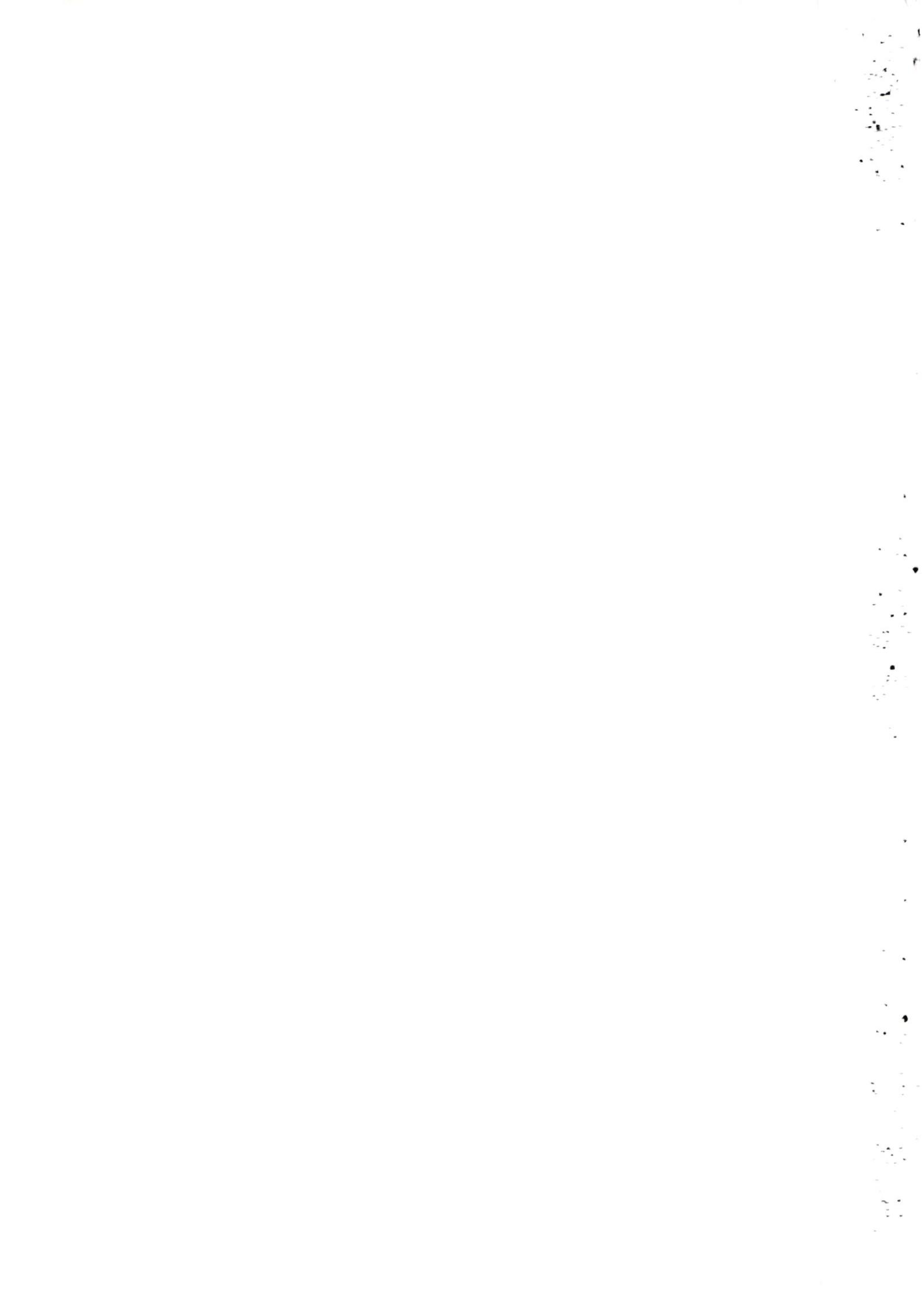
(vi) **Counting**

- (a) That a suggestion was made that counting of votes be done at the respective polling stations; but owing to the inadequacy of security, the counting during the forthcoming General Elections will be done at the Constituency level.
- (b) That ballot papers bearing serial numbers differing from those allocated to a particular polling station and which cannot be verified from the counterfoils shall not be counted.

(vii) **Electoral Offences**

In order to speed up the disposal of many cases of offences related to the electoral process; the Committee recommends;

- (a) That prosecutions in cases related to the electoral process should not require the consent of the Attorney General.
- (b) That the Attorney-General shall not have power to enter *nolle prosequi* in matters relating to electoral offences.
- (c) That, if need arises, the Electoral Commission should have the power to hire its own prosecutors in order to speed up disposal of cases of offences related to the electoral process.



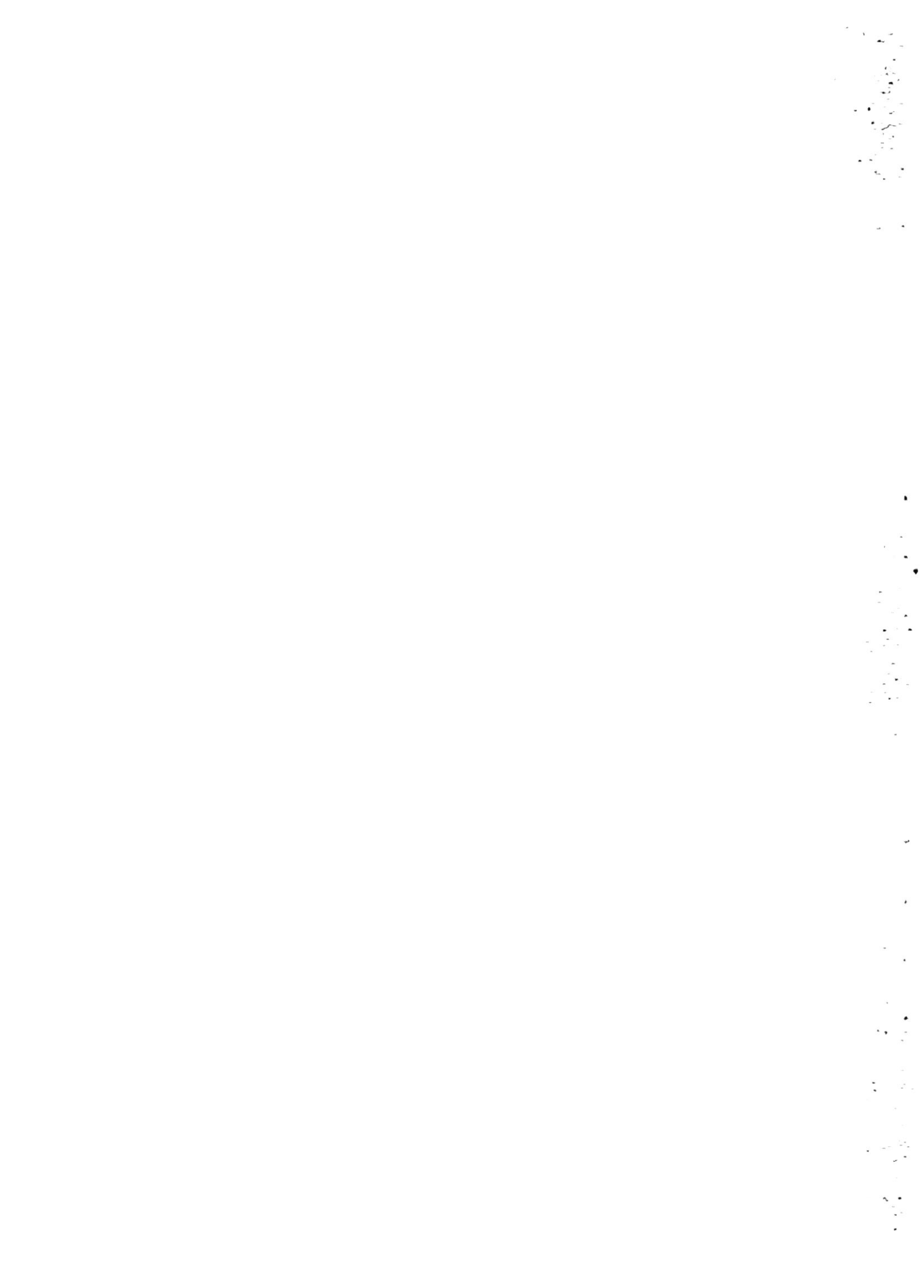
- (d) That, any police officer who refuses to carry out instructions given to him by an election official and/or interferes with the electoral process shall be guilty of an offence and shall be liable to a fine not exceeding 20,000/=, or imprisonment for two years or both.
- (e) That a person who is convicted of an election offence or who is reported guilty of an election offence by the election court, shall have his name struck out of the register of voters, for the life of that Parliament or Council, and shall remain disqualified throughout the life of that Parliament or Council only.

(viii) **Petitions**

There is a need to dispose of election petitions expeditiously.

The Committee therefore recommends:

- (a) That election petitions shall take precedence over all civil cases.
- (b) That, if more than one election petition is filed after a General election, more than one election court be set up to try election petitions.
- (c) That, if need arises, circuit election courts be set up at the various High Court registries to ensure expeditious disposal of election petitions.
- (d) That, in the case of Local Government election petitions, the Principal Magistrate Courts shall have jurisdiction to hear and determine such petitions.
- (e) That decisions of the High Court on election petitions shall be appealable to the Court of Appeal.
- (f) That a petition to question the validity of an election shall be filed in the High Court and served within twenty-eight days after the date of the publication of the result of the election in the Gazette.



4. ADDITIONAL RECOMMENDATIONS

The Committee recommends;

- (i) That Mayors of Municipalities and Chairmen of County and Town Councils shall be elected directly by the public for a five year period, subject to a maximum of two terms;
- (ii) That Deputy Mayors and Vice-chairmen shall be elected by the respective Councillors at the first meeting of each council for a two year term, and shall be eligible for re-election.

5. CONCLUSIONS

In examining the various Acts and, in particular, the Rules and Regulations, the Committee suggested extensive and substantive, amendments which are contained in the seven sets of minutes hereon attached and which shall be forwarded to the Attorney General Chambers for incorporation.



INTER PARTIES PARLIAMENTARY GROUP

ELECTORAL CODE COMMITTEE REPORT

INTRODUCTION

1. MEMBERSHIP

1. Hon. A.N. Ligale, M.P.
2. Hon. J.W. Mulusya, M.P.
3. Hon. Prof. J. Ouma Muga M.P.
4. Hon. Agnes Ndeti, M.P.
5. Hon. J.P. Mutere, M.P.
6. Hon. Muhika Mutahi, M.P.
7. Hon. S. Manga, M.P.
8. Hon. J. Shamalla, M.P.
9. Hon. B. Kaino, M.P.
10. Hon. Njenga Mungai, M.P.
11. Hon. Gonzi Rai, M.P.
12. Hon. J.S. Mumba, M.P.
13. Hon. G.W. Kapten, M.P.
14. Hon. Prof. P.Anyang Nyong'o, M.P.

1.2 CHAIRMAN AND SECRETARY

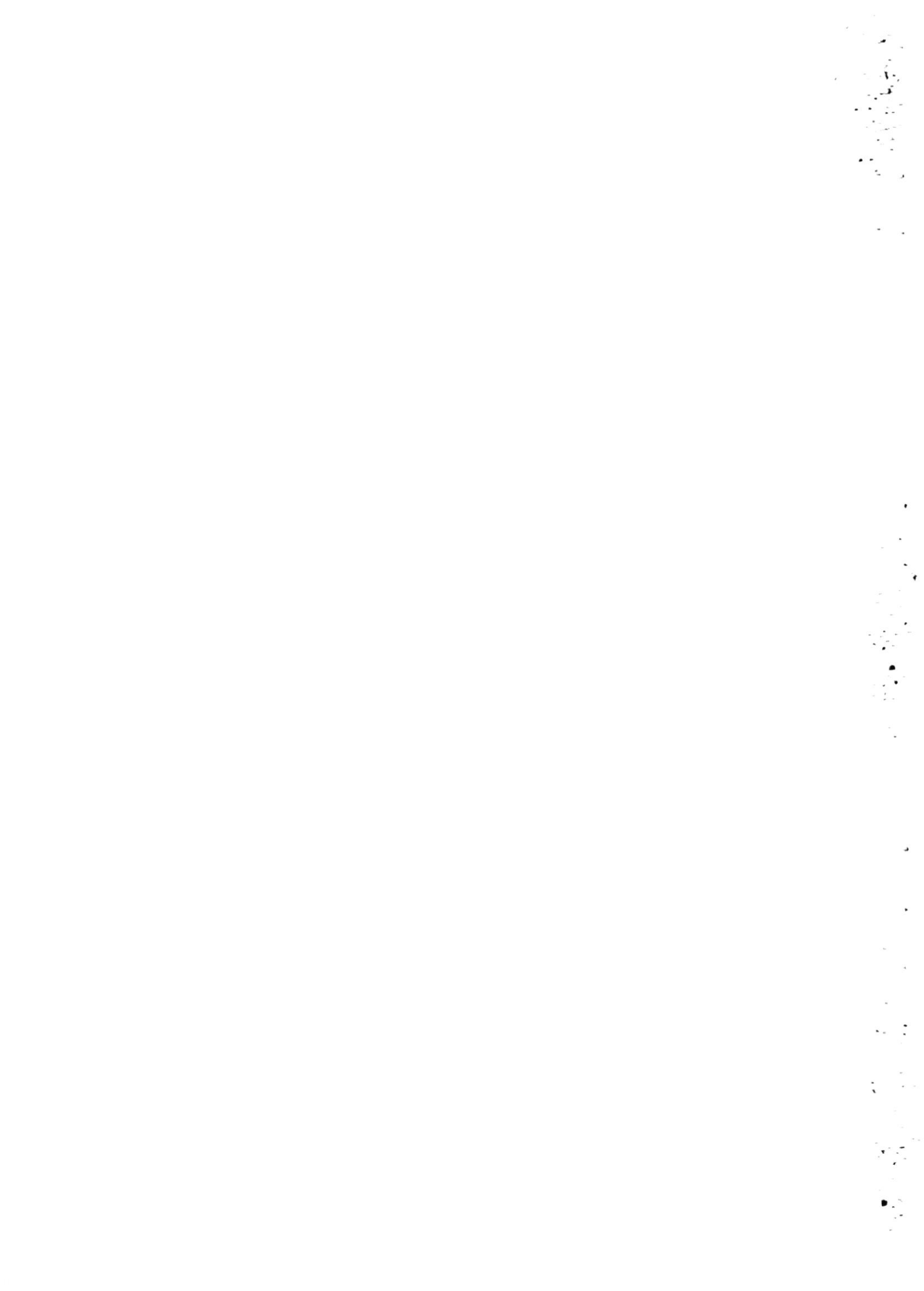
At the first meeting held on 4th September, 1997, the Committee elected Hon. A.N. Ligale, M.P and Hon. J.W. Mulusya, M.P. as Co-Chairmen and Hon. Prof. J. Ouma Muga, M.P. as Secretary.

The Committee held 7 (seven) meetings from Thursday 4th September, 1997 to 10th September, 1997 including Saturday and Sunday.

The meetings were held in an atmosphere of commitment and co-operation.

The Committee interviewed 3 resource persons, viz:-

- (1) Mr. Richard Siele - Permanent Secretary, Ministry of Local Government,
- (2) Councillor Dick Waweru - Mayor of Nairobi; and
- (3) The Chairman of Electoral Commission - Justice (Rtd) Zachaeus Chesoni.



2. DOCUMENTS

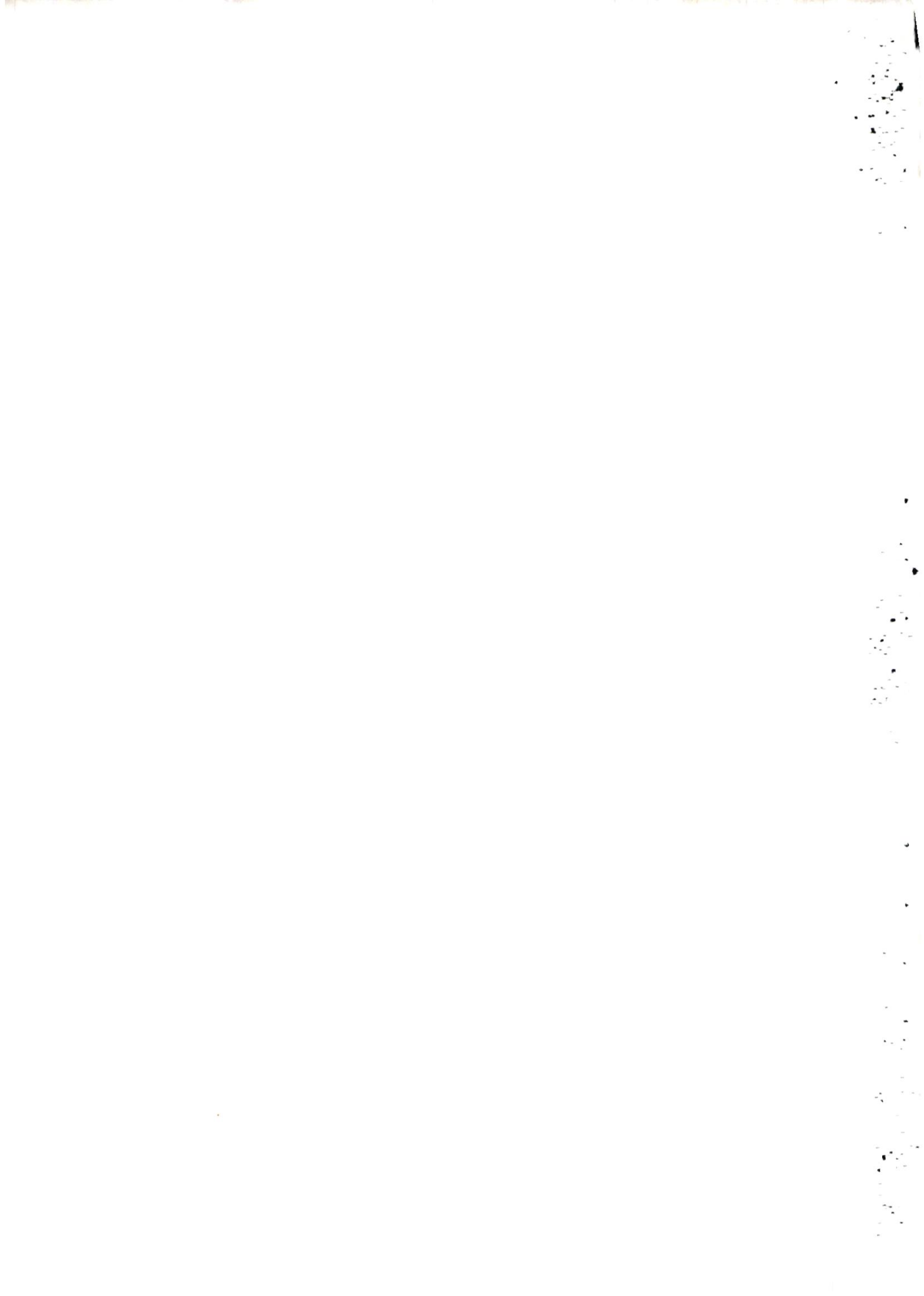
The Committee examined the following documents:-

- Doc 1 - The Constitution of Kenya
- Doc 2 - National Assembly and Presidential Elections Act, Cap 7.
- Doc 3 - SCHEDULE
Sections 34(i)(h)
Electoral Code of Conduct
- Doc 4 - Election Offences Act, Cap 66
- Doc 5 - The Local Government Act, Cap 265
- Doc 6 - Electoral Bill (small) - Abridged Summary from Centre for Governance and Development (CGD).
- Doc 7 - Electoral Bill (big) - Draft from Centre for Governance and Development (CGD).
- Doc 8 - ALGAK - Association of Local Government Authorities of Kenya
- Doc 9 - Omamo Report
- Doc 10 - The Draft Elections Bill, 1996 - by the Electoral Commission.

IN ATTENDANCE

During the meetings, the Committee had the following officers in attendance;

1. Miss Christine Mwambua - Senior Clerk Assistant and,
2. Miss Mary Chesire - Third Clerk Assistant from the National Assembly
3. Miss Linda Murila from the Attorney General's Chambers.

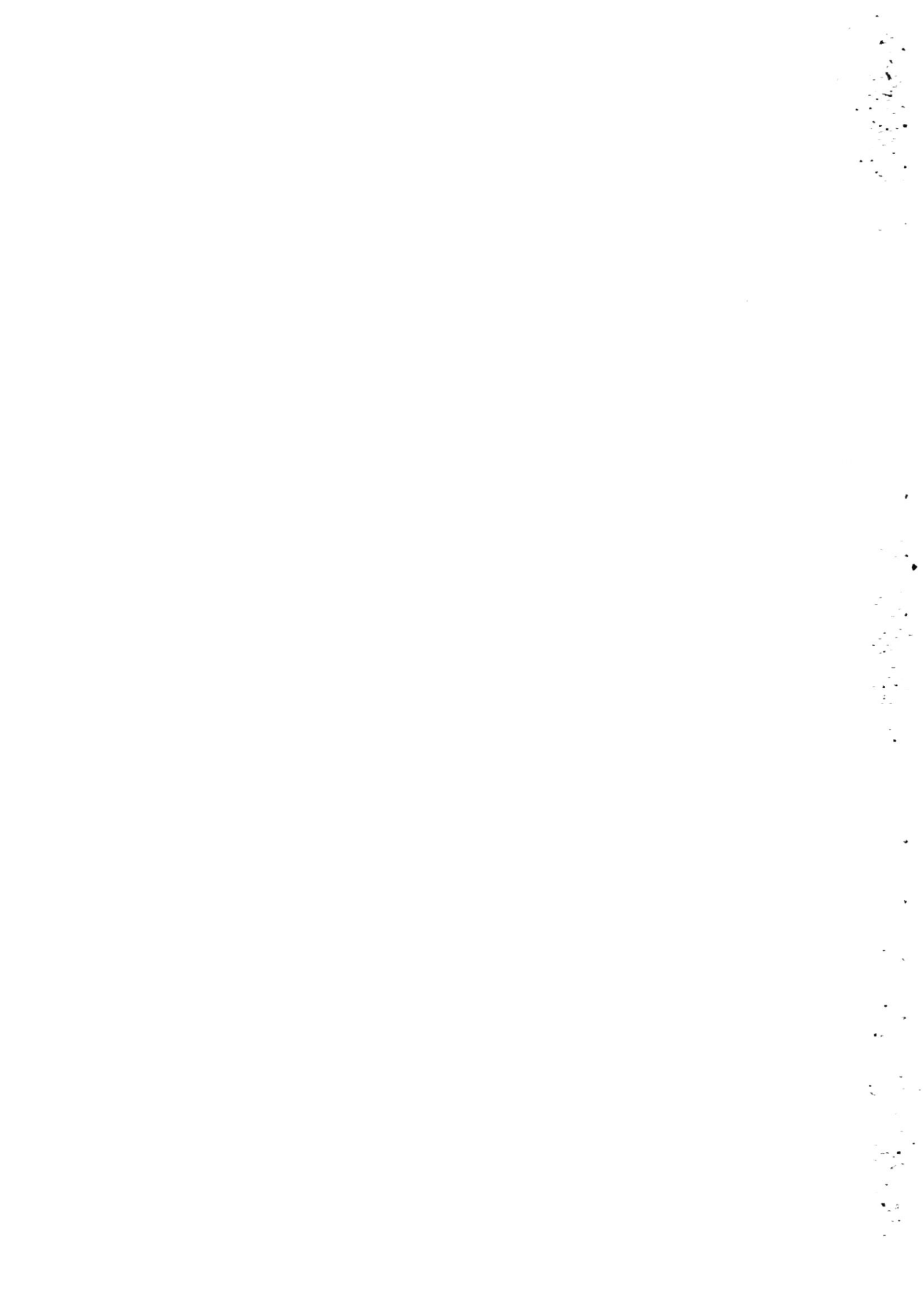


PART II - ELECTORAL COMMISSION

3. RECOMMENDATIONS

Recognising the need for a completely independent Electoral Commission, the Committee recommends;

1. (a) That the Constitution be amended to provide for a restructured and more broad-based Electoral Commission, and;
 - (i) that in the short term, the number of Commissioners be increased;
 - (ii) that in the long term, whatever number of Commissioners are to be appointed, their appointments be as broad based as possible and that the appointments be approved by National Assembly.
 - (b) There should be constitutional provisions setting out the independence of the Electoral Commission, which should include the following;
 - (i) the Secretariat
 - (ii) the Accounting Unit,
 - (iii) the funding of the Commission to be drawn directly from the consolidated fund.
 - (c) That the Commissioners be adequately remunerated.
2. That the Electoral Commission be totally delinked from the Executive arm of the Government including the administration of funds for the Electoral Commission at local level.
 3. That the Chairman and Vice-chairman be people who would be qualified to be appointed Judges of the High Court.
 4. That the Committee examined the draft Electoral Code of Conduct prepared by the Electoral Commission, suggested amendments, and recommend it for ratification before the forthcoming General Elections and that the political parties and candidates adhere to the Code.
 5. (i) That, Parliament shall vote such moneys to be drawn from the Consolidated Fund every year to finance parliamentary political parties, proportionate to the number of seats held by such parties.



- (ii) That such funds be subject to auditing by the Controller and Auditor General.

PART III - THE ELECTORAL PROCESS

(i) ELECTORAL AREAS

Currently, the Electoral Process is contained in the Constitution, and three Separate Acts namely;

1. The National Assembly and Presidential Elections Act, Cap 7.
2. The Election Offences Act, Cap 66
3. The Local Government Act, Cap 265 and the Rules and Regulations thereto.

The administering authority under these Acts also differ and create conflicts e.g. in the power vested in the Minister for Local Government in the creation of Wards.

The Committee therefore recommends the following;

That the various Acts save the Constitution, be codified into one Act and the Administering Authority be the Electoral Commission.

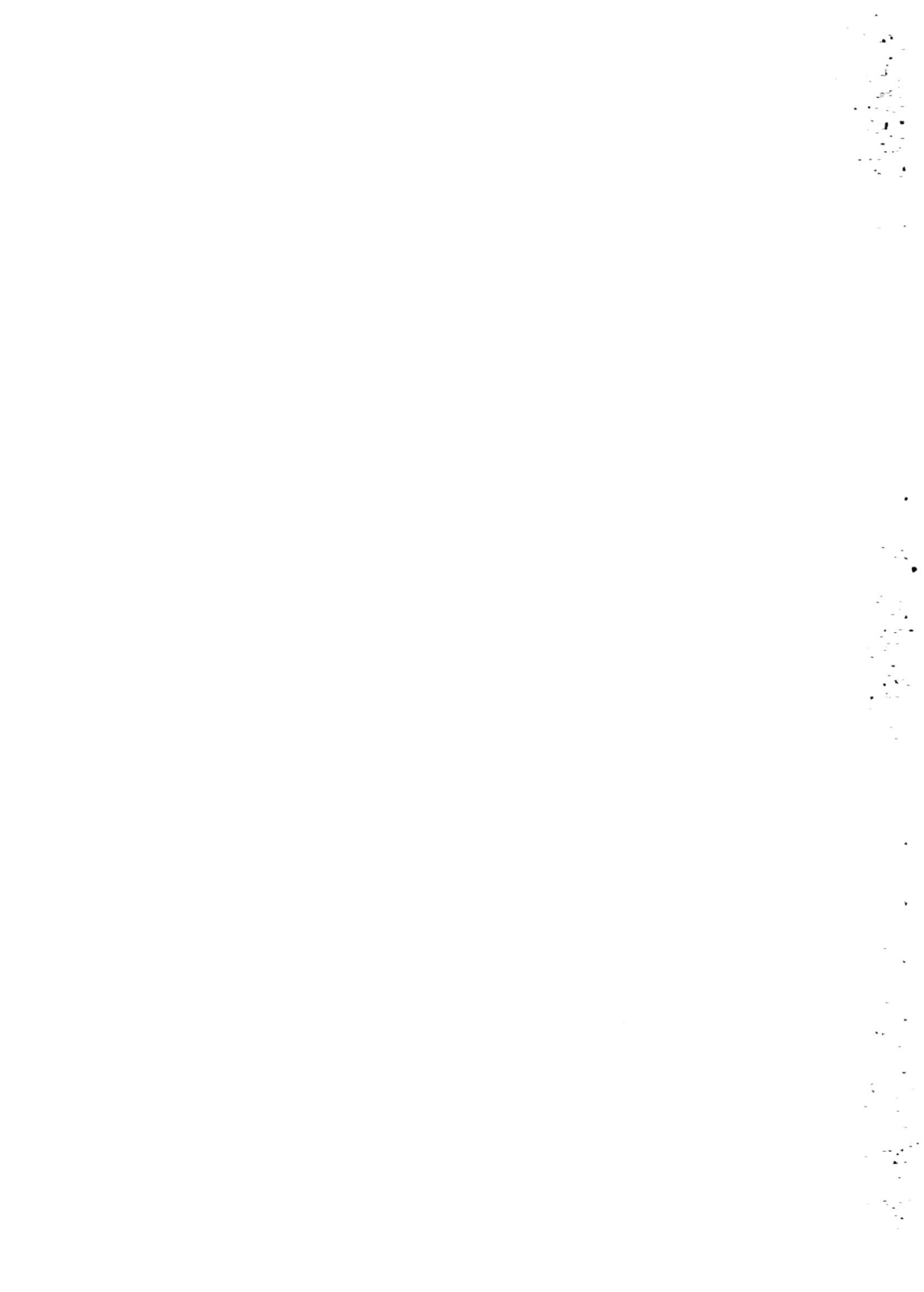
Short Term Measures

That Cap 7 Section 12 be amended to provide that, once Parliament is dissolved by the President, the Electoral Process, including the naming of the Polling Day be taken over by the Electoral Commission.

(ii) Registration of Voters:

The Committee recommends;

- (a) That registration of voters be a continuous process.
- (b) Creation of Electoral areas (Wards) for Local Government elections be removed from the Minister for Local Government to the Electoral Commission.



(iii) **Nomination of Candidates:**

- (a) That for Presidential, Parliamentary and civic elections, nomination of a candidate take place any time within two consecutive days from 8.00 a.m. to 1 pm and from 2 p.m. to 4 p.m.
- (b) The Electoral Commission shall, on request by a political party, supervise nomination of their candidates.

(iv) **Campaign Process**

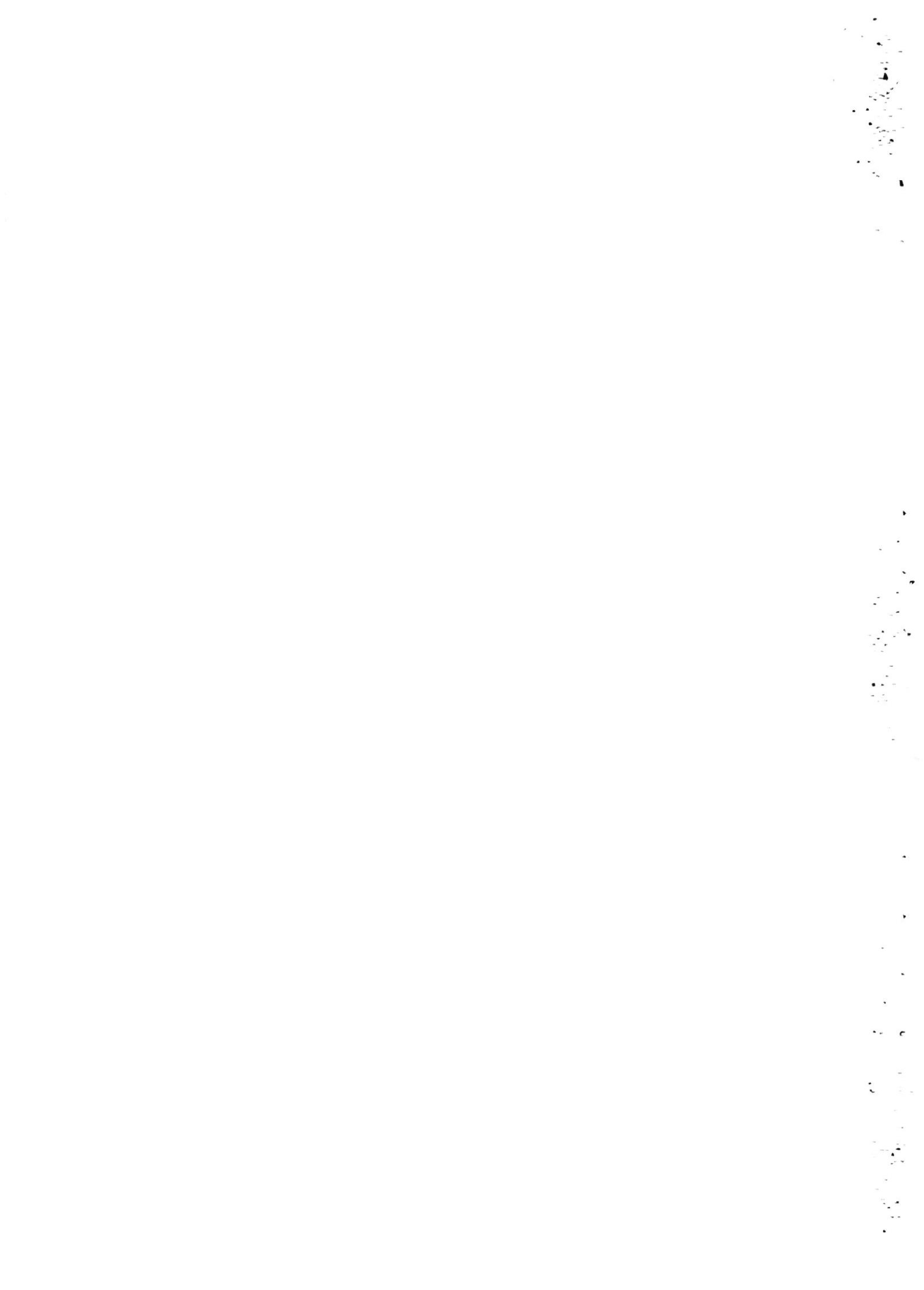
- (a) That the whole Campaign Programme be managed by the Electoral Commission without undue interference from the Provincial Administration.
- (b) That the Electoral Commission ensures adequate security at all levels.
- (c) The Electoral Commission be empowered to invoke sanctions against any political party or candidate who promotes and/or manages violence during the campaign period.
- (d) That the Kenya Broadcasting Corporation Act, be amended to ensure equitable access to publicly funded media by all political parties and candidates and that the Electoral Commission be empowered to ensure compliance with this proviso.

(v) **Polling:**

- (i) There have been many reports of ballot papers being cast without official marks/stamps, which have resulted in the invalidation of those ballot papers at the subsequent counting;

The Committee therefore recommends;

- (a) that in the absence of stamps or where stamps are malfunctioning polling shall be temporarily stopped until the situation is rectified;
- (b) that any time lost shall be compensated by extending the closing time.



- (c) That, to ensure transparency in the casting of votes it would be desirable to provide transparent ballot boxes. However, owing to financial implications and time constraint; the Committee recommends that the type of ballot boxes used in the 1992 elections be made available for the forthcoming General Elections, but that as a long term measure, transparent ballot boxes of suitable material and design be made available;
- (d) That the ballot boxes shall bear serial numbers according to the polling stations, that they be published widely in the media and that the serial numbers be posted for full view at the polling stations.
- (e) That in a general election, Polling Day be a Public Holiday.

(vi) **Counting**

- (a) That a suggestion was made that counting of votes be done at the respective polling stations; but owing to the inadequacy of security, the counting during the forthcoming General Elections will be done at the Constituency level.
- (b) That ballot papers bearing serial numbers differing from those allocated to a particular polling station and which cannot be verified from the counterfoils shall not be counted.

(vii) **Electoral Offences**

In order to speed up the disposal of many cases of offences related to the electoral process; the Committee recommends;

- (a) That prosecutions in cases related to the electoral process should not require the consent of the Attorney General.
- (b) That the Attorney-General shall not have power to enter *nolle prosequi* in matters relating to electoral offences.
- (c) That, if need arises, the Electoral Commission should have the power to hire its own prosecutors in order to speed up disposal of cases of offences related to the electoral process.



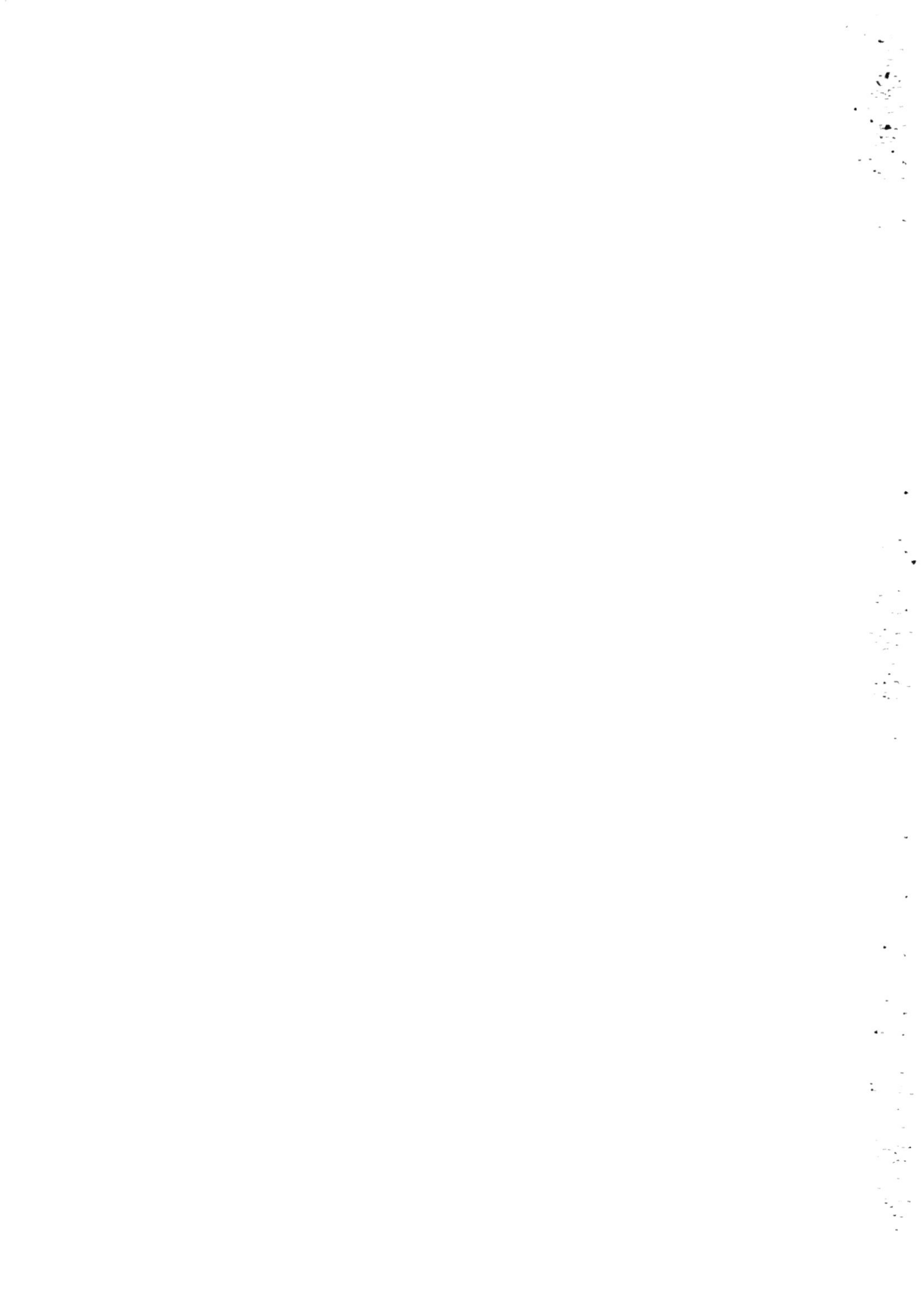
- (d) That, any police officer who refuses to carry out instructions given to him by an election official and/or interferes with the electoral process shall be guilty of an offence and shall be liable to a fine not exceeding 20,000/=, or imprisonment for two years or both.
- (e) That a person who is convicted of an election offence or who is reported guilty of an election offence by the election court, shall have his name struck out of the register of voters, for the life of that Parliament or Council, and shall remain disqualified throughout the life of that Parliament or Council only.

(viii) **Petitions**

There is a need to dispose of election petitions expeditiously.

The Committee therefore recommends:

- (a) That election petitions shall take precedence over all civil cases.
- (b) That, if more than one election petition is filed after a General election, more than one election court be set up to try election petitions.
- (c) That, if need arises, circuit election courts be set up at the various High Court registries to ensure expeditious disposal of election petitions.
- (d) That, in the case of Local Government election petitions, the Principal Magistrate Courts shall have jurisdiction to hear and determine such petitions.
- (e) That decisions of the High Court on election petitions shall be appealable to the Court of Appeal.
- (f) That a petition to question the validity of an election shall be filed in the High Court and served within twenty-eight days after the date of the publication of the result of the election in the Gazette.



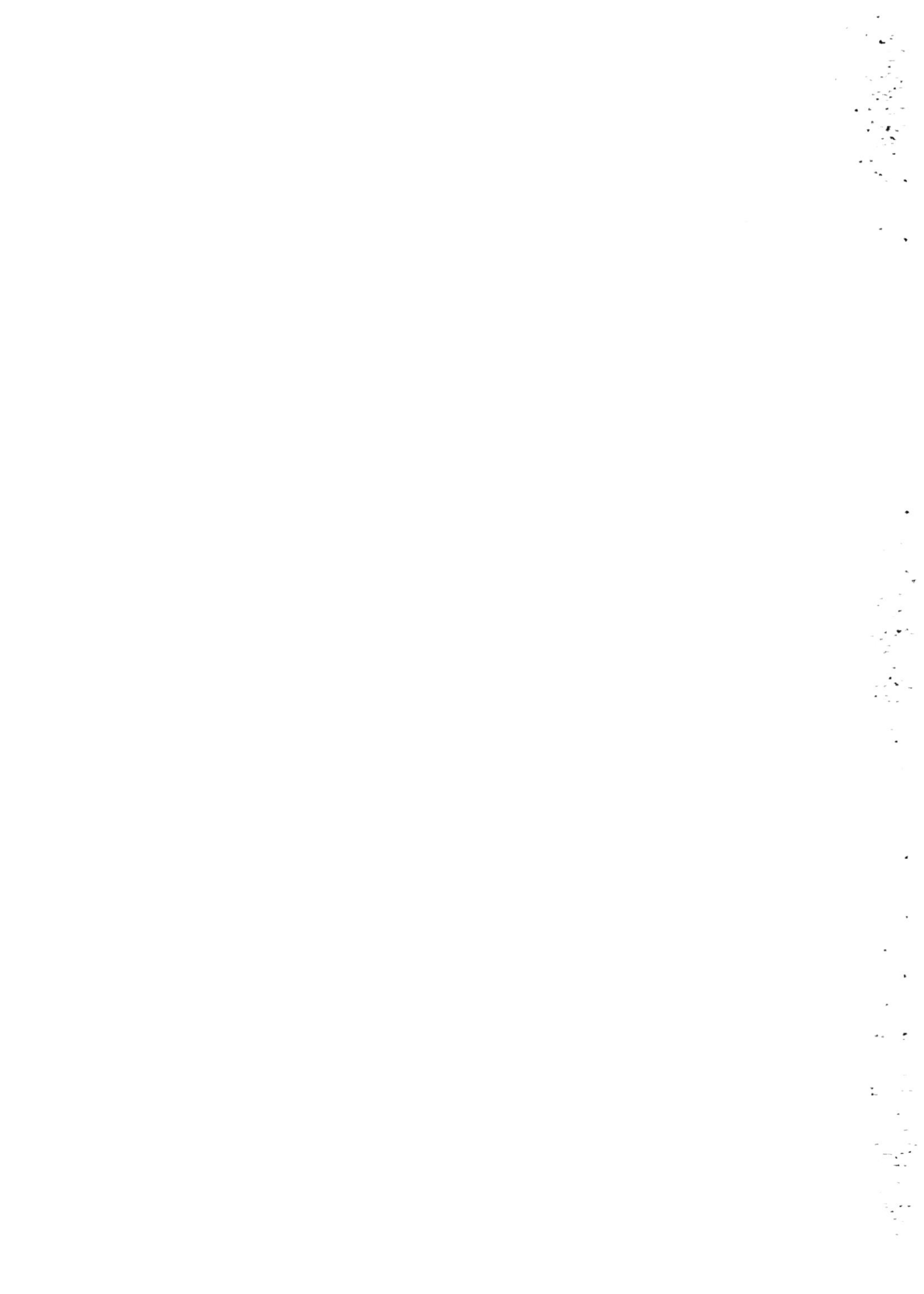
4. ADDITIONAL RECOMMENDATIONS

The Committee recommends;

- (i) That Mayors of Municipalities and Chairmen of County and Town Councils shall be elected directly by the public for a five year period, subject to a maximum of two terms;
- (ii) That Deputy Mayors and Vice-chairmen shall be elected by the respective Councillors at the first meeting of each council for a two year term, and shall be eligible for re-election.

5. CONCLUSIONS

In examining the various Acts and, in particular, the Rules and Regulations, the Committee suggested extensive and substantive, amendments which are contained in the seven sets of minutes hereon attached and which shall be forwarded to the Attorney General Chambers for incorporation.



**MINUTES OF THE FIRST B. ELECTORAL CODE COMMITTEE MEETING
HELD IN CONFERENCE ROOM NO.9 ON 4TH SEPTEMBER, 1997 AT
5.20 P.M**

MEMBERS PRESENT

1. Hon. J.W. Mulusya, M.P. - Chairman
2. Hon. A.N. Ligale, M.P. - Co-Chairman
3. Hon. Prof. J. Ouma Muga M.P. - Secretary
4. Hon. G. W. Kapten, M.P.
5. Hon. J.P. Mutere, M.P.
6. Hon. Muhika Mutahi, M.P.
7. Hon. S. Manga, M.P.
8. Hon. J. Shamalla, M.P.
9. Hon. B. Kaino, M.P.
10. Hon. J.S. Mumba, M.P.
11. Hon. Gonzi Rai, M.P.

ABSENT WITH APOLOGY

12. Hon. Njenga Mungai, M.P.

ABSENT WITHOUT APOLOGY

13. Hon. A. Ndetei, M.P.

VACANT POSITION

14. Representative from NDP

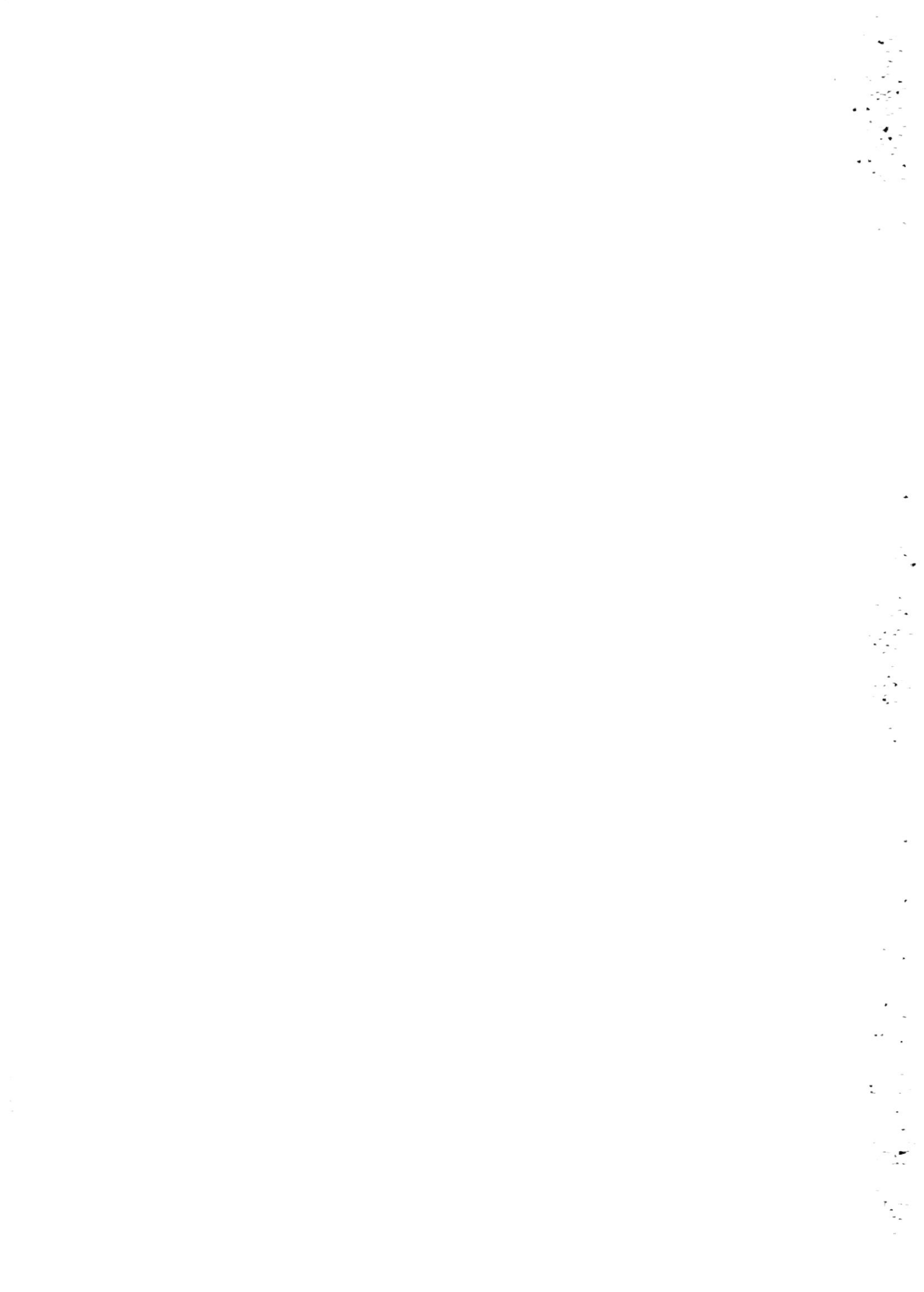
IN ATTENDANCE: NATIONAL ASSEMBLY

- Miss C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

2. COMMUNICATION FROM THE CHAIR

Meeting called to order at 5.20 p.m.

Hon. J. W. Mulusya gave introductory remarks and read out the names of the members that form the committee. He called on his co-Chairman, Hon. Andrew Ligale to brief the members of the outcome of the visit to the A.G.'s Chambers. The Committee was informed that the Attorney General was away in Mombasa, so were the Solicitor General and a Mrs Nzioka (the office in charge of drafting)



The committee was also informed that the co-chairman and Secretary rang the Attorney General in Mombasa requesting for a copy of the draft of the Electoral Code of Conduct. He informed them that the Electoral Commission had drafted the Code and so the Commission should be contacted. This was done and the Electoral Commission provided schedule section 34(i)h -Electoral Code of Conduct.

3. **TERMS OF REFERENCE**

Agreed that after perusing available documents the TOR be brought into sharp focus at the next meeting on Friday morning at 9.00 a.m.

4. **THE RESOURCE MATERIALS AND DOCUMENTS**

The following be the minimum requirements and that the documents be numbered as follows:-

1. The Constitution of Kenya
2. The National Assembly and Presidential Elections Act Cap 7.
3. Electoral Code of Conduct
4. Electoral Offences Act
5. Local Government Act Cap 265
6. Electoral Bill (small)
7. Electoral Bill (big)

5. **QUORUM**

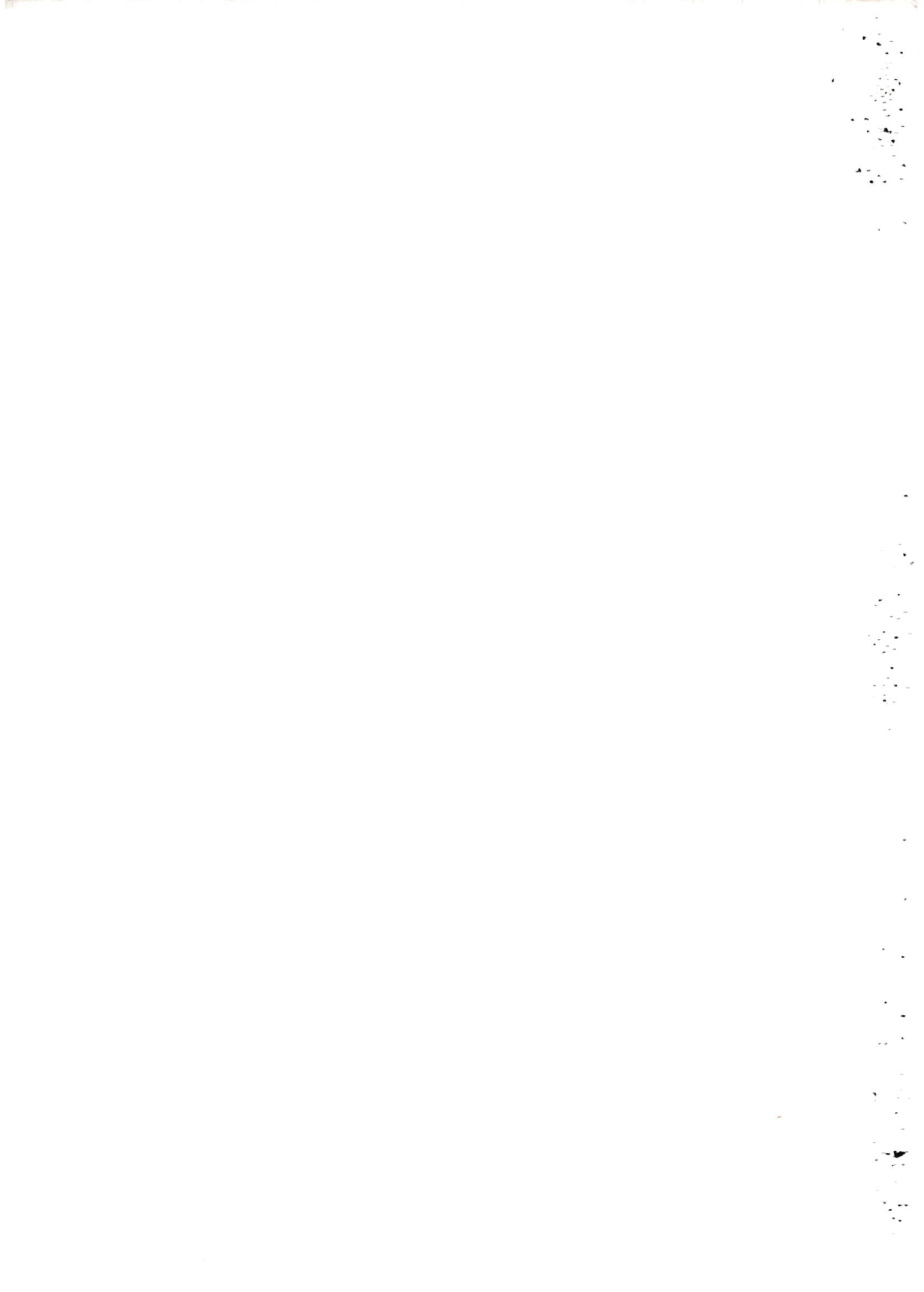
Quorum of the Committee will be 50% i.e. seven out of 14 members.

Members to read urgently Documents 2 and 4.

Meeting adjourned at 6.15 p.m until Friday 5th September, 1997 at 9.00 a.m.

TENTATIVE TIME TABLE

FRIDAY	-	9.00 A.M.	-	12:30 P.M.
		2.30 P.M.	-	5.30 P.M.
SATURDAY	-	8:30 A.M.	-	10:30 A.M.
SUNDAY	-	2:30 P.M.	-	5.00 P.M.



6. **COMPLETION OF MEMBERSHIP OF COMMITTEE**

It was noted that NDP had not sent in a representative.

It also then agreed that the Coordinating Committee be asked to nominate an apposition member to fill in the vacant position.

7. **PROGRAMME AND SCHEDULE OF WORK**

It was agreed tentatively that

- (i) the Committee meets as follows: (see separate paper)
- (ii) at the end of the Sunday meeting and in the light of progress and workload pending the Committee will schedule for Monday and thereafter.

8. **WEEKEND SCHEDULE AND PROBLEMS FOR THE SECRETARIAT**

NOTED

- 1. That the long weekend programme might greatly inconvenience the personnel giving secretarial services to the Committee.
- 2. That such services are absolutely necessary.

AGREED

- 1. That the coordinating committee be consulted early on Friday to find a practical solution.

9. **DATE OF NEXT MEETING**

AGREED that the next meeting be held at 9.00, Friday, 5th September, 1997.

10. **CLOSURE OF MEETING**

There being no other business the meeting closed at 6.15 p.m.

CONFIRMED BY
CHAIRMAN

CO-CHAIRMAN

DATE



MINUTES OF THE SECOND B. ELECTORAL CODE COMMITTEE MEETING HELD IN CONFERENCE ROOM NO.9 ON 5TH SEPTEMBER, 2017 AT 3.00 P.M.

1. ATTENDANCE

PRESENT

1. Hon. A.N. Ligale, M.P. - Chairman
2. Hon. J.W. Mulusya, M.P. - Co-Chairman
3. Hon. Prof. P. Ouma Muga M.P.
4. Hon. G. W. Kapten, M.P
5. Hon. J.P. Mutere, M.P
6. Hon. Muhika Mutahi, M.P.
7. Hon. S. Manga, M.P.
8. Hon. J. Shamalla, M.P
9. Hon. B. Kaino, M.P
10. Hon. J.S. Mumba, M.P.
11. Hon. Gonzi Rai, M.P.
12. Hon. Njenga Mungai, M.P.

1.2 ABSENT

13. Hon. A. Ndetei, M.P.

1.3 VACANT POSITION

14. Representative from NDP

1.4 IN ATTENDANCE: NATIONAL ASSEMBLY

- Miss C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

MINUTES OF FIRST MEETING

- 2.1. Received, noted, and confirmed minutes of first meeting.
- 2.2. Matters arising

Ex- Min.3 - Terms of Reference

NOTED, in the resolutions 2(ii) of the plenary that the TOR of the Committee is:

- (a) to develop recommendations on a draft Electoral Code,



- (b) to draft legislation and regulations and to govern the operations of the Electoral Commission.

Ex - Min.6 - Completion of Membership
AGREED, that the vacancy be filled.

Ex - Min.8 - Weekend programme and the Secretariat.
AGREED, that the co-ordinating Committee be urged to ascertain the arrangements.

3. ELECTORAL CODE OF CONDUCT

NOTED

- (i) That the schedule 1 section 34(i)(h) of the Electoral Code of Conduct (doc.3) from Electoral Commission and Schedule 1 of the Electoral Bill 1997 (Doc.7) are virtually identical;
- (ii) They appear to meet the recommendations for the development of the Electoral Code.

Resolved and agreed;

- (i) That the Attorney General look at schedule from the Electoral Commission (Doc.3) with addition from Doc.7 as follows:
- (k)(i) "generally, to refrain from forcing any person, man or woman, to adopt a particular political position or to engage in or refrain from engaging in any political activity otherwise than in accordance with their free choice".
- (k)(ii) To establish and maintain effective lines of communication with the Commission and with all the parties, at national, provincial, and local level, including the exchange of names, addresses and contact telephones and facsimile numbers of the party election agents and other relevant office bearers and representatives.
- (iii) To amend Sec.6 as follows, :all persons and political parties shall be bound by this Code of Conduct".

4. NATIONAL ASSEMBLY AND PRESIDENTIAL ELECTIONS ACT CAP 7

RESOLVED AND AGREED, to go through the Act section by section.



4.1 (i) Section 3

RESOLVED AND AGREED

- (i) Accept Section 3 and add "and in particular incorporate Cause 6 of Document. 7
- (ii) Subclause 2(j) of Clause 6 of Document 7 to read "Act" instead of "Bill"
- (iii) Omit Subclause 6 2(b)

4.2 EQUITABLE ACCESS TO PUBLICLY FUNDED MEDIA

NOTED; by the Committee, that Section 3 of Cap 7 is inadequate for the purpose of giving the Electoral Commission sufficient power to facilitate a level playing ground for all parties and candidates.

RESOLVED AND AGREED

- (i) That Clause 6 (2)(k) of Document 7 (Electoral Bill) from Centre for Governance and Development be amended to read as follows and incorporated: "to ensure **equitable** access to publicly funded media by political parties and candidates."

4.3. SECTION 4 REGISTRATION OF VOTERS

NOTED

- (i) That Clause 28 (Register of Voters) in Doc. 7 from Centre for Governance is in line with Section 4 of Cap 7.
- (ii) That Clause 28 responds more adequately to the requirements.

RESOLVED AND AGREED

- (i) That Clause 28 of Doc 7 replace Section 4 of Cap 7.
- (ii) That, this replacement must not invalidate the registration already completed for the forthcoming General Elections, the end of the 7th Parliament.

4.4. SECTION 5 ELECTORAL OFFENCES AND PUNISHMENTS FOR MULTIPLE REGISTRATION.

NOTED

- (i) That the provisions under Section 5 are adequate but;
- (ii) That implementation was poor.

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RESOLVED AND AGREED that the Electoral Commission be reminded to effect the provisions of Section 5 effectively.

4.5. SECTION 6 - DISQUALIFICATIONS

RESOLVED AND AGREED, that the Section be amended to read as follows; " a person's name shall be struck out of the register of voters for the life of that Parliament, and shall remain disqualified throughout the life of that Parliament."

4.6. SECTION 7 - POSTPONEMENT OF DISQUALIFICATIONS

RESOLVED AND AGREED, that the Section be amended to read as follows; "where a person is disqualified to register in accordance with Section 43 (2) of the Constitution, and if it is open to him to appeal against the decision, (either with leave of a court or other authority or without leave), that person shall not be thereby disqualified for being so registered until expiration of thirty days after the date of the decision or such further period as the Electoral Commission, in its discretion may, at the request of the person, direct in order to enable the person to appeal against the decision.

4.7. SECTION 8 - DETERMINATION

Accepted

4.8. SECTION 9 - CLAIMS

RESOLVED AND AGREED, to amend as follows:

9(2) delete "High" from "High Court"

4.9. SECTION 10 - OBJECTIONS

RESOLVED AND AGREED, to amend as follows;

10(2) The objections shall be determined by the Court.

4.10 SECTION 11 - INTERPRETATION

RESOLVED AND AGREED, to delete the whole Section.

4.11 SECTION 12 - ELECTIONS

NOTED:

(i) Differing views expressed on the involvement of the presidency



in the announcement of the date of presidential parliamentary elections.

- (ii) That Section 44 Paragraph 5 of the Constitution of Kenya amend accordingly, depending upon the amendments section 12 to be agreed.

RESOLVED AND AGREED; That in view of the importance of that Section and for the need of consensus as much as possible, Members think over the issue overnight until the next meeting.

(iii) That 12 (3)(a) be amended as follows;

(i) "The **days** for the nomination of candidates"

(ii) "That in notes days to be explained to mean 2 days"

(iv) 12 (3)(b) - Accepted

(v) 12 (4) - Accepted

5. DATE OF NEXT MEETING

The next meeting will be held on Saturday 6th September, 1997 at 3.00 p.m. to 6.00 p.m.

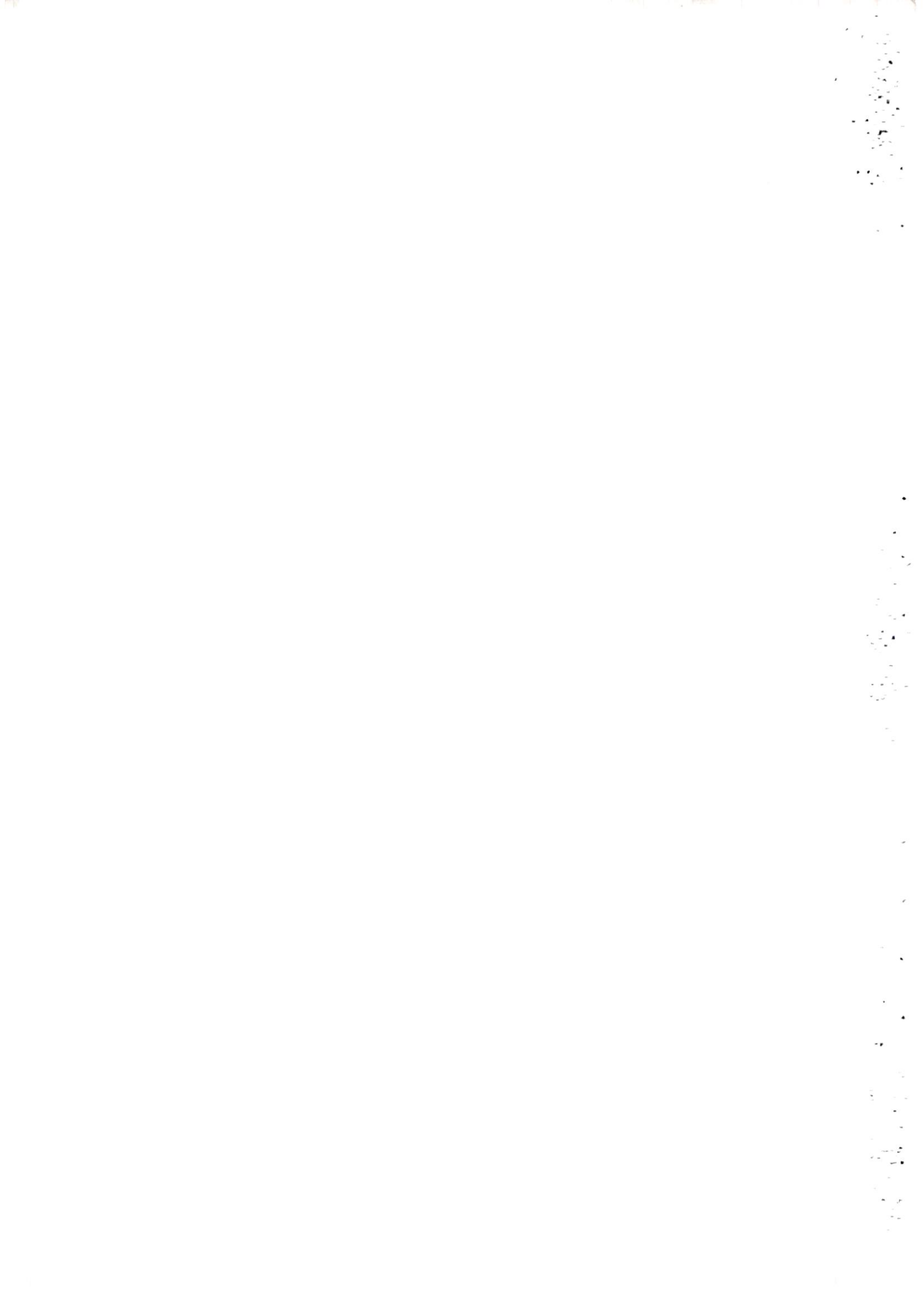
6. CLOSURE OF MEETING

There being no other business the meeting closed at 5.50 p.m.

CONFIRMED BY
CHAIRMAN

CO-CHAIRMAN

DATE



MINUTES OF THE THIRD MEETING OF B. ELECTORAL CODE COMMITTEE HELD IN COMMITTEE ROOM NO. 9 ON 6TH SEPTEMBER, 1997 AT 3.40 P.M.

1.0 ATTENDANCE

- 1.1 **PRESENT:** The Hon. A.N.Ligale, MP - Co-Chairman
The Hon. J.W. Mulusya, MP - Chairman
The Hon. Prof. J. Ouma Muga, MP - Secretary
The Hon. J.P. Mutere, MP
The Hon. Muhika Mutahi, MP
The Hon. S. Manga, MP
The Hon. J. Shamalla, MP
The Hon. B. Kaino, MP
The Hon. Njenga Mungai, MP
The Hon. Prof. Anyang' Nyong'o, MP
The Hon. Agnes Ndetei, MP

- 1.2 **ABSENT WITH APOLOGY:** The Hon. G. W. Kaptan, MP
The Hon. J.S. Mumba, MP

- 1.3 **ABSENT WITHOUT APOLOGY:** The Hon. Gonzi Rai, MP

1.4 **IN ATTENDANCE: NATIONAL ASSEMBLY**

Miss C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

2.0 MINUTES OF THE SECOND MEETING

- 2.1 Received, noted and confirmed minutes of the 2nd meeting.

2.2 **Matters Arising**

Ex-Minute 3(ii)

Noted, that there are many documents with reference numbers from the Committee.

Resolved and Agreed:

That an Index of all the documents be made and appended to the minutes.

Ex-Minute 4.9

10(2) Objections



Resolved and Agreed:

To amend as follows:

- (i) the objections shall be determined by the court.
- (ii) that the following be deleted:

"and no appeal shall lie from the decision of the court"

Ex-Minute 4.11 - Elections

Resolved and Agreed:

That Section 12(1) of Cap 7 be amended to read as follows:

- (i) "where a presidential election is to be held, pursuant to Sections 5(3) and 6(i) of the Constitution, the Speaker shall within the period of 90 days cause notice of the holding of the elections to be published in the Gazette"
- (ii) 12(2) - accepted.
- (iii) 12(3)(a) - **Resolved and agreed:**

That the regulation No.11 (Nomination of Presidential Candidates) in Schedule 2 Cap 7, be amended as follows:

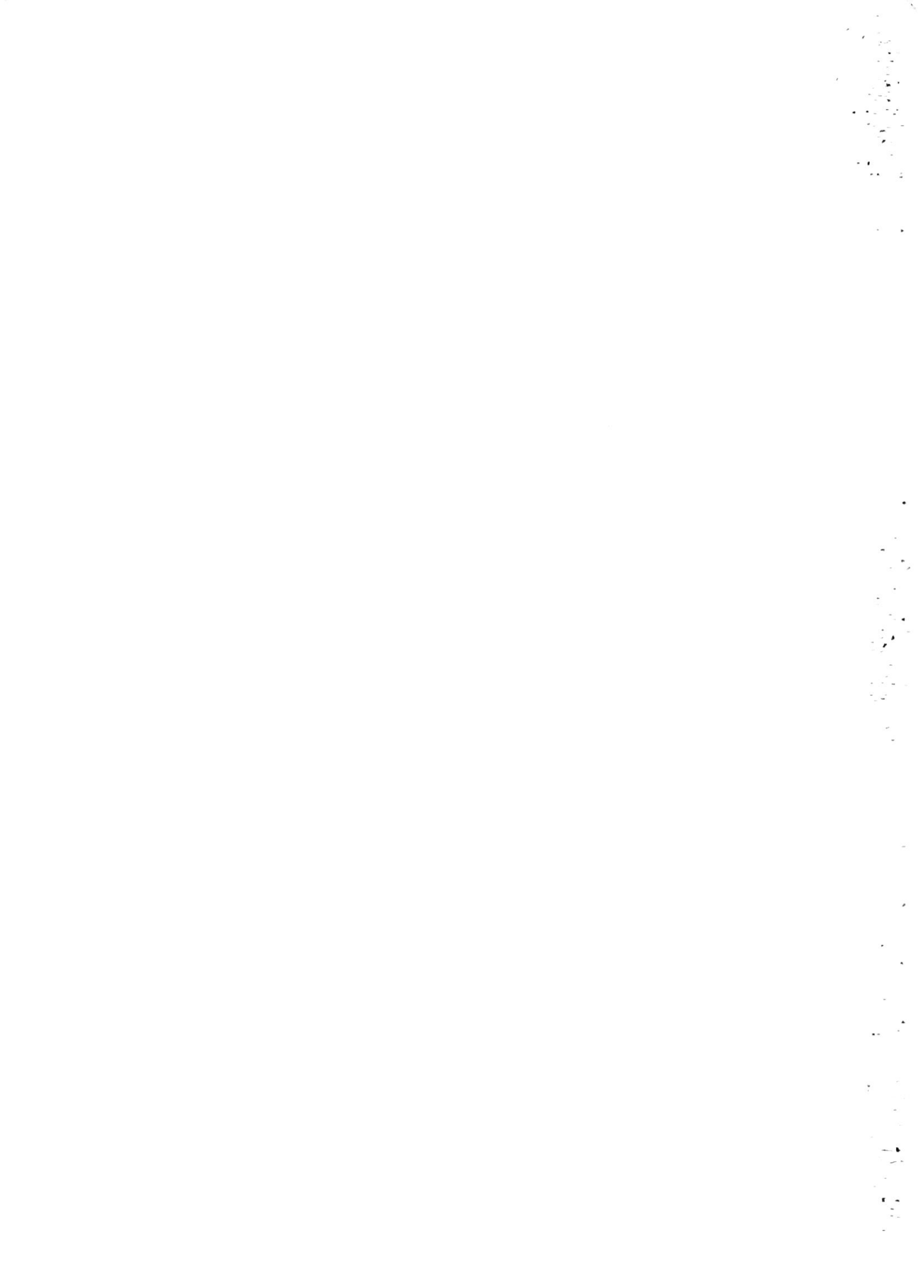
- (i) that the Papers be presented between 8.00 a.m. to 1.00 p.m. and 2.00 p.m. to 4.00 p.m. within a period of two (2) days.

3.0 SECTION 13 - ISSUE OF WRITS

13(2)(c) - Resolved and agreed:

To amend to read as follows:

- (i) Two months instead of four months
- (ii) provided that the Speaker may by notice in the Gazette extend the period specified in paragraphs (b) and (c) to facilitate the proper organisation and holding of the ensuring elections, except that such extension shall not exceed **two (2) months.**



(iii) 13(3)(a) - Accepted

(iv) 13(3)(b) (ii) - **Days** instead of **Day**.

(v) 13(3)(b)(iii) - Accepted.

4.0 SECTION 14 - HOLDING OF ELECTIONS

14(i) and (ii) - Accepted.

5.0 SECTION 15 - RIGHT TO VOTE

Accepted

6.0 SECTION 16 - ADDITIONAL DISQUALIFICATIONS FOR CANDIDATES

16(i) - Accepted

16(ii) - Resolved and agreed:

To amend to read as follows:

"a person who is convicted of an election offence or who is reported guilty of an election offence by the election court, shall have his name struck out of the register of voters, for the life of that Parliament and shall remain disqualified throughout the life of that Parliament".

7.0 SECTION 17 - NOMINATION BY POLITICAL PARTY

17(1), (2) and (3) - Accepted

8.0 SECTION SS.18A-18L: ELECTION EXPENSES

Resolved and agreed:

To defer the decision on the issue to later deliberations concerning long-term management and provisions of funding of political parties.

9.0 SECTION 18 - VACANCIES IN THE NATIONAL ASSEMBLY

Resolved and agreed:

To revisit the issue at the next meeting.

10.0 DATE OF NEXT MEETING

It was agreed to meet next on Sunday, 7th September, 1997 from 2.00 p.m. to 6 p.m.

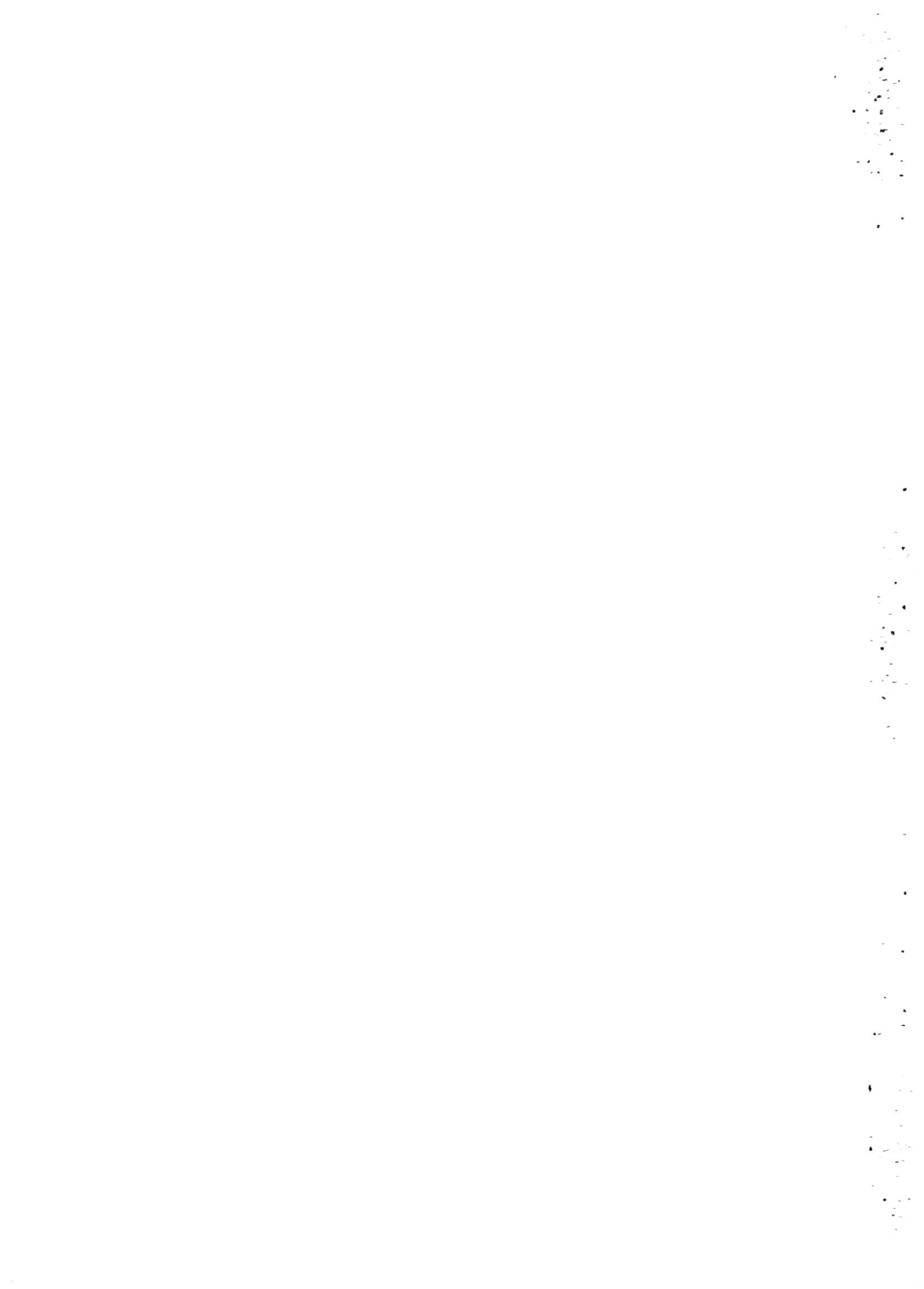
11.0 CLOSURE OF MEETING

There being no other business, the meeting closed at 6.15 p.m.

Confirmed by:
(Chairman)

.....
(Co-Chairman)

Date:



INDEX OF DOCUMENTS

- Doc 1 - The Constitution of Kenya
- Doc 2 - National Assembly and Presidential Elections Act, Cap 7.
- Doc 3 - SCHEDULE
Sections 34(i)(h)
Electoral Code of Conduct
- Doc 4 - Election Offences Act, Cap 66
- Doc 5 - The Local Government Act, Cap 265
- Doc 6 - Electoral Bill (small), Abridged Summary from Centre for Governance and Development (CGD)
- Doc 7 - Electoral Bill (big), draft from Centre for Governance and Development (CGD)
- Doc 8 - ALGAK - Association of Local Government Authorities of Kenya



MINUTES OF THE FOURTH MEETING OF B. ELECTORAL CODE COMMITTEE HELD IN CONFERENCE ROOM NO.9 ON 7TH SEPTEMBER, 1997 AT 2.00 P.M.

1.0 ATTENDANCE

1.1 PRESENT

1. Hon. A.N. Ligale, M.P. - Chairman
2. Hon. J.W. Mulusya, M.P. - Co-Chairman
3. Hon. Prof. J. Ouma Muga M.P. - Secretary
4. Hon. Agnes Ndetei, M.P.
5. Hon. J.P. Mutere, M.P.
6. Hon. Muhika Mutahi, M.P.
7. Hon. S. Manga, M.P.
8. Hon. J. Shamalla, M.P.
9. Hon. B. Kaino, M.P.
10. Hon. Njenga Mungai, M.P.
11. Hon. Gonzi Rai, M.P.

1.2 ABSENT WITH APOLOGY

12. Hon. G.W. Kapten, M.P.
13. Hon. J.S. Mumba, M.P.
14. Hon. Prof. P. Anyang' Nyong'o, M.P.

1.3 IN ATTENDANCE: NATIONAL ASSEMBLY

- Miss C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

2.0. MINUTES OF THE THIRD MEETING

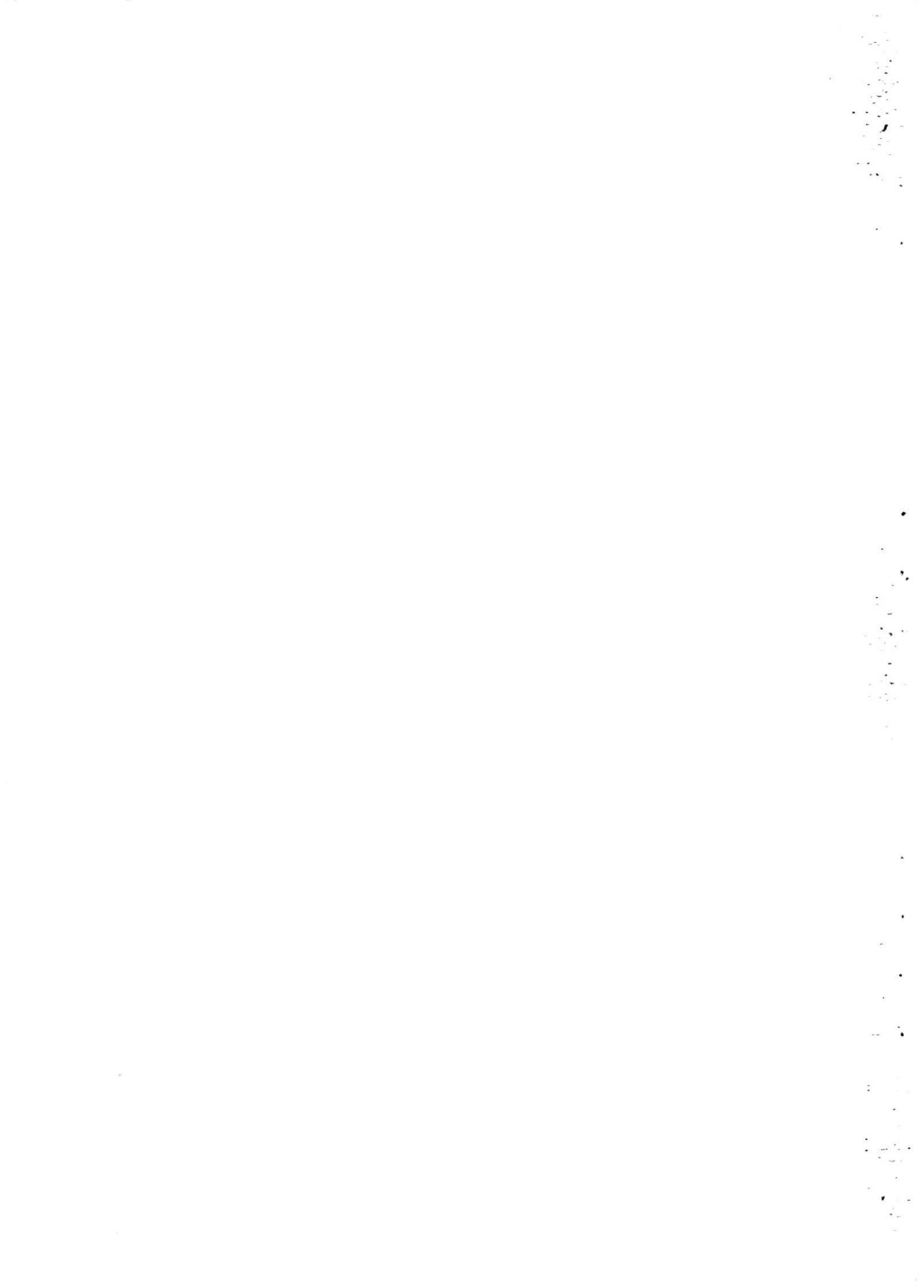
2.1. Received, noted and confirmed minutes of the 3rd meeting.

2.2. Matters Arising

Ex- Min. 8.0. Section ss.18A-18L - ELECTION EXPENSES

NOTED, the impracticability of applying regulations on this issue.

RESOLVED AND AGREED, to handle the issue as part of the long-term review.



Ex.Min.9.0 - SECTION 18 - VACANCIES IN THE NATIONAL ASSEMBLY

Accepted.

3.0 SECTION 19 - CONSTITUTION & ELECTION COURT.

Accepted

4.0 SECTION 20 - PRESENTATION ON PETITION.

1(a) RESOLVED AND AGREED: to amend to read as follows:

"A petition -

- (a) to question the validity of an election shall be filed in the High Court and served within twenty eight days after the date of the publication of the result of the election in the Gazette".

20.1.(b)(i) and (ii)

RESOLVED AND AGREED; to delete "a return or".

20(1)(b)(iii) - Agreed to delete the whole Subsection

20(2) - Agreed to delete "a return or" and "the return or".

20(3) - Accepted.

5.0. SECTION 21 - SECURITY FOR COSTS

(2) **RESOLVED AND AGREED,** to amend as follows "(250,000) Two hundred and fifty thousand" instead of "(50,000) Fifty thousand"

(3) Accepted

6.0. SECTIONS 22 TO 31 - All accepted

7.0. PART VII: MISCELLANEOUS PROVISIONS

7.1. SECTION 32 - MISNOMER AND INACCURACIES

Accepted



7.2. SECTION 33 - EXPENSES

RESOLVED AND AGREED, That "Minister' becomes "Electoral Commission"

7.3. SECTION 34 - REGULATIONS.

RESOLVED AND AGREED, to amend as follows:

34(1)(d) - Agreed to delete,
"not exceeding (100) one hundred in any one case".

34(1)(e) To replace "offer" with "officer" in the final phrase.

34(i)(j) - To replace "(5000) five thousand" with "(10,000) ten thousand".

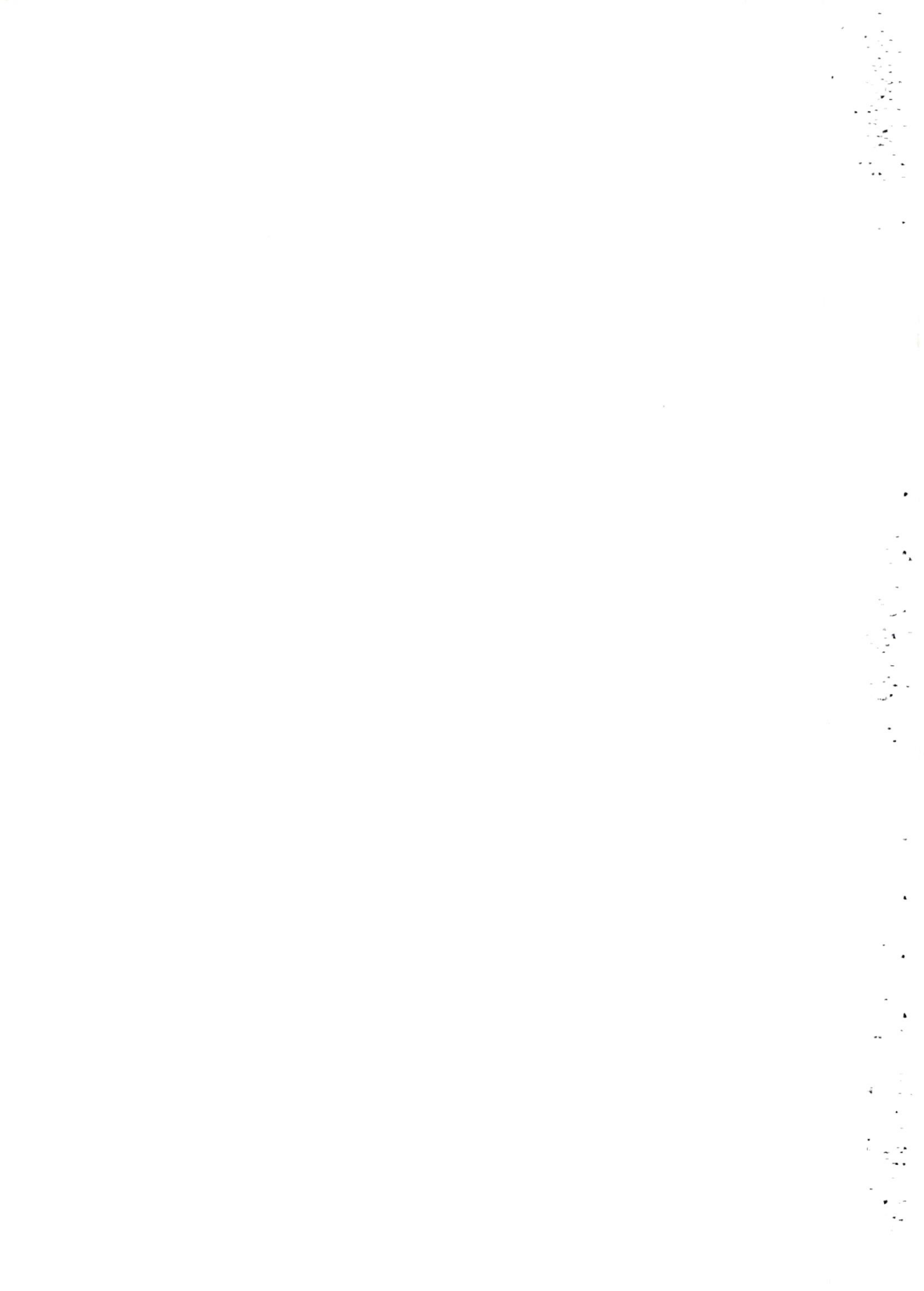
7.4 THE REGULATIONS.

NOTED,

- (i) the absence of relevant schedule of regulations to this Act, Cap 7.
- (ii) that those Regulations are an essential provision for the effective management of free and fair elections

RESOLVED AND AGREED,

- (i) that the special concern and urgent need for these Regulations be brought to the attention of Electoral Commission;
- (ii) that, in the formulation of the said Regulations, the Electoral Commission should particularly refer to Part IX. THE VOTING PROCESS of Doc. 7, pages 16 - 19; and
- (iii) that, the attention of the Electoral Commission be especially drawn to the following:
 - (a) that there is a strong demand for transparent ballot boxes; and
 - (b) that, counting of votes should be done at the respective polling stations.



4.19 SECTION 40 - TERM OF OFFICE OF COUNCILLORS.

40(1) RESOLVED AND AGREED, to amend as follows:-

- (i) delete all words after "five years" in the second line.
- (ii) delete "provided that" and all subsequent words.

40(2) - delete

40(3) - accepted

4.20 URBAN COUNCILS

SECTIONS 41 - 47

RESOLVED AND AGREED, That all be deleted.

PART IV

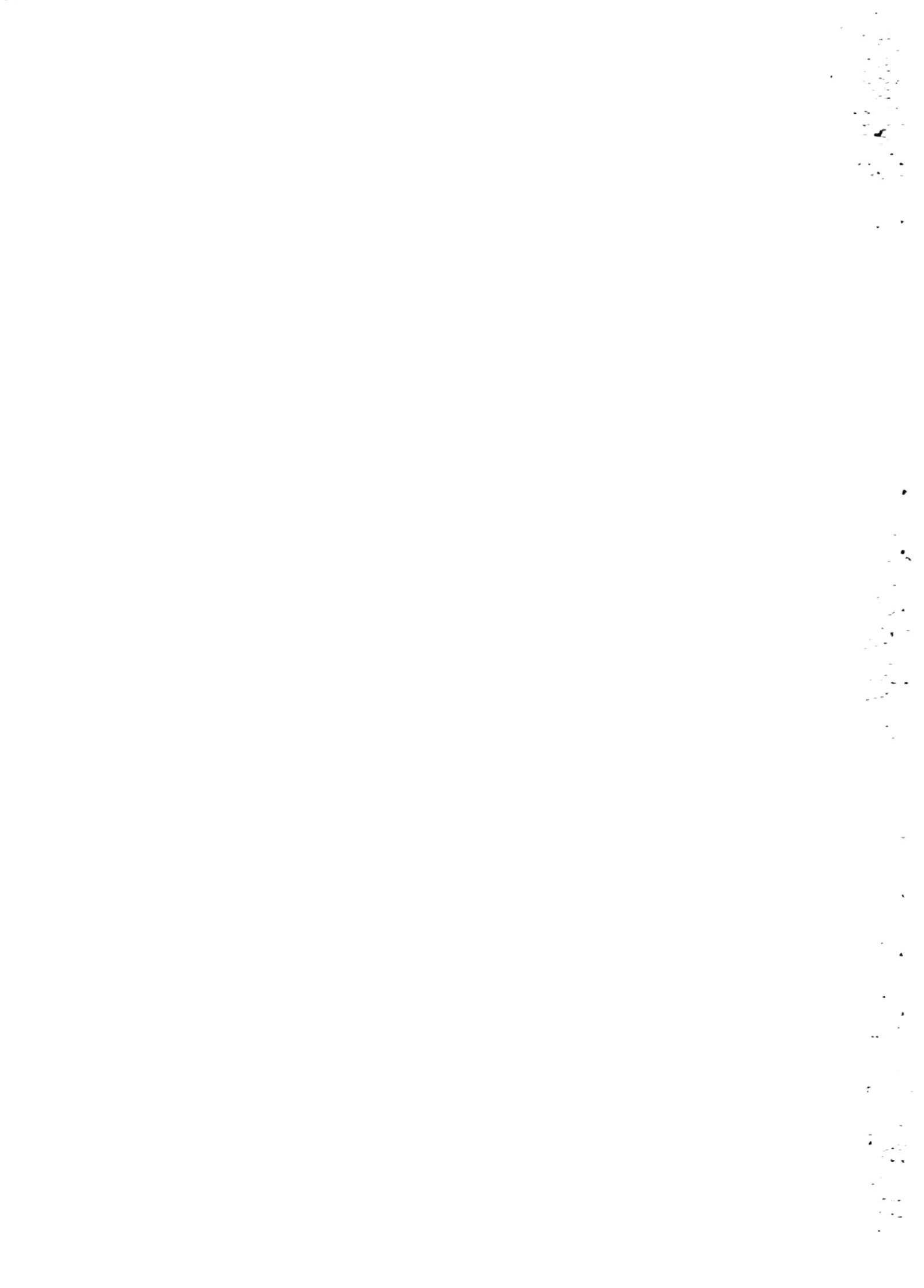
4.21 LOCAL GOVERNMENT ELECTIONS AND MEMBERSHIP

4.21.1 SECTION 53 - QUALIFICATION FOR REGISTRATION AS A VOTER.

RESOLVED AND AGREED, to amend to reflect the following;

- (i) That the Electoral Commission takes over the revision and marking of Ward boundaries.
- (ii) That a re-organisation and amalgamation be made to establish financially viable county councils.
- (iii) That throughout this Section and Part "Electoral Commission" replaces "Minister".
- (iv) That for the forth coming General Elections the Wards remain as for the 1992 General Elections except where new Constituencies have caused a subdivision of a Ward.

53(4) - delete "appointed" and "urban council" wherever they appear.



53(5)(a)

- (i) delete "or in the case of an urban council" in the third and fourth line.
- (ii) delete all words after "county council" in the third last line.

53(5)(c) - amend to read; "he is a member of a registered political party".

4.21.2 SECTION 53A - QUALIFICATIONS FOR NOMINATION

RESOLVED AND AGREED, that a candidate shall be a holder of K.C.P.E. certificate or its equivalent.

4.21.3 SECTIONS 53B - DIS-QUALIFICATIONS FOR COUNCILLORS.

RESOLVED AND AGREED, to reflect the following;

- (i) That a person found guilty of a election offence or reported by an election court to be guilty of such an offence shall have his name struck out of the register of voters and shall remain disqualified throughout the life of that council.

4.21.4 SECTION 53C - RULES UNDER SS 53, 53A AND 53B.

- accepted

4.21.5 SECTION 54 - ALTERATION OF ELECTORAL AREAS.

54(1) - accepted

54(2) - delete

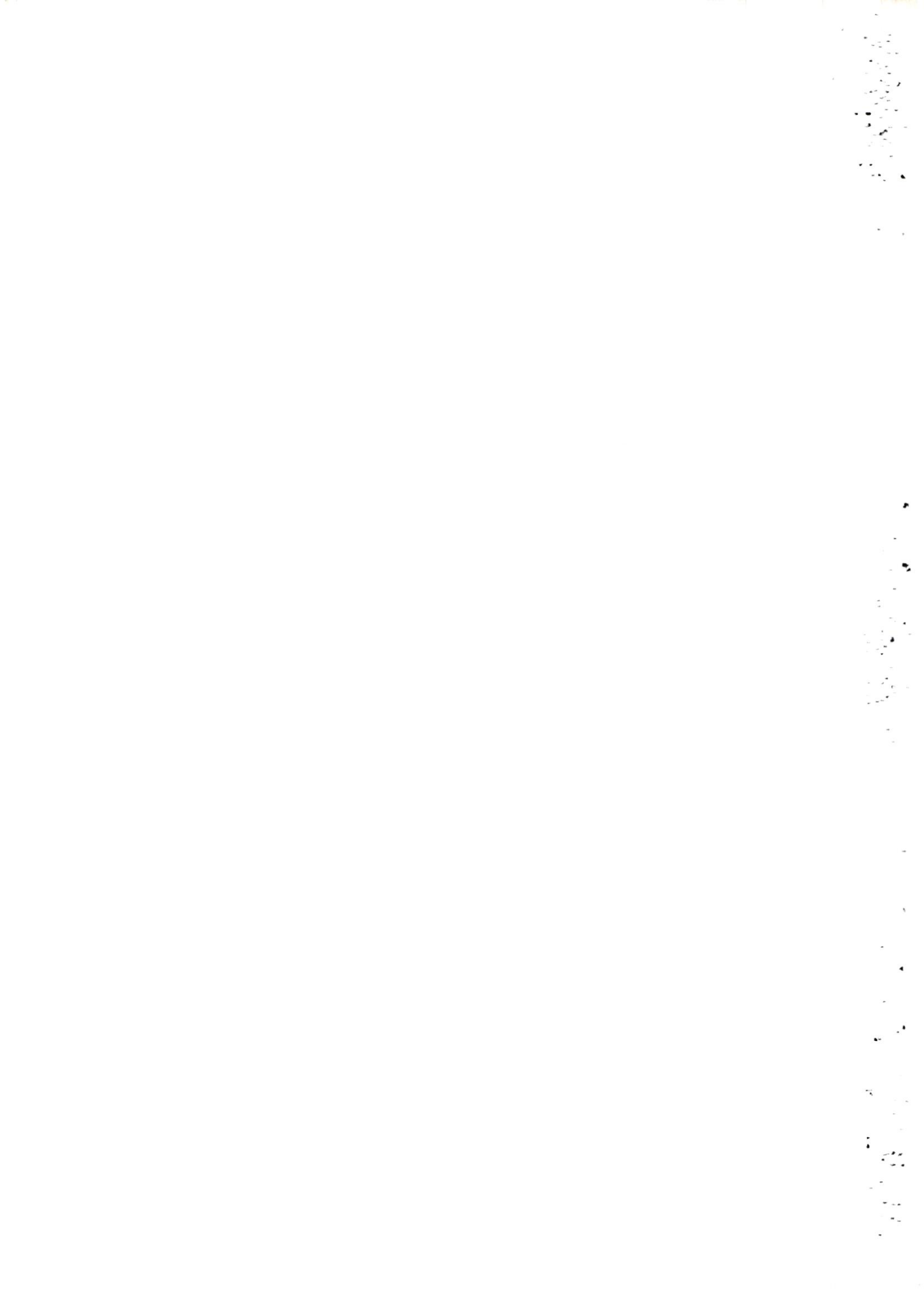
54(3) - resolved and agreed; to amend as follows;

- (i) delete " or of a local council area"

54(3)(c) - delete

54(4) - accepted

54(5) - "Electoral Commission" instead of "Minister"



- (1) Section accepted
- (2) Delete "or appointed"

4.21.14 SECTION 63 - RESIGNATION OF COUNCILLORS.

- Agreed:

63(1) and (2): delete "appointed"

4.21.15 SECTION 64 - ABSENCE OF COUNCILLORS FROM MEETING

64(1),(2),(3) and (4) - accepted

4.21.16 SECTION 65- TENURE OF SEATS OF COUNCILLORS.

Agreed

65(1) - accepted

65(2)(a) - accepted

65(2)(b) - delete "appointed" or "otherwise selected as such".

65(3) - (i) accepted.

(ii) "Minister" becomes "Electoral Commission"

4.21.17 SECTION 66 - APPEAL AGAINST DECLARATION UNDER S.6

AGREED.

66(1) - Replace "first class" with "Principal magistrate".

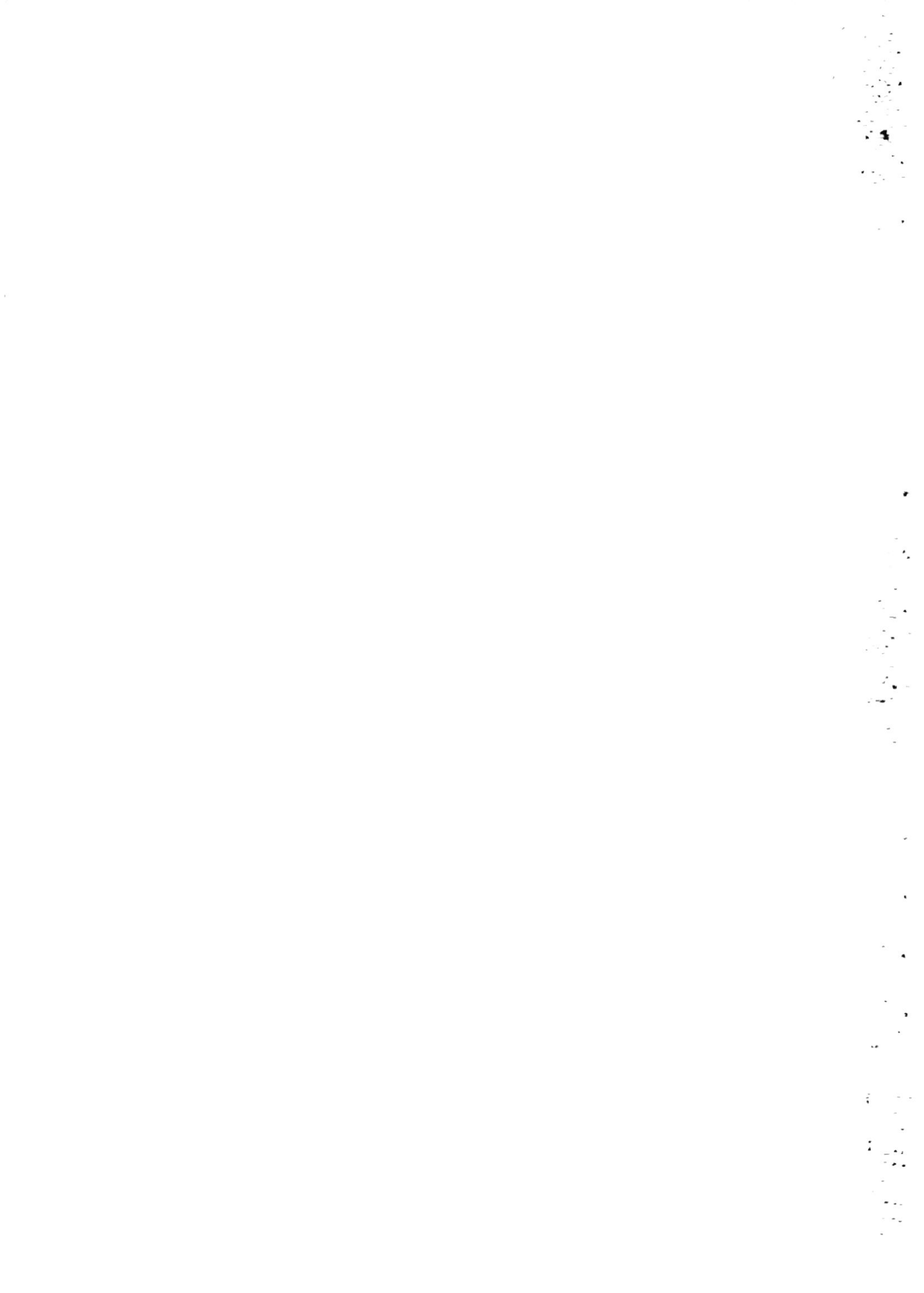
66(2) - "twenty eight days" instead of "fourteen days"

66(3) Agreed to amend as follows;

(i) delete all words after "order" in the third line.

(ii) "Fourteen days" instead of "seven days"

66(4) - "Electoral Commission" instead of "Minister"



4.21.6 SECTION 55 - PREPARATION OF ELECTORAL ROLLS.

- accepted

4.21.7 SECTION 55A - ADDITIONAL DISQUALIFICATION FOR REGISTRATION

RESOLVED AND AGREED, to amend as in Section 53 B.(Life of Council).

4.21.8 SECTION 56 - ELIGIBLE VOTERS

- accepted

4.21.9 SECTION 57 - APPLYING ACT AND RULES

RESOLVED AND AGREED, to amend as follows;
delete "whether" and "or otherwise"

4.21.10 SECTION 59 - RE-ELECTION OF COUNCILLORS.

(i) Delete "or appointed" in the second line.

(ii) delete "or re-appointment" in the last line.

4.21.11 SECTION 61 - VALIDITY OF ELECTIONS.

RESOLVED AND AGREED;

(i) 61(1) "twenty eight" days instead of "fifteen days"

61(2),(3) and (4) - accepted.

4.21.12 SECTION 62 - DECLARATION BY COUNCILLORS

RESOLVED AND AGREED, to amend to reflect the following:-

(i) That the elected councillor may present Form B personally or by agent.

(ii) Delete "or appointment"

4.21.13 SECTION 62A - MEMBERS OF PARLIAMENT

RESOLVED AND AGREED,



4.21.18. SECTION 67 - DATE OF CASUAL VACANCIES

accepted.

4.21.19 SECTION 68 - FILLING OF CASUAL VACANCIES

accepted.

4.21.20 SECTIONS 70 - 72

RESOLVED AND AGREED,

- (i) That the essential work of the Committee is covered by reviewing Documents 2,4 and 5.
- (ii) That the Committee should review the Rules and Regulations relating to the afore mentioned Documents (Acts) and;
- (iii) That where the Rules and/or Regulations are found to be wanting or inadequate, the relevant authority shall be advised to provide adequate schedules.

Further agreed; that the Committee review those Rules/Regulations at the next meeting.

5.0. DATE OF NEXT MEETING

It was agreed to meet next on Tuesday, 9th September 1997 at 10.00 a.m.

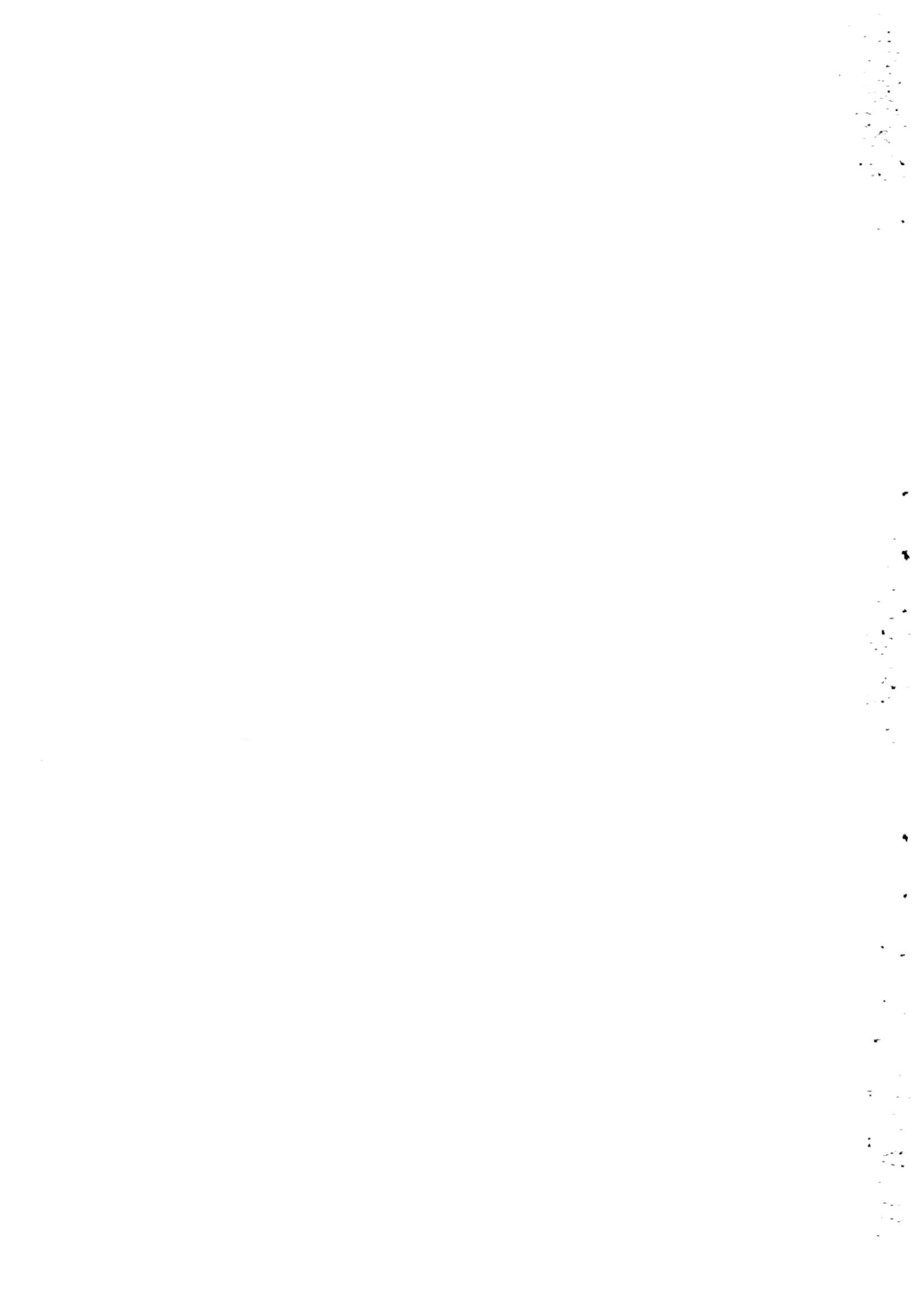
6.0. CLOSURE OF MEETING

There being no other business the meeting closed at 6.35 p.m.

CONFIRMED BY
CHAIRMAN

CO-CHAIRMAN

DATE



**MINUTES OF THE SIXTH MEETING OF B. ELECTORAL CODE
COMMITTEE HELD IN CONFERENCE ROOM NO.9 ON 9TH
SEPTEMBER, 1997 AT 10.00 A.M.**

1.0 ATTENDANCE

1.1 PRESENT

- | | | |
|-----|------------------------------|---------------|
| 1. | Hon. A.N. Ligale, M.P. | - Chairman |
| 2. | Hon. J.W. Mulusya, M.P. | - Co-Chairman |
| 3. | Hon. Prof. J. Ouma Muga M.P. | - Secretary |
| 4. | Hon. Agnes Ndetei, M.P. | |
| 5. | Hon. J.P. Mutere, M.P. | |
| 6. | Hon. Muhika Mutahi, M.P. | |
| 7. | Hon. S. Manga, M.P. | |
| 8. | Hon. J. Shamalla, M.P. | |
| 9. | Hon. B. Kaino, M.P. | |
| 10. | Hon. Njenga Mungai, M.P. | |
| 11. | Hon. Gonzi Rai, M.P. | |
| 12. | Hon. J.S. Mumba, M.P. | |
| 13. | Hon. G.W. Kapten, M.P. | |

1.2 ABSENT WITHOUT APOLOGY

14. Hon. Njenga Mungai, M.P.

1.3 IN ATTENDANCE: NATIONAL ASSEMBLY

- | | | |
|-------------------|---|------------------------|
| Miss C.M. Mwambua | - | Senior Clerk Assistant |
| Miss M.J. Chesire | - | Third Clerk Assistant |

ATTORNEY GENERAL CHAMBERS

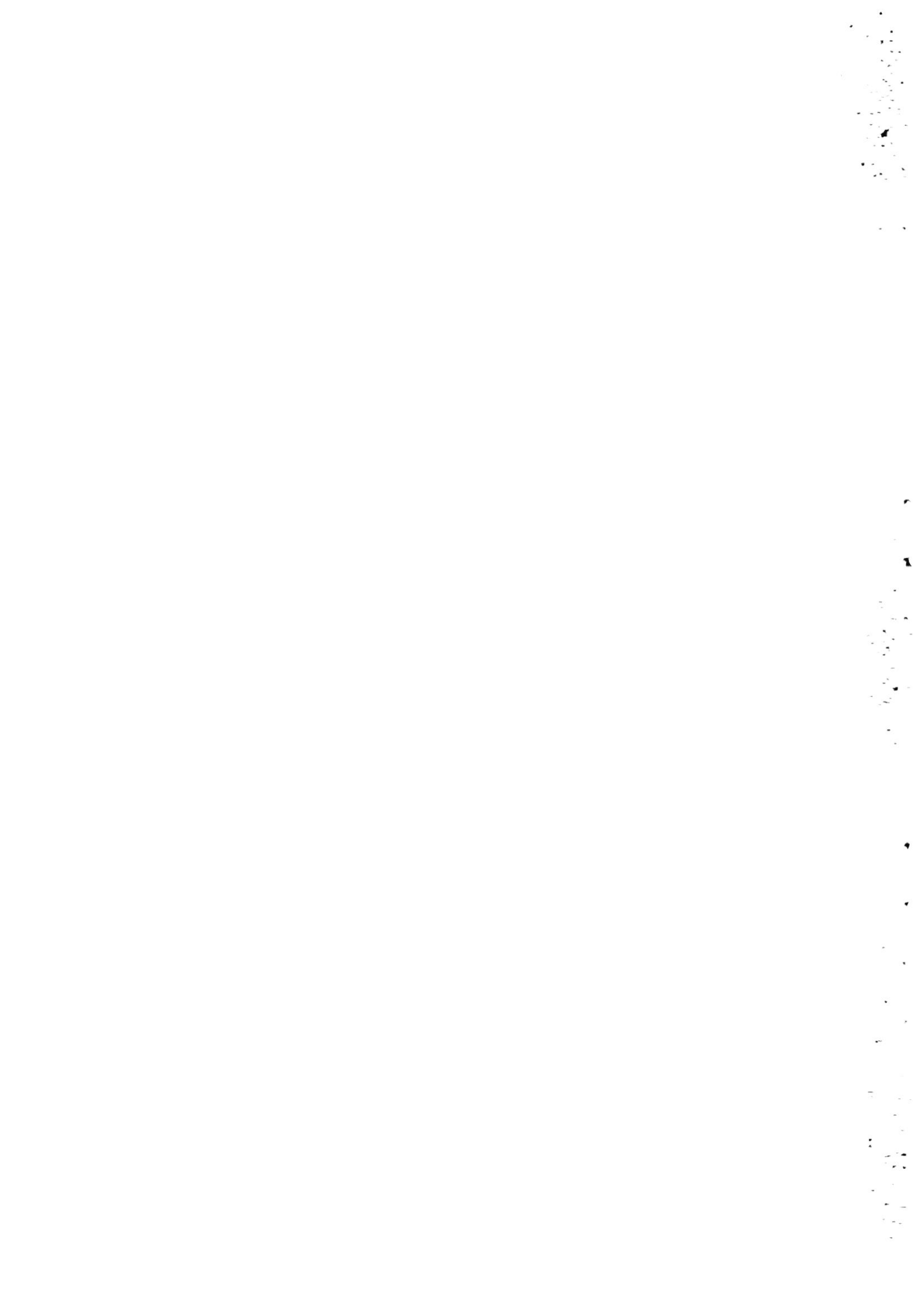
Miss L. Murila

2.0. MINUTES OF THE FOURTH MEETING

2.1 Corrections

Ex-Min.7.4, NOTED (1) "Adequate" instead of "relevant"

RESOLVED AND AGREED; (iii)(b) "whether" instead of "that"



2.2. MATTERS ARISING

Ex.Min.7.4

RESOLVED AND AGREED; (iii)(b)

NOTED, that counting of votes at polling stations was not agreed.

RESOLVED, to revisit the issue later during review of Regulations to Cap 7.

3. MINUTES OF THE FIFTH MEETING

Received and confirmed without corrections.

3.1. MATTERS ARISING

Ex-Min.4.12 - Election of Chairman of County and Town Councils.

NOTED;(i) The resolution that the Chairman be elected by public and for 5 years with a maximum of 2 terms.

(ii) That other conditions be as provided for Mayors of Municipal Councils.

RESOLVED AND AGREED, that these terms and conditions be applicable to the forth-coming General Elections and thereafter.

Ex.Min.4.21.1 SECTION 53 - QUALIFICATION FOR REGISTRATION AS A VOTER

NOTED, Resolution No(iv)

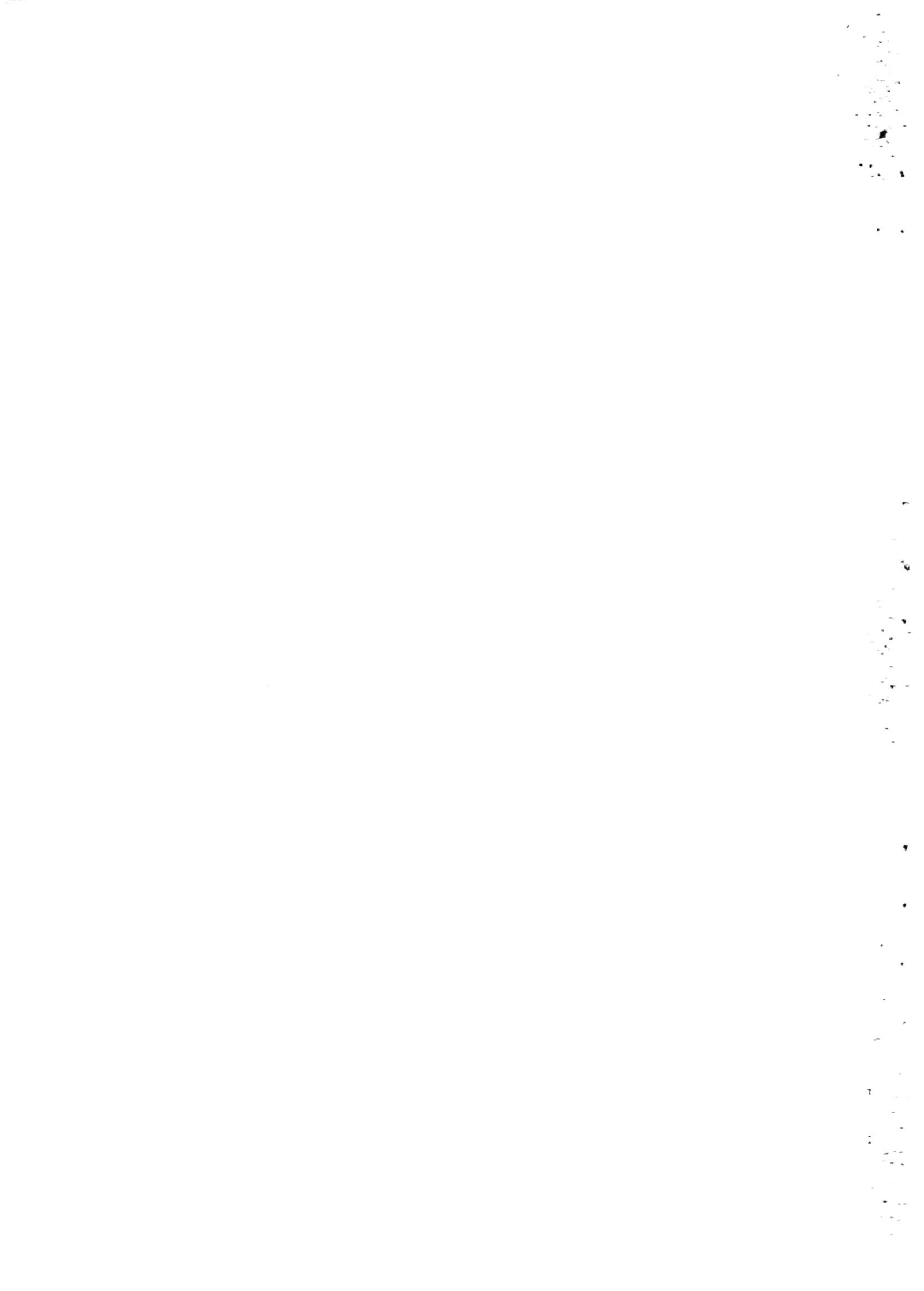
RESOLVED AND AGREED, (iv) That, "for the forth-coming General Elections, the Wards remain as for the 1992 General Elections, except where new constituencies have caused a subdivision of a Ward; unless the new Wards have already been created and gazetted".

4.0. DELIBERATIONS WITH HIS WORSHIP THE MAYOR OF NAIROBI - COUNCILLOR DICK WAWERU.

4.1. DECISION TO RECEIVE THE MAYOR.

REPORTED by the Chairman Hon. A.N. Ligale:

(i) That the Mayor had earlier come to seek audience with this committee



- (ii) That the Secretary to this Committee Hon. Prof. Ouma Muga had asked the Mayor to return later after consultations; and
- (iii) That the Mayor had now returned.

NOTED, various views on the merits and demerits of the proposed deliberations.

RESOLVED AND AGREED,

- (i) That the Mayor be received;
- (ii) That the deliberations be short and relevant to the Committees mandate; and
- (iii) That, owing to time constraints, few such visits be accepted.

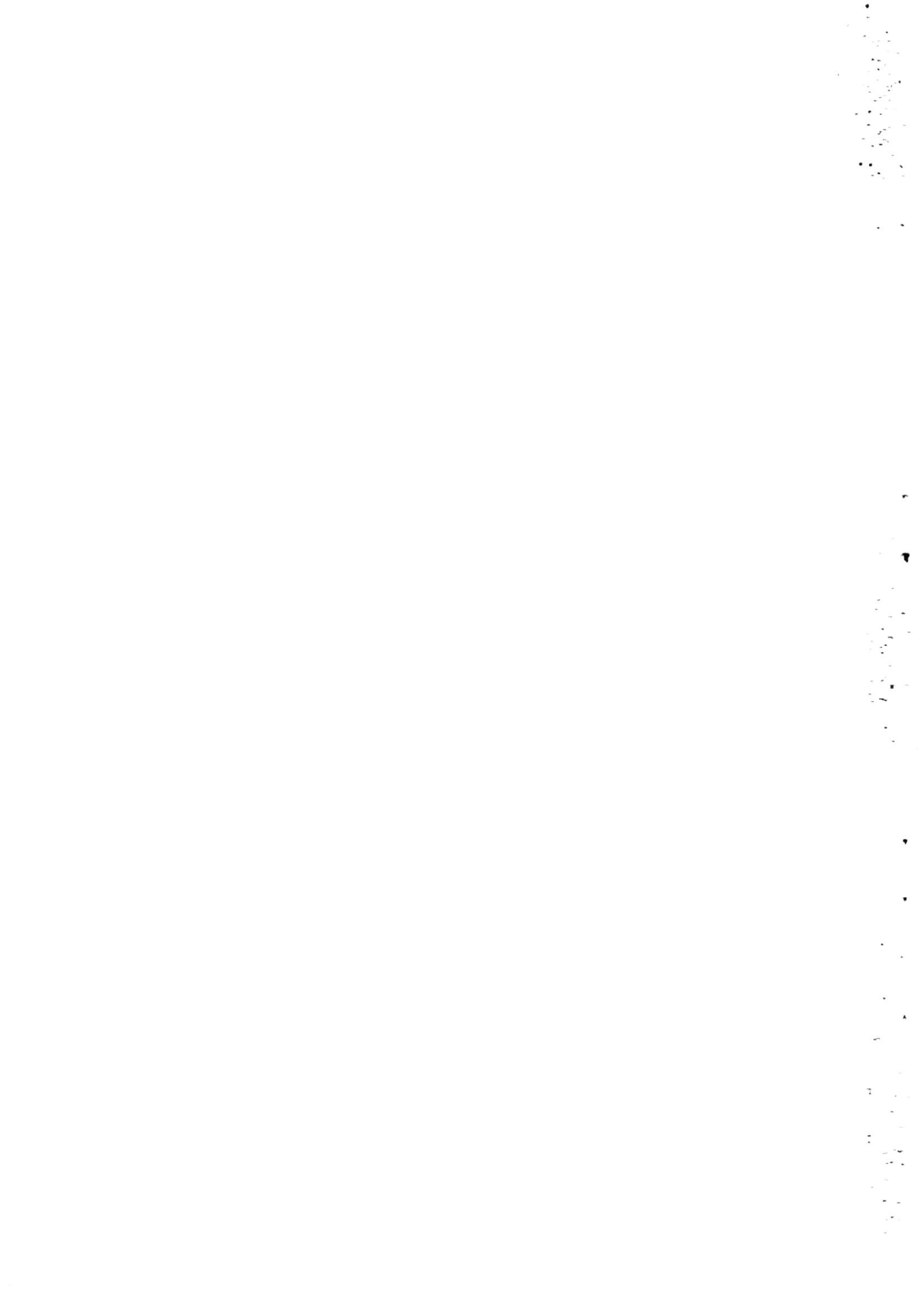
4.2. MAIN OBSERVATIONS BY THE MAYOR.

NOTED AND OBSERVED, by the Mayor and in response to observations from the Committee;

- (1) That management of the Local Authorities throughout Kenya have problems summarized as follows:
 - (a) Poor management due particularly to lack of co-operation between the Ministry of Local Government (on the one hand) and respective local authorities.
 - (b) Inefficient and conflicting chains of command with civil servants in the local authorities often directly instructed by officials of the Ministry contrary to the decisions and resolutions of a give council;
 - (c) Inefficient funds and perennial financial handicaps which make councils incapable of delivering satisfactory and sustainable services to the public; and
 - (d) Illegal allocation of land by the Town Clerk's office as directed by other authorities without the express sanctions of the council.

NOTED, further and stressed by the Mayor:

- (i) That the root cause of all these problems of conflict, insubordination, insufficient funds, land grabbing and instability of local authorities is



the major changes in the Local Government Act, Cap 265 which took effect in 1984.

- (ii) That, among the proposals to resolve the conflicts, the following be done;
 - (a) a thorough overhaul of the Local Government Act, Cap 265 among other things, to return the power of hire and fire to the councils;
 - (b) to elect the Mayor and Deputy Mayor directly by the public for 5 years period in order to demonstrate confidence of all the citizens of the city;
 - (c) to institute a five year tenure to promote stability in management of council affairs; and
 - (d) to give executive power to the Mayor.

NOTED FINALLY;

- (i) that the Mayor did not believe that decentralisation of services through a Greater Nairobi city system would work.
- (ii) that, what is critically harmful is not the size of the city, but the serious corruption of the whole national system.

5.0. THE NATIONAL ASSEMBLY ELECTIONS (REGISTRATION OF VOTERS): REGULATIONS

PART 1 - PRELIMINARY

5.1 Paragraph 1 - citation - accepted

Paragraph 2 - interpretation - accepted

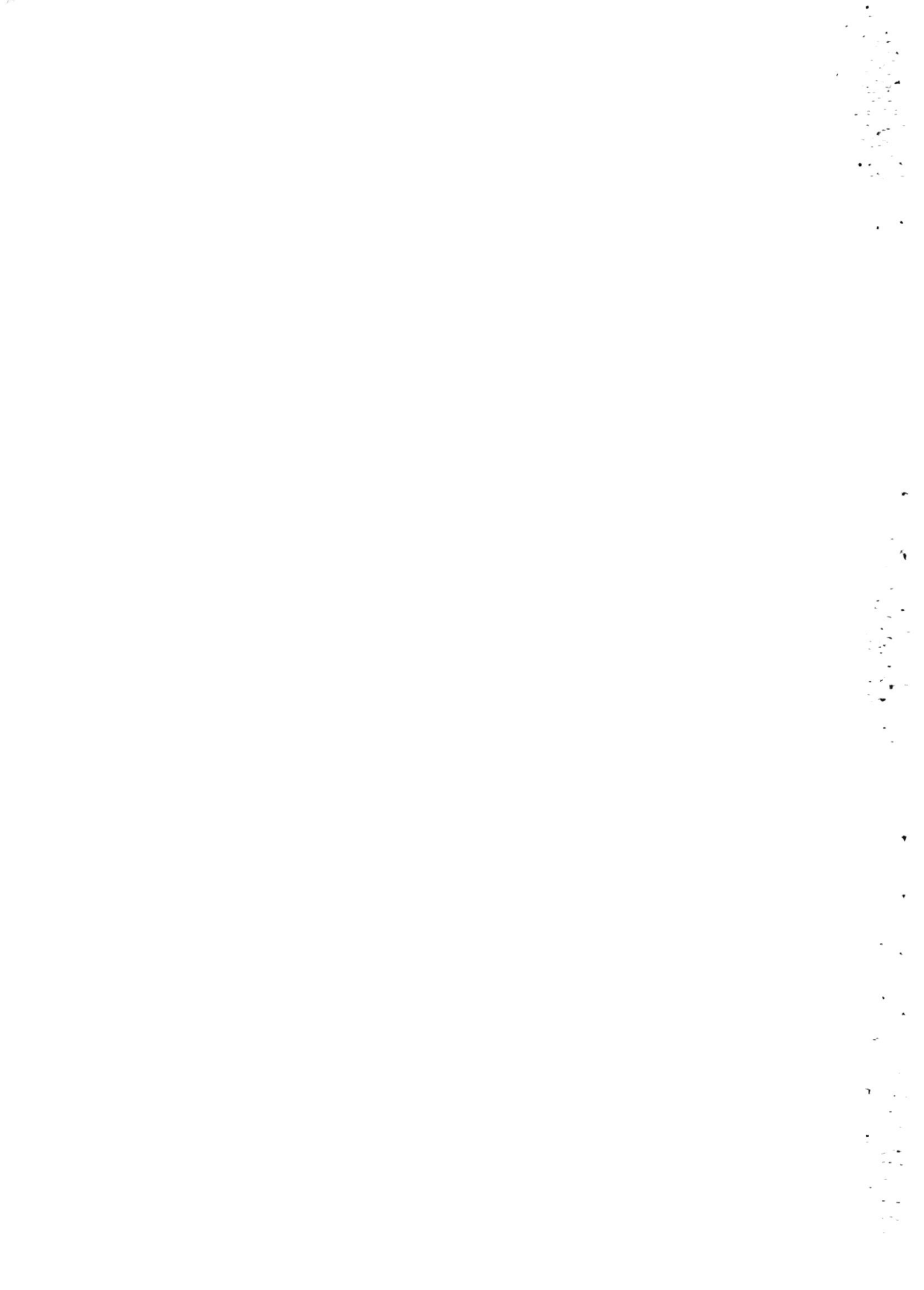
PART 11 - REGISTRATION OF ELECTORS

5.2. Paragraph 3 - Officers and assistants

3(1) - (4) - Accepted

RESOLVED AND AGREED, to amend as follows:

five thousand shillings instead of five hundred shillings in the last line.



5.3. Registration of Electors

Paragraph 4(1)

RESOLVED AND AGREED to amend to reflect the following:

- (i) That, in future registration of voters should be made as a continuous process;
- (ii) That, a suitable form be used, and improvement of Form A.

Paragraph 4(2) and (4) - Accepted

Paragraph 4 (5)(b) - Registration unit moving from a located place.

RESOLVED AND AGREED, to amend to read as follows:

Paragraph 4,5(b) "A registration officer may with written approval of the Supervisor, receive an application at a place other than one of the places of registration appointed in the notice within the registration unit"

Paragraph 4 (5)(c) - accepted

Paragraph 4(7) - accepted

5.4. Paragraph 5 - Preparation of register of electors.

Paragraph 5(1) -(3) - Accepted

Paragraph 6(1) - (3) - Accepted

AGREED, to supply Form C of Schedule

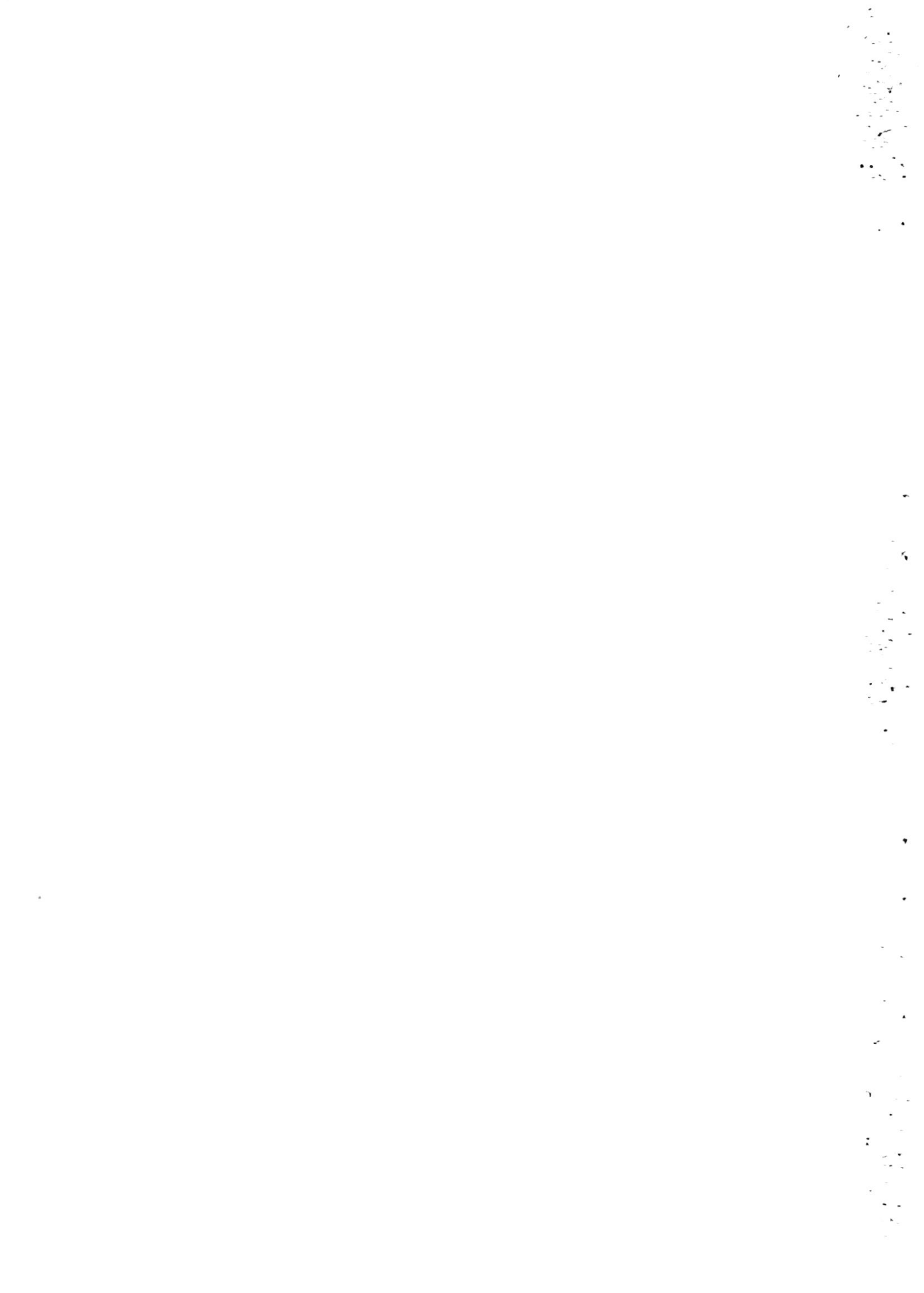
Paragraph 7 - Publication of register

7(a) - Accepted

7(b) - to supply Form D.

PART III - CLAIMS AND OBJECTIONS

5.5. Paragraph 8 - Claims



8(1) AGREED; to get Form E

8(2) AGREED, to add "within fourteen days" after claim in the last line .

8(3) - Accepted

5.6. Paragraph 9 - Appeals on Claims

9(1) Agreed, that "Court" refers to "Principal Magistrate Court" in the first line.

9(2) - Accepted.

5.7. Paragraph 10 - Objections

10(1) - Accepted

10(2) - Agreed, to get Form G.

5.8. Paragraph 11 - Determination of Objections

11(1) - Agreed: to get Form H

11(2) - Accepted

5.9. Paragraph 12 - Amendment of register.

Accepted.

PART IV - CERTIFICATE OF REGISTER

5.10 Paragraph 13 - Certificate of register

Agreed, to get Form I

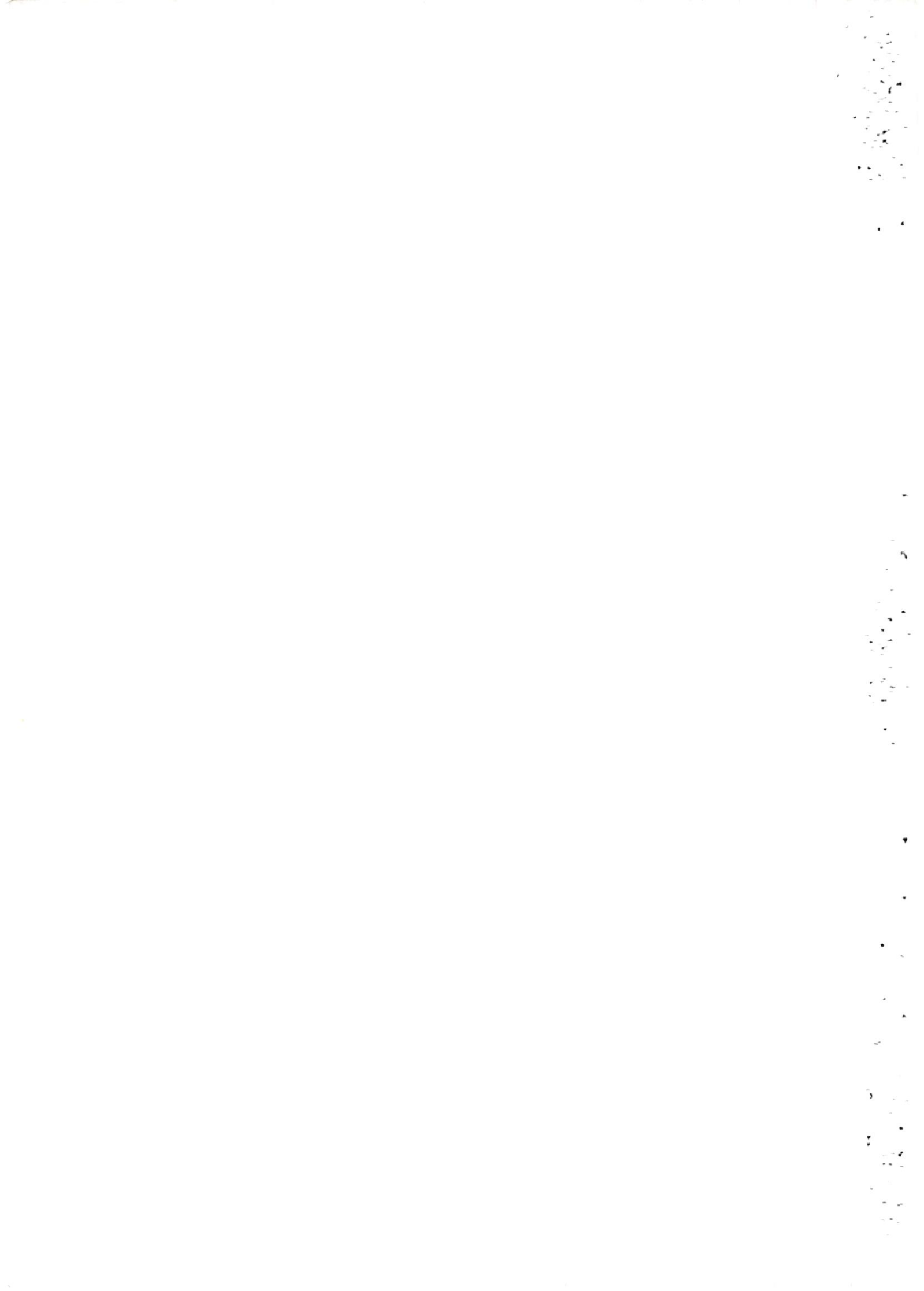
5.11 Paragraph 14 - Notice of Certification of register

Paragraph 4(1) and (2) - Accepted

PART V - COMPILATION OF REGISTER OF ELECTORS

5.12 Paragraph 15 - Compilation of register of electors

Paragraph 15(1) and (2) - Accepted



5.13 Paragraph 16 - Revision of registers

Paragraph 16(1) Agreed; to get Form J

Paragraph 16(2) (3) and (4) - accepted.

5.14 Paragraph 17 - Mode of revision

Paragraph 17(1) (2) and (3) - accepted

17(4) -Agreed to add "by registered mail and thereafter the disqualification be gazetted", after the word deletion.

5.15 Paragraph 18 - Publication of additions and omissions.

Paragraph 18(a) - (c) - Accepted

5.16 Paragraph 19 - Claims and objections on revision

Accepted

5.17 Paragraph 20 - Notice of amendments

Accepted

5.18 Paragraph 21 - Revised register into force

Accepted

PART VI - CORRECTION OF REGISTER

5.19 Paragraph 22 - Formal corrections

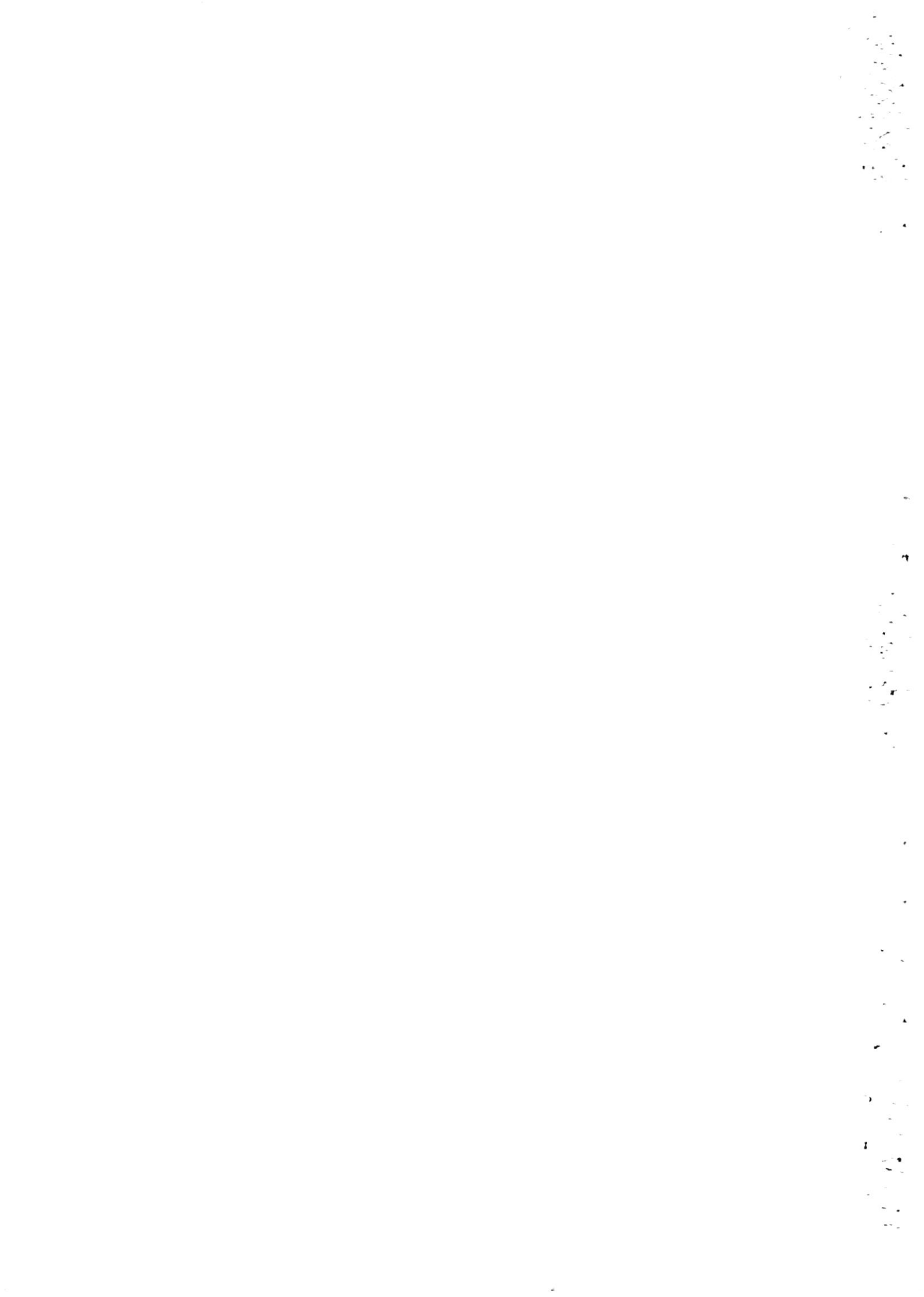
Paragraph 22(a) - (d) - Accepted

Paragraph 23 (1) (2) and (3) - Accepted

PART VII - GENERAL PROVISIONS

5.21 Paragraphs 24 - 29 - All accepted

RESOLVED AND AGREED, to get Regulations to Cap 7, Cap 66 and Cap 265 for perusal.



6.0 ACCESS TO PUBLIC MEDIA

NOTED, that at the second meeting,

(Ex-Min -4.2) on 5/9/97, it was resolved to urge the Electoral Commission, "to ensure equitable access to publicly funded media by political parties and candidates".

RESOLVED AND AGREED;

- (i) That relevant sections of the Act establishing KBC be reviewed.
- (ii) That during that review, close scrutiny be made of Section 63 of Document 7 (Pages 12 and 13)

7.0 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS: REGULATIONS.

PART 1 - PRELIMINARY

7.1. Paragraph 1 - Accepted

Paragraph 2 - Close of nominations

Agreed: to amend to read;

- (i) "close of nominations "means 4.00 p.m of the second day of nomination days.
- (ii) The rest of paragraph 2 - accepted.

PART II - MATTERS PRELIMINARY TO ELECTIONS

7.2. Paragraph 3 - Returning Officers

Paragraph 3(1) -(3) - Accepted

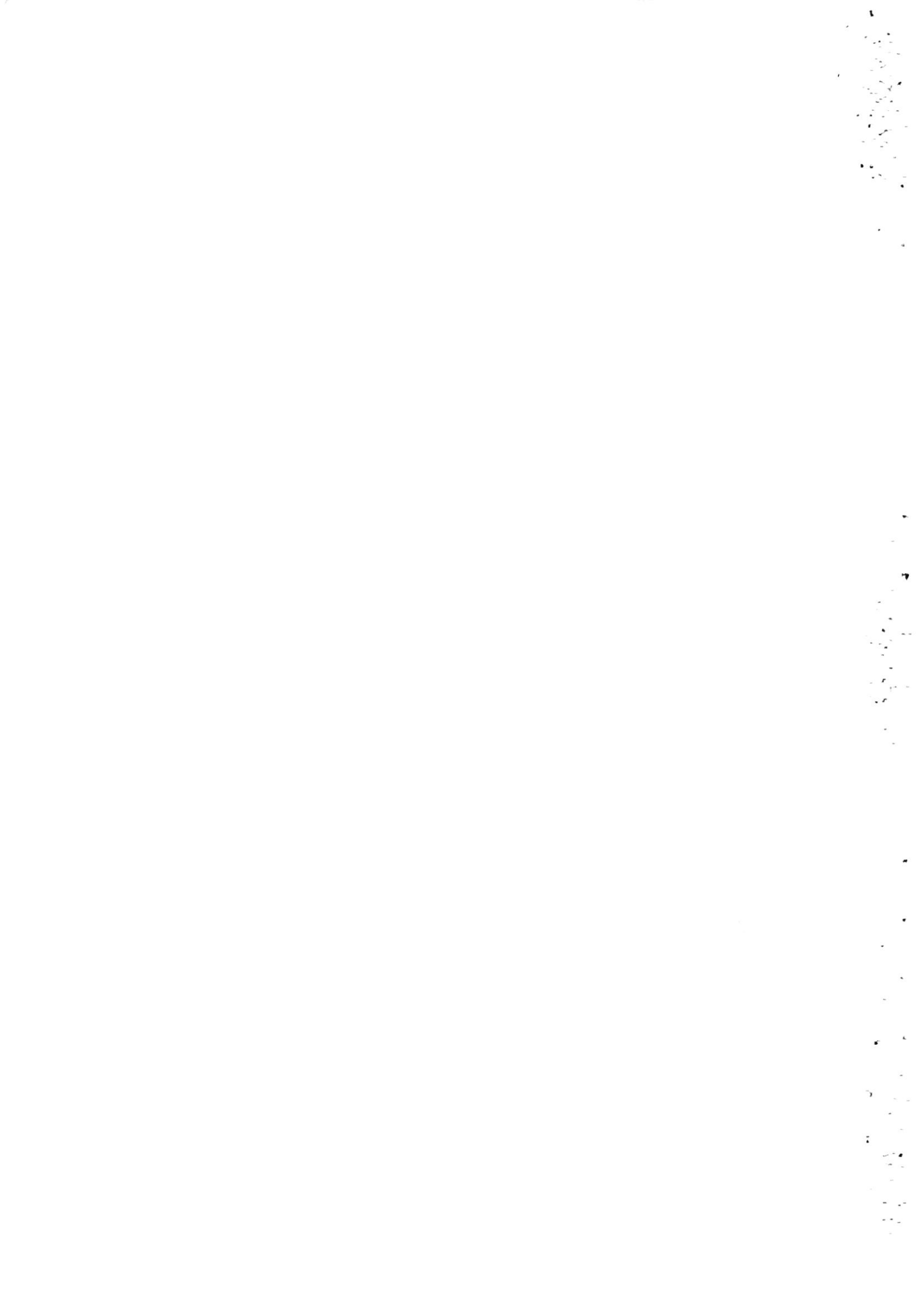
7.3. Paragraphs 4 - 6 - All accepted.

7.4. Paragraph 7 - Use of schools as polling stations

Paragraph 7(1) - Accepted

Paragraph 7(2) - Agreed to amend as follows:

"Electoral Commission" instead of "Government"



7.5. Paragraph 8 - Writs and notices

Paragraph 9 - Publication of election particulars.

Paragraph 10 - Presiding officers and agents

Agreed; - All accepted.

PART III - NOMINATION OF PRESIDENTIAL CANDIDATES

7.6 Paragraph 11 - Manner of nomination

Paragraph 11,

RESOLVED AND AGREED, to amend to reflect the following; that nomination may take place any time within 2 days, each day open from 8.00 a.m. - 1.p.m and 2.00 p.m - 4.00 p.m.

Paragraph 11(2)(a) -(d) - all accepted

7.7. Paragraph 12 - Supporters

Accepted

7.8. Paragraph 13 - Declaration of no contest

Accepted

PART IV - NOMINATION OF CANDIDATES FOR PARLIAMENTARY ELECTIONS.

7.9 Paragraph 14 - Notice of nomination day

Agreed to amend as follows:

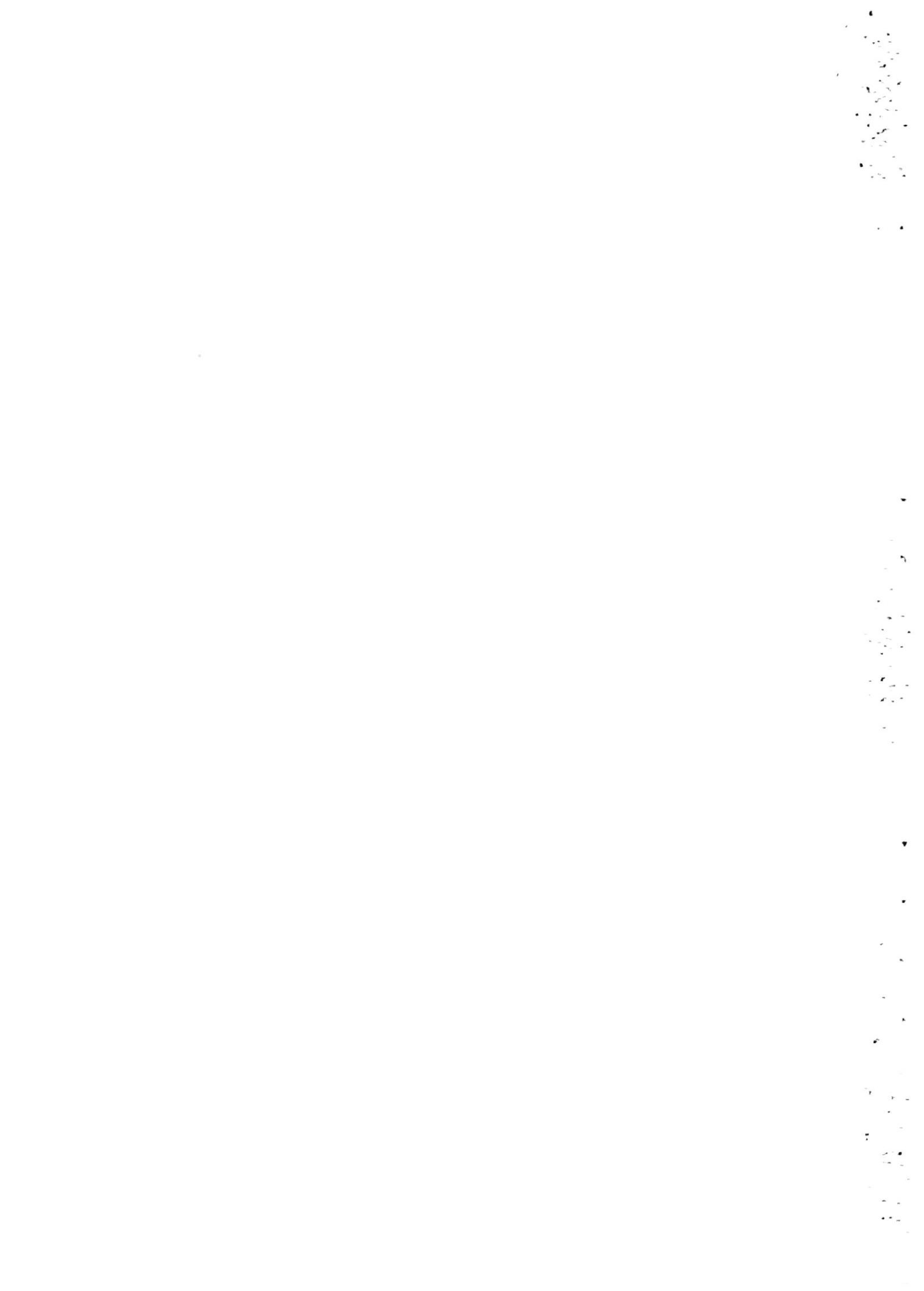
Day or days instead of day in the 2nd line.

7.10 Paragraph 15 - Nomination of candidates

Paragraph 15 (1) (a) and (b) - Accepted.

Para.15(1) (c) Agreed to amend to reflect the following;

That nomination may take place within a period of two consecutive days from 8.00 a.m. to 1.00 p.m and 2.00 p.m. to 4.00 p.m.



7.11 Paragraphs 16 - 21 - all accepted

7.12 Paragraph 22 - Equipment of polling stations

Paragraph 22 (1) - Accepted

Paragraph 22(2) Agreed to incorporate Section 83 of Document 7 as follows;

- (i) Paragraph 22(2) - every ballot box shall be constructed of a suitable transparent material -
 - (a) With an aperture which is large enough to receive a ballot paper but which is no larger;
 - (b) So as to be capable of being sealed so that ballot papers cannot be taken out of the box so long as the seal is unbroken; and
 - (c) So that the ballot boxes shall bear serial numbers according to the voting stations and shall be published widely in the media and the serial numbers shall be posted for full view at the voting stations.

Paragraph 22(3) - Accepted

7.13 Paragraphs 23 -29 - All accepted.

7.14 Paragraph 30 - Method of voting

30 (1) Agreed to amend as follows; add "and in full view of the agents" after "officer".

7.15 Paragraphs 31 - 33 - all accepted.

7.16 Paragraph 34 - Procedure on close of poll

7.16.1 - Where to count the votes.

At polling station or one central place?

NOTED;

- (i) Differing views on the advantages and disadvantages of counting the votes at a central place verses counting at each polling station:



- (ii) That in 1992 General Elections, the votes for each Constituency were counted at one central place whereas previously votes for all constituencies within a district were counted at only one central place; and
- (iii) That the 1992 situation could be refined and improved.

RESOLVED AND AGREED;

- (i) That a decision on the issue be differed to the next meeting;
- (ii) That the Chairman of the Electoral Commission to give insight into this problem at the next meeting of the Committee.

8.0. DATE OF NEXT MEETING

It was agreed to meet at 10.00 a.m. on Wednesday 10th September, 1997

9.0. CLOSURE OF MEETING

There being no other business the meeting was closed at 6.35 p.m.

SIGNED
CHAIRMAN

CO-CHAIRMAN

DATE



MINUTES OF THE SEVENTH MEETING OF B. ELECTORAL CODE COMMITTEE HELD IN CONFERENCE ROOM NO.9 ON 10TH SEPTEMBER, 1997 AT 10.00 A.M.

1. ATTENDANCE

PRESENT

- | | | |
|-----|----------------------------------|---------------|
| 1. | Hon. A.N. Ligale, M.P. | - Chairman |
| 2. | Hon. J.W. Mulusya, M.P. | - Co-Chairman |
| 3. | Hon. Prof. J. Ouma Muga M.P. | - Secretary |
| 4. | Hon. Agnes Ndeti, M.P. | |
| 5. | Hon. J.P. Mutere, M.P. | |
| 6. | Hon. Muhika Mutahi, M.P. | |
| 7. | Hon. S. Manga, M.P. | |
| 8. | Hon. J. Shamalla, M.P. | |
| 9. | Hon. B. Kaino, M.P. | |
| 10. | Hon. Prof. Anyang' Nyong'o, M.P. | |
| 11. | Hon. Gonzi Rai, M.P. | |
| 12. | Hon. J.S. Mumba, M.P. | |
| 13. | Hon. G.W. Kapten, M.P. | |
| 14. | Hon. Njenga Mungai, M.P. | |

1.2 IN ATTENDANCE: NATIONAL ASSEMBLY

- | | | |
|-------------------|---|------------------------|
| Miss C.M. Mwambua | - | Senior Clerk Assistant |
| Miss M.J. Chesire | - | Third Clerk Assistant |

ATTORNEY GENERAL CHAMBERS

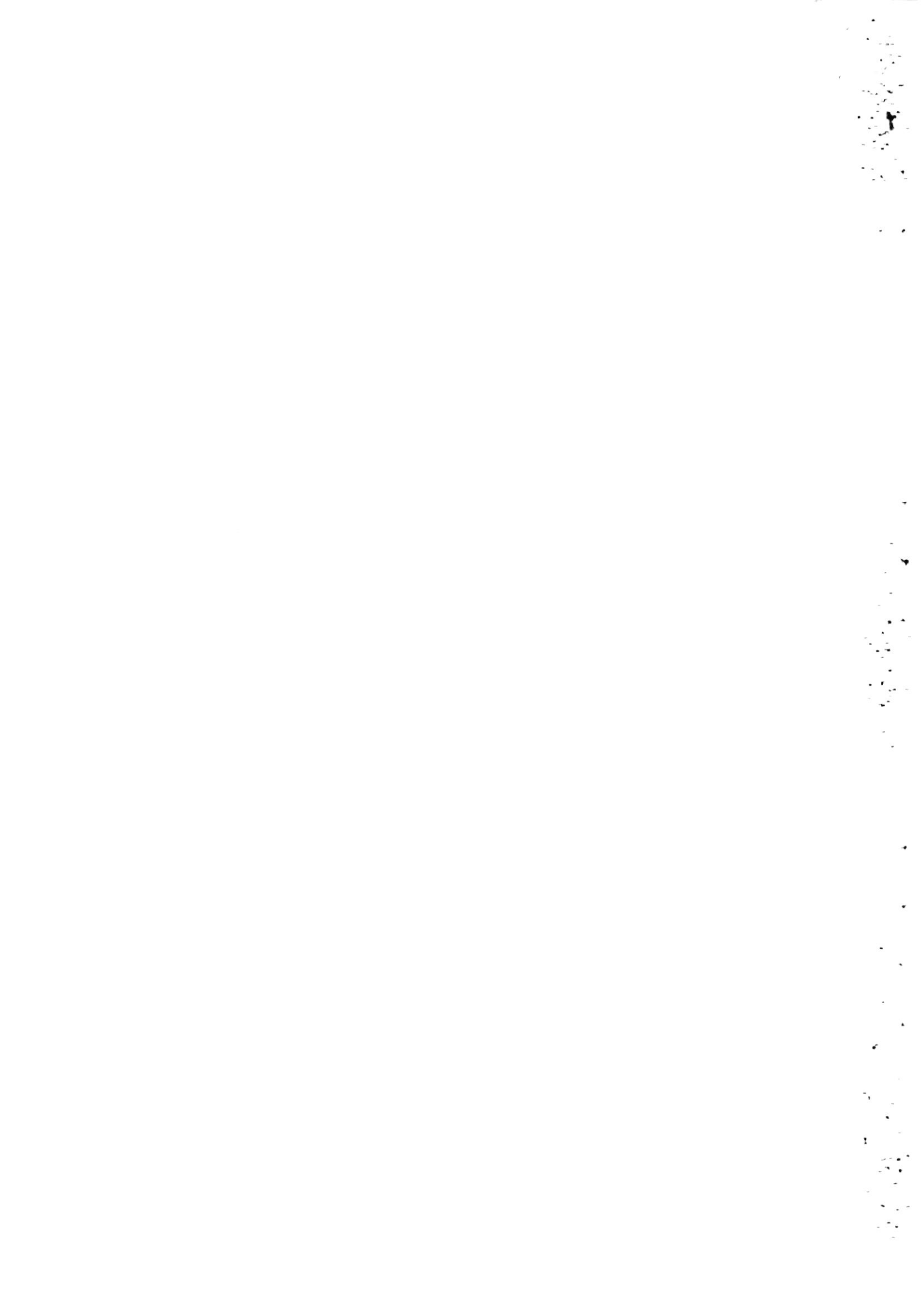
Miss L. Murila

DELIBERATIONS WITH CHAIRMAN OF ELECTORAL COMMISSION

REPORTED; By the Chairman, Hon. A. Ligale, that he had asked the Chairman of the Electoral commission to brief the Committee on Electoral Code.

RESOLVED AND AGREED; That the Chairman, Rtd. Justice Z. Chesoni brief the Committee.

NOTED AND OBSERVED; By Justice Chesoni, in response to observations by Members of the Committee, as follows:-



2.1. Promotion of Political Violence

- (i) That the Electoral Code include sanctions against those who promote, manage and/or commit acts of political violence;
- (ii) That, e.g., promotion of violence by a party and/or candidate be reported to the Electoral Commission who will summon and warn the persons or party convener;
- (iii) That on the second occasion the offenders shall be fined; but that on the third occasion the Commission will take the officers to court where the offender, the complainants and the Commission will be represented; and that the court may issue appropriate orders against the party/candidate, e.g. barring their further participation in the electoral process.

2.2. Election Petitions.

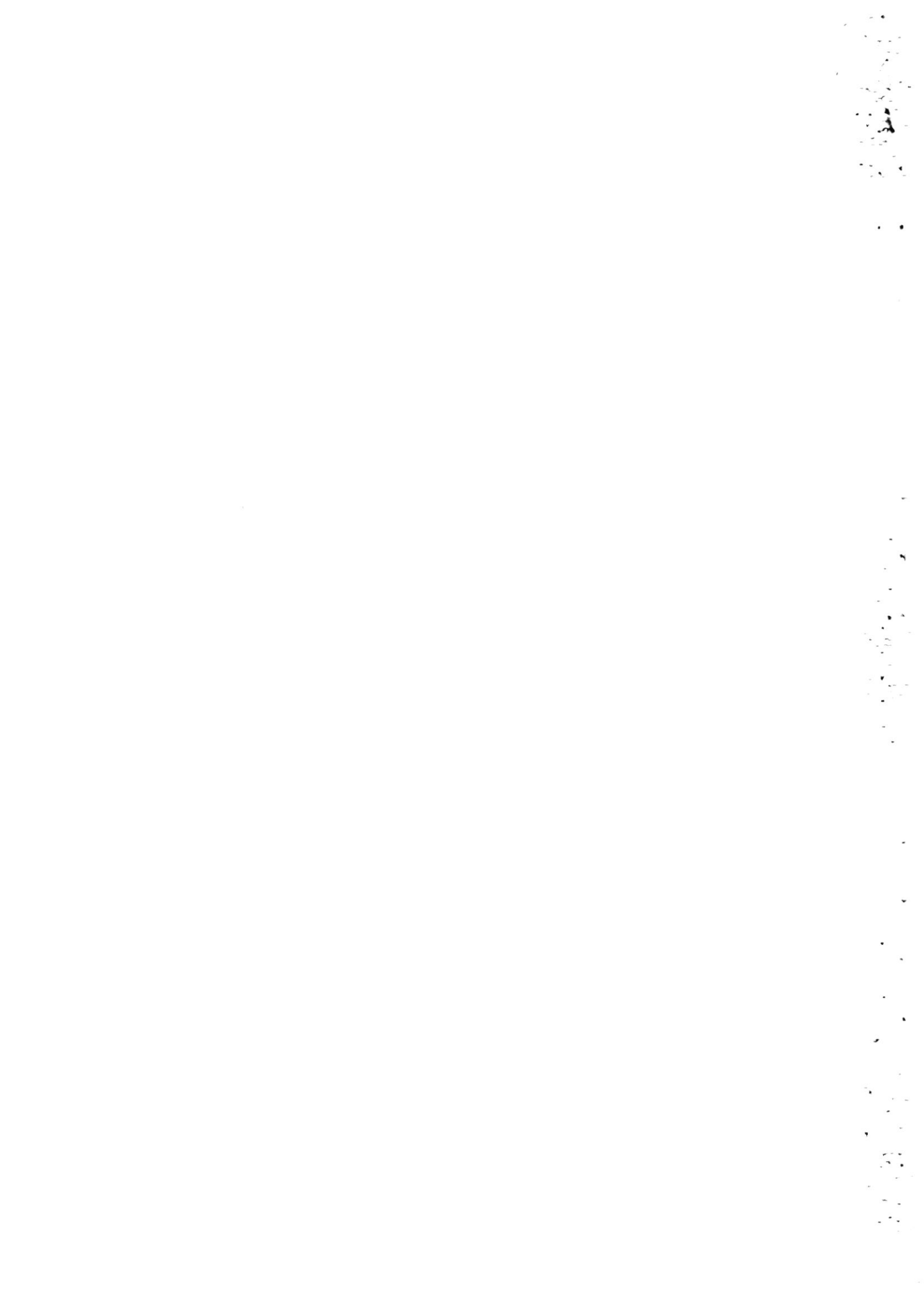
- (i) That the election courts should have 3 judges in circuit courts;
- (ii) That to speed up the court process, courts can be held even at night; and
- (iii) That appeals should be only on points of law, not of facts.

2.3. Membership of the Commission

- (i) That the Commission be independent, with no ethnic or political bias, and
- (ii) That after the commissioners are appointed, each should renounce all party affiliations as a member or sympathiser; and
- (iii) That no Commissioner should be appointed for life.

2.4. Double Registration

- (i) That there are very many cases of double or multiple registration in the just-concluded exercise;
- (ii) That where confusion arose as in Nyanza, in the Universities and in hospitals, double registration cases which can be explained will not be prosecuted; but
- (iii) That all cases which appear as genuine fraud will be prosecuted; and that the culprits shall not vote.



2.5. Counting Votes and Polling Stations

- (i) That, so far, there is no comprehensive provision in the Electoral Code to deal with election violence;
- (ii) That there is not enough security to ensure safety of the ballots during counting at all polling stations;
- (iii) That premature celebrations can spark off violence; and,
- (iv) That, therefore, for the forthcoming general elections counting be done at the constituency centres.

2.6. Supervision of Party Nominations

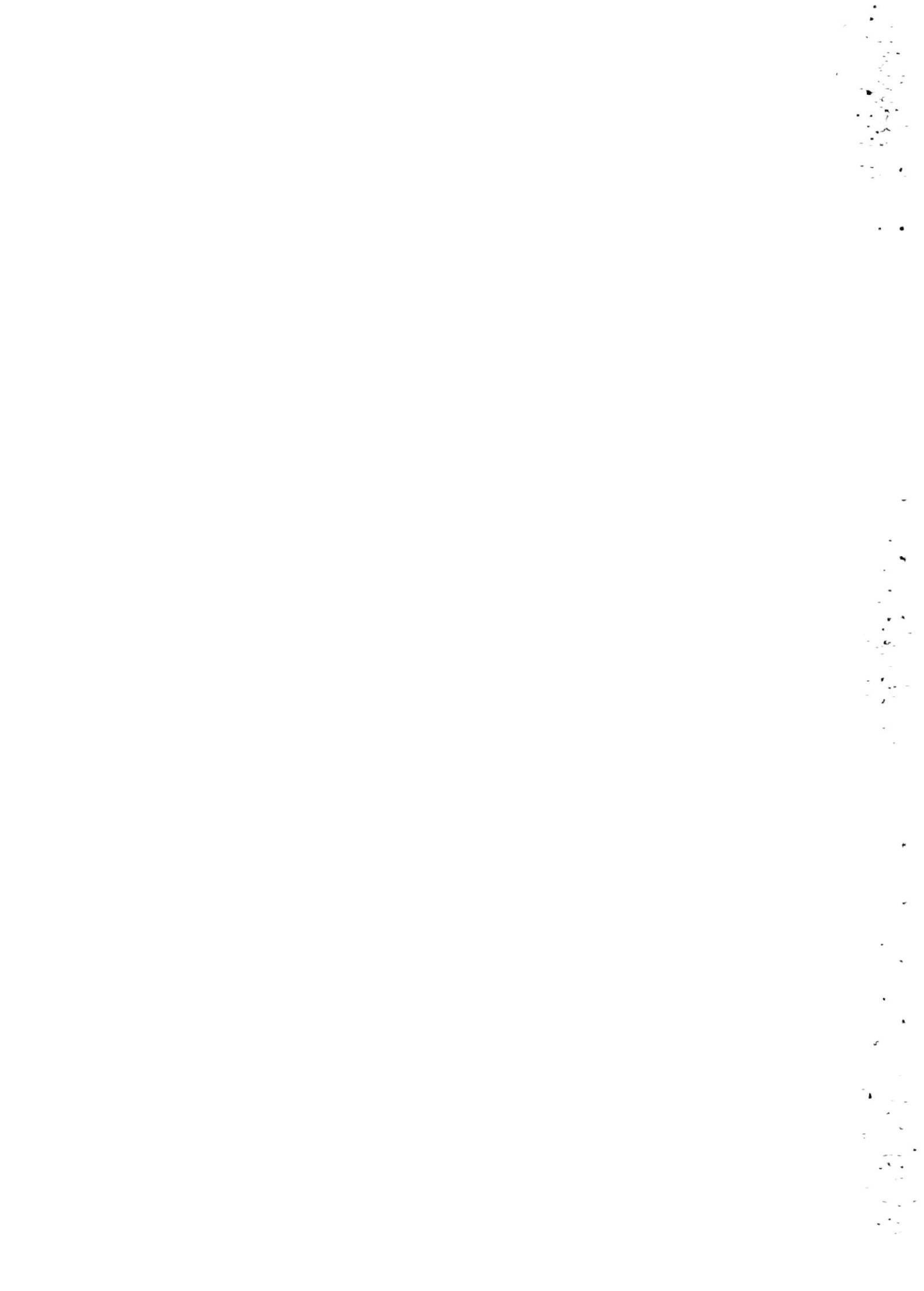
That, if requested, the Commission will make available the services of credible officers to supervise the nominations of candidates for political parties which so desire, making sure the nominations are free and fair.

2.7. Delinking the Commission from the Ministries.

- (i) That, at present, the Commission has no workers of its own, relying on seconded personnel from the Ministries;
- (ii) That the Commission's funds are controlled and dished out by the District Commissioners at district level, with a lot of frustration to Commission's officers at the grassroots levels; and
- (iii) That, to improve efficiency and independence of the Commission, the Commission;
 - (a) should have its own Secretariat,
 - (b) should be given funds direct from the Consolidated Funds, which are subject to auditing by the Controller and Auditor General.

2.8. Security during Electoral Process

That any police officer who refuses to take action against an offender when requested by an election official should have appropriate sanctions provided for in the Code.



2.9. Delinking the Commission from Provincial Administration.

- (i) That the Commission be delinked from the Provincial Administration; and
- (ii) That, especially, the management of election funds should be left to officials of the Commission, with no interference by the District Commissioner's office.

2.10 Voting Card Counterfoils

- (i) That many voters have been intimidated by unscrupulous candidates, in the past, because of the voter's number being recorded on the counterfoil of the ballot paper; and
- (ii) That, to eliminate this malpractice, no numbers should be recorded on the counterfoil of the voter's card.

2.11 Use of Transparent Boxes

- (i) That the idea of transparent boxes is acceptable and desirable;
- (ii) That, more important, is the transparency of the heart of participants in the electoral process;
- (iii) That the forthcoming election will require 52,000 such boxes, which even efficient overseas companies cannot make in less than four to six months; and
- (iv) That, therefore, for the forthcoming General Elections plastic boxes, similar to the ones used in 1992 be accepted.

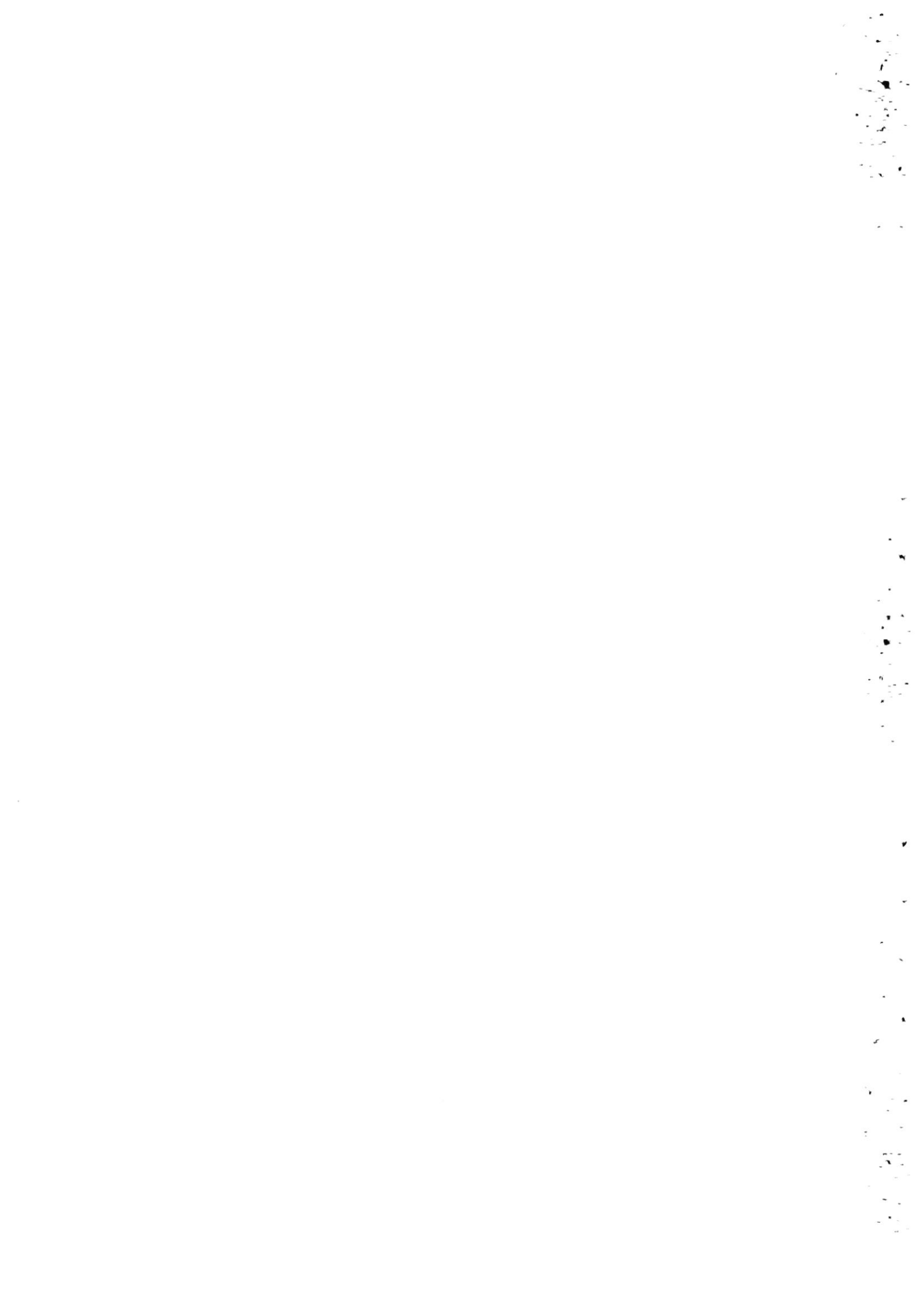
2.12 Codifying Electoral Laws

That all laws on election be codified in one Act.

3.0. NATIONAL ASSEMBLY AND PRESIDENTIAL ELECTIONS ACT, CAP.7

3.1 Section 35. Attendance at counting of votes

35(1)-(5) RESOLVED AND AGREED: To amend to reflect the following:-



- (i) That each candidate present to the Returning Officer his list of counting agents, latest, just at the start of counting;
- (ii) That, in case of need, the candidate may give a substitute counting agent during the counting process; and
- (iii) That each candidate shall present to the Returning Officer one General Agent, who may be present even in the counting hall.

3.2. **Section 36. Counting of Votes**

RESOLVED AND AGREED: To amend as follows

36(1)(b) -(c); (2) - (4) - accepted

36(5): To amend to reflect as follows

36(1) (a) - official mark must be on the ballot paper made using a rubber stamp which does not peel off

- (i) That ballot papers which do not have the serial numbers allocated to a particular polling station, shall not be counted along with the ones bearing the correct allotted numbers; and
- (ii) That an election official who deliberately refuses to mark the ballot papers, which thereby get spoilt, shall be guilty of an offence and liable to a fine of Kshs.20,000/= or imprisonment for one year or both.

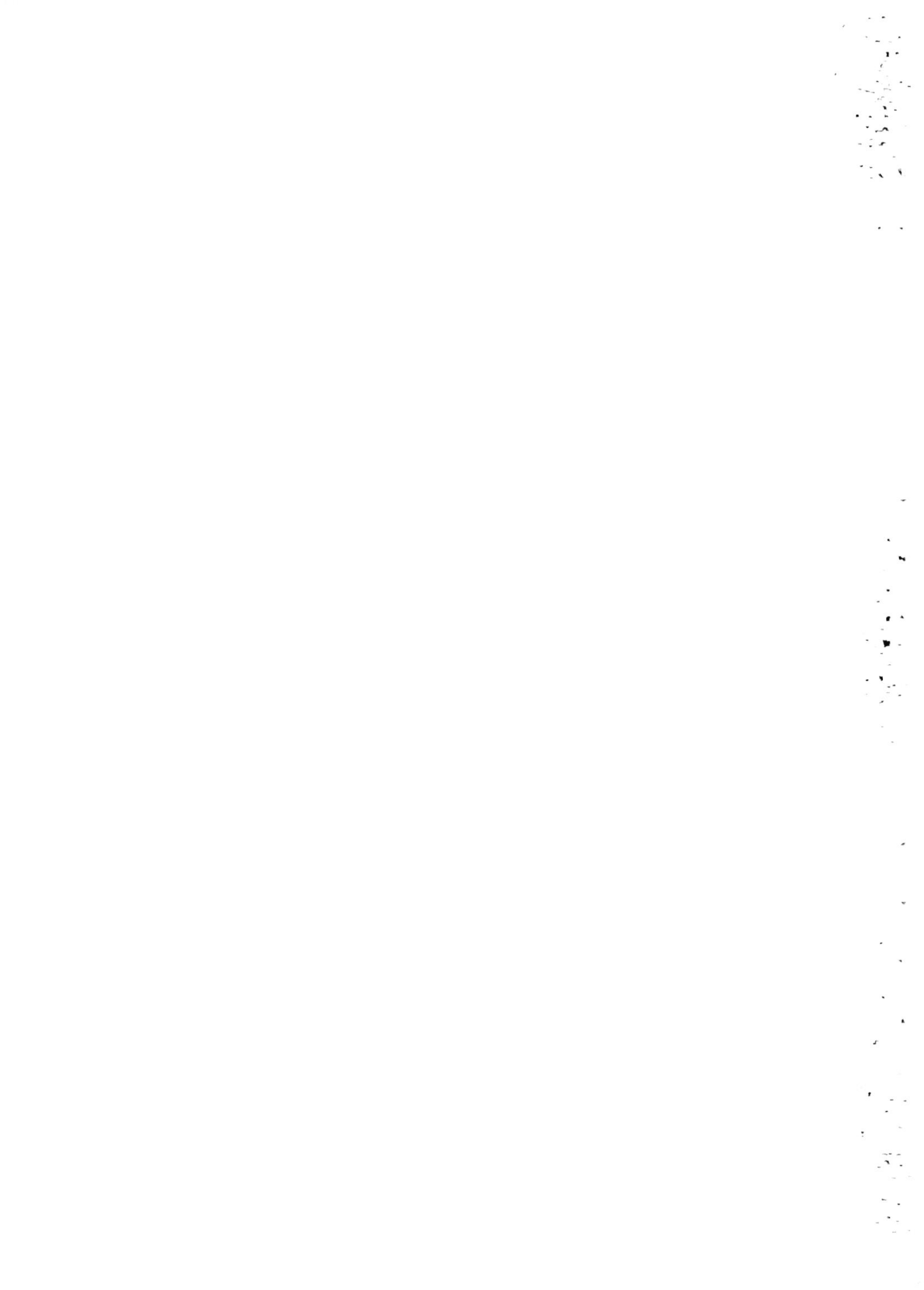
36(6) Accepted.

3.3	SECTION 37:	Recount
	SECTION 38:	Rejected Ballot Papers
	SECTION 39:	Sealing of Ballot Papers
	SECTION 40:	Returns of Persons Election
	SECTION 41:	Retention and public Inspection of Document
	SECTION 42:	Offences by Election Officials - All accepted

**PREPARATION OF INTERIM REPORT TO THE PLENARY SESSION
(SCHEDULED FOR THURSDAY, 11/9/97)**

KENYA BROADCASTING CORPORATION ACT

REPORT; That the Constitutional Committee had recommended an amendment to provide for equal air time to all political parties



RESOLVED AND AGREED; (i) That all political parties be given equal air time; and

RESOLVED AND AGREED: (ii) That the Electoral Commission see to it that provision is complied with.

4.2 THE DRAFT OF INTERIM REPORT

RESOLVED AND AGREED:

(i) That the Interim Report be comprised of the following:

1. INTRODUCTION
2. THE ELECTORAL COMMISSION
3. THE ELECTORAL PROCESS
4. MISCELLANEOUS ISSUES
5. CONCLUSIONS

(ii) That the two co-chairman (Hon. A. Ligale, M.P.) Hon. J. Mulusya, M.P.) the Secretary (Hon. Prof. J. Ouma Muga, M.P.) Hon. G.W. Kapten, the Personnel from the Attorney General Chambers and National Assembly remain behind to draft the recommendations of the Interim Report.

(iii) That the Report incorporate the salient features of the seven sets of minutes; and

(iv) That the whole Committee reconvene at 2.30 p.m. to peruse and finalise the recommendations.

4.3. FINALISING INTERIM REPORT

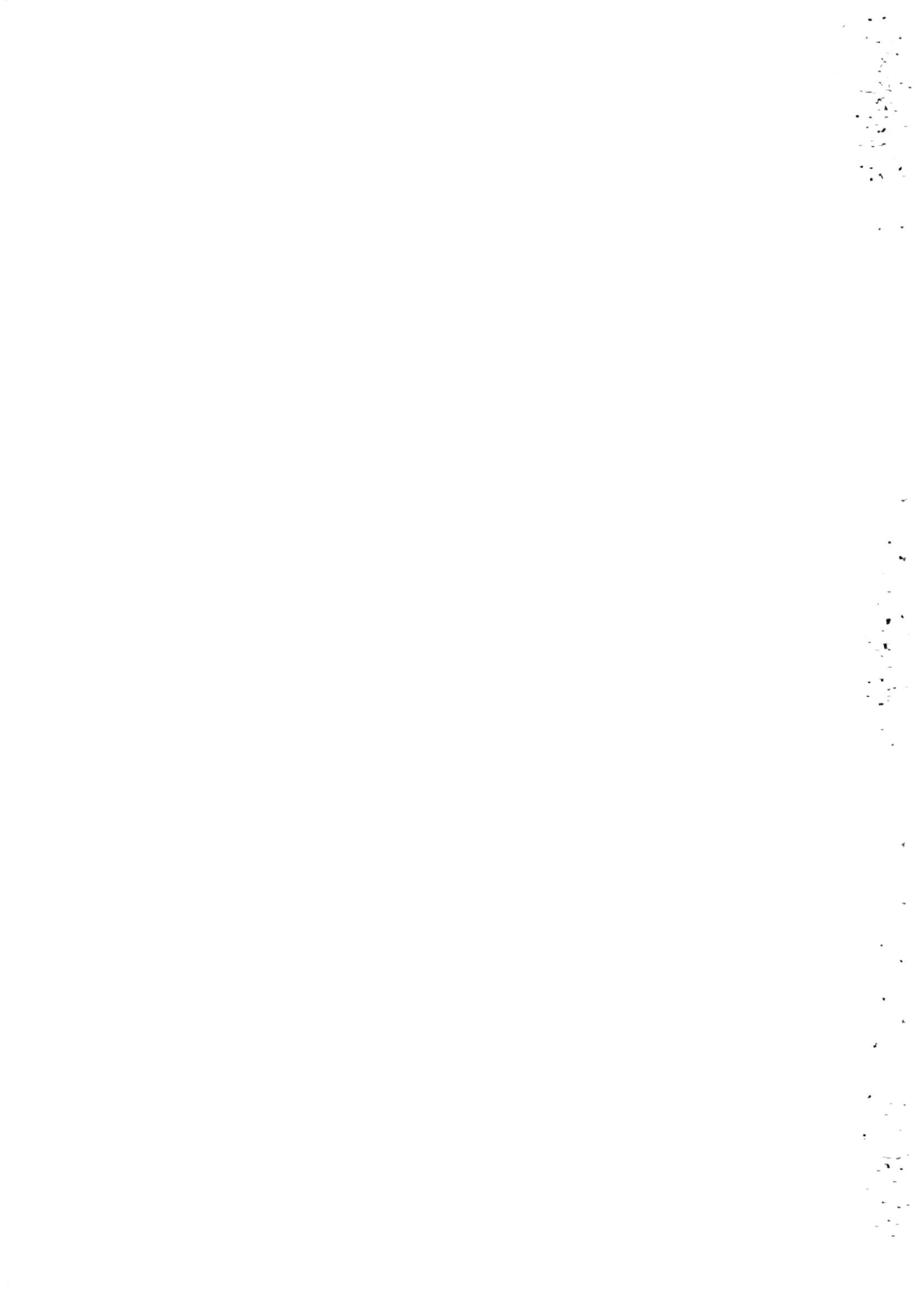
NOTED AND OBSERVED: by the whole Committee:

The draft Interim Report as read out by the Secretary Hon. Prof. Ouma Muga, M.P.

RESOLVED AND AGREED: With amendments and additions that the Report be presented to the Plenary Session of IPPG.

5.0 CLOSURE OF MEETING

There being no other business the meeting closed at 1.30 p.m.



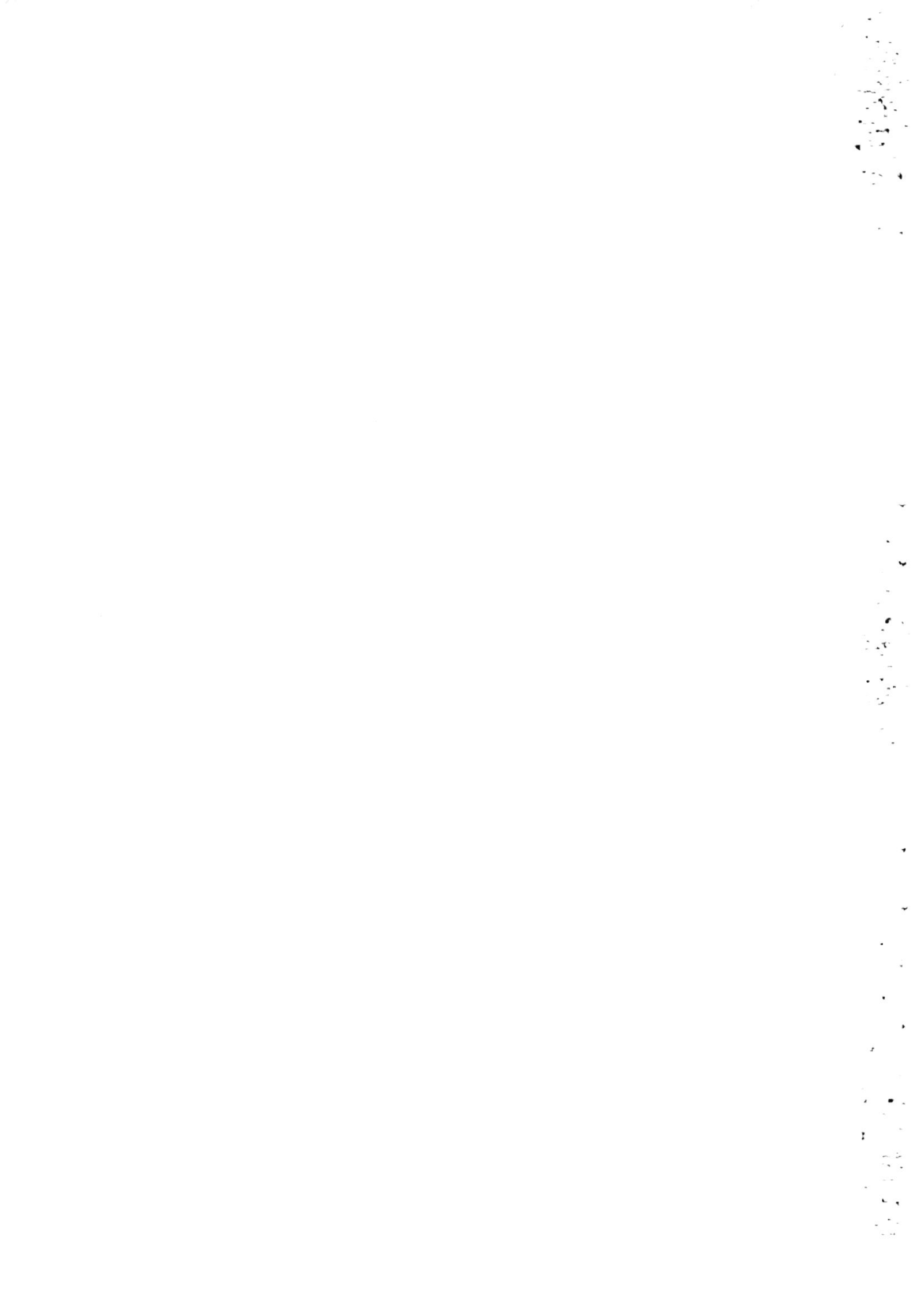
6.0. **DATE OF NEXT MEETING**

It was agreed to meet again at 9.00 a.m. on 11th September, 1997

CONFIRMED
CHAIRMAN

CO-CHAIRMAN

DATE



**MINUTES OF THE EIGHTH MEETING OF B. ELECTORAL CODE
COMMITTEE HELD IN CONFERENCE ROOM NO.9 ON 11TH
SEPTEMBER, 1997 AT 10.00 A.M.**

1.0 ATTENDANCE

1.1 PRESENT

- | | | |
|-----|----------------------------------|---------------|
| 1. | Hon. A.N. Ligale, M.P. | - Chairman |
| 2. | Hon. J.W. Mulusya, M.P | - Co-Chairman |
| 3. | Hon. Prof. J. Ouma Muga M.P. | - Secretary |
| 4. | Hon. Agnes Ndetei, M.P. | |
| 5. | Hon. J.P. Mutere, M.P | |
| 6. | Hon. Muhika Mutahi, M.P. | |
| 7. | Hon. S. Manga, M.P. | |
| 8. | Hon. J. Shamalla, M.P | |
| 9. | Hon. B. Kaino, M.P | |
| 10. | Hon. Prof. Anyang' Nyong'o, M.P. | |
| 11. | Hon. Gonzi Rai, M.P. | |
| 12. | Hon. J.S. Mumba, M.P. | |
| 13. | Hon. G.W. Kaptan, M.P. | |
| 14. | Hon. Njenga Mungai, M.P. | |

1.2 IN ATTENDANCE: NATIONAL ASSEMBLY

Miss C.M. Mwambua - Senior Clerk Assistant
Miss M.J. Chesire - Third Clerk Assistant

ATTORNEY GENERAL CHAMBERS

Miss L. Murila

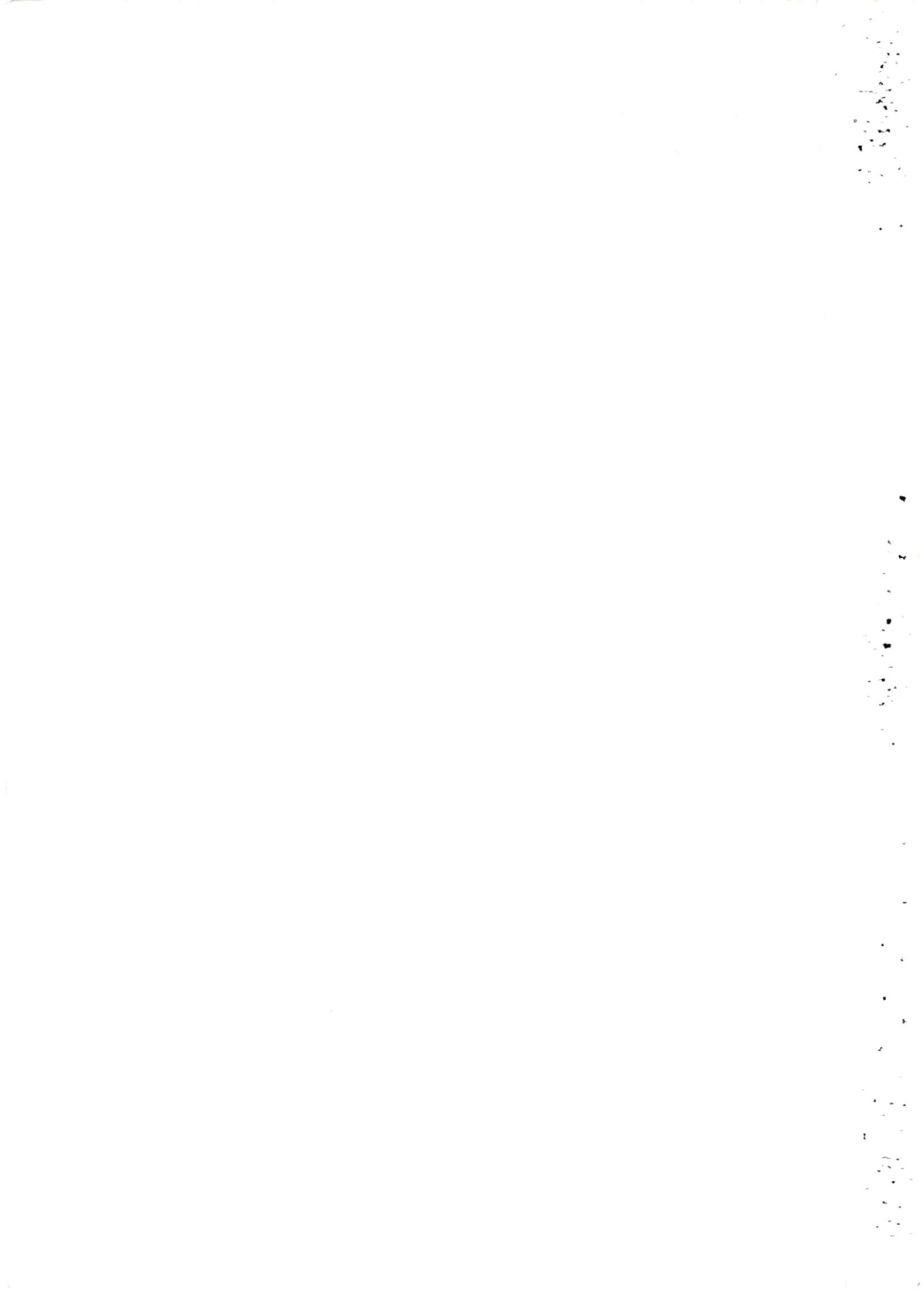
2. THE INTERIM REPORT

NOTED AND OBSERVED: The interim recommendations, additions and amendments

RESOLVED AND AGREED: That the Report be presented to be Plenary Session of IPPG.

3. CLOSURE OF MEETING

There being no other business the meeting closed at 10.25 a.m.



4. **DATE OF NEXT MEETING**

It was agreed to meet at 2.30 p.m., to review progress.

CONFIRMED
CHAIRMAN

CO-CHAIRMAN

DATE





Association of Local Government Authorities of Kenya (ALGAK)

SECRETARY GENERAL
ALGAK SECRETARIAT
P.O. BOX 73328
NAIROBI
TEL: 254 - 2 - 242757
FAX: 254 - 2 - 242758

CIANDA HOUSE
2ND FLOOR
KOINANGE STREET

29th August, 1997.

MEMO

TO: The Joint Parliamentary
KANU - Opposition Negotiating Team
(Through Hon. Martha Karua)

FROM: Z. P. Omwando
Secretary-General
ALGAK

SUBJECT: Required Reforms for Local Authorities before Elections.

I would like to request on behalf of my Association that the following suggestions be forwarded to the Reforms Negotiating Teams for possible intervention on behalf of the Local Authorities. These suggestions were part of our presentations to the Omamo Commission of Inquiry in 1995, whose report has never been released although it was completed in early 1996.

Mayors/Chairmen of Local Authorities

1. Executive Powers

We are demanding that the Mayors/Chairmen be elected directly by the people and consequently be accorded executive powers. At present, although they are elected leaders, they are only ceremonial leaders according to the present Local Government Act, Cap 265 of the Laws of Kenya.

In our view lack of executive powers is the one most afflicting factor to the good performance of Local Authorities in Kenya. In this regard Section 86A of the Local Government Act should be repealed.

2. Term of Office

Secondly the Mayors/Chairmen should be in office for a term of five years in line with the elections interval in Kenya. This will allow them to plan and implement their activities more effectively.

3. It is also our view that when Parliament and the Councils are dissolved, the Mayors/Chairmen should remain in Office until new Councils are constituted.

Z. P. Omwando

1000

1000

1000



Association of Local Government Authorities of Kenya (ALGAK)

SECRETARY GENERAL
ALGAK SECRETARIAT
P.O. BOX 73328
NAIROBI
TEL: 254 - 2 - 242757
FAX: 254 - 2 - 242758/L/366

CIANDA HOUSE
2ND FLOOR
KOINANGE STREET

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MEMO

TO: The Joint Parliamentary
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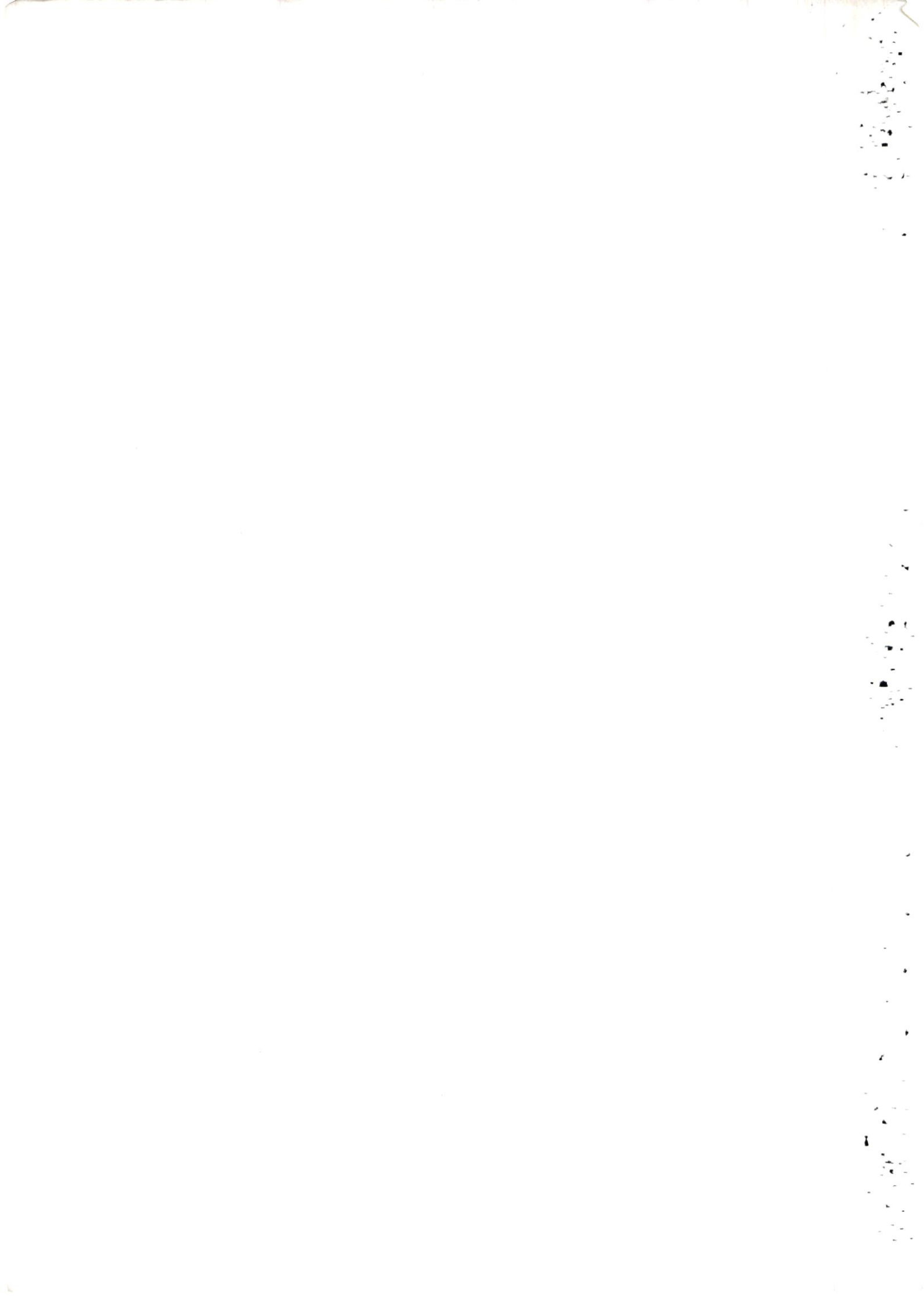
In our view lack of executive powers is the one most afflicting factor to the good performance of Local Authorities in Kenya. In this regard Section 86A of the Local Government Act should be repealed.

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3. It is also our view that when Parliament and the Councils are dissolved, the Mayors/Chairmen should remain in Office until new Councils are constituted.

Z. P. Omwando



3.0. THE LOCAL GOVERNMENT ACT, CAP 265

3.1. INFORMATION - PERMANENT SECRETARY, MINISTRY OF LOCAL GOVERNMENT

Received and noted information from Co-chairman Hon. A. N. Ligale that on behalf of the Committee he had invited the Permanent Secretary, Ministry of Local Government, Mr. Richard Siele to the meeting to brief the members on pertinent issues concerning elections and management within Local Authorities,

RESOLVED AND AGREED, that Mr. Siele briefs the Committee.

3.1.1. MAIN OBSERVATIONS FROM THE PERMANENT SECRETARY, LOCAL GOVERNMENT.

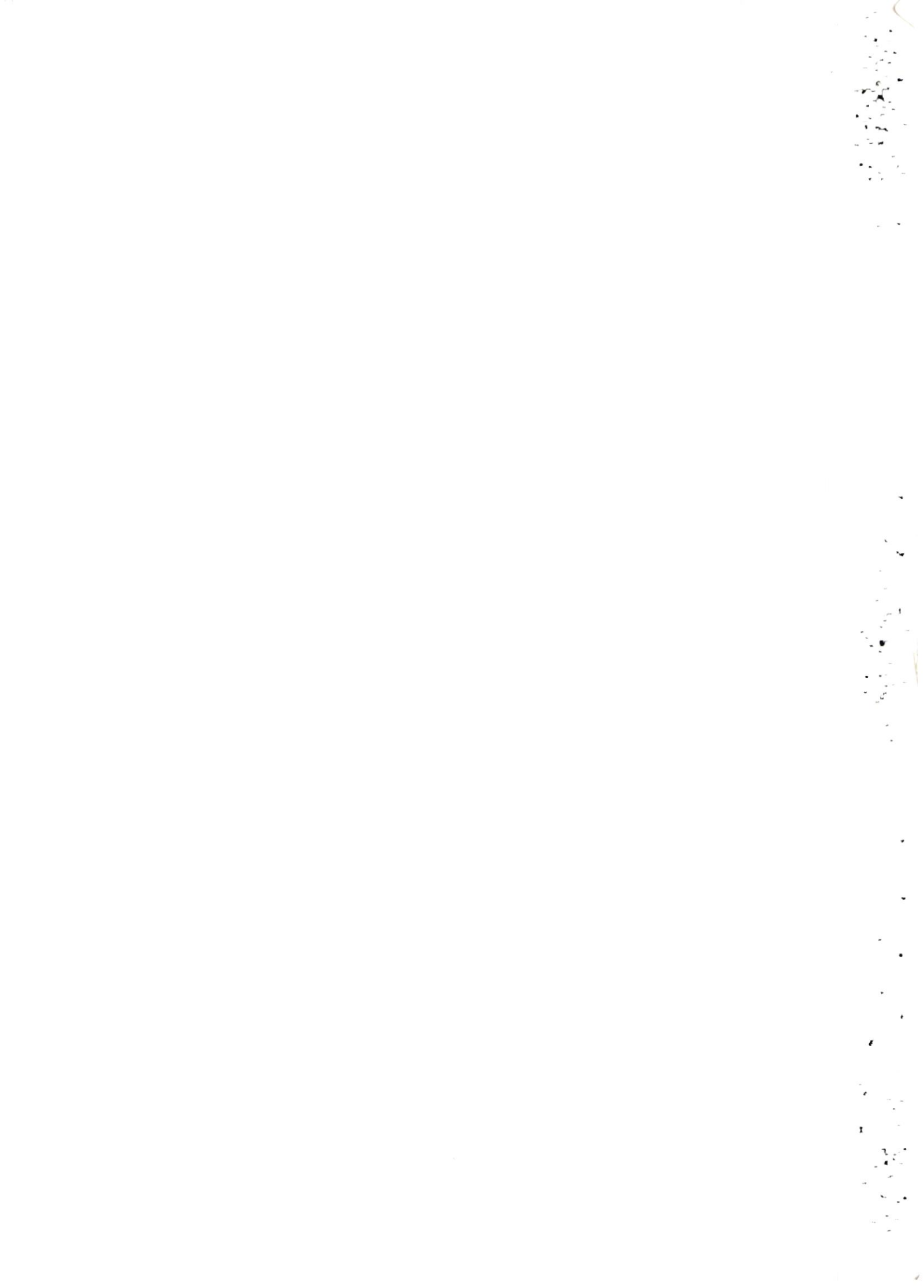
In response to observations from the Committee, Mr. Siele noted that;

- (i) The Local Government system was not strong with special problems coming from:
 - (a) A major proliferation of locations in all Districts, each intending to become a ward;
 - (b) A proliferation of County Councils consequent upon creation of many small Districts and that these County Councils are not financially viable.
 - (c) The generally poor collection of revenue by local authorities.
- (ii) That because of financial weaknesses, many Local Authorities render very poor services.

3.1.2 SUGGESTED SOLUTIONS

These include:-

- (i) The transfer of the power to create wards rationally from the Minister for Local Government to the Electoral Commission.
- (ii) Amalgamation of efforts from several contiguous districts to form a viable county council;



- (iii) Improved and simplified system of revenue collection together with checks and balances to eradicate corruption and loss of revenue;
- (iv) Upgrading of all existing urban councils to Town Councils with independent revenue collection mandate, and abolition of urban councils status; and
- (v) A major reform of the Local Government system including transfer of funds from Central Government to local authorities.

3.1.3 FURTHER SOLUTIONS

These include:-

- (i) The election of Mayors and Chairmen of Municipal Councils and County Councils direct by the public each for a period of 5 years.
- (ii) Nomination of councillors for each local authority in proportion to the elected councillors; from each political party especially tapping talent and expertise;
- (ii) The complete overhaul of the Local Government Act as a long term measure; and
- (iv) The reference to the Omamo Report for a pool of recommendations including the Management of the Greater Nairobi City.

4.0. LOCAL GOVERNMENT ACT, CAP 265

RESOLVED AND AGREED,

To deal with Parts III and IV (PP18 - 38)

4.1. SECTION 12 - MUNICIPAL COUNCILS

12(1) - Agreed to delete "appointed".

12(2) - Accepted

12(3) - RESOLVED AND AGREED, that, in the light of land grabbing and prevalent misuse of this section, a strong recommendation be made in the Regulations to this Act to protect public property.



2. SECTION 13 - QUALIFICATION AND TENURE OF OFFICE OF MAYOR

RESOLVED AND AGREED,

13(1) - To amend as follows:-

"The Mayor of a Municipal Council shall be elected by the public at the General Elections for a 5 year period".

13(2) (3) and (4) - Accepted

3. SECTION 14 - ELECTION OF MAYOR

Agreed to amend as 13(1) above.

4. SECTION 15 - DEPUTY MAYOR

RESOLVED AND AGREED, That this Section be amended to reflect the following;

- (a) That the Mayor or Chairman of County Council shall be elected by the public for a 5 year period;
- (b) That a Deputy Mayor, Deputy Chairman of County Council shall be elected by the councillors at the first meeting of council;
- (c) That the Deputy Mayor or Deputy Chairman in case of the office of Mayor or Vice Chairman of County Council becomes vacant, the Deputy Mayor or Vice Chairman shall act as mayor or as chairman until the elections to fill the vacancy but the writ shall be issued within two (2) months.
- (d) The Deputy Mayor or Vice Chairman shall hold office for two(2) years, and the eligible for re-election.

5. SECTION 16 - FILLING VACANCY IN THE OFFICE OF MAYOR AND DEPUTY MAYOR.

16(1) - Agreed to amend as follows;

- (i) Delete "Mayor or" in the first line.
- (ii) Delete "Mayor or" in the second last line.



4.6 SECTION 17 - FUNCTIONS OF DEPUTY MAYOR

Agreed to amend as follows;

add "or Vice Chairman" after Mayor in the first line.

4.7. SECTION 18 - DECLARATIONS OF MAYOR AND DEPUTY MAYOR.

Agreed to amend as follows; add "personally or by agent" after a declaration in the fourth line.

4.8. SECTION 19 - ALLOWANCE TO MAYOR

19(1) and (3), - Accepted.

19(2) agreed to amend as follows:-

add "to the holder's disadvantage"

19(4) agreed to amend as follows:-

" ... an allowance under this Section shall also be paid for that period to the Deputy Mayor".

4.9. SECTION 26 - NUMBER OF COUNCILLORS

RESOLVED AND AGREED to amend as follows:-

26(a) and (b)

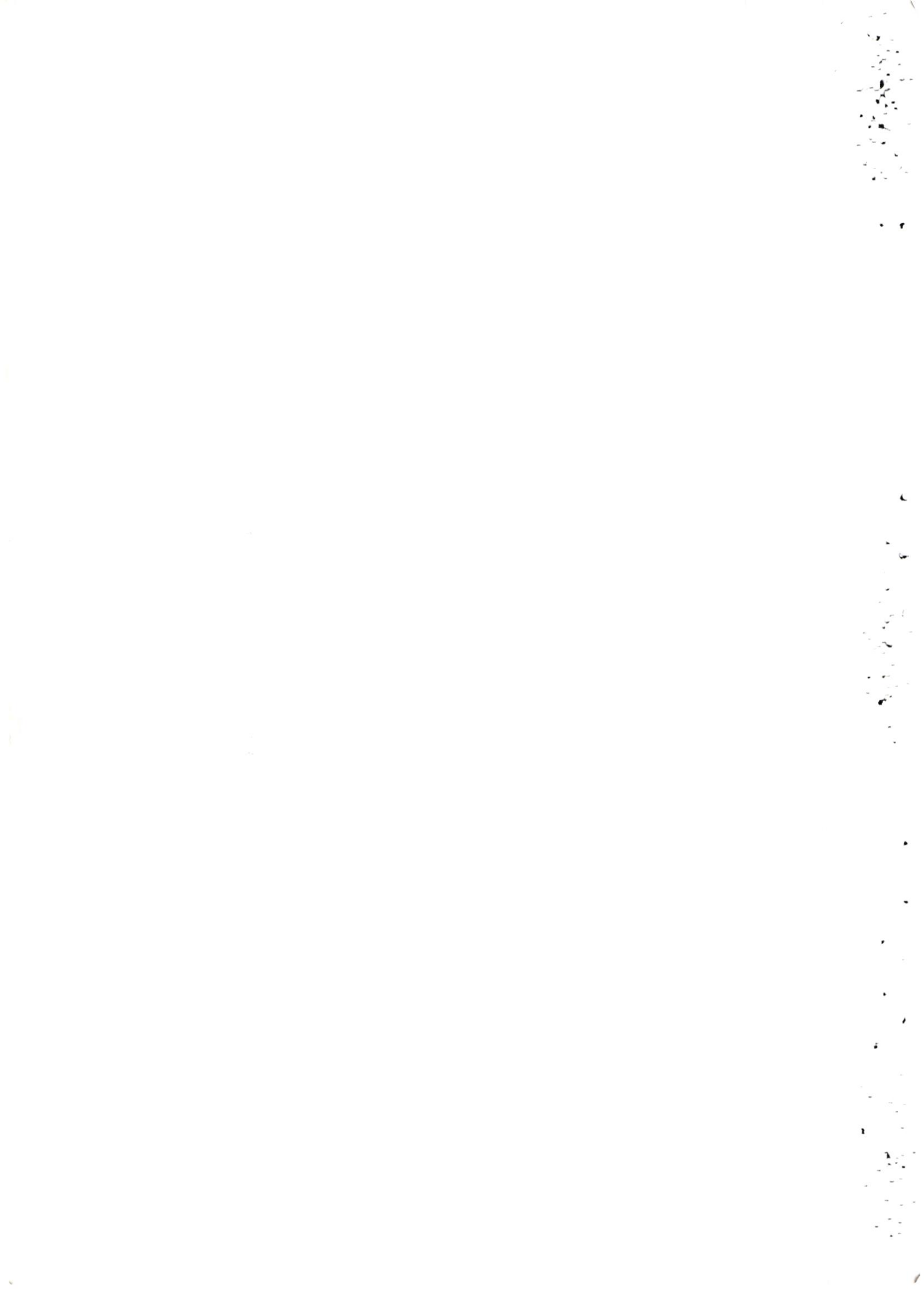
- (i) That the Electoral Commission replace Minister
- (ii) That the number of nominated councillors be proportional to political parties represented in the council and a public officer, provided that the number of nominated councillors does not exceed $\frac{1}{3}$ of the elected councillors.

26(c) - Deleted.

4.10 SECTION 27 - TERMS OF OFFICE OR COUNCILLORS.

RESOLVED AND AGREED, to amend as follows:-

27(1) - accepted



27(2) - To read " the term of office of every councillor nominated under Section 26(b) shall be 5 years"

27 (3) - deleted

11 SECTION 28 - ESTABLISHMENT OF COUNTY AND TOWN COUNCILS.

AGREED to amend as follows:-

(i) delete "or appointed"

28(2) and (3) - accepted.

12 SECTION 29 - ELECTION OF CHAIRMAN OF COUNTY AND TOWN COUNCILS

RESOLVED AND AGREED, to amend as follows:-

(i) That this section be amended to reflect the following;

(a) That the Chairman of a County Council or Town Council shall be elected directly by the public for a 5 year term, subject to a maximum of 2 tenures of office.

(b) That other conditions be as provided for Mayors of Municipal Councils.

13 SECTION 30 - VICE-CHAIRMAN OF COUNTY AND TOWN COUNCILS

RESOLVED AND AGREED, to amend as follows;

30(1) Delete all words after "Council" in the fourth line.

30(2) add "subject to maximum of 2 terms".

30(3) - accepted.

14 SECTION 31 - TERMS OF OFFICE OF CHAIRMAN AND VICE-CHAIRMAN OF TOWN COUNCILS.

31(1) - agreed, to amend as follows;-
delete "nominated" and "as the case may be".

31(2) - accepted.



4.15 SECTION 32 - FILLING VACANCIES IN OFFICE OF CHAIRMAN AND VICE-CHAIRMAN.

32(1) and (2)

RESOLVED AND AGREED, to amend to reflect the following;

- (i) That the Chairman of County Council, Town Council is elected directly by the public and that the Vice-Chairman is elected by the councillors.
- (ii) That no Chairman or Vice-Chairman be nominated.

32(3) - accepted.

32(4) - agreed that this be amended the same way as for Mayors and Deputy Mayors.

4.16 SECTION 33 - FUNCTIONS OF VICE-CHAIRMAN

- accepted.

4.17 SECTION 34 - ALLOWANCE OF CHAIRMAN

RESOLVED AND AGREED, to amend as follows:-

34(1) - accepted.

34(2)- add "to the holder's disadvantage"

34(3) - accepted.

34(4) - amend as for allowance to Mayor (section 19)

4.18 SECTION 39 - NUMBER OF COUNCILLORS.

RESOLVED AND AGREED, to amend as follows:-

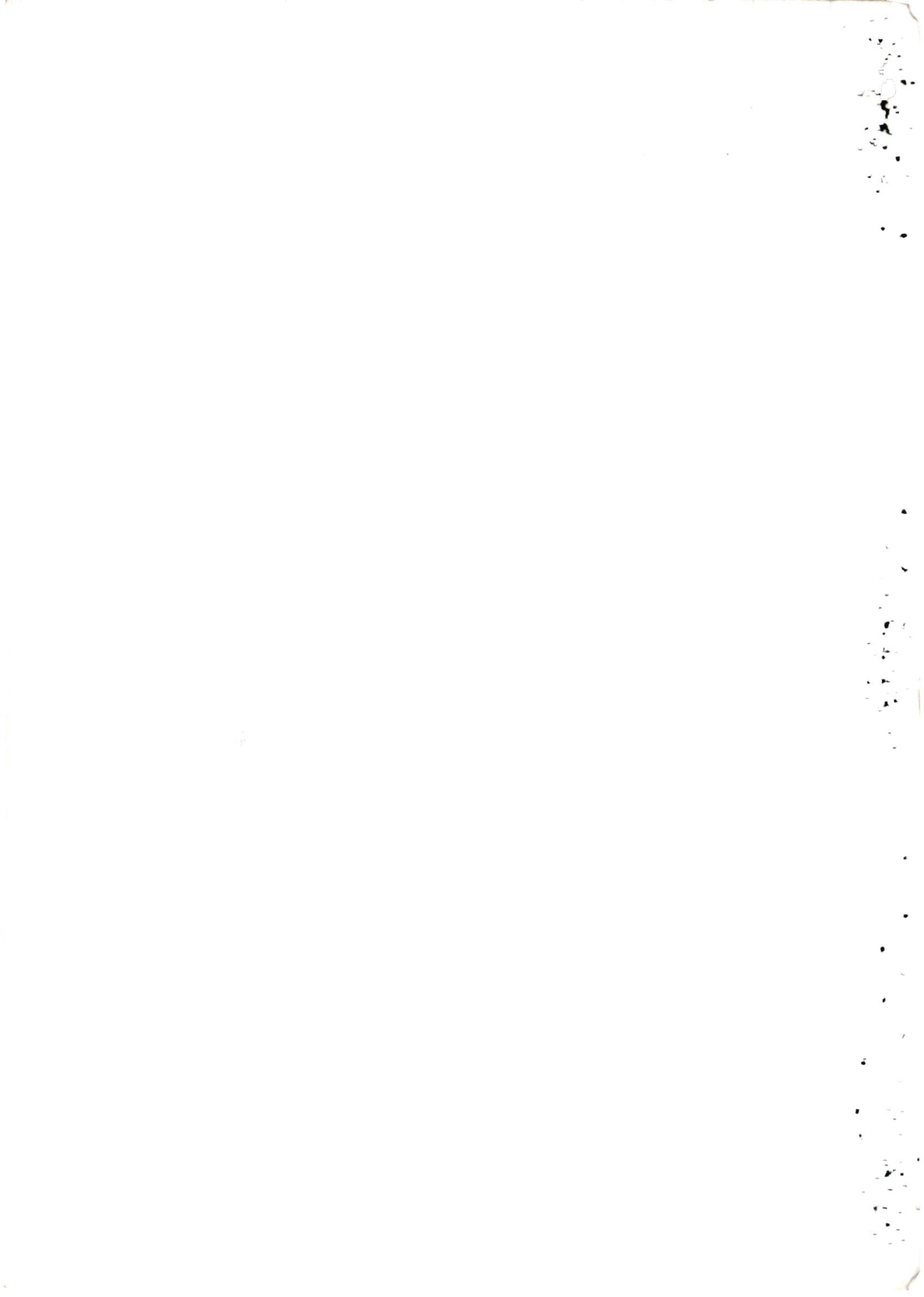
39(1)(a) - "Electoral Commission" to replace "Minister"

39(1)(b) - Delete

39(1)(c) - amend as for Municipal Councils.

(39(1)(d) - Delete

39(2) - Delete



**MINUTES OF THE FIFTH MEETING OF B. ELECTORAL CC
COMMITTEE HELD IN CONFERENCE ROOM NO.9 ON 8
SEPTEMBER, 1997 AT 10.00 A.M.**

1.0 ATTENDANCE

1.1 PRESENT

- | | | |
|-----|------------------------------|---------------|
| 1. | Hon. J.W. Mulusya, M.P. | - Chairman |
| 2. | Hon. A.N. Ligale, M.P. | - Co-Chairman |
| 3. | Hon. Prof. J. Ouma Muga M.P. | - Secretary |
| 4. | Hon. Agnes Ndetei, M.P. | |
| 5. | Hon. J.P. Mutere, M.P. | |
| 6. | Hon. Muhika Mutahi, M.P. | |
| 7. | Hon. S. Manga, M.P. | |
| 8. | Hon. J. Shamalla, M.P. | |
| 9. | Hon. B. Kaino, M.P. | |
| 10. | Hon. Prof. P. Anyang Nyong'o | |
| 11. | Hon. Gonzi Rai, M.P. | |
| 12. | Hon. J.S. Mumba, M.P. | |
| 13. | Hon. G.W. Kapten, M.P. | |

1.2 ABSENT WITHOUT APOLOGY

14. Hon. Njenga Mungai, M.P.

1.3 IN ATTENDANCE: NATIONAL ASSEMBLY

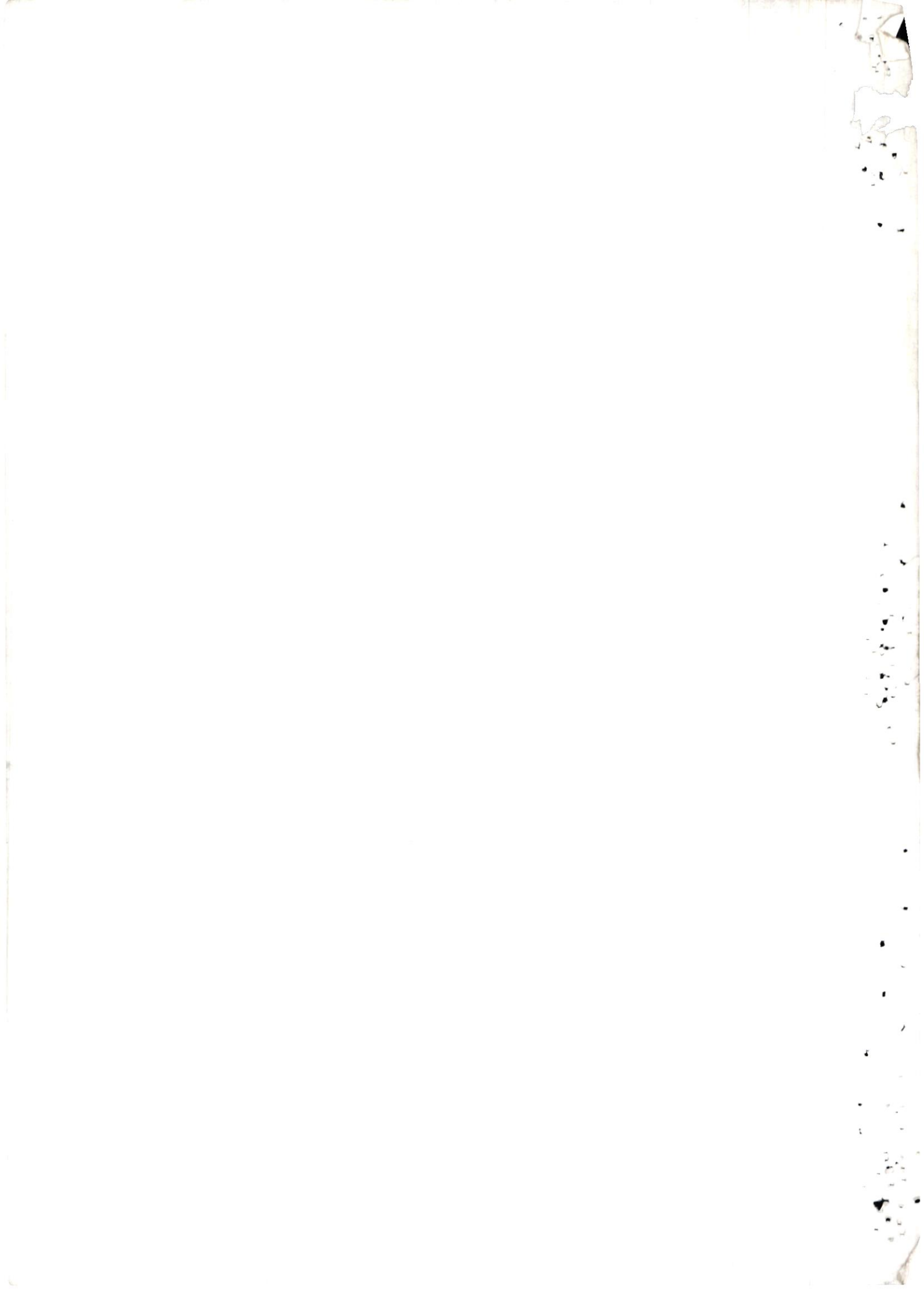
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|-------------------|---|------------------------|
| Miss C.M. Mwambua | - | Senior Clerk Assistant |
| Miss M.J. Chesire | - | Third Clerk Assistant |

ATTORNEY GENERAL CHAMBERS

Miss L. Murila

2.0. MINUTES OF THE FOURTH MEETING

Agreed to consider at the next meeting.



8.0. THE ELECTION OFFENSES ACT, CAP 66.- Revised Edition 1992(1979)

8.1. RESOLVED AND AGREED,

(i) that all Sections be accepted, except

Section 13(3) - to be amended as follows: add "concerned" immediately after "Minister"

9.0 DATE OF NEXT MEETING

It was agreed to meet at 10.00 a.m., Monday 8th September, 1997

10.0 CLOSURE OF MEETING

There being no other business the meeting closed at 6.25 p.m.

CONFIRMED BY
CHAIRMAN

CO-CHAIRMAN

DATE

