

LEGAL NOTICE NO. ....

**THE TREATY FOR THE ESTABLISHMENT OF THE  
EAST AFRICAN COMMUNITY.**

IN EXERCISE of the powers conferred by Article 50(1) of the Treaty for the Establishment of the East African Community, the National Assembly makes the following Rules-

**THE TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN  
COMMUNITY (ELECTION OF MEMBERS OF THE  
ASSEMBLY) RULES, 2007.**

**PART I - PRELIMINARY**

Citation.

1. These Rules may be cited as the Treaty for the Establishment of the East African Community (Election of Members of the Assembly) Rules, 2007.

Interpretation.

2. In these Rules, the parliamentary words and expressions used have the same meaning as that assigned to them in the Standing Orders of the National Assembly and unless the context otherwise requires-

“candidate” means a person who is nominated to stand for election to the East African Legislative Assembly;

“election” means an election to the East African Legislative Assembly;

“nomination” means nomination as a candidate to stand for election to the East African Legislative Assembly;

“party” means a parliamentary political party;

“party leader” means the Leader of Government Business, the Leader of the Official Opposition, or any other party leader of a party entitled to make a nomination under these Rules;

“Returning Officer” means the Clerk of the National Assembly.

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### **PART II – QUALIFICATIONS AND NOMINATION OF CANDIDATES**

Qualification for election.

3. No person shall be qualified to stand for election unless he or she is qualified to be elected in accordance with Article 50(2) of the Treaty for the Establishment of the East African Community.

Number of nominees of each party.

4. (1) The number of candidates a party shall be entitled to nominate for election under these Rules shall be determined by the Clerk and shall be the figure arrived at by multiplying the number of elected members of the National Assembly of that party by nine and dividing the result by the total number of elected members of the National Assembly.

- (2) In making nominations, each party shall as much as it is feasible take into account the need for fair representation of the various political parties in the National Assembly, shades of opinion, geographical representation, gender and other special interest groups in Kenya.

Nomination candidates. of

5. (1) In order to be validly nominated as a candidate for an election, a person shall be nominated by a parliamentary party, through its parliamentary group meeting, in the form set out in the Schedule.

- (2) There shall be attached to the nomination form of a candidate, an extract of the nomination proceedings of the parliamentary group meeting which approved the nomination of the candidate, signed by the party leader of the parliamentary group and the party whip.

### **PART III – ELECTION PROCEDURE AND VOTING**

Forwarding of nomination papers.

6. The Returning Officer shall receive and forward to the House Business Committee the documents referred to in rule 5.

Vetting of

7. The House Business Committee shall consider the nominees

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nominations.

of the parties forwarded to it under rule 6 and shall ensure that the requirements of Article 50 of the Treaty are fulfilled.

Motion for election of nominees.

8. (1) Upon the House Business Committee being satisfied that the requirements of rule 7 have been complied with, the chairperson of the House Business Committee or any other authorized member of the Committee shall give notice of a Motion seeking the election of the nominees to the East African Legislative Assembly.

(2) The National Assembly shall, within seven sitting days from the date of receipt of the names under rule 6, consider the Motion and adopt it with or without amendments.

(3) An amendment to substitute a nominee may only be moved by the party leader of the party seeking to substitute and may only be in respect of a nominee of such party.

Voting and decision.

9. (1) After all amendments, if any, have been disposed of, the Speaker shall put the question and such question shall be determined by the Members present and voting in accordance with the provisions of the Standing Orders.

(2) The provisions of Part XI (Divisions) of the Standing Orders shall apply, in the event of a division.

Declaration of results.

10. The Speaker shall declare to be duly elected as members of the East African Legislative Assembly the nine persons, elected pursuant to the provisions of rules 8 and 9.

Publication and transmission of names.

11. Forthwith after the Speaker declares the persons elected as members of the East African Legislative Assembly, the Clerk shall-

- (a) publish the names in the Gazette; and
- (b) transmit to the Secretary General of the East African Community the names of the elected members as published in the Gazette.

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### **PART IV – VOIDANCE OF ELECTION**

Determination of validity of candidate's election.

**12.** Any question that may arise whether a person is an elected member of the East African Legislative Assembly or whether a seat in that Assembly is vacant shall be determined by the High Court of Kenya.

Procedure for voidance of elections.

**13.** The procedure, jurisdiction and grounds for election petitions in respect of Members of Parliament shall apply with necessary modifications in respect of members of the East African Legislative Assembly.

### **PART V – MISCELLANEOUS**

Filling of vacancy.

**14.** Where the seat of a member elected under these Rules becomes vacant, the Speaker shall upon receipt of notification of the vacancy from the Speaker of the East African Legislative Assembly, facilitate the election of a member to replace the member in accordance with the procedure set out under these Rules.

Matters not specifically provided for.

**15.** If any matter arises which is not specifically provided for in these Rules, the Speaker shall make a ruling directing what is to be done and in making such a ruling, the Speaker shall be guided by the practice and procedure normally followed in similar situations with regard to the conduct of elections in the National Assembly.

Repeal.

**16.** The Treaty for the Establishment of the East African Community (Election of Members of the Assembly) Rules, 2001 are repealed.



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## **SCHEDULE**

**(rule 5(1))**

### **NOMINATION FORM FOR ELECTION OF A MEMBER OF THE EAST AFRICAN LEGISLATIVE ASSEMBLY**

Election of a member of the East African Legislative Assembly to be held on the ..... day of ..... 20.....

We, the undersigned, being respectively, the party leader of the parliamentary group and the party whip, of the parliamentary party shown below, hereby certify the nomination of the under mentioned person as a candidate at the said election.

Candidate's Name in Full	Address	Occupation or Description

We attach herewith an extract of the nomination proceedings of the parliamentary group meeting which approved the nomination of the candidate, signed, respectively, by ourselves.

Parliamentary Political Party.....

.....  
Signature of the party leader of the Party Parliamentary Group.

.....  
Signature of the Party Whip.