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THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025


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DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

REPORT ON:

**THE CONSIDERATION OF THE POLITICAL PARTIES
(AMENDMENT) (NO. 2) BILL, 2024
(SENATE BILL NO. 26 OF 2024)**

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 29 MAY 2025	
DAY: <i>Thursday</i>	
TABLED BY:	<i>Hon. George Mwangi, MP Chairperson JLAC</i>
CLERK-AT THE-TABLE:	<i>Halima Ahmed</i>

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LIST OF ABBREVIATIONS AND ACRONYMS

CEO	-	Chief Executive Officer
CMD	-	Centre for Multiparty Democracy
ELGIA	-	Electoral Law and Governance Institute for Africa
FORD	-	Forum for the Restoration of Democracy
ICPAK	-	Institute of Certified Public Accountants of Kenya
IEBC	-	Independent Electoral and Boundaries Commission
IRCK	-	Inter-Religious Council of Kenya
IPPRC	-	Independent Political Parties Regulatory Commission
KLRC	-	Kenya Law Reform Commission
LSK	-	Law Society of Kenya
MCCP	-	Maendeleo Chap Chap Party
NADCO	-	National Dialogue Committee
ORPP	-	Office of the Registrar of Political Parties
ODM	-	Orange Democratic Movement
PPDT	-	Political Parties Disputes Tribunal
PPLC	-	Political Parties Liaison Committee
PSC	-	Parliamentary Service Commission
TAA	-	The Architects Alliance

LIST OF ANNEXURES

- Annexure 1: Adoption Schedule
- Annexure 2: Minutes
- Annexure 3: Political Parties (Amendment) (No. 2) Bill, 2024
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CHAIRPERSON'S FOREWORD

This report contains the proceedings of the Departmental Committee on Justice and Legal Affairs on its consideration of the Political Parties (Amendment) (No. 2) Bill (*Senate Bill No. 26 of 2024*). The Bill having been passed in the Senate on 5th December, 2024 and forwarded to the National Assembly was read a First Time in the House on 13th February 2025 and was thereafter committed to the Departmental Committee on Justice and Legal Affairs in line with Standing Order 143(2) of the National Assembly Standing Orders.

The Bill seeks to give effect to some of the recommendations and views of the public submitted to the National Dialogue Committee (NADCO) on the issues of electoral justice and related matters, fidelity to political parties/coalitions and the law on multiparty democracy.

The Bill aims to amend the Political Parties Act, Cap 7D to, among other things, replace the Office of the Registrar of Political Parties with the Independent Political Parties Regulatory Commission; repeal the provisions on when a member may be deemed to have resigned from a political party; and transfer the jurisdiction of hearing and determining disputes on decisions made by the Commission from the Political Parties Disputes Tribunal to the High Court.

In compliance with Article 118(b) of the Constitution and Standing Order 127(3) of the National Assembly Standing Orders, the Committee placed an advertisement in the print media on 18th February, 2025 and 19th February 2025 inviting the public to submit memoranda by way of written statements on the Bill. In addition, the Committee vide letter Ref. No. NA/DDC/JLAC/2025/017 dated 10th April 2025 invited key stakeholders to submit views on the Bill and attend a public participation forum on 17th April 2025. The memoranda were to be received on or before 5th March 2025 at 5.00 pm (East African Time). By the close of the submission deadline, the Committee had received ten memoranda. The IEBC, IRCK, KLRC, ORPP, CMD, ELGIA, *Kituo Cha Sheria*, the CRADLE, TAA and PPLC gave their views on the Bill which the Committee considered in the preparation of this report.

While considering the Bill, the Committee observed that the Bill seeks to give effect to some of the recommendations and views of the public that were submitted to the NADCO which was established to facilitate dialogue and consensus building and thereafter recommend appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya. One of the recommendations by NADCO was to establish the Independent Political Parties Regulatory Commission as an independent body responsible for the registration of political parties and management of the Political Parties Fund.

The Committee is grateful to the Offices of the Speaker and Clerk of the National Assembly for the logistical and technical support accorded to it during its consideration of the Bill. The Committee further wishes to thank IEBC, IRCK, KLRC, ORPP, CMD, ELGIA, *Kituo cha Sheria*, the CRADLE, TAA and PPLC for submitting memoranda on the Bill. Finally, I wish to express my appreciation to the Honourable Members of the Committee and the Committee Secretariat who made useful contributions towards the preparation and production of this report.

On behalf of the Departmental Committee on Justice and Legal Affairs and pursuant to the provisions of Standing Order 199(6) of the National Assembly Standing Orders, it is my pleasant privilege and honour to present to this House the Report of the Committee on its Consideration of the Political Parties (Amendment) (No. 2) Bill (*Senate Bill No. 26 of 2024*).

It is my pleasure to report that the Committee has considered the Political Parties (Amendment) (No. 2) Bill (*Senate Bill No. 26 of 2024*) and has the honour to report back to the National Assembly with the recommendation that the **House approves the Bill with amendments.**

Hon. George Gitonga Murugara, CBS, MP
Chairman, Departmental Committee on Justice and Legal Affairs



CHAPTER ONE

I PREFACE

I.1 Establishment of the Committee

1. The Departmental Committee on Justice and Legal Affairs is one of twenty departmental committees of the National Assembly established under **Standing Order 216** whose mandate pursuant to the **Standing Order 216 (5)** is as follows:
 - i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
 - ii. *To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
 - iii. *To, on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
 - iv. *To study and review all legislation referred to it;*
 - v. *To study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - vi. *To investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - vii. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);*
 - viii. *To examine treaties, agreements and conventions;*
 - ix. *To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation;*
 - x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - xi. *To examine any questions raised by Members on a matter within its mandate.*

I.2 Mandate of the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider: -
 - a) The Judiciary;
 - b) Tribunals;
 - c) Access to Justice;
 - d) Public prosecutions;
 - e) Ethics, Integrity and Anti-corruption;
 - f) Correctional services;
 - g) Community service orders and witness protection;
 - h) Constitutional Affairs;
 - i) Sovereign immunity;
 - j) Elections including referenda;
 - k) Human rights;
 - l) Political parties; and
 - m) The State Law Office' including insolvency, law reform, public trusteeship, marriages and legal education.
3. In executing its mandate, the Committee oversees the following Ministries, Departments and Agencies:

- a) State Department of Correctional Services;
- b) State Law Office and Department of Justice;
- c) The Judiciary;
- d) Judicial Service Commission;
- e) Office of the Director of Public Prosecutions;
- f) Ethics and Anti-Corruption Commission;
- g) Independent Electoral and Boundaries Commission;
- h) Commission on Administrative Justice;
- i) Office of the Registrar of Political Parties;
- j) Witness Protection Agency;
- k) Kenya National Commission on Human Rights;
- l) Kenya Law Reform Commission; and
- m) Council of Legal Education.

1.3 Committee Membership

4. The Committee was reconstituted by the House on 5th March 2025 and comprises the following Members:

Chairperson

Hon. Murugara George Gitonga, MP
Tharaka Constituency

UDA Party

Vice-Chairperson

Hon. Mutuse Eckomas Mwengi, OGW, MP
Kibwezi West Constituency

MCCP Party

Hon. Gladys Boss, MGH, MP
Uasin Gishu Constituency

UDA Party

Hon. Maalim Farah, EGH, MP
Dadaab Constituency

WDM-Kenya

Hon. Onyiego Silvanus Osoro, CBS, MP
South Mugirango Constituency

UDA Party

Hon. Francis Kajwang' Tom Joseph, CBS, MP
Ruaraka Constituency

ODM Party

Hon. Wetang'ula Timothy Wanyoyi, CBS, MP
Westlands Constituency

ODM Party

Hon. (Dr.) Otiende Amollo, SC, EBS, MP
Rarieda Constituency

ODM Party

Hon. Muchira Michael Mwangi, MP
Ol Jorok Constituency

UDA Party

Hon. Eric Muchangi Karemba, MP
Runyenjes Constituency

UDA Party

Hon. Makali John Okwisia, MP
Kanduyi Constituency

FORD-Kenya

Hon. Mogaka Stephen M., MP
West Mugirango Constituency

Jubilee Party

Hon. Aden Daud, EBS, MP
Wajir East Constituency

Jubilee Party

Hon. Siyad Amina Udgoon, MP
Garissa County (CWR)

Jubilee Party

Hon. CPA Zuleka Hulbale Harun, MP
Nominated Member

UDM Party

I.4 Committee Secretariat

5. The Committee is well-resourced and facilitated by the following staff:

Mr. Ahmed Salim Abdalla
Clerk Assistant I / Head of Secretariat

Mr. Ronald Walala
Senior Legal Counsel

Mr. Abdikafar Abdi
Clerk Assistant III

Ms. Jael Ayiego
Clerk Assistant III

Mr. Isaac Nabiswa
Legal Counsel II

Mr. Omar Abdirahim
Fiscal Analyst I

Ms. Vivienne Ogega
Research Officer III

Mr. John Nduaci
Serjeant-At-Arms

Mr. Meldrick K. Sakani
Audio Officer III

Ms. Mary Kamande
Public Communications Officer III

Mr. Calvin Karung'o
Media Relations Officer III

Mr. Silas Opanga
Hansard Reporter III

CHAPTER TWO

2 OVERVIEW OF THE POLITICAL PARTIES (AMENDMENT) (NO. 2) BILL (SENATE BILL NO. 26 OF 2024)

2.1 Background

6. The Bill seeks to give effect to some of the recommendations and views of the public that were submitted to the National Dialogue Committee (NADCO) on the issues of electoral justice and fidelity to political parties and coalitions and the law on multiparty democracy.
7. The Bill having been passed in the Senate on 5th December, 2024 and forwarded to the National Assembly, the Rt. Hon. Speaker caused the Bill to be read a First Time in the House on 13th February 2025 and was thereafter committed to the Committee in line with Standing Order 143(3) of the National Assembly Standing Orders.

2.2 Summary of the Bill

8. The Bill seeks to amend the Political Parties Act in order to replace the Office of the Registrar of Political Parties with the Independent Political Parties Regulatory Commission.
9. In particular—
 - (a) **Clause 1** of the Bill provides for the short title and the commencement. The Bill shall come into force upon publication the *Gazette*.
 - (b) **Clause 2** of the Bill seeks to amend the interpretation section to substitute the definition of the term “Commission” to mean the Independent Political Parties Regulatory Commission and delete the definition of the term “Registrar” which means the Registrar of Political Parties Act.
 - (c) **Clause 3** of the Bill seeks to replace the terms “Registrar” and “Office of the Registrar of Political Parties” with “Commission”.
 - (d) **Clause 5** of the Bill seeks to repeal section 14A provides for when a member of a political party is deemed to have resigned from a political party.
 - (e) **Clause 6** of the Bill seeks to amend section 32 replace the terms “Registrar” with “Commission”.
 - (f) **Clause 7** of the Bill seeks to amend section 33 to providing for the following—
 - (a) the establishment of the Independent Political Parties Regulatory Commission;
 - (b) the functions of the Commission including a provision on the independence of the Commission in the performance of its functions;
 - (c) the membership of the Commission comprising of five members nominated by the majority party or coalition of parties in Parliament; minority party or coalition of parties in Parliament; and Parliamentary Service Commission to represent non-parliamentary registered political parties;
 - (d) the qualification and disqualification for appointment as a member of the Commission;
 - (e) the tenure of office of the members of the Commission;
 - (f) the vacancy in the office of a member of the Commission;
 - (g) the removal from office of a member of the Commission;
 - (h) the procedure of the Commission;
 - (i) the terms and condition of service of members of the Commission;
 - (j) the appointment and removal of the secretary to the Commission; and

- (k) the powers of the Commission to appoint staff for the performance of its function.
- (g) **Clause 8** of the Bill seeks to repeal section 34 on the functions of the Registrar;
 - (h) **Clause 9** of the Bill seeks to repeal section 34A on the vacancy in the Office of the Registrar of Political Parties or the Assistant Registrars;
 - (i) **Clause 10** of the Bill seeks to amend section 34C on the powers of the Registrar in respect of political party records and the jurisdiction of the High Court to hear and determine appeals against decisions of the Commission in making changes to the records of political parties;
 - (j) **Clause 11** of the Bill seeks to repeal section 36 on the procedure for appointment of the Registrar and Assistant Registrars;
 - (k) **Clause 12** of the Bill seeks to repeal section 37 on the removal of the Registrar and the Assistant Registrar;
 - (l) **Clause 13** of the Bill seeks to amend section 38 on the functions of the Political Parties Liaison Committee to clarify the functions of the Committee is to provide a platform for dialogue among the Commission, IEBC and political parties;
 - (m) **Clause 14** of the Bill to remove the determination of appeals from the decisions of the Commission from the jurisdiction of the Political Parties Disputes Tribunal;
 - (n) **Clause 15** of the Bill amends the Sixth Schedule to make provisions on the meetings and procedure of the Commission and
Clause 16 of the Bill provides for the savings and transition provision on the assets, rights, liabilities, actions and staff of the Office of the Registrar of Political Parties.

CHAPTER THREE

3 PUBLIC PARTICIPATION AND STAKEHOLDER ENGAGEMENT ON THE BILL

3.1 Legal Framework on Public Participation

10. Article 118 (1)(b) of the Constitution provides that:
“Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees.”
11. The National Assembly Standing Order 127 (3) and (3A) stipulates that:
“(3) The Departmental Committee to which a Bill is committed shall facilitate public participation on the Bill through an appropriate mechanism including-
 - (a) inviting submission of memoranda;*
 - (b) holding public hearings;*
 - (c) consulting relevant stakeholders in a sector; and*
 - (d) consulting experts on technical subjects.**(3A) The Departmental Committee shall take into account the views and recommendations of the public under paragraph (3) in its report to the House.”*

3.2 Memoranda Received on the Bill

12. Pursuant to the aforementioned provisions of the law, the Committee placed an advertisement (*Annexure 4*) in the print media on 18th February 2025 and 19th February, 2025 inviting the public to submit memoranda by way of written statements on the Bill on or before 5th March 2025 at 5.00 pm (East African Time). Further, the Committee vide letter Ref. No. NA/DDC/JLAC/2025/017 dated 10th April 2025 (*Annexure 5*) invited key stakeholders to submit views on the Bill and attend a public participation forum on Thursday 17th April 2025.
13. To this end, the KLRC, ORPP, ELGIA, *Katiba Institute*, *Kituo cha Sheria* and the CRADLE attended the public participation forum on Thursday 17th April 2025.
14. Furthermore, upon further request, the Independent Electoral and Boundaries Commission (IEBC) appeared before the Committee on Tuesday 22nd April 2025 to submit its views.
15. The Committee received ten (10) memoranda from IEBC, IRCK, KLRC, ORPP, CMD, ELGIA, *Kituo cha Sheria*, the CRADLE, TAA and PPLC. The memoranda are annexed to this report as *Annexure 6*.
16. **IEBC, IRCK, KLRC, ORPP, CMD, ELGIA, Kituo cha Sheria, the CRADLE, TAA and PPLC** submitted memoranda on the Bill noting reservations with specific clauses.
17. The stakeholders submitted as follows:

Clause 3

18. ORPP proposed amending the proposal to give a proviso for where other disputes relating to the Commission's mandate lie.

19. PPLC proposed that the PPDT should retain the jurisdiction of hearing and determining the appeals against the decisions made by the Commission.

Committee Observation

20. The Committee observed that Clause 3 grants the High Court the jurisdiction to hear and determine disputes relating to suspension and deregistration of a political party by the Commission. Therefore, there is need to specify the entity/body that will hear and determine the disputes relating to other decisions of the Commission such as refusal to register a political party.

Clause 5

21. IRCK and KLRC noted that repealing section 14A of the principal Act will offend the Constitution as it would allow politicians to support rival agenda and this could erode party loyalty and policy coherence.
22. ORPP noted that the proposal relates to a proposed NADCO constitutional amendment which may not precede the passage of the instant Bill thereby resulting in a lacuna in law. ORPP added that the process of deeming whether a party member has resigned from a political party could be sufficiently addressed in party constitutions by amending the Second Schedule to the Political Parties Act, Cap 7D.
23. ELGIA submitted that the proposal is a consequential amendment from the Constitution of Kenya (Amendment) Bill, 2023, proposed by NADCO, intending to amend Article 103(1)(e)(i) of the Constitution by substituting the words 'deeming to have resigned from a political party' with 'deregistration from a political party' therein. ELGIA therefore, proposed that the instant Bill and the proposed constitutional amendment be considered concurrently to avoid any possible gaps in implementation.
24. *Kituo cha Sheria* proposed retaining section 14A of the Act with modifications to clearly define procedures and grounds for resignation, ensuring alignment with Articles 38 and 47 of the Constitution and to include safeguards for notice, hearing and appeal.

Committee Observation

25. The Committee observed that the NADCO, in its proposed amendment to the Constitution, recommended that Articles 103(1)(e), 181(1) and 194(1)(e) of the Constitution be amended by including deregistration from a political party as one of the ways in which the office of an MP, a governor or an MCA may become vacant.
26. The Report by National Assembly's Departmental Committee on Justice and Legal Affairs and Senate's Standing Committee on Justice, Legal Affairs and Human Rights on the Implementation of the Recommendations by NADCO to amend the Constitution recommended that the proposed amendments be further amended by removing deregistration.
27. Therefore, the NADCO Constitution of Kenya (Amendment) Bill and this Bill should be considered concurrently to avoid any inconsistency in law.

Clause 6

28. ORPP submitted that the proposal be amended to substitute the terms, 'The Office of Registrar of Political Parties' with 'The Commission' instead of wholesale deletion of the provisions for neater drafting.

Committee Observation

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29. The Committee observed that there are risks with such legislative drafting.

Clause 7—

Establishment of the Independent Political Parties Regulatory Commission (IPPRC)

30. Noting that replacing the Registrar with a Commission would increase professionalism and independence in party regulation, KLRC noted that the Commission could still be politicized if not well insulated from political influence.
31. ORPP proposed establishing the Commission under Chapter Fifteen of the Constitution in accordance with the recommendations of NADCO.
32. In addition, TAA proposed amending the provision to establish an independent Political Parties Dispute Tribunal (PPDT) within the Commission to handle intra-party and inter-party disputes and to comprise experts in law and governance. This would provide a specialized forum for resolving disputes aligning with global best practice.
33. PPLC submitted that the PSC should be substituted with PPLC as the nominating body of the non-parliamentary party representative in the Commission.

Committee Observation

34. The Committee observed that the establishment of the Independent Political Parties Regulatory Commission to replace the Office of the Registrar of Political Parties would enhance independence and neutrality as outlined in the NADCO Report.
35. Also, the Committee observed that Article 92 obligates Parliament to enact legislation to provide for, among other things, the regulation of political parties. Therefore, it is proper to establish the Commission through legislation and not through an amendment of Chapter Fifteen of the Constitution on Commissions and Independent Offices.
36. Further, the Committee observed that section 40 of the Political Parties Act provides for the jurisdiction of the Political Parties Disputes Tribunal to hear and determine intra-party and inter-party disputes.

Functions of the Independent Political Parties Regulatory Commission

37. ORPP and ELGIA proposed retaining the function to regulate, monitor, investigate and supervise political parties as appears in section 34(a) of the Political Parties Act, Cap 7D to align with Article 92 of the Constitution and the purpose of the Act.
38. TAA proposed amending the provision to require political parties to conduct biennial internal elections for leadership positions under the supervision of the Commission and to ensure annual verification of membership registers to prevent fraudulent memberships. This would foster internal democracy within political parties and ensure their legitimacy as democratic institutions.
39. PPLC proposed an amendment to the function of the Commission to train political parties on management and development and the deployment of agents; facilitating dialogue and consensus building on matters involving political parties processes and elections; enforcing political parties code of conduct

Committee Observation

40. The Committee observed that the function of the Commission provided for under the proposed section 33A(a) only provides for the registration of political parties and their office holders. This has excluded other functions such as regulation and supervision of
- Report of the Departmental Committee on Justice and Legal Affairs on its Consideration of the Political Parties (Amendment) (No. 2) Bill (Senate Bill No. 26 of 2024)*

political parties as required by Article 92 of the Constitution. Therefore, there is need to align the functions of the Commission with the provisions of Article 92 of the Constitution.

Management of the Political Parties Fund

41. ELGIA proposed amending the proposal by substituting the word 'Management' with 'Administration' to align with the sections 23 and 25(1)(d) of the Political Parties Act, Cap 7D providing for the establishment and distribution of the Fund.

Committee Observation

42. The Committee observed that Article 92(f) of the Constitution provides that Parliament shall enact legislation for the establishment and **management** of a political parties' fund. Therefore, the use of the word "management" in place of "administration" aligns with the provisions of the Constitution.

Publication of political parties' audited annual accounts

43. TAA proposed amending the provision to require political parties to submit quarterly financial reports instead of annual reports to be published online within 30 days of submission. This would promote transparency as in other jurisdictions where frequent disclosures are mandatory.

Committee Observation

44. The Committee observed that section 31(1) of the Political Parties Act requires political parties to keep proper books and records of account of the income, expenditure, assets and liabilities. Section 31(2) obligates the political parties to submit the accounts to the Auditor-General within three months after the end of every financial year. It is based on these requirements that the Commission is mandated to ensure publication of audited annual accounts of political parties. Therefore, due to costs and resources required to conduct a full audit, annual audited reports is reasonable.

Verification and publicization of the list of all members of political parties

45. The CRADLE proposed amending the provision to include regular review of the political party membership registers to ensure accuracy and prevent fraudulent membership claims.

Committee Observation

46. The Committee observed the functions of the Commission provided for in section 33A includes keeping and maintaining a register of members or registered political parties and verification and making publicly available the list of all members of all political parties. Therefore, the review of political party membership registers is already provided for.

Maintaining a political parties' register

47. TAA proposed amending the new proposed section 33A to require the Commission to develop an online user-friendly portal for political party registers including membership lists and financial reports to enhance accessibility and transparency.

Committee Observation

48. The Committee observed that section 34B of the Political Parties Act provides for the use of technology in processing political parties' data and records.

Ensuring a person is a member of only one political party

49. ORPP proposed deletion of the provision because sections 28 and 35A of the Elections Act, Cap 7 already adequately provides for the procedure to submit certified party membership registers and certified party lists to IEBC.
50. The CRADLE proposed amending the provision to require the Commission to ensure independent candidates meet minimum ethical and leadership integrity standards to ensure integrity and credibility of independent candidates.

Committee Observation

51. The Committee observed that section 28A and 35A of the Elections Act provides that the Registrar of Political Parties shall certify a party's membership list and a party's list before they are submitted to the IEBC for purposes of a general election or a by-election. Therefore, this function is well within the functions of the Commission.

Certification of symbols used by independent candidates

52. IEBC proposed deletion of the provision because the mandate to certify the symbol intended for use by an independent candidate is bestowed upon IEBC as provided in section 32 of the Elections Act, Cap 7.

Committee Observation

53. The Committee observed that section 4B of the Political Parties Act provides that it is the function of the Registrar of Political Parties to reserve names, symbols and slogans for a proposed political party. Also, section 32 of the Elections Act provides that the IEBC shall be responsible for approving symbols intended to be used in an election by an independent candidate. These functions should complement each other since the ORRP is the custodian of the symbols of political parties.

Certification of names appearing in party lists

54. IEBC proposed deletion of the proposal because it is the IEBC's mandate to certify the names appearing in party lists and verify the qualifications of the nominees in the party lists as provided for in Article 90 of the Constitution. Furthermore, IEBC uses the membership register of a political party to verify the membership of each nominee in the party list.

Committee Observation

55. The Committee observed that section 35A of the Elections Act provides that a political party that intends to submit a party list to IEBC shall first submit the party list to the Registrar of Political Parties for certification. Therefore, the Commission, which will be the custodian of information on party membership, is best placed to certify the information contained in the party lists before submission of the party lists to IEBC.

Regulation of political party nominations

56. IEBC proposed deletion of the provision as it is unconstitutional as was held by the court in **Constitutional Petition E043, E057, E109 of 2022**.
57. ORPP noted that the proposal would be in line with Article 92 of the Constitution. However, it would require a corresponding amendment to Article 88(4) of the Constitution to ensure no overlap of roles between IEBC and the contemplated IPPRC and to comply with the court's decision in **Thuranira & 4 Others v Attorney General & 2 Others; Registrar of Political Parties & 3 Others (Interested Parties) (Petition E043, E057 & E109 of 2022) [2022] KEHC 482 (KLR)**.

58. The CRADLE proposed amending the provision to require the Commission to ensure that nomination processes adhere to principles of fairness, transparency and gender equality in accordance with Article 27 of the Constitution.

Committee Observation

59. The Committee observed that Article 88(4)(d) of the Constitution provides that regulation of the process by which political parties nominate candidates for election is a function of IEBC. Further, the Committee observed that in the case of *Thuranira & 4 Others v Attorney General & 2 Others; Registrar of Political Parties & 3 Others (Interested Parties) [2022] KEHC 482 (KLR)*, the High Court declared that section 34(fd) of the Political Parties Act is unconstitutional as regulation of political party nominations is the mandate of the IEBC and not the Registrar of Political Parties. Therefore, this function assigned to the Commission may be deleted to align with the provisions of the Constitution and the judgment.

Training political party election agents upon request

60. The CRADLE proposed amending the provision to require the Commission to ensure that all agents are adequately trained on election laws, dispute resolution and ethics to ensure competency and professionalism.

Committee Observation

61. The Committee observed that the training of political party agents is aimed at building knowledge on the roles and responsibilities of agents on the day of elections.

Investigating complaints received under the Act

62. IEBC proposed deletion of the proposal as it conflicts with Articles 248 and 252 of the Constitution which confer upon the stipulated Constitutional Commissions the sole power to conduct investigations.

63. The CRADLE further proposed amending the provision to require the Commission to investigate complaints received under the Act within a stipulated timeframe and to ensure timely resolution through a structured dispute resolution mechanism. In The CRADLE's view, this would prevent delays in dispute resolution.

Committee Observation

64. The Committee observed that the Constitution provides that Parliament shall enact legislation that provides for the regulation, management and supervision of political parties. Therefore, to enable the Commission perform these functions, the Commission has the power to receive complaints with respect to political parties as well as the power to investigate these complaints

Independence of the Commission

65. The CRADLE submitted that the proposal be amended to include that the Commission shall receive a dedicated budgetary allocation approved by Parliament to ensure financial autonomy. This would prevent political interference and strengthen the Commission's ability to discharge its functions impartially.

Committee Observation

66. The Committee observed that the Political Parties Act establishes the Office of the Registrar of Political Parties. However, the Act does not contain financial provisions such as sources of funds for the ORPP; the financial year for the ORPP; and accounts and audits for ORPP.

Appointment of Members of the Commission

67. IRCK proposed the appointment of the Commission through a nine-member selection panel established by the President to ensure inclusivity. The selection panel is to comprise of members nominated by the majority and minority parties in Parliament, Parliamentary Service Commission, LSK, IRCK and ICPAK.
68. ORPP proposed amending the provision to include timelines of seven days within which the President has to forward names of the nominees to Parliament and a further seven days within which the President should, upon receipt of the names approved by the National Assembly, appoint the Commissioners. Further, ORPP proposed including a definition of the term 'non-parliamentary registered political party' to provide clarity and avoid multiple interpretations.
69. The CRADLE noted the need for accountability and transparency in the appointment process of the Commission in accordance with Article 10 of the Constitution. Hence, its submission to amend the provision to require the process of appointment to be based on recommendations by the Public Service Commission. The CRADLE proposed amending the provision to provide that one member of the Commission may be nominated from a civil society with expertise in political governance to ensure inclusivity and strengthen democratic oversight.
70. *Kituo cha Sheria* submitted that the nomination of a non-parliamentary representative from the Parliamentary Service Commission would grant the majority party significant influence over the selection process given its dominance within the Commission. *Kituo cha Sheria*, therefore, proposed that the provision be amended to provide for the non-parliamentary representative to be nominated from the IEBC to promote impartiality. In addition, *Kituo cha Sheria* submitted that the provision should be amended to require the nominating bodies ensure the inclusion of at least one youth representative and at least one person with a disability in line with Article 100.
71. TAA noted the need for gender quotas to promote inclusivity and therefore, proposed amending the provision to introduce a requirement for one-third gender representation and ensure representation of marginalized groups such as persons with disabilities and the youth in the Commission's membership.
72. PPLC submitted that the PSC should be substituted with PPLC as the nominating body of the non-parliamentary party representative in the Commission.

Committee Observation

73. The Committee observed that since the Commission will be charged with the mandate of regulating political parties, the political parties are best suited to nominate members to the Commission.
74. Also, the Committee observed that it is necessary to provide timelines in which the President is required to appoint and Parliament is required to approve the nominees. This will minimize delays.
75. The Committee observed that there would be need to define the term "non-parliamentary registered political parties" to provide for clarity.

Election of the Chairperson and Vice Chairperson

76. ELGIA further proposed a review of the provision to provide for the election of the Vice-Chairperson only and that the Chairperson be appointed exclusively and substantively by the President in line with the practice as provided in other Acts of Parliament.

Committee Observation

77. The Committee observed that the *Mwongozo: The Code of Governance for State Corporations* provides that one of the governance practices is that the chairpersons of all State Corporations shall be appointed by the President.

Disqualifications for appointment as a member of the Commission

78. ORPP noted that the disqualifications for appointment as members of the Commission are not comprehensive and therefore, provided proposed expanding them to bar a State officer from appointment.

Committee Observation

79. The Committee observed that various Acts of Parliament which establish various bodies or entities have provided that a member of Parliament or county assembly is disqualified from appointment as a member of the respective body or entity. Therefore, the disqualification provision may be expanded accordingly.

Vacancy in the office of a member of the Commission

80. ELGIA noted that the provision does not provide the procedure of appointment of new member(s) upon lapse of term of office. ELGIA therefore proposed amending the provision to include the lapse of a term of office as one of the instances under which the office of a member of the Commission shall become vacant and provide a grace period to allow for the appointment process of new members before the lapse of time to avoid an unnecessary vacuum.

Committee Observation

81. The Committee observed that one way in which an office becomes vacant is through expiration of the term of the office. Therefore, the may be provision may be amended to include expiry of term of office.

Competitive recruitment of Commissioners

82. ORPP was of the view that there is need to qualify the competitive process to Article 232 of the Constitution and the need for a central body to coordinate receipt and processing of nominees from the nominating bodies to the President.

Appointment of the Secretary of the Commission

83. ORPP noted the need for clarity in the functions of the Secretary of the Commission including whether s/he would be the accounting officer of the Commission.

84. TAA proposed amending the provisions to ensure that members of the Commission are fully independent by prohibiting them from holding political party positions for 10 years before or after their tenure and by providing for its funding to be a charge on the Consolidated Fund. TAA was of the view that this aligns with global best practice and would insulate the Commission from political interference.

85. Additionally, TAA proposed amending the provisions to explicitly prohibit members and staff of the Commission from transacting business with the Commission or political parties to prevent conflicts of interest and ensure ethical conduct.

Committee Observations

Report of the Departmental Committee on Justice and Legal Affairs on its Consideration of the Political Parties (Amendment) (No. 2) Bill (Senate Bill No. 26 of 2024)

86. The Committee observed that the Bill seeks to establish the Independent Political Parties Regulatory Commission with a Secretary who shall be the chief executive officer of the Commission. However, the Bill is silent on who shall be the accounting officer. Therefore, it may be necessary to designate the Secretary to the Commission as the accounting officer to clarify the roles.

On the powers of the Commission to appoint staff

87. CMD proposed deletion of the provision as it will interfere with the independence of the Commission.

Committee Observation

88. The Committee observed that the Commission should be retain the power to appoint staff who shall provide technical support to the Commission in the performance of its functions and exercise of its powers.

Clause 8

89. The CRADLE proposed amending the clause to retain key oversight functions contained in section 34 of the Political Parties Act, Cap 7D including requiring the Commission to conduct annual compliance audits of political parties to ensure adherence to financial and governance regulations and submit a report to Parliament. In The CRADLE's view, this would ensure transparency in the use of public funds allocated to political parties.

Committee Observation

90. The Committee observed that Clause 8 of the Bill which provides for the functions of the Registrar of Political Parties which have been captured under the proposed new section 33A on the functions of the Commission.

Clause 10

91. The CRADLE proposed amending the new proposed section 34C(1) to replace the phrase, 'deemed to have resigned' with 'a clear process of voluntary resignation that requires written confirmation from the member' to prevent politically-motivated arbitrary expulsions.

92. ORPP submitted that the new proposed section 34C(4) be amended to include a proviso for where other disputes relating to the Commission's mandate shall lie.

Committee Observation

93. The Committee observed that section 40(1)(f) of the Political Parties Act provides that the Political Parties Disputes Tribunal has the jurisdiction to hear and determine appeals from decisions of the Registrar under the Act. Therefore, this provision caters for disputes outside section 34C on the decisions made by the Commission.

Clause 14

94. Noting that the proposal removes from the PPDT the power to hear and determine appeals from decision of the Commission, the ORPP proposed providing an avenue for disputing decisions of the Commission including decisions on registration of political parties, confirmation of coalitions and certification of party membership registries under section 28 of the Elections Act, Cap 7. While these decisions may lie to the High Court, there is need for clarity on the avenue for dispute resolution.

Committee Observation

95. The Committee observed that the proposed deletion of paragraph (f) in section 40 would leave disputing parties, with respect of the decisions made by the Commission, with no avenue for resolving the disputes.

Clause 15

New proposed Sixth Schedule

96. ORPP proposed amending the new proposed Sixth Schedule to let the Chairperson decide the time and venue of holding the meetings and allow at least three members to requisition for a meeting by writing to the Chairperson where necessary to ensure good governance.
97. Additionally, ORPP noted that given the three-member quorum, members should be allowed to elect a commissioner to preside over a meeting in the absence of the Chairperson and Vice-Chairperson to prevent crippling the operations of the Commission.
98. ELGIA submitted that the new proposed Sixth Schedule be amended to provide that the Secretary of the Commission be the secretary at all meetings of the Commission to effectively implement the decisions of the Commission. ELGIA added that the provision be amended to emulate the Second Schedule to the IEBC Act, Cap 7C.

Committee Observation

99. The Committee observed that there is need to provide for the power to elect a chairperson to preside over a meeting in the absence of the substantive chairperson or vice chairperson. Additionally, there is need to provide that the Secretary to the Commission shall be the secretary in all meetings of the Commission to ensure the meetings well organized, efficiently run and properly documented.

Clause 16

100. IRCK and ORPP noted that the transitional and saving clauses do not expressly cater for the current Registrar and Assistant Registrars of Political Parties. IRCK proposed amending the provisions to allow the current office holders to serve the remainder of their terms for a seamless transition. ORPP proposed that, if considered as staff, the Registrar of Political Parties and Assistant Registrars of Political Parties should be transitioned as CEO and Deputy CEOs of the Commission.

Committee Observation

101. The Committee observed that the Political Parties Act provides that the Registrar and the Assistant Registrars shall serve for a non-renewable term of six years and shall not be eligible for re-appointment. Therefore, there is need to transit the unexpired term of these office holders upon commencement of the Act.

New Proposals

102. IRCK submitted that the Code of Conduct provided for in the First Schedule to the Political Parties Act, Cap 7D is adequate and instead, requires proper implementation.
103. ORPP noted that the Bill does not provide for the sources of funds for the Commission and hence proposed that the source of funds be through an allocation by Parliament.
104. TAA proposed the introduction of a new provision to mandate the Commission to organize annual capacity-building workshops for political parties on financial management, internal democracy and compliance to improve governance and compliance among political parties.

105. PPLC proposed that section 38 of the Act be amended to provide that PPLC shall exist at the national level and the cascade its activities down to the county and ward level; political parties shall nominate representatives in PPLC from the highest decision-making organ of the party; establishment of a PPLC secretariat; functions of the PPLC; funding of activities of PPLC; and power of PPLC to make regulations.

CHAPTER FOUR

4 COMMITTEE OBSERVATIONS

106. Upon reviewing the Bill and the submissions received, the Committee made the following observations—

- (a) the Bill seeks to give effect to some of the recommendations and views of the public that were submitted to the NADCO which was established to facilitate dialogue and consensus building and thereafter recommend appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya;
- (b) in that regards, NADCO recommended, among other things, the establishment of the Independent Political Parties Regulatory Commission as an independent body to perform various functions such as regulation of political parties;
- (c) During consideration of the Bill, the Senate introduced the following amendments—
 - (i) amended the jurisdiction of the PPDT on appeals against decisions of the Commission and defect aggrieved persons to the High Court;
 - (ii) cleaned up references to the “Office of the Registrar” and replace with the “Commission”;
 - (iii) altered the approval of the members of the Commission from National Assembly to Parliament;
 - (iv) added qualifications and disqualifications for appointment as members of the Commission including disqualification of a member of the Commission from contesting in elections or leadership of a political party within 5 years of ceasing to be a member of the Commission;
 - (v) added the manner in which the office of a member of the Commission may become vacant and the procedure for filling the vacancy;
 - (vi) added the grounds for removal from office and procedure for removal from office as a member of the Commission;
 - (vii) added provision on conduct of business and affairs of the Commission;
 - (viii) added provision on terms and conditions of service of members of the Commission;
 - (ix) added provisions on appointment and removal of the Secretary to the Commission;
 - (x) repealed the provisions on the appointment of the Registrar and Assistant Registrars;
 - (xi) repealed the provisions on the removal of the Registrar of Assistant Registrar;
 - (xii) cleaned up section 38 to align with the introduction of the definition of the word “Commission” to mean the Independent Political Parties Regulatory Commission and not the Independent Electoral and Boundaries Commission;
 - (xiii) removed appeals from the decisions of the Registrar from the jurisdiction of the Political Parties Disputes Tribunal;
 - (xiv) amended the Sixth Schedule on procedures for appointment of the Registrar and Assistant Registrars and substituted with the provisions on meetings and procedures of the Commission;
 - (xv) expanded the savings and transition provisions to include assets and other property of the ORPP; rights and obligations vested in the ORPP; and actions, suits or legal proceedings pending by, against or before the ORPP.

- (d) on the proposed nomination of members of the Commission, the PSC is a body whose membership is majorly comprised of members nominated by the majority party and minority party;
- (e) there is need to specify the entity/body that will hear and determine the disputes relating to other decisions of the Commission such as refusal to register a political party;
- (f) that Article 88(4)(d) of the Constitution provides that regulation of the process by which political parties nominate candidates for election is a function of IEBC. In the case of ***Thuranira & 4 Others v Attorney General & 2 Others; Registrar of Political Parties & 3 Others (Interested Parties) [2022] KEHC 482 (KLR)***, the High Court declared that section 34(fd) of the Political Parties Act is unconstitutional as regulation of political party nominations is the mandate of the IEBC and not the Registrar of Political Parties. Therefore, this provision may be amended to align with the provisions of the Constitution and the judgment;
- (g) the Act does not contain financial provisions such as sources of funds for the ORPP; the financial year for the ORPP; and accounts and audits for ORPP. Therefore, there is need to amend the Act by introducing new sections to provide for such provisions;

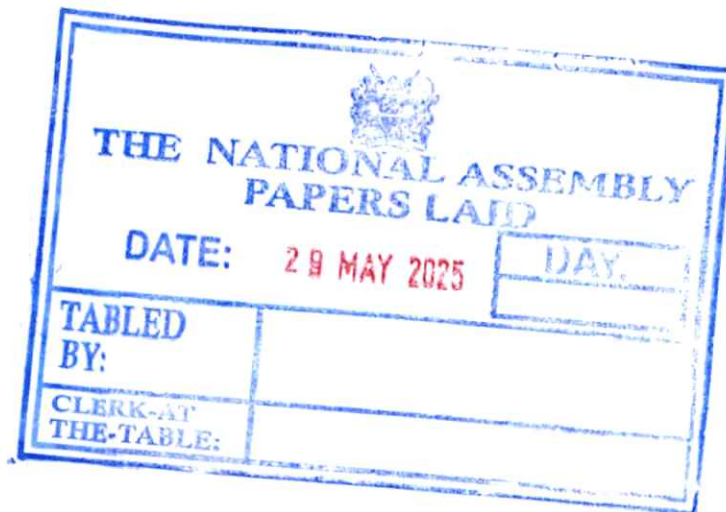
CHAPTER FIVE

5 COMMITTEE RECOMMENDATIONS

107. The Committee, having considered the Political Parties (Amendment) (No. 2) Bill (Senate Bill No. 26 of 2024) and the submissions from members of the public and stakeholders, recommends that the House **approves the Bill with the amendments** contained in the Schedule of Amendments forming Chapter Six of this report.

SIGNED.......... DATE 29.5.2025

HON. GEORGE GITONGA MURUGARA, CBS, MP
CHAIRMAN
DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS





DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

**ADOPTION OF THE COMMITTEE REPORT ON ITS CONSIDERATION OF
THE POLITICAL PARTIES (AMENDMENT) (NO. 2) BILL (SENATE BILL NO. 26 OF 2024)**

We, the Members of the Departmental Committee on Justice and Legal Affairs have, pursuant to Standing Order 199, adopted this Report of the Committee on the Political Parties (Amendment) (No. 2) Bill (Senate Bill No. 26 of 2024) and affixed our signatures to affirm our approval and confirm its accuracy, validity and authenticity:

1. Hon. Murugara George Gitonga, CBS, MP - Chairperson



2. Hon. Mutuse Eckomas Mwengi, OGW, MP - Vice Chair



3. Hon. Gladys Boss, MGH, MP

.....

4. Hon. Farah Maalim, EGH, MP

.....

5. Hon. Silvanus Osoro Onyiego, CBS, MP

.....

6. Hon. Tom Joseph Francis Kajwang', MP

.....

7. Hon. Muchangi Karemba, CBS, MP

.....

8. Hon. Timothy Wanyonyi Wetangula, CBS, MP



9. Hon. (Dr.) Otiende Amollo, SC, MP

.....

10. Hon. Michael Mwangi Muchira, MP

.....

11. Hon. Aden Daud, EBS, MP



12. Hon. John Okwisia Makali, MP

.....

13. Hon. Stephen M. Mogaka, MP

.....

14. Hon. Amina Udgoon Siyad, MP



15. Hon. CPA Zuleka Hulbale Harun, MP



CHAPTER SIX

6 SCHEDULE OF AMENDMENTS

108. In view of the observations made, the Committee proposed the following amendment to the Bill—

CLAUSE 7

THAT, Clause 7 of the Bill be amended—

(a) in the proposed new section 33A, by inserting the following new paragraph after paragraph (a) in subsection (1)—

(aa) regulation and supervision of political parties;

Justification: To comply with Article 92 of the Constitution which requires that the legislation enacted by Parliament on political parties should not only provide for the registration of political parties but also the regulation and supervision of political parties. Therefore, one of the functions of the Commission should be to regulate and supervise political parties.

(b) in the proposed new section 33A, by deleting paragraph (k) in subsection (1);

Justification: To comply the provisions of Article 88(4)(d) and with the court decision in the case of *Thuranira & 4 Others v Attorney General & 2 Others; Registrar of Political Parties & 3 Others (Interested Parties) [2022] KEHC 482 (KLR)*, which the High Court declared that section 34(fd) of the Political Parties Act is unconstitutional as regulation of political party nominations is the mandate of the IEBC and not the Registrar of Political Parties.

(c) in the proposed new section 33B, by deleting the word “Parliament” appearing immediately after the word “approval of” in subsection (1) and substituting therefor the words “National Assembly”

Justification: Article 95(5)(b) of the Constitution provides that it is the function of the National Assembly to exercise oversight State organs. Therefore, the approval of the members of the Commission should be done without the involvement of the Senate.

CLAUSE 14

THAT the Bill be amended by deleting Clause 14.

Justification: The jurisdiction of the Political Parties Disputes Tribunal to hear and determine appeals from decisions of the Registrar, which is being replaced by the Commission, should remain with the Tribunal.

CLAUSE 15

THAT Clause 15 of the Bill be amended in the proposed new Schedule by inserting the following new subparagraph after subparagraph (4) in paragraph (1)—

(4a) The Secretary to the Commission shall be the secretary at the meetings of the Commission.

Justification: To designate the Secretary to the Commission to be the one to provide for secretarial services at the meetings of the Commission.

CLAUSE 16

THAT Clause 16 of the Bill be amended by inserting the following new paragraph after paragraph (d)—

(da) a person who served as the Registrar or Assistant Registrar shall continue serving as the Registrar or Assistant Registrar until the expiry of their term of office;

Justification: To provide a saving provision for the current Registrar and Assistant Registrars which was omitted from the Bill.

NEW CLAUSES

(a) **THAT** the Bill be amended by inserting the following Clause after Clause 5—

5A. The principal Act is amended by inserting the following new section after sections 31—

Funds of the
Commission.

31A. The funds of the Commission shall consist of—

- (a) money appropriated by the National Assembly for the purposes of the Commission;
- (b) any grants, gifts, donations or other endowments to the Commission; and
- (c) such money that may accrue to the Commission in the course of the exercise of its powers or performance of its functions under this Act;

Financial year of the
Commission.

31B. The financial year of the Commission shall be the period of twelve months commencing on the first of July and ending on the thirtieth of June of the subsequent year.

Annual estimates.

32C. (1) At least three months before the commencement of each financial year, the Commission shall cause to be prepared estimates of revenue and expenditure of the Commission for that year.

(2) The annual estimates shall make provision for all the estimated expenditure of the Commission for the financial year concerned and shall, in particular, provide for—

- (a) payment of salaries and remuneration in respect of the members and staff of the Commission;
- (b) payment of pensions, gratuities and other charges in respect of benefits to the staff of the Commission; and

(c) acquiring and maintenance of buildings and grounds of the Commission.

Justification: This seeks to provide for funds of the Commission, the financial year of the Commission and the annual estimates by the Commission which were left out in the Act.

(b) **THAT** the Bill be amended by inserting the following new Clause after Clause 14—

14A. The principal Act be amended by deleting the Fourth Schedule and substituting therefor the following new schedule—

FOURTH SCHEDULE [s. 33E(4)]

**OATH OF OFFICE/SOLEMN AFFIRMATION OF MEMBERS OF THE
INDEPENDENT POLITICAL PARTIES REGULATORY
COMMISSION/CHAIRPERSON AND MEMBERS OF THE POLITICAL
PARTIES DISPUTES TRIBUNAL**

I having been appointed as do solemnly (swear/declare and affirm) that I will at all times obey. Respect and uphold the Constitution of Kenya and all other laws of the Republic of Kenya, and that I will faithfully and fully, impartially and to the best of my ability, discharge the trust and perform the functions and exercise the powers devolving upon me by virtue of this appointment without fear, favour, bias, affection, ill-will or prejudice.

(So help me God)

Sworn/Declared by the said.....

Before me this day of

.....

Chief Justice

Justification: To align the oath/affirmation with the replacement of the ORPP with the Independent Political Parties Regulatory Commission.



THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - FOURTH SESSION-2025
DIRECTORATE OF DEPARTMENTAL COMMITTEES

**MINUTES OF THE 40TH SITTING OF THE DEPARTMENTAL COMMITTEE
ON JUSTICE AND LEGAL AFFAIRS COMMITTEE HELD IN COMMITTEE
ROOM 21, 5TH FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS ON
THURSDAY 29TH MAY 2025 AT 10:00 AM**

PRESENT

1. Hon. Murugara George Gitonga, MP - *Chairperson*
2. Hon. Mutuse Eckomas Mwangi, OGW, MP - *Vice Chairperson*
3. Hon. Muchangi Karemba, CBS, MP
4. Hon. Aden Daud, EBS, MP
5. Hon. Wetangula Timothy Wanyonyi, CBS, MP
6. Hon. (Dr.) Otiende Amollo, SC, MP
7. Hon. Makali John Okwisia, MP
8. Hon. CPA. Sulekha Hulbale Harun, MP

ABSENT WITH APOLOGIES

1. Hon. Gladys Boss, MGH, MP
2. Hon. Maalim Farah, EGH, MP
3. Hon. Onyiengo Silvanus Osoro, CBS, MP
4. Hon. Francis Kajwang' Tom Joseph, MP
5. Hon. Mogaka Stephen M, MP
6. Hon. Muchira Michael Mwangi, MP
7. Hon. Siyad Amina Udgoon, MP

SECRETARIAT

- | | | |
|------------------------|---|-------------------------------|
| 1. Mr. Ahmed Salim | - | Clerk Assistant I |
| 2. Mr. Abdikafar Abdi | - | Clerk Assistant III |
| 3. Mr. Walala Ronald | - | Senior Legal Counsel |
| 4. Mr. Sydney Lugaga | - | Senior Legal Counsel |
| 5. Mr. Abdirahim Omar | - | Fiscal Analyst I |
| 6. Mr. Isaac Nabiswa | - | Legal Counsel II |
| 7. Ms. Vivienne Ogega | - | Research Officer II |
| 8. Mr. Meldrick Sakani | - | Audio Officer |
| 9. Ms. Mary Kamande | - | Public Communications Officer |
| 10. Mr. John Nduaci | - | Serjeant-at-Arms |
| 11. Mr. Shawn Ngoyo | - | Intern, JLAC |

IN ATTENDANCE

- | | | |
|--------------------------|---|--|
| 1. Ms. Mary Wendy Yeboah | - | Senior Legal Officer, Parliament of Ghana |
| 2. Mr. Edwin Tuffour | - | Legal Officer, Parliament of Ghana |
| 3. Ms. Doreen Asante | - | Assistant Administrator, Parliament of Ghana |

AGENDA

1. Prayers
2. Preliminaries
3. Confirmation of Minutes of previous sittings
4. Matters arising
5. Adoption of the Report on the President's memorandum on the Conflict-of Interest Bill, 2023
6. Adoption of the Report on the President's Memorandum on the Anti-Money Laundering and Combating Terrorism Financing Laws (Amendment) Bill 2025
7. Adoption of the Report on Election Offences (Amendment) (No. 2) Bill (Senate Bill No. 28 of 2024)
8. Adoption of the Report on Political Parties (Amendment) (No. 2) Bill (Senate Bill No. 26 of 2024)
9. Any Other Business
10. Adjournment / Date of the Next Meeting

MIN. NO. DDC/JLAC/181/2025: PRELIMINARIES

- a) The meeting was called to order at twenty-six minutes past ten o'clock by the Chairperson followed by a word of prayer and thereafter Members of the Committee introduced themselves. The agenda was adopted, having been proposed by Hon. Otiende Amollo, SC, MP and seconded by Hon. Aden Daud, MP.
- b) The Chairperson thereafter welcomed and introduced a delegation from the Parliament of Ghana, and briefly explained to the delegation about the general conduct of meetings, and in particular, the agenda before the Committee for the day; of which the delegation was to observe.

MIN.NO. DDC/JLAC/182/2025: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING

The agenda was deferred.

MIN.NO. DDC/JLAC/183/2025: ADOPTION OF THE REPORT ON THE PRESIDENT'S MEMORANDUM ON THE CONFLICT-OF INTEREST BILL, 2023

- a) The Committee observed that the proposed amendments by the H.E. the President negated some of the provisions of the mediated version of the Bill that was approved by Parliament pursuant to Article 113 of the Constitution.
- b) Having considered the President's Memorandum of Referral of the Conflict of Interest Bill (*National Assembly Bill No. 12 of 2023*) and pursuant to Article 115(2)(a) of the Constitution, the Committee resolved to recommend that the House does not concur with the President's reservations.

Adoption of the Report

The Committee adopted the Report having being proposed by Hon. Otiende Amollo, SC, MP and seconded by Hon. Aden Daud, MP.

MIN.NO. DDC/JLAC/184/2025: ADOPTION OF THE REPORT ON THE PRESIDENT'S MEMORANDUM ON THE ANTI-MONEY LAUNDERING AND COMBATING TERRORISM FINANCING LAWS (AMENDMENT) BILL 2025

The Committee, having considered the President's Memorandum of Referral of the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill (National

to recommend that the House approves the following amendment to the Bill in light of the President's reservation:

- a) That Clause 3 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

"(2) Any existing office holder appointed under section 25 of the Proceeds of Crime and Anti-Money Laundering Act will complete their tenure under the provisions applicable at the time of their appointment and continue in office until the appointment of the next Director-General."

Adoption of the Report

The Committee adopted the Report having being proposed by Hon. Aden Daud, MP and seconded by Hon. Otiende Amollo, SC, MP.

MIN.NO. DDC/JLAC/185/2025:

ADOPTION OF THE REPORTS ON THE ELECTION OFFENCES (AMENDMENT) BILL, 2024

The Committee, having considered the Election Offences (Amendment) (No. 2) Bill (*Senate Bill No. 28 of 2024*) and the submissions from members of the public and stakeholders, resolved to recommend that the House approves the Bill with the amendments to Clause 2 and 4 of the Bill as contained in the Schedule of Amendments.

Adoption of the Report

The Committee adopted the Report having being proposed by Hon. John Makali, MP and seconded by Hon. CPA Zuleka Hulbale, MP.

MIN. NO. DDC/JLAC/186/2025:

ADOPTION OF THE REPORTS ON THE POLITICAL PARTIES (AMENDMENT) (NO. 2) BILL, 2024

The Committee, having considered the Political Parties (Amendment) (No. 2) Bill (*Senate Bill No. 26 of 2024*) and the submissions from members of the public and stakeholders, resolved to recommend that the House approves the Bill with the amendments contained in the Schedule of Amendments forming Chapter Six of the report.

Adoption of the Report

The Committee adopted the Report, having being proposed by Hon. Timothy Wanyonyi, CBS, MP and seconded by Hon. John Makali, MP.

MIN. NO. DDC/JLAC/187/2024:

ADJOURNMENT

There being no other business, the meeting was adjourned at twenty minutes past twelve noon. The next meeting will be held on notice.

SIGNED:  DATE: 29.5.2025
(CHAIRPERSON HON. MURUGARA GEORGE GITONGA, CBS, MP)



REPUBLIC OF KENYA

PARLIAMENT

SENATE BILLS

(Bill No. 26 of 2024)



**THE POLITICAL PARTIES (AMENDMENT) (NO. 2)
BILL, 2024**

(A Bill published in the Kenya *Gazette* Supplement No. 96 of 7th May, 2024 and passed by the Senate, with amendments, on 5th December, 2024.)

THE POLITICAL PARTIES (AMENDMENT) (NO. 2) BILL, 2024

A Bill for

AN ACT of Parliament to amend the Political Parties Act, Cap. 7D; and for connected purposes.

ENACTED by the Parliament of Kenya as follows—

Short title and commencement.

1. This Act may be cited as the Political Parties (Amendment) Act, 2024 and shall come into force upon publication in the *Gazette*.

Amendment of section 2 of Cap. 7D.

2. Section 2 of the Political Parties Act (hereinafter referred to as the “principal Act”) is amended by—

(a) deleting the definition of the word “Commission” and substituting therefor the following new definition—

“Commission” means the Independent Political Parties Regulatory Commission established under section 33;

(b) by deleting the definition of the term “Registrar”.

Amendment of section 21 of Cap. 7D.

3. Section 21 of the principal Act is amended by deleting subsection (7) and substituting therefor the following new subsection –

(7) A political party which is dissatisfied with the decision of the Commission under subsections (1) or (2) may appeal to the High Court against the decision.

Amendment of Cap. 7D.

4. The principal Act is amended—

(a) by deleting the word “Registrar” wherever it appears and substituting therefor the word “Commission”; and

(b) by deleting the words “Office of the Registrar of Political Parties” wherever they appear and substituting therefor the word “Commission”.

Repeal of section 14A of Cap. 7D.

5. The principal Act is amended by repealing section 14A.

Amendment of section 32 of Cap. 7D.

6. Section 32 of the principal Act is amended by –

(a) deleting subsection (1) and substituting therefor the following new subsection –

(1) The Commission shall keep proper books of account of the income, expenditure and assets of the Commission.

(b) by deleting subsection (2) and substituting therefor the following new subsection –

(2) Within a period of three months after the end of a financial year, the Commission shall submit to the Auditor-General, the accounts of the Commission

together with—

- (a) a statement of the income and expenditure of the Commission during that year; and
- (b) a statement of the assets and liabilities of the Commission during that year.

Repeal and replacement of section 33 of Cap. 7D.

7. The principal Act is amended by repealing section 33 and substituting therefor the following new sections—

Establishment of the Independent Political Parties Regulatory Commission.

33. (1) There is established a Commission known as the Independent Political Parties Regulatory Commission.

(2) The Commission shall be a body corporate with perpetual succession and a seal, and shall be capable, in its own name of—

- (a) acquiring and disposing of property;
- (b) suing and being sued; and
- (c) doing or performing all such acts and things as a body corporate may by law do or perform

Functions of the Commission.

33A. (1) The Commission is responsible for —

- (a) the registration of political parties and their office holders;
- (b) the management of the Political Parties' Fund established under this Act;
- (c) ensuring the publication of audited annual accounts of political parties;
- (d) the verification and making publicly available the list of all members of political parties;
- (e) keeping and maintaining a register of members of registered political parties;
- (f) maintaining a register of political parties and the symbols of the political parties;
- (g) ensuring and verifying that no person is a member of more than

one political party and notifying the Independent Electoral and Boundaries Commission of its findings;

- (h) certifying that an independent candidate in an election is not a member of any registered political party;
- (i) certifying that the symbol intended to be used by an independent candidate in an election does not resemble the symbol of a registered political party;
- (j) certifying that the names appearing in a party list are the names of members of the political party; presenting the party list;
- (k) regulating political party nominations in accordance with this Act;
- (l) training political party election agents upon the request and financing by the political party;
- (m) investigating complaints received under this Act; and
- (n) such other functions as may be conferred on the Commission by national legislation.

(2) The Commission, in the performance of its functions, shall be independent and not subject to the direction or control of any person or authority.

Membership of the Commission.

33B. (1) The Commission shall comprise of five members nominated in accordance with subsection (2) and appointed by the President with the approval of Parliament.

(2) The members of the Commission shall be nominated as follows —

- (a) two members, one man and one woman, nominated by the majority party or coalition of parties in Parliament;
- (b) two members, one man and one woman, nominated by the minority party or coalition of

parties in Parliament; and

- (c) one member nominated by the Parliamentary Service Commission being a representative of nonparliamentary registered political parties.

(3) The members of the Commission shall elect a chairperson and vice chairperson from among themselves—

- (a) at the first sitting of the Commission; and
- (b) whenever it is necessary to fill a vacancy in the office of the chairperson and vice-chairperson.

(4) The chairperson and vice chairperson of the Commission shall not be of the same gender.

Qualifications for appointment as member of the Commission.

33C. (1) A person is qualified for appointment as member of the Commission if that person—

- (a) holds a degree from a university recognised in Kenya;
- (b) has proven knowledge and experience in any of the following fields—
 - (i) finance;
 - (ii) management;
 - (iii) political science;
 - (iv) electoral matters
 - (v) law;
 - (vi) governance; or
 - (vii) public administration;
- (c) has at least ten years post qualification experience in the relevant areas of expertise; and
- (d) meets the requirements of Chapter Six of the Constitution.

(2) A person is not qualified for appointment as a member of the Commission if the person –

- (a) has, at any time within the

preceding five years, held office or stood for election for any elective position in Kenya or as a member of a governing body of a political party.

(b) is an undischarged bankrupt, or

(c) has been removed from office for contravening the provisions of the Constitution or any other law

(3) A person who serves as a member of the Commission is not eligible to contest for any elective position or as a member of a governing body of a political party within five years of the person ceasing to be a member of the Commission

Tenure of office

33D. (1) The members of the Commission shall be appointed for a single term of six years and are not eligible for re-appointment.

(2) The members of the Commission shall serve on a full-time basis

Vacancy in the office of a member of the Commission

33E. (1) The office of a member of the Commission shall become vacant if the holder—

(a) dies;

(b) resigns from office by notice in writing addressed to the President; or

(c) is removed from office in accordance with section 33F.

(2) The President shall publish a notice of a vacancy in the Gazette within seven days of the occurrence of such vacancy.

(3) Whenever a vacancy arises under subsection (1), the nominating body shall, within sixty days from the date of publication of the vacancy, competitively recruit and submit the name of the nominee to the President for appointment.

(4) The members of the Commission shall, before assuming office, take and subscribe to the oath or affirmation prescribed in the Fourth Schedule

Removal from office

33F. (1) A member of the Commission

may be removed from office only on grounds of—

- (a) serious violation of the Constitution or of this Act;
- (b) gross misconduct whether in the performance of the member's or office holder's functions or otherwise;
- (c) physical or mental incapacity to perform the functions of office;
- (d) bankruptcy; or
- (e) incompetence.

(2) A person desiring the removal of a member of the Commission shall present a petition to the Public Service Commission which shall be in writing, setting out the alleged facts constituting the grounds for the removal of the member.

(3) The Public Service Commission shall consider the petition and, if it is satisfied that it discloses the existence of a ground under subsection (1), send the petition to the President.

(4) On receipt and examination of the petition, the President shall—

- (a) suspend the member pending the outcome of the petition; and
- (b) appoint a tribunal in accordance with subsection (5).

(5) The President shall appoint a tribunal consisting of—

- (a) a chairperson who shall be nominated by the Judicial Service Commission and who shall be a person who is qualified to hold office as a judge of a superior court;
- (b) two other persons, a man and a woman, who shall be nominated by the Law Society of Kenya and who shall be qualified to hold office as a

judge of a superior court; and

- (c) two persons, a man and a woman, who shall be nominated by the Association of Professional Societies in East Africa and who have knowledge and experience in public affairs and are competent to assess the facts in respect of the particular ground for removal.

(6) The tribunal shall, within thirty days, investigate the matter and report on the facts to the President who shall act in accordance with the recommendation.

(7) A person who is suspended under this section shall continue, while on suspension, to receive one-half of the remuneration and benefits of the office.

Procedure of the Commission.

33G. (1) The business and affairs of the Commission shall be conducted in accordance with the Sixth Schedule.

(2) Except as provided in the Sixth Schedule, the Commission may regulate its own procedure.

Terms and conditions of service.

33H. The salaries and allowances payable to, and other terms and conditions of service of the members of the Commission shall be determined by the Salaries and Remuneration Commission.

Appointment of the secretary.

33I. (1) There shall be a secretary to the Commission who shall be competitively recruited and appointed by the Commission.

(2) The secretary shall be –

- (a) the chief executive officer of the Commission; and
- (b) the head of the secretariat and shall be responsible to the Commission.

(3) A person is qualified for appointment as a secretary to the Commission if the person—

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognized in

Kenya;

(c) has had at least ten years proven experience at management level;

(d) has extensive experience in public administration; and

(e) meets the requirements of Chapter Six of the Constitution.

(4) The secretary shall hold office for a term of five years and shall be eligible for re-appointment for a further term of five years.

Removal of the secretary. **33J.** (1) The secretary may be removed from office by the Commission in accordance with the terms and conditions of service for—

(a) inability to perform the functions of the office of secretary arising out of physical or mental incapacity;

(b) gross misconduct;

(c) incompetence or neglect of duty;

(d) violation of the Constitution; or

(e) any other ground that would justify removal from office under the terms and conditions of service.

(2) Before the secretary is removed under subsection (1), the Secretary shall be given—

(a) sufficient notice of the allegations made against him or her; and

(b) an opportunity to present his or her defence against the allegations

Powers of the Commission to appoint staff. **33K.** The Commission shall have the power to appoint such other staff as may be necessary for the proper discharge of its functions under this Act and on such terms and conditions of service as the Commission may determine in consultation with the Salaries and Remuneration

Commission.

Repeal of section 34 of Cap. 7D.

8. The principal Act is amended by repealing section 34.

Repeal of section 34A of Cap. 7D.

9. The principal Act is amended by repealing section 34A.

Amendment of section 34C of Cap. 7D.

10. Section 34C of the principal Act is amended –

(a) in subsection (1) by deleting the words “or is deemed to have resigned from the political party and the Registrar has been notified of the resignation” appearing in paragraph (c); and

(b) by deleting subsection (4) and substituting therefor the following new subsection –

(4) A political party that is dissatisfied by the decision of the Commission under subsection (1) may appeal to the High Court.

Repeal of section 36 of Cap. 7D.

11. The principal Act is amended by repealing section 36.

Repeal of section 37 of Cap. 7D.

12. The principal Act is amended by repealing section 37.

Amendment of section 38 of Cap. 7D.

13. Section 38 of the principal Act is amended in subsection (3) by inserting the words “Independent Electoral and Boundaries” immediately after the words “between the Registrar”.

Amendment of section 40 of Cap. 7D.

14. Section 40 of the principal Act is amended in subsection (1) by deleting paragraph (f).

Repeal and substituting of the Sixth Schedule.

15. The principal Act is amended by repealing the Sixth Schedule and substituting therefor the following new schedule –

SIXTH SCHEDULE

(s. 33G)

MEETINGS AND PROCEDURE OF THE COMMISSION

1. Meetings

(1) The Commission shall decide when and where it meets and the meetings shall be convened by the chairperson.

(2) The Commission shall have at least four meetings in every financial year and not more than four months shall elapse between one meeting and the next meeting.

(3) Unless three members otherwise agree, at least seven days’ notice in writing of a meeting shall be given to every member.

(4) A meeting shall be presided over by the chairperson or in

the absence of the chairperson, by the vice-chairperson.

- (5) The Commission may invite any person to attend any of its meetings and to participate in its deliberations, but such person shall not have a vote in any decision of the Commission.

2. Committees of the Commission

- (1) The Commission may, from time to time, establish committees for the better carrying out of its functions.

- (2) The Commission may—

(a) co-opt into the membership of a committee established under subsection (1) other persons whose knowledge and skills are necessary for the functions of the Commission;

(b) hire such experts or consultants as are necessary for the functions of the Commission.

3. Conflict of interest

- (1) If any person has a personal or fiduciary interest in any matter before the Commission, and is present at a meeting of the Commission or any committee at which any such matter is the subject of consideration, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in any consideration or discussion of, or vote on any question touching such matter.

- (2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

- (3) A person who contravenes subparagraph (1) commits an offence.

- (4) No member or staff of the Commission shall transact any business or trade with the Commission.

3. Quorum

Subject to subparagraph (2), the quorum of the meeting shall be three members.

4. Voting

A question before the Commission shall be decided with a supporting vote majority of the members present.

5. Rules of procedure and minutes

The Commission shall—

- (a) determine rules of procedure for the conduct of its business; and

- (b) keep minutes of its proceedings and decisions.

Savings and
Transition
provision.


16. On the commencement of this Act – –

- (a) all the funds, assets and other property movable and immovable which immediately before that day, were held in the name of the Office of the Registrar of Political Parties shall, without further assurance, vest in the Commission;
- (b) all rights, powers, liabilities and duties, whether arising under any written law or otherwise, which immediately before that day were vested in, imposed on or enforceable by or against the Office of the Registrar of Political Parties shall, be transferred to, vested in, imposed on or enforceable by or against the Commission;
- (c) all actions, suits or legal proceedings pending by, against or before the Office of the Registrar of Political Parties shall be carried on or prosecuted by, against or before the Commission;
- (d) all records kept, certificate issued, actions taken and decisions made by the Office of the Registrar of Political Parties shall, deemed to have been kept, issued or made by the Commission;
- (e) a person who immediately before that day was a member of staff of the Office of the Registrar of Political Parties shall be deemed to be a member of staff of the Commission and shall continue to serve under the same terms and conditions.

I certify that this printed impression is a true copy of the Bill as passed by the Senate on 5th December, 2024.


Clerk of the Senate

Endorsed for presentation to the National Assembly in accordance with the provisions of standing order 161 of the Senate Standing Orders.


Speaker of the Senate

PRINTED BY THE CLERK OF THE SENATE



REPUBLIC OF KENYA
13TH PARLIAMENT – FOURTH SESSION – 2025
THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118(1) (b) OF THE CONSTITUTION
AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF SESSIONAL PAPER NO. 1
OF 2025 ON THE FOREIGN POLICY OF THE REPUBLIC OF KENYA

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees;

AND WHEREAS, Sessional Paper No. 1 of 2025 on the Foreign Policy of the Republic of Kenya was submitted to the National Assembly and referred to the Departmental Committee on Defence, Intelligence and Foreign Relations for consideration and reporting to the House;

IT IS NOTIFIED that Sessional Paper No. 1 of 2025 on the Foreign Policy of the Republic of Kenya seeks to enhance the country's standing as a regional leader and an effective advocate of Africa's interests at a global stage. The specific objectives of the Policy are to:-

- (1) Protect Kenya's sovereignty and territorial integrity;
- (2) Promote regional and global peace and security;
- (3) Advance the country's development agenda and economic prosperity;
- (4) Position Kenya as a leader in environmental and climate action;
- (5) Project, promote and protect the country's image and prestige globally;
- (6) Promote sub-regional and regional integration and cooperation;
- (7) Promote international cooperation multilateralism and active participation in global governance; and
- (8) Enhance the voice of Kenyans in diaspora and promote and protect their interests and welfare abroad.

NOW THEREFORE, in compliance with Article 118(1)(b) of the Constitution, the Clerk of the National Assembly hereby invites the public to submit memoranda on the Sessional Paper to the Departmental Committee on Defence, Intelligence and Foreign Relations.

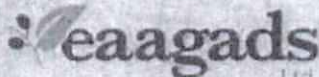
Copies of the Sessional Paper are available at the National Assembly Table Office, Main Parliament Buildings and on <https://parliament.go.ke/the-national-assembly/house-business/paper-1a1>

Memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to csa@parliament.go.ke to be received on or before Tuesday, 4th March 2025 at 5.00 p.m.

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY

18th February 2025

"For the Welfare of Society and the Just Government of the People"



(Company Number: C.5/54)

The Capital Markets Act
(Chapter 485A of the Laws of Kenya)
Capital Markets (Public Offers, Listings and Disclosures) Regulations, 2023

PUBLIC ANNOUNCEMENT

CHANGE IN THE OPERATING MODEL

The Board of Directors of Eaagads Limited (the Company) wishes to notify its esteemed shareholders, the general investor community and the public of the discontinuation of the outsourced management function of the Company's coffee operations from Coffee Management Services Limited (CMS) effective 1st April, 2025.

The activities that have been brought inhouse include coffee production, coffee quality, milling, cost management, marketing strategies and sales.

The transition is expected to have minimal impact on employees engaged in the Company's operations. They will continue under their current terms of employment.

This change is designed to streamline processes and enhance efficiency ultimately delivering improved financial results for the shareholders.

The Board thanks CMS for their valued services over the years in ensuring the coffee farm is a premier coffee producer.

By order of the Board
Date: 12th February 2025
Winnie Jumba
Company Secretary

DISCLAIMER: This announcement is for informational purposes only. As a matter of policy, the Capital Markets Authority assumes no responsibility for the correctness of any statements or opinions made or reports contained in this announcement.



REPUBLIC OF KENYA
13TH PARLIAMENT – FOURTH SESSION – 2025
THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118(1) (b) OF THE CONSTITUTION
AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:-

- (1) THE COMPUTER MISUSE AND CYBERCRIME (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2024);
- (2) THE PUBLIC TRANSPORT (MOTORCYCLE REGULATIONS) BILL (SENATE BILL NO. 38 OF 2023);
- (3) THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILL NO. 40 OF 2023);
- (4) THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILL NO. 55 OF 2023);
- (5) THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2024);
- (6) THE POLITICAL PARTIES (AMENDMENT) (No. 2) BILL (SENATE BILL NO. 28 OF 2024); AND
- (7) THE ELECTIONS (AMENDMENT) (No. 2) BILL (SENATE BILL NO. 29 OF 2024)

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees, and Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation;

AND WHEREAS, the Computer Misuse and Cybercrime (Amendment) Bill (National Assembly Bill No. 41 of 2024); the Public Transport (Motorcycle Regulations) Bill (Senate Bill No. 38 of 2023); the Public Finance Management (Amendment) Bill (Senate Bill No. 40 of 2023); the Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2023); the Intergovernmental Relations (Amendment) Bill (Senate Bill No. 12 of 2024); the Political Parties (Amendment) (No. 2) Bill (Senate Bill No. 28 of 2024); and the Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024) were Read a First Time and referred to the relevant Departmental Committees for consideration and reporting to the House;

IT IS NOTIFIED that:-

- (1) The Computer Misuse and Cybercrime (Amendment) Bill (National Assembly Bill No. 41 of 2024) is sponsored by Hon. Adan Daud Mohamed, MP. The Bill seeks to amend the Computer Misuse and Cybercrimes Act, Cap 79C to prohibit the use of electronic mediums to promote terrorism and extreme religious cultic practices.
- (2) The Public Transport (Motorcycle Regulations) Bill (Senate Bill No. 38 of 2023) is sponsored by Sen. Bani Khaswala, MP. The Bill seeks to put in place a legal framework to regulate the use of motorcycles (bodabodas) in Kenya by introducing new provisions for their registration, operation, and safety at the county level.
- (3) The Public Finance Management (Amendment) Bill (Senate Bill No. 40 of 2023) is sponsored by Sen. Hamdi Ali Kibwana, MP. The Bill seeks to amend the Public Finance Management Act, No. 16 of 2012 to require county governments to develop and implement a county revenue collection system. This will boost revenue collection by the county governments and ensure counties realise their revenue targets. Further, the Bill proposes to amend the Public Finance Management Act to provide for the process of funding of functions that have been transferred from one level of government to another under Article 187 of the Constitution.
- (4) The Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2023) is sponsored by Sen. Mohamed Abass Sheikh, MP. The Bill seeks to establish a regulatory and institutional framework for the fire and rescue services professionals and to provide for the registration, licensing, and training of the fire and rescue services professionals.
- (5) The Intergovernmental Relations (Amendment) Bill (Senate Bill No. 12 of 2024) is sponsored by the Senate Majority Leader. The Bill seeks to amend the Intergovernmental Relations Act, No. 2 of 2012 to establish a structured framework for intergovernmental relations. This will enhance intergovernmental relations amongst the national government, County executive and County assemblies.
- (6) The Political Parties (Amendment) (No. 2) Bill (Senate Bill No. 28 of 2024) is co-sponsored by the Senate Majority Leader and the Senate Minority Leader. The Bill seeks to give effect to some of the recommendations and views of the public that were submitted during the national dialogue discourse on the issues of Electoral Justice and Related Matters; Outstanding Constitutional Matters; Fidelity to Political Parties/Coalitions and the law on multiparty democracy; Entrenchment of the National Government Constituencies Development Fund; the Senate Oversight Fund and the National Government Affirmative Action Fund and Establishment and Entrenchment of State Offices.
- (7) The Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024) is co-sponsored by the Senate Majority Leader and the Senate Minority Leader. The Bill seeks to give effect to some of the recommendations and views of the public that were submitted during the national dialogue discourse on the issues of Electoral Justice and Related Matters; Outstanding Constitutional Matters; Fidelity to Political Parties/Coalitions and the law on multiparty democracy; Entrenchment of the National Government Constituencies Development Fund; the Senate Oversight Fund and the National Government Affirmative Action Fund and Establishment and Entrenchment of State Offices.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and National Assembly Standing Order 127(3), the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bills to the Departmental Committees specified below:-

S/ NO	BILL	COMMITTEE
1.	The Computer Misuse and Cybercrime (Amendment) Bill (National Assembly Bill No. 41 of 2024)	Communication, Information and Innovation
2.	The Public Transport (Motorcycle Regulations) Bill (Senate Bill No. 38 of 2023)	Transport and Infrastructure
3.	The Public Finance Management (Amendment) Bill (Senate Bill No. 40 of 2023)	Finance and National Planning
4.	The Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2023)	Regional Development
5.	The Intergovernmental Relations (Amendment) Bill (Senate Bill No. 12 of 2024)	
6.	The Political Parties (Amendment) (No. 2) Bill (Senate Bill No. 28 of 2024)	Justice and Legal Affairs
7.	The Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024)	

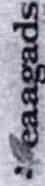
Copies of the Bills are available at the National Assembly Table Office, Main Parliament Buildings and on www.parliament.go.ke/the-national-assembly/house-business/bills.

The memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41842- 00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to csa@parliament.go.ke to be received on or before Wednesday, 5th March, 2025 at 5.00 p.m.

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY

18th February, 2025

"For the Welfare of Society and the Just Government of the People"



(Company Number C.S.594)

The Capital Markets Act
(Chapter 483A of the Laws of Kenya)
Capital Markets (Public Offers, Listings and Disclosure) Regulations, 2023

PUBLIC ANNOUNCEMENT

CHANGE IN THE OPERATING MODEL

The Board of Directors of Eaagads Limited (the Company) wishes to notify its esteemed shareholders, the general investor community and the public of the discontinuation of the outsourced management function of the Company's coffee operations from Coffee Management Services Limited (CMS) effective 1st April 2025.

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The transition is expected to have minimal impact on employees engaged in the Company's operations. They will continue under their current terms of employment. This change is designed to streamline processes and enhance efficiency ultimately delivering improved financial results for the shareholders.

The Board thanks CMS for their valued services over the years in ensuring the coffee farm is a premier coffee producer.

By order of the Board

Date: 12th February 2025

Winnie Jumba
Company Secretary

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**THIRTEENTH PARLIAMENT – FOURTH SESSION (2025)
IN THE MATTER OF ARTICLE 118(1) (B) OF THE CONSTITUTION
AND
THE NATIONAL ASSEMBLY**

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF SESSIONAL PAPER NO. 1 OF 2025 ON THE FOREIGN POLICY OF THE REPUBLIC OF KENYA

INVITATION TO SUBMIT MEMORANDA

WHEREAS Article 118(1)(B) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees;

AND WHEREAS Sessional Paper No. 1 of 2025 on the Foreign Policy of the Republic of Kenya was submitted to the National Assembly and referred to the Departmental Committee on Defence, Intelligence and Foreign Relations for consideration and reporting to the House;

IT IS NOTIFIED that Sessional Paper No. 1 of 2025 on the Foreign Policy of the Republic of Kenya seeks to enhance the country's standing as a regional leader and an effective advocate of Africa's interests at a global stage. The specific objectives of the Policy are to—

1. Protect Kenya's sovereignty and territorial integrity;
2. Promote regional and global peace and security;
3. Advance the country's development agenda and climate action;
4. Position Kenya as a leader in environmental and climate action;
5. Project, promote and protect the country's image and prestige globally;
6. Promote international cooperation, multilateralism and active participation in global forums; and
7. Enhance the voice of Kenyans in diaspora and promote and protect their interests and welfare abroad.

NOW THEREFORE, in compliance with Article 118(1)(B) of the Constitution, the Clerk of the National Assembly hereby invites the public to submit memoranda on the Sessional Paper to the Departmental Committee on Defence, Intelligence and Foreign Relations.

Copies of the Sessional Paper are available at the National Assembly Table Office, Main Parliament Buildings, and on <https://www.parliament.go.ke/national-assembly/sessional-papers>

The memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to parliament@parliament.go.ke to be received on or before Tuesday, 4th March 2025 at 5.00 p.m.

S. MUROOKI, CDS
CLERK OF THE NATIONAL ASSEMBLY
15th February 2025



**REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION (2025)**

**IN THE MATTER OF ARTICLE 118(1) (B) OF THE CONSTITUTION
AND
THE NATIONAL ASSEMBLY**

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF—

(1) THE COMPUTER MISUSE AND CYBERCRIME (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2024);

(2) THE PUBLIC TRANSPORT (MOTORCYCLE REGULATIONS) BILL (SENATE BILL NO. 38 OF 2024);

(3) THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILL NO. 40 OF 2024);

(4) THE FIRE AND RESCUE SERVICES PROFESSIONALS BILL (SENATE BILL NO. 55 OF 2024);

(5) THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL (SENATE BILL NO. 13 OF 2024);

(6) THE POLITICAL PARTIES (AMENDMENT) (No. 2) BILL (SENATE BILL NO. 31 OF 2024); AND

(7) THE ELECTIONS (AMENDMENT) (No. 2) BILL (SENATE BILL NO. 29 OF 2024)

INVITATION TO SUBMIT MEMORANDA

WHEREAS Article 118(1) (B) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees, and Standing Order 127(18) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation;

AND WHEREAS the Computer Misuse and Cybercrime (Amendment) Bill (National Assembly Bill No. 41 of 2024), the Public Transport (Motorcycle Regulations) Bill (Senate Bill No. 38 of 2024), the Public Finance Management (Amendment) Bill (Senate Bill No. 40 of 2024), the Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2024), the Intergovernmental Relations (Amendment) Bill (Senate Bill No. 13 of 2024), the Political Parties (Amendment) (No. 2) Bill (Senate Bill No. 31 of 2024) and the Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024) were read a First Time and referred to the relevant Departmental Committees for consideration and reporting to the House;

IT IS NOTIFIED that—

(1) The Computer Misuse and Cybercrime (Amendment) Bill (National Assembly Bill No. 41 of 2024) is sponsored by Sen. Mohamed Abasi Sheikh, MP. The Bill seeks to establish a regulatory and operational framework for the fire and rescue services professionals and to provide for the registration, licensing, and training of the fire and rescue services professionals.

(2) The Public Transport (Motorcycle Regulations) Bill (Senate Bill No. 38 of 2024) is sponsored by Sen. Baki Babalola, MP. The Bill seeks to put in place a legal framework to regulate the use of motorcycles (liberalised in Kenya) by introducing new provisions for their registration, operation, and safety at the county level.

(3) The Public Finance Management (Amendment) Bill (Senate Bill No. 40 of 2024) is sponsored by Sen. Hamidi Ali Kilianwa, MP. The Bill seeks to amend the Public Finance Management Act, No. 18 of 2012 to require county governments to develop and implement a county revenue collection system. This will boost revenue collection by the county governments and ensure county revenue is used for the intended target. The Bill proposes to amend the Public Finance Management Act to provide for the conduct of any necessary audits that have been transferred from one level of government to another under Article 187 of the Constitution.

(4) The Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2024) is sponsored by Sen. Mohamed Abasi Sheikh, MP. The Bill seeks to establish a regulatory and operational framework for the fire and rescue services professionals and to provide for the registration, licensing, and training of the fire and rescue services professionals.

(5) The Intergovernmental Relations (Amendment) Bill (Senate Bill No. 13 of 2024) is sponsored by the Senate Majority Leader. The Bill seeks to amend the Intergovernmental Relations Act, No. 2 of 2012, to establish a structured framework for intergovernmental relations. This will enhance intergovernmental relations amongst the national government, County executive and County assemblies.

(6) The Political Parties (Amendment) (No. 2) Bill (Senate Bill No. 31 of 2024) is sponsored by the Senate Majority Leader and the Senate Minority Leader. The Bill seeks to give effect to some of the recommendations and views of the public that were submitted during the national dialogue discourse on the issues of Electoral Justice and Related Matters, Outstanding Constitutional Matters, Stability to Political Parties/Coalitions and the Law on multiparty democracy, Entrenchment of the National Government Constitutional Development Fund, the Senate Oversight Fund and the National Government Affirmative Action Fund and Establishment and Entrenchment of State Offices.

(7) The Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024) is sponsored by the Senate Majority Leader and the Senate Minority Leader. The Bill seeks to give effect to some of the recommendations and views of the public that were submitted during the national dialogue discourse on the issues of Electoral Justice and Related Matters, Outstanding Constitutional Matters, Stability to Political Parties/Coalitions and the Law on multiparty democracy, Entrenchment of the National Government Constitutional Development Fund, the Senate Oversight Fund and the National Government Affirmative Action Fund and Establishment and Entrenchment of State Offices.

NOW THEREFORE, in compliance with Article 118(1) (B) of the Constitution and National Assembly Standing Order 127(18), the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bill to the Departmental Committee specified below—

No.	Bill	Departmental Committee
1.	The Computer Misuse and Cybercrime (Amendment) Bill (National Assembly Bill No. 41 of 2024)	Communication, Information and Innovation
2.	The Public Transport (Motorcycle Regulations) Bill (Senate Bill No. 38 of 2024)	Transport and Infrastructure
3.	The Public Finance Management (Amendment) Bill (Senate Bill No. 40 of 2024)	Finance and National Planning
4.	The Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2024)	Regional Development
5.	The Intergovernmental Relations (Amendment) Bill (Senate Bill No. 13 of 2024)	
6.	The Political Parties (Amendment) (No. 2) Bill (Senate Bill No. 31 of 2024)	Justice and Legal Affairs
7.	The Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024)	

Copies of the Bills are available at the National Assembly Table Office, Main Parliament Buildings, and on www.parliament.go.ke/national-assembly/sessional-papers

The memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to parliament@parliament.go.ke to be received on or before Wednesday, 4th March 2025 at 5.00 p.m.

S. MUROOKI, CDS
CLERK OF THE NATIONAL ASSEMBLY
15th February 2025



THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote:

Ref: NA/DDC/JLAC/2025/017

10th April 2025

Hon. Winfridah Boyani Mokaya, CBS

Chief Registrar of the Judiciary
Judicial Service Commission
Supreme Court Building
NAIROBI

CPA Marjan Hussein Marjan, MBS

Commission Secretary / Chief Executive Officer
Independent Electoral and Boundaries Commission
University Way, Anniversary Towers, 6th Floor
NAIROBI

Hon. Shadrack Mose, CBS

Solicitor General
The State Law Office and Department of Justice
Sheria House, Harambee Avenue
NAIROBI

Ms. Anne Njeri Nderitu, CBS

Registrar of Political Parties
Office of the Registrar of Political Parties
Lions Place, 1st Floor
Karuna Close, Waiyaki Way Westlands
NAIROBI

Mr. Joash Dache, MBS

Chief Executive Officer / Commission Secretary
Kenya Law Reform Commission,
Reinsurance Plaza, 3rd Floor, Taifa Road
NAIROBI

Ms. Florence W. Muturi

Chief Executive Officer
Law Society of Kenya (LSK)
Lavington, Opposite Valley Arcade, Gitanga Road
NAIROBI

Mr. Felix Owuor

Executive Director
Electoral Law and Governance Institute for Africa (ELGIA)
Landmark Plaza, 13th Floor Argwings Kodhek Rd
NAIROBI

Mr. Nyang'ori Ohenjo

Chief Executive Officer
Centre for Minority Rights Development
Kisamis Town, Magadi Road, Ongata Rongai
NAIROBI

Mr. Frankline Mukwanja

Executive Director
Centre for Multiparty Democracy
6th Floor, International House
Mama Ngina Street
NAIROBI

Mr. Joshua Changwony

Executive Director
Constitution and Reform Education Consortium
Matumbato 45, Off Upper Hill Road
NAIROBI

Mr. Mulle Musau

National Coordinator
Elections Observation Group (ELOG)
Jumuia Place, Lenana Road
NAIROBI

Mr. Ukeh Michael Obaje

Country Director
International Foundation of Electoral System
Embankment Plaza, Longonot Rd
NAIROBI

Ms. Nora Mbagathi

Executive Director
Katiba Institute
House No.5 - The Crescent-Off Parklands Road
NAIROBI

Mr. Evans Misati James

Chairman
Political Parties Liaison Committee
Lions Place, 1st Floor, Karuna Close
Waiyaki Way Westlands
NAIROBI

Mr. Linus Nthigai

Ag. Executive Director
Inter-Religious Council of Kenya
Mararo Avenue off Gitanga Road
NAIROBI

Ms. Oliver Waindi
Chairperson
Uraia Trust
Jacaranda Avenue, off Gitanga Road
NAIROBI

Ms. Caroline Gaita
Executive Director
Mzalendo Trust
ACK Garden House, 2nd Floor, Wing A
1st Ngong Avenue
NAIROBI

Dr. Wambua Kituku
Ag. Executive Director
Kituo cha Sheria
Ole Odume Rd, Off Argwings Kodhek Rd
NAIROBI

Ms. Mary Mwiti, EBS
Chief Executive Officer
Council of Governors
2nd Floor, Westlands Delta House, Waiyaki Way
NAIROBI

Arch. Sylvia Kasanga
The Architects Alliance
6th Floor, Fortis Tower
Woodvale Grove, Westlands
NAIROBI

The Cradle, The Children Foundation
702 Dhanjay Apartments
Hendred Avenue, off Gitanga Road
NAIROBI

Dear

RE: INVITATION BY THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS TO SUBMIT VIEWS ON THE POLITICAL PARTIES (AMENDMENT) (NO.2) BILL (SENATE BILL NO. 26 OF 2024); THE ELECTIONS OFFENCES (AMENDMENT) (NO.2) BILL (SENATE BILL NO. 28 OF 2024); AND THE ELECTIONS (AMENDMENT) (NO.2) BILL (SENATE BILL NO. 29 OF 2024) CO-SPONSORED BY THE SENATE MAJORITY LEADER AND SENATE MINORITY LEADER

The Departmental Committee on Justice and Legal Affairs is established pursuant to Standing Order 216 of the National Assembly Standing Orders, and are mandated to *inter alia*, 'study and review all legislation referred to it.'

The following three Bills are before the Committee for consideration and reporting back to the House:

1. The Political Parties (Amendment) (No.2) Bill (Senate Bill No. 26 of 2024) co-sponsored by the Senate Majority Leader and Senate Minority Leader;
2. The Elections Offences (Amendment) (No.2) Bill (Senate Bill No. 28 of 2024) co-sponsored by the Senate Majority Leader and Senate Minority Leader; and

3. The Elections (Amendment) (No.2) Bill (Senate Bill No. 29 of 2024) co-sponsored by the Senate Majority Leader and Senate Minority Leader.

The Bills seek to give effect to some of the recommendations and views of the public that were submitted during the national dialogue discourse on the Issues of Electoral Justice and Related Matters; Outstanding Constitutional Matters; Fidelity to Political Parties/Coalitions and the law on multiparty democracy; Entrenchment of the National Government Constituencies Development Fund; the Senate Oversight Fund and the National Government Affirmative Action Fund and Establishment and Entrenchment of State Offices.

Article 118(1)(b) of the Constitution of Kenya and National Assembly Standing Order 127(3) require Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees. Due to the great public interest in the Bills, the Committee has resolved to meet critical stakeholders to make submissions on the Bills.

In this regard, the Committee invites you for a meeting on **Thursday, 17th April 2025** at **10:00am** at a venue, within Parliament Buildings, to be confirmed in due course. The agenda of the meeting is to receive your views on the Bills.

You are requested to prepare your written submissions in a matrix format that indicates the section of the Act, specific clause, proposed amendment and justification, for each of the Bills separately. Twenty (20) hard copies of the submissions to be availed to the meeting, soft copies of which may be sent to the Committee through the Office of the Clerk of the National Assembly via email: cna@parliament.go.ke by Wednesday, 16th April 2025.

Hard copies of the Bills are available at the National Assembly Table Office, Main Parliament Building while electronic copies may be accessed on the Parliament website: www.parliament.go.ke/the-national-assembly/house-bills for reference.

Our Liaison Officers on this matter are **Mr. Ahmed Salim** who may be contacted on tel. no. **0710204056** or email: ahmed.salim@parliament.go.ke **Ms. Jael Ayiego Kilaka** tel. no. **0725385945** or email: jael.kilaka@parliament.go.ke **Mr. Abdikafar Abdi Sheikh** on tel. no. **0715456503** or email: abdikafar.sheikh@parliament.go.ke.

Yours



JEREMIAH M. NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: - **Hon. Dorcas Agik Oduor, SC, OGW, EBS**
The Attorney General
The State Law Office and the Department of Justice
Sheria House, Harambee Avenue
NAIROBI

KENYA LAW REFORM COMMISSION



"A Vibrant Agency for Responsive Law Reform"

Telegrams: "LAWREFORM" NAIROBI
Telephone: Nairobi, +254-20-2241186/2241201
Fax: +254-20-2225786
www.info@klrc.go.ke

When replying please quote

Ref. No. KLRC/8/64VOL.IV/(32)
and Date



KENYA LAW REFORM COMMISSION
REINSURANCE PLAZA
3RD FLOOR
TAIFA ROAD
P.O. Box 34999-00100
NAIROBI, KENYA

17th April, 2025₂₀

The Clerk of the National Assembly
Clerk's Chambers
National Assembly
Parliament Building
P.O. Box 41842-00100
NAIROBI

(Attn: Mr. Jeremiah Nombi, MBS)

RE: INVITATION BY THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS TO SUBMIT VIEWS ON THE POLITICAL PARTIES (AMENDMENT)(NO.2) BILL (SENATEBILL NO. 26 OF 2024); ELECTION OFFENCES (AMENDMENT) (NO.2) BILL, (SENATE BILL NO. 28 OF 2024 AND THE ELECTIONS (AMENDMENT) (NO.2) SENATE BILL NO. 20 OF 2024 CO-SPONSORED BY THE SENATE MAJORITY LEADER AND SENATE MINORITY LEADER

Your letter Ref. NA/DDC/JLAC/2025/017 on the above subject dated 10th April, 2025 refers.

The Kenya Law Reform Commission has analyzed the proposals and makes the following comments:

BILL	CLAUSE	KLRC PROPOSAL	RATIONALE
Political Parties (Amendment) Bill 2024	5 and 10 Repeal of section 14A When a member may be deemed to have resigned from a political party	A deeming provision serves the following purposes: 1. Upholds party discipline and loyalty. 2. Discourages political opportunism. 3. Preserves the integrity of a party list and	Repealing Section 14A will offend the Constitution. Article 103 requires Parliament to enact legislation providing for circumstances under which of political party shall be deemed to have resigned.

		<p>allows a party to maintain control over who represents it.</p> <p>4. Prevents political betrayal or conflict of interests.</p> <p>In practical terms, it will allow politicians to support rival agenda and this could erode party loyalty and policy coherence.</p>	
	7 establishment of an independent Political Parties Regulatory Commission	Replacing the Registrar with a Commission could increase professionalism and independence in party regulation.	The proposed Commission could still be politicized if not well insulated from political influence.
Elections (Amendment) Bill, 2024	15 deletes section 31 (2) (2E) and (2F) of the Act which provides that the IEBC shall, upon the request of a political party, conduct and supervise the nomination of candidates by the political party for presidential, parliamentary or county elections in accordance with Article 88 of the Constitution.	These subsections should not be deleted.	The deletion offends Article 88 (4) of the Constitution which provides that the IEBC is responsible for conducting and supervising elections to any elective body or office and any other elections as may be prescribed.
	22 deletes and replaces section 39 which deals with determination and declaration of results	The proposed version leaves out live-streaming of the results as announced at polling stations	Scrapping live-streaming of results undermines transparency, especially given the fact that in the past elections technological transparency helped public confidence.

	27 deletes section 48 on validity of recall election		<p>Already past amendments to Part IV of the Act (Recall of Member of Parliament) have offended the spirit of Article 104 of the Constitution which requires Parliament to enact legislation to provide the grounds upon which a member may be recalled.</p> <p>The Court declared sections 45(2)(3) and (6), 46(1)(b)(ii) and (c) and 48 of the Elections Act and sections 27(2)(3) and (6) and 28(1)(b)(ii) and (c) of the County Governments Act are meaningless and superfluous; or, that they fall far short of the constitutional imperative in Article 104 of the Constitution and to that extent are unconstitutional.</p> <p>(Katiba Institute & another v Attorney General & another [2017] eKLR)</p>
	Clause 27 deletes section 74 on settlement of certain disputes by the IEBC		This amendment offends Article 88(e) which gives the IEBC the mandate to settle electoral disputes including disputes relating to or arising from nominations.
Election Offences (Amendment) Bill, 2024	General comment	Harsh penalties may discourage IEBC staff from working under pressure or in volatile regions.	In regions with logistical challenges, delays may occur unintentionally— laws need to account for context

Conclusion: KLRC recommends that the provisions touching on the letter and spirit of the Constitution (Articles 88, 103 and 104) should be withdrawn.			

We thank you for your continued support and cooperation.



Peter M. Musyimi, HSC
Ag. SECRETARY/CEO

Copy to:

Hon. Dorcas A. Oduor, SC, OGW, EBS
The Attorney General
The State Law Office and the Department of Justice
Sheria House, Harambee Avenue
NAIROBI



702 Dhanjay Apartments
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**MEMORANDUM ON POLITICAL PARTIES (AMENDMENT) NO 2 BILL
(SENATE BILL NO 26 OF 2024)**

Clause	Specific Provision (Verbatim from the Bill)	Proposed Amendment	Justification for the Amendment
<p>Clause 7 Composition of the Independent Political Parties Regulatory Commission (Section 33B(2))</p>	<p>33B The Commission shall comprise of five members nominated in accordance with subsection (2) and appointed by the president with the approval of parliament. 2. the members of the commission shall be nominated as follows (c) one member nominated by the Parliamentary Service Commission, being a representative of non-parliamentary registered political parties.</p>	<p>Amend to read: 2. the members of the commission shall be nominated as follows (c) one member nominated by the Parliamentary Service Commission, being a representative of non-parliamentary registered political parties or civil society with expertise in political governance.</p>	<p>Ensures inclusivity and independence of the Commission by including experts from civil society or academia. Strengthens democratic oversight and enhances public confidence in the Commission's impartiality.</p>
<p>Clause 7 Appointment Process of Commissioners (Section 33B(1))</p>	<p>33B The Commission shall comprise of five members nominated in accordance with subsection (2) and appointed by the president with the approval of parliament</p>	<p>Insert new clause to read: 33B (1A) The process of appointment shall be based on recommendations by the Public Service Commission of the commissioner and shall include public participation to ensure transparency and merit-based selection</p>	<p>Ensures accountability and transparency in the appointment process. Aligns with Article 10 of the Constitution on public participation and good governance.</p>
<p>Clause 7 – Independence of the Commission (Section 33A(2))</p>	<p>(2) The Commission, in the performance of its functions, shall be an independent office and shall not be under the direction or control of any person or authority.</p>	<p>Amend to insert a new subclause to read: (3) The Commission, in the performance of its functions, shall be an independent office, not under the direction or control of any person or authority, and shall receive a dedicated budgetary allocation approved by Parliament to ensure financial autonomy."</p>	<p>Prevents political interference by ensuring financial independence. Strengthens the Commission's ability to regulate political parties impartially.</p>

Clause	Specific Provision (Verbatim from the Bill)	Proposed Amendment	Justification for the Amendment
<p>Clause 8 – Removal of Section 34 of the Principal Act</p>	<p>(Repeal of Section 34: Functions of the Registrar, including party funding oversight and compliance audits.)</p>	<p>Amend to retain key oversight functions by adding: "The Commission shall conduct annual compliance audits of political parties to ensure adherence to financial and governance regulations and shall submit a report to Parliament."</p>	<p>Enhances financial oversight and compliance in political party funding. Ensures transparency in the use of public funds allocated to parties. Aligns with Chapter Six of the Constitution on integrity.</p>
<p>Clause 10– Definition of Political Party Membership (Section 34 (C (1))</p>	<p>Section 34C of the principal Act is amended</p> <p>(a) In sub-section (1) by deleting the words “or is deemed to have resigned from the political party and the registrar has been notified of the resignation” appearing in paragraph (c);</p>	<p>Amend to replace "deemed to have resigned" with a clear process of voluntary resignation that requires written confirmation from the member.</p>	<p>Prevents arbitrary expulsions that could be politically motivated. Protects political rights under Article 38 of the Constitution. Ensures fairness and due process in party membership resignation.</p>
<p>Clause 7 – Political Party Membership List (Section 33A(1)(d))</p>	<p>33A (1) The Commission is responsible for-</p> <p>(d) the verification and making publicly available the list of all members of political parties.</p>	<p>Amend the sub-clause so as to read as: (d) the verification, regular updating, and making publicly available the list of all members of political parties to ensure accuracy and prevent fraudulent membership claims.</p>	<p>Prevents double registration of members in multiple parties. Enhances transparency in party membership records. Ensures voter integrity and compliance with election laws.</p>
<p>Clause 7 Regulation of Political Party Nominations (Section 33A(1)(k))</p>	<p>33A (1) The Commission is responsible for-</p> <p>(k) regulating political party nominations in accordance with this Act.</p>	<p>Amend the sub-clause so as to read as: "(k) regulating political party nominations in accordance with this Act and ensuring that nomination processes adhere to principles of fairness, transparency, and gender equality."</p>	<p>Strengthens democratic party nominations. Prevents biased or unfair candidate selection processes. Ensures compliance with Article 27 of the Constitution on gender equity.</p>

Clause	Specific Provision (Verbatim from the Bill)	Proposed Amendment	Justification for the Amendment
Clause 7 – Handling of Complaints (Section 33A(1)(m))	33A (1) The Commission is responsible for- (m) investigating complaints received under this Act.	Amend the sub-clause so as to read as: "(m) investigating complaints received under this Act within a stipulated timeframe and ensuring timely resolution through a structured dispute resolution mechanism."	Prevents delays in resolving political disputes. Enhances confidence in the regulatory body. Ensures timely intervention in electoral disputes.
Clause 7– Certification of Independent Candidates (Section 33A(1)(h))	33A (1) The Commission is responsible for- (h) certifying that an independent candidate in an election is not a member of any registered political party.	Amend the clause so as to read as: "(h) certifying that an independent candidate in an election is not a member of any registered political party, and ensuring independent candidates meet minimum ethical and leadership integrity standards."	Prevents abuse of the independent candidate status. Ensures integrity and credibility of independent candidates. Aligns with Chapter Six of the Constitution on Leadership and Integrity.
Clause 7 – Training of Political Party Election Agents (Section 33A(1)(l))	33A (1) The Commission is responsible for- (l) training political party election agents upon the request and financing by the political party.	Amend to: "(l) training political party election agents upon the request and financing by the political party, and ensuring that all agents are adequately trained on election laws, dispute resolution, and ethics."	Ensures competency and professionalism of election agents. Reduces electoral malpractices and disputes. Strengthens democratic election processes.



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

SUBMISSION OF MEMORANDUM TO THE CLERK OF THE NATIONAL ASSEMBLY

– Attn: Standing Committee on Justice and Legal Affairs

BILL: The Political Parties (Amendment) No.2 Bill, (Senate Bill No. 26 of 2024)

INSTITUTION: Legal Advice Center (Kituo Cha Sheria) Kenya

DATE: 16th April 2025

S/No	Regulation (Bill) Section/Part No.	Provisions of the Regulations*	Rationale for Amendment Recommendation	Proposed Amendment**
1.	Section 5	33 (2) The Commission shall consist of – (a) two members, one man and one woman, nominated by the majority party or coalition of parties in Parliament; (b) two members, one man and one woman, nominated by the minority party or coalition of parties in Parliament;	Amend Section 33B (2)(c) to provide for the IEBC to convene the selection of non-parliamentary representative. In light of the current composition of the Parliamentary Service Commission (PSC), the nomination of a representative by the PSC effectively grants the majority party significant influence over the selection process, given their dominance within the Commission. To promote impartiality and ensure a more balanced and transparent process, it would be more	(2) The Commission shall consist of— (a) Two members, one man and one woman, nominated by the majority party or coalition of parties in Parliament (b) Two members, one man and one woman, nominated by the minority party or coalition of parties in Parliament (c) One member nominated by the Independent Electoral and Boundaries Commission,

		(c) one member nominated by the Parliamentary Service Commission being a representative of non-parliamentary registered political parties.	appropriate for the Independent Electoral and Boundaries Commission (IEBC) to convene and facilitate the election of the member. Furthermore, the section should be amended to require representation from persons with disabilities, youth, and marginalized communities in line with Article 100.	being a representative of non-parliamentary registered political parties, with consideration to regional and ethnic diversity, and subject to approval by the multi-sectoral selection panel; (d) In making nominations under this section, the nominating bodies shall ensure the inclusion of at least one youth representative and at least one person with a disability, in accordance with the Constitution.
2.	Section 4	The principal Act is amended by repealing section 14A.	Retain Section 14A with modifications to clearly define procedures and grounds for resignation, ensuring alignment with Articles 38 and 47 of the Constitution. Include safeguards for notice, hearing, and appeal.	(1) A person who, while being a member of a political party, shall be deemed to have resigned from that party if that person— (a) forms another political party; (b) joins in the formation of another political party; (c) joins another political party as a member; (d) in any way or manner, publicly advocates for the formation or registration of another political party in a manner that undermines the interests or unity of their existing party; or (e) actively promotes the ideology, policies, or interests of another political party, except where such promotion is

				<p>consistent with a lawful coalition or merger agreement.</p> <p>(2) A political party shall not deem a member to have resigned under subsection (1) unless—</p> <p>(a) it has issued a written notice to the member specifying the grounds for the intended removal and the conduct relied upon; and</p> <p>(b) it has afforded the member a fair opportunity to be heard, in accordance with the rules of natural justice and the party's internal dispute resolution procedures as set out in its constitution.</p> <p>(3) Where a political party, after complying with subsection (2), concludes that a member is deemed to have resigned, it shall—</p> <p>(a) notify the member in writing of the decision; and</p> <p>(b) submit a written request to the Commission to remove the individual's name from the register of that party's members, together with documentary evidence demonstrating compliance with this section.</p> <p>(4) Upon receiving the notification under subsection (3), the Commission shall—</p> <p>(a) verify that the political</p>
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				<p>party has complied with subsection (2); and</p> <p>(b) where satisfied, remove the member's name from the register within seven (7) days and notify the member in writing of their removal and the reasons thereof.</p> <p>(5) Where the Commission is not satisfied that due process under subsection (2) has been followed, the Commission shall refer the matter back to the political party for reconsideration, with written reasons.</p> <p>(6) Subsection (1)(c), (d), and (e) shall not apply to a member of a political party that is engaging in or proposing to enter into a lawful merger, coalition, or political alliance, provided that the member's actions are consistent with a written and ratified agreement of such cooperation, as approved by the political party's relevant organ.</p> <p>(7) Nothing in this section shall be construed as limiting the right of a member to resign voluntarily from a political party in accordance with the Constitution and the provisions of this Act.</p>
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*Provide text on the exact wording of the provision in the regulations paragraph or sub-paragraph

** Provide the exact wording of how the proposed amendment to the regulations paragraph or sub-paragraph is proposed to be read.

MEMORANDA

From : Electoral Law and Governance Institute for Africa (ELGIA)

To : The Clerk of the National Assembly

Date : 15th April, 2025

RE : The Political Parties (Amendment) Bill (Senate Bill No. 26 of, 2024)

Background

- The Departmental Committee on Justice, Legal Affairs (JLAC), as established pursuant to the National Assembly Standing Order No. 216, has invited the general public to submit memoranda/comments on or before 16th April, 2025, on the Bills introduced from the Senate. This is in line with Article 118(1)(b) of the Constitution and the Standing Order Number 127(3) of the National Assembly which requires Parliament to facilitate public participation and other critical stakeholders' involvement in the legislative and other business of Parliament and its committees.
- Electoral Law and Governance Institute for Africa (ELGIA), is a Continental organization, headquartered in Nairobi, Kenya, working to strengthen and consolidate constitutional democracy, good governance, and electoral processes in African dialogue, electoral reforms and advocacy. ELGIA works with continental and sub-regional organizations such as the African Union, East African Community (EAC), Southern Africa Development Community (SADC) and ECOWAS. Through this, the institution seeks to strengthen governance and political institutions through technical assistance, capacity building, advocacy, and research.
- ELGIA has developed this memorandum to highlight the main considerations that will inform the Committee on the proposed amendment to the Political Parties (Amendment) Bill. This legal opinion focuses on the proposed amendments to the Political Parties Act contained in the Political Parties (Amendment) Bill 2023, highlighting the outstanding legal areas of concern within the Bill.
- One of the principles aim of the Bill is to amend the Political Parties Act, No. 11 of 2011 to replace the office of Registrar of Political Parties with the Independent Political Parties Regulatory Commission.

Purpose of the Bill and Specific Comments

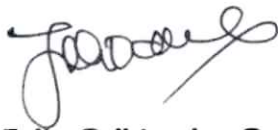
The Bill seeks to amend the Political Parties Act, 2011 by replacing the Office of Registrar of Political Parties under the Act with the Independent Political Parties Regulatory Commission. The Regulatory Commission will be an independent Commission and shall not be subject to the direction or control of any person or authority. ELGIA appreciates that the Justice and Legal Affairs and Human Rights Committee in the Senate considered the majority of its submission in the drafting of this Bill.

Amendment Proposals, Recommendations and Justification

Proposed Amendment Clauses	Observation and proposal	Justification and Reasons
<p>Clause 5 of the Bill</p> <p>The Clause proposes to amend the principal Act by repealing Section 14.</p>	<p>ELGIA take cognisance of the fact that this proposal is a consequential amendment arising/flowing from the proposed Constitutional of Kenya (Amendment) Bill 2023 which intends to amend Article 103(1)(e)(i) of the Constitution by substituting the word deeming with deregistration therein. The Bill also proposes the deletion of Clause (3) of the Constitution. As a consequential amendment that flows from the primary constitutional amendment, ELGIA submits that the two Bills and any other consequential proposed amendments need to be legislated concurrently.</p>	<ul style="list-style-type: none"> This will avoid any possible gaps in implementation. It will also avoid any inconsistency that might arise for failure to pass the constitution amendment in time or by the time the proposals under this Bill once enacted.
<p>Clause 7 of the Bill</p> <p>The Clause proposes to amend the principal Act by repealing Section 33 of the Act, and substituting it with a new Section 33.</p>	<p>i. ELGIA proposes a review of the proposed Section 33A (b) by substituting the word 'Management'</p>	<ul style="list-style-type: none"> This will align the new provision with Section 23 and 25(1)(d) of the principal Act that provides for the establishment and distribution of the Fund.

	<p>of the fund with 'Administration' of the Fund.</p> <p>ii. The proposed Section 33A should provide 'The Regulation of political parties to ensure compliance with the Act' as one of the substantive functions of the Commission.</p> <p>iii. ELGIA further proposes a review of the proposed Section 33B(3) to provide that members shall only elect the Vice-Chair. The Bill needs to provide that the Chair of the Commission shall be appointed exclusively and substantively by the President.</p> <p>iv. Amend Section 33E(1) of the Bill, to include an expiry/lapse of a term of office, as one of the instances under which the office of a member of the Commission shall become vacant. The Act should also provide a grace period of time within which the</p>	<ul style="list-style-type: none"> • This will align the provisions and functions of the Commission with the purpose of the Act of Parliament. Considering that this is a regulatory body. • This in reference to other Acts of parliament that establishes Commissions including the National Gender and Equality Commission of which the drafters of this Bill have borrowed much from. • It will mitigate the challenge on who will convene the meeting of the members of the Commission in line with the sixth Schedule to replace the chair in case there is any disagreement among the members of the Commission. • The Section currently does not provide the procedure of appointment of the new member/members upon lapse of term of office.
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	<p>appointment process of the new members to commence before the lapse of time to avoid a unnecessary vacuum.</p>	
<p>Sixth Schedule</p> <p>The Schedule provides for the meetings and procedures of the Commission</p> <p><i>Make it substantive</i></p>	<ul style="list-style-type: none"> The schedule should provide that the Commission Secretary, shall be the secretary at all meetings of the Commission. ELGIA humbly invite the Committee to borrow from the provisions under the Second Schedule of the IEBC Act. 	<ul style="list-style-type: none"> This is a commission of records and the secretary being responsible for the implementation of the Commission decisions, made at the plenary, it is proper for him/her to mandatorily attend the commission meetings as an 'ex officio'/by right of office.



Felix Odhiambo Owuor
Executive Director,

[Electoral Law and Governance Institute for Africa \(ELGIA\)](#)



ORPP MEMORANDUM ON THE POLITICAL PARTIES (AMENDMENT) (NO. 2) BILL, 2024

I. INTRODUCTION

1. Pursuant to the mandate of the National Assembly's Departmental Committee on Justice and Legal Affairs, the National Assembly called for submission of views on the Political Parties (Amendment) (No.2) Bill (Senate Bill No.26 of 2024).
2. The Office of the Registrar of Political Parties (ORPP) is established under Section 33 of the Political Parties Act Cap. 7D, herein PPA, as an independent State Office within the meaning of Article 260 of the Constitution. Its mandate includes registration and regulation of political parties as well as administration of the Political Parties Fund.
3. Prior to the current state of affairs, the ORPP was an office within the Electoral Commission of Kenya by dint of Section 3 of the Political Parties Act, 2007. Pursuant to Section 42(15) of the Constitutional (Amendment) Act, 2008, ORPP survived the disbandment of ECK.
4. While ORPP was established as an independent office through the PPA, it continued to operate under the successors of ECK including IEBC until it operationally delinked from the IEBC in 2015.

5. The views of ORPP on the Bill are as captured herein below;

II. A SUMMARY OF ISSUES

6. The Bill has done away with the regulatory function as currently provided under Section 34 of the PPA which provides, inter alia, that the Registrar shall regulate, monitor, investigate and supervise political parties to ensure compliance with the PPA.
7. The Bill does not provide the sources of the Funds for the Commission.

8. There are no comprehensive timelines in the process of appointment of the Commissioners including the time for the President to make appointments following parliamentary approval.
9. The Bill provides for election of the Chairperson of the proposed Commission by the members, there may be value in the Chairperson being appointed and designated as such by the appointing authority.
10. The Bill requires the Regulatory Commission to regulate party nominations without there being a corresponding amendment to Article 88(4) of the Constitution which mandates the IEBC to regulate party nominations. This position was upheld in High Court Constitutional Petition E043, E057 & E109 of 2022 Katiba Institute & Others Vs Attorney General & Others.
11. It is not apparent where disputes against the Commission lie seeing as the proposed amendment to Section 21 only addresses suspension and deregistration disputes in terms of jurisdiction of the High Court. There is no clarity on where other disputes involving the mandate of the Commission shall lie, for instance, registration of political parties.
12. The role of the PPDT to resolve disputes that relate to the decisions of the proposed commission has not been provided for and no other new body has been introduced to take up the role of the PPDT save for the High Court's jurisdiction on addressing appeals on suspension and deregistration of political parties as well as appeals relating to changes to party records.
13. The current Registrar of Political Parties and the two Assistant Registrars of Political Parties have security of tenure remaining with over 17 months of service. The Bill does not provide transitional or saving clauses on what is to happen to the said officers upon the Bill becoming law. It is not apparent whether they are treated as members of staff of ORPP, and if they are, what their terms of service would be.
14. The Commissioners include a member to be appointed by the Parliamentary Service Commission from non-parliamentary registered political parties yet there is no definition of what amounts to a non-parliamentary registered political party. The Bill should provide for the definition of a non-parliamentary registered political party.

III. MATRIX OF OBSERVATIONS AND RECOMMENDATIONS

15. The observations and recommendations are captured herein below in detail;

No.	PROVISION/ELEMENT	OBSERVATION	RECOMMENDATION
1.	<p>Clause 1 of the Bill provides that the law shall come into force upon publication in the Gazette.</p>	<p>The ORPP as currently constituted comprises the Registrar of Political Parties (RPP) and two Assistant Registrars of Political Parties (ARPP) who are required to serve a six-year term and are now remaining with more than seventeen months of service.</p> <p>Further, it is not apparent whether the three officers are being treated as members of staff of ORPP under the transition clauses and if so, under what terms are they supposed to transition under to the Commission.</p>	<ul style="list-style-type: none"> ▪ Parliament should consider including a provision on what is to happen to the Registrar of Political Parties (RPP) and the two Assistant Registrars of Political Parties (ARPP) in post once the bill becomes law. The three officers have security of tenure under the law. ▪ The ORPP proposes the following options: <ul style="list-style-type: none"> a) The law to come into force after the tenure of the said staff b) Compensate the said officers their full benefits for the remained of their terms if the effective date of the law is immediate c) Transition the RPP and ARPPs to the proposed Commission as CEO and Deputy CEOs.
2.	<p>Clause 2 provides for deletion of the word Registrar and substitution with the phrase Regulatory Commission.</p>	<p>The substitution is a result of replacement of ORPP with the proposed Commission.</p>	<p>This Office agrees with the proposal in so far as the clause proposes to redefine “Commission” to mean the “Independent Political Parties Regulatory Commission”.</p>
3.	<p>Clause 3 provides for the jurisdiction of the High Court to hear and determine appeals from the decision of the Commission on suspension and deregistration.</p>	<p>The Political Parties Disputes Tribunal (PPDT) shall have no jurisdiction to address appeals on suspension and deregistration by the Commission.</p>	<p>This Office agrees with the proposal in so far as the clause proposes to clothe the High Court with the jurisdiction to address appeals on suspension and deregistration of political parties. However, there should be a proviso for where other disputes relating to the Commission’s mandate shall lie.</p>

No.	PROVISION/ELEMENT	OBSERVATION	RECOMMENDATION
4.	Clause 4 provides for deletion of the words "Registrar" and "Office of the Registrar of Political Parties" and substituting therefore with the phrase Commission.	The substitution is a result of replacement of ORPP with the proposed Commission.	In the event that Parliament goes ahead with the proposal to replace ORPP with the proposed Commission, this Office agrees with placement of the provision.
5.	Clause 5 provides for repeal of Section 14A on where a party deems a party member to have resigned from a political party.	<p>ORPP is aware of the proposal in the Constitution of Kenya (Amendment) Bill, 2023, under Clause 5, to change the structure and process of deeming a member to have resigned from a party.</p> <p>Further, in the event that this provision comes into force and the contemplated constitutional amendment is yet to be enacted, there shall be a gap in law.</p>	The proposed process under the Constitutional Amendment Bill could sufficiently be addressed under the PPA and party constitutions through an amendment to the Second Schedule to the PPA which provides for the content of a party constitution.
6.	Clause 6 provides for the accounts and audit of the Commission.	The amendment does not introduce any new matter save for introduction of the word "Commission" in the text.	<p>The overhaul of the Section is unnecessary given that the only change is the word "Commission".</p> <p>The proposal should not be to replace/delete the Sections but only replace the proposed amendment, being the words "The Office of Registrar of Political Parties" with "The Commission".</p>
7.	Clause 7 provides for the establishment of the Independent Political Parties Regulatory Commission	During the process of collection of public views by NADCO as illustrated in the NADCO report at Paragraph 626, the public made a case for anchoring the ORPP under Chapter 15 of the Constitution as an Independent Office/Commission, so as to offer the institution constitutional insulation.	Parliament should consider the avenues for anchoring the proposed Commission under the Constitution.
8.	Clause 7 provides for the functions of the Regulatory	While the Bill proposes establishment of a Regulatory Commission, the	Parliament should consider retaining the regulatory function as it appears under

No.	PROVISION/ELEMENT	OBSERVATION	RECOMMENDATION
	Commission.	<p>regulatory function that ORPP currently undertakes under Section 34(a) of the PPA has been done away. Section 34 (a) of the PPA stipulates, <i>inter alia</i>, the Registrar shall regulate, monitor, investigate and supervise political parties to ensure compliance with this Act. The provision has a foundation on Article 92 of the Constitution which requires Parliament to enact a law on regulation of political parties.</p> <p>The Bill requires the Commission under sub-clause (g) to, <i>inter alia</i>, notify IEBC that no person <i>belongs</i> to more than one political party.</p> <p>The Bill further requires the Commission to regulate party nominations. In the case of Thuranira & 4 others v Attorney General & 2 others; Registrar of Political Parties & 3 others (Interested Parties) (Petition E043, E057 & E109 of 2022) [2022] KEHC 482 (KLR), the High Court declared unconstitutional the provision of the</p>	<p>Section 34(a) of the PPA.</p> <p>ORPP disagrees with this proposal on the Commission to notify IEBC on the changes on party membership, the provision is unnecessary given that there is a procedure under Sections 28 and 35A of the Elections Act Cap. 7 whereby ORPP submits certified party membership registers and certified party lists to the IEBC.</p> <p>If the proposed Commission were to regulate party nominations, it would require a corresponding amendment to Article 88 (4) (d) of the Constitution to ensure there is no overlap of roles between the IEBC and the contemplated Regulatory Commission. Further, the proposal shall reinforce Part IVA of the PPA which has</p>

No.	PROVISION/ELEMENT	OBSERVATION	RECOMMENDATION
9.	<p>Clause 7 provides for the appointment of the commissioners.</p>	<p>Political Parties (Amendment) Act, 2022 that sought to grant ORPP the power to regulate party nominations on account of Article 88(4) (d) which mandates the IEBC to regulate the process by which parties nominate candidates.</p>	<p>provisions on party nominations. To this extent, ORPP agrees with the proposal for the Regulatory Commission to regulate party nominations given that it will be required to regulate party activities, which is a component of regulation of political parties under Article 92 of the Constitution.</p>
		<p>There is no timeline within which the President has to forward names of the Nominees to Parliament for approval and equally no timeline for the President to appoint the Commissioners following approval by Parliament.</p> <p>Further, there is no timeline within which the nominating bodies (majority coalition/party, minority coalition/party, Parliamentary service commission) ought to have concluded the nomination process.</p>	<p>Parliament should consider providing timelines, in the following terms:</p> <p>“The President shall, within seven days of receipt of the nominees under sub-paragraph (2), forward the list of nominees to the National Assembly for approval in accordance with the Public Appointments (Parliamentary Approval) Act Cap. 7F.”</p> <p>“The President shall, within seven days of receipt of the names approved by the National Assembly, by notice in the <i>Gazette</i>, appoint the Commissioners.”</p>

No.	PROVISION/ELEMENT	OBSERVATION	RECOMMENDATION
10.	<p>Clause 7 provides for the nomination of the Commissioners through a majority/minority party/coalition and the Parliamentary Service Commission from a non-parliamentary registered party.</p>	<p>While the nominating bodies are required to conduct nomination of commissioners through a competitive process there are no parameters for competitiveness.</p>	<p>Further, Parliament should consider providing the timelines, for instance sixty days that has been provided when there is a vacancy in the commission, within which the nominating bodies (majority coalition/party, minority coalition/party, Parliamentary service commission) ought to have concluded the nomination process.</p>
		<p>There is no definition of the term “ non-parliamentary registered political party” hence may be open to myriad interpretations. The IEBC Act defines a parliamentary party to mean a party or coalition of parties consisting of not less than five percent of the membership of the National Assembly and Senate. The National Assembly Standing Orders under Paragraph 20A provide, <i>inter alia</i>, that a parliamentary party is a party or a coalition of parties that</p>	<p>Parliament should consider qualifying the competitive process to Article 232 of the Constitution which may include placement of an advertisement to allow interested and qualified persons to apply. Further, Parliament should consider there being a central body that shall coordinate receipt and processing of nominees from the nominating bodies to the President.</p> <p>Parliament should consider the observations and define the term non-parliamentary registered political party seeing as there is a risk of multiple interpretations; there is still an opportunity to provide clarity.</p>

No.	PROVISION/ELEMENT	OBSERVATION	RECOMMENDATION
		<p>consist of not less than five percent of the membership of the National Assembly.</p> <p>Further, in common parlance, a non-parliamentary registered party would be appreciated as a political party without representation in parliament.</p> <p>Additionally of the current 91 fully registered parties, 44 political parties have no elected representatives yet form part of the parties to be regulated but they seem not to have a place in the definition of non-parliamentary parties.</p>	
11.	Clause 7 provides for qualifications and disqualifications of commissioners.	The disqualifications provided are not comprehensive.	Parliament should consider expanding the disqualifications to include "...is a state officer".
12.	Clause 7 provides for the functions Secretary of the Commission.	There is need for clarity in the functions of the Secretary to the Commission.	Parliament should consider whether the Secretary to the Commission shall be the accounting officer of the Commission.
13.	Clause 8 provides for repeal of Section 34 of the PPA.	The repealed provision is spent given that the functions of the ORPP have been moved to the proposed Section 33A. However, the regulatory function has not been catered for.	The ORPP agrees with the placement of the provision. However, Parliament is urged to reinstate the regulatory function on account of Article 92 of the Constitution.
14.	Clause 9 provides for repeal of Section 34A.	The repealed provision relates to a spent provision; a vacancy in the Office of the Registrar of Political Parties or the Assistant Registrar.	The ORPP agrees with the proposal given that it is spent on account of introduction of a new process of filling

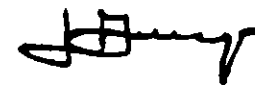
No.	PROVISION/ELEMENT	OBSERVATION	RECOMMENDATION
			vacancies in the Commission.
15.	Clause 10 provides for amendment of Section 34C of the PPA on powers of the Registrar in respect of political party Records in terms	The Bill replaces PPDT with High Court in terms of resolving disputes emanating from changes to party records.	This Office agrees with the proposal in so far as the clause proposes to clothe the High Court with the jurisdiction to address disputes on changes to party records. However, there should be a proviso for where other disputes relating to the Commission's mandate shall lie.
16.	Clause 11 provides for repeal of Section 36.	The repealed provision relates to the appointment of the Registrar and Assistant Registrars.	The ORPP agrees with the proposal in so far as it relates to the provision being spent by dint of introduction of a new process for appointment of the commissioners.
17.	Clause 12 provides for repeal of Section 37	The repealed provision relates to the removal of the Registrar and Assistant Registrars	The ORPP agrees with the proposal in so far as it relates to the provision being spent by dint of introduction of a new process for removal of the commissioners.
18.	Clause 13 provides for clarity on the composition of the Political Parties Liaison Committee.	The amendment clears the possibility of uncertainty whereby both the IECB and the Commission under the PPA may be referred to as Commission.	The ORPP agrees with the proposal in so far as it relates to clarity on the membership of the Political Parties Liaison Committee.
19.	Clause 14 provides for the amendment on the jurisdiction of the Political Parties Disputes Tribunal.	The provision removes from the PPDT the power to hear and determine appeals from decisions of the Commission.	Parliament should consider providing the avenue for disputing decisions of the Commission i.e. decisions on registration of political parties, confirmation of coalitions, and certification of party membership

No.	PROVISION/ELEMENT	OBSERVATION	RECOMMENDATION
		<p>It is to be noted that a Tribunal comprises persons with expertise on a particular subject matter. By removing the Tribunal from resolving disputes of a political nature, we may be clawing back on the gains made by having had a specialized court on political disputes.</p>	<p>registers under Section 28 of the Elections Act Cap. 7.</p> <p>While these decisions may lie to the High Court, there is need for clarity on the avenue for dispute resolution.</p>
20.	<p>Clause 15 provides a schedule on meetings and procedure of the commission.</p>	<p>The schedule has assigned the duty for when and where to hold meetings of the Commission to the whole Commission. This is a recipe for governance hitches as there is absence of a centralized person with the duty on determining when to hold Commission's meetings.</p> <p>Further, the schedule requires the Commission to meet at least four times in a financial year.</p> <p>Additionally, the Schedule provides a scenario where only the chairperson or vice-chairperson may preside over meetings. This may cripple operations of the Commission in the event that both the Chairperson and the Vice-Chairperson are unavailable.</p>	<p>Let the Chairperson decide when and where to hold meetings. However, there be an opportunity for at least three (3) members to requisition for a meeting by writing to the Chairperson should the Chairperson delay to do so.</p> <p>The ORPP agrees with the proposal.</p> <p>Given the three-member quorum, members should be able to elect a commissioner to preside over a meeting in the event that both the chairperson and vice-chairperson are absent.</p>
21.	<p>Clause 16 provides for transitional and saving clauses</p>	<p>The Bill provides for transition of all ORPP staff.</p>	<p>This Office agrees with the transitional clause. However, there is need for clarity on whether this clause also caters for the RPP and ARPPs.</p>

No.	PROVISION/ELEMENT	OBSERVATION	RECOMMENDATION
			The ORPP proposes that if the RPP and ARPPs are treated as staff, then they are to transition as CEO and Deputy CEOs respectively.
22.	Funding of the Commission	The Bill does not provide the sources of funds for the Commission.	The Bill should provide the sources of funds to include allocation by Parliament.

IV. OTHER PROPOSED REFORMS ON THE PPA DRAWN FROM VARIOUS AVENUES INCLUDING THE ORPP POST 2022 ELECTION EVALUATION EXERCISE

16. Staying with the NADCO recommendation for electoral laws to be enacted at least 18 months to the date of the general election, Parliament should note that ORPP is already engaged in a reform agenda to amend the Political Parties Act Cap. 7D, develop and review subsidiary legislations as informed by the ORPP post- election evaluation exercise.



Ann N. Nderitu, CBS
Registrar of Political Parties
Office of the Registrar of Political Parties



THE INDEPENDENT ELECTORAL AND BOUNDARIES
COMMISSION

MEMORANDUM

TO THE NATIONAL ASSEMBLY

ON

THE POLITICAL PARTIES (AMENDMENT) (No. 2) BILL, 2024
(Senate Bills No. 26)

16th April, 2025

Independent Electoral & Boundaries Commission (I.E.B.C)

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INTRODUCTION

1. The Independent Electoral and Boundaries Commission established under Article 88 of the Constitution is responsible for the conduct or supervision of referenda and elections to any elective body or office established by the Constitution and any other elections prescribed by an Act of Parliament.
2. The IEBC is a Constitutional Commission established under Chapter 15 of the Constitution with particular reference to Article 249 (1) which sets out the object of Constitutional Commissions.
3. The general functions of IEBC and other Commission are set-out under Article 252(1). However, the specific mandate of the IEBC is primarily governed by Article 88(4) of the Constitution and the IEBC Act.
4. The IEBC notes the Bill under reference and makes submissions:

Purpose of the Bill

5. The Bill seeks among others to amend the Political Parties Act to replace the Office of Registrar of Political Parties with the Independent Political Parties Regulatory Commission and to provide clarity on provisions raising ambiguity.
6. We welcome this draft and wish to make general and specific comments as follows:

General Comments

7. This Bill intends to review provisions of the Political Parties Act, Cap 7D considering emerging reforms and to this we make the following specific comments on proposals that have an impact on the mandate of the IEBC.
8. The IEBC in consultation with the Justice and Legal Affairs Committee of Parliament (JLAC) has also developed proposals on amendments to the Election Laws which cut across the regulation of political parties in the electoral process and may require comparative review to effect any consequential amendments.
9. The Office of the Registrar of Political Parties has in place, established structures and has discharged its mandate as per the law and the proposed overhaul of the office and replacement

with the Regulatory Commission will undo the many gains and strides made in the realization of the Constitutional aspiration stipulated under Articles 91 and 92 of the Constitution. The proposed replacement has not been clearly justified.

10. Additionally, the proposed membership of the Commission would be conflicted in discharge of their duties since they would have allegiance to Political Parties and coalitions that will have recommended them for appointment. This has the potential of compromising the independence of the Regulatory Commission.
11. The Commission's proposal is that the Office of the Registrar of Political Parties be retained as established in the Principal Act.
12. The Commission proposes deletion of the term "Coalition Political Party" in the Principal Act since it creates confusion and ambiguity on its distinction with the terms "political party" and "coalition of political parties". This is to align it with the definition of Political Party as contemplated under Article 260 of the Constitution.

Specific Comments

13. The Commission has endeavored to highlight its submissions in matrix format on the clause of the Bill, comments on the same and proposals for review where necessary.

S/ No.	Clause of the Bill	Section of the Act proposed for amendment	IEBC Comments on implications	Justifications and Proposals for review
1.	Clause 7 33A Functions of the Commission	The Commission is responsible for; (i) certifying that the symbol intended to be used by an independent candidate in an election does not resemble the symbol of a registered political party;	The mandate bestowed on Regulatory Commission to certify that the symbol intended to be used by an independent candidate in an election does not resemble the symbol of a registered political party conflicts with the mandate of the Independent Electoral and Boundaries Commission in verifying symbols. <u>Section 32 of the Elections Act, No. 24 of 2011 provides—</u> Approval of symbol for independent candidate (1) An independent candidate shall submit the symbol the candidate intends to use during an election to the Commission at least twenty-one days before nomination day. (2) The Commission shall, upon receipt of the symbol submitted to it under this section approve or reject the symbol. (3) The Commission may refuse to approve the symbol of an	The proposal be deleted

S/ No.	Clause of the Bill	Section of the Act proposed for amendment	IEBC Comments on implications	Justifications and Proposals for review
			<p>independent candidate if the symbol—</p> <ol style="list-style-type: none"> a. is obscene or offensive; b. is the symbol of another candidate or of a political party; or c. so nearly resembles the symbol of another candidate or political party or any other legal entity registered under any other written law. <p><u>Further, Regulation 15 of the Elections (General) Regulations, 2012 provides,</u></p> <p>A person who is a Kenyan citizen, and who intends to contest for an elective post as an independent candidate shall—</p> <p>(a) <u>obtain and file with the Commission a clearance certificate from the Registrar of Political Parties certifying that the person has not been a member of any political party for at least three months immediately before the date of the election;</u></p>	

S/ No.	Clause of the Bill	Section of the Act proposed for amendment	IEBC Comments on implications	Justifications and Proposals for review
2.	Clause 7	(k) regulating political party nominations in accordance with this Act;	<p>This provision conflicts with Article 88 (4) (d) which confers on the Independent Electoral and Boundaries Commission the mandate to regulate the process by which parties nominate candidates for election.</p> <p>This position was buttressed by the High Court in <i>Constitutional Petition E043, E057 & E109 of 2022</i></p>	The proposal be deleted as it is unconstitutional.
3.	Clause 7	(j) certifying that the names appearing in a party list are the names of members of the political party;	<p>It is IEBC's mandate to certify that the names appearing in a party list are the names of members of the political party. It is the IEBC that verifies qualifications of the nominees in the party lists.</p> <p><u>Article 90 of the Constitution- Allocation of party list seats</u> (1) Elections for the seats in Parliament provided for under Articles 97(1)(c) and 98(1)(b), (c) and (d), and for</p>	The proposal be deleted

S/ No.	Clause of the Bill	Section of the Act proposed for amendment	IEBC Comments on implications	Justifications and Proposals for review
			<p>the members of county assemblies under article 177(1)(b) and (c), shall be on the basis of proportional representation by use of party lists.</p> <p>(2) The Independent Electoral and Boundaries Commission shall be responsible for the conduct and supervision of elections for seats provided for under clause (1)</p> <p>Further, the IEBC uses the membership register of a political party to verify the membership of each nominee in the party list.</p>	
4.	Clause 7	(m) investigating complaints received under this Act	<p>This provision conflicts with Article 252 of the Constitution which confers upon Constitutional Commissions the sole power to conduct investigations. Notably, the Constitutional Commissions are listed under Article 248 of the Constitution.</p>	<p>The proposal be deleted as it is unconstitutional.</p>

S/ No.	Clause of the Bill	Section of the Act proposed for amendment	IEBC Comments on implications	Justifications and Proposals for review
			<p>the members of county assemblies under article 177(1)(b) and (c), shall be on the basis of proportional representation by use of party lists.</p> <p>(2) The Independent Electoral and Boundaries Commission shall be responsible for the conduct and supervision of elections for seats provided for under clause (1)</p> <p>Further, the IEBC uses the membership register of a political party to verify the membership of each nominee in the party list.</p>	
4.	Clause 7	(m) investigating complaints received under this Act	<p>This provision conflicts with Article 252 of the Constitution which confers upon Constitutional Commissions the sole power to conduct investigations. Notably, the Constitutional Commissions are listed under Article 248 of the Constitution.</p>	<p>The proposal be deleted as it is unconstitutional.</p>

CONCLUSION

14. The Commission submits that the proposals in the Bill are noted and urges this Honourable House to consider the issues identified in the matrix and proposals made for review.



MARJAN HUSSEIN MARJAN, MBS
COMMISSION SECRETARY/CEO