

Approved for tabling in the House.

REPUBLIC OF KENYA

[Signature]
SNA
13/4/2022




THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT- SIXTH SESSION (2022)

COMMITTEE ON DELEGATED LEGISLATION

REPORT ON THE CONSIDERATION OF THE POLITICAL PARTIES
(MEMBERSHIP) REGULATIONS, 2021 (LEGAL NOTICE NO 260 OF 2021)

APRIL 2022

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 13 APR 2022	DAY: WED
TABLED BY:	HON. SAMMY SERONEY
CLERK AT THE TABLE:	SAMUEL WAZAMA

The Directorate of Audit, Appropriations and other Select Committees
The National Assembly,
Parliament Buildings,
NAIROBI.

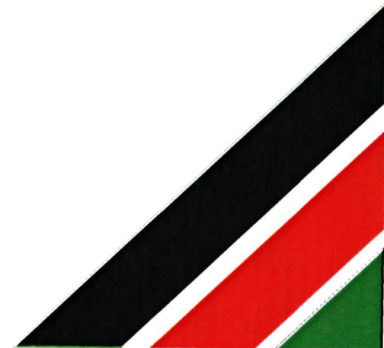


TABLE OF CONTENTS

TABLE OF CONTENTS	3
ABBREVIATIONS	4
CHAIRPERSON'S FOREWORD	5
1.0 PREFACE.....	7
1.1 <i>Establishment and Mandate of the Committee</i>	7
1.2 <i>Committee Membership</i>	8
1.3 <i>Committee Secretariat</i>	10
2.0 CONSIDERATION OF THE Political Parties (Membership) Regulations, 2021 (Legal Notice No 260 of 2021)	11
2.1.1 <i>Introduction</i>	11
2.1.2 <i>Overview of the Regulations</i>	11
2.1.3 <i>Scrutiny of the Instrument</i>	12
3.0 COMMITTEE OBSERVATION	13
3.1.1 <i>Statutory Timelines</i>	13
3.1.2 <i>Public Participation</i>	13
3.1.3 <i>Explanatory Memorandum</i>	14
4.0 COMMITTEE RECOMMENDATION	14
ANNEXURES.....	15

ABBREVIATIONS

IEBC	Independent Electoral and Boundaries Commission
LN	Legal Notice
OAG	Office of the Attorney General
ORPP	Office of the Registrar of Political Parties
RPP	Registrar of Political Parties
SI	Statutory Instruments
SO	Standing Order

CHAIRPERSON'S FOREWORD

In exercise of the powers conferred on the Office of the Registrar of Political Parties by section 49(1) of the Political Parties Act, 2011, the Registrar of Political Parties made the Political Parties (Membership) Regulations, 2021 which was published as Legal Notice No. 260 of 2021 on 31st December 2021.

The Regulations were submitted to the Clerk of the National Assembly on 20th January 2022 and laid in the House on January 25th 2022 being within the statutory timelines contemplated under section 11(1) of the Statutory Instruments Act, 2013, and subsequently referred to the Committee on Delegated Legislation for consideration.

The primary objective of the Regulations is to operationalize the Political Parties Act as they provide guidelines to the Registrar on how to address various provisions of the Political Parties Act in respect to party membership.

Upon tabling, the Speaker has directed that the Committee on Delegated Legislation to confirm during their scrutiny, whether the aforementioned regulations were indeed made under the Political Parties Act, 2011 or whether they were made under provisions of the Political Parties (Amendment) Act, 2022, and whether the Regulation - making Authority (Office of the Registrar of Political Parties) has adequately conducted public participation and whether sufficient proof of evidence of the consultation was demonstrated.

The Committee on Delegated Legislation, in carrying out its scrutiny and pursuant to section 16 of the Statutory Instruments Act, 2013, held two separate meetings with the Registrar of Political Parties to deliberate on the said Regulations on 24th March, 2022 and on 2nd April 2022 respectively. The Committee upon scrutiny of the Regulations satisfied itself that the Registrar of Political Parties had complied with the Constitution and the relevant statutes in making the regulations.

Section 34B of the Political Parties Act (*No. 11 of 2011*) as amended in 2022 requires that the Registrar of Political Parties makes Regulations on the use of technology by establishing a management information system. The Registrar in making the instant Regulations did not rely on section 34B of the Political Parties Act as amended but invoked section 49(1) of the Political Parties Act (*No. 11 of 2011*) which is an omnibus provision enabling the Registrar to make Regulations generally for bringing into effect the provisions of the Act.

The Committee was seized of the information that there is a petition in the High Court challenging the legality of the amendment Act, being petition No E043 of 2022 (as consolidated with petitions E057 of 2022 and E109 of 2022) *Selesio Mutuma Thurania & 5 Others Vs the Attorney-General & others with the Speaker of the National Assembly as the 2nd respondent and the Speaker of the Senate as the 3rd Respondent*. The judgement in the matter is set for the 29th April, 2022. The Committee however noted that the amendments, subject matter in court did not affect the making of the Regulations as the Registrar invoked section 49(1) which was not amended.

Public Participation

Articles 10 and 118 of the Constitution, section 5, 5A, and the Schedule to the Statutory Instruments Act, read together with Standing Order 210 require the regulation-making

Committee on Delegated Legislation: *Report on the consideration of the Political Parties (Membership) Regulations (Legal Notice No 260 of 2021)*

authority to conduct public participation and sufficient consultation with the stakeholders and persons likely to be affected by the Regulations.

During the consultative meetings, the Office of the Registrar of Political parties demonstrated that it had conducted sufficient public participation and had engaged the relevant stakeholders in the process of developing the Regulations.

Explanatory Memorandum

A detailed Explanatory Memorandum was attached to the regulations. The Explanatory Memorandum provides for the statutory instrument's purpose of recruitment of party members including the requirement of continuous updating of the membership register and protection of personal data. The memorandum further provides for the legislative context, policy background, extent of application, consultations outcome, non-requirement of a regulatory impact assessment, and guidance from the Office of the Registrar of Political Parties.

Communication of Committee's approval of Statutory Instrument to Regulatory Making Authorities

Pursuant to Standing Order 210 (5) which provides that "*the Clerk shall submit the resolution under paragraph 4 (b) (i) to the relevant state department or the authority that published the statutory instrument*". the Committee on Delegated Legislation approved the Regulations for operation and recommended to the Clerk of the National Assembly to convey the resolution of the Committee on the approval to the Registrar of Political Parties and the Attorney General.

Having examined the Political Parties (Membership) Regulations, 2021 (*Legal Notice No 260 of 2021*), against the Constitution, the Interpretation and General Provisions Act (*Cap 2*), the Statutory Instrument Act, (*No. 23 of 2013,*) and the Political Parties Act (*No 11 of 2011*), pursuant to which they are made and pursuant to the Speaker of the National Assembly's directive, the Committee seeks to Table its **Report on the Consideration of the Political Parties (Membership) Regulations, 2021 (Legal Notice No 260 of 2021) to the House for information and for the record.**

I wish to most sincerely thank the Speaker and the Office of the Clerk of the National Assembly for the invaluable support accorded to the Committee in the discharge of its mandate.

On behalf of the Members of the Select Committee on Delegated Legislation and pursuant to Standing Order 210 (4) (b) it is my pleasure and duty to present to the House, the Committee's **Report on the Consideration of the Political Parties (Membership) Regulations, 2021 (Legal Notice No 260 of 2021).**

HON. WILLIAM KASSAIT KAMKET, M.P.

1.0 PREFACE

1.1 Establishment and Mandate of the Committee

1. The Select Committee on Delegated Legislation is established pursuant to *Standing Order No. 210* and is mandated to consider statutory instruments submitted to Parliament for consideration. The Committee is expected to consider in respect of any statutory instrument, whether it is in accord with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written laws.
2. The Committee is mandated to consider in respect of any statutory instrument, whether it:
 - a) is in accordance with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written laws;
 - b) infringes on fundamental rights and freedoms of the public;
 - c) contains a matter which in the option of the Committee should more properly be dealt with in an Act of the Parliament;
 - d) contains imposition of taxation;
 - e) directly or indirectly bars the jurisdiction of the court;
 - f) gives retrospective effect to any of the provision in respect to which the Constitution does not expressly give any such power;
 - g) it involves expenditure from the consolidated fund or other public revenues;
 - h) is defective in its drafting or for any reason form or part of the statutory instrument calls for any elucidation;
 - i) appears to make some unusual or unexpected use of the power conferred by the Constitution or the Act pursuant to which it is made;
 - j) appears to have had unjustifiable delay in its publication or laying before Parliament;
 - k) makes rights, liberties or obligations unduly dependent upon non-renewable decisions;
 - l) makes rights, liberties or obligations unduly dependent insufficiently defined administrative powers;
 - m) inappropriately delegates legislative powers;
 - n) imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
 - o) appears for any reason to infringe on the rule of law;
 - p) inadequately subjects the exercise of legislative power to Parliamentary scrutiny; and
 - q) Accords to any other reason that the Committee considers fit to examine.

1.2 Committee Membership

3. The Committee membership comprises –

The Hon. William Kassait Kamket, M.P. (Chairperson)

Tiaty Constituency

KANU

The Hon. Muriuki Njagagua, M.P. (Vice Chairperson)

Mbeere North Constituency

Jubilee Party

MEMBERS

The Hon. Waihenya Ndirangu, M.P.

Roysambu Constituency

Jubilee Party

The Hon. William Cheptumo, M.P.

Baringo North Constituency

Jubilee Party

The Hon. Cecily Mbarire, MGH, M.P.

Nominated

Jubilee Party

The Hon. Alice Wahome, M.P.

Kandara Constituency

Jubilee Party

The Hon. Robert Mbui, M.P.

Kathiani Constituency

Wiper Democratic Movement -Kenya

The Hon. Daniel Maanzo, M.P.

Makueni Constituency

Wiper Democratic Movement -Kenya

The Hon. Timothy Wanyonyi, M.P.

Westlands Constituency

Orange Democratic Movement

The Hon. Ronald Tonui, M.P.

Bomet Central Constituency

Jubilee Party

The Hon. William Kamoti, M.P.

Rabai Constituency

Orange Democratic Movement

The Hon. Martha Wangari, M.P.

Gilgil Constituency

Jubilee Party

The Hon. Gideon Mulyungi, M.P.

Mwingi Constituency

Wiper Democratic Movement – Kenya

The Hon. (Dr.) Wilberforce Oundo, M.P.

Funyula Constituency

Orange Democratic Movement

The Hon. George G. Murugara, M.P.

Tharaka Constituency

Democratic Party

The Hon. Jennifer Shamalla, M.P.

Nominated

Jubilee Party

The Hon. Munene Wambugu, M.P.

Kirinyaga Central Constituency

Jubilee Party

The Hon. Patrick Mariru, M.P.

Laikipia West Constituency

Jubilee Party

The Hon. Sammy Seroney, M.P.
Nominated
Wiper Democratic Movement – Kenya

The Hon. Edith Nyenze, M.P.
Kitui West Constituency
Wiper Democratic Movement – Kenya

The Hon. Tindi Mwale, M.P.
Butere Constituency
Amani National Congress

The Hon. Abdi Koropu Tepo, M.P.
Isiolo South Constituency
Kenya Patriots Party

The Hon. Robert Gichimu, M.P.
Gichugu Constituency
Jubilee Party

1.3 Committee Secretariat

4. The secretariat facilitating the Committee comprises –

Mr. Mohamed Jimale
Clerk Assistant II (Team Leader)

Ms. Ruth Mwihaki Gakuya
Clerk Assistant II

Mr. Dima Dima
Principal Legal Counsel

Mr. Josphat Motonu
Fiscal Analyst I

Ms. Fiona Musili
Research Assistant II

Ms. Noelle Chelangat
Media Relations Officer II

Mr. Charles Ayari
Superintendent of Electronics

Mr. Anthony Wamae
Serjeant at Arms

1.0 CONSIDERATION OF THE POLITICAL PARTIES (MEMBERSHIP) REGULATIONS, 2021 (LEGAL NOTICE NO 260 OF 2021)

2.1.1 Introduction

5. The Political Parties (Membership) Regulations, 2021 are made by the Registrar of Political Parties pursuant to section 49(1) of the Political Parties Act, 2011 which empowers the Registrar to make regulations generally for the better carrying out of provisions of the Act including prescribing the forms which may be used for carrying out the provisions of the Act.
6. The Regulations were published in the gazette on 31st December 2021, *vide* Legal Notice No. 260 of 2021, submitted to the Clerk, National Assembly on 20th January, 2022 and laid in the House on 25th January, 2022.
7. The objective of the regulations is to operationalize the Political Parties Act as they provide guidelines to the Registrar on how to address various provisions of the Political Parties Act, 2011 in respect to party membership.
8. The Regulations seek to:
 - a) address needs of Kenyans as drawn from stakeholder engagements and fill gaps identified during execution of the Office's mandate, lessons and experiences from previous electoral cycles on various issues, *inter alia*, party membership and management of political party records;
 - b) provide the use of technology in implementing the Political Parties Act, 2011 including recruitment and resignation at both the Office of the Registrar of Political Parties and party level;
 - c) mechanisms for protection of personal data as required under the Act;
 - d) provide for the processes in managing political parties' membership register;
 - e) provide for management of data of provisionally registered parties that have not complied with the provisions of Section 7 of the Political Parties Act, 2011 in terms of proceeding to the full registration status; and
 - f) provide for removal from the register the membership details of a person who has ceased to be a member of a political party by resignation, expulsion, death or revocation of citizenship.

2.1.2 Overview of the Regulations

9. The regulations make provisions for the following -
 - a) **Regulation 1**—provides for the title of the Regulations as Political parties (Membership) Regulations, 2021.
 - b) **Regulation 2**— Provides for definitions
 - c) **Regulation 3**—provides for the recruitment of members by a political party.
 - d) **Regulation 4**—provides for use of technology for the recruitment of members of a political party.
 - e) **Regulation 5**—provides for a political party to keep and maintain original records.
 - f) **Regulation 6**—requires political parties to prepare a party membership list.
 - g) **Regulation 7**—provides for the transmission of the membership list to the Registrar through the Political Parties Information Management System.
 - h) **Regulation 8**—provides for the use of technology.

- i) **Regulation 9**—provides the preparation of a party membership register by the Registrar.
- j) **Regulation 10**—requires the Registrar to ensure that the information contained in the register is up to date.
- k) **Regulation 11**—provides for access to the register.
- l) **Regulation 12**—provides for redress with respect to the information relating to a person recruited without their consent.
- m) **Regulation 13**—provides how the Registrar handles records of a provisionally registered party that has not applied for full registration as required under the law or whose application has been refused.
- n) **Regulation 14**— provides for the transfer of membership particulars following a merger.
- o) **Regulation 15**—provides for the membership records of a voluntarily dissolved party.
- p) **Regulation 16**—provides for the removal of membership records of a person or a political party on court order.
- q) **Regulation 17**—provides for preservation of records for five years.
- r) **Regulation 18**—provides for the resignation of members from political parties.
- s) **Regulation 19**—provides for cessation of membership.

2.1.3 Scrutiny of the Instrument

10. In accordance with section 16 of the Statutory Instruments Act, 2013, the Committee held consultations with the Registrar of Political Parties on 24th March 2022 in a meeting held at Parliament Buildings and further consultations in a meeting held at the Sarova Whitesands Resort and Spa in Mombasa on 2nd April 2022.
11. The following issues arose during the deliberations –
 - a) Members were informed that the Political Parties (Membership) Regulations, 2021 were developed as a separate set of regulations from the Political Parties (Registration) Regulations, 2019 following an advice from the Office of the Attorney General and the Committee to the effect that Membership be separated from Registration in order to make provisions for member’s recruitment, maintenance of members registers, among others, given that recruitment of members had been provided for under Section 7 of the Act.
 - b) Under Regulation 3 on Recruitment of Members - Members raised concerns on the use of ID and passport for multiple registrations as they were open to abuse in cases where an individual registers in more than one party as there is no way at the moment to link the national ID to the passport. The Committee was informed that National Identification Cards and Passports are recognized as valid registration documents and in order to eliminate cases of double registration, the Office of the Registrar of Political Parties has collaborated with the Integrated Population Registration System (IPRS) to minimize the misuse of the ID and Passport for multiple registrations. In order to address the issue of recruitment to Political Parties without consent, it was noted that the Registrar of Political Parties has put in place a system that prompts individuals through a text message to accept or reject registration to a political party.

Regulations 11 and 12 further make provisions for members to give consent and access to the register to verify their information.

- d) On whether the Regulations dissuade candidates from resigning from Political Parties leaving a political party without a candidate for an elective position during elections, Members were informed that Article 38 of the Constitution gives rights to Kenyans with regard to belonging to a political party and engaging in party nominations. The Political Parties Act has also provided timelines on changing party membership. Further, Political parties have their own structures including nomination rules to govern the conduct of party nominations. The ORPP gives approval in line with schedule 2 of the Political Parties Act, 2011. However, there is a need to give political parties the leeway to make their own rules and allow for internal dispute resolution mechanisms.

The Political Parties (Amendment) Act, 2022 also provides for the declaration of the method that will be used to choose a candidate for a position.

- e) The Committee noted that some drafting errors in the Regulations contrary to section 13 (l) of the Statutory Act, 2013 that cross referencing was noted and that forms were not well aligned and ought to be amended to make reference to the correct Regulation- I.e. Form PPM1 should read r.3(3).
- f) On whether the regulations addressed the Political Parties (Amendment) Act, 2022, the meeting was informed that the ORPP would seek guidance on how the provisions of the Political Parties (Amendment) Act, 2022 should be captured in the Regulations.

3.0 COMMITTEE OBSERVATION

12. Having examined the Political Parties (Membership) Regulations, 2021 (*Legal Notice No 260 of 2021*) the Committee made the following observations –

3.1.1 Statutory Timelines

- 1) The Regulations were published in the gazette on 31st December 2021, vide Legal Notice No 260 of 2021, submitted to the Clerk, National Assembly on 20th January 2022 and laid in the House on 25th January 2022 being within the statutory timelines set out in section 11(1) of the Statutory Instruments Act, 2013.

3.1.2 Public Participation

- 2) Articles 10 and 118 of the Constitution, section 5, 5A and the Schedule to the Statutory Instruments Act, read together with Standing Order 210 requires the regulation-making authority to conduct public participation and sufficient consultation with the stakeholders and persons likely to be affected by the Regulations.
- 3) The Office of the Registrar of Political parties demonstrated that it had engaged various stakeholders as follows; Technical Caucus Consultative Meeting on the Review of the Political Parties Act, 2011 held on 10th February 2020; Political Parties Consultative Meeting held from 1st to 3rd March, 2020; State actors and Civil Society Organizations workshop held from 5th to 9th October, 2020; State actors in electoral processes workshop held from 13th to 16th June, 2021; Drafters Retreat with

composition from State actors in electoral processes held from 4th to 7th July, 2021; Political Parties' Secretaries-General Meeting Held from 27th to 30th July 2021; Political Parties Liaison Committee Meeting held on 3rd August 2021; Meeting between the Office of the Attorney General, Independent Electoral and Boundaries Commission (IEBC) and Office of the Registrar of Political Parties (ORPP) held on Tuesday, 27th July, 2021, National Development Implementation Technical Committee (NDITC) - Legal Sub-Committee meeting held on 31st August, 2021; Meeting between the Office of the Attorney General and ORPP on 10th September 2021; and a meeting between the National Assembly Justice and Legal Affairs Committee, Office of the Registrar of Political Parties, and the Political Parties Disputes Tribunal on 17th December, 2021. The ORPP also received a memorandum from the Council of Governors on the Regulations.

3.1.3 Explanatory Memorandum

- 4) In compliance with the Statutory Instruments Act, 2013 (No. 23 of 2013) on the requirement for the provision of an Explanatory Memorandum, the Office of the Registrar of Political Parties submitted a detailed Explanatory Memorandum that provides for the statutory instrument's purpose of recruitment of party members including the requirement of continuous updating of the membership register and protection of personal data. The memorandum further provides for the legislative context, policy background, extent of application, consultations outcome, non-requirement of a regulatory impact assessment, and guidance from the Office of the Registrar of Political Parties. A list of individuals from different institutions and stakeholders who participated was also provided.

4.0 COMMITTEE RECOMMENDATION

13. Having examined the Political Parties (Membership) Regulations, 2021 (*Legal Notice No 260 of 2021*) against the Constitution, the Interpretation and General Provisions Act (*Cap 2*), the Statutory Instrument Act, (*No. 23 of 2013*), and the Political Parties Act (*No 11 of 2011*), pursuant to which they are made, **the Committee recommends that the House adopts the Report of the Committee approving the Political Parties (Membership) Regulations, 2021 (*Legal Notice No 260 of 2021*).**

Signed.....*For Shiny*..... Date.....*13.4.2022*.....

<p>THE HON. WILLIAM KASSAIT KAMKET, M.P. (CHAIRPERSON)</p>	
<p>THE NATIONAL ASSEMBLY PAPERS LAND</p>	
<p>DATE: 13 APR 2022 DAY: <input type="text"/></p>	
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CLERK AT THE TABLE:	<input type="text"/>

Committee on Delegated Legislation: *Report on the consideration of the Political Parties (Membership) Regulations (Legal Notice No 260 of 2021)*

ANNEXURES

1. **Adoption List**
2. **Legal Notice Number 260 of 2021 and the Explanatory Memorandum**
3. **Committee Minutes**
4. **Approval Letters**

THE NATIONAL ASSEMBLY

12TH PARLIAMENT - SIXTH SESSION (2022)

COMMITTEE ON DELEGATED LEGISLATION

ATTENDANCE REGISTER / ADOPTION SCHEDULE


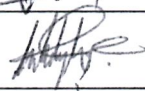
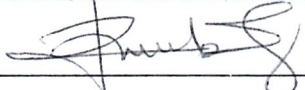
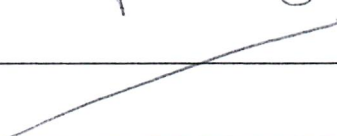
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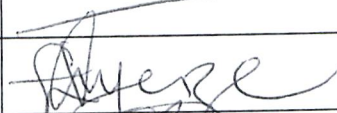
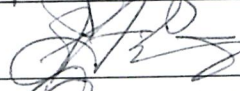
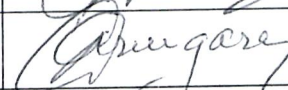
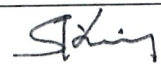
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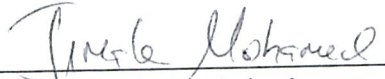
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Time Ended: 11:35 AM

AGENDA Consideration & Adoption of the NIFC & RPP (Membership) Reg, 2021 Report.

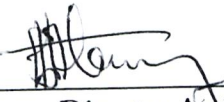
	HON. MEMBER	SIGNATURE
1.	Hon. Kassait Kamket, MP (Chairperson)	
2.	Hon. Muriuki Njagagua, MP (Vice Chairperson)	Virtual attendance
3.	Hon. Waihenya Ndirangu, MP	
4.	Hon. Robert Mbui, MP	
5.	Hon. Alice Wahome, MP	
6.	Hon. Cecily Mbarire, MGH, MP	
7.	Hon. Daniel Maanzo, MP	Virtual attendance
8.	Hon. William Cheptumo, MP	
9.	Hon. Martha Wangari, MP	
10.	Hon. Timothy Wanyonyi, MP	
11.	Hon. William Kamoti, MP	
12.	Hon. Patrick Kariuki Mariru, MP	

	HON. MEMBER	SIGNATURE
13.	Hon. Ronald Tonui, MP	
14.	Hon. Munene Wambugu, MP	
15.	Hon. Gideon Mulyungi, MP	
16.	Hon. Edith Nyenze, MP	
17.	Hon. Abdi Tepo, MP	
18.	Hon. George Murugara, MP	
19.	Hon. Jennifer Shamalla, MP	Vindal attendace
20.	Hon. (Dr.) Wilberforce Oundo, MP	
21.	Hon. Robert Gichimu, MP	
22.	Hon. Sammy Seroney, MP	
23.	Hon. Tindi Mwale, MP	

Submitted by: 
Second Clerk Assistant

Signature: 

Date: 07/04/2022.

Approved by: 
Director Audit, Appropriations & Other Select Committees

Date: 07/4/2022

MINUTES OF THE 17TH SITTING OF THE COMMITTEE ON DELEGATED LEGISLATION HELD ON THURSDAY 7TH APRIL, 2022 AT 11.00 AM IN THE COMMITTEE ROOM 7, MAIN PARLIAMENT BUILDINGS.

PRESENT

1. **The Hon. Kassait Kamket, M.P.** - **Chairperson**
2. The Hon. Robert Mbui, M.P.
3. The Hon. Waihenya Ndirangu, M.P.
4. The Hon. Edith Nyenze, M.P.
5. The Hon. George Murugara, M.P.
6. The Hon. Munene Wambugu, M.P.
7. The Hon. Abdi Tepo, M.P.
8. The Hon. Sammy Seroney, M.P.
9. The Hon. Jennifer Shamalla, M.P. *Virtual Attendance*

ABSENT WITH APOLOGY

1. The Hon. Muriuki Njagagua, M.P. - **Vice-Chairperson**
2. The Hon. Patrick Mariru, M.P.
3. The Hon. Cecily Mbarire, MGH, M.P.
4. The Hon. Timothy Wanyonyi, M.P.
5. The Hon. Robert Gichimu, M.P.
6. The Hon. Kamoti Mwamkale, M.P.
7. The Hon. Martha Wangari, M.P.
8. The Hon. (Dr.) Wilberforce Oundo, M.P.
9. The Hon. Ronald Tonui, M.P.
10. The Hon. Daniel Maanzo, M.P.
11. The Hon. Alice Wahome, M.P.
12. The Hon. Gideon Mulyungi, M.P.
13. The Hon. Nicholas Tindi Mwale, M.P.
14. The Hon. William Cheptumo, M.P.

IN-ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Mohamed Jimale - Clerk Assistant II
2. Ms. Ruth M. Gakuya - Clerk Assistant II
3. Mr. Wilson Dima Dima - Principal Legal Counsel
4. Ms. Noelle Chelagat - Media Relations Officer
5. Mr. Charles Ayari - Superintendent of Electronics (Audio)

MIN.NO. /NA/CDL/2022/105 PRAYER AND PRELIMINARIES

The Chairperson called the meeting to order at 11.05 am with the Prayer.

MIN.NO./NA/CDL/2022/106 ADOPTION OF THE AGENDA

The agenda was unanimously adopted having been proposed by the Hon. Sammy Seroney, M.P and Seconded by the Hon. Robert Mbui, M.P.

MIN.NO./NA/CDL/2022/107 CONFIRMATION OF MINUTES

Minutes of the 12th sitting held on Thursday 24th March 2022 were confirmed as a true record of the proceedings having been proposed by the Hon. Sammy Seroney, M.P. and seconded by the Hon. Abdi Tepo, M.P.

MIN.NO./NA/CDL/2022/108 MATTERS ARISING

Under MIN.NO. /NA/CDL/2022/ 084 on Regulations Relating to the Basic Education Act, No.14 of 2013, the Committee was informed that following the request by the Committee that the Ministry of Education submits regulations made under the Basic Education Act, 2013, the Committee was in receipt of a letter submitting the Basic Education Regulations 2015. The Committee, however noted that the response by the Cabinet Secretary was not satisfactory as the Ministry had not provided evidence of any other regulations envisioned and made under the Basic Education Act, for instance on curriculum development noting that the Ministry had been operating through the issuance of circulars that had the force of law but had not followed the right procedure under the Statutory Instruments Act, 2013.

The Committee, therefore resolved that the Cabinet Secretary for Education be invited to appear before the Committee on 3rd May 2022 to appraise it on the status of Regulations and circulars developed under the Basic Education Act, 2013.

MIN.NO./NA/CDL/2022/109 ADOPTION OF THE POLITICAL PARTIES (MEMBERSHIP) REGULATIONS, 2021 (LN NO. 260 OF 2021);

The Committee having examined the Political Parties (Membership) Regulations, 2021 (*Legal Notice No 260 of 2021*) against the Constitution, the Interpretation and General Provisions Act (*Cap 2*), the Statutory Instrument Act, (*No. 23 of 2013*) and the Political Parties Act (*No 11 of 2011*), pursuant to which they are made, resolved to **approve** them, having been proposed by the Hon. George Murugara M.P. and seconded by the Hon. Sammy Seroney, M.P.

MIN.NO./NA/CDL/2022/110 CONSIDERATION AND ADOPTION OF THE NAIROBI INTERNATIONAL FINANCIAL CENTRE (GENERAL) REGULATIONS, 2021

The Committee having examined the Nairobi International Financial Centre (General) Regulations, 2021 (*Legal Notice 268 of 2021*) against the Constitution, the Interpretation and General Provisions Act (*Cap 2*), the Statutory Instrument Act, (*No. 23 of 2013*) the Nairobi International Financial Centre Act (*No. 25 of 2017*) pursuant to which they are made, resolved to **approve** them, having been proposed by the Hon. Robert Mbui, M.P. and seconded by the Hon. Abdi Tepo, M.P.

MIN.NO./NA/CDL/2022/111 ANY OTHER BUSINESS

1. The Committee was informed that the following instruments had been committed to the Committee for consideration-
- a) The Companies (Beneficial Ownership Information) (Amendment) Regulations, 2022 (Legal Notice 32/2022);
 - b) The Central Bank of Kenya (Digital Credit Providers) Regulations, 2022 (Legal Notice No. 46 of 2022);
 - c) The Public Finance Management (PFM) (National Government) Regulations (Amended 2019) and the Public Finance Management (PFM) (County Government) Regulations (2015) by the National Treasury proposing amendments to the regulations by harmonizing the definition of public Debt to align it with the constitution of Kenya 2010.

Committee resolution

The Committee resolved to have a consultative retreat with the relevant Regulatory Making Authorities on the Regulations in the first week of May 2022.

MIN.NO. /NA/CDL/2022/ 112

The meeting was adjourned at 11.43a.m. The next sitting will be called on notice.

Signed.....
Kassait Kamket

HON. KASSAIT KAMKET, M.P.
(CHAIRPERSON)

ADJOURNMENT	
THE NATIONAL ASSEMBLY PAPERS LAID	
DATE	Date. 13-4-2022
BY:	
CLERK AT THE TABLE:	

MINUTES OF THE 12TH SITTING OF THE COMMITTEE ON DELEGATED LEGISLATION HELD ON THURSDAY 24TH MARCH, 2022 AT 11.00 AM IN THE SMALL DINING, NEW WING, NAIROBI

PRESENT

1. The Hon. Kassait Kamket, M.P. - Chairperson
2. The Hon. Muriuki Njagagua, M.P. - Vice-Chairperson –*Virtual Attendance*
3. The Hon. Waihenya Ndirangu, M.P.
4. The Hon. Robert Mbui, M.P.
5. The Hon. Edith Nyenze, M.P.
6. The Hon. (Dr.) Wilberforce Oundo, M.P.
7. The Hon. George Murugara, M.P.
8. The Hon. Munene Wambugu, M.P.
9. The Hon. Kamoti Mwamkale, M.P.
10. The Hon. Abdi Tepo, M.P.
11. The Hon. Robert Gichimu, M.P.
12. The Hon. Sammy Seroney, M.P.

ABSENT WITH APOLOGY

1. The Hon. Patrick Mariru, M.P.
2. The Hon. Alice Wahome, M.P.
3. The Hon. Cecily Mbarire, MGH, M.P.
4. The Hon. Timothy Wanyonyi, M.P.
5. The Hon. Martha Wangari, M.P.
6. The Hon. Ronald Tonui, M.P.
7. The Hon. Daniel Maanzo, M.P.
8. The Hon. Gideon Mulyungi, M.P.
9. The Hon. Jennifer Shamalla, M.P.
10. The Hon. Nicholas Tindi Mwale, M.P.
11. The Hon. William Cheptumo, M.P.

IN-ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Mohamed Jimale - Clerk Assistant II
2. Ms. Ruth M. Gakuya - Clerk Assistant II
3. Mr. Wilson Dima Dima - Principal Legal Counsel
4. Mr. Charles Ayari - Superintendent of Electronics (Audio)

OFFICE OF THE REGISTRAR OF POLITICAL PARTIES

1. Mrs. Ann Nderitu - Registrar of Political Parties
2. CPA Florence Binya - Assistant Registrar
3. Mr. Ali Abdullahi Surow - Assistant Registrar
4. Ms. Judy Gathoni - Registration
5. Mr. Wafula Wakoko - Legal Officer

The Chairperson called the meeting to order at 11.30 am with the Prayer. He thereafter invited all those present to introduce themselves.

MIN.NO./NA/CDL/2022/080 CONFIRMATION OF MINUTES

Minutes of the 8th sitting held on Tuesday 1st March 2022 were confirmed as a true record of the proceedings having been proposed by the Hon. George Murugara, M.P. and seconded by the Hon. Edith Nyenze, M.P.

Minutes of the 9th sitting held on Thursday 3rd March 2022 were confirmed as a true record of the proceedings having been proposed by the Hon. Robert Mbui, M.P. and seconded by the Hon. George Murugara, M.P.

Minutes of the 10th sitting held on Thursday 10th March 2022 were confirmed as a true record of the proceedings having been proposed by the Hon. Abdi Tepo, M.P. and seconded by the Hon. Robert Mbui, M.P.

Minutes of the 11th sitting held on Thursday 17th March 2022 were confirmed as a true record of the proceedings having been proposed by the Hon. Robert Mbui, M.P. and seconded by the Hon. Abdi Tepo, M.P.

MIN.NO./NA/CDL/2022/081 MATTERS ARISING

No matter arose.

MIN.NO./NA/CDL/2022/082 MEETING WITH THE REGISTRAR OF POLITICAL PARTIES ON THE POLITICAL PARTIES (MEMBERSHIP) REGULATIONS, 2021 (LN NO. 260 OF 2021);

Mrs. Ann Nderitu, the Registrar of the Office of the Political Parties informed the meeting that the Political Parties (Membership) Regulations were published in the Gazette as Legal Notice No. 260 of 2021 pursuant to section 49 of the Political Parties Act, 2011 which empowers her to make Regulations generally for the better carrying out of the provisions of the Act including prescribing the forms which may be used.

She further noted that the regulations were published following advice from the Office of the Attorney General that the Membership regulations be developed separately from the General regulations in order to make provisions for member's recruitment, maintenance of members registers, among others given that recruitment of members had been provided for under Section 7 of the Act.

The Committee was further informed that the Regulations had been published on 21st December, 2021 as Legal Notice No. 260 of 2021, submitted to the Clerk of the National Assembly on 20th January 2022, tabled before the House on 25th January 2022 and were due to lapse on 14th April 2022.

Committee Resolution

In order to provide Members adequate time to further scrutinize the regulations, the Committee resolved that the Registrar of Political Parties be invited to make their submissions on Saturday, 2nd April 2022 during the scheduled Committee engagement with Regulatory Making Authorities in Mombasa.

MIN.NO./NA/CDL/2022/083

ADOPTION OF THE REPORT ON THE CONSIDERATION OF THE TRAFFIC (DRIVING SCHOOLS, INSTRUCTOR'S AND DRIVING LICENSES) RULES, 2020 (LN NO. 28 of 2020)

The Committee having examined the High Court Judgment by **Mrima J**, dated 27th January, 2022 and scrutinizing the Traffic (Driving Schools, Driving Instructors and Driving Licenses) Rules, 2020 in line with the Constitution, the Interpretations and General Provisions Act (*Cap 2*) Laws of Kenya, the Traffic Act (*Cap 403*), the National Transport and Safety Authority Act, the Statutory Instruments Act (*No 23 of 2013*) and having held the three consultative meetings with the Ministry of Transport and NTSA, Kenya Driving Schools Association and the joint meeting the **Committee** resolved to **approve** them, having been proposed by the Hon. George Murugara, M.P. and seconded by the Hon. Robert Mbui, M.P. subject to the following amendments:-

- a) Amendment to the First Schedule on the provision relating to application for Driving Schools license/ Branch Driving School License Paragraph B on the provision physical location of maneuvering yard in which it is proposed that the word "maneuvering" be deleted and substituted with the word "training".
- b) Amendment to the **Third Schedule to the Rules** -
 - (i) In Column 5 row 2 which allowed 16 years as a minimum age for the driving of license Category AM (Moped) enabling one to ride a motorcycle to and including 50 CC with no passenger and no load. A 16 year old is a child within the meaning of Article 260 of the Constitution and Section 2 of the Children's Act, 2001 that a child has no legal capacity to enter into a contract and may not apply for a driving licence hence contravening section 13 (a) of the Statutory Instrument Act, 2013.
 - (ii) In Category C1 (Light Truck) which requires a minimum age of 22 years to enable one to drive a light truck with a Gross Vehicles Weight (GVW) exceeding 3500 kg and a maximum 7,500 kg with maximum one light trailer (not exceeding 750 kg. The requirement to amend the schedule to reduce the age from 22 years to 20 years for Category C1 (Light Truck) was largely by the stakeholders more particularly the Kenya Driving Schools Associations and other individual Driving Schools and it was resolved as consensus of National Transport and Safety Authority (NTSA), the Kenya Driving Schools Associations (KDSA) individual Driving Schools represented and the National Assembly's Committee on Delegated Legislation that the age for Category C1 (Light Truck) be reduced from 22 years to 20 years.

MIN.NO. /NA/CDL/2022/ 084

ANY OTHER BUSINESS

The Committee was informed that the following draft regulations were pending for consideration:-

- a) The draft Whistle-blower Regulations, 2022
- b) The draft Crowdfunding Regulations, 2022
- c) The draft Collective Investment Schemes Regulations, 2022 and ;
- d) Draft Regulations to operationalize the NHIF Act.

The Committee resolved to invite the relevant Regulatory making Authorities to appear and make their submissions on the regulations during the retreat scheduled for 31st March to 3rd April 2022 in Mombasa County.

Regulations under the Basic Education Act

The Committee was informed that following the request by the Committee to the Ministry of Education to provide the regulations made under the Basic Education Act and the Structure and System of Education, the ministry had responded and submitted Regulations made under the Basic Education Act. The Committee further noted that the Ministry had not provided those relating to the Structure of Education.

MIN.NO. /NA/CDL/2022/ 085

ADJOURNMENT

The meeting was adjourned at 12.36 p.m. The next sitting will be held on Friday 1st April 2022.

Signed.....

Date.....

HON. KASSAIT KAMKET, M.P.
(CHAIRPERSON)

REPUBLIC OF KENYA

Telegraphic Address
'Bunge', Nairobi
Telephone 2848000/221291
Fax: 2243694
E-mail: clerk@parliament.go.ke
When replying please quote



Clerk's Chambers
National Assembly
Parliament Buildings
P. O. Box 41842, 00100
NAIROBI, Kenya

NATIONAL ASSEMBLY

Ref:NA/DAA&OSC/CDL/2022/032

7th April, 2022

Ms. Anne Nderitu, MBS
Ag. Registrar of Political Parties
P.O. Box 1131-00606
Sarit Centre
NAIROBI

~~Mr. Kennedy Ogeto, CBS
Solicitor General
State Law Office
NAIROBI~~

Dear *Madam,*

RE: THE POLITICAL PARTIES (MEMBERSHIP) REGULATIONS, 2021 (LEGAL NOTICE NO. 260 OF 2021)

Reference is made to your letter Ref:AG/LDD/1113/2/6 dated 20th January, 2022, submitting the above-mentioned regulations for consideration by the National Assembly.

The purpose of this letter is to inform you that the Committee on Delegated Legislation at its sitting held on 7th April, 2022, satisfied itself that the Political Parties (Membership) Regulations, 2021 (*Legal Notice No. 260 of 2021*) are in accord with the Constitution, the Statutory Instruments Act (*No. 23 of 2013*), the Interpretation and the General Provisions Act (*Cap 2*), and the Political Parties, Act (No. 11 of 2011) pursuant to which they are made.

This is, therefore, to convey the resolution of the Committee, in accordance with Standing Order 210(4) (a) of the National Assembly Standing Orders and the Statutory Instruments Act, 2013 that the aforementioned Regulations as published in the *gazette*, be and are hereby acceded to.

Yours *Sincerely,*

A handwritten signature in black ink, appearing to read 'Sera M. Kioko'.

SERAH M. KIOKO, MBS

For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: Justice (Rtd.) Paul Kihara Kariuki, CBS
Attorney General
State Law Office and Department of Justice
NAIROBI.

REPUBLIC OF KENYA

Telegraphic Address
'Bunge', Nairobi
Telephone 2848000/221291
Fax: 2243694
E-mail: clerk@parliament.go.ke
When replying please quote



Clerk's Chambers
National Assembly
Parliament Buildings
P. O. Box 41842, 00100
NAIROBI, Kenya

NATIONAL ASSEMBLY

Ref:NA/DAA&OSC/CDL/2022/032

7th April, 2022

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Ag. Registrar of Political Parties
P.O. Box 1131-00606
Sarit Centre
NAIROBI~~

~~Mr. Kennedy Ogeto, CBS
Solicitor General
State Law Office
NAIROBI~~

Dear

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Yours

SERAH M. KIOKO, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: Justice (Rtd.) Paul Kihara Kariuki, CBS
Attorney General

State Law Office and Department of Justice
NAIROBI.

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NATIONAL ASSEMBLY

Ref:NA/DAA&OSC/CDL/2022/032

7th April, 2022

~~Ms. Anne Nderitu, MBS
Ag. Registrar of Political Parties
P.O. Box 1131-00606
Sarit Centre
NAIROBI~~

Mr. Kennedy Ogeto, CBS
Solicitor General
State Law Office
NAIROBI

Dear Sir,

RE: THE POLITICAL PARTIES (MEMBERSHIP) REGULATIONS, 2021 (LEGAL NOTICE NO. 260 OF 2021)

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The purpose of this letter is to inform you that the Committee on Delegated Legislation at its sitting held on 7th April, 2022, satisfied itself that the Political Parties (Membership) Regulations, 2021 (*Legal Notice No. 260 of 2021*) are in accord with the Constitution, the Statutory Instruments Act (*No. 23 of 2013*), the Interpretation and the General Provisions Act (*Cap 2*), and the Political Parties, Act (No. 11 of 2011) pursuant to which they are made.

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Yours sincerely,

SERAH M. KIOKO, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: Justice (Rtd.) Paul Kihara Kariuki, CBS
Attorney General
State Law Office and Department of Justice
NAIROBI.

MEMO

TO : DIRECTOR-AUDIT, APPROPRIATION AND OTHER
SELECT COMMITTEES SERVICES (NA)

FROM : HEAD OF THE TABLE OFFICE DEPARTMENT

DATE : JANUARY 26, 2022

SUBJECT : LEGAL NOTICE NO. 260 OF 2021 RELATING TO
THE POLITICAL PARTIES (MEMBERSHIP)
REGULATIONS, 2021

My earlier Memo on Papers Laid of Tuesday, January 25, 2022 regarding tabling of Legal Notice No. 260 of 2021 relating to the Political Parties (Membership) Regulations, 2021 and the Explanatory Memorandum refers.

During the Afternoon Sitting on Tuesday, January 25, 2022, following points of orders raised on issues relating the said Regulations, the Honourable Speaker instructed the Committee on Delegated Legislation in considering the Regulations in accordance with the parameters set out in the Statutory Act, 2011, to also -

- i.) confirm whether Public Participation was carried out on the Political Parties (Membership) Regulations, 2021, published as Legal Notice No. 260 of 2021;
- ii.) confirm whether the Regulations were published under the Political Parties Act, No.11 of 2011 and/or the Political Parties Bill, 2021 under consideration in Parliament; and
- iii.) at the conclusion of consideration of the Regulations, the Committee submit it's to report to the House for consideration.

Kindly bring this to the attention of the Committee.


R. K. TIAMPATI

Copy: Clerk of the National Assembly
Deputy Clerks
Director, Legislative & Procedural Services



JIMANE
Please deal
AAA
26/1/22



REPUBLIC OF KENYA

OFFICE OF THE ATTORNEY-GENERAL & DEPARTMENT OF JUSTICE

DL & P
20/1/22

AG/LDD/1113/2/6

20th January, 2022

Mr. Michael Sialai CBS
Clerk of the National Assembly
Clerk's Chambers
Parliament Buildings
P.O. Box 48472-00100
NAIROBI

URGENT

Hand table this
to calculate receipts
& responses to
committee upon
16th Nov 17
House.
24/1/22

RE: THE POLITICAL PARTIES (MEMBERSHIP) REGULATIONS, 2021 (LEGAL NOTICE NO. 260 OF 2021)

Pursuant to section 11 (1) of the Statutory Instruments Act, 2013, please find enclosed the above-referenced statutory instrument. Kindly arrange for it to be laid before the Departmental Committee on Delegated Legislation for consideration and approval.

The Political Parties (Membership) Regulations, 2021 were published in the Gazette as L.N. No. 260 of 2021 on the 31st December, 2021. A copy of the statutory instrument, an Explanatory Memorandum, Certificate of Compliance and record of public participation thereon, are also enclosed herewith.

We trust that this is in order.

[Signature]
P. Kinara Kariuki
ATTORNEY GENERAL

Ms. M. Ataba CA
please process
H TO
25/1/22

NATIONAL ASSEMBLY
RECEIVED
20 JAN 2022
DEPUTY CLERK
J.W.N
P. O. Box 41842 - 00100, NAIROBI

Copies to: Mr. Kennedy Ogeto EBS
Solicitor General

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 25 JAN 2022

TABLED BY:
CLERK AT THE TABLE:

ISO 9001:2008 Certified

OPERATIVE BANK HOUSE, HAILLE SELLASIE AVENUE, NAIROBI, KENYA
TEL: +254 20 2227461/2251355/07119445555/0732529995
E-MAIL: legal@justice.go.ke WEBSITE: www.justice.go.ke





THE STATUTORY INSTRUMENTS ACT, 2013

(No. 23 of 2013)


COMPLIANCE CERTIFICATE

WHEREAS the Registrar of Political Parties has published the Political Parties (Membership) Regulations, 2021, pursuant to the provisions of section 49 of the Political Parties Act, 2011,

IT IS HEREBY CERTIFIED that the Political Parties (Membership) Regulations, 2021,

- (a) in their purpose and content are not inconsistent with the Constitution, national legislation or the legislation of any county government;
- (b) have been formulated in accordance with the provisions of the Statutory Instruments Act, 2013; and
- (c) are accompanied by an Explanatory Memorandum that adequately addresses the issues pertinent to their implementation.

Dated the *20th January*, 2022.

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 25 JAN 2022	DAY:
TABLED BY:	
CLERK-AT THE-TABLE:	

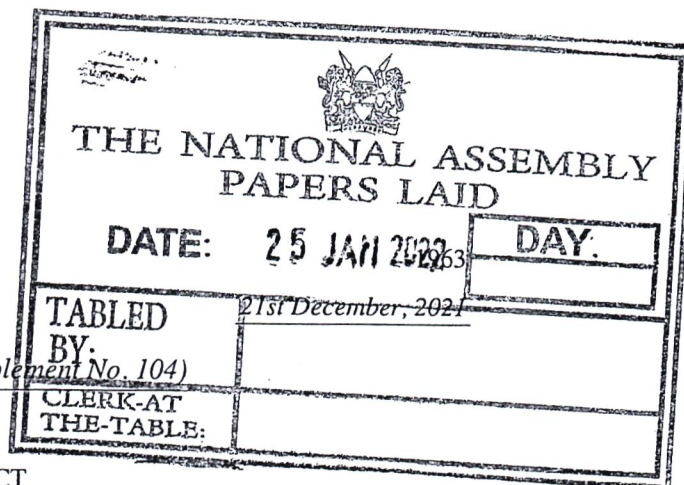

P. KIHARA. KARIUKI,
Attorney-General.

SPECIAL ISSUE

Kenya Gazette Supplement No. 233

(Legislative Supplement No. 104)

LEGAL NOTICE NO. 259



THE SOCIETIES ACT

(Cap. 108)

IN EXERCISE of the powers conferred by section 53(2)(a) of the Societies Act, Attorney-General makes the following Rules—

THE SOCIETIES (AMENDMENT) RULES, 2021

1. These Rules may be cited as the Societies (Amendment) Rules, 2021. Short title.
2. Rule 18 of the Societies Rules is amended by deleting and substituting therefor the following new rule— L.N. 62 of 1968.

18. The fees set out on the table shall be payable to the Registrar—

	Description of Fee	Amount of Fee (Kshs.)
1.	Name search	250
2.	On application for registration or exemption from registration of a society	5,000
3.	On a registered society furnishing an annual return under rule 12 of these Rules—	
	(a) where the membership does not exceed 25	500
	(b) where the membership exceeds 25 but does not exceed 100	700
	(c) where the membership exceeds 100 but does not exceed 1,000	1,000
	(d) where the membership exceeds 1,000	2,000
4.	On a registered society applying for permission under section 20 of the Act to do any of the things for which permission is required under that section	500
5.	On a registered society giving notice of change of registered office or postal address	1,000
6.	On a registered society giving notice of change of officials	1,000

	<i>Description of Fee</i>	<i>Amount of Fee (Kshs.)</i>
7.	On a registered society applying for permission under section 21 of the Act to do any of the things for which permission is required under that section	500
8.	For inspection of the register and any document lodged with the Registrar relating to any society of which inspection is made	500
9.	For a certified extract from any documents in the custody of the Registrar—	
	(a) for the first folio of 100 words or a part thereof	300
	(b) for every subsequent folio of 100 words or a part thereof	100
	(c) for issue of a fresh certificate under rule 12(3) of these Rules	200
	(d) for official search in respect of a society	800
	(e) on dissolution of a society	1,000

Made on the 1st December, 2021.

P. KIHARA KARIUKI
Attorney-General.

LEGAL NOTICE NO. 260

THE POLITICAL PARTIES ACT

(No. 11 of 2011)

IN EXERCISE of the powers conferred by section 49 of the Political Parties Act, 2011, the Registrar of Political Parties makes the following Regulations—

THE POLITICAL PARTIES (MEMBERSHIP) REGULATIONS, 2021

PART I—PRELIMINARY

1. These Regulations may be cited as the Political Parties (Membership) Regulations, 2021. Citation.

2. In these Regulations, unless the context otherwise requires— Interpretation.

“Integrated Political Parties Information Management System” means the electronic infrastructure in place to manage particulars of political parties’ members;

“member” means an individual registered as a member of a political party and includes a founding member;

“membership list” means the records kept or maintained by a political party of members of that political party including the members’ particulars;

“register” means the register of members of a political party kept by the Registrar under section 34 of the Act and includes the particulars of those members; and

“recruitment” means the process of enlisting members to a political party.

PART II—RECRUITMENT OF POLITICAL PARTY MEMBERS

3. (1) A political party that is provisionally or fully registered may recruit members.

Recruitment of members of a political party.

(2) Any citizen may apply to join a political party in accordance with the constitution and membership rules of that political party.

(3) Where a political party recruits a person to enlist as a member or a person applies to join that political party, the prospective member shall fill out a membership recruitment form in Form PPM1 as set out in the Schedule including the following particulars—

- (a) the name of the prospective member;
- (b) the prospective member’s postal and physical addresses; and
- (c) the identification or passport number of the prospective member.

4. (1) Where the political party uses information and communications technology for the recruitment of members, that political party shall ensure that the technology conforms to the requirements under regulation 3 (3).

Use of technology for recruitment of members of a political party.

(2) The Registrar shall certify the technology contemplated under subregulation (1) before it is used or deployed by the political party.

5. (1) A political party shall keep and maintain all the original copies of the recruitment forms of its members in an accessible and verifiable format.

Political party to keep and maintain original records.

(2) The political party shall, upon reasonable notice from the Registrar, give access to the Registrar to all the recruitment records kept and maintained by the political party.

(3) The political party shall, upon reasonable notice from a registered member of the political party, give access to such member to the recruitment records relating to such member and such other recruitment records of the political party as the party may, in accordance with the constitution of the political party, allow.

(4) The political party shall correct any errors relating to a registered member on its own motion or on the written notice of such member.

(5) A political party shall at all times comply with all relevant provisions of the Data Protection Act in respect of the data it collects from or about the members of the political party.

6. (1) A political party shall prepare a list of its members after collating the membership particulars contained in the recruitment forms of its members. Membership list.

(2) A political party shall ensure that the list of members is accurate and up to date.

7. (1) The membership list under subregulation (1) shall be transmitted to the Registrar through the Political Parties Information Management System. Transmission of the membership list.

(2) Where the information transmitted under subregulation (1) does not conform to the information contained in Form PPM1, the Registrar shall notify the political party in writing and the political party shall correct the information to ensure such conformity.

(3) Where the information transmitted under subregulation (1) conforms to the information contained in form PPM1, the Registrar shall enter the information in the register.

PART III—POLITICAL PARTIES MEMBERSHIP REGISTER

8. The Registrar may use the Political Parties Information Management System for the management of political parties' membership data. Use of technology.

9. After receiving information from a political party in accordance with regulation 7 (1), the Registrar shall— Membership register.

- (a) verify that the information is accurate; and
- (b) if the information is accurate, enter the information in the register.

10. The Registrar shall ensure that the information contained in the register is up to date. Maintenance of the register.

11. (1) Subject to the Access to Information Act, a person may access the membership register manually or electronically for the purposes of confirming— Access of the register.

- (a) if that person is a member of a political party;
- (b) where the person is a member of a political party, the details of that person's recruitment including the date the person was recruited in the political party, the person's membership number, and the official of the political party that transmitted that person's information to the Registrar; and
- (c) the date the information, if any, relating to that person was entered into the register by the Registrar.

(2) A person who wishes to gain access to information under subregulation (1) shall apply to the Registrar for such access in Form PPM2 as set out in the Schedule.

(3) The Registrar may provide Form PPM2 in paper or electronic form and if it is provided in electronic form, the Registrar shall ensure access to the form in the most efficient way possible.

(4) An application under subregulation (2) shall be accompanied by the prescribed fee.

(5) Where the information kept by the Registrar relating to a person is inaccurate, that person may, by notice in writing, require the Registrar to correct the information and where such correction has been made, the Registrar shall notify such person in writing of the correction.

12. (1) If a person claims that he or she has been recruited without consent to be a member of a political party, that person shall notify the Registrar of the recruitment.

Information relating to person recruited without consent.

(2) A notice under subregulation (1) shall be in form PPM3 as set out in the Schedule and accompanied by a copy of the person's national identity card or valid passport.

(3) Where the Registrar verifies that the claim made in the notice under subregulation (2) is true, the Registrar shall remove that person's name from the register of members of the political party and notify such person of the removal in writing.

13. (1) The Registrar shall remove from the register the membership records of a provisionally registered political party—

Membership records of a provisionally registered political party.

(a) that has failed to apply for full registration within the period specified in section 7 of the Act; or

(b) whose application for full registration has been refused.

(2) A person who was a member of a provisionally registered party whose membership records have been removed from the register under subregulation (1) shall be eligible to join or be recruited by another political party.

(3) The Registrar shall notify in writing the political party whose membership records have been removed from the register within fourteen days of the removal.

14. (1) Where a political party proposes to merge with another political party, the political party shall request the Registrar to transfer the names of the members of the party to the register of the merged political party in Form PPM4 as set out in the Schedule.

Transfer of membership particulars following merger.

(2) Where the Registrar verifies the details of the request under subregulation (1), the Registrar shall transfer the names of the members of the political party to the register of the merged political party as requested.

(3) Where the Registrar is unable to verify the details contained in the request under subregulation (1), the Registrar shall notify the affected political party within seven days of the request under subregulation (1) and require that political party to provide such additional details as may be necessary to give effect to the request.

(4) A member of a political party entering into a merger who does not wish to be a member of the merged political party shall notify the Registrar of the intention not to join the merged political party

within thirty days after the date of the proposed merger, and the Registrar shall remove that member's name from the register of the merged political party.

15. The Registrar shall remove the membership register of a political party that has been dissolved from the register and the Political Party Information Management System upon being notified of the dissolution in writing by the political party.

Membership records of a voluntarily dissolved party.

16. The Registrar shall, on the order or direction of a court of competent jurisdiction, remove the membership records of a person or political party from the register.

Membership records may be removed on court order.

17. Subject to the provisions of the Data Management Act, the Registrar shall retain in an accessible and verifiable form the membership records of a person or political party removed from the register for a period of not less than five years.

Records to be kept for five years.

PART IV—RESIGNATION, EXPULSION OR TERMINATION OF MEMBERSHIP IN A POLITICAL PARTY

18. (1) A member of a political party who wishes to resign from a political party shall notify in writing—

Resignation from a political party.

- (a) the political party of the resignation; and
- (b) the Registrar of the resignation in Form PPM5 as set out in the Schedule.

(2) Notwithstanding subregulation (1), a person may resign from a political party by notifying the political party and Registrar through the Political Parties Information Management System.

19. The registrar shall remove from the register the membership details of a person who has ceased to be a member of a political party by resignation, expulsion, death or revocation of citizenship.

Cessation of membership.

FORM PPM1

(r. 5(1))

POLITICAL PARTY MEMBERSHIP RECRUITMENT FORM

Name of Member

ID/Passport No.

Party Membership No.

Date of Birth (dd-mmm-yyyy)

Postal Address.....

Member's mobile No.

Sex.....

Ethnicity.....

Are you a PWD (If yes, indicate NCPWD number)

Religion

County of voter registration.....

Constituency of voter registration

Ward of voter registration.....

Enlisting Date (dd-mmm-yyyy)

I the undersigned do hereby affirm/declare/confirm/verify that I am not a registered member of any other registered political party in Kenya.

Signature of Member.....

Name and Signature of Recruiting person

*Note: These particulars must be given in respect of at least 1000 party members in a majority of the counties in Kenya.

FORM PPM2

(r. 10 (2))

MEMBERSHIP STATUS REQUEST FORM

Part I

DETAILS OF APPLICANT

I.....of.....

ID No./ Passport No.:(attach copy)

Telephone No.:wish to know my party membership status.

Signature.....

DETAILS OF MEMBERSHIP STATUS OF A THIRD PARTY

Name:

ID No./ Passport No.:(attach copy)

Telephone No.:

Part II

PARTY MEMBERSHIP STATUS

Political Party:

Membership No.:

Registration date:

Signature:

Date:

*If more than one person in part II, attach a list of the request

MRNo.:

Stamp/Signature

FORM PPM3

(r. 11 (2))

CLAIM FOR WRONGFUL RECRUITMENT IN A POLITICAL PARTY

To the Registrar of Political Parties

Particulars of claimant

Surname:

Other Name(s)

Identity Card Number/Kenyan Passport Number:

Tel or E-mail.....

I, the claimant, having been listed as a member ofpolitical party/parties without consent hereby call upon the Registrar of Political Parties to expunge my particulars from the said party/parties.

Dated:, 20

.....

Signature or thumbprint of Claimant

FORM PPM4

(r. 14(1))

DECLARATION IN SUPPORT OF MEMBERSHIP TRANSFER FOLLOWING A MERGER

I.....the Secretary General of Political Party do hereby solemnly declare as follows:

- 1. The following political parties..... have resolved to merge with/into
- 2. The members have been notified of the merger
- 3. The members have agreed to the merger
- 4. The members have consented to join the new political party (give name)

Number of members joining the new party.....

Name

Signature.....

Date.....

Before Commissioner for Oaths/ Magistrate

FORM PPM5

(r. 19 (5))

RESIGNATION FORM

Name of Member

Office held in the party (Where applicable)
.....

ID No..... /Passport No.....

Tel. No.....

E-Mail.....

Date.....

Name of Political Party Resigning From.....

Postal Address: Postal Code: City:

Attach Copy of ID/Passport

Sign.....

c.c. Registrar of Political parties

Made on the, 2021.

ANNE NDERITU,
Registrar of Political Parties.

LEGAL NOTICE NO. 261

THE COMPETITION ACT

(No. 12 of 2010)

EXCLUSION

THE PROPOSED PURCHASE OF CERTAIN ASSETS OF ORYX
LIMITED BY ELEWENA AFRIKA LIMITED.

IN EXERCISE of the powers conferred by section 42(1) of the Competition Act, 2010 the Competition Authority of Kenya hereby excludes the proposed purchase of certain assets of ORYX Limited by Elewena Afrika Limited from the provisions of Part IV of the Act due to the following reasons: —

- (a) the merger will not affect competition negatively; and
- (b) although the combined value of assets of the parties, which was higher than turnover, was above KES 1billion for the preceding year, the targets assets were valued at KES 495,917,705, which is below KES 500 million and therefore the transaction meets the thresholds for exclusion as provided in Competition (General) Rules, 2019.

Dated the 23rd November, 2021.

WANG'OMBE KARIUKI,
Director-General.

EXPLANATORY MEMORANDUM TO THE POLITICAL PARTIES (MEMBERSHIP) REGULATIONS, 2021.

Name of the Statutory Instrument: The Political Parties (Membership) Regulations, 2021.

Name of the Parent Act: Political Parties Act No. 11 of 2011.

Enacted pursuant to: The powers conferred by section 49 of the Political Parties Act, 2011.

Name of the regulation-making authority: Office of the Registrar of Political Parties.

Gazetted on:.....

Tabled on:.....

1. Purpose of the Statutory Instrument

- 1.1 The Political Parties (Membership) Regulations, 2021 provides for the step-by-step process of recruitment of party members including the requirement of continuous updating of the membership register and protection of personal data.
- 1.2 The instrument provides for the process of managing political parties' membership register.
- 1.3 The instrument addresses the gaps in resignation of party members by introducing resignation through automated means.

2. Legislative Context

- 2.1. Section 49(2) of the Political Parties Act, 2011 empowers the Registrar of Political Parties to make Regulations on regulating activities of political parties and further prescribe forms for carrying out the provisions of the Act.
- 2.2. Pursuant to the provisions of the Political Parties Act, 2011, this instrument addresses recruitment of party members, management of the political parties' data with respect to party members, and resignation from a political party.
- 2.3 The role of these Regulations include to;
 - a) Provide the systematic use of technology in implementing the Political Parties Act, 2011 including recruitment and resignation.
 - b) Provide for management of data of provisionally registered parties that have not complied with the provisions of Section 7 of the Political Parties Act, 2011 in terms of proceeding to the full registration status.
 - c) Provide for removal from the register the membership details of a person who has ceased to be a member of a political party by resignation, expulsion, death or revocation of citizenship.

3. Policy Background

3.1. The Political Parties Act, 2011 has provisions that are not self-enforcing hence the need for Regulations to ensure that the Registrar of Political Parties can effectively and efficiently implement the Act.

3.2. The overarching objectives of the Regulations are thus:

- (a) To provide mechanisms Kenyans to willingly participate in political activities with a focus on enjoying political rights;
- (b) To allow Kenyans the latitude to join and resign from political parties without unreasonable restrictions; and
- (c) To capitalize on technology with respect to regulating political parties;

4. Extent

The statutory instrument applies in the Republic of Kenya and to Kenyans in the Diaspora.

5. Consultations Outcome

5.1. The instrument was subjected to the following stakeholder engagements;

- a) Technical Caucus Consultative Meeting on the Review of the Political Parties Act, 2011 held at Sarova Woodlands Nakuru on 10th February 2020;
- b) Political Parties Consultative Meeting held from 1st to 3rd March 2020 at Sarova Woodlands Nakuru;
- c) State actors and Civil Society Organizations workshop held from 5th to 9th October, 2020;
- d) State actors in electoral processes workshop held from 13th to 16th June, 2021 at Great Rift Valley Lodge in Nakuru;
- e) Drafters Retreat with composition from State actors in electoral processes held from 4th to 7th July 2021 in Naivasha;
- f) Political Parties' Secretaries-General Meeting Held from 27th to 30th July 2021 at Sarova Woodlands, Nakuru County;
- g) Political Parties Liaison Committee Meeting held on 3rd August 2021 at Tamarind Tree Hotel in Nairobi on the Draft Political Parties (Amendment) Bill, 2021;
- h) Meeting between Office of the Attorney General, IEBC and ORPP held on Tuesday, 27th July 2021
- i) Memoranda by the Council of Governors;

j) National Development Implementation Technical Committee (NDITC) – Legal Sub-Committee meeting held on 31st August, 2021; and

k) A Meeting between Office of the Attorney General and ORPP 10th September 2021;

5.2. Stakeholders participated in offering proposals that culminated into the development of the present instrument. The Regulations are therefore a product of the combined effort between the Office of the Registrar of Political Parties and the said stakeholders.

6. Regulatory Impact Assessment

6.1. Pursuant to Section 9 of the Statutory Instruments Act No. 23 of 2013 there is no justification for a regulatory impact statement given that this instrument is based on an existing Statute. Further, the Political Parties (Membership) Regulations, 2021 does not operate to the disadvantage of any person by decreasing the rights or imposing liabilities on of any person.

7. Guidance

7.1. The Office of the Registrar of Political Parties by developing this instrument to address the implementation of the Political Parties Act, 2011 has remained true to the national values and principles of governance with respect to execution of duties in line with the rule of law.

7.2. Reaffirming the Office of the Registrar of Political Parties' mandate to ensure that political parties are compliant with the provisions of the Political Parties Act, 2011 including implementation of Chapter 7 of the Constitution, the Office of the Registrar of Political Parties will sensitize the public, Office's staff, political parties, civil society organizations, media, state actors on the provisions of the instrument.

8. Contact Persons

The contact person for purposes of answering questions on this statutory instrument from the Office of the Registrar of Political Parties is the Registrar of Political Parties, Ann N. Nderitu through: info@orpp.or.ke

Made on the 13th day of January, 2022



Ann N. Nderitu, MBS
Registrar of Political Parties



Republic of Kenya

ACTIVITY: DRAFTING RETREAT ON AMENDMENT OF THE POLITICAL PARTIES ACT, 2011

DATE: 6/02/11

SNO	NAME	INSTITUTION	CONTACT	SIGNATURE
1.	Micnerel Karuru	Parliament	0722 457602	
2.	Blikka KEKE	ACC	0700331868	
3.	Mathani Judy	ORPP	0722 782502	
4.	Swire Mutui	ORPP	0722 975 470	
5.	Ben Mulehnd	ORPP	0723 573418	
6.	Mopula Makoko	ORPP	0724 787203	
7.	Christina Kipkoroh	ORPP	0724 296297	
8.	ISAIE OSMAN	ORPP	0729 386088	
9.	Ann N Ndonyi	ORPP	0727 419 965	

10.	Nancy Koros	IEBC	0721267579	100
11.	Harrison Karisa	ORPP	0711455812	92007
12.	CPA Florence Binyoo	ORPP	0721674260	FB
13.	Godfrey Njani	ORPP	0722376119	4
14.	Anthony Etiro	KLRG	0722975470	AA
15.	Paul Mugambi	Parliament	0722975470	PM
16.				



Republic of Kenya

ACTIVITY: WORKSHOP ON REVIEW OF THE POLITICAL PARTIES ACT, 2011

DATE: 05/10/2020

S/NO	NAME	INSTITUTION	CONTACT	SIGNATURE
1.	Ben Machelwe	ORPP	0723579348	[Signature]
2.	Magula Makoko	ORPP	0724787203	[Signature]
3.	Joseph O Nyang'oro	ORPP	0725549467	[Signature]
4.	JESANT CHONGODINY	CRCCO	0722660777	[Signature]
5.	Joseph Kinyo	ORPP	0735458477	[Signature]
6.	Sebastian Gatimu	UN Women	0722661290	[Signature]
7.	Faika Odhadi	WFD	0722144661	[Signature]
8.	Lilian Kang'ethe	CRAWN Trust	0796557300	[Signature]
9.	Faneline Mwendu	AND-Kenya	0722325594	[Signature]

2.	Geraldine Murekele	ORPP	0722140224	GA
1.	Marcus Agenga	ELOG	0722 448 478	M ✓
2.	GRAYSON MARIKA	SIASA PLACE	075989935	GA ✓
3.	Lodupo Tukei	ORPP	0725075133	GA ✓
4.	Damaris Mukala	KLAC	0721144714	D. ✓
5.	Sylvester Mbitui	NGEC	0727570430	GA ✓
6.	Nancy Koroj	I. E. B. C	0721267579	GA ✓
7.	Jacint Muriini	ORPP	0722 975470	J. ✓
8.	Ann Nderis	ORPP		AN. ✓
9.	Basalyha Aganyo	PPDT	0721207332	GA ✓













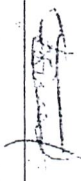





Republic of Kenya

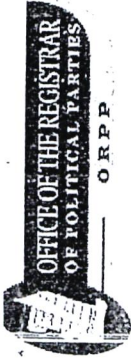
ACTIVITY: WORKSHOP ON REVIEW OF THE POLITICAL PARTIES ACT, 2011

DATE: 08/10/2020

S/NO	NAME	INSTITUTION	CONTACT	SIGNATURE
1	Mwenda Hlekoko	ORPP	0724787203	
2	Ben Makhel	ORPP	0723593418	
3	Josiah Kanga	ORPP	0135653410	
4	Jusiet Nwini	ORPP	0722975470	
5	Damian Nwaka	KLRC	0721100714	
6	Faith Odidi	WFD	0721248314	
7	MARYSON MURWA	SASSA PLACE	0705090935	
8	Lilian Kang'ethe	CRAVIN Trust	0796557300	
9	Josua Othman	CEG	0722660777	

Nancy Keros	IRBC	0721267579	
Miriam Agony	troz	0722448421	
Joseph Nyangera	SPP	0725549967	
Geraldine Mureke	ORDP	0722140224	
Faustine Muedanf	CMD Kenya	072325594	
Syvester Muthiri	NREC	0727570430	
Sebastian Gatimu	UN Women	0722661290	
Edgar A. Isotso	PPST	0707965245	

10	Nancy Korder	IEBC	0721267579	
11	Christopher Kapstein	ORPP	0724096294	
12	ISAAC OSMAN	ORFP	0729358888	
13	Godfrey Nyang'g'	ORPP	0722376119	
14	Harrison Karissa	ORPP	0711455812	
15	PA Florence Binger	ORPP	0721674260	
16	Joy Olyinga	ORPP	0722597915	
17	Paul Mugambi	Parliament	Programs, Dict 2012	



Republic of Kenya

ACTIVITY: DRAFTING RETREAT ON AMENDMENT OF THE POLITICAL PARTIES ACT, 2011

DATE: 5/10/11

SINO	NAME	INSTITUTION	CONTACT	SIGNATURE
1	ALI ABDULLAH	ORPP	0720765487	
2	Ann. N Nderitu	ORPP	0727419965	AN
3	Michael Keiruru	Parliament	0722-456027	
4	Waqida Wako	ORPP	0724787203	
5	Ben Mwalidwal	ORPP	0723598418	
6	Egadoni Judy	ORPP	0722782502	
7	ELIAS KERE	UAG	0700331808	
8	Anthony Ofieno	KLRC	0720343232	
9	Juliet Muriini	ORPP	0722975470	



Republic of Kenya

ACTIVITY: WORKSHOP ON REVIEW OF THE POLITICAL PARTIES ACT, 2011

DATE:

7/10/2020

S/NO	NAME	INSTITUTION	CONTACT	SIGNATURE
1.	Bon Makulwal	ORPP	07235793918	
2.	Josephat Nyangesa	SRPP	07255749967	
3.	Joseph Kari	ORPP	0735658410	
4.	Jesha Chom Gwony	CEIC	0722660797	
5.	Miriam Ayoga	ELDA	0722498475	
6.	Geraldine Murele	ORPP	0722140224	
7.	Faith Odidi	WFD	0721248314	
8.	Damavis Mukala	KLRc	0721144714	
9.	Richard Mwangi	SASA PLACE	0725989935	

1.	Nancy Koras	IEBC	0721267579	AKS
	Silvester Mbitui	Narec	0727 570430	AKS
2.	Sebastian Gatimu	UN Women	0722661290	AKS
	Junex Mutini	ORPP	0722 975470	AKS
4.	Ann Nderitu	ORPP		AKS
5.	K. Ki Saoti	JCE	0722160165	AKS
	Lodipo Juma	DRPP	07 25075133	AKS
7.	Dasalyun Aganyo	PPDI	0721207332	AKS
8.	Wafela Kakoko	ORPP	0724787203	CAV
	Lilian Kang'ethe	CRAWN Trust	079 6557300	Mkang'ethe



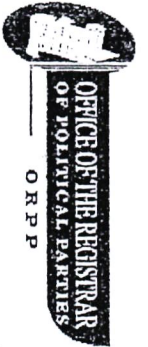
Republic of Kenya

ACTIVITY: WORKSHOP ON REVIEW OF THE POLITICAL PARTIES ACT, 2011

DATE: 06/10/2020

S/NO	NAME	INSTITUTION	CONTACT	SIGNATURE
1.	Miriam Ayunga	ELCG	0732 448 478	
2-	Bon Makwal	ORPP	0705 593 418	
3.	Famline Mwendiga	CMD-Kenya	0722325594	
4.	Joseph Nyongesa	ORPP	0725502267	
5.	Lygula Kikoko	ORPP	0724 787203	
6.	Jessha Chirogoori	ORPP	072265799	
7.	Jason Kang'ara	ORPP	0735555400	
8.	Sebastian Gatimu	UN Women	0722661290	
9.	Faita Delidi	WFP	0721 2483 14	

1.	Lilian Kangetha	CROWN Trust	0796657300	Handwritten signature
2.	Geraldine Mukele	ORPP	0722146224	Handwritten signature
11.	GRAYSON MARWA	SIASA PLACE	0705989935	Handwritten signature
2.	Lodupo TUKEL	ORPP	0725075133	Handwritten signature
4.	Damara Muzala	KLRC	0721144714	Handwritten signature
5.	Syvester Muthi	NGEC	0727570430	Handwritten signature
16.	Fancy Koros	IEBC	0721267579	Handwritten signature
7.	Junet Muniu	ORPP	0722973470	Handwritten signature
3.	Ana Ndenho	ORPP		Handwritten signature
9.	Rosalynne Aganyo	PPDT	072207232	Handwritten signature

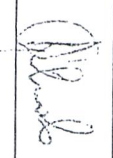



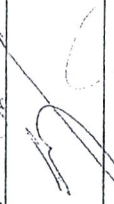








Republic of Kenya

ACTIVITY: WORKSHOP ON REVIEW OF THE POLITICAL PARTIES ACT, 2011

DATE: 15 | 06 | 2021

S/NO	NAME	INSTITUTION	CONTACT	SIGNATURE
1.				
2.	Lucy Hlangwa	CAF	0725634900	
3.	Paul Murgambira	Performance	01 24322 707	
4.	CPA Florence Binyo	ODPP	0721674260	
5.	Juice Muvini	ODPP	07 229 75 470	
6.	hathani Judy	ODPP	0722 782502	
7.	Bow Marshall	ODPP	0723573418	
8.	ERICK ABITA	PPST	0729958872	
9.	Brian Kithugi	KNCHR	0711532461	

10.	Antonia Binny	1500A	0122683466	
11.	Est. Clara Mubanda	1000A	0722904505	
12.	Miriam Mubandi	1000	0927349786	
B.	Miriam Karuru	1421, Avenue 1	0722-456022	
N.	LOSERIAD TUKETI	ORPP	0925095133	
15.	Sifineke Muthi	Ngee	0727570930	
16.	Amosia Vokorua	ORPP	0921783601	
17.	Margaret Okello	ORPP	0705570631	
18.	Est. M. Ombao	ORPP	0722547415	
19.	Mu Mbulaku	ORPP	0920965889	
20.	Herbert Makoko	ORPP	0724787203	



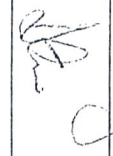










Republic of Kenya

ACTIVITY: WORKSHOP ON REVIEW OF THE POLITICAL PARTIES ACT, 2011

DATE: 18/10/2021

S/NO	NAME	INSTITUTION	CONTACT	SIGNATURE
1	Ann Ndoini	ORPP	0722 419 965	Ann
2	Abi Abdulahi	ORPP ORPP	0720 965 985	Abi
3	Lucy Mwangi	ORPP ORPP	0722 265 4900	Lucy
4	Juwel Mwangi	ORPP	0722 975 470	Juwel
5	Rehmat Wadhvani	ORPP	0727 466 608	Rehmat
6	Bon Mankhand	ORPP	0723 578 418	Bon
7	MUTHEI KRUMAN	PARLIAMENT	0722 456 022	Muthei
8	Morisa Mwakoko	ORPP	0724 787 203	Morisa
9	Geoffrey Jwaly	ORPP	0722 78 2502	Geoffrey

16	Maryia Okegbo	DEPT	0105510631	
17	Isaac Okegbo	DEPT	0722547415	
18	Amunime Olanji	DEPT	0122683466	
19	Oliver Munkwale	DEPT	0422904505	
20	Malenke Kitagi	KNCHR	0711332461	
21	LODOPU TWEZI	GRPP	0725045153	
22	8012 abutu	PPNG	0429958877	
23	Esther Mestho	NGEC	0707570430	
24	Phenike Mwanji	DEPT	0722399785	
25	Amatara Wabere	FIRPP	0721783601	
26	CPA Florence Binyu	GRPP	0721674260	



Attendance list



Republic of Kenya

ACTIVITY: PPLC MEETING ON AMENDMENT OF THE POLITICAL PARTIES ACT, 2011
VENUE: TAMARIND TREE HOTEL, NAIROBI

DATE: 28/2021

S/NO	NAME	INSTITUTION	CONTACT	GENDER	SIGNATURE
1.	HASSAN MUMBERIA-BEHE	KADU-ASILI	072511599	M	
2.	STEM OCHRO OMDIERI	MUNYAMA PARTY	0723-308-839	M	
3.	Betsy Aden	KANU	0720567590	F	
4.	ELUIS.K. MWANURA	R.B.K	0726277-556	M	
5.	JACKSON MANA K	Franchise Alliance party (FAP)	0721154196	M	
6.	ADAM KADENANI	ROOTS PARTY OF KENYA	0733796896 0790725155 - Safaricom	M	
7.	JOHN J. KAHARA	FARMERS	0729809447	M	
8.	Paul Sigeri	NDM	0722703399	M	

S/NO	NAME	INSTITUTION	CONTACT	GENDER	SIGNATURE
9.	ANIKIA JAOE	GREEN CONGRESS OF KENYA	0712930435	F	
10.	EVANS MISAJI	PROGRESSIVE PARTY OF KENYA (PPOK)	0722253173 0733530579	M	
11	MOSES AACHUGI	NATIONAL DEMOCRATIC MOVEMENT (NDM)	0799839003	M	
12	KEVIN MURONGE	MAJIMBAKATI CHAMP / CHAMP PARTY	0725217077	M	
12	PHOTOLE KINYA KIKAY	DDA Alliance Development Alliance	071751265	M	
14	DAVID MUTUN	THE NEW DEMOCRATS	0729813565	M	
15	Glenn Muterwa	ADZA	072		
16	Jony Muliaga	PTP	0705033345	M	
17	OXIBI FRANSIS	PHOTO OF DEMOCRATIC UNITING P.O.U	0713511655	M	
18	CHRISTOPHER KIPKOROH	ORPP	0721296292	M	
19	George Bayun	K.D.P	0740791658	M	
20	MIKE OLEND	MDG	0722302891	M	
21	ANNA-K. NYAMBA	UGFM	0717969700	F	

S/NO	NAME	INSTITUTION	CONTACT	GENDER	SIGNATURE
22	John Wamara	Spiras	0722213541	male	
23	Dephite Plate	KSSE	072742487	male	
24	John A OLEMANA	PKR	07222 40544	M	
25	NEOTHOPE KASYIKA	NSPIC	07225 006402	M	
26	Machauji Eric	U.D.P	0720, 621638	M	
27	MYOKI KIROBO	RLP	0729 381378 0729 381378	M	
28	Aminda Njoroge	T.A.K	0722382994	M	
29	Solun Kilucka	*FPK	0722340286	M	
30	Ruben Mafaka	*LPK	0723992256	M	
31	Kipkorah Simon	DC	071396211	M	
32	AFFLE KUKUNA	NAR-K	0700 111444	M	
33	Amisr Gathungu	MMO	0722 635506	M	
34	Selick Omya	Mwengya Party	0726089384	F	



Republic of Kenya

ACTIVITY: PPLC MEETING ON AMENDMENT OF THE POLITICAL PARTIES ACT, 2011
VENUE: TAMARIND TREE HOTEL, NAIROBI

And 101

DATE: 3/8/2021

S/NO	NAME	INSTITUTION	CONTACT	GENDER	SIGNATURE
1.	MIDSES CIACHUGI	NATIONAL DEMOCRATIC MOVEMENT (NDM)	0799839003	M	
2.	Joseph D Nyiraga	DRP	07226257767	M	
3.	LOGHA ERUKUDI	ORPP	0716883997	M	
4.	Fredrick Ombani	Nara Kenya	0722-255130	M	
5.	Ben Mwalusi	ORPP	6923573918	M	
6.	Joei Temba	ORPP	0722767206	M	
7.	Dano Nyim	FORD	0722779003	F	
8.	Tony Muliya	PTP	0705033345	M	

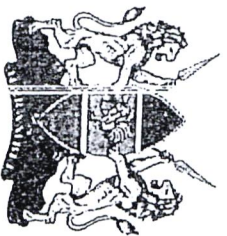
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SINO	NAME	INSTITUTION	CONTACT	GENDER	SIGNATURE
9	Eddah Rohh	UDA	0133-670676	F	
10	Henry MADRDE	NVP	0725859168	F	
11	Alice Gaffoni, M.	AGANO	0723 909362	F	
12	Rosemary Asimbo	LDP	072257-5057	F	
13	Prulani Giora	KNE	0711 677 640	M	
14	Jeliam Mbara	Pick	0722455131	M	
15	Gemy O'Ni	APK *	0725420513	M	
16	Philippo Saja	CSA *	072258573	M	
17	SACE Nwamainu	RSP	0720263472	F	
18	Jimmy Kuvira	Dirani Nzalendo	0705-470499	M	
19	Cleophas Oket	PDP	0724-356055	M	
20	Ken Mwangi	EPK	0722-561740	M	
21	Gitah Ngunyi	EPK	0710188066	M	

S/NO	NAME	INSTITUTION	CONTACT	GENDER	SIGNATURE
22	ADAM MBETO	SHIELKISHO	0726603522	M	
23	EDWARD NYAKARIGA	RILF	0720245684	M	
* 24	ANG NEIROTE	M.C.P.K	0701261977	F	
* 25	ISKAC OCHIBU	DEVELOPMENT PARTN	0723852441	M	
26	LAILAC AYONG	ORPP	0728-888042	F	
* 27	SAMUEL MUTHOMI	ORPP	0723426259	M	
28	EDWARD WAMALIA	ORPP	0723596369	M	
29	MARGARET NDABOYI	ANL	0722436755	F	
30	HELENS KATISA	ORPP	0711455812	M	
31	KECK OMANA	ORPP	0729386888	M	
32	JUSTIN TOMWA	JFP	0720397755	M	
33	SALIM DINGIR	MTD	0726089384	F	
34	GATHOM NYGULIGA	ORPP	0722782502	F	

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signature

301
202
102



Republic of Kenya

ACTIVITY: PPLC MEETING ON AMENDMENT OF THE POLITICAL PARTIES ACT, 2011
VENUE: TAMARIND TREE HOTEL, NAIROBI

DATE: 3/8/2021

S/NO	NAME	INSTITUTION	CONTACT	GENDER	SIGNATURE
1	Ann Ndairi	ORPP	-	F	
2	CPA Florence Bigwa	ORPP	bigwa_f@yahoo.com	F	
3	Au Mwendu	ORPP	auwendu@gmail.com	M	
4	Bari Mwendu	ORPP	bariwendu@gmail.com	M	
5	Wangari Mwendu	ORPP	wangariwendu@gmail.com	M	
6	Joyce Mwangi	ORPP	joycemwangi@gmail.com	F	
7	Joseph Njiragu	ORPP	njiraguji@gmail.com	M	
8	Patrick Kamau	ORPP	pkamau@gmail.com	M	

Mobile
Number

28.07.2021

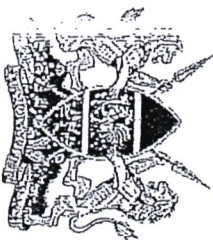
PARTICIPANT SIGN-IN FORM




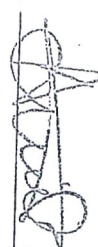
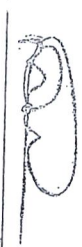




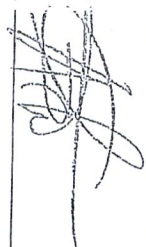

NAME OF ACTIVITY: MEETING WITH SECRETARY GENERALS OF ALL FULLY REGISTERED POLITICAL PARTIES

DATE: 27TH TO 30TH JULY 2021

LOCATION: SAROVA WOODLANDS, NAKURU







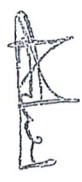



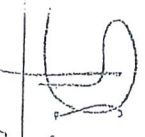

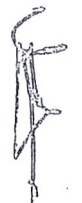
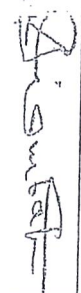


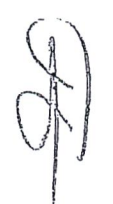
NAME OF PARTY	NAME OF PARTICIPANT	PHONE NO.	EMAIL ADDRESS	SIGNATURE
1. Narc Kenya	DANOK MICHAE	0720476930	orwakmichae@gmail.com	
2. National Vision Party	Mrs. WARE WAMWANGI	0725859118		
3. Labour Party Of Kenya	HEATON MUTUGI	0795656735	heatonmutugi@gmail.com	
4. Mwangaza Tu Party	Selach Opiyo	0726089384	Selachmaineh Opiyo@gmail.com	
5. Restore And Build Kenya				
6. Party Of Independent Candidate				

	Kenya National Congress	Edgemin GILSON	0711677608	edgemin@gmail.com	
8.	Mazingira Greens Party	Ann KLEMBE	0701261977	Annkembegmail.com	
9.	National Democratic Movement	Moses GACHWA	0799839003	mogachwa@gmail.com	
10	Wiper Democratic Movement-Kenya	Dr. JUSTIN KYAMBO	0713267881	kyambostudies@gmail.com	
11	Democratic Party	Dr Jacobs Haji	07225514121	Jacobs_haji@yahoo.com	
12	Party Of National Unity	Kevin Kariki	0149360964	kenkariki86@gmail.com	
13	United Democratic Alliance	Eddahai Rahoi	0713570875	eddahai@gmail.com	
14	Agano Party	Alice Gathuru N	0723909362	Nagathuroni@gmail.com	
15	Kenya Social Congress	Stephen Okechutes	0722742451	stocok@gmail.com	




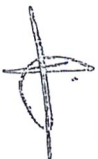

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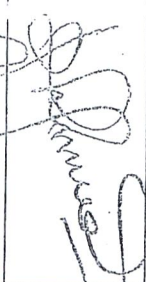
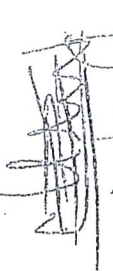
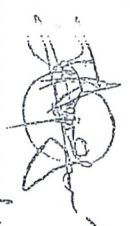

16	Orange Democratic Movement					
17	Peoples Party Of Kenya	Esther Kiliko	07223402826	estherkiliko36@gmail.com		
18	Forum For Restoration Of Democracy-Kenya	MURGIT ABODHO METHAZE MUTINDA WAKHO	0722323419 0722690660	ABU@102510@gmail.com muthindawakho@gmail.com		
19	Progressive Party Of Kenya	Han Clementine Ochi	0722392003	cosololo@gmail.com		
20	Jubilee Party	HADITHI D. DAKHY	0725710818	ngahuc@member.or.ke		
21	Maendeleo Democratic Party	Amisi Omukoron	0722635706	amisi@murunday@gmail.com		
22	National Rainbow Coalition					
23	Kenya African Democratic Union-	HARON MIMBE TSA BETA	0725111589	ombeta@gmail.com		

	Asili				
24	Kenya Patriots Party	George Benson	0721201135	georgebenson@gmail.com	
25	Communist Party of Kenya	GIYATHI NENUNYI	071628066	giyathi_nenyi@yahoo.com	
26	Kenya African National Union	Gladys Kangogo	0721132835	gkangogo@yahoo.com	
27	Safina	John Wamogete	0722313941	wamogetejohn@gmail.com	
28	Chama Cha Uzalendo	JARRETH W. KIID	0720729822	jarrettkiid@gmail.com	
29	National Agenda Party of Kenya	ALFRED AGESTANA	0700111444	alfredagestana@gmail.com	
30	Peoples Empowerment Party	Styke Mwanamwili	0720263474	mwanamwili01@gmail.com	
31	Peoples Democratic	CHARLES O. Mogyere	072255713	charlesmogyere74@gmail.com	


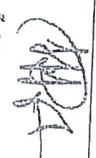

	Party				
32	The New Democrats	Frederic Kithangys	0720220300	Frederic Kithangys @FredericKithangys	
33	United Democratic Movement	Paul Sigera	07022703399	Yamson O yams@adm@gmail.com	
34	Shirikisho Party Of Kenya	Abraham MBEIO	07266603528	mbioadm@gmail.com	
35	Party Of Democratic Unity	Pamuko OKIBI	0718511655	okibipamuko@gmail.com	
36	Millenium Party Of Kenya	PETER DRINK	0721239091	Mokpetere@mpk.com	
37	Frontier Alliance Party	Jackson MANKI K.	0701184170	kipsielejnj@gmail.com	
38	Farmers Party	JOTHAN KATHU PA.	0729809447	JohnKathu@fpk.com	

39.	Economic Freedom Party	Abdullahi Gessay	0722894252	gessay@gmail.com	
40	Federal Party Of Kenya	PRESTON OJWALI Ombeki	0721755581	freedom@gmail.com	
41	Muingano Party	STEM OCHRO Ombeki	0723308534	stemochro@gmail.com	
42	National Party Of Kenya				
43	Jirani Mzalendo Asili Party	CHARLES OTINDO	0721955138	NA	
44	Chama Cha Mashinani	HON. KOCHER K. ALBERT	0721230320	kocher@chama.com	
45	Alliance For Real Change				
46	Forum For Republican	MUCHAEL MUTINDA MUMBO	0722890060	Mutambarumwiro@gmail.com	

	Democracy				
47	Republican Liberty Party				
48	Roots Party Of Kenya	ADAM KADZEMANI	0733796896	adkad9495@gmail.com	
49	Citizens Convention Party				
50	Amani National Congress	Margaret Ndanyi	0722436755	mandanyi@yahoo.com	
51	Devolution Party Of Kenya				
52	United Democratic Party	Machuga Erick	0720621635	Ama517512@gmail.com	
53	Diligence Development Alliance	Anton Ole Kingya Kilaki	0711751268	antonkingya@gmail.com	
54	Peoples Trust Party	Tony Muliugo	0705033334	tonymuliugo@gmail.com	

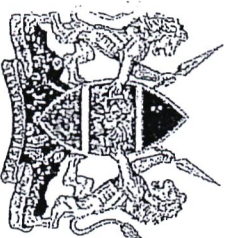
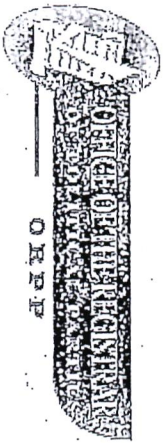
55	Maendeleo Chap Chap Party	Kenneth Mwanjiru	0725012022	maendeleo@chapparty.co.ke		
56	Democratic Congress	Elisabeth Mepelwa	0722 202288	emepelwa@gmail.com		
57	Liberal Democratic Party	David Muremu	0722 552422	dolanah@gmail.com		
58	Green Congress Of Kenya	John Kamira	0718 451358	kamiraj2006@yahoo.com		
59	National Liberal Party	Onyiah Kiyo	0929551378	onyiahkiyo@gmail.com		
60	Movement For Democracy And Growth	MINE BLIEND	0722 352877	mikeblinda@yahoo.com		
61	Alternate Leadership Party Of Kenya	Maurice Oluo	0727 282391	oluo@alternat116@gmail.com		
62	Ukweli Party	NDUKO OIMATIGERE	0720131574	ndukooimati@gmail.com		

63	Empowerment And Liberation Party					
64	Thirdway Alliance Kenya	MUSSEK USABOOR	072382994	goumup@gmail.com		
65	Justice & Freedom Party Of Kenya	MARY MURITHI	072192553	murithi@kenya.com murithi@mail.com		
66	Grand Dream Development Party					
67	United Green Movement	ANNA-K. NYAMBARI	0717969700	nyambanibk@gmail.com		
68	Usawa Kwa Wote Party	PATRICK MUGEL	072546453	pkmkenya@gmail.com		
69	Party Of Economic Democracy					
70	The Service Party	WAMBARI KAMATH	072698568	limathie		

71	National Ordinary People Empowerment Union					
72	National Reconstruction Alliance	PAUL AMENGA DHAMBA	0790704751	Paul.dhamba@gmail.com		
73	Democratic Action Party-Kenya	Benard W. M. KSAK-JA	071064333	benardja19@gmail.com		
	EMANS MISAJI	PPLC CHAIR	073353059	huf_wscott@gu		

PARTICIPANT SIGN -IN FORM

29.07.2021







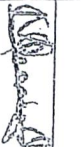

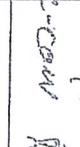




NAME OF ACTIVITY: MEETING WITH SECRETARY GENERALS OF ALL FULLY REGISTERED POLITICAL PARTIES

DATE: 27TH TO 30TH JULY 2021

LOCATION: SAROVA WOODLANDS, NAKURU

NAME OF PARTY	NAME OF PARTICIPANT	PHONE NO.	EMAIL ADDRESS	SIGNATURE
1. Narc Kenya	Emog Mulanda	0736277753	emog.mulanda@gmail.com	
2. National Vision Party	Hon. MAREES	0725889168		
3. Labour Party Of Kenya	Neuron Njugui	0725656735	neuronnjugui2007@gmail.com	
4. Mwangaza Tu Party	Celvin Njiru	0726089384	celvinmwangaza@gmail.com	
5. Restore And Build Kenya				
6. Party Of Independent Candidate				
7. Kenya National Congress	Benjamin Gisma	0711677640	benjamin.gisma@gmail.com	
8. Mazingira Greens Party	Ann Nkunge	0720261977	annnkunge@gmail.com	
9. National Democratic Movement	Moses Wachua	0799829003	mosewachua@gmail.com	
10. Wiper Democratic Movement-Kenya	Dr Justin Kijana	0713267881	justin.kijana@gmail.com	

NAME OF PARTY	NAME OF PARTICIPANT	PHONE NO.	EMAIL ADDRESS	SIGNATURE
11. Democratic Party				
12. Party Of National Unity	DAVID KARUMU	0722523247	carthursources14@gmail.com	
13. United Democratic Alliance	FEOLAH RASH	0713690746	hello@wika-ke	
14. Agano Party	Alice Gathoni N.	0723 909362	agano.ke@gmail.com	
15. Kenya Social Congress	DELITO DITA	0721742487	delito@gnil.com	
16. Orange Democratic Movement				
17. Peoples Party Of Kenya	John Kibuka	0722340286	john.kibuka@gmail.com	
18. Forum For Restoration Of Democracy-Kenya	Millieet Akech	0722323419	akech.millieet@gmail.com	
19. Progressive Party Of Kenya	Hon. Clementine Orodho	07223412003	corodho@gmail.com	
20. Jubilee Party	Hon THAS N. NG'EMU	0722510818	ngemu@ppm.com	
21. Maendeleo Democratic Party	Amos Mwendwa	0722635506	amendeleo@ppm.com	
22. National Rainbow Coalition				
23. Kenya African Democratic Union-Asili	HASSAN MUMGETSA	072511599	humbet@nicel.com	
24. Kenya Patriots Party	George Rogoo	0740791658	george.fisher@gmail.com	
25. Communist Party of Kenya				










English

NAME OF PARTY	NAME OF PARTICIPANT	PHONE NO.	EMAIL ADDRESS	SIGNAT
Kenya				
26. Kenya African National Union	Joseph Tomuht	0743838349	jtomb2012@gmail.com	
27. Safina	John Wamugaga	0722518941	wamugaga.john@gmail.com	
28. Chama Cha Uzalendo	JAPHETH N. KIIO	0720709800	jeffkiio2002@mail.com	
29. National Agenda Party of Kenya	WAFED AKUFRUKA	0710888222	akufuka@napei.com	
30. Peoples Empowerment Party	Soyce Mwanjiru	0720263472	joycewambiri@yahoo.com	
31. Peoples Democratic Party	CHARLES O. MUGERE	0722558103	charlesmugere@gmail.com	
32. The New Democrats	FOSBORCE TULLUWAGA	0720220300	fofborcetulluwa@yahoo.com	
33. United Democratic Movement	Paul Sigoi	0722703309	muhammad@sigoi.com	
34. Shirikisho Party Of Kenya	ABDUL MALIK MBEIO	0726603528	com	
35. Party Of Democratic Unity	Hon FRANCIS OKIBI	0713511655	OKIBIFRANCIS@gmail.com	
36. Millennium Party Of Kenya	PETER ORINA	0721289071	morina123@icloud.com	
37. Frontier Alliance Party	JERSON MUKINA	0721164190	kipisimuj@gmail.com	
38. Farmers Party	John A. Keshwera	0729809447	johnkeshwera10@gmail.com	
39. Economic Freedom Party	Abdulhaki Gesseny	0722854252	agesseny@gmail.com	
40. Federal Party Of Kenya	FRANCIS OLMUKI	0721755581	federalpartyofkenya@gmail.com	

NAME OF PARTY NAME OF PARTICIPANT PHONE NO. EMAIL ADDRESS SIGNAT

John




NAME OF PARTY	NAME OF PARTICIPANT	PHONE NO.	EMAIL ADDRESS	SIGNATURE
Kenya				
26. Kenya African National Union	Joseph Tomblat	0723838849	jtombt@2012@gmail.com	
27. Safina	John Mwangi	0722813941	vwangj@2012@gmail.com	
28. Chama Cha Uzalendo	JAPHETH N. KIID	0720709800	jeffkiid2012@gmail.com	
29. National Agenda Party of Kenya	AKHILI ACUSTANK	27-10888222	akhilg.acustank@gmail.com	
30. Peoples Empowerment Party	JOICE MUMSINDEU	0720263472	joycemumbsi@yale.com	
31. Peoples Democratic Party	CHARLES O. MOKWERE	0722558103	charlesmokerere@gmail.com	
32. The New Democrats	JOSEPH TULLUWASYI	0720220300	jozephntulluwasyi@gmail.com	
33. United Democratic Movement	Paul Sioyi	0722703309	yaem201@gmail.com	
34. Shirikisho Party Of Kenya	MILIAM MBETO	0726603528	com	
35. Party Of Democratic Unity	Hon FRANCIS OKIDI	0713511655	OKIDI FRANCIS @ mail.com	
36. Millennium Party Of Kenya	PETER DRINA	0721289071	Mokwerere2014@yahoo.com	
37. Frontier Alliance Party	KEESON NAKUNA	0721164190	Kipsielewang@gmail.com	
38. Farmers Party	JOHN N. KUKURU	0729809447	johnkukuru10@gmail.com	
39. Economic Freedom Party	Abdullahi Gessay	0722854252	agessay@gmail.com	
40. Federal Party Of Kenya	FREDRICK OMBILI	0721755581	federalpartyref@gmail.com	
41. Muungano Party	STANLEY OCHIENG	0723308000	stanleyochieng@gmail.com	

NAME OF PARTY	NAME OF PARTICIPANT	PHONE NO.	EMAIL ADDRESS	SIGNATURE
42. National Party Of Kenya				
43. Jirani Mzalendo Asili Party	ANTHONY OJEBWA	0791955133	januarimz@kenyaasili.com januarimz@gmail.com	
44. Chama Cha Mashinani	HON. MOSES ABBANI	0721230320	koledicial@ccm.co.ke gmsccm.co.ke	
45. Alliance For Real Change				
46. Forum For Republican Democracy	MICHAEL MURUKA MUMIRO	0722840060	michaelmuruka@gmail.com	
47. Republican Liberty Party				
48. Roots Party Of Kenya	ADAM KADENANI	0733796896	adamkadenani@gmail.com	
49. Citizens Convention Party				
50. Amani National Congress	MARGARET NDANGI	0712436755	mndangi@yopoe.com	
51. Devolution Party Of Kenya				
52. United Democratic Party	MADANGI ERIC	0720621638	AMUSIBWA@gmail.com	
53. Diligence Development Alliance	ANTON DE KINYA KIKAKI	0711751268	antondk@gmail.com	
54. Peoples Trust Party	TONY MUKINGI	0705033345	isambury@gmail.com	
55. Maendeleo Chap Chap Party	KEVIN MUKINDI	0728017077	kevinmukindi@gmail.com	

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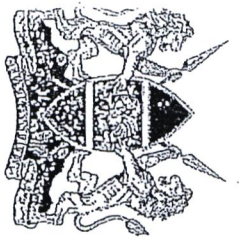
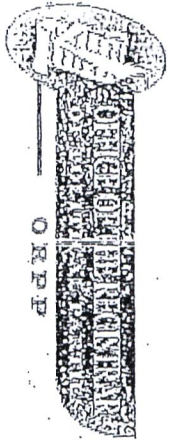
NAME OF PARTY	NAME OF PARTICIPANT	PHONE NO.	EMAIL ADDRESS	SIGNATU
56. Democratic Congress	Elo Mafela	0742242166	mafela@gmail.com	
57. Liberal Democratic Party	DMVO NW	0922-552472	libdemkenya@gmail.com	
58. Green Congress Of Kenya	John Kamiri	0718451388	Kamiri2006@gmail.com	
59. National Liberal Party	AMONDI KIROGISHORAI	0729381378	ishorai2005@gmail.com	
60. Movement For Democracy And Growth	MIKE OLEND	0722302891	olendmike@gmail.com	
61. Alternate Leadership Party Of Kenya	MURICE OJUMA	0727282571	ojumaurt116@gmail.com	
62. Ukweli Party	NDUKO MATIGERE	0720131574	matigere@ukweli-party.com	
63. Empowerment And Liberation Party				
64. Thirdway Alliance Kenya	ANNEID NYOROGE	0722342994	nyorogeto@gmail.com	
65. Justice & Freedom Party Of Kenya	MARY MUSIKI	0721925538	musiki@jfp.org	
66. Grand Dream Development Party				
67. United Green Movement	ANGA K. NYAMBU	0717969700	nyambu@unitedgreen.org	
68. Usawa Kwa Wote Party	Pastor Mwingi	0725464833	pastormwingi@gmail.com	
69. Party Of Economic Democracy				
70. The Service Party	WAMBUI KIMATHI	072698752	wkimathi@gmail.com	

NAME OF PARTY	NAME OF PARTICIPANT	PHONE NO.	EMAIL ADDRESS	SIGNATURE
71. National Ordinary People Empowerment Union				
72. National Reconstruction Alliance	PAUL AMEMBA ODINAMBO	0790704751	paolodhambobos@gmail.com	
73. Democratic Action Party-Kenya	BERNARD W. MUSAHA	0710643331	bernardw1961@gmail.com	
	ERNEST MUSAHA	0733530579	hwp@erestsoti@gmail.com	

* - Othman Oga Kazi - Othman Hage Kinani - 0764297272
 * - Party for Peace & Democracy Francis Kibaki

PARTICIPANT SIGN-IN FORM

29.07.2021





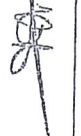


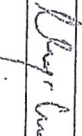
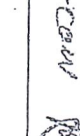





NAME OF ACTIVITY: MEETING WITH SECRETARY GENERALS OF ALL FULLY REGISTERED POLITICAL PARTIES

DATE: 27TH TO 30TH JULY 2021

LOCATION: SAROVA WOODLANDS, NAKURU

NAME OF PARTY	NAME OF PARTICIPANT	PHONE NO.	EMAIL ADDRESS	SIGNATURE
1. Narc Kenya	Emog Mulcaid	0736277753	emog.michael@gmail.com	
2. National Vision Party	Hon. MARENS	07258859168		
3. Labour Party Of Kenya	Newton Mubogi	0725656735	newtonmubogi307@gmail.com	
4. Mwangaza Tu Party	Celaku Ginyi	0726059384	celakumwangazutu@gmail.com	
5. Restore And Build Kenya				
6. Party Of Independent Candidate				
7. Kenya National Congress	Benjamin Gikwa	0711677640	gikwaben@gmail.com	
8. Mazingira Greens Party	Ann Mwangi	0701261977	annmwangi@gmail.com	
9. National Democratic Movement	Moses Wachua	0799829103	mosewachua@gmail.com	
10. Wiper Democratic Movement-Kenya	Dr Justin Kiyama	0713267881	justin.kiyama@gmail.com	

NAME OF PARTY	NAME OF PARTICIPANT	PHONE NO.	EMAIL ADDRESS	SIGNATURE
11. Democratic Party				
12. Party Of National Unity	DAVID KARAU	0722523247	carthursour0514@yahoo.com	
13. United Democratic Alliance	Edidah Pindi	0713630176	Wello@vickarke	
14. Agano Party	Alice Gathowu N.	0723 909362	agano@kujira-egwaj.com	
15. Kenya Social Congress	Delito Dika	0722702087	delito@gmail.com	
16. Orange Democratic Movement				
17. Peoples Party Of Kenya	John Kihulo	0722300286	johnkihulo3@gmail.com	
18. Forum For Restoration Of Democracy-Kenya	William Atwalua	0722323419	atwalua0210@gmail.com	
19. Progressive Party Of Kenya	Hon. Clementine Orodho	0722392003	ccordho@gmail.com	
20. Jubilee Party	Hon TIMS N. NG'WENI	0722510818	ngweni@ppm.com	
21. Maendeleo Democratic Party	Amos Omwenda	0722635506	amwendae@ppdparty.com	
22. National Rainbow Coalition				
23. Kenya African Democratic Union-Asili	HASSAN MUMBETSA	0725111599	humbetsa@gmail.com	
24. Kenya Patriots Party	George Kagari	0740791658	georgekagari@gmail.com	
25. Communist Party of Kenya	MAHMOUD DUNNY	071018806	mahmahmah@gmail.com	

5/1/2018

NAME OF PARTY	NAME OF PARTICIPANT	PHONE NO.	EMAIL ADDRESS	SIGNATURE
Kenya				
26. Kenya African National Union	Joseph Tomuht	0703838349	jtumuht2012@gmail.com	
27. Safina	John Wamugaga	0722813841	wamugaga.john@gmail.com	
28. Chama Cha Uzalendo	JAPHETH N. KIID	0700709800	Jeffkiid2012@mail.com	
29. National Agenda Party of Kenya	ALBERT AKOYAKA	0710888222	akoyak@igmail.com	
30. Peoples Empowerment Party	Joyce Muamsinilu	0720263472	joyce.muamsinilu@gmail.com	
31. Peoples Democratic Party	CHARLES O. MOKERE	0722558123	okmokersm@gmail.com	
32. The New Democrats	Joyce Tullkanyu	0720220300	ndtullkanyu@gmail.com	
33. United Democratic Movement	Paul Sogoi	0722703309	ysogoi200@gmail.com	
34. Shirikisho Party Of Kenya	ALVIN MBEIO	0726603528	com	
35. Party Of Democratic Unity	Hon FRANCIS OKIBI	0713511655	OKIBIFRANCIS@gmail.com	
36. Millenium Party Of Kenya	PETER ORINA	0721289071	makerep@okino.com	
37. Frontier Alliance Party	JERSON MWINA	0721164190	Kipielung@gmail.com	
38. Farmers Party	John A. Keshwera	0729809447	johnkeshwera10@gmail.com	
39. Economic Freedom Party	Abdulahi Gesseny	0722854252	agesseny@gmail.com	
40. Federal Party Of Kenya	FRANCK OLWAL	0721755581	federalpartyofkenya@gmail.com	
41. Muungano Party	Thom Odhiambo	0703308839	thomodhiambo@gmail.com	








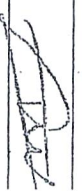

Joseph

NAME OF PARTY	NAME OF PARTICIPANT	PHONE NO.	EMAIL ADDRESS	SIGNATURE
Kenya				
Kenya African National Union	Joseph Towah	0723838349	jtowah2012@gmail.com	
Safina	John Mwangi	0722513941	vwangj@john.com	
Chama Cha Uzalendo	JAPHETH N. KIIND	0720709800	jeffkiind200@gmail.com	
National Agenda Party of Kenya	ARFEL AKIRAKA	27-10888222	arfel@agstf.co.ke	
Peoples Empowerment Party	Joyce Mwangi	0720263472	joycemwangi@peoples.com	
Peoples Democratic Party	CHRISTOPHER O. MURERE	0722558123	cmurere@peoples.com	
The New Democrats	Joyce Mwangi	0720220300	joycemwangi@newdemocrats.com	
United Democratic Movement	Paul Sigei	0722703309	msigei@udm.com	
Shirikisho Party Of Kenya	ABRAM MBEIO	0726603528	com	
Party Of Democratic Unity	Hon FRANCIS OKIBI	0713511655	OKIBIFRANCIS@gmail.com	
Millenium Party Of Kenya	PETER ORINA	0721289071	morepete@redaloha.com	
Frontier Alliance Party	JEKSON MUKINA	0721164190	kisielanj@gmail.com	
Farmers Party	John N. Kibura	0729809447	johnkibura10@gmail.com	
Economic Freedom Party	Abdullahi Gesseny	0722854252	agesseny@gmail.com	
Federal Party Of Kenya	FRANK OLMUKL	0721755581	frankolmukl@federalparty.co.ke	
Mungano Party	Shen Odongo	072308839	shenodongo@gmail.com	

Shirley Kibisa



Updated for 2017

Handwritten
Kibisa

NAME OF PARTY	NAME OF PARTICIPANT	PHONE NO.	EMAIL ADDRESS	SIGNATURE
42. National Party Of Kenya				
43. Jirani Mzalendo Asili Party	DEBORAH OTENO	0794958133	Jimemungilendo party@gmail.com	
44. Chama Cha Mashinani	Hon. WALTER ABENI	0721230320	Walterabeni@gmail.com	
45. Alliance For Real Change				
46. Forum For Republican Democracy	MARCEL MUKINDA MUMIRO	0722840060	mumiroforum@gmail.com	
47. Republican Liberty Party				
48. Roots Party Of Kenya	ADAM KADENANI	0733796896	adamkadenani@gmail.com	
49. Citizens Convention Party				
50. Amani National Congress				
51. Devolution Party Of Kenya	Margaret Ndanyi	0722436755	ndanyimargaret@gmail.com	
52. United Democratic Party	Madelayi Eric	0720621638	AMUSIRWA@gmail.com	
53. Diligence Development Alliance	Anton Ole Kinga Klokoi	0711751268	antolekinga@gmail.com	
54. Peoples Trust Party	Tony Mulingu	0705083345	isambury@gmail.com	
55. Maendeleo Chap Chap Party	Kevin Mwanjwe	0728017077	kevinmwanjwe@gmail.com	

*

NAME OF PARTY	NAME OF PARTICIPANT	PHONE NO.	EMAIL ADDRESS	SIGNATURE
56. Democratic Congress	Elo M. O. P. P.	0722 242266	omaPelu@gmail.com	
57. Liberal Democratic Party	DMWD NW	0922-552492	libdemkenya@gmail.com	
58. Green Congress Of Kenya	Joha KAMUKI	0718451388	KAMUKI2006@ATTN.COM	
59. National Liberal Party	AMONDI KIRODISHIMBA	0729381378	ironadw@dsr.org.ke	
60. Movement For Democracy And Growth	MIKE OLEND	0722302891	olemaMike@gmail.com	
61. Alternate Leadership Party Of Kenya	MURICE OCHU	0727882391	ochuMurice16@gmail.com	
62. Ukweli Party	NDUKO O'MATIGERE	0720131574	omatigere@dukuiparty.com	
63. Empowerment And Liberation Party				
64. Thirdway Alliance Kenya	ANNEID NYOROGE	072382994	nyoroan@gnail.com	
65. Justice & Freedom Party Of Kenya	MARY MUKIWI	0721925536	muciw@jfm.org.ke	
66. Grand Dream Development Party				
67. United Green Movement	ANNA-K. NYAMBUR	0717969700	nyamburanna@gmail.com	
68. Usawa Kwa Wote Party	PATRICE MWIGAL	0725464823	PatriceMwigal@gmail.com	
69. Party Of Economic Democracy				
70. The Service Party	WAMISI KIMATI	0726985662	wkimati@gmail.com	

NAME OF PARTY	NAME OF PARTICIPANT	PHONE NO.	EMAIL ADDRESS	SIGNATURE
71. National Ordinary People Empowerment Union				
72. National Reconstructor Alliance	PAUL AMEMBA ODHIAMBO	0790704751	paulodhiambo888@gmail.com	
73. Democratic Action Party-Kenya	BENARD W. M. ASAMBA	0710 643331	bwamba1961@gmail.com	
EVANS MISAJI	EVANS MISAJI	0733530579	hwfmsact@gmail.com	

* - Chuma Ochi Kari - Games Mages Mwangi - 0764297272

* - Party for Justice & Democracy Francis Kariuki



MEMORANDUM ON THE POLITICAL PARTIES (MEMBERSHIP) REGULATIONS, 2021

A. INTRODUCTION

1. The Office of the Registrar of Political Parties (ORPP) was established in 2011 under Section 33 of the Political Parties Act, 2011(PPA). The broad mandate of the ORPP is to register political parties, regulate political parties, and administer the political parties fund.
2. The Political Parties (Membership) Regulations, 2021 were developed pursuant to Section 49 of the Political Parties Act, 2011 which empowers the Registrar to make regulations generally for the better carrying out of provisions of this Act including prescribing the forms which may be used for carrying out the provisions of this Act.
3. The Political Parties (Membership) Regulations, 2021 shall enable the Registrar to implement the various provisions of the PPA with respect to party membership.

Position of the ORPP on the Regulations and Factors for legal reform

4. The ORPP is in support of the Political Parties (Membership) Regulations, 2021 on the basis that the Regulations shall operationalize the PPA as the Regulations:
 - a) Address needs of Kenyans as drawn from stakeholder engagements and fill gaps identified during execution of the Office's mandate, lessons and experiences from previous electoral cycles on various issues, interalia, party membership and management of political party records;
 - b) Provide the use of technology in implementing the Political Parties Act, 2011 including recruitment and resignation at both the ORPP and party level;
 - c) Protection of personal data as required under the Act;
 - d) Provides for the processes in managing political parties' membership register;

- e) Provide for management of data of provisionally registered parties that have not complied with the provisions of Section 7 of the Political Parties Act, 2011 in terms of proceeding to the full registration status; and
- f) Provide for removal from the register the membership details of a person who has ceased to be a member of a political party by resignation, expulsion, death or revocation of citizenship.

B. PUBLIC PARTICIPATION AND STAKEHOLDER ENGAGEMENTS

- 5. Through consultative engagements, proposed content of a procedural nature that was intended for the PPA was directed to the present Regulations.
 - 6. The ORPP conducted public participation on the Political Parties (Membership) Regulations, 2021 as indicated below;
 - a) Technical Caucus Consultative Meeting on the Review of the Political Parties Act, 2011 held at Sarova Woodlands Nakuru on 10th February 2020;
 - b) Political Parties Consultative Meeting held from 1st to 3rd March, 2020 at Sarova Woodlands Nakuru;
 - c) State actors and Civil Society Organizations workshop held from 5th to 9th October, 2020;
 - d) State actors in electoral processes workshop held from 13th to 16th June, 2021 at Great Rift Valley Lodge in Nakuru;
 - e) Drafters Retreat with composition from State actors in electoral processes held from 4th to 7th July, 2021 in Naivasha;
 - f) Political Parties' Secretaries-General Meeting Held from 27th to 30th July 2021 At Sarova Woodlands, Nakuru County on Draft Political Parties (Amendment) Bill, 2021;
 - g) Political Parties Liaison Committee Meeting held on 3rd August 2021 at Tamarind Tree Hotel in Nairobi on the Draft Political Parties (Amendment) Bill, 2021;
 - h) Meeting between Office of the Attorney General, IEBC and ORPP held on Tuesday, 27th July 2021
 - i) Memoranda by the Council of Governors;
 - j) National Development Implementation Technical Committee (NDITC) - Legal Sub-Committee meeting held on 31st August, 2021;
 - k) A Meeting between Office of the Attorney General and ORPP 10th September 2021; and

- 1) A meeting between the National Assembly Justice and Legal Affairs Committee, Office of the Registrar of Political Parties, and the Political Parties Disputes Tribunal on 17th December, 2021.

C. SUBSTANCE OF THE MEMORANDUM

7. The specific justifications and comments on the Regulations are as indicated herein below;


PROVISION	CONTENT	JUSTIFICATION/ COMMENTS
Regulation 1	Provides for the title of the Regulations as Political parties (Membership) Regulations, 2021.	Citation.
Regulation 2	<p>Provides for Definitions: Integrated Political Parties Information Management System as the electronic infrastructure in place to manage particulars of political parties' members.</p> <p>Member means an individual registered as a member of a political party and includes a founding member.</p> <p>Membership list means the records kept or maintained by a political party of member of that political party including the members' particulars.</p> <p>Register means the register of members of a political party kept by the Registrar under Section 34 of the Act and includes the particulars of those members.</p>	<p>The definition addresses Section 34B (1) of the Political Parties Act, 2011 requiring the Registrar to establish a political parties' management information system.</p> <p>Seeks to clearly define who constitutes a member of a political party in line with Section 3(2A) of the PPA.</p> <p>The definition addresses the difference between the record held by political parties and the ORPP; case in point is party membership lists and register of party members under Section 28 of the Elections Act and Section 34 of the PPA.</p> <p>The definition addresses the difference between the record held by political parties and the ORPP; case in point is party membership lists and register of party members under Section 28 of the Elections Act and Section 34 of the PPA. Further, the PPA as amended in 2022 under Section 34(da) requires the Registrar to keep and maintain a register of members of registered political parties</p>

	Recruitment is the process of enlisting members to a political party.	This clarifies that it is the role of Political parties to recruit members and not the Registrar.
Regulation 3	Provides for recruitment of members by a political party.	To implement Article 38 of the Constitution as reflected through Section 3(2A) of the PPA and further reinforce that it is the parties that have the role to recruit members. The Regulation further provides the form and the necessary details to be captured therein; the details in the form reflect the requirements of party membership under Article 91 of the Constitution and Section 7 of the PPA while still creating an avenue for consent.
Regulation 4	Provides for use of technology for recruitment of members of a political party.	The use of technology has refuge under Section 34B of the PPA on the use of technology.
Regulation 5	Provides for a political party to keep and maintain original records.	Gives effect to Section 17 of the PPA wherein a political party is required to maintain accurate and authentic record of particulars as prescribed by the Registrar. It is to be noted that Paragraph 6 of the Second Schedule to the PPA identification details, region, ethnicity, disability, gender and county.
Regulation 6	Requires political parties to prepare a party membership list.	The provision further provides for correction of errors hence aligning with the principle of accurate records as espoused under Section 17 of the PPA.
Regulation 7	Provides for the transmission of the membership list to the Registrar through the Political Parties Information Management System.	It illustrates the process through which a political party prepares a party membership list. The provision shows how a membership list becomes converted to a party membership register including the requirement of the list to mirror the requirements of party membership under the PPA; the same provision makes room for the party to make corrections so as to comply with the law.
Regulation 8	Provides for the use of technology.	The transmission further speaks to the use of technology as envisioned under the PPA.
Regulation 9	Provides the preparation of a party membership register by the Registrar.	This mirrors Section 34B of the PPA and introduces provisions that lie after Regulation 8. The provision provides the step by step process from receipt of information from a political party to the tasks that the Registrar shall perform before maintaining a

		<p>party membership register.</p> <p>The Committee to consider changing the provision to:</p> <p>(1) After receiving information from a political party in accordance with regulation 7 (1), the Registrar shall—</p> <p>(a) verify that a party member is a Kenyan citizen</p> <p>(b) verify that a party member is an adult</p> <p>(c) verify that a person is a not a member of another political party</p> <p>(2) if the information is accurate, confirm the completeness of the record and enter the information in the register.</p>
Regulation 10	Requires the Registrar to ensure that the information contained in the register is up to date.	<p>This reinforces the role of the Registrar under Section 34 in terms of ensuring compliance with the PPA.</p> <p>The Committee to consider changing the provision to:</p> <p>The Registrar shall ensure continuous update of the register as submitted by political parties.</p> <p>The provision provides for the requisite form that a person may use to enjoy the right of access to information; there was a gap in this area.</p> <p>The provision further provides for accountability as the Registrar will be bound to disclose who recruited such a person to a political party.</p> <p>Additionally, the provision provides how the Registrar can correct information if the same is inaccurate upon being moved by the subject.</p> <p>The committee to consider the following proposals:</p> <p>(1) Subject to the Access to Information Act, a person may access the membership particulars manually or electronically for the purposes of confirming—</p> <p>(b) where the person is a member of a political party, the details of that person's recruitment including the date the person was recruited in the</p>
Regulation 11	Provides for access to the register.	

		<p>political party, the person's membership number</p> <p>(c) the details of the official(s) of the political party that transmitted that person's information to the Registrar in case of a compliant or investigation</p> <p>The committee to consider changing Form PPM2 set out in the schedule to exclude reference to a third party. The form to fall under Regulation 11(2) as opposed to 10(2).</p> <p>Introduce a new provision after (3) to enable use of available digital platform to confirm membership status.</p> <p>Although the PPA makes the aforesated an offence, there was no avenue through which the Registrar would remove from a party register records of a person who complains of having been registered without their consent from a party register.</p> <p>The Committee to consider the following proposals:</p> <ul style="list-style-type: none"> ▪ Change the enabling Regulation on the form to R12(2) ▪ Change the title of the form to "claim for recruitment without consent" ▪ After removal of such records from the register, the Registrar may invoke Section 21 of the Act. <p>Implements the PPA in terms of ensuring that Kenyans are at will join other political parties while guiding the Registrar on the elements to pay attention to before removal of such records.</p> <p>The Committee to consider:</p> <ul style="list-style-type: none"> ▪ Reference to Section be Section 5 ▪ Recraft the phrase refused to rejected. <p>Gives effect to Section 11 (7) of the PPA wherein a member of the constituent political party that has merged with another political party becomes a member of the new outfit subject to the right of such a member to leave the new party.</p> <p>The Committee to consider the following proposal:</p> <ul style="list-style-type: none"> ▪ The party members to be assigned new party membership numbers.
Regulation 12	Provides for redress with respect to information relating to a person recruited without their consent.	
Regulation 13	Provides for how the Registrar handles records of a provisionally registered party that has not applied for full registration as required under the law or whose application has been refused.	
Regulation 14	Provides for the transfer of membership particulars following a merger.	

Regulation 15	Provides for the membership records of a voluntarily dissolved party.	Addresses the existing gap by guiding the Registrar on how to handle records of a voluntarily dissolved party. The Committee to consider recreating the proposal to: <ul style="list-style-type: none"> ▪ The Registrar shall remove the membership register of a political party that has been dissolved from the register of members and the Political Party Information Management System upon being notified of the dissolution in writing by the political party
Regulation 16	Provides for the removal of membership records of a person or a political party on court order.	Addresses the existing gap by guiding the Registrar to only removed aforesated record on production of a court order.
Regulation 17	Provides for preservation of records for five years.	Preservation of records is important for implementation of the Constitution particularly Articles 38, 91, and 92, institutional memory, and history. However, the same is subject to the Data Protection laws.
Regulation 18	Provides for the resignation of members from political parties.	Implements Section 14 of the PPA on resignation and further operationalizes the use of technology whereby a person can resign through use of technology. Consider qualifying 18(2) to any other digital platform in line with Section 34B.
Regulation 19	Provides for cessation of membership.	Consider changing the title of Part IV to resignation, expulsion or cessation of membership in a political party. Enables the Registrar to maintain accurate records in terms of persons that qualify to be party members under the PPA.


Ann N. Nderitu, MBS
Registrar of Political Parties



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When replying please quote

Ref: RPP/ORG/35 Vol. II (42)



Lion Place, 1st & 4th Floor
Off Waiyaki Way
P.O. Box 1131 – 00606
Sarit Centre, Nairobi.

Date: 12th January 2022

Office of the Attorney General,
State Law Office and Department of Justice,
Sheria House, Harambee Avenue,
P.O. Box 40112 – 00100,
NAIROBI.

Dear Sir,

RE: EXPLANATORY MEMORANDUM TO THE POLITICAL PARTIES (MEMBERSHIP) REGULATIONS, 2021

Reference is made to the above subject matter.

Pursuant to the provisions of Section 5A of the Statutory Instruments Act, 2013, annexed herewith is an Explanatory Memoranda including the evidence of stakeholder consultations on the Political Parties (Membership) Regulations, 2021 for your information and appropriate action.

This Office appreciates your continued support

Yours faithfully,

Ann N. Nderitu, MBS
Registrar of Political Parties

Encl:1



@ORPPKenya

www.orpp.or.ke



ORPPKenya

EXPLANATORY MEMORANDUM TO THE POLITICAL PARTIES (MEMBERSHIP) REGULATIONS, 2021.

Name of the Statutory Instrument: The Political Parties (Membership) Regulations, 2021.

Name of the Parent Act: Political Parties Act No. 11 of 2011.

Enacted pursuant to: The powers conferred by section 49 of the Political Parties Act, 2011.

Name of the regulation-making authority: Office of the Registrar of Political Parties.

Gazetted on:.....

Tabled on:.....

1. Purpose of the Statutory Instrument

- 1.1 The Political Parties (Membership) Regulations, 2021 provides for the step-by-step process of recruitment of party members including the requirement of continuous updating of the membership register and protection of personal date.
- 1.2 The instrument provides for the process of managing political parties' membership register.
- 1.3 The instrument addresses the gaps in resignation of party members by introducing resignation through automated means.

2. Legislative Context

- 2.1. Section 49(2) of the Political Parties Act, 2011 empowers the Registrar of Political Parties to make Regulations on regulating activities of political parties and further prescribe forms for carrying out the provisions of the Act.
- 2.2. Pursuant to the provisions of the Political Parties Act, 2011, this instrument addresses recruitment of party members, management of the political parties' data with respect to party members, and resignation from a political party.
- 2.3 The role of these Regulations include to;
 - a) Provide the systematic use of technology in implementing the Political Parties Act, 2011 including recruitment and resignation.
 - b) Provide for management of data of provisionally registered parties that have not complied with the provisions of Section 7 of the Political Parties Act, 2011 in terms of proceeding to the full registration status.
 - c) Provide for removal from the register the membership details of a person who has ceased to be a member of a political party by resignation, expulsion, death or revocation of citizenship.

3. Policy Background

3.1. The Political Parties Act, 2011 has provisions that are not self-enforcing hence the need for Regulations to ensure that the Registrar of Political Parties can effectively and efficiently implement the Act.

3.2. The overarching objectives of the Regulations are thus:

- (a) To provide mechanisms Kenyans to willingly participate in political activities with a focus on enjoying political rights;
- (b) To allow Kenyans the latitude to join and resign from political parties without unreasonable restrictions; and
- (c) To capitalize on technology with respect to regulating political parties;

4. Extent

The statutory instrument applies in the Republic of Kenya and to Kenyans in the Diaspora.

5. Consultations Outcome

5.1. The instrument was subjected to the following stakeholder engagements;

- a) Technical Caucus Consultative Meeting on the Review of the Political Parties Act, 2011 held at Sarova Woodlands Nakuru on 10th February 2020;
- b) Political Parties Consultative Meeting held from 1st to 3rd March 2020 at Sarova Woodlands Nakuru;
- c) State actors and Civil Society Organizations workshop held from 5th to 9th October, 2020;
- d) State actors in electoral processes workshop held from 13th to 16th June, 2021 at Great Rift Valley Lodge in Nakuru;
- e) Drafters Retreat with composition from State actors in electoral processes held from 4th to 7th July 2021 in Naivasha;
- f) Political Parties' Secretaries-General Meeting Held from 27th to 30th July 2021 at Sarova Woodlands, Nakuru County;
- g) Political Parties Liaison Committee Meeting held on 3rd August 2021 at Tamarind Tree Hotel in Nairobi on the Draft Political Parties (Amendment) Bill, 2021;
- h) Meeting between Office of the Attorney General, IEBC and ORPP held on Tuesday, 27th July 2021
- i) Memoranda by the Council of Governors;

j) National Development Implementation Technical Committee (NDITC) – Legal Sub-Committee meeting held on 31st August, 2021; and

k) A Meeting between Office of the Attorney General and ORPP 10th September 2021;

5.2. Stakeholders participated in offering proposals that culminated into the development of the present instrument. The Regulations are therefore a product of the combined effort between the Office of the Registrar of Political Parties and the said stakeholders.

6. Regulatory Impact Assessment

6.1. Pursuant to Section 9 of the Statutory Instruments Act No. 23 of 2013 there is no justification for a regulatory impact statement given that this instrument is based on an existing Statute. Further, the Political Parties (Membership) Regulations, 2021 does not operate to the disadvantage of any person by decreasing the rights or imposing liabilities on of any person.

7. Guidance

7.1. The Office of the Registrar of Political Parties by developing this instrument to address the implementation of the Political Parties Act, 2011 has remained true to the national values and principles of governance with respect to execution of duties in line with the rule of law.

7.2. Reaffirming the Office of the Registrar of Political Parties' mandate to ensure that political parties are compliant with the provisions of the Political Parties Act, 2011 including implementation of Chapter 7 of the Constitution, the Office of the Registrar of Political Parties will sensitize the public, Office's staff, political parties, civil society organizations, media, state actors on the provisions of the instrument.

8. Contact Persons

The contact person for purposes of answering questions on this statutory instrument from the Office of the Registrar of Political Parties is the Registrar of Political Parties, Ann N. Nderitu through: info@orpp.or.ke

Made on the 13th day of

13th day of January, 2022

DATE: 13 APR 2022

THE NATIONAL ASSEMBLY
PAPERS LAID

TABLED BY: _____

CLERK AT THE TABLE: _____

DAY: _____

Ann N. Nderitu

Ann N. Nderitu, MBS
Registrar of Political Parties









Republic of Kenya

ACTIVITY: DRAFTING RETREAT ON AMENDMENT OF THE POLITICAL PARTIES ACT, 2011

DATE: 6/07/2021

S/NO	NAME	INSTITUTION	CONTACT	SIGNATURE
1.	Michael Karuru	Parliament	0722 453023	
2.	BILAL KEKE	AOG	0700331868	
3.	Geethani Jubey	ORPP	0722782502	
4.	Juice Mwiriri	ORPP	0722975470	
5.	Bon Mulachwe	ORPP	072353448	
6.	Wapula Likoko	ORPP	0724787203	
7.	Christina Kipkech	ORPP	0724 296 297	
8.	ISAC Osman	ORPP	0729386888	
9.	Ann N Nderitu	ORPP	0727 419 965	

10.	Nancy Koro	VERC	0721267579	
11.	Harrison Karissa	ORPP	0711455812	
12.	CPT Florence Binga	ORPP	0721674260	
13.	Godfrey Nyang'oro	ORPP	0722376119	
14.	Anthony Okero	KLRC	07222975470	
15.	Paul Mugambi	Parliament	07222975470	
16.				



Republic of Kenya

ACTIVITY: DRAFTING RETREAT ON AMENDMENT OF THE POLITICAL PARTIES ACT, 2011

DATE: 5/07/2021

S/NO	NAME	INSTITUTION	CONTACT	SIGNATURE
1	AZIZ ABDULLAH	ORPP	0720565989	
2	Ann. N. Ndlovu	ORPP	0727419965	
3	Michael Kamuru	Parliament	0722-456027	
4	Waqula Wakoko	ORPP	0724787203	
5	Bon Maradwal	ORPP	0723598418	
6	Gatoni Judy	ORPP	0722782502	
7	BILAS KEKE	OAG	0700331868	
8	Anthony Ofieno	KLRC	0720343238	
9	Juliet Mwinini	ORPP	0722975470	

10	Nancy Kordi	LEBC	0721267579	<u>10</u>
11	Christopher Mphahlele	ORPP	0724296291	AK
12	ISAAC OSUMAR	ORPP	0729386888	AK
13	Godfrey Nyang'ya	ORPP	0722376119	GN
14	Harrison Harrison	ORPP	0711455812	KASS
15	GN Florence Bngwen	ORPP	0721674260	AK
16	Joy Olyanga	ORPP	0722597915	Fonyo
17	Paul Mngani	Parliament	Mngani, Old govt	AK

* 17



Republic of Kenya

ACTIVITY: WORKSHOP ON REVIEW OF THE POLITICAL PARTIES ACT, 2011

DATE: 05/10/2020

S/NO	NAME	INSTITUTION	CONTACT	SIGNATURE
1.	Bon Maselwe	ORPP	072357348	
2.	Lagula Hakoko	ORPP	0724787203	
3.	Joseph Nyangere	ORPP	0725549967	
4.	JESONS OMONG'ORNY	CRZCO	072660777	
5.	Joseph Kingo	ORPP	0735755470	
6.	Sebastian Gatimu	UNWOMEN	0722661290	
7.	Faith Odwidi	WFD	0722144661	
8.	Lilian Kang'ethe	CRAWN Trust	0796557300	
9.	Flaneline Mukesang'ani	CMD-Kenya	072325594	

10.	Geraldine Nurele	ORPP	07 2140 224	Signature
11.	Marcus Aganga	ELOG	6722 448 478	Signature ✓
12.	GRAYSON MARIKA	SIASA PLACE	0705989935	Signature ✓
13.	Lodupo Tukei	ORPP	07225075133	Signature ✓
14.	Damaris Nurele	KLDC	0721144714	Signature ✓
15.	Sylvestre Mbiti	NGEC	0727570430	Signature ✓
16.	Nancy Koroj	1. E. B. C	0721267579	Signature ✓
17.	Juvot Mucund	ORPP	0722975470	Signature ✓
18.	Ann Mberit	ORPP		Signature ✓
19.	Bardlyin Agangy	PPDI	0721207332	Signature ✓




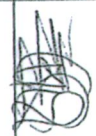






Republic of Kenya

ACTIVITY: WORKSHOP ON REVIEW OF THE POLITICAL PARTIES ACT, 2011

DATE: 08/10/2020

S/NO	NAME	INSTITUTION	CONTACT	SIGNATURE
1	Wafuda Hakoko	ORPP	0724787203	
2	Bon Makuluel	ORPP	0723593418	
3	Joseph Kenya	ORPP	0735653410	
4	Juiet Muvini	ORPP	0722975470	
5	Damianic Mwakals	KLRC	0721146714	
6	Faith Odidi	WFD	0721248314	
7	Grayson MARIWA	SASSA PLACE	0705989935	
8	Lilian Kang'ethe	CRAWN TRUST	0796557300	
9	JOSHUA OMONG'ONDI	CREGO	0722660777	

10.	Nancy Keros	LEBC	0721267579	
11.	Miriam Agony	LEB	0722498408	
12.	Joseph O Nyangosa	SRPP	0725549967	
13.	Geraldine Mukele	ORPP	0722140224	
14.	Francine Mwendu	CMD Kenya	0722325594	
15.	Sherette Mbatia	NGEC	0727570930	
16.	Sebastian Gatimu	US Women	0722661290	
17.	Edgar A. Lutsa	PPST	0707965245	



Republic of Kenya

ACTIVITY: WORKSHOP ON REVIEW OF THE POLITICAL PARTIES ACT, 2011

DATE: 7/0/2020

S/NO	NAME	INSTITUTION	CONTACT	SIGNATURE
1.	Bon Makolwal	ORPP	0723593418	
2.	Joseph Nyongesa	ORPP	0725549967	
3.	Joseph Kari	ORPP	0735653410	
4.	JESTINA CHONGWONY	CREC	0722600777	
5.	Maran Aganga	ELoZ	0722448478	
6.	Geraldine Murede	ORPP	0722140224	
7.	Faith Odidi	WFD	0721248314	
8.	Damavis Mukala	KLRC	0721144714	
9.	GRAYSON MARIWA	SIIASA PLACE	0728989935	

U. No	Name	Koros	IEBC	0: 11267579	
11.	Sphinston Mbeithi		NACC	0727 570830	Signature
12.	Sphinston Gathini		UN Women	072261290	Signature
13.	Juier	Maurini	ORPP	0722 973470	Signature
14.	Ann	Nderit	ORPP		AS
15.	K. N. Sicut		JCE	0722 160165	AS
16.	Loluppo Twai		DRPP	07 2507513	Signature
17.	Kasalyin Agungo		PPDI	0721 207332	Signature
18.	Mafela	Makoko	ORPP	0724787203	Car
19.	Kilian	Kang'ethe	(KAWN Trust	079 6657300	Nkangethe



Republic of Kenya

ACTIVITY: WORKSHOP ON REVIEW OF THE POLITICAL PARTIES ACT, 2011

DATE: 06/10/2020

S/NO	NAME	INSTITUTION	CONTACT	SIGNATURE
1.	Miriam Aganga	ELOG	0722 448 478	
2.	Bon Makhwal	ORPP	0723 593 418	
3.	Familio Mwendu	CMD-Kenya	822-325594	
4.	Joseph Nyongesa	ORPP	0725542267	
5.	Wagala Katakoko	ORPP	0724 787203	CW
6.	Jessiah WAGWAGWAG	ORPP	072660777	
7.	Joseph Kungu	ORPP	0735655540	
8.	Sebastian Gatimu	UNWONA	0722661290	
9.	Faith Ochi'chi	WFD	0721 2483 114	

9.	Lilian	Kangyetho	CRAWN Trust	96CS7300	Signature
10.	Geraldine	Mukela	ORPP	0722146224	Signature
11.	GRAYSON	NKWA	SIASA PLACE	0725899935	Signature
12.	LODUPO	NUKEI	ORPP	0725075133	Signature
14.	DAMONS	MUKALA	KLRC	0721144714	Signature
15.	Sydney	Morithi	NGEC	0727570930	Signature
16.	Nancy	Koros	LEBC	0721267579	Signature
17.	Juicy	Murimi	ORPP	0722995470	Signature
18.	Am	Abenku	ORPP		Signature
19.	Rosalyn	Agarayo	PPDT	0721207332	Signature














Republic of Kenya

DATE: 15/06/2011

ACTIVITY: WORKSHOP ON REVIEW OF THE POLITICAL PARTIES ACT, 2011

S/NO	NAME	INSTITUTION	CONTACT	SIGNATURE
1.				
2.	Lucy Hderugi	CAJ	0722634900	
3.	Paul Mugarubi	Parliament	0724382707	
4.	GPA Florence Birgeu	ORPP	0724674260	
5.	Juwel Mwinini	ORPP	0722975470	
6.	Geethani Judy	ORPP	0722782502	
7.	Bon Marchand	ORPP	0723573418	
8.	ERICK ABUTA	PPST	0729958877	
9.	Brian Kitanyi	KNCHR	0711332461	

10.	Antonine Biangy	IDEA	0722683466	
11.	Clara Mustanda	IDEA	0722904505	
12.	Muelwy MURWATI	NON	0727399786	
13.	MICHAEL KARUNU	PARLIAMENT	0722-456027	
14.	LOSERIANO TUKETI	ORPP	0725075133	
15.	Sphister Wirthu	NGEC	0727570930	
16.	Anastacy Kaberece	ORPP	0721783601	
17.	Margorie OK-PP	ORPP	0705570631	
18.	Fay MONGA	ORPP	0722597915	
19.	Au Abdullah	ORPP	0720965959	
20.	Lafuels Lakoko	ORPP	0724787203	

3



Attendance list

Republic of Kenya

ACTIVITY: PPLC MEETING ON AMENDMENT OF THE POLITICAL PARTIES ACT, 2011
 VENUE: TAMARIND TREE HOTEL, NAIROBI

DATE: 28/2021

S/NO	NAME	INSTITUTION	CONTACT	GENDER	SIGNATURE
1.	HASSAN M'IMBEISA BEBE	KADU-ASIC	072511575	M	
2.	SHEM OCHIRO OMDIHEKI	MUNGANO PARTY	0723-308-839	M	
3.	Betty Houru	KANU	0720567590	F	
4.	ELVIS K. MWAIRA *	R.B.K (1)	0726277-556	M	
5.	JACKSON MANA K	Justice Alliance Party (JAP)	0721164196	M	
6.	ADAM KADERNANI	ROOTS PARTY OF KENYA	0733796896 0790725155 - Safaricom	M	
7.	JOHN I. KATHURU *	FARMERS (2)	0729809447	M	
8.	Paul Sigeri	COM	0722703399	M	

S/NO	NAME	INSTITUTION	CONTACT	GENDER	SIGNATURE
9.	ANIKA JAJE ✓	GREEN CONGRESS OF KENYA	0712930435	F	
10.	EVANS MISHAI ✓	PROGRESSIVE PARTY OF KENYA (PPOK)	0722-753173 0733530579	M	
11	MOSES GACHUGI ✓	NATIONAL DEMOCRATIC MOVEMENT (NDM)	07998391003	M	
12	KEVIN MURONYI ✓	MANDELEO CHAP	0728017077	M	
13	Anton ole Kinaga Kikayi ✓	DDA Delligence Development Alliance	0711751268	M	
14	DAVID MUTUJA ✓	THE NEW DEMOCRATS	0729813565	M	
15	Glenn Mubenda ✓	IDEA	0712		
16	Tony Nulungu ✓	PTP	0705033345	M	
17	OXIISI FRANSIS ✓	PARTY OF DEMOCRATIC UNITY P.O.U	0713511655	M	
18	Christopher Kipkoeh ✓	ORPP	0721296297	M	
19	George Ranyi ✓	K.P.P.	0740791658	M	
20	MIKE OLIENO ✓	MDG ✓	07222302891	M	
21	ANNA-K. NYAMBU ✓	UGM	0717969700	F	

SINO	NAME	INSTITUTION	CONTACT	GENDER	SIGNATURE
22	Gohu Wamesete	Sgins	0722313541	male	
23	Jephith Dlatla	KSE	072242487	male	
24	JUAN AOKEMWA	*PNC	0722 40544	M	
25	Ngotho KASYIC	* NPK	0725 006402	M	
26	Machauji Erick	* U.D.P	0720,621638	M	
27	OMONYI KIROBO	DLP	0729 381378 0729 381378	M	
28	Aubus Muroge	* I.A.K *	0722382994	M	
29	Sohn Kihiko	* P.P.K *	0722340286	M	
30	Ruben Mayola	* L.P.K *	0723992256	M	
31	Kipkoeh ERANS	* D.C *	07139 62711	M	
32	ALFALU AKWANG	* N.A.R.K *	0700 111444	M	
33	Amos Omuokanda	* M.O.P *	0722-635306	M	
34	Selach Omija	Mwanya Jui Party	0726089384	F	



Republic of Kenya

ACTIVITY: PPLC MEETING ON AMENDMENT OF THE POLITICAL PARTIES ACT, 2011
 VENUE: TAMARIND TREE HOTEL, NAIROBI














2nd 10A

DATE: 3/8/2021

S/NO	NAME	INSTITUTION	CONTACT	GENDER	SIGNATURE
1.	MIDSES GACHUGI	NATIONAL DEMOCRATIC MOVEMENT (NDM)	0799839003	M	
2.	Joseph Njiru	ORPP	0726287767	M	
3.	LOCHA ERUKUDI	ORPP	0716883997	M	
4.	Jason Olu Daniels	NARC Kenya	0722-255130	M	
5.	Ben Marshall	ORPP	0923573418	M	
6.	Joe Tenson	ORPP	0722767206	M	
7.	Jano Njiru	FORD	0722779003	F	
8.	Tony Mulingu	PTP	0705033345	M	

Double registration

Double signature

SINO	NAME	INSTITUTION	CONTACT	GENDER	SIGNATURE
9	Eddah Rohh	UDA	0733-670676	F	
10	Hony MAREDE	NVP	0725859168	F	
11	Alice Gathoni N.	AGANO	0723909362	F	
12	Rosemary Asimba	LDP	0722876087	F	
13	Benjamin Gisiye	KNC	0711677640	M	
14	Julius Wabara	PICK	0722455131	M	
15	Gemy Owiti	APK *	0725420513	M	
16	Philippo Saigah	CCW *	072285573	M	
17	Joyce Mwambina	PSP	0720263472	F	
18	Jimmy Kuria	Jirani Mzalendo	0705-470499	M	
19	Cleophos Okoi	PDP	0724-356055	M	
20	Ken Mwangi	FPK	0722-561740	M	
21	CATHY Njiru	PDP	0710 88066	M	

SINO	NAME	INSTITUTION	CONTACT	GENDER	SIGNATURE
22	ADAM MIBETO	SHIRIKISHO	0726603528	M	
23	EDWARD NYAKERIGA	RLP	0720245684	M	
24	ANG NKIROTE	M.G.P.K	0701261977	F	
25	ISAAC OCHIEBE	REVOLUTION PARTY	0723856441	M	
26	LAILAC AYONG	ORPP	0728-888042	F	
27	SAMUEL MUTHOMI	ORPP	0723426759	M	
28	EDWARD WAMALYA	ORPP	0723596369	M	
29	MARGARET NDIANYI	ANC	0722436755	F	
30	HARRISON KARISSA	ORPP	0711455812	M	
31	ISAAC OSMAN	ORPP	0729386888	M	
32	JUSTUS JUMA	JFP	0720397755	M	
33	SELAL OGIJI	MTP	0726089384	F	
34	GATHINI NYIRIYA	ORPP	0722782502	F	

Double registration



Republic of Kenya

ACTIVITY: PPLC MEETING ON AMENDMENT OF THE POLITICAL PARTIES ACT, 2011
 VENUE: TAMARIND TREE HOTEL, NAIROBI

DATE: 3/8/2021

S/NO	NAME	INSTITUTION	CONTACT	GENDER	SIGNATURE
1	Ann Ndlovu	ORPP	-	F	<i>[Signature]</i>
2	CPA Florence Bigon	ORPP	bigonf@yahoo.com	F	<i>[Signature]</i>
3	AU MUDURATI	ORPP	auwaw@gmail.com	M	<i>[Signature]</i>
4	Bon Mchumi	ORPP	bonmchumi@gmail.com	M	<i>[Signature]</i>
5	Harold Kiboko	ORPP	uwakako@gmail.com	M	<i>[Signature]</i>
6	Joyce M Ojaga	ORPP	joycem@gmail.com	F	<i>[Signature]</i>
7	Joseph Nyusoro	ORPP	nyusoroj02@gmail.com	M	<i>[Signature]</i>
8	Faith KEMIN	ORPP	Kalvingetch@gmail.com	M	<i>[Signature]</i>

Double
 signature














Republic of Kenya

14
DATE: 18/06/2021

ACTIVITY: WORKSHOP ON REVIEW OF THE POLITICAL PARTIES ACT, 2011

SINO	NAME	INSTITUTION	CONTACT	SIGNATURE
1	Ann Nderiw	ORPP	0727 419965	AS
2	Ahi Abdullahi	ORPP	0720968885	Juma
3	Lucy Mdiru	ORPP CAJ	0722634900	J
4	Juwet Muriu	ORPP	0722975470	Juwet
5	Robert Wairaka	ORPP	0727466608	Robert
6	Bon Mardhul	ORPP	0723578418	Bon
7	MICHAEL KARURU	PARLIAMENT	0722 456027	Michael
8	Wafala Wafako	ORPP	0724787203	Wafala
9	Gathoni Judy	ORPP	0722782502	Judy

10.	Marjorie Okays	ORPP	0705570631	
11.	Jace M Ogora	ORPP	07225A7A15	
12.	ANONING BIANI	IDEA	0722683466	
13.	Clara Mubunda	IDEA	0722904005	
14.	Idalukhu Kituyi	KNCHR	0711332461	
15.	LODUPO TUKEI	ORPP	0725075133	
16.	ERICK ABUTA	PPDT	0729958877	
17.	Shreston Mbiti	NGEC	0727570430	
18.	Muniki Munzigi	UON	0727399786	
19.	Anastace Kaberere	ORPP	0721783601	
20.	CPA Florence Birgu	ORPP	0721674260	

28.07.2021

PARTICIPANT SIGN -IN FORM



NAME OF ACTIVITY: MEETING WITH SECRETARY GENERALS OF ALL FULLY REGISTERED POLITICAL PARTIES

DATE: 27TH TO 30TH JULY 2021









LOCATION: SAROVA WOODLANDS, NAKURU

NAME OF PARTY	NAME OF PARTICIPANT	PHONE NO.	EMAIL ADDRESS	SIGNATURE
1. Narc Kenya	DR. A. MICHAEL	0720476930	orwag.michael@gmail.com	
2. National Vision Party	HON. MARERE WAMUKOTA	0720859118		
3. Labour Party Of Kenya	NEWTON MUTUGU	0725656735	newtonmutugu@gmail.com	
4. Mwangaza Tu Party	Sellah Opiyo	0726089354	Sellahmariamachopiyo@gmail.com	
5. Restore And Build Kenya				
6. Party Of Independent Candidate				


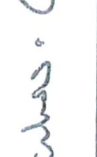




	Kenya National Congress	Benjamin Girega	0711677608	g3zebe@gmail.com	[Signature]
8.	Mazingira Greens Party	Ann H KIROJE	070261977	Annmu17@gmail.com	[Signature]
9.	National Democratic Movement	Moses GACHUWA	0799839003	mae@blessedgym.com	[Signature]
10	Wiper Democratic Movement-Kenya	DR. JUSTIN KIAMBI	0713267581	kyambisjustin@gmail.com	[Signature]
11	Democratic Party	Dr Jacob Haji	0722-554121	Jacub-haji@yahoo.com	[Signature]
12	Party Of National Unity	Kevin Kariki	074360964	KevinKariki86@gmail.com	[Signature]
13	United Democratic Alliance	Eddolah Rahim	0713570676	eddolaheds@gmail.com	[Signature]
14	Agano Party	Alice Gathoni N	0723 909362	Tufasuthoni@gmail.com aganoKenya@gmail.com	[Signature]
15	Kenya Social Congress	Deborah Deke Shutes	0722742481	dtdeke@gmail.com	[Signature]

2






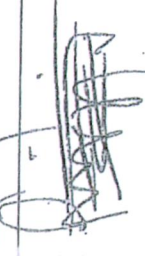


16	Orange Democratic Movement					
17	Peoples Party Of Kenya	John Kibiko	0722340286	John.kibiko36@gmail.com		
18	Forum For Restoration Of Democracy-Kenya	MILLIAM ABUDHO MUEHFAZ MUTINDA WAMBO	0722323410 0722590060	abudho2510@gmail.com mutindawambo@gmail.com		
19	Progressive Party Of Kenya	Hon Clementine Osoti	0722392003	cosotos@gmail.com		
20	Jubilee Party	HON TIRAS D. NGATHI	0722570818	ngathit@member-to-ke		
21	Maendeleo Democratic Party	Amisi Omukama N	0722635506	amisiomukama@gmail.com		
22	National Rainbow Coalition					
23	Kenya African Democratic Union-	HASSAN MIMBE TSA BTEJA	072511599	himbetsa@gmail.com		






Asili						
24	Kenya Patriots Party	George Rosini	072201135	072201135	george@kpp.org george@kpp.org	
25	Communist Party of Kenya	GITHAI NENUNYI	071028066	071028066	githai.nenyi@cpk.org	
26	Kenya African National Union	Gladys Kangogo	0721132835	0721132835	gkangogo@yahoo.com	
27	Safina	John Wamogete	0722313941	0722313941	wamogete.john@gmail.com	
28	Chama Cha Uzalendo	JARHEITH N. KIIIO	0720709800	0720709800	jeff.kiiio22@gmail.com	
29	National Agenda Party of Kenya	ALFAREO AGUSTINA	0700114444	0700114444	alfareo-agustina@gmail.com	
30	Peoples Empowerment Party	Joyce Muambini	0720263477	0720263477	micosom@jcepp.org	
31	Peoples Democratic	CHARLES O. Mogyere	0722558123	0722558123	charlesmogyere74@gmail.com	




Party							
32 The New Democrats	Frederick Kithang'ya	0720220300	fredrick@kithangya.com				
33 United Democratic Movement	Paul Sigeri	0722703399	psigeri@gmail.com				
34 Shirikisho Party Of Kenya	ABRAM MBEIO	0726603528	ambio@gmail.com				
35 Party Of Democratic Unity	FRANCO OKIBI	0713511655	okidfranco@gmail.com				
36 Millenium Party Of Kenya	PETER ORINA	0721289071	okpetene@okpetene.com				
37 Frontier Alliance Party	Jackson Manki K.	0721104170	kipielej@gmail.com				
38 Farmers Party	JOHN KATHURIA	0729809447	johnkathuria@yahoo.com				


39	Economic Freedom Party	Abdullahi Gessy	0722884252	agesey@gmail.com	
40	Federal Party Of Kenya	FREDRICK OHWALI OMUKHINDI	0721755581	fredolwan@yahoo.com	
41	Muongano Party	STEM OCHIRO ONDIEKI	0723308834	Shemodan@gmail.com	
42	National Party Of Kenya				
43	Jirani Mzalendo Asili Party	CHARLES OTIENO	0721958133	NA	
44	Chama Cha Mashinani	HON. KOCHER K. ALBERT	0721230320	KocherAlbert@gmail.com	
45	Alliance For Real Change				
46	Forum For Republican	MUTINDA MUTINDA MUMO	0722890060	Mutindamumo@yahoo.com	

Democracy					
47 Republican Liberty Party					
48 Roots Party Of Kenya	ADAM KADERNANI	0733796896	adkad9495@gmail.com		<i>AD</i>
49 Citizens Convention Party					
50 Amani National Congress	Margaret Ndanyi	0722436755	mandanyieyato000@comcast.net		<i>M</i>
51 Devolution Party Of Kenya					
52 United Democratic Party	Macharya ERICK	0720624638	Amos115151@gmail.com		<i>Eric A</i>
53 Diligence Development Alliance	Anton Ole Kinaya KILAKOI	0711751268	antonkinaya@gmail.com		<i>A</i>
54 Peoples Trust Party	Tony Mulingu	0705033345	isentonny@gmail.com		<i>T</i>

55	Maendeleo Chap Party	KARIM MUMUKI	0725017077	maendeleo@chapparty.co.ke	
56	Democratic Congress	Elo Mafelu	0722242788	mafelu@gmail.com	
57	Liberal Democratic Party	DAVID WILFRED	0722557492	dawilfrd@gmail.com	
58	Green Congress Of Kenya	JOHN KAMIRI	0718451388	KAMIRI2006@Yahoo.com	
59	National Liberal Party	OMODIA K/1000	0729888278	richardoyes@grad.com	
60	Movement For Democracy And Growth	MIKE OLIENDO	0722302887	mikediondo@yahoo.com	
61	Alternate Leadership Party Of Kenya	MAURICE OLUM	0727282391	olumaurice116@gmail.com	
62	Ukweli Party	NDUKO O/MATIGERE	0720131574	ndukogere@ukweliparty.com	

63	Empowerment And Liberation Party					
64	Thirdway Alliance Kenya	Andrew Njoroge	072342794	govan70@gmail.com		
65	Justice & Freedom Party Of Kenya	Mary Musiriuki	072192553	musiriukimary@hotmail.com		
66	Grand Dream Development Party					
67	United Green Movement	Anna K. Nyambui	0717969700	nyambuianna@gmail.com		
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**TECHNICAL CAUCUS CONSULTATIVE MEETING ON THE REVIEW OF THE POLITICAL
PARTIES ACT HELD AT SAROVA WOODLANDS NAKURU ON 10TH FEBRUARY 2020**

1. INTRODUCTION


The Constitution under Article 92 envisions enactment of a Statute for the registration and regulation of Political Parties. In this line, Parliament enacted the Political Parties Act 2011 to provide for, *interalia*, establishment of the Office of the Registrar of Political Parties (ORPP), registration and regulation of Political Parties as dictated in the Constitution. Notably, the Political Parties Act is the primary law under which the ORPP and Political Parties operate. As a result, the ORPP is better placed to report on the efficacy of the Political Parties Act and challenges encountered in enforcing the same.

It is against this backdrop that the ORPP with the support of the Electoral Law and Governance Institute of Africa (ELGIA) held an internal consultative meeting to review the Political Parties Act, 2011 with the purpose of developing proposals for amending the same.

2. OFFICIAL OPENING

Opening Remarks by Ms. Anne N. Nderitu, Ag. Registrar of Political Parties

Officially declaring the meeting open, Ms. Nderitu commenced by appreciating ELGIA for hosting the meeting and the same time called upon the ORPP staff to engage in spirited deliberations. She noted that the performance of the ORPP may and has been hampered by the gaps existent in the Political Parties Act and thus the need to address the said gaps through legislative measures. Nonetheless, she observed that the panacea of some of the challenges may not lie in legislative measures hence urged discussants to present all forms of views that may provide solutions. For instance, the Registrar asserted that where a Political Party presents details of a new member including a well-filled form, the assumption is that the said person actually consented to be registered (which may not be the case).



The Registrar further remarked on the issue of party funding and pointed out that the current criteria under the Act does not encourage democracy; the same ought to be reviewed to as to allow more Parties to benefit. However, Ms. Nderitu stated that it may not be justifiable to allow all registered parties to be entitled to the Political Parties Fund as this could pass for wastage of public resources. On this front, she implored the meeting to develop a new criteria for allocating the fund to Parties and putting in place measures to ensure the National Treasury releases the whole 0.3% as dictated under the Political Parties Act 2011.

While commenting on the structure and operations of the Political Parties Liaison Committee (PPLC), she observed that there was a need to ensure that all Political Parties participate in the operations as opposed to it being an affair for Parties with low (albeit legal) membership. On the other hand, the Ag. Registrar stated that deregistration of Political Parties Act 2011 is almost impossible hence a need to re-examine the same.

In concluding, she called upon the meeting to be alive to the Building Bridges Initiative Report as the proposals may have an impact on the future of the duties and powers of the ORPP.

Welcome Remarks by Mr. Felix Odhiambo, ELGIA Executive Director

Mr. Odhiambo welcomed participants to the meeting and underscored the significance of the partnership between ORPP and ELGIA as the mandate of the two institutions is linked opening up democratic spaces and promoting sound governance. He informed the meeting that ELGIA was justified to support the review of the Political Parties Act through the ORPP because it is the primary implementer of the Act.

The Executive Director remarked that prior to the current Act, Political Parties were regulated under the Political Parties Act of 2007 and much earlier under the Societies Act. He noted that there have been many challenges that informed the existence of various

laws as aforesaid. In his opinion, even though the current Act is anchored on the Constitution of Kenya 2010, the very Act poses challenges in terms of efficient regulation of Political Parties and operations of the ORPP. In this regard, he observed that the overall goal of the meeting was to holistically repeal the Act preceded by interrogating it and generating proposals. He asserted that follow-up activities after the meeting will include consultative engagement with stakeholders and partners such as the PPLC, IEBC, Parties generally, and the Justice and Legal Affairs Committee for purposes of sourcing views. Subsequently, a draft Bill and Memoranda shall be developed and presented to the relevant parties.


While urging the discussants to engage in deliberations grounded in best practices as it pertains regulation of Political Parties, he noted that the pending Draft Regulations under the Act ought to be interrogated and presented to the Parliamentary Committee on Delegated Legislation.

3. SUBSTANTIVE PROCEEDINGS

Areas highlighted for reform by Mr. Mark Olwal, ORPP

Mr. Olwal started by echoing the Ag. Registrar's remarks in terms of the effect of the BBI Report and related proposals on the Political Parties Act. He however cautioned participants that the same does not mean that the goal of the meeting is to align the Act with BBI proposals. Subsequently, he apprised the meeting on the salient features of the program of the meeting with a focus on the Architecture and Contextual Overview of the Political Parties Act from inception, areas of reform in the Act, and participants' recommendations on areas of reform.

Additionally, he recommended that the roadmap for review should include sourcing of proposals, a drafting team to compile the said proposals, engagement of various stakeholders, and subsequent drafting of the Bill.



While taking participants through the areas of reform as highlighted by the ORPP, he paid particular focus on various themes including registration of Political Parties, resignation by members, records of Parties, distribution of funds, functions of the Registrar, operation of the PPLC, and the form and jurisdiction of the Political Parties Disputes Tribunal (PPDT).

(Annexed herewith is the document detailing the said presentation.)

Architecture and Contextual Overview of the Political Parties Act from inception by Mr. Barasa Nyukuri, Consultant

The Consultant took the participants through the evolution of the current Political Parties Act and the establishment of the Office of the Registrar of Political Parties whereby he pointed out that the former dated back to 1952 when the Societies Ordinance was the legal framework on the governance of Political Parties. He observed that subsequently the Societies Act, Cap.108 of the Laws of Kenya became the primary statute on the regulation of Political Parties; the same Act was for purposes of registration of societies. In essence, there was no comprehensive stand-alone law on the registration and regulation of Political Parties. The Office charged with regulating mandate under the Act was not independent. The foregoing led to mushrooming of many Political Parties that were short of democratic ideals.

In a bid to establish a proper mechanism to register and regulate Political Parties, the Political Parties Act of 2007 was enacted; the same came into force on 1st July 2008. Parties were required to register afresh under the Act. The regulator under the Act was a Directorate within the Electoral Commission of Kenya; the department of Political Parties. Funding under the 2007 Act was dependent on the total votes and total elective seats won by a Political Party.

With the promulgation of the Constitution of Kenya 2010, it was mandatory for enactment of a new that reflected the principles of the Constitution. This led to the enactment of the

Political Parties Act 2011 whose key provisions include establishment of an independent office on the regulation of Political Parties.

It is in this respect that the Consultant called upon discussants to evaluate various areas in the current Act including the following;

- ❖ The efficacy of the Act in the registration and deregistration of Political Parties while upholding the principle that Kenya is a multi-party democracy.
- ❖ The effect and sufficiency of the party fund, its distribution, other sources of funding coupled by the ability of the ORPP to monitor Parties in the use of the said fund on activities allowed under the Political Parties Act.
- ❖ Membership in Parties including registering Kenyans without their consent and the tedious process of resigning from Parties.
- ❖ Measures to ensure that there is a substantive Registrar with three Assistants as required under the Act as opposed to Acting Registrars.
- ❖ Strengthening and or making the PPLC efficient.
- ❖ Dispute resolution in terms of the roles of IDR, the Registrar, and the PPDT.
- ❖ Party primaries in terms of ensuring closed party primaries.

The Consultant's perspective on the review process, Moses Owuor, Consultant

Mr. Owuor apprised the discussants that the primary source of reference for the discussion on the review of the Political Parties Act 2011 is the Constitution. He laid credence on various provisions of the Constitution including Articles 4, 10, 24, 38, 81, 88, 91, 92, 100, 103 and 108. He further made a case for consolidation of election laws under one Act as proposed by the Independent Review Commission (Kriegler Commission). As the review process takes course, the Consultant warned against over-legislation and duplicity of laws. In this regard, he pointed out the need to look at the provisions of the

Election Campaign Financing Act 2013 versus the Political Parties Act 2011 as it they relate to regulation of the use of money in politics. In addition, he noted that some procedural aspects of the law are better placed under Rules or Regulations as opposed to being captured in the substantive Act.


With reference to the PPDT, he made a case for renewing of the terms of the members since they work part-time, establishment of ad-hoc board during party primaries, restructuring jurisdiction in terms of the subject matters as opposed to parties to a case.

Discussions and recommendations

Following presentations and deliberations, discussants appreciated the same in the following aspect;

1. Kenya is a multiparty democracy hence laws should not be enacted to curtail the same. Political Parties should be registered as long as they meet the threshold contemplated under the Constitution.
2. Consultants to provide guidance on registration of political associations and collaborations that do not fall under the purview of mergers and coalitions.
3. Provide for Parties to make their IDRMs decisions available to the public outlining the procedure of reaching the decision, filing the decisions with the ORPP.
4. Provide for the roles and responsibilities of party members and functions of Political Parties.
5. Delete reference to 'Prime Minister' under Section 12 as the same is spent.
6. There is no clear value for the existence of party offices within at least 24 counties, what is the mischief being cured? Article 91(2) of the Constitution forbids founding of offices on regional basis, does the requirement of the offices seek to address this?

7. Relook the criteria for distribution of the fund. Consideration should be taken between equitable versus proportional criteria. Political Parties with representation in Parliament and County Assemblies should be considered.
8. The statutory fee of Ksh. 100, 000 for provisional registration is justifiable; the law does not favour the indolent- if the six months period runs out then it means one has lost their opportunity to proceed to the full registration stage.
9. Section 20 to include a provision that publication is a precursor to gazettelement.
10. Delete reference to Prime Minister in Section 51(2).
11. Make the process of Registration under Section 14 easier for ordinary members. Further, consider members submitting the notice of resignation to ORPP to aid in IEBC EDR processes.
12. Replace reference to abbreviations with acronyms through the Act.
13. Note that the three days notification under 14(3) was declared unconstitutional to the extent that persons who resign from Parties to vie as independents need not have notified the Registrar within three days.
14. Under Sec 6,7,9 and the second schedule where the 2/3rd gender rule is addressed and the second schedule the term gender should be captured as opposed to sex.
15. Section 7 on the conditions of full registration should be specific on the requirement for political parties submitting county officials to ORPP.
16. Section 40 should be amended to give powers to ORPP to make direct referrals determination of disputes in addition the first criteria should be amended to read a conflict between a member and "the" political party
17. On the issue of the membership register it should be specified that that register in the custody of ORPP is the primary register. Nonetheless, note that Parties are required under the Elections Act to submit party membership lists to the IEBC in the event of a general election or a by-election.

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18. It was proposed that there is a need for a clear distinction between a member, follower, supporter and have them state their clear parameters. Nonetheless, it should be noted that this may not be necessary is its only members who have rights.
 19. Section 14 on deeming and the consequences of the same needs to be made more clear i.e Who is deeming?
 20. Section 10 on mergers and coalitions needs to be expanded to take into consideration emerging issues of cooperation's and collaborations elaborating on the operationalization of the same. In addition, on coalitions there should be provisions of pre and post coalitions and timelines for the existence coalitions and filing of the same should be clear.
 21. Guidelines should be put in place for development of the coalition agreements in line with the relevant laws.
 22. Under Section 5 (3) and the timelines for full registration a schedule should be introduce highlighting the management of the 180 days.
 23. Under Section 9 on the requirements of the election and nomination rules a schedule should be introduced with a checklist for the same.
 24. The term " logo and symbol" should be deleted in line with the regulations to only provide for "symbol"
 25. The issue for the requirement of party ideologies needs to be placed in the Act.
 26. The issue of IEBC delegating some of its powers to PPDT through an MOU needs to be entrenched in law.
 27. Registration of associations such as the handshake need to be regulated.
 28. On party discipline must be clearly anticipated and have a schedule or regulations should be developed to specifically deal with this. In addition the Act is not clear on what action can be taken if the parties do not comply with their constitution for instance if they present minutes to the office how does the office verify or

interrogate them, how do the parties and the office deal with rouge party members. Under Article 91 and 92 the office should be given powers to write to parties when deadlines for their elections are due and specify the type of meeting that can be called and call for a meeting for the elections when she feels there is a need.

29. There is a need to delineate the various sanctions that the Registrar has in her power and build up on them.
30. Section 21 to include a substantive process for suspension of a Party.
31. The supervision of party primaries should be a role for the Registrar- this can be done through amendments but also go through BBI recommendations
32. Under Section 38 there is a need to regulate the membership, eligibility criteria, qualifications and who is the chair and secretary of the committees and its primary functions. In addition, there is a need to redefine the term "dialogue". (The Bomas Draft can be used here)
33. With the powers under section 49 regulations should be developed for PPLC;- ELGIA has two reports that they can provide to assist with this.
34. It was proposed that the Elections Act should adjust the timelines for independent candidates and amended the timeline from 90 days to 60 days in line with the constitutional timelines. What is the mischief here? Curbing party hopping?
35. Section 45 that speaks on offences should be opened up to be cognizant to all investigative and law enforcement agencies.
36. The issues of the code of conduct should be brought back to the regulator ORPP so the candidates can be sanctioned.
37. The Act needs to address the issue of membership under provisional registration and address the issue of membership of provisional parties that do not graduate to full registration; prescribed procedure on how these members are to be released and timelines for the same.

38. The functions of the Registrar to include clearing Independent Candidates and approving their symbols in terms of confirming they do not reflect those of Political Parties. Consider interrogating the role of the Registrar with regard to coalitions apart from being the custodian of the agreement. Further, to include power to order for meetings of a party.
39. Consider the Code that Independents adhere to once in the Assembly given that Party Candidates are bound by the Party Code.
40. Section 40(2) to include party primaries- must originate from IDRM- Provide that party primary disputes must originate from IDRM or evidence of an attempt to be heard within the party be presented to the PPDT (in the event where a Political Party declines or neglects to facilitate IDRM).
41. Both the PPA and the Electoral Code of Conduct to contain a provision that Parties/Candidates are required to adhere to the two Codes.
42. Interchange Sections 5 and 6 for structural flow.
43. Section 8 to include submission of a list of county officials.


4.OFFICIAL CLOSING

Way Forward

The discussants proposed for submission of the meeting's report by 18th February 2020, holding of an internal meeting at ORPP to go through the updated matrix on 24th February 2020, and engagement with PPLC for purposes of seeking views on either 26th or 27th February 2020.

Closing Remarks by Ms. Anne N. Nderitu, Ag. Registrar of Political Parties

The Registrar expressed gratitude to ELGIA for hosting the meeting and at the same time lauded the discussants together with Consultants for their contributions. While closing



the meeting, she called upon the participants to feel free to submit further proposals when and if they have them.

STAKEHOLDERS CONSULTATIVE WORKSHOP - LEGAL REVIEW OF THE POLITICAL PARTIES ACT

VENUE: SAROVA WOODLANDS NAKURU
 DATE: 2ND MARCH 2020

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STAKEHOLDERS CONSULTATIVE WORKSHOP - LEGAL REVIEW OF THE POLITICAL PARTIES ACT

VENUE: SAROVA WOODLANDS NAKURU

DATE: 2ND MARCH 2020

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STAKEHOLDERS CONSULTATIVE WORKSHOP - LEGAL REVIEW OF THE POLITICAL PARTIES ACT

VENUE: SAROJA WOODLANDS NAKURU
 DATE: 2ND MARCH 2020

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STAKEHOLDERS CONSULTATIVE WORKSHOP - LEGAL REVIEW OF THE POLITICAL PARTIES ACT

VENUE: SAROVA WOODLANDS NAKURU
DATE: 2ND MARCH 2020

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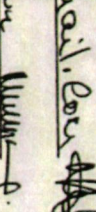










STAKEHOLDERS CONSULTATIVE WORKSHOP - LEGAL REVIEW OF THE POLITICAL PARTIES ACT

VENUE: SAROVA WOODLANDS NAKURU

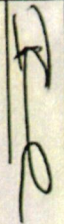
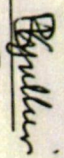
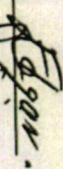






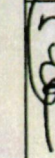
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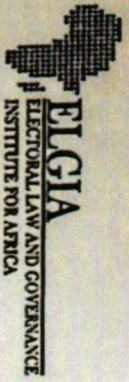
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STAKEHOLDERS CONSULTATIVE WORKSHOP - LEGAL REVIEW OF THE POLITICAL PARTIES ACT

VENUE: SAROVA WOODLANDS NAKURU

DATE: 3RD MARCH 2020

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STAKEHOLDERS CONSULTATIVE WORKSHOP - LEGAL REVIEW OF THE POLITICAL PARTIES ACT

VENUE: SAROVA WOODLANDS NAKURU

DATE: 3rd MARCH 2020

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REPORT ON THE STAKEHOLDERS WORKSHOP ON THE REVIEW OF THE POLITICAL PARTIES ACT, 2011

Venue: LUKENYA GETAWAY RESORT

5TH-9TH OCTOBER, 2020



A section of participants during the workshop. Front row; Ms. Anne Nderitu- Registrar of Political Parties, Justice Kathurima M'Inoti- JCE Member, and Faith Odidi- Programme Administrator - Kenya | Westminster Foundation for Democracy (WFD).

1. INTRODUCTION

The Constitution of Kenya 2010 under Article 92 contemplates enactment of a legislation for, among other purposes, the registration and regulation of Political Parties. On this premise, Parliament enacted the Political Parties Act, 2011 (PPA) for the registration, regulation, funding of political parties, and for connected purposes. As such, the PPA is the primary law under which the Office of the Registrar of Political Parties (ORPP) and Political Parties operate. By virtue of its mandate to enforce the PPA, the ORPP is better placed to report on the efficacy of the Political Parties Act and challenges encountered in enforcing the same.

Following the 2017 general election, the ORPP has had occasion to interrogate the PPA and related laws with a particular focus on identifying the gaps and determining ways in which to address the same. As a result, the Office has been engaged in a legal and electoral reform agenda as informed by best practices, lessons learnt, past experiences, and consultative engagement with other stakeholders.

A series of consultations have been held including the Technical Caucus Consultative Meeting on the Review of the Political Parties Act, 2011 held at Sarova Woodlands Nakuru on 10th February 2020 and the Political Parties Consultative Meeting held from 1st to 3rd March, 2020 at Sarova Woodlands Nakuru. The exercises have culminated into a matrix of proposals on possible areas of reform under the PPA and related laws.

It is against this backdrop that the ORPP with the support of UN Women organized workshop from 5th to 9th October, 2020 with various stakeholders (both State Actors and Civil Society Organizations) with the main objective of sourcing views on reforming the PPA.

The stakeholders invited were Independent Electoral and Boundaries Commission (IEBC), National Gender and Equality Commission (NGEC), Political Parties and Disputes Tribunal (PPDT), Judiciary Committee on Elections (JCE), Kenya Law Reform Commission (KLRC), Katiba Institute (KI), Election Observation Group (ELOG), Community Advocacy and Awareness (CRAWN) Trust, Constitution and Reform Education Consortium (CRECO), Siasa Place, Centre for Multiparty Democracy (CMD), and Westminster Foundation for Democracy (WFD)

2. PRELIMINARIES

2.1. Opening Remarks by Ms. Anne N. Nderitu, MBS, Registrar of Political Parties

Officially declaring the workshop open, Ms. Nderitu commenced by appreciating UN Women for hosting the meeting and appreciated stakeholders for honouring ORPP's invite. She noted that the electoral reform process ought to be concluded early enough in preparation for elections which were approximately 22 months away. She underscored the need for electoral laws to be in sync and not contradictory. The Registrar pointed out that there are gaps in Electoral laws that might not have been intentional hence the need to be reexamined including the timeline allows party members to contest elections as independent candidates.

There is value in better and or improved management of coalitions. Ms. Nderitu pointed out that coalition related conflicts include sharing of the Political Parties Fund and the fate of a coalition in a scenario where one of the parties resolves to exit the said coalition. The Registrar posed several questions; can there be a coalition where one of the five parties in a coalition exit the coalition or the later stands dissolved? Is there an option to exit such a coalition? Can parties to a coalition demand a share of the Political Parties Fund as agreed in a coalition agreement when the party in question does not qualify the distribution criteria?

Regarding the dialogue platform, the Political Parties Liaison Committee (PPLC), established under Section 38 of the PPA, she remarked that PPLC is not a preserve of parties but encompasses OPRR, IEBC, and Political Parties. She challenged participants to reimagine the role of the PPLC.

Although Section 16(5) (A) of the PPA stipulates that a fully registered political party shall be deregistered if it has not presented a candidate in two consecutive general elections, she pointed out that the process of deregistration Section 21 of the PPA makes deregistration of a party almost an impossibility.

As a parting shot, Ms. Nderitu called upon the participants to submit proposals meant for posterity.

2.2. Welcome Remarks by Mr. Sebastian Gatimu, UN Women Representative

Mr. Gatimu commenced by welcoming participants to the workshop and thereafter conveyed apologies of the Director UN-Women, who as a result of competing exigencies, did not manage to attend the meeting. Further, he remarked that in as much as the issues at hand were urgent, it was not possible to conduct the workshop virtually due to the nature of discussions required. He spoke to the need of timely reforms but still pointed out that it had not been possible to hold the meeting at an earlier date due to the COVID-19 pandemic.

On the substance of the workshop, he stated that the 2017 elections are a foundation upon which the PPA ought to be interrogated to determine the gaps to be filled. He further communicated the UN Women's desire to see more women take part in elections as contenders. Mr. Gatimu noted that the reform process was an opportunity to determine how Political Parties can actualize the two-thirds principle stipulated under Articles 27(8) and 81 of the Constitution. In making a case for affirmative action, he gave practical examples with respect to how girls are presented with limited choices as compared to the boys- he asserted that women just like their younger selves have limited platforms to participate in elections. It was Mr. Gatimu's view that the participants had a duty to interrogate how to ensure meaningful inclusion of women in politics.

2.3.Objectives of the Workshop- Mr. Boniface Mark Olwal, Senior Legal Officer, ORPP

Mr. Olwal spelt out the objectives of the meeting; ORPP and stakeholders to jointly interrogate the PPA, development of proposals with the goal of reviewing the PPA, interrogate other related laws to enhance better regulation and supervision of political parties namely the Elections Act, 2011.

He further alluded to the local jurisprudence that ought to inform the review of the PPA including ***Constitutional Petition No. 96 of 2014 Rogers Mogaka Mogusu v George Onyango Oloo*** whereby Justice Lenaola adopted the meaning of a public officer as understood by SCOK in *Fredrick Otieno Outa vs Jared Odoyo Okello*. "...the meaning of "public officer", for purposes of the electoral law, is that embodied in Article 260 of the Constitution as read together with Section 2 of the Elections Act. The different definition in other statutory provisions... ought not to take precedence over the said constitutional provision...". It is in this regard that he urged the discussants to be alive to other case laws.

3. SUBSTANTIVE PROCEEDINGS

3.1. Overview of the Political Parties Act, 2011- Ms. Geraldine Mukele, Senior County Monitor Nakuru, ORPP

Ms. Mukele apprised participants on the salient aspect of the PPA noting that the Act was enacted in 2011 and came into force on 1st November, 2011 following repeal of the Political Parties Act, 2007. She informed discussants that the PPA is a product of Article 92 of the Constitution. Among the themes highlighted were registration of parties comprising the requirement of compliant constitutions, coalitions, records of political parties, change of particulars of parties, political parties fund, establishment and functions of the ORPP, establishment and operations of the Political Parties Disputes Tribunal, offences, power of the Registrar of Political Parties to make Regulations, and the schedules to the PPA.

Participants had occasion to ventilate on the presentation in the followings terms;

- The need for a comprehensive review and reform of the Act as opposed to piecemeal legislations;
- The need for a framework of managing coalitions so that they do not affect individuality and ideologies of parties;
- The existence of an opportunity to review the political parties fund to expand the criteria for distribution so as to benefit more political parties;
- Political parties have a role to play in ensuring that party nomination are two-thirds gender principle compliant;
- The need to amend provisions in other laws that affect the PPA for instance the Elections Act, 2011 under Sections 27 and 28 with respect to submission of nomination rules and party membership lists by parties to IEBC without regard to the mandate of the ORPP;
- There is need for a mechanism for parties that do not participate in elections to be automatically deregistered without being afforded a platform to remedy their omission; and
- The reform process is an opportunity to interrogate whether auditing of political parties sources of funds could be improved in terms of ensuring comprehensive disclosure.

3.2. Commentary on review of the PPA with a focus on disputes resolution- Justice Kathurima M'Inoti, Court of Appeal Judge, Judiciary Committee on Elections (JCE) Member

Justice M'Inoti communicated that he was attending the meeting on behalf of the JCE and the JCE chairperson, Justice Misagha Mbogholi. He further informed the meeting that he is in charge of EDR in the Judiciary. He pointed out that the JCE was formed by the former Chief Justice Dr. Will Mutunga to address the backlog of election cases and ensure timely determination of election petitions. Regarding the role of JCE on electoral reform, Justice M'Inoti observed that JCE sources views from judges after every cycle of election on their experiences and what ought to be improved. He advised the meeting not to legislate in a rigid way but at the same time provide clear laws; minute specifics make implementation impossible.

He addressed discussants on the overlapping mandate between IEBC and PPDT and pointed out even though there exists a Memorandum of Understanding between IEBC and PPDT, the same is not a watertight solution to the conflict of jurisdiction between the two institutions. He advised that although the MoU had been of benefit, concerned parties should consider addressing the conflict permanently through amending Article 88(4) of the Constitution if and when an opportunity arises. Besides that, he raised concern on the many levels of appeal from the point a dispute is lodged within the party mechanism and appealed all through to the Supreme Court. He observed that Section 41(2) of the PPA stipulates that an appeal lies from the decision of the Tribunal to the High Court on points of law and facts and on points of law to both the Court of Appeal and the Supreme Court creates an automatic access to SCOK yet Article 163 of the Constitution has a criterion on how appeals lie to the SCOK. He urged the meeting to consider limiting the levels of appeal in the PPA using the reasoning in ***Wilson Ong'ere Ochola v. ODM & 3 Others, CA No. 271 of 2017***; an Act of Parliament cannot change the jurisdiction of SCOK which jurisdiction is spelt out in the Constitution.

Additionally, he stated that it was necessary for the ORPP to organize an engagement between JCE and ORPP for purposes of sourcing views from all the members of JCE.

The remarks were appreciated by the participants as indicated below;

- Proposals to electoral laws ought to be in place at least one year to the date of the general election;
- A tribunal such as PPDT is supposed to comprise persons who have expertise in election and political parties issues hence doing away with it will be clawing back on the gains made by establishing the Tribunal;
- There is value in insisting that parties must first exhaust IDRM, where a law has created a mechanism for dispute resolution, that mechanism must be used;
- The PPDT ought to comprise a panel in Nairobi, and roving panels or regional panels to enable access to justice;
- The process of regulation of party nominations is a function of IEBC under Article 88(4) of the Constitution because the ORPP was a department under IEBC, the Constitution of Kenya 2010 did not envision a separate entity that would regulate parties but IEBC; and
- Political parties must have functional IDRM to resolve disputes including those related to party nominations.

3.3. Thematic Group work presentations and attendant plenary sessions

Registration and regulation of political parties

ELOG, SIIASA Place, and IEBC's representatives were charged with discussing the subject. The team received further assistance from the ORPP.

(Annex 1 is the matrix of proposals under this theme as submitted by the team)

In their presentation, the team noted that a 2015 research by Institute for Education in Democracy reported that even state-funded parties did not have a minimum of 24 offices. It was also noted that the requirement to register a minimum of 1000 voters per county presupposes the need for an office in each county to attend the members. Nonetheless, the costliness of maintaining the said offices vis-à-vis their value require assessment.

Following the presentation, the following reactions were observed;

- Definition of political parties as entities that field candidates for elections is limiting and ignores the other roles of political parties. Be that as it may, the more parties are required to field candidates, the more an opportunity to include SIGs is presented;
- The proposal on the roles of Parties to be included under the current Section 3(1A) of the PPA to the exclusion of the recommendation for parties to conduct political education as the same is already contemplated under Section 26(1) of the PPA;
- Redefinition of “office holder” as to include all elected/ appointed members of political party. This would also necessitate amendment to Section 25 (2A) of the PPA to replace office bearer with office holder;
- The definition of political party office to be differentiated from the office with respect to ORPP;
- With respect to prevailing circumstances of the COVID-19 pandemic; there is need to consider use of virtual offices while at the same time being alive to the challenge of checking functionality and access of such offices;
- The proposal to limit the time within which the Registrar must respond to whether an application for provisional registration may not be sound given that the ORPP cannot control operations of other state offices who may have a role in providing requisite information on the process including ascertainment of Article 91(2) of the Constitution;
- Amendment of section 5 (3) and (5) of PPA to increase the period of provisional registration from 180 days to 270 days;
- Amendment of Section 8 of PPA to provide a 90-day name reservation timeline;

Political Parties Funding and Accounting

NGEC, WFD, CRAWN TRUST with support of the ORPP addressed this topic. ***(Annex 2 is the matrix of proposals under this theme as submitted by the team).***

Following the team's submissions, the Plenary session realized the following comments and resolutions;

- Political Parties that have representation in Parliament and county assembly to be entitled to the political parties fund. A decision has to be made on whether there should be a minimum

number of representatives or whether a single representative is sufficient. Be that as it may, the criteria under 25(2) (c) ought to be deleted;

- The Political Parties Fund should be confined to Political Parties and not opened up to coalitions and or parties belonging to a given coalition;
- Removal of presidential votes from the criteria of allocation of funds does not encourage parties to field candidates in all the six elections; and
- Amendment of Section 25 to peg funding to representation by deletion of the disjunctive term “or”.

PPDT & General Provisions

The themes were addressed by representatives of Centre for Multiparty Democracy, Constitution and Reform Education Consortium, and Kenya Law Reform Commission with institutional memory support by the ORPP.

(Annex 3 is the matrix of proposals under this theme as submitted by the team)

Following the team's presentation, the meeting made the following general and specific recommendations;

- Amendment of Section 13(1) of the Elections Act, 2011 to allow for early party nominations and avoid IEBC limiting parties, through operational timelines, from conducting early nominations. This would create more time for pre-electoral disputes resolution;
- PPDT to comprise a static and revolving panels for purposes of primaries, expand the composition of the PPDT, the Judiciary through the JSC to set up ad hoc committees for dispute resolution for purposes of nominations.
- Translation of the MoU between IEBC and PPDT into a legal framework to address possible challenge to the MoU and further address the overlapping mandate;
- Section 6 of the PPA to include a requirement for applicants to show the IDRM structure and/or how they intend to address disputes internally;
- Amendment of Section 40(2) of the PPA to allow a party to be heard at the PPDT, with leave of the PPDT, even when the matter has not been heard and determined at the IDRM level.
- PPDT requires resources including human resources;

- The proposal to delete Section 39(5) of the PPA on grounds of being discriminatory was shot down on account that it is automatic that a public officer is disqualified from holding another public office;
- Paragraph 2 of the First Schedule to the PPA (Code of conduct for Political Parties) to be amended by deleting the term “candidates” as they are covered under the Electoral Code of Conduct and the Election Offences Act, 2016;
- There is need to define aspiring candidates and political malpractices as used in the First Schedule to the PPA;
- Need for clarity on the notice that precedes the other- Section 21(6A) and Section 48(1) of the PPA; and
- The proposal to have ORPP regulate party primaries should not contradict the IEBC's mandate to regulate the process by which parties nominate candidates for elections.

Matrix of proposals of the ORPP on the PPA- Mr. Boniface Mark Olwal, Senior Legal Officer, ORPP

Mr. Olwal commenced by noting that the proposals presented by stakeholders were substantially similar to the proposals that had been generated by the ORPP in liaison with political parties (following the Political Parties Consultative Meeting held from 1st to 3rd March, 2020 at Sarova Woodlands Nakuru).

(Annex 4 is the matrix of proposals under this theme as presented by the ORPP)

Following the presentation, participants had occasion to make the following specific and general deliberations;

- Need for clarity to show that the deregistration contemplated under Section 16(5A) of the PPA is not tied to the processes required under Section 21 of the PPA for instance the requirement for the Registrar to require a political party to remedy a breach. A party that fails to participate in elections for two consecutive general elections has no avenue for remedying such a breach;

- The ORPP should hire the three assistant RPPs as opposed to them being state appointees. The Office then has power to assign them roles. Presently, the PPA only provides for the functions of the Registrar with no clarity on the functions of the assistants save for deputizing the RPP. Further, they ought to have power to act in the absence of the Registrar as long as the said power is delegated;
- Qualify Section 33(10) of the PPA to include a statement of limiting Article 38 rights as required by Article 24(2) (a) of the Constitution;
- As opposed to changing the *functions of the Registrar* to *functions of the ORPP*, retain as is but provide that the Registrar is protected from personal liability;
- The current Section 16(5A) of the PPA to be amended- a fully registered party to stand deregistered upon failure to secure a seat from the last election- the deregistration has to be alive to the winding up process of parties;
- There is a need to develop provisions on the management of coalitions;
- Definition of the term political party to include the requirement to field candidates for elections;
- Allocation of the political parties' fund to be pegged on elected representatives; all parties with representation to benefit;
- Parties that do not field candidates in elections to stand deregistered;
- Redefinition of office holders to include all party officials whether elected or appointed- including committee members;

4. WAYFORWARD

Following deliberations, it was agreed as follows;

- a) Development of the report and sharing of the same in raw form;
- b) Development of a comprehensive matrix of proposals emanating from the workshop;
- c) Implementation of the work plan in Annex 5

5. CONCLUSION

Following presentation and adoption of the work plan (**Annex 5**) as presented to the participants by Mr. Marcus Agenga of ELOG, the closing remarks were as stipulated hereunder;

5.1. Remarks by Mr. Franklin Mukwanja, Executive Director CMD

Mr. Mukwanja lauded the ORPP for organizing the workshop noting that it was in the interest of every actor to build towards the credibility of the ORPP and other duty bearers including IEBC and PPDT. He observed that timely enactment of amendments allows the implementers to acquaint themselves with the substance of the laws hence promoting efficiency. He urged the meeting to create allies for purposes of advocacy and lobbying to ensure timely conclusion of the reform process. Besides, he committed CMD to offer ORPP support subject to availability of funds.

5.2. Remarks by Ms. Faith Odidi, Programme Administrator WFD- Kenya

Ms. Odidi commended the forum noting that it formed a foundation for the WFD's work in terms of supporting inclusivity and diversity. She communicated that WFD had a program titled Kenya Inclusive Political Party Program whose focus includes supporting the ORPP on ensuring inclusivity in political parties.

5.3. Remarks by Ms. Nancy Koross, Legal Officer IEBC

Ms. Koross conveyed the Commission's appreciation for the sessions on reforming the PPA asserting that they were key in the electoral reform processes at the IEBC. She stated that the Commission was equally examining the Elections Act, 2011 and other laws for purposes of addressing existing gaps. Ms. Koross reiterated earlier speakers by voicing her opinion on the challenges posed by the overlapping mandate between IEBC and PPDT on resolution of nomination related disputes and submission of party membership lists by parties directly to the IEBC under Section 28 of the Elections Act, 2011. She concluded by calling upon all the actors to engage and align overlapping legal issues.

5.4. Remarks by Mr. Sebastian Gatimu, UN Women Representative

Mr. Gatimu expressed his gratitude to the ORPP for ensuring that the workshop comprise personnel with expertise with a common goal of ensuring development of sound laws. He emphasized that the reform process is supposed to be for the benefit of Kenya as a country and not select individuals. Mr. Gatimu concluded by pledging UN Women's support to the work plan as presented and its variations.

5.5. Closing Remarks by Ms. Juliet Murimi, Assistant Director Compliance, ORPP

The Director in charge of Compliance remarked that feedback from stakeholders is key for the ORPP in enriching its proposals. She noted that the process was open for all Kenyans which platform shall be available through the public participation stage.

Ms. Murimi observed that time was ripe for a program on strengthening of political parties as was done prior to the 2017 general election. She revealed that the capacity of political parties would benefit from training programs as they would have an opportunity to be trained on new laws. She also noted that support to the ORPP and parties was not limited to legal reform as there are other equally significant areas that require support.

While commenting on the reform process on the Elections Act, 2011, Ms. Murimi pointed out that it was of value for the ORPP and IEBC in conjunction with other relevant offices to have an engagement on comparing notes. This would prevent formulation of reform proposals that do not speak to bettering the legal framework on elections.

Officially closing the workshop on behalf of the Registrar of Political Parties, Ms. Murimi concluded her remarks by thanking all participants for their spirited discussions with a focus on UN Women, CMD, and WFD for having committed to support the processes at the ORPP.

LIST OF PARTICIPANTS

NO.	NAME OF PARTICIPANT	INSTITUTION
1.	ANNE N. NDERITU	ORPP
2.	JULIET MURIMI	ORPP
3.	JOSEPH KANJA	ORPP
4.	BONFACE MARK OLWAL	ORPP
5.	GERALDINE MUKELE	ORPP
6.	JOSEPHAT NYONGESA	ORPP
7.	WAFULA WAKOKO	ORPP
8.	LODUPO TUKEI	ORPP
9.	KATHURIMA M'INOTI	JCE
10.	ROSALYN AGANYO	PPDT
11.	EDGAR AMIANI	PPDT
12.	NANCY KOROSS	IEBC
13.	DAMARIS MUKALA	KLRC
14.	SYLVESTER MBITHI	NGEC
15.	FRANKLIN MUKWANJA	CMD
16.	JOSHUA	CRECO
17.	LILIAN MUTHEGU KANGETHE	CRAWN TRUST
18.	GRAYSON MARWA	SIASA PLACE
19.	FAITH ODIDI	WFD-KENYA
20.	MARCUS AGENGA	ELOG
21.	SEBASTIAN GATIMU	UN WOMEN

ANNEX 1

SECTION AMENDMENT	FOR	PROPOSAL /RECOMMENDATION	JUSTIFICATION/RATIONALE(WHAT TO CURE)
Section 2- Interpretation of a political party.	a	<i>An association with similar ideologies and political positions who field candidates for elections.</i>	Need for clarity and certainty on what a political party is.
Interpretation of a Political Party Office	a	<i>An office for the purposes of this Act shall mean ' physical room/building where a political party performs its administrative work to realize its objectives.</i>	
Section 4- Introduce 4 (3) to outline the specific roles of a political party	4	<ul style="list-style-type: none"> • <i>Promote and enhance national unity.</i> • <i>Shape and Influence public policy</i> • <i>Recruit and field candidates for public office.</i> • <i>Promote representation of SIGs in Parliament and County assemblies.</i> • <i>Civic/Political Education.</i> 	Need for clarity and certainty on what a political party is.
Section 5- Introduce 5(2)(c)		<i>Notwithstanding the provisions Section 5(2)(b), the Registrar shall communicate the decision and the reasons thereto of the application for provisional registration within a period of 90 days of receipt of the said application.</i>	Need for certainty on the parts of a political party if it has met or not met threshold for registration
Reservation of name		<i>A name or a symbol of a political party registered under this Act shall be valid for a period of 90 days from the date of approval.</i>	
Section 5- Introduce 5 (5)(a)	5	<i>Upon the expiry of the 180 days from the date of issue of the certificate of provisional registration, a political may request for renewal of the certificate of provisional registration for a period not more than 90 days upon payment of the prescribed fee based on the reasons provided for under the regulations of this Act.</i>	Need to have a closure on provisional registration processes.
Section 10- Introduce 5(5)	5(5)	<i>Review of Section 10 in its entirety</i>	<ul style="list-style-type: none"> - Management of the Coalition - How does the coalition agreement come to an end?

ANNEX 2

PROVISION AMENDMENT	FOR	PROPASALS /RECOMENDATION	JUSTIFICATION/RATIONALE(WHAT TO CURE)
Section 23		Insert by office of the registrar	Shifting focus from the individual to the office
Section 25 2a		Reduce threshold to 2%	The issue of presidential votes to be discussed in plenary
Section 25 2c		Each of the categories i-iv include 'or'	To allow other parties to access the funds
Section 25 (3)		Remove the presidential votes	To ensure more parties who do not field presidential candidates are eligible for the fund.
Section 29 (2)		Alternative modes of publishing to be included	
Section 31		Auditing of programmes of parties funded by ORPP	
Section 33		The act should refer to the office of the registrar not registrar	The functions are tied to the office rather than the individual
Section 34		Apart from having the functions of the office there needs to be clear functions of the registrar.	Functions not provided for as the act gives functions of the registrar not the office of the registrar which needs to be clearly separated.

ANNEX 3

PROVISIONS AMENDMENT	FOR	PROPOSAL/RECOMENDATION	JUSTIFICATION/RATIONALE(WHAT TO CURE)
Qualification		Reduce number of advocates and include other skills such as Finance, Social Science, Religious, Governance etc.	<ul style="list-style-type: none"> • There is need to diversify the team as disputes aren't confined to legal issues, there are financial. There are varied. • This is not a Court process but alternative dispute resolution.
Quorum of the Tribunal		Make quorum strong by having minimum 5 Members	Quorum of 3 defeats the logic of representative of democracy of having 3 out of 7!
Mandatory presence of an Advocate for mandatory quorum		Remove mandatory presence of an Advocate	There is technical expertise in the Secretariat
The contradiction between 39(2)(a) and subsection (5)		Remove 39 (5)	It promotes criminalization of politics Let persons of integrity serve in the Tribunal and other party structures
Jurisdiction of the PPDT generally and for Provisionary registered parties.		40 (1) b The tribunal shall determine disputes between a member of a political party and a political party, save for provisionally registered political party	Provisionally registered political parties MUST be required to submit to the Registrar their exhaustive mechanisms for Dispute Resolution for the 180 days' period. Make it a mandatory requirement.
Offences under the Act in line with the Code of conduct		In the First Schedule include No. 9 Code of Conduct remove candidates to be dealt with the Election Offences Act-IEBC Upon violation of this Code of Conduct the Registrar SHALL issue a fine or deregistration or suspension of funding or barred from participating in the elections	The Act as it is cannot be enforced the way it is. Lacks enforcement mechanisms
Process of winding up a political party		Remove the Attorney General Remove 48 (2) and function handed over to the Registrar of Political Parties	ORPP is an independent The AG should only advise Government The AG is an Executive appointee
Regulation of party primaries.		Add (h) Formulation of regulations for party primaries by the Registrar	It does not exist CoK 88 (4d)
The transitional clauses.		Delete section 51	The provisions are spend/no longer in use.

DRAFT DOCUMENT

ANNEX 4

SECTION S AND SCHEDUL ES FOR	WHAT IS PROVIDED CURRENTLY IN THE ACT	THE PROPOSED AMENDMENT	JUSTIFICATION FOR AMENDMENT
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AMENDMENT			
Sec. 2 Interpretation	<ul style="list-style-type: none"> • The Section provides for the interpretations and meaning of terms within its context otherwise required. • 	<ul style="list-style-type: none"> • To properly define the word a political party and outline the role of political parties in the Act as it was envisaged in Art. 92(d) of the Constitution. 	<ul style="list-style-type: none"> • The Act has not defined the word political parties it only makes reference to definition under Art. 260 of the Constitution which does not define it but just describe it. • For that reason members of political parties do not understand the meaning of a political party. To this end there shall be clear outlined ideologies of every political party. • Currently, the Act has also not provided or outlined the roles and functions of political parties as required under Art. 92 (d) that same should be legislated. • In an advanced democracy political parties being institution, have their express roles and function

			entrenched within the law. This shall enhance performance audit and appraisal by the office.
Sect 7	<ul style="list-style-type: none"> Provides the disqualification of being a member of Governing body 	<ul style="list-style-type: none"> The Section should include a public officer as defined under the Elections Act. 	<ul style="list-style-type: none"> This shall provide an express prohibition in addition to Section 12
Sec. 8 Registration	<ul style="list-style-type: none"> The Section outlines issues and factors for consideration for registration of a political party name. 	<ul style="list-style-type: none"> It is proposed that the sections should be expanded to include other spheres / factors for consideration upon Application within the law. 	<ul style="list-style-type: none"> The section is narrow. The section should include the constitutionality of the name and ideologies of the proposed party name in relation to our governance system and values.
Sec. 9 Contents of the constitution or rules	<ul style="list-style-type: none"> The Section provides for the contents of the Constitution or rules of a political party. 	<ul style="list-style-type: none"> It is proposed that the Section should include the power to suspend the political party upon noncompliance. It is further proposed that it is proper to separate subsections (1, 1A, from 	<ul style="list-style-type: none"> The section should include the power to suspend a political party as indicated in Sec. 21 of the Act. The Section should be separated from request to amend and the content of the constitution there is no connection.

		<p>2,3 and for as the subsections are not related)</p> <ul style="list-style-type: none"> The provisions under subsection 2 and 3 should be in a substantive section under a different title. 	
	<ul style="list-style-type: none"> Introduce the Collaborations and Alliances in the Act 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> There is a lacuna of how to handle the tools out of collaborations and Alliances
Section 16(5A)	<ul style="list-style-type: none"> Conditions for Deregistration of a dormant political party 	<ul style="list-style-type: none"> The fully registered party shall stand deregistered upon failure to secure a seat from the last election. 	<ul style="list-style-type: none"> The provision is not serving the purpose.
Sec 14 Resignation	<ul style="list-style-type: none"> The Act should provide a deeming clause for coalition partners. (When is a political party deemed to have left a coalition) 	<ul style="list-style-type: none"> Considering that Sec. 14 is on Resignation and deeming process, the Act should provide a substantive section for the procedure and process of expulsion of a party 	<ul style="list-style-type: none"> The Section as mixed the Resignation, Deeming and Expulsion of a member in one Section. The three procedures are distinct with clear procedures. To avoid confusion there should be a clear

		<p>member on the basis of other misconducts.</p>	<p>substantive section for each separately.</p> <ul style="list-style-type: none"> • The Act should expressly provide for when a coalition partner can be deemed to have left the coalition. • The Act should also provide for the procedure of removal of a coalition partner without dissolving the coalition if it is made up of more than one political party. • This should be done in a substantive Section providing the procedure. • There is a mix between the expulsion process of a member and the deeming process.
<p>Sec.17 Records of political parties</p>	<ul style="list-style-type: none"> • The Section provides for Records of a political party at the County and National offices 	<ul style="list-style-type: none"> • It is proposed that the record should include the list of National office bearers 	<ul style="list-style-type: none"> • County offices should have in their record the list of office bearers from national to grass roots. This shall help the members for easy reference.

<p>Sec. 20 Change and alteration</p>	<ul style="list-style-type: none"> • The Section provides for procedure for notification of change of particulars of a political party. The section provides that there shall be an objection on the gazette notice of intended change. • 	<ul style="list-style-type: none"> • There are gaps with regards to the role of Registrar upon objection. • At what point do the changes take effect? • The Act shall expressly provide when the change takes effect. 	<ul style="list-style-type: none"> • The Act outlines the procedure of alteration of particulars but it does not provide the role of the registrar upon objection after publication by the party. • The Act is not clear when the changes take effect. This to some extent lives a gap in the administration of the process.
<p>Sec. 21 Deregistration process</p>	<ul style="list-style-type: none"> • The Section provides the instances and process of deregistration of a apolitical party. 	<ul style="list-style-type: none"> • The Act should separate the suspension process from the deregistration process • A provision of Section 21A to outline instance penalties/punishments for a political party upon violation and contravention of Art. 91(h) and Art. 81(e) of the Constitution during party primaries 	<ul style="list-style-type: none"> • The Section should expressly provide for suspension process and deregistration process substantively. • For proper conduct of party primaries the Registrar shall have power to give instance penalties to a political party upon contravention of the law during party primaries.

		either by itself in general or by its members.	
Sec. 22 Effect of deregistration	<ul style="list-style-type: none"> Provides for deregistration of political parties 	<ul style="list-style-type: none"> Amend to include other elective positions as outlined in 22(3) 	<ul style="list-style-type: none"> The sub Section should reflect and include other elective positions like governor
Sec.25 Distribution of funds	<ul style="list-style-type: none"> To lower the threshold for qualification to increase the number of political parties to receive the funds 	<ul style="list-style-type: none"> Proposal before the National Assembly 	<ul style="list-style-type: none"> The importance of funding political parties cannot be overemphasized as a tool to enhance democracy. The threshold set under the Act is high considering the electoral system and the compliance cost.
Section 30 Declaration of assets and submission of members	<ul style="list-style-type: none"> Political parties are to submit the members to the Registrar 30 days before elections 	<ul style="list-style-type: none"> The Registrar should submit the list to the Commission 	<ul style="list-style-type: none"> Should be in line with Section 28 of the Elections Act
Sec. 31 Audit	<ul style="list-style-type: none"> It provides the audit of political parties 	<ul style="list-style-type: none"> To expressly provide that the Auditor general shall submit the audited report to the registrar 	<ul style="list-style-type: none"> The Act should mandate the office of the Auditor general to submit the audited report to the Registrar.
Sec 34	<ul style="list-style-type: none"> Provides the functions and mandates of the 	<ul style="list-style-type: none"> To include Supervision 	<ul style="list-style-type: none"> This provision shall allow the

<p>Functions of the Registrar</p>	<p>Registrar of political parties</p>	<p>and regulation of political parties primaries as a function of the Registrar.</p> <ul style="list-style-type: none"> • The clearance of Independent candidates to ensure they are not members of a political party 	<p>office supervise and regulate effectively the Political Parties primaries. This is on the basis that the PPDT currently have jurisdiction to hear and determine disputes arising from party primaries.</p> <ul style="list-style-type: none"> • This shall from provide a structured legal framework for supervision of party primaries currently lacking.
<p>Sec. 38 PPLC</p>	<ul style="list-style-type: none"> • Provision of the Political Parties Liaison Committee as a platform for dialogue 	<ul style="list-style-type: none"> • Replace the word function with purpose/objective • Establishment of had a hoc Committee on a need to need basis. • To read other function prescribed by the law • Provide the qualifications of membership in the Act. 	<ul style="list-style-type: none"> • The Act shall provide for the purpose and objective of the Committee instead of it functions. • This is on the basis that the Act provides the committee as a dialogue platform.
<p>Sec.39 Tribunal</p>	<ul style="list-style-type: none"> • Replace nonrenewable term to renewable 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • The Tribunal members might

			opt to renew the term.
Sec. 40 Jurisdiction of Tribunal	<ul style="list-style-type: none"> The Section outlines the Jurisdiction of the PPDT 	<ul style="list-style-type: none"> To include dispute between a member of apolitical party and the political party Include (fa) 	<ul style="list-style-type: none"> Subsection (1)(b) is ambiguous
Sec. 49 Regulations	<ul style="list-style-type: none"> The Section gives the Registerar the discretionary powers to develop Regulation generally for the better carrying out of the provisions. 	<ul style="list-style-type: none"> The Registrar to make regulation generally for better carrying out of provisions of this Act in particular the Regulation to Supervise and Regulate Political parties Primaries. 	<ul style="list-style-type: none"> This shall provide for the statutory document and legal basis to operationalize the relevant sections of the law.
Sec. 51 Transitional provision	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> No need of transitional clauses 	<ul style="list-style-type: none"> Delete the transitional clause
First Schedule	<ul style="list-style-type: none"> Political Parties Code of Conduct 	<ul style="list-style-type: none"> The code should provide for the conduct of election officials during party primaries. The punishment and sanctions upon violation of the code should be 	<ul style="list-style-type: none"> The code should include penalties upon breach and violation. This shall enhance enforcement mechanisms of the Code.

		expanded to include penalties, suspension from participation in an election.	
The Political Parties (Registration) Regulations 2018	<ul style="list-style-type: none"> Amend the party membership recruitment form) (form PP17) 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> To provide such details and particulars of member for the development of a register for the purposes of party primaries.
	PROPOSALS UNDER THE ELECTIONS ACT		
Section 27 Submission of party nomination Rules	<ul style="list-style-type: none"> The Act requires the political parties to submit nomination rules to the Commission The Commission shall request the same to be submitted by the Registrar. 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> The Registrar is the custodian of the Constitution and nomination rules.
Sec. 28 Submission of the membership list	<ul style="list-style-type: none"> The Act requires the political parties to submit membership list to the Commission 	<ul style="list-style-type: none"> The Commission shall request the same to be submitted by the Registrar. Amend the timelines including the timelines for independent candidates 	<ul style="list-style-type: none"> The Registrar is the custodian of the Constitution and nomination rules. The provision is in violation of the Constitution.
Sec. 31 Nomination of	<ul style="list-style-type: none"> The Sec. provides the process and conduct of Party primaries. 	<ul style="list-style-type: none"> The Section should be in reference to 	<ul style="list-style-type: none"> This is for the intended purpose to

<p>political parties candidates</p>		<p>the function of the Registrar. The process outlined thereunder shall be conducted by the Registrar in line with Sec. 34 of the political parties Act.</p> <ul style="list-style-type: none"> • Amend Subsection (2D) there shall be a party membership register for the purposes of the conduct of party primaries. • The use of any registrar for party primaries is outlawed and is an offence • In (2F) Parliament to appropriate monies for the effective implementation of the • The Registrar shall submit the list of authorized and the specimens persons for 	<p>streamline the conduct and supervision of political parties' primaries.</p>
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		purposes elections	
Sec 32, 33. Independent Candidates	<ul style="list-style-type: none"> The Registrar to provide a clearance certificate of an individual to the Commission upon request. 	<ul style="list-style-type: none"> Not a member of a apolitical party 3 months before party primaries 	<ul style="list-style-type: none"> There shall be a legal basis for clearance of Independent candidates by the Registrar The timelines should be harmonized

ANNEX 5

(As attached)



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**REPORT ON THE LEGAL REVIEW OF THE POLITICAL PARTIES ACT,
2011 FOR DEVELOPMENT OF A DRAFT ZERO BILL**

VENUE: GREAT RIFT VALLEY LODGE, NAKURU COUNTY

13TH TO 16TH JUNE, 2021

1. INTRODUCTION

The Constitution of Kenya 2010 under Article 92 contemplates enactment of a legislation for, among other purposes, the registration and regulation of Political Parties. On this premise, Parliament enacted the Political Parties Act, 2011 (PPA) for the registration, regulation, funding of political parties, and for connected purposes. As such, the PPA is the primary law under which the Office of the Registrar of Political Parties(ORPP) and Political Parties operate. By virtue of its mandate to enforce the PPA, the ORPP is better placed to report on the efficacy of the Political Parties Act and challenges encountered in enforcing the same.

Following the 2017 general election, the ORPP has had occasion to interrogate the PPA and related laws with a particular focus on identifying the gaps and determining ways in which to address the same. As a result, the Office has been engaged in a legal and electoral reform agenda as informed by best practices, lessons learnt, past experiences, and consultative engagement with other stakeholders.

A series of consultations have been held including the Technical Caucus Consultative Meeting on the Review of the Political Parties Act, 2011 held at Sarova Woodlands Nakuru on 10th February 2020, Political Parties Consultative Meeting held from 1st to 3rd March, 2020 at Sarova Woodlands Nakuru, State actors and Civil Society Organizations workshop held from 5th to 9th October, 2020. The exercises culminated into a PPA matrix of proposals on possible areas of reform.

It is against this backdrop that the ORPP with the support of International IDEA organized a workshop from 13th to 16th June, 2021 with various stakeholders with the main objective being the development of a draft bill. The stakeholders invited were representatives from National Assembly(NA), National Gender and Equality Commission (NGEC), Political Parties and Disputes Tribunal(PPDT), Kenya Law Reform Commission(KLRC), Kenya National Commission on Human Rights, and Commission on Administrative Justice.

2. PRELIMINARIES

2.1. Opening Remarks by Ms. Anne N. Nderitu, MBS, Registrar of Political Parties

Officially declaring the workshop open, Ms. Nderitu commenced by appreciating International IDEA for hosting the meeting and appreciated stakeholders for honouring ORPP's invite in spite of the prevailing circumstances of COVID-19.

The Registrar highlighted the significance of stakeholders in the electoral processes and political parties' management at large with specific attention to the workshop. With regard to select institutions, she pointed out that NGEN has a role to ensure a gender inclusive Act, PPDT's duty is to ensure improvement of the dispute resolution process, KNCHR is to safeguard human rights including inclusiveness.

Ms. Nderitu apprised the meeting of the reform journey including consultative engagements with several actors and stakeholders comprising the Political Parties Liaison Committee (PPLC), political parties, Independent Electoral and Boundaries Commission (IEBC). She reported that the goal of the consultations was and has been addressing the overlapping mandate between the ORPP and IEBC. It is in this regard that she asserted that discussants should address areas of overlapping roles to ensure clarity of mandates and address gaps that have been identified in the laws during the implementation process.

Noting the historical foundation that has led to the overlap of mandates between the cited institutions, she observed that the 2010 Constitution established the IEBC with a directorate of registration of political parties hence current ORPP roles were captured in the Constitution as IEBC roles. This resulted into lack of clarity on supervision of party primaries and resolution of disputes. The Registrar further commented on the lack of proper management of party membership lists, nomination rules, and party lists as in the Elections Act, 2011 in regards to the ORPP not ascertaining the veracity of the highlighted documents.

Additionally, she urged discussants to determine the best way of ensuring aspirants wishing to contest elections as independent candidates embody the spirit and substance of Article 85 of the

Constitution. She crowned her remarks by drawing the attention of participants to the thinning period between the workshop and the 2020 general election.

2.2. Welcome Remarks by CPA Florence Birya, Assistant Registrar of Political Parties

Officially welcoming participants to the workshop, she observed that amendments to the PPA were significant as they would contribute to expanding the democratic space, propel the country towards enjoyment of political rights, and ORPP to fulfil its mandate. It is in this light that she made a case for consulting relevant stakeholders to recommend amendments to the PPA. She asserted that free and fair elections have the component of proper and efficient management of parties that follows a sound regulatory framework for purposes of arriving at elected representatives with good governance ideals.

While appreciating International IDEA's efforts towards building the capacity of ORPP to streamline regulation of parties in preparation for 2022, Ms. Birya observed that the ORPP plays a significant role in elections with a focus on regulation of political parties hence was aware of the gaps that require addressing. On this front, she implored the development partner to support the Office in activities incidental to legal reforms.

2.3. Remarks by Mr. Ali Surrow, Assistant Registrar of Political Parties

Mr. Surrow acknowledged the need for reforms both in electoral and legal spheres given the role that ORPP plays in the conduct of elections. He remarked that the workshop was of the elements towards in ensuring the duty bearers, the political class, and voters realize a free and fair 2022 general election. He emphasized that well regulated parties that adhere to the prescribed code of conduct and related electoral laws are a focus of the ORPP.

2.4. Remarks by Ms. Lucy Ndung'u, Commissioner- Commission of Administrative Justice

The Commissioner congratulated the Office for having substantive state officers since the enactment of the PPA. She asserted that the Office was therefore poised to execute its mandate as provided and contemplated in the relevant laws.

While acknowledging the value of the invited stakeholders, and recalling her experience as a former Acting Registrar of Political Parties, she lauded the support of Parliament to the Office, NGEN in having been party to the taskforce on development of a party primaries law, KNCHR for being a supportive partner, and PPDT for resolution of disputes. On this note, she stated that the workshop's composition was well thought out to realize inclusive amendments.

She concluded her remarks by reiterating the Registrar's sentiment on the need for timely enactment of electoral laws.

2.5. Remarks by Ms. Clara Mutanda, Representative, International IDEA

Ms. Mutanda conveyed International IDEA's capacity and commitment to support the Office to execute its statutory mandate and activities in the work plan including establishing the PPLC women and PPLC Youth, and a parties' membership database. Connectedly, she urged the Office to prepare and submit requisite concept notes in line with the ORPP-International IDEA work plan.

2.6. Remarks by Mr. Michael Karuri, Deputy Legal Director, National Assembly

In appreciating the ORPP for organizing the forum, he informed the meeting that he would be of value to the discussions and the reform process given his long stint as a legislative drafter in different public offices. He pledged to support the Office in translating recommendations into a sound bill that adheres to constitutional principles coupled with meeting the needs of the ORPP.

2.7. Objectives of the Workshop- Mr. Ochieng B. Olwal, Senior Legal Officer, ORPP

Mr. Olwal appreciated the consultative engagements that informed areas that require amendment under the PPA. He also made a case for amendment of related laws including the Elections Act, 2011. Besides, he spelt out the objectives of the meeting; development consolidated proposals on the PPA comprising supervision of party primaries, development of a draft bill, and development of a roadmap towards enactment of the bill.

3. SUBSTANTIVE PROCEEDINGS

3.1. Highlights of ORPP Matrix of Proposals by Wafula Wakoko, Legal Officer, ORPP

Mr. Wakoko introduced the ORPP proposals to the discussants with focus on key principles to guide the reform process; sovereignty of the Kenyan people, national values and principles of good governance, limitation of rights, citizens' political rights, local and international jurisprudence, and international best practices.

The highlights of specific proposals encompassed; restructuring the criteria for distribution of the political parties fund to benefit parties with elected representatives, introduction of supervision of party primaries, and clearance of independent candidates in terms of confirming their qualifications in terms of Article 85 of the Constitution.

(A matrix of proposals as presented is as attached.)

3.2. Highlights of the Party Primaries Bill, 2020 by Juliet Murimi, Assistant Director-Compliance

Ms. Murimi apprised the discussants on the provisions of the Bill and its source as Party Primaries Taskforce established by the ORPP. She outlined the main parts of the bill namely political party structures for party primaries, conduct of political party primaries, political party primary offences, general provisions, and schedules. Key takeaways were; supervision of party primaries by ORPP, the party register used for party primaries is to emanate from the ORPP, the timeline for conducting party primaries to be spaced from Commission nominations to allow for timely dispute resolution.

4. PRIORITY AREAS FOR AMENDMENT

Following deliberations, the meeting realized enriched proposals for amending the PPA in terms of priority areas and general proposals. **(Matrices on the deliberations are as annexed herewith.)**

The matrices are to guide development of bills; a priority areas bill and a bill on all the proposals realized in the meeting.

Broad deliberations included the following;

- ❖ All sections in the PPA that offend the Constitution fall under priority areas;

- ❖ The Commission's mandate to regulate the process by which political parties nominate candidates for elections under Article 88(4)(d) and the role of ORPP to regulate political parties as derived from Article 92(c) are a foundation for the ORPP to supervise party primaries.
- ❖ Nomination rules, party membership lists, and party lists are to be certified by the ORPP before being utilized by the IEBC for electoral processes;
- ❖ Verification of symbols to be confined to ensuring that proposed symbols do not resemble those of fully registered political parties; the ORPP would not have the capacity to verify a proposed symbol against symbols of independent candidates;
- ❖ The term supervision of primaries may be too broad and vague hence the need to employ words that speak to specificity;
- ❖ The Hansard on enactment of party primaries as part of the PPDT jurisdiction even though IEBC has the constitutional mandate to settle pre-electoral disputes should be used as reference point in proposing allocating ORPP the role of supervising party primaries;
- ❖ The MoU between IEBC and PPDT was only possible because the PPA had already provided that the Tribunal has the mandate to settle party primaries disputes;
- ❖ Subjecting party primaries to mandatory IDR process has to be preceded by consultations with the PPDT; and
- ❖ Limiting appellate stages as indicated under Section 41 of the PPA has to be alive to the dangers of limiting access to justice.

5. ROADMAP AND WAYFORWARD

Following deliberations, the recommend as follows;

PROPOSED ROADMAP

	Activity/Item	Timeline
1.	Submission of Great Rift Report by Rapporteurs to ORPP and consultants.	Friday, 18 th June, 2021.

2.	Consultants submit draft zero to ORPP.	Tuesday, 22 nd June, 2021.
3.	ORPP reviews draft Zero.	Wednesday, 23 rd June, 2021.
4.	Inclusion of ORPP views in draft Zero.	Thursday, 24 th June, 2021.
5.	Dissemination of Draft Zero to stakeholders by ORPP.	Thursday, 24 th June, 2021.
6.	Drafters retreat to develop Draft 1.	(Thursday & Friday as working days) 24 th to 25 th June.
7.	Consultants and ORPP present Draft 1(with comments) to JLAC.	Monday, 28 th June, 2021
8.	Consolidation of views(stakeholders and JLAC) for incorporation in the draft bill.	TBA.

Further resolutions were;

- a) Submission of the Draft Zero bill on priority areas;
- b) Submission of the Draft Zero bill on all proposals;

6. CONCLUSION

Following presentation and adoption of the roadmap as presented to the participants by Ochieng B. Olwal, the closing remarks were as stipulated hereunder;

6.1. Remarks by Mr. Sylvester Mbithi, Senior Legal Officer, National Gender and Equality Commission

Speaking on behalf of other stakeholders, Mr. Mbithi noted that amendments to the Political Parties Act, 2011 and any other law should be tailored towards service delivery to the general public. He further pointed out that the amendment process must come to a close; this was premised on the fact that electoral reform started after the 2017 general election yet neither a Statute nor a Bill had been enacted.

Additionally, Mr. Mbithi communicated the readiness and ability of NGEAC in supporting the reform process and inclusive political parties' management in general.

6.2. Remarks by Ms. Antonine Riary, Representative, International IDEA

Making remarks on behalf of International IDEA, Ms. Riary reiterated Ms. Mutanda's sentiments on their commitment to support ORPP to implement the activities provided and contemplated in the work-plan.

6.3. Remarks by Mr. Paul Mugambi, Representative, National Assembly

Mr. Mugambi commended the forum noting that it formed a foundation for the legislative drafters to develop a bill that resonates with the needs of ORPP. He further observed that timely submission of the workshop report to consultants would inform the timeline within which Parliament would enact amendments to the Political Parties Act, 2011.

6.4. Remarks by CPA Florence Birya, Assistant Registrar of Political Parties

Appreciating participants for making time to attend the meeting and providing comments regarding the reform agenda, Ms. Birya called upon the meeting to continue submitting recommendations to the ORPP during the pendency of the reform period. In respect to this, she communicated the open-door policy of the ORPP in welcoming proposals of stakeholders beyond those present in the legal reform workshop.

6.5. Closing Remarks by Mr. Ali Surrow, Assistant Registrar of Political Parties

Officially closing the workshop on behalf of the Registrar of Political Parties, Mr. Surrow expressed gratitude to International IDEA for hosting the workshop. He made a commitment with regard to the ORPP implementing the remainder of activities indicated in the ORPP-International IDEA work-plan.

Mr. Surrow concluded by recalling the deliverables as indicated in the roadmap with focus on development of two draft bills; priority areas and general proposals.



Republic of Kenya

RESOLUTIONS OF THE POLITICAL PARTIES' SECRETARIES-GENERAL MEETING HELD FROM 27TH TO 30TH JULY 2021 AT SAROVA WOODLANDS, NAKURU COUNTY.

PREAMBLE

Recognizing the mandate of the Office of the Registrar of Political Parties to register, regulate and supervise political parties to ensure compliance with the Political Parties Act, 2011;

Determined to promote and protect the political rights of Kenyans as enshrined under Article 38 of the Constitution;

Taking note of the provisions of the Data Protection Act, 2019 in regards to protection of personal data of Kenyans and political party members at large;

Recalling the role of political parties in recruitment of party members and facilitating resignation of party members;

Expressing concern on the complaints raised by Kenyans in relation to protection of their personal data and protection of their political rights following the piloting of onboarding Integrated Political Parties Management System (IPPMS) on E-Citizen for Kenyans to confirm party membership status;

Recognizing the compliance requirements of fully registered parties including maintenance offices and records as stipulated under the Political Parties Act, 2011 and the inspection of political parties' headquarter offices exercise undertaken in June 2021;

Considering the position of public participation in the process of law making as espoused under the Constitution and the stakeholder engagements that have informed development of the Draft Political Parties (Amendment) Bill, 2021 and Political Parties (Membership) Regulations, 2021;

Noting the legal and operational timelines towards the 2022 General Election;

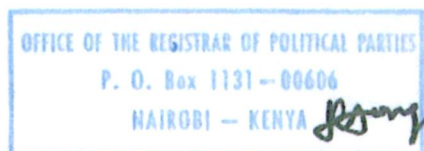
Welcoming the commitment of the Office of the Registrar of Political Parties and Authorised Officials of political parties;

The Office of the Registrar of Political Parties and Secretaries-General and/or their representatives of the fully registered parties as evidenced by the attendance list annexed herewith during the meeting held from 27th to 30th July 2021 resolve that;

1. That political parties shall submit their memoranda on the Draft Political Parties (Amendment) Bill 2021 and the Draft Political Parties (Membership) Regulations, 2021 by 9th August 2021;
2. That the Office of the Registrar of Political Parties shall consider the memoranda under paragraph 1 and proposals made during the meeting on the Draft Bills subject to the

Constitution, attendant laws, domestic jurisprudence, and international best practices for purposes of enhancing the Draft Bills;

3. That the Office of the Registrar of Political Parties shall organize a meeting with the Political Parties Liaison Committee on 3rd August 2021 on the Political Parties (Amendment) Bill 2021 for purposes of enriching the Draft Bills;
4. That the Office of the Registrar of Political Parties shall upgrade the Integrated Political Parties Management System (IPPMS) including development of Application Programming Interface (API) with parties for effective management of party membership data;
5. That the IPPMS shall comprise various modules including party membership status query, recruitment of party members, and resignation of party members with an interface with the E-citizen to enable various processes including automated resignation;
6. That Office of Registrar of Political Parties through an individual based platform through E-Citizen shall make political parties membership registers publicly available to enable Kenyans confirm their party membership status and raise complaints for a period of 30 days to enable address any concerns;
7. That a meeting shall be held between the Office of the Registrar of Political Parties, Independent Electoral and Boundaries Commission, and political parties to deliberate on emerging concerns in regards to the 2022 General Election;
8. That political parties shall sensitize party members and Kenyans on the significance of joining and forming political parties;
9. That the Office of the Registrar of Political Parties shall expand the parameters of the party offices inspection tool that encompasses vetting performance of parties and recognition of compliant and most improved political parties;
10. That the Office of the Registrar of Political Parties and political parties shall adopt anonymization of data as a mechanism of protecting personal data whenever data is employed for statistical purposes; and
11. That political parties shall adopt the legal and operational timelines issued by the Office of the Registrar of Political Parties and the Independent Electoral and Boundaries Commission to enhance timely and effective planning of party activities towards the 2022 General Election.



MINUTES OF THE MEETING ON POLITICAL PARTIES (AMENDMENT) BILL 2021 AND POLITICAL PARTIES (MEMBERSHIP) REGULATIONS 2021 BETWEEN OAG& DOJ AND THE OFFICE OF THE REGISTRAR OF POLITICAL PARTIES HELD ON FRIDAY 10TH SEPTEMBER 2021AY, 27TH JULY 2021 AT 4TH FLOOR CHAMBERS,SOLICITOR GENERAL'S BOARD ROOM.

MEMBERS PRESENT:

NO	NAME	DESIGNATION
1.	Mr. Kennedy Ogeto	Solicitor General Chair of the Meeting
2.	Mr. Wafula Chebukati	Chairperson Independent Electoral and Boundaries Commission
3.	Ms. Ann Nderitu	Registrar Office of the Registrar of Political Parties
4.	Ms. Linda Murila	Chief State Counsel, Legislative Drafting Department
5.	Ms. Salome Oyugi	Manager, Political Parties & Campaign Financing Independent Electoral and Boundaries Commission
6.	Ms. Ruth Makuthu	Senior Legal Officer Independent Electoral and Boundaries Commission
7.	CPA. Florence Birya	Assistant Registrar Office of the Registrar of Political Parties
8.	Mr. Bon Makolwal	Senior Legal Officer Office of the Registrar of Political Parties
9.	Mr. Wafula Wakoko	Legal Officer Office of the Registrar of Political Parties
10.	Mr. Bildad Keke	Senior State Counsel Department of Justice (Constitutional Affairs Section)
11.	Mr. Joshua Wabwire	Advisor, Solicitor General's Office
12.	Ms. Olivia Simiyu	Senior Parliamentary Counsel Legislative Drafting Department Taking Minutes

MIN. 01/2021: PRELIMINARIES.

The Solicitor General (Chair) called the meeting to order at 10.20 a.m. and invited Ms. Ann Nderitu, Registrar of Political Parties, (ORPP) to open the meeting with a word of prayer. The Chair made opening remarks and followed by self-introduction of members present.

The main purpose of the meeting was to discuss the way forward on the electoral legislative reforms ahead of the upcoming elections. During a meeting held at the Office of the President, Harambee House on the 7th July, 2021, the Head of Public Service directed the Office of the Attorney General to convene a legislative sub-committee for purposes of coordinating matters touching on legal issues related to preparedness for the upcoming elections.

MIN. 02/2021 PRESENTATION BY IEBC:

The Solicitor-General invited the Chairperson of the Commission (IEBC) to make a presentation on the legislative reforms proposed by IEBC and the current progress on the reforms.

The Chairperson of the Commission informed the meeting that the Commission had been working with the Justice and Legal Affairs Committee of Parliament (JLAC) on matters touching on campaign finance regulation, the referendum process and boundary delimitation and had developed proposals for review of the said laws after a series of consultative meetings with JLAC.

The following legislative proposals are currently before the National Assembly:

- (i) The Draft Referendum Bill, 2020- which addresses the gaps and challenges identified within the provisions of the Constitution and the Elections Act. The draft Bill prescribes the processes of initiating a referendum to amend the Constitution through Parliamentary initiative and popular initiative, initiation of other forms of referendum, procedure for the conduct of a referendum

among others. It was noted that currently there are two Referendum Bills before Parliament and the same need to be harmonised moving forward.

- (ii) The Election Campaign Financing (Amendment) Bill, 2020- The Electoral Campaign Finance Act enacted in 2013 to implement Article 88(4) of the Constitution seeks to control spending by candidates and political parties during elections. JLAC initiated discussions for review of the Act sighting that the law is difficult to implement and as such suspended operation of the Act through an amendment to section 1 of the Act to provide for the operation of the Act to be suspended until after the General Election to be held in 2017. This means that the Act will come into operation in 2022.

An analytical review of the Act has revealed a number of areas that require legislative review so as to enable the effective enforcement of the law. These areas are addressed in the amendment Bill. The Commission is also required to prepare Regulations to operationalise the Act and have prepared draft Regulations but due to the amendment to section 1 on the operation of the Act, the Regulations have not been published.

The Chair of the Commission indicated that the Commission is required to publish the spending limits 12 months before an election. The Commission has a deadline of 9th August, 2021 to publish the limits.

This is set out in section 18 of the Act which provides—
The Commission shall, at least twelve months before an election, by notice in the Gazette, prescribe the spending limits including the total amount that a candidate, political party or referendum committee may spend during an expenditure period, including the limit for media coverage.

It was noted that the Court nullified the spending limits published by IEBC during the previous elections as the Commission had not prepared Regulations in line with section 29 of the Act. The Commission is facing the same challenge currently as they have no regulations in place to guide the spending limits.

- (iii) The Independent Electoral and Boundaries Commission (Amendment) Bill 2020— which proposes amendments to the provisions on boundary delimitation. Article 89 of the Constitution provides the formula for

delimitation. The procedure for delimiting electoral units is further spelled out in the legal framework governed by the Fifth Schedule to the Independent Electoral and Boundaries Commission Act and section 36 of the Independent Electoral and Boundaries Commission Act. However, following the 2017 amendments to the Act the Commission has since reviewed the same in preparation for the second review and identified emerging concerns such as ambiguities in section 36 and the Fifth Schedule, emerging variation in population and area, interpretation of the legal population limits etc. The amendment Bill seeks to address these challenges.

- (iv) Proposed amendments to various electoral laws. The Commission drafted proposals to amend various electoral laws (Elections Act, 2011, Parties Act, 2011). These proposed amendments should have been in place two (2) years prior to the next general election to enable the Commission to adequately prepare.

The aforementioned pieces of legislation are before Parliament and ought to be fast-tracked to allow the Commission sufficient time to prepare for the elections.

The Solicitor General noted the concerns raised by the Commission and proposed to schedule a meeting with the Speaker of the National Assembly next week to discuss on the way forward.

A copy of the presentation by the Chair of the Commission is annexed for ease of reference.

MIN. 03/2021 PRESENTATION BY REGISTRAR OF POLITICAL PARTIES:

The Solicitor-General invited the Registrar of Political Parties (ORPP) to make a presentation on the legislative reforms proposed by ORPP and the current progress on the reforms.

The Registrar informed the meeting that ORPP had prepared a draft Bill to amend the Political Parties Act, 2011 to address the challenges the Office has been facing in executing its mandate. These include challenges with resignation and expulsion of party members from party members., criteria on allocation of the Political Parties

Fund, supervision of the conduct of party primaries and role of the Office with regards to independent candidates.

The amendment Bill also proposes consequential amendments to sections 27, 28 and 35 of the Elections Act, 2011 to enable ORPP certify party nomination rules, party membership lists and to verify party membership status before the party lists are submitted to IEBC.

Currently, ORPP is conducting public participation of the Bill.

The Solicitor General noted the concerns raised by ORPP and proposed that the Registrar be part of the team meeting with the Speaker of the National Assembly next week.

A copy of the presentation by the Registrar of Political Parties is annexed for ease of reference.

MIN. 04/2021 WAY FORWARD:

The Solicitor General thanked the members for the presentations and noted the urgency of addressing the issues raised at the meeting especially the timelines in view of the upcoming general elections. He proposed Ms. Linda Murila to spearhead the review of the draft legislation prepared by the IEBC and ORPP in collaboration with technical officers from both offices. He further requested IEBC and ORPP to share the documents with the Office for action.

Ms. Murila requested for a meeting with the technical officers after the main meeting so as to come up with a roadmap on reviewing the proposed legislation.

It was agreed as follows—

- (a) The Solicitor-General to schedule a meeting with the Speaker of the National Assembly to discuss the proposed electoral legislative reforms. The Chair of the

Commission and the Registrar of Political Parties to attend the meeting once scheduled.

- (b) IEBC and ORPP to share the draft proposals with the Office (OAG & DOJ).
- (c) The technical team to agree on a roadmap of reviewing the proposed legislation and set dates for the review meetings.
- (d) The technical team to update the Solicitor General on the roadmap once agreed upon.

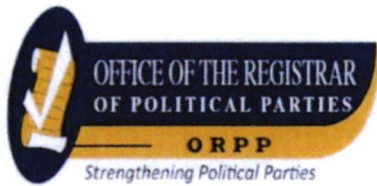
MIN. 09/2020 AOB:

There being no other business to discuss, the Chair closed the meeting at 11.40 a.m.

SOLICITOR GENERAL: DATE:

PROPOSED BY: DATE:

SECONDED BY: DATE:



MINUTES OF THE MEETING ON POLITICAL PARTIES (AMENDMENT) BILL 2021 AND POLITICAL PARTIES (MEMBERSHIP) REGULATIONS 2021 BETWEEN OAG& DOJ AND THE OFFICE OF THE REGISTRAR OF POLITICAL PARTIES(ORPP) HELD ON FRIDAY 10TH SEPTEMBER 2021 AT OAG& DOJ'S 1STFLOOR BOARDROOM

MEMBERS PRESENT

- | | |
|----------------------------|--|
| 1. Mr. Kennedy Ogeto | Solicitor General (chairing the meeting) |
| 2. Ms. Ann N. Nderitu | Registrar of Political Parties, ORPP |
| 3. Ms. Linda Murila | Chief State Counsel, OAG & DOJ |
| 4. Mr. Ali Surraw | Assistant Registrar of Political Parties, ORPP |
| 5. Mr. Samson Maundu | Principal Parliamentary Counsel, OAG & DOJ |
| 6. Mr. Bon Makolwal | Senior Legal Officer, ORPP |
| 7. Mr. Paul Wekesa | Senior State Counsel, OAG & DOJ |
| 8. Ms. Winnie Sian Sankale | Parliamentary Counsel, OAG & DOJ |
| 9. Mr. Wafula Wakoko | Legal Officer, ORPP (Taking Minutes) |

AGENDA

1. Chairperson's remarks;
2. Remarks by the Registrar of Political Parties;
3. Political Parties (Amendment) Bill 2021;
4. Political Parties (Membership) Regulations 2021;
5. Way forward; and
6. Any Other Business

MIN. 01-10/09/2021: CHAIRPERSON'S REMARKS

Following the self-introduction of members, the Chairperson called the meeting to order at 2.45 PM. He that the objective of the meeting was to consider commentary of the Legislative Drafting Department on the two draft bills; the Political Parties (Amendment) Bill 2021 and Political Parties (Membership) Regulations 2021. It was the Chairperson's guidance that ironing out of issues was a precursor to signing of the Cabinet Memorandum for purposes of submitting the two bills to the Cabinet.

MIN. 02-10/09/2021: REMARKS BY THE REGISTRAR OF POLITICAL PARTIES

The Registrar apprised members of the underlying issues that have informed the amendment process including the history of the ORPP as a department within the Electoral Commission of Kenya and its subsequent outfits. Although the ORPP is an independent State Office, she asserted that delinking from Independent Electoral and Boundaries Commission had not solved the seemingly overlapping mandate between the two institutions— IEBC and ORPP.

In this regard, the Registrar observed that the two bills were poised to provide for certification of nomination rules, party membership lists, and party lists to avoid disenfranchising Kenyans, clarify the mandate of IEBC and ORPP, regulation of party nominations, and provide a procedural mechanism of managing party membership data, among others.

MIN. 03-10/09/2021: POLITICAL PARTIES (AMENDMENT) BILL 2021

The members reviewed the draft bill and appreciated the comments of the Legislative Drafting Team in terms of clarifying clauses in the bill, redrafting, and aligning the bill with the Constitution.

A snapshot of deliberations in terms of terminologies and clauses to be incorporated in the bill comprised the following;

- i) The definition of the term political party to include its role of shaping public policy and fielding candidates for elections to accommodate parties that may not contest elections;
- ii) Align the registration process from application for provisional registration to either registration or rejection of the application for full registration;

- iii) The deeming process contemplated under Article 103 of the Constitution to be aligned with Article 47 of the Constitution in terms of a party affording a member fair trial before deeming them to have resigned;
- iv) All publication required of political parties to be carried out in one daily newspaper of national circulation and a functional website of the party as registered at Registrar of Political Parties;
- v) The mandate of the Registrar to include regulation of party nominations on the basis of, *inter alia*, Article 92 (c) which contemplates a legislation that regulates political parties, the definition of nomination under the Elections Act, 2011 as the submission of nomination papers to the IEBC;
- vi) Party membership status of party list nominees to be ascertained by Registrar through certification of party lists as the Registrar is the custodian of party records as drawn from Section 34 of the Political Parties Act, 2011;
- vii) The role of the Registrar with respect to independent candidates is to certify party membership status and certify that proposed symbols do not resemble political parties' symbols; and
- viii) The consequential amendments to the Elections relate to Section 27 of submission of nomination rules, submission of party membership lists under Section 28, and submission of party lists under Section 35.

MIN. 04-10/09/2021: POLITICAL PARTIES (MEMBERSHIP) REGULATIONS 2021

An interrogation of the bill alongside the comments of the Legislative Drafting Department gave rise to recommendations as summarized below;

- i) Substantive provisions outlined in the Political Parties Act, 2011 to be deleted from the bill;
- ii) Form PPM 2 to include the particular request for party membership status; and
- iii) The forms under the Regulations to have very minimal details save for where the Constitution of principal Act demands for the said information.

(A revised bill incorporating commentary of the Legislative Drafting Department is herewith annexed for reference.)

MIN. 05-10/09/2021: WAYFOWARD

Following deliberations and concessions, the members agreed as follows;

- i) The ORPP to apprise the IEBC of the effect of the Political Parties (Amendment) Bill 2021 on the Elections (Party Primaries & Party Lists) Regulations, 2017;
- ii) The ORPP to revise the two bills with a focus on including commentary of the Legislative Drafting Department and submit the same to the OAG& DOJ by close of business Tuesday 14th September, 2021;
- iii) The OAG& DOJ to review the revised bills by Thursday 16th September, 2021; and
- iv) A meeting to be held on the revised bills between ORPP and the OAG& on Friday 17th September, 2021 at 10.00 a.m.

MIN. 06-10/09/2021: ANY OTHER BUSINESS

There being no other business to discuss, the meeting was closed at 7.30 p.m.

SOLICITOR GENERAL:

DATE:

PROPOSED BY:

DATE:

SECONDED BY:

DATE: