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REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FIFTH SESSION – 2026

DIRECTORATE OF DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

ADDENDUM TO:

THE REPORT OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON ITS CONSIDERATION OF THE ELECTIONS (AMENDMENT) (NO. 2) BILL, 2024

(SENATE BILL NO. 29 OF 2024)

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 13 OCT 2026 DAY. TUESDAY
TABLED BY: HON. CITONGA MURUGARA, CBS, MP (CHAIRPERSON)
CLERK-AT THE-TABLE: LNZAFU MWALE, HSC

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OCTOBER 2026

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LIST OF ABBREVIATIONS AND ACRONYMS

IEBC	-	Independent Electoral and Boundaries Commission
MP	-	Member of Parliament
NADCO	-	National Dialogue Committee
ODM	-	Orange Democratic Movement
MCCP	-	Maendeleo Chap Chap Party
UDA	-	United Democratic Alliance
UDM	-	United Democratic Movement
WDM	-	Wiper Democratic Movement

LIST OF ANNEXURES

Annexure 1: Adoption Schedule
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CHAIRPERSON'S FOREWORD

This Report contains the proceedings of the Departmental Committee on Justice and Legal Affairs on its consideration of the proposed amendments to the Election Laws, from the Independent Electoral and Boundaries Commission (IEBC), which have been considered together with, and incorporated into the Elections (Amendment) (No. 2) Bill *(Senate Bill No. 29 of 2024)*.

The Elections (Amendment) (No. 2) Bill *(Senate Bill No. 29 of 2024)* seeks to give effect to some of the recommendations by NADCO on the issues of electoral justice and related matters, fidelity to political parties or coalitions, and the law on multiparty democracy.

The Bill, having been passed in the Senate on 5th December, 2024 and forwarded to the National Assembly, was read a First Time in the House on 13th February, 2025 and was thereafter committed to the Committee in line with Standing Order 143(2) of the National Assembly Standing Orders.

The Committee, having considered the Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024) and the submissions from members of the public and stakeholders, tabled its report in the House on 14th August 2025. The Committee recommended that the House approves the Bill with amendments.

Subsequently, the Committee received a letter dated 13th July 2026 from the Independent Electoral and Boundaries Commission (IEBC) forwarding further proposals to the electoral laws, through the IEBC's proposed Election Laws (Amendment) Bill, 2026.

The Committee considered the proposed amendments as forwarded by the Commission, side by side with the previously proposed Committee Stage amendments proposed to the Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024), during a sitting held on 29th September 2026.

The Committee, noting the formal gazettement of the commencement of the election period and the need to facilitate timely consideration of the Legislative Reforms, resolved to incorporate some of the critical amendments proposed by the Commission into the Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024).

Further, the Committee noted the resolution of the Liaison Committee, made during its retreat held from 7th to 11th September 2026, that in preparation for the 2027 General Election and cognisant of the constitutional restriction under Article 82(1) of the Constitution, the National Assembly shall prioritise the expeditious consideration of only those amendments to electoral laws and consequential regulations that are necessary for the conduct of the 2027 General Election.

In addition, the Honourable Speaker vide a Communication made on 29th September 2026, directed the Departmental Committee on Justice and Legal Affairs to review the proposals from the Commission and recommend to the House any appropriate amendments for inclusion in the Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024) that forms part of the priority business.

In light of the above, the Committee noted that there was no need to publish a new Bill as proposed by the Independent Electoral and Boundaries Commission (IEBC).

The Committee is grateful to the Offices of the Speaker and Clerk of the National Assembly for their guidance and for the logistical and technical support accorded to it during its consideration of the proposed amendments. The Committee further wishes to thank the Independent Electoral and Boundaries Commission (IEBC) for submitting the proposed amendments which have now been considered together with the Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024). Finally, I wish to express my appreciation to the Honourable Members of the Committee and the Committee Secretariat who made useful contributions towards the preparation and production of this Addendum Report.

On behalf of the Departmental Committee on Justice and Legal Affairs and pursuant to the provisions of Standing Order 199(6) of the National Assembly Standing Orders, it is my pleasant privilege and honour to present to this House the Addendum to the Report of the Departmental Committee on Justice and Legal Affairs on its consideration of the Elections (Amendment) (No. 2) Bill *(Senate Bill No. 29 of 2024)*.

It is my pleasure to report that the Committee has reconsidered the Elections (Amendment) (No. 2) Bill *(Senate Bill No. 29 of 2024)* together with the amendments proposed by the IEBC, and has the honour to report back to the National Assembly with the recommendation that the **House approves the Bill with amendments**, as detailed in the revised schedule of amendments as contained in Chapter Six of this Report.

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

CHAPTER ONE

1 PREFACE

1.1 Establishment of the Committee

1. The Departmental Committee on Justice and Legal Affairs is one of the twenty departmental committees of the National Assembly established under **Standing Order 216** whose mandate pursuant to the **Standing Order 216 (5)** is as follows:

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

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider: -

   (a) The Judiciary;
   (b) Tribunals;
   (c) Access to Justice;
   (d) Public prosecutions;
   (e) Ethics, Integrity and Anti-corruption;
   (f) Correctional services;
   (g) Community service orders and witness protection;
   (h) Constitutional Affairs;
   (i) Sovereign immunity;
   (j) Elections including referenda;
   (k) Human rights;
   (l) Political parties; and
   (m) The State Law Office' including insolvency, law reform, public trusteeship, marriages and legal education.

3. In executing its mandate, the Committee oversights the following Ministries, Departments and Agencies:
    (a) The Judiciary;
    (b) Judicial Service Commission;
    (c) State Department of Correctional Services;
    (d) State Department of Justice, Human Rights and Constitutional Affairs;
    (e) State Law Office and Department of Justice
    (f) Office of the Director of Public Prosecutions;
    (g) Ethics and Anti-Corruption Commission;
    (h) Independent Electoral and Boundaries Commission;
    (i) Commission on Administrative Justice;
    (j) Office of the Registrar of Political Parties;
    (k) Witness Protection Agency;
    (l) Kenya National Commission on Human Rights;

1.3 Committee Membership

4. The Committee comprises the following Members:

Chairperson
Hon. Murugara George Gitonga, CBS, MP
Tharaka Constituency
UDA Party

Vice-Chairperson
Hon. Mutuse Eckomas Mwengi, OGW, MP
Kibwezi West Constituency
MCCP Party

Hon. Gladys Boss, MGH, MP
Uasin Gishu Constituency
UDA Party

Hon. Maalim Farah, EGH, MP
Dadaab Constituency
WDM-Kenya

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

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

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

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

Hon. Muchira Michael Mwangi, MP
Ol Jorok Constituency
UDA Party

Hon. Timothy Kipchumba Toroitich, MP
Marakwet West Constituency
Independent

Hon. Makali John Okwisia, MP
Kanduyi Constituency
FORD-Kenya

Hon. Mogaka Stephen M., MP
West Mugirango Constituency
Jubilee Party

Hon. Aden Daud, EBS, MP
Wajir East Constituency
Jubilee Party

Hon. Harold Kimuge Kipchumba, MP
Nominated Member
ODM Party

Hon. CPA Suleka Hulbale Harun, MP
Nominated Member
UDM Party

5. The Committee is facilitated by the following staff:

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

Mr. Ronald Walala
Principal Legal Counsel I

Mr. Abdikafar Abdi
Clerk Assistant II

Mr. Samuel Wanjiru
Clerk Assistant II

Mr. Omar Abdirahim
Fiscal Analyst I

Mr. Isaac Nabiswa
Legal Counsel I

Ms. Vivienne Ogega
Research Officer II

Mr. John Nduaci
Serjeant-At-Arms

Ms. Rahab Chepkilin
Audio Officer III

Ms. Esther Mbatha
Public Communications Officer III

Mr. Wilson Murimi
Media Relations Officer III

Ms. Rhoda Muchiri
Hansard Officer III

Ms. Fatuma Ruwange
Hansard Officer III

Ms. Mary Stacy Akinyi
JLAC Intern

CHAPTER TWO

2 OVERVIEW OF THE DRAFT ELECTION LAWS (AMENDMENT) BILL,2026

2.1 Background

6. The Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024) seeks to give effect to some of the recommendations by NADCO on the issues of electoral justice and related matters, fidelity to political parties and coalition parties and the law on multiparty democracy.

7. The Bill, having been passed in the Senate on 5th December, 2024 and forwarded to the National Assembly, was read a First Time in the House on 13th February, 2025 and was thereafter committed to the Departmental Committee on Justice and Legal Affairs in line with Standing Order 143(2) of the National Assembly Standing Orders.

8. The Committee, having considered the Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024) and the submissions from members of the public and stakeholders, tabled its report in the House on 14th August 2025. The Committee recommended that the House approves the Bill with amendments.

9. The Second Reading of the Bill was undertaken on 1st October 2026. The Committee Stage on the Bill is pending.

10. Subsequently, the Committee received a letter dated 13th July 2026 from the Independent Electoral and Boundaries Commission (IEBC) detailing the Proposed Election Laws (Amendment) Bill, 2026.

11. The Draft Election Laws (Amendment) Bill, 2026, as proposed by the IEBC, proposes to amend the Elections Act, to —

    (i) Require the use of a Valid Kenyan ID Card or Valid Passport to register for voting and to vote. This will require that the Kenyan passport used in registering as a voter and in voting has been issued legally; has not expired; or has not been cancelled, revoked or declared invalid.

    (ii) Define the term "forensic image" to cater for instances where the Court Orders access to the records of the technology used in elections.

    (iii) Limit the freeze of registration of voters during a by-election to the affected electoral area. This means that the registration of voters will continue in other electoral areas not affected by a by-election.

    (iv) Freeze registration of voters between the date of publication of a referendum question and the date of a referendum.

    (v) Provide that verification of biometric data will be done not later than sixty days before the date of a general election. However, the amendment changes a fundamental aspect of the current exercise. The verification will ONLY be done at polling stations for a by-election and not all elections.

    (vi) Require IEBC to revise the Register of Voters whenever county or ward boundaries are altered.

(vii) Require the Commission to recommend the deletion of names of deceased voters after publishing and publicizing the names and inviting and resolving any challenges to the audit of the Voters register. Currently, the Act mandates the Commission to delete the names of deceased persons without reference to any "recommendation" or public participation.

(viii) Increase the time by which the Commission must procure a firm to audit the Register of Voters from at least six (6) months to at least nine (9) months before the general election. Whereas the current provision allows IEBC to procure the Audit Firm as late as February 2027, the amendment sets a deadline for the procurement of the Audit Firm to November, 2026. The amendment reduces the time afforded to procure the firm.

(ix) Require the Commission to conduct fresh voter registration after review of constituency boundaries or alteration of county boundaries; to review the names, number and boundaries of wards where a review of names and boundaries of counties requires such a review; and to audit the voter register at any time.

(x) Delete the provision requiring the Commission to transmit the notice of the holding of an election to the relevant returning officer within twenty-one days of receipt of the notice.

(xi) Disentitle a person who registers as a voter in a different constituency solely for the purposes of becoming eligible to contest an impending by-election in a constituency where registration is suspended from being registered as a candidate.

(xii) Obligate a coalition political party to provide IEBC with their nomination rules within 14 days of registration. The Act currently requires political parties to submit their nomination rules six months before the general election.

(xiii) Delete the provisions allowing the Commission to supervise the party primaries at the request of the parties.

(xiv) Require each political party to ensure that not more than two-thirds of its candidates submitted to the Commission in a general election for parliamentary elections are of the same gender.

(xv) To empower the Commission to refuse to approve the symbol of an independent candidate if the symbol is obscene or offensive; is the symbol of a political party or another independent candidate in the same county; or so nearly resembles the symbol of a political party, another independent candidate in the same county or any other legal entity registered under another law.

(xvi) Delete the requirement for the Commission to Gazette the names of persons intending to contest in the election as independent candidates at least fourteen days before the date for registration of candidates with the Commission.

(xvii) Provide that a person shall not be nominated on the MCA party list unless the person is, on the date of submission of the list by the political party, a registered voter in any of the wards in the county in which the person is nominated.

(xviii) Provide that party lists shall commence with the name of a female candidate and alternate between male and female candidates, except for the list for the sixteen seats already reserved for women in the Senate.

(xix) Require the Commission to verify that the results transmitted are an accurate reflection of the results tallied, verified and declared at the respective polling stations. This is addition to the deletion of the current sections 39(1E), (1F), (1G) and 36(2) and (3) which, among others, provide that the failure to transmit or publish the election results in an electronic format shall not invalidate the result as announced and declared by the respective presiding and returning officers at the polling station and constituency tallying centre; require the Commission to establish a mechanism for the livestreaming of results as announced at polling stations; and allow the Chairperson to declare a candidate elected as the President before all the constituencies have transmitted their results if is satisfied the results that have not been received will not affect the result of the election.

(xx) Allow the Commission to procure and put in place the technology necessary for the conduct of a general election at least one hundred and twenty days before such elections OR to test, verify and deploy such technology at least sixty days before a general election. The current provision under section 44(4) requires the Commission to both procure AND test, verify and deploy the technology.

(xxi) Amend the provisions of the Act relating on the Right of recalling elected representatives. Under the proposal, an MP or MCA may be recalled for gross violation of the Constitution; incompetence; gross misconduct; or conviction of an offence punishable by imprisonment for at least six months. The recall can only be initiated within a period of twenty-four months after the election of the member of Parliament and not later than twelve months immediately preceding the next general election. Additionally, a recall petition shall not be filed against a member of Parliament more than once during their term.

(xxii) Delete various provisions declared unconstitutional by the courts including section 48 which provides that a recall election is only valid if the number of voters who concur in the recall election is at least fifty percent of the total number of registered voters in the affected county or constituency.

(xxiii) Provide that party primary disputes must be lodged within seventy-two hours and be determined within fourteen days of the lodging of the dispute with the Commission.

(xxiv) Provide that party list disputes within seventy-two hours and determined within seven days after the close of lodging of disputes with the Commission.

(xxv) Provide that disputes and subsequent appeals arising from registration of candidates for election shall be heard and determined thirty days before a general election and that a decision of the High Court on an Appeal from a decision of the Commission shall be final.

(xxvi) Provide that filing a notice/record of appeal to the High Court against a decision of a Magistrate's Court in MCA petitions shall act as an automatic stay of execution of the decision and that the decision of the High Court shall be final.

(xxvii) Insert a new section 82A which outlines procedural guidelines for election courts when ordering for and examining electronic evidence (servers, memory cards and logs). The provision requires the Commission to submit digital evidence under confidential cover for court scrutiny and the evidence that be returned to the IEBC within seven (7) days of delivery of judgment for safe custody.

(xxviii) Provide that a Court shall not declare an election void for non-compliance with any written law relating to that election if it appears that the election was conducted in accordance with the principles laid down in the Constitution and in that written law; OR the non-compliance did not substantially affect the result of the election.

(xxix) Bar second appeals to the Court of Appeal in disputes concerning the election of MCAs.

(xxx) Delete spent provisions that applied to the 2013 elections, with respect to regulations.

(xxxi) Empower the IEBC to enforce the Electoral Code of Conduct throughout term of a person elected to office. Currently, the Code can only be enforced during the campaign period.

(xxxii) Delete criminal penalties in the Act for violation of the Code of Conduct. The paragraphs providing for these were declared unconstitutional by the Court.

CHAPTER THREE

3 CONSIDERATION OF THE PROPOSED AMENDMENTS BY THE INDEPENDENT ELECTORAL COMMISSION (IEBC)

12. The Committee considered the proposed amendments by the Commission and the initially-proposed Committee Stage amendments to the Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024), during a sitting held on 29th September 2026, before adopting this Addendum on Tuesday, 13th October 2026.

13. The Committee, noting the impending commencement of the election period and the need to facilitate timely consideration of the Legislative Reforms, resolved to incorporate some of the critical amendments proposed by the Commission under the Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024). This is the only way to guarantee the inclusion and passage of the necessary reforms; considering that time is of the essence.

3.1 Summary of the proposals by the Independent Electoral and Boundaries Commissions (IEBC) considered by the Committee

14. The Committee deliberated on the Committee Stage amendments proposed to the Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024) by the Committee, and the proposals on electoral reforms as submitted by the Independent Electoral and Boundaries Commission (IEBC), vide their letters dated 13th July 2026 and 26th May 2026 (Ref: IEBC/CP/7/3), including:

    i. Amendment to Clause 2 of the Bill in paragraph (e), to insert a new definition of the term "forensic image" to mean an exact duplicate of a digital storage device including a server, computer, laptop, tablet or memory card collected in a manner that preserves the contents of the storage device for purposes of presentation and analysis of the contents. The Committee agreed with the proposed definition.

    ii. Amendment to clause 2 which provided for the insertion of the word "valid" in the definition of "identification document". The Committee did not agree with the proposal noting that that the requirement of having a valid identification document for purposes of registration as a voter and voting may lead to disfranchisement.

    iii. Amendment to Clause 3 of the Bill to of paragraph (c). The proposed new section 5(3A) seeks to disqualify a person who registers as a voter during the period of suspension from eligibility to contesting in a by-election. The provision may be transferred to section 29 which outlines additional disqualifications for contesting in an election.

    iv. Amendment to clause 16 to correct an error in the cross-reference and to limit the resemblance of symbols to candidates within the same county. The Committee agreed with the amendment.

    v. Amendment to clause 21 of the Bill, as submitted by IEBC, to expand the maximum number of number of voters per polling station with the intention of reducing the cost of elections. The Committee resolved to retain the provisions as stipulated in the Act.

vi. Amendment to clause 25 and 26 by on the Right of recall and Petition for recall. The Committee noted that that provisions for recall may be provided for in a stand-alone legislation. The Committee resolved to propose deletion of the provisions declared unconstitutional by the Courts.

vii. Amendment to Section 82 of the Act, as proposed by the IEBC, to introduce provisions for scrutiny of technology. The provision provides for scrutiny of the related material including forensic image of the server under confidential cover. The Committee agreed with the proposal but proposed the deletion of the phrase "under confidential cover" noting that Election petitions are generally open and accessible to the public to safeguard transparency.

viii. On the introduction of provisions to require the Commission, and Parties to an election petition to comply with the Data Protection Act, the Committee observed that the same is provided for in the relevant Act.

ix. Amendment to Section 85A of the principal Act, as proposed by the IEBC, to provide that no second appeal shall lie to the Court of Appeal under the section or any other law from a judgment or decision of the High Court in an election petition concerning the election of a member of a county assembly. The Committee agreed with the proposed amendment.

x. Proposed amendment by the Commission to Section 109 of the principal Act by deleting subsection (3) and substituting therefor with a new subsection to provide that the Commission shall make or amend its regulations and publish them in the Gazette not later than four months before the date of a general election. Reiterating the need for Parliament to oversight delegated legislation, the Committee rejected the proposal and resolved to retain the provision as stipulated in the Act.

In addition, the Committee resolved to recommend the deletion of the Proviso under Section 109(3) of the Act.

xi. On the proposed insertion of a new subsection after subsection (3) to provide that the Commission shall subject the regulations made or amended to public participation in accordance with the Statutory Instruments Act, the Committee noted the same is already provided for and therefore no need for legislation. Arising from the above recommendations, the Committee resolved to retain Section 109(4) as provided for in the Act.

CHAPTER FOUR

4 COMMITTEE OBSERVATIONS

15. Upon reviewing the submissions received from the Independent Electoral and Boundaries Commission, the Committee made the following observations:

(i) Noting the formal gazettement of the commencement of the election period and the need to facilitate timely consideration of the Legislative Reforms, there is need to incorporate some of the critical amendments proposed by the IEBC into the Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024). Publication of a new Bill at this stage and the attendant processes will take a lot of time, and it is uncertain whether the Bill will be considered and passed by the thirteenth parliament.

(ii) Noting the resolution of the Liaison Committee made during its retreat held from 7th to 11th September 2026, that in preparation for the 2027 General Election and cognisant of the constitutional restriction under Article 82(1) of the Constitution, the National Assembly shall prioritise the expeditious consideration of only those amendments to electoral laws and consequential regulations that are necessary for the conduct of the 2027 General Election. The Committee is therefore constrained to incorporate those amendments that it deems extremely necessary to the efficient conduct of the 2027 General Election.

(iii) The Committee's recommendation not to publish a new Bill as proposed by the IEBC is in tandem with the Honourable Speaker's Communication made on 29th September 2026, which directed the Departmental Committee on Justice and Legal Affairs to review the proposals from the Commission and recommend to the House any appropriate amendments for inclusion into the Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024) with extreme urgency.

CHAPTER FIVE

5 COMMITTEE RECOMMENDATIONS

16. The Committee, having considered the Elections (Amendment) (No. 2) Bill *(Senate Bill No. 29 of 2024)* and the submissions from the Independent Electoral and Boundaries Commission, recommends that the House **approves the Bill with the amendments** contained in the Revised Schedule of Amendments forming Chapter Six of this Report.

SIGNED..... DATE.....13/10/24.....

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

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 13 OCT 2026 DAY. TUESDAY
TABLED BY: HON. GITONGA MURUGARA, CBS, MP (CHAIRPERSON)
CLERK-AT THE-TABLE: IMZOFU MWALE, HSC

CHAPTER SIX

6 REVISED SCHEDULE OF AMENDMENTS

17. In view of the observations made, the Committee proposed the following amendments to the Bill:

CLAUSE 2

THAT Clause 2 of the Bill be amended by—

(a) deleting paragraph (c) and substituting therefor the following new paragraph—

"(c) deleting the definition of "political party" and substituting therefor the following new definition—

"political party" has the meaning assigned to it under section 2 of the Political Parties Act;"

(b) deleting paragraph (e) and substituting therefor the following new paragraph—
"(e) inserting the following new definitions in proper alphabetical sequence—

"forensic image" means an exact duplicate of a digital storage device including a server, computer, laptop, tablet or memory card collected in a manner that preserves the contents of the storage device for purposes of presentation and analysis of the contents;

"registration of a candidate" means the process through which a person applies to and is cleared by the Commission to contest in an election"

(c) by deleting paragraph (d);

Justification:

(1) The definition provided under the Political Parties Act is comprehensive as it provides for the nature and functions of a political party and includes a coalition political party. The definition of "political parties" under Article 260 of the Constitution prescribes the requirements of a political party.
(2) To define the term "forensic image".
(3) The requirement of having a valid identification document for purposes of registration as a voter and voting may lead to disfranchisement.

CLAUSE 3

THAT Clause 3 of the Bill be amended by deleting paragraph (c).

Justification: The proposed new section 5(3A) seeks to disqualify a person who registers as a voter during the period of suspension from eligibility to contesting in a by-election. The provision may be transferred to section 29 which outlines additional disqualifications for contesting in an election.

CLAUSE 9

THAT Clause 9 of the Bill be amended in paragraph (a) by inserting the word "assembly" immediately after the word "county" in the proposed new paragraph (b).

Justification: This is to clarify that the registration done by IEBC relate to the county assembly elections.

CLAUSE 10

THAT Clause 10 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph—
(b) in subsection (1) by deleting the word "nominated" appearing immediately after the words "may be" in the opening statement and substituting therefor the word "registered";

Justification: To prescribe educational requirements for election as MP of MCA pursuant to Articles 99(1)(b) and 193(1)(b) of the Constitution.

CLAUSE 16

THAT Clause 16 of the Bill be amended by deleting paragraph (c) and substituting therefor the following new paragraph—

"(c) in subsection (3) by—

(i) deleting paragraph (b) and substituting therefor the following new paragraph—
(b) is the symbol of another independent candidate within the same county or of a political party; or

(ii) deleting paragraph (c) and substituting therefor the following paragraph—
(c) so nearly resembles the symbol of another independent candidate within the same county or political party or any other legal entity registered under any other written law."

Justification: To correct an error in the cross-reference and to limit the resemblance of symbols to candidates within the same county.

CLAUSE 21

THAT the Bill be amended by deleting Clause 21

Justification: To retain the maximum number of voters per polling station at not exceeding seven hundred.

CLAUSE 22

THAT the Bill be amended by deleting Clause 22 and substituting therefor the following new Clause—

Amendment of section 39 of Cap. 7.

22. Section 39 of the Elections Act is amended—

(a) in subsection (1C) by deleting paragraph (a);
(b) by deleting subsection (1E);
(c) by deleting subsection (1F);
(d) by deleting subsection (1G);

Justification: To ensure compliance with the court decisions on the provisions of section 39 of the Elections Act. (*Maina Kiai & 5 Others [2017] eKLR, National Assembly v Katiba Institute & 6 others (Civil Appeal 243 of 2018) [2023] KECA 1174 (KLR)*

THAT the Bill be amended by deleting Clause 25 and substituting therefor the following new Clause—

Amendment of section 45 of Cap. 7.

25. Section 45 of the principal Act is amended—

(a) in subsection (1), by deleting the words "specified in subsection (2)" appearing immediately after the word "grounds";
(b) by deleting subsection (2);
(c) by deleting subsection (3); and
(d) by deleting subsection (6).

Justification: To ensure compliance with the court decisions on the provision of section 45 of the Elections Act (*Katiba Institute & another v Attorney General & another (Constitutional Petition 209 of 2016) [2017] KEHC 4648 (KLR)*)

CLAUSE 26

THAT the Bill be amended by deleting Clause 26 and substituting therefor the following new Clause—

Amendment of section 46 of Cap. 7.

26. Section 46 of the principal Act is amended—

(a) in subsection (1), by—
  (i) deleting paragraph (b) and substituting therefor the following new paragraph—
  (b) signed by a petitioner who is a voter in the constituency or county in respect of which the recall is sought;
  (ii) deleting paragraph (c);
(b) in subsection (2), by deleting the words "as specified under section 45(2)" appearing immediately after the word "recall" in paragraph (a);

Justification: To ensure compliance with the court decisions on the provision of section 46 of the Elections Act (*Katiba Institute & another v Attorney General & another (Constitutional Petition 209 of 2016) [2017] KEHC 4648 (KLR)*)

CLAUSE 30

THAT the Bill be amended by deleting Clause 30 and substituting therefor the following new Clause—

Insertion of new section 82A in Cap. 7.

30. The principal Act is amended by inserting the following new section immediately after section 82—

Scrutiny of technology.

82A. (1) The Commission shall, pursuant to an order of an election court for a forensic image of the server, memory cards or any other materials, provide the server, memory cards or other materials for scrutiny by the Court.
(2) The Commission shall make Regulations to give effect to the provisions of this section.

Justification: To provide for a framework to be followed by the Commission and parties to an election petition when an order of scrutiny of election technology is issued by an election court.

CLAUSE 32

THAT Clause 32 of the Bill amended in subsection (1) of the proposed new section 87A by deleting the words "one year" appearing immediately after the word "within" and substituting therefor the words "eighteen months".

Justification: To align the provision with section 24A of the IEBC Act which provides that the IEBC shall, after a general election, review its operations and that the review shall be completed within eighteen months.

NEW CLAUSE 13A

THAT the Bill be amended by inserting the following new Clause after Clause 13—

Amendment of section 26 of Cap. 7.

13A. Section 26 of the principal Act is amended by inserting the following new subsection after subsection (1)—

(3) A person who registers as a voter during the period when registration of voters is suspended for the purposes of a by-election as contemplated under section 5(1)(b) shall not be eligible to contest in the electoral area affected by the by-election.

Justification: Section 26 which provides for additional disqualifications for registration of a candidate is the appropriate section to provide for the disqualification as proposed by the Senate.

NEW CLAUSE 33

THAT the Bill be amended by inserting the following new Clauses immediately after Clause 32—

Amendment of section 109 of Cap. 7.

33. Section 109 of the principal Act is amended by—

(a) deleting subsection (3) and substituting therefor the following new subsection—

(3) The Commission shall make or amend its regulations and publish them in the *Gazette* not later than four months before the date of a general election.

(b) by inserting the following new subsection immediately after subsection (3)—

Cap. 2A.

(3A) The Commission shall subject the regulations made or amended pursuant to subsection (3) to public participation in accordance with the Statutory Instruments Act.

(c) deleting subsection (4).

Justification: To delete the spent provisions on the requirement that the proposed regulations require approval of the National Assembly which applied to the first general elections after enactment of the Elections Act. Further, to require IEBC to publish the regulations and subject them to constitutional requirement of public participation.

Annexure 1

Adoption Schedule

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY
13TH PARLIAMENT – 5TH SESSION-2026

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

ADOPTION OF THE COMMITTEE ADDENDUM TO THE REPORT ON ITS CONSIDERATION OF THE ELECTIONS (AMENDMENT) (NO. 2) BILL (SENATE BILL NO. 29 OF 2024)

We, the Members of the Departmental Committee on Justice and Legal Affairs have, pursuant to Standing Order 199, adopted this Addendum to the Report on its Consideration of the Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024) and affixed our signatures to affirm our approval and confirm its accuracy, validity and authenticity:

1. Hon. Murugara George Gitonga, CBS, MP - Chairperson ..... Virtually.
2. Hon. Mutuse Eckomas Mwengi, OGW, MP - Vice Chair .....
3. Hon. Gladys Boss, MGH, MP .....
4. Hon. Farah Maalim, EGH, MP .....
5. Hon. Silvanus Osoro Onyiego, CBS, MP .....
6. Hon. Tom Joseph Francis Kajwang', CBS, MP .....
7. Hon. Timothy Wanyonyi Wetangula, CBS, MP .....
8. Hon. (Dr.) Otiende Amollo, SC, EBS, MP .....
9. Hon. Michael Mwangi Muchira, MP .....
10. Hon. Aden Daud, EBS, MP .....
11. Hon. John Okwisia Makali, MP .....
12. Hon. Stephen M. Mogaka, MP .....
13. Hon. Timothy Kipchumba Toroitich, MP .....
14. Hon. Harold Kimuge Kipchumba, MP .....
15. Hon. CPA Suleka Hulbale Harun, MP .....

Annexure **2**

Minutes

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT - FIFTH SESSION-2026

DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 55TH SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS, HELD AT THE COMMITTEE ROOM 13, SECOND FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS ON TUESDAY, 13TH OCTOBER 2026 AT 10:00 A.M.

PRESENT

1. Hon. Murugara George Gitonga, CBS, MP – Chairperson -
2. Hon. Mutuse Eckomas Mwengi, OGW, MP - Vice Chairperson
3. Hon. (Dr.) Otiende Amollo, SC, EBS, CBS, MP- *virtually*
4. Hon. Muchira Michael Mwangi, MP
5. Hon. Mogaka Stephen M. MP
6. Hon. Harold Kimuge, MP
7. Hon. Makali John Okwisia, MP
8. Hon. Toroitich Timothy Kipchumba, MP - *virtually*
9. Hon. CPA Sulekha Hulbale Harun, MP

ABSENT WITH APOLOGIES

1. Hon. Gladys Boss, MGH, MP
2. Hon. Onyiego Silvanus Osoro, CBS, MP
3. Hon. Maalim Farah, EGH, MP
4. Hon. Francis Kajwang' Tom Joseph, CBS, MP
5. Hon. Timothy Wanyonyi Wetangula, MP
6. Hon. Aden Daud, EBS, MP

SECRETARIAT

1. Mr. Ronald Walala - Principal Legal Counsel
2. Mr. Samuel Wanjiru - Clerk Assistant III
3. Mr. Abdikafar Abdi - Clerk Assistant III
4. Ms. Fatuma Ramadhan - Hansard Officer III
5. Mr. Abdirahim Omar - Fiscal Analyst I
6. Mr. Isaac Nabiswa - Legal Counsel I
7. Ms. Rahab Chepkilim - Audio Officer II
8. Ms. Mary Stacy - Intern

IN ATTENDANCE

Honourable Member

1. Hon. Millie Odhiambo – Mabona, CBS, MP

Central Bank of Kenya

1. Ms. Marisella Ouma- Deputy General C

Kenya Law Reform Commission

1. Ms. Nadi Boru – Legal Reform Counsel

Independent Electoral and Boundaries Commission

1. Ms. Ruth Makuthu- Ag. Deputy Director, Legal Services
2. Mr. Douglas Bargorett – Ag, Deputy Director, Legal Services

Commission on Administrative Justice

1. Ms. Dan Karomo - Director, Corporate Services
2. Ms. Lynn Buoga - Legal Counsel

Kenya Revenue Authority

1. Ms. Josephine Nugure - Chief Manager
2. Ms. Hannah Gitukia - Administration Officer

International Commission Against the Death Penalty (ICDP)

1. Ms. Sylvie Kayitesi - Commissioner
2. Ms. Barbara Lochbihler - Commissioner
3. Ms. Asunta Vivo Cavaller - Co- Executive Director
4. Dr. Rajiv Narayan- Co - Executive Director
5. Ms. Winfred Syomubua - Representative, Reprieve UK
6. Ms, Shirly Amayo – Representative, Reprieve UK

AGENDA

1. Prayers
2. Preliminaries
3. Confirmation of Minutes of previous sittings
4. Meeting with stakeholders to consider the Statutory Instruments (Amendment) Bill (Senate Bill No. 10 of 2024);
5. Consideration and adoption of Addendum to the Committee Report on the Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024); and
6. Legal briefing on the proposed amendments to the Proceeds of Crime and Anti-Money Laundering Act (POCAMLA), Cap. 59A by the Assets Recovery Agency (ARA)
7. Any Other Business
8. Adjournment / Date of the Next Meeting

...N. NO. DDC/JLAC/258/2026: PRELIMINARIES

...Meeting was called to order at twenty-one minutes past ten o'clock with a Prayer by the ...person. The agenda of the Sitting was adopted, having been proposed by Hon. Harold ...e, MP and seconded by Hon. Mogaka Stephen M. MP.

...O. DDC/JLAC/259/2026: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING

...f the 54th Sitting held on 8st October 2026 were adopted as a true reflection of the ...s, having been proposed by Hon. Mogaka Stephen M. MP and seconded by Hon. ...uge, MP.

...DC/JLAC/260/2026: CONSIDERATION AND ADOPTION OF ADDENDUM TO THE COMMITTEE REPORT ON THE ELECTIONS (AMENDMENT) (NO. 2) BILL (SENATE BILL NO. 29 OF 2024)

...e guided through the Addendum to the Committee Report on the Elections ...2) Bill (Senate Bill No. 29 of 2024).

...submissions received from the Independent Electoral and Boundaries ...mittee made the following observations:

a) Noting the formal gazettement of the commencement of the election period and the need to facilitate timely consideration of the Legislative Reforms, there is need to incorporate some of the critical amendments proposed by the IEBC into the Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024). Publication of a new Bill at this stage and the attendant processes will take a lot of time, and it is uncertain whether the Bill will be considered and passed by the 13th Parliament.
b) Noting the resolution of the Liaison Committee made during its retreat held from 7th to 11th September 2026, that in preparation for the 2027 General Election and cognisant of the constitutional restriction under Article 82(1) of the Constitution, the National Assembly shall prioritise the expeditious consideration of only those amendments to electoral laws and consequential regulations that are necessary for the conduct of the 2027 General Election. The Committee is therefore constrained to incorporate those amendments that it deems extremely necessary to the efficient conduct of the 2027 General Election.
c) The Committee's recommendation not to publish a new Bill as proposed by the IEBC is in tandem with the Honourable Speaker's Communication made on 29th September 2026, which directed the Departmental Committee on Justice and Legal Affairs to review the proposals from the Commission and recommend to the House any appropriate amendments for inclusion into the Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024) with extreme urgency.

The Committee, having considered the Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024) and the submissions from the Independent Electoral and Boundaries Commission, recommended that the House approves the Bill with the amendments contained in the Revised Schedule of Amendments forming Chapter Six of the addendum to the report on the Bill.

The Addendum to the Committee Report on the Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024) was adopted having been proposed by Hon. Harold Kimuge, MP and seconded by Hon. Harold Kimuge, MP.

MIN. NO. DDC/JLAC/261/2026: **MEETING WITH STAKEHOLDERS TO CONSIDER THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILL NO. 10 OF 2024)**

The above listed stakeholders appeared before the Committee and submitted as follows:

(i) The representative from the Central Bank of Kenya appeared before the Committee and requested for additional time to submit the Institution's Memorandum on the Bill. The Committee acceded to the request and directed the representative to submit a copy of the Memorandum through the Official channels.
(ii) The representatives from Kenya Revenue Authority, Kenya Law Reform Commission, Commission on Administrative Justice and Independent Electoral and Boundaries Commission appeared before the Committee and submitted their views on the Bill, including proposed amendments. The same will be detailed in the Committee Report.

MIN. NO. DDC/JLAC/262/2026: **PROPOSED AMENDMENTS TO THE PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING ACT (POCAMLA), CAP. 59A BY THE ASSETS RECOVERY AGENCY (ARA)**

The meeting noted the receipt of additional amendments from the to the Proceeds of Crime and Anti- Money Laundering Act (POCAMLA), Cap. 59A from the Assets Recovery Agency (ARA)

The Committee resolved to consider the same during the next sitting.

MIN. NO. DDC/JLAC/263/2026: ANY OTHER BUSINESS

The Committee had a session with a delegation from the International Commission Against the Death Penalty (ICDP). The Delegation was accompanied by Hon. Millie Odhiambo – Mabona, CBS, MP.

ICDP was established in 2010 to promote, complement or support any action which aims at obtaining the abolition of the death penalty in all regions of the world.

The Session deliberated on the status of efforts to eradicate the death penalty in Kenya and the progress of related deliberations within Parliament.

MIN. NO. DDC/JLAC/264/2026: ADJOURNMENT

The meeting was adjourned at ten minutes past one o'clock. Next meeting to be held on notice.

SIGNED: .....**DATE:** 13/10/26

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

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - FIFTH SESSION-2026
DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 53RD SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS, HELD AT THE COMMITTEE ROOM 12, SECOND FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS ON THURSDAY, 1ST OCTOBER 2026 AT 10:00 A.M.

PRESENT

1. Hon. Murugara George Gitonga, CBS, MP - Chairperson
2. Hon. Mutuse Eckomas Mwengi, OGW, MP - Vice Chairperson
3. Hon. Maalim Farah, EGH, MP
4. Hon. (Dr.) Otiende Amollo, SC, EBS, CBS, MP
5. Hon. Aden Daud, EBS, MP
6. Hon. Muchira Michael Mwangi, MP - *virtually*
7. Hon. Makali John Okwisia, MP
8. Hon. Mogaka Stephen M. MP - *virtually*
9. Hon. Harold Kimuge, MP
10. Hon. Toroitich Timothy Kipchumba, MP

ABSENT WITH APOLOGIES

1. Hon. Gladys Boss, MGH, MP
2. Hon. Onyiego Silvanus Osoro, CBS, MP
3. Hon. Francis Kajwang' Tom Joseph, CBS, MP
4. Hon. Timothy Wanyonyi Wetangula, MP
5. Hon. CPA Sulekha Hulbale Harun, MP

SECRETARIAT

1. Mr. Ahmed Salim - Clerk Assistant I / Head of the Secretariat
2. Mr. Ronald Walala - Principal Legal Counsel
3. Mr. Samuel Wanjiru - Clerk Assistant III
4. Ms. Fatuma Ramadhan - Hansard Officer III
5. Mr. Isaac Nabiswa - Legal Counsel I
6. Ms. Rahab Chepkilim - Audio Officer
7. Ms. Mary Stacy - Intern

AGENDA

1. Prayers
2. Preliminaries
3. Confirmation of Minutes of previous sittings
4. Adoption of the Report of the Committee on its Consideration of the Sexual Offences (Amendment) Bill (National Assembly Bill No. 50 of 2025), sponsored by Hon. Amina Udgoon Siyad Kuno, MP
5. Legal briefing on the following Bills:
    i. The Constitution of Kenya (Amendment) (No. 2) Bill, 2025 (National Assembly Bill No. 29 of 2025) sponsored by Hon. Gladys Boss, MP, the Hon. Beatrice Elachi, MP and the Hon. Jane Kagiri MP
    ii. Statutory Instruments (Amendment) Bill (Senate Bill No. 10 of 2024) sponsored by the Senate Majority Leader and Senate Minority Leader.

iii. Heraldry Bill (National Assembly Bill No. 45 of 2026) sponsored by the Leader of Majority Party.

6. Consideration of the Committee Stage Amendments to the Elections (Amendment) (No.2) Bill (Senate Bill No. 29 of 2024) (I ncluding proposals by the Independent Electoral and Boundaries Commission (IEBC))
7. Consideration of the proposed amendment to the Consumer Protection Act (Cap. 501) by the National Assembly's Public Petitions Committee to codify the *in duplum rule.*
8. Any Other Business
9. Adjournment / Date of the Next Meeting

MIN. NO. DDC/JLAC/244/2026: PRELIMINARIES

The Meeting was called to order at twenty-three minutes past ten o'clock with a Prayer by the Chairperson. The agenda of the Sitting was adopted, having been proposed by Hon. Makali John Okwisia, MP and seconded by Hon. Harold Kimuge, MP.

MIN. NO. DDC/JLAC/245/2026: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING

Minutes of the 51st Sitting held on 26th August 2026 were adopted as a true reflection of the proceedings, having been proposed by Hon. Toroitich Timothy Kipchumba, MP and seconded by Hon. Harold Kimuge, MP.

Minutes of the 52nd Sitting held on 29th September 2026 were adopted as a true reflection of the proceedings, having been proposed by Hon. Makali John Okwisia, MP and seconded by Hon. Aden Daud, EBS, MP.

MIN. NO. DDC/JLAC/246/2026: ADOPTION OF THE REPORT ON CONSIDERATION OF THE SEXUAL OFFENCES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2025) BY HON. AMINA UDGOON SIYAD KUNO, MP

The Committee, having considered the Sexual Offences (Amendment) Bill (National Assembly Bill No. 50 of 2025) and the submissions from members of the public and stakeholders, resolved to recommend that the House approve the Bill with an amendment contained in the Schedule of Amendments forming Chapter Six of the Report.

The Report on Committee's Consideration of the Sexual Offences (Amendment) Bill (National Assembly Bill No. 50 of 2025), sponsored by the Hon. Amina Udgoon Siyad Kuno, MP, was adopted, having been proposed by Hon. Aden Daud, EBS, MP and seconded by Hon. Makali John Okwisia, MP.

MIN. NO. DDC/JLAC/247/2026: LEGAL BRIEFING ON BILLS

The Legal Counsel briefed the Committee on Bills as follows:

The Constitution of Kenya (Amendment) (No. 2) Bill, 2025 (National Assembly Bill No. 29 of 2025), sponsored by sponsored by Hon. Gladys Boss, MP, the Hon. Beatrice Elachi, MP and the Hon. Jane Kagiri MP

a) The Bill seeks to amend the Constitution to ensure that the membership of the National Assembly and the Senate conforms to the principle provided for in Article 81(b) of the Constitution; which provides that not more than two-thirds of members of elective bodies shall be of the same gender.
b) The Bill proposes the creation of special seats necessary to ensure that not more than two-thirds of the members elected are of the same gender. The number of seats shall

be determined after the declaration of the results of a general election and the members contemplated shall be nominated by political parties on the basis of proportional representation by use of party lists.

c) Further, the Bill provides for a sunset provision of twenty years with an option for extension for a further ten years.

The session noted that the provisions are similar to the provisions of Article 177(1)(b) which creates special seat members necessary to ensure that not more than two-thirds of the membership of the county assembly are of the same gender.

The creation of gender-top up seats through party lists may guarantee the attainment of the two-thirds gender principle. However, there is need to strike a balance between the cost of representation and the realization of the two-thirds gender principle.

The Statutory Instruments (Amendment) Bill, 2024 (Senate Bill No. 10 of 2024), sponsored by Senate Majority Leader and Senate Minority Leader.

a) The Bill seeks to amend the Statutory Instruments Act (Cap. 2A) to provide for timelines within which a statutory instrument is to be made and the power to petition Parliament if the regulation-making authority fails to make a statutory instrument within the specified time.
b) The new section 24A provides that a regulation-making authority shall make a statutory instrument within the period provided under the enabling legislation and if the enabling legislation does not provide for an express timeline, the regulation-making authority shall make the statutory instrument within twelve months from the date of commencement of the enabling legislation. It also creates the offence of failure to make the statutory instrument within the specified timeline.
c) The new section 24B grants any person the power to petition Parliament if a regulation-making authority fails to make the statutory instrument within the specified time and where Parliament allows the petition, the regulation-making authority shall implement the recommendations within sixty days.

Article 94(5) of the Constitution states that no person or body, other than Parliament, has the power to make provisions having the force of law except under authority conferred by the Constitution or legislation. Delegation is therefore necessary because Parliament cannot practically legislate every technical or administrative detail.

Failure to make regulations is essentially an administrative omission hence making it a criminal offence may be disproportionate where other remedies are available.

Heraldry Bill (National Assembly Bill No. 45 of 2026) by the Leader of Majority Party

a) The Bill seeks to establish a modern statutory framework for the regulation and protection of heraldic representations in Kenya.
b) The Bill seeks to:
    i. establish the College of Arms as the institutional framework responsible for administering heraldry in Kenya;
    ii. regulate the registration of heraldic representations and grant of arms including applications, withdrawal, cancellation and suspension;
    iii. establish a register of arms to provide an authoritative record of registered heraldic representations;
    iv. offer protection against misuse of arms and heraldic representations, including creating offences relating to misuse and false entries in the register;

v. replace the existing College of Arms Act, Cap. 98, while preserving the necessary continuity of the existing institutional framework.

The Bill seeks to modernise Kenya's legal framework on heraldry by replacing the existing framework under the College of Arms Act with a comprehensive system for the grant, registration, regulation and protection of Arms and heraldic representations.

The Committee resolved to schedule meetings with stakeholders to consider the Bills.

MIN. NO. DDC/JLAC/248/2026: CONSIDERATION OF THE COMMITTEE STAGE AMENDMENTS TO THE ELECTIONS (AMENDMENT) (NO.2) BILL (SENATE BILL NO. 29 OF 2024)

The Committee resolved to propose amendments to the Bill, during the Committee of the Whole House, as deliberated during its Sitting held on Tuesday, 29th September 2026. The Committee reiterated the need to incorporate electoral reforms through amendments into the Elections (Amendment) (No.2) Bill (Senate Bill No. 29 of 2024) because there was less time to publish a new Bill and conclude its consideration before Parliament adjourns *sine die*.

MIN. NO. DDC/JLAC/249/2026: CONSIDERATION OF THE PROPOSED AMENDMENT TO THE CONSUMER PROTECTION ACT (CAP. 501) BY THE NATIONAL ASSEMBLY'S PUBLIC PETITIONS COMMITTEE TO CODIFY THE IN DUPLUM RULE

Members were briefed on the proposed Consumer Protection (Amendment) Bill, 2026.

The principal object of the Bill is to amend the Consumer Protection Act, Cap. 501 to provide for the *in duplum rule* to make it universally applicable to all credit providers and agreements in Kenya.

The *in duplum rule* dictates that interest on a debt must stop running when the total accrued interest equals the unpaid principal amount.

The Committee resolved that the proposal would be submitted, through the Chairperson, to the office of the Honourable Speaker for publication.

MIN. NO. DDC/JLAC/250/2026: ADJOURNMENT

The meeting was adjourned at twelve minutes to twelve o'clock. Next meeting to be held on notice.

SIGNED: .....**DATE:** 08/10/2026

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

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - FIFTH SESSION-2026
DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 52ND SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS, HELD AT THE COMMITTEE ROOM 17, THIRD FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS ON TUESDAY, 29TH SEPTEMBER 2026 AT 10:00 A.M.

PRESENT

1. Hon. Murugara George Gitonga, CBS, MP - Chairperson
2. Hon. Mutuse Eckomas Mwengi, OGW, MP - Vice Chairperson – *virtually*
3. Hon. (Dr.) Otiende Amollo, SC, EBS, CBS, MP
4. Hon. Aden Daud, EBS, MP
5. Hon. Muchira Michael Mwangi, MP
6. Hon. Makali John Okwisia, MP
7. Hon. Mogaka Stephen M. MP
8. Hon. Harold Kimuge, MP - *virtually*
9. Hon. CPA Sulekha Hulbale Harun, MP - *virtually*

ABSENT WITH APOLOGIES

1. Hon. Gladys Boss, MGH, MP
2. Hon. Maalim Farah, EGH, MP
3. Hon. Onyiego Silvanus Osoro, CBS, MP
4. Hon. Francis Kajwang' Tom Joseph, CBS, MP
5. Hon. Timothy Wanyonyi Wetangula, MP
6. Hon. Toroitich Timothy Kipchumba, MP

SECRETARIAT

1.	Mr. Ahmed Salim	- Clerk Assistant I/ Head of the Secretariat
2.	Mr. Ronald Walala	- Principal Legal Counsel
3.	Mr. Samuel Wanjiru	- Clerk Assistant III
4.	Mr. Abdikafar Abdi	- Clerk Assistant III
5.	Ms. Fatuma Ramadhan	- Hansard Officer III
6.	Mr. Isaac Nabiswa	- Legal Counsel I
7.	Ms. Danton Kimutai	- Audio Officer
8.	Ms. Mary Stacy	- Intern

AGENDA

1. Prayers
2. Preliminaries
3. Confirmation of Minutes of previous sittings
4. Consideration and calendar planning for Business before the Committee
5. Consideration and adoption of the draft report on the Sexual Offences (Amendment) Bill (National Assembly Bill No. 50 of 2025) by Hon. Amina Udgoon Siyad Kuno, MP
6. Legal briefing on Committee of the Whole House Amendments to the Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024)
7. Any Other Business
8. Adjournment / Date of the Next Meeting

MIN. NO. DDC/JLAC/238/2026: PRELIMINARIES

The Meeting was called to order at twenty minutes past ten o'clock with a Prayer by the Chairperson. The agenda of the Sitting was adopted, having been proposed by Hon. Makali John Okwisia, MP and seconded by Hon. Aden Daud, EBS, MP.

MIN. NO. DDC/JLAC/239/2026: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING

This agenda was deferred.

MIN. NO. DDC/JLAC/240/2026: CONSIDERATION AND CALENDAR PLANNING FOR BUSINESS BEFORE THE COMMITTEE

The Members considered the Business and other matters before the Committee as follows—

Regarding Bills, the Committee noted and resolved as follows:

i. The County Boundaries Bill (Senate Bill No. 6 of 2023) by Sen. Moses Kajwang', MP -The *Committee, having resolved to suspend the consideration of the Bill on the advice of the Attorney General, to write to the Honourable Speaker to formally notify him of the Resolution.*
ii. The Sexual Offences (Amendment) Bill (National Assembly Bill No. 50 of 2025) by Hon. Amina Udgoon Siyad Kuno, MP - *Committee to consider the draft report.*
iii. The County Governments Election Laws (Amendment) Bill (Senate Bill No. 2 of 2024) by Senator Crystal Asige, M.P. - *Committee to schedule a meeting with stakeholders.*
iv. The Certified Governance Secretaries Bill (National Assembly Bill No. 17 of 2026) by the Leader of Majority Party - *Arising from the stakeholders engagement on the Bill on Thursday, 13th August 2026 and noting the concerns and submissions made by the State Corporations Advisory Committee on whether the institute should be a State Corporation, and whether bestowing the institute with both the regulatory responsibilities and those on membership welfare could create conflict, the Committee had advised the National Treasury, Institute of Certified Secretaries and State Corporations Advisory Committee to have a joint sitting and submit a joint memorandum consolidating all the proposed amendments. The Joint Memorandum has been submitted and the Committee resolved to consider the same during the week commencing on 5th October 2026.*
v. The Constitution of Kenya (Amendment) (No.2) Bill, 2025 (National Assembly Bill No. 29 of 2025) by Hon. Gladys Boss, MP, the Hon. Beatrice Elachi, MP and the Hon. Jane Kagiri MP- *Advert calling for the public to submit views on the Bill published on 4th August 2026, deadline being 2nd November 2026. Legal briefing on the Bill set for Thursday, 1st October 2026.*
vi. Statutory Instruments (Amendment) Bill (Senate Bill No. 10 of 2024) is a Bill sponsored by the Senate Majority Leader and Senate Minority Leader - *Advert calling for the public to submit views on the Bill published on 18th August 2026, deadline being Monday, 31st August 2026. Legal Briefing on the Bill set for Thursday, 1st October 2026. Committee to schedule a meeting with stakeholders thereafter.*
vii. *Heraldry Bill (National Assembly Bill No. 45 of 2026) by the Leader of Majority* Party - *Advert calling for the public to submit views on the Bill published on 2nd September 2026, deadline being Wednesday, 16th September 2026. Legal Briefing on the Bill set for Thursday, 1st October 2026. Committee to schedule a meeting with stakeholders thereafter.*

On Quarterly Reports on Budget Implementation pursuant to (S.O. 216(5) (ba) the Committee noted and resolved to:

i. Consider and adopt report on Budget Implementation for the Financial Year 2024/2025 for the Spending Agencies under its Purview during the week commencing on 5th October 2026; and
ii. Undertake a retreat with the agencies under its purview, in Mombasa from 26th to 31st October 2026, to scrutinize the status of Budget Implementation for the Financial Year 2025/2026.

On Mediation on Election Offences (Amendments) (No. 2) Bill (Senate Bill No.28 of 2024, the Mediation Committee to schedule a meeting to consider the Bill, date to be determined after further consultations.

Regarding the Sessional Papers, the Committee is set to consider them as follows:
i. Sessional Paper No. 3 of 2023 on the Kenya Policy on Public Participation from Office of the Attorney-General and Department of Justice - *Committee to consider the draft report on the Sessional Paper during the week commencing on 5th October 2026.*
ii. Sessional Paper No. 3 of 2024 on the Power of Mercy Policy from Office of the Attorney-General and Department of Justice - *Committee to meet stakeholders during the upcoming retreat on Budget Implementation in Mombasa, scheduled for 26th to 31st October 2026.*
iii. Sessional Paper No. 4 of 2024 on Alternative Dispute Resolution Policy from Office of the Attorney-General and Department of Justice- *Committee to meet stakeholders during the upcoming retreat on Budget Implementation in Mombasa, scheduled for 26th - to 31st October 2026.*

Regarding other matters, the Committee resolved as follows:
i. On consideration of the proposed Election Laws (Amendment) Bill 2026 by the Independent Electoral and Boundaries Commission (IEBC), and as submitted by the IEBC vide a letter dated 13th July 2026, the Committee resolved to consider the amendments under the Elections (Amendment) (No.2) Bill (Senate Bill No. 29 of 2024). In this regard, the Committee to incorporate the necessary amendments into the Elections (Amendment) (No.2) Bill (Senate Bill No. 29 of 2024) because it will save time as opposed to publishing a separate Bill afresh.
ii. On the proposed amendments to the Proceeds of Crime and Anti-Money Laundering Act (POCAMLA), Cap. 59A by the Assets Recovery Agency (ARA), the Committee to schedule a briefing meeting during the week commencing on 5th October 2026 and resolve on the way forward.
iii. On the proposed amendments to the Political Parties Act (Cap. 7D) by the Office of the Registrar of Political Parties (ORPP), the Committee resolved to undertake further engagement with the ORRP during the upcoming retreat on Budget Implementation.
iv. Regarding the proposed amendment to the Consumer Protection Act (Cap. 501) by the National Assembly's Public Petitions Committee to formally codify the *in duplum rule*, the Committee is set to consider the amendment on 1st October 2026 before submitting a request for approval for publication to the Honourable Speaker.
v. On the request to expedite the publication of the proposed National Coroners Service (Amendment) Bill, 2026 by the Principal Secretary, the State Department for Parliamentary Affairs (SDPA), the Meeting noted the Bill had been submitted to the Government Press for publication.

MIN. NO. DDC/JLAC/241/2026: **CONSIDERATION AND ADOPTION OF THE DRAFT REPORT ON THE SEXUAL OFFENCES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2025) BY HON. AMINA UDGOON SIYAD KUNO, MP**

Members were guided through the draft report on the Bill and upon reviewing the Bill and the submissions received, the Committee made the following observations:

i. Article 159 (2) speaks to alternative forms of dispute resolution including reconciliation, mediation, arbitration and traditional dispute resolution mechanisms. Criminal offences are not disputes as envisaged under Article 159. The provision is therefore necessary for the avoidance of doubt.
ii. Article 159 (3) provides that traditional dispute resolution mechanisms shall not be used in a way that is repugnant to justice and morality or results in outcomes that are repugnant to justice or morality.

In light of the foregoing, the Committee resolved to recommend to the House to approve the Bill. The Committee resolved to adopt the Report during the next sitting.

MIN. NO. DDC/JLAC/242/2026: **CONSIDERATION OF THE ELECTORAL REFORMS THROUGH THE COMMITTEE OF THE WHOLE HOUSE AMENDMENTS TO THE ELECTIONS (AMENDMENT) (NO. 2) BILL. (SENATE BILL NO. 29 OF 2024)**

The Committee deliberated on the Committee Stage amendments proposed to the Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024) by the Committee, and the proposals on electoral reforms as submitted by the Independent Electoral and Boundaries Commission (IEBC), vide their letters dated 13th July 2026 and 26th May 2026 (Ref: IEBC/CP/7/3), including:

i. Amendment to Clause 2 of the Bill in paragraph (e), as submitted by the Commission, by insertion of a new definition of the term "forensic image" to mean an exact duplicate of a digital storage device including a server, computer, laptop, tablet or memory card collected in a manner that preserves the contents of the storage device for purposes of presentation and analysis of the contents. The Committee agreed with the proposed definition.

ii. Amendment to clause 2 to delete paragraph (d) which provided for the insertion of the word "valid" in the definition of "identification document". The Committee observed that the requirement of having a valid identification document for purposes of registration as a voter and voting may lead to disfranchisement.

iii. Amendment to Clause 3 of the Bill by deletion of paragraph (c). The proposed new section 5(3A) seeks to disqualify a person who registers as a voter during the period of suspension from eligibility to contesting in a by-election. The provision may be transferred to section 29 which outlines additional disqualifications for contesting in an election.

iv. Amendment to clause 16 to correct an error in the cross-reference and to limit the resemblance of symbols to candidates within the same county. The Committee agreed with the amendment.

v. Amendment to clause 21 of the Bill, as submitted by IEBC, to expand the maximum number of number of voters per polling station with the intention of reducing the

cost of elections. The Committee resolved to retain the provisions as stipulated in the Act.

vi. Amendment to clause 25 and 26 by deleting provisions of the Principal Act on the Right of recall and Petition for recall, noting that provisions for recall may be provided for in a stand-alone legislation. The Committee resolved to propose deletion of the provisions declared unconstitutional by the Courts.

vii. Amendment to Section 82 of the Act, as proposed by the IEBC, to introduce provisions for scrutiny of technology. The provision provides for scrutiny of the related material including forensic image of the server under confidential cover. The Committee rejected the proposal noting that Election petitions are generally open and accessible to the public to safeguard transparency.

On the introduction of provisions to require the Commission, and Parties to an election petition to comply with the Data Protection Act, the Committee observed that the same is provided for in the relevant Act.

viii. Amendment to Section 85A of the principal Act, as proposed by the IEBC, to provide that no second appeal shall lie to the Court of Appeal under the section or any other law from a judgment or decision of the High Court in an election petition concerning the election of a member of a county assembly. The Committee agreed with the proposed amendment.

ix. Proposed amendment by the Commission to Section 109 of the principal Act by deleting subsection (3) and substituting therefor with a new subsection to provide that the Commission shall make or amend its regulations and publish them in the Gazette not later than four months before the date of a general election. Reiterating the need for Parliament to oversight delegated legislation, the Committee rejected the proposal and resolved to retain the provision as stipulated in the Act.

In addition, the Committee resolved to recommend the deletion of the Proviso under Section 109(3) of the Act.

On the proposed insertion of a new subsection after subsection (3) to provide that the Commission shall subject the regulations made or amended to public participation in accordance with the Statutory Instruments Act, the Committee noted the same is already provided for and therefore no need for legislation.

Arising from the above recommendations, the Committee resolved to retain Section 109(4) as provided for in the Act.

The Committee resolved to deliberate further on the implications of the proposed amendments, and on electoral reforms in general, during the next sitting, and to propose further amendments where necessary.

MIN. NO. DDC/JLAC/243/2026: ADJOURNMENT

The meeting was adjourned at seven minutes past twelve o'clock. Next meeting to be held on Thursday, 1st October 2026 at 10:00 am.

SIGNED: .....DATE: 01/10/2026.

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

Annexure 3

The Elections (Amendment) (No. 2) Bill (Senate Bill No. 29 of 2024)

REPUBLIC OF KENYA

PARLIAMENT

RECEIVED
12 FEB 2025
National Assembly
Table Office

SENATE BILLS
(*Bill No. 29 of 2024*)

THE ELECTIONS (AMENDMENT) (NO. 2) BILL, 2024

(A Bill published in the Kenya *Gazette* Supplement No. 99 of 7th May, 2024 and passed by the Senate, with amendments, on 5th December, 2024)

THE ELECTIONS (AMENDMENT) (NO. 2) BILL, 2024

A Bill for

AN ACT of Parliament to amend the Elections Act and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

Short title.

1. This Act may be cited as the Elections (Amendment)(No. 2) Act, 2024.

Amendment of section 2 of No. 24 of 2011.

2. Section 2 of the Elections Act, 2011 (hereinafter referred to as "the principal Act") is amended by—

(a) deleting the definition of "nomination" and substituting therefor with the following new definition—

"nomination" means the process through which a political party elects or selects its candidates for elections;

(b) deleting the definition of "nomination day";

(c) deleting the definition of political party and substituting therefor with the following new definition—

"political party" has the meaning assigned to it under Article 260 of the Constitution;

(d) inserting the word "valid" immediately before the words "Kenyan passport" in the definition of "identification document"; and

(e)inserting the following new definition in its proper alphabetical sequence—

"registration of a candidate" means the process through which a person applies to and is cleared by the Commission to contest in an election.

Amendment of section 5 of No. 24 of 2011.

3. Section 5 of the principal Act is amended—

(a) in subsection (1)(b) by inserting the words "within the affected electoral area" immediately after the words "such by-election";

(b) in subsection (1)(ba) by inserting the words "of the

referendum question" immediately after the word "publication";

(c) by inserting the following new subsection immediately after subsection 3-

"(3A) A person who registers as a voter during the period when registration of voters is suspended for the purposes of a by-election as contemplated under subsection (1)(b) shall not be eligible to contest in the electoral area affected by the by-election.

Amendment of section 6 of No. 24 of 2011.

4. Section 6 of the principal Act is amended—

(a) by deleting subsection (1) and substituting therefor the following new subsections-

(1) The Commission shall cause the Register of Voters to be opened for inspection by members of the public at all times.

(1A) The Commission may revise the particulars of voters at any time except –

(a) in the case of a general election or an election under Article 138(5) of the Constitution, during the sixty-day period before the date of the election;

(b) in the case of a by-election, between the date of the declaration of the vacancy of the seat concerned and the date of such election within the affected electoral area; or

(c) in the case of a referendum, between the date of the publication of the referendum question and the date of the referendum.

(b) by deleting subsection (2).

Amendment of section 8A of No. 24 of 2011.

5. Section 8A of the principal Act is amended—

(a) by deleting subsection (3); and

(b)in subsection (4), by deleting the expression "subsection (3)" and substituting therefor the expression "subsection (1)".

Amendment of section 14 of

6. Section 14 of the principal Act is amended in

No. 24 of 2011. subsection (2)—

(a) by deleting paragraph (a) and substituting therefor the following new paragraph—

(a) the day or days for the registration of candidates for the presidential election;

(b) by deleting the word "nomination" appearing in paragraph (b) and substituting therefor the words "registration of candidates".

Amendment of section 16 of No. 24 of 2011.

7. Section 16 of the principal Act is amended in subsection (2)—

(a) by deleting paragraph (b) and substituting therefor the following new paragraph—

(b) the day or days for registration of candidates for the parliamentary election;

(b) by deleting the word "nomination" appearing in paragraph (c) and substituting therefor the words "registration of candidates".

Amendment of section 17 of No. 24 of 2011.

8. Section 17 of the principal Act is amended in subsection (2)—

(a) by deleting paragraph (a) and substituting therefor the following new paragraph—

(a) the day or days for registration of candidates for the election for a county governor;

(b) by deleting the word "nomination" appearing in paragraph (b) and substituting therefor the words "registration of candidates".

Amendment of section 19 of No. 24 of 2011.

9. Section 19 of the principal Act is amended in subsection (2)—

(a) by deleting paragraph (b) and substituting therefor the following new paragraph—

(b)the day or days for registration of candidates for the county elections; and

(b) by deleting the word "nomination" appearing in paragraph (c) and substituting therefor the word "registration".

Amendment of section 22 of No. 24 of 2011.

10. Section 22 of the principal Act is amended-

(a) in the marginal note by deleting the word "nomination" and substituting therefor the word "registration";

(b) in subsection (1) by-

(i) deleting the word "nominated" appearing in the introductory phrase and substituting therefor the word "registered";

(ii) deleting paragraph (b); and

(c) in subsection (2), by deleting the word "nominated" and substituting therefor the word "registered".

Amendment of section 23 of No. 24 of 2011.

11. Section 23 of the principal Act is amended—

(a) in the marginal note, by deleting the word "nomination" and substituting therefor the word "registration";

(b) in the introductory phrase of subsection (1) by deleting the word "nomination" appearing immediately after the words "person qualifies" and substituting therefor the word "registration"; and

(c) in the introductory phrase of subsection (2) by deleting the word "nomination" appearing immediately after the words "not qualified for" and substituting therefor the word "registration".

Amendment of section 24 of No. 24 of 2011.

12. Section 24 of the principal Act is amended—

(a) in the marginal note by deleting the word "nomination" and substituting therefor the word "registration"; and

(b) in the introductory phrase of subsection (1) by deleting the word "nomination as a" and substituting therefor the words "registration as a candidate for election to the office of".

Amendment of section 25 of No. 24 of 2011.

13. Section 25 of the principal Act is amended—

(a) in the marginal note by deleting the word "nomination" and substituting therefor the word "registration";

(b) in the introductory phrase of subsection (1) by deleting the word "nomination as a" and substituting therefor the words "registration as a candidate for election to the office of";

Amendment of section 27 of No. 24 of 2011.

14. Section 27 of the principal Act is amended—

(a) by inserting the following new subsection immediately after subsection (1A)—

(1B) Notwithstanding the provisions under subsection (1) a coalition political party shall, within fourteen days of registration, submit to the Commission a copy of the coalition political party's nomination rules certified by the Registrar of Political Parties.

(b) in subsection (2A) by deleting the words "from a political party under subsection (1)" appearing immediately after the words "the nomination rules" and substituting thereof the words "under subsection (1) and (1B)".

Amendment of section 31 of No. 24 of 2011.

15. Section 31 of the principal Act is amended—

(a) by deleting subsection (2);

(b) by deleting subsection (2E); and

(c) by deleting subsection (2F).

Amendment of section 32 of No. 24 of 2011.

16. Section 32 of the principal Act is amended-

(a) in subsection (1) by deleting the words "nomination day" appearing immediately after the words "days before" and substituting therefor the words "the date for registration of candidates;

(b) in subsection (1A) by deleting the word "nomination" appearing immediately after the words "days before" and substituting therefor the words "the date for registration of candidates"; and

(c) in subsection (3) by deleting the word "candidate" appearing immediately after the words "the symbol of another" in paragraph (a) and substituting therefor the words "independent candidate within the same county".

Amendment of section 33 of No. 24 of 2011.

17. Section 33 of the principal Act is amended—

(a) in the marginal note by deleting the word "nomination" and substituting therefor the word "registration";

(b) in subsection (1)—

(i) by deleting the word "nominated" appearing in the introductory phrase and substituting therefor the word "registered";

(ii) by deleting the words "nomination paper" appearing in paragraph (b) and substituting therefor the words "registration of candidates Form";

(iii) by deleting the words "nomination day" appearing in paragraph (c) and substituting therefor with the words "date for registration of candidates";

(iv) by deleting paragraph (d); and

(c) by deleting subsection (2).

Insertion of new section 33A in No. 24 of 2011.

18. The principal Act is amended by inserting the following new section immediately after section 33—

Publication of registered candidates.

33A. The Commission shall publish in the Gazette the names of political party candidates and independent candidates registered to contest in an election.

Amendment of section 34 of No. 24 of 2011.

19. Section 34 of the principal Act is amended-

(a) by inserting the following new subsections immediately after subsection 8—

(8A) A person shall not be nominated by a political party under subsection (4) unless the person is, on the date of submission of the party list by the political party, a registered voter in any of the wards in the county in which the person is nominated.

(8B) The nomination under subsection (4) by a political party shall ensure equitable representation from all wards comprising the respective county.

(b) by deleting subsection (9).

Insertion of new section 38A in No 24 of 2011.

20. The principal Act is amended by inserting the following new section immediately after section 38 –

Gazettement of polling station.

38A. (1) The Commission shall —

(a) appoint a place or places as a polling station or polling stations for each electoral area; and

(b) publish in the Gazette and publicise through electronic and print media of national circulation and other easily accessible medium, a notice specifying the polling stations established for each electoral area at least three months before the date of any election.

(2) No election shall be conducted in a place other than a place gazetted as a polling station under subsection (1).

Amendment of section 38A of No. 24 of 2011.

21. Section 38A of the principal Act be amended by—

(a) renumbering it 38B; and

(b) by deleting the words "not exceed seven hundred" appearing immediately after the words "polling station shall not exceed" and substituting therefor the words "by between fifty and one thousand".

Deletion and substitution of section 39 of No. 24 of 2011.

22. The principal Act is amended by deleting section 39 and substituting therefor the following new section—

Determination and declaration of results.

39.(1) The Commission shall determine, declare and publish the results of an election immediately after the close of polling and results declared at the polling station shall be final.

(2) The Commission shall appoint constituency returning officers to be responsible for-

(a) tallying, announcement and declaration, in the prescribed

form, of the final results from each polling station in a constituency for the election of a member of the National Assembly and members of a county assembly;

(b) collating, announcing and declaring the results from each polling station in the constituency for the election of the President, county Governor, Senator and county women representative to the National Assembly; and

(c) submitting, in the prescribed form, the collated results for the election of the President to the national tallying centre and the collated results for the election of the county Governor, Senator and county women representative to the National Assembly to the respective county returning officer.

(3) The Commission shall appoint county returning officers to be responsible for tallying, announcement and declaration, in the prescribed form, of final results from constituencies in the county for purposes of the election of the county Governor, Senator and county women representative to the National Assembly.

(4) For purposes of a presidential election, the Commission shall—

(a) tally, announce and declare the presidential results before tallying, announcing and declaring results for the other elective positions;

(b) electronically transmit the results, within two hours of the declaration of the results, from a polling station to the constituency tallying centre, national tallying centre, the candidates or their

agents and elections observers in the prescribed form;

(c) where the results are not transmitted in accordance with paragraph (b), provide reasons in a prescribed form;

(d) physically deliver the tabulated results from a polling station to the constituency tallying centre and thereafter to the national tallying centre;

(e) tally and verify the results received at the constituency tallying centre and the national tallying centre; and

(f) publish the polling results forms on an online public portal maintained by the Commission.

(5) The Commission shall verify that the results transmitted under this section are an accurate record of the results tallied, verified and declared at the respective polling stations.

(6) The Chairperson of the Commission shall declare the results of the election of the President in accordance with Article 138(10) of the Constitution.

(7) The Chairperson may declare a candidate elected as the President before all the constituencies have transmitted their results if the Commission is satisfied that the results that have not been received will not affect the result of the election.

(8) The Commission shall announce the final results in the order in which the tallying and verification of the results is completed.

(9) The Commission shall, to facilitate public information, allow a candidate and their agent, observers and any other person authorised to access a polling

station or tallying centre to record and document the tallying, announcement and declaration of results.

Amendment of section 44 of No. 24 of 2011.

23. Section 44 of the principal Act is amended by inserting the following new subsection immediately after subsection (4) –

(4A) In procuring the technology, the Commission shall ensure that –

(i) intellectual property rights to the technology vests in the Commission;

(ii) the supplier or their associates have not been found guilty of violating any procurement law, committed a crime, violated professional standards or been barred from participating in public procurement in any jurisdiction;

No. 24 of 2019

(iii) subject to the Constitution, this Act and the Data Protection Act, the technology is accessible and available for scrutiny by candidates, courts and such other persons as required under the law; and

(iv) processing of data is only effected through a server or a data centre located in Kenya.

Amendment of section 44A of No. 24 of 2011.

24. Section 44A of the principal Act is amended-

(a) by renumbering the existing provision as subsection (1);

(b) by inserting the words "and transmission of election results" immediately after the words "identification of voters"; and

(c) by inserting the following new sub-section immediately after subsection (1)—

(2) The Commission shall make Regulations for the better carrying into effect the provisions of this section.

Amendment of section 45 of No. 24 of 2011.

25. Section 45 of the principal Act be amended by—

(a) deleting subsection (2) and substituting therefore the following new subsection—

(2) A member may be recalled on the following grounds—

(a) misconduct likely to bring hatred, ridicule, contempt or disrepute to the office; and,

(b) persistent desertion of the electorate without reasonable cause.

(b) deleting subsection (3); and

(c) deleting subsection (6).

Amendment of section 46 of No. 24 of 2011.

26. Section 46 of the principal Act is amended in subsection (1) by-

(a) deleting subparagraph (ii) appearing in paragraph (b); and

(b) deleting paragraph (c)

Amendment of section 48 of No. 24 of 2011.

27. The principal Act is amended by deleting section 48.

Repeal of section 74 of No. 24 of 2011.

28. The principal Act is amended by repealing section 74.

Amendment of section 75 of No. 24 of 2011.

29. Section 75 of the principal Act is amended –

(a) in subsection (4) by deleting the words "on matters of law only"; and

(b) by inserting the following subsection immediately after subsection (4)—

(5) The determination of the appeal under sub-section (4) by the High Court shall be final.

Insertion of new section 82A in No. 24 of 2011.

30. The principal Act is amended by inserting the following new section immediately after section 82 –

Access to information.

No. 24 of 2019
No. 9 of 2011

82A. (1) The Commission shall ensure access to information including any technology used in the elections in accordance with the Constitution, the Data Protection Act and the Independent Electoral and Boundaries Commission Act.

(2) Where a request for access to information is made for the purposes of a court order for scrutiny of votes, the

Commission shall facilitate access–

(a) in the case of a presidential election, within three days of the date of the request; and

(b) in the case of any other elective position, within seven days of the date of the request.

(3) The Commission shall not charge fees where the information requested is provided in softcopy format.

(4) Where information requested is to be provided in hardcopy format, the Commission may charge a prescribed fee for the provision of the information and the fee shall not exceed the actual costs of making copies of such information and if applicable, supplying them to the applicant.

(5) The Commission shall, in ensuring access to information, ensure that the information is in accessible formats for persons with disability where such a request is made or where the information is required to be made available to the general public.

Amendment of section 85A of No. 24 of 2011.

31. Section 85A of the principal Act is amended –

(a) in subsection (1) by deleting the words "on matters of law only"; and

(b) by inserting the following subsection immediately after subsection (2)—

(3) The determination of the appeal under section (2) by the Court of Appeal shall be final.

Insertion of new part in No. 24 of 2011.

32. The principal Act is amended by inserting the following new sub-part immediately after section 87-

Evaluation of electoral process

Evaluation of elections.

87A. (1) The Commission shall, pursuant to Article 88(4)(h) of the Constitution and within one year of a general election, facilitate evaluation of the electoral process.

(2) An evaluation under subsection (1) shall

include-

(a) a review of the legal framework under which the general elections were conducted;

(b) an audit of the Register of Voters used during the election;

(c) a review of the role of media and civil society in the elections;

(d) a review of the voting procedures on election day;

(e) a review of the vote counting procedures on election day;

(f) a review of the elections information and communication technology deployed in the conduct of the general elections;

(g) a review of the human resource deployed for the conduct of the general elections;

(h) a review of the existing elections disputes resolution mechanisms; and

(i) a review of the cost of conducting the general elections including the procurement of the necessary goods and services.

Reports.

87B. A report on the evaluation of the electoral process undertaken in accordance with section 87A shall be published in the *Gazette* and submitted to Parliament.

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

Clerk of the Senate

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

Speaker of the Senate

PRINTED BY THE CLERK OF THE SENATE

Annexure **4**

Proposals from IEBC on Election Laws (Amendment) Bill, 2026)

(1) Ms. Ahmed Salim TNA 27/07/26

(1) DOC 23/7/26

INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

Ref: IEBC/DLS/LR/CORR/07/2026

13th July, 2026

The Clerk,
National Assembly
Parliament Buildings
NAIROBI
E-mail : cna@parliament.go.ke

(1) Abenayo Wasike, HOD for the DC on Justice & Legal Affairs. 27/7/26

Attn: Hon. George Murungara, MP
Chairperson Justice and Legal Affairs Committee

RE: REQUEST FOR ENGAGEMENT ON THE ELECTIONS LAWS (AMENDMENT) BILL, 2026

Reference is made to the above matter and our correspondence dated 26th May, 2026, through which the Commission forwarded the draft Election Laws (Amendment) Bill, 2026 for your consideration.

The Commission requests for a consultative meeting to deliberate on the proposed amendments contained in the draft Bill, in view of the impending commencement of the electoral calendar and the need to facilitate timely consideration of the proposed legislative reforms.

The Commission looks forward to your favorable response.

Moses Sunkuli, OGW
Ag. Commission Secretary/CEO

Copy to: Hon. (Dr.) Moses M. Wetang'ula EGH,
Speaker of National Assembly
National Assembly
Parliament Buildings
P.O.Box 41842-00100
NAIROBI

NATIONAL ASSEMBLY RECEIVED 23 JUL 2026 CLERK'S OFFICE P. O. Box 41842, NAIROBI.

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

DIRECTOR RECEIVED 24 JUL 2026 Directorate of Departmental Committees

Ref: IEBC/CP/7/3

26th May, 2026

Rt. Hon. Dr. Moses M. Wetang'ula, EGH, MP
Speaker of the National Assembly,
Parliament Buildings,
NAIROBI.

Rt. Hon. Amason Jeffah Kingi, EGH, MP
Speaker of the Senate,
Parliament Buildings,
NAIROBI.

RE: SUBMISSION OF THE ELECTION LAWS (AMENDMENT) BILL, 2026 TO BOTH HOUSES OF PARLIAMENT

Forwarded herewith, please find the Election Laws (Amendment) Bill, 2026.

Thank you.

Erastus Edung Ethekon, HSC
CHAIRPERSON

address: Anniversary Towers, 6th Floor, off University Way, P.O Box 45371-00100 Nairobi, Kenya
phone: +254 (0) 2769000, fax: +254 (0) 20 2219185, email: info@iebc.or.ke, website: www.iebc.or.ke

SUBMISSION OF THE ELECTION LAWS (AMENDMENT) BILL, 2026 TO BOTH HOUSES OF PARLIAMENT

Dated 15th MAY, 2026

Independent Electoral & Boundaries Commission (I.E.B.C)
Anniversary Towers, Off University Way
P.O. Box 45371-00100, Nairobi-Kenya
Telephone: +254 (0) 20 29925

1.0 INTRODUCTION

1. Elections are central to democracy, protecting citizens' rights to vote or contest for office. Their credibility depends on being free and fair, as flawed elections can lead to instability and violence.

2. In Kenya, the Independent Electoral and Boundaries Commission (IEBC) is constitutionally mandated to oversee elections and referenda, guided by several laws including the Elections Act, 2011 and the Election Offences Act. However, successful elections require collaboration among multiple stakeholders beyond the IEBC.

3. Following the 2017 General Election, the IEBC initiated a series of reform efforts aimed at strengthening Kenya's electoral framework by addressing identified gaps, ambiguities, and inconsistencies in the existing legal regime. While several draft legislative proposals were developed as part of this process, none was enacted by Parliament prior to the 2022 General Election.

4. In lieu of legislative amendments, the Commission consolidated its reform proposals and legal analyses into a comprehensive Election Law Report, which was formally submitted to Parliament and made publicly available. The report remains a critical reference point for understanding the legal and operational challenges encountered in election management. It also provides a clear and structured roadmap for future electoral law reforms, underscoring the IEBC's commitment to transparency, institutional learning and continuous improvement in electoral governance.

5. Following the launch of its 2022 Post-election Evaluation report, the Commission commenced electoral legal reform through various stakeholder engagements. The initiative sought to identify what worked, what did not work well and generate proposals for legal review.

2.0 ELECTORAL LEGAL REFORM

6. The legal reform agenda has been part of the Commission's preparation for the General Election especially in view of IREC's recommendation to have electoral reforms done at least two years before a General Election.
7. The 2017 elections, were governed by a series of electoral laws, some of which had come into force a few months before the elections. The following regulations were enacted on 5th April, 2017, just a few months before the 2017 General Election:

    i) Election (Voter Registration) (Amendment) Regulations, 2017;
    ii) Election (General)(Amendment) Regulations, 2017;
    iii) Election (Voter Education) Regulations, 2017;
    iv) Election (Technology) Regulations, 2017; and
    v) The Elections (Party Primaries and Party Lists) Regulations, 2017.

8. As the Commission prepared for the 2022 General Election, further engagements were held specifically with Justice and Legal Affairs Committee (JLAC) of the National Assembly to deliberate on electoral issues. The Commission processed targeted legislations initiated by JLAC, which process resulted in the development and submission of the following drafts: -

    i. Draft Independent Electoral and Boundaries Commission (Amendment) Bill, 2020;
    ii. Draft Election Campaign Financing (Amendment) Bill, 2020;
    iii. Draft Election Campaign Financing Regulations, 2020;
    iv. Draft Referendum Bill, 2020; and
    v. Rules of Procedure on Delimitation of Boundaries, 2021.

9. The Elections Laws (Amendment) Bill, 2022 was successfully, debated and passed by the National Assembly. The same Bill was forwarded to Senate for deliberation and enactment during the tenure of the 12th Assembly but was not enacted.

10. Following the submission of the Draft Bills to Parliament, the Commission interrogated the effect of the proposed amendments under the Election Act, to the existing Election Regulations including the impact of the then enacted Political Parties (Amendment) Act, 2022 and pursuant to section 109 of the Elections Act, 2011 submitted draft

amendments to Parliament on 7th April, 2022 on the election regulations which includes:

i. *Election (Voter Registration) (Amendment) Regulations,2022;*
ii. *Election (General) Regulations) (Amendment) Regulations, 2022;*
iii. *Election (Voter Education) (Amendment) Regulations, 2022;*
iv. *Elections (Party Primaries and Party Lists) Amendment) Regulations, 2022 and*
v. *Elections (Technology) (Amendment) Regulations, 2022.*

3.0 THE CURRENT STATUS

11. The Commission's current legal reform agenda is firmly anchored in the post-2022 General Election review. In accordance with the established practice, a Technical Working Group (TWG) comprising representatives from all Directorates and Field Offices was constituted to ensure that the reforms reflect institution-wide input.

12. Building on this foundation, the Commission undertook extensive multi-sectoral consultations, engaging consultants, reviewing submissions to the National Dialogue Committee (NADCO), and liaising with relevant Parliamentary Committees. These efforts culminated in the preparation of draft legislative proposals and amendments to subsidiary legislation designed to strengthen Kenya's electoral legal framework.

13. The multi-sectoral working group included representation from key institutions such as the Judiciary, KLRC, Katiba Institute, National Assembly, Attorney General, ORPP, ICJ, TI-K, PPLC, PPDT, ELGIA, and ELOG, though notably the Senate and LSK did not participate despite invitations.

14. To advance this agenda, the Commission has continued structured engagements aimed at consolidating stakeholder collaboration and refining the proposed legislative and regulatory instruments.

15. The Commission, has in place a draft Election Laws (Amendment) Bill, 2026 ready for submission to Parliament for consideration and enactment.

4.0 CONCLUSION

16. In conclusion, the Commission's electoral legal reform agenda constitutes a deliberate and consultative process anchored in the constitutional imperative to safeguard democracy.

17. Drawing from the post-2022 General Election review and extensive multi-sectoral engagement, the Commission has developed the draft Election Laws (Amendment) Bill, 2026, now ready for Parliamentary consideration and enactment.

18. This Bill embodies the principles of clarity, flexibility, and constitutional compliance, while reinforcing mechanisms for citizen participation and peaceful dispute resolution. Its enactment will mark a pivotal step in entrenching transparency, accountability, and the progressive maturation of Kenya's democratic governance.

Erastus Edung Ethekon, HSC
CHAIRPERSON

Encl. Draft Laws (Amendment) Bill, 2026

THE ELECTION LAWS (AMENDMENT) BILL, 2026

A Bill for

AN ACT of Parliament to amend the Elections Act, Election Offences Act and Public Finance Management Act; and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

Short title.

1. This Act may be cited as the Election Laws (Amendment) Act, 2026.

Amendment of section 2 of Cap. 7.

2. The Elections Act is amended in section 2—

a) by inserting the word "valid" immediately after the words "means a" appearing in the definition of "identification document";

(b) by deleting the definition of "nomination" and substituting therefor the following new definition—

"nomination" means the process through which a political party elects or selects its candidates for elections;

(d) by deleting the definition of "nomination day";

(e) by deleting the definition of "political party" and substituting therefor the following new definition—

"political party" has the meaning assigned to it under Article 260 of the Constitution;

(f) by inserting the following new definitions in proper alphabetical sequence—

"forensic image" means an exact duplicate of a digital storage device including a server, computer, laptop, tablet or memory card collected in a manner that preserves the contents of the storage device for purposes of presentation and analysis of the contents;

"registration of a candidate" means the process through which a person applies to, and is cleared by, the Commission to be registered as a candidate in an election.

3. Section 5 of the Elections Act is amended—

(a) in subsection (1)—

Amendment of section 5 of Cap. 7.

(i) by inserting the words "within the affected electoral area" immediately after the words "such by-election" appearing in paragraph (b);

(ii) by inserting the words "of the referendum question" immediately after the word "publication" appearing in paragraph (ba);

(b) in subsection (3), by inserting the word "valid" immediately after the words "identity card or a".

Amendment of section 6 of Cap. 7.

4. Section 6 of the Elections Act is amended—

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

(1) The Commission shall cause the register of voters to be opened for inspection by members of the public at all times.

(b) by inserting the following new subsection immediately after subsection (1)—

(1A) The Commission may revise the particulars of voters in the register of voters at any time except—

(a) in the case of a general election or an election under Article 138(5) of the Constitution, during the sixty-day period before the date of the election;

(b) in the case of a by-election, between the date of the declaration of the vacancy of the seat and the date of the by-election; or

(c) in the case of a referendum, between the date of the publication of the referendum question and the date of the referendum.

(c) by deleting subsection (2).

Amendment of section 6A of Cap. 7.

5. Section 6A of the Elections Act is amended—

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

(1) The Commission shall, at any time before a general election, open the register of voters for verification of biometric data for a period that the Commission may consider appropriate but not later than sixty days before the date of a general election

(b) by inserting the following new subsection immediately after subsection (1)—

(1A) For the purposes of a by-election, the Commission shall open the register of voters for verification of biometric data at polling stations:

Provided that it shall not be for a period later than fourteen days before the date of a by election.

(c) in subsection (2), by deleting the expression "subsection (1)" and substituting therefor the expression "subsections (1) and (1A)";

(d) in subsection (3), by deleting the expression "subsection (1)" and substituting therefor the expression "subsections (1) and (1A)".

Amendment of section 8 of Cap. 7.

6. Section 8 of the Elections Act is amended—

(a) in subsection (2), by inserting the words "or ward" immediately after the word "county" appearing in paragraph (e);

(b) by inserting the following new subsections immediately after subsection (2)—

(2A) In recommending the deletion of the names of deceased voters under subsection (2)(b), the Commission shall publish in the *Gazette* and publicize in any other media the list of the names of the deceased voters reported in the audit report.

(2B) The Commission shall invite, and resolve, any challenges regarding the published report within a period the Commission may determine.

Amendment of section 8A of Cap. 7.

7. Section 8A of the Elections Act is amended—

(a) in subsection (1), by deleting the word "six" appearing immediately after the words "at least" and substituting therefor the word "nine";

(b) by deleting subsection (3);

(c) in subsection (4), by deleting the expression "subsection (3)" and substituting therefor the expression "subsection (1)".

Insertion of new section 8B, 8C and 8D in Cap. 7.

8. The Elections Act is amended by inserting the following new sections immediately after section 8A—

Fresh voter registration after review of constituency boundaries review.

8B. The Commission shall conduct a fresh voter registration at intervals of not less than eight years and not more than twelve years, immediately after the Commission reviews the names and boundaries of the constituencies in accordance with Article 89(2) of the Constitution.

Revision of number, names and boundaries of wards.

8C. The Commission shall review the number, names and boundaries of wards whenever a review of the names and boundaries of counties necessitates a review.

Revision of register after review of county boundaries.

8D. The Commission shall revise the register of voters whenever county boundaries are altered in accordance with Article 94(3) of the Constitution.

Commission may audit voter register.

8E. (1) Notwithstanding any other provision of this Act, the Commission may, at any time before the date of an election, by-election or referendum, cause an audit of the register of voters to be conducted.

(2) Despite subsection (1), audit conducted under subsection (1) shall be conducted—

(a) in the case of a general election, at least sixty days before the date of the general election; and

(b) in the case of a by-election or referendum, within such period before the by-election or referendum as the Commission may determine.

Amendment of section 16 of Cap. 7.

9. Section 16 of the Elections Act is amended by deleting subsection (4).

Amendment of section 19 of Cap. 7

10. Section 19 of the Elections Act is amended by deleting subsection (4).

Insertion of new section 20A in Cap. 7.

11. The Elections Act is amended by inserting the following new section immediately after section 20—

Campaign period.

20A. The campaign period shall commence on the date that the Commission issues a notice of an election under section 14(1), 16(1), 17(1) or 19(1) and end on the date that is forty-eight hours before the date the election is to be held.

Amendment of section 26 of Cap. 7.

12. Section 26 of the Elections Act is amended by adding the following new subsection immediately after subsection (2)—

(3) A person who registers as a voter during the period when registration of voters is suspended for the purposes of a by-election shall not be eligible to be registered as a candidate in the electoral area affected by the by-election.

Amendment of section 27 of Cap. 7

13. Section 27 of the Elections Act is amended by inserting the following new subsection immediately after subsection (1A)—

(1B) Notwithstanding the subsection (1), a coalition political party shall, within fourteen days of registration, submit to the Commission a copy of the coalition political

party's nomination rules certified by the Registrar of Political Parties

Amendment of section 31 of Cap. 7.

14. Section 31 of the Elections Act is amended—

(a) by deleting subsection (2);

(b) in subsection (2B), by deleting the words "nomination day" and substituting therefor the words "date of the registration of candidates";

(c) by deleting subsection (2E);

(d) by deleting section (2F);

(e) by adding the following new subsection immediately after subsection (2F)—

(2G) Each political party shall ensure that the not more than two-thirds of the candidates of the political party submitted to the Commission under this section in a general election for parliamentary elections are of the same gender.

Amendment of section 32 of Cap. 7.

15. Section 32 of the Elections Act is amended—

(a) in subsection (1), by deleting the words "nomination day" appearing immediately after the words "days before" and substituting therefor the words "the date for registration of candidates;

(b) in subsection (lA), by deleting the word "nomination" appearing immediately after the words "days before" and substituting therefor the words "the date for registration of candidates";

(c) by deleting subsection (3) and substituting therefor the following new subsection—

(3) The Commission may refuse to approve the symbol of an independent candidate if the symbol—

(a) is obscene or offensive;

(b) is the symbol of a political party or another independent candidate in the same county; or

(c) so nearly resembles the symbol of a political party, another independent candidate in the same county or any other legal entity registered under any other written law.

Amendment of section 33 of Cap. 7.

16. Section 33 of the Elections Act is amended—

(a) by deleting the word "nomination" appearing in the marginal note and substituting therefor the word "registration";

(b) in subsection (1)—

(i) by deleting the word "nominated" appearing in the introductory words and substituting therefor the word "registered";

(ii) by deleting the words "nomination paper" appearing in paragraph (b) and substituting therefor the words "registration of candidates form";

(iii) by deleting the words "nomination day" appearing in paragraph (c) and substituting therefor the words "date for registration of candidates";

(iv) by deleting paragraph (d);

(c) by deleting subsection (2).

Amendment of section 34 of Cap. 7.

17. Section 34 of the Elections Act is amended by inserting the following new subsection immediately after subsection (8)—

(8A) A person shall not be nominated by a political party under subsection (4) unless the person is, on the date of submission of the party list by the political party, a registered voter in any of the wards in the county in which the person is nominated.

Amendment of section 36 of Cap. 7.

18. Section 36 of the Elections Act is amended by deleting subsection (2) and substituting therefor the following new subsection—

(2) A party list submitted under subsection (1)(a), (c) (d), (e) and (f) shall commence with the name of a female candidate and alternate between male and female candidates in the priority in which they are listed.

Amendment of section 39 of Cap. 7.

19. Section 39 of the Elections Act is amended—

(a) by deleting subsection (1D) and substituting therefor the following new subsection—

(1D) The Commission shall verify that results transmitted are an accurate reflection of the results tallied, verified and declared at the respective polling stations.

(b) by deleting subsection (1E);

(c) by deleting subsection (1F);

(d) by deleting subsection (1G);

(e) by deleting subsection (2);

(f) by deleting subsection (3).

Amendment of section 44 of Cap. 7.

20. Section 44 of the Elections Act is amended—

(a) in subsection (4), by deleting the word "and" appearing at the end of paragraph (a) and substituting therefor the word "or";

(b) by deleting subsection (5).

Repeal and replacement of section 45 of Cap. 7.

21. The Elections Act is amended by repealing section 45 and replacing it with the following new section—

45. (1) The electorate in a county or constituency may recall a member of Parliament elected from the county or constituency before the end of the term of the member on any of the grounds specified in subsection (2).

(2) A member of Parliament may be recalled on any of the following grounds—

(a) gross violation of the Constitution or any other law;

(b) incompetence;

(c) gross misconduct; or

(d) conviction of an offence punishable by imprisonment for at least six months.

(3) A recall under subsection (1) shall only be initiated within a period of twenty-four months after the election of the member of Parliament and not later than twelve months immediately preceding the next general election.

(4) A recall petition shall not be filed against a member of Parliament more than once during the term of that member in Parliament.

Repeal and replacement of section 46 of Cap. 7.

22. The Elections Act is amended by repealing section 46 and replacing it with the following new section—

46. (1) A recall under section 45 shall be initiated by a petition filed with the Commission and the petition shall be—

(a) in writing; and

(b) signed by a petitioner who is a voter in the county or constituency in respect of which the recall is sought.

(2) The petition referred to in subsection (1) shall—

(a) specify any of the grounds for recall set out in section 27(2);

(b) contain a list of names of voters in the county or constituency supporting the recall which shall represent at least thirty per cent of the registered voters in that county or constituency; and

(c) be accompanied by the fee prescribed for an election petition.

(3) The list of names referred to in subsection (2)(b) shall contain the names, address, national identity card number or passport number and signature of the voters supporting the petition.

(4) The petitioner shall collect and submit to the Commission the list of names under subsection (2)(b) within a period of thirty days after filing the petition.

(5) The Commission shall verify the list of names within a period of thirty days of receipt of the list.

(6) The Commission, if satisfied that the requirements of this section are met, shall within fifteen days after the verification, issue a notice of the recall to the speaker of the Senate or National Assembly, as the case may be.

(7) The Commission shall conduct a recall election within the county or constituency within ninety days of the issuance of the notice under subsection (6)

Repeal of section 48 of Cap. 7

23. The Elections Act is amended by repealing section 48.

Amendment of section 74 of Cap. 7

24. Section 74 of the Elections Act is amended—

(a) by inserting the following new subsection immediately after subsection (1)—

(1A) Lodging of disputes under (1) above on registration of candidates for an election shall commence immediately upon the close of registration of candidates for an election and end not later than seventy-two hours after the close of registration of all candidates in that election.

(b) in subsection (2), by deleting the words "ten days" and substituting therefor the words "fourteen days";

(c) by adding the following new subsections immediately after subsection (3)—

(4) A party list dispute shall be lodged within seventy-two hours of publication of the lists in the newspapers of national circulation.

(5) The Commission shall determine a party list dispute lodged under subsection (4) within seven days after the close of lodging of disputes with the Commission.

(6) An appeal from a decision of the Commission shall lie to the High Court on matters of both law and fact.

(7) The decision of the High Court on an appeal under this section shall be final.

(8) Disputes and subsequent appeals arising from registration of candidates for election shall be heard and determined thirty days before a general election.

Amendment of section 75 of Cap. 7

25. Section 75 of the Elections Act is amended in subsection (4)—

(a) by inserting the following new paragraph immediately after paragraph (a)—

(aa) act as an automatic stay of the execution of the decision of the Magistrate's Court;

(b) by adding the following new subsection immediately after subsection (4)—

(5) The decision of the High Court shall be final.

Insertion of new section 82A in Cap. 7.

26. The Elections Act is amended by inserting the following new section immediately after section 82—

Scrutiny of technology.

82A. (1) The Commission shall, pursuant to an order of an election court for a forensic image of the server, memory cards or any other materials, provide the server, memory cards or other materials under confidential cover for scrutiny by the Court.

Cap. 411C.

(2) The Commission shall comply with the Data Protection Act when providing the election court with the server, memory cards or other materials.

(3) The parties to an election petition shall comply with the Data Protection Act when dealing with or otherwise handling the server, memory cards or other materials provided to the election court by the Commission.

(4) The server, memory cards or other materials submitted to the election court under subsection (1) shall be returned to the Commission under confidential cover within seven days of the delivery of the judgment of the election court.

(5) The Commission shall make Regulations to give effect to the provisions of this section.

Amendment of section 83 of Cap. 7.

27. Section 83 of the Elections Act is amended in subsection (1), by deleting the word "and" appearing at the end of subsection (1) and substituting therefor the word "or".

Amendment of section 85A of Cap. 7.

28. Section 85A of the Elections Act is amended by adding the following new subsection immediately after subsection (2)—

(3) No second appeal shall lie to the Court of Appeal under this section or any other law from a judgment or decision of the High Court in an election petition concerning the election of a member of a county assembly.

Amendment of section 109 of Cap. 7.

29. Section 109 of the Elections Act is amended—

(a) by deleting subsection (3) and substituting therefor the following new subsection—

(3) The Commission shall make or amend its regulations and publish them in the *Gazette* not later than four months before the date of a general election.

(b) by inserting the following new subsection immediately after subsection (3)—

(3A) The Commission shall subject the regulations made or amended pursuant to subsection (3) to public participation in accordance with the Statutory Instruments Act.

Cap. 2A.

(c) by deleting subsection (4).

Amendment of the Second Schedule to Cap. 7.

30. The Elections Act is amended in the Second Schedule—

(a) in paragraph 1, by adding the following new subparagraph immediately after subparagraph (3)—

(4) This Code shall bind all registered political parties and candidates who have executed this Code from the date of execution until the date when the tenure of Parliament or county assemblies lapses.

(b) by inserting the following new paragraph immediately after paragraph 7—

7A. A political party or candidate who contravenes the provisions of the Act relating to the campaign period shall be in breach of the electoral code of conduct.

Repeal of section 20 of Cap. 66.

31. The Election Offences Act is amended by repealing section 20.

Amendment of section 26 of Cap. 265.

32. Section 26 of the County Governments Act is amended—

(a) by deleting subsection (1);

(b) by deleting subsection (2);

(c) by deleting subsection (3).

Amendment of section 27 of Cap. 412A.

33. Section 27 of the Public Finance Management Act is amended in subsection (2), by inserting the words "the judiciary" immediately after the words "allocated to" appearing in paragraph (a)(ii).

End