

Legal Notice No. 143



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THE POLITICAL PARTIES ACT

(No. 11 of 2011)

THE NATIONAL ASSEMBLY  
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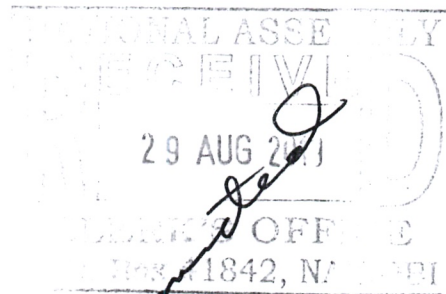
THE POLITICAL PARTIES (FUNDING) REGULATIONS

2019

LEADER OF  
MAJORITY  
ANNE SHIBUR

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## **LIST OF DOCUMENTS**

1. The published, Political Parties (Funding) Regulations, 2019
2. Correspondence from the Attorney General, on the finalized Political Parties (Funding) Regulations, 2019
3. Finalized Political Parties (Funding) Regulations, 2019 from the Office of the Attorney General
4. Explanatory Memorandum for the Political Parties (Funding) Regulations, 2019
5. Reports of reports of stakeholders engagements/proof of public participation

**SPECIAL ISSUE**

**Kenya Gazette Supplement No. 141**

723

**9th August, 2019**

**(Legislative Supplement No. 47)**

LEGAL NOTICE No. 143

**THE POLITICAL PARTIES ACT**

**(No. 11 of 2011)**

**THE POLITICAL PARTIES (FUNDING) REGULATIONS, 2019**

**ARRANGEMENT OF REGULATIONS**

**PART I—PRELIMINARY**

1—Citation.

2—Interpretation.

**PART II—ADMINISTRATION AND MANAGEMENT**

3— Management and control of the Fund.

4— Political Parties Fund account.

5— Accounts of political parties.

**PART III— FUNDING OF POLITICAL PARTIES**

6—Notification by the Registrar.

7— Application for the Fund by political parties.

8— Processing of applications.

9— Decision by the Registrar.

10— Allocation of funds and disbursement.

**PART IV— ACCOUNTING AND REPORTING**

11— Functions of accounting officer of a political party.

12— Annual accounts.

13— Approval of accounts.

14— Auditing of reports and accounts by Auditor General.

15— Publication of reports by the Registrar.

16— Inspection of audited accounts.

**PART V—GENERAL PROVISIONS**

17— Declaration before elections.

18— General guidelines on the management of the Fund.

19— Administrative and staff expenses.

20— Revocation of L.N. No 169 of 2011.

**FIRST SCHEDULE: FORMS**

**SECOND SCHEDULE: FINANCIAL STATEMENTS**

## THE POLITICAL PARTIES ACT

(No. 11 of 2011)

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

### POLITICAL PARTIES (FUNDING) REGULATIONS, 2019

#### PART I—PRELIMINARY

These Regulations may be cited as the Political Parties Regulations, 2019. Citation.

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

“Act” means the Political Parties Act, 2011;

“Accounting officer” means a person designated by the political party in charge of and responsible for financial accounts of the party;

“Financial year” means the period of twelve months ending on the same date each year;

“Fund” means the Political Parties Fund established under section 49 of the Act;

“Special Account” means the account established under regulation 10 of the Regulations;

“Political party” has the meaning assigned to it in Article 260 of the Constitution;

“Registrar” means the Registrar of political parties appointed under section 33 of the Act; and

“Expenditure plan” in relation to a political party, means a schedule of activities a political party intends to undertake, their costs and the sources of funds for such activities.

#### PART II—ADMINISTRATION AND MANAGEMENT

The Registrar shall be responsible for the administration and management of the Fund and shall be responsible for— Management and control of the Fund.

(a) submission of the receipts to the Fund;

(b) allocation of the Fund to political parties;

(c) monitoring and evaluation of expenditures of the Fund by political parties;

(d) maintenance of proper books and records of income and expenditure and are kept;

(e) annual audit and disclosure of all monies received by the Fund;

(f) such other measures as may be necessary for the effective management of the Fund.



- (b) ensure that the funds allocated to the political party are not used for a purpose not authorized by the Act or these Regulations;
- (c) be accountable to the Registrar for monies allocated to the political party; and
- (d) perform any other duties imposed by any other law or by these Regulations.

12. (1) The accounting officer shall keep separate books and records of accounts in respect of the funds of the political party and all transactions for each financial year.

Annual accounts.

(2) The accounting officer of a political party shall, within three months after the end of each financial year and in accordance with section 32 of the Act and any other law, cause to be prepared annual reports and accounts of the political party.

(3) The annual report and accounts prepared under sub-regulation (2) shall be in Form PPF 3 set out in the First Schedule and shall include—

- (a) an income and expenditure statement;
- (b) a statement of assets and liabilities;
- (c) a cash flow statement;
- (d) a summary of activities undertaken within the financial year; and
- (e) any other information as may be required by the Registrar.

13. (1) The governing body of a political party shall be responsible for approving all reports and annual accounts of the political party.

Approval of accounts.

(2) The internal auditor of the political party shall express an opinion, in writing, on the accounts based on the results of each audit stating whether—

- (a) all information and explanations considered necessary for the audit were received;
- (b) proper records were maintained of all transactions as required under the generally accepted accounting practices;
- (c) the accounts are in agreement with the records referred to under paragraph (b);
- (d) the accounts reflected fairly the financial position of the political party; and
- (e) there are any recommendations by the auditor.

14. (1) Subject to section 31(2) of the Act, the accounting officer shall concurrently submit the reports and accounts of the political party to the Registrar and the Auditor-General.

Auditing of Reports and accounts by Auditor General.

(2) The Registrar shall implement any recommendations of the Auditor-General made pursuant to section 31(3) of the Act.

15. The Registrar may —

- (a) publish reports submitted by political parties;
- (b) determine the manner and form of publishing such reports.

Publication of  
reports by the  
Registrar.

16. Any person shall be entitled to inspect the audited accounts filed by a political party pursuant to section 31 (5) of the Act, and upon payment of the fee set out in the Second Schedule by the Registrar be issued copies of the audited accounts.

Inspection of  
Audited Accounts.

#### PART V— GENERAL PROVISIONS

17. Subject to section 30(1) of the Act, the accounting officer shall submit to the Registrar a statement of its assets and liabilities in Form PPF4 set out in the First Schedule.

Declaration before  
elections.

18. Subject to the provisions of the Act and any other law relating to public funds, the Registrar may from time to time, set general guidelines, conditions and requirements for the management of the Fund including—

General  
guidelines on the  
management of  
the Fund.

- (a) the guidelines for the disbursement of monies from the Fund to any political party, programme or activity;
- (b) the rules and procedures related to the disbursement and management of funds;
- (c) the funding needs to support the objectives of the Fund; and
- (d) any other issue related to the operation of the Fund.

19. For purposes of section 26 (1) (f) of the Act, administrative and staff expenses includes the payment of—

Administrative  
and staff  
expenses.

- (a) office rent and stationery;
- (b) office equipment;
- (c) property rates;
- (d) utility bills;
- (e) postage and other forms of communication expenses; and
- (f) staff salaries.

20. The Political Parties (Funding) Regulations, 2009 are revoked.

Revocation of LN.  
169 of 2009.



## FIRST SCHEDULE

## FORMS

## FORM PPF 1

(r. 5(5))

DECLARATION OF SIGNATORIES TO POLITICAL PARTIES FUND ACCOUNT  
AND OTHER ACCOUNTS

|                            |                    |                |                               |  |
|----------------------------|--------------------|----------------|-------------------------------|--|
| Name of Political Party:   |                    |                |                               |  |
| Full Name of Bank          |                    |                |                               |  |
| Account Number             |                    |                |                               |  |
| Address                    |                    |                |                               |  |
| Town/Branch                |                    |                |                               |  |
| <i>Name of Signatories</i> | <i>Designation</i> | <i>ID. No.</i> | <i>Specimen<br/>Signature</i> |  |
|                            |                    |                |                               |  |
|                            |                    |                |                               |  |

This declaration is made to the best of our knowledge, information and belief.

Made this ..... day of ..... 20.....

Name and signatures of three political party officials

1. Name .....  
Signature .....  
ID/Passport No .....
2. Name .....  
Signature .....  
ID/Passport No .....
3. Name .....  
Signature .....  
ID/Passport No .....

In the presence of a

Commissioner of Oaths/Magistrate

## FORM PPF 2

(r. 7 (1))

## APPLICATION FOR FUNDING OF A POLITICAL PARTY

## A. Political Party Information:

1. Date of application: .....
2. Name of Political Party: .....
3. Registration No: .....
4. Physical Address: .....
5. Postal Address: .....
6. Tel No: ..... Fax: .....
7. Website URL: ..... Email: .....

## B. Contact Information:

(Please provide contact information of person responsible for programme/project)

Name: .....

Designation: .....

Tel No: ..... Fax: .....

Email: .....

## C. Bank account details

Name of Bank: .....

Bank Account No.: .....

Bank Account Name: .....

Branch: .....

## D. Expenditure Information:

1. Please list the project's budget expense items to be supported by this fund:

|       | Type of Expense                                                                                                                                               | Amount |  |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--|
| A     | Promoting representation of special interest groups.                                                                                                          |        |  |
| B-C-D | Promoting active participation by citizens in political life and civic education.<br>Broadcasting policies and shaping public opinion.<br>Electoral expenses. |        |  |
| E     | Administration                                                                                                                                                |        |  |
|       | TOTAL                                                                                                                                                         |        |  |

## E. Workplan Template

|    |                                                                                                            | Activities | Amount | Total    |
|----|------------------------------------------------------------------------------------------------------------|------------|--------|----------|
| A. | Promoting representation of special interest groups<br>(not less than 30% of the allocation from the Fund) |            |        |          |
|    |                                                                                                            |            |        |          |
|    |                                                                                                            |            |        | Subtotal |

|    |                                                                                  | Activities | Amount | Total    |
|----|----------------------------------------------------------------------------------|------------|--------|----------|
| B. | Promoting active participation by citizens in political life and civic education |            |        |          |
|    |                                                                                  |            |        | Subtotal |
| C. | Broadcasting policies and shaping public opinion                                 |            |        |          |
|    |                                                                                  |            |        | Subtotal |
| D. | Electoral expenses                                                               |            |        |          |
|    |                                                                                  |            |        | Subtotal |
| E. | Administration (not more than 30% of the allocation from the Fund)               |            |        |          |
|    |                                                                                  |            |        | Subtotal |
|    |                                                                                  |            |        | TOTAL    |

\* Attach any other supporting documentation.

This declaration is made to the best of our knowledge, information and belief.

Made this ..... day of ..... 20.....

Names and signatures of three authorized political party officials:

1. Name.....  
Signature .....  
ID/Passport No. ....
2. Name.....  
Signature .....  
ID/Passport No. ....
3. Name.....  
Signature .....  
ID/Passport No. ....

In the presence of a  
Commissioner of Oaths/Magistrate

## FORM PPF 3

(r. 12(3))

## DECLARATION OF ASSETS AND LIABILITIES OF A POLITICAL PARTY

NAME OF POLITICAL PARTY.....CERT. NO.....

## PART 1: STATEMENT OF ASSETS AND LIABILITIES AS OF .....

## CURRENT ASSETS

Cash on Hand

Cash on Deposit

Accounts Receivable

Bonds, Stocks, Other Investments

Inventory

Other (Describe)

|                 |         |  |
|-----------------|---------|--|
|                 |         |  |
|                 |         |  |
|                 |         |  |
|                 |         |  |
|                 |         |  |
|                 |         |  |
| TOTAL<br>ASSETS | CURRENT |  |

## FIXED ASSETS

Investments

Furniture and Fixtures

Office Equipment

Land and Buildings

Others (Describe)

|                 |       |   |
|-----------------|-------|---|
|                 |       |   |
|                 |       |   |
|                 |       |   |
|                 |       |   |
|                 |       |   |
| TOTAL<br>ASSETS | FIXED |   |
| TOTAL ASSETS    |       | A |





## CURRENT LIABILITIES

|                          |                           |  |
|--------------------------|---------------------------|--|
| Accounts Payable         |                           |  |
| Wages, Salaries Payable  |                           |  |
| Short Term Loans Payable |                           |  |
| Others (Describe)        |                           |  |
|                          | TOTAL CURRENT LIABILITIES |  |

## LONG TERM LIABILITIES

|                   |                             |  |   |
|-------------------|-----------------------------|--|---|
| Loans Payable     |                             |  |   |
| Others (Describe) |                             |  |   |
|                   | TOTAL LONG TERM LIABILITIES |  | B |
|                   | TOTAL LIABILITIES           |  | C |
|                   | SURPLUS/DEFICIT (A-C)       |  |   |

## PART 2: STATEMENT OF INCOME AND EXPENDITURE

## INCOME

|                          |              |   |
|--------------------------|--------------|---|
| Political Parties Fund   |              |   |
| Membership Fees          |              |   |
| Dividends on Shares      |              |   |
| Rent Received            |              |   |
| Profit on Sale of Assets |              |   |
| Others (Describe)        |              |   |
|                          | TOTAL INCOME | A |

## EXPENDITURE

|                               | From Political<br>Parties Fund | From Other<br>Sources |   |
|-------------------------------|--------------------------------|-----------------------|---|
| Salaries                      |                                |                       |   |
| Rent Paid                     |                                |                       |   |
| Transport                     |                                |                       |   |
| Electricity Bill              |                                |                       |   |
| Other Administrative expenses |                                |                       |   |
| TOTAL EXPENDITURE             |                                |                       | B |
| SURPLUS/DEFICIT (A-B)         |                                |                       | C |

PART 3: Reporting of activities implemented with the money allocated from the Fund.

|    |                                                                                                         | ACTIVITES | AMOUNT | TOTAL    |
|----|---------------------------------------------------------------------------------------------------------|-----------|--------|----------|
| A. | Promoting representation of special interest groups (not less than 30% of the allocation from the Fund) |           |        |          |
|    |                                                                                                         |           |        |          |
|    |                                                                                                         |           |        | Subtotal |
| B. | Promoting active participation by citizens in political life and civic education                        |           |        |          |
|    |                                                                                                         |           |        |          |
|    |                                                                                                         |           |        | Subtotal |
| C. | Broadcasting policies and shaping public opinion                                                        |           |        |          |
|    |                                                                                                         |           |        |          |
|    |                                                                                                         |           |        | Subtotal |
| D. | Electoral expenses                                                                                      |           |        |          |
|    |                                                                                                         |           |        |          |
|    |                                                                                                         |           |        | Subtotal |
| E. | Administration (not more than 30% of the allocation from the Fund)                                      |           |        |          |
|    |                                                                                                         |           |        |          |
|    |                                                                                                         |           |        | Subtotal |
|    |                                                                                                         |           |        | TOTAL    |

Attach:

- (a) a cash flow statement; and
- (b) a summary of activities undertaken within the financial year.

This declaration is made to the best of our knowledge, information and belief.

Made this..... day of ..... 20.....





## Name and signature of three political party officials

1. Name.....  
 Signature.....  
 ID/Passport No.....
2. Name.....  
 Signature.....  
 ID/Passport No.....
3. Name.....  
 Signature.....  
 ID/Passport No.....

In the presence of a  
 Commissioner of Oaths/Magistrate.

## FORM PPF 4

(r. 17)

## DECLARATION OF ASSETS AND LIABILITIES OF A POLITICAL PARTY

NAME OF POLITICAL PARTY.....CERT. NO.....

STATEMENT OF ASSETS AND LIABILITIES AS OF .....

(This date being sixty days before date of election)

## CURRENT ASSETS

Cash on Hand  
 Cash on Deposit  
 Accounts Receivable  
 Bonds, Stocks, Other Investments  
 Inventory  
 Other (Describe)

|                      |  |
|----------------------|--|
|                      |  |
|                      |  |
|                      |  |
|                      |  |
|                      |  |
|                      |  |
| TOTAL CURRENT ASSETS |  |

## FIXED ASSETS

|                        |  |   |
|------------------------|--|---|
| Investments            |  |   |
| Furniture and Fixtures |  |   |
| Office Equipment       |  |   |
| Land and Buildings     |  |   |
| Others (Describe)      |  |   |
| TOTAL FIXED ASSETS     |  |   |
| TOTAL ASSETS           |  | A |

## CURRENT LIABILITIES

|                           |  |  |
|---------------------------|--|--|
| Accounts Payable          |  |  |
| Wages, Salaries Payable   |  |  |
| Short Term Loans Payable  |  |  |
| Others (Describe)         |  |  |
| TOTAL CURRENT LIABILITIES |  |  |

## LONG TERM LIABILITIES

|                             |  |   |
|-----------------------------|--|---|
| Loans Payable               |  |   |
| Others (Describe)           |  |   |
| TOTAL LONG TERM LIABILITIES |  | B |
| TOTAL LIABILITIES           |  | C |
| SURPLUS/DEFICIT (A-C)       |  |   |

## STATEMENT OF INCOME AND EXPENDITURE

## INCOME

|                          |  |   |
|--------------------------|--|---|
| Membership Fees          |  |   |
| Dividends on Shares      |  |   |
| Rent Received            |  |   |
| Profit on Sale of Assets |  |   |
| Others (Describe)        |  |   |
| TOTAL INCOME             |  | A |



**EXPENDITURE**

|                                    |  |          |
|------------------------------------|--|----------|
| Salaries                           |  |          |
| Rent Paid                          |  |          |
| Transport                          |  |          |
| Electricity Bill                   |  |          |
| Stationery, Printing, Photocopying |  |          |
| Others (Describe)                  |  |          |
| <b>TOTAL EXPENDITURE</b>           |  | <b>B</b> |
| <b>SURPLUS/DEFICIT (A-B)</b>       |  | <b>C</b> |

This declaration is made to the best of our knowledge, information and belief.

Made this..... day of ..... 20.....

Name and signature of three political party officials

1. Name.....

Signature.....

ID/Passport No.....

2. Name.....

Signature.....

ID/Passport No.....

3. Name.....

Signature.....

ID/Passport No.....

In the presence of a

Commissioner of Oaths/Magistrate.

**SECOND SCHEDULE***(r.16)***FEES**

|                                          |     |
|------------------------------------------|-----|
| 1. Application for official search ..... | 500 |
| 2. Inspection/perusal.....               | 500 |

ANNE NDERITU,  
*Registrar of Political Parties.*





REPUBLIC OF KENYA

OFFICE OF THE ATTORNEY-GENERAL  
&  
DEPARTMENT OF JUSTICE

Our Ref: 1113/2/5

26<sup>th</sup> July, 2019

ANN N. NDERITU, MBS,  
Registrar of Political Parties,  
Lion Place, 1<sup>st</sup> Floor,  
Off Waiyaki Way,  
P.O Box 1131-00606,  
NAIROBI.

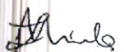


RE: PUBLICATION OF THE POLITICAL PARTIES ACT, 2011, REGULATIONS

We refer to your letter dated 11<sup>th</sup> January, 2019 and Ref No: RPP/ORG/035/44 and our various correspondences on the above captioned matter.

Enclosed herewith, please find the final draft Registration and Funding Regulations, one original and three copies of each, for your signature, if you approve.

Kindly let us have the signed original and two copies of each of the Notices for publication.

  
L.M. MURILA  
CHIEF STATE COUNSEL  
FOR: ATTORNEY-GENERAL

Copy to: 1. P. Kihara Kariuki  
Attorney General.

2. Kennedy Ogeto, EBS,  
Solicitor General.

SHERIA HOUSE, HARAMBEE AVENUE  
P.O. Box 40112-00100, NAIROBI, KENYA. TEL: +254 20 2227461/2251355/07119445555/0732529995  
E-MAIL: [info.statelawoffice@kenya.go.ke](mailto:info.statelawoffice@kenya.go.ke) WEBSITE: [www.attorney-general.go.ke](http://www.attorney-general.go.ke)

DEPARTMENT OF JUSTICE  
CO-OPERATIVE BANK HOUSE, HAILLE SELLASIE AVENUE P.O. Box 56057-00200, Nairobi-Kenya TEL: Nairobi 2224029/ 2240337  
E-MAIL: [legal@justice.go.ke](mailto:legal@justice.go.ke) WEBSITE: [www.justice.go.ke](http://www.justice.go.ke)



# **EXPLANATORY MEMORANDUM TO THE PROPOSED POLITICAL PARTIES (FUNDING) REGULATIONS OF 2018**

## **PART I**

### **Name of Statutory Instruments**

Political Parties (Funding) Regulations, 2018

### **Name of the Parent Act:**

Political Parties Act, 2011

### **Enacted pursuant to:**

Section 49 of the Political Parties Act, 2011

### **Name of the Ministry /Department:**

Attorney General's Office and the Department of Justice

### **Gazetted on:**

### **Tabled on:**

## **PART II**

### **1. Purpose of the Statutory Instrument**

The Political Parties (Funding) Regulations is intended to enforce Part III of the Political Parties Act, 2011, Section 23 of which establishes the Political Parties Fund to be administered by the Registrar. This instrument provides for the structured guidelines for the management, purpose of the fund as well as the process of application of the funds and other matters connected thereto.

The Regulations are divided into five parts –

Part I – Preliminary

Part II – Administration and Management

Part III – Funding of political parties

Part IV – Accounting and Reporting

Part V – General Provisions

### **2. Legislative Context**

Pursuant to the promulgation of the Constitution in 2010, Parliament was mandated to enact legislation to govern political parties under Article 92 of the same. The Political Parties Act, 2011 therefore came into effect in November 2011 to govern the registration, regulation and funding of political parties and for connected purposes. The proposed regulations are vital to give effect and enhance implementation of the Political Parties Act, 2011.

### **3. Policy Background**

The Political Parties Act, 2011 repealed the Political Parties Act, 2007. However the regulations subsisting at the time continued to be in operation. The regulations enacted under the former Act have been in operation with alterations, adaptations and qualifications to bring it into conformity with the Constitution and the Political Parties Act, 2011. However, there is need to legislate the alterations hence informing the drafting of the proposed regulations. The proposed regulations provide precise procedures for implementation of the Act. The regulation was developed following

various consultative meetings with fully registered political parties and stakeholders where the need to have the regulation was underscored.

#### **4. Consultation Outcome**

The consultation process has taken place since the enactment of the parent Act in 2011, with key stakeholders being the political parties, Independent Electoral and Boundaries Commission, Kenya Law Reform Commission, The Judiciary, The Political Parties Dispute Tribunal, the Office of the Attorney General, the National Gender and Equality Commission and Kenya National Commission on Human Rights. There have been a total of sixteen stakeholder forums held with the final one held on 30<sup>th</sup> August 2016. All stakeholder recommendations were consolidated and drafters from the Office of the Attorney General and Kenya Law Reform Commission came up with initial draft regulations. The Office of the Registrar of Political Parties then tabled the regulations before the Parliamentary Committee on Delegated legislation in September 2016 where the members of the Committee approved the Regulations.

#### **5. Guidance**

The ORPP has developed and published simplified versions of the Act and Regulation in the form of manuals which have been disseminated to all political parties, key stakeholders and the general public.

#### **6. Impact**

##### **6.1 Impact on fundamental rights and freedoms**

This regulation will enhance the rights of citizens to make political choices stipulated under Article 38 of the Constitution.

##### **6.2 On private sector**

It will be a long term benefit to the private sector since the political environment will be effectively regulated and fair to promote peace during the electoral cycle. This will enhance achievement of the Kenya Vision 2030 Political objectives.

##### **6.3 Public sector**

The Kenyan citizenry will be aware of their political rights, the management of political parties and the importance of political parties in promoting democracy.

#### **7. Monitoring and Review**

The Office of the Registrar of Political Parties will undertake continuous monitoring and evaluation in line with the mandate conferred to the Office vide Section 34 of the Political Parties Act, 2011.

#### **8. Contact**

**Ann N. Nderitu, MBS**

**Registrar of Political Parties**

Office of the Registrar of Political Parties

Lion Place 1<sup>st</sup> Floor Westlands, off Waiyaki Way

P.O Box 1131-00606

**Nairobi, Kenya.**

Telephone: +254(020)4272000, Email: [rpp@iebc.or.ke](mailto:rpp@iebc.or.ke)





**LEGAL NOTICE.....**

**THE POLITICAL PARTIES ACT, 2011**

*(No. 11 of 2011)*

**THE POLITICAL PARTIES (FUNDING) REGULATIONS, 2019**

**ARRANGEMENT OF REGULATIONS**

**PART I—PRELIMINARY**

- 1—Citation.
- 2—Interpretation.

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- 19— Administrative and staff expenses.
- 20—Revocation of L.N. No 169 of 2009.

FIRST SCHEDULE: FORMS  
SECOND SCHEDULE: FEES

**THE POLITICAL PARTIES ACT, 2011**  
(No. 11 of 2011)

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

**THE POLITICAL PARTIES (FUNDING) REGULATIONS, 2019**

**PART I—PRELIMINARY**

Citation. 1. These Regulations may be cited as the Political Parties (Funding) Regulations, 2019.

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

“Act” means the Political Parties Act, 2011;

“accounting officer” means a person designated by the political party to be in charge of and responsible for financial accounts of the political party;

“financial year” means the period of twelve months ending on the thirtieth June each year;

“Fund” means the Political Parties Fund established under section 23 of the Act;

“Fund Account” means the account established under regulation 6;

“political party” has the meaning assigned to it in Article 260 of the Constitution;

“Registrar” means the Registrar of political parties appointed under section 33 of the Act; and

“work plan” in relation to a political party, means a schedule showing the activities a political party intends to undertake, their costs and time frame.

**PART II—ADMINISTRATION AND MANAGEMENT**

Management and control of the Fund.

3. (1) The Registrar shall be responsible for the administration and management of the Fund and shall be responsible for—

(a) the accounting of the receipts to the Fund;

- (b) the distribution of the Fund to political parties;
- (c) the monitoring and evaluation of expenditures of the Fund by political parties;
- (d) ensuring that proper books and records of income and expenditure of the Fund are kept;
- (e) ensuring the reporting and disclosure of all monies received by political parties; and
- (f) such other functions necessary for the effective implementation of the Act.

(2) The Registrar shall ensure that money held in the Fund, including any earnings or accruals, is spent only for the purposes for which the Fund is established.

(3) The accounts of the Fund shall be audited annually and filed with the Auditor General in accordance with the Public Audit Act and any other law relating to the management of public funds.

No. 34 of 2015.

Political Parties  
Fund Account.

4. (1) The Registrar shall open an account to be known as the Political Parties Fund Account at a bank designated by the National Treasury into which shall be paid—

- (a) the funds approved or appropriated by National Assembly in accordance with section 24 (1) (a) of the Act; and
- (b) contributions or donations from any other lawful source as contemplated under section 24 (1) (b) of the Act.

(2) The Registrar shall declare in the annual report, all accruals, interest and liabilities related to the Fund.

Accounts of  
Political Parties.

5. (1) Every registered political party qualifying to receive monies from the Fund shall open a bank account into which only disbursements from the Registrar shall be paid.

(2) Every registered political party shall open a bank account or bank accounts into which all donations and contributions from lawful sources other than the Fund shall be paid.

(3) A political party may open other accounts and every account shall, for purposes of financial reporting, be considered to be part of the account referred to under sub-regulation (2).

(4) Every political party shall submit to the Registrar names of at



least three officials authorised in the constitution or rules of the political party to sign bank accounts of the political party.

(5) The names under sub-regulation (4) shall be submitted in Form PPF1 set out in the First Schedule.

(6) At least three signatories shall be required for any withdrawal of funds from the bank account.

(7) A political party shall utilize the funds in sub-regulation (1) in accordance with the purposes set out in section 26(1) of the Act.

(8) A political party shall declare in the annual report, all accruals, interest and liabilities.

### **PART III— FUNDING OF POLITICAL PARTIES**

Notification by  
the Registrar.

6. The Registrar shall within fourteen days upon receipt of monies into the Fund—

- (a) notify all fully registered political parties in writing;
- (b) require the eligible political parties to apply for monies from the Fund; and
- (c) publish a notice in the *Gazette* stating the political parties eligible to receive the Fund and their respective allocation.

Application for  
the Fund by  
Political Parties.

7. (1) A political party eligible for allocation of monies from the Fund shall make the application contemplated under regulation 6 (b) in Form PPF 2 set out in the First Schedule.

(2) An application under sub-regulation (1) shall include a work plan containing a schedule of the activities and a budget that the political party intends to undertake in that financial year, including an estimate cost and timeframe for every activity.

(3) The activities contained in the work plan referred to in sub-regulation (2) shall conform to the requirements of section 26 of the Act.

Processing of  
applications.

8. Upon receipt of the application under regulation 7, the Registrar shall assess the application to ascertain whether the political party meets the requirements of the Act and in particular, whether—

- (a) the political party has, in its governing body, representation of special interest groups; and
- (b) all activities in the work plan relate and conform to the

purposes for which the Fund should be used.

Decision by the Registrar.

9. (1) The Registrar shall within fourteen days of the application made under regulation 8, notify the political party of its decision in writing.

(2) Where the application under regulation 8 is—

(a) approved, the Registrar shall notify the political party and effect the disbursement of the funds within fourteen days of such approval;

(b) declined, the Registrar shall notify the political party giving reasons for the decision and recommendations.

(3) Where an application is declined under sub-regulation (2)(b), the political party may reapply taking into consideration the recommendations under sub-regulation (2)(b).

Allocation of funds and disbursement.

10. (1) In allocating the monies from the Fund, the Registrar shall in addition to the requirements under section 25 of the Act have regard to—

(a) the approved work-plan of a political party; and

(b) a clearance certificate from the Auditor General after auditing of funds of the previous financial year.

(2) Upon allocation of funds to a political party, the Registrar shall issue a confirmation letter of the disbursement of funds to the political party and require the political party to acknowledge receipt of the funds.

#### PART IV—ACCOUNTING AND REPORTING

Functions of accounting officer of a political party.

11. The accounting officer of a political party shall—

(a) ensure that the political party complies with the Act and these Regulations;

(b) ensure that the funds allocated to the political party are not used for a purpose not authorized by the Act or these Regulations;

(c) be accountable to the Registrar for monies allocated to the political party; and

(d) perform any other duties imposed by any other law or by these Regulations.

Annual accounts.

12. (1) The accounting officer shall keep separate books and records

of accounts in respect of the funds of the political party and all transactions for each financial year.

(2) The accounting officer of a political party shall, within three months after the end of each financial year and in accordance with section 32 of the Act and any other law, cause to be prepared annual reports and accounts of the political party.

(3) The annual report and accounts prepared under sub-regulation (2) shall be in Form PPF 3 set out in the First Schedule and shall include—

- (a) an income and expenditure statement;
- (b) a statement of assets and liabilities;
- (c) a cash flow statement;
- (d) a summary of activities undertaken within the financial year; and
- (e) any other information as may be required by the Registrar.

Approval  
accounts.

of

13. (1) The governing body of a political party shall be responsible for approving all reports and annual accounts of the political party.

(2) The internal auditor of the political party shall express an opinion, in writing, on the accounts based on the results of each audit stating whether—

- (a) all information and explanations considered necessary for the audit were received;
- (b) proper records were maintained of all transactions as required under the generally accepted accounting practices;
- (c) the accounts are in agreement with the records referred to under paragraph (b);
- (d) the accounts reflected fairly the financial position of the political party; and
- (e) there are any recommendations by the auditor.

Auditing  
Reports  
and  
accounts  
by  
Auditor General.

14. (1) Subject to section 31(2) of the Act, the accounting officer shall concurrently submit the reports and accounts of the political party to the Registrar and the Auditor-General.



(2) The Registrar shall implement any recommendations of the Auditor-General made pursuant to section 31(3) of the Act.

Publication of  
reports by the  
Registrar.

15. The Registrar may —
- (a) publish reports submitted by political parties;
  - (b) determine the manner and form of publishing such reports.

Inspection of  
Audited  
Accounts.

16. Any person shall be entitled to inspect the audited accounts filed by a political party pursuant to section 31 (5) of the Act, and upon payment of the fee set out in the Second Schedule by the Registrar be issued copies of the audited accounts.

#### **PART V— GENERAL PROVISIONS**

Declaration  
before elections.

17. Subject to section 30(1) of the Act, the accounting officer shall submit to the Registrar a statement of its assets and liabilities in Form PPF4 set out in the First Schedule.

General  
guidelines on the  
management of  
the Fund.

18. Subject to the provisions of the Act and any other law relating to public funds, the Registrar may from time to time, set general guidelines, conditions and requirements for the management of the Fund including—

- (a) the guidelines for the disbursement of monies from the Fund to any political party, programme or activity;
- (b) the rules and procedures related to the disbursement and management of funds;
- (c) the funding needs to support the objectives of the Fund; and
- (d) any other issue related to the operation of the Fund.

Administrative  
and staff  
expenses.

19. For purposes of section 26 (1) (f) of the Act, administrative and staff expenses includes the payment of—
- (a) office rent and stationery;
  - (b) office equipment;
  - (c) property rates;
  - (d) utility bills;
  - (e) postage and other forms of communication expenses; and
  - (f) staff salaries.

Revocation of

20. The Political Parties (Funding) Regulations, 2009 are revoked.



LN. 169 of 2009.

**FIRST SCHEDULE**

**FORMS**

**FORM PPF 1**

(r. 5(5))

**DECLARATION OF SIGNATORIES TO POLITICAL PARTIES FUND ACCOUNT AND OTHER ACCOUNTS**

|                          |             |         |                    |  |
|--------------------------|-------------|---------|--------------------|--|
| Name of Political Party: |             |         |                    |  |
| Full Name of Bank        |             |         |                    |  |
| Account Number           |             |         |                    |  |
| Address                  |             |         |                    |  |
| Town/Branch              |             |         |                    |  |
| Name of Signatories      | Designation | ID. No. | Specimen Signature |  |
| 1.                       |             |         |                    |  |
| 2.                       |             |         |                    |  |
| 3.                       |             |         |                    |  |

This declaration is made to the best of our knowledge, information and belief.

Made this ..... day of ..... 20.....

Name and signatures of three political party officials

1. Name .....  
Signature .....  
ID/Passport No .....
2. Name .....  
Signature .....  
ID/Passport No .....
3. Name .....  
Signature .....  
ID/Passport No .....

In the presence of a

Commissioner of Oaths/Magistrate

**FORM PPF 2**

(r. 7 (1))

**APPLICATION FOR FUNDING OF A POLITICAL PARTY**

**A. Political Party Information:**

1. Date of application: .....
2. Name of Political Party: .....
3. Registration No: .....
4. Physical Address: .....
5. Postal Address: .....
6. Tel No: ..... Fax: .....
7. Website URL: ..... Email: .....

**B. Contact Information:**

*(Please provide contact information of person responsible for programme/project)*

Name: .....

Designation: .....

Tel No: ..... Fax: .....

Email: .....

**C. Bank account details**

Name of Bank: .....

Bank Account No.: .....

Bank Account Name: .....

Branch: .....

**D. Expenditure Information:**

1. Please list the project's budget expense items to be supported by this fund:

|       | Type of expense                                                                                                                                           | Amount |  |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--|
| A     | Promoting representation of special interest groups.                                                                                                      |        |  |
| B-C-D | Promoting active participation by citizens in political life & civic education.<br>Broadcasting policies & shaping public opinion.<br>Electoral expenses. |        |  |

|   |                |  |  |
|---|----------------|--|--|
| E | Administration |  |  |
|   | <b>TOTAL</b>   |  |  |

**E. Workplan Template**

|    |                                                                                                            | Activities | Amount | Total    |
|----|------------------------------------------------------------------------------------------------------------|------------|--------|----------|
| A. | Promoting representation of special interest groups<br>(not less than 30% of the allocation from the Fund) |            |        |          |
|    |                                                                                                            |            |        |          |
|    |                                                                                                            |            |        | Subtotal |
| B. | Promoting active participation by citizens in political life & civic education                             |            |        |          |
|    |                                                                                                            |            |        |          |
|    |                                                                                                            |            |        | Subtotal |
| C. | Broadcasting policies & shaping public opinion                                                             |            |        |          |
|    |                                                                                                            |            |        |          |
|    |                                                                                                            |            |        | Subtotal |
| D. | Electoral expenses                                                                                         |            |        |          |
|    |                                                                                                            |            |        |          |
|    |                                                                                                            |            |        | Subtotal |
| E. | Administration<br>(not more than 30% of the allocation from the Fund)                                      |            |        |          |
|    |                                                                                                            |            |        |          |
|    |                                                                                                            |            |        | Subtotal |
|    |                                                                                                            |            |        | TOTAL    |

*The Political Parties (Funding) Regulations, 2019*

**\* Attach any other supporting documentation.**

This declaration is made to the best of our knowledge, information and belief.

Made this ..... day of ..... 20.....

Names and signatures of three authorized political party officials:

1. Name .....

Signature .....

ID/Passport No .....

2. Name .....

Signature .....

ID/Passport No .....

3. Name .....

Signature .....

ID/Passport No .....

In the presence of a

Commissioner of Oaths/Magistrate

**FORM PPF 3**

*(r. 12(3))*

**DECLARATION OF ASSETS AND LIABILITIES OF A POLITICAL PARTY**



NAME OF POLITICAL PARTY.....CERT. NO.....

**PART 1: STATEMENT OF ASSETS AND LIABILITIES AS OF**  
 .....

**CURRENT ASSETS**

|                                  |  |
|----------------------------------|--|
| Cash on Hand                     |  |
| Cash on Deposit                  |  |
| Accounts Receivable              |  |
| Bonds, Stocks, Other Investments |  |
| Inventory                        |  |
| Other (Describe)                 |  |
| <b>TOTAL CURRENT ASSETS</b>      |  |

**FIXED ASSETS**

|                           |          |
|---------------------------|----------|
| Investments               |          |
| Furniture and Fixtures    |          |
| Office Equipment          |          |
| Land and Buildings        |          |
| Others (Describe)         |          |
| <b>TOTAL FIXED ASSETS</b> |          |
| <b>TOTAL ASSETS</b>       | <b>A</b> |

**CURRENT LIABILITIES**

*The Political Parties (Funding) Regulations, 2019*

|                                  |  |
|----------------------------------|--|
| Accounts Payable                 |  |
| Wages, Salaries Payable          |  |
| Short Term Loans Payable         |  |
| Others (Describe)                |  |
| <b>TOTAL CURRENT LIABILITIES</b> |  |

**LONG TERM LIABILITIES**

|                                    |          |
|------------------------------------|----------|
| Loans Payable                      |          |
| Others (Describe)                  |          |
| <b>TOTAL LONG TERM LIABILITIES</b> | <b>B</b> |
| <b>TOTAL LIABILITIES</b>           | <b>C</b> |
| <b>SURPLUS/DEFICIT (A-C)</b>       |          |

**PART 2: STATEMENT OF INCOME AND EXPENDITURE**

**INCOME**

|                          |          |
|--------------------------|----------|
| Political Parties Fund   |          |
| Membership Fees          |          |
| Dividends on Shares      |          |
| Rent Received            |          |
| Profit on Sale of Assets |          |
| Others (Describe)        |          |
| <b>TOTAL INCOME</b>      | <b>A</b> |

*The Political Parties (Funding) Regulations, 2019*

|                               | From Political Parties Fund | From Other Sources |          |
|-------------------------------|-----------------------------|--------------------|----------|
| Salaries                      |                             |                    |          |
| Rent Paid                     |                             |                    |          |
| Transport                     |                             |                    |          |
| Electricity Bill              |                             |                    |          |
| Other Administrative expenses |                             |                    |          |
| <b>TOTAL EXPENDITURE</b>      |                             |                    | <b>B</b> |
| <b>SURPLUS/DEFICIT (A-B)</b>  |                             |                    | <b>C</b> |
| <b>EXPENDITURE</b>            |                             |                    |          |

**PART 3: Reporting of activities implemented with the money allocated from the Fund.**

|    |                                                                                                                | ACTIVITES | AMOUNT | TOTAL    |
|----|----------------------------------------------------------------------------------------------------------------|-----------|--------|----------|
| A. | Promoting representation of special interest groups<br><br>(not less than 30% of the allocation from the Fund) |           |        |          |
|    |                                                                                                                |           |        |          |
|    |                                                                                                                |           |        | Subtotal |
| B. | Promoting active participation by citizens in political life & civic education                                 |           |        |          |
|    |                                                                                                                |           |        |          |
|    |                                                                                                                |           |        | Subtotal |
| C. | Broadcasting policies & shaping public opinion                                                                 |           |        |          |
|    |                                                                                                                |           |        |          |
|    |                                                                                                                |           |        | Subtotal |
| D. | Electoral expenses                                                                                             |           |        |          |
|    |                                                                                                                |           |        |          |

*The Political Parties (Funding) Regulations, 2019*

|    |                                                                              |  |  |          |
|----|------------------------------------------------------------------------------|--|--|----------|
|    |                                                                              |  |  | Subtotal |
| E. | Administration<br><br>(not more than 30% of the<br>allocation from the Fund) |  |  |          |
|    |                                                                              |  |  |          |
|    |                                                                              |  |  | Subtotal |
|    |                                                                              |  |  | TOTAL    |

**Attach:**

- (a) a cash flow statement; and
- (b) a summary of activities undertaken within the financial year.

This declaration is made to the best of our knowledge, information and belief.

Made this..... day of ..... 20.....

Name and signature of three political party officials

1. Name.....  
Signature.....  
ID/Passport No.....
2. Name.....  
Signature.....  
ID/Passport No.....
3. Name.....  
Signature.....  
ID/Passport No.....

In the presence of a  
Commissioner of Oaths/Magistrate.



FORM PPF 4

(r. 17)

**DECLARATION OF ASSETS AND LIABILITIES OF A POLITICAL PARTY**

NAME OF POLITICAL PARTY.....CERT. NO.....

STATEMENT OF ASSETS AND LIABILITIES AS OF .....

*(This date being Sixty Days before date of Election)*

**CURRENT ASSETS**

Cash on Hand

Cash on Deposit

Accounts Receivable

Bonds, Stocks, Other Investments

Inventory

Other (Describe)

|  |
|--|
|  |
|  |
|  |
|  |
|  |
|  |

**TOTAL CURRENT ASSETS**

|  |
|--|
|  |
|--|

**FIXED ASSETS**

Investments

Furniture and Fixtures

Office Equipment

Land and Buildings

Others (Describe)

|  |
|--|
|  |
|  |
|  |
|  |
|  |

**TOTAL FIXED ASSETS**

**TOTAL ASSETS**

|  |
|--|
|  |
|  |

**A**

*The Political Parties (Funding) Regulations, 2019*

**CURRENT LIABILITIES**

Accounts Payable  
Wages, Salaries Payable  
Short Term Loans Payable  
Others (Describe)

|  |
|--|
|  |
|  |
|  |
|  |

**TOTAL CURRENT LIABILITIES**

|  |
|--|
|  |
|--|

**LONG TERM LIABILITIES**

Loans Payable  
Others (Describe)

|  |
|--|
|  |
|  |

**TOTAL LONG TERM LIABILITIES**

|  |
|--|
|  |
|--|

**B**

**TOTAL LIABILITIES**

|  |
|--|
|  |
|--|

**C**

**SURPLUS/DEFICIT (A-C)**

|  |
|--|
|  |
|--|

**STATEMENT OF INCOME AND EXPENDITURE**

**INCOME**

Membership Fees  
Dividends on Shares  
Rent Received  
Profit on Sale of Assets  
Others (Describe)

|  |
|--|
|  |
|  |
|  |
|  |
|  |

**TOTAL INCOME**

|  |
|--|
|  |
|--|

**A**

**EXPENDITURE**

|                                    |  |          |
|------------------------------------|--|----------|
| Salaries                           |  |          |
| Rent Paid                          |  |          |
| Transport                          |  |          |
| Electricity Bill                   |  |          |
| Stationery, Printing, Photocopying |  |          |
| Others (Describe)                  |  |          |
| <b>TOTAL EXPENDITURE</b>           |  | <b>B</b> |
| <b>SURPLUS/DEFICIT (A-B)</b>       |  | <b>C</b> |

This declaration is made to the best of our knowledge, information and belief.

Made this..... day of ..... 20.....

Name and signature of three political party officials

1. Name.....  
Signature.....  
ID/Passport No.....
2. Name.....  
Signature.....  
ID/Passport No.....
3. Name.....  
Signature.....  
ID/Passport No.....

In the presence of a

Commissioner of Oaths/Magistrate.

*The Political Parties (Funding) Regulations, 2019*

**SECOND SCHEDULE**

**FEES**

|                                          |     |
|------------------------------------------|-----|
| 1. Application for official search ..... | 500 |
| 2. Inspection/perusal.....               | 500 |

Made on the .....2019.



**ANNE NDERITU,**

*Registrar of Political Parties.*





# REPORT ON THE TECHNICAL EXPERTS AND LEGAL DRAFTING MEETING RETREAT HELD AT THE OCEAN BEACH RESORT & SPA MALINDI ON THE 18<sup>TH</sup> – 21<sup>ST</sup> JULY, 2013

## **1.0 INTRODUCTION**

The office of the Registrar of Political parties, with the support of IDEA organized a two days Drafters and technical Experts Retreat. The said retreat brought together experts from;

- i. The Office of the Attorney General
- ii. National Democratic Institute (NDI)
- iii. Electoral Institute for sustainable Democracy in Africa (EISA)
- iv. Kenya Law Reforms Commission.
- v. Independent Electoral and Boundary Commission

## **2.0 OBJECTIVE**

The objective of the meeting was to discuss the following draft regulations for implementing the political Parties Act.

- a. The Political Parties ( Funding) Regulation
- b. The Political Parties ( Regulation) Regulation
- c. The Political Parties ( Political Parties Liaison Committee ) Regulation

The meeting was called to order by the Registrar of Political Parties. There were opening prayers from Dina Liech, followed by a brief introduction from the participants. The Registrar explained the objective of the retreat.

## **3.0 Opening remarks from Sponsors**

- Mr. Tora for (IDEA) welcomed the participants in the meeting he reminded the participants that a lot has happened to bring the participants to the meeting. He also emphasized on the impotence of the regulations in the Kenya electoral system. He concluded by saying that the two days retreat was very important if well spent.
- Ms. Phoebe Mungai for (NDI) She expressed her gratitude to work with the team especially ORPP in other equally important areas. She wished the participant success in their deliberations with the purpose of achieving their goal.

- Madam Linda from the Office of the Attorney General- in her short opening remarks she welcomed everybody in the deliberations and requested full participation of everybody.

### **3.0 Opening remarks by Commissioner Kule Galma**

The Commissioner appreciated the importance of the regulations in the political field he said that as practical one can't go through a house without using an entrance. He reminded the participants that good laws are very important for electoral management. He reiterated that with the knowledge gathered from what we have gone through we can do a better job. The Commission gave special thanks to the sponsors and pleaded with them to continue with that spirit.

### **4.0 Opening Remarks by Commissioner Muthoni Wangari**

The Commission commended the good surprise of inviting them to attend such an important meeting. He was grateful for meeting the team again after such an election exercise. She urged the participants to try and come out with very robust electoral laws for political parties. He emphasized on the importance of the Political parties especially in Kenya and the need to regulate them.

### **Agenda of the meeting**

The participants were taken through the program me by Mr. Bosire Nyamori. It was suggested to amend the program. It was agreed to start with the discussion of the Funding regulations.

He also assisted in setting the agenda by giving a brief history of the past events that lead to the meeting. He said that the Political Parties Liaison Committee Regulation and the Political Parties Regulation which were subject to deliberation had no much work as compared to the funding regulation since the two had been discussed in the past meetings.

The Political parties Funding Regulation was still a raw draft hence needed a more serious discussion from the participants.

Mr Tora an expert in the area moderated the meeting through deliberation on the Funding Regulations and an over view of the Political parties Act.

On his part he pointed out that Political parties cannot exist without money but on the other hand the said money has become a very serious challenge in the political field around the world. He posed a question that how can the political money be regulated.



In a country like Kenya Political parties get money from

- i. public funds known as the fund
- ii. Other sources which they also account for
- iii. The money that flows during campaigns.

The campaign money has been regulated by other relevant legislations i.e campaign finance bill. The meeting is to look at the other two respective sources of political parties' funds.

The regulations are meant to implement what is provided for in the law, in this case the Political parties Act.

He noted that there are various ways of implementing the Act

- a) implementation by considering the Act clause by clause or Section by section
- b) By the use of the time line approach

In drafting the regulation it is important to develop a plan

- i. Analyze the sections of regulation
- ii. Point out what is to be fixed in the law
- iii. How to go about fix them from a regulation point of view
- iv. Find specifics

The Political parties Act Sections that deal with funding was deliberated on as follows'

**Section 24** of the Act provides for contribution and donations to the fund from any other law full sources. Sec 24 (2) deals with the balance of the fund at the end of financial year. What is the Government policy on the balance at the end of the financial year?

There is need for a requirement to open separate bank accounts for the fund.

In **Sec 25** of the Act, It is important to develop the forms that shall be used in the distribution of the fund to political parties.

The number of votes referred to are those that are given to the ORPP by the Commission. There is a need to develop the time line s of distribution of the funds. (Two people were assigned the role to draw the time lines for discussion by the participants)

It was noted that the term administration of funds need elaboration as it is not very clear as it in the Act. Administration of the funds requires another body to handle.

Sec 25 (2) (b) the term office bearers is not very clear thus need more clarity.



**Sec. 26** that deals with the purpose of the fund, the 30 % as talked of need clarity, that is to say can a party only consider what is listed in the act and forget about the others. The provision in Sec 26 (1) (a) is a new provision and has to be included in the regulations. The regulation need to be specific on this.

Sec 26 (1) (f) needs clarity considering that the political leaders cannot be paid from consolidation fund. In case of contradiction in the Act there has to be a proper way of dealing with it.

The regulation should bring out clearly the procedure of administering sanction for political parties who fails to comply.

For proper implementation of **sec. 27** there ought to be forms such forms for disclosure as the sections intends.

The use of the term offence in **section 28 (4)** and is a over statement instead there should be clear guide lines of taking action on those Parties that violates the Act and the regulations.

## **Section 29**

Provision of a form for publication of sources of funding.

## **Section 30**

Declaration form for assets and liabilities as provided under subsection 1.

## **Section 31**

Prescription of fees for provision of audited accounts of a party under subsection 5.

# **I. POLITICAL PARTIES (POLITICAL PARTY LIAISON COMMITTEE) REGULATIONS**

## **Amendments to the draft regulation:**

- Regulation 3 and 4 – Registrar of Political Parties to be the Chairperson of the committee.
- Regulation 3(1) and 4 (1) – remove (d) where it mentions independent candidates.
- Regulation 5 – provide for functions of PPLC that pertain to compliance with the Political Parties Act and its regulations (Refer to published PPLC booklet – Olwal to extract)

- Regulation 6 – quorum to be a simple majority.
- Regulation 7(b) – add the words “national level” at the end after county level.
- Regulation 7 –add sub-regulation (c) to provide for independent candidates representative appointed by the Commission.
- Regulation 9 – to be deleted.
- Regulation 10(4) – together with the notice of the meeting the agenda and minutes of previous meeting shall also be given to every member of the committee.
- Regulation 10(6) – remove the word “decision” and replace with “discussions and recommendations”.
- Regulation 11 – delete the word “report” and replace with “minutes”. Also delete the word “Commission’s” and replace with the word “Registrar’s”.
- Regulation 12(2) – delete the words “the membership”

**OFFICE OF THE REGISTRAR OF POLITICAL PARTIES**

**REPORT ON THE PPLC TECHNICAL COMMITTEE WORKSHOP HELD  
AT MANZONI LODGE, MACHAKOS**

**6<sup>TH</sup> – 8<sup>TH</sup> FEBRUARY, 2014**

**PREPARED BY: OFFICE OF REGISTRAR OF POLITICAL PARTIES**



## **1.0 BACKGROUND**

The Independent Electoral and Boundaries Commission (IEBC), the office of the Registrar of Political Parties (ORPP) with the support of National Democratic Institute (NDI), held the National Political Parties Liaison Committee (PPLC) workshop at Sentrim Lodge Elementaita on 29<sup>th</sup> November to 1<sup>st</sup> December 2013. During the meeting, a technical Committee comprised of 11(eleven) PPLC members was formed to among other things develop the following documents.

- i. The harmonized 2010, 2103 (PPLC) Regulation.
- ii. The Political Parties ( Registration) Regulations
- iii. The PPLC work Plan

The technical committee thereafter, requested for a workshop to finalize its work. It is in this regard that, the ORPP and IEBC with the support of NDI organized a two day joint retreat with the legal consultants at Manzoni Lodge Machakos on 6<sup>th</sup> - 8<sup>th</sup> February 2014.

## **1.1 OBJECTIVE**

The overall objective of the workshop was to finalize on the documents developed by the Technical Committee. However the specific objectives included:-

- To take Clause by clause discussion on the draft regulations.
- To take an over view on the annual PPLC work plan
- To Chart the way forward on the PPLC meetings.

## **1.2 THE MEETING PROCEDURE**

*(Day one)*

### **1.2.0 OPENING REMARKS**

After the workshop was called to order by the Registrar of political parties, there was an introduction session and thereafter the following participants gave their opening remarks.

- i. NDI Deputy County Director

The NDI Deputy Country Director expressed his gratitude for participating in the workshop. On behalf of the County Director he assured Political Parties for the NDI commitment on the agenda and any other support deemed necessary. He urged the participants to focus on the objectives of the documents, so as to produce a good document for the country.



ii. IEBC Commissioner. (Amb. Yussuf Nzibo )

The Commissioner was delightful with the dedication expressed by the technical Committee members. According to him the number of meetings held by the committee demonstrated the good will on their part. The Commissioner again thanked the NDI for their unwavering support toward the electoral development in Kenya. He also assured the participants and PPLC for the Commission's full cooperation in all the endeavors.

iii. Col. Ben Muema

Speaking on behalf of the technical Committee Mr. Muema took a recap of the committee meetings. He thanked the technical committee member for their unfailing cooperation in coming up with the documents. He was thanked the office of Registrar of political parties for working hand in hand with the team in.

### ***1.3 THE WORKSHOP PROCEDURE***

The participants had an over view of the documents; Col. Muema led the participants in taking a clause to clause over view of the **Political Parties (Registration) Regulations**. The consultants assisted the participants in making various proposals and further amendments on the document. Attached is a copy of the proposed amendments.

Mr. Julius Wambua, moderated the section by section discussions on the **Political Parties (PPLC) Regulations**. Not so much alterations and amendments were made on the document. Attached is a copy of the draft developed document. The participants also discussed the **Political Parties Liaison Committee Elections Regulations**. This is the document that provides for the guideline on the PPLC elections. The same is attached to the main Regulations.

After full deliberation on the documents, the Participants divided themselves in three groups to discuss on the following issues respectively:

- i. Team one; discuss on how to fund the PPLC activities
- ii. Teams two; discuss on the forms relevant to the documents.
- iii. Team Three; deliberate on the mandates of the various sub committees established under the draft PPLC Regulations.



### ***(Day Two)***

The respective team leaders presented the assignment. During the plenary the participants deliberated the assignments in the following manner;

#### **a. Funding of the PPLC activities. – Group one.**

It was agreed that proper and further deliberation on the document be carried out with the assistance of the financial officers. This was for the reason that the time could not allow much deliberation. The teams were also tasked to develop a proposal which shall be tabled before the relevant ministry. The group was to further meet in Com. Amb. Nzibo's office for more discussion.

#### **b. The Regulation Forms – Group two.**

The group was to review the forms relevant to each document including the forms for Political Parties (Funding) Regulation. For that reason, the team were to spend more time to fully deliberate on the following forms.

- Political parties (funding ) Regulation forms
- Political parties (Registration) Regulation forms
- Political Parties (PPLC) Regulation forms

#### **c. The mandate of the sub-committees. Group Three.**

The work was presented by Frank Njiru on behalf of the group. The team produced the mandate and functions for each subcommittee.

Before the conclusion of the meeting the participants adopted the draft PPLC work plan. (Attached is the work plan)

### **1.4 WAY FORWARD**

- The drafters to work on the documents based on the proposal made by the Committee.
- The technical subcommittee to meet further to work on the mode of financing PPLC.
- The Commission to convene a meeting with the Political Parties representatives in March 2014.
- The documents to be tabled before the National PPLC.



**1.5 List of participants (Twenty seven participants)**

| NO. | NAME OF THE PARTICIPANT | POLITICAL PARTY /ORGANIZATION |
|-----|-------------------------|-------------------------------|
| 1   | Yussuf Nzibo            | IEBC Commissioner             |
| 2   | Lucy Ndungu             | RPP                           |
| 3   | Nur Awadh               | ORPP                          |
| 4   | Bosire Nyamori          | Consultant                    |
| 5   | Dickson Omondi          | Deputy NDI Country Director   |
| 6   | Phoebe Mungai           | NDI                           |
| 7   | Edwin Mbaya             | NDI                           |
| 8   | Joseph Kanja            | ORPP                          |
| 9   | Olwal B. Ochieng        | ORPP                          |
| 10  | Beatrice Nderi          | ORPP                          |
| 11  | Lenard Rotich           | ORPP                          |
| 12  | John Macharia           | ORPP                          |
| 13  | Rebeca Wahu             | ORPP                          |
| 14  | Geraldine Mukele        | ORPP                          |
| 15  | Joel Onchwati           | ORPP                          |
| 16  | Juliet Murimi           | ORPP                          |
| 17  | Petronilla Were         | U.D.F                         |
| 18  | Jephita Otuke           | K.S.C                         |
| 19  | Alice Ndirangu          | AGANO PARTY                   |
| 20  | Patience Chome          | KADU – ASILI                  |
| 21  | Fred Muteti             | URP                           |
| 22  | Frank Njiru             | APK                           |
| 23  | COL. Ben Muema          | NEW FORD KENYA                |
| 24  | John Kahura             | F.P                           |
| 25  | Joyce Mwambingu         | MKENYA                        |
| 26  | Julius Wambua           | WIPER                         |
| 27  | David Wakahu            | MWANGAZA                      |

**Attached are the true Copies of the Regulations and the work plan.**



**OFFICE OF THE REGISTRAR OF POLITICAL PARTIES**

**REPORT ON THE NATIONAL POLITICAL PARTIES LIAISON  
COMMITTEE RETREAT HELD AT SENTRIM LODGE, ELEMENTAITA**

**28<sup>TH</sup> TO 30<sup>TH</sup> MAY, 2014**

## ***PREPARED BY: OFFICE OF THE REGISTRAR OF POLITICAL PARTIES***

### ***BACKGROUND***

The Independent Electoral and Boundaries Commission (IEBC), the office of the Registrar of Political Parties (ORPP) with the support of National Democratic Institute (NDI), held the National Political Parties Liaison Committee (PPLC) retreat at Sentrim Lodge Elementaita on 28<sup>th</sup> to 30<sup>th</sup> May 2014. This was a follow up of the meeting which was held in the same venue on 29<sup>th</sup> November to 1<sup>st</sup> December 2013.

### ***1.1 OBJECTIVE***

The overall objective of the workshop was to present and take an evaluation of the report from the PPLC Task Force, formed in the last NPPL meeting. The Term of Reference for the task force was as follows;

- i. To Review and harmonize the PPLC Regulation of 2010t and the 2010.
- ii. To follow up and ensure that the treasury allocates Political Parties Fund as provided by law
- iii. To follow up on the PPA amendment on the section that provides for only political parties that garner at least 5% of the all the votes should be funded.
- iv. To develop a draft work plan for the PPLC
- v. To incorporate the way forward as was deliberated at Sentrim Lodge

The following documents and Regulations were developed by the Task force.

- i. Political Parties(PPLC) Regulations
- ii. The Political Parties ( Registration ) Regulations
- iii. The Political Parties (Funding) Regulations.
- iv. The PPLC work plan moving forward.

## ***1.2 THE RETREAT PROCEDURE***

The following were agreed upon as the house keeping rules;

- a. Respect to all participants views and ideas
- b. No discussion about absent members
- c. Every contribution must be done through the respective chair of the session.

### ***1.2.0 OPENING REMARKS***

The retreat was called to order by the Registrar of political parties, there were prayers, followed by an introduction session.

#### ***i. NDI Deputy County Director***

The NDI Deputy Country Director expressed his gratitude for participating in the in the retreat. On behalf of the County Director he assured Political Parties for the NDI commitment on the agenda and any other support deemed necessary. He urged the participants to focus on the objectives of the documents, so as to suggest amendments where necessary in the documents

#### ***ii. Commissioner. Amb. Dr. Yussuf Nzibo***

The Commissioner apologized for coming late. He reminded the participants of the past PPLC meetings resolutions and the hurdles the Committee has gone through to this end. He reasserted that the Commission has a lot of respect for political parties. He informed the participants that the Commission has recommended a half day meeting with political parties in Nairobi to present to them the 2013 General election data which is being produced.

The Commissioner proposed the following issues for discussion;

- a. When is election deemed to have been fully held
- b. The rationale of have election in faces as other counties
- c. The role and training of agents in an electoral process
- d. The discussion on the training of political parties Election Boards
- e. The need to build a very simple but strong system for election.
- f. To work on judicial reforms that has impact on elections



- g. The timing party primaries so that there is are humble time for dispute resolutions.
- h. The need for capacity building of political parties leaders.

The Commissioner explained that the financial constrain is the major obstacle in carry out the Continuous voters registration. He emphasized that the ongoing voter registration excise in the constituency levels for the youths who has just attained 18 years. The registration is not fresh nor secrete as reported by a section of the media. He noted that the Commission wanted to hold the PPLC meeting before the commencement of the registration exercise but due to postponement of the meeting it was not possible

iii. ***IEBC Director of Voter Registration and Electoral Operations.***

The Director was delightful with the dedication expressed by the Task force members. According to her the number of meetings held by the Task force demonstrated the good will. The Director again thanked the NDI for their unwavering support toward the electoral development in Kenya. She assured the PPLC for the Commission's full cooperation in all the endeavors. The Director out spelled the allegations that the Commission was not ready to work hand in hand with the PPLC. She passed the apology of the Chair of the Commission of who could not make it to the retreat due to other official duties.

iv. ***Col. Ben Muema***

Speaking on behalf of the technical Committee Mr. Muema took a recap of the Task force meetings and activities. He thanked the Task force members for their unfailing cooperation in coming up with the documents. He also expresses his gratitude to the technical team from the office of Registrar. He expounded on the challenges faced during the development of the documents. He presented the Technical Committee report for adoption by the Participants.



The Taskforce reported on the following issues and activities

- a. The work plan and the PPLC budget
- b. The meeting with the Speaker of the National Assembly
- c. The Political Parties meeting sponsored by EISA which shall take place on the 26 to 28<sup>th</sup> of June 2014.
- d. The motion on the 5% sponsored by Hon. Munyasi in the National Assembly
- e. The ODM case in court over the 0.3% on the Political Parties fund.
- f. The rules of engagement f The Parties Dispute Resolution

### ***1.3 EVALUATION OF THE REGULATIONS.***

The participants had an over view of the documents; Col. Muema (The chair person of the Task force), led the participants in taking a clause to clause Evaluation and over view of the **Political Parties (PPLC) Regulations 2014**. This is a consolidated document of the 2014 and 2102 Regulation to be in line with Political Parties Act. Various amendments were proposed from the floor and adopted.

Mr Otuke (a member of the task force) moderated the discussion on the **Political Parties (Funding) Regulations**. Not so much alterations and amendments were made on the document. Attached is a copy of the draft developed document.

Mrs Alice Ndirangu (a member of the task force) led in the discussion of the **Political Parties (Registration) Regulations**. This is the document that provides for the guidelines on the Registration of Political Parties elections.

### ***ISSUES RAISED;***

- The secret registration of voters
- The audit by an independent body over the last elections.
- The Commission was urged to take seriously the deliberation of the PPLC

- The need for a recap of the 2013 general elections

### ***Way forward***

- The participants agreed to adopt the Regulations with amendments
- There shall be a meeting with the Commission in Nairobi. The details of the meeting shall communicate.
- To further lobby with the members of National Assembly on issues dealing with the amendment of the Act.
- There shall be an election of substantive office bearers.
- The task force shall still work on the issues raised on the documents.

### **List of participants**

| <b>NO</b> | <b>NAME OF THE PARTICIPANT</b> | <b>POLITICAL PARTY /ORGANIZATION</b> |
|-----------|--------------------------------|--------------------------------------|
| 1         | Yusuf Nzibo                    | IEBC Commissioner                    |
| 2         | Immaculate Kassait             | IEBC                                 |
| 3         | Lucy Ndungu                    | RPP                                  |
| 4         | Dickson Omondi                 | Deputy Country Director NDI          |
| 4         | Phoebe Mungai                  | NDI                                  |
| 5         | Joseph Kanja                   | ORPP                                 |
| 6         | Olwal B. Ochieng               | ORPP                                 |
| 7         | Alice Gichaga                  | ORPP                                 |
| 8         | Joel Onchwati                  | ORPP                                 |
| 8         | Peter Nderitu                  | S.D.P                                |
| 9         | Jacob Haji                     | D.P                                  |
| 10        | Charles Obaga                  | G.N.U                                |
| 11        | Petronilla Were                | U.D.F                                |
| 12        | Jephita Otuke                  | K.S.C                                |
| 13        | Taabu Daniel                   | NARC KENYA                           |
| 13        | Fredrick R.                    | N.D                                  |
| 14        | J. Kanguchu                    | Sabasaba Asili                       |
| 15        | Alice Ndirangu                 | AGANO PARTY                          |
| 16        | Adan Mbeto                     | SHIRIKISHO                           |
| 17        | Benson Makori                  | N.D.M                                |



|    |                     |                |
|----|---------------------|----------------|
| 19 | Julius Mwangi       | Sisi Kwa Sisi  |
| 20 | Clementine Osodo    | P.P.K          |
| 21 | Magdaline Nzuma     | NARC           |
| 22 | Stanley Rotich      | U.D.M          |
| 23 | Okoth Mondo         | R.B.K          |
| 24 | Amisi Omukanda      | M.D.P          |
| 25 | Kalembe Ndile       | TIP            |
| 26 | Hon. Magerer Langat | ODM            |
| 27 | John Wamagata       | SAFINA         |
| 29 | Patience Chome      | KADU – ASILI   |
| 30 | Fred Muteti         | URP            |
| 31 | Frank Njiru         | APK            |
| 32 | Charles Kihara.     | M.D.M.P.K      |
| 33 | Kemunto Onyancha    | R.L.P          |
| 34 | John Anunda         | PNU            |
| 35 | Makanga Ngorongo    | MAZINGIRA      |
| 36 | John Ntwiga         | U.P.K          |
| 37 | David Wakahu        | MWANGAZA       |
| 38 | Assaiah Ndirangu    | PDU            |
| 39 | Col. Ben Muema      | NEW FORD KENYA |
| 40 | Philip Obonyo       | FPK            |
| 41 | Dr. Sadjah Phillipe | N.L.P          |
| 42 | John Kihiko         | P.P.K          |
| 43 | Nancy Ranji         | CCM            |
| 44 | Jimmy K.            | MZALENDO       |
| 45 | John Omoragia       | FORD –P        |
| 46 | Martin Kavole       | LABOUR PARTY   |
| 47 | John Kahura         | F.P            |
| 48 | Joyce Mwambingu     | MKENYA         |
| 49 | Justus Wambutura    | WIPER          |
| 50 | Vivian Ayisi        | NVP            |

**MINUTES OF THE PPLC TASK FORCE MEETING HELD ON THE 11<sup>TH</sup> JULY**  
**2014**

**AT THE IEBC OFFICE ANIVERSARY TOWERS NAIROBI**

**Present**

1. Petronilla Were - UDF
2. Alice Ndirangu- Agano
3. Joyce Mwambingu - Mkenya Solidarity
4. David Wakahu – Mwangaza Party
5. Franklin Njiru – APK
6. Col. Muema
7. Olwal Boniface
8. Lucy Ndungu
9. Com. Yusuf Nzibo

**Agendas**

- i. Prayers
- ii. PPLC elections
- iii. AOB

**Min I /PPLCTF/2014 Opening prayer and Chairman call to order.**

The meeting was called to order by the Chair of the Task force apology. There were prayers from one of the participants.

**Min 2/ PPLCTF/2014 PPLC Elections**

The issue of the election date of the PPLC was the major issue in the meeting. This was on the basis of the letter sent to Political Parties by the Registrar of Political Parties postponing the PPLC elections from 18<sup>th</sup> July 2014 as was agreed upon in Sentrim to 28<sup>th</sup> August 2014. The participants presented to the Commissioner the resolution of Political Parties during a meeting held in Secret Hotel Nairobi.

Commissioner gave and explained the following issues for postponing elections:

- i. The reports have to be tabled before the plenary.
- ii. The shall not be money for facilitation owing the timing



- iii. The proposed date is not consultative enough as
- iv. There is an acute need to get the Regulations gazzeted before the election to avoid its nullification

The Registrar of Political parties explained the context of the letter and the technical issues involved in carrying out the elections. Shell affirmed the Commissions' commitment to have the elections conducted in a legal manner. She confirmed that the Regulations are at advance stage and shall be gazetted by 28<sup>th</sup> August 2014 to pave way for elections.

#### Way forward and Resolutions

1. There shall be a meeting between the taskforce members and the Chair IEBC
2. The tentative date of 28<sup>th</sup> August 2014 still remain as the election date
3. The Gazzetement of the Regulations to be fast tracked.
4. The Political parties to still remain guided by the Nakuru Resolutions.

The meeting was ended at 2:45 pm with a word of prayers from Joyce.

Signed By the Secretaries

Frankline Njiru .....

Date

Petronila Were .....

Date

Confimed by the D. Chair .....

# REPORT ON THE GOVERNMENT AGENCIES MEETING HELD AT THE RPP OFFICE ON 16<sup>TH</sup> JULY 2014

## **1.0 INTRODUCTION**

The office of the Registrar of Political parties, organized with Government agencies and technical Experts to review and invalidate the Political Parties Regulations. The said meeting brought together experts from;

- i. The Office of the Attorney General
- ii. National Democratic Institute (NDI)
- iii. Electoral Institute for sustainable Democracy in Africa (EISA)
- iv. Kenya Law Reforms Commission.
- v. Independent Electoral and Boundary Commission
- vi. Judiciary
- vii. EID
- viii. Commission of Implementation of the Constitution
- ix. PPDT

## **2.0 OBJECTIVE**

The objective of the meeting was to discuss the following draft regulations for implementing the political Parties Act.

- a. The Political Parties ( Funding) Regulation
- b. The Political Parties ( Regulation) Regulation
- c. The Political Parties ( Political Parties Liaison Committee ) Regulation

The meeting was called to order by the Registrar of Political Parties. There were opening prayers from Dina Liech, followed by a brief introduction from the participants. The Registrar explained the objective of the meeting thereafter. She outlined the important of the Regulations.

### **Agenda of the meeting**

The participants were taken through the program me by Mr. Bosire Nyamori. It was suggested to a mend the program. It was agreed to start with the discussion of the Funding regulations.

He also assisted in setting the agenda by giving a brief history of the past events that lead to the meeting. He said that the Political Parties Liaison Committee Regulation and the Political Parties Regulation which were subject to deliberation had no much work as compared to the funding regulation since the two had been discussed in the past meetings.

The Political parties Funding Regulation was still a raw draft hence needed a more serious discussion from the participants.

Mr Tora an expert in the area moderated the meeting through deliberation on the Funding Regulations and an over view of the Political parties Act.



On his part he pointed out that Political parties cannot exist without money but on the other hand the said money has become a very serious challenge in the political field around the world. He paused a question that how can the political money be regulated.

In a country like Kenya Political parties get money from

- i. public funds known as the fund
- ii. Other sources which they also account for
- iii. The money that flows during campaigns.

The campaign money has been regulated by other relevant legislations i.e campaign finance bill. The meeting is to look at the other two respective sources of political parties' funds.

The regulations are meant to implement what is provided for in the law, in this case the Political parties Act.

He noted that there are various ways of implementing the Act

- a) implementation by considering the Act clause by clause or Section by section
- b) By the use of the time line approach

In drafting the regulation it is important to develop a plan

- i. Analyze the sections of regulation
- ii. Point out what is to be fixed in the law
- iii. How to go about fix them from a regulation point of view
- iv. Find specifics

The Political parties Act Sections that deal with funding was deliberated on as follows'

**Section 24** of the Act provides for contribution and donations to the fund from any other law full sources. Sec 24 (2) deals with the balance of the fund at the end of financial year. What is the Government policy on the balance at the end of the financial year?

There is need for a requirement to open separate bank accounts for the fund.

In Sec 25 of the Act, It is important to develop the forms that shall be used in the distribution of the fund to political parties.

The number of votes referred to are those that are given to the ORPP by the Commission. There is a need to develop the time line s of distribution of the funds. (Two people were assigned the role to draw the time lines for discussion by the participants)

It was noted that the term administration of funds need elaboration as it is not very clear as it in the Act. Administration of the funds requires another body to handle.

Sec 25 (2) (b) the term office bearers is not very clear thus need more clarity.

**Sec. 26** that deals with the purpose of the fund, the 30 % as talked of need clarity, that is to say can a party only consider what is listed in the act and forget about the others. The provision in Sec 26 (1) (a) is a new provision and has to be included in the regulations. The regulation need to be specific on this.

Sec 26 (1) (f) needs clarity considering that the political leaders cannot be paid from consolidation fund. In case of contradiction in the Act there has to be a proper way of dealing with it.

The regulation should bring out clearly the procedure of administering sanction for political parties who fails to comply.

For proper implementation of **sec. 27** there ought to be forms such forms for disclosure as the sections intends.

The use of the term offence in **section 28 (4)** and is a over statement instead there should be clear guide lines of taking action on those Parties that violates the Act and the regulations.

### **Section 29**

Provision of a form for publication of sources of funding.

### **Section 30**

Declaration form for assets and liabilities as provided under subsection 1.

### **Section 31**

Prescription of fees for provision of audited accounts of a party under subsection 5.

## **I. POLITICAL PARTIES (POLITICAL PARTY LIAISON COMMITTEE) REGULATIONS**

### **Amendments to the draft regulation:**

- Regulation 3 and 4 – Registrar of Political Parties to be the Chairperson of the committee.
- Regulation 3(1) and 4 (1) – remove (d) where it mentions independent candidates.
- Regulation 5 – provide for functions of PPLC that pertain to compliance with the Political Parties Act and its regulations (Refer to published PPLC booklet – Olwal to extract)
- Regulation 6 – quorum to be a simple majority.
- Regulation 7(b) – add the words “national level” at the end after county level.
- Regulation 7 –add sub-regulation (c) to provide for independent candidates representative appointed by the Commission.
- Regulation 9 – to be deleted.
- Regulation 10(4) – together with the notice of the meeting the agenda and minutes of previous meeting shall also be given to every member of the committee.
- Regulation 10(6) – remove the word “decision” and replace with “discussions and recommendations”.



**REPORT ON A MEETING BETWEEN THE PPLC MEMBERS AND  
REGISTRAR HELD ON THE 21<sup>ST</sup> JULY 2015**

**AT THE ORPP BOARD ROOM LION PLACE NAIROBI**

**Present**

1. Lucy Ndungu- RPP
2. Juliet Murimi- ORPP
3. Dina Liech- ORPP
4. Olwal B. Ochieng- ORPP
5. Alfayo Agafana -PPLC
6. Daniel Tabuu- PPLC

**The Rationale of the Meeting.**

The National PPLC was to hold the election for the steering committee on 28<sup>th</sup> August 2014 at Lilian Towers Nairobi. There after there has emerged division within the committee in terms of leadership. During a retreat held in Sai Rock Hotel Mombasa another faction led by Sen. Elizabeth Ongoro purportedly held another election and submitted the list to the office of Registrar of Political Parties.

To this end and because of the division the members felt that it was important to deliberate on the way forward with the Registrar of political parties to chart a common front on some of the issues.

**Objectives**

The general objective of the meeting was to chart the way forward in terms of the operation of the PPLC as key organ in the entire management of electoral affairs of the electoral system. However other objectives included the following. The members developed a table of the issue they wanted to engage the Registrar on (copy attached)

The specific objective and the rationale of the meeting was presented by Alfayo Agufana in brief as follows;

- ORPP being a critical office for political parties It was fundamental to seek an official understanding of the issues at hand. It is also important to understand and appreciate the real role of PPLC together with the manner of engagement. He noted that PPLC as established under the Act should not route for any presidential candidate. He noted that having met IEBC commissioners and the Secretary there is need to seek clarification on the issue from the Registrar. On behalf of the other group it is clear the election

were not held as alleged at Lilian Towers. Being a former member of the other team he gave encounters of all that took place before the Sai Rock Hotel. According to them there has been no clear declaration on the matter from the office coursing and contributing to all this confusion.

Mr. Daniel Tabuu took the meeting through the table of issues.

### **ORPP Response and Remarks**

In her opening Registrar expressed her admission that there are pertinent issues to be resolved within PPLC. She also she also supported the Commissioner's point that there is there is the need for the Regulations to guide on the operations of the PPLC.

She further reported on the status of the three Regulations which are yet to be tabled before the Parliamentary Committee at any time. The Regulations have been listed on the parliamentary business. There shall be a retreat with the parliamentarians on Regulations.

She concluded by reiterating that regardless of the challenges facing the PPLC the office still hold a strong feeling that PPLC must work as entrenched in the law.

### **Response**

- i. The office shall circulate the consolidated proposals to political parties for information
- ii. The office shall try if possible to have political parties represented during the parliamentary meeting on Regulations
- iii. There shall be an audit report meeting with political parties to chart the way forward on some of the issues that touches on political parties management.
- iv. There shall be a proposed legal committee within PPLC to look into dome of the issues on reforms.
- v. There is in need an urgent NPPLC
- vi. The office shall share the election preparation plan with political parties
- vii. Issues touching on CCU party were cleared based on the Court Records and Court ruling that was read.

Some of the issues will be addressed at the NPPLC meeting of which organization is ongoing. The Registrar concluded by saying the issue of PPLC should not derail the political parties' programmes.



- Regulation 11 – delete the word “report” and replace with “minutes”. Also delete the word “Commission’s” and replace with the word “Registrar’s”.
- Regulation 12(2) – delete the words “the membership”



**OFFICE OF THE REGISTRAR OF POLITICAL PARTIES**

**REPORT ON THE DRAFTERS RETREAT ON PROPOSED POLITICAL  
PARTIES ACT, 2011 AMENDMENTS HELD AT SAROVA LION HILL  
LODGE, NAKURU**

**29<sup>TH</sup> OCTOBER TO 1<sup>ST</sup> NOVEMBER, 2015**

**PREPARED BY: OFFICE OF REGISTRAR OF POLITICAL PARTIES**

## **BACKGROUND**

The office of Registrar of Political Parties has embarked on a process of amending the Political Parties Act 2011. This is part of the ongoing legal reforms in line with the electoral calendar time lines. To this end, the office in collaboration with other partners has developed the Political Parties Amendments Bill which covers various proposals for amendments in the entire Act. Numerous meetings have been held with different stake holders over the same. Following the meeting held with political parties' Secretary Generals in Manzoni Lodge on 12<sup>th</sup> October 2015, the office with the support of EISA organized a three days retreat for the drafters to incorporate the proposals which were made on the draft Political Parties Act, 2011 (Amendment) Bill.

## **OBJECTIVE OF THE WORKSHOP**

The main objective of the meeting was to incorporate proposals made by various stakeholders, on the amendment to the Political Parties Act 2011, into a draft amendment Bill format. The specific objectives of the retreat included the following;

- To take a clause by clause review of the Bill with the aim of improvement.
- To take a comprehensive overview of the stakeholders proposals with regard to the Bill.
- To develop a way forward

## **THE MEETING PROCEDURE**

### **-Day One-**

### **OPENING REMARKS**

The workshop was called to order by Madam Juliet who asked one of the participants to lead in a word of prayers. There was an introduction session and thereafter the following participants gave their opening remarks.

#### **i. ORPP ( Juliet Murimi)**

The speaker thanked all the attendees for making the time to attend the workshop. She stated that the workshop was necessitated following a meeting with political parties on the draft proposals made on the review of the Political Parties Act, 2011, which was held at Maanzoni Lodge between 11<sup>th</sup> and 13<sup>th</sup> October 2015. The draft proposals had been compiled from various stakeholders over a period of time and therefore there had been need to consolidate them into a draft Amendment Bill.



She also stated that there were proposals that the Political Parties Disputes Tribunal had made to political parties which were also to be incorporated in the Amendment Bill. With those remarks, she formally opened the meeting and invited Ms. Cheryl Yugi to make remarks on behalf of Electoral Institute for Sustainable Democracy in Africa (EISA).

ii. EISA – Cheryl Yugi

The EISA representative and organizer expressed her gratitude for participating in the workshop. On behalf of EISA she assured the participants for the EISA commitment on the reform agenda and any other support deemed necessary. He urged the participants to focus on the objectives of the retreat, so as to produce a good document for the country. She went ahead to articulate the agenda and objective of the meeting and the historical background.

### **THE DISCUSSION PROCEDURE**

The discussions were conducted through moderation method. The participants were taken through the Bill on a clause by clause basis. On each and every clause there was respective presentation on the proposed amendments therein from the stake holders.

The workshop was conducted on three sessions as follows;

Session I; Highlights of the proposed Amendments on Part I & II of the Act.

Session II; Highlights on the proposed amendments on Part III & IV of the Act

Session III; Highlights on the proposed amendments on Part V & VI of the Act.

There were various and further amendment proposals at the end of the sessions. The proposals are contained in the draft Bill attached.

### **-Day Two-**

The second day was also conducted in sessions;

During the 1<sup>st</sup> Session the participants focused on the Schedules. There were proposals which were made on the schedules.

The participants pin pointed out on the contradictions that were eminent on the process of selecting the Registrar of Political Parties and the Selecting Committee. A proposal to correct the contradictions was developed (See the draft amendment Bill)



During the Second Session the participants took an overview of the proposals with regards to the operations with the Political Parties Dispute Tribunal. The CEO took the participants through the amendment proposals.

## **CONCLUSION AND WAYFOWARD**

The participants agreed on the following issues.

- Political Parties Dispute Tribunal to forward the proposed amendments on part VI to Kenya Law Report Commission.
- Some proposed amendments were not discussed. This includes
  - i. The proposals on the Merger sections
  - ii. The proposals on the formation and establishment of the Advisory Board.
- There is a need for a write up on the composition, functions and appointment procedure of the Advisory Board.
- A write up on the select committee shall be developed addressing the existing contradictions.
- There should be a draft Bill by Thursday 5<sup>th</sup> Nov 2015 from the drafters.
- All the proposed write ups should be done by 2<sup>nd</sup> Nov 2015.

## **LIST OF PARTICIPANTS AND THE ORGANIZATION**

- |                   |   |                             |
|-------------------|---|-----------------------------|
| 1. T.N. Estambale | - | PPDT                        |
| 2. Peter Musyimi  | - | KLRC                        |
| 3. Joan Onyango   | - | KLRC                        |
| 4. Olivia Simiyu  | - | OAG & Department of Justice |
| 5. Kennedy Kimani | - | IED                         |
| 6. Cheryl Yugi    | - | EISA                        |
| 7. Joseph Onduto  | - | EISA                        |
| 8. Juliet Murimi  | - | ORPP                        |
| 9. Bon Makolwal   | - | ORPP                        |
| 10. Rebecca Wahu  | - | ORPP                        |

Attached please find the draft Political Parties (Amendment) Bill





Republic of Kenya

REGISTRAR OF POLITICAL PARTIES

DRAFT COPY OF MINUTES

OF

THE NATIONAL POLITICAL PARTIES LIAISON COMMITTEE  
STEERING COMMITTEE MEETING

VENUE: KENYA SCHOOL OF LAW NAIROBI

DATE: 23<sup>RD</sup> AUGUST, 2016

Lion Place, 1<sup>st</sup> floor  
Off Waiyaki way  
P.O. Box 1131-00606  
NAIROBI

Tel: +254 (020) 4022000  
Email: registrar@orpp.or.ke  
Website: www.orpp.or.ke

### **Present**

- i. Philip Obonyo – Chair Steering Committee
- ii. Jane Njiru - Vice Chair
- iii. Petronila Were – Secretary
- iv. Sande Oyolo – Member
- v. David Sang – Member
- vi. Alfayo Agufana – Member
- vii. Maryan Atieno – Member
- viii. Julius Wambua – Organizing. Sec
- ix. Chris Mark Said - Treasurer
- x. Joyce Mwambingu – Member
- xi. Tabuu Daniels – Member
- xii. Benson Makori- Member
- xiii. Joseph Kangunju – Member
- xiv. Lucy K. Ndungu - RPP
- xv. Salome Oyugi – IEBC
- xvi. Rebecca Wahu ORPP
- xvii. Olwal B. Ochieng – ORPP
- xviii. Joel Terer - ORPP

### **Absent with apologies**

- i. Com. Yusuf Nzibo
- ii. Evans Misati
- iii. Marere Wa Mwachai
- iv. Rose Mary Kariuki

### **The Objective of the Meeting.**

The National NPPLC held a retreat in Kenya School of Law on 23<sup>rd</sup> to 25<sup>th</sup> June 2016. During the meeting the Committee developed the TORs and Mandates for the six PPLC Subcommittees already constituted, to enhance efficiency in the operation of PPLC. The National Steering Committee held a meeting to among other things harmonize the TORs to avoid duplicity of roles amongst the committees. The Steering Committees was also to develop a PPLC work plan towards the forth coming General Elections.



## **Agenda of the meeting**

- i. Prayers
- ii. Opening Remarks
- iii. Overview and adoption of the minutes of the previous meeting.
- iv. Harmonization of the subcommittee TORs
- v. Overview of the PPLC Regulations
- vi. Development of the PPLC Work plan
- vii. AOB

### **Min 1/NPPLCSCM/2016 Opening prayer and adoption of the previous minutes.**

The meeting was called to order by the Steering Committee vice Chair. There were prayers from one of the participants, followed by introduction by the participants. The Secretary took the members through the minutes of the previous minutes, drafted by the Office of Registrar of Political Parties. The members adopted the minutes with minimum amendments.

### **Min 2/ NPPLCSCM/2016 Review and Harmonization of the subcommittee TORs**

The draft TORs was tabled before the Committee by the ORPP office. The committee discussed and took a reviewed the draft TORs and made necessary amendments and harmonization subject to extensive deliberations. The Committee also developed the mandates of the Steering Committee TORs. The harmonized subcommittee TORs shall be table before the NPPLC during a meeting on 30<sup>th</sup> August 2016.

### **Min 3/ NPPLCSCM/2016 Review of the PPLC regulations**

The PPLC regulations had been forwarded to parliament for deliberations and adoption. This was after a final draft was deliberated by various stake holders and forwarded to the State Law office as a procedure. The parliamentary select committee on delegated legislation has invited the ORPP for a meeting over the same in line with Parliamentary Standing Orders. The select Committee summoned the ORPP for a meeting on 2<sup>nd</sup> and 3<sup>rd</sup> September 2016 where the Regulations shall be discussed. To that end, the PPLC Steering Committee led by the Registrar took an overview of the Regulations before it is discussed by the select committee. The reviewed PPLC Regulation shall also be table before NPPLC during the meeting on 30<sup>th</sup> August 2016.

#### **Min 4/NPPLCSCM/2016 PPLC Work plan**

After wide consultations and deliberation among members and considering the level of expertise required in the development the Work Plan, the committee delegated/ assigned three of its members to assist in developing the said work plan and present the same for deliberation in the NPPL meeting. The Three members were;

- i. Sande Oyolo
- ii. Tabuu Daniels and
- iii. Alfayo Agufana.

The three members were to be assisted by both IEBC and ORPP representatives. The draft work plan shall also be tabled before the NPPLC

#### **Min5/NPPLCSCM/2016 Issues Arising/AOB**

Apart from the documents the Committee raised other issues in relation to the operation and day to day activities of PPLC. Some of the issues that were raised included the following;

##### **i. Parliamentary Select Committee meeting**

The members raised an issue with regards to the number of steering committee members who shall attend the retreat with the parliamentarians in Mombasa. The Registrar had requested that the office be accompanied by two of the Steering Committee members. However the members were of the strong view that all members of the committee should travel to Mombasa. The Registrar explained to the committee on the challenges involved, making it possible for only two to travel. It was then agreed that only the Chair and the Vice Chair shall travel. However the Steering committee was advised to write to parliament on the issue.

##### **ii. Consultation between IEBC and PPLC**

The members through the chair of the Steering Committee raised the issue with regards to the consultation between IEBC and PPLC on issues related to elections preparations as anchored in law. The Committee pointed out the amendment of IEBC Act to establish another PPLC. The IEBC representative Salome Oyugi, took note of the issues raised and agreed to raise the same with the CEO for amicable solution. However she assured the members for full cooperation moving forward. In her explanation she further informed the



members on the challenges involving drafting and development of electoral laws. He noted that other institutions with exclusive mandate to enact laws are also involved.

**iii. Meeting Absenteeism by members**

Members also discussed the issue of absenteeism by the members. It was agreed that any member whom shall be absent in three consecutive meetings shall be replaced. It was agreed that any member who shall defect to another party shall cease to be a member of the Steering Committee.

**Way forward and Resolutions**

1. The developed tools and documents shall be tabled before the NPPLC during a meeting on 30<sup>th</sup> August 2016
2. The retreat with Parliamentary select committee to go on as planned
3. More consultations to be carried out with PPLC
4. The Steering Committee to write to Parliament on the Retreat

**Signed By;**

Chair Steering Committee

.....

Date

ORPP Representative

.....

Date

IEBC Representative

.....

Date







Republic of Kenya

REGISTRAR OF POLITICAL PARTIES

DRAFT COPY OF THE MINUTES

OF

THE NATIONAL POLITICAL PARTIES LIAISON COMMITTEE  
MEETING

VENUE: LILIAN TOWERS NAIROBI

DATE: 30<sup>TH</sup> AUGUST, 2016

Lion Place, 1<sup>st</sup> floor  
Off Waiyaki way  
P.O. Box 1131-00606  
NAIROBI

Tel: +254 (020) 4022000  
Email: [registrar@orpp.or.ke](mailto:registrar@orpp.or.ke)  
Website: [www.orpp.or.ke](http://www.orpp.or.ke)



## **Present**

1. Political Parties PPLC Representatives (list attached)
2. RPP – Lucy Ndungu
3. Com- Dr. Yusuf Nzibo
4. ORPP Staff
5. Tora – IDLO
6. Felix Odhiambo- EISA
7. IDEA

## **Absent with apologies**

The registration of the participant was done by Beatrice Nderi from ORPP and the list of the participants is annexed herein.

## **The Rationale of the Meeting.**

The National NPPLC held a retreat in Kenya School of Law Nairobi on 5<sup>th</sup> August 2016. During the meeting the NPPLC developed the respective TORs for the PPLC sub committees to enhance efficiency in the operation of PPLC. It was agreed among other things that the NPPLC steering Committee should harmonize the TORs and table the same for adoption before the NPPLC within a period of time.

The National Steering committee harmonized the TORs during the workshop held in Kenya School of law on 22<sup>nd</sup> to 25<sup>th</sup> August 2016. The purpose of the meeting, was to table the following for adoption

- a) The harmonized TORs for the sub Committee
- b) The developed TORs for the Steering Committee
- c) The developed draft PPLC work plan
- d) The draft PPLC Regulations.

## **Agendas**

- i. Prayers
- ii. Opening Remarks
- iii. Adoption of the minute for previous meeting
- iv. Overview of the harmonized TORs for the sub committees
- v. Deliberation on the PPLC work plan
- vi. Deliberation on the PPLC Regulations
- vii. AOB



### **Min 1/NPPLCM/2016 Opening prayer and meeting call to order.**

The meeting was called to order by Madam Dina Liech from the office of the Registrar of Political Parties. There were prayers from Bishop Peter Kihiko, followed by introduction session by the participants. The participants agreed on the house keeping rules as a practice in the NPPL meetings.

### **Min 2/ NPPLM/2016 Opening Remarks**

#### **1. Tora –IDLO**

In his opening remarks Mr. Tora expressed his gratitude to meet the PPLC members again after awhile. He noted that he was impressed by all the decisions that have been made by the members. He assured them of his support and cooperation as they prepare for the next elections.

#### **2. IDEA**

On behalf of International –IDEA, Mr. informed the participants about the new developments in the organization. He discussed about the tools that IDEA has developed for proper and effective management of political parties. He further noted that the tools have so far been used in other parts of the world and the organization was ready and willing to train the political parties on the same. He pointed out that the tools can be accessed through the web site that he gave to the participants

He further explained on the voter advice which can help parties to formulate policies on different issues. It can also assist political parties develop manifestos. He urged the political parties willing to be assisted to contact the organization as soon as possible, through his email.

#### **3. Felix Odhiambo**

The IESA County Director welcomed the participants back from such a long brake. He also expressed his happiness to see the PPLC back in operation. He briefly highlighted on the success history of PPLC, starting from when it was referred to Interparty Advisory Committee and urged the participants to find a mechanism of working together and embrace dialogue. He assured the participant of the support from EISA.

#### **4. Philip Obonyo -Chair National Steering Committee**

The Chair read an opening statement where he welcomed the participants for attending. He further thanked other institutions for the support. He further urged the members to support each other as they move towards the next elections. He thanked the Steering committee for a job well done in developing the documents. He further assured members that the steering Committee shall follow the developed work plan and the strategic plan towards the General elections. He lastly called upon members to support PPLC in achieving its sole and cardinal purpose.

#### **5. Lucy K Ndungu- RPP**

In her opening remarks the registrar supported the statement from the chair and reinstated that the office of Registrar of Political Parties is ready to work with political parties. She noted that the office has a meeting with the IEBC CEO where various issues shall be discussed with regards to election preparations.

In terms of political parties management the Registrar reminded the political parties to ensure compliance with law by filing, publication of Assets and liabilities as required. She noted that even though others have complied, this a critical year and compliance with the law is key. She also urged political parties to amend the constitution in line with the Political Parties Amendments Act 2016. UNDP is willing to assist the political parties in doing the same.

Last she informed the Steering committee and the members on the postponement of the Mombasa retreat and a date shall be announced on the same the Political parties to ensure PPLC work. She briefly took the participants through the program of the day for adoption.

#### **6. Com. Dr. Yusuf Nzibo**

The Commissioner thanked the members for attending the meeting. He further thanked Tora and Felix for the time they have taken to develop PPLC and working with IEBC and ORPP all this long. He recalled on how PPLC was once helpful in Ghana during elections when there were tension on the declaration of results. He however noted that PPLC nearly lost purpose and urged members to uphold Nakuru resolutions. The Commissioner reiterated that he shall live the Commission a happy man because PPLC is now getting stronger. He wished PPLC good luck and assured them of his support whenever he is called for after leaving the Commission. On that note EISA expressed the willingness to organize a send off party for the Commissioner for his work.



### **Min 3/ NPPLCM/2016 Overview and adoption of the previous meeting minutes**

The ORRP dated 5<sup>th</sup> August 2016 was tabled the Minutes of the previous meeting. The Secretary of the National Steering Committee took the members through the minutes which were adopted and passed with necessary amendments. The adoption was proposed by Wamagata and seconded by Risper both of who were present in the last meeting.

### **Min 4/ NPPLCM/2016 over view of the TORs**

The Steering Committee tabled the harmonized TORs and mandates before the NPPLC. Mr. Wambua who is the Steering Committee Organizing Secretary took the member through each and every Subcommittee TORs and Steering Committee TORs. Members discussed and adopted the TORs with amendments. The copy of the adopted harmonized TORs is attached.

### **Min5/NPPLC/2016 PPLC Work Plan and Regulation**

The PPLC work plan and Regulations were tabled by the Steering Committee, Mr. Sande and Jane Njiru presented the documents respectively. Members deliberated on the documents and adopted the same with minimum amendments

### **Way forward and Resolutions**

1. The Issue of strategic plan was raised and it was agreed that experts shall be involved in the devilment of the strategic plan.
2. The Chair of the Steering Committee clarified that the way forward shall be communicated.

The meeting was ended at 3:45 pm with a word of prayers from one of the participants.

### **Signed By;**

Commissioner

.....

Date

RPP

.....

Date

Chair Steering Committee

.....

Date





## List of Participants

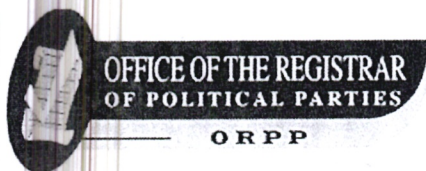
### PPLC MEETING ON 30<sup>TH</sup> AUGUST, 2016, LILIAN TOWERS NAIROBI

| S. No | Name                   | Political Party        |
|-------|------------------------|------------------------|
| 1.    | Julias Mwangi Muriuki  | Sisi Kwa Sisi          |
| 2.    | Alfayo Alfonze Agufana | NAP-K                  |
| 3.    | George Ragui           | Kenya Patriotic Party  |
| 4.    | Dr. Jacob Haji         | DP                     |
| 5.    | Lucy Ndungu            | ORPP                   |
| 6.    | Dinah Liech            | ORPP                   |
| 7.    | Rebecca Wahu           | ORPP                   |
| 8.    | David K. Sang          | CCM                    |
| 9.    | Salma K. Said          | DDA                    |
| 10.   | John Wamagata          | Safina Party           |
| 11.   | Bon Makolwal           | ORPP                   |
| 12.   | John Kahura            | Farmers Party          |
| 13.   | Kefa Abongo            | UDF Party              |
| 14.   | Joel Onchwati          | ORPP                   |
| 15.   | Bjarte Tora            | Oslo Centre            |
| 16.   | John Kihiko            | PPK                    |
| 17.   | Petronila Were         | ANC                    |
| 18.   | Chris Mark             | NARC                   |
| 19.   | Hezron Obaga           | GNU                    |
| 20.   | Felix Owuor            | EISA                   |
| 21.   | Maurine Kerich         | ORPP                   |
| 22.   | George Okong'o         | IDEA                   |
| 23.   | Philippe Sadjah        | CCU                    |
| 24.   | Hepsibah Onyancha      | RLP                    |
| 25.   | Amisi Omukanda         | MDP                    |
| 26.   | Yusuf Nzibo            | IEBC                   |
| 27.   | Taabu O. W. Daniels    | NARC Kenya             |
| 28.   | Kennedy O. Aete        | Roots Party of Kenya   |
| 29.   | Isaiah Ndirangu        | PDU                    |
| 30.   | Mary A. M. Otieno      | Farmers Party          |
| 31.   | Joel Ruhu              | Ford Kenya             |
| 32.   | Onesmus Mbali          | KNC                    |
| 33.   | Benard Opiyo           | FPK- PPLC Secretariate |
| 34.   | Jephita Otuke          | KSC                    |
| 35.   | Joyce Mwambingu        | MSM                    |

## List of Participants

|     |                    |                    |
|-----|--------------------|--------------------|
| 36. | Eng. Stanly Rotich | UDM                |
| 37. | Jimmy Kuria        | Mzalendo Saba Saba |
| 38. | Prof. Medo Misama  | CCP                |
| 39. | Benson Makori      | NDM                |
| 40. | Julius Wambua      | PICK               |
| 41. | Jane Njiru         | Ford Asili         |
| 42. | Sande Oyolo        | EFP                |
| 43. | Alice Ndirangu     | Agano              |
| 44. | David Wakahu       | Mwangaza           |
| 45. | Shem Muma          | Ford People        |





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Off Waiyaki Way  
P.O Box 1131-00606  
Sarit Centre, Nairobi.

**REGISTRAR OF POLITICAL PARTIES**

**DRAFT COPY OF THE MINUTES**

**OF**

**THE NATIONAL POLITICAL PARTIES LIAISON COMMITTEE  
MEETING**

**VENUE: MAANZONI- MACHAKOS**

**DATE 14<sup>TH</sup> – 16<sup>TH</sup> March, 2017**



## Present

- a. Political Parties PPLC Representatives (list attached)
- b. RPP – Lucy Ndungu
- c. Betty Nyabuto- DCEO IEBC
- d. Immaculate Kasait – Director IEBC
- e. ORPP Staff (list attached)
- f. IEBC Staff (list attached)

## Registration of Participants.

The registration of the participants was done by Alice Gichaga from the office of ORPP. The list of the participants is annexed herein.

## The Rationale of the Meeting.

The date for the general election is fast approaching, having in mind that political parties are the primary stake holders in the organization and management of election, the office of Registrar of Political parties and IEBC organized a consultative meeting with the political parties through Political Parties Liaison Committee to deliberate on the following issues;

- a. To deliberate on the published election operation timelines
- b. To discuss the update on the three regulations which were submitted to the National Assembly by ORPP
- c. To deliberate on the Nomination Regulations submitted to the Commission by the political parties.

## Agendas

- i. Prayers
- ii. Opening Remarks
- iii. Adoption of the minute for previous NPPLC meeting
- iv. Election timelines
- v. Checklist on parties Nomination rules and Regulations.
- vi. Deliberation on the PPLC Regulations
- vii. AOB

### **Min 1/NPPLCM/2017 Opening prayer and meeting call to order.**

The meeting was called to order by Madam Dina Liech from the office of the Registrar of Political Parties. There were prayers from Bishop Peter Kihiko, followed by introduction session by the participants. The participants agreed on the house keeping rules as a practice in the NPPL meetings.

### **Min 2/ NPPLM/2017 Opening Remarks**

#### **1. Lucy K Ndungu- RPP**

In her short opening remarks, the Registrar began by taking an over view of the program of the retreat. The members agreed to amend the program to allow deliberation on more urgent issues touching on the election preparedness and timelines. She also reported on the meeting between the office and the Members of National Assembly over the three Regulations. In conclusion, the Registrar assured the participants of the office support to ensure

#### **2. Betty Nyabuto- DCEO IEBC**

The deputy CEO thanked the political parties for attending the meeting. She conveyed the message from the Chief Executive Officer, and there after gave her opening remarks. In her opening remarks, the DCEO reiterated that the Commission was ready to discuss key issues with regard to election preparedness which included; election timelines; peace elections. She further informed the participants that the Commission has vetted the Nomination Regulations submitted and has provided a report on each. She concluded by urging the political parties to embrace dialogue as the country prepare for elections.

#### **3. Philip Obonyo -Chair National Steering Committee**

The Chair welcomed the member to the meeting; he further thanked the institutions for the work done so far. She urged the members to allow presentations from the Commission so that a lot can be discussed during plenary

### **Min 3/ NPPLCM/2017 Presentation on the electoral timelines**

The electoral timelines were presented by Immaculate Kasait from IEBC. The director highlighted on the requirements from political parties and the end dates.

Upon presentations of the timelines the following issues were raised;



- i. What is the implication on the timelines provided on presentation of the party membership lists considering the Court Order enforce?
- ii. The significant difference between the legal time lines and IEBC operation timelines.
- iii. Consultation level between the institutions

#### **Min 4/ NPPLCM/2017 Overview of Nominations rule and regulations**

The Commission presented the checklist on the regulation as was developed by ORPP office and RPP. Copies of the checklist were given to members. The Commission also gave back the report on each and every nomination Rules for improvement by the parties, to ensure compliance.

#### **Min5/NPPLC/2017 PPLC Update on the Regulations**

ORPP reported on the status on the PPLC Regulation which were presented to the National Assembly. She explained that the National Assembly has raised issues with some of the provisions under the PPLC Regulations. The provisions were highlighted and members deliberated on them and reached a consensus. The provisions included the following;

- i. The provision on the membership of the steering Committee. Members of the National Assembly were suggested that the number reduced to five.
- ii. The ORPP was to provide the secretariat to the steering committee
- iii. Members also inserted the allowance in the Regulation.

The following issues were raised on the Regulations;

- i. The number of the steering committee members even though blotted was an outcome of consensus between the members and should remain as such
- ii. The secretariat should be independent and not from ORPP. However some members were of the idea that for the secretariat to be impartial they should be ORPP members of staff.
- iii. Members included the allowances payable to members.

## Way forward and Resolutions

1. There shall be a National PPLC meeting the following week tentatively on 21<sup>st</sup> March 2017 to deliberate on the outstanding issues.
2. ORPP to submit the Regulation to National Assembly together with the report on 20<sup>th</sup> March 2017.
3. Political parties agreed to amend their respective Nomination Rules and re-submit to IEBC

The meeting was ended at 3:45 pm with a word of prayers from one of the participants.

**Signed By ;**

Commissioner

.....

Date

RPP

.....

Date

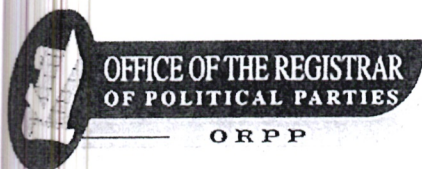
Chair Steering Committee

.....

Date







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Sarit Centre, Nairobi.

## REGISTRAR OF POLITICAL PARTIES

### REPORT OF A MEEING HELD BETWEEN ORPP AND A DELEGATION OF PARTY REPRESENTATIVES LED BY PPLC CHAIRPERSON

VENUE: ORPP BOARDROOM  
LION PLACE, NAIROBI

20<sup>TH</sup> MARCH, 2017



## Present

- a. Political Party Representatives (Participants List attached as Annex 1)
- b. Lucy K. Ndungu Registrar of Political Parties
- c. Rebecca Wahu Legal Officer, ORPP

## **Deliberations on the Political Parties (Political Parties Liaison Committee) Regulations 2017**

### **1. Philip Obonyo -Chair National Steering Committee**

The Chair supported by the members present stated that the discussions held over the Political Parties (Political Parties Liaison Committee) Regulations 2017 during the Maanzoni meeting held on 17<sup>th</sup> March 2017 were not exhaustive. It was noted that there various areas that needed further consensus and hence the need for them to have come to the ORPP's offices to have their input considered.

### **2. Lucy K. Ndungu – Registrar of Political Parties**

The Registrar agreed that indeed the Maanzoni meeting did not exhaustively look at the PPLC Regulations and therefore the group was welcomed in deliberating further on the same. The Regulations would then be presented to the parliamentary Committee on Delegated Legislation with the suggestions made for their approval and further action.

## **Deliberations and Way forward**

The following areas were considered by the members;

- i. The number of the steering committee members was agreed upon to constitute 10 members thus reducing the initial number of 16.
- ii. The sub-committees established were given names for better understanding of their functions.
- iii. The secretariat if working independently from the ORPP should be recruited by the Steering Committee together with the ORPP.
- iv. Procedure for a vote of no confidence for a member of the Steering Committee was deliberated and amended.

Attached as *Annex 2* is the Draft Political Parties (Political Parties Liaison Committee) Regulations 2017 as agreed upon

The meeting ended at 4:00 pm.

Prepared by;

Rebecca Wahu

Office of the Registrar of Political parties







Republic of Kenya

## **REPORT ON POLITICAL PARTIES LIASON COMMITTEE PLENARY MEETING**

**HELD ON 25<sup>th</sup>- 28<sup>th</sup> SEPTEMBER, 2018 AT EASTMARK HOTEL,  
NAKURU**

**BY ORPP**

## 1.0 BACK GROUND

The Political Parties Liaison Committee hereinafter referred to as PPLC is established by virtue of Section 38 of the Political Parties Act whose principal mandate is to provide a platform for dialogue between the Registrar of Political Parties, IEBC and political parties.

The objectives of the plenary was to facilitate the tabling, discussion and adoption of various documents as listed below:

- Draft PPLC Code of Conduct
- PPLC Dispute Resolution Regulations
- Report from the Finance and Resource Mobilization Committee
- PPLC Regulations
- Filling of vacant positions in the PPLC Steering Committee.

## 2.0 INTRODUCTION

### Chair PPLC Steering Committee

The meeting commenced with a word of prayer and then opening remarks from the Chair of the PPLC Steering Committee. In her opening remarks she stated that a meeting had been held with IEBC who reaffirmed their commitment to working with PPLC and as a result had sent a representative to the present plenary. She further noted that the Steering Committee had sat down with the Finance and Resource Mobilization Committee together with a representative from the treasurer from public finance in Kisumu to compile a report on the 2018/2019 PPLC activities. They were taken through the process of drafting a budget and supplementary budget in line with the government regulations. She further noted that the budget and work plan 2019-2022 that was prepared by the committee meeting in Kisumu will be submitted to ORPP and in turn Treasury. The Chair noted that PPLC Regulations had been discussed at various forums and were adopted by PPLC at the 17<sup>th</sup> March 2017. She further stated that the regulations are pending tabling before the Parliamentary Committee on Delegated Legislation therefore PPLC should use the current meeting to give their input on



the regulations so they can be incorporated into the final document. She noted that the PPLC Draft Code of Conduct will also be tabled at the meeting for discussion and adoption. The Chair then proceeded to thank the members for their attendance.

#### Registrar of Political Parties Remarks

The Registrar welcomed everyone to the meeting and reiterated the objective of the meeting was to deliberate on the legal framework and issues that touch on the management of PPLC. She thanked IEBC for their presence at the meeting and thanked them for their positive feedback and commitment to continuous engagement. It was noted that PPLC is a platform for dialogue and in order for it to move to the next level in terms of engagement there is a need to raise issues of dialogue and coming up with binding resolutions on the same. In that same breath this current meeting should be taken seriously and should come out with binding resolutions from the discussions. Therefore there should be open engagement and pavement of a way forward to ensure the objectives of the meeting are met.

In addition the PPLC Regulations are vital issue that needs to be looked into in so far as it ties the three pillars of engagement and places responsibility on each that is the Commission, ORPP and the Political Parties. Therefore it's important for the three pillars to dialogue and negotiate and come up with resolutions regarding the Regulations which will be binding on all of them. She thanked the participants for attending the meeting and encouraged them to stick to the objectives of the meeting.



Ag. Registrar of Political Parties delivering her opening remarks

### IEBC Representative- Moses Kipkoech

Mr. Kipkoech delivered apologies on behalf of Ms. Salome who was meant to attend the meeting but had a pressing engagement to attend to. He noted that the Commission is committed to working with PPLC as one of the three pillars. It was put forward that PPLC should consider forwarding their budget for the next financial year to the Commission for consideration in their MTEF. He noted that political parties are important to the Commission because they are their clients and as a country there is no government without the political parties. He noted that he looks forward to a robust discussion which has come in at the right time because the Commission is at the stage of Post-Election Evaluation after which they begin to review the Electoral Laws and Regulations. It was noted that Political Parties will be central in the review of the laws and policies. In addition it was recommended that as the Regulations are being reviewed the Political Parties Act should be reviewed consecutively.

### **3.0 DELIBERATIONS- DAY 1**

The meeting was taken through the minutes of the previous plenary that took place at Simba Lodge, Naivasha on 24<sup>th</sup>- 26<sup>th</sup> May 2018. The minutes were adopted by the Plenary.

### ISSUES RAISED

#### **1) Parties Compliance Status**

The parties that are not compliant have been written to and advised on their status and the requisite documents for submission.

In addition a Compliance meeting with Political Parties is being planned for November. Subsequent to this the office has carried out a compliance audit of all parties on the following issues the parties governing body with regard to having a national outlook, meeting the 2/3<sup>rd</sup> gender rule, SIGs, 2400 membership requirement and other similar issues. Parties are therefore encouraged to approach the office and update their records accordingly including issues on changes carried out by the party ie on officials of the party. During the planned



November Compliance meeting parties that are fully compliant will be issued with Compliance Certificates.

It was submitted that the parties need some of the laws to be changed in order for them to comply

- for instance the issue of retaining offices in 24 counties.
- There is also a need to agree on the interpretation of the law in terms of compliance so that all parties are on the same page before the Compliance meeting. Is it mandatory for the parties to maintain their status as at the time of registration?
- Parties also suggested that the Compliance meeting is pushed to either October or February because if done in November then December will be a short time for them to comply because many of their offices will be closing for the holidays.
- It was submitted that the political parties had met with ORPP earlier in the year and had agreed that the PPA will be reviewed and amendments will be considered for the laws that are difficult to comply with. Some of the clauses that had been cited for consideration were the requirements on offices and membership. In addition the outgoing RPP had recommended that 60% of the law required an overhaul and the parties requested that the resolution should be adhered to. It was put forward that the PPLC Legal and dispute resolution sub-committee and Audit and Compliance Sub-committee should look into this and have a sit down with the ORPP.
- Recommended that a small committee comprising of two members from the above sub-committees is formed and meets with ORPP to clarify on compliance requirements. After which the committee will report back to the full PPLC Plenary on the same. This recommendation was adopted by the full plenary.
- It was put forward that during the meeting at Silver springs with the ORPP ICT team it was agreed that parties will maintain the integrity of the membership register.



- A query was made to the payment from the PPF as to any other payment being made from the fund? And the criteria that was followed in allocation of the fund? ORPP clarified on this issue that all tranches for the last financial year have been allocated and the criteria utilized were the results from the repeat presidential elections however the same is currently in court for interpretation.
- It was submitted that amendments are required to the criteria of the distribution of the PPF. This based on the historical formation of the fund whose purpose was to institutionalize political parties in order to ensure promotion of democracy in the country therefore it needs to be realized that not only a few parties should benefit from this fund.

#### FINANCE SUB-COMMITTEE PRESENTATION

- The sub-committee presented to the plenary a budget of Kshs 31 million and proposed workplans. The budget was adopted for discussion.
- The following resolutions were adopted by the committee;
  - 1) The budget for the steering and sub-committee retreats will be balanced in terms of the locations and allowances for the retreats.
  - 2) In order to balance the budget and ensure that all activities are funded the budget will be balanced with funding from ORPP, IEBC and donors. In addition supplementary budgets will be made necessary.
  - 3) Pending payments for sub-committees that is for the Legal and Dispute Resolution sub-committee, Taskforce and the Steering Subcommittee. The ORPP submitted that the pending payments are being processed and will be cleared.
  - 4) The issue of members being in one more than one sub-committee was resolved by agreeing that the Steering Committee is there to lead the PPLC and is therefore not to be considered a committee. In line with this each sub-committee is required to have

their clear mandate to ensure that each meeting is geared toward achieving the mandate.

- 5) It was concluded that there are currently no fund available for the engagement of a PPLC Secretariat however a proposal on the same should be included in the Mid Term Budget.
- 6) An issue was raised on the duplication of committee with some committees carrying out similar functions. It was therefore recommended that where this occurs the committees should merge.
- 7) It was further recommended that the Steering Committee should only attend other sub-committee meetings on invite.



Participant contributing during the discussions

### MEDIUM TERM BUDGET

The Committee compiling the budget considered the PPLC mandate and terms of reference and came up with the following parameters for consideration for FY 2019-2020 and 2021-2022;

- i. A budget for fundraising and resource mobilization.
- ii. Review and monitoring of the legal framework



- iii. Engagement with external stakeholders
- iv. Civic and political education
- v. Peace building and conflicting management
- vi. Engagement with IEBC and ORPP
- vii. Monitoring, evaluation and reporting on compliance
- viii. Capacity building of PPLC and Political Parties
- ix. Establishment and development of the county PPLC
- x. Enhancing multiparty democracy
- xi. Inter party development
- xii. Youth, women and PWD promotion

The report will be shared with the sub-committee chairs for their input and feedback.

#### CODE OF CONDUCT& DISPUTE RESOLUTION RULES

It was noted that the Draft PPLC Code of Conduct and Draft PPLC Dispute Resolution Regulations had been presented to the full PPLC Plenary at a previous plenary meetings and the Draft Code of Conduct had been adopted.

The members were therefore taken through the Draft Dispute Resolution Regulations by the Legal and Dispute Resolution Committee Chair. The members raised questions regarding if there were lawyers in the committee during the drafting of the Regulations and if consultation with the Attorney General, Kenya Law Reform and the Political Parties Dispute Tribunal were carried out.

After a lot of back and forth the members decided that they were not adopting the Draft Dispute Resolution Regulations and it the Legal Committee needed to overhaul the whole document before reconsideration by the plenary.

#### **4.0 DELIBERATIONS - DAY 2**

##### PPLC REGULATIONS

The members were taken through the PPLC Regulations by the Ag. Director Compliance and the following issues were identified;



- i) Only six sub-committees are provided for in the Regulations ie Youth and Women Committees are not provided for.
- ii) Meetings- in terms of meetings there is supposed to be one plenary meeting every three months and sub-committees should meet once every three months and this should all be included in the work plans.
- iii) There is a provision in the Regulations for the County PPLC and their meetings which should also be included in the PPLC workplan.
- iv) The Regulations provide for publication of minutes of the meetings of the website. Members were to consider if they want this provision maintained.



Ag. Director Compliance taking the meeting through the PPLC Regulations

#### Plenary Discussions/ Recommendations on PPLC Regulations

- The Regulations only provide for six sub-committees therefore the Women and Youth committees are not legally recognized. It was therefore suggested that the Women and Youth projects be adopted as separate programs. It was further suggested that the two programs can be adopted at the PPLC level and therefore do not need to be adopted into the Regulations.

- Reg.9 provides that the composition of the National Steering Committee shall be ORPP and IEBC substantive, 4 members who shall be SIG's or coopted members – two staff members to ORPP to serve as secretariat. It was suggested that all the Chairs of the six sub-committees should be coopted members of the steering sub-committee. It was also suggested that the Chairs of the sub-committees can choose one representative to join the Steering Sub-committee.
- Reg 7 (g) discusses adherence to the Code of Conduct for the National PPLC it is was suggested that this should be amended to also include the County PPLC.
- It was suggested in line with Reg 10 (2) the composition of committees should also take into consideration people that will add value to the committees through their skills and qualifications.
- Reg 11 discusses vacancies in the National Steering Committee. It was suggested that a three meeting threshold be attached to this so that any member that does not attend more than three meetings with no reasonable explanation is disqualified from the Steering Committee.
- Quorum for meetings; It was suggested that quorum for meetings for the National and County PPLC should be 50. In addition the time period in which a meeting is to be reconvened after lack of quorum is to be stated in the notice that convenes the meeting.
- Decisions in meetings shall be made by way of consensus. It is therefore important to be clear on what constitutes consensus.
- The Schedule on allowances should be done away with as they shall be paid in line with the SRC rates.

### Resolutions

- 1) The discussion on the inclusion of the PPLC Sub-committee chairs in the National Steering Committee by consensus will be discussed at the next plenary.



- 2) It was agreed that the issue of starting a PPLC Welfare group will be left to the Organizing Secretary to handle.

#### CLOSING REMARKS CHAIR

#### CHAIR PPLC STEERING COMMITTEE

The Chair of the PPLC Steering Committee thanked all the members for the good discussion on the regulations and noted that the adoption of dialogue and peaceful methods ensures that issues are agreed upon and results achieved. She noted that it is important for PPLC to put add their voice to national issues that are taking place in the country both in the present and the future for instance the fights that are currently taking place in Nyeri. This can be achieved through the PPLC issuing statements on the same as one body. The Chair stated that with regard to the appointment of the Registrar of Political Parties the Political Parties from the PPLC would like to participate and the Steering Committee is looking into it and will update the plenary on the same.

The Chair informed the members that the new SRC Chair had been sworn in and the Committee will follow up on holding a meeting with the Chair as well as with IEBC to look into bridging the budget deficit.

#### IEBC REPRESENTATIVE

On behalf of IEBC he appreciated the members for attending the meeting and for their contributions. He noted that the Committee has three main challenges which is to complete their strategic work plan which will be vital when they approach treasury and the SRC for program based budgeting. Secondly its important for the PPLC Regulations to be passed because the strategic plan will based on the Regulations. Lastly, before the Regulations are presented to the Parliamentary Committee on Delegated Legislation for consideration it is important to have evidence of public participation as this is one of the main issues that they consider when looking at legislation.



## REGISTRAR OF POLITICAL PARTIES

She appreciated IEBC and the Political Parties for their efforts and attendance of the meeting. She noted that ORPP will begin their budgeting the following week and the deadline for submission is October 10<sup>th</sup> therefore she urged PPLC to put in their requests in programs so the end result of the activities are clear for presentation to the sector. She requested the Chair to communicate to ORPP when the budget will be ready so the Office can incorporate the activities in their budget. Further, she emphasized the need to strengthen PPLC and importance of holding productive meetings that are result oriented and promote conscious engagement and are tolerant of everyone's opinions. The Registrar noted that in terms of Compliance this is one of the core mandates of the office; however the office does not aim to kill parties and is always open to discussions on the same.

**Find herewith attached an Appendix**



**REPORT ON  
HOD SENSITIZATION WORKSHOP ON THE ORPP  
REGULATIONS AND COMPLIANCE  
REQUIREMENTS.**

**VENUE: ASTORIAN HOTEL, NAIVASHA.**

**DATE: 29<sup>TH</sup> OCTOBER TO 1<sup>ST</sup> NOVEMBER 2018**



## **DAY 1 - MONDAY, 29<sup>TH</sup> OCTOBER, 2018.**

The Compliance department organized a three-day workshop on the Political Parties Act, 2011, regulations (registration, funding and PPLC as well as the registration and compliance procedures as provided for in the Political Parties Act, 2011. The participants were representatives from the various ORPP departments that work closely with the compliance department. The participants were;

- |                                       |                               |
|---------------------------------------|-------------------------------|
| 1. Anne Nderitu -Registrar            | 8. Loserian Tukei -Compliance |
| 2. Juliet Murimi -Compliance          | 9. Judy Gathoni -Compliance   |
| 3. Joel Terer -Administration/Records | 10. Joy Onyango -Compliance   |
| 4. Veronica Muasya -Audit             | 11. Lenard Rotich -ICT        |
| 5. Anastasia Kabere -Training         | 12. Josephat Nyongesa -ICT    |
| 6. Robert Waithaka -ICT               | 13. Lilian Mugo -Procurement  |
| 7. Alice Gichaga -Administration      | 14. Saqib Kazungu -Records    |

Before departure, the Compliance department, made copies of the documents to be used which included the Political Parties Act, 2011, Compliance with PPA 2011 checklist, Political Parties (funding) regulations, 2016, PPLC regulations, 2016, Political Parties (registration) regulations, 2016, Political Parties Registration checklist. Group transport was provided and participants departed from the office to Naivasha at 1600hrs.

## **DAY 2 – TUESDAY 30<sup>TH</sup> OCTOBER, 2018.**

### **Registration of participants**

Participants arrived at 8.30 am and registration done by Madam Alice Gichaga. Participants present were; Acting Registrar of Political Parties, Madam Anne Nderitu and other ORPP staff

### **Opening and climate setting**

The workshop was formally opened by a prayer from Madam Veronica Muasya. Afterwards Saqib Kazungu welcomed the participants and gave them chance to introduce themselves and state their expectations of the workshop. The expectations included

- i. To gain deeper understanding of the ORPP regulations
- ii. To understand the compliance requirements in regard to the PPA, 2011
- iii. To understand the political party registration procedures
- iv. To interrogate the Political Parties Act and regulations
- v. Validation of the registration procedures and compliance requirements



## **Opening Remarks**

The Acting Director Compliance, Madam Juliet Murimi, in her opening remarks informed the participants that the objective of the workshop was to sensitize the participants on the ORPP regulations and compliance requirements, take members through the party registration process, interrogate the laws and regulations and, identify areas for review that were to be further submitted to the Parliamentary Committee on Delegated Legislation. Thereafter she welcomed the Acting Registrar to give her opening remarks.

The Acting Registrar started by thanking the Compliance Department for organizing the workshop. She encouraged other departments to organize for such engagements since they present an interface for learning and harmonize teamwork that will help reduce gaps and thereby improve service delivery.

In addition, she said the workshop was to act as a validation exercise on the ORPP regulations and compliance requirements. This was to be achieved through identification of the gaps, and critical interrogation of the documents and processes.

Lastly, she stated that there was a need to interrogate and review the interlink between PPLC and core mandate of the office to avoid being overwhelmed by PPLC operations.

## **PRESENTATION 1: POLITICAL PARTIES ACT, 2011 AND REGISTRATION PROCEDURES BY JUDY GATHONI.**

She informed participants that the registration of a political party is a two stage process; provisional registration and full registration.

### **Provisional Registration**

The Political Parties Act, 2011 specifies the particulars of an application for provisional registration. Section 6 of the Act requires that the provisional registration of a proposed political party should be

- i. in writing;
- ii. signed by the applicants, of whom not more than two-thirds shall be of the same gender. (Art 91, Constitution of Kenya, 2010)

### **Name Search**

The applicants submit a name that to be reviewed and verified by the Registrar. The application is done in writing and signed by any of the interim officials and presented to ORPP accompanied by the prescribed search fee (Kshs.500) If the proposed name is approved, the applicant will submit an application for provisional registration giving therein full particulars required under Section 6(2) of the PPA, 2011.

The application must be in writing and signed by authorized interim officials.

The requirements under Section 6(2) of the PPA, 2011 include;

- i. Signed minutes of the first meeting of the founding members;
- ii. Set out name (reviewed and approved)
- iii. and abbreviation of the Political Party (not compulsory);
- iv. A copy of the constitution of the proposed Political Party;
- v. An undertaking to be bound by the Act and the code of conduct in the first Schedule;
- vi. Be accompanied by the prescribed fee. (Kshs. 100,000)

An application for provisional registration shall include a request for the registration of the symbol of the Political Party Section 6(3) PPA, 2011.

After receipt of application, the Registrar publishes a notice in the Gazette and in at least two newspapers with nationwide circulation, inviting objections from any person in line with section 5(2) of the Act. After verifying that an application for provisional registration is complete, the Registrar issues the applicants with a certificate of provisional registration within 30 days of the application.

### **Do's & Don'ts of Provisionally Registered Party**

#### **Do's**

- i. Undertake activities of populating the party by embarking on membership recruitment drives, in as far as;
  - a) holding and addressing public meetings in any area in Kenya
  - b) Holding peaceful and orderly meetings;

#### **Don'ts**

A political party that has been provisionally registered shall not be entitled to participate in an election.

### **Full Registration**

A provisionally registered party may apply to be fully registered within a period not exceeding 180 days from the date of provisional registration. An application for full registration shall be in writing in all provided forms signed by the authorized officials. (PP 4 & 5). Sec 7 PPA, 2011 provides for the requirements to be met when applying for full registration include;

- i. recruiting at least 1000 members in more than half of the counties;
- ii. the members recruited should reflect regional and ethnic diversity, gender balance and representation of SIGs;
- iii. the composition of its governing body reflects regional and ethnic diversity, gender balance and representation of SIGs



- iv. not more than two-thirds of the members of its governing body are of the same gender;
- v. it has demonstrated that members of its governing body meet the requirements of Chapter Six of the Constitution and the laws relating to ethics;

A person is disqualified from being a member of the governing body if that person—

- (a) is an undischarged bankrupt;
- (b) has been convicted of a criminal offence and sentenced to imprisonment for a period of not less than six months;
- (c) has been suspended for a period of six months for violating the code of conduct of the political party; or

(d) has contravened the provisions of Chapter Six of the Constitution.

vi. it has submitted to the Registrar

- a) a list of the names, addresses and identification particulars of all its members;
- b) the location of its head office;
- c) the location and addresses of the branch offices of the party, which shall be in more than half of the counties; and
- d) the disaggregated data of its membership based on each of the components of the special interest groups;
- e) it has undertaken to be bound by this Act and the Code of Conduct set out in the First Schedule

The Registrar shall, within thirty days of application issue a certificate of full registration to a provisionally registered political party which has fulfilled the conditions of full registration.

### **Benefits of acquiring full registration status**

A political party which has been fully registered becomes a body corporate with perpetual succession and a common seal and shall be capable, in its own name, of:

- i. acquiring and disposing of property;
- ii. suing and being sued; and
- iii. doing or performing all such acts and things as a body corporate may by law do or perform.

### **DEREGISTRATION OF A POLITICAL PARTY**

What are the grounds for deregistration?

- i. has been founded on a religious, linguistic, racial, ethnic, gender or regional basis or seek to engage in advocacy of hatred on any such basis, is engage in or encourage violence by, or intimidation of, its members, supporters, opponents or any other person, establish or maintain a paramilitary force, militia or similar organisation



- ii. engage in bribery or other forms of corruption or accept or use public resources to promote its interests or its candidates in elections (except as provided by law).
- iii. does not promote free and fair nomination of candidates;
- iv. does not adhere to the law relating to the nomination of candidates
- v. does not respect the national values and principles of the Constitution;
- vi. obtained its registration in a fraudulent manner;
- vii. has instigated or participated in the commission of an election offence;
- viii. has acted contrary to the provisions on funding by not adhering to the legal requirements on the political parties fund;
- ix. does not have representation of special interest groups; or
- x. does not maintain the requirements on the conditions for full registration

Other circumstances that may warrant deregistration by the registrar include:

- i. within 3 months party fails to comply with a notice by the Registrar requiring it to amend its name, Constitution or rules;
- ii. it has not presented a candidate in two consecutive general elections;
- iii. within 60 days after being issued with a certificate of full registration fails to submit or submits false declaration to the Registrar.
- iv. within 60 days before a general election, fails to submit or submits false statement to the Registrar a register of its members and a statement of its assets and liabilities in the prescribed form.

### **Procedure for deregistration**

Before the Registrar deregisters a party, he/she is required to

- i. inform the political party, in writing, of the particulars of the breach or contravention;
- ii. inform the political party, in writing, of the intention to deregister the political party; and
- iii. direct the political party to remedy the breach or contravention within ninety days or otherwise show cause why the party should not be deregistered.
- iv. Failure to remedy the anomaly or convince the registrar that the omission was not as a result of negligence or in bad faith within 90 days, party may be deregistered.

### **Consequences of Deregistration of a Political Party**

- i. No one may summon a meeting of members or officers of the political party other than for purposes of winding up the political party or for purposes of challenging the deregistration of the political party;
- ii. No one may attend or make a person attend a meeting in the capacity of a member or officer of the political party;

- iii. No one may publish a notice or advertisement relating to a meeting of the political party except for purposes of a meeting to wind up the party;
- iv. No one may invite persons to support the political party;
- v. No one may make a contribution or loan to funds held or to be held by or for the benefit of the political party or accept a contribution or loan; or
- vi. No one may give a guarantee in respect of such funds.

If a deregistered party had representatives elected to Parliament, or county assembly, they are allowed to continue to serve for the remainder of their term as independent candidates or as members of other political parties.

### **Suspension of registration**

The Registrar can suspend the registration of a political party, for not more than 12 months, to enable that political party to remedy any breach and to be in compliance with the Act

### **Grounds of Suspension**

- i. Noncompliance with requirements for registration
- ii. Commits an offence under the Act

### **Consequences of suspension**

The political party will not be entitled to any of the rights and privileges for a fully registered political party e.g. nominations and elections, meetings, funding

### **GROUPWORK**

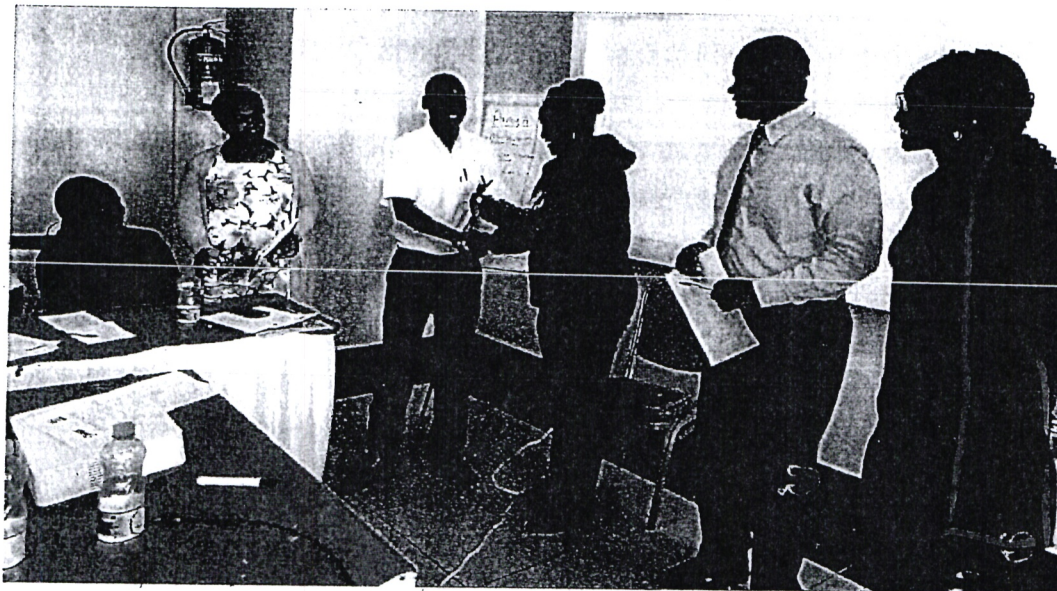
The participants were divided into two groups and they were required to practice the registration of a political party. The group members took up party positions as tabulated;

| GROUP 1 (ASTORIAN PARTY) |                    |                      | GROUP 2 (OPENBOOK PARTY) |                    |
|--------------------------|--------------------|----------------------|--------------------------|--------------------|
|                          | NAME               | POSITION             | NAME                     | POSITION           |
| 1.                       | Joel Terer         | Party Leader         | Loserian Tukei           | Party Leader       |
| 2.                       | Anne Nderitu       | Founder member       | Joy Onyango              | Vice Chair         |
| 3.                       | Josephat Nyongesa  | Secretary General    | Leonard Rotich           | Secretary General  |
| 4.                       | Veronica Muasya    | Organizing Secretary | Alice Gichaga            | Chair-Women League |
| 5.                       | Bob Waithaka       | Chairperson          | Saqib Kazungu            | Youth Rep          |
| 6.                       | Anastasia Kaberere | Treasurer            | Lilian Mugo              | Treasurer          |

The provisional party registration checklist was used by the groups to guide the process of registering a political party. Afterwards, the Astorian Party application for provisional registration



was not successfully because they had not submitted minutes of the founding members' resolution to form a party and their interim governing council did not reflect two third gender rule. The open book party successfully finished the process of provisional registration and were issued with provisional certificate.



*Openbook Party officials receiving their provisional certificate from the Registrar of Political Parties.*

### **Issues arising from the presentation**

#### **i. Name reservation period**

It was noted with concern that some people had reserved party names for a very long time without applying for provisional registration. Therefore, it was agreed that a political party name to be reserved for a maximum of 90 days after the date of approval.

#### **ii. Expiration of 180 days after issue of provisional certificate**

One participant informed the team that one provisionally registered party had not successfully proceeded for full registration within the 180 days allocated and she wanted to know the fate of the party. It was proposed that if after the 180 days have expired without a provisional party proceeding to full registration, the party shall pay Ksh. 100,000 to redeem another 180 days.

#### **iii. Wrong membership**

It was noted that there were instances when people are added to political party membership registers without their consent. To avoid this, the ICT department reported that they were working towards ensuring that upon registration of member an automatic notification is sent to the member's mobile phone number.



#### **iv. Deregistration and mergers**

Where political parties have merged and are dissolved, the particulars including their names, symbol, logo, slogan and colours shall not be available for registration by any person as a political party until the elapse of 5 years.

While for a political party that has been dissolved through deregistration, the particulars including their names, symbol, logo, slogan and colours shall not be available for registration by any person as a political party until the elapse of 10 years. therefore, it was proposed that the PPA 2011, section 11 to be amended and regulations to be drafted for dissolution of political parties.

#### **v. Name search**

Letter for approval of a name search should also indicate that the name is available for 90 days. This was after the Office realizing that some people after getting approval of name search they take long time to apply for provisional registration.

#### **vi. Party name abbreviation**

It was noted that IEBC insists that a political party must have a party name abbreviation to be printed on the ballot paper. Therefore, it was proposed that the law be amended so that to replace the “wish” to “shall” to make the submission of a party abbreviation compulsory at the point of registration.

#### **vii. Use of the words logo or symbol**

It was noted there was a misunderstanding regarding the use of logo and symbol, therefore, the office was to issue handouts/leaflets to guide on the selection of symbols. Also the law to be amended.

### **PRESENTATION 2: COMPLIANCE PROCEDURES BY JOY ONYANGO**

Miss Joy Onyango took through the participants on the political party compliance requirements on;

- i. Notification of Changes
- ii. Register of PP
- iii. Returns and Reports
- iv. Party Signatories
- v. Membership of PP
- vi. Offices

#### **Introduction**

The ORPP is established under Sec 33 of PPA, 2011. The functions of the Office are provided for under Sec 34 PPA, 2011. The functions include amongst others to:

- i. Register, regulate, monitor, investigate and supervise political parties to ensure compliance with the Act;
- ii. Ensure publication of audited annual accounts of political parties;
- iii. Verify and make publically available the list of all members of political parties;
- iv. Ensure and verify that no person is a member of more than one political party and notify the Commission of his findings; and
- v. Investigate any complaints received under this Act.

### **Governing body**

The political party governing body should at all times; reflect regional and ethnic diversity, gender balance and representation of special interest groups i.e. PWDs, Marginalized. Public officers shall not be eligible to hold office in a political party exceptions President, DP, MP, Governor, DG or MCA. A person disqualified from holding public office under the Constitution, this Act or any other written law shall not hold office in the governing body of a political party or be its founding member.

### **Membership**

A political party is to maintain an updated membership list and update its membership records with the office. The party is to maintain 1000 members who are registered voters from each of more than half of the counties (24). A member who wishes to resign from a party shall give written notice prior to his resignation to the political party and/or clerk of the relevant house of parliament/ clerk of a county assembly.

Resignation will take effect once received by the party or relevant clerk. The party or relevant clerk shall inform the Registrar of the resignation within 7 days of receipt. Upon receipt of resignation Registrar will cause the name of member to be expunged from the party membership list.

When a party official resigns then the party is instructed to fill vacant position in line with the party constitution. A member can also cease being a member of a PP through;

#### **a) Expulsion**

- i. The member must have infringed the party constitution
- ii. The member must be afforded a fair opportunity to be heard as per the internal party disciplinary and disputes resolution mechanisms as prescribed in the party constitution

#### **b) Deeming arises when a member**

- i. forms another political party;
- ii. joins in the formation of another political party;
- iii. joins another political party;



- iv. in any way or manner, publicly advocates for the formation of another political party; or
- v. promotes the ideology, interests or policies of another political party.

### **Offices**

A political party shall maintain a head office; and branch offices in more than half of the counties. Records of the office locations and addresses are to be deposited with the Registrar.

### **Party changes**

A political party that intends to make changes to: constitution; rules and regulations; titles, names and addresses of any party official; names, symbol, slogan or colour; or address or physical location of its head office, shall notify the Registrar of its intention in writing, minutes of meeting effecting the changes, duly signed statutory forms 14 days after receipt of intention of change Registrar shall publish intention in the Gazette

Granting 7 days for objections to be lodged with the Office. The political party shall publish notification in at least two newspapers having nationwide circulation. Upon the expiry of 14 days after gazettelement and taking into consideration any objections the party will effect the changes in line with the party Constitution.

### **Records**

A political party is required to maintain in its head office and county offices, in the prescribed form an accurate record of:

- i. A register of its members
- ii. Party Constitution
- iii. Policies and plans of the party
- iv. Particulars of any contribution, donations or pledges by founding members
- v. Estimates of expenditures of the party
- vi. Particulars of any property belonging to the party
- vii. Latest audited books of accounts
- viii. Sources of funds of the party and details of the contributors including donations in cash or kind, indirect contributions and all receipts and disbursements
- ix. Membership dues paid
- x. All financial transactions and records of party assets and liabilities.

The registrar of political party may issue a notice to Chairperson or Secretary General of a party to produce the above stated documents for inspection failure of their compliance with the notice is an offence.



## **Financial administration**

The sources of funds for a political party include:

- i. the Political Parties Fund (the Fund);
- ii. membership fees;
- iii. voluntary contributions from a lawful source;
- iv. donations, bequests and grants from any lawful source, but not from a non-citizen, foreign government, inter-governmental or non-governmental organization; and
- v. the proceeds of any investment, project or undertaking in which the political party has an interest.

## **Publishing sources of funds**

A political party shall within 90 days of the end of each financial year publish its sources of funds stating; the amount received from the fund, amount received from its members and supporters, amount and sources of donations, income and expenditure of the party, and assets and liabilities of the party.

In addition, a party shall submit to the Registrar at least ninety days before a General Election a register of its members and statement of its assets and liabilities.

## **Audit of accounts**

A party shall keep proper records and books of account of income, expenditure, assets and liabilities. It shall within three months of the end of a financial year submit to the Auditor General accounts of that year. Accounts of a party shall be audited by the AG annually and submitted to the Registrar for tabling before the National Assembly.

Registrar may at any time request the AG to carry out an audit of accounts of a political party. Any person shall be entitled to inspect the audited accounts filed by a party upon payment of a prescribed fee.

## **Signatories**

A party is to provide the Registrar with a list of authorized officials of the party in line with its Constitution who shall sign on behalf of the party; documents presented to the Registrar, accounts and bank accounts of the political party, audited annual accounts and financial statements, nomination certificates, any report or document required under the Act.

## **Meetings**

A political party in line with their party constitution is to hold regular meetings and party elections and forward records of the same to the office i.e. NEC, NDC

## **Issues arising from the presentation**

**i. Party Offices**

With the Forum Coalition opting to sharing party offices and emergence of virtual offices, there was a need for the law and regulations to clearly define what an office entailed.

**ii. Party financial statements**

It was agreed that all submitted party financial statements to be uploaded to the website as a standard procedure of the office.

**PRESENTATION 3: POLITICAL PARTIES LIAISON COMMITTEE BY LOSERIAN TUKEI**

**Introduction**

After the 2007 post-election violence, an Independent Review Commission (IREC) was formed. The Commission was headed by Justice Johann Kriegler from South Africa. One of the Commission's main focus was the relationship between the Electoral Commission and Political Parties.

It was recommended that a standing liaison committee be set up comprising the ECK and political parties as a first step towards the enactment of nomination rules which must be strictly adhered to. In March 2010, 47 registered political parties and IIEC with support from the National Democratic Institute resolved to form the PPLC.

The resolution merely set out the founding principles and mode of operation of the National Political Parties Liaison Committee (NPPLC). PPLC is specifically established at Section 38 of the Political Parties Act, 2011. It is also recognized by the Elections Act, 2011 and the Independent Electoral and Boundaries Commission (IEBC) Act.

**Objectives**

PPLC is established to provide a platform for dialogue between the registrar of political parties, the electoral commission and registered political parties. Section 38 (2) provides that the PPLC shall be established at the national and county levels. Between 2012-2013, the Registrar, the Commission and political parties established the national PPLC.

**Regulations**

The PPLC regulations are intended to provide a guiding tool for operations of the platform. These regulations are yet to be gazetted. The regulations have four main parts;

- i. Preliminary (Citation and Interpretation)
- ii. Composition and functions
- iii. Meetings
- iv. Elections and general provisions
- v. Schedule



## **Part 2. Composition and function of committee**

This part sets out the composition of the PPLC as follows: -

- 1) National Political Parties Liaison Committee (NPPLC):
  - a. The chairperson or member of the commission
  - b. The Registrar or assistant Registrar
  - c. A representative or an alternate from every registered political party
- 2) County Political Parties Liaison Committee (CPPLC):
  - a. county representative of the commission
  - b. county representative of ORPP
  - c. political party representative of every party with at least one member in the county

A representative of a political party can only be nominated to one level of the Committee.

## **Functions of PPLC**

The functions of the PPLC are to promote;

- i. Consultation, cooperation & information sharing
- ii. Democracy & peace
- iii. Culture of respect & tolerance
- iv. Institutionalization & democratization of parties
- v. Discussions & make recommendations on issues affecting electoral process
- vi. Adherence to the Constitution, electoral and political parties laws
- vii. Liaison on review of code of conduct
- viii. Consultation on review of boundaries
- ix. Consultation on review of laws relating to elections & political parties

The Political Parties (PPLC) Regulations provide for the establishment of the National Steering Committee whose function shall be to coordinate the activities of the Committee at the National and County levels.

The National Steering Committee shall comprise of –

- (a) The Chairperson or a member of the Commission;
- (b) The Registrar or an Assistant Registrar;
- (c) representatives of political parties elected as –
  - (i) Chairperson;
  - (ii) deputy chairperson;
  - (iii) Secretary and the deputy;
  - (iv) Treasurer and the deputy;
  - (v) Organizing Secretary and the deputy;
  - (vi) Eight other members; and



(vii) any co-opted member.

The Committee is mandated to establish not more than six subcommittees for effective discharge of its functions.

### **Part 3. Meetings**

This part sets out: -

NPPLC shall meet at least once in every three months. PPLC is convened by the Registrar, in consultation with the Commission and Chairperson of the National Steering Committee. Special meeting may be convened by -

- a) the Commission;
- b) the Registrar;
- c) Chairperson of the National Steering Committee; or
- d) more than a third of political party members of the Committee through a written petition.

The quorum of the Committee shall be a representative of the Commission, a representative of the Registrar and fifty percent of all the fully registered political parties while that of the Subcommittees shall be fifty percent of its membership.

### **Part 4. Elections and General Provisions**

This part sets out the: -Term of office of all office bearers as three years, renewable once.

The elections of all office holders shall be presided over by the Commission.

### **Achievements of PPLC**

- i. Successful referendum: voter registration, election transmission& observation
- ii. Improved interparty/intraparty consultations
- iii. Consensus on 2010/2011 draft electoral laws
- iv. Security dialogue meetings
- v. Biometric voter Registration process
- vi. Voter education curriculum
- vii. Election timelines
- viii. Election day processes
- ix. Political Parties Finance manual
- x. Agents training
- xi. Vote tallying & declaration of results

### **Challenges**

- i. Lack of substantive regulations to govern operations
- ii. Lack of a clear guideline on payment of allowances
- iii. Budgetary constraints

- iv. Political wrangles
- v. Lack of full cooperation by the Commission

### **Issues arising from the presentation**

#### **i. Chairperson of the PPLC**

It was noted that the IEBC has taken a backseat in the PPLC operations yet it is one the key stakeholders, therefore it was proposed that IEBC to be brought back to the table. Qualifications for the appointment of the chairperson, secretary, organizing secretary and treasurer to be captured in the PPLC regulations.

#### **ii. Composition of the PPLC**

It was suggested that for a political party to have representation in the PPLC, the party should at least have elected candidates in the National Assembly so that they can lobby for passing of amendments and regulations. Also PPLC management need to be streamlined.

#### **iii. County PPLC**

It was reported that due to insecurity in some counties, the county PPLC had been launched in 45 counties and there was a need to relaunch them in all 47 counties to make them vibrant.

#### **iv. Independent candidates**

Participants were informed that IEBC through elections act, request for party membership list 120 days to election, while the party nomination list be submitted 90 days to election. the same election act, requires that submission of independent candidate list be submitted 60 days to election. The constitution under article 85 provides that any person desirous to vie as independent candidate must not have been a member of a party.

It was noted that, those who failed in party nominations resigned and before applying for independent candidate clearance under article 85 of the constitution. To avoid this conflict of laws, it was proposed that the IEBC be engaged so as to amend the election act so as to make it mandatory that if someone's name is submitted as a member of a party 120 days to election, he/she cannot run as an independent candidate.

#### **v. Committee meetings**

In PPLC regulations, section 13, it should be added that the convening of committee meetings shall be subject to availability of funds.

#### **vi. The PPLC regulations to be gazetted for them to be binding.**



## **DAY 3- WEDNESDAY 31<sup>ST</sup> OCTOBER, 2018**

### **RECAP**

Mr. Rotich, the session chair took through the participants what had been covered the previous day. He briefly restated the procedure for both provisional and full registration of a party. He pointed out that the statutory fee for provisional registration was Kshs.100,000 while for full registration was Kshs.500,000. In addition, a provisionally registered party is required to apply for full registration with 180 days, after getting the provisional certificate.

Under compliance requirements, he said that a party was required to ensure that its governing body was at all times supposed to reflect regional and ethnic diversity, gender balance and representation of special interest groups. Also, it was required to keep updated membership list. It was also a requirement for parties to have at least 24 branch offices and its membership not less than twenty-four thousand.

He further explained the composition of PPLC, its function and achievements. He said the main objective of PPLC was to promote dialogue between the Registrar of political parties, the electoral commission and registered political parties. Among, the achievements of PPLC included;

- i. Successful referendum
- ii. Voter registration, election transmission & observation
- iii. Improved interparty/intraparty consultations
- iv. Consensus on 2010/2011 draft electoral laws
- v. Security dialogue meetings

### **POLITICAL PARTIES ACT, 2011 REGISTRATION REGULATIONS BY JUDY GATHONI**

Section 6, provides an application for provisional registration of a proposed political party shall be in duplicate, in; Form PP 1, together with a declaration in support of the application Form PP 2 set out in the First Schedule. A request for the registration of the colours of the proposed political party under section 5 (4) of the Act shall specify a combination of at least three colours; and (b) identify the printing code of each colour.

An application under sub regulation (1) shall be signed by three of the founding members of the proposed political party who shall attach copies of their National Identity cards to the application.

The Registrar, on receipt of an application under sub regulation (1) and (2), shall within fourteen days, publish a notice in the Gazette and in at least two newspapers with nationwide circulation,



inviting objections from any person or any other political party concerning the registration of the name, symbol, colour of the political party, or any other issue relating to the registration of the political party.

The Registrar, if satisfied that the conditions for provisional registration have been fulfilled, shall within thirty days of such receipt, and upon payment of the prescribed fee specified in the Second Schedule – (a) register the political party name, colours, logo and symbol of the political party; and (b) issue a certificate of provisional registration.

A political party may, upon registration of the logo, colours and symbol under sub regulation (5), print or display such logo and symbol. (7) The certificate of provisional registration of a political party shall be in Form PP 3 set out in the First Schedule.

An application for full registration of a political party in accordance with section 7 of the Act shall be in duplicate in Form PP 4 set out in the First Schedule, and shall be submitted to the Registrar together with a declaration in Form PP 5 set out in the First Schedule.

(2) The Registrar, on receipt of an application under sub regulation (1), will scrutinize it, and if satisfied that the conditions for full registration have been fulfilled, within 30 days of such receipt issue a certificate of full registration on payment of the prescribed fees specified in the Second Schedule.

(3) The certificate of full registration of a political party shall be in Form PP 6 set out in the First Schedule.

(4) Upon being issued with a certificate of full registration of a political party, the applicant shall surrender the certificate of provisional registration to the Registrar.

(5) If for any reason the certificate of provisional registration cannot be surrendered as required under sub regulation (4), the applicant shall submit an affidavit and a police abstract explaining the circumstances of its unavailability and the Registrar shall, if satisfied by the reasons, file the documents and cancel the provisional certificate.

### **Political Parties Act, 2011 Registration Regulations by Joy Onyango**

Participants were taken through the compliance requirements of the registration regulations. The following sections of the regulations were discussed;

- i. Notification of Changes
- ii. Register of PP
- iii. Returns and Reports
- iv. Party Signatories

- v. Membership of PP
- vi. Offices

i. **Office holder** (captured in Regulation 5)

Where an official holder of a political party ceases to hold office and another person is elected to that office. The party shall send a notice to the Registrar of the appointment within 14 days. The notice shall be in Statutory Form PP7, in duplicate (First Schedule).

ii. **Head Office/ County office** (captured in Regulation 6)

If a political party changes location of its head/county offices, postal address, email address or telephone numbers of such office the party within 14 days will send a notice to the Registrar. The notice shall be in Form PP8 and in duplicate. Postal address, email address or telephone number changes shall be captured in Form PP9 whereas the name, abbreviated name, slogan, logo, colour, symbol shall be in Form PP10.

NB: Where change of name is effected RPP shall issue party a new certificate upon the surrender of the original certificate or presentation of affidavit and a police abstract in its absence.

Notification of changes under Regulation 5,6 and 7 should be accompanied by a copy of the minutes of the meeting where the resolution of the body authorized to effect the changes was passed. The minutes should be certified as a true copy and signed by three authorized officials of the political party.

**Effecting of changes**

The registrar shall inform political party of intention and reasons for not effecting a change and will give the party time to submit reasons as to why changes should be effected. If within 14days after giving the above notification the party does not submit reasons why proposed changes should be effected the registrar will dispense with the application to effect the change.

**Register of political party** (captured in Regulation 9)

The register shall be in Form PP12 and shall include the following information for each political party;

- a) Duplicate copy of registration certificate
- b) Copy of constitution
- c) Status report i.e. active, suspended, deregistered
- d) Accurate and updated list of offices
- e) Accurate and updated list of members



- f) Accurate and updated list of office holders inclusive of
  - i. Full names
  - ii. Addressees
  - iii. Telephone numbers
  - iv. Email addresses

**Returns and reports** (captured in Regulation 12)

All fully registered parties shall submit to the Registrar within 3 months after the end of each financial year:

- i. Financial accounts in Form PP13
- ii. Annual activity report
- iii. Policy reporting documents

**Party signatories** (captured in Regulation 13)

Every notice, application, statement or other requisite document under the Act or Regulation to be furnished or sent to the registrar are to be signed by three authorized officials (as per Regulation 13)

**Membership of political party** (captured in Regulation 18)

Every person recruited as a member of a political party shall complete membership party verification form. - Form PP17

Within 21 days of recruitment of a member a party will insert the details in the above form in the party register.

**Resignations** (captured in Regulations 19 and 20)

In line with Sec 14 (5) "Deeming" a member of a political party will be considered to have resigned upon:

- i. NEC resolution after a meeting is constituted to determine the membership of the person based on the criteria contained in its Constitution or rules and procedure deeming the member to have resigned.
- ii. Declaration by the registrar following receipt of a complaint and following assessment of the complaint.
- iii. An order of court or tribunal to that effect.

**Offices** (captured in Regulations 21 and 22)

Every political party shall maintain an office which shall be open at least 4 hrs a day of each working day, also the hours should be publicized;

- i. Manned by a person in charge during opening hours;
- ii. Accessible to the public;