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TWELFTH PARLIAMENT – FIFTH SESSION – 2021  
DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

ADDENDUM TO REPORT  
ON THE CONSIDERATION OF THE POLITICAL PARTIES (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILL NO. 56), 2021

 <b>THE NATIONAL ASSEMBLY PAPERS LAID</b>	
<b>DATE: 29 DEC 2021</b>	
<b>DAY:</b> Wednesday	
<b>TABLED BY:</b>	Hon. Mutun Kigano Chair, JHAC
<b>CLERK-AT THE-TABLE:</b>	Mainah wanjira

CLERK'S CHAMBERS  
DIRECTORATE OF DEPARTMENTAL COMMITTEES  
PARLIAMENT BUILDINGS  
NAIROBI

DECEMBER 2021

Approved for table  
29/12/21  
HAB  
DSHA



**LIST OF ANNEXURES**

- Annexure 1:** Adoption List
- Annexure 2:** Minutes of Committee sittings on consideration of the Bill
- Annexure 3:** Schedule (Matrix) of Harmonised proposed amendments

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### **CHAIRPERSON'S FOREWORD**

This report contains deliberations of the Departmental Committee on Justice and Legal Affairs during its consideration of individual further amendments to the Political Parties (Amendment) Bill (National Assembly Bill No.56), 2021 and further submissions by stakeholders.

As you are aware the Bill was published on 26<sup>th</sup> November, 2021 and underwent First Reading on 2<sup>nd</sup> December, 2021. The Committee proceeded to consider the Bill pursuant to Standing Order 127 and tabled its report on 21<sup>st</sup> December, 2021 with several amendments proposed by the Committee.

The Second Reading of the Bill was done during the Morning Sitting of the House on Wednesday 22<sup>nd</sup> December, 2021 and the Honourable Speaker issued a communication relating to proposed amendments to the Political Parties (Amendment) Bill (National Assembly Bill No.56), 2021. The Speaker directed the Departmental Committee on Justice and Legal Affairs to harmonize the amendments that had been proposed by various members to the Bill, before its consideration at Committee of the whole House, pursuant to the provisions of Standing Order 131. The Committee conducted the harmonization exercise on 28<sup>th</sup> December, 2021.

May I take this opportunity to commend the Committee Members for their devotion and commitment to duty, which made the consideration of the Bill successful. May I also express gratitude to the Offices of the Speaker and Clerk of the National Assembly for providing direction and the Committee secretariat for providing technical and logistical support.

On behalf of the Departmental Committee on Justice and Legal Affairs and pursuant to the provisions of Standing Order 131 and 199 (6), it is my pleasant privilege and duty to present to the House the report of the Committee on the Political Parties (Amendment) Bill, 2021 (National Assembly Bill No.56) of 2021.

**Hon. Muturi Kigano, M.P.**

## CHAPTER ONE

### 1.0 PREFACE

#### 1.1 Establishment and Mandate of the Committee

1. The Departmental Committee on Justice and Legal Affairs derives its mandate from Standing Order No. 216(5) which provides for the functions of Departmental Committees as follows-
  - (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
  - (b) study the programme and policy objectives of ministries and departments and the effectiveness of their implementation;
  - (c) study and review all legislation referred to it;
  - (d) study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;
  - (e) investigate and enquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;
  - (f) vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments)
  - (g) examine treaties, agreements and conventions;
  - (h) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
  - (i) consider reports of Commissions and Independent Offices submitted to the House pursuant to provisions of Article 254 of the Constitution; and
  - (j) Examine any questions raised by Members on a matter within its mandate.
2. The Second Schedule of the Standing Orders on Departmental Committees further outlines the subjects of the Committee, as follows-
  - (a) Constitutional affairs;
  - (b) The administration of law and Justice;
  - (c) The Judiciary;
  - (d) Public prosecutions;
  - (e) Elections;
  - (f) Ethics, integrity and anti-corruption; and
  - (g) Human rights.

## 1.2 Committee Membership

3. The Committee was constituted on Thursday, 14<sup>th</sup> December, 2017. The current membership is as follows-

### **Chairperson**

Hon. Clement Muturi Kigano, M.P.

### **Kangema Constituency**

### **Jubilee Party**

### **Vice Chairperson**

Hon. T.J Kajwang, M.P.

### **Ruaraka Constituency**

### **ODM - Party**

Hon. John Olago Aluoch, M.P.

### **Kisumu West Constituency**

### **FORD-Kenya**

Hon. George Peter Kaluma, M.P.

### **Homa Bay Town Constituency**

### **ODM-Party**

Hon. Roselinda Soipan Tuya, M.P.

### **Narok County**

### **Jubilee Party**

Hon. Junet Sheikh Mohammed, M.P.

### **Suna East Constituency**

### **ODM-Party**

Hon. Emmanuel Wangwe, M.P.

### **Navakholo Constituency**

### **Jubilee-Party**

Hon. W. Kamoti Mwamkale, M.P.

### **Rabai Constituency**

### **ODM-Party**

Hon. Josephine Naisula Lesuuda, M.P.

### **Samburu West Constituency**

### **KANU-Party**

Hon. Zuleikha Hassan, M.P.

### **Kwale County**

### **ODM-Party**

Hon. Jennifer Shamalla, M.P.

**Nominated MP**

**Jubilee Party**

Hon. Robert Gichimu Githinji, M.P

**Gichugu Constituency**

**Jubilee-Party**

Hon. Anthony Oluoch M.P.

**Mathare Constituency**

**ODM-Party**

Hon. Dan Rono, M P.

**Keiyo South Constituency**

**Jubilee –Party**

Hon. George Gitonga Murugara, M.P.

**Tharaka Constituency**

**Democratic Party (DP)**

Hon. Anthony Githiaka Kiai, M.P.

**Mukurueni Constituency**

**Jubilee-Party**

Hon. John Kiarie Waweru, M.P.

**Dagoretti South Constituency**

**Jubilee-Party**

Hon. Japheth Mutai, M.P.

**Bureti Constituency**

**Jubilee-Party**

Hon. Adan Haji Yussuf, M.P.

**Mandera West Constituency**

**Economic Freedom Party**

### 1.3 Committee Secretariat

4. The Committee secretariat is as follows--

Mr. Abenayo Wasike  
**Principal Clerk Assistant**  
**Lead Clerk**

Mr. Denis Abisai  
**Deputy Director-DLS**

Ms. Halima Hussein  
**Clerk Assistant II**

Dr. Donald Manyala  
**Research Officer**

Mr. Omar Abdirahim  
**Fiscal Analyst III**

Ms. Emma Essendi  
**Legal Counsel I**

Ms. Roselyne Ndegi  
**Serjeant-at-Arms I**

Ms. Noel Chelengat  
**Media Liaison Officer**

## CHAPTER TWO

### 2.0 CONSIDERATION OF THE AMENDMENTS TO THE POLITICAL PARTIES (AMENDMENT) BILL, 2021 (NATIONAL ASSEMBLY BILL NO.56) OF 2021.

5. The Political Parties (Amendment) bill, 2021 (national assembly bill No.56) of 2021 hereinafter referred to as the Bill went through the various stages of reading of a Bill with Second Reading of the Bill being concluded on 22nd December, 2021.
6. The following members were invited to appear before the Committee for presentation of their proposed amendments;
  - 1) Hon.Aden Duale, M.P
  - 2) Hon.Sylvanus Osoro, MP
  - 3) Hon.Didmus Barasa,M.P
  - 4) Hon.Owen Baya,MP
  - 5) Hon.Caleb Kositany, MP
  - 6) Hon.Godfrey Osotsi,MP
  - 7) Hon.Kimani Ichungwa,M.P
  - 8) Hon.John Kiarie Waweru, MP
  - 9) Hon.Ayub Savula,MP
  - 10) Hon.Daniel Tuitoek,MP
  - 11) Hon.John Kanyuithia Mutunga, MP
  - 12) Hon.David Ochieng,M.P
  - 13) Hon.Alice Wahome,M.P
  - 14) Hon.Nelson Koech,M.P
  - 15) Hon.Joseph Limo, MP
  - 16) Hon.Gathoni Gathoni Wamuchomba,M.P
7. The following members appeared before the Committee but they left without making presentations on their proposed amendments for harmonization by the Committee;
  - 1) Hon.Aden Duale, M.P
  - 2) Hon.Didmus Barasa,M.P
  - 3) Hon.Owen Baya,MP
  - 4) Hon.Alice Wahome,M.P
  - 5) Hon.Joseph Limo, MP
  - 6) Hon.John Kanyuithia Mutunga ,MP
  - 7) Hon.Daniel Tuitoek,MP
  - 8) Hon. Kimani Ichungwah, MP
8. The Hon. Nelson Koech, M.P attended virtually but did not proceed to make a presentation on his proposed amendments.

9. The following members attended the committee meeting and made presentations on their proposed amendments;
  - 1) Hon.Ayub Savula,MP
  - 2) Hon.Godfrey Osotsi,MP
  - 3) Hon.David Ochieng,M.P
  
10. The following members were invited but did not attend the meeting;
  - 1) Hon.Caleb Kositany, MP
  - 2) Hon.Sylvanus Osoro, MP
  - 3) Hon.Gathoni Gathoni Wamuchomba,M.P
  
11. Hon.John Kiarie attended the meeting virtually and sought to appear before the Committee to present his amendments in person. However the honourable member arrived when the Committee had adjourned.
  
12. Hon Ayub Savula proposed an amendment to Clause 8 of the bill to reduce the period within which political parties submit their coalition agreements from six months to a period of three months. Upon further consultations with the Committee, the Member agreed to review the period to one hundred and twenty days and it was agreed that the amendment shall be carried by the Committee.
  
13. Hon. David Ochieng proposed amendment of clause 8 by insertion of subsection (c) after subsection (2) to include natural persons as members of a political coalition. He further proposed the addition of a new sub-clause 2B to state that a coalition agreement shall not limit the right of a political party to nominate a candidate for any elective position in any part of the country. Upon consultation with the Committee the Hon Member dropped the proposal for a new sub-clause 2B but it was agreed that the Member proceeds with proposed amendment on allowing natural persons to be members of coalition political parties.
  
14. The Hon Godfrey Osotsi dropped his proposed amendments to Clauses 10, 19 and 21 of the Bill. The Member was of the view that upon further reflection on the effect of the proposed amendments and further consultations with other stakeholders on the issues, he had decided to drop the amendments and the Committee agreed with him on this.

## CHAPTER THREE

### 3.0 COMMITTEE'S OBSERVATIONS

15. The Committee having conducted the harmonization exercise, pursuant to provisions of Standing Order 131 of the National Assembly Standing Orders, made the following observations on the exercise:

- 1) THAT; on Wednesday, December 22, 2021, upon conclusion of the second reading stage, the Speaker of the National Assembly, deferred the Committee of the Whole House stage on the Political Parties (Amendment) Bill (National Assembly Bill No. 56 of 2021) to allow for the harmonization of the multiple amendments proposed to the Bill.
- 2) THAT; The Speaker directed all Members having amendments to appear before the Departmental Committee on Justice and Legal Affairs for harmonization of their amendments. Subsequently, the Clerk of the National Assembly invited the Members to appear before the Committee and present their amendments vide a letter dated 23<sup>rd</sup> December, 2021.
- 3) THAT; the Speaker further directed the Committee to engage critical stakeholders including officials of political parties particularly in view of the fact that both Houses of Parliament represent over twenty-one political parties in the country. In honoring this directive, relevant stakeholders were invited, and the Registrar of Political Parties and the Chairperson of the Political Parties Disputes Tribunal were in attendance during the harmonization process.
- 4) THAT some of the invited Members and some Committee Members objected to the presence of the Office of the Registrar of Political Parties and the Political Parties Disputes Tribunal in the meeting scheduled under Standing Order 131 of the National Assembly Standing Orders for the purposes of harmonization of proposed amendments. They requested the Committee to hold its sittings without the Stakeholders as the process was purely harmonization of the proposed amendments and not another public participation exercise which had already been concluded and dispensed with as required by law.
- 5) The Chairperson of the Committee ruled that the Meeting was open to the public as provided for under Standing Order 198 and the stakeholders were free to attend the meeting as contemplated under Article 118(2) of the Constitution and as per the Speaker's Communication when he deferred the consideration of the Bill for consideration in the Committee of the whole House stage.
- 6) THAT; upon the Committee's decision to proceed with the sittings with the stakeholders present, pursuant to provisions of Article 118(2) of the constitution of Kenya, some of the invited Honorable Members walked out in protest, thus did not participate in the

proceedings and deliberations of the Committee. The Members were: **Hon. Aden Duale, MP, Hon. Didimus Barasa, MP, Hon. Owen Baya, MP, Hon. Alice Wahome, MP, Hon. Joseph Limo, MP, Hon. John Kanyuithia Mutunga, MP, Hon. Daniel Tuitoek, MP, Hon. Joseph Limo, MP, Hon. Kimani Ichungwah, MP.** The **Hon. Nelson Koech, M.P** had attended virtually but did not proceed to prosecute his proposed amendments.

- 7) The Committee proceeded with the harmonization exercise with the following invited Members present: **Hon. Ayub Savula, MP, Hon. David Ochieng, MP** and **Hon. Godfrey Osotsi, MP.**



**CHAPTER 4**

**4.0 COMMITTEE RECOMMENDATION**

16. The Committee having considered and facilitated harmonization of the proposed amendments to the Political Parties (Amendment) (National Assembly Bill No. 56), 2021 by various Members, recommends to the House that;

- 1) The House should proceed with the harmonized amendments at the Committee of the Whole House Stage as per the attached schedule (matrix).
- 2) The amendments proposed by the Honourable Members who did not make a presentation on their proposed amendments, should not be proceeded with by the House at the Committee of the Whole House Stage.

Signed ..... Date 29/12/21 .....

**HON. MUTURI KIGANO, M.P.**

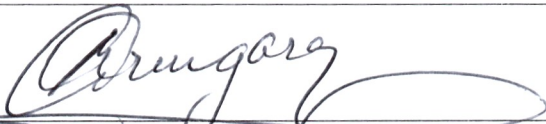

**CHAIRPERSON, DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS**

**CHAPTER 5****5.0 MINORITY REPORT**

17. The Committee having adopted the report on the harmonization of the proposed amendments to the Political Parties (Amendment) (National Assembly Bill No. 56), 2021 by the majority of its Members, four dissenting Members of the Committee recorded a Minority Report, pursuant to provisions of Standing Order 199(6), for the following reasons:

- 1) THAT; the Members who were invited but walked out of the proceedings, were justified to do so since the harmonization exercise could not be handled simultaneously with the stakeholders presence in the same meeting, rather the Committee engagement with the stakeholders and the harmonization processes should have been conducted separately;
- 2) THAT; the provisions of Standing Order 131 require the Committee to only report on the outcome of the harmonization exercise and does not give the Committee room to make recommendations to the House whether to proceed or not with any proposed amendments.
- 3) THAT; in light of the Standing Order 131, the proposed amendments by Members who did not make their presentations with the Committee should be proceeded with by the House at the Committee of the Whole House stage.

18. The following four (4) Members appended their signatures to the Minority Report:

NAME	SIGNATURE
The Hon. George Gitonga Murugara, MP	
The Hon. John Waweru Kiarie, MP	
The Hon. Japheth Kiplangat Mutai, MP	
The Hon Roselinda Soipan Tuyu, MP	
The Hon Robert Gichimu MP	

KENYA NATIONAL ASSEMBLY

ANNEXURE 1



DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

ATTENDANCE REGISTER FOR MEMBERS

DATE 28/12/21.....

VENUE COUNTY HALL - MINI CHAMBER.....

AGENDA

ADOPTION OF ~~AS~~ REPORT ON ADDENDUM TO JLAC REPORT ON POLITICAL PARTIES (AMENDMENT) BILL, 2021 (N.A BILL NO 56)

NO.	NAME	SIGNATURE
1.	Hon. Clement Muturi Kigano, M.P. - <b>Chairperson</b>	
2.	Hon. T.J. Kajwang, MP - <b>Vice Chairperson</b>	
3.	Hon. Emmanuel Wangwe	
4.	Hon. Junet Sheikh Nuh Mohamed, M.P.	
5.	Hon. John Olago Aluoch, MP.	
6.	Hon. Roselinda Soipan Tuyu, MP.	DISSENTED.
7.	Hon. Peter Opondo Kaluma, MP.	
8.	Hon. Mwamkale Kamoti, MP.	
9.	Hon. Zuleikha Hassan, MP.	

10.	Hon. Josephine Naisula Lesuuda, M.P.	
11.	Hon. George Gitonga Murugara, MP.	DISSENTED
12.	Hon. Adan Haji Yussuf, MP.	<del>DISSENTED</del>
13.	Hon. Japheth Kiplangat Mutai, MP.	DISSENTED
14.	Hon. Anthony Githiaka Kiai, MP.	
15.	Hon. Jennifer Shamalla, MP.	<i>J. Shamalla</i>
16.	Hon. John Kiarie Waweru, MP.	I DISSENT / Signing Minority Report
17.	Hon. Dan Kipkogei Rono, MP.	
18.	Hon. Anthony Oluoch, M.P.	<i>[Signature]</i>
19.	Hon. Robert Gichimu Githinji, M.P.	

**COMMITTEE CLERK**

*[Signature]*  
.....

**DIRECTOR DEPARTMENTAL COMMITTEES**

.....

**MINUTES OF THE SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON TUESDAY 28<sup>TH</sup> DECEMBER, 2021 AT 5:00 PM AT COMMITTEE ROOM, COUNTY HALL, PARLIAMENT BUILDINGS.**

**PRESENT**

1. Hon. T.J Kajwang, M.P - Vice- Chairperson
2. Hon. Jennifer Shamalla, M.P.
3. Hon. Peter Opondo Kaluma, M.P
4. Hon. George G. Murugara, M.P
5. Hon. Japheth Mutai, M.P
6. Hon. William K. Mwamkale, M.P
7. Hon. Adan Haji Yussuf, M.P
8. Hon. Anthony Oluoch, M.P.
9. Hon. Junet Sheikh Nuh Mohamed, M.P
10. Hon. Roselinda Soipan Tuya, M.P.
11. Hon. John Kiarie Waweru, M.P.

**ABSENT WITH APOLOGIES**

1. Hon. Clement Muturi Kigano, M.P. - Chairperson
2. Hon. Robert Gichimu Githinji, M.P
3. Hon. Zuleikha Hassan, M.P.
4. Hon. Anthony G. Kiai, M.P.
5. Hon. John Olago Aluoch, M.P.
6. Hon. Dan Rono Kipkoge, M.P.
7. Hon. Emmanuel Wangwe, M.P.
8. Hon. Josephine Naisula Lesuuda, M.P.

**IN ATTENDANCE**

1. Mr. Abenayo Wasike - Principal Clerk Assistant II
2. Mr. Denis Abisai - Deputy Director- DLS
3. Ms. Emma Essendi - Legal Counsel
4. Ms. Lynette Otieno - Legal Counsel
5. Dr. Donald Manyala - Research Officer
6. Mr. Nimrod Ochieng - Audio Officer
7. Ms. Mercy Kerubo - Audio Officer
8. Mr. Clive Onyancha - Clerk Assistant III
9. Mr. Matano Kataa - Intern
10. Ms. Roselyn Njuki - Serjeant-at-arms

**MIN No. JLAC/01/2021:**

**PRELIMINARIES**

The meeting was called to order at 5.20 PM with a word of prayer by the Vice-Chairperson. He briefed members on adoption of the Addendum Report on the Political Parties (Amendment) Bill, 2021. The Vice-Chairperson invited members to make their observations following the meeting to harmonize the proposed amendments to the Political Parties (Amendment) Bill, 2021.

**MIN No. JLAC/02/2021:**

**CONFIRMATION OF MINUTES**

Minutes of the sitting held on Tuesday 28<sup>th</sup> December, 2021 were adopted having been proposed by Hon. Peter Kaluma, MP and seconded by Hon. Adan Haji Yussuf, M.P.

**No. JLAC/03/2021: COMMITTEE'S OBSERVATIONS**

The Committee having conducted the harmonization exercise, pursuant to provisions of Standing Order 131 of the National Assembly Standing Orders, made the following observations on the exercise:

- 1) THAT; on Wednesday, December 22, 2021, upon conclusion of the second reading stage, the Speaker of the National Assembly, deferred the Committee of the Whole House stage on the Political Parties (Amendment) Bill (National Assembly Bill No. 56 of 2021) to allow for the harmonization of the multiple amendments proposed to the Bill.
- 2) THAT; The Speaker directed all Members having amendments to appear before the Departmental Committee on Justice and Legal Affairs for harmonization of their amendments. Subsequently, the Clerk of the National Assembly invited the Members to appear before the Committee and present their amendments vide a letter dated 23<sup>rd</sup> December, 2021.
- 3) THAT; the Speaker further directed the Committee to engage critical stakeholders including officials of political parties particularly in view of the fact that both Houses of Parliament represent over twenty-one political parties in the country. In honoring this directive, relevant stakeholders were invited, and the Registrar of Political Parties and the Chairperson of the Political Parties Disputes Tribunal were in attendance during the harmonization process.
- 4) THAT some of the invited Members and some Committee Members objected to the presence of the Office of the Registrar of Political Parties and the Political Parties Disputes Tribunal in the meeting scheduled under Standing Order 131 of the National Assembly Standing Orders for the purposes of harmonization of proposed amendments. They requested the Committee to hold its sittings without the Stakeholders as the process was purely harmonization of the proposed amendments and not another public participation exercise which had already been concluded and dispensed with as required by law.
- 5) THAT; upon the Committee's decision to proceed with the sittings with the stakeholders present, pursuant to provisions of Article 118(2) of the constitution of Kenya, some of the invited Honorable Members walked out in protest, thus did not participate in the proceedings and deliberations of the Committee. The Members were: **Hon. Aden Duale, MP, Hon. Didimus Barasa, MP, Hon. Owen Baya, MP, Hon. Alice Wahome, MP, Hon. Joseph Limo, MP, Hon. John Kanyuithia Mutunga, MP, Hon. Daniel Tuitoek, MP, Hon. Joseph Limo, MP, Hon. Kimani Ichungwah, MP.** The **Hon. Nelson Koech, M.P** had attended virtually but did not proceed to prosecute his proposed amendments.

#### **MIN No.JLAC/03/2021 COMMITTEE'S RECOMMENDATIONS**

The Committee having considered and facilitated harmonization of the proposed amendments to the Political Parties (Amendment) (National Assembly Bill No. 56), 2021 by various Members, recommended that;

- 1) **The House should proceed with the harmonized amendments at the Committee of the Whole House Stage as per the attached schedule (matrix).**
- 2) **The amendments proposed by the Honourable Members who did not make a presentation on their proposed amendments, should not be proceeded with by the House at the Committee of the Whole House Stage.**

The Report of the Committee was adopted after a proposal by Hon.Peter Kaluma, MP and seconded by Hon.Adan Haji Yussuf, MP

#### **MIN No.JLAC/ 04/2021 MINORITY REPORT**

The Committee having adopted the report on the harmonization of the proposed amendments to the Political Parties (Amendment) (National Assembly Bill No. 56), 2021 by the majority of its Members, four dissenting Members of

the Committee recorded a Minority Report, pursuant to provisions of Standing Order 199(6), for the following reasons:

- 1) THAT; the Members who were invited but walked out of the proceedings, were justified to do so since the harmonization exercise could not be handled simultaneously with the stakeholders presence in the same meeting, rather the Committee engagement with the stakeholders and the harmonization processes should have been conducted separately;
- 2) THAT; the provisions of Standing Order 131 require the Committee to only report on the outcome of the harmonization exercise and does not give the Committee room to make recommendations to the House whether to proceed or not with any proposed amendments.
- 3) THAT; in light of the Standing Order 131, the proposed amendments by Members who did not make their presentations with the Committee should be proceeded with by the House at the Committee of the Whole House stage.

The following four (4) members dissented and resolved to file a minority report;

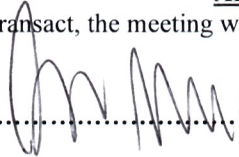
1. Hon. George Gitonga Murugara, M.P.
2. Hon. John Waweru Kiarie, MP
3. Hon. Japheth Kiplangat Mutai, MP
4. Hon Roselinda Soipan Tuya, MP

**MIN No. JLAC /05/2021:**

**ADJOURNMENT**

There being no other business to transact, the meeting was adjourned at 7.05 PM

Signed.....



29/12/21

**Chairperson**

# ANNEXURE 2

## MINUTES OF THE SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON TUESDAY 28<sup>TH</sup> DECEMBER, 2021 AT 10:00 AM IN MINI-CHAMBER,COUNTY HALL,PARLIAMENT BUILDINGS.

### PRESENT

1. Hon. Clement Muturi Kigano, M.P. - Chairperson
2. Hon. T.J Kajwang, M.P - Vice- Chairperson
3. Hon. Jennifer Shamalla, M.P.
4. Hon. Peter Opondo Kaluma, M.P
5. Hon. Robert Gichimu Githinji, M.P
6. Hon. George G. Murugara, M.P
7. Hon. Japheth Mutai, M.P
8. Hon. William K. Mwamkale, M.P
9. Hon. Zuleikha Hassan, M.P.
10. Hon. Adan Haji Yussuf, M.P
11. Hon. Anthony Oluoch, M.P.
12. Hon. Junet Sheikh Nuh Mohamed, M.P
13. Hon. Roselinda Soipan Tuya, M.P.
14. Hon. Anthony G. Kiai, M.P.
15. Hon. John Kiarie Waweru, M.P.

### ABSENT WITH APOLOGIES

1. Hon. John Olago Aluoch, M.P.
2. Hon. Dan Rono Kipkoge, M.P.
3. Hon. Emmanuel Wangwe, M.P.
4. Hon. Josephine Naisula Lesuuda, M.P.

### IN ATTENDANCE

1. Hon. Amos Kimunya, M.P
2. Hon. Godfrey Osotsi, M.P
3. Hon. Ayub Savula, M.P
4. Hon. Didmus Barasa, M.P
5. Hon. Ayub Savula, M.P
6. Hon. Owen Yaa Baya, M.P
7. Hon. Aden Duale, M.P
8. Hon. Joseph Limo, M.P
9. Hon. Alice Wahome, M.P
10. Hon. Daniel Tuitoek, M.P
11. Hon. Joseph Limo, M.P
12. Hon. John Mutunga, M.P
13. Hon. Kimani Ichungwah, M.P
14. Hon. Jeremiah Kioni, M.P
15. Hon. David Ochieng, M.P
16. Hon. John Kanyuithia Mutunga, M.P
17. Hon. Patrick Munene, M.P

## **IN ATTENDANCE**

1. Mr. Abenayo Wasike	-	Principal Clerk Assistant II
2. Mr. Denis Abisai	-	Deputy Director- DLS
3. Ms. Wanjiru Ndindiri	-	Principal Clerk Assistant II
4. Ms. Emma Essendi	-	Legal Counsel
5. Ms. Lynette Otieno	-	Legal Counsel
6. Ms. Halima Hussein	-	Clerk Assistant
7. Dr. Donald Manyala	-	Research Officer
8. Mr. Nimrod Ochieng	-	Audio Officer
9. Ms. Mercy Kerubo	-	Audio Officer
10. Mr. Clive Onyancha	-	Clerk Assistant III
11. Mr. Matano Kataa	-	Intern
12. Mr. Benson Muturi	-	Serjeant-at-arms
13. Ms. Roselyn Njuki	-	Serjeant-at-arms

## **STAKEHOLDERS**

1. Ms. Ann Nderitu -Registrar of Political Parties
2. Ms. Desma Nungo -Chairperson of Political Parties Dispute Tribunal.
3. Mr. Wafuka Wakoko – Office of the Registrar of Political Parties
4. CPA Florence Birya - Office of the Registrar of Political Parties
5. Mr. Daniel N. Kinuthia - Office of the Registrar of Political Parties

## **MIN No. JLAC/01/2021:**

## **PRELIMINARIES**

The meeting was called to order at 10:40 AM with a word of prayer by the Chairperson. The Chairperson briefed members on the Political Parties (Amendment) Bill, 2021. He also addressed members on the communication from the chair on the need to engage other stakeholders for purposes of harmonization. He also ruled that the sitting is to deal with proposals raised by members of parliament and that stakeholders shall sit in the meeting. He further stated that the meeting is open to members of the Public and the Media pursuant to article 118 of the Constitution.

## **MIN No. JLAC/02/2021: CONSIDERATION OF PROPOSED AMENDMENTS TO THE POLITICAL PARTIES AMENDMENT BILL NATIONAL ASSEMBLY BILL NO. 56. OF 2021.**

- 1) The following members walked out of the meeting, Hon. Aden Duale, M.P, Hon. Kimani Ichungwah M.P, Hon. Didmus Barasa, M.P, Hon John Kanyuithia Mutunga, Hon Alice. Wahome, Hon. Joseph Limo, M.P, Hon. Owen Baya, MP and Hon. Daniel Tuitoek, MP.
- 2) Members resolved to drop amendments Proposed by members who had walked out of the meeting.
- 3) Members resolved that members present first prosecute their amendments and that the rest shall be decided at report writing stage.

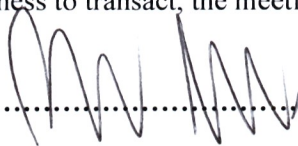
- 4) Hon Ayub Savula proposed amendment to Clause 8 of the bill to reduce the period within which parties submit their coalition agreements to a period of 3 months.
- 5) Members resolved that the proposed amendment be that parties submit their coalition agreements within 120 days before a General Election.
- 6) Hon.Savula dropped his proposed amendment in favour of the proposed amendment by JLAC.
- 7) Hon. David Ochieng proposed amendment of clause 8 by insertion of subsection (c) after subsection (2) to include natural persons as members of a political coalition. He further proposed addition of a new clause 2(B) to state that a coalition agreement shall not limit the right of a political party to nominate a candidate for any elective position in any part of the country.
- 8) Members resolved that the Hon. David Ochieng raise the first amendment on the floor of the house and Hon. David Ochieng agreed to drop proposed amendment for a new sub-clause 2B.
- 9) Hon. Godfrey Osotsi dropped his proposed amendment to clause 10 and members so resolved.
- 10) Hon David Ochieng proposed to drop proposed amendment to clause 15 part (a) & (b) but retained his proposed amendment part 2C
- 11) Members resolved that Hon. David Ochieng do consult with the leader of Majority as mover of the bill and agree on what to present before the floor of the house.
- 12) Hon. Godfrey Osotsi dropped his proposed amendment clause 19 & 21.
- 13) Members resolved that Memorandum submitted by Ford Asili, United Democratic Alliance and Mr. William Nyagah were received when public participation period had closed.
- 14) Members resolved to hold the next meeting at 5.00 p.m to consider the committee's report.

**MIN No. JLAC /03/2021:**

**ADJOURNMENT**

There being no other business to transact, the meeting was adjourned at 2;05 PM.

Signed.....



29/12/21

**Chairperson**

MATRIX

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ANNEXURE 11

RESULT OF HARMONIZATION UNDER SO 131- THE POLITICAL PARTIES (AMENDMENT) BILL, 2021

CLAUSE	PROPOSAL	JUSTIFICATION MEMBER	BY	COMMITTEE'S DECISION
	<b>1. HON. ADEN DUALE</b>			
2	THAT, clause 2 of the Bill be amended— (a) by deleting paragraph (a); and (b) by deleting paragraph (c).	No justification provided.		The amendments should not be proceeded with
5	THAT, clause 5 of the Bill be amended by deleting paragraph (a).			
7	THAT, clause 7 of the Bill be amended by deleting paragraph (c)(e).			
8	THAT, clause 8 of the Bill be amended by deleting paragraph (b).			
10	THAT, clause 10 of the Bill be amended in the proposed new section 14A(1) by deleting paragraph (e).			
15	THAT, clause 15 of the Bill be amended in paragraph (c) by inserting the following new subsections immediately after subsection (2B) — (2C) The total number of votes secured by each political party under section 25(1)(a), shall be the total votes secured by each political party for the elections of a Member of a county assembly, Member of Parliament, Governor and President. (2D) For avoidance doubt, in cases of a run-off or fresh elections for the election of a President, the final votes of the Presidential elections shall apply.			
20	THAT, clause 20 of the Bill be amended in paragraph (c) —			
	(a) by deleting the proposed new paragraph (fd); and (b) by deleting the proposed new paragraph (fe).			
22	THAT, clause 22 of the Bill be amended in the proposed new section 38C, by deleting subsection (5).			
	<b>2. HON. SILVANUS OSORO</b>			

**RESULT OF HARMONIZATION UNDER SO 131- THE POLITICAL PARTIES (AMENDMENT) BILL, 2021**

5	THAT clause 5 of the Bill be amended by deleting paragraph (a).	No justification provided.	The amendments should not be proceeded with
6	That clause 6 (b) of the Bill be amended in the proposed new subsection (7) by- (a) inserting the words “upon publication of notification and invitation of objections” immediately before the words “issue the”; (b) inserting the words “within fourteen days” immediately after the word “registered”.		
14	That clause 14 (a) of the Bill be amended in the proposed subsection (2) by inserting the words “or nominated” immediately after the word “elective”.		
15	Delete.		
20	That clause 20 (a) of the Bill be amended by inserting the words “singular party” immediately before the word “registered” in the proposed new paragraph (da).		
23	Delete.		
25	Delete.		
	<b>3. HON. ALICE WAHOME (AND GATHONI WAMUCHOMBA)</b>		
2	THAT, the Bill be amended by deleting Clause 2.	No justification provided.	The amendments should not

**RESULT OF HARMONIZATION UNDER SO 131- THE POLITICAL PARTIES (AMENDMENT) BILL, 2021**

3	<p>THAT, Clause 3 of the Bill be amended in the proposed new section 4B—</p> <p>(a) in the marginal note by deleting the words “symbol and slogan” and substituting therefor the words “and symbol”;</p> <p>(b) in subsection (1) by deleting the words “symbol and slogan” appearing immediately after the word “name” and substituting therefor the words “and symbol”;</p> <p>(c) in subsection (2) by deleting the words “symbol or slogan” wherever they appear and substituting therefor the words “or symbol”;</p> <p>(d) in subsection (3) by deleting the words “symbol or slogan” appearing immediately after the word “name” and substituting therefor the words “or symbol”.</p>		be proceeded with
4	<p>THAT, Clause 4 of the Bill be amended—</p> <p>(a) in paragraph (a) by deleting the words “symbol or slogan” appearing immediately after the word “name” in the proviso to the proposed new subsection (1A) and substituting therefor the words “or symbol”;</p> <p>(b) in paragraph (b) by deleting the words “two hundred and seventy days” and substituting therefor the words “ninety days”.</p>		
6	<p>THAT, the Bill be amended by deleting Clause 6.</p>		
7	<p>THAT, the Bill be amended by deleting Clause 7.</p>		
15	<p>THAT, Clause 15 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new</p>		

RESULT OF HARMONIZATION UNDER SO 131- THE POLITICAL PARTIES (AMENDMENT) BILL, 2021

	<p>paragraph—</p> <p>“(b) in subsection (2) by—</p> <p>(a) inserting the words “under subsection (1)(a) immediately after the words “from the Fund” appearing in the opening statement;</p> <p>(b) deleting paragraph (c) and substituting therefor the following new paragraph—</p> <p>“(c) the party does not have at least —</p> <p>(i) one elected member of the National Assembly;</p> <p>(ii) one elected member of the Senate;</p> <p>(iii) one elected Governor; and</p> <p>(iv) an elected member of a county assembly.”</p>		
22	<p>THAT, Clause 22 of the Bill be amended in the proposed new section 38C —</p> <p>(a) in subsection (2) by deleting the words “a certified” appearing immediately after the words “shall use” and substituting therefor the words “its”;</p> <p>(b) in subsection (3) by deleting the words “apply in writing to the Registrar</p> <p>for a certified copy of the” appearing immediately after the word “shall” and substituting therefor the words “submit to the Registrar a copy of its”;</p> <p>(c) by deleting subsection (4).</p>		
25	<p><b>THAT, the Bill be amended by deleting Clause 25.</b></p>		
	<p><b>4. HON. DIDMUS BARASA</b></p>		
7	<p>That clause 7 of the Bill be amended in paragraph (c) by deleting the proposed new paragraph (e).</p>	No justification provided.	The amendments should not be proceeded with
8	<p>THAT, clause 8 (b) of the Bill be amended in the proposed proviso by deleting the words “six months” and substituting therefor the words “sixty days”.</p>		
10	<p>That clause 10 of the Bill be amended in the proposed new section 14B by deleting subsection (2) and</p>		

**RESULT OF HARMONIZATION UNDER SO 131- THE POLITICAL PARTIES (AMENDMENT) BILL, 2021**

	<p>substituting therefor the following new subsections-</p> <p>(2) A political party shall, before expelling a member under subsection (1)-</p> <p>(a) notify the member in writing, of the provisions allegedly contravened and the particulars of any conduct related to the contravention;</p> <p>(b) inform the member of his or her right to appear and be heard before the relevant organ of the party either in person or through a legal representative; and</p> <p>(c) afford the member an opportunity to be heard within a period of not less than ninety days from the date of the notice.</p> <p>(3) A person holding an elective office who is expelled from a political party under this section shall continue to hold office for the remainder of their elective term independent of any political party.</p> <p>(4) The expulsion from a party of a person elected to Parliament or a county assembly shall constitute a ground for the recall from office of the person.</p>		
22	<p>THAT, Clause 22 of the Bill be amended in the proposed new section 38C —</p> <p>(a) in subsection (2) by deleting the words “a certified” appearing immediately after the words “shall use” and substituting therefor the words “its”;</p> <p>(b) in subsection (3) by deleting the words “apply in writing to the Registrar for a certified copy of the” appearing immediately after the word “shall” and substituting therefor the words “submit to the Registrar a copy of its”;</p> <p>(c) by deleting subsection (4).</p>		
NEW	<p><b>5. HON. OWEN YAA BAYA</b></p> <p>19A. The principal Act is amended by deleting Part IV</p>	No justification provided.	The amendments should not

RESULT OF HARMONIZATION UNDER SO 131- THE POLITICAL PARTIES (AMENDMENT) BILL, 2021

CLAUSES		be proceeded with
	<p>and substituting therefor the following new Part— PART IV— POLITICAL PARTIES REGISTRATION BOARD. <b>Political Parties Registration Board.</b> 32A. (1) There is established a Political Parties Registration Board which shall be a body corporate with perpetual succession and a common seal. (2) The Board shall be capable in its corporate name of— (a) suing and being sued; (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property; (c) entering into contract; (d) borrowing and lending money; (e) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act, and which may lawfully be done or performed by a body corporate.</p> <p><b>Composition of the Board.</b> 32B. (1) The Board shall consist of nine members nominated by the political parties represented in both Houses of Parliament based on the total number of representatives from the political parties elected in both Houses in the preceding general election. (2) Upon nomination under subsection (1), the names of the nominees shall be submitted to both Houses for consideration and approval. (3) The Chief Executive Officer shall be the Secretary to the Board. (4) The Chief Executive Officer shall be responsible for the management of the day to-day activities of the Board. (5) The Chief Executive Officer shall be an ex officio</p>	

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	<p>member of the Board and shall have no right to vote at the meetings of the Board.</p>		
	<p><b>Chief Executive Officer of the Board.</b> 32C. (1) The Board shall competitively recruit and appoint a Chief Executive Officer of the Board                  (2) A person shall be qualified for appointment by the Board as a Chief Executive Officer, if the person—                  (a) holds a degree from a university recognised in Kenya;                  (b) has proven knowledge and experience in any of the following fields—                  (i) finance;                  (ii) management;                  (iii) political science;                  (iv) law;                  (v) governance; or                  (vi) public administration;                  (c) has, at least fifteen years post qualification experience in the relevant areas of expertise; and                  (d) is a person of high moral character and integrity and has satisfied the requirements of Chapter Six of the Constitution.</p>		
	<p><b>Vacancy in the office of the Chief Executive Officer.</b>                  32D. The Board may on its own motion, or upon petition by any person, remove the Chief Executive Officer, only on grounds of—                  (a) serious violation of the Constitution or of this Act;                  (b) non-compliance with Chapter Six of the Constitution;                  (c) inability to perform the functions of office arising from mental or physical incapacity;                  (d) bankruptcy;                  (e) incompetence; or</p>		

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<p>(f) gross misconduct.                  (2) A vacancy may also occur in the office of the Chief Executive Officer, if the person resigns in writing, dies or is otherwise unable to perform the functions of the Chief Executive Officer due to mental or physical incapacity.                  (3) Where a vacancy occurs, the Board shall within fourteen days of occurrence of a vacancy fill the vacancy.</p>		
<p><b>Functions of the Board.</b>                  32E. The functions of the Board shall be to—                  (a) register, regulate, monitor, investigate and supervise political parties to ensure compliance with this Act;                  (b) administer the Fund;                  (c) ensure publication of audited annual accounts of political parties;                  (d) verify and make publicly available the list of all members of political parties;                  (e) keep and maintain a register of members of registered political parties;                  (f) maintain a register of political parties and the symbols of the political parties;                  (g) certify that an independent candidate in an election is not a member of any registered political party;                  (h) certify that the symbol intended to be used by an independent candidate in an election does not resemble the symbol of a registered political party;                  (i) certify that the names appearing in a party list are the names of members of the political party presenting the party list;                  (j) regulate political party nominations in accordance with this Act;</p>		

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	<p>(k) train political party election agents;          (l) ensure and verify that no person is a member of more than one political party and notify the Commission of the findings;          (m) investigate complaints received under this Act; and          (n) perform such other functions as may be conferred by this Act or any other written law.</p>		
	<p><b>Vacancy in the Board.</b>          32F. (1) A member of the Board shall vacate office at the end of the term of the House of which the person is a member or if the person ceases to be a Member of Parliament.          (2) Despite clause (2), when the term of a House of Parliament ends, a member of the Board shall continue in office until a new member has been appointed in the member's place by the next House.          (3) A vacancy may also occur in the Board, if a member resigns from the Board or is otherwise removed from office by the Party that nominated the person to the Board.</p>		
	<p><b>Conduct of the business and affairs of the Board.</b>          32G. The Board shall determine its own rules and procedure for conducting its affairs.</p>		
	<p><b>Staff of the Board.</b>          32H. The Board shall competitively appoint qualified staff as may be necessary for the efficient performance of the functions of the Board.</p>		
	<p><b>Funds of the Board.</b>          32I. (1) The funds of the Board shall comprise—          (a) such funds as may be appropriated by the National Assembly;</p>		

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<p>(b) such monies or assets as may accrue to or vest in the Board in the performance of its functions or the exercise of its powers under this Act or any other written law; and  (c) All monies from any other source provided for, donated or lent to the Board.  (2) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Board.  (3)The Board shall, at least three months before the commencement of each financial year, cause to be prepared estimates of revenue and expenditure of the Board for that financial year.</p>		
<p><b>Meetings of the Board.</b>  32J. (1) The members of the Board shall elect a Chairperson of the Board in the first sitting of the Board.  (2) The Chairperson shall preside at all the meetings of Board and in the absence of the Chairperson, the members present shall elect one of the members to preside.  (3) The quorum necessary for transaction of the business of the Board shall be five members.  (4) All questions at any meeting of the Board shall be determined by a majority of the members.</p>		
<p><b>Remuneration of members and staff of the Board.</b>  32K The members and staff of the Board shall be paid such allowances or remuneration as the Board may in consultation with the Salaries and Remuneration Commission determine.</p>		
<p><b>Establishment of Political Parties Liaison Committee</b>  32L. (1) There is established a Political Parties Liaison Committee.  (2) The Political Parties Liaison Committee shall be</p>		

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	<p>established at the national and county levels.</p> <p>(3) The principal function of the Political Parties Liaison Committee is to provide a platform for dialogue between the Board, Commission and political parties.</p> <p>(4) The Political Parties Liaison Committee shall perform such other functions as may be prescribed by the Board.</p>		
<p><b>NEW CLAUSE</b></p>	<p><b>NEW CLAUSE</b></p> <p>THAT, the Bill be amended by inserting the following new clause immediately after clause 25—</p> <p>25A. Section 51 of the principal Act is amended in subsection (1) by inserting the following new paragraphs immediately after paragraph</p> <p>(j) —</p> <p>(k) the Registrar shall continue to hold office and serve as the Chief Executive Officer of the Board under this Act, for a period of one year;</p> <p>Provided that upon the expiry of the one year, the Board shall appoint a new Chief Executive Officer in accordance with this Act;</p> <p>(l) Any property, rights, obligations and liabilities which immediately before the commencement of this Act were vested in or imposed on the Registrar, are deemed to be the rights, obligations and liabilities of the Board;</p> <p>(m) the staff who immediately before the commencement of this Act were staff of the Office of the Registrar are deemed to be the staff of the Board.</p>		

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NEW CLAUSE	<p>25B. The principal Act is amended by inserting the following new section immediately after section 51— Consequential amendment. 51A. (1) The Act is amended— (a) by deleting the word “Registrar” wherever it appears and substituting therefor the words “Chief Executive Officer”; (b) by deleting the words “Office of the Registrar” wherever they appear and substituting therefor the words “Chief Executive Officer”;</p>		
FOURTH SCHEDULE	<p>THAT, the Bill be amended by deleting the Fourth Schedule.</p>		
SIXTH SCHEDULE	<p>THAT, the Bill be amended by deleting the Sixth Schedule.</p>		
1	<p><b>6. HON. CALKB KOSTANY</b> THAT, the Bill be amended by deleting clause 1 and substituting therefor the following new clause— <b>Short title and commencement.</b> 1. This Act may be cited as the Political Parties (Amendment) Act, 2021 and shall come into operation immediately after the next general elections.</p>	<p>No justification provided.</p>	<p>The amendments should not be proceeded with</p>
NEW CLAUSE 19A	<p>THAT, the Bill be amended by inserting the following new clause immediately after clause 19— 19A. Section 33 of the principal Act is amended by inserting the following new subsection immediately after subsection (5)— (5A) The Office of the Registrar shall ensure reasonable access to its services at the county level and may determine from time to time conduct of its business in any part of the Republic.</p>		
	<p><b>7. HON. GODFREY OSOTSI</b></p>		

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10	THAT, clause 10 of the Bill be amended – (a) in the proposed new clause 14A (2) (b) by inserting the words “the Constitution, Fair Administrative Action Act, 2015 and” immediately after the words “in accordance with”; (b) in the proposed new clause 14B (2) by inserting the words “Constitution, Fair Administrative Action Act, 2015 and” immediately after the words “in accordance with the”.	Amendment Member.	withdrawn	by	
19	THAT, clause 19 of the Bill be deleted.	Amendment Member.	withdrawn	by	
21	THAT, clause 21 of the Bill be amended in the proposed new section 34B by inserting the following new subclause immediately after subclause (4) – “(5) The Registrar shall ensure that the data in his or her custody shall be dealt with in accordance with the provisions of the Data Protection Act, 2019”.	Amendment Member.	withdrawn	by	
<b>8. HON. KIMANICHUNG'WAH</b>					
7	THAT, Clause 7 of the Bill be amended in paragraph (c) by deleting the proposed new paragraph (e).	No justification provided.			The amendments should not be proceeded with
8	THAT, Clause 8 of the Bill be amended in paragraph (b) by deleting the words “six months” appearing immediately after the words “at least” and substituting therefor the words “sixty days”.				
10	THAT, Clause 10 of the Bill be amended in the proposed new section 14A by— (a) deleting subsection (2); (b) deleting subsection (3); (c) deleting subsection (4); and (d) deleting subsection (5).				
	THAT, Clause 10 of the Bill be amended in the proposed				

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	<p>new section 14B by deleting the proposed new subsection (2) and substituting therefor the following proposed new subsections—</p> <p>(2) A political party shall, before expelling a member under subsection (1)—</p> <p>(a) notify the member, in writing of the provisions allegedly contravened and the particulars of any conduct related to the contravention;</p> <p>(b) inform the member of his or her right to appear and be heard before the relevant organ of the party either in person or through a legal representative; and</p> <p>(c) afford the member an opportunity to be heard within a period of not less than ninety days from the date of the notice.</p> <p>(3) A person holding elective office who is expelled from a political party under this section shall continue to hold office for the remainder of his or her elective term independent of any political party.</p> <p>(4) The expulsion from a party of a person elected to Parliament or a county assembly shall constitute a ground for the recall from office of the person.</p>	
<p>NEW CLAUSE 19A</p>	<p>THAT, the Bill be amended by inserting the following new clause immediately after clause 19-19A. The principal Act is amended by deleting Part IV and substituting therefor the following new Part—</p> <p><b>PART IV— POLITICAL PARTIES REGISTRATION BOARD.</b></p> <p><b>Political Parties Registration Board.</b></p> <p>32A. (1) There is established a Political Parties Registration Board which shall be a body corporate with perpetual succession and a common seal.</p> <p>(2) The Board shall be capable in its corporate name of—</p>	

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	<p>(a) suing and being sued;</p> <p>(b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;</p> <p>(c) entering into contract;</p> <p>(d) borrowing and lending money;</p> <p>(e) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act, and which may lawfully be done or performed by a body corporate.</p>		
	<p><b>Composition of the Board.</b></p> <p>32B. (1) The Board shall consist of nine members nominated by the political parties represented in both Houses of Parliament based on the total number of representatives from the political parties elected in both Houses in the preceding general election.</p> <p>(2) Upon nomination under subsection (1), the names of the nominees shall be submitted to both Houses for consideration and approval.</p> <p>(3) The Chief Executive Officer shall be the Secretary to the Board.</p> <p>(4) The Chief Executive Officer shall be responsible for the management of the day-to-day activities of the Board.</p> <p>(5) The Chief Executive Officer shall be an ex officio member of the Board and shall have no right to vote at the meetings of the Board.</p>		
	<p><b>Chief Executive Officer of the Board.</b></p> <p>32C. (1) The Board shall competitively recruit and appoint a Chief Executive Officer of the Board.</p> <p>(2) A person shall be qualified for appointment by the Board as a Chief Executive Officer, if the person—</p> <p>(a) holds a degree from a university recognised in Kenya;</p>		

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	<p>(b) has proven knowledge and experience in any of the following fields—</p> <ul style="list-style-type: none"> <li>(i) finance;</li> <li>(ii) management;</li> <li>(iii) political science;</li> <li>(iv) law;</li> <li>(v) governance; or</li> <li>(vi) public administration;</li> </ul> <p>(c) has, at least fifteen years post qualification experience in the relevant areas of expertise; and</p> <p>(d) is a person of high moral character and integrity and has satisfied the requirements of Chapter Six of the Constitution.</p>		
	<p><b>Vacancy in the office of the Chief Executive Officer.</b></p> <p>32D. The Board may on its own motion, or upon petition by any person, remove the Chief Executive Officer, only on grounds of—</p> <ul style="list-style-type: none"> <li>(a) serious violation of the Constitution or of this Act;</li> <li>(b) non-compliance with Chapter Six of the Constitution;</li> <li>(c) inability to perform the functions of office arising from mental or physical incapacity;</li> <li>(d) bankruptcy;</li> <li>(e) incompetence; or</li> <li>(f) gross misconduct.</li> </ul> <p>(2) A vacancy may also occur in the office of the Chief Executive Officer, if the person resigns in writing, dies or is otherwise unable to perform the functions of the Chief Executive Officer due to mental or physical incapacity.</p> <p>(3) Where a vacancy occurs, the Board shall within fourteen days of occurrence of a vacancy fill the vacancy.</p>		
	<p><b>Functions of the Board.</b></p>		

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	<p>32E. The functions of the Board shall be to—</p> <ul style="list-style-type: none"> <li>(a) register, regulate, monitor, investigate and supervise political parties to ensure compliance with this Act;</li> <li>(b) administer the Fund;</li> <li>(c) ensure publication of audited annual accounts of political parties;</li> <li>(d) verify and make publicly available the list of all members of political parties;</li> <li>(e) keep and maintain a register of members of registered political parties;</li> <li>(f) maintain a register of political parties and the symbols of the political parties;</li> <li>(g) certify that an independent candidate in an election is not a member of any registered political party;</li> <li>(h) certify that the symbol intended to be used by an independent candidate in an election does not resemble the symbol of a registered political party;</li> <li>(i) certify that the names appearing in a party list are the names of members of the political party presenting the party list;</li> <li>(j) regulate political party nominations in accordance with this Act;</li> <li>(k) train political party election agents;</li> <li>(l) ensure and verify that no person is a member of more than one political party and notify the Commission of the findings;</li> <li>(m) investigate complaints received under this Act; and</li> <li>(n) perform such other functions as may be conferred by this Act or any other written law.</li> </ul>		
	<p><b>Vacancy in the Board.</b></p> <p>32F. (1) A member of the Board shall vacate office at the end of the term of the House of which the person is a</p>		

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	<p>member or if the person ceases to be a Member of Parliament.</p> <p>(2) Despite clause (2), when the term of a House of Parliament ends, a member of the Board shall continue in office until a new member has been appointed in the member's place by the next House.</p> <p>(3) A vacancy may also occur in the Board, if a member resigns from the Board or is otherwise removed from office by the Party that nominated the person to the Board.</p>		
	<p><b>Conduct of the business and affairs of the Board.</b></p> <p>32G. The Board shall determine its own rules and procedure for conducting its affairs.</p>		
	<p><b>Staff of the Board.</b></p> <p>32H. The Board shall competitively appoint qualified staff as may be necessary for the efficient performance of the functions of the Board.</p>		
	<p><b>Funds of the Board.</b></p> <p>32I. (1) The funds of the Board shall comprise—</p> <p>(a) such funds as may be appropriated by the National Assembly;</p> <p>(b) such monies or assets as may accrue to or vest in the Board in the performance of its functions or the exercise of its powers under this Act or any other written law; and</p> <p>(c) All monies from any other source provided for, donated or lent to the Board.</p> <p>(2) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Board.</p> <p>(3) The Board shall, at least three months before the commencement of each financial year, cause to be prepared estimates of revenue and expenditure of the</p>		

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	Board for that financial year.		
	<p><b>Meetings of the Board.</b></p> <p>32J. (1) The members of the Board shall elect a Chairperson of the Board in the first sitting of the Board.</p> <p>(2) The Chairperson shall preside at all the meetings of Board and in the absence of the Chairperson, the members present shall elect one of the members to preside.</p> <p>(3) The quorum necessary for transaction of the business of the Board shall be five members.</p> <p>(4) All questions at any meeting of the Board shall be determined by a majority of the members.</p>		
	<p><b>Remuneration of members and staff of the Board.</b></p> <p>32K. The members and staff of the Board shall be paid such allowances or remuneration as the Board may in consultation with the Salaries and Remuneration Commission determine.</p>		
	<p><b>Establishment of Political Parties Liaison Committee</b></p> <p>32L. (1) There is established a Political Parties Liaison Committee.</p> <p>(2) The Political Parties Liaison Committee shall be established at the national and county levels.</p> <p>(3) The principal function of the Political Parties Liaison Committee is to provide a platform for dialogue between the Board, Commission and political parties.</p> <p>(4) The Political Parties Liaison Committee shall perform such other functions as may be prescribed by the Board.</p>		
22	<p>THAT, Clause 22 of the Bill be amended in the proposed new section 38C —</p> <p>(a) in subsection (2) by deleting the words “a certified” appearing immediately after the words “shall use” and substituting therefor the words “its”;</p>		

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	<p>(b) in subsection (3) by deleting the words “apply in writing to the Registrar for a certified copy of the” appearing immediately after the word “shall” and substituting therefor the words “submit to the Registrar a copy of its”;</p> <p>(c) by deleting subsection (4)</p>		
<p>NEW CLAUSE 25A</p>	<p>THAT, the Bill be amended by inserting the following new clause immediately after clause 25-</p> <p>25A. Section 51 of the principal Act is amended in subsection (1) by inserting the following new paragraphs immediately after paragraph (j) —</p> <p>(k) the Registrar shall continue to hold office and serve as the Chief Executive Officer of the Board under this Act, until the expiry of the term of office, upon which the Board shall appoint a new Chief Executive Officer in accordance with this</p> <p>Act;</p> <p>(l) Any property, rights, obligations and liabilities which immediately before the commencement of this Act were vested in or imposed on the Registrar, are deemed to be the rights, obligations and liabilities of the Board;</p> <p>(m) the staff who immediately before the commencement of this Act were staff of the Office of the Registrar are deemed to be the staff of the Board.</p>		
<p>NEW CLAUSE 25B</p>	<p>25B. The principal Act is amended by inserting the following new section immediately after section 51 —</p> <p><b>Consequential amendment.</b></p> <p>51A. (1) The Act is amended—</p> <p>(a) by deleting the word “Registrar” wherever it appears and substituting therefor the words “Chief Executive Officer”;</p> <p>(b) by deleting the words “Office of the Registrar”</p>		

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	wherever they appear and substituting therefor the words “Chief Executive Officer”;		
27	<b>THAT, the Bill be amended by deleting Clause 27.</b>		
FOURTH SCHEDULE	THAT, the Bill be amended by deleting the Fourth Schedule.		
SIXTH SCHEDULE	THAT, the Bill be amended by deleting the Sixth Schedule.		
	<b>9. HON. JOHN KIARIE WAWERU</b>		
NEW CLAUSES	NEW CLAUSES THAT, the Bill be amended by inserting the following new clauses immediately after Clause 19— 19A. Section 32 of the principal Act is amended by— (a) deleting subsection (1) and substituting therefor the following new subsection— “(1) The Board shall keep proper books of account of its income, expenditure and assets.” (b) deleting subsection (2) and substituting therefor the following new subsection— “(2) Within a period of three months after the end of a financial year, the Board shall submit to the Auditor-General, its accounts together with— (a) a statement of its income and expenditure during that year; and (b) a statement of its assets and liabilities during that year.”	No justification provided.	The amendments should not be proceeded with
	19B. The principal Act is amended in the Heading to Part IV by deleting the words “OFFICE OF THE REGISTRAR OF POLITICAL PARTIES” and substituting therefor the words “ESTABLISHMENT OF THE POLITICAL PARTIES BOARD”.		

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	<p>19C. The principal Act is amended by repealing section 33 and replacing with the following new sections—</p> <p><b>Establishment of the Board.</b></p> <p>33. (1) There is established a Political Parties Board.</p> <p>(2) The Board shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—</p> <p>(a) suing and being sued;</p> <p>(b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;</p> <p>(c) borrowing money or making investments; and</p> <p>(d) doing or performing all other acts or things for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.</p>		
	<p><b>Composition of the Board.</b></p> <p>33A. (1) The Board shall consist of—</p> <p>(a) a chairperson and four other members appointed by the President, with the approval of the National Assembly; and</p> <p>(b) the Registrar as an ex officio member.</p> <p>(2) The chairperson and members of the Board shall be State officers within the meaning of Article 260 of the Constitution.</p>		
	<p><b>Qualifications for appointment as chairperson or member.</b></p> <p>33B. (1) A person shall be qualified for appointment as the chairperson of the Board if that person—</p> <p>(a) meets the requirements of Chapter Six of the Constitution;</p> <p>(b) holds a degree from a university recognized in Kenya; and</p>		

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	<p>(c) has knowledge and experience of not less than fifteen years in—</p> <ul style="list-style-type: none"> <li>(i) ethics and governance;</li> <li>(ii) law;</li> <li>(iii) public administration;</li> <li>(iv) leadership;</li> <li>(v) economics;</li> <li>(vi) social studies; or</li> <li>(vii) accounting.</li> </ul> <p>(2) A person shall be qualified for appointment as a member of the Board if that person—</p> <ul style="list-style-type: none"> <li>(a) meets the requirements of Chapter Six of the Constitution;</li> <li>(b) holds a degree from a university recognized in Kenya; and</li> <li>(c) has knowledge and experience of not less than ten years in—</li> </ul> <ul style="list-style-type: none"> <li>(i) ethics and governance;</li> <li>(ii) law;</li> <li>(iii) public administration;</li> <li>(iv) leadership;</li> <li>(v) economics;</li> <li>(vi) social studies; or</li> <li>(vii) accounting.</li> </ul> <p>(3) A person shall not be qualified for appointment as a chairperson or as a member if the person—</p> <ul style="list-style-type: none"> <li>(a) is a member of a governing body of a political party;</li> <li>(b) is an undischarged bankrupt;</li> <li>(c) has been convicted of a felony; or</li> <li>(d) has been removed from public office for contravening the provisions of the Constitution or any other law.</li> </ul>		
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	<p>(4) Subsection (3)(a) shall cease to apply to a person after two general elections have been held since the person ceased to hold such office.</p>	
	<p><b>Term of Office</b>            33C. (1) The chairperson and members of the Board shall be appointed for a single term of six years and are not eligible for re-appointment.            (2) The chairperson and members of the Board shall serve on a part-time basis.</p>	
	<p><b>Remuneration of Board Members.</b> 33D. There shall be paid to the members of the Board such remuneration, fees or allowances as the Cabinet Secretary may, in consultation with the Salaries and Remuneration Commission, determine.</p>	
<p>20</p>	<p>20. The principal Act is amended by repealing section 34 and replacing with the following new sections—  <b>Functions of the Board.</b>            34. The Board shall—            (i) register, regulate, monitor, investigate and supervise political parties to ensure compliance with this Act;            (ii) administer the Fund;            (iii) ensure publication of audited annual accounts of political parties;            (iv) verify and make publicly available the list of all members of political parties;            (v) maintain a register of political parties and the symbols of the political parties;            (vi) ensure and verify that no person is a member of more than one political party and notify the Board of its findings;            (vii) investigate complaints received under this Act; and            (viii) perform such other functions as may be conferred</p>	

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	by this Act or any other written law.	
	<p><b>Powers of the Board.</b></p> <p>34A. (1) The Board shall have all the powers necessary for the proper performance of its functions under this Act, and in particular, but without prejudice to the generality of the foregoing, the Board shall have power to—</p> <p>(a) receive gifts, donations, grants or other moneys and equipment and make legitimate disbursements therefrom; and</p> <p>(b) enter into association with such other persons, bodies or organisations within or outside Kenya as the Board may consider appropriate in furtherance of the objects of this Act.</p> <p>(2) The Board shall be independent and shall not be subject to direction or control of any person or authority.</p>	
	<p><b>Staff of the Board.</b></p> <p>34B. The Board may engage such staff, experts or consultants as are necessary for the proper and effective discharge of its functions under this Act and any other written law.</p>	
	<p><b>Conduct of the business and affairs of the Board.</b></p> <p>34C. (1) The conduct and regulation of the business and affairs of the Board shall be as set out in the Sixth Schedule.</p> <p>(2) Except as provided in the Sixth Schedule, the Board may regulate its own procedure.</p>	
	<p><b>Removal from office.</b></p> <p>34D. (1) A member of the Board may be removed from office for—</p> <p>(a) a serious violation of the Constitution or any other</p>	

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	<p>law;</p> <p>(b) gross misconduct, whether in performance of the member's functions or otherwise;</p> <p>(c) physical or mental incapacity to perform the functions of office;</p> <p>(d) incompetence;</p> <p>(e) bankruptcy; or</p> <p>(f) engaging in active politics.</p> <p>(2) A person desiring the removal of a member of the Board under subsection (1) may present a petition to the National Assembly setting out the alleged facts constituting each ground.</p> <p>(3) A member sought to be removed under subsection (1) shall be given a fair hearing before a decision is made by the relevant committee of the National Assembly.</p> <p>(4) The relevant committee of the National Assembly shall, upon receiving a petition under subsection (2), consider the petition and may recommend that the member be suspended pending the outcome of the complaint.</p> <p>(5) The relevant committee of the National Assembly shall consider the petition and if it is satisfied that it discloses a ground under subsection (1), it shall make a determination that the member be removed from office and the member shall stand removed from office upon the making of that determination.</p>		
	<p><b>Registrar and Assistant Registrars.</b></p> <p>34E. (1) There shall be a Registrar of the Board deputized by three Assistant Registrars.</p> <p>(2) The Registrar and an Assistant Registrar shall be competitively recruited by the Public Service Commission and appointed by the President with the</p>		

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	<p>approval of the National Assembly.</p> <p>(3) The office of the Registrar and an Assistant Registrar shall be a State office within the meaning of Article 260 of the Constitution.</p> <p>(4) A person shall be qualified for appointment as Registrar or as an Assistant Registrar if the person—</p> <p>(a) holds a degree from a university recognised in Kenya;</p> <p>(b) has proven knowledge and experience in any of the following fields—</p> <p>(i) finance;</p> <p>(ii) management;</p> <p>(iii) political science;</p> <p>(iv) law;</p> <p>(v) governance; or</p> <p>(vi) public administration;</p> <p>(c) has, in the case of the Registrar, at least fifteen years post qualification experience in the relevant areas of expertise and, in the case of an Assistant Registrar, has at least ten years post qualification experience in the relevant area of expertise; and</p> <p>(d) is a person of high moral character and integrity and has satisfied the requirements of Chapter Six of the Constitution.</p> <p>(5) A person shall not be qualified for appointment as a Registrar or Assistant Registrar if the person has, at any time within the preceding five years, held office or stood for election as a member of Parliament or a county assembly or as a member of a governing body of a political party.</p> <p>(6) The Registrar and Assistant Registrars shall, before assuming office, take and subscribe to the oath or affirmation prescribed in the Fourth Schedule.</p>		
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<p>(7) The Registrar shall, subject to the directions of the Board, be responsible for the day to day management of the affairs and staff of the Board.</p> <p>(8) The Registrar and Assistant Registrars shall serve for a non-renewable term of six years and shall not be eligible for re-appointment.</p> <p>(9) A person who serves as a Registrar or Assistant Registrar shall not be eligible to contest for election as a member of Parliament or a county assembly, or as a member of a governing body of a political party within five years of the person ceasing to be Registrar or Assistant Registrar</p>		
<p><b>Appointment of corporation secretary.</b> 34F. (1) There shall be a corporation secretary to the Board who shall be appointed by the Board.</p> <p>(2) The corporation secretary shall be responsible for arranging the business of the Board's meetings, keeping records of the proceedings of the Board, and shall perform such other duties as the Board may direct.</p> <p>(3) In the performance of the duties under this Act, the corporation secretary shall be responsible to the Registrar.</p> <p>(4) The Board may in the absence of the corporation secretary appoint any member of the Board or staff of the Board to temporarily perform the functions of the secretary under subsection (2) subject to such conditions or restrictions as the Board may determine.</p>		
<p><b>Funds of the Board.</b> 34G. The funds of the Board shall consist of—</p> <p>(a) such funds as may from time to time be provided for by the National Assembly;</p>		

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	(b) monies borrowed by the Board on such terms and for such purposes as the Cabinet Secretary, in consultation with Cabinet Secretary for the time being responsible for finance, may approve; and (c) any moneys accruing to the Board from any other source.	
NEW CLAUSE	THAT, the Bill be amended by inserting the following new clause immediately after clause 20— The principal Act is amended by repealing section 34A.	
NEW CLAUSES	THAT, the Bill be amended by inserting the following new clauses immediately after clause 21— 21A. The principal Act is amended by repealing section 36. 21B. The principal Act is amended by repealing section 37 and replacing with the following new section— <b>Removal of Registrar or Assistant Registrar.</b> 37. (1) A Registrar or Assistant Registrar may be removed from office for— (a) a serious violation of the Constitution or any other law; (b) gross misconduct, whether in performance of the their functions or otherwise; (c) physical or mental incapacity to perform the functions of office; (d) incompetence; (e) bankruptcy; or (f) engaging in active politics. (2) A person desiring the removal of a Registrar or Assistant Registrar under subsection (1) may present a petition to the National Assembly setting out the alleged facts constituting each ground. (3) A Registrar or Assistant Registrar sought to be	

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	<p>removed under subsection (1) shall be given a fair hearing before a decision is made by the relevant committee of the National Assembly.</p> <p>(4) The relevant committee of the National Assembly shall, upon receiving a petition under subsection (2), consider the petition and may recommend that the Registrar or Assistant Registrar be suspended pending the outcome of the complaint.</p> <p>(5) The relevant committee of the National Assembly shall consider the petition and if it is satisfied that it discloses a ground under subsection (1), it shall make a determination that the Registrar or Assistant Registrar be removed from office and the Registrar or Assistant Registrar shall stand removed from office upon the making of that determination.</p>	
24	<p>21C. Section 45 of the principal Act is amended by deleting subsection (7) and substituting therefor the following new subsection—</p> <p>“(7) A member of the Board, the Registrar or an employee of the Board commits an offence where the member, Registrar or employee knowingly subverts the objectives of the Constitution and of this Act.”</p>	
	<p>THAT, the Bill be amended by deleting Clause 24 and substituting therefor the following new Clause—</p> <p>Section 45 of the principal Act is amended by—</p> <p>(a) inserting the following new subsection immediately after subsection (1)—</p> <p>“(1A) A person who enlists another person to be a member of a political party without obtaining the consent of that other person commits an offence.”</p> <p>(b) deleting subsection (7) and substituting therefor the</p>	

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	<p>following new subsection “(7) A member of the Board, the Registrar or an employee of the Board commits an offence where the member, Registrar or employee knowingly subverts the objectives of the Constitution and of this Act.”</p>		
<p><b>NEW CLAUSES</b></p>	<p>THAT, the Bill be amended by inserting the following new clauses immediately after clause 26— 26A. The principal Act is amended in the Third Schedule in paragraph 3(e) by inserting the words “including any entitlements to positions in the Cabinet, eligible State offices and leadership positions in Parliament and its committees” immediately after the words “within the coalition”.</p>		
	<p>26B. The principal Act is amended by repealing the Sixth Schedule and replacing with the following new Schedule— <b>SIXTH SCHEDULE [s. 34C] CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD</b> 1. The Board shall meet as often as may be necessary for the dispatch of its business but there shall be at least four meetings of the Board in any financial year. 2. A meeting of the Board shall be held on such date and at such time as the Board shall decide. 3. The chairperson shall, on the written application of one-third of the members, convene a special meeting of the Board. 4. Unless the majority of the total membership of the Board otherwise agree, at least fourteen days’ written notice of every meeting of the Board shall be given to every member of the Board. 5. The quorum for the conduct of business at a meeting</p>		

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	<p>of the Board shall be two-thirds of all the members of the Board.</p> <p>6. The Chairperson shall preside at every meeting of the Board at which he is present and in the absence of the chairperson at a meeting, the vice chairperson, shall preside and in the absence of both the chairperson and the vice-chairperson, the members present shall elect one of their number who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.</p> <p>7. Unless a unanimous decision is reached, a decision on any matter before the Board shall be by concurrence of a majority of all the members.</p> <p>8. Subject to paragraph 5, no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.</p> <p>9. Unless otherwise provided by or under any law, all instruments made by and decisions of the Board shall be signified under the hand of the Chairperson and the Registrar.</p> <p>10. The Board shall cause minutes of all proceedings of meetings of the Board to be entered in books for that purpose.</p> <p>11. Except as provided by this Schedule, the Board may regulate its own procedure.</p> <p>12. (1) If any person is present at a meeting of the Board or any committee at which any matter is the subject of consideration and in which matter that person or that person's spouse is directly or indirectly interested in a private capacity, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not, unless the Board or</p>	
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	<p>committee otherwise directs, take part in any consideration or discussion of, or vote on any question touching such matter.</p> <p>(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.</p> <p>(3) A person who contravenes subparagraph (1) commits an offence and upon conviction shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding seven years or to both such fine and imprisonment.</p> <p>(4) A member or employee of the Board shall not transact any business or trade with the Board.</p>		
	<p><b>Savings and Transition.</b></p> <p>26C. (1) All property, assets, rights, liabilities, obligations, agreements, contracts and other arrangements existing at the commencement of this Act and vested in, acquired, incurred or entered into by or on behalf of the Office of the Registrar of Political Parties existing immediately before the commencement of this Act, shall, upon the commencement of this Act, be deemed to have vested in or to have been acquired, incurred or entered into by or on behalf of the Board to the same extent as they were enforceable by or against the Office of the Registrar of Political Parties before the commencement of the Act.</p> <p>(2) Where the transfer of any property transferred to or vested in Board under subsection (1) is required by any written law to be registered, the Board shall, within three months from the commencement of this Act or within such other period as the written law may prescribe, apply to the appropriate registering authority for the</p>		

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	<p>registration of the transfer and thereupon the registering authority shall, at no cost to the Board or any person by way of registration fees, stamp or other duties—</p> <p>(a) make such entries in the appropriate register as shall give effect to the transfer;</p> <p>(b) where appropriate, issue to the Board a certificate of title or other statutory evidence of ownership of the property or</p> <p>make such amendments on such certificates or in the appropriate register as may be necessary; and</p> <p>(c) make any necessary endorsements on such deeds or other documents as may be presented to such registering authority relating to the title, right or obligation concerned.</p> <p>(3) The staff of the Office of the Registrar of Political Parties shall be the staff of the Board.</p> <p>(4) Any disciplinary proceedings that are pending before the Office of the Registrar of Political Parties shall be continued by the Board.</p> <p>(5) Any pension scheme, superannuation, provident fund, medical fund or any other scheme existing in the Office of the Registrar of Political Parties before the commencement of this Act shall continue to exist as if the pension scheme, superannuation, provident fund, medical fund or any other scheme has been established pursuant to this Act.</p> <p>(6) A person who, immediately before the commencement of this Act, held office as a Registrar of Political Parties or Assistant Registrar shall continue to hold office as a Registrar or Assistant Registrar for their unexpired term.</p>		
	<p><b>10. HON. AYUB SAVVULA</b></p>		

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8	THAT, clause 8 (b) of the Bill be amended in the proposed proviso by deleting the word “six” and substituting therefor the word “three”.	Amendment withdrawn in favour of Committee’s amendments.	
2	<p>11. HON. DANIEL TUTTOEK</p> <p>THAT, Clause 2(c) of the Bill be amended—</p> <p>(a) in the proposed definition of “direct party nomination” by deleting the words “through its registered members” appearing immediately after the words “political party”;</p> <p>(b) in the proposed definition of “indirect party nomination” by deleting the words “selected from registered members of the political party and interviews” appearing immediately after the words “political party”;</p> <p>(c) by deleting the proposed definition of “statement of ideology”.</p>	No justification provided.	The amendments should not be proceeded with
22	<p>THAT, clause 22 of the Bill be amended—</p> <p>(a) by deleting the proposed section 38A and substituting the following proposed new section—</p> <p><b>Methods of conducting party nominations.</b></p> <p>38A. A political party may conduct party nominations using—</p> <p>(a) direct party nomination method;</p> <p>(b) indirect party nomination method; or</p> <p>(c) any other method as established by the political party.</p> <p>(b) by deleting the proposed section 38C;</p> <p>(c) by deleting the proposed section 38D;</p> <p>(d) by deleting the proposed section 38E;</p> <p>(e) in the proposed section 38F, by deleting subsection (2);</p> <p>(f) by deleting the proposed section 38G; and</p>		

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	(g) by deleting the proposed section 38H.		
	<b>12. HON. JOHN KANYUTHIA MUTUNGA</b>		
3	THAT clause 3 of the Bill be amended – (a) in the proposed new section 4A by inserting the words “equity through” immediately after the word “promote” in paragraph (c); (b) in the proposed new section 4B- (i) by inserting the words “dominant colour” immediately after the word “symbol” in the marginal note ; (ii) by inserting the words “dominant colour” immediately after the word “symbol” in sub clause (1); (iii) by inserting the words “dominant colour” immediately after the word “symbol” wherever it appears in sub clause (2); (iv) by inserting the words “dominant colour” immediately after the word “symbol” in sub clause (3);	No justification provided.	The amendments should not be proceeded with
5	THAT clause 5 of the Bill be amended by deleting paragraph (a).		
8	THAT clause 8 (b) of the Bill be amended in the proposed proviso by deleting the word “six” and substituting therefor the word “three”.		
10	THAT clause 10 of the Bill be amended in the proposed new section 14A (1) by deleting paragraph (e).		
20	THAT clause 20 (c) of the Bill be amended – (a) by deleting the proposed paragraph (fd); (b) by deleting the proposed paragraph (fe).		
	<b>13. HON. DAVID OCHIENG</b>		
8	THAT clause 8 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b)	Amendment proposing new subsection (2B) withdrawn,	The amendments should not be proceeded with

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	<p>-</p> <p>“(c) by inserting the following new subsections immediately after subsection (2)-</p> <p>“(2A) A member of a coalition political party may either be a natural person or a registered political party.</p> <p>(2B) A coalition agreement shall not limit the right of a political party to nominate a candidate for any elective position in any part of the country”.</p>	<p>however the Hon. Member reserves the right to prosecute the proposal to insert subsection (2A) at the Committee of the whole House.</p>	
<p>15</p>	<p>THAT clause 15 of the Bill be amended –</p> <p>(a) in paragraph (a) by inserting the words “in all elective positions” immediately after the words “political party” appearing in sub clause (1) (a);</p> <p>(b) by deleting paragraph (b) and substituting therefor the following new paragraph-</p> <p>“(b) in subsection (2) –</p> <p>(i) in the opening statement by inserting the words “under subsection (1) (a)” immediately after the words “from the Fund”;</p> <p>(ii) by deleting paragraph (a);</p> <p>(c) in paragraph (c) –</p> <p>(i) by deleting the proposed paragraph (c) in the proposed new sub section (2B);</p> <p>(ii) by inserting the following new subsection immediately after the proposed new subsection (2B) –</p> <p>“(2C) For the purposes of sub section (1), in case of a fresh election for the election of a President, the final votes of the Presidential elections shall apply”.</p>	<p>The Hon Member withdrew the proposed amendments in paragraphs (a) and (b) (i) however reserved the right to prosecute the proposal as contained in paragraphs (b)(ii) and (c). The justification was that currently there was no provision in the Political Parties Act that provided for the manner of distribution of the Political Parties Fund in the event there was an order for a fresh Presidential election.</p>	
	<p><b>14. HON. NELSON KOECH</b></p>		

**RESULT OF HARMONIZATION UNDER SO 131- THE POLITICAL PARTIES (AMENDMENT) BILL, 2021**

1	That the title to the Bill be changed to the Political Parties Coalition Bill, 2021	No justification provided.	The amendments should not be proceeded with
8	That the Bill be amended to allow coalitions to file their agreements 60 days after the general elections. <b>15. HON. JOSEPH LIMO</b>		
8	THAT, Clause 8 (b) of the Bill be amended in the proposed proviso by deleting the word “six” and substituting therefor the word “three”.		
22	THAT, Clause 22 of the Bill be amended — (a) by deleting the proposed section 38C; (b) by deleting the proposed section 38D; (c) in the proposed section 38F (1) by deleting paragraph (b) (iii).		
23	That clause 23 of the Bill be amended in the proposed subsection (8) by deleting the words “and the decision of the Court shall be final”.		
	<b>16. JUSTICE AND LEGAL AFFAIRS COMMITTEE</b>		
8	THAT clause 8 (b) of the Bill be amended in the proposed proviso by deleting the words “six months” and substituting therefor the words “one hundred and twenty days”.	The proposal is intended to allow a coalition political party to participate in the election processes including party nominations while allowing sufficient time for parties to negotiate with like-minded parties on forming of a coalition political party.	The amendment should be proceeded with.
15	THAT clause 15(c) of the Bill be amended – (a) in the opening statement of the proposed new sub clause (2B) by deleting the phrase “(1) (a) or (b)” and substituting therefor the phrase “(1) (b)”; (b) by deleting the proposed paragraph (c).	This is a proposal by the ORPP. 70% of the Fund as proposed in the Bill has already been subjected to the conditions under section 25(2) of the Act. The proposed	The amendment should be proceeded with.

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		<p>new sub clause (2B) (c) defeats the purpose of promoting representation of special interest groups.</p>	
18	<p>THAT clause 18 of the Bill be amended by deleting the words “one hundred and twenty” and substituting therefor the word “ninety”.</p>	<p>This is a proposal by the ORPP. The amendment proposes to align the date of submission by a party of its register of members and statements of assets and liabilities to the Registrar with other electoral timelines including the proposal by the Independent Electoral and Boundaries Commission whereby the IEBC has proposed to reduce the period of submission of party membership lists under section 28 of the Elections Act, 2011 from 120 days to 90 days. This saves parties and duty bearers from repetition of activities and processes.</p>	<p>The amendment should be proceeded with.</p>
21	<p>THAT clause 21 of the Bill be amended –                  (a) in the proposed new section 34B by-                  (i) deleting the words “there is established” appearing in subclause (1) and substituting therefor the words “the Registrar shall establish”;                  (ii) inserting the words “data and” immediately after the word “parties” appearing in subclause (2);                  (b) in the proposed new section 34C (1) by deleting the word “not” appearing immediately after the word “been” in paragraph (a).</p>	<p>This is a proposal by the ORPP. The amendments are for purposes of clarity, certainty and to correct a typographical error.</p>	<p>The amendment should be proceeded with.</p>

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22	<p>THAT clause 22 of the Bill be amended –</p> <p>(a) in the opening statement to the proposed new clause 38E (2) by deleting the word “seven” and substituting therefor the word “fourteen”;</p> <p>(b) in the proposed new clause 38F by inserting the words “and publish in the party’s official website” immediately after the word “Registrar” appearing in the opening statement to sub clause (2).</p>	<p>This is a proposal by the ORPP and the Committee. The amendments propose to increase the period within which a political party and the Registrar must publish in the official website the dates and venues of the party nominations. The amendments also aim at providing access to information by party members.</p>	<p>The amendment should be proceeded with.</p>
NEW CLAUSES	<p>THAT the Bill be amended by inserting the following new clauses immediately after clause 22 –</p> <p>22A. Section 39 of the principal Act is amended in subsection (2) by inserting the following new paragraph immediately after paragraph (b) –</p> <p>“(c) The members of the Tribunal shall elect a vice chairperson from among the members who are Advocates of the High Court of Kenya under paragraph (b)”.</p>	<p>This is a proposal by the ORPP and the PPDt. The position of the vice-chairperson is important for purposes of deputizing the chairperson of the Tribunal.</p>	<p>The amendment should be proceeded with.</p>
22B	<p>22B. The principal Act is amended by inserting the following new section immediately after section 39 –</p> <p><b>Appointment of ad hoc members of the Tribunal.</b></p> <p>39A. (1) At least six months to the date of a general election, the Judicial Service Commission shall appoint not more than eighteen ad hoc members of the Tribunal of whom:</p> <p>(a) nine shall be Advocates of the High Court of Kenya of at least seven years standing; and</p> <p>(b) nine shall be professionals with outstanding governance, administrative, social, political, economic and other record.</p> <p>(2) The ad hoc members of the Tribunal shall hold</p>	<p>This is a proposal by the ORPP and the PPDt. The appointment of additional ad hoc members will enable the Tribunal to expeditiously determine cases before it noting the strict electoral timelines during an election period. Further, experience shows that the mandatory 3-month timeline within which the Tribunal must determine disputes is a difficult timeline to meet. Further, the Tribunal intends to have</p>	<p>The amendment should be proceeded with.</p>

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	<p>office for a term not exceeding one year.</p> <p>(3) The ad hoc members of the Tribunal shall serve together with the members of the Tribunal appointed under section 39 and they shall be responsible to the chairperson of the Tribunal.</p> <p>(4) A person shall not be qualified to be appointed as an ad hoc member of the Tribunal if that person is a public officer or holds office in a political party.</p> <p>(5) A person shall not be qualified for appointment under this section unless the person meets the requirements of chapter six of the Constitution.</p>	<p>sittings outside Nairobi to facilitate access to justice. This can only be achieved through increasing the capacity of the Tribunal.</p>	
23	<p>THAT clause 23 of the Bill be amended by-</p> <p>(a) deleting paragraph (b) and substituting therefor the following new paragraph-</p> <p>(b) by deleting sub-section (2) and substituting therefor the following new sub-section-</p> <p>“(2) Notwithstanding subsection (1), the Tribunal shall not hear or determine a dispute under paragraphs (a), (b), (c), (e) or (fa) unless a party to the dispute adduces evidence of an attempt to subject the dispute to the internal political party dispute resolution mechanisms”.</p> <p>(c) deleting subclause (3);</p> <p>(d) deleting subclause (5);</p> <p>(e) deleting subclause (6);</p> <p>(f) deleting subclause (7); and</p> <p>(g) deleting subclause (8).</p>	<p>This is a proposal by the ORPP and the PPDT. Experience shows that some parties frustrate their members by delaying resolution of disputes and thus the need to allow such aggrieved parties access to the PPDT.</p> <p>Further, the proposals limit the PPDT’s jurisdiction with respect to coalition political party yet they are still political parties within the law. This defeats the purpose of the establishment of the PPDT in the first instance. There is no need for a special appellate regime on coalition political parties and thus the need to delete the amendments.</p>	<p>The amendment should be proceeded with.</p>
NEW CLAUSE	<p>THAT the Bill be amended by inserting the following new clause immediately after clause 23-</p> <p>23A. Section 41 of the principal Act be amended –</p>	<p>This is a proposal by the ORPP</p>	<p>The amendment should be</p>

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	<p>(a) in subsection (2) by deleting the words “to both the Court of Appeal and the Supreme Court” and substituting therefor the words “to the Court of Appeal and the decision of the Court of Appeal shall be final”.</p> <p>(b) in subsection (3) by inserting the words “but the Tribunal shall have the powers of the High Court to punish for any acts or omissions amounting to contempt of the Tribunal” immediately after the words “Magistrates Court”.</p>	<p>and the PPDt. The timeline within which a dispute has to be heard from the party’s Internal Disputes Resolution Mechanism all the way to the Court of Appeal translates to a difficulty in implementing court orders and or delaying electoral activities. Further, there is need to strengthen the Tribunal’s enforcement capacity to protect its probity.</p>	<p>proceeded with.</p>
<p>25</p>	<p>THAT clause 25 of the Bill be amended by deleting the word “conducting” appearing in the proposed new paragraph “(ca)” and substituting therefor the word “regulating”;</p>	<p>This is a proposal by the ORPP. The amendments will operationalize the proposed amendments to section 34 of the Political Parties Act, 2011 that stipulates that the Registrar has the mandate to regulate and monitor party nominations.</p>	<p>The amendment should be proceeded with.</p>