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THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025

DIRECTORATE OF DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

REPORT ON:

**THE CONSIDERATION OF THE ELECTION OFFENCES
(AMENDMENT) (NO. 2) BILL, 2024
(SENATE BILL NO. 28 OF 2024)**

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

CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

MAY 2025

NATIONAL ASSEMBLY
RECEIVED
29 MAY 2025
SPEAKER'S OFFICE
P. O. Box 41842, NAIROBI.

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LIST OF ABBREVIATIONS AND ACRONYMS

CMD	-	Centre for Multiparty Democracy
ELGIA	-	Electoral Law and Governance Institute for Africa
FORD	-	Forum for the Restoration of Democracy
IEBC	-	Independent Electoral and boundaries Commission
KLRC	-	Kenya Law Reform Commission
MCA	-	Member of County Assembly
MCCP	-	Maendeleo Chap Chap Party
MP	-	Member of Parliament
NADCO	-	National Dialogue Committee
ODM	-	Orange Democratic Movement
OAG	-	Office of the Attorney-General
ORPP	-	Office of the Registrar of Political Parties

LIST OF ANNEXURES

- Annexure 1: Adoption Schedule
- Annexure 2: Minutes
- Annexure 3: Election Offences (Amendment) (No. 2) Bill (Senate Bill No. 28 of 2024)
- Annexure 4: Advertisement inviting the public to submit memoranda on the Bill
- Annexure 5: Letter from the Clerk of the National Assembly inviting stakeholders to attend the public participation forum
- Annexure 6: Memoranda by Stakeholders

CHAIRPERSON'S FOREWORD

This report contains the proceedings of the Departmental Committee on Justice and Legal Affairs on its consideration of the Election Offences (Amendment) (No. 2) Bill (*Senate Bill No. 28 of 2024*). The Bill having been passed in the Senate on 19th November, 2024 and forwarded to the National Assembly was read a First Time in the House on 3rd December, 2024 and was thereafter committed to the Committee in line with Standing Order 143(2) of the National Assembly Standing Orders.

The Bill seeks to give effect to some of the recommendations by NADCO on the issues of electoral justice electoral integrity. The Bill amends the Election Offences Act, Cap 66 to enhance the offences by members and staff of the IEBC; offences relating to elections; and offences relating to the use of technology in elections.

In compliance with Article 118(b) of the Constitution and Standing Order 127(3) of the National Assembly Standing Orders, the Committee placed an advertisement in the print media on 6th December 2024 inviting the public to submit memoranda by way of written statements on the Bill. In addition, the Committee vide letter Ref. No. NA/DDC/JLAC/2025/017 dated 10th April 2025 invited key stakeholders to submit views on the Bill and attend a public participation forum on 17th April 2025. The memoranda were to be received on or before 20th December 2024 at 5.00 pm (East African Time). By the close of the submission deadline, the Committee had received seven memoranda.

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

On behalf of the Departmental Committee on Justice and Legal Affairs and pursuant to the provisions of Standing Order 199(6) of the National Assembly Standing Orders, it is my pleasant privilege and honour to present to this House the Report of the Committee on its Consideration of the Election Offences (Amendment) (No. 2) Bill (*Senate Bill No. 28 of 2024*).

It is my pleasure to report that the Committee has considered the Election Offences (Amendment) (No. 2) Bill (*Senate Bill No. 28 of 2024*) and has the honour to report back to the National Assembly with the recommendation that the **House approves the Bill with amendments**.

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



CHAPTER ONE

I PREFACE

I.1 Establishment of the Committee

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

I.2 Mandate of the Committee

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

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

1.3 Committee Membership

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

Chairperson

Hon. Murugara George Gitonga, MP
Tharaka Constituency
UDA Party

Vice-Chairperson

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

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

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

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

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

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

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

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

Hon. Eric Muchangi Karemba, MP
Runyenjes Constituency
UDA Party

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

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

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

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

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

1.4 Committee Secretariat

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

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

Mr. Ronald Walala
Senior Legal Counsel

Mr. Abdikafar Abdi
Clerk Assistant III

Ms. Jael Ayiego
Clerk Assistant III

Mr. Isaac Nabiswa
Legal Counsel II

Mr. Omar Abdirahim
Fiscal Analyst I

Ms. Vivienne Ogega
Research Officer III

Mr. John Nduaci
Serjeant-At-Arms

Mr. Meldrick Sakani
Audio Officer III

Ms. Mary Kamande
Public Communications Officer III

Mr. Calvin Karung'o
Media Relations Officer III

Mr. Silas Opanga
Hansard Reporter III

CHAPTER TWO

2 OVERVIEW OF THE ELECTION OFFENCES (AMENDMENT) (NO. 2) BILL (SENATE BILL NO. 28 OF 2024)

2.1 Background

6. The Bill seeks to give effect to some of the recommendations by NADCO to address the issues of electoral justice and electoral integrity.
7. The Bill having been passed in the Senate on 19th November, 2024 and forwarded to the National Assembly, the Rt. Hon. Speaker caused the Bill to be read a First Time in the House on 3rd December, 2024 and was thereafter committed to the Committee in line with Standing Order 143(2) of the National Assembly Standing Orders.

2.2 Summary of Legal Provisions

8. The Bill seeks to amend the Election Offences Act (hereinafter referred to as “the Act”) to enhance the offences by members and staff of IEBC; offences relating to elections and offences relating to the use of technology in elections.
9. In particular—
 - (a) **Clause 1** of the Bill provides for the short title.
 - (b) **Clause 2** of the Bill amends section 6 of the Act on offences by members and staff of IEBC. It seeks to clarify the offence of failure to declare the results of an election as required by Article 138(10) of the Constitution and section 39 of the Elections Act.
 - (c) **Clause 3** of the Bill amends section 13 of the Act on offences relating to elections by making it an offence when a person makes or publishes any false statement of a candidate or political party. It also seeks to enhance the offence of interfering with free political canvassing and campaigning.
 - (d) **Clause 4** of the Bill amends section 17 of the Act on offences relating to the use of technology in elections by introducing the offence of wilfully communicating information electronically which may induce or compel a person from exercising their political rights.

CHAPTER THREE

3 PUBLIC PARTICIPATION AND STAKEHOLDER ENGAGEMENT ON THE BILL

3.1 Legal Framework on Public Participation

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

3.2 Memoranda Received on the Bill

12. Pursuant to the aforementioned provisions of the law, the Committee placed an advertisement in the print media on 6th December 2024 inviting the public to submit memoranda by way of written statements on the Bill on or before 20th December 2024 at 5.00 pm (East African Time). Further, the Committee vide letter Ref. No. NA/DDC/JLAC/2025/017 dated 10th April 2025 invited key stakeholders to submit views on the Bill and attend a public participation forum on Thursday 17th April 2025.
13. To this end, KLRC, ORPP, CMD, *Kitiba* Institute, the CRADLE and ELGIA attended the public participation forum on Thursday 17th April 2025. Upon request, IEBC appeared before the Committee on Tuesday 22nd April 2025 to submit their views.
14. The Committee received seven memoranda from IEBC, OAG, ICRK, ORPP, CMD, ELGIA, *Kituo cha Sheria* and the CRADLE. The memoranda are annexed to this report as Annexure 6.
15. The stakeholders submitted as follows:

Clause 2

16. **ORPP** agreed with the proposal but noted the need to qualify the failure to declare results so that the failure is linked to intention.
17. **CMD** and *Kituo cha Sheria* proposed amending the new paragraph (h) to include criminalize unreasonable delays in declaring presidential election results to foster credibility and prevents interference. They further proposed including a definition of the term ‘unreasonable delay’ to minimize mischief.

18. **CMD** proposed amending paragraph (k) to criminalize collusion of staff of the Commission with any other person to prevent any mischief to conduct or hold an election in an ungazetted polling station.
19. **IEBC** proposed the deletion of the amendments to the offences by member and staff of IEBC. They argued that the offences as amended are overly prescriptive and that external factors which are outside the control of the Commission or staff that may occasion the delay in declaration of election results.
20. **OAG** proposed that the word “fails to” be substituted with “does not” in the elections created under the proposed new paragraphs (h) and (ha). Further, the offence of colluding for purposes of giving an undue advantage should be expanded to other persons.

Committee Observation

21. The Committee observed that Article 138(10) of the Constitution requires the chairperson of IEBC to declare the results of the presidential election within seven days after the election. Additionally, section 39 of the Elections Act requires the Commission including the constituency returning officers and county returning officers to declare certain election results. Therefore, there is need to extend the offence with respect to declaration of elections results to when there is unreasonable delay. What constitutes unreasonable delay is subjective therefore, it may be difficult to define.

Clause 3

22. **IRCK** noted that the new proposed paragraph (f)(i) excludes age and disability which are considered major inhibitors for effective participation in public processes including elections hence its proposal to amend the provision to include them.

Committee Observation

23. The Committee observed that grounds upon which a person may influence voters leading to interference with free political canvassing and campaigning are inexhaustible. The use of the words “or any other ground of discrimination” covers all other grounds that have not been mentioned.

New Proposals

24. **Kituo cha Sheria** proposed the introduction of provisions to protect IEBC staff who report electoral offences by colleagues to encourage a culture of transparency and accountability within the Commission.
25. The **CRADLE** proposed introducing a digital interference offence to penalize unauthorized access to or tampering with electronic transmission systems to mitigate digital threats to electoral credibility. The CRADLE also proposed criminalizing failure to report acts of bribery to embed ethical responsibility and active participation in combating electoral corruption among officers
26. The CRADLE further proposed the creation of an offence for destruction or concealment of election-related records and evidence to protect the evidentiary chain critical historical integrity of elections.

Committee Observation

27. On the introduction of provisions to protect IEBC staff who report electoral offences by colleagues, the Committee observed that section 15 of the IEBC Act protects the staff of

IEBC from any action for acts done in good faith for purpose of executing the functions, powers and duties of IEBC.

28. On the introduction of the offence of digital interference, the Committee observed that this offence is provided for under sections 6 and 17 of the Election Offences Act.

General Submissions

29. **KLRC** was of the view that harsh penalties may discourage IEBC staff from working under pressure or in volatile regions. Furthermore, regions with logistical challenges may occasion unintentional delays.

CHAPTER FOUR

4 COMMITTEE OBSERVATIONS

30. Upon reviewing the Bill and the submissions received, the Committee made the following observations:

- (a) the legislative proposal recommended by NADCO sought to enhance the offences by members and staff of IEBC including introducing the offence of conducting an election in an ungazetted polling station as well as the offence of altering of declared election results. However, the Senate passed the Bill with the following changes—
 - (i) altered the amendment on the proposed offence of failing or unreasonably delaying the declaration of election results;
 - (ii) deleted the proposed offence of conducting or holding an election in an ungazetted polling station;
 - (iii) altered the amendment of interfering, altering or causing another person to interfere or alter declared results by extending the offence to election materials;
 - (iv) added amendments to section 13 of the Elections Offences Act on offences relating to elections; and
 - (v) added an amendment to section 17 of the election Offences Act on offences relating to the use of technology in elections.
- (b) the Bill seeks to strengthen the legal framework governing election offences by expanding the list of offences which have undermined public trust in the electoral systems and compromised the credibility of election outcomes.

CHAPTER FIVE

5 COMMITTEE RECOMMENDATIONS

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

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

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



CHAPTER SIX

6 SCHEDULE OF AMENDMENTS

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

CLAUSE 2

THAT Clause 2 of the Bill be amended by—

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

(a) in paragraph (h), by inserting the words “or unreasonably delays” immediately after the word “fails”;

Justification: Paragraph (h) refers to the requirements to declare the results of an election under the Elections Act which already acknowledges the role of the chairperson of the IEBC to declare the results of a presidential election within 7 days as well as the role of other staff of IEBC to declare the results of elections immediately after close of polling. Therefore, there is no need to cascade the offence.

Also, the addition of unreasonable delay in declaring election results as an offence is necessary to consider the instances where a member of staff of IEBC exceeds the reasonable time frame for declaring the results of an election.

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

(c) by inserting the following new paragraphs immediately after paragraph (m)—

(n) conducts or holds an election in a polling station which has not been published in the *Gazette* and publicised through electronic and print media of national circulation and other easily accessible medium;

(o) knowingly or intentionally interferes or alters declared results or knowingly or intentionally causes another person to interfere or alter declared results.

Justification: Regulation 7 of the Elections (General) Regulations requires the IEBC to appoint a place at which the polling station for each electoral area shall be established. Further, IEBC is required to publish in the *Gazette* the polling station(s) which have been established. Therefore, there is need to create an offence against staff of IEBC to deter the conduct of an election in polling stations which are not in the *Gazette* notice issued for that purpose.

In addition, the offence of destroying or concealing an election material by a member or staff of IEBC may be introduced separately from the offence of interfering or altering declared results of an election.

CLAUSE 4

THAT the Bill be amended by deleting Clause 4.

Justification: Clause 4 seeks to amend section 17 of the Act which provides for the offences relating to the use of technology in elections. The technology referred to here is equipment and processes used by IEBC to carry out an election. In addition, the amendment to create the offence of digital interference with the political rights of a person are covered under various sections of the Act including section 9 on bribery.



DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

**ADOPTION OF THE COMMITTEE REPORT ON ITS CONSIDERATION OF
THE ELECTION OFFENCES (AMENDMENT) (NO. 2) BILL (SENATE BILL NO. 28 OF 2024)**

We, the Members of the Departmental Committee on Justice and Legal Affairs have, pursuant to Standing Order 199, adopted this Report of the Committee on the Election Offences (Amendment) (No. 2) Bill (Senate Bill No. 28 of 2024) and affixed our signatures to affirm our approval and confirm its accuracy, validity and authenticity:

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

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

3. Hon. Gladys Boss, MGH, MP

4. Hon. Farah Maalim, EGH, MP

5. Hon. Silvanus Osoro Onyiego, CBS, MP

6. Hon. Tom Joseph Francis Kajwang', MP

7. Hon. Muchangi Karemba, CBS, MP

8. Hon. Timothy Wanyonyi Wetangula, CBS, MP

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

10. Hon. Michael Mwangi Muchira, MP

11. Hon. Aden Daud, EBS, MP

12. Hon. John Okwisia Makali, MP

13. Hon. Stephen M. Mogaka, MP

14. Hon. Amina Udgoon Siyad, MP

15. Hon. CPA Zuleka Hulbale Harun, MP



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

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

PRESENT

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

ABSENT WITH APOLOGIES

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

SECRETARIAT

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

IN ATTENDANCE

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

AGENDA

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

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

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

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

The agenda was deferred.

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

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

Adoption of the Report

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

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

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

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

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

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

Adoption of the Report

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

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

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

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

Adoption of the Report

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

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

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

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

Adoption of the Report

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

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

ADJOURNMENT

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

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



REPUBLIC OF KENYA

PARLIAMENT

SENATE BILLS

(Bill No. 28 of 2024)

**THE ELECTION OFFENCES (AMENDMENT) (NO.
2) BILL, 2024**

(A Bill published in the Kenya *Gazette* Supplement No. 98 of 7th May, 2024 and passed by the Senate, with amendments, on 19th November, 2024.)



THE ELECTION OFFENCES (AMENDMENT) (NO. 2) BILL, 2024

A Bill for

AN ACT of Parliament to amend the Election Offences Act.

ENACTED by the Parliament of Kenya, as follows—

Short title.

1. This Act may be cited as the Election Offences (Amendment) Act, 2024.

Amendment of section 6 of Cap. 66.

2. Section 6 of the Election Offences Act, 2016 (hereinafter referred to as "the principal Act") is amended—

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

(h) where required under Article 138(10) of the Constitution to declare the results of a presidential election within seven days after the presidential election, fails to declare the results of the presidential election within the seven days;

(ha) where required under section 39(1) of the Elections Act to declare the results of an election immediately after close of polling, fails to declare the results of an election immediately after close of polling;

(b) in paragraph (k) by inserting the word "person" immediately after the words "colludes with any"; and

(c) by inserting the following new paragraph immediately after paragraph (m) —

(n) knowingly interferes with, alters, destroys or conceals an election material or declared result, or knowingly causes another person to interfere, alter, destroy or conceal an election material or declared result.

Amendment of section 13 of Cap. 66.

3. Section 13 of the principal Act is amended —

(a) in paragraph (b) by deleting the words "of withdrawal of any other" appearing immediately after the words "any false statement" and substituting therefor the words "about a candidate, political party or of withdrawal of a"; and

(b) in paragraph (f)(i) by inserting the word "sex, marital

status" immediately after the words "religion, gender".

Amendment of
section 17 of
Cap. 66.

4. Section 17 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (i) —

(i) wilfully communicates electronically, either directly or indirectly, with a person or any other person who knows the person knowing that their conduct is likely to —


- (i) induce or compel the person to refrain from becoming a candidate or to withdraw if they have become a candidate;
- (ii) induce or compel that other person not to vote for the person or the person's political party; or
- (iii) impede or prevent the person from being nominated as a candidate.

The Election Offences (Amendment) (No. 2) Bill, 2024

I certify that this printed impression is a true copy of the Bill as passed by the Senate on 19th November, 2024.


Clerk of the Senate

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


for Speaker of the Senate

PRINTED BY THE CLERK OF THE SENATE



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT- THIRD SESSION (2024)
THE NATIONAL ASSEMBLY

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:-
1. THE KENYA INSTITUTE OF PRIMATE RESEARCH BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2024);
2. THE METEOROLOGY BILL (SENATE BILL NO. 45 OF 2023); AND
3. THE ELECTION OFFENCES (AMENDMENT) (NO. 2) BILL (SENATE BILL NO. 28 OF 2024)

INVITATION TO SUBMIT MEMORANDA

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

AND WHEREAS, the Kenya Institute of Primate Research Bill (National Assembly Bill No. 52 of 2024); the Meteorology Bill (Senate Bill No. 45 of 2023); and the Election Offences (Amendment) (No. 2) Bill (Senate Bill No. 28 of 2024) were Read a First Time and referred to the relevant Departmental Committees for consideration and reporting to the House;

IT IS NOTIFIED that:-

- (1) The Kenya Institute of Primate Research Bill (National Assembly Bill No. 52 of 2024) is sponsored by the Departmental Committee on Health and introduced under the name of its Chairperson, the Hon. (Dr.) Robert Pukosa, MP. The Bill seeks to make provisions for the establishment, powers, and functions of the Kenya Institute of Primate Research. The Bill also makes provision for the effective conduct of research using non-human primates and other experimental animals to improve human health through innovative pre-clinical research, biomedical research and translational research while conserving non-human primates for biodiversity.
- (2) The Meteorology Bill (Senate Bill No. 45 of 2023) is sponsored by the Majority Party and introduced under the name of the Senate Majority Leader, Sen. Aaron Cheruiyot, MP. The Bill seeks to establish a legislative framework to regulate, coordinate, and monitor meteorological services in Kenya. Additionally, the Bill proposes the establishment of the Kenya Meteorological Service Authority, which shall be responsible for the provision, regulation, coordination, and management of meteorological services.
- (3) The Election Offences (Amendment) (No. 2) Bill (Senate Bill No. 28 of 2024) is co-sponsored by the Majority Party and the Minority Party. It is introduced under the names of the Senate Majority Leader, Sen. Aaron Cheruiyot, MP and the Senate Minority Leader, Sen. Stewart Madzayo, MP. The Bill seeks to implement part of the resolutions of the National Dialogue Committee (NADCO) by amending section 6 of the Election Offences Act, Cap. 66 to make it an offence for members and staff of the Independent Election and Boundaries Commission to conduct or hold an election in an ungazetted polling station or to unreasonably delay in declaring election results; or to knowingly alter declared election results.

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

Bill No.	Bill Name	Departmental Committee
1.	The Kenya Institute of Primate Research Bill (National Assembly Bill No. 52 of 2024)	Health
2.	The Meteorology Bill (Senate Bill No. 45 of 2023)	Environment, Forestry and Mining
3.	The Election Offences (Amendment) (No. 2) Bill (Senate Bill No. 28 of 2024)	Justice and Legal Affairs

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

The memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to: cao@parliament.go.ke to be received on or before Friday, 20th December, 2024 at 5.00 p.m.

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
 6th December, 2024

For the Welfare of Society and the just Government of the People



PUBLIC SERVICE COMMISSION

Our Vision
 "A citizen-centric public service"

Our Mission
 "To reform and transform the public service for efficient and effective service delivery"

RE-ADVERTISEMENT OF VACANCIES

INTELLIGENCE SERVICE COMPLAINTS BOARD - RE-ADVERTISEMENT

Pursuant to the provisions of section 66 of the National Intelligence Service Act, 2012, the Public Service Commission invites applications from suitably qualified persons to be considered for nomination for appointment to the positions of the Chairperson and Member of Intelligence Service Complaints Board as shown below:-

1) VACANCY IN THE POSITION OF CHAIRPERSON, INTELLIGENCE SERVICE COMPLAINTS BOARD - ONE (1) POST

Section 66 (1) (a) of the National Intelligence Service Act, 2012

For appointment to this position, a candidate must:

- (i) be a citizen of Kenya;
- (ii) hold a law degree from a university recognized in Kenya, or is an advocate of the High Court of Kenya, or possess an equivalent qualification in a common law jurisdiction;
- (iii) (a) have at least ten (10) years experience as a superior court judge or professionally qualified magistrate; **OR**
 (b) have at least ten (10) years experience as a distinguished academic or legal practitioner or such experience in other relevant legal field; **OR**
 (c) have held the qualifications specified in paragraphs (a) and (b) for a period amounting, in the aggregate, to ten (10) years;
- (iv) be of high moral character, integrity and impartiality; and
- (v) meet the requirements of Chapter Six of the Constitution.

2) VACANCY IN THE POSITION OF MEMBER, INTELLIGENCE SERVICE COMPLAINTS BOARD (ADVOCATE) - ONE (1) POST

Section 66 (1) (b) (i) of the National Intelligence Service Act, 2012

For appointment to this position, a candidate must:

- (i) be a citizen of Kenya;
- (ii) have a Bachelor of Laws (LLB) degree from a university recognized in Kenya;
- (iii) have a Post Graduate Diploma in legal studies from the Kenya School of Law;
- (iv) have been admitted as an Advocate of the High Court of Kenya;
- (v) have a minimum of seven (7) years post admission experience; and
- (vi) meet the requirements of Chapter Six of the Constitution.

3) VACANCY IN THE POSITION OF MEMBER, INTELLIGENCE SERVICE COMPLAINTS BOARD (RETIRED SENIOR INTELLIGENCE OFFICER) - ONE (1) POST

Section 66 (1) (b) (ii) of the National Intelligence Service Act, 2012

For appointment to this position, a candidate must:

- (i) be a citizen of Kenya;
- (ii) hold a degree from a university recognized in Kenya;
- (iii) be a retired senior intelligence officer with a distinguished career in the field; and
- (iv) meet the requirements of Chapter Six of the Constitution.

4) VACANCY IN THE POSITION OF MEMBER, INTELLIGENCE SERVICE COMPLAINTS BOARD (PUBLIC SERVICE) - ONE (1) POST

Section 66 (1) (b) (iv) of the National Intelligence Service Act, 2012

For appointment to this position, a candidate must:

- (i) be a citizen of Kenya;
- (ii) hold a degree from a university recognized in Kenya;
- (iii) have had at least seven (7) years experience in the public service;
- (iv) have had a distinguished career in his/her respective field; and
- (v) meet the requirements of Chapter Six of the Constitution.

INTERESTED APPLICANTS ARE REQUESTED TO NOTE THAT:

- (i) The names of shortlisted candidates for each post shall be published on the Commission's website;
- (ii) Shortlisted candidates will be required to present originals of the following documents during the interviews:
 - (a) National Identity Card;
 - (b) Academic and Professional Certificates and transcripts;
 - (c) Any other supporting documents and testimonials; and
 - (d) Current and valid clearances from the following bodies:
 - (i) Kenya Revenue Authority;
 - (ii) Ethics and Anti-Corruption Commission;
 - (iii) Higher Education Loans Board;
 - (iv) Any of the Registered Credit Reference Bureaus;
 - (v) Directorate of Criminal Investigations (Police Clearance Certificate); and
 - (e) Recommendations from relevant professional bodies (where applicable).
- (iii) The salary and benefits for these positions shall be determined by the Cabinet Secretary on the advice of the Salaries and Remuneration Commission;
- (iv) The Chairperson and Members of the Board shall hold office for a period of three years but shall be eligible for re-appointment for a further term;
- (v) The earlier advert for the same positions is hereby cancelled; and
- (vi) Those who had applied earlier need not re-apply.

MODE OF APPLICATION

- (i) Candidates should submit manual (Hard Copy) applications.
- (ii) All applications should be submitted together with detailed curriculum vitae, a copy of ID/Passport, copies of academic certificates and transcripts, testimonials and any other relevant supporting documents.
- (iii) Applications should be submitted in a sealed envelope clearly marked:
 - *Application for the position of Chairperson, Intelligence Service Complaints Board*
 - OR**
 - *Application for the position of Member, Intelligence Service Complaints Board (Advocate)*
 - OR**
 - *Application for the position of Member, Intelligence Service Complaints Board (Retired Senior Intelligence Officer)*
 - OR**
 - *Application for the position of Member, Intelligence Service Complaints Board (Public Service)* and delivered to

THE SECRETARY/CEO
Public Service Commission
Commission House
P.O. Box 30009-00100 NAIROBI

All applications should reach the Public Service Commission on or before 24th December 2024 (closed by 5.00 p.m. (East African Time)).

SECRETARY/CEO
PUBLIC SERVICE COMMISSION



THARAKA UNIVERSITY 3RD GRADUATION CEREMONY

FRIDAY, 6TH DECEMBER 2024



Prof. Peter K. Murlungi, Ph.D.,
Vice Chancellor
Tharaka University

Chancellor of Chuka University Prof. Erastus Njoka was directed to establish Tharaka University.

With the support of the community through fundraising, the campus began its operations in September 2015. By March 2017, the efforts to elevate the campus to a University College culminated into its gazettement as a Constituent College of Chuka University. On August 2, 2022 the University was awarded the charter by His Excellency the President of the Republic of Kenya Hon. Uhuru Muigai Kenyatta at a ceremony held at Kakamega State lodge in Kakamega County and therefore becoming a fully-fledged University.

Tharaka University traces its origins to a request by Mjuri Nchake Elders and Ameru professional on June 12, 2015 for a university in Tharaka. This request was granted by the then president of the Republic of Kenya Hon Uhuru Muigai Kenyatta. The founding Vice

“Congratulations to our graduating class of 2024. We're proud of you.”

Congratulations!

Equity joins the Board, Stakeholders, Management and Students of Tharaka University in celebrating your 3rd graduation ceremony.

We are honored to be your financial partner and look forward to celebrating more milestones and achievements with you.

You can pay Tharaka University fees through Collection Account: 021027753588 by dialing *247#, through your Equity Mobile App, Equitel Line, Equity Agent or at any Equity Bank Branch.



Tel: +254 753 000 000 @MeEquityBank #EquityBank

Equity Bank Group Limited is regulated by the Central Bank of Kenya



REPUBLIC OF KENYA THIRTEENTH PARLIAMENT- THIRD SESSION (2024) THE NATIONAL ASSEMBLY

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:-
1. THE KENYA INSTITUTE OF PRIMATE RESEARCH BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2024);
2. THE METEOROLOGY BILL (SENATE BILL NO. 45 OF 2023); AND
3. THE ELECTION OFFENCES (AMENDMENT) (NO. 2) BILL (SENATE BILL NO. 28 OF 2024)

INVITATION TO SUBMIT MEMORANDA

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

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

S/NO	BILL	COMMITTEE
1.	The Kenya Institute of Primate Research Bill (National Assembly Bill No. 52 of 2024)	Health
2.	The Meteorology Bill (Senate Bill No. 45 of 2023)	Environment, Forestry and Mining
3.	The Election Offences (Amendment) (No. 2) Bill (Senate Bill No. 28 of 2024)	Justice and Legal Affairs

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S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
6th December, 2024

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



THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

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

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

When replying, please quote:

Ref: NA/DDC/JLAC/2025/017

10th April 2025

Hon. Winfridah Boyani Mokaya, CBS

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

CPA Marjan Hussein Marjan, MBS

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

Hon. Shadrack Mose, CBS

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

Ms. Anne Njeri Nderitu, CBS

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

Mr. Joash Dache, MBS

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

Ms. Florence W. Muturi

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

Mr. Felix Owuor

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

Mr. Nyang'ori Ohenjo

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

Mr. Frankline Mukwanja

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

Mr. Joshua Changwony

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

Mr. Mulle Musau

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

Mr. Ukeh Michael Obaje

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

Ms. Nora Mbagathi

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

Mr. Evans Misati James

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

Mr. Linus Nthigai

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

Ms. Oliver Waindi

Chairperson
Uraia Trust
Jacaranda Avenue, off Gitanga Road
NAIROBI

Ms. Caroline Gaita

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

Dr. Wambua Kituku

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

Ms. Mary Mwiti, EBS

Chief Executive Officer
Council of Governors
2nd Floor, Westlands Delta House, Waiyaki Way
NAIROBI

Arch. Sylvia Kasanga

The Architects Alliance
6th Floor, Fortis Tower
Woodvale Grove, Westlands
NAIROBI

The Cradle, The Children Foundation

702 Dhanjay Apartments
Hendred Avenue, off Gitanga Road
NAIROBI

Dear

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

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

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

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

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

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

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

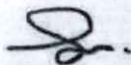
In this regard, the Committee invites you for a meeting on **Thursday, 17th April 2025 at 10:00am** at a venue, within Parliament Buildings, to be confirmed in due course. The agenda of the meeting is to receive your views on the Bills.

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

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

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

Yours



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

Copy to: -

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

KENYA LAW REFORM COMMISSION



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 Fax: +254-20-2225786
 www.info@klrc.go.ke

When replying please quote

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



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

17th April, 2025₂₀

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

(Attn: Mr. Jeremiah Nombi, MBS)

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

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

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

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

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

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

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

We thank you for your continued support and cooperation.



Peter M. Musyimi, HSC
Ag. SECRETARY/CEO

Copy to:

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



702 Dhanjay Apartments
 Hendred Avenue
 P.O Box 10101-00100
 +254722201875
info@thecradle.ke

Memorandum on the Election Offences (No.2) amendments (No. 28 of Senate 2024) Bill

Section of Act	Proposed Clause	Proposed Amendment	Justification
Insert (new clause – p) Use of Electoral Technology	Digital interference clause	(p) accesses, tampers with, or causes unauthorized interference with any electoral technological system including but not limited to the electronic voter identification and results transmission system, with the intent of altering, disrupting, or undermining the electoral process;	Penalize unauthorized access to or tampering with electronic transmission systems (e.g., KIEMS) Encourages cyber-resilience in elections, closing growing digital threats to electoral credibility.
Insert new clause (new q) Oversight on Voter Bribery	Reporting bribery	(q) knowingly fails to report any instance of voter bribery, inducement, or unlawful influence witnessed in the	Introduces an obligation for officials to report observed or known acts of bribery, with sanctions for omission Embeds ethical responsibility and active participation in

		course of duty, to the Commission or any other lawful authority within a reasonable time;	combating electoral corruption among officers.
Insert new clause on Preservation of Electoral Evidence	Data retention obligations	(r) knowingly or wilfully destroys, conceals, alters, or facilitates the destruction or concealment of any document, data, record, or material relevant to an election or its outcome, with the intent of obstructing justice or avoiding scrutiny;	Creates a specific offence for destruction or concealment of election-related records and evidence Protects the evidentiary chain critical for audit, dispute resolution, and historical integrity of elections.



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

SUBMISSION OF MEMORANDUM TO THE CLERK OF THE NATIONAL ASSEMBLY

– Attn: Standing Committee on Justice and Legal Affairs

BILL: The Election Offences (Amendment) Bill, 2024 (Senate Bill No. 2 of 2024)

INSTITUTION: Legal Advice Center (Kituo Cha Sheria) Kenya

DATE: 16th April 2025

S/No	Regulation (Bill) Section/Part No.	Provisions of the Regulations*	Rationale for Amendment Recommendation	Proposed Amendment**
1.	Section 2 (a)	(a) in paragraph (h), by inserting the words “or unreasonably delays” immediately after the word “fails”	Define “unreasonable delay” To ensure clarity and prevent arbitrary enforcement, the term “unreasonably delays” should be defined either in the Act or subsidiary regulations, such as specifying the acceptable timeframe for declaring results.	“Unreasonable delay” means a failure to transmit or publish electoral results within the prescribed statutory or regulatory period, or within a reasonable period under the circumstances, where such failure is not attributable to force majeure or other objectively verifiable impediments.
2.	Section 2 (c)	(c) by inserting the following new paragraphs	Amend paragraph (o) to include attempts to interfere or alter results,	‘knowingly or intentionally interferes with, alters, attempts to alter, or knowingly or

		<p>immediately after paragraph (m) — ... (o) knowingly or intentionally interferes, alters or knowingly or intentionally causes another person to interfere or alter declared results</p>	<p>capturing both completed and attempted misconduct.</p>	<p>intentionally causes another person to interfere with or alter declared results.'</p>
3.	—	—	<p>Introduce provisions to protect IEBC staff who report electoral offences by colleagues. This encourages a culture of transparency and accountability within the Commission.</p>	<ol style="list-style-type: none"> 1. An officer or employee of the Independent Electoral and Boundaries Commission (IEBC) who, in good faith, reports or discloses information regarding an electoral offence, misconduct, or violation of the law committed by another officer or employee shall not be subjected to any form of retaliation, disciplinary action, demotion, suspension, dismissal, or discrimination as a result of making such a report. 2. The Commission shall establish internal mechanisms and confidential reporting channels for the receipt, investigation, and appropriate action on such disclosures. 3. No person shall— <ol style="list-style-type: none"> a) Dismiss, harass, intimidate, threaten, or otherwise retaliate against a whistle blower

				<p>for making a protected disclosure; or b) Aid, abet, or conspire in any conduct prohibited under this section.</p>
				<p>4. A person who contravenes subsection (3) commits an offence and shall, upon conviction, be liable to— a) A fine not exceeding one million shillings; b) Imprisonment for a term not exceeding three years; or c) Both such fine and imprisonment.</p> <p>5. A whistle blower under this section shall be entitled to the same legal protections as those provided under national whistle blower protection legislation and may petition the Commission or court for redress in case of retaliation.</p> <p>6. This section shall be interpreted in a manner that promotes a culture of transparency, accountability, and integrity within the Commission.</p>

*Provide text on the exact wording of the provision in the regulations paragraph or sub-paragraph

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



ORPP MEMORANDUM ON THE ELECTION OFFENCES (AMENDMENT) (No.2) BILL, 2024

A. INTRODUCTION

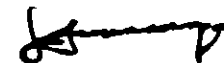
1. Pursuant the mandate of the National Assembly's Departmental Committee on Justice and Legal Affairs, the National Assembly called for submission of views on the Election Offences (Amendment) (No.2) Bill (Senate Bill No.28 of 2024).
2. The Office of the Registrar of Political Parties (ORPP) is established under Section 33 of the Political Parties Act Cap. 7D, herein PPA, as an independent State Office within the meaning of Article 260 of the Constitution. Its mandate includes registration and regulation of political parties as well as administration of the Political Parties Fund.
3. The ORPP views are as captured herein below;

B. MATRIX OF OBSERVATIONS AND RECOMMENDATIONS

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

S/NO.	PROVISION	OBSERVATION	RECOMMENDATION
1.	Clause 2 introduces offences on declaration of results.	The proposal relates to preserving the integrity of election and rule of law.	ORPP agrees with the proposal. Nonetheless, there is need to qualify the failure to declare results so that the failure is linked to intention.
2.	Clause 2 introduces the offence of knowingly altering, destroying declared results or election materials.	The proposal relates to preserving the integrity of election and rule of law.	The ORPP agrees with the proposal.

3.	Clause 3 relates to an offence on using language which is threatening, abusive or insulting or engages in any kind of action which may advocate hatred, incite violence or influence the voters on grounds of, inter alia, sex and marital status.	The proposal addresses some of the issues that candidates face during an election period. It further speaks to meaningful inclusion of both genders.	The ORPP agrees with the proposal.
4.	Clause 4 relates to an offence on willfully communicating to inter alia compel a candidate to refraining from election.	The proposal relates to preserving the integrity of election and rule of law.	The ORPP agrees with the proposal.



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



THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

MEMORANDUM ON

THE ELECTIONS OFFENCES (AMENDMENT) BILL, 2024

(Kenya Gazette Supplement No. 98 (Senate Bills No. 28))

Dated 19th JULY, 2024

Independent Electoral & Boundaries Commission (IEBC)
Anniversary Towers, 6th Floor, Off University Way
P.O. Box 45371 – 00100, Nairobi – Kenya
Telephone: + 254 (0) 20 29925

A. INTRODUCTION

1. The Independent Electoral and Boundaries Commission hereinafter referred to as “the Commission” is a constitutional Commission established under Article 88 of the Constitution of Kenya.
2. Its mandate is outlined under Article 88(4) to conduct and supervise referenda and elections to any elective body or office established by the Constitution and any other elections as prescribed by an Act of Parliament and, in particular, for among others, –
 - i. the regulation of the process by which parties nominate candidates for elections;
 - ii. the settlement of electoral disputes, including disputes relating to or arising from nominations but excluding election petitions and disputes subsequent to the declaration of election results
 - iii. the registration of candidates for election; and
 - iv. the development of a code of conduct for candidates and parties contesting election.
3. Article 38 of the Constitution provides: -
 - 38. (2) Every citizen has the right to free, fair and regular elections based on universal suffrage and the free expression of the will of the electors for—*
 - (a) any elective public body or office established under this Constitution; or*
 - (b) any office of any political party of which the citizen is a member.*
 - (3) Every adult citizen has the right, without unreasonable restrictions—*
 - (a) to be registered as a voter;*
 - (b) to vote by secret ballot in any election or referendum; and*
 - (c) to be a candidate for public office, or office within a political party of which the citizen is a member and, if elected, to hold office.*
4. In addition, every citizen has a right to exercise their political rights as espoused under Article 81 (e) of the Constitution free from violence, intimidation, improper influence or corruption.
5. The Election Offences Act, 2011 provides for election offences and the penalties for these offences.

B. Purpose of the Bill

6. The Election Offences (Amendment) Bill, 2024 seeks to amend section 6 of the Election Offences Act to introduce additional offences that may be committed by a member and staff of the Commission:
 - (i) conducting an election in an ungazetted polling station;
 - (ii) unreasonably delaying the declaration of election results; and
 - (iii) altering declared election results

7. We note the proposals in the Bill and wish to make general comments as outlined below.

C. General Comments

8. The Commission notes the intention of the said proposals. However, we suggest a review of the said proposals as reflected in the matrix hereinbelow.

D. Specific Comments

9. The Commission has endeavored to highlight its submissions in matrix format on the relevant provision of law proposed for amendment, clause of the Bill and comments on the same and proposals for review where necessary.

Table: Matrix of IEBC's Comments on the Election Offences Amendment Bill, 2024

5 No.	Section of the law	Clause of the Bill	IEBC's Comments	IEBC's Proposals
1.	Section 6 Offences by members and staff of the Commission. A member of the Commission, staff or other person having any duty to perform pursuant to any written law relating to any election who—	Clause 2 Section 6 of the Elections Offences Act, 2016 is amended – (a) in paragraph (h), by inserting the words “or unreasonably delays” immediately after the word “fails” (b) in paragraph (k), by inserting the words “and any other person” immediately after the word “candidate” (c) by inserting the following new paragraphs immediately after paragraph (m) – (n) conducts or holds an election in an	(i) For avoidance of doubt, the Commission does not conduct elections in ungazetted polling stations. All polling stations are gazetted before the General Election. Further, the Polling Officials have the authority pursuant to Regulation 64 of the Elections (General) Regulations, 2012 (in consultation with the returning officer) to adjourn the proceedings of a polling station where they are interrupted by a riot, violence natural disaster or other administrative difficulty. Where circumstances make it impossible to conduct the election in such a station, the Presiding officer is required by law to move the station to a public facility within the constituency and notify the voters and commence polling and extend the lost time. He/she is expected to give a detailed report of this account to the Returning officer.	(i) The proposals under the Bill be dropped.

<p>to believe to be able to read or write to vote in the manner provided for persons unable to read or write;</p> <p>(c)permits any person whom they know or have reasonable cause to believe not to be visually impaired or a person with disability to vote in the manner provided for persons who are visually impaired or persons with disability, as the case may be;</p> <p>(d)wilfully prevents any person from voting at the polling station at which they know or have reasonable cause to believe such person is entitled to vote;</p> <p>(e)wilfully rejects or refuses to count any ballot paper which they know or have reasonable cause to</p>	<p>ungazetted polling station;</p> <p>(o) knowingly or intentionally interferes, alters or knowingly or intentionally causes another person to interfere or alter declared results.</p>	<p>It should be noted that to date, the Commission has not received any written complaint or dispute regarding conduct of elections outside a gazetted polling station.</p> <p>(ii) The offences introduced under this proposal are overly prescriptive given the current legal framework in place in section 6 (d) and (h). Moreover, there are external factors that may occasion delays in the declaration of results outside the control of the Returning Officers. There are electoral areas with no network which is not under the authority of the IEBC but the Communication Authority and therefore the delays caused may not necessarily be the fault of the election official.</p>	
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<p>believe is validly cast for any candidate in accordance with the provisions of such written law:</p> <p>(f) wilfully counts any ballot paper as being cast for any candidate which they know or have reasonable cause to believe was not validly cast for that candidate:</p> <p>(g) interferes with a voter in the casting of his vote in secret:</p> <p>(h) where required under the Elections Act (Cap. 7) or any other law to declare the result of an election, fails to declare the results of an election:</p> <p>(i) except in the case of a member, officer or person authorised to do so, purports to make a formal declaration or formal</p>			
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<p>announcement of an election result;</p> <p>(j)without reasonable cause does or omits to do anything in breach of his official duty;</p> <p>(k)colludes with any political party or candidate for purposes of giving an undue advantage to the political party or candidate;</p> <p>(l)wilfully contravenes the law to give undue advantage to a candidate or a political party on partisan, ethnic, religious, gender or any other unlawful considerations; or</p> <p>(m)fails to prevent or report to the Commission or any other relevant authority, the commission of an electoral offence</p>			
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	<p>committed under this Act, commits an offence and is liable on conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding five years or to both.</p>			
2.	<p>Following the decision of the Supreme Court in <i>Petition No 23. (E026) Of 2022 Hon. Sabina Wanjiru Chege V IEBC</i> that affirmed the mandate of the Commission's Code of Conduct Enforcement Committee, the offence of breach of the electoral conduct under Section 20 of the Elections Offences Act be repealed as the same is the Commission's mandate and not ODPP's.</p>			

E. CONCLUSION

The Commission submits that the proposals of the are noted however, request this Committee to consider the issues identified in the matrix and urge this Honourable House to consider the said proposals.



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MARJAN HUSSEIN MARJAN, MBS
COMMISSION SECRETARY/CEO