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Bill for Introduction into the National Assembly—

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THE POLITICAL PARTIES (AMENDMENT) BILL, 2012

A Bill for
AN ACT of Parliament to amend the Political Parties Act, 2011
ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Political Parties (Amendment) Act, 2012. Short title.

2. The Political Parties Act, 2012 (in this Act referred to as the principal Act) is amended by inserting the following new section immediately after section 34-

Selection Committee.

34A (1) The President shall, within a period not later than one hundred and ten days prior to the first general elections under the Constitution of Kenya 2010, or of the occurrence of a vacancy in the Office of Registrar or Assistant Registrar, and with the approval of the National Assembly, appoint a Selection Committee comprising-

(a) a chairperson who shall be nominated by the President;

(b) one person nominated by the Law Society of Kenya;

(c) one person nominated by the Institute of Certified Public Accountants of Kenya;

(d) one person nominated by the Association of Professional Societies in East Africa;

(e) two persons nominated by the political parties represented in the National Assembly according to their proportion of members in the Assembly; and

(f) two persons nominated by the political parties represented in the Senate according to their proportion of members in the Senate

(2) The persons nominated under sub-section (1) shall not be members of Parliament.
(3) Until after the first elections held under the Constitution, the nomination under sub-section (1)(a) shall be made by the President, in consultation with the Prime Minister.

(4) The Seventh Schedule shall apply to the nomination and appointment of the members under sub-section (1)(b), (c) and (d) and to the procedures of the Selection Committee.

3. The Sixth Schedule to the Principal Act is amended—
   (a) in paragraph (1) by deleting the words “Public Service Commission” and substituting therefor the words “Selection Committee”;
   (b) in paragraph (2) by deleting the words “Public Service Commission” and substituting therefor the words “Selection Committee”;
   (c) in paragraph (3) by deleting the words “Public Service Commission” and substituting therefor the words “Selection Committee”;
   (d) in paragraph (4) by deleting the words “Public Service Commission” and substituting therefor the words “Selection Committee”.

3. The Principal Act is amended by inserting the following new Schedule immediately after the Sixth Schedule—

SEVENTH SCHEDULE  
(s. 34A(4))

PROCEDURES RELATING TO THE SELECTION COMMITTEE

1. The respective nominating bodies under section 34A(1)(b), (c) and (d) shall, for purposes of making their nominations, each propose and submit two names of nominees, a man and a woman, to the Clerk of the National Assembly.

2. The National Assembly shall, upon receipt of the names of the nominees nominated under paragraph 1, consider them and—
   (a) approve one of the nominees; or
   (b) reject both of the nominees.

3. The Clerk of the National Assembly shall notify the
respective nominating bodies of the approval or rejection under paragraph 2.

4. If the National Assembly approves a nominee nominated under this section, the Clerk of the National Assembly shall forward the name of the approved nominee to the President and the President shall appoint the nominee as a member of the Selection Committee.

5. If the National Assembly rejects the name of a nominee submitted by a nominating body, the Clerk of the National Assembly shall request the nominating body to submit the name of a new nominee to the National Assembly for consideration and paragraphs 1, 2, 3 and 4 shall apply, with necessary modifications, to the consideration of the new nominee.

6. Whenever a vacancy arises in the office of Registrar or Assistant Registrar, the President shall, within twenty-one days of the vacancy, with the approval of the National Assembly, appoint a Selection Committee consisting of the persons specified in section 34(1) using, with necessary modifications, the procedure specified in paragraphs 1, 2, 3, 4, 5, and 6.

7. In selecting, nominating, approving or appointing the chairperson and members of the Selection Committee, the nominating bodies, the National Assembly, the Senate and the President shall ensure that the Selection Committee reflects the regional and ethnic diversity of the people of Kenya and that not more than two-thirds of the members of the Selection Committee are of the same gender.

8. The Selection Committee shall elect a chairperson and vice chairperson from among its number.

9. Subject to the provisions of this Act, the Selection Committee shall determine its own procedure.

10. The Public Service Commission shall provide facilities and any support required by the Selection Committee.

11. The chairperson and members of the Selection Committee shall, before assuming office, take and subscribe the oath or affirmation of office prescribed in the Fourth Schedule.
12. The Selection Committee shall stand dissolved upon the appointments made under section 33.

13. For the purposes of the appointment of a Selection Committee prior to the first general elections under the Constitution, the President shall in making a nomination or appointment to the Selection Committee act in consultation with the Prime Minister in accordance with the Constitution.
MEMORANDUM OF OBJECTS AND REASONS

The main object of this Bill is to insert a new section 34A of the Political Parties Act, 2011 which reinstates the provisions of the former section 35 which existed prior to its deletion under the Statute Law (Miscellaneous Amendment) Act, 2012. The Bill therefore removes the Public Service Commission and reinstates the Selection Committee for purposes of appointing the Registrar of Political Parties and Assistant Registrars.

The enactment of this Bill will not occasion additional expenditure of public funds.

Dated the 20th November, 2012.

JAKOYO MIDIWO,
Member of Parliament.
Section 35 of No. 11 of 2011 which is proposed to amend-

35. (1) The President shall, within fourteen days of the commencement of this Act, or of the occurrence of a vacancy in the Office of Registrar or Assistant Registrar in consultation with the Prime Minister, and with the approval of the National Assembly, appoint a Selection Committee comprising-

(a) a chairperson who shall be nominated by the President;

(b) one person nominated by the Law Society of Kenya;

(c) one person nominated by the Institute of Certified Public Accountants of Kenya;

(d) one person nominated by the Association of Professional Societies in East Africa;

(e) two persons nominated by the political parties represented in the National Assembly according to their proportion of members in the Assembly; and

(f) two persons nominated by the political parties represented in the Senate according to their proportion of members in the Senate.

(2) The persons nominated under sub-section (1) shall not be members of Parliament.

(3) Until after the first elections held under the Constitution, the nomination under sub-section (1)(a) shall be made by the President, in consultation with the Prime Minister.

(4) The Fifth Schedule shall apply to the nomination and appointment of the members under sub-section (1)(b), (c) and (d) and to the procedures of the Selection Committee.

The Sixth Schedule of No. 11 of 2011 which is proposed to amend-

SIXTH SCHEDULE

1. The Selection Committee shall, within seven days of its appointment and whenever a vacancy arises, by notice in the Gazette, in at least two newspapers of national circulation and in at least two radio and television stations with national
coverage, declare vacancies in the office of Registrar and the offices of Assistant Registrar.

2. The Selection Committee shall, within seven days of the end of the period prescribed for receipt of applications under sub-section (1), consider the applications, shortlist qualified applicants and interview the shortlisted applicants.

3. The Selection Committee shall conduct the interviews under paragraph 2 in public.

4. The Selection Committee shall, following the conclusion of the interviews under paragraph 2, nominate and forward to the President the names of three nominees for appointment to the Office of Registrar of Political Parties and the names of nine nominees for appointment to the Office of Assistant Registrar.

5. The President shall, within seven days of receipt of the names of the nominees under paragraph 4, nominate one of the three persons for appointment to the Office of Registrar of Political Parties and three persons for appointment as Assistant Registrar of Political Parties and forward the names of the nominees to the National Assembly for approval.

6. The National Assembly shall, within fourteen days of the receipt of the names of the nominees under paragraph 5, consider the nominees and approve or reject the nominations.

7. Where the National Assembly approves the nominations, the Clerk of the National Assembly shall, within three days of the approval, forward the name of the approved persons to the President for appointment.

8. Where a name is forwarded to the President under paragraph 7, the President shall, within seven days of receipt of the name, by notice in the Gazette, appoint the person as Registrar of Political Parties or as Assistant Registrar of Political Parties.

9. Where the National Assembly rejects the name of a nominee, the Clerk of the National Assembly shall, within three days of the rejection, communicate the decision of the National Assembly to the President who shall submit a fresh nomination from among the persons nominated under paragraph 4.

10. If the National Assembly rejects a subsequent nomination under paragraph 9, the provisions of paragraphs 1 to 9 shall, with necessary modifications, apply to the process of nomination and approval of a new nominee.
11. For the purposes of the appointment of the Registrar and the Assistant Registrars prior to the first general elections under the Constitution, the President shall, in making a nomination or appointment under this Act, act in consultation with the Prime Minister in accordance with the Constitution.