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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2015

NAIROBI, 12th February, 2015

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THE POLITICAL PARTIES (AMENDMENT) BILL, 2015

A Bill for

AN ACT of Parliament to amend the Political Parties Act, and for connected purposes-

ENACTED by the Parliament of Kenya, as follows—

This Act may be cited as the Political Parties (Amendment) Act, 2015.

1. Section 25 of the Political Parties Act is amended in subsection (2)-

(a) by deleting the word “five” appearing in paragraph (a) and substituting therefor the word “two”.

(b) by inserting the following new paragraphs immediately after paragraph (b)-

(c) the party does not have at least five elected members -

   (i) of the National Assembly;

   (ii) of the Senate; or

   (iii) who are Governors; or

   the party does not have at least twenty five members of County assemblies.

Section 25 of No 11 of 2011 which it is proposed to amend.

25. Distribution of the Fund.

(1) The Fund shall be distributed as follows—

(a) ninety-five per cent of the Fund proportionately by reference to the total number of votes secured by each political party in the preceding general election;

(b) five per cent for the administration expenses of the Fund.

(2) Notwithstanding subsection (1), a political party shall not be entitled to receive funding from the Fund if—

(a) the party does not secure at least five per cent of the total number of votes at the preceding general elections; or
(b) more than two-thirds of its registered office bearers are of the same gender.

(3) For purposes of subsections (1)(a) and (2)(a), the total number of votes secured by a political party shall be computed by adding the total number of votes obtained in the preceding general election by a political party in the election for the President, members of Parliament, county governors and members of county assemblies.
MEMORANDUM OF OBJECTS AND REASONS

The principle objective of this Bill is to amend the Political Parties Act to reflect the purpose for which the political Parties Fund was established.

The Fund established under section 23 of the Act was to be used for purposes compatible with democracy which was ostensibly to enable the political parties to carry out political programmes democratically and independently without the influence of well to do individuals who fund political parties with the aim of taking over and personalizing the parties hence being dictators, contrary to the principles of democracy and good governance.

The financiers and funders of the political parties tend to dictate, rig and influence their preferred candidates amounting to discrimination in blatant contravention of Article 27 of the Constitution.

The amendment thus seeks to ensure that the political parties Fund is made available to all parties including small political parties that do not necessarily need to secure at least five percent of the total votes in a preceding general election.

Clause 2 of the Bill seeks to amend section 25 (2) (b) of the Act to reduce the threshold of five percent to two percent being the minimum requirement that a political party needs to secure so as to be able to qualify for funding.

Clause 2 of the Bill further seeks to include the requirement that for a party to qualify for funding, the party has to have at least five elected members of either the National Assembly, the Senate, County governors or at least twenty five members of the County Assembly.

The Bill does not concern County governments

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

Dated the 20th May, 2014.

CHRIS W. WAMALWA,
Member of Parliament.