

SPECIAL ISSUE

NAI

FOR

Kenya Gazette Supplement No. 10 (National Assembly Bills No. 2)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2016

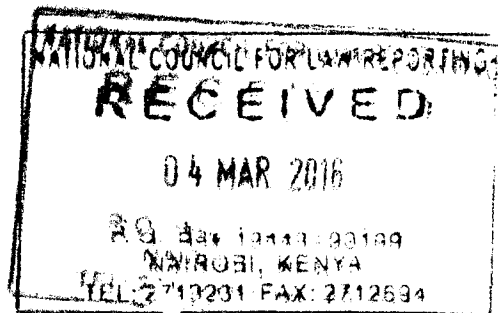
NAIROBI, 5th February, 2016

CONTENT

Bill for Introduction into the National Assembly—

PAGE

The Political Parties (Amendment) Bill, 2016..... 7



**THE POLITICAL PARTIES (AMENDMENT)
BILL, 2016**

A Bill for

**AN ACT of Parliament to amend the Political Parties
Act, 2011, and for connected purposes—**

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Political Parties (Amendment) Act, 2016.

Short title.

2. The Political Parties Act, 2011 (in this Act referred to as “the principal Act”), is amended in section 2 by inserting the following definitions in their proper alphabetical sequence—

Amendment of section 2 of No. 11 of 2011.

“ethnic minorities” means a group that is not the dominant one in a given society;

“marginalised community” has the meaning assigned to it under Article 260 of the Constitution;

“special interest groups” includes—

- (a) women;
- (b) persons with disabilities;
- (c) youth;
- (d) ethnic minorities; and
- (e) marginalized communities.

“youth” has the meaning assigned to it under Article 260 of the Constitution;

3. Section 3 of the principal Act is amended by—

Amendment of section 3 of No. 11 of 2011.

(a) inserting the following new subsection immediately after subsection (1) —

“(1A) A political party shall promote inclusiveness, democracy and participation of the people in the —

- (a) formulation of its policies; and
- (b) nomination of candidates for elections.

- (b) deleting subsection (2) and substituting therefor the following new subsection—

“(2) A citizen of Kenya who has attained the age of eighteen years may, subject to the provisions of this Act and any other law—

- (a) form or participate in the formation of a political party; or
- (b) contest for an elective position in a political party in which the person is a member.”

4. Section 5 of the principal Act is amended by—

- (a) deleting subsection (2) and substituting therefor the following new subsection—

“(2) Upon receipt of an application for registration under subsection (1), the Registrar shall—

- (a) within fourteen days, publish a notice in the *Gazette* and in at least two newspapers with nationwide circulation, inviting objections from any person or any other political party concerning the registration of the name, symbol, colour of the political party, or any other issue relating to the registration of the political party;
- (b) within thirty days of the association or organisation fulfilling the conditions prescribed in section 6, issue that association or organisation with a certificate of provisional registration.

- (b) deleting subsection (4).

5. Section 6 of the principal Act is amended in subsection (1) by deleting the word “applicant” and substituting therefor the words “applicants, of whom not more than two-thirds shall be of the same gender.”

Amendment of
section 5 of No.
11 of 2011.

Amendment of
section 6 of No.
11 of 2011.

6. Section 7 of the principal Act is amended in subsection (2) by—

- (a) deleting the words “minorities and marginalised groups” and substituting therefor the words “special interest groups” in paragraph (b);

Amendment of
section 7 of No.
11 of 2011.

(b) deleting the words “minorities and marginalized groups” and substituting therefor the words “special interest groups” in paragraph (c);

(c) by inserting the following new subparagraph immediately after subparagraph (iii) of paragraph (f)—

“(iv) the disaggregated data of its membership based on each of the components of the special interest groups.”

7. Section 9 of the principal Act is amended by inserting the following new subsection immediately after subsection (1)—

Amendment of section 9 of No. 11 of 2011.

“(1A) The constitution or rules of every political party shall ensure that not more than two-thirds of the membership of all party organs, bodies and committees, in aggregate, are of the same gender.”

8. Section 11 of the principal Act is amended —

Amendment of section 11 of No. 11 of 2011.

(a) by deleting subsection (1) and substituting therefor the following new subsection—

“(1A) political party may merge with another political party by—

(a) forming a new political party; or

(b) merging into an already registered political party.”

(b) in subsection (4) by —

(i) deleting the words “and the registration of the new political party” and substituting therefor the words “in accordance with the constitutions of the respective political parties” in paragraph (a);

(ii) deleting the words “and the particulars for the new political party to be registered under this Act” in paragraph (b).

(c) by inserting the following new subsection immediately after subsection (5) —

“(5A) Upon receipt of the merger instrument under subsection (1)(a), the Registrar shall immediately withdraw and cancel the certificates of registration of all the political parties that have

merged and shall gazette the dissolution of the merged parties within seven (7) days and a certificate of full registration issued to the new political party.

- (d) by deleting subsection (6) and substituting therefor the following new subsection –

“(6) Upon receipt of the merger instrument under subsection (1)(b), the Registrar shall gazette within seven (7) days the dissolution of the parties that have resolved to dissolve and the registered party the parties have merged into.”

- (e) by deleting subsection (7) and substituting therefor the following new subsections—

“(7) Where a party merges under this section, a member of the political party that has merged with another political party shall be deemed to be a member of the new political party.

“(8) Despite subsection (7), a member who is a President, Deputy President, Governor or Deputy Governor, Member of Parliament or member of a County Assembly, and who does not desire to be a member of the new political party registered after the merger shall continue to serve in such elected office for the remainder of the term, and may join another political party or choose to be an independent member within thirty days of the registration of the new party”.

“(9) Where political parties have merged and are dissolved the particulars including their names, symbol, logo, slogan and colours shall be removed from the register of political parties and such names, symbols, logos, slogans and colours shall not be available for registration by any person as a political party in the subsequent election following the merger.

“(10) Despite subsection (9), where the merging parties wish to register and use any of the merging parties’ names, symbols, logos, slogans and colours, such registration shall be permitted.

“(11) The records, assets and liabilities, rights and obligations of all the dissolved political parties shall be the records, assets and liabilities, rights and obligations of the new political party including their entitlement to the Political Parties Fund under section 25 of the Act”.

9. Section 14 of the principal Act is amended—

Amendment of section 14 of No. 11 of 2011.

- (a) in subsection (3), by deleting the word “three” and substituting therefor the word “seven”;
- (b) by inserting the following new subsection immediately after subsection (3)—

“(3A) Upon receiving the notification under subsection (3), the Registrar shall cause the name of such member to be removed from the membership list of that political party.”

- (c) by inserting the following new subsection immediately after subsection (5)—

“(5A) A political party whose member is deemed to have resigned under subsection (5), shall in accordance with the procedure set out in the constitution of that political party, notify the Registrar of such decision within seven days.”

- (d) by deleting subsection (6) and substituting therefor the following new subsection—

“(6) Subject to specific provisions of a coalition or merger agreement, subsection (5)(c), (d) and (e) shall not apply to a member of a political party which enters into a merger or a coalition with another party.”

10. Section 15 of the principal Act is amended by—

Amendment of section 15 of No. 11 of 2011.

- (a) inserting the words “a provisionally registered” immediately after the word “of” in the marginal note;
- (b) deleting the words “commits an offence” and substituting therefor the words “shall not qualify for full registration” in subsection (3).

11. Section 16 of the principal Act is amended by inserting the following new subsections immediately after subsection (5)—

Amendment of section 16 of No. 11 of 2011.

“(5A) A fully registered political party shall be deregistered if it has not presented a candidate in two consecutive general elections.

“(5B) Upon deregistration under subsection (5A), the Registrar shall publish a notice in the *Gazette* and notify the Attorney-General in accordance with section 48, for purposes of winding up of the political party.”

12. Section 18 of the principal Act is amended by deleting the marginal note and substituting therefor the following new marginal note “Inspection of records of political parties”

Amendment of section 18 of No.11 of 2011.

13. The principal Act is amended by deleting section 19 and substituting therefor the following new section—

Deletion of section 19 of No. 11 of 2011.

Public meetings of political party.

“19. (1) A fully registered political party shall hold meetings of the party organs at national and county level in accordance with the party constitution.

(2) A political party intending to hold a public meeting shall comply with the provisions of the laws relating to public meetings.

14. Section 20 of the principal Act is amended by—

Amendment of section 20 of No. 11 of 2011.

(a) deleting subsection (3) and substituting therefor the following new subsection—

“(3) Upon the expiry of fourteen days from the date of publication of the notice in subsection (2), the political party may, after taking into account any representations received from the public, effect the change or alteration in accordance with its constitution and rules.”

(b) inserting the following new subsection immediately after subsection (3)—

“(3A) The political party shall after the expiry of the period specified under subsection (3), notify the Registrar of the decision taken and the actual changes given effect.”

15. Section 21 of the principal Act is amended by—

Amendment of section 21 of No. 11 of 2011.

- (a) inserting the following new paragraphs immediately after paragraph (g) —

“(h) does not have representation of special interest groups.

“(i) does not maintain the requirements set out under section 7.”

- (b) inserting the following new subsection immediately after subsection (6)—

“(6A) The Registrar shall, within fourteen days after deregistration of a political party under subsection (5), cause a notice of the deregistration to be published in the *Gazette*.

16. Section 25 of the principal Act is amended—

Amendment of section 25 of No. 11 of 2011.

- (a) in subsection (2), by inserting the following new paragraph immediately after paragraph (b)—

“(ba) the party does not have, in its governing body, representation of special interest groups.”

- (b) by inserting the following new subsection immediately after subsection (2) —

“(2A) For purposes of this section, “office bearers” “means national and county officials elected or nominated by a political party in accordance with the party constitution.

17. The principal Act is amended by deleting section 34A and substituting therefor the following new section—

Deletion of section 34A of No. 11 of 2011.

Vacancy in the Office of the Registrar of Political Parties or the Assistant Registrar.

34A, Whenever a vacancy arises in the Office of the Registrar of Political Parties or the Assistant Registrar, the President shall, with the approval of the National Assembly, appoint the Registrar of Political Parties or the Assistant Registrar from the names of nominees forwarded by the Public Service Commission in accordance with the Sixth Schedule to this Act.

18. Section 39 of the principal Act is amended in subsection (2) by deleting paragraph (b) and substituting therefor the following new paragraph—

Amendment of section 39 of No.11 of 2011.

“(b) six other members, three of whom shall be Advocates of the High Court of seven years standing and three other professionals with outstanding governance, administrative, social, political, economic and other record.”

19. Section 40 of the principal Act is amended in subsection (1) by inserting the following new paragraph immediately after paragraph (f) —

Amendment of section 40 of No.11 of 2011.

“(fa) disputes arising out of party primaries ”

20. Section 41 of the principal Act is amended by inserting the following new subsection immediately after subsection (3)—

Amendment of section 41 of No.11 of 2011.

“(3A) The Chief Justice may, in consultation with the Tribunal, prescribe regulations for determination of disputes under this section.”

21. Section 45 of the principal Act is amended by—

Amendment of section 45 of No.11 of 2011.

(a) deleting the words “principal officer” and substituting therefor the words “office holder” in subsection (2);

(b) deleting subsection (6) and substituting therefor the following new subsection—

“(6) Despite subsection (5), an elected person who is a member of a political party whose registration has been suspended, shall continue in office for the unexpired term.

22. The First Schedule to the principal Act is amended by—

Amendment of the First Schedule to No.11 of 2011.

(a) inserting the following new sub-paragraphs immediately after sub-paragraph (c) of paragraph 4—

“(d) develop and implement measures for the progressive realisation of representation and participation of the special interest groups in decision-making organs; and

(e) implement the affirmative action programmes, policies and strategies relating to political representation contemplated under Article 27(6) of the Constitution.”

- (b) deleting the words “youth, minorities and marginalized groups” and substituting therefor the words “special interest groups” in paragraph 5(a).

23. The Second Schedule to the principal Act is amended—

Amendment of the
Second Schedule
to No. 11 of 2011.

- (a) in paragraph 6 by—
 - (i) inserting the word “disability” immediately after the word “ethnicity” in subparagraph (e)
 - (ii); inserting the following new subparagraph immediately after subparagraph (f)—

“(fa) the requirement for continuous updating of the membership register”;
- (b) in paragraph 13(a) by inserting the words “in accordance with Articles 47 and 50 of the Constitution” immediately after the word “action”.
- (c) by deleting paragraph 19 and substituting therefor the following new paragraph—

“19. The political party rules and regulations with respect to—

 - (a) elections of the party officials;
 - (b) nomination of candidates for elections; and
 - (c) nomination of candidates to political party lists”.
- (d) in paragraph 20 by inserting the words “symbol, party colours” after the word “name”;
- (e) by inserting the following new paragraph immediately after paragraph 21—

“21A. Rules for entering into coalitions.”
- (f) in paragraph 23 by inserting the words “in accordance with Article 47 and 50 of the Constitution” immediately after the word “mechanism”.

24. The Third Schedule to the principal Act is amended in paragraph 3 by inserting the following new subparagraph immediately after subparagraph (h)—

Amendment of the
Third Schedule to
No. 11 of 2011.

- “(ha) the process and mechanisms upon which the coalition agreement may be amended.”

25. The Fourth Schedule to the principal Act is amended in the heading by deleting the words “Chairperson and members of the Selection Committee”.

Amendment of the Fourth Schedule to No. 11 of 2011.

26. The Fifth Schedule to the principal Act is deleted.

Amendment of the Fifth Schedule to No. 11 of 2011.

27. The Sixth Schedule to the principal Act is amended—

Amendment of the Sixth Schedule to No. 11 of 2011.

(a) by deleting the words “Selection Committee” wherever they appear and substituting therefor the words “Public Service Commission”;

(b) in paragraph 1 by deleting the words “declare vacancies in the office of Registrar and the offices of Assistant Registrar” and substituting therefor the words “invite applications for the positions of the Registrar and the Assistant Registrar”;

(c) in paragraph 5 by deleting the word “seven” and substituting therefor the word “fourteen”;

(d) in paragraph 6 by deleting the word “fourteen” and substituting therefor the words “twenty one”;

(e) by deleting paragraph 11 and substituting therefor the following new paragraph—

“11. In shortlisting, nominating, approving or appointing the Registrar or the Assistant Registrars, the Public Service Commission, the National Assembly, and the President shall ensure that the appointments reflect the regional and ethnic diversity of the people of Kenya and that not more than two-thirds of the appointees are of the same gender.”

28. The Seventh Schedule to the principal Act is deleted

Amendment of the Seventh Schedule to No. 11 of 2011.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend the Political Parties Act No. 11 of 2011 in order to reorganize the manner in which political parties are managed and remove the existing ambiguities in the Act. The Bill seeks to among other things include a requirement that political parties shall promote the values of inclusiveness, democracy and participation of the people. The Bill further seeks to ensure that applicants for registration of a political party uphold the constitutional threshold of the two-thirds gender rule.

The structure of this Bill is as follows-

Clause 1 is the short title.

Clause 2 seeks to amend section 2 of the principal Act by inserting the definition of the terms “ethnic minorities”, “marginalised community”, “special interest groups” and “youth”.

Clause 3 proposes to amend section 3 of the principal Act to include a requirement that political parties promote the values of inclusiveness, democracy and participation of the people.

Clause 4 seeks to amend section 5 of the principal Act to harmonize the timeframes and the provisions relating to provisional registration of a political party.

Clause 5 seeks to amend section 6 of the principal Act by making it a requirement that applicants for registration of a political party meet the constitutional threshold of the two-thirds gender rule.

Clause 6 amends section 7 of the principal Act by harmonizing the use of the phrase special interest groups. This clause also introduces the requirement that a political party provides a disaggregated data of its membership based on each of the components of the special interest groups.

Clause 7 seeks to amend section 9 of the principal Act by ensuring that all party organs, at all levels adhere to the gender principle set out under Article 27 of the Constitution.

Clause 8 proposes to amend section 11 of the principal Act by setting out different procedures by which political parties can merge.

Clause 9 proposes to amend section 14 of the principal Act by setting out a clearer mechanism by which political parties may deem their members to have resigned. This clause also increases from three to seven the number of days during which a political party is required to notify the Registrar of such resignation.

Clause 10 proposes to amend section 15 of the principal Act by clarifying the marginal note to make reference to the content of the section and by prohibiting the full registration of provisionally registered political parties that participate in elections contrary to the Act.

Clause 11 amends section 16 of the principal Act by introducing the loss of status as a political party if a political party fails to offer a candidate for election in two consecutive general elections.

Clause 12 proposes to amend section 18 of the principal Act by clarifying the marginal note to make reference to the content of the section.

Clause 13 seeks to amend section 19 of the principal Act by mandating political parties to hold meetings as per their constitutions and requiring them to comply with the law relating to public meetings.

Clause 14 seeks to amend section 20 of the principal Act by providing for a clearer procedure for the change or amendment of particulars of a political party.

Clause 15 proposes to amend section 21 of the principal Act to require that a political party must have in its membership special interest groups in accordance with Article 27 and 100 of the Constitution. This clause also proposes that political parties should maintain the standards as at registration, during the entire duration of their existence.

Clause 16 seeks to amend section 25 of the principal Act to require that a political party shall not receive funding if it does not have in its governing body representation of special interest groups.

Clause 17 proposes to amend section 34A of the principal Act by providing for the recruitment of the Registrar and Assistant Registrars by the Public Service Commission.

Clause 18 seeks to amend Section 39 of the principal Act to expand the membership of the Political Parties Disputes Tribunal from five (5) to seven (7). This clause aims to have two benches at the same time in order to mitigate against cases of backlogs and cure capacity issues that could emanate therefrom.

Clause 19 seeks to amend section 40 of the principal Act by adding disputes arising out of party primaries in order to address the challenge of concurrent jurisdiction with other bodies handling electoral disputes.

Clause 20 seeks to amend section 41 of the principal Act by adding that the Chief Justice may, in consultation with the Tribunal, prescribe regulations for determination of disputes. This will facilitate the Tribunal in developing its own rules for use.

Clause 21 seeks to amend section 45 of the principal Act to harmonize the language.

Clause 22 seeks to amend the First Schedule to the principal Act to include adherence to the code of conduct by political parties on grounds of inclusion of special interest groups.

Clause 23 seeks to amend the Second Schedule to the principal Act to ensure that political parties include in their constitutions aspects such as inclusion of all special interest groups and setting out dispute resolutions mechanisms as per Article 47 and 50 of the Constitution.

Clause 24 seeks to amend the Third Schedule to the principal Act to include a procedure by which parties to a coalition can amend the coalition agreement.

Clause 25 seeks to amend the Fourth Schedule by removing the Selection Committee

Clause 26 seeks to delete the Fifth Schedule of the Principal Act by removing the Selection Committee

Clause 27 amends the Sixth Schedule to the principal Act to harmonize the specific provisions of the Schedule to the Act and to clarify the procedure of recruitment by the Public Service Commission.

Clause 28 deletes the Seventh Schedule to the principal Act

This Bill does not contain provisions limiting the fundamental rights and freedoms.

This Bill does not affect the functions of county governments as set out in the Fourth Schedule of the Constitution and is therefore not a Bill concerning counties.

The enactment of this Bill shall occasion additional expenditure of public funds.

SAMUEL CHEPKONGA,
*Chairperson,
Justice and Legal Affairs Committee.*

Section 2 of the of the Political Parties Act, 2011 which it is proposed to amend—

2. Interpretation

In this Act, unless the context otherwise requires—

“Branch” means any devolved unit of a political party;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to elections;

“Coalition” means an alliance of two or more political parties formed for the purpose of pursuing a common goal and is governed by a written agreement deposited with the Registrar;

“Commission” means the Independent Electoral and Boundaries Commission established under Article 88 of the Constitution;

“Election” means the act of selecting by vote, of a person or persons from among a number of candidates to fill an office or to membership of any political party and includes a presidential, parliamentary or county election;

“founding members of a political party” means the persons who form a political party and who have contributed or offered to contribute either in cash or in kind to the initial assets of the party in respect of the first year of its existence;

“Fund” means the Political Parties Fund established by section 23;

“Gazette” means the Kenya Gazette published by the authority of the national government, or a supplement of the Kenya Gazette;

“Governing body” means the committee responsible for” in relation to a political party means any person who is elected by the members of the political party to hold office and is registered with the Registrar of Political Parties;

“merger” means where two or more political parties consolidate their operations and combine all officers, structure, and other functions of the political parties;

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

“Public officer” has the meaning assigned to it under Article 260 of the Constitution;

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

“State” when used as a noun, means the collectivity of offices, organs and other entities comprising the government of the Republic under the Constitution; and

“Tribunal” means the Political Parties Disputes Tribunal established under section 39.

Section 3 of the of the Political Parties Act, 2011 which it is proposed to amend-

3. Formation of political parties.

(1) Political parties may, subject to the provisions of the Constitution and this Act, be formed in Kenya to further purposes which are not contrary to the Constitution or any written law.

(2) A citizen of Kenya who has attained the age of eighteen years may, subject to the provisions of this Act and any other written law, contest for an elective position in a political party in which he is a member.

Section 5 of the of the Political Parties Act, 2011 which it is proposed to amend—

5. Provisional registration of a political party

(1) An association of persons or organisation applying to be registered as a political party may apply to the Registrar for provisional registration.

(2) Upon application for registration under subsection (1), the Registrar shall, within thirty days of the association or organisation fulfilling the conditions prescribed in section 6, issue that association or organisation with a certificate of provisional registration.

(3) A political party that has been provisionally registered under subsection (2) shall, not later than one hundred and eighty days from the date of provisional registration, apply to the Registrar for full registration.

(4) The Registrar shall, within seven days of receipt of an application under subsection (3), publish a notice in the Gazette and in at least two newspapers having nationwide circulation, inviting objections from any person or any other political party concerning the registration of the name, symbol or colour of the party or any other issue relating to the registration of the political party.

(5) The provisional registration of a political party which has not applied for full registration shall lapse at the expiry of one hundred and eighty days from the date of issue of the certificate of the provisional registration

(6) The provisional registration of a political party which has applied for full registration shall be valid until the political party is issued with a certificate of full registration, or until the application of the political party to be registered has been rejected.

(7) A political party that has been provisionally registered under subsection (2) shall not be entitled to participate in an election.

Section 6 of the of the Political Parties Act, 2011 which it is proposed to amend—

6. Application for provisional registration.

(1) An application for the provisional registration of a proposed political party shall be in writing and be signed by the applicant.

(2) An application for provisional registration shall—

- (a) include signed minutes of the first meeting of the founding members of the political party;
- (b) set out the name of the political party;
- (c) if the political party wishes to use an abbreviation of its name for the purposes of this Act, set out that abbreviation;
- (d) be accompanied by a copy of the constitution of the proposed political party which shall comply with the provisions of section 9;
- (e) include an undertaking to be bound by this Act and the Code of Conduct set out in the First Schedule; and
- (f) be accompanied by the prescribed fee.

(3) An application for provisional registration shall include a request for the registration of the symbol of the political party.

Section 7 of the of the Political Parties Act, 2011 which it is proposed to amend—

7. Conditions of full registration.

(1) An application for full registration of a political party shall be in writing and shall be signed by an authorised official of the political party.

(2) A provisionally registered political party shall be qualified to be fully registered if—

- (a) it has recruited as members, not fewer than one thousand registered voters from each of more than half of the counties;

- (b) the members referred to in paragraph (a) reflect regional and ethnic diversity, gender balance and representation of minorities and marginalised groups;
 - (c) the composition of its governing body reflects regional and ethnic diversity, gender balance and representation of minorities and marginalised groups;
 - (d) not more than two-thirds of the members of its governing body are of the same gender;
 - (e) it has demonstrated that members of its governing body meet the requirements of Chapter Six of the Constitution and the laws relating to ethics;
 - (f) it has submitted to the Registrar—
 - (i) a list of the names, addresses and identification particulars of all its members;
 - (ii) the location of its head office, which shall be a registered office within Kenya and a postal address to which notices and other communication may be sent; and
 - (iii) the location and addresses of the branch offices of the political party, which shall be in more than half of the counties; and
 - (g) it has undertaken to be bound by this Act and the Code of Conduct set out in the First Schedule.
- (3) A person is disqualified from being a member of the governing body if that person—
- (a) is an undischarged bankrupt;
 - (b) has been convicted of a criminal offence and sentenced to imprisonment for a period of not less than six months;
 - (c) has been suspended for a period of six months for violating the code of conduct of the political party; or
 - (d) has contravened the provisions of Chapter Six of the Constitution.
- (4) The Registrar shall, within thirty days of an application under subsection (2), issue a certificate of full registration to a provisionally registered political party which has fulfilled the conditions of full registration.
- (5) A person who is not a citizen of Kenya shall not be appointed to any office or be a member of a political party in Kenya.

Section 9 of the of the Political Parties Act, 2011 which it is proposed to amend—

9. Contents of constitution or rules of a political party.

(1) The constitution or rules of every political party shall provide for all the matters specified in the Second Schedule to this Act.

(2) The Registrar may, by notice in writing, require a political party to amend its name, constitution or rules within three months after the date of the notice to comply with the Constitution, this Act and any other written law.

(3) The notice referred to in subsection (2) shall specify the areas of non-compliance, the nature of the amendment and the reason for such amendment.

(4) If a political party does not comply with a notice issued under subsection (2), that political party shall be deregistered.

Section 11 of the of the Political Parties Act, 2011 which it is proposed to amend—

11. Mergers

(1) A political party may merge with another political party.

(2) A political party shall not merge with another political party unless the merger is in accordance with the constitution, rules and procedures of the political parties.

(3) The decision to merge shall be in writing and shall be duly executed by the political party officials authorized to execute agreements on behalf of the political parties.

(4) The governing body of each political party that intends to merge under subsection (2) shall—

(a) determine the constitution, rules, regulations and the principles which shall form the basis of the merger and the registration of the new political party; and

(b) sign the merger agreement and the particulars for the new political party to be registered under this Act.

(5) The merger agreement signed under subsection (4) (b) shall be deposited with the Registrar within twenty-one days of the signing of the agreement.

(6) The political parties which have merged into a new political party under this section shall stand dissolved upon registration of the new political party.

(7) Where a political party merges with another political party, a member of the political party that has merged with another political party who is a member of Parliament or of a county assembly, and who does not desire to be a member of the political party formed after the merger shall continue to serve as a member of Parliament or of the county assembly, and may join another political party or choose to be an independent member for the remainder of the term of the member.

Section 14 of the Political Parties Act, 2011 which it is proposed to amend—

14. Resignation from political party.

(1) A member of a political party who intends to resign from the political party shall give a written notice prior to his resignation to—

- (a) the political party;
- (b) the Clerk of the relevant House of Parliament, if the member is a member of Parliament; or
- (c) the clerk of a county assembly, if the member is a member of a county assembly.

(2) The resignation of the member of the political party shall take effect upon receipt of such notice by the political party or clerk of the relevant House or county assembly.

(3) The political party of which the person is a member, the member, or the clerk of the relevant House of Parliament or of a county assembly of which the person is a member shall notify the Registrar of such resignation within three days of the resignation.

(4) A person shall not be a member of more than one political party at the same time.

(5) A person who, while being a member of a political party—

- (a) forms another political party;
- (b) joins in the formation of another political party;
- (c) joins another political party;
- (d) in any way or manner, publicly advocates for the formation of another political party; or
- (e) promotes the ideology, interests or policies of another political party;

shall, notwithstanding the provisions of subsection (1) or the provisions of any other written law, be deemed to have resigned from the previous political party.

(6) Subsection (5) (d) and (e) shall not apply to a member of a political party in relation to the common objective of a coalition.

(7) A member of a political party may only be expelled from that political party if the member has infringed the constitution of the political party and after the member has been afforded a fair opportunity to be heard in accordance with the internal party disputes resolution mechanisms as prescribed in the constitution of the party.

(8) A person who suppresses or attempts to suppress any lawful political activity of another person commits an offence and shall, on conviction be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years or to both.

Section 15 of the of the Political Parties Act, 2011 which it is proposed to amend—

15. Rights and privileges of political party.

(1) A political party which has been provisionally registered shall be entitled—

- (a) to hold and address public meetings in any area in Kenya for the purposes of publicising the political party and recruiting members;
- (b) to the protection and assistance of the State security agencies for the purposes of facilitating peaceful and orderly meetings; and
- (c) to the provision by the State, of fair opportunity to present the political party's programmes to the public by ensuring equitable access to the State owned media.

(2) Provisional registration shall not entitle any political party to organise or hold public meetings in connection with any election, or to propose or campaign for any candidate in any election.

(3) A political party which contravenes the provision of subsection (2) commits an offence.

Section 16 of the of the Political Parties Act, 2011 which it is proposed to amend—

16. Corporate status of political party and declaration of assets etc.

(1 political party which has been fully registered under this Act shall be a body corporate with perpetual succession and a common seal and shall be capable) A, in its own name of—

- (a) acquiring and disposing of property;
- (b) suing and being sued; and

(c) doing or performing all such acts and things as a body corporate may by law do or perform.

(2) A political party shall, within sixty days after being issued with a certificate of full registration under section 7, submit to the Registrar a written declaration giving details of all assets and expenditure including, all contributions, donations or pledges of contributions or donations, whether in cash or in kind, made or to be made to the initial assets of the political party by its founding members in respect of the first year of its existence.

(3) A declaration submitted to the Registrar under subsection (2) shall—

- (a) state the sources of all funds and other assets of the political party;
- (b) contain such other relevant particulars as the Registrar may prescribe; and
- (c) be supported by a statutory declaration made by the person designated to issue such a declaration by the governing body of the political party.

(4) The Registrar shall, within thirty days after the receipt of the declaration required under subsection (2), cause the declaration to be published in the Gazette and in at least one daily newspaper having nationwide circulation.

(5) Notwithstanding any other penalty prescribed by this Act or any other written law, the Registrar shall, subject to section 21(2) deregister a political party which—

- (a) fails to comply with this section; or
- (b) submits a declaration, which is false in any material particular.

Section 18 of the Political Parties Act, 2011 which it is proposed to amend—

18. Duty of political party to inform Registrar.

(1) The Registrar may, issue a written notice, in the prescribed form, to the chairperson or secretary-general of a political party to furnish for inspection by the Registrar, the records required to be maintained under section 17, or such other information as is reasonably required by the Registrar to ensure compliance with the provisions of this Act.

(2) The Registrar may make copies of or take extracts from any records or other information furnished to the Registrar under this section.

(3) The chairperson or secretary-general of a political party shall comply with a notice issued by the Registrar under subsection (1).

(4) A chairperson or secretary-general of a political party who fails to comply with the notice under this section commits an offence.

Section 19 of the of the Political Parties Act, 2011 which it is proposed to amend—

19. Public meetings of political party.

A political party intending to hold a public meeting in any area shall comply with the provisions of the laws relating to public meetings.

Section 20 of the of the Political Parties Act, 2011 which it is proposed to amend—

20. Notification of changes, alterations in constitution etc. of political party.

(1) Where a fully registered political party intends to change or amend—

- (a) its constitution;
- (b) its rules and regulations;
- (c) the title, name or address of any party official; or
- (d) its name, symbol, slogan or colour,
- (e) the address and physical location of the head office or county office.

it shall notify the Registrar of its intention and the Registrar shall, within fourteen days after the receipt of the notification, cause a notice of the intended change or alteration to be published in the Gazette.

(2) The political party giving notification under sub-section (1) shall publish such notification in at least two daily newspapers having nationwide circulation.

(3) Upon the expiry of thirty days from the date of publication of the notice in subsection (1), the political party may, after taking into account any representations received from the public under subsection (1) and (2), effect the change or alteration in accordance with its constitution and rules.

Section 21 of the of the Political Parties Act, 2011 which it is proposed to amend—

21. Deregistration of political party.

(1) The Registrar may deregister a political party if the political party—

- (a) has contravened the provisions of Article 91 of the Constitution;
- (b) does not promote free and fair nomination of candidates;
- (c) does not adhere to the law relating to the nomination of candidates;
- (d) does not respect the national values and principles of the Constitution;
- (e) obtained its registration in a fraudulent manner;
- (f) has instigated or participated in the commission of an election offence; or
- (g) has acted contrary to the provisions of section 26.

(2) The Registrar shall, before deregistering a political party—

- (a) inform the political party, in writing, of the particulars of the breach or contravention;
- (b) inform the political party, in writing, of the intention to deregister the political party; and
- (c) direct the political party to remedy the breach or contravention within ninety days or otherwise show cause why the party should not be deregistered.

(2) The Registrar may suspend the registration of a political party to enable that political party to remedy the breach specified in the notice issued by the Registrar under subsection (2).

(3) A political party that has been suspended under subsection (3) shall not be entitled to any of the rights and privileges specified in section 15.

(4) The Registrar shall deregister a political party which has not remedied the breach or complied with the Act as required by the Registrar under subsection (2).

(5) The Registrar shall deregister a political party which has been declared to be a prohibited organisation under the provisions of any written law.

(6) The Registrar shall deregister a political party which has been declared to be a prohibited organisation under the provisions of any written law.

Section 25 of the of the Political Parties Act, 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; and
 - (b) five percent 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 subsection (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.

Section 34A of the of the Political Parties Act, 2011 which it is proposed to amend—

34 A. Selection Committee.

- (1) Whenever a vacancy arises in the Office of the Registrar of Political Parties or the Assistant Registrar, the President shall, with the approval of the National Assembly, appoint a Selection Committee comprising—
- (a) a chairperson who shall be nominated by the President;
 - (b) 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 subsection (1) shall not be members of Parliament.

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

Section 39 of the of the Political Parties Act, 2011 which it is proposed to amend—

39. Establishment of Tribunal.

(1) There is established a Tribunal to be known as the Political Parties Disputes Tribunal.

(2) The Tribunal shall consist of the following members, appointed by the Judicial Service Commission—

- (a) a chairperson who shall be a person qualified to be appointed a judge of the High Court; and
- (b) four other members one of whom shall be an advocate of the High Court of five years standing.

(3) The Chairperson and members of the Tribunal shall serve on part-time basis.

(4) The Chairperson and the members shall hold office for a nonrenewable term of six years.

(5) A person shall not be qualified to be appointed as a member of the Tribunal if that person is a member of the public service or takes an active part in the activities of a political party.

(6) A person shall not qualify for appointment under this section unless the person has met the requirement of Chapter Six of the Constitution.

(7) The quorum of the Tribunal shall be three members one of whom shall be an advocate.

Section 40 of the of the Political Parties Act, 2011 which it is proposed to amend—

40. Jurisdiction of Tribunal.

(1) The Tribunal shall determine—

- (a) disputes between the members of a political party;

- (b) disputes between a member of a political party and a political party;
- (c) disputes between political parties;
- (d) disputes between an independent candidate and a political party;
- (e) disputes between coalition partners; and
- (f) appeals from decisions of the Registrar under this Act.

(2) Notwithstanding subsection (1), the Tribunal shall not hear or determine a dispute under paragraphs (a) (b), (c) or (e) unless the dispute has been heard and determined by the internal political party dispute resolution mechanisms.

Section 41 of the of the Political Parties Act, 2011 which it is proposed to amend—

41. Determination of disputes.

(1) The Tribunal shall determine any dispute before it expeditiously, but in any case shall determine a dispute within a period of three months from the date the dispute is lodged.

(2) An Appeal shall lie from the decision of the Tribunal to the High Court on points of law and facts and on points of law to both the Court of Appeal and the Supreme Court.

(3) A decision of the Tribunal shall be enforced in the same manner as a decision of a Magistrates Court.

(4) The Tribunal shall apply the rules of evidence and procedure under the Evidence Act (Cap. 80) and the Civil Procedure Act (Cap. 21), with the necessary modifications, while ensuring that its proceedings do not give undue regard to procedural technicalities.

Section 45 of the of the Political Parties Act, 2011 which it is proposed to amend—

45. Offences

- (1) A person who—
 - (a) fails to furnish particulars or information required to be furnished by a political party or by him under this Act;
 - (b) makes a statement which he knows to be false or which he has no reason to believe to be true; or
 - (c) recklessly makes a false statement under this Act, commits an offence.

(2) Where a political party commits an offence under this Act, every principal officer of that political party shall also be deemed to have committed the offence.

(3) Where an offence under this Act is committed by a body of persons other than a political party—

- (a) in the case of a body corporate other than a partnership, every director and the secretary of the body corporate shall also be deemed to have committed the offence; and
- (b) in the case of a partnership, every partner shall be deemed to have committed the offence.

(4) A person does not commit an offence under subsection (1) or (2) if that person proves to the satisfaction of the court or tribunal that the act in respect of which such person is charged was committed without his consent or connivance, and that he exercised all diligence to prevent the commission of that act as he ought to have exercised, having regard to all the circumstances.

(5) Where a political party commits an offence under this Act, the Registrar shall have the power to—

- (a) issue a warning and require the political party to conform to this Act within a specified period;
- (b) suspend the registration of the political party for a period not exceeding twelve months; or
- (c) withhold funds to the political party for a period not exceeding twelve months.
- (d) subject to section 21, deregister a political party.

(6) Notwithstanding subsection (5), a person who is a member of a political party that has been suspended and is a member of Parliament or of a county assembly, shall continue as a member of Parliament or of the county assembly for the unexpired term.

(7) The Registrar or an employee of the Office of the Registrar commits an offence where the Registrar or the employee of the Office of the Registrar of Political Parties knowingly subverts the objectives of the Constitution and of this Act.

The First Schedule to the Political Parties Act, 2011 which it is proposed to amend—

FIRST SCHEDULE (s. 6(2)(e))**CODE OF CONDUCT FOR POLITICAL PARTIES**

1. Political parties shall, pursuant to Articles 91 and 92 of the Constitution and section 8 of this Act, subscribe and observe this code of conduct.

2. This code of conduct shall regulate the behavior of members and office holders of political parties, aspiring candidates, candidates and their supporters, promote good governance and eradicate political malpractices.

3. Political competition and co-operation shall be regulated under this code of conduct on the basis of rule of law and universally accepted best practices.

4. Political Parties shall—

- (a) promote policy alternatives responding to the interests, the concerns and the needs of the citizens of Kenya;
- (b) respect and uphold the democratic process as they compete for political power so as to implement their policies;
- (c) promote consensus building in policy decision making on issues of national importance.

5. Every political party shall—

- (a) respect the right of all persons to participate in the political process including youth, minorities and marginalized groups;
- (b) respect and promote gender equity and equality, human rights and fundamental freedoms; and
- (c) be tolerant and inclusive in all their political activities.

6. Every political party shall—

- (a) respect, uphold and defend the Constitution of Kenya;
- (b) respect and uphold this Act and any other written law relating to elections and political parties;
- (c) respect, uphold and defend their respective political party constitutions, political party election rules, political party nomination rules and any other political party rules and regulations developed and agreed upon in accordance with this code of conduct;
- (d) respect, uphold and promote human dignity, equity, social justice, inclusiveness and non-discrimination and protection of the marginalized;

- (e) respect, uphold and promote human rights and the rule of law;
- (f) promote national patriotism and national unity;
- (g) respect, uphold and promote democratic values and principles, performing inclusive participation of party members and accountable representation in governance for the development of the country;
- (h) respect, uphold and promote good governance, integrity, respect, tolerance, transparency and accountability;
- (i) promote cooperation in the political competition;
- (j) promote sharing and devolution of power and resources;
- (k) respect, uphold and promote democratic practices through regular free, fair and credible elections within the political party and among others have a democratically elected governing body and political party organs;
- (l) respect, uphold and promote democratic practices through free, fair and credible political party nominations;
- (m) respect, uphold and promote leadership and integrity as prescribed in the constitution of Kenya; and
- (n) perform transparency and accountability in all its legislation and regulations, structures, procedures and performance.

7. A political party shall not —

- (a) engage in or encourage violence by its members or supporters; engage in influence peddling, bribery or any other form of corruption;
- (b) accept or use illicit or illegal money;
- (c) accept or use public resources other than those allocated to the political party through the political party fund;
- (d) advocate hatred that constitutes ethnic incitement, vilification of others or incitement to cause harm;
- (e) obstruct, disrupt, break-up or in any other way whatsoever interfere with a meeting, rally or demonstration of another political party or its leadership;
- (f) establish or maintain a para-military force, militia or similar organisation or having any links with such organizations; and
- (g) use state resources for partisan campaigns.

8. A political party shall promote inter-party relations by —

- (a) ensuring free competition among political parties in respect of different political views and principles;
- (b) fostering trust and confidence through mechanisms for co-operation;
- (c) managing and mitigating political differences through constructive dialogue enhancing harmony among the parties; and
- (d) promoting national reconciliation and building national unity.

The Second Schedule to the Political Parties Act, 2011 which it is proposed to amend—

SECOND SCHEDULE (S. 9(1))

CONTENTS OF THE CONSTITUTION OR RULES OF A POLITICAL PARTY

1. The name of the Political party and any abbreviation.
2. The logo and symbol of the political party and party colours.
3. The objects of the political party.
4. Clearly defined vision, mission, guiding principles and values.
5. The physical and postal address of the registered office.
6. Membership requirements including—
 - (a) the eligibility criteria;
 - (b) subscription fees for joining the party and for being a member of the party;
 - (c) the criteria for resignation from party membership or ceasing to be a member; and
 - (d) the rights and duties of members of the party;
 - (e) membership details to be contained in the register including identification details, region, ethnicity, gender and county; and
 - (f) the procedure for conducting the annual general meeting or the other general meetings of the political party, including matters which may only be decided upon by a meeting of the party members or, as the case may be, of the county representatives of the party.
7. Governing body requirements—
 - (a) the name of the governing body;

- (b) the eligibility criteria for election to the governing body;
 - (c) the positions, titles and term of office;
 - (d) the rights and duties of members of the governing body;
 - (e) the procedure for the election of members of the governing body and other political party organs, including committees;
 - (f) guidelines for the operations of the governing body and its committees;
 - (g) quorum;
 - (h) frequency of meetings;
 - (i) decision making powers; and
 - (j) guidelines for meetings: procedures of convening meetings; procedure of meetings and the official recording of resolutions passed at meetings.
8. A list of political party management structure of the political party and systems to be documented at the political party offices including—
- (a) the employee details and terms of employment;
 - (b) the party human resource, financial and audit and administration and management policies and procedures; and
 - (c) the party sub- branches within each county.
9. The forming of political party branches, including in the diaspora, and their roles and responsibilities.
10. The financial structure and system including
- (a) the roles and responsibilities of individual political party officials, organs and governing bodies with regard to the finances of the political party;
 - (b) the annual statutory and other audits; of accounts of the political party; and
 - (c) the purposes for which the funds may be used, and in particular the prohibition against the distribution of funds among members.
11. The general organization structure and management of the political party, including the county structures and systems and county governing bodies.
12. The establishment and management of National Assembly, Senate and County Assemblies Caucuses.

13. The disciplinary measures against a member or official of a political party including—

- (a) the methods and procedure of disciplinary action;
- (b) possible disciplinary actions and reasons;
- (c) criteria for various disciplinary actions; and
- (d) consequences of each action for the national and county levels.

14. The right to inspect the books or list of members of the political party by a member of the party or a member of the public.

15. The authorized officials of a political party shall sign on behalf of the political party—

- (a) documents presented to the Registrar including membership register, mergers, and other reports to the Registrar;
- (b) the accounts and bank accounts of the political party;
- (c) the audited annual accounts and financial statements of the political party;
- (d) any report or document of the political party required under this Act or any other written law; and
- (e) the nomination certificates for any nomination or election of a member of the political party.

16. The policy documents which the political party will develop and on which the political party will perform including the manner and procedures in which they will be developed, approved and implemented.

17. The policy reporting documents and their regularity which the political party will produce including the manner and the procedures in which they will be developed, approved and publicized.

18. Asset management policies and procedures, the custody and investment of the funds and property of the political party, and the designation of the persons responsible for them.

19. The political party nomination rules and regulations with respect to elections of the party and rules governing the preparation of party lists.

20. Provisions for the amendment of the name, constitution, and rules of the political party.

21. Rules for mergers including—

- (a) the circumstances and criteria for mergers; and

- (b) the procedure and guidelines for such mergers as approved by an annual general meeting of the political party.
22. Provisions on dissolution of the political party, including—
- (a) provisions on the disposal of the property of the political party; and
 - (b) the manner of and procedures to be followed for the dissolution of the political party or any branch of the party.
23. Internal party dispute resolution mechanism.
24. Democratic practices that cover gender, affirmative action for minorities and marginalized groups.
25. Reflect democratic practices covering human rights and gender.
26. The manner of implementing national values and principles of governance as provided in the Constitution.

The Third Schedule to the Political Parties Act, 2011 which it is proposed to amend—

THIRD SCHEDULE (s. 10(4))

BASIC REQUIREMENTS FOR COALITION AGREEMENT

1. A Coalition agreement shall adhere to the rules and procedures of the political parties relating to the formation of coalitions.
2. A coalition agreement shall be sanctioned by the governing body of the political parties entering into the coalition and shall—
 - (a) be in writing and duly executed by authorized national party officials; and
 - (b) be commissioned by a Commissioner of Oaths.
3. A Coalition agreement shall state—
 - (a) the parties which are members of the coalition;
 - (b) the policies and objectives of the coalition;
 - (c) the overall structure of the coalition;
 - (d) the general organization structure and management of the coalition, including the county structures and systems and county governing bodies;
 - (e) the criteria or formula for sharing of positions in the coalition structure, roles and responsibilities within the coalition;
 - (f) the coalition election rules;

- (g) the coalition nomination rules;
- (h) the decision making structure, rules and procedures;
- (i) the policy initiation, policy consultation and policy decision making structure, rules and procedures;
- (j) the Code of Conduct of the coalition including the values and the principles guiding the performance of the individuals and the members parties within the coalition;
- (k) the dispute resolution mechanisms and procedures;
- (l) the enforcement and sanction mechanisms and procedures for breach of any of the provisions of the agreement;
- (m) procedures for appeal to the Tribunal;
- (n) the role of the governing body and political party organs of the individual member parties of the coalition in the running of the affairs of the coalition including the links and the mechanisms and procedures accordingly;
- (o) the formula and the mechanisms for sharing of funds from the Political Party Fund to the respective member of the coalition; and
- (p) the grounds upon which the coalition may be dissolved including the mechanisms and procedures to be followed.

The Fourth Schedule to the Political Parties Act, 2011 which it is proposed to amend—

FOURTH SCHEDULE (s. 33(8))

OATH OF OFFICE/ SOLEMN AFFIRMATION OF REGISTRAR OF POLITICAL PARTIES/ ASSISTANT REGISTRAR OF POLITICAL PARTIES/ CHAIRPERSON AND MEMBERS OF THE SELECTION COMMITTEE/ CHAIRPERSON AND MEMBERS OF THE POLITICAL PARTIES DISPUTES TRIBUNAL

I,.....having been appointed asdo solemnly (swear/declare and affirm) that I will at all times obey, respect and uphold the Constitution of Kenya and all other laws of the Republic of Kenya, and that I will faithfully and fully, impartially and to the best of my ability, discharge the trust and perform the functions and exercise the powers devolving upon me by virtue of this appointment without fear, favour, bias, affection, ill-will or prejudice.

(So help me God).

Sworn/declared by the said Before me thisday
of Chief Justice

The Fifth Schedule to the Political Parties Act, 2011 which it is proposed to be deleted—

FIFTH SCHEDULE (s. 35(4))

PROCEDURES RELATING TO THE SELECTION COMMITTEE

1. The respective nominating bodies under section 34(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.

The Sixth Schedule to the Political Parties Act, 2011 which it is proposed to amend—

SIXTH SCHEDULE (s. 36)**PROCEDURES FOR APPOINTMENT OF THE REGISTRAR AND ASSISTANT REGISTRAR**

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.

The Seventh Schedule to the Political Parties Act, 2011 which it is proposed to amend—

SEVENTH SCHEDULE (s. 34 A (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.