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REPUBLIC OF KENYA

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**KENYA GAZETTE SUPPLEMENT**

**SENATE BILLS, 2021**

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**NAIROBI, 7th December, 2021**

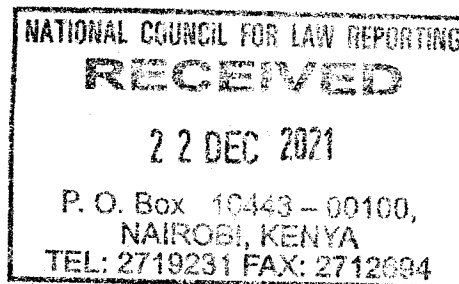
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**THE POLITICAL PARTIES (AMENDMENT) BILL,  
2021**

**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—

1. This Act may be cited as the Political Parties (Amendment) Act, 2021.

Short title.

2. Section 2 of the Political Parties Act, 2011 (hereinafter referred to as “the principal Act”) is amended by—

Amendment of section 2 of No. 11 of 2011.

(a) deleting the definition of the term “political party” and substituting therefor the following new definition—

“political party” —

(a) means an association of citizens with an identifiable ideology or programme that is constituted for the purpose of influencing public policy or nominating candidates to contest elections; and

(b) includes a coalition political party;

(b) deleting the definition of the term “party primary”; and

(c) inserting the following new definitions in proper alphabetical sequence—

“coalition political party” means a coalition that is registered by the Registrar as a political party;

“direct party nomination” means the process by which a political party, through its registered members, elects its candidates for an election;

“indirect party nomination” means the process by which a political party, through the use of delegates selected from registered members of the political party and interviews, selects its candidates for an election; and

“statement of ideology” means a statement setting out the doctrine, ethical ideals, and principles of the party.

3. The principal Act is amended by inserting the following new sections immediately after section 4—

Insertion of new section 4A in No. 11 of 2011.

Roles and functions of a political party.

**4A.** A political party may—

- (a) recruit and enlist members;
- (b) nominate candidates for elections;
- (c) promote representation in Parliament and county assemblies of women, persons with disabilities, youth, ethnic and other minorities, and marginalized communities;
- (d) sensitise the public on the functioning of the political and electoral system;
- (e) promote and enhance national unity;
- (f) mobilise citizens into participating in political decisions;
- (g) solicit and articulate public policy priorities as identified by its members; and
- (h) shape and influence public policy.

Reservation of name, symbol and slogan.

**4B.** (1) An association of persons or organization may apply in writing to the Registrar for the reservation of a name, symbol and slogan for a proposed political party.

(2) Where a name, symbol or slogan has not been reserved for a proposed or registered political party by any other association of persons or organization, the Registrar shall reserve the name, symbol or slogan in respect of the applicant under subsection (1) for ninety days.

(3) The Registrar shall notify the applicant in writing of the availability of the

name, symbol or slogan within fourteen days of the application under subsection (1).

4. Section 5 of the principal Act is amended—

Amendment of  
section 5 of No.  
11 of 2011.

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

(1A) An application for provisional registration under subsection (1) may be made after the notification by the Registrar under section 4A (3):

Provided that if the application is not made within the period specified in section 4A (2), the reservation of the name, symbol or slogan of the proposed political party shall lapse.

(b) in subsection (5), by deleting the words “one hundred and eighty days” and substituting therefor the words “two hundred and seventy days”.

5. Section 6 of the principal Act is amended—

Amendment of  
section 6 of No.  
11 of 2011.

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

(da) be accompanied by a statement of the ideology of the proposed political party;

(b) in subsection (3), by inserting the words “and slogan” immediately after the word “symbol”.

6. Section 7 of the principal Act is amended—

Amendment of  
section 8 of No. 7  
of 2011.

(a) in subsection (2) (f), by adding the following new item immediately after item (iv)—

(v) the address of the official website of the political party.

(b) by adding the following new subsections immediately after subsection (5)—

(6) A coalition political party shall not be required to comply with the provisions of sections 5 and 6.

(7) The Registrar shall, upon the deposit of a coalition agreement for the formation of a

coalition political party, issue the coalition political party with a certificate of full registration.

(8) The governance of a coalition political party shall be in accordance with the provisions of the Act relating to the governance of a coalition and the Regulations made in that regard.

(9) A member of a coalition shall not be a member of another coalition.

**7. Section 8 of the principal Act is amended—**

Amendment of  
section 8 of No.  
11 of 2011.

- (a) in the opening statement, by inserting the words “the slogan” immediately after the word “name”;
- (b) in paragraph (c), by inserting the word “slogan” immediately after the word “name”;
- (c) by adding the following new paragraphs immediately after paragraph (c)—
  - (d) is similar to, or associated with, a group or association that has been proscribed under any written law; or
  - (e) is against the public interest.

**8. Section 10 of the principal Act is amended—**

Amendment of  
section 10 of No.  
11 of 2011.

- (a) in subsection (1), by inserting the words “or a coalition political party” immediately after the words “form a coalition”; and
- (b) by adding the following proviso to subsection (2)—

Provided that in the case of a coalition political party, the coalition political party shall submit the coalition agreement at least six months before a general election.

**9. Section 14 of the principal Act is amended by—**

Amendment of  
section 14 of No.  
11 of 2011.

- (a) deleting subsection (5);
- (b) deleting subsection (5A);
- (c) deleting subsection (6); and

(d) deleting subsection (7).

10. The principal Act is amended by inserting the following new sections immediately after section 14—

Insertion of new section 14A in No. 11 of 2011.

When a member may be deemed to have resigned from a political party.

**14A.** (1) A person who, while being a member of a political party shall be deemed to have resigned from that party if that person—

- (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.

(2) A political party shall, before deeming a member to have resigned under subsection (1)—

- (a) notify the member that he or she has been deemed to have resigned from the political party and that the political party intends to remove his or her name from the list of its members; and
- (b) afforded the member a fair opportunity to be heard in accordance with the procedure set out in the constitution of the political party.

(3) A political party which deems a member to have resigned from the political party shall notify the Registrar in writing of the member's resignation and request the Registrar to remove that person's name from the register of members of that political party.

(4) Upon the notification under subsection (3), the Registrar may, where the Registrar is satisfied that the political party has complied with procedure under subsection (2), remove the member's name from the register of members of the political party within seven days of the notification and notify the member in writing that he or she has ceased to be a member of that political party.

(5) Where the Registrar is not satisfied in accordance with subsection (4), the Registrar shall refer the matter back to the concerned political party for reconsideration.

(6) The provisions of subsection (1) (c), (d) and (e) shall not apply to a member of a political party which enters or proposes to enter into a merger or a coalition with another political party.

Expulsion of a member from a political party.

**14B.** (1) A person may be expelled from a political party if that person contravenes any of the provisions of the constitution of the political party.

(2) A political party shall, before expelling a member under subsection (1), afford such member a fair opportunity to be heard in accordance with the internal party disputes resolution mechanism prescribed in the constitution of the political party.

**11.** Section 16 of the principal Act is amended in subsection (4) by inserting the words "and in the political party's official website" immediately after the word "circulation"

Amendment of section 16 of No. 11 of 2011.

**12.** Section 20 of the principal Act is amended—

Amendment of section 20 of No. 11 of 2011.

(a) in subsection (2), by—

(i) deleting the word "two" and substituting therefor the word "one"; and

(ii) inserting the words "and in the political party's

official website” immediately after the word “circulation”;

- (b) by adding the following new subsections immediately after subsection (3A)—

(4) An objection to the proposed change, amendment or alteration contemplated under subsection (1) shall be dealt with in accordance with the constitution of the political party and the political party shall inform the Registrar of the manner in which the objection was dealt with.

(5) Where the Registrar is satisfied that the political party has complied with the provisions of this section, the Registrar shall, within fourteen days after the notification under section (3A), notify the political party in writing that the change, amendment or alteration has been made to the constitution of the political party.

**13. Section 21 of the principal Act is amended—**

- (a) by deleting the marginal note and replacing it with the following new marginal note—

“Suspension and deregistration of a political party”.

- (b) in subsection (1), by inserting the word “suspend” immediately after the word “may”;

- (c) by inserting the following new subsections immediately after subsection (1)—

(1A) Where a registered political party contravenes the provisions of subsection (1), the Registrar may—

- (a) serve the party with a notice in writing specifying the nature of the contravention, requiring the political party to redress the contravention within the period specified in the notice:

Provided that the period of the notice shall not exceed three months;

- (b) where the political party fails to comply with the notice under paragraph (a) within the specified period, suspend the registration of the political party for a period not exceeding one year; and



- (c) where, after the expiry of the period specified in paragraph (b), the party fails to remedy the contravention and persists in contravening the provisions of this Act, deregister the party.
- (d) in subsection (2), by inserting the words “suspending and” immediately after the word “before”;
- (e) by deleting subsection (3); and
- (f) by inserting the following new subsection immediately after subsection (4)—
- (4A) A political party that is dissatisfied with the decision to suspend it under this section may, within thirty days of receiving the notice of suspension, apply to the Registrar for a review of the decision.
- (g) by inserting the following new subsection immediately after subsection (6)—
- (7) A political party which is dissatisfied with the decision of the Registrar under subsections (1) or (2) may appeal to the Tribunal against the decision.

**14. Section 22 of the principal Act is amended by—**

Amendment of  
section 22 of No.  
11 of 2011.

- (a) deleting subsection (2) and substituting therefor the following new subsection—
- (2) A member of a deregistered political party holding an elective office established by the Constitution at the time of the political party’s deregistration shall continue to hold office for the remainder of the elective term as a member of another political party or independent of any political party.
- (b) deleting subsection (3).

**15. Section 25 of the principal Act is amended—**

Amendment of  
section 25 of No.  
11 of 2011.

- (a) by deleting subsection (1) and substituting therefor the following new subsection—
- (1) The Fund shall be distributed as follows—
- (a) seventy 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) fifteen per cent of the Fund proportionately to political parties based on the number of candidates of the political party from special interest groups elected in the preceding general election;
- (c) ten per cent of the Fund proportionately to political parties based on the total number of representatives from the political party elected in the preceding general election; and
- (d) five per cent for the administration expenses of the Fund.

- (b) in the opening words of subsection (2), by inserting the words “under subsection (1) (a)” immediately after the words “from the Fund”; and
- (c) by inserting the following new subsection immediately after subsection (2A)—

(2B) Notwithstanding the provisions of subsection (1), a political party shall not be entitled to receive funding from the Fund under subsection (1) (a) or (b) if—

- (a) more than two-thirds of its registered office bearers are of the same gender;
- (b) the party does not have, in its governing body, representation of special interest groups;
- (c) the party does not have—
  - (i) an elected member of the National Assembly;
  - (ii) an elected member of the Senate;
  - (iii) an elected Governor; or
  - (iv) an elected member of a county assembly.

16. Section 26 of the principal Act is amended by inserting the following new subsection immediately after subsection (1)—

Amendment of section 26 of No. 11 of 2011.

(1A) The monies allocated to a coalition political party shall be distributed by the Registrar in accordance with the coalition agreement.

17. Section 29 of the principal Act is amended in subsection (2) by—

Amendment of section 29 of No. 11 of 2011.

- (a) deleting the word “two” and substituting therefor “one”; and
- (b) inserting the words “and in the political party’s official website” immediately after the word “circulation”.

18. Section 30 of the principal Act is amended in subsection (1) by deleting the word “sixty” and substituting therefor the words “one hundred and twenty”.

Amendment of section 30 of No. 11 of 2011.

19. Section 31 of the principal Act is amended by deleting subsection (3).

Amendment of section 31 of No. 11 of 2011.

20. Section 34 of the principal Act is amended—

Amendment of section 34 of No. 11 of 2011.

- (a) by inserting the following new paragraph immediately after paragraph (d)—
  - (da) keep and maintain a register of members of registered political parties;
- (b) in paragraph (f), by deleting the word “his” appearing immediately after the words “the Commission of” and substituting therefor the word “the”;
- (c) by inserting the following new paragraphs immediately after paragraph (f)—
  - (fa) certify that an independent candidate in an election is not a member of any registered political party;
  - (fb) certify that the symbol intended to be used by an independent candidate in an election does not resemble the symbol of a registered political party;
  - (fc) certify that the names appearing in a party list are the names of members of the political party presenting the party list;

- (fd) regulate political party nominations in accordance with this Act; and
- (fe) train political party election agents.

21. The principal Act is amended by inserting the following new sections immediately after section 34A—

Insertion of new section in No. 11 of 2011.

Use of technology.

**34B.** (1) Subject to this section, there is established a political parties management information system.

(2) The Registrar shall use the system established under subsection (1) for processing political parties' records for the purposes of this Act.

(3) The Registrar shall ensure that the technology established under subsection (1) is simple, accurate, verifiable, secure, accountable and transparent.

(4) The Registrar shall make Regulations for the better carrying into effect the provisions of this section.

Powers of the Registrar in respect of political party records.

**34C.** (1) The Registrar may make changes to the records of political parties submitted to the Registrar under this Act where—

- (a) the application by a provisionally registered political party for full registration has not been not granted;
- (b) a political party has been deregistered;
- (c) a member of a political party resigns or is deemed to have resigned from the political party and the Registrar has been notified of the resignation;
- (d) a member of a political party has been expelled from the political party and the Registrar has been notified of the expulsion;

- (e) a member of a political party dies;
  - (f) a member of a political party has ceased to be a citizen of Kenya;
  - (g) a political party has merged with another political party;
  - (h) the constitution of a political party has been amended, changed or altered; or
  - (i) any other event that justifies the changes occurs.
- (2) The changes contemplated under subsection (1) may include—
- (a) amendment of the register of members of a political party;
  - (b) amendment, change or alteration of the constitution of a political party;
  - (c) addition or deletion of records;
  - (d) addition, deletion or alteration of names; and
  - (e) any other change that is consistent with the provisions of this Act.

**22.** The principal Act is amended by inserting the following new Part immediately after section 38—

Insertion of new Part in No. 11 of 2011.

#### **PART IVA—PARTY NOMINATIONS**

Methods of conducting party nominations.

**38A.** A political party may conduct party nominations using any of the following methods—

- (a) direct party nomination method; or
- (b) indirect party nomination method.

Establishment of party structures.

**38B.** (1) When conducting party nominations, a political party shall—

- (a) establish mechanisms for the resolution of disputes arising out of the nominations;

- (b) designate the person who shall issue nomination certificates to candidates after political party nominations; and
- (c) prescribe the functions of the body within the political party that shall be responsible for conducting the nominations.

Registered members to participate in party nominations.

**38C.** (1) A registered member of a political party shall be entitled to participate in the nominations conducted by the political party.

(2) A political party that intends to conduct political party nominations under this Act shall use a certified register of members for the nominations.

(3) A political party that intends to conduct political party nominations under this Act shall apply in writing to the Registrar for a certified copy of the register of members at least twenty-one days before the date of the nominations.

(4) The Registrar shall issue the political party with a certified copy of the register of the political party's members within seven days after the application under subsection (3).

(5) A political party shall not allow any person who is not a registered member of the political party to participate in the party nominations.

Access to register.

**38D.** A political party shall ensure that the register of members used in party nominations is accessible to the registered members of the party.

Notification on party nominations.

**38E.** (1) A political party shall, not more than seven days before the date of party nominations, notify the Registrar in writing of—

- (a) the method it intends to use in conducting party nominations, which method shall be in accordance with the nomination rules of the political party;
- (b) the date of the party nominations;
- (c) the venue or venues for the party nominations; and
- (d) the list of members of the party who wish to be nominated by the party.

(2) At least seven days before the date of the nominations, the—

- (a) political party shall publish in the official website of the political party the dates and venues of the nominations; and
- (b) the Registrar shall publish in the Registrar's website the dates and venues of the political party's nominations.

Conduct of direct party nominations.

**38F.** (1) A political party that intends to conduct direct party nominations shall—

- (a) post in a conspicuous place within each venue where the nominations will be held the list of members of the party who are eligible to participate in the nominations at that venue; and
- (b) provide at each polling venue essential election materials including—
  - (i) ballot papers;
  - (ii) ballot boxes;
  - (iii) a copy of the register of the members of the party;
  - (iv) pens; and
  - (v) nomination results slips.

(2) A political party that intends to use direct nomination method shall submit to the Registrar the—

- (a) particulars of the body within the party that shall conduct the nominations; and
- (b) procedure intended to be used in direct nomination.

Conduct of indirect party nominations.

**38G.** (1) A political party that intends to conduct indirect party nominations shall

- (a) select delegates who shall participate in the party nominations from among the registered members of the party;
- (b) submit the list of delegates to the Registrar at least seven days before the date of the party nominations;
- (c) specify the date and venue of the delegates meeting;
- (d) specify the polling process used by the delegates during the nominations;
- (e) specify the mode of interviews; and
- (f) specify the body within the party that shall conduct the interviews of potential candidates.

(2) The procedure for the selection of delegates to participate in the indirect party nominations shall be provided for in the party nomination rules of the political party.

(3) The list of delegates shall contain the names, addresses and identifying particulars of the delegates.

Vetting of candidates.

**38H.** A political party conducting party nominations shall ensure that each candidate who is nominated

- (a) makes and deposits a self-



declaration form in the prescribed form under the Leadership and Integrity Act, 2012;

- (b) possesses the qualifications to hold the elective office as specified in the Constitution and any other relevant written law; and
- (c) meets such other requirements as may be prescribed by the constitution and nomination rules of the political party.

Resolution of party nominations disputes.

**38I.** A political party shall resolve any disputes arising out of the party nominations within thirty days after the date of the party nominations.

**23.** Section 40 of the principal Act is amended—

Amendment of section 40 of No. 11 of 2011.

(a) in subsection (1), by—

- (i) deleting the words “a political party and a political party” appearing in paragraph (b) and substituting therefor the words “a political party and the political party”; and
- (ii) by deleting the words “party primaries” appearing in paragraph (fa) and substituting therefor the words “party nominations”;

(b) in subsection (2), by deleting the expression “paragraphs (a), (b), (c) or (e)” and substituting therefor the expression “paragraphs (a), (b), (c), (e) or (fa)”.

(c) by inserting the following new subsection immediately after subsection (1)—

(3) Notwithstanding subsection (1), the Tribunal shall not hear or determine disputes between members of a coalition political party.

(4) A coalition agreement shall provide for internal dispute resolution mechanisms.

(5) Where a member of a coalition political party is dissatisfied by the decision of the coalition political party internal dispute resolution

mechanism, it may appeal against that decision to the High Court.

(6) The High Court shall—

(a) in the case of an appeal relating to a dispute that occurred before the general election, hear and determine the appeal before the deadline for the registration of candidates in the general election; and

(b) in the case of an appeal that occurs after a general election, hear and determine the appeal within three months.

(7) A person who is dissatisfied with the decision of the High Court may appeal to the Court of Appeal.

(8) The Court of Appeal shall hear and determine an appeal under subsection (7) within three months from the date it is filed and the decision of the Court shall be final.

24. Section 45 of the principal Act is amended by inserting the following new subsection immediately after subsection (1)— Amendment of section 45 of No. 11 of 2011.

(1A) A person who enlists another person to be a member of a political party without obtaining the consent of that other person commits an offence.

25. Section 49 of the principal Act is amended in subsection (2), by inserting the following new paragraph immediately after paragraph (c)— Amendment of section 49 of No. 11 of 2011.

(ca) prescribing the manner of conducting political party nominations.

26. The principal Act is amended in the Second Schedule by inserting the following new paragraph immediately after paragraph 5— Amendment of the Second Schedule to No. 11 of 2011.

5A. The address of the official website of the political party.

27. The Elections Act, 2011 is amended— Amendment of No. 24 of 2011.

(a) in section 27, by inserting the following new subsection immediately after subsection (1)—

(1A) The Registrar of Political Parties shall certify the nomination rules submitted under subsection (1).

(b) by inserting the following new section

immediately after section 28—

Certification of party membership lists.

**28A.** (1) A political party that nominates a person for an election under this Act shall, at least fourteen days before submitting the party membership list to the Commission under section 28 (1), submit the party membership list to the Registrar of Political Parties for certification.

(2) The Registrar shall verify the names contained in the party membership list submitted by a political party under subsection (1) and, where the names are of members of that political party, certify the membership list within seven days after receiving the application under subsection (1).

(c) by inserting the following new section immediately after section 35—

Certification of party lists.

**35A.** (1) A political party intending to submit a party list to the Commission shall, at least fourteen days before the submission of the party list to the Commission under section 35, submit the party list to the Registrar for certification.

(2) The Registrar shall verify that the names appearing in the party list belong to registered members of the political party and certify the party list within seven days after the application under subsection (1).

(3) Any dispute arising out of the certification of a party list under this section shall be referred to the Political Parties Dispute Tribunal for determination.

## MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend the Political Parties Act, 2011.

**Clause 2 of the Bill** proposes to amend section 2 of the Act by replacing the definition of “political party” with a new definition; and to insert new definitions of “coalition political party”, “direct party nomination”, “indirect party nomination” and “statement of ideology” that are consistent with other proposed amendments to the Act contained in the Bill.

**Clause 3 of the Bill** proposes to insert a new section on the roles and functions of a political party including recruitment and enlistment of members; nomination of candidates for elections; promotion of representation in Parliament and county assemblies of special interest groups; promotion and enhancement of national unity; mobilization of citizens in political decision-making; solicitation and articulation of public policy priorities; and shaping and influencing public policy. Clause 3 also proposes to insert a new section to provide for the reservation of a name, slogan and symbol by a political party for ninety days.

**Clause 4 of the Bill** proposes to amend section 5 of the Act to provide that an application for the provisional registration of a political party shall be done after the reservation of a name, symbol and slogan, and the lapsing of the reservation of the application is not done within ninety days of the reservation of the name, symbol and slogan.

**Clause 5 of the Bill** proposes to amend section 6 of the Act to provide that an application for provisional registration shall be accompanied by a statement on the ideology of the proposed political party.

**Clause 6 of the Bill** proposes to amend section 7 of the Act to provide that one of the conditions for full registration of a political party shall include the address of the official website of the political party. Clause 6 also proposes to provide for the procedure to be followed for the registration of a coalition political party.

**Clause 7 of the Bill** proposes the amendment of section 8 of the Act to include the slogan of a party as one of the factors to be considered in making a determination whether or not to register a political party, and to increase grounds upon which the Registrar may decline registration of a political party.

**Clause 8 of the Bill** proposes to amend section 10 of the Act to provide for the formation of a coalition political party and the submission of. Coalition political party agreement to the Registrar.

**Clause 9 of the Bill** proposes to delete subsections (5), (5A), (6) and (7) of the Act.

**Clause 10 of the Bill** proposes to amend the Act by inserting new sections 14A and 14B to provide for when a member of political party shall be deemed to have resigned from the political party; and the grounds for the expulsion of a member of a political party from the political party.

**Clause 11 of the Bill** proposes to amend section 16 of the Act to provide for the publication of the information required under that section in the political party's official website.

**Clause 12 of the Bill** proposes to amend section 20 of the Act to provide that the notification of proposed changes or alterations to the constitution of a political party shall be made in one newspaper with a nationwide circulation, instead of two newspapers, and in the official website of the political party.

**Clause 13 of the Bill** provides for the amendment of section 21 of the Act to provide for both the suspension and deregistration of a political party and the applicable process for suspension or deregistration.

**Clause 14 of the Bill** provides for the amendment of section 22 of the Act to provide for the continued holding of an office established under the Constitution by a person elected to that office after the deregistration of the political party to which that person belongs, whether or not the person joins another political party or remains independent of any political party.

**Clause 15 of the Bill** provides for the amendment of section 25 with regard to the disbursements from the Political Parties Fund.

**Clause 16 of the Bill** proposes to amend section 26 of the Act to provide for the allocation of monies to coalition political parties out of the Political Parties Fund.

**Clause 17 of the Bill** provides for the amendment of section 29 of the Act to provide that the publication of a political party's sources of funds shall be made in one newspaper with a nationwide circulation, instead of two, and in the official website of the political party.

**Clause 18 of the Bill** proposes to amend section 30 of the Act to extend the period specified in that section from 60 days to 120 days.

**Clause 19 of the Bill** proposes to amend section 31 of the Bill by deleting subsection (3).

**Clause 20 of the Bill** proposes to amend section 34 of the Bill to provide for an additional function of the Registrar shall be the keeping and maintaining a register of members of political parties; the certification that independent candidates in an election are not members of political parties; certification that symbols intended to be used by independent candidates in an election are not similar to symbols of registered political parties; certification that names appearing a party list presented by a political party during an election are the names of members of the political party presenting the party list; regulating political party nominations; and training political party election agents.

**Clause 21 of the Bill** provides for the insertion of new sections 34B and 34C in the Act to provide for the use of technology by the Registrar on the management of political party records; and the powers of the Registrar in respect of political parties' records.

**Clause 22 of the Bill** provides for the insertion of a new Part consisting of new sections on political party nominations including methods of conducting nominations; the establishment of structures by political parties for the conduct of nominations; the participation of registered members of a political party in its nominations; the accessing of the register of members of the political party during the political party's nominations; the procedure for the conduct of direct and indirect party nominations; the vetting of candidates contesting party nominations; and the period within which political party nomination disputes should be resolved by the political party.

**Clause 23 of the Bill** provides for the amendment of section 40 of the Act to provide that the Political Parties Disputes Tribunal shall also hear and determine disputes relating to political party nominations. Clause 22 also provides for the hearing of disputes relating to coalition political parties to be heard by the internal political party dispute resolution mechanism, and appeals to be heard by the High Court and Court of Appeal.

**Clause 24 of the Bill** provides for the amendment of section 45 of the Act to provide that the enlistment of a person as a member of a political party without that person's consent shall be an offence.

**Clause 25 of the Bill** provides for the amendment of section 49(2) of the Act to provide that the Registrar may make regulations for the conduct of political party nominations.

**Clause 26 of the Bill** provides for the amendment of the Second Schedule to the Act to provide that the constitution of a political party shall provide for the address of the official website of the political party.

**Clause 27 of the Bill** provides for consequential amendments to the Elections Act, 2011, relating to the role of the Registrar of Political Parties in the certification of the nomination rules of a political party; the certification of political party membership lists; the certification of party lists.

**Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms**

Clause 21 of the Bill which proposes to insert new sections 34B and 34C in the Act to provide for the use of technology by the Registrar on the management of political party records and the powers of the Registrar in respect of political parties empowers the Registrar to make regulations for the better carrying into effect provisions on use of technology by the Registrar on the management of political party records. Additionally, the clause 25 of the Bill seeks to amend section 49 of the Act to empower the Registrar to make regulations prescribing the manner of conducting political party nominations.

The Bill does not limit fundamental rights and freedoms.

**Statement on how the Bill concerns county governments**

The Bill concerns county governments as it contains provisions relating to formation and administration of political parties as well as the identification of candidates to contest in an elective post at both the national and county level.

The Bill is therefore a Bill concerning county government in terms of Article 110 of the Constitution.

**Statement that the Bill is not a money Bill, within the meaning of Article 114 of the Constitution**

This Bill is not a money Bill within the meaning of Article 114 of the Constitution.

SAMUEL POGHISIO,  
*Senator.*