



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

SPECIAL SITTING

THURSDAY, DECEMBER 22, 2016 AT 9.30 A.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements

- 8*. **MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE ELECTION LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2015)**
(The Leader of the Majority Party)

THAT, this House do agree with the Report of Committee of the Whole House on its consideration of the Election Laws (Amendment) Bill (National Assembly Bill No. 3 of 2015)

(Resumption of debate interrupted on Tuesday, December 20, 2016 – (Afternoon sitting))

Amendment proposed:

THAT, the Motion be amended by inserting the words “subject to re-committal of long Title and Clauses 4, 7, 11, 12, 14 and 32.
(The Leader of the Majority Party)

(Resumption of debate on the proposed amendment)

*** Denotes Order of the Day**

(No.142)

THURSDAY, DECEMBER 22, 2016

(2265)

N O T I C E S

I. THE ELECTION LAWS (AMENDMENT) (NO. 3) BILL, 2015

(Subject to recommitment of the Bill)

1. Notice is given that the Leader of Majority Party (Hon. Aden Duale), intends to move the following amendments to the Election Laws (Amendment) (No.3) Bill, 2015 at the Committee Stage—

CLAUSE 7

THAT clause 7 of the Bill be amended—

- (a) in paragraph (a) by deleting sub paragraph (ii) and substituting therefor the following new sub paragraph—

“(ii) in the case of a member of a county assembly, a degree from a university recognized in Kenya.”

- (b) in paragraph (b) by deleting subsection (1A) and substituting thereof the following new subsection—

“(1A) Notwithstanding subsection (1), this section shall come into force and shall apply to qualifications for candidates in the general elections to be held after the 2017 general elections.”

2. Notice is given that the Chairperson of the Departmental Committee on Justice and Legal Affairs(Hon. Samuel Chepkong’a), intends to move the following amendments to the Election Laws (Amendment) (No.3) Bill, 2015 at the Committee Stage—

LONG TITLE

THAT the long title of the Bill be amended by inserting the words “give effect to Article 99 (1) (b) of the Constitution” immediately after the words “AN ACT of Parliament to.”

CLAUSE 4**NEW CLAUSE 4A**

THAT, the Bill be amended by inserting the following new clause after clause 4—

Amendment of section 6A of
No. 24 of 2011.

4A.Section 6A of the Elections Act, 2011 is amended in subsection (1) by deleting the word “ninety” and substituting therefor the word “sixty.”

CLAUSE 11**NEW CLAUSE 11A**

THAT, the Bill be amended by inserting the following new clause after clause 11—

Amendment of section 33 of
No. 24 of 2011.

11A.Section 33 of the Elections Act, 2011 is amended in subsection (1) by inserting the words “and symbol” immediately after the words “submitted to the Commission the name” appearing in paragraph (c).

CLAUSE 14**NEW CLAUSE 14A**

THAT the Bill be amended by inserting the following new clause immediately after clause 14—

Amendment of section
44 of No. 24 of 2011.

14A.Section 44 of the Elections Act, 2011 is amended—

(a) in subsection (4) by deleting the words “eight months” appearing in paragraph (a) and substituting therefor the words “one hundred and twenty days”;

(b) in subsection (7) by deleting the words “eight months” appearing in paragraph (b) and substituting therefor the words “one hundred and twenty days”.

NEW CLAUSE 14B

THAT, the Bill be amended by inserting the following new clause immediately after the proposed new clause 14A—

Amendment of
No. 24 of 2011.

14B. The Elections Act, 2011 is amended by inserting the following new section immediately after section 44—

Complementary
mechanism for
identification of
voters.

44A. (1) Notwithstanding the provisions of section 44, the Commission shall put in place a complementary mechanism for identification of voters that is simple, accurate, verifiable, secure, accountable and transparent to ensure that the Commission complies with the provisions of Article 38 of the Constitution.

(2) The Commission shall, by notice in the *Gazette*, notify the public of the mechanism established under subsection (1) at least forty-five days before a general election.

CLAUSE 32**NEW CLAUSE 32A**

THAT, the Bill be amended by inserting the following new clause immediately after clause 32—

32A. The Elections Campaign Financing Act, 2013 is amended by inserting the following new section immediately after section 1—

Suspension of operation of
Act.

1A. The operation of this Act is suspended and the Act shall come into force immediately after the general elections to be held in the year 2017.

NEW CLAUSE 32B

THAT, the Bill be amended by inserting the following new clause immediately after the proposed new clause 32A—

Amendment of section 6 of
No. 42 of 2013.

32B.Section 6 of the Elections Campaign Financing Act, 2013 is amended in subsection (5) by deleting the word “eight” appearing in paragraph (a) and substituting therefor the word “two.”

3. **Notice is given that the Member for Kipkelion East (Hon. Joseph Limo), intends to move the following amendment to the Election Laws (Amendment) (No.3) Bill, 2015 at the Committee Stage—**

CLAUSE 7

THAT, clause 7 of the Bill be amended in paragraph (b) by inserting the following new subsection immediately after the proposed new subsection (1B)-

“(1C) Notwithstanding the provisions of this section, a person may be nominated as a candidate for an election under this Act if that person-

(a) in the case of Member of Parliament, has previously been elected as a Member of Parliament; or

(b) in the case of member of a county assembly, has previously been elected as a member of a county assembly.”

4. Notice is given that the Nominated Member (Hon. Isaac Mwaura), intends to move the following amendments to the Election Laws (Amendment) Bill, 2016 at the Committee Stage—

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 11-

11A. Section 34 of the Elections Act, 2011 is amended by inserting the following new sub-section immediately after subsection (2)—

Amendment of
section 34 of No.24
of 2011.

(2A) The party list referred to under subsection (2) shall be of equal gender representation consisting of-

- (a) four persons representing the youth;
- (b) four persons representing persons with disabilities of different types and categories; and
- (c) four persons representing ethnic minorities, marginalized groups and workers.

5. Notice is given that the Member for Busia County (Hon. Florence Mutua), intends to move the following amendments to the Election Laws (Amendment) (No.3) Bill, 2015at the Committee Stage—

NEW CLAUSE 12A

THAT, the Bill be amended by inserting the following new clause immediately after clause 12-

Amendment of
section 35 of No.
24 of 2011.

12A. Section 35 of the Elections Act, 2011 is amended by deleting the words "at least forty-five days before the date of" and substituting therefor the words "within fourteen days after".

6. Notice is given that the Member for Kibra (Hon. Kenneth Okoth), intends to move the following amendments to the Election Laws (Amendment) (No. 3) Bill, 2015 at the Committee Stage—

CLAUSE 5

THAT, the Bill be amended by deleting clause 5 and substituting therefor the following clause—

Amendment of
section 13 of
No. 24 of 2011.

9. Section 13 of the Elections Act, 2011 is amended in subsection (1) by deleting the word “sixty” appearing immediately after the words “at least” and substituting therefor the words “one hundred”.

CLAUSE 9

THAT, the Bill be amended by deleting clause 9 and substituting therefor the following clause—

Amendment of
section 28 of
No. 24 of 2011.

9. Section 28 of the Elections Act 2011 is amended by deleting the word “ninety” appearing immediately after the words “at least” and substituting therefor the words “one hundred”.

The House resolved on Wednesday, February 10, 2016 as follows:-

- II. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on any **Motion**, including a Special motion be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.

NOTICE PAPER

Tentative business for

Thursday (Afternoon), December 22, 2016

(Published pursuant to Standing Order 38(1))

It is notified that following the publication of the Gazette notice number 10582, for this particular Special Sitting, the Speaker of the National Assembly has notified that the following Business will be transacted on Thursday, December 22, 2016, Afternoon Sitting:-

MOTION – REPORT OF THE COMMITTEE OF THE WHOLE
HOUSE ON THE ELECTION LAWS (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 3 OF 2015)
(The Leader of the Majority Party)

(If not concluded on Thursday, December 22, 2016 - Afternoon Sitting)
