

SPECIAL ISSUE

Kenya Gazette Supplement No. 27 (National Assembly Bills No. 19)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2019

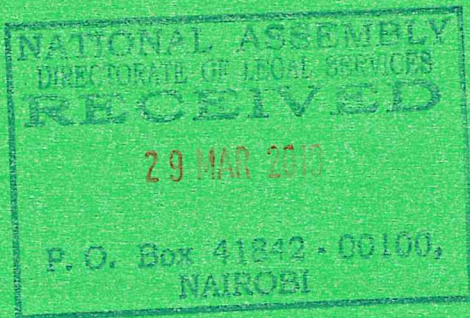
NAIROBI, 15th March, 2019

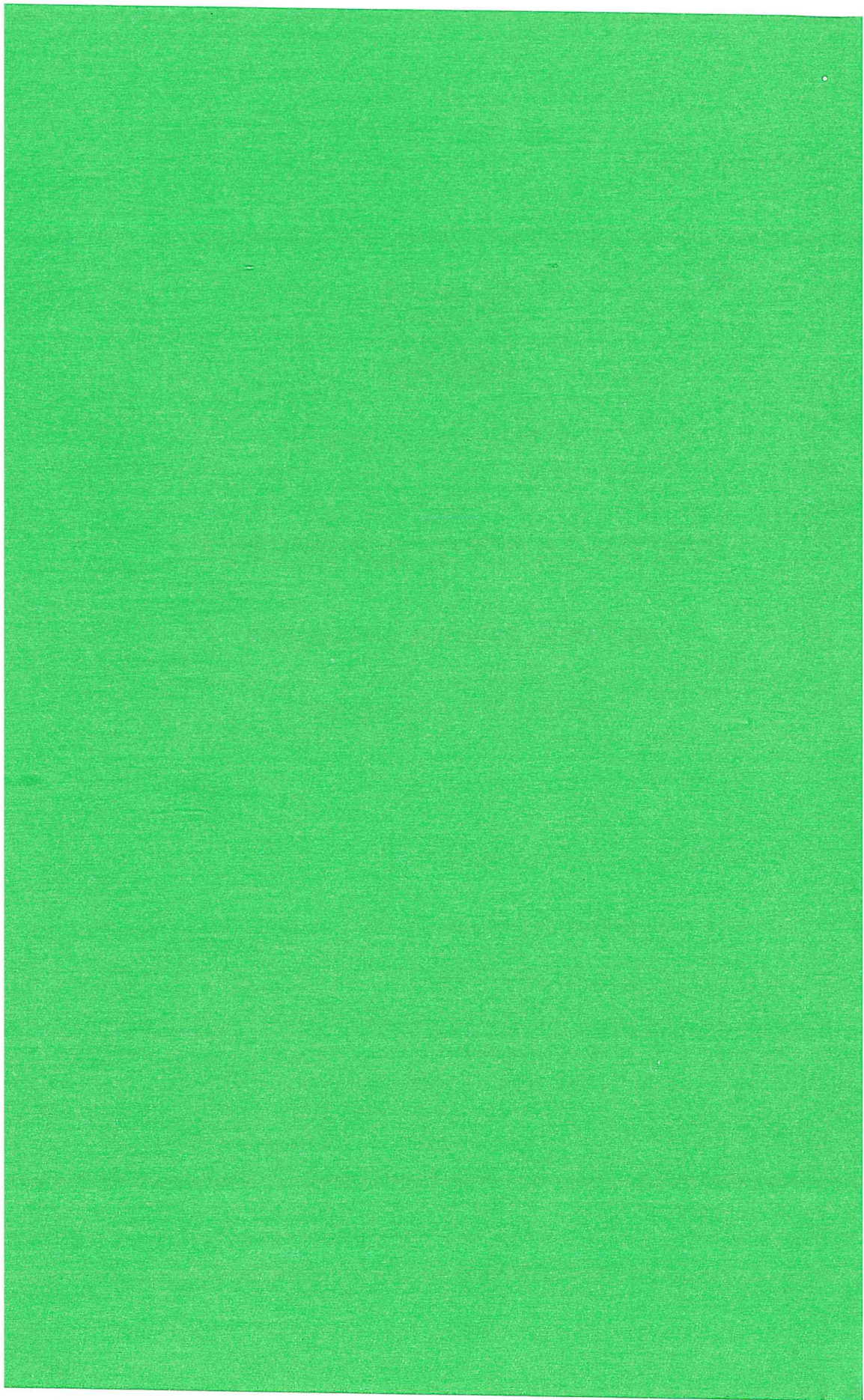
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**THE CONSTITUTION OF KENYA (AMENDMENT)
BILL, 2019**

A Bill for

AN ACT of Parliament to amend the Constitution

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Constitution of Kenya (Amendment) Act, 2019.

Short title.

2. Article 90 of the Constitution is amended in clause (2)(a) by deleting the words “who would stand elected if the party were to be entitled to all seats provided for”.

Amendment of
Article 90 of the
Constitution.

MEMORANDUM OF OBJECTS AND REASONS**Statement of objects and reasons**

The principal object of this Bill is to amend Article 90 of the Constitution in order to align it with the proposed amendment to section 35 of the Elections Act which seeks to change the timing for submission of party lists by political parties for persons elected under Article 90 of the Constitution from at least forty-five days from the date of general election to within twenty-one days after the date of general election.

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

The Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

Statement that the Bill does not concern County Governments

The Bill is a Bill concerning County Governments in terms of Article 110 (1) (a) of the Constitution as it relates to the election of the Members of the Senate.

Statement that the Bill is a money Bill within the meaning of Article 114 of the Constitution

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

FLORENCE MUTUA,
Member of Parliament.

Article 90 of the Constitution which is proposed to be amended—

Allocation of party list seats

90. (1) Elections for the seats in Parliament provided for under Articles 97(1) (c) and 98 (1) (b), (c) and (d), and for the members of county assemblies under article 177(1) (b) and (c), shall be on the basis of proportional representation by use of party lists.

(2) The Independent Electoral and Boundaries Commission shall be responsible for the conduct and supervision of elections for seats provided for under clause (1) and shall ensure that—

- (a) each political party participating in a general election nominates and submits a list of all the persons who would stand elected if the party were to be entitled to all the seats provided for under clause (1), within the time prescribed by national legislation;
- (b) except in the case of the seats provided for under Article 98(1) (b), each party list comprises the appropriate number of qualified candidates and alternates between male and female candidates in the priority in which they are listed; and
- (c) except in the case of county assembly seats, each party list reflects the regional and ethnic diversity of the people of Kenya.

(3) The seats referred to in clause (1) shall be allocated to political parties in proportion to the total number of seats won by candidates of the political party at the general election.

