



**REPUBLIC OF KENYA**  
**TWELFTH PARLIAMENT – (FIFTH SESSION)**  
**THE NATIONAL ASSEMBLY**  
**COMMUNICATIONS FROM THE CHAIR**

\_\_\_\_\_ (No. 31 of 2021) \_\_\_\_\_

**GUIDE REGARDING SUBMISSION OF THE DRAFT ELECTION CAMPAIGN  
FINANCING REGULATIONS BY THE INDEPENDENT ELECTORAL AND  
BOUNDARIES COMMISSION**

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**Honourable Members,**

This Guide relates to the *Paper* that has just been laid before the House by the Majority Party Chief Whip on behalf of the Leader of Majority Party titled "*The Draft Election Campaign Financing Regulations and accompanying Explanatory Memorandum*". The Paper originated from Independent Electoral and Boundaries Commission (IEBC).

You will recall that the Election Campaign Financing Act, 2013 was enacted by Parliament to provide for the regulation, management, expenditure and accountability of election campaign funds during election and referendum campaigns. The Act was suspended with respect to the 2017 General Elections.

**Honourable Members,** Section 29(1) of the said Act empowers the Independent Electoral and Boundaries Commission (IEBC) to make regulations for the better performance of its functions under this Act. The said section provides as follows–

*"29. (1) The Commission may make regulations for the better performance of its functions under this Act, and such regulations shall be laid before the National Assembly for approval before they are published in the Gazette."*

In addition, **Honourable Members**, Section 5 of the Act mandates the Commission to make rules to regulate election campaign financing **at least twelve (12) months before the election**. For avoidance of doubt, the said section provides as follows, and I quote-

*"5. The Commission shall make rules to regulate election campaign financing--*

*(a) in the case of a general election; at least twelve months before the election; and*

*(b) in the case of a by-election or referendum, at such time as the Commission may determine."*

**Honourable Members**, it is important for you to note that the Regulations are expected to provide for among other things -

- (i) the spending limits for the different elections;
- (ii) guidelines for expenditure rules for political parties and independent candidates; and,
- (iii) the manner in which contributions may be made.

**Honourable Members**, Sections 12, 18 and 19 of the Act empower the Commission to set limits for contributions and expenditures for candidates and political parties participating in an election, **at least twelve (12) months before** the election. Having said that, you will agree with me that these are not just ordinary regulations, which may be the reason why Parliament provided that they are submitted to the House in DRAFT form for approval before they are published in the *Gazette*.



**Honourable Members,** even as the Election Campaign Financing Act, 2013, stipulates the timelines necessary for the approval of the said regulations, the Statutory Instruments Act provides for the ultimate process and procedure for consideration of regulations.

In this regard, **Honourable Members,** the Draft Regulations and the Explanatory Memorandum are hereby referred to the Committee on Delegated Legislation for consideration in accordance with the law. The Committee may also undertake the necessary public engagements on the Draft Regulations. Given the statutory timelines set under Section 5 of the Election Campaign Financing Act, 2013, I urge the Committee to expedite the process of consideration of the Draft Regulations and Table its report soonest to enable the House to undertake the necessary approval processes in good time.

The Committee and indeed the House are accordingly guided.

I thank you.



**THE HON. JUSTIN B. MUTURI, E.G.H., M.P.**  
**SPEAKER OF THE NATIONAL ASSEMBLY**

*Thursday, August 05, 2021*

