

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 182 (National Assembly Bills No. 41)*



REPUBLIC OF KENYA

**KENYA GAZETTE SUPPLEMENT**

**NATIONAL ASSEMBLY BILLS, 2021**

**NAIROBI, 1st October, 2021**

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# THE ELECTIONS (AMENDMENT) BILL, 2021

## A Bill for

AN ACT of Parliament to amend the Elections Act, No. 24 of 2011

ENACTED by the Parliament of Kenya, as follows—

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

Short title.

2. The Elections Act, in this Act referred to as “the principal Act” is amended in section 34 by inserting the following new subsection immediately after subsection (8)—

Insertion of new subsections into section 52 of Cap. 7.

“(8A) A person shall not be nominated by a political party under subsection (4) unless the person is, on the date of submission of the party list by the political party, a registered voter in any of the wards in the county in which the person is to be nominated.”



**MEMORANDUM OF OBJECTS AND REASONS****Statements of the Objects and Reasons for the Bill**

The principal object of this Bill is to amend the Elections Act to provide that persons nominated to county assemblies by political parties pursuant to Article 177 of the Constitution, shall be persons who are registered voters in the county in which they are nominated.

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

This Bill does not delegate legislative powers and does not limit fundamental rights and freedoms.

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

The Bill concerns county governments in terms of Article 109(3) of the Constitution as it contains provisions that affect the functions and powers of the county governments as set out in the Fourth Schedule to the Constitution.

Election of members of a county assembly is a matter concerning county governments.

**Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution.**

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

Dated the 23rd September, 2021.

JEREMIAH KIONI,  
*Chairperson, Constitutional  
Implementation Oversight Committee.*



*Section 34 of No. 24 of 2011 which it is proposed to amend.*

**34. Nomination of party lists members**

(1) The election of members for the National Assembly, Senate and county assemblies for party list seats specified under Articles 97(1)(c) and 98(1)(b)(c) and (d) and Article 177(1)(b) and (c) of the Constitution shall be on the basis of proportional representation and in accordance with Article 90 of the Constitution.

(2) A political party which nominates a candidate for election under Article 97(1) (a) and (b) shall submit to the Commission a party list in accordance with Article 97(1)(c) of the Constitution.

(3) A political party which nominates a candidate for election under Article 98(1) (a) shall submit to the Commission a party list in accordance with Article 98(1)(b) and (c) of the Constitution.

(4) A political party which nominates a candidate for election under Article 177(1)(a) shall submit to the Commission a party list in accordance with Article 177(1)(b) and (c) of the Constitution.

(4A) In the case of a person nominated pursuant to Article 177(1) (c) of the Constitution, the party list shall include a certification in the manner prescribed by the Commission.

(5) The party lists under subsections (2), (3) and (4) shall be submitted in order of priority.

(6) The party lists submitted to the Commission under this section shall be in accordance with the constitution or nomination rules of the political party concerned.

(6A) Upon receipt of the party list from a political party under subsection (1), the Commission shall review the list to ensure compliance with the prescribed regulations and—

- (a) issue the political party with a certificate of compliance; or
- (b) require the political party to amend the party list to ensure such compliance failing which the Commission shall reject the list.

(6B) For purposes of subsection (6A), the Commission may, by notice in the gazette, issue regulations prescribing guidelines to be complied with in preparation of party lists.

(7) The party lists submitted to the Commission shall be valid for the term of Parliament.



(8) A person who is nominated by a political party under subsections (2), (3) and (4) shall be a person who is a member of the political party on the date of submission of the party list by the political party.

(9) The party list shall not contain a name of a candidate nominated for an election.

(10) A party list submitted for purposes of subsections (2), (3), (4) and (5) shall not be amended during the term of Parliament or the county assembly, as the case may be, for which the candidates are elected.