



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

SPECIAL SITTING

Convened vide Gazette Notice No.13599 of 17th December, 2021

WEDNESDAY, DECEMBER 22, 2021 AT 2.30 P.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. Questions and Statements

8*. THE POLITICAL PARTIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 56 OF 2021)

(The Leader of the Majority Party)

Second Reading

(Resumption of debate interrupted on Wednesday, December 22, 2021 – Morning Sitting)

9*. COMMITTEE OF THE WHOLE HOUSE

The Political Parties (Amendment) Bill (National Assembly Bill No. 56 of 2021)
(The Leader of the Majority Party)

(With the leave of the House)

*** Denotes Orders of the Day**

NOTICES

I. THE POLITICAL PARTIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 56 OF 2021)

- 1) Notice is given that the Chairperson of the Departmental Committee on Justice and Legal Affairs intends to move the following amendments to the Political Parties (Amendment) Bill, 2021 at the Committee Stage—

CLAUSE 8

THAT, clause 8 (b) of the Bill be amended in the proposed proviso by deleting the word “six” and substituting therefor the word “three”.

CLAUSE 15

THAT, clause 15(c) of the Bill be amended –

- (a) in the opening statement of the proposed new sub clause (2B) by deleting the phrase “(1) (a) or (b)” and substituting therefor the phrase “(1) (b)”;
- (b) by deleting the proposed paragraph (c).

CLAUSE 18

THAT, clause 18 of the Bill be amended by deleting the words “one hundred and twenty” and substituting therefor the word “ninety”.

CLAUSE 19

THAT, the Bill be amended by deleting clause 19 and substituting therefor the following new clause:

Amendment of
section 31 of No.
11 of 2011.

19. Section 31 of the principal Act is amended by deleting subsection (3) and substituting therefor the following new subsections-

(3) The accounts of every political party that is allocated funds from the Fund shall be audited annually by the Auditor-General and shall be submitted to the Registrar and tabled in the National Assembly.

(3A) The Registrar may establish a mechanism for an annual audit of every political party that is not allocated funds from the Fund.

CLAUSE 21

THAT, clause 21 of the Bill be amended –

- (a) in the proposed new section 34B by-
 - (i) deleting the words “there is established” appearing in subclause (1) and substituting therefor the words “the Registrar shall establish”;
 - (ii) inserting the words “data and” immediately after the word “parties” appearing in subclause (2);
- (b) in the proposed new section 34C (1) by deleting the word “not” appearing immediately after the word “been” in paragraph (a).

CLAUSE 22

THAT, clause 22 of the Bill be amended –

- (a) in the opening statement to the proposed new clause 38E (2) by deleting the word “seven” and substituting therefor the word “fourteen”.
- (b) in the proposed new clause 38F by inserting the words “and publish in the party’s official website” immediately after the word “Registrar” appearing in the opening statement to sub clause (2).

NEW CLAUSES

THAT, the Bill be amended by inserting the following new clauses immediately after clause 22 –

Amendment of section 39 of No. 11 of 2011.

22A. Section 39 of the principal Act is amended in subsection (2) by inserting the following new paragraph immediately after paragraph (b) –

“(c) The members of the Tribunal shall elect a vice chairperson from among the members who are Advocates of the High Court of Kenya under paragraph (b)”.

Insertion of new section 39A in No.11 of 2011.

22B. The principal Act is amended by inserting the following new section immediately after section 39 -

Appointment of *ad hoc* members of the Tribunal.

39A. (1) At least six months to the date of a general election, the Judicial Service Commission shall appoint not more than eighteen *ad hoc* members of the Tribunal of whom:

- (a) nine shall be Advocates of the High Court of Kenya of at least seven years standing; and
- (b) nine shall be professionals with outstanding governance, administrative, social, political, economic and other record.

(2) The *ad hoc* members of the Tribunal shall hold office for a term not exceeding one year.

(3) The *ad hoc* members of the Tribunal shall serve together with the members of the Tribunal appointed under section 39 and they shall be responsible to the chairperson of the Tribunal.

(4) A person shall not be qualified to be appointed as an *ad hoc* member of the Tribunal if that person is a public officer or holds office in a political party.

(5) A person shall not be qualified for appointment under this section unless the person meets the requirements of chapter six of the Constitution.

CLAUSE 23

THAT, clause 23 of the Bill be amended by-

- (a) deleting paragraph (b) and substituting therefor the following new paragraph-
- (b) by deleting sub-section (2) and substituting therefor the following new sub-section-
“(2)Notwithstanding subsection (1), the Tribunal shall not hear or determine a dispute under paragraphs (a), (b), (c), (e) or (fa) unless a party to the dispute adduces evidence of an attempt to subject the dispute to the internal political party dispute resolution mechanisms”.
- (c) deleting subclause (3);
- (d) deleting subclause (5);
- (e) deleting subclause (6);
- (f) deleting subclause (7); and
- (g) deleting subclause (8).

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 23-

Amendment of
section 41 of No.
11 of 2011.

23A. Section 41 of the principal Act be amended –

- (a) in subsection (2) by deleting the words “to both the Court of Appeal and the Supreme Court” and substituting therefor the words “to the Court of Appeal and the decision of the Court of Appeal shall be final”.
- (b) in subsection (3) by inserting the words “but the Tribunal shall have the powers of the High Court to punish for any acts or omissions amounting to contempt of the Tribunal” immediately after the words “Magistrates Court”.

CLAUSE 25

THAT, clause 25 of the Bill be amended by deleting the word “conducting” appearing in the proposed new paragraph “(ca)” and substituting therefor the word “regulating”;

- 2) **Notice is given that the Member for Lugari (Hon. Ayub Savula) intends to move the following amendments to the Political Parties (Amendment) Bill, 2021 at the Committee Stage—**

CLAUSE 8

THAT, clause 8 (b) of the Bill be amended in the proposed proviso by deleting the word “six” and substituting therefor the word “three”.

- 3) **Notice is given that the Member for Kikuyu (Hon. Kimani Ichung’wah) intends to move the following amendments to the Political Parties (Amendment) Bill, 2021 at the Committee Stage—**

CLAUSE 7

THAT, Clause 7 of the Bill be amended in paragraph (c) by deleting the proposed new paragraph (e).

CLAUSE 8

THAT, Clause 8 of the Bill be amended in paragraph (b) by deleting the words “six months” appearing immediately after the words “at least” and substituting therefor the words “sixty days”.

CLAUSE 10

THAT, Clause 10 of the Bill be amended in the proposed new section 14B by deleting the proposed new subsection (2) and substituting therefor the following proposed new subsections—

- (2) A political party shall, before expelling a member under subsection (1)—
- (a) notify the member, in writing of the provisions allegedly contravened and the particulars of any conduct related to the contravention;
 - (b) inform the member of his or her right to appear and be heard before the relevant organ of the party either in person or through a legal representative; and
 - (c) afford the member an opportunity to be heard within a period of not less than ninety days from the date of the notice.

(3) A person holding elective office who is expelled from a political party under this section shall continue to hold office for the remainder of his or her elective term independent of any political party.

(4) The expulsion from a party of a person elected to Parliament or a county assembly shall constitute a ground for the recall from office of the person.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 19—

Deletion of Part IV
of No. 11 of 2011.

19A. The principal Act is amended by deleting Part IV and substituting therefor the following new Part—

PART IV— POLITICAL PARTIES REGISTRATION BOARD.

Political Parties
Registration Board.

32A.(1) There is established a Political Parties Registration Board which shall be a body corporate with perpetual succession and a common seal.

(2) The Board shall be capable in its corporate name of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) entering into contract;
- (d) borrowing and lending money;
- (e) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act, and which may lawfully be done or performed by a body corporate.

Composition of the
Board.

32B.(1) The Board shall consist of nine members nominated by the political parties represented in both Houses of Parliament based on the total number of representatives from the political parties elected in both Houses in the preceding general election.

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(2) Upon nomination under subsection (1), the names of the nominees shall be submitted to both Houses for consideration and approval.

(3) The Chief Executive Officer shall be the Secretary to the Board.

(4) The Chief Executive Officer shall be responsible for the management of the day-to-day activities of the Board.

(5) The Chief Executive Officer shall be an ex officio member of the Board and shall have no right to vote at the meetings of the Board.

Chief Executive
Officer of the
Board.

32C.(1) The Board shall competitively recruit and appoint a Chief Executive Officer of the Board.

(2) A person shall be qualified for appointment by the Board as a Chief Executive Officer, if the person—

(a) holds a degree from a university recognised in Kenya;

(b) has proven knowledge and experience in any of the following fields—

(i) finance;

(ii) management;

(iii) political science;

(iv) law;

(v) governance; or

(vi) public administration;

(c) has, at least fifteen years post qualification experience in the relevant areas of expertise; and

(d) is a person of high moral character and integrity and has satisfied the requirements of Chapter Six of the Constitution.

Vacancy in the
office of the Chief
Executive Officer.

32D. The Board may on its own motion, or upon petition by any person, remove the Chief Executive Officer, only on grounds of—

- (a) serious violation of the Constitution or of this Act;
- (b) non-compliance with Chapter Six of the Constitution;
- (c) inability to perform the functions of office arising from mental or physical incapacity;
- (d) bankruptcy;
- (e) incompetence; or
- (f) gross misconduct.

(2) A vacancy may also occur in the office of the Chief Executive Officer, if the person resigns in writing, dies or is otherwise unable to perform the functions of the Chief Executive Officer due to mental or physical incapacity.

(3) Where a vacancy occurs, the Board shall within fourteen days of occurrence of a vacancy fill the vacancy.

Functions of the
Board.

32E. The functions of the Board shall be to—

- (a) register, regulate, monitor, investigate and supervise political parties to ensure compliance with this Act;
- (b) administer the Fund;
- (c) ensure publication of audited annual accounts of political parties;
- (d) verify and make publicly available the list of all members of political parties;
- (e) keep and maintain a register of members of registered political parties;
- (f) maintain a register of political parties and the symbols of the political parties;
- (g) certify that an independent candidate in an election is not a member of any registered political party;

- (h) 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;
- (i) certify that the names appearing in a party list are the names of members of the political party presenting the party list;
- (j) regulate political party nominations in accordance with this Act;
- (k) train political party election agents;
- (l) ensure and verify that no person is a member of more than one political party and notify the Commission of the findings;
- (m) investigate complaints received under this Act; and
- (n) perform such other functions as may be conferred by this Act or any other written law.

Vacancy in the Board.

32F. (1) A member of the Board shall vacate office at the end of the term of the House of which the person is a member or if the person ceases to be a Member of Parliament.

(2) Despite clause (2), when the term of a House of Parliament ends, a member of the Board shall continue in office until a new member has been appointed in the member's place by the next House.

(3) A vacancy may also occur in the Board, if a member resigns from the Board or is otherwise removed from office by the Party that nominated the person to the Board.

Conduct of the business and affairs of the Board.

32G. The Board shall determine its own rules and procedure for conducting its affairs.

Staff of the Board.

32H. The Board shall competitively appoint qualified staff as may be necessary for the efficient performance of the functions of the Board.

Funds of the Board.

32I. (1) The funds of the Board shall comprise—

- (a) such funds as may be appropriated by the National Assembly;
- (b) such monies or assets as may accrue to or vest in the Board in the performance of its functions or the exercise of its powers under this Act or any other written law; and
- (c) All monies from any other source provided for, donated or lent to the Board.

(2) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Board.

(3) The Board shall, at least three months before the commencement of each financial year, cause to be prepared estimates of revenue and expenditure of the Board for that financial year.

Meetings of the Board.

32J. (1) The members of the Board shall elect a Chairperson of the Board in the first sitting of the Board.

(2) The Chairperson shall preside at all the meetings of Board and in the absence of the Chairperson, the members present shall elect one of the members to preside.

(3) The quorum necessary for transaction of the business of the Board shall be five members.

(4) All questions at any meeting of the Board shall be determined by a majority of the members.

Remuneration of members and staff of the Board.

32K. The members and staff of the Board shall be paid such allowances or remuneration as the Board may in consultation with the Salaries and Remuneration Commission determine.

Establishment of
Political Parties
Liaison Committee

32L. (1) There is established a Political Parties Liaison Committee.

(2) The Political Parties Liaison Committee shall be established at the national and county levels.

(3) The principal function of the Political Parties Liaison Committee is to provide a platform for dialogue between the Board, Commission and political parties.

(4) The Political Parties Liaison Committee shall perform such other functions as may be prescribed by the Board.

CLAUSE 22

THAT, Clause 22 of the Bill be amended in the proposed new section 38C —

- (a) in subsection (2) by deleting the words “a certified” appearing immediately after the words “shall use” and substituting therefor the words “its”;
- (b) in subsection (3) by deleting the words “apply in writing to the Registrar for a certified copy of the” appearing immediately after the word “shall” and substituting therefor the words “submit to the Registrar a copy of its”;
- (c) by deleting subsection (4).

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 25—

Amendment of section
51 of No. 11 of 2011.

25A. Section 51 of the principal Act is amended in subsection (1) by inserting the following new paragraphs immediately after paragraph

(j) —

(k) the Registrar shall continue to hold office and serve as the Chief Executive Officer of the Board under this Act, until the expiry of the term of office, upon which the Board shall appoint a new Chief Executive Officer in accordance with this Act;

(l) Any property, rights, obligations and liabilities which immediately before the commencement of this Act were vested in or imposed on the Registrar, are deemed to be the rights, obligations and liabilities of the Board;

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(m) the staff who immediately before the commencement of this Act were staff of the Office of the Registrar are deemed to be the staff of the Board.

Insertion of a new section into No. 11 of 2011.

25B. The principal Act is amended by inserting the following new section immediately after section 51—

Consequential amendment.

51A. (1) The Act is amended—

- (a) by deleting the word “Registrar” wherever it appears and substituting therefor the words “Chief Executive Officer”;
- (b) by deleting the words “ Office of the Registrar” wherever they appear and substituting therefor the words “Chief Executive Officer”; and
- (c) by deleting the words “ Office of the Registrar” wherever they appear and substituting therefor the words “Chief Executive Officer”;

FOURTH SCHEDULE

THAT, the Bill be amended by deleting the Fourth Schedule.

SIXTH SCHEDULE

THAT, the Bill be amended by deleting the Sixth Schedule.

- 4) **Notice is given that the Member for Soy (Hon. Caleb Kositany) intends to move the following amendments to the Political Parties (Amendment) Bill, 2021 at the Committee Stage—**

CLAUSE 1

THAT, the Bill be amended by deleting clause 1 and substituting therefor the following new clause—

Short title commencement.

and **1.** This Act may be cited as the Political Parties (Amendment) Act, 2021 and shall come into operation immediately after the next general elections.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 19—

Amendment of section 33 of
no. 11 of 2011.

19A. Section 33 of the principal Act is amended by inserting the following new subsection immediately after subsection (5)—

(5A) The Office of the Registrar shall ensure reasonable access to its services at the county level and may determine from time to time conduct of its business in any part of the Republic.

- 5) **Notice is given that the Member for Mogotio (Hon. (Dr) Daniel Tuitoek) intends to move the following amendments to the Political Parties (Amendment) Bill, 2021 at the Committee Stage—**

CLAUSE 22

THAT, clause 22 of the Bill be amended—

- (a) by deleting the proposed section 38A and substituting the following proposed new section—

Methods of conducting
party nominations.

38A. A political party may conduct party nominations using—

- (a) direct party nomination method;
 - (b) indirect party nomination method; or
 - (c) any other method as established by the political party.
- (b) by deleting the proposed section 38C;
- (c) by deleting the proposed section 38D;
- (d) by deleting the proposed section 38E;
- (e) in the proposed section 38F, by deleting subsection (2);
- (f) by deleting the proposed section 38G; and
- (g) by deleting the proposed section 38H.

6) Notice is given that the Member for Dagoretti South (Hon. John Kiarie) intends to move the following amendments to the Political Parties (Amendment) Bill, 2021 at the Committee Stage—

NEW CLAUSES

THAT, the Bill be amended by inserting the following new clauses immediately after Clause 19—

Amendment of section
32 of No. 11 of 2011.

19A. Section 32 of the principal Act is amended by—

- (a) deleting subsection (1) and substituting therefor the following new subsection—
“ (1) The Board shall keep proper books of account of its income, expenditure and assets.”
- (b) deleting subsection (2) and substituting therefor the following new subsection—
“ (2) Within a period of three months after the end of a financial year, the Board shall submit to the Auditor-General, its accounts together with—
 - (a) a statement of its income and expenditure during that year; and
 - (b) a statement of its assets and liabilities during that year.”

Amendment of No. 11
of 2011.

19B. The principal Act is amended in the Heading to Part IV by deleting the words “OFFICE OF THE REGISTRAR OF POLITICAL PARTIES” and substituting therefor the words “ESTABLISHMENT OF THE POLITICAL PARTIES BOARD”.

Repeal and replacement
of section 33 of No. 11
of 2011.

19C. The principal Act is amended by repealing section 33 and replacing with the following new sections—

Establishment of the Board.

33. (1) There is established a Political Parties Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;

- (c) borrowing money or making investments; and
- (d) doing or performing all other acts or things for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

Composition of the Board.

33A. (1) The Board shall consist of—

- (a) a chairperson and four other members appointed by the President, with the approval of the National Assembly; and
- (b) the Registrar as an *ex officio* member.

(2) The chairperson and members of the Board shall be State officers within the meaning of Article 260 of the Constitution.

Qualifications for appointment as chairperson or member.

33B. (1) A person shall be qualified for appointment as the chairperson of the Board if that person—

- (a) meets the requirements of Chapter Six of the Constitution;
- (b) holds a degree from a university recognized in Kenya; and
- (c) has knowledge and experience of not less than fifteen years in—
 - (i) ethics and governance;
 - (ii) law;
 - (iii) public administration;
 - (iv) leadership;
 - (v) economics;
 - (vi) social studies; or
 - (vii) accounting.

(2) A person shall be qualified for appointment as a member of the Board if that person—

- (a) meets the requirements of Chapter Six of the Constitution;
- (b) holds a degree from a university recognized in Kenya; and
- (c) has knowledge and experience of not less than ten years in—
 - (i) ethics and governance;
 - (ii) law;
 - (iii) public administration;
 - (iv) leadership;
 - (v) economics;
 - (vi) social studies; or
 - (vii) accounting.

(3) A person shall not be qualified for appointment as a chairperson or as a member if the person—

- (a) is a member of a governing body of a political party;
- (b) is an undischarged bankrupt;
- (c) has been convicted of a felony; or
- (d) has been removed from public office for contravening the provisions of the Constitution or any other law.

(4) Subsection (3)(a) shall cease to apply to a person after two general elections have been held since the person ceased to hold such office.

Term of Office

33C. (1) The chairperson and members of the Board shall be appointed for a single term of six years and are not eligible for re-appointment.

(2) The chairperson and members of the Board shall serve on a part-time basis.

Remuneration of Board Members.

33D. There shall be paid to the members of the Board such remuneration, fees or allowances as the Cabinet Secretary may, in consultation with the Salaries and Remuneration Commission, determine.

CLAUSE 20

THAT, the Bill be amended by deleting Clause 20 and substituting therefor the following new Clause—

Repeal and replacement of section 34 of No. 11 of 2011.

20. The principal Act is amended by repealing section 34 and replacing with the following new sections—

Functions of the Board.

34. The Board shall—

- (i) register, regulate, monitor, investigate and supervise political parties to ensure compliance with this Act;
- (ii) administer the Fund;
- (iii) ensure publication of audited annual accounts of political parties;
- (iv) verify and make publicly available the list of all members of political parties;
- (v) maintain a register of political parties and the symbols of the political parties;
- (vi) ensure and verify that no person is a member of more than one political party and notify the Board of its findings;
- (vii) investigate complaints received under this Act; and
- (viii) perform such other functions as may be conferred by this Act or any other written law.

Powers of the Board.

34A. (1) The Board shall have all the powers necessary for the proper performance of its functions under this Act, and in particular, but without prejudice to the generality of the foregoing, the Board shall have power to—

- (a) receive gifts, donations, grants or other moneys and equipment and make legitimate disbursements therefrom; and
- (b) enter into association with such other persons, bodies or organisations within or outside Kenya as the Board may consider appropriate in furtherance of the objects of this Act.

(2) The Board shall be independent and shall not be subject to direction or control of any person or authority.

Staff of the Board.

34B. The Board may engage such staff, experts or consultants as are necessary for the proper and effective discharge of its functions under this Act and any other written law.

Conduct of the business and affairs of the Board.

34C. (1) The conduct and regulation of the business and affairs of the Board shall be as set out in the Sixth Schedule.

(2) Except as provided in the Sixth Schedule, the Board may regulate its own procedure.

Removal from office.

34D. (1) A member of the Board may be removed from office for—

- (a) a serious violation of the Constitution or any other law;
- (b) gross misconduct, whether in performance of the member's functions or otherwise;
- (c) physical or mental incapacity to perform the functions of office;
- (d) incompetence;
- (e) bankruptcy; or
- (f) engaging in active politics.

(2) A person desiring the removal of a member of the Board under subsection (1) may present a petition to the National Assembly setting out the alleged facts constituting each ground.

(3) A member sought to be removed under subsection (1) shall be given a fair hearing before a decision is made by the relevant committee of the National Assembly.

(4) The relevant committee of the National Assembly shall, upon receiving a petition under subsection (2), consider the petition and may recommend that the member be suspended pending the outcome of the complaint.

(5) The relevant committee of the National Assembly shall consider the petition and if it is satisfied that it discloses a ground under subsection (1), it shall make a determination that the member be removed from office and the member shall stand removed from office upon the making of that determination.

Registrar and Assistant Registrars.

34E. (1) There shall be a Registrar of the Board deputized by three Assistant Registrars.

(2) The Registrar and an Assistant Registrar shall be competitively recruited by the Public Service Commission and appointed by the President with the approval of the National Assembly.

(3) The office of the Registrar and an Assistant Registrar shall be a State office within the meaning of Article 260 of the Constitution.

(4) A person shall be qualified for appointment as Registrar or as an Assistant Registrar if the person—

- (a) holds a degree from a university recognised in Kenya;
- (b) has proven knowledge and experience in any of the following fields—
 - (i) finance;
 - (ii) management;
 - (iii) political science;
 - (iv) law;
 - (v) governance; or
 - (vi) public administration;

- (c) has, in the case of the Registrar, at least fifteen years post qualification experience in the relevant areas of expertise and, in the case of an Assistant Registrar, has at least ten years post qualification experience in the relevant area of expertise; and
- (d) is a person of high moral character and integrity and has satisfied the requirements of Chapter Six of the Constitution.

(5) A person shall not be qualified for appointment as a Registrar or Assistant Registrar if the person has, at any time within the preceding five years, held office or stood for election as a member of Parliament or a county assembly or as a member of a governing body of a political party.

(6) The Registrar and Assistant Registrars shall, before assuming office, take and subscribe to the oath or affirmation prescribed in the Fourth Schedule.

(7) The Registrar shall, subject to the directions of the Board, be responsible for the day to day management of the affairs and staff of the Board.

(8) The Registrar and Assistant Registrars shall serve for a non-renewable term of six years and shall not be eligible for re-appointment.

(9) A person who serves as a Registrar or Assistant Registrar shall not be eligible to contest for election as a member of Parliament or a county assembly, or as a member of a governing body of a political party within five years of the person ceasing to be Registrar or Assistant Registrar.

Appointment of
corporation secretary.

34F. (1) There shall be a corporation secretary to the Board who shall be appointed by the Board.

(2) The corporation secretary shall be responsible for arranging the business of the Board's meetings, keeping records of the proceedings of the Board, and shall perform such other duties as the Board may direct.

(3) In the performance of the duties under this Act, the corporation secretary shall be responsible to the Registrar.

(4) The Board may in the absence of the corporation secretary appoint any member of the Board or staff of the Board to temporarily perform the functions of the secretary under subsection (2) subject to such conditions or restrictions as the Board may determine.

Funds of the Board.

34G. The funds of the Board shall consist of—

- (a) such funds as may from time to time be provided for by the National Assembly;
- (b) monies borrowed by the Board on such terms and for such purposes as the Cabinet Secretary, in consultation with Cabinet Secretary for the time being responsible for finance, may approve; and
- (c) any moneys accruing to the Board from any other source.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 20—

Repeal of section 34A of No.
11 of 2011

20A. The principal Act is amended by repealing section 34A.

NEW CLAUSES

THAT, the Bill be amended by inserting the following new clauses immediately after clause 21—

Repeal of section 36 of No.
11 of 2011.

21A. The principal Act is amended by repealing section 36.

Repeal and replacement of
section 37 of No. 11 of
2011.

21B. The principal Act is amended by repealing section 37 and replacing with the following new section—

Removal of Registrar or Assistant
Registrar.

37. (1) A Registrar or Assistant Registrar may be removed from office for—

- (a) a serious violation of the Constitution or any other law;

- (b) gross misconduct, whether in performance of the their functions or otherwise;
- (c) physical or mental incapacity to perform the functions of office;
- (d) incompetence;
- (e) bankruptcy; or
- (f) engaging in active politics.

(2) A person desiring the removal of a Registrar or Assistant Registrar under subsection (1) may present a petition to the National Assembly setting out the alleged facts constituting each ground.

(3) A Registrar or Assistant Registrar sought to be removed under subsection (1) shall be given a fair hearing before a decision is made by the relevant committee of the National Assembly.

(4) The relevant committee of the National Assembly shall, upon receiving a petition under subsection (2), consider the petition and may recommend that the Registrar or Assistant Registrar be suspended pending the outcome of the complaint.

(5) The relevant committee of the National Assembly shall consider the petition and if it is satisfied that it discloses a ground under subsection (1), it shall make a determination that the Registrar or Assistant Registrar be removed from office and the Registrar or Assistant Registrar shall stand removed from office upon the making of that determination.

Amendment of section 45
of No. 11 of 2011.

21C. Section 45 of the principal Act is amended by deleting subsection (7) and substituting therefor the following new subsection—

“(7) A member of the Board, the Registrar or an employee of the Board commits an offence where the member, Registrar or employee knowingly subverts the objectives of the Constitution and of this Act.”

CLAUSE 24

THAT, the Bill be amended by deleting Clause 24 and substituting therefor the following new Clause—

Amendment of section 45 of
No. 11 of 2011.

24. Section 45 of the principal Act is amended by—

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

“(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.”

(b) deleting subsection (7) and substituting therefor the following new subsection

“(7) A member of the Board, the Registrar or an employee of the Board commits an offence where the member, Registrar or employee knowingly subverts the objectives of the Constitution and of this Act.”

NEW CLAUSES

THAT, the Bill be amended by inserting the following new clauses immediately after clause 26—

Amendment of the Third
Schedule of No. 11 of
2011.

26A. The principal Act is amended in the Third Schedule in paragraph 3(e) by inserting the words “including any entitlements to positions in the Cabinet, eligible State offices and leadership positions in Parliament and its committees” immediately after the words “within the coalition”.

Repeal and replacement of
the Sixth Schedule of No.
11 of 2011.

26B. The principal Act is amended by repealing the Sixth Schedule and replacing with the following new Schedule—

**SIXTH SCHEDULE [s. 34C]
CONDUCT OF BUSINESS AND
AFFAIRS OF THE BOARD**

1. The Board shall meet as often as may be necessary for the dispatch of its business but there shall be at least four meetings of the Board in any financial year.

2. A meeting of the Board shall be held on such date and at such time as the Board shall decide.

3. The chairperson shall, on the written application of one-third of the members, convene a special meeting of the Board.

4. Unless the majority of the total membership of the Board otherwise agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board.

5. The quorum for the conduct of business at a meeting of the Board shall be two-thirds of all the members of the Board.

6. The Chairperson shall preside at every meeting of the Board at which he is present and in the absence of the chairperson at a meeting, the vice chairperson, shall preside and in the absence of both the chairperson and the vice-chairperson, the members present shall elect one of their number who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.

7. Unless a unanimous decision is reached, a decision on any matter before the Board shall be by concurrence of a majority of all the members.

8. Subject to paragraph 5, no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.

9. Unless otherwise provided by or under any law, all instruments made by and decisions of the Board shall be signified under the hand of the Chairperson and the Registrar.

10. The Board shall cause minutes of all proceedings of meetings of the Board to be entered in books for that purpose.

11. Except as provided by this Schedule, the Board may regulate its own procedure.

12. (1) If any person is present at a meeting of the Board or any committee at which any matter is the subject of consideration and in which matter that person or that person's spouse is directly or indirectly interested in a private capacity, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not, unless the Board or committee otherwise directs, take part in any consideration or discussion of, or vote on any question touching such matter.

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

(3) A person who contravenes subparagraph (1) commits an offence and upon conviction shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding seven years or to both such fine and imprisonment.

(4) A member or employee of the Board shall not transact any business or trade with the Board.

Savings and Transition.

26C. (1) All property, assets, rights, liabilities, obligations, agreements, contracts and other arrangements existing at the commencement of this Act and vested in, acquired, incurred or entered into by or on behalf of the Office of the Registrar of Political Parties existing immediately before the commencement of this Act, shall, upon the commencement of this Act, be deemed to have vested in or to have been acquired, incurred or entered into by or on behalf of the Board to the same extent as they were enforceable by or against the Office of the Registrar of Political Parties before the commencement of the Act.

(2) Where the transfer of any property transferred to or vested in Board under subsection (1) is required by any written law to be registered, the Board shall, within three months from the commencement of this Act or within such other period as the written law may prescribe, apply to the appropriate registering authority for the registration of the transfer and thereupon the registering authority shall, at no cost to the Board or any person by way of registration fees, stamp or other duties—

- (a) make such entries in the appropriate register as shall give effect to the transfer;
- (b) where appropriate, issue to the Board a certificate of title or other statutory evidence of ownership of the property or make such amendments on such certificates or in the appropriate register as may be necessary; and
- (c) make any necessary endorsements on such deeds or other documents as may be presented to such registering authority relating to the title, right or obligation concerned.

(3) The staff of the Office of the Registrar of Political Parties shall be the staff of the Board.

(4) Any disciplinary proceedings that are pending before the Office of the Registrar of Political Parties shall be continued by the Board.

(5) Any pension scheme, superannuation, provident fund, medical fund or any other scheme existing in the Office of the Registrar of Political Parties before the commencement of this Act shall continue to exist as if the pension scheme, superannuation, provident fund, medical fund or any other scheme has been established pursuant to this Act.

(6) A person who, immediately before the commencement of this Act, held office as a Registrar of Political Parties or Assistant Registrar shall continue to hold office as a Registrar or Assistant Registrar for their unexpired term.

7) Notice is given that the Member for Kandara (Hon. Alice Wahome) intends to move the following amendments to the Political Parties (Amendment) Bill, 2021 at the Committee Stage—

CLAUSE 2

THAT, the Bill be amended by deleting Clause 2.

CLAUSE 3

THAT, Clause 3 of the Bill be amended in the proposed new section 4B—

- (a) in the marginal note by deleting the words “symbol and slogan” and substituting therefor the words “and symbol”;
- (b) in subsection (1) by deleting the words “symbol and slogan” appearing immediately after the word “name” and substituting therefor the words “and symbol”;

- (c) in subsection (2) by deleting the words “symbol or slogan” wherever they appear and substituting therefor the words “or symbol”;
- (d) in subsection (3) by deleting the words “symbol or slogan” appearing immediately after the word “name” and substituting therefor the words “or symbol”.

CLAUSE 4

THAT, Clause 4 of the Bill be amended—

- (a) in paragraph (a) by deleting the words “symbol or slogan” appearing immediately after the word “name” in the proviso to the proposed new subsection (1A) and substituting therefor the words “or symbol”;
- (b) in paragraph (b) by deleting the words “two hundred and seventy days” and substituting therefor the words “ninety days”.

CLAUSE 6

THAT, the Bill be amended by deleting Clause 6.

CLAUSE 7

THAT, the Bill be amended by deleting Clause 7.

CLAUSE 15

THAT, Clause 15 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) in subsection (2) by—

- (a) inserting the words “under subsection (1)(a) immediately after the words “from the Fund” appearing in the opening statement;
- (b) deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) the party does not have at least —

- (i) one elected member of the National Assembly;
- (ii) one elected member of the Senate;
- (iii) one elected Governor; and
- (iv) an elected member of a county assembly.”

CLAUSE 22

THAT, Clause 22 of the Bill be amended in the proposed new section 38C —

- (d) in subsection (2) by deleting the words “a certified” appearing immediately after the words “shall use” and substituting therefor the words “its”;
- (e) in subsection (3) by deleting the words “apply in writing to the Registrar for a certified copy of the” appearing immediately after the word “shall” and substituting therefor the words “submit to the Registrar a copy of its”;
- (f) by deleting subsection (4).

- 8) Notice is given that the Member for Garissa Town (Hon. Aden Duale) intends to move the following amendments to the Political Parties (Amendment) Bill, 2021 (National Assembly Bill No. 56 of 2021) at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended—

(a) by deleting paragraph (a); and,

(b) by deleting paragraph (c).

CLAUSE 5

THAT, clause 5 of the Bill be amended by deleting paragraph (a).

CLAUSE 7

THAT, clause 7 of the Bill be amended by deleting paragraph (c)(e).

CLAUSE 8

THAT, clause 8 of the Bill be amended by deleting paragraph (b).

CLAUSE 10

THAT, clause 10 of the Bill be amended in the proposed new section 14A(1) by deleting paragraph (e).

CLAUSE 15

THAT, clause 15 of the Bill be amended in paragraph (c) by inserting the following new subsections immediately after subsection (2B) —

(2C) The total number of votes secured by each political party under section 25(1)(a), shall be the total votes secured by each political party for the elections of a Member of a county assembly, Member of Parliament, Governor and President.

(2D) For avoidance doubt, in cases of a run-off or fresh elections for the election of a President, the final votes of the Presidential elections shall apply.

CLAUSE 20

THAT, clause 20 of the Bill be amended in paragraph (c)—

(a) by deleting the proposed new paragraph (fd); and

(b) by deleting the proposed new paragraph (fe).

CLAUSE 22

THAT, clause 22 of the Bill be amended in the proposed new section 38C, by deleting subsection (5).

9) Notice is given that the Nominated Member (Hon. Godfrey Osotsi) intends to move the following amendments to the Political Parties (Amendment) Bill, 2021 at the Committee Stage—

CLAUSE 10

THAT, clause 10 of the Bill be amended –

- (a) in the proposed new clause 14A (2) (b) by inserting the words “the Constitution, Fair Administrative Action Act, 2015 and” immediately after the words “in accordance with”;
- (b) in the proposed new clause 14B (2) by inserting the words “Constitution, Fair Administrative Action Act, 2015 and” immediately after the words “in accordance with the”.

CLAUSE 19

THAT, clause 19 of the Bill be deleted.

CLAUSE 21

THAT, clause 21 of the Bill be amended in the proposed new section 34B by inserting the following new subclause immediately after subclause (4) –

“(5) The Registrar shall ensure that the data in his or her custody shall be dealt with in accordance with the provisions of the Data Protection Act, 2019”.

10) Notice is given that the Member for Kilifi North (Hon. Owen Baya) intends to move the following amendments to the Political Parties (Amendment) Bill, 2021 at the Committee Stage—

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 19—

Deletion of Part IV of No. 11 of 2011.

19A. The principal Act is amended by deleting Part IV and substituting therefor the following new Part—

**PART IV— POLITICAL PARTIES
REGISTRATION BOARD.**

Political Parties
Registration Board.

32A.(1) There is established a Political Parties Registration Board which shall be a body corporate with perpetual succession and a common seal.

(2) The Board shall be capable in its corporate name of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) entering into contract;
- (d) borrowing and lending money;
- (e) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act, and which may lawfully be done or performed by a body corporate.

Composition of the Board.

32B.(1)The Board shall consist of nine members nominated by the political parties represented in both Houses of Parliament based on the total number of representatives from the political parties elected in both Houses in the preceding general election.

(2) Upon nomination under subsection (1), the names of the nominees shall be submitted to both Houses for consideration and approval.

(3)The Chief Executive Officer shall be the Secretary to the Board.

(4) The Chief Executive Officer shall be responsible for the management of the day-to-day activities of the Board.

(5)The Chief Executive Officer shall be an ex officio member of the Board and shall have no right to vote at the meetings of the Board.

Chief Executive Officer of the Board.

32C.(1) The Board shall competitively recruit and appoint a Chief Executive Officer of the Board

(2) A person shall be qualified for appointment by the Board as a Chief Executive Officer, if the person—

- (a) holds a degree from a university recognised in Kenya;
- (b) has proven knowledge and experience in any of the following fields—
 - (i) finance;
 - (ii) management;
 - (iii) political science;
 - (iv) law;
 - (v) governance; or
 - (vi) public administration;
- (c) has, at least fifteen years post qualification experience in the relevant areas of expertise; and
- (d) is a person of high moral character and integrity and has satisfied the requirements of Chapter Six of the Constitution.

Vacancy in the office
of the Chief
Executive Officer.

32D. The Board may on its own motion, or upon petition by any person, remove the Chief Executive Officer, only on grounds of—

- (g) serious violation of the Constitution or of this Act;
 - (h) non-compliance with Chapter Six of the Constitution;
 - (i) inability to perform the functions of office arising from mental or physical incapacity;
 - (j) bankruptcy;
 - (k) incompetence; or
 - (l) gross misconduct.
- (2) A vacancy may also occur in the office of the Chief Executive Officer, if the person resigns in writing, dies or is otherwise unable to perform the functions of the Chief Executive Officer due to mental or physical incapacity.

(3) Where a vacancy occurs, the Board shall within fourteen days of occurrence of a vacancy fill the vacancy.

Functions of the Board.

32E. The functions of the Board shall be to—

- (a) register, regulate, monitor, investigate and supervise political parties to ensure compliance with this Act;
- (b) administer the Fund;
- (c) ensure publication of audited annual accounts of political parties;
- (d) verify and make publicly available the list of all members of political parties;
- (e) keep and maintain a register of members of registered political parties;
- (f) maintain a register of political parties and the symbols of the political parties;
- (g) certify that an independent candidate in an election is not a member of any registered political party;
- (h) 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;
- (i) certify that the names appearing in a party list are the names of members of the political party presenting the party list;
- (j) regulate political party nominations in accordance with this Act;
- (k) train political party election agents;
- (l) ensure and verify that no person is a member of more than one political party and notify the Commission of the findings;
- (m) investigate complaints received under this Act; and
- (n) perform such other functions as may be conferred by this Act or any other written law.

Vacancy in the Board.

32F. (1) A member of the Board shall vacate office at the end of the term of the House of which the person is a member or if the person ceases to be a Member of Parliament.

(2) Despite clause (2), when the term of a House of Parliament ends, a member of the Board shall continue in office until a new member has been appointed in the member's place by the next House.

(3) A vacancy may also occur in the Board, if a member resigns from the Board or is otherwise removed from office by the Party that nominated the person to the Board.

Conduct of the
business and affairs
of the Board.

32G. The Board shall determine its own rules and procedure for conducting its affairs.

Staff of the Board.

32H. The Board shall competitively appoint qualified staff as may be necessary for the efficient performance of the functions of the Board.

Funds of the Board.

32I. (1) The funds of the Board shall comprise—

(d) such funds as may be appropriated by the National Assembly;

(e) such monies or assets as may accrue to or vest in the Board in the performance of its functions or the exercise of its powers under this Act or any other written law; and

(f) All monies from any other source provided for, donated or lent to the Board.

(2) The Board shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Board.

(3) The Board shall, at least three months before the commencement of each financial year, cause to be prepared estimates of revenue and expenditure of the Board for that financial year.

Meetings of the
Board.

32J. (1) The members of the Board shall elect a Chairperson of the Board in the first sitting of the Board.

(2) The Chairperson shall preside at all the meetings of Board and in the absence of the Chairperson, the members present shall elect one of the members to preside.

(3) The quorum necessary for transaction of the business of the Board shall be five members.

(4) All questions at any meeting of the Board shall be determined by a majority of the members.

Remuneration of members and staff of the Board.

32K The members and staff of the Board shall be paid such allowances or remuneration as the Board may in consultation with the Salaries and Remuneration Commission determine.

Establishment of Political Parties Liaison Committee

32L. (1) There is established a Political Parties Liaison Committee.

(2) The Political Parties Liaison Committee shall be established at the national and county levels.

(3) The principal function of the Political Parties Liaison Committee is to provide a platform for dialogue between the Board, Commission and political parties.

(4) The Political Parties Liaison Committee shall perform such other functions as may be prescribed by the Board.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 25—

Amendment of section 51 of No. 11 of 2011.

25A. Section 51 of the principal Act is amended in subsection (1) by inserting the following new paragraphs immediately after paragraph

(j) —

(k) the Registrar shall continue to hold office and serve as the Chief Executive Officer of the Board under this Act, for a period of one year;

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Provided that upon the expiry of the one year, the Board shall appoint a new Chief Executive Officer in accordance with this Act;

(l) Any property, rights, obligations and liabilities which immediately before the commencement of this Act were vested in or imposed on the Registrar, are deemed to be the rights, obligations and liabilities of the Board;

(m) the staff who immediately before the commencement of this Act were staff of the Office of the Registrar are deemed to be the staff of the Board.

Insertion of a new section into No. 11 of 2011.

25B. The principal Act is amended by inserting the following new section immediately after section 51—

Consequential amendment. **51A.** (1) The Act is amended—

- (d) by deleting the word “Registrar” wherever it appears and substituting therefor the words “Chief Executive Officer”;
- (e) by deleting the words “ Office of the Registrar” wherever they appear and substituting therefor the words “Chief Executive Officer”; and
- (f) by deleting the words “ Office of the Registrar” wherever they appear and substituting therefor the words “Chief Executive Officer”;

FOURTH SCHEDULE

THAT, the Bill be amended by deleting the Fourth Schedule.

SIXTH SCHEDULE

THAT, the Bill be amended by deleting the Sixth Schedule.

11) The following other Members have also filed notices of amendments with the Office of the Clerk pursuant to Standing Order 133(2) (*Procedure in Committee of the whole House on a Bill - written notification of amendments to a Bill*):

- (i) **The Member for South Mugirango (Hon. Silvanus Osoro); and**
- (ii) **The Member for Kimilili (Hon. Didmus Barasa).**

LIMITATION OF DEBATE

The House resolved on Wednesday, February 10, 2021 as follows-

Limitation of Debate on Bills sponsored by Parties or Committees

- II. THAT**, each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any 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 Minutes (15) each (if the Bill is not sponsored by either of them); and **THAT** priority in speaking shall 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.
-