



REPUBLIC OF KENYA

PARLIAMENT

SENATE BILLS

(Bill No. 28 of 2024)

**THE ELECTION OFFENCES (AMENDMENT) (NO.
2) BILL, 2024**

(A Bill published in the Kenya *Gazette* Supplement No. 98 of 7th May, 2024 and passed by the Senate, with amendments, on 19th November, 2024.)



THE ELECTION OFFENCES (AMENDMENT) (NO. 2) BILL, 2024

A Bill for

AN ACT of Parliament to amend the Election Offences Act.

ENACTED by the Parliament of Kenya, as follows—

Short title.

1. This Act may be cited as the Election Offences (Amendment) Act, 2024.

Amendment of section 6 of Cap. 66.

2. Section 6 of the Election Offences Act, 2016 (hereinafter referred to as “the principal Act”) is amended—

(a) by deleting paragraph (h) and substituting therefor the following new paragraphs –

(h) where required under Article 138(10) of the Constitution to declare the results of a presidential election within seven days after the presidential election, fails to declare the results of the presidential election within the seven days;

(ha) where required under section 39(1) of the Elections Act to declare the results of an election immediately after close of polling, fails to declare the results of an election immediately after close of polling;

(b) in paragraph (k) by inserting the word “person” immediately after the words “colludes with any”; and

(c) by inserting the following new paragraph immediately after paragraph (m) —

(n) knowingly interferes with, alters, destroys or conceals an election material or declared result, or knowingly causes another person to interfere, alter, destroy or conceal an election material or declared result.

Amendment of section 13 of Cap. 66.

3. Section 13 of the principal Act is amended –

(a) in paragraph (b) by deleting the words “of withdrawal of any other” appearing immediately after the words “any false statement” and substituting therefor the words “about a candidate, political party or of withdrawal of a”; and

(b) in paragraph (f)(i) by inserting the word “sex, marital

status" immediately after the words "religion, gender".

Amendment of
section 17 of
Cap. 66.

4. Section 17 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (i) –

(j) wilfully communicates electronically, either directly or indirectly, with a person or any other person who knows the person knowing that their conduct is likely to –

(i) induce or compel the person to refrain from becoming a candidate or to withdraw if they have become a candidate;

(ii) induce or compel that other person not to vote for the person or the person's political party; or


(iii) impede or prevent the person from being nominated as a candidate.

The Election Offences (Amendment) (No. 2) Bill, 2024

I certify that this printed impression is a true copy of the Bill as passed by the Senate on 19th November, 2024.


Clerk of the Senate

Endorsed for presentation to the National Assembly in accordance with the provisions of standing order 161 of the Senate Standing Orders.


for Speaker of the Senate

PRINTED BY THE CLERK OF THE SENATE